



AMOACHI & JOHNSON, PLLC
ATTORNEYS AT LAW

July 4, 2015

Robert Moossy Jr.
Section Chief, Criminal Section
Civil Rights Division
United States Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

RE: Request For Investigation into Possible Federal Crimes of Kidnapping, 18 U.S.C. § 1201(a)(1); Conspiracy Against Rights 18 U.S.C. § 241; and Deprivation of Rights Under Color of Law, 18 U.S.C. § 242.

Dear Honorable Mr. Moossy Jr.:

We represent Lilian Yamileth Oliva Bardales (A #) and her son, Christian (I) who are 19 and 4-years-old, respectively. We hereby request that the Criminal Section of the U.S. Department of Justice's Civil Rights Division appoint special counsel to investigate the actions of one or more officials in the Department of Homeland Security and the GEO Group, Inc from June 3, 2015 to June 9, 2015 that resulted in severe physical and mental suffering of Lilian and her son as well as their removal from the United States without any due process of law.

We also request that the U.S. Department of Justice demand that DHS *immediately* parole Lilian and Christian into the United States so that a thorough investigation can be conducted.

Facts

Lilian and her child were removed from the United States on June 9, 2015 after being detained for over 8 months at the Karnes County Residential Center ("KCRC.") The following information was obtained through several direct telephone conversations between the undersigned and Lilian, as well as with other direct witnesses to the events.

In the afternoon of June 3, 2015, Lilian locked herself in her dormitory bathroom, wrote a suicide note, and then attempted to kill herself by cutting her wrist with her broken U.S. government-issued identification card.

One of her roommates found her in the bathroom bleeding and called for help. Several GEO officials, including at least one nurse, came to see what happened. Another GEO official brought a handheld video camera and recorded the encounter with Lilian. There was not a significant amount of blood.

Lilian was immediately brought to small cell within the medical unit, which is a series of rooms wholly separated from the general dormitories at the KCRC. Her wound was disinfected and covered with a bandage. GEO officials ordered her to remove all of her clothing. She refused initially, but GEO officials threatened to rip her clothes off if she did not do it herself. GEO officials stated that the removal of her clothing was for her own safety. Lilian was then ordered to put on a straitjacket, which severely restricted her range of movement and ability to sleep over the next 2 days. When she was first transferred to the isolation room, officials told her that there were rules to be followed and that she needed to learn to follow them.

She was not at any point transferred to a hospital for treatment.

Lilian was isolated in this small cell with a straitjacket until the evening of Friday, June 5. A GEO official observed her for the entirety of her stay there through a window at the entrance to the cell. The lights remained on at full power for her entire stay in the cell. She asked GEO officials to turn off the light but her request was denied. She barely ate anything in those two days. The only meal provided to her—spoiled ham sandwiches—was inedible.

The only nutrition she received in those 2 days in the isolation cell was a pear and some juice. Although Lilian did not want to eat any of the food given to her, she relented when GEO officials warned her that she would not see her son if she did not eat. In those two days, Lilian barely slept due to the severe cold; discomfort caused by the straitjacket, which had no insulation to prevent loss of body heat; and the bed made of plastic that “felt like a rock.”

Lilian did not receive any mental health treatment in the isolation cell. She did not see a mental health professional until after 7 am on June 4. She was brought to another medical isolation room where a Spanish-speaking woman, purportedly a psychiatrist, appeared via internet video. The “treatment” provided was an interrogation. The woman on the video asked Lilian why she hurt herself, that it was not right, and that an attorney told her to do it to herself. When Lilian denied that anyone had told her to harm herself, the woman became more aggressive, demanding further to know who had instructed Lilian to hurt herself and warning her that she could not change the decision of immigration by what she did.

Lilian responded by telling the woman that she did not know the problems that the families have in detention and that she had been in jail with her son for 8 months. “You have not suffered what we have here,” Lilian told her. The woman responded, “I understand, but you will not be helped if you try to kill yourself, you will not change your fate. We will give you medicine. This medicine is only for you to relax, so that you do not feel sad.”

Lilian was not given any medicine until the morning of June 6, a Saturday. From there, she took one additional pill in the evening and again twice the following day, June 7. The only effect the pills had was to make her sleepy.

The nurses brought Lilian to her son's room, which was also in the medical unit. He was sleeping when she entered his room. When he woke up, the first thing he asked was for a bath. He smelled bad because he had been washed for 2 days. He wanted a bath and asked that his teeth be brushed immediately, because the women he was with had not cleaned him or anything but changed his clothes. His dirty clothes were in a pile on the ground in his room. Christian asked his mom if he could eat something from the commissary, such as soup, but Lilian told him that she could not go there because they were not in their normal room.

After only one hour with Christian, Lilian was directed to leave her son's room and return to hers. She heard her son crying and crying. Before she left for the night, Christian begged his mom so he could sleep with her. Before her suicide attempt, Christian slept in the same bed with his mother in their dormitory room. One night, she yelled out to him and asked why he was crying. Christian said that he was sad because the woman who was watching him left. Christian reported to his mom afterwards that he was left alone at night for long periods of time, and a nurse came to check on him every so often.

On June 4, 2015, ICE officials brought an official from the Honduran consulate to speak to Lilian. In the conversation with the Honduran official, Lilian asked for her help in getting out of the isolation room. Lilian did not request that the official issue travel documents for her removal to Honduras. Around the same time, several ICE officials came to the room and asked her how she felt. She told them that she was doing badly, and what they were doing to my child and me was wrong. The same officials asked her whether she had any family in the United States. She responded that she did not. However, she also informed ICE that she had family friends in Brentwood, New York that were willing to care for her and her son if she was released from detention.

Lilian was barred from meeting any of her attorneys from June 3 to June 9, despite her numerous requests to do so. Her only communication with an attorney, Fatima Menendez, was for a brief 10 minutes on or about June 5. In that conversation, Fatima told Lilian that GEO and ICE claimed that she was receiving medical treatment. Fatima further told Lilian not to sign anything.

One of her attorneys, Javier Maldonado, was prepared to file a petition for review and emergency stay of removal with the 5th Circuit Court of Appeals on Lilian and Christian's behalf. However, his requests to meet with her were summarily denied from June 3 to June 9. He could not file any paperwork with the 5th circuit because the documents necessary to do so were in Lilian's possession.

On June 7, all phone access was cut off at approximately 4 pm, according to a detained mother who is now released. The same witness reported that the internet access was also cut off at around the same time. When the mother asked GEO staff why the phones were not working, she was told it was a maintenance issue.

Phone access was not restored until 10 am on June 8, 2015, after Lilian and the three other families had already been transferred out of the KCRC to the motel 6.

On June 4, 2015, I asked Mr. James De La Cruz, a Senior Federal Field Specialist Supervisor in the Office of Refugee Resettlement's Unaccompanied Children's Services Program, whether DHS had transferred any unaccompanied minor children from the KCRC to ORR custody in the last 24 hours. I followed up this request in writing through e-mail.

Mr. De La Cruz inquired regarding Christian with ICE's Juvenile Family Residential Management Unit (JFRMU), the entity in charge of transfers of UAC's to ORR custody. On June 8, 2015, I followed up with Jacqueline Du Puy, ORR's Lead Intakes Program Specialist, to determine if DHS ever responded to their inquiry regarding Christian. She wrote back: "We have followed up with DHS and have not heard anything."

On June 8, ICE officials took Lilian and her son from KCRC at approximately 5 am and were then transferred to a Motel 6 with 3 other Honduran families. Lilian did not know that she was going to be removed until this exact moment. When she realized she was going to be deported, she collapsed. ICE officials told her that she would be taken tied up if necessary and then she would lose her son if she did not cooperate. At the Motel 6, ICE officials stood guard outside of her room while she and Christian were detained inside a room for the entire day.

In a conversation with Deportation Officer Gabriel Pacheco, the undersigned inquired into why Christian was not transferred to the custody of HHS given that he was an unaccompanied minor. Mr. Pacheco responded that he had been "close" to his mother. However, Christian had no contact whatsoever with his mother for 3 complete days and then only 2 hours out of 48 hours in the last two days he was detained at KCRC.

ICE's conduct towards Christian differs significantly from what occurred in a similar case of a woman and child, who are also clients of the undersigned. In the other case, a young mother, Bernice, was detained in the South Texas Family Residential Center ("STFRC") in Dilley, Texas, with her 4-year-old daughter. On March 5, Bernice attempted to kill herself by swallowing a bottle of shampoo after learning her bond would not be lowered and that she and her child would continue to be detained.

That same day, Bernice was transferred to a local hospital for treatment and observation. From the hospital, Bernice was transferred to the Laredo Detention facility, an adult detention facility. DHS referred her daughter for transfer to ORR custody on March 7, 2015 at 7:50 pm, and she was subsequently transferred to a foster home under ORR custody on March 8.

ICE followed its own procedure by transferring Bernice to a hospital for treatment because that she attempted to take her own life. ICE also complied with statutory law by transferring her daughter to ORR custody within 72 hours.

On June 8, I sent a request for the immediate stay of removal of Lilian and Christian to Andrew Lorenzen Strait, Deputy Assistant Director of ICE's Enforcement and Removal Operations ("ERO") branch; Enrique Lucero, the Field Office Director of ICE ERO in San Antonio; Norma Lacey, an assistant to Mr. Lucero; Richard Rocha, a communications advisor with ICE ERO Headquarters; Scott Shuchart; Senior advisor to DHS's Office of Civil Rights and Civil Liberties; Juanita Hester; Assistant Field Office Director to ICE ERO in San Antonio; and Deborah Achim, Assistant Field Office Director to ICE ERO in San Antonio.¹

On June 9, 2015 at 3 am in the morning, ICE officials took Lilian; her son, and the other families from the motel room and placed them on a bus. She and several other Honduran families were then driven to a remote airstrip, forced to board a plane, and then flown back to Honduras later in the morning of June 9.

ICE's Public Claims Regarding Lilian and Christian

ICE officials made several statements to the press regarding Lilian's case in her last days in the United States. On June 4, 2015, in a statement made to the general pool of journalists, an ICE spokesperson issued the following statement: "An adult resident housed at the Karnes County Residential Center for U.S. immigration and Customs Enforcement (ICE) is being observed by mental health professionals onsite who confirmed that the minor injury was not life-threatening, but that the help of specialized mental health care providers was appropriate...ICE is closely monitoring the situation and continues to investigate the circumstances. ICE will determine the next steps for the resident's child who also resides at the facility."²

On June 9, 2015, An ICE official wrote in an email to the Huffington Post stating that Oliva and her son had been deported and that "all of her legal appeals before ICE the Executive Office of Immigration Review and the Board of Immigration Appeals." The official also conceded that ICE only permitted Lilian to speak with an attorney once in the last 6 days before removing her from the United States.³

On June 17, 2015, ICE again reiterated Lilian that "Lilian received proper medical attention after the incident, including mental health care."⁴

¹ See attached e-mail printouts.

² Family detention center rocked by suicide try, release of pregnant detainees, McClatchy Washington Bureau, June 4, 2015, <http://www.mcclatchydc.com/news/nation-world/national/article24785320.html>

³ Mother who attempted Suicide in family detention center is deported, Huffington Post, June 9, 2015, http://www.huffingtonpost.com/2015/06/09/mother-suicide-deported_n_7545934.html

⁴ Teen mom who attempted suicide speaks out after deportation, McClatchy Washington Bureau, June 17, 2015, <http://www.mcclatchydc.com/news/immigration/article25186393.html>

Applicable Laws and Regulations

Section 4.5 of ICE's family residential standards require ICE to transfer a person who appears an imminent danger to her own life to a hospital for medical treatment. "if danger to life or property appears imminent, the medical staff has the authority to isolate and transfer the resident from the general population to the nearest hospital." The section goes on to state that "observation of imminently suicidal residents by medical or residential staff shall be one-to-one until the resident is transferred or released by the medical authority."

18 U.S.C. § 241, Conspiracy against rights, states that if two or more persons conspire to injure, oppress, threaten, or intimidate any person in any State, Territory, Commonwealth, Possession, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States...they shall be fined...or imprisoned not more than 10 years, or both.

Lastly, 18 U.S.C. § 242 states that any person, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State, Territory, Commonwealth, Possession, or District the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States...shall be fined or imprisoned not more than one year.

Lilian was not transferred to a hospital for medical treatment after she tried to kill herself. ICE officials took extraordinary precautions that contradict its claims that medical isolation for 5 consecutive days prevented her from meeting with any of her attorneys.

ICE demanded that Lilian remove all of her clothing, including her underwear. Presumably, the removal of clothing was to prevent her from using anything to hang herself with. In addition to stripping her, ICE took even more extreme measures by placing Lilian in a straitjacket, which limited her mobility and caused sleep deprivation for 2 consecutive days. If her clothing was removed and she was under 24 hour one-to-one observation, there was no need to take such extraordinary and restrictive measures, which in any setting would cause a patient at suicide risk to deteriorate in their condition.

Two or more officials in DHS made an agreement the moment that Lilian cut her wrist: she and her son would be immediately removed even if it meant intentionally depriving her of numerous fundamental rights guaranteed under the U.S. Constitution, including her 5th amendment right to procedural due process; her right to adequate medical treatment; nutrition; and shelter, all derived from the 5th amendment; and her 8th amendment right to be free from cruel and unusual punishment.

Given that the principal reason that Lilian attempted to kill herself was due to her and her son's prolonged detention, the appropriate and required action under ICE's own regulations was to transfer her to the nearest hospital for treatment and observation.

If she were transferred to a hospital, she would not have suffered severe physical and mental pain as a result of ICE's retaliatory conduct. In fact, in the instance of Bernice, a client of the undersigned who attempted to kill herself in early March of this year, DHS adhered to its own policy: she was immediately transferred to a hospital outside of the detention center in Dilley for medical treatment.⁵ Once she was no longer deemed a risk to harm herself, she was transferred back to DHS custody.

Lilian was entitled sufficient medical care, food, and shelter. She was also entitled to be free from cruel and unusual punishment. ICE's conduct against Lilian after she attempted suicide constituted punishment—she was separated from her son, placed in a straitjacket, and deprived of all contact with anyone but GEO or ICE officers for 3 consecutive days in a frigid room. At the end of those 2 days, she was again held in isolation but allowed to see her son one hour per day for approximately 2 days.

ICE's intentional deprivation her of her 5th amendment right to counsel in removal proceedings and removing her from her sleep in pre-dawn operation further supports her allegation that ICE's conduct was primarily to punish her. Insofar as ICE has claimed their actions were for Lilian's own well-being, it was only to ensure that ICE would be immune from further negative publicity in the event that she attempted to kill herself again.

From June 3 to June 9, 2015, ICE officials denied numerous requests by her attorneys to meet with her in person and also denied Lilian's multiple requests to meet with her attorneys. Even assuming Lilian was capable of filing the complicated legal work to reopen her removal order or file a petition for review and emergency stay of removal with the 5th Circuit Court of Appeals, she was barred from doing so because she was imprisoned in the isolated medical unit within the KCRC.

According to Fatimina Menendez, ICE's justification for denying these requests was because Lilian was in a severely bad shape from her attempted suicide and needed medical attention.

However, ICE claimed that it did not deprive Lilian of her right to counsel because she was allowed to speak with attorney Fatima Menendez for approximately 10-15 minutes on the phone on June 5 out of the 6 days that she was disappeared into the confines of two rooms within the KCRC. When Fatima arrived at the KCRC she was denied access to Lilian because GEO staff said she was under medical observation. Fatima was then told by an ICE official that Lilian would be in medical isolation because there was so much blood when they found her.

Attorney Menendez was only allowed to speak with Lilian after she questioned why the Honduran Consulate was allowed to see her. ICE allowed Fatima a phone call with Lilian, during which Lilian told Fatima she had only received minimal care, was very cold because she was only wearing a robe, and she had not seen her son in three days.

⁵ "Soul-Destroying" one migrant mother's story of life at Dilley Detention Center, The Guardian, May 22, 2015, <http://www.theguardian.com/us-news/2015/may/22/immigrant-mothers-dilley-family-detention-center-texas>

The reason that attorneys most needed to have direct access to her was because Javier Maldonado, who agreed to file a petition for review with the 5th circuit court of appeals, needed a copy of the BIA decision to file with the petition. Attorneys also needed to engage in detailed consultation to determine Lilian's wishes for representation. However, this was categorically prevented because two or more officials already concluded that she would be removed from the United States no matter what.

CRIMES COMMITTED AGAINST CHRISTIAN

The federal crime of Kidnapping, 18 USC § 1201(a)(1), is committed when a person *unlawfully* seizes, confines, inveigles, decoys, kidnaps, abducts, or carries away and holds...any person and then willfully transports that person in interstate or *foreign* commerce in furtherance commission of the crime. The federal statute does not require that the defendant to have intended or committed another offense in addition to the initial unlawful confinement and subsequent carrying away.

8 U.S.C § 1232(c)(2) requires DHS to transfer unaccompanied minors to the custody of Health and Human Services ("HHS") within 72 hours of initial apprehension, except in the case of exceptional services.

An unaccompanied alien child is defined in 6 U.S.C. 279(g)(2) as any child who (A) has no lawful immigration status in the United States; (B) has not attained 18 years of age; and (C)with respect to whom—(i)there is no parent or legal guardian in the United States; or (ii) **no parent or legal guardian in the United States is available to provide care and physical custody.**

The moment that Lillian attempted to kill herself, she was no longer available to provide care and physical custody of Christian. Furthermore, Christian was completely separated from his mother for a minimum of 2 consecutive days. In those two days, Christian's mother did not provide **any** care or physical custody for her son.

ICE was obligated to refer Christian for transfer to the custody of HHS as soon as his mother was unable to provide any form of care or custody for her son. Even after 2 days, Christian remained an unaccompanied alien child under the law. ICE permitted Lilian to spend one hour on June 5; one hour on June 6; and one on June 7 with her son attempt to circumvent its obligations under federal law to transfer Christian to the custody of HHS within 72 hours of the effective date of initial apprehension (when he was physically separated from his mother.)

What Lilian learned on June 6 further supports the fact that Christian was unaccompanied: he was not bathed for three consecutive days. GEO staff members, who are not licensed to provide for care of children, took custody of Christian. The fact that Christian was not bathed, or allowed to play with any of the other children in the facility, or allowed to see his mother, show that ICE intentionally disregarded the federally mandated laws to transfer children to the custody of HHS, which provides for licensed 24/7 residential care for a child of Christian's

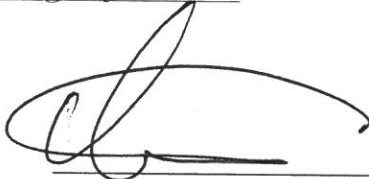
tender age. He was also left alone for long periods of time at night and only periodically checked on by nurses throughout the night. He was a boy all alone in a solitary confinement cell in a secure jail designed for adults.

Given that DHS did not respond to an affirmative inquiry from ORR regarding a child alleged to having been unaccompanied in the KCRC, it is clear DHS did not even attempt to initiate the process to transfer Christian to ORR custody.

Two or more DHS and GEO officials conspired to violate Christian's right as an unaccompanied minor to be transferred to the custody of HHS solely for the following purpose: to ensure his and Lilian's removal from the United States. If Christian was transferred to HHS custody, a live witness to their crimes would have been left inside the United States and outside of the control of DHS.

Given the foregoing, I believe several officials at the Department of Homeland Security and GEO Group participated in the federal crime of kidnapping with respect to Christian and Conspiracy Against Rights and Deprivation of Rights Under Color of Law against both Lilian and Christian. An investigation must take place to determine who is responsible

Thank you for your prompt attention to this important matter. If you have any questions or would like to speak with our clients please contact us at 631-647-9701 or through e-mail at Bryan@amjlaw.com.



Ala Amoachi, Esq.
Amoachi and Johnson, PLLC
1918 Union Blvd.
Bay Shore, NY 11706
(T) 631-647-9701
(F) 631-647-9705

Very Truly Yours,



Bryan S. Johnson, Esq.
Amoachi and Johnson, PLLC
1918 Union Boulevard
Bay Shore, NY 11706
(T) 631-647-9701
(F) 631-647-9705

CC: The Honorable Jeh Johnson
Secretary of Homeland Security
Washington, D.C. 20528

Sarah Saldaña
Director, U.S. Immigration and Customs Enforcement
500 12th St., SW
Washington, D.C. 20536

John Roth
Inspector General
Department of Homeland Security
245 Murray Lane, SW
Washington DC, 20528

Timothy Moynihan
Immigration and Customs Enforcement
Office of Detention Oversight (OPR)
950 L'Enfant Plaza, SW Suite 200
Washington, D.C. 20536

Kenneth Magidson
United States Attorney
Southern District of Texas
1000 Louisiana, Ste. 2300
Houston, Texas 77002

Megan H. Mack
Office for Civil Rights and Civil Liberties
Department of Homeland Security
245 Murray Lane, SW
Washington DC, 20528

7/3/2015

Amoachi and Johnson, PLLC Mail - 19 year old mother attempted suicide with 4 year old present.



Bryan Johnson <bryan@amjlaw.com>

19 year old mother attempted suicide with 4 year old present.

5 messages

Bryan Johnson <bryan@amjlaw.com>

To: "De LA Cruz, James (ACF)" <James.Delacruz@acf.hhs.gov>

Thu, Jun 4, 2015 at 2:38 PM

Hi Jim:

This is what I was given from advocates on the ground. I think this breaks in the press soon.

This most I know is that mom is 19 and child is 4. From Honduras. The suicide attempt was yesterday.

"An adult resident housed at the Karnes County Residential Center for U.S. Immigration and Customs Enforcement (ICE) is being observed by mental health professionals after staff encountered the individual with a surface-level abrasion to one wrist. The individual was evaluated by medical professionals onsite who confirmed that the minor injury was not life-threatening, but that the help of specialized mental health care providers was appropriate. ICE takes the health, safety, and welfare of those in our care very seriously. ICE is closely monitoring the situation and continues to investigate the circumstances.

ICE will determine the appropriate next steps for the resident's child who also resides at the facility."

--
Bryan S. Johnson, Esq.
Amoachi & Johnson, PLLC
Attorneys at Law
1918 Union Boulevard
Bay Shore, NY 11706
P: (631) 647-9701
F: (631) 647-9705
www.amjlaw.com

De LA Cruz, James (ACF) <James.DeLACruz@acf.hhs.gov>

To: Bryan Johnson <bryan@amjlaw.com>

Thu, Jun 4, 2015 at 2:40 PM

Cc: "De Puy, Jacqueline (ACF)" <Jacqueline.DePuy@acf.hhs.gov>

We are checking on this and will get back with you.

James S. De La Cruz

DHHS/ACF/ORR/DCS

Senior Federal Field Specialist Supervisor

901 D Street

7/3/2015

Amoachi and Johnson, PLLC Mail - 19 year old mother attempted suicide with 4 year old present.

Washington, DC 20447

Office: 202-690-8477

PH: 202-680-9355

Fax: 202-401-1022

www.acf.hhs.gov/programs/orr/

From: Bryan Johnson [mailto:bryan@amjlaw.com]
Sent: Thursday, June 04, 2015 2:38 PM
To: De LA Cruz, James (ACF)
Subject: 19 year old mother attempted suicide with 4 year old present.

[Quoted text hidden]

Bryan Johnson <bryan@amjlaw.com>
To: "De LA Cruz, James (ACF)" <James.DeLACruz@acf.hhs.gov>
Cc: "De Puy, Jacqueline (ACF)" <Jacqueline.DePuy@acf.hhs.gov>

Thu, Jun 4, 2015 at 4:28 PM

Here is the mother's A number:

Her first two names are Lilian Yamileth.

[Quoted text hidden]

Bryan Johnson <bryan@amjlaw.com>
To: "De LA Cruz, James (ACF)" <James.DeLACruz@acf.hhs.gov>
Cc: "De Puy, Jacqueline (ACF)" <Jacqueline.DePuy@acf.hhs.gov>

Mon, Jun 8, 2015 at 11:16 AM

Good morning:

Have you heard anything? We have heard that she and her child are being removed today.

[Quoted text hidden]

De Puy, Jacqueline (ACF) <Jacqueline.DePuy@acf.hhs.gov>
To: "bryan@amjlaw.com" <bryan@amjlaw.com>, "De LA Cruz, James (ACF)" <James.DeLACruz@acf.hhs.gov>

Mon, Jun 8, 2015 at 11:31 AM

Hi Mr. Johnson,

We have followed up with DHS and have not heard anything.

Jacqueline (Melvin) De Puy
ORR/DCS Lead Intakes Program Specialist
Office of Refugee Resettlement
Division of Children's Services
901 D. St. SW
Washington, DC 20447
202-754-2087

From: Bryan Johnson [mailto:bryan@amjlaw.com]
Sent: Monday, June 08, 2015 11:16 AM

7/3/2015

Amoachi and Johnson, PLLC Mail - 19 year old mother attempted suicide with 4 year old preseat.

To: De LA Cruz, James (ACF)

Cc: De Puy, Jacqueline (ACF)

Subject: Re: 19 year old mother attempted suicide with 4 year old preseat.

[Quoted text hidden]



Bryan Johnson <bryan@amjlaw.com>

Request for immediate stay of removal for Lilian Oliva Bardales A

1 message

bryan@amjlaw.com <bryan@amjlaw.com>

Mon, Jun 8, 2015 at 3:33 PM

To: "enrique.m.lucero@ice.dhs.gov" <enrique.m.lucero@ice.dhs.gov>, "deborah.achim@ice.dhs.gov" <deborah.achim@ice.dhs.gov>, "juanita.p.hester@ice.dhs.gov" <juanita.p.hester@ice.dhs.gov>, "scott.shuchart@hq.dhs.gov" <scott.shuchart@hq.dhs.gov>

Dear Mr. Lucero:

I have recently agreed to represent Ms. Oliva Bardales in her immigration matter after consulting with her family friend, Jose Luis Zelaya, who lives in Suffolk County, New York where our office is located.

We intend to pursue special immigrant juvenile status in the family court in New York given that she is under the age of 21 and cannot be reunified with her parents due to neglect or a similar basis under New York State law.

I was informed this morning that Lilian and her son, Christian Padilla Oliva, were scheduled to be removed today.

In light of her recent suicide attempt, removing Lilian and Christian would be unconscionable, and potentially criminal given that ICE has unlawfully refused to transfer Christian to the custody of ORR despite her mother's clear inability to care for her son immediately after an attempted suicide.

I reached out directly to ORR upon learning of Ms. Oliva's attempt to harm herself and the intake coordinator there, Jacqueline De Puy, has not heard anything from DHS despite directly reaching out to DHS.

In the other known attempted suicide in family detention, also under the jurisdiction of the San Antonio Office, my client, Mayde, was immediately rushed to the hospital and her daughter was transferred to ORR custody.

In this instance, it is becoming increasingly clear, if the allegations are true, that you have intentionally refused to follow the TVPRA in an attempt to remove Lilian and her son immediately.

Given that Lilian is eligible for SIJS relief and given that she has an attorney willing to secure it for her, any scheduled removal should be ceased immediately. She should then be released to her family friends in New York.

Additionally, as a consultant to the ongoing negotiations over the Flores settlement, I have read the 22 page ruling of Judge Gee in California. In light of that ruling--which found DHS's use of Karnes and Dilley to be in breach of the settlement--it is even more shocking that Lilian and her son continue to be detained, especially given her young age.

Attached is Form G-28. Please acknowledge receipt of this email.

--
Bryan S. Johnson, Esq.
Amoachi & Johnson, PLLC
Attorneys at Law
1918 Union Boulevard
Bay Shore, NY 11706
P: (631) 647-9701

11/3/2015

Amoachi and Johnson, PLLC Mail - Request for immediate stay of removal for Lilian Oliva Bardales A 206-769-267

F: (631) 647-9705
www.amjlaw.com



SKM_554e15060811310.pdf
1730K



Bryan Johnson <bryan@amjlaw.com>

RE: (No Subject)

1 message

Leal, Hilario <Hilario.Leal@ice.dhs.gov>
To: Bryan Johnson <bryan@amjlaw.com>

Mon, Jun 8, 2015 at 3:26 PM

Mr. Johnson, I am out of the office today. I have forwarded your email to my chain of command for review.

Best regard,

H.Leal

From: Bryan Johnson
Sent: Monday, June 08, 2015 1:53:17 PM
To: Leal, Hilario; Gilber.X.Rodriguez@ice.dhs.gov; Berrones, Juan R
Subject:

Dear Mr. Leal:

I have recently agreed to represent Ms. Oliva Bardales in her immigration matter after consulting with her family friend, Jose Luis Zelaya, who lives in Suffolk County, New York where our office is located.

We intend to pursue special immigrant juvenile status in the family court in New York given that she is under the age of 21 and cannot be reunified with her parents due to neglect or a similar basis under New York State law.

I was informed this morning that Lilian and her son, Christian Padilla Oliva, were scheduled to be removed today.

In light of her recent suicide attempt, removing Lilian and Christian would be unconscionable, and potentially criminal given that ICE has unlawfully refused to transfer Christian to the custody of ORR despite her mother's clear inability to care for her son immediately after an attempted suicide.

I reached out directly to ORR upon learning of Ms. Oliva's attempt to harm herself and the intake coordinator there, Jacqueline De Puy, has not heard anything from DHS despite directly reaching out to DHS.

In the other known attempted suicide in family detention, also under the jurisdiction of the San Antonio Office, my client, Mayde, was immediately rushed to the hospital and her daughter was transferred to ORR custody.

In this instance, it is becoming increasingly clear, if the allegations are true, that you have intentionally refused to follow the TVPRA in an attempt to remove Lilian and her son immediately.

Given that Lilian is eligible for SIJS relief and given that she has an attorney willing to secure it for her, any scheduled removal should be ceased immediately. She should then be released to her family friends in New York.

Additionally, as a consultant to the ongoing negotiations over the Flores settlement, I have read the 22 page ruling of Judge Gee in California. In light of that ruling--which found DHS's use of Karnes and Dilley to be in breach of the settlement--it is even more shocking that Lilian and her son continue to be detained, especially given her young age.

Attached is Form G-28. Please acknowledge receipt of this email.

--
Bryan S. Johnson, Esq.
Amoachi & Johnson, PLLC

7/3/2015

Amoachi and Johnson, PLLC Mail - RE: (No Subject)

Attorneys at Law
1918 Union Boulevard
Bay Shore, NY 11706
P: (631) 647-9701
F: (631) 647-9705
www.amjlaw.com



Bryan Johnson <bryan@amjolaw.com>

Demand for stay and release of Lilian Y Oliva Bardales

2 messages

Bryan Johnson <bryan@amjolaw.com>

Tue, Jun 9, 2015 at 8:10 AM

To: Esther.Olavarria@hq.dhs.gov, scott.shuchart@hq.dhs.gov, "ERO.Outreach" <ERO.outreach@ice.dhs.gov>, "ERO.INFO" <ERO.INFO@ice.dhs.gov>, enrique.m.lucero@ice.dhs.gov, juanita.p.hester@ice.dhs.gov, deborah.achim@ice.dhs.gov, "Lorenzen-Strait, Andrew R" <Andrew.R.Lorenzen.Strait@ice.dhs.gov>, andrew.strait@dhs.gov

Secretary Johnson:

I am an attorney representing Lilian Yamileth Oliva Bardales, a 19-year-old girl who attempted to kill herself on June 3, 2015 by cutting her wrists in the Karnes County Residential Center. She was driven to this desperate because, in her own words, she would "rather be dead than" see her son fail along with her.

I am also a retained consultant for the Plaintiffs' counsel in connection with negotiations to end the illegal practice of family detention.

Through this letter, I demand the immediate stay of removal and subsequent release from detention of Lilian and her son. If Lilian and her son are not released from detention to a safe place in the United States by the close of business today, evidence will be released that shows DHS has willfully detained Lilian, her son, and hundred of other families for over a month in clear violation of the law.

The depravity of DHS' actions against Lilian is breathtaking.

Immediately after Lilian was found bleeding from her wrist by prison guards, she was thrown into a solitary confinement cell as punishment and stripped of all of her clothes except for a robe.

Her 4 year old son became an unaccompanied minor yet inexplicably remained detained in a secure, lock-down prison for 5 days in clear violation of 8 U.S.C. 1232(b)(3), which requires DHS to transfer unaccompanied minor children to the custody of HHS within 72 hours. This innocent baby boy was terrorized so that DHS could remove him and his mom before she could tell her story.

Only one day after Lilian's attempt to kill herself, ICE officials brought her to the Honduran consulate so that she and her son could be removed immediately. Yesterday, I confirmed with an ICE official that Lilian and her son were transferred for removal to her native country of Honduras.

Lilian is entitled to remain in the U.S. through several avenues of relief, including special immigrant juvenile status ("SIJS") because she is under the age of 21 and reunification with her parents is not viable due to neglect or a similar basis under New York State law.

I am act alone in this letter. I understand that you may question the motives in penning this correspondence. Lest there be any doubt, I write this because my conscious requires it. I cannot sit back and watch DHS continue to brutalize my client, her son, and hundreds of others without any regard for the law and basic human decency.

I sincerely hope that you act quickly in staying my client's removal and releasing her and her son from detention immediately.

Very Truly Yours,

Bryan S. Johnson, Esq.
Amoachi & Johnson, PLLC
Attorneys at Law
1918 Union Boulevard
Bay Shore, NY 11706

7/3/2015

Amoachi and Johnson, PLLC Mail - Demand for stay and release of Lilian Y Oliva Bardales 206-769-267

P: (631) 647-9701
F: (631) 647-9705
www.amjlaw.com

ERO.INFO <ERO.INFO@ice.dhs.gov>

To: Bryan Johnson <bryan@amjlaw.com>

Wed, Jun 10, 2015 at 12:16 PM

Cc: "San Antonio.Outreach" <SanAntonio.Outreach@ice.dhs.gov>

Good afternoon Mr. Johnson,

Thank you for contacting U.S. Immigration and Customs Enforcement (ICE) and Enforcement Removal Operations (ERO).

In response to your email below, your request regarding specific case information must be facilitated through the appropriate field office; San Antonio Field Office area of responsibility. The aligned Outreach mailbox is copied on this email, and will be able to assist you in addressing any issues or concerns.

Friendly Reminder: Please include a signed G-28 or privacy waiver, in order for ICE to provide any details regarding a specific case. For additional information on ICE privacy regulations, please visit: <http://www.ice.gov/about/offices/management-administration/privacy/>.

Thank you,

Lauren Toms Mejia (CTR)

Custody Programs

DHS/ICE/ERO

From: Bryan Johnson [mailto:bryan@amjlaw.com]

Sent: Tuesday, June 09, 2015 8:11 AM

To: Olavarria, Esther; Shuchart, Scott; ERO.INFO; ERO.INFO; Lucero, Enrique M; Hester, Juanita P.; Achim, Deborah; Lorenzen-Strait, Andrew R; andrew.strait@dhs.gov

Subject: Demand for stay and release of Lilian Y Oliva Bardales

[Quoted text hidden]