**UNITED STATES DISTRICT COURT**
**FOR THE EASTERN DISTRICT OF VIRGINIA**
**ALEXANDRIA DIVISION**

BRAYAN JOSUE LOPEZ SARMIENTO; JHONATAN ALEX RODRIGUEZ ARGUETA; JOSUE ANTONIO RODRIGUEZ ARGUETA; AXEL EDUARDO MARTINEZ UCLES, *on behalf of themselves and all others similarly situated,*

*Petitioners-Plaintiffs*,

v.

PAUL PERRY, *et al.*,

*Respondents-Defendants.*

Case No. 1:25-cv-01644-AJT-WBP

**PETITIONERS' MOTION FOR CLASS CERTIFICATION**

Petitioners-Plaintiffs ("Petitioners") respectfully move the Court, pursuant to Rule 23 of the Federal Rules of Civil Procedure, for an Order (i) certifying this action as a class action pursuant to Rules 23(a) and either 23(b)(2) or 23(b)(1); (ii) appointing Brayan Josue Lopez Sarmiento; Jhonatan Alex Rodriguez Argueta; Josue Antonio Rodriguez Argueta; and Axel Eduardo Martinez Ucles to serve as Class Representatives; and (iii) appointing American Civil Liberties Union of Virginia ("ACLU of Virginia") and Sterne Kessler Goldstein & Fox PLLC.

Petitioners seek to certify the following classes:

> **Unaccompanied Minors Class**: All noncitizens who are or will be held in civil immigration detention within the area of responsibility of WAS ICE who have entered or will enter the United States, are or were designated as unaccompanied minors, and are or will be denied consideration for release under 8 U.S.C. § 1226(a) based on Respondents' mandatory detention policy.
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> **SIJS Class**: All noncitizens who are or will be held in civil immigration detention within the area of responsibility of WAS ICE who have entered or will enter the

United States, have or will have obtained SIJS status at the time of detention, and are or will be denied consideration for release under 8 U.S.C. § 1226(a) based on Respondents' mandatory detention policy.

Petitioners are entitled to the relief requested because the requirements of Rules 23(a), 23(b)(1), 23(b)(2), and 23(g) have been satisfied. Petitioners have met the requirements of Rule 23(a)(1) because the Class is so numerous that it would be impracticable to join the claims of all class members in one suit. The precise size of each proposed class is unknown because that information lies uniquely within the government's possession, but publicly available information indicates that each class will number in the hundreds or thousands. That the classes are transient and difficult to quantify precisely at any given time further illustrates the impracticability of joinder. There are questions of law and fact that are common to the class sufficient to satisfy Rule 23(a)(2), including, critically, whether the Department of Homeland Security ("DHS") and the Executive Office for Immigration Review ("EOIR") are complying with the Due Process Clause, the Immigration and Nationality Act, 8 U.S.C. §1226(a), the Administrative Procedure Act, and the applicable regulations. The claims of the named Petitioners are typical of the members of the classes they seek to represent and they, along with their counsel, will fairly and adequately protect the interests of the proposed classes as required by Rule 23(a)(3) and (4).

Certification is proper under Rule 23(b)(2) because Defendants are subjecting the proposed class members to a common practice, namely, subjecting them to mandatory detention under 8 U.S.C. §1225(b)(2)(A), despite, in the case of the Unaccompanied Minors Class, their designations as unaccompanied minors, and, in the case of the SIJS Class, their legal status through SIJS. Alternatively, the proposed classes satisfy Rule 23(b)(1) because the prosecution of separate

actions by individual class members would create a risk of inconsistent adjudications and incompatible standards of conduct for Respondents.

Finally, pursuant to Rule 23(g), the Court should appoint the ACLU of Virginia and Sterne Kessler Goldstein & Fox PLLC to be Class Counsel. Collectively, counsel has substantial experience with, and a demonstrated commitment to, the representation of detained noncitizens, including through habeas litigation and class actions.

In support of this Motion, Petitioners submit the accompanying Memorandum of Law and declarations of Brayan Josue Lopez Sarmiento [Doc. No. 27-4], Jhonatan Alex Rodriguez Argueta [Doc. No. 27-6], Josue Antonio Rodriguez Argueta [Doc. No. 27-5], Axel Eduardo Martinez Ucles [Doc. No. 27-2], Sophia Gregg, and Salvador M. Bezos.

Dated: January 6, 2026

Respectfully submitted,

*/s/ Sophia Gregg*

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