

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

HELEN SARAHI FUNES GAMEZ,

Petitioner,

-v-

LaDeon FRANCIS, in his official capacity as
Acting Field Office Director of New York,
Immigration and Customs Enforcement; Kristi
NOEM in her official capacity as Secretary of
Homeland Security; Pam BONDI, in her official
capacity as Attorney General of the United
States,

Respondents.

Case No. 1:25-cv-07429-PAE

DECLARATION OF LIVIA SANTORO

I, Livia Santoro, declare as follows:

1. I am a Senior Staff Attorney at Central American Legal Assistance (“CALA”), and I am the immigration attorney for Helen Funes Gamez (“Helen”). I submit this declaration in support of Helen’s Application By Order To Show Cause For Temporary Restraining Order and Preliminary Injunction. I am over 18 years of age. I make this declaration of my own personal knowledge, and, if compelled to testify, I could and would competently testify thereto.
2. On July 14, 2025, I accompanied my client, Helen, to her scheduled ICE check-in at 26 Federal Plaza, New York. Helen was accompanied by her two-year-old U.S. citizen child, E. At the check-in, an ICE officer stated that individuals with reinstated removal orders were being detained, and that Helen would be detained because of her removal order. I explained that she had requested a Reasonable Fear Interview, which

had not yet been scheduled, and that she also had a Form I-730 petition pending with USCIS. I further indicated our intention to file a Stay of Removal (ICE Form I-246). The officer directed us to the 9th Floor to file the stay, and rescheduled Helen's next check-in for August 18, 2025. The same day, we went to the 9th Floor and filed the stay.

3. I subsequently emailed ICE to request that the check-in be rescheduled due to a conflict with another hearing. The check-in was initially rescheduled to August 25, 2025, and later to September 3, 2025, as I had previously notified ICE that I would be out of the office during the earlier week.
4. On September 3, 2025, I again accompanied Helen to her scheduled ICE check-in at approximately 7:00 a.m. That morning, Helen was turned away after ICE-ERO staff informed her that they did not have capacity to accommodate additional check-ins that day. I immediately emailed ICE to report the situation. Later that same day, ICE responded directing us to return on September 8, 2025, at 7:00 a.m. That same morning, I went to the 9th Floor of 26 Federal Plaza to inquire about the status of Helen's stay of removal request. I was told the stay was in the system but that no decision had yet been made.
5. On September 8, 2025, Helen appeared for her check-in at 26 Federal Plaza at 7:00 a.m., again with her son, E. I accompanied her, and we were directed to the 5th Floor.
6. On the 5th Floor, the ICE officer conducting check-ins informed us that Helen would be detained. He stated that all individuals with final removal orders would be detained that day. I asked why Helen was being detained, given that she had consistently complied with her check-ins, had a pending request for a Reasonable Fear interview, an I-730 petition pending, and the absence of any change in her case. The officer

responded, in substance, that Helen had a final order and further stated that “there is a new president now.”

7. I also inquired about the status of Helen’s stay of removal request. The officer informed me that the stay had been denied on August 14, 2025, provided me with a copy of the denial, and stated that the decision had been mailed to me. I explained that when I went to the 9th Floor on September 3, I had been told the stay was still pending. The officer replied that the 9th Floor was not the appropriate place to check. I further noted that I had emailed ICE multiple times regarding the status of the stay but had never received a response.
8. The officer then explained that if Helen remained with her baby, she would be transferred to a family detention center in Texas; otherwise, she would be detained in New Jersey, Long Island, or Pennsylvania, depending on availability. I requested that we be scheduled for another check-in in one week, as this was an important decision for Helen and her family, but the officer declined. I then requested time to consult with my client.
9. Helen messaged her husband, Erick Cruz Villanueva, and decided that the baby would remain in his care.
10. Erick arrived at 26 Federal Plaza at approximately 10:00 a.m. I went to the lobby to meet him in the lobby, and we proceeded together to the 5th Floor, where Helen and her son, E., were located.
11. The officer approached us and indicated that he would make a note again requesting a Reasonable Fear interview, noting that Helen was represented by counsel and had two minor children, in the hope she might remain detained locally.

12. At around 11 am, Erick, the baby, and I left the 5th Floor. Helen remained in ICE custody.
13. At 1:02 p.m., I emailed NY Outreach ERO and NY Attorney Inquiry ERO requesting a legal call with Helen. At 2:12 p.m., I received a response stating that their records indicated Helen was not in custody. At 2:22 p.m., I received another email stating, "*Our records do no indicate that this subject is NOT in ICE custody.*" I continued to check the ICE Online Detainee Locator throughout the day, but it did not show any record for Helen. At 6:41 p.m., I received a WhatsApp voice message from Helen stating, in substance, that they had briefly given her access to a phone, that she would soon be fingerprinted, and that she would be transferred the following day.
14. On September 9, 2025, I again requested a legal call with my client. At 7:25 p.m., I received an email from Merlin Marcellin, an Assistant Field Office Director with ICE ERO, informing me that Helen had been transferred to another facility and advising me to check the ICE Online Detainee Locator. The ICE Online Detainee Locator showed that Helen was being held at the Richwood Correctional Center in Richwood, Louisiana.
15. On September 10, 2025, I twice requested a legal call with my client but was informed that same-day calls were not permitted and that they were completely booked until September 12, 2025.
16. On September 10, 2025, Helen was able to call me directly, and we spoke for about 15 minutes before the call was terminated. Despite background noise, she reported that she had been transported on September 9, 2025, first by van to New Jersey, then by plane to Louisiana in handcuffs and shackles.

17. To the best of my knowledge, Helen has never violated any of the conditions of her release under the Order of Supervision.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 11th day of September, 2025 in New York.



Livia Santoro