



State of New York
Executive Chamber
Albany 12224

Andrew M. Cuomo
GOVERNOR

June 9, 2018

Thomas R. Decker
Field Office Director
U.S. Department of Homeland Security and Customs Enforcement
26 Federal Plaza, 9th Floor
New York, New York 10278

Dear Director Decker:

I write to you today in support of the application for a stay of removal for Pablo Villavicencio and request that he be released from the custody of Immigration and Customs Enforcement (“ICE”). Mr. Villavicencio’s expedited removal serves no legitimate public safety purpose and the circumstances leading to his arrest and detention raise serious legal and policy concerns that warrant proper investigation and adjudication. Further, his expedited removal will cause significant harm to his U.S. citizen wife and two young children who depend on Pablo for financial and emotional support. The significantly expedited pace with which ICE appears to be moving to deport Mr. Villavicencio threatens to violate both his and his family’s due process rights under the United States Constitution and falls far beyond the basic standards of reasonableness and decency which provide a foundation of legitimacy for our public institutions, particularly law enforcement.

This case raises significant questions of fact which require Mr. Villavicencio’s presence and active participation to properly adjudicate. Mr. Villavicencio was arrested and detained at Fort Hamilton, a U.S. military installation in Brooklyn. There are conflicting reports from officials at Fort Hamilton, members of the Department of Homeland Security (“DHS”), and Mr. Villavicencio regarding the circumstances leading to his arrest, including whether the request for additional identification after Mr. Villavicencio presented his valid New York City identification card comported with the established security protocols at the base and whether he signed a release authorizing a background check as was alleged by security personnel at the base. Indeed, it appears that

there was conflict among those personnel as to whether Mr. Villavicencio needed to provide any additional identification because he was known to them based on previous deliveries he had made to the facility. There are also questions concerning the extent to which members of the security detail targeted Mr. Villavicencio because of his perceived ethnicity and treated him differently than others similarly situated who visit the base for the same purpose. The resolution of these and many other questions of fact are essential for the proper adjudication of the legal questions raised in this case. Further, Pablo's wife, Sandra, has submitted a family based petition supporting his application for a green card which is still pending.

In addition, Mr. Villavicencio's expedited removal will create an unnecessary humanitarian crisis in New York State. Mr. Villavicencio has been a resident of New York for over 10 years. He is a working father, a taxpayer, and the primary provider for his U.S. citizen wife and two daughters, one of whom suffers from a serious medical condition. His wife and daughters have no extended family in New York. The speed with which your office has proceeded with removal has already caused considerable trauma to his family and community, and the significant humanitarian consequences of his removal demand that he and his family, and their legal counsel, be afforded the time to fully prepare and present his all of his legal claims, including those challenging the legality of his arrest and detention, his underlying Order of Removal, and his family-based petition for a green card.

The circumstances of this case, including the arrest and detention of Mr. Villavicencio and the remarkable speed with which it appears he is being removed, reflects a pattern of conduct which I have previously raised with ICE as unconscionable and seemingly targeted directly at New York residents. There is absolutely no legitimate reason to proceed with an expedited removal and to do so would be inhumane. The proper course of action here is to stay Mr. Villavicencio's removal and release him from detention so that he may reunite with his family and participate in the proper adjudication of his case. The Constitutional guarantee of due process affords him that basic right.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew M. Cuomo". The signature is fluid and cursive, with a large initial "A" and "C".

ANDREW M. CUOMO