

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

INTERNATIONAL REFUGEE
ASSISTANCE PROJECT,
as Next Friend of JOHN DOE

Petitioners,

v.

JOHN F. KELLY, in his official capacity as
Secretary, U.S. Department of Homeland
Security; KEVIN K. MCALEENAN, in his
official capacity as Acting Commissioner, U.S.
CUSTOMS AND BORDER PROTECTION
("CBP"); MICHAEL FIRING, in his official
capacity as Chief, Enforcement Branch
Passenger Operations Division
Port of New York/Newark Office of Field
Operations, CBP; and ADELE FASANO, in
her official capacity as Newark Port Director,
CBP,

Respondents.

CASE No. 2:17-cv-1709

**DECLARATION OF
ELIZABETH FOYDEL**

I, Elizabeth Foydel, being of full age, hereby declare and state the following:

1. I am Policy Counsel at the International Refugee Assistance Project ("IRAP"), a project of the Urban Justice Center and a 501(c)(3) nonprofit located at 40 Rector Street, 9th Floor, New York, NY 10006.
2. IRAP's mission is to provide legal counsel and direct legal representation to the thousands of Afghans and Iraqis who were employed by or on behalf of the U.S. mission in Afghanistan and Iraq and are applying for Special Immigrant Visas ("SIV") or refugee resettlement on that basis. We also provide legal assistance to other vulnerable refugees who are navigating the refugee

recognition and resettlement process. Since 2008, IRAP has provided pro bono legal aid to thousands Afghan and Iraqi SIV applicants through its in-house counsel and network of pro bono attorneys. Currently, IRAP represents 173 Afghan and Iraqi principal applicants who are in various stages of the complex, multi-step SIV process. Our focus on this specific area of law has resulted in numerous legal victories – over the last calendar year, IRAP helped 56 Afghan and Iraqi cases successfully resettle to the U.S., representing hundreds of individuals.

3. On March 14, 2017, I became aware of the case of an Afghan SIV-holding individual who had been detained for a prolonged period at Newark International Airport (“EWR”). This individual has been detained since his arrival to EWR at 7:19PM on March 13, 2017.
4. Because one of our core missions is to represent immigrants eligible for SIVs, IRAP is dedicated to serving the best interests of this SIV recipient and is deeply invested in ensuring his appropriate treatment as he seeks entry to the United States so that he can take advantage of his SIV.
5. Because one of our core missions is to represent and advocate for SIV applicants and recipients, we are deeply invested in the way this individual is being treated as he is entering this country on an SIV visa. I am concerned that an SIV-holder is being detained in excess of 24 hours thus far and that we do not know whether the individual has any contacts locally to advocate for him. It is IRAP’s goal to assist this individual in benefiting from the SIV that he obtained and to advocate for him using all possible resources at our disposal.
6. It would serve IRAP’s core mission to serve and advocate for this individual in his dealings with CBP and ICE because he is an SIV-holder. In order for an Afghan person to receive SIV status, that person has to show that he or she

experienced or is experiencing an ongoing serious threat of harm as a consequence of his or her employment by the United States military. This individual falls squarely within the categories of individuals that IRAP's core mission directs it to represent and counsel.

7. Were IRAP permitted access to this individual, IRAP would offer support and resources, including offering to represent them in whatever proceedings he were accorded. IRAP has a supervising attorney in Newark ready and willing to travel to meet with the family and establish this attorney-client relationship.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my information and belief. Executed this 14th day of March, 2017, at New York, NY.

/s/ Elizabeth Foydel

ELIZABETH FOYDEL