

EXHIBIT

A

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

WILMER GARCIA RAMIREZ, *et al.*,

Plaintiffs,

v.

UNITED STATES IMMIGRATION AND
CUSTOMS ENFORCEMENT, *et al.*,

Defendants.

No. 1:18-cv-00508-RC

Declaration of Kurt Griffin

DECLARATION OF KURT GRIFFIN

I, Kurt Griffin, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

1) I am the Acting Chief of the Juvenile and Family Management Division (JFMD), Enforcement and Removal Operations (ERO), U.S. Immigration and Customs Enforcement (ICE), Department of Homeland Security (DHS). I served in the role of Section Chief of JFMD from February 2025 to May 2026. JFMD oversees issues confronting unaccompanied alien children (UAC) and alien family units who come into ERO custody. JFMD develops policies sensitive to the various vulnerabilities and needs of these populations. JFMD trains, monitors, and advises Field Office Juvenile Coordinators (FOJCs) who serve as subject matter experts for these issues at ERO field office locations around the country. JFMD oversees and monitors the implementation of nationwide policies, court orders, laws, and regulations that impact UAC and alien family units.

2) I provide this declaration based on my personal knowledge, reasonable inquiry, and information obtained from various records, systems, databases, other DHS employees, and information portals maintained and relied upon by DHS in the regular course of business.

3) I am aware of the above-captioned lawsuit, the Court's December 12, 2025 Order requiring

ICE to provide information regarding former age-outs who have been re-arrested and detained since July 2025, and the Court's June 2, 2026 Order requiring, in part, the production of records Defendants relied upon to justify a former age-out's re-arrest and detention.

4) In my capacity as Section Chief of JFMD, I am familiar with how the monthly *Garcia Ramirez* re-arrest reports are created. Prior to the Court's June 2, 2026 Order, the monthly re-arrest reports contained a short summary of the primary factor that led to the former age-out's encounter and re-detention. While the summary included information regarding changed circumstances, it did not include all available information and/or documentation, which may come from many sources, on materially changed circumstances.

5) Since the Court's December 12, 2025 Order, ICE has considered materially changed circumstances with each custody redetermination for former age-outs. In making the custody redetermination, ICE considers various factors including prior immigration encounters; in absentia orders of removal and prior failures to appear for immigration or other court proceedings; criminal contacts; compliance with ICE and/or state or local reporting requirements; probation history; criminal records (when available); mental health concerns or history of self-harm, among other factors. Analyzing these factors includes reviewing case comments and encounter narratives in ICE's system of record and available law enforcement databases at minimum. This information is not housed in a single document prepared for all former age-outs; it is based on a review of various entries, documents, or case details recorded in ICE's system of record and, at times, through discussions with ICE personnel, local law enforcement partners, and other components of DHS who participated in the re-arrest and/or decision to re-detain the former age-out.

6) For former age-outs, ICE applies the statutory risk factors under 8 U.S.C. § 1232(c)(2)(B) in its review of materially changed circumstances. Cases involving ICE re-detention based, in part, on criminal history often include former age-outs who are arrested, charged with, or convicted of

a crime. Although an individual's arrest, charge, or conviction are factors used to determine materially changed circumstances, a conviction is not required to re-arrest or detain a former age-out. ICE considers the basis for, and circumstances surrounding, an arrest conducted by other local, state, or federal law enforcement agencies throughout the country to determine whether and how the conduct applies to the statutory risk factors.

7) ICE has also re-detained former age-outs, in certain instances, based on failure to meet ICE release conditions that were explained to him or her upon release on an Order of Release on Recognizance (OREC). These violations may include a former age-out's failure to report to an ICE office when required, failure to notify ICE of a change in residence, or a violation of state, local, or federal laws or ordinances. ICE considers violations of the agreed-upon conditions of release in determining a former age-out's risk of flight and factors in the seriousness of the violation.

Re-detention of H.M.A.

8) I have reviewed the materials relied upon in making the custody re-determination for H.M.A., including whether materially changed circumstances existed at the time H.M.A. entered ICE custody on December 4, 2025. ICE conducted an initial custody determination for H.M.A. on December 31, 2023. On that same date, ICE released H.M.A. on OREC (*see* ICE Form I-220A). H.M.A.'s release on OREC was contingent on H.M.A. complying with various conditions. These conditions included, among others, the following requirements:

- a) H.M.A. must report for any hearing or interview as directed by ICE or the Executive Office for Immigration Review (EOIR);
- b) H.M.A. must assist ICE in obtaining any necessary travel documents; and
- c) H.M.A. must provide ICE with written copies of requests to Embassies or Consulates requesting the issuance of a travel document and any written responses to his request. *Id.*

- 9) ICE provided H.M.A. with a copy of the OREC paperwork, which identifies these conditions.

This paperwork includes a notice that failure to comply with the conditions may result in revocation of his release. *Id.*

- 10) H.M.A. violated his conditions of release by failing to assist ICE in obtaining necessary travel documents, including a passport, and by failing to report to ICE on October 14, 2024. On February 6, 2024, ICE personnel instructed H.M.A. to surrender his passport to ICE or provide documentation regarding the status of his passport. ICE personnel advised H.M.A. on February 20, 2024, March 5, 2024, June 5, 2024, and July 10, 2024, to apply for or produce his passport. At H.M.A.'s check-in with ICE on March 5, 2024, ICE gave H.M.A. three months to produce his passport or provide proof of the steps taken to apply for the passport. At H.M.A.'s June 5, 2024 check-in with ICE, H.M.A. told ICE personnel that he did not apply for the passport. ICE provided H.M.A. with a passport application and instructions, scheduled H.M.A.'s next check-in for July 10, 2024, and informed H.M.A. that he had another month to apply for his passport. On July 10, 2024, H.M.A. reported that he was working on his passport but needed more time. Again, ICE provided H.M.A. with additional time to apply for and obtain his passport. H.M.A. was advised to report to ICE for a check-in on October 14, 2024, and provide an update on his passport at that time. H.M.A. failed to report to ICE on October 14, 2024, his scheduled check-in date and, therefore, violated his conditions of release. There is no record that H.M.A. attempted to contact ICE following his missed appointment or check-in with ICE at a later date. ICE did not have any contact with H.M.A. until over one year later, when ICE located H.M.A., and took him into custody on December 4, 2025.

- 11) In reviewing H.M.A.'s case for materially changed circumstances, ICE looked at, among other factors, the conditions of release that H.M.A. violated, and his conduct following those violations. H.M.A. had over one year prior to his re-arrest to contact or check-in with ICE

following his missed appointment, yet he chose not to do so. While ICE considers one failed check-in as an indicator of risk of flight, that flight risk increases significantly when that individual fails to report back to, or communicate with ICE, in any way, following a scheduled missed appointment. H.M.A. willfully evaded ICE supervision when he failed to attend his scheduled check-in on October 14, 2024, and failed to contact ICE, for over a year, following his missed ICE appointment.

12) H.M.A.'s risk of flight increased further when he repeatedly failed to follow ICE's instructions to produce his passport or provide information on efforts made to obtain his passport. ICE requires passports for aliens to both ensure proper identification and biometrics information and for use in the event removal becomes necessary. ICE provided H.M.A. with several opportunities to apply for his passport, and H.M.A. failed to provide evidence that he did so. Due to these circumstances, ICE considered H.M.A.'s non-compliance in obtaining his passport and failure to meet his reporting requirements as a material change in circumstances rendering H.M.A. a flight risk.

Re-detention of Y.Z.P.

13) I have also reviewed the materials relied upon when a custody re-determination was made for Y.Z.P., including whether materially changed circumstances existed when Y.Z.P. entered ICE custody on December 13, 2025. ICE conducted an initial custody determination upon Y.Z.P.'s 18th birthday on December 13, 2023, after which Y.Z.P. was released on OREC.

14) Upon being released on OREC, Y.Z.P. was advised of the conditions of his release, which required him to, among other requirements:

- a) Report for any hearing or interviews as directed by ICE or EOIR;
- b) Not violate any local, State, or Federal laws or ordinances; and
- c) Not commit any crimes.

15) Y.Z.P. failed to meet one of the conditions of his release when he failed to report to ICE as directed. Y.Z.P. reported to ICE on January 28, 2025. On that date, Y.Z.P. was instructed to come back and check in with ICE on June 27, 2025. Y.Z.P. did not show up for his scheduled check-in on June 27, 2025. Furthermore, there is no record that Y.Z.P. ever attempted to check in or contact ICE at another time after he missed his scheduled appointment. ICE did not have any contact with Y.Z.P. until he came into ICE custody on December 13, 2025. Because Y.Z.P. did not meet the conditions of his release and failed to report, ICE found that there was a materially changed circumstance in this case as Y.Z.P. was a flight risk.

16) Y.Z.P. also failed to meet the conditions of release when he violated local laws and was convicted of a crime. Y.Z.P. was convicted of “Collision Involving Damage to Vehicle,” where Y.Z.P. was driving the car that was involved in the accident, and he knowingly left the scene of the accident that resulted in damage to another vehicle. By fleeing the scene, Y.Z.P. demonstrated a failure to take responsibility for his own actions, and a disregard for the law and for another person’s property and safety. Y.Z.P. did not meet the conditions of his release due to his failure to report and his criminal conviction. Due to these circumstances, ICE found that there was a material change in circumstance and that Y.Z.P. is both a flight risk and danger to the community.

Pursuant to the provisions of 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my information, knowledge, and belief.

Executed this 24th day of June 2026.

**KURT E
GRIFFIN**

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KURT E GRIFFIN
Date: 2026.06.24
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Kurt Griffin
Acting Chief
Juvenile and Family Management Division
Enforcement and Removal Operations
U.S. Immigration and Customs Enforcement
U.S. Department of Homeland Security