

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

M.C.Z.O., <i>et al.</i> ,	)	
	)	
Petitioners,	)	
	)	
v.	)	No. 26 C 4794
	)	
MARKWAYNE MULLIN, Secretary,	)	Judge Alonso
DEPARTMENT OF HOMELAND	)	
SECURITY, <i>et al.</i> ,	)	
	)	
Respondents.	)	

RESPONSE TO PETITION FOR WRIT OF HABEAS CORPUS

This is a habeas case where petitioners M.C.Z.O. and H.R.Z.O., 14- and 12-year-old citizens of Guatemala, seek immediate release from government custody so that they can be placed with their putative mother, who has a pending sponsorship application. *See generally* Dkt. 1 (“Pet.”). For whatever reason, though, that person did not submit her complete sponsor application until March 5, 2026. Declaration of Toby Biswas (“Biswas Decl.”) ¶ 24, 28. ORR is now diligently vetting that application, and in so doing is complying with applicable statutes and regulations, which make it responsible for the care and custody of Unaccompanied Alien Children (“UACs”). *Id.* ¶ 25–39. Consequently, M.C.Z.O. and H.R.Z.O.’s petition should be denied because the Office of Refugee Resettlement’s (“ORR”), an office within the United States Department of Health and Human Services (“HHS”), actions are not violative of the Trafficking Victims Protection Reauthorization Act of 2008 (“TVPRA”), Administrative Procedure Act (“APA”), or the Due Process Clause as alleged in the instant petition.

Background

I. Statutory and Regulatory History

A. The Homeland Security Act of 2002 (“HSA”)

In 2002, Congress enacted the HSA, Pub. L. No. 107-296, 116 Stat. 2135 (2002) (codified in relevant part at 6 U.S.C. § 279), which abolished the Immigration and Naturalization Service (“INS”) and transferred responsibility for the care and placement of UACs from INS to ORR. 6 U.S.C. §§ 279(a), (b)(1)(A), (g)(2). The HSA defines a UAC as “a child who—(A) has no lawful immigration status in the United States; (B) has not attained 18 years of age; and (C) with respect to whom—(i) there is no parent or legal guardian in the United States; or (ii) no parent or legal guardian in the United States is available to provide care and physical custody.” 6 U.S.C. § 279(g)(2). Further, it assigns ORR broad authority over the care and custody of UAC while they are in federal custody due to their immigration status, including coordinating their care and placement, ensuring their best interests in custodial decisions and that they are protected from smugglers, traffickers, and others who might seek to victimize and exploit UAC. 6 U.S.C. § 279(b)(1)(A) & (b)(2)(A)(ii).

B. The Trafficking Victims Protection Reauthorization Act of 2008 (“TVPRA”)

Congress enacted the TVPRA in 2008 to strengthen protections for UACs and support their safe repatriation or appropriate placement within the United States. The statute, consistent with the HSA, makes HHS responsible for the care and custody of UACs. 8 U.S.C. § 1232(b)(1). It also requires the HHS Secretary to decide that a sponsor “is capable of providing for the child’s physical and mental well-being.” 8 U.S.C. § 1232(c)(3)(A). This safety and suitability determination must “at a minimum, include verification of the custodian’s identity and relationship to the child, if any, as well as an independent finding that the individual has not engaged in any activity that would indicate a potential risk to the child.” *Id.* The TVPRA also requires ORR to

prioritize the safety and well-being of UACs while in its care and upon release. One of the methods of doing so as contemplated by the statute is to coordinate with the United States Department of Homeland Security (“DHS”) for available vetting information—including from immigration databases: “Not later than 2 weeks after receiving a request from the Secretary of Health and Human Services, the Secretary of Homeland Security shall provide information necessary to conduct suitability assessments from appropriate Federal, State, and local law enforcement and immigration databases.” 8 U.S.C. § 1232(c)(3)(C). These responsibilities are carried out through cooperative agreements and contracts with care providers under ORR policies and oversight. *See* 8 U.S.C. § 1232(i); 31 U.S.C. § 6305.

C. The Foundational Rule

In April 2024, ORR promulgated the *Unaccompanied Children Program Foundational Rule* (hereinafter, “Foundational Rule”), codified at 45 C.F.R. part 410, to establish comprehensive regulations governing its UAC program. The Foundational Rule also implements provisions of the *Flores* Settlement Agreement (“FSA”) relevant to ORR’s care and custody of UAC and conditionally and partially terminated the FSA as to ORR in June 2024.¹ *Cf. Reno v. Flores*, 507 U.S. 292 (1993) (upholding INS regulations about the release of UACs to properly vetted sponsors). Effective July 1, 2024, the Foundational Rule formalized previously informal procedures, including those related to ORR’s release policies and practices.

The Foundational Rule provides that ORR identifies a standard program placement for the UAC upon notification from any federal department or agency that a child in its custody is a UAC and therefore must be transferred to ORR custody. 45 C.F.R. § 410.1101(b). ORR then works with the referring federal government department or agency to accept transfer of custody of the

¹ *See Flores v. Garland*, No. 85-cv-4544, 2024 WL 3467715, at *9 (C.D. Cal. June 28, 2024).

UAC, consistent with the statutory requirements at 8 U.S.C. § 1232(b)(3) and 45 C.F.R. § 410.1101(c). ORR places each UAC in the least restrictive setting that is in the best interest of the child and appropriate to the unaccompanied child's age and individualized needs. 45 C.F.R. § 410.1103(a). ORR may place a child in a shelter facility, foster home or group home (which may be therapeutic), heightened supervision facility or secure facility (including residential treatment centers), or other care facility that can provide for their specific individualized needs, including an out-of-network (“OON”) placement (which may be restrictive or non-restrictive). 45 C.F.R. § 410.1102; *see also ORR Unaccompanied Alien Children Bureau Policy Guide* (“UAC Policy Guide”) § 1.2, <https://acf.gov/orr/policy-guidance/unaccompanied-children-bureau-policy-guide> (last accessed April 9, 2026). ORR also considers several factors relevant to the UAC’s placement, including but not limited to: danger to self; danger to the community/others; runaway risk; trafficking in person or other safety concerns; age; and gender. 45 C.F.R. § 410.1103(b).

ORR is required to make and record the prompt and continuous efforts on its part towards release of children in its custody to appropriately vetted sponsors. *See* 45 C.F.R. § 410.1203(a). All individuals seeking to sponsor a child in ORR custody (notably, even a UAC’s parent or legal guardian) must undergo the sponsor assessment process, consistent with ORR’s statutory responsibilities. *See* 8 U.S.C. § 1232(c)(3)(A) (“an unaccompanied alien child may not be placed with a person or entity unless the Secretary of Health and Human Services makes a determination that the proposed custodian is capable of providing for the child’s physical and mental well-being”); 45 C.F.R. § 410.1201(a), 1202(b). This understanding was further reinforced in the recently enacted One Big Beautiful Bill Act of 2025, Pub. L. No. 119-21, title VIII, subtitle H, section 87001(c)(1) (2025) (defining “potential sponsor” as “an individual or entity who applies for the custody of an unaccompanied alien child”).

The suitability assessment includes “verification of the potential sponsor’s identity,” 45 C.F.R. § 410.1202(b), “verification of the employment, income, or other information provided by the potential sponsor as evidence of the ability to support the child,” 45 C.F.R. § 410.1202(c), and “[i]n all cases, ORR shall require background and criminal records checks,” *id.*, which may include a criminal history check based on fingerprints. The Foundational Rule thus reinforces congressional intent articulated in the HSA and TVPRA that HHS ensure UAC protection from human traffickers and release UACs only to those sponsors capable of protecting their well-being. *See* 45 C.F.R. § 410.1003; *see also* 8 U.S.C. § 1232(c)(3)(A)–(C) (requiring such vetting be conducted, along with potential home studies and further information sharing with DHS to effectuate that process).

D. Human Trafficking and UAC Sponsorship Fraud

In December 2022, the U.S. Senate’s Committee on Homeland Security and Governmental Affairs published a report detailing the inadequate treatment of UACs in federal care and the insufficient safeguards to ensure they are not trafficked or abused following their release. *See* United States Senate Committee on Homeland Security and Governmental Affairs, Minority Staff Report, *Federal Care of Unaccompanied Children: Minors Remain Vulnerable to Trafficking and Abuse* (“Minority Report”), https://www.govinfo.gov/content/pkg/GOVPUB-Y4_G74_9-PURL-gpo190271/pdf/GOVPUB-Y4_G74_9-PURL-gpo190271.pdf (last accessed May 11, 2026). A congressional subcommittee launched its investigation in 2015, following reports that ORR placed eight children with members of a human trafficking ring that forced the children to work on an egg farm for 12 hours a day, six or seven days a week. *See id.* at 26.

In the December 2022 report, it was noted that despite the increased number of UACs entering the United States in 2021 and 2022, ORR’s completion of background checks

significantly declined from FY 2019. *See id.* at 35–37. Moreover, the report identified the lack of adequate background checks for potential sponsors and the waiver of background check requirements on household members, even when releasing a child to their parent, as areas where additional safeguard measures were necessary. *See id.* at 37–45. It was therefore recommended that ORR update the UAC Policy Guide to indicate that if a potential sponsor or household member refuses to comply with required background checks, ORR should prohibit further consideration of the release of a child into their custody until such a check could be completed. *See id.* at v.

In March 2023, after a Florida grand jury published a report outlining over 100 allegations concerning deficiencies in ORR’s UAC Program, ORR established an Integrity & Accountability (“I&A”) Team to detect, prevent, mitigate, and report fraud and exploitation perpetrated by sponsors, parents, and UAC. *See* Office of Refugee Resettlement, Administration for Children and Families, *Recommendations to Combat Trafficking and Fraud in the UAC Program* (“ORR Recommendations”) at 1–3 (Feb. 4, 2025), <https://www.scribd.com/document/830798358/HHS-ORR-Report> (last accessed May 11, 2026). The I&A Team identified several instances of fraudulent sponsorship applications, document falsifications, and patterns of human trafficking and exploitation. *See id.* at 3–8. For example, the I&A Team identified instances of children and sponsors using altered birth certificates or unaltered birth certificates belonging to another person. *See id.* at 7. The I&A Team also found that such fraud often involved collusion with others, including a family member in the child’s country of origin. *See id.* In one instance, the I&A Team identified 10 UACs who were released to sponsors who committed intentional document fraud in October 2024. *See id.*

The I&A Team also found cases of fraud, abuse, and extortion by prospective sponsors. For example, the I&A Team reported that in late February 2024, an individual sponsor using

multiple identities and addresses to sponsor or attempt to sponsor multiple children in Cleveland, Ohio was discovered after an investigation of potential child abuse and trafficking. *See id.* at 7–8. The individual successfully sponsored a 15-year-old female UAC whose allegations of sexual abuse and trafficking led to charges of rape against the sponsor. *See id.* at 7. In another case, the I&A Team found that a woman and her partner attempted to sponsor a total of 15 UAC over a five-year period by using multiple aliases, with the aliases only discovered when the sponsor underwent fingerprinting. *See id.* The I&A Team also found cases of individuals demanding payment to sponsor a UAC. *See id.* at 8. In one scheme, there were 17 reported instances of successful extortion totaling \$27,694. *See id.* Despite this background, ORR’s data revealed that less than 1% of sponsorship applications had been denied in recent years. *See id.*

E. ORR Release Policies and Practices

To carry out its statutory mandate under the HSA and TVPRA, and consistent with the Foundational Rule, ORR has developed policies and procedures for identifying, and conducting suitability assessments of, potential sponsors. These procedures are generally set out in ORR’s publicly available UAC Policy Guide (mentioned above). A full assessment of a potential sponsor’s suitability is particularly appropriate because ORR is not a law or immigration enforcement agency and lacks the authority to hold individuals accountable by reassuming care if the sponsor abuses or neglects a child after a UAC has been released from ORR custody. Biswas Decl. at ¶ 9. Rather, ORR only takes children into its custody upon referral by another federal agency, as described in statute. *See* 8 U.S.C. § 1232(b)(3) (requiring, absent exceptional circumstances, that any agency of the federal government transfer the custody of a child to HHS no later than 72 hours after determining that the child is a UAC). In this regard, ORR is also very different from state child welfare agencies, which typically retain such authority post-placement.

Biswas Decl. ¶ 9. Accordingly, ORR must front-load child safety considerations in its identity verification and sponsor-vetting policies. *Id.*

In light of ORR's obligation to protect UACs from smugglers, traffickers, and others who may seek to victimize them, "safe and timely release . . . involves several steps, 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." UAC Policy Guide § 2.1; Biswas Decl. ¶ 10. There are four categories of potential sponsors: (1) Category 1, consisting of parents or legal guardians; (2) Category 2A, consisting of siblings, half-siblings, grandparents, immediate relatives (such as aunts, uncles, and cousins) who previously served as a primary caregiver, and other biological relatives and relatives through marriage; (3) Category 2B, consisting of immediate relatives (including biological relatives and relatives through marriage) who did not previously serve as a primary caregiver; (4) Category 3, consisting of other sponsors, such as distant relatives and unrelated adult individuals. UAC Policy Guide § 2.2.1; Biswas Decl. ¶ 10. ORR (through its care providers) conducts a suitability assessment of the potential sponsor, including a review of the sponsor's strengths, resources, risk factors, and special concerns within the context of each child's needs, strengths, resources, risk factors, and relationship to the sponsor. UAC Policy Guide §§ 2.2.2, 2.4; Biswas Decl. ¶ 12.

A potential sponsor must complete a sponsorship application, provide unexpired government-issued identification documentation for the sponsor and any other adults living in the household or identified in a sponsor care plan, and, along with any adult living in his household, undergo a background check. UAC Policy Guide §§ 2.2.4, 2.5; Biswas Decl. ¶ 11. All potential sponsors must also submit proof of address, income, sponsor-child relationship, and criminal

history documents (if applicable). UAC Policy Guide § 2.2.4; Biswas Decl. ¶ 11. Additionally, in certain circumstances a home study, which consists of interviews, a home visit, and a written report containing a case worker's findings, is performed. UAC Policy Guide § 2.4.2; Biswas Decl. ¶ 13.

Once the assessment of the potential sponsor is complete, the care provider makes a release recommendation to ORR. UAC Policy Guide § 2.7; Biswas Decl. ¶ 14. The recommendation must take into consideration all relevant information, including the report and recommendations from a home study, if conducted, laws governing the process, and other facts in the case. Biswas Decl. ¶ 11. ORR makes the final release decision. UAC Policy Guide § 2.7; Biswas Decl. ¶ 11. Release decisions include: (1) approve release to sponsor; (2) approve release with post-release services; (3) conduct a home study before a final release decision; (4) deny release; or (5) remand for further information. UAC Policy Guide § 2.7; Biswas Decl. ¶ 14. The Policy Guide describes various circumstances under which ORR will or may deny release. Generally, ORR denies release if: (1) the potential sponsor is not willing or able to provide for the child's physical or mental well-being; (2) the potential sponsor is not willing to complete the mandatory fingerprint check; (3) the physical environment of the home presents a risk to the child's safety or well-being; or (4) release of the UAC would present a risk to him or herself, the sponsor, household, or community. UAC Policy Guide § 2.7.4; Biswas Decl. ¶ 15.

F. The One Big Beautiful Bill Act's ("OBBBA") Section 87001

Concerned about the past abuses of the sponsorship program discussed above, ORR's release policies regarding background checks were ratified by Congress in July 2025. Specifically, OBBBA's Section 87001 includes the following list of things that ORR "shall" review when determining appropriateness of release:

(1) background checks on potential sponsors, which shall include—

- A. the name of the potential sponsor and of all adult residents of the potential sponsor's household;
- B. the social security number or tax payer identification number of the potential sponsor and of all adult residents of the potential sponsor's household;
- C. the date of birth of the potential sponsor and of all adult residents of the potential sponsor's household;
- D. the validated location of the residence at which the unaccompanied alien child will be placed;
- E. an in-person or virtual interview with, and suitability study concerning, the potential sponsor and all adult residents of the potential sponsor's household;
- F. contact information for the potential sponsor and for all adult residents of the potential sponsor's household; and
- G. the results of all background and criminal records checks for the potential sponsor and for all adult residents of the potential sponsor's household, which shall include, at a minimum, an investigation of the public records sex offender registry, a public records background check, and a national criminal history check based on fingerprints;

OBBA, Public Law 119-21, 139 Stat. 72. Section 87001 (July 4, 2025). These statutory requirements ensure that ORR's obligation to undertake a full assessment of each potential sponsor's suitability is completed before ORR releases the child from its custody.

II. Factual and Procedural History

On December 14, 2025, U.S. Customs and Border Protection officials encountered petitioners after they had unlawfully entered the United States and deemed them unaccompanied alien children ("UAC"). Pet. ¶ 12. As UACs, the petitioners were placed into the custody of ORR on December 15, 2025. Biswas Decl. ¶ 19. The following day, December 16, 2025, ORR contacted the petitioners' mother, who identified her partner, Russell Robert Heylens, as a potential sponsor. *Id.* at ¶ 20. Mr. Heylen's submitted his sponsor application shortly

thereafter, and ORR began the vetting process in due course. *Id.* at ¶ 21–23. However, on or about January 9, 2026, Mr. Heylens withdrew his nascent sponsorship application. *Id.* at ¶ 24.

On January 28, 2026, the petitioners’ mother was identified as a potential new sponsor and ORR moved forward with her sponsor application. *Id.* at ¶ 25. Contrary to the petitioners’ assertion that their mother submitted her sponsor application “promptly upon [their] arrival at the shelter,” ORR did not actually receive her completed sponsor application until March 5, 2026. Pet. at ¶ 13; Biswas Decl. at ¶ 28. Since then, ORR has completed several steps in the vetting process. *See id.* ¶ 26–39. As of May 11, 2026 (yesterday), ORR received and is reviewing a safety plan developed to address issues raised by the potential sponsor’s criminal history, along with Mr. Heylens’. Biswas Decl. at ¶ 39.

Although ORR is actively reviewing the pending sponsor application, the petitioners filed the instant habeas petition, arguing: (1) that respondents’ requirement for domestic-identity documents violate the TVPRA, Pet. ¶¶ 59–65; (2) that respondents’ new identification requirements cause unnecessary delay and violate the TVPRA’s release criteria of “prompt” adjudication, *id.* ¶¶ 66–72; (3) that respondents’ documentation requirement violates petitioners’ due process rights under the Fifth Amendment, *id.* ¶¶ 73–79; (4) that petitioners’ continued detention violates their substantive and procedural due process rights under the Fifth Amendment, *id.* ¶¶ 80–87, 88–95; (5) that respondents’ documentation requirements violate the Fifth Amendment Equal Protection Clause, *id.* ¶¶ 96–101; and (6) that respondents’ documentation requirements are violative of the Administrative Procedure Act, *id.* ¶¶ 102–115, 116–119.

Legal Standard

Section 2241 confers jurisdiction on this court to order the release of any person who is held in the custody of the United States in violation of the “laws . . . of the United States” or the

United States Constitution. 28 U.S.C. § 2241(c). The burden rests on the person in custody to prove their detention is unlawful. *See, e.g., Walker v. Johnston*, 312 U.S. 275, 286 (1941).

Argument

I. ORR's Custody of M.C.Z.O. and H.R.Z.O. Is Required by Statute.

It is worth noting that this case is fundamentally different from a typical habeas petition because “juveniles, unlike adults, are always in some form of custody.” *Flores*, 507 U.S. at 302. Accordingly, “where the custody of the parent or legal guardian fails,” the Supreme Court has held that the “government may (indeed, we have said *must*) either exercise custody itself or appoint someone else to do so.” *Id.*; *see also Schall v. Martin*, 467 U.S. 253, 265 (1984) (noting that a “juvenile’s interest in freedom from institutional restraints . . . must be qualified by the recognition that juveniles, unlike adults, are always in some form of custody” because they “are not assumed to have the capacity to take care of themselves”).

In this case, the contrast is even more stark, as M.C.Z.O. and H.R.Z.O. were admittedly brought into ORR custody in December 2025 *before* respondents knew of any parent or recognized legal guardian within the United States. This means that ORR originally took custody of M.C.Z.O. and H.R.Z.O. when they were UACs under the HSA. And in that circumstance, the TVPRA reinforces and expands upon the government’s responsibility for the care of UACs. Unlike adults in the custody of other agencies, ORR cannot simply release children in its care on their own recognizance, or to just anyone who is interested in sponsoring them (or potentially to traffic/exploit them). 6 U.S.C. § 279(b)(2)(B). Rather, the TVPRA requires that ORR make a considered decision about each child’s placement based upon all the available circumstances—which would include assessing the sponsor’s and alternative caregiver’s criminal history and the suitability of their home based on that history. *See Biswas Decl.* ¶¶ 29–39.

ORR’s actions in this matter strictly follow the statutory requirements—including the

OBBBA, which petitioners seem to completely ignore. The requirements *prohibit* ORR from releasing M.C.Z.O. and H.R.Z.O. to a potential sponsor's custody until it makes "a determination that the proposed custodian is capable of providing for the child's physical and mental well-being." 8 U.S.C. § 1232(c)(3)(A). In this case, to assist in its review, ORR requested documents related to the criminal history of petitioners' mother and her partner (the alternate caregiver who previously dropped his application for his own reasons). Biswas Decl. ¶ 30. As the petitioners' counsel raced to court, the petitioners' mother and her partner did not fully comply with ORR's request until just last week. *Id.* at ¶ 38. ORR is presently reviewing a safety plan developed to address the issues raised by this criminal history and cannot determine the suitability of placement with their mother until this review is completed. *Id.* at ¶ 38. Accordingly, ORR is acting in accordance with both the TVPRA's and OBBBA's requirements, and M.C.Z.O. and H.R.Z.O. should not yet be released until the agency has a legitimate chance to even review the recently submitted documents.

II. ORR's Continued Care for Petitioners Does Not Violate the Fifth Amendment.

Petitioners also argue that ORR's custody of them constitutes an ongoing due process violation because petitioners and their mother have a liberty interest under the Due Process Clause in remaining together as a family in this country—asserting that their detention in any capacity violates substantive due process because it furthers no legitimate purpose, and the requirement that the sponsor's documents be from the United States serve no legitimate purpose. Pet. ¶¶ 73–79, 88–95. These arguments, however, are contrary to well-established precedent.

In the only Supreme Court case dealing with UACs, the Court held that children such as M.C.Z.O. and H.R.Z.O. have neither a substantive nor a procedural due process claim regardless of a *Mathews*-balancing analysis (which the Court did not even believe was appropriate to use in such circumstances). *See Flores*, 507 U.S. at 303–04, 308 (finding no right to an individualized

hearing regarding whether a private placement would be in the child’s “best interest,” no substantive due process right to release, and that the procedural due process arguments were “just the ‘substantive due process’ arguments recast in ‘procedural due process’ terms.”). In other words, “[i]nstitutional custody (despite the availability of responsible private custodians) is not unconstitutional in itself.” *Flores*, 507 U.S. at 303–04. This is especially so where, as here, federal law *requires* that a child be placed in ORR’s custody and may not be released to anyone else’s custody until ORR determines it may do so safely, and the integrity of the identity documents ensures that ORR only releases to the properly identified sponsors. 8 U.S.C. § 1232(c)(3).

To the extent petitioners press an amorphous interest in family unity, even parental rights can still yield to a government’s interest in investigating situations that may give rise to neglect and abuse, as the law requires ORR to do. *See, e.g.*, 8 U.S.C. § 1232(c)(3)(A). Here, any right to family unity runs against the caution that the liberty protected by the Due Process Clause should not be “subtly transformed into the policy preferences of . . . [the] Court.” *Reyna v. Hott*, No. 17-cv-1192, 2018 WL 3551558, at *4–5 (E.D. Va. Mar. 20, 2018). In this regard, “family unity” in this country, within the context of civil immigration detention, “is an interest that . . . does not exist.” *Reyna v. Hott*, 921 F.3d 204, 211 (4th Cir. 2019); *see also Aguilar v. ICE*, 510 F.3d 1, 21–23 (1st Cir. 2007) (similar); *M.O.G.R. v. Warden*, No. 25-cv-356, 2025 WL 3460936, at *5 (M.D. Ga. Dec. 2, 2025) (similar).

The same is true for petitioners’ equal-protection argument, which boils down to how many foreign nationals in this country already have U.S.-issued documentation, while recent arrivals might not. That argument fails to account for how the political branches regularly make rules for foreign nationals that would not be constitutional if applied to citizens, and that “a host of constitutional and statutory provisions rest on the premise that a legitimate distinction between

citizens and aliens may justify attributes and benefits for one class not accorded to the other.” *Mathews v. Diaz*, 426 U.S. 67, 78 (1976). And far from having any rational basis for requiring more thorough documentation, the OBBBA requires as much, and the only other court to have looked at this issue has already stated that “ORR [has] compelling reasons to modify its [identification] policies” based on the I&A “Team’s report identif[ying] serious breaches of ORR’s statutory duty to protect children from trafficking and to identify fraud.” *Angelica S. v. U.S. Dep’t of Health & Human Servs.*, 786 F. Supp. 3d 158, 173 (D.D.C. 2025).

Conclusion

For the foregoing reasons, the court should deny the petition.

Respectfully submitted,

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