

1 BILAL A. ESSAYLI
First Assistant United States Attorney
2 DAVID M. HARRIS
Assistant United States Attorney
3 Chief, Civil Division
DANIEL A. BECK (Cal. Bar No. 204496)
4 Assistant United States Attorney
Chief, Complex and Defensive Litigation Section
5 Federal Building, Suite 7516
300 North Los Angeles Street
6 Los Angeles, California 90012
Telephone: (213) 894-2574
7 E-mail: Daniel.Beck@usdoj.gov

8 Attorneys for Federal Respondents

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10 UNITED STATES DISTRICT COURT
11 FOR THE CENTRAL DISTRICT OF CALIFORNIA

12 C.G., a minor, et al.,

13 Petitioners,

14 v.

15 JAY ALLEN, et al.,

16 Respondents.
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No. 5:25-cv-02849-WLH-RAO

**RESPONDENTS' ANSWER TO
PETITION FOR WRIT OF HABEAS
CORPUS**

I. INTRODUCTION

Petitioner Vivian Val, a Nigerian national, entered the United States on July 10, 2024 in Atlanta Georgia with C.G., an infant, without having legal status as the parent or guardian of the infant. *See* Dkt. 1-3, p. 4 (Notice to Appear). The declaration of Vivian Val [Dkt. 1-5] asserts that “[t]he adoption happened in April of 2024,” but the Nigerian documentation shows her claims in that regard to be incorrect; the Nigerian court granted the adoption under Nigerian law in September of 2024. *See* Dkt. 1-2, p. 16.

A child advocate was appointed for C.G. due to her unaccompanied child detainee status when Petitioner Val brought her into the United States. *See* Dkt. 1-3, at p. 15. That child advocate, however, is not counsel of record in this action. The federally appointed advocate, the Young Center, was appointed pursuant to the William Wilberforce Trafficking Victims Protection Reauthorization Act (TVPRA). *Id.* As noted in the child advocate’s report to the Immigration Court, on December 4, 2024, C.G. was at that time a [REDACTED] old baby from Nigeria, with a date of birth on [REDACTED] less than three months before Petitioner Vivian Val brought her to the United States. *Id.*, p. 20.

The Office of Refugee Resettlement (ORR), a Respondent in this case, has specific responsibilities regarding such children, as well as specific procedures by which parents and relatives may seek to sponsor such children in their care. Adoption fraud and trafficking are rampant in Nigeria, unfortunately, as reflected in the State Department’s websites discussing this issue.

<https://travel.state.gov/content/travel/en/Intercountry-Adoption/Intercountry-Adoption-Country-Information/Nigeria.html>

<https://travel.state.gov/content/travel/en/News/Intercountry-Adoption-News/the-department-of-state-continues-to-advise-prospective-adoptive.html>

On October 2, 2024, C.G. was placed into a foster care in Los Angeles pursuant to the Wayfinder Family Services program. *See* Petition, ¶ 19.

Over a year later, on October 27, 2025, Petitioners C.G., a minor, and Vivian Val,

1 as Next Kin of Minor, filed a Petition for Writ of Habeas Corpus [Dkt. no. 1] seeking an
2 order for the release of Petitioner C.G. into the care of Vivian Val.

3 There are thus two fundamental problems with the Petition from the Respondents'
4 perspective. First, ORR has an *existing process* for relatives who wish to sponsor
5 children that have been placed under ORR's care and watch. Such individuals must
6 *apply*, must *qualify*, and must pass certain training (typically) to ensure they are a
7 suitable sponsor. Here, Petitioner Val has not applied, and has not done the ORR
8 process. She has jumped to filing a habeas petition, as if that were a substitute. It is not.

9 Second, just as a child advocate was appointed for C.G. in the Immigration Court,
10 to ensure that C.G.'s best interests were being pursued, the government believes that
11 Petitioner C.G.'s attorney in her immigration case, identified in Dkt. 1-3 at p. 1 (Notice
12 of Entry of Appearance as Attorney or Representative before the Immigration Court)
13 should appear in this action to ensure that the requested release is in the child's best
14 interests. That attorney's contact information is as follows, per the EOIR records:

15 Mariana Nguyen
16 13200 Crossroads Pkwy N Ste 115
17 City of Industry, CA 91746
18 Tel: 213-246-2197
E-mail: mariana@mnmlawoffices.com

19 Undersigned counsel understands that a minor's Immigration Court counsel would
20 typically reach out to ORR and attempt to arrange for a release to a sponsor, if that were
21 appropriate. Here, the Petition is instead being brought by counsel for Petitioner Vivian
22 Val—who also are purporting to appear on behalf of minor C.G. Given the extremely
23 young age of the minor, it is unclear whether C.G.'s best interests are being properly
24 represented by an attorney who represents the child specifically.

25 Given these concerns, the Respondents respectfully request that the Petition be
26 denied, or in the alternative that the Court seek appointment of counsel specific to C.G.,
27 a minor, to ensure that her best interests are being pursued in this proceeding.

II. LEGAL FRAMEWORK

A. The Homeland Security Act of 2002

With the enactment of the HSA, Congress created DHS and transferred most immigration functions formerly performed by INS to DHS and its components, including U.S. Citizenship and Immigration Services, U.S. Customs and Border Protection, and U.S. Immigration and Customs Enforcement (“ICE”). See HSA; Department of Homeland Security Reorganization Plan Modification of January 30, 2003, H.R. Doc. No. 108-32 (2003) (also set forth as a note to 6 U.S.C. § 542). Notably, Congress transferred to [ORR] the responsibility for the care of any UAC “who [is] in Federal custody by reason of [his or her] immigration status.” 6 U.S.C. §§ 279(a), (b)(1)(A). The HSA also transferred to ORR the responsibility for making all placement decisions for UACs, required ORR to coordinate these placement decisions with DHS, and required ORR to ensure that UACs are not released upon their own recognizance. See 6 U.S.C. §§ 279(b)(1)(C), (D), (b)(2).

B. The Trafficking Victims Protection Reauthorization Act of 2008

The TVPRA, which was signed into law on December 23, 2008, contains statutory protections relating to unaccompanied alien children (UACs) and codified protections related to the processing and detention of UACs. The TVPRA built on the split of duties in the HSA and further requires that “the care and custody of all unaccompanied alien children, including responsibility for their detention, where appropriate, shall be the responsibility of the Secretary of Health and Human Services.” 8 U.S.C. § 1232(b)(1). It also provides that in most instances, “any department or agency of the Federal Government that has an unaccompanied alien child in custody shall transfer the custody of such child to the Secretary of Health and Human Services not later than 72 hours after determining that such child is an unaccompanied alien child.” 8 U.S.C. § 1232(b)(3).

The TVPRA makes clear that HHS is responsible for all placement decisions for UACs in its custody, and for conducting suitability assessments for those placements. 8

1 U.S.C. § 1232(c). It requires that UACs in HHS custody be “promptly placed in the least
2 restrictive setting that is in the best interest of the child,” and it provides guidelines for
3 the reunification of UACs with their families by HHS. 8 U.S.C. § 1232(c)(2), (3).

4 **C. The Foundational Rule (2024)**

5 In April 2024, ORR promulgated the Unaccompanied Children Program
6 Foundational Rule, codified at 45 C.F.R. Part 410, to establish comprehensive
7 regulations governing its UAC program. The Foundational Rule also implements
8 provisions of the *Flores Settlement Agreement* (“FSA”) relevant to ORR’s care and
9 custody of UAC and conditionally and partially terminated the FSA as to ORR in June
10 2024. Effective July 1, 2024, the Foundational Rule formalized previously informal
11 procedures, including those related to ORR’s release policies and practices.

12 The Foundational Rule provides that ORR identifies a standard program
13 placement for the UAC upon notification from any federal department or agency that a
14 child in its custody is an UAC and therefore must be transferred to ORR custody. 45
15 C.F.R. § 410.1101(b). ORR works with the referring federal government department
16 or agency to accept transfer of custody of the UAC, consistent with the statutory
17 requirements at 8 U.S.C. § 1232(b)(3) and 45 C.F.R. § 410.1101(c). ORR places each
18 UAC in the least restrictive setting that is in the best interest of the child and appropriate
19 to the unaccompanied child's age and individualized needs. 45 C.F.R. § 410.1103(a).
20 ORR may place a child in a shelter facility, foster home or group home (which may be
21 therapeutic), heightened supervision facility or secure facility (including residential
22 treatment centers), or other care facility that can provide for their specific
23 individualized needs, including an out-of-network (“OON”) placement (which may be
24 restrictive or non-restrictive). 45 C.F.R. § 410.1102; UAC Policy Guide § 1.2. ORR
25 also considers several factors that are relevant to the UAC’s placement, including but
26 not limited to: danger to self; danger to the community/others; runaway risk; trafficking
27 in person or other safety concerns; age; and gender. 45 C.F.R. § 410.1103(b).

1 While the UAC remains in ORR custody, ORR seeks to release the UAC from
2 its custody “[s]ubject to an assessment of sponsor suitability,” 45 C.F.R. § 410.1201,
3 which includes “verification of the potential sponsor’s identity,” 45 C.F.R. §
4 410.1202(b), “verification of the employment, income, or other information provided
5 by the potential sponsor as evidence of the ability to support the child,” 45 C.F.R. §
6 410.1202(c), and “[i]n all cases, ORR shall require background and criminal records
7 checks,” *id.*, which may include a criminal history check based on fingerprints. The
8 Foundational Rule reinforces congressional intent articulated in the HSA and TVPRA
9 that HHS ensure UAC protection from human traffickers and release UAC only to
10 those sponsors capable of protecting their well-being. 45 C.F.R. § 410.1003.

11 **D. ORR Release Policies and Practice**

12 To carry out its statutory mandate under the HSA and TVPRA, ORR has
13 developed policies and procedures for identifying, and conducting suitability
14 assessments of, potential sponsors. These procedures are generally set out in the ORR’s
15 publicly available UAC Bureau Policy Guide (UAC Policy Guide). *See* ORR
16 Unaccompanied Alien Children Bureau Policy Guide, *available at*
17 <https://acf.gov/orr/policy-guidance/unaccompanied-children-bureau-policy-guide>. A
18 full assessment of a potential sponsor’s suitability is particularly appropriate because
19 ORR is not a law or immigration enforcement agency and lacks the authority to hold
20 individuals accountable by reassuming care if the sponsor abuses or neglects a child
21 after a UAC has been released from ORR custody. Rather, ORR only takes children
22 into its custody upon referral by another federal agency, as described in statute. In this
23 regard, ORR is also very different from state child welfare agencies, which typically
24 retain such authority post-placement. Accordingly, ORR must front-load child safety
25 considerations in its identity verification and sponsor-vetting policies.

26 In light of ORR’s obligation to protect UAC from smugglers, traffickers, and
27 others who may seek to victimize them, “safe and timely release . . . involves several
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1 steps, including: the identification of sponsors; sponsor application; interviews; the
2 assessment (evaluation) of sponsor suitability, including verification of the sponsor's
3 identity and relationship to the child (if any), background checks, and in some cases
4 home studies; and post-release planning." UAC Policy Guide § 2.1. There are four
5 categories of potential sponsors: (1) Category 1, consisting of parents or legal
6 guardians; (2) Category 2A, consisting of siblings, half-siblings, grandparents,
7 immediate relatives (such as aunts, uncles, and cousins) who previously served as a
8 primary caregiver, and other biological relatives and relatives through marriage; (3)
9 Category 2B, consisting of immediate relatives (including biological relatives and
10 relatives through marriage) who did not previously serve as a primary caregiver; (4)
11 Category 3, consisting of other sponsors, such as distant relatives and unrelated adult
12 individuals. UAC Policy Guide § 2.2.1. ORR (through its care providers) conducts a
13 suitability assessment of the potential sponsor, including a review of the sponsor's
14 strengths, resources, risk factors, and special concerns within the context of each child's
15 needs, strengths, resources, risk factors, and relationship to the sponsor. UAC Policy
16 Guide §§ 2.2.2, 2.4.

17 A potential sponsor must complete a Family Reunification Application ("FRA"),
18 provide unexpired government-issued identification documentation for the sponsor and
19 any other adults living in the household or identified in a sponsor care plan, and, along
20 with any adult living in his or her household, undergo a background check. UAC Policy
21 Guide §§ 2.2.4, 2.5.

22 All potential sponsors must also submit proof of address, income, sponsor-child
23 relationship, and criminal history documents (if applicable). UAC Policy Guide § 2.2.4.
24 Additionally, in certain circumstances a home study, which consists of interviews, a home
25 visit, and a written report containing the home-study case worker's findings, is performed.
26 UAC Policy Guide § 2.4.2.

27 Once the assessment of the potential sponsor is complete, the care provider makes
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1 a release recommendation. UAC Policy Guide § 2.7. The recommendation must take
2 into consideration all relevant information, including the report and recommendations
3 from a home study, if conducted, laws governing the process, and other facts in the
4 case. ORR makes the final release decision. UAC Policy Guide § 2.7. Release
5 decisions include: (1) approve release to sponsor; (2) approve release with post-release
6 services; (3) conduct a home study before a final release decision; (4) deny release; or
7 (5) remand for further information. UAC Policy Guide § 2.7. ORR denies release if: (1)
8 the potential sponsor is not willing or able to provide for the child's physical or mental
9 well-being; (2) the potential sponsor is not willing to complete the mandatory
10 fingerprint check; (3) the physical environment of the home presents a risk to the
11 child's safety or well-being; or (4) release of the UAC would present a risk to him or
12 herself, the sponsor, household, or community. UAC Policy Guide § 2.7.4.

13 **III. ARGUMENT**

14 As discussed above, the Petition has several serious problems that indicate that it
15 should be denied, or at minimum that separate counsel for infant C.G. is required.

16 First, the declaration by Petitioner Vivian Val [Dkt. 1-5] is not consistent with the
17 documentation submitted by Petitioner [Dkt. 1-3, 1-4]. From the documentation, it
18 appears that Petitioner Val flew with a  old infant C.G. from Nigeria in July
19 of 2024 when she was not yet—even by her own documentation—the adoptive parent of
20 that infant (despite what her declaration claims in that regard). Given the rampant
21 problems with Nigerian adoptions discussed above and posted on the State Department
22 websites, this raises significant concerns. And as a very young infant brought to the
23 United States by Petitioner Val without a parent (adoptive or otherwise), C.G. was then
24 placed into foster care for more than a year before Petitioner Val filed a habeas petition.

25 Second, Petitioner Val did not follow the required Family Reunification
26 Application (FRA) process for a relative seeking the release of a child to their care from
27 ORR placement, as outlined above. A habeas petition is normally not appropriate when
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1 there is an administrative process (as here) that the petitioner has elected not to follow,
2 which provides appropriate safeguards and assessments for the propriety of the relief
3 requested. At minimum, to create an adequate evidentiary record and ensure that release
4 of C.G. would be safe, the FRA process should be followed. Again, it is concerning that
5 Petitioner Val did not attempt to follow the normal process here, as one would expect.

6 Third, the minor infant C.G. would appear to need or benefit from counsel who is
7 appointed to represent her own best interests, as opposed to counsel that represents both
8 the party seeking custody and (putatively) the infant over whom the custody and release
9 are sought. It would be expected that C.G.'s Immigration Court counsel might contact
10 ORR if a specific foster placement were appropriate. But that did not happen here.

11 To be clear, Respondents are not taking the position that Petitioner Val could not
12 potentially overcome these issues if she follows the normal ORR process and applies
13 with an FRA. But a habeas petition that skips over these significant process issues and
14 conflict issues is not an appropriate means of circumventing the ORR and its important
15 role in safeguarding the wellbeing of unaccompanied noncitizen infants.

16 Accordingly, the Petition should be denied.

17 Respectfully submitted,

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19 Dated: December 1, 2025

BILAL A. ESSAYLI
First Assistant United States Attorney
DAVID M. HARRIS
Assistant United States Attorney
Chief, Civil Division
DANIEL A. BECK
Assistant United States Attorney
Chief, Complex and Defensive Litigation Section

23
24 /s/ Daniel A. Beck

DANIEL A. BECK
Assistant United States Attorney

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26 Attorneys for Federal Respondents
27
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