

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS**

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GERARDO REYNA-SALGADO,

*Petitioner,*

v.

Case No. 25-3236-JWL

KRISTI NOEM, *Secretary, U.S. Department of  
Homeland Security;*

PETE R. FLORES, *Commissioner,  
U.S. Customs and Border Protection,*

RICARDO WONG, *Field Office Director,  
U.S. Immigration and Customs Enforcement;*

and

CRYSTAL CARTER, *Warden,  
Leavenworth Federal Correctional Institution,*

*Respondents.*

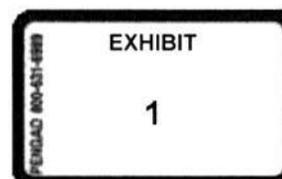
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**DECLARATION OF DEPORTATION OFFICER  
EMILIA SKIERKOWSKA**

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Pursuant to the provisions of 28 U.S.C. § 1746, I, Emilia Skierkowska, Deportation Officer (“DO”) for Enforcement and Removal Operations (“ERO”), Immigration and Customs Enforcement (“ICE”), of the Department of Homeland Security (“DHS”), hereby declare under penalty of perjury that the following statements are true and correct to the best of my knowledge, information, and belief:

1. I am competent in all respects to testify as to the matter contained in this declaration, and I make this declaration in my official capacity. The statements contained in this declaration are based upon my personal knowledge of the immigration case regarding Gerardo Reyna-Salgado (“Petitioner”); my review of available electronic databases and records kept by ICE in the ordinary



course of business; and information provided to me by employees at the detention facility where he was held, as well as other ICE employees in the course of my official duties.

2. I make this declaration in support of the Respondents' initial response to the Petition for Writ of Habeas Corpus filed by Petitioner, and to place before the Court information relevant to this matter.

3. I have been a Deportation Officer with ERO Chicago since 2019. Previously, I briefly served as an Enforcement and Removal Assistant with ERO Chicago and have served as an agent with the Transportation and Security Administration from 2016 to 2018.

4. As a Deportation Officer, my duties include: (1) arresting aliens who are removable from the United States; (2) processing aliens who will be removed from the United States or placed into removal proceedings before an immigration judge; (3) monitoring aliens' cases until removal; (4) responding to aliens' requests while in ICE custody; and (5) requesting travel documents and coordinating travel for aliens ordered removed from the United States. My duties may, at times, include other responsibilities related to the apprehension, arrest, and removal of aliens, as needed.

5. Petitioner is a native and citizen of Mexico.

6. Petitioner unlawfully entered the United States on an unknown date and at an unknown location.

7. On November 8, 2024, Petitioner was convicted in the DuPage County, Illinois Circuit Court for domestic battery in violation of 720 ILCS 5/12 3.2(a)(1).

8. On December 2, 2024, Petitioner was placed in removal proceedings through issuance of a Notice to Appear ("NTA"), charging him as inadmissible to the United States pursuant to sections 212(a)(6)(A)(i) and 212(a)(2)(A)(i)(I) of the Immigration and Nationality Act ("INA"), 8 U.S.C. §§ 1182(a)(6)(i) and 1182(a)(2)(A)(i)(I).

9. On or about January 6, 2025, Petitioner filed an application for relief with the Immigration Court.

10. On February 21, 2025, Petitioner was ordered removed from the United States, but the Immigration Judge granted his application for relief. No appeal was taken of the Immigration Judge's decision by either party.

#### **Post Removal Order**

11. Pursuant to 8 C.F.R. § 1241.1(a), an order of removal made by the Immigration Judge at the conclusion of proceedings shall become final upon dismissal of an appeal by the BIA.

12. Since no appeal was filed with the BIA, the Immigration Judge's order is a final administrative order pursuant to 8 C.F.R. § 1241.1.

13. Pursuant to 8 U.S.C. § 1231(a)(1)(A), an alien who has been ordered removed, shall be removed from the United States within 90 days. At or near 90 days post removal order, if an alien has not been removed, ERO conducts a File Custody Review, also known as a Post-Order Custody Review ("POCR"), to determine the necessity of continued custody. When conducting a 90-day POCR, some factors that are considered are the following: a detained individual's flight risk, any danger the individual may pose to his or her community, threat to national security, and whether there is significant likelihood of removal in the reasonably foreseeable future ("SLRRFF"). Based on this information, a recommendation will be made to management as to whether the individual should remain in custody. Those managers, including the Supervisory Deportation and Detention Officer, Assistant Field Office Director, Deputy Field Office Director and the Field Office Director, will either concur in the assessment to continue detention or request release of the alien.

14. In cases where an alien has been detained pursuant to a final order for 180 days, a Transfer Checklist will be completed with information related to follow-up actions taken to obtain a travel document after the initial 90-day POOCR and every 90 days thereafter. The Transfer Checklist contains information, such as the alien's biographical information, whether there is a judicial stay in effect, whether there is a habeas petition pending at the time of review, whether the particular case is a national security case, whether the alien has medical or psychological issues, and whether and how often an Embassy person has been contacted for the status of a travel document. This checklist is then transferred to the ICE/ERO Headquarters POOCR Unit, which makes the ultimate decision on the individual's continued detention beyond the 180 days, or every 90 days thereafter, based on the SLRRFF.

15. Since the Immigration Judge's order, DHS has attempted to remove Petitioner to three alternative countries with no success.

16. On or about April 1, 2025, ERO issued a Notice to Alien of File Custody Review. During the File Custody Review, an alien can submit any evidence that would support their argument for release from ICE custody. ERO provides aliens with notice of the File Custody Review, so they are aware of the process for review and have sufficient time to obtain any documentation they wish to submit.

17. As of today's date, a decision on continuing with detention has not been made.

18. On July 31, 2025 and November 18, 2025, ERO reached out to ICE's Removal and International Operations ("RIO") headquarters to inquire about other potential countries to which Petitioner could be removed.

19. On or about November 19, 2025, Petitioner was served with a notice of a 180-day custody interview, to be held on December 2, 2025.

20. ICE will continue its efforts to identify alternative countries to which Petitioner can be removed.

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

Executed on: 11/25/2025  
(date)

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SKIERKOWSKA  
Digitally signed by EMILIA  
SKIERKOWSKA  
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Emilia Skierkowska  
Deportation Officer