

## **DECLARATION OF PAUL R. CHAVEZ**

### **AMERICANS FOR IMMIGRANT JUSTICE**

I, Paul R. Chavez, 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:

#### **AI Justice's Mission and Activities**

1. I am a licensed attorney and a member in good standing in Florida (Bar No. 1021395) and California (Bar No. 241576). I am currently employed as the Director of Litigation & Advocacy for Americans for Immigrant Justice ("AI Justice"), based in Miami, Florida. I joined AI Justice in Fall 2024. I have been an attorney since 2005 and have worked with immigrants' rights organizations for over 14 years.
2. Since joining AI Justice, I have led a community lawyering practice that includes impact litigation, policy advocacy, and community organizing. I have also directed the creation of the Florida Rapid Response Alliance for Immigrant Safety & Empowerment (RAISE), discussed further below.
3. AI Justice is a Florida-based nonprofit legal organization whose mission is to protect and promote the basic human rights of immigrants through a combination of free direct services, impact litigation, policy reform, and public education at local, state, and national levels. Our organization serves unaccompanied immigrant children, survivors of trafficking and domestic violence, and detained individuals facing removal or prolonged detention. Since opening our doors in January 1996, our staff has served nearly 145,000 immigrants.
4. AI Justice provides free legal services to individuals detained at Krome Service Processing Center, Broward Transitional Center, and other U.S. Immigration and Customs Enforcement (ICE) detention sites across Florida. We represent detained immigrants at Krome in bond hearings and parole applications to obtain their release from detention and in immigration proceedings to help people obtain permanent immigration status.
5. In addition to direct representation, AI Justice litigates systemic failures in immigration enforcement and advocates for policy changes at local, state, and national levels. This includes constitutional challenges to anti-immigrant laws passed in Florida, litigation addressing mistreatment and conditions of confinement in ICE custody, and policy efforts opposing restrictive immigration measures.
6. I am submitting this declaration to describe the impact of the lack of access to potential clients who were arrested or detained in Florida and have been transferred to the U.S. Naval Base at Guantánamo Bay, Cuba. We believe immigrants should not be forced to navigate our complex immigration system alone and we serve as a watchdog on immigration detention practices and policies. However, because of the government's failure to provide any access for attorneys to communicate with detained immigrants at

Guantánamo, AI Justice will not be able to offer our services to fulfill our mission of safeguarding the rights of detained immigrants from Florida.


### **Barriers to Legal Access at Guantánamo and Impact on AI Justice's Mission**

7. On January 29, 2025, President Donald Trump issued a memorandum calling for the expansion of the Migrant Operations Center (MOC) at Guantánamo Bay, with the goal of detaining up to 30,000 immigrants on that base. As of the date of this declaration, to our knowledge, no process exists for attorneys to provide legal assistance to those held at Guantánamo.
8. The dramatic expansion of immigration detention at Guantánamo and the unprecedented act of transferring immigrants from detention in the United States to Guantánamo will be a significant barrier to AI Justice's ability to carry out its mission. Florida is home to a large immigrant population, including one of the largest Venezuelan communities in the United States. The government has already sent several flights of detained Venezuelan immigrants to Guantánamo, and reportedly plans to send many more while the government finds countries to accept them for removal. Without the ability to communicate with individuals detained at Guantánamo, AI Justice is not able to consult with or represent individuals who are likely to have been arrested and/or detained in Florida and transferred to Guantánamo.
9. AI Justice also recently launched RAISE, a network working with communities to prepare for and respond to the mass detention and mass deportation plans announced recently by the federal government. RAISE aims to empower and protect the rights of the immigrant community through the provision of Know Your Rights (KYR) trainings as well as Family Safety and Preparedness clinics. RAISE seeks to provide immediate triage legal defense to those detained in Florida detention centers, followed by full scope removal defense representation. AI Justice will also represent individuals seeking to challenge their unlawful detention through habeas litigation. However, if members of the community are being detained and transferred to Guantánamo, the lack of any attorney-client communication will effectively prevent us from representing those individuals.
10. People in removal proceedings have a range of relief that they can pursue, including if they have final orders of removal. These can include, among others: motions to reopen the final orders based on changed circumstances or an in absentia order; immigration status and benefits outside of immigration court, like Special Immigrant Juvenile Status, Temporary Protected Status, VAWA, and U- and T-visas; renewal of DACA; adjustment of status to lawful permanent resident; and, requests for prosecutorial discretion and release.
11. The government's decision to transfer noncitizens offshore therefore severely disrupts AI Justice's mission by preventing us from working on their removal defense and challenges to conditions, abuses and other aspects of their detention.
12. In recent months, AI Justice has encountered an increasing number of individuals at risk of transfer to 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.

13. AI Justice anticipates dedicating significant time and resources attempting to operate around the fact that there are *no* policies or protocols for attorneys to communicate with noncitizens detained at Guantánamo. These efforts will invariably include outreach to ICE, the Department of Homeland Security, Department of Defense, and other federal agencies.
14. The lack of attorney access at Guantánamo will prevent AI Justice from fulfilling its core mission of providing free legal representation to detained immigrants. AI Justice attorneys spend considerable time and resources attempting to locate and communicate with transferred individuals, but without a designated system for attorney-client contact for those held at Guantánamo, these efforts will be obstructed.
15. AI Justice has already begun to spend resources on developing new protocols for case referral and matching systems, both internal and external, as well as addressing novel case management needs, data capture and data reporting. Resources are being spent on developing and launching new training protocols. AI Justice is also expending resources toward developing new procedures and policies for our Detention Hotline in order to address the transfers and in anticipation of an influx of calls.
16. Beyond the harm to individual detainees, these barriers are in conflict with our core organizational objectives and limit our ability to identify, document, and challenge unlawful detention practices. Our litigation and advocacy efforts rely on the ability to communicate with impacted individuals, investigate conditions, and pursue redress in court. The government's refusal to facilitate attorney access to Guantánamo detainees threatens due process and access to justice on a systemic level.
17. On February 7, 2025, AI Justice joined multiple rights organizations to submit a letter to the heads of the Department of Homeland Security, Department of Defense, and State Department, to demand immediate access to the immigrants detained at Guantánamo. As of this declaration, we have not received a response from the federal government.

Executed this 10th day of February, 2025, in Miami, Florida.

  
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Paul R. Chavez  
Director of Litigation & Advocacy  
Americans for Immigrant Justice (AI Justice)