No. 25-5724

IN THE
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

NATIONAL TPS ALLIANCE, MARIELA GONZÁLEZ, FREDDY JOSE ARAPE RIVAS, M.H., CECILIA DANIELA GONZÁLEZ HERRERA, ALBA CECILIA PURICA HERNÁNDEZ, E.R., HENDRINA VIVAS CASTILLO, A.C.A., SHERIKA BLANC, VILES DORSAINVIL, and G.S.,
Plaintiffs-Appellees,

v.

MARKWAYNE MULLIN, in his official capacity as Secretary of Homeland Security, UNITED STATES DEPARTMENT OF HOMELAND SECURITY, and UNITED STATES OF AMERICA,
Defendants-Appellants.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA, NO. 3:25-CV-01766-EMC
HONORABLE EDWARD M. CHEN

DECLARATION OF J.R.

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I, J.R., declare:

1. I have personal knowledge of the facts set forth in this declaration.

2. I have lived in the United States since 1999, when my husband and I fled Venezuela after we received credible death threats due to our vocal opposition to the regime of Hugo Chávez. We have continued to be vocal in our opposition to the Venezuelan government since coming to the United States.

3. Last year, my elder son was deported to Venezuela, where he was detained, interrogated and psychologically tortured for about six days due to our family's political activity. The government agents told him that his parents were on a list of state enemies. I have no doubt that my husband and I will be tortured or even killed if we go back to Venezuela.

4. My husband, younger son, and I were all protected by TPS until it was terminated. My husband and I have no other immigration status. The termination of TPS for Venezuela has left us exposed to the terrifying possibility of being sent back to a country where we face immediate and grave danger.

5. My sons, my husband and I have final orders of removal due to the denial of our asylum claims over a decade ago. We received poor legal representation that caused problems in our case and prevented us from obtaining the protection that we desperately need. Ever since then, we have been trying to find a way to reopen our cases and seek legal status, but it is difficult and costly, and we have not yet been able to. In the meantime, each year we were granted stays of removal because ICE could not deport us to Venezuela. Our situation felt precarious, but we were grateful to live in safety and raise our children in the U.S. They both attended school and college in the U.S., and are now 39 and 34 years old.

6. When Venezuela was designated for TPS, my husband, my younger son and I all applied for and received protected status. We also joined the National TPS Alliance as members. TPS was nothing short of a blessing for our family. For the first time in so long, I finally felt like I could breathe easily. I had never anticipated being in the United States this long. When we fled in 1999, I thought that we would be gone perhaps a year or two,

but that Chávez would eventually be removed and we would be able to return. Unfortunately, the situation in my country never improved, and in fact many of the conditions worsened over time. When the U.S. government designated Venezuela for TPS, I was grateful for the official recognition of what I knew to be true: that it was not safe to return to Venezuela.

7. In the U.S., my husband and I have both worked to build a good life and help others. My husband owns his own company which employs U.S. citizens. I worked in non-profit business administration and accounting. I loved my job because I got to help non-profits with their taxes and accounting and, in that way, contribute to their important work.

8. When TPS was terminated, my husband and I lost work authorization and we are now living off of our dwindling savings. We have no health insurance, and I live in fear that one of us will get sick or hurt and not be able to get medical care. My younger son still has DACA status. He is the only one in the family who is currently protected.

9. My elder son has been married to a U.S. citizen for 8 years. They have an approved marriage petition, and my son filed a motion to reopen his immigration case in order to apply for a green card.

10. Despite this, my son was arrested by ICE at a routine check-in in July 2025. He was not given the medication that he needed to manage his kidney disease, and he got sick in detention. We desperately sought his release, but he was deported in August 2025.

11. Upon arrival, he was taken to El Helicoide, a government prison in Venezuela and a known torture site. He was deprived of food and water and held in a filthy cell with no toilet. He was interrogated by the Venezuelan police, the SEBIN. They threatened to kill him and told him that he would never leave El Helicoide. Once they learned he was our son, they told him his parents were enemies of the state. They knew that we had applied for asylum and they accused our son of being a spy for the U.S. government. They knew about our political activity in the United States, and showed him a news clip which featured me in the United States advocating for sanctions against the Venezuelan regime – an act the regime considers a crime.

12. We were desperate with fear for our son, knowing that his life was in danger. A family friend who is an ex-magistrate risked her own safety and intervened on his behalf. She was able to get him out of detention. Before being released, he had to sign a document swearing not to speak out against the Venezuelan regime. He remained under house arrest while we desperately tried to come up with a plan to get him out of Venezuela. We paid money to expedite identity documents for him, because he was deported with no identification whatsoever. Fortunately, we were able to obtain a visa to Spain. Then, we paid someone to drive him across the border into Colombia. My husband and I didn't sleep the entire time our son was fleeing Venezuela. We watched his location on our phones for 24 hours. When he crossed into Colombia, we cheered and cried. The next day, he boarded a plane to Spain.

13. Now, my husband, my son and I are living in a state of terror due to the loss of TPS. I worry every time that I leave the house that we will be arrested by ICE and sent to Venezuela, where we now know we remain in grave danger. I am tired of this life of fear and uncertainty.

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed in Colorado, this 14th day of October, 2026.



J.R.