

DECLARATION OF JAVIER HIDALGO

REFUGEE AND IMMIGRANT CENTER FOR EDUCATION AND LEGAL SERVICES

I, Javier Hidalgo, make the following declaration based on my personal knowledge and declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the following is true and correct.

RAICES' Mission and Activities

1. I am a licensed attorney and a member in good standing of the New York and Texas state bars. I am currently employed as Legal Director with the Refugee and Immigrant Center for Education and Legal Services ("RAICES"). I have been an attorney at RAICES since August 2018, Director of Pre-Removal Services since January 2022, and Legal Director since June 2023.
2. RAICES is a nonprofit legal services organization headquartered in San Antonio, Texas, dedicated to defending the rights of immigrants and refugees. RAICES's mission is to defend the rights of immigrants and refugees; empower individuals, families, and communities of immigrants and refugees; and advocate for liberty and justice. This mission encompasses striving to ensure access to asylum and protection for noncitizens, including those arriving at the border and subject to expedited removal.
3. RAICES is one of the largest immigration legal service providers in Texas, offering free and low-cost legal representation to underserved immigrants, including adults, families, and unaccompanied noncitizen children seeking asylum and related protections. To execute our mission, we strive to serve as many noncitizens as possible through our various avenues of work.
4. A key part of RAICES' work is providing legal services and representing individuals in expedited removal proceedings, particularly through credible fear interviews ("CFIs") and reasonable fear interviews ("RFIs"). Our Pre-Removal Services team works with individuals in ICE detention centers across Texas, including those now facing prolonged detention.
5. In 2024, RAICES provided legal services to over 800 individuals in expedited removal proceedings, including asylum seekers who were detained in ICE facilities across Texas.
6. I am submitting this declaration to describe the impact of the lack of access to potential clients who were detained in Texas and have been transferred to the U.S. Naval Base at Guantánamo Bay, Cuba. As explained below, the government's failure to provide any access for attorneys to communicate with detained immigrants at Guantánamo impedes our mission of providing free, high quality legal services to those detained in U.S. Immigration and Customs Enforcement ("ICE") custody in Texas. Without the means to communicate confidentially and effectively with those transferred from Texas to Guantánamo, RAICES's mission is frustrated. We have already expended enormous resources to make contingency plans for representation of existing clients at risk of

transfer. RAICES brings this lawsuit to ensure that the immigrants detained at Guantánamo can access the legal services they need.

RAICES's Legal Services and Impact

7. Since its founding in 1986, RAICES has grown to be the largest immigration legal services provider in Texas, with offices in Austin, Corpus Christi, Dallas, Fort Worth, Houston and San Antonio. RAICES is a frontline organization that combines expertise from immigration law practice with a deep commitment to advocacy.
8. RAICES assists detained individuals in Texas, including Venezuelan asylum seekers and other noncitizens at risk of deportation. RAICES offers a wide array of legal services, including: screening individuals for asylum eligibility, filing “affirmative” applications to U.S. Citizenship and Immigration Services by noncitizens not in removal proceedings, and representing clients before the immigration courts, the Board of Immigration Appeals, and federal courts.
9. RAICES also provides services to individuals in expedited removal proceedings, which can include preparing individuals for the credible fear screening process and running a hotline to assist people with their credible fear interview preparation in Customs and Border Protection custody. We also integrate advocacy around conditions of confinement in our work, ranging from our work representing people in expedited removal to conditions-related litigation.
10. In recent months, RAICES has encountered an increasing number of individuals at risk of transfer to the Migrant Operations Center (MOC) at Guantánamo Bay. These individuals include noncitizens who have received final orders of removal but remain in ICE detention due to the government’s inability to execute deportation orders. Many of these individuals have viable claims for relief and would otherwise qualify for release under U.S. law.
11. For instance, people in removal proceedings or those with a final order of removal can still pursue relief outside of immigration court, like through certification for Temporary Protected Status, Special Immigrant Juvenile Status, or U- and T-visas. Those with final orders can file motions to reopen based on changed circumstances, like a change in country conditions. People at any stage can seek prosecutorial discretion in their immigration cases and detention. For those with final orders who cannot be deported, they can seek release including through habeas petitions. People in detention can also pursue civil rights complaints and federal claims based on their conditions of confinement, abusive treatment, discrimination, and other abuses in detention.
12. On January 29, 2025, President Donald Trump issued a memorandum calling for “all necessary steps” to expand the Migrant Operations Center at Guantánamo Bay to full capacity, which the government envisions detaining up to 30,000 noncitizens at Guantánamo.

13. The expansion of Guantánamo as an immigration detention site presents a significant barrier to RAICES' ability to carry out its mission. Many of the individuals subject to transfer are the same asylum seekers we would typically represent in expedited removal proceedings, removal proceedings and detention challenges at ICE detention facilities in Texas. By transferring these individuals offshore, the government isolates them from legal service providers and places them in a void where they cannot meaningfully assert their rights.

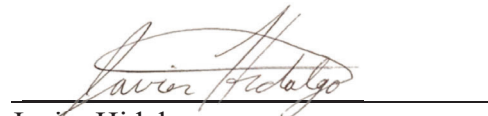
Barriers to Legal Access at Guantánamo and Harm to RAICES' Mission

14. RAICES intends to provide free legal services and representation to individuals transferred from the United States to Guantánamo. However, the U.S. government has not yet established a system to facilitate attorney-client communication for individuals transferred from ICE detention centers to Guantánamo. Unlike other ICE detention facilities where RAICES provides legal representation, there is no publicly available mechanism for scheduling legal visits, making confidential attorney calls, or ensuring access to legal resources for detainees.
15. As elaborated below, we fear that the transfers to Guantánamo are already affecting noncitizens previously detained in Texas ICE detention centers where RAICES provides legal services. We are scrambling to figure out if any of our clients have been transferred or are at risk of transfer. There is no way to verify whether someone is at Guantánamo because the online ICE Detainee Locator is not accurately reflecting where people are detained. There is no way to contact or access any of individuals held at Guantánamo.
16. Without legal representation, individuals detained at Guantánamo have no ability to challenge their detention or seek asylum or other relief described above. The lack of transparency and procedural safeguards greatly increases the risk of wrongful deportation and other human rights violations that RAICES is concerned about.
17. On February 7, 2025, RAICES, along with other rights organizations, sent a letter to the heads of the Departments of State, Defense, and Homeland Security requesting access to the detainees transferred to Guantánamo. As of this writing, we have received no response.
18. Since flights to Guantánamo began on February 4, 2025, RAICES has had clients transferred from the ICE detention locations where we provide services. These transfers are occurring without notice the legal representatives with G28s on file. A number of RAICES' clients have been told by ICE they would be sent to Guantánamo.
19. RAICES has dedicated significant time and resources attempting to establish legal access protocols for noncitizens detained at Guantánamo. These efforts have included outreach to ICE, the Department of Homeland Security, and other government agencies. It also includes monitoring the ICE Detainee Locator online tool to attempt to identify the locations of detainees we are helping who were transferred without notice. It does not appear the individuals detained in Guantánamo will be locatable via the Detainee Locator

tool. As of the date of this declaration, there is no established process for attorneys to provide legal assistance to detainees at Guantánamo.

20. One of the individuals RAICES is providing services to, a Venezuelan national who was apprehended despite having been paroled into the interior, was told by an someone purporting to be an ICE official that she is expected to be sent to Guantánamo. Our clients are understandably panicking about the impact of the transfers to Guantánamo, and RAICES has had to divert resources and time toward making contingency plans in the event that clients are transferred.
21. The lack of access to counsel at Guantánamo fundamentally obstructs RAICES's ability to provide legal representation, effectively nullifying our ability to challenge unlawful detention, ensure due process, or advocate for the rights of immigrants.
22. The expansion of holding noncitizens at Guantánamo threatens to create a dangerous precedent where the government can systematically transfer asylum seekers to offshore facilities beyond the reach of legal service providers. Such a practice is in direct conflict with RAICES's core mission of ensuring due process for immigrants and refugees.

Executed this 11 th day of February, 2025, in San Antonio, Texas.



Javier Hidalgo
Legal Director

Refugee and Immigrant Center for Education and Legal Services