

**DECLARATION OF HOMERO LÓPEZ, JR.,  
IMMIGRATION SERVICES AND LEGAL ADVOCACY**

I declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the following is true and correct:

1. My name is Homero López, Jr., and I am the Legal Director at Immigration Services and Legal Advocacy (“ISLA”), a nonprofit legal services organization focused on providing pro bono direct representation to detained immigrants in Louisiana. I make this sworn statement based on my personal knowledge, review of files and documents regularly maintained by ISLA, and reliable information supplied to me by ISLA staff that I supervise.
2. I am a licensed attorney and a member in good standing of the Louisiana bar.
3. I am the Legal Director and Co-Founder of ISLA, where I supervise a team currently consisting of four attorneys (including two legal fellows), one legal fellow whose bar admission is currently pending, one paralegal, and one administrative assistant. I co-founded ISLA in March of 2018 and have been employed by ISLA since then. Previously, I was the managing attorney at Catholic Charities-Archdiocese of New Orleans, where I oversaw a team of attorneys, accredited representatives, and legal assistants representing unaccompanied children and immigrant victims of crime.
4. ISLA is a 501(c)(3) nonprofit legal services organization that is committed to defending the rights of immigrant communities and advocating for just and humane immigration policy. Over the past four years, ISLA has focused exclusively on providing direct legal services to people detained in U.S. Immigration and Customs Enforcement (“ICE”) facilities in Louisiana, including River Correctional Center (“River”), located at 26362 LA-15, Ferriday, LA 71334. All attorneys and legal fellows at ISLA provide direct legal services to detained immigrants at all ICE detention facilities in Louisiana, including River.

I have personally represented and have supervised attorneys representing approximately a dozen clients held in ICE custody at River. As of the date of this declaration, we are actively representing two clients held in ICE custody at River.

**ISLA's Mission and Scope**

5. ISLA is dedicated to providing high-quality pro bono direct legal services to immigrants held in ICE detention facilities in Louisiana. ISLA's only office is located at 3801 Canal Street, Suite 210, New Orleans, LA 70119. River Correctional Center is located 180 miles away from ISLA's office, a three-hour drive each way for our attorneys and paralegal to visit clients at the facility in person.
6. ISLA attorneys provide a variety of direct representation services to detained immigrants at River. Our attorneys provide representation in matters including bond hearings, expedited removal and credible fear interviews, parole requests, petitions for release from detention due to medical vulnerability to COVID-19, habeas petitions, civil rights complaints with the Department of Homeland Security's Office for Civil Rights and Civil Liberties ("CRCL"), and representation in clients' preliminary and merits proceedings. ISLA also represents people before the U.S. Citizenship and Immigration Services ("USCIS") with family-based petitions, U-visas petitions for victims of crime, T-visas petitions for victims of trafficking, and Special Immigrant Juvenile Status ("SIJS") petitions for unaccompanied minors who qualify to seek such relief under the Trafficking Victims Protection Reauthorization Act (TVPRA). ISLA partners with public defenders in Louisiana to provide post-conviction representation.

7. Since its founding, ISLA has represented hundreds of detained immigrants in Louisiana, including at least twelve detained immigrants at River. All legal services provided by ISLA to detained immigrants at River have been on a pro bono basis.

**Attorney-Client Communication Barriers at River**

8. As noted above, ISLA provides pro bono direct legal services to people held in ICE custody at River. So far in 2022, ISLA has represented six individuals detained at River, with two current active cases.
9. Barriers to attorney-client communication at River have severely impaired ISLA's ability to provide direct legal representation to immigrants detained at the facility. Because of our clients' concerns with confidentiality during phone calls and the historic unavailability of legal videoconferencing (VTC), ISLA primarily relies on in-person visits, which require a three-hour drive each way from ISLA's office in New Orleans, Louisiana, to River in Ferriday, Louisiana.
10. In-person visits at the facility, however, are no better. The in-person visitation spaces at River make it impossible for attorneys to have private, confidential conversations with their clients. An ISLA legal fellow visited clients in person at River on October 6, 2022. I last visited clients in person at River on September 1, 2022, and between June and September 2022, I visited clients in person at River at least once a month, sometimes every three weeks. All of my most recent client meetings in River have taken place in an open area where other clients are present and guards are constantly passing through (in the area described below as the "multi-purpose room"). Moreover, lengthy delays in sending and receiving legal mail to detained clients and lack of access to fax machines at River to exchange legal documents prevent ISLA attorneys from being able to share and file

important court documents on time and require ISLA attorneys to visit clients at River in person in order to exchange documents.

11. These restrictions on attorney-client communication have severely impacted ISLA's ability to provide high quality legal services to immigrants detained at River and hamper ISLA's mission to advocate for detained immigrants' rights. According to our estimates, the attorney-client communication barriers at River cause ISLA to expend on average \$1,080 in additional resources per month for a single case at River, including expenses such as renting cars and paying for gas for the six-hour drives to and from the office to the facility. If these barriers did not exist, ISLA would be able to spend more time preparing for existing clients' cases, would save extra resources it is currently required to expend to represent clients detained at River, and could provide representation to more individuals detained at River, in furtherance of ISLA's core mission.

**Lack of Confidential In-Person Legal Visits**

12. The in-person visitation process and spaces at River make it impossible for attorneys to have timely, confidential visits with detained clients.
13. In order to visit in person, attorneys must schedule their visit with the facility at least 24 hours in advance. In some instances, the facility has barred drop-in visits by attorneys. Requiring attorneys to schedule in-person visits in advance prevents ISLA attorneys from being able to visit clients if there is an emergent situation requiring an urgent visit with less than 24 hours' notice.
14. The requirement to schedule in-person visits with all clients in advance also prevents ISLA attorneys from being able to visit a client in person even if an attorney is already present at the facility visiting other clients, simply because that client was not on the list of clients

with whom visits were scheduled in advance. For example, one time when I was visiting clients at River, I received a call from my colleague at ISLA who needed documents urgently signed by a client who was not on the list of clients I was pre-approved to visit. The facility denied my request to add the client to my list so that I could get the document signed for my colleague, creating unnecessary and entirely avoidable delay.

15. The attorney-client visitation hours at River are only regular business hours (8:00AM to 5:00PM, Sunday through Saturday). These limited visitation hours are in contrast to other ICE detention facilities in Louisiana such as LaSalle ICE Processing Center (“Jena”), which is located in Jena, which allows attorney-client visits between 6:00AM and 11:00PM Monday-Sunday. Given the long distance we are required to travel to visit clients in person at River, it would be helpful if we could visit clients at River during evening hours after 5:00PM as well.
16. It is impossible to have a confidential in-person meeting with clients at River. There are two main attorney-client visitation spaces at River, neither of which permit confidential meetings. In each of my most recent visits to River over the past year, I have been meeting clients at River in person in a relatively large multi-purpose room that has tables and chairs that are periodically rearranged into different configurations and there are no partitions or barriers separating the tables/chairs. During attorney visits, the facility has placed one table at one end of the room where an attorney can meet with a client individually; our other clients we are scheduled to meet with that day are kept lined up on chairs at the other end of the room with the guards sitting next to them. There are also steel doors operated by central control, with one door located near a buzzer that causes frequent interruptions because of the loud sound each time the door opens/closes and another door that is

generally propped open. The doors in this room appear to be the main way to enter and exit the facility, and is a heavily trafficked area. During a recent visit in July 2022, in the hour or so I spent meeting with two clients, I noticed about 10 guards come and go through those doors. There are also vending machines in this multi-purpose meeting room which increases the foot traffic as guards come in and out to purchase snacks.

17. The other attorney-client visitation space at River is a smaller room; I last met clients in this smaller room about a year ago. In late June or early July 2022 when I visited River, I asked whether they use the smaller room for attorney-client visits and the staff responded that they were using the room for consular visits at that time. As I recall from my experience, in that room there is a long table built into the wall (it looks like a bench) with four seats on the attorney and client sides and partial dividers between the seats on the client side only. There is a plexiglass wall between the attorney and client, which prohibits any physical contact during visits and makes it very difficult for attorneys and clients to hear each other and nearly impossible to review and/or exchange documents during the meeting. There is also an echo in the visitation room, and on the other side of the wall of the visitation room there is a bathroom with the toilet repeatedly flushing. When I was last in this visitation room about a year ago, this spot on the side of the wall next to the bathroom was the only seat available; the other plexiglass walls were boarded up or otherwise covered. In addition, when I have been in this room, I have been able to hear everything going on outside of the room even with the doors closed, making it all the more difficult for my clients and I to hear each other. There is also a risk that the attorney-client meetings in this visitation room are not confidential because there is no separation between the seats.

18. By design, the attorney-client meeting spaces at River make confidential conversations impossible. Because the multi-purpose room where I have been meeting clients is an open area, all other individuals in the room—including other clients and facility employees—are privy to the conversations ISLA attorneys have with their clients. As a result, clients must write notes or lean in and whisper when the conversation turns to private topics that the client does not want a guard to overhear. Moreover, the meeting space is located in a high-traffic area within the facility through which different staff and other detained individuals frequently pass. Accordingly, our clients are unable to have open conversations with us and often feel uncomfortable sharing sensitive details about their experiences that may be crucial to their cases or petitions.

19. For example, because we were not in a private, confidential meeting space, in July 2022, one of our clients was unwilling to discuss the anal bleeding he has been suffering from due to ruptured hemorrhoids. Our client informed me that he was experiencing some type of medical issue, and we wanted to learn more to see if we can use his medical condition as a basis for his parole request and in his bond application. However, due to the lack of a confidential in-person visitation space, combined with the lack of access to confidential legal telephone calls (at the time, I was unaware VTC calls were an option, considering that, as discussed below, I only found out about VTC calls at River a month and a half ago from other attorneys), our client was unwilling to share any details about this deeply private and potentially embarrassing health matter. Instead, he suggested I obtain his medical records, which I did by getting him to mail them to me (the facility refused to fax us his records). It took about 1.5 weeks to finally obtain his medical records, through which I learned about his ruptured hemorrhoids. Afterwards, I discussed his medical condition with

him through handwritten notes we passed back and forth during an in-person visit because he could not speak with me without risking others in the facility overhearing.

20. Because of the lack of any confidential means to communicate, I was required to take these additional steps—including spending 1.5 weeks obtaining his medical records in order to discover the relevant medical condition in the first place—that delayed the submission of his parole request, bond application, and other release-related advocacy based on his medical condition. Specifically for our client’s bond application, if the in-person visits or legal telephone calls were confidential and my client could have shared his medical condition with me from the beginning, I could have and would have filed a bond application on his behalf almost immediately because copies of medical records are not as necessary for bond applications as they are for parole requests (because my client would have had an opportunity to testify as to his condition at a bond hearing, whereas a parole request is determined solely by the documents submitted). For our client’s parole request, if I did not need to wait to obtain his medical records to discover his medical condition because of the confidentiality concerns that prevented our client from directly sharing his condition with me, I could have been conducting all of the additional preparation and required research related to his condition, including potentially consulting with a medical expert, while waiting for his medical records to arrive, allowing me to submit a parole request on his behalf much sooner. The delays caused by the lack of a confidential means to communicate ultimately caused our client to remain detained longer than he otherwise potentially would have. (He was ultimately released on bond, and his medical condition was part of his bond application).



21. In addition to the lack of private, confidential attorney-client meeting spaces at River, the facility does not permit attorneys to bring in laptops and printers. Instead, attorneys are only allowed to bring with them paper files and a pen or pencil. As a result, the efficiency of our visits is severely diminished because we are unable to draft and/or edit declarations and other case-related documents, and print them for the client's signature, during our in-person meeting time with the client. Because attorneys cannot bring laptops into in-person visits, ISLA attorneys need to expend extra time that could be otherwise spent preparing for our clients' cases if the facility permitted attorneys to bring this now ubiquitous technology. Other ICE detention facilities in Louisiana, such as Winn Correctional Center ("Winn") in Winnfield, permit attorneys to bring in laptops to attorney-client visits, demonstrating that this policy is feasible.

**Lack of Timely Access to Legal Mail**

22. ISLA attorneys are not able to send and receive legal mail to and from detained clients at River in a timely manner. In order to adequately represent clients and prepare for their upcoming hearings, including bond hearings, and comply with court deadlines, we must be able to send and receive documents in an expedient fashion.

23. However, at River, the process for sending and receiving legal documents via mail takes longer than average, and longer than it takes in our experience at other ICE detention facilities in Louisiana, such as Pine Prairie. At River, it takes more than a week for our mail to reach our clients.

24. At River, our clients must pay to send legal mail. The cost is dependent on the weight of the documents being sent.

25. Due to these difficulties with sending and receiving legal mail at River, ISLA attorneys cannot rely on legal mail for time-sensitive communications or documents that may require a prompt signature to meet a court filing deadline.

**Lack of Access to Confidential Email/Faxing Ability**

26. ISLA attorneys are not able to confidentially send or receive emails to detained clients at River. Although clients have access to a paid electronic messaging app called “JailATM,” any messages sent or received on this app are not confidential and are subject to monitoring by the facility and/or the company that owns the app. As a result, we cannot use this app for confidential communications or to exchange legal documents with clients.

27. There is no alternative electronic-messaging or email access at the facility that would permit confidential communications between attorneys and clients.

28. In addition, there is no fax machine accessible to attorneys at the facility for sending legal documents via fax. River does not allow our clients to use the fax machines at the facility to send documents to us, nor does it allow us to use the fax machines to send documents to our clients. This is in contrast to other ICE detention facilities in Louisiana, such as Winn, Jena, and Pine Prairie ICE Processing Center (“Pine Prairie”), located in Pine Prairie which permit attorneys to send documents to clients via fax and vice versa.

29. Due to the lack of access to confidential emailing and faxing, the slow-paced and unreliable legal mail system described above is the only option available to ISLA attorneys to send and receive legal documents, short of visiting in person. However, because we cannot depend on the legal mail system, when we need to have time-sensitive documents reviewed and signed, we need to drive to the facility and do so in-person. The lack of a functional way to exchange legal documents short of an in-person visit also limits how many detained

people at River we can represent and restricts the quality of our representation because it prevents us from moving at a faster pace for our clients.

**Lack of Access to Confidential Phone Calls**

30. River has, in theory, a system for attorneys to schedule confidential phone calls with clients. However, this system is deeply flawed. To schedule a phone call, I send an email to the facility with the same information as I provide to set up an in-person visit, including our client's name, Alien Number, my license and bar card, and time I want to schedule the phone call. The facility requires 24-hour notice to schedule a legal phone call, just as it does for in-person visits. The facility then calls your number at the given time and connects the client. In early 2018, ISLA set up with ICE a legal phone line connected to our main office phone number, my cell phone number, and my colleague's cell phone number so that clients calling those numbers would not need to pay and those calls would be unmonitored. Recently, however, my colleague tried to also add the cell phone numbers of our legal fellows with ICE and was not able to, as ICE seemed unaware of this being permitted in the first place.
31. As noted above, phone calls at River are not confidential and private. Our clients have told us that their phone calls with us take place at a desk in a hallway. There are multiple desks in that hallway where guards are sitting doing work. The officer assigned to the client making the call remains present and nearby at all times, waiting for the client to finish the call and able to overhear everything the client is saying. If an attorney has requested calls with multiple clients for that day, other clients are also present in that hallway and can overhear the client's phone conversation. Clients who want to call us can directly do so using the public phones in their dorms, but those calls do not take place in a private setting.

If clients want to speak with us over the phone in a private space, they need to contact their case manager, who will then contact us to schedule a legal phone call—which will take place, as mentioned, in the open hallway setting that is also not private and confidential.

32. Clients do not have any alternative methods of privately communicating information to their attorney over the phone regarding, for example, difficult conditions or abuse they may be experiencing at the facility. Indeed, clients have explicitly told us they do not feel comfortable speaking over the phone with ISLA attorneys because it is impossible to share sensitive details over the phone. This was the case with our client in the example above in paragraphs 19 and 20, who told me he did not feel comfortable discussing his medical condition over the phone because of the lack of privacy.
33. In addition to the lack of confidentiality, the audio connections on the telephone lines at River are highly unstable. There are sometimes static issues that make it difficult for us to hear our clients and vice-versa, and I have had calls with clients drop a few times. Furthermore, the facility does not permit attorneys to speak with clients immediately if we call and request to speak with a client. The requirement to schedule phone calls in advance limits our ability to address emergent situations or have urgent conversations with clients.

#### **VTC Access at River**

34. For most of ISLA's time representing clients at River, ISLA attorneys were unable to conduct any VTC calls with detained clients at River because the facility and ICE never informed us that this was possible. Indeed, ICE has not made publicly available *any* information on how attorneys can communicate with clients at River, or other ICE detention facilities in Louisiana. We have only been able to learn how we can communicate with people held in ICE custody in Louisiana through our own research. At River, we only

discovered about a month and a half ago from other attorneys with clients at River that VTC is available at all for attorney-client visits and by proactively asking the facility to set up a VTC call, without knowing whether they would agree. At Jena and Pine Prairie, which have had legal VTC access since at least 2019, there are handouts posted on the walls at the facilities that give instructions for setting up legal VTC calls; River has not posted any such information either in the facility or online. The fact that ICE already has a designated website for most detention facilities, including River,<sup>1</sup> demonstrates that it is entirely feasible for ICE to make information about VTC access, as well as other means of attorney-client communication, publicly available.

35. To set up a VTC call with a client detained at River, I emailed the facility requesting an attorney visit via video-teleconferencing, providing mostly the same information I would to set up an in-person visit or to schedule a phone call, including my five clients' names, their Alien Numbers, my license and bar card, the time I wanted to schedule the VTC call, as well as a Zoom link. The requirement for me to send my own Zoom link is inconsistent with the practice at Jena, where the facility sends a calendar invite with their meeting link whenever I need to schedule a VTC call, and the procedure at Pine Prairie, where the facility will confirm your scheduled VTC call and call you via Skype at the time the call was scheduled.
36. I logged on the Zoom link at the scheduled time for the VTC visit, and no one was on for the first fifteen minutes. Around thirteen minutes into waiting, I called the facility's main office phone number to ask about my VTC call that I had scheduled, after which they put me on hold to check and about two minutes later my client was on the VTC call. My client

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<sup>1</sup> <https://www.ice.gov/detain/detention-facilities/river-correctional-center>.

was in a small, windowless room with the computer for the VTC call on a fold-out table, and the door was closed. During the call, my client informed me that the other four clients I also had scheduled VTC calls with were lined up and waiting directly outside the door to the room where our call was taking place. Guards would pass by every so often to check in through the window in the door to see if the VTC call was still going on.

37. With both VTC and phone calls, there is no way for us to immediately connect with a client if we need to and cannot meet in person. To our knowledge and in our experience, both phone calls and VTC calls, as well as in-person visits, need to be scheduled by at least 3:00PM the day before we want the visit to take place. As a result, ISLA has sometimes needed to wait more than 32 hours (the day after the following day) before being able to talk with a client even if an earlier conversation is required. For example, ISLA has clients at River who are transported to local hospitals or health clinics for medical appointments. We are not informed in advance when a client is going to be transported for a medical appointment or how long the client will be away from the detention center. As a result, we have scheduled in-person legal visits with clients who—when we arrived at the facility for the visit—were unavailable to meet with us at the scheduled time because they were transported to a medical appointment without letting us know, making it impossible for our attorneys to properly schedule an in-person visit with them. During these times, being able to connect with our clients remotely—either through VTC or a phone call—without needing to schedule by at least 3:00PM the day before and having a prompt confidential conversation would not only avoid delays and denials of in-person visits, but also allow us to timely discuss our client’s medical care and how that may affect their case.

### **Conclusion**

38. Because of the above-described obstacles to attorney-client communication, ISLA attorneys are hampered in their ability to provide legal representation to clients at River. The lack of access to email and fax; confidential, private telephone calls; confidential, private in-person meeting spaces, and up until very recently, VTC calls, require ISLA attorneys to expend double the amount of time, money, and resources to represent clients than we otherwise would. The obstacles to attorney-client communication at the facility also significantly impair ISLA's organizational mission to provide the highest quality direct legal representation to individuals detained at River. If these obstacles did not exist, not only would we be able to better serve our clients, but we would also be able to represent more detained individuals, in furtherance of our mission. These obstacles have actively and directly prevented ISLA from being able to represent approximately twice as many additional prospective clients detained at River.
39. Basic improvements to attorney-client access at River are necessary for ISLA attorneys to provide adequate representation to existing clients and fulfill ISLA's objectives. These improvements include access to confidential, private meeting spaces with clients where the attorney-client privilege is honored; access to free, confidential emailing and faxing for attorneys to exchange legal documents and written communications; the ability to visit clients in person without needing to schedule the visit in advance; the ability to bring laptops and printers to in-person client visits; the ability to promptly connect with clients over the phone to conduct time-sensitive conversations that take place in private settings and cannot be overheard by guards or others; ICE timely making information and updates

about attorney access at River publicly available; and the ability to visit clients in person at non-business hours in light of the required travel time.

40. I have observed that our clients at River face several obstacles that prevent them from being able to bring lawsuits or pursue relief in court on their own. Because of the restrictions on access to counsel, most people detained at River would need to proceed pro se in order to bring claims in court. However, their abilities to do so are severely constrained by the fact that most of them do not speak English, have a limited understanding of the U.S. legal and immigration systems, and generally lack access to legal aid resources except for those provided in occasional Know Your Rights presentations. Our clients at River are also often unwilling to sue ICE or other government officials due to fear of retaliation, and are unable to access outside resources, such as medical experts, as required to support their claims and provide corroborating evidence. As a result, it is impractical for our clients at River to even adequately prepare bond applications and parole requests on their own, let alone a federal lawsuit challenging conditions of confinement like inadequate access to counsel.

Pursuant to 28 U.S.C. § 1746, I declare under the penalty of perjury that the forgoing is true and correct.

Executed this 2nd day of November, 2022, in New Orleans, Louisiana.



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Homero López, Jr.