

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

M.S., a minor, and Cleante Stenor, as Next
Friend of minor,

Petitioner/Plaintiff,

v.

Angie SALAZAR, in her official capacity
as Acting Director of the Office of
Refugee Resettlement (ORR); Alex J.
ADAMS, in his official capacity as
Assistant Secretary, Administration for
Children and Families; Robert F.
KENNEDY, JR. in his official capacity as
Secretary of Health and Human Services;
Randi CAVALLARO, in her official
capacity of Executive Director of
Children's Community Programs of
Connecticut;

Respondents/Defendants

CIV. NO. 3:25-CV-_____

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

**EXPEDITED HEARING AND ORAL
ARGUMENT REQUESTED**

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

1. M.S., a 13-year-old boy from Haiti ("Petitioner") in custody of the U.S. Office of Refugee Resettlement ("ORR") respectfully petitions this Court for a Writ of Habeas Corpus, pursuant to 28 U.S.C §2241 and the Administrative Procedure Act, 5 U.S.C. § 701, et seq., to remedy his continued unlawful detention by Respondents. Petitioner hereby respectfully requests that a hearing be immediately set on this matter.
2. Petitioner's present custody in an ORR long-term foster care ("LTFC") program and separation from his parents and siblings violates his statutory and constitutional rights. Because Petitioner has been in custody for over 450 days, with no end in sight and the

potential to be kept in custody indefinitely, his ongoing detention serves no lawful purpose and runs afoul of the substantive and procedural due process protections of the Fifth Amendment, the *Flores* Settlement Agreement, the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (“TVPRA”), the Immigration and Nationality Act (“INA”) and its implementing regulations, the Administrative Procedure Act (“APA”), and the *Accardi* doctrine. Petitioner brings this habeas petition challenging his unlawful detention and seeks an order releasing him to his Next Friend and stepmother, Cleante Stenor (hereinafter “C.S.”).

3. Petitioner respectfully asks this Court to hold and to issue a Declaratory Judgment that his continued detention and separation from his family is unlawful and in violation of his constitutional and statutory rights and order his immediate release from custody. He also respectfully asks that this Court immediately order Respondents not to transfer him outside of the District for the duration of this proceeding, and for an immediate hearing with expedited briefing.

In support of this Petition, Petitioner alleges as follows:

INTRODUCTION

4. Petitioner is a 13-year-old citizen of Haiti who was detained by the U.S. Department of Homeland Security (“DHS”) on September 25, 2024, at the age of 12, while seeking admission to the United States at the San Ysidro Port of Entry (border crossing) in San Ysidro, California, with his two sisters, also minors at the time.

5. On September 27, 2024, Petitioner and his two sisters were transferred into the custody of the Office of Refugee Resettlement (“ORR”) and placed at a short-term foster care program (New Life Foster Family Agency, a grantee and agent of ORR in Colton, California).
6. On July 7, 2025, Petitioner was transferred to a long-term foster care program operated by Children’s Community Programs (“CCP”) of Connecticut, also a grantee and agent of ORR. Petitioner is currently a resident of Connecticut and has been in the custody of ORR for over 450 days or more than one year and three months, as of December 27, 2025. Absent this petition, he has no current prospect for release.
7. Petitioner’s prolonged detention is the result of ORR’s unlawful policies and practices regarding family separation. ORR has a statutory responsibility to “promptly” place Petitioner “in the least restrictive setting that is in the best interest of the child.” 8 U.S.C. § 1232(c)(2)(A). ORR’s policies require the release of unaccompanied alien children to parents, guardians, relatives, or individuals designated by the child’s parents, all referred to as “sponsors.” ORR’s regulations require in relevant part, that “ORR *shall release* a child from its custody without unnecessary delay.” 45 C.F.R. § 410.1201 (emphasis added).
8. ORR’s regulations further require a detailed process for determining sponsor suitability. See 45 C.F.R. § 410.1202. Petitioner’s Next Friend, C.S., has successfully completed a positive home study, been thoroughly vetted, and was determined to be a suitable sponsor by ORR, as Petitioner’s two younger sisters were released by Respondent ORR to her in April, 2025. By deeming C.S. to be a suitable sponsor for Petitioner’s sisters, ORR made a determination, *inter alia*, that she is able to “(c) (1)[p]rovide for the unaccompanied child’s physical and mental well-being; (c)(2) [e]nsure the unaccompanied child’s compliance with DHS and immigration

courts' requirements; (3)(c)(3) [a]dhere to existing Federal and applicable state child labor and truancy laws; and all other obligations required by law.” See 45 C.F.R. § 410.1203, et. seq.

9. Despite ORR’s statutory responsibility and regulatory obligations, ORR has summarily, without good reason and based on a sham pretext, denied the reunification request of Petitioner’s stepmother and Next Friend, C.S. (M.S.’s “sponsor”), while at the same time approving the reunification of the Petitioner’s two sisters with C.S. ORR’s failure to act “promptly” in Petitioner’s case and the arbitrary, continued separation of Petitioner from his stepmother, father, two sisters and brother violates Petitioner’s constitutional rights to due process and family integrity.

JURISDICTION AND VENUE

10. This Court has subject matter jurisdiction over the claims alleged in this Petition pursuant to 28 U.S.C. § 1331, as they arise under federal constitutional law and statutes, 28 U.S.C. § 2201 (Declaratory judgment Act); and 28 U.S.C. § 2241 (habeas corpus), Art. I § 9, cl. 2 of the U.S. Constitution (Suspension Clause), and 28 U.S.C. § 1651 (All Writs Act). Federal district courts have jurisdiction to hear habeas claims brought by noncitizens challenging the lawfulness of their detention. *See Demore v. Kim*, 538 U.S. 510, 516-17 (2003) (recognizing habeas jurisdiction over immigration detention challenges); *Zadvydas v. Davis*, 533 U.S. 678, 687 (2001) (same). “As persons within our jurisdiction, the aliens are entitled to the protection of the Due Process Clause. Liberty under the Due Process Clause includes protection against unlawful or arbitrary personal restraint or detention.” *Zadvydas*, 533 U.S. at 718.
11. Venue is proper in the District of Connecticut under 28 U.S.C. § 2241; 28 U.S.C. § 1391(b); and 28 U.S.C. § 1391(e)(1) because a substantial part of the events or omissions giving rise

to Petitioner's claims occurred and continue to occur in this district, and importantly Petitioner is presently detained by ORR in Connecticut.

PETITIONER SEEKS AN ORDER TO SHOW CAUSE

12. The federal habeas corpus statute provides that “[a] court, justice or judge entertaining an application for a writ of habeas corpus shall forthwith award the writ or issue an order directing the respondent to show cause why the writ should not be granted, unless it appears from the application that the applicant or person detained is not entitled thereto.” 28 U.S.C. § 2243.
13. Section 2243 further provides that the writ or order to show cause “shall be returned within three days unless for good cause additional time, not exceeding twenty days, is allowed.”
14. Section 2243 further provides that the court shall hold a hearing on the writ or order to show cause “not more than five days after the return unless for good cause additional time is allowed.”
15. Section 2243 further provides that the court “shall summarily hear and determine the facts and dispose of the matter as law and justice require.”
16. Accordingly, this Court should enter an Order to Show Cause, ordering a Return no later than three (3) days after service of this Petition, and shall hold an expedited hearing on the merits, not more than five days after the Return, and Order the Respondents to Show Cause why the relief sought should not be granted.

PARTIES

17. Petitioner is a 13-year-old child from Haiti. The Department of Homeland Security (“DHS”) classified Petitioner as an “unaccompanied alien child” pursuant to 6 U.S.C. § 279. ORR has detained Petitioner in various facilities and programs since September 27, 2024. Petitioner is currently in the custody and under the direct control of Respondents and their agents at Children’s Community Programs of Connecticut (“CCP”) in New Haven, Connecticut.
18. Petitioner’s Next Friend, his stepmother, Cleante Stenor (“C.S.”), applied to ORR to be Petitioner’s sponsor and have Petitioner released to her custody. C.S. lives in Ft. Lauderdale, Florida with Petitioner’s father, Duronel Stenor (“D.S.”) two older sisters (who were released to them by ORR), and younger brother, and files this petition as Next Friend of M.S.
19. 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 and custody of Petitioner. Respondent Salazar is sued in her official capacity. Respondent Salazar is a legal custodian of Petitioner.
20. Respondent Alex Adams is the Assistant Secretary of the Administration for Children and Families (“ACF”). ACF is the operating division of HHS and is responsible for the welfare of children and families. It is comprised of 23 offices, including ORR, the component agency responsible for Petitioner’s detention and custody. Respondent Adams is sued in his official capacity. Respondent Adams is a legal custodian of Petitioner.
21. Respondent Robert F. Kennedy, Jr. is the Secretary of Health and Human Services (“HHS”). In this capacity, he ultimately oversees the Office of Refugee Resettlement (“ORR”) and Administration for Children and Families, sub-components of HHS, that are responsible for the

care of unaccompanied minors. Respondent Kennedy is sued in his official capacity.

Respondent Kennedy is a legal custodian of Petitioner.

22. Respondent Randi Cavallaro is the Executive Director of Children's Community Programs ("CCP") of Connecticut. CCP is a licensed child placing agency in the State of Connecticut that receives grant funding from ORR and ACF and thus is a "grantee" and agent of ORR. Respondent Cavallaro is sued in her official capacity and is a legal custodian of Petitioner.

STATEMENT OF FACTS

23. Petitioner was born in Haiti in  to Duronel Stenor ("D.S.") and Rossita Pierre.¹

At the time of his birth, D.S. and Rossita were not in a marital relationship. D.S. was married to his wife, Next Friend, Cleante Stenor ("C.S."), to whom he remains married at this time.

24. Petitioner's biological mother, Rossita, died in 2012 when he was approximately three months old.

25. From the age of three months, Petitioner was raised by D.S. and C.S., whom he identifies as his parents. D.S. and C.S. have four biological children, R.S. (age 22), N.F.S. (age 18), D.F.S. (age 14), and N.S. (age 9). Petitioner refers to their children as his siblings, and he resided with his three older sisters in Haiti from approximately three months old until age 12.

26. Throughout his childhood, Petitioner and his family believed D.S. to be Petitioner's biological father, and Petitioner has always been considered as an equal, full-fledged member of the family, despite having a different biological mother. Petitioner was raised by C.S. as an infant,

¹ Petitioner's true name and date of birth, together with other personal identifying information, such as his A#, will be filed under seal with the Court, upon the granting of the Motion to Seal, and has been provided to counsel for Respondents. See Rule 5.2 (a)(3) Fed. R. Civ. P. this Petition contains only the minor's initials.

and he continues to speak to her on a regular basis, as permitted by ORR. D.S. has been a supportive and involved father. He provided regular financial and emotional support while Rossita was pregnant with Petitioner and readily agreed to take full custody of Petitioner and raise him as a part of his family when Petitioner's biological mother passed away. ORR has repeatedly acknowledged the positive, bonded relationship between Petitioner and his parents, and that Petitioner views D.S. and C.S. as his parents.

27. In 2021, D.S., C.S., and N.S. migrated to the United States. Petitioner and his older sisters remained in Haiti until approximately March 2024, when they fled the country due to escalating violence and attacks on Petitioner and his siblings by gang members.

28. They traveled through several countries before arriving in Mexico. While in Mexico, they sought the assistance of a non-governmental organization ("NGO") to apply for entry to the United States via the CBP One app. The NGO helped the children gather their documents and instructed Petitioner's parents to obtain birth certificates for the children.

29. Due to tremendous political upheaval and chaotic and violent conditions in Haiti, Petitioner's parents enlisted the help of a friend with Haitian government contacts to help get birth certificates for Petitioner and his sisters.

30. Once the birth certificates were received, D.S. forwarded them to the NGO without inspecting them. Unbeknownst to the family, Petitioner's birth certificate incorrectly listed C.S. and D.S. as the biological parents of both Petitioner and his sisters. (C.S. is not the biological mother of Petitioner.) Petitioner then traveled to the United States with this birth certificate in his possession.

31. On or about September 25, 2024, Petitioner and two of his sisters, N.F.S. and D.F.S., presented themselves at the San Ysidro Port of Entry and requested admission to the United States. They

were designated “Unaccompanied Alien Children” (“UACs”) and on September 27, 2024, were transferred to the custody of the Office of Refugee Resettlement (“ORR”). ORR placed them with New Life Foster Family Agency (“NLFFA”) in Colton, California. NLFFA is a grantee and agent of ORR.

32. ORR acting through its agent NLFFA then began the “unification” process and identified D.S. as a sponsor to receive Petitioner and his siblings.

33. On September 30, 2024, during a call between NLFFA and D.S., D.S. disclosed that Petitioner’s biological mother, Rossita, passed away when Petitioner was three months old. D.S. did not, at any point, claim that C.S. was Petitioner’s biological mother.

34. Given the incorrect information on Petitioner’s birth certificate, as well as notable similarities to his sister D.F.S.’s birth certificate, NLFFA submitted a request to verify the documents with the Haitian consulate. They did not receive any response, and on October 24, 2024, submitted a request for DNA testing of Petitioner, D.S., and both sisters (N.F.S. and D.F.S.) to verify the relationship.

35. On or about October 24, 2024, Petitioner disclosed he knew his stepmother, C.S., was not his biological mother but that did not matter, because his mother was dead and he had no relationship with her. He indicated that he viewed C.S. as his real mother who raised him, and he considers his stepmother to be his mother.

36. Between October – December 2024, D.S. completed a Family Reunification Application, Authorization for Release of Information, and Child Abuse and Neglect checks, provided his photo identification, fingerprints, proof of address, and participated in a Sponsor Assessment Interview, a Home Study, and multiple Family Sessions with Petitioner and NLFFA.

37. The Family Sessions revealed that there was no evidence of child trafficking and no evidence of any abuse or neglect. The background checks came back clear and no concerns were raised for Petitioner's safety were he to be reunited with D.S. and C.S. Petitioner repeatedly stated his desire to be reunited with his parents and felt safe going to live with them.

38. On or about November 20, 2024, the DNA results were returned with a 0% match for Petitioner and D.S. ORR records indicate that D.S. was genuinely surprised by the results, as he had no reason to suspect Petitioner was not his biological child. He reported feeling distraught by the results but reiterated that "no matter what, [Petitioner] will always be considered his son and he will always provide the support of a father to [Petitioner]."

39. Throughout this time, D.S. expressed concerns about the length of detention of his children, including Petitioner, and frustrations and occasional anger with the sponsorship process. Petitioner also began to exhibit some behavioral issues due to the length of stay and was highly focused on reunification with his parents.

40. Due to strained communication between D.S. and NLFFA, NLFFA encouraged D.S. withdraw his sponsorship application, in order to allow his wife, C.S., to submit an application.

41. On January 8, 2025, D.S. agreed to withdraw his application, and C.S. submitted a sponsorship application, believing this would result in a faster unification with their children.

42. NLFFA then began to evaluate C.S. as the sponsor for Petitioner, N.F.S., and D.F.S.

43. On January 6, 2025, NLFFA requested a corrected birth certificate for Petitioner, and on January 27, 2025, C.S. provided a corrected birth certificate listing Rossita Pierre as Petitioner's biological mother.

44. In January 2025, C.S. completed a Family Reunification Application, Authorization for Release of Information, and Child Abuse and Neglect checks, provided her photo identification,

fingerprints, proof of address, and participated in a Sponsor Assessment Interview, a Home Study, and multiple Family Sessions with Petitioner and NLFFA.

45. During the Family Sessions, the NLFFA clinician noted the positive interactions between C.S. and Petitioner and stated, "Child and sponsor present a respectful and familial relationship."

Petitioner identified C.S. as someone he felt safe and comfortable going to live with. The clinician identified no concerns.

46. On or about February 24, 2025, a favorable home study report was received for C.S. as sponsor.

47. NLFFA also spoke with Petitioner's oldest sister, R.S., in Mexico and his biological maternal aunt in the Dominican Republic to verify the circumstances of Petitioner's upbringing. Per ORR records, the biological aunt confirmed that Petitioner's biological mother passed away when Petitioner was approximately three months old, and her family believed D.S. to be Petitioner's father. They felt comfortable with D.S. and C.S. raising Petitioner and indicated that D.S. had always presented as attentive and caring. On March 6, 2025, Petitioner's biological aunt provided a letter to NLFFA attesting to this information.

48. NLFFA also reviewed photographs provided by Petitioner's sister, N.F.S., showing the family together outside their school, church, and home in Haiti.

49. On April 1, 2025, Petitioner's sisters, N.F.S. and D.F.S., were released to C.S. as sponsor and reunified with Petitioner's parents and younger brother. However, Petitioner was not released.

50. Despite the significant evidence demonstrating a positive relationship between Petitioner and C.S., and her compliance with all of NLFFA's requests, the ORR Federal Field Specialist continued to press NLFFA to request new and additional information and documentation from

C.S., including further proof of her address and Rossita's (Petitioner's biological mother's) death certificate.²

51. NLFFA repeatedly recorded the negative psychological impacts of the continued separation and detention of Petitioner. For example:

- a. On April 4, 2025, NLFFA noted that Petitioner felt "overwhelmed" with his length of stay in ORR detention. He showed disinterest in participating in any activities and indicated, "he only wants to go with his family."
- b. In another session on April 8, 2025, Petitioner expressed his frustration with NLFFA and his length of stay. A discussion was held regarding moving Petitioner to another program, but he refused to participate and stated he was lonely and only wanted to be with his family.
- c. On or about April 16, 2025, Petitioner again expressed his frustration to NLFFA and explained he did not want to have phone calls with family because it made him very sad, as he could not be with them.
- d. On April 21, 2025, Petitioner stated that he wanted to be reunified with his family as soon as possible and that it is "not normal" to be alone without his family.

² The biological mother's death certificate is not required for unification of a child with a sponsor. Furthermore, as explained by C.S., she and D.S. do not have a biological relationship with Rossita and do not have any authority to obtain a death certificate from the Haitian government. Furthermore, as noted by the Department of State, National Visa Center Reciprocity Schedule, death certificates are not currently available in Haiti. ("As of April 10th, 2025, Death Certificates are unobtainable due to the office where the National Archives death records are stored is now in contested gang territory and unsafe to approach.") See <https://travel.state.gov/content/travel/en/us-visas/Visa-Reciprocity-and-Civil-Documents-by-Country/Haiti.html>

e. On May 1, 2025, Petitioner continued to refuse phone calls with his family as they upset him and reiterated that it is not normal for him to be away from his family and he wants be with them.

f. On May 19, 2025, Petitioner expressed hopelessness and being overwhelmed by the length of stay and separation from his family.

52. Following her release, Petitioner's sister, N.F.S. turned 18 years old on  NLFFA then began to request additional documentation of N.F.S. as a new "Household Member," including a photo identification, fingerprints and new proof of income from C.S..

53. The present presidential administration has directed ORR to implement and has implemented new and ever-changing procedural requirements and document requests which were imposed in this case presenting Petitioner's family with a moving playing field with never ending rules changes while the reunification process was in play. Petitioner's family experienced the same kinds of delays causing capricious hurdles that were experienced by the certified class in *Angelica S. v. United States HHS*, 786 F. Supp. 3d 158 (D.D.C. 2025), and which increased the unconstitutional delay in reunification in this case.

54. C.S. successfully provided updated proof of her income and proof of address, however, N.F.S. was unable to provide a photo identification that complied with the new requirements and therefore could also not be fingerprinted. (This requirement was imposed despite the fact that N.F.S. was in ORR custody from September 27, 2024, until her release on or about 

 55. Over the course of multiple conversations in May 2025, despite the lack of a formal denial, NLFFA informed C.S. and D.S. that Petitioner was not going to be released and repeatedly pressured C.S. to withdraw her sponsorship application so Petitioner could be transferred to a

long-term foster care program (also under the care and custody of ORR). NLFFA (informally) cited the lack of identification and fingerprints of N.F.S. and lack of a death certificate for Petitioner's biological mother as the reasons he would not be released.

56. On May 27, 2025, NLFFA case manager wrote a sponsorship withdrawal letter and sent it to C.S. to sign and return. Believing this was in Petitioner's best interests due to his ongoing emotional struggles and pressure from the NLFFA, C.S. withdrew her sponsorship application.

57. On July 2, 2025, NLFFA case manager informed C.S. that Petitioner's transfer to a long-term foster care program was approved and stated C.S. could "reopen" the sponsorship case when she is ready to again apply to be Petitioner's sponsor.

58. On July 7, 2025, Petitioner was transferred to Children's Community Programs of Connecticut ("CCP"), a long-term foster care program and grantee of ORR. CCP receives grant funding from both ORR and ACF and is their agent and maintains custody of Petitioner. At this point, Petitioner had been in ORR custody for over six months. *See Zadvydas v. Davis*, 533 U.S. 678, 701 (2001) (constitutionality of detention for more than six months is doubtful and presumptively unreasonable).

59. Petitioner has remained under the custody of CCP and ORR and has resided in Connecticut since July 7, 2025.

60. In August 2025, C.S. again applied to become Petitioner's sponsor. Both Petitioner's and C.S.'s attorneys requested that the sponsorship process be expedited given Petitioner's prolonged length of stay in ORR custody and asked that ORR "reopen" the sponsorship (as opposed to restarting the process). ORR seemingly ignored these requests, as C.S. was asked to re-submit a new Family Reunification Application and all supporting documentation.

61. By September 2025, C.S. had again completed and submitted all requested paperwork to become a sponsor, including the Family Reunification Application, Authorization for Release of Information, photo identification (Florida driver's license, Haitian Passport), proof of address, fingerprints, Child Abuse/Neglect background check, Sponsor Assessment Interview, and submitted Petitioner's birth certificate and her marriage certificate to D.S.

62. At the same time, D.S. submitted all requested paperwork, similar to the list detailed above, as requested as a "Household Member."

63. On August 21, 2025, Petitioner was appointed a Child Advocate from the Young Center for Immigrant Children's Rights. Child Advocates are independent and tasked with advocating for the best interests of particularly vulnerable youth in government custody.

64. From August to October 2025, Cleante's attorney, Petitioner's immigration attorney, and Petitioner's Child Advocate made multiple attempts to obtain updates from DSA FFS Rivera.

These inquiries went largely unanswered.

65. On October 8, 2025, FFS Rivera informed Cleante's attorney that she and the family would need to undergo a third Home Study, despite the prior positive Home Study.

66. In October 2025, Petitioner's parents requested background checks for abuse and/or neglect from the Florida Department of Children and Families (DCF). There is no record of any abuse or neglect according to Florida DCF.

67. On November 13, 2025, Petitioner's immigration attorney emailed ORR inquiring about significant delays in the sponsorship process.

68. On November 14, 2025, CCP informed Petitioner's immigration attorney and Petitioner's Child Advocate that C.S. had been denied as Petitioner's sponsor. C.S. was informed of the denial by telephone on November 19, 2025. No written notice of the denial or the reason was provided.

69. As stated by ORR, the reason for denial was due to “unmitigated concerns around fraudulent documents” referring to “fraudulent birth certificate” allegedly provided by Petitioner’s father, D.S., which lists Petitioner’s stepmother, C.S., as biological mother.

70. ORR did not provide any reason related to the constitutional or statutory criteria, or the *Flores* settlement requirements of the “least restrictive environment” or “best interest of the child.”

71. Under the current administration, ORR has edited and amended their guidance manual and their procedures without any explanation or announcement of the changes. ORR advises its staff and service providers of nonpublic changes to this guide by email or phone. According to a December 19, 2025, published report on NPR,³ a federal field specialist, an ORR staff member whose job it is to sign off on releases, told NPR that in early November, they were given a verbal order by their supervisor to halt all releases to sponsors, even those who had cleared ORR’s vetting process. The ORR data on releases confirms this report that at the present moment there is a de facto moratorium on releases.

72. ORR did not explain why as of December 27, 2025 Petitioner has been in ORR custody for 456 days, or one year, three months, why it took over seven months to deny C.S. as an appropriate sponsor for Petitioner when she had been approved by April 1, 2025, and the most expeditious and effective way of achieving the “least restrictive environment” and to promote the “best interest of the child” and family integrity is to promptly place the Petitioner in the care and custody of his stepmother, Cleante Stenor.

³ <https://www.npr.org/2025/12/19/nx-s1-5648778/detained-migrant-children-arent-being-reunited-with-family-government-sources-say> (last visited December 26, 2025)

73. A reasonable inference as to why Petitioner's Next Friend was told on November 19, 2025 that she was denied as Petitioner's sponsor is the temporal proximity to the unannounced ORR moratorium on all releases which has resulted in a mere trickle of releases, according to ORR's own data, from 106 releases in October, 2025 to only 16 in November, 2025.⁴
74. ORR Federal Field Specialists have stated that ORR leadership began issuing verbal orders to staff in early November to stop releasing children to their relatives until further notice.
75. Under these circumstances, Petitioner's only hope of release is intervention by this Court to grant his habeas petition.

LEGAL FRAMEWORK

A. Requirements of 28 U.S.C. § 2243

76. The Court must grant the petition for writ of habeas corpus or order Defendant-Respondents to show cause "forthwith" as to why Petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, the Court must require Defendant-Respondents to file a return "within three days unless for good cause additional time, not exceeding twenty days, is allowed." *Id.*
77. 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 constitutional law . . . affording as it does a *swift* and imperative remedy in all

⁴ <https://acf.gov/orr/about/ucs/facts-and-data> Monthly data for November 2025 shows that the average length of stay for care in ORR custody is up to 185 days. The monthly average length of stay in FY 2024 was 30 days.

cases of illegal restraint of confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added).

B. Laws and Agreements Governing the Care and Custody of Unaccompanied Minor Children

78. Three key laws and agreements govern the federal government's treatment and custody of unaccompanied immigrant children: the 1997 *Flores* Settlement Agreement; the Homeland Security Act of 2002; and the Trafficking Victims Protection Reauthorization Act (“TVPRA.”).

79. The *Flores* Settlement Agreement arose from a lawsuit filed by a group of immigrant children challenging their detention and seeking to be released to family members and/or sponsors within the United States. *See Flores v. Sessions*, 862 F.3d 863, 869 (9th Cir. 2017) (discussing the history of the *Flores* litigation); *see also Flores v. Sessions*, Case No. CV 85-4544-DMG (C.D. Cal., July 9, 2018) (affirming the terms of the *Flores* Settlement Agreement). In 1997, the plaintiff children entered into a consent decree with the federal government that created a nationwide policy governing the custody and release of immigrant children by immigration authorities. Its requirements have been codified in statute and regulations and these requirements apply to this case. *Flores v. Reno*, No. CV 85-4544, Settlement Agreement (see “*Flores* Settlement Agreement,” attached as Exh A. to accompanying memorandum); *see also* 8 U.S.C. § 1232; 45 C.F.R. § 410.1200 et. seq. Among other things, the Agreement requires: (a) release without unnecessary delay, (b) release to an adult caregiver, with parents, legal guardians, and other family members given priority, and (c) placement in the “least restrictive setting” appropriate to the minor’s needs. *Flores* Settlement Agreement, ¶¶ 11, 14.

80. At the time of the *Flores* Settlement Agreement, a single agency – the Immigration and Naturalization Service (INS) – administered the custody, detention, and deportation of

immigrant children. In 2002, Congress passed the Homeland Security Act (HSA), which abolished the INS, created a new Department of Homeland Security, and transferred all functions related to the care and custody of unaccompanied immigrant children to ORR, a sub-department of the Department of Health and Human Services. *See* Pub. L. 107-296, 116 Stat. 2153 (Nov. 25, 2002). Section 462 of the HSA extended the key terms of the *Flores* Settlement Agreement to all unaccompanied immigrant children, including the requirement that ORR place such children in the least restrictive setting. *Id.*

81. In 2008, Congress further strengthened protections for unaccompanied children through the Trafficking Victims Protection Reauthorization Act (“TVPRA”). *See* Pub. L. 110-457, 122 Stat. 5044 (Dec. 23, 2008). The TVPRA requires federal officials to screen these unaccompanied children for certain vulnerabilities, including whether they are victims of trafficking and whether they fear persecution in their home countries. *See* 8 U.S.C. § 1232(a)(4). The TVPRA also enacted procedures for ensuring “safe and secure placements” for these children. *See* 8 U.S.C. § 1232(c)(1). Like the *Flores* Settlement Agreement, the TVPRA mandates that an unaccompanied child “shall be promptly placed in the least restrictive setting that is in the best interest of the child.” 8 U.S.C. § 1232(c)(2)(A).

82. In accordance with these Congressional procedural safeguards, ORR has a statutory responsibility to grant sponsor’s reunification request and place Petitioner in the least restrictive setting that is in his best interests.

C. Respondents Have a Legal Duty to Promptly Place Petitioner in the Least Restrictive Setting in the Child’s Best Interest

83. Petitioner’s stepmother and Next Friend, C.S., remains available as a sponsor and is ready, willing, and able to assume care and custody of Petitioner.

84. The *Flores* Settlement Agreement, Homeland Security Act, and TVPRA provide ORR multiple placement options for unaccompanied children. Paragraph 14 of the *Flores* Settlement Agreement requires in relevant part:

Where the INS [ORR] determines that the detention of the minor is not required either to secure his or her timely appearance before the INS or the immigration court, or to ensure the minor's safety or that of others, the INS [ORR] shall release a minor from its custody without unnecessary delay, in the following order of preference, to:

- a. a parent
- b. a legal guardian
- c. an adult relative (brother, sister, aunt, uncle, or grandparent);
- d. an adult individual or entity designated by the parent or legal guardian as capable and willing to care for the minor's well-being in a declaration signed under penalty of perjury before an immigration or consular officer....

See also 8 U.S.C. §§ 1232(c)(2)(A), 1232(c)(3) (codifying the *Flores* Settlement Agreement).

85. Petitioner's Next Friend and stepmother, C.S., is a competent and willing sponsor. She has already been determined to be a suitable sponsor by ORR after undergoing months of rigorous scrutiny and has been approved to sponsor Petitioner's two sisters. There is no reason to deny her based on her fitness or ability to care for and provide a safe environment, in the best interests of this Petitioner.

86. Despite the lack of a biological relationship, C.S. has served as Petitioner's mother for his entire life. Petitioner sees C.S. and D.S. as his parents and their children as his siblings. Petitioner has been raised as a full-fledged member of the family. Family sessions conducted by ORR grantees, CCP and NLFFA, clearly show that Petitioner is bonded to C.S. and views his relationship with her as positive, supportive and safe. Petitioner has repeatedly and consistently expressed his desire to be reunified with his parents and family.

87. C.S. passed all required background checks and other approvals to become a lawful sponsor. Respondents have expressed no concern with C.S.'s willingness or fitness to care for Petitioner

or the safety of the home environment. ORR has not raised any concern regarding trafficking or history of abuse. Rather, ORR's evaluations demonstrate that C.S. is highly suitable and a fit sponsor. In fact, ORR clearly views the home as appropriate and safe, and believed C.S. a suitable caregiver, as they released two other children, Petitioner's sisters, N.F.S. and D.F.S., to her.

88. C.S. and D.S. have committed themselves to ensure Petitioner's presence at any required appearances for his immigration court proceedings and/or at all meetings or conferences called for by Respondents or other government agencies. Allowing Petitioner to be released to his family would not interfere with securing his timely appearance before the immigration court.

89. Since her initial application in January 2025, and again in August 2025, C.S. has complied with every requirement ORR has made to evaluate her suitability to serve as Petitioner's sponsor. She has done everything asked of her by the government, including completing and signing every form sent to her by ORR agents, completing a Family Reunification Application, multiple background checks, and accommodating multiple home studies.

90. There is no basis whatsoever for Respondents to determine that C.S. will not properly and fully provide for Petitioner's physical and mental well-being.

D. Respondents Have Violated Their Legal Duty

91. Despite a positive Home Study and completion of all requirements, C.S. was denied as sponsor, and Petitioner remains detained by ORR because of questions regarding discrepancies in Petitioner's birth certificate. Notwithstanding the government disorder and chaos in Haiti, and the difficulty of obtaining and verifying birth certificates and other official documents, ORR has used this excuse of questioning paperwork to deny Petitioner's release. ORR's reason ignores the relevant legal standards of the "least restrictive environment" and

Petitioner's "best interests." ORR made Petitioner wait approximately fourteen months until Respondents denied his sponsor's Family Reunification Application, condemning Petitioner to indefinite detention, despite possessing the accurate birth certificate since January 2025.

92. As a 13-year-old child, separated from his family and in ORR custody in a different country, Petitioner is particularly vulnerable. His prolonged separation from his parents and the recent separation from his two sisters, with whom he has resided for his entire life, is inflicting devastating trauma at a tender age. This grievous harm caused by Petitioner's prolonged detention at the hands of the government is ongoing, as are the violations of Petitioner's constitutional, statutory, and other legal rights.
93. ORR's ongoing and prolonged detention of Petitioner bears no reasonable relation to any government purpose. Petitioner has committed no crime. He is not in danger of being a victim of trafficking. He is not a danger to himself or his community. He is not a flight risk.
94. Petitioner's proposed sponsor, C.S., is in fact a capable, proper, and fit sponsor.
95. Petitioner is enduring unlawful and prolonged detention and should be promptly released into the care and custody of his parents, C.S. and D.S.

CLAIMS FOR RELIEF

FIRST CLAIM FOR RELIEF **HABEAS CORPUS**

96. As set forth above, Respondents are holding Petitioner in federal custody, in violation of the *Flores* Settlement Agreement, federal statutes and regulations, and the U.S. Constitution.
97. Accordingly, Petitioner seeks a writ of habeas corpus compelling Respondents to release Petitioner to the custody and care of Next Friend C.S.

SECOND CLAIM FOR RELIEF

VIOLATION OF FIFTH AMENDMENT RIGHT TO SUBSTANTIVE DUE PROCESS

98. Petitioner incorporates the allegations set forth in Paragraphs 1 through 97, as if fully set forth herein.
99. The substantive component of the Due Process Clause of the Fifth Amendment to the United States Constitution protects Petitioner's liberty interests. Petitioner has a substantive liberty interest in freedom, family integrity, and as a 13-year-old child separated from his family in a foreign country, Petitioner is suffering grave harm due to his prolonged, unjustified and unlawful detention and separation from his family.
100. Respondents' policies and actions, as set forth above, have infringed upon Petitioner's substantive liberty interest in being free from custody, and in family integrity. These policies and actions have caused a period of prolonged detention in various programs under ORR custody without any government need, resulting in grave harm to a young child.
101. Respondents' policies and actions, as set forth above, have infringed upon Petitioner's substantive liberty interest in family integrity. Respondents have refused to put into effect the wishes and best interests of Petitioner, to be reunited with his Next Friend, who has been found to be a suitable sponsor, and to whom Petitioner's two sisters have already been released. Respondents' denial of this sponsor as to Petitioner is without a justifiable legal or factual basis, and is egregious and shocking the conscience.

THIRD CLAIM FOR RELIEF

VIOLATION OF FIFTH AMENDMENT RIGHT TO PROCEDURAL DUE PROCESS

102. Petitioner incorporates the allegations set forth in Paragraphs 1 through 101 as if fully set forth herein.

103. The procedural component of the Due Process Clause of the Fifth Amendment to the United States Constitution prevents the United States from depriving Petitioner of liberty without procedural protections. It also prevents the United States from depriving Petitioner of his right to family integrity without procedural protections.

104. Respondents' policies and actions, as set forth above, have deprived Petitioner of freedom from ORR detention and his right to family integrity without providing notice, a right to counsel, an opportunity to respond or appeal from an arbitrary decision to deny his sponsor, including an opportunity to present and confront evidence, a neutral decision-maker, a written decision based on the relevant standards of "least restrictive environment" and "best interest of the child," and a right of appeal.

FOURTH CLAIM FOR RELIEF
VIOLATION OF THE *FLORES* SETTLEMENT AGREEMENT

105. Petitioner incorporates the allegations set forth in Paragraphs 1 through 104 as if fully set forth herein.

106. The *Flores* Settlement Agreement authorizes any minor who disagrees with ORR's placement or custodial determination to seek review in "any United States District Court with jurisdiction and venue over the matter to challenge that placement determination . . ." *Flores* Settlement Agreement, ¶ 24B, Exh. A, attached to accompanying memorandum in support of this habeas petition).

107. The standard of review for placement decisions is "de novo." *Id.* at ¶ 24C.

108. As an unaccompanied child, Petitioner is a member of the *Flores* class and is therefore authorized to challenge Respondents' custodial decision in this Court.

109. Respondents' disqualification of C.S. as capable and willing to care for Petitioner, despite her fitness to serve as a sponsor, and Respondents' continued long-term and indefinite detention of Petitioner, is a violation of the *Flores* Settlement Agreement.

FIFTH CLAIM FOR RELIEF

**VIOLATION OF SECTION 235 OF THE TRAFFICKING VICTIMS PROTECTION
REAUTHORIZATION ACT, 8 U.S.C. § 1232**

110. Petitioner incorporates the allegations set forth in Paragraphs 1 through 109 as if fully set forth herein.
111. Respondents have a non-discretionary duty to promptly place Petitioner in the least restrictive setting that is in his best interests under the TVPRA. 8 U.S.C. § 1232(c)(2)(A).
112. Respondents have failed to act promptly.
113. Respondents have arbitrarily and unlawfully failed to place Petitioner in the least restrictive setting that is in his best interests.

SIXTH CLAIM FOR RELIEF

VIOLATION OF THE ADMINISTRATIVE PROCEDURES ACT

114. Petitioner incorporates the allegations set forth in Paragraphs 1 through 113 as if fully set forth herein.
115. Petitioner has been aggrieved by Respondents' actions in detaining Petitioner and refusing to approve his release and placement with a sponsor. Respondents' long-term indefinite detention of and failure to release Petitioner constitutes final agency action.
116. Under the Administrative Procedure Act, 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).

117. Respondents’ continued detention of and their failure to release Petitioner to a fit sponsor is arbitrary, capricious, and not in accordance with the law, ignoring the mandate of the *Flores* Settlement Agreement, and the applicable statutes and regulations that mandate release in this case.

118. The agency’s action determined the rights of Petitioner and has the legal consequence of continued custody, depriving Petitioner of his fundamental right to family integrity. Accordingly, Petitioner is entitled to judicial review of ORR’s actions under 5 U.S.C. § 704.

119. Petitioner has exhausted all administrative remedies available to him as of right.

120. Petitioner has no recourse to judicial review other than by this action.

SEVENTH CLAIM FOR RELIEF
VIOLATION OF THE *ACCARDI* DOCTRINE

121. Petitioner incorporates the allegations set forth in Paragraphs 1-120 by as if set forth fully herein.

122. When the government has promulgated “[r]egulations with the force and effect of law,” those regulations “supplement the bare bones” of federal statutes, such that the agencies are bound to follow their own “existing valid regulations.” *United States ex rel. Accardi Shaughnessy*, 347 U.S. 260, 266, 268 (1954). The *Accardi* doctrine also obligates agencies to comply with procedures set out in their operative manuals and binding guidance. *See Morton v. Ruiz*, 415 U.S. 199, 235 (1974) (finding that an agency is obligated to comply with procedural rules outlined in its internal manual).

123. Respondents’ detention of and their failure to release Petitioner to a fit sponsor is

arbitrary, capricious, and not in accordance with their own ORR procedures, operative manuals and binding guidance and ignores the mandates of the *Flores* Settlement Agreement, the TVPRA. 8 U.S.C. § 1232(c)(2)(A), and the binding regulations. “ORR *shall release* a child from its custody without unnecessary delay.” 45 C.F.R. § 410.1201 (emphasis added).

124. Respondents have no evidence that Petitioner would be unsafe or uncared for if released to his parents who are classified by ORR as Category 3 sponsors, when they are de facto parents and should be considered Category 1 sponsors according to their own Policy Guide.⁵ This Policy Guide states that “[t]he Office of Refugee Resettlement (ORR) has policies and procedures in place to ensure unaccompanied alien children in ORR care are released in a safe, efficient, manner *without unnecessary delay*.” (emphasis added).
125. The delays in this case not only violate the constitution and statute but also violate the *Accardi* Doctrine which requires the Respondents to comply with their own procedures.

EIGHTH CLAIM FOR RELIEF
RELEASE PENDING ADJUDICATION

126. The Plaintiff-Petitioner realleges and incorporates contained in all preceding paragraphs of this Petition as if fully set forth herein.
127. 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).

⁵ <https://acf.gov/orr/policy-guidance/unaccompanied-children-program-policy-guide-section-2#2.1>

128. Petitioner presents numerous substantial constitutional and statutory claims challenging his detention.

129. Every day Petitioner remains in detention is another instance of a continuing constitutional and statutory violation of his rights which is causing him irreparable injury and thus Petitioner has demonstrated extraordinary circumstances thereby which entitles him to immediate release pending adjudication of this 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. Grant the Petition for a Writ of Habeas Corpus and Issue a Writ of Habeas Corpus ordering Respondents to immediately release Petitioner from their custody and place him in the care and custody of his Next Friend C.S.
- c. Enjoin the Respondents from transferring Petitioner away from the jurisdiction of this District and enjoin his removal pending these proceedings;
- d. Issue a Declaratory Judgment declaring that Respondents have violated Petitioner's constitutional and statutory rights;
- e. Issue a Temporary Restraining Order (TRO) pursuant to Federal Rule of Civil Procedure 65(b) restraining and enjoining Respondents from continuing to violate Petitioner's constitutional and statutory rights and compelling Petitioner's placement in the custody of C.S., as required by federal statutes, regulations, the *Flores* Settlement Agreement, and the U.S. Constitution;

- f. Issue a Preliminary Injunction pursuant to Federal Rule of Civil Procedure 65(a) restraining and enjoining Respondents from continuing to violate Petitioner's constitutional and statutory rights and compelling Petitioner's placement in the custody of C.S., as required by federal statutes, regulations, the *Flores* Settlement Agreement, and the U.S. Constitution;
- g. Issue a Permanent Injunction compelling Petitioner's placement in the custody of C.S., as required by federal statutes, regulations, the *Flores* Settlement Agreement, and the U.S. Constitution, and permanently restraining and enjoining Respondents from continuing to violate Petitioner's constitutional and statutory rights;
- h. Award 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
- i. Any other relief the Court deems just and proper.

Respectfully submitted,

PETITIONER

M.S., by his Next Friend Cleante Stenor

/s/ Steven R. Strom

Steven R. Strom

Fed Bar No. ct01211

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

I am submitting this verification on behalf of the Petitioner because I am one of the Petitioner's attorneys. I have discussed with the Petitioner the events described in this Petition and reviewed relevant documentation. Based on those discussions and review, upon information and belief, I hereby verify that the factual statements made in the Verified Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.



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Attorney for Petitioner

CERTIFICATION *AS*

I hereby certify that on this date, December 30, 2025 a copy of the foregoing was filed electronically. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

A copy of the foregoing Petition for a Writ of Habeas Corpus was also hand delivered and emailed to the following:

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