

United States District Court
Western District of Texas
El Paso Division

J.R.C.,
Petitioner,

v.

Angie Salazar, *et al.*,
Respondents.

No. 3:26-CV-1469-KC

**Federal Respondents' Response to
Petition for Writ of Habeas Corpus**

Respondents provide the following response to Petitioner's habeas petition.¹ Any allegations that are not specifically admitted herein are denied. Based on a review of relevant government records and a declaration² from the Office of Refugee Resettlement ("ORR") within the Department of Health and Human Services ("HHS"), Respondents admit the following:

1. J.R.C. is a minor child who is currently in the custody of ORR/HHS following a referral and transfer of custody from the Department of Homeland Security ("DHS") on or about May 3, 2026. *See* 8 U.S.C. § 1232(b)(3)).
 - a. J.R.C. was apprehended with his father on April 28, 2026, during an ICE fugitive operation. His father was subsequently ordered removed via expedited removal.
 - b. ICE records show that J.R.C.'s father has a criminal history, including a 2024 arrest for assault family violence (disposition unknown) and two arrests for

¹ The Department of Justice represents only federal employees in this action.

² The signed declaration has not yet been received, but Respondents will supplement this response as soon as possible upon receipt.

unlawful entry, one from 2023 and a second from 2025.

- c. Because of his criminal record, ICE served the child's father with Form 71-076, Pre-Removal Parental Interests Election Form, on April 30, 2026, under ICE Directive No. 11064.4, to provide him with a reasonable opportunity to request reunification with his child at the time of his removal or to make arrangements for his child. *See, e.g.*, ECF No. 1 ¶ 4; *see also* Ex. A. J.R.C.'s father refused to sign or provide any information to ICE about reunification. *Id.*
 - d. The father remains in adult ICE custody after claiming fear of persecution on or about May 2, 2026.
2. On May 8, 2026, J.R.C.'s father notified ORR that his partner would serve as the child's sponsor. After multiple attempts to contact the sponsor without success, ORR successfully made contact with her on May 19, 2026, and she confirmed her interest in sponsorship.
 3. ORR received the completed sponsor application for J.R.C. on May 28, 2026, and is currently vetting the sponsor in the normal course of business in compliance with federal regulations.
 4. While in ORR custody, ORR has facilitated in-person visits between the minor child and his father on at least three occasions: May 11, 2026; May 18, 2026; and May 26, 2026. The assigned ORR case manager has scheduled an appointment to visit the child's father in ICE custody on June 2, 2026, at 8:30am.
 5. Removal proceedings were previously dismissed against Petitioner and his father in April 2024. *See* <https://acis.eoir.justice.gov/en/caseInformation> (last accessed June 1, 2026). Should the father's fear claim result in a credible fear finding, removal

proceedings will be recommenced against him to allow him to apply for asylum in full removal proceedings. Regardless of the outcome of the father's case, ICE plans to serve a Notice to Appear (NTA) on the ORR case manager tomorrow for the child so that he can pursue relief from removal in full removal proceedings.

6. While this case presents distinct facts and additional legal arguments beyond *Buenrostro* and the Due Process Clause, the facts in this case are unlikely to result in a decision contrary to this Court's prior decisions on due process. *See id.* at 2. As such, it appears unnecessary to specifically address the other substantive legal arguments raised in the petition; instead, Respondents deny that any relief is available and preserve all other arguments for appeal.³

Respectfully submitted,

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³ To the extent the Court orders additional supplemental briefing on any of these issues, the undersigned AUSA will be available to personally draft and file a supplemental response later this week on either June 3 or June 5, 2026.