

EXHIBIT O

DECLARATION OF ANDREA MEZA

I, Andrea Meza, make the following declaration based upon my personal knowledge and, if called to testify, I would as follows:

1. I serve as the Director of Family Detention Services at the Refugee and Immigrant Center for Education and Legal Services (“RAICES”). I am an attorney licensed and admitted in the State of Texas since October 2015. From 2015–2017, I was the Equal Justice Works fellow at RAICES in San Antonio, Texas. During my fellowship, I helped develop the Karnes Pro Bono Project, which provides pro bono services for families and individuals detained at Karnes. From 2017–2018, I worked as the Albert M. Sacks Clinical Teaching and Advocacy Fellow at the Harvard Immigration and Refugee Clinical Program, where I supervised law students as they represented clients in immigration court proceedings. In 2018, I returned to RAICES in San Antonio, first as Associate Director of the Family Detention Program, and since March of 2019 as Director. In this position, I manage a staff of twenty-nine, including nine attorneys, fourteen legal assistants, and five data clerks.
2. RAICES is a 501(c)(3) nonprofit organization headquartered in San Antonio, Texas.
3. Founded in 1986 as the Refugee Aid Project by community activists in South Texas, RAICES has grown to be the largest immigration legal services provider in Texas, with offices in Austin, Corpus Christi, Dallas, Fort Worth, Houston, and San Antonio. RAICES’ mission is to defend the rights of immigrants and refugees, empower individuals, families and communities, and advocate for liberty and justice. RAICES has three main legal programs: Family Detention Services, the Children’s Program, and Community Immigration Services. In 2018, RAICES closed approximately 37,800 cases at no cost to the client. Generally, RAICES’ offices accept cases of clients in detention centers throughout Texas and in expedited removal on a case by case basis with the exception of its robust service model at the Karnes detention center.
4. RAICES, with volunteers and pro bono attorneys, has provided free legal services at Karnes County Residential Center in Karnes City, Texas (“Karnes”) since its opening in August 2014. In 2018, RAICES provided legal services to over 8,000 people detained at Karnes. RAICES’ Family Detention Services program strives to provide free, universal representation through all phases of the immigration process during detention at Karnes. The program conducts consultations and intakes, prepares detained persons for their credible fear interviews, and represents detained persons at their credible fear interviews. Additionally, the program represents detained persons in appealing negative decisions from their credible fear interviews before an immigration judge, and in seeking reconsideration of negative credible fear decisions.

5. RAICES is the primary non-profit legal services provider at Karnes, the only pro bono legal services organization operating on the ground at Karnes, and the primary source of free legal representation for Karnes detained persons. RAICES estimates that it provides free legal services to between 80-95% of the population at Karnes.
6. Based on my experience, it is extremely important that individuals are able to speak with an attorney before their CFI. The stakes of a CFI are extremely high. A negative CF finding that is affirmed by an immigration judge sends an individual back to the country from which they fled, and where they face risks of violence and death.
7. In our work at Karnes, our first interaction with a detained person typically involves an intake, where we record how, when, and where each client entered the United States; their biographical information; how long the client was with U.S. Customs and Border Patrol; and when the client was transferred to Karnes. This information is critical for us to effectively assess their legal case, and for us to provide legal referrals or other services to them upon their release. Intake is also where we establish a relationship and build a rapport with a detained person, and often when we learn where they are in the expedited removal process—have they completed orientation, have they been scheduled for an interview, etc. This step is crucial to ensure our clients have been placed in the correct proceeding, and that they understand the nature of this process.
8. At Karnes we have seen firsthand the importance of counsel at the CFI stage. Prior to July 2019, RAICES staff and volunteers had more access to our clients at Karnes and were regularly able to meet with large volumes of clients in person. However as ICE and the Asylum Office began to change policies, we have been forced to triage requests for assistance and now are often unable to meet clients before their initial interview, when our services have the highest impact. Changes at Karnes, which have limited our ability to meet with clients, similarly have impaired our ability to gather additional facts and evidence, and have negatively impacted our ability to assess competency or advise USCIS of the need for reasonable accommodations during an interview.
9. Changes at Karnes have also forced us to change the way we prepare clients for their CFIs. Previously RAICES was able to provide in-depth, one-on-one preparation to most detained persons. Those one-on-one meetings included an orientation regarding the purpose of the CFI, an explanation of the individual's rights and responsibilities during the interview, and a short introduction to asylum law to assist them in understanding the major factors they needed to emphasize. Although detained persons received information from USCIS, we found that they typically did not understand much of the information provided to them. Our experienced showed us that it is necessary to review these key orientation criteria a second time. After

providing basic, general information about procedure and the law, we would launch into an individualized discussion of a client's asylum claim and a review of questions typically asked during an interview. Although detained persons are supposed to receive the Form M-444, which explains their rights and responsibilities in the CFI process, our clients routinely state the either did not receive the form, or did not understand its contents. With recent changes, we have not been able to prepare as many individuals for their interview, and instead meet with persons after they have completed their interview. We have seen a marked increase in the number of individuals who receive negative interview determinations without prior preparation. In RAICES' experience, after working with clients in the days after a negative determination and before review of the negative decision with an immigration judge, we are able to build rapport and we regularly discover bases for asylum and other protections that were not disclosed in the original interview.

10. It is vital to a detained person's ability to recount the details of their claim for protection that he or she have multiple opportunities to meet with counsel in-person, over time. Trauma can often impact a person's ability to speak about the events that precipitated this trauma. Before a recent change that has limited our organization's ability to meet with clients, at Karnes I frequently witnessed positive changes in the ability of detained persons to discuss the harm they experienced over the course of several meetings. On numerous occasions, only after rapport was built through multiple interactions, have traumatized individuals been able to share their stories. Therefore, it is critical that attorneys be able to meet with their clients multiple times and at length before a CFI. Because the majority of the detained persons we work with are victims of persecution and who suffer from the effects of trauma, the inability to provide in-depth preparation affects their retention of the information and their trust in RAICES and our work as lawyers.

11. It is also extremely important that CFI preparation take places in person. Telephonic access is simply no substitute for in person preparation, *especially for* CFIs. Inherently, the credible fear process in detention exacerbates trauma that asylum seekers suffer after events in their home countries, on the journey to the United States, and in detention as it forces people to recount suffering they likely have not yet healed from with strangers, and physically deprived of liberty. Through in-person meetings, our lawyers are better able to connect with applicants for protection, which is especially important given their trauma and the credible fear process. Our team has participated in several trauma-informed interviewing trainings, and is equipped to take body language and other non-verbal cues into account when creating a space where detained persons can feel safe sharing their trauma history. RAICES staff can also use in-person consultation to demonstrate through their own body language, non-verbal cues, and interactions with detained persons that we are advocates who can be trusted. For example, in an in-person consultation experience, our staff are trained to give the persons we interview

autonomy and control by allowing them to make choices about their experience with us, including where they would like to sit in the visitation space. These small but crucial practices, which can only happen in-person, create an environment of trust through which we can more easily build rapport with detained individuals. Prohibition of in-person consultation compounds existing impediments to meaningful review of asylum claims of traumatized persons because it removes the opportunity for meaningful consultation from the CFI process. Being forced to counsel clients solely over the phone, in my opinion, would put survivors in the extremely difficult situation of being asked to trust a stranger, who they cannot see, with the most intimate and traumatic parts of their life.

12. Furthermore, in-person consultation is crucial for RAICES staff to provide services to non-Spanish speakers, especially those who speak indigenous languages. Approximately 41% of our client population is indigenous and speaks Spanish as a second language. Often, we do not have interpreters available to help us communicate with indigenous asylum seekers in their native languages. When we do, these interpretation services are telephonic. Therefore, in-person meetings are necessary to ensure that we can do our best to communicate with indigenous language speakers. It would be extremely difficult to speak via three-way call to a client through an interpreter with no party in the same room. In addition, when we are unable to obtain interpretation services, it is crucial that our staff be face to face with our indigenous clients. This way, we can adjust to language barriers through physical expression and non-verbal communication.
13. Additionally, because of changes at Karnes, in the last year, RAICES has been forced to provide more services telephonically, through a hotline we run where detained persons can call our office and receive telephonic legal counsel. We have noticed that clients who solely interact with us over the phone retain less information, have less trust in our abilities as lawyers, and overall are less likely to have a positive outcome from their credible fear process as those who have the opportunity to meet with RAICES staff in-person, over multiple meetings at Karnes.

I hereby declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct.

Executed this 13th day of December, 2019, in San Antonio, Texas.



ANDREA MEZA