

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

CATALINA SANTIAGO SANTIAGO,

Petitioner,

v.

KRISTI NOEM, et al.;

Respondents.

Case No. 25-cv-00361-KC

DECLARATION OF LUIS CORTES ROMERO

I, Luis Cortes Romero, Esq., pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am a partner at Novo Legal. I am counsel for Petitioner Catalina Santiago Santiago in the above-captioned matter. I also represent Ms. Santiago in her immigration matters.
2. I submit this declaration in support of Ms. Santiago's verified petition for a writ of habeas corpus.
3. Ms. Santiago originally applied for and was granted Deferred Action for Childhood Arrivals ("DACA") in 2012, and she has renewed her DACA status every two years since. Attached hereto as Exhibit 1 is a true and correct copy of Ms. Santiago's DACA approval notices from U.S. Citizenship and Immigration Services ("USCIS") from 2012 to 2024.
4. In 2021, Ms. Santiago was accepted into the California-Mexico Studies Center's Summer 2022 California-Mexico Dreamers Study Abroad Program in Mexico. In order to participate in the program, Ms. Santiago applied for a single-entry advance parole for educational purposes with USCIS, which would allow her to leave the country to participate in the program and return, subject to inspection. Typically, DACA recipients

are only issued advanced parole for humanitarian, educational, or employment purposes.¹ Attached hereto as Exhibit 2 is a true and correct copy of a letter from the California-Mexico Studies Center in support of Ms. Santiago's advance parole application.

5. On March 4, 2022, Ms. Santiago's request for advance parole was approved, and she was authorized for a single departure from the United States on or after May 1, 2022 and a related return on or before July 1, 2022. Attached hereto as Exhibit 3 is a true and correct copy of Ms. Santiago's Form I-512L (Authorization for Parole of an Alien Into the United States). As this document states, Ms. Santiago was not guaranteed to be paroled back into the United States and was "still subject to immigration inspection at a port-of-entry to determine whether [she was] eligible to come into the United States" as a matter of discretion. The stamp on the document indicates that on June 12, 2022, she was inspected and paroled into the United States pursuant to Section 212(d)(5)(A) of the Immigration and Nationality Act ("INA").
6. Ms. Santiago's lawful entry into the United States on June 12, 2022, is also reflected in a Form I-94, attached hereto as Exhibit 4.
7. On January 8, 2025, Ms. Santiago married U.S. citizen Desiree Miller in El Paso, Texas. A true and correct copy of their marriage certificate is attached hereto as Exhibit 5. A true and correct copy of Ms. Miller's U.S. passport card is attached hereto as Exhibit 6.
8. Ms. Santiago's lawful entry on advance parole and her bona fide marriage to a U.S. citizen make her prima facie eligible to adjust her status to that of a lawful permanent resident (*i.e.*, a green card holder) under Section 245(a) of the INA. USCIS holds exclusive jurisdiction over her adjustment application. *See* 8 C.F.R. § 245.2(a)(1).

¹ *See* <https://www.uscis.gov/humanitarian/consideration-of-deferred-action-for-childhood-arrivals-daca/frequently-asked-questions#travel>.

9. Novo Legal is currently preparing a Form I-130 (Petition for Alien Relative) and Form I-485 (Application to Register Permanent Resident Status or Adjust Status) for Ms. Miller and Ms. Santiago, to be filed with USCIS as soon as possible.
10. On August 3, 2025, Ms. Santiago was arrested by Customs and Border Patrol officials at El Paso International Airport before boarding a domestic flight. She was then transferred to the custody of Immigration and Customs Enforcement (“ICE”) at El Paso Service Processing Center. At this time, she was served a Notice to Appear (“NTA”), charging her as inadmissible pursuant to Section 212(a)(6)(A)(i) of the INA. Attached hereto as Exhibit 7 is a true and correct copy of Ms. Santiago’s NTA.
11. On August 26, 2025, Ms. Santiago moved to terminate her current removal proceedings under 8 C.F.R. § 1003.18(d)(1)(ii), which authorizes immigration judges to terminate proceedings in the exercise of discretion when noncitizens are beneficiaries of deferred action, as well as when they are prima facie eligible for adjustment of status and USCIS (rather than the immigration court) has jurisdiction to adjudicate that application. 8 C.F.R. § 1003.18(d)(1)(ii)(B) & (C).
12. On September 8, 2024, the immigration judge granted Ms. Santiago’s motion to terminate, but the Department of Homeland Security (“DHS”) reserved appeal. ECF No. 16. Pursuant to 8 C.F.R. § 1003.6, the immigration judge’s decision is stayed during the 30-day period in which DHS has the right to appeal. DHS has not indicated that it intends to waive appeal.
13. In my recent experience, the Board of Immigration Appeals (“BIA”), which would hear any appeal filed by DHS, typically takes approximately six to twelve months to adjudicate the appeals of detained noncitizens, although the timing varies depending on many factors.

If the BIA grants DHS's appeal, Ms. Santiago's case would be remanded to the immigration judge for further proceedings.

14. Although Ms. Santiago could technically seek release from detention at ICE's discretion as a matter of humanitarian parole under INA § 212(d)(5), ICE recently submitted a document in litigation which indicates that its "field offices no longer have the option to discretionarily release [noncitizens]." Nationwide Hold Room Waiver, *D.N.N. v. Baker*, No. 25-cv-1613, ECF No. 40-3 at 2 (D. Md. June 30, 2025). A true and correct copy of this document is attached hereto as Exhibit 8.

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

Executed on this 22nd day of September, in Seattle, Washington



Luis Cortes Romero