

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

W.R. and her son, A.R., by and through his)
mother, W.R.;)

Plaintiffs)

v.)

JEFFERSON BEAUREGARD SESSIONS)

III, Attorney General of the United States;)

U.S. DEPARTMENT OF HOMELAND)

SECURITY (“DHS”); KIRSTJEN)

NIELSEN, Secretary of DHS; U.S.)

IMMIGRATION AND CUSTOMS)

ENFORCEMENT (“ICE”); THOMAS)

HOMAN, Acting Director of ICE;)

PATRICK CONTRERAS, Director, ICE)

Field Office for Enforcement Removal)

Operations in Houston, Texas; U.S.)

CUSTOMS AND BORDER)

PROTECTION (“CBP”); KEVIN K.)

MCALEENAN, Acting Commissioner of)

CBP; U.S. CITIZENSHIP AND)

IMMIGRATION SERVICES (“USCIS”);)

L. FRANCIS CISSNA, Director of USCIS;)

U.S. DEPARTMENT OF HEALTH AND)

HUMAN SERVICES (“HHS”); ALEX)

AZAR, Secretary of the Department of)

Health and Human Services; OFFICE OF)

REFUGEE RESETTLEMENT (“ORR”);)

SCOTT LLOYD, Director of the Office of)

Refugee Resettlement; BCFS; KEVIN)

DINNIN, President and CEO of BCFS; and)

PEDRO MARTINEZ, Administrator on)

Duty BCFS Baytown.)

Defendants.)

Civil Action No. _____

**AFFIDAVIT OF W.R. IN SUPPORT
OF MOTION FOR TEMPORARY
RESTRAINING ORDER AND
PRELIMINARY INJUNCTION**

**AFFIDAVIT OF W.R. IN SUPPORT OF MOTION FOR TEMPORARY
RESTRAINING ORDER AND PRELIMINARY INJUNCTION**

1. I am thirty-five years old.
2. I have a nine-year-old son, A.R., who was forcibly separated from me and is currently being held in a facility in a town called Baytown, Texas. I have not seen him since May 30, 2018.
3. I came to the United States on May 28, 2018, after leaving my country on May 23, 2018.
4. My son and I were fleeing Brazil for many reasons, including abuse, domestic violence, threats to my life, and threats to involve my young son in drug trafficking. Though I went to the authorities in Brazil on numerous occasions, they refused to protect my son and I. I was fearful for my life and my son's life.
5. I was married in Brazil. My husband was an alcoholic, used drugs, sold drugs, and was abusive to me and my son. He beat me, causing bruises, bleeding, and pain to many parts of my body. He also beat and burned my son, A.R. On more than one occasion, he threatened me with his gun. On more than one occasion, he threatened my son and me with a knife. I have been trying to get a divorce in Brazil for the past six years, however my husband would not allow me to do so.
6. I sought police protection, particularly when I had been severely beaten, but the police refused to intervene and told me they would not get involved in "domestic disputes."
7. My husband is involved in drug trafficking and has associates and family members who I am very afraid of. He believes that he will make more money if he uses a child to sell drugs. He has done this with a son from another marriage,

and that older son has now been arrested many times. My husband has threatened to kill me if I do not allow him to use A.R. to sell drugs with him. My husband's older son has also threatened me. A.R. has never had any involvement with drugs and I want to protect him from that life.

8. I understand that this declaration is for purposes of a lawsuit challenging separation of families. There is much more to say about why I left my country and what happened when I presented myself at the border, but I am focusing here on how I was separated from my son and the impact that separation is having on us.
9. I have family in Massachusetts, my brother, sister-in-law, and nephews.
10. After arriving near the southern border of the United States, I walked on foot for over two hours through desert and fields to cross into the United States.
11. I was carrying with me some belongings, the entirety of my savings, passports for myself and A.R., IDs for myself and A.R., A.R.'s birth certificate, and A.R.'s vaccination record.
12. Shortly after entering the United States, I saw an individual who I now know was be a Border Patrol officer. I immediately surrendered both myself and my son.
13. The Border Patrol officer took our belongings, including our money, jewelry, passports, IDs, other records, coats, hats, and backpack.
14. He spoke to me in Spanish, but I did not understand because I speak Portuguese. He used his cell phone to translate text in an effort to communicate with me. The Border Patrol officer required me to fill out paperwork, but I do not know what the paperwork was. The Border Patrol officer then called another officer.

15. While we were waiting for the second officer, the first officer asked me why I was coming to the United States, and I told him it was because I was afraid of dying in my country. This conversation occurred using the Border Patrol Officer's cell phone. During the entire time I was held in detention facilities, no one else asked me why I had come to the United States.
16. When the second Border Patrol officer arrived, my son and I were loaded into a truck and taken to a detention facility somewhere in Arizona.
17. When we arrived at the facility I was fingerprinted and photographed. I was told we would only be at this location for "a few days."
18. Immediately after our arrival, my son A.R. was separated from me. As officers led me to a cell, I took A.R.'s hand and tried to bring him with me. The officer stopped me and abruptly took A.R. away. A.R. was crying and calling out for me, but the officer quickly removed him. Everything occurred so fast, I was very confused.
19. I was placed in a cell that I believe was meant to hold 20 or so women. It was approximately 15 feet by 15 feet. There were approximately 90 other women in this cell. The cell had cement floors, and no beds or mattresses. There was not enough space to lay down. We were given aluminum sheets for warmth. It was very cold. The cell had a small bathroom with no door, with a video camera that faced the toilet; the camera filmed everything when you used the toilet.
20. My son was taken to a similar cell. If I walked to the front of my cell, and he walked to the front of his cell, we could see each other from afar. He was held

with other children of all ages. The children's' cell also had no beds or mattresses.

21. I could see A.R. crying in his cell. He appeared very upset and scared. I was also so upset and so afraid. It was the worst experience of my life.
22. While I was in this facility I was cold, hungry, and thirsty at all times. The only food we were given were "Cup of Noodle" cups. Most of the time, these noodles were not cooked, though there were a few times they gave us hot water. The only water available to drink came from a small sink next to the toilet and tasted as if it had been treated with bleach. The water was very hard to drink and burned my mouth. The children were given the same food and water as the adults. There was no way to bathe or shower, no soap, and no way to maintain basic hygiene. The cells were never cleaned during the approximately 10 days I was held there.
23. On May 30, 2018, I observed an officer enter the children's' cell and choose some of the children. A.R. was among those chosen and taken out of the cell. When I saw this I began pounding on the door of my cell and screaming for help but no one came. I did not know what was happening. I was terrified of what was happening to my son.
24. Later that day an officer came to my cell and called for me. He asked me questions, including whether I had any more money. He told me that A.R. was going to be transferred to another location. I objected, but the officer told me not to worry because when I left detention I would be able to pick up my son.

25. The officer brought A.R. to the front of my cell, and I was able to hug him goodbye. The officer then took A.R. away, and I was returned to my cell. This is the last time I saw my child. I cannot express the pain and fear I felt at that point.
26. I stayed in the detention facility in Arizona for approximately ten days. I asked about A.R. every time there was an officer on duty who spoke Portuguese. The officer would not give me any information, except to say that I could see my son when I was released from detention. I had no contact with my son whatsoever.
27. During these ten days I remained in the same cell with the same conditions. I was not allowed out of the cell at any time. I remained cold, hungry, thirsty, and was unable to bathe myself. When I slept, it was on the cement floor.
28. On or around June 6, 2018, I was transferred via bus to a different location. Many other women were transferred with me. I do not know where this facility was located. At this location I was held in a smaller cell, but the conditions were the same as the first facility. During this time, I was not provided any information about my son, A.R.
29. After a day or two, I was transferred again to a third detention center. This was an all-male detention center; however, many women were transferred with me. They had only one cell for women. This facility provided small mattresses, milk, a piece of bread, and a piece of fruit. At this facility, I was allowed to shower for the first time since being detained. During this time, I was not provided any information about my son, A.R.
30. On or about June 8, I was transferred yet again to a detention center that I now know was in Eloy, Arizona. When I arrived in Eloy they performed medical tests,

such as a urine test for pregnancy, and performed mental health screenings.

During these appointments a Portuguese interpreter was only available by telephone. I was asked to sign paperwork, but I do not know what the paperwork was for.

31. At the facility in Eloy, I was given a small room with a bed, was allowed to shower, and was given regular meals for the first time.
32. On or about June 9, 2018, I learned that I could submit a request for information about my son. I submitted a "Detainee Request Form" and asked for information about A.R. I received a written response, in Spanish, which stated that my son was in a facility for minors, and that I could call or contact him by phone at 210-556-5030. I was not provided the name or location of the facility. I was told that I could not call the facility until Wednesday, June 13, 2018. I was never provided with my son's immigration case number.
33. I called twice and was told that I could not speak with my son. I spoke to my son on the telephone for the first time on or about June 19, 2018. This was about 20 days after he had been separated from me.
34. When I spoke to A.R., someone was with him monitoring his phone call. He was not allowed to tell me his location or how he got there. He was only allowed to tell me that he was doing alright, that he had a bed, and that he was going to school. If he tried to tell me anything else, the phone was taken away from him.
35. While I was at the facility in Eloy, I was told that I could leave if someone could pay a bond for me. I was told that if I did not pay the amount they requested, I would be deported. The officers did not mention my son.

36. I was allowed to call my brother, who lives in Malden, Massachusetts. My brother paid my bond of \$7,500.
37. After my bond was paid, I was loaded onto a bus with other men and women. We were driven to a bus station and released. When I asked about my son after my release, I was told that President Trump had changed the policy now my son would not be released to me.
38. After I was released I traveled to Malden, Massachusetts, to live with my brother.
39. Since I was released, I have been able to call certain phone numbers to speak with A.R. The phone number for me to call has changed over time; to date I have been given three different phone numbers. Sometimes, I am allowed to talk to him, but sometimes I am not. Occasionally, A.R. calls me. During this time, his phone calls continued to be monitored. I asked the adults who answer the phone where my son is located, but they refused to confirm the name or location of the facility where he is being held.
40. I sought assistance from the Brazilian Workers' Center, who have continued to provide me with referrals, assistance, and interpreter services.
41. On June 25, 2018, I was finally able to speak to a case worker at the facility where my son is being held, and I was told that the only way for A.R. to be returned to me was to submit a "Family Reunification Packet" to the Office of Refugee Resettlement. This paperwork requires me to apply to be qualified as a "sponsor" for my own son. The package was complex and lengthy and someone from the Brazilian Workers' Center had to help me fill it out. I submitted this paperwork right away that same day, via fax, to the Office of Refugee

Resettlement. I included in this paperwork A.R.'s birth certificate and a copy of my identification.

42. On June 26, 2018, I met with an attorney for the first time and secured *pro bono* representation.
43. On June 27, 2018, I had a telephone "interview" with a case worker from BCFS Baytown in Texas. This was the first time that someone confirmed my son's location. I wanted my attorney present at the meeting. At first it did not seem like the caseworker would be willing to speak with me with my attorney present. I asked several questions about my son, some of which the case worker answered and some of which she refused to answer. Specifically, I asked for my son's alien registration number, but the case worker refused to provide it. The case worker then told me that she really needed to get through the interview, and that because I had so many questions she was going to "have to reschedule the interview." I did not want to do anything to delay my son's release, so I stopped asking questions about my son and asked her to continue the interview. During the interview, she referred to me as a "sponsor" – not a parent.
44. The first questions the case worker asked were about my religion and religious practices. She specifically asked me whether I was Christian and attended church. When I said I was religious, the case worker responded favorably saying:
"Great!"
45. She then asked me about my marital status, and how I "disciplined" my son. She then asked where my son would live, sleep, and go to school, and who would take him to and from school. She also asked if I knew where the closest hospital or

clinic was located, and if my son had any health or behavioral problems. The case worker then asked me many questions unrelated to my care of my son, such as when we left Brazil, who planned the trip, how we paid for the trip, how we traveled to the United States, and why we came to the United States. I felt that I must answer all of her questions, even the ones I did not want to answer, or I would not get my son back.

46. The case worker informed me that the next step was that myself and all adults in my brother's household had to be fingerprinted. The case worker also said that once the fingerprinting was complete, it would take another "3-5 business days" to get the results of the fingerprints, and that only after everyone in my household "cleared" the fingerprinting process would they continue to process my sponsor application.
47. Upon hearing how much time it would take, I felt awful. I had been trying to get my son back for nearly a month, and I was exhausted and very upset. I cried in my attorney's office. I did not understand why I needed to be fingerprinted again, because I was fingerprinted when I was first detained at the border. I felt like my life had become a nightmare. The worst thing that has ever happened to me is having my son taken from me.
48. Later that evening, the caseworker at BCFS Baytown called me and told me that me, my brother, and my sister in law could go for a fingerprinting appointment at 10:00am the following day. My brother took off work so that he would be able to attend. I still felt heartbroken, but I was very grateful to have the fingerprinting appointment in order to get my son back as quickly as possible.

49. On the morning of June 28, 2018, my family members and I arrived for our fingerprinting appointment. Once there, we learned that the appointment was not for fingerprinting, but was instead for a “legal orientation program” for potential sponsors. This orientation was in Spanish, which I do not understand. I was very upset, because I had been told that fingerprinting was required in order to get my son back. Despite this, I stayed and attended the orientation program and a friend translated the program from Spanish to Portuguese so that I could understand.
50. That same morning, I received a call from another case worker at BCFS Baytown, who informed me that the first available fingerprinting appointment was not until July 12, 2018. She informed me that the only place I could go for fingerprinting was at a particular vendor in Worcester, Massachusetts. Worcester is located over 50 miles away from the town where I live. If I cannot get a car ride, I will have to take a bus and a train, and travel for nearly two hours to get to Worcester. I offered to go to the USCIS building in nearby Boston for fingerprinting, but I was told that I could not go there. I was very upset to learn I could not be fingerprinted until July 12 because it meant I would not be reunited with my son for weeks.
51. This delay is very difficult for me and my son, and I cannot understand why the government will not immediately release my son to me. I am his mother.
52. I want my son to live with me in Massachusetts. Here we will have a safe place to live, the support of my brother and sister in law, and the support of the Brazilian community with which I have already made connections.

53. I plan to enroll him in the same school that my nephews attend, to make sure that he gets a good education.
54. I hope to work to support my son and I once I get permission to do so. Until then, my brother is willing and able to support us. I will make sure than my son gets all necessary care for his physical and psychological health. The Brazilian Worker Center has already indicated that they will connect us to free psychosocial support through volunteers affiliated with the National Association of Social Workers.
55. This has been the most horrible experience, being separated from my son. I left my country in order to protect my son from violence and from other dangers such as drug trafficking. But since arriving in the United States I have been unable to care for him and have been denied contact with him.
56. I want my son returned to me so that I can make sure he is healthy, happy, and so that I can protect him. I fear for my son's safety as long as he is in detention and separated from me.

Signed under pains and penalty of perjury, this 29 day of June, 2018.

WR

I, Natalicia Tracy certify that I am a disinterested adult competent to interpret from English to Portuguese and that I interpreted the above-referenced document from English to Portuguese for the above-referenced affiant.

Signed under pains and penalties for perjury, this 29 day of June, 2018.


