

SUPPLEMENTAL DECLARATION OF SERGIO BARCO MERCADO

I, Sergio Barco Mercado, 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. I am providing this supplement to my earlier declaration to explain more about my commitment to being a class representative in this case and to share my experience in detention at 26 Federal Plaza.
3. I came to the U.S. in 2022 to seek asylum. I filed a timely asylum application the next summer, and I have consistently attended court since I got here and updated my address. I have two children; my youngest was born here in New York only 3 months ago. My wife had a very hard pregnancy. My family relies on me to support them.
4. I attended court at 26 Federal Plaza on August 8, 2025. But as I left on August 8 I was surrounded, handcuffed and detained by immigration agents.
5. I was taken to the 10th floor of 26 Federal Plaza and held there until Sunday, August 10, when I was moved to Orange County Jail.
6. The conditions I was subjected to at 26 Federal Plaza are extremely bad. I have reviewed the complaint filed in this case with an attorney and I experienced exactly the conditions that it describes. During my time there, I was not able to shower. There were no beds. The room smelled of sewage. I was freezing; we were given only an aluminum blanket but it was not enough.
7. I was provided a small portion of food only twice a day and it was inedible. The meals were frozen and the guards would heat them.
8. It was extremely crowded inside the holding areas. I estimate that the room was around 20 by 50 feet and it always had at least 40 people inside and sometimes more. I spoke with many people there who had been detained for 6 or 7 days in that room.
9. We did not always get enough water. There was one guard who would sometimes hold a bottle of water up and people would wait to have him squirt some into our mouths, like we were animals.
10. ICE did not make a distinction between legal and non-legal calls. I was never offered a private or confidential call and it was not possible to get such a call, even when I asked for one to speak to my attorney. We were given only very short calls once each day but they were not private.

11. I had the phone number for my attorney, Andres Santamaria, and on Sunday August 10 I called him. But the call was very brief—maybe one or two minutes—and it was not private. There was a guard next to me as I called and I could hear a second person breathing audibly on the line. So I believe that there were at least two people monitoring my call.
12. I am in a lot of pain as a result of my tooth. My face is swollen and I am worried that it is infected; it is very painful and it is impacting my speech. I asked for medicine and I received pain medication while at 26 Federal Plaza but that was it. I saw many other people in the same situation. I heard several people who are diabetic say they are not receiving their medication. They were also given the same meals as everyone else. Even if those people protested and said they could not eat the food, the guards would not give them anything different.
13. I want to be a class representative in this litigation because what is happening at 26 Federal Plaza is not right. I am a young and relatively healthy person, apart from my dental pain, but I saw people inside 26 Federal Plaza who are disabled and very vulnerable. Most people do not have lawyers and they cannot fight on their own.
14. I want to stand up for the people who are there. What is happening to them is not fair. Everyone at 26 Federal Plaza should get better food and medicine and the conditions should be humane.
15. We should also get confidential phone calls and the phone calls to family should be longer. That would have been very important to me. My wife takes care of my children and does not work, my family depends on me and I would have liked to have more time to be able to ensure that they were okay and taken care of. I would have liked more time to talk with my children. My oldest child asks for me every day. He wants to play with me. All of my free time I dedicated to my children. Every Saturday, my only day off of work, I would take my family to the park or we would go eat tacos. I do not want to cry when I call my family because I do not want them to worry about me and I need to be strong as the head of my family.
16. I also think that the rules governing ICE should be posted and made public so people know their rights.

Executed on : 08/12/2025

Signature : 
Name: Sergio Alberto Barco Mercado

ATTESTATION AND CERTIFICATE OF TRANSLATION

I, Andres Santamaria Cortes, certify that I am fluent in both English and Spanish. On August 12, 2025, I personally spoke with Sergio Alberto Barco Mercado and read the foregoing declaration to him, translated into Spanish faithfully and accurately. Sergio Alberto Barco Mercado affirmed that he/she/they understood my translation and that the information in the above declaration is true and accurate.

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


Andres Santamaria (Aug 12, 2025 09:30:38 EDT)

Full Name of Translator: Andres Santamaria Cortes

Address: 104-19 Roosevelt .
Corona, NY 11368

Telephone: 9172689578