

1 LAZARO ALMEIDA PACHECO (CA SBN 358179)

2 LPacheco@immdef.org

3 EMILY GERBER SUGARMAN (CA SBN 339353)

4 ESugarman@immdef.org

5 IMMIGRANT DEFENDERS LAW CENTER

6 634 S. Spring Street, 10th Floor

7 Los Angeles, CA 90014

8 Telephone: 213-438-9014

9 Facsimile: 213-282-3133

10 Pro Bono Attorneys for Petitioners

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

E.R.F. et al.,

Petitioners,

v.

Angie Salazar, et al.,

Respondents.

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

Hon. Daniel Roberts
United States District Judge

**PETITIONERS' STATUS
REPORT**

PETITIONERS' STATUS REPORT

Petitioners respectfully submit this Status Report in advance of the September 30, 2026 status conference.

I. INTRODUCTION

Since the Petition was filed, E.R.F. and K.R.M. have been released from ORR custody to their respective sponsors, and E.I.C.R. has turned eighteen and aged out of ORR custody. Guzman Decl. Counsel for Petitioners and Respondents are discussing stipulations for voluntary dismissal of those three Petitioners only. Fourteen-year-old F.G.M.S. remains in ORR custody. *Id.*

F.G.M.S. has been in ORR custody since July 9, 2025, more than fourteen months. Biswas Decl. ¶ 122. The evidence developed through F.G.M.S.'s reunification process affirmatively supports his release to his sponsor, M.M.S. ORR's internet-based background checks for M.M.S. and the alternate adult caregiver returned "clear." Biswas Decl. ¶ 159. ORR also completed ORR's Home Study Assessment, relevant redacted excerpts of which are attached as Exhibit 1 to protect privacy. The assessment resulted in a positive recommendation for reunification. Exhibit 1.

A September 21, 2026 "Reunification Update" was provided by F.G.M.S.'s ORR case manager Vanessa Mendez, to undersigned counsel's office. Guzman Decl. The update stated that only two items were pending: household member L.G.C.M., who turned 18 in June of this year, was awaiting an identification document and an Individual Taxpayer Identification Number (ITIN). Guzman Decl. The household member identified there is L.G.C.M., who turned eighteen on June 17, 2026, after F.G.M.S. had already spent approximately eleven months in ORR custody. Biswas Decl. ¶¶ 122, 160.

II. ORR'S OWN EVIDENCE SUPPORTS F.G.M.S.'S RELEASE TO M.M.S.

ORR's positive Home Study recommendation follows an individualized

1 inquiry directly relevant to sponsor suitability. Under ORR's regulations, a home
2 study investigates "the living conditions in which the unaccompanied child would
3 be placed," "the standard of care the child would receive," and includes interviews
4 with the proposed sponsor and others in the household. 45 C.F.R. § 410.1204(a).
5 ORR may initiate a home study where it is likely to provide additional information
6 that could assist in determining whether the proposed sponsor is able to care for the
7 child's "health, safety, and well-being." *Id.* § 410.1204(c)

8 Here, the Home Study Specialist interviewed M.M.S. and household
9 members, reviewed available case documentation, and conducted an in-person visit
10 of the proposed home. The Specialist concluded that M.M.S. "demonstrates the
11 ability to provide a safe, stable, and appropriate home environment for the minor"
12 and issued a positive recommendation for reunification. Exhibit 1. The assessment
13 also reflects Child Abuse or Neglect screening, sex-offender-registry screening,
14 and fingerprinting for L.G.C.M.. Guzman Decl. The Home Study Specialist further
15 "did not observe or identify any immediate safety concerns" that would prevent
16 M.M.S. from providing an appropriate home environment for F.G.M.S. *Id.*

17 **III. AFTER FOURTEEN MONTHS, TWO PENDING**
18 **DOCUMENTS DO NOT JUSTIFY F.G.M.S.'S CONTINUED**
19 **CUSTODY**

20 F.G.M.S. has remained in ORR custody since July 9, 2025.

21 ORR's own policy requires care providers and Federal Field Specialists to
22 consider concurrent planning and "be proactive if challenges with the vetting of a
23 potential sponsor appear to be likely." ORR Policy Guide § 3.3.2. Concurrent
24 planning includes exploring "multiple sponsorship options" while preparing for a
25 child's release. *Id.* Yet F.G.M.S. remained in custody through successive
26 sponsorship efforts for nearly a year before ORR contacted M.M.S. on July 1,
27 2026. Biswas Decl. ¶¶ 122-157.

28 ORR's regulations govern release "without unnecessary delay" and require

1 “prompt and continuous efforts” toward family unification and release. 45 C.F.R.
2 §§ 410.1200, 410.1203(a). In determining a child’s placement within ORR care,
3 ORR must consider, among other relevant factors, the child’s “[l]ength of stay in
4 ORR custody.” 45 C.F.R. § 410.1103(b)(17). Notably, ORR must “identify and
5 resolve in a timely manner” the reasons an application remains pending and
6 determine possible steps to “accelerate the unaccompanied child’s safe release.” 45
7 C.F.R. § 410.1207(a). ORR staff must work with the potential sponsor and relevant
8 stakeholders to address unresolved portions of the application, and supervisory
9 review must recur at least every ninety days until the application is resolved. *Id.* §
10 410.1207(b)-(c).

11 The only remaining items identified in ORR’s current update are two
12 documents for L.G.C.M., both of which L.G.C.M. has already applied for. Guzman
13 Decl. On this record, continued detention while those documents await issuance is
14 inconsistent with ORR’s obligations to pursue reunification without unnecessary
15 delay and to timely resolve the reasons a sponsorship application remains pending.
16 The continuing detention is also taking a concrete toll on F.G.M.S. During a
17 September 16, 2026 wellness check, F.G.M.S. told Dulce Guzman that he feels
18 desperate because he has been at the shelter for so long. Guzman Decl. He reported
19 anxiety and stress from the repetitive routine, concern that he is not receiving the
20 education he needs at his age and feeling sad and tired most of the time. *Id.* He
21 reported that, although he has discussed these concerns with his therapist, not
22 much has helped. *Id.* F.G.M.S. appeared visibly tired, with droopy eyes and a
23 sluggish posture. *Id.*

24 After more than fourteen months in ORR custody, continued custody cannot
25 be reconciled with Congress’s command of prompt placement and ORR’s
26 obligations to pursue reunification without unnecessary delay. See 8 U.S.C. §
27 1232(c)(2)(A); 45 C.F.R. §§ 410.1200, 410.1203(a), 410.1207(a)-(c); see also
28 *I.R.L.M. v. Salazar*, No. 5:26-cv-04335-DTB, Dkt. 25 at 13, 18-24 (C.D. Cal. Sept.

1 2, 2026)(granting habeas relief in this district where outstanding ORR processes
2 did not identify a particularized risk warranting continued detention and cautioning
3 against “[e]lecting form over substance”); *C.S.M. v. Hernandez*, No. 5:26-cv-
4 01144-JWH-ACCV, Dkts. 29-30 (C.D. Cal. June 2, 2026)(adopting the Magistrate
5 Judge’s findings and recommendations and granting habeas relief in this district).

6 Petitioners respectfully request that the Court grant the Petition as to
7 F.G.M.S. and order his immediate release to M.M.S.

8 Petitioners also reserve the constitutional arguments raised in the Verified
9 Petition for Habeas Corpus and Traverse (Dockets 1 and 21, respectively).

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11 Respectfully submitted on September 25, 2026.

12
13 /s/Emily Gerber Sugarman
14 Emily Gerber Sugarman

15 *Pro Bono* Attorney for Petitioners

16 Immigrant Defenders Law Center
17 634 S. Spring St., 10th Floor
18 Los Angeles, CA 90014
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