

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA  
Civil No.

Borbor Mera, Bernardo

Petitioner,

v.

Merrick G. Garland  
U.S. Attorney General, et al.,

Respondents.

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)  
) **DECLARATION OF**  
) **JAMES L. VAN DER VAART**  
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James L. Van Der Vaart, Deportation Officer, United States Immigration and Customs Enforcement (“ICE”), Department of Homeland Security, for his declaration under 28 U. S. C. § 1746 hereby states as follows:

1. The following declaration is based on a review of the Plaintiff’s alien file and statements.

2. I am and have been employed with Immigration and Customs Enforcement (ICE) since April 1, 2007. I began my career as an Immigration Enforcement Agent. On September 20, 2015, I was promoted to Deportation Officer.

3. As a Deportation Officer, my assigned duties are to identify, locate, and arrest aliens illegally present in the United States. Additionally, I am charged with the responsibility of overseeing the cases of aliens in removal proceedings. These duties include the review of alien files for sufficiency, the detention and release of aliens in ICE custody, monitoring the progress of cases through the hearing process, and enforcement of the immigration court's decision, including the execution of removal orders. I am also responsible for presenting criminal immigration cases to the United States Attorney's Office for possible criminal prosecution.

4. On January 1, 2025, United States Border Patrol (USBP) encountered BORBOR-Mera, Bernardo at the Brownsville, Texas Port of Entry (POE). BORBOR arrived without documents sufficient for lawful entry into the United States. USBP issued alien registration number [REDACTED] and served BORBOR with a warrant of arrest and a notice to appear (WA/NTA) charging him as an immigrant not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document under INA 212(a)(7)(A)(i)(I). BORBOR was then paroled into the U.S. with a future court date.

5. On April 11, 2025, BORBOR's parole was revoked.

6. In June 2025, BORBOR filed an application for asylum.

7. On October 7, 2025, an immigration judge at Fort Snelling, MN, dismissed the removal proceedings in BORBOR's immigration case.

8. On October 7, 2025, Immigration and Customs Enforcement (ICE)

Enforcement and Removal Operations (ERO) officers arrested Borbor as he was leaving the immigration court at Fort Snelling, MN. ERO officers served BORBOR with an Expedited Removal order (ER). BORBOR expressed a fear of return to his country of origin.

9. On October 10, 2025, ERO officers served a new NTA on BORBOR and filed the served NTA on the Executive Office for Immigration Review (EOIR), re-initiating proceedings under INA 240 (8 U.S.C. § 1229a).

10. On October 20, 2025, ICE served a form I-261 on BORBOR with the additional grounds of removability that he is present in the United States without being admitted or paroled, or arrived in the United States at a time or place other than as designated by the Attorney General under INA § 212(a)(6)(A)(i).

11. On November 14, 2025, ICE issued a new form I-261 in lieu of the October 20, 2025 document, clarifying that the charges against BORBOR are under INA 212(a)(7)(A)(i)(I) as an immigrant who, at the time of application for admission, is not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document required by the Act, and a valid unexpired passport, or other suitable travel document, or document of identity and nationality as required under the regulations issued by the Attorney General under section 211(a) of the Act. A true and accurate copy of the November 14, 2025, I-261 is attached hereto as Exhibit A.

12. BORBOR is currently in ICE custody and attending removal proceedings at EOIR. He has his next hearing on January 9, 2026.

13. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

14. Further your affiant sayeth not.

Dated: November 20, 2025

**JAMES L VAN  
DER VAART**

Digitally signed by JAMES L VAN  
DER VAART  
Date: 2025.11.20 06:42:02 -06'00'

James L. Van Der Vaart, Deportation Officer  
U.S. Immigration and Customs Enforcement