IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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

REDACTED

Second Supplemental Declaration of Suchita Mathur

I, Suchita Mathur, 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 and my review of government records produced in the above-captioned case.

3. I am a Senior Litigation Attorney 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.

4. As part of our role in monitoring Defendants' compliance with the permanent injunction and subsequent court orders in this litigation, we receive a spreadsheet from Defendants regarding the age-outs whom ICE has re-detained the prior month. That spreadsheet lists alleged changed circumstances supporting ICE's determination that the re-detained age-out should remain detained. Pursuant to the Court's June 2, 2026 memorandum and order, Defendants also produce the records ICE relied on to determine whether the former age-outs should be re-detained.

5. On September 21, 2026, Defendants produced the spreadsheet and associated records for the 23 age-outs whom ICE had re-arrested during the month of August. Ex. G. Plaintiffs' counsel reviewed the spreadsheet and supporting records, *see* Exs. B & E, and checked ICE's Online Detainee Locator and EOIR's Automated Case Information portal for each listed individual.

6. After this review, Plaintiffs' counsel sought to set up legal calls with several of the individuals for whom ICE's allegations seemed insufficient.

7. In the case of [redacted] (B.I.), Plaintiffs' counsel scheduled a call for the first available slot, which was two days later, but after joining that call, realized that communication without an interpreter would not be possible, and thus the legal call had to be rescheduled and an Uzbek interpreter located. On September 28, 2026, Plaintiffs' counsel also reached out to B.I.'s attorney of record to request more information and inform him that B.I.'s re-arrest and re-detention may have been in violation of the *Garcia Ramirez* permanent injunction and so he could be eligible for release. B.I.'s attorney provided copies of some of B.I.'s records, including his change of address history. Plaintiffs' counsel and B.I.'s attorney discussed that Plaintiffs' counsel would call B.I. in detention and might take his declaration.

8. Pursuant to a conversation with B.I. and an Uzbek interpreter, Plaintiffs' counsel, Allena Martin, learned that in addition to being in removal proceedings, B.I. had a pending affirmative asylum application and had his asylum interview with USCIS earlier that day. Martin also spoke to B.I.'s brother, with whom B.I. resided, who confirmed the date of the asylum application, and stated that the brothers were receiving mail at the address listed in ICE's records in July 2024. Based on the date of his asylum application, Plaintiffs' counsel determined that B.I. was a member of the *J.O.P. v. DHS* class. *J.O.P.* class membership confers several benefits,

including that USCIS must adjudicate the class member's affirmative asylum application even if they are in removal proceedings or have a final order of removal. *See J.O.P. v. DHS* Settlement Agreement, National Immigration Project, https://nipnlg.org/work/litigation/jop-v-dhs (last updated May 27, 2026).

9. Pursuant to a conversation with [redacted] (O.O.P.), which also could not be scheduled sooner than two days later due the facility's limited availability, I learned that he contested the police's account of his arrest by Kenner police, as described in his declaration. *See* Ex. A. He also stated that he had not received any information about what was happening in his criminal case after his arrest by the police in August 2026. *Id.* I further learned that he did not have an immigration attorney. *See also* Ex. G.

10. After these conversations and review of additional information and records in their cases, Plaintiffs' counsel contacted Defendants' counsel to request that ICE release O.O.P. and B.I. because ICE had not established materially changed circumstances justifying their re-detention.

11. With respect to O.O.P, ICE had produced his EARM record, several I-213s, an Order of Release on Recognizance and a police complaint from Kenner, Louisiana. Notably, his EARM record established that O.O.P. had an Immigration Court master calendar hearing and an ICE check-in in December 2025 that he apparently attended, as there was no indication in any of the records that he had not done so. *See* Ex. B.

12. In correspondence with Defendants' counsel on October 6, I requested the release of O.O.P. I noted that while ICE justified O.O.P.'s re-detention as a danger and flight risk because of his arrest on five charges by local police in August 2026, one of the charges that ICE listed—resisting arrest—did not actually pertain to O.O.P., but instead was lodged against an entirely

different individual present during the arrest. This was clearly established by the police report ICE produced. I further noted that the Kenner, LA, police department was paid to work in close cooperation with ICE pursuant to an INA § 287(g) agreement, and based on O.O.P.'s account of the arrest, it appeared that the local police arrested him on the pretext of a motor vehicle infraction and immediately turned him over to ICE. I emphasized that there was no disposition of any of the charges. Lastly, I explained that O.O.P. contested that he almost caused an accident, that he recalled that the police vehicle had targeted him while his car was still parked, and that the incident involved an officer placing his hands around O.O.P.'s neck and injuring him while placing him into the police vehicle.

13. Because there was no indication in ICE's records about any disposition of the criminal charges against O.O.P., Plaintiffs' counsel sought to determine the status of those charges. A paralegal at the Council, Erika Acosta, spoke to a staff member at the Kenner police department, who directed her to the Clerk's Office of the Mayor's Court for the City of Kenner. On October 2, a staff member in the clerk's office informed Ms. Acosta that no charges against O.O.P. had been processed by the court. On October 15, 2026, however, the clerk's office sent Ms. Acosta a letter stating that O.O.P. had four open charges (the same listed in the police complaint in ICE's records). *See* Exs. B & C. That letter also indicated that O.O.P. has court on November 4, 2026. Ex. C. I sent a copy of the letter to Defendants' counsel on October 16.

14. With respect to B.I., ICE had produced his EARM record and two I-213s. In correspondence with Defendants' counsel on October 7, my co-counsel Allena Martin requested the release of B.I. Attorney Martin noted that while Defendants stated that B.I. was a flight risk because he allegedly fled from ICE officers on 7/31/26, that appeared to be a case of mistaken identity: B.I. had loaned his car to a friend with a beard on July 31; B.I. never had a beard, as the

subject who fled from ICE in B.I.'s car on that day did, according to ICE's records. Ex. E at 2. Further, B.I. denied ever fleeing from any officers and was unaware that ICE was pursuing him until August 14, 2026, when ICE stopped him and he was fully compliant. *Id.* Martin also explained that B.I. was unaware that he had scheduled ICE check-ins that he had missed; during his first check-in in October 2023, which he attended, the officers did not explain to him that he had to return in a year, and ICE's records did not indicate that B.I.'s reporting requirements were ever explained or provided to him in writing in a language he understands. Martin also provided a copy of B.I.'s USCIS change-of-address record which showed he had updated his address on two occasions, *see* Ex. F, and she explained that B.I. believed he had complied with ICE's requirements by submitting those change-of-address updates. *See* Ex. D. Martin also noted that B.I. had a pending affirmative asylum application and was a member of the *J.O.P. v. DHS* class.

15. We asked that Defendants provide their response to our requests for release by October 13.

16. On the evening of October 15, Defendants' counsel reported that ICE would not release either B.I. or O.O.P. ICE provided the following explanation:

> Regarding Mr. I[redacted], ICE maintains that he is a flight risk and further explains that, on October 5, 2026, an Immigration Judge granted his request for pre-conclusion voluntary departure. Because voluntary departure marks the conclusion of removal proceedings, Mr. [redacted] is no longer covered by the Court's orders. Therefore, given the flight risk determination and the grant of voluntary departure, ICE declines to release Mr. [redacted]
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> Regarding Mr. O[redacted]P[redacted] ICE maintains that he is a flight risk and danger to the community due to the conduct raised in ICE's reporting on his re-detention. ICE therefore declines to release Mr. [redacted]

17. Defendants did not produce records establishing the period of time B.I.'s grant of voluntary departure is valid. Neither did they explain why, if at all, release would interfere with voluntary departure in his case.

18. On the evening of Friday, October 16, Defendants' counsel provided the following "supplemental responses":

> O[redacted] P[redacted]: ICE has considered the facts that led to the encounter with police, the charges lodged against the subject, and Plaintiffs' concerns, but ICE maintains that [redacted] is a danger to the community and flight risk. Specifically, ICE maintains that re-detaining [redacted] was justified due to his unlicensed and dangerous driving, behavior during arrest, and violations of the conditions of his release, and due to his history of running away from ORR custody on two separate occasions. Although Plaintiffs suggest that the police conducted a pretextual stop, ICE did not conduct the stop, nor did it take the subject into custody at the scene. Additionally, the subject has no pending immigration applications and has requested voluntary departure.
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> B[redacted] I[redacted]v: ICE maintains I[redacted] is properly re-detained based on materially changed circumstances that render him a flight risk. Specifically, he failed to report, did not update his address, and had no contact with ICE for nearly three years. Even if, as Plaintiffs assert, he updated his address with USCIS, updating USCIS records does have the effect of also updating ICE records, as he was so required. Further, after re-detention, two immigration judges denied bond, and he was granted voluntary departure. He is, accordingly, no longer subject to the Court's orders regarding re-detention.

19. Once again, Defendants failed to provide any documentation regarding O.O.P.'s alleged request for voluntary departure or the time period granted for B.I.'s voluntary departure.

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

Executed on October 19, 2026 at Washington, D.C.

Suchita Mathur