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**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

A.N.P.S, minor, by and through Next
Friend of Kin, N.C.S.E.

Petitioner,

v.

Angie SALAZAR, in her official capacity
as Acting Director of the Office of
Refugee Resettlement (ORR), Andrew
GRADISON, in his official capacity as
Acting Assistant Secretary for the
Administration for Children and Families
(ACF), Robert F. KENNEDY JR., in his
official capacity as Secretary of the
Department of Health and Human
Services (HHS), Luis CASTRO, in his
official capacity as Federal Field
Specialist, Office of Refugee
Resettlement, Antonio GONZALEZ, in
his official capacity as the Federal Field
Specialist Supervisor, Office of Refugee
Resettlement, LaVerne MUIR WRAY in
her official capacity as Director of
Heartland Int. Children's RC

Respondents.

Case No. 25-cv-14778

**PETITION FOR WRIT OF
HABEAS CORPUS**

**ORAL ARGUMENT
REQUESTED**

INTRODUCTION

This is a petition for a writ of habeas corpus filed pursuant to 8 U.S.C. § 2241 on behalf of A.N.P.S., a minor child, and native and citizen of Honduras, by and through his attorneys, seeking relief to remedy their unlawful detention by Respondents. Petitioner is currently detained in ORR custody seeking release to his legal guardian.

CUSTODY

1. Petitioner is in the physical custody of Respondents, Angie SALAZAR, in her official capacity as Acting Director of the Office of Refugee Resettlement (ORR), Andrew GRADISON, in his official capacity as Acting Assistant Secretary for the Administration for Children and Families (ACF), Robert F. KENNEDY JR., in his official capacity as Secretary of the Department of Health and Human Services (HHS), Luis CASTRO, in his official capacity as Federal Field Specialist, Office of Refugee Resettlement, Antonio GONZALEZ, in her official capacity as the Federal Field Specialist Supervisor, Office of Refugee Resettlement and LaVerne MUIR WRAY in their official capacity as the Director of Heartland Int. Children's Residential Center in Chicago, Illinois. Petitioner is under the direct control of Respondents and their agents.

JURISDICTION

2. This action arises under the Constitution of the United States.

3. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), Article I, § 9, cl. 2 of the United States Constitution (Suspension Clause), and the Fifth Amendment to the United States Constitution (Due Process Clause), 28 U.S.C. § 1331, as they arise under federal statutes, 28 U.S.C. § 2201 (Declaratory Judgment Act); 28 U.S.C. § 2241 (habeas corpus), and 28 U.S.C. § 1361 (writ of mandamus).

4. This Court has jurisdiction under 28 U.S.C. § 1331, as Petitioner is presently in custody under color of authority of the United States and such custody is in violation of the U.S. Constitution, laws, or treaties of the United States.

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

VENUE

6. Venue is proper because today, December 2, 2025, Petitioner is detained at an ORR Detention Center in Chicago, Illinois, which is within the jurisdiction of this District. If venue is proper at the time of filing, the district court will retain jurisdiction even if DHS subsequently transfers the petitioner to another district. *See Ex Parte Endo*, 323 U.S. 283, 304-05 (1944) (rejecting mootness after transfer because “there is no suggestion that there is no one within the jurisdiction of the District Court who is responsible for the detention of appellant and who would be an appropriate respondent”); *Anariba v. Dir. Hudson Cnty. Corr. Ctr.*, 17 F.4th 434, 446 (3d Cir. 2021) (“[T]he District Court retained jurisdiction following Argueta’s transfer out of New Jersey because it already had acquired jurisdiction over Argueta’s properly filed habeas petition that named his then-immediate custodian.”).

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

REQUIREMENTS OF 28 U.S.C. § 2243

8. The Court must grant the petition for writ of habeas corpus or issue an order to show cause (OSC) to the Respondents “forthwith,” unless the Petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, the Court must require Respondents to file a return “within *three days* unless for good cause additional time, not exceeding twenty days, is allowed.” *Id.* (emphasis added).

9. Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. The Great Writ has been referred to as “perhaps the most important writ known to the constitutional law of England, affording as it does a *swift* and imperative remedy in all cases of illegal restraint or confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added).

PARTIES

10. Petitioner A.N.P.C. is a 17-year-old citizen of Honduras. DHS classified Petitioner as an unaccompanied minor (UAC) pursuant to 6 U.S.C. § 279. ORR has detained Petitioner in a juvenile detention facility since November 7, 2025. Petitioner is in the custody, and under the direct control, of Respondents and their agents at Heartland Int. Children’s Residential Center in Chicago, Illinois.

11. N.C.S.E. is the Court-appointed legal guardian of Petitioner. Pursuant to ORR Rule 2.2.1. Identification of Qualified Sponsors, B.Y.P.O. is a “Category 1: Parent or legal guardian.”

12. Respondent LaVerne MUIR WRAY is sued in her official capacity as the Director of Heartland Int. Children’s Residential Center. Heartland Int. Children’s Residential Center is the facility in which Petitioner is being held and contracts with ORR to detain children in the custody of ORR.

13. Respondent Luis CASTRO is sued in his official capacity as an ORR Federal Field Specialist (FFS). Federal Field Specialists are the government officials responsible for the care and custody of children in ORR facilities. In this role, FFS Brown is responsible for determining Petitioner's placement and has authority to approve his release from ORR custody. Respondent is a legal custodian of Petitioner.

14. Respondent Antonio GONZALEZ is sued in his official capacity as an ORR Federal Field Specialist Supervisor (FFS). Federal Field Specialist Supervisors are government officials responsible for the care and custody of children in ORR facilities and supervise Federal Field Specialists. In this role, FFS Supervisor Ceasar is responsible for determining Petitioner's placement and has authority to approve his release from ORR detention. Respondent is a legal custodian of Petitioner.

15. Respondent Angie SALAZAR is the Acting Director of ORR, the component of the U.S. Department of Health and Human Services (HHS) responsible for implementing HHS's obligations to unaccompanied minors who are immigrants. ORR is the government entity directly responsible for the detention of Petitioner's and has the authority to release him. Respondent Salazar is sued in her official capacity. Respondent is a legal custodian of Petitioner.

16. Respondent Andrew GRADISON is sued in his official capacity as the Acting Assistant Secretary for ACF. ACF is the operating division of HHS, is the agency responsible for the welfare of children and families and is comprised of 23 offices including ORR, the component agency responsible for Petitioner's detention and custody. Respondent is a legal custodian of Petitioner.

17. Respondent Robert F. KENNEDY Jr. is sued in his official capacity and is the Secretary of HHS, which is comprised of his operating division ACF, and subsequently ORR, the

component agency responsible for Petitioner's detention and custody. Respondent is a legal custodian of Petitioner.

STATEMENT OF FACTS

18. On or about October 15, 2022 Petitioner entered the United States, was designated an Unaccompanied Minor (UAC) and placed in the custody of the Office of Refugee Resettlement (ORR). On or about December 6, 2022 Petitioner was released from ORR custody to his cousin and resided in Illinois. On or about February 1, 2023 Petitioner's biological mother signed and notarized a transfer of custody of Petitioner to his cousin, N.C.S.E. Prior to Petitioner's arrest by ICE, Petitioner resided in Illinois with N.C.S.E.

19. On or about November 7, 2025, Petitioner, age 17-years old, was in Lake County, Illinois with two (2) friends when ICE arrested and detained Petitioner and Petitioner's friends. Petitioner's adult friends were taken to Broadview Processing Facility and later transferred to an ICE Detention facility. However, upon arrest, Petitioner was placed in a separate ICE vehicle. For more than 7 hours, ICE held Petitioner in an ICE vehicle which drove around Chicagoland searching for more individuals to arrest and detain. While in the ICE vehicle for more than seven (7) hours, ICE failed to provide Petitioner with access to any food, water or use of a bathroom. At 3:55pm on November 7, 2025, counsel for Petitioner contacted ICE requesting to pick up Petitioner from ICE custody because he is a minor child. Upon information and belief, on or about 7:00pm ICE agents transported Petitioner to Heartland Int. Children's Residential Center, an ORR facility.

20. On November 19, 2025 Petitioner's friends, who were detained by ICE with Petitioner, were released from ICE custody pursuant to order from this Court. *See* 25-cv-13719.

21. On November 20, 2025 the Cook County Circuit Court appointed N.C.S.E. as legal guardian of Petitioner *nunc pro tunc* to February 1, 2023. Petitioner remains detained in ORR custody at the Heartland Int. Children's Residential Center in Chicago, Illinois.

LEGAL FRAMEWORK

22. Pursuant to 6 U.S.C. § 279 and section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA), the Office of Refugee Resettlement (ORR) is responsible for the placement and care of only Unaccompanied Minor Children in the United States.

23. "Unaccompanied child/children means a child who: (1) Has no lawful immigration status in the United States; (2) Has not attained 18 years of age; and (3) With respect to 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. 6 U.S.C. § 279(g).

24. "Legal guardian means an individual who has been lawfully vested with the power, and charged with the duty of caring for, including managing the property, rights, and affairs of, a child or incapacitated adult by a court of competent jurisdiction, whether foreign or domestic." 45 CFR § 410.

CLAIMS FOR RELIEF

COUNT ONE Violation of Due Process

25. All of the foregoing allegations are repeated and realleged as though fully set forth herein.

26. The Due Process Clause of the Fifth Amendment applies to all "persons" in the United States and thus applies to Petitioner and his legal guardian.

27. Petitioner and his legal guardian have a liberty interest under the Due Process Clause in remaining together.

28. The separation of Petitioner and his legal guardian violates substantive due process because it furthers no legitimate purpose and certainly no compelling government interest.

29. The separation of Petitioner and his legal guardian also violates procedural due process because it was undertaken without any hearing.

COUNT TWO
Administrative Procedures Act – Arbitrary and Capricious Practice

30. Petitioner re-alleges and incorporates by reference the paragraphs above as though fully set forth herein.

31. The APA prohibits agency action that is arbitrary and capricious.

32. The standard of review for placement decisions is “de novo.” *Id.* at ¶ 24C.

33. Respondent’s detention and separation of Petitioner from his legal guardian without justification is arbitrary and capricious and accordingly violates APA. 5 U.S.C. § 706.

COUNT THREE
Violation of 6 U.S.C. § 279

34. Petitioner re-alleges and incorporates by reference the paragraphs above as though fully set forth herein.

35. Congress authorized the Office of Refugee Resettlement (ORR) to place Unaccompanied Minor Children within the custody of ORR. 6 U.S.C. §279.

36. Petitioner is not an Unaccompanied Minor Child pursuant to 6 U.S.C. § 279(g).

37. ORR does not have the authority under 6 U.S.C. § 279 to place Petitioner in ORR custody.

COUNT FOUR

Violation of the *Accardi* Doctrine

38. Petitioner re-alleges and incorporates by reference the paragraphs above as though fully set forth herein.

39. The *Accardi* doctrine holds that “government agencies are bound to follow their own rules, even if self-imposed procedural rules that limit otherwise discretionary decisions.” See *U.S. ex rel. Accardi v. Shaughnessy*, 347 U.S. 260 (1954). Failure to do so gives rise to a due process claim. *Jefferson v. Harris*, 285 F. Supp. 3d 173, 178 (Jan 4, 2018); *Wilkinson v. Legal Servs. Corp*, 27 F.Supp.2d 32, 34 n.3 (D.D.C. 1998).

40. “The Office of Refugee Resettlement (ORR) coordinates and implements the care and placement of unaccompanied alien children who are in ORR custody by reason of their immigration status.” Rule 1.1 of ORR Unaccompanied Alien Children Bureau Policy Guide: Section 1.

41. The continued placement of Petitioner in ORR custody violates ORR’s own rules.

PRAYER FOR RELIEF

Petitioner prays that the Court assume jurisdiction over this Petition and grant the following relief:

- I. Issue a Writ of Habeas Corpus compelling Respondents to release Petitioner to the custody and care of N.C.S.E.
- II. A declaration that Respondents have violated Petitioner’s constitutional and statutory rights.
- III. An injunction compelling Petitioner’s placement in the custody of N.C.S.E. as required by federal statutes, the *Accardi* Doctrine, and the U.S. Constitution;

- IV. An award of attorney's fees and costs to the extent permitted by law, including but not limited to the Equal Access to Justice Act, 5 U.S.C. § 504, 28 U.S.C. § 2412; and,
- V. Any other relief the Court deems just and proper.

Dated: December 5, 2025

Respectfully submitted,

/s/ Laura Smith
Attorney for Petitioner

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Attorney for Petitioner

VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I represent Petitioner and submit this verification on his 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.

Dated this 5th day of December, 2025.

/s/ Laura Smith
Attorney for Petitioner

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