UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

T.M.B.A., by and through his next friend, Lauren Fouda, *Petitioner*, v. Robert F. Kennedy, Jr., et al., *Respondents*.	**Case no. 1:26-cv-07604** **DECLARATION OF LAUREN FOUDA, SUPERVISING ATTORNEY AT THE DOOR'S LEGAL SERVICES CENTER AND PETITIONER'S NEXT FRIEND, IN SUPPORT OF PETITION FOR WRIT OF HABEAS CORPUS**

I, Lauren Fouda, pursuant to 28 U.S.C. § 1746, declare as follows:

1. My name is Lauren Fouda, and I am a Supervising Attorney with the Detained Minors Project at The Door's Legal Services Center ("The Door"), located at 121 Avenue of the Americas, 3rd Floor, New York, NY 10013. My cell-phone number is (929) 819-4367, and my email address is lfouda@door.org.
2. I have worked as a Supervising Attorney at The Door since December 2025. In this capacity, I oversee the immigration cases of both released and detained youth, including children in Office of Refugee Resettlement ("ORR") custody at the Abbott House transitional-foster-care program in Irvington, New York.
3. Prior to joining The Door, I worked for 12 years at U.S. Citizenship and Immigration Services ("USCIS") in various capacities, including as an Asylum Officer, a Supervisory Asylum Officer, and—between August 2022 and November 2025—as Section Chief and then Deputy Director of Refugee Operations. I received my Juris Doctor from Georgetown University Law Center in 2007; I also hold a Bachelor of Arts degree from Columbia University.

4. I write this declaration at the request of the attorneys representing T.M.B.A., age 16, who is currently detained in ORR custody at Abbott House. My office has worked continuously with this child since he arrived at Abbott House on April 22, 2026. Since that date, I have supervised the staff attorney who conducted his legal screening, I have met with him to discuss the status of his mother's sponsorship application, I have advocated on his behalf during his master-calendar hearings in immigration court, and I have reviewed his ORR records.

THE DOOR'S LEGAL SERVICES CENTER

5. The Door is a non-governmental organization that provides legal services to unaccompanied children. The Door is the legal-service provider for the ORR program operated by Abbott House in Irvington, New York.

6. As the assigned legal-service provider, our office is informed when a child is transferred into Abbott House. We then meet with the child to conduct a legal screening, provide a "Know Your Rights" presentation, and, on an as-needed basis, sign a retainer agreement for individualized representation in the child's immigration case.

7. For children in removal proceedings, The Door's attorneys appear as Friend of the Court to provide the immigration court with updates on the status of the child's reunification with their sponsor. Based in part on these updates, Immigration Judges determine how removal proceedings move forward.

CARE AND REUNIFICATION OF UNACCOMPANIED CHILDREN IN ORR CUSTODY

8. Noncitizen minors are placed in the care of programs like Abbott House after being designated as "unaccompanied children" by the Department of Homeland Security ("DHS"). The Homeland Security Act of 2002 defines "unaccompanied child" as a

person who (1) "has no lawful immigration status in the United States"; (2) "has not attained 18 years of age"; and (3) for whom (i) "there is no parent or legal guardian in the United States" or (ii) "no parent or legal guardian in the United States is available to provide care and physical custody."[1] Pursuant to the Trafficking Victims Protection Reauthorization Act ("TVPRA"), DHS must transfer designated unaccompanied children to ORR care and custody within 72 hours of encountering them.[2]

9. Once ORR takes custody of an unaccompanied child, the agency must ensure that the minor is "promptly placed in the least restrictive setting that is in the best interest of the child."[3] To effectuate this duty, ORR is responsible for safely and expeditiously releasing unaccompanied children to "sponsors." Eligible sponsors are generally parents, relatives, or other known adults who are "capable of providing for the child's physical and mental well-being."[4]

10. ORR contracts with residential care providers, like Abbott House, to provide shelter and other services to unaccompanied children while they await reunification with a family member or release to another sponsor. These local, state-licensed care providers generally operate as congregate shelter facilities or transitional-foster-care programs. ORR may also place children in restrictive settings—including secure facilities, heightened-supervision facilities, and residential treatment centers—under certain narrow circumstances.

11. When DHS transfers a child into ORR custody, the care provider assigns the child a Case Manager and a clinician. The clinician is responsible for meeting with the child

[1] Pub. L. No. 107-296, § 462(g)(2), 116 Stat. 2135, 2205 (codified at 6 U.S.C. § 279(g)(2)).
[2] Pub. L. No. 110-457, § 235(b)(3), 122 Stat. 5044, 5077 (2008) (codified at 8 U.S.C. § 1232(b)(3)).
[3] 8 U.S.C. § 1232(c)(2)(A).
[4] *Id.* § 1232(c)(3)(A).

approximately once a week to provide therapeutic support. Clinicians also conduct "family sessions" with the children and their proposed sponsors to assess the relationship, evaluate the sponsor's ability to provide for the child emotionally, and identify possible risks to the child. Children often refer to their assigned clinician as a "therapist," though children's conversations with ORR clinicians are not confidential.

12. Children must leave ORR custody before or on their 18th birthday. If an unaccompanied child "ages out"—that is, remains in custody on their 18th birthday—ORR transfers the youth to Immigration and Customs Enforcement ("ICE"). Under these circumstances, ICE must "consider placement in the least restrictive setting available," including release to the community under personal recognizance.[5] ICE often enrolls age-out youth in "alternative to detention programs," including electronic monitoring and regular reporting to law enforcement; these youth remain vulnerable to detention by ICE.[6]

RECENT CHANGES TO THE ORR SPONSOR-VETTING PROCESS

13. Prior to 2025, the local Case Manager (or a "unification specialist" employed by a third-party sub-contractor) was primarily responsible for identifying and vetting a child's sponsor. After conducting an evaluation, the Case Manager or unification specialist would provide a recommendation to an ORR Federal Field Specialist ("FFS"), who would in turn make a final decision on the child's release to the proposed sponsor.

14. Under the former system, both clinicians and Case Managers were required to enter notes into ORR's data-management system (the "UC Portal"). Legal-service providers, like The Door, were able to request and review those records with signed permission from the child and proposed sponsor. As part of standard procedure, The Door would routinely

[5] *Id.* § 1232(c)(2)(B).
[6] *Id.*

request and review records maintained in the UC Portal to learn about developments in children's reunification processes.

15. Around August 2025, in addition to other changes, ORR created a new internal entity, the Division of Sponsor Administration ("DSA"). Staffed by ORR Federal Field Specialists, the DSA has assumed responsibility for the sponsor-vetting process previously performed by local Case Managers and unification specialists. The DSA FFS assigned to a child's case may be based anywhere in the country.

16. Under the new system, the assigned DSA FFS collects sponsor information and issues a positive or negative sponsor-suitability determination. The DSA FFS then submits that determination for review by the local Case Manager and a Case Coordinator (an ORR contractor responsible for reviewing cases and making release recommendations). If the Case Manager and Case Coordinator recommend release, a separate FFS within ORR's Division of Case Administration ("DCA") reviews the recommendation and makes the final decision on release.[7] The DCA FFS's decision also receives further review from superiors within ORR.

17. Records created and maintained by DSA and DCA are not uploaded to the UC Portal and are therefore not easily accessible to legal service providers like The Door. As such, our legal team's only method of obtaining detailed information about sponsor vetting and the reunification process is to speak with the child's proposed sponsor or to request information directly from the FFS assigned to a child's case.

[7] The DCA FFS may approve release, deny release, or remand the case to the DSA FFS and care provider for further assessment.

T.M.B.A.'S CASE

18. The information contained in this declaration regarding the minor T.M.B.A. is based on my office's communications with ORR staff or agents (including Abbott House staff and assigned FFSs), my office's review of ORR records, our internal records, and my personal knowledge.

19. T.M.B.A. is a 16-year-old child who was born in Ecuador in 2010. According to government records, T.M.B.A. entered the United States on or about April 20, 2026, unaccompanied by a parent or legal guardian, near Brownsville, Texas. Customs and Border Patrol apprehended and detained T.M.B.A. and designated him as an unaccompanied child.

20. On April 22, 2026, DHS placed T.M.B.A. into ORR custody at the Abbott House shelter, an ORR care provider in Irvington, New York. T.M.B.A. remains at Abbott House today.

21. Because The Door is the assigned legal-service provider at Abbott House, our paralegal staff met with T.M.B.A. on April 23, 2026, to provide "Know Your Rights" materials. Subsequently, on May 5, 2026, an attorney from The Door conducted a thorough legal screening to determine T.M.B.A.'s eligibility for legal relief. We also offered and subsequently provided court-preparation services for his future appearances before the immigration court.

22. While meeting with The Door's staff, T.M.B.A. indicated that he wished to remain in the United States and to reunite with his mother, who was living in Minnesota. He also expressed a fear of returning to Ecuador.

23. On June 25, 2026, T.M.B.A. received an eligibility letter from the Office on Trafficking in Persons, an Office of the Administration for Children & Families (ACF), confirming

that he was subjected to a severe form of trafficking in persons and, as such, is entitled to certain benefits and protections.[8]

Immigration proceedings

24. DHS served T.M.B.A. with a Notice to Appear ("NTA") on April 21, 2026, charging him as inadmissible to the United States for being present without prior admission or parole under 8 U.S.C. § 1182(a)(6)(A)(i) and for lacking a valid entry document under 8 U.S.C. § 1182(a)(7)(A)(i)(I). On April 28, 2026, DHS served T.M.B.A. with a superseding NTA, charging him only under section 1182(a)(6)(A)(i).

25. DHS filed the superseding charging document with the New York–Varick Immigration Court on May 4, 2026, thus placing T.M.B.A. into removal proceedings under 8 U.S.C. § 1229a. T.M.B.A. made his first appearance before the immigration court on June 9, 2026.

26. T.M.B.A. has remained unrepresented throughout most of his removal proceedings. Attorneys from The Door have provided T.M.B.A. with court-orientation services, accompanied him to his court appearances, and appeared in a Friend of Court capacity. However, my office is unable to offer representation to T.M.B.A. because of capacity restraints related to the government's withholding of payment for legal services delivered between November 2025 and July 2026 and its subsequent termination of funding for existing legal services on July 31, 2026.

27. At this time, T.M.B.A. remains in removal proceedings at the New York–Varick Immigration Court. At his most recent hearing on September 1, 2026, attorneys from Legal Services NYC entered an appearance and requested a continuance to consult with

[8] *See* 22 U.S.C. § 7105(b)(1)(A), (C), (G).

T.M.B.A. Immigration Judge Lisa W. Ling granted a seven-day continuance, scheduling the next removal hearing for September 8, 2026.

28. T.M.B.A. fears return to Ecuador and therefore may file an application for asylum, withholding of removal, and protection under the United Nations Convention Against Torture.[9] As an unaccompanied child, T.M.B.A. is entitled to a non-adversarial adjudication of his asylum application and is exempt from certain mandatory grounds of denial.[10] Asylum affords indefinite legal status in the United States, and asylees become eligible to apply for lawful permanent residency.[11]

29. T.M.B.A. also experienced paternal abandonment in Ecuador and is therefore eligible to seek Special Immigrant Juvenile Status (SIJS).[12] T.M.B.A. meets the statutory prerequisites for SIJS because he has not had contact with his father since he was five years old, his reunification with his father is not viable, and it would be against his best interests to be returned to Ecuador.[13] Special Immigrant Juveniles are considered paroled by operation of law and are eligible to apply for lawful permanent residency.[14]

30. Though T.M.B.A. is qualified for SIJS, he cannot practically obtain that status from ORR custody. The New York Family Court Act,[15] which governs juvenile-court jurisdiction in New York, contains no provision permitting children in federal-government custody to access guardianship or custody proceedings and thereby obtain the state-court order

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[9] *See* 8 U.S.C. §§ 1158(a)(1), 1231(b)(3)(A); U.N. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, art. 3, Dec. 10, 1984, 1465 U.N.T.S. 85 (codified at 8 C.F.R. § 208.16–.18).
[10] *See* 8 U.S.C. § 1158(a)(2)(E), (b)(3)(C).
[11] *See id.* §§ 1158(c)(1), 1159(b).
[12] *See id.* § 1101(a)(27)(J).
[13] *See id.* § 1101(a)(27)(J)(i)–(ii).
[14] *See id.* § 1255(a), (h)(1).
[15] Ch. 686, 1962 N.Y. Laws (codified as N.Y. Fam. Ct. Act § 111 et seq.).

required to seek SIJS under federal law.[16] Therefore, it is nearly impossible for children to apply for SIJS while in ORR custody in New York. Instead, unaccompanied minors in New York must generally wait to apply for SIJS until they are released from federal custody, either to a parent or legal guardian, to another sponsor, or to the custody of the New York City foster-care system.

Reunification and sponsor vetting

31. When T.M.B.A. arrived in the United States on April 20, 2026, his mother, S.M.A.C. ("Ms. A.C."), was already living in Minneapolis, Minnesota. On April 23, 2026—the day after T.M.B.A. arrived in ORR custody—the agency identified Ms. A.C. as a potential sponsor. Because T.M.B.A. had a parent available to serve as his sponsor, ORR designated him as "Category 1"—the most preferential type of reunification case.[17]

32. As soon as T.M.B.A. arrived in ORR custody, Ms. A.C. took steps at the agency's request to demonstrate her suitability as a sponsor. These steps included completing an extensive sponsor application and sponsor care agreement; confirming her identity with a government-issued identification document; providing proof of her address and income;

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[16] *See* 8 U.S.C. § 1101(a)(27)(J)(i) (defining a Special Immigrant Juvenile, in part, as a youth "who has been declared dependent on a juvenile court located in the United States").

[17] ORR releases children to sponsors in the following order of preference: (i) a parent; (ii) a legal guardian; (iii) an adult relative; (iv) an adult individual or entity designated by the parent or legal guardian; (v) a licensed program willing to accept legal custody; or (vi) an adult individual or entity seeking custody, when no other likely alternative to long-term ORR custody is available. Off. of Refugee Resettlement, Admin. for Child. & Fams., U.S. Dep't of Health & Hum. Servs., Unaccompanied Alien Children Bureau Policy Guide § 2.2.1 (July 6, 2026), https://tinyurl.com/37jhjv4c. Under this preference system, ORR groups unaccompanied children's cases into four categories:

- Category 1: Parent or legal guardian. This includes qualifying step-parents that have legal or joint custody of the child or teen.
- Category 2: A brother; sister; grandparent or other immediate relatives (e.g., aunt, uncle, first cousin). This includes biological relatives, relatives through legal marriage, and half-siblings.
- Category 3: Other sponsor, such as distant relatives, unrelated adult individuals, or an institutional/organizational Sponsor.
- Category 4: No sponsor identified.

Id.

submitting to fingerprinting and DNA collection and analysis; undergoing a background investigation; and participating in a home study. ORR records that I have reviewed confirm that Ms. A.C. completed each of these sponsorship prerequisites promptly, efficiently, and as instructed.

33. Neither the assigned Abbott House Case Manager, Jazmine Palmasano, nor ORR personnel have raised to my office any concerns, like a criminal or child-protection history, identified in Ms. A.C.'s background. No one has alleged that Ms. A.C.'s identity is unconfirmed or that she is not T.M.B.A.'s biological mother. In fact, no official involved in the sponsor-vetting processes has ever indicated to my office that Ms. A.C. is not a suitable sponsor for T.M.B.A. or that she is unable to provide for his physical and mental wellbeing.

34. Although Ms. A.C. did not have a social security number or individual tax identification number, which ORR generally requires, the agency permits a waiver of this requirement for Category 1 sponsors.[18] As such, Ms. A.C. applied for a waiver on or around July 2, 2026. However, ORR did not approve that waiver request until August 28, 2026—a total delay of 57 days.

35. ORR records indicate that, as of August 7, 2026, T.M.B.A.'s release to his mother is also delayed pending a "[d]anger analysis from [the] FFS."

36. ORR records assert that, during an assessment conducted by his Abbott House Case Manager on April 27, 2026, T.M.B.A. disclosed that in Ecuador "between the ages of 13–14 years old" he had [redacted] However, subsequent ORR records indicate that T.M.B.A. [redacted] and that gang members had in

[18] *Id.* § 2.2.4.

fact [redacted] Based in part on this information, ACF concluded that T.M.B.A. had been the victim of "a severe form of trafficking in persons." Furthermore, no ORR records available to my office suggest that T.M.B.A. has *ever* threatened or harmed another person beyond a single schoolyard fight in Ecuador.

37. Throughout the duration of T.M.B.A.'s detention, ORR has never attempted to move him from Abbott House to a heightened-supervision setting, indicating that the agency has never developed reason to believe that T.M.B.A. has been "unacceptably disruptive"; is "a runaway risk"; has "displayed a pattern of severity of behavior" requiring "supervision by trained staff"; or has a "criminal or delinquent history."[19] On the contrary, ORR records indicate that T.M.B.A. is "calm, cooperative, and appropriately engaged" and capable of using "coping skills including music, reading, drawing, journaling, taking breaks, and structured activities when feeling stressed or overstimulated." Indeed, neither Abbott House staff nor ORR personnel have ever indicated to my office that they consider T.M.B.A. to be a danger to the community.

Deteriorating condition during prolonged family separation in government custody

38. No amount of time in detention is safe for children, but the longer the government detains a child, the more profound the harm.[20] As the Office of Inspector General for the Department of Health and Human Services acknowledged in a 2019 report, some children in ORR custody "who did not initially exhibit mental health or behavioral issues began reacting negatively as their stays grew longer . . . . [L]onger stays resulted in

[19] 45 C.F.R. § 410.1105(b)(2).

[20] *See* Elizabeth S. Barnert et al., *How Does Incarcerating Young People Affect Their Adult Health Outcomes?*, 139 Pediatrics, no. 2, Feb. 2017, at 7, *available at* https://tinyurl.com/4s86m8cj (concluding that "more months in confinement [for] adolescents and young adults correlates with worse adult health outcomes").

higher levels of defiance, hopelessness, and frustration among children, along with more instances of self-harm and suicidal ideation."[21] In other words, children's mental health declines as their confinement in ORR custody persists.

39. My own experience working with children in ORR custody confirms the results of these studies. In my role at The Door, I have observed that even children who enter ORR custody without significant trauma histories may, as their detention drags on, begin to exhibit signs of aggression, refuse to comply with ORR staff, or cause self-harm. For children who have experienced abuse or other harm prior to entering ORR custody, extended detention only exacerbates the psychological distress they were already experiencing and negatively impacts their ability to function in the care facility.

40. Like many other unaccompanied children, T.M.B.A. entered ORR custody with a substantial history of childhood trauma. This includes his victimization by human traffickers and the death threats that prompted his flight from Ecuador. It also includes what ORR records describe as repeated [redacted] between the ages of 18 and 23. On that basis, ORR records conclude that T.M.B.A. has "been a victim of [redacted] under circumstances that indicate that [his] health or welfare has been significantly harmed or threatened."

41. T.M.B.A. also has a history of significant and longstanding psychiatric distress. According to ORR records, T.M.B.A. "has experienced emotional difficulties since approximately age 7." T.M.B.A. [redacted] at around age 14. T.M.B.A. participates in "ongoing psychiatric care for depression and

[21] Off. of Inspector Gen., U.S. Dep't of Health & Hum. Servs., *Care Provider Facilities Described Challenges Addressing Mental Health Needs of Children in HHS Custody* 12 (Sept. 3, 2019), https://tinyurl.com/ms7w2pvs.

anxiety" but experiences "daily thoughts of self-harm" and "auditory hallucinations on a daily basis." T.M.B.A. has additionally received medical treatment for a variety of additional medical conditions while detained at Abbott House.

42. Given his young age, prior traumatic experiences, history of self-harm, significant and ongoing psychiatric symptoms, and other medical issues, T.M.B.A. is particularly vulnerable to the harmful psychological effects of protracted and unexplained confinement and dislocation. For instance, on May 4, 2026, Abbott House documented an instance of "excessive scratching that caused a minor skin injury."

43. Though Abbott House clinical staff have made efforts to support T.M.B.A.'s emotional resiliency, he continues to suffer while in custody. I believe that only T.M.B.A.'s release from detention and reunification with his mother will alleviate his mental anguish.

CONCLUSION

44. Based on the foregoing, I have developed a significant relationship with T.M.B.A and am qualified to represent his interests in this litigation.

45. The Door and all other legal-service providers representing children in ORR custody lost federal funding on July 31, 2026, and we remain concerned that children in ORR custody in New York may be transferred to Texas in the near future.[22]

46. T.M.B.A has experienced significant childhood trauma—including paternal abandonment; threats and sexual abuse; and, as certified by the federal government, a severe form of human trafficking—only to now face an unnecessary and unexplained period of prolonged confinement and familial separation that exceeds 142 days.

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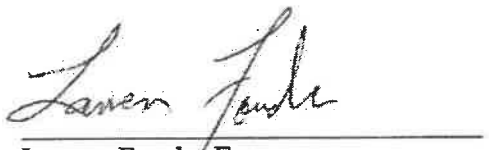
[22] *See* Veronica Escobar, Member of Congress, et al., Letter to Secretary Kennedy & Acting Director Angie Salazar (July 16, 2026), https://tinyurl.com/3k5xjhet; Lomi Kriel, *Trump Administration Asks Texas for Help Providing Legal Services to Immigrant Kids Facing Deportation*, The Texas Tribune (July 3, 2026), https://tinyurl.com/32up8z8v.

47. T.M.B.A.'s own mother, who has dutifully and efficiently met every requirement that ORR has imposed upon her, is available and willing to immediately receive him and provide for his physical and mental well-being. There is no reason for the government to continue holding this child in custody.

48. For these reasons, on behalf of T.M.B.A., I urge the Court to order his immediate release from custody and reunification with his mother.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed in New York, New York.

Executed this Second day of September 2026,



Lauren Fouda, Esq.
Supervising Attorney
Detained Minors Project
The Door Legal Services Center
555 Broome Street, 5th Floor
New York, NY 10013
Email: lfouda@door.org
Tel.: (929) 819-4367