

# EXHIBIT H

## DECLARATION OF PAULINA REYES

I, Paulina Reyes, hereby declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the following is true and correct.

1. I make this declaration based on my own personal knowledge and if called to testify I could and would do so competently and truthfully to these matters.
2. My name is Paulina Reyes. I am a managing attorney at Immigrant Defenders Law Center (“ImmDef”), licensed to practice law in California. I represent detained and non-detained immigrants in removal proceedings.
3. I represent Andry Jose Hernandez Romero in his removal proceedings. I submit this declaration because I am deeply concerned for my client. Andry was pursuing asylum when he was abruptly moved to Texas and removed under the Alien Enemies Act, without any notice that the government was alleging him to be an alien enemy, and without any notice that he would be removed.
4. Andry is a Venezuelan national. He worked for a government sponsored news channel as a professional makeup artist and identifies as gay. He faced constant discrimination because of his sexual orientation. He and other station employees were forced to promote pro-Maduro content in their social media and to vote in favor of issues supported by that government. He refused and the producers at his government-sponsored station attacked him and threatened to further harm him if he did not comply. Around this same time, he began to be followed by “colectivos,” armed groups operating at the behest of the government, and was threatened by them to support the Maduro government.
5. In response, Andry quit the television station and went into hiding, leaving Venezuela in May 2024.
6. On August 29, 2024, Andry presented at the San Ysidro Port of Entry after making an appointment with the CBP One app. He was questioned about his tattoos, transferred to ICE custody, and sent to Otay Mesa Detention Center (“OMDC”).
7. Andry was put into expedited removal proceedings and received a positive credible fear determination. He was then placed in removal proceedings.
8. At OMDC, he was flagged as a security risk for the sole reason of his tattoos and an allegation that they showed he was associated with Tren de Aragua. During questioning, Andry maintained that he was not part of Tren de Aragua nor affiliated with them in any way.
9. I was retained as *pro bono* counsel on or about December 6, 2024. While in detention, I maintained constant communication with him, including in-person visits and phone calls. I filed an asylum application on his behalf and evidence to corroborate his asylum claim.

10. Andry was abruptly moved on March 6 or 7 from OMDC to Webb County Detention Center (“WCDC”) in Laredo, Texas, despite still having ongoing immigration proceedings in California. Although I am his attorney, the Office of Enforcement and Removal Operations (“ERO”) did not notify me of the transfer. I found out because my client called me from WCDC.
11. He had a hearing on March 13 at Otay Mesa Immigration Court. ERO in WCDC did not make him available to video conference into that hearing. The hearing was rescheduled to March 17.
12. I have never been able to schedule a call with Andry since he arrived at WCDC. I have only been able to speak to him when he is able to place an outgoing call. He spoke to me on March 7 and reported that about 20 other Venezuelans had also recently been transferred to WCDC, including at least one other person in ongoing proceedings at the Otay Mesa Immigration Court and one individual granted withholding of removal.
13. On the evening of March 13 and again on the morning of March 14, I asked WCDC and ERO for an opportunity to schedule a call with my client.
14. On March 14, I received an email response from ERO that Andry was no longer in WCDC but was not provided information about his location. I called the facility and was again told that he was no longer in WCDC; the person I spoke to did not provide me any further information about where he had been taken and for what reason.
15. That evening, I emailed the duty attorney for the Office of Principal Legal Advisory (“OPLA”) in Otay Mesa to inquire about his custody and confirm whether he would appear at the upcoming hearing on March 17. I did not receive a response.
16. On March 17, Andry was not present at the Master Calendar Hearing. When asked for his location, the OPLA attorney responded that he is “no longer in ICE custody.” The OPLA attorney later confirmed that he had been removed to El Salvador.
17. This was the first time that his forced removal was mentioned by any government official. The OPLA attorney did not provide any further information as to the reason he was removed, and did not respond to the Immigration Judge’s question about how he was removed if there was no removal order.
18. The hearing was continued to April 2, 2025.
19. On March 19, I emailed the duty attorney at OPLA to ask whether Andry was removed subject to the Alien Enemies Act to ask whether there is a process to contact my client while his removal proceedings are ongoing, and whether he would be made available for his next hearing on April 2.
20. ICE Deputy Chief Counsel told me in response to my e-mail: “I can confirm that [Andry] was removed on March 15,” that “[t]here is no process through DHS to facilitate communication with a removed individual,” nor to “facilitate appearance” at the next hearing date, and that “I do not have further information related to your client’s removal.”

I have seen Andry's name on publicly reported lists of people removed to El Salvador under the Alien Enemies Act and know of no other basis that would explain his removal.

21. Andry has no involvement whatsoever with Tren de Aragua.
22. Andry has a few tattoos, including "Mom" next to a crown on one wrist, and "Dad" next to a crown on the other wrist. From a young age, he has been involved with the nationally and culturally famous "Three Kings" (or, "Three Wise Men") festival and performance in his hometown. Additionally, he is a makeup artist for beauty pageants; on his social media he appears promoting those beauty pageants alongside a crown, a common prop that contestants in a pageant would wear.
23. I have attached a true and complete copy of OPLA's evidence against my client (Exhibit A) and photos from his social media (Exhibit B).
24. These crown tattoos are the only basis of the government's assertion, in its filing, that he is connected to Tren de Aragua. An officer says "[t]he crown has been found to be an identifier for a Tren de Aragua gang member" without offering further explanation. On a points-based rubric in the filing used by detention officers to evaluate if someone is a gang member, only the tattoo is mentioned. There are other categories for contact with other gang members, "intelligence information" from other agencies, being identified as a gang member in other documents or by another agency --- none of those categories are indicated for Andry.
25. Andry did not have the opportunity to contest the evidence submitted against him before he was forcibly removed. There is no evidence to believe that he is affiliated in any way with Tren de Aragua and Andry has consistently refuted those claims. He fled Venezuela due to persecution for his political opinion and his sexual orientation and his tattoos have an obvious explanation that has nothing to do with a gang.
26. Everything in this declaration is true and correct to the best of my knowledge and recollection.

Executed on the 27<sup>th</sup> day of March at San Diego, California.

/s/ Paulina Reyes

Paulina Reyes, Esq.

Counsel for Andry Jose Hernandez Romero



# **EXHIBIT A**

**DETAINED**

JASON B. AGUILAR  
Chief Counsel  
SYDNEY L. POMYKATA  
Deputy Chief Counsel  
MATTHEW S. WARREN  
Assistant Chief Counsel  
Office of the Principal Legal Advisor, San Diego (Otay Mesa)  
U.S. Immigration and Customs Enforcement  
U.S. Department of Homeland Security  
PO Box 438150  
San Diego, California 92143

**UNITED STATES DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
IMMIGRATION COURT  
OTAY MESA, CALIFORNIA**

In the Matter of:

HERNANDEZ ROMERO, Andry

**In Removal Proceedings**

**File No. A [REDACTED] 894**

Immigration Judge: [REDACTED]

Next Hearing: 3/7/2025

**DHS SUBMISSION OF EVIDENCE**

The Department of Homeland Security (DHS or the Department) hereby submits evidence for the record.

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*Matthew Warren*

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Matthew Warren  
Assistant Chief Counsel

Date:

3/6/2025

A

### STG QUESTIONNAIRE

<b>Facility:</b>	Otay Mesa Detention Center		
<b>Inmate/Resident Name:</b>	HERNANDEZ ROMERO, ANDRY JOSE	<b>ID Number:</b>	██████████
<b>Date of Birth:</b>	██████████		
<b>Nickname / AKA / Moniker (s):</b>	UNKNOWN		

**I. INMATE/RESIDENT ADVISEMENT**

Inmate/Resident HERNANDEZ ROMERO, ANDRY JOSE was advised on 09/02/2024, that failure to respond to the questions in a truthful manner could result in disciplinary action being taken. In addition, information obtained can be released to the contracting agency and/or law enforcement.

**II. RACE (Note: Check applicable race(s) as expressed by the inmate/resident):**

- White     
  Black or African American     
  Hispanic or Latino     
  American Indian or Alaska Native     
  Asian or Pacific Islander

**III. QUESTIONS**

1. Where is your Hometown?	VENEZUELA		
2. Are you related to or do you know any employees of this facility?	Unknown		
3. Do you have any tattoos?	Yes		
If yes,	T-LEFT ARM=ROSES, SNAKE T-LEFT WRIST=CROWN DAD T-RIGHT WRIST=MOM T-LEFT LEG=ROSE, BUTTERFLY T-LEFT BUTTOCK=FLOWER		
If yes, When:	30 YEARS OLD		
If yes, Where:	STREETS		
4. Have you ever been involved in a gang, disruptive group?	No	(*see note below)	
5. Have you ever been associated with a terrorist organization or involved in terrorist activities?	No	(*see note below)	

\*\* IF THE ANSWER TO #4 OR #5 IS "YES," COMPLETE QUESTIONS 6-23 BELOW. \*\*IF THE ANSWER TO #5 IS "YES," COMPLETE A 9-12C IN ADDITION TO 9-12A.

\* IF THE ANSWER TO #4 AND/OR #5 IS "NO", PROCEED TO SECTION IV; UNLESS THERE ARE SPECIFIC CHARACTERISTICS ABOUT THE SUSPECT WHICH ARE BELIEVED TO BE TRUE, BASED UPON CREDIBLE EVIDENCE TO SUPPORT ASSIGNMENT AND APPROVAL; THEN PROCEED WITH COMPLETING QUESTIONS 6-23 BELOW

6. What is the name of the group?	TREN DE ARAGUA		
7. Are you a member or an associate?	Associate		
8. At what age did you become a member?	DETAINEE HERNANDEZ STATED THAT HE IS NOT A MEMBER OF ANY GANG		
9. Did you become a member or associate before or after incarceration?	Before		
How long involved?	DETAINEE HERNANDEZ STATED THAT HE IS NOT A MEMBER OF ANY GANG		
10. Describe how you became a member?	DETAINEE HERNANDEZ STATED THAT HE IS NOT A MEMBER OF ANY GANG.		
11. Do you hold a position of rank in the group?	No		
12. Are there other members of the group at this facility?	Unknown		
13. Who are enemies of the group?	NONE		
14. Do you associate with any other groups?	No		

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### STG QUESTIONNAIRE

15. Does the group have contact with other groups outside of the facility?	No
16. Does the group receive financial support from outside the facility?	No
17. Have you ever been ordered to assault or "hit" anyone?	No
18. How do members of the group communicate?	UNKNOWN
19. Who is/are the leaders(s) of the group at the facility?	UNKNOWN
20. Who is/are the leader(s) of the group in your housing unit?	UNKNOWN
21. How does the leadership structure of the group function?	UNKNOWN
22. Do you want out of the group?	No
23. Do you fear for your safety as a result of your membership/affiliation with the group?	No

**Interviewer Printed Name:** Arturo Torres **Date:** 12/03/2024  
 STG OFFICER

**Confirmed by:** Charles Cross Jr **Date:** 12/10/2024  
 INVESTIGATOR

**NOTE** This form can be completed and filed electronically via the CoreCivic/STG designated intranet site; therefore, this copy form is required only where a hard copy file is being maintained.

### To Be Completed By Interviewer

#### IV. INTERVIEWER

Inmate/resident's demeanor during interview:	Uncooperative
<b>Interviewer's Comments:</b>	ON INITIAL INTERVIEW DETAINEE HERNANDEZ STATED THAT HE WAS NOT A MEMBER OF ANY GANG. UPON CONDUCTING A REVIEW OF DETAINEE HERNANDEZ'S TATTOOS IT WAS FOUND THAT DETAINEE HERNANDEZ HAS A CROWN ON EACH ONE OF HIS WRIST. THE CROWN HAS BEEN FOUND TO BE AN IDENTIFIER FOR A TREN DE ARAGUA GANG MEMBER.
<b>List and describe location of scars, brands, tattoos or other identifying marks of body:</b> <b>S=Scars B=Brands T=Tattoos O=Other(explain)</b>	T-LEFT ARM=ROSES, SNAKE T-LEFT WRIST=CROWN DAD T-RIGHT WRIST=MOM T-LEFT LEG=ROSE, BUTTERFLY T-LEFT BUTTOCK=FLOWER
<b>Determining factors to conclude reasonable suspicion:</b>	DETAINEE HERNANDEZ PORTS TATTOOS "CROWNS" THAT ARE CONSISTENT WITH THOSE OF A TREN DE ARAGUA MEMBER.

## STG MEMBER VALIDATION / CONFIRMATION

<b>Inmate/Resident Name:</b>	HERNANDEZ ROMERO, ANDRY JOSE	<b>Number:</b>	[REDACTED]
<b>Facility:</b>	Otay Mesa Detention Center	<b>Jurisdiction:</b>	IMMIGRATION AND CUSTOMS ENFORCEMENT

Score each applicable criteria item and total the points for validation level. All items scored shall have supporting documentation placed in the intelligence file.

CATEGORY / SCORE	POINTS
<b>Admission - Inmate/resident admits to association/membership with STG or gang.</b>	(5) <u>0</u>
<b>Possession of STG Paraphernalia/Contraband: - Includes, but not limited to: drawings, letters, graffiti, bylaws, rosters, publications, documents, photos, audio tapes, clothes, symbols, logos, and any other personal property.</b>	(5) <u>0</u>
<b>STG Tattoos/Brands/Identifying Marks</b>	(5) <u>5</u>
<b>Observed and known contact with STG/Gang members/suspects</b>	(4) <u>0</u>
<b>Intelligence information received from other agencies</b>	(5) <u>0</u>
<b>Correspondence/communication with known STG/Gang members/suspects</b>	(4) <u>0</u>
<b>Group photos with known STG/Gang members/suspects</b>	(4) <u>0</u>
<b>Identified as an STG member/suspect in any document - Includes official records, media reports, and correspondence</b>	(5) <u>0</u>
<b>Validation/confirmation of STG membership by law enforcement, Corrections, or sending jurisdiction</b>	(10) <u>0</u>
<b>TOTAL SCORE</b>	<b><u>5</u></b>

<b>STG/Gang membership status. (9 or lower is SUSPECT) (10 or higher is MEMBER CONFIRMED):</b>	SUSPECT
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<b>STG/Gang Affiliation:</b>
TREN DE ARAGUA

<b>Leadership (position or rank):</b>
UNKNOWN

<b>Comments:</b>
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**Completed by:** \_\_\_\_\_ Arturo Torres \_\_\_\_\_ **Date:** 12/03/2024  
 STG OFFICER

-----  
**Confirmed by:** \_\_\_\_\_ Charles Cross Jr \_\_\_\_\_ **Date:** 12/10/2024  
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### STG CHRONOLOGICAL SUMMARY

<b>Inmate/Resident</b>	HERNANDEZ ROMERO, ANDRY JOSE		
<b>CoreCivic Inmate #:</b>	██████████	<b>Agency Inmate #:</b>	██████████
<b>STG Affiliation:</b>	OTHER - HISPANIC		

Association - 09/06/2024 10:54	Comment	09/06/2024 10:54
ON INITIAL INTERVIEW DETAINEE HERNANDEZ STATED THAT HE WAS NOT A MEMBER OF ANY GANG. UPON CONDUCTING A REVIEW OF DETAINEE HERNANDEZ'S TATTOOS IT WAS FOUND THAT DETAINEE HERNANDEZ HAS A CROWN ON EACH ONE OF HIS WRIST. THE CROWN HAS BEEN FOUND TO BE AN IDENTIFIER FOR A TREN DE ARAGUA GANG MEMBER.		

**Comment** Arturo Torres **Title** STG OFFICER

















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<b>STG Affiliation:</b>	OTHER - HISPANIC		

Association - 09/06/2024 10:54	Comment	09/06/2024 10:54
<p>ON INITIAL INTERVIEW DETAINEE HERNANDEZ STATED THAT HE WAS NOT A MEMBER OF ANY GANG. UPON CONDUCTING A REVIEW OF DETAINEE HERNANDEZ'S TATTOOS IT WAS FOUND THAT DETAINEE HERNANDEZ HAS A CROWN ON EACH ONE OF HIS WRIST. THE CROWN HAS BEEN FOUND TO BE AN IDENTIFIER FOR A TREN DE ARAGUA GANG MEMBER.</p>		

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12. Are there other members of the group at this facility?	Unknown		
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### STG QUESTIONNAIRE

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 STG OFFICER

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## STG MEMBER VALIDATION / CONFIRMATION

<b>Inmate/Resident Name:</b>	HERNANDEZ ROMERO, ANDRY JOSE	<b>Number:</b>	6336080
<b>Facility:</b>	Otay Mesa Detention Center	<b>Jurisdiction:</b>	IMMIGRATION AND CUSTOMS ENFORCEMENT

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<b>Leadership (position or rank):</b>
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**Completed by:** \_\_\_\_\_ Arturo Torres \_\_\_\_\_ **Date:** 12/03/2024  
 STG OFFICER

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### Workflow History

Owner	Start Date/Time	Workflow Step	Comments
Cross Jr, Charles W	12/03/2024	Confirm	
Torres, Arturo M	09/06/2024	Administer	TREN DE ARAGUA SUSPECT

# These Are the Tattoos the Government Says Can Identify Tren de Aragua

Published Dec 31, 2024 at 1:17 PM EST

Updated Dec 31, 2024 at 4:08 PM EST





By **Dan Gooding**  
Politics Reporter

Newsweek Is A Trust Project Member

FOLLOW

News Article |

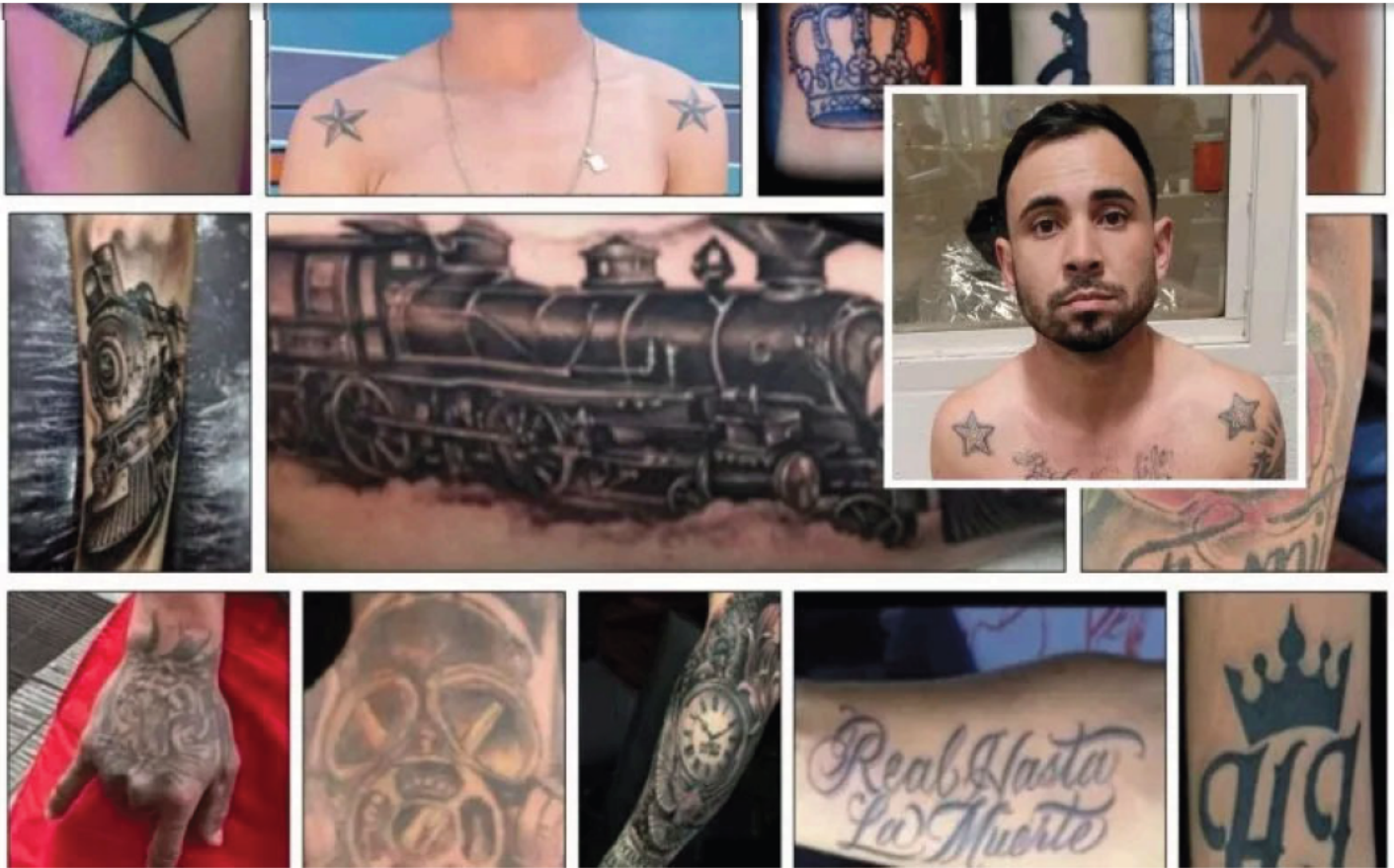
17

**B**order patrol officers announced the capture of another suspected member of [the Venezuelan gang Tren de Aragua](#) in California, who was sporting signature tattoos linked to the notoriously violent group.

The unnamed suspect was found by U.S. Customs and Border Protection in Imperial, with star tattoos similar to those seen on other members of the gang that [has slowly spread across the U.S.](#) in recent years.

### Why It Matters

[Tren de Aragua \(Tda\)](#) members have been linked to several high-profile crimes in 2024, including [the murders of Laken Riley in Georgia](#) and [Jocelyn Nungaray in Texas](#). Law enforcement officials recently put out a bulletin noting that the alleged gang members' distinctive tattoos in the hopes they could lead the public to identifying other suspects.



Tattoos linked to the Venezuelan gang Tren de Aragua, which has a growing presence in the United States. Inset: a suspected member of the group, captured by Border Patrol officers in California **TEXAS DEPARTMENT OF PUBLIC SAFETY/US BORDER PATROL**

### What To Know

U.S. Border Patrol Chief Patrol Agent Gregory K. Bovino [posted](#) on X, formerly [Twitter](#), about the capture of the Venezuelan who had an outstanding warrant for attempted homicide in Redwood City and was previously arrested for grand larceny in New York.

The man had stars on either shoulder, similar to others seen on TdA members, which indicate rank, according to [the Texas Department of Public Safety](#).

Other common tattoos are crowns, which the Texas DPS said was similar to iconography used by the Latin Kings, as well as firearms, grenades, trains, dice, roses, and predatory felines. Text reading "Real Hasta la Muerte", meaning "Till death", and "Hijos de Dios", or "Sons of God", is also sometimes tattooed across the chest or on arms.

Border patrol agents elsewhere have posted similar images across 2024, showing AK-47s on suspects' arms, along with footprints and playing cards.

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**4/3:** USBP agents in Ysleta, TX arrested a Venezuelan w/ no prior criminal history but w/ tattoos associated to the Tren de Aragua Gang.

Watch out for this gang. It is the most powerful in Venezuela, known for murder, drug trafficking, sex crimes, extortion, & other violent acts. [pic.twitter.com/x1Mg3FpoOq](https://pic.twitter.com/x1Mg3FpoOq)

— Chief Jason Owens (@USBPChief) April 6, 2024

READ MORE **Immigration**



**What is the 1798 Alien Enemies Act? How Law Could Help Trump Deportations**

**El Salvador Agrees to 'Unprecedented' Migrant Deal, Marco Rubio Says**

**MS-13 Gang Member Sentenced to Life for Dismembering Associate**

**Trump to Use 'Alien Enemies Act' to Rapidly Remove Immigrants—What We Know**

A report from [Telemundo](#) in October said members often conceal their tattoos in order to make it across the U.S.-Mexico border. The gang [has now been reported officially in at least 15 states](#), including Texas, Florida, Georgia, California and Colorado, and is known for its violent tactics, drug trafficking and money laundering.

CBP said it detained 41 TdA members in Fiscal Year 2023 – running October 1, 2022, through September 30, 2023 – along with 27 the following year, and 5 since October 1, 2024. In total, 523 known gang members were detained by the border patrol.

*Newsweek* reached out to CBP and Immigration and Customs Enforcement ([ICE](#)) for further comment Monday afternoon via email.

**What People Are Saying**

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consequences in the Premier sector.

**House Homeland Security Subcommittee on Emergency Management and Technology Chairman, New York Republican Anthony D'Esposito, at a hearing on December 10:** "The Venezuelan criminal organization has been deemed "MS-13 on steroids," establishing drug trafficking, migrant smuggling, human trafficking, and extortion networks throughout the Nation."

### What's Next

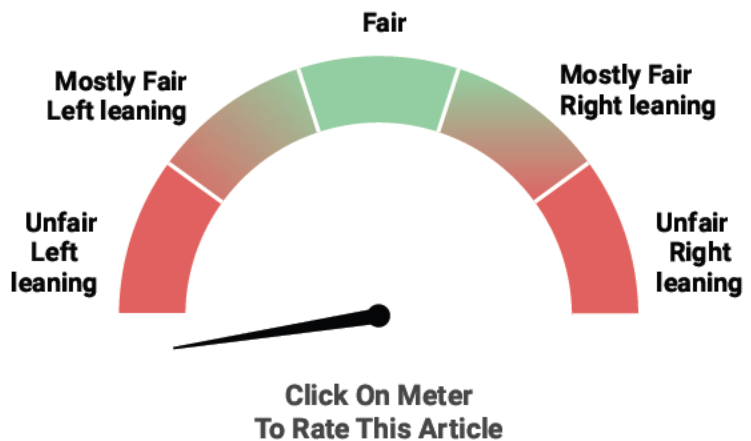
President-elect [Donald Trump](#) has promised to crack down on transnational gangs like TdA once he returns to the White House on January 20. In Texas, Governor [Greg Abbott](#) has been offering \$5,000 rewards for information leading to the capture of the gang's members.



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### Recommended For You



SIGMA Event: 64752256  
 Subject ID : 212694867

U.S. Department of Homeland Security

Record of Deportable/Inadmissible Alien

Family Name (CAPS) <b>HERNANDEZ ROMERO, ANDRY JOSE</b>		First	Middle	Sex <b>M</b>	Hair <b>GRY</b>	Eyes <b>BRO</b>	Cmplxn <b>FAR</b>
Country of Citizenship <b>VENEZUELA</b>	Passport Number and Country of Issue [REDACTED]	File Number [REDACTED]		Height <b>69</b>	Weight <b>138</b>	Occupation	
U.S. Address <b>See Narrative</b>				Scars and Marks <b>NONE INDICATED</b>			
Date, Place, Time, and Manner of Last Entry <b>08/29/2024, 2504 - SYS, 06:00, Afoot, Pedestrian West</b>			Passenger Boarded at <b>N/A</b>		F.B.I. Number [REDACTED]		
Number, Street, City, Province (State) and Country of Permanent Residence [REDACTED]				<input checked="" type="checkbox"/> Single <input type="checkbox"/> Divorced <input type="checkbox"/> Married <input type="checkbox"/> Widower <input type="checkbox"/> Separated			
Date of Birth [REDACTED]	Age: [REDACTED]	Date of Action <b>08/29/2024</b>	Location Code <b>2504 - SYS</b>	Method of Location/Apprehension <b>ISP</b>			
City, Province (State) and Country of Birth [REDACTED], <b>VENEZUELA</b>		AR <input type="checkbox"/>	Form : (Type and No.) <b>NONE</b>	At/Near <b>SAN YSIDRO, CA</b>		Date/Hour <b>08/29/2024 0651</b>	
NIV Issuing Post and NIV Number <b>None</b>		Social Security Account Name <b>None</b>		By <b>TRUONG, CAR35983</b>			
Date Visa Issued <b>None</b>		Social Security Number <b>None</b>		Status at Entry <b>See Narrative</b>		Status When Found <b>TRAVEL/SEEKING</b>	
Immigration Record <b>POSITIVE - See Narrative</b>			Criminal Record <b>None Known</b>				
Name, Address, and Nationality of Spouse (Maiden Name, if Appropriate) <b>NONE</b>						Number and Nationality of Minor Children <b>None</b>	
Father's Name, Nationality, and Address, if Known [REDACTED]			Mother's Present and Maiden Names, Nationality, and Address, if Known [REDACTED]				
Monies Due/Property in U.S. Not in Immediate Possession <b>See Narrative</b>		Fingerprinted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Systems Checks <b>See Narrative</b>	Charge Code Words(s) <b>See Narrative</b>			
Name and Address of (Last)(Current) U.S. Employer <b>NONE</b>		Type of Employment <b>NONE</b>	Salary <b>0.0 USD</b>	Employed from/to Hr <b>0/0/00 - 0/0/00</b>			
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.) <b>FINS [REDACTED]</b>							
		Left Index Finger 			Right Index Finger 		
STATUS AT ENTRY ----- Other Applicant for Admission  US ADDRESS [REDACTED] ... (CONTINUED ON I-831)							
Alien has been advised of communication privileges <b>08/29/2024</b>			AKIMOVA, CAR30212 CBP OFFICER (Date/Initials) _____ (Signature and Title of Immigration Officer)				
Distribution: <b>A-FILE</b>			Received: (Subject and Documents) (Report of Interview) <b>AKIMOVA, CAR30212 - CBP OFFICER</b> Officer: _____ on: <b>August 29, 2024</b> (time) Disposition: <b>EXPEDITED REMOVAL - CREDIBLE FEAR (ERCF)</b> Examining Officer: <b>PINEDA, CAO05796 - SUPERVISORY CBP OFFICER</b>				

Alien's Name HERNANDEZ ROMERO, ANDRY JOSE	File Number A- [REDACTED] SIGMA Event: [REDACTED] Event No: [REDACTED]	Date August 30, 2024
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CLAIMED DOCUMENTS

Passport - [REDACTED]

RECORDS CHECKED

- ATS-P Neg
- TECS Pos
- NCIC Neg
- CIS Pos
- CLAIM Neg
- CCD Neg
- IAFIS Pos
- EARM Pos

SECTION CODES

Sec212(a)(7)(A)(i)(I)  
8 USC 1182-ALIEN INADMISSIBILITY UNDER SEC 212(a)

CLAIMED PROPERTY

Personal Property BAGGAGE CHECK 15240560

Narrative:

On 08/29/2024, at approximately 0600 hours, Andry Jose HERNANDEZ ROMERO (DOB: [REDACTED]) applied for admission applied for admission into the United States via the San Ysidro Port of Entry Pedestrian West Facility. HERNANDEZ ROMERO arrived for his CBP One Appointment. HERNANDEZ ROMERO and a native and citizen of Venezuela. HERNANDEZ ROMERO presented a Venezuelan Passport bearing their name and likeness. HERNANDEZ ROMERO is enroute to [REDACTED]. System checks were done through super query, yielding negative results. On 08/30/2024, at approximately 1000 hours, HERNANDEZ ROMERO was interviewed by U.S. Customs and Border Protection (CBP) Officer AKIMOVA in the Spanish language, witnessed by CBP Officer CASTRO, C. During an oral interview and sworn statement, HERNANDEZ ROMERO freely and voluntarily made the following statements: HERNANDEZ ROMERO admitted to being a native and citizen of Venezuela by virtue of birth in [REDACTED]. HERNANDEZ ROMERO stated that his mother, [REDACTED] was born in Venezuela. HERNANDEZ ROMERO stated that his father, [REDACTED] was born in Venezuela. HERNANDEZ ROMERO stated that he only claims citizenship from Venezuela. HERNANDEZ ROMERO stated that he is not married, and that he HERNANDEZ ROMEROs not have any children. HERNANDEZ ROMERO stated that he was enroute to [REDACTED] to live and work. HERNANDEZ ROMERO stated that he has never lived in the United States. HERNANDEZ ROMERO admitted to not possessing legal documents to enter into, pass through, or remain in the United States. HERNANDEZ ROMERO stated that he has never applied for a United States Visa. HERNANDEZ ROMERO stated that he does not have any applications pending with United States Citizenship and Immigration Services.  
... (CONTINUED ON NEXT PAGE)

Signature  AKIMOVA, CAR30212	Title CBP OFFICER
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U.S. Department of Homeland Security

Continuation Page for Form I213

Alien's Name HERNANDEZ ROMERO, ANDRY JOSE	File Number A [REDACTED] SIGMA Event: [REDACTED] Event No: [REDACTED]	Date August 30, 2024
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HERNANDEZ ROMERO stated that he left his home country because he was being threatened by his coworkers and bosses for being gay and for his political views.  
 HERNANDEZ ROMERO stated he worked as a makeup artist at the state-run TV channel and did make up for guests and anchors of the channel.  
 HERNANDEZ ROMERO stated that he was being threatened from march till November of 2023 until he quit his job. HERNANDEZ ROMERO stated he was slapped by his boss in front of his coworkers.  
 HERNANDEZ ROMERO stated he was previously removed from the US by border patrol when he tried to enter illegally. HERNANDEZ ROMERO was returned to Tabasco, Mexico.  
 HERNANDEZ ROMERO stated his friend helped him fill out a CBP1 application and he came to Tijuana at the time of his appointment to claim asylum.  
 HERNANDEZ ROMERO stated that he has fear of returning to Venezuela. HERNANDEZ ROMERO claimed that he believed he would be harmed if returned to Venezuela.  
 HERNANDEZ ROMERO was offered a phone call and given the opportunity to speak with a friend.  
 HERNANDEZ ROMERO contacted his friend in [REDACTED]  
 HERNANDEZ ROMERO declined notification of his detention to his consulate.  
 HERNANDEZ ROMERO submitted a DNA sample on DNA Sample Collector number [REDACTED]  
 Disposition: HERNANDEZ ROMERO, Andry Jose was presumed inadmissible to the United States pursuant to section 212(a)(6)(C)(ii) and 212(a)(7)(A)(i)(I) of the INA as amended.  
 HERNANDEZ ROMERO was provided a list of free legal services and served with form M-444 Information About Credible Fear Interview and taken into Department of Homeland Security custody pending credible fear interview before an asylum officer.

Signature  AKIMOVA, CAR30212	Title CBP OFFICER
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Record of Sworn Statement in Proceedings under Section 235(b)(1) of the Act

U.S. Department of Homeland Security

Office: SAN YSIDRO, CA, USA

SIGMA Event: [REDACTED] File No: A-[REDACTED] Event Number: [REDACTED]

Statement by: HERNANDEZ ROMERO, ANDRY JOSE

In the case of: HERNANDEZ ROMERO, ANDRY JOSE

Date of Birth: [REDACTED]

Gender (circle one): Male Female

At: SAN YSIDRO (SYS)

Date: 08/29/2024

Before: AKIMOVA, CAR30212 - CBP OFFICER

(Name and Title)

In the SPANISH language. Interpreter CASTRO, CA Employed by CBP/DHS

I am an officer of the United States Department of Homeland Security. I am authorized to administer the immigration laws and to take sworn statements. I want to take your sworn statement regarding your application for admission to the United States. Before I take your statement, I also want to explain your rights, and the purpose and consequences of this interview.

You do not appear to be admissible or to have the required legal papers authorizing your admission to the United States. This may result in your being denied admission and immediately returned to your home country without a hearing. If a decision is made to refuse your admission into the United States, you may be immediately removed from this country, and if so, you may be barred from reentry for a period of 5 years or longer.

This may be your only opportunity to present information to me and the Department of Homeland Security to make a decision. It is very important that you tell me the truth. If you lie or give misinformation, you may be subject to criminal or civil penalties, or barred from receiving immigration benefits or relief now or in the future.

Except as I will explain to you, you are not entitled to a hearing or review.

U.S. law provides protection to certain persons who face persecution, harm or torture upon return to their home country. If you fear or have a concern about being removed from the United States or about being sent home, you should tell me so during this interview because you may not have another chance. You will have the opportunity to speak privately and confidentially to another officer about your fear or concern. That officer will determine if you should remain in the United States and not be removed because of that fear.

Until a decision is reached in your case, you will remain in the custody of the Department of Homeland Security.

Any statement you make may be used against you in this or any subsequent administrative proceeding.

Q: Do you understand what I've said to you? A: Yes.

Q: Do you have any questions? A: No.

Q: What language are you comfortable speaking with me? A: Spanish.

Q: Are you willing to answer my questions at this time? A: Yes.

Q: Do you swear or affirm that all the statements you are about to make are true and complete? A: Yes.

Q: Are you under the effects of any medication, drugs or alcohol at this time? A: No. ... (CONTINUED ON I-831)

HRAS



U.S. Department of Homeland Security

Continuation Page for Form I-867A

Alien's Name HERNANDEZ ROMERO, ANDRY JOSE	File Number A- [REDACTED] SIGMA Event: [REDACTED] Event No: [REDACTED]	Date August 30, 2024
--	--	-------------------------

Q: Do you understand that you are under oath and are obliged to tell the truth, under penalty of perjury?

A: Yes.

Q: What is your true and correct name?

A: HERNANDEZ ROMERO, Andry Jose

Q: What is your true date of birth?

A: [REDACTED]

Q: Do you have, or have you ever used any other names?

A: No

Q: In what City, State and Country where you born?

A: [REDACTED], Venezuela.

Q: Of what country are you a citizen?

A: Venezuela.

Q: Do you have citizenship in any other country?

A: No.

Q: Of what country is your father a citizen?

A: Venezuela.

Q: Of what country is your mother a citizen?

A: Venezuela.

Q: What is your biological father's true and correct name?

A: [REDACTED]

Q: What is your biological mother's true and correct name?

A: [REDACTED]

Q: Where were your biological parents born?

A: In Venezuela.

Q: Where did you grow up as a child/teenager?

A: In Venezuela.

Q: Have you ever resided in any other country besides Venezuela?

A: Bogota, Colombia.

Q: Have you ever applied for any documents to travel to the U.S.?

A: No.

Q: Where were you currently living?

A: In Venezuela

Q: Do you have any children?

A: No

... (CONTINUED ON NEXT PAGE)

HRAS

Signature  AKIMOVA, CAR30212	Title CBP OFFICER
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U.S. Department of Homeland Security

Continuation Page for Form I-867A

Alien's Name HERNANDEZ ROMERO, ANDRY JOSE	File Number A- [REDACTED]	Date August 30, 2024
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Q: Have you ever been legally married?  
A: No

Q: When did you leave Venezuela to travel to the U.S.?  
A: May 23rd 2024.

Q: Where were you before?  
A: I travelled in Colombia, Panama, Nicaragua, Honduras. I came by bus walking and taxis.

Q: When did you arrive in Tijuana?  
A: 27 August 2024.

Q: Did you travel in group or with someone else?  
A: By myself.

Q: Why did you specifically travel to Tijuana?  
A: Because I filled out the CBP1 application and this location was the earliest appointment.

Q: Who filled out a CBP One application?  
A: My friend

Q: Before coming here did you speak with or were advised by any lawyers, or legal representatives?  
A: Yes

Q: On what day did you attempt to enter the United States?  
A: 08/27/2024

Q: How did you attempt to enter the United States?  
A: I came walking.

Q: What documents did you present to the primary officer when you applied for admission?  
A: My Venezuelan passport

Q: What is the reason you are seeking asylum?  
A: I am discriminated against because im gay and being humiliated at work.

Q: What's your job?  
A: Makeup artist for the state run tv channel.

Q: Who threatened you?  
A: The people form the channel. The producers threatened me because of my political views against the gov

Q: When did this occur?  
A: from march through November of last year.

Q: Did they threaten you physically?  
A: Yes, they slapped me in front of my coworkers.

Q: Did you report this to the police?  
... (CONTINUED ON NEXT PAGE)

HIRAJ

Signature  AKIMOVA, CAR30212	Title CBP OFFICER
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U.S. Department of Homeland Security

Continuation Page for Form I-867A

Alien's Name HERNANDEZ ROMERO, ANDRY JOSE	File Number [REDACTED]	Date August 30, 2024
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A: No

Q: Did you claim asylum while in Mexico?  
A: No.

Q: Why not?  
A: Because I didn't know I could do that.

Q: Where are you destined in the U.S.?  
A: [REDACTED]

Q: Did you apply for a visa or any type of legal immigration status before coming here?  
A: No.

Q: Where you ever deported or removed from any country?  
A: Yes

Q: When were you removed?  
A: A month ago

Q: What happened?  
A: I was returned to Tabasco Mexico, from Texas by border patrol. For illegal entry

Q: Are you part of a political party?  
A: Yes, but I don't know the name

Q: Are you aware one needs legal documents or status to enter the U.S.?  
A: Yes.

Q: Have you ever held any legal status or documents allowing to lawfully enter the U.S.?  
A: No.

Q: Do any of your immediate family members possess proper documentation to enter the United States?  
A: No

Q: Do you have any family or friends or know people associated with organized crime?  
A: No.

Q: Do you have any applications or petitions pending with the Bureau of Citizenship and Immigration Services?  
A: No.

Q: Do you have any criminal history in the U.S. or anywhere in the world?  
A: No

Q: Have you or your immediate family been a victim of kidnapping, attempted kidnapping, extortion, or murder during your travel here?  
A: No.

Q: Have you ever been persecuted or threatened due to your political views or status, religious... (CONTINUED ON NEXT PAGE)

HRAS

Signature  AKIMOVA, CAR30212	Title CBP OFFICER
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U.S. Department of Homeland Security

Continuation Page for Form I-867A

Alien's Name HERNANDEZ ROMERO, ANDRY JOSE	File Number [REDACTED]	Date August 30, 2024
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beliefs, sexual preference or identification, race, or gender?

A: Yes.

Q: Do you know of anyone making any promises to you in exchange for your declaration?

A: No.

Q: Is the declaration you gave the honest truth and all voluntary?

A: Yes.

Q: Do you have any questions or anything to add?

A: No.

HRAS

Signature  AKIMOVA, CAR30212	Title CBP OFFICER
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5 of 6 Pages



### Jurat for Record of Sworn Statement in Proceedings under Section 235(b)(1) of the Act

U.S. Department of Homeland Security

SIGMA Event: 64752256

Q: Why did you leave your home country or country of last residence?

A. **People were threatening me because i am Gay and because of my political beliefs.**

Q: Do you have any fear or concern about being returned to your home country or being removed from the United States?

A. **Yes**

Q: Would you be harmed if you are returned to your home country or country of last residence?

A. **Yes**

Q: Do you have any questions or is there anything else you would like to add?

A. **No**

I have read (or have had read to me) this statement, consisting of 6 pages (including this page). I state that my answers are true and correct to the best of my knowledge and that this statement is a full, true and correct record of my interrogation on the date indicated by the above named officer of the Department of Homeland Security. I have initialed each page of this statement (and the corrections noted on page(s) \_\_\_\_\_).

Signature



Sworn and subscribed to before me at SAN YSIDRO (SYS) on August 30, 2024.

Signature of Immigration Officer

**AKIMOVA, CAR30212  
CBP OFFICER**

Witnessed by: CASTRO, Carlos

CERTIFICATE OF SERVICE

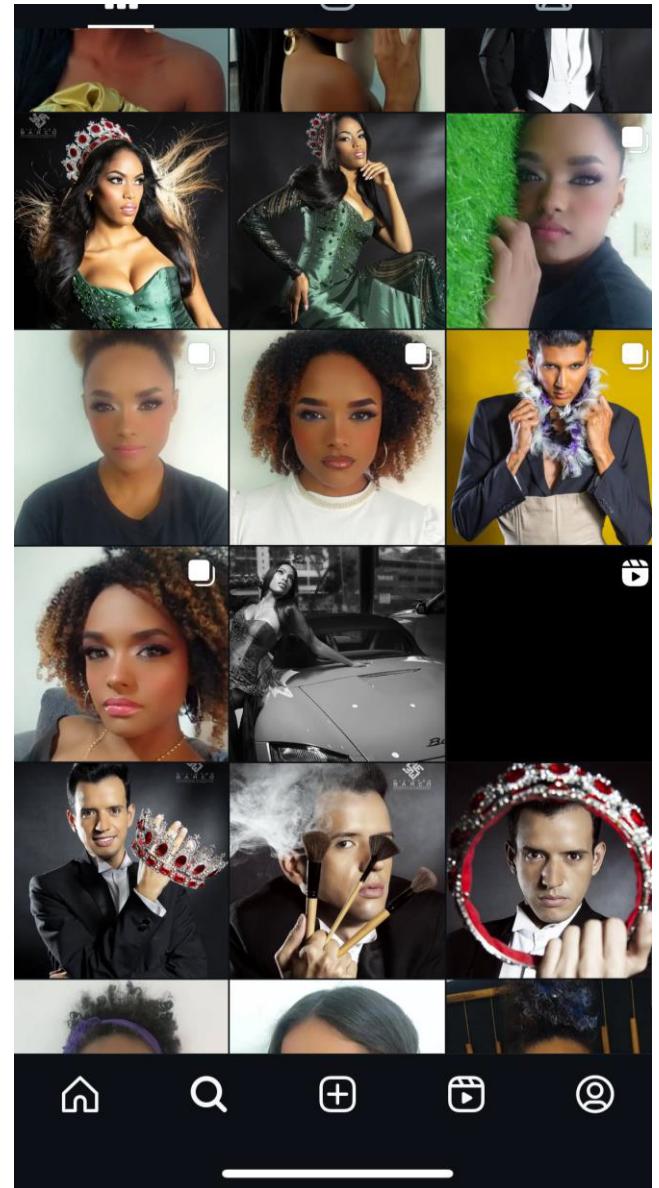
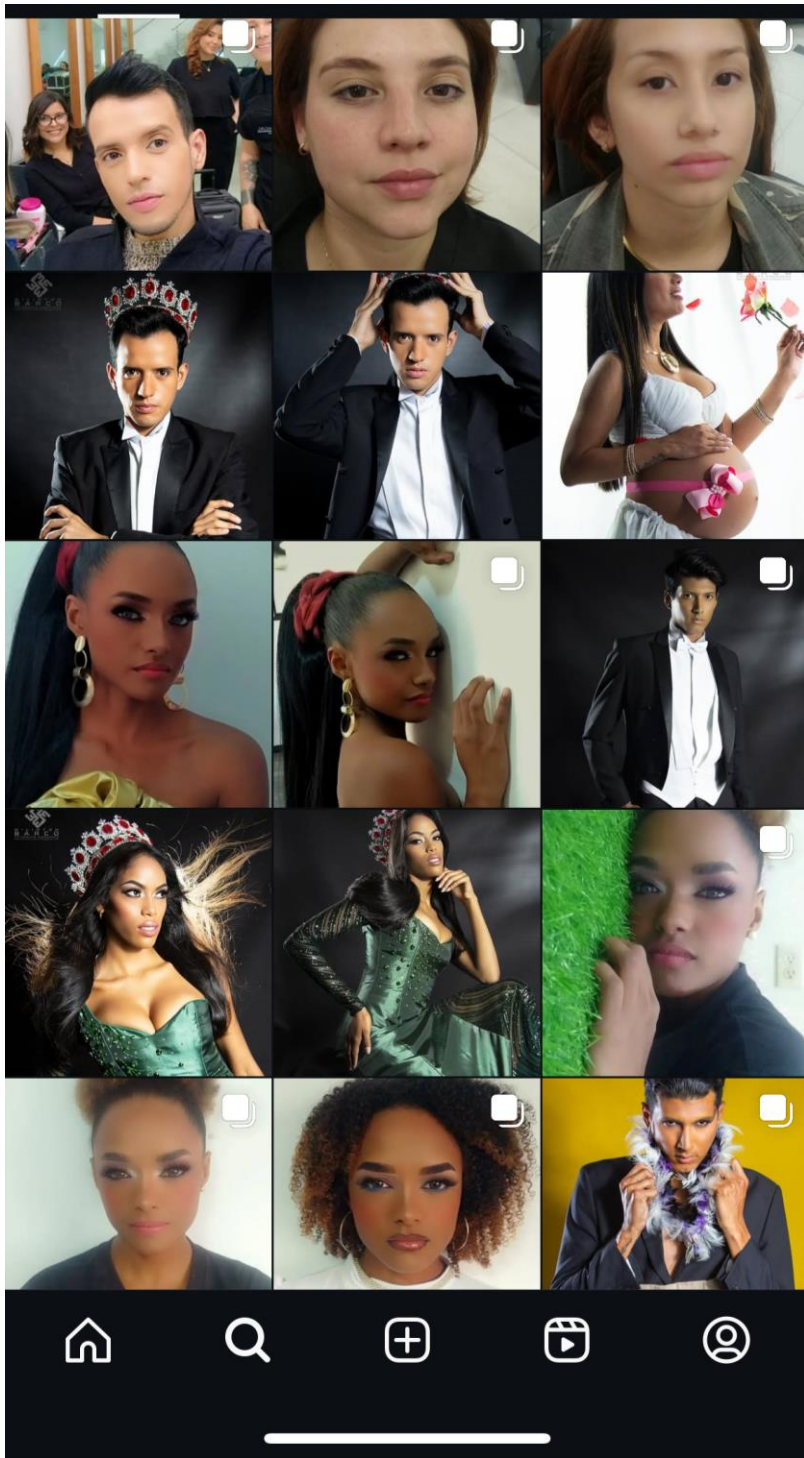
On 3/6/2025, I, Matthew Warren, Assistant Chief Counsel, served a copy of this DHS SUBMISSION OF EVIDENCE and any attached pages through the EOIR Courts and Appeals System (ECAS), which will automatically send service notifications to both parties that a new document has been filed. If unrepresented, the document will also be served on the respondent at the Otay Mesa Detention Center, 7488 Calzada de la Fuente, San Diego, CA 92113.

*Matthew Warren*

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Matthew Warren  
Assistant Chief Counsel

# **EXHIBIT B**



Screenshot of Andry Jose Hernandez Romero's Instagram page



