

UNITED STATES DISTRICT COURT
FOR THE 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.: 3:26-cv-00390 (KAD)

ORAL ARGUMENT REQUESTED

**PETITIONER'S MEMORANDUM OF LAW IN SUPPORT OF MOTION FOR A
TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION**

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PRELIMINARY STATEMENT

This case concerns R.C.A., a 5-year-old girl and citizen of Mexico, who the United States Government has unlawfully detained and kept apart from her family for 116 days. Despite her mother, Ms. K.I.A.G., applying for R.C.A.'s release at the earliest time permitted by Respondents, the Office of Refugee Resettlement ("ORR") has failed to adjudicate Ms. K.I.A.G.'s application for 93 days and has failed to promptly place R.C.A. in the least restrictive setting that is in her best interest. ORR has failed to articulate any reason why R.C.A. cannot be released to her mother. In fact, its own home study has provided a positive recommendation for Ms. K.I.A.G., and an independent Child Advocate appointed by ORR recommends immediate release of R.C.A. to her mother. Nonetheless, R.C.A. has been languishing in detention since her arrival in the United States on November 22, 2025 — alone — without the support and guidance of her mother, being irreparably and grievously harmed.

Within 24 hours of R.C.A. entering ORR's custody, ORR identified Ms. K.I.A.G. as a Category 1 sponsor, the most preferential category. As such, ORR was required to adjudicate Ms. K.I.A.G.'s application within 10 days, 45 C.F.R. § 410.1205(b), and, subject to an assessment of sponsor suitability, release R.C.A. from its custody "without unnecessary delay," with first order of preference being the child's parent. 45 C.F.R. § 410.1201(a). Instead, for the past 116 days, ORR has imposed endless "requirements" and other procedural hurdles, without justification, and has then inordinately delayed scheduling the appointments necessary for Ms. K.I.A.G. to complete them. Ms. K.I.A.G. has complied with every requirement presented to her, including fingerprints, background checks, income verification, ID-verification, and a home study, which Ms. K.I.A.G. waited 74 days for ORR to schedule, and yielded a positive recommendation. Throughout this process, ORR has never articulated any reason why R.C.A. cannot be released to her mother.

Nor has any doubt ever been raised that Ms. K.I.A.G. is R.C.A.'s mother. Nonetheless, on December 15, 2025, ORR first indicated that Ms. K.I.A.G. would be required to undergo a DNA test and Ms. K.I.A.G. was eager to comply. Upon determining a need for a DNA test, ORR's own guidance required it to schedule the test within 5-7 days. In violation of its core mandate to act in R.C.A.'s best interest, ORR waited *90 days* to schedule a DNA test for Ms. K.I.A.G., all the while detaining R.C.A. Finally, on March 14, ORR provided Ms. K.I.A.G. an appointment for a DNA test. As they await the DNA test results, the collection of Ms. K.I.A.G.'s DNA offers no solace to R.C.A. and her mother. They have no assurance as to when ORR will obtain the test results or ever conclude processing Ms. K.I.A.G.'s application. Indeed, ORR has seriatim imposed multiplying requirements without justification and continued in its abject failure to adjudicate Ms. K.I.A.G.'s sponsorship application without consideration of R.C.A.'s best interests.

Meanwhile, R.C.A. is suffering irreparable harm in government detention. Her prolonged detention and separation from her family is causing R.C.A. significant trauma, anxiety, and sadness, particularly as her mother is expecting the birth of her baby brother. While detained, R.C.A. is permitted only one hour of visitation per week with her mother and father each, and is not enrolled in school; instead, R.C.A. spends her days from breakfast until dinner at the ORR facility, the only child placed there since December 10, 2025. Child and adolescent psychiatrist, Dr. Laine Taylor, Chief Medical Officer of The Village for Children, has concluded that R.C.A. is struggling with anxiety, stress, and fear, is exhibiting regression and behavioral changes, and is being detained in conditions that warrant serious clinical concerns.

Despite its legal obligations, ORR has far exceeded its statutory and regulatory deadlines 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 (“TVPRA”) of 2008. ORR’s continued delay and 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 Procedure Act.

Therefore, R.C.A., by and through her Next Friend, Ms. K.I.A.G., respectfully moves this Court for a temporary restraining order and preliminary injunction pending the adjudication of the instant Petition. R.C.A. is likely to succeed on all of her claims and will suffer irreparable harm if Respondents continue to prolong her confinement and separation from her family. Petitioner respectfully requests that this Court order Respondents to immediately release R.C.A. to the custody of her mother, without restraints on her liberty.

Each and every day that R.C.A. — only five-years-old — remains detained compounds the already grievous harm being inflicted on her. This child needs to be with her family and should not be detained by ORR for one day more.

RELEVANT STATEMENT OF FACTS AND PROCEDURAL HISTORY

I. Detention and Separation of R.C.A. from Her Family.

R.C.A. was born in Atlixco, Puebla, Mexico in 2020. *See* Compl. Exhibit D (Birth Certificate of R.C.A.). R.C.A. is 5 years old. From birth until the age of approximately one year, R.C.A. lived with her mother and father under their care in Mexico. Compl. Exhibit C (Affidavit of Ms. K.I.A.G.) ¶ 4 (“Ms. K.I.A.G. Aff.”). In 2021, when R.C.A. was approximately one year old, her father traveled to the United States due to the poor economy in Mexico. In 2023, her mother, Ms. K.I.A.G., left R.C.A. in the care of R.C.A.’s maternal grandparents in Mexico and traveled to the United States in search of a stable job to provide for her children. *Id.* ¶¶ 5-6. Ms. K.I.A.G. remained in constant contact with R.C.A., speaking with her daily and on video calls, and sent money for

R.C.A.'s support. *Id.* ¶ 9, 12. In 2024, Ms. K.I.A.G. separated from R.C.A.'s father and later met her now-partner. As the economy in Mexico remained poor, Ms. K.I.A.G. continued to work and save money in the U.S. *Id.* ¶ 12.

In the summer of 2025, Ms. K.I.A.G. learned that she was pregnant. *Id.* When Ms. K.I.A.G. became pregnant, she was not able to travel and return to Mexico. *Id.* R.C.A. instead came to join her in the United States. R.C.A. has expressed excitement about her new baby sibling and hopes to be released to live with her mother as soon as possible. Compl. Exhibit B (Affidavit of Tess E. Reagan) ¶ 36 ("Reagan Aff.").

On November 22, 2025, R.C.A. presented herself at the U.S./Mexico border in Nogales, Arizona. She was designated an "Unaccompanied Child" ("UC"). She spent three days in the custody of Customs and Border Protection ("CBP"), the maximum time allowed by law for an UC, where she reported feeling sick and said that "it hurt when [she] cough[ed]." *Id.* ¶ 8.

On November 25, 2025, R.C.A. was transferred to the custody of ORR and placed at Noank Community Support Services ("NCSS"), an ORR subcontractor, in Mystic, Connecticut. *Id.* ¶ 9. NCSS is a congregate care shelter that houses up to 12 children between the ages of 0 to 17. The children remain at the facility 24 hours a day, 7 days a week. *Id.* ¶ 14. They 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 R.C.A. was placed at NCSS, there were three other children residing at the shelter: two males, aged 16 and 17, and one female, aged 17. *Id.* One week after R.C.A.'s arrival at NCSS, two more children arrived, two males, aged 13 and 15. *Id.* R.C.A. was detained at NCSS for 15 days. *Id.* ¶¶ 9, 18. While at NCSS, R.C.A. was not permitted visitation with her mother. *Id.* ¶ 17; Ms. K.I.A.G. Aff. ¶ 15. After legal service staff

expressed concerns about detaining a child as young as R.C.A. at a restrictive facility such as NCSS with older teenagers and R.C.A.'s isolation from her mother and family, ORR agreed to relocate R.C.A. to a facility able to accommodate young children. Reagan Aff. ¶ 17.

On December 10, 2025, ORR transferred R.C.A. to The Children's Community Project ("CCP") in New Haven, where she continues to be held. *Id.* ¶ 18. CCP operates a transitional foster care program, and R.C.A. was placed in a foster home where she sleeps at night and spends weekends. *Id.* ¶ 16. However, unlike state-run foster care, R.C.A. spends her days, from early morning until the evening, at CCP. R.C.A. eats breakfast and lunch, receives educational services, recreational time, and meets with her case manager and clinician at CCP. *Id.* ¶ 16. R.C.A. is not enrolled in school and spends the vast majority of her day with adults, as she is the only child who has been placed at CCP since her arrival in December 2025. *Id.* ¶ 37. 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. Compl. Ex. E (Evaluation of Dr. Laine Taylor) ("Dr. Taylor Eval.") at 4. R.C.A. is permitted visits from her mother and father, however, they are restricted to only one hour per week each and are supervised by clinical staff at CCP. Reagan Aff. ¶ 27; Ms. K.I.A.G. Aff. ¶ 24.

II. Ms. K.I.A.G.'s Efforts to Reunite with R.C.A.

On November 25, 2025, the same day R.C.A. entered ORR custody and arrived at the shelter in Mystic, CT, NCSS identified Ms. K.I.A.G. as a sponsor. Ms. K.I.A.G. Aff. ¶ 14. Ms. K.I.A.G. was immediately designated as a Category 1 sponsor, the most preferential category. 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. Pursuant to the new sponsorship vetting system implemented by ORR in late 2025, NCSS emailed ORR's Division of Sponsor Administration on November 26, 2025 identifying Ms. K.I.A.G. as R.C.A.'s intended sponsor. *Id.* ¶ 11. However,

ORR did not contact Ms. K.I.A.G. to initiate the sponsorship process until December 15, 2025, almost three weeks later. Reagan Aff. ¶ 19; Ms. K.I.A.G. Aff. ¶ 17. On that day, Ms. K.I.A.G. was presented with a Family Reunification Application (“sponsorship application”) for the first time; Ms. K.I.A.G. returned her completed sponsorship application to ORR the same day (December 15). Ms. K.I.A.G. Aff. ¶ 17. Ms. K.I.A.G. was told on December 15, 2025, that she would need to participate in a home study and DNA test as part of the process, however, those appointments were not immediately scheduled. Reagan Aff. ¶ 19. Almost two weeks later, on December 31, 2025, Ms. K.I.A.G. was asked by ORR to sign an Authorization to Release Information, which Ms. K.I.A.G. signed and submitted the same day. *Id.* ¶ 20. Again, Ms. K.I.A.G. was informed she would need to participate in a home study and DNA test, but neither were scheduled. *Id.* Over the following weeks, ORR’s reunification efforts stalled. Ms. K.I.A.G. and R.C.A.’s legal advocates followed up repeatedly with ORR to inquire what additional information ORR required, but their inquiries were either ignored or they received no meaningful response other than being told Ms. K.I.A.G.’s sponsorship application was pending. Reagan Aff. ¶¶ 23-24.

Ms. K.I.A.G. then received several requests for information in a piecemeal fashion. Ms. K.I.A.G. and her partner, who Ms. K.I.A.G. had identified as the alternate caregiver for R.C.A., promptly provided all information requested by ORR and have complied with every request. Reagan Aff. ¶ 21; Ms. K.I.A.G. Aff. ¶ 19. They both immediately provided their fingerprints, and promptly provided all documents requested including paystubs, state-issued identification, and ITIN numbers. *Id.* In addition to a background check and child welfare check, Ms. K.I.A.G. also participated in a home study and numerous family sessions. Reagan Aff. ¶ 39; Ms. K.I.A.G. Aff. ¶ 19.

In late February 2026, over 10 weeks after being initially told she would need to undergo a

home study, one was finally scheduled. Reagan Aff. ¶ 31; Ms. K.I.A.G. Aff. ¶ 22. On February 26, 2026, ORR completed a home study of Ms. K.I.A.G.'s and her partner's residence. *Id.* 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. *Id.* 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. Reagan Aff. ¶ 31. 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.*

On March 5, 2026, R.C.A.'s legal advocates emailed ORR expressing concerns about R.C.A.'s prolonged detention and inquiring whether there were any outstanding requirements for sponsor vetting. *Id.* ¶ 33. On March 5, an ORR employee 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.*

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 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 due to the advanced stage of her pregnancy. R.C.A.'s legal advocate then contacted several ORR staff members 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. was scheduled for an appointment on March 14, 2026 in New Haven. Reagan Aff. ¶ 33A.

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. Reagan Aff. ¶ 34. Despite providing all information requested by ORR, Ms. K.I.A.G.'s sponsorship application has now been pending for 93 days. As a result, R.C.A. has been languishing in the government's custody for over 116 days, separated from her mother and family, socially isolated from other children, not enrolled in public school, and restricted to seeing her mother and father only one hour per week each.

III. Ongoing Harm to R.C.A. in ORR Custody

As the months drag on, R.C.A. suffers increasing symptoms of trauma, anxiety, and sadness in ORR custody. When discussing when she will be permitted to reunite with her mother and family, R.C.A. presents as confused, and while normally a conversational child, she becomes quiet. Reagan Aff. ¶ 38. R.C.A. expresses sadness when her mother leaves the visits without her, and she shares drawings of sad, crying, and angry faces. *Id.*

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, R.C.A.'s legal advocates submitted a request to the Young Center for Immigrant Children's Rights¹ to appoint a Child Advocate for R.C.A. Reagan Aff. ¶ 24. 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. Child Advocate Canales of the Young Center 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

¹ 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.

recommending immediate release. *Id.* ¶ 35.

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, recommends, based on her evaluation of R.C.A. and her mother: “immediate reunification” of R.C.A. with her mother, to “reduce the lifelong impact of the detainment experience” on R.C.A. Dr. Taylor Eval. at 9. 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; *see also* at 7. Further, Dr. Taylor notes that R.C.A. is demonstrating “both internalizing and externalizing behaviors . . . at an increasing rate.” Dr. Taylor Eval. at 7. Dr. Taylor cautions 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 that 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.*

Since she was detained in late November 2025, R.C.A.’s contact and visits with her mother and father have been extremely limited. While detained at NCSS, she was not permitted visitation with her parents for over 2 weeks. Reagan Aff. ¶ 17; Ms. K.I.A.G. Aff. ¶ 15. Throughout her detention at CCP in New Haven, R.C.A. has only been permitted limited visitation with her mother and father of one hour per week each. Reagan Aff. ¶ 27; Ms. K.I.A.G. Aff. ¶ 24. R.C.A. does not understand why her mother leaves her at CCP when their visits are over, and often becomes upset and cries. Ms. K.I.A.G. Aff. ¶ 27. R.C.A. begs her mother “don’t go, don’t go,” and watches out the window as her mother departs. *Id.* She asks her mother when she will be able to return home with her, during both visits and phone calls. *Id.* Lately, R.C.A. has become increasingly anxious

and upset at the conclusion of her visits with 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 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. 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.

With the expected birth of R.C.A.’s sibling, R.C.A.’s continued detention and isolation from her family will exacerbate the ongoing psychological harm to R.C.A. 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.

In the beginning of her time in government detention, R.C.A. was initially detained at NCSS, 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, not permitted any visitation by her mother. Ms. K.I.A.G. Aff. ¶ 15. 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. Since her arrival on December 10, 2025, R.C.A. 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.*

While in ORR custody, R.C.A. has not been enrolled in school. Dr. Taylor cautions, “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. Dr. Taylor has concluded that R.C.A.’s lack of exposure to an age-appropriate academic and social environment is rendering “this bubbly, extroverted, intelligent, and eager to learn child . . . unable to fulfill her unique potential.” *Id.* at 9.

Each day that R.C.A., a 5-year old child, remains in government detention, subject to its arbitrary requests and unconscionable delays, she is not only deprived her of her fundamental right to family integrity, but faces increasing trauma and harm to her mental health and development, with potential lifelong damage.

ARGUMENT

I. Plaintiff-Petitioner is Likely to Succeed on the Merits of Constitutional, Statutory, and Regulatory Claims.

The instant Petition alleges that ORR's prolonged detention and separation of R.C.A. from her family violates her substantive and procedural due process rights, her statutory rights, and her regulatory rights under the Administrative Procedure Act ("APA"), 5 U.S.C. §§ 701, *et. seq.* Petitioner satisfies every required element for this Court to grant a temporary restraining order and preliminarily enjoin Defendant-Respondents from continuing to unlawfully detain and separate her from her family.

The standards for a temporary restraining order and preliminary injunctive relief are identical. *See, e.g., Foley v. State Election Comm'n*, 2010 WL 2836722 at *3 (D. Conn. July 16, 2010). Plaintiff-Petitioner must demonstrate that (1) she is likely to succeed on the merits of her claims (2) she is likely to suffer irreparable harm in the absence of preliminary relief, (3) the balance of equities tips in her favor, and (4) an injunction is in the public interest. *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008). When the government is a party, the balance of equities and public interest merge. *Nken v. Holder*, 556 U.S. 418, 435 (2009); *see also, e.g., New York v. Dep't of Homeland Sec.*, 969 F.3d 42, 58-59 (2d Cir. 2020).

Petitioner should be granted temporary and preliminary injunctive relief because she is likely to succeed on the merits of her constitutional, statutory, and regulatory claims and will continue to suffer irreparable harm. Moreover, there is no government or public interest in continued

violation of the Constitution. Under the circumstances presented herein, no security bond is required under Federal Rule of Civil Procedure 65(c).

A. Petitioner Is Likely to Prevail on Her Due Process Claims.

1. Petitioner Is Likely to Succeed on the Merits of Her Fifth Amendment Substantive Due Process Claim.

R.C.A. has a protected liberty interest in being reunited with her mother. *Santosky v. Kramer*, 455 U.S. 745, 753 (1982); *Troxel v. Granville*, 530 U.S. 57, 65 (2000). Courts have repeatedly held that it is a violation of substantive due process under the Fifth Amendment of the Constitution to separate children from their parents 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.”) (quotation marks omitted); *U.S. 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. v. 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); *J.S.R. by and through J.S.G. v. Sessions*, 330 F. Supp. 3d 731, 741-742 (D. Conn. 2018) (finding likely substantive due process violation when government separated immigrant children from parents and noting Government failed to establish “a compelling reason for depriving the children of their family integrity—depriving them of their primary and only consistent source of support—or that its policy was narrowly tailored to achieve that compelling reason”). Moreover, her status as an immigrant does not diminish her right to due process of law by the Fifth and Fourteenth Amendments. *A.N.P.S. v.*

Salazar, 2025 WL 3707333, at *4 (N.D. Ill. Dec. 22, 2025) (citing *Plyler v. Doe*, 457 U.S. 202, 210 (1982)).

Defendant-Respondents' continued separation of R.C.A. from her mother violates substantive due process because the Respondents lack any compelling interest in depriving R.C.A. of her family integrity. Respondents have not raised any concerns as to Ms. K.I.A.G.'s ability to provide for R.C.A.'s physical or emotional wellbeing nor have they provided any justification for R.C.A.'s continued detention. *See* 45 C.F.R. § 410.1205(a); *see also* 8 U.S.C. § 1232(c)(3)(A). And they certainly cannot demonstrate that keeping R.C.A. in detention, separated from her mother, is in her best interest. To the contrary, R.C.A.'s ORR-appointed Child Advocate from the Young Center recommends that immediately releasing R.C.A. to Ms. K.I.A.G. is in her best interest. Reagan Aff. ¶ 35. Furthermore, two separate evaluations conducted by clinicians at NCSS and CCP found that Ms. K.I.A.G. does not present a risk of abuse, maltreatment, exploitation, or trafficking to R.C.A. Reagan Aff. ¶¶ 12, 29. As such, Respondents lack the constitutionally required justification for the ongoing separation of R.C.A. from her family, and Petitioner is likely to succeed on her substantive due process claim.

2. Petitioner Is Likely to Succeed on the Merits of Her Fifth Amendment Procedural Due Process Claim.

Procedural due process requires that the government 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 v. Eldridge*, 424 U.S. 319, 335 (1976); U.S. Const., amend. V. Due process also requires that government action be rational and non-arbitrary. *U.S. v. Trimble*, 487 F.3d 752, 757 (9th Cir. 2007).

A child's liberty interest in being free from confinement is no narrower than that of an adult. *In re Gault*, 387 U.S. 1, 13 (1967); *Reno v. Flores*, 507 U.S. 292, 316 (1993). Minors such as

R.C.A. retain a strong interest in being free from unnecessary governmental interference with their liberty. *A.N.P.S.*, 2025 WL 3707333 at *4. Moreover, as explained above, children also have a well-recognized liberty interest in the “preservation of family integrity.” *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) (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. v. Cardall*, 826 F.3d 721, 740 (4th Cir. 2016) (explaining 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.”).

Defendant-Respondents’ policies and actions, as set forth above, have deprived R.C.A. of her fundamental rights to freedom from confinement and family integrity without constitutionally sufficient due process. As in similar cases of immigrant children separated from their parents, the sponsorship process afforded to effectuate the release of R.C.A. to her mother “display[s] several significant deficiencies, especially in view of the magnitude of the private interest at stake.” *Maldonado v. Lloyd*, 2018 WL 2089348 at *8 (S.D.N.Y. May 4, 2018). Under the facts of this case, the Court should find that R.C.A.’s continued detention is a violation of her procedural due process rights and order her immediate reunification with her mother.

First, ORR has improperly placed the burden of proof on Ms. K.I.A.G. to demonstrate her suitability as a sponsor, rather than on ORR to justify its continued custody of R.C.A. Pursuant to the *Mathews* framework, ORR must assess sponsorship applications by parents, in particular, in light of the fundamental liberty interest in family integrity. That means putting the burden on the agency to justify continued detention. *See Maldonado*, 2018 WL 2089348 at *9 (“[W]hen a parent

(rather than another relative or a 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.”); *Santos v. Smith*, 260 F. Supp. 3d 598, 613 (W.D. Va. 2017) (“[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 v. Cardall*, 222 F. Supp. 3d 476, 485 (E.D. Va. 2016) (“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.)

Second, ORR has arbitrarily delayed the adjudication of R.C.A.’s release to the custody of her mother, by (among other things) requiring Ms. K.I.A.G. and R.C.A. to provide a DNA sample to demonstrate their maternal/child relationship, when they have already verified that R.C.A. is Ms. K.I.A.G.’s child, and then failing to schedule the DNA test for over three months, well beyond the timeline dictated in their own Field Guidance. Field Guidance # 27 – DNA Testing Expansion, Office of Refugee Resettlement, May 15, 2025, available at https://acf.gov/sites/default/files/documents/orr/FG-27_-_DNA_Testing_Expansion.pdf.

Respondents did not schedule her for testing until March 13, 2026 (with a sample to be collected on March 14), approximately three months later. Reagan Aff. ¶ 33 – 33B; Ms. K.I.A.G. Aff. ¶ 33.

ORR further arbitrarily delayed the adjudication of R.C.A.’s release by requiring an in-person ID verification and home study. The in-person ID verification was required despite the fact that 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. Reagan Aff. ¶¶ 11, 19 – 20; Ms. K.I.A.G. Aff. ¶¶ 19, 24. Ms. K.I.A.G. was repeatedly told that the home study was “required,” even though the study was not mandatory under the TVPRA or Foundational Rule and

then ORR delayed scheduling it for months, in violation of the timeline provided in the UC Policy Guide. 45 C.F.R. §1204; UC Policy Guide Sec. 2.4.2.² Even now with a positive home study recommendation, ORR has failed to release R.C.A. All the while, it has failed to make adequate disclosures to Ms. K.I.A.G. about the status of her sponsorship application. Ms. K.I.A.G. Aff. ¶¶ 19, 22.

Finally, Respondents have violated R.C.A.'s right to procedural due process through inordinate delay in violations of the agency's own mandate to promptly reunite children with their parents wherever possible. 8 U.S.C. § 1232(c)(2)(A); 45 C.F.R. § 410.1205(b) (outlining family member sponsor applications must be adjudicated within 10 days). In the present case, it has been 93 days since Ms. K.I.A.G. filed her sponsorship application, and ORR has still not rendered a final decision or offered any explanation for its delay. Ms. K.I.A.G. has promptly provided all requested documents to ORR, including her paystubs, her state-issued identification, and her ITIN number, and she has participated in a background check, child welfare check, home study, DNA testing, and numerous family sessions. Reagan Aff. ¶¶ 12, 31, 33B; Ms. K.I.A.G. Aff. ¶ 19. Although no doubts about R.C.A.'s parentage, a potential risk of harm to R.C.A., concerns about R.C.A.'s safety to self or others, or Ms. K.I.A.G.'s fitness to provide for R.C.A.'s physical and mental wellbeing have been raised, ORR failed to issue a decision on her sponsorship application and R.C.A. continues to be held in government custody. Reagan Aff. ¶¶ 34 – 35.

As R.C.A. has been deprived of constitutionally meaningful process to facilitate her release

² Home studies are required by 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." 45 C.F.R. § 410.1204(b).

to her family, she is likely to succeed on her procedural due process claim.

B. Petitioner Is Likely to Prevail on Her Statutory Claims.

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). The TVPRA tasks ORR with ensuring that unaccompanied children are “promptly placed in the least restrictive setting that is in the best interest of the child.” 8 U.S.C. § 1232(c)(2)(A). This is usually with a sponsor, with preference given to parents. 45 C.F.R. § 410.1108(a). *See, e.g., Santos*, 260 F. Supp. 3d at 598 (“Pursuant to the *Flores* agreement and the TVPRA, ORR should release to a parent, if available . . .”). In determining the least restrictive setting that would be in the best interest of the child, the TVPRA authorizes ORR to “consider danger to self, danger to the community, and risk of flight.” 8 U.S.C. § 1232 (c)(2)(A).

Respondents have failed to act promptly. On November 25, 2025, three days after R.C.A. entered the U.S., Ms. K.I.A.G. was identified by ORR’s subcontractor NCSS as a potential sponsor and designated as Category 1 as her mother, the most preferential sponsor category. Reagan Aff. ¶ 11. Despite this designation, ORR failed to provide a sponsorship application Ms. K.I.A.G. for almost three weeks. *Id.* at ¶ 19. On December 15, 2025, when ORR finally provided Ms. K.I.A.G. with a sponsorship application, she promptly submitted her finalized application that same day. Reagan Aff. ¶ 20; Ms. K.I.A.G. Aff. ¶ 17. Although federal regulations state that ORR is required to adjudicate a sponsorship application within 10 days of receipt of a completed sponsorship application from a child’s parent, legal guardian, sibling, or grandparent, Ms. K.I.A.G.’s sponsorship application has remained pending for more than 93 days. 45 C.F.R. § 410.1205(b).

Moreover, there is no indication that Ms. K.I.A.G. is anything other than capable, proper, and fit, and given her young age of 5 years, R.C.A. certainly does not present any flight risk or

danger to the community. Federal regulations may only deny a sponsorship application if it determines that the potential sponsor is not capable of providing for the physical and mental well-being of the child or that the placement would result in danger to the child or the community. *See* 45 C.F.R. § 410.1205(a); *see also* 8 U.S.C. § 1232(c)(3)(A). ORR has made no showing or even a suggestion that Ms. K.I.A.G. cannot provide for R.C.A.'s physical and mental wellbeing. And they have provided no individualized reason as to why they continue to impose increasingly invasive burdens (i.e. home study and DNA testing) on Ms. K.I.A.G. to receive her daughter from their custody. Each hurdle runs contrary to R.C.A.'s best interests as it prolongs her detention, compounding the daily harm she suffers.

Respondents have utterly failed to “promptly” place R.C.A. in the least restrictive setting and have completely disregarded her best interests. As such, Petitioner is likely to succeed on her claim that Respondents’ have violated her statutory rights under the TVPRA. 8 U.S.C. § 1232, *et seq.*

C. Petitioner Is Likely to Prevail on Her Administrative Procedure Act Claims.

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). 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. 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.

R.C.A. is “suffering legal wrong” because Respondents have unlawfully delayed the

adjudication of Ms. K.I.A.G.'s sponsorship application over the course of 93 days, and R.C.A. has been "adversely affected" by their refusal to release her to her mother. In this case, Respondents' failure to adjudicate is actionable by this Court, insofar as Respondents' actions also have determined the "rights and obligations" of R.C.A. and created "legal consequences" of continued detention and separation from her family, in violation of R.C.A.'s fundamental right to family integrity. *Bennett v. Spear*, 520 U.S. 154, 177-78 (1997) (outlining "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.'") (Internal citations omitted.) *See also Duchesne v. Sugarman*, 566 F.2d at 825; *Kia P. v. McIntyre*, 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. R.C.A. has no recourse to judicial review other than by this action.

R.C.A. is likely to succeed in her APA claim that Defendant-Respondents' actions are "arbitrary, capricious, and abuse of discretion, or otherwise not in accordance with law." 5 U.S.C. § 706(2) (A). Specifically, Respondents have violated their statutory mandate to "promptly" place her "in the least restrictive setting" that is in her best interests, 8 U.S.C. § 1232 (c)(2)(A), as the agency has failed to adjudicate her mother's sponsorship application for over 93 days without providing any reasonable explanation for its delay.

Respondents have likewise acted arbitrarily and capriciously by imposing requirements without providing adequate justification and then failing to make it possible for R.C.A. and Ms. K.I.A.G. to comply. Respondents required a home study without justification or demonstrated need and then failed to schedule it for three months after R.C.A. came into their custody.³ Reagan

³ Absent specific circumstances, 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). ORR indicated on December 15, 2025, before

Aff. ¶¶ 19, 31. Respondents have also imposed a DNA testing requirement, an invasive use of government authority, even though no doubts have been raised as to Ms. K.I.A.G.'s parentage. For 90 days, ORR failed to schedule an appointment for Ms. K.I.A.G. and R.C.A. to provide DNA samples. Finally, Ms. K.I.A.G. was given an appointment for the DNA test on March 14, all while 5-year-old R.C.A. languishes in detention. Reagan Aff. ¶ 33A – 33B; Ms. K.I.A.G. Aff. ¶ 23. 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"); *see also 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.").

In light of the foregoing, Plaintiff-Petitioner is likely to succeed in her claim that Defendant-Respondents' continued detention of R.C.A. and failure to release her to her fit sponsor is arbitrary, capricious, and not in accordance with the law. 5 U.S.C. § 706(2)(A)-(C).⁴

Ms. K.I.A.G. even submitted her sponsorship application, that a home study would be required. At that point, ORR could not have had any basis for requesting a discretionary home study nor could they possibly have considered whether requiring one was in R.C.A.'s best interests. Requiring a "discretionary" home study is not an exercise of discretion at all and runs afoul of the federal regulations when the home study is without basis, cannot be promptly completed, and a child is being held in a restrictive setting, not in their best interest.

⁴ Respondents have also failed to abide by its obligation under the Foundational Rule to promptly place R.C.A. in the least restrictive setting that is in her best interests. 45 C.F.R. § 410.1003(f). Therefore, Petitioner is also likely to prevail on her claim that Respondents have failed to follow "their own existing valid regulations" pursuant to *United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260, 268 (1954). *See also Vitarelli v. Seaton*, 359

II. Petitioner Has Suffered and Will Continue to Suffer Irreparable Harm Absent Preliminary Relief.

Respondents have already caused and, unless restrained by this Court, will continue to cause irreparable harm to R.C.A. “Irreparable harm is injury that is neither remote nor speculative, but actual and imminent and that cannot be remedied by an award of monetary damages.” *New York ex rel. Schneiderman v. Actavis PLC*, 787 F.3d 638, 660 (2d Cir. 2015) (internal quotation marks omitted). “When an alleged deprivation of a constitutional right is involved, most courts hold that no further showing of irreparable injury is necessary.” *Mitchell v. Cuomo*, 748 F.2d 804, 806 (2d Cir. 1984) (quoting 11 C. Wright & A. Miller, *FEDERAL PRACTICE AND PROCEDURE*, § 2948, at 440 (1973)); accord *Melendres v. Arpaio*, 695 F.3d 990, 1002 (9th Cir. 2012) (“[T]he deprivation of constitutional rights ‘unquestionably constitutes irreparable injury’”) (quoting *Elrod v. Burns*, 427 U.S. 347, 373 (1976)). Having established that a constitutional violation has occurred, *supra* Sec. I (A), Petitioner is entitled to a presumption of irreparable injury. *J.S.R.*, 330 F. Supp. 3d at 742.

Moreover, courts have repeatedly recognized that the prolonged detention of children and family separation constitutes irreparable harm. *See Stanley v. Illinois*, 405 U.S. 645, 647 (1972) (delay in parental custody causes intangible deprivation, uncertainty, and dislocation); *J.S.R.*, 330 F. Supp. 3d at 742-43 (separation of immigrant children from parents caused irreparable harm); *Leiva-Perez v. Holder*, 640 F.3d 962, 969–70 (9th Cir. 2011) (“In addition, as we have previously held, ‘[o]ther important [irreparable harm] factors include separation from family members, medical needs, and potential economic hardship.’”) (quoting *Andreiu v. Ashcroft*, 253 F.3d 477, 484 (9th Cir. 2001) (en banc)).

U.S. 535, 545 (1959) (explaining an agency fails to comply with binding regulations, such actions are “not in accordance with law”)

In this case, too, Defendant-Respondents' continued detention and separation of R.C.A. from her mother and family have caused irreparable psychological harm. After 116 days in ORR custody, R.C.A. is experiencing anxiety and distress from being separated from her mother and family. Reagan Aff. ¶ 36. When discussing the delayed reunification with her mother, R.C.A. presents as confused and while normally a conversational child, she becomes quiet. *Id.* ¶ 38. In addition, ORR's restriction of R.C.A.'s visits with her mother to one hour per week are causing irreparable harm to R.C.A. She expresses sadness when her mother leaves the visits without her, and she shares drawings of sad, crying and angry faces. *Id.* In her forensic psychological evaluation of R.C.A. and her mother, Dr. Laine Taylor concluded that R.C.A. is experiencing "anxiety and fear," and is demonstrating "both internalizing and externalizing behaviors . . . at an increasing rate." Dr. Taylor Eval. at 7. 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." *Id.* 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.

R.C.A.'s continued detention and isolation from her family prepares to welcome her new

sibling to the family will exacerbate the ongoing psychological harm to R.C.A. She repeatedly expresses 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.

Defendant-Respondents’ continued detention of R.C.A. has also resulted in significant deprivation in R.C.A.’s education and social/emotional growth. 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.⁵ Both NCSS and CCP, where R.C.A. is currently placed, are short-term facilities that are not set up to facilitate long-term education or early childhood development of a child as young as R.C.A. Reagan Aff. ¶ 37. While she was detained

⁵ 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-advocacy-for-unaccompanied-immigrant-youth-in-california/>.

at NCSS, R.C.A. received limited educational instruction from one teacher who taught an entire group of detained children with significant age and learning disparities. *Id.* Currently, R.C.A. is not enrolled in school and although she receives educational instruction at CCP, it is limited in scope. *Id.* Moreover, as the only child detained at CCP since her arrival in December 2025, R.C.A. spends her days only in the company of adults and staff at CCP, isolated from other children. *Id.* This setting limits R.C.A.'s ability to develop crucial social-emotional skills and navigate the complexities of peer relationships, skills that are at the core of early childhood education. Given her young age, these conditions have delayed R.C.A.'s educational progress and social-emotional growth at a critical time in her development. 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. 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.

The serious harm of prolonged detention on immigrant children is 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 children 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>. Predictably, these extended lengths of stay in ORR custody caused significant harm to children's mental health

and wellbeing. *Id.*, 12–13 (“According to facility staff, longer stays resulted in higher levels of defiance, hopelessness, and frustration among children, along with more instances of self-harm and suicidal ideation.”).

A substantial amount of scholarship shows the measurable, lasting harm that immigration detention can have on young children. There “is no evidence that any amount of time in detention is safe for children, detention itself poses a threat to child health.”⁶ As the American Academy of Pediatrics and other national medical organizations have concluded, “even short periods of detention can cause psychological trauma and long-term mental health risks for children,”⁷ including developmental delays, post-traumatic stress disorder, anxiety, depression, and suicidal ideation.⁸ The impact of this trauma, even for short periods of detention, can be lifelong.⁹ According to Dr. Taylor, this “lifelong impact” can be reduced by immediate reunification of R.C.A. with her mother. Taylor Eval. at 10.

Absent injunctive relief, R.C.A. has no confidence that Respondents will adjudicate her mother’s sponsorship application and release her to her mother as required by law. In the past year, since March 2025, R.C.A.’s legal advocates are not aware of a single child detained by ORR in Connecticut that has been reunified with a sponsor, absent a habeas petition. Reagan Aff. ¶ 40. Thus, after over 116 days in federal custody, it appears that Respondents will continue to unlawfully and indefinitely detain R.C.A., causing her to suffer the irreparable harms of detention and family separation.

⁶ AMERICAN COLLEGE OF PHYSICIANS, *Joint Letter to Administration Opposing Family Detention*, (Mar. 25, 2025) https://www.acponline.org/sites/default/files/acp-policy-library/letters/joint_letter_to_administration_opposing_family_detention_2025.pdf.

⁷ *Id.*

⁸ See Julie M. Linton, *et al.*, *Detention of Immigrant Children*, PEDIATRICS (May 1, 2017), <https://doi.org/10.1542/peds.2017-0483>.

⁹ Elizabeth S. Barnert, M.D., *et al.*, *How Does Incarcerating Young People Affect their Adult Health Outcomes?*, PEDIATRICS (Feb. 1, 2017), <https://pmc.ncbi.nlm.nih.gov/articles/PMC5260153/> (showing incarceration of even less than one month “predicted subsequent depressive symptoms” in adulthood).

III. The Balance of Hardships and Public Interest Weigh Heavily In Plaintiff-Petitioner's Favor.

The final two factors for injunctive relief—the balance of hardships and public interest—“merge when the Government is the opposing party.” *Nken v. Holder*, 556 U.S. 418, 435 (2009); *see also, New York v. Dep’t of Homeland Sec.*, 969 F.3d 42, 58-59 (2d Cir. 2020). Here, Petitioner faces weighty hardships, namely the deprivation of her constitutional, statutory, and regulatory rights to family unity, the deprivation of her liberty, deteriorating mental and emotional health, and educational deprivation. Respondents, by contrast, will face no hardship if this Court grants the relief requested. All that is required of the Respondents is to stop violating the law by immediately releasing R.C.A. to the custody of her mother without further restraints on her liberty.

Moreover, for over 116 days, Respondents have already expended significant resources to retain custody over R.C.A. and impose sponsorship requirements on her mother. After Ms. K.I.A.G. has complied with every step of the sponsorship process, “additional process at this point would be of marginal benefit.” *Beltran*, 222 F. Supp. 3d at 489.

Finally, Respondents “cannot suffer harm from an injunction that merely ends an unlawful practice.” *Rodriguez v. Robbins*, 715 F.3d 1127, 1145 (9th Cir. 2013). The public interest is served by the faithful execution of the immigration laws, and that interest includes respect for protections Congress has enacted and to which the United States has committed itself by treaty. *Tesfamichael v. Gonzales*, 411 F.3d 169, 178 (5th Cir. 2005) (recognizing “the public interest in having the immigration laws applied correctly and evenhandedly”); *Lujan v. Defs. of Wildlife*, 504 U.S. 555, 576 (1992) (discussing “the public interest in Government observance of the Constitution and laws”).

CONCLUSION

For the foregoing reasons, the Plaintiff-Petitioner respectfully requests that the Court grant her Motion for a Temporary Restraining Order and Preliminary Injunction.

Dated: March 17, 2026

Respectfully submitted,

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