

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

Rivera Esperanza, Oscar Arnoldo

Petitioner,

v.


FRANCIS, *et al.*,

Respondents.

Civil Action No. 25-CV-8727 (RA)

DECLARATION OF DEPORTATION OFFICER
DAMIAN GIRALDO

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

1. I am a Deportation Officer at U.S. Immigration and Customs Enforcement (“ICE”) within the U.S. Department of Homeland Security (“DHS”). I have served in this capacity since September 2023. As a Deportation Officer, I manage the cases of aliens who are in immigration proceedings. Once an alien is ordered removed from the United States, I facilitate the alien’s removal by coordinating with the government of that alien’s country of removal to obtain proper travel documents.
2. I have prepared this declaration in connection with a Petition for a Writ of Habeas Corpus filed by the petitioner, Oscar Arnoldo Rivera Esperanza (“Rivera Esperanza”). Rivera Esperanza has been assigned the following Alien Number:  The following representations are based on my personal knowledge, review of Rivera Esperanza’s administrative file, consultation with my colleagues, and ICE electronic records and databases.
3. Rivera Esperanza is a native and citizen of El Salvador.

4. On December 31, 2023, a Border Patrol Officer with United States Customs and Border Protection (“CBP”) encountered Rivera Esperanza at or near El Paso, Texas. It was determined that Rivera Esperanza unlawfully entered the United States from Mexico and was not inspected by an Immigration Office. Rivera Esperanza admitted that he was a native and citizen of El Salvador. Rivera Esperanza was arrested and transported to a nearby Border Patrol facility for processing.
5. On January 2, 2024, CBP served Rivera Esperanza a Notice to Appear (“NTA”), charging him as inadmissible pursuant to Immigration and Nationality Act (“INA”) § 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 State at a time or place other than as designated by the Attorney General. The NTA directed Rivera Esperanza to appear for a hearing before an Immigration Judge on June 27, 2024, at Varick Street Immigration Court, New York, New York.
6. Also on January 2, 2024, after serving Rivera Esperanza with the NTA, CBP released Rivera Esperanza on his own recognizance and issued him a Form I-220A (Order of Release on Recognizance).
7. On February 4, 2024, ICE filed the NTA with the Executive Office for Immigration Review, thereby commencing removal proceedings against Rivera Esperanza.
8. On February 4, 2024, Rivera Esperanza reported to ICE via email and confirmed his address and phone number.
9. On May 24, 2024, an attorney of Rivera Esperanza filed an EOIR-28, Notice of Entry of Appearance as an Attorney or Representative before the Immigration Court.

10. On June 24, 2024, the Immigration Judge canceled June 27, 2024, hearing and issued a Scheduling Order which set a timeline for the case for pleadings and motions.
11. On July 9, 2024, Rivera Esperanza filed an application for relief with the immigration court.
12. On September 10, 2025, Rivera Esperanza reported to ICE via email and confirmed his address and phone number.
13. On October 6, 2025, Rivera Esperanza appeared with counsel before the Immigration Judge for a master calendar hearing, and the Immigration Judge scheduled an Individual Merits hearing on Rivera Esperanza's application for relief for October 4, 2027.
14. On October 21, 2025, Rivera Esperanza reported to ICE in person at 26 Federal Plaza, New York, New York. After review of Rivera Esperanza's case, ICE took Rivera Esperanza into custody and canceled Rivera Esperanza's Order of Release on Recognizance (Form I-220A). The Supervisory Detention and Deportation Officer incorrectly checked the box on Form I-220A noting that Rivera Esperanza failed to comply with the conditions of his release.
15. During processing, ICE served Rivera Esperanza with an I-200 Warrant for Arrest of Alien, and issued him a Form I-286, Notice of Custody Determination. Rivera Esperanza is detained pursuant to INA § 235(b)(2)(A), 8 U.S.C. § 1225(b)(2)(A).
16. On October 21, 2025, long term bedspace was secured for Rivera Esperanza at Delaney Hall Detention Facility in Newark, New Jersey. On that same date, ICE transported Rivera Esperanza from ICE's temporary hold room at 26 Federal Plaza to Delaney Hall.
17. Legal representatives of detainees at Delaney Hall are authorized to visit their clients in person during the following hours: Monday to Saturday, 8:00 a.m. to 7:00 p.m. and Sunday

8:00 a.m. to 12:00 p.m. Additionally, Delaney Hall allows in-person visits as well as internet video visits for social workers, family and friends.

18. As of the date of this declaration, Rivera Esperanza remains detained at Delaney Hall pursuant to INA § 235(b)(2)(A), 8 U.S.C. § 1225(b)(2)(A).

I hereby declare under penalty of perjury that the above statements are true and correct.

Executed at New York, New York

This 29th day of October 2025.

A handwritten signature in black ink, appearing to read "Damian Giraldo", is written over a horizontal line.

Damian Giraldo
Deportation Officer
U.S. Immigration and Customs Enforcement
U.S. Department of Homeland Security