**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 S[redacted] M[redacted] A[redacted] C[redacted], PETITIONER'S MOTHER, IN SUPPORT OF PETITION FOR WRIT OF HABEAS CORPUS**

I, S[redacted] M[redacted] A[redacted] C[redacted], pursuant to 28 U.S.C. § 1746, declare as follows:

1. My name is S[redacted] M[redacted] A[redacted] C[redacted]. I reside at [redacted], Minneapolis, Minnesota. I am writing this declaration about my son, T[redacted] M[redacted] B[redacted] A[redacted]. I live with my partner, P[redacted] and my daughter, [redacted]. I work as a pre-school teacher.
2. The government has held my son in custody in New York for more than four months, and I am desperate to reunite with him. I do not understand why the government is still holding him.
3. I received a call from Border Patrol on April 21, 2021, saying that T[redacted] was in immigration custody. I gave them confirmation that I was his mother. Soon after, the government transferred T[redacted] to a facility in New York.
4. The next week, the government contacted me to start the process to regain custody of T[redacted]. They told me the process was called "sponsorship." I gave the person who called me everything she asked for, including information about myself and the other people in my house, my partner and daughter.

5. The following week, in early May 2026, an official named Ricardo Rivera contacted me. Ricardo told me that the sponsorship process was long and that there were many steps.Ricardo asked me for T[redacted]'s birth certificate, proof of my income, proof of my employment, proof of my address, and address history for the last five, they asked the same things for my partner, and identity documents for my daughter. I had to upload these documents online in an application that I had many problems with. Almost every time I tried to upload things on the application, it would crash. One of the requirements Ricardo told me about was that my partner needed to have a tax-identification number. I explained to Ricardo that my partner did not have a tax number. I told Ricardo that we would try to get a tax identification number but that I had heard that it might take months. I said that we would start the application process.
6. I attended an appointment around May 20, 2026, to have my fingerprints taken. My partner completed his fingerprint appointment the next week. They told us that the background checks came back clear for both of us.
7. In early June 2026, some officials came to my home to make sure it was suitable for T[redacted]. About a week later, around June 12, 2026, I learned that the results of the home study were positive, meaning they did not find any problems.
8. Around June 25, 2026, I went to an appointment to verify my identity in person and to provide a DNA sample.
9. We had applied for a tax identification number for my partner, but I feared it would take a long time to process, and I wanted to have my son released as soon as possible. Ricardo informed me that I could apply for a waiver of this requirement because I am T[redacted]'s mother. I submitted the waiver as soon as I learned about it, around July 1, 2026.

10. Around the second week of July, Ricardo told me that the waiver had to get approval from seven different officials and had only gone through two people so far. Ricardo told me to wait until he called again.

11. After that, I did not hear from Ricardo for over a week. When Ricardo called me next, he said two more people still needed to approve the waiver. Ricardo told me that I just needed to wait and that there was nothing else I could do. I was having a lot of anxiety because I wanted my son to be released to me, and Ricardo was not giving me much information about what to expect.

12. Ricardo called me next at the end of July, and said that the waiver was still not approved, but only one more person needed to sign off. Ricardo called me again a few days later to tell me that the waiver was still under consideration.

13. During the same call, Ricardo also told me that now they were evaluating T[redacted] for "dangerousness." This caused me a lot of fear because I did not understand. My son has never had problems with violence or with the police here or in Ecuador. I did not understand why the government would consider T[redacted] to be dangerous.

14. On August 28, 2026, almost two months after I had first applied for a waiver of the tax-ID requirement for my partner, Ricardo finally notified me that it was approved. I hoped this meant that T[redacted] could come home right away. But Ricardo told me that first he had to send a recommendation to his supervisor, and he did not tell me what his recommendation was. He told me that I would know if T[redacted]'s release was approved in no more than six days.

15. My son is not doing well in custody in New York. I talk to him by phone almost every day. On Saturdays and Sundays, our whole family is able to speak to T[redacted]. T[redacted]

helps his sister with her math homework because she gets confused and T[redacted] is good at Math. I know my daughter misses her brother and hopes he will come home soon.

16. He does not want to be in custody and tells me that there is very little for him to do. His mental health is very bad in the shelter. I think he is struggling with depression. It is hard when I do not have updates to give him and can only say that I am doing all I can to get him released. I want him to be released so that I can care for him as he is my son.

17. When T[redacted] returns, I plan to support him in all the ways a mother is able to. I will enroll him in school and help him get any documents he needs. I want to support him emotionally too after his difficult time in detention. I hope to be able to cook his favorite food for him, chicken and rice, and get to watch him practice soccer again. I want my family to be together and be able to spend time with my daughter and T[redacted] together. I know they miss each other. I want us to be able to talk without time limits and want to hear all about his life. I hope that ORR releases my son soon so that my family can be reunited.

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

Executed this Third day of September 2026,

[redacted]

S[redacted] M[redacted] A[redacted] C[redacted]

Sworn to before me this 03
day of September. 2026

Notary Public

FREDY J SIBRI
NOTARY PUBLIC
MINNESOTA
My commission exp. 01/31/2029

ATTESTATION AND CERTIFICATE OF TRANSLATION

I, Grace Day, certify that I am professionally proficient in Spanish and English. On September 3, 2026, I personally spoke with S[redacted] M[redacted] A[redacted] C[redacted] and read the forgoing declaration to her, translated into Spanish faithfully and accurately. S[redacted] M[redacted] A[redacted] C[redacted] affirmed that she understood my translation and that the information in the above declaration is true and accurate.

I declare under penalty of perjury, pursuant to 28. U.S.C § 1746 that the forgoing is true and correct.

Grace Day

Sworn to before me this

4th day of Sept., 2026

Notary Public

LEA AFTIMOS
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 02AF0025839
Qualified in Kings County
Commission Expires June 13, 2028