

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

WILMER GARCIA RAMIREZ, et al.,)	
)	Case No. 1:18-cv-00508-RC
Plaintiffs,)	
)	
v.)	
)	
U.S. IMMIGRATION AND)	
CUSTOMS ENFORCEMENT (ICE), et al.,)	
)	
Defendants.)	
)	

REDACTED

Declaration of Emma Winger

I, Emma Winger, hereby declare under penalty of perjury pursuant to 28 U.S.C. § 1746 as follows:

1. I am over 18 years old and competent to make this declaration.
2. This declaration is based on my personal knowledge, my review of government records produced in the above-captioned case, and communication with representatives and sponsors of class members.
3. I am the Deputy Legal Director at the American Immigration Council (Council). The Council, along with the National Immigrant Justice Center (NIJC) and Professor Kate Melloy Goettel, University of Iowa College of Law, represents the Plaintiff class. In that capacity, I and my co-counsel in this matter receive Defendants’ monthly reporting, which, as of January 2026, includes two distinct categories of document productions.
4. First, we receive monthly productions including a summary spreadsheet, Age-Out Review Worksheets (AORW) and other supporting materials for all the teenagers who aged out of Office of Refugee and Resettlement (ORR) custody (“age-outs”) in the prior month. *See* ECF

368 at 6. Those supporting materials include Form I-213 Record of Deportable/Inadmissible Alien, ICE ENFORCE Alien Removal Module (EARM) database records, any criminal records (including police reports and criminal complaints), ORR Significant Incident Reports, Orders of Release on Recognizance, and other records ICE relied on to make the required release determination

5. Second, on January 5, January 30, February 20, and March 20, 2026, we received spreadsheets from Defendants about age-outs who have been re-detained by immigration authorities in the prior month. Those spreadsheets list identifying information, place of detention, date of release from ORR custody, date of re-arrest, Defendants' decision to release or continue detention, and a short description of any alleged changed circumstances justifying the re-detention. Defendants do not attach any supporting documentation to these spreadsheets.

Initial Compliance Efforts with the Court's December 12, 2025 Order

6. Following this Court's December 12, 2025 Order, I and my co-counsel at the Council reached out to Defendants' counsel via email on December 12, December 13, December 15, to confirm that Defendants had or would promptly release the specific class members named in the Court's order. On December 16, 2025, Defendants' counsel provided information confirming that F.L.P., A.D., C.M.S.D., D.S.M., K.D.B., and D.M.G. had been released from ICE custody. They further stated that A.T.L. had voluntarily departed on December 7, 2025, and J.E.O. had been removed on December 8, 2025.

7. On December 22, 2025, counsel for the parties met and conferred regarding Defendants' efforts and plans to implement the Court's December 12, 2025 Order. Defendants' counsel indicated that ICE had searched internal databases to identify individuals who aged out between FY2021 and FY2025 and who had been rearrested by immigration authorities after July

2025. They reported that ICE was reviewing those individuals' cases to determine whether there was a changed circumstance prior to their redetention, and that a similar search and review process would be completed for those who aged out in FY2026.

8. Defendants' counsel stated they would share the initial spreadsheet listing individuals who aged out between FY21-25 and had been redetained with Plaintiffs' counsel during the week of December 29, 2025. On January 5, 2025, Defendants provided that spreadsheet to Plaintiffs' counsel. *See Ex. A.*¹

Redetention Spreadsheets

9. The January 5, 2026 spreadsheet listed 45 young people who aged out of ORR custody between 2021 and 2025 and who were rearrested by immigration authorities between July and December 2025. ICE released 18 of them between December 20 and December 31, 2025. One person was listed as having taken voluntary departure. The remaining 27 remained in ICE custody. *See Ex. A.*

10. On January 30, 2026, Defendants provided Plaintiffs' counsel with a second spreadsheet, which listed 38 young people, 16 of whom were previously listed on the January 5 spreadsheet. *See Ex. B.* Defendants' counsel explained via email that the individuals highlighted in yellow on the spreadsheets were previously listed. *See id.*; *Ex. C.* The 22 newly-listed people aged out of ORR custody between 2021 and 2025 and were rearrested by immigration authorities between December 31, 2025 and January 20, 2026. Of those 22 individuals, ICE released two on January 23, 2026, after detention lasting seven days and 21 days, respectively. The remaining 20 remained in ICE custody. *See Ex. B.*

¹ References to Exhibits A through G refer to Plaintiffs' exhibits in support of the Motion to Clarify and to Enforce.

11. On February 20, 2026, Defendants provided Plaintiffs' counsel with a third spreadsheet, which listed 36 young people, 21 of whom were previously listed on earlier spreadsheets. *See* Ex. C. The 15 newly-listed people aged out of ORR custody between 2021 and 2025 and were rearrested by immigration authorities between January 21 and January 31, 2026. Of those 15 individuals, four were released between February 13 and February 19, 2026, after detention lasting between 17 and 27 days. The remaining 11 remained in ICE custody. *See id.*

12. On March 20, 2026, Defendants provided Plaintiffs' counsel with a second spreadsheet, which listed 27 young people, all of whom were rearrested by immigration authorities between February 2 and February 28, 2026. *See* Ex. D. These newly-listed people aged out of ORR custody between 2021 and 2025. Of those, ICE released three class members between February 19 and February 24, 2026, after detention lasting between four and 19 days. The remaining 24 remained in ICE custody. *See id.*

Communications with Defendants' Counsel

13. Since receiving the first spreadsheet listing redetained age outs on January 5, 2026, I and my cocounsel have raised several concerns with Defendants' counsel regarding ICE's compliance with the Court's December 12, 2025 order, involving broad issues and patterns as well as specific redetained individuals.

14. On January 15, 2026, we raised concerns via email regarding six individuals listed on the January 5, 2026 spreadsheet, noting our position that in those six cases, the changed circumstances alleged in the spreadsheet did not relate to the statutory risk factors and requesting that Defendants share those six I-213s so that we could better understand the alleged circumstances. Those six individuals were [REDACTED] (D.A.C.G.) (" [REDACTED] "); [REDACTED] (X.C.P.) (" [REDACTED] ");

██████████”); ██████████ (A.V.F.) (describing uncharged allegations of conduct during ICE encounter); ██████████ (Y.Z.P.) (“██████████”); ██████████”); ██████████ (M.G.R.A.) (“██████████”); and ██████████ (N.C.P.) (“██████████”). *See* Ex. A.

15. After we followed up again about these individuals on January 21, Defendants’ counsel provided the following response on January 26, 2026 via email: “ICE is not willing to provide the requested I-213s or any other additional information on the individuals in your January 15 email, as the descriptions in the report are sufficient to show a changed circumstance, *i.e.*, a crime or violation, related to at least one of the statutory risk factors.”

16. On February 6, 2026, we raised concerns via email regarding eight individuals listed on the January 30, 2026 spreadsheet, noting our position that in those cases, the alleged changed circumstances did not relate to the statutory risk factors and there was insufficient detail for us to evaluate the basis for the continued detention, and requesting that Defendants share additional information, including any I-213s. Those eight individuals, *see* Ex. B, and our questions to Defendants were posed as follows:

- ██████████ (J.J.D.): “██████████” - what was the traffic violation alleged?
- ██████████ (D.S.): “██████████” - were there criminal charges or a criminal arrest associated with this?
- ██████████ (J.O.O.): “██████████” - how is this a changed circumstance?
- ██████████ (J.A.C.H.): “██████████” - was this after redetention? If so, what was the basis for the redetention?
- ██████████ (F.C.A.): “██████████” - what, if any, were the reporting requirements?
- ██████████ (M.M.J.): “██████████” - what was the traffic violation alleged?
- ██████████ (H.M.C.): “██████████” - how is this a changed circumstance?
- ██████████ (G.A.R.): “██████████” - what was the traffic violation alleged?

17. Also on February 6, 2026, we requested a meet and confer with Defendants' counsel in light of ICE's refusal to provide any additional information regarding the six individuals we flagged in January, in order to discuss Plaintiffs' ongoing concerns regarding compliance with this Court's December 2025 Order.

18. After following up with Defendants' counsel via email on February 16, 2026 regarding our questions about the eight individuals, on February 18, we again reiterated our concerns about six individuals we identified on January 15 and the eight individuals we identified on February 6.

19. On February 18, we also stated Plaintiffs' position that the spreadsheets did not provide sufficient information for any redetained class member because they: did not state the source of the information for the alleged changed circumstances; did not list the arresting law enforcement agency, where one was allegedly involved, or the specific criminal charges, where they allegedly exist; and there was no substantiating documentation or sufficient information to allow Plaintiffs' counsel to substantiate the alleged changed circumstances for any of individuals. We thus requested that Defendants produce I-213s for all redetained age-outs, so that Plaintiffs' counsel could understand whether there are materially changed circumstances and whether Defendants are in compliance with the Court's orders.

20. Additionally, we noted Plaintiffs' position that certain non-criminal violations or infractions, such as traffic stops that do not result in criminal charges; Border Patrol encounters at checkpoints; and similar circumstances, do not constitute material changed circumstances as they do not relate to the statutory risk factors. We therefore requested that all age-outs redetained based on such circumstances be released.

21. Lastly, we provided identifying information and requested additional information

decisions may be overly burdensome to produce or may not be readily available to the personnel compiling the reports. For example, coordinating with and obtaining information from local law enforcement is time-consuming and could cause delays in production of the report on the agreed-upon time of the 20th of each month. However, ICE has asked said personnel to include either a description of the offense, if available, or the names of the city or county and state in which law enforcement re-arrests age-outs, when that information is available. With this information, class counsel should be able to obtain further information from public databases on changed circumstances. Similarly, for cases involving re-arrests based on failure to report, ICE has asked said personnel to specify that there is a reporting requirement in place.”

24. Later that day, the parties met and conferred about Plaintiffs’ positions described above, the individuals previously flagged as concerning and requests for additional information and release in their cases, and a number of other issues.

25. Regarding A.M.C., Defendants’ counsel stated ICE would provide additional information about his case only via the forthcoming March 20, 2026 spreadsheet. I noted Plaintiffs’ position that this was inadequate and untimely response, given that A.M.C. is only 18 years old and appears to be detained since February 11 in violation of the Court’s order. Plaintiffs’ counsel subsequently reiterated this position in writing and asked for an immediate substantive response regarding alleged changed circumstances in A.M.C.’s case and his release.

26. During the meet and confer, I and my cocounsel also raised Plaintiffs’ concerns that the four individuals listed on the February 20, 2026 spreadsheet who were eventually released by ICE remained in custody for two to four weeks before being released. We asked Defendants to explain this significant delay in their release and followed up in writing to ask ICE to commit to releasing class members detained absent materially changed circumstances within 48 hours. Those

four individuals were: [REDACTED] (K.A.P.O.) (redetained Jan. 30, released Feb. 19); [REDACTED] (D.R.S.C.) (redetained Jan. 27, released Feb. 13); [REDACTED] (B.J.M.L.) (redetained Jan. 26, released Feb. 18); [REDACTED] (L.M.T.T.) (redetained Jan. 23, released Feb. 19). *See* Ex. C.

27. During the meet and confer we also reiterated our concerns regarding the eight individuals we raised from the February 6 spreadsheet, and the two individuals listed on the February 20 spreadsheet, and repeated our request for substantive responses regarding those specific individuals' alleged changed circumstances.

28. In line with their email earlier that day, Defendants' counsel suggested in response to some of the specific cases and more generally that it would be possible for Plaintiffs' counsel to either contact the redetained individual for further information, or obtain additional information regarding criminal arrests on public databases. We responded that that was difficult and impractical given the barriers imposed by their detention and the requirements for obtaining criminal records in different localities. We additionally repeated our request for I-213s as a way to provide Plaintiffs' counsel with a way to verify the alleged changed circumstances.

29. We followed up with Defendants' counsel via email later on February 27, listing Plaintiffs' questions to which Defendants had not yet provided a substantive response and noting that Plaintiffs intended to seek court intervention if the parties could not resolve their disputes about the scope of the December 12, 2025 Order.

30. After following up on March 5, Defendants' counsel promised a response to outstanding questions from ICE by March 11. On March 13, we followed up with Defendants' counsel yet again, having received no response.

31. On March 13, 2026, Defendants' counsel finally provided a response via email.

Regarding A.M.C., ICE restated that it would provide information about his case only via the March 20 spreadsheet (the February re-arrest report). As to why the four individuals eventually released languished in detention for two to four weeks before being released, ICE stated “[u]pon further review of the [] cases, ICE determined that release was appropriate.”

32. Regarding the ten individuals Plaintiffs’ counsel identified as raising concerns on the Jan. 30 and Feb. 20 spreadsheets and the specific questions about their alleged changed circumstances, Defendants stated “The information produced in the re-arrest reports is compliant with the court’s order. In future reports, when an ICE re-arrest stems from an encounter with state or local law enforcement agency, the re-arrest report will include either the city or county and state where the re-arrest occurred or the charges filed, when information about such charges is readily available to ICE.”

33. In response to Plaintiffs’ position that non-criminal violations or infractions, such as traffic stops that do not result in criminal charges, Border Patrol encounters at checkpoints, and similar circumstances, do not constitute material changed circumstances as they do not relate to the statutory risk factors, Defendants stated: “The above statement does not consider the various scenarios that may occur during an encounter with law enforcement, such as non-compliance with state/local law enforcement officer’s lawful order, attempting to flee or elude in a vehicle or on foot, resisting arrest, etc. ICE makes an individualized assessment of each case, including what occurs during an encounter, to determine if materially changed circumstances exist.”

34. Additionally, Defendants explained that ICE does not provide redetained age-outs with any information as to why they have been redetained or notice about the Court’s December 12, 2025 Order.

35. On March 23, we raised 11 age-outs listed on the March 20 spreadsheet, *see* Ex. D,

who appeared to be class members to Defendants' counsel via email, asking for the I-213s and any corroborating documentation, along with specific questions for the following:

- [REDACTED] (E.J.C.M.): how fast was he allegedly to be driving? was he convicted on either arrest charge?
- [REDACTED] (J.A.B.A.): there is no way to evaluate changed circumstances with the information provided.
- [REDACTED] (W.V.M.): are there associated criminal charges and convictions?
- [REDACTED] (J.M.T.L.): please provide additional details regarding the alleged facts underlying this alleged charge.
- [REDACTED] (A.A.T.): what actually happened and is there a conviction?
- [REDACTED] (E.C.C.): what actually happened and is there a conviction?
- [REDACTED] (M.J.P.): what were the reporting violations?
- [REDACTED] (A.O.A.M.): is there a criminal disposition?
- [REDACTED] (M.T.R.): what reporting requirements did he fail to comply with?
- [REDACTED] (A.M.C.): as we previously noted, he reported to ICE as requested. what [REDACTED] did he fail to meet? And can ICE confirm these alleged failures were not just the result of a faulty device?
- [REDACTED] (D.J.P.): what reporting requirements did he fail to comply with?
- RELEASED – [REDACTED] (D.I.A.R.), 221039987: please explain the 19 day delay in releasing this class member.

36. We additionally requested that if Defendants could not promptly provide information that clearly establishes materially changed circumstances in their cases, they be immediately released. At the time of filing, Defendants had not responded to the specific questions raised or provided any additional information. However, on March 25, Defendants' counsel advised via email that ICE has released J.A.B.A.

37. Also on March 23, we informed Defendants' counsel that Plaintiffs would be filing a motion to clarify and to enforce this week, detailed the basis for such motion, and requested Defendants' position by March 25. On March 25, Defendants' counsel stated that Defendants do not consent to the relief Plaintiffs seek and provided the following position:

ICE maintains that it has been complying with the Court's Order requiring it to produce information on an ongoing basis regarding re-detained age-outs, and that requests for additional information and documentation are beyond the Order's scope. ICE nevertheless considered class counsel's concerns and agreed to provide additional information relating

to changed circumstances, when readily available, in its reporting, including a description of the offense or the names of the city or county, and state in which a local law enforcement arrest occurred.

Regarding provision of additional documentation, ICE is not the custodian of local or state law enforcement records, and because many arrests resulting in re-detention are made by local law enforcement, ICE is often limited to the information provided by local law enforcement when ICE receives custody of a person. Moreover, the Court did not order provision of I-213s. The information in I-213s also pertains primarily to the person's identity and immigration history rather than materially changed circumstances. Thus, ICE believes that the information contained in I-213s would be unhelpful. Production of I-213s would also require manual review, which is unnecessarily burdensome, given that the information included would not show materially changed circumstances.

Regarding class counsel's request for ICE's position on releasing class members within 48 hours, ICE opposes such a short turnaround but is willing to discuss this issue with class counsel. Finally, ICE opposes the request that the Court order the release of the age-outs previously raised by class counsel.

Misrepresentations Regarding this Case to W.D. Washington Federal Court

38. On March 13, 2026, I learned of a federal court decision, *Singh v. Noem*, No. 26-cv-402, 2026 WL 696835 (W.D. Wash. Mar. 12, 2026), regarding a habeas petition filed by Dilbag Singh, who was listed on Defendants' January 30, 2026 spreadsheet. *See supra* ¶ 16 (referencing D.S.). It was apparent from the decision that the ICE deportation officer declarant had misrepresented developments in the *Garcia Ramirez* litigation by claiming that information regarding Mr. Singh's redetention had been provided to this Court and that class counsel had raised "no objection." *Id.* at *2; *see also* Ex. E (declaration of deportation officer). In fact, Plaintiffs' counsel had raised concerns and questions regarding Mr. Singh's alleged changed circumstances repeatedly beginning February 6, 2026 (including several times in writing prior to the filing of the government's opposition to Mr. Singh's petition), all of which had gone substantively unanswered until later in the day on March 13, when Defendants provided what amounted to a non-response. *See supra*, ¶ 31. It was similarly apparent that the Department of Justice attorney in Mr. Singh's case had repeated these misrepresentations to argue that Mr.


Singh—who challenged his detention on constitutional, not statutory, grounds—was foreclosed from seeking release through habeas. *See Singh*, 2026 WL 696835 at *3-4; *see also* Ex. F (answer to Singh habeas petition).

39. It therefore appeared that the Department of Justice was simultaneously refusing to provide substantive responses to Plaintiffs’ inquiries about specific re-detained age-outs, including Mr. Singh, while arguing in their habeas petitions that they were precluded from raising individual challenges to their custody because of the *Garcia Ramirez* litigation. I immediately emailed Defendants’ counsel to raise these concerns and to request that the Department of Justice correct its misrepresentations with the Western District of Washington court.

40. On March 19, 2026, Defendants’ counsel shared new filings in Mr. Singh’s habeas, in which the Department of Justice attorney alerted the court to the false representations in the government’s responsive pleadings and asserted that these misrepresentations were the result “of the timing” of Mr. Singh’s habeas petition (filed February 4) and class counsel’s initial objection (February 6), despite the fact that the ICE declaration (signed February 13) and the government response (signed February 18) were filed on February 18—12 days after class counsel raised their concerns—and review of the *Garcia Ramirez* docket would have shown that no report had been filed with this Court. *See* Ex. G.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Executed on March 25, 2026 at Boston, Massachusetts.



Emma Winger