

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
(Greenbelt Division)

KILMAR ARMANDO ABREGO GARCIA,
et al.,

Plaintiffs,

v.

KRISTI NOEM, Secretary of Homeland
Security, *et al.*,

Defendants

No. 8:25-cv-00951-PX

Declaration Of Assistant Director
Evan C. Katz

DECLARATION OF EVAN C. KATZ

I, Evan C. Katz, pursuant to 28 U.S.C. § 1746, declare under penalty of perjury as follows:

1. I am Assistant Director for the Removal Division, within the Department of Homeland Security, U.S. Immigration and Customs Enforcement (ICE) Enforcement and Removal Operations (ERO).

2. In this capacity, I am responsible for leading the division, which is composed of ICE Air Operations, International Operations, and Removal Management. I coordinate with the 25 ERO Field Offices to support case management and facilitate the removal of aliens from the United States. I have held this position since December 2023. Before this assignment, I served as the Acting Assistant Director for the Removal Division from January 2023 to November 2023 and Deputy Assistant Director for the Removal Division from January 2015 to December 2022. I have been in service with ICE since 2003 and prior to that, the Legacy Immigration and Naturalization Service since November 1997.

3. I provide this declaration based on my personal knowledge, reasonable inquiry, and information obtained from various records, systems, databases, other Department of Homeland Security (DHS) employees, and information portals maintained and relied upon by DHS in the regular course of business.

4. I am aware that the instant lawsuit has been filed regarding the removal of Kilmer Armando Abrego-Garcia (Abrego-Garcia) to El Salvador.

5. I am aware that after this Court's preliminary injunction issued, that the Government sought a stay pending appeal from the Fourth Circuit on the same day and ultimately the Supreme Court. On March 7, Chief Justice Roberts issued an administrative stay of that preliminary injunction order. On March 10, the Supreme Court held that "the deadline in the challenged order is no longer effective" and that aspects of this Court's injunction needed to be clarified before they could become effective.

6. During proceedings in 2019, an immigration judge upheld DHS's decision not to grant bond, finding that DHS's determination that he was a member of MS-13 was "trustworthy" and "supported by other evidence," and noted that Abrego-Garcia "failed to present evidence to rebut that assertion." The Board of Immigration Appeals upheld the finding when Abrego-Garcia appealed.

7. On March 15, 2025, Abrego-Garcia, a native and citizen of El Salvador, was removed to El Salvador, pursuant to Title 8 of the United States Code. Although Abrego-Garcia has an order of removal issued by an immigration judge, I understand that he should not have been removed to El Salvador because the immigration judge had also granted Abrego-Garcia withholding of removal to El Salvador. However, I also understand that Abrego Garcia is no longer

eligible for withholding of removal because of his membership in MS-13 which is now a designated foreign terrorist organization.

8. I have reviewed the declaration of Mr. Michael Kozak, which was filed in this case yesterday, April 12, 2025. It is my understanding that Defendants have no updates for the Court beyond what was provided yesterday.

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

Executed this 13th day of April 2025.

Evan C. Katz
Assistant Director
Enforcement and Removal Operations
U.S. Immigration and Customs Enforcement
U.S. Department of Homeland Security