

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

R.C.A., a minor, by and through her Next
Friend, K.I.A.G.,

Plaintiff-Petitioner,

v.

Robert F. KENNEDY, JR. in his
official capacity as Secretary of
Health and Human Services; Angie
SALAZAR, in her official capacity
as Acting Director of the Office for
Refugee Resettlement; Alex
ADAMS, in his official capacity as
Assistant Secretary of the
Administration for Children and
Families; Randi CAVALLARO, in
her official capacity as Executive
Director of Children's Community
Programs of Connecticut; U.S.
Department of Health and Human
Services (HHS); U.S. Office of
Refugee Resettlement (ORR);
Administration for Children and
Families; Children's Community
Programs of Connecticut,

Defendant-Respondents.

Civil Case No.:

**COMPLAINT FOR
DECLARATORY AND
INJUNCTIVE RELIEF AND
PETITION FOR WRIT OF
HABEAS CORPUS**

ORAL ARGUMENT REQUESTED

**COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF AND
PETITION FOR WRIT OF HABEAS CORPUS**

INTRODUCTION

1. R.C.A., a 5-year-old girl and citizen of Mexico, has been detained by the United States Government since November 22, 2025. Exhibit A (Photograph of R.C.A.); Exhibit B (Affidavit of Tess E. Reagan) ¶ 8 ("Reagan Aff."). Despite the fact that the Office of

Refugee Resettlement (“ORR”) has failed to articulate any rational reason why R.C.A. cannot be released to her mother and Next Friend, Ms. K.I.A.G. R.C.A. has been languishing in detention for 115 days. Since her arrival, R.C.A. has been confined in a restrictive setting, deprived of an adequate education, surrounded by strangers, and permitted to see her mother only 1 hour per week. This 5-year-old child has been alone – in government detention – for 6% of her short life without the comfort and guidance of her mother and family.

2. Desperate to reunify with her daughter, Ms. K.I.A.G. promptly and fastidiously complied with every request made by Respondents to support her sponsorship application. Reagan Aff. ¶ 12; Exhibit C (Affidavit of Ms. K.I.A.G.) ¶ 19 (“Ms. K.I.A.G. Aff.”). Respondents themselves concluded that Ms. K.I.A.G. is a suitable sponsor, as set forth in their home study, and an independent Child Advocate with the Young Center for Immigrant Children’s Rights, appointed by ORR, determined that immediate release of R.C.A. to her mother is in the child’s best interests. Reagan Aff. ¶ 31. And yet, without any basis or articulated reason, Respondents continue to detain this 5-year-old child, separating her from her mother and family, on the eve of Ms. K.I.A.G. giving birth to R.C.A.’s baby brother. Ms. K.I.A.G. Aff. ¶ 31.
3. At the earliest possible moment, within days of R.C.A.’s arrival, Ms. K.I.A.G. immediately sought to begin the ORR sponsorship process to secure the release of R.C.A. to her custody. Reagan Aff. ¶¶ 11-12; Ms. K.I.A.G. Aff. ¶ 13. Nevertheless, over the last 115 days, ORR has subjected Ms. K.I.A.G. to an irrational, ever multiplying, and piecemeal list of requirements to reunite her with her child. Ms. K.I.A.G. has provided her fingerprints, multiple rounds of pay stubs, state-issued identification, birth certificate, and ITIN number,

and participated in a home study, in-person ID verification, and DNA testing. Reagan Aff. ¶ 21; Ms. K.I.A.G. Aff. ¶ 19; Exhibit D (Birth Certificate of R.C.A.). Despite Ms. K.I.A.G.'s prompt compliance with every request, Respondents have unreasonably delayed the process at every turn in violation of their statutory requirements, policies, and field guidance.

4. ORR improperly ordered Ms. K.I.A.G. to undergo a home study even though it had failed to determine that a home study would provide additional information about her application. The home study was not required by ORR's own regulations or statute. After improperly requiring this home study, ORR failed to schedule it for over 10 weeks, in violation of ORR's Policy Guide. Reagan Aff. ¶¶ 19, 31; ORR Unaccompanied Alien Children Bureau Policy Guide ("UC Policy Guide") Sec. 2.4.2. The home study, completed 7 days after ORR ordered it, resulted in a positive recommendation, yet Respondents continue to unlawfully detain R.C.A.
5. Although there have been no doubts raised as to Ms. K.I.A.G.'s parentage, ORR has indicated since December 15, 2025, that it will require DNA testing from R.C.A. and her mother. Reagan Aff. ¶ 19; Ms. K.I.A.G. Aff. ¶ 23. Yet, ORR took over three months to schedule Ms. K.I.A.G. for testing. This is a clear violation of the timeline dictated by ORR Field Guidance which mandates that once "the need" for DNA testing has been identified, the test must be scheduled within 5-7 days.¹ And, ORR still has yet to schedule R.C.A.'s DNA test, even though she has been in its custody and within its control to undergo the test for the past 115 days. Reagan Aff. ¶ 33B.

¹ The requirements for DNA testing, including the requirement that they be scheduled within 5-7 days, are outlined in the Office of Refugee Resettlement's Field Guidance No. 27, issued May 15, 2025, available at https://acf.gov/sites/default/files/documents/orr/FG-27_-_DNA_Testing_Expansion.pdf.

6. R.C.A.'s unlawful, prolonged detention and separation from her family is the result of ORR's delayed adjudication of her mother's sponsorship application. ORR has a statutory and regulatory responsibility to "promptly" place R.C.A. "in the least restrictive setting that is in the best interest of the child." 8 U.S.C. § 1232(c)(2)(A); 45 C.F.R. § 410.1003(f). To fulfill its mandate, ORR releases most unaccompanied children in ORR custody to their parents or other relatives in the United States, as the least restrictive setting is likely to be release from ORR custody. *See* 8 U.S.C. § 1232(c)(2)(A); 45 C.F.R. § 410.1209(e); *Saravia v. Sessions*, 905 F.3d 1137, 1143 (9th Cir. 2018). Its regulations state, subject to an assessment of sponsor suitability, ORR "shall release a child from its custody *without unnecessary delay*" with first order of preference being the child's parent. 45 C.F.R. § 410.1201(a) (emphasis added). A sponsor application from a child's parent must be adjudicated within 10 days. 45 C.F.R. § 410.1205(b). Respondents have far exceeded this required timeline without justification.
7. ORR has failed to articulate an individualized rationale for the "requirements" imposed on Ms. K.I.A.G.'s sponsorship application and continues to place the burden on Ms. K.I.A.G., when the burden in fact rests on ORR to justify its continued detention of R.C.A. Without justification, ORR has failed to comply with the requirements of its own process, many of which are themselves unnecessary and unreasonable, all in violation of R.C.A.'s constitutional, statutory, and regulatory rights, including the right to be "promptly" placed in the least restrictive setting that is in her best interests and to be released "without unnecessary delay."
8. Adding to the list of experts calling for the immediate release of this young child from government detention, board-certified child and adolescent psychiatrist, Dr. Laine Taylor,

Chief Medical Officer of The Village for Families and Children and Assistant Clinical Professor at the Yale Child Study Center, who evaluated R.C.A. and her mother, recommends, “immediate reunification” in order to “reduce the lifelong impact of the detainment experience” on R.C.A. Exhibit E (Evaluation of Dr. Laine Taylor) at 9 (“Dr. Taylor Eval.”). Dr. Taylor has cautioned that “continuing prolonged separation of a five-year-old child from her mother . . . represents a significant risk to R.C.A.’s emotional, developmental, and psychological well-being,” and the conditions R.C.A. has been subjected to by Respondents “exceed what would be considered developmentally tolerable stress and warrant serious clinical concern” for a child of this tender age. *Id.*

9. In ORR custody, R.C.A. has suffered increasing symptoms of sadness, and “is struggling with anxiety and fear.” *Id.* at 7. Dr. Taylor notes “recent regression and behavioral changes,” and has found “clear indication that this traumatic event is impacting R.C.A.” in that she “is having nightmares, is avoidant of discussion of her family and separation, and she manifests anxiety through her play.” *Id.* Dr. Taylor’s evaluation indicates “clear evidence that this trauma of separation is causing anxiety, is leading to role confusion, and negatively affecting her prior healthy sense of self.” *Id.* at 9.
10. Despite its legal obligations, ORR has far exceeded the statutory deadline to adjudicate R.C.A.’s mother’s sponsorship application. ORR’s failure to act “promptly” and release her “without unnecessary delay” violates R.C.A.’s constitutional rights to liberty, due process, and family integrity, as well as her statutory rights under the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (“TVPRA”). ORR’s failure to release R.C.A. and reunify her with her mother also constitutes agency action that is arbitrary, capricious, and not in accordance with the law under the Administrative

Procedures Act (“APA”), 5 U.S.C. §§ 701 *et. seq.* Additionally, in failing to release R.C.A. to her mother’s custody, ORR has failed to follow its own “existing valid regulations,” in violation of *United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260, 268 (1954).

11. Without judicial intervention, R.C.A., a 5-year-old child, will remain in government detention, subject to its arbitrary requests and unconscionable delays. Every day that Respondents keep R.C.A. in detention not only deprives her of her fundamental rights to liberty and family integrity, but inflicts increasing trauma upon her and harm to her mental health and development, with potential lifelong damage.
12. In light of the foregoing, Petitioner hereby requests that an immediate hearing be set on this matter. Petitioner also requests that R.C.A. be released during the pendency of this Petition.

JURISDICTION AND VENUE

13. This Court has subject matter jurisdiction under Art. I, § 9, cl. 2 of the U.S. Constitution (Suspension Clause); 28 U.S.C. § 2241 (habeas corpus); 28 U.S.C. § 1651 (All Writs Act); 28 U.S.C. § 1331 (federal question jurisdiction); and 5 U.S.C. § 701 (the Administrative Procedure Act).
14. This Court has additional remedial authority under 28 U.S.C. §§ 2201 and 2202 (Declaratory Judgment Act) to grant injunctive and declaratory relief.
15. Federal district courts have jurisdiction to hear habeas claims brought by noncitizens challenging the lawfulness of their detention. *See Demore v. Kim*, 538 U.S. 510, 516-17 (2003) (recognizing habeas jurisdiction over immigration detention challenges).
16. Venue is proper in the District of Connecticut under 28 U.S.C. § 1391(e) because R.C.A. is detained within this District and a substantial part of the events giving rise to these claims

occurred and continue to occur in this District.

PARTIES

17. R.C.A. is a 5-year-old child in the custody of ORR. She is presently detained at The Children's Community Programs of Connecticut in New Haven, Connecticut. R.C.A. brings this matter by and through her Next Friend, Ms. K.I.A.G.
18. Plaintiff-Petitioner Ms. K.I.A.G. is the mother of R.C.A. She brings this matter on behalf of R.C.A. as her Next Friend. Ms. K.I.A.G. presently lives in New Haven, Connecticut.
19. Defendant-Respondent Robert F. Kennedy, Jr., is the Secretary of the U.S. Department of Health and Human Services ("HHS"). In this capacity, he oversees ORR, the sub-agency of HHS generally responsible for the care of unaccompanied immigrant children, and specifically responsible for the ongoing custody of R.C.A. Respondent Kennedy is sued in his official capacity.
20. Defendant-Respondent Angie Salazar is the Acting Director of ORR. ORR is the sub-agency of HHS responsible for the care of unaccompanied immigrant children and is the government entity responsible for R.C.A.'s ongoing custody. Respondent Salazar is sued in her official capacity.
21. Defendant-Respondent Alex Adams is named in his official capacity as Assistant Secretary of the Administration for Children and Families ("ACF"). ACF is the operating division of HHS and is responsible for the welfare of children and families. It is comprised of 23 offices, including ORR, the component agency responsible for R.C.A.'s detention and custody.
22. Defendant-Respondent Randi Cavallero is the Director of The Children's Community Programs of Connecticut, which operates the transitional foster care program where R.C.A.

is presently in custody. She is therefore R.C.A.'s direct custodian for purposes of the instant habeas petition. Respondent Cavallero is sued in her official capacity.

23. Defendant-Respondent U.S. Department of Health and Human Services is a cabinet-level department of the executive branch of the U.S. government headquartered in Washington, DC. HHS is the parent agency of ORR.
24. Defendant-Respondent Administration for Children and Families is the operating division of HHS tasked with the welfare of children and families and includes ORR as a component agency.
25. Defendant-Respondent Office of Refugee Resettlement ("ORR") is a component agency of ACF and HHS and is responsible for the care, custody, and wellbeing of unaccompanied immigrant children.
26. Defendant-Respondent The Children's Community Programs of Connecticut ("CCP") is an agency licensed by the State of Connecticut and contracted by ORR to provide care for unaccompanied immigrant children in CCP's care in New Haven, CT.

LEGAL FRAMEWORK

A. Statutory and Regulatory Framework Regarding the Care, Custody, and Release of Unaccompanied Immigrant Children

27. The care and custody of unaccompanied immigrant children is governed by a legal framework consisting of the Homeland Security Act of 2002, the TVPRA, the 1997 *Flores* Settlement Agreement, and the Foundational Rule, 45 C.F.R. § 410, *et. seq.*
28. Prior to 2002, the Office of Juvenile Affairs in the former Immigration and Naturalization Service ("INS") was responsible for the custody of unaccompanied immigrant children in the United States. The *Flores* Settlement Agreement, originally signed by the INS in 1997, established national minimum standards for the treatment and placement of minors in

immigration custody. Stipulated Settlement Agreement, *Flores v. Reno*, No. CV 84-4544-RJK(Px) (C.D. Cal. Jan. 17, 1997) (“*Flores Settlement*”), available at <https://www.aila.org/files/o-files/view-file/04CEA0D1-427B-4D25-B6D0-47CF10B46997>. However, following the promulgation of the Foundational Rule, the *Flores Settlement Agreement* was partially terminated as to HHS. *Flores v. Garland*, 2024 WL 3467715, at *7-9 (C.D. Cal., June 28, 2024).

29. In 2002, Congress passed the Homeland Security Act (“HSA”), transferring functions of the former INS to other government entities. Pub. L. No. 107-296, 116 Stat. 2153 (2002). Specifically, the HSA transferred authority over the care and custody of unaccompanied immigrant children from the INS to ORR, housed within HHS. 6 U.S.C. § 279.
30. Congress’s decision to transfer responsibility for the care and custody of unaccompanied children from the INS to ORR reflected Congress’s determination that caring for such children and prosecuting immigration enforcement were incompatible roles and should not be housed within a single agency.² Within HHS, ORR is responsible for children’s safety and welfare and is explicitly not a law enforcement agency. *See Foundational Rule*, 89 Fed. Reg. at 34423 (“[I]t is not a law enforcement agency, unlike the former INS . . .”).
31. Congress then expanded protections for unaccompanied children in the TVPRA, reaffirming Congress’ intent to treat unaccompanied immigrant children differently than adults in the context of both detention and immigration proceedings. 8 U.S.C. § 1232 *et seq.*

² *See, e.g.*, 148 Cong. Rec. S11295 (Nov. 18, 2002) (statement of Sen. Feinstein); *see also* 148 Cong. Rec. S5960 (Oct. 1, 2002) (“As we transfer and reshape the INS in this legislation, it is imperative to relieve the agency of its responsibility of the care and custody of unaccompanied children. Doing so would accomplish two ends: one, it would permit the INS to focus its energies, efforts, and attention on its core missions; and two, it would transfer the care and custody of these children to the Office of Refugee Resettlement, ORR, an office that is better suited and much more experienced in handling the complexities of the children’s situations.”)

32. The TVPRA requires federal officials who discover an unaccompanied child to transfer the child to the care and custody of ORR within 72 hours (absent exceptional circumstances). *Id.* § 1232(b)(3). The TVPRA also tasks ORR with ensuring that unaccompanied children are “promptly placed in the least restrictive setting that is in the best interest of the child.” *Id.* § 1232(c)(2)(A). This is usually with a sponsor, with preference given to parents and legal guardians. 45 C.F.R. § 410.1108 (a). *See also, e.g., Santos v. Smith*, 260 F. Supp. 3d 598, 605 (W.D.V.A. 2017) (“Pursuant to the *Flores* agreement and the TVPRA, ORR should release to a parent, if available”). In other words, Congress enacted the TVPRA specifically to facilitate the safe, speedy release and minimally restrictive placement of unaccompanied children. *See, e.g.,* 154 Cong. Rec. S10887 (Dec. 10, 2008).
33. In 2024, ORR promulgated regulations (“The Foundational Rule”) codifying “the policies, standards, and protections for [unaccompanied children], consistent with the HSA and TVPRA, and to implement the substantive requirements of the [*Flores* Settlement Agreement] as they pertain to ORR.” 89 Fed. Reg. at 34385 (promulgating 45 C.F.R. §§ 410.1000 *et seq.*).
34. The Foundational Rule sets forth “policies and procedures regarding release, *without unnecessary delay*, of an unaccompanied child from ORR custody to a vetted and approved sponsor.” 89 Fed. Reg. at 34439 (emphasis added). The Foundational Rule is consistent with the agency’s “strong belief that, generally, placement with a vetted and approved family member or other vetted and approved sponsor, as opposed to placement in an ORR care provider facility . . . is in the best interests of unaccompanied children.” *Id.*
35. Under the Foundational Rule, sponsors must complete a sponsorship application, undergo

a sponsorship suitability assessment, and submit to various background checks. 45 C.F.R. §§ 410.1202(b)-(c), 410.1203(c). Absent specific circumstances,³ home studies are not a required part of the sponsor suitability assessment, but ORR “may, in its discretion, initiate home studies if it determines that a home study is likely to provide additional information which could assist in determining that the potential sponsor is able to care for the health, safety, and well-being of the unaccompanied child.” 45 C.F.R. § 410.1204(c).

36. The Foundational Rule establishes that “ORR shall release a child from its custody without unnecessary delay” to suitable sponsors in a specific order of preference, with parents and legal guardians taking first priority. 45 C.F.R. § 410.1201(a). Specifically, it provides that “ORR shall adjudicate the completed sponsor application of a parent or legal guardian; brother, sister, or grandparent; or other close relative who has been the child’s primary caregiver within 10 calendar days . . . absent an unexpected delay”. 45 C.F.R. § 410.1205(b).

37. The Foundational Rule does not provide any procedural mechanism for a potential sponsor to contest the agency’s adjudicative delay during the pendency of a sponsorship application. An appeals process is only available following a final denial of a sponsor application from a parent, legal guardian, or other close relative, and can take up to 30 days to complete. 45 C.F.R. § 410.1206(a), (f).

38. ORR’s sub-regulatory framework is laid out in the UC Policy Guide, which was first

³ Home studies are required under the TVPRA where (i) the child is a victim of a severe form of trafficking in persons; (ii) a child has a disability requiring particularized services; (iii) a child has been a victim of physical or sexual abuse under circumstances that indicate that the child’s health or welfare has been significantly harmed or threatened; or (iv) a child’s sponsor clearly presents a risk of a abuse, maltreatment, exploitation, or trafficking to the child based on all available objective evidence. 8 U.S.C. § 1232(c)(3)(B). The Foundational Rule also requires home studies “before releasing any child to a non-relative sponsor who is seeking to sponsor multiple children or who has previously sponsored or sought to sponsor a child and is seeking to sponsor additional children” and “before releasing any child who is 12 years old or younger to a non-relative sponsor.” 8 C.F.R. § 410.1204 (b).

published publicly in 2015 and is available on ORR's website. Office of Refugee Resettlement, *Unaccompanied Alien Children Bureau Policy Guide* (2025), <https://acf.gov/orr/policy-guidance/unaccompanied-children-bureau-policy-guide>.

Consistent with the HSA, TVPRA, and Foundational Rule, the UC Policy Guide governs the placement, care, and release of unaccompanied children in ORR custody. UC Policy Guide, Introduction.

39. Section 2 of the UC Policy Guide sets out ORR's policies with respect to securing "[s]afe and timely release" of unaccompanied children to sponsors, emphasizing that ORR policies are intended to ensure the release of unaccompanied children "in a safe, efficient, manner without unnecessary delay." UC Policy Guide Sec. 2.1. It provides detailed guidance for the release process, 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." *Id.*
40. Since January 2025, the UC Policy Guide has been modified multiple times, without notice and comment, to heighten sponsorship vetting requirements.⁴ These changes include narrowing the list of acceptable proof of identification documents (March 7, 2025); requiring specific proof of income documentation (April 15, 2025); requiring specific proof of address documentation (March 7, 2025); requiring ORR to "exhaust all available avenues to verify the authenticity of birth certificates" submitted as proof of child's identity and sponsor-child relationship (March 7, 2025); requiring DNA testing to establish a

⁴ Neha Desai and Melissa Adamson, et. al, The Unraveling of ORR: A Quick and Calculated Undoing of a System Intended to Protect Children, NAT'L CTR. FOR YOUTH L., at 3 (Sept. 2025), available at <https://youthlaw.org/resources/the-unraveling-of-orr-a-quick-and-calculated-undoing-of-a-system-intended-to-protect-children/>.

biological relationship to the child, where biological relationship is purported (March 14, 2025; revised May 15, 2025); requiring sponsor home studies in new circumstances beyond those mandated under the Foundational Rule and the TVPRA (July 14, 2025); requiring proof of a Social Security Number or Individual Taxpayer Identification Number for all adults identified in a sponsorship application (March 6, 2026); and requiring background checks for all household members and alternate caregivers (March 6, 2026).⁵

41. Beginning in August 2025, ORR created a new internal division, the Division of Sponsor Administration (“DSA”), which removed sponsorship document collection and vetting responsibilities that were previously assigned to local case managers and unification specialists employed by sub-contractors and placed that responsibility exclusively with DSA Federal Field Specialists (“FFS”). Under the new system, the DSA FFS is responsible for communicating with the child’s sponsor, obtaining a sponsorship application, gathering all documents, and submitting requests for additional vetting procedures (ex. scheduling fingerprinting, a home study, and/or DNA testing, etc.). The FFS makes an initial recommendation as to release, which is reviewed by the local facility (in this case CCP) and a case coordinator (an ORR contractor) for their recommendations and finally sent to another FFS with ORR’s Division of Case Administration (“DCA”) who makes the final decision on release. That FFS may approve the release, deny the release, or remand the case back for further assessment. The final decision is reviewable by superiors within ORR.

B. Constitutional Framework Regarding the Prolonged Detention of Unaccompanied Immigrant Children

42. Children have a fundamental liberty interest in freedom from confinement. The Supreme Court has recognized that “the interest in being free from physical detention” by the State

⁵ *Id.* at 5-8.

is “the most elemental of liberty interests[.]” *Hamdi v. Rumsfeld*, 542 U.S. 507, 529 (2004). A child’s interest in being free from confinement is no less fundamental than that of an adult. *See In re Gault*, 387 U.S. 1, 13 (1967) (“[N]either the Fourteenth Amendment nor the Bill of Rights is for adults alone . . .”); *Reno v. Flores*, 507 U.S. 292, 316 (1993) (O’Connor, J. and Souter, J., concurring) (“Children, too, have a core liberty interest in remaining free from institutional confinement. In this respect, a child’s constitutional freedom from bodily restraint is no narrower than an adult’s.”) (Internal quotation marks omitted.). Minors, like adults, also have a substantial liberty interest “in avoiding unjustified physical restraint.” *Lucas R. v. Becerra*, 2022 WL 2177454, at *14 (C.D. Cal. Mar. 11, 2022).

43. The constitutional right to family integrity and familial association is also well established. *See Santosky v. Kramer*, 455 U.S. 745, 753 (1982) (holding that parents and children have a well-elaborated constitutional right to live together without governmental interference); *Smith v. Org. of Foster Families for Equality & Reform*, 431 U.S. 816, 845 (1977) (“[T]he liberty interest in family privacy has its source, and its contours are ordinarily to be sought . . . in intrinsic human rights.”). The Second Circuit, specifically, has held that the “right to the preservation of family integrity encompasses the reciprocal rights of both parent and children,” and that “the most essential and basic aspect of familial privacy [is] the right of the family to remain together without the coercive interference of the awesome power of the state.” *Duchesne v. Sugarman*, 566 F.2d 817, 825 (2d Cir. 1977); *see also Kia P. v. McIntyre*, 235 F.3d 749, 759 (2d Cir. 2000) (explaining children have a “constitutionally protected liberty interest in not being dislocated from the emotional attachments that derive from the intimacy of daily family association”) (internal quotation marks omitted);

Southerland v. City of New York, 680 F.3d 127, 142 (2d Cir. 2012) (explaining parents “have a constitutionally protected liberty interest in the care, custody and management of their children”) (quoting *Tenenbaum v. Williams*, 193 F.3d 581, 593 (2d Cir. 1999)).

44. In matters involving the prolonged detention of unaccompanied immigrant children in ORR custody, courts have repeatedly recognized the due process rights of children to family integrity. *See, e.g., D.B. v. Cardall*, 826 F.3d 721, 740 (4th Cir. 2016) (outlining children “enjoy a familial right to be raised and nurtured by their parents”) (internal quotation marks omitted); *Beltran v. Cardall*, 222 F. Supp. 3d 476, 482 (E.D. Va. 2016) (“It is beyond dispute that [a mother’s] right to the care and custody of her son – and [a son’s] reciprocal right to his mother’s care . . . is deserving of the greatest solicitude.”) (internal quotation marks and citation omitted)); *Maldonado v. Lloyd*, 2018 WL 2089348 at *7 (S.D.N.Y. May 4, 2018) (concluding that prolonged ORR sponsorship suitability process was violation of child’s “right to family integrity”); *Santos v. Smith*, 260 F. Supp. 3d 598, 612 (W.D.V.A. 2017) (“[T]he interest in family reunification remains fundamental . . . and is deserving of significant due process protections.”). *See also, Ms. L. v. U.S. ICE*, 310 F.Supp.3d 1133, 1142-46 (S.D. Cal. 2018) (finding likely substantive due process violation stemming from “zero tolerance” policy of family separation).

45. Longstanding Supreme Court precedent establishes that when a governmental action deprives an individual of a fundamental constitutional interest, that individual is entitled to procedural due process consisting of notice and an opportunity to be heard. *See Mathews v. Eldridge*, 424 U.S. 319, 335 (1976). Under the balancing test set out in *Mathews*, in assessing an alleged violation of procedural due process, courts must consider: (1) “[T]he private interest that will be affected by the official action,” (2) “[T]he risk of erroneous

deprivation of such interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards; and (3), “[T]he government’s interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail.” *Id.*

46. Pursuant to *Mathews*, some courts have required ORR to assess sponsorship applications by parents in light of the fundamental liberty interest in family integrity. Several courts have held, specifically, that “when a parent (rather than another relative or friend) seeks reunification with her child, ORR procedures improperly place the burden of proof on the parent to demonstrate suitability rather than on ORR to justify its continued custody of the child.” *Maldonado*, 2018 WL 2089348 at *9; *see also Santos*, 260 F. Supp. 3d at 613 (“[A]t least when a parent is requesting reunification, the burden should be on ORR to show why its continued custody of [an unaccompanied child] is appropriate, rather than placing that burden on the parent.”); *Beltran*, 222 F. Supp. 3d at 485 (“Once the government decides to withhold a child from a parent’s care, ‘the state has the burden to initiate’ proceedings to justify its action.”) (Citation omitted.).
47. Furthermore, “‘significant’ and ‘unexplained delay[s] in responding to [a proposed sponsor’s] unification request’ violate due process, irrespective of other procedural defects.” *Lucas R. v. Becerra*, 2022 WL 2177454, at *27 (C.D. Cal. Mar. 11, 2022) (quoting *Santos*, 260 F. Supp. at 614).
48. In accordance with these foundational principles of due process, ORR bears the burden to justify its continued unlawful custody of R.C.A. ORR also has a constitutional responsibility to finalize its suitability assessment of Ms. K.I.A.G. without unnecessary delay. Based on the facts alleged herein, R.C.A.’s sponsor is safe and qualified, and ORR

has a duty to grant Ms. K.I.A.G.'s reunification request without delay. ORR should immediately place R.C.A. in the least restrictive setting that is in her best interests, which is with her mother.

FACTUAL BACKGROUND

A. R.C.A. is a child in ORR custody with a vetted sponsor capable of providing for her physical and mental well-being.

49. R.C.A. was born in Atlixco, Puebla, Mexico, in 2020. She is 5 years old. *See* Exhibit D.
50. Ms. K.I.A.G., R.C.A.'s mother and ORR sponsor, was born in Mexico in 2001. Ms. K.I.A.G. Aff. at ¶ 2. She is currently 24 years old. She resides in New Haven, Connecticut. *Id.* There is no evidence that Ms. K.I.A.G. has a criminal history or a child protection history. Reagan Aff. ¶ 34.
51. For the first year of her life, R.C.A. lived with her mother and father in Mexico. R.C.A. shared a close bond with her mother, spending time with her playing in the park, eating ice cream, and running errands. Ms. K.I.A.G. took care of R.C.A.'s needs, cooking for her, feeding her, and bathing her. R.C.A.'s father was also very involved in her life and provided financial support for all of her needs. Ms. K.I.A.G. Aff. ¶ 5.
52. Although both of R.C.A.'s parents worked, they struggled to survive given the poor economy in Mexico. *Id.* ¶ 6. In 2021, R.C.A.'s father came to the U.S. to find work. *Id.* ¶ 7. In 2023, Ms. K.I.A.G. left Mexico to better support R.C.A. *Id.* ¶ 8. She placed R.C.A. in the care of her maternal grandparents and came to the U.S., joining R.C.A.'s father in New Haven, Connecticut. *Id.* Ms. K.I.A.G.'s plan was to save money and return to Mexico to be with R.C.A. *Id.* It was "devastating" for her to be separated from R.C.A., but they were able to speak almost every day and see each other on video calls. *Id.* ¶¶ 9, 12. Ms. K.I.A.G. sent back money for R.C.A.'s care and sent R.C.A. gifts for her birthday and

Christmas. *Id.*

53. In the summer of 2025, Ms. K.I.A.G. learned that she was pregnant. Due to her pregnancy, Ms. K.I.A.G. was not able to return to Mexico, and instead, R.C.A. came to join her in the United States. *Id.* ¶ 12. R.C.A. has expressed excitement about her new baby sibling and living as a family together. Reagan Aff. ¶ 36.
54. On November 22, 2025, R.C.A. entered the United States near Nogales, Arizona. *Id.* ¶ 8. R.C.A. was apprehended by Customs and Border Protection (“CBP”) and designated as an “unaccompanied child.”⁶ *Id.* The same day, the DHS issued a Notice to Appear in immigration court to R.C.A. *Id.* DHS filed the Notice to Appear with the Hartford Immigration Court. *Id.* On February 18, 2026, R.C.A.’s removal proceedings were terminated. *Id.*
55. While detained in CBP custody, R.C.A. was ill and told facility staff that “it hurt when [she] cough[ed].” Reagan Aff. ¶ 8. R.C.A. received medication and stayed in CBP custody for the maximum amount of time allowed by law. *Id.*
56. On November 25, 2025, R.C.A. was transferred to the custody of ORR and transported to Noank Community Support Services (“NCSS”) in Mystic, Connecticut, an ORR-funded residential care facility. *Id.* ¶ 9. NCSS is a congregate care shelter where children are held 24 hours a day, 7 days a week. *Id.* ¶ 14. The children sleep in dormitory-style bedrooms, eat all meals at the facility, and receive group educational programming in the dining area. *Id.* They are only permitted to leave the facility with the permission of and accompanied by shelter staff on designated outings. *Id.* At the time of R.C.A.’s placement, there were

⁶ An unaccompanied child is defined as “a child who has no lawful immigration status in the United States; has not attained 18 years of age; and, with respect to whom, there is no parent or legal guardian in the United States, or no parent or legal guardian in the United States available to provide care and physical custody.” 6 U.S.C. § 279 (g) (2).

three other children residing at the shelter, two males, aged 16 and 17, and one female, aged 17; one week later, two more children arrived, two males, aged 13 and 15. *Id.*

57. Ms. K.I.A.G. quickly communicated to ORR that she was R.C.A.'s mother and wished to serve as her sponsor. *Id.* ¶ 11; Ms. K.I.A.G. Aff. ¶¶ 13-14. NCSS identified Ms. K.I.A.G. as a potential sponsor and designated her as Category 1, the most preferential category for sponsor release.⁷ Reagan Aff. ¶ 11. A screening conducted by an NCSS case manager on November 26, 2025 found that R.C.A. was not a victim of trafficking and that Ms. K.I.A.G. did not present a risk of abuse, maltreatment, exploitation or trafficking to R.C.A. *Id.* ¶ 12. On November 26, 2025, NCSS sent an email to ORR's Division of Sponsor Administration ("DSA") with Ms. K.I.A.G.'s information to begin the sponsorship application. *Id.* ¶ 11.

58. After several days passed and ORR had not yet initiated R.C.A.'s sponsorship process, R.C.A.'s legal advocates from Kids in Need of Defense ("KIND"), the legal service provider assigned to NCSS, became concerned for R.C.A.'s educational, psychological, and physical wellbeing in NCSS custody, due to multiple factors including: the restrictive setting of NCSS; housing R.C.A. with significantly older teenagers; R.C.A.'s lack of interaction with children her age; NCSS's lack of staff specializing in the care of tender aged children; and the facility's significant distance from R.C.A.'s mother and father. In addition, while R.C.A. was at NCSS, Ms. K.I.A.G. did not have visitation with her. Ms. K.I.A.G. Aff. ¶ 15.

⁷ ORR releases children to a sponsor in the following order of preference: parent; legal guardian; an adult relative; an adult individual or entity designated by the parent or legal guardian; a licensed program willing to accept legal custody; or an adult individual or entity when it appears that there is no other likely alternative to long term ORR care and custody. ORR has grouped unaccompanied children's cases into the following categories: Category 1: Parent or legal guardian. This includes qualifying step-parents that have legal or joint custody of the child; Category 2: A sibling, grandparent, or other immediate relative (e.g., aunt, uncle, first cousin) who previously served as the child's primary caregiver; Category 3: An immediate relative who has not previously served as the child's primary caregiver; Category 4: Other sponsor, such as distant relatives and unrelated adult individuals, and Category 5: No sponsor identified. *See* ORR Policy Guide section 2.2.1.

59. After repeated attempts to communicate these concerns to ORR's FFS in charge of transfer requests, KIND was able to speak with FFS Wendys Reyna on December 3, 2025. Reagan Aff. ¶ 17. In light of ORR's increasingly prolonged detention of unaccompanied children in ORR custody⁸, KIND requested that R.C.A. be transferred to CCP in New Haven, Connecticut, a transitional foster care program for unaccompanied children under age 13, a more appropriate setting for a young child that would also allow for more accessible visitation between R.C.A. and her family. *Id.*
60. On December 10, 2025, R.C.A. was transferred from NCSS to CCP in New Haven, Connecticut. *Id.* ¶ 18. On December 15, 2026, approximately 20 days after she was first identified as a Category 1 sponsor, Ms. K.I.A.G. was contacted for the first time by a Federal Field Specialist ("FFS") from ORR's DSA and provided a Family Reunification Application ("sponsorship application").⁹ *Id.* ¶ 19; Ms. K.I.A.G. Aff. ¶ 17. That same day, Ms. K.I.A.G. submitted her complete application. Reagan Aff. ¶ 20; Ms. K.I.A.G. Aff. ¶ 17R. Because ORR and the FFS (as opposed to local shelter staff) handle reunification, transfer does not impact a child's reunification process. Reagan Aff. ¶ 18.
61. Approximately two weeks later, on December 31, 2025, Ms. K.I.A.G. and her partner were asked to sign an Authorization to Release Information form, which they completed and returned the same day. Reagan Aff. ¶ 20. Since then, Ms. K.I.A.G. has been asked for, and immediately provided, paystubs (on two occasions), fingerprints, state-issued identification, and her ITIN number through piecemeal contact by the DSA FFS (i.e. the

⁸ In 2024, the average length of stay for a child in ORR custody was 30 days. In November 2025, the average length of stay was 169 days. The average length of stay in February 2026 has since increased to 195 days. Additionally, only 16 children (nationwide) were released to sponsors in November 2025. See <https://acf.gov/orr/about/ucs/facts-and-data>.

⁹ The sponsor application can only be provided to potential sponsors by the ORR FFS — even ORR-contracted shelters do not have access to and cannot provide the application to potential sponsors. Reagan Aff. ¶ 6.

- requests came one-by-one, days or weeks apart). Reagan Aff. ¶ 21; Ms. K.I.A.G. Aff. ¶ 19.
62. On December 15, 2025, when Ms. K.I.A.G. submitted her sponsorship application, the DSA FFS informed her that as part of the process she would need to submit a DNA test and participate in a home study. Reagan Aff. ¶ 19. On February 19, 2026, over 65 days later and after multiple unanswered emails from R.C.A.'s legal advocates to the FFS, ORR put in a request for the home study. Reagan Aff. ¶¶ 23, 24, 31. The study was conducted on February 26, 2026, during which the social worker informed Ms. K.I.A.G. that everything looked "perfect" and that she would submit a positive recommendation. Reagan Aff. ¶ 31; Ms. K.I.A.G. Aff. ¶ 22.
63. As to her relationship with R.C.A., Ms. K.I.A.G. has submitted her identification and R.C.A.'s birth certificate, and ORR has verified that she is R.C.A.'s mother through multiple sources, including the child's grandparents in Mexico, father in Hamden, Connecticut, and repeated interactions between R.C.A. and Ms. K.I.A.G. observed by CCP clinicians and staff. Reagan Aff. ¶ 34, n.10. Although ORR has never raised any doubts as to parentage, Ms. K.I.A.G. and R.C.A. were required to submit to a DNA test. Reagan Aff. ¶ 34. Although she was first informed of the "need" for DNA testing on December 15, 2026, Ms. K.I.A.G. was not scheduled for testing until March 13, 2026 (with a sample to be collected on March 14), approximately three months later. Reagan Aff. ¶¶ 20, 33A; Ms. K.I.A.G. Aff. ¶ 33. As to the ID verification, Ms. K.I.A.G. has already submitted identification, has been known to ORR for months, and has been visiting an ORR-subcontractor facility weekly since December 15, 2025; the reason for ORR's request for additional ID verification is unknown and has not been articulated by ORR. Reagan Aff. ¶¶ 21, 27, 33B. Nevertheless, Ms. K.I.A.G. first learned of the ID verification requirement

on March 5, 2026, and satisfied the requirement when permitted to do so, on March 14, 2026, when she also provided her DNA sample. Reagan Aff. ¶¶ 33, 33B.

64. To date, neither ORR nor CCP has communicated any concern to Ms. K.I.A.G. or to R.C.A.'s legal advocates that Ms. K.I.A.G. is not a suitable sponsor for R.C.A. In her two years working with CCP, Attorney Reagan, R.C.A.'s legal advocate from KIND, has never seen a child of R.C.A.'s age with a Category 1 sponsor held for so long in Connecticut. Reagan Aff. ¶ 40.

65. Ms. K.I.A.G.'s sponsorship application has now been pending for more than 90 days. As a result, R.C.A., a 5-year-old child, has been separated from her mother and held in governmental custody for 115 days.

B. Defendant-Respondents are violating their legal obligation to promptly release R.C.A. to her sponsor and mother, Ms. K.I.A.G.

66. When R.C.A. was transferred to ORR custody on or around November 25, 2026, Ms. K.I.A.G. immediately identified herself as R.C.A.'s mother and stated that she wished to serve as her sponsor. Ms. K.I.A.G. Aff. ¶ 14.

67. By November 26, 2025, ORR staff had already found that R.C.A. was not a victim of trafficking and that Ms. K.I.A.G. did not present a risk of abuse, maltreatment, exploitation or trafficking to R.C.A. Reagan Aff. ¶ 12.

68. Yet it took almost three weeks for the DSA FFS to contact Ms. K.I.A.G. to initiate the sponsorship application, on or around December 15, 2025. Reagan Aff. ¶ 19; Ms. K.I.A.G. Aff. ¶ 17. Ms. K.I.A.G. collected the requisite documents and submitted the completed application on December 15, 2025. Ms. K.I.A.G. Aff. ¶ 17. That day, Ms. K.I.A.G. was informed for the first time that she would need to participate in a home study and DNA test, though neither were scheduled at that time. Reagan Aff. ¶ 19.

69. Another two weeks passed before Ms. K.I.A.G. was contacted by the DSA FFS with an additional request. On about December 31, 2025, the DSA FFS requested that Ms. K.I.A.G. and her partner sign and submit an Authorization to Release Information form; they both did so the same day. Reagan Aff. ¶ 20. Ms. K.I.A.G. was again informed that she would need to participate in a home study and DNA test. *Id.* In January 2026, Ms. K.I.A.G. and her partner provided their fingerprints, and Ms. K.I.A.G. provided her paystubs, state-issued-identification, and ITIN number immediately upon request. *Id.* ¶ 21.
70. In light of ORR's repeated delays, R.C.A.'s legal advocates emailed the FFS, Enjoli Maeweather, on January 23 and February 9, 2026, expressing concerns about R.C.A.'s lengthy detention, asking what information was still required for the sponsorship application, and requesting a timeline for R.C.A.'s release. The FFS did not respond to these inquiries. Reagan Aff. ¶ 23.
71. On February 5, 2026, KIND's office emailed CCP to request a reunification update. The CCP lead case manager replied, "At this time, sponsor vetting is still in process. We do not have an estimated time of discharge." *Id.* ¶ 24.
72. On February 13, 2026, several weeks since their last communication, ORR requested that Ms. K.I.A.G. submit additional pay stubs. She provided them the same day. *Id.* ¶ 22.
73. On February 20, 2026, KIND staff again contacted FFS Maeweather noting continued delays, inquiring as to what, if any, information was still required, and asking when R.C.A. would be released. Again, FFS Maeweather did not respond. *Id.* ¶ 23.
74. In late February 2026, Ms. K.I.A.G. was contacted for the first time to schedule a home study. Following a visit on February 26, 2026, the visiting social worker informed Ms. K.I.A.G. that she found the home to be "perfect" and a "healthy environment," and stated

that she would be making a positive recommendation. Reagan Aff. ¶ 31; Ms. K.I.A.G. Aff.

¶ 22. The Foundational Rule only requires home studies (1) when required under the TVPRA,¹⁰ (2) when releasing any child to a non-relative sponsor who is seeking to sponsor multiple children or has sponsored a child or multiple children in the past, and (3) before releasing any child who is 12 years old or younger to a non-relative sponsor. 45 C.F.R. § 410.1204(b). It provides for discretionary home studies only if ORR “determines that a home study is likely to provide additional information which could assist” in the sponsor suitability assessment. 45 C.F.R. § 410.1204(c).

75. On March 5, 2026, the home study was submitted to ORR providing a “positive home study recommendation.” Reagan Aff. ¶ 31. The study indicates that R.C.A.’s case was not referred for a home study until February 19, 2026. The home study found no concerns. *Id.* Rather, the study notes R.C.A.’s “positive bond” with her mother and her “strong desire to leave the shelter as soon as possible and be reunited with her mother.” *Id.*
76. On March 5, 2026, KIND again emailed FFS Maeweather expressing concerns about R.C.A.’s prolonged detention and inquiring whether there were any outstanding requirements for sponsor vetting. On March 5, FFS Maeweather replied for the first time, stating, “The case is pending DNA testing and ID verification. I am working on this urgently giving the circumstances that travel will be difficult for the sponsor soon.” *Id.* at 33.
77. On March 13, 2026, Ms. K.I.A.G. was finally contacted with an appointment for DNA collection and an in-person ID verification. She was told to attend an appointment at the

¹⁰ The TVPRA requires a home study if the child (1) is a victim of a severe form of trafficking in persons; (2) has a disability (as defined in 42 U.S.C. 12102) who requires particularized services or treatment; (3) has been a victim of physical or sexual abuse under circumstances that indicate that the child's health or welfare has been significantly harmed or threatened; or (4) whose potential sponsor clearly presents a risk of abuse, maltreatment, exploitation, or trafficking to the child based on all available objective evidence. 8 U.S.C. § 1232(c)(3)(B).

Homeland Security Investigations (a sub-agency of DHS) Hartford Field Office on March 23, 2026. Ms. K.I.A.G. asked if there was any other way to complete the appointment, as she was due to give birth in two days (March 15). *Id.* at 33A.

78. Attorney Reagan (KIND) then contacted several FFSs from the DCA and DSA to request an earlier appointment in a location closer to Ms. K.I.A.G.'s home, given her medical condition, and Ms. K.I.A.G. completed her appointment on March 14, 2026 in New Haven. *Id.* However, R.C.A.'s DNA test remains unscheduled. *Id.* at 33B.

79. On February 11, 2026, given R.C.A.'s age, the delays in reunification with her mother, and their growing concern about the long-term effects of her prolonged detention, KIND submitted a request to the Young Center for Immigrant Children's Rights¹¹ to appoint a Child Advocate for R.C.A. Reagan Aff. ¶ 24.

80. On March 6, 2026, the Young Center issued an appointment request to ORR indicating that "the request is urgent due to the child's tender age and legal needs." *Id.* ¶ 26. Victoria Canales, Staff Attorney at the Young Center was subsequently appointed as R.C.A.'s Child Advocate. Advocate Canales stated that the Young Center's position is that it is in R.C.A.'s best interests to be immediately released to her mother, and Attorney Canales will be filing a Best Interest Determination with ORR recommending immediate release. *Id.* ¶ 35.

81. R.C.A.'s prolonged detention and separation from her parents is part of a nationwide trend impacting youth in ORR custody. In fiscal years 2021 through 2024, the average length of time a child remained in ORR custody ranged from 27 days to 33 days.¹² However, that average has increased dramatically since January 2025, jumping to 112 days in March

¹¹ The Young Center has the only program in the nation that provides independent Child Advocates to unaccompanied immigrant children in government custody, whose job it is to advocate for the children's rights and best interests.

¹² Desai & Adamson, *supra* n.4 at 11.

2025, 154 days in June 2025, 182 days in August 2025, and 185 days in November 2025.¹³

Releases to sponsors have also dropped sharply, from 1,858 releases in February 2025, to 343 releases in March 2025, to 45 releases in April 2025.¹⁴ In November 2025, ORR only released 16 children to sponsors nationwide.¹⁵ In January 2026, the number of children released to sponsors nationwide increased slightly to 42, constituting only 2.3% of the number of children released 11 months earlier in February 2025.

82. The nationwide prolonged detention and family separation of children in ORR custody is a direct result of the Trump Administration's draconian changes to the sponsor vetting process, including heightened sponsor identification document validation procedures; new proof of income and proof of address requirements; and expanded home studies of potential sponsors. According to a recent report by the National Center for Youth Law, "[c]ollectively, these and other new policies have made it nearly impossible for unaccompanied children to be released from government custody – undermining ORR's core mandate under federal law."¹⁶

83. In addition to ORR's heightened sponsor-vetting requirements, it is very likely that ORR has imposed an internal moratorium on releasing certain immigrant children from ORR custody. According to a media report published on December 18, 2025, "three ORR officials with knowledge of the office's release process" said that "in early November,

¹³ *Id.*

¹⁴ *Id.*

¹⁵ "Data -Released to Sponsors," OFFICE OF REFUGEE RESETTLEMENT, <https://acf.gov/orr/about/ucs/factsand-data> (last accessed March 11, 2026). This nationwide trend has been widely documented. See, e.g., Mica Rosenberg, et. al., ICE Sent 600 Immigrant Kids to Detention in Federal Shelters This Year. It's a New Record, PROPUBLICA (Nov. 24, 2025), <https://www.propublica.org/article/ice-detentions-immigrant-kids-family-separations>; Julia Lurie, "The Children Are Being Used as Bait": Thousands of Kids Are Stuck in Immigration Facilities With No End in Sight, MOTHER JONES (May 12, 2025), <https://www.motherjones.com/politics/2025/05/unaccompaniedimmigrant-children-trump-ice-orr-shelters/>.

¹⁶ Desai & Adamson, *supra* n.4 at 3. See also Jonathan Beier & Ruben Ortiz, et. al., Dismantling Protections: How ORR Policy Changes Trap Children in Extended Detention, ACACIA CENTER FOR JUSTICE, (Sept. 2025), <https://acaciajustice.org/wp-content/uploads/2025/09/Acacia-Dismantling-Protections-2025-09.pdf>.

agency leadership ordered a hold on releasing children to sponsors until further notice, even if the sponsors have been cleared to receive them.”¹⁷ These officials further stated that “the order was not put in writing, but issued verbally to field officers across the country who are charged with signing off on releases.”¹⁸ Reportedly, an ORR field officer who received this order said, “Many cases are absolutely ready to go, but because releases aren’t being allowed, they are in limbo.”¹⁹

84. Under these circumstances, R.C.A. is unlikely to be released without judicial intervention.

C. It is in R.C.A.’s best interest to be released to her mother and sponsor, Ms. K.I.A.G.

85. R.C.A. is a 5-year-old child who has been detained, separated from her mother, and socially isolated, without access to proper schooling for several months. She has suffered profound and lasting harm at a critical stage in her development.²⁰ She has also been forced to navigate removal proceedings in immigration court while detained and separated from her mother. For these and other reasons, several critical stakeholders have all agreed that it is in R.C.A.’s best interests to be released to her mother immediately, including her KIND attorney advocates, Reagan Aff. ¶¶ 36, 39; her ORR-appointed, independent Child Advocate from the Young Center for Immigrant Children’s Rights, *Id.* ¶ 35; and board-certified psychiatrist, Dr. Laine Taylor, Dr. Taylor Eval. at 9-10.

86. R.C.A.’s ORR-appointed independent Child Advocate, Victoria Canales, from the Young

¹⁷ Mark Betancourt, Trump admin has all but stopped reuniting detained migrant children with their families, LAIST, (Dec. 18, 2025), <https://laist.com/news/politics/trump-admin-has-all-but-stopped-reunitingdetained-migrant-children-with-their-families>.

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ See Anna T. Smyke, Ph.D. et. al., *Mental Health Implications for Children of Incarcerated Parents*, 63 LOY. L. REV. 405, 410 (2017) (“In early childhood, young children are not able to sustain meaningful attachments to adult caregivers without having substantial amounts of regular contact with them . . . Disrupting attachment relationships . . . poses significant risks to young children.”).

Center for Immigrant Children's Rights, recommends that it is in R.C.A.'s best interests to be immediately released to her mother. Reagan Aff. ¶ 35. In addition, Dr. Laine Taylor, Chief Medical Officer of The Village for Families and Children and Assistant Clinical Professor at the Yale Child Study Center, who evaluated R.C.A. and her mother on March 6, 2026, has concluded: "From a child psychiatric and trauma-informed perspective, continuing prolonged separation of a five-year-old child from her mother for more than four months, with only limited contact of 1 hour per week with her mother and father, and no contact with other family members, represents a significant risk to R.C.A.'s emotional, developmental, and psychological well-being. Such conditions exceed what would be considered developmentally tolerable stress and warrant serious clinical concern." Dr. Taylor Eval. at 9. As such, Dr. Taylor recommends, "immediate reunification" of R.C.A. with her mother in order to "reduce the lifelong impact of the detainment experience" on R.C.A. *Id.*

87. Before her time in ORR custody, R.C.A. spent her life surrounded by family. She grew up cared for by her parents, then her maternal grandparents. Ms. K.I.A.G. Aff. ¶ 5. She loves spending time with other people, dancing, painting, running, and playing outside. *Id.* ¶ 30. R.C.A. came to the United States so that she could reunite with her mother and welcome her new baby sibling.

88. Instead, R.C.A. is now detained at CCP with only one-hour, weekly visits each with her mother and father, both of whom live close by. Reagan Aff. ¶ 27; Ms. K.I.A.G. Aff. ¶ 24. These visits are often painful. She cries, expresses confusion as to why she cannot go home with her mother, and begs her mother to stay. Ms. K.I.A.G. Aff. ¶ 27. R.C.A. begs her mother "don't go, don't go," and watches out the window when her mother leaves. *Id.*

Lately, R.C.A. has become increasingly anxious and upset about being separated from her mother, and is asking her “when, when, when” she can go home with her. *Id.* Based on her observations of the close relationship and attachment between R.C.A. and her mother, Dr. Taylor has concluded that Ms. K.I.A.G.’s role as a key regulator of affect is critical, especially given the trauma R.C.A. is experiencing, and that “her absence places R.C.A. at increased risk for persistent anxiety, sadness, irritability, emotional withdrawal, or emotional numbing.” Dr. Taylor Eval. at 7. R.C.A.’s prolonged detention and continued separation from her mother “substantially increases R.C.A.’s risk of insecure or disorganized attachment patterns, which are associated with long-term difficulties in emotional regulation, trust, and interpersonal functioning.” *Id.* at 8. Moreover, R.C.A.’s teacher at CCP reports recent changes in the child’s behavior including regression and refusal. *Id.* at 5. Dr. Taylor notes that while such behavior is developmentally appropriate, “the marked change and pattern of increased refusal can be a marker of increased emotional stress,” *Id.*, and Dr. Taylor’s play evaluation with R.C.A. “clearly demonstrated that she is struggling with anxiety and fear.” *Id.* at 7.

89. With the imminent birth of R.C.A.’s sibling, R.C.A.’s prompt release is vital. R.C.A.’s continued detention and isolation from her family as they welcome the new baby will exacerbate the ongoing psychological harm to R.C.A. She has repeatedly expressed a clear wish to be reunited with her mother as soon as possible, and a strong desire to meet “the new baby that is coming.” Reagan Aff. ¶ 36. Dr. Taylor has cautioned that being present for “the new construction of [R.C.A.’s] family is critical for her ability to bond with her sibling and stepfather, while sustaining a secure attachment with her mother,” as well as “a critical time in which there is opportunity to mitigate further attachment trauma. . . .”

Dr. Taylor Eval. at 8. In addition, given that Ms. K.I.A.G. will be unable to visit R.C.A. for at least 40 days after the baby is born due to her cultural need to “quarantine,” R.C.A.’s continued detention will result in increased sadness, anxiety, and psychological harm being away from her family during this important time. Ms. K.I.A.G. Aff. ¶ 32. According to Dr. Taylor, the impact on R.C.A.’s “understanding of family roles, belonging, and personal narrative, with potential long-term implications for self-concept and relational functioning” that is being caused by her ongoing, extended separation from her family, “will be further complicated by separation from her mother following the birth of her newborn brother.” Dr. Taylor Eval. at 8.

90. R.C.A.’s tender age of 5 years exacerbates the harm of her prolonged detention. At NCSS in Mystic, CT, R.C.A. was initially detained in a developmentally inappropriate setting where she was placed in a restrictive, congregate care facility with youth as old as 17 years. Reagan Aff. ¶ 14. She had just arrived in the U.S. and was isolated for over 2 weeks at NCSS, without any family visitation. Ms. K.I.A.G. Aff. at ¶ 15.

91. Currently, R.C.A. is detained at CCP where she sleeps in a foster home at night and spends all day, from breakfast until evening at CCP, an office building retrofitted with classrooms. Reagan Aff. ¶¶ 16, 37. R.C.A. has not been enrolled in school and since her arrival on December 10, 2025, has been the only child detained at CCP. *Id.* ¶ 37. Thus, R.C.A. spends the majority of her days with adult staff, clinicians, and teachers, isolated from peers and deprived of basic opportunities for the educational and social-emotional growth that is critical to her development. *Id.*

92. As Dr. Taylor notes, “At the age of 5, R.C.A. should be in school, learning the foundation for reading and math skills” as well as learning “important social skills, engag[ing] in

cooperative play, explor[ing] relational roles, and learn[ing] new developmental tasks through exposure to peers.” Dr. Taylor Eval. at 8-9. Instead, R.C.A.’s total weekly time spent with other children is 2-3 hours, which includes storytime at the local library with toddler aged children. *Id.* at 4. It has been documented that children in ORR custody do not receive sufficient hours of educational time; are not challenged by their schoolwork; and are not permitted to leave their facilities to go to school in the community, where they would be able to socialize with peers.²¹ Respondents’ continued detention of R.C.A. is having the deleterious effect of rendering “this bubbly, extroverted, intelligent, and eager to learn child . . . unable to fulfill her unique potential.” *Id.* at 9.

93. The serious harms caused by the prolonged detention of immigrant children are well documented. In 2018, under similar circumstances, ORR policy changes caused unaccompanied children’s length of custody in ORR to increase significantly, with children spending months in congregate care designed to hold them for only a few weeks. *See, e.g.,* Dep’t of Health and Hum. Servs., Office of the Inspector Gen., *Care Provider Facilities Described Challenges Addressing Mental Health Needs of Children in HHS Custody*, 13 (Sept. 2019), <https://perma.cc/YLT7-R3HP> (“HHS OIG Report”). The then-Assistant Secretary for the Administration for Children and Families later conceded that the policy did not “add[] anything to the protection and safety of the children.”²² To the contrary, the extended length of stay in ORR custody significantly harmed children’s mental health and well-being. *See, e.g.,* HHS OIG Report, 12–13 (“According to facility staff, longer stays

²¹ Melissa Adamson & Mishan Wroe, et. al., Educational Advocacy for Unaccompanied Immigrant Youth in California, NAT’L CTR. FOR YOUTH L., 61-68 (May 2024), <https://youthlaw.org/resources/educational-advocacyfor-unaccompanied-immigrant-youth-in-california/>.

²² John Burnett, Several Thousand Migrant Children In U.S. Custody Could Be Released Before Christmas, NPR (Dec. 18, 2018), <https://perma.cc/6WHS-BNR6>.

resulted in higher levels of defiance, hopelessness, and frustration among children, along with more instances of self-harm and suicidal ideation.”).

94. Prolonged detention of R.C.A. is not in her best interests. While R.C.A. “has a foundation of a good attachment with her mother which makes her more resilient than many children her age, . . . this remains tenuous as evidenced by recent regression and behavioral changes.” Dr. Taylor Eval. at 7. In addition, not being enrolled in a regular school setting raises concern as to R.C.A.’s emotional well-being and developmental growth. *Id.* at 9.

FIRST CLAIM FOR RELIEF

VIOLATION OF THE DUE PROCESS CLAUSE OF THE FIFTH AMENDMENT OF THE CONSTITUTION (SUBSTANTIVE DUE PROCESS)

95. Plaintiff-Petitioner restates and realleges all paragraphs above as if fully set forth therein.
96. The government may not deprive a person of life, liberty, or property without due process of law. U.S. Const. amend. V. Due process protects “all ‘persons’ within the United States, including [non-citizens], whether their presence here is lawful, unlawful, temporary, or permanent.” *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001).
97. The Supreme Court has long recognized family integrity as a fundamental liberty interest protected by the Constitution. *See Santosky*, 455 U.S. at 753; *Troxel v. Granville*, 530 U.S. 57, 65 (“[T]he interest of parents in the care, custody, and control of their children [] is perhaps the oldest of the fundamental liberty interests recognized by this Court.”) (collecting cases).
98. Courts have repeatedly held that the separation of children from their parents may not occur absent a clear showing that the parent is unfit or is otherwise endangering the child. *See, e.g., Quilloin v. Walcott*, 434 U.S. 246, 255 (1978) (“[T]he Due Process Clause would be offended if a State were to attempt to force the breakup of a natural family . . . without

some showing of unfitness and for the sole reason that to do so was thought to be in the children's best interest.") (internal citations and quotation marks omitted); *United States v. Loy*, 237 F.3d 251, 269-70 (3d Cir. 2001) ("[W]here there is insufficient evidence to support a finding that children are potentially in danger from their parents, the state's interest cannot be said to be 'compelling,' and thus interference in the family relationship is unconstitutional."); *Ms. L.*, 310 F. Supp. 3d at 1133, 1142-46 (holding government practice of separating asylum-seekers from their minor children at the border and failing to reunify them, without any showing that parents were unfit or presented danger to their children, was likely violation of substantive due process) (internal citations and quotation marks omitted).

99. Substantive due process rights bar "certain government actions regardless of the fairness of the procedures used to implement them." *See Daniels v. Williams*, 474 U.S. 327, 331 (1986). The prolonged removal of a child from their parents' custody absent any showing that the child's parents are unfit, regardless of the procedures used to implement such a removal, is one such government action.
100. In the instant case, ORR has not made any showing that Ms. K.I.A.G. is unfit to parent R.C.A. She has participated in all background checks, a home study, multiple family sessions with ORR and R.C.A., weekly visits, and provided significant documentation to ORR demonstrating her ability to provide for R.C.A.'s physical and mental wellbeing. Reagan Aff. ¶ 39; Ms. K.I.A.G. Aff. ¶ 19. ORR itself has found through two separate evaluations by NCSS and CCP clinicians that Ms. K.I.A.G. does not present any risk of abuse, maltreatment, exploitation or trafficking to R.C.A. Reagan Aff. ¶¶ 12, 29. The agency has nonetheless, irrationally and in a manner that shocks the conscience, delayed

the adjudication of her application with no explanation and failed to release R.C.A. to her custody for over three months.

101. As ORR has failed to make any showing that Ms. K.I.A.G. is unfit or otherwise presents a danger to R.C.A., Defendant-Respondents have deprived R.C.A. of her due process right to family unity by failing to release her to her mother's custody.

SECOND CLAIM FOR RELIEF

VIOLATION OF THE DUE PROCESS CLAUSE OF THE FIFTH AMENDMENT OF THE CONSTITUTION (PROCEDURAL DUE PROCESS)

102. Plaintiff-Petitioner restates and realleges all paragraphs above as if fully set forth herein.
103. The government may not deprive a person of life, liberty, or property without due process of law. U.S. Const. amend. V. Due process protects "all 'persons' within the United States, including [non-citizens], whether their presence here is lawful, unlawful, temporary, or permanent." *Zadvydas*, 533 U.S. at 693.
104. Due process requires that the government may not deprive an individual of their constitutional rights without meaningful notice and an opportunity to be heard before a neutral arbiter to protect against the risk of erroneous deprivation. *Mathews*, 424 U.S. at 335. Due process also requires that government action be rational and non-arbitrary. *See U.S. v. Trimble*, 487 F.3d 752, 757 (9th Cir. 2007).
105. Defendant-Respondents' conduct, as set forth above, has deprived R.C.A. of her fundamental rights to freedom from confinement and family integrity without constitutionally sufficient due process. *See In re Gault*, 387 U.S. at 13 ("A child's liberty interest in being free from confinement is no narrower than that of an adult."); *Kia P.*, 235 F.3d at 759 (explaining children have a "constitutionally protected liberty interest in not

being dislocated from the emotional attachments that derive from the intimacy of daily family association”); *D.B.*, 826 F.3d at 740 (reasoning children have a fundamental “familial right to be raised and nurtured by their parents”); *Troxel*, 530 U.S. at 65 (“[T]he interest of parents in the care, custody, and control of their children [] is perhaps the oldest of the fundamental liberty interests recognized by [the Supreme] Court.”).

106. As in similar cases of immigrant children separated from their parents, ORR’s process for prompt placement with a parental sponsor “displays several significant deficiencies, especially in view of the magnitude of the private interest at stake.” *Maldonado*, 2018 WL 2089348 at *8 (citing *Santos*, 260 F. Supp. 3d at 611-15; *Beltran*, 222 F. Supp. 3d at 482-89). These deficiencies include improperly placing the burden of proof on Ms. K.I.A.G. to demonstrate suitability rather than on ORR to justify its continued custody of R.C.A.; the failure to make adequate disclosures to Ms. K.I.A.G. about the status of her application; and inordinate delay. Although ORR is required to adjudicate family member sponsor applications within 10 days, 45 C.F.R. § 410.1205(b), it has been three months since Ms. K.I.A.G. submitted her sponsorship application, and ORR still has not rendered a final decision.

107. The delay in the adjudication of Ms. K.I.A.G.’s sponsorship application is sufficient to demonstrate a violation of procedural due process. *See E.H.C.F. by Contreras Flores v. Kennedy*, 2026 WL 145229 at * 12 (D. Conn. Jan 16, 2026) (“Their vague explanation as to the delay—that additional vetting is required . . . does not comport with basic procedural due process.”).

108. However, Defendant-Respondents’ delays are also based on irrational and arbitrary grounds. Such irrational delays include, but are not limited to, requiring Ms. K.I.A.G. to

participate in a home study when no home study was required under the TVPRA or Foundational Rule and no concerns were raised as to her parental fitness; delaying a DNA test when there is no doubt as to parentage; delaying information requests and scheduling, including a two month delay in scheduling a home study and three month delay to schedule a DNA test; and demanding additional, duplicative proof of Ms. K.I.A.G.'s identity and suitability as sponsor. After Ms. K.I.A.G. has passed every background check, complied with every ORR request, and accommodated and passed a home study, there can be no reasonable basis for continuing to delay and impede her sponsorship application.

THIRD CLAIM FOR RELIEF

**VIOLATION OF THE TRAFFICKING VICTIMS PROTECTION
REAUTHORIZATION ACT (TVPRA), 8 U.S.C. § 1232**

109. Plaintiff-Petitioner restates and realleges all paragraphs above as if fully set forth herein.
110. Congress enacted the TVPRA specifically to facilitate the safe, speedy release and minimally restrictive placement of unaccompanied children. Defendant-Respondents have a non-discretionary duty under the TVPRA to “promptly” place R.C.A. “in the least restrictive setting” that is in her best interests. 8 U.S.C. § 1232(c)(2)(A). The least restrictive setting is likely to be release from ORR custody. *See* 8 U.S.C. § 1232(c)(2)(A); 45 C.F.R. § 410.1209(e); *Saravia*, 905 F.3d at 1143.
111. Defendant-Respondents have failed to act promptly or place R.C.A. in the least restrictive setting. Ms. K.I.A.G. submitted her finalized sponsorship application on December 15, 2025, and it has remained pending for three months. Reagan Aff. ¶ 20; Ms. K.I.A.G. Aff. ¶ 17.
112. R.C.A.'s sponsor, Ms. K.I.A.G., is capable, proper, and fit, and R.C.A. does not present any flight risk or danger to the community. ORR has determined that R.C.A. is not a victim

of trafficking and that Ms. K.I.A.G. does not present a risk of abuse, maltreatment, exploitation or trafficking to R.C.A. *Id.* ¶¶ 12, 29. ORR's home study has found that Ms. K.I.A.G. is a suitable caregiver and that her home is a healthy environment for R.C.A. *Id.* ¶ 31. These findings have been independently confirmed by an independent, ORR-appointed Child Advocate, who is recommending immediate release. *Id.* In addition, Board-certified psychologist Dr. Laine Taylor has determined that R.C.A. demonstrates a strong foundational attachment to her mother, and that immediate release to Ms. K.I.A.G. is in the child's best interests. Dr. Taylor Eval. at 8-9.

113. Therefore, Defendant-Respondents have failed to place R.C.A. in the least restrictive setting that is in her best interests, the care of her mother/sponsor. Defendant-Respondent's actions have resulted in R.C.A.'s unnecessary prolonged detention and separation from her suitable sponsor, in violation of Section 235 of the TVPRA, 8 U.S.C. § 1232.

FOURTH CLAIM FOR RELIEF

VIOLATION OF THE ADMINISTRATIVE PROCEDURE ACT, 5 U.S.C. §§ 701 *et seq.*

114. Plaintiff-Petitioner restates and realleges all paragraphs above as if fully set forth herein.

115. Under the APA, a court must "hold unlawful and set aside agency action" that is "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with the law," that is "contrary to constitutional right [or] power," or that is "in excess of statutory jurisdiction, authority, or limitations, or short of statutory right." 5 U.S.C. § 706 (2) (A)-(C).

116. The APA provides a right to judicial review to "a person suffering legal wrong because of agency action, or adversely affected or aggrieved by agency action within the meaning of a relevant statute." 5 U.S.C. § 702.

117. The APA likewise provides a right of judicial review for "final agency action for which

there is no other adequate remedy in a court.” 5 U.S.C. § 704. A “final agency action” subject to judicial review must “mark the ‘consummation’ of the agency’s decision-making process” and “be one by which ‘rights or obligations have been determined’ or from which ‘legal consequences will flow.’” *Bennett v. Spear*, 520 U.S. 154, 177-78 (1997) (Internal citations omitted.)

118. R.C.A. is “suffering legal wrong” because of Defendant-Respondents’ actions delaying the adjudication of Ms. K.I.A.G.’s sponsorship application over the course of three months, and has been “adversely affected” by their refusal to release her to her mother. Defendant-Respondents’ actions also determine the “rights and obligations” of R.C.A. and create “legal consequences” of continued detention and separation from her family members, in violation of R.C.A.’s fundamental right to family integrity. *See Bennett* 520 U.S. at 177-78; *Duchesne*, 566 F.2d at 825; *Kia P.*, 235 F.3d at 759. Accordingly, R.C.A. is entitled to judicial review of ORR’s actions under 5 U.S.C. §§ 702 and 704.

119. Pursuant to the TVPRA, ORR has a statutory obligation to “promptly” place R.C.A. “in the least restrictive setting” that is in her best interests and release her “without unnecessary delay.” 8 U.S.C. § 1232(c)(2)(A); 45 C.F.R. § 410.1201(a). Rather than requesting all required documents for the sponsor vetting process at the time of Ms. K.I.A.G.’s application (December 15, 2025), Defendant-Respondents made piecemeal requests over the course of months. Similarly, Defendant-Respondents first informed Ms. K.I.A.G. that she would need a home study and DNA testing in December 2025, yet they failed to schedule a home study until late February 2026 (two months later) and DNA testing until mid-March 2026 (three months later). Ms. K.I.A.G. Aff. ¶¶ 22-23. Reagan Aff. ¶¶ 19, 31-33A.

120. Defendant-Respondents' failure to act "promptly" and to release R.C.A. "without unnecessary delay" to a fit, parental sponsor is therefore arbitrary, capricious, and not in accordance with the law. 5 U.S.C. § 706(2)(A)-(C).
121. Defendant-Respondents have also acted arbitrarily and capriciously by not providing adequate justification for the creation of ORR's heightened requirements and using them to delay Ms. K.I.A.G.'s sponsorship application. Defendant-Respondents required Ms. K.I.A.G. to submit to a home study, without basis. They also delayed conducting it for two months. And now that it's complete, Defendant-Respondents still have not adjudicated her application.
122. In addition, Defendant-Respondents repeatedly indicated that Ms. K.I.A.G. and R.C.A. needed to participate in DNA testing. Defendant-Respondents failed to schedule the DNA test for three months, in violation of ORR's own field guidance requesting approval for and scheduling of a DNA test within 2 business days of identifying the need for a DNA test.
123. Although ORR has authority to impose sub-regulatory requirements to fulfill their mandate, those requirements must still align with ORR's governing regulations and core statutory mandate: to "promptly" place a child "in the least restrictive setting that is in the best interest of the child" and release children from its custody "without unnecessary delay." 8 U.S.C. § 1232(c)(2)(A); *see also* 45 C.F.R. § 410.1003(f). When ORR's sub-regulatory requirements conflict with its statutory mandate and no justification can be provided, that requirement becomes arbitrary and capricious. *See F.C.C. v. Fox Television Stations, Inc.*, 556 U.S. 502, 515-16 (2009) (explaining "it would be arbitrary and capricious" for an agency to "depart from a prior policy *sub silentio* or simply disregard

rules that are still on the books”).

124. In this case, a home study was not required by statute and therefore was presumably “discretionary” under ORR’s policy. However, Ms. K.I.A.G. was informed that a home study would be required in her first conversation with the DSA FFS before she even submitted a sponsorship application or any assessment could be made as to whether it was likely to provide additional information as to her suitability to care for R.C.A. 45 C.F.R. § 410.1204(c). Thus, there was no identifiable, individualized need for a home study, and the predominant effect of its imposition was to cause unnecessary delay in R.C.A.’s release, running contrary to her best interests and ORR’s statutory obligations.

125. Similarly, the requirement to participate in DNA testing is categorical; all sponsors purporting to have a biological relationship with the child must participate in DNA testing or lose their preferential sponsorship category. Office of Refugee Resettlement’s Field Guidance No. 27, *DNA Testing Expansion* (May 15, 2025). This requirement applies to all biologically-related sponsors regardless of what other legitimate, widely-accepted proof exists of their relationship. And regardless of the significant delay obtaining DNA testing may cause. There have been no doubts raised as to Ms. K.I.A.G.’s and R.C.A.’s relationship, yet ORR required a DNA test, which took approximately three months to schedule and still has not been reviewed. Therefore, imposing this requirement without any identifiable or individualized justification runs afoul of ORR’s statutory mandate: prompt release (without unnecessary delay) in the child’s best interest. *See F.C.C.*, 556 U.S. at 516 (“[A] reasoned explanation is needed for disregarding facts and circumstances that underlay or were engendered by the prior policy.”).

126. Because both requirements had the effect of prolonging R.C.A.’s detention, causing her

significant psychological and socio-emotional harm with each day that goes by, these sub-regulatory requirements directly contradict the statutory mandate for prompt release and to act in the child's best interest. Therefore, the categorical requirement of both a home study and a DNA test without an individualized assessment of their impact on delay and the child's best interest are arbitrary and capricious. *See Saget v. Trump*, 375 F. Supp. 3d 280, 354 (E.D.N.Y. 2019) (internal citation omitted) ("Agency action is arbitrary and capricious when the agency departs from prior policy without explanation .").

127. Defendant-Respondents have violated R.C.A.'s regulatory rights under the APA by failing to abide by their statutory mandate to promptly release her to the least restrictive setting, by arbitrarily and capriciously imposing heightened requirements on Ms. K.I.A.G.'s sponsorship application without justification under the regulations, and by failing to follow their own regulatory and sub-regulatory timelines for adjudication and information collection. These actions collectively render R.C.A.'s continued detention and separation from her family unlawful. She has no recourse to judicial review other than by this action.

FIFTH CLAIM FOR RELIEF

VIOLATION OF THE *ACCARDI* DOCTRINE

128. Plaintiff-Petitioner restates and realleges all paragraphs above as if fully set forth herein.

129. Federal agencies and their officials are required to follow their own "existing valid regulations." *See Accardi*, 347 U.S. at 268. When an agency fails to comply with binding regulations, such actions are "not in accordance with law." *See Vitarelli v. Seaton*, 359 U.S. 535, 545 (1959).

130. Under the Foundational Rule, Defendant-Respondents have a non-discretionary duty to promptly place R.C.A. in the least restrictive setting that is in her best interests. 45 C.F.R.

§ 410.1003(f). ORR is also required to make and record *prompt and continuous* efforts towards a child's release. 45 C.F.R. § 410.1203(a) (emphasis added). The UC Policy Guide similarly requires that children are "released in a safe, efficient manner *without unnecessary delay*." UC Policy Guide Sec. 2.1 (emphasis added).

131. The Foundational Rule requires home studies for potential sponsors only under the specific circumstances laid out in the TVPRA, as well as in certain cases involving non-relative sponsors. 8 U.S.C. 1232(c)(3)(B), 45 C.F.R. § 410.1204(b). Absent these circumstances, the Foundational Rule provides that ORR "may, in its discretion, initiate home studies if it determines that a home study is likely to provide additional information which could assist in determining that the potential sponsor is able to care for the health, safety, and well-being of the unaccompanied child." 45 C.F.R. § 410.1204(c). After imposing an unwarranted, discretionary home study, Defendant-Respondents delayed the scheduling of a home study for two months and failed to timely adjudicate Ms. K.I.A.G.'s sponsorship application within the required 10 days. Despite the completion of the home study with a positive recommendation, ORR continues its failure to adjudicate her application.

132. Defendant-Respondents have failed to promptly place R.C.A. in the least restrictive setting that is in her best interests, in violation of their own regulations and guidance. Defendant-Respondents have delayed adjudication of Ms. K.I.A.G.'s application by slowly requesting information from her, over the course of multiple months, sometimes for duplicative information and with repeated delays, despite Ms. K.I.A.G.'s prompt—usually same-day—compliance with their requests. Ms. K.I.A.G. has complied with every request from ORR including providing her fingerprints, multiple rounds of pay stubs, state-issued identification, birth certificate, and ITIN number, and participating in a home study and

invasive DNA testing. Reagan Aff. ¶¶ 21, 39; Ms. K.I.A.G. Aff. ¶ 19. Now, despite having ample information to assess Ms. K.I.A.G.'s suitability as R.C.A.'s sponsor, Defendant-Respondents' continued detention of R.C.A. is without regard to her best interests and right to be placed in the least restrictive setting with her mother, Ms. K.I.A.G.

133. As a result of Defendant-Respondents' violations of their own binding regulations, they have impermissibly delayed R.C.A.'s release and reunification with her mother for over 3 months and are holding R.C.A. unlawfully.

FIFTH CLAIM FOR RELIEF

WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. § 2241

134. Plaintiff-Petitioner restates and realleges all paragraphs above as if fully set forth herein.

135. As set forth above, Defendant-Respondents are holding R.C.A. in federal custody in violation of federal statutes, the Foundational Rule, their own agency policies guidance, and the U.S. Constitution.

136. Accordingly, Plaintiff-Petitioner seeks a writ of habeas corpus pursuant to 28 U.S.C. § 2241 compelling Defendant-Respondents to release R.C.A. to the custody and care of Ms. K.I.A.G.

SIXTH CLAIM FOR RELIEF

RELEASE PENDING ADJUDICATION

137. Plaintiff-Petitioner realleges and incorporates contained in all preceding paragraphs of this Petition as if fully set forth herein.

138. Pursuant to *Mapp v. Reno*, this Court has the "inherent authority" to set bail pending the adjudication of a habeas petition when the petition has raised (1) substantial claims and (2) extraordinary circumstances that (3) "make the grant of bail necessary to make the habeas

remedy effective.” 241 F.3d 221, 226 (2d Cir. 2001).

139. Plaintiff-Petitioner presents numerous substantial constitutional and statutory claims challenging R.C.A.’s detention and has demonstrated extraordinary circumstances thereby making R.C.A. eligible for bail. Plaintiff-Petitioner therefore requests immediate release of R.C.A. pending adjudication of the instant petition.

PRAYER FOR RELIEF

Plaintiff-Petitioner prays that the Court assume jurisdiction over this Petition and Complaint and grant the following relief:

- a. Assume jurisdiction over this matter;
- b. Enjoin the Defendant-Respondents from transferring R.C.A. outside of the District of Connecticut and to enjoin her removal pending these proceedings;
- c. Issue a Writ of Habeas Corpus directing Respondents to release R.C.A. to the custody and care of her mother Ms. K.I.A.G. without restraints on her liberty or under such conditions as the Court deems just and proper;
- d. Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days;
- e. Declare that R.C.A.’s continued detention violates her constitutional and statutory rights;
- f. Award costs and reasonable attorneys’ fees under the Equal Access to Justice Act, 5 U.S.C. § 504 and 28 U.S.C. § 2412, and any other applicable statute or regulation; and
- g. Any other relief the Court deems just and proper.

Dated: March 16, 2026

Respectfully submitted,

/s/ Christopher M. Mattei
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VERIFICATION PURSUANT TO 28 U.S.C. § 2242

Pursuant to 28 U.S.C. § 2242, the undersigned hereby verifies under oath that that I have carefully reviewed the facts and legal arguments set forth in the above Complaint and Petition for Writ of Habeas Corpus, and that the allegations contained herein are true and correct to the best of my knowledge, information, and belief.

/s/ Christopher M. Mattei
Attorney for Plaintiff-Petitioner

CERTIFICATE OF SERVICE

I, Christopher M. Mattei, counsel of record for the Plaintiff-Petitioner, do hereby certify that on March 16, 2026, a copy of the foregoing was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF system.

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