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**UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA**

O.E.O.,

Petitioner,

v.

Fred Figueroa, et al.,

Respondents.

Case No. CV-25-02283-PHX-DWL
(MTM)

Hon. Judge Dominic W. Lanza

**PETITIONER'S RESPONSE TO
RESPONDENTS' STATUS REPORT**

1 On March 13, 2026, this Court ordered Petitioner to “respond to Respondents’
2 March 11, 2026 status report . . . and delineate what . . . further action is required to
3 facilitate Petitioner’s transfer to a sponsor.” Dkt. 94, Order. Respondents’ March 11,
4 2026 Status Update stated that the following tasks and items still needed to be completed
5 for O.E.O.’s reunification: (1) results from a background check; (2) a fingerprint
6 appointment on March 11, 2026; (3) a signature on the Sponsor Care Agreement; (4)
7 ORR referral for a home study; and (5) an appointment for DNA testing and ID
8 verification. Dkt. 93, Status Update.

9 Based on O.E.O.’s immigration attorney Ms. Alex Fox’s communications with
10 O.E.O.’s sponsor, O.E.O.’s sponsor has complied with all of ORR’s requests, but ORR’s
11 outreach to him has been limited. *See* Fox Decl. at ¶4. Ms. Fox has similarly
12 experienced difficulty with obtaining responses from ORR and O.E.O.’s case manager.
13 *See id.* at ¶10. Attorney Fox first emailed O.E.O.’s caseworker requesting O.E.O.’s
14 transfer to a facility in Southern California on February 19, 2026. *Id.* at ¶4, Ex. A. On
15 March 2, Federal Field Specialist Cecilia Alvarez responded, inviting Attorney Fox to
16 make her requests to the AUSA assigned to this litigation. *Id.* at ¶5, Ex. A. On March 13,
17 2026, Attorney Fox requested an update on O.E.O.’s reunification process and did not
18 receive a response. *Id.* at ¶6, Ex. B.

19 On March 18, 2026, Attorney Fox requested another update, stressing the
20 importance of receiving a reply prior to this Court’s March 20 deadline. *Id.* at ¶7, Ex. C.
21 On March 19, 2026, O.E.O.’s case manager responded and provided the following
22 updates: (1) O.E.O.’s sponsor’s “fingerprints have been taken and results received for
23 both sponsor and” the alternative caregiver; (2) “background checks completed and
24 uploaded into portal;” (3) the “Sponsor Care Agreement has been signed and uploaded
25 into [the] portal;” (4) “DNA testing is pending scheduling” and “[p]ending DSA FFS
26 Guidance;” and (5) the “[c]ase was submitted to internal review” on March 19, 2026, and
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1 is “expected to be submitted in the next few days for [home study] approval.” *Id.* at ¶8,
2 Ex. C.

3 Based on ORR’s representations, the only remaining tasks Petitioner is aware of
4 are DNA testing, which ORR must schedule and is apparently waiting for further
5 guidance on, and the home study, which is also pending internal ORR approval. *Id.*
6 These remaining tasks are under ORR’s control and depend on ORR’s scheduling of
7 them. Meanwhile, O.E.O. has languished in government custody for sixteen months,
8 seven of which were spent in an adult Immigration and Customs Enforcement (“ICE”)
9 detention facility after Respondents erroneously age-determined him to be an adult. *See*
10 Complaint at ¶¶ 24–58 (detailing Respondent’s age determinations); *see also* Dkt. 87,
11 Notice of Compliance (“ORR has rendered a new age determination decision and
12 determined that Petitioner is a minor.”). O.E.O.’s continued detention is depriving him of
13 his constitutional right to liberty and to family integrity, and his Trafficking Victims
14 Protection Reauthorization Act (“TVPRA”) rights to apply for relief and to “be promptly
15 placed in the least restrictive setting” in O.E.O.’s best interest. *See* 8 U.S.C. §
16 1232(c)(2)(A), (d)(8); *see also* 8 U.S.C. § 1158(b)(3)(C); Complaint at ¶¶ 83, 95–103.
17 Petitioner respectfully renews his requests that this Court order Petitioner’s transfer to an
18 ORR facility within the jurisdiction of his undersigned counsel or order his release to his
19 sponsor. *See* Complaint at 29–30 (prayer for relief).

20 Without intervention from the Court, Petitioner is likely to continue to languish in
21 ORR custody. In early November 2025, legal service providers across the country were
22 informed that ORR Headquarters had issued a policy pausing reunification with sponsors
23 across the board. Donovan Decl. at ¶5; *see also* Mark Betancourt, *Trump Admin has all*
24 *but Stopped Reuniting Detained Migrant Children with Their Families*, LAist (Dec. 18,
25 2025, at 2:59 P.M.), available at [https://laist.com/news/politics/trump-admin-has-all-but-](https://laist.com/news/politics/trump-admin-has-all-but-stopped-reuniting-detained-migrant-children-with-their-families)
26 [stopped-reuniting-detained-migrant-children-with-their-families](https://laist.com/news/politics/trump-admin-has-all-but-stopped-reuniting-detained-migrant-children-with-their-families) (last visited on March
27 20, 2026). Indeed, the reunification of unaccompanied children nationwide had been
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1 stalled. *See* Donovan Decl. at ¶5. ORR’s own data shows that an unaccompanied child’s
2 length of stay in ORR has almost quadrupled in the last year. *See* Unaccompanied Alien
3 Children Data, Average Length of Care, Office of Refugee Resettlement, available at
4 <https://acf.gov/orr/about/ucs/facts-and-data> (last visited on March 19, 2026). In Fiscal
5 Year 2024, the average length of stay in ORR custody was thirty days, whereas in Fiscal
6 Year 2025, the average length of stay increased to 117 days, with many children detained
7 much longer. *Id.*; *see also* Donovan Decl. at ¶6. Ms. Donovan-Kaloust is aware of
8 multiple children currently in ORR custody seeking to reunify with family who have
9 been in ORR custody for over 200 days. Donovan Decl. at ¶6. Ms. Donovan-Kaloust
10 has worked with unaccompanied children in ORR care for over ten years and oversees
11 Immigrant Defenders Law Center’s (“ImmDef”) work as the designated legal services
12 provider for children in thirteen ORR facilities throughout Southern California. *Id.* at ¶2.
13 As part of her role, Ms. Donovan-Kaloust is very familiar with ORR policy related to
14 sponsorship processes. *Id.* Ms. Donovan-Kaloust reported that between November 2025
15 and today, ImmDef has only seen thirty-nine family reunifications. *Id.* at ¶7. Twenty-
16 eight of those reunifications only occurred *after* ImmDef sent ORR demand letters
17 indicating it would pursue legal action if the children were not promptly released. *Id.* Of
18 those twenty-eight, ImmDef also had to file habeas petitions in the Central District of
19 California to secure the release of twelve children. *Id.*

20 Further, since January 2025, Ms. Donovan-Kaloust has seen a repeated pattern
21 where sponsors comply with all the requirements set by ORR, then ORR changes their
22 policy to require more tasks from the sponsor. *Id.* at ¶8. By the time the new tasks are
23 completed, the prior fulfilled requirements are considered “expired” and the sponsor must
24 start anew. *Id.* Based on her experience, Ms. Donovan-Kaloust “believe[s] that a policy
25 exists to impermissibly and needlessly pause or delay reunifications for children in ORR
26 custody, even for whom all sponsorship requirements have been completed.” *Id.* at ¶10.
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1 O.E.O. has been back in ORR custody since approximately January 1, 2026. ORR
2 has thus had almost three full months to resume its reunification efforts with O.E.O.'s
3 sponsor. Based on the experience of undersigned counsel's non-profit legal services
4 organization, it is unlikely O.E.O. will be released to his sponsor absent judicial
5 intervention. O.E.O. respectfully requests that this Court order O.E.O.'s transfer to a
6 facility within ImmDef's service area or O.E.O.'s prompt release to his sponsor, as
7 required by the TVPRA.

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9 Respectfully submitted on March 20, 2026, by

10 /s/ Carson Adrianna Scott

11 Carson Adrianna Scott

12 *Pro Bono Attorney for Petitioner*
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