

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

JOHN DOE,)	
)	
)	
Petitioner,)	
)	
v.)	C.A. No. 25-12094-IT
)	
ANTONE MONIZ, et al.)	
)	
Respondents.)	
)	

DECLARATION OF DAVID HAUSMAN

I, David Hausman,¹ declare the following under penalty of perjury:

1. My name is David Hausman. I make this declaration based on my own personal knowledge. If called, I could and would competently testify hereto:
2. I am an assistant professor of law at UC Berkeley. I have conducted data analysis as a consulting expert in numerous immigration cases. I have also published scholarly research using immigration enforcement datasets, evaluating, for example, the effect of sanctuary policies (*Proceedings of the National Academy of Sciences*), the effect of an algorithmic no-release policy (*Journal of Law and Economics*), the effect of the first Trump administration's efforts to control the immigration courts (*Journal of Law, Economics and Organization*), and the effect of appeals on immigration court outcomes (*University of Pennsylvania Law Review*). I received my J.D. and Ph.D. in political science from Stanford University and clerked for Judge Stephen Williams on the U.S. Court of Appeals for the D.C. Circuit.
3. I am the Faculty Director of the Deportation Data Project. That Project collects, analyzes, and posts public, anonymized U.S. government immigration enforcement datasets. In addition to posting publicly available data on its website, the Project uses the Freedom of Information Act to obtain and disseminate datasets from federal government agencies.
4. For my calculations in this declaration, I used the CASE dataset posted by the Executive Office for Immigration Review ("EOIR") in its FOIA Library. I am familiar with the spreadsheets and the data contained therein.

¹ I practiced as an attorney at the ACLU Immigrants' Rights Project in New York from 2016 to 2019 and worked as a volunteer briefly at the project in early 2025.

5. Counsel for the Petitioner in this case asked me to summarize the data in the CASE dataset for cases where a noncitizen received a bond redetermination hearing after the Department of Homeland Security (“DHS”) alleged that the noncitizen violated the Immigration and Nationality Act (“INA”) § 212(a)(6)(a)(i), 8 U.S.C. § 1182(a)(6)(a)(i) (entry without inspection).
6. Specifically, I looked at removal proceedings (called “cases” in the database) that included an INA § 212(a)(6)(a)(i) charge and in which the last bond decision (1) was not a decision stating “no jurisdiction” (which would indicate that the IJ determined that the noncitizen was subject to mandatory detention) nor a grant of bond and (2) the dataset recorded no nonzero bond. By doing this, I eliminated cases where the individual was denied a bond hearing based on lack of jurisdiction for grounds pre-dating the amended 8 U.S.C. § 1226(c). I also considered only cases in which the individual submitted at least one application for relief. Finally, I attempted to filter out any cases in which the individual was released from detention by removing (1) any proceedings in which the “custody” field in the proceeding table was not “detained throughout,” (2) any proceedings in which a release date was recorded in the custody history table, and (3) any proceedings in which the last custody status in the custody history table was not recorded as “detained throughout.” I filtered the data in this conservative way (thereby potentially excluding individuals who in fact remained detained through their proceedings) in order to minimize the chance of including any individuals who in fact were released, but this possibility remains, given that EOIR does not directly track detention book-ins and book-outs.
7. Nationwide, I found 6,600 such removal cases that ended between January 2022 and December 2024. This is my best attempt to isolate the set of individuals who (1) were charged with entry without inspection; (2) were denied release on bond (but not on the basis of mandatory detention); and (3) filed an application for relief at some point in their proceedings.
8. Among this group of 6,600, the median number of days from the date of the Notice to Appear to the last completion (either before the Immigration Judge or the Board of Immigration Appeals) was 162, while the 75th percentile was 321.
9. This analysis does not include numbers after 2024 because of the January 2025 amendment of 8 U.S.C. § 1226(c). The analysis therefore does not reflect changes in enforcement in the past seven months, which could have led to longer detention lengths.

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

Executed on this 1st of August, 2025 in Berkeley, California.

A handwritten signature in black ink, appearing to read "David Hausman", written over a horizontal line.

David Hausman