

**GZJ DKV'R'**

## DECLARATION OF CLARA LONG

I, Clara Long, hereby declare under the penalty of perjury pursuant to 28 U.S.C. § 1746:

1. I make this declaration based on my personal knowledge except where I have indicated otherwise. If called as a witness, I could and would testify competently and truthfully to these matters.
2. I am a senior researcher with the United States Program at Human Rights Watch (HRW) where I have focused on immigration and border policy since 2013.
3. Prior to joining Human Rights Watch, I was a Teaching Fellow with the Stanford Law School International Human Rights and Conflict Resolution Clinic. I graduated with honors from Harvard Law School and hold masters degrees from the London School of Economics in Environment and Development from Stanford's Graduate Program in Journalism.
4. HRW is committed to investigating and monitoring human rights abuses throughout the globe. We have spent time and resources monitoring the conditions of immigration holding cells along or near the U.S. border with Mexico, including holding cells in or near El Paso, Texas.
5. Our report, *In the Freezer: Abusive Conditions for Women and Children in US Immigration Holding Cells*<sup>1</sup>, released in February 2018, detailed abusive detention conditions in Customs and Border Protection (CBP) detention facilities across the border, including holding cells in the El Paso area. This report drew on 110 interviews with women and children who had been detained in CBP custody, including at least 15 who specified they had been held in the El Paso area. Those interviewed said they were nearly uniformly held in unhygienic, uncomfortably cold conditions for inappropriately long periods of time.
6. After the release of the above report, my colleagues and I have conducted additional interviews that detailed the conditions in CBP facilities in El Paso, including Border Patrol Station 1. In the past 9 months, my colleagues and I have made 4 trips to the El Paso area and conducted approximately 40 interviews with individuals and families recently released from or then detained in CBP facilities.

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<sup>1</sup> Human Rights Watch, "In the Freezer: Abusive Conditions for Women and Children in US Immigration Holding Cells," February 2018, available at <https://www.hrw.org/report/2018/02/28/freezer/abusive-conditions-women-and-children-us-immigration-holding-cells>.

7. The individuals I and my colleagues interviewed consistently described lack of access to hygiene; severe overcrowding; lack of access to beds or warm blankets; a failure to provide nutritious food; and poor medical care. Additionally, asylum seekers regularly told us they had been pressured and even shouted at by agents to sign forms in English, which they could not understand. Asylum seekers also routinely reported that CBP agents took their belongings, including warm clothing, medication, and personal mementos and never returned them.
8. Interviewees passing through Border Patrol Station 1 and other El Paso sector facilities reported there were no beds to sleep on in the facilities and that detainees had to sleep on thin mats on the floor.
9. Interviewees report limited, if any, access to shower, limited access to soap, and limited access to toothbrushes or other personal hygiene care products, including sanitary napkins for women.
10. During interviews related to detentions in May and June 2019, detained people reported overcrowding to the point that they could not easily move around or fully lay down. They reported that people were forced to sleep sitting up or sleep in shifts to make room.
11. Interviewees reported very cold temperatures in CBP detention cells, commonly reporting that CBP agents had taken away any extra layers of clothing, even for small children, and left interviewees to sleep on cold concrete floors with only thin solar blankets to use for warmth. Interviewees reported the blankets made very little difference.
12. Interviewees reported there was no screening to determine whether an interviewee identified as lesbian, gay, bisexual, or transgender (LGBT). In one case, a transgender woman was placed into a small, cold cell with around 78 men and no private restroom. She reported agents refused to call her by her chosen name and treated her in a demeaning way. She said when moving her from one cell to another an agent grabbed her ponytail and yanked her head downward.
13. Interviewees reported lights were left on 24 hours a day, seven days a week, which in combination with their lack of access to beds and the cold temperatures, left them exhausted and sleep deprived.
14. Interviewees reported no access to telephones, except in rare cases to coordinate release with family in the presence of a CBP agent. They were kept in cells nearly all of the time.

15. Interviewees reported they did not have in-person visits, either from family members or attorneys. Interviewees reported their families often had no idea where they were while they were effectively held incommunicado in CBP detention.
16. On June 18, 2019, I visited Border Patrol Station 1 as part of a monitoring team for the Flores Settlement Agreement. During that visit, I spoke with 11 then-detained individuals, including 8 children. They uniformly reported cold temperatures, not being able to shower, change their clothes, or clean their teeth. They said food was insufficient and of poor quality. All said they had not had an opportunity to use the phone or contact an attorney. A fourteen-year-old told me he was afraid of the guards after an agent pushed him into his cell and denied him permission to go to the bathroom.
17. In my interviews relating to the El Paso Station 1 and the sector as a whole, detained people said they had become sick while being held in CBP detention and had received inadequate medical care. For example, when one asylum seeker asked for medical attention for her daughter who had fainted from dehydration, agents told her it was her fault for choosing to come to the United States. They told her that "there are no human rights in the United States" for migrants like her. Another woman reported that among those detained in her cell was a pregnant woman who screamed for a long time and did not receive any medical attention. One woman told us her 3-year-old fell ill and developed a fever while in CBP custody and was not provided with medical care. When she was released, her son was seen by a medical professional at a migrant shelter and sent immediately to the emergency room.
18. Our research on conditions in CBP facilities demonstrates a consistent and pervasive violation of the human rights of those held in the facilities. Not only do conditions threaten the lives and well-being of those held, they compound trauma commonly suffered on the journey to the United States. Given such conditions, as well as the rapid processing times associated with HARP and PACR, asylum seekers in these programs would have no meaningful access to due process and pursuing an asylum case would be nearly impossible.

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

Executed on December 18, 2019 in Oakland, CA, United States.



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Clara Long