

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

JOSE L. VELESACA, on his own behalf and on behalf
of others similarly situated,

Petitioners-Plaintiffs,

v.

THOMAS R. DECKER, in his official capacity as New
York Field Office Director for U.S. Immigration and
Customs Enforcement; MATTHEW ALBENCE, in his
official capacity as the Acting Director for U.S.
Immigration and Customs Enforcement; UNITED
STATES IMMIGRATION AND CUSTOMS
ENFORCEMENT; CHAD WOLF, in his official
capacity as Secretary of the U.S. Department of
Homeland Security; UNITED STATES
DEPARTMENT OF HOMELAND SECURITY; CARL
E. DUBOIS, in his official capacity as the Sheriff of
Orange County,

Respondents-Defendants.

Case No. 1:20-cv-1803

DECLARATION OF ANDREA SÁENZ, ESQ.

I, Andrea Sáenz, declare under penalty of perjury and pursuant to 28 U.S.C. § 1746 that the following is true and correct to the best of my knowledge and belief:

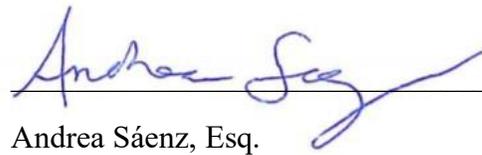
1. I am Attorney-in-Charge of the New York Immigrant Family Unity Project (“NYIFUP”) at Brooklyn Defender Services (“BDS”). NYIFUP is New York’s city-funded assigned counsel program for indigent and low-income detained immigrants. I direct the work of 40 staff, including 24 attorneys, 11 support staff and 4 social workers who work with detained and non-detained noncitizen clients who are in removal proceedings. I have practiced exclusively immigration law for over eleven years and have specialized in removal and detention issues during that time.
2. BDS currently represents a number of people who have medical and mental health diagnoses that place them at serious risk if they were to contract the COVID-19 virus while detained. I

am familiar with the facts of each case through reviewing case documents and speaking to the attorneys of record or their supervisors in each case.

3. Mr. F.B.G. has been detained at Orange County Jail under 8 U.S.C. § 1226(a) for 3.5 months without receiving a bond hearing. He is 47 years old and HIV positive. F.B.G. has been in the United States since 1991. He was detained by ICE while appearing for a scheduling hearing at the Spring Valley Village Court, and BDS has filed a motion to terminate his removal proceedings as a result of ICE improper actions during that arrest. Prior to detention, he resided with his wife, daughter, and three U.S. citizen grandchildren. His detention has caused his wife to miss medical appointments and struggle with a loss of income. While the whole family is suffering, the impact on one granddaughter is particularly acute, as F.B.G. was her central emotional support before he was detained. F.B.G. also appears to be suffering from HIV-related cognitive impairment.
4. Mr. U.E.T. has been detained at Hudson County Correctional Facility under 8 U.S.C. § 1226(a) for two months without receiving a bond hearing. U.E.T. is 63 years old and has lived in the United States since 1992. U.E.T. was arrested as part of a home raid for which he was not the target. He has never been arrested by criminal law enforcement. U.E.T. is a primary support to his U.S. citizen fiancée who suffers from severe disabilities. Before being detained, U.E.T. was employed and files taxes. Once he marries his fiancée, he will be eligible for cancellation of removal for nonpermanent residents.
5. Mr. O.O. has been detained at Essex County Correctional Facility under 8 U.S.C. § 1226(a) for one month without receiving a bond hearing. He is 40 years old and is diabetic. He has lived in the US since 1999. He has 3 U.S.-citizen children, ages 16, 13, and 10. He has no criminal convictions and only has violations for disorderly conduct. O.O. has never missed any of his criminal court dates. He was arrested by ICE at his home before his court date for his open case. Before he was detained, O.O. had steady employment and has been paying taxes for at least 20 years.
6. Ms. M.M. has been detained at Bergen County Jail under 8 U.S.C. § 1226(a) for 1.5 months without receiving a bond hearing. M.M. is 33 years old and suffers from asthma. M.M. has no criminal convictions and a single arrest. Her case is likely to be adjourned in contemplation of dismissal at her next criminal court date scheduled for March 17, 2020. ICE arrested M.M. at home. During the arrest M.M. had an asthma attack and panic attack, but ICE still arrested and detained her.
7. Mr. T.Q. has been detained at Orange County Jail under 8 U.S.C. § 1226(a) for 7 months. T.Q. has been in United States since 1995, arriving at the age of 7. He has a U.S. citizen partner and 4 U.S. citizen children. ICE arrested him at home in September 2019. The immigration judge denied T.Q. bond based on what the judge deemed his “sheer number” of arrests despite having no violent convictions and no criminal drug convictions. T.Q. has numerous relief options, including adjustment of status, cancellation of removal, and asylum. T.Q. suffers from hypertension and arrhythmia and was hospitalized in life-threatening condition during his detention in November 2019.

Brooklyn, NY

March 16, 2020



Andrea Sáenz, Esq.