

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-Plaintiff,

v.

WILLIAM JOYCE, in his official capacity as
Acting Field Office Director of New York,
Immigration and Customs Enforcement, *et al.*,

Respondents-Defendants.

No. 25 Civ. 8805 (CS)

**BRIEF OF *AMICI CURIAE* YOUTH DETENTION EXPERTS IN SUPPORT OF
PETITIONER-PLAINTIFF'S PETITION FOR A WRIT OF HABEAS CORPUS**

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I. INTERESTS OF *AMICI CURIAE*

Amici curiae are organizations sharing the common goal of promoting the welfare and safety of children and youth who are impacted by immigration detention, including protecting them from the serious harm that detention poses to minors, and protecting their educational rights (the “Youth Detention Expert Amici”).

Amicus Children’s Defense Fund (“CDF”) is a national organization working at the intersection of well-being and racial justice for children and youth. CDF partners with and amplifies the power of youth and families through advocacy, community organizing, direct service, and public policy. CDF’s state offices in New York and Texas work with, serve, and advocate alongside children, youth, and families who are impacted by immigration policy or who have experience with the immigration, child welfare, and youth justice systems. They are recognized experts on policies impacting young people.

Amicus the Kairos Center for Religions, Rights, and Social Justice (“Kairos”) is a center for leadership development, narrative change, and power-building within poor and low-income communities. For over two decades, Kairos has worked to raise up generations of grassroots community and religious leaders who are dedicated to the abolition of poverty and the flourishing of a vibrant and inclusive democracy.

Amicus EdTrust-New York is dedicated to eliminating equity and opportunity gaps that prevent students from reaching their full potential. EdTrust-New York is committed to upholding the dignity, security, and humanity of immigrant students and families. The trauma caused by immigration enforcement actions reverberates through classrooms and communities, undermining students’ ability to learn and thrive. EdTrust-New York joins this effort to affirm that E.J.C.C. and all children deserve the opportunity to learn, grow, and reach their full potential in safety and dignity.

Amicus the Young Center for Immigrant Children's Rights ("Young Center") is a national non-profit organization whose mission is to protect and advance the rights and best interests of immigrant children in accordance with state, federal, and international law. Since 2004, the Young Center has been appointed by the Office of Refugee Resettlement ("ORR") within the United States Department of Health and Human Services to serve as the independent Child Advocate, akin to a best interests guardian *ad litem*, for unaccompanied and separated immigrant children. The Young Center is appointed as Child Advocate pursuant to the Trafficking Victims Protection Reauthorization Act, 8 U.S.C. § 1232(c)(6)(A). The Young Center is the only organization appointed by ORR to serve in this capacity. The Young Center's Child Advocate Program currently operates in nine locations across the country.

Amicus Children's Rights is a national organization committed to improving the lives of children who are in or impacted by government child-serving systems. Through advocacy and legal action, Children's Rights investigates, exposes, and combats violations of the rights of children, and holds governments accountable for keeping kids safe, healthy, and supported. The organization is recognized for its deep expertise in addressing the unjust detention and institutionalization of children, including those in child welfare, juvenile legal, and immigration systems. For 30 years, Children's Rights has achieved lasting, systemic change for hundreds of thousands of children across more than 20 jurisdictions throughout the United States.

Collectively, Youth Detention Expert Amici have many decades of experience advocating for children and youth who are placed in detention settings. They submit this brief to provide the Court with accurate information concerning the harms suffered by children and youth who are detained, including in ORR congregate care facilities, like where Petitioner E.J.C.C. is presently detained in the Bronx.

II. SUMMARY OF ARGUMENT

Youth Detention Expert Amici submit this brief in support of Petitioner E.J.C.C.’s request to the Court for a writ of habeas corpus to release Petitioner from custody without restraints on his liberty. When children and young people are detained, including in ORR congregate facilities, and separated from their communities and schools, empirical research shows that such detention is deeply traumatizing and has long-term negative impacts on brain development and on that child’s trajectory through life including on their mental health, educational attainment, and long-term well-being. As of 2025, children and youth are now being detained in ORR congregate facilities for longer periods of time—now an average of *six months*—which is further exacerbating the lasting negative impacts of detention. Youth Detention Expert Amici respectfully submit that E.J.C.C.’s habeas petition should be granted, and E.J.C.C. should be released to live at liberty, so his mental health, educational progress, and family connections are not further damaged by the imposition of punitively restrictive, unnecessary detention.

III. BACKGROUND

Petitioner E.J.C.C. is a 16-year-old boy who had been residing in the Bronx with family members and attending public high school since moving to New York in 2022 from his native country of Ecuador. E.J.C.C. is currently enrolled in the eleventh grade. He is an English-Language Learner. “He is a valued member of his school community. His teachers describe him as responsible, committed to his education and to learning English, and a leader in his College and Career Readiness class.” Amended Petition (“Pet.”), Dkt. 7 ¶ 31; *see* Pet. Ex. K (Letter from School). Petitioner was granted Special Immigrant Juvenile (“SIJ”) status by United States Citizenship and Immigration Services (“USCIS”) on April 15, 2025. Pet. ¶ 29. E.J.C.C. was recently separated from his mother after she “self-deported” on September 27, 2025 to Ecuador

following certain interactions with ICE. *Id.* ¶¶ 32-33. E.J.C.C. has a stand-by guardian and extended family members who were caring for him in the community before he was detained, and they remain able to care for him upon his release. *Id.* ¶ 33.

Without prior notice, E.J.C.C. was detained by ICE on October 23, 2025 during a scheduled immigration check-in at 26 Federal Plaza that he attended with his lawyer. *Id.* ¶ 34. Petitioner remains in ORR custody at an ORR congregate facility in the Bronx. *Id.* ¶ 37. “ORR heavily relies on large, congregate-care settings, often with 50 or more beds: ORR’s congregate facilities tend to be much larger than those in the domestic child-welfare system”¹ Because he is in ORR custody, E.J.C.C. is not able to attend his regular New York City public high school and is instead attending an “alternative education program” at ReStart Academy,² the ORR facility’s education program. Pet. ¶ 38. “These classes are not part of the state public-school system, and credits from ORR shelters may not be accepted by local school districts, meaning time in custody does not reliably advance him toward graduation” in his crucial eleventh grade year. *Id.*

IV. DETENTION HARMS CHILDREN’S AND YOUTH’S MENTAL AND PHYSICAL HEALTH

A substantial body of evidence exists demonstrating that children and youth who are detained in facilities such as the ORR facility where E.J.C.C. is currently held experience measurable, lasting negative effects on their mental and physical health. Pediatricians and other health experts agree that “[i]mmigrant children seeking safe haven in the United States should never be placed in [Immigration and Customs Enforcement (“ICE”)] detention facilities”

¹ Women’s Refugee Commission, *The Path to Better Care: Improving Care and Creating Supportive Environments for Unaccompanied Children* (Oct. 2024), <https://www.womensrefugeecommission.org/wp-content/uploads/2024/10/Path-Better-Care-Improving-Care-Creating-Supportive-Environments-Unaccompanied-Children.pdf>.

² ReStart Academy, <https://www.restartacademy.org/>.

because “[t]here is no evidence that any amount of time in detention is safe for children and detention itself poses a threat to child health.”³ As the American Academy of Pediatrics and other national medical organizations have concluded, “even short periods of detention can cause psychological trauma and long-term mental health risks” for children.⁴

Research has shown that: (1) detention causes lasting harm to young people’s mental health; (2) detention is highly damaging to the development of adolescents and emerging adults like E.J.C.C.; (3) detention in a congregate facility like E.J.C.C.’s ORR facility is deeply traumatizing; and (4) longer periods of detention are particularly harmful.

A. Detention Causes Lasting Mental Health Harms to Children and Youth

Children and youth experience emotional and psychological injuries when they are detained, including developmental delays, post-traumatic stress disorder, anxiety, depression, and suicidal ideation.⁵ As explained by Stanford University child clinical psychologist Dr. Ryan Matlow, the Director of Community Programs for Stanford Early Life Stress and Resilience Program and Co-Director of Stanford’s Immigrant Child Health Program:

Drawing both from empirical research and from the reports of detained children, we know that children’s experiences in immigration custody are associated with increases in psychological distress and functional impairment. As a field, we have observed increases in depression, anxiety, traumatic stress symptoms, and behavioral difficulties – sometimes leading to thoughts, urges, and acts of self-harm and suicidality – associated with children’s experiences of immigration detention.⁶

³ Letter from medical and mental health clinicians and providers for children and families to President Trump and Kristi Noem, U.S. Dep’t of Homeland Sec’y (Mar. 25, 2025) https://www.acponline.org/sites/default/files/acp-policy-library/letters/joint_letter_to_administration_opposing_family_detention_2025.pdf.

⁴ *Id.*

⁵ See Julie M. Linton, *et al.*, *Detention of Immigrant Children*, *Pediatrics Journal of the Am Acad. of Pediatrics* (May 1, 2017), <https://doi.org/10.1542/peds.2017-0483>.

⁶ Dr. Ryan Matlow, *et al.*, *The Unraveling of ORR: A Quick and Calculated Undoing of a System Intended to Protect Children*, *National Center for Youth Law* (September 29, 2025) at 16,

With respect to the health impacts of detention in ORR facilities, specifically, Dr. Matlow notes that “[c]hildren in ORR custody are inherently navigating a challenging, disruptive, and distressing transitional experience,” which “becomes ‘traumatic’ when the individual has a limited sense of agency or control over their circumstances, limited knowledge about what is happening to them or what to expect, limited access to support and coping resources, and a lack of resolution to the threat or fear.”⁷ Unfortunately, ORR custody is “characterized by these exact factors” because children and youth in ORR facilities “are restricted in their autonomy and agency, they have little knowledge or control over requirements or processes for release, they feel helpless in their circumstance, they experience chronic worry about their well-being (or that of their loved ones), and they experience various barriers to engaging with the coping and support resources that have traditionally helped them.”⁸ These experiences, Dr. Matlow concludes, “create the conditions for trauma and a lasting posttraumatic stress response.”⁹

Children and youth in detention also have poor health outcomes that carry on into adulthood. For example, a study published in the journal *Pediatrics* recognized that “[f]or the 1.3 million children and adolescents arrested in the United States each year, incarceration may systematically degrade their healthy development.”¹⁰ The study empirically demonstrated that youth incarceration of even less than one month “predicted subsequent adult depressive symptoms” in adulthood, while youth incarceration for a year or longer “predicted subsequent

https://youthlaw.org/sites/default/files/attachments/2025-09/NCYL_The%20Unraveling%20of%20ORR_Sept2025_FINAL.pdf.

⁷ *Id.* at 17.

⁸ *Id.*

⁹ *Id.*

¹⁰ Elizabeth S. Barnert, M.D., *et al.*, *How Does Incarcerating Young People Affect their Adult Health Outcomes?*, *Pediatrics Journal of the Am Acad. of Pediatrics* (Feb. 1, 2017), <https://pmc.ncbi.nlm.nih.gov/articles/PMC5260153/>.

adult suicidal thoughts.”¹¹ Dr. Matlow’s research at Stanford reached similar conclusions with respect to children who are held in immigration detention, including ORR custody. As Dr. Matlow explains, “[r]esearch has shown that symptoms of depression, anxiety, and PTSD endure well after release from immigration detention, and, for many, the detention experience becomes a source of traumatic stress, resulting in symptoms of avoidance . . . , intrusive thoughts and memories, and/or hypervigilance.”¹²

B. Adolescents Like E.J.C.C. Are Highly Vulnerable to Harms from Detention Because They Are at a Critical Stage of Brain Development

An extensive body of research on brain development during adolescence and emerging adulthood, a critical developmental period neurologically defined as beginning at the start of puberty and extending through a person’s mid-20s, establishes that young people undergo significant cognitive and social changes as they mature during this stage of life, and, as a result, are vulnerable to the negative effects of detention.¹³ “Young people are malleable during [emerging adulthood] and undergo significant cognitive and social changes as they mature. To experience healthy, normative development, emerging adults need opportunities to explore and learn, with consistent, caring adults to support them.”¹⁴

Being placed in detention during this critical developmental period poses many risks to youth. Research shows that group and institutional placements generally produce poorer outcomes for youth than family-based settings, including higher rates of delinquency, lower test

¹¹ *Id.*

¹² Matlow, *supra* note 6 at 19.

¹³ See *What is Emerging Adult Justice?*, Annie E. Casey Found. (Feb. 21, 2025), <https://www.aecf.org/blog/what-is-emerging-adult-justice>.

¹⁴ *Id.*

scores, and lower high school graduation rates.¹⁵ For example, a breakthrough 2021 study that focused on young people’s direct experiences of group and institutional placement in foster care concluded that these institutional settings often fail to offer consistent, caring relationships and actually prevented children and youth from building the sort of relationships that are necessary for healing, returning to community, and successfully transitioning to adulthood.¹⁶ In the same study, young people frequently described group and institutional placements as punitive, prison-like, and traumatic.¹⁷ Youth living in such settings often miss out on normal, age appropriate activities that are crucial to their social development and sense of normalcy.¹⁸

C. Evidence from New York Congregate Placements Demonstrates the Harm of Detention for an Adolescent Like E.J.C.C.

A recent study published by amicus Children’s Rights documented the experiences of young adults in congregate placements in New York State and analyzed the impacts congregate placements had on participants.¹⁹ The study concluded that “[c]ongregate placements,” such as the facility where E.J.C.C. is currently detained, “inflict deep trauma that causes youth to deteriorate physically, mentally, and emotionally.”²⁰

The clinical consensus is overwhelming: congregate placements are “inherently harmful to young people.”²¹ “[T]hose who are in or have survived the system overwhelmingly experience

¹⁵ *How can we end the need for group placements in child welfare?*, Casey Family Programs (Oct. 18, 2023), <https://www.casey.org/ending-group-placements-principles/> (collecting peer-reviewed studies).

¹⁶ See Sarah Fathallah & Sarah Sullivan, *Away From Home – Youth Experiences of Institutional Placements in Foster Care*, Think of Us (July 21, 2021), https://assets.website-files.com/60a6942819ce8053cefd0947/60f6b1eba474362514093f96_Away%20From%20Home%20-%20Report.pdf.

¹⁷ See *id.* at 69.

¹⁸ Fathallah & Sullivan, *supra* note 16 at

¹⁹ See *Are You Listening? Youth Accounts of Congregate Placements in New York State*, Children’s Rights (Jan. 2023), https://www.childrensrights.org/wp-content/uploads/2024/07/CR-2023-AreYouListening_report.pdf.

²⁰ *Id.* at 4.

²¹ *Id.*

institutional placements as punitive, carceral, isolating, and dehumanizing.”²² Accounts of congregate placements in New York State demonstrate that these detention settings cause lasting harm, not well-being and safety.²³ For example, the Children’s Rights study found that the study’s participants had described a “carceral and restrictive environment” in New York congregate facilities, where they experienced extreme “limitations to when an individual could make a phone call, eat or use the bathroom, or move throughout the building.”²⁴ Study participants also described punitive and humiliating living conditions in congregate facilities, such as “not being allowed to eat with a fork, having rigid bedtimes, and requiring permission to use the bathroom.”²⁵

In addition, youth in congregate placements often lack basic necessities, including food, clothing, and medical care, and they frequently experience physical and emotional insecurity, describing congregate placements as “prison-like,” isolating, traumatizing, and unsanitary.²⁶ The “inherently carceral nature of congregate settings,” specifically, “deprive young people of the mental, physical, and developmental milestones that are the foundation of healthy, stable futures.”²⁷

D. Prolonged Detention is Particularly Harmful to Children and Youth

No amount of time in detention is safe for children, but the longer the government detains a child, the more profound the harm.²⁸ As children remain in custody for longer and longer, their

²² *Id.*

²³ *Id.* at 7.

²⁴ *Id.* at 30.

²⁵ *Id.*

²⁶ *Id.* at 7.

²⁷ *Id.*

²⁸ *See* Barnert, *supra* note 10.

mental and physical health deteriorates. The United States Department of Health and Human Services Office of Inspector General has reported that “some children [in ORR custody] who did not initially exhibit mental health or behavioral issues began reacting negatively as their stays grew longer . . . longer stays resulted in higher levels of defiance, hopelessness, and frustration among children, along with more instances of self-harm and suicidal ideation.”²⁹ Mental health clinicians “described that a child’s mental health often deteriorates as the length of their stay in ORR custody increases.”³⁰

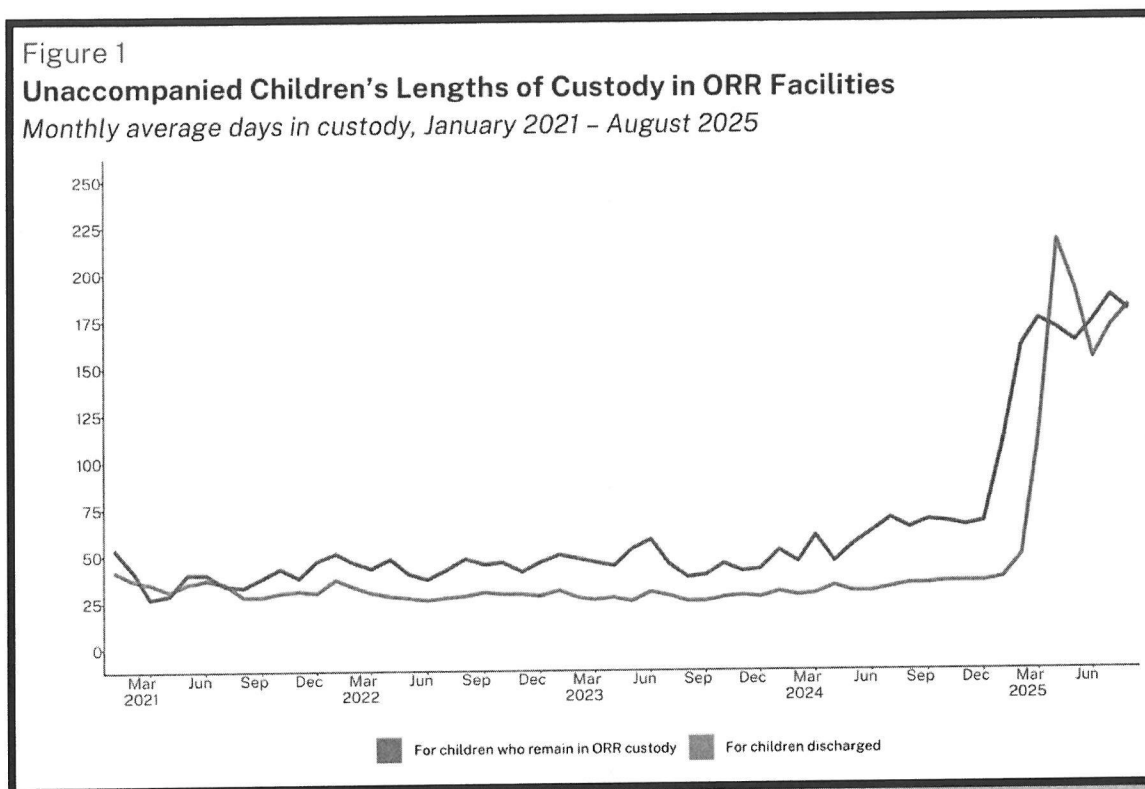
If his habeas petition is not granted, E.J.C.C.’s detention will likely be lengthy, causing further harm. Coming into 2025, the children typically spent “about one month in ORR facilities before their discharge from custody.”³¹ As the chart below demonstrates, the average duration of terms in ORR custody “soon increased substantially, reaching over *six months* in April 2025. As of the last day of August 2025 – the most recent public data available – the approximately 2,000 children in ORR facilities had been there for an average of *179 days*.”³²

²⁹ *Care Provider Facilities Described Challenges Addressing Mental Health Needs of Children in HHS Custody*, U.S. Dep’t of Health and Hum. Servs., Off. of the Inspector Gen., OEI-09-18-00431 (Sept. 4, 2019) at 12, <https://oig.hhs.gov/documents/evaluation/3153/OEI-09-18-00431-Complete%20Report.pdf>.

³⁰ *Id.* at 20.

³¹ Jonathan Beier, *et al.*, *Dismantling Protections: How ORR Policy Changes Trap Children in Extended Detention*, Acacia Center for Justice (Sept. 29, 2025), <https://youthlaw.org/news/two-new-reports-reveal-harms-prolonged-custody-unaccompanied-children>.

³² *Id.* (emphases added).



Spending six months in detention would have life-long, negative impacts on E.J.C.C. Prolonged detention would also unnecessarily compound the many harms already experienced by E.J.C.C., who has already been harmed by his forced separation from his mother and is now at risk for additional harm by virtue of being in ORR detention and separated from his family and his community.

V. **DETENTION INTERFERES WITH AND DISRUPTS CHILDREN'S AND YOUTH'S EDUCATION**

Empirical research also reveals that detention disrupts and negatively impacts children and youth's educational trajectories. Disrupted education results in missed academic opportunities and decline in performance, and it causes students to become isolated from their peers during a critical developmental phase.

E.J.C.C. is currently a junior in high school, which is a particularly important year for students. He is currently at grade level, since he is 16 years old and in eleventh grade. Removing

E.J.C.C. from his regular school during this critical year—while he is on track academically after the trauma of fleeing violence in Ecuador and resettling in a foreign country—could derail everything he has achieved thus far.

“This forced transfer mid-semester interrupts E.J.C.C.’s courses, severs continuity with his teachers, and risks that work completed in ORR will not translate into New York credits—delaying re-enrollment and pushing him off his on-time graduation track.” Pet. ¶ 38. “These classes are not part of the state public-school system, and credits from ORR shelters may not be accepted by local school districts, meaning time in custody does not reliably advance him toward graduation.” *Id.*

Based on Amici’s experience, E.J.C.C.’s current educational placement at the ReStart Academy “alternative education program” (where he is taken for several hours a day from the ORR facility where he is detained in the Bronx) is not an appropriate educational placement for him. ReStart Academy supports the “most vulnerable students” who have “struggled or have become disengaged from school,” and serves “ages 13 to adult.”³³ Before he was detained, E.J.C.C. was at grade level, actively involved in school, and on track for an on-time graduation. Because E.J.C.C. was not disengaged or struggling in school, his current placement at ReStart Academy is not appropriate for his learning needs.

Based on Amici’s decades of experience, congregate care settings are disruptive to a child’s educational process. E.J.C.C. is not currently receiving academic credits; he is attending a school setting designed for children with criminal-legal conflicts. The fall of junior year in high school is a critical time for young people, and he risks falling significantly behind.

³³ ReStart Academy, <https://www.restartacademy.org/>.

CONCLUSION

Detention in facilities such as the ORR congregate facility in the Bronx where Petitioner is currently confined has lasting, detrimental impacts on children and youth's mental and physical health, family relationships, and educational outcomes, especially during adolescence and emerging adulthood, when young people are highly vulnerable to the adverse effects of detention. E.J.C.C.'s petition for a writ of habeas corpus should be granted and he should be spared from further ORR detention.

Dated: November 10, 2025
New York, New York

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