

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Helen Sarahi Funes Gamez

Petitioner,

v.


LaDeon Francis, *et al.*,

Respondents.

No. 1:25-cv-07429 (PAE)

AMENDED DECLARATION OF
SUPERVISORY DETENTION AND
DEPORTATION OFFICER STEPHEN
DANIEL ALLPORT

Pursuant to 28 U.S.C. § 1746, I, Stephen Daniel Allport, hereby declare under penalty of perjury that the following is true and correct:

1. I am a Supervisory Detention and Deportation Officer of the U.S. Immigration and Customs Enforcement (“ICE”) within the U.S. Department of Homeland Security (“DHS”). I have served as a Supervisory Detention and Deportation Officer since May 2025. Also, on September 18, 2025, I served as the Acting Assistant Field Office Director at the New Orleans Field Office.
2. I am providing this amended declaration in order to correct and supersede my prior declaration in this case regarding the positions that I hold, the sequence of petitioner Helen Sarahi Funes Gamez’s (“Petitioner’s”) detention in September 2025, information regarding Petitioner’s access to telephone and to counsel, and to provide an update regarding Petitioner’s reasonable fear interview.
3. I have prepared this declaration in connection with the Petition for a Writ of Habeas Corpus filed by the Petitioner on September 8, 2025. Petitioner has been assigned the following Alien Number:  The following representations are based on my review of

Petitioner's temporary file,¹ consultation with my colleagues, and ICE electronic records and databases.

4. Petitioner is a native and citizen of Honduras.
5. On June 9, 2004, United States Border Patrol ("USBP") encountered Petitioner and her mother, Ana Iris Gomez-Pascual ("Gomez-Pascual"), near the Gateway Port of Entry in Brownville, Texas. At the time of the encounter, Petitioner was ten years old. Gomez-Pascual admitted to USBP that she and Petitioner are citizens and nationals of Honduras and that they had entered the United States from Mexico without inspection and without the necessary legal documents to enter, pass through, or to remain in the United States. Upon determining that Petitioner and her mother had unlawfully entered the United States, USBP transported Petitioner and her mother to the Brownsville Border Patrol Station for processing.
6. On June 9, 2004, USBP advised Gomez-Pascual during processing of their rights as required by Forms I-826 (for adults), Notice of Rights and Request for Disposition, and I-770 (for Juveniles) in the Spanish language. Gomez-Pascual stated that she understood the advisal and requested a hearing before an immigration judge. All forms were served upon and signed by Gomez-Pascual on behalf of the Petitioner.
7. On June 9, 2004, USBP personally served Gomez-Pascual with a Warrant of Arrest, Form I-200 along with a Notice to Appear ("NTA") charging Petitioner with inadmissibility pursuant to Section 212(a)(6)(A)(i), 8 U.S.C. § 1182(a)(6)(A)(i), of the Immigration and Nationality Act ("INA"), as an alien present in the United States without being admitted or

¹ As of the date of this amended declaration, ICE does not have the complete administrative file available, which exists in hard copy, and thus ICE compiled a temporary administrative file based on the information contained within ICE's databases.

paroled, or who arrived in the United States at any time or place other than as designated by the Attorney General. The NTA advised Petitioner that she was to appear before an Immigration Judge at the Harlingen Immigration Court at 201 E. Jackson Street, Harlingen, Texas, 78550, for a hearing scheduled for November 4, 2004, at 2:00 p.m. The NTA further advised Petitioner of the requirement that she immediately provide (or have provided) the Immigration Court with a written record of an address and telephone number (if any) at which Petitioner may be contacted concerning removal proceedings. Gomez-Pascual was provided with a list of free legal services.

8. On June 9, 2004, USBP released Petitioner and her mother on their own recognizance, due to the lack of space for family units.
9. On November 4, 2004, Petitioner and her mother failed to appear for the scheduled master calendar hearing in Harlingen, Texas. Upon determining that Petitioner had adequate notice of the hearing because her mother was personally served with the NTA denoting the time, date, and location of the hearing, the immigration judge entered an in-absentia order, directing her removal to Honduras.
10. On November 19, 2004, a copy of the in-absentia order was mailed to the Petitioner, in care of her mother, at her last known address in Holyoke, Massachusetts. It was returned undeliverable.
11. On or about December 30, 2004, ICE issued and mailed a notice to the Petitioner, in care of her mother, at her last known address in Holyoke, Massachusetts, which directed that Petitioner report to an immigration officer at 1717 Zoy Street, in Harlingen, Texas, on January 31, 2005, for removal. The notice was returned undeliverable.

12. On June 7, 2009, USBP agents at the Border Patrol Station Erie, Pennsylvania received a request for assistance from a Pennsylvania State Trooper stemming from a traffic stop on Interstate 80 near Clintonville, Pennsylvania. Petitioner was a passenger in one of two vehicles that were stopped while traveling together, one of which the driver pulled over of their own accord. The Pennsylvania State Trooper sought the assistance from the USBP to aid in translation as the occupants of both vehicles were not fluent in the English language. Upon arriving at the Franklin Barracks of the Pennsylvania State Police where the occupants had been transported, the USBP conducted brief interviews of the vehicle's occupants. Following the interviews, eleven individuals including Petitioner were transported to the USBP Station for further questions and processing. At the station, system checks revealed that Petitioner had been ordered removed. As such, the Petitioner was processed for removal as an unaccompanied minor.
13. On June 8, 2009, following processing, Petitioner was turned over to ICE custody and placed at an ICE residential center for family units in Boystown, Miami, Florida, where she remained pending removal.
14. On August 7, 2009, Petitioner was removed to Honduras via an ICE charter flight.
15. On May 21, 2023, USBP encountered the Petitioner, her spouse, and child near Eagle Pass, Texas. Upon questioning, USBP determined that Petitioner and her family had unlawfully entered the United States from Mexico and were not inspected or admitted by an Immigration Officer at a port of entry as designated by the Secretary of Homeland Security. Petitioner admitted to being a citizen and national of Honduras with no right to be in or remain in the United States legally. USBP transported Petitioner and her family to the

Laredo Sector Enhanced Centralized Processing Center in Laredo, Texas, for further processing.

16. On May 21, 2023, Petitioner was processed for Reinstatement of Prior Order of Removal pursuant to Section 241(a)(5) of the INA, 8 U.S.C. § 1231(a)(5). Petitioner was served with Forms I-871, I-294, I-205, I-215, List of Legal Services, and an EOIR-33. After processing, Petitioner, along with her family, was released due to humanitarian and safety issues with overcrowding and lack of bedspace. Petitioner was served with an Order of Supervision, Form I-220B. The Order of Supervision set forth conditions of her release, including reporting as directed at ICE offices periodically for scheduled check-ins.
17. On November 8, 2023, Petitioner was referred to the New York Asylum Office for scheduling a reasonable fear interview.
18. On July 14, 2025, Petitioner, through counsel, submitted a Form I-246, Application for a Stay of Deportation or Removal to ICE. In her request for a stay of removal, Petitioner noted that she fears harm of return to Honduras and that her spouse and child were granted asylum on February 20, 2025, based on the same fears. Petitioner further noted that her spouse has submitted a Form I-730, Refugee/Asylum Relative Petition on her behalf.
19. On August 14, 2025, ICE denied Petitioner's request for a stay and the denial letter was mailed to Petitioner's attorney.
20. On September 3, 2025, upon further consideration of Petitioner's application for a stay of removal, ICE memorialized its denial of Petitioner's request for a stay of removal.
21. On September 8, 2025, Petitioner reported in the morning to 26 Federal Plaza, New York, New York, as directed by ICE. Petitioner was accompanied by counsel and her child. She

was arrested and taken into custody by ICE and processed. At her arrest, she expressed fear of return to her homeland.

22. On September 8, 2025, Petitioner was served a Notice of Revocation (the “Notice”) and advised that her Order of Supervision was revoked. The Notice stated that “your order of supervision has been revoked, and you will be detained in the custody of U.S. Immigration and Customs Enforcement (ICE) at this time.” It further explained: “This decision has been made based on a review of your official alien file and a determination that there are changed circumstances in your case, specifically that ICE has procured a travel document on your behalf and your removal is now imminent.”² The signature on this document reflects that it was electronically signed on September 8, 2025, at 19:50:13, or roughly 7:50pm.
23. ICE detained Petitioner on September 8, 2025, to effectuate her removal pursuant to a reinstated order of removal. As explained in the Notice, ICE has procured a travel document enabling ICE to remove Petitioner. Specifically, the Application for a Stay of Deportation or Removal to ICE filed on July 14, 2025, contains a copy of Petitioner’s passport. That provides proof of Petitioner’s Honduran citizenship and facilitates her removal to Honduras, which country accepts copies of its passport to accept citizens deported from the United States. Moreover, the Application for a Stay of Deportation or Removal was denied on

² The Notice was signed by the Acting Field Office Director. The July 25, 2019, ERO Delegation Order re-delegated authority under INA § 241, 8 U.S.C. § 1231, and 8 C.F.R. Part 241, relating to the release of aliens from detention from the Executive Associate Director for Enforcement and Removal Operations to, among other officers, Assistant Field Office Directors. It is ICE’s consistent practice and application of the delegation order to permit Assistant Field Office Directors around the country to exercise the revocation of release authority in 8 C.F.R. § 241.4(l)(2). Although 8 C.F.R. Part 241 refers to an “Executive Associate Commissioner,” that language appears to be a holdover from the former Immigration and Naturalization Service, which was headed by a commissioner. After the functions were transferred to the Department of Homeland Security and ICE by the Homeland Security Act of 2002, the equivalent authority is the “Executive Associate Director.”

September 3, 2025. Because Petitioner claimed a fear of return to Honduras, she is entitled to receive a reasonable fear interview with USCIS before ICE can remove Petitioner.

24. Petitioner was advised that she would be taken into ICE custody, pending her reasonable fear interview. Petitioner acknowledged her understanding that she would remain detained pending the reasonable fear interview. Prior to being taken into ICE custody, Petitioner contacted her husband Erick Yariel Cruz-Villanueva and completed Form 71-076, Pre-Removal Parental Interests Election, designating her husband Cruz-Villanueva as the caregiver of her children. She also signed Form 71-078, Caregiver Designation at Arrest. After her husband arrived to care for their child, Petitioner was taken into ICE custody.
25. A review of Petitioner's records demonstrates that on September 8, 2025, a Deportation Officer conducted an initial informal interview of the Petitioner. The form is entitled "Alien Informal Interview Upon Revocation of Order of Supervision Under 8 C.F.R. § 241.1(d); 8 C.F.R. § 241.13(i)." The Deportation Officer recorded the Petitioner's statements: "I would like to leave my kids with my husband and have a reasonable fear interview. I understand I will be detained and receive the interview, and my husband will pick my US citizen child up." There is no time stamp on this document.
26. On September 8, 2025, during processing, Petitioner was notified of her right to communicate with a Consular Officer from her home country as per Article 36(1)(b) of the Vienna Convention on Consular Relations. Petitioner indicated she understood this right but declined to speak with anyone at that time. Following processing, Petitioner remained at 26 Federal Plaza, pending transfer to the Richwood Correctional Center in Monroe, Louisiana, where there was available bedspace, because there are no ICE detention facilities

in either the Southern District of New York or the Eastern District of New York that house female ICE detainees.

27. In the morning of September 9, 2025, ICE transported Petitioner to Newark Liberty International Airport, in Newark, New Jersey, for a scheduled flight to Alexandria, Louisiana.
28. On September 9, 2025, at approximately 6:06 p.m. GMT, Petitioner was booked into Richwood Correctional Center, where she remains in custody, pursuant to INA § 241, 8 U.S.C. § 1231, pending a reasonable fear interview and ultimately removal.
29. On September 9, 2025, following Petitioner's detention at the Richwood Correctional Center, ICE was informed of the order of the United States District Court for the Southern District of New York restricting removal. Petitioner will remain at Richwood Correctional Center pending a reasonable fear interview and during the pendency of her habeas proceedings. Unless after the reasonable fear interview, she is either referred to an immigration judge for withholding-only proceedings, or requests immigration judge review of a negative reasonable fear finding, and subject to this Court's order barring her removal, ICE intends to remove Petitioner as soon as practicable and when there is no legal impediment.
30. ICE utilizes Webex, Microsoft Teams, or Zoom at Richwood Correctional Center to allow petitioners in federal courts to appear virtually for their hearings. ICE has confirmed that for the hearing scheduled on Monday, October 6, 2025, at 3pm EST, Petitioner can be made available by videoconference at that time from the facility.
31. The policy governing telephone access at the Richwood Correctional Center is called PBNDS-2011 Revision 2016. In accordance with the policy, respondents at the Richwood

Correctional Center are given two five-minute telephone cards to call anyone from the telephones that are always in the facility. In addition, detainees are also afforded access to legal calls. A detainee's access to the telephone is restricted only in three instances: availability of telephones, orderly facility operations and during emergencies. For orderly facility operations, there are some general notice requirements and time-of-use restrictions in the facility, including for legal calls

32. According to call logs at the Richwood Correctional Center which reflect the Bar number of attorneys, Petitioner had calls with counsel on September 12, 2025, from 10:28am until 11:15am; on September 17, 2025, from 11:30am until 12:08pm; on September 19, 2025, from 10:31am until 10:59am; on September 22, 2025, from 10:31am until 11:08am; on September 23, 2025, from 09:12am until 09:28am; on September 24, 2025, from 12:04pm until 12:29pm; and on September 26, 2025, from 10:40am until 10:48am. Petitioner also had an in-person consultation with counsel on September 22, 2025.
33. On September 15, 2025, USCIS scheduled Petitioner for a reasonable fear interview on September 29, 2025, to be conducted by an Asylum Officer with the New York Asylum Office. But because Petitioner has moved to Richmond Correctional Center, the interview had to be rescheduled.
34. On September 16, 2025, USCIS scheduled a reasonable fear interview on September 18, 2025. But Petitioner requested that counsel be present on her behalf, and the hearing was rescheduled.
35. On September 18, 2025, USCIS scheduled a reasonable fear interview for Monday, September 22, 2025, when Petitioner's counsel was expected to be present. USCIS expected Petitioner's counsel to be present because it rescheduled the initial hearing based on

Petitioner's request to have counsel present on her behalf. At the time that USCIS scheduled the September 22, 2025, hearing, it did not send notice to Petitioner's counsel because, at that time, Petitioner's counsel had not entered an appearance with USCIS to attend the reasonable fear interview. Specifically, counsel for Petitioner had not by that date filed a Notice of Appearance (Form G-28) before USCIS to represent Petitioner in the reasonable fear proceedings.

36. On September 22, 2025, USCIS again rescheduled Petitioner's reasonable fear interview to accommodate her request for counsel at the hearing.
37. On September 25, 2025, after counsel for the Petitioner entered her appearance before USCIS on Form G-28, a reasonable fear interview was completed with Petitioner's counsel participating.

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

Executed at New York, NY
This 1st day of October 2025.

STEPHEN D ALLPORT Digitally signed by STEPHEN D
ALLPORT
Date: 2025.10.01 07:25:12 -05'00'

Stephen Daniel Allport
Supervisory Detention and Deportation Officer
U.S. Immigration and Customs Enforcement
U.S. Department of Homeland Security