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11 **UNITED STATES DISTRICT COURT**
12 **CENTRAL DISTRICT OF CALIFORNIA**
13 **EASTERN DIVISION**

14 E.R.F., a minor; E.I.C.R., a minor;
15 K.R.M., a minor; F.G.M.S., a minor; by
16 and through Erica Santamaria, as Next
17 Friend of Minors

18 Petitioners,

19 v.

20 ANGIE SALAZAR, Acting Director of
21 the Office of Refugee Resettlement;
22 RUBY HERNANDEZ, Federal Field
23 Specialist, Office of Refugee
24 Resettlement; NIKY HYMEL, Federal
25 Field Specialist Supervisor, Office of
26 Refugee Resettlement; ALEX J.
27 ADAMS, Assistant Secretary of the
28 Administration for Children and
Families; and ROBERT F. KENNEDY,
JR., Secretary of the U.S. Department
of Health and Human Services,

Respondents.

Case No. 5:26-cv-3705

**VERIFIED PETITION FOR WRIT
OF HABEAS CORPUS**

**FILED UNDER SEAL
PURSUANT TO LR 79-
5.2.2(a)(i)**

INTRODUCTION

1. Petitioners are Unaccompanied Children¹ (“UC”) who were transferred to the Office of Refugee Resettlement (ORR) upon arrival to the United States. Petitioner E.R.F. was transferred to ORR on September 14, 2025; Petitioner E.I.C.R. was transferred to ORR on October 4, 2025; Petitioner K.R.M. was transferred to ORR on December 3, 2025; and Petitioner F.G.M.S. was transferred to ORR on July 9, 2025.

2. Petitioners have been detained by ORR at ORR-subcontracted facilities Hanna’s House in in Rancho Cucamonga, California (E.R.F.) and Commerce, CA (F.G.M.S.); Rancho San Antonio in Chatsworth, CA (E.I.C.R.); and Marsell Wellness Victorville in Victorville, CA (K.R.M.). Petitioners E.R.F., E.I.C.R., and K.R.M. have been under ORR custody for approximately 291, 271, and 211 days, respectively. On July 9, 2026, Petitioner F.G.M.S. will make 1 year.²

3. Petitioners have been under ORR custody for such great lengths of stay despite having an uncle, an aunt, a brother, and a cousin in the United States, all of whom are available and willing to assume their custody and care. These “sponsors” have been pursuing reunification with their loved ones since Petitioners arrived in ORR custody, and they are classified as Category 2 sponsors, or a “brother; sister; grandparent or other immediate relatives (e.g., aunt, uncle, first cousin).” Office of Refugee Resettlement, *ORR Unaccompanied Alien Children Bureau Policy Guide*:

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 In 2024, the average number of days UCs spent in ORR custody was 30 days. In 2025, that number grew to 117 days. See <https://acf.gov/orr/about/ucs/facts-and-data> (last visited July 2, 2026).

1 *Section 2*, available at [https://acf.gov/orr/policy-guidance/unaccompanied-](https://acf.gov/orr/policy-guidance/unaccompanied-children-program-policy-guide-section-2#2.2)
2 [children-program-policy-guide-section-2#2.2](https://acf.gov/orr/policy-guidance/unaccompanied-children-program-policy-guide-section-2#2.2).

3 4. Since Petitioners' placement in ORR custody, each of Petitioners' sponsors
4 initiated the reunification process and have submitted documentation that ORR
5 requires to be considered as a sponsor for a UC – the Family Reunification Packet
6 (“FRP”). In some cases, ORR has inexplicably not scheduled appointments for
7 tasks they deem essential for reunification to move forward, including fingerprint
8 appointments, DNA testing, and identification verification. In other cases, ORR
9 has stalled the adjudication of these FRPs to a point where their processing
10 timelines are indefinite.

11 5. ORR has not provided substantive updates on any of Petitioners' cases. It
12 does not appear that ORR is promptly adjudicating most of Petitioners' FRPs or
13 working on progressing them at all. The reunification between Petitioners and their
14 families therefore remains indefinitely delayed.

15 6. These ongoing delays have resulted in continued, unnecessary detention and
16 emotional distress for Petitioners. For example, E.R.F. reports ongoing frustration,
17 discouragement, and emotional strain resulting from her prolonged detention and
18 continued separation from family. She has also experienced bullying while in ORR
19 custody, further exacerbating the emotional toll of her extended confinement.

20 E.I.C.R., who has been diagnosed by ORR with post-traumatic stress disorder,
21 reports distress due to a lack of progress made on his reunification with his sponsor
22 and the conditions of his detention to the point where he personally called the ORR
23 hotline to complain about the delays himself. K.R.M. reports worry, distress and
24 uncertainty arising from her prolonged separation from her mother and brother.

25 ORR records reflect that K.R.M. repeatedly sought updates regarding reunification,
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1 worried about the length of her placement, and experienced distress related to the
 2 uncertainty of when she would be reunited with family. And, F.G.M.S. has reported
 3 difficulty sleeping, attributing his stress to the denial of several previous sponsors,
 4 while simultaneously being offered money if he would just agree to “voluntarily
 5 depart.”

6
 7 7. Accordingly, to vindicate Petitioners’ constitutional and statutory rights, this
 8 Court should grant the instant petition for a writ of habeas corpus and order
 9 release.

10 JURISDICTION

11 10. This Court has subject matter jurisdiction over this matter pursuant to
 12 28 U.S.C. § 2241 (habeas corpus); 28 U.S.C. § 1651 (All Writs Act); 28 U.S.C. §
 13 2201 (Declaratory Judgment Act); 28 U.S.C. § 1361 (writ of mandamus); and 28
 14 U.S.C. § 1331 (federal question). This Court also has jurisdiction pursuant to Art. I,
 15 § 9, cl. 2 of the United States Constitution (Suspension Clause).

16 11. Federal district courts have jurisdiction to hear habeas claims by
 17 noncitizens challenging the lawfulness of their detention. *See Zadvydas v. Davis*,
 18 533 U.S. 678, 687 (2001).

19 12. This Court may grant relief under the habeas corpus statutes, 28
 20 U.S.C. § 2241 *et. seq.*, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and
 21 the All Writs Act, 28 U.S.C. § 1651.
 22

23 VENUE

24 13. Petitioners all lie within the jurisdiction of the United States District
 25 Court for the Central District of California because they are detained in ORR-
 26 subcontracted facilities in Rancho Cucamonga, CA; Commerce, CA; Chatsworth,
 27 CA; and Victorville, CA.
 28

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

5 PARTIES

6 **I. Petitioners**

7
 8 15. Petitioner E.R.F. is a 15-year-old girl currently detained at Hanna's
 9 House in Rancho Cucamonga, CA. Petitioner E.R.F. is in the custody, and under
 10 the direct control of Respondents and their agents. Petitioner E.R.F.'s uncle and
 11 sponsor is E.F.S.³

12 16. Petitioner E.I.C.R. is a 17-year-old boy currently detained at Rancho
 13 San Antonio in Chatsworth, CA. Petitioner E.I.C.R. is in the custody, and under the
 14 direct control, of Respondents and their agents. Petitioner E.I.C.R.'s aunt and
 15 sponsor is A.A.L.L. *See Supra Footnote 3.*

16 17. Petitioner K.R.M. is a 12-year-old girl currently detained at Marsell
 17 Wellness Victorville in Victorville, CA. Petitioner K.R.M. is in the custody, and
 18 under the direct control, of Respondents and their agents. Petitioner K.R.M.'s
 19 brother and sponsor is W.E.R.M. *See Supra Footnote 3.*

20 18. Petitioner F.G.M.S. is a 14-year-old boy currently detained at Hanna's
 21 House in Commerce, CA. Petitioner F.G.M.S. is in the custody, and under the
 22 direct control, of Respondents and their agents. Petitioner F.G.M.S.'s most recent
 23 Category 2 sponsor was V.M.A., F.G.M.S.'s first cousin. *See Supra Footnote 3.*

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 25
 26 ³The use of E.F.S.'s (sponsor-uncle) initials further ensures E.R.F.'s (petitioner-child)
 27 privacy. *See Fed. R. Civ. P. 5.2(a), (c), (h)* (mandating use of a minor's initials, providing
 28 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 His FRP was denied on June 22, 2026, for, among other reasons, V.M.A. not being
2 “responsive” enough.

3 19. Petitioners’ Next Friend, Erica Santamaria (“Mrs. Santamaria”),⁴ is
4 the Program Manager for the Detained Youth Empowerment Project (“DYEP”)
5 Team at Immigrant Defender’s Law Center (“ImmDef”). *See* Declaration of Erica
6 Santamaria In Support of Verified Petition for Writ of Habeas Corpus. Petitioners
7 appear collectively by and through their Next Friend, Mrs. Santamaria.
8

9 **II. Respondents**

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

16 21. Respondent Ruby Hernandez is sued in her official capacity as an
17 ORR Federal Field Specialist (“FFS Hernandez”). In this role, FFS Hernandez is
18 responsible for determining Petitioners’ placements and has authority to approve
19 their respective releases to an appropriate sponsor’s care. Respondent FFS
20 Hernandez is thereby a legal custodian of Petitioners.
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22 22. Respondent Niky Hymel is sued in her official capacity as an ORR
23 FFS Supervisor. FFS Supervisors are the government officials responsible for the
24 care and custody of children in ORR facilities and supervise FFSs. In this role, FFS
25 Supervisor Hymel is responsible for determining Petitioners’ placements and has
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28 ⁴ *See* 28 U.S.C. § 2242 (authorizing next friend status in the habeas context).

1 authority to approve their respective releases to an appropriate sponsor's care.

2 Respondent FFS Supervisor Hymel is thereby a legal custodian of Petitioners.

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

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

17 **STATEMENT OF FACTS**

18 **III. Petitioner E.R.F.**

19 25. Petitioner E.R.F. is a 15-year-old child who entered the United States
20 on September 14, 2025. On that same date, she was designated as a UC and placed
21 in the custody of ORR. E.R.F. is currently placed at Hanna's House-Rancho
22 Cucamonga Therapeutic Foster Care Program and has remained in ORR custody
23 for approximately 291 days, or more than nine and a half months.

24 26. E.R.F. seeks reunification with her maternal uncle, E.F.S., a Category
25 2 sponsor who resides in California and is willing and able to care for her. Prior to
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1 coming to the United States, E.R.F. maintained frequent communication with
2 E.F.S., his partner, and her brother and hopes to reside with E.F.S. and her brother
3 upon release from ORR custody.

4 27. E.R.F.'s FRP was submitted on October 8, 2025. Since that time,
5 E.F.S. has diligently complied with ORR's reunification requirements.

6 28. E.F.S. completed fingerprinting on December 23, 2025. He also
7 participated in DNA testing, and ORR received DNA results confirming the
8 biological relationship on March 5, 2026.

9 29. ORR received identity verification documents, a cleared DNA test, an
10 Interstate Background Check, and birth certificate documentation establishing the
11 family relationship. E.F.S. subsequently submitted identification documents on
12 April 20, 2026, proof of income on April 22, 2026, and updated proof of income on
13 June 21, 2026.

14 30. A home study was completed on March 4, 2026, and resulted in a
15 positive recommendation for reunification.

16 31. The favorable home study reflects a determination that placement
17 with E.F.S. is appropriate and in E.R.F.'s best interests. By that point, ORR had
18 confirmed the family relationship through DNA testing and received substantial
19 documentation supporting reunification. Nevertheless, despite the positive home
20 study recommendation and E.F.S.'s continued compliance with ORR's
21 requirements, E.R.F. remained in custody for months after the home study's
22 completion and continues to await reunification.

23 32. Despite the favorable home study, successful DNA testing, and
24 substantial compliance with ORR's documentation requirements, E.R.F. remains in
25 ORR custody. As of June 29, 2026, ORR reported that reunification with E.F.S.
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1 remained pending. ORR further noted that a new case management team was
2 assigned on June 18, 2026, and that the case was being reviewed by newly
3 assigned staff.

4 33. E.R.F.'s prolonged detention has caused significant emotional harm.
5 Throughout her time in ORR custody, as per ORR records, she has consistently
6 reported sadness, frustration, anxiety, and desperation stemming from her
7 continued confinement and separation from her family. ORR records repeatedly
8 document E.R.F.'s statements that she wants to leave the facility and reunify with
9 her uncle. In November 2025, she told her clinician, "I want this to move forward,
10 I want to leave already." Clinicians repeatedly observed her crying or becoming
11 tearful while discussing her reunification process and the uncertainty surrounding
12 her release
13

14 34. E.R.F. has also struggled with the shelter environment. ORR records
15 document that she experienced ongoing negative interactions with peers, felt
16 unwelcome by other children in care, and at times isolated herself in her room
17 because of discomfort around other residents. She reported feeling targeted,
18 excluded, and judged by peers, which contributed to her sadness and reluctance to
19 participate in daily activities.
20

21 35. The prolonged delays in reunification repeatedly caused E.R.F.
22 emotional distress. Throughout late 2025 and early 2026, she expressed frustration
23 that her case was not progressing, confusion regarding the status of required
24 documentation, and hopelessness regarding the length of time she remained in
25 custody. Although updates regarding DNA testing, sponsor submissions, and the
26 home study periodically gave her hope, each additional delay resulted in renewed
27 frustration and disappointment.
28

1 36. During her time in ORR custody, E.R.F. also suffered multiple
2 injuries, including falls that resulted in head trauma, emergency medical
3 evaluations, activity restrictions, and the use of a cervical collar. These incidents,
4 together with the emotional difficulties she experienced while in ORR custody,
5 demonstrate that continued detention does not provide the stability, comfort, and
6 support that E.R.F. could receive in the care of her family.
7

8 37. As of the filing of this Petition, E.R.F. remains separated from her
9 family despite the availability of a suitable family sponsor, confirmed DNA testing,
10 completed fingerprinting, receipt of the required sponsor documentation, and a
11 positive home study recommendation. Her continued detention has unnecessarily
12 prolonged her separation from family and caused significant emotional distress that
13 could be alleviated through reunification with E.F.S. and the support of her family.
14

14 **IV. Petitioner E.I.C.R.**

15 38. Petitioner E.I.C.R. is a 17-year-old boy. Petitioner was designated a
16 UC by DHS upon his arrival in the United States on October 3, 2025. On October
17 4, 2025, he was transferred into ORR custody, and he is currently detained at
18 Rancho San Antonio in Chatsworth, CA. Petitioner has been in ORR custody for
19 approximately 271 days.
20

21 39. E.I.C.R. seeks reunification with his paternal aunt, A.A.L.L., a
22 Category 2 sponsor who resides in California and is willing and able to care for
23 him.
24

25 40. As per the earliest records provided by ORR in its reunification
26 updates, A.A.L.L.'s FRP was submitted by June 10, 2026. By then, A.A.L.L. had
27 submitted at least her "ID & SSN, Sponsor application Intro Packet, Sponsor's
28

1 Family Reunification Application, Sponsor Care Agreement, Sponsor ARI, ACG
2 ID, & Sponsor Proof of Address.”

3 41. However, ORR has allowed E.I.C.R.’s FRP to languish. Within two
4 weeks of the FRP’s submission, E.I.C.R.’s reunification updates note that various
5 items that were *explicitly* submitted along with the FRP were instead “pending”
6 along with DNA testing and a mandatory home study. But instead of moving the
7 FRP’s adjudication forward and scheduling the DNA test or home study, ORR
8 continues to stall and frustrate the purpose of the process.
9

10 42. E.I.C.R.’s prolonged detention has caused him significant emotional
11 harm. Throughout his time in ORR custody, as per ORR’s own Section 504 Plan,
12 E.I.C.R. reports stress related to his length of stay, confinement of placement, and
13 lack of case updates. E.I.C.R. has engaged in suicidal statements that have
14 required Emergency Medical Services to be involved.

15 43. ORR has known for months that E.I.C.R. is a child with significant
16 mental-health needs. ORR formally identified E.I.C.R. as suffering from Chronic
17 Post-Traumatic Stress Disorder on November 24, 2025. On February 12, 2026,
18 ORR created an Individualized Section 504 Service Plan recognizing that
19 E.I.C.R.’s PTSD and associated depressive symptoms require accommodations,
20 intensive mental-health treatment, psychiatric care, and psychotropic medication.
21 ORR documented symptoms including low mood, isolation, fatigue, sleep
22 difficulties, recurring traumatic memories, self-harm behaviors, and a history of
23 suicidal ideation.
24

25 44. E.I.C.R.’s prolonged detention and the conditions of his confinement
26 have repeatedly caused him emotional distress. His conditions, namely his PTSD,
27 is exacerbated by the conditions of the facility he remains detained in. E.I.C.R. has
28

1 repeatedly expressed an interest in reunifying with his sponsor, but ORR continues
2 to aggravate his disability by indefinitely stalling A.A.L.L.'s FRP.

3 45. As of the filing of this Petition, E.I.C.R. remains separated from his
4 family despite the availability of a suitable family sponsor, the sponsor's
5 submission of the required documentation, and the sponsor's willingness to comply
6 with whatever ORR requires of her.

7
8 **V. Petitioner K.R.M.**

9 46. Petitioner K.R.M. is a 12-year-old child who was designated as a UC
10 and placed in ORR custody on December 3, 2025. K.R.M. is currently detained at
11 Marsell Wellness Victorville and has remained in ORR custody for approximately
12 seven months.

13 47. K.R.M. seeks reunification with her adult brother, W.E.R.M., who
14 resides in Las Vegas, Nevada and is willing and able to care for her. K.R.M.'s
15 mother also resides in the proposed sponsor household in Las Vegas and is being
16 assessed as part of the reunification process.

17 48. Throughout her time in ORR custody, K.R.M. has maintained close
18 contact with her family. ORR records reflect that she speaks with her mother or
19 brother by telephone every day.

20 49. W.E.R.M. began participating in the reunification process shortly
21 after K.R.M. entered ORR custody. On January 6, 2026, he submitted proof of
22 income to ORR.

23 50. On April 8, 2026, W.E.R.M. submitted identification documents upon
24 ORR's request.

25 51. On April 13, 2026, ORR recorded that the sponsor's fingerprint results
26 appeared clear. That same day, ORR noted in a reunification update that the
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1 sponsor had provided his ITIN and Social Security information, as well as
2 information regarding household members.

3 52. ORR requested DNA testing on April 14, 2026. According to a
4 reunification update dated May 8, 2026, DNA samples from K.R.M. and her
5 brother were received and the results confirmed their biological relationship.

6 53. A home study was completed on April 17, 2026, and resulted in a
7 positive recommendation for reunification. The favorable home study reflects a
8 determination that placement with K.R.M.'s brother is appropriate and in K.R.M.'s
9 best interests.

10 54. Counsel submitted a demand letter to ORR on May 6, 2026. ORR did
11 not respond. K.R.M.'s FRP was submitted on May 7, 2026.

12 55. Despite the confirmed sibling relationship, completed fingerprinting,
13 confirmed DNA testing, positive home study recommendation, and the sponsor's
14 substantial compliance with ORR's requirements, K.R.M. remains in ORR
15 custody.

16 56. According to ORR's June 30, 2026 reunification update to Counsel,
17 K.R.M.'s case remains pending because ORR is awaiting Nevada state child abuse
18 and neglect check results for all adult household members before proceeding with
19 sponsor submission documentation. ORR has not provided a timeline for
20 completion of those checks or for K.R.M.'s release.

21 57. The prolonged delay has caused K.R.M. significant emotional
22 distress. ORR's own records reflect that K.R.M. frequently asked about the status
23 of her case, repeatedly sought updates regarding reunification, and experienced
24 anxiety and worry regarding the length of her placement and continued separation
25 from her family.

1 58. In December 2025, K.R.M.'s resource parent reported that K.R.M.
2 frequently asked throughout the day about the status and progress of her case and
3 believed that she would be reunited with her family before Christmas. The resource
4 parent expressed concern that continued delays in reunification could negatively
5 affect K.R.M.'s well-being.

6 59. ORR records further document that K.R.M. misses her mother and
7 brother and struggles with the uncertainty surrounding reunification. During the
8 2025 holiday season, she reported feeling sad and repeatedly asked about the
9 progress of her brother's sponsorship process. More than seven months later,
10 despite a suitable sponsor, confirmed DNA testing, and a positive home study
11 recommendation, K.R.M. remains separated from her family and continues to
12 await reunification.

13
14 60. Counsel requested ORR records for the period after January 2026, but
15 those records have not been provided. As a result, the records currently available
16 do not reflect the full extent of the emotional harm K.R.M. has experienced during
17 the additional months of detention. The records that have been provided
18 demonstrate that, even during the early months of her confinement, 12-year-old
19 K.R.M. experienced anxiety, sadness, and persistent concern regarding her
20 separation from family and the length of her placement.

21
22 **VI. Petitioner F.G.M.S.**

23 61. Petitioner F.G.M.S. is a 14-year-old boy who was designated a UC
24 upon entering the United States on July 7, 2025. He was placed in the custody of
25 ORR by July 9, 2025, and is currently being held at Hanna's House in Commerce,
26 CA. F.G.M.S. has been in ORR custody for nearly a year.

1 62. Prior to his placement in Hanna's House, F.G.M.S. was held in the
2 ORR-subcontracted facility Lutheran Services of NY ("LSS of NY") in New York.
3 While in New York, F.G.M.S. attempted to reunite with multiple familial sponsors,
4 all of whom ORR struck down for one reason or another. Then on April 9, 2026,
5 ORR transferred F.G.M.S. from LSS of NY to Hanna's House in Commerce, CA.

6 63. F.G.M.S. then sought reunification with his first cousin, V.M.A., a
7 Category 2 sponsor who resides in California and is willing and able to care for
8 him. According to the limited reunification updates provided by ORR, V.M.A.'s
9 FRP was at least partially submitted by April 13, 2026, but ORR has failed to work
10 with V.M.A. in good faith to complete what ORR now "mandates" of the packet.

11 64. V.M.A.'s FRP was recently issued a written denial of his sponsorship
12 application on June 22, 2026. According to the denial, V.M.A. was denied at least
13 partially because of his "non-responsiveness," stating that he failed to respond to
14 ORR for a period of more than 30 calendar days to no fewer than ten
15 communication attempts by ORR between March 13, 2026, and May 12, 2026.
16 However, V.M.A. made clear in his several communications with ORR, throughout
17 that very time period, that he could not readily speak with ORR's agents during the
18 day because of his job. But instead of working with V.M.A. to adequately prepare
19 the full FRP, ORR's communications with him remained sporadic and
20 unaccommodating – as they had been with F.G.M.S.'s several other sponsors who
21 also "failed" to meet ORR's litany of requirements.

22 65. Although Counsel was provided with some of ORR's records
23 regarding F.G.M.S.'s detention, several of the files that explicitly contained
24 information on the steps taken by ORR to reunify F.G.M.S. with any of his
25 previous sponsors in New York were blurred to the point of being illegible. When
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legible versions of these records were requested, Counsel's emails were twice ignored, and another request that was recently submitted remains unanswered. As a result, the records currently available do not reflect the full extent of the emotional harm F.G.M.S. has experienced throughout his time in ORR detention. And, from the records that are legible, ORR's own findings demonstrate that F.G.M.S. has experienced emotional distress due to the amounting number of rejections his sponsors have faced in light of ORR's bad faith throughout this process.

66. As of the filing of this Petition, F.G.M.S. remains separated from his family despite the availability of suitable family sponsors who have tried to work with ORR to facilitate their reunification.

VII. ORR'S SECRETIVE AND REPEATED ATTACKS ON DETAINED UNACCOMPANIED CHILDREN

67. In June 2026, Counsel for Petitioners became aware that there was a purported effort to repatriate detained unaccompanied children. While no policy of repatriation has been made public, Associated Press has reported on the existence of such a "plan."⁵ This reporting is consistent with a letter written by Senator Wyden, D-Or, to Department of Health and Human Services Secretary and Respondent Robert F. Kennedy, Jr. calling on the Trump administration to halt an attempt to remove children from the United States.⁶ Further, Counsel has received information from other legal service providers that ORR may be imminently planning to transfer children to Texas, away from their attorneys. While details on any such plan are

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.

⁶ Text of the Letter from Senator Ron Wyden to Secretary Robert F. Kennedy, available at 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 limited, Petitioners are reasonably concerned, in light of the lengthy pattern of
2 secretive ORR actions, that these transfers will in fact be attempted despite being
3 contrary to children's best personal and legal interests.

4 68. While unconfirmed as of the date of this filing, this information raises
5 legitimate concerns regarding ORR's intention to take imminent action to either
6 transfer or repatriate children in ORR custody. ORR has engaged in a repeated
7 pattern of making unannounced policy changes that invariably harm children's
8 statutory and Constitutional rights to placement in the least restrictive environment,
9 to access legal services, and to prompt reunification. The following examples are not
10 an exhaustive list, but rather paint a picture of the types of actions ORR has taken
11 by surprise or in secret, without notice to children or their counsel.

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

18 70. In early Spring 2025, sponsors continued to receive Family
19 Reunification Packets while stating their information would not be shared with the
20 Department of Homeland Security ("DHS") for enforcement, but patterns emerged
21 of enforcement actions targeting children's sponsors.

23 71. In August 2025, ORR began requiring in person "ID verification
24 appointments" with an ORR official and a DHS official. ORR officials would
25 neither confirm nor deny any such policy. Sponsors began attending such
26 appointments, and several were detained by DHS. ORR only published public
27 guidance regarding ID verification months later in January 2026 via ORR "Field
28

Guidance 24⁷.”

72. In September 2025, without prior announcement, ORR pulled dozens of children out of their beds in the middle of the night and put them on a plane for Guatemala. The plane was on the tarmac in Texas before it was blocked via emergency filing in federal court. *See L.G.M.L. v. Noem*, 1:25-cv-02942 (D.D.C.).

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

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

LEGAL FRAMEWORK

VIII. Law and Procedure Governing this Habeas Petition

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

⁷ Field Guidance - Revised January 26, 2026 (First Issued August 23, 2023), RE: Field Guidance #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 76. A habeas court's role is at its "most extensive in cases of pretrial and
 2 noncriminal detention," especially "where there ha[s] been little or no previous
 3 judicial review of the cause for detention," as is the case here. *Boumediene v. Bush*,
 4 553 U.S. 723, 780 (2008).

5 77. The Court must grant the petition for writ of habeas corpus or issue an
 6 order to show cause ("OSC") to Respondents "forthwith," unless Petitioners are
 7 not entitled to relief. 28 U.S.C. § 2243. If an OSC is issued, this Court must require
 8 Respondents to file a return "within *three days* unless for good cause additional
 9 time, not exceeding twenty days, is allowed." *Id.* (emphasis added). The writ or
 10 OSC shall be directed to the person having custody of the person detained. *Id.*

11 **IX. Legal Framework Governing the Care and Custody of UCs**

12 78. Three key laws and agreements govern the federal government's
 13 treatment and custody of unaccompanied immigrant children: (1) the 1997 *Flores*
 14 Settlement Agreement ("FSA"), largely codified into the federal regulatory scheme
 15 through ORR's promulgation of its Foundational Rule in 2024; (2) the Homeland
 16 Security Act of 2002 ("HSA"); and (3) the Trafficking Victims Protection
 17 Reauthorization Act ("TVPRA") of 2008.

18 **A. The *Flores* Settlement Agreement**

19 79. The FSA arose from a lawsuit filed by a group of immigrant children
 20 challenging their detention and seeking to be released to family members or
 21 sponsors within the United States. *See Flores v. Sessions*, 862 F.3d 863, 869 (9th
 22 Cir. 2017) (discussing history of the *Flores* litigation). In 1997, the plaintiff
 23 children entered into a consent decree with the federal government to create a
 24 nationwide policy governing the custody and release of immigrant children. *See*
 25
 26
 27
 28

1 Stipulated Settlement Agreement, *Flores v. Reno*, No. CV-85-4544 (C.D. Cal. Jan.
2 17, 1997).⁸

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

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

7
8 81. Enacted in 2002, the HSA divided responsibilities for the processing
9 and treatment of UC between ORR – a sub-department of the Department of
10 Health and Human Services – and the then-newly created Department of
11 Homeland Security.¹⁰ *See* 6 U.S.C. § 279(a). ORR was assigned functions
12 including “coordinating and implementing the care and placement” of UC in
13 appropriate custody. 6 U.S.C. § 279(b).

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

15 82. Enacted in 2008,¹¹ the TVPRA requires federal officials to screen
16 unaccompanied immigrant children for certain vulnerabilities upon their arrival in
17 the United States. *See* 8 U.S.C. § 1232(a)(4). It mandates that custody of an UC be
18

19 ⁸ Available at:

20 [https://www.aclu.org/sites/default/files/assets/flores_settlement_final_plus_extension_of_](https://www.aclu.org/sites/default/files/assets/flores_settlement_final_plus_extension_of_settlement011797.pdf)
21 [settlement011797.pdf](https://www.aclu.org/sites/default/files/assets/flores_settlement_final_plus_extension_of_settlement011797.pdf).

22 ⁹ Following the promulgation of the ORR Foundational Rule, described *infra*, the FSA
23 was partially terminated as to children in HHS custody. *Flores v. Garland*, 2024 WL
24 3467715, CV 85-4544-DMG (AGRx) (C.D. Cal. Jun. 28, 2024).

25 ¹⁰ Prior to the creation of DHS, all matters related to the custody, detention, and
26 deportation of immigrant children was managed by the Immigration and Naturalization
27 Service (“INS”), which was abolished simultaneously with the creation of DHS.

28 ¹¹ The TVPRA is a reauthorization of the Trafficking Victims Protection Act of 2000,
intended to combat the trafficking of persons. *See* Pub. L. No. 106-386, 114 Stat. 1464
(Oct. 28, 2000). Through the 2008 Reauthorization, Congress established certain rights
for unaccompanied children navigating the immigration process, recognizing that they
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).

1 transferred to the HHS Secretary within 72 hours of their arrival in the United
 2 States.¹² 8 U.S.C. § 1232(b)(3).

3 83. The TVPRA enacted procedures for ensuring “safe and secure”
 4 placements for these children, and, crucially, mandated that an UC “*shall* be
 5 *promptly* placed in the least restrictive setting that is in the best interest of the
 6 child.” 8 U.S.C. § 1232(c)(1), (c)(2)(A) (emphasis added).
 7

8 **D. The ORR Foundational Rule**

9 84. In 2024, after a notice and comment period, HHS adopted a final rule
 10 intended to further codify key aspects of the framework governing care and
 11 placement of UC as required by the HSA and TVPRA, and to implement the
 12 substantive requirements of the FSA. *See generally* UC Foundational Rule (Jul. 1,
 13 2024) (“Foundational Rule”). 45 C.F.R. Part 410.

14 85. The Foundational Rule contains a non-exhaustive list of factors that
 15 ORR is to consider when evaluating the best interests of an UC, including, but not
 16 limited to, the child’s expressed interests; age and maturity; mental and physical
 17 health; adjustment to the community; cultural background and primary language;
 18 length or lack of time they have “lived in a stable environment”; individualized
 19 needs, including disability; development and identity; wishes of the parents or
 20 legal guardians; and “interactions and interrelationship” of the child with their
 21 parents, siblings, and anyone who “may significantly affect” the child’s well-being.
 22 45 C.F.R. § 410.1001.
 23

24 86. The Foundational Rule also provides a non-exhaustive list of 17
 25 factors that ORR may consider when evaluating what is the “least restrictive
 26

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

1 setting that is in the best interest of the child,” including danger to self; danger to
2 community/others; runaway risk; trafficking or other safety concerns; age; gender;
3 LGBTQI+ status or identity; disability; specialized services or treatment requested
4 or required; criminal background; location of potential sponsor and safe, timely
5 release options; behavior; siblings in ORR custody; language access; whether they
6 are pregnant or parenting; location of apprehension; and length of stay in ORR
7 custody. 45 C.F.R. § 410.1103(a), (b).

8
9 87. Further, the Foundational Rule provides guidance on how ORR is to
10 evaluate the suitability of a potential sponsor who seeks to assume the care and
11 custody of a UC. 45 C.F.R. § 410.1202. Such evaluation may require a home study,
12 wherein ORR “investigat[es] [] the living conditions in which the UC would be
13 placed” prior to their release. 45 C.F.R. § 410.1204.

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

19 89. If ORR formally denies release to a potential sponsor “who is a parent
20 or legal guardian or close relative,” ORR must promptly notify the potential
21 sponsor in writing, provide an explanation of the reasons for the denial along with
22 “evidence and information” supporting the decision, inform the potential sponsor
23 that they may request an appeal of the decision, and allow for submission of
24 additional evidence supporting their suitability. 45 C.F.R. § 410.1205(c). Absent
25 “good cause,” the appeal process “shall be completed within 30 calendar days of
26 the potential sponsor’s request for an appeal.” 45 C.F.R. § 410.1206(f).
27
28

1 90. In addition to the above, ORR supervisory staff “who supervise field
 2 staff” are required to conduct “automatic review of all pending sponsor
 3 applications . . . within 90 days of an [UC] entering ORR custody.” 45 C.F.R. §
 4 410.1207(a). This “review” is not perfunctory, but rather is designed to keep the
 5 child and potential sponsor informed of outstanding issues in the reunification
 6 process and to work to resolve them. The Foundational Rule requires ORR and
 7 subcontracted facility staff to “update the potential sponsor and [UC] on the status
 8 of the case, explaining the reasons that the release process is incomplete.” 45
 9 C.F.R. § 410.1207(b). Further, the Rule provides that ORR and subcontracted
 10 facility staff “shall work with the potential sponsor, relevant stakeholders, and
 11 ORR to address the portions of the sponsor application that remain unresolved.” *Id.*

13 **E. Disability Protections**

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

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

F. Substantive and Procedural Due Process

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

94. In addition, courts in this District have found that UCs have a protected interest in their statutory entitlements under the TVPRA. *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”) (collecting cases); *Lucas R. v. Azar*, No. CV 18-5741-DMG (PLAx), 2018 WL 7200716, at *9, (C.D. Cal. Dec. 27, 2018) (noting that a statute can create “a substantive interest protected by the Due Process Clause by using ‘mandatory

language’ that imposes an obligation on government officials, and referring to such mandatory language in the TVPRA) (citing 8 U.S.C. § 1232(c)(2)(A): a UC “shall be promptly placed in the least restrictive setting that is in the best interest of the child”) (emphasis in original).

ARGUMENT

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

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

96. In addition, Petitioners are not required to exhaust administrative remedies, as exhaustion in the habeas context is prudential, rather than jurisdictional. *See Laing v. Ashcroft*, 370 F.3d 994, 997 (9th Cir. 2004); *Hernandez v. Sessions*, 872 F.3d 976, 988 (9th Cir. 2017). Even prudential exhaustion is not required if “administrative remedies are inadequate or not efficacious, pursuit of administrative remedies would be a futile gesture, [or] irreparable injury will result.” *Laing*, 370 F.3d at 1000; *see also Hernandez*, 872 F.3d at 988. In any

1 event, where Petitioners' E.R.F., E.I.C.R. and K.R.M.'s sponsors – who would be
 2 eligible to appeal a denial of their application under controlling regulations – have
 3 received no decision from ORR on their sponsorship applications, there is no
 4 administrative remedy available for these Petitioners to pursue.

5 97. Despite full compliance with ORR's requirements, the ongoing delays
 6 in approval – well beyond the 14-day decision timeframe and the 90-day review
 7 requirement outlined in ORR's own guidance, 45 C.F.R. § 410.1205(b) – has
 8 resulted in each child and their sponsors being left in a state of limbo. Indeed, to
 9 date, Petitioners have been languishing in ORR custody for between approximately
 10 seven months to one year.

11 98. Requiring exhaustion would also cause Petitioners irreparable harm in
 12 the form of additional detention in ORR custody, and continued separation from
 13 their readily available sponsors and family. *See Cortez v. Sessions*, 318 F. Supp. 3d
 14 1134, 1139 (N.D. Cal. 2018) (habeas petitioner “suffers potentially irreparable
 15 harm every day that [they] remain[] in custody without a hearing, which could
 16 ultimately result in [their] release from detention”).

17
 18 **B. Petitioners' Continued Detention Violates the TVPRA Because the Statute**
 19 **Mandates Release to a Sponsor Unless the Government Designates Them a**
 20 **Danger or a Flight Risk.**

21 99. The TVPRA was designed to provide “special protections” for
 22 unaccompanied minors in light of their status as a “particularly vulnerable group.”
 23 *Saravia v. Sessions*, 280 F. Supp. 3d 1168, 1178 (N.D. Cal. 2017). Crucially, the
 24 TVPRA mandates prompt release from ORR custody to an appropriate sponsor
 25 unless the federal government makes a finding that the minor is a danger to
 26 themselves or the community, or a flight risk. *See id.* at 1196.
 27
 28

1 100. Indeed, the “focus on care and placement – rather than on detention –
2 is evident” from both the text of the TVPRA and the HSA. *Flores*, 862 F.3d at 876.
3 Respondents have made no findings that any of the Petitioners are flight risks or
4 dangerous to themselves or the community. Nor could they, as demonstrated by the
5 fact that Petitioners have been detained in unlocked ORR-subcontracted facilities
6 without absconding since their arrivals into ORR custody. Further, there is no
7 evidence indicating any Petitioner named herein has ever engaged in conduct
8 causing harm to others, clearly establishing they are not a danger to anyone.
9

10 101. Petitioners’ continued detention despite the availability of their
11 Category 2, family-member sponsors to assume their care is also clearly at odds
12 with the TVPRA’s mandate that ORR focus on care and placement in each child’s
13 best interest. Respondents disregard their responsibility to Petitioners by allowing
14 them to languish in unfamiliar facilities full of strangers for months on end, while
15 failing to provide any reason why their sponsors’ applications to assume their care
16 have not been approved.

17 102. By failing to timely resolve their sponsors’ applications to assume
18 their care and custody, Respondents flout their mandate to protect Petitioners,
19 instead allowing them to languish inside ORR facilities for months on end, without
20 answers, and away from family and any semblance of a normal life.
21

22 103. This pattern is evident across all Petitioners’ cases. E.R.F. and K.R.M.
23 remain detained despite a positive home study, successful DNA testing, completed
24 fingerprinting, and a sponsor who has complied with ORR’s requests for months.

25 104. Furthermore, in E.I.C.R.’s case where ORR has issued him an
26 individualized 504 Plan, ORR has been sitting on his sponsor’s completed FRP for
27 almost a month while refusing to schedule the required home study for his release.
28

1 See 8 U.S.C. § 1232(c)(3)(B). This is so despite the fact that ORR must promptly
2 adjudicate completed Category 2 sponsorship applications.

3 105. F.G.M.S. has now spent nearly one year in ORR custody as ORR
4 cycles through successive sponsorship efforts while simultaneously impeding
5 reunification itself. Each child remains detained far beyond the timelines required
6 by Congress and ORR's own regulations.

7
8 **C. Respondents' Continued Detention of E.I.C.R. Violates Section 504 of the**
9 **Rehabilitation Act and Unlawfully Results in Unnecessary Institutionalization**

10 106. ORR's treatment of E.I.C.R. also raises serious concerns under
11 Section 504 of the Rehabilitation Act. ORR formally identified E.I.C.R. as a child
12 with a disability, specifically Chronic Post-Traumatic Stress Disorder, in
13 November 2025 and later developed an Individualized Section 504 Service Plan
14 recognizing that his PTSD and depressive symptoms required accommodations,
15 mental-health treatment, psychiatric care, and psychotropic medication.

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

23
24 108. The delay is especially troubling because ORR's own Section 504
25 Plan identifies "confinement to placement," "lack of case updates," and prolonged
26 "length of stay" as stressors associated with E.I.C.R.'s PTSD. In other words, ORR
27
28

1 knew that continued detention and reunification stagnation were worsening the
 2 very disability for which it had created a Section 504 accommodation plan.

3 109. Despite that knowledge, ORR continued to detain E.I.C.R. while his
 4 FRP has languished. By failing to reasonably accommodate his disability and
 5 facilitate timely reunification, ORR denied E.I.C.R. the full and equal benefit of
 6 the release process in violation of Section 504 and its implementing regulations.

7 **D. Petitioners' Continued Detention Violates Substantive Due Process Because**
 8 **it is Unnecessarily Punitive and Needlessly Infringes Upon Their Right to**
 9 **Family Unity.**
 10

11 110. Petitioners' prolonged detention violates each of their substantive due
 12 process rights. Substantive due process "forbids the government to infringe certain
 13 'fundamental' liberty interests *at all*, no matter what process is provided, unless the
 14 infringement is narrowly tailored to serve a compelling state interest." *Reno v.*
 15 *Flores*, 507 U.S. 292, 302 (1993) (emphasis in original).

16 111. In this context, courts in this District have emphasized the well-
 17 established nature of the "substantive due process right to family integrity or to
 18 familial association." *Lucas R.*, 2018 WL 7200716, at *9 (quoting *Rosenbaum v.*
 19 *Washoe City*, 663 F.3d 1071, 1079 (9th Cir. 2011)); *Ms. L. v. U.S. Immigration and*
 20 *Customs Enforcem.*, 310 F. Supp. 3d 1133, 1148 (S.D. Cal. 2018), *modified sub*
 21 *nom*, *Ms. L. v. U.S. Immigr. & Customs Enf't*, 330 F.R.D. 284 (S.D. Cal. 2019)
 22 (finding the government needed to achieve its stated purpose "in a way that
 23 preserves the class members' constitutional rights to family association and
 24 integrity"). The court found that minors with CAT 2, close relative sponsors, "also
 25 have a Constitutional interest in associating with their family members... and
 26 possess a significant interest in the right to familial association." 2:18-cv-05741-
 27
 28

1 DMG-PLA, Dkt. No. 376, at 37 (Order Re Cross-Motions for Summary Judgment
2 [263, 271]) (March 11, 2022). (*Moore v. City of East Cleveland, Ohio*, 431 U.S.
3 494, 504–05 (1977) (recognizing that the Constitution protects familial
4 relationships not limited to the parent-child relationship, including siblings,
5 grandparents, and other close relatives).

6 112. Respondents, in continuing to detain Petitioners, away from their
7 families for up to approximately one year, have considerably encroached upon this
8 right.
9

10 113. In addition, a statute may create a substantive interest protected by the
11 Due Process Clause by using “mandatory language” that imposes an obligation on
12 government officials. Courts in this District have held that the TVPRA’s mandatory
13 language gives rise to such a substantive right in the UC for whose benefit the
14 statute was enacted. *See e.g., Immigrant Defs. L. Ctr. v. U.S. Dep’t of Homeland*
15 *Sec.*, No. CV 21-0395 FMO (RAOX), 2025 WL 1191572, at *15 (C.D. Cal. Mar.
16 14, 2025) (finding “statutory entitlements [under the TVPRA] are constitutionally
17 protected property interests”). Here, Petitioners can individually establish that
18 their substantive rights pursuant to the TVPRA are being violated by Respondents.
19

20 114. To date, E.R.F. has been detained, and thereby separated from her
21 family, for approximately 291 days. E.F.S. diligently pursued reunification with his
22 niece since October 2025 and has completed fingerprinting, DNA testing, and a
23 home study that resulted in a positive recommendation. Despite those efforts, ORR
24 has not reunified E.R.F. with her family and has provided no meaningful timeline
25 for her release. During her prolonged detention, E.R.F. has repeatedly expressed
26 sadness and frustration regarding delays in her case, has become tearful when
27 discussing reunification, and has struggled with isolation and bullying in custody.
28

1 Yet she remains separated from family members who are ready and willing to care
2 for her.

3 115. To date, E.I.C.R. has been detained, and thereby separated from his
4 family, for approximately 271 days. A.A.L.L. has diligently pursued reunification
5 with her nephew and submitted the documentation required by ORR to begin that
6 process. Yet ORR has failed to advance reunification, including by delaying key
7 steps in the sponsorship process. The continued uncertainty has taken a serious toll
8 on E.I.C.R., who has been diagnosed with PTSD accompanied by depressive
9 symptoms and requires psychotropic medication. Despite his ongoing mental-
10 health needs and repeated expressions of distress related to his prolonged
11 detention, he remains detained without any indication of when he will be reunited
12 with family.
13

14 116. To date, K.R.M. has been detained, and thereby separated from her
15 family, for approximately 211 days. W.E.R.M. has diligently pursued reunification
16 with his sister, completed fingerprinting, established the sibling relationship
17 through DNA testing, and obtained a favorable home study recommendation.
18 Despite those efforts, K.R.M. remains in ORR custody. ORR's own records reflect
19 that she repeatedly asks for updates regarding her case, worries about how long she
20 will remain in custody, and struggles with the uncertainty of continued separation
21 from her mother and brother. More than seven months after entering ORR custody,
22 she still does not know when she will be able to join them.
23

24 117. To date, F.G.M.S. has been detained, and thereby separated from his
25 family, for nearly one year. During that period, multiple relatives have attempted to
26 sponsor him, yet ORR has repeatedly failed to effectuate reunification. Most
27 recently, V.M.A. diligently pursued reunification and engaged with ORR
28

1 throughout the sponsorship process, yet ORR denied his application. As a result,
 2 F.G.M.S. remains separated from his family without any indication of when he will
 3 be released. His continued detention has caused significant emotional distress,
 4 including stress, uncertainty, and difficulty sleeping arising from repeated failed
 5 reunification efforts and the absence of any clear timeline for release.

6 118. Because of the strength of these liberty interests, Petitioners'
 7 continued detention is needlessly punitive, and infringes on each of their rights to
 8 family unity.
 9

10 **E. Petitioners' Continued Detention Violates Procedural Due Process Because**
 11 **They Have No Effective Means by Which to Challenge Their Continued**
 12 **Detention and Separation from Their Sponsors.**

13 119. All individuals in immigration detention have a protected liberty
 14 interest in their release, "*inherent* in the Due Process Clause." *R.D.T.M. v. Wofford*,
 15 2025 WL 2617255, 1:25-cv-01141-KES-SKO (HC), at *4 (E.D. Cal. Sept. 9, 2025)
 16 (quoting *Guillermo M.R. v. Kaiser*, 2025 WL 1983677, 25-cv-05436-RFL, at *4
 17 (N.D. Cal. Jul. 17, 2025)) (emphasis in original). In addition, the substantive
 18 family unity interest described above may underlie a procedural due process claim.
 19 See *Lucas R.*, 2018 WL 7200716, at *9.
 20

21 120. Procedural due process claims are evaluated under the well-
 22 established standard in *Mathews v. Eldridge*, which requires a reviewing court to
 23 evaluate (1) the nature of the private interest affected; (2) the comparative risk of
 24 erroneous deprivation of that interest with and without additional, procedural
 25 safeguards; and (3) the nature and magnitude of any countervailing interest in not
 26 providing additional or substitute procedure. 424 U.S. 319, 335 (1976).
 27
 28

1 121. In the context of immigration detention writ large, the Ninth Circuit
2 has found it “well-settled” that due process “requires adequate procedural
3 protections to ensure the government’s asserted justification for physical
4 confinement outweighs the individual’s constitutionally protected interest in
5 avoiding physical restraint.” *Hernandez*, 872 F.3d at 990 (internal citations and
6 quotations omitted). Thereby, Petitioners’ “constitutionally protected interest” in
7 release from ORR custody should be considered with the utmost solemnity.
8

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

16 123. First, Petitioners have a strong private interest in their liberty, as well
17 as a substantive interest in being reunified with, and ultimately raised by their
18 family members.

19 124. Second, Respondents have allowed Petitioners to remain stuck in
20 ORR’s custody for extended periods of time, without providing them with a decision
21 on their sponsors’ applications to reunify them, or any sense of what additional
22 information ORR might need in order to approve their applications. Respondents
23 have not even followed *their own* regulatory process for completing and adjudicating
24 sponsorship applications, instead allowing the children to languish in custody
25 without explanation. Respondents have therefore erroneously deprived Petitioners
26 of their due process rights, including, in the cases of E.R.F., E.I.C.R. and K.R.M., by
27
28

1 denying their sponsors the opportunity to appeal a potential denial of their FRP,
 2 given that no decision has ever been issued as to their sponsor's FRP's. In addition,
 3 Petitioners' possible transfer to Texas would impede upon their protected property interest
 4 under the TVPRA's access to counsel. *See* 8 U.S. Code § 1232 (c)(5).

5 125. Lastly, Respondents have not provided Petitioners' counsel,
 6 Petitioners or their sponsors with any countervailing reason why the sponsorship
 7 applications in question have not been approved, much less ruled on at all.

8 126. Accordingly, Petitioners clearly have a cognizable claim for relief
 9 sounding in procedural due process under the *Mathews* test.

11 **X. CLAIMS FOR RELIEF**

12 **COUNT ONE**

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

14 127. The allegations in the above paragraphs are realleged and
 15 incorporated herein.

16 128. The TVPRA provides that an unaccompanied child in ORR custody
 17 "shall be promptly placed in the least restrictive setting that is in the best interest of
 18 the child." 8 U.S.C. § 1232(c)(2) (emphasis added). Congress's use of the word
 19 "shall" imposes a mandatory obligation on Respondents.

20 129. Petitioners have remained in ORR custody for approximately seven
 21 months to nearly one year despite the existence of family members actively
 22 seeking to assume their care. Whatever explanations ORR has offered along the
 23 way, the result has remained the same: Petitioners have spent months in federal
 24 custody while reunification with family remains out of reach. Children who remain
 25 detained for seven months, nine months, and nearly a year have not been
 26 "promptly placed" within the meaning of the TVPRA.
 27
 28

COUNT TWO

Violation of Fifth Amendment: Substantive Due Process

132. The allegations in the above paragraphs are realleged and incorporated herein.

133. The Due Process Clause of the Fifth Amendment provides that the government shall not “deprive any person of life, liberty, or property without due process of law.” U.S. CONST. AMEND. V. The Due Process Clause applies to “all ‘persons’ within the United States . . . whether their presence here is lawful,

Violation of Fifth Amendment: Substantive Due Process

133. The Due Process Clause of the Fifth Amendment provides that the government shall not “deprive any person of life, liberty, or property without due process of law.” U.S. CONST. AMEND. V. The Due Process Clause applies to “all ‘persons’ within the United States . . . whether their presence here is lawful,

1 unlawful, temporary, or permanent.” *Zadvydas*, 533 U.S. at 693. Any individual
2 within the United States is therefore entitled to a timely and meaningful
3 opportunity to demonstrate that they should not be detained by the government.

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

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

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

22 137. Accordingly, Respondents’ continued detention of Petitioners violates
23 their substantive due process rights.

24 **COUNT THREE**

25 **Violation of the Fifth Amendment: Procedural Due Process**

26 138. The allegations in the above paragraphs are realleged and
27 incorporated herein.

1 139. The Due Process Clause of the Fifth Amendment provides that the
2 government shall not “deprive any person of life, liberty, or property without due
3 process of law.” U.S. CONST. AMEND. V.

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

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

13 142. Petitioners have been erroneously deprived of their liberty due to
14 ORR’s failure to timely adjudicate their sponsorship applications, much less even
15 provide their sponsors or counsel any information about why their attempts to
16 reunite remain at a standstill. This lack of any decision also prohibits Petitioners’
17 sponsors from availing themselves of ORR’s own internal appeal process should
18 their FRP theoretically be denied.
19

20 143. In contrast to Petitioners’ robust interests in their liberty and family
21 reunification, the government’s interest in continuing to detain Petitioners, despite
22 the availability of their families to assume their custody and care, is minimal at
23 best.
24

25 144. Accordingly, Respondents’ continued detention of Petitioners, despite
26 the availability of their Category 2 family member sponsors, and in light of
27
28

1 Respondents' failure to timely adjudicate their sponsor' sponsorship applications,
2 violates Petitioners' procedural due process rights.

3 COUNT FOUR

4 Violation of Section 504 of the Rehabilitation Act, 29 U.S.C. § 794

5 145. The allegations in the above paragraphs are realleged and
6 incorporated herein.

7 146. Petitioner E.I.C.R. is a qualified individual with a disability within the
8 meaning of Section 504 of the Rehabilitation Act. ORR formally identified
9 E.I.C.R. as suffering from Chronic Post-Traumatic Stress Disorder and later
10 created a Individualized Section 504 Service Plan recognizing that his PTSD and
11 associated depressive symptom require accommodations, psychiatric care, mental-
12 health treatment, and psychotropic medication.

13 147. To state a claim under the Rehabilitation Act, a petitioner must show
14 that "(1) he is a qualified individual with a disability; (2) the defendant is subject to
15 one of the Acts; and (3) he was denied the opportunity to participate in or benefit
16 from the defendant's services, programs, or activities, or was otherwise
17 discriminated against by the defendant because of his disability." *Wishkin v. Potter*,
18 476 F.3d 180, 184 (3d Cir. 2007).

19 148. Respondents are federal Executive agencies within the meaning of the
20 Rehabilitation Act and are required to comply with the provisions of Section 504.

21 149. Respondents are legally responsible for all violations of Section 504
22 committed by their contractors and care providers arising from their operation of
23 ORR facilities and administration of reunification and release procedures. 6 C.F.R.
24 § 15.30(b)(1).

1 150. Release to a sponsor is a benefit of ORR's programs and services.
 2 ORR may not deny a child with a disability the full and equal benefit of the
 3 reunification and release process. 29 U.S.C. § 794(a); 45 C.F.R. §§ 410.1203,
 4 410.1205, 410.1311; 45 C.F.R. § 84.68(b)(1)(ii), (iii), (iv), (vii). Despite
 5 knowledge of E.I.C.R.'s disability, and the availability of a Category 2 family
 6 member sponsor who has diligently complied with ORR's requests, Respondents
 7 has continued to delay reunification and detain E.I.C.R.
 8

9 151. HHS regulations prohibit criteria or methods of administration that
 10 discriminate on the basis of disability or "have the purpose or effect of defeating or
 11 substantially impairing accomplishment of the objectives of the recipient's
 12 program or activity with respect to handicapped persons." 45 C.F.R. § 84.68(b)(3).
 13 By prolonging E.I.C.R.'s detention after substantial reunification prerequisites
 14 were satisfied, Respondents employed methods of administration that substantially
 15 impaired the objective of ORR's release and reunification program for children
 16 with disabilities.
 17

18 152. Respondents' prolonged delay in releasing E.I.C.R. to his sponsor
 19 unlawfully discriminates against him on the basis of disability by subjecting him to
 20 continued detention and undue institutionalization, despite the availability of a less
 21 restrictive community- and family-based placement appropriate to his
 22 needs. *Olmstead v. L.C.*, 527 U.S. 581, 600–01 (1999).
 23

24 153. E.I.C.R.'s Chronic Post-Traumatic Stress Disorder renders prolonged
 25 detention particularly harmful and distressing. In prolonging his release,
 26 Respondents failed to account for his "individualized needs, including those related
 27 to disability or other medical or behavioral/mental health issues" as those needs
 28 relate to prompt release from custody. 45 C.F.R. § 410.1202(f)(5). Respondents

1 also failed to account for the best interests of a child with a disability weighing
2 heavily in favor of prompt release from detention, in violation of the TVPRA. 8
3 U.S.C. § 1232(c)(2)(A).

4 **PRAYER FOR RELIEF**

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

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

20
21 Dated: 07/02/2026

Respectfully Submitted,
/s/Lazaro Almeida Pacheco
Lazaro Almeida Pacheco

Attorneys for Petitioner

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

I represent Petitioners E.R.F, E.I.C.R., K.R.M., and F.G.M.S., 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/ Lazaro Almeida Pacheco
Lazaro Almeida Pacheco

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

E.R.F., a minor; E.I.C.R, a minor;
K.R.M., a minor; F.G.M.S., a minor; by
and through Erica Santamaria, as Next
Friend of Minors,

Petitioners,

v.

ANGIE SALAZAR, Acting Director of
the Office of Refugee Resettlement;
RUBY HERNANDEZ, 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; and ROBERT F. KENNEDY,
JR., Secretary of the U.S. Department
of Health and Human Services,

Respondents.

Case No.

**DECLARATION OF NEXT
FRIEND, ERICA SANTAMARIA,
IN SUPPORT OF PETITION FOR
WRIT OF HABEAS CORPUS**

DECLARATION OF NEXT FRIEND, ERICA SANTAMARIA, IN SUPPORT OF PETITION
FOR WRIT OF HABEAS CORPUS

DECLARATION OF NEXT FRIEND, ERICA SANTAMARIA, IN SUPPORT OF
PETITION FOR WRIT OF HABEAS CORPUS

I, Erica Santamaria, hereby declare:

1. My name is Erica Santamaria. I make this declaration based on personal knowledge and a review of records related to my position as Program Manager of the Detained Youth Empowerment Project (“DYEP”) Team at Immigrant Defenders Law Center (“ImmDef”).

2. I am the Program Manager of the DYEP team at ImmDef, where I have been employed for over four years. I have a Bachelor’s degree in Sociology and a minor in Spanish from Occidental College. Prior to my time at ImmDef, I have worked since 2011 in providing social services to children and other vulnerable populations.

3. ImmDef is a non-profit organization incorporated in California and based in Los Angeles, with additional offices in Riverside, Santa Ana, and San Diego, California, that serves immigrants and asylum seekers throughout Southern California and across the U.S.-Mexico border in Tijuana, Mexico. It is the largest removal defense non-profit in Southern California.

4. ImmDef’s mission is to provide immigration services through a universal representation model to ensure that no person must face an unjust immigration system alone. ImmDef’s Children’s Representation Program (“CRP”) team provides direct representation and legal services to unaccompanied children facing removal proceedings throughout Southern California. ImmDef is one of many legal service providers (“LSP’s”) providing legal services to detained unaccompanied children nationwide. Under my supervision, the DYEP team provides Know Your Rights presentations, legal services, referrals and general support to unaccompanied children who are detained in ORR facilities across Southern California.

5. Pursuant to my role as DYEP Program Manager, I regularly visit ORR-subcontracted facilities, including Hanna’s House Rancho Cucamonga and Hanna’s House Commerce, Rancho San Antonio in Chatsworth, CA and Marsell Wellness Victorville in Victorville, CA – facilities where Petitioners are currently housed. During these visits, I meet with detained children to provide Know Your Rights information, conduct legal screenings and conditions monitoring. I

DECLARATION OF NEXT FRIEND, ERICA SANTAMARIA, IN SUPPORT OF PETITION
FOR WRIT OF HABEAS CORPUS

1 also conduct “wellness” checks on the children to ask how they are doing and provide positive
2 support for them as they await reunification with their sponsors. I also directly supervise a team
3 of ten Program Coordinators and Program Associates who conduct similar work. I regularly
4 debrief with them and am cc’ed on communications between the staff I supervise and staff at the
5 ORR-subcontracted facilities where Petitioners are detained. In light of the long lengths of stay
6 children currently facing, I closely monitor the status of reunification of Petitioners and similarly
7 situated children served by ImmDef. Further, I and staff I supervise regularly receive inquiries
8 from potential sponsors about the reunification process and their rights pursuant thereto.

9 6. While ImmDef does not play a direct role in the reunification process, in recent months,
10 many ORR-subcontracted facility staff have referred potential sponsors to ImmDef because
11 sponsors are seeking additional sources of information about their rights in the process given the
12 current enforcement environment and the fear it has created in sponsors and the community at
13 large. Further, ORR-subcontracted staff have indicated that they themselves are in the dark about
14 the status of reunification.

15 7. As a result of this, and in light of the long delays in reunifications Petitioners and other
16 children are facing, over the last approximately three months I have had the staff I supervise to
17 proactively reach out to sponsors to gather additional information about the reunification process.
18 The staff ask questions such as, “when was the last time you spoke with the FFS responsible for
19 vetting your sponsorship application,” “do you have any items pending submission,” “have you
20 been scheduled for DNA testing, fingerprinting, or an in-person ID verification appointment.”
21 The general response from sponsors is that they are unaware of the additional information being
22 requested of them and that they have not received any updates since submitting their family
23 reunification packet. In some instances, sponsors have shared that they were told that the child
24 would soon be released to them, only to have that day come and go without an update from ORR.

25 8. In addition to contacting sponsors, I seek out and monitor updates on children’s
26 reunifications from ORR-subcontracted facility staff and regularly meet with children to build
27 rapport and provide support on both their legal cases and their mental health. Over the last several
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DECLARATION OF NEXT FRIEND, ERICA SANTAMARIA, IN SUPPORT OF PETITION
FOR WRIT OF HABEAS CORPUS

1 months, I have met with many children who are tearful, who express sadness, anger and
2 frustration that they are still detained, and have no understanding why. I have also served
3 children who have formed attachments to their foster parents due to their inappropriately long
4 lengths of stay and express anxiety about leaving care. The disruption in the children's
5 attachments to their families is painful to see, especially for tender aged children for whom
6 parental bonds and attachments are key to their development.

7 9. In addition to meeting with detained unaccompanied children and directly supervising a
8 team that does so, I also closely monitor ORR policy and any published changes to it. I am aware
9 of the ORR sponsorship process by which detained unaccompanied children's family members or
10 friends may apply to secure the child's release from ORR custody to their care. I have monitored
11 changes in ORR policy related to sponsorship processes over the last 4 years doing this work and
12 supervising others conducting this work.

13 10. I believe my experience, capacity and personal knowledge of Petitioners' circumstances
14 provide me with the requisite preexisting relationship with Petitioners to serve as their Next
15 Friend. I believe I am capable of adequately representing their interests to this Court.
16 Furthermore, given the urgency of the instant proceedings, Petitioners and sponsors have agreed
17 and requested that I act as Next Friend. Below, I provide more detail about the reunification
18 process of each Petitioner as I understand it, as well as my relationship to the child and my ability
19 to serve as their next friend. I make the below representations based on personal knowledge and
20 upon a review of records related to my position.

21 **Petitioner E.R.F.**

22 1. I have closely monitored E.R.F.'s circumstances since her placement in ORR custody on
23 September 14, 2025. I have reviewed records from her ORR file and have directly supervised
24 ImmDef staff's communications with E.R.F., ORR-subcontracted facility staff, and her maternal
25 uncle and proposed sponsor, E.F.S.

26 2. E.R.F. is a fifteen-year-old girl seeking reunification with her maternal uncle. E.F.S. has
27 been attempting to secure E.R.F.'s release for many months. E.R.F.'s FRP was submitted on
28

DECLARATION OF NEXT FRIEND, ERICA SANTAMARIA, IN SUPPORT OF PETITION
FOR WRIT OF HABEAS CORPUS

1 October 8, 2025. E.F.S. completed fingerprinting on December 23, 2025. A home study was
2 completed on March 4, 2026 and resulted in a positive recommendation for reunification. DNA
3 testing confirmed the family relationship on March 5, 2026. E.F.S. subsequently provided
4 identification and financial documentation requested by ORR. Despite these efforts and the
5 substantial progress made toward reunification, E.R.F. remains in ORR custody more than nine
6 months after her placement.

7 3. The prolonged detention has taken a significant toll on E.R.F. In addition to the pain of
8 remaining separated from her family, E.R.F. reports feeling increasingly frustrated and
9 discouraged by the lack of progress toward reunification. During her detention, E.R.F. has also
10 experienced bullying by other youth and sustained head injuries while in ORR custody. The
11 combination of prolonged detention, uncertainty, separation from family, and negative
12 experiences while detained has caused E.R.F. significant emotional distress.

13 **Petitioner E.I.C.R.**

14 11. I have closely monitored E.I.C.R.'s circumstances since his placement in ORR custody on
15 October 4, 2025. I have reviewed records from his ORR file and have directly supervised ImmDef
16 staff's communications with E.I.C.R., ORR-subcontracted facility staff, and his aunt and proposed
17 sponsor, A.A.L.L.

18 12. E.I.C.R. is a seventeen-year-old boy seeking reunification with his aunt. A.A.L.L. has been
19 attempting to secure E.R.F.'s release for several months. A.A.L.L.'s FRP was submitted by at least
20 June 10, 2026, but E.I.C.R. claims it has been longer. Since the FRP's submission, A.A.L.L. has
21 had neither her DNA testing nor her home study appointment scheduled. Despite A.A.L.L.'s efforts
22 and the substantial progress towards reunification, E.I.C.R. remains in ORR custody for almost
23 nine months after his placement.

24 13. The prolonged detention has taken a significant toll on E.I.C.R.. In addition to the pain of
25 remaining separated from his family, E.I.C.R. reports feeling increasingly depressed and
26 discouraged by the lack of progress towards his reunification with his aunt. This is particularly
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DECLARATION OF NEXT FRIEND, ERICA SANTAMARIA, IN SUPPORT OF PETITION
FOR WRIT OF HABEAS CORPUS

1 concerning given ORR's 504 plan detailing E.I.C.R.'s diagnosis of post-traumatic stress disorder
2 and depressive symptoms, since his detention is directly playing a role in worsening these
3 conditions.

4 14. E.I.C.R.'s prolonged detention has upset him so much that he has tried to take matters into
5 his own hands. He has called the ORR hotline himself to complain about ORR's delays in
6 adjudicating his aunt's reunification packet and to report his mistreatment by his shelter's staff.
7 E.I.C.R. attends public school and has also reported bullying by other students who have somehow
8 discovered that he currently lives in a ORR shelter.

9 **Petitioner K.R.M.**

10 15. I have closely monitored K.R.M.'s circumstances since her placement in ORR custody on
11 December 3, 2025. I have reviewed records from her ORR file and have directly supervised
12 ImmDef staff's communications with K.R.M., ORR-subcontracted facility staff, and her brother
13 and proposed sponsor, W.E.R.M.

14 16. K.R.M. is a twelve-year-old girl seeking reunification with her brother, W.E.R.M. ORR
15 records further reflect that K.R.M.'s mother resides in the proposed sponsor household and is being
16 assessed as part of the reunification process.

17 17. W.E.R.M. began participating in the reunification process shortly after K.R.M.'s placement
18 in ORR custody and submitted proof of income on January 6, 2026. Identification documents were
19 submitted on April 8, 2026. Fingerprint results were reported as clear on April 13, 2026. ORR
20 requested DNA testing on April 14, 2026, and on May 8, 2026, ORR reported that the testing
21 confirmed the sibling relationship. A home study was completed on April 17, 2026 and resulted in
22 a positive recommendation for reunification. Counsel submitted a demand letter on May 6, 2026,
23 and K.R.M.'s FRP was submitted on May 7, 2026. Nonetheless, according to ORR's June 30, 2026
24 reunification update, K.R.M.'s case remains pending because ORR is awaiting Nevada child abuse
25 and neglect check results for adult household members.

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DECLARATION OF NEXT FRIEND, ERICA SANTAMARIA, IN SUPPORT OF PETITION
FOR WRIT OF HABEAS CORPUS

18. The prolonged detention has been especially difficult for K.R.M. ORR's own records reflect that K.R.M. repeatedly asked about the status of her case, worried about how long she would remain in custody, and frequently sought updates regarding reunification. In December 2025, K.R.M.'s resource parent reported concern that the delays were negatively affecting K.R.M.'s well-being and noted that K.R.M. had become preoccupied with reuniting with her family before Christmas. More than seven months later, K.R.M. remains separated from her mother and brother. K.R.M. reports ongoing worry, distress, and uncertainty about when she will finally be reunited with her family.

Petitioner F.G.M.S.

19. I have closely monitored F.G.M.S.'s circumstances since his placement in ORR custody on July 9, 2025. I have reviewed records from his ORR file and have directly supervised ImmDef staff's communications with F.G.M.S., ORR-subcontracted facility staff, and his cousin and proposed sponsor, V.M.A.

20. F.G.M.S. is a fourteen-year-old boy seeking reunification with his first cousin, V.M.A. ORR records reflect that F.G.M.S. has attempted to reunify with multiple sponsors, all of whom have been rejected for reasons which remain unclear since the notes ORR has provided on F.G.M.S.'s reunification are blurry to the point of being illegible. *See, e.g.*, Exhibit 1 (Exact copy of a page from F.G.M.S.'s reunification notes provided by ORR). The ImmDef team has repeatedly requested that ORR provide clearer versions of these notes, but we have never received a response to our request.

21. Since V.M.A. began the reunification process, he claims he has struggled to work with ORR. When V.M.A. has requested ORR's assistance through the process, instead of trying to accommodate him or his work schedule, ORR continued to call and message him when he was unavailable.

22. F.G.M.S.'s prolonged detention has been difficult for him. F.G.M.S. has expressed growing distress every time another of his sponsors gets rejected. In May 2026, he even called the ORR hotline himself to complain about ORR's lack of responsiveness and progress on his reunification. Yet even after almost a year of being continuously denied reunification, F.G.M.S. remains adamant

1 about reuniting with his family and has turned down alternative options like being transferred to a
2 long-term care facility or voluntarily departing back to Guatemala.

3 23. In the more than four years that I have been employed serving detained unaccompanied
4 children, I have never seen delays in reunification as lengthy and unexplained as these.

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6 Dated: July 2, 2026

7 Respectfully Submitted,

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Erica Santamaria
Next Friend for Petitioners