

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

GS,

Petitioner,

v.

KRISTI NOEM *et al.*,

Respondents.

No. 25 Civ. 8150 (MKV)

**DECLARATION OF DEPUTY FIELD
OFFICE DIRECTOR WILLIAM JOYCE**

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

1. I am a Deputy Field Office Director (“DFOD”) in the New York City Field Office of Enforcement and Removal Operations (“ERO New York”) at U.S. Immigration and Customs Enforcement (“ICE”) within the U.S. Department of Homeland Security (“DHS”).
2. I began my tenure with the United States Government in August 1992, with what was then known as the Immigration and Naturalization Service (“INS”) in the Newark District Office in Newark, New Jersey, where I worked as an Immigration Examiner, among other titles. On March 31, 1997, I entered on duty as a Deportation Officer (“DO”) in the Newark District Office, and on or about August 2002, I was selected as a Supervisory Deportation Officer at the Elizabeth Detention Facility in Elizabeth, New Jersey. I subsequently became the Assistant Officer in Charge, and then the acting Officer in Charge of that facility. In March 2003, the INS ceased to exist, and many of its functions were transferred to DHS.
3. I subsequently transferred to ERO New York and in 2007, I was promoted to the position of Assistant Field Office Director (“AFOD”). While I was an AFOD, I was responsible for the non-detained case management section and I also became the Chief of Staff for the Field

Office Director (“FOD”). From June 2008 through December 2008, I served as the Chief of Staff for the Assistant Director for Enforcement in Washington, D.C. I also served as the Unit Chief of the Incident and Special Response Unit in Washington, D.C., for approximately 18 months between 2011 and 2012. In approximately November 2015, I was promoted to the position of DFOD for ERO New York, where I oversaw the Detained Case Management Unit, the Jail Liaison Unit, the Criminal Alien Program (“CAP”), the Juvenile Case Management Unit, Transportation and Removal, and the corresponding components of those units in our Newburgh, New York and Central Islip, New York sub-offices. I was temporarily detailed to the ICE ERO El Paso Field Office, in El Paso, Texas, to serve as the acting FOD between August 2017 and May 2018. I was also temporarily detailed to the ICE ERO New Orleans Field Office, in New Orleans, Louisiana, as the Acting FOD from August of 2019 through mid-February 2020 and have periodically served as Acting FOD of ERO New York.

4. In my regular duties, I have been managing the Criminal Alien Program (“CAP”), the Detained Case Management Unit, the Jail Liaison Unit, the Juvenile Case Management Unit, and the Fugitive Operations program. On or about July 7, 2025, I became responsible for the Transportation and Removal (TRO) Unit, including the 10th floor Processing Area of 26 Federal Plaza. Additionally, as part of my job as a Deputy Field Office Director, I am familiar with certain DHS procedures relating to the processing, removal, detention, and parole of aliens. The following representations are based on my review of DHS records and databases maintained in the ordinary course of business, including based on my review of Petitioner’s DHS records, consultation with my colleagues, and my personal knowledge.

5. I have prepared this declaration in connection with an amended petition for writ of habeas corpus filed by petitioner G.S. (“Petitioner”).¹ The following representations are based on my review of Petitioner’s files, consultation with my colleagues, and ICE electronic records and databases.
6. Petitioner is a native and citizen of Honduras.
7. On December 2, 2019, Petitioner unlawfully entered the United States from Mexico by crossing the international border near Hidalgo, Texas. He was encountered by a United States Customs and Border Protection agent (“CBP”).
8. CBP determined that Petitioner had illegally entered the United States without inspection, and did not possess the necessary legal documentation to enter, pass through, or remain in the United States. Petitioner, who was seventeen years old at the time of the encounter, was arrested and transported to the Texas Border Patrol Station for further processing as an unaccompanied alien child, and was placed in the custody of the U.S. Department of Health and Human Services’ Office of Refugee Resettlement (“ORR”).
9. On December 3, 2019, CBP personally served Petitioner with a Notice to Appear (“NTA”), charging him as inadmissible under Immigration and Nationality Act (“INA”) section 212(a)(6)(A)(i), 8 U.S.C. § 1182(a)(6)(A)(i), as an alien present in the United States without being admitted or paroled, or who arrived in the United States at any time or place other than as designated by the Attorney General. Petitioner was also provided with a list of organizations and attorneys which provide free legal services. The NTA indicated that

¹ I understand that by order dated September 26, 2025 (issued in the miscellaneous proceeding in which this action was commenced), the Court authorized Petitioner to proceed in this case using his initials only. Case No. 25 Misc. 394, Dkt. No. 9. I have thus redacted Petitioner’s name from the docketed versions of the documents attached to this declaration.

Petitioner's immigration case would be handled by the immigration court in Harlingen, Texas.

10. On December 26, 2019, Petitioner was released from ORR custody on an Order of Release on Own Recognizance to his brother who resides in Rhinebeck, New York.
11. On December 30, 2019, ICE mailed an I-862 addendum form to Petitioner's address in Rhinebeck, amending the NTA to indicate that Petitioner's case would be handled by the immigration court at 26 Federal Plaza, New York, New York.
12. The immigration court scheduled a hearing for November 19, 2020, by sending a notice to Petitioner's Rhinebeck address; however, this hearing was later canceled due to a court closure or postponement.
13. The hearing was rescheduled for February 17, 2021; however, this hearing was canceled due to a court closure or postponement.
14. The hearing was again rescheduled to October 21, 2022; however, this hearing was canceled as the immigration judge was ill. Notice was mailed to all parties that the hearing had been further rescheduled to March 17, 2023, and the matter would be heard going forward at the immigration court at 290 Broadway, New York, New York.
15. The March 17, 2023, hearing was not held as the immigration judge was ill and did not attend.
16. On July 25, 2023, a notice was sent to Petitioner indicating that his hearing date had again been rescheduled to August 4, 2023.
17. All of the hearing notices regarding these adjournments were mailed to Petitioner's address in Rhinebeck.

18. Petitioner did not appear for the August 4 hearing. The immigration judge re-noticed the hearing to November 3, 2023. A notice was mailed to Petitioner's Rhinebeck address.
19. Petitioner again failed to appear at the hearing on November 3, 2023. The court proceeded without him and ordered him removed in absentia. A copy of the removal order was mailed to Petitioner's address.
20. Petitioner has alleged in his appeal of the in absentia order (discussed below) that he attempted to attend certain prior hearings, indicating that he was receiving mail from the immigration court at the Rhinebeck address.
21. On July 18, 2025, ICE agents encountered Petitioner during an operation to arrest another alien who had been ordered removed from the United States, which took place at the same Rhinebeck address where Petitioner resided. During the encounter the agents determined that Petitioner had no legal status to be in the United States, and he was arrested pursuant to 8 C.F.R. 287.8(C)(2)(iii).
22. The ICE agents transported Petitioner to the ICE office in Newburgh, New York, for further processing. He was provided with a meal and water, the opportunity to make a phone call, a list of free legal service providers, a warrant of Removal/Deportation (ICE Form I-205), an ICE Detainee Handbook, and the ICE Online Detainee Locator System form. During his processing, Petitioner stated that he did not fear harm or persecution if he were to be returned to Honduras. Later in the same day ICE transported Petitioner to its temporary hold room at 26 Federal Plaza.
23. On July 20, 2025, Petitioner was briefly transferred to the Nassau County Correctional Center in East Meadow, New York, before being returned to the 26 Federal Plaza Hold Room in anticipation of being transported to Louisiana for staging for removal.

24. On July 21, 2025, after ICE received a federal court order restraining its ability to transfer Petitioner outside of the Southern District of New York, ICE cancelled its previous transfer plans and arranged for Petitioner to be detained at the Orange County Jail in Goshen, New York, pending removal. The court order prohibiting Petitioner's transfer outside the District expired at 11:59pm on August 1, 2025.
25. On July 29, 2025, Petitioner filed a Motion to Reopen his removal proceeding with the Immigration Judge, arguing that he had not received notice of the removal hearing.
26. On August 1, 2025, the Immigration Judge denied Petitioner's Motion to Reopen.
27. On August 4, 2025, Petitioner filed an appeal of the Immigration Judge's denial of his Motion to Reopen with the Board of Immigration Appeals ("BIA").
28. On August 6, 2025, Petitioner filed an emergency motion for a Stay of Removal with the BIA.
29. Although the BIA issued an order dated August 14, 2025, denying Petitioner's motion for a Stay of Removal, it issued another order the next day, on August 15, 2025, granting Petitioner a Stay of Removal while it considered his appeal from the Immigration Judge's denial of his Motion to Reopen his removal proceeding.
30. On August 14, 2025, ICE transferred Petitioner temporarily to its processing space at 26 Federal Plaza, and from there to the Delaney Hall Detention Facility, in Newark, New Jersey. The next day, on August 15, 2025, ICE transferred Petitioner to the Central Louisiana ICE Processing Center in Jena, Louisiana. Thereafter, on August 22, 2025, ICE transferred Petitioner to the Alexandria Staging Facility in Alexandria, Louisiana, and on August 24, 2025, transported him back to the Orange County Jail, where he has remained ever since.

31. On September 3, 2025, Petitioner's counsel submitted a request to ICE seeking Petitioner's release from detention while his appeal is pending at the BIA, which attached various documents and affidavits.
32. On September 9, 2025, ICE personally served notice to Petitioner that it would conduct a 90-day Post Order Custody Review on or about October 16, 2025. The notice informed Petitioner that the agency would consider whether to maintain him in custody, and invited him to submit information or materials to demonstrate that he would not pose a danger to the community or present a flight risk if released. The notice indicated that an attorney could make this submission on his behalf. An ICE officer personally served the notice on Petitioner at the Orange County Jail by hand and applied Petitioner's fingerprint to the notice form as proof of the service.
33. ICE did not mail a copy of the above notice to Petitioner's counsel, as no attorney had filed an ICE Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative, with ICE for Petitioner. Even though Petitioner's counsel had previously corresponded with ICE regarding Petitioner's detention, the counsel never filed an ICE Form G-28 with ICE for Petitioner.
34. On October 2, 2025, DHS filed an Emergency Motion to Expedite with the BIA seeking expedited consideration of Petitioner's appeal. As of the date of this declaration, the BIA has not yet ruled on this motion nor the underlying appeal. Petitioner's counsel submitted their brief on the merits of the appeal to the BIA on August 15, 2025.
35. On October 3, 2025, ICE responded to Petitioner's counsel regarding his September 3 request for release, and indicated that considering Petitioner's file, immigration history, and the material provided by his counsel, the agency declined to release Petitioner.

36. On October 14, 2025, ICE conducted a Post Order Custody Review of Petitioner's custody status based on an individualized review of his immigration history and related documents and information. ICE did not receive any submission from Petitioner or his counsel in connection with this review, despite the prior notice that was given to Petitioner.² ICE concluded that Petitioner had not demonstrated he would not pose a danger to the community or to the safety of other persons if he were released. Thus, ICE did not release Petitioner.
37. Petitioner has a valid travel document for return to Honduras. Once any legal impediment to removal is lifted, ICE intends on moving forward with his removal pursuant to the final removal order issued in November 2023.

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

Executed at Toms River, New Jersey
This 21st day of November, 2025.

**WILLIAM P
JOYCE**

Digitally signed by WILLIAM P JOYCE
DN: cn=WILLIAM P JOYCE, o=U.S.
Government, ou=People,
email=William.P.Joyce@ice.dhs.gov, c=US
Date: 2025-11-21T16:45:40-0500

William Joyce
Deputy Field Office Director
U.S. Immigration and Customs Enforcement
U.S. Department of Homeland Security

² The Post Order Custody Review is separate from other agency reviews, including Petitioner's request for release. ICE thus did not consider the materials that Petitioner's counsel had submitted in connection with the request for release as part of the Post Order Custody Review.