

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 DAVID
HAUSMAN

1 I, David Hausman, declare as follows:

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

4 2. I am a joint J.D./Ph.D. candidate in political science at Stanford University. My
5 dissertation uses data from the Executive Office of Immigration Review (EOIR), obtained by
6 Freedom of Information Act requests, to identify systematic patterns in the outcomes of immi-
7 gration adjudications.

8 3. In July 2014, in response to a Freedom of Information Act Request to EOIR, I re-
9 ceived an electronic database of all merits and bond outcomes in immigration court since the
10 1990s (EOIR FOIA # 2014-20472). This data set contains the EOIR bond table, which includes
11 information about bond proceedings in the immigration courts nationwide.

12 4. In this declaration, I summarize some of the data in order to estimate the annual
13 number of detainees held under the Immigration and Nationality Act, § 236(a), 8 U.S.C. §
14 1226(a) who had bond hearings in Seattle or Tacoma Immigration Court.

15 5. Because EOIR suffered a hardware failure on April 12, 2014,¹ data from April,
16 May, and June of 2014 may not be reliable. I therefore consider the period from April 1, 2013 to
17 April 1, 2014 (inclusive) in order to estimate the current annual number of cases.

18 6. The bond table provides information on the completion date of bond proceedings,
19 the base city in which the proceedings were held, and the outcome of the proceedings. Those
20 outcomes include entries such as “change”—which refers to a change in the custody determina-
21 tion—“no action,” “no bond,” “no change,” “no jurisdiction,” and “recognizance.”

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23
24 ¹ See EOIR NEWS (May 19, 2014), *available at*
25 <http://www.aila.org/content/fileviewer.aspx?docid=48258&linkid=275511> (describing
26 hardware failure).

1 7. For this estimate, I consider all bond proceedings with completion dates between
2 April 1, 2013 and April 1, 2014 (inclusive) and based in either Seattle or Tacoma. All 3,050
3 bond proceedings completed during this period were based at the Tacoma Immigration Court;
4 the hearing location was listed as the Northwest Detention Center.

5 8. In order to estimate the number of unique detainees held under 8 U.S.C. §
6 1226(a), I make a series of conservative assumptions. First, I count only one bond hearing per
7 unique individual, identified by the database's "idncase" field. Second, I remove all bond pro-
8 ceedings for which the outcome was "no jurisdiction," since the immigration judge in those pro-
9 ceedings determined that the respondent was subject to mandatory detention under 8 U.S.C. §
10 1226(c) and was therefore ineligible for bond. Third, I remove all cases in which the respondent
11 was subject to at least one immigration charge listed in § 1226(c) as requiring mandatory deten-
12 tion.

13 9. Under these assumptions, immigration judges completed bond proceedings for
14 1,977 unique individuals between April 1, 2013 and April 1, 2014 (inclusive).

15 10. As a lower bound for the number of § 1226(a) detainees who had bond proceed-
16 ings during this period, I also considered the number of unique detainees who were granted
17 bond.

18 11. Attached as Exhibit A to this declaration is an excerpt of the bond table for the
19 relevant time period in Seattle and Tacoma that I relied on in order to estimate the number of de-
20 tainees granted bond during this period.

21 12. In these cases, the immigration judge necessarily determined that the respondent
22 was detained under § 1226(a) and was therefore eligible for bond. Between April 1, 2013 and
23 April 1, 2014 (inclusive), 1,287 unique individuals had a bond set. This number can be con-
24 firmed by counting the number of unique "idncase" numbers with a new bond set in the bond
25 table data attached as Exhibit A.

I declare under penalty of perjury under the laws of the United States and the State of Washington that the foregoing is true and correct and that this declaration was executed on October 16, 2014 in Palo Alto, California.

DECL. OF DAVID HAUSMAN - 4 of 4

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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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