

EXHIBIT K

DECLARATION OF ANA HERRERA, ESQ.

I, Ana Herrera, Esq., declare as follows:

1. I submit this declaration in support of Plaintiffs' Motion for Class Certification. I have personal knowledge of the facts set forth herein, and, if called as a witness, could and would testify competently as follows:

2. I am an immigration staff attorney with Dolores Street Community Services (DSCS), in San Francisco, California. DSCS is a 501(c)(3) nonprofit organization that provides social and legal services to indigent San Francisco residents. Our vision is of a just and sustainable community where all residents – regardless of income, immigration, or health status – have equal rights and access to resources, and are empowered to fully participate in shaping the future of the City of San Francisco. Our Deportation Defense & Legal Advocacy program provides legal consultations and pro bono representation on a limited basis to individuals who cannot afford a private attorney.

3. I graduated from law school in 2012 from the University of California, Berkeley School of Law. I have worked on immigration-related issues since 2011. I have represented individuals in removal proceedings at DSCS since 2012, first as a legal fellow and then as a staff attorney. I previously held externships with the Department of Justice's Executive Office for Immigration Review and the Civil Rights Division.

4. DSCS receives immigration cases through referrals and walk-ins to our office. We receive approximately 30 requests for legal representation in immigration proceedings per month, and approximately 350 requests per year. We prioritize intakes based on family income, San Francisco residency, legal eligibility, and available resources. Of the intakes we receive, we typically represent only about 70-80 individuals every year in their immigration proceedings.

This typically means that we turn away well over two hundred individuals every year who need legal assistance with their cases.

5. DSCS historically has provided direct representation in removal proceedings for adults only. Our organization has generally not represented children (meaning individuals under the age of 18) who find themselves in immigration proceedings, unless they are the children of our principal clients. Prior to this year, we had not represented unaccompanied minors in removal proceedings in any cases so far as I am aware.

6. We received very few requests for representation from children in years past, largely because legal service providers specializing in working with children adequately handled those requests. Previously, we referred the few requests for representation from children, an estimated 5-10 per year, to organizations specializing in the representation of minors in the Bay Area. As part of my job, I have knowledge of the legal resource capacity of these organizations at any given time, because I generally learn the results of referrals that we make to those organizations.

7. This limited demand for representation of children has changed, however. Since late 2013 or early 2014, DSCS began receiving requests for assistance from increasing numbers of children. We now get requests from 5-10 children per month who have cases pending before the San Francisco Immigration Court.

8. These cases typically involve children who fled their home countries – primarily El Salvador, Guatemala, and Honduras. These children are typically apprehended by U.S. Customs and Border Protection (CBP) near the Southern border. They then usually spend a brief period of time in the custody of the Office of Refugee Resettlement (ORR), which is the division of the U.S. Department of Health and Human Services that is responsible for the care of

immigrant children who enter the immigration enforcement system. ORR then transfers the children to sponsors living in the Bay Area.

9. Many of these children may be eligible for one or more forms of relief, such as Special Immigrant Juvenile Status, which is available to a child when a state juvenile court declares that the child's reunification with one or both parents is not viable due to abuse, neglect, abandonment, or a similar basis under state law, *see* 8 U.S.C. § 1101(a)(27)(J)(i); asylum, which is available to individuals who fear persecution in their home countries, *see* 8 U.S.C. § 1158; and U-visas, which are available to individuals who have been the victims of certain serious crimes if they would be helpful to the authorities in an investigation or prosecution, *see* 8 U.S.C. §§ 1101(a)(15)(U)(i)(III) & 1184(p)(1).

10. Many of these children have difficulty finding lawyers to represent them in their immigration cases. While the Bay Area has a number of legal services providers who provide legal representation to individuals in immigration proceedings, all of those organizations are operating at or near capacity, and cannot handle all of the children's immigration cases that are pending in the San Francisco Immigration Court.

11. DSCS is in a similar position as these other organizations. Although our office now sees a constant flow of children through our intake process, we must routinely turn away relief-eligible children because of resource constraints. DSCS currently has only three attorneys total, including myself, and no support staff.

12. Although DSCS has historically not represented children in immigration proceedings, we have recently concluded that we cannot ignore the increasing number of children we see who are forced to endure their proceedings alone. We made this decision not only because children have long been considered a vulnerable group deserving of special

protection within our legal system, but also because the need for adequate safeguards for this population in the context of removal proceedings was particularly severe, as navigating the labyrinthine immigration system is difficult for even the most sophisticated adult. In addition, through our intake process, it appeared that many of the cases we were rejecting involved stakes that were incredibly high for the children, who often had come here because they faced danger in their home country. We therefore have made the decision to start accepting children in immigration proceedings as clients.

13. Despite our recent decision to begin representing children, DSCS only has capacity to provide legal representation to a small fraction of the children who contact us. We have taken on the cases of only two children as clients since we decided to work in this area. We have been forced by lack of resources to continue to turn away children since we decided to start representing them. We expect that every month we will continue to turn away children who need representation in their immigration proceedings, many of whom may have meritorious arguments for relief and defense to removal.

I declare under penalty of perjury of the laws of the State of California and the United States that the foregoing is true and correct to the best of my knowledge and belief.

Executed this 8th day of July, 2014 in San Francisco, California.



ANA HERRERA, ESQ.