

ATTACHMENT E

DECLARATION OF OFELIA LEE CALDERÓN

I, Ofelia Lee Calderón, upon my personal knowledge, declare under threat of perjury as follows:

1. My full and complete name is Ofelia Lee Calderón. I am an attorney licensed in Maryland, the District of Columbia, and the Commonwealth of Virginia.
2. On Saturday January 28, I was at Washington-Dulles International Airport (“Dulles Airport”) as a volunteer attorney for the International Refugee Assistance Project. In that capacity, I worked to obtain access to individuals being denied entry, detained, or held for prolonged periods of time in secondary inspection as a result of the Executive Order.
3. When I arrived at Dulles Airport in the early afternoon, I was frankly shocked by the scene in International Arrivals. There were literally hundreds of people congregated in different locations near the main arrival doors. There were additional cones and separators where passengers normally arrive because of the sheer numbers of people.
4. After talking to other attorneys and activists, I saw that there were basically three groups of people. There were activists and normal every day people who had heard about the travel ban and had immediately dropped everything to come to the airport and show their support for the travelers as well as their discontent with the ban. There were attorneys, interpreters, and other legal volunteers who came to the airport because they felt a fierce need to try and help.
5. Finally, there were the family members and friends. There were so many people who were in the waiting area actually waiting for their friends and relatives to come home. Many had no idea where their loved ones were. They didn't know whether they had been stopped from boarding airplanes overseas or whether they were somewhere detained in the Dulles Airport. Literally, people were in tears in the airport as they struggled with the lack of knowledge.
6. Throughout the day, I, along with others, interviewed various people about their situations. If possible, we tried to connect with other volunteers in other overseas airports to investigate what was happening. We attempted to contact the various airlines to confirm whether passengers had actually boarded airplanes. Some passengers and would be passengers had smart phones that on occasion we could text through, others did not. We also attempted to speak directly with Customs and Border Patrol at Dulles Airport to confirm who was being held in secondary inspection. We were not successful. No agent would give us any information and repeatedly told us that we were not allowed to have that information.
7. In addition to the general people I tried to help on Saturday, January 28, 2017, I attempted to obtain access to two Lawful Permanent Resident clients (hereinafter referred

to as the "Aziz brothers") on two occasions who had contacted another organization that I am associated with. They were two young boys who were coming to the U.S. for the first time on immigrant visas they had been issued as a result of the family petition filed by their U.S. Citizen father. At some point during the day, Legal Aid Justice Center ("LAJC") filed a lawsuit on their behalf in the U.S. District Court, Eastern District of Virginia. Later that evening, a Temporary Restraining Order was issued from that same Court enjoining the removal of Lawful Permanent Residents and permitting access to counsel for Lawful Permanent Residents detained at Dulles Airport.

8. Prior to the issuance of the Temporary Restraining Order by Judge Brinkema of the Eastern District of Virginia, I and Sirine Shebaye, Esq. presented signed copies of form G-28 Notice of Appearance confirming our representation of our clients, the Aziz brothers, to a Customs and Border Protection ("CBP") agent in the hallway outside of Deferred Inspection, located in the International Arrivals area.
9. I do not know the name of the CBP agent, but I explained that I believed that my two clients were being held in secondary inspection and that I would like access to them and/or information regarding their situation. The CBP agent brought us into deferred inspection to show us a nonexistent notice explaining that under a nonspecified Privacy Act, he was unable to share any information about any individual who might be held in secondary inspection.
10. He further stated that there is no right to counsel in the airport. He then showed us out of the office and refused to answer any further questions.
11. After the issuance of the Temporary Restraining Order, I personally called Dulles CBP at (703) 661-2800 and asked for access to my two clients. I stated that I had the TRO in my hand along with form G-28 and that a sitting U.S. District Court judge had ordered that my clients be permitted access to me, their attorney. The unknown officer told me that I would not be permitted to come back there and that she could not give me any further information. She also directed me to contact Public Affairs.
12. I have since learned that the Aziz brothers were detained and handcuffed by CBP, forced to sign form I-407 relinquishing their lawful permanent resident status, and sent to Ethiopia where, upon information and belief, they currently remain. They were not given copies of any of the documents they signed. At no point during their detention were they allowed access to counsel.
13. The example of the Aziz brothers is just one of many. Despite the TRO, lawyers were never granted access to secondary inspection or to clients who were detained for hours behind those International Arrival doors. Those who were detained were literally without counsel and could not be fully represented in any capacity.

14. I stayed at Dulles Airport on January 28, 2017 until midnight. I returned to Dulles Airport the next day and remained again until midnight. Frankly, I returned to Dulles Airport for many days afterwards through a grassroots coalition of volunteers subsequently called the Dulles Justice Coalition (hereinafter referred to as "DJC"). Throughout that first weekend, I recall the deep sadness and frustration of family members, friends, and stranded passengers. After that weekend, I continued to work with DJC and received multiple requests for legal assistance through a dedicated email that was set up for this purpose. Through that work, I have personal knowledge of passengers who were stranded at airports around the world unable to board airplanes to return home to the U.S. despite having legal entry documents in their hands.
15. In the days that followed, I worked with passengers who were held for long hours in secondary inspection at Dulles Airport before finally being admitted while coordinating with overseas counsel on travelers whose visas had been "revoked" during that first weekend and required "waivers" from the U.S. Department of State. Because of the suddenness of the ban and vague language used in the Executive Order, there was a substantial lack of knowledge as to how to respond to the ban through legal channels on the part of travelers, the State Department, and lawyers. This in turn created chaos at many different levels.
16. I want to also note that on top of the actual legal problems that existed around travel, the issuance of the travel ban created wide-scale panic and fear throughout the immigrant community. I personally spoke to community groups at local mosques and the fear was palpable. Every day members of our larger community did not understand the travel ban. U.S. citizens from Muslim majority countries were scared to travel for emergencies and perhaps legitimately believe that they will be discriminated against. Unfortunately, this apprehension was not limited to the Muslim community. Immigrants from all over the world expressed to me their alarm about what this ban and apparently open discrimination by the Government of the U.S. would mean for their own communities.
17. In addition to my regular law practice, I continue to work on the issues arising out of these unlawful travel bans. I am committed to this project and hope never to witness again the fear, uncertainty, and injustice that I observed and continue to observe during this painful period of our history.

I certify under the penalty of perjury that all of the foregoing information is true and correct to the best of my knowledge and belief.

/s/ Ofelia Lee Calderón

Signature

April 14, 2017

Date