

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Civil No. 26-cv-52

Ismael Guevara Hernandez

Petitioner,

v.

Pamela Bondi, Attorney General,
Kristi Noem, Secretary, U.S.
Department of Homeland Security,
Todd M. Lyons, Acting Director of
Immigration and Customs
Enforcement,
David Easterwood, Acting Director, St.
Paul Field Office Immigration and
Customs Enforcement, and
Joel Brott, Sheriff of Sherburne
County.

Respondents.

**DECLARATION OF
JAMES L. VAN DER VAART**


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 alien file and statements of Ismael Guevara Hernandez (Guevara).

2. I am and have been employed with 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 March 28, 2023, U.S. Border Patrol (USBP) encountered Guevara illegally entering the United States and removed him to Mexico as identified in the Form I-213, Record of Deportable/Inadmissible Alien. A true and correct copy of the Form I-213 is attached to this Declaration as Exhibit A.

5. On December 26, 2025, ICE officers encountered Guevara during routine enforcement duties. Record checks revealed that Guevara had three outstanding detainers for illegal entry. ICE officers arrested Guevara and determined to detain him pending removal proceedings. ICE assigned Guevara alien registration number 

6. On December 26, 2025, ICE officers served Guevara a Form I-862 Notice to Appear in removal proceedings. Guevara was charged as removable from the United States under Section 212(a)(6)(A)(i) of the Immigration and Nationality Act, as amended, as an alien present in the United States 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 and under Section 212(a)(7)(A)(i)(I) of the Immigration and Nationality Act (Act), as amended,

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 correct copy of the Notice to Appear is attached to this Declaration as Exhibit B.

7. On January 13, 2026, Guevara is scheduled for an Immigration Master Calendar Hearing at Ft. Snelling, MN.

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

9. Further your affiant sayeth not.

**JAMES L VAN
DER VAART**

Digitally signed by JAMES L
VAN DER VAART
Date: 2026.01.07 13:10:06
-06'00'

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

U.S. Department of Homeland Security

Subject ID : 401087162

Record of Deportable/Inadmissible Alien

Family Name (CAPS) GUEVARA-HERNANDEZ, ISMAEL		First	Middle	Sex M	Hair	Eyes	Complexion
Country of Citizenship MEXICO	Passport Number and Country of Issue	File Number		Height	Weight	Occupation UNR	
U.S. Address				Scars and Marks See Narrative			
Date, Place, Time, and Manner of Last Entry Unknown Date Unknown Time, UNK, UU-Unknown Or Not Reported			Passenger Boarded at		F.B.I. Number		
Number, Street, City, Province (State) and Country of Permanent Residence Unknown, Mexico				<input type="checkbox"/> Single <input type="checkbox"/> Divorced <input type="checkbox"/> Married <input type="checkbox"/> Widower <input type="checkbox"/> Separated			
Date of Birth	Age: 33	Date of Action 12/26/2025	Location Code SPM/SPM		Method of Location/Apprehension NCA		
City, Province (State) and Country of Birth VERACRUZ, MEXICO	AR <input checked="" type="checkbox"/>	Form : (Type and No.) Lifted <input type="checkbox"/> Not Lifted <input type="checkbox"/>					
NIV Issuing Post and NIV Number	Social Security Account Name						
Date Visa Issued	Social Security Number						
Immigration Record NEGATIVE				Criminal Record			
Name, Address, and Nationality of Spouse (Maiden Name, if Appropriate)					Number and Nationality of Minor Children 1-UNITED STATES		
Father's Name, Nationality, and Address, if Known NATIONALITY: MEXICO			Mother's Present and Maiden Names, Nationality, and Address, if Known NATIONALITY: MEXICO				
Moneys Due/Property in U.S. Not in Immediate Possession None Claimed	Fingerprinted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Systems Checks See Narrative		Charge Code Words(s) See Narrative			
Name and Address of (Last)(Current) U.S. Employer	Type of Employment Unemployed or Retired	Salary	Employed from/to				
Narrative (Outline particulars under which alien was located/apprehended. Include details not shown above regarding time, place and manner of last entry, attempted entry, or any other entry, and elements which establish administrative and/or criminal violation. Indicate means and route of travel to interior.)							
FIN:		Left Index fingerprint			Right Index fingerprint		
<p>Family Information</p> <p>Father: is a citizen of MEXICO.</p> <p>Mother: is a citizen of MEXICO.</p> <p>Spouse: Subject is not married.</p> <p>Son: is a citizen of UNITED STATES.</p> <p>SCARS MARKS AND TATTOOS</p> <p>None Indicated - None Indicated ... (CONTINUED ON I-831)</p>							
Alien has been advised of communication privileges <u>12/26/2025 SM</u> (Date/Initials)				<p>S D10239 MORA Deportation Officer</p> <p>(Signature and Title of Immigration Officer)</p>			
Distribution:		Received: (Subject and Documents) (Report of Interview)					
AFILE		Officer: S D10239 MORA					
ERO		on: December 26, 2025 (time)					
ADMIN		Disposition: Warrant of Arrest/Notice to Appear					
		Examining Officer: HOLEEN, J 6919					

U.S. Department of Homeland Security

Continuation Page for Form I-213

Alien's Name GUEVARA-HERNANDEZ, ISMAEL	File Number [REDACTED] Event No: [REDACTED]	Date 12/26/2025
Subject Health Status ----- The subject claims good health.		
Current Administrative Charges ----- 12/26/2025 - 212a6Ai - ALIEN PRESENT WITHOUT ADMISSION OR PAROLE - (PWAs)12/26/2025 - 212a7AiI - IMMIGRANT WITHOUT AN IMMIGRANT VISA		
RECORDS CHECKED ----- EARM checked on 12/26/2025 with Positive result.CIS checked on 12/26/2025 with Positive result.NCIC checked on 12/26/2025 with Negative result.TECS checked on 12/26/2025 with Positive result.CLAIM checked on 12/26/2025 with Positive result.IAFIS checked on 12/26/2025 with Positive result.		
Arrested At/Near ----- [REDACTED] Minneapolis MN 55406 USA		
Record of Deportable/Excludable Alien: ----- ALIENAGE AND REMOVABILITY: GUEVARA-Hernandez, Ismael is a citizen of Mexico and native of Mexico. GUEVARA makes no claim to U.S. citizenship or current lawful immigration status.		
METHOD OF APPREHENSION: On December 26, 2025, Immigration and Customs Enforcement Officers ran vehicle records checks on a [REDACTED] with Minnesota license plate [REDACTED] record checks returned to GUEVARA-Hernandez, Ismael additional record checks revealed that GUEVARA had three outstanding detainers for illegal entry. Officers approached the subject and performed a consensual encounter. Officers determined that GUEVARA is illegally in the United States not in possession of any lawfully issued immigration documents that would permit him to enter, reside in, or travel through the United States. Officers detained GUEVARA and transported him to the local ICE facility.		
Immigration history: On or about March 28, 2023, GUEVARA was encountered by US Border Patrol at or near Uvalde, Texas, and was removed to Mexico under Operation Capio. On December 26, 2025, GUEVARA was assigned Alien Number [REDACTED]		
Criminal history: On December 26, 2025, record checks in ICE/ERO database (TECS) revealed negative criminal record for GUEVARA.		
MONEY: When arrested, GUEVARA had four (4) dollars on him. DOCS: Mexican Consulate Card. APPLICATIONS: None pending. SMUGGLED: N/A FAMILY: GUEVARA claims to be single with one minor child. GUEVARA's girlfriend and child are currently living in the US. EQUITIES: Claims None. GANG: None claimed. WELFARE: None claimed.		
Signature S D10239 MORA	Title Deportation Officer	

U.S. Department of Homeland Security

Continuation Page for Form I-213

Alien's Name GUEVARA-HERNANDEZ, ISMAEL	File Number [REDACTED] Event No: [REDACTED]	Date 12/26/2025
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HEALTH AND HUMANITARIAN:
 GUEVARA claims and appears to be in good health. When asked, he stated he is not currently taking any medications.
MILITARY: GUEVARA has no prior U.S. Military Service.
FREE TELEPHONE CALL: GUEVARA was offered a call by DO Mora.
 GUEVARA was provided with a List of Free Legal Service Providers.
 GUEVARA was provided a copy of the National Detainee Handbook.
 GUEVARA was advised of the National Detainee Locator System.

GUEVARA was advised of his right to contact the Mexican Consulate. GUEVARA did not wish to contact the Consulate.

RECOMMENDATION:
 GUEVARA will be processed as a Notice to Appear.

Other Identifying Numbers

 ALIEN-[REDACTED]

Signature S D10239 MORA 	Title Deportation Officer
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DEPARTMENT OF HOMELAND SECURITY
NOTICE TO APPEAR

DOB: 05/14/1992

Event No: [Redacted]

In removal proceedings under section 240 of the Immigration and Nationality Act:

Subject ID: [Redacted]

FINS: [Redacted]

File No: [Redacted]

In the Matter of:

Respondent: ISMAEL GUEVARA-HERNANDEZ currently residing at:

1 Federal Dr Suite 1601 Ft. Snelling, MINNESOTA 55111
(Number, street, city, state and ZIP code)

(612) 409-7799
(Area code and phone number)

- You are an arriving alien.
- You are an alien present in the United States who has not been admitted or paroled.
- You have been admitted to the United States, but are removable for the reasons stated below.

The Department of Homeland Security alleges that you:

1. You are not a citizen or national of the United States;
2. You are a native of MEXICO and a citizen of MEXICO;
3. You entered the United States at or near Unknown Place, on or about Unknown Date;
4. You were not then admitted or paroled after inspection by an Immigration Officer.
5. You are an immigrant not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document required by the Immigration and Nationality Act.

On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law:

See Continuation Page Made a Part Hereof

- This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture.
- Section 235(b)(1) order was vacated pursuant to: 8CFR 208.30 8CFR 235.3(b)(5)(iv)

YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at:

1 FEDERAL DRIVE, SUITE 1850, FORT SNELLING, MINNESOTA 55111. BLOOMINGTON DETAINED SHERBURNE
(Complete Address of Immigration Court, including Room Number, if any)

on January 5, 2027 at 10:00 am to show why you should not be removed from the United States based on the
(Date) (Time)

charge(s) set forth above.

J 6919 HOLLEN - SDDO
(Signature and Title of Issuing Officer)

Date: December 26, 2025

Ft. Snelling, MN
(City and State)



Notice to Respondent

Warning: Any statement you make may be used against you in removal proceedings.

Alien Registration: This copy of the Notice to Appear served upon you is evidence of your alien registration while you are in removal proceedings. You are required to carry it with you at all times.

Representation: If you so choose, you may be represented in this proceeding, at no expense to the Government, by an attorney or other individual authorized and qualified to represent persons before the Executive Office for Immigration Review, pursuant to 8 CFR 1003.16. Unless you so request, no hearing will be scheduled earlier than ten days from the date of this notice, to allow you sufficient time to secure counsel. A list of qualified attorneys and organizations who may be available to represent you at no cost will be provided with this notice.

Conduct of the hearing: At the time of your hearing, you should bring with you any affidavits or other documents that you desire to have considered in connection with your case. If you wish to have the testimony of any witnesses considered, you should arrange to have such witnesses present at the hearing. At your hearing you will be given the opportunity to admit or deny any or all of the allegations in the Notice to Appear, including that you are inadmissible or removable. You will have an opportunity to present evidence on your own behalf, to examine any evidence presented by the Government, to object, on proper legal grounds, to the receipt of evidence and to cross examine any witnesses presented by the Government. At the conclusion of your hearing, you have a right to appeal an adverse decision by the immigration judge. You will be advised by the immigration judge before whom you appear of any relief from removal for which you may appear eligible including the privilege of voluntary departure. You will be given a reasonable opportunity to make any such application to the immigration judge.

One-Year Asylum Application Deadline: If you believe you may be eligible for asylum, you must file a Form I-589, Application for Asylum and for Withholding of Removal. The Form I-589, Instructions, and information on where to file the Form can be found at www.uscis.gov/i-589. Failure to file the Form I-589 within one year of arrival may bar you from eligibility to apply for asylum pursuant to section 208(a)(2)(B) of the Immigration and Nationality Act.

Failure to appear: You are required to provide the Department of Homeland Security (DHS), in writing, with your full mailing address and telephone number. You must notify the Immigration Court and the DHS immediately by using Form EOIR-33 whenever you change your address or telephone number during the course of this proceeding. You will be provided with a copy of this form. Notices of hearing will be mailed to this address. If you do not submit Form EOIR-33 and do not otherwise provide an address at which you may be reached during proceedings, then the Government shall not be required to provide you with written notice of your hearing. If you fail to attend the hearing at the time and place designated on this notice, or any date and time later directed by the Immigration Court, a removal order may be made by the immigration judge in your absence, and you may be arrested and detained by the DHS.

Mandatory Duty to Surrender for Removal: If you become subject to a final order of removal, you must surrender for removal to your local DHS office, listed on the internet at http://www.ice.gov/contact/ero, as directed by the DHS and required by statute and regulation. Immigration regulations at 8 CFR 1241.1 define when the removal order becomes administratively final. If you are granted voluntary departure and fail to depart the United States as required, fail to post a bond in connection with voluntary departure, or fail to comply with any other condition or term in connection with voluntary departure, you must surrender for removal on the next business day thereafter. If you do not surrender for removal as required, you will be ineligible for all forms of discretionary relief for as long as you remain in the United States and for ten years after your departure or removal. This means you will be ineligible for asylum, cancellation of removal, voluntary departure, adjustment of status, change of nonimmigrant status, registry, and related waivers for this period. If you do not surrender for removal as required, you may also be criminally prosecuted under section 243 of the Immigration and Nationality Act.

U.S. Citizenship Claims: If you believe you are a United States citizen, please advise the DHS by calling the ICE Law Enforcement Support Center toll free at (855) 448-6903.

Sensitive locations: To the extent that an enforcement action leading to a removal proceeding was taken against Respondent at a location described in 8 U.S.C. § 1229(e)(1), such action complied with 8 U.S.C. § 1367.

Request for Prompt Hearing

To expedite a determination in my case, I request this Notice to Appear be filed with the Executive Office for Immigration Review as soon as possible. I waive my right to a 10-day period prior to appearing before an immigration judge and request my hearing be scheduled.

Before:

(Signature of Respondent)

Date:

(Signature and Title of Immigration Officer)

Certificate of Service

This Notice To Appear was served on the respondent by me on December 26, 2025, in the following manner and in compliance with section 239(a)(1) of the Act.

- in person by certified mail, returned receipt # requested by regular mail
Attached is a credible fear worksheet.
Attached is a list of organization and attorneys which provide free legal services.

The alien was provided oral notice in the SPANISH language of the time and place of his or her hearing and of the consequences of failure to appear as provided in section 240(b)(7) of the Act.

(Signature of Respondent if Personally Served)

S D10239 MORA - Deportation Officer
(Signature and Title of officer)

Authority:

The Department of Homeland Security through U.S. Immigration and Customs Enforcement (ICE), U.S. Customs and Border Protection (CBP), and U.S. Citizenship and Immigration Services (USCIS) are authorized to collect the information requested on this form pursuant to Sections 103, 237, 239, 240, and 290 of the Immigration and Nationality Act (INA), as amended (8 U.S.C. 1103, 1229, 1229a, and 1360), and the regulations issued pursuant thereto.

Purpose:

You are being asked to sign and date this Notice to Appear (NTA) as an acknowledgement of personal receipt of this notice. This notice, when filed with the U.S. Department of Justice's (DOJ) Executive Office for Immigration Review (EOIR), initiates removal proceedings. The NTA contains information regarding the nature of the proceedings against you, the legal authority under which proceedings are conducted, the acts or conduct alleged against you to be in violation of law, the charges against you, and the statutory provisions alleged to have been violated. The NTA also includes information about the conduct of the removal hearing, your right to representation at no expense to the government, the requirement to inform EOIR of any change in address, the consequences for failing to appear, and that generally, if you wish to apply for asylum, you must do so within one year of your arrival in the United States. If you choose to sign and date the NTA, that information will be used to confirm that you received it, and for recordkeeping.

Routine Uses:

For United States Citizens, Lawful Permanent Residents, or individuals whose records are covered by the Judicial Redress Act of 2015 (5 U.S.C. § 552a note), your information may be disclosed in accordance with the Privacy Act of 1974, 5 U.S.C. § 552a(b), including pursuant to the routine uses published in the following DHS systems of records notices (SORN): DHS/USCIS/ICE/CBP-001 Alien File, Index, and National File Tracking System of Records, DHS/USCIS-007 Benefit Information System, DHS/ICE-011 Criminal Arrest Records and Immigration Enforcement Records (CARIER), and DHS/ICE-003 General Counsel Electronic Management System (GEMS), and DHS/CBP-023 Border Patrol Enforcement Records (BPER). These SORNs can be viewed at <https://www.dhs.gov/system-records-notices-sorn>. When disclosed to the DOJ's EOIR for immigration proceedings, this information that is maintained and used by DOJ is covered by the following DOJ SORN: EOIR-001, Records and Management Information System, or any updated or successor SORN, which can be viewed at <https://www.justice.gov/opcl/doj-systems-records>. Further, your information may be disclosed pursuant to routine uses described in the abovementioned DHS SORNs or DOJ EOIR SORN to federal, state, local, tribal, territorial, and foreign law enforcement agencies for enforcement, investigatory, litigation, or other similar purposes.



For all others, as appropriate under United States law and DHS policy, the information you provide may be shared internally within DHS, as well as with federal, state, local, tribal, territorial, and foreign law enforcement; other government agencies; and other parties for enforcement, investigatory, litigation, or other similar purposes.

Disclosure:

Providing your signature and the date of your signature is voluntary. There are no effects on you for not providing your signature and date; however, removal proceedings may continue notwithstanding the failure or refusal to provide this information.

U.S. Department of Homeland Security

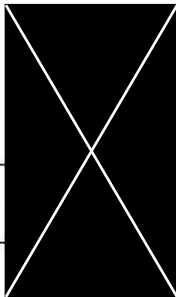
Continuation Page for Form I-862

Alien's Name GUEVARA-HERNANDEZ, ISMAEL	File Number  Event No: 	Date 12/26/2025
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ON THE BASIS OF THE FOREGOING, IT IS CHARGED THAT YOU ARE SUBJECT TO REMOVAL FROM THE UNITED STATES PURSUANT TO THE FOLLOWING PROVISION(S) OF LAW:

 212(a)(6)(A)(i) of the Immigration and Nationality Act, as amended, in that you are an alien present in the United States 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.

212(a)(7)(A)(i)(I) of the Immigration and Nationality Act (Act), as amended, 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.



Signature J 6919 HOLIEN	Title SDDO
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