

“What They’re Doing to Me is an Injustice”:
Violations of the 2011 Performance-Based
National Detention Standards in New Mexico
Immigration Detention Facilities

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EXECUTIVE SUMMARY

The U.S. immigration system often results in the detention of those apprehended by Customs and Border Protection or Immigration and Customs Enforcement as they await removal proceedings. However, immigration detention – implemented to a large extent in 1981 – is a relatively new phenomenon. Over time, this system has expanded and incorporated harsher measures, resulting in the growth of the detained population in ICE custody. People in detention have been persistently subjected to cruel circumstances that oversight mechanisms such as the Nakamoto Group, the Office of Detention Oversight, and the Detention Monitoring Program have failed to rectify. This is a result of flawed investigative methods that do not sufficiently or effectively ensure national detention center standards are followed.

Migrants' accounts highlighted in this report reveal inhumane conditions in New Mexico detention facilities and speak to various ways the 2011 Performance-Based National Detention Standards (PBNDS) are consistently violated. In November and December of 2023, 20 of these individuals held at Cibola County Correctional Center and Torrance County Detention Facility were interviewed about their experiences in ICE custody. Concerning violations of the 2011 PBNDS were found at both facilities.

A pepper spray incident at Cibola involved potential use of excessive force by guards who exercised collective punishment on a unit. Moreover, men were deprived of prompt, adequate and ongoing care despite exhibiting health issues. At Torrance, the staff were negligent in providing a young man in ICE custody appropriate prevention and response to his sexual assault case. Furthermore, the experiences reported highlight inadequate medical and mental health care, putting the men's wellbeing at risk. They also emphasize the insufficient access to legal information while individuals are detained, which hinders their immigration cases. Descriptions of the food provided suggest meals are neither nutritious nor appetizing. Instead, people in detention are exposed to health hazards from ill prepared food served in small portions and at abnormal times. The difficulty in replenishing hygiene items and the poor quality of what is provided make it challenging for men to maintain personal hygiene practices in detention. Lastly, many men at both facilities reported not having adequate recreation time, while the recreation provided was not up to par with general requirements.

This report seeks to demonstrate why New Mexico public entities ought to both terminate contracts to detain people for civil immigration violations and prevent the possibility of entering into new ones. New Mexico's detention facilities must be immediately closed and all individuals currently detained must be released as part of the larger effort to bring about a dignified approach to immigration.

INTRODUCTION

New Mexico has three Immigration and Customs Enforcement (ICE) detention facilities, including Cibola County Correctional Center (Cibola) and Torrance County Detention Facility (Torrance). Both Cibola and Torrance are contractually required to comply with the 2011 Performance-Based National Detention Standards (PBNDS), which dictate adequate conditions of detention to protect individuals' health, safety, and rights while held in ICE custody. Nonetheless, PBNDS violations repeatedly occur at both facilities, thereby subjecting individuals to egregious conditions. The purpose of this report is to further bring to light the nature of these

violations to demonstrate the importance and urgency of shutting down New Mexico’s detention facilities.

In what follows, a history of immigration detention contextualizes how our current system came to be and reveals its innate flaws, the established oversight mechanisms meant to monitor conditions of detention and compliance with national standards are shown to be ineffective, and various violations of national detention center standards are examined. These include excessive use of force; inappropriate sexual assault prevention and response; inadequate medical care; insufficient access to legal information; poor and unsanitary food service; unsatisfactory provision of personal hygiene items; and limited recreation availability.

This report was made possible by the brave men detained at Cibola and Torrance to whom we give our gratitude for sharing their time and stories with us.

HISTORY OF IMMIGRATION DETENTION

With over 200 ICE facilities across the country, the United States has the largest immigration detention system in the world (FFI, n.d.; DWN, n.d.a). In February 2024, ICE held 39,175 people in detention (TRAC 2024). This dehumanizing complex culminated into its current state over the course of more than a century.

Early Detention Facilities

The Ellis Island Immigration Station was the first immigration detention facility in the United States. Between 1892 and 1954, twenty percent of the twelve million immigrants processed at this early port were detained for health and legal reasons (PBS, n.d.). Opening in 1910 in the San Francisco Bay, Angel Island Immigration Station became the second U.S. immigration detention facility where predominantly Asian migrants were held through 1940 (AIISF, n.d.). To save the government millions of dollars and preserve its political strategy amidst the Cold War, President Dwight D. Eisenhower elected to shut down six “major” detention facilities across the country in 1954, including the Ellis Island Immigration Station, effectively ending immigration detention in the U.S. (Cuauhtémoc 2020a; Cuauhtémoc 2020b). In the following decades, the U.S. government instead resorted to conditional parole, bonds, or supervision while immigrants awaited their cases to be processed (Altman and Ascherio 2020; Cuauhtémoc 2020a; Misra and Aberg-Riger 2021). However, a series of laws soon brought about detrimental changes to immigration policy.

A Changing Landscape

In response to the arrival of thousands of Haitian and Cuban migrants fleeing political repression, President Ronald Reagan enacted a policy in 1981 that triggered the detention of all migrants arriving to the U.S. without visas – including asylum seekers (Ghosh 2019; DWN n.d.a). Reagan also helped bring about the use of federal contracts with private prison companies (Ghosh 2019). These decisions changed immigration policy and set the foundation for the current system in place.

A second law introduced in 1988 similarly had significant implications for immigration detention; the Anti-Drug Abuse Act (ADAA) created an “aggravated felony” legal category and ordered the mandatory detention of non-citizens (documented and undocumented alike)

convicted of these crimes (Kassie 2019; Tosh 2019; FFI, n.d.). Ultimately, the ADAA facilitated the detention and deportation of immigrants through their criminalization.

Both the notion of the criminal immigrant and the use of detention expanded in the 1990s during Bill Clinton's administration through legislation known as "The 1996 Laws" (DWN n.d.a; FFI, n.d.). The Anti-Terrorism and Effective Death Penalty Act (AEDPA) facilitated removal proceedings against non-citizens (Hunter and Yee, n.d.) while the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) expanded the range of crimes considered aggravated felonies that made non-citizens detainable and deportable (FFI n.d.; HRW n.d.) to include non-violent and minor offenses (Kassie 2019). These charges may be applied retroactively, meaning individuals can be (re)punished for past crimes whose classification did not once fall into the new IIRIRA definition of deportable offenses. Additionally, IIRIRA granted immigration officers the authority to fast-track the deportation of non-citizens without judicial review, diminishing the power of immigration judges (Lind 2016; Hunter and Yee, n.d.). In these ways, "The 1996 Laws" further advanced the harmful use of immigration detention.

Immigration Detention in the 21st Century

In the 2000s, the use of immigration detention continued to increase, and enforcement mechanisms expanded with the creation of ICE in 2003, which had an average daily population (ADP) of approximately 20,000 detained individuals at the time (Misra and Aberg-Riger 2021). Under President Barack Obama, 3 million migrants were deported (more than under any other president) and thousands placed in detention (FFI, n.d.). This was made possible by initiatives such as the expansion of Safe Communities – a program that facilitated sharing biometric information between local law enforcement and federal agencies in order to more easily identify and detain immigrants for deportation (Preston 2012; Childress 2014; DWN, n.d.a). Furthermore, Obama increased the use of family detention in an attempt to deter Central American migrants from coming to the U.S. (Tan 2015; DWN, n.d.b). By the end of Obama's term (January 2017), 40,000 individuals were in detention (FFI, n.d.). This hit an all-time high of over 50,000 under President Donald Trump in 2019 (Misra and Aberg-Riger 2021). In 2017, Trump signed an executive order that departed from Obama's supposed prioritization of deporting immigrants with criminal backgrounds and further increased immigration officers' authority to determine which individuals threatened public safety, therefore "necessitating" detention and deportation (Kopan 2017; CMS 2017; Nixon 2018). Trump also increased the use of 287(g) agreements – an ICE program that authorizes state and local law enforcement to exercise powers granted to federal agents by questioning and detaining immigrants (Cenziper et al. 2021). By the end of Trump's administration in January 2021, the ADP of individuals in ICE detention decreased to about 15,000 (DWN, n.d.a). This can be attributed to the COVID-19 pandemic and multiple asylum bans in effect, including Title 42 which denied migrants the right to apply for asylum in the "interest" of protecting public health (Long 2023; DWN, n.d.a).

The number of people detained by ICE began to rise during Joe Biden's presidency, reaching about 30,000 in July 2023 (Cho 2023). Moreover, the Biden administration is increasingly reliant on private prison corporations to detain migrants; 90.8% of individuals detained by ICE in July 2023 were held in privately run facilities as compared to 81% under Trump (Cho 2023). Mass immigration detention continues to be an issue today, especially given the inhumane conditions

individuals are subjected to while detained and the failure of oversight agencies to ensure compliance with national standards, as further detailed below.

OVERSIGHT MECHANISMS

National Detention Standards

ICE claims to “[ensure] that each of its detention facilities adhere to the national detention standards that govern facility operations and protect the health, safety and well-being of all noncitizens in its custody” (ICE, n.d.). There are currently four such standards that are incorporated in ICE contracts with detention facilities (DHS 2018; AIC 2022), including the 2011 Performance-Based National Detention Standards (PBNDS) which are observed by New Mexico’s Cibola County Correctional Center and Tarrant County Detention Facility. Initially implemented by ICE in 2008 but revised in 2016, the 2011 PBNDS is the most vigorous of the national standards (NIJC 2019) and provides guidance on an array of subjects, including appropriate security measures, the availability of activities, and care that must be rendered to people in detention (ICE, n.d.).

ICE supposedly monitors facility conditions and adherence to PBNDS through a “robust and multilevel oversight and compliance program” (ICE, n.d.). This includes inspections conducted by both The Nakamoto Group and the Office of Detention Oversight (a unit within ICE’s Office of Professional Responsibility) and the presence of Detention Service Managers in certain facilities through the Detention Monitoring Program (NIJC 2019). Nevertheless, these oversight mechanisms have time and again proven to be ineffective at ensuring ICE complies with national standards, thereby enabling the rampant violations of human rights in detention centers.

The Nakamoto Group

The Nakamoto Group (Nakamoto) is a private company that ICE Enforcement and Removal Operations (ERO) has contracted since 2007 to conduct annual or biennial inspections of its facilities in which immigrant populations of 10 or more are detained for longer than 72 hours (NIJC 2019; Cho, Taurel, and Shah 2021; AIC 2022). Each year, Nakamoto inspects about 100 ICE facilities, checking whether 39 to 42 relevant standards are upheld (DHS 2018). These pre-announced inspections consist of Nakamoto employees completing a checklist known as Form G-324A (AIC 2022).

A report released in 2018 by the Department of Homeland Security Office of Inspector General (OIG) outlines the many ways in which Nakamoto inspections fall short of guaranteeing that detention facilities abide by national standards. OIG largely attributes these shortcomings to three factors: a broad Nakamoto inspection scope, unclear ICE guidance and procedures, and Nakamoto employees’ failure to be consistently thorough in their inspections (DHS 2018).

In regard to scope, Nakamoto inspectors are not given enough time to fulfill their many tasks and therefore fail to “see if the [facility] is actually implementing the policies,” as noted by several ICE employees and ICE ERO managers (DHS 2018:7). Nakamoto is not given “clear procedures for evaluating detention conditions” by ICE either (DHS 2018:6). Lastly, OIG found that Nakamoto employees do not always follow requirements for inspection practices. For instance, OIG observed that Nakamoto inspectors did not conduct interviews with detained individuals in private spaces or in languages other than English (DHS 2018).

As a result of these inadequacies, ICE employees and managers have commented that “Nakamoto inspectors ‘breeze by the standards,’” characterizing the inspections as “very, very, very difficult to fail” and even “useless” (DHS 2018:7). It is therefore no surprise that the majority of detention centers successfully pass inspections (Cho et al. 2021) despite evidence that Nakamoto does not properly examine whether facilities adhere to national standards. Moreover, a review of 2021 Nakamoto inspections conducted by the American Civil Liberties Union (ACLU) found that the same problems identified by OIG and the House Homeland Security Committee in 2018 and 2020, respectively, continue to persist (Cho et al. 2021). Ultimately, Nakamoto inspections are an ineffective oversight mechanism that enable violations to the national standards.

Office of Detention Oversight

Created in 2009 as part of the Obama administration’s detention reforms initiative, the Office of Detention Oversight (ODO) inspects facilities that hold more than 10 immigrant detainees for longer than 72 hours (AIC 2022). ODO oversight is meant to provide ICE leadership with additional inspections outside of its established inspection process (DHS 2018; AIC 2022). Approximately every three years, ODO examines whether facilities adhere to 15 or 16 “core” standards that could considerably affect the health, safety, and rights of people in detention if not upheld (DHS 2018; AIC 2022). Though ODO’s inspection scope is narrower than Nakamoto’s and thus more manageable to review, less than half of PBNDS rules are examined as a result (DHS 2018). Moreover, the 2018 OIG report raised the concern that ODO inspections occur far too infrequently to effectively ensure compliance with standards in between inspections. Consequently, violations may go undetected and unrectified for years. Additionally, as is the case with Nakamoto, ODO inspections are pre-announced. This allows for conditions and practices to be temporarily ameliorated to pass an inspection. These various limitations highlight the ways in which ODO inspections fail to properly supervise facilities and their adherence to national standards.

Inadequate Response from ICE

In addition to ineffective inspections conducted by oversight agencies, ICE fails to properly address violations in multiple ways – despite contractual rules that require facilities to follow national standards. For instance, when violations are identified by Nakamoto or ODO, the Detention Standards Compliance Unit (DSCU) (a branch of ICE ERO Custody Management) creates a Uniform Corrective Action Plan (UCAP), which includes relevant standards, explains how a facility failed to uphold them, and contains space for the facility or ICE ERO field office to write in ways to address these violations. The UCAP must be submitted to DSCU within 55 days, yet some ERO field offices “respond late, submit incomplete responses, or report that facility deficiencies will continue due to local policies or conditions” (DHS 2018:11). ICE’s unwillingness to properly monitor whether facilities correct infractions allows repeat violations to continuously occur. Transgressions are exacerbated by ICE’s high approval rate of waivers, which allow facilities to evade accountability for failing to comply with national standards at the expense of people in detention (DHS 2018; NIJC 2019).

Detention Monitoring Program

Detention Service Managers (DSMs) have been present at a number of ICE facilities since 2010 when the Detention Monitoring Program was established to oversee fulfillment of national

detention standards on a daily or weekly basis, address deficiencies “on the spot,” and work with ERO field offices to correct problems (DHS 2018:14). In 2019, DSMs were present at 55 facilities in which immigrants were held (AIC 2022). Nevertheless, OIG found that DSMs encounter challenges with ERO offices’ willingness and interest to address breaches to national detention standards. DSMs have characterized ERO management as “disengaged” and “reluctantly responsive” to infractions (DHS 2018:14). This presents a significant obstacle given that “DSMs have the expertise to propose appropriate corrective actions, but not the authority to implement them,” which falls upon ERO field offices (DHS 2018:14). In these ways, DSMs’ ability to address non-compliance with national detention standards is limited.

PERFORMANCE-BASED NATIONAL DETENTION STANDARDS VIOLATIONS IN NEW MEXICO DETENTION FACILITIES

As facilities under Intergovernmental Service Agreements (IGSAs) with ICE, Cibola County Correctional Center (Cibola) and Tarrant County Detention Facility (Tarrant) in New Mexico are contractually obligated to follow national detention standards, specifically the 2011 Performance-Based National Detention Standards (PBNDS) (OIG 2018). Nevertheless, both fail to comply with various aspects of these regulations, thereby subjecting detained individuals to harmful conditions.

Excessive Use of Force and Inadequate Subsequent Care

Excessive Use of Force

The potential excessive use of force and subsequent failure to administer adequate medical attention in a recent pepper spray incident at Cibola exemplifies PBNDS violations. These standards provide guidelines on the use of force against people in ICE custody, which state:

- “Staff shall use only that amount of force necessary and reasonable to gain control of a detainee” (DHS 2016:202).
- “Using force against a detainee offering no resistance” is “generally prohibited, unless both necessary and reasonable in the circumstances” (DHS 2016:204).

Recent events at Cibola suggest force may have been inappropriately employed against detainees. On or around November 18, 2023, approximately five individuals in the 100-A unit began to protest the detention center’s poor conditions, the lack of information regarding their cases, and delays in deportation. The remainder of the men in the unit did not express an interest in participating in these demonstrations and instead retreated to their cells to separate themselves and avoid retaliation from guards. Misael Hernandez – a 50 year old Venezuelan migrant seeking asylum in the U.S. after suffering extortion and imprisonment for his political opposition to the government – reported, “There was disagreement on what the five individuals were doing, we begged them to stop because at the end we were all going to be punished for it.” **Exh. A.** This illustrates that the majority of the men in the unit did not partake in the demonstrations and instead attempted to deescalate the situation.

Despite limited involvement in the protests, CoreCivic officers reportedly responded aggressively by releasing a chemical agent believed to be pepper spray in the unit. Freddy Castro-Candelo, a 36 year old Venezuelan migrant who came to the U.S. to afford the cost of his daughter’s medical treatments, explained, “A group of fifteen to twenty officers came with gas

masks and started throwing tear gas. They threw the gas constantly for thirty minutes. We were begging them to please stop but they continued to throw it.” **Exh. B.** While further investigation is needed to determine whether the use of pepper spray was justified, the use of a second unauthorized chemical is a clear violation of the 2011 PBNDS, which states that the following “force devices” are not permitted:

- “mace, CN, tear gas, or other chemical agents, except [oleoresin capsicum (OC) spray (‘pepper spray’)]” (DHS 2016:206)

Nonetheless, a 26 year old Venezuelan migrant who worked as a boatman and was tortured by a government agency, reported that a second chemical was used: “I believe the guards were spraying both tear gas and pepper spray because there were two different colors of gas that they were spraying from two different types of tanks. The first gas they sprayed was red and burned my eyes, skin, and face. The second gas they sprayed was white and it caused me to asphyxiate, vomit, and faint.” **Exh. C.**

The officers’ forceful response punished the entire group (approximately 26-31 individuals) for the actions of a few. A 36 year old Venezuelan migrant who fled his country after being threatened for attempting to stop a paramilitary group from recruiting his son, shared, “Since the cells are small rooms, the pepper spray got everywhere... Nobody was aggressive to the guards, but they responded by spraying [all of us].” **Exh. D.** Similarly, Nimrod Cardozo Gonzalez – a 36 year old Venezuelan migrant tortured and persecuted by narcos in his home country – recalls, “20 to 25 officers entered while yelling that we were criminals and why we didn’t just stay in our country. They were aggressive and did not check on any detainees; they just locked everyone in their cells. They treated all of us as if we were participants in these actions when that is far from the truth.” **Exh. E.** These testimonies show that CoreCivic officers may have used a level of force that was neither necessary nor reasonable but rather needlessly large-scale.

Lack of Prompt and Adequate Medical Attention After the Use of Force

Regardless of whether future investigations find that deploying pepper spray was appropriate, the events that followed the incident clearly constitute violations of national detention standards. The 2011 PBNDS requires that facilities abide by certain procedures after the use of force, including providing prompt and adequate medical attention to those affected:

- “Detainees subjected to use of force shall be seen by medical staff as soon as possible. If the use of force results in an injury or claim of injury, medical evaluation shall be obtained and appropriate care provided” (DHS 2016:202)
- Health personnel shall “examine the detainee and immediately treat any injuries” (DHS 2016:206)

Men suffered severe health issues because of the pepper spray but were not properly treated. They experienced difficulty breathing, burning sensations, vomiting, and fainting. Mr. Hernandez explained, “I am much older, so the gas affected me a lot... I was face down in my cell with blood gushing out of my nose. My chest hurt as I tried continuously to gasp for air and my back had a pain that I can’t even describe.” **Exh. A.** Twenty-six year old Venezuelan Elio Jose Cardozo Garcia sought asylum in the U.S. after being threatened by an international organized

crime group. He also endured adverse health symptoms during the incident: “I couldn’t breathe and felt dizzy. I felt nauseous, and at one point I actually threw up. At the beginning, I was choking a lot, so I tried to relax and stay calm to be able to breathe a little. My eyes burned.”

Exh. F.

At least two of the impacted men suffer from asthma, which worsened the pepper spray’s effect on them. Such conditions and disabilities are to be taken into consideration before using force against individuals in detention:

- “Staff shall consult medical staff as practicable, before using pepper spray... When possible, medical staff shall review the detainee’s medical file for a disease or condition that an intermediate force weapon could seriously exacerbate, including, but not limited to, asthma...” (DHS 2016:205)

The former boatman described how his medical condition impacted his experience: “I am asthmatic and the gas really affected me. I also have a bad right lung from a previous motor accident, and it has to work harder to function. I was so scared and didn’t know when the gas was going to go away. I didn’t know if I would survive the pepper spray and tear gas attack, I was afraid I was going to die.” **Exh. C.** Thus, the men not only endured adverse health symptoms, but also suffered mental afflictions.

Some men attempted to use the unit’s ventilation system to gain relief from the pepper spray’s effects but found it had been shut off. Twenty-two year old Amilcar Fernando Moreno Hernandez explained, “We began to go up to the vents to get fresh air because it became hard to breathe and our throats burned, but they turned it off maybe five minutes after the guards entered with the pepper spray so that it would stay enclosed in the room.” **Exh. G.** This intensified the symptoms men experienced. The former boatman described his declined condition: “At this moment the effect of the gasses became significantly stronger. I vomited three times and became very dizzy and fainted. My skin, eyes, and mouth were burning worse than before.” **Exh. C.**

Despite widespread deteriorated health statuses, adequate medical attention was not made quickly available. Men reported that several hours passed before they were seen by medical personnel. Daniel Jose Fernandez-Orellano – a 35 year old Venezuelan migrant who was persecuted for leaving the military due to political discord – explained, “I believe the incident happened around 8:00 p.m. or 8:30 p.m. but we did not see medical personnel until 12:30 a.m. or 1:00 a.m.” **Exh. H.** Not only was medical attention delayed, but it also failed to sufficiently address the men’s conditions. Twenty-eight year old Jairo Alberto Bonilla-Gomez fled El Salvador for fear of prevalent criminal groups and shared, “We didn’t receive help when we needed it the most. When the medics came, they only checked our pressure. They didn’t ask us if we needed anything else.” **Exh. I.** Mr. Moreno Hernandez expressed that a language barrier may have further prevented medical personnel from appropriately attending to the men’s medical needs: “My head had begun to hurt and I tried to let the medics know when they came around a second time, but they didn’t speak Spanish so they didn’t understand. They asked me if I needed something and I requested medicine for my headache but they didn’t give me anything, probably because they didn’t understand me. They didn’t provide any type of translation services, and still haven’t.” **Exh. G.** In these ways, the medical care offered to the men deviates from the 2011

PBNDs regulations for situations of this nature given that it was neither swiftly delivered nor sufficient.

While the five alleged demonstrators were removed from the unit, the remainder of the men continued to be exposed to chemicals and were deprived of services that could have relieved the effects of the pepper spray. They were not given the opportunity to wash the chemicals off themselves until approximately 11 a.m. the following day. The aforementioned Venezuelan migrant threatened by the paramilitary reported, “I had no access to a shower and was not able to remove the chemicals from my skin. They locked us in our unit and did not allow us to leave until the next day, and that was when we showered.” **Exh. D.** The cells were not properly cleaned after the incident either, forcing the men to sleep in bedding that was exposed to the pepper spray. Jhonny Jose Bernal Sanchez fled Venezuela after being assaulted by Colectivos, a criminal group that often works with the government. He explained, “We had to sleep in the cell without it being cleaned. The same day, at night, they brought a group to clean, but they only cleaned the floor and picked up the trash.” **Exh. J.** The failure to adequately clean the unit is further evidenced by leftover residue on the day following the incident. Mr. Bonilla-Gomez explained, “Some people burned their eyes after touching the tables in the room, even though they had supposedly cleaned already.” Ultimately, facility staff further exposed the men to injury rather than taking required measures to deliver care. **Exh. I.**

Lack of Continuing Care

In addition to initially addressing the immediate injuries caused by use of force, the 2011 PBNDs also requires that ongoing medical attention be given:

- Medical personnel shall “Determine if the detainee or facility staff requires continuing care and, if so, make the necessary arrangements...” (DHS 2016:206)

Weeks after the incident, men continued to report adverse health symptoms but were deprived of treatment. Nosebleeds remained a common issue, impacting Mr. Moreno Hernandez among several others: “A few days after the incident, my nose began to bleed and continues to bleed today (12/1/2023). One of my companions is also experiencing nosebleeds.” **Exh. G.** Stinging in the eyes was also widespread. Mr. Fernandez-Orellano described his health condition: “I had been perfectly healthy before that day but since the incident I’ve been dealing with a cold and my eyes burn. Sometimes the stinging disappears but it comes back within a week and it comes back worse.” **Exh. H.** Despite these ongoing health issues, facility staff failed to render medical attention until a formal complaint was submitted on behalf of the men to oversight agencies. Mr. Bernal Sanchez reported, “On the night of the day of the incident, we were given eye drops but they didn’t help me. This was the only time we were offered medical assistance until this past Sunday (12/10/2023) – three weeks after the incident. That’s when they finally gave an inhaler to one of my companions who has asthma and has been having difficulty breathing well since the incident. I think this is due to the complaint that the lawyer submitted.” **Exh. J.** Prior to this, some men were discouraged from seeking medical attention due to past experiences. Mr. Bonilla-Gomez explained why he chose not to submit a medical request: “My eyes still sting and I have a dry cough. I didn’t experience this before so I think it’s due to the pepper spray. I haven’t requested medical attention because sometimes they don’t even bother to check up on you.” **Exh. I.** These accounts reveal that men experienced ongoing health issues resulting from

the pepper spray but were continuously denied medical attention, thereby violating the 2011 PBNDS regulations for providing care following the use of force.

A Second Pepper Spray Incident

The pepper spray incident also created an ongoing fear that a similar situation could occur again. Mr. Castro-Candelo described his worries: “Ever since that incident, I am always afraid. I can’t sleep well. I don’t trust anyone because I was gassed for something that I did not do and I don’t know what could happen to me next.” **Exh. B.** The former boatman also shared the mental impact the incident had on him: “The tear gas and pepper spray attack was truly a terrifying experience. I am afraid that I now have more psychological trauma than when I was first put in ICE detention.” **Exh. C.** These concerns were not unreasonable given that shortly after the November pepper spray attack, a second incident of a similar nature took place. On or around December 28, 2023, CoreCivic officials once again dispersed pepper spray in response to detainee activity. Reportedly, two men began hitting each other while different ICE units were transiting between locations in the detention center. Approximately six guards responded and dispersed pepper spray in the crowded hallway. This was an unnecessary and excessive use of force that endangered the health and safety of migrants in Cibola. This second incident demonstrates CoreCivic’s willfulness and eagerness to use pepper spray, and apparent violations of 2011 PBNDS rules regarding use of force.

Prison Rape Elimination Act (PREA) and Sexual Abuse and Assault Prevention

At the Torrance County Detention Facility, various 2011 PBNDS violations of Sexual Abuse and Assault Prevention and Intervention regulations have occurred. It is important to note that these guidelines should be structured using the Prison Rape Elimination Act (PREA) that has been passed federally. The goal of PREA is to eliminate prisoner rape in all types of correctional facilities (BJA DOJ 2023). These guidelines are not met at Torrance, as demonstrated by the testimony of a detainee who was the victim of rape at the facility.

The young man who experienced this heinous crime is a 22 year old migrant from Venezuela. He fled his country because his mother was persecuted by their own government, making it difficult for him to earn a living. He hoped he could accomplish the American Dream by coming to the United States, but that is far from the reality he experienced. On November 15, 2023, he was sexually assaulted by his cellmate at dawn. He stated, “I didn’t want to say anything about what happened to me because I was very scared. He told me he would stab me in the neck with the utensils we were given if I said something. This is the worst thing that has ever happened to me.” **Exh. K.**

Prevention

The 2011 PBNDS guidelines involving sexual assault prevention state the following:

- “All staff and detainees are responsible for being alert to signs of potential situations in which sexual assaults might occur, and for making reports and intervention referrals as appropriate. If a facility staff member has a reasonable belief that a detainee is subject to a substantial risk of imminent sexual abuse, he or she shall take immediate action to protect the detainee” (DHS 2016:135).

Torrance officials failed to make the young Venezuelan man feel safe and protected. He explained: “Before the incident, a man had been watching me while I used the bathroom. I reported it to a guard, and they said they would remove the person from the unit, but they never did anything about it. This makes me feel like they won’t do anything about the assault. What they’re doing to me is an injustice.” **Exh. K.** If officials had reacted as the guideline requires, this may have prevented the further escalation of harmful actions.

Inmate Education

The 2011 PBNDS have specific processes that a facility must follow when it comes to inmate education regarding sexual assault:

- “Following the intake process, the facility shall provide instruction to detainees on the facility’s Sexual Abuse and Assault Prevention and Intervention Program and ensure that such instruction includes (at a minimum):
 1. the facility’s zero-tolerance policy for all forms of sexual abuse or assault
 4. explanation of methods for reporting sexual assault...
 6. prohibition against retaliation, including an explanation that reporting an assault shall not negatively impact the detainee’s immigration proceedings” (DHS 2016:133).

PREA guidelines similarly state:

- “During the intake process, inmates shall receive information explaining the agency’s zero-tolerance policy regarding sexual abuse and sexual harassment and how to report incidents or suspicions of sexual abuse or sexual harassment” (DOJ 2012:17)
- “The agency shall provide inmate education in formats accessible to all inmates, including those who are limited English proficient...” (DOJ 2012: 18)

Torrance staff did an inadequate job of informing the young man of what steps he could have taken to report the sexual assault. He explained, “After the incident, the assaulter and I were called together for some sort of interview. He would stare at me, but I wouldn’t meet his gaze. They put us all in a room together and I was going to tell the deportation officer about what had happened. No one had ever explained anything to me about reporting sexual assault, so I didn’t know if I should tell an official or not. As I was leaving the interview, I decided to tell one of the officers about the assault because I could not stay in that situation.” **Exh. K.** This process should have been explained in detail, but guidelines were not met. This young man had to trust that he was doing the right thing but was never reassured and was instead placed in situations that put his safety and wellbeing at further risk. In these ways, the facility did not uphold the guidelines as stated in both the 2011 PBNDS and PREA guidelines.

Prompt and Effective Intervention

Not only did the facility fail to protect the young Venezuelan man, but officials shifted the blame onto him. 2011 PBNDS guidelines about prompt and effective intervention state:

- “Staff sensitivity toward detainees who are victims of sexual abuse and/or assault is critical. Staff shall take seriously all statements from detainees claiming to be victims of sexual assaults and shall respond supportively and non-judgmentally” (DHS 2016:136).

PREA guidelines read:

- “Specialized training shall include techniques for interviewing sexual abuse victims” (DOJ 2012:18)

The investigator’s response affected the young man emotionally as he reported what had been done to him. From his account: “The investigator asked me why I hadn’t done anything to defend myself when the assault happened, like hit the person. I told her I’m not the kind of person to do that. I mentioned that I just needed a hug from my mom and the woman told me a hug wouldn’t fix the situation or help me forget what happened. This was hurtful to me because my mom has always been there for me to help.” **Exh. K.** Not only did officials respond to the assault in a judgmental way, but the investigator did not take seriously everything that had occurred to the young man – he reported, “When I mentioned the injury the assaulter caused on my abdomen using a utensil, she made it seem like I had done it to myself.” **Exh. K.** The investigator’s actions failed to create an environment in which the young man could feel safe recounting the sexual assault he had experienced.

Protection Against Retaliation

The 2011 PBNDS guideline about protection against retaliation focuses on the safety of the victim, which Torrance staff failed to comply with:

- “The facility shall employ multiple protection measures, such as housing changes, removal of alleged staff or detainee abusers from contact with victims, and emotional support services for detainees or staff who fear retaliation for reporting sexual abuse or for cooperating with investigations” (DHS 2016:137)

It was vital that the facility separate the young Venezuelan migrant and his assaulter to protect against retaliation. There should have been absolutely no contact following the incident, especially for the young man’s own well-being. He shared, “I was moved to unit 8C and last I knew, the assaulter was moved to 8A. I have only seen him once since the incident. I was on my way to the Know Your Rights presentation and had to pass by him. I walked by quickly and turned my head the other way so I wouldn’t have to see him. It made me feel bad, like my heart would burst out of my chest.” **Exh. K.** It is important to note that Torrance staff only moved the assaulter a unit over, allowing for potential contact.

Accommodating Detainees with Disabilities or Limited English Proficiency

Throughout most of the investigation, the young man felt as though he was not fully understanding what he was being told. He shared that the investigator spoke Spanish, but no official interpreter was present. The 2011 PBNDS guidelines state:

- “Each facility shall take steps to ensure meaningful access to all aspects of the facility’s efforts to prevent, detect, and respond to sexual abuse to detainees who are limited English proficient, including steps to provide in-person or telephonic interpretive services that enable effective, accurate, and impartial interpretation, both receptively and expressively, using any necessary specialized vocabulary” (DHS 2016:134)

Days after the investigation had commenced, the young man was given documents to look over and sign – “I was told to sign a document, but no one explained what it was. I was only told that it would help me, but I decided not to sign it. I am worried that it may have said that there was no harm done to me.” **Exh. K.** He elected to not sign these documents because the investigator pressured him to do so without an adequate explanation. The young man often asked for clarification throughout the investigation, but Torrance staff failed to grant explanations in a way that he could understand. These guidelines are present to allow equal access to information, but the facility did not provide an interpreter to ensure there were no gaps in communication.

Medical and Mental Health Care

The young Venezuelan man also shared how the state of his mental health had deteriorated after the assault. He expressed that he needed more sessions with the psychologist but was unable to access this resource through Torrance. The medical and mental health care 2011 PBNDS guidelines state the following:

- “Detainee victims of sexual abuse shall be provided emergency medical and mental health services and ongoing care” (DHS 2016:141)
- “The facility shall provide such victims with medical and mental health services consistent with the community level of care” (DHS 2016:141)

Torrance did not deliver the ongoing care that was needed. The young man recalls, “I visited the detention center’s psychologist three or four times but then didn’t hear back from them for future appointments. I then switched to see a psychologist that my lawyer connected me with. I am not okay. I have been feeling very alone and depressed. My head hurts when I think about what happened and I don’t feel like eating. I am not the same person as when I first arrived at Torrance. I used to laugh and talk with my companions and participate in recreation. Now my companions ask me why I no longer talk or go outside. My dreams and joy were taken away by what happened.” **Exh. K.** Ultimately, the young Venezuelan migrant was failed at every step of his investigation.

It is important to note that Torrance received a PREA audit September 12-14, 2023, where an auditor noted that 8 standards were not met:

- “§115.21 - Evidence protocols and forensic medical examinations” (Bruck 2023:5).
- “§115.33 - Detainee Education” (Bruck 2023:5).
- “§115.41 - Assessment for risk of victimization and abusiveness” (Bruck 2023:5).
- “§115.42 - Use of assessment information” (Bruck 2023:5).
- “§115.53 - Detainee access to outside confidential support services” (Bruck 2023:6).
- “§115.65 - Coordinated Response” (Bruck 2023:6).
- “§115.83 - Ongoing medical and mental health care for sexual abuse victims and abusers” (Bruck 2023:6)
- “§115.86 - Sexual abuse incident review”(Bruck 2023: 6)

Torrance made “corrective actions” in order to be considered “meeting” the standards in October 2023. However, these same standards were violated in the young Venezuelan migrant’s case in November of 2023. This young man is one of many people in ICE detention that have reported

being sexually assaulted and have been failed by the systems put in place. A complaint filed in 2016 by Community Initiatives for Visiting Immigrants in Confinement (CIVIC) reported, “As the agency within DHS that receives the most sexual abuse complaints, ICE has failed to enforce federal laws to protect public safety. OIG received between 1,016 and 2,573 sexual abuse complaints from people in DHS detention. The OIG also failed to investigate more than 97 percent of these complaints” (Fialho and Merton 2017:5). This demonstrates the inability of oversight committees to properly address injustices inflicted on migrants who do not receive the response they deserve.

Medical and Mental Health Care

At Torrance County Detention Facility and Cibola County Correctional Center, there have been various PBNDS violations to the Medical Care guidelines. These standards were created to ensure that those who are detained have access to appropriate and necessary medical, dental, and mental health care. Nevertheless, these facilities have failed to comply with the standards.

Medical Care

The 2011 PBNDS provides guidelines on medical care for people in detention, which require facilities to grant:

- “Medically necessary and appropriate medical, dental, and mental health care and pharmaceutical services” and “Comprehensive, routine, and preventive health care, as medically indicated” (DHS 2016: 260)

Lenner Miguel Brito Salazar is a 31 year old Venezuelan migrant and former government employee. He feared remaining in his country after being kidnapped, tortured, and threatened with being disappeared by the government and police for refusing to participate in government sanctioned initiatives as an employee. Mr. Brito Salazar reported, “A companion who had a fever for days was told it wasn’t an emergency and that he should just take a shower. We joked with him that he first had to die for [medics] to see him.” **Exh. L.** A 41 year old Venezuelan migrant who sought asylum in the U.S. after being persecuted by a political group expressed his frustrations with the care he has witnessed while detained: “They do with us whatever they want because they can. If someone dies, no one will know or find out. It has already happened; someone died here last year. He was put in solitary confinement and took his own life there.” **Exh. M.** This illustrates that both Cibola and Torrance fail to comply in providing necessary medical services and health care as people’s medical needs are not adequately addressed and their wellbeing is endangered in detention.

Sick Call

While in detention, individuals may become ill and require medical attention. The 2011 PBNDS guidelines for sick call – the opportunity for people in detention to request free health care services including mental health and dental services (DHS 2016:271) – require the following:

- “Sick call process shall be communicated in writing and verbally to detainees during their orientation” (DHS 2016:271)
- “Regularly scheduled ‘sick call’ times shall be established and communicated to detainees” (DHS 2016:271)

Sick calls should be a clearly explained process to people who are detained and responded to appropriately. Nevertheless, there has been reported trouble with this. Mr. Cardozo Garcia had to learn the sick call process through other means. He explained, “I know how to put in a request for medical and mental health care. It was taught to me by friends that I have made while being in detention.” **Exh. F.** A second person in ICE detention, Mr. Bernal Sanchez, shared, “To request medical attention, you fill out a form and turn it into a guard, but you have to make two or three requests in order for them to attend to you.” **Exh. J.** A 41 year old Venezuelan migrant similarly recounted challenges with the process: “To receive medical attention, you have to file a request through a piece of paper, but they don’t always comply with that responsibility.” **Exh. M.** Mr. Cardozo Gonzalez noted a long response time: “I know how to ask for medical and mental health services. I figured it out, but even with knowing how to ask, it still takes ages to be seen by a doctor.” **Exh. E.** This suggests that the 2011 PBNDS guideline for the process to be communicated verbally and in writing for those who are detained is not being upheld. Moreover, these experiences indicate that there are not regularly scheduled “sick call” times that are established and communicated since men have to submit multiple requests and wait.

The sick call process should consider the severity of someone’s request when determining who gets to be seen by a medical professional first. The 2011 PBNDS guideline states:

- “Medical personnel shall review the request slips and determine when the detainee shall be seen based on acuity of the problem” (DHS 2016:271).

Yet a 32 year old Honduran migrant who sought asylum in the U.S. after being kidnapped and tortured by an international gang of narcos that killed his family, shared, “they put 30 to 40 people in the waiting room at the same time and do it by number of your cell and ID so they don’t first attend to the people who need medical assistance the most.” **Exh. N.** Furthermore, Mr. Bernal Sanchez recounted a time he was worried he had gastritis due to the food served but did not receive timely medical care: “I had to send four requests and wait a week to be seen. They gave me medicine once they finally saw me, but it was too late by then. I had already spent many nights without being able to sleep.” **Exh. J.** The men’s experiences suggest that the acuity of the problem is not taken into consideration when officers look through the sick call requests.

Medication

If people become ill while in detention or suffer from pain, they may require medication. It is important for people to have the medication necessary and at the proper time. The 2011 PBNDS establishes guidelines for delivery of medication, which require:

- “All prescribed medications and medically necessary treatments shall be provided to detainees on schedule and without interruption” (DHS 2016: 273)

Edwin Amauny Hernandez Molina – a 26 year old Colombian migrant who sought asylum in the U.S after being kidnapped and tortured by paramilitaries who targeted him for his political participation – was prescribed medication at one of his appointments. He described his difficulty obtaining it:

“There is confusion with the medication; at night they give me medicine, but in the morning, they tell me they have nothing for me. Or vice versa. This happens even though

they prescribed medication for morning and nighttime, but they don't always give it to me. I inform them that I was prescribed medication twice a day, but the officers still tell me they have nothing for me, despite what the doctor prescribed.” **Exh. O**

What Mr. Hernandez Molina shared indicates a clear violation of the standard. Similarly, a 22 year old migrant from Venezuela shared another incident in which receiving medicine proved to be difficult. He reported, “I experience pain in my ribs and spine because of past injuries. [The medics] gave me pills for the pain in my ribs and spine... I went to refill the medicine and they told me I'm not in the system anymore and would not get more. When I requested more medicine, they told me to get out. They make it seem like you are bothering them. If you continue to ask them, they put you in the cold room (isolation room).” **Exh. K.** Not only was this individual denied medicine to relieve pain, but they were threatened with punishment through medical isolation, which is prohibited by the 2011 PBNDS: “medical isolation shall not be used as a punitive measure” (DHS 2016: 270). Nevertheless, the 22 year old migrant's experience shows that this guideline is not upheld.

Accommodations

People who are detained may live with disabilities and therefore need accommodations. The 2011 PBNDS Disability Identification, Assessment, and Accommodation section contains immediate accommodation guidelines, which state:

- “The facility shall provide detainees with disabilities with necessary accommodations in an expeditious manner” (DHS 2016:349)

The 2011 PBNDS definition of “reasonable accommodations” includes proper medication and medical treatment (DHS 2016:347). Yet the former boatman had trouble getting the proper medication and medical treatment for his asthma: “I have asthma and it took them two weeks to get me an inhaler, with no care that I was struggling to breathe while sleeping.” **Exh. C.** Cibola thus violated his right to be provided with necessary accommodations in an expeditious manner.

Dental Health

While in detention, people may experience pain, infections, or trauma that requires dental care. It is important for those who are detained to be examined and to receive proper dental care. To ensure this, the 2011 PBNDS implements guidelines for dental health care, which state the following:

- “An initial dental screening shall be performed within 14 days of the detainee's arrival” (DHS 2016:271)

Experiences shared by the people interviewed suggest that these guidelines are being violated at Cibola and Torrance. A 36 year old migrant from Venezuela shared, “they did not do a dental exam [when I arrived], I have not seen a dentist since being [at Cibola for about a month].” **Exh. D.** A 41 year old Venezuelan migrant shared, “I have not been able to see a dentist since I have been here... There's been people who have toothaches who have not been taken care of.” **Exh. M.** Not only does this example further highlight the failure to perform an initial dental screening within fourteen days of individuals' arrival to the facilities, but it also speaks to the 2011 PBNDS guideline that states:

- “Emergency dental treatment shall be provided for immediate relief of pain, trauma, and acute oral infection” (DHS 2016: 271)

People who are in pain should be provided treatment for immediate relief. Yet the 41 year old Venezuelan migrant’s experience indicates this is not the case. Mr. Hernandez also reported his experience in obtaining dental care: “When I receive dental care, it feels like they only give you a check-up when they remember... I didn’t feel like they listened to my concerns. So, I put in a grievance and that is when they did the full checkup correctly. It took me complaining to get the care I should have gotten from the beginning.” **Exh. A.** These two accounts illustrate that people in detention are not given emergency dental treatment for immediate relief of pain, trauma, and acute oral infection. It also highlights that these individuals have to fight for their right to receive proper medical care.

Mental Health

In conjunction with past trauma, the inhumane conditions imposed on those who are detained at Torrance and Cibola take a toll on their mental wellbeing. 2011 PBNDS mental health guidelines state:

- “All detainees shall receive an initial mental health screening within 12 hours of admission by a qualified health care professional or trained correctional officer” (DHS 2016: 333)
- “Each facility health care provider shall conduct a comprehensive health assessment, including a mental health screening, on each detainee within 14 days of the detainee’s arrival” (DHS 2016: 268)

Mr. Moreno Hernandez shared, “Yesterday (11/30/2023), they called us for a mental health appointment even though we hadn’t requested it. They asked us about five questions including whether we wanted to hurt someone or if being imprisoned made us want to hurt ourselves. This was the first time they’ve done this at Cibola since I arrived here [on November 16, 2023].” **Exh. G.** Although the timing of these questions fit into the 14-day limit given for the comprehensive health assessment since Mr. Moreno Hernandez stated it was the first time he was screened, the facility did not comply with the standard of administering an initial mental health screening within 12 hours of someone being admitted.

The 2011 PBNDS also provides a guideline for adequate mental health services, which states:

- “Every facility shall directly or contractually provide its detainee population...medically necessary and appropriate mental health care and pharmaceutical service” (DHS 2016: 260)

Mr. Cardozo Gonzalez described the mental health care given in facilities: “There has only been one person in my whole time in detention who came in to provide mental health services. I mean, it wasn’t services. It was a presentation on mental health and what to do if you are facing different scenarios.” **Exh. E.** A second person, Mr. Bernal Sanchez shared, “At Torrance, mental health services were available, but they were not helpful. At the time, I was depressed. Everything bothered me, and I was anxious to get out. They gave me pills to sleep but that was the extent of it. That is not what I needed at the moment.” **Exh. J.** Mr. Brito Salazar shared his

own experience of not receiving appropriate mental health care: “I had not been able to sleep and was having many nightmares. For over three weeks, I had been asking to see the psychologist or to get medicine for this. The psychologist finally contacted me personally and told me she would see me on Monday (12/11/2023) but it is now Wednesday (12/13/2023) and I still have not met with her.” **Exh. L.** These three experiences highlight how people detained in Cibola and Torrance do not receive necessary and appropriate mental health care and pharmaceutical service. Moreover, the services that are provided are not found to be helpful or timely.

Suicide and Self-Harm

The toll of detention on the mental well-being of those in ICE custody could lead some to experience suicidal ideation or be at risk of self-harm. The 2011 PBNDS implements guidelines on significant self-harm and suicide prevention and intervention to try to assist those who need help. They state the following:

- “Detainees who are identified as being ‘at risk’ for significant self-harm or suicide shall immediately be referred to the mental health provider for an evaluation, which shall take place within 24 hours of the identification. Until this evaluation takes place security staff shall place the detainee in a secure environment on constant one-to-one visual observation” (DHS 2016: 334)
- “Suicidal detainees who are temporarily placed in a special management unit shall have access to all programs and services to the general population, to the maximum extent possible. The facility shall ensure that the decision to place a suicidal detainee in the segregation cell is not punitive in nature” (DHS 2016: 335)

The New Mexico facilities have violated these standards. Nelson Jesus Rosale-Gonzales, who sought asylum after his family was killed by the Venezuelan government and was persecuted himself, shared a story about a companion who was wrongly treated for showing signs of depression. He states:

“I had a friend who kept on crying when he first arrived here because he was separated from his wife. The officers told him that they would take him to see a psychologist but instead, they locked him up in solitary confinement for three days. He had an officer watching him every hour of the day. If he moved to the left, the officer would also move to the left. He was not able to make calls to anyone and he couldn’t shower. When he got out, he went straight to his credible fear interview, but he failed it. Then three days later he was taken to the psychologist.” **Exh. P.**

The individual who was put into an isolation room did not have access to the resources available to those in general population units. His experience suggests that the facilities violate the 2011 PBNDS guideline that states isolated individuals should have access to the usual programs and services. Notably, a second individual shared similar experiences. A 22 year old migrant from Venezuela explained:

“If you say you are depressed, they take you to the cold room (isolation room) and leave you there alone because they think you are crazy. When they took me there, I wasn’t crazy, nor did I feel like I wanted to hurt someone. A man from Guatemala was put in

there once too. They said he was crazy and gave him medicine, but he wasn't crazy. What happens is that you start to think about being locked up and it affects you." **Exh. K.**

Translation and Language Access for Detainees with Limited English Proficiency (LEP)

The people in detention often come to the U.S. from countries that do not speak English. Therefore, many of them may not understand the language. It is important that these individuals still receive the same services as those who do speak English. The 2011 PBNDS guidelines for translation and language access for individuals with limited English proficiency (LEP) to acquire services state the following:

- "For LEP individuals, interpretation for the screening will be conducted by facility staff with appropriate language capabilities or through a professional interpretation service" (DHS 2016: 266)
- "If the procedure requires a written request slip, such slip shall be provided in English and the most common languages spoken by the detainee population of that facility. LEP detainees shall be provided interpretation/translations or other assistance as needed to complete a request slip" (DHS 2016: 271-72)

However, the facilities in New Mexico do not provide proper interpretation nor assistance to complete a request slip. A 41 year old Venezuelan migrant detained at Tarrant shared, "Getting care as someone who does not speak English is difficult, they put an interpreter (officer who speaks Spanish) but sometimes the interpreters know very little Spanish. It can be difficult for the patient and the doctor to fully understand each other with the language barrier." **Exh. M.** Mr. Hernandez Molina explained the advantage of knowing English: "I am lucky because I speak English and can navigate [filing and seeking medical help], but other men in my unit who do not speak English really struggle to access these services." **Exh. O.**

Access to Legal Information and Resources

Detainee Handbook

People who are detained in ICE custody are entitled to know what their rights are in detention and what resources are available to them. This is why there is a detainee handbook; it ensures that individuals who are detained understand the rules and sanctions while in detention. The 2011 PBNDS handbook guidelines state the following:

- "Detention standards require that, upon admission, every detainee be provided comprehensive written orientation materials that describe such matters as the facility's rules and sanctions, disciplinary system, services, programs, and medical care, in English, Spanish, and other languages and that detainees acknowledge receipt of those materials" (DHS 2016: 264)

Not all individuals received a handbook that explains the rules of the facility and how to access services such as medical care. A 43 year old Venezuelan migrant who sought asylum in the U.S. after being kidnapped and electrocuted by the mafia, shared that he was not given one: "When I first arrived at the facility, I did not receive a manual or instructional book of the facility's rules and procedures." **Exh. Q.** His experience suggests that not all those who are detained receive the handbook explaining the rules and resources available to them.

Informing Detainees about Grievance Procedures

People in ICE custody have a right to proper care, resources, and treatment. If these services are subpar, they also have a right to inform officers about this through a grievance procedure. The 2011 PBNDS establishes guidelines for informing individuals about this process, which state:

- “The facility shall provide each detainee, upon admittance, a copy of the detainee handbook and local supplement in which the grievance section provides notice of the following:
 - The right to file a grievance, including medical grievances, both informal and formal
 - The procedures for filing and resolving a grievance, including the availability of assistance in preparing a grievance (assistance for LEP detainees)” (DHS 2016:415-16)

The handbook and local supplement are supposed to explain the procedures for filing a grievance. Yet Mr. Hernandez became informed through other means: “I learned of the grievance process through other people in detention. They walked me through everything. The facility was no help and had no information on how to do it.” **Exh. A.** Furthermore, Mr. Cardozo Garcia explained that the lack of information has prevented him from bringing issues to the staff’s attention: “The grievance process has not been explained to me, so I have not put in any type of complaint on paper.” **Exh. F.** Thus, the violations of these guidelines hinder individuals’ ability to file grievances and have their concerns addressed.

Grievance Procedures

The 2011 PBNDS guidelines for grievance procedures state:

- “Designated grievance officer (GO) shall conduct the initial adjudication of a formal or informal grievance” (DHS 2016:418)
- “Detainees shall be provided with a written or oral response within five days of receipt of the grievance” (DHS 2016:418)

The people detained at Cibola and Torrance shared that they have not had their grievances read or responded to. Mr. Brito Salazar shared his experience with submitting grievances: “Making requests for anything doesn’t work. The request box is full but sometimes no one looks through it for a week. I’ve even seen some guards throw out requests.” **Exh. L.** Multiple men shared these same concerns and experiences. Mr. Hernandez reported, “No matter how many complaints I put in, nothing changes. There is also no response to my complaints.” **Exh. A.** A 22 year old Venezuelan migrant similarly reported, “When you file a complaint, no one responds, or they address it when they feel like it.” **Exh. K.** Mr. Cardozo Garcia expressed his frustration with staff members who do not attempt to resolve issues: “We go directly to the main person in charge in this facility and let him know of our complaints, but he does not care at all. We just have to be content with what we get.” **Exh. F.**

A 43 year old Venezuelan migrant shared his experiences with the grievance system. He stated: “There is someone here who filed a grievance and is still waiting for something to be done. He has been waiting two to three weeks. He filed the grievance and the officers took the paper, but they have not looked at it...He was telling the officer and the officer got upset, it was all in

English but you could see the gestures.” **Exh. Q.** His experience insinuates the violation of the previously stated guidelines and brings into conversation how retaliation is prohibited by the 2011 PBNDS, which states the following:

- “Staff shall not harass, discipline, punish, or otherwise retaliate against a detainee who files a complaint or grievance or who contacts the DHS office of the Inspector General
 - Actions are considered retaliatory if they are in response to an informal or formal grievance that has been filed and the action has an adverse effect on the resident’s life in the facility” (DHS 2016:420)

A 43 year old Venezuelan migrant recounted a second instance in which officers retaliated: “The officers don’t respond to complaints, instead they just get angry. We have complained about the water being too hot, not getting enough drinking water, and about the food but [the officers] have not done anything. Instead, we receive punishment for doing so such as getting less food.” **Exh. Q.** Furthermore, a 41 year old Venezuelan migrant explained, “Whenever an immigrant complains or stands up for themselves, they are met with retaliation by the officers. The [immigrants] here act submissive because whatever you say is met with retaliation.” **Exh. M.** Although prohibited, officers punish individuals who submit grievances, hindering their right to fulfill the process and seek better conditions.

Law Library

Those who are in ICE custody may not have access to lawyers or outside legal resources. Therefore, the 2011 PBNDS provides guidelines for a law library, which contains legal resources, books, and information. The guidelines state the following:

- “Each facility shall provide a properly equipped law library” (DHS 2016:422)
- “Each detainee shall be permitted to use the law library for a minimum of five hours per week” (DHS 2016:423)

People who are detained should have access to a resourceful and useful law library on a weekly basis. Nevertheless, the facilities do not comply with these guidelines. Carlos José Flores Solís is a 29 year old migrant who fled Venezuela after being persecuted, threatened, and tortured by the National Guard. He reported, “There is a law library, but we never visit it. People have asked to go but they are not taken. I’ve only seen it as I walk by, but it doesn’t look open. It’s like it’s only there so you can see that it exists.” **Exh. R.** A second individual – a 41 year old Venezuelan migrant – stated, “They don’t allow us to go to the library, the only benefit we receive is yard time but even that’s not always” **Exh. M.** A third individual similarly noted difficulty in using the library. Mr. Rosales-Gonzales explained, “There is a legal library, but the officers have never given us access nor taken us there. They don’t even give us the right to have access to our proof for our case or legal documents.” **Exh. P.** Not only do these examples highlight how Torrance and Cibola violate the guidelines that state individuals in detention should have access to the library for a minimum of five hours, but it also speaks to the 2011 PBNDS guideline that states:

- “The facility shall permit a detainee to retain all personal legal material upon admittance to the general population...unless retention of materials creates a safety, security, or sanitation hazard.” (DHS 2016: 426)

Not only was Mr. Rosales-Gonzales unable to use a legal library, but he also did not have access to the proof for his case nor his legal documents. A 22 year old migrant shared his similar experiences: “I don’t have access to my legal documents.” **Exh. K.** Individuals’ inability to access their legal material while detained is a violation of the guideline provided and suggests that the ICE facilities do not follow these standards.

Assistance to Illiterate, Limited-English Proficient, and Disabled Detainees

The 2011 PBNDS also establishes a guideline for assisting individuals with disabilities, limited English proficiency, and/or are illiterate. It is important for them to have access to the same resources as those who do not have disabilities or limited English proficiency. The guideline states the following:

- “Detainees with disabilities, LEP detainees and illiterate detainees who wish to pursue a legal claim related to their immigration proceedings or detention, and who request assistance or otherwise indicate difficulty with the legal materials, must be provided assistance beyond access to a set of English-language law books” (DHS 2016:426)

The facilities do not uphold this standard, thereby impacting individuals’ cases. A 41 year old Venezuelan migrant shared his experience asking for assistance, he explained:

“Allegedly, there’s a legal library. I once submitted a request to translate my I-589 asylum application since they’re supposed to help with translation, but they never responded. As a result, I got scolded by the judge because I did not have anything filled out due to not understanding anything. It wasn’t until I met [a lawyer] that I was able to receive help because here you can’t count on them for anything.” **Exh. M.**

The guidelines state that assistance must be provided to a detainee with limited English proficiency upon request. The 41 year old’s account indicates that the facilities are not complying with this rule. Mr. Hernandez Molina shared that knowing English facilitated using the library. He explained: “We can use the law library for free.... These [legal materials] are all in English. The materials are easy for me to understand since I can read English, but they are not enough. Language comes up again here – the materials are mostly in English and not all of us speak it. There is not any assistance provided in the virtual or physical library, but I feel that this would be helpful to have.” **Exh. O.** This account further proves that the guidelines for assistance to detained individuals with disabilities, limited English proficiency, and those who are illiterate are not being adhered to.

Food Service

Nutritious and Appetizing Meals

A common concern among those in ICE custody is the quality and availability of food. The 2011 PBNDS dictates the conditions of the food provided to individuals in detention:

- “Food service personnel shall provide nutritious and appetizing meals” (DHS 2016:228)

Nonetheless, people in detention consistently reported that the food served at both Cibola and Torrance is neither nutritious nor appetizing. Mr. Hernandez Molina shared, “We get very little

protein, about a small handful. The vegetable portions are about the same. The puree is what they serve the most of.” **Exh. O.** A 41 year old Venezuelan migrant gave his perspective on the food: “The food quality is horrible, it is non-existent here. We get chicken once a month, there are no carbohydrates, no vitamins that could be nutritional in the food we receive.” **Exh. M.**

Others report that the food looks and tastes “disgusting.” A 43 year old Venezuelan migrant likened the food’s presentation to “dog vomit.” **Exh. Q.** Mr. Rosales-Gonzales described the appearance of the food at Torrance: “Some of the food they give us looks very grotesque, almost like it is animal food.” **Exh. P.** As for the taste, Mr. Cardozo Garcia explained, “The food here has no salt, is bland, and at times is so spicy that you can’t even eat it. Overall, the food is horrible.” **Exh. F.** These conditions were commonly reported among individuals held at Cibola and underscore the dehumanization of detained migrants through the inadequate food provided.

Food Safety and Sanitation

The 2011 PBNDS requires that precautionary measures be taken to ensure the food served is safe for consumption:

- “Detainees, staff and others shall be protected from injury and illness by adequate food service training and the application of sound safety and sanitation practices in all aspects of food service and dining room operations” (DHS 2016:228)

Despite these regulations, several individuals reported food-related hazards. Mr. Bonilla-Gomez described concerning meals he has been served in detention: “I have found pieces of plastic in the food, they aren’t careful when preparing it. Sometimes the food is raw. The other day, they served rice and it was hard, so it wasn’t cooked fully. That’s dangerous.” **Exh. I.** Others have found hair and nails in their food, with Mr. Castro-Candelo discovering a sugar packet in the dough he was served. **Exh. B.** Also alarming is the moldy cauliflower salad a 41 year old Venezuelan migrant recalled being given once. **Exh. M.** These troubling food conditions exemplify the ways in which food safety and sanitation rules are repeatedly violated at Cibola and Torrance.

Meal Schedules

The 2011 PBNDS also provides guidelines on meal schedules:

- “The dining room schedule must allow no more than 14 hours between the evening meal and breakfast” (DHS 2016:232)

A 36 year old Venezuelan migrant provided the times meals are generally served – a schedule corroborated by the majority of interviewees: “They give us breakfast around 4:30 or 5:00 in the morning, lunch at 12 p.m., and dinner at 4:30 or 5:00 p.m.” **Exh. D.** Some individuals reported

breakfast as early as 4:00 a.m., lunch as early as 11 a.m., and dinner as early as 3:00 p.m. Though the 14 hour limit was not reportedly exceeded, this schedule causes many people to experience constant hunger, prompting some to devise ways to satiate their hunger. Mr. Bonilla Gomez shared his method and subsequent trouble: “Sometimes I’ll save food for later but they tell us not to. They get upset at us and tell us that the food is to be eaten at the time they serve it.” **Exh. I.** Mr. Brito Salazar explained why he and some of his companions save meals: “We stay hungry all day and then eat around 7:00 p.m. It’s easier to be hungry during the day than at night because there is more to distract yourself with. But around 8 p.m., the TVs are turned off and you are just waiting and listening to your stomach growl.” **Exh. L.**

Hunger is further exacerbated by the small portions given to people in detention. Many reported feeling hungry after meals, including Mr. Cardozo Garcia: “The amount of food the detention center gives us is very little, it is not enough food to satisfy one’s hunger.” **Exh. F.** In fact, two men reported weight loss as a result of insufficient food. **Exh. C., Exh. Q.**

The Role of Food in “Morale”

Notably, the 2011 PBNDS acknowledges that food plays an important role in the holistic wellbeing of people in detention:

- “The food service program significantly influences morale and attitudes of detainees and staff, and creates a climate for good public relations between the facility and the community” (DHS 2016:234)

The quality of the food in New Mexico’s detention centers drastically fails to create anything remotely resembling a “positive environment” (DHS 2016:243). Mr. Brito Salazar revealed that fights over food occur on a near daily basis at Cibola and discussed worrisome conditions at the facility: “Many of us have said that it won’t be long before someone dies at Cibola. People no longer tolerate one another and are getting desperate. This week, four people beat up an individual all because of the food conditions and not being able to eat enough. One of the four had saved food for later but the other individual was hungry and stole the food to eat, so they beat him up.” **Exh. L.** This demonstrates that the poor food conditions have negative physical and mental health affects on those in ICE custody.

Access to Water

2011 PBNDS food service regulations also address access to water:

- “Clean, potable drinking water must be available” (DHS 2016:232)

However, men reported they did not consistently have water at their disposal. Guards sometimes failed to quickly replenish water when requested, forcing people to go hours without anything to

drink. Mr. Brito Salazar explained, “It is a difficult process to get clean drinking water. It is entirely dependent on the guards and when they feel like bringing the jugs to us. I’ve asked for water before and they never brought it.” **Exh. L.** At least two individuals have been told by guards to drink from unsafe water sources when they requested water, including a 31 year old Honduran migrant who described his encounter with a guard: “A female official once told me to drink from where we shower when I needed water. There is a sign that says not to drink from there because it’s bad but she told me to drink from it anyway.” **Exh. N.** A 43 year old Venezuelan migrant recounted an incident in which his unit was deprived of water for 10 hours: “Sometimes...we run out of water at 10 p.m. and they don’t give us more until breakfast the next day. Once, we lasted from 12 p.m. to 10 p.m. without water. We kept on calling for the officers and making noise. They told us they would bring us water after count, but we didn’t receive it until 10 p.m.” **Exh. Q.** These accounts illustrate the undignified treatment of migrants in detention and the cruel behavior they are subjected to by guards.

Violations to the food service rules of the 2011 PBNDS present a daily struggle for those held at Cibola and Torrance. Through the provided food, migrants detained in these facilities are treated as less than human and are exposed to grave health problems.

Hygiene

The 2011 PBNDS establishes standards to ensure people in detention are able to maintain personal hygiene. Items such as soap, shampoo, toothpaste, and a toothbrush must be provided and facilitate the following:

- “Detainees...shall be able to maintain acceptable personal hygiene practices” (327)

Though personal hygiene items are supplied, they are described as low-grade by individuals. Mr. Cardozo Gonzalez said, “The products they do give are bad quality, they cause a lot of dandruff.” **Exh. E.** Similarly, the former boatman shared, “The toothpaste they give us doesn’t clean well, I have to brush my teeth about 5 times a day.” **Exh. C.**

Replenishing Personal Hygiene Items

Personal hygiene items must also be replaced when necessary:

- “The responsible housing unit officer shall replenish personal hygiene items on an as-needed basis, in accordance with written facility procedures” (DHS 2016:329)

Men reported that it often took days to receive the items they asked for. A 41 year old Venezuelan migrant explained, “If you run out of [personal hygiene items], you let the officers know and they will give it to you whenever they remember to...It can take at least four to five days.” **Exh. M.** Mr. Bonilla Gomez shared a similar experience at Cibola: “It can be hard to replenish [personal hygiene items]. I am almost out of soap and have asked the staff for more but

they tell me to wait. They only bring it when they feel like it or think to, not when I need it.”
Exh. I.

Clothing and Bedding

Hygiene regulations also include access to adequate clothing and bedding:

- “Each detainee shall have sufficient clean clothing that is properly fitted; climatically suitable, durable, and presentable” (DHS 2016:327)
- “Each detainee shall have suitable, clean bedding, linens, blankets and towels” (DHS 2016:327)

Nevertheless, men reported that what they are given is not enough to stay warm indoors or outdoors. As Mr. Rosales-Gonzales noted, “The sheets and the clothes are too thin, they don’t protect us from the cold.” **Exh. P.** Clean clothing and bedding is also difficult to come by. People in detention are given two to three uniforms, but this is not sufficient. Mr. Rosales-Gonzales explained, “We get three pairs of uniforms but that is not enough, sometimes we shower and have to change back into the same clothes.” **Exh. P.** Mr. Solís Flores shared his thoughts on why it is difficult to keep clothes and bedding clean at Torrance: “When I first got the shirts, they were fully white but after sending them to get washed, they come back grayish and with grime. They looked dirtier than when I sent them to get washed...Something similar happens with the bedsheets. I imagine that they wash about forty people’s sheets altogether, they seem to pick up the grime from the other sheets.” **Exh. R.**

These accounts illustrate that the personal hygiene items people in detention are provided with are not sufficient to consistently maintain acceptable hygiene practices or satisfactorily fulfill their roles.

Recreation

Torrance County Detention Center and Cibola County Correctional Center fail to meet federal standards when it comes to providing adequate recreation time. The 2011 PBNDS standards require that the facilities “[ensures] that each detainee has access to recreational and exercise programs and activities, within the constraints of safety, security and good order” (DHS 2016: 370). This is far from the truth, as revealed when speaking to individuals at both facilities.

Recreation Schedule

The recreation schedule is a violation that many people in ICE detention noted. The 2011 PBNDS guidelines state:

- “Each detainee in general population shall have access [to outdoor recreation] for at least one hour, seven days a week, at a reasonable time of day, weather permitting” (DHS 2016: 371).
- “Recreation schedules shall be provided to the detainees or posted in the facility” (DHS 2016: 371).

The men held at Torrance and Cibola consistently shared and corroborated that they are not taken outside everyday as required and, when they are, they are not given sufficient time for recreation. Mr. Cardozo Gonzalez reported, “We are allowed some yard or gym time to get out of our cells. The officers’ idea of letting us out is just about five minutes. At that point why do I even bother going outside?” **Exh. E.** The officials also take detainees outside during absurd times: a migrant from Honduras shared, “We are taken outside every 3 or 4 days instead of everyday. Sometimes they take us outside at 6 a.m. and it’s too cold.” **Exh. N.** Mr. Flores Solís shared that it is all dependent on who is watching – he explained, “For recreation, they take us outside. The number of times we go outside depends on whether people are visiting the center or if lawyers are around. When there are no visitors, they only take us outside one to three times a week for forty minutes to an hour max. When we are not taken outside, they don’t explain why.” **Exh. R.** Frequently, there are no explanations provided as to why facility staff do not take the individuals in detention outside daily. Many of the men pointed to the staffing problem that the facilities are having. The former boatman detained in Cibola explained, “The personnel of the detention center are supposed to take us outside ‘everyday,’ but when they don’t have enough staff, they don’t take us out at all, which is usually on the weekends.” **Exh. C.** There was never any mention of schedules being posted or given out to people in detention; the schedule was instead on the officials’ time.

During the time of these interviews, the temperatures in New Mexico had begun to drop. The 2011 PBNDS requires that individuals have clothing suitable for the outdoors:

- “Detainees shall have access to clothing appropriate for weather conditions” (DHS 2016: 371).

Many of the men made it clear that the clothing they are given is not fit for the weather they have to endure. Mr. Cardozo Garcia explained, “The clothing they give us is not suitable to wear outside in the cold temperatures. It makes you want to come inside right away and miss out on that recreation time.” **Exh. F.** The Venezuelan former boat worker echoed his concerns: “The clothes are not at all adequate for outside, it is really cold. Especially at the time they want to take us out.” **Exh. C.**

Recreation Specialist

There has been no effort made by the recreation specialist to meet with men at the Torrance and Cibola facilities. The 2011 PBNDS requires:

- “The recreation specialist shall assess the needs and interests of the detainees” (DHS 2016:372)

Many of the men shared that they have never been asked about their interests regarding recreation. A 42 year old Venezuelan migrant reported, “Officers have never asked us what recreational programs we would like to do.” **Exh. Q.** A 37 year old Venezuelan migrant fleeing violence from their country reiterated, “I have never been asked what recreational activities I would like to have or do.” **Exh. D.**

General Requirements

The facilities not only fail to allow recreation, but the recreation provided is not up to par with general requirements in the 2011 PBNDS guidelines:

- “Exercise areas shall offer a variety of equipment” (DHS 2016:372)
- “Dayrooms in general population housing units shall offer board games, television and other sedentary activities” (DHS 2016:372).

Mr. Bernal Sanchez shared the conditions of the gym at Cibola: “There’s a gym here but it’s practically just an empty room with the name ‘gym.’ There are two bars hung on a wall but there aren’t any other types of exercise equipment.” **Exh. J.** Mr. Flores Solís also shared his concerns involving the board and card games provided by the facility – he reported, “There is only one deck of cards in the unit for forty people. It’s not enough for all of us and problems arise because of this. People argue with one another and say things like ‘it’s my turn’ or that you have to line up to use them.” **Exh. R.** Thus, ICE and CoreCivic flagrantly violate 2011 PBNDS standards when it comes to adequate recreation time at Cibola and Torrance.

CONCLUSION

Migrants’ descriptions of the conditions at Cibola and Torrance underscore how the safety, wellbeing, and rights of individuals are put at risk by detention. ICE has long evaded accountability for such abhorrent violations of national detention standards – an outcome facilitated by flawed oversight mechanisms that consistently fail to address inhumane conditions in facilities. The migrants whose stories are shared in this report came to the U.S. in search of asylum and a better life but were met with a system that criminalizes and dehumanizes them. Mr. Rosales Gonzales shared, “I fled my country because I was scared they were going to kill me or that I would be incarcerated, but look at me here.” **Exh. P.** It is a deep injustice to continue to subject people to cruel imprisonment. The time is now to shut down Cibola County Correctional Center and Torrance County Detention Facility in New Mexico and release all individuals held at these facilities. By ending the detention of human beings, we can begin to address the undignified treatment of migrants.

ABOUT THE AUTHORS

Diana, Daisy, and Natalia are Mexican-American undergraduate students at Colorado College. The three will graduate in the Spring with Bachelors’ in Sociology.

Diana is from the Chicago area where she was raised by an immigrant mother. She is passionate about immigrants’ rights and deconstructing systems of injustice. She plans to continue engaging in related work in the future in hopes of creating a more equitable society for those she considers her community.

Daisy was born and raised in the Denver Metro area. She was brought up by her older sister from the age of six. Since her beginnings she has been impacted by the injustices that the immigration systems bring. This is the reason she has dedicated her undergraduate time being an advocate for migrant voices and allowing for their stories to be heard. She hopes to continue the work she has grown passionate about.

Natalia is from the Chicago area where she was raised in a mixed status household, experiencing first hand the complexities of immigration. Throughout her undergraduate years, she grew passionate and focused on immigration rights and social justice. She aims to continue with this work in her professional career.

Works Cited

- AIC (American Immigration Council). 2022. "Oversight of Immigration Detention: An Overview." <https://www.americanimmigrationcouncil.org/research/oversight-immigration-detention-overview>.
- AIISF (Angel Island Immigration Station Foundation). n.d. "History of Angel Island Immigration Station." San Francisco, CA: AIISF. Accessed January 2, 2024. <https://www.aiisf.org/history>.
- Altman, Heidi, and Marta Ascherio. 2020. "5 Reasons to End Immigrant Detention." Chicago IL: National Immigrant Justice Center. <https://immigrantjustice.org/research-items/policy-brief-5-reasons-end-immigrant-detention>.
- Bureau of Justice Assistance U.S. Department of Justice. 2023. "Prison Rape Elimination Act (PREA)." Accessed February 21, 2024. <https://bja.ojp.gov/program/prea/overview>
- Bruck, Robin. 2023. *PREA Audit: Subpart A DHS Immigration Detention Facilities Corrective Action Plan Final Determination*. U.S. Department of Homeland Security.
- Cenziper, Debbie, Madison Muller, Monique Beals, Rebecca Holland, and Andrew Ba Tran. 2021. "Under Trump, ICE Aggressively Recruited Sheriffs as Partners to Question and Detain Undocumented Immigrants." *The Washington Post*, November 23. <https://www.washingtonpost.com/investigations/interactive/2021/trump-ice-sheriffs-immigrants-287g/>.
- Childress, Sarah. 2014. "Obama's Immigration Plan Includes End to 'Secure Communities.'" *PBS*, November 21. <https://www.pbs.org/wgbh/frontline/article/obamas-immigration-plan-includes-end-to-secure-communities/>.
- Cho, Eunice Hyunhye. 2023. "Unchecked Growth: Private Prison Corporations and Immigration Detention, Three Years into the Biden Administration." American Civil Liberties Union. <https://www.aclu.org/news/immigrants-rights/unchecked-growth-private-prison-corporations-and-immigration-detention-three-years-into-the-biden-administration>.
- Cho, Eunice Hyunhye, Patrick Taurel, and Aditi Shah. 2021. "ICE's Detention Oversight System Needs an Overhaul." American Civil Liberties Union. <https://www.aclu.org/news/immigrants-rights/ices-detention-oversight-system-needs-an-overhaul>.
- CMS (Center for Migration Studies). 2017. "President Trump's Executive Orders on Immigration and Refugees." <https://cmsny.org/trumps-executive-orders-immigration-refugees/>.

- Cuauhtémoc, César García Hernández. 2020a. “Ellis Island Welcomed Thousands to America – But It Was Also a Detention Center.” History and Opinion, *Time*, January 1. <https://time.com/5752116/ellis-island-immigration-detention-center/>.
- Cuauhtémoc, César García Hernández. 2020b. “Opinion: The Political History of Locking Up Immigrants in the U.S.” Opinion, *Los Angeles Times*, January 5. <https://www.latimes.com/opinion/story/2020-01-05/immigrants-prisons-cold-war-era-eise nhower>
- DWN (Detention Watch Network). n.d.a “Immigration Detention 101.” Accessed January 2, 2024. <https://www.detentionwatchnetwork.org/issues/detention-101>.
- DWN (Detention Watch Network). n.d.b “Family Detention.” Accessed January 5, 2024. <https://www.detentionwatchnetwork.org/issues/family-detention>.
- Fialho, Christina and Rebecca Merton. 2017. *Sexual Abuse, Assault, and Harassment in U.S. Immigration Detention Facilities*. Community Initiatives for Visiting Immigrants in Confinement.
- FFI (Freedom For Immigrants). n.d. “A Short History of Immigration Detention.” Accessed January 2, 2024. <https://www.freedomforimmigrants.org/detention-timeline>.
- Ghosh, Smita. 2019. “How Migrant Detention Became American Policy.” Perspective, *The Washington Post*, July 19. <https://www.washingtonpost.com/outlook/2019/07/19/how-migrant-detention-became-american-policy/>.
- HRW (Human Rights Watch). n.d. “US: 20 Years of Immigrant Abuses.” New York, NY: HRW. Accessed January 3, 2024. <https://www.hrw.org/news/2016/04/25/us-20-years-immigrant-abuses>.
- Hunter, Bobby, and Victoria Yee. n.d. *Dismantle, Don’t Expand: The 1996 Immigration Laws*. NYU School of Law and Immigrant Justice Network. Accessed January 4, 2024. https://www.immigrantdefenseproject.org/wp-content/uploads/1996Laws_FINAL_Report_5.10.17.pdf.
- ICE (Immigration and Customs Enforcement). n.d. “Facility Inspections.” Accessed December 16, 2024. <https://www.ice.gov/detain/facility-inspections>.
- Kassie, Emily. 2019. “Detained: How the U.S. Built the World’s Largest Immigrant Detention System.” *The Guardian*, September 24. <https://www.theguardian.com/us-news/2019/sep/24/detained-us-largest-immigrant-detention-trump>.
- Kopan, Tal. 2017. “Trump’s Executive Orders Dramatically Expand Power of Immigration Officers.” *CNN*, January 28.

<https://www.cnn.com/2017/01/28/politics/donald-trump-immigration-detention-deportations-enforcement/index.html>.

Lind, Dara. 2016. "The Disastrous, Forgotten 1996 Law that Created Today's Immigration Problem." Explainer, *Vox*, April 28.

<https://www.vox.com/2016/4/28/11515132/iirira-clinton-immigration>.

Long, Colleen. 2023. "Title 42 Has Ended. Here's What It Did, and How U.S. Immigration Policy is Changing." *AP*, May 12.

<https://apnews.com/article/immigration-biden-border-title-42-mexico-asylum-be4e0b15b27adb9bede87b9bbebf798d>.

Misra, Tanvi, and Ariel Aberg-Riger. 2021. "'I Became A Jailer': The Origins of American Immigrant Detention." *Bloomberg*, July 20.

<https://www.bloomberg.com/news/features/2021-07-20/the-origins-of-american-immigration-detention>.

NIJC (National Immigrant Justice Center). 2019. "Toolkit: Immigration Detention Oversight and Accountability."

<https://immigrantjustice.org/research-items/toolkit-immigration-detention-oversight-and-accountability>.

Nixon, Ron. 2018. "Immigration Arrests and Deportations are Rising, I.C.E. Data Show." *The New York Times*, December 14.

<https://www.nytimes.com/2018/12/14/us/politics/illegal-immigrant-arrests-deportations-rise.html>.

PBS (Public Broadcasting Service). n.d. "Immigration and Deportation at Ellis Island." Accessed January 2, 2024.

<https://www.pbs.org/wgbh/americanexperience/features/goldman-immigration-and-deportation-ellis-island/>.

Preston, Julia. 2012. "Despite Opposition, Immigration Agency to Expand Fingerprint Program." *The New York Times*, May 11.

<https://www.nytimes.com/2012/05/12/us/ice-to-expand-secure-communities-program-in-mass-and-ny.html>.

Tan, Michael. 2015. "President Obama Wants to Continue Imprisoning Immigrant Families." American Civil Liberties Union.

<https://www.aclu.org/news/smart-justice/president-obama-wants-continue-imprisoning-immigrant-families>.

Tosh, Sarah. 2019. "Drugs, Crime, and Aggravated Felony Deportations: Moral Panic Theory and the Legal Construction of the 'Criminal Alien.'" *Critical Criminology* 27(2):329-345. doi:10.1007/s10612-019-09446-8.

- TRAC (Transactional Records Access Clearinghouse). 2024. "Immigration Detention Quick Facts." <https://trac.syr.edu/immigration/quickfacts/detention.html>.
- U.S. Department of Homeland Security (DHS). Immigration and Customs Enforcement. 2016. *Performance-Based National Detention Standards 2011*. <https://www.ice.gov/doclib/detention-standards/2011/pbnds2011r2016.pdf>.
- U.S. Department of Homeland Security (DHS). Office of Inspector General. 2018. *ICE's Inspections and Monitoring of Detention Facilities Do Not Lead to Sustained Compliance or Systemic Improvements*. <https://www.oig.dhs.gov/sites/default/files/assets/2018-06/OIG-18-67-Jun18.pdf>.
- U.S. Department of Justice (DOJ). 2012. *Prison Rape Elimination Act Prison and Jail Standards*. <https://bja.ojp.gov/sites/g/files/xyckuh186/files/media/document/PEA-Prison-Jail-Standards.pdf>

EXHIBIT ASworn Declaration of Misael Hernandez (A#241435089)

1. My name is Misael Hernandez (A#241435089). I was born on 5/13/1973 in Venezuela. I am currently detained at Cibola County Correctional Center in Milan, New Mexico.
2. I fled Venezuela because I began to suffer persecution on account of my political opinion. I was a member of the political party Voluntad Popular. This political party was in opposition to the current government. This caused the government to come after me, they began by surveilling me and following me everywhere. It soon escalated to me being beaten and locked up by la Guarda Nacional and DGC, two government entities. Soon after I was released I decided that I needed to leave for my safety. My journey for asylum began on 8/29/2023. I was able to relocate to Colombia, but soon again my safety was compromised.
3. I made my journey to the United States and went straight to the border. As soon as I crossed the border on 9/30/2023, I presented myself to Border Patrol. My case began on 10/1/2023. I was held at a Border Patrol facility for about 8 days. I then arrived at Torrance County Detention Facility on 10/9/2023. During this time, I had my Credible Fear Interview and received a negative result. I tried to appeal my case, but during court, the judge did not let me speak. My result remained negative and I am told that I will be deported.
4. I was transferred to Cibola County Correctional Center on 11/16/2023. I am currently waiting to be deported, and I am afraid of what will happen when I arrive in my home country.
5. The conditions at Cibola are bad. I know how to request medical and mental health care. It is a form that I fill out and then have to wait to be called down to the clinic. Even if it is an urgent situation they take days to give you a simple check-up. I have made a complaint about how long it takes to be seen, and it has not changed. The care I have received is bad because they don't want to take the time to find out what is wrong. It is also hard to receive care because the guards get to decide when to take you to the clinic. Oftentimes it is when the officer feels like it and we can't do anything about it.
6. When I receive dental care, it feels like they only give you a check-up when they remember. It took five days to be seen by a dental physician, and at the end of the appointment, I didn't feel like they listened to my concerns. So, I put in a grievance and that is when they did the full check-up correctly. It took me complaining to get the care I should have gotten from the beginning.
7. The food portions that are provided by the facility are very little, it amounts to the food portion you would give to a cat. A standard plate looks like the following: a sandwich with a small amount of protein on it, some slices of potato, beans, bread, butter, and a cup of juice. Sometimes there is rice, but honestly, it could pass for some soup because of how undercooked it is. There is no salt present. At times the food is so spicy to the point where I cannot eat it. The food is disgusting.
8. I learned of the grievance process through other people in detention. They walked me through everything. The facility was no help and had no information on how to do it.
9. No matter how many complaints I put in, nothing changes. There is also no response to my complaints.

Pepper Spray Incident

10. On November 18th, we were attacked by the prison officials with pepper spray. The incident began when some individuals were at the gym. There had been talk amongst the people in detention about the conditions we were living in. There was a focus on food because it is often raw and you can find nails, plastic, or hair in it.
11. Five men wanted to escalate their protests. The men wanted everyone's support, but the rest of us did not want to participate in that manner. There was disagreement on what the five individuals were doing, we begged them to stop because at the end we were all going to be punished for it.
12. Many of the officers arrived and began throwing tear gas with no warning at all. Guards and officials were also aggressive. They were screaming and speaking in their native language. They also had face masks to protect themselves.
13. I am much older, so the gas affected me a lot. Since the beginning of this incident, I was in my cell located on the first floor. As they threw the tear gas I was face down in my cell with blood gushing out of my nose. My chest hurt as I tried continuously to gasp for air and my back had a pain that I can't even describe. The gas felt so intense as there was no ventilation present in our unit.
14. As I am face down in my cell the director of the facility is the only one I recognized. I remember him calling us criminals as people were being thrown into their cells. That Saturday we were left in cells and clothes filled with residue from the gas. No medical personnel came to check on me. I was not allowed to seek medical attention until five days after the incident.
15. That Sunday they allowed us to leave our cells to eat our food only and it was straight back to being locked up in our cells. We were allowed to shower after we had lunch. During the morning of Sunday, the director came in and said some words. He said it was a new day and that the people responsible were taken care of. The facility also provided cleaning supplies, so we could clean up after them.
16. Everyone in the facility knows that we didn't all participate in the actions taken on November 18th. That is why the director tried to buy our silence on Monday when he sent us chocolates and Pepsis. There was also an inspection taking place that Monday which is why our cells were opened. During that time, we were not allowed to do anything recreational.
17. The amount of gas thrown was too much, and it was not necessary. I am still suffering from symptoms. My chest, back, and eyes still hurt as I breathe and I still frequently bleed from my nose.
18. I feel like I was punished for something that I did not participate in at all. Everything has changed for me because I never thought I would go through this type of treatment. I am terrified because I do not know when officials will commit this act again. All I do is think about it.
19. This is preliminary information that I can recall at the time of my interview with NMILC and can provide additional details and be available for interviewing by government officials.
20. I affirm that the information contained herein this statement is true and correct to the best of my abilities.
21. I affirm that this statement was read back to me in my native language of Spanish and agree to its contents.

A handwritten signature in black ink, appearing to read 'MH', is written over a horizontal line.

Misael Hernandez

Dated: 12/6/2023

EXHIBIT BSworn Declaration of Freddy Castro-Candelo (A#241445588)

1. My name is Freddy Castro-Candelo (A#241445588). I was born 03/02/1987 in Valencia, Venezuela. I am currently detained at Cibola County Correctional Center in Milan, New Mexico.
2. I left Venezuela because I have a daughter who has down syndrome. She has to get examined a lot and it is difficult to pay for those exams.
3. We used to own a bakery but we were extorted by the police for money. It was not worth working if all the money we made had to be given to the police. When I left, my sister was in charge of running the bakery but she had to sell it because she could not keep up with the payments the police wanted from her.
4. I traveled and crossed the border by myself. I ended my relationship and came here to help with the costs of treatments in Venezuela, and to escape the violence we were facing at the bakery. I left Venezuela on 09/11/2023. I crossed eight countries to get here. When we crossed the jungle on the border of Colombia and Panama, there were dead bodies on the ground.
5. I was in Mexico waiting for an answer about my CBP One appointment. I left because I got scared. I was staying at a house with other immigrants. The people who were there longer than me told me to be careful and to behave because if I didn't the lady would kidnap me. I was not sure if this was true or not but I was scared that this could happen so I left Juarez and turned myself in at the border.
6. I was detained at "la carpa" (Border Patrol tents) before getting transferred to the ICE detention centers. We were able to shower and brush our teeth every five days. They only gave us a burrito and chips for breakfast. For lunch and dinner, we either received a burrito or a sandwich, we also got chips or cookies. To cover ourselves at night we were given a paper bag. It was clean because we would clean ourselves. I was there for nine days.
7. The officers would yell at us and if you ever complained or made a claim to them, they would put you in solitary confinement. It happened to one of my cellmates, he was in there for two days. They would call every four days.
8. I was at Torrance County Detention Center in Estancia, New Mexico, at first for thirteen days. Then I was transferred here, Cibola County Correctional Center in Milan, New Mexico.
9. We can request medical assistance by filing a request through a piece of paper. They take three to four days to attend to you, whether it is urgent or not.
10. There is a psychologist and you can request to see him by filing a request on a piece of paper. I requested to see him nine days ago but I still have not been seen by him. I think there is only one psychologist that works here.
11. Sometimes we get taken outside for a little bit but it doesn't happen every day. When they do want to take us outside, they want to take us out at seven in the morning when it's very cold. Then a lot of people don't want to go outside because it is too cold. They only take us out for yard time two to three times a week for one to two hours.
12. The cells are very cold. The jacket they give us helps keep us warm. We also use the two blankets they give us to try to stay warm.
13. They give us grains and a lot of bread. For breakfast we get coffee, ground beef, which a lot of people don't like, hash browns, eggs, or tortillas. For lunch we get two pieces of

bread, two sausages, and sometimes salad and beans. On the weekends, we get cereal, milk, and bread for breakfast. Sometimes they'll repeat the meals we had for lunch for dinner. Once I found a hair in my chocolate, and today there was a sugar packet in my food, in between the dough.

14. The food is also very spicy – so spicy that we can't eat it. When I talked to an officer about it he said that it was the regional food of New Mexico and that we have to eat it. They give us very little food; if we get rice, they give us three little spoonfuls. If we get ground beef we get two little spoonfuls and two pieces of bread.
15. They give us breakfast very early at around 4:30 a.m. or 5:00 a.m. If you try to save your food for later and the officers find it, they will throw it away. It has happened to me.
16. The officers tell us to not look for lawyers because they won't do anything for us, they're just going to rob or scam us. They also tell us that if the judge already said that we will be deported there is nothing that they could do for us. Since they constantly tell us that the lawyers won't help us, I never looked because they take our hope away from us.

Pepper Spray Incident

17. I live in the Alpha unit on the first floor in cell 107.
18. The incident started because people wanted to do a hunger strike due to the conditions of the food we receive and because they wanted to talk to an officer. There was a group of four to five people who were demanding to speak with ICE or the leader about their case because they had been here for two months already. I had nothing to do with it so I locked myself in my cell. The officers were laughing at them, so the group closed the door and tied it. They wrote their demands on a piece of paper.
19. First, four officers came as a response to them. They were calling all of us names and told us that we were going to get locked up. They would pull at the door and say things but I did not fully understand them because I don't speak English. Then a group of fifteen to twenty officers came with gas masks and started throwing tear gas. They threw the gas constantly for thirty minutes. We were begging them to please stop but they continued to throw it.
20. After the gas throwing stopped, we were locked up until 11:00 a.m. the next day. A medic did not come see us until a few hours later, she was just taking our blood pressure. They didn't clean anything besides the walls and the floors. We were not able to shower until 11:00 a.m. the next day. The beds were covered in gas and so were our clothes. We had to sleep in our cells that night, without them being cleaned. A few people fainted because of the gas.
21. I have been getting headaches every day since the incident. My nose bleeds. I have asthma and I feel like it is worse now. My eyes burn. Sometimes I feel like my eyes feel better but then the pain comes back worse. I did not receive medical attention and have not looked for help because they don't help you here. I asked to see a psychologist and I have not been able to see them.
22. At 11:00 a.m. the next day an officer came to tell us that he knew we were not all delinquents and that the people who were the cause of it were taken away. We were told that it was a new day and that we should behave. It seemed like he was trying to buy us to not say anything; he later gave us a few chocolates and a Pepsi.

23. I was punished for something that I did not do. Ever since that incident I am always afraid. I can't sleep well; I don't trust anyone because I was gassed for something that I did not do and I don't know what could happen to me next.
24. The officers act as if nothing happened. They tell us things to make us afraid to speak up about what happened. They told us not to trust any lawyers because they won't help us or do anything. They say that only they have the power to change anything.
25. I did not cross eight countries to get here to be treated like this.
26. This is preliminary information that I can recall at the time of my interview with NMILC and can provide additional details and be available for interviewing by government officials.
27. I affirm that the information contained herein this statement is true and correct to the best of my abilities.
28. I affirm that this statement was read back to me in my native language of Spanish and agree to its contents.



Freddy Castro-Candelo

Dated: 12/6/2023

EXHIBIT CSworn Confidential Declaration

1. I was born on 4/4/1997 in Venezuela. I am currently detained at Cibola County Correctional Center in Milan, New Mexico.
2. My hometown is visited by many tourists. I was fortunate enough to be part of an association of boatmen that provided boating services to tourists.
3. In February of 2019, people who worked for “Cuerpo de Investigaciones Científicas Penal y Criminalísticas” (CICPC) approached me. They are used to asking boat workers to work for them to prevent inspection or even just as transportation for weapons and drugs to close-by countries. They wanted me to work for them, but I refused because I would face a serious felony if I were caught. I could face serious jail time.
4. They left after they received my answer and I made my way home. In the middle of the night they showed up to my house. They beat me and my brother, and pushed my mom away to prevent her from getting involved. I was scared not only for my life but also for my family’s life.
5. They kidnapped me and tortured me for three days. I can still clearly remember what they did to me. They tortured me until I couldn’t take it any longer. I just wanted it to stop, so I agreed to work for them.
6. They gave me the details for my first job and let me go. As soon as they let me go, I sought out the help of some friends. They were able to find me a means of transportation to get to Colombia in February of 2019.
7. Colombia is a country that makes it very difficult to find a job. It didn’t help that I did not have the correct documentation to be able to work. It was also dangerous.
8. I soon decided to leave Colombia and go to Ecuador. Soon after I arrived, I got very ill due to the effects of the torture I received. My liver was in bad shape and one of my lungs had suffered grave damage. That is why today I still struggle to breathe normally. With time I got better.
9. I went back to Venezuela in 2021, since a couple of years had passed by then. I missed my family. That would become my biggest mistake. Three days after arriving, the people who tortured me found me once again. This time I was met with a shower of bullets. I managed to get away, but one of the bullets grazed my right shoulder.
10. I returned to Ecuador from 2021 to 2023, this was my attempt to relocate. There were many organized gangs in Ecuador that had begun to kill and extort many people. They were also recruiting young men to join them. This scared me because I did not want to take the chance and be recruited or killed.
11. I had heard that I could seek asylum in the United States to wait on some type of change to happen in the Venezuelan government. That is why I left Ecuador in April of 2023.
12. I first entered the United States on June 28, 2023 and presented myself to Border Patrol. I was soon deported on July 4, 2023 with no Credible Fear Interview provided.

13. I went back to Mexico and tried to work, but the cartels were becoming dangerous. I soon presented myself to the Border Patrol once again. I was taken to “las carpas,” containers, and “las carpas” once again until I arrived at Torrance County Detention Facility. This time around I had a Credible Fear Interview and received a positive result. I did the whole asylum process and went to all my hearings while still detained, but ultimately the judge denied my asylum. I am currently at Cibola County Correctional Center appealing my case. I completed the process, I do not understand why they think I'm making it up.
14. As far as dental care I have heard that they only perform extractions. I have braces and the doctors said that they don't deal with that. They refused to give me the dental care that I needed.
15. I have asthma and it took them two weeks to get me an inhaler, with no care that I was struggling to breathe while sleeping.
16. There have been times where the food is so spicy that I can't eat any of it. I am left starving. When we made a complaint to the main person in charge all they said was, “it is always going to be Mexican food because that is just how it is.”
17. The amount of food that they give us is very little, it is not enough to make you full. It doesn't help that sometimes you find hair, plastic, and other things in the food. I have lost eight pounds while in detention.
18. You can shower whenever you want, but lately the water has been very hot. It feels like the water makes your skin burn. We told officers on 12/7/2023 about the temperature of the water. It has been a week and the temperature has not changed. My skin has become very itchy and sensitive due to this. We also can't control the temperature because it is a button that dispenses the water.
19. The toothpaste they give us doesn't clean well, I have to brush my teeth about 5 times a day.
20. I have telephone access, but I often have to fight to get a call with my lawyer. They'll say to give them a minute, but once they pay attention they just say “tomorrow.” You have to constantly be asking.
21. The personnel of the detention center are supposed to take us outside “everyday,” but when they don't have enough staff they don't take us out at all, which is usually on the weekends.
22. The officers want to take us outside at 7 or 8 in the morning, but it is unbearably cold outside. They also take us out but cut it short.
23. The clothes that the detention center provides are somewhat okay for inside, you still get cold at times. Sometimes it's really cold and the sheets and thin blanket do nothing. It's like they forget to turn on the heater. The clothes are not at all adequate for outside, it is really cold. Especially at the time they want to take us out.

Pepper Spray Incident

24. I believe it was on November 18, 2023 that all the men in unit 100A agreed to begin a hunger strike at dinner that night. There were approximately 35 people in the unit at the time.
25. We were planning on demanding changes regarding delays in deportation, lack of information from ICE officers, terrible and insufficient food, and lack of and inadequate medical services. Everyone in unit 100A was planning on participating in the hunger strike, including myself.
26. During the afternoon, a few hours before we were going to begin the strike, five individuals decided to barricade the door, tying it up with sheets, so that no one could enter unit 100A. Everyone else in the unit was trying to convince them to stop what they were doing because it was not what we all agreed to do. Everyone apart from the five people that went rogue went to their cells to distance themselves from the five individuals.
27. The five individuals continued to disrupt our plan by destroying the television by throwing a chair at it, and then put two electronic tablets in one of the microwaves in the unit and turned it on, destroying the tablets and the microwave. I was scared while they were doing this, and feared the guards were going to come and beat all of us.
28. A few other people went and helped the five men tie up the door, but then when the five men started destroying things the others went to their cells to distance themselves from the incident.
29. Approximately 20 guards came in and started spraying tear gas and pepper spray in the unit. I believe the guards were spraying both tear gas and pepper spray because there were two different colors of gas that they were spraying from two different types of tanks. The first gas they sprayed was red and burned my eyes, skin, and face. The second gas they sprayed was white and it caused me to asphyxiate, vomit, and faint.
30. All of the guards were wearing masks. The gasses completely covered me and every part of the unit. It became very hard to breathe. My eyes were burning, and my skin began to itch. I was in my cell and tried to breathe through the air vent in the wall to get some air that wasn't pure gas. It made things better for a moment, but then the air ventilation was turned off. At this moment the effect of the gasses became significantly stronger. I vomited three times and became very dizzy and fainted. My skin, eyes, and mouth were burning worse than before. When I fainted, another person in 100A saw what happened and came to help me up. This lasted for approximately one hour.
31. I am asthmatic and the gas really affected me. I also have a bad right lung from a previous motor accident, and it has to work harder to function. I was so scared and didn't know when the gas was going to go away. I didn't know if I would survive the pepper spray and tear gas attack, I was afraid I was going to die.
32. The guards took the five people that were destroying things in the unit away. I do not know where they were taken.

33. Two nurses then came into the unit to check on us, one by one. They gave us eye drops, took our blood pressure, and checked my oxygen levels. They did not ask me about how I was doing, they just assessed those issues and then moved on to the next person. I asked them for an inhaler because I was having trouble breathing, but they told me to wait. After they checked everyone, the nurses left. A few hours later someone from the medical staff brought me an inhaler.
34. The guards locked us in all our cells. We were kept locked in our cells for approximately 24 hours. We were never told that we were going to be locked up at all, let alone for 24 hours, and we were never given any documentation of what happened nor justification for being locked up.
35. The telephone lines in our unit were turned off for approximately four or five days. We were told that there were technical issues. I don't believe them, I think we were being punished and they were trying to keep us from being able to tell people outside of the detention center what was happening. I wanted to call my legal representatives to tell them what happened but I could not. I had tried to call one of them.
36. CoreCivic did not replace the destroyed microwave. There were previously two, now there is only one. CoreCivic also did not replace the tablets. There were five, and now there are only three.
37. The day of the "revolt" was awful for many reasons: (1) we did not get to move forward with our agreed upon strategy to demand our rights, (2) the fear I experienced when the five people were destroying things, (3) the terror I felt when the guards attacked us with tear gas and pepper spray, (4) the lack of communication we had to address the issues of that day, (5) the lack of communication we had to access our support communities after such a terrifying day, (6) our conditions have actually worsened since that day, and (7) I don't if there are any lasting effects from the tear gas and pepper spray. I submitted a request for medical services to review my lungs on November 27, 2023 and have not received a response to this day (December 1, 2023).
38. The tear gas and pepper spray attack was truly a terrifying experience. I am afraid that I now have more psychological trauma than when I was first put in ICE detention. I don't want to go to the psychologist because they will just give me a pill that makes me feel awful - it's just a drug that makes you sleepy and complacent. I refuse to take that drug anymore. They already had given it to me at Torrance.
39. This is preliminary information that I can recall at the time of my interview with NMILC and can provide additional details and be available for interviewing by government officials.
40. I affirm that the information contained herein this statement is true and correct to the best of my abilities.
41. I affirm that this statement was read back to me in my native language of Spanish and agree to its contents.

[Redacted signature]

Dated: 12/15/2023

EXHIBIT DSworn Confidential Declaration

1. I was born on 7/7/1987 in Venezuela. I am currently detained at Cibola County Correctional Center in Milan, New Mexico.
2. It is almost impossible to live in my country; violence is very high. I live on the border of Venezuela and Colombia and it is a very dangerous place. There is a civil war there and they have found many children cut into pieces.
3. I decided to leave Venezuela because I have two children and one of them is 15 years old. There are paramilitary/colectivos in my country and they speak to the children to try to get them to join, they make promises about many things like money. There are a lot of people in these groups. One of them spoke to my son and was promising him things. I confronted the man and fought him. I told my son not to trust these people because they do bad things and harm children. They kill many people, including children.
4. Although there was no physical abuse, they threatened me with words. They threatened to kill me if I did not allow my son to work with them. I could not go to the police, so my only choice was to escape. My son is in Colombia now. I did not have enough money to bring my children with me. I decided to come to the U.S. by myself to try to earn enough money to bring them.
5. That is what is happening in my country. There is a lot of fear in the streets and basically a narcotrafficker dictatorship, whose members have the power to punish people who speak out.
6. I entered the United States on October 13, 2023. I was in “las carpas” for eight days. From there I was transferred to Torrance County Detention Facility where I did my Credible Fear Interview, then I was transferred here (Cibola County Correctional Center). I am unclear on the dates because I lose sense of them, I believe it was about two weeks ago. There were about thirty of us who were transferred from Torrance to Cibola.
7. I did my Credible Fear Interview on October 25th, 2023 and I received my negative result on November 6th, 2023. The immigration judge reviewed my negative CFI result and upheld it on November 12, 2023. The interview was very limiting; I could only answer yes or no. There was no privacy during my interview, I could hear everyone else and what they were saying. I mentioned that if I go back, I will be imprisoned but nobody cares about that.
8. I have never sought medical attention because there is no point. Why would I request attention if someone who had very swollen eyes, whose throat and molar hurt, and who is very allergic to the pepper spray did not receive any medical attention until eight to fifteen days after his request, even though he would put in a request every single day. Instead, someone else who had eye drops from Torrance gave them to him.
9. When I first arrived at the detention center they did not do a dental exam, I have not seen a dentist since being here.
10. The only recreational activity we have access to is being taken outside. They give us a ball to play with. We ask to be taken outside everyday but they don't always take us out. They only let us out three times a week for about an hour. On Sundays we don't get taken outside because there are not enough officers.

11. They give us breakfast around 4:30 or 5:00 in the morning, lunch at 12 p.m., and dinner at 4:30 or 5:00 p.m. We get hungry in between meals. If you work and have money, you can buy maruchan or cookies and eat them whenever. If you don't have money you will be hungry until the next meal.
12. We are supposed to get 13 free calls that are ten minutes long each week. There are times when I only get 10, 11, or 12 calls. One time I was talking about the conditions and the mistreatment I've experienced and they cut my call.
13. The only recreational activities we have access to is being taken outside. They give us a ball to play with. We ask to be taken outside everyday but they don't always take us out. They only let us out three times a week for about an hour. On Sundays we don't get taken outside because there are not enough officers. The officers give us an explanation when they don't take us outside. They tell us it's either because of the snow or because there's not enough officers.
14. If they take us outside and we tell them that it is too cold and ask to be brought back inside they take 40 minutes to an hour to do so.
15. There are no educational classes or sobriety programs.
16. There is no gym. There's a room with a standing tube and to play basketball but that is not a gym. At most, we get taken four days a week for about an hour.
17. I have never been asked what recreational activities I would like to have or do.

Pepper Spray Incident

18. I cannot recall the exact date of the incident because time is very disorienting in detention.
19. We had a small meal in the morning and then were taken outside. Some people were doing and cutting their own hair. While we were outside, some people had an argument and an issue. The guards took us back to the unit as a result.
20. In the unit, there were a few people complaining about our meal portions. They were saying that the portions were too small and that they were starving. The guard was arguing with them. The individuals got mad and started yelling. They closed the unit doors.
21. About eighteen to twenty guards came and started spraying pepper spray into the cell. There are three entry doors to the unit, and they sprayed by all three. The entire unit was sprayed. Since the cells are small rooms, the pepper spray got everywhere. My cell is #101, it's two or three meters from where they were spraying the pepper. Nobody was aggressive to the guards, but they responded by spraying. When they sprayed the pepper spray, I couldn't see. I was just holding my breath and trying to close my eyes to protect them. After they did that, they took us to a smaller cell. I was one of the most impacted, along with those in cells #101 through #109 because we are the closest to the doors.
22. I was suffering all night. The gas got into the cells. Even when they removed the gas, it was still everywhere. It was on the covers, the bed, and our clothing. It was hard to see and breathe. The only way to remove the gas was to change everything but we weren't able to do that. I had to sleep in the same cell that night.
23. I had no access to a shower and was not able to remove the chemicals from my skin. They locked us in our unit and did not allow us to leave until the next day, and that was when we showered.

24. About two hours after the incident, a nurse came to see us. They offered us some water to clean our face. Before that, many people were rubbing and scraping their eyes because of the chemical. Some people are still being treated with cream for the burns and their swollen eyes. I felt the sensation from the gas on my eyes and throat and I could not breathe or drink all night.
25. I have only seen one of the five men here at the center, I think the other four were deported.
26. This is preliminary information that I can recall at the time of my interview with NMILC and can provide additional details and be available for interviewing by government officials.
27. I affirm that the information contained herein this statement is true and correct to the best of my abilities.
28. I affirm that this statement was read back to me in my native language of Spanish and agree to its contents.

A black rectangular redaction box covering the signature of the person who made the statement.

Dated: 12/15/2023

EXHIBIT ESworn Declaration of Nimrod Cardozo Gonzalez (A#241445566)

1. My name is Nimrod Cardozo Gonzalez (A#241445566). I was born on 8/14/1987 in Venezuela. I am currently detained at Cibola County Correctional Center in Milan, New Mexico.
2. I left Venezuela because a criminal group kidnapped and tortured me due to incidents related to my work in the country. I reported their crimes to the police, but they said they could not protect me against the criminal group. There are many police who work with the criminal groups to extort people, and the other police are powerless to stop them. I knew I would not be safe in Venezuela if I stayed.
3. My journey to the United States began in August 2023. I went through Central American countries until I reached the border. While in Mexico, I was robbed by a cartel. I immediately presented myself at the border to officials.
4. I first entered the United States on 10/21/2023. For nine days I remained in a Border Patrol facility. I arrived at Torrance County Detention Facility on 10/30/2023. Two days after I arrived at Torrance, I was scheduled for a Credible Fear Interview. I received no orientation on what the Credible Fear Interview was.
5. The interpreter that was provided to me could not understand me. I also struggled to talk in short phrases, my story is much longer than a couple of phrases. Some days after my interview I received a negative result.
6. I tried to appeal the decision, but the judge did not let me speak. I deserved at the very least an opportunity to fight my case. My result remained negative.
7. I was then transferred to Cibola County Correctional Center on 11/16/2023. I am now awaiting deportation. I am afraid to go back to my home country because I don't know what is waiting for me.
8. While in detention we are told to wait for ridiculous amounts of time. We have no rights to anything, at least no one has told me about them. One thing I know with certainty is that our human rights are violated.
9. The only way to communicate with our deportation officer is through a tablet, they can take up to three days to respond. My deportation officer has sent me messages saying, "Don't send me more messages, I already told you to wait." They no longer answer my questions, they dismiss me every time.
10. At times we have to use the tablets to communicate with officers in our unit, but sometimes they just grow frustrated. When I try to communicate my needs, no officer or personnel in charge of my unit speak Spanish. This makes it hard to ask for anything. Very rarely we have translators over the phone to help, but even then, they don't fully comprehend what I am saying.
11. I know how to ask for medical and mental health services. I figured it out, but even with knowing how to ask, it still takes ages to be seen by a doctor.
12. There has only been one person in my whole time in detention who came in to provide mental health services. I mean, it wasn't services. It was a presentation on mental health and what to do if you are facing different scenarios.
13. We are allowed some yard or gym time to get out of our cells. The officers' idea of letting us out is just about five minutes. At that point why do I even bother going outside?
14. The only reason the facility is clean is because we are in charge of the cleaning everywhere. The personnel don't even bother with helping.

15. There are no religious services provided. It comes from individuals, and as a unit, we usually have to come together on our own.
16. The relationship I have with guards is regular. The treatment that comes from them is dependent on how they are feeling that day. They are heavily racist, sometimes it's because you only speak Spanish. So when you ask a question, the officers just automatically want to scold you with no reasoning.
17. I am afraid for my safety because we have no information. I wonder how long I will be here because they are keeping me in detention. Some people are ready for deportation, but I cannot go back. I fear for my life if I have to go back to Venezuela.
18. The food schedule is the following: we have breakfast at 4:00 am, lunch at 11:00 am, and dinner around 4:00 pm or 4:30 pm. This causes most people to feel hungry most of the day.
19. In the morning they give us plain oatmeal, a piece of bread, and a piece of meat the size of a coin. It is not appetizing at all. For lunch they give us undercooked rice that is still hard, two small pieces of bread, and two sausages. There is no flavor present. Finally, for dinner, they give us a sandwich with really spicy meat that is unbearable and peas. We have told the kitchen that the food is too spicy. Their response was, "The people that cook are Mexican, so you are going to eat the spice that they give you." It is important to note that on the weekend we only get cereal for breakfast.
20. The portions they give are too little to be able to be healthy. It also isn't a secret that people in the kitchen throw away food at the end of the day. People in the kitchen sometimes want to give bigger portions, but the people in charge prevent it from happening.
21. The food comes with hair, nails, plastic, and so much more. The food is disgusting, but you have to make yourself eat or else you're going to die of hunger.
22. We have access to phones but we only get about five to six calls that last five minutes when it is supposed to be 13 10-minute calls. My calls are usually cut when I begin to speak to family or lawyers about the conditions we are living in. All my phone calls have been monitored.
23. I know how to put in a complaint and have done so before. Ultimately nothing was done and the conditions remained the same. At this point, I don't even bother with putting any type of complaint in.
24. I have a friend who had some family put money in his commissary account. He went to go check and the money was not there although his family had bank statements showing that the money was processed. I helped him speak to personnel, so he could get it figured out, but they said that it was the family's responsibility. To this day, that money is lost and he was unable to get the funds. We did the process the way the facility wanted and came up with nothing.
25. We have a library, but there are no legal books. There is no one working in this library and we usually have to do everything on our own.
26. We have access to hygiene products. We usually have to ask an officer for more, but they give me what I need when they feel like it. Sometimes I ask for two of something and they always only give me one. The products they do give are bad quality, they cause a lot of dandruff. There was a time when I had to beg to be allowed to go get a haircut. When it should be available when I need it.
27. The only reason the facility is clean is because we are in charge of the cleaning

everywhere. The personnel don't even bother with helping.

28. There are no religious services provided. It comes from individuals, and as a unit, we usually have to come together on our own.

Pepper Spray Incident

29. On November 18, 2023, before the incident began, the officers asked us if we would like to go outside or stay behind. I stayed behind. Sometime later, as I was watching television, an individual came in and turned it off. Five men began to seem agitated.
30. From my understanding, there was a hunger strike beginning to form. They wanted to bring awareness to the quality of food we were given. They also were tired of being in detention for so long when they had already signed deportation documents. All they wanted were answers, their reasoning was not malicious. They just wanted answers and changes to happen for their well-being.
31. As soon as I realized what these five men were doing, I went straight to my cell on the first floor which is right next to a door.
32. I had only recently been transferred to Cibola on November 16, 2023. I also noticed other recent transfers annexed themselves from the situation. A lot of people disagreed with the actions that the five individuals were taking.
33. Next thing you know there was tear gas being thrown under the door into our unit. There was no communication between officers and the five individuals before they decided to throw these gas canisters under all the doors connected to our unit. They also gave no warning that this was about to take place. The ventilation to our unit also seemed to be turned off.
34. My cell is right next to a door, so I was breathing in all the gas and my eyes began to burn with agony while officers came in well protected with gas masks.
35. 20 to 25 officers entered while yelling that we were criminals and why we didn't just stay in our country. They were aggressive and did not check on any detainees; they just locked everyone in their cells. They treated all of us as if we were participants in these actions when that is far from the truth.
36. I begged for water while others were passing out from all the pain they were experiencing. There was no medic present to help us.
37. We were left to stay in the hazardous conditions Saturday night. They did not allow us to change or clean. We were not able to seek medical attention until four or five days later.
38. On Sunday around noon, the director came to speak to us about the event that had taken place. He told us that the five individuals had been taken care of and that nothing happened. He told us it was a new day and that we were just going to start over.
39. Around 2:00 pm that Sunday they opened our cells and provided us with cleaning supplies. They were not the correct cleaning supplies because the residue from the gas stayed there for days.
40. Around 4:00 pm or 5:00 pm Sunday we were finally able to shower.
41. On Monday, the director sent us chocolates and Pepsis like he was trying to buy our silence.
42. When one of the five individuals came back from solitary, he mentioned to me that they were not feeding him while he was there. They did not allow him to shower and he had little access to the phone.

43. Five days after the incident, I was finally able to be treated by a doctor for the pain in my chest and eyes. I was better off not going because all they gave me were eye drops and nothing for my pain. The eyedrops could very well be coming from the sink.
44. To this day I still suffer from pain in my eyes. The air hitting my eyes makes them hurt. I know of five people with rashes on their faces, one with a rash on his body and face that were a result of the gas. Many from my unit also have symptoms affecting their eyes.
45. I am frustrated about the way that this was handled, we are not criminals. The only thing we did was come to the United States and seek asylum.
46. This is preliminary information that I can recall at the time of my interview with NMILC and can provide additional details and be available for interviewing by government officials.
47. I affirm that the information contained herein this statement is true and correct to the best of my abilities.
48. I affirm that this statement was read back to me in my native language of Spanish and agree to its contents.



Nimrod Cardozo Gonzalez

Dated: 12/6/2023

EXHIBIT FSworn Declaration of Elio Jose Cardozo Garcia (A#241433989)

1. My name is Elio Jose Cardozo Garcia (A#241433989). I was born on 9/28/1997 in Venezuela. I am currently detained at Cibola County Correctional Center in Milan, New Mexico.
2. I left my home country because I was threatened by an international organized crime group called “Tren de Aragua.” They wanted me to give up information about my work place, including details of how much money was coming in, where the money was kept, and the hours that people came and went. I refused to disclose this information.
3. Three months prior to being threatened, an employee from another business was killed. He received the same threat, but he went to the police. The Tren de Aragua left a sign on him saying that he was killed for being a snitch.
4. I was terrified of what would happen to me because my girlfriend had a baby on the way, so I quit my job on 12/15/2018. I was able to find a way into Colombia on 1/6/2019. This was an attempt to relocate.
5. A group called “El plan del Golfo” was going around extorting merchants and businesses. They sent out word that they were going to hold a meeting and wanted everyone there. The people who did not attend were charged 5,000 pesos. Many people did not go, so they were threatened with death. A lot of people left the country due to fear. I have proof of conversations between workers speaking about the matter. I decided to leave and start my journey of seeking asylum in the United States on 9/12/2023.
6. I went through Central American countries to get to the border in Mexico. When we went through the jungle, they took money from us. I arrived in Mexico on 9/25/2023. There, the cartel kidnapped a lot of my friends. I had no money left so I had to sleep outside. I was scared that I would be picked up by the cartel. That is why I decided to present myself to Border Patrol on 10/15/2023 at door 36. I had the hope that I would get the help that I was looking for.
7. I first arrived at the Torrance County Detention Center on 10/21/2023 and was transferred to Cibola County Correctional Center on 11/16/2023 after receiving a negative Credible Fear Interview.
8. The judge doesn’t let you fight for your case. It is hard to advocate for yourself when they just want to speak to you in English.
9. I have been waiting for more than a month for deportation. I don’t how they expect us to wait when they have already denied us asylum. Everyday you wait anxiously wondering if it will be the day you are sent back to the dangerous conditions we have lived through.
10. Whenever you put in a request it takes a long time to be seen by a medic. I once requested care and it took them a week for them to call me down for a check up.
11. The food here has no salt, is bland, and at times is so spicy that you can’t even eat it. Overall, the food is horrible.
12. The amount of food the detention center gives us is very little, it is not enough food to satisfy one’s hunger.

13. Our meal schedule is the following: 4:30 am breakfast, 11:30 am lunch, 3:00 pm to 4:00pm. Sometimes we have to hide our food so we can eat later because if not we would starve. My stomach often hurts from the hunger that I am experiencing.
14. The officers of the detention center have recently begun to threaten us. They say that if we don't listen to them they are not going to feed us.
15. Since I have not been detained before I am constantly filled with anxiety. Also due to the incident my worries have escalated. How are they able to get away with treatment like this?
16. Recently the water to shower has come out really hot and it feels like your skin is being burned off. We can't control the temperature because there is only one button to push that dispenses the water. We have told personnel and all they say is okay. We assume that they are going to fix it, but they don't.
17. The clothing they give us is not suitable to wear outside in the cold temperatures. It makes you want to come inside right away and miss out on that recreation time.
18. We have access to 13 calls each lasting 10 minutes. This is far from the reality because they often cut out our calls.
19. The phone calls are always recorded, even if you are speaking to a lawyer.
20. The personnel are supposed to take us outside every day but it is not like that. They'll want to take us outside at 7:00 am- 7:30 am, when the weather is cold.
21. When they don't take us outside it is when they are short staffed because they say that there aren't enough people to look after us.
22. When they do take us outside they usually want us to go back inside right away.
23. I know how to put in a request for medical and mental health care. It was taught to me by friends that I have made while being in detention.
24. Whenever you put in a request it takes a long time to be seen by a medic. I once requested care and it took them a week for them to call me down for a check up.
25. As far as I know there is no dental care provided in this facility or at least no one has told me about it.
26. The grievance process has not been explained to me, so I have not put in any type of complaint on paper.
27. We go directly to the main person in charge in this facility and let him know of our complaints, but he does not care at all.
28. We just have to be content with what we get.

Pepper Spray Incident

29. On Saturday, five detainees in our unit were trying to get us to engage in a demonstration so they could leave the facility. We weren't really paying attention to them, we did not want to get involved in that. They said we should start a hunger strike during a meal. Nobody really wanted to follow them. They started yelling and arguing about it.

30. Then the officers took us to our unit. The five individuals started saying that we needed to prevent the guards from coming in. They started taking the bed coverings and blankets, trying to lock the doors. We were not helping them.
31. I sat close to a door watching TV as they continued to create ruckus. I tried to ask for a unit change before this incident because I did not want to be with them.
32. A lot of guards started coming and argued with the five individuals. The 5 men were arguing, saying that they needed answers, freedom, or to be released or deported. The guards were asking what they wanted. They asked if they needed food or clothes. The men said they needed to speak with ICE, and only ICE. They needed to have freedom.
33. The five individuals put paper in the microwaves. They also threw a chair at the TV. The guards started fighting with them, and that is when they suddenly released pepper spray into our unit.
34. I went with a friend and locked myself in a unit upstairs. I couldn't breathe and felt dizzy. I felt nauseous, and at one point I actually threw up. At the beginning, I was choking a lot, so I tried to relax/stay calm, to be able to breathe a little. My eyes burned.
35. The person who was with me suffers from asthma, and passed out because of that. The guards came and said they'd treat my friend, but did not do anything to help him for several hours.
36. The 5 people who initiated the riot were locked up.
37. There was a medical personnel who came after the incident. She did a check-up, but did not say anything about needing medicine or anything. They wrote down information, but did not do anything. They just went to each cell to write our names, and after 30 minutes or more that we had asked for water, they brought us water. After that, they did not do anything else.
38. They asked if we wanted to change our clothes, but did not allow us to shower so we could remove the chemicals. We decided to change our clothes. We were locked up in these contaminated conditions until 12:00 pm the following day.
39. After the incident happened, the personnel came asking for information about who was causing the trouble. We gave them the answers.
40. Many of us were innocent, but that did not matter to the officers. We requested that they look at the cameras because we were not all responsible.
41. I am still in disbelief that the personnel and officers were able to treat us with no regard to our safety.
42. This is preliminary information that I can recall at the time of my interview with NMILC and can provide additional details and be available for interviewing by government officials.
43. I affirm that the information contained herein this statement is true and correct to the best of my abilities.
44. I affirm that this statement was read back to me in my native language of Spanish and agree to its contents.

A handwritten signature in black ink that reads "Elio Cardozo". The signature is written in a cursive style with a horizontal line underneath the name.

Elio Cardozo

Dated: 12/15/2023

EXHIBIT GSworn Declaration of Amilcar Fernando Moreno Hernandez

1. My name is Amilcar Fernando Moreno Hernandez. I was born on February 26, 2001 in Guatemala. I am currently detained at Cibola County Correctional Center in Milan, New Mexico.
2. I first entered the U.S. on November 3, 2023. I did not come out of fear or because I was being threatened in my country. Above everything, I came for financial reasons – to help my family. I wanted to have a better life for myself and for my family. Most of them are still in Guatemala, we are about 25 people.
3. At the “carpas” (Customs and Border Protection tents), I asked to be deported along with most of the other Guatemaltecos because I was scared I would be kidnapped in Juarez. I was also told at the tents that Juarez was no longer receiving any immigrants and they were not sure how long the process for asylum would take. I am no longer interested in asylum. Currently, I want to know how long it will take to be deported. The deporter told me that I will be deported this week, I hope they will take us today (12/4/2023). There are three of us who were asked for identification from Guatemala and told that we would be deported this week.
4. I spoke with other people at the Border Patrol tents who asked for deportation and they told me they were made to sign a document. They were released the day before I was moved from the tents. I don’t understand why I am still being held because I had requested to be deported since I was at the tents.
5. The day after I entered the U.S. (November 4, 2023), I was admitted into the Border Patrol tents. The following Tuesday, I was taken to Torrance where I was held without being told any information. I only knew the Credible Fear Interview would be happening at some point. Then, on November 16, they woke me up early in the morning, again without telling me what was happening. I spoke with the others who were being moved and found out they had received negative results for their CFIs and were being deported. I figured I was also about to be deported. Instead, they brought us to Cibola that same morning and I have been here ever since.
6. My understanding is that deportation officers come to Cibola twice a week, just like at Torrance. When they come, they just answer a few questions and then say they have to go. When you ask questions on the tablet, sometimes they answer the next day or after two days. So far, I have sent two requests for information. I asked how my deportation case was going and they told me they made a request to assign me a seat on a flight. Last week, I asked again if I was going to return to Guatemala this week. They told me that they assigned me a seat on the next flight. It’s possible that I will leave today (12/4/2023) but I’m not certain because they only tell me that it will happen “soon” or “on the next flight.”

7. A companion sent a question on the tablet about how his deportation case was going because his deportation officer had not shown up at the center. They sent him a response in English and we had to translate the response using another tablet.
8. They occasionally come by to replenish items but sometimes it takes a while to get what we ask for. A companion had been asking for some items for days and they only just brought it yesterday (11/30/2023). I asked for a nail cutter days ago because my nails have grown long but they haven't brought it to me. Once they told me that they didn't have one available but I know they have one. I'd like to think that it was being used in another unit and not that they chose not to give it to me.
9. I would personally like it if they provided more jackets to cover yourself at night. I used to be cold when I slept but a companion gave me his jacket that he didn't use and it helps keep me warm.
10. Yesterday (11/30/2023), they called us for a mental health appointment even though we hadn't requested it. They asked us about five questions including whether we wanted to hurt someone or if being imprisoned made us want to hurt ourselves. This was the first time they've done this at Cibola since I've been here. They did something similar at Torrance but we filled out a form with the same questions instead of speaking to someone. They had us fill out these questions twice at Torrance: once before speaking with a psychologist and once afterwards.
11. The food situation has personally been difficult to deal with. The amount of food they give us is not enough. We have asked them for more but they just tell us that the servings they give is all we get. I wish they would serve more. Not even the juice is enough. They serve it table by table so by the time they get to the last tables, there is not enough juice for everyone. In the unit, we all have to line up when they serve food, so usually there's not enough juice for the people last in line.
12. Today breakfast was at 7:00 a.m. but sometimes it's as early as 4:30 a.m., 5:00 a.m., or 6:00 a.m. At Torrance, they would sometimes wake us up at 4 a.m. and we would have to wait an hour for them to serve it at 5 in the morning. Some do eat at that time but others don't because we're not hungry so we sometimes save the food to eat later. Lunch is usually around 11pm or 12pm and dinner is at 3pm or 4pm. I keep one item of food from each meal to eat around 10pm because I get hungry after the last meal has been served. Others save food as well, we just make sure to eat it all when inspections happen, otherwise they throw it out.
13. One time a staff member came by and asked if we had any complaints. He took them down but we didn't know what became of them after this, we didn't hear anything back. It seems like they don't really respond to our complaints.
14. From my understanding, the video calls are not worth it. You have to purchase credit on the tablet to be able to use it. I've heard that it's about 70¢ for 30 seconds. So you can only call your family because they don't allow any in-person visits. This is what makes me sad – not being able to see anyone in my family.

Pepper Spray Incident

1. I was at the gym when the guards told us to leave. Back in the unit, some people began to talk about doing a hunger strike. Us Guatemalans didn't want to join because we didn't want to go hungry. Five people began to use sheets to tie the doors, they said no one would go in or out. They covered the windows so the guards couldn't see in. Some people wet paper towels and a tall, athletic man threw them at the cameras to cover them. Once the cameras were covered, my understanding is that other people began to participate in disorderly behavior. One of the men who was recently deported threw a chair at the TV and it broke. They also attempted to make a fire by putting paper in the microwave but it only smoked. They turned off the sprinkler system so they wouldn't get wet if it was activated.
2. While this was happening, I was on the second floor. I only came down to grab shampoo because I needed some but then I went back up. I couldn't get into my cell because my cellmates closed it so I had to go a friend's (cell #202).
3. I think the manager pried the door open with some type of tool and approximately 15 guards entered the unit. I saw two or three guards carrying a tank of pepper spray. They released the gas on the first floor by the door. We began to go up to the air vents to get fresh air because it became hard to breathe and our throats burned, but they turned it off maybe five minutes after the guards entered with the pepper spray so that it would stay enclosed in the room.
4. A few days after the incident, my nose began to bleed and continues to bleed today (12/1/2023). One of my companions is also experiencing nosebleeds. I've chosen not to request medication or medical assistance because I'm worried it could affect my case. From what I've seen, if I request medical attention, it could come 15 days from now. I don't want them to keep me here because of that.
5. After the incident, they provided medical attention. My head had begun to hurt and I tried to let the medics know when they came around a second time, but they didn't speak Spanish so they didn't understand. They asked me if I needed something and I requested medicine for my headache but they didn't give me anything, probably because they didn't understand me. They didn't provide any type of translation services, and still haven't.
6. After the incident, they took out the pepper spray from the room and sent one or two people to clean. Not all of it was removed because when we ate breakfast at the tables in the unit the next morning, some people touched the tables and then their eyes and their eyes began to water, so there was still some residue from the pepper spray.
7. Around 10am the next day, the person I think is the owner came to tell us that today was a new day and we should forget what happened. After this, they let us out. We had been locked in since 6 p.m. after the incident and had to sleep in our cells.
8. This is preliminary information that I can recall at the time of my interview with NMILC and can provide additional details and be available for interviewing by government officials.

9. I affirm that the information contained herein this statement is true and correct to the best of my abilities.
10. I affirm that this statement was read back to me in my native language of Spanish and agree to its contents.

Dated: 12/4/2023

EXHIBIT HSworn Declaration of Daniel Jose Fernandez-Orellano (A#241444065)

1. My name is Daniel Jose Fernandez-Orellano (A#241444065). I was born on 10/19/1988 in Trujillo, Venezuela. I am currently detained at Cibola County Correctional Center in Milan, New Mexico.
2. I was in the military in Venezuela, but I quit because I did not agree with the decisions being made by my government. After I left, government officials kept looking for me and I had to constantly change states to avoid being detained, tortured, and killed for deserting the military.
3. When I was hiding in Tachira, Venezuela, on or around October 2017, three police officers belonging to the CICPC told me that the army was looking for me. They kidnapped me for three days. After I escaped, I fled Venezuela. I attempted to live in other countries, but was not able to live safely elsewhere either.
4. When I was taken to my Credible Fear Interview at Torrance, I was not told what was happening. Because I did not believe what I was saying would be kept confidential, and because the interview rooms do not have privacy, I did not tell them things about my government. I was afraid that somehow the Venezuelan government would learn what I said. Other people who received CFIs with me that day were also Venezuelan, and they could hear what I was saying to the interviewer. I did say that I was kidnapped during my interview, and the guy next to me later used it to make fun of me afterwards. I could not have gone into even more detail during my interview given the lack of privacy.
5. I was at Torrance County Detention Center for fifteen days. Then I was transferred to Cibola County Correctional Center.
6. The conditions are very bad here. We get taken outside to the yard and get to go to the gym but since I have been sick, I have not gone. I stay far away from the prison officials and don't bother them unless I need something. Yesterday (11/30/2023) I had an issue with one of the officers. When the officer arrived during breakfast I asked if I could get a little bit more coffee or milk, he started yelling in English and I didn't understand him. All I wanted was a little bit more coffee and he responded by yelling.

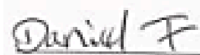
Pepper Spray Incident

7. I live in the unit named Alpha-100 on the second floor in cell 201, I am close to the entrances. On or around November 18, prison officials sprayed pepper spray into my unit.
8. Earlier that day at the gym, some people were talking about going on a hunger strike due to the food we get and because of the time they've been detained. Some of the people already have their order of deportation and have been locked up for one to two months, but some people can spend even more time being locked up.
9. I was in my cell when something happened in the gym. Then a group of 5 people came to the unit and said they wanted to protest. I believe it was two people who had been locked up for two months and three people who had just been transferred there from Torrance a week ago. They started yelling that they wanted to leave and that they wanted to be deported. They also protested the food, calling out the poor quality and low quantity. There have been incidents of a cellmate finding hair in his food, another incident of someone finding a piece of nail in a piece of chocolate, and another one where there was a piece of plastic in their food. They also don't give us enough portions. We had told the

captain about the portions and he said that the portions we have been receiving is what we get. We are always hungry.

10. All they wanted was to talk to someone, an ICE officer, but no one showed up. They just wanted to talk about the food and their deportation. Since no one showed up they got frustrated and started to throw things and burning pieces of paper by putting them in the microwave. I disagreed with those tactics and distanced myself.
11. Then the captain or some high-level official arrived and opened the door. He did not say anything, instead many officers came in and started throwing the gas. I could hear people screaming. They threw a lot of canisters because you could hear when they would hit the floor and when it would start pouring gas.
12. There were around 27 to 28 of us in the unit who were affected by the gas. There was an older man that was approximately 52 who was affected. My cell was near the entrance so I was also affected a lot by the gas. My eyes and throat were burning. I was not doing anything wrong, but I was punished.
13. I had been perfectly healthy before that day but since the incident I've been dealing with a cold and my eyes burn. Sometimes the stinging disappears but it comes back within a week and it comes back worse.
14. The prison officials don't even give you enough food to have strength to defend yourself and they tell you that you don't have a right to a lawyer because you're being deported. I feel hopeless in this situation.
15. It was not until several hours after the incident, maybe four or five hours, that medical personnel arrived in the unit. All they did was take people's blood pressure. I believe the incident happened around 8:00 p.m. or 8:30 p.m. but we did not see medical personnel until 12:30 a.m. or 1:00 a.m.
16. They kept us locked up until approximately 11:00 a.m. the next day. We were not able to shower until then, that is the first thing we did. Everything was covered in gas. I touched the table and my eye got itchy so I went to rub it and it started to sting again.
17. The next day at 11:00 a.m. the captain or warden came and told us that it was a new day and that nothing happened. He told us that he knew we weren't all delinquents and those that had anything to do with this were already taken away. He said that we could start from zero and that if we behaved, they would bring us chocolates and a Pepsi the next day.
18. You can put in a medical and mental health request through a piece of paper. I put in a request for a psychologist, she came to see me today (12/1/2023) but she saw that my eyes were all red and told me that she couldn't see me today and that she'll be back on Monday. Even though when I wrote to her on 11/29/2023 I said that it was urgent that I speak with her because of what I'm going through.
19. For medical assistance, I put in a request because my eyes were bothering me. They gave me ointment to put around my eyes but it did not help and it was the only thing they gave me. On 11/30/2023 I put in another request to be seen and I am now waiting for them to see me.
20. This is preliminary information that I can recall at the time of my interview with NMILC and can provide additional details and be available for interviewing by government officials.
21. I affirm that the information contained herein this statement is true and correct to the best of my abilities.

22. I affirm that this statement was read back to me in my native language of Spanish and agree to its contents.

A handwritten signature in black ink that reads "Daniel F." is written over a light pink rectangular background.

Daniel Jose Fernandez-Orellano

Dated: 12/6/2023

EXHIBIT IDeclaration of Jairo Alberto Bonilla-Gomez (A#241446099)

1. My name is Jairo Alberto Bonilla-Gomez (A#241446099). I was born in October 1995 in El Salvador. I am currently detained at the Cibola County Correctional Center in Milan, New Mexico.
2. In my country, there are a lot of criminal groups. I feel threatened by them. You leave for work and see other people being assaulted. I feared that this would happen to me so I left the country.
3. The only crime I've committed is illegally crossing the border. This is the first time I am detained. It makes me feel bad that I'm going to be deported. I live in fear and insecurity because I feel that something bad will happen to me back in my country, like getting kidnapped or locked up, all because of where I live.
4. I'm not sure how to request medical attention but I know several people who have tried to and it took two or three days for them to be seen. They attend to you when they feel like it, not when you need it.
5. They take us outside to the court but they don't even give us a ball or anything so really it's just to get some sunlight. Sometimes I stay inside. I am already depressed and going outside and seeing just how locked up I am with all the fences and barbed wire depresses me even more.
6. There are board games but I really don't feel comfortable using them. I've never been in a place like this before, I'm not used to it.
7. Everyone cleans their own cells, it's not like a cleaning team comes in. Some spaces are very disorganized and dirty – you don't feel good in these conditions because the mess affects you.
8. Some of the officials are somewhat good but others treat you badly and I feel uncomfortable around them.
9. I have access to personal hygiene products but I run out of them and it can be hard to replenish them. I am almost out of soap and have asked the staff for more but they tell me to wait. They only bring it when they feel like it or think to, not when I need it.
10. There are work programs like cleaning and in the kitchen. I have asked to work in the kitchen but they've told me no so it's as if there aren't any. I want to work so that I can be distracted from being locked up for a while but they tell me that there aren't any programs. I know there are people who work these jobs, I don't know why they give them to some but not to others.
11. The food here is terrible. They give us small portions and it is very spicy. The spice hurts our stomachs and can cause gastritis. Sometimes they give us something that looks like butter or lard. Most people don't eat and we go hungry. I have found pieces of plastic in the food, they aren't careful when preparing it. Sometimes the food is raw. The other day, they served rice and it was hard, so it wasn't cooked fully. That's dangerous.
12. There isn't really a schedule for meals. Sometimes breakfast is at 4 a.m. and lunch is anywhere between 11 a.m. and 2 p.m. I'm not hungry at all that early in the morning.

Sometimes I'll save food for later but they tell us not to. They get upset at us and tell us that the food is to be eaten at the time they serve it. Sometimes I drink water to get rid of the hunger. There's not much food you can buy.

13. The first day I arrived, I had to drink from where we wash our hands in the cell. I was very thirsty and asked for water but it never came so I had to drink from there.
14. Being closed up psychologically kills you. You come here escaping the dangers in your country and find yourself in a worse situation.
15. The access to phones is poor. Sometimes calls are cut. We are supposed to have 13 calls per week but sometimes they take away calls. At Torrance, I could only make three or four calls a week sometimes. I spoke to someone about this and their response was that us immigrants just complain about what we are given.
16. The majority of the staff only speak English. When I try to communicate through gestures and signs, they don't always try to understand me. They just tell me "no Spanish" and walk away.

Pepper Spray Incident

1. We were in the gym and the guards said our time was up so we began to go back to our cells. About five people didn't want to go back and returned acting aggressively. They began to tie the doors with blankets because they didn't want people to enter or exit. This group of people wanted to go on a hunger strike because of the small portions they serve and how spicy it is. We had previously spoken with the director about this but they told us that what they provide is what we get. They said it was the norm for an immigrant. I was interested in joining the hunger strike because it could have improved the food situation for all of us.
2. When some people began to protest, I went back to my cell (#102) on the first floor to lay down. At some point, at least eight or nine guards entered and released pepper spray. It spread everywhere and became hard to breathe. The guards came in protected with masks but we didn't have anything to protect ourselves. I tried to cover myself with blankets to breathe better but I could still feel the strong effect of the pepper spray. I couldn't get up because it was so strong. I felt pressure on my chest and my eyes and throat burned.
3. After the incident, they provided medical attention. By then, we had already experienced difficulty breathing and a burning sensation in our eyes. We didn't receive help when we needed it the most. When the medics came, they only checked our pressure. They didn't ask us if we needed anything else. We weren't allowed to shower until the next day.
4. After the incident, the people who work in the cleaning crew were sent to clean but they didn't clean thoroughly. Some people burned their eyes after touching the tables in the room, even though they had supposedly cleaned already. They locked us in and we had to sleep there overnight.

5. My eyes still sting and I have a dry cough. I didn't experience this before so I think it's due to the pepper spray. I haven't requested medical attention because sometimes they don't even bother to check up on you.
6. The next day, an official came and said it was a new day and we should act like nothing had happened. He gave us pieces of chocolate. I'm worried that something like this will happen again, it makes me feel nervous.

EXHIBIT JSworn Declaration of Jhonny Jose Bernal Sanchez (A#241445565)

1. My name is Jhonny Jose Bernal Sanchez (A#241445565). I was born on June 28, 1987 in Venezuela. I am currently detained at the Cibola County Correctional Center in Milan, New Mexico.
2. I am from a very dangerous neighborhood in Caracas. There are many criminals there. They kill a lot of people every day and there are shootings every night. Gangs rob and extort people. The gangs work with the government; they pay them off so that the government won't do anything to them. The government even sells weapons to the gangs.
3. When I would go to the market on weekends, members of the Colectivos would stand on the stairs to extort money from people. Sometimes they extorted me on weekends and at night. One time I had no money and they stole my motorcycle and stabbed me. I have a scar on my back from this. They split three of my teeth and I lost them. I have prosthetic teeth in the front of my mouth because of this attack. They kicked me and now I have two damaged ribs. If I raise my arms, you can see the wounds on my ribs. I have this as evidence on my body. They also broke my nose and I had to stitch it.
4. I worked as a taxi driver in Caracas. I would sometimes transport a woman who would go out with people in the Colectivos. They thought I was sexually attracted to her, so that may have been a motive for the attack as well.
5. I was not able to do anything about the attack because the gang works with the government, so I couldn't report it. They threatened me with death if I went to the police. They have all of my motorcycle documents with my information.
6. I am fearful of going back to Venezuela. I will be killed. I betrayed the country.
7. I first entered the U.S. on October 21, 2023. I was in "la hielera" for nine days and then taken to Torrance for 21 days before being brought here to Cibola. At the border, they didn't explain to me what the process is for seeking asylum or that you will be held at detention centers.
8. I had my Credible Fear Interview around November 1st or 2nd at Torrance. The interview was very unfair. The official only asked me yes or no questions. There were few opportunities to explain the situation. I had to wait a long time for the results.
9. The deportation officer only comes once a month and tells us that we have to be patient as we wait for our deportation. She says that we are not the only ones waiting, that there are 6,000 people ahead of us waiting for a flight.
10. When I send questions to the deportation officer on the tablet, it takes about 15 days to receive an answer rather than answering the day after a question is submitted. They also
11. To request medical attention, you fill out a form and submit it to a guard, but you have to make two or three requests in order for them to attend to you. I once sought medical care because I had what I thought was gastritis due to the spicy food and acidic juice they give us. I had to send four requests and wait a week to be seen. They gave me medicine once they finally saw me, but it was too late by then. I had already spent many nights without being able to sleep.

12. At Torrance, mental health services were available, but they were not helpful. At the time, I was depressed. Everything bothered me, and I was anxious to get out. They gave me pills to sleep but that was the extent of it. That is not what I needed at the moment.
13. I have visited the library here and checked out a bible but most of the books are in English.
14. I have been here at Cibola for a month and have never heard of religious services being offered but would be interested in participating in an Evangelical Christian service.
15. There's a gym here but it's practically just an empty room with the name "gym." There are two bars hung on a wall but there aren't any other types of exercise equipment like weights.
16. We are in charge of cleaning. I work in a cleaning job and get paid \$15 per week. This is not a dignified salary.
17. Starting around 7:00 p.m. yesterday (12/14/2023), we didn't have access to water for five hours. We asked the guards for some but they didn't bring us any. Instead, they were laughing and drinking water within our sight. They finally brought some water around midnight. They always mistreat us. The least they could do is give us water if they are not going to give us enough food. Last night we decided as a unit that we would refuse to eat breakfast this morning. They sent a woman to file a complaint for us. We gave her the names of the officials who didn't bring us water and she told us she would take care of it. She also brought us two jugs of water around 9:00 a.m. this morning.
18. You can shower whenever you want but only hot water comes out and it burns me. It's been like this since we got here. We mentioned this to the staff but they haven't done anything about it.
19. Six out of the seven days of the week, breakfast is served at 5:00am (rarely at 7:00am), lunch is at 11:00am, and dinner is at 4:30pm. On Sundays, the food schedule is a bit different; breakfast is at 5:00am, lunch is at 11:30am, and dinner is at 3:30pm. I get hungry after this last meal and sometimes buy food but it's mostly snacks like cookies or food like instant noodles and sardines.

Pepper Spray Incident

1. It all started because the men were asking for answers to their cases; they did not want to spend Christmas locked in. They were also saying they were receiving an inadequate amount of food that was bad quality. There was even a hair in their food, and it looked inedible. If the guards were going to treat people that way, it was better to just deport them.
2. Three or four people started to discuss locking the doors and doing a hunger strike because we hadn't been given any information in a long time. They had tied sheets around the doors. The guards tried to open the doors but were unable to. They also tried to communicate with the people inside to get them to open the doors. Eventually 20 to 30

guards entered with masks and sprayed tear gas. They came in and verbally assaulted the people that were there; they were yelling at us.

3. I closed myself in the cell (#103) with my cellmate and another person who went in there with us. That was a mistake, because we were on the first floor, and they had pepper spray on that floor. The pepper spray was bad for my lungs and irritated them. It was difficult to breathe, both in the daytime and at night. One of the guards turned off the ventilation, so the pepper spray just sat in the room. The next day, I woke up with a white crust on my eyes and it was difficult to open them. My eyes burned, as if they had sand inside them.
4. The first two days, my chest hurt and my nose was irritated whenever I took a breath. These past few days, it has gotten better. I like to exercise so I had been jogging on the days after the pepper spray incident and my lungs no longer hurt. However, my nose is still irritated and bleeds, including today (12/13/2023).
5. They closed us in our cells, until the next day. We had to sleep in the cell without it being cleaned. The same day, at night, they brought a group to clean, but they only cleaned the floor and picked up the trash. No one cleaned the cell.
6. We were not the ones who did anything, but we were treated like we did something bad. The next day, they let us out for breakfast around 9:00 a.m. They then locked us in our cells again sometime between 10:00 a.m. and 11:00 a.m. until the captain came. He told us “nothing happened here, today is a new day,” and gave us chocolates, treating us like kids.
7. On the night of the day of the incident, we were given eye drops but they didn't help me. This was the only time we were offered medical assistance until this past Sunday (12/10/2023) – three weeks after the incident. That’s when they finally gave an inhaler to one of my companions who has asthma and has been having difficulty breathing well since the incident. I think this is due to the complaint that the lawyer submitted.
8. The men who were causing the issues were taken out of the unit, away from the pepper spray. We were left in the unit, continuing to suffer from the chemicals. I am scared this will happen again. I feel like I am serving a criminal sentence for crossing the border.
9. This is preliminary information that I can recall at the time of my interview with NMILC and can provide additional details and be available for interviewing by government officials.
10. I affirm that the information contained herein this statement is true and correct to the best of my abilities.
11. I affirm that this statement was read back to me in my native language of Spanish and agree to its contents.

Jhonny JB

Jhonny Jose Bernal Sanchez

Dated: 12/15/2023

EXHIBIT KSworn Confidential Declaration

1. I was born on 9/04/2001, in Venezuela. I am currently detained at Tarrant County Detention Facility in Estancia, New Mexico.
2. I have been through so many different things in my life, I never imagined that in my life I would be locked up. I am a good person.
3. My mother worked with many politicians and had close ties to the Venezuelan government. The amount my mother was paid was not enough to make a living in our country. My mother couldn't just quit and find another job. She had to seek refuge in Colombia if she wanted to sever ties with our government. She soon was able to relocate to Colombia while the rest of our family stayed in Venezuela.
4. When my mother left, the government decided to charge her with betraying her government. Soon everyone in the town we lived in found out what my mother was charged with.
5. The people from the town were trying to extort us for the little money we had left for food. We no longer could live our lives without someone coming after us. I remember them attacking me and taking my money. They would also often threaten to lock my family up.
6. I couldn't take it anymore. I sold my motorcycle and sought help from my mother to be able to get to Colombia.
7. Once in Colombia I kept to myself and worked to be able to bring in some money to help my mother and sister. Ultimately it was not enough money to provide, we were living through impoverished times. The family left in Venezuela also continued living through the same conditions. We needed help and that was what I was going to get for my family.
8. I am also homosexual, something that I have had to keep a secret. I met my partner in Colombia, they would become my travel partner to the United States.
9. We went through the Central American countries all by foot.
10. When I went through the jungle I was met with dead bodies everywhere.
11. In Panama I was going to receive some money from my family to continue with my journey, but the people withdrawing it for me took money from me.
12. In Guatemala and Honduras I experienced extortion, they wanted money so that they would allow me to continue my journey. They would ask for 400 pesos and I would only give 100 pesos. In return I would receive mistreatment, but it would prevent them from giving me to immigration officials.
13. In Mexico it was no different. At that point I had been walking for about seven days and had run out of money. In Mexico City I was separated from my partner as we boarded a train. The immigration officials from Mexico were on the train. All I could do was run, but I soon realized that my partner had been caught by them.

14. I was alone with no money and slept on the streets even after being warned by everyone about the dangers I could face. By the grace of god I had gone through all these obstacles, protected.
15. I soon presented myself to the border patrol to seek asylum on November 4, 2023. I needed help, I couldn't continue to be extorted. I was not ready for what was to come.
16. I don't want the nicest cars, houses, or mountains of money. I just want to be given due process.
17. I experience pain in my ribs and spine because of past injuries. [The medics] gave me pills for the pain in my ribs and spine... I went to refill the medicine and they told me I'm not in the system anymore and would not get more. When I requested more medicine, they told me to get out. They make it seem like you are bothering them. If you continue to ask them, they put you in the cold room (isolation room).
18. If you say you are depressed, they take you to the cold room (isolation room) and leave you there alone because they think you are crazy. When they took me there, I wasn't crazy, nor did I feel like I wanted to hurt someone. A man from Guatemala was put in there once too. They said he was crazy and gave him medicine, but he wasn't crazy. What happens is that you start to think about being locked up and it affects you.
19. When you file a complaint, no one responds, or they address it when they feel like it.
20. I don't have access to my legal documents.
21. On November 15, I was sexually assaulted by my cellmate early in the morning. I didn't want to say anything about what happened to me because I was very scared. He told me he would stab me in the neck with the utensils we were given if I said something. This is the worst thing that has ever happened to me.
22. After the incident, the assaulter and I were called together for some sort of interview. He would stare at me but I wouldn't meet his gaze. They put us all in a room together and I was going to tell the deportation officer about what had happened. No one had ever explained anything to me about reporting sexual assault, so I didn't know if I should tell an official or not. As I was leaving the interview, I decided to tell one of the officers about the assault because I couldn't stay in that situation.
23. The investigator asked me why I hadn't done anything to defend myself when the assault happened, like hit the person. I told her I'm not the kind of person to do that. I mentioned that I just needed a hug from my mom and the woman told me a hug wouldn't fix the situation or help me forget what happened. This was hurtful to me because my mom has always been there for me to help. When I mentioned the injury the assaulter caused on my abdomen using a utensil, she made it seem like I had done it to myself.
24. I was told that the assaulter would be taken before a judge and the judge would decide what would be done with him. They asked me if I wanted to press charges but I said no, I'm not the kind of person who wishes harm onto others. I just told the officers to take their necessary precautionary measures and do what they thought was best. I just wanted to make sure he did not hurt me again, and that he was separated from me. Plus, my mom and my sister tell me I should leave it in God's hands. My sister had gone through a similar experience back in Venezuela. She had reported the assault but nothing came of it.

25. The same day of the assault (November 15), they sent me to take tests at the doctor's office and to take down information. In one of the tests, they used a blue chemical that showed there was blood on me. The doctor told me this was evidence that I had been abused. When I asked an officer if the photo of these test results would be used for something, they didn't answer me. For other tests I took, I wasn't told whether the results were positive or negative or what they did or did not detect.
26. A sock that was relevant to the incident was not left at the lab, even though a medic said it should stay there. Officials put it in a plastic bag and took it someplace else. I asked the officer why they didn't leave the sock there but she did not want to explain anything to me.
27. After the medical exams, I was put in a very cold room by myself. I don't know why they would isolate me while I was feeling depressed; that's not what I needed at that moment. I was held there from approximately 9 p.m. on the day of the assault until 2 p.m. the following day. They didn't bring me anything except for a green blanket that didn't help keep me warm.
28. I was crying in the cold room when a woman who speaks Spanish heard me and was able to communicate with the officials on my behalf to request that I be returned to the unit. There, I could distract myself by watching TV and talking with my companions. So they moved me out of the room. I was very hungry by this time and asked for something to eat.
29. I was moved to unit 8C and last I knew, the assaulter was moved to 8A. I have only seen him once since the incident. I was on my way to the Know Your Rights presentation and had to pass by him. I walked by quickly and turned my head the other way so I wouldn't have to see him. It made me feel bad, like my heart would burst out of my chest. I'm not sure if the individual is still in the same unit as me or not.
30. I visited the detention center's psychologist three or four times but then didn't hear back from them for future appointments. I then switched to see a psychologist that my lawyer connected me with. I am not okay. I have been feeling very alone and depressed. My head hurts when I think about what happened and I don't feel like eating. I am not the same person as when I first arrived at Torrance. I used to laugh and talk with my companions and participate in recreation. Now my companions ask me why I no longer talk or go outside. My dreams and joy were taken away by what happened.
31. A couple days ago, I was told to sign a document, but no one explained what it was. I was only told that it would help me, but I decided not to sign it. I am worried that it may have said that there was no harm done to me. The document had percentages, maybe from a medical exam. It said that I had a 51% and the assaulter had a 49%. I haven't been kept informed about what the detention center is doing regarding the assault.
32. Before the incident, a man had been watching me while I used the bathroom. I reported it to a guard, and they said they would remove the person from the unit but they never did anything about it. This is what makes me feel like they won't do anything about the

assault. What they're doing to me is an injustice. I told the therapist about the person who would watch me but she made it sound like it wasn't relevant and that this person couldn't do anything to me but it made me feel like something bad could happen to me.

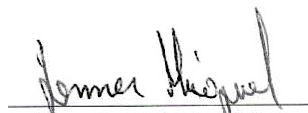
EXHIBIT LSworn Declaration of Lenner Miguel Brito Salazar (A#246857088)

1. My name is Lenner Miguel Brito Salazar (A246-857-088). I was born on September 9, 1992 in Venezuela. I am currently detained at the Cibola County Correctional Center in Milan, New Mexico.
2. I worked for the government in Venezuela and didn't do what they wanted me to do. I refused to participate in elections, marches, and other events the government organized.
3. They began to persecute me and wanted to kill me. I was kidnapped for three days by the police. During this time, they fractured my leg and tortured me. They released me so I could go to a hospital but they planned to persecute me again afterwards and then disappear me. This is what they do to people in Venezuela. I was scared to stay in the country and had to leave to come to the United States.
4. I first entered the United States on June 25, 2023. I turned myself into immigration but they still accuse you of illegally entering the country. They turn this around on you even though they are the ones who open their doors to receive you. At the border, you are not given information about the asylum process. I thought they were going to release me and that I would have the opportunity to find a lawyer or figure out a way to help myself. I have been locked up for far too long and it has greatly impacted me. Some days I wake up feeling very affected. I feel that coming to the U.S. has been the worst mistake of my life.
5. The process of seeking asylum in the U.S. is an ugly one. I received a positive Credible Fear Interview but they kept me detained for the duration of my hearing. I have been detained for six months now. Recently, the judge told me that the evidence I presented wasn't enough and that he didn't believe the evidence I did have. I would be able to collect a lot of evidence if I was free or had access to the internet or a phone but here you are not given access to any of this.
6. In my last hearing, I was denied asylum and asked if I wanted to appeal this decision. I was told that if I chose to appeal, I would have to spend another six months in detention. I don't want this; the situation in Cibola is impossible. So I asked to be deported, even though I fear returning to Venezuela. Currently, the Venezuelan government is drafting people into the military as conflicts with Guyana build. I don't want to be caught up in a conflict I don't want anything to do with.
7. What happened to me has happened to many others as well; they are told they will have to present their cases while being detained so they ask to be deported. Many Venezuelans have been here for a long time and are growing desperate because they are not given any answers. You could compare our situation to those of the Jewish people under the Nazis, especially in relation to being locked up and the quality of the food they give us.
8. We have almost no access to the Venezuelan deportation officer. She hasn't come to the center in about two months. The times she has come, she doesn't answer any of our questions nor shares information with us. Other deportation officers bring information to

the other nationality groups and we see them released every Monday but the deportation officer for Venezuela doesn't do us any good.

9. Throughout my time detained at both Torrance and Cibola, I have sent 15 requests for medical attention for different reasons but never received a response or been given medical attention.
10. Sometimes it's better not to ask for medical attention so you are not seen as a bother. Otherwise, the guards won't take you out or don't let you work. Working is the only good thing about this place because you can buy food to calm your hunger.
11. Many people who experience headaches are not given pills for three or four days. A companion who had a fever for days was told it wasn't an emergency and that he should just take a shower. We joked with him that he first had to die for them to see him.
12. After the initial exams they conduct when you first arrive at the detention center, the facility staff do not care about your health. I had not been able to sleep and was having many nightmares. For over three weeks, I had been asking to see the psychologist or to get medicine for this. The psychologist finally contacted me personally and told me she would see me on Monday (12/11/2023) but it is now Wednesday (12/13/2023) and I still have not met with her.
13. Many of us have said that it won't be long before someone dies at Cibola. People no longer tolerate one another and are getting desperate. This week, four people beat up an individual all because of the food conditions and not being able to eat enough. One of the four had saved food for later but the other individual was hungry and stole the food to eat, so they beat him up.
14. The majority of guards treat you badly; they are hateful and disrespectful. They swear at us in English and some even learn profanities in Spanish so they can say them to us. Others invade your personal space; they get way too close to you, as if they are looking for a fight with you and hope to get it out of you. Still others make you throw out your food if you don't eat it when it is immediately served.
15. One of my companions was disrespectful to the staff and they restrained him with handcuffs. They then took him to the library where they hit him since there are no cameras there. He now has a bruised eye.
16. The guards usually take us outside once a day for about two hours. Sometimes, though, they don't take us outside for four days. It depends on how they are feeling and whether they want to. When they don't want to take us outside, they call us to go outside at 6:00 a.m. when no one wants to.
17. To get your sheets and uniforms changed and washed, you have to submit a request but these rarely work.
18. I work in cleaning and get paid \$15 a week. Sometimes they don't pay us. It's not often that they don't but it has happened to me three or four times.

19. We are only given a good meal once a week. It comes with chicken, rice, and veggies. For other meals, we are given strange looking food that doesn't even seem adequate for a pet.
20. The portions of the food are not enough at all, not even for the skinniest person. They are about the size of a child's fist. We are often hungry and that is why there is so much conflict with food. There are basically fights over food everyday.
21. Some of us have devised a system for food. We stay hungry all day and then eat around 7:00 p.m. It's easier to be hungry during the day than at night because there is more to distract yourself with. But around 8 p.m., the TVs are turned off and you are just waiting and listening to your stomach growl.
22. Breakfast is served at 5:00 a.m., lunch is at 12:00 p.m. and dinner is at 4:00 p.m.
23. You can only buy extra food on Saturdays by ordering it on the tablet but it is a disorderly process. This Saturday (12/9/2023), people ordered extra food but did not receive it until Thursday (12/14/2023). There isn't a specific date for when the food is delivered, it just always takes a long time.
24. It is a difficult process to get clean drinking water. It is entirely dependent on the guards and when they feel like bringing the jugs to us. I've asked for water before and they never brought it.
25. Making requests for anything doesn't work. The request box is full but sometimes no one looks through it for a week. I've even seen some guards throw out requests.
26. This is preliminary information that I can recall at the time of my interview with NMILC and can provide additional details and be available for interviewing by government officials.
27. I affirm that the information contained herein this statement is true and correct to the best of my abilities.
28. I affirm that this statement was read back to me in my native language of Spanish and agree to its contents.



Lenner Miguel Brito Salazar

Dated: 12/13/2023

EXHIBIT MSworn Confidential Declaration

1. I was born on 12/24/1982 in Caracas, Venezuela. I am currently detained at Torrance County Detention Facility in Estancia, New Mexico.
2. I left Venezuela due to political issues with Los Tupamaros, a political group that belongs to my government. I was persecuted by them and my family and I were threatened with death, just because I did not have the same political ideologies as them. One of the times Los Tupamaros were persecuting me, they shot at me. I was hit in my left hand by one of the bullets, you can still see the scar from where the bullet went through. My hand has not been the same ever since, I cannot fully extend my pinky.
3. I left Venezuela at the end of 2017. I traveled through Colombia, Ecuador, and Chile. They are all economically bad and dangerous. I therefore came to the United States.
4. I turned myself in on July 28, 2023 for the first time in Matamoros, Mexico. I did my Credible Fear Interview for the first time but did not pass it. I did not fully understand what a Credible Fear Interview was, no one explained it to me until a lawyer did the second time I did the interview. I did not have a real interpreter, it was an officer who spoke very little Spanish. I was deported and expelled for five years.
5. Then on August 28, 2023, I crossed through Juarez through door 28 and turned myself in. I redid my Credible Fear Interview for the second time. This time I had a real interpreter that understood what I was saying. I passed the CFI that time. The judge did not grant my release. I have been doing my court hearings while detained ever since then, my last hearing is on December 6th, 2023.
6. We have no privacy while we are doing our interviews. From the booth I was put into while doing my interview, I could hear everything everyone else was saying. There's people who don't say everything that has happened to them because of the lack of privacy. I know people who have been sexually assaulted and did not speak about it in their interview because of fear.
7. Before coming to Torrance, I was in "la carpa" (Border Patrol tent) for two weeks and in "la hielera" (Border Patrol facility) for seven days. The conditions were horrible. You can last up to ten, twelve, or fifteen days without showering, brushing your teeth, or making a phone call. They would give us a burrito, an apple, and cookies for breakfast and other meals.
8. They don't always give us interpreters and the officers only speak English, especially those who give the Credible Fear Interview results. The interpreters are the same as the officers, they are rude and grotesque. We receive the same abuse from them.
9. Getting care as someone who does not speak Spanish is difficult, they put an interpreter (officer who speaks Spanish) but sometimes the interpreters know very little Spanish. It can be difficult for the patient and the doctor to fully understand each other with the language barrier.
10. Communicating with the personnel of the detention centers can be difficult. You go talk to them and they will tell you "muy poco espanish" (very little Spanish). Officer Mendoza speaks Spanish but when he does it's to mistreat you.
11. They give us toilet paper, shampoo, and soap, but it's really bad quality. They give us two of everything. If you run out of something, you let the officers know and they will give it

to you whenever they remember to. After a lot of people complain about not having their hygiene product, they'll give it to us, but it is not on a daily basis. It can take at least four to five days.

12. We only got two pairs of clothes which is not enough clothes for us.
13. They recently turned on the heat in the building, just a few days ago. Before then we had cold air blowing from the vents. We complained and asked if they could turn it down or turn it off, especially because the clothes they give us are not made to keep us warm. So, we would be cold.
14. Technically, [cleaning] is a paid position to clean but they don't always pay us. There are times where it takes two weeks, fifteen days, or up to a month to receive our payment. I used to work but then I saw the irregularity of the payments and decided not to anymore. I had to complain and stay on top of them for them to pay me after fifteen days.
15. The food quality is horrible, it is non-existent here. We get chicken once a month, there are no carbohydrates, no vitamins that could be nutritional in the food we receive. The cauliflower salad we get is moldy, the potatoes are raw, the chicken has no flavor, the pasta is raw with no flavor, and the meat is soy meat. They also serve everything all together, there is no separation of the food.
16. They give us a very small portion for each meal. We are always hungry due to the portions but also the quality of the food.
17. We have a chef but I don't understand why the food is always raw and a disaster. We have a chart that shows us the meal for every day but I don't think that it's accurate because they only give us bread, oatmeal. There are times when they give us food that don't correspond with the time of day, for example there are times when our breakfast isn't breakfast foods.
18. A few immigrants who worked in the kitchen tried to give us bigger portions but the chef said that they weren't allowed. That he made the decisions for the portions. It is ridiculous because they throw out a lot of food.
19. Our meal schedule is as follows: 4:30 AM /5:00 AM is breakfast, lunch is at 11:30 AM, and dinner is at 5:30 PM.
20. To receive medical attention, you have to file a request through a piece of paper, but they don't always comply with that responsibility. Thankfully I am a very healthy person and don't need to take medicine or use the medical care they provide.
21. There's also a psychologist available but I have never used that service. I once had a consultation with him because it was part of my overall checkup when I first arrived here.
22. I have not been able to see a dentist since I have been here, you request it the same as requesting medical attention. There's been people who have toothaches who have not been taken care of.
23. Allegedly, there's a legal library. I once submitted a request to translate my I-589 asylum application since they're supposed to help with translation but they never responded. As a result, I got scolded by the judge because I did not have anything filled out due to not understanding anything. It wasn't until I met [a lawyer] that I was able to receive help because here you can't count on them for anything.
24. They don't allow us to go to the library, the only benefit we receive is yard time but even that's not always done.

25. I received ICE mail directly which shouldn't happen because I am being represented by a lawyer. My lawyer requested for my documents to be sent directly to them but instead I received them. I can't give them to my lawyer, I try to tell them what it says over the phone but I can't do it too well because I don't speak English.
26. I don't have issues with communicating with my lawyer, he always makes a legal call. The only time I missed a call was when I was in solitary confinement. They wanted to take me out in shackles and I denied it. I did not feel safe being put in shackles, they are more of a threat to me than I am to them.
27. Whenever an immigrant complains or stands up for themselves, they are met with retaliation by the officers. The [the immigrants] here act submissive because whatever you say is met with retaliation.
28. The Core Civic officers are abusive of their power and verbally abusive. These officers are very offensive. I had an incident with Sergeant Mendoza where he called me "pendejo" (asshole). When I was put into solitary confinement, I was fighting for my rights that were never met and they never complied.
29. I was put in solitary confinement on November 15, 2023, I was there for 15 days. I had a disciplinary hearing on Thanksgiving (11/23/23) where I was found innocent of what they accused me of because they had no proof. I was not released until 11/29/23. There is no documentation for my isolation, there was only the disciplinary hearing. There is no document that states why I was isolated.
30. There had been rumors about a hunger strike being organized and the officers tried to say that I opened the door so that we could strike. That is not true, I had nothing to do with the door opening. I told the officers that and fought for my rights. But you can't say anything to them because they will interpret it however they want. They then moved me to isolation, and I was kept there for 15 days. I went to ask Sergeant Mendoza why I was put in isolation because he speaks Spanish. The sergeant told me that if I would've done to him what I did to the other officer he would've flipped me over like an asshole.
31. You don't have access to anything when you are in solitary confinement. You're confined in a room with no contact with anyone, no rights to leave, your food gets passed through a little slot on the door. I did not call my partner for fifteen days; it was very rough. I had never been in isolation before, I am not a criminal, it was an injustice and it was horrible.
32. They do with us whatever they want to because they can. If someone dies no one will know or find out. It already has happened; someone died here last year. He was put in solitary confinement and he took his own life there.
33. This is preliminary information that I can recall at the time of my interview with NMILC and can provide additional details and be available for interviewing by government officials.
34. I affirm that the information contained herein this statement is true and correct to the best of my abilities.
35. I affirm that this statement was read back to me in my native language of Spanish and agree to its contents.



Dated: 12/7/2023

EXHIBIT NSworn Confidential Declaration

1. I was born on March 18, 1991 in Honduras. I am currently detained at Tarrant County Detention Facility in Estancia, New Mexico.
2. In Honduras there is a lot of violence. An international gang of narcos from Honduras kidnapped me and tortured me. During the torture they struck my face with a machete. I was rescued and taken to the hospital five days later. I went straight to the police once I was discharged. They were able to charge one of the members involved in my kidnapping. A police officer threatened me and forced me to drop the charges I had against one of the men that tortured me or else he was going to give me to the gang. This wasn't a surprise because the police have close ties with gangs in Honduras. Later, the same gang members killed my father and two cousins. Filled with grief and fear, I received a note saying that I would be killed next which prompted me to flee my home country.
3. I traveled through Central America to get to Mexico. Once in Mexico, I was in line to retrieve some papers to work in Mexico when I saw cartel members kidnap a group of migrants. The cartel would take people in order to extort their families for money. Often, police from Mexico work with cartels and allow this behavior, they would even give people to cartels. I was afraid for my life and decided it was best to cross over to the United States as soon as possible.
4. I first entered the United States on December 24, 2022 through Matamoros. I was soon deported with no punishment. I was desperate for asylum and entered the United States for a second time on August 25, 2023. This time, as I continued to seek asylum, they put me in Tarrant County Detention Facility where I am still awaiting the response to my Credible Fear Interview that took place on November 4, 2023.
5. I haven't heard back from anyone in the government about my case. They tell us there are a million cases. I told them all the things I am suffering from here but I haven't received any responses. I did my credible fear interview (CFI) on November 4 (26 days ago as of November 30) but am still waiting to hear back about the results.
6. There are about eight of us who have been here for almost three months, it's been too long. Someone else has been here for almost two months. Yet another person has been here for about 68 days without being given the results of their interview. I just want to know when I will have a response to my CFI. Some people are given an answer within 10 to 20 days but others haven't heard anything for longer periods of time. When I arrived here, I thought that it would be fast. I didn't think I would be here for so long. I'm not used to being in a place like this.
7. I wrote to my deportation officer about how it's taking a long time to get a response about my interview. She tells me I have to be patient and that it depends on the case. I don't understand why we receive such disparate treatment.

8. Some staff do speak Spanish but they say act as if they don't so they can ignore you. But I know they can speak Spanish because I've heard them talking.
9. When I first arrived at the facility I would receive my tray of food and give it away because I didn't like it. The meals are three slivers of protein that have no taste and often aren't cooked correctly. My stomach is not used to this food and it has been a struggle because my diet is restricted due to my appendix bursting about nine months ago.
10. The food is not enough to satisfy one's hunger. I eat it because I need to eat something in order to continue to survive. I think it is affecting my stomach as it has made a growth on my stomach ache with pain. Some people take more than one tray to get rid of their hunger, but this causes others to go without eating because officers won't replace those trays.
11. I once found a rock in my food, I reported it right away. All the officers did was give me a new tray of food. These exact actions cause people to stop eating; they would rather go hungry than eat what is provided to us. People complain about the food, but nothing changes.
12. They only provide us an appropriate meal when there are inspections taking place, but it should be happening all the time. We don't deserve this type of treatment, we are human beings too.
13. When I arrived at Torrance, I met with a doctor virtually and told him about the wound I have from the operation I had for appendicitis. They told me that it could be gastritis, an ulcer, or a hernia. I submitted a request on the tablet for them to check it but they haven't done much about it. They only tell me what it could be without really examining it. I requested an appointment for medical care for something that looked like a ball that appeared in the wound on my abdomen. I told them about this since I entered but they haven't seen me. I also met with the psychologist and told them about the wound, they just told me that they already knew about it. Yesterday (12/6/2023), I saw a medic and they told me I would have an ultrasound done.
14. I had an operation nine months ago for my burst appendix. The wound is still fresh, the doctor told me that it could take up to a year to heal. The doctor told me that I needed to use a wrap around it to apply pressure but they took it away from me at immigration.
15. I have a scar on the upper right side of my face from a machete used by the gang. It caused nerve damage and the scar is affected by the cold air blown in the cell, especially at night. We have told the officials that the air is too cold but they say that they are not in charge of it. I avoid going outside sometimes too because the cold air makes my head throb. I also feel pain in the scar when I speak.
16. I brush my teeth several times a day and shower everyday but the water for showering is very bad. It makes our skin peel and turns it white. I don't know why, it could be the source it comes from. It seems to have some kind of chemical in it. We have told the doctors about this, they only give us a type of cream.

17. When you request a medical appointment, they see you the same day but it can take a while for your turn. They put 30 to 40 people in the waiting room at the same time and do it by number of your cell and ID so they don't first attend to the people who need medical assistance the most.
18. Since the wound from the surgery I had is still fresh and sensitive on the inside, I am worried that someone will hit me and damage it. In Mexico, the cartels hit me. I don't know if this could have further damaged it. Or if the food here could as well.
19. This feels like it is a maximum security prison where they hold dangerous people, like members of cartels. I don't consider myself dangerous or that I did anything to deserve being here. I am here just because I am an immigrant. I'm not used to being in a place like this, it frightens me. I know that I crossed the border illegally but I don't think it merits the abuse I have experienced here.
20. Counts usually happen three times a day: they are approximately from 7-9 a.m., 3-5 p.m., and 8-9 p.m. Sometimes on Fridays they do a count around 11 p.m.
21. During the counts, they lock us up. I don't agree with this. How are you going to lock people up? I feel it's unnecessary. I sleep locked in the cell and then I am locked up again and again throughout the day.
22. Being locked up during counts has negatively affected my mental health. I dream of bad things. I feel that I am going to die locked in the cell and that the whole structure will fall on me. During the counts, I feel that they will keep me locked up forever.
23. Sometimes the counts interrupt meals, they don't let us finish eating. There is a woman who throws out the food if you try to save it.
24. They lock us in our cells earlier than they are supposed to. We are locked in since 8:00 p.m. until the following morning when they are not supposed to lock us in until 10 p.m.
25. When you begin to tell your family about how you are a prisoner, they cut the call. One time I was telling my sister about how I had been imprisoned for 2 months already and they cut the call. Something similar happened to one of my companions. He was speaking to his family over the phone about his situation as a prisoner and the call was cut. Sometimes they cut calls when people are speaking with lawyers too.
26. We don't have access to religious services like mass. The only type of "service" we have is praying with one another at night.
27. We are taken outside every 3 or 4 days instead of everyday. Sometimes they take us outside at 6 a.m. and it's too cold. Once they wanted to take us outside when it was snowing too. The cold affects my head injury; it makes it throb, so sometimes I choose to stay inside.
28. A female official once told me to drink from where we shower when I needed water. There is a sign that says not to drink from there because it's bad but she told me to drink from it anyway.
29. There is a library here that the lawyers have told us we have a right to use but the officials don't take us there or call us to visit it. Instead, they pass by with a cart of books.

Sometimes I take books from there. I also have my personal bible, and that is enough for me.

30. We don't have access to religious services like mass. The only type of "service" we have is praying with one another at night.
31. There is only one TV in my unit where 35 of us are held. There are problems using it because some people want to watch one program, others want to watch something else so I prefer not to use it. There are games too, I only play cards.
32. When we first got here, we didn't know we could get paid to clean. We would just grab the mops and clean. It gave us something to do and let us distract ourselves from being locked up. There are about 10 of us who work this job. They pay us \$3 a day.
33. This is preliminary information that I can recall at the time of my interview with NMILC and can provide additional details and be available for interviewing by government officials.
34. I affirm that the information contained herein this statement is true and correct to the best of my abilities.
35. I affirm that this statement was read back to me in my native language of Spanish and agree to its contents.



Dated: 12/7/2023

EXHIBIT OSworn Declaration of Edwin Amauny Hernandez Molina (A#216696975)

1. My name is Edwin Amauny Hernandez Molina. I was born on February 24, 1997 in Colombia. I am currently detained at Cibola County Correctional Center in Milan, New Mexico.
2. In Colombia, I had been threatened since 2020. On July 28, 2023, I was kidnapped by paramilitaries at the order of their superiors.
3. I was held for six days, they tortured me the whole time. I filed a report with the police but the only thing they did was make fun of me for being violated. They called me fag, homosexual, and gay. Then, they extorted me, asking me for money to investigate.
4. They targeted me because of my political participation, because I recalled information about politicians who had alliances with Colombian paramilitaries. I fled this violence in Colombia and came to the United States to seek protection.
5. I first arrived in the United States in November 2020. Instead of being allowed to seek asylum, I was deported. I returned on November 4, 2023 because I still fear returning to Colombia.
6. I do not have access to my legal documents and evidence for my case. In fact, I had important documents with me but in the “hielera” they made me take out my important things. I took out my computer and tablet and they made me throw out my evidence and documents because they said they weren't important.
7. I am aware of how to request medical attention. The thing is that it is a delayed process that takes a while. Last week, I helped someone sign up for an appointment but they still have not attended to this individual. I have requested medical attention myself. They saw me but it was also delayed. It took 5 days to get an appointment. I am lucky because I speak English and can navigate these things, but the other men in my unit who do not speak English really struggle to access these services.
8. There is confusion with the medication; at night they give me medicine, but in the morning, they tell me they have nothing for me. Or vice versa. This happens even though they prescribed medication for both morning and nighttime but they don't always give it to me. I inform them that I was prescribed medication twice a day, but the officers still tell me they have nothing for me, despite what the doctor prescribed.
9. There is an official who looks at us with disgust. If he happens to touch us, he washes his hands right away, as if we are animals.
10. The quality of the food is horrible. They give us something that looks like puree but isn't. They give us some vegetables and some other types of protein like chicken or meat. And dessert. Usually the vegetables are flavorless, the meat comes with a lot of spice. When the food does have flavor, it is very spicy. As for the presentation of the food, they throw everything together and the plates are often dirty.
11. We get very little protein, about a small handful. The vegetable portions are about the same. The puree is what they serve the most of. They give us three meals a day. Breakfast

is at five in the morning, lunch is at midday, and dinner is at four in the evening. Outside of these hours, we don't have access to free food and I get hungry. We would have to buy the food. It can be expensive to buy some food, like protein. The cup ramen is the least expensive thing to buy but they are not very nutritious.

12. Although I have not experienced physical abuse by ICE personnel, their attitude when they arrive at the unit is grotesque. They are rough, they don't allow anyone to get close, and everything is yelled. We are treated like animals.
13. We can use the law library for free.... These [legal materials] are all in English. The materials are easy for me to understand since I can read English, but they are not enough. Language comes up again here – the materials are mostly in English and not all of us speak it. There is not any assistance provided in the virtual or physical library, but I feel that this would be helpful to have
14. When I initially arrived, there were 40 people in my unit and there are currently 36. Sometimes there are problems with the tablets because many people want to use them at the same time. They take the tablets to their cells and are no longer available for others to use. The tablets can be used for things other than the virtual law library like games or video calls but you have to pay. For video calls, they have to be made in a certain place or it doesn't work.
15. I understand how to submit a grievance but officials have not done anything in response to the complaints I have put forward.
16. Since last Thursday (11/23/2023), they took away phone calls until one or two days ago (11/26/2023-11/27/2023) as a result of the riot. They told us it was because of network damage but one companion was still able to make calls so it obviously wasn't that. It was that they took away permission to make calls because they were punishing us.
17. This is preliminary information that I can recall at the time of my interview with NMILC and can provide additional details and be available for interviewing by government officials.
18. I affirm that the information contained herein this statement is true and correct to the best of my abilities.
19. I affirm that this statement was read back to me in my native language of Spanish and agree to its contents.

Edwin Amauny H.

Edwin Amauny Hernandez Molina

Dated: 12/6/2023

EXHIBIT PSworn Declaration of Nelson Jesus Rosales-Gonzales (A#241448445)

1. My name is Nelson Jesus Rosales-Gonzales. I was born on May 8, 1998 in Venezuela. I am currently detained at Torrance County Detention Facility in Estancia, New Mexico.
2. My mom died when I was three and my aunt and grandma helped raise me. Thanks to my aunt, I was able to further my education and studied to become an agricultural engineer. During that time, my aunt worked for the government but left her job on July 15, 2016 because she did not agree with laws that were being put out.
3. On July 22, 2016, my aunt, uncle, and two cousins were killed by the government.
4. My cousin who was a lawyer called me and told me that my aunt and her family were killed by the special armed forces of Venezuela. My cousin spent a couple of years gathering evidence to prove that the government was behind this. He went to the Supreme Court in Caracas and presented the evidence, but they did nothing. As a result, the government went after my cousin in 2020 and tried getting rid of all the evidence.
5. In 2021 the government came looking for evidence and threatened me because they believed that I had evidence hidden away. They captured me, took me to the closest exit from our town, and told me that they would kill me if they were ever to see me again.
6. That same year, I left Venezuela and attempted to relocate to Peru. When I first arrived, I began working as a construction worker. I also met and married my wife Mayra Elimar Ramos Marquez. We later bought a small fast-food cart where we sold burgers, hotdogs, and fries. Organized crime soon approached us and began to try to extort us. They wanted so much money as a fee to keep our cart running and safe from them. Our cart did not make enough money to keep up with these demands and my wife became pregnant, which is why we decided to leave Peru on August 16, 2023.
7. We arrived in Mexico on October 20, 2023. In Mexico, there is a lot of delinquency. I remember being on buses filled with immigrants, we would be stopped by the police or the cartel and they would take our money. The cartel would also kidnap immigrants and hold them for ransom. If a family neglected to pay the ransom the people captured would be killed.
8. My wife and I made it to a refugee camp and we were there for 10 days. On the 10th day, we had to leave the city of Juarez. We then crossed the border and presented ourselves to the border patrol on November 11, 2023. My wife and I were separated at the border patrol tents. We had no communication for about 10 days.
9. I was brought to this facility like many others by being tricked. They had told us that they were going to allow us to fight for asylum outside of detention. Next thing I know they are putting us on buses and handcuffing us. I know I crossed the border illegally but I was looking to the United States for help.
10. We were supposed to see a lawyer before our Credible Fear Interview but instead, they made us do our interview first and then gave us a meeting with a lawyer who explained what the interview was and what our rights are while being detained.

11. There was no privacy during my credible fear interview. There was a door that separated us but you could hear clearly what the other person was saying.
12. I had to use a translator for my interview but the translator did not translate everything I said. They have the power to cut whatever they want from my response.
13. They try to take us outside at 7:00 am/8:00 am and they know we won't want to because it is too cold. They tried to do that one day but we asked them to take us out later.
14. There are four rooms in my unit that are inundated with dirty water. We have told the officers but they have not done anything about it.
15. We get razors once a week, and shampoo and soap twice a week. The soap is tiny and the shampoo is bad quality. One shampoo and one soap is enough to shower three times. The toothbrush they give us is very small, the toothpaste finishes after three times of using it. We can't brush our teeth well.
16. They never change our bed sheets. We get three pairs of uniforms but that is not enough, sometimes we shower and have to change back into the same clothes.
17. The sheets and the clothes are too thin, they don't protect us from the cold.
18. They have not replaced my damaged shoes, I put in a request for new shoes last week and they came today. They usually come when lawyers come or there's a visit so people have a different idea of what is happening.
19. My old unit, 6D, did a hunger strike for two days. We were just frustrated with not knowing any information and with the food. We told them we wanted human rights people to come and the officers told us that no one can come in because it is private. Since we did not stop and did not go to our cells, the officers turned the air up. The officers threatened us, Officer Garcia told us that we wouldn't accomplish anything and that they could put us in jail for years. They also said that if we didn't stop they would use tear gas on us. They also asked us what the lawyers told us because after meeting with them we started the strike, we told the guards that the lawyers had nothing to do with it.
20. The food is very bad, I have to eat because if I don't eat I will starve. They give us very little food, on Sunday and Saturday they give us a little cup of milk, cereal, and bread for breakfast. For lunch, we got a salad, juice, a little bit of rice, and bread.
21. Some of the food they give us looks very grotesque, almost like it is animal food.
22. I have only eaten chicken once since I have been here, which has been about a month.
23. They don't give us enough food, we get hungry. We tell the officers that the portions are too small and they tell us that the chef decides the portions and that we can survive off of that. I don't believe them because we feel weaker every day.
24. We can order maruchan and stuff but it takes a few days to get here. We order it on Sunday and the officers bring it on Thursday.
25. We get breakfast at 5:00 am, lunch is at 12:30 pm or 1:00 pm but today they gave it to us at 2:00 pm, dinner is at 5:00 pm, and by 6:00 pm you are already hungry.
26. We have all been psychologically abused here. We all suffer from verbal mistreatment. The officers don't do physical harm but they do verbal harm. People who leave the center

with positive credible fear interview results are told by the officers that they will die in this country, that they won't survive, and that no one wants them here.

27. I had a friend who kept on crying when he first arrived here because he was separated from his wife. The officers told him that they would take him to see a psychologist but instead, they locked him up in solitary confinement for three days. He had an officer watching him every hour of the day. If he moved to the left, the officer would also move to the left. He was not able to make calls with anyone and he couldn't shower. When he got out, he went straight to his credible fear interview, but he failed it. Then three days later he was taken to the psychologist.
28. There is a legal library, but the officers have never given us access nor taken us there.
29. They don't even give us the right to have access to our proof for our case or legal documents.
30. The case of an immigrant should be done outside and they should receive a fair judge.
31. Instead, the judges here work for immigration. The judge I got for my hearing is known to be harsh. Anyone who goes through her gets a negative result. She is the same judge who told my friend she didn't care about his proof on his phone, that she had the last word.
32. I fled my country because I was scared they were going to kill me or that I would be incarcerated but look at me here
33. This is preliminary information that I can recall at the time of my interview with NMILC and can provide additional details and be available for interviewing by government officials.
34. I affirm that the information contained herein this statement is true and correct to the best of my abilities.
35. I affirm that this statement was read back to me in my native language of Spanish and agree to its contents.



Nelson Jesus Rosales-Gonzales

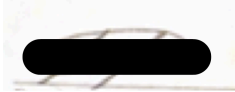
Dated: 12/18/2023

EXHIBIT QSworn Confidential Declaration

1. I was born in Maracaibo, Venezuela on June 14, 1980. I am currently detained at Cibola Correctional Facility in Milan, New Mexico.
2. The mafia, Tren de Aragua, that runs in Ecuador, Colombia, and Venezuela looked for me because I had a business of selling and buying pork and they thought I was moving money, but I only made enough to eat and keep the house.
3. They kidnapped me for 8 days and they electrocuted me. On the eighth day I was released so I could go bring them the money they asked for. They were asking for 10,000 dollars. I couldn't go to the police or anyone else because they told me that if I filed a police report, they would kill me. Therefore, I decided to leave Venezuela with my family.
4. I came to the United States two months ago for the first time, through Piedras Negras. I was held in "las carpas" for 7 days and then I was deported.
5. The conditions in "las carpas" were very bad. For example, we would get a burrito for every single meal. We were only allowed to shower and brush our teeth every three days and only got about 5 minutes to do so.
6. In the same month, I turned myself in again at the Juarez and El Paso border. I was sent to "la hielera" for 6 days. We would get a burrito, an apple, and a cookie for breakfast, lunch, and dinner. We were allowed to shower every 2 to 3 days but only for 5 minutes. We had to brush our teeth in the same 5 minutes that we had to shower.
7. The ICE deportation officer, Officer Ortega, is bad. She doesn't tell us anything, and she doesn't give us any information. We don't know anything. We are locked up like little birds. There are times when her colleagues arrive to give information and she does not arrive. One writes to her on the tablet, and she does not respond.
8. I went to court and didn't understand what was happening. The interpreter was on the screen and couldn't read the paperwork. The judge told me that I needed proof, such as paperwork, but the only proof I have is on my body where you can see where they electrocuted me. I asked for my deportation because they wanted me to fill out paperwork that I didn't understand since it was in English and because I didn't have the proof they wanted. I would also need to remain in detention throughout my asylum process. The conditions here are very bad. I decided that if anything were going to happen to me, it would happen in Venezuela. I am afraid to go back to Venezuela, they could kill me there.
9. I sought medical attention for a headache and I had to wait 3-4 days to be seen. I also suffered from kidney pain and it also took them three to four days to see me. When they finally saw me, they met me at the door and handed me the medicine.
10. When you are here, you really need to suffer through your pain. That's one of the reasons I asked for my deportation; there is no medicine for someone who's starving. I'm dying here but it'd be better if I died in Venezuela.
11. There are no education and recreational programs here. There are no education classes or sobriety programs offered here. We don't have any access to books.
12. There is no gym here, I exercise right there in the cell. You do your own exercise.
13. Officers have never asked us what recreational programs we would like to do.

14. We don't get taken outside every day. When they do take us outside, they want to take us at 5:30am or 6:00am when it is very cold. When we do get taken outside it is usually for about half an hour. The officers don't explain why we are unable to go outside.
15. The [shower] water is too hot, it's hot enough to peel a chicken. It's so hot that I have to dance around it. The shower turns on with a button, we don't get to control the temperature.
16. There is no quality in the food they give us. The only good thing they sometimes give is a sweet cookie. They serve us very little food. They give us a little bit of rice and something that looks like dog vomit. When we make complaints about the food, we will get served less food. Sometimes my wife puts money in and I buy a maruchan to eat.
17. On Tuesday they gave us raw chicken, raw potatoes that you can't chew, and hard unsalted rice. Both the chicken and rice are very spicy, almost to the point you can't eat it.
18. The food they give us is without salt and way too spicy. They add a little bit of rice, green beans like if we were rabbits, bread with a little piece of yellow cheese and a little ball of meat and two loaves of bread.
19. They don't give us fruit or anything nutritional.
20. I am always hungry. When I first arrived at the detention center, I was chubby, now I am very skinny.
21. The center does not make any accommodations to your diet. You have to eat the food they give you because it is what you have.
22. Our meal schedule is the following: we get breakfast at 4:30 am or 5:00 am, our lunch can be served at 11:00 am, 12:00 pm, or 1:00 pm, dinner is served at either 4:00pm or 5:00pm.
23. We remain hungry after our meals.
24. We have to fight with the officers for water, they put two jugs of water for breakfast, if you run out of water you have to wait until lunch, and if we run out at lunch we have to wait until dinner.
25. When I first arrived at the facility, I did not receive a manual or instructional book of the facility's rules and procedures.
26. There is someone here who filed a grievance and is still waiting for something to be done. He has been waiting two to three weeks. He filed the grievance and the officers took the paper but they have not looked at it. The grievance was about food. He was telling the officer and the officer got upset, it was all in English but you could see the gestures.
27. The officers don't respond to complaints, instead they just get angry. We have complained about the water being too hot, not getting enough drinking water, and about the food but they have not done anything. Instead, we receive punishment for doing so such as getting less food.
28. Sometimes we fight (verbally) with the officers because we run out of water at 10 p.m. and they don't give us more until breakfast the next day. Once, we lasted from 12 p.m. to 10 p.m. without water. We kept on calling for the officers and making noise. The officers told us that they would bring us water after count, but we didn't receive it until 10 p.m.

29. They are killing us here. That is why I asked the judge for my deportation so I could get out fast.
30. This is preliminary information that I can recall at the time of my interview with NMILC and can provide additional details and be available for interviewing by government officials.
31. I affirm that the information contained herein this statement is true and correct to the best of my abilities.
32. I affirm that this statement was read back to me in my native language of Spanish and agree to its contents.

A black rectangular redaction box covering a signature.

Dated: 12/19/2023

EXHIBIT RDeclaration of Carlos José Flores Solís (A#241445271)

1. My name is Carlos José Flores Solís. I was born on March 31, 1994 in Venezuela. I am currently detained at Torrance County Detention Facility in Estancia, New Mexico.
2. I had to flee Venezuela because I encountered problems with justice there. The mother of my daughter was involved with an officer from the National Guard, and I had a bad relationship with them. They had a lot of rage against me and would attempt to file charges against me for things I had not done.
3. I was persecuted by the National Guard in Venezuela. In 2014 or 2015, the companions of the man who my daughter's mother was involved with tried to charge me with a firearm that wasn't mine. Later, they tried to charge me with stealing a motorcycle that was completely legal. In court, these National Guard officers lied about the motorcycle but the girl who I bought it for brought the papers from the purchase and I was able to go free. I was also wrongfully imprisoned for three years for a crime filed against me by the National Guard involving a car.
4. I was tortured by National Guard officers throughout many dates. In 2019, a National Guard officer shot me in the leg and injured it. I still have the scars from the bullets. They once fractured one of my ribs and broke another. They also made death threats against me, my family was afraid. Since the man was part of the government, we couldn't file charges against them. Instead, I had to leave the country.
5. I turned myself in at the border at door 36 on November 1, 2023. I had been robbed and no longer had my phone so I couldn't continue with my CBP-One application. I was at "la hielera" for two days and on the third day, I was brought to Torrance. No one had explained anything to me about the process of seeking asylum or that I would be brought to a prison.
6. I had my Credible Fear Interview (CFI) on December 5, 2023. Last Tuesday (12/12/2023), I was given papers by a deportation officer. They didn't really explain what the papers were, other than it was the positive results of my CFI. No translation was provided even though the guards only speak English and they made me sign the papers. The officers only know how to say "positivo miedo credible, firme aqui" (positive CFI, sign here). I have been held for 10 days (as of 12/18/2023) since receiving a positive CFI but was told by a deportation officer that I would be released this week.
7. We can send questions to deportation officers on the tablet, but they take a long time to respond. I sent a message asking about the results of my CFI and to ask for forgiveness for entering the country illegally and to say that I was feeling anxious about being detained. I didn't receive a response for a month. Since then, I have received answers within two days in the times I have sent messages to the deportation officer.
8. Here, one doesn't understand anything that is said by the staff. They speak to us in English, and we are left unsure of what they said. The guards and ICE agents who turn in

papers to people don't translate anything. They just say "positivo," tell you to sign, and then leave.

9. Only one to three staff speak Spanish, the rest only speak English. Interpreters are only used with the psychologist, in medical, and during CFIs. The rest of the time, the staff doesn't make an effort to understand us.
10. There is a law library, but we never visit it. People have asked to go but they are not taken. I've only seen it as I walk by, but it doesn't look open. It's like it's only there so you can see that it exists.
11. When we arrived at Torrance, none of the staff explained how to request medical attention. We had to learn on our own by speaking with our companions or looking over the pages in the unit that say "medical request" or "complaint." These are mostly written in English. You fill out these papers to ask for medical attention.
12. Sometimes when I am feeling worried, I experience migraines. This started in detention, I hadn't experienced this beforehand. I sought medication for this and submitted a request to say that I wanted to see the psychologist to talk about my family being sick. It took two days for them to see me and they didn't prescribe anything to me. They only gave me a page that said something like "hygiene to sleep." It said that I needed to be constantly moving so that I could be tired at night and read a lot so that my eyes would be tired at night, and I could have an easier time falling asleep rather than being kept up worrying about my family.
13. I have submitted requests for medical attention several times. One time, I developed some type of allergy, maybe because of the food. I was taken to medical two days later and was given four pills to take at night. Waiting for two days is the norm for when you submit a request.
14. To access mental health services, you have to request this service and are first taken to medical. There, they determine if you really need to see a psychologist. One time I wanted to see a psychologist, but they decided it wasn't necessary, so I wasn't able to speak with one.
15. For recreation, they take us outside. The number of times we go outside depends on whether people are visiting the center or if lawyers are around. When there are no visitors, they only take us outside one to three times a week for forty minutes to an hour max. When we are not taken outside, they usually don't explain why. Yesterday (12/17/2023) though, they told us there were not enough guards to take us to the gym. The number of times we are able to go to the gym is the same as going outside because we are taken at the same time.
16. There are two TVs in the unit where forty people are held but one doesn't work. We let the guards know about this since we arrived so they wouldn't say that we were responsible. They told us that the TV would be replaced when there was an opportunity to do so but that was the last we heard about this and it's still broken.

17. There is only one deck of cards in the unit for forty people. It's not enough for all of us and problems arise because of this. People argue with one another and say things like "it's my turn" or that you have to line up to use them.
18. I work in cleaning but sometimes we only clean with water because they don't always give us cleaning chemicals. So we clean the tables with a wet cloth or mop the floor with only water. They just tell us that the chemicals are being used elsewhere and to give it a few minutes but then an hour passes by and we are finished cleaning.
19. We don't have access to religious services at Torrance nor have I ever heard of one happening. We only have our bibles. A psychologist gave me mine. Those of us who are believers gather at night to pray together or read a verse or psalm in the bible.
20. The guards see that some of us work in cleaning and pay more attention to us or listen to us more than the people who don't work. For instance, they listen to us if we say we need more water. It's almost like they see you as a part of them and treat you better because of this.
21. We have access to personal hygiene items but what we are given is not enough. They usually replace items two times a week but right now there is no soap. They tell us that we need to shower only with shampoo. Last time, there was only soap but no shampoo. It took a week to replenish.
22. We are given three white shirts, one jacket, three pants, one pair of sandals, one pair of sneakers, and three boxers. When I first got the shirts, they were fully white but after sending them to get washed, they come back grayish and with grime. They looked dirtier than when I sent them to get washed. After this happened, I decided to wash the white shirts on my own. Something similar happens with the bedsheets. I imagine that they wash about forty people's sheets altogether, they seem to pick up the grime from the other sheets.
23. I currently have four different holes in both my shoes. They are falling apart but I was told I have to wait to get them replaced.
24. Inside the cells, there are vents where cold air comes out and hits us. It makes it very hard to sleep and rest, I shake from how cold it is. I had to buy a hat to cover my ears at night. We always mention this to the guards, but they never do anything about it. It's cold outside too but at least I can do things to manage it, like run around.
25. We are locked in our cells beginning at 8:00 p.m. at night until 4:30 a.m. for breakfast. Then counts are from 7:00 a.m. to 9:00 a.m., 10:00 a.m. to 11:00 a.m., 3:00 p.m. to 4:00 p.m., and we are locked up again at 8:00 p.m. We are locked up almost all day for counts.
26. Being locked up prevents us from going about our regular activities which consist of talking and joking with our companions because there is not much else to do given the limited options we have.
27. When the guards do counts at night, it's hard to sleep because not only is it very cold, but the guards shine a bright light on your face about every 30 minutes.

28. are given two hot dogs with buns, a portion of beans, a very small portion of something that looks like cabbage, and six cookies. The cabbage always looks very strange, I usually don't eat it because who knows how long it's been around for by the time they serve it to us.
29. If the guards wouldn't eat the meals we're given, how could they serve it to another human being? You must lack compassion to do this.
30. I fast every morning as a sacrifice for religious reasons so the hunger doesn't affect me as much as it does some of my companions who eat breakfast at 4:30 a.m. or 5:00 a.m. and don't eat lunch until around 12:00 p.m. That's seven hours in between meals. Then dinner is at 5:00 p.m. I get hungry daily because the food we are given is not enough.
31. Staff members bring us jugs of water, I'm not sure if it's filtered though. The water is finished within minutes and it takes one to two hours for them to bring us more water.
32. I filed a complaint about work because I am not always paid for the work I do. Recently, I worked three weeks and wasn't paid until the fourth week. When I first filed the complaint, they responded by saying they didn't need more employees. I replied that I was not asking for work but rather asking to be paid. They then responded in English saying that this issue would be passed onto the supervisor. I was with a companion who speaks a little English and he helped translate the message for me.