

EXHIBIT B

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

MS. L., et al.

Petitioner-Plaintiff,

vs.

U.S. IMMIGRATION AND CUSTOMS
ENFORCEMENT, et al.,

Respondents-Defendants.

Case No. 18cv428 DMS MDD

DATE: April 19, 2018
Hon. Dana M. Sabraw

**DECLARATION OF ACTING ASSISTANT CHIEF PATROL AGENT
MANUEL IBARBO**

Pursuant to 28 U.S.C. § 1746, I hereby declare as follows:

1. I am a United States Border Patrol Agent assigned to El Paso Sector Headquarters in El Paso, Texas. El Paso Sector encompasses a portion of western Texas and all of New Mexico. My current title is Acting Assistant Chief Patrol Agent. The statements in this declaration are made from information contained in government records.

2. On August 26, 2017, Border Patrol Agent Nathaniel Bell was assigned to line watch duties in zone 18 of the Santa Teresa, New Mexico Border Patrol Station's ("STN") area of responsibility. At approximately 1811 hours, Agent Bell observed two individuals crossing the United States/Mexico international border on foot approximately eight miles east of the Santa Teresa Port of Entry. The two individuals proceeded to travel north after crossing the border.

3. Agent Bell approached the two individuals in his marked Border Patrol vehicle and identified himself as a United States Border Patrol Agent. The two individuals were identified as "Ms. C." and her minor son "J.". Both Ms. C. and J. admitted to being citizens of Brazil with no

immigration documentation that would allow them to be or remain in the United States legally. Both also admitted to illegally entering the United States. As a result, Agent Bell placed both subjects under arrest and transported them to STN for processing.

4. Once at STN, Ms. C. was advised of her *Miranda* rights via form I-214 in the Portuguese language in writing and verbally in Spanish by Border Patrol Agent David Kraft. She was also advised of her administrative rights via form I-867 in the Portuguese language in writing and verbally in Spanish. Ms. C. did not agree to waive her rights and did not give a sworn statement. Ms. C. did, however, state that she entered the United States in order to proceed to Boston, MA to reside. She also stated that she feared harm should she be returned to her native country.

5. If CBP has reason to believe that a qualifying individual has committed a crime, including a violation of 8 U.S.C. §§1324-1326, it will refer the individual to the Department of Justice for a determination of whether prosecution will be sought. As a result of her illegal entry, Ms. C. was processed for an expedited removal, was referred to the Department of Justice, and was remanded to the custody of the Otero County Prison Facility pending criminal proceedings.

6. J. was advised of his administrative rights in the Portuguese language by Border Patrol Agent Kevin McIlwee. J. stated that he entered the United States in order to proceed to Boston, MA to reside. He also stated that he feared harm should he be returned to his native country.

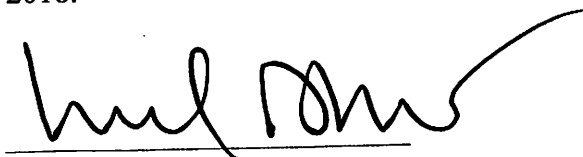
7. J. watched the CBP Unaccompanied Juvenile video on August 26, 2017, at 2100 hours.

8. The separation of Ms. C. from J. was approved by the appropriate officials at El Paso Sector headquarters.

9. J. was processed for a Notice to Appear/warrant of arrest and was held at STN pending placement in a facility for unaccompanied minors.

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

Executed on this the _____ day of April, 2018.

A handwritten signature in black ink, appearing to read 'Manuel Ibarbo', written over a horizontal line.

Manuel Ibarbo
(A) Assistant Chief Patrol Agent
El Paso Sector