

DECLARATION OF ANDRES SANTAMARIA CORTES

I, Andres Santamaria Cortes, 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 Andres Santamaria Cortes and I am a Lead Attorney at Make the Road New York. I am based in our Queens office, located at 104-19 Roosevelt Avenue Corona, NY 11368 and I specialize in immigration cases including representation of noncitizen clients before the immigration courts and USCIS. I am admitted as an attorney in New York State. I am fluent in Spanish.

3. I represent Mr. Sergio Barco Mercado. I was present at the 26 Federal Plaza Immigration Court in Manhattan on August 8, 2025, when Mr. Barco was taken into custody and detained by Immigration and Customs Enforcement (“ICE”). Mr. Barco was attending his immigration court hearing and was exiting his hearing when he was arrested by ICE and subsequently held inside a holding room at 26 Federal Plaza, New York, NY, on the same day. I was with him inside the immigration courtroom mere moments before the ICE agents detained him.

4. After Mr. Barco was detained, I tried to contact him as quickly as possible with the goal of advising him about his legal options. I also worried that Mr. Barco was being held in dangerous, inhumane conditions, and I wanted to try to provide Mr. Barco with as much relief from those conditions as I could, and to do so as quickly as possible. This was urgent because prior to his arrest, Mr. Barco told me he was suffering from a recent toothache that requires care. He also shared with me that he has a 3-month old U.S. citizen child waiting for him at home.

5. Generally, when I need to locate and contact a client detained by ICE, I can enter that client’s information into the ICE online detainee locator system (<https://locator.ice.gov/odls/#/search>), which lists the facility where that client is detained. Clicking on the detention center in the locator leads to information about how to set up a call with the client.

6. However, based on my personal experience as an immigration attorney and public reporting, I knew ICE would take and hold Mr. Barco at 26 Federal Plaza. Thus, shortly after his arrest, and because I was still inside of 26 Federal Plaza, I visited the floor where ICE holds noncitizens. I identified myself as an attorney for Mr. Barco and asked to speak with him. I was told by an ICE agent that visitations are prohibited for individuals detained at 26 Federal Plaza. I was also told that I could not call 26 Federal Plaza to set up a call with my client.

7. I subsequently called (212) 436-9315, which is listed on the ICE public website as the telephone to contact ICE at 26 Federal Plaza. I was not able to set up an attorney call with my client.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

DATED: August 8, 2025
New York, NY


Andres Santamaria (Aug 8, 2025 16:23:46 EDT)
Andres Santamaria Cortes