UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

IMMIGRANT ADVOCATES RESPONSE COLLABORATIVE, *et al.*, *Plaintiffs*, v. DEPARTMENT OF JUSTICE, *et al.*, *Defendants*.	Civil Action No. 25-2279 (TNM) **Declaration of Adam V. Loiacono**

DECLARATION OF ADAM V. LOIACONO

I, Adam V. Loiacono, declare the following, pursuant to 28 U.S.C. § 1746, and state under penalty of perjury that the following is true and correct to the best of my knowledge and belief:

1. I currently serve as the Deputy Principal Legal Advisor (DPLA) for Enforcement, General Law, and Litigation for the U.S. Department of Homeland Security (DHS), U.S. Immigration and Customs Enforcement (ICE), Office of the Principal Legal Advisor (OPLA). I have served in this position, and the legacy DPLA for Enforcement and Litigation position with OPLA since 2017. In this position, I oversee approximately 350 attorneys, regulatory analysts, economists, and support personnel across nine OPLA divisions responsible for advising ICE Senior Leadership, Enforcement and Removal Operations (ERO), Homeland Security Investigations, Office of Professional Responsibility, and Management and Administration on the agency's criminal, customs, and immigration law enforcement authorities, as well as general and administrative law

matters. I am also responsible for guiding ICE's positions before the nation's immigration courts, overseeing its appellate practice before the Board of Immigration Appeals, and coordinating with the Department of Justice (DOJ) to address federal court litigation concerning ICE.

2. OPLA is DHS's largest legal program, with more than 3,200 attorneys and support personnel stationed in more than 145 offices nationwide, where their day-to-day focus is on representing DHS in the more than three million cases pending on the dockets of more than 650 immigration judges across the country, among other things. Pursuant to 6 U.S.C. § 252(c), OPLA serves as the exclusive representative of DHS in immigration deportation, exclusion, and removal proceedings before the Executive Office for Immigration Review (EOIR), including those against criminal aliens, terrorists, and human rights abusers.
3. OPLA also includes 12 divisions that, among other things, coordinate the agency's responses to federal civil litigation challenging its law enforcement authorities and operations; assist in administrative litigation, including before the Board of Immigration Appeals; support investigations into and the criminal prosecution of human rights violators and aliens posing a threat to national security; advise agency leadership on information-disclosure issues and related litigation; adjudicate Freedom of Information Act (FOIA) administrative appeals and support DOJ in defending the agency in FOIA litigation; represent ICE in contract-related protests; defend ICE in Government Accountability Office protests; support DOJ in other contract-related cases and advise on contract and fiscal law issues; represent ICE before the U.S. Equal Employment Opportunity Commission and Merit System Protection Board; and support DOJ in employment-related federal court cases.

4. This declaration is based on my personal knowledge and information made available to me in the course of my official duties.
5. I am familiar with the Certified Administrative Record (CAR) for the May 20, 2025 Principal Legal Advisor Broadcast Message: *Referring Non-Detained Cases to ERO for Arrest*, and the two records withheld in full from the CAR.
6. On January 21, 2025, then Acting Secretary of Homeland Security Benjamine C. Huffman issued a designation of aliens for expedited removal pursuant to section 235(b)(1)(A)(iii) of the Immigration and Nationality Act, 8 U.S.C. § 1225(b)(1)(A)(iii), published by Notice in the Federal Register titled, *Designating Aliens for Expedited Removal*, 90 Fed. Reg. 8139 (Jan. 24, 2025) (Expedited Removal Designation).
7. On January 23, 2025, then Acting Secretary Huffman issued the DHS Memorandum, *Guidance Regarding How to Exercise Enforcement Discretion* (Huffman Memorandum).
8. On January 31, 2025, at my direction as Acting Principal Legal Advisor, an email broadcast message was issued to all OPLA personnel providing interim guidance on implementing the Huffman Memorandum. The broadcast message, which was drafted by OPLA attorneys, provided a summary of the Huffman Memorandum, legal analysis of the Huffman Memorandum and the Expedited Removal Designation, as well as their legal significance, and guidance to OPLA attorneys regarding litigation strategy on this issue and the exercise of prosecutorial discretion. It also included guidance for, and to be relayed to, OPLA's law enforcement clients. I believed that legal challenge to the January 21, 2025 expedited removal delegation and any implementing guidance was likely and was anticipating litigation at the time the broadcast message was drafted and issued.

Accordingly, it is subject to Attorney Client Privilege and the Attorney Work Product Doctrine.

9. On February 28, 2025, then Acting ICE Director Caleb Vitello issued the ICE Memorandum, *Implementation Guidance for January 2025 Federal Register Notice, Designating Aliens for Expedited Removal* (Vitello Memorandum).

10. On March 5, 2025, at my direction as Acting Principal Legal Advisor, an email broadcast message was issued to all OPLA personnel providing guidance with regard to the Vitello Memorandum. The broadcast message, which was drafted by OPLA attorneys, provided a summary and analysis of the Expedited Removal Designation and its legal significance; a summary of the Vitello Memorandum and legal analysis of the same; guidance to OPLA attorneys regarding litigation strategy on this issue as well as the exercise of prosecutorial discretion; and guidance on the role of OPLA attorneys in advising their law enforcement clients. At the time the broadcast message was drafted and issued, I believed a legal challenge was likely and was anticipating litigation. Accordingly, it is subject to the Attorney Client Privilege and the Attorney Work Product Doctrine.

11. On May 20, 2025, at the direction of Principal Legal Advisor Charles Wall, an email broadcast message was issued to all OPLA personnel providing guidance on then Acting Secretary Benjamine C. Huffman's January 21, 2025 Expedited Removal Designation. This guidance was drafted by OPLA attorneys and provided legal analysis of the Expedited Removal Designation and its significance, and guidance to OPLA attorneys regarding litigation strategy on this issue, as well as regarding the exercise of prosecutorial discretion. It also provided guidance on the role of OPLA attorneys in advising their law enforcement clients, and guidance directed to, and to be relayed to OPLA's law enforcement clients. At

the time the broadcast message was drafted and issued, OPLA believed legal challenge was likely and anticipated litigation. Accordingly, it is subject to Attorney Client Privilege and the Attorney Work Product Doctrine.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Executed this 9th day of June 2026 at Washington, D.C.

ADAM V LOIACONO

Digitally signed by ADAM V LOIACONO
Date: 2026.06.10 15:33:37 -04'00'

Adam V. Loiacono
Deputy Principal Legal Advisor for
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U.S. Immigration and Customs Enforcement