

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION**

STATE OF FLORIDA,

Plaintiff,

v.

Case No. 3:23-cv-9962-TWK-ZCB

ALEJANDRO MAYORKAS;
et. al,

Defendants.

DEFENDANTS’ APRIL 2024 SUPPLEMENTAL REPORT

In accordance with the Court’s December 20, 2023 Order (ECF No. 65), Defendants submit the attached Declaration of Donna Vassilio-Diaz (“Vassilio-Diaz Decl.”) with attached reporting data. The Court’s most recent order required Defendants’ subsequent reports to focus on the 438 noncitizens who are either “unaccounted for” or have not been issued a Notice to Appear (“NTA”) as of Defendants’ December 2023 supplemental report, in lieu of the information required by prior orders. ECF No. 65. Specifically, the Court required Defendants report the following information in regard to the 2,572 noncitizens who were released from U.S. Customs and Border Protection (“CBP”) after 11:59 p.m. ET on May 11, 2023: (1) an updated summary of the status of all 2,572 noncitizens who were released after the Court enjoined the PWC policy—i.e., checked in and issued an NTA, checked in but

not issued an NTA, or not checked in/unaccounted for; (2) an updated summary chart of the check-in locations; (3) the number of unaccounted for noncitizens who have checked in since the last report, along with the date and location of the check-in, whether an NTA was issued at check-in, and whether any enforcement action was taken against the noncitizen other than the issuance of an NTA; (4) the number of noncitizens who have been issued an NTA since the last report, along with when and how the NTA was issued, whether the alien was released or detained after the NTA was issued, and what legal authority the release were based; and (5) how many of 2,572 noncitizens who were released after the PWC policy was enjoined are still in the country and, of those, how many are detained. ECF No. 65.

As explained in the attached declaration of Donna Vassilio-Diaz, in response to the Court's first question, ICE reports that of the 2,572 noncitizens identified for this reporting, 2,545 have checked in with ICE, while 27 have not checked in. Vassilio-Diaz Decl. ¶ 5. Out of the 2,545 noncitizens who have checked in, 2,206 individuals have been served with a charging document currently pending on an EOIR docket. *Id.* ¶ 8.

In response to the Court's second question, ICE provides the following breakdown of the number of noncitizens who checked in with specific ICE ERO Offices:

Check-In Location	Count
Atlanta, GA	146
Baltimore, MD	48
Boston, MA	202
Buffalo, NY	17
Chicago, IL	254
Dallas, TX	118
Denver, CO	101
Detroit, MI	73
El Paso, TX	24
Harlingen, TX	1
Houston, TX	60
Los Angeles, CA	101
Miami, FL	175
New Orleans, LA	83
New York City, NY	429
Newark, NJ	147
Philadelphia, PA	59
Phoenix, AZ	25
Salt Lake City, UT	63
San Antonio, TX	46
San Diego, CA	7
San Francisco, CA	177
Seattle, WA	49
St. Paul, MN	43
Washington, DC	97
Total	2,545

Id. ¶ 6. The “Check-In Location” for an in-person check-in reflects the Area of Responsibility (AOR) where it occurred. *Id.* For an online check-in, “Check-in Location” reflects the location where the appointment was made. *Id.*

In response to the Court’s third question, ICE reports that there were four new check-in since the last report. *Id.* ¶ 7. Three of these check-ins were individuals who filed asylum applications with U.S. Citizenship and Immigration Services (USCIS)

in New York City, NY with no NTAs issued; and one individual was returned to CBP at the Champlain, NY port of entry in the custody of Canada Border Services Agency as their attempt to claim asylum in Canada did not meet an exemption to the Safe Third Country Agreement, so an NTA was issued in person that same day. *Id.*

In response to the Court's fourth question, out of the 2,545 noncitizens who have checked in, 2,206 individuals have been served with a charging document. *Id.* ¶ 8. There were eight (8) new charging documents issued since last month's report. *Id.* Four of the eight new charging documents were served via mail and therefore, no additional action was taken at the time of NTA service. *Id.* The remaining four were served in person, and no additional actions were taken at the time of the NTA service for three of those noncitizens. *Id.* One noncitizen was detained at the time of issuance and is still detained. *Id.*

In response to the Court's fifth question, 13 noncitizens were removed by ICE or ICE has verified their departure from the United States, or they are deceased. *Id.* ¶ 9. Two noncitizens are currently detained in ICE custody. *Id.* ICE cannot provide additional information on the remaining individuals as ICE does not have the ability to readily confirm when an individual leaves the United States except through removal efforts or verified departures. *Id.*

Date: April 22, 2024

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Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on April 22, 2024, I electronically filed the foregoing with the Clerk of the Court using CM/ECF, which provided an electronic notice and electronic link of the same to all attorneys of record.

/s/ Erin T. Ryan

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United States Department of Justice

Civil Division