

DECLARATION OF EDNA YANG, AMERICAN GATEWAYS

I, Edna Yang, declare pursuant to 28 U.S.C. § 1746, as follows:

1. My name is Edna Yang, and I am currently the Co-Executive Director of American Gateways. I have worked at American Gateways since 2002 and have been in my current position since 2020. I have personal knowledge of the matters set forth herein, and I can and will testify thereto if called upon.
2. I am writing to address the substantive harm American Gateways is experiencing because of the Executive Order that President Donald Trump issued on January 29, 2025, “Expanding Migrant Operations Center at Naval Station Guantanamo Bay to Full Capacity.” We work directly with detained individuals who may have been sent or are at imminent risk of transfer to Guantánamo.
3. The mission of American Gateways is to champion the dignity and human rights of immigrants, refugees, and survivors of persecution, torture, conflict, or human trafficking. We do so by providing exceptional legal services at low or no cost, by conducting community educational programming, and by engaging in policy-based advocacy on behalf of immigrant communities.
4. American Gateways serves immigrant communities throughout Central Texas and has offices in Austin, San Antonio, and Waco, Texas.
5. American Gateways was founded in Austin, Texas, as the Political Asylum Project of Austin (PAPA), in 1987. The organization’s original mission was to provide representation to Central American Immigrants fleeing persecution and seeking asylum in the United States. Over the past thirty-three years, American Gateways has grown to provide a broad range of immigration legal services to low-income individuals and families throughout the region. We have become an indispensable legal service provider for low-income asylum seekers and other immigrants in Central Texas.
6. As Co-Executive Director, I oversee all of the work that American Gateways does, including our representation of people seeking asylum and our work at immigration detention centers in Texas.

The Mission and Work of American Gateways

7. American Gateways provides free, culturally sensitive, trauma-informed legal representation to individuals and families seeking asylum and other kinds of humanitarian immigration relief in the United States.

8. American Gateways provides direct representation to people appearing in the San Antonio Immigration Court. We also provide legal orientation, pro se workshops, and pro bono legal representation at three immigrant detention facilities in Central Texas: the T. Don Hutto Residential Center in Taylor, Texas (“Hutto”); the South Texas Immigrant Processing Center in Pearsall, Texas (“Pearsall”); and the Karnes County Residential Center in Karnes City, Texas (“Karnes”).
9. Since 1987, American Gateways has provided direct immigration legal services to thousands of individuals. In 2023, we provided free direct legal services to 1,893 clients and their families.
10. American Gateways represents clients who are seeking asylum and related protection. Currently, we are representing more than 2000 people in their asylum cases.
11. A critical part of our work is providing legal assistance to detained individuals, including Venezuelan asylum seekers and other noncitizens at risk of removal. About 70% of our asylum cases are defensive cases in immigration court. Almost all of the people we represent in immigration court were, or are, detained at Hutto, Pearsall, or Karnes.
12. We provide legal representation for people with final orders of removal who face prolonged detention of six months or more because they cannot be deported. We regularly litigate habeas petitions to seek relief for detained individuals in this situation. We also assist people in challenging unlawful conditions of confinement in immigration detention centers, including Hutto, Pearsall, and Karnes.
13. In addition to the cases that we take on for full representation, American Gateways is the Legal Orientation Program (LOP) provider for the detention centers that we serve. LOP is a program funded by the Department of Justice’s Executive Office for Immigration Review (EOIR) that enables us and other organizations around the country to provide pro se assistance to immigrants in selected detention centers and courts. Through our LOP programming, we provide four layers of service: (1) general orientations, (2) individual orientations, (3) pro se workshops, and (4) referrals for pro bono representation.

Barriers to Legal Access for Prospective Clients Transferred to Guantánamo

14. American Gateways currently works directly with detained individuals who are at risk of transfer to Guantánamo. This includes individuals with final orders of removal who would otherwise qualify for release under U.S. law, but instead, now face transfer to an offshore site and prolonged detention where we are unable to access them or provide legal representation.

15. American Gateways seeks to provide free legal services and representation to individuals transferred from the United States to Guantánamo. However, the government has failed to establish any avenue for attorney-client communication, obstructing our ability to represent detained individuals and depriving them of their right to consult with and retain counsel.
16. Since the first transfer of immigrant detainees to Guantánamo on February 4, 2025, American Gateways has been barred from accessing or communicating with detained individuals on the base. The government has not provided any information on how attorneys can represent individuals who have been transferred.
17. Based on my conversations with American Gateways staff, I believe that some of the individuals detained at Guantánamo were previously detained in detention centers that American Gateways serves, such as Hutto, Pearsall, and Karnes. To the best of my knowledge, no system has been established for legal visitation, confidential attorney calls, or other forms of communication necessary for *any*, let alone effective, representation of immigration detainees held at Guantánamo.
18. American Gateways has made attempts to obtain information about whether our clients will be transferred to Guantánamo, and what attorney access procedures will be available to us if they are. We have contacted ICE Enforcement and Removal Operations seeking information about individuals who were detained at the facilities that we serve who we believe may have been sent to Guantanamo. We have received no responses to our inquiries and have been unable to obtain further information.
19. On February 7, 2025 American Gateways, along with other rights organizations, sent a letter to the Departments of State, Defense, and Homeland Security requesting access to the detainees transferred to Guantanamo. As of this writing, we have received no response.
20. Without access to legal representation, individuals detained at Guantánamo have no practical ability to challenge their detention or seek relief to which they may be entitled. The lack of transparency and procedural safeguards significantly increases the risk of wrongful deportation and continued human rights violations.
21. The government's refusal to provide attorney-client communication at Guantánamo prevents detained individuals from accessing critical legal counsel and effectively navigating their legal claims. Asylum seekers and other detained noncitizens who would otherwise receive legal assistance at ICE detention facilities in Texas are now beyond our reach, leaving them with no meaningful legal recourse.

Harms to American Gateways' Mission

22. American Gateways has expended significant resources—including staff time and financial resources—attempting to establish communication with potential clients held at Guantánamo. These efforts have included outreach to government agencies and advocacy demanding access to detainees, but to date, no procedures have been implemented to allow attorney-client communication. In addition, we have requested information on specific detainees from the detention centers who have been transferred from those facilities. Thus far we have not received any additional information on those individuals. We have also spent significant time in contacting families to try and obtain information on individuals who we believe are now detained at Guantánamo.
23. American Gateways is concerned that the government will seek to transfer people we are representing in habeas litigation to Guantánamo, as they may have final orders of removal or have been accused, without additional evidence, of gang membership. These transfers will frustrate our ability to communicate with and receive information from our clients for their habeas petitions. In addition, the lack of any clear policies and procedures to determine who may be transferred to Guantanamo, who has been transferred there, how to communicate with individuals once there will not allow us to effectively represent our clients.
24. The continued transfer of noncitizens to Guantánamo under this Executive Order creates significant barriers to legal access and frustrates American Gateways' mission. When individuals are moved to Guantanamo, we are unable to access or otherwise communicate with them, provide them with basic needed legal information, let alone provide legal services.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 10th day of February 2025 in Austin, TX.



Edna Yang