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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION**

B.E.C.L., a minor; J.E.M.C., a minor; Case No. 2-26-cv-7272
A.I.L.D., a minor; M.G.R.P., a minor;
A.I.R.P., a minor; by and through Erica
Santamaria, as Next Friend of Minors

**VERIFIED PETITION FOR WRIT OF
HABEAS CORPUS**

Petitioners,

v.

RUBY HERNANDEZ, Federal Field
Specialist, Office of Refugee Resettlement;
THELMA CANTU, Federal Field
Specialist, Office of Refugee Resettlement;
NIKY HYMEL, Federal Field Specialist
Supervisor, Office of Refugee
Resettlement; ALEX J. ADAMS, Assistant
Secretary of the Administration for
Children and Families; ANGIE
SALAZAR, Acting Director of the Office
of Refugee Resettlement; and ROBERT F.
KENNEDY, JR., Secretary of the U.S.
Department of Health and Human Services,

Respondents.

INTRODUCTION

1. Petitioners are Unaccompanied Children¹ (“UC”) who were transferred from U.S. Customs and Border Protection (“CBP”) to the Office of Refugee Resettlement (“ORR”) upon arrival to the United States. Petitioner B.E.C.L., her sister, J.E.M.C. and their uncle, A.I.L.D. (a minor) were transferred to ORR on November 11, 2025; Petitioners M.G.R.P. and her sister, A.I.R.P., were transferred to ORR on November 3, 2025.

2. ORR has detained Petitioners at ORR-subcontracted facilities Building Bridges Foster Family Agency (“BB-WC”), in West Covina, California, and Marsell Wellness Center (“MWC-Riverside”) in Riverside, California, for 240 and 232 days, respectively despite the fact that each child has a biological sponsor² in the United States who is available and willing to assume their custody and care.

3. Upon Petitioners’ placement in ORR custody, each of Petitioners’ sponsors initiated the reunification process and meaningfully engaged in the process for submitting the documentation that ORR requires to be considered as a sponsor for a UC, the Family Reunification Packet (“FRP”). Inexplicably, ORR has failed to schedule appointments for tasks they deem essential for reunification to move forward, including DNA testing and home studies.

4. The reunification between Petitioners and their families therefore remains indefinitely delayed as it does not appear that ORR is promptly working on any of Petitioner’s FRPs as mandated under the Trafficking Victims Protection Reauthorization Act (“TVPRA”).

¹ An “unaccompanied child” is a child with no lawful immigration status in the United States, who is under the age of eighteen, and who has arrived in the U.S. or at the border without a parent or guardian and without legal status. 6 U.S.C. § 279(g)(2).

² Under ORR Policy Guide, 2.2.1 Identification of Qualified Sponsors, ORR has grouped unaccompanied alien children cases into the following categories: **Category 1:** Parent or legal guardian. **Category 2:** A brother; sister; grandparent or other immediate relatives (e.g., aunt, uncle, first cousin).

1 5. These ongoing violations have resulted in continued, unnecessary detention
2 and emotional distress for Petitioners. For example, B.E.C.L. reports experiencing
3 significant stress due to the length of her stay in ORR custody. J.E.M.C. is experiencing
4 detention-related fatigue, noting that she has now been in ORR custody for seven months
5 and that the assigned DSA FFS has not been communicating with her mother regarding the
6 reunification process. She also reports feeling increasingly emotional as the prolonged
7 uncertainty continues. A.I.L.D. reports that he is struggling with the length of his stay in
8 ORR custody and the lack of updates regarding his reunification. Although he is trying to
9 remain patient, the uncertainty surrounding his reunification has been difficult on him.
10 M.G.R.P. and A.I.R.P. have had to grieve their recently deceased father while detained by
11 ORR, without the comfort, support, or presence of their mother during one of the most
12 traumatic periods of their lives.
13

14 6. Each day that Petitioners languish in detention is another day ORR is in
15 violation of the TVPRA, the ORR Foundational Rule, and the U.S. Constitution.
16 Accordingly, to vindicate Petitioners' constitutional and statutory rights, this Court should
17 grant the instant petition for a writ of habeas corpus and order immediate release.
18

19 **JURISDICTION**

20 7. This Court has subject matter jurisdiction over this matter pursuant to 28
21 U.S.C. § 2241 (habeas corpus); 28 U.S.C. § 1651 (All Writs Act); 28 U.S.C. § 2201
22 (Declaratory Judgment Act); 28 U.S.C. § 1361 (writ of mandamus); and 28 U.S.C. § 1331
23 (federal question). This Court also has jurisdiction pursuant to Art. I, § 9, cl. 2 of the United
24 States Constitution (Suspension Clause).

25 8. Federal district courts have jurisdiction to hear habeas claims by noncitizens
26 challenging the lawfulness of their detention. *See Zadvydas v. Davis*, 533 U.S. 678, 687
27 (2001).
28

9. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 *et. seq.*, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.

VENUE

10. Petitioners all lie within the jurisdiction of the United States District Court for the Central District of California because they are detained in ORR-subcontracted facilities in Commerce and Riverside, California, respectively.

11. Venue is also proper in this District because Respondents are officers, employees, or agencies of the United States, a substantial part of the events or omissions giving rise to Petitioners' claims occurred in this District, and no real property is involved in this action. 28 U.S.C. § 1391(e).

PARTIES

I. Petitioners

12. Petitioner B.E.C.L. is an 14 year-old girl. Petitioner is currently detained at BB-WC. Petitioner B.E.C.L. is in the custody, and under the direct control of Respondents and their agents. Petitioner B.E.C.L.'s parent and sponsor is B.C.L.³

13. Petitioner J.E.M.C. is an 11-year-old girl. Petitioner is currently detained at BB-WC. Petitioner J.E.M.C. is in the custody, and under the direct control, of Respondents and their agents. Petitioner J.E.M.C.'s parent and sponsor is B.C.L. *See* Supra Footnote 3.

14. Petitioner A.I.L.C. is a 16-year-old boy. Petitioner is currently detained at BB-WC. Petitioner A.I.L.C. is in the custody, and under the direct control, of Respondents and their agents. Petitioner A.I.L.C.'s sister and sponsor is B.C.L. *See Supra* Footnote 2.

³ The use of B.C.L.’s (sponsor-mother) initials further ensures B.E.C.L.’s (petitioner-child) privacy. *See* Fed. R. Civ. P. 5.2(a), (c), (h) (mandating use of a minor’s initials, providing for limited access to files in proceedings related to immigration detention “unless the court orders otherwise,” and noting that failure to redact personal information in the first instance constitutes a waiver of that protection).

1 15. Petitioner M.G.R.P. is a 16-year-old girl. Petitioner is currently detained at
2 MWC-R. Petitioner M.G.R.P. is in the custody, and under the direct control, of
3 Respondents and their agents. Petitioner M.G.R.P.'s parent and sponsor is M.J.P.T. *See*
4 *Supra* Footnote 2.

5 16. Petitioner A.I.R.P. is an 13-year-old girl. Petitioner is currently detained at
6 MWC-R. Petitioner A.I.R.P. is in the custody, and under the direct control, of Respondents
7 and their agents. Petitioner A.I.R.P.'s parent and sponsor is M.J.P.T. *See Supra* Footnote 2.

8 17. Petitioners' Next Friend, Erica Santamaria ("Mrs. Santamaria"),⁴ is the
9 Program Manager for the Detained Youth Empowerment Project ("DYEP") Team at
10 Immigrant Defender's Law Center ("ImmDef"). *See* Declaration of Erica Santamaria in
11 Support of Verified Petition for Writ of Habeas Corpus. Petitioners appear collectively by
12 and through their Next Friend, Mrs. Santamaria.

13
14 **II. Respondents**

15 18. Respondent Ruby Hernandez is sued in her official capacity as an ORR
16 Federal Field Specialist ("FFS Hernandez"). In this role, FFS Hernandez is responsible for
17 determining Petitioners' placements and has authority to approve their respective releases
18 to an appropriate sponsor's care. Respondent FFS Hernandez is thereby a legal custodian
19 of Petitioners.

20 19. Respondent Thelma Cantu is sued in her official capacity as an ORR Federal
21 Field Specialist ("FFS Cantu"). In this role, FFS Cantu is responsible for determining
22 Petitioners' placements and has authority to approve their respective releases to an
23 appropriate sponsor's care. Respondent FFS Cantu is thereby a legal custodian of
24 Petitioners.

25 20. Respondent Niky Hymel is sued in her official capacity as an ORR FFS
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⁴ *See* 28 U.S.C. § 2242 (authorizing next friend status in the habeas context).

Supervisor. FFS Supervisors are the government officials responsible for the care and custody of children in ORR facilities and supervise FFSs. In this role, FFS Supervisor Hymel is responsible for determining Petitioners' placements and has authority to approve their respective releases to an appropriate sponsor's care. Respondent FFS Supervisor Hymel is thereby a legal custodian of Petitioners.

21. Respondent Angie Salazar is sued in her official capacity as the Acting Director of ORR, the component of the U.S. Department of Health and Human Services ("HHS") responsible for implementing the Department's obligations to unaccompanied minors who are immigrants. ORR is the government entity directly responsible for the continued detention of Petitioners and has the authority to release them. Respondent Salazar is thereby a legal custodian of Petitioners.

22. Respondent Alex J. Adams is sued in his official capacity as the Assistant Secretary of the Administration for Children and Families ("ACF"). ACF is comprised of 23 offices, including ORR, responsible for the welfare of children and families. Respondent Adams is thereby responsible for Petitioners' continued detention and custody and is a legal custodian of Petitioners.

23. Respondent Robert Kennedy, Jr. is sued in his official capacity as the Secretary of HHS. In this capacity Secretary Kennedy oversees ACF and ORR and is therefore the "head" of those agencies. 6 U.S.C. § 271(a)(2). HHS is responsible for the care and placement of UC in federal custody. *See* 8 U.S.C. § 1232(c); 6 U.S.C. § 279. HHS and ORR enter contracts with public and private entities to house, care for, and provide legal assistance to UC apprehended by the Department of Homeland Security ("DHS") pursuant to the Immigration and Nationality Act ("INA"). *See* 6 U.S.C. § 279. Respondent Secretary Kennedy is thereby a legal custodian of Petitioners.

STATEMENT OF FACTS

I. Petitioner B.E.C.L., J.E.M.C, and A.I.L.D.

24. Petitioners B.E.C.L., J.E.M.C., and A.I.L.D. are 14, 11, and 16-year-old minors, respectively. B.E.C.L. and J.E.M.C. are sisters, and A.I.L.D. is their maternal uncle, who is also a minor. Petitioners were designated as Unaccompanied Children by DHS upon their arrival in the United States on November 8, 2025. On November 11, 2025, Petitioners were transferred to the custody of ORR and placed at Youth For Tomorrow in Bristow, Virginia.

25. Petitioners seek reunification with their sponsor B.C.L., who is the mother of B.E.C.L. and J.E.M.C. and the sister of A.I.L.D.

26. On March 10, 2026, B.C.L. submitted her fingerprints.

27. On March 23, 2026, ORR subcontracted case manager indicated the Division of Children's Services ("DCS") required the Division of Sponsored Programs Administration ("DSA") to update the sponsor, household members, and alternate caregiver information in the ORR portal. 42 days later, records again reflected on May 4, 2026 that DSA still needed to update the sponsor, household members, and alternate caregiver information.

28. On April 23, 2026, ORR transferred Petitioners from Youth For Tomorrow in Virginia to Building Bridges Foster Family Agency in West Covina, California.

29. On June 1, 2026, the FRP had been uploaded to the ORR portal and the case remained pending completion and results of a home study. ORR records dated June 15, 2026, continued to reflect that the FRA had been uploaded and that the home study remained pending.

30. On June 5, 2026, B.C.L. submitted her identification documents to ORR. And on June 26, 2026, B.C.L. submitted her proof of income.

31. On June 17, 2026, Petitioners' counsel emailed a formal letter to ORR Acting

1 Director Angie Salazar, demanding either a final decision on their FRA or immediate
2 release to their sponsor. Said correspondence was never acknowledged, and to date,
3 Petitioners' counsel has received no update on their reunification.

4 32. A home study was been completed on June 24, 2026, with a positive
5 recommendation supporting reunification with B.C.L.

6 33. The only sponsor requirement that remains outstanding is the scheduling and
7 completion of DNA testing for all three minor petitioners and sponsor.
8

9 34. During their prolonged stay in ORR custody, Petitioners have experienced
10 significant emotional distress resulting from their continued detention and uncertainty
11 regarding reunification. On May 6, 2026, J.E.M.C. reported that she was experiencing
12 frustration and anxiety, explaining that she had already spent approximately seven months
13 in ORR custody and that the assigned FFS was not communicating with her mother
14 regarding the reunification process. On June 24, 2026, she reported feeling "emotional."

15 35. B.E.C.L. has likewise experienced significant emotional and physical harm
16 during her prolonged detention. B.E.C.L. reported that while housed at Youth For
17 Tomorrow she was provided only two meals per day, at approximately 10:00AM and
18 6:00PM. ORR medical records further reflect that she was prescribed medication for
19 anxiety and sleep. On June 3, 2026, B.E.C.L. reported feeling overwhelmed by her lengthy
20 detention and asked her mother not to discuss the reunification process during telephone
21 calls because it caused her significant stress.
22

23 36. On July 1, 2026, B.E.C.L. for the first time disclosed that while detained at
24 Youth For Tomorrow she had been isolated in a room for an unknown period of time as a
25 form of punishment. She reported that staff told her they were "tired of her and her sister,"
26 that this punishment happened only to her, and that she did not previously report the
27 incident because staff told her such treatment was normal.
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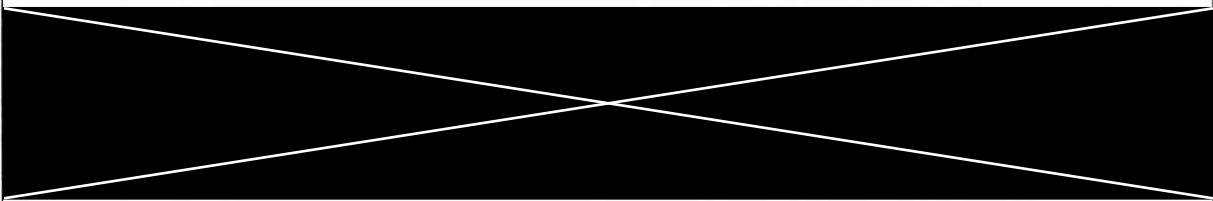
1 37. A.I.L.D. has similarly expressed emotional distress resulting from his
2 prolonged detention. On June 3, 2026, he reported that he was struggling with his lengthy
3 stay in ORR custody and the lack of updates regarding reunification. He explained that he
4 was attempting to remain patient while government officials continued requesting
5 additional documentation from his sister, the proposed sponsor.

6 38. As of the filing of this Petition, despite months of reunification efforts,
7 Petitioners remain in ORR custody awaiting reunification with their sponsor.

8 **Petitioners M.G.R.P. and A.I.R.P.**

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10 39. Petitioners M.G.R.P. and A.I.R.P. are 17 and 13-year-old sisters. Petitioners
11 were designated as UCs by DHS upon their arrival in the United States on November 3,
12 2025. On November 7, 2025, they were transferred into ORR custody and placed at
13 Rinconcito del Sol in Florida.

14 40. Petitioners fled their home country after 

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18  These events prompted Petitioners to flee and seek reunification with their mother,
19 M.J.P.T., who had been living in the United States.

20
21 41. Initially, Petitioners identified their maternal great-uncle, a United States
22 citizen, as their proposed sponsor. M.J.P.T.'s mother and current sponsor preferred to not
23 provide her information as part of the reunification process given the increased number of
24 arrests and detention of undocumented sponsors. On November 8, 2025, ORR verified that
25 Petitioners' maternal great-uncle was willing to sponsor Petitioners, and ORR thereafter
26 initiated reunification efforts. ORR completed a sponsor risk assessment, which did not
27 identify concerns regarding abuse, maltreatment, exploitation, or trafficking.

1 42. A month after arrival in the U.S., on December 13, 2025, ORR received a
2 request for Petitioners' mother, M.J.P.T., to act as potential sponsor. By January 16, 2026,
3 the maternal great-uncle withdrew as sponsor. On February 4, 2026, M.J.P.T. became
4 Petitioners' proposed sponsor, and on February 7, 2026, ORR completed the sponsor
5 referral for M.J.P.T.

6 43. On February 12, 2026, the initial FRP documents were executed by M.J.P.T.
7 and uploaded by the ORR intake team and the case was assigned to a Division of Sponsored
8 Programs Administration Family Field Specialist ("DSA-FFS"). On February 26, 2026,
9 M.J.P.T. called the assigned DSA-FFS and was informed that the sponsorship application
10 remained incomplete because additional documentation, including proof of address, proof
11 of income, proof of relationship, and identification for the alternate caregiver, remained
12 outstanding. The DSA-FFS further informed M.J.P.T. she, alternate caregiver, and
13 household members possessed forms of identification that ORR considered non-compliant
14 and indicated that an exemption available under ORR policy for category 1 sponsors would
15 be required.
16

17 44. Throughout March 2026, M.J.P.T. actively worked to satisfy ORR's
18 sponsorship requirements. She obtained and submitted additional documentation,
19 completed the required Authorization for Release of Information ("ARI"), worked to gather
20 documentation from household members, requested assistance uploading documents, and
21 sought assistance from ORR staff in completing the sponsorship process. Although she
22 obtained most requested documentation, she continued experiencing difficulty obtaining
23 proof of address.
24

25 45. During this same period, ORR staff worked with Petitioners and their mother
26 regarding family expectations and home rules, assisted M.J.P.T. with a Medi-Cal
27 application, and monitored the progress of the anticipated home study.
28

1 46. On April 1, 2026, M.J.P.T. began searching for a new apartment because
2 members of her then-household could not provide identification necessary to complete
3 ORR's sponsor vetting process. M.J.P.T. also shared that she lost approximately \$2,100
4 after being defrauded by a rental company while attempting to secure housing that would
5 satisfy ORR's requirements.

6 47. On April 10, 2026, Petitioners were transferred from Rinconcito del Sol to
7 Marsell Wellness Center in Riverside, California. At that time, M.J.P.T. continued actively
8 searching for housing that would permit completion of the sponsor vetting process. While
9 making efforts to relocate, ORR did not proceed with scheduling any other requirements
10 for reunification, including DNA testing or fingerprinting.

11 48. On June 11, 2026, M.J.P.T. notified ORR that she had secured an apartment
12 and was in the process of moving.

13 49. On June 17, 2026, Petitioner's counsel emailed a formal letter to ORR Acting
14 Director Angie Salazar, demanding either a final decision on the FRP or immediate release
15 to their mother. Said correspondence was never acknowledged.

16 50. On June 28, 2026, ORR case manager informed Petitioner's counsel that
17 "Sponsor continues to comply with reunification process. Pending items include updated
18 ARI, completion of the sponsor application, home study for the new address, Sponsor
19 Assessment, required reunification documents, DNA testing, medical clearance, and SSD."
20 ORR has not provided a timeline for scheduling or anticipated completion of these items.

21 51. Petitioner M.G.R.P. has suffered significant emotional and psychological
22 harm during her prolonged detention. ORR records reflect diagnoses including depression,
23 post-traumatic stress disorder ("PTSD"), and acute stress disorder. ORR determined that
24 she qualified for accommodations under the Americans with Disabilities Act and
25 implemented a Section 504 plan. Her treatment providers documented that her principal
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1 concern was uncertainty regarding her placement and reunification. Medical records
2 further reflect that she continued treatment for depression, required an increased dosage of
3 antidepressant medication, and exhibited persistent anxiety, nervousness, and worry while
4 in ORR custody.

5 52. As of the filing of this Petition, Petitioners remain in ORR custody despite
6 their mother's continued efforts to satisfy ORR's sponsorship requirements and despite her
7 having secured independent housing to facilitate reunification.
8

9 **II. ORR'S SECRETIVE AND REPEATED ATTACKS ON DETAINED**
10 **UNACCOMPANIED CHILDREN**

11 53. In June 2026, Counsel for Petitioners became aware that there was a
12 purported effort to repatriate detained unaccompanied children. While no policy of
13 repatriation has been made public, Associated Press has reported on the existence of such
14 a "plan."⁵ This reporting is consistent with a letter written by Senator Wyden, D-Or, to
15 Department of Health and Human Services Secretary and Respondent Robert F. Kennedy,
16 Jr. calling on the Trump administration to halt an attempt to remove children from the
17 United States.⁶ Further, Counsel has received information from other legal service
18 providers that ORR may be imminently planning to transfer children to Texas, away from
19 their attorneys. While details on any such plan are limited, Petitioners are reasonably
20 concerned, in light of the lengthy pattern of secretive ORR actions, that these transfers will
21 indeed be attempted, despite being contrary to children's best interests and legal interests.
22

23 54. While unconfirmed as of the date of this filing, this information raises
24 legitimate concerns regarding ORR's intention to take imminent action to either transfer or
25

26 ⁵ "US Senator warns of administration plan to hastily remove over 500 unaccompanied migrant children," available
at <https://apnews.com/article/migrant-children-deportation-border-trump-wyden-853585bc4efd13e59eccfb43fc4d0ceb>, June 25, 2026.

27 ⁶ Text of the Letter from Senator Ron Wyden to Secretary Robert F. Kennedy, available here
28 [https://www.finance.senate.gov/imo/media/doc/06242026_letter_to_hhs_re_orr_and_uc_cat_4_](https://www.finance.senate.gov/imo/media/doc/06242026_letter_to_hhs_re_orr_and_uc_cat_4_mass_deportation_planning.pdf)
[mass_deportation_planning.pdf](https://www.finance.senate.gov/imo/media/doc/06242026_letter_to_hhs_re_orr_and_uc_cat_4_mass_deportation_planning.pdf), June 24, 2026.

1 repatriate children in ORR custody. ORR has engaged in a repeated pattern of making
2 unannounced policy changes that invariably harm children's statutory and Constitutional
3 rights to placement in the least restrictive environment, to access legal services, and to
4 prompt reunification. The following examples are not an exhaustive list, but rather paint a
5 picture of the types of actions ORR has taken by surprise or in secret, without notice to
6 children or their counsel.

7
8 55. In February 2025, the Office of Refugee Resettlement canceled all federal
9 funding for legal representation for unaccompanied children effective immediately with no
10 prior notice. The funding was later restored via litigation. *See Community Legal Services*
11 *in East Palo Alto (CLSEPA) v. HHS*, 3:25-cv-2847, (N.D. Cal.) Mar. 26, 2025.

12 56. In early Spring 2025, sponsors continued to receive Family Reunification
13 Packets that stated their information would not be shared with the Department of Homeland
14 Security ("DHS") for enforcement, but patterns emerged of enforcement actions targeting
15 children's sponsors.

16 57. In August 2025, ORR began requiring in person "ID verification
17 appointments" at which in person ID verification appointment" with an ORR official and
18 a DHS official. ORR officials would neither confirm nor deny any such policy. Sponsors
19 began attending such appointments, and several were detained by DHS. ORR only
20 published public guidance regarding ID verification months later in January 2026 via ORR
21 "Field Guidance 24⁷."

22
23 58. In September 2025, without prior announcement, ORR pulled dozens of
24 children out of their beds in the middle of the night and put them on a plane for Guatemala.
25 The plane was on the tarmac in Texas before it was blocked via emergency filing in federal

26
27 ⁷ Field Guidance- Revised January 26, 2026 (First Issued August 23, 2023), RE: Field Guidance
28 #24 – ORR Division of Sponsor Administration Role Guidance available at
https://acf.gov/sites/default/files/documents/orr/FG-24_ORR-Division-of-Sponsor-Administration-Role-Guidance.pdf.

1 court. *See L.G.M.L. v. Noem*, 1:25-cv-02942 (D.D.C.).

2 59. In November 2025, ORR paused virtually all reunifications of children with
3 sponsors for over a month. However, no pause on reunifications was announced or
4 acknowledged by ORR. Reunifications began again in late December 2025. (*See*
5 *Donovan-Kaloust Decl.*; *See also* “Trump Admin has all but stopped reuniting detained
6 migrant children with their families,” available at [https://laist.com/news/politics/trump-](https://laist.com/news/politics/trump-admin-has-all-but-stopped-reuniting-detained-migrant-children-with-their-families)
7 [admin-has-all-but-stopped-reuniting-detained-migrant-children-with-their-families](https://laist.com/news/politics/trump-admin-has-all-but-stopped-reuniting-detained-migrant-children-with-their-families),
8 December 19, 2025.)
9

10 60. The above examples highlight the ways in which the Government has
11 repeatedly taken actions that harm unaccompanied children in ORR custody, in secrecy
12 and sometimes literally under the cover of darkness. In this context, credible reports of
13 imminent repatriation or transfer of children in ORR’s custody must be taken seriously and
14 acted upon swiftly.

15 **LEGAL FRAMEWORK**

16 **I. Law and Procedure Governing this Habeas Petition**

17 61. A writ of habeas corpus under 28 U.S.C. § 2241 may issue if, among other
18 things, a person is “in custody under or by color of the authority of the United States,” or
19 is “in custody in violation of the Constitution or laws or treaties of the United States.” 8
20 U.S.C. § 2241(c).
21

22 62. A habeas court’s role is at its “most extensive in cases of pretrial and
23 noncriminal detention,” especially “where there ha[s] been little or no previous judicial
24 review of the cause for detention,” as is the case here. *Boumediene v. Bush*, 553 U.S. 723,
25 780 (2008).

26 63. The Court must grant the petition for writ of habeas corpus or issue an order
27 to show cause (“OSC”) to Respondents “forthwith,” unless Petitioners are not entitled to
28

1 relief. 28 U.S.C. § 2243. If an OSC is issued, this Court must require Respondents to file a
2 return “within *three days* unless for good cause additional time, not exceeding twenty days,
3 is allowed.” *Id.* (emphasis added). The writ or OSC shall be directed to the person having
4 custody of the person detained. *Id.*

5 **III. Legal Framework Governing the Care and Custody of UCs**

6 64. Three key laws and agreements govern the federal government’s treatment
7 and custody of unaccompanied immigrant children: (1) the 1997 *Flores* Settlement
8 Agreement (“FSA”), largely codified into the federal regulatory scheme through ORR’s
9 promulgation of its Foundational Rule in 2024; (2) the Homeland Security Act of 2002
10 (“HSA”); and (3) the Trafficking Victims Protection Reauthorization Act (“TVPPRA”) of
11 2008.

13 **A. The *Flores* Settlement Agreement**

14 65. The FSA arose from a lawsuit filed by a group of immigrant children
15 challenging their detention and seeking to be released to family members or sponsors
16 within the United States. *See Flores v. Sessions*, 862 F.3d 863, 869 (9th Cir. 2017)
17 (discussing history of the *Flores* litigation). In 1997, the plaintiff children entered into a
18 consent decree with the federal government to create a nationwide policy governing the
19 custody and release of immigrant children. *See Stipulated Settlement Agreement, Flores v.*
20 *Reno*, No. CV-85-4544 (C.D. Cal. Jan. 17, 1997).⁸

21 66. The FSA remains under the supervision of U.S. District Judge Dolly M. Gee
22 in the Central District of California. *See Flores v. Bondi*, No. CV 85-4544-DMG (AGRx).⁹
23

24
25 ⁸ Available at:

26 https://www.aclu.org/sites/default/files/assets/flores_settlement_final_plus_extension_of_settlement011797.pdf.

27 ⁹ Following the promulgation of the ORR Foundational Rule, described *infra*, the FSA
28 was partially terminated as to children in HHS custody. *Flores v. Garland*, 2024 WL 3467715, CV 85-4544-DMG (AGRx) (C.D. Cal. Jun. 28, 2024).

1 **B. The Homeland Security Act of 2002**

2 67. Enacted in 2002, the HSA divided responsibilities for the processing and
3 treatment of UC between ORR – a sub-department of the Department of Health and Human
4 Services – and the then-newly created Department of Homeland Security.¹⁰ See 6 U.S.C. §
5 279(a). ORR was assigned functions including “coordinating and implementing the care
6 and placement” of UC in appropriate custody. 6 U.S.C. § 279(b).

7 **C. The Trafficking Victims Protection Reauthorization Act**

8 68. Enacted in 2008,¹¹ the TVPRA requires federal officials to screen
9 unaccompanied immigrant children for certain vulnerabilities upon their arrival in the
10 United States. See 8 U.S.C. § 1232(a)(4). It mandates that custody of an UC be transferred
11 to the HHS Secretary within 72 hours of their arrival in the United States.¹² 8 U.S.C. §
12 1232(b)(3).

13 69. The TVPRA enacted procedures for ensuring “safe and secure” placements
14 for these children, and, crucially, mandated that an UC “*shall be promptly* placed in the
15 least restrictive setting that is in the best interest of the child.” 8 U.S.C. § 1232(c)(1),
16 (c)(2)(A) (emphasis added).

17 70. The TVPRA also clearly outlines that Petitioners are entitled, “[t]o the
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21 ¹⁰ Prior to the creation of DHS, all matters related to the custody, detention, and
22 deportation of immigrant children was managed by the Immigration and Naturalization
23 Service (“INS”), which was abolished simultaneously with the creation of DHS.

24 ¹¹ The TVPRA is a reauthorization of the Trafficking Victims Protection Act of 2000,
25 intended to combat the trafficking of persons. See Pub. L. No. 106-386, 114 Stat. 1464
26 (Oct. 28, 2000). Through the 2008 Reauthorization, Congress established certain rights
27 for unaccompanied children navigating the immigration process, recognizing that they
28 are a “particularly vulnerable population” to whom the country “owes a special
obligation” to treat “humanely and fairly.” 154 Cong. Rec. S10866 (daily ed. Dec. 10,
2008) (statement of Sen. Feinstein).

¹² In most cases, custody of an unaccompanied child is transferred to HHS, and ultimately
ORR, from DHS, which houses Immigration and Customs Enforcement (“ICE”) and
Customs and Border Protection (“CBP”).

1 greatest extent practicable”, to “counsel to represent them in legal proceedings or matters
2 and protect them from mistreatment, exploitation, and trafficking” 8 U.S.C. § 1232(c)(5).

3 **D. The ORR Foundational Rule**

4 71. In 2024, after a notice and comment period, HHS adopted a final rule
5 intended to further codify key aspects of the framework governing care and placement of
6 UC as required by the HSA and TVPRA, and to implement the substantive requirements
7 of the FSA. *See generally* UC Foundational Rule (Jul. 1, 2024) (“Foundational Rule”). 45
8 C.F.R. Part 410.

9
10 72. The Foundational Rule contains a non-exhaustive list of factors that ORR is
11 to consider when evaluating the best interests of an UC, including, but not limited to, the
12 child’s expressed interests; age and maturity; mental and physical health; adjustment to the
13 community; cultural background and primary language; length or lack of time they have
14 “lived in a stable environment”; individualized needs, including disability; development
15 and identity; wishes of the parents or legal guardians; and “interactions and
16 interrelationship” of the child with their parents, siblings, and anyone who “may
17 significantly affect” the child’s well-being. 45 C.F.R. § 410.1001.

18 73. The Foundational Rule also provides a non-exhaustive list of 17 factors that
19 ORR may consider when evaluating what is the “least restrictive setting that is in the best
20 interest of the child,” including danger to self; danger to community/others; runaway risk;
21 trafficking or other safety concerns; age; gender; LGBTQI+ status or identity; disability;
22 specialized services or treatment requested or required; criminal background; location of
23 potential sponsor and safe, timely release options; behavior; siblings in ORR custody;
24 language access; whether they are pregnant or parenting; location of apprehension; and
25 length of stay in ORR custody. 45 C.F.R. § 410.1103(a), (b).

26 74. Further, the Foundational Rule provides guidance on how ORR is to evaluate
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1 the suitability of a potential sponsor who seeks to assume the care and custody of a UC. 45
2 C.F.R. § 410.1202. Such evaluation may require a home study, wherein ORR
3 “investigat[es] [] the living conditions in which the UC would be placed” prior to their
4 release. 45 C.F.R. § 410.1204.

5 75. Absent “an unexpected delay,” ORR is mandated to adjudicate a completed
6 sponsor application for a relative who has previously been the child’s primary caregiver
7 “within 10 calendar days of receipt of the completed sponsor application,” and to
8 adjudicate applications by relatives who were not previously the child’s primary caregiver
9 within 14 calendar days. 45 C.F.R. § 410.1205(b).

10 76. If ORR formally denies release to a potential sponsor “who is a parent or
11 legal guardian or close relative,” ORR must promptly notify the potential sponsor in
12 writing, provide an explanation of the reasons for the denial along with “evidence and
13 information” supporting the decision, inform the potential sponsor that they may request
14 an appeal of the decision, and allow for submission of additional evidence supporting their
15 suitability. 45 C.F.R. § 410.1205(c). Absent “good cause,” the appeal process “shall be
16 completed within 30 calendar days of the potential sponsor’s request for an appeal.” 45
17 C.F.R. § 410.1206(f).

18 77. In addition to the above, ORR supervisory staff “who supervise field staff”
19 are required to conduct “automatic review of all pending sponsor applications . . . within
20 90 days of an [UC] entering ORR custody.” 45 C.F.R. § 410.1207(a). This “review” is not
21 perfunctory, but rather is designed to keep the child and potential sponsor informed of
22 outstanding issues in the reunification process and to work to resolve them. The
23 Foundational Rule requires ORR and subcontracted facility staff to “update the potential
24 sponsor and [UC] on the status of the case, explaining the reasons that the release process
25 is incomplete.” 45 C.F.R. § 410.1207(b). Further, the Rule provides that ORR and
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1 subcontracted facility staff “shall work with the potential sponsor, relevant stakeholders,
2 and ORR to address the portions of the sponsor application that remain unresolved.” *Id.*

3 **E. Substantive and Procedural Due Process**

4 78. It is axiomatic that civil immigration detention is limited by both substantive
5 and procedural due process protections, which apply “to all ‘persons’ within the United
6 States, including [noncitizens], whether their presence here is lawful, unlawful, temporary,
7 or permanent.” *Zadvydas*, 533 U.S. at 693. Indeed, freedom “from imprisonment – from
8 government custody, detention, or other forms of physical restraint – lies at the heart of the
9 liberty” that the Due Process Clause protects. *Id.* at 690.

10 79. In addition, courts in this District have found that UCs have a protected
11 interest in their statutory entitlements under the TVPRA. *See e.g., Immigrant Defs. L. Ctr.*
12 *v. U.S. Dep’t of Homeland Sec.*, No. CV 21-0395 FMO (RAOX), 2025 WL 1191572, at
13 *15 (C.D. Cal. Mar. 14, 2025) (finding “statutory entitlements [under the TVPRA] are
14 constitutionally protected property interests”) (collecting cases); *Lucas R. v. Azar*, No. CV
15 18-5741-DMG (PLAx), 2018 WL 7200716, at *9, (C.D. Cal. Dec. 27, 2018) (noting that a
16 statute can create “a substantive interest protected by the Due Process Clause by using
17 ‘mandatory language’ that imposes an obligation on government officials, and referring to
18 such mandatory language in the TVPRA) (citing 8 U.S.C. § 1232(c)(2)(A); a UC “*shall* be
19 promptly placed in the least restrictive setting that is in the best interest of the child”) (emphasis in original).

20 **F. Disability Protections**

21 80. Under Section 504 of the Rehabilitation Act, 29 U.S.C. § 794, “[n]o
22 otherwise qualified individual with a disability ... shall, solely by reason of her or his
23 disability, be excluded from the participation in, be denied the benefits of, or be subjected
24 to discrimination under any program or activity receiving Federal financial assistance or
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1 under any program or activity conducted by any Executive agency[.]” ORR’s placement,
2 care, custody, sponsor reunification and release of immigrant children constitutes a
3 program or activity conducted by an Executive agency and which receives Federal
4 financial assistance. ORR cannot deprive a child of the benefits of timely family
5 reunification because of their disability or otherwise discriminate against a child with a
6 disability in the release process. 45 C.F.R. § 85.21(a), (b)(1); 45 C.F.R. § 410.1311. ORR
7 must also make reasonable modifications during the release process to accommodate
8 children’s disabilities. 45 C.F.R. § 410.1311(e)(2).
9

10 81. The TVPRA requires a home study for a child with a disability. 8 U.S.C. §
11 1232(c)(3)(B). ORR considers a sponsor’s ability to provide for the child’s disability-
12 related needs in the sponsor vetting process. 45 C.F.R. § 410.1311(e)(1). ORR must
13 simultaneously “consider the potential benefits to the child of release to a community-
14 based setting.” *Id.* Further, ORR must “affirmatively support and assist otherwise viable
15 potential sponsors in accessing and coordinating appropriate post-release community-
16 based services and supports available in the community to support the sponsor’s ability to
17 care for a child with one or more disabilities.” *Id.* § 410.1311(e)(2).
18

19 ARGUMENT

20 **A. Petitioners’ Claims are Cognizable as a Habeas Action, and Administrative** 21 **Exhaustion is Not Required.**

22 82. Petitioners seek habeas relief pursuant to the TVPRA and both the
23 substantive and procedural components of the Due Process Clause of the Fifth Amendment.
24 These claims may properly sound in habeas, as “challenges to the statutory framework
25 authorizing detention, questions of law raised in the application or interpretation of statutes,
26 and constitutional claims, such as claims that the discretionary process itself was
27 constitutionally flawed,” have been found to “fit comfortably” within the scope of the
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1 habeas statute. *Alam v. Keeton*, CV-19-05538-PHX-MTL (CDB), 2020 WL 5439513, at *4
2 (D. Ariz. 2020) (quoting *Jennings v. Rodriguez*, 583 U.S. 281, 296 (2018); *Leonardo v.*
3 *Crawford*, 646 F.3d 1157, 1160 (9th Cir. 2011); *Singh v. Holder*, 638 F.3d 1196, 1202 (9th
4 Cir. 2011)) (internal quotation marks omitted).

5 83. In addition, Petitioners are not required to exhaust administrative remedies,
6 as exhaustion in the habeas context is prudential, rather than jurisdictional. *See Laing v.*
7 *Ashcroft*, 370 F.3d 994, 997 (9th Cir. 2004); *Hernandez v. Sessions*, 872 F.3d 976, 988 (9th
8 Cir. 2017). Even prudential exhaustion is not required if “administrative remedies are
9 inadequate or not efficacious, pursuit of administrative remedies would be a futile gesture,
10 [or] irreparable injury will result.” *Laing*, 370 F.3d at 1000; *see also Hernandez*, 872 F.3d
11 at 988. In any event, where Petitioners’ parents – who would be eligible to appeal a denial
12 of their application under controlling regulations – have received no decision from ORR
13 on their sponsorship applications, there is no administrative remedy available for
14 Petitioners to pursue.

15 84. Despite compliance to the best of their ability with ORR’s requirements, the
16 ongoing delays – well beyond the 90-day review requirement outlined in ORR’s own
17 guidance, 45 C.F.R. § 410.1205(b) – have resulted in each child and their parents being left
18 in a state of limbo. Indeed, to date, Petitioners have been languishing in ORR custody for
19 approximately six to nine months.

20 85. Requiring exhaustion would also cause Petitioners irreparable harm in the
21 form of additional detention in ORR custody, and continued separation from their readily
22 available sponsors and family. *See Cortez v. Sessions*, 318 F. Supp. 3d 1134, 1139 (N.D.
23 Cal. 2018) (habeas petitioner “suffers potentially irreparable harm every day that [they]
24 remain[] in custody without a hearing, which could ultimately result in [their] release from
25 detention”).
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B. Petitioners' Continued Detention Violates the TVPRA Because the Statute Mandates Release to a Sponsor Unless the Government Designates Them a Danger or a Flight Risk.

86. The TVPRA was designed to provide “special protections” for unaccompanied minors, in light of their status as a “particularly vulnerable group.” *Saravia v. Sessions*, 280 F. Supp. 3d 1168, 1178 (N.D. Cal. 2017). Crucially, the TVPRA mandates prompt release from ORR custody to an appropriate sponsor unless the federal government makes a finding that the minor is a danger to themselves or the community, or a flight risk. *See id.* at 1196.

87. Indeed, the “focus on care and placement – rather than on detention – is evident” from both the text of the TVPRA and the HSA. *Flores*, 862 F.3d at 876. Respondents have made no findings that any of the Petitioners are flight risks or dangerous to themselves or the community. Nor could they, as demonstrated by the fact that Petitioners have been detained in unlocked ORR-subcontracted facilities without absconding since their arrivals into ORR custody. Further, there is no evidence indicating any Petitioner named herein has ever engaged in conduct causing harm to themselves or others, clearly establishing they are not dangers to anyone.

88. Petitioners' continued detention despite the availability of their parents to assume their care is also clearly at odds with the TVPRA's mandate that ORR focus on care and placement in each child's best interest. Respondents disregard their responsibility to Petitioners by allowing them to languish in unfamiliar facilities full of strangers for months on end, while failing to provide any reason why their sponsors' applications to assume their care have not been approved.

89. By failing to timely resolve their sponsors' applications to assume their care and custody, Respondents flout their mandate to protect Petitioners, instead allowing them

1 to languish inside ORR facilities for months on end, without answers, and away from
2 family and any semblance of a normal life.

3 **C. Petitioners’ Continued Detention Violates Substantive Due Process**
4 **Because it is Unnecessarily Punitive and Needlessly Infringes Upon**
5 **Their Right to Family Unity.**

6 90. Petitioners’ prolonged detention violates each of their substantive due
7 process rights. Substantive due process “forbids the government to infringe certain
8 ‘fundamental’ liberty interests *at all*, no matter what process is provided, unless the
9 infringement is narrowly tailored to serve a compelling state interest.” *Reno v. Flores*, 507
10 U.S. 292, 302 (1993) (emphasis in original). In *Reno*, the Supreme Court held that where
11 an UC had no “parent, close relative, or legal guardian,” keeping them in government
12 custody to “promot[e] the welfare of the child” was “not punitive since it [was] not
13 excessive in relation to that valid purpose.” *Id.* at 303. By extension, where, as here, each
14 Petitioner *does* have a close family member available to assume their care, continuing to
15 detain them in government custody is needlessly punitive.

16 91. In this context, courts in this District have emphasized the well-established
17 nature of the “substantive due process right to family integrity or to familial association.”
18 *Lucas R.*, 2018 WL 7200716, at *9 (quoting *Rosenbaum v. Washoe City*, 663 F.3d 1071,
19 1079 (9th Cir. 2011)); *Ms. L. v. U.S. Immigration and Customs Enforcem.*, 310 F. Supp. 3d
20 1133, 1148 (S.D. Cal. 2018), *modified sub nom*, *Ms. L. v. U.S. Immigr. & Customs Enf’t*,
21 330 F.R.D. 284 (S.D. Cal. 2019) (finding the government needed to achieve its stated
22 purpose “in a way that preserves the class members’ constitutional rights to family
23 association and integrity”). Respondents, in continuing to detain Petitioners, away from
24 their parents, for 6 months and longer, have considerably encroached upon this right.

25 92. Further, by allowing their parents’ sponsor applications to assume
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Petitioners' care and custody to remain undecided, Respondents infringe "perhaps the oldest of the fundamental liberty interests" recognized by the Supreme Court: "the interest of parents in the care, custody, and control of their children." *Troxel v. Granville*, 530 U.S. 57, 65 (2000). Similarly, other courts have recognized that children have a reciprocal right to be "raised and nurtured by their parents." *D.B. v. Cardall*, 826 F.3d 721, 740 (4th Cir. 2016) (quoting *Berman v. Young*, 291 F.3d 976, 983 (7th Cir. 2002)) (internal quotation marks omitted). Each day Petitioners remain detained in ORR custody, Respondents are clearly violating these rights.

93. In addition, a statute may create a substantive interest protected by the Due Process Clause by using "mandatory language" that imposes an obligation on government officials. Courts in this District have held that the TVPRA's mandatory language gives rise to such a substantive right in the UC for whose benefit the statute was enacted. *See e.g., Immigrant Defs. L. Ctr. v. U.S. Dep't of Homeland Sec.*, No. CV 21-0395 FMO (RAOX), 2025 WL 1191572, at *15 (C.D. Cal. Mar. 14, 2025) (finding "statutory entitlements [under the TVPRA] are constitutionally protected property interests"). Here, Petitioners again can individually establish that their substantive rights pursuant to the TVPRA are being violated by Respondents.

94. To date, B.E.C.L., J.E.M.C., and A.I.L.D. have been detained, and thereby separated from B.C.L., for 240 days. B.C.L. has been attempting to sponsor the children from ORR custody since XX date. Despite her diligence, B.C.L. has not been notified as to a timeline for approval of her application or when her daughters and minor brother will be released.

95. To date, M.G.R.P. and A.I.R.P. have been detained, and thereby separated from M.J.P.T., for 243 days. Despite her diligence, M.J.P.T. has not been notified as to a timeline for approval of her application or when her daughters and minor brother will be

1 released.

2 96. Because of the strength of these liberty interests, Petitioners' continued
3 detention is needlessly punitive, and infringes on each of their rights to family unity and to
4 be raised by their parents.

5 **D. Petitioners' Continued Detention Violates Procedural Due Process**
6 **Because They Have No Effective Means by Which to Challenge Their**
7 **Continued Detention and Separation from Their Parents/Sponsors.**

8 97. All individuals in immigration detention have a protected liberty interest in
9 their release, "*inherent* in the Due Process Clause." *R.D.T.M. v. Wofford*, 2025 WL
10 2617255, 1:25-cv-01141-KES-SKO (HC), at *4 (E.D. Cal. Sept. 9, 2025) (quoting
11 *Guillermo M.R. v. Kaiser*, 2025 WL 1983677, 25-cv-05436-RFL, at *4 (N.D. Cal. Jul. 17,
12 2025)) (emphasis in original). In addition, the substantive family unity interest described
13 above may underlie a procedural due process claim. *See Lucas R.*, 2018 WL 7200716, at
14 *9. The TVPRA also provides statutory entitlements to which individuals have protected
15 property interests in. *See 8 U.S.C. § 1232* (c)(2)(A), (c)(5); *see also Immigrant Defs. L.*
16 *Ctr.*, 2025 WL 1191572, at *15 ("statutory entitlements [under the TVPRA] are
17 constitutionally protected property interests").
18

19 98. Procedural due process claims are evaluated under the well-established
20 standard in *Mathews v. Eldridge*, which requires a reviewing court to evaluate (1) the nature
21 of the private interest affected; (2) the comparative risk of erroneous deprivation of that
22 interest with and without additional, procedural safeguards; and (3) the nature and
23 magnitude of any countervailing interest in not providing additional or substitute
24 procedure. 424 U.S. 319, 335 (1976).

25 99. In the context of immigration detention writ large, the Ninth Circuit has
26 found it "well-settled" that due process "requires adequate procedural protections to ensure
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1 the government's asserted justification for physical confinement outweighs the individual's
2 constitutionally protected interest in avoiding physical restraint." *Hernandez*, 872 F.3d at
3 990 (internal citations and quotations omitted). Thereby, Petitioners' "constitutionally
4 protected interest" in release from ORR custody should be considered with the utmost
5 solemnity.

6
7 100. Courts in this Circuit have found a cognizable claim for due process relief in
8 the context of earlier family separation policies, emphasizing that the "absence of
9 established procedures" for ensuring prompt reunification left families "in a vacuum,
10 without knowledge of the well-being and location of their children . . . result[ing] in a
11 number of different scenarios, all of which are negative – some profoundly so." *Ms. L.*, 310
12 E. Supp. 3d at 1144. Here, the risk of negative impact on Petitioners, in both the short and
13 long term, is equally apparent.

14 101. First, Petitioners have a strong private interest in their liberty, as well as a
15 substantive interest in being reunified with, and ultimately raised by, their parents.

16 102. Second, Respondents have allowed Petitioners to remain stuck in ORR's
17 custody for extended periods of time. Respondents have not even followed *their own*
18 regulatory process for completing and adjudicating sponsorship applications, instead
19 allowing the children to languish in custody without explanation. Respondents have
20 therefore erroneously deprived Petitioners of their due process rights, including by denying
21 their parents the opportunity to appeal a potential denial of their FRP, given that no decision
22 has ever been issued as to any of their sponsorship applications. In addition, Petitioners'
23 possible transfer to Texas would impede upon their protected property interest under the
24 TVPRA to access to counsel. *See* 8 U.S. Code § 1232 (c)(5).

25
26 103. Lastly, Respondents have not provided Petitioners' counsel, Petitioners or
27 their sponsors with any countervailing reason why the sponsorship applications in question
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1 have not been approved, much less ruled on at all.

2 104. Accordingly, Petitioners clearly have a cognizable claim for relief sounding
3 in procedural due process under the *Mathews* test.

4 **E. Respondent's Continued Detention of M.G.R.P. Violates Section 504 of**
5 **the Rehabilitation Act and Unlawfully Results in Unnecessary**
6 **Institutionalization**

7 105. ORR's treatment of M.G.R.P. also raises serious concerns under Section 504
8 of the Rehabilitation Act. ORR formally identified M.G.R.P. as a child with a disability,
9 specifically depression, post-traumatic stress disorder ("PTSD"), and acute stress disorder
10 and later developed an Individualized Section 504 Service Plan recognizing that his PTSD
11 and depressive symptoms required accommodations, mental-health treatment, psychiatric
12 care, and psychotropic medication.

13 106. That knowledge triggered affirmative obligations. ORR was required not
14 only to assess whether a sponsor could meet M.G.R.P.'s disability-related needs, but also
15 to consider the benefits of her release to a community-based setting and to assist an
16 otherwise viable sponsor in accessing services necessary to support reunification. 45 C.F.R.
17 § 410.1311(e). It was also required to conduct a disability-related home study. 8 U.S.C. §
18 1232(c)(3)(B). Instead of doing so, ORR has allowed M.G.R.P.'s reunification process to
19 stall.
20

21 107. The delay is especially troubling because ORR's own Section 504 Plan
22 identifies M.G.R.P.'s principal concern is uncertainty regarding her placement and
23 reunification. Medical records further reflect that she continued treatment for depression,
24 required an increased dosage of antidepressant medication, and exhibited persistent
25 anxiety, nervousness, and worry while in ORR custody. In other words, ORR knew that
26 continued detention and reunification stagnation were worsening the very disability for
27
28

1 which it had created a Section 504 accommodation plan.

2 108. Despite that knowledge, ORR continues to detain M.G.R.P. while her FRP
3 has languished. By failing to reasonably accommodate her disability and facilitate timely
4 reunification, ORR denied M.G.R.P. the full and equal benefit of the release process in
5 violation of Section 504 and its implementing regulations.

6 **CLAIMS FOR RELIEF**

7 **COUNT ONE**

8 **Violation of the TVPRA, 8 U.S.C. § 1232**

9
10 109. The allegations in the above paragraphs are realleged and incorporated
11 herein.

12 110. Unaccompanied immigrant children in the custody of HHS “*shall* be
13 *promptly* placed in the least restrictive setting that is in the best interest of the child.” 8
14 U.S.C. § 1232(c)(2) (emphasis added). When a potential sponsor has been identified for an
15 UC, the HHS Secretary must make a “determination that the proposed custodian is capable
16 of providing for the child’s physical and mental well-being,” by evaluating “the custodian’s
17 identity and relationship to the child,” as well as making “an independent finding that the
18 individual has not engaged in any activity that would indicate a potential risk to the child.”¹³
19 8 U.S.C. § 1232(c)(3)(A).

20
21 111. Here, Respondents’ sponsors have completed the core sponsor suitability
22 inquiries required by 8 U.S.C. § 1232(c)(3)(A), namely verification of identity and
23 relationship to the child and submitting to fingerprinting to ensure they have not engaged
24 in conduct that would indicate a risk to the child. The record contains no adverse findings
25 indicating that the sponsors present any risk to Petitioners’ physical or mental well-being
26 or other safety concerns. These measures constitute the baseline statutory inquiries used to
27

28 ¹³ The statute further authorizes a home study, if necessary. 8 U.S.C. § 1232(c)(3)(B).

1 determine whether a proposed sponsor is capable of safely caring for a child.

2 112. Despite any unfavorable suitability findings, Petitioners remain
3 unnecessarily detained as ORR has failed to timely process the application or provide any
4 meaningful explanation for the continued delay, resulting in Petitioners' prolonged and
5 unjustified detention. Continued detention under these circumstances is inconsistent with
6 the TVPRA's purpose and exceeds the authority Congress granted ORR to delay
7 reunification.
8

9 113. Moreover, if Respondents were to transfer Petitioners to Texas at this
10 juncture, ORR would be further encumbering Petitioners' rights under the TVPRA by
11 requiring them to move further away from their families and Counsel who have spent the
12 last several months building rapport with this vulnerable youth and gaining their trust. *See*
13 8 U.S.C. § 1232(c)(5) (HHS secretary "shall ensure, to the greatest extent practicable ...
14 that all [UCs] ... have counsel to represent them in legal proceedings or matters and protect
15 them from mistreatment, exploitation, and trafficking.")

16 114. Accordingly, Respondents' failure to release Petitioners into the custody and
17 care of their parents violates the TVPRA.
18

19 COUNT TWO

20 Violation of Fifth Amendment: Substantive Due Process

21 115. The allegations in the above paragraphs are realleged and incorporated
22 herein.

23 116. The Due Process Clause of the Fifth Amendment provides that the
24 government shall not "deprive any person of life, liberty, or property without due process
25 of law." U.S. CONST. AMEND. V. The Due Process Clause applies to "all 'persons' within
26 the United States . . . whether their presence here is lawful, unlawful, temporary, or
27 permanent." *Zadvydas*, 533 U.S. at 693. Any individual within the United States is
28

1 therefore entitled to a timely and meaningful opportunity to demonstrate that they should
2 not be detained by the government.

3 117. Here, Petitioners' continued detention is untethered to any legitimate
4 government interest because they are neither flight risks nor a dangers to themselves or to
5 the community, and each has an appropriate sponsor – their parent – available and eager to
6 care for them outside of detention. *See* 8 U.S.C. § 1232(b)(2)(A) (requiring consideration
7 of potential “danger to self, danger to the community, and risk of flight” in making
8 placement decisions, and permitting placement with suitable family members). Petitioners'
9 ages range from eight to sixteen, they have no criminal history here in the United States or
10 anywhere in the world, and there is no evidence that they have engaged in any conduct
11 causing harm to themselves or others.
12

13 118. Further, both Petitioners and their parents have a substantive liberty interest
14 in family integrity and, as children who have now been separated from their families for
15 many months, Petitioners are suffering grave harm due to their continued detention by
16 ORR. *Ms. L.*, 310 F. Supp. 3d at 1137.

17 119. Respondents' actions, as set forth above, have infringed upon Petitioners'
18 substantive liberty interests to be free from detention and their liberty interests in family
19 integrity.
20

21 120. Accordingly, Respondents' continued detention of Petitioners violates their
22 substantive due process rights.

23 COUNT THREE

24 Violation of the Fifth Amendment: Procedural Due Process

25 121. The allegations in the above paragraphs are realleged and incorporated
26 herein.

27 122. The Due Process Clause of the Fifth Amendment provides that the
28

1 government shall not “deprive any person of life, liberty, or property without due process
2 of law.” U.S. CONST. AMEND. V.

3 123. UC are entitled to the protections of the TVPRA, and therefore have a
4 protected property interest in their statutory entitlements thereunder. *See, e.g., Immigrant*
5 *Defs. L. Ctr. v. U.S. Dep’t of Homeland Sec.*, No. CV 21-0395 FMO (RAOX), 2025 WL
6 1191572, at *15 (C.D. Cal. Mar. 14, 2025) (finding “statutory entitlements [under the
7 TVPRA] are constitutionally protected property interests”) (collecting cases). The TVPRA
8 expressly grants robust rights to such UC and directs HHS to establish procedures to
9 provide for and protect said rights.

10
11 124. Petitioners’ interest in their liberty and in being reunited with their parents is
12 unquestionably strong. *See Mathews*, 424 U.S. at 335.

13 125. Petitioners have been erroneously deprived of their liberty due to ORR’s
14 failure to timely adjudicate their sponsorship applications, much less even provide their
15 sponsors or counsel any information about why their attempts to reunite remain at a
16 standstill. This lack of any decision also prohibits Petitioners’ parents from availing
17 themselves of ORR’s own internal appeal process should their FRP theoretically be denied.

18 126. In contrast to Petitioners’ robust interests in their liberty and family
19 reunification, the government’s interest in continuing to detain Petitioners, despite the
20 availability of their parents to assume their custody and care, is minimal at best.

21 127. Accordingly, Respondents’ continued detention of Petitioners, despite the
22 availability of their parents, and in light of Respondents’ failure to timely adjudicate their
23 parents’ sponsorship applications, violates Petitioners’ procedural due process rights.

24
25 **COUNT FOUR**

26 **Violation of Section 504 of the Americans with Disabilities Act**

27 128. The allegations in the above paragraphs are realleged and
28

1 incorporated herein.

2 129. To state a claim under the Rehabilitation Act, a petitioner must show that “(1)
3 [s]he is a qualified individual with a disability; (2) the defendant is subject to one of the
4 Acts; and (3) [s]he was denied the opportunity to participate in or benefit from the
5 defendant’s services, programs, or activities, or was otherwise discriminated against by the
6 defendant because of h[er] disability.” *Wishkin v. Potter*, 476 F.3d 180, 184 (3d Cir. 2007).

7
8 130. Respondents are federal Executive agencies within the meaning of the
9 Rehabilitation Act and are required to comply with the provisions of Section 504.

10 131. Respondents are legally responsible for all violations of Section 504
11 committed by their contractors and care providers arising from their operation of ORR
12 facilities and administration of reunification and release procedures. 6 C.F.R. §
13 15.30(b)(1).

14 132. Release to a sponsor is a benefit of ORR’s programs that may not be denied
15 to a child because of her disability. 29 U.S.C. § 794(a); 45 C.F.R. §§ 410.1203, 410.1205,
16 410.1311; 45 C.F.R. § 84.68(b)(1)(ii), (iii), (iv), (vii). Yet, Respondents continue to delay
17 M.G.R.P.’s reunification with her mother.

18 133. HHS regulations prohibit criteria or methods of administration that
19 discriminate on the basis of disability or “have the purpose or effect of defeating or
20 substantially impairing accomplishment of the objectives of the recipient’s program or
21 activity with respect to handicapped persons.” 45 C.F.R. § 84.68(b)(3). By prolonging
22 M.G.R.P.’s detention, Respondents employed methods of administration that substantially
23 impaired the objective of ORR’s release and reunification program for children with
24 disabilities.

25
26 134. Respondents’ prolonged delay in releasing M.G.R.P. to her sponsor
27 unlawfully discriminates against her on the basis of disability by subjecting her to
28

1 continued detention and undue institutionalization, despite the availability of a less
2 restrictive community- and family-based placement appropriate to his needs. *Olmstead v.*
3 *L.C.*, 527 U.S. 581, 600–01 (1999).

4 135. In prolonging her release, Respondents failed to account for her
5 “individualized needs, including those related to disability or other medical or
6 behavioral/mental health issues” as those needs relate to prompt release from custody. 45
7 C.F.R. § 410.1202(f)(5). Respondents also failed to account for the best interests of a child
8 with a disability weighing heavily in favor of prompt release from detention, in violation
9 of the TVPRA. 8 U.S.C. § 1232(c)(2)(A).

11 **PRAYER FOR RELIEF**

12 WHEREFORE, Petitioners respectfully request this Court to grant the following:

- 13 (1) Assume jurisdiction over this matter;
- 14 (2) Issue an order preventing the transfer of Petitioners outside of this Court’s
15 jurisdiction;
- 16 (3) Issue a writ of habeas corpus compelling Respondents to immediately release
17 Petitioners to their parent sponsors;
- 18 (4) Issue a writ of habeas corpus prohibiting the re-detention of petitioners absent
19 compliance with procedural protections and relevant regulations;
- 20 (5) Declare that Petitioners’ detention violates the Due Process Clause of the Fifth
21 Amendment, 8 U.S.C. § 1232, and/or 45 C.F.R. § 410.1001 et seq.;
- 22 (6) Award Petitioners attorney’s fees and costs under the Equal Access to Justice Act,
23 28 U.S.C. § 2412, and on any other basis justified under law; and
- 24 (7) Grant any further relief this Court deems just and proper.

26 //

27 Dated: 7/2/2026

28 Respectfully Submitted,
/s/ Cynthia Isabel Felix

Cynthia Isabel Felix

Attorney for Petitioner

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VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I represent Petitioners, B.E.C.L, J.E.M.C., A.I.L.D., M.G.R.P., and A.I.R.P., and submit this verification on their behalf. I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated this 2nd day of July 2026.

Respectfully Submitted,

/s/ Cynthia Isabel Felix
Cynthia Isabel Felix

Attorney for Petitioner