

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF CONNECTICUT**

E.H.C.F., a minor, by and through his
Next Friend, MILEIDY YAMALY
CONTRERAS FLORES,

Petitioners/Plaintiffs,

v.

Robert F. KENNEDY, JR. in his official
capacity as Secretary of Health and
Human Services; Angie SALAZAR, in
her official capacity as Acting Director of
the Office for Refugee Resettlement;
Kristi NOEM in her official
capacity as Secretary of Homeland
Security; Regina MOLLER, Director of
Noank Community Support Services;
U.S. Department of Health and Human
Services (HHS); U.S. Office of Refugee
Resettlement (ORR); U.S. Department of
Homeland Security (DHS); Noank
Community Support Services (NCSS)

Respondents/Defendants.

Civil Case No.: 3:25-cv-02142 (VDO)

**AMENDED PETITION FOR WRIT
OF HABEAS CORPUS AND
COMPLAINT FOR DECLARATORY
AND INJUNCTIVE RELIEF**

**COMPLAINT FOR INJUNCTIVE AND DECLARATORY RELIEF AND
PETITION FOR WRIT OF HABEAS CORPUS**

INTRODUCTION

1. Petitioner, E.H.C.F. is a citizen of Honduras who was most recently detained by the Department of Homeland Security ("DHS") on May 8, 2025 at the age of 15. He remains in the custody of the Office of Refugee Resettlement ("ORR") at the Mystic-Noank Shelter in Mystic, Connecticut.

2. Prior to his detention, E.H.C.F. had been living and attending school in Chelsea, Massachusetts, for six years. During that time, he resided with his mother, Ms. Mileidy Yamaly Contreras Flores, his father, Mr. Cesar Heriberto Contreras Romero, his older sister, Keren Lizeth Contreras Flores, and his younger brother, C.H.C.F.
3. E.H.C.F. was detained by DHS after being arrested on May 8, 2025 by the Chelsea Police Department following a dispute with his peers. When his father arrived at the Chelsea Police Station to pick him up, DHS officials forcibly separated and detained them both. Mr. Contreras Romero was transferred to the Plymouth County Correctional Institution in Massachusetts, while E.H.C.F. was designated as an unaccompanied child, transferred to the custody of ORR, and flown to an ORR facility in San Antonio, Texas.¹
4. E.H.C.F.'s mother, Ms. Contreras Flores, quickly began the ORR sponsorship process to secure the release of E.H.C.F. to her custody. She identified herself as E.H.C.F.'s sponsor and her adult daughter, Keren, as his alternative sponsor. On May 23, 2025, she mailed ORR her finalized Sponsorship Application. ORR then began its sponsor suitability assessment.
5. Since that time, ORR has subjected Ms. Contreras Flores to an ever-multiplying list of requirements to reunite with her child, including background checks, home studies, and DNA testing. For nearly seven months, she has tirelessly complied with each and every one of ORR's requests, and at no time has any safety concern been identified with reunification. Both home studies conducted by ORR, the first on June 12, 2025, and the second on December 4, 2025, have yielded positive recommendations for reunification. As of the time of this filing, both ORR Department of Sponsor Administration ("DSA") Federal Field Specialist ("FFS") Ruth

¹Under the TVPRA, an unaccompanied child is defined as "a child who has no lawful immigration status in the United States; has not attained 18 years of age; and, with respect to whom, there is no parent or legal guardian in the United States, or no parent or legal guardian in the United States available to provide care and physical custody." 6 U.S.C. §279 (g) (2).

Yanez and the staff of the Noank Community Support Services Program (“Program”) and have recommended that E.H.C.F. be released to Ms. Contreras Flores. Additionally, an independent Child Advocate appointed by ORR has submitted an official Best Interest Determination to the agency concluding that E.H.C.F.’s immediate release and reunification with Ms. Contreras Flores would be in his best interest.

6. Despite these recommendations, and Ms. Contreras Flores’ compliance with each and every one of ORR’s requests, the agency has failed to adjudicate her sponsorship application. As a result, E.H.C.F. has now been languishing in ORR custody and separated from his family for 233 days.
7. E.H.C.F. has decompensated significantly in ORR custody. As the weeks have turned to months, he has increasingly experienced symptoms of anxiety and insomnia. He has turned to food as a coping mechanism, leading to notable fluctuations in weight, and suffered associated feelings of shame and depression. He has also endured significant delays to critically needed dental treatment, causing excruciating dental pain and psychological distress. A forensic psychological evaluation conducted on December 16, 2025, concluded that it is “highly likely that his depressive and anxious symptoms developed as a result of his abrupt and prolonged removal from his family at the age of 15,” and recommended that he be released “as soon as possible so he can return to his family, which is crucial for his wellbeing.” Ex. C., Forensic Mental Health Evaluation of Petitioner, ¶ 25.
8. E.H.C.F.’s unlawful prolonged detention and separation from his family is the result of ORR’s egregiously delayed adjudication of his mother’s sponsorship application. ORR has a statutory and regulatory responsibility to “promptly” place E.H.C.F. “in the least restrictive setting that is in the best interest of the child.” 8 U.S.C. § 1232(c)(2)(A); 45 C.F.R. §§ 410.1003(f),

410.1205(b) (family member sponsor applications must be adjudicated within 10-14 days). To fulfill its mandate, ORR releases most unaccompanied children in ORR custody to their parents or other relatives in the United States.

9. Despite its legal obligations, ORR has far exceeded the statutory deadline to adjudicate E.H.C.F.'s mother's application. ORR's failure to act "promptly" violates E.H.C.F.'s constitutional rights to due process and family integrity, as well as his statutory rights under the TVPRA. ORR's failure to release E.H.C.F. and reunify him with his mother also constitutes final agency action that is arbitrary, capricious, and not in accordance with the law under the Administrative Procedures Act (APA), 5 U.S.C. §§ 701 *et. seq.* Additionally, in failing to release E.H.C.F. to his mother's custody, ORR has failed to follow "its own existing valid regulations," in violation of *United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260, 268 (1954). In light of the foregoing, Petitioner hereby requests that an immediate hearing be set on this matter. Petitioner also requests that he be released during the pendency of this Petition.

JURISDICTION AND VENUE

3. This Court has subject matter jurisdiction under Art. I, § 9, cl. 2 of the U.S. Constitution (Suspension Clause); 28 U.S.C. § 2241 (habeas corpus); 28 U.S.C. § 1651 (All Writs Act); 28 U.S.C. § 1331 (federal question jurisdiction); and 5 U.S.C. § 701 (the Administrative Procedure Act). This Court has additional remedial authority under 28 U.S.C. §§ 2201 and 2202 (Declaratory Judgment Act) to grant injunctive and declaratory relief.
4. Venue is proper in the District of Connecticut under 28 U.S.C. § 2241 because E.H.C.F. is detained within this District and under 28 U.S.C. § 1391(b) because a substantial part of the events giving rise to these claims occurred and continue to occur in this district and

PARTIES

5. Plaintiff-Petitioner E.H.C.F. is a 16-year-old child in the custody of ORR. He is presently detained at the Mystic-Noank Shelter in Mystic, Connecticut, operated by Noank Community Support Services.
6. Next Friend Plaintiff-Petitioner Mileidy Yamaly Contreras Flores is the mother of E.H.C.F. She presently lives in Chelsea, Massachusetts. Plaintiff-Petitioner E.H.C.F. appears by and through Ms. Contreras Flores.
7. Defendant-Respondent Robert F. Kennedy, Jr., is the Secretary of the U.S. Department of Health and Human Services (“HHS”). In this capacity, he oversees ORR, the sub-agency of HHS generally responsible for the care of unaccompanied immigrant children, and specifically responsible for the ongoing custody of Petitioner. Respondent Kennedy is sued in his official capacity.
8. Defendant-Respondent Angie Salazar is the acting director of ORR. ORR is the sub-agency of HHS responsible for the care of unaccompanied immigrant children and is the government entity responsible for Petitioner’s ongoing custody. Respondent Salazar is sued in her official capacity.
9. Defendant-Respondent Kristi Noem is the Secretary of Homeland Security for the United States Department of Homeland Security. In this capacity, she is responsible for the administration of the immigration laws pursuant to 8 U.S.C. § 1103 (a) and is legally responsible for pursuing any effort to remove the Petitioner. Respondent Noem is sued in her official capacity.
10. Defendant-Respondent Regina Moller is the Director of Noank Community Support Services, which operates the Mystic-Noank Shelter where E.H.C.F. is presently in custody. She is

therefore his direct custodian for purposes of the instant habeas petition. Respondent Moller is sued in her official capacity.

11. Defendant-Respondent U.S. Department of Health and Human Services is a cabinet-level department of the executive branch of the U.S. government headquartered in Washington, DC. HHS is the parent agency of ORR.
12. Defendant-Respondent Office of Refugee Resettlement (“ORR”) is a component agency of HHS and is responsible for the care, custody, and wellbeing of unaccompanied immigrant children.
13. Defendant-Respondent U.S. Department of Homeland Security (“DHS”) is an executive department of the United States Government headquartered in Washington, D.C.
14. Defendant-Respondent Noank Community Support Services (“NCSS”) is an agency licensed by the State of Connecticut and contracted by ORR to provide care for unaccompanied immigrant children in NCSS’s residential shelter located in Mystic, CT.

LEGAL FRAMEWORK

A. Statutory and Regulatory Framework Regarding the Care, Custody, and Release of Unaccompanied Immigrant Children

15. The care and custody of unaccompanied immigrant children is governed by a legal framework consisting of the Homeland Security Act of 2002, the Trafficking Victims Protection Reauthorization Act, the 1997 *Flores* Settlement Agreement, and the Foundational Rule, 45 C.F.R. § 410, *et. seq.*
16. Prior to 2002, the Office of Juvenile Affairs in the former Immigration and Naturalization Service (INS) was responsible for the custody of unaccompanied immigrant children in the United States. The *Flores* Settlement Agreement, originally signed by the INS in 1997, established national minimum standards for the treatment and placement of minors in

immigration custody. Stipulated Settlement Agreement, *Flores v. Reno*, No. CV 84-4544-RJK(Px) (C.D. Cal. Jan. 17, 1997) (“*Flores Settlement*”). The agreement remains under the supervision of U.S. District Judge Dolly M. Gee in the Central District of California. *Flores v. Bondi*, No. CV 85-4544-DMG (AGRx). However, following the promulgation of the Foundational Rule, the Flores Settlement Agreement was partially terminated as to HHS. *Flores v. Garland*, 2024 WL 3467715 (C.D. Cal., June 28, 2024).

17. In 2002, Congress passed the Homeland Security Act (“HSA”), transferring functions of the former INS to other government entities. Pub. L. No. 107-296, 116 Stat. 2153 (2002). Specifically, the HSA transferred authority over the care and custody of unaccompanied immigrant children from the INS to ORR, housed within HHS. 6 U.S.C. § 279.
18. Congress’ decision to transfer responsibility for the care and custody of unaccompanied children from the INS to ORR reflected Congress’ determination that caring for such children and prosecuting immigration enforcement were incompatible roles and should not be housed within a single agency.² Within HHS, ORR is responsible for children’s safety and welfare and is explicitly not a law enforcement agency. *See* Foundational Rule, 89 Fed. Reg. at 34399, 34423 (“it is not a law enforcement agency, unlike the former INS...”).
19. Congress then expanded protections for unaccompanied children in the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (“TVPRA”), reaffirming Congress’ intent to treat unaccompanied immigrant children differently than adults in the context of both detention and immigration proceedings. 8 U.S.C. § 1232 *et seq.*

² *See, e.g.*, 148 Cong. Rec. S11295 (Nov. 18, 2002) (statement of Sen. Feinstein); 148 Cong. Rec. S8189 (Sept. 4, 2002) (reprinting letter from Sens. Kennedy and Brownback). *See also* 148 Cong. Rec. S5960 (Oct. 1, 2002) (“As we transfer and reshape the INS in this legislation, it is imperative to relieve the agency of its responsibility of the care and custody of unaccompanied children. Doing so would accomplish two ends: one, it would permit the INS to focus its energies, efforts, and attention on its core missions; and two, it would transfer the care and custody of these children to the Office of Refugee Resettlement, ORR, an office that is better suited and much more experienced in handling the complexities of the children’s situations.”)

20. The TVPRA requires federal officials who discover an unaccompanied child to transfer the child to the care and custody of HHS within 72 hours (absent exceptional circumstances). *Id.* § 1232(b)(3). The TVPRA also tasks ORR with ensuring that unaccompanied children are “promptly placed in the least restrictive setting that is in the best interest of the child.” *Id.* § 1232(c)(2)(A). This is usually with a sponsor, with preference given to parents. 45 C.F.R. § 410.1108 (a). *See also, e.g., Santos v. Smith*, 260 F. Supp. 3d 598, (W.D.V.A. 2017) (“Pursuant to the *Flores* agreement and the TVPRA, ORR should release to a parent, if available...”). In other words, Congress enacted the TVPRA specifically to facilitate the safe, speedy release and minimally restrictive placement of unaccompanied children. *See, e.g.*, 154 Cong. Rec. S10886 (daily ed. Dec. 10, 2008).
21. Neither the HSA nor the TVPRA make any mention of a sponsor’s potential immigration status as a prerequisite to receive an unaccompanied child into their custody. Similarly, neither statute gives ORR authority to: (1) inquire into immigration status as a condition for sponsorship; (2) collect information about potential sponsors for immigration or law enforcement purposes; or (3) share potential sponsor’s immigration status with law enforcement or immigration enforcement entities.
22. Indeed, the ORR’s Ombuds office is prohibited from sharing information for immigration-enforcement purposes. 45 C.F.R. § 410.2004(a). In addition, the Preamble to the Foundational Rule repeatedly emphasizes that ORR “is not an immigration enforcement authority.” 89 Fed. Reg. at 34399; *see also* 89 Fed. Reg. at 34442, 34443, 34452, 34568.
23. These protections against denying sponsors based on immigration status or collecting and sharing information for enforcement purposes are necessary for ORR to carry out its statutory mission. *See J.E.C.M.*, 352 F. Supp. 3d 559, 583 (E.D. Va. 2018) (“A policy that systematically

elevates immigration enforcement over child welfare, one whose effects are to destabilize would-be sponsors' home environments and to discourage potential sponsors from applying for reunification, is flatly inconsistent with ORR's statutory responsibility to care for unaccompanied minors in its custody and release them promptly to safe and stable environments.").

24. In 2024, ORR promulgated regulations ("The Foundational Rule") codifying the "policies, standards, and protections for [unaccompanied children], consistent with the HSA and TVPRA, and to implement the substantive requirements of the [*Flores* Settlement Agreement] as they pertain to ORR." 89 Fed. Reg. at 34385 (promulgating 45 C.F.R. §§ 410.1000 *et seq.*).
25. The Foundational Rule includes "policies and procedures regarding release, without unnecessary delay, of an unaccompanied child from ORR custody to a vetted and approved sponsor." 89 Fed. Reg. at 34439. The Foundational Rule is consistent with the agency's "strong belief that, generally, placement with a vetted and approved family member or other vetted and approved sponsor, as opposed to placement in an ORR care provider facility ... is in the best interests of unaccompanied children." *Id.*
26. Under the Foundational Rule, sponsors must complete a sponsorship application, undergo a sponsorship suitability assessment, and submit to various background checks. 45 C.F.R. §§ 410.1202(b)-(c), 410.1203(c). Absent specific circumstances,³ home studies are not a

³ Home studies are required the TVPRA where (i) the child is a victim of a severe form of trafficking in persons; (ii) a child has a disability requiring particularized services; (iii) a child has been a victim of physical or sexual abuse under circumstances that indicate that the child's health or welfare has been significantly harmed or threatened; or (iv) a child's sponsor clearly presents a risk of a abuse, maltreatment, exploitation, or trafficking to the child based on all available objective evidence. 8 U.S.C. 1232(c)(3)(B), 8 C.F.R. § 410.1204 (b). The Foundational Rule also requires home studies "before releasing any child to a non-relative sponsor who is seeking to sponsor multiple children or who has previously sponsored or sought to sponsor a child and is seeking to sponsor additional children" and "before releasing any child who is 12 years old or younger to a non-relative sponsor." *Id.*

required part of the sponsor suitability assessment, but ORR “may, in its discretion, initiate home studies if it determines that a home study is likely to provide additional information which could assist in determining that the potential sponsor is able to care for the health, safety, and well-being of the unaccompanied child.” 45 C.F.R. § 410.1204(c).

27. The Foundational Rule establishes that “ORR shall release a child from its custody without unnecessary delay” to suitable sponsors in a specific order of preference, with parents and legal guardians taking first priority. 45 C.F.R. § 410.1201(a). Specifically, it provides that “ORR shall adjudicate the completed sponsor application of a parent or legal guardian; brother, sister, or grandparent; or other close relative who has been the child’s primary caregiver within 10 calendar days . . . absent an unexpected delay”. *Id.* § 410.1205(b).
28. The Foundational Rule does not provide any procedural mechanism for a potential sponsor to contest the agency’s adjudicative delay during the pendency of a sponsorship application. An appeals process is only available following a final denial of a sponsor application from a parent, legal guardian, or other close relative, and can take up to 30 days to complete. *Id.* § 410.1206(a), (f).
29. ORR’s sub-regulatory framework is laid out in the ORR Unaccompanied Alien Children Bureau Policy Guide (“UC Policy Guide”). The UC Policy Guide was first published publicly in 2015 and is available on ORR’s website. Office of Refugee Resettlement, *Unaccompanied Alien Children Bureau Policy Guide* (2025), <https://acf.gov/orr/policy-guidance/unaccompanied-children-bureau-policy-guide>. Consistent with the HSA, TVPRA, and Foundational Rule, the UC Policy Guide governs the placement, care, and release of unaccompanied children in ORR custody. UC Policy Guide, Introduction.

30. Section 2 of the UC Policy Guide sets out ORR’s policies with respect to securing “[s]afe and timely release” of unaccompanied children to sponsors, emphasizing that ORR policies are intended to ensure the release of unaccompanied children “in a safe, efficient, manner without unnecessary delay.” *Id.* It provides detailed guidance for the release process, including “the identification of sponsors; sponsor application; interviews; the assessment (evaluation) of sponsor suitability, including verification of the sponsor’s identity and relationship to the child (if any), background checks, and in some cases home studies; and post-release planning.” *Id.*
31. Since January 2025, the UC Policy Guide has been modified several times, without notice and comment, to heighten sponsorship vetting requirements.⁴ These changes include narrowing the list of acceptable proof of identification documents (March 7, 2025); requiring specific proof of income documentation (April 15, 2025); requiring specific proof of address documentation (March 7, 2025); requiring ORR to “exhaust all available avenues to verify the authenticity of birth certificates” submitted as proof of child’s identity and sponsor-child relationship (March 7, 2025); and requiring sponsor home studies in new circumstances beyond those mandated under the Foundational Rule and the TVPRA (July 14, 2025).⁵

B. Constitutional Framework Regarding the Prolonged Detention of Unaccompanied Immigrant Children

32. Children have a fundamental liberty interest in freedom from confinement. The Supreme Court has recognized that “the interest in being free from physical detention” by the state is “the most elemental of liberty interests[.]” *Hamdi v. Rumsfeld*, 542 U.S. 507, 529 (2004). A

⁴Neha Desai and Melissa Adamson, et. al, *The Unraveling of ORR: A Quick and Calculated Undoing of a System Intended to Protect Children*, NAT’L CTR. FOR YOUTH L., at 11 (Sept. 2025), <https://youthlaw.org/resources/the-unraveling-of-orr-a-quick-and-calculated-undoing-of-a-system-intended-to-protect-children/>.

⁵*Id.* at 6-8.

child's interest in being free from confinement is no less fundamental than that of an adult. See *In re Gault*, 387 U.S. 1, 13 (1967) (“[N]either the Fourteenth Amendment nor the Bill of Rights is for adults alone...”); *Reno v. Flores*, 507 U.S. 292, 316 (1993) (O’Connor, J. and Souter, J., concurring) (“Children, too, have a core liberty interest in remaining free from institutional confinement. In this respect, a child’s constitutional freedom from bodily restraint is no narrower than an adult’s.”) (Internal quotation marks omitted.). Minors, like adults, also have a substantial liberty interest “in avoiding unjustified physical restraint.” *Lucas R. v. Becerra*, 2022 WL 2177454, at *14 (C.D. Cal. Mar. 11, 2022). See, e.g., *Parham v. J.R.*, 442 U.S. 584, 600 (1979).

33. The constitutional right to family integrity and familial association is also well established. See *Santosky v. Kramer*, 455 U.S. 745, 753 (1982) (holding that parents and children have a well-elaborated constitutional right to live together without government interference); *Smith v. Org. of Foster Families for Equality & Reform*, 431 U.S. 816, 845 (1977) (“[T]he liberty interest in family privacy has its source, and its contours are ordinarily to be sought...in intrinsic human rights.”). The Second Circuit, specifically, has held that the “right to the preservation of family integrity encompasses the reciprocal rights of both parent and children,” and that “the most essential and basic aspect of familial privacy [is] the right of the family to remain together without the coercive interference of the awesome power of the state.” *Duchesne v. Sugarman*, 566 F.2d 817, 825 (2d Cir. 1977); see also *Kia P. v. McIntyre*, 235 F.3d 749, 759 (2d Cir. 2000) (children have a “constitutionally protected liberty interest in not being dislocated from the emotional attachments that derive from the intimacy of daily family association.”) (internal quotation marks omitted); *Southerland v. City of New York*, 680 F.3d 127, 142 (2d Cir. 2012) (parents “have a constitutionally protected liberty interest

in the care, custody and management of their children”) (quoting *Tenenbaum v. Williams*, 193 F.3d 581, 593 (2d Cir. 1999)).

34. In matters involving the prolonged detention of unaccompanied immigrant children in ORR custody, too, courts have repeatedly recognized the due process rights of children to family integrity. *See, e.g., D.B. v. Cardall*, 826 F.3d 721, 740 (4th Cir. 2016) (children “enjoy a familial right to be raised and nurtured by their parents”) (internal quotation marks omitted); *Beltran v. Cardall*, 222 F. Supp. 3d 476, 482 (E.D. Va. 2016) (“It is beyond dispute that [a mother’s] right to the care and custody of her son – and [a son’s] reciprocal right to his mother’s care . . . is deserving of the greatest solicitude.”) (internal quotation marks and citation omitted)); *Maldonado v. Lloyd*, 2018 WL 2089348 at *7 (S.D.N.Y. 2018) (concluding that prolonged ORR sponsorship suitability process was violation of child’s “right to family integrity,”); *Santos v. Smith*, 260 F. Supp. 3d 598, 612 (W.D.V.A. 2017) (“[T]he interest in family reunification remains fundamental...and is deserving of significant due process protections.”). *See also, Ms. L. v. U.S. ICE*, 310 F.Supp.3d 1133 (S.D. Cal. June 26, 2018) (finding likely substantive due process violation stemming from “zero tolerance” policy of family separation).
35. Longstanding Supreme Court precedent establishes that when a government action deprives an individual of a fundamental constitutional interest, that individual is entitled to procedural due process consisting of notice and an opportunity to be heard. *See Mathews v. Eldridge*, 424 U.S. 319, 335 (1976). Under the balancing test set out in *Mathews*, in assessing an alleged violation of procedural due process, courts must consider: (1) “[T]he private interest that will be affected by the official action,” (2) “[T]he risk of erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional or substitute

procedural safeguards; and (3), “[T]he government’s interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail.” 424 U.S. at 335. *See, e.g., Weinstein v. Albright*, 261 F.3d 127, 136 n.8 (2d Cir. 2001) (applying *Mathews* test to denial of passport to child support obligor); *Barrows v. Burwell*, 777 F.3d 106, 113 (2d Cir. 2015) (applying *Mathews* test to re-designation of Medicaid beneficiaries’ from “inpatients” to “observation status”).

36. Pursuant *Mathews*, some courts have required ORR to assess sponsorship applications by parents in light of the fundamental liberty interest in family integrity. Several courts have held, specifically, that “when a parent (rather than another relative or friend) seeks reunification with her child, ORR procedures improperly place the burden of proof on the parent to demonstrate suitability rather than on ORR to justify its continued custody of the child.” *Maldonado*, 2018 WL at *9; *see also Santos*, 260 F. Supp. 3d at 613 (“[A]t least when a parent is requesting reunification, the burden should be on ORR to show why its continued custody of a UAC is appropriate, rather than placing that burden on the parent.”); *Beltran*, 222 F. Supp. 3d at 485 (“Once the government decides to withhold a child from a parent’s care, ‘the state has the burden to initiate’ proceedings to justify its action.”) (Citation omitted.)

37. Furthermore, “‘significant’ and ‘unexplained delay[s] in responding to a [a proposed sponsor’s] unification request’ violate due process, irrespective of other procedural defects.” *Lucas R. v. Becerra*, 2022 WL 2177454, at *27 (C.D. Cal. Mar. 11, 2022) (citing *Santos* 260 F. Supp. at 614.)

38. In accordance with these foundational principles of due process, the burden should be on ORR to justify its continued custody of E.H.C.F. ORR also has a constitutional responsibility to

finalize its suitability assessment of Ms. Contreras Flores without unnecessary delay. Based on the facts provided below, E.H.C.F.'s sponsor is safe and qualified, and ORR has a duty to grant Ms. Contreras Flores's reunification request without delay. ORR should immediately place E.H.C.F. in the least restrictive setting that is in his best interests, which is with his mother.

FACTUAL BACKGROUND

A. E.H.C.F. is a child in ORR custody with a vetted sponsor capable of providing for his physical and mental well-being.

39. Petitioner E.H.C.F. was born in Juticalpa, Olancho, Honduras, in 2009. Ex. A, ¶ 3. He is 16 years old. Prior to his detention by DHS, he lived in Chelsea, Massachusetts, and was a student at [REDACTED] Ex. D, [REDACTED] Enrollment Verification. He lived with his mother, Ms. Contreras Flores; his father, Mr. Contreras Romero; his older sister, Keren; and his younger brother, C.H.C.F. Ex. A, ¶ 2. The family had been living in Chelsea for about six years.
40. Ms. Contreras Flores, E.H.C.F.'s mother and ORR sponsor, was born in Juticalpa, Olancho, Honduras, in 1990. *Id.*, ¶ 1. She is currently 35-years-old and has three children, E.H.C.F., C.H.C.F., and Keren. *Id.* ¶ 1-2. She works in a bakery and cares for her family in Chelsea. (Ex.) Ms. Contreras Flores has no criminal history. *Id.* ¶ 1.
41. Until he was forcibly transferred to ORR custody, E.H.C.F. had never before been separated from Ms. Contreras Flores. *Id.* ¶ 3. He grew up in her household in Honduras – and later in Chelsea, MA – along with his father and siblings. *Id.* Throughout his childhood, both in Honduras and in the United States, he was “raised in a loving, stable, and safe family environment,” where he was “consistently cared for financially, emotionally, and physically.” Ex. B, ORR-Appointed Child Advocate Best Interest Determination for Petitioner, 2.

42. E.H.C.F. arrived in the United States with his mother on or around May 27, 2019, and on May 28, 2019, Customs and Border Protection (“CBP”) detained them both together. Ex. A, ¶ 3. On that same day, they were both issued Notices to Appear in immigration court and released. *Id.*, ¶ 3; Ex. F, Notice of Custody Determination and Order of Release on Recognizance for Petitioner (May 28, 2019); Ex. G, Petitioner’s First Notice to Appear (May 28, 2019). On information and belief, DHS never filed those Notices to Appear in any immigration court.
43. Following their release from CBP custody at the border, E.H.C.F. and his mother settled down in Chelsea, Massachusetts, along with his father, younger brother, and older sister. Ex. A, ¶ 3-4. Ms. Contreras Flores enrolled E.H.C.F. in school, met with his teachers and guidance counselors, and encouraged him to learn. *Id.* ¶ 4. When E.H.C.F. was not at school, he would often talk to his mother about his friends and schoolwork. *Id.* ¶ 5. He also enjoyed cooking and helping her out in the kitchen. *Id.* The family lived in Chelsea without incident for six years, during which time E.H.C.F. passed the days “playing in the neighborhood, completing his homework, and feeling happy at home.” Ex. B, 2. He “remained in the continuous care of his parents in a consistent, nurturing, and safe home environment.” *Id.*
44. Ms. Contreras Flores filed an asylum application in 2021. Ex. A, ¶ 6. She listed E.H.C.F. as a derivative on her asylum application. *Id.* That application is currently pending before United States Citizenship and Immigration Services (“USCIS”). *Id.*
45. On May 8, 2025, when E.H.C.F. was 15 years old, he was arrested by the Chelsea Police Department following a dispute with his peers. *Id.* ¶ 7 This was his first and only arrest anywhere in the world. *Id.*

46. The juvenile charges stemming from E.H.C.F.'s arrest have since been dismissed. Ex. E, Affidavit of Attorney Ida Candreva, Juvenile Defense Attorney of Petitioner.
47. On the day of E.H.C.F.'s arrest, his father, Mr. Contreras Romero, promptly appeared to pick him up from the police station. *Id.* ¶ 8. However, DHS agents arrived at the police station, and rather than allowing E.H.C.F. to return home with his father, forcibly separated and detained them both. E.H.C.F. was transferred to an ORR facility in San Antonio, Texas, while his father was sent to the Plymouth County Correctional Facility in Plymouth, Massachusetts. *Id.* E.H.C.F. was also issued a Notice to Appear in immigration court. Ex. H, Petitioner's Second Notice to Appear (May 8, 2025).
48. Mr. Contreras Romero soon filed a petition for a writ of habeas corpus in the U.S. District Court for the District of Massachusetts and was subsequently released on bond on June 13, 2025. *See* Notice of Voluntary Dismissal, *Contreras Romero v. Trump*, 1:25-cv-11351, (D. Mass. Jun. 16, 2025), ECF No. 10. *See also* Ex. A, Affidavit of Mileidy Yamaly Contreras Flores, Next Friend of Petitioner, ¶ 8.
49. In the meantime, Ms. Contreras Flores initiated the process of sponsoring E.H.C.F. for release from ORR custody, submitting her sponsorship application to ORR on or around May 23, 2025. Ex. A, ¶ 11, 13. Since that time – over seven months ago – Ms. Contreras Flores has complied with every single request by ORR to demonstrate her suitability as a sponsor. Her efforts have yielded several recommendations for release and reunification, including from the ORR DSA FFS Ruth Yanez, the Noank Community Support Service Program, an ORR-appointed independent Child Advocate. Ex. B, 1, 4.
50. Notwithstanding these positive recommendations for release and reunification, Ms. Flores Contreras' sponsorship application has now been pending for 221 days. ORR has not yet

adjudicated her application. As a result, E.H.C.F. has been languishing in ORR custody for 233 days, separated from his parents and siblings.

B. Respondents are violating their legal obligation to release E.H.C.F. to his sponsor, Ms. Contreras Flores.

51. When E.H.C.F. was transferred to ORR custody on or around May 10, 2025, Ms. Contreras Flores promptly began the sponsorship process to bring him home. She spoke with his ORR Case Manager, Alejandra Alegria, on or around the day of E.H.C.F.'s arrival in Texas, identifying herself as E.H.C.F.'s sponsor and identifying his 19-year-old sister, Keren, as his alternate caregiver. Ex. A, ¶ 11. At around this time, she also complied with a request by ORR to provide a copy of her identification documents, a copy of her own birth certificate, a copy of E.H.C.F.'s birth certificate, E.H.C.F.'s vaccination records, and a "selfie" photo as further proof of her identity. *Id.* ¶ 12. The identification documents she provided to ORR included her Employment Authorization Document, her Social Security Card, and her Honduran passport. *Id.*
52. On or around May 23, 2025, Ms. Contreras Flores finalized and mailed her sponsorship documents to ORR, including an Authorization for Release of Information to perform background checks, a Sponsor Care Agreement, and a Letter of Designation. *Id.* ¶ 13.
53. At the time Ms. Contreras Flores initiated the sponsorship application process, Mr. Contreras Romero was still detained by ICE in Plymouth, Massachusetts. *Id.* ¶ 27. As a result, he was not included as a household member in the initial sponsorship application packet. *Id.*
54. At around this time, Ms. Contreras Flores began sending pay-stubs to ORR every fifteen days or so as proof of income, along with her monthly utility bills. Ex. A, ¶ 13.
55. On May 27, 2025, Ms. Contreras Flores attended a mandatory biometrics appointment to submit her fingerprints to ORR. *Id.* ¶ 14. On May 29, 2025, Keren did the same. *Id.* Both Ms.

Contreras Flores and Keren authorized ORR to conduct the required background checks for sponsors and alternate caregivers. *Id.* Although the Foundational Rule requires only a review of the National Sex Offender Registry for potential sponsors and household members, the UC Policy Guide also requires a Public Records check; an FBI National Criminal History check; and a Child Abuse and Neglect check. 45 C.F.R. § 410.1202; UC Policy Guide, § 2.5.1. On information and belief, ORR conducted all of these background checks shortly thereafter. Although Ms. Contreras Flores was not given an update on the result of these background checks, the ORR-appointed independent Child Advocate for E.H.C.F. has reported that “no safety concerns were identified with the reunification.” Ex. B, 3.

56. On June 9, 2025, Ms. Contreras Flores provided a copy of her daughter Keren’s Honduran passport and high-school ID to ORR, as she had identified Keren as an alternative caregiver in E.H.C.F.’s sponsorship application. Ex. A, ¶ 15.
57. On June 11, 2025, ORR completed a home study of Ms. Contreras Flores’s residence in Chelsea, Massachusetts. *Id.* ¶ 16. The Foundational Rule does not generally require home studies, and it provides for discretionary home studies only if ORR “determines that a home study is likely to provide additional information which could assist” in the sponsor suitability assessment. 45 C.F.R. § 410.1204 (c). However, the UC Policy Guide requires a home study if “the potential sponsor has previously been the sponsor of two (2) or more children and is now seeking to sponsor one (1) or more additional children (regardless of whether the previous or current children are related to the potential sponsor)...” *Id.* § 2.4.2. On information and belief, ORR applied this guidance to Ms. Contreras Flores because she had previously sponsored her minor daughter Keren, her minor sister, and her sister’s minor child.

58. The home study resulted in a “positive recommendation, confirming that [Ms. Contreras Flores] resides in a safe neighborhood, with access to everything E.H.C.F. needs.” Ex. B, 3. The home study provider further noted that Ms. Contreras Flores “provides adequate housing and financial resources, and maintain[s] a well-established, positive relationship with [E.H.C.F.]” *Id.*
59. On June 13, 2025, Mr. Contreras Romero was released on bond from DHS custody and returned to the family home in Chelsea, Massachusetts. *Id.* ¶ 23. Ms. Contreras Flores presumed that the government was aware that he had returned to their home as he had been required to inform the government where he would be living after his release. *Id.*
60. At around this time, Ms. Contreras Flores was notified that she would be required to submit to a DNA sample. She complied and attended an appointment to provide a DNA sample. Ex. A, ¶ 17. E.H.C.F. was also required to provide a DNA sample. *Id.* On August 14, 2025, the DNA test proved that Ms. Contreras Flores was E.H.C.F.’s mother. Ex. B, 3.
61. On July 7, 2025, Ms. Contreras Flores provided a copy of her marriage certificate to ORR at the request of the agency. ORR did not explain why they needed the document. *Id.* ¶ 18.
62. On July 22, 2025, over a month after Ms. Contreras Flores had sent ORR a copy of Keren’s Honduran passport and high school ID, ORR informed her that her daughter’s identification documents were insufficient and asked Ms. Contreras Flores to provide them with Keren’s library card instead. *Id.* ¶ 19. On July 31, 2025, Ms. Contreras Flores sent ORR a copy of Keren’s library card. *Id.*
63. Some time in August 2025, ORR informed Ms. Contreras Flores that Keren’s library card was also insufficient documentation of identification and requested her college ID. *Id.* As Keren had only recently enrolled in college, she was still awaiting her college ID in the mail.

Once her college ID card arrived, Ms. Contreras Flores provided a copy to ORR as well. *Id.* ORR did not inform Ms. Contreras Flores as to whether Keren's college ID was acceptable. However, on or around October 3, 2025, ORR asked Ms. Contreras Flores for a copy of her daughter Keren's newly-acquired Employment Authorization Document ("EAD"). She sent it to them that same day. *Id.* ORR has not followed up with Ms. Contreras Flores any further regarding Keren's identification documents. *Id.* ¶ 25.

64. On information and belief, Keren's identification documents that were submitted prior to her EAD were rejected due to a unilateral ORR revision to section 2.2.4 of the UC Policy Guide on March 7, 2025 limiting the list of acceptable documents to prove sponsor identity.⁶ Although previous ORR guidance had permitted foreign passports as proof of identity, the new guidance prohibited them unless the foreign passport included proof of lawful permanent residency or a Form I-94 containing an endorsement to work. UC Policy Guide, § 2.2.4. Similarly, the new guidance permitted ID cards issued by local government agencies or entities, such as libraries or public colleges, only if they contained "a photograph or information such as name, date of birth, sex, height, eye color, and address." *Id.* As Keren's identification documents did not meet these criteria, these were rejected.⁷
65. On August 7, 2025, E.H.C.F. was transferred from the ORR facility in Texas to the Mystic-Noank Shelter in Mystic, Connecticut. Ex. A, ¶ 21.

⁶Desai & Adamson, *supra*, at 3.

⁷On June 9, 2025, the U.S. District Court for the District of Columbia concluded that it was "substantially likely that ORR acted arbitrarily and capriciously by not providing adequate justification for its new sponsor documentation requirements," and enjoined ORR from enforcing the new proof of identification requirements against a class containing: all unaccompanied children who were in or transferred to the custody of HHS on or before April 22, 2025, and who (a) have or had a potential sponsor who has been identified; and (b) the sponsor's family reunification application has been denied, closed, withdrawn, delayed, or cannot be completed because the sponsor is missing documents newly required on or after March 7, 2025. *See Angelica S. v. HHS*, 1:25-cv-01405-DLF, (D.D.C. 2025) (Memorandum Opinion and Order Granting Class Certification, Granting in Part and Denying in Part Preliminary Injunction). As E.H.C.F. was detained after April 22, 2025, he is not a member of the certified class in *Angelica S.* However, the logic of the *Angelica S.* court's ruling applies equally to his case.

66. On August 22, 2025, Ms. Contreras Flores attended a mandatory appointment at the ACF Sponsor ID Check Office in Worcester, Massachusetts, to further validate her identity documents. *Id.* ¶ 22. Immediately after her appointment at the ACF office, she was instructed to go to the DHS office at the John F. Kennedy Federal Building (“Federal Building”) in Boston, Massachusetts. Ms. Contreras Flores reported to the Federal Building later that day. *Id.* At the Federal Building, she was interrogated for two hours by a DHS officer about her asylum case, served with a Notice to Appear in immigration court, and served with a DHS Order of Supervision. *Id.* ¶ 4; Ex. I, Mileidy Yamaly Contreras Flores’ Second Notice to Appear (August 22, 2025); Ex. J, DHS Notice of Custody Determination and Order of Supervision for Mileidy Yamaly Contreras Flores (August 22, 2025).
67. At some point in August, ORR also informed Ms. Contreras Flores that her husband would need to provide fingerprints and submit to background checks as he had returned to their household following his release from ICE detention. Ex. A, ¶ 23. Although the family was immediately ready and willing to comply with these requirements, an ORR case worker informed Ms. Contreras Flores in mid-September that they did not have a “contract” in place to complete her husband’s biometrics. *Id.* In the end, ORR delayed Mr. Contreras Flores’ biometrics until October 2025, when he was finally able to get a fingerprinting appointment. *Id.*
68. On August 31, 2025, pursuant to the TVPRA, the Young Center for Immigrant Children’s Rights (“Young Center”) requested that E.H.C.F. be appointed a Child Advocate. Ex. B., 9. *See* 8 U.S.C. § 1232(c)(6)(A) (authorizing the Secretary of Health and Human Services to “appoint independent child advocates for child trafficking victims and other vulnerable accompanied alien children”). Child Advocates are “third parties who make independent

- recommendations regarding the ‘best interests’ of a child.” UC Policy Guide § 2.3.4. The referral was made because, at that point, E.H.C.F. was “expected to have a protracted stay of over 120 days in ORR custody.” Ex. B, 9.
69. Over one month later, on October 17, 2025, ORR appointed an independent Child Advocate to E.H.C.F. *Id.*, 1. His Child Advocate is Attorney Victoria Canales of the Young Center. *Id.*
70. On December 4, 2025, ORR conducted a second home study, which it characterizes as an “addendum” to the June 11, 2025 study. Ex. A, ¶ 26; Ex B., 3. Ms. Contreras Flores was informed that the addendum had to be conducted because her husband had not been living in her home at the time of the first home study. Ex. A, ¶ 26. The home study addendum again resulted in “a positive recommendation in support of reunification.” Ex B., 3.
71. On December 11, 2025, ORR Department of Sponsorship Administration (“DSA”) Federal Field Specialist (“FFS”) Ruth Yanez issued a positive Sponsor Suitability Determination. *Id.*, 4.
72. On December 15, 2025, the Noank Community Support Services Program issued a favorable recommendation for release as well. *Id.*
73. On December 16, 2025, the independent Child Advocate appointed by ORR to E.H.C.F.’s case submitted a Best Interest Determination to the ORR Division of Children Administration (“DCA”) concluding that “it is in [E.H.C.F.]’s best interests to be released to the custody of his biological parents without further delay.” *Id.*, 4.
74. E.H.C.F.’s prolonged detention and separation from his parents is part of a nationwide trend impacting youth in ORR custody. In fiscal years 2021 through 2024, the average length of time a child remained in ORR custody ranged from 27 days to 33 days.⁸ However, that

⁸Desai & Adamson, *supra*, at 11.

average has increased dramatically since January 2025, jumping to 112 days in March, 154 days in June, 182 days in August, and 185 days in November.⁹ Releases to sponsors have also dropped sharply, from 1,858 releases in February to 343 releases in March to 45 releases in April.¹⁰ In November, ORR only released 16 children to sponsors nationwide.¹¹

75. The nationwide prolonged detention and family separation of children in ORR custody is a direct result of the Trump Administration's draconian changes to the sponsor vetting process, including heightened sponsor identification document validation procedures; new proof of income and proof of address requirements; and expanded home studies of potential sponsors. According to a recent report by the National Center for Youth Law, "[c]ollectively, these and other new policies have made it nearly impossible for unaccompanied children to be released from government custody – undermining ORR's core mandate under federal law."¹²

76. In addition to ORR's heightened sponsor-vetting requirements, it is very likely that ORR has imposed an internal moratorium on releasing immigrant children from ORR custody. According to a media report published on December 18, 2025, "three ORR officials with knowledge of the office's release process" said that "in early November, agency leadership ordered a hold on releasing children to sponsors until further notice, even if the sponsors

⁹*Id.*

¹⁰ *Id.*

¹¹ "Data -Released to Sponsors," OFFICE OF REFUGEE RESETTLEMENT, <https://acf.gov/orr/about/ucs/facts-and-data> (last accessed Dec. 22, 2025). This nationwide trend has been widely documented. *See, e.g.,* Mica Rosenberg, et. al., ICE Sent 600 Immigrant Kids to Detention in Federal Shelters This Year. It's a New Record, PROPUBLICA (Nov. 24, 2025), <https://www.propublica.org/article/ice-detentions-immigrant-kids-family-separations>; Julia Lurie, "The Children Are Being Used as Bait": Thousands of Kids Are Stuck in Immigration Facilities With No End in Sight, MOTHER JONES (May 12, 2025), <https://www.motherjones.com/politics/2025/05/unaccompanied-immigrant-children-trump-ice-orr-shelters/>; Rachel Uranga, New Trump Era Vetting Process Keeps Migrant Children in Federal Custody Longer, Advocates Say, L.A. TIMES (Apr. 25, 2025), <https://www.latimes.com/california/story/2025-04-25/trump-administration-toughens-restrictions-on-families-trying-to-reunite-with-migrant-children>.

¹² Desai & Adamson., 3. *See also* Jonathan Beier & Ruben Ortiz, et. al., Dismantling Protections: How ORR Policy Changes Trap Children in Extended Detention, ACACIA CENTER FOR JUSTICE, (Sept. 2025), <https://acaciajustice.org/wp-content/uploads/2025/09/Acacia-Dismantling-Protections-2025-09.pdf>.

have been cleared to receive them.”¹³ These officials further stated that “the order was not put in writing, but issued verbally to field officers across the country who are charged with signing off on releases.”¹⁴ Reportedly, an ORR field officer who received this order said, “Many cases are absolutely ready to go, but because releases aren’t being allowed, they are in limbo.”¹⁵

77. Under these circumstances, E.H.C.F. is unlikely to be released without judicial intervention.

C. It is in E.H.C.F.’s best interest to be released to his mother and sponsor, Ms. Contreras Flores.

78. E.H.C.F. has suffered deteriorating mental health, painful dental problems, and educational deprivation in ORR custody. He has also been forced to navigate removal proceedings in immigration court while detained and separated from his mother, who has listed him as a derivative on her asylum application. Ex. K, Petitioner’s Notices of Hearing in Immigration Court; Ex. A, ¶ 6. For these and other reasons, several critical stakeholders have all agreed that it would be in his best interest to return home to his family, including his independent Child Advocate, ORR Federal Field Specialist Ruth Yanez, the staff of the Noank Community Support Services Program, and a board-certified psychiatrist. Ex. B-C.

79. The day E.H.C.F. arrived at the ORR facility in Texas, he called his mother on the phone and began to cry. Ex. A, ¶ 29. He recalls arriving a facility “surrounded by a fence” and that “the kids were scared.” Ex. C, ¶ 10. But at that point, he still had hope of returning home soon. Ex. A, ¶ 29. As the months have dragged on, E.H.C.F. has suffered increasing symptoms of anxiety and insomnia, worrying that he might never be permitted to reunite with his family.

¹³ Mark Betancourt, Trump admin has all but stopped reuniting detained migrant children with their families, LAIST, (Dec. 18, 2025), <https://laist.com/news/politics/trump-admin-has-all-but-stopped-reuniting-detained-migrant-children-with-their-families>.

¹⁴*Id.*

¹⁵*Id.*

Ex. A, ¶ 29-30. He now “has trouble falling asleep and staying asleep, with intermittent nightmares,” experiences “palpitations, sweating, and tremors,” and “feels afraid as if something awful might happen.” Ex. C, ¶ 16. He “misses his family a lot,” and “does not really understand why he is still not free to be with his family.” *Id.* ¶ 15. He has turned to food as a coping mechanism, leading to notable fluctuations in weight and associated feelings of shame and depression. Ex. A, ¶ 30; Ex. C, ¶ 16.

80. In a forensic psychological evaluation conducted on December 16, 2025, E.H.C.F. was diagnosed with Generalized Anxiety Disorder and Major Depressive Order. Ex. C, ¶ 19. The evaluation noted that “it is highly likely that his depressive and anxious symptoms developed as a result of his abrupt and prolonged removal from his family at the age of 15.” *Id.* ¶ 23. E.H.C.F. was recently prescribed medication to calm his anxiety and assist him with his sleep. *Id.* ¶ 25.
81. Although E.H.C.F. is able to communicate with his mother over the phone, which he does frequently, visits have been limited due to distance. Ex. A, ¶ 31. While detained in Texas, he was not able to see his mother for several months. *Id.* Since his transfer to Connecticut on August 7, 2025, he has only been able to visit with her three times. *Id.* ¶ 32-34. E.H.C.F. has repeatedly shared that “he deeply misses his parents, at times crying himself to sleep at night.” Ex. B, 2.
82. Recently, Ms. Contreras Flores had planned to visit E.H.C.F. on his sixteenth birthday in November. Ex. A, ¶ 34. However, on that same day, she received a stay-at-home order from ICE from 8:00 AM – 6:00 PM. As a result, she was forced to abandon her visit and E.H.C.F. was forced to observe his birthday isolated from his family. *Id.*

83. E.H.C.F. has also experienced painful dental problems throughout his time in ORR custody.

Before he was detained, his mother had scheduled a dental surgery for him to address these issues. *Id.* ¶ 35. But after he was transferred to the ORR facility in Texas, his treatment was delayed, causing him to live with excruciating pain. Ex. C., ¶ 14. At first, E.H.C.F. told ORR workers that he wanted to wait to have the surgery until he returned home, thinking that he would be released soon. Ex. A, ¶ 35. Although he eventually agreed to have the surgery while detained – because he did not know when he would be released – he continues to experience ongoing dental problems and pain. Ex. C, ¶¶ 14, 24.

84. E.H.C.F. has also missed a half-year of proper schooling while in ORR custody. It has been documented that children in ORR custody do not receive sufficient hours of educational time; are not challenged by their schoolwork; and are not permitted to leave their facilities to go to school in the community, where they would be able to socialize with peers.¹⁶ On information and belief, educational instruction at the ORR Mystic-Noank Shelter occurs in a single room for all of the young people who are detained there, who may range in age from toddlers to teenagers, and who may have varying levels of English fluency. On information and belief, a single instructor is responsible for all students and all subjects. These deficient educational conditions are particularly harmful to a child like E.H.C.F., who is diagnosed with ADHD and requires a structured learning environment with appropriate accommodations to succeed. Ex. C, ¶ 22.

85. Moreover, E.H.C.F. has been forced to navigate his removal proceedings in immigration court from inside of ORR custody. He has participated remotely in several hearings in

¹⁶Melissa Adamson & Mishan Wroe, et. al., Educational Advocacy for Unaccompanied Immigrant Youth in California, NAT'L CTR. FOR YOUTH L., 61-68 (May 2024), <https://youthlaw.org/resources/educational-advocacy-for-unaccompanied-immigrant-youth-in-california/>.

immigration court, which were first docketed in the San Antonio Immigration Court in Texas and then transferred to the Hartford Immigration Court in Connecticut. Ex. K; Ex. L, Screenshot of Petitioner's Upcoming Master Calendar Hearing in Hartford Immigration Court. This process has been particularly onerous for E.H.C.F. because his basis for asylum is as a derivative on his mother's asylum application, which is pending before USCIS. Ex. A, ¶ 6. Minor children and their parents are ordinarily permitted to proceed in consolidated removal proceedings when there are "overlapping circumstances for claims or relief." Imm. Ct. Prac. Manual, § 4.21. However, due to Respondent's actions, E.H.C.F. has been forced to proceed alone in a removal case independent of his mother's case.

86. The serious harms caused by the prolonged detention of immigrant children are well documented. In 2018, under similar circumstances, ORR policy changes caused unaccompanied children's length of custody in ORR to increase significantly, with children spending months in congregate care designed to hold them for only a few weeks. *See, e.g.,* Dep't of Health and Hum. Servs., Office of the Inspector Gen., *Care Provider Facilities Described Challenges Addressing Mental Health Needs of Children in HHS Custody*, 13 (Sept. 2019), <https://perma.cc/YLT7-R3HP> ("HHS OIG Report"). The then-Assistant Secretary for ACF later conceded that the policy did not "add[] anything to the protection and safety of the children."¹⁷ To the contrary, the extended length of stay in ORR custody significantly harmed children's mental health and well-being. *See, e.g.,* HHS OIG Report, 12–13 ("According to facility staff, longer stays resulted in higher levels of defiance, hopelessness, and frustration among children, along with more instances of self-harm and suicidal ideation.").

¹⁷*See* John Burnett, Several Thousand Migrant Children In U.S. Custody Could Be Released Before Christmas, NPR (Dec. 18, 2018), <https://perma.cc/6WHS-BNR6>.

87. The Child Advocate appointed to E.H.C.F. has concluded that his “best interests require his immediate release to his family,” noting that throughout his time in ORR custody, he has “consistently expressed desire to reunify with his parents and maintained close relationship with them.” He must be released immediately to ensure that he does not continue to suffer the unnecessary emotional distress, physical pain, and educational deprivation that has now endured for nearly seven months of his young life.

CLAIMS FOR RELIEF

FIRST CLAIM FOR RELIEF

VIOLATION OF THE DUE PROCESS CLAUSE OF THE FIFTH AMENDMENT OF THE CONSTITUTION (SUBSTANTIVE DUE PROCESS)

88. Petitioner restates and realleges all paragraphs above as if fully set forth therein.
89. The government may not deprive a person of life, liberty, or property without due process of law. U.S. Const. amend. V. Due process protects “all ‘persons’ within the United States, including [non-citizens], whether their presence here is lawful, unlawful, temporary, or permanent.” *Zadvydas v. Davis*, 533 U.S. 678, 698 (2001).
90. The Supreme Court has long recognized family integrity as a fundamental liberty interest protected by the Constitution. *See Santosky v. Kramer*, 455 U.S. at 753; *Troxel v. Granville*, 530 U.S. 57, 65-66 (plurality op.) (“[T]he interest of parents in the care, custody, and control of their children [] is perhaps the oldest of the fundamental liberty interests recognized by this Court.”) (collecting cases).
91. Courts have repeatedly held that the separation of children from their parents may not occur absent a clear showing that the parent is unfit or is otherwise endangering the child. *See, e.g., Quilloin v. Walcott*, 434 U.S. 246, 255 (1978) (“[T]he Due Process Clause would be offended if a State were to attempt to force the breakup of a natural family . . . without some

showing of unfitness and for the sole reason that to do so was thought to be in the children's best interest.") (quotation marks omitted); *United States v. Loy*, 237 F.3d 251, 269-70 (3d Cir. 2001) ("[W]here there is insufficient evidence to support a finding that children are potentially in danger from their parents, the state's interest cannot be said to be 'compelling,' and thus interference in the family relationship is unconstitutional."); *Ms. L.*, 310 F. Supp. 3d at 1133 (holding government practice of separating asylum-seekers from their minor children at the border and failing to reunify them, without any showing that parents were unfit or presented danger to their children, was likely violation of substantive due process).

92. Substantive due process rights bar "certain government actions regardless of the fairness of the procedures used to implement them." *See Daniels v. Williams*, 474 U.S. 327, 331, 106 S.Ct. 662, 88 L.Ed.2d 662 (1986). The prolonged removal of a child from their parents' custody absent any showing that the child's parents are unfit, regardless of the procedures used to implement such a removal, is one such government action.
93. In the instant case, ORR has not made any showing that Ms. Contreras Flores is unfit to parent E.H.C.F. To the contrary, she has passed all background checks, home studies, and identity verification procedures imposed on her by ORR. The agency has nonetheless delayed the adjudication of her application with no explanation and failed to release E.H.C.F. to her custody for 221 days.
94. As ORR has failed to make any showing that Ms. Contreras Flores is unfit or otherwise presents a danger to E.H.C.F., Respondents have deprived E.H.C.F. of his due process right to family unity by failing to release him to her custody.

SECOND CLAIM FOR RELIEF

VIOLATION OF THE DUE PROCESS CLAUSE OF THE FIFTH AMENDMENT OF THE CONSTITUTION (PROCEDURAL DUE PROCESS)

95. Petitioner restates and realleges all paragraphs above as if fully set forth herein.
96. The government may not deprive a person of life, liberty, or property without due process of law. U.S. Const. amend. V. Due process protects “all ‘persons’ within the United States, including [non-citizens], whether their presence here is lawful, unlawful, temporary, or permanent.” *Zadvydas v. Davis*, 533 U.S. 678, 698 (2001).
97. Due process requires that the government may not deprive an individual of their constitutional rights without meaningful notice and an opportunity to be heard before a neutral arbiter to protect against the risk of erroneous deprivation. *Mathews v. Eldridge*, 424 U.S. at 335. Due process also requires that government action be rational and non-arbitrary. *See U.S. v. Trimble*, 487 F.3d 752, 757 (9th Cir. 2007).
98. Respondents’ policies and actions, as set forth above, have deprived E.H.C.F. of his fundamental rights to freedom from confinement and family integrity without constitutionally sufficient due process. *See In re Gault*, 387 U.S. 1, 13 (1967) (A child’s liberty interest in being free from confinement is no narrower than that of an adult); *Kia P. v. McIntyre*, 235 F.3d at 759 (children have a “constitutionally protected liberty interest in not being dislocated from the emotional attachments that derive from the intimacy of daily family association.”); *D.B. v. Cardall*, 826 F.3d at 740 (children have a fundamental “familial right to be raised and nurtured by their parents”); *Troxel v. Granville*, 530 U.S. 57, 65 (2000) (“[T]he interest of parents in the care, custody, and control of their children [] is perhaps the oldest of the fundamental liberty interests recognized by [the Supreme] Court.”).

99. As in similar cases of immigrant children separated from their parents, ORR's process for prompt placement with a parental sponsor "display[s] several significant deficiencies, especially in view of the magnitude of the private interest at stake." *Maldonado v. Lloyd*, 2018 WL 2089348 at *8 (S.D.N.Y. 2018) (citing *Santos*, 260 F. Supp. 3d at 611-15; *Beltran*, 222 F. Supp. 3d at 482-89). These deficiencies include improperly placing the burden of proof on Ms. Contreras Flores to demonstrate suitability rather than on ORR to justify its continued custody of E.H.C.F.; the failure to make adequate disclosures to Ms. Contreras Flores about the status of her application; and inordinate delay. It has been nearly seven months since Ms. Contreras Flores filed her sponsorship application, and ORR still has not rendered a final decision.
100. The 221-day delay in the adjudication of Ms. Contreras Flores' sponsorship application would be sufficient to demonstrate a violation of procedural due process. *See Lucas R.*, 2022 WL 2177454, at *27 ("Significant and unexplained delay in responding to a [a proposed sponsor's] unification request violates due process irrespective of other procedural defects.") (Internal quotation marks omitted; citation omitted.). However, Respondents' delays have also been based on irrational and arbitrary grounds. Such irrational delays include, but are not limited to, requiring Ms. Contreras Flores to participate in two home studies when no home study was required under the TVPRA or Foundational Rule; delaying fingerprinting for E.H.C.F.'s father due the loss of its own contract; and demanding additional proof of Ms. Contreras Flores's identity even after obtaining a DNA test demonstrating her maternal relationship with E.H.C.F. After Ms. Contreras Flores has passed every background check, complied with every ORR request, and accommodated two home studies, there can be no reasonable basis for continuing to impose additional vetting on her sponsorship application.

THIRD CLAIM FOR RELIEF

**VIOLATION OF THE TRAFFICKING VICTIMS PROTECTION
REAUTHORIZATION ACT (TVPRA), 8 U.S.C. § 1232**

101. Petitioner restates and realleges all paragraphs above as if fully set forth herein.
102. Congress enacted the TVPRA specifically to facilitate the safe, speedy release and minimally restrictive placement of unaccompanied children. Respondents have a non-discretionary duty under the TVPRA to “promptly” place E.H.C.F. “in the least restrictive setting” that is in his best interests, usually with “a suitable family member.” 8 U.S.C. § 1232(c)(2)(A).
103. Respondents have failed to act promptly. Ms. Contreras Flores submitted her finalized sponsorship application on May 23, 2025, and it has remained pending for 221 days.
104. E.H.C.F.’s sponsor, Ms. Contreras Flores, is capable, proper, and fit, and E.H.C.F. does not present any flight risk or danger to the community. This finding has been independently confirmed by an independent, ORR-appointed Child Advocate, which was submitted to ORR on December 16, 2025. Ex. B 1, 4. Therefore, Respondents have failed to place E.H.C.F. in the least restrictive setting that is in his best interests. Respondent’s actions have resulted in his unnecessary prolonged detention and separation from his suitable sponsor, in violation of Section 235 of the TVPRA, 8 U.S.C. § 1232.

FOURTH CLAIM FOR RELIEF

**VIOLATION OF THE ADMINISTRATIVE PROCEDURES ACT (APA),
5 U.S.C. §§ 701 *et seq.***

105. Petitioner restates and realleges all paragraphs above as if fully set forth herein.
106. Under the APA, a court must “hold unlawful and set aside agency action” that is “arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with the law,” that is

“contrary to constitutional right [or] power,” or that is “in excess of statutory jurisdiction, authority, or limitations, or short of statutory right.” 5 U.S.C. § 706 (2) (A)-(C).

107. The APA provides a right to judicial review to “a person suffering legal wrong because of agency action, or adversely affected or aggrieved by agency action within the meaning of a relevant statute.” *Id.* § 702.
108. The APA likewise provides a right of judicial review for “final agency action for which there is no other adequate remedy in a court.” § 704. A “final agency action” subject to judicial review must “mark the ‘consummation’ of the agency’s decision-making process” and “be one by which ‘rights or obligations have been determined’ or from which ‘legal consequences will flow.’” *Bennett v. Spear*, 520 U.S. 154, 177-78 (1977) (Internal citations omitted.)
109. E.H.C.F. is “suffering legal wrong” because of Respondents’ actions delaying the adjudication of Ms. Contreras Flores’ sponsorship application over the course of 221 days, and has been “adversely affected” by their refusal to release him to his mother. Respondents’ actions also determine the “rights and obligations” of E.H.C.F. and create “legal consequences” of continued detainment and separation from his family members, in violation of E.H.C.F.’s fundamental right to family integrity. *See Bennett* 520 U.S. at 177-78 (1977); *Duchesne v. Sugarman*, 566 F.2d at 825; *Kia P. v. McIntyre*, 235 F.3d at 759. Accordingly, E.H.C.F. is entitled to judicial review of ORR’s actions under 5 U.S.C. §§ 702 and 704.
110. Pursuant to the TVPRA, ORR has a statutory obligation to “promptly” place E.H.C.F. “in the least restrictive setting” that is in his best interests. 8 U.S.C. § 1232(c)(2)(A). Respondents’ failure to act “promptly” and to release him to a fit, parental sponsor is therefore arbitrary, capricious, and not in accordance with the law. 5 U.S.C. § 706(2)(A)-(C).

111. Respondents have also impermissibly acted in excess of their statutory authority by using the ORR sponsorship suitability assessment as a tool of immigration enforcement against Ms. Contreras Flores. The TVPRA does not give the ORR authority to inquire into immigration status as a condition for sponsorship; collect information about potential sponsors for immigration or law enforcement purposes; or share potential sponsor's immigration status with law enforcement or immigration enforcement entities. 8 U.S.C. § 1232, *et. seq.* Nonetheless, on August 22, 2025, Ms. Contreras Flores was ordered at an ACF Sponsor ID Check appointment to report immediately to a separate DHS office, where she was then interrogated for two hours about her asylum application, served with a Notice to Appear in immigration court, and placed on an Order of Supervision. These unlawful actions further delayed E.H.C.F.'s release and reunification with his mother.
112. Respondents have also acted arbitrarily and capriciously by not providing adequate justification for the creation of ORR's heightened sponsor identification documentation requirements and using them to delay Ms. Contreras Flores's sponsorship application. Specifically, ORR delayed the adjudication of Ms. Contreras Flores from around June 9, 2025 to around October 3, 2025 due to its refusal to accept the four different identification documents provided for Keren, E.H.C.F.'s sister and alternative caregiver. *See Angelica S. v. HHS*, 1:25-cv-01405-DLF, (D.D.C. 2025) (Memorandum Opinion concluding that it was substantially likely that ORR acted arbitrarily and capriciously by not providing adequate justification for its new sponsor documentation requirements and enjoining ORR from enforcing them on certified class.)
113. Respondents have violated E.H.C.F.'s regulatory rights under the APA by failing to abide by their statutory mandate to promptly release him to the least restrictive setting; by exceeding

their statutory authority by weaponizing the sponsorship process as a tool of immigration enforcement; and by arbitrarily and capriciously imposing unjustified new identification documentation requirements on Ms. Contreras Flores sponsorship application. These actions collectively render E.H.C.F.'s continued detention and separation from his family unlawful. He has no recourse to judicial review other than by this action.

FIFTH CLAIM FOR RELIEF

VIOLATION OF THE FOUNDATIONAL RULE, 45 C.F.R. §§ 410.1000 *et seq.*

114. Petitioner restates and realleges all paragraphs above as if fully set forth herein.
115. Federal agencies and their officials are required to follow their own “existing valid regulations.” *See United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260, 268 (1954). When an agency fails to comply with binding regulations, such actions are “not in accordance with law.” *See Vitarelli v. Seaton*, 359 U.S. 535, 545 (1959).
116. Under the Foundational Rule, Respondents have a non-discretionary duty to promptly place E.H.C.F. in the least restrictive setting that is in his best interests. 45 C.F.R. § 410.1003 (f). ORR is also required to make and record prompt and continuous efforts towards a child’s release. *Id.* § 410.1203(a). The UC Policy Guide similarly requires that children are “released in a safe, efficient manner without unnecessary delay.” *Id.* § 2.1.
117. The Preamble to the Foundational Rule also repeatedly indicates that ORR “is not an immigration enforcement authority.” 89 Fed. Reg. at 34399; *see also* 89 Fed. Reg. at 34442, 34443, 34452, 34568. The Foundational Rule does not authorize ORR to use sponsor suitability assessments as a mechanism for immigration-enforcement activities.
118. Additionally, the Foundational Rule requires home studies for potential sponsors only under the specific circumstances laid out in the TVPRA, as well as in certain cases involving non-

relative sponsors. 8 U.S.C. 1232(c)(3)(B), 8 C.F.R. § 410.1204(b). Absent these circumstances, the Foundational Rule provides that ORR “may, in its discretion, initiate home studies if it determines that a home study is likely to provide additional information which could assist in determining that the potential sponsor is able to care for the health, safety, and well-being of the unaccompanied child.” *Id.* 410.1204(c).

119. Respondents have failed to promptly place E.H.C.F. in the least restrictive setting that is in his best interests, in violation of their own regulations and guidance. Respondents have also impermissibly used the sponsor suitability assessment of Ms. Contreras Flores to prosecute immigration enforcement actions against her. Respondents have also subjected Ms. Contreras Flores to two home studies that were plainly not required under the Foundational Rule. Given the extensive information provided by Ms. Contreras Flores to ORR as part of the sponsor suitability assessment – combined with the fact that E.H.C.F. had lived with Ms. Contreras Flores for his entire life prior to his detention – neither home study was “likely to provide additional information which could assist in determining that [she] is able to care for the health, safety, and well-being” of E.H.C.F.

120. As a result of Respondents’ violations of their own binding regulations, they have impermissibly delayed E.H.C.F.’s release and reunification with his family for 221 days and are holding E.H.C.F. unlawfully.

FIFTH CLAIM FOR RELIEF

WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. § 2241

121. Petitioner restates and realleges all paragraphs above as if fully set forth herein.

122. As set forth above, Respondents are holding Petitioner E.H.C.F. in federal custody in violation of federal statutes, the Foundational Rule, their own agency policies guidance, and the U.S. Constitution.

123. Accordingly, Petitioner E.H.C.F. seeks a writ of habeas corpus pursuant to 28 U.S.C. § 2241 compelling Respondents to release E.H.C.F. to the custody and care of Ms. Contreras Flores.

SIXTH CLAIM FOR RELIEF

RELEASE PENDING ADJUDICATION PURSUANT TO *MAPP* v. *RENO*

124. The Plaintiff-Petitioner realleges and incorporates contained in all preceding paragraphs of this Petition as if fully set forth herein.

125. Pursuant to *Mapp v. Reno*, this Court has the “inherent authority” to set bail pending the adjudication of a habeas petition when the petition has raised (1) substantial claims and (2) extraordinary circumstances that (3) “make the grant of bail necessary to make the habeas remedy effective.” 241 F.3d 221, 226 (2d Cir. 2001).

126. E.H.C.F. presents numerous substantial constitutional and statutory claims challenging his detention and has demonstrated extraordinary circumstances thereby making him eligible for bail. He therefore requests immediate release pending adjudication of the instant petition.

PRAYER FOR RELIEF

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

- a. Assume jurisdiction over this matter;
- b. Enjoin the Defendant-Respondents from transferring E.H.C.F. outside of the District of Connecticut and to enjoin his removal pending these proceedings;

- c. Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days;
- d. Issue a Writ of Habeas Corpus compelling Respondents to release E.H.C.F. to the custody and care of Ms. Contreras Flores without restraints on his liberty or under such conditions as the Court deems just and proper;
- e. Declare that E.H.C.F.'s continued detention violates his constitutional and statutory rights;
- f. Award costs and reasonable attorneys' fees under the Equal Access to Justice Act, 5 U.S.C. § 504 and 28 U.S.C. § 2412, and any other applicable statute or regulation; and
- g. Any other relief the Court deems just and proper.

Dated: December 30, 2025 Respectfully submitted,

/s/ Leanne R. Gale

Leanne R. Gale, (CT phv209116)
NEW HAVEN LEGAL ASSISTANCE ASSOCIATION
205 Orange Street
New Haven, CT, 06510
Phone: (203) 946-4811 (x1145)
Fax: (203) 498-9271
lgale@nhlegal.org
Attorney for Petitioner

/s/ Benjamin M. Haldeman

Benjamin M. Haldeman, (CT 31547)
NEW HAVEN LEGAL ASSISTANCE ASSOCIATION
205 Orange Street
New Haven, CT, 06510
Phone: (203) 946-4811 (x1126)
Fax: (203) 498-9271
bhaldeman@nhlegal.org
Attorney for Petitioner

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

Pursuant to 28 U.S.C. § 2242, the undersigned hereby verifies under oath that that I have carefully reviewed the facts and legal arguments set forth in the above Amended Petition for Writ of Habeas Corpus and Complaint for Declaratory and Injunctive Relief, and that the allegations contained herein are true and correct to the best of my knowledge, information, and belief.

Dated this 30 day of December, 2025.

Respectfully Submitted,

/s/ Benjamin M. Haldeman

Benjamin M. Haldeman, (CT 31547)

NEW HAVEN LEGAL ASSISTANCE ASSOCIATION

205 Orange Street

New Haven, CT, 06510

Phone: (203) 946-4811 (x1126)

Fax: (203) 498-9271

bhaldeman@nhlegal.org

CERTIFICATE OF SERVICE

I, Benjamin M. Haldeman, counsel of record for the Plaintiff-Petitioner, do hereby certify that on December 30, 2025 date, a copy of the foregoing was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF system.

/s/ Benjamin M. Haldeman

Benjamin M. Haldeman, (CT 31547)

NEW HAVEN LEGAL ASSISTANCE ASSOCIATION

205 Orange Street

New Haven, CT, 06510

Phone: (203) 946-4811 (x1126)

Fax: (203) 498-9271

bhaldeman@nhlegal.org

Attorney for Petitioner