



United States on May 31, 2005, as a non-immigrant exchange visitor, but who failed to maintain that immigration status.

5. In December of 2006, ICE began administrative removal proceedings against Mr. Andro, by administrative notice charging him with removability under 8 U.S.C. § 1227(a)(1)(C)(i) for having failed to comply with the conditions of his non-immigrant status.

6. On July 1, 2010, an Immigration Judge ordered Mr. Andro removed from the United States to France, and when Mr. Andro failed to appeal that removal order administratively, the removal order became administratively final and subject to execution 30 days thereafter, on August 1, 2010.

7. In March 2014, upon information and belief, Mr. Andro was arrested by the Brookline Police Department. That arrest was communicated to ICE, which next, after confirming that Mr. Andro was subject to the final administrative order of removal and execution of that order, issued a detainer under the authority of 8 U.S.C. § 1357(d).

8. Mr. Andro was taken into ICE custody on March 18, 2014, for execution of his removal order to France.

9. On April 4, 2014, ICE released Mr. Andro from ICE custody in an exercise of prosecutorial discretion.

10. Mr. Andro attempted to file with ICE an incomplete Form I-246 Application for Stay of Removal on May 28, 2014, but was later, on June 2, 2014, able to complete and file that application with ICE, which on July 28, 2015, was approved for a three month period. A subsequent Form I-246 stay application was submitted with a fee


waiver request on December 4, 2014, and was denied in the exercise of administrative discretion by ICE on February 20, 2015.

11. For an alien detained by ICE to appear at a state court hearing, the state court issues a habeas to ICE requesting that alien's appearance. Although there is no such document in his file, there is a record indicating that Plaintiff was to appear in Brookline District Court on April 8, 2014. Because Mr. Andro was released from ICE custody before that, on April 4, 2014, ICE had no involvement in any appearance, or non-appearance at any court on that or any other date as to which ICE was notified by state habeas writ.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on:

Date: ~~August 05, 2016~~ Signature:

  
George Sullivan  
Assistant Field Office Director  
U.S. Immigration & Customs Enforcement  
Dept. Homeland Security  
Burlington, Massachusetts