

I, Kevin P Boyle, counsel of record for Roberto Mandique in immigration court, declare under penalty of perjury as follows:

1. I was retained as counsel of record for Petitioner Roberto Mandique on May 17, 2022, who is in the physical custody of Respondents at the Dodge County Jail in Juneau, Wisconsin.

2. After being retained by Mr. Mandique, I obtained documents that were in the possession of Mr. Mandique relating to his release from custody in October 2021. These documents were consistent with a claim that he was released under his own recognizance pending a Notice to Appear, in anticipation of an asylum claim.

3. Among the documents I received from Mr. Mandique was a control sheet for Roberto J Mandique-Mejias, a true and correct copy of which is attached hereto as Exhibit 1.

4. Also among the documents I received from the petitioner was a document entitled "ORDER OF RELEASE ON RECOGNIZANCE [Form I-220A]" which indicates that the respondent was arrested and placed in removal proceedings. The document also indicates the release is in accordance with section 236 of the Immigration and Nationality Act. The supervisory DDO officer appears to have signed the fourth page of this form. A true and correct copy of which is attached hereto as Exhibit 2.

5. Also among the documents I received from the petitioner was a document entitled "NOTICE OF CUSTODY DETERMINATION [Form I-286]" which is a declaration from an authorized officer stating that "Pursuant to the authority contained in section 236 of the

Immigration and Nationality Act and part 236 of title 8, Code of Federal Regulations, I have determined that pending a final administrative determination in your case, you will be:" and released under your own recognizance is checked. A true and correct copy of which is attached hereto as Exhibit 3.

6. Also among the documents I received from the petitioner was a document entitled "NOTICE OF CUSTODY DETERMINATION (CONTINUATION) [Form 1-831]" which is a determination of a medical reason for release from custody. A true and correct copy of which is attached hereto as Exhibit 4.

7. After we applied for asylum on behalf of the petitioner, we waited several years for an appointment where we could prove the petitioner's eligibility for this benefit. The case was dismissed in June 2025 based on the alleged existence of an Order of Expedited Removal that was not provided in this correspondence. A true and correct copy of which is attached hereto as Exhibit 5.

8. The Petitioner applied for asylum again, we complained that there was no evidence of the Order for Expedited Removal and the case was accepted. The new asylum case was dismissed on October 31, 2025 based on identical reasoning to the first dismissal, again with no proof of an Order for Expedited Removal. A true and correct copy of which is attached hereto as Exhibit 6.

9. On November 04, 2025, I received from the respondent documents that the petitioner had received from ICE - Enforcement & Removal Operations pursuant to his re-arrest the day prior. One document was a "Warrant for Arrest of Alien [Form 1-200]." This document states in part that "Any Immigration Officer authorized pursuant to sections 236 and 287 of the Immigration

and Nationality Act ... " A true and correct copy of which is attached hereto as Exhibit 7.

10. On November 04, 2025, I received from the respondent a document entitled "Notice to EOIR: Alien Address." This document gives notice to the Department of Justice that the respondent was detained. A true and correct copy of which is attached hereto as Exhibit 8.

11. On November 17, 2025, the respondent was granted a Bond Hearing with the Department of Justice. The attorney representing the Department of Homeland Security -Office of the Principal Legal Advisor provided a computer printout of the Form 1-213, entitled "ENCOUNTER DETAILS." The document states 'Final Order of Removal: No' under a document header that states 'Expedited Removal with Credible Fear.' The document does not contain a copy of the 1-860 Order for Expedited Removal, but it is a computer summary printout. A true and correct copy of which is attached hereto as Exhibit 9.

12. On November 17, 2025, the respondent was granted a Bond Determination by the Immigration Judge. The amount that the Immigration Judge granted was \$7,500.00, which is payable with the ICE-Enforcement of Removal Office. A true and correct copy of this order is attached hereto as Exhibit 10.

13. To complete due diligence, this attorney attempted to pay the bond with this office on November 18, 2025, and he was rejected because a notice of appeal was filed by the Office of Principal Legal Advisor for OHS. The rejection was summarized on the ICE CeBonds site. A true and correct copy of this order is attached hereto as Exhibit 11.

14. On November 25, 2025, this attorney intended to request the petitioner's release directly from the District Office of ICE - Enforcement and Removal Operations in Chicago, IL. This attorney was informed that the petitioner was indeed being held under the category of 'Order for Expedited Removal -Credible Fear.' I was informed that the petitioner would not be immediately removed, but that he would be given a credible fear interview in an unknown time. I was not given a copy of an Order for Expedited Removal, and I was informed that the Chicago ICE -Enforcement and Removal Office did not have a copy of the Order for Expedited Removal in their possession on that date and that the file had been requested from USCIS. The "Application for a Stay of Deportation or Removal [Form I-246]" was returned to this attorney as moot. A true and correct copy of this document is attached hereto as Exhibit 12.

15. On December 12, 2025, the petitioner received a credible fear hearing, when he was interviewed while in detention about his fear of return to Venezuela, his country of nationality. There has been no agency decision regarding the credible fear interview at the time of this filing, and we do not believe the petitioner is legally required to have a credible fear interview because there has been no complete Order of Expedited Removal provided to him. We inquired with the agency employee conducting the credible fear interview, who stated that a form I-860 existed in the respondent's file, but that it was missing signatures, specifically mentioning the missing signature for service upon the petitioner. The interview was by phone, and we were unable to see the copy of the form I-860.

16. I was in communication with the petitioner on December 27, 2025, in regards to a document that the petitioner told me he received that day, and he had trouble reading it in English.

17. On January 02, 2026, I was able to review the document that the respondent received in the mail, and it appeared to be a Form I-862 Notice to Appear. This is the document the petitioner received that begins removal proceedings described in 8 USC Sec §1229. A true and correct copy of this document is attached hereto as Exhibit 13.

18. Also on January 02, 2026, I attended video court for the petitioner with EOIR - Immigration Court. The petitioner was accepted into regular removal proceedings under 8 USC Sec §1229a, but he does not have a subsequent court date set as of the date of this document.

I declare under penalty of perjury that all statements above are true and correct to the best of my knowledge.

Signed this 05th day of January, 2026.



Atty Kevin P Boyle
SBN 1077569

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CERTIFICATE OF SERVICE

I hereby certify that on January 05, 2026, I electronically filed the foregoing Updated Declaration for Writ of Habeas Corpus with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to those attorneys of record registered on the CM/ECF system. All other parties shall be served in accordance with the Federal Rules of Civil Procedure.



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