

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

E.J.C.C., a minor, by and through his next friend
and attorney, Beth Baltimore,

Petitioner,

v.

William Joyce, *et al.*,

Respondents.

Case No. 25 Civ. 8805 (CS)

**DECLARATION OF ASSISTANT
DEPUTY DIRECTOR FOR
POLICY FOR THE
UNACCOMPANIED ALIEN
CHILDREN BUREAU
TOBY BISWAS**

Pursuant to 28 U.S.C. § 1746, I, Toby Biswas, hereby declare under penalty of perjury that the following is true and correct:

1. I am the Assistant Deputy Director for Policy for the Unaccompanied Alien Children (“UAC”) Bureau in the Office of Refugee Resettlement (“ORR”), an entity within the Administration for Children and Families (“ACF”), U.S. Department of Health and Human Services (“HHS”).

2. I have held various roles within ORR since joining the agency in November 2009, and I have held my current role since August 2025. My responsibilities encompass the development and implementation of ORR’s policies and procedures concerning the care and custody UAC. In this capacity, I am responsible for ensuring ORR’s implementation of and compliance with programmatic policy prerogatives and statutory responsibilities, including those arising under the Homeland Security Act of 2002 (“HSA”), 6 U.S.C. § 279; Trafficking Victims Protection Reauthorization Act of 2008 (“TVPRA”), 8 U.S.C. § 1232; and ORR’s regulations, including the Foundational Rule, 45 C.F.R. part 410.

3. This declaration is based upon my personal knowledge, information acquired in the course of performing my official duties, information contained in the records of ACF and ORR, and information conveyed to me by current agency employees and contractors.

**CARE AND PLACEMENT OF UNACCOMPANIED ALIEN CHILDREN
IN ORR CUSTODY**

4. The TVPRA, 8 U.S.C. § 1232(b)(3), requires any department or agency of the Federal Government that has an unaccompanied child in its custody to transfer the custody of such unaccompanied alien child to HHS no later than 72 hours after determining that the child is an unaccompanied alien child (unless there are exceptional circumstances). Therefore, ORR only takes children into its custody upon referral by another federal agency.

5. The HSA prohibits ORR from releasing an unaccompanied child on their own recognizance. 6 U.S.C. § 279(b)(2)(B) (“The Director of the Office of Refugee Resettlement . . . shall not release such children upon their own recognizance.”).

6. After a federal department or agency notifies ORR that a child in its custody is an unaccompanied alien child, ORR identifies a program placement for the child. 45 C.F.R. § 410.1101(b). In order to do so, ORR requests background information from the referring federal agency to assess, among other things, whether the unaccompanied alien child is a danger to self or others, whether there are any known medical and/or mental health issues, or whether other special concerns or needs are known. ORR uses this information to determine an appropriate placement for the child in the least restrictive setting appropriate for the child’s needs. 45 C.F.R. § 410.1103(a) and (b); ORR Unaccompanied Alien Children Bureau Policy Guide (“UAC Policy Guide”), available at <https://acf.gov/orr/policy-guidance/unaccompanied-children-bureau-policy-guide>, § 1.3.1.

7. ORR may place a child in a shelter facility, foster home or group home (which may be therapeutic), heightened supervision facility or secure facility (including residential treatment centers), or other care facility that can provide for their specific individualized needs, including an out-of-network (“OON”) placement (which may be restrictive or non-restrictive). 45 C.F.R. § 410.1102; UAC Policy Guide § 1.2.

**POLICIES FOR AN UNACCOMPANIED ALIEN CHILD’S
SAFE AND TIMELY RELEASE**

8. ORR’s goal is to release UAC to suitable sponsors where consistent with its statutory mandate to ensure that placement does not result in danger to the UAC, to the community, or risk of flight by the UAC. *See* 6 U.S.C. § 279; 8 U.S.C. § 1232.

9. ORR fully assesses a sponsor (even a parent or legal guardian) before making any release determination, including a review of the potential sponsor’s strengths, resources, risk factors, and relationship to the UAC. UAC Policy Guide §§ 2.2.2, 2.4; *see* 8 U.S.C. § 1232(c)(3)(A) (TVPPRA prohibits HHS from releasing a child to a proposed custodian unless HHS “makes a determination that the proposed custodian is capable of providing for the child’s physical and mental well-being,” which determination “shall, at a minimum, include verification of the custodian’s identity and relationship to the child, if any, as well as an independent finding that the individual has not engaged in any activity that would indicate a potential risk to the child”). This is particularly important because ORR is not a law or immigration enforcement agency and lacks the authority to hold individuals accountable by reassuming care if the sponsor abuses or neglects a child after a UAC has been released from ORR custody; rather, ORR only takes children into its custody upon referral by another federal agency, as described in statute. In this regard, ORR is also very different from state child welfare agencies, which typically retain such authority post-

placement. Accordingly, ORR must front-load child safety considerations in its identity verification and sponsor-vetting policies.

10. The process for the safe and timely release of an unaccompanied alien child from ORR custody involves several steps, including: the identification of sponsors; sponsor application; interviews; the assessment (evaluation) of sponsor suitability, including verification of the sponsor's identity and relationship to the child (if any), background checks, and in some cases home studies; and post-release planning. UAC Policy Guide § 2.1. There are four categories of potential sponsors: (1) Category 1, consisting of parents or legal guardians; (2) Category 2A, consisting of siblings, half-siblings, grandparents, immediate relatives (such as aunts, uncles, and cousins) who previously served as a primary caregiver, and other biological relatives and relatives through marriage; (3) Category 2B, consisting of immediate relatives (including biological relatives and relatives through marriage) who did not previously serve as a primary caregiver; (4) Category 3, consisting of other sponsors, such as distant relatives and unrelated adult individuals. *Id.* § 2.2.1.

11. A potential sponsor must complete a Family Reunification Application ("FRA"), provide unexpired government-issued identification documentation for the sponsor and any other adults living in the household or identified in a sponsor care plan, and, along with any adult living in his or her household, undergo a background check. UAC Policy Guide §§ 2.2.4, 2.5. All potential sponsors must also submit proof of address, income, sponsor-child relationship, and criminal history documents (if applicable). *Id.* § 2.2.4. ORR does not disqualify potential sponsors based solely on their immigration status or for law enforcement purposes. *Id.* § 2.6.


12. ORR (through its care providers) conducts a suitability assessment of the potential sponsor, including a review of the sponsor's strengths, resources, risk factors, and special concerns

within the context of each child's needs, strengths, risk factors, and relationship to the sponsor. UAC Policy Guide §§ 2.4, 2.4.1. Additionally, in certain circumstances a home study, which consists of interviews, a home visit, and a written report containing the home-study case worker's findings, is performed. *Id.* § 2.4.2.

13. Once the assessment of the potential sponsor is complete, the care provider makes a release recommendation. UAC Policy Guide § 2.7. The recommendation must take into consideration all relevant information, including the report and recommendations from a home study, if conducted, laws governing the process, and other facts in the case. ORR makes the final release decision. *Id.* Release decisions include: (1) approve release to sponsor; (2) approve release with post-release services; (3) conduct a home study before a final release decision; (4) deny release; or (5) remand for further information. *Id.*

14. ORR denies release if: (1) the potential sponsor is not willing or able to provide for the child's physical or mental well-being; (2) the potential sponsor is not willing to complete the mandatory fingerprint check; (3) the physical environment of the home presents a risk to the child's safety or well-being; or (4) release of the UAC would present a risk to him or herself, the sponsor, household, or community. *Id.* § 2.7.4. 45 C.F.R. § 410.1205.

E.J.C.C.'S CASE STATUS

15. My understanding from a review of the record is that E.J.C.C., A#  was admitted to ORR care on October 23, 2025. He came to ORR care as the result of an internal apprehension. Since that time, he has been placed at Catholic Guardian Services Crotona. At the time of his placement, ORR began its normal sponsorship verification processes to process him for release to a viable sponsor.

16. As of November 3, 2025, ORR had identified a potential sponsor for the child in the form of his uncle, Juan Yupa Camas and was moving forward with the process required for release of a child to a sponsor as described in the UAC Program Foundational Rule at 45 C.F.R. § 410 Subpart C – Releasing an Unaccompanied Child from ORR Custody. That process continues at this time and includes an evaluation of which sponsor category Juan Yupa Camas falls into.

17. Specifically, Juan Yupa Camas submitted the required Authorization for Release of Information, Sponsor Application, and Sponsor Care Agreement forms to ORR on November 1, 2025. As of the date of this declaration, he has also submitted what appears to be a valid New York state identification document and a copy of E.J.C.C.'s birth certificate among other documents that ORR requires to be submitted as part its sponsor assessment processes.

18. Juan Yupa Camas also has an appointment scheduled in order to take his fingerprints, a required part of sponsor release process as set forth in the ORR Unaccompanied Alien Children Bureau Policy Guide, Section 2.5 Sponsorship Assessment Background Check Investigations. This appointment is currently scheduled for November 8, 2025.

19. At this time, ORR is evaluating all the required documents and intends to move forward with a decision on the viability of the sponsorship.

I hereby declare under the penalty of perjury that the above statements are true and correct.

Executed at New York, New York
this 6th day of November 2025

**TOBY R.
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Toby Biswas
Assistant Deputy Director for Policy
Unaccompanied Alien Children Bureau
Office of Refugee Resettlement