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13 UNITED STATES DISTRICT COURT
14 CENTRAL DISTRICT OF CALIFORNIA
15 EASTERN DIVISION

16 Y.Y.B.M., Y.E.G.M., and Y.H.P.M.,
17 Minors, by and through Erica Santamaria,
18 as Next Friend of Minors,

19 Petitioners,

20 v.

21 ANGIE SALAZAR, Acting Director of the
Office of Refugee Resettlement; ANDREW
22 GRADISON, Assistant Secretary of the
Administration for Children and Families;
23 ROBERT F. KENNEDY JR., Secretary of
the U.S. Department of Health and Human
24 Services; the responsible Federal Field
Specialist, Office of the Refugee
25 Resettlement; and the responsible Federal
Field Specialist Supervisor, Office of the
26 Refugee Resettlement,

27 Respondents.
28

Case No.:

**VERIFIED PETITION FOR
WRIT OF HABEAS CORPUS**

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INTRODUCTION

1. Petitioners Y.Y.B.M., Y.E.G.M., and Y.H.P.M.¹ (“Petitioners”) are unaccompanied children—siblings, aged 13, 11, and 7. They have been detained in the custody of the Office of Refugee Resettlement (“ORR”) for 185 days after entering the U.S., despite their and their biological mother’s request that they be released to her care. Pursuant to ORR Policy § 2.2.1, their mother, Y.Y.M.S.,² is a “Category 1 parent or legal guardian.” By law, she is the preferred custodian of her children.³ She is ready and waiting to give them the loving, nurturing home they deserve. Also by law, Petitioners must be “promptly placed in the least restrictive setting that is in the best interest of the child.” 8 U.S.C. § 1232(c)(1), (c)(2)(A). By this Petition, Petitioners seek an order immediately releasing them to their mother’s care.

2. Since the children entered the country on March 21, 2026, Y.Y.M.S. has been steadfastly working to have them released. She has been in touch with ORR since at least March 26, 2026, and since then has provided the various additional documentation requested. By June 2, 2026, Y.Y.M.S. had completed a Family Reunification Packet (“FRP”). There is no dispute about the parent-child relationship—though, due to long delays in ORR scheduling, confirmatory testing did not occur until July 24, 2026. Yet even thereafter, ORR has failed to release Petitioners, failed to provide any decision or explanation of rationale (which the law

¹ Petitioners are referred to herein by initials, in compliance with Fed. R. Civ. P. 5.2(a)(3), which requires the use of a “minor’s initials” on any filing made before the Court.

² The use of Y.Y.M.S.’s initials further ensures Petitioners’ privacy, as well as her own private information. *See* Fed. R. Civ. P. 5.2(a), (c), (h) (mandating use of a minor’s initials, providing for limited access to files in proceedings related to immigration detention “unless the court orders otherwise,” and noting that failure to redact personal information in the first instance constitutes a waiver of that protection).

³ Available at: <https://acf.gov/orr/policy-guidance/unaccompanied-children-program-policy-guide-section-2>.

1 requires, and which could trigger appeal and/or submission of additional evidence)⁴,
 2 and failed to provide a schedule to do so. The governing regulations call for decisions
 3 to be made on Category 1 sponsors within 10 days after the completion of
 4 applications, absent complicating circumstances.⁵ Here, it has been six months since
 5 detention, and over two months since Y.Y.M.S. completed her application to recover
 6 her children, and Petitioners remain trapped in limbo.

7 3. On September 22, 2026, ORR belatedly transmitted a contractor's home
 8 study, dated July 8, 2026. Based on an incomplete and now superseded record, it had
 9 reached "a negative recommendation at this time." If ORR intended to rely on that
 10 study to refuse release, it was obligated to provide it to Y.Y.M.S. and to Petitioners'
 11 counsel, who had requested all ORR's records on August 11, 2026⁶—not to use it to
 12 raise new issues months later. In all events, even without seeing the study Y.Y.M.S.
 13 had addressed the concerns she understood it raised. The study noted insufficient
 14 bedding and privacy in her small apartment, which Y.Y.M.S. corrected (and
 15 documented on July 22) by purchasing two sets of bunk beds and a privacy screen.
 16 By July 29, she also provided documents, which she was told the home study lacked,
 17 showing that prior domestic violence questions had been fully resolved. She was not
 18 told—much less in a written decision—that she had to do anything else to get her
 19 kids.

20 4. Significantly, ORR is not asserting that Y.Y.M.S. is unsuitable to care
 21 for Petitioners. Rather, as reported by the responsible Child Advocate assigned to
 22

23 ⁴ See also ORR Unaccompanied Alien Children Bureau Policy Guide (the "Policy
 24 Guide") §2.7.7, 2.7.8 [https://acf.gov/orr/policy-guidance/unaccompanied-children-](https://acf.gov/orr/policy-guidance/unaccompanied-children-program-policy-go)
 25 [program-policy-go](https://acf.gov/orr/policy-guidance/unaccompanied-children-program-policy-go).

26 ⁵ See 45 CFR § 410.1205; Policy Guide § 2.2.7.

27 ⁶ Policy Guide §2.4.2 (ORR "must provide the home study report to the potential
 28 sponsor if the release request is denied"); 45 C.F.R. § 410.1309(c)(2)
 (unaccompanied minors or their counsel are entitled to receive the ORR's records of
 their cases upon request and within a reasonable time).

1 these children at the Young Center for Immigrant Rights,⁷ Y.Y.M.S. “has
 2 demonstrated that she can provide a safe, loving, and nurturing home” for the three
 3 children. *See* Exhibit A at 1. Her partner, the Alternative Care Giver (ACG), has
 4 also been fully invested in reunification and fully vetted by ORR. Program staff has
 5 reported that any “previous concerns for reunification have been mitigated and []
 6 there are no further concerns.” *Id.* at 3.

7 5. While Petitioners have been detained, Y.Y.M.S. has done her best to
 8 support them, including weekly in-person visits (which require her to drive at
 9 minimum six to seven hours), and daily video calls. During meetings with their Child
 10 Advocate, each child expressed a strong desire to reunite with their mother.⁸ *See*
 11 Exhibit A at 6. The Child Advocate has issued a compelling assessment that the best
 12 interest of the children requires return to their mother, who “has demonstrated both
 13 a willingness and ability to support [the three Petitioners’] physical and emotional
 14 well-being.” *Id.*

15 6. Prompt release is urgently needed. Prolonged detention is crippling the
 16 Petitioners’ mental health. ORR and provider records reflect that the Petitioners are
 17 suffering serious emotional and behavioral consequences during custody. These
 18 include difficulty with separations from their mother during her visits, heightened
 19 anxiety, irritability, anger, emotional dysregulation, depression, and in the case of
 20 eleven-year-old Y.E.G.M., complete emotional dysphoria and withdrawal from
 21 virtually all ordinary activities. Moreover, the children were emotionally abused at
 22 their first “resource-home” while in ORR custody (*see, e.g.*, Exhibit A at 4), resulting
 23
 24

25 ⁷ The Child Advocate is statutorily appointed to independently advocate for the best
 26 interest of vulnerable unaccompanied alien children. 8 U.S.C. § 1232(c)(6)(A).

27 ⁸ 8 U.S.C. § 1232(c)(6)(A). The Secretary of Health and Human Services is
 28 authorized to appoint independent child advocates for child trafficking victims and
 other vulnerable unaccompanied alien children. A child advocate shall be provided
 access to materials necessary to effectively advocate for the best interest of the child.

1 in ORR transferring them to a new residence on August 13, 2026. But despite this
2 transfer, ORR still did not release Petitioners.

3 7. On August 20, 2026, Petitioners' counsel formally demanded that ORR
4 issue a final decision or release Petitioners. *See* Exhibit 2. Respondents did not
5 respond.

6 8. Petitioners seek a writ of habeas corpus to end this unlawful and
7 prolonged detention. The law requires that they be "promptly placed in the least
8 restrictive setting that is in the best interest of the child." Absent intervention by this
9 Court, Petitioners will remain, day-after-day, detained in ORR custody and separated
10 from their mother, with no final agency decision, meaningful procedural safeguards,
11 or end in sight.

12 JURISDICTION

13 9. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 2241
14 (habeas corpus); 28 U.S.C. § 1651 (All Writs Act); 28 U.S.C. § 2201 (Declaratory
15 Judgment Act); 28 U.S.C. § 1361 (Writ of Mandamus); and 28 U.S.C. § 1331
16 (Federal Question). This Court also has jurisdiction pursuant to Art. I, § 9, cl. 2 of
17 the United States Constitution (Suspension Clause).

18 10. Federal district courts have jurisdiction to hear habeas claims by
19 noncitizens challenging the lawfulness of their detention. *See Zadvydas v. Davis*,
20 533 U.S. 678, 687 (2001).

21 11. This Court may grant relief under the habeas corpus statutes, 28 U.S.C.
22 § 2241 et seq., the Declaratory Judgment Act, 28 U.S.C. § 2201 et seq., and the All
23 Writs Act, 28 U.S.C. § 1651.

24 VENUE

25 12. Venue is proper because Petitioners Y.Y.B.M., Y.E.G.M., and
26 Y.H.P.M. are detained at A Greater Love Foster Agency ("Greater Love") in Ontario,
27 California, in the Eastern Division of the Central District of California.
28

13. Venue is also proper in this District because Respondents are officers, employees, or agencies of the United States, a substantial part of the events or omissions giving rise to Petitioners' claims occurred in this District, and no real property is involved in this action. 28 U.S.C. § 1391(e).

PARTIES

A. Petitioners

14. Petitioner Y.Y.B.M. is a girl aged 13. Y.E.G.M. is a boy who turned 11 in custody. Y.H.P.M. is a girl who had her seventh birthday this month. Designated as Unaccompanied Children upon their entry into the United States,⁹ they are currently detained at Greater Love, an ORR-subcontracted care facility. Petitioners are in the custody of the ORR and under the direct control of Respondents and their agents.

15. Due to their young age, Petitioners are unable to litigate this action on their own behalf. Petitioners therefore appear by and through their next friend, Erica Santamaria, Program Manager for the Detained Youth Empowerment Project ("DYEP") at Immigrant Defenders Law Center. As Program Manager for DYEP, Mrs. Santamaria has a legitimate and substantial interest in Petitioners' welfare and is an appropriate next friend to bring this action on their behalf pursuant to 28 U.S.C. § 2242. (See Declaration of Next Friend, Erica Santamaria).

B. Respondents

16. Respondent Angie Salazar is sued in her official capacity as the Acting Director of ORR, the component of the U.S. Department of Health and Human Services ("HHS") responsible for implementing the Department's statutory and regulatory obligations to unaccompanied immigrant children. ORR is the government entity directly responsible for Petitioners' continued detention and has

⁹ An "unaccompanied child" is a child with no lawful immigration status in the United States, who is under the age of eighteen, and who has arrived in the U.S. or at the border without a parent or guardian and without legal status. 6 U.S.C. §279(g)(2).

1 authority to approve their release. Respondent Angie Salazar is thereby a legal
2 custodian of Petitioners.

3 17. Respondent Dr. Andrew Gradison is sued in his official capacity as the
4 Acting Assistant Secretary of the Administration for Children and Families (“ACF”).
5 ACF is comprised of multiple offices, including ORR, and is responsible for the
6 welfare of children and families under HHS. Respondent Gradison is thereby
7 responsible for Petitioners’ continued detention and custody and is a legal custodian
8 of Petitioners.

9 18. Respondent Robert F. Kennedy Jr. is sued in his official capacity as the
10 Secretary of the U.S. Department of Health and Human Services. In this capacity,
11 Secretary Kennedy oversees ACF and ORR and is therefore the head of the agencies
12 responsible for the care, custody, and placement of unaccompanied children in
13 federal custody. *See* 6 U.S.C. § 271(a)(2); 8 U.S.C. § 1232(c); 6 U.S.C. § 279.
14 Respondent Secretary Kennedy is thereby a legal custodian of Petitioners.

15 19. Federal Field Specialists (“FFS”) are the government officials
16 responsible for the care, custody, and placement of children in ORR custody. In this
17 role, the FFS responsible for determining Petitioners Y.Y.B.M., Y.E.G.M., and
18 Y.H.P.M.’s placement has authority to recommend or approve their release to an
19 appropriate sponsor. Respondent the responsible FFS, whose name is not presently
20 known to Petitioners, is thereby a legal custodian of Petitioners.

21 20. Federal Field Specialist Supervisors supervise Federal Field Specialists
22 and are responsible for oversight of placement and reunification decisions for
23 children in ORR custody. In this role, the FFS Supervisor is responsible for
24 determining Petitioners’ placement and has authority to approve their release to an
25 appropriate sponsor. Respondent the responsible FFS Supervisor, whose name is not
26 presently known to Petitioners, is thereby a legal custodian of Petitioners.

27
28

21. Respondents are named solely in their official capacities. To the extent any named official no longer holds the identified position, that official's successor is automatically substituted pursuant to Federal Rule of Civil Procedure 25(d).

STATEMENT OF FACTS

A. Respondents' Failure to Timely Release the Petitioner Children

22. Petitioners entered the United States on March 21, 2026, and were designated by the Department of Homeland Security ("DHS") as Unaccompanied Children ("UCs"). On March 22, 2026, Petitioners were transferred to the custody of the ORR.

23. On March 23, 2026, ORR identified Petitioners' mother, Y.Y.M.S., as the intended sponsor for reunification. Y.Y.M.S. was in contact with ORR and actively working to obtain the release of her children by March 26, 2026. She provided an SSN and the required Authorization for Release of Information for vetting on March 31, 2026. Over the ensuing weeks, she provided all information requested, including her children's birth certificates, financial information showing her ability to care for them (which her FFF did not question), address and residence information, and other background about herself and her partner, the ACG.

24. After back and forth with the ORR, by May 19, 2026, Y.Y.M.S. had completed the Sponsor portion of the Sponsor Application Packet, which the FFS — who is tasked with "help[ing] the potential sponsor complete the application"¹⁰ — reviewed and approved. Almost two weeks later, on June 1, 2026, the Sponsor Application and ARI were reopened due to unidentified "incorrect and missing information." Next Friend Decl. at 4. The Sponsor responded by promptly fixing it, resulting in a completed Family Reunification Packet on June 2, 2026. *Id.* Both Y.Y.M.S. and her partner completed fingerprinting on June 3, 2026.

¹⁰ Policy Guide § 2.2.3.

1 25. During Sponsor Assessment communications with ORR on June 12,
2 2026, Y.Y.M.S. and her partner self-disclosed two prior incidents that were
3 subsequently raised in the home study that ORR requested on June 22. First, in 2023
4 the ACG had a domestic violence incident with a different partner (not involving
5 children), after which he completed community service and a 26-week rehabilitation
6 program. Second, in April 2026, Y.Y.M.S. reported a disagreement with him after
7 suffering a panic attack, during which she made, and later retracted, a DV claim.
8 Y.Y.M.S. explained that the panic attack was brought on by postpartum depression
9 and that she did not want to press charges. California Child Protective Services
10 (CPS) investigated the 2026 incident, but it took no action against the ACG, saw no
11 reason to remove another minor who was already living in the home (a young baby),
12 and all charges were dropped. As additional efforts to ensure the children's safety,
13 and at the recommendation of ORR, Y.Y.M.S and her partner completed a private
14 collateral session, received domestic-violence psychoeducation, reviewed safety
15 strategies, acknowledged responsibility for the children's safety, and both signed the
16 Domestic Violence Safety Plan.

17 26. The July 8, 2026 home study was unable to rule out safety risks, noting
18 that the 2026 CPS investigation remained open at that time and that documentation
19 did not indicate whether legal proceedings had been resolved. At the request of her
20 FFS (albeit without a copy of the home study itself), on July 22, Y.Y.M.S. provided
21 records of the CPS closing its investigation without adverse action. And on July 29,
22 the FFS uploaded the CPS report and additional documents showing rehabilitation
23 from the 2023 incident. Thus, while there had been open DV issues at the time of
24 the home study, as the Child Advocate explains, by July 29, 2026, any "concern of
25 safety was remediated upon sponsor and ACG providing all related documents."
26 Exhibit A at 3.

27 27. Y.Y.M.S. also was told that there were concerns about the small size of
28 Y.Y.M.S.'s apartment and lack of beds for the children and privacy. Y.Y.M.S.

1 promptly purchased two sets of bunk beds for the children and a privacy screen. She
2 provided proof of the beds to ORR on July 22, 2026. While she has expressed a desire
3 to move to a bigger apartment, Y.M.M.S. was never told, on July 8 or after, that she
4 had to move out of her apartment to recover her kids.¹¹ See Next Friend Declaration
5 ¶ 21. Rather, she was told that if she moved that would slow down the reunification
6 process. *Id.*

7 28. The home study also noted numerous positive facts about the sponsor
8 and her home including “the sponsor has been responsive and proactive during the
9 home study process”; “the home was free of hazards and was clean and tidy”; the
10 infant was well cared for; and “the home is located in a quiet residential area near
11 parks and abundant green space” with neighborhood “children and their families []
12 outside playing on their front lawns.”

13 29. After months of delays in its scheduling of DNA samples, ORR finally
14 took DNA tests on July 24, 2026. These results confirmed the biological relationship
15 between Y.Y.M.S. and Petitioners and were uploaded to the portal on August 7, 2026.
16 After completion of the documentation requested for the home study and her
17 submission of a request for an exemption from a requirement that the ACG submit
18 an Individual Taxpayer Identification Number (“ITIN”), Y.M.M.S. understood from
19 her FFS that she had completed everything needed for release. *Id.* Yet because ORR
20 has still not adjudicated the Sponsor’s completed application, Petitioners have
21 continued to languish in ORR custody for months beyond the period contemplated
22 by statute and regulation.

23
24 ¹¹ The home study transmitted on September 22 included the contractor’s questioning
25 whether Y.Y.M.S. alone had financial capacity. But financial ability is not
26 determined by a home visit contractor, and it was never mentioned to Y.Y.M.S. as a
27 reason to refuse Petitioners’ release. Next Friend Decl. ¶ 21. If there had been an
28 issue, the ORR combines household income. Policy Guide §2.2.4 permits proof of
support from other household members. Y.Y.M.S.’s partner of three years reported
\$87,000 in income and a firm resolve to support and care for Petitioners (as well as
the infant he and Y.Y.M.S share).

B. Prolonged Detention's Harm to Petitioners

30. While in custody, the children suffered abuse at the first resource home where they were placed. They were forced to clean up after the biological child of the Resource Parent ("RP"); the RP made repeated hurtful comments about the children's dark skin tone; the RP diverted a raffle prize won by the Petitioners to give to her own biological child; and the RP attempted to disrupt their access to private in-person therapy by pressuring the children to attend remotely and complaining about having to drive the children to therapy. *See, e.g.*, Exhibit A at 4. Due to these serious safety and emotional concerns, the ORR moved the children to a new RP on August 13, 2026.

31. During the six months that Petitioners' reunification has remained pending, ORR records reflect that the children's mental health and behavioral and emotional wellbeing have dramatically deteriorated.

32. Y.E.G.M. (the 11-year-old)'s mental health has collapsed in ORR custody. Intake notes dated March 25, 2026, state that when initially placed into custody "The child presented with a calm and cooperative attitude," that the child "presented with a normal affect" and that the child's mood was "Euthymic." The notes also stated the child "has not had people tell them taht [sic] they needed help with their emotional problems." They indicated the child was able to speak in full sentences and explain what had happened to him with specificity. *See, e.g., id.* at 39, 41.

33. At present, Y.E.G.M. has become almost completely nonverbal. He refuses to speak at all even in his native language, avoids eye contact, and refuses to participate in or disrupts classroom activities including group therapy and meetings with his advocates. This did not happen all at once, but is a result of prolonged deterioration while in ORR custody, as is reflected by ORR's own records:

- 1 • 6/8/26: Y.E.G.M. made statements about his eldest sibling stating
- 2 that he “hates” her and that “she should be dead.” He was withdrawn
- 3 and did not want to speak to the clinician at the appointment.
- 4 • 6/17/26: Y.E.G.M.’s mental health report notes his mood as
- 5 irritable and affect as flat, avoiding eye contact and refusing to
- 6 participate in activities.
- 7 • 7/6/26: Y.E.G.M.’s participation declines further. Mood described
- 8 as dysphoric and affect as flat.
- 9 • 7/20/26: Mental health deteriorates further. ORR’s mental health
- 10 reports indicate he “demonstrated difficulty engaging during the
- 11 group therapy session and required redirection due to disrespectful
- 12 comments and behaviors towards peers” which “negatively affected
- 13 the group atmosphere and contributed to peers becoming upset.”
- 14 • 8/20/26: Y.E.G.M. had become essentially nonverbal, occasionally
- 15 refusing to eat, and often visibly upset. No verbal information
- 16 about his wellbeing or adjustment could be obtained.

17 34. Difficulties have plagued the other siblings as well. Clinical notes
 18 describe heightened anxiety and irritability, and challenges managing their emotions
 19 related to the uncertainty surrounding reunification. (*Id.*) For example, 13-year-old
 20 Y.Y.B.M. has struggled with becoming upset and dysregulated including tearful and
 21 withdrawn from group participation while experiencing guilt, fear, and anxiety with
 22 clinicians noting depressive symptoms.

23 LEGAL FRAMEWORK

24 35. A writ of habeas corpus may issue if, among other things, a person is
 25 “in custody under or by color of the authority of the United States,” or is “in custody
 26 in violation of the Constitution or laws or treaties of the United States.” 28 U.S.C.
 27 § 2241(c). *See I.R.L.M. v. Salazar*, No. 5:26-cv-04335-DTB, 2026 WL 2597933
 28 (C.D. Cal. Sept. 2, 2026) (granting habeas petition and releasing minor from

1 indefinite ORR detention into the custody of their mother). *E.H.C.F. by Contreras*
2 *Flores v. Kennedy*, No. 25-CV-2142, 2026 WL 145229 (D. Conn. Jan. 16, 2026)
3 (same).

4 36. A habeas court's role is at its "most extensive in cases of pretrial and
5 noncriminal detention," particularly "where there had been little or no previous
6 judicial review of the cause for detention," as is the case here. *Boumediene v. Bush*,
7 553 U.S. 723, 780 (2008).

8 37. Upon review of a habeas petition, the Court must either grant the writ
9 or issue an order to show cause ("OSC") to Respondents "forthwith," unless it
10 appears that the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an OSC is
11 issued, the Court must require Respondents to file a return "within three days unless
12 for good cause additional time, not exceeding twenty days, is allowed." *Id.* The writ
13 or OSC must be directed to the person having custody of the individual detained. *Id.*

14 38. Under this Court's General Order 26-05 ¶ 2, Respondents must submit
15 their response to this Petition within seven days of the Clerk's office issuing
16 scheduling notice, with Petitioners' reply due three days thereafter.

17 **A. Statutory Framework Governing the Care and Custody of**
18 **Unaccompanied Children**

19 39. Three key laws and agreements govern the federal government's
20 treatment and custody of unaccompanied immigrant children: (1) the Homeland
21 Security Act of 2002 ("HSA"); (2) the Trafficking Victims Protection
22 Reauthorization Act ("TVPRA") of 2008; and (3) the "Foundational Rule," which is
23 a set of regulations promulgated by ORR in 2024 that largely codified the 1997
24 consent judgment in *Flores v. Sessions*, 862 F.3d 863, 869 (9th Cir. 2017). *See*
25 *Stipulated Settlement Agreement, Flores v. Reno*, No. CV-85-4544-RJK (C.D. Cal.
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Jan. 17, 1997).¹² The Constitution's due process guarantees also apply to unaccompanied children.

1. The Homeland Security Act of 2002

40. Enacted in 2002, the HSA divided responsibilities for the processing and treatment of unaccompanied children between ORR (a sub-department of the Department of Health and Human Services) and the then-newly created Department of Homeland Security.¹³ See 6 U.S.C. § 279(a). ORR was assigned and now controls functions including coordinating and implementing the care and placement of unaccompanied children in appropriate custody. See 6 U.S.C. § 279(b).

2. The Trafficking Victims Protection Reauthorization Act

41. Enacted in 2008¹⁴, the TVPRA requires federal officials to screen unaccompanied immigrant children for certain vulnerabilities upon their arrival in the United States. See 8 U.S.C. § 1232(a)(4). It mandates that custody of an unaccompanied child be transferred to the HHS Secretary not later than 72 hours after that child is determined to be an unaccompanied child.¹⁵ See 8 U.S.C. § 1232(b)(3).

¹² Available at: https://www.aclu.org/sites/default/files/assets/flores_settlement_final_plus_extension_of_settlement011797.pdf.

¹³ Prior to the creation of DHS, all matters related to the custody, detention, and deportation of immigrant children were managed by the Immigration and Naturalization Service (INS), which was dismantled simultaneously with the creation of DHS.

¹⁴ The TVPRA is a reauthorization of the Trafficking Victims Protection Act of 2000, intended to combat the trafficking of persons. See Pub. L. No. 106-386, 114 Stat. 1464 (Oct. 28, 2000). Through the 2008 reauthorization, Congress established certain rights for unaccompanied children navigating the immigration process, recognizing that they are a "particularly vulnerable population" to whom the country "owes a special obligation" to treat "humanely and fairly." 154 Cong. Rec. S10866 (daily ed. Dec. 10, 2008) (statement of Sen. Feinstein).

¹⁵ In most cases including this one, custody of an unaccompanied child transfers to HHS and ORR from DHS, which temporarily has custody through Immigration and Customs Enforcement (ICE) and Customs and Border Protection (CBP).

1 42. The TVPRA enacted procedures for ensuring “safe and secure”
2 placements for these children. Crucially, it mandated the axiomatic rule that **an**
3 **unaccompanied child “shall be promptly placed in the least restrictive setting**
4 **that is in the best interest of the child.”** 8 U.S.C. § 1232(c)(1), (c)(2)(A) (emphasis
5 added).

6 3. The ORR Foundational Rule

7 43. In 2024, after a notice and comment period, HHS adopted a final rule
8 intended to further codify key aspects of the framework governing care and
9 placement of unaccompanied children as required by the HSA, the TVPRA, and as
10 adjudicated in the *Flores* Settlement. *Unaccompanied Children Foundational Rule*
11 (July 1, 2024) (“Foundational Rule”). 45 C.F.R. Part 410.

12 44. The Foundational Rule contains a non-exhaustive list of factors that
13 ORR is to consider when evaluating the best interests of an unaccompanied child,
14 including, but not limited to, the child’s expressed interests; age and maturity; mental
15 and physical health; adjustment to the community; cultural background and primary
16 language; length or lack of time the child has “lived in a stable environment”;
17 individualized needs, including disability; development and identity; wishes of the
18 parents or legal guardians; and the “interactions and interrelationship” of the child
19 with their parents, siblings, and anyone who “may significantly affect” the child’s
20 well-being. 45 C.F.R. § 410.1001.

21 45. The Foundational Rule also provides a non-exhaustive list of factors that
22 ORR “shall” consider when evaluating what is the “least restrictive setting that is in
23 the best interest of the child.” These include: danger to self; danger to the community
24 or others; runaway risk; trafficking or other safety concerns; age; gender; LGBTQI+
25 status or identity; disability; specialized services or treatment requested or required;
26 criminal background; location of potential sponsor and safe, timely release options;
27 behavior; siblings in ORR custody; language access; whether the child is pregnant or
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1 parenting; location of apprehension; and length of stay in ORR custody. 45 C.F.R.
2 § 410.1103(a), (b).

3 46. The Foundational Rule provides guidance on how ORR is to evaluate
4 the suitability of a potential sponsor who seeks to assume the care and custody of an
5 unaccompanied child. 45 C.F.R. § 410.1202. Such evaluation may include a home
6 study, wherein ORR investigates the living conditions in which the unaccompanied
7 child would be placed prior to release. 45 C.F.R. § 410.1204.

8 47. Absent an “unexpected delay,” ORR is to adjudicate a completed
9 sponsor application for a relative who has previously been the child’s primary
10 caregiver within 10 days of receipt of the completed sponsor application, and to
11 adjudicate applications by relatives who were *not* previously the child’s primary
12 caregiver within 14 days. 45 C.F.R. § 410.1205(b); Policy Guidelines § 2.7.

13 48. If ORR formally denies release to a potential sponsor who is a parent,
14 legal guardian, or close relative, ORR must promptly notify the potential sponsor in
15 writing, provide an explanation of the reasons for the denial along with the evidence
16 and information supporting the decision, inform the potential sponsor of the right to
17 request an appeal, and allow for submission of additional evidence supporting
18 suitability. 45 C.F.R. § 410.1205(c). Absent good cause, the appeal process shall be
19 completed within 30 calendar days of the potential sponsor’s request for an appeal.
20 45 C.F.R. § 410.1206(f). This has not occurred.

21 **B. Constitutional Substantive and Procedural Due Process Constraints.**

22 49. In addition to the statutory and regulatory framework, civil immigration
23 detention is limited by both substantive and procedural due process protections,
24 which apply “to all ‘persons’ within the United States, including [noncitizens],
25 whether their presence here is lawful, unlawful, temporary, or permanent.”
26 *Zadvydas*, 533 U.S. at 693. “Freedom from imprisonment – from government
27 custody, detention, or other forms of physical restraint – lies at the heart of the liberty
28 that [the Due Process] Clause protects.” *Id.* at 690.

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I. PETITIONERS' CLAIMS ARE COGNIZABLE AS A HABEAS ACTION, AND ADMINISTRATIVE EXHAUSTION IS NOT REQUIRED.

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VERIFIED PETITION FOR WRIT OF HABEAS CORPUS

1 when, as here, administrative remedies are unavailable, inadequate, or futile, or
2 where exhaustion would result in irreparable harm. *Laing*, 370 F.3d at 1000. *See*
3 *also E.F.E.L. v. Noem*, No. 26-cv-02507, 2026 WL 1045550, at *5 (N.D. Ill. Apr. 17,
4 2026) (rejecting ORR's exhaustion argument, where "requiring exhaustion ... causes
5 prejudice, due to unreasonable delay or an indefinite timeframe for administrative
6 action" (quoting *Gonzalez v. O'Connell*, 355 F.3d 1010, 1016 (7th Cir. 2004))).

7 53. For Petitioners, administrative remedies are not available and/or futile,
8 and further delay would cause irreparable harm. Despite having the relevant
9 information for months, ORR has not acted and has provided no time frame or
10 process for action. The home study was completed on July 8, 2026, with no follow
11 up or revision thereafter once Y.Y.M.S. had responded to its concerns. As of July
12 29, 2026, Y.Y.M.S. and her partner had completed all sponsorship requirements.
13 While the ORR has indicated that the ACG has been unable to provide an ITIN, ORR
14 policy permits waiver of that item,¹⁶ and a waiver request has been pending for over
15 a month—at least since August 21, 2022. *See* Exhibit A at 3. When the ORR simply
16 fails to act on the requested waiver, it has rendered futile any ability to exhaust. And
17 as discussed further below (*see* ¶ 71, *infra*), separating Petitioners from their mother
18 for additional *months* due to unavailability of an ITIN—and subjecting the children
19 to further emotional turmoil and decline—would be unconscionable. *See Cortez v.*
20 *Sessions*, 318 F. Supp. 3d 1134, 1139 (N.D. Cal. 2018).

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28 ¹⁶ Policy Guide § 2.2.4.

II. PETITIONERS' CONTINUED DETENTION VIOLATES THE TVPRA, WHICH MANDATES PROMPT PLACEMENT IN THE LEAST RESTRICTIVE SETTING THAT IS IN THE BEST INTEREST OF THE CHILD, AND PRECLUDES DETENTION UNLESS THE GOVERNMENT PROVES PETITIONERS TO BE A DANGER OR A FLIGHT RISK

54. The TVPRA provides “special protections” for unaccompanied children, who are recognized as a “particularly vulnerable group.” *Saravia v. Sessions*, 280 F. Supp. 3d 1168, 1178 (N.D. Cal. 2017). The statutory scheme governing unaccompanied children reflects a clear “focus on care and placement—rather than on detention.” *Flores v. Sessions*, 862 F.3d at 876. The fundamental guiding principles are (i) prompt release, (ii) to the least restrictive setting, (iii) in the child’s best interest. 8 U.S.C. § 1232(c)(1), (c)(2)(A).

55. Applying the TVPRA, the “least restrictive setting” is with the children’s natural parent. The “best interest of the children” is the same, as verified by the thorough Child Advocate’s Letter. Y.Y.M.S. “has demonstrated that she can provide a safe, loving, and nurturing home for [the Petitioners].” Exhibit 1 at 5. Further, Y.Y.M.S. “has demonstrated both a willingness and ability to support [Petitioners’] physical and emotional well-being. According to ORR records [she] has also consistently participated in family sessions and demonstrates a willingness to learn and implement new strategies. These efforts reflect her continued commitment to her children and her ability to provide them with a safe, supportive and nurturing home.” *Id.* According to the Child Advocate, “the [ORR] program [staff] has recently shared that previous concerns for reunification have been mitigated and that there are no further concerns.”¹⁷ *Id.* at 3. In short, under the TVPRA, the children’s best interest is prompt release.

¹⁷ While the Sponsor made an initial DV report in April 2026 with respect to the ACG, she later explained that she had a panic attack resulting from post-partum depression. After investigation, California Social Services did not find cause to take

1 56. As the Child Advocate's opinion, dated September 21, 2026, makes
2 clear, the July 8 home study concerns have been adequately addressed and cannot
3 now justify separating this mother and her children. Ample beds and a screen to
4 divide space were obtained. Additional documentation proved constructive
5 resolution of prior incidents and serious initiatives to ensure safety. What remains is
6 the fact that the current apartment is small. But ORR has never ruled, and Y.M.M.S.
7 was never told, on July 8 or otherwise, that she had to move and even potentially
8 break a lease to recover her kids. She was told that moving would slow down the
9 reunification process. Next Friend Decl. ¶21. Tight quarters in a lovely
10 neighborhood come nowhere close to the standard to remove a child from his or her
11 mother.

12 57. Detaining a child in California requires "clear and convincing evidence"
13 that returning the child home would pose a "substantial danger" and that no
14 reasonable means short of removal could protect the child. Cal. Welf. & Inst. Code
15 § 361(c)(1); *In re Hailey T.*, 212 Cal. App. 4th 139, 146 (2012). No such overarching
16 risk has been shown here. The law does not require perfection as a prerequisite to
17 family unity. Here, the danger from separation, not to mention the fundamental right
18 to be raised by one's parents, dwarfs the danger from tight living quarters. And in
19 all events, ORR has capacity, and a policy, to provide follow up supervision and
20 support after release, to ensure that the children stay safe thereafter. 8 U.S.C.
21 § 1232(c)(3)(B); ORR Policy § 6.6.

22 58. Petitioners' continued detention, despite the availability of their mother
23 to assume their care, contravenes the TVPRA's mandate to prioritize the care and
24 least restrictive placement of unaccompanied children. By allowing Petitioners to
25 _____
26 an infant child away after the alleged incident. Respondents do not have a higher
27 duty of care than California. Courts in this District have held that it is appropriate to
28 release a child to their sponsor even if there were a previous DV report where, as
here, the parties had completed a counseling program and no charges were pending.
See I.R.L.M., 2026 WL 2597933.

1 remain detained for months without findings necessary to justify continued custody,
 2 Respondents have failed to comply with the statutory limits Congress imposed on
 3 ORR's detention authority.

4 **III. PETITIONERS' CONTINUED DETENTION VIOLATES**
 5 **PROCEDURAL DUE PROCESS BECAUSE THEY HAVE BEEN**
 6 **DENIED ALL EFFECTIVE MEANS BY WHICH TO CHALLENGE IT**

7 59. Procedural due process claims are evaluated under the balancing
 8 framework set forth in *Mathews v. Eldridge*, which considers: (1) the private interest
 9 affected by the government's action; (2) the risk of erroneous deprivation of that
 10 interest under the procedures used, and the probable value of additional or substitute
 11 safeguards; and (3) the government's interest, including the administrative burden of
 12 additional procedures. 424 U.S. 319, 335 (1976).

13 60. The first *Mathews* factor weighs decisively for Petitioners, as this
 14 District concluded earlier this month in *I.R.L.M.*, 2026 WL 2597933 at *8. The
 15 *I.R.L.M.* court found a violation of procedural due process on similar facts, finding
 16 that a detained child had "established constitutionally cognizable private interests in
 17 freedom from detention and in family unity." *Id.* (issuing writ to release child to
 18 Category 1 mother who had completed sponsorship requirements, where ORR
 19 detained child nearly eight months on the stated ground that vetting remained
 20 ongoing).

21 61. Although minors are "always in some form of custody, they retain a
 22 strong interest in being free from unnecessary government interference with their
 23 liberty." *Saravia*, 280 F. Supp. 3d at 1195, *aff'd sub nom. Saravia for A.H. v.*
 24 *Sessions*, 905 F.3d 1137 (9th Cir. 2018). In addition, Petitioners hold a protected
 25 interest in family unity and reunification with their parent, and a Category 1 parent-
 26 sponsor presents the strongest familial-association interest the law recognizes. *See*
 27 *Lucas R. v. Becerra*, No. 2:18-cv-05741-DMG, 2022 WL 2177454, at *25 (C.D. Cal.
 28 Mar. 11, 2022). Finally, the TVPRA's own statutory protection for children's

1 welfare creates an independent private interest that Respondents may not abridge
2 without affording procedural due process. *Lucas R. v. Azar*, 2018 WL 7200716, at
3 *9, discussed at ¶ 53, *supra*.

4 62. All these interests in freedom from physical detention, family
5 reunification, and least restrictive placement grow ever heavier with long duration
6 and documented harm. The record shows all three children have experienced
7 heightened anxiety, irritability, difficulty regulating their emotions, and depression
8 tied to the uncertainty surrounding reunification. Each additional day of nondecision
9 inflicts developmental and psychological injury on the very children whose best
10 interests the TVPRA obligates Respondents to serve.

11 63. The second *Mathews* factor also weighs in Petitioners' favor, as the
12 ORR's procedures impose immense risk of deprivation of Petitioners' protected
13 interests. By failing to issue a written decision or identify particularized reasons for
14 continued detention, Respondents have prevented any means for Petitioners to avoid
15 injury. This is precisely why, when a parent seeks reunification, "the burden should
16 be on ORR to show why its continued custody of a UAC is appropriate, rather than
17 placing that burden on the parent." *Santos v. Smith*, 260 F. Supp. 3d 598, 613 (W.D.
18 Va. 2017); *accord I.R.L.M.*, 2026 WL 2597933, at *11; *E.H.C.F.*, 2026 WL 145229,
19 at *12 (placing burden on government; "vague explanation as to the delay—that
20 additional vetting is required and that an 'investigation' as to safety concerns needs
21 to be completed—does not comport with basic procedural due process").

22 64. Respondents' delivery of the home study two-and-a-half months after
23 the fact—in breach of ORR policy (*see* note 6, *supra*)—exacerbates the risk of
24 erroneous deprivation. Not only are its preliminary recommendations now obsoleted
25 by additional information. It was also never timely provided so as to allow timely
26 response. To wit, if ORR claims Y.M.M.S. must move out of her current home, ORR
27 had to say so in July, not in September, after months more injury to the Petitioners'
28 protected interests in liberty and family unity. And ORR's failure to issue any final

1 decision means no appeal could occur, with additional evidence, which would have
2 been concluded in 30 days. 45 C.F.R. § 410.1205(c), 410.1206(f).

3 65. ORR's demand for an ITIN is the same sort of irrelevant requirement
4 that another court counted among the delays establishing a risk of erroneous
5 deprivation. *See M.A. v. Molina*, No. 26-cv-00415, 2026 WL 741623, at *5 (N.D.
6 Ohio Mar. 17, 2026) (petitioner's *Mathews* Factor 2 showing included that ORR
7 "compelled [the sponsor] to apply for an individual tax identification number").
8 Indeed, the instant case is more compelling than *M.A.*, in that here, it is not the
9 sponsor's ITIN that ORR is demanding, but rather her partner's.

10 66. Petitioners' counsel's formal demand letter to ORR Acting Director
11 Angie Salazar a month ago (Exhibit 2) was met with no decision and no explanation
12 for refusing to reunite the kids and their mother (not even the obsolete home study).
13 *See* Exhibit 2. This approach to adjudication of Petitioners' fundamental rights is
14 deeply infected with risk of error and wrongful deprivation.

15 67. The third *Mathews* factor, the government's interest, does not close the
16 gap. Respondents have a substantial and legitimate interest in child safety and in
17 vetting sponsors. But they've done that. Respondents have failed to identify a
18 particularized safety, welfare, flight, fiscal, or administrative reason for continued
19 custody. *See I.R.L.M.*, 2026 WL 2597933, at *11; *Molina*, 2026 WL 741623, at *6–
20 7; *Beltran v. Cardall*, 222 F. Supp. 3d 476, 489 (E.D. Va. 2016).

21 68. Under the *Mathews* framework, Respondents' procedures employed
22 here are constitutionally deficient. Petitioners' interests in freedom from detention
23 and family reunification are profound; the risk of erroneous deprivation created by
24 nondecision, opacity, and delayed home study report is high; and Respondents fail to
25 show that continued non-decision serves the guiding interest in child welfare.
26 Petitioners' continued detention therefore violates procedural due process.

IV. Y.Y.B.M., Y.E.G.M., AND Y.H.P.M.'S CONTINUED DETENTION VIOLATES SUBSTANTIVE DUE PROCESS BECAUSE IT IS UNNECESSARILY PUNITIVE AND NEEDLESSLY INFRINGES UPON THEIR RIGHT TO FAMILY UNITY.

69. Substantive due process “bar[s] certain government actions regardless of the fairness of the procedures used to implement them.” *Daniels v. Williams*, 474 U.S. 327, 331 (1986). The doctrine has two strands: one protects fundamental liberty interests, which may not be infringed “unless the infringement is narrowly tailored to serve a compelling state interest,” *Reno v. Flores*, 507 U.S. 292, 302 (1993); the other protects against the exercise of governmental power that shocks the conscience. *Cty. of Sacramento v. Lewis*, 523 U.S. 833, 846 (1998). Respondents’ continued detention of Petitioners violates both.

70. The parental interest in “the care, custody, and control of their children” is “perhaps the oldest of the fundamental liberty interests recognized by” the Supreme Court. *Troxel v. Granville*, 530 U.S. 57, 65 (2000). Children hold the reciprocal interest in being “raised and nurtured by their parents.” *D.B. v. Cardall*, 826 F.3d 721, 740 (4th Cir. 2016). And in this Circuit the fundamental right “to family integrity or to familial association is well established.” *Rosenbaum v. Washoe Cnty.*, 663 F.3d 1071, 1079 (9th Cir. 2011). Respondents’ continued detention of Petitioners burdens both Petitioners’ interest in being raised by their parent and their mother’s interest in caring for her children. Given these fundamental liberty interests, separation by ORR can support a substantive due process claim where, as here, the parent is capable of providing a loving and nurturing home.

71. Respondents’ detention of Petitioners is not tailored to serve any compelling state interest. Y.Y.M.S. is Petitioners’ DNA-confirmed mother, a Category 1 sponsor who has earnestly satisfied the requirements asked of her. Respondents have never found her unfit. Mere “vague references” to “additional vetting” are not compelling. *E.H.C.F.*, 2026 WL 145229, at *10.

72. Nor is there a compelling interest in awaiting the ACG's ITIN number that ORR notes as still pending. While the ORR has a duty to accurately ensure the identity of persons to whom children are released, the ACG's identity has been known at least since he was named in the Sponsor's application packet in May. The ORR has long since taken his fingerprints and completed his background check, including a detailed analysis of his criminal record. All of this renders an ITIN superfluous. And an ITIN is also not immediately available. As the IRS advised the ACG, the IRS only issues an ITIN with the filing of a completed tax return—meaning after the end of the year.¹⁸ The ORR Policy Guide contemplates that the "ORR may waive [the ITIN] requirement for Category 1 sponsors, on a case-by-case basis where a waiver is supported by a clear justification."¹⁹ Here, Y.Y.M.S. requested such a waiver from the ORR over a month ago. *See* Exhibit 1 at 3. Respondents have no compelling interest to deny it and detain Petitioners until year's end.

73. Independently, it shocks the conscience for Respondents to refuse to release three children to a mother never found unfit, while the children's documented psychological condition deteriorates. *See Lewis*, 523 U.S. at 847 n.8; *Ms. L. v. U.S. Immigr. & Customs Enf't*, 302 F. Supp. 3d 1149, 1166–67 (S.D. Cal. 2018) (substantive due process claim was stated by allegations that parents were separated from their children without any determination that they were unfit or a danger, which is sufficient to shock the conscience and violate the right to family integrity). Petitioners are vulnerable kids, already detained for 185 days, months past ORR's own ten-day deadline after submission of a completed application. During this time, the children have experienced abuse and manifested heightened anxiety, stress, and

¹⁸ *See* https://www.irs.gov/instructions/iw7#en_US_202311_publink100046558, "When to Apply," last visited Sept. 14, 2026. The IRS issues ITIN's mid-year only for certain exceptional, like passive income from which withholding is required, income subject to international treaties, and mortgage owners.

¹⁹ *See* Policy Guide § 2.2.4, "Proof of Social Security Number (SSN) or individual Taxpayer Identification Number (ITIN)."

1 depression. These acts, taken together, shock the conscience, independently
2 violating substantive due process and requiring release.

3 **CLAIMS FOR RELIEF**

4 **COUNT ONE**

5 **Violation of the TVPRA, 8 U.S.C. § 1232**

6 74. Petitioners reallege and incorporate by reference all preceding
7 paragraphs.

8 75. The TVPRA mandates that an unaccompanied child in the custody of
9 the Department of Health and Human Services ("HHS") "shall be promptly placed
10 in the least restrictive setting that is in the best interest of the child." 8 U.S.C.
11 § 1232(c)(2). Where a potential sponsor has been identified, HHS must evaluate the
12 sponsor's identity, relationship to the child, and ability to provide for the child's
13 physical and mental well-being, including an independent assessment that the
14 sponsor does not pose a risk to the child.²⁰ 8 U.S.C. § 1232(c)(3)(A).

15 76. Here, Respondents identified Petitioners' mother, Y.Y.M.S., as the
16 intended sponsor approximately six months ago and verified the biological
17 relationship through DNA testing. No finding has ever been made that Y.Y.M.S.
18 poses a danger to Petitioners or that Petitioners present a flight risk. Despite this,
19 Respondents have failed to issue any written approval or denial of Y.Y.M.S.'s
20 sponsor application.

21 77. Petitioners' prolonged detention in ORR custody violates the TVPRA's
22 foundational requirement that unaccompanied children be promptly placed in the
23 least restrictive setting consistent with their best interests. 8 U.S.C. § 1232(c)(2).
24 Failure to reunify further violates the prohibition on detention absent proof of a
25 danger or flight risk.

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27
28 ²⁰ The statute further authorizes a home study, if necessary. 8 U.S.C. § 1232(c)(3)(B).

1 78. Respondents' continued detention of Petitioners bears no reasonable
2 relation to any legitimate purpose recognized by the TVPRA. Petitioners have
3 committed no crime, have not been found to pose any risk, and have a readily
4 available parent capable of assuming their care as contemplated by the statute.

5 79. Respondents' failure to release Petitioners into the custody of their
6 mother violates the TVPRA.

7 **COUNT TWO**

8 **Violation of Fifth Amendment: Procedural Due Process**

9 80. Petitioners reallege and incorporate by reference all preceding
10 paragraphs.

11 81. The Due Process Clause of the Fifth Amendment prohibits the
12 government from depriving individuals of liberty without constitutionally adequate
13 procedures.

14 82. Unaccompanied children possess protected liberty interests in freedom
15 from physical confinement, family unity and association, and in the statutory
16 protections afforded by the TVPRA, including prompt placement in the least
17 restrictive setting and reunification with an appropriate sponsor.

18 83. Respondents have deprived Petitioners of procedural due process by
19 continuing to detain them without issuing a written approval or denial of their
20 mother's sponsor application, without articulating the standards governing continued
21 detention, and without providing an appealable decision or any meaningful
22 opportunity to be heard.

23 84. Petitioners and their mother have received no notice of what is required
24 to secure release, no timeline for decision-making, and no mechanism to challenge
25 continued detention before a neutral decisionmaker.

26 85. Respondents' failure to provide timely and meaningful process before
27 continuing Petitioners' detention violates procedural due process.
28

COUNT THREE

Violation of Fifth Amendment: Substantive Due Process

86. Petitioners reallege and incorporate by reference all preceding paragraphs.

87. The Due Process Clause of the Fifth Amendment provides that no person shall be deprived of liberty without due process of law. U.S. Const. amend. V. This protection applies to physical detention, and to all persons within the United States, including noncitizens and unaccompanied children.

88. Petitioners and their mother also possess a fundamental liberty interest in family integrity and familial association. Prolonged separation from a parent through continued detention, where reunification is available, constitutes an unnecessary and excessive intrusion on that interest.

89. Petitioners' continued detention is not tailored to any legitimate governmental interest. Petitioners are neither flight risks nor dangers to themselves or the community, and their mother is ready, willing, and eager to assume their care outside of government custody.

90. By continuing to detain Petitioners despite the availability of a parent sponsor and without facts justifying continued custody, Respondents have acted in a manner that is not narrowly tailored to any compelling governmental interest.

91. Accordingly, Respondents' continued detention of Petitioners violates substantive due process.

PRAYER FOR RELIEF

WHEREFORE, Petitioners respectfully request that this Court:

- a) Assume jurisdiction over this action;
- b) Issue a writ of habeas corpus compelling Respondents to immediately release Petitioners Y.Y.B.M., Y.E.G.M., and Y.H.P.M. at an agreeable time and place into the custody of their mother, Y.Y.M.S., or a person designated by her or her counsel in writing to receive them;

1 c) Declare that Petitioners' continued detention violates the Fifth
2 Amendment to the United States Constitution and the Trafficking Victims Protection
3 Reauthorization Act, 8 U.S.C. § 1232;

4 d) Enjoin Respondents from transferring Petitioners outside of this judicial
5 District while this Petition remains pending;

6 e) Enjoin Respondents from re-detaining Petitioners absent compliance
7 with all applicable statutory, regulatory, and constitutional requirements;

8 f) Retain jurisdiction over this matter to ensure compliance with the orders
9 of the Court and the rights of Petitioners;

10 g) Award Petitioners reasonable attorneys' fees and costs pursuant to the
11 Equal Access to Justice Act, 28 U.S.C. § 2412, and any other applicable authority;
12 and

13 h) Grant such other and further relief as the Court deems just and proper.
14

15 Dated: September 23, 2026

Respectfully submitted,

FENWICK & WEST LLP

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18 By: /s/ Laurence F. Pulgram

Laurence F. Pulgram

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20 Attorneys for Petitioners
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VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I represent Petitioners, Y.Y.B.M., Y.E.G.M., and Y.H.P.M., and submit this verification on their behalf. I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge based on communications with Petitioners and their family members, case files, and public records.

Dated: September 23, 2026

/s/ Daniel Pulgram

Daniel Pulgram

Attorney for Petitioners

FENWICK & WEST LLP