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

14 E.R.F., a minor, et al,

15 Petitioners,

16 v.

17 Angie Salazar, Acting Director of the
18 Office of Refugee Resettlement; et
19 al.,

20 Respondents.

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

PETITIONERS' TRAVERSE IN
SUPPORT OF VERIFIED
PETITION FOR WRIT OF
HABEAS CORPUS

[Declaration of Marion Donovan-
Kaloust filed concurrently herewith]

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I. INTRODUCTION

This case concerns unaccompanied children who unnecessarily remain in federal custody for months on end despite Congress's direction that they be "promptly placed in the least restrictive setting that is in the best interest of the child." 8 U.S.C. § 1232(c)(2)(A). E.I.C.R., K.R.M., and F.G.M.S. have spent approximately nine months, seven months, and one year in ORR custody while their family members have spent the last several months attempting to secure their release.

For all its detail, Respondents' Answer rests on a simple proposition: the children must remain detained because the Office of Refugee Resettlement's (ORR) prolonged reunification process is not yet complete. Yet Respondents do not contend that any Petitioner is dangerous, a flight risk, or otherwise requires continued detention. Instead, even after all these months, Respondents maintain that *additional* review, vetting, and reunification steps are still needed to process their applications. Congress's command that unaccompanied children be "promptly placed" in the least restrictive setting cannot be reconciled with a process that permits detention to continue for as long as the Government can identify another task to complete.

Petitioners do not challenge ORR's authority to vet potential sponsors. The question is whether that authority permits ORR to continue detaining these unaccompanied children for almost a year under its current practices. Congress's mandate of prompt placement, reinforced by ORR's own regulations, contemplates sponsor adjudications measured in days and supervisory review within ninety days, not detention measured in hundreds of days.

Respondents' procedural arguments fare no better. Their request to sever the Petition overlooks the issue common to every remaining Petitioner: whether ORR may continue detaining unaccompanied children long after the timelines established by Congress and ORR's own regulations have passed while ORR drags out reunification. Respondents' reliance on *Lucas R.* is similarly misplaced, as that concerned the process governing release decisions and sponsor denials. See *Lucas R. v. Becerra*, No. CV 18-5741-DMG (PLAx), 2022 WL 2177454 (C.D. Cal. Mar.

11, 2022). It did not authorize prolonged detention while ORR stalls reunification.

Respondents also contend that habeas relief is premature because the sponsorship process remains ongoing. But that argument describes the injury rather than answering it. Petitioners have spent hundreds of days in federal custody awaiting a reunification that Congress intended to be prompt. E.R.F.'s case illustrates this very point. After nearly ten months in ORR custody, she was reunified with her sponsor only after this petition was filed. Otherwise, E.R.F. had no means of requesting that ORR move on her sponsor's completed application. The TVPRA, ORR's Foundational Rule, and the Fifth Amendment do not permit detention to continue indefinitely simply because additional agency action remains outstanding. The remaining Petitioners continue to languish. This Petition should be granted.

II. FACTUAL AND PROCEDURAL BACKGROUND

The Petition for Writ of Habeas Corpus ("Petition"), Dkt. No. 1, the Declaration of Erica Santamaria ("Santamaria Decl."), Dkt. No. 1-2, Respondents' Answer ("Answer"), Dkt. No. 20, and the Declaration of Toby Biswas ("Biswas Decl."), Dkt. No. 20-1, are incorporated by reference. The following summary reflects largely undisputed facts drawn from those filings.

A. Petitioner E.R.F.

E.R.F. entered ORR custody on September 14, 2025. Biswas Decl. ¶ 35. She sought reunification with her maternal uncle, E.F.S., a Category 2 sponsor residing in California, and consistently expressed her desire to reunify with her family. Pet. ¶¶ 26, 33. By March 2026, ORR had obtained a favorable home-study recommendation, DNA confirmation of the family relationship, and substantial documentation supporting reunification. Pet. ¶¶ 28-30. Nevertheless, E.R.F. remained in ORR custody for an additional four months and, as late as June 29, 2026, ORR continued to report that reunification remained pending. *Id.* ¶¶ 31-32. ORR's records document E.R.F.'s sadness, anxiety, frustration, and growing hopelessness arising from her prolonged separation from family. *Id.* ¶¶ 33-35. This action was filed on July 2, 2026. ORR reunited E.R.F. with her sponsor on July 10, 2026, after

1 approximately ten months in custody. Biswas Decl. ¶¶ 35, 69.

2 **B. Petitioner E.I.C.R.**

3 E.I.C.R. is a seventeen-year-old minor who has been in ORR custody since
4 October 4, 2025. Biswas Decl. ¶¶ 71, 96. ORR identified A.A.L.L. as a potential
5 sponsor in October 2025. *Id.* ¶¶ 74, 78. On November 24, 2025, ORR diagnosed
6 E.I.C.R. with Post-Traumatic Stress Disorder (PTSD), determined that the condition
7 constituted a disability, and concluded that his case required a mandatory home
8 study under the TVPRA. *Id.* ¶ 79. ORR's records further reflect that E.I.C.R.'s
9 prolonged detention has adversely affected his mental health, including low mood,
10 isolation, fatigue, sleep disturbances, recurring traumatic memories, self-harm
11 behaviors, and a history of suicidal ideation. Pet. ¶¶ 42-43. [REDACTED]

12 [REDACTED] *Id.* ¶ 42.
13 By April 24, 2026, Respondents reported that numerous sponsor-vetting
14 requirements remained outstanding. Biswas Decl. ¶ 87. Although ORR determined
15 in November 2025 that E.I.C.R. required a mandatory home study, Respondents
16 acknowledge that no home study had been completed as of July 2026. *Id.* ¶¶ 79, 95.
17 As of July 10, 2026, Respondents reported that background checks, an in-person
18 identification check, portions of the sponsor-assessment process, and the mandatory
19 home study remained outstanding. *Id.* ¶ 95. ORR has not issued a final reunification
20 or release decision, and E.I.C.R. has remained in ORR custody nearly ten months
21 after entering ORR custody. *Id.* ¶¶ 95-96.

22 **C. Petitioner K.R.M.**

23 K.R.M. entered ORR custody on December 3, 2025, and ORR identified
24 W.E.R.M., K.R.M.'s adult brother, as a potential sponsor and undertook sponsor-
25 review and reunification efforts over the ensuing months. Biswas Decl. ¶¶ 97, 100-
26 121. According to Respondents, ORR completed substantial portions of the sponsor-
27 review process, including fingerprint-based and other background checks, DNA
28 testing, an in-person identification verification, and a home study. *Id.* ¶¶ 110-120.
ORR's home study resulted in a positive recommendation, and DNA testing

1 confirmed the sibling relationship between K.R.M. and W.E.R.M. Pet. ¶¶ 52-53;
 2 Biswas Decl. ¶¶ 113, 117. ORR records further reflect that K.R.M. repeatedly sought
 3 updates regarding reunification, frequently asked about the status of her case,
 4 worried about the length of her placement, and experienced anxiety, sadness, and
 5 distress arising from her continued separation from her family. *Id.* ¶¶ 57-60.
 6 Respondents report that the pending Nevada child-abuse-and-neglect check was the
 7 only outstanding item necessary to complete W.E.R.M.'s sponsorship application.
 8 Biswas Decl. ¶ 121. Respondents further state that, upon receipt of those results,
 9 ORR intended to issue a final sponsor-suitability determination and release decision.
 10 *Id.* K.R.M. has been in ORR custody more than seven months. *Id.*

11 **D. Petitioner F.G.M.S.**

12 F.G.M.S. was placed in ORR custody on July 9, 2025. Biswas Decl. ¶¶ 122,
 13 162. Since then, ORR has evaluated multiple sponsors. *Id.* ¶¶ 124-161. Respondents
 14 report that at least one sponsorship application was denied and that, as of July 2026,
 15 ORR was reviewing a new sponsorship application submitted by another potential
 16 sponsor. *Id.* ¶¶ 153-162. ORR records reflect that F.G.M.S. experienced stress,
 17 emotional distress, and difficulty sleeping related to unsuccessful sponsorship
 18 efforts and his continued detention. Pet. ¶¶ 6, 65. As of July 2026, Respondents
 19 reported that completion of the sponsorship application, fingerprint-based
 20 background checks, proof-of-relationship documentation, proof of income, proof of
 21 address, a home study, and an in-person identification check remained outstanding.
 22 Biswas Decl. ¶ 162. After more than a year in custody, F.G.M.S. remains detained
 23 without a concrete timeline for release, notwithstanding his documented stress,
 24 uncertainty, and difficulty sleeping associated with repeated failed reunifications and
 his confinement. *See* Pet. ¶¶ 65, 117.

25 **III. LEGAL STANDARD**

26 Respondent's Answer includes a description of the policies and procedures
 27 ORR must follow when placing UCs with sponsors under the ORR Unaccompanied
 28 Alien Children Bureau Policy Guide (the "Policy Guide"). *See* Answer at 8:13-

1 10:16. Petitioners clarify and supplement those procedures here.

2 **A. Release Timing Requirements**

3 Notably absent from Respondents' Answer are the timing requirements
 4 established by regulation that govern UC release. ORR must effectuate release to a
 5 vetted sponsor – with preference for parents first – “without unnecessary delay,” and
 6 begin sponsor assessment as soon as a child enters ORR custody. 45 C.F.R.
 7 §§ 410.1200–1201; Policy Guide §§ 2.1, 2.2. To ensure UCs are released “in a safe,
 8 efficient, manner without unnecessary delay,” ORR has mandated timeframes to
 9 adjudicate a completed Family Reunification Packet (“FRP”). Absent complicating
 10 factors, ORR must adjudicate completed FRPs “*within 14 calendar days of receipt*”
 11 for close relatives. 45 C.F.R § 410.1205(b). ORR is further required to periodically
 12 review pending FRPs –specifically, a *formal review every 90 days* for applications
 13 that remain pending – to ensure the reunification process does not stall. 45 C.F.R §
 14 410.1207(a). This review is not cursory; ORR supervisory staff must timely resolve
 15 the reasons that a release application remains pending and determine possible steps
 16 to accelerate the child’s safe release. *Id.* ORR must further update both potential
 17 sponsor and child, explain why the process is incomplete, and work with potential
 18 sponsors, relevant stakeholders, and ORR to address unresolved portions of the FRP.

18 **B. Alternative Caregiver or Plan For Release**

19 ORR policy requires concurrent release planning alongside the Family
 20 Reunification Packet (“FRP”). ORR's *Unaccompanied Child Manual of Procedures*,
 21 Section 2: *Safe and Timely Release from ORR Care* (“UC MAP § 2”), directs ORR
 22 personnel to identify and vet an alternate adult caregiver alongside the primary
 23 sponsor to ensure that a contingency caregiving plan exists if the sponsor becomes
 24 unable to care for the child. See UC MAP § 2, at 29–30, 55–57. Sponsors must also
 25 provide information verifying the identity of adult household members and any adult
 26 caregivers identified in the sponsor care plan. *Id.* at 29.

27 ORR's concurrent-planning procedures require identification of an alternate
 28 potential sponsor or other release option when concerns arise during the assessment

1 process or when the sponsor is unable to complete the assessment process in a timely
2 manner. *See* UC MAP § 2, at 7, 9. If concurrent planning is undertaken, ORR
3 personnel should document the reason for concurrent planning, any concerns
4 regarding the potential sponsor, and any available information concerning additional
5 sponsors or alternate release plans. *Id.* at 45

6 **C. Petitioner's Release Does Not Moot their Petition**

7 A case becomes moot—and therefore no longer a “case” or “controversy” for
8 purposes of Article III—when the issues presented are no longer “live” or the parties
9 lack a legally cognizable interest in the outcome. *Rosebrock v. Mathis*, 745 F.3d 963,
10 971 (9th Cir. 2014) (citing *Already, LLC v. Nike, Inc.*, 568 U.S. 85, 90 (2013)). “A
11 defendant's voluntary cessation of allegedly unlawful conduct ordinarily does not
12 suffice to moot a case.” *Friends of the Earth, Inc. v. Laidlaw Env't*
13 *Servs. (TOC), Inc.*, 120 S. Ct. 693, 700 (2000). The standard for determining
14 whether a case has been mooted by the Respondents' voluntary conduct is
15 “stringent,” *id.*, and in the immigration context, the Government's release of an alien
16 after the alien challenges their unlawful custody does not automatically moot a case.
17 *See, e.g., Ms. L. v. U.S. Immigr. & Customs Enf't*, 302 F. Supp. 3d 1149, 1157 (S.D.
18 Cal. 2018) (“Because Defendants have not shown that Ms. L. was released from
19 detention and reunited with her daughter for reasons other than this litigation, the
20 Court finds the voluntary cessation exception applies to this case. Applying that
21 exception, Ms. L.'s claims are not moot.”).

21 **IV. ARGUMENT**

22 **A. Petitioners Are Properly Joined Under Rule 20**

23 Respondents argue that Petitioners are improperly joined. That contention
24 has no merit. Joinder is proper under Rule 20. *See* Fed. R. Civ. P. 20(a)(1). Each
25 Petitioner is an unaccompanied child in ORR custody seeking reunification with
26 their sponsor through the same ORR reunification framework. Each alleges that
27 ORR has failed to promptly place them in the least restrictive setting required by
28 the TVPRA and asserts substantially identical statutory and constitutional

1 challenges to prolonged detention during unresolved reunification proceedings. *See*
2 8 U.S.C. § 1232(c)(2)(A); *See* Pet. ¶¶ 127-153; Prayer for Relief ¶¶ 1-7. Each
3 seeks the same relief, including but not limited to release from ORR custody to
4 their appropriate sponsor. Each claim arises from the same alleged course of
5 conduct: ORR's continued detention of children while reunification remains
6 unresolved and with no end in sight. The central questions are common to all
7 Petitioners: whether ORR's practices comply with the TVPRA, the Foundational
8 Rule, and the Due Process Clause. Differences in the underlying sponsorship
9 proceedings do not defeat joinder where the claims arise from the same agency
10 practices and present common questions of law and fact.

11 Respondents' severance authorities do not support a different result. *Asgari*
12 involved separate immigration-benefit adjudications requiring individualized
13 review of different petitions, records, and agency decisions. *Asgari v. USCIS*, No.
14 8:22-cv-01888-FWS-KES, 2023 WL 6785801, at *4-5 (C.D. Cal. July 31, 2023).
15 Respondents' additional authorities are even further removed from the
16 circumstances presented here. *Padron v. OneWest Bank*, No. 2:14-CV-01340-
17 OWD, 2014 WL 1364901, at *2 (C.D. Cal. Apr. 7, 2014) and *D'Angelis v. Bank of*
18 *America, N.A.*, 2014 WL 202567, at *3 (E.D.N.Y. Jan. 16, 2014), involved large
19 collections of unrelated plaintiffs asserting individualized claims requiring separate
20 witnesses, separate documentary evidence, and distinct determinations of liability.
21 Those cases bear little resemblance to an action involving four children
22 challenging their detention by the same agency under the same statutory,
23 regulatory, and constitutional framework.

24 Respondents' own Answer confirms the substantial commonality of these
25 claims. Throughout the Answer, Respondents rely on *Lucas R. v. Becerra* as the
26 governing authority for ORR's reunification procedures, sponsor-review process,
27 administrative appeals, and procedural protections. *See* Answer at 12:1-25, 39:11-
28 40:28. If the same legal framework governs each Petitioner's claims, common
questions of law necessarily predominate. Whether ORR may continue detaining

1 children for months while reunification remains unresolved, whether those
2 practices comply with the TVPRA and Foundational Rule, and whether existing
3 procedures satisfy due process are questions common to every Petitioner. Indeed,
4 in *Lucas R.*, this Court granted Class Certification to Plaintiffs similarly situated to
5 this case's Petitioners over substantially similar questions. *See Lucas R. v. Becerra*,
6 No. CV 18-5741-DMG (PLAX), 2022 WL 2177454, at *2 (C.D. Cal. Mar. 11,
7 2022). Severance would require duplicate briefing, duplicate consideration of the
8 same issues, and create a substantial risk of inconsistent rulings. Rule 20 is
9 therefore satisfied, and Respondents identify no basis for severance under Rule 21.

10 **B. E.R.F.'s Petition is not Moot**

11 Now that E.R.F. has been released to her sponsor, Respondents contend that
12 her Petition is moot. But Petitioners are not solely seeking their release in this
13 Petition. Petitioners have also challenged Respondents' violations of the Fifth
14 Amendment and TVPRA and are seeking other forms of relief, including
15 declaratory and injunctive relief. *See* Pet. ¶¶ 127-153; Prayer for Relief ¶¶ 1-7.

16 A "defendant's voluntary cessation of allegedly unlawful conduct ordinarily
17 does not suffice to moot a case." *Friends of the Earth, Inc.*, 120 S. Ct. 693, 700.
18 The standard of proof is "stringent," and the "heavy burden of persuading" the
19 Court rests on the party asserting mootness. *Id.* at 708. For instance, the Court in
20 *Ms. L.* noted that her case was not moot because her release was prompted by
21 litigation and the Government "failed to offer any evidence to explain why DNA
22 testing of Ms. L. and [her daughter] was not completed during the four months"
23 before the Court had to order it. 302 F. Supp. 3d 1149, 1157 (S.D. Cal. 2018).
24 Petitioners find themselves in an intimately similar position to *Ms. L.*, so this Court
25 should accordingly not qualify E.R.F.'s petition as moot.

26 **C. Petitioners' Continued Detention Is Subject To Judicial Review**

27 Respondents contend that habeas relief is premature because the sponsorship
28 process remains ongoing and sponsorship applications remain incomplete. *See*
Answer at 34:13-35:13, 35:26-36:5. But Petitioners do not challenge sponsor

1 adjudications; they challenge their continued detention while reunification remains
2 unresolved and with no end in sight. E.I.C.R. has been in ORR custody for about
3 nine months, K.R.M. for more than seven months, and F.G.M.S. for more than a
4 year. *See* Biswas Decl. ¶¶ 71, 97, 122. E.R.F. was only released after the filing of
5 this petition. ORR has not issued final release determinations for E.I.C.R. or
6 K.R.M., and F.G.M.S. remains detained while ORR evaluates *another* proposed
7 sponsor. *Id.* ¶¶ 95-96, 121, 153-162.

8 Respondents' exhaustion argument ultimately describes the injury rather than
9 answering it. Under Respondents' theory, judicial review would become available
10 only after ORR completes the very process whose delay Petitioners are
11 challenging. Petitioners are not challenging completed sponsorship determinations.
12 They challenge ongoing detention during a reunification process that, by
13 Respondents' own account, remains unresolved for several months after each child
14 entered ORR custody. Habeas relief exists precisely to test the legality of such
15 custody. *See* 28 U.S.C. § 2241(c)(3).

16 **D. ORR's Vetting of Sponsors Does Not Authorize Prolonged Detention**

17 Respondents contend that because sponsor vetting remains ongoing, their
18 custody of Petitioners is "required by statute." Answer at 36:4-28, 13:1-10.
19 Petitioners do not dispute that ORR possesses statutory authority to evaluate sponsor
20 suitability. *See* 8 U.S.C. § 1232(c)(3)(A); 45 C.F.R. § 410.1202. Instead, Petitioners
21 question whether ORR may continue detaining children for seven months, nine
22 months, or more than a year while vetting remains unresolved indefinitely.
23 Respondents identify no statute, regulation, or case authorizing detention of that
24 duration based solely on an unfinished reunification process. Nor do Respondents
25 identify any determination that E.I.C.R., K.R.M., or F.G.M.S. pose a danger to the
community or present a flight risk. *See generally* Answer at 30-46.¹

26
27 ¹ Even under Respondents' reliance on OBBBA § 87001, the record reflects extensive
28 sponsor-review efforts. Respondents acknowledge that ORR has undertaken identity
verification, interviews, home studies, in-person verification, and criminal-background

1 Respondents' own chronology illustrates the very problem. E.I.C.R. entered
2 ORR custody on October 4, 2025. ORR identified a sponsor in October 2025 and
3 determined in November 2025 that his case required a home study. Biswas Decl. ¶¶
4 78-79. Yet as of July 2026, ORR acknowledged that the mandatory home study,
5 portions of the sponsor-assessment process, and other reunification requirements
6 remained outstanding. *Id.* ¶ 95. Nearly ten months after entering ORR custody,
7 E.I.C.R. remains detained without a decision on his reunification. *Id.* ¶¶ 95-96.

8 K.R.M. entered ORR custody on December 3, 2025. According to
9 Respondents, ORR completed background checks, DNA testing² confirming the
10 sibling relationship, a favorable home study, and in-person identity verification. *Id.*
11 ¶¶ 112-117. The sole remaining obstacle, for now, is a Nevada child-abuse-and-
12 neglect check that ORR determined in January 2026 would be required before
13 issuing a final suitability determination. *Id.* ¶¶ 105, 121. More than seven months
14 later, K.R.M. remains detained without a final release decision. *Id.* ¶ 121.

15 F.G.M.S. entered ORR custody on July 9, 2025. During the following year,
16 ORR evaluated multiple potential sponsors. As of July 2026, ORR began reviewing
17 a new sponsor after a prior sponsor was denied. *Id.* ¶¶ 153-162. More than a year
18 after entering ORR custody, F.G.M.S. remained detained. *Id.* ¶ 162.

19 The authority Respondents invoke is authority to maintain temporary custody
20 while sponsor suitability is assessed and reunification is pursued. The detention
21 described in Respondents' own chronology bears little resemblance to the temporary
22 and transitional custody contemplated by the TVPRA and ORR's own regulations.

23 screening during the reunification process. *See* Answer at 10:22-11:21; Biswas Decl. ¶¶
17, 110-120, 157-162.

24 ² Petitioners note that DNA testing is not required by statute or regulation. *See* 45 C.F.R.
25 Part 410. ORR added expanded DNA-testing requirements only through policy guidance
26 in March 2025. *See* ORR Field Guidance #27, *DNA Testing Expansion* (Mar. 14, 2025).
27 Courts in this District have found DNA testing unnecessary to release, *see* Declaration of
28 Marion Donovan-Kaloust ("Donovan-Kaloust Decl.") ¶ 10, and ORR ultimately declined
to incorporate a DNA-testing requirement into the Foundational Rule. *See*
Unaccompanied Children Program Foundational Rule, 89 Fed. Reg. 34384 (Apr. 30,
2024).

1 Congress directed that unaccompanied children be "promptly placed in the
2 least restrictive setting that is in the best interest of the child." 8 U.S.C. §
3 1232(c)(2)(A). ORR's regulations similarly require prompt and continuous efforts
4 toward release, release without unnecessary delay, and periodic supervisory review
5 of reunification applications that remain pending. *See* 45 C.F.R. §§ 410.1200,
6 410.1201, 410.1203(a), 410.1207(a). ORR is specifically required to "make and
7 record prompt and continuous efforts toward the release of children in its custody."
8 45 C.F.R. § 410.1203(a).³ These provisions reflect a central premise of the statutory
9 scheme: ORR custody is temporary. Sponsor review exists to facilitate safe
10 reunification, not to transform temporary child-welfare custody into confinement
11 measured in many months.⁴

12 For all of Respondents' talk that they are "acting in accordance with the
13 TVPRA's requirements," Answer at 37:7-8, they ignore other regulations that exist
14 for the sole purpose of moving along the reunification process. These regulations
15 contemplate formal supervisory review every ninety days, identification of barriers
16 to release, and affirmative efforts to resolve those barriers. *See* 45 C.F.R. §
17 410.1207(a). E.I.C.R., K.R.M., and F.G.M.S. have remained in ORR custody
18 through multiple ninety-day review cycles while reunification remained unresolved.
19 Respondents identify no final release determination for E.I.C.R. or K.R.M., no
20 completed mandatory home study for E.I.C.R., and continued detention of F.G.M.S.
21 more than a year after he entered ORR custody while ORR evaluates a new
22 sponsorship application. *See* Biswas Decl. ¶¶ 95-96, 121, 153-162. The record
23 provides little indication that the review process contemplated by § 410.1207(a)

24 ³ Since filing the Petition, Respondents have responded to Counsel's latest request for
25 updated files on F.G.M.S.'s reunification efforts. However, the illegible files concerning
26 ORR's reunification efforts from his previous placement have not gone cured, so Counsel
cannot verify the veracity of Respondents' telling of F.G.M.S.'s ORR history. *See*
Petition ¶65; Santamaria Decl. ¶ 20.

27 ⁴ Since the beginning of 2025, ORR has imposed numerous additional sponsor-vetting
28 requirements. *See* Donovan-Kaloust Decl. ¶7. Those changes have been accompanied by
a dramatic increase in the average length of stay for unaccompanied children in ORR
custody, from approximately 30 days in 2024 to 117 days in 2025. Petition at 2, FN 2.

1 resulted in timely resolution of the barriers that Respondents identify as preventing
2 reunification. Additionally, ORR's own policies provide for concurrent planning and
3 the identification of alternative caregivers when sponsorship assessments cannot be
4 completed in a timely manner. *See* UC MAP § 2, at 7, 9, 45. Yet Respondents
5 identify no concurrent-planning efforts for E.I.C.R. or K.R.M. notwithstanding the
6 prolonged delays in their cases. *See generally* Biswas Decl. ¶¶ 74-96, 100-121.

7 E.R.F.'s experience illustrates the same concern. By March 2026, ORR had
8 obtained a favorable home-study recommendation and DNA confirmation of the
9 family relationship. Pet. ¶¶ 28-30. Nevertheless, reunification remained pending for
10 months thereafter, and ORR did not reunify E.R.F. with her sponsor until July 10,
11 2026, after this action was filed. *See* Biswas Decl. ¶ 69. E.R.F.'s case demonstrates
12 that completion of the FRP does not necessarily result in prompt release.

13 If ORR may continue detaining children and delaying their release by simply
14 identifying more unresolved administrative steps, the statutory requirement of
15 prompt placement would have no practical meaning. *See* Donovan-Kaloust Decl. at
16 ¶7 (“Sponsors who have been told nothing is outstanding are then told weeks later
17 that a new requirement has been put in place”).⁵ The consequences of these delays
18 are not abstract. ORR's own records reflect that Petitioners experienced anxiety,
19 distress, worsening mental-health symptoms, and prolonged separation from family
20 while reunification remained unresolved. *See* Pet. ¶¶ 33-35, 42-44, 57-60, 65.
21 Congress's command of prompt placement reflects the recognition that prolonged
22 institutional custody itself carries significant costs for children awaiting

23
24 ⁵ As our colleagues from the ACLU of Virginia recently put it in a similar Habeas
25 Petition also involving UCs detained for more than 300 days: “Respondents’ delays [in
26 timely adjudicating a FRP] created a self-fulfilling trap. As months passed, previously
27 completed background checks expired and had to be repeated, generating new rounds of
28 delay. This is despite the absence of any identified trafficking concern, criminal concern,
or danger to the children. These delays in reunification are part of an escalating pattern by
Respondents to prevent children from being released.” *See*
[https://www.acluva.org/cases/jane-p-et-al-v-salazar-et-al/?document=ECF-1-Petition-for-
Writ-of-Habeas-Corpus-and-Complaint](https://www.acluva.org/cases/jane-p-et-al-v-salazar-et-al/?document=ECF-1-Petition-for-Writ-of-Habeas-Corpus-and-Complaint) ¶4.

1 reunification with family members.⁶ At some point, detention ceases to resemble the
2 temporary child-welfare custody authorized by Congress and instead becomes the
3 consequence of an administrative process that has failed to reach a timely
4 conclusion.

5 After seven months, nine months, and approximately one year of confinement,
6 Respondents have failed to establish that Petitioners' continued detention remains
7 reasonably related to the temporary child-welfare purposes underlying ORR
8 custody. The record instead reflects children bearing the consequences of delay in a
9 reunification process that Congress expected ORR to promptly complete. The
10 TVPRA and Foundational Rule require ORR to act with diligence, not to rely on its
11 incompleteness as a continuing justification for confinement. Nothing in either
12 authority permits prolonged detention simply because ORR continues to identify
13 additional steps before making a reunification decision.

14 **E. Petitioners' Detention Violates Due Process**

15 **a. Petitioners' Continued Detention Violates Procedural** 16 **Due Process**

17 Procedural due process requires adequate procedural protections to ensure that
18 the government's asserted justification for detention outweighs an individual's
19 constitutionally protected interest in avoiding physical restraint. *Hernandez v.*
20 *Sessions*, 872 F.3d 976, 990 (9th Cir. 2017). Under *Mathews v. Eldridge*, courts
21 consider: (1) the private interests affected; (2) the risk of erroneous deprivation under
22 the procedures used and the value of additional safeguards; and (3) the government's
23 interest. 424 U.S. 319, 335 (1976). Each factor favors Petitioners.

24 ⁶ Those costs are well documented. HHS's Office of Inspector General reported that ORR
25 mental-health clinicians observed that children's mental health often deteriorates as their
26 length of stay in ORR custody increases. See U.S. Dep't of Health & Hum. Servs., Off. of
27 Inspector Gen., *Care Provider Facilities Described Challenges Addressing Mental*
28 *Health Needs of Children in HHS Custody*, OEI-09-18-00431, at 12 (Sept. 4, 2019).
Courts have likewise recognized the serious psychological consequences associated with
prolonged family separation and detention affecting children. See *Ms. L. v. ICE*, 310 F.
Supp. 3d 1133, 1146 (S.D. Cal. 2018).

i. Petitioners Are Deprived of Fundamental Liberty Interests

Freedom from physical restraint lies at the core of the liberty protected by the Due Process Clause. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). Children likewise possess a constitutionally protected interest in freedom from institutional confinement. *Reno v. Flores*, 507 U.S. 292, 302-03 (1993). Petitioners have spent approximately nine months, more than seven months, and one year in ORR custody while separated from family members seeking reunification. See Biswas Decl. ¶¶ 71, 96, 97, 121-22, 162. The Constitution also protects family integrity and familial association. *Rosenbaum v. Washoe County*, 663 F.3d 1071, 1079 (9th Cir. 2011); *Moore v. City of East Cleveland*, 431 U.S. 494, 504-05 (1977). Because Petitioners seek reunification with close family members, their continued confinement implicates substantial liberty interests.

ii. The Risk of Erroneous Deprivation Is Substantial

The second *Mathews* factor likewise strongly favors Petitioners. Respondents repeatedly rely on ORR's administrative review process and the procedures approved in *Lucas R.* as evidence that adequate procedural protections exist. See Answer at 39:11-40:26. But those procedures largely become meaningful only after ORR reaches and communicates a reunification determination. Petitioners' challenge arises from the absence of such a determination despite months of continued detention.

Petitioners challenge prolonged detention during unresolved reunification proceedings. Until ORR reaches a final decision, they remain confined while the very basis for their continued detention goes unresolved. In effect, Petitioners remain trapped in procedural limbo. The procedures identified by Respondents may protect against erroneous sponsor determinations; they do not protect against prolonged detention while no determination is made.

Respondents' reliance on *Lucas R.* is misplaced. Respondents invoke *Lucas R.* as evidence that ORR's reunification framework satisfies due process. But *Lucas*

1 R. assumed the existence of a reunification determination subject to administrative
2 review. See *Lucas R. v. Becerra*, No. CV 18-5741-DMG (PLAx), 2022 WL
3 2177454, at *28 (C.D. Cal. Mar. 11, 2022)⁷. It did not address whether children may
4 remain detained for months while that determination remains unresolved.

5 The risk of erroneous deprivation is not hypothetical. E.I.C.R. remains
6 detained nearly ten months after ORR determined that his case required a mandatory
7 home study, yet no final reunification determination has issued. Biswas Decl. ¶¶ 79,
8 95-96. K.R.M. remains detained more than seven months after ORR completed
9 substantial portions of the reunification process, including a favorable home study
10 and DNA testing, while a Nevada child-abuse-and-neglect check remains pending.
11 *Id.* ¶¶ 105, 112-121. And although a prior sponsorship application was denied in
12 F.G.M.S.'s case, he remains detained more than a year after entering ORR custody
13 while ORR evaluates yet another relative's sponsorship application. *Id.* ¶¶ 153-162.

14 The problem is particularly acute for F.G.M.S. because any appeal from a
15 sponsor denial belongs to the sponsor, not the child. Thus, even where Respondents
16 point to available review procedures, those procedures do not provide F.G.M.S. a
17 meaningful avenue to challenge his own continued detention. Likewise, E.I.C.R. and
18 K.R.M. remain detained without final reunification determinations. Consequently,
19 none of the Petitioners possesses a meaningful mechanism through which to obtain
20 timely review of the detention they challenge here.

21 Procedural due process requires an opportunity to be heard "at a meaningful
22 time and in a meaningful manner." *Mathews*, 424 U.S. at 333. Where continued
23 detention depends on ORR's reunification determination, procedures that become

24 ⁷ *Lucas R.* did not merely recognize ORR's authority to vet sponsors. It also required
25 periodic supervisory review of pending reunification applications to identify barriers to
26 release and advance safe reunification. See *Lucas R. v. Becerra*, No. CV 18-5741-DMG
27 (PLAx), 2022 WL 2177454, at *28-29 (C.D. Cal. Mar. 11, 2022). Those reviews were
28 intended to prevent children from remaining in ORR custody while reunification efforts
stagnated. *Id.* The Biswas Declaration does not indicate whether such ninety-day reviews
occurred, what steps were identified to advance reunification, or whether those efforts
resulted in meaningful progress toward release. See generally Biswas Decl. Petitioners
have been in ORR custody well beyond 90 days and reunification remains unresolved.

1 available only after that determination is made provide little protection against the
2 deprivation Petitioners challenge here. The second *Mathews* factor therefore
3 strongly favors Petitioners.

4 **iii. Respondents' Interests Do Not Justify Prolonged**
5 **Delay**

6 Respondents unquestionably possess a legitimate interest in protecting
7 children from trafficking, abuse, neglect, and exploitation. 8 U.S.C. § 1232(c)(3)(A);
8 6 U.S.C. § 279(b)(2)(A)(ii). Petitioners do not dispute that interest. But the
9 government has a substantial interest in careful sponsor review, not in delay itself.
10 Respondents have had many months to conduct home studies, evaluate sponsors,
11 obtain documentation, and complete reunification reviews. The TVPRA reflects
12 Congress's judgment that children's interests are ordinarily served through prompt
13 placement in family-based settings once appropriate vetting has occurred. *See* 8
14 U.S.C. § 1232(c)(2)(A). Nor would additional safeguards impose a substantial
15 burden. Petitioners do not seek to eliminate sponsor vetting. They seek timely
16 adjudication of reunification requests and meaningful review of prolonged detention.
17 Requiring ORR to follow the procedures and timelines reflected in its own
18 regulations would impose little burden while substantially reducing the risk of
19 erroneous deprivation. *See* 45 C.F.R. §§ 410.1205, 410.1207. Balancing all three
20 *Mathews* factors, Petitioners' continued detention violates procedural due process.

21 **b. Respondents Violated Petitioners Substantive Due**
22 **Process Rights**

23 Substantive due process protects against arbitrary governmental interference
24 with fundamental liberty interests, including family integrity and freedom from
25 unnecessary physical restraint. *Reno v. Flores*, 507 U.S. 292, 302 (1993); *Troxel v.*
26 *Granville*, 530 U.S. 57, 65 (2000); *Ms. L. v. ICE*, 310 F. Supp. 3d 1133, 1142 (S.D.
27 Cal. 2018). Respondents argue that ORR's conduct remains constitutional because
28 reunification proceedings continue. But the existence of ongoing administrative
activity does not, by itself, establish that continued detention remains reasonably

1 related to ORR's stated objectives. The issue is not whether ORR may investigate
2 sponsor suitability. The issue is whether Petitioners' continued confinement remains
3 reasonably related to the temporary child-welfare purposes that justify ORR custody
4 in the first instance.

5 Respondents have not determined that K.R.M.'s proposed sponsor is
6 unsuitable. To the contrary, ORR completed background checks, DNA testing
7 confirming the sibling relationship, and a home study that resulted in a favorable
8 recommendation. Biswas Decl. ¶¶ 113-117. Nor have Respondents determined that
9 E.I.C.R.'s proposed sponsor is unsuitable. Instead, ORR continues seeking additional
10 information and has yet to complete a mandatory home study identified in November
11 2025. *Id.* ¶¶ 79, 86-96. Likewise, Respondents have not determined that F.G.M.S.'s
12 current proposed sponsor is unsuitable. Rather, ORR continues reviewing a new
13 sponsorship application more than a year after F.G.M.S. entered custody. *Id.* ¶¶ 157-
14 162. Yet E.I.C.R., K.R.M., and F.G.M.S. all remain detained without final
15 reunification or release determinations. *Id.* ¶¶ 95-96, 121, 162.

16 E.R.F.'s experience illustrates the same concern. By March 2026, ORR had
17 obtained a favorable home-study recommendation and DNA confirmation of the
18 family relationship. Pet. ¶¶ 28-30. Nevertheless, reunification remained pending for
19 months thereafter, and ORR did not reunify E.R.F. with her sponsor until July 10,
20 2026, after this action was filed. *See* Biswas Decl. ¶ 69. Substantial completion of
21 the reunification process did not result in prompt release.

22 The Constitution permits reasonable investigation into sponsor suitability. It
23 does not permit prolonged separation from available family members while the
24 process used to justify that separation remains indefinitely unresolved. *See Ms. L.*,
25 310 F. Supp. 3d at 1142-46; *E.H.C.F. v. Kennedy*, No. 3:25-cv-2142, 2026 WL
26 145229, at *10 (D. Conn. Jan. 16, 2026). At some point, prolonged detention
27 resulting from an unresolved administrative process ceases to be a means of
28 assessing sponsor suitability and becomes an end in itself. Under these
circumstances, Respondents have failed to show that Petitioners' continued detention

1 remains reasonably related to ORR's stated objectives. Continued confinement based
2 on an unresolved reunification process, without a determination that current
3 sponsors are unsuitable and without any identified endpoint, is arbitrary in relation
4 to the temporary child-welfare purposes underlying ORR custody and therefore
5 violates substantive due process.

6 **F. Respondents are in Violation of the TVPRA**

7 Respondents argue that because the "TVPRA does not provide a standalone
8 cause of action," Petitioners must bring their challenge under the APA. Answer at
9 42:23 - 44:3. Respondents' APA argument suffers from the same flaw as their
10 administrative exhaustion one, see *supra* § IV.C. Respondents contend that judicial
11 review is unavailable because ORR has not yet issued a final reunification or
12 release decision. See Answer at 33-35. But again, Petitioners do not seek review of
13 a completed agency adjudication. They challenge ongoing detention while
14 reunification remains unresolved. Under Respondents' theory, ORR could continue
15 detaining children while simultaneously avoiding judicial review simply by leaving
16 reunification proceedings unfinished. Neither the APA nor habeas principles
17 permit such a result, particularly because the APA does *not* bar habeas review of
ongoing unlawful detention.

18 In any event, exhaustion is prudential rather than jurisdictional. *McCarthy v.*
19 *Madigan*, 503 U.S. 140, 144 (1992); *Laing v. Ashcroft*, 370 F.3d 994, 997, 1000
20 (9th Cir. 2004). Prudential exhaustion is not required where administrative
21 remedies are inadequate, futile, or would result in irreparable harm. *Laing*, 370
22 F.3d at 1000. Those circumstances are present here. Petitioners remain detained
23 while ORR's reunification process continues without resolution, and the procedures
24 identified by Respondents provide no timely mechanism through which to obtain
25 review of this detention.

26 **G. Petitioner E.I.C.R.'s Continued Detention Violates Section 504 of the** 27 **Rehabilitation Act**

28 Respondents' focus on E.I.C.R.'s Section 504 plan misses the point. The

1 issue is not whether ORR created a Section 504 plan, but whether ORR fulfilled its
2 obligations under Section 504 and 45 C.F.R. § 410.1311(e) with respect to
3 reunification. Once ORR determined that E.I.C.R.'s PTSD constituted a disability,
4 it was required to consider the benefits of release to a family-based setting and to
5 assist otherwise viable sponsors in accessing services necessary to support
6 reunification. 45 C.F.R. § 410.1311(e)(1)-(3). ORR's own records reflect that
7 E.I.C.R. experienced depression, isolation, sleep disturbances, self-harm behaviors,
8 and suicidal ideation, and that his confinement, prolonged detention, and lack of
9 progress toward reunification were sources of stress associated with his disability.
10 Pet. ¶¶ 42-44, 108; Biswas Decl. ¶ 79.

11 Yet ORR continued to detain E.I.C.R. while the disability-related
12 reunification process remained unfinished. Although ORR determined in
13 November 2025 that his disability required a mandatory home study, that study
14 remained incomplete and no final reunification decision had issued as of July 2026.
15 Biswas Decl. ¶¶ 79, 95-96. In short, ORR recognized that E.I.C.R.'s confinement,
16 length of stay, and lack of case progress were sources of stress associated with his
17 disability, but still left him institutionalized for months while the required home
18 study and reunification review remained unresolved. These facts demonstrate that
19 ORR failed to provide E.I.C.R. meaningful access to the benefits of reunification
20 and failed to satisfy its obligations under Section 504 and 45 C.F.R. § 410.1311(e).

21 **V. CONCLUSION**

22 For the foregoing reasons, this Court should grant the relief sought in
23 Petitioners' Petition or hold an evidentiary hearing. This Court should order
24 Petitioners immediately released from ORR detention to their respective sponsors or
25 Alternative Caregivers.
26
27
28

1 Respectfully submitted on July 20, 2026.

2
3 /s/ Lazaro Almeida Pacheco

4 Lazaro Almeida Pacheco

5
6 /s/ Emily Gerber Sugarman

7 Emily Gerber Sugarman

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
EASTERN DIVISION

E.R.F., a minor, et al,

Petitioners,

v.

Angie Salazar, Acting Director of the
Office of Refugee Resettlement; et al.,

Respondents.

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

**DECLARATION OF MARION
DONOVAN-KALOUST IN
SUPPORT OF PETITIONERS'
TRAVERSE**

DECLARATION OF MARION DONOVAN-KALOUST

I, Marion Donovan-Kaloust, hereby declare as follows:

1. My name is Marion Donovan-Kaloust. I make this declaration based on personal knowledge and a review of records related to my position as Director of Legal Services of the Children's Representation Project ("CRP") at Immigrant Defenders Law Center ("ImmDef").

2. I have been employed as an attorney at ImmDef for over 10 years and have worked with the CRP team during that entire period, as a staff attorney, and for the last approximately eight years, in a supervisory capacity. ImmDef is a non-profit organization incorporated in California and based in Los Angeles, with additional offices in Riverside, Santa Ana, and San Diego, California, that serves immigrants and asylum seekers throughout Southern California and across the U.S.-Mexico border in Tijuana, Mexico. It is the largest removal defense nonprofit organization in Southern California.

3. ImmDef's mission is to provide immigration services through a universal representation model to ensure that no person must face an unjust immigration system alone. ImmDef's CRP team provides direct representation and legal services to unaccompanied children facing removal proceedings throughout Southern California. ImmDef is one of many legal service providers for unaccompanied children nationwide. Under my supervision, ImmDef provides Know Your Rights presentations, legal screenings, and full-scope representation to children detained in Southern California Office of Refugee Resettlement ("ORR") facilities and provides *pro bono* representation to unaccompanied children who have been released from ORR facilities and are living with sponsors in Southern California as they go through their removal proceedings. ImmDef provides legal services to hundreds of unaccompanied children every year.

4. Pursuant to my role overseeing ImmDef's work as the designated legal service provider for children detained in approximately thirteen ORR facilities throughout Southern California, I am aware of the ORR sponsorship process by which detained

1 unaccompanied children's family members or friends may apply to secure the child's
2 release from ORR custody to their care. I have monitored changes in ORR policy related
3 to sponsorship processes for over eight years doing this work and supervise others
4 conducting this work.

5 5. In early November 2025, ImmDef staff began to notice that no reunifications were
6 taking place at all, and on or about November 2, 2025, sister organizations throughout the
7 nation began to report that they had heard from ORR subcontracted facilities that ORR
8 had "paused" reunifications. Consistent with this information, ImmDef in fact did not
9 see any reunifications at all between approximately November 1, 2025, and December
10 19, 2025 (on December 19, 2025, ORR reunified a child with her mother only after
11 ImmDef filed a habeas challenging the child's prolonged detention despite mother having
12 completed all steps asked of her). Such a lengthy period with no reunifications at all is far
13 outside the norm in my approximately 10 years experience and appears inconsistent with
14 ORR's mandate to promptly place children in the least restrictive environment.

15 6. During the period from November through later December 2025, when I or staff I
16 supervise reached out to ORR or ORR subcontracted facility staff to inquire regarding the
17 status of a child's reunification, we were typically informed that the child's reunification
18 application had been "remanded" by ORR Headquarters and no further action was
19 required by the sponsor at that time. It was confusing and concerning to hear that ORR
20 was apparently holding up reunifications of children when, by their own admission, there
21 were no steps outstanding for the sponsor to complete.

22 7. In addition to the above-mentioned complete (and never fully explained) "pause"
23 on reunifications that took place late last year, ImmDef has witnessed a pattern of lengthy
24 delays in reunifications since the beginning of 2025 that are unprecedented in my
25 experience. ORR continues to institute new barriers to reunification, including
26 announcing new processes and requirements related to DNA verification, identification,
27 and possession of certain documents like an Individual Taxpayer Identification ("ITIN")
28

1 number or Social Security Number. Sponsors who have been told nothing is outstanding
2 are then told weeks later that a new requirement has been put in place. Meanwhile,
3 children's mental and physical wellbeing continues to deteriorate as they continue in
4 prolonged detention—with no one being able to tell them when they might be able to be
5 reunified with their family.

6 8. New ORR processes and requirements surrounding DNA are one of the causes of
7 delays. While ORR always had the ability to request DNA when there was any doubt
8 regarding a family relationship, they previously did not require it across the board, even
9 in cases where there was absolutely no question regarding the veracity of the family
10 relationship.

11 9. Following the issuance of ORR Field Guidance #27-- DNA Testing Expansion on
12 March 14, 2025 (revised on May 15, 2025),¹ I have noted numerous issues with the
13 testing, processing, and delays in release for unaccompanied children and their sponsors.
14 For example, I am aware of a case where a grandfather was required to resubmit DNA
15 because insufficient DNA was swabbed at the first appointment. I am also aware of two
16 situations in which DNA samples were lost by ORR personnel and the individuals were
17 required to submit additional DNA. In each of these cases, reunification was delayed for
18 weeks while ORR worked to schedule the follow up DNA appointments.

19 10. My office is counsel in numerous habeas matters for unaccompanied children in
20 the Central District of California due to ORR's unlawful delays in the reunification
21 process. In one case, *C.S.M. v. Hernandez*, No. 5:26-CV-1144 (C.D. Cal. Mar. 11, 2026),
22 a sponsor's family reunification application was complete but for the DNA testing and
23 results. It took ORR over 4 months and the filing of a habeas petition before ORR
24 scheduled the DNA appointment for the child and sponsor. The District Judge granted
25

26
27 ¹ Office of Refugee Resettlement, U.S. Dep't of Health & Human Servs., ORR Field
28 [Guidance #27—DNA Testing Expansion \(Revised May 15, 2025\),](https://acf.gov/sites/default/files/documents/orr/FG-27_-_DNA_Testing_Expansion.pdf)
[https://acf.gov/sites/default/files/documents/orr/FG-27 - DNA Testing Expansion.pdf.](https://acf.gov/sites/default/files/documents/orr/FG-27_-_DNA_Testing_Expansion.pdf)

1 immediate release of the child and waived ORR's DNA testing requirement after the
2 sponsor provided a declaration and sworn testimony as to her relationship to the child.

3 11. In another case, *J.V.D.C. v. Babudar*, 5:26-cv-01820-SP (C.D. Cal. Apr. 13,
4 2026), a sibling set of two were detained for over eight months while seeking to reunify
5 with their U.S. Citizen sister. The sister was not told for several months into the process
6 that DNA would be required. Then ORR delayed additional weeks in scheduling the
7 DNA appointments. The sister/sponsor offered to pay for DNA testing out of pocket and
8 sought the assistance of her congressional representative, but delays persisted. DNA was
9 only completed and the children, one of whom was a six-year-old with Down Syndrome,
10 were only released after ImmDef filed a habeas petition on their behalf. This was despite
11 a detailed Child Advocate recommendation recommending their prompt release, as well
12 as two home studies that concluded the sister was the sister and that she would be an
13 appropriate caregiver to the children. Further, ORR had confirmed the family
14 relationship via an authenticated birth certificate chain in the early months of the
15 sponsorship process, and allowed weekly visits between the children and their
16 sister/sponsor—who clearly demonstrated a supportive and positive sibling relationship
17 during the visits. Meanwhile, the child with Down Syndrome experienced escalating
18 mental health impacts, including head-banging, clining behavior, anxiety, tearfulness and
19 headaches.

20 12. On April 23, 2026, ImmDef appeared before a magistrate judge in the Central
21 District of California for a habeas petition on behalf of an unaccompanied child who has
22 been detained since July 17, 2025. *B.S.Z. v. Babudar*, No. 5:26-cv-701 (C.D. Cal. Feb.
23 14, 2026). The magistrate judge specifically stated she "share[s] Petitioners' counsels'
24 concern regarding ORR's requirements or impediments" that delay release and that "it
25 sounds like considerable delay is baked into this process to the detriment of the child."

26 13. ORR's policy of requiring DNA testing to confirm relationships—even in cases
27 where there is no doubt as to the sponsor's relationship, identity, or fitness to care for the
28

1 child-- is taking longer than the timeframe contemplated by the law. These ongoing
2 delays have resulted in continued, unnecessary detention and emotional distress and
3 developmental impacts for children, due to their unnecessarily prolonged separation from
4 their families.

5
6 DATED: July 20, 2026

/s/ Marion Donovan-Kaloust
Marion Donovan-Kaloust