

**DECLARATION OF CATHY J. POTTER, ESQ.**

I, Cathy J. Potter, certify under penalty of perjury that the following statement is true and correct pursuant to 28 U.S.C. §1746:


1. My name is Cathy Potter. I make this declaration based on my own personal knowledge and, if called to testify, I could and would do so competently as follows.
2. I am a member of the Pennsylvania State Bar and my bar number is PA210071. I have been representing clients in matters related to immigration and nationality law in immigration court, the Board of Immigration Appeals, and federal court since 2008. I have served on the Board of Directors at the Migrant Center for Human Rights and worked with the South Texas Pro Bono Asylum Project (ProBAR). My law practice has been based in Harlingen, Texas since 2010. I began assisting individuals subject to the Migrant Protection Protocols (MPP) in the spring of 2020.
3. I currently represent one of the Plaintiffs in this lawsuit, who is proceeding under the pseudonym of Jessica. I entered my appearance at her master calendar hearing on March 17, 2020. At the time, she and her two sons (pseudonyms of Edgar and Damian) were calendared together in MPP proceedings in Brownsville, Texas.
4. Since March 17, 2020, Jessica's MPP proceedings have continued to be rescheduled due to the COVID-19 pandemic and indefinite closure of the MPP courts. I stayed in regular contact with Jessica to let her know about each rescheduled hearing.
5. Since August 2020, I started hearing from Jessica about how she and her sons were getting harassed at the migrant tent encampment in Matamoros. The harassment escalated to the point that they started to receive death threats. Like other migrants in the tent

encampment, the family were like sitting ducks to the cartels in Matamoros. Jessica's sons especially were being targeted, even though they are still teenage boys.

6. In late October 2020, the family could not stand the threats any more. I learned that Jessica had sent her sons across the border, into the United States, around October 30 or 31, 2020. Customs and Border Protection (CBP) picked up the boys around October 31, and they were taken to a shelter in Los Fresnos, Texas. They were then processed with the Office of Refugee Resettlement (ORR), who has custody over detained unaccompanied minors.
7. On or around November 21, Jessica's sons were released from ORR custody and were picked up by Jessica's sister at the airport in Houston, Texas. The children have been in the custody of Jessica's sister ever since. I understand that Jessica stays in close touch with them and feels grateful that they are now safe in the United States, away from the dangers in Matamoros.
8. I understand that Jessica's sister has since hired an immigration attorney to represent the boys, Edgar and Damian, in their removal proceedings.
9. I last checked the Executive Office for Immigration Review (EOIR) online court website on February 4, 2021. According to the EOIR website, Edgar is scheduled for a master calendar hearing on March 22, 2021 in front of an immigration judge in Houston, Texas. However, Damian is still scheduled for a master calendar hearing on March 3, 2021 in the Brownsville MPP court—the same as Jessica's next hearing. This appears to be a clerical error as I understand from Edgar and Damian's immigration attorney that the boys' cases should be consolidated together in the Houston immigration court because they have been processed through ORR and are in the United States.

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 knowledge and belief.

Executed on the 4th day of February, 2021 at Harlingen, Texas.

  
Cathy J. Potter