

1 TODD BLANCHE
Acting Attorney General
2 BILAL A. ESSAYLI
First Assistant United States Attorney
3 DANIEL A. BECK
Assistant United States Attorney
4 Acting Chief, Civil Division
ALARICE MEDRANO
5 Assistant United States Attorney
Acting Chief, Complex and Defensive Litigation Section
6 NAJAH J. SHARIFF (Cal. Bar No. 201216)
Assistant United States Attorney
7 Federal Building, Suite 7211
300 North Los Angeles Street
8 Los Angeles, California 90012
Telephone: (213) 894-2534
9 E-mail: Najah.Shariff@usdoj.gov

10 Attorneys for Respondents

11 UNITED STATES DISTRICT COURT
12 FOR THE CENTRAL DISTRICT OF CALIFORNIA
13

14 E.R.F., ET AL,

15 Petitioner,

16 v.

17 ANGIE SALAZAR, ET AL,

18 Respondents.
19
20
21

No. 5:26-cv-03705-WLH-DSR

**RESPONDENTS' ANSWER TO
PETITION FOR WRIT OF HABEAS
CORPUS**

**[Declaration of Toby Biswas filed
concurrently herewith]**

Honorable Wesley L. Hsu
United States District Judge

1 I. INTRODUCTION

2 The minor Petitioners in this matter are four unaccompanied alien children
3 (UACs), with different parents, who entered the United States at different times. *See*
4 *generally* Dkt. 1 (“Pet.”).

5 Reflecting their different entrances and circumstances, Petitioner E.R.F. was
6 referred into the care and custody of the Office of Refugee Resettlement (ORR) and
7 placed into ORR care provider facilities on September 14, 2025, Petitioner E.I.C.R. on
8 October 4, 2025, Petitioner K.R.M. on December 3, 2025, and Petitioner F.G.M.S. on
9 July 9, 2025. *See* Declaration of Toby Biswas (“Biswas Decl.”) ¶¶ 35, 71, 97, 122.
10 Indeed, ORR released E.F.R. from its custody on July 10, 2026. *Id.* at ¶ 69.

11 As an overarching threshold problem, it is improper to aggregate habeas petitions
12 together in the manner attempted in this action. There is not a clear single issue cutting
13 across all four minor petitioners here, who entered at different times, have different
14 parents, and different sponsorship applications. Rather, as discussed below, they have
15 widely disparate factual and legal circumstances. Simply asserting that they are minors,
16 and contending their sponsorship applications should be granted, is not sufficient to
17 justify the improper joinder attempted here. If it were, we would see aggregated habeas
18 petitions across numerous contexts—but that is not proper.

19 Finally as to the merits, as discussed at length in the declaration of Toby Biswas,
20 filed herewith, there are outstanding issues with three of the four sponsorship
21 applications (E.I.C.R., K.R.M., and F.G.M.S.) that must be addressed. *See* Biswas Decl.
22 ¶¶ 95-96, 121, 162. These essential pending sponsor vetting requirements—such as child
23 abuse and neglect checks, and home studies meant to ensure that children are only
24 released to sponsors deemed suitable—cannot be dispensed with in the name of
25 immediate family reunification. And as noted, E.R.F. has already been released from
26 ORR’s custody, reflecting the different factual circumstances at issue in each case. *Id.* at
27 ¶ 69.

28 For unaccompanied alien children, ORR cannot presume that a subsequent

1 sponsor applicant, even when a parent or close relative, is able to adequately and
 2 properly take care of their needs. ORR must follow the proper processes and
 3 investigation. And while Ms. Santamaria insists that these minors must all be released to
 4 the sponsor applicants *immediately*, these children were unaccompanied when they
 5 entered the country, and were already separated from those applicants for a lengthy
 6 period before they first applied as sponsors to take them into their respective custody.

7 The applicable sponsor suitability assessment process needs to be followed to
 8 ensure that Petitioners are released to sponsors who are capable of providing for their
 9 physical and emotional needs. Having failed to establish unlawful custody, the Petition
 10 should be denied.

11 **II. LEGAL FRAMEWORK**

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

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

26 **B. The Trafficking Victims Protection Reauthorization Act of 2008**

27 Congress enacted the TVPRA in 2008 to strengthen protections for UACs and
 28 support their safe repatriation or appropriate placement within the United States. The

statute, consistent with the HSA, makes HHS responsible for the care and custody of UACs. 8 U.S.C. § 1232(b)(1). It also requires the HHS Secretary to decide that a sponsor “is capable of providing for the child’s physical and mental well-being.” 8 U.S.C. § 1232(c)(3)(A). This safety and suitability determination must “at a minimum, include verification of the custodian’s identity and relationship to the child, if any, as well as an independent finding that the individual has not engaged in any activity that would indicate a potential risk to the child.” *Id.* The TVPRA also requires ORR to prioritize the safety and well-being of UACs while in its care and upon release. One of the methods of doing so as contemplated by the statute is to coordinate with the United States Department of Homeland Security (“DHS”) for available vetting information—including from immigration databases: “Not later than 2 weeks after receiving a request from the Secretary of Health and Human Services, the Secretary of Homeland Security shall provide information necessary to conduct suitability assessments from appropriate Federal, State, and local law enforcement and immigration databases.” 8 U.S.C. § 1232(c)(3)(C). These responsibilities are carried out through cooperative agreements and contracts with care providers under ORR policies and oversight. *See 8 U.S.C. § 1232(i); 31 U.S.C. § 6305.*

C. The Foundational Rule

In April 2024, ORR promulgated the Unaccompanied Children Program Foundational Rule (hereinafter, “Foundational Rule”), codified at 45 CFR part 410, to establish comprehensive regulations governing its UAC program. The Foundational Rule also implements provisions of the Flores Settlement Agreement (“FSA”) relevant to ORR’s care and custody of UACs and thus led to the conditional and partial termination of the FSA as to ORR in June 2024.¹ *Cf. Reno v. Flores*, 507 U.S. 292 (1993) (upholding INS regulations about the release of UACs to properly vetted sponsors). Effective July 1,

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

1 2024, the Foundational Rule formalized previously informal procedures, including those
2 related to ORR's release policies and practices.

3 The Foundational Rule provides that ORR identifies a standard program
4 placement for the UACs upon notification from any federal department or agency that a
5 child in its custody is a UAC and therefore must be transferred to ORR custody. 45
6 C.F.R. § 410.1101(b). ORR then works with the referring federal government
7 department or agency to accept transfer of custody of the UAC, consistent with the
8 statutory and regulatory requirements at 8 U.S.C. § 1232(b)(3) and 45 C.F.R. §
9 410.1101(c). ORR places each UAC in the least restrictive setting that is in the best
10 interest of the child and appropriate to the unaccompanied alien child's age and
11 individualized needs. 45 C.F.R. § 410.1103(a). ORR may place a child in a shelter
12 facility, foster home or group home (which may be therapeutic), heightened supervision
13 facility or secure facility (including residential treatment centers), or other care facility
14 that can provide for their specific individualized needs, including an out-of-network
15 ("OON") placement (which may be restrictive or non-restrictive). 45 C.F.R. § 410.1102;
16 *see also* ORR UACB Policy Guide § 1.2, [https://acf.gov/orr/policy-](https://acf.gov/orr/policy-guidance/unaccompanied-children-bureau-policy-guide)
17 [guidance/unaccompanied-children-bureau-policy-guide](https://acf.gov/orr/policy-guidance/unaccompanied-children-bureau-policy-guide) (last accessed June 20, 2026).
18 ORR also considers several factors relevant to the UAC's placement, including but not
19 limited to: danger to self; danger to the community/others; runaway risk; trafficking in
20 persons or other safety concerns; age; and gender. 45 C.F.R. § 410.1103(b).

21 ORR is required to make and record the prompt and continuous efforts on its part
22 towards release of children in its custody to appropriately vetted sponsors. *See* 45 C.F.R.
23 § 410.1203(a). All individuals seeking to sponsor a child in ORR custody (notably, even
24 a UAC's parent or legal guardian) must undergo the sponsor assessment process,
25 consistent with ORR's statutory responsibilities. *See* 8 U.S.C. § 1232(c)(3)(A) ("an
26 unaccompanied alien child may not be placed with a person or entity unless the
27 Secretary of Health and Human Services makes a determination that the proposed
28 custodian is capable of providing for the child's physical and mental well-being"); 45

1 C.F.R. §§ 410.1201(a), 1202(b). This understanding was further reinforced in the One
 2 Big Beautiful Bill Act of 2025, Pub. L. No. 119-21, title VIII, subtitle H, section
 3 87001(c)(1) (2025) (defining “potential sponsor” as “an individual or entity who applies
 4 for the custody of an unaccompanied alien child”).

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

16 **D. Human Trafficking and UAC Sponsorship Fraud**

17 In December 2022, the U.S. Senate’s Committee on Homeland Security and
 18 Governmental Affairs published a report detailing the inadequate treatment of UACs in
 19 federal care and the insufficient safeguards to ensure they are not trafficked or abused
 20 following their release. *See* United States Senate Committee on Homeland Security and
 21 Governmental Affairs, Minority Staff Report, Federal Care of Unaccompanied Children:
 22 Minors Remain Vulnerable to Trafficking and Abuse (“Minority Report”),
 23 [https://www.govinfo.gov/content/pkg/GOVPUB-Y4_G74_9-PURL-](https://www.govinfo.gov/content/pkg/GOVPUB-Y4_G74_9-PURL-gpo190271/pdf/GOVPUB-Y4_G74_9-PURL-gpo190271.pdf)
 24 [gpo190271/pdf/GOVPUB-Y4_G74_9-PURL-gpo190271.pdf](https://www.govinfo.gov/content/pkg/GOVPUB-Y4_G74_9-PURL-gpo190271/pdf/GOVPUB-Y4_G74_9-PURL-gpo190271.pdf) (last accessed May. 20,
 25 2026). A congressional subcommittee launched its investigation in 2015, following
 26 reports that ORR placed eight children with members of a human trafficking ring that
 27 forced the children to work on an egg farm for 12 hours a day, six or seven days a week.
 28 *See id.* at 26.

1 In the December 2022 report, it was noted that despite the increased number of
2 UACs entering the United States in 2021 and 2022, ORR's completion of background
3 checks significantly declined from FY 2019. *See id.* at 35–37. Moreover, the report
4 identified the lack of adequate background checks for potential sponsors and the waiver
5 of background check requirements on household members, even when releasing a child
6 to their parent, as areas where additional safeguard measures were necessary. *See id.* at
7 37–45. It was therefore recommended that ORR update the UACB Policy Guide to
8 indicate that if a potential sponsor or household member refuses to comply with required
9 background checks, ORR should prohibit further consideration of the release of a child
10 into their custody until such a check could be completed. *See id.* at v.

11 In March 2023, after a Florida grand jury published a report outlining over 100
12 allegations concerning deficiencies in ORR's UAC Program, ORR established an
13 Integrity & Accountability ("I&A") Team to detect, prevent, mitigate, and report fraud
14 and exploitation perpetrated by sponsors, parents, and UACs. *See* Office of Refugee
15 Resettlement, Administration for Children and Families, Recommendations to Combat
16 Trafficking and Fraud in the UAC Program ("ORR Recommendations") at 1–3 (Feb. 4,
17 2025), <https://www.scribd.com/document/830798358/HHS-ORR-Report> (last accessed
18 May 20, 2026).

19 The I&A Team identified several instances of fraudulent sponsorship applications,
20 document falsifications, and patterns of human trafficking and exploitation. *See id.* at 3–
21 8. For example, the I&A Team identified instances of children and sponsors using
22 altered birth certificates or unaltered birth certificates belonging to another person. *See*
23 *id.* at 7. The I&A Team also found that such fraud often involved collusion with others,
24 including a family member in the child's country of origin. *See id.* In one instance, the
25 I&A Team identified 10 UACs who were released to sponsors who committed
26 intentional document fraud in October 2024. *See id.*

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

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

13 **E. ORR Release Policies and Practices**

14 To carry out its statutory mandate under the HSA and TVPRA, and consistent
 15 with the Foundational Rule, ORR has developed policies and procedures for identifying,
 16 and conducting suitability assessments of, potential sponsors. These procedures are
 17 generally set out in ORR’s publicly available UACB Policy Guide (mentioned above). A
 18 full assessment of a potential sponsor’s suitability is particularly appropriate because
 19 ORR is not a law or immigration enforcement agency and lacks the authority to hold
 20 individuals accountable by reassuming care if the sponsor abuses or neglects a child after
 21 a UAC has been released from ORR custody. Biswas Decl. ¶ 14. Rather, ORR only takes
 22 children into its custody upon referral by another federal agency, as described in statute.
 23 *See 8 U.S.C. § 1232(b)(3)* (requiring, absent exceptional circumstances, that any agency
 24 of the federal government transfer the custody of a child to HHS no later than 72 hours
 25 after determining that the child is a UAC). In this regard, ORR is also very different
 26 from state child welfare agencies, which typically retain such authority post-placement.
 27 Biswas Decl. ¶ 14.

28 Accordingly, ORR must front-load child safety considerations in its identity

1 verification and sponsor-vetting policies. *Id.*

2 In light of ORR's obligation to protect UACs from smugglers, traffickers, and
3 others who may seek to victimize them, "safe and timely release . . . involves several
4 steps, including: the identification of sponsors; sponsor application; interviews; the
5 assessment (evaluation) of sponsor suitability, including verification of the sponsor's
6 identity and relationship to the child (if any), background checks, and in some cases
7 home studies; and post-release planning." UACB Policy Guide § 2.1; *see also* Biswas
8 Decl. ¶ 15. There are four categories of potential sponsors: (1) Category 1, consisting of
9 parents or legal guardians; (2) Category 2, consisting of siblings, half-siblings,
10 grandparents, or immediate relatives (such as aunts, uncles, and cousins), and other
11 biological relatives and relatives through marriage; and (3) Category 3, consisting of
12 other sponsors, such as distant relatives and unrelated adult individuals. UAC Policy
13 Guide § 2.2.1; Biswas Decl. ¶ 15. ORR (through its care providers) conducts a suitability
14 assessment of the potential sponsor, including a review of the sponsor's strengths,
15 resources, risk factors, and special concerns within the context of each child's needs,
16 strengths, resources, risk factors, and relationship to the sponsor. UAC Policy Guide §§
17 2.2.2, 2.4; Biswas Decl. ¶ 18.

18 A potential sponsor must complete a sponsorship application, provide unexpired
19 government-issued identification documentation for the sponsor and any other adults
20 living in the household or identified in a sponsor care plan, and, along with any adult
21 living in his household, undergo a background check. UACB Policy Guide §§ 2.2.4, 2.5;
22 Biswas Decl. ¶ 16. All potential sponsors must also submit proof of address, income,
23 sponsor-child relationship, and criminal history documents (if applicable). UACB Policy
24 Guide § 2.2.4; Biswas Decl. ¶ 16.

25 Additionally, in certain circumstances a home study, which consists of interviews,
26 a home visit, and a written report containing a case worker's findings, is performed.
27 UACB Policy Guide § 2.4.2; Biswas Decl. ¶¶ 18-21.

28 Once the assessment of the potential sponsor is complete, the care provider makes

1 a release recommendation to ORR. UACB Policy Guide § 2.7; Biswas Decl. ¶ 22. The
2 recommendation must take into consideration all relevant information, including the
3 report and recommendations from a home study, if conducted, laws governing the
4 process, and other facts in the case. Biswas Decl. ¶ 22. ORR makes the final release
5 decision. UACB Policy Guide § 2.7; Biswas Decl. ¶ 22. Release decisions include: (1)
6 approve release to sponsor; (2) approve release with post-release services; (3) conduct a
7 home study before a final release decision; (4) deny release; or (5) remand for further
8 information. UACB Policy Guide § 2.7; Biswas Decl. ¶ 22. The Policy Guide describes
9 various circumstances under which ORR will or may deny release.

10 Generally, ORR denies release if: (1) the potential sponsor is not willing or able to
11 provide for the child's physical or mental well-being; (2) the potential sponsor is not
12 willing to complete the mandatory fingerprint check; (3) the physical environment of the
13 home presents a risk to the child's safety or well-being; or (4) release of the UAC would
14 present a risk to him or herself, the sponsor, household, or community. UACB Policy
15 Guide § 2.7.4; Biswas Decl. ¶ 23; *see also* 45 C.F.R. § 410.1205 (Release decisions;
16 denial of release to a sponsor).

17 **F. The One Big Beautiful Bill Act ("OBBA") Section 87001**

18 Concerned about the past abuses of the sponsorship program discussed above,
19 ORR's release policies regarding background checks were effectively ratified by
20 Congress in July 2025. Specifically, OBBA's Section 87001 includes the following list
21 of things that ORR "shall" review when determining appropriateness of release using
22 appropriated funds:

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

24 A. the name of the potential sponsor and of all adult residents of the potential
25 sponsor's household;

26 B. the social security number or taxpayer identification number of the potential
27 sponsor and of all adult residents of the potential sponsor's household;

28 C. the date of birth of the potential sponsor and of all adult residents of the

1 potential sponsor's household;

2 D. the validated location of the residence at which the unaccompanied alien
3 child will be placed;

4 E. an in-person or virtual interview with, and suitability study concerning, the
5 potential sponsor and all adult residents of the potential sponsor's household;

6 F. contact information for the potential sponsor and for all adult residents of
7 the potential sponsor's household; and

8 G. the results of all background and criminal records checks for the potential
9 sponsor and for all adult residents of the potential sponsor's household, which shall
10 include, at a minimum, an investigation of the public records sex offender registry, a
11 public records background check, and a national criminal history check based on
12 fingerprints. OBBBA, Public Law 119-21, 139 Stat. 72. Section 87001 (July 4, 2025);
13 *see also* Biswas Decl. ¶ 17. These requirements ensure that ORR's obligation to
14 undertake a full assessment of each potential sponsor's suitability is completed before
15 ORR releases the child from its custody.

16 **G. Appeals of ORR Decisions**

17 If ORR denies the application of a parent, legal guardian, or close relative
18 potential sponsor, the denied potential sponsor may appeal that decision through an
19 administrative process. 45 C.F.R. § 410.1206; Biswas Decl. ¶ 26. ORR policy requires
20 that, if ORR denies the sponsor application of a parent, legal guardian, or close relative,
21 the ORR Director, or their neutral and detached designee must send the potential sponsor
22 a Notification of Denial Letter, after receiving all the required information and
23 documentation in a specific case. *See* 45 C.F.R. § 410.1205(c); UACB Policy Guide §
24 2.7.7; Biswas Decl. ¶ 26. Denied potential sponsors who receive this letter may seek an
25 appeal of ORR's denial decision, with a hearing or without a hearing. *Id.* § 2.7.8; Biswas
26 Decl. ¶ 26.

27 In deciding an appeal of a release denial, the Departmental Appeal Board's
28 ("DAB's") role (as the Assistant Secretary's neutral and detached designee who was not

involved in the denial decision) is not to substitute its judgment for that of ORR, but to determine whether ORR acted within its statutory authority and applied its regulations and policies reasonably, and whether its decision to deny the Petitioner sponsorship of the UAC was supported by substantial evidence. *See* 45 C.F.R. § 410.1206; UACB Policy Guide § 2.7.4; Biswas Decl. ¶ 26.

The burden of proof is on the Petitioner to demonstrate that ORR's decision to deny release was not based on substantial evidence and the standard that the DAB is to apply is a preponderance of the evidence. *See Lucas R v. Becerra*, No. CV 18-5741-DMG (PLAx), 2022 WL 2177454, *28 (C.D. Cal. Mar. 11, 2022) ("The Court will not require the case management team to determine that a sponsor is suitable by a clear and convincing evidentiary standard . . . Due process does not demand that the Court impose procedures that shift the burden to ORR to prove that the sponsor is unfit. Instead, a minor's rights are adequately protected so long as the minor and sponsor have the opportunity to appeal a denial and submit additional evidence of a sponsor's fitness, if necessary.").

The DAB's decision to affirm or overrule ORR's decision to deny release to a potential sponsor is the final administrative decision of the agency on the application that had been under consideration. UACB Policy Guide § 2.7.8; Biswas Decl. ¶ 27. However, if there is new information or a change in circumstances regarding the reunification application, or regarding the unaccompanied alien child's circumstances, a new reunification application may be submitted that highlights the change(s) and explains why such changes should alter the initial decision. UACB Policy Guide § 2.7.8; Biswas Decl. ¶ 27. Similarly, if ORR discovers new information or becomes aware of a change in the circumstances of the potential sponsor and/or the unaccompanied alien child, ORR may assess the case anew. UACB Policy Guide § 2.7.8; Biswas Decl. ¶ 27.

H. Children with Disability in ORR Custody

In notice-and-comment rulemaking, ORR acknowledged that Section 504 of the Rehabilitation Act, 29 U.S.C. § 794, is applicable to ORR and its care providers and

1 codified key provisions of the then-anticipated Disability Settlement in the *Lucas R*
2 litigation² in the Foundational Rule. *See* 45 CFR § 410.1311; *see also* 45 CFR parts 84
3 (implementing regulations applicable to ORR care providers), and 85 (implementing
4 regulations applicable to ORR); Biswas Decl. ¶ 29. Thus, ORR affirmed its commitment
5 to ensuring UACs are protected from discrimination and have equal access to the UAC
6 program, consistent with Section 504. *See* 89 FR 34388; *see also* ORR UACB Policy
7 Guide, § 3.8 (incorporating all requirements of the *Lucas R* Disability Settlement);
8 Biswas Decl. ¶ 29.

9 Per the Foundational Rule and ORR policy, ORR must administer the UAC
10 Program in the most integrated setting appropriate to the needs of UACs with disabilities
11 as is consistent with 45 C.F.R. § 85.21(d), unless ORR can demonstrate that this would
12 fundamentally alter the nature of its UAC Program. 45 C.F.R. § 410.1311(b); ORR
13 UACB Policy Guide, § 3.8; Biswas Decl. ¶ 30. ORR must also make reasonable
14 modifications to its programs, including the provision of services, equipment, and
15 treatment, so that a UAC with one or more disabilities can have equal access to the UAC
16 Program in the most integrated setting appropriate to their needs. 45 C.F.R. §
17 410.1311(c); ORR UACB Policy Guide, § 3.8; Biswas Decl. ¶ 31. “ORR is not required,
18 however, to take any action that it can demonstrate would fundamentally alter the nature
19 of a program or activity.” 45 C.F.R. § 410.1311(c); *see also* ORR UACB Policy Guide,
20 § 3.8; Biswas Decl. ¶ 31.

21
22 ² The *Lucas R* Disability Settlement is available online on ORR’s website here:
23 [https://acf.gov/system/files/documents/orr/Lucas-R-Disabilities-Settlement-](https://acf.gov/system/files/documents/orr/Lucas-R-Disabilities-Settlement-Agreement.pdf)
24 [Agreement.pdf](https://acf.gov/system/files/documents/orr/Lucas-R-Disabilities-Settlement-Agreement.pdf). *See also* *Lucas R* Disability Implementation Plan, available at:
25 [https://acf.gov/sites/default/files/documents/orr/Implementation-Plan-for-the-Lucas-R.-](https://acf.gov/sites/default/files/documents/orr/Implementation-Plan-for-the-Lucas-R.-Disabilities-Settlement-Agreement_0.pdf)
26 [Disabilities-Settlement-Agreement_0.pdf](https://acf.gov/sites/default/files/documents/orr/Implementation-Plan-for-the-Lucas-R.-Disabilities-Settlement-Agreement_0.pdf). Among other claims, Plaintiffs in that
27 litigation alleged ORR’s placement/release practices discriminated against children with
28 behavioral, mental health, intellectual, and/or developmental disabilities in violation of
Section 504 (29 U.S.C. § 794). *See* First Amended Complaint, *Lucas R v. Azar*, Case No.
2:18-cv-05741-DMG-PLA (C.D. Cal. Sept. 7, 2018), at ¶¶ 153-177, 191-194.

1 For a child with one or more disabilities, ORR policy requires the development of
2 an Individualized Section 504 Service Plan to “assist care providers in identifying and
3 documenting the child’s disability-related needs as well as the services, supports, and
4 reasonable accommodations that must be provided to enable the child to reside in the
5 least restrictive setting in their best interests and the most integrated setting appropriate
6 to their needs.” ORR UACB Policy Guide, § 3.8.3; *see also* Biswas Decl. ¶ 32. “The
7 Individualized Section 504 Service Plan also incorporates disability-related requirements
8 necessary for the completion of the reunification process (i.e., a home study), which
9 allows the care provider to plan and commence crucial steps early in the process (i.e.,
10 identification of post-release services).” ORR UACB Policy Guide, § 3.8.3; *see also*
11 Biswas Decl. ¶ 32.

12 Regarding the release of children with disabilities from ORR custody to a sponsor,
13 ORR’s regulations and policies require:

- 14 • “ORR’s assessment under § 410.1202 of a potential sponsor’s capability to
15 provide for the physical and mental well-being of the child must necessarily
16 include explicit consideration of the impact of the child’s disability or
17 disabilities. Correspondingly, ORR must consider the potential benefits to
18 the child of release to a community-based setting.”
- 19 • “In planning for a child’s release and conducting post-release services
20 (PRS), ORR and any entities through which ORR provides PRS shall make
21 reasonable modifications in their policies, practices, and procedures if
22 needed to enable released unaccompanied children with disabilities to live
23 in the most integrated setting appropriate to their needs, such as with a
24 sponsor.”³
- 25 • “ORR will affirmatively support and assist otherwise viable potential
26

27 ³ “ORR is not required, however, to take any action that it can demonstrate would
28 result in a fundamental alteration in the nature of a program or activity.” 45 CFR §
410.1311(e)(2).

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, as provided for under § 410.1210."

- "ORR shall not delay the release of a child with one or more disabilities solely because post-release services are not in place before the child's release."

45 C.F.R. § 410.1311; *see also* UACB Policy Guide, § 3.8.4; Biswas Decl. ¶ 33.

III. FACTUAL AND PROCEDURAL BACKGROUND

As noted above, the four minor Petitioners entered the United States as unaccompanied children at different times.

As set forth in the Declaration of Toby Biswas, filed herewith:

E.R.F. Case Status

On July 10, 2026, E.R.F. was reunified with her category 2 sponsor, E.F.S. *Id.* at ¶ 69. A chronology of ORR's sponsor assessment process is described in the Declaration of Toby Biswas ("Biswas Decl.") ¶¶ 35-68.

E.I.C.R. Case Status

On or around October 3, 2025, E.I.C.R. was apprehended by the Department of Homeland Security ("DHS"), U.S. Customs and Border Patrol Protection ("CBP") near Santa Teresa, New Mexico. He was referred to ORR custody on the same day and admitted to ORR custody on October 4, 2025. Biswas Decl. ¶ 71. He was placed at the ORR care provider Inspired Georgia. *Id.*

On October 4, 2025, E.I.C.R. disclosed that he came to the United States to work so that he could repay a debt owed by his family in his home country, Guatemala, stemming from a fine imposed by a court in that country. *Id.* ¶ 72.

On October 6, 2025, the program got authorization to review the child's phone contacts and were able to retrieve the phone number for the child's father in home country. *Id.* ¶ 73.

1 On October 14, 2025, a distant relative of E.I.C.R., A.A.L.L., was identified as a
2 Category 3 potential sponsor. *Id.* ¶ 74. On October 17, 2025, E.I.C.R.'s father provided
3 copies of the court documents relating to his outstanding fine and the child's birth
4 certificate. *Id.* ¶ 75. They were subsequently sent for consular verification. *Id.*

5 Between October 14 and October 27, 2025, the case manager at the ORR care
6 provider facility made multiple attempts to contact the potential sponsor. *Id.* ¶ 76. On
7 October 28, 2025, the case manager was able to get in touch with the potential sponsor.
8 She expressed that she was unsure about whether she would be pursuing sponsorship of
9 E.I.C.R. *Id.* ¶ 77. On November 11, 2025, A.A.L.L. confirmed interest in moving
10 forward with the sponsor application process. *Id.* ¶ 78.

11 On November 24, 2025, E.I.C.R. was diagnosed with Post Traumatic Stress
12 Disorder (PTSD). *Id.* ¶ 79. It was determined that his diagnosis rose to the level of a
13 disability as defined in the Americans with Disabilities Act (ADA), 42 U.S.C. § 1202.
14 *Id.* His case therefore qualifies for a mandatory home study under the TVPRA, 8 U.S.C.
15 § 1232(c)(3)(B). *Id.* A home study cannot be initiated until ORR receives a completed
16 application and the required supporting documents from the potential sponsor. *Id.* These
17 documents are necessary for a home study provider to be able to conduct a home study.
18 *Id.*

19 On November 28, 2025, ORR sent the potential sponsor an email attaching the
20 sponsorship application, sponsor manual, and other important documents. ORR
21 also attempted to call the potential sponsor but was unsuccessful in reaching her. *Id.* ¶
22 80. On December 2, 2025, ORR contacted the potential sponsor, A.A.L.L. She reported
23 being the great aunt of E.I.C.R. and was unable to respond to some of ORR's initial
24 questions, including the child's mother's name. *Id.* ¶ 81. The potential sponsor also
25 disclosed that she had previously sponsored another child approximately two years ago,
26 although that child was no longer living with her. *Id.* The sponsor application process
27 was reviewed, and A.A.L.L. confirmed her interest in moving forward. *Id.* A link to the
28 sponsorship application was sent to A.A.L.L., who stated her daughter would be helping

1 her to complete it. *Id.* On December 4, 2025, A.A.L.L. sent a text message with photos
2 of the front side of her identification document and her household member's
3 identification. *Id.* ¶ 82. ORR responded the same day to inform her a photo of the back
4 side of the application would be needed as well. *Id.*

5 On February 2, 2026, the child was transferred to another ORR care provider,
6 Rancho San Antonio in Chatsworth, CA. *Id.* ¶ 83.

7 As of February 9, 2026, since no progress had been made on A.A.L.L.'s
8 sponsorship application beyond the submission of identification documents, the case
9 manager contacted the potential sponsor, who reported that she believed she
10 had submitted all required documentation, and asked when the child would be released
11 to her. The potential sponsor was again reminded of what documents were still
12 outstanding. *Id.* ¶ 84.

13 On February 12, 2026, Rancho San Antonio created an Individualized Section 504
14 Service Plan for E.I.C.R. pursuant to the requirements of the *Lucas R.* Disabilities
15 Settlement Agreement. *Id.* ¶ 85. This 504 Service Plan identifies triggers and areas of
16 need for the child based on his diagnosed disability, PTSD, and sets forth a plan to
17 provide various services and accommodations to ensure his equal access to ORR
18 programming. *Id.* This plan includes, mental health services, increased staff engagement
19 and breaks when he feels dysregulated, extra phone time with his father during therapy
20 sessions, music group and access to various instruments upon request, and medication
21 management for the psychotropic medication prescribed to manage his symptoms. *Id.*

22 On February 16, 2026, A.A.L.L. informed ORR that she had additional household
23 members who were not able or willing to participate in the sponsor application and
24 vetting process. *Id.* ¶ 86. She reported that they would be moving and that she
25 would notify ORR when they had moved. *Id.*

26 On April 24, 2026, ORR contacted A.A.L.L. and asked whether there were any
27 updates on her sponsorship application. *Id.* ¶ 87. At that time, all documents and vetting
28 requirements, including background checks remained outstanding as the potential

1 sponsor had not submitted her ARI forms so that ORR could initiate background checks.
2 *Id.* The potential sponsor reported only some of the individuals had moved out of her
3 home, but that three individuals who rented rooms in her home remained and that they
4 were unwilling to participate in the sponsorship process. *Id.* ORR reminded her of the
5 requirements to sponsor E.I.C.R. *Id.* At that time, the following remained outstanding:
6 the sponsor assessment; a completed sponsor application; proof of address; proof of
7 income; proof of relationship; identification documents for all household members and
8 the alternate adult caregiver; ARIs for the potential sponsor, household members, and
9 alternate adult care giver; social security number or individual taxpayer
10 identification number (ITIN) information for the potential sponsor, household members,
11 and alternate adult caregiver; background checks; a home study; and an in-person
12 identification check. *Id.*

13 On April 27, 2026, ORR contacted A.A.L.L. to inquire whether she would be
14 moving forward with sponsorship. She reported that the remaining household members,
15 her daughter and one tenant, had agreed to participate in the sponsorship process. *Id.* ¶
16 88. A.A.L.L. reiterated that her daughter had agreed to help her with the application. A
17 link for the sponsorship application was sent again by text message to the potential
18 sponsor. *Id.* ORR helped A.A.L.L. to register and enter the application to ensure she had
19 access. *Id.* A.A.L.L. signed the first section of the sponsorship application on that same
20 day. *Id.* This first section of the sponsorship application outlines the various components
21 of the application and provides instructions on how to complete the application. *Id.* The
22 potential sponsor signs to acknowledge receipt and confirm they understand prior to
23 moving towards the next part of the application. *Id.*

24 On May 5, 2026, ORR reviewed the portions of the sponsorship application that
25 had been submitted so far. At that time, ORR confirmed that information had been
26 entered, but the required supporting documents had not been uploaded. *Id.* ¶ 89.

27 On June 1, 2026, the FFS contacted A.A.L.L. again as there had been no further
28 progress on the application. *Id.* ¶ 90. At that time, the sponsorship application remained

1 incomplete as it did not include information for the other household member other than
2 A.A.L.L.'s daughter. *Id.* At that time, the sponsorship application was missing the
3 following: proof of income; proof of address; identification documents for the alternate
4 adult caregiver and household members; proof of relationship; ARI forms for A.A.L.L.,
5 her daughter, and the other household member; and social security or ITIN information
6 for A.A.L.L.'s daughter and the other household member. *Id.* Section 9 of the application
7 was also missing a signature. *Id.* Additionally, the sponsor assessment, an in-person
8 identification check, proof of compliance for previous sponsorship, and a home study
9 all remained pending. *Id.*

10 On June 5, 2026, ORR proactively contacted A.A.L.L. to follow up on the
11 sponsorship application. *Id.* ¶ 91. At that time, ORR worked through the remaining
12 portions of the sponsorship application with A.A.L.L.'s daughter. *Id.* The ARI for the
13 sponsor was also completed. *Id.* Copies of the ARI form were emailed for manual
14 completion by A.A.L.L.'s daughter and the other household member in hopes of
15 avoiding further delays due to technical issues. *Id.*

16 On June 15, 2026, ORR texted A.A.L.L.'s daughter to remind her of the ARIs that
17 were pending for her and the other household member. *Id.* ¶ 92. ORR also contacted
18 A.A.L.L. to encourage her to remind her daughter and the other household member to
19 complete the ARI forms. Although the potential sponsor said she believed these
20 documents had already been submitted, her daughter confirmed later that day they she
21 had not been able to complete them yet. *Id.*

22 On June 30, 2026, ORR again proactively contacted A.A.L.L. to follow up on the
23 outstanding documentation. *Id.* ¶ 93. ORR reminded the potential sponsor that without
24 all required documentation, her application could be denied as an incomplete application.
25 *Id.* The FFS completed a Notice to Cure listing out all outstanding
26 documentation required from the sponsor and providing written notification that if
27 progress towards completion was not made by July 7, 2026, that ORR may deny the
28 sponsorship application. *Id.* On July 7, 2026, the FFS received the ARI form for

1 A.A.L.L.'s daughter. *Id.* ¶ 94.

2 On July 10, 2026, the FFS contacted the potential sponsor to confirm receipt of the
3 ARI form for A.A.L.L.'s daughter. *Id.* ¶ 95. The FFS again reviewed all outstanding
4 documentation. *Id.* A follow-up email was sent to A.A.L.L. and her daughter listing out
5 documents that remained outstanding. *Id.* These included: an identification document for
6 the household member, an ARI for the other household member, proof of income for
7 A.A.L.L.'s daughter who is the primary financial provider, proof of social security or
8 ITIN information for A.A.L.L.'s daughter and the other household member, proof of
9 relationship, and proof of previous sponsorship compliance for the sponsorship in 2023.
10 *Id.* Background checks, an in-person ID check, and a home study all
11 remained outstanding as well. *Id.*

12 To date, ORR continues to work with A.A.L.L. and her daughter to collect the
13 outstanding documents. *Id.* ¶ 96. ORR has been unable to schedule the potential sponsor
14 for fingerprint-based background checks as she does not drive and depends on
15 A.A.L.L.'s assistance in navigating the public transportation system. *Id.* ORR is pending
16 a response from A.A.L.L.'s daughter about her availability for their appointments. *Id.*

17 **K.R.M Case Status**

18 K.R.M. was apprehended by DHS CBP on November 30, 2025. Based on
19 information provided by CBP, she was traveling alone at that time. Biswas Decl. ¶ 97.
20 She was referred to ORR custody on December 1, 2025, and admitted to ORR custody
21 on December 3, 2025. *Id.* She was placed at the ORR care provider facility Marsell
22 Wellness Center – Victorville, located in Victorville, California. *Id.*

23 On December 5, 2025, ORR attempted to contact K.R.M.'s proposed sponsor,
24 her brother, W.E.R.M., four times as no voicemail box had been set up yet. *Id.* ¶ 98.
25 On December 8, 2025, ORR attempted to call W.E.R.M. again but was again unable to
26 reach him. *Id.* ¶ 99.

27 On December 11, 2025, the case manager at the ORR care provider successfully
28 contacted the potential sponsor, W.E.R.M. *Id.* ¶ 100. The potential sponsor stated that

1 he works during the day and requested call times after 6:30 pm. *Id.* On or around this
2 date, the potential sponsor also provided a copy of his driver's license, however it
3 included an expiration date of December 11, 2025. *Id.* On December 18, 2025, the case
4 manager again spoke with the potential sponsor to remind him that he would need to
5 obtain a new identification document since his had expired. *Id.* ¶ 101. The potential
6 sponsor sent a photo showing that he had applied for an updated identification
7 document. *Id.*

8 On December 29, 2025, ORR spoke with W.E.R.M. and reviewed the list of
9 required documents. *Id.* ¶ 102. The potential sponsor advised that he did not have a
10 social security number or an ITIN but stated that he would be applying for one. *Id.*
11 ORR sent the sponsorship application to W.E.R.M. and set an appointment to complete
12 the sponsor assessment for December 31, 2025, at 2:00 PM EST. *Id.* On December 30,
13 2025, W.E.R.M. provided the case manager with birth certificates for himself and for
14 K.R.M.'s mother. *Id.* ¶ 103.

15 On January 2, 2026, ORR contacted W.E.R.M. as he had not completed the
16 sponsorship application or submitted further supporting documents. *Id.* ¶ 104.
17 W.E.R.M. was advised that ORR could not start the sponsor assessment without basic
18 information, including identification for himself and the alternate caregiver, a
19 completed application, or ARI forms. *Id.* An appointment to complete the sponsor
20 assessment was again rescheduled for January 6, 2026, at 2:00pm PT. *Id.*

21 As of January 6, 2026, W.E.R.M. had only partly completed the sponsorship
22 application and sponsor assessment. *Id.* ¶ 105. During the sponsor assessment
23 appointment, it was observed that there were discrepancies in the information that
24 W.E.R.M. provided that caused ORR to have concerns that additional household
25 members had not been disclosed. *Id.* W.E.R.M. was asked whether there had ever been
26 any involvement of Child Protective Services at his home. *Id.* He reported no, before
27 retracting and stating he had had an argument, but it was small and did not provide any
28 further information or how that was related to potential CPS involvement. *Id.* As a

1 result of this disclosure, ORR determined that child abuse and neglect checks should
2 be completed to verify the nature of the incident. *Id.* At that time, the sponsor
3 application was pending receipt of the following: a compliant sponsor identification
4 document as W.E.R.M.'s had expired; a completed sponsor application; identification
5 documents for the alternate adult caregiver and any other adult household members; a
6 completed sponsor assessment; background checks; child abuse and neglect forms; and
7 social security number or ITIN information. *Id.*

8 ORR followed up with W.E.R.M. on January 12, 2026, as the potential sponsor
9 still had not provided a compliant form of identification. *Id.* ¶ 106. He was advised that
10 the permit he had submitted did not meet ORR's requirements and that he would need
11 to provide a driver's license instead. On January 29, 2026, ORR contacted W.E.R.M.
12 and the potential sponsor informed ORR that he was still waiting on the appointment
13 to obtain his license. *Id.* ¶ 107. ORR advised him that he would need a compliant form
14 of identification to meet the proof of identity requirements and before completion of
15 sponsor vetting. *Id.*

16 On March 2, 2026, ORR spoke with the potential sponsor, who confirmed that
17 he had obtained compliant identification documents for himself, household members,
18 and the alternate adult caregiver. *Id.* ¶ 108. W.E.R.M. was advised that he would now
19 need to complete the sponsor application and ARI forms, as well as provide compliant
20 identification documents for ORR to be able to initiate fingerprint-based background
21 checks. *Id.* The sponsor also reported that he applied for an ITIN and was told that he
22 should receive it within five weeks. *Id.* On March 12, 2026, the potential sponsor sent
23 the identification documents and the ARI forms. After reviewing them, ORR informed
24 the potential sponsor that the ARIs were incomplete and would need to be revised. *Id.*
25 ¶ 109.

26 On April 8, 2026, W.E.R.M. provided the revised ARI forms. At that time,
27 internet background checks including a public records check and sex offender registry
28 checks were initiated. Appointments for fingerprint-based background checks were

1 scheduled for April 13, 2026. *Id.* ¶ 110. On April 13, 2026, the potential sponsor
2 provided ITIN information for himself, the household member, and alternate adult
3 caregiver. *Id.* ¶ 111. At that time, the following remained outstanding: proof of
4 income; results of the background checks; completed forms to initiate the necessary
5 child abuse and neglect checks; DNA testing; an in-person ID check; and a home
6 study. *Id.*

7 On April 17, 2026, ORR made a referral for a home study based
8 on identified sponsor risk and concern over undisclosed household members and
9 inconsistencies noted by W.E.R.M. during the sponsor assessment. *Id.* ¶ 112. The home
10 study included a home visit, which occurred on April 23, 2026. *Id.* ¶ 113. The home
11 study resulted in a positive recommendation, although the home study worker noted
12 that there were inconsistencies in the reports concerning the potential sponsor's and
13 K.R.M.'s mother's location. *Id.* The home study worker noted that there was a child
14 living in the home who had not been disclosed on the sponsorship application. *Id.* The
15 potential sponsor later clarified it was K.R.M.'s half-sibling, though they report that
16 K.R.M.'s mother lives in El Salvador. *Id.*

17 On May 3, 2026, background checks were completed. *Id.* ¶ 114. There was no
18 derogatory information identified. *Id.*

19 On May 7, 2026, the potential sponsor provided an updated sponsor application,
20 listing the additional household member, K.R.M.'s purported half-sibling. *Id.* ¶ 115.

21 On May 8, 2026, W.E.R.M. completed an in-person ID verification. DNA
22 samples were collected from the potential sponsor to confirm his
23 relationship to K.R.M. *Id.* ¶ 116. On May 12, 2026, ORR received the results of the
24 DNA test, which confirmed that W.E.R.M. and K.R.M. are siblings. *Id.* ¶ 117.

25 On May 18, 2026, ORR followed up with the potential sponsor regarding the
26 status of the child abuse and neglect forms. The potential sponsor stated he had not
27 received them despite ORR's receipt of photo evidence of their delivery. *Id.* ¶ 118. On
28 May 19, 2026, the potential sponsor reported he had returned the package with

1 completed child abuse and neglect forms. *Id.* ¶ 119. Upon receipt and after review of
2 the child abuse neglect forms, they were submitted to the state of Nevada, on or around
3 June 3, 2026. *Id.* ¶ 120.

4 Results of the pending child abuse and neglect check is the only outstanding item
5 necessary to complete W.E.R.M.'s sponsorship application. *Id.* ¶121. Upon receipt of
6 those results, ORR will promptly issue its final sponsor suitability determination and
7 release decision. *Id.*

8 **F.G.M.S. Case Status**

9 On or around July 7, 2025, F.G.M.S was apprehended by DHS CBP in Roma,
10 Texas. He was referred to ORR custody the same day and was admitted to ORR custody
11 on July 9, 2025. Biswas Decl. ¶ 122.

12 On July 9, 2025, initial contact was made with F.G.M.S.'s father in the child's
13 country of origin (Guatemala). *Id.* ¶ 123. The child's father disclosed that he had taken
14 out a loan to pay for the child's journey. *Id.* He further stated that he supports his
15 son's education but emphasized the importance of contributing to repaying the debt
16 due to low family income. *Id.* The child's father expected him to work as a cook in a
17 friend's restaurant. *Id.* Based on these disclosures, a referral to the Office of Trafficking
18 in Persons (OTIP) was made. *Id.*

19 On July 9, 2025, contact was made with the child's purported paternal uncle. *Id.*
20 ¶ 124. He disclosed that he lived with six other roommates and that four of those
21 roommates were not willing to comply with the sponsorship application process. *Id.*
22 He subsequently withdrew his application. *Id.*

23 The care provider staff elevated these trafficking concerns to the FFS on July 11,
24 2025. *Id.* ¶ 125.

25 On July 14, 2025, ORR contacted F.G.M.S.'s maternal uncle. He reported that
26 he did not have identification documents or proof of income documents that met the
27 standards outlined in UACB Policy Guide section 2.2.4. *Id.* ¶ 126.

28 On July 16, 2025, the child's father reported that the roommates of F.G.M.S.'s

1 purported paternal uncle, "[REDACTED]", were now willing to cooperate in the sponsor
2 application process. *Id.* ¶ 127. Between July 16, 2025, and July 20, 2025, the
3 Unification Specialist attempted to assist [REDACTED] in obtaining a New York State
4 driver's license. *Id.* [REDACTED] withdrew his application on July 21, 2025, stating that his
5 household members were not willing to obtain compliant identification documents and
6 were unwilling to participate in required background checks needed to verify the safety
7 of the home. *Id.*

8 Between July 21 and August 19, 2025, ORR worked to vet the potential sponsor
9 "[REDACTED]", a category 3 potential sponsor who admitted she had never met F.G.M.S.,
10 but that she has children with F.G.M.S.'s uncle. *Id.* ¶ 128. [REDACTED]'s application was
11 denied due to failing to disclose previous sponsorships and numerous inconsistencies
12 evident in the results of her background checks, including variations in the spelling of
13 her name and her alleged brother and identified alternate adult caregiver and household
14 member appearing as her spouse on her background check. *Id.* [REDACTED]'s application
15 was officially denied in September 2025. *Id.* ¶ 129.

16 Between August 27 and September 2, 2025, a family friend, "[REDACTED]" was
17 identified as another potential sponsor. *Id.* ¶ 130. ORR records showed that [REDACTED] was
18 linked to four prior sponsorships. *Id.* [REDACTED] reported he was living with his adult son
19 and nephew, who had just turned 18. *Id.* He reported that he was working to obtain
20 proof of address for his nephew so that he could obtain an identification document. *Id.*

21 On October 2, 2025, F.G.M.S. was transferred to a Transitional Foster Care
22 program called LSS of New York. *Id.* ¶ 131.

23 On October 8, 2025, ORR contacted Alvaro and reviewed the sponsor
24 application process, including the list of required documentation. *Id.* ¶ 132. A follow-
25 up email was sent to Alvaro reminding him of the information that had been shared. *Id.*

26 Between October and December 19, 2025, ORR contacted the sponsor on
27 several occasions to follow up about submission of required documents, including the
28 sponsor application itself and ARI forms needed to initiate background checks. *Id.* ¶

1 133.

2 On January 2, 2026, ORR contacted [REDACTED] again to review the sponsorship
3 application and the ARI forms that had been received. *Id.* ¶ 134. At this time,
4 background checks, a completed sponsor application, proof of income, proof of address
5 and other supporting documents remained outstanding. *Id.* As a result of the
6 concerns regarding labor trafficking with F.G.M.S., this case also required a mandatory
7 TVPRA home study. *Id.*

8 On January 7, 2026, ORR contacted [REDACTED] to follow up on the status of the
9 outstanding documents. *Id.* ¶ 135. At this time, [REDACTED] was also asked whether he had
10 ever previously sponsored or attempted to sponsor a child in ORR care. *Id.* He initially
11 stated that he never had. *Id.* Only after being informed that ORR's
12 records indicated four previous sponsorships, did [REDACTED] admit that he had. *Id.*

13 On January 20, 2026, [REDACTED] withdrew his application to sponsor F.G.M.S. *Id.*
14 ¶ 136.

15 On February 4, 2026, the case manager at the ORR care provider contacted a
16 new potential sponsor, the child's purported paternal uncle, V.M.A. *Id.* ¶ 137. The
17 sponsor confirmed his interest in sponsoring F.G.M.S. *Id.* Between February
18 6, 2026, and February 13, 2026, three calls were made to V.M.A. *Id.* ¶ 138. ORR was
19 unable to reach him during this time and closed the referral after several unsuccessful
20 attempts at contacting him. *Id.* On February 18, 2026, the case manager at the ORR
21 care provider spoke with V.M.A. who again confirmed his interest in sponsoring
22 F.G.M.S. *Id.* ¶ 139. On February 20, 2026, ORR contacted V.M.A. to confirm his
23 interest. At this time, the potential sponsor was sent the sponsorship application for
24 completion. *Id.* ¶ 140.

25 On February 25, 2026, ORR followed up with V.M.A. as the application had not
26 been opened or started. *Id.* ¶ 141. ORR contacted V.M.A. again on February
27 27, 2026, to follow up on the status of the application. *Id.* Detailed screenshots on how
28 to open the sponsorship application were provided to the potential sponsor. *Id.* On

1 March 3, 2026, V.M.A. informed ORR that he had been able to open the sponsorship
2 application and would begin working on it. *Id.* ¶ 142. ORR followed up once again on
3 March 4, 2026, as V.M.A. still had not started the application. *Id.*

4 On March 6, 2026, V.M.A. signed part 1 of the sponsorship application and
5 confirmed he would be working on the rest of part 2. *Id.* ¶ 143. On March 9, ORR
6 followed up with the potential sponsor via text message reminding him to complete
7 part 2 of the application. *Id.* ¶ 144. Part 2 of the application was signed on March 10,
8 2026. This included the ARI form. *Id.*

9 On March 12, 2026, ORR contacted V.M.A. to review the sponsor application
10 process. *Id.* ¶ 145. A voicemail was left instructing V.M.A. to contact the FFS. *Id.* On
11 March 19, 2026, ORR successfully contacted V.M.A. who reported he would only be
12 available after 5:00 pm on weekdays. *Id.* ¶ 146. He was informed that an updated ARI
13 was needed to include his full address history and that ARI forms were needed for the
14 alternate adult caregiver and adult household members who had been identified. ORR
15 also followed up on the status of proof of relationship documents, proof of identity
16 documents for the alternate adult caregiver, the ARI forms for the alternative caregiver
17 and adult household members, and social security numbers or ITINs. *Id.*

18 On March 27, 2026, ORR followed up on the status of outstanding documents.
19 *Id.* ¶ 147. At that time, V.M.A. provided proof of identity documents for the household
20 member and the alternate adult caregiver and proof of relationship documents. *Id.*

21 On April 8, 2026, ORR contacted V.M.A. to follow up on the status of his
22 outstanding documents, which included an updated ARI for himself and ARIs for the
23 alternate adult caregiver and household member, all of which
24 are required to initiate background checks. *Id.* ¶ 148. V.M.A. reported that he would
25 send them by the end of the week. *Id.*

26 On April 17, 2026, ORR contacted V.M.A. by text to inquire about the
27 outstanding documents, which included completion of the sponsor application and the
28 pending ARI forms. *Id.* ¶ 149. V.M.A. was asked to confirm whether he wished to

1 continue with the sponsor application process and advised that he would need to
2 provide the pending documents by April 30, 2026. *Id.*

3 On May 6, 2026, ORR contacted V.M.A. by phone and by text regarding the
4 outstanding documents. *Id.* ¶ 150. At this point the potential sponsor still had not
5 provided the required documentation to move that case forward. *Id.*

6 On May 7, 2026, V.M.A. texted the FFS and stated he had sent all the required
7 documents. *Id.* ¶ 151. The FFS responded and informed the sponsor that there were
8 still outstanding documents. *Id.*

9 On May 15, 2026, pursuant to UACB Policy Guide section 2.7.4, a negative
10 sponsor suitability determination was submitted for V.M.A. after ORR had made over
11 10 attempts to contact the potential sponsor who failed to provide required
12 documentation despite repeated assurances that he would be submitting these
13 documents. *Id.* ¶ 152.

14 The case was officially denied on June 22, 2026, based on non-responsiveness
15 and his failure to complete the sponsor application. *Id.* ¶ 153. A list of outstanding
16 documents was provided as part of this Notification of Denial letter. *Id.*

17 V.M.A. received notification of this denial on or around June 26, 2026. *Id.* ¶ 154.
18 In the letter, he was informed of his right to seek an appeal of the decision and the
19 procedures to request an appeal. *Id.* V.M.A. was also informed that ORR's decision to
20 deny the case at present did not mean that ORR would automatically deny any future
21 application and that he could communicate with the assigned Federal Field Specialist
22 and re-apply to sponsor F.G.M.S. and ORR would re-open the application. *Id.* To date,
23 V.M.A. has not requested an appeal and has not requested his application be re-
24 opened. *Id.* ¶ 155.

25 While ORR weighed the decision of whether to formally deny V.M.A.'s
26 sponsorship application, it continued to explore other potential sponsorship options
27 with F.G.M.S' family. *Id.* ¶ 156. On July 1, 2026, ORR contacted a new potential
28 sponsor, F.G.M.S's purported second cousin, . *Id.* at ¶ 157. She confirmed her

1 interest in sponsoring F.G.M.S. *Id.* Following receipt of her proof of identity
2 documents, ORR sent [REDACTED] a link to complete her sponsor application on July 7,
3 2026. *Id.*

4 On July 8, 2026, [REDACTED] provided her ARI form and ARI forms for her
5 identified household member and alternate adult caregiver. *Id.* ¶ 158. On July 9, 2026,
6 ORR initiated internet-based background checks for [REDACTED] and her alternate adult
7 household member. *Id.* ¶ 159. These include public records checks and sex offender
8 registry checks. ORR received results on July 10, 2026, which came back “clear”. *Id.*

9 On July 10, 2026, the sponsor reported a new household member. *Id.* ¶ 160. The
10 individual turned 18 on June 17, 2026. *Id.* The sponsor was reminded that he would
11 need to provide proof of identity documents in line with UACB Policy, social security
12 or ITIN information, and participate in background checks, including fingerprint-based
13 background checks. *Id.* The sponsor stated that the household member may be
14 relocating soon and that they would know more on Monday. *Id.* On July 13, 2026, the
15 sponsor confirmed this new household member would be added to her family
16 reunification application though she stated that he was presently unable to provide an
17 acceptable proof of identity document or ITIN. *Id.* ¶ 161. She stated again that the
18 individual may be moving but was unable to provide a timeframe for when that would
19 happen.

20 Currently, ORR is pending receipt of the following: a completed sponsor
21 application for [REDACTED] fingerprint-based background checks; proof of relationship;
22 proof of income; proof of address; social security numbers or ITINs for the potential
23 sponsor and household member; a home study; and an in-person ID check. *Id.* ¶ 162.

24 **IV. LEGAL STANDARD**

25 Section 2241 confers jurisdiction on this court to order the release of any person
26 who is held in the custody of the United States in violation of the “laws . . . of the United
27 States” or the United States Constitution. 28 U.S.C. § 2241(c). The burden rests on the
28 person in custody to prove their detention is unlawful. *See, e.g., Walker v. Johnston*, 312

1 U.S. 275, 286 (1941).

2 **V. ARGUMENT**

3 **1. The Petition Improperly Joins Petitioners With Disparate Factual**
4 **Circumstances Into A Mass Petition, And They Should Be Severed Under**
5 **The FRCP.**

6 As a foundational matter, Rule 21 is explicit that the Court “may at any time, on
7 just terms, add or drop a party” or “may also sever any claim against a party.” Fed. R.
8 Civ. P. 21; *Am. Oversight v. Dep’t Veterans Affairs*, 326 F.R.D. 23, 27 (D.D.C. 2018)
9 (noting that Rule 21 “authorizes the severance of any claim, even without a finding of
10 improper joinder, where there are sufficient other reasons for ordering a severance”);
11 *Asgari v. USCIS*, No. 22-cv-01888-FWS-KES, 2023 WL 6785801, at *4 (C.D. Cal. July
12 31, 2023) (holding that joinder of multiple immigration petitions filed at different times
13 and resulting in different interactions with the agency was improper).

14 As discussed above, the minor Petitioners here are not similarly situated, including
15 (among other things), having different entrances into the United States, different custody
16 locations, different applications by different potential sponsors, different pending
17 sponsor vetting requirements, and different lengths of time at issue, as well as different
18 status of the vetting process to determine the suitability of the potential sponsor for each
19 child (aside from E.R.F. who has been released from ORR custody). Joinder is
20 inappropriate.

21 Judicial economy also favors severance because “joining such diverse and varied
22 claims would also severely prejudice Defendants and work a disservice to the Court,”
23 *Padron v. Onewest Bank*, No. 2:14-CV-01340-ODW, 2014 WL 1364901, at *2 (C.D.
24 Cal. Apr. 7, 2014). Under such circumstances, judicial economy militates in favor of
25 severance. *Cf. D’Angelis v. Bank of Am., N.A.*, 2014 WL 202567, at *3 (E.D.N.Y. Jan.
26 16, 2014) (holding that “joinder of over 100 different claims . . . does not serve the
27 interest of judicial economy” because “each Plaintiff’s individual claims will require
28 distinct . . . documentary proof”).

Respondents thus respectfully request that the four Petitioners be severed.

2. The Habeas Petition is Moot as to E.R.F.

After following its ordinary sponsor suitability assessment process as described above, on July 10, 2026, ORR released E.R.F. from its custody and placed him with his aunt, A.A.L.L. *See* Biswas Decl. ¶ 69. Based on the express relief pled in the habeas petition, there is no further relief the Court can provide as to E.R.F. *See* 28 U.S.C. § 2241(c). Petitioner E.R.F. cannot claim a concrete fear of re-detention, especially when ORR is not an arresting agency and has no legal ability to re-detain him without a referral from another federal agency. *See, e.g., City of Los Angeles v. Lyons*, 461 U.S. 95, 102 (1983). That is particularly true given that E.R.F. has already been released to her sponsor. Accordingly, the habeas petition should be denied as moot as to E.R.F.

“A case becomes moot when interim relief or events have deprived the court of the ability to redress the party’s injuries.” *United States v. Alder Creek Water Co.*, 823 F.2d 343, 345 (9th Cir. 1987) *see also NASD Disp. Resol., Inc. v. Jud. Council*, 488 F.3d 1065, 1068 (9th Cir. 2007) (finding the appeal to be moot when the plaintiffs were already granted the relief that they sought). Further, a court has an obligation to consider mootness *sua sponte*, and it should deny the requested relief when it is superfluous. *See In re Burrell*, 415 F.3d 994, 997 (9th Cir. 2005).

ORR only has the authority to accept children in its custody upon a) a determination from another federal agency that the child is a UAC; and b) upon a referral from such agency. *See* 8 U.S.C. § 1232(b)(3); *see also* Biswas Decl. ¶ 5. Section 1232 states, in relevant part, “any department or agency of the Federal Government that has an unaccompanied alien child in custody shall transfer the custody of such child to the Secretary of Health and Human Services not later than 72 hours after determining that such child is an unaccompanied alien child.” *See id.* Generally, ORR does not have the authority to reassume custody of a UAC once that child is released into the community to a sponsor. *See id.* Thus, in this case, ORR does not have the authority to reassume custody of E.R.F. without a referral from another federal agency, and ORR has no

1 intention, presently or in the future, to reassume custody of her from her family. *See* Biswas
2 Decl. ¶ 70. Even if the Court could assume that some law enforcement agency could
3 detain E.R.F. for some reason and then transfer her back to ORR custody, ORR would
4 then perform a *de novo* consideration of whether the minor should be released. *Id.*

5 This Court can also apply the doctrine of voluntary cessation to find this habeas
6 petition as moot. Voluntary cessation of alleged misconduct moots a case only if (1)
7 there is “no reasonable expectation that the alleged violation will recur,” and (2) “interim
8 relief or events have completely and irrevocably eradicated the effects of the alleged
9 violation.” *Am. Cargo Transp., Inc. v. United States*, 625 F.3d 1176, 1179 (9th Cir.
10 2010) (alterations removed) (quoting *County of Los Angeles v. Davis*, 440 U.S. 625, 631
11 (1979)). Here, as explained above, the Court can find that it is “absolutely clear” the
12 challenged conduct will not recur to E.R.F. again. *See* Biswas Decl. ¶ 70; *see also*
13 *J.E.C.M. by and Through His Next Friend Saravia v. Lloyd*, 352 F. Supp. 3d 559, 578
14 (E.D. Va. 2018) (“Here, the three minor plaintiffs who have been released and the three
15 sponsors to whom they have been released received the relief they sought in this
16 litigation; they no longer possess the requisite stake to press their individual claims.”).

17 E.R.F.’s release from custody of ORR moots the requested habeas petition and
18 voluntary cessation applies to the specific facts of her case. *See* 28 U.S.C. § 2241(c)
19 (“The writ of habeas corpus shall not extend to a prisoner unless [h]e is in custody.”); *see*
20 *also Pinson v. Carvajal*, 69 F.4th 1059, 1077 (9th Cir. 2023) (“Because [petitioner’s]
21 claims lie outside the historic core of habeas corpus, we conclude the district court
22 properly found it lacked jurisdiction to hear [the] petition.”). This Court should find
23 sufficient assurance that ORR will not and cannot without a legal basis, place E.R.F.
24 back into their custody in the future.

25 Many judges in this District have recently considered this mootness issue
26 generally in the habeas context. This District has frequently ruled that release from
27
28

1 detention moots a habeas petition or a request for a preliminary injunction.⁴ As E.R.F.
2 brings this habeas action pursuant to 28 U.S.C. § 2241, these cases can easily be found
3 analogous here.

4 For example, the Hon. John W. Holcomb denied a preliminary injunction where
5 the Petitioner had been released from detention and issued an order to show cause
6 regarding the dismissal of the petition. *See Ghebreslassie v. Janecka*, No. 5:25-cv-
7 03447-JWH-DTB, 2026 WL 220898, at *2 (C.D. Cal. Jan. 22, 2026).

8 The Hon. Judge Birotte Jr. dismissed a preliminary injunction as moot, where the
9 petitioner had been ordered released pursuant to the Court's order upon an *ex parte* TRO
10 application. *See Hezardastan v. Noem*, No. 5:25-cv-03424-AB-DTB [Dkt. No. 13] (Jan.
11 5, 2026) (order dismissing case as moot).

12 The Hon. Judge Wright, II also dismissed a preliminary injunction as moot
13 following petitioner's release from custody. *See Woldegabriel v. Noem*, No. 5:25-03369-
14 ODW-PVC [Dkt. No. 11] (Dec. 29, 2025).

15 Similarly, the Hon. Judge Vera dismissed a writ of habeas corpus as moot after the
16 petitioner was released upon a motion for preliminary injunction. *See Hashemi v. Noem*,
17 No. 2:25-cv-10335-HDV-SP [Dkt. No. 19] (Jan. 7, 2026).

18 The Hon. Judge Olguin likewise denied a preliminary injunction and writ of
19 habeas corpus as moot following the petitioner's release, finding "[P]etitioner's release

20
21 ⁴ In contrast, Judges concluding that a request for habeas relief is not moot when
22 the Government complies with a court order to release an individual from custody are
23 inapposite. *See, e.g.,* Report and Recommendation of the United States Magistrate
24 Judge, *C.S.M. v. Hernandez et al.*, Case No. 5:26-cv-01144-JWH-ACCV Case No. 5:26-
25 cv-01144-JWH-ACCV (C.D. Cal. May 13, 2026), ECF 27 (concluding that the
26 Petitioner's detention violated procedural due process and recommending that,
27 notwithstanding the minor C.S.M.'s release pursuant to the Court's order upon an *ex*
28 *parte* TRO application, the District Judge enter an order granting the habeas petition and
order that she not be re-detained without ensuring compliance with her due process
rights and federal regulations). Here, there is no such court order demanding E.R.F.'s
release, and ORR diligently followed its own suitability determination process,
concluding that it was safe to release E.R.F. to her sponsor. *See Biswas Decl.* ¶¶ 35-69.

1 does not give rise to collateral consequences that are redressable by success on his
2 original petition. And Petitioner's contention that Respondents will be able to re-arrest
3 and re-detain him appears to be speculative and hypothetical." *See Trujillo v. Janecka*,
4 No. 5:25-cv-03002-FMO-SSC, 2026 WL 84313, at 1-2 (C.D. Cal. Jan. 12, 2026)
5 (cleaned up).

6 The Hon. Judge Valenzuela declined to issue a preliminary injunction after
7 petitioner's release, finding that petitioner could not show a likelihood of imminent
8 irreparable harm. *See Petrosyan v. Bondi*, No. 5:25-cv-03240-CV-AS [Dkt. No. 11]
9 (Dec. 31, 2025) (order discharging order to show cause).

10 Notably, moreover, the cases cited above all involved claims of potential future
11 immigration re-detention of the petitioner by law enforcement agencies (specifically
12 ICE) that had the ability to effectuate arrests. But even that scenario was insufficient to
13 maintain the claims. Here, by contrast, that arrest capacity is also absent with respect to
14 the Respondent, ORR. There is no non-speculative habeas claim.

15 Accordingly, the Court should deny the habeas petition as moot as to E.R.F.

16 **3. Administrative Exhaustion Is Appropriate Here As To E.I.C.R.,**
17 **K.M.R., And F.G.M.S.**

18 Petitioners' habeas action is untimely where, as here, the sponsorship applications
19 for E.I.C.R., K.M.R., and F.G.M.S. are still incomplete. *See, e.g., Richmond v. Scibana*,
20 387 F.3d 602, 604 (7th Cir. 2004) (discussing the "common-law exhaustion rule [that]
21 applies to § 2241 actions"); *Baker v. Warden*, No. 23 C 50028, 2025 WL 1398979, at *3
22 (N.D. Ill. May 14, 2025) (petitioners "must exhaust their federal administrative remedies
23 before seeking habeas relief in court"); *see also* Biswas Decl. ¶ 95-96, 121, 162. Still,
24 when Congress has not imposed a statutory administrative exhaustion requirement,
25 "sound judicial discretion governs" whether exhaustion should be required. *McCarthy v.*
26 *Madigan*, 503 U.S. 140, 144 (1992); *see also Gonzalez v. O'Connell*, 355 F.3d 1010,
27 1016 (7th Cir. 2004). The exhaustion doctrine both allows agencies to apply their special
28 expertise in interpreting relevant statutes and promotes judicial efficiency. *Id.* But in

1 making such an assessment, courts must balance the individual and institutional interests
2 involved, considering “the nature of the claim presented and the characteristics of the
3 particular administrative procedure provided.” *McCarthy*, 503 U.S. at 146.

4 The general rule is that parties must exhaust “prescribed administrative remedies
5 before seeking relief from the federal courts.” *Id.* at 144-45. This case falls well within
6 this general rule because the sponsorship applications for the children’s potential
7 sponsors remain pending (except E.F.R.’s sponsor) and several important vetting
8 requirements necessary to ensure Petitioners’ safety and well-being upon release have
9 not yet been completed. *See Biswas Decl.* ¶¶ 95-96, 121, 162.

10 There are “two exceptions to the exhaustion requirement . . . First, exhaustion will
11 be excused when resort to such procedures would be futile, and second, the exhaustion
12 requirement is excused when a claimant is wrongfully denied meaningful access to
13 administrative procedures.” *Lieske v. Morlock*, 570 F. Supp. 1426, 1429 (N.D. Ill. 1983).

14 Neither of these exceptions apply. ORR is actively engaging with the potential
15 sponsors for E.I.C.R., K.M.R., and F.G.M.S. and assisting them with the sponsorship
16 process which remains ongoing. *See generally Biswas Decl.* ¶¶ 71-162. Further, there is
17 no allegation whatsoever that ORR is preventing the potential sponsors for these children
18 from completing outstanding sponsorship requirements, in fact, the record shows that
19 specialists met with each potential sponsor on multiple occasions to help them complete
20 them. *Id.*; *see also Woodford v. Ngo*, 548 U.S. 81, 90–91 (2006) (“Proper exhaustion
21 demands compliance with an agency’s deadlines and other critical procedural rules
22 because no adjudicative system can function effectively without imposing some orderly
23 structure on the course of its proceedings.”).

24 The statutory and regulatory framework described above contemplates a robust
25 administrative process to allow ORR to vet sponsorship applicants. *See supra* at 4.
26 Bypassing that process entirely via habeas relief would directly undermine the review-
27 process that the HHS Secretary “shall, at a minimum, verif[y] the custodian’s identity
28 and relationship to the child, if any, as well as [make] an independent finding that the

1 individual has not engaged in any activity that would indicate a potential risk to the
2 child.” 8 U.S.C. § 1232(c)(3)(A) (emphasis added). There is thus little reason why
3 exhaustion should not be required here.

4 **4. ORR’s Custody of Petitioners Is Required By Statute.**

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

14 In this case, the contrast is even more stark, as Respondents entered the United
15 States designated as unaccompanied alien children by DHS. This means that ORR took
16 custody of E.R.F., E.I.C.R., K.R.M., and F.G.M.S. under the HSA. Biswas Decl. ¶¶ 35,
17 71, 97, 122. And in that circumstance, the TVPRA reinforces and expands upon the
18 government’s responsibility for the care of UACs. Unlike adults in the custody of other
19 agencies, ORR cannot simply release children in its care on their own recognizance, or
20 to just anyone who is willing to sponsor them. *See* 6 U.S.C. § 279(b)(2)(B). Rather, the
21 TVPRA requires that ORR make a considered decision about each child’s placement
22 based upon all the circumstances. *See* 8 U.S.C. § 1232(c)(2)(A), (c)(3)(A).

23 As discussed above, the Petition should be denied because each child’s potential
24 sponsor (except E.R.F., whose sponsor’s application has already been granted) has a
25 pending application with ORR to take custody of them so that ORR can make a
26 considered decision of any kind. Biswas Decl. ¶¶ 95-96, 121, 162.

27 Instead of going the direct route contemplated under the statute and regulations,
28 the ‘next friend’ has attempted to short-circuit that process by going to district court and

1 filing a habeas petition to have the court make its own “best interests” determination. But
2 considering that the sponsorship applications for each child’s potential sponsor are
3 currently in the sponsor-assessment process (except, as noted, E.R.F.), ORR’s actions in
4 this matter strictly follow the statutory requirements. As discussed above, ORR is
5 prohibited from releasing Petitioners to a sponsor’s custody until it makes “a
6 determination that the proposed custodian is capable of providing for the child’s physical
7 and mental well-being.” 8 U.S.C. § 1232(c)(3)(A). Accordingly, ORR is acting in
8 accordance with the TVPRA’s requirements, and the Petitioners (E.I.C.R., K.M.R., and
9 F.G.M.S.) should not be released to their potential sponsors unless and until ORR deems
10 them suitable.

11 **5. Nothing About ORR’s Continued Care for Petitioners Violates the**
12 **Fifth Amendment.**

13 **A. Procedural Due Process**

14 Petitioners argue in their Third Claim for Relief that ORR’s custody of them
15 constitutes a procedural due process violation because they have a liberty interest under
16 the Due Process Clause, asserting that Respondents’ policies and actions have deprived
17 them of freedom from confinement without constitutionally sufficient due process and
18 that their further detention bears no reasonable relation to a legitimate government
19 purpose. Pet. ¶¶ 119-126, 138-144. These arguments are unavailing, however, because
20 they are contrary to well-established precedent.

21 A procedural due process analysis typically considers the three factors articulated
22 by the Supreme Court in *Mathews v. Eldridge*, 424 U.S. 319 (1976). That framework
23 requires consideration of the following factors: (1) “the private interest that will be
24 affected by the official action”; (2) “the risk of an erroneous deprivation of such interest
25 through the procedures used and the probable value, if any, of additional or substitute
26 procedural safeguards”; and (3) “the Government’s interest, including the function
27 involved and the fiscal and administrative burdens that the additional or substitute
28 procedural requirement would entail.” *Id.* at 335.

1 The first *Mathews* factor addresses “the private interest that will be affected by the
2 official action.” *Id.* at 334. Petitioners identify two constitutional interests: that of E.R.F.,
3 E.I.C.R., K.R.M., and F.G.M.S. being free from custody and that of a right to family
4 integrity or familial association between the children and their parents or close relatives
5 who sought to sponsor them. Pet. at ¶ 141. Neither interest outweighs the remaining
6 *Mathews* factors under the circumstances of these cases where the sponsorship
7 applications for E.I.C.R., K.M.R., and F.G.M.S. remain pending, and the potential
8 sponsors for those children have yet to complete several essential vetting requirements.
9 Biswas Decl. ¶¶ 95-96, 121, 162. Moreover, ORR is actively assisting each potential
10 sponsor in completing them. *See generally* Biswas Decl. ¶¶ 71-162.

11 As the Supreme Court has recognized, children “unlike adults, are always in some
12 form of custody” and do not have “a right to come and go at will[.]” *Reno v. Flores*, 507
13 U.S. 292, 302 (1993) (quoting *Schall v. Martin*, 467 U.S. 253, 265 (1984)). As such, a
14 UAC’s “interest in freedom from institutional restraints” may be subordinated to a
15 state’s interest in the child’s welfare.” *Schall*, 467 U.S. at 265. Additionally, a parent’s
16 interest in raising their child is “neither absolute nor unqualified.” *Martin v. St. Mary’s*
17 *Dep’t of Soc. Servs.*, 346 F.3d 502, 506 (4th Cir. 2003); *see also D.B. v. Cardall*, 826
18 F.3d 721, 741 (4th Cir. 2016) (“[A]lthough ‘the interest of parents in the care, custody,
19 and control of their children’ has been recognized as a ‘fundamental liberty interest[],’
20 *Troxel v. Granville*, 530 U.S. 57, 65 (2000), that right is qualified, and in most cases,
21 “the constitutionality of state actions that interfere with family integrity depends on the
22 adequacy of the procedures available to contest them.”). That interest must give way to
23 the state’s responsibility to investigate circumstances that could lead to neglect and
24 abuse, as required by the TVPRA for ORR. *See* 8 U.S.C. § 1232(c)(3)(A) (prohibiting
25 ORR from releasing a child to a sponsor unless ORR makes an affirmative determination
26 “that the proposed custodian is capable of providing for the child’s physical and mental
27 well-being”) (emphasis added).

28 The second *Mathews* factor looks to “the risk of an erroneous deprivation of such

1 interest through the procedures used,” as well as whether further or different process
2 would lead to a more accurate resolution. *Mathews*, 424 U.S. at 335. Notably, in a 2022
3 decision on cross summary judgment motions in the *Lucas R* litigation, a class action
4 challenging certain ORR policies and practices relating to the care and custody of
5 unaccompanied alien children, including the sufficiency of procedural protections
6 governing children’s release to sponsors, the court found that due process does not
7 require ORR to determine that a sponsor who is a parent or close relative is suitable by a
8 clear and convincing evidentiary standard. *Lucas R v. Becerra*, No. CV 18-5741-DMG
9 (PLAx), 2022 WL 2177454, *28 (C.D. Cal. Mar. 11, 2022).

10 As the *Lucas R* court recognized, “[d]ue process does not demand that the Court
11 impose procedures that shift the burden to ORR to prove that the sponsor is unfit.” *Id.*
12 Instead, acknowledging unique interests and challenges in the immigration context and
13 the broad statutory discretion provided to ORR by the TVPRA for conducting the
14 mandated suitability determinations to ensure safe releases of UACs to potential
15 sponsors, the court stated that, “a minor’s rights are adequately protected so long as the
16 minor and sponsor have the opportunity to appeal a denial and submit additional
17 evidence of a sponsor’s fitness, if necessary.” *Id.*; 8 U.S.C. § 1232(c)(3)(A).⁵ The court
18 found that ORR’s then-existing hearing policies that at the time applied only to UACs
19 with parent or legal guardian sponsors “provide the fundamental hallmarks of due
20 process, including review by a neutral factfinder who is not involved in the original
21
22

23 ⁵ Petitioners misleadingly cite to the *Lucas R* decision for the proposition that the
24 TVPRA at 8 U.S.C. § 1232(c)(2)(A) creates a substantive interest protected by the Due
25 Process Clause by using mandatory language that imposes an obligation on ORR to
26 promptly place a UAC “in the least restrictive setting that is in the best interest of the
27 child.” Pet. ¶ 94. While the *Lucas R* court did discuss the mandatory language in that
28 TVPRA section, the court went on say that the statement “does not contain specific
substantive limits on Defendants’ discretion, and in fact uses non-mandatory language to
delineate what factors Defendants ‘may’ consider in making placements.” *See Lucas R.*,
2022 WL 3908829, at *21.

denial.” *See Lucas R*, 2022 WL 2177454, at *26.⁶ The court only added that the notice must inform denied potential sponsors that they are entitled to be represented by counsel (at no cost to the Government). *Id.* Notably absent from the *Lucas R* court’s reasoning, however, was any mention of a requirement that due process demands a pre-determination hearing before a sponsorship decision is ever made. *Id.* Here, the sponsorship application for the potential sponsor for each child Petitioner is still pending (except for E.R.F. who was released), and ORR has not made a final decision whether it is safe to release these Petitioners to their relatives who seek to sponsor them. Biswas Decl. ¶¶ 95-96, 121, 162.

Petitioners have likewise not made any showing of unreasonable delay. The record demonstrates that ORR has engaged with the potential sponsor for each child Petitioner (E.I.C.R., K.M.R., and F.G.M.S.) regarding additional required information for sponsoring them, and other necessary steps. *See generally id* at ¶¶ 70-162.

Critically, as the court in *JECM* explained, “[t]he potential exploitation of [UACs] by sponsors underscores the strong interest that ORR has in ensuring the safe release of children in its care.” 689 F.Supp.3d 180, 199 (E.D. Va. 2023) (discussing evidence of incidents such as the trafficking of UACs by their assigned sponsors in Marion, Ohio and a New York Times investigation that supported legitimate governmental concern regarding mistreatment of UACs where children released by ORR across the country had taken dangerous jobs in factories, which had in some cases been encouraged or even required by sponsors).

⁶ On August 30, 2022, in alignment with its partial summary judgment decision, the *Lucas R* court issued a preliminary injunction ordering ORR to extend its notice and appeal processes in the ORR Policy Guide which were previously afforded only to denied sponsors who are parents and legal guardians to close relatives, among other changes to its policies regarding release of children to sponsors. *See Lucas R*, 2022 WL 3908829, at *1; *cf. J.E.C.M. by and Through His Next Friend Saravia v. Marcos*, 689 F.Supp.3d 180, 195 (E.D. Va. 2023). ORR incorporated those notice and appeal processes in its Foundational Rule. *See* 45 C.F.R. §§ 410.1205, 1206.

1 In sum, an application of the *Mathews* factors to the specific circumstances of
2 Petitioners' cases demonstrates that ORR has not violated their or their potential
3 sponsors' procedural due process rights.

4 **B. Substantive Due Process.**

5 In their Second Claim for Relief, Petitioners assert a violation of the substantive
6 component of the Due Process Clause, arguing that ORR's continued care of them
7 infringes on their and their parents' liberty interest in family integrity and association.
8 Pet. ¶¶ 110-118, 132-137. "Substantive due process is far narrower in scope than
9 procedural due process" and requires Petitioners to show not only that they were
10 deprived of a constitutionally protected interest, "but also that the action causing the
11 deprivation falls so far beyond the outer limits of legitimate governmental action that no
12 process could cure the deficiency." *J.E.C.M. by and Through His Next Friend Saravia v.*
13 *Lloyd*, 352 F.Supp.3d 559, 586 (E.D. Va. 2018) (citing *Plyler v. Moore*, 200 F.3d 365,
14 374 (4th Circ. 1996) (emphasis, internal quotation marks, and citations omitted in the
15 original) (holding that unaccompanied alien child plaintiffs failed to state a substantive
16 due process claim where they alleged that ORR's policies and procedures made it
17 increasingly difficult for children to be released from ORR's care and custody).
18 Petitioners simply cannot make that requisite showing here.

19 As discussed above, any constitutional liberty interest that the Petitioners' parents
20 have in raising them is "neither absolute nor unqualified," and ORR has countervailing
21 interests in protecting the children from risk of harm upon release, as required by the
22 TVPRA. *JECM*, 352 F.Supp.3d at 587–88 (citing *Martin*, 346 F.3d at 506) (internal
23 quotation marks omitted); 8 U.S.C. § 1232(c)(3)(A). Thus, "the constitutionality of state
24 actions that interfere with family integrity depends on the adequacy of the procedures
25 available to contest those actions." *Id.* at 588 (citing *D.B.*, 826 F.3d at 741) (internal
26 quotation marks omitted). As shown above, ORR has put in place ample due process
27 procedures in its regulations and policy which enable denied potential sponsors to
28 contest ORR's release decisions.

Further, to demonstrate that governmental conduct “shocks the conscience,” “[Petitioner] must allege conduct that is ‘patently egregious’ or ‘outrageous,’ that ‘violates the decencies of civilized conduct,’ or that fails to ‘comport with traditional ideas of fair play and decency.’” *J.E.C.M.*, 352 F.Supp.3d at 586-87 (citing *County of Sacramento v. Lewis*, 523 U.S. 833, 846-49 (1998)) (internal quotation marks and citations omitted in the original). Moreover, “[t]o be sufficiently egregious, the official conduct must do more than produce a harmful or unfortunate result . . . rather, the conduct must be so out of step with contemporary norms and comparable governmental practices that no decent society can tolerate it.” *Id.* (citation omitted). Under the circumstances here, where vetting requirements for the potential sponsors for E.I.C.R., K.R.M., and F.G.M.S. are still pending, *see* Biswas Decl. ¶¶ 95-96, 121, 162; and ORR has actively assisted these Petitioners’ potential sponsors in completing sponsorship requirements, *see generally* Biswas Decl. ¶¶ 70-162, ORR’s conduct cannot be said to “shock the conscience.” *See D.B.*, 826 F.3d at 741 (“[W]hen a state’s interference with parental control is predicated on a determination that the parent is unable to provide adequate care for a child, such interference does not contravene substantive due process, at least in the absence of governmental action that shocks the conscience”). Thus, Petitioners’ substantive due process challenge is unavailing.

6. Petitioners’ TVPRA Claim Fails.

In their First Claim for Relief, Petitioners assert that ORR violated the TVPRA’s requirement that E.R.F., E.I.C.R., K.R.M., and F.G.M.S., as UACs, be placed in “the least restrictive setting that is in the child’s best interests. Pet. ¶¶ 99-105, 127-131. The TVPRA does not provide a standalone cause of action because it does not contain an express waiver of the government’s sovereign immunity, and the government has not otherwise consented to suit under that statute. *See* 8 U.S.C. § 1232; *Lane v. Pena*, 518 U.S. 187, 192 (1996); *cf. Adams v. Calhoun Cty.*, No. 18-1867, 2019 WL 3501815, at *2 (6th Cir. 2019) (no waiver of state sovereign immunity); *Mjsilovic v. Okla. Ex rel. Bd. of Regents for Univ. of Okla.*, 841 F.3d 1129, 1132-34 (10th Cir. 2016) (same).

1 Accordingly, any claim that ORR has violated the TVPRA must be evaluated under the
2 APA (§ 706(2)(A)) as a claim that the agency action was “arbitrary, capricious, an abuse
3 of discretion, or otherwise not in accordance with law.” *See Lucas R.*, 2018 WL
4 7200716, at *7 n.12.

5 Section 704 of the APA provides for judicial review of “[a]gency action made
6 reviewable by statute and final agency action for which there is no other adequate
7 remedy in a court.” 5 U.S.C. § 704. Here, however, where no statute makes ORR’s
8 preliminary sponsor vetting efforts reviewable, the sponsorship applications for the
9 potential sponsors of E.I.C.R., K.M.R., and F.G.M.S. are being processed, essential
10 vetting requirements are still pending, and ORR has not made its final agency decision
11 regarding the suitability of each potential sponsor and the safety of releasing Petitioners
12 to them, judicial review of such a claim under the APA is not available. Biswas Decl. ¶¶
13 95-96, 121, 162. And, finally, E.R.F. was released to his sponsor, E.F.S., on July 10,
14 2026. *Id.* at ¶ 69.

15 Further, Section 706(1) of the APA permits a reviewing court to “compel agency
16 action unlawfully withheld or unreasonably delayed.” 5 U.S.C. § 706(1).⁷ The Supreme
17 Court has held that a claim under 5 U.S.C. § 706(1) can only proceed where the plaintiff
18 asserts that an agency failed to take a discrete action that the agency is required to take.
19 *See Norton v. Southern Utah Wilderness Alliance*, 542 U.S. 55, 64 (2004). Accordingly,
20 an agency’s purported delay in acting cannot be unreasonable with respect to action that
21 is not required. *See id.* Here, the TVPRA mandates that ORR release a child only to a
22 sponsor that ORR, in its child welfare experience and judgment, determines will safely
23 care for the UAC. 8 U.S.C. § 1232(c)(3)(A).⁸ ORR is actively engaged with the potential

24
25 ⁷While Petitioners do not cite § 706(1), that is the section applicable to claims
26 based on delay.

27 ⁸ Petitioners also argue that Respondents failed to timely process the sponsorship
28 applications of each Petitioner’s potential sponsor in accordance with Foundational Rule
requirements. *See, e.g.*, Pet. ¶ 97. This assertion has no merit. Under the *Accardi*

1 sponsors for each Petitioner in the ongoing sponsorship process but has not yet made the
2 determination whether the Petitioners (aside from E.R.F.) may safely be released. Biswas
3 Decl. ¶¶ 95-96, 121, 162.

4 Finally, referencing their unsubstantiated supposition that ORR may have a “plan”
5 to transfer UACs to Texas based upon media reports, Petitioners assert that ORR would
6 be encumbering their right to access to counsel under the TVPRA at 8 U.S.C. §
7 1232(c)(5) by requiring them to move further away from their families and attorneys.
8 Pet. ¶¶ 67, 124, 131. ORR has no current plans to transfer Petitioners out of California to
9 Texas (or any other state) unless warranted by specific circumstances, such as medical
10 emergencies or security concerns, consistent with 45 C.F.R. § 410.1601. Biswas Decl. ¶
11 34. Any report to the contrary is false. *Id.*

12
13
14 doctrine, a court may set aside agency action that is not in compliance with its own
15 regulations or internal procedures. *See Leslie v. Att’y Gen. of U.S.*, 611 F.3d 171, 175 (3d
16 Cir. 2010). But not every agency regulation or procedure falls under the doctrine. Rather,
17 to state a claim for an *Accardi* violation, Petitioners must plausibly allege that a
18 regulation or procedure “regulate[s] the rights and interests of others” and thus is
19 “controlling upon the agency.” *Id.* (citing *Columbia Broad. Sys., Inc. v. United States*,
20 316 U.S. 407, 422 (1942)); *see United States ex rel. Accardi v. Shaughnessy*, 347 U.S.
21 260, 268 (1954). When an agency regulation “does not protect fundamental
22 constitutional or statutory rights,” a violation of the regulation will only warrant judicial
23 relief when there is “a showing of prejudice.” *Leslie*, 611 F.3d at 178 (citing *Chong v.*
24 *INS*, 264 F.3d 378, 389 (3d Cir. 2001)).

25 ORR has followed applicable laws, policies, and regulations in processing each of
26 the sponsorship applications. These included laws requiring ORR to consider the safety
27 and suitability of any placement. Notably, 45 C.F.R. § 410.1205(b), cited by Petitioners
28 (*see* Pet. ¶ 97) refers to adjudication of a “completed” sponsorship application. The
record reflects that the pending applications for the potential sponsors of E.I.C.R.,
K.R.M., and F.G.M.S. are not yet complete, and several important vetting requirements
remain pending. Biswas Decl. ¶¶ 95-96, 121, 162. And E.R.F. was recently released to
his sponsor on July 10, 2026. *Id.* at ¶ 69.

Petitioners do not specifically assert a claim under *Accardi*, but any such claim
would fail because the remedy for an *Accardi* violation would be “limited to compelling
the agency to abide by” the regulation, which it has done here, not to order release.
C.G.B. v. Wolf, 464 F. Supp. 3d 174, 227 n.44 (D.D.C. 2020).

7. Petitioner E.I.C.R. Does Not State A Viable Claim Under Section 504 Of The Rehabilitation Act.

In the Fourth Claim for Relief, Petitioner E.I.C.R. claims that by “failing to reasonably accommodate his disability and facilitate timely reunification, ORR denied E.I.C.R. the full and equal benefit of the release process in violation of Section 504 and its implementing regulations.” Pet. ¶ 109; *see also id.* ¶¶ 106-108, 145-153.

As detailed above, ORR takes seriously its obligations under Section 504, the Foundational Rule, and ORR policy for the care of children with disabilities. *See* 29 U.S.C. § 794; 45 CFR part 85; ORR UACB Policy Guide, § 3.8; Biswas Decl. ¶ 29. Notwithstanding these requirements, however, ORR remains statutorily obligated under the TVPRA to assure the safety of the release of a child with a disability to a potential sponsor. 8 U.S.C. § 1232(c)(3). In fact, recognizing the vulnerability of children with disabilities and the potential for their exploitation, Congress mandated that a home study be undertaken before a child with a disability may be released to a sponsor. *Id.* at § 1232(c)(3)(B).

Moreover, “ORR’s assessment under § 410.1202 of a potential sponsor’s capability to provide for the physical and mental well-being of the child must necessarily include explicit consideration of the impact of the child’s disability or disabilities.” 45 CFR § 410.1311(e); Biswas Decl. ¶ 33. This means that, while ORR also considers “the potential benefits to the child of release to a community-based setting”, before ORR may release a child with a disability to a sponsor, ORR must consider whether that sponsor is capable of meeting the child’s disability-related needs. 45 C.F.R. § 410.1311(e); Biswas Decl. ¶ 33. Part of ORR’s sponsor suitability determination process for a child with a disability also entails “affirmatively support[ing] and assist[ing] 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.” 45 C.F.R. § 410.1311(e)(2); *see also* Biswas Decl. ¶ 33. To be deemed suitable, however, a sponsor must be capable of providing for the child’s

1 physical and emotional well-being with such services and supports in place. 8 U.S.C. §
2 1232(c)(2)(A); Biswas Decl. ¶ 11.

3 As detailed above, Rancho San Antonio created an Individualized Section 504
4 Service Plan for E.I.C.R. pursuant to the requirements of the *Lucas R* Disabilities
5 Settlement Agreement. This 504 Service Plan identifies triggers and areas of need for
6 the child based on his diagnosed disability, PTSD, and sets forth a plan to provide
7 various services and accommodations to ensure his equal access to ORR programming.
8 Biswas Decl. ¶ 85.

9 Importantly, as a minor with a disability, E.I.C.R.'s case qualifies for a mandatory
10 home study under the TVPRA, 8 U.S.C. § 1232(c)(3)(B). Biswas Decl. ¶ 79. A home
11 study cannot be initiated until ORR receives a completed application and the
12 required supporting documents from the potential sponsor. *Id.* These documents are
13 necessary for a home study provider to be able to conduct a home study. *Id.* To date,
14 E.I.C.R.'s home study remains pending because her potential sponsor A.A.L.L. has not
15 yet submitted many of the documents needed to initiate it, despite ORR's many efforts to
16 assist her in submitting the required documentation. Biswas Decl. ¶ 95, ¶¶ 71-96. ORR
17 continues to work with A.A.L.L. and her daughter to collect the outstanding documents
18 needed for the suitability assessment process. *Id.* at ¶ 96.

19 Given the above, Petitioner E.I.C.R.'s Section 504 claim fails.

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1 **VI. CONCLUSION**

2 For the foregoing reasons, Respondents respectfully request that the Petition be
3 denied.

4 Dated: July 16, 2026

Respectfully submitted,

5 TODD BLANCHE

Acting Attorney General

6 BILAL A. ESSAYLI

First Assistant United States Attorney

7 DANIEL A. BECK

Assistant United States Attorney

8 Acting Chief, Civil Division

9 ALARICE MEDRANO

Assistant United States Attorney

Acting Chief, Complex and Defensive Litigation Section

10 /s/ Najah J. Shariff

11 NAJAH J. SHARIFF

12 Assistant United States Attorney

13 Attorneys for Respondents

1 TODD BLANCHE
Acting Attorney General
2 BILAL A. ESSAYLI
First Assistant United States Attorney
3 DANIEL A. BECK
Assistant United States Attorney
4 Acting Chief, Civil Division
ALARICE MEDRANO
5 Assistant United States Attorney
Acting Chief, Complex and Defensive Litigation Section
6 NAJAH J. SHARIFF (Cal. Bar No. 201216)
Assistant United States Attorney
7 Federal Building, Suite 7211
300 North Los Angeles Street
8 Los Angeles, California 90012
Telephone: (213) 894-2534
9 E-mail: Najah.Shariff@usdoj.gov

10 Attorneys for Respondents

11 UNITED STATES DISTRICT COURT
12 FOR THE CENTRAL DISTRICT OF CALIFORNIA
13 EASTERN DIVISION
14

15 E.R.F., ET AL,

16 Petitioner,

17 v.

18 ANGIE SALAZAR, ET AL,

19 Respondents.

No. 5:26-cv-03705-WLH-DSR

DECLARATION OF TOBY BISWAS

20
21 Pursuant to 28 U.S.C. § 1746, I, Toby Biswas, hereby declare under penalty
22 of perjury that the following is true and correct:
23

24 1. I am the Assistant Deputy Director for Policy for the Unaccompanied
25 Alien Children Bureau ("UACB"), and manage the Division of Policy Coordination &
26 Intergovernmental Affairs, and the Division of Policy Administration & Legal Affairs
27
28

1 within the Office of Refugee Resettlement (“ORR”), an entity within the
2 Administration for Children and Families (“ACF”), U.S. Department of Health and
3 Human Services (“HHS”).
4

5 2. I have held various roles within ORR since joining the agency in
6 November 2009, and I have held my current role since August 2025. My
7 responsibilities encompass the development and implementation of ORR’s policies and
8 procedures concerning the care and custody of unaccompanied alien children
9 (“UACs”). In this capacity, I am responsible for ensuring ORR’s implementation of
10 and compliance with programmatic policy prerogatives and statutory responsibilities,
11 including those arising under the Homeland Security Act of 2002 (“HSA”), 6 U.S.C. §
12 279; Trafficking Victims Protection Reauthorization Act of 2008 (“TVPRA”), 8 U.S.C.
13 § 1232; and ORR’s regulations, including the Foundational Rule, 45 CFR part 410.
14
15
16

17 3. This declaration is based upon my personal knowledge, information
18 acquired in the course of performing my official duties, information contained in the
19 records of ACF and ORR, and information conveyed to me by current agency
20 employees and contractors.
21

22 **Care and Placement of Unaccompanied Alien Children in ORR Custody**

23

24 4. An unaccompanied alien child is a child who has no lawful immigration
25 status in the United States; has not attained 18 years of age; and with respect to whom
26 there is no parent or legal guardian in the United States or no parent or legal guardian
27
28

1 in the United States is available to provide care and physical custody. 6 U.S.C.
2 § 279(g)(2).

3
4 5. Pursuant to the TVPRA, “any department or agency of the Federal
5 Government that has an unaccompanied alien child in custody shall transfer the custody
6 of such child to the Secretary of Health and Human Services not later than 72 hours
7 after determining that such child is an unaccompanied alien child.” 8 U.S.C. §
8 1232(b)(3). Therefore, ORR only takes children into its custody upon referral by
9 another federal agency.
10

11
12 6. ORR “shall accept referrals of unaccompanied children, from any
13 department or agency of the Federal Government at any time of day, every day of the
14 year.” 45 C.F.R. § 410.1101(a). Further, ORR has no ability to refuse a referral when
15 the referring federal agency transfers custody to it of an individual that the other agency
16 has determined to be a UAC. *See generally* 8 U.S.C. § 1232(b).
17

18
19 7. After a federal department or agency notifies ORR that a child in its
20 custody is a UAC, ORR identifies a program placement for the child. 45 C.F.R. §
21 410.1101(b). To do so, ORR requests background information from the referring
22 federal agency to assess, among other things, whether the unaccompanied alien child
23 is a danger to himself or others, whether there are any known medical and/or mental
24 health issues, or whether other special concerns or needs are known. ORR uses this
25 information to determine an appropriate placement for the child in the least restrictive
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1 setting appropriate for the child's needs. 45 C.F.R. §§ 410.1103(a) & (b); ORR UACB
2 Policy Guide ("UACB Policy Guide"), § 1.3.1, *available at* [https://acf.gov/orr/policy-](https://acf.gov/orr/policy-guidance/unaccompanied-children-program-policy-guide)
3 [guidance/unaccompanied-children-program-policy-guide](https://acf.gov/orr/policy-guidance/unaccompanied-children-program-policy-guide).
4

5 8. ORR may place a child in a shelter facility, foster home or group home
6 (which may be therapeutic), heightened supervision facility or secure facility
7 (including residential treatment centers), or other care facility that can provide for the
8 UAC's specific individualized needs. 45 C.F.R. § 410.1102; UACB Policy Guide
9 § 1.2.
10

11 **Policies for an Unaccompanied Alien Child's Safe and Timely Release**

12

13 9. ORR's goal is to release UACs to suitable sponsors where consistent with
14 its statutory mandate to ensure that placement does not result in danger to UACs, to the
15 community, or risk of flight by any UAC. *See, e.g.*, 6 U.S.C. §§ 279(b)(1), (b)(2)(A)(ii);
16 8 U.S.C. §§ 1232(c)(1), (c)(3)(A).
17

18 10. ORR must balance its responsibility to make and record prompt and
19 continuous efforts towards release of UACs, *see* 45 C.F.R. § 410.1203(a), with
20 concurrent duties to ensure the safety of releases.
21

22 11. The TVPRA prohibits HHS from releasing a child to a proposed custodian
23 unless HHS first "makes a determination that the proposed custodian is capable of
24 providing for the child's physical and mental well-being," which "shall, at a minimum,
25 include verification of the custodian's identity and relationship to the child, if any, as
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1 well as an independent finding that the individual has not engaged in any activity that
2 would indicate a potential risk to the child.” 8 U.S.C. § 1232(c)(3)(A).

3
4 12. In addition, under its regulations, which implement the settlement
5 agreement in *Flores v. Reno*, No. CV 85-4544-RJK(Px) (C.D. Cal. Jan. 17, 1997) (the
6 “*Flores* Settlement Agreement” or “FSA”),¹ ORR assesses all potential sponsors (even
7
8 when the potential sponsor is a child’s parent or legal guardian) before making any
9 release determination, including a review of the potential sponsor’s strengths,
10 resources, risk factors, and relationship to the UAC. *See, e.g.*, 45 C.F.R. §§ 410.1201(a);
11 1202(b) & (c) (implementing Paragraphs 14 and 17 of the FSA, respectively).

12
13 13. Further, as part of the sponsor suitability assessment process, “ORR shall
14 evaluate the unaccompanied child’s current functioning and strengths in conjunction
15 with any risks or concerns such as: . . . (2) History of criminal or juvenile justice system
16

17
18 ¹ The *Flores* Settlement Agreement is a consent decree entered into by the former
19 Immigration and Naturalization Service (“INS”) governing the apprehension, process,
20 and care and custody of alien minors in its custody. The Department of Homeland
21 Security and HHS are successor agencies to the former INS with respect to various parts
22 of the FSA. However, the FSA has been mostly terminated as to HHS. *See Flores v.*
23 *Garland*, No. CV 85-4544-DMG (AGRx), 2024 WL 3467715, at *9 (C.D. Cal. June 28,
24 2024) (conditionally and partially terminating the FSA as to HHS on the basis of ORR’s
25 publication of regulations implementing the Agreement). The few remaining paragraphs
26 of the FSA that still apply to HHS do not pertain to ORR release processes (*e.g.*, sponsor
27 vetting processes).

1 involvement (including evaluation of the nature of the involvement, for example,
2 whether the child was adjudicated and represented by counsel, and the type of offense)
3 or gang involvement.” 45 C.F.R. § 410.1202(f).
4

5 14. The sponsor assessment process is particularly important because ORR is
6 not a law or immigration enforcement agency and lacks the authority to hold
7 individuals accountable by reassuming care of the child if the sponsor abuses or neglects
8 a child after the child has been released from ORR custody. Instead, ORR only takes
9 children into its custody upon referral by another federal agency, as described in statute.
10 In this regard, ORR is also very different from state child welfare agencies, which
11 typically retain such authority post-placement. Accordingly, ORR must front-load
12 child safety considerations in its identity verification and sponsor-vetting policies.
13
14

15 15. The process for the safe and timely release of an unaccompanied alien
16 child from ORR custody involves several steps, including: the identification of
17 sponsors; sponsor application; interviews; the assessment (evaluation) of sponsor
18 suitability, including verification of the sponsor’s identity and relationship to the child
19 (if any), background checks, and in some cases home studies; and post-release
20 planning. *See generally* 45 C.F.R. part 410, subpart C. Also, under ORR sub-regulatory
21 guidance, there are three categories of potential sponsors: (1) Category 1, consisting of
22 parents or legal guardians; (2) Category 2, consisting of siblings, half-siblings,
23 grandparents, or immediate relatives (such as aunts, uncles, and cousins), and other
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1 biological relatives and relatives through marriage; (3) Category 3, consisting of other
2 sponsors, such as distant relatives and unrelated adult individuals. Additionally, ORR
3 classifies cases as Category 4 when no sponsor has been identified. *See* UACB Policy
4 Guide § 2.2.1.
5

6 16. A potential sponsor must complete a sponsorship application package to
7 be considered as a sponsor. 45 C.F.R. § 410.1202. The sponsor must provide unexpired
8 government-issued identification documentation for the sponsor and any other adults
9 living in the household or identified in a sponsor care plan; and, along with any adult
10 living in his or her household, undergo background checks. UACB Policy Guide §§
11 2.2.4, 2.5. All potential sponsors must also submit proof of address, income, sponsor-
12 child relationship, and criminal history documents (if applicable). *Id.* § 2.2.4. ORR
13 does not disqualify potential sponsors based solely on their immigration status or for
14 law enforcement purposes. *Id.* § 2.6.
15
16
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18 17. With respect to the background check process, Title VIII, Section
19 8701(b)(1) of the One Big Beautiful Bill provides ORR funds for background checks
20 on potential sponsors, “which *shall* include: (A) the name of the potential sponsor and
21 of all adult residents of the potential sponsor’s household; (B) the social security
22 number or tax payer identification number of the potential sponsor and of all residents
23 of the potential sponsor’s household;” (emphasis added).
24
25

26 18. ORR conducts a suitability assessment of the potential sponsor, including
27
28

1 a review of the sponsor's strengths, resources, risk factors, and special concerns within
2 the context of each child's needs, strengths, risk factors, and relationship to the sponsor.
3
4 *See* 45 C.F.R. § 410.1202. Additionally, in certain circumstances a home study, which
5 consists of interviews, a home visit, and a written report containing the home-study
6 case worker's findings, is performed. *See* 45 C.F.R. § 410.1204; UACB Policy Guide
7
8 § 2.4.2.

9 19. The TVPRA provides ORR with the authority to conduct home studies,
10 and states: "A home study *shall* be conducted for a child who is a victim of a severe
11 form of trafficking in persons, a special needs child with a disability (as defined in
12 Section 12102 of Title 42), a child who has been a victim of physical or sexual abuse
13 under circumstances that indicate that the child's health or welfare has been
14 significantly harmed or threatened, or a child whose proposed sponsor clearly presents
15 a risk of abuse, maltreatment, exploitation, or trafficking to the child based on all
16 available objective evidence." 8 U.S.C. § 1232(c)(3)(B) (emphasis added); *see also* 45
17 C.F.R. § 410.1204(b)(1).
18
19
20

21 20. Additionally, per 45 C.F.R. § 410.1204(b)(2)&(3), ORR requires a home
22 study "[b]efore releasing any child to a non-relative sponsor who is seeking to sponsor
23 multiple children, or who has previously sponsored or sought to sponsor a child and is
24 seeking to sponsor additional children. ORR also requires a home study "[b]efore
25 releasing any child who is 12 years old or younger to a non-relative sponsor." *Id.*
26
27
28

1 21. Under 45 C.F.R. § 410.1204(c), ORR may also initiate home studies if it
2 determines that a home study is likely to provide additional information which could
3 assist in determining that the potential sponsor is able to care for the health, safety, and
4 well-being of the child.
5

6 22. Once the assessment of the potential sponsor is complete, ORR makes a
7 release determination. UACB Policy Guide § 2.7. The determination must take into
8 consideration all relevant information, including the report and recommendations from
9 a home study, if conducted, laws governing the process, and other facts in the case.
10 ORR makes the final release decision. *Id.* Release decisions include: (1) approve
11 release to sponsor; (2) approve release with post-release services; (3) conduct a home
12 study before a final release decision; (4) deny release; or (5) remand for further
13 information. *Id.*
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16

17 23. In general, ORR denies release if: (1) the potential sponsor is not willing
18 or able to provide for the child's physical or mental well-being; (2) the potential
19 sponsor is not willing to complete the mandatory fingerprint check; (3) the physical
20 environment of the home presents a risk to the child's safety or well-being; or (4)
21 release of the UAC would present a risk to him or herself, the sponsor, household, or
22 community. *Id.* § 2.7.4; 45 C.F.R. § 410.1205. Additionally, pursuant to UACB Policy
23 Guide § 2.7.4, ORR may deny release to a Category 1 potential sponsor, and must deny
24 release to a Category 2 or Category 3 potential sponsor, if the potential sponsor or a
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1 member of the potential sponsor's household:

- 2 • Has been convicted of child abuse or neglect, spousal abuse;
- 3
- 4 • has been convicted within the last five (5) years of a felony involving
- 5 physical assault, battery or drug-related offenses;
- 6
- 7 • has been convicted of a misdemeanor for a sex crime;
- 8
- 9 • has been convicted of alien smuggling or a crime related to trafficking in
- 10 persons or other criminal history or pending charges;
- 11
- 12 • has knowingly provided false information, committed perjury, or
- 13 submitted fraudulent documentation during the sponsor assessment
- 14 process;
- 15 • has an adverse child welfare finding;
- 16
- 17 • is unwilling or unable to complete sponsor vetting requirements (and no
- 18 express waiver has been granted by the ORR Director or their designee);
- 19 or
- 20 • is under active criminal investigation.

21 24. In making placement decisions, HHS "may consider danger to self,

22 danger to the community, and risk of flight." 8 U.S.C. § 1232(c)(2)(A). If the sole

23 reason for the denial of release is a concern that the UAC is a danger to themselves or

24 others, ORR shall send the UAC and their counsel (if the UAC is represented by

25 counsel) a copy of the Notification of Denial and the child may seek an appeal of the

26

27

28

1 denial. 45 C.F.R. § 410.1205(f).

2 25. Separately, the UAC, or their parent, or legal guardian, can request a risk
3 determination hearing before an independent HHS hearing officer. *See* 45 C.F.R. §
4 410.1903. All UACs in restrictive placements based on a finding of dangerousness shall
5 be afforded a hearing before an independent HHS hearing officer who determines,
6 through a written decision, whether the UAC would present a risk of danger to self or
7 to the community if released, unless the UAC indicates in writing that they refuse such
8 a hearing. 45 C.F.R. § 410.1903(a). UACs placed in restrictive settings shall receive a
9 written notice of the procedures. *Id.* Additionally, all other UACs in ORR custody may
10 request a hearing to determine, through written decision, whether the UAC would
11 present a risk of danger to themselves or to the community if released. 45 C.F.R. §
12 410.1903(b). However, "[d]eterminations made under [45 C.F.R. § 410.1903] will not
13 compel an unaccompanied child's release; nor will determinations made under [45
14 C.F.R. § 410.1903] compel transfer of an unaccompanied child to a different
15 placement. Regardless of the outcome of a risk determination hearing or appeal, an
16 unaccompanied child may not be released unless ORR identifies a safe and appropriate
17 placement pursuant to [45 C.F.R. §§ 410.1200-1210]; and regardless of the outcome of
18 a risk determination hearing or appeal, an unaccompanied child may only be transferred
19 to another placement by ORR pursuant to requirements set forth at [45 C.F.R. §§
20 410.1100-1109 and 45 C.F.R. §§ 410.1600-1601]." 45 C.F.R. § 410.1903(j).

1 26. A denial letter issued to a potential sponsor will inform the sponsor that
2 they have the right to request an appeal of the denial to the Departmental Appeals Board
3 (“DAB”) (as the Assistant Secretary’s designee who is a neutral and detached decision
4 maker) and will include instructions for doing so. 45 C.F.R. § 410.1205(c)(3). In
5 deciding an appeal of a release denial, the DAB’s role (as the Assistant Secretary’s
6 neutral and detached designee) is not to substitute its judgment for that of ORR, but to
7 determine whether ORR acted within its statutory authority and applied its regulations
8 and policies reasonably, and whether its decision to deny release was supported by
9 substantial evidence. *See* 45 C.F.R. § 1206; ORR UACB Policy Guide § 2.7.4.
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13 27. The DAB’s decision (as the Assistant Secretary’s designee) to affirm or
14 overrule ORR’s decision to deny release to a potential sponsor is the final
15 administrative decision of the agency on the application that had been under
16 consideration. *See* ORR UACB Policy Guide § 2.7.4. However, if there is new
17 information or a change in circumstances regarding the reunification application, or
18 regarding the unaccompanied alien child’s circumstances, a new reunification
19 application may be submitted that highlights the change(s) and explains why such
20 changes should alter the initial decision. *Id.* Similarly, if ORR discovers new
21 information or becomes aware of a change in circumstances of the potential sponsor
22 and/or the unaccompanied alien child, ORR may assess the case anew. *Id.*
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26 28. Additionally, to ensure due process rights and protect the best interests of
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1 children in ORR care, a prior release denial of an individual's sponsor application does
2 not mean ORR will automatically deny their future sponsor application. *Id.* "In making
3 a release decision, ORR will consider the totality of circumstances surrounding a
4 sponsor application, that is, all information gathered related to the sponsor's
5 relationship to and ability to care for the child." *Id.*

8 **Children with Disabilities in ORR Custody**

9 29. In its Foundational Rule, ORR acknowledged that Section 504 of the
10 Rehabilitation Act, 29 U.S.C. § 794, is applicable to ORR and its care providers and
11 codified key provisions of the then-anticipated Disability Settlement in the *Lucas R*
12 litigation² and the Foundational Rule. *See* 45 CFR § 410.1311; *see also* 45 CFR parts
13 84 (implementing regulations applicable to ORR care providers), and 85
14 (implementing regulations applicable to ORR). Thus, ORR affirmed its commitment
15 to ensuring UACs are protected from discrimination and have equal access to the UAC
16 program, consistent with Section 504. *See* 89 FR 34388; *see also* ORR UACB Policy
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19

21 ² The *Lucas R* Disability Settlement is available online on ORR's website here:
22 [https://acf.gov/system/files/documents/orr/Lucas-R-Disabilities-Settlement-](https://acf.gov/system/files/documents/orr/Lucas-R-Disabilities-Settlement-Agreement.pdf)
23 [Agreement.pdf](https://acf.gov/system/files/documents/orr/Lucas-R-Disabilities-Settlement-Agreement.pdf). *See also* *Lucas R* Disability Implementation Plan, available at:
24 [https://acf.gov/sites/default/files/documents/orr/Implementation-Plan-for-the-Lucas-R.-](https://acf.gov/sites/default/files/documents/orr/Implementation-Plan-for-the-Lucas-R.-Disabilities-Settlement-Agreement_0.pdf)
25 [Disabilities-Settlement-Agreement_0.pdf](https://acf.gov/sites/default/files/documents/orr/Implementation-Plan-for-the-Lucas-R.-Disabilities-Settlement-Agreement_0.pdf). Among other claims, Plaintiffs in that
26 litigation alleged ORR's placement/release practices discriminated against children with
27 behavioral, mental health, intellectual, and/or developmental disabilities in violation of
28 Section 504 (29 U.S.C. § 794). *See* First Amended Complaint, *Lucas R v. Azar*, Case No.
2:18-cv-05741-DMG-PLA (C.D. Cal. Sept. 7, 2018), at ¶¶ 153-177, 191-194.

1 Guide, § 3.8 (incorporating all requirements of the *Lucas R* Disability Settlement).

2 30. Per the Foundational Rule and ORR policy, ORR must administer the
3 UAC Program in the most integrated setting appropriate to the needs of UACs with
4 disabilities as is consistent with 45 CFR § 85.21(d), unless ORR can demonstrate that
5 this would fundamentally alter the nature of its UAC Program. 45 CFR § 410.1311(b);
6 ORR UACB Policy Guide, § 3.8.
7

8 31. ORR must also make reasonable modifications to its programs, including
9 the provision of services, equipment, and treatment, so that a UAC with one or more
10 disabilities can have equal access to the UAC Program in the most integrated setting
11 appropriate to their needs. *Id.* at § 410.1311(c); ORR UACB Policy Guide, § 3.8. “ORR
12 is not required, however, to take any action that it can demonstrate would
13 fundamentally alter the nature of a program or activity.” 45 CFR § 410.1311(c); *see*
14 *also* ORR UACB Policy Guide, § 3.8.
15

16 32. For a child with one or more disabilities, ORR policy requires the
17 development of an Individualized Section 504 Service Plan to “assist care providers in
18 identifying and documenting the child’s disability-related needs as well as the services,
19 supports, and reasonable accommodations that must be provided to enable the child to
20 reside in the least restrictive setting in their best interests and the most integrated setting
21 appropriate to their needs.” ORR UACB Policy Guide, § 3.8.3. “The Individualized
22 Section 504 Service Plan also incorporates disability-related requirements necessary
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1 for the completion of the reunification process (i.e., a home study), which allows the
2 care provider to plan and commence crucial steps early in the process (i.e.,
3 identification of post-release services.” *Id.*
4

5 33. Regarding the release of children with disabilities from ORR custody to a
6 sponsor, ORR’s regulations and policies require:
7

- 8 • “ORR’s assessment under § 410.1202 of a potential sponsor’s capability to
9 provide for the physical and mental well-being of the child must necessarily
10 include explicit consideration of the impact of the child’s disability or
11 disabilities. Correspondingly, ORR must consider the potential benefits to
12 the child of release to a community-based setting.”
- 13 • “In planning for a child’s release and conducting post-release services
14 (PRS), ORR and any entities through which ORR provides PRS shall make
15 reasonable modifications in their policies, practices, and procedures if
16 needed to enable released unaccompanied children with disabilities to live
17 in the most integrated setting appropriate to their needs, such as with a
18 sponsor.”³
- 19 • “ORR will affirmatively support and assist otherwise viable potential
20 sponsors in accessing and coordinating appropriate post-release community-
21 based services and supports available in the community to support the
22 sponsor’s ability to care for a child with one or more disabilities, as
23 provided for under § 410.1210.”
- 24 • “ORR shall not delay the release of a child with one or more disabilities
25 solely because post-release services are not in place before the child’s
26

27 ³ “ORR is not required, however, to take any action that it can demonstrate would result in a
28 fundamental alteration in the nature of a program or activity.” 45 CFR § 410.1311(e)(2).

1 release.”

2 45 CFR § 410.1311; *see also* UACB Policy Guide, § 3.8.4.

3
4 **Case Statuses for E.R.F., E.I.C.R., K.R.M. and F.G.M.S.**

5
6 34. As a foundational matter, ORR has no current plans to transfer Petitioners
7 who remain in its custody out of California to Texas (or any other state) unless
8 warranted by specific circumstances, such as medical emergencies or security
9 concerns, consistent with 45 CFR § 410.1601. Any report to the contrary is false.
10

11 E.R.F.

12
13 35. Based on information provided by the Department of Homeland Security
14 (DHS) Customs and Border Protection (CBP), E.R.F. was apprehended in Lukeville,
15 Arizona on September 5, 2025. She was referred to ORR custody on September 6,
16 2025, but was subsequently returned to her home country in Mexico after she did not
17 claim credible fear. She was apprehended again on September 11, 2025, after crossing
18 back into the United States, this time claiming credible fear. Based on this claim, she
19 was referred to ORR and admitted to Gwen Mikeal Village in Tucson, Arizona on
20
21 September 14, 2025.
22

23 36. Upon completing the Initial Intakes Assessment with the child on
24 September 14, 2025, she identified her maternal uncle, E.F.S., as a potential sponsor.
25

26 37. On September 15, 2025, the case manager at the ORR care provider
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28

1 facility contacted E.F.S., who agreed to sponsor E.R.F.

2 38. On September 17, 2025, E.F.S. provided his state identification.

3 39. On September 26, 2025, ORR contacted the potential sponsor, E.F.S., to
4 review the sponsor application process. A voicemail was left requesting a call back.
5

6 40. On October 8, 2025, ORR contacted the potential sponsor and provided a
7 link to access the sponsor application.
8

9 41. On October 18, 2025, ORR approved part 1 of the sponsorship
10 application. The rest of the application was incomplete. ORR followed up with the
11 potential sponsor and left a voicemail message.
12

13 42. On October 23, 2025, ORR contacted the potential sponsor and left a
14 voicemail message to remind the sponsor that the sponsorship application remained
15 incomplete.
16

17 43. On October 27, 2025, ORR contacted the potential sponsor again to
18 remind him that the sponsorship application was incomplete. E.F.S. did not answer.
19

20 44. On October 30, 2025, the potential sponsor provided his proof of address,
21 birth certificate, and Mexican passport.

22 45. On November 7, 2025, ORR contacted the potential sponsor to inform him
23 that he needed to complete the remaining portions of the sponsorship application and
24 provide proof of income.
25

26 46. On November 21, 2025, ORR contacted the potential sponsor and spoke
27
28

1 with his alternate adult caregiver, the child's maternal aunt. E.F.S.'s Authorization for
2 Release of Information (ARI) was provided.

3
4 47. On December 2, 2025, ORR attempted to contact the potential sponsor
5 again regarding the status of his sponsorship application.

6
7 48. On December 23, 2025, ORR assisted the potential sponsor in uploading
8 the required documents. Upon receipt of the ARI forms, the potential sponsor, the
9 alternative adult caregiver, and the additional household member were scheduled for
10 their fingerprint-based background checks. Internet background checks, which include
11 public records checks and sex offender registry checks, for all three individuals were
12 requested the same day.

13
14 49. On December 24, 2025, ORR received the results of the fingerprint-based
15 background checks. The sponsor's fingerprint results were referred to the Federal Field
16 Specialist (FFS) based on possible criminal activity.

17
18 50. On December 31, 2025, ORR contacted the potential
19 sponsor regarding the results of his background check for additional information. The
20 potential sponsor provided a statement regarding the arrest and why it had not been
21 disclosed previously. He stated it had not previously been disclosed because it had
22 happened when he was an adolescent and was told at the time that it would not appear
23 on his record. ORR made a referral the same day for an in-person identification check
24 and to have a DNA sample collected from the potential sponsor.
25
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1 51. On January 20, 2026, ORR contacted the potential sponsor to request
2 updated proof of income documents and to request the household member's social
3 security number.
4

5 52. On February 17, 2026, ORR contacted the potential sponsor to clarify his
6 prior addresses as internet background checks had returned with discrepant results. The
7 potential sponsor provided additional clarification and stated that he would be
8 renewing his driver's license as it had expired.
9

10 53. On February 19, 2026, ORR made a referral for a discretionary home
11 study. Pursuant to its regulations, ORR may initiate home studies if it determines that
12 a home study is likely to provide additional information which could assist in
13 determining that the potential sponsor is able to care for the health, safety, and well-
14 being of the unaccompanied child." 45 CFR § 410.1204(c). ORR also contacted the
15 potential sponsor to follow up on the status of updated identification document.
16
17

18 54. On March 2, 2026, the home visit was conducted by the home study
19 provider. The visit ultimately resulted in the home study provider making a positive
20 recommendation. In all such cases, ORR the takes the home study provider's
21 recommendation into consideration when making a release decision but has final
22 authority on release decisions. UACB Policy Guide § 2.4.2.
23
24

25 55. On March 4, 2026, ORR contacted the potential sponsor to check on the
26 status of the updated driver's license. The sponsor reported he had failed the driver's
27
28

1 exam twice and had therefore been unable to obtain a valid driver's license. ORR
2 reiterated to the potential sponsor that there were also other valid types of identification
3 that he could obtain as part of the sponsorship process. For example, he could pursue
4 obtaining an enhanced library card as an alternative form of identification.
5

6 56. On April 8, 2026, the sponsor provided a photo of his temporary driver's
7 license receipt.
8

9 57. On April 23, 2026, ORR contacted the potential sponsor due to a
10 discrepancy between the address he reported on his application and the address listed
11 on his driver's license. The sponsor reported the address on his driver's license is his
12 work address, where he has his mail sent due to greater reliability. This does not meet
13 requirements for proof of address.
14

15 58. On April 23, 2026, the child was transferred to the transitional foster care
16 program, Hannas House Rancho Cucamonga, in Rancho Cucamonga California.
17

18 59. On April 29, 2026, ORR received the results of the DNA test confirming
19 the biological relationship between E.R.F. and the potential sponsor, E.G.S. At this
20 time, proof of address and proof of income documents remained outstanding.
21

22 60. On May 8, 2026, a negative sponsor suitability determination was
23 submitted for review based on the sponsor's failure to provide proof of income and
24 proof of address documents.
25

26 61. On May 22, 2026, the sponsor provided tax documents for his business as
27
28

1 his proof of income. These do not meet the policy requirements as they did not list the
2 sponsor's name. Because a negative sponsor suitability determination had already been
3 issued by the previous FFS, a new referral was made for the potential sponsor.
4

5 62. On June 10, 2026, a new FFS was assigned to the sponsor's application.
6 The FFS reviewed the materials submitted by the potential sponsor prior to contacting
7 the sponsor.
8

9 63. On June 18, 2026, the FFS requested an updated California driver's
10 license from the sponsor to meet the requirements for proof of identity.
11

12 64. On June 21, 2026, the potential sponsor submitted the California driver's
13 license with his corrected address.

14 65. On June 22, 2026, the sponsor provided 2025 federal income taxes to
15 satisfy the proof of income requirements. He also provided bank statements addressed
16 to his home address, which satisfied the requirements for proof of address.
17

18 66. On June 23, 2026, updated internet-based background checks were
19 requested for the potential sponsor, alternate adult caregiver, and the household
20 member as the previous had expired.
21

22 67. On July 6, 2026, a final sponsor suitability determination was issued for
23 this case.
24

25 68. On July 9, 2026, release to E.F.S. was approved with a recommendation
26 for level 2 post release services.
27
28

69. On July 10, 2026, E.R.F. was reunified with her category 2 sponsor, E.F.S.

70. ORR does not have the authority to reassume custody of E.R.F. without a legal basis and ORR has no intention, presently or in the future, to reassume custody of her from her family. Even if the Court could assume that the Department of Homeland Security could re-detain E.R.F. as a UAC, and then transfer her back to ORR custody, ORR will perform a *de novo* consideration of whether the minor should be released.

E.I.C.R.

71. On or around October 3, 2025, E.I.C.R. was apprehended by the DHS CBP near Santa Teresa, New Mexico. He was referred to ORR custody on the same day and admitted to ORR custody on October 4, 2025. He was placed at the ORR care provider Inspired Georgia.

72. On October 4, 2025, E.I.C.R. disclosed that he came to the United States to work so that he could repay a debt owed by his family in his home country, Guatemala, stemming from a fine imposed by a court in that country.

73. On October 6, 2025, the program got authorization to review the child's phone contacts and were able to retrieve the phone number for the child's father in home country.

74. On October 14, 2025, a distant relative of E.I.C.R., A.A.L.L., was identified as a Category 3 potential sponsor.

1 75. On October 17, 2025, E.I.C.R.'s father provided copies of the court
2 documents relating to his outstanding fine and the child's birth certificate. They
3 were subsequently sent for consular verification.
4

5 76. Between October 14 and October 27, 2025, the case manager at the ORR
6 care provider facility made multiple attempts to contact the potential sponsor.
7

8 77. On October 28, 2025, the case manager was able to get in touch with the
9 potential sponsor. She expressed that she was unsure about whether she would be
10 pursuing sponsorship of E.I.C.R.
11

12 78. On November 11, 2025, A.A.L.L. confirmed interest in moving forward
13 with the sponsor application process.
14

15 79. On November 24, 2025, E.I.C.R. was diagnosed with Post Traumatic
16 Stress Disorder (PTSD). It was determined that his diagnosis rose to the level of a
17 disability as defined in the Americans with Disabilities Act (ADA), 42 U.S.C. § 1202.
18 His case therefore qualifies for a mandatory home study under the TVPRA, 8 U.S.C. §
19 1232(c)(3)(B). A home study cannot be initiated until ORR receives a completed
20 application and the required supporting documents from the potential sponsor. These
21 documents are necessary for a home study provider to be able to conduct a home
22 study.
23
24

25 80. On November 28, 2025, ORR sent the potential sponsor an email
26 attaching the sponsorship application, sponsor manual, and other important documents.
27
28

1 ORR also attempted to call the potential sponsor but was unsuccessful in reaching her.

2 81. On December 2, 2025, ORR contacted the potential sponsor, A.A.L.L.
3 She reported being the great aunt of E.I.C.R. and was unable to respond to some of
4 ORR's initial questions, including the child's mother's name. The potential sponsor
5 also disclosed that she had previously sponsored another child approximately two years
6 ago, although that child was no longer living with her. The sponsor application process
7 was reviewed, and A.A.L.L. confirmed her interest in moving forward. A link to the
8 sponsorship application was sent to A.A.L.L., who stated her daughter would be
9 helping her to complete it.
10

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12
13 82. On December 4, 2025, A.A.L.L. sent a text message with photos of the
14 front side of her identification document and her household member's identification.
15 ORR responded the same day to inform her a photo of the back side of the application
16 would be needed as well.
17

18 83. On February 2, 2026, the child was transferred to another ORR care
19 provider, Rancho San Antonio in Chatsworth, CA.
20

21 84. As of February 9, 2026, since no progress had been made on A.A.L.L.'s
22 sponsorship application beyond the submission of identification documents, the case
23 manager contacted the potential sponsor, who reported that she believed she
24 had submitted all required documentation, and asked when the child would be released
25 to her. The potential sponsor was again reminded of what documents were still
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1 outstanding.

2 85. On February 12, 2026, Rancho San Antonio created an Individualized
3 Section 504 Service Plan for E.I.C.R. pursuant to the requirements of the *Lucas*
4 R. Disabilities Settlement Agreement. This 504 Service Plan identifies triggers and
5 areas of need for the child based on his diagnosed disability, PTSD, and sets forth a
6 plan to provide various services and accommodations to ensure his equal access to
7 ORR programming. This plan includes, mental health services, increased staff
8 engagement and breaks when he feels dysregulated, extra phone time with his father
9 during therapy sessions, music group and access to various instruments upon request,
10 and medication management for the psychotropic medication prescribed to manage his
11 symptoms.
12

13 86. On February 16, 2026, A.A.L.L. informed ORR that she
14 had additional household members who were not able or willing to participate in the
15 sponsor application and vetting process. She reported that they would be moving and
16 that she would notify ORR when they had moved.
17

18 87. On April 24, 2026, ORR contacted A.A.L.L. and asked whether there
19 were any updates on her sponsorship application. At that time, all documents and
20 vetting requirements, including background checks remained outstanding as the
21 Sponsor had not submitted her ARI forms so that ORR could initiate background
22 checks. The sponsor reported only some of the individuals had moved out of her home,
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1 but that three individuals who rented rooms in her home remained and that they were
2 unwilling to participate in the sponsorship process. ORR reminded her of the
3 requirements to sponsor E.I.C.R. At that time, the following remained outstanding: the
4 sponsor assessment; a completed sponsor application; proof of address; proof of
5 income; proof of relationship; identification documents for all household members and
6 the alternate adult caregiver; ARIs for the sponsor, household members, and alternate
7 adult care giver; social security number or individual taxpayer identification number
8 (ITIN) information for the sponsor, household members, and alternate adult caregiver;
9 background checks; a home study; and an in-person identification check.
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13 88. On April 27, 2026, ORR contacted A.A.L.L. to inquire whether she would
14 be moving forward with sponsorship. She reported that the remaining household
15 members, her daughter and one tenant, had agreed to participate in the sponsorship
16 process. A.A.L.L. reiterated that her daughter had agreed to help her mother with the
17 application. A link for the sponsorship application was sent again by text message to
18 the sponsor. ORR helped A.A.L.L. to register and enter the application to ensure she
19 had access. A.A.L.L. signed the first section of the sponsorship application on that same
20 day. This first section of the sponsorship application outlines the various components
21 of the application and provides instructions on how to complete the application. The
22 sponsor signs to acknowledge receipt and confirm they understand prior to moving
23 towards the next part of the application.
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1 89. On May 5, 2026, ORR reviewed the portions of the sponsorship
2 application that had been submitted so far. At that time, ORR confirmed that
3 information had been entered, but the required supporting documents had not been
4 uploaded.
5

6 90. On June 1, 2026, the FFS contacted A.A.L.L. again as there had been no
7 further progress on the application. At that time, the sponsorship application remained
8 incomplete as it did not include information for the other household member other than
9 A.A.L.L.'s daughter. At that time, the sponsorship application was missing the
10 following: proof of income; proof of address; identification documents for the alternate
11 adult caregiver and household members; proof of relationship; ARI forms for A.A.L.L.,
12 her daughter, and the other household member; and social security or ITIN information
13 for A.A.L.L.'s daughter and the other household member. Section 9 of the application
14 was also missing a signature. Additionally, the sponsor assessment, an in-person
15 identification check, proof of compliance for previous sponsorship, and a home study
16 all remained pending.
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21 91. On June 5, 2026, ORR proactively contacted A.A.L.L. to follow up on the
22 sponsorship application. At that time, ORR worked through the remaining portions of
23 the sponsorship application with A.A.L.L.'s daughter. The ARI for the sponsor was
24 also completed. Copies of the ARI form were emailed for manual completion by
25 A.A.L.L.'s daughter and the other household member in hopes of avoiding further
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27
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1 delays due to technical issues.

2 92. On June 15, 2026, ORR texted A.A.L.L.'s daughter to remind her of the
3 ARIIs that were pending for her and the other household member. ORR also contacted
4 A.A.L.L. to encourage her to remind her daughter and the other household member to
5 complete the ARI forms. Although the potential sponsor said she believed these
6 documents had already been submitted, her daughter confirmed later that day they she
7 had not been able to complete them yet.
8

9 93. On June 30, 2026, ORR again proactively contacted A.A.L.L. to follow
10 up on the outstanding documentation. ORR reminded the potential sponsor that without
11 all required documentation, her application could be denied as an incomplete
12 application. The FFS completed a Notice to Cure listing out all outstanding
13 documentation required from the sponsor and providing written notification that if
14 progress towards completion was not made by July 7, 2026, that ORR may deny the
15 sponsorship application.
16

17 94. On July 7, 2026, the FFS received the ARI form for A.A.L.L.'s daughter.
18

19 95. On July 10, 2026, the FFS contacted the sponsor to confirm receipt of the
20 ARI form for A.A.L.L.'s daughter. The FFS again reviewed all outstanding
21 documentation. A follow-up email was sent to A.A.L.L. and her daughter listing out
22 documents that remained outstanding. These included: an identification document for
23 the household member, an ARI for the other household member, proof of income for
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1 A.A.L.L.'s daughter who is the primary financial provider, proof of social security or
2 ITIN information for A.A.L.L.'s daughter and the other household member, proof of
3 relationship, and proof of previous sponsorship compliance for the sponsorship in
4 2023. Background checks, an in-person ID check, and a home study
5 all remained outstanding as well.
6

7
8 96. To date, ORR continues to work with A.A.L.L. and her daughter to collect
9 the outstanding documents. ORR has been unable to schedule the potential sponsor for
10 fingerprint-based background checks as she does not drive and depends on
11 A.A.L.L.'s assistance in navigating the public transportation system. ORR is pending
12 a response from A.A.L.L.'s daughter about her availability for their appointments.
13

14 K.R.M.
15

16 97. K.R.M. was apprehended by DHS CBP on November 30, 2025. Based on
17 information provided by CBP, she was traveling alone at that time. She was referred to
18 ORR custody on December 1, 2025, and admitted to ORR custody on December 3,
19 2025. She was placed at the ORR care provider facility Marsell Wellness Center –
20 Victorville, located in Victorville, California.
21

22 98. On December 5, 2025, ORR attempted to contact K.R.M.'s proposed
23 sponsor, her brother, W.E.R.M., four times as no voicemail box had been set up yet.
24

25 99. On December 8, 2025, ORR attempted to call W.E.R.M. again but was
26 again unable to reach him.
27

100. On December 11, 2025, the case manager at the ORR care provider successfully contacted the potential sponsor, W.E.R.M. The potential sponsor stated that he works during the day and requested call times after 6:30pm. On or around this date, the potential sponsor also provided a copy of his driver's license, however it included an expiration date of December 11, 2025.

101. On December 18, 2025, the case manager again spoke with the potential sponsor to remind him that he would need to obtain a new identification document since his had expired. The potential sponsor sent a photo showing that he had applied for an updated identification document.

102. On December 29, 2025, ORR spoke with W.E.R.M. and reviewed the list of required documents. The potential sponsor advised that he did not have a social security number or an ITIN but stated that he would be applying for one. ORR sent the sponsorship application to W.E.R.M. and set an appointment to complete the sponsor assessment for December 31, 2025, at 2:00 PM EST.

103. On December 30, 2025, W.E.R.M. provided the case manager with birth certificates for himself and for K.R.M.'s mother.

104. On January 2, 2026, ORR contacted W.E.R.M. as he had not completed the sponsorship application or submitted further supporting documents. W.E.R.M. was advised that ORR could not start the sponsor assessment without basic information, including identification for himself and the alternate caregiver, a completed

1 application, or ARI forms. An appointment to complete the sponsor assessment was
2 again rescheduled for January 6, 2026, at 2:00pm PT.

3
4 105. As of January 6, 2026, W.E.R.M. had only partly completed the
5 sponsorship application and sponsor assessment. During the sponsor assessment
6 appointment, it was observed that there were discrepancies in the information that
7 W.E.R.M. provided that caused ORR to have concerns that additional household
8 members had not been disclosed. W.E.R.M. was asked whether there had ever been
9 any involvement of Child Protective Services at his home. He reported no, before
10 retracting and stating he had had an argument, but it was small and did not provide any
11 further information or how that was related to potential CPS involvement. As a result
12 of this disclosure, ORR determined that child abuse and neglect checks should be
13 completed to verify the nature of the incident. At that time, the sponsor application was
14 pending receipt of the following: a compliant sponsor identification document as
15 W.E.R.M.'s had expired; a completed sponsor application; identification documents
16 for the alternate adult caregiver and any other adult household members; a completed
17 sponsor assessment; background checks; child abuse and neglect forms; and social
18 security number or ITIN information.

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23
24 106. ORR followed up with W.E.R.M. on January 12, 2026, as the potential
25 sponsor still had not provided a compliant form of identification. He was advised that
26 the permit he had submitted did not meet ORR's requirements and that he would need
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1 to provide a driver's license instead.

2 107. On January 29, 2026, ORR contacted W.E.R.M. and the potential sponsor
3 informed ORR that he was still waiting on the appointment to obtain his license. ORR
4 advised him that he would need a compliant form of identification to meet the proof of
5 identity requirements and before completion of sponsor vetting.
6

7 108. On March 2, 2026, ORR spoke with the potential sponsor, who confirmed
8 that he had obtained compliant identification documents for himself, household
9 members, and the alternate adult caregiver. W.E.R.M. was advised that he would now
10 need to complete the sponsor application and ARI forms, as well as provide compliant
11 identification documents for ORR to be able to initiate fingerprint-based background
12 checks. The sponsor also reported that he applied for an ITIN and was told that he
13 should receive it within five weeks.
14
15
16

17 109. On March 12, 2026, the potential sponsor sent the identification
18 documents and the ARI forms. After reviewing them, ORR informed the potential
19 sponsor that the ARIs were incomplete and would need to be revised.
20

21 110. On April 8, 2026, W.E.R.M. provided the revised ARI forms. At that time,
22 internet background checks including a public records check and sex offender registry
23 checks were initiated. Appointments for fingerprint-based background checks were
24 scheduled for April 13, 2026.
25

26 111. On April 13, 2026, the potential sponsor provided ITIN information for
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28

1 himself, the household member, and alternate adult caregiver. At that time, the
2 following remained outstanding: proof of income; results of the background checks;
3 completed forms to initiate the necessary child abuse and neglect checks; DNA testing;
4 an in-person ID check; and a home study.
5

6 112. On April 17, 2026, ORR made a referral for a home study based
7 on identified sponsor risk and concern over undisclosed household members and
8 inconsistencies noted by W.E.R.M. during the sponsor assessment.
9

10 113. The home study included a home visit, which occurred on April 23, 2026.
11 The home study resulted in a positive recommendation, although the home study
12 worker noted that there were inconsistencies in the reports concerning the potential
13 sponsor's and K.R.M.'s mother's location. The home study worker noted that there was
14 a child living in the home who had not been disclosed on the sponsor application. The
15 potential sponsor later clarified it was K.R.M.'s half-sibling, though they report that
16 K.R.M.'s mother lives in El Salvador.
17
18

19 114. On May 3, 2026, background checks were completed. There was no
20 derogatory information identified.
21

22 115. On May 7, 2026, the potential sponsor provided an updated sponsor
23 application, listing the additional household member, K.R.M.'s purported half-sibling.
24

25 116. On May 8, 2026, W.E.R.M. completed an in-person ID verification. DNA
26 samples were collected from the potential sponsor to confirm his
27
28

1 relationship to K.R.M.

2 117. On May 12, 2026, ORR received the results of the DNA test, which
3 confirmed that W.E.R.M. and K.R.M. are siblings.
4

5 118. On May 18, 2026, ORR followed up with the potential
6 sponsor regarding the status of the child abuse and neglect forms. The potential
7 sponsor stated he had not received them despite ORR's receipt of photo evidence of
8 their delivery.
9

10 119. On May 19, 2026, the potential sponsor reported he had returned the
11 package with completed child abuse and neglect forms.
12

13 120. Upon receipt and after review of the child abuse neglect forms, they
14 were submitted to the state of Nevada, on or around June 3, 2026.
15

16 121. Results of the pending child abuse and neglect check is the only
17 outstanding item necessary to complete W.E.R.M.'s sponsorship application. Upon
18 receipt of those results, ORR will promptly issue its final sponsor suitability
19 determination and release decision.
20

21
22 F.G.M.S.

23 122. On or around July 7, 2025, F.G.M.S was apprehended by DHS CBP in
24 Roma, Texas. He was referred to ORR custody the same day and was admitted to ORR
25 custody on July 9, 2025.
26

27 123. On July 9, 2025, initial contact was made with F.G.M.S.'s father in the
28

1 child's country of origin (Guatemala). The child's father disclosed that he had taken
2 out a loan to pay for the child's journey. He further stated that he supports his
3 son's education but emphasized the importance of contributing to repaying the debt
4 due to low family income. The child's father expected him to work as a cook in a
5 friend's restaurant. Based on these disclosures, a referral to the Office of Trafficking
6 in Persons (OTIP) was made.
7

8
9 124. On July 9, 2025, contact was made with the child's purported
10 paternal uncle. He disclosed that he lived with six other roommates and that four of
11 those roommates were not willing to comply with the sponsorship application process.
12 He subsequently withdrew his application.
13

14 125. The care provider staff elevated these trafficking concerns to the FFS on
15 July 11, 2025.
16

17 126. On July 14, 2025, ORR contacted F.G.M.S.'s maternal uncle. He reported
18 that he did not have identification documents or proof of income documents that met
19 the standards outlined in UACB Policy Guide section 2.2.4.
20

21 127. On July 16, 2025, the child's father reported that the roommates of
22 F.G.M.S.'s purported paternal uncle, "[REDACTED]", were now willing to cooperate in the
23 sponsor application process. Between July 16, 2025, and July 20, 2025, the Unification
24 Specialist attempted to assist [REDACTED] in obtaining a New York State driver's license.
25 [REDACTED] withdrew his application on July 21, 2025, stating that his household members
26
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28

1 were not willing to obtain compliant identification documents and were unwilling
2 to participate in required background checks needed to verify the safety of the home.

3
4 128. Between July 21 and August 19, 2025, ORR worked to vet the potential
5 sponsor "[REDACTED]", a category 3 potential sponsor who admitted she had never met
6 F.G.M.S., but that she has children with F.G.M.S.'s uncle. [REDACTED]'s application was
7 denied due to failing to disclose previous sponsorships and numerous inconsistencies
8 evident in the results of her background checks, including variations in the spelling of
9 her name and her alleged brother and identified alternate adult caregiver and household
10 member appearing as her spouse on her background check.
11

12
13 129. [REDACTED]'s application was officially denied in September 2025.

14
15 130. Between August 27 and September 2, 2025, a family friend, "[REDACTED]" was
16 identified as another potential sponsor. ORR records showed that [REDACTED] was linked to
17 four prior sponsorships. [REDACTED] reported he was living with his adult son and nephew,
18 who had just turned 18. He reported that he was working to obtain proof of address for
19 his nephew so that he could obtain an identification document.
20

21 131. On October 2, 2025, F.G.M.S. was transferred to a Transitional Foster
22 Care program called LSS of New York.

23
24 132. On October 8, 2025, ORR contacted [REDACTED] and reviewed the sponsor
25 application process, including the list of required documentation. A follow-up email
26 was sent to [REDACTED] reminding him of the information that had been shared.
27
28

1 133. Between October and December 19, 2025, ORR contacted the sponsor on
2 several occasions to follow up about submission of required documents, including the
3 sponsor application itself and ARI forms needed to initiate background checks.
4

5 134. On January 2, 2026, ORR contacted [REDACTED] again to review the
6 sponsorship application and the ARI forms that had been received. At this time,
7 background checks, a completed sponsor application, proof of income, proof of address
8 and other supporting documents remained outstanding. As a result of the
9 concerns regarding labor trafficking with F.G.M.S., this case also required a
10 mandatory TVPRA home study.
11
12

13 135. On January 7, 2026, ORR contacted [REDACTED] to follow up on the status of
14 the outstanding documents. At this time, [REDACTED] was also asked whether he had ever
15 previously sponsored or attempted to sponsor a child in ORR care. He initially
16 stated that he never had. Only after being informed that ORR's
17 records indicated four previous sponsorships, did [REDACTED] admit that he had.
18
19

20 136. On January 20, 2026, [REDACTED] withdrew his application to sponsor
21 F.G.M.S.
22

23 137. On February 4, 2026, the case manager at the ORR care provider
24 contacted a new potential sponsor, the child's purported paternal uncle, V.M.A. The
25 sponsor confirmed his interest in sponsoring F.G.M.S.
26

27 138. Between February 6, 2026, and February 13, 2026, three calls were made
28

1 to V.M.A. ORR was unable to reach him during this time and closed the referral after
2 several unsuccessful attempts at contacting him.

3
4 139. On February 18, 2026, the case manager at the ORR care provider spoke
5 with V.M.A. who again confirmed his interest in sponsoring F.G.M.S.

6
7 140. On February 20, 2026, ORR contacted V.M.A. to confirm his interest. At
8 this time, the potential sponsor was sent the sponsorship application for completion.

9
10 141. On February 25, 2026, ORR followed up with V.M.A. as the application
11 had not been opened or started. ORR contacted V.M.A. again on February 27, 2026, to
12 follow up on the status of the application. Detailed screenshots on how to open the
13 sponsorship application were provided to the potential sponsor.

14
15 142. On March 3, 2026, V.M.A. informed ORR that he had been able to open
16 the sponsorship application and would begin working on it. ORR followed up
17 once again on March 4, 2026, as V.M.A. still had not started the application.

18
19 143. On March 6, 2026, V.M.A. signed part 1 of the sponsorship application
20 and confirmed he would be working on the rest of part 2.

21
22 144. On March 9, ORR followed up with the potential sponsor via text message
23 reminding him to complete part 2 of the application. Part 2 of the application was
24 signed on March 10, 2026. This included the ARI form.

25
26 145. On March 12, 2026, ORR contacted V.M.A. to review the sponsor
27 application process. A voicemail was left instructing V.M.A. to contact the FFS.

1 146. On March 19, 2026, ORR successfully contacted V.M.A. who reported he
2 would only be available after 5:00 pm on weekdays. He was informed that an updated
3 ARI was needed to include his full address history and that ARI forms were needed for
4 the alternate adult caregiver and adult household members who had been identified.
5 ORR also followed up on the status of proof of relationship documents, proof of
6 identity documents for the alternate adult caregiver, the ARI forms for the alternative
7 caregiver and adult household members, and social security numbers or ITINs.
8

9
10 147. On March 27, 2026, ORR followed up on the status of outstanding
11 documents. At that time, V.M.A. provided proof of identity documents for the
12 household member and the alternate adult caregiver and proof of relationship
13 documents.
14

15
16 148. On April 8, 2026, ORR contacted V.M.A. to follow up on the status of his
17 outstanding documents, which included an updated ARI for himself and ARIs for the
18 alternate adult caregiver and household member, all of which
19 are required to initiate background checks. V.M.A. reported that he would send them
20 by the end of the week.
21

22 149. On April 17, 2026, ORR contacted V.M.A. by text to inquire about the
23 outstanding documents, which included completion of the sponsor application and the
24 pending ARI forms. V.M.A. was asked to confirm whether he wished to continue with
25 the sponsor application process and advised that he would need to provide the pending
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1 documents by April 30, 2026.

2 150. On May 6, 2026, ORR contacted V.M.A. by phone and by
3 text regarding the outstanding documents. At this point the potential sponsor still had
4 not provided the required documentation to move that case forward.
5

6 151. On May 7, 2026, V.M.A. texted the FFS and stated he had sent all the
7 required documents. The FFS responded and informed the sponsor that there were still
8 outstanding documents.
9

10 152. On May 15, 2026, pursuant to UACB Policy Guide section 2.7.4, a
11 negative sponsor suitability determination was submitted for V.M.A. after ORR had
12 made over 10 attempts to contact the potential sponsor who failed to provide required
13 documentation despite repeated assurances that he would be submitting these
14 documents.
15

16 153. The case was officially denied on June 22, 2026, based on non-
17 responsiveness and his failure to complete the sponsor application. A list of outstanding
18 documents was provided as part of this Notification of Denial letter.
19

20 154. V.M.A. received notification of this denial on or around June 26, 2026. In
21 the letter, he was informed of his right to seek an appeal of the decision and the
22 procedures to request an appeal. V.M.A. was also informed that ORR's decision to
23 deny the case at present did not mean that ORR would automatically deny any future
24 application and that he could communicate with the assigned Federal Field Specialist
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1 and re-apply to sponsor F.G.M.S. and ORR would re-open the application.

2 155. To date, V.M.A. has not requested an appeal and has not requested his
3 application be re-opened.
4

5 156. While ORR weighed the decision of whether to formally deny V.M.A.'s
6 sponsorship application, it continued to explore other potential sponsorship options
7 with F.G.M.S' family.
8

9 157. On July 1, 2026, ORR contacted a new potential sponsor,
10 F.G.M.S's purported second cousin, [REDACTED] She confirmed her interest in
11 sponsoring. Following receipt of her proof of identity documents, ORR sent [REDACTED]
12 a link to complete her sponsor application on July 7, 2026.
13

14 158. On July 8, 2026, [REDACTED] provided her ARI form and ARI forms for her
15 identified household member and alternate adult caregiver.
16

17 159. On July 9, 2026, ORR initiated internet-based background checks for
18 [REDACTED] and her alternate adult household member. These include public records
19 checks and sex offender registry checks. ORR received results on July 10, 2026, which
20 came back "clear".
21

22 160. On July 10, 2026, the sponsor reported a new household member. The
23 individual turned 18 on June 17, 2026. The sponsor was reminded that he would need
24 to provide proof of identity documents in line with UACB Policy, social security or
25 ITIN information, and participate in background checks, including fingerprint-based
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1 background checks. The sponsor stated that the household member may be relocating
2 soon and that they would know more on Monday.

3
4 161. On July 13, 2026, the sponsor confirmed this new household member
5 would be added to her family reunification application though she stated that he was
6 presently unable to provide an acceptable proof of identity document or ITIN. She
7 stated again that the individual may be moving but was unable to provide a timeframe
8 for when that would happen.
9

10 162. Currently, ORR is pending receipt of the following: a completed sponsor
11 application for ; fingerprint-based background checks; proof of relationship;
12 proof of income; proof of address; social security numbers or ITINs for the potential
13 sponsor and household member; a home study; and an in-person ID check.
14
15

16
17 I declare under penalty of perjury that the foregoing is true and correct.
18
19

20 **Dated: Washington, D.C.**

21 **July 13, 2026**

22 **TOBY R.** Digitally signed by
23 **BISWAS -S** TOBY R. BISWAS -S
24 Date: 2026.07.13
19:59:27 -04'00'

25 **Toby Biswas**

26 Assistant Deputy Director for Policy

27 Unaccompanied Alien Children Bureau
28

Office of Refugee Resettlement

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