

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS

KEVIN YOURDKHANI, )  
by and through his next friend and )  
father, MAJID YOURDKHANI, )  
Plaintiff )

v. )

MICHAEL CHERTOFF, Secretary of )  
U.S. Department of Homeland Security )  
(DHS); JULIE L. MYERS, Assistant )  
Secretary, U.S. Immigration and Customs )  
Enforcement (ICE); JOHN P. TORRES, )  
Director, Office of Detention and Removal )  
Operations, ICE; MARC MOORE, )  
ICE Field Office Director; GARY MEAD, )  
Assistant Director of Detention and Removal )  
Operations at ICE, SIMONA COLON, ICE )  
Officer in Charge; JOHN POGASH, ICE )  
National Juvenile Coordinator, )  
Defendants. )

Civil Action  
No.:

**DECLARATION OF KEVIN YOURDKHANI**

Kevin Yourdkhani makes the following declaration under penalty of perjury pursuant to 28  
U.S.C. § 1746:

1. "My name is Kevin Yourdkhani and I am nine years old. I am a Canadian citizen. My parents are named Majid Yourdkhani and Masomeh Alibegi.
2. On February 4, 2007, I was on an airplane with my parents flying from Guyana to Canada when a lady on the plane had a heart attack and died. The plane stopped and we all had to get out, we didn't know where we were but it turned out we were in Puerto Rico. They told us we were going to be able to get back on the plane but they held us

there for four days and they separated my dad and put him in a jail with criminals. On February 9, 2007, ICE took us and sent us to Hutto.

3. I share a cell with my mother and my dad is in a separate cell upstairs. I have to climb a high ladder to get into my bunk bed. My bed here is small and cold; it makes my back hurt. I hit the wall and am right next to the toilet; it smells very bad. My mom has to use the bathroom right in front of me.
4. It is hard to sleep because they leave the emergency light on all night. I begged my mom to get it turned off but she can't.
5. The food is garbage. They feed us beans all the time, all kinds, not healthy beans. We are lucky if we get 30 minutes to eat. It is usually 20 minutes and they are always rushing. Before we got commissary money, I was hungry all the time for five days. Now I can eat chips, cookies and chocolate milk.
6. Everybody in my pod is really sick right now. Some kids can't go to school. Lots of kids have eye infections.
7. We go to school for four hours every day. They put me in grade 4, but they won't help me learn. All we do is color and draw pictures and watch Spanish movies. Sometimes we just sit around and talk and do nothing. Once a week we watch English movies. There are 25 kids in my class from 6 years old to 12 years old.
8. I like math but no one will help me, they are always learning ABCs and it is too easy. It is kindergarten level. The teacher doesn't have time to talk to me because she has to speak to all the Spanish kids. She can't help me because she is helping other kids who are not as advanced. I asked if I could go to middle school but they won't let me. My mom asked

if they could give me some homework so she could teach me but they don't have anything.

9. I was in my bed and my dad came to fix my bed. When the police came and (saw) my dad in my room, he said if he comes and sees my dad again in my room he's going to put my mom in a separate jail and my dad in a separate jail and me a foster kid. I cried and cried so much that I lost my energy and I went to sleep. I felt if I will be separated I can never see my parents again, and I will get stepparents and they will hurt me or maybe they will kill me.

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

EXECUTED on March 1, 2007.

Kevin Yourd Khani

Kevin Yourdkhani  
Williamson County, Texas