

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

<p>ROBERT F. KENNEDY HUMAN RIGHTS; SOUTHERN BORDER COMMUNITIES COALITION; URBAN JUSTICE CENTER,</p> <p>Plaintiffs,</p> <p>v.</p> <p>U.S. DEPARTMENT OF HOMELAND SECURITY; KRISTI NOEM, in her official capacity as Secretary of Homeland Security,</p> <p>Defendants.</p>	<p>Civil Action No. 25-1270-ACR</p>
---	-------------------------------------

DECLARATION OF SR. TRACEY HORAN, SP

I, Sister Tracey Horan, declare as follows:

1. I am over the age of 18 and competent to testify to the matters described below.

This declaration is based on my personal knowledge and information that has been shared with me through conversations with my colleagues.

2. I am the Associate Director of Education and Advocacy at the Kino Border Initiative (KBI). KBI is a faith-based organization established in 2009 to address the most pressing needs of migrants. KBI is also a member of the Southern Border Communities Coalition. KBI's mission is to respect the God-given dignity of the human person and to foster binational solidarity through humanitarian assistance, education, and research/advocacy. To accomplish this mission, KBI has deliberately established a presence on each side of the US-Mexico border, in Nogales, Arizona and Nogales, Sonora, Mexico. In our Mexico location, KBI operates a shelter

for migrants who were recently deported from the United States or have arrived at the northern Mexico border to seek protection in the US.

3. Since 2015, KBI has filed 204 complaints with the Department of Homeland Security Office of Civil Rights and Civil Liberties (CRCL) on behalf of migrants residing in our Mexico shelter or receiving services there. These complaints document conditions that the migrants experienced in ICE detention before being deported or the way they were treated by ICE or CBP officials. Some examples include:

- a. Jesus, a Nicaraguan man who was fleeing political persecution, crossed the border with his nephew in 2020. For the last two days they had no food or water. When apprehended, he was treated at a hospital for extreme dehydration. CBP then deported him directly from the hospital wearing a hospital gown and slipper socks, with no shoes or underwear, and without any medical release paperwork.
- b. Martha, a Guatemalan woman who was attempting to reunite with family in Atlanta, fell while crossing the desert in 2021. She was diagnosed with a shattered tibia and doctors said she needed surgery, but CBP insisted that the doctors just put a cast on her leg so she could be deported quickly.
- c. Julio Angel, a Guatemalan man, arrived at KBI in March 2022 after a Border Patrol agent ran him over with his four-wheeler and severely injured his leg. Even after the injury, the same agent roughly pushed Julio Angel to the ground and handcuffed him. Border Patrol attempted to deport Julio Angel to Mexico immediately, but Mexican immigration officials refused due to his medical

condition, so Border Patrol returned him to Tucson and deported him at 10PM that night, when no Mexican immigration officials were on duty to refuse.

- d. Rogelio, a Mexican man with epilepsy who arrived at the KBI shelter in January 2025, had his epilepsy medication thrown in the trash by CBP officers even after he told them what it was. In ICE detention he spent a week in solitary confinement after having a seizure, in a small cell with no bathroom, and was forced to urinate and defecate in bags that officers handed him. When CBP agents transported him to the border in Nogales to deport him, one of them punched him in the ribs while six other agents stood by and did nothing.¹

4. On several occasions CRCL has opened investigations in response to complaints KBI has filed, and those investigations have sometimes led to policy changes. For example, after KBI filed numerous complaints about people being deported directly from hospitals without proper clothing, medication or medical records for follow-up care or when not healthy enough to be released, CRCL investigated the situations of ten noncitizens who were deported shortly after being hospitalized and issued a recommendation memo in September 2023 that made five recommendations for how CBP policies around hospital discharge should be improved. On July 18, 2024, CBP responded to the memo and adopted four of CRCL's recommendations in full and one in part. This hospital discharge memo has subsequently been removed from CRCL's website.

5. CRCL also participated in dialogues between KBI and other NGO's, faith groups, and government agencies regarding the widespread mishandling of migrants' personal belongings, including sacred religious articles such as Sikh men's turbans, which Border Patrol confiscated

¹ The names in these accounts were changed to protect the individuals' privacy.

and threw away while processing migrants across the border and into detention facilities. As a result of these ongoing dialogues, CBP issued Directive 5240-010 in August of 2024 entitled “Short-Term Facilities Handling, Storage, Transference, and/or Return of Detainee Personal Property,” which created new standards for CBP officers to follow regarding migrants’ personal belongings in short-term custody.

6. Since OIDO began operations a few years ago, KBI filed each new complaint about detention conditions with both CRCL and OIDO. However, when KBI filed a complaint with OIDO on April 24, 2025, we received an automated response informing us that OIDO “has been abolished and is no longer operational.” A true and correct copy of the April 24, 2025 email is attached to this declaration as Exhibit G. The name of the detained individual, who was the subject of the complaint, has been redacted to protect their privacy.

7. We continue to hear about deteriorating conditions in ICE detention facilities from people who reach our shelter in Nogales, Mexico after being deported. Migrants deported in April of 2025 report that they are being given rotten food to eat and that they must sleep on the floor because the facilities are overcrowded and there are not enough beds for everyone being housed there. Individuals deported to Nogales also report that ICE and CBP do not return their belongings and that they are denied prescribed medications and essential medical care, like a man KBI staff spoke with last month who was severely dehydrated and was denied medical attention multiple times before a nurse was finally willing to assess him and determined he was suffering from severe dehydration. In the past we would have reported these problems to CRCL and OIDO, but now these avenues for bringing attention to the conditions experienced by migrants have been taken away. What’s more, we do not have clarity about how to direct individuals who assert that they do want to file a complaint, whether on their own or with KBI staff accompaniment. While in the

past, we could explain that through these channels their complaint would be processed and steps would be taken to investigate alleged abuses, we can no longer say this with any degree of certainty.

8. I am very concerned that without the ability to report to CRCL and OIDO about what the conditions at the border and in ICE detention are like, the conditions will become even worse, and vulnerable people will suffer human rights abuses without any recourse, because one of the few ways of holding ICE and CBP accountable for inhumane conditions and abuse is gone. KBI will continue to bear witness and to help migrants to tell their stories, but I fear what stories we will have to tell, and whether anyone in a position to provide recourse will hear them and respond.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 6, 2025

Sister Tracey Horan

past, we could explain that through these channels their complaint would be processed and steps would be taken to investigate alleged abuses, we can no longer say this with any degree of certainty.

8. I am very concerned that without the ability to report to CRCL and OIDO about what the conditions at the border and in ICE detention are like, the conditions will become even worse, and vulnerable people will suffer human rights abuses without any recourse, because one of the few ways of holding ICE and CBP accountable for inhumane conditions and abuse is gone. KBI will continue to bear witness and to help migrants to tell their stories, but I fear what stories we will have to tell, and whether anyone in a position to provide recourse will hear them and respond.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 6, 2025

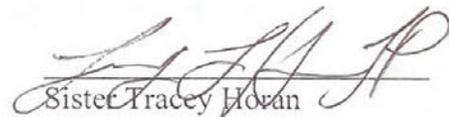

Sister Tracey Horan

Exhibit G

(Horan Decl.)



Ana Karen Hernandez <ahernandez@kinoborderinitiative.org>

Fwd: Automatic reply: Complaint on Behalf of [REDACTED]

Tracey Horan <thoran@kinoborderinitiative.org>

Thu, Apr 24, 2025 at 3:55 PM

To: Pedro De Velasco <pdevelasco@kinoborderinitiative.org>, Ana Karen Hernandez <ahernandez@kinoborderinitiative.org>, Yohana Oviedo <yoviedo@kinoborderinitiative.org>, Rafael Chee <rchee@kinoborderinitiative.org>

Ya sabía esta realidad, pero decidí mandarlo ahí de todas maneras para ver qué me responden. :(

----- Forwarded message -----

From: **detentionombudsman** <detentionombudsman@hq.dhs.gov>

Date: Thu, Apr 24, 2025 at 3:53 PM

Subject: Automatic reply: Complaint on Behalf of [REDACTED]

To: Tracey Horan <thoran@kinoborderinitiative.org>

Dear Sir or Madam:

Thank you for your message. The Office of the Immigration Detention Ombudsman has been abolished and is no longer operational. Consequently, this inbox will not be monitored.

Sincerely,

Office of the Immigration Detention Ombudsman
U.S. Department of Homeland Security

Web: <https://www.dhs.gov/office-immigration-detention-ombudsman>

The Office of the Immigration Detention Ombudsman is an independent, impartial, and confidential resource of the Department of Homeland Security.

--

Tracey Horan SP

Associate Director of Education & Advocacy

T: +52 (631) 130-9324 | E: thoran@kinoborderinitiative.org

Kino Border Initiative/ Iniciativa Kino para la Frontera

Mail: P.O. Box 159

Nogales, AZ 85628-0159

Find us on the web: www.kinoborderinitiative.org