

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

_____)	
LILIAN PAHOLA CALDERON JIMENEZ)	
and LUIS GORDILLO, et al.,)	No. 1:18-cv-10225-MLW
)	
Individually and on behalf of all others)	
similarly situated,)	DECLARATION OF MATTHEW
)	W. COSTELLO IN SUPPORT OF
Plaintiffs-Petitioners,)	PETITIONERS' MOTION FOR
)	ORDER TO SHOW CAUSE AND
v.)	FOR EMERGENCY RELIEF
)	PRESERVING THIS COURT'S
KEVIN McALEENAN, et al.,)	JURISDICTION
)	
Defendants-Respondents.)	PUBLIC VERSION
_____)	

I, Matthew W. Costello, declare as follows:

1. I am an attorney with the firm of Wilmer Cutler Pickering Hale and Dorr LLP, counsel for the Petitioners in the above-captioned matter. I am an attorney licensed to practice in the Commonwealth of Massachusetts. I am over the age of eighteen and I have personal knowledge of the facts set forth in this declaration. If called as a witness, I could and would competently testify thereto. I submit this Declaration in support of Petitioners' Motion for Order to Show Cause and for Emergency Relief Preserving this Court's Jurisdiction.

2. Attached hereto as Exhibit A is a true and correct copy of the July 12, 2019 Detention Report provided by Respondents.

3. Attached hereto as Exhibit B is a true and correct copy of a July 12, 2019 email from Mary L. Larakers to Calderon class counsel, with the subject line "Calderon June Detention Spreadsheet & Notices of Removal."

4. Attached hereto as Exhibit C is a true and correct copy of the transcript of the July 16, 2019 deposition of Marcos Charles.

5. Attached hereto as Exhibit D is a true and correct copy of a Notice to Alien of File Custody Review for Mr. BF., dated November 29, 2018.

6. Attached hereto as Exhibit E is a true and correct copy of a Decision to Continue Detention for Mr. BF., dated January 28, 2019.

7. Attached hereto as Exhibit F is a true and correct copy of a Notice to Alien of File Custody Review for Mr. F., dated February 14, 2019.

8. Attached hereto as Exhibit G is a true and correct copy of a Decision to Continue Detention for Mr. F., dated May 8, 2019.

9. Attached hereto as Exhibit H is a true and correct copy of a Notice to Alien of File Custody Review for Mr. M., dated March 26, 2019.

10. Attached hereto as Exhibit I is a true and correct copy of a Decision to Continue Detention for Mr. M., dated June 4, 2019.

11. Attached hereto as Exhibit J is a true and correct copy of a Notice to Alien of File Custody Review for Mr. L., dated December 18, 2018.

12. Attached hereto as Exhibit K is a true and correct copy of a Decision to Continue Detention for Mr. L., dated March 8, 2019.

13. Attached hereto as Exhibit L is a true and correct copy of a Decision to Continue Detention for Mr. P. dated April 1, 2019, and Notice to Alien of File Custody Review, dated January 24, 2019.

14. Attached hereto as Exhibit M is a true and correct copy of a Notice to Alien to File Custody Review for Mr. S., dated August 22, 2018.

15. Attached hereto as Exhibit N is a true and correct copy of a Decision to Continue Detention for Mr. S., dated November 15, 2018.

16. Attached hereto as Exhibit O is a true and correct copy of a Decision to Continue Detention for Mr. S., dated June 6, 2019.

17. Attached hereto as Exhibit P is a true and correct copy of a Notice to Alien of File Custody Review for Mr. SS., dated November 2, 2018.

18. Attached hereto as Exhibit Q is a true and correct copy of a Decision to Continue Detention for Mr. SS., dated February 4, 2019.

19. Attached hereto as Exhibit R is a true and correct copy of a Decision to Continue Detention for Mr. SS., dated May 29, 2019.

20. Attached hereto as Exhibit S is a true and correct copy of a July 25, 2019 email from Mary L. Larakers to Michaela Sewall, with the subject line "RE: Calderon litigation."

I declare under penalty of perjury that, to the best of my knowledge and belief, the facts set forth above are true and correct.

Executed this 25th day of July, 2019, in Boston, Massachusetts.

/s/ Matthew W. Costello
Matthew W. Costello (BBO # 696384)
Wilmer Cutler Pickering Hale and Dorr LLP
60 State Street Boston, MA 02109
Tel.: (617) 526-6000
Fax: (617) 526-5000
Email: matthew.costello@wilmerhale.com

CERTIFICATE OF SERVICE

I hereby certify that on July 25, 2019, a true copy of the foregoing will be electronically filed with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF).

/s/ Kevin S. Prussia
Kevin S. Prussia

EXHIBIT A

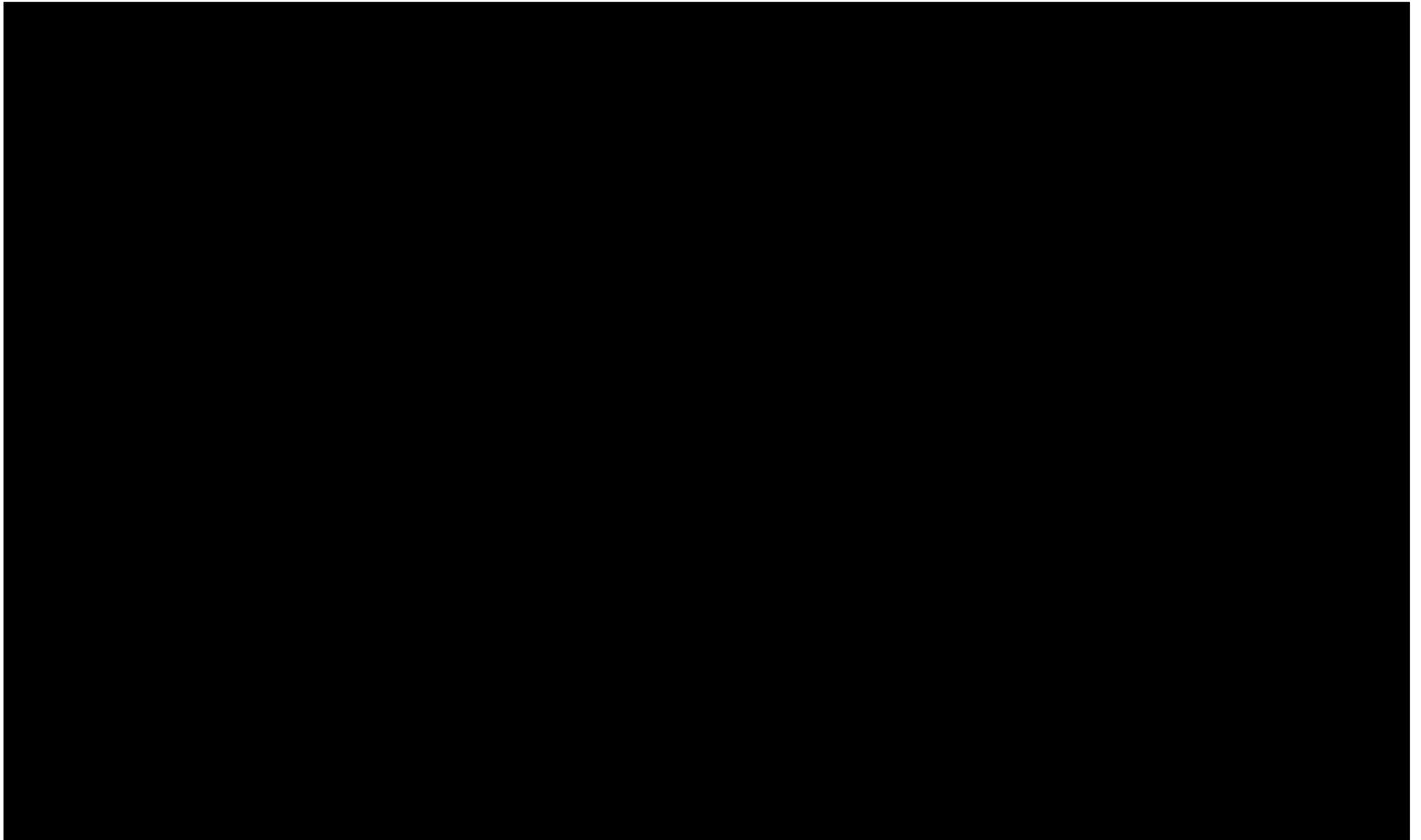


EXHIBIT B

Filed Under Seal
CONFIDENTIAL

EXHIBIT C

**Filed Under Seal
CONFIDENTIAL**

EXHIBIT D



**U.S. Immigration
and Customs
Enforcement**

Office of Detention and Removal Operations

U.S. Department of Homeland Security
10 New England Executive Park
Burlington, MA 01803

Name: [REDACTED]

A#: [REDACTED]

C/O: [REDACTED]

Notice to Alien of File Custody Review

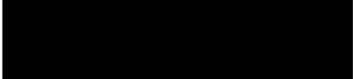
You are detained in the custody of the Immigration and Naturalization Service (INS) and you are required to cooperate with the INS in effecting your removal from the United States. If the INS has not removed you from the United States within the removal period as set forth in INA 241(a) (normally 90-days) of either: 1) your entering INS custody with a final order of removal, deportation or exclusion, or 2) the date of any final order you receive while you are in INS custody, the INS Deciding Official will review your case for consideration of release on an Order of Supervision. Release, however, is dependent on your demonstrating to the satisfaction of the Attorney General that you **will not** pose a danger to the community and **will not** present a flight risk.

Your custody status will be reviewed on or about: [REDACTED] The Deciding Official may consider, but is not limited to considering the following:

1. Criminal convictions and criminal conduct;
2. Other criminal and immigration history;
3. Sentence(s) imposed and time actually served;
4. History of escapes, failures to appear for judicial or other proceedings, and other defaults;
5. Probation history;
6. Disciplinary problems while incarcerated;
7. Evidence of rehabilitative effort or recidivism;
8. Equities in the United States;
9. Cooperation in obtaining your travel documents;
10. Any available mental health reports.

You may submit any documentation you wish to be reviewed in support of your release, prior to the date listed above, to the attention of the Officer and address below. English translations must be provided pursuant to 8 CFR 103.2(b)(3). An attorney or other person may submit materials on your behalf. The district director will notify you of the decision in your case. Attached to this notice is a list of free or low cost legal representatives who may be able to provide assistance to you in preparing your case.

U.S. Department of Homeland Security
Bureau of Immigration and Customs Enforcement
Attn: PO CR Unit



METHOD OF SERVICE

I certify that this form was provided to the alien by: (Hand) (Institution Mail)
() CC: Attorney of Record or Designated Representative
() CC: A-File



Signature of Officer

Print Name of Officer

Date

EXHIBIT E

*Enforcement and Removal Operations
Boston Field Office*

U.S. Department of Homeland Security
100 District Avenue
Burlington, MA 01803



**U.S. Immigration
and Customs
Enforcement**

[REDACTED]

[REDACTED]

Decision to Continue Detention

This letter is to inform you that your custody status has been reviewed and it has been determined as a matter of administrative discretion that you will not be released from the custody of U.S. Immigration and Customs Enforcement (ICE) at this time. This decision has been made based on a review of your file and/or your personal interview and consideration of any information you submitted to ICE's reviewing officials.

You are a native and citizen of [REDACTED] who entered the United States near [REDACTED] without being admitted or paroled by an immigration officer.

You are subject to a Final Order of Removal issued on [REDACTED]

Upon review of the facts of your case, including your criminal convictions for [REDACTED]

[REDACTED] I have determined that you would pose a danger to the community if you were to be released from ICE custody.

Based upon the above in the exercise of administrative discretion, you will remain in ICE custody pending your removal from the United States. You are advised that you must demonstrate that you are making reasonable efforts to comply with the order of removal and that you are cooperating with ICE's efforts to remove you by taking whatever actions ICE requests to affect your removal. You are also advised that any willful failure or refusal on your part to make timely application in good faith for travel or other documents necessary for your departure, or any conspiracy or actions to prevent your removal or obstruct the issuance of a travel document, may subject you to criminal prosecution under 8 USC Section 1253(a).

If you have not been removed or released from custody by [REDACTED] jurisdiction of the custody decision in your case will be transferred to the Headquarters Removal and International Operations Unit (HQ RIO), Potomac Center North, 500 12th Street SW, Washington, DC 20536. HQ RIO will make a final determination regarding your custody.

[REDACTED]

Notice to Alien of File Custody Review

Page 2

PROOF OF SERVICE

(1) Personal Service (Officer to complete both (a) and (b) below.)

(a) I _____, _____
 Name of ICE Officer Title
 certify that I served _____ with a copy of
 this document at _____ detainee _____
 Institution Date at _____
 Time

(b) I certify that I served the custodian _____
 Name of Official
 _____, at _____, on
 Title Institution
 _____ with a copy of this document.
 Date

OR

(2) Service by certified mail, return receipt. (Attach copy of receipt)

I _____, _____, certify
 Name of ICE Officer Title
 that I served _____ and the custodian _____
 Name of detainee Name of Official
 with a copy of this document by certified mail at _____ on _____
 Institution Date

Detainee Signature: _____

- () cc: Attorney of Record or Designated Representative
- () cc: A-File

EXHIBIT F



**U.S. Immigration
and Customs
Enforcement**

Office of Detention and Removal Operations

U.S. Department of Homeland Security
10 New England Executive Park
Burlington, MA 01803

Name: [Redacted]

A#: [Redacted]

C/O: [Redacted]

Notice to Alien of File Custody Review

You are detained in the custody of the Immigration and Naturalization Service (INS) and you are required to cooperate with the INS in effecting your removal from the United States. If the INS has not removed you from the United States within the removal period as set forth in INA 241(a) (normally 90-days) of either: 1) your entering INS custody with a final order of removal, deportation or exclusion, or 2) the date of any final order you receive while you are in INS custody, the INS Deciding Official will review your case for consideration of release on an Order of Supervision. Release, however, is dependent on your demonstrating to the satisfaction of the Attorney General that you will not pose a danger to the community and will not present a flight risk.

Your custody status will be reviewed on or about: [Redacted] The Deciding Official may consider, but is not limited to considering the following:

1. Criminal convictions and criminal conduct;
2. Other criminal and immigration history;
3. Sentence(s) imposed and time actually served;
4. History of escapes, failures to appear for judicial or other proceedings, and other defaults;
5. Probation history;
6. Disciplinary problems while incarcerated;
7. Evidence of rehabilitative effort or recidivism;
8. Equities in the United States;
9. Cooperation in obtaining your travel documents;
10. Any available mental health reports.

You may submit any documentation you wish to be reviewed in support of your release, prior to the date listed above, to the attention of the Officer and address below. English translations must be provided pursuant to 8 CFR 103.2(b)(3). An attorney or other person may submit materials on your behalf. The district director will notify you of the decision in your case. Attached to this notice is a list of free or low cost legal representatives who may be able to provide assistance to you in preparing your case.

U.S. Department of Homeland Security
Bureau of Immigration and Customs Enforcement
Attn: POCR Unit

[Redacted]

METHOD OF SERVICE

I Certify that this form was provided to the alien by:
() CC: Attorney of Record or Designated Representative
() CC: A-File

(Hand)

(Institution Mail)

[Redacted Signature Line]

Signature of Officer

Print Name of Officer

Date

Notice to Alien of File Custody Review

[Redacted]

Page 2

PROOF OF SERVICE

(1) Personal Service (Officer to complete both (a) and (b) below.)

(a) I [Redacted]
 Name of ICE Officer Title
 certify that I served [Redacted] with a copy of
 Name of Detainee
 this document at [Redacted] on [Redacted] at 11:30
 Institution Date Time

OR

(1) Service by certified mail, return receipt. (Attach copy of receipt)

I [Redacted], [Redacted], certify
 Name of Ice Officer Title
 that I served [Redacted] and the custodian [Redacted]
 Name of Detainee Name of Official
 with a written copy of this document by certified mail at [Redacted] on [Redacted].
 Institution Date

Detainee Signature: [Redacted] Date: [Redacted]

() cc: Attorney of Record or Designated Representative

() cc: A-File

EXHIBIT G

*Enforcement and Removal Operations
Boston Field Office*

U.S. Department of Homeland Security
1000 District Avenue
Burlington, MA 01803



**U.S. Immigration
and Customs
Enforcement**

[REDACTED]

[REDACTED]

Decision to Continue Detention

This letter is to inform you that your custody status has been reviewed and it has been determined as a matter of administrative discretion that you will not be released from the custody of U.S. Immigration and Customs Enforcement (ICE) at this time. This decision has been made based on a review of your file and/or your personal interview and consideration of any information you submitted to ICE reviewing officials.

You are a citizen and national of [REDACTED], who entered the United States at [REDACTED] without being admitted or paroled by an immigration officer.

You are subject to Final Order of Removal issued on [REDACTED]

[REDACTED]

Based upon the above in the exercise of administrative discretion, you will remain in ICE custody pending your removal from the United States. You are advised that you must demonstrate that you are making reasonable efforts to comply with the order of removal and that you are cooperating with ICE's efforts to remove you by taking whatever actions ICE requests to affect your removal. You are also advised that any willful failure or refusal on your part to make timely application in good faith for travel or other documents necessary for your departure, or any conspiracy or actions to prevent your removal or obstruct the issuance of a travel document, may subject you to criminal prosecution under 8 USC Section 1253(a).

If you have not been removed or released from custody by [REDACTED] jurisdiction of the custody decision in your case will be transferred to the Headquarters Removal and International Operations Unit (HQ RIO), Potomac Center North, 500 12th Street SW, Washington, DC 20536. HQ RIO will make a final determination regarding your custody.

[REDACTED]

[REDACTED]

Decision to Continue Detention



Page 2

PROOF OF SERVICE

(1) Personal Service (Officer to complete both (a) and (b) below.)

(a) I _____, _____, _____, _____,
Name of ICE Officer Title
certify that I served _____ with a copy of
Name of detainee
this document at _____ on _____, at _____.
Institution Date Title

(b) I certify that I served the custodian _____,
Name of Official
_____, at _____, on
Title Institution
_____ with a copy of this document.
Date

OR

(2) Service by certified mail, return receipt. (Attach copy of receipt)

I _____, _____, _____, _____, certify
Name of ICE Officer Title
that I served _____ and the custodian _____,
Name of detainee Name of Official
with a copy of this document by certified mail at _____ on _____.
Institution Date

Detainee Signature _____

- () cc: Attorney of Record or Designated Representative
- () cc: A-File

EXHIBIT H

She 1 + F



U.S. Immigration and Customs Enforcement

Office of Detention and Removal Operations

U.S. Department of Homeland Security
10 New England Executive Park
Burlington, MA 01803

Name: [Redacted]

A#: [Redacted]

C/O: [Redacted]

Notice to Alien of File Custody Review

You are detained in the custody of the Immigration and Naturalization Service (INS) and you are required to cooperate with the INS in effecting your removal from the United States. If the INS has not removed you from the United States within the removal period as set forth in INA 241(a) (normally 90-days) of either: 1) your entering INS custody with a final order of removal, deportation or exclusion, or 2) the date of any final order you receive while you are in INS custody, the INS Deciding Official will review your case for consideration of release on an Order of Supervision. Release, however, is dependent on your demonstrating to the satisfaction of the Attorney General that you **will not** pose a danger to the community and **will not** present a flight risk.

Your custody status will be reviewed on or about: [Redacted]

The Deciding Official may consider, but is not limited to considering the following:

1. Criminal convictions and criminal conduct;
2. Other criminal and immigration history;
3. Sentence(s) imposed and time actually served;
4. History of escapes, failures to appear for judicial or other proceedings, and other defaults;
5. Probation history;
6. Disciplinary problems while incarcerated;
7. Evidence of rehabilitative effort or recidivism;
8. Equities in the United States;
9. Cooperation in obtaining your travel documents;
10. Any available mental health reports.

You may submit any documentation you wish to be reviewed in support of your release, prior to the date listed above, to the attention of the Officer and address below. English translations must be provided pursuant to 8 CFR 103.2(b)(3). An attorney or other person may submit materials on your behalf. The district director will notify you of the decision in your case. Attached to this notice is a list of free or low cost legal representatives who may be able to provide assistance to you in preparing your case.

U.S. Department of Homeland Security
Bureau of Immigration and Customs Enforcement
Attn: POCR Unit

[Redacted]

METHOD OF SERVICE

I Certify that this form was provided to the alien by:

CC: Attorney of Record or Designated Representative

CC: A-File

(Hand)

(Institution Mail)

[Redacted Signature]

[Redacted Name]

[Redacted Date]

Signature of Officer

Print Name of Officer

Date

EXHIBIT I

*Enforcement and Removal Operations
Boston Field Office*
U.S. Department of Homeland Security
1000 District Avenue
Burlington, MA 01803



**U.S. Immigration
and Customs
Enforcement**

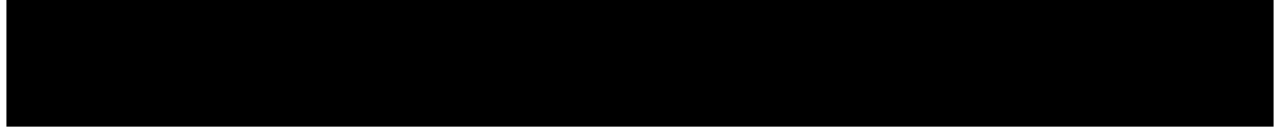


Decision to Continue Detention

This letter is to inform you that your custody status has been reviewed and it has been determined as a matter of administrative discretion that you will not be released from the custody of U.S. Immigration and Customs Enforcement (ICE) at this time. This decision has been made based on a review of your file and/or your personal interview and consideration of any information you submitted to ICE reviewing officials.

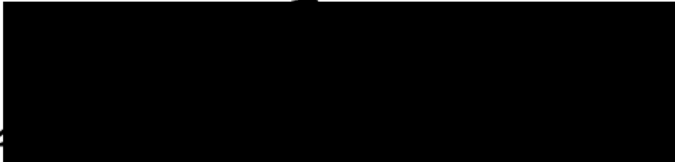
You are a citizen and national of [REDACTED] who entered the United States without admission or parole after inspection by an immigration officer.

You are subject to a final order of removal issued on [REDACTED]



Based upon the above in the exercise of administrative discretion, you will remain in ICE custody pending your removal from the United States. You are advised that you must demonstrate that you are making reasonable efforts to comply with the order of removal and that you are cooperating with ICE's efforts to remove you by taking whatever actions ICE requests to affect your removal. You are also advised that any willful failure or refusal on your part to make timely application in good faith for travel or other documents necessary for your departure, or any conspiracy or actions to prevent your removal or obstruct the issuance of a travel document, may subject you to criminal prosecution under 8 USC Section 1253(a).

If you have not been removed or released from custody by [REDACTED] jurisdiction of the custody decision in your case will be transferred to the Headquarters Removal and International Operations Unit (HQ RIO), Potomac Center North, 500 12th Street SW, Washington, DC 20536. HQ RIO will make a final determination regarding your custody.



Decision to Continue Detention

Page 2

PROOF OF SERVICE

(1) Personal Service (Officer to complete both (a) and (b) below.)

(a) I _____, _____, _____
Name of ICE Officer Title
certify that I served _____ with a copy of
Name of detainee
this document at _____ on _____, at _____
Institution Date Time

(b) I certify that I served the custodian _____,
Name of Official
_____ at _____, on
Title Institution
_____ with a copy of this document.
Date

OR

(2) Service by certified mail, return receipt. (Attach copy of receipt)

I _____, _____, _____, certify
Name of ICE Officer Title
that I served _____ and the custodian _____
Name of detainee Name of Official
with a copy of this document by certified mail at _____ on _____
Institution Date

- () cc: Attorney of Record or Designated Representative
- () cc: A-File

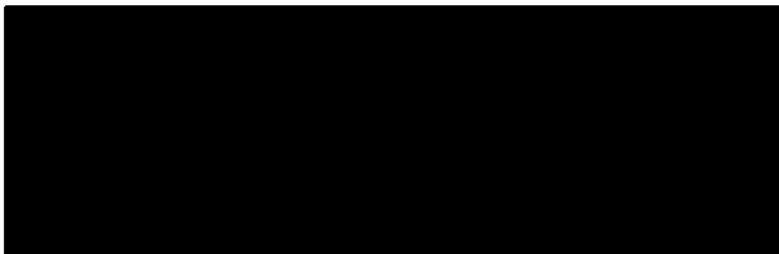


EXHIBIT J

U.S. Department of Homeland Security
1000 District Avenue
Burlington, MA 01803



U.S. Immigration
and Customs
Enforcement

[REDACTED]
c/o Immigration and Customs Enforcement
Boston Field Office

Notice to Alien of File Custody Review

You are detained in the custody of U.S. Immigration and Customs Enforcement (ICE) and you are required to cooperate with ICE in effecting your removal from the United States. If ICE has not removed you from the United States within the removal period as set forth in INA 241(a) (normally 90-days of either: 1) your entering ICE custody with a final order of removal, deportation or exclusion, or 2) the date of any final order you receive while you are in ICE custody), ICE's Deciding Official will review your case for consideration of release on an Order of Supervision. Release, however, is dependent on your demonstrating to the satisfaction of the Attorney General that you will not pose a danger to the community and will not present a flight risk.

Your custody status will be reviewed on or about [REDACTED]. The Deciding Official may consider, but is not limited to considering the following:

1. Criminal convictions and criminal conduct;
2. Other criminal and immigration history;
3. Sentence(s) imposed and time actually served;
4. History of escapes, failures to appear for judicial or other proceedings, and other defaults;
5. Probation history;
6. Disciplinary problems while incarcerated;
7. Evidence of rehabilitative effort or recidivism;
8. Equities in the United States;
9. Cooperation in obtaining your travel document.
10. Any available mental health reports.

You may submit any documentation you wish to be reviewed in support of your release, prior to the date listed above, to the attention of the Officer and address below. English translations must be provided pursuant to 8 CFR 103.2(b)(3). An attorney or other person may submit materials on your behalf. The deciding official will notify you of the decision in your case. Attached to this notice is a list of free or low cost legal representatives who may be able to provide assistance to you in preparing your case.

Notice to Alien of File Custody Review

Name [redacted] A Number [redacted]
Page 2

PROOF OF SERVICE

(1) Personal Service (Officer to complete both (a) and (b) below.)

(a) I [redacted], [redacted] [redacted],
Name of ICE Officer Title
certify that I served [redacted] [redacted] with a copy of
Name of detainee
this document at [redacted] on [redacted], at [redacted].
Institution Date Time

(b) I certify that I served the custodian _____,
Name of Official
_____, at _____, on
Title Institution
_____ with a copy of this document.
Date

OR

(2) Service by certified mail, return receipt. (Attach copy of receipt)

I _____, _____, certify
Name of ICE Officer Title
that I served _____ and the custodian _____,
Name of detainee Name of Official
with a copy of this document by certified mail at _____ on _____.
Institution Date

Detainee Signature: [redacted] Date: [redacted]

() cc: Attorney of Record or Designated Representative
(X) cc: A-File

EXHIBIT K

*Enforcement and Removal Operations
Boston Field Office*

U.S. Department of Homeland Security
1000 District Avenue
Burlington, MA 01803



**U.S. Immigration
and Customs
Enforcement**

[REDACTED]

[REDACTED]

Decision to Continue Detention

This letter is to inform you that your custody status has been reviewed and it has been determined as a matter of administrative discretion that you will not be released from the custody of U.S. Immigration and Customs Enforcement (ICE) at this time. This decision has been made based on a review of your file and/or your personal interview and consideration of any information you submitted to ICE reviewing officials.

You are a citizen and national of [REDACTED] who entered the United States on [REDACTED], at [REDACTED] [REDACTED]

You are subject to a Final Order of Removal issued on [REDACTED]

[REDACTED]

Based upon the above in the exercise of administrative discretion, you will remain in ICE custody pending your removal from the United States. You are advised that you must demonstrate that you are making reasonable efforts to comply with the order of removal and that you are cooperating with ICE's efforts to remove you by taking whatever actions ICE requests to affect your removal. You are also advised that any willful failure or refusal on your part to make timely application in good faith for travel or other documents necessary for your departure, or any conspiracy or actions to prevent your removal or obstruct the issuance of a travel document, may subject you to criminal prosecution under 8 USC Section 1253(a).

If you have not been removed or released from custody by [REDACTED] jurisdiction of the custody decision in your case will be transferred to the Headquarters Removal and International Operations Unit (HQ RIO), Potomac Center North, 500 12th Street SW, Washington, DC 20536. HQ RIO will make a final determination regarding your custody.

[REDACTED]

[REDACTED]

Decision of Post Order Custody Review – Detain

Page 2

PROOF OF SERVICE

(1) Personal Service (Officer to complete both (a) and (b) below.)

(a) I _____, _____,
Name of ICE Officer Title
certify that I served _____ with a copy of
Name of detainee
this document at _____ on _____, at _____.
Institution Date Time

(b) I certify that I served the custodian _____,
Name of Official
_____, at _____, on
Title Institution
_____ with a copy of this document.
Date

OR

(2) Service by certified mail, return receipt. (Attach copy of receipt)

I _____, _____, certify
Name of ICE Officer Title
that I served _____ and the custodian _____,
Name of detainee Name of Official
with a copy of this document by certified mail at _____ on _____.
Institution Date

Detainee Signature: _____ Date: _____

() cc: Attorney of Record or Designated Representative
(X) cc: A-File

EXHIBIT L

U.S. Department of Homeland Security
1000 District Avenue
Burlington, MA 01803



U.S. Immigration
and Customs
Enforcement

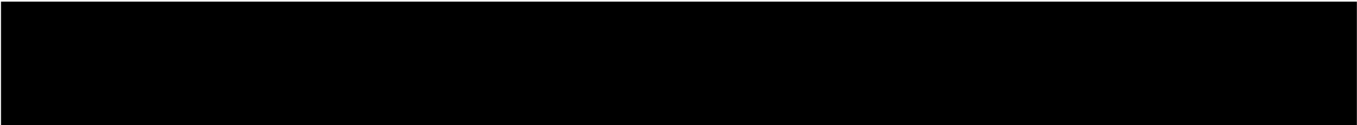


Decision to Continue Detention

This letter is to inform you that your custody status has been reviewed and it has been determined as a matter of administrative discretion that you will not be released from the custody of U.S. Immigration and Customs Enforcement (ICE) at this time. This decision has been made based on a review of your file and/or your personal interview and consideration of any information you submitted to ICE reviewing officials.

You are a citizen and national of [REDACTED] who entered the United States at [REDACTED] [REDACTED] as a lawful permanent resident.

You are subject to a Final Order of Removal issued on [REDACTED]



Based upon the above in the exercise of administrative discretion, you will remain in ICE custody pending your removal from the United States. You are advised that you must demonstrate that you are making reasonable efforts to comply with the order of removal and that you are cooperating with ICE's efforts to remove you by taking whatever actions ICE requests to affect your removal. You are also advised that any willful failure or refusal on your part to make timely application in good faith for travel or other documents necessary for your departure, or any conspiracy or actions to prevent your removal or obstruct the issuance of a travel document, may subject you to criminal prosecution under 8 USC Section 1253(a).

If you have not been removed or released from custody by [REDACTED] jurisdiction of the custody decision in your case will be transferred to the Headquarters Removal and International Operations Unit (HQ RIO), Potomac Center North, 500 12th Street SW, Washington, DC 20536. HQ RIO will make a final determination regarding your custody.



Decision to Continue Detention

Page 2

PROOF OF SERVICE

(1) Personal Service (Officer to complete both (a) and (b) below.)

(a) I [redacted] [redacted], certify that I served [redacted] with a copy of this document at [redacted] on [redacted], at [redacted].

(b) I certify that I served the custodian [redacted], at [redacted], on [redacted] with a copy of this document.

OR

(2) Service by certified mail, return receipt. (Attach copy of receipt)

I [redacted] [redacted], certify that I served [redacted] and the custodian [redacted] with a copy of this document by certified mail at [redacted] on [redacted].

- () cc: Attorney of Record or Designated Representative
() cc: A-File



**U.S. Immigration
and Customs
Enforcement**

Office of Detention and Removal Operations

U.S. Department of Homeland Security
10 New England Executive Park
Burlington, MA 01803

402

ne: [Redacted]
[Redacted]
[Redacted]

Notice to Alien of File Custody Review

are detained in the custody of the Immigration and Naturalization Service (INS) and you are required to cooperate with the INS in effecting your removal from the United States. If the INS has not removed you from the United States within the removal period as set forth in INA 241(a) (normally 90-days) of either: 1) your being INS custody with a final order of removal, deportation or exclusion, or 2) the date of any final order you receive while you are in INS custody, the INS Deciding Official will review your case for consideration of release on an Order of Supervision. Release, however, is dependent on your demonstrating to the satisfaction of the Attorney General that you will not pose a danger to the community and will not present a flight risk.

custody status will be reviewed on or about:

[Redacted]

The Deciding Official may consider, but is not limited to considering the following:

1. Criminal convictions and criminal conduct;
2. Other criminal and immigration history;
3. Sentence(s) imposed and time actually served;
4. History of escapes, failures to appear for judicial or other proceedings, and other defaults;
5. Probation history;
6. Disciplinary problems while incarcerated;
7. Evidence of rehabilitative effort or recidivism;
8. Equities in the United States;
9. Cooperation in obtaining your travel documents;
10. Any available mental health reports.

may submit any documentation you wish to be reviewed in support of your release, prior to the date listed above, to the attention of the Officer and address in English translations must be provided pursuant to 8 CFR 103.2(b)(3). An attorney or other person may submit materials on your behalf. The district director will notify you of the decision in your case. Attached to this notice is a list of free or low cost legal representatives who may be able to provide assistance to you in effecting your case.

U.S. Department of Homeland Security
Bureau of Immigration and Customs Enforcement
Attn: POCR Unit

[Redacted]

METHOD OF SERVICE

by that this form was provided to the alien by:
Attorney of Record or Designated Representative
A-File

(Hand)

(Institution Mail)

[Redacted]

[Redacted]

Signature of Officer

This Name of Officer

Date

**U.S. Department of Homeland Security
Immigration and Customs Enforcement**

**I-229 (a)
Warning for Failure to Depart**

Name:	District Office:	File #:
[REDACTED]		

Section 243(a) of the Immigration and Nationality Act provides, in part, that:

Any alien against whom a final order of removal is outstanding by reason of being a member of any of the classes described in section 237 (a) who:

(A) willfully fails or refuses to depart from the United States within a period of 90 days from the date of the final order of removal under administrative processes, or if judicial review is had, then from the date of the final order of the court,

(B) willfully fails or refuses to make timely application in good faith for travel or other documents necessary to the alien's departure,

(C) connives or conspires, or takes any other action, designed to prevent or hamper or with the purpose of preventing or hampering the alien's departure pursuant to such, or

(D) willfully fails or refuses to present himself or herself for removal at the time and place required by the Attorney General pursuant to such order,

shall be fined under title 18, United States code, or imprisoned not more than four years (or 10 years if the alien is a member of any of the classes described in paragraph (1)(E), (2), (3), or (4) of section 237 (a)), or both.

Nothing in this section shall make a violation to take proper steps for the purpose of securing cancellation of or exemption from such order of removal or for the purpose of securing the alien's release from incarceration or custody.

Any action Immigration Custom Enforcement may take to obtain a travel document for your departure or to remove you will NOT relieve you off the liability for compliance with the provisions of law referred to in the first paragraph above.

Section 241 (a) (1) (C) provides for the extension of the statutory removal period if the alien refuses, during the removal period, to make application in good faith, for a travel or other document necessary for the alien's removal or departure or conspires or acts to prevent the alien's removal subject to an order of removal.

Date Order Final: [REDACTED]	Ordered Removed under Section: 237a2Eii
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**Record of Service (check method used)
Record of Personal Service**

Serv [REDACTED]

Off [REDACTED]	Location of Service: NEW ENGLAND FIELD OFFICE
----------------	---

[REDACTED]	Date [REDACTED]
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Warning administered in Court (copy of order attached)	Record of Personal Service (Cont.)
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Certified Mail Service	Fingerprint of Alien (Specify finger used)
------------------------	--

	Right Index Finger
--	--------------------

Attach certified mail receipts here.

I-229

Immigration and Customs Enforcement

Assist in Removal

INSTRUCTION SHEET TO DETAINEE REGARDING REQUIREMENT TO ASSIST IN REMOVAL

The following is a list of things you are required to complete within thirty days of receiving this form, in order to comply with your obligation to assist in obtaining a travel document:

Mandatory requirements will be checked off by the ICE Officers depending on the facts of each case. Failure to comply or provide sufficient evidence of your inability to comply may result in the extension of the removal and subject you to further detention.

- Submit passports (current and expired) to ICE. If you have a copy of your passport, you are to submit.
- Apply for a travel document/passport from your embassy or consulate, or directly from your government in your native country, or any other embassy or consulate of your native country in another country.
- Comply with all instructions from all embassies or consulates requiring completion of documentation for issuance of a travel document.
- Submit to ICE birth certificates, national identification cards, and any other document issued by foreign government indicating your citizenship, nationality, place of birth, and place of residence prior to entering United States.
- Provide names and addresses of family and friends residing in the United States and request that they contact your embassy or consulate in the United States, in order to facilitate the issuance of a travel document.
- Provide names and addresses of family and friends residing in your country of citizenship and request family and friends residing abroad contact your government in reference to issuing a travel document.
- You are required to take measures to request reinstatement of your previous nationality, register as required, or take any other action that will ensure the issuance of a travel document and your removal from United States.
- Provide ICE with written copies of request to embassies or consulates requesting issuance of a travel documents.
- Provide INS with written copies of requests to embassies or consulates requesting issuance of a travel document.
- Provide INS with written copies of responses from embassies or consulates regarding your requests.
- Solicit permission from another country, which may be able to accept you, to enter that country to effect your removal from the United States.
- Other:

Served by Officer's Name

Date

Location

To be served with I-229 (a) no later than 30 days after the final order

EXHIBIT M



**U.S. Department of Homeland Security
Immigration and Customs Enforcement**

*10 New England Executive Park
Burlington, MA 01803*

August 22, 2018

[REDACTED]

Notice to Alien of File Custody Review

You are detained in the custody of the Immigration and Customs Enforcement Agency (ICE) and you are required to cooperate with ICE in effecting your removal from the United States. If ICE has not removed you from the United States within the removal period as set forth in INA 241(a) (normally 90-days) of either: 1) your entering ICE custody with a final order of removal, deportation or exclusion, or 2) the date of any final order you receive while you are in ICE custody, the ICE Deciding Official will review your case for consideration of release on an Order of Supervision. Release, however, is dependent on your demonstrating to the satisfaction of the Attorney General that you **will not** pose a danger to the community and **will not** present a flight risk.

Your custody status will be reviewed on or about [REDACTED] The Deciding Official may consider, but is not limited to considering the following:

1. Criminal convictions and criminal conduct;
2. Other criminal and immigration history;
3. Sentence(s) imposed and time actually served;
4. History of escapes, failures to appear for judicial or other proceedings and other defaults;
5. Probation history;
6. Disciplinary problems while incarcerated;
7. Evidence of rehabilitative effort or recidivism;
8. Equities in the United States;
9. Cooperation in obtaining your travel documents;
10. Any available mental health reports.

You may submit any documentation you wish to be reviewed in support of your release, prior to the date listed above, to the attention of the Officer and address below. English translations must be provided pursuant to 8 CFR 103.2(b)(3). You will be notified of the decision in your case when the custody review has been concluded. An attorney of other person may submit materials on your behalf. The Field Office Director will notify you of the decision in your case. Attached to this notice is a list of free or low cost legal representatives who may be able to provide assistance to you in preparing your case

U.S. Department of Homeland Security
Immigration and Customs Enforcement Agency
Attn: POCR Unit

[REDACTED]

METHOD OF SERVICE

I certify that this form was provided to the alien by: (Hand) (Institution Mail)
 CC: Attorney of Record or Designated Representative
 CC: A-file

[REDACTED]

Signature of Officer

[REDACTED]

Printed Name of Officer

[REDACTED]

Date

EXHIBIT N

*Enforcement and Removal Operations
Boston Field Office*

U.S. Department of Homeland Security
100 District Avenue
Burlington, MA 01803



**U.S. Immigration
and Customs
Enforcement**

[REDACTED]

[REDACTED]

Decision to Continue Detention

This letter is to inform you that your custody status has been reviewed and it has been determined as a matter of administrative discretion that you will not be released from the custody of U.S. Immigration and Customs Enforcement (ICE) at this time. This decision has been made based on a review of your file and/or your personal interview and consideration of any information you submitted to ICE's reviewing officials.

You are a native and citizen of [REDACTED] who was admitted to the United States through [REDACTED] on [REDACTED], with a B-2 non-immigrant visa.

You are subject to a Final Order of Removal issued on [REDACTED]

[REDACTED]

Based upon the above in the exercise of administrative discretion, you will remain in ICE custody pending your removal from the United States. You are advised that you must demonstrate that you are making reasonable efforts to comply with the order of removal and that you are cooperating with ICE's efforts to remove you by taking whatever actions ICE requests to affect your removal. You are also advised that any willful failure or refusal on your part to make timely application in good faith for travel or other documents necessary for your departure, or any conspiracy or actions to prevent your removal or obstruct the issuance of a travel document, may subject you to criminal prosecution under 8 USC Section 1253(a).

If you have not been removed or released from custody by [REDACTED] jurisdiction of the custody decision in your case will be transferred to the Headquarters Removal and International Operations Unit (HQ RIO), Potomac Center North, 500 12th Street SW, Washington, DC 20536. HQ RIO will make a final determination regarding your custody.

[REDACTED]

[REDACTED]

Notice to Alien of File Custody Review

Page 2

PROOF OF SERVICE

(1) Personal Service (Officer to complete both (a) and (b) below.)

(a) I [redacted] [redacted] [redacted] certify that I served [redacted] with a copy of this document at [redacted] on [redacted] at [redacted].

(b) I certify that I served the custodian [redacted] at [redacted] on [redacted] with a copy of this document.

OR

(2) Service by certified mail, return receipt. (Attach copy of receipt)

I [redacted] [redacted] certify that I served [redacted] and the custodian [redacted] with a copy of this document by certified mail at [redacted] on [redacted].

Detainee Signature: _____ Date: _____

- () cc: Attorney of Record or Designated Representative
() cc: A-File

EXHIBIT O

Office of Enforcement and Removal Operations

U.S. Department of Homeland Security
500 12th Street, SW
Washington, D.C. 20536



U.S. Immigration
and Customs
Enforcement

[REDACTED]

[REDACTED]

Decision to Continue Detention

This letter is to inform you that the U.S. Immigration and Customs Enforcement (ICE) has reviewed your custody status and determined that you will not be released from custody at this time. This decision was based on a review of your file record and/or personal interview and consideration of any information you submitted to ICE reviewing officials.

You are a native and a citizen of [REDACTED] who last entered the United States on or about [REDACTED]. You have several [REDACTED] in [REDACTED], you were issued a Final Order of Removal in absentia by an Immigration Judge [REDACTED]. On [REDACTED] [REDACTED] The case is currently pending a decision.

ICE is currently in possession of a valid travel document for your removal from the United States. You will remain in custody until ICE can effectuate your removal.

This decision, however, does not preclude you from bringing forth evidence in the future to demonstrate a good reason why your removal is unlikely. You are advised that pursuant to Section 241(a)(1)(C) of the Immigration and Nationality Act (INA) you must demonstrate that you are making reasonable efforts to comply with the order of removal, and that you are cooperating with ICE efforts to remove you by taking whatever actions ICE requests to affect your removal.

You are also advised that any willful failure or refusal on your part to make timely application in good faith for travel or other documents necessary for your departure, or any conspiracy or actions to prevent your removal or obstruct the issuance of a travel document, may subject you to criminal prosecution under 8 USC § 1253(a).

[REDACTED]

[REDACTED]

Decision to Continue Detention
[Redacted]

PROOF OF SERVICE

(1) **Personal Service (Officer to complete both (a) and (b) below.)** [Redacted]

(a) I [Redacted], [Redacted],
Name of ICE Officer Title
certify that I served [Redacted] with a copy of
Name of detainee
this document at [Redacted] on [Redacted], at [Redacted]
Institution Date Time

(b) I certify that I served the custodian [Redacted],
Name of Official
[Redacted], at [Redacted], on
Title Institution
[Redacted] with a copy of this document.
Date

OR

(2) **Service by certified mail, return receipt. (Attach copy of receipt)**

I [Redacted], [Redacted], certify
Name of ICE Officer Title
that I served [Redacted] and the custodian [Redacted],
Name of detainee Name of Official
with a copy of this document by certified mail at [Redacted] on [Redacted].
Institution Date

Detainee Signature: [Redacted] Date: [Redacted]

- () cc: Attorney of Record or Designated Representative
- () cc: A-File

EXHIBIT P



**U.S. Immigration
and Customs
Enforcement**

Office of Detention and Removal Operations

U.S. Department of Homeland Security
10 New England Executive Park
Burlington, MA 01803

Name: [REDACTED]

A#: [REDACTED]

C/O: [REDACTED]

Notice to Alien of File Custody Review

You are detained in the custody of the Immigration and Naturalization Service (INS) and you are required to cooperate with the INS in effecting your removal from the United States. If the INS has not removed you from the United States within the removal period as set forth in INA 241(a) (normally 90-days) of either: 1) your entering INS custody with a final order of removal, deportation or exclusion, or 2) the date of any final order you receive while you are in INS custody, the INS Deciding Official will review your case for consideration of release on an Order of Supervision. Release, however, is dependent on your demonstrating to the satisfaction of the Attorney General that you **will not** pose a danger to the community and **will not** present a flight risk.

Your custody status will be reviewed on or about: [REDACTED]

The Deciding Official may consider, but is not limited to considering the following:

1. Criminal convictions and criminal conduct;
2. Other criminal and immigration history;
3. Sentence(s) imposed and time actually served;
4. History of escapes, failures to appear for judicial or other proceedings, and other defaults;
5. Probation history;
6. Disciplinary problems while incarcerated;
7. Evidence of rehabilitative effort or recidivism;
8. Equities in the United States;
9. Cooperation in obtaining your travel documents;
10. Any available mental health reports.

You may submit any documentation you wish to be reviewed in support of your release, prior to the date listed above, to the attention of the Officer and address below. English translations must be provided pursuant to 8 CFR 103.2(b)(3). An attorney or other person may submit materials on your behalf. The district director will notify you of the decision in your case. Attached to this notice is a list of free or low cost legal representatives who may be able to provide assistance to you in preparing your case.

U.S. Department of Homeland Security
Bureau of Immigration and Customs Enforcement
Attn: POCR Unit

[REDACTED]
[REDACTED]

METHOD OF SERVICE

I Certify that this form was provided to the alien by:



(Institution Mail)

CC: Attorney of Record or Designated Representative

CC: A-File

[REDACTED]

[REDACTED]

[REDACTED]

Signature of Officer

Print Name of Officer

Date

EXHIBIT Q

*Enforcement and Removal Operations
Boston Field Office*

U.S. Department of Homeland Security
1000 District Avenue
Burlington, MA 01803



**U.S. Immigration
and Customs
Enforcement**

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

Decision to Continue Detention

This letter is to inform you that your custody status has been reviewed and it has been determined as a matter of administrative discretion that you will not be released from the custody of U.S. Immigration and Customs Enforcement (ICE) at this time. This decision has been made based on a review of your file and/or your personal interview and consideration of any information you submitted to ICE's reviewing officials.

You are a native and citizen of [REDACTED] who entered the United States through [REDACTED] on [REDACTED], as a non-immigrant.

You are subject to a Final Order of Removal issued on [REDACTED]

[REDACTED]

Based upon the above in the exercise of administrative discretion, you will remain in ICE custody pending your removal from the United States. You are advised that you must demonstrate that you are making reasonable efforts to comply with the order of removal and that you are cooperating with ICE's efforts to remove you by taking whatever actions ICE requests to affect your removal. You are also advised that any willful failure or refusal on your part to make timely application in good faith for travel or other documents necessary for your departure, or any conspiracy or actions to prevent your removal or obstruct the issuance of a travel document, may subject you to criminal prosecution under 8 USC Section 1253(a).

You were granted a stay of removal by the United States Court of Appeals for the First Circuit. Jurisdiction of your case will remain with ICE Enforcement and Removal Operations Boston Field Office, 1000 District Avenue, Burlington, MA 01803, while the stay of removal remains active.

[REDACTED]

[REDACTED]
Date

Notice to Alien of File Custody Review

Page 2

PROOF OF SERVICE

(1) Personal Service (Officer to complete both (a) and (b) below.)

(a) I [redacted] [redacted], certify that I served [redacted] [redacted] with a copy of this document at [redacted] on [redacted] at [redacted].

(b) I certify that I served the custodian [redacted] [redacted], at [redacted] on [redacted] with a copy of this document.

OR

(2) Service by certified mail, return receipt. (Attach copy of receipt)

I [redacted] [redacted], certify that I served [redacted] and the custodian [redacted] with a copy of this document by certified mail at [redacted] on [redacted].

Detainee Signature [redacted] Date: [redacted]

- () cc: Attorney of Record or Designated Representative
() cc: A-File

EXHIBIT R

Office of Enforcement and Removal Operations

U.S. Department of Homeland Security
500 12th Street, SW
Washington, D.C. 20536



U.S. Immigration
and Customs
Enforcement

[REDACTED]

[REDACTED]

Decision to Continue Detention

This letter is to inform you that the U.S. Immigration and Customs Enforcement (ICE) has reviewed your custody status and determined that you will not be released from custody at this time. This decision was based on a review of your file record and/or personal interview and consideration of any information you submitted to ICE reviewing officials.

You are a native and citizen of the [REDACTED] who last entered the United States on [REDACTED], as a Non-Immigrant. You have been convicted of the crime of [REDACTED]. On [REDACTED], you were issued a Final Order of Removal by an Immigration Official. ICE is currently working with the Government of the [REDACTED] to secure a travel document for your removal from the United States. A travel document from the Government of the [REDACTED] is expected, therefore you are to remain in ICE custody at this time.

This decision, however, does not preclude you from bringing forth evidence in the future to demonstrate a good reason why your removal is unlikely. You are advised that pursuant to Section 241(a)(1)(C) of the Immigration and Nationality Act (INA) you must demonstrate that you are making reasonable efforts to comply with the order of removal, and that you are cooperating with ICE efforts to remove you by taking whatever actions ICE requests to affect your removal.

You are also advised that any willful failure or refusal on your part to make timely application in good faith for travel or other documents necessary for your departure, or any conspiracy or actions to prevent your removal or obstruct the issuance of a travel document, may subject you to criminal prosecution under 8 USC § 1253(a).

[REDACTED]

[REDACTED]

Date

Decision to Continue Detention

Page 2

PROOF OF SERVICE

(1) Personal Service (Officer to complete both (a) and (b) below.)

(a) I [redacted], [redacted] Title [redacted] certify that I serve [redacted] Name of ICE Officer [redacted] Title [redacted] with a copy of this document at [redacted] Name of detainee [redacted] on [redacted] Date [redacted] at [redacted] Time [redacted] Institution [redacted]

(b) I certify that I served the custodian [redacted] Name of Official [redacted] Title [redacted] at [redacted] Institution [redacted] on [redacted] Date [redacted] with a copy of this document.

OR

(2) Service by certified mail, return receipt. (Attach copy of receipt)

I [redacted] Name of ICE Officer [redacted] Title [redacted] certify that I served [redacted] Name of detainee [redacted] and the custodian [redacted] Name of Official [redacted] with a copy of this document by certified mail at [redacted] Institution [redacted] on [redacted] Date [redacted]

Detainee Signature: [redacted] Date: [redacted]

- () cc: Attorney of Record or Designated Representative
() cc: A-File

EXHIBIT S

**Filed Under Seal
CONFIDENTIAL**