

Exhibit 1

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**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

STATE OF WASHINGTON, et al.,
Plaintiffs,

v.

DONALD TRUMP in his official
capacity as President of the United States,
et al.,
Defendants.

NO. 2:18-cv-00939-MJP

DECLARATION OF TAYLOR
LEVY IN SUPPORT OF THE
STATE OF WASHINGTON

I, Taylor Levy, declare as follows:

1. I am over the age of 18 and have personal knowledge of all the facts stated herein.

2. I am the Legal Coordinator for Annunciation House, a charitable nonprofit in the El Paso-Juarez border community. I have worked and volunteered with Annunciation House for almost nine years, and been in my current position since January 2017. I am a Fully Accredited Representative, which is an alternative accreditation that allows me to represent clients in immigration proceedings before the Executive Office of Immigration Review (Immigration Court). I frequently represent clients in Immigration Court who are seeking relief

1 from removal through asylum, withholding of removal, cancellation of removal under the
2 provisions of the Violence Against Women Act, and other forms of immigration-related relief.
3 I have also recently graduated from law school.

4 3. I have been working on immigration issues along our Southwestern border for
5 much of my career. For example, in the summer 2014, we began seeing a migration surge of
6 asylum seekers along our border communities. At that time, I first worked with Annunciation
7 House to coordinate an emergency humanitarian response to large groups of asylum-seeking
8 family units released on recognizance by Immigration and Customs Enforcement (ICE) in the
9 El Paso area. In August 2014, I changed roles to become part of the emergency pro bono
10 immigration legal team through Las Americas Immigrant Advocacy Center, providing
11 representation to asylum-seeking mothers detained with their children in Artesia, New Mexico.
12 I spent approximately five months in this role, traveling from El Paso to Artesia three days per
13 week.

14 4. The El Paso and Ciudad Juarez metropolitan area where I work is the biggest
15 border community in the world. The combined population of both cities is close to 3 million
16 people. El Paso and Ciudad Juarez are one of the main Southwestern border entry points into
17 the United States. Through my work, legal training, and physical proximity, I am familiar with
18 the conditions in our border community and interact daily with immigrants who have entered
19 the United States through the El Paso ports of entry.

20 5. Annunciation House is an independent organization rooting in Catholic social
21 teaching that accompanies the migrant, homeless, and economically vulnerable peoples of the
22 border region through hospitality, advocacy, and education. From its beginnings,
23 Annunciation House has sought to serve the most vulnerable people in our community.
24 Migrants and refugees, who often cannot receive services from most established social
25 agencies, have become the primary focus of our work over the years. Aside from our Executive
26 Director and me, Annunciation House operates with an all-volunteer staff.

1 6. Annunciation House has been located in El Paso/Ciudad Juarez since 1978, and
2 it operates three houses of hospitality for migrants and refugees. Apart from our general
3 population of guests, we also typically receive and serve 10,000-15,000 immigrants a year as
4 they are released from ICE custody. Many of these people travel on to other points in the
5 United States within a day or so, to stay with family as their immigration cases proceed.

6 7. **Annunciation House** is the entry point for most of our guests. It hosts guests
7 with short-to mid-term needs, who stay for weeks to months. These range from people who
8 have come to the US seeking work, to those who have fled violence and extortion in their home
9 countries, to undocumented families living in El Paso who have come upon financial hardship.

10 8. **Casa Vides** is a longer-term house of hospitality primarily for guests with
11 ongoing needs, such as political asylum cases or other immigration proceedings, or medical
12 situations. Casa Vides also provides hospitality to a number of Mexican nationals, widows of
13 U.S. citizens, who must spend a certain amount of time in the U.S. each year to collect the
14 Social Security benefits to which they are entitled.

15 9. Additionally, since 2014, Annunciation House has overseen approximately one
16 dozen different “overflow shelters” that serve our very short-term guests that have just been
17 released from ICE custody. The overflow shelters are primarily located in churches and
18 community centers, and they operate on a rotating basis depending on current needs and
19 volunteer availability. The guests in these overflow shelters typically stay just 1-3 days, long
20 enough to address their basic needs and connect with family or friends elsewhere in the U.S.
21 These overflow shelters have high turnover and unpredictable numbers, with the guest
22 population entirely dependent on ICE’s release schedule each week.

23 10. In the summer and fall of 2017, I began to see a significant increase in clients
24 that had suffered family separation in the El Paso area, meaning that parents were arriving at
25 the border with their children but being separated and detained by immigration officials for
26 long periods of time without reunification. Other advocates in our community reported similar

1 increasing separations during this time. This increase was later confirmed to be due to a shift
2 in Department of Homeland Security (DHS) policy.

3 11. Specifically, Annunciation House is a member of the Borderland Immigration
4 Council, a coalition of immigration attorneys and advocates. On Oct. 24, 2017, the Borderland
5 Immigration Council met with government officials in El Paso about immigration. It is my
6 understanding that representatives from Customs and Border Protection (CBP), ICE, and DHS
7 were present at that meeting and that they claimed that the new CBP policy was to separate
8 children over 10 from their parents when they were taken into custody.

9 12. During this time, I worked directly with two women (B. and J.), who had been
10 separated from their children soon after entering the country. Both women were being detained
11 in the El Paso Service Processing Center after having been separated from their minor children
12 and charged criminally with illegal entry after having been apprehended in the El Paso area.

13 13. I began visiting J. first in the late fall of 2017, after she made multiple calls and
14 sent letters to Annunciation House requesting assistance. I met with her for several months in
15 detention while attempting to place her case with alternate counsel due to a lack of capacity
16 within my own workload. I spoke about her case with various attorneys working with national
17 organizations as I sought counsel. I visited J in detention numerous times for several months,
18 including on Christmas morning; she was always despondent. I spoke to her son's case workers
19 and legal team in Chicago and kept them informed of my ongoing efforts to assist J.

20 14. In January 2018, I was finally successful in securing immigration legal
21 representation for J through a joint partnership between Linda Rivas of Las Americas
22 Immigrant Advocacy Center and Innovation Law Lab. I then stopped working on the case. I
23 know that she ultimately became one of the named plaintiffs in a lawsuit in the Southern
24 District of California seeking reunification.

25 15. In April 2018, J was granted a bond from an Immigration Judge and began
26 living at Annunciation House. J has lived at Annunciation House since that time. It took more

1 than two months for J to be reunited with her son, who was being detained in Chicago, even
2 with the assistance of Annunciation House, Las Americas, and the ACLU.

3 16. In approximately January 2018, I also began assisting with the case of B,
4 another woman who had been separated from her minor child in the fall of 2017 after being
5 criminally prosecuted for illegal entry following apprehension in the El Paso sector. I began
6 working on her case as an unpaid “on-the-ground” consultant for her immigration lawyers from
7 ALDEA-The People’s Justice Center, an organization headquartered out of Pennsylvania. I
8 visited with B in detention and consulted with her attorneys. B was eventually granted an
9 immigration bond in March 2018 and came to stay at Annunciation House. She has since
10 reunited with her family outside of El Paso.

11 17. Following B’s release from detention, on March 12, 2018, Annunciation House
12 held a press conference to decry the practice of family separation. The press conference
13 included the Annunciation House Director, Ruben Garcia; an Assistant Federal Public
14 Defender, Sergio Garcia (B’s criminal attorney); Christina Garcia from Las Americas
15 Immigrant Advocacy Center; private immigration attorney and member of the Borderland
16 Immigration Council Eduardo Beckett; B; and myself.

17 18. Following the Press Conference, a journalist, Angela Kocherga, from the
18 Albuquerque Journal reached out to DHS for comment. The following was published in that
19 article: “DHS does not currently have a policy of separating women and children,” said Tyler
20 Houlton, acting DHS press secretary in an emailed statement. “However, we retain the
21 authority to do so in certain circumstances – particularly to protect a child from potential
22 smuggling and trafficking activities.” See [https://www.abqjournal.com/1145759/advocates-
23 decry-immigration-tactic.html](https://www.abqjournal.com/1145759/advocates-decry-immigration-tactic.html). I also read other articles in the press reporting similar
24 statements denying family separation from DHS spokespersons.

25 19. I am aware that on or about May 7, 2018, the press reported on an internal DHS
26 memo that confirmed that DHS had piloted a secret test of the family separation policy in the

1 El Paso area during July–November 2017. These news reports confirmed what I had observed:
2 that DHS was intentionally separating families as they entered at the El Paso border as a
3 deterrent to future immigrants. These news reports coincided with Attorney General Sessions’
4 formal announcement of the “Zero Tolerance” border prosecutions policy, which effectively
5 mandated family separation along the entire border. See
6 [https://www.texasmonthly.com/news/homeland-security-promises-to-prosecute-100-percent-](https://www.texasmonthly.com/news/homeland-security-promises-to-prosecute-100-percent-of-illegal-immigration-cases/)
7 [of-illegal-immigration-cases/](https://www.texasmonthly.com/news/homeland-security-promises-to-prosecute-100-percent-of-illegal-immigration-cases/)

8 20. After the announcement, I began to hear reports from other border areas that
9 CBP and ICE were systematically turning asylum seekers away from ports of entry in other
10 Southwestern border communities. I initially dismissed these reports as arising from a few
11 individual CBP officers who were acting unlawfully, as I did not see a similar pattern in our
12 El Paso community. While as early as the fall of 2016, I had heard some anecdotal reports of
13 “metering”—a term that is frequently used to describe techniques to slow the number of asylum
14 applicants who enter at any one time – at El Paso points of entry, I believed that these were
15 isolated incidents.

16 21. During a press event in May 2018, I responded to a reporter’s question by
17 stating my belief that local ICE and CBP officers were not refusing to accept asylum seekers
18 in our area. At that point, a nun from our community who was sitting in the audience raised
19 her hand and offered that she had observed such refusals on the Paso del Norte, El Paso’s main
20 port of entry. That week, Annunciation House received a noticeable smaller number of ICE
21 releases. Because of the week of lower client numbers, coupled with the reports from
22 colleagues in other areas, increasing rumors in our community, and the nun’s remarks, I
23 decided to observe for myself what was occurring at the Paso del Norte.

24 22. On May 25, 2018, at approximately 9:30 a.m., I went to the Paso del Norte
25 alone to observe. The Paso del Norte is the main bridge into El Paso from Mexico, and to the
26 best of my knowledge, it sees more than 10,000 pedestrians crossing per day, traveling between

1 the two countries. When I arrived that morning, there were CBP officers stationed near the
2 middle of the bridge—where the border line is—but actually standing in a shady spot 5-10 feet
3 onto U.S. soil. I observed them for approximately two hours, including during a few apparent
4 shift changes when different CBP agents relieved the agents stationed at the middle of the
5 bridge.

6 23. During those two hours, I watched the CBP officers conduct “random”
7 identification checks of people crossing the middle point of the bridge. The officers did not
8 appear to have a system (e.g., every ten people) for the checks; instead, to my observation, they
9 primarily stopped those entrants who appeared to be Central American, particularly shorter,
10 darker skinned people. During that time, I watched them turn away two people. I then
11 approached those two people to ask what had happened; neither identified themselves as
12 asylum-seekers. One was seeking assistance with obtaining medical records and the other said
13 that he was simply waiting for a friend and had accidentally walked too far on the bridge.

14 24. At around 11:30 that morning, I watched a short, dark skinned man with a child
15 approach the border and cross the middle of the bridge at the border line and into the United
16 States. The CBP officers stopped the man. While I could not initially hear what they were
17 saying, I watched them gesture to him to go back. As I watched, the CBP officer gestured
18 forcefully again three times to the man to turn back and cross the border back into Mexico. I
19 heard the CBP agent say to the man, “para alla” (“go there”), while gesturing forcefully
20 towards Mexico. The man finally turned back.

21 25. When the man crossed back across the border line back into Mexico, I stopped
22 him and introduced myself. He began shaking and crying. He told me that he was fleeing
23 violence in Guatemala with his six-year-old son and that he had come to request asylum. As I
24 had observed, he was prevented from presenting his claim by the CBP officers who he said
25 told him to go away and that he cannot seek asylum. We stood and spoke for a while about
26 what had happened and his intentions to seek asylum. The man was very afraid to return to

1 Mexico or to Guatemala. After this discussion, I offered to accompany him if he wanted to
2 enter again to present his asylum claim.

3 26. Together, the three of us began walking back across the middle point of the
4 Paso del Norte Bridge. As we passed the border line at the middle of the bridge, and came into
5 the United States, the same CBP officers stopped us. "Didn't we already tell you to go back?"
6 one of them said to the man. They once again asserted that he could not come in to the United
7 States.

8 27. I explained to the CBP officers that I was accompanying the man and his son in
9 their attempt to lawfully assert a claim for asylum. Our conversation escalated, and the CBP
10 officers called on their radio, saying "we have some noncompliance here," "we need a
11 supervisor," and requesting additional support. Shortly thereafter, additional officers arrived,
12 for a total of the two original CBP officers and four supervisors. They repeatedly told the man
13 in my presence that he could not enter and claim asylum, that he and his child had to "wait
14 until there was space" and similar statements.

15 28. During the course of our conversation, the CBP agents, including supervisors,
16 made the following statements to me or in my presence: "We have orders not to let anybody
17 in. As soon as we have room, yea." "We have an order." "This is a policy across the border."
18 "There is no room for them right now. You can wait in line. Once there is room they can come
19 in." "They can wait until we have room for them." "It's an order from Sessions."

20 29. After I protested that the refusal was unlawful and that the man was already on
21 American soil, the CBP officers eventually relented and allowed the man and his son to proceed
22 to have their asylum claim entered for processing.

23 30. After this incident, the two men I believe to be CBP supervisors pulled me aside
24 and said, approximately, "we're all good now, right? We are being told to do this. We have
25 bosses too."
26

1 31. Two days later, the man and his son were released from ICE custody pending
2 resolution of their asylum claims. I believe that had I not been present and willing to directly
3 advocate for their right to present their claims at the port of entry, that CBP officers would
4 have continued to deny them entry until they either gave up or attempted to enter elsewhere.

5 32. This experience was very upsetting on a personal level, as someone who has
6 dedicated her work to immigrant communities and the law. I had only just recently graduated
7 from law school a few days earlier and was shocked to hear CBP agents refusing to allow this
8 young man and his small child to be processed properly in accordance with the law. It was
9 especially infuriating to be told by the agents that there was no space to process these people
10 when I knew personally from my work with Annunciation House that this was simply not true.
11 Regardless, even if there was an actual lack of capacity at the bridge, the Immigration and
12 Nationality Act and U.S. treaty obligations do not allow agents to reject asylum-seekers for
13 alleged lack of capacity, *especially* when already standing on American soil.

14 33. About a week later, on May 30, 2018, I returned to the Paso del Norte with
15 others, including the Executive Director of Annunciation House, Ruben Garcia, and a local
16 reporter Bob Moore. Again, we went with the express purpose of observing whether CBP
17 officers were refusing to allow asylum seekers to enter the country.

18 34. We observed a group of about 15 Guatemalan refugees who had reportedly
19 spent the night on the bridge after having been turned away the day before. We spoke with
20 them, and confirmed that all were seeking asylum and had been turned away from the border
21 multiple times. Many members of the group were fathers traveling with their children, but
22 there was also one mother with a three year old child and several unaccompanied minors.

23 35. After hearing their stories of being turned away, we decided to accompany the
24 mother and one of the unaccompanied minors, a teenage girl, as they tried again to present
25 themselves at the port of entry.
26

1 36. Again we crossed the center of the bridge, over the border and onto U.S. soil.
2 CBP officers stopped us, and told us and the women that there was “no space” and that they
3 would have to come back some other time. In response to my protests that refusing an asylum
4 applicant on U.S. soil is unlawful, again the officers called for a supervisor to assist with
5 “noncompliers”.

6 37. When the supervising officer arrived with other CPB officers, he asserted that
7 the CBP was not “turning people away,” but that they were not allowing people to cross until
8 there was space. As we continued to discuss, one of the officers who was carrying a large gun
9 moved to stand very near the mother with her three-year-old son. I observed her to be
10 frightened and intimidated by his behavior, which I believe to have been intentional. The man,
11 who was not wearing a name tag or other identification, then deliberately discharged his Taser
12 at the ground right in front of us.

13 38. After more discussion, the CPB officers finally agreed to accept the women for
14 asylum processing; once again, this seemed to occur in part because I pointed out that we were
15 already standing on U.S. soil. Before we escorted them to the processing area, we saw one of
16 the fathers and two other boys from the group standing on the U.S. side of the border. We
17 explained to them that they did not have to leave, and were entitled to have their asylum
18 applications heard. We left to accompany the other women to the processing area, leaving the
19 other asylum-seekers behind. I did not return later to the bridge myself, but heard from Ruben
20 Garcia and another Annunciation House volunteer that when they returned approximately an
21 hour later with food and water, they could not find anyone else from the group.

22 39. Bob Moore, who was present, reported on these events. *See* Bob Moore, *Border*
23 *Agents are Using a New Weapon Against Asylum Seekers*, Texas Monthly (June 2, 2018),
24 *available at* [https://www.texasmonthly.com/politics/immigrant-advocates-question-legality-](https://www.texasmonthly.com/politics/immigrant-advocates-question-legality-of-latest-federal-tactics/)
25 [of-latest-federal-tactics/](https://www.texasmonthly.com/politics/immigrant-advocates-question-legality-of-latest-federal-tactics/), attached hereto as **Exhibit A**. I read the article at the time it was
26

1 published, and both then and now I believe it to be an accurate recording of the events that he
2 describes.

3 40. On or about June 20, 2018, I again went to Paso del Norte Port of Entry to
4 observe and accompany asylum-seekers with Ruben Garcia. While I was walking across the
5 bridge, I once again observed CBP officers stationed at the center of the bridge and checking
6 documentation.

7 41. We crossed into Mexico and met up with two families of asylum-seekers who
8 had previously been denied entry by agents stationed at the middle of the bridge. Annunciation
9 House had become aware of these families through our contacts with nongovernmental
10 humanitarian organizations in Ciudad Juarez. The two families were Mexican asylum-seekers
11 with small children and they had agreed to allow the press to document the process of trying
12 to seek asylum at the Paso del Norte Port of Entry.

13 42. There were approximately 30 reporters who joined us as we accompanied the
14 two families across the bridge. At the middle point of the bridge, CBP agents once again turned
15 us away, stating that they had no space. Several news outlets have published reports and video
16 of the encounter. The agents did tell us that we could wait until there was space, and the two
17 families were eventually permitted to cross the border onto U.S. soil and be processed as
18 asylum-seekers.

19 43. Since the formal announcement of DHS' family separation policy,
20 Annunciation house has seen a great number of separated parents. Many of these parents report
21 that it was only when they had been turned away at the port of entry – sometimes multiple
22 times – that they attempted to cross elsewhere and were prosecuted for unlawful entry.

23 44. For example, on June 29, 2018, I interviewed a young woman from Guatemala
24 who was recently released from ICE custody after paying an immigration bond. She has not
25 seen her 3-year-old daughter in more than 2 weeks. This young woman explained to me that
26 she spent 2 days and 2 nights on the Paso del Norte Port of Entry with her 3-year-old trying to

1 present herself for asylum-processing. She told me that she was turned away by the agents at
2 the middle of the bridge several different times during those two days. Finally, someone
3 walking on the bridge suggested that she instead try walking against pedestrian traffic on the
4 other side of the bridge to present herself that way. Out of desperation—after having spent 2
5 days in the hot sun on the bridge with her 3-year-old—this young woman decided to follow
6 the man’s advice. She crossed the bridge horizontally and began walking against the pedestrian
7 traffic leaving the U.S; this was in broad daylight. She was quickly apprehended by CBP agents
8 and charged with unlawful entry even though she was still on the bridge, just walking in the
9 wrong direction. She was then forcibly separated from her daughter.

10 45. On June 30, 2018, I interviewed a man from Honduras who is currently detained
11 in the El Paso area after having been separated from his 3-year-old son since approximately
12 May 25, 2018. This man told me about attempting to cross the Paso del Norte Port of Entry
13 three times before eventually deciding to enter irregularly. This man told me that during his
14 first attempt, he was not stopped at the middle of the bridge and actually made it all the way to
15 building at the end of the U.S. side of the bridge where he waited in line and presented himself
16 for asylum to a CBP agent. The CBP agent ordered him to leave the building, saying they had
17 “orders from Washington” to not allow anyone else in. The man left the building to take his 3-
18 year-old son to the public restrooms right outside; he then returned from the bathroom and got
19 on his knees in front of the CBP agent and begged to be allowed in for asylum processing. The
20 CBP agent yelled at him and told him to get up and leave, while putting his hand on his gun
21 menacingly. The man left. A few hours later, he decided to try and cross again, this time being
22 turned away by CBP agents near the middle of the bridge, but several feet onto U.S. soil. The
23 next day, he tried to cross the bridge once again, but was turned away this time by a Mexican
24 official who was standing near the bridge and told him to leave or her would call Mexican
25 immigration. It was only then that this man decided to attempt to cross the border irregularly.
26

1 46. When ICE releases separated parents from custody here in El Paso, the parents
2 are transported to our facility by bus or by van and dropped off with a 1-800 number for the
3 Office of Refugee Resettlement (ORR) to call to try to locate their children. These mothers
4 and fathers have almost no information about when they will be reunited with their children,
5 and they arrive here terrified and shaken by their experience.

6 47. For example, on last Sunday, June 24, 2018, we received 32 parents who had
7 been separated from their children. These parents arrived at Annunciation House absolutely
8 despondent. The youngest separated child in the group of parents was only 4 years old, while
9 the average age was 10 years old. The average length of separation was 25 days and the max
10 was 40 days. Ninety-one percent of the parents said that they had never once spoken with their
11 child since separation (though the majority said that their friends or family had been contacted
12 by their children's social workers). Five of the parents reported that no one in their families
13 had heard from the children since separation—they had absolutely no idea about their
14 locations. It took Annunciation House volunteers four days and numerous phone calls to
15 random social workers of other parents to find the location of one of these children; during
16 those four days, we never received a call from ORR despite multiple calls to the ORR 1-800
17 number.

18 48. In my experience, ORR generally requires sponsor families who want to host
19 an unaccompanied minor to complete a series of procedural checks. These include criminal
20 background checks, fingerprinting, sometimes a blood test, and detailed financial information.
21 ORR frequently requires a sponsor family to pay for the cost of airfare for the child and a
22 roundtrip ticket for an ORR companion to accompany the child. A true and correct copy of
23 ORR's Family Reunification Packet is attached hereto as **Exhibit B**.

24 49. The separated mothers and fathers that have arrived at Annunciation house
25 recently are struggling to navigate ORR's reunification paperwork. They are being treated as
26 new ORR sponsors – subject to a host of paperwork and procedural hoops – rather than the

1 acknowledged parents of their children. Their social workers are insisting that they would
2 need to file all the Family Reunification paperwork and come up with airfare for their children
3 and ORR escorts before they would see their children again. All of these parents are deeply
4 worried about the ORR process taking too long and being overly cumbersome, especially given
5 their emotional states and long periods of separation.

6 50. As such, the majority of these parents have decided to travel to their family and
7 friends in other cities across the U.S. Annunciation House is maintaining contact with these
8 parents and attempting to match them with pro bono legal counsel in their receiving
9 communities. We are also attempting to help them navigate the complex ORR bureaucracy.

10 51. At least two parents have chosen to remain in El Paso while we attempt to
11 reunite them with their minor children (all three of whom are under the age of 10). In the case
12 of these two parents, their minor children are in ORR custody *in El Paso*. However, both
13 parents were originally told by their children's social workers that it was impossible for them
14 to reunited with their children while living at our shelter. I was able to speak to both of these
15 social workers on Friday, June 29, and they told me that they were asking their supervisors
16 about reunification at our shelter. We are currently assisting them with the standard ORR
17 reunification packet, but this seems to be an unnecessary bureaucratic burden—as of today,
18 these two parents have been living at our shelter for an entire week, but they do not have their
19 children back, even though they are in ORR custody just a few minutes away.

20 52. On Wednesday, June 27, 2018, seven separated mothers arrived at
21 Annunciation house after being released by ICE from three separate jails. These mothers had
22 been told by CBP that they were on their way to be reunited with their children *immediately*;
23 they all believed that their children were already at our shelter waiting for them. When they
24 arrived and realized that their children were not there, they were heartbroken. I personally
25 observed the pain and trauma that they experienced in that moment.
26

