

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

E.J.C.C., a minor, by and through his next friend
and attorney, Beth Baltimore,

Petitioner,

v.

William Joyce, *et al.*,


Respondents.

Case No. 25 Civ. 8805 (CS)

**DECLARATION OF
DEPORTATION OFFICER
CINDY KIM**

Pursuant to 28 U.S.C. § 1746, I, Cindy Kim, 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 March 14, 2008. 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, E.J.C.C. (“Petitioner”). Petitioner has been assigned the following Alien Number:  The following representations are based on my review of Petitioner’s administrative file, consultation with my colleagues, and ICE electronic records and databases.

3. Petitioner is a native and citizen of Ecuador.

4. Petitioner is currently in the custody of the Office of Refugee Resettlement (“ORR”) at Catholic Guardian Services Crotona in the Bronx, New York, pursuant to the

Homeland Security Act of 2002 (“HSA”), 6 U.S.C. § 279, *see also* Trafficking Victims Protection Reauthorization Act of 2008 (“TVPRA”), 8 U.S.C. § 1232(c)(2).

5. On or about December 4, 2022, the United States Customs and Border Protection (“CBP”) encountered 13-year-old Petitioner and his mother at or near the Rio Grande Valley, Texas. During the encounter, Petitioner admitted that he entered the United States from Mexico and was not then inspected by an immigration officer. Upon determining that Petitioner had unlawfully entered at a time and place other than as designated by the Secretary of DHS, CBP took Petitioner into custody and transported him to a processing facility.

6. On December 5, 2022, due to a lack of detention capacity, DHS exercised its discretion and temporarily paroled Petitioner into the United States from December 5, 2022 to February 2, 2023, under the humanitarian parole provision of Immigration and Nationality Act (“INA”) § 212(d)(5), 8 U.S.C. § 1182(d)(5). Petitioner’s Form I-94 includes a parole stamp with the February 2, 2023, expiration date which indicated Petitioner was not admitted or paroled after inspection by an immigration officer. The Departure Record, Form I-94, is attached as **Return Exhibit 1**. As a condition of his temporary parole, Petitioner was instructed to report to his final destination within 60 days or face removal from the United States. The Alien Booking Record Form, Form I-385, is attached as **Return Exhibit 2**.

7. On December 6, 2022, DHS found Petitioner’s mother eligible for enrollment into the Alternative to Detention (“ATD”) program at the Laredo, Texas site. Petitioner’s mother was enrolled in weekly biometric reporting, using a contractor’s phone, also known as the “BI phone”.

8. On February 3, 2023, Petitioner’s mother reported to 26 Federal Plaza as directed, returned the BI phone, and was terminated from the ATD program.

9. On February 3, 2023, upon the expiration of the time for which parole was authorized, Petitioner's grant of parole terminated automatically. *See* 8 C.F.R. § 212.5(e)(1).

10. On or about April 27, 2023, Petitioner was enrolled in a Field Office Appointment Scheduler ("FOAS") system. The FOAS scheduled him to report to 26 Federal Plaza on July 20, 2023.

11. On July 20, 2023, Petitioner reported to 26 Federal Plaza on his scheduled FOAS date and was encountered by ICE and taken into custody pursuant to INA § 236, 8 U.S.C. § 1226. ICE served Petitioner with a Form I-200, Warrant for Arrest of Alien, attached as **Return Exhibit 3**, as well as a Form I-286, Notice of Custody Determination on July 20, 2023, attached as **Return Exhibit 4**.

12. On July 20, 2023, Petitioner was released on an Order of Release on Recognizance. The Order of Release on Recognizance, Form I-220A, is attached as **Return Exhibit 5**.

13. On July 20, 2023, ICE personally served Petitioner with a Notice to Appear ("NTA"), charging him with removability pursuant to INA § 212(a)(6)(A)(i), 8 U.S.C. § 1182(a)(6)(A)(i), as a noncitizen present in the U.S. 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. That NTA was subsequently served on the Executive Office for Immigration Review, thereby commencing removal proceedings against Petitioner. The NTA is attached as **Return Exhibit 6**.

14. At a master calendar hearing held on September 11, 2023, Petitioner, appeared *pro se* and was given advisals through a Spanish interpreter and was provided with a list of *pro bono*/low-cost attorneys and a Catholic Charities Helpdesk calendar. The Immigration Court granted Petitioner's request for an adjournment to November 8, 2023, for time to obtain counsel.

15. On November 3, 2023, Petitioner filed with the Immigration Court a defensive application for relief (“relief application”).

16. At the next master calendar hearing held on November 8, 2023, Petitioner, through counsel Kyle Mitchell, conceded proper service of the NTA, admitted the factual allegations contained in the NTA, and conceded the charges of removability. Removability was therefore established by clear and convincing evidence based on Petitioner’s admissions and concessions. The Immigration Judge designated Ecuador as Petitioner’s country of removal. The Immigration Judge set the case for a merits hearing on February 28, 2024, on Petitioner’s relief application.

17. On February 28, 2024, Petitioner appeared in Immigration Court with counsel for his merits hearing. At the hearing, the Immigration Judge granted counsel’s motion to withdraw as attorney. The Immigration Judge also deemed Petitioner’s relief application abandoned because his mother—the lead applicant—failed to comply with biometrics requirements. As a result, the Immigration Judge ordered Petitioner removed. The Immigration Judge’s Order dated February 28, 2024, is attached as **Return Exhibit 7**. At the merits hearing, Petitioner reserved appeal, which was due by March 29, 2024. However, Petitioner did not timely appeal the Immigration Court’s Order of Removal, and the removal order became final upon the expiration of the time to appeal.

18. On December 23, 2024, Petitioner filed Form I-360, a Special Immigrant-Juvenile application (“SIJ application”) with U.S. Citizenship & Immigration Services (“USCIS”).

19. On April 15, 2025, USCIS approved Petitioner’s SIJ application, without a grant of deferred action.¹ The approved Form I-360, Petition for Amerasian, Widower, or Special Immigrant, is attached as **Return Exhibit 8**.

¹ Deferred action is a discretionary determination to defer removal of an individual as an act of prosecutorial discretion.

20. The 2025 Visa Bulletin indicates that SIJ applications filed on or before July 1, 2020 are current, meaning that is the timeframe where immediate action in the application process can be taken.

21. On August 18, 2025, Petitioner reported to ICE for a check-in at 26 Federal Plaza in New York City. On September 27, 2025, Petitioner's mother self-deported.

22. Under 6 U.S.C. § 279(g)(2), an Unaccompanied Alien Child ("UAC") is defined as someone under 18, lacking lawful immigration status, and without a parent or legal guardian in the U.S. to provide care. Petitioner is a UAC.

23. On October 23, 2025, Petitioner first reported to 26 Federal Plaza but because he was now a UAC, ICE instructed him to report to the ICE sub-office at Varick Street, New York, New York, for a check-in with his lawyer Beth Baltimore, NYC Comptroller Brad Lander, and five additional individuals seeking to terminate the reporting requirements of the Order of Release on Recognizance on the grounds that he has an approved SIJ application.

24. On October 23, 2025, ICE took Petitioner into custody due to his final order of removal pursuant to INA § 241, 8 U.S.C. § 1231(a)(6). On the same day or soon thereafter, after ICE retrieved Petitioner's physical A-File, ICE canceled the Order of Release of Recognizance, attached as **Return Exhibit 5**, and prepared Form I-205, Warrant of Removal/Deportation, attached **Return Exhibit 9**, and prepared Velesaca Form, Initial Custody Determination, attached as **Return Exhibit 10**; and served Petitioner with Form I-229(a), Warning for Failure to Depart, attached as **Return Exhibit 11**.

25. On October 23, 2025, ICE transferred custody of Petitioner to ORR pursuant to the HSA and the TVPRA.

26. On October 24, 2025, Petitioner's attorney Beth Baltimore served ICE with a Request for Stay of Removal, along with Form I-246, Application for a Stay of Deportation or Removal. ICE has not responded to this request due to the instant habeas petition's filing.

27. On October 24, 2025, Petitioner filed the habeas petition in this matter.

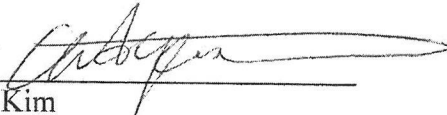
28. ICE is in possession of Petitioner's passport with an expiration date of October 25, 2032.

29. ICE is prepared to effectuate the existing removal order upon lifting of this Court's order temporarily enjoining removal during the pendency of this habeas proceeding. To do so, ICE will prepare Petitioner for removal with ICE Air Charter. The process will take less than 1 week and will involve transferring Petitioner out of ORR custody and to a local hotel in Louisiana for staging prior to removal.

30. ICE routinely effectuates removals to Ecuador, Ecuador accepts repatriation of its nationals, and ICE is unaware of any impediments to effectuating Petitioner's removal to Ecuador, other than this Court's order temporarily enjoining removal during the pendency of this habeas proceeding.

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

Executed at New York, New York
This 6th day of November 2025


Cindy Kim
Deportation Officer
U.S. Immigration and Customs Enforcement
U.S. Department of Homeland Security