UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LAUREN FOUDA, the next of friend of two minor children, E.X. and P.X., Petitioner, v. ANGIE SALAZAR, *et al.*, Respondents.	Civil Action No. 26-CV-6559 ARUN SUBRAMANIAN United States District Judge DECLARATION OF ASSISTANT DEPUTY DIRECTOR TOBY BISWAS

DECLARATION OF TOBY BISWAS

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

1. I am the Assistant Deputy Director for Policy for the Unaccompanied Alien Children Bureau ("UACB") in the Office of Refugee Resettlement ("ORR"), an entity within the Administration for Children and Families ("ACF"), U.S. Department of Health and Human Services ("HHS").

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

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

Response to the Court's August 12, 2026, Order

4. On May 14, 2026, the assigned Federal Field Specialist ("FFS") handling L.S.G.D.'s application, in anticipation of upcoming leave over the next thirty days, emailed L.S.G.D. to inform her of the upcoming leave and provided L.S.G.D. with the contact information of the FFS who would handle the application during the period of leave to ensure continued processing of the application.

5. On May 26, 2026, the covering FFS telephoned L.S.G.D., but L.S.G.D. did not answer and the covering FFS was not able to leave a voicemail. The covering FFS also sent L.S.G.D. a text message on that date.

6. On June 3, 2026, the covering FFS contacted L.S.G.D. about the status of a new lease. L.S.G.D. responded that she would send in the new lease in the next week. L.S.G.D. also identified a new adult caregiver ("ACG"), a colleague from a previous job that she had known for approximately one year. The covering FFS sent the new ACG an Authorization of Release of Information ("ARI") to complete.

7. On June 7, 2026, L.S.G.D. notified ORR that she had moved and provided a lease as her proof of address.

8. On June 17, 2026, the covering FFS contracted L.S.G.D. to inform her that the sponsorship application was reopened and she needed to update the application with her new address and the ACG's information.

9. On June 23, 2026, the FFS texted L.S.G.D. and requested that she contact her when

she had a few moments. L.S.G.D. reported she was leaving for work and was not immediately available. The FFS requested that she update her application with her new address and with information about her new ACG. A link to complete the ARI was sent to the new ACG on the same day. The FFS followed this email with a call to the ACG requesting he contact her if he had any questions.

10. On June 24 (Wednesday) and 25 (Thursday), 2026, L.S.G.D. reported to the FFS that she was unable to access the application online. The FFS worked with L.S.G.D. to troubleshoot the technical issues and contacted ORR's Help Desk two times to fix the problem, including providing screenshots to the Help Desk.

11. On June 30, 2026 (Tuesday), the Help Desk confirmed that the issue was fixed and the application was successfully reopened. The FFS attempted to contact L.S.G.D. by phone and text message. L.S.G.D. did not answer the FFS's phone calls and text messages were unable to be delivered to L.S.G.D. Later on that day, a text message from the FFS to L.S.G.D. was successfully delivered, instructing L.S.G.D. to access the application and sign the ARI.

12. On July 6, 2026, the FFS received the updated, signed ARI. However, the ACG had not provided ORR with all residential addresses since age 18. The FFS contacted the ACG and provided instructions to complete the missing information. L.S.G.D. was also contacted by the FFS and advised on next steps.

13. On July 6, 2026, a separate technical problem prohibited the FFS from saving the completed ARI because there was information missing in the ARI. On July 6, 2026, a separate technical problem prohibited the FFS from saving the completed ARI because there was missing information in the ARI. The FFS contacted the Help Desk and also raised the problem at a weekly meeting.

14. On July 13, 2026, to avoid further delay, the FFS manually completed the ACG's ARI using the information available in the online application, emailed it to the ACG for signature and telephoned the ACG and explained the need to sign the ARI.

15. On July 16, 2026, the ACG's signed ARI was received by the FFS.

16. On July 17, 2026, the ACG completed fingerprinting. The FFS requested updated internet-based background checks for L.S.G.D. and internet-based background checks for the ACG the same day. Results for the fingerprint-based background checks were received the same day and returned with a result of "Appears Clear."

17. On July 20, 2026, ORR received results for the ACG's internet-based background checks, including public records checks and sex offender registry checks. The FFS reviewed them the same day. After noting there were no concerns, the FFS instructed the case manager to contact the home study provider to initiate the addendum following L.S.G.D.'s move to a new address and the initial negative home study report. After noting there were no concerns, the FFS instructed the case manager to refer the case for completion of a home study addendum following L.S.G.D.'s move to a new address and the initial negative home study report.

18. On July 21, 2026, the FFS assigned to this case approved a home study addendum after L.S.G.D. moved and identified a new alternate adult care giver. The previous home study had resulted in a negative home study recommendation. The purpose of the addendum was to reassess L.S.G.D.'s living environment and caregiving plan to determine whether the updated circumstances (new home and new ACG) adequately addressed the concerns identified in the initial home study.

19. On July 24, 2026, the home study case worker conducted a virtual interview with the petitioners as part of the home study process.

20. On July 24, 2026, the home study case worker conducted a video interview with the newly identified ACG, who lived in a different state than L.S.G.D. This interview evaluated whether the ACG had an understanding of their role and responsibilities, their relationship with L.S.G.D., their parenting styles, knowledge of the household, and whether he was aware of any firearms or weapons in the home given concerns identified in the initial home study. The petitioners met with their legal service provider the same day.

21. On July 27, 2026, the home study case worker conducted the home study addendum visit at L.S.G.D.'s new residence.

22. On July 31, 2026, the petitioners filed the instant petition for Habeas Corpus relief.

23. The home study addendum report was completed by August 3, 2026, and submitted to ORR on August 4, 2026. The home study addendum resulted in a positive recommendation. Under ORR's UACB Policy Guide § 2.4.2, home study providers have 10 days to complete home study addendums.

24. On August 7, 2026, the FFS submitted the L.S.G.D. suitability determination, recommending release of the petitioners. The next day, by August 5 (Wednesday), 2026, the FFS submitted the L.S.G.D. suitability determinations for both petitioners, recommending release of the petitioners.

25. On August 11, 2026, ORR made the decision to release the petitioners to L.S.G.D.. ORR has reviewed the timeline of events for the receipt and processing of the sponsorship application in this case. ORR is actively working to ensure that technological problems do not unnecessarily delay the processing of any sponsorship application.

26. On August 11 (Tuesday), 2026, ORR made the decision to release the petitioners to L.S.G.D., after reviewing the totality of the evidence. During the period from August 5 to

August 11, the case underwent review by the case manager, a third-party review was conducted by a case coordinator, and ORR conducted a determination as to whether release of the petitioners posed a danger. This, along with the weekend, accounted for the period of time between the sponsor suitability determination and the release decision.

27. ORR has reviewed the timeline of events for the receipt and processing of the sponsorship application in this case. ORR is investigating these types of delays and taking steps to ensure that technological problems do not unnecessarily delay the processing of a sponsorship application moving forward.

I hereby declare under the penalty of perjury that the above statements are true and correct.

Executed this 19th day of August 2026

TOBY R. BISWAS -S

Digitally signed by TOBY R. BISWAS -S
Date: 2026.08.19 16:49:32 -04'00'

Toby Biswas
Assistant Deputy Director for Policy
Unaccompanied Alien Children
Bureau Office of Refugee Resettlement