

1 TODD BLANCHE
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 M. 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 Federal 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.

No. 5:26-cv-03705-DSR

RESPONDENTS' STATUS REPORT

Hearing date: September 30, 2026;
Time: 10:00 AM
Courtroom: 690
Address: Roybal Federal Building
and Courthouse
255 East Temple Street
Los Angeles, CA 90012

Honorable Daniel S. Roberts
United States Magistrate Judge

1 In advance of the September 30, 2026, status conference, Respondents
2 respectfully submit the attached Declaration of Toby Biswas, Assistant Deputy Director
3 for Policy for the Unaccompanied Alien Children Bureau, and manage the Division of
4 Policy Coordination & Intergovernmental Affairs, and the Division of Policy
5 Administration & Legal Affairs within the Office of Refugee Resettlement ("ORR"),
6 which provides a case status update regarding E.R.F., E.I.C.R., K.R.M., and F.G.M.S.
7

8 Dated: September 28, 2026

Respectfully submitted,

9 TODD BLANCHE

10 Attorney General

BILAL A. ESSAYLI

11 First Assistant United States Attorney

DANIEL A. BECK

12 Assistant United States Attorney

Acting Chief, Civil Division

13 ALARICE M. MEDRANO

Assistant United States Attorney

14 Acting Chief, Complex and Defensive Litigation
Section

15 /s/ Najah J. Shariff

16 NAJAH J. SHARIFF

Assistant United States Attorney

17 Attorneys for Federal Respondents
18
19
20
21
22
23
24
25
26
27
28

Declaration of Toby Biswas

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

22 4. For additional information about ORR's sponsor vetting process more
23 generally and the prior case statuses for Petitioners, please refer to my prior declaration
24 in this case, dated July 13, 2026. *See generally* Dkt. 20-1.
25
26
27
28

Updated Case Statuses for E.R.F., E.I.C.R., K.R.M. and F.G.M.S.

E.R.F.

5. As I indicated in my prior declaration, *see* Dkt. 20-1 ¶ 69, on July 10, 2026, E.R.F. was reunified with her category 2 sponsor, E.F.S.

6. As I explained previously, *see* Dkt. 20-1 ¶ 70, ORR does not have the authority to reassume custody of E.R.F. without a legal basis. It remains true that ORR has no intention, presently or in the future, to reassume custody of her from her family. *Id.* And, 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. *Id.*

E.I.C.R.

7. On September 4, 2026, after completing its sponsor assessment process, ORR determined that A.A.L.L., a distant relative of E.I.C.R. who sought to sponsor him, is not capable of providing for E.I.C.R.'s physical and emotional well-being as is required by the TVPRA, 8 U.S.C. § 1232(c)(2)(A). ORR therefore denied A.A.L.L.'s sponsor application. In reaching its negative suitability determination and denying release, ORR cited child welfare concerns arising from A.A.L.L.'s failure to provide any proof of compliance with requirements for her prior sponsorship of a former unaccompanied alien child (UAC), including proof of school enrollment. ORR was also concerned that the former UAC had run away from A.A.L.L.'s home, and the

1 potential sponsor did not provide contact information for the child or the family
2 members with whom the child went to live. Additionally, ORR expressed concerns
3 regarding A.A.L.L.'s ability to meet the needs of E.I.C.R., who as noted in my prior
4 declaration, *see* Dkt. 20-1 ¶ 79, has a disability.
5

6 8. On September 15, 2026, E.I.C.R. turned 18 and aged out of ORR's
7 custody. That same day, the Department of Homeland Security (DHS) granted him
8 release on his own recognizance. Consistent with E.I.C.R.'s post-18 plan, his aunt
9 (M.F.R.L.) received him when he was released to the community. M.F.R.L. had been
10 a strong support system for E.I.C.R. and had been actively engaged in his program while
11 he was previously in ORR care. E.I.C.R. was also determined not to be a danger to
12 self, the community, or risk of flight.
13
14

15 9. ORR does not have authority to care for adults and could not take E.I.C.R.
16 back into its custody.
17

18 K.R.M.
19

20 10. On July 24, 2026, after completing its sponsor assessment process and
21 reaching a positive suitability determination, ORR released K.R.M. to her sponsor, her
22 brother, W.E.R.M.
23

24 11. ORR does not have the authority to reassume custody of K.R.M. without
25 a legal basis. ORR has no intention, presently or in the future, to reassume custody of
26 K.R.M. from her family. And, even if the Court could assume that the Department of
27
28

1 Homeland Security could re-detain K.R.M. as a UAC, and then transfer her back to
2 ORR custody, ORR will perform a *de novo* consideration of whether the minor should
3 be released.
4

5 F.G.M.S.

6 12. As I indicated in my prior declaration, *see* Dkt. 20-1 ¶ 157, on July 1,
7 2026, ORR contacted a new potential sponsor, F.G.M.S.'s purported second cousin,
8 Manuela, who confirmed her interest in sponsoring.
9

10 13. On July 10, 2026, the sponsor reported a new household member (HHM),
11 an 18-year-old individual. *Id.* ¶ 160.
12

13 14. As of July 13, 2026, ORR was pending receipt of the following: a
14 completed sponsor application for Manuela; fingerprint-based background checks;
15 proof of relationship; proof of income; proof of address; social security numbers or
16 Individual Tax Identification Numbers (ITINs) for the potential sponsor and household
17 member; a home study; and an in-person ID check. *Id.* ¶ 162.
18
19

20 15. On August 7, 2026, ORR referred F.G.M.S.'s case for a home study. ORR
21 received a positive home study report on August 18.
22

23 16. The 18-year-old HHM was fingerprinted on September 1, 2026, and the
24 results were "clear".

25 17. The 18-year-old HHM applied for an ITIN on August 4, 2026. He
26 received an Internal Revenue Service (IRS) letter with the ITIN documentation, which
27
28

1 was dated August 15, 2026.

2 18. The 18-year-old HHM applied for a New York City ID on July 24, 2026.
3
4 On September 18, 2026, the HHM informed the FFS that his application had been
5 previously denied on August 3rd because he had not sufficiently established his
6 residency. The HHM had been unable able to submit his foreign passport with his
7 application for a New York City ID because he had previously provided it to the IRS
8 with his ITIN application. On September 22, 2026, the HHM informed the FFS that
9 he has been issued an ITIN. The HHM must re-apply for a New York City ID and
10 submit his passport now that it has been returned to him by the IRS. The HHM plans
11 to re-apply on Tuesday, September 29, 2026.
12
13

14 19. The New York City ID for the 18-year-old HHM is the final remaining
15 requirement that must be satisfied before ORR can make its suitability determination
16 and release decision.
17
18

19 I declare under penalty of perjury that the foregoing is true and correct.
20
21

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

23 **September 28, 2026**

24
25 **TOBY R.**
26 **BISWAS -S**
27
28

Digitally signed by
TOBY R. BISWAS -S
Date: 2026.09.28
16:22:28 -04'00'

Toby Biswas

Assistant Deputy Director for Policy

Unaccompanied Alien Children Bureau

Office of Refugee Resettlement