

The Honorable Richard A. Jones

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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

NORTHWEST IMMIGRANT RIGHTS  
PROJECT (“NWIRP”), a nonprofit Washington  
public benefit corporation; and YUK MAN  
MAGGIE CHENG, an individual,

Plaintiffs,

v.

JEFFERSON B. SESSIONS III, in his official  
capacity as Attorney General of the United  
States; UNITED STATES DEPARTMENT OF  
JUSTICE; EXECUTIVE OFFICE FOR  
IMMIGRATION REVIEW; JUAN OSUNA, in  
his official capacity as Director of the Executive  
Office for Immigration Review; and JENNIFER  
BARNES, in her official capacity as  
Disciplinary Counsel for the Executive Office  
for Immigration Review,

Defendants.

No. 2:17-cv-00716-RAJ

SECOND DECLARATION OF  
JORGE L. BARÓN IN SUPPORT  
OF PLAINTIFFS’ MOTION FOR  
PRELIMINARY INJUNCTION

I, Jorge L. Barón, declare as follows:

1. I am the Executive Director of the Northwest Immigrant Rights Project (NWIRP). I joined NWIRP as a staff attorney in 2006, and I have served as its Executive Director since April 2008. I have personal knowledge of the facts stated in this declaration and am competent to testify to the same.


1           2.       In August 2016, then-NWIRP staff attorney Tania Linares Garcia participated in  
2 a telephone call with Brea Burgie, the Fraud and Abuse Prevention Counsel of the Executive  
3 Office of Immigration Review (EOIR). Ms. Burgie had requested the phone call to learn about  
4 NWIRP's efforts to combat notario fraud. Ms. Linares Garcia later described to me that, during  
5 that call, she had educated Ms. Burgie about some of the tools we use to combat notario fraud,  
6 based on a special project we implemented with support from the Washington State Attorney  
7 General's Office. Ms. Linares Garcia had explained to Ms. Burgie that one of the tools we had  
8 been using is providing workshops to assist unrepresented individuals in filling out asylum  
9 applications. In these workshops, NWIRP attorneys advised attendees how to best fill out  
10 applications, and provided them with specific legal advice on formulating their answers and  
11 presenting their case.

12           3.       Following this conversation, Ms. Burgie requested a further telephone  
13 conversation with NWIRP involving EOIR's Disciplinary Counsel, Defendant Jennifer Barnes. I  
14 participated in that call, which took place in October 2016. In the declaration that Ms. Barnes  
15 submitted to the Court, she mischaracterizes (in paragraph 49) that telephone conversation.  
16 During the call, Defendant Barnes stated that NWIRP could not assist in filling out applications  
17 without entering a Notice of Appearance for the individuals whom our staff was assisting.  
18 NWIRP expressed its concern with this interpretation, since NWIRP had been helping asylum  
19 applicants to fill out forms for many years. NWIRP did not "raise the question of our  
20 compliance" with EOIR's disciplinary rules (Dkt. 49 ¶ 49), nor "ask for relief" from EOIR, as  
21 the agency alleges in their brief (Dkt. 47, at 8). The only point that NWIRP raised in this regard  
22 was that USCIS's Disciplinary Counsel had earlier determined that it would not enforce the  
23 regulations against individuals providing pro bono assistance at group events. We inquired as to  
24 whether EOIR followed the same practice. Ms. Barnes did not provide a clear answer either  
25 way.

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I declare under penalty of perjury under the laws of the State of Washington and the United States of America that the foregoing is true and correct to the best of my knowledge and belief.

Executed at Seattle, Washington, this 30th day of June, 2017.

  
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Jorge L. Barón

**CERTIFICATE OF SERVICE**

I hereby certify that on June 30, 2017, I caused the following to be filed using CM/ECF which will cause a copy to be sent to the following:

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DATED: June 30, 2017

By s/ James Harlan Corning  
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