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 L.F.M.

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I, L.F.M., declare:

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

2. I was born in Venezuela. I am 43 years old. I have never been arrested for or convicted of any crime in the United States or in any other country.

3. I lived in the United States from July 2021 until I was deported in January 2026. After the termination of TPS for Venezuela, I was detained while dropping my stepchildren off at school. I was held in inhumane and atrocious conditions and then deported nearly two months after I was arrested. I have been separated from my wife and stepchildren and cannot bear that loss. I am also unsafe in Venezuela, and under constant surveillance, knowing that I cannot remain because of the continuing threats to my life and security here.

4. I initially fled Venezuela after reporting corruption in the public institution in which I worked and being kidnapped near my home soon after this reporting. After these experiences, I was forced to relocate from my home for my safety. I had family in Venezuela and owned property. It was very difficult for me to leave my family and home, but I felt that I had no choice.

5. After residing temporarily in Ecuador, I traveled in 2021 to the United States seeking safety and security. I was detained for five months after I first arrived and then released on an order of supervision.

6. In 2023, I was grateful to be granted TPS after Venezuela was re-designated because of the humanitarian crisis in the country. TPS provided me a work permit and the security that I would not be detained or deported so long as it remained unsafe. I also became a member of the National TPS Alliance.

7. After Venezuela was designated for TPS, I worked as an industrial electrician up until I was arrested. I paid taxes and worked legally, contributing to this country's economy.

8. In the United States, I met and married my wife. She was the mother of two children, and together we formed a loving family. I cared for my stepchildren as I would have if they had been my own children from birth. I picked them up from school, took them to their sports practices, and made sure that they had what they needed to thrive. My wife and stepchildren all

have green cards.

9. I hoped that the United States would provide me safety and security, and for a time I felt safe there. That safety abruptly ended when I lost my TPS.

10. My whole life fell apart late last year. I was driving my stepchildren, who were seven and twelve years old at the time, to school on December 8, 2025. A state trooper pulled me over. He accused me of running a stop sign, but this was not true. I believe this was a false pretense to stop me and turn me over to the immigration authorities. I gave the trooper my identification, and he took it back to his patrol car. While I waited on the side of the road in the car with my stepchildren, immigration authorities arrived at the scene. The immigration authorities told me that they were arresting me because I no longer had any lawful immigration status after the termination of TPS. I was not arrested for any criminal wrongdoing; I had no criminal conviction and was not charged with any crime then or at any other time.

11. My stepchildren were terrified. They were screaming and crying on the side of the road. I tried to convince the officers to let me stay with them until my wife arrived, but they refused. This was the worst part of it all for me—leaving my young stepchildren with the state trooper, who I did not trust to treat them well and reunite them safely with my wife after he had manufactured a traffic stop to turn me over to immigration authorities.

12. That began nearly two months of immigration detention in unsanitary and abusive conditions before I was deported in late January in an agonizing ordeal.

13. Immediately after my arrest, I was taken to a temporary immigration center in Pflugerville, Texas. There, other detainees arrived. Two of them had visible injuries to their faces. They said that they had been beaten by ICE agents. Later, I was transferred to the T. Don Hutto Detention Center processing center in Taylor, Texas, where I had no access to clean drinking water, the food was spoiled, and I was required to work for $1 an hour in order to be able to have the right to communicate with my family. The mattresses were worn out and did not protect me from the metal bed. ICE agents treated me and the others detained alongside me with cruelty and disrespect. They called me a criminal and treated us like animals.

14. In late January, after about seven weeks in detention, ICE and the G4S security

company deported me in a nightmare that lasted over three days. They handcuffed me tightly on my hands, hips, and feet. They moved me and other detainees by bus from Taylor to Karnes City, Texas. Then they brought us, still bound in three places, to an airport. Then they brought us, still bound, to Alligator Alcatraz. Next, they brought us to the airport in Phoenix, Arizona, where they kept us chained for about 14 hours inside a bus, with all the windows closed and no air conditioning. The heat inside the bus was suffocating. I was hungry and thirsty, but the authorities did not provide us with water or food for the entirety of those 14 hours when we were locked in that bus at the Phoenix airport. They would make us wait more than an hour to go to the bathroom. I will never forget how they treated us. It was dehumanizing.

15. Finally, ICE deported me to Venezuela. I remained bound in three places for the entirety of the flight.

16. I could not believe that I was being deported to Venezuela. My country was, and still is, in a state of crisis.

17. I am not safe in Venezuela. I don't have peace here. I am constantly under surveillance and am afraid that all my conversations are being recorded. People who I believe are connected to the authorities take photos of me in public places. I am constantly approached by people I don't know who ask me probing questions. I cannot turn to law enforcement to protect me because I am living in a dictatorship and they are monitoring me. I don't feel safe in any one place so I move between different houses of friends and family members every three or four days.

18. I speak with my wife and stepchildren almost every day. My deportation has been very difficult for the children especially. They have called me crying. They are tormented by what they experienced. I do not know if or when we will be reunited, but I do not give up faith. The separation from my wife and stepchildren is the hardest thing that has ever happened to me, especially after having been separated from family members once already when I had to flee my country for safety the first time.

19. I know that I cannot survive in Venezuela. I know I am going to have to leave again, but I don't know where I can go or what I can do. I feel like Venezuelans are being persecuted everywhere we go when all we are trying to do is to survive.

20. I know that it may be too late for anything I say in this case to benefit me. I am providing this declaration to the court, however, because I don't want others to suffer as I have. We have suffered so much in our country. I did not think that we would also be made to suffer so much in the United States as well, a country that we knew to be a country of liberty.

21. I am writing this anonymously because I am afraid of retaliation and persecution in Venezuela for my sharing my experiences.

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed in Venezuela, this 13th day of October, 2026.



L.F.M.

CERTIFICATE OF INTERPRETATION

I, Emilia Garcia, certify that I am fluent in Spanish and English and that I am competent to interpret between these languages. I further certify that I have read the foregoing to L.F.M. in Spanish. I further declare that I am competent to render this interpretation and that I would testify to the same under the penalty of perjury if I were called upon to do so.

Date: October 13, 2026



Emilia Garcia