

Father of 5-year-old detained by ICE plans voluntary deportation, attorney says

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Grace Reader

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Editor's Note: This story has been edited to reflect the father of Liam Tadeo is choosing to voluntarily deport.

AUSTIN (KXAN) — The father of 5-year-old Liam Tadeo, [the boy detained by ICE alongside his father in Austin earlier this month](#), is voluntarily deporting to Mexico, the family's immigration attorney told KXAN. His attorney said that will ensure Tadeo remains in custody of his father.

Kate Lincoln-Goldfinch, that attorney, said despite a statement from the Department of Homeland Security (DHS) noting that "ICE will place the children with a safe person the parent designates," DHS has not allowed Liam to be released to his mother. His mother, Maria, is not a legal United States citizen either, Lincoln-Goldfinch confirmed.

"Victor (the father) has asked for Liam to be released to his mother since the moment of their detention and DHS will not allow Maria to just go pick Liam up. And the risk is that Liam would be placed into ORR custody as an unaccompanied migrant child," Lincoln-Goldfinch said.

ORR is the Office of Refugee Resettlement, the agency that takes custody of unaccompanied migrant children.

KXAN reached out to DHS about claims the agency would not release Liam to his mother. They largely sent us the same statement they sent us last week, which you can read below.

"It feels like when you go to someone's house after a sudden death has occurred and there's a wake or a gathering and everybody is just stunned. That's what it feels like after a detention like this. Liam's mom, Maria, is desperate and distraught, being separated from her child and worrying about his well being," Lincoln-Goldfinch said.

How we got here

Liam and his father were detained by U.S. Immigration and Customs Enforcement in Austin on Sunday, Aug. 16, according to a [GoFundMe post from the family](#). They were taken to the Dilley detention facility near San Antonio.

“Liam wanted to go to play soccer so his dad took him to a soccer game and while they were out ... the truck that they were in was pulled over by ICE, who immediately asked them their legal status,” Lincoln-Goldfinch said.

A Department of Homeland Security (DHS) spokesperson confirmed ICE arrested Victor Martinez Nieto, the father, during a traffic stop in Austin. He is an undocumented immigrant from Mexico.

DHS said ICE has arrested the man before, in late 2025 in Hutto.

“He accepted voluntary departure and was removed from the country on February 12, 2026. Martinez Nieto illegally reentered the country at an unknown time and place after being removed,” the DHS spokesperson said.

DHS said Martinez Nieto and his son will remain together in ICE custody “pending removal.” The spokesperson also added:

“Parents have a choice if they want to be removed with their children or ICE will place the children with a safe person the parent designates. This is consistent with past administrations’ immigration enforcement.

The Dilley Detention Center is retrofitted for families. Children have access to teachers, classrooms, and curriculum booklets for math, reading, and spelling. All of this is generously funded by the U.S. taxpayer. Adults with children are housed in facilities that provide for their safety, security, and medical needs.

Being in detention is a choice. We encourage all illegal aliens to take control of their departure with the CBP Home App. The United States is offering illegal aliens \$2,600 and a free flight to self-deport now. We encourage every person here illegally to take advantage of this offer and reserve the chance to come back to the U.S. the right legal way to live the American dream. If not, you will be arrested and deported without a chance to return.”

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