

“I Didn’t Know If I Would Survive”: Excessive Use of Force and Inadequate Subsequent Care in a New Mexico Immigration Detention Facility

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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, violations to the PBNDS 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 a case of excessive use of force at Cibola and the failure to subsequently provide adequate medical attention to affected individuals exemplifies recent violations of PBNDS rules.

This report was made possible by the brave men detained in the 100-A unit at Cibola 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). As of January 8, 2024, the average daily population (ADP) of people detained by ICE is 37,131 (ICE 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 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 Torrance 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 detainees (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 detainees 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 detainees 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 three years. Additionally, as is the case with Nakamoto, ODO inspections are pre-announced. This allows for conditions and practices to be temporarily ameliorated in order 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, even though its contracts 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 detainees (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 immigrant detainees 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 Contract Detention Facilities (centers owned and run by the private company CoreCivic but contracted by ICE), Cibola County Correctional Center (Cibola) and Torrance County Detention Facility (Torrance) 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 these regulations, thereby subjecting detainees to harmful conditions. This is exemplified in the potential excessive use of force and subsequent failure to administer adequate medical attention in a recent pepper spray incident at Cibola.

Excessive Use of Force

The 2011 PBNDS provides guidelines on the use of force against detainees, 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 until agreeing to engage in illegal work for 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 effectively 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 as a result 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 detainees:

- “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 – a Guatemalan migrant who came to the U.S. to financially support his family – 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 PBNDS rules regarding use of force.

CONCLUSION

The recent events at Cibola 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. The time is now to shut down Cibola County Correctional Center and Tarrant County Detention Facility in New Mexico and release all individuals held at these facilities. It is only by ending the detention of human beings that we can begin to address the undignified treatment of migrants.

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. 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.

Pepper Spray Incident

7. 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.
8. 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.

9. 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.
10. 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.
11. 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.
12. 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.
13. 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.
14. 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.
15. 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.
16. 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.
17. I affirm that the information contained herein this statement is true and correct to the best of my abilities.
18. I affirm that this statement was read back to me in my native language of Spanish and agree to its contents.



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.

A handwritten signature in black ink, appearing to be 'Freddy Castro-Candelo', written over a horizontal line.

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. 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.”
16. 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.
17. 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.
18. 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.

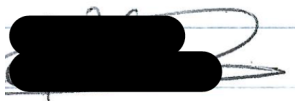
Pepper Spray Incident

19. 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.
20. 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.
21. 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.

22. 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.
23. 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.
24. 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.
25. 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.
26. 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.
27. The guards took the five people that were destroying things in the unit away. I do not know where they were taken.
28. 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.
29. 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.
30. 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.

31. 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.
32. 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).
33. 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.
34. 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.
35. I affirm that the information contained herein this statement is true and correct to the best of my abilities.
36. I affirm that this statement was read back to me in my native language of Spanish and agree to its contents.

A redacted signature area consisting of two thick black horizontal bars. The top bar is slightly longer than the bottom bar. Faint, illegible lines are visible behind the bars, suggesting a signature or name that has been obscured.

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 narco-trafficker 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. 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.
10. They give us breakfast at around 4:30 and 5:00 in the morning, lunch at 12, and dinner at 4:30 or 5:00 pm. 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.

11. 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.

Pepper Spray Incident

12. I cannot recall the exact date of the incident because time is very disorienting in detention.
13. 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.
14. 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.
15. 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.
16. 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.
17. 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.
18. 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.
19. I have only seen one of the five men here at the center, I think the other four were deported.
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.



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. 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?
13. 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.
14. There are no religious services provided. It comes from individuals, and as a unit, we usually have to come together on our own.

15. 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.
16. 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.
17. 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.
18. 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.
19. 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.
20. 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.
21. 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.
22. 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.
23. 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.
24. 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.

Pepper Spray Incident

25. 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.
26. 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.

27. 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.
28. 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.
29. 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.
30. 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.
31. 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.
32. I begged for water while others were passing out from all the pain they were experiencing. There was no medic present to help us.
33. 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.
34. 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.
35. 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.
36. Around 4:00 pm or 5:00 pm Sunday we were finally able to shower.
37. On Monday, the director sent us chocolates and Pepsis like he was trying to buy our silence.
38. 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.
39. 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.
40. 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.
41. 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.
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.



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 it is so spicy that you can’t even eat. Overall, the food is horrible.

12. 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.
13. 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.
14. 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?
15. 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.
16. The clothing they give us is not suitable to be wearing outside in the cold temperatures. It makes you want to come inside right away and miss out on that recreation time.
17. We have access to 13 calls each lasting 10 minutes. This is far from the reality because they often cut out our calls.
18. The phone calls are always recorded, even if you are speaking to a lawyer.

Pepper Spray Incident

19. 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.
20. 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.
21. 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.
22. 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.
23. 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.
24. 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.

25. 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.
26. The 5 people who initiated the riot were locked up.
27. 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.
28. 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.
29. After the incident happened, the personnel came asking for information about who was causing the trouble. We gave them the answers.
30. 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.
31. I am still in disbelief that the personnel and officers were able to treat us with no regard to our safety.
32. 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.
33. I affirm that the information contained herein this statement is true and correct to the best of my abilities.
34. I affirm that this statement was read back to me in my native language of Spanish and agree to its contents.



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. 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.
11. 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.
12. 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.
13. 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, appearing to read "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 it 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 tell us not to send them so many messages after our initial one.
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's 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

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