UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ERIKA NOEMY ALCANTARA DE ERAZO, ET AL., *Petitioner,* v. DONALD TRUMP, ET AL., *Respondents.*	Civil Action No. 25-cv-10098 (ALC) DECLARATION OF SUPERVISORY DETENTION AND DEPORTATION OFFICER CHRISTOPHER FINNIE

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

1. I am a Supervisory Detention and Deportation Officer ("SDDO") at U.S. Immigration and Customs Enforcement ("ICE") within the U.S. Department of Homeland Security ("DHS"). I have served in my current capacity as an SDDO since August 08, 2023. As an SDDO, I supervise Deportation Officers managing cases of aliens who are in immigration proceedings.

2. I have prepared this declaration in connection with certain assertions made in the Amended Petition filed by petitioners Erika Noemy Alcantara De Erazo ("Alcantara De Erazo"), and her minor children, in the above-captioned matter. *See* ECF No. 20.

3. Petitioners assert that on June 24, 2024, I purportedly participated in a phone conversation with their attorney Michael Shannon prior to Alcantara De Erazo's scheduled check-in with ICE for the following day. *See* ECF No. 20 ¶ 33. Although I do not have an independent recollection of any conversation between myself and Mr. Shannon on that date, I am confident that the summary of that purported conversation provided in the Amended Petition is not accurate. Specifically, I would never have told an alien's legal representative that "absent any

national security, terrorism, or public safety risks," ICE's New York City Field Office "always let[s] the appeals process play out and in particular wouldn't detain someone with children." ECF No. 20 ¶ 33. That is because no such policy of non-detention for aliens with pending appeals before the BIA exists or has ever existed, whether written or unwritten.

4. Similarly, Petitioners assert that "the ICE New York City Field Office has a policy of not detaining noncitizens with pending appeals, in particular adults with children, absent any national security, terrorism, or public safety risks." ECF No. 20 ¶ 110. This is incorrect. ICE has never had such a policy, official or otherwise, with respect to detention of aliens with final orders of removal and pending appeals before the BIA. In the case of an alien with a pending appeal before the BIA of an order of removal, such an alien does not yet have an administratively final removal order. However, that is not the case here, where Petitioners are appealing the denial of a motion to reopen, not their order of removal. In addition, ICE has a policy of releasing aliens from detention pending appeal before the BIA, where the alien has been granted asylum or other protection relief, and ICE has entered an appeal of that decision with the BIA. *See* ICE Directive 16004.1, *available at* https://www.ice.gov/doclib/foia/policy/memoDetPolicyAsylumICE_Appealed_02.20.2004.pdf. However, that is also not the case here, where Petitioners were not granted relief from removal and they are appealing the denial of a motion to reopen.

5. ICE's policy concerning discretionary detention decisions is clearly outlined on its website: "When an alien is not subject to mandatory detention or is not deemed to be a public safety or flight risk, ICE exercises its discretion in making custody determinations to release aliens with conditions. These custody decisions are made on a case-by-case basis and after considering the totality of circumstances — primarily considering risk of flight, national security

threat and risk to public safety. ICE also takes other factors into consideration — including when an alien has a serious medical condition, is the primary caregiver of minor children, or other humanitarian considerations." *Detention Policies*, https://www.ice.gov/detain/detention-management. This is the exact same policy that was in place since prior to June 2024, except the term "noncitizen" was used instead of the term "alien."

Executed at New York, New York
This 22nd day of December 2025.

CHRISTOPHER C FINNIE Digitally signed by CHRISTOPHER C FINNIE Date: 2025.12.22 12:47:10 -05'00'

Christopher Finnie
Supervisory Detention and Deportation Officer
U.S. Immigration and Customs Enforcement
U.S. Department of Homeland Security