

UNITED STATES DISTRICT COURT
WESTERN WASHINGTON

Maria Sandra RIVERA, on behalf of herself
as an individual and on behalf of others sim-
ilarly situated,

Plaintiff-Petitioner,

v.

Eric H. HOLDER, Jr., Attorney General of
the United States; Juan P. OSUNA, Direc-
tor, Executive Office for Immigration Re-
view, United States Department of Justice;
Jeh JOHNSON, Secretary of Homeland
Security; Thomas S. WINKOWSKI, Prin-
cipal Deputy Assistant Secretary for Unit-
ed States Immigration and Customs En-
forcement; Nathalie R. ASHER, Director,
Seattle Field Office of United States Im-
migration and Customs Enforcement;
Lowell CLARK, Warden, Northwest De-
tention Center; and the UNITED STATES
OF AMERICA,

Defendants-Respondents.

Civil Action No.

DECLARATION OF MICHAEL TAN

1 I, Michael Tan, declare as follows:

2 1. I am over the age of eighteen, have personal knowledge of the matters stated herein, and
3 am competent to testify thereto.

4 2. I am a Staff Attorney of the Immigrants' Rights Project of the American Civil Liberties
5 Union ("IRP"), which is co-counsel for Plaintiffs in the above-captioned litigation. I have
6 knowledge of the facts contained in this declaration and submit this declaration in support of
7 Plaintiffs' Motion for Class Certification.

8 3. Attached hereto as exhibits are true and correct copies of the following:

9
10 Exhibit A Letter from Catrina M. Pavlik-Keenan to Michael Tan, ACLU Immigrants' Rights
Project. RE: ICE FOIA Case Number 2012FOIA5180 (Feb. 21, 2012)

11 Exhibit B FY11 Mandatory and Non-Mandatory Detention (excerpt of data produced by
12 ICE to the ACLU in response to FOIA request)

13 4. IRP routinely requests and obtains government records through FOIA, 5 U.S.C. § 552,
14 regarding the size and characteristics of the immigration detention population.

15 5. In response to one such FOIA request, the Department of Homeland Security ("DHS")
16 provided a set of spreadsheets to IRP on February 21, 2012. *See* Ex. A. These spreadsheets show
17 a series of population snapshots of the immigration detention population for one day near the
18 first day of each month in FY2011. *Id.* at 1.

19 6. The spreadsheets obtained through this FOIA request break down the detention popula-
20 tion according to each U.S. Immigration and Customs Enforcement ("ICE") area of responsibil-
21 ity and by the categories of "mandatory" or "non-mandatory" detention. *See* Ex. B. Here the cat-
22 egory of "non-mandatory" detention primarily refers to individuals detained under 8 U.S.C. §
23 1226(a).
24
25

26 Decl. of Michael Tan - 2 of 4

NORTHWEST IMMIGRANT RIGHTS PROJECT
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FAX (206) 587-4025

7. Among the ICE areas of responsibility identified in the data is the Seattle area of responsibility. The Seattle area of responsibility includes Alaska, Oregon, and Washington. *See* ICE, Enforcement and Removal Operations, Contact Field Offices, <http://www.ice.gov/contact/ero/>. However, ICE's website lists only one facility within these states where immigration detainees are held: namely, the Tacoma Northwest Detention Facility in Tacoma, Washington. *See* ICE, Facility Locator, <http://www.ice.gov/detention-facilities/>.

8. The spreadsheets show the following numbers of "non-mandatory" detainees held in the ICE Seattle area of responsibility for one day of each month of FY2011:

October 2010	603
November 2010	698
December 2010	798
January 2011	845
February 2011	619
March 2011	542
April 2011	578
May 2011	567
June 2011	524
July 2011	619
August 2011	736
September 2011	653

1 Based on this data, I estimate that there were approximately 500 to 850 individuals detained in
2 the ICE Seattle area of responsibility at any given time in FY2011, the vast majority of which
3 were held under § 1226(a).

4 I declare under penalty of perjury under the laws of the United States and the State of
5 Washington that the foregoing is true and correct and that this declaration was executed on Oc-
6 tober 16, 2014 in New York, New York.

7
8 

9 _____
10 Michael K.T. Tan

CERTIFICATE OF SERVICE

I hereby certify that on October 16, 2014, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system. I further certify that copies of the same will be served, via United States Postal Service, Certified Mail, Return Receipt Requested, to the following on October 17, 2014:

Natalie Asher
Field Office Director, Seattle Field Office
U.S. Immigration & Customs
Enforcement
12500 Tukwila International Blvd.
Seattle, WA 98168

Lowell Clark
Warden
Northwest Detention Center
123 East J St.
Tacoma, WA 98421

Eric J. Holder, Jr.
Attorney General for the United States
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Jeh Johnson
Secretary, U.S. DHS
Department of Homeland Security
Washington, DC 20528

Juan Osuna
Director,
Exec. Office for Immigration Review
5107 Leesburg Pike, Suite 2600
Falls Church, VA 20530

Thomas Winkowski
Principal Deputy Assistant Secretary,
U.S. Immigration & Customs Enforcement
c/o Office of the General Counsel
U.S. Department of Homeland Security
Washington, DC 20528

United States of America
c/o Annette Hayes
Acting U.S. Attorney for W.D. Washington
700 Stewart Street, Suite 5220
Seattle, WA 98101

Dated: October 16, 2014, at Seattle, Washington.

/s/ Sarah Dunne

Sarah Dunne, WSBA No. 34869

Attorney for Plaintiff

CERTIFICATE OF SERVICE

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