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10
11 **UNITED STATES DISTRICT COURT**
12 **CENTRAL DISTRICT OF CALIFORNIA**
EASTERN DIVISION

13 B.S.Z., a minor; A.M.C.R., a minor;
14 K.M.O.R., a minor; and Erica
15 Santamaria, as Next Friend of minors,
Petitioners,

16 v.

17 ANA BABUDAR, Federal Field
18 Specialist, Office of Refugee
19 Resettlement; RUBY HERNANDEZ,
20 Federal Field Specialist, Office of
21 Refugee Resettlement; NIKY HYMEL,
22 Federal Field Specialist Supervisor,
23 Office of Refugee Resettlement; ALEX
24 J. ADAMS, Assistant Secretary of the
25 Administration for Children and
26 Families; ANGIE SALAZAR, Acting
27 Director of the Office of Refugee
28 Resettlement; and ROBERT F.
KENNEDY, JR., Secretary of the U.S.
Department of Health and Human
Services,

Respondents.

Case No. 5:26-CV-701

Hon. Patricia Donahue

**PETITIONER'S STATUS REPORT
RE RELEASE OF A.M.C.R. TO
L.A.C.N.**

**[Declaration of Cynthia Felix In
Support of Petitioners' Status Report
Re Release of A.M.C.R. to L.A.C.N.
filed concurrently herewith]**

Petitioners, by and through their counsel of record, respectfully submit this status report following the evidentiary hearing in this matter on April 23, 2026.

STATUS REPORT

I. BRIEF PROCEDURAL BACKGROUND

On April 23, 2026, the Court held an evidentiary hearing regarding Respondents' continued unlawful custody of Petitioner A.M.C.R., a three-year-old child held in ORR custody for 287 days. See Declaration of Cynthia Felix in Support of Petitioners' Status Report Re Release of A.M.C.R. to L.A.C.N. ("Felix Decl. Re Release") ¶ 2. At the hearing, Respondents provided two witnesses from the Office of Refugee Resettlement ("ORR") Toby Biswas ("Mr. Biswas") and Niky Hymel ("Ms. Hymel") to address the continued delay in vetting and release of A.M.C.R. to a sponsor. *Id.* at ¶ 3. At the hearing Petitioner's counsel identified L.A.C.N. as a A.M.C.R.'s father and potential sponsor. Mr. Biswas and Ms. Hymel contended ORR required vetting of A.M.C.R.'s father L.A.C.N. prior to release of his son. *Id.* Petitioners argued A.M.C.R. was vetted in July, 2025 and any additional delay was unwarranted or subject to an exemption under ORR's own policies. *Id.* at ¶ 4.

The Court ordered the Parties' counsel to each file a Status Report regarding A.M.C.R.'s father's sponsorship application and ORR's vetting of A.M.C.R.'s father. ECF No. 37.

II. A.M.C.R. SHOULD BE RELEASED TO L.A.C.N. AS HIS ORR-VETTED ADULT CAREGIVER

As part of the reunification process, an Adult Caregiver ("ACG") is identified and vetted in tandem with all sponsors to "create a plan to cover a broad range of

1 care.” 8 C.F.R. § 410.1203(f). Potential sponsors must also submit documentation
2 and evidence verifying the identity of all adults residing with the sponsor and all
3 adult caregivers identified in a sponsor care plan. Policy Guide § 2.2.4. ORR is
4 responsible for vetting the ACG in tandem with the sponsor so that the child may be
5 released if the sponsor is unfit or becomes unavailable.
6

7 L.A.C.N. was identified as the ACG in the original sponsor application
8 submitted to ORR by C.J.R.R. (A.M.C.R.’s mother) in August 2025. Felix Decl. Re
9 Release at Ex. A (Release Request); *see also* ECF No. 31-1, Ex. A. C.J.R.R. became
10 unavailable as a sponsor on February 14, 2026. ECF No. 8, 8:16-18. At that time,
11 A.M.C.R. should have been released to his father L.A.C.N. as the ACG that ORR
12 vetted as part of C.J.R.R.’s sponsor application.
13

14 In July 2025, ORR’s vetting of L.A.C.N. as ACG included:

- 15 a. L.A.C.N. provided his California Driver’s License showing expiration
16 date of 10/23/2028;
- 17 b. C.J.R.R. stated L.A.C.N. provides her with child support for A.M.C.R.;
- 18 c. Verification of L.A.C.N.’s place of employment and proof of annual
19 income as \$51,782.00.
- 20 d. L.A.C.N. cleared a Unified Immigration Portal (UIP) background check
21 showing no records on 7/21/25;
- 22 e. L.A.C.N. cleared a public records background check on 7/22/25;
- 23 f. L.A.C.N. cleared a sex offender check on 7/22/25;
- 24 g. L.A.C.N. provided his fingerprints that cleared on 7/18/25.

25 *See* Felix Decl. Re Release at Ex. ¶7 (Release Request) at p. 1.
26
27
28

1 Respondents provide no reason why A.M.C.R. was not released to L.A.C.N.,
2 his father and fully vetted ACG when C.J.R.R. was denied as a sponsor. ORR is
3 baselessly delaying A.M.C.R.'s release by requiring L.A.C.N. to be re-vetted as
4 A.M.C.R.'s sponsor and resubmit to fingerprinting and background screenings.
5

6 **III. L.A.C.N. SUBMITTED A SPONSOR APPLICATION**

7 On April 28, 2026, Petitioner's counsel facilitated the submission of L.A.C.N.'s
8 Sponsor Application Packet Version 19 to ORR Division of Sponsor Vetting Federal
9 Field Specialist ("DSV-FFS") Edgar Rascon by email at edgar.rascon@acf.hhs.gov
10 and provided a courtesy copy to AUSA Daniel Beck at Daniel.beck@usdoj.gov.
11 Attached hereto is a true and correct copy of the document as **Exhibit B**.

12 **IV. THERE IS NO JUSTIFICATION FOR A HOME STUDY**

13 ORR can require two types of home studies: mandatory or discretionary. A home
14 study has been scheduled for April 30, 2026, without any explanation from
15 Respondents. Even if conducted, release of A.M.C.R. to his father will be delayed
16 as ORR awaits the recommendation report from the third party home study provider
17 or due to pretextual identification of obstacles impeding dad's ability to care for his
18 child. Respondent's failure to indicate a reason for the home study render the
19 requirement warrantless.
20

21
22 Dated: April 28, 2026

Respectfully Submitted,

23 /s/ Cynthia Isabel Felix

24 Cynthia Isabel Felix

25 Attorney for Petitioner
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PETITIONERS' STATUS REPORT RE RELEASE OF A.M.C.R. TO L.A.C.N.