

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

BADAR KHAN SURI)	
)	
Petitioner,)	
)	Civil Action No. 1:25-cv-480
v.)	
)	
DONALD J. TRUMP, <i>et al.</i> ,)	
)	
)	
Respondents.)	
_____)	

DECLARATION OF MARK GRAHAM

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

1. I am an Assistant Field Office Director (“AFOD”) in the Richmond, Virginia sub-office of the Washington Field Office of Enforcement and Removal Operations (“ERO Virginia”) at U.S. Immigration and Customs Enforcement (“ICE”) within the U.S. Department of Homeland Security (“DHS”). I have been employed with ERO since July 2007 as an Immigration Enforcement Agent. In July 2011, I was promoted to Deportation Officer. In March 2017, I was promoted to Supervisory Detention and Deportation Officer. In April 2023, I was promoted to my current role as AFOD.

2. As the AFOD, I am responsible for the intake and removals portfolios, meaning I am responsible for the officers that process incoming detainees, and the decisions made in the intake process including custody determinations and detention decisions. I am also responsible for efforts to execute final orders of removal. In my role as the AFOD, I have access to records

maintained in the ordinary course of business by ICE, including documentary records concerning ERO Virginia and the alien detainees who fall within its responsibility.

3. I am aware that Badar Khan Suri (“Suri”) has filed a Petition for a Writ for Habeas Corpus before this Court.

4. I provide this declaration in response to questions posed by U.S. District Court Judge Giles. The information is based on my personal knowledge, reasonable inquiry, and information obtained from various records, systems, databases, and other DHS employees, and information portals maintained and relied upon by DHS in the regular course of business.

5. As noted in DFOD Simon’s April 1 declaration, from March 1, 2025, to March 13, 2025, ICE, in conjunction with other federal, state, and local partners conducted a surge of targeted enforcement actions within the Northern Virginia and Washington D.C. region which resulted in an additional 214 arrests beyond its daily operations. As a result of this operation, ICE was operating its Virginia detention facilities at a high capacity, often referred to within ICE as “high compression,” at the time Suri came into ICE custody. Additionally, local jails in the Northern Virginia area are unwilling to hold ICE detainees on short-term contracts.

6. Homeland Security Investigations Special Agents arrested Suri at approximately 9:30 p.m. on Monday, March 17, 2025, in Arlington, Virginia. The arresting agents transported Suri to the ERO Washington office in Chantilly, Virginia for the purpose of initial processing, including making a decision on a detention location.

7. Bedspace in ICE facilities is divided between high classification detainees and low classification detainees. A preliminary classification of a detainee is done at the time of processing for bedspace selection purposes; Suri was preliminarily classified as a high classification detainee.

8. The Farmville Detention Center only houses male detainees and had a total capacity of 317 high classification beds, of which nine (9) were unoccupied, however all 9 were reserved for other arrests. Also at the time, the Farmville Detention Center had a total capacity of 415 low classification beds, of which 10 were unoccupied with each reserved for existing arrests. Similarly, the Caroline Detention Center had a total of 112 high classification male beds and 168 low classification beds. However, at the time Suri was arrested, the Caroline Detention Center had no available beds and only had limited emergency bedspace. This data is based on internal ICE databases and tracking tools that are updated at least daily.

9. ICE's detention capacity nationwide is strained, notably ICE is operating at approximately 23% more detainees than is appropriated. ICE takes a nationwide approach to utilizing that bedspace. Thus, it is common for arrestees to be transported shortly after being arrested to facilities around the country. As noted above, while some beds in Farmville were empty at the moment Suri was arrested, many of those beds were already reserved for other arrests. Prairieland Detention Facility had bed space available. Because ICE was able to secure bedspace at Prairieland Detention Facility with transport scheduled quickly, use of emergency bedspace in Virginia was unnecessary and was retained for more urgent needs. Temporary use of plastic cots during transitional periods is an expected part of facility practice and does not indicate the facility lacked bedspace for Suri. With those factors in mind, the decision to detain Suri at the Prairieland Detention Facility was made at approximately 10:00 pm on March 17, 2025. Accordingly, Suri was placed on a plastic cot, temporarily, upon arrival at the Prairieland Detention facility.

10. Notices to Appear (NTAs) are charging documents filed with the U.S. Department of Justice's Executive Office for Immigration Review (EOIR). The detention facility is a vital component of the NTA. NTAs issued for aliens who will be detained are issued listing the

detention facility as the current address. This is required and standard practice as it informs the Immigration Court, operated by EOIR, of the alien's location which often determines which court and docket, as well as the date and time for initial appearances, which are vital components of the NTA. Additionally, detention facility is often the appropriate address for EOIR to serve the alien correspondence relevant to his removal proceedings. For individuals who are issued NTAs but who are not detained by ICE, their private home address would be listed.

11. Suri was issued his NTA after the detention facility was decided and the detention facility was included as his address for these standard practice reasons.

12. On Monday, March 17, 2025, ICE made arrangements to transport Suri to the Prairieland Detention Facility. ICE utilizes a combination of ground and air transportation to transport detainees between detention centers. ICE has dedicated air transportation known as ICE Air Operations (ICE Air) which are chartered flights. ICE Air operates a standard domestic schedule; however, ICE Air charters do not service every U.S. airport. For the efficiency of the government, it is a regular occurrence to use commercial charters for mass movements from one region of high compression to another region where ground transportation can be leveraged for areas of lower compression. Suri was scheduled to do the bulk of his transit via a regularly scheduled ICE Air charter flight that runs from Richmond, VA. That regularly scheduled charter flight stops at the Alexandria Staging Facility in Alexandria, LA. The most efficient means to transport Suri from Virginia to the Prairieland Detention Facility was via this regularly scheduled charter the day after his arrest and then utilize ground transportation to transport from Alexandria, LA to the Prairieland Detention Facility in TX.

13. ICE's operations run 24 hours a day, 7 days a week. Suri was arrested in the evening. ICE offices do not have the capacity to house detainees in holding rooms more than 12

hours except in emergency circumstances. Suri was transported as soon as possible after his arrest and processing to an appropriate ICE facility that could appropriately care for him pending his scheduled charter flight. This necessitated transport from the ICE office in Chantilly, VA to the Farmville Detention Center during late hours, over midnight; this is standard practice for aliens coming into custody in the evening given ICE's inability to hold for long durations and local jails in the Northern Virginia area being unwilling to hold ICE detainees on short-term contracts.

14. Suri departed Virginia aboard the regularly scheduled charter flight on Tuesday, March 18 at 2:47 p.m. Eastern Daylight Time. Forty-four (44) other detainees from the Farmville Detention Facility were on the flight en route to either Louisiana or Texas. The number of available beds referenced above incorporates these departures.

15. Suri arrived in Alexandria, LA at approximately 5:03 p.m. Eastern Daylight Time (4:03 p.m. Central Daylight Time) on March 18, 2025. He was recorded as booked into the Alexandria Staging Facility shortly after at 6:42 p.m. Eastern Daylight Time (5:42 p.m. Central Daylight Time). The Alexandria Staging Facility is located in the same facility as the Alexandria Airport.

16. Suri was transported from Alexandria Staging Facility to the Prairieland Detention Facility via regularly running ground transport on Friday, March 21 departing approximately at 9:30 a.m. Eastern Daylight Time (8:30 a.m. Central Daylight Time) and arriving at approximately 7:30 p.m. Eastern Daylight Time (6:30 p.m. Central Daylight Time).

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

Executed this 2nd day of May 2025.

Mark Graham
Assistant Field Office Director
Enforcement and Removal Operations

U.S. Immigration and Customs Enforcement
U.S. Department of Homeland Security