Testimony from Ofelia Calderon

My name is Ofelia Calderon. I am a private practitioner at a small law firm in Fairfax, Virginia. We handle immigration matters as well as criminal defense here in the Commonwealth of Virginia.

I want to tell you about the uncertainty and chaos this executive order has caused, including how my clients were forced to relinquish their status as lawful permanent residents and left in limbo. I witnessed it first-hand, at Dulles airport on January 29. Family members and friends were waiting in International Arrivals with a sense of fear and hysteria. They had no idea what had happened to their travelers and feared the worst.

Many lawyers were there, non immigration attorneys who were eager to stop what they believed to be an unjust and frankly unconstitutional ban. The attorneys self-sorted and by late Saturday evening, we were a loose coalition. We attempted to interview passengers who arrived, family members, who were waiting, and even crew members who might have seen what happened to the incoming passengers. With these attorneys, I worked to obtain access to individuals being denied entry, detained, or held for prolonged periods of time in secondary inspection as a result of the Executive Order.

In addition to my generalized volunteer work, I attempted to investigate the situation of the Aziz brothers. Prior to the issuance of the Temporary Restraining Order by Judge Brinkema of the Eastern District of Virginia, I and Sirine Shebaye, Esq. presented signed copies of form G-28 Notice of Appearance confirming our representation of our clients to a CBP agent in the hallway outside of Deferred Inspection, located in the International Arrivals area.

I do not know the name of the CBP agent, but I explained that I believed that my two clients were being held in secondary inspection and that I would like access to them and/or information regarding their situation. The CBP agent brought us into deferred inspection to show us a nonexistent notice explaining that under a nonspecified Privacy Act, he was unable to share any information about any individual who might be held in secondary inspection.

He further stated that there is no right to counsel in the airport. He then showed us out of the office and refused to answer any further questions.

After the issuance of the Temporary Restraining Order, I personally called Dulles CBP at (703) 661-2800 and asked for access to my two clients. I stated that I had the TRO in my hand along with form G-28 and that a sitting U.S. District Court judge had ordered that my clients be permitted access to me, their attorney. The unknown officer told me that I would not be permitted to come back there and that she could not give me any further information. She also directed me to contact Public Affairs.

I have since learned that my clients were detained and handcuffed by CBP, forced to sign form I-407 relinquishing their lawful permanent resident status, and sent to Ethiopia where, upon information and belief, they currently remain. They were not given copies of any of the documents they signed. At no point during their detention were they allowed access to counsel. Based on my continued work at Dulles Airport, I have since heard many stories like those of the Aziz brothers.