

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

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 Joseph N. Mazzara

DECLARATION OF JOSEPH N. MAZZARA

I, Joseph N. Mazzara, pursuant to 28 U.S.C. § 1746, declare under penalty of perjury as follows:

1. I am the Acting General Counsel at the Department of Homeland Security.
2. I provide this declaration based on my personal knowledge, reasonable inquiry, and information obtained from other Department of Homeland Security (DHS) employees.
3. I am aware that the instant lawsuit has been filed regarding the removal of Kilmer Armando Abrego Garcia (Abrego-Garcia) to El Salvador.
4. 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. *See* Declaration of Evan C. Katz, *Abrego Garcia v. Noem*, No. 8:25-cv-00951-PX (D. Md. Apr. 13, 2025), ECF No. 64 ¶ 4.
5. During bond 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. *See* Declaration of Evan C. Katz, *Abrego Garcia v. Noem*, No. 8:25-cv-00951-PX (D. Md. Apr. 13, 2025), ECF No. 64 ¶ 6.

6. Abrego Garcia was ordered removed by an Immigration Judge. He was also granted withholding of removal by an Immigration Judge. 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. *See* Declaration of Evan C. Katz, *Abrego Garcia v. Noem*, No. 8:25-cv-00951-PX (D. Md. Apr. 13, 2025), ECF No. 64 ¶ 7.

7. DHS has established processes for taking steps to remove domestic obstacles that would otherwise prevent an alien from lawfully entering the United States. DHS does not have authority to forcibly extract an alien from the domestic custody of a foreign sovereign nation.

8. I am aware that the President of El Salvador, Nayib Bukele, was in Washington, D.C. today to meet with President Donald Trump. President Bukele and President Trump held a bilateral summit at the White House this morning.

9. I understand that, in response to a question regarding Abrego Garcia, President Bukele said, “I hope you’re not suggesting that I smuggle a terrorist into the United States. How can I smuggle a terrorist into the United States? Of course I’m not going to do it. The question is preposterous.” A video of the meeting here: <https://www.youtube.com/watch?v=QhY79kjmhh4>.

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

Executed this 14th day of April 2025.



Joseph N. Mazzara
Acting General Counsel
U.S. Department of Homeland Security