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**UNITED STATES DISTRICT COURT**
**CENTRAL DISTRICT OF CALIFORNIA**
**WESTERN DIVISION**

G.M.M., a minor, et al.,
Petitioners,

v.

JESSICA BELTRAN, Federal Field Specialist, Office of Refugee Resettlement; et al,
Respondents.

Case No. 5:26-cv-00085-SVW-PVC

Hon. Pedro V. Castillo

**PETITIONERS' TRAVERSE IN SUPPORT OF PETITION FOR WRIT OF HABEAS CORPUS**

**[Supplemental Declaration of Erica Santamaria filed concurrently herewith]**

## INTRODUCTION

Petitioners are unaccompanied children ("UCs") unlawfully detained by the Office of Refugee Resettlement ("ORR") in ORR subcontracted facilities in Commerce, Rancho Cucamonga, and New Life, California. On January 8, 2026, Petitioners filed a Petition for Writ of Habeas Corpus [Dkt. 2] due to their unlawful continued detention by ORR and Respondents' failure to follow their statutory mandate to *promptly* place UCs in the least restrictive setting by way of ORR's own reunification procedures, in violation of the TVPRA and the Fifth Amendment to the U.S. Constitution. Respondents mischaracterize the continued unlawful detention of these unaccompanied children as mere "delays."

Respondents have never claimed that Petitioners' parent-sponsors are unfit parents or unable to care for their children, nor have they claimed that Petitioners pose a danger or a flight risk. In fact, as of this writing, in the time since the instant Petition has been pending before this Court, six of the seven Petitioners have been reunified with their mothers. The seventh Petitioner has been approved for release and is scheduled to be discharged to her mother's care on January 30, 2026. *See* Supplemental Declaration of Erica Santamaria ¶ 5.

Petitioners' claims involve questions of statutory interpretation and constitutional rights that are cognizable under 28 U.S.C. § 2241, and this Court should grant the appropriately requested relief and order Petitioners' immediate release from ORR custody, as well as declare that Petitioners' continued detention

violates the Due Process Clause of the Fifth Amendment, the Trafficking Victims Protection Reauthorization Act ("TVPRA"), and ORR's Foundational Rule.

## FACTS

The facts as stated in the Petition are hereby incorporated by reference. Further, by Order dated January 12, 2026 [Dkt. 10], this Court ordered Petitioners to admit or deny the facts as stated in Respondents' Answer, which did not include a Statement of Facts. Petitioners therefore refer to the Declarations of Mr. Toby Biswas (Declaration of Toby Biswas, Supplemental Declaration of Toby Biswas, Second Supplemental Declaration of Toby Biswas) submitted with and subsequent to the Answer [Dkts. 12-1, 13, 14].

Petitioners hereby admit the facts as stated in paragraphs 18 and 19 of the Biswas Declaration [Dkt. 12-1] as to Petitioners G.M.M. and J.I.D.R. (describing their release from custody). *See* Biswas Decl. ¶¶ 18-19.

Petitioners hereby admit the facts as stated in paragraph 4 of the Supplemental Biswas Declaration [Dkt. 13] as to Petitioners F.L.C., M.L.C., and N.L.C. (describing their release from custody). *See* Biswas Supp. Decl. ¶ 4.

Petitioners hereby admit the facts as stated in paragraph 3 of the Second Supplemental Biswas Declaration [Dkt. 14] as to Petitioner K.J.V.D.L.C. (describing his release from custody). *See* Biswas Second Supp. Decl. ¶ 3.

Petitioners deny the facts as stated in the Biswas Declaration ¶ 76 [Dkt.12-1], as to B.F.C.A., because Petitioners are informed and believe that her release was

approved on January 23, 2026, and is scheduled to take place on January 30, 2026. Santamaria Supp. Decl. ¶ 5.

The remaining facts alleged in the Biswas Declarations are alleged facts within ORR's control and direct knowledge, and Petitioners are neither positioned to admit nor deny.

## ARGUMENT

In their Answer, Respondents have minimized the unlawful continued detention of Petitioners to mere administrative "delays," and nonsensically claimed that only the parents, and not the children themselves, have a basis to challenge their detention. *See* Answer at 1-3. Respondents argue that the Petition is moot as to the Petitioners who have already been released from custody, ignoring that there is still a role for this Court in declaring their prolonged detention unlawful. *Id.* at 2. Further, Respondents argue administrative exhaustion should be required, even though the agency has staunchly and inexplicably refused, for weeks or months, to render any agency decision that *could* be challenged via administrative processes, all while Petitioners, who are young children, continue to deteriorate in government custody. *Id.* at 8-9. Finally, Respondents argue that Petitioners are not similarly situated and have not established that their detention is unlawful because some of the Petitioners have been released — releases that only occurred *in response to the filing if the instant Petition. Id.* at 10-12.

**A. Petitioners are Proper Litigants Whose Claims Sound in Habeas, Rather Than Mere Complaints About Adjudicative Delays**

Respondents' Answer repeatedly and incorrectly asserts that Petitioners' parents are "behind this case" or that Counsel for Petitioners are acting "on behalf of parents." Answer at 1, 9. Petitioners agree that their parents have important Constitutional rights at stake. Indeed, a minor child's liberty interest in "family integrity" has been considered a "reciprocal interest" to that of a parent in raising their child. *See Troxel v. Granville*, 530 U.S. 57, 65 (2000); *D.B. v. Cardall*, 826 F.3d 721, 740 (4th Cir. 2016) (quoting *Berman v. Young*, 291 F.3d 976, 983 (7th Cir. 2002)) (internal quotation marks omitted). However, as outlined in the Petition, Petitioners themselves have both Constitutional and statutory rights that have clearly been violated and, as individuals detained in government custody, have the right to challenge the lawfulness of that custody. *See Zadvydas v. Davis*, 533 U.S. 678, 687 (2001). Indeed, a petition for writ of habeas corpus can only be brought by the person in government custody who alleges that said custody is unlawful. 28 U.S.C. § 2241. Thus, Petitioners — the ones in government custody who allege that their ongoing custody violates their rights — are the true and proper litigants in this matter, irrespective of any separate claims their parents could theoretically raise on their own or their children's behalf.

Respondents allege that this case is really just a parental complaint about "agency delay" and that any such delays do not make Petitioners' continued

detention unlawful. *See* Answer, at 2, 8. In so arguing, Respondents point to several delays early in the sponsorship process, rather than addressing the fact that, in the weeks and months since their sponsors' FRPs have been deemed complete, Petitioners' detention has clearly become prolonged. *See* Biswas Decl. ¶¶ 73-76.[1] Petitioners do not claim that the adjudicative process should have been immediate, nor do they complain that any theoretical delay, for any theoretical length of time, would make their detention unlawful. To be clear, they did not bring this habeas claim until ORR had confirmed that their parent-sponsors had completed all steps required of them, and yet they remained detained for weeks or months longer, with no explanation and no one — neither the Federal Field Specialists ("FFS"), nor their ORR-subcontracted case managers— was able to provide *any* information about why they were still detained or what else their parents could do to secure their release.

In sum, it is not the early adjudicatory delays that Petitioners claim is unlawful, but rather their continued detention much later, after receiving confirmation that their sponsors' FRPs were complete and there were no outstanding issues. Courts, including in this District, have repeatedly found that children facing

[1] Of the Petitioners remaining detained at the time of Mr. Biswas's Declaration, a long-pending ID Verification appointment was listed as a factor causing delays in reunification. In person "ID Verification" appointments are not detailed as a requirement in any Regulation or published ORR policy and were instituted without announcement or explanation in approximately August 2025. *See* Santamaria Supp. Dec. ¶ 4. These appointments have been used to allow ORR to coordinate with the Department of Homeland Security ("DHS") for the detention of potential sponsors. *See id.*

prolonged detention in ORR custody have a right to challenge that detention via habeas. *See e.g., Lucas R. v. Azar,* No. CV 18-5741-DMG (PLAx), 2018 WL 10483438 (C.D. Cal. Sept. 6, 2018)*; N.B. v. Barr,* No. 19-CV-1536 JLS (LL), 2019 WL 4849175 (S.D. Cal. Oct. 1, 2019); *D.B. v. Cardall,* 826 F.3d 721 (4th Cir. 2016); *Santos v. Smith* 260 F. Supp.3d 598 (WD VA. 2017); *Beltran v. Cardall*, 222 F.Supp.3d 476 (ED Va. 2016). The fact that relatively few such cases exist is reflective of the fact that the unexplained, prolonged detention of the type Petitioners face is unprecedented.

Finally, Respondents contend that the release of several Petitioners shows that ORR's "process" is working. Answer, at 2, 10. Quite the contrary. The fact that the government held Petitioners for weeks or months with no explanation and then swiftly released them only after their detention was challenged before this Court shows that the instant Petition *was* the only meaningful way for the children to challenge their detention. It is also instructive that of the seven children reunified with sponsors from ORR-facilities served by Immigrant Defenders Law Center since the filing of the Petition, *six* were Petitioners in this case. *See* Santamaria Supp. Decl. ¶ 4. The release of Petitioners in apparent response to litigation supports, rather than undercuts, Petitioners' argument that their continued detention was unlawful.

**B. Petitioners Properly Petition Through Next Friend and Proposed Guardian Ad Litem Mrs. Erica Santamaria**

Respondents repeatedly allege that Mrs. Santamaria is not a proper Next

Friend. First, Respondents complain that no Guardian ad Litem has been appointed. Answer at 1. As outlined in Petitioners' Memorandum [Dkt. 9], a minor may bring a claim either by next friend *or* Guardian ad Litem, and appointment of a Guardian ad Litem is only required for *unrepresented* children. Fed. R. Civ. P. 17(c)(2); L.R. 17-1. While Respondents swiftly dismiss the fact of Petitioners' *pro bono* representation as irrelevant to the question of whether a Guardian ad Litem is required, they are incorrect, as the Federal Rules only require the appointment of a Guardian ad Litem for unrepresented children. Fed. R. Civ. P. 17(c)(2). Nevertheless, this Court has the authority to order the appointment of a Guardian ad Litem if it deems appropriate. Petitioners therefore concurrently file a Motion for Appointment of Guardian ad Litem for each Petitioner in response to this Court's Order [Dkt. 7].

Separately, Respondents claim that Mrs. Santamaria's status as Next Friend is a "legal fiction" because she serves in this role as to "numerous unrelated people." Answer at 1. Respondents clearly misunderstand Mrs. Santamaria's legitimate relationship and connection with each individual Petitioner. As outlined in her Declaration [Dkt. 2-2], Mrs. Santamaria personally knows each of the Petitioners. She has communicated regularly with their ORR-subcontracted case managers, reviewed their case files, and supervised her team's interactions with the children. In short, she meets the requirements of a Next Friend — she has "some significant relationship to [them], and is "truly dedicated to [their] best

interests." *See Whitmore v. Arkansas,* 495 U.S. 149, 163-164 (1990).

The fact that Mrs. Santamaria is the Next Friend to all the Petitioners is irrelevant to her legitimacy as Next Friend to each one of them individually. Courts have often recognized one Next Friend acting on behalf of multiple minor petitioners. *See, e.g., L.G.M.L. v. Noem,* 800 F. Supp. 3d 100,, 116 (D.D.C. Sept. 18, 2025) (holding a non-profit organization could properly serve as Next Friend to multiple children challenging unlawful practices by ORR); *Angel v. Marten*, No. CV 21-7333 ODW (PVCx), 2021 WL 9721324, *2 (C.D. Cal. Dec. 29, 2021) (holding a non-relative attorney should serve as Guardian ad Litem for multiple child members of a putative class action). In sum, as demonstrated in her Declaration [Dkt. 2-2], the concurrently filed Motions for Appointment of Guardian ad Litem, and Petitioners' Memorandum [Dkt. 9], Mrs. Santamaria is both a proper Next Friend *and* a proper Proposed Guardian ad Litem.

**C. Administrative Exhaustion is Unavailable Because ORR Has to Make a Decision on the Underlying Family Reunification Application to Trigger A Sponsor's Appeal Rights**

Administrative exhaustion is unavailable to Petitioners because ORR has refused to make a decision on their reunification with their parents. Petitioners nevertheless attempted to access additional administrative process by sending informal inquires and demand letters, but received no response. Santamaria Decl. [Dkt. 2-2]. Petitioners therefore had no alternative to challenge the lawfulness of

their detention than to seek relief before this Court.

When a sponsor application is denied, ORR's Foundational Rule guarantees the sponsor procedural protections, including written notice, an explanation of the evidence relied upon, the opportunity to review records, the right to submit evidence, and the right to appeal. 45 C.F.R. § 410.1205(c). None of these protections are available here, because ORR has never issued a decision on any of Petitioners' sponsors' FRPs. ORR has unequivocally failed to follow its statutory mandate to "promptly" place children in the least restrictive environment, and its regulatory mandates to issue a decision within 10 days of the FRPs being submitted, and to proactively work with sponsors to resolve barriers to reunification. 8 U.S.C. § 1232(c)(1), (c)(2)(A) ; 45 C.F.R. §§ 410.1205(b), 410.1207(a).

Respondents claim Petitioners have applications in "various states of process," and that "the record is replete with the Respondents' continuing active processing of their FRAs." Answer at 11. This characterization is belied by correspondence from ORR indicating only that the Petitioners' cases had been remanded per ORR HQ, with no further explanation about why Petitioners remained detained, separated from their loved ones, and by reporting that nearly *all* reunifications have been "paused" since November 2025.[2] Santamaria Decl. ¶¶ 11-

[2] Mark Betancourt, *Trump Admin has all but stopped reuniting detained migrant children with their families*, LAist (Dec. 18, 2025), available at https://laist.com/news/politics/trump-admin-has-all-but-stopped-reuniting-detained-migrant-children-with-their-families.

13, 20,23-30, 32-35. Where, as here, ORR has completely and inexplicably flouted its statutory and regulatory processes for "prompt" placement of children in the least restrictive environment, Courts have held that detention is unlawful, and the proper remedy is release, rather than additional process, which would only prolong a child's injury. *See Santos v. Smith* 260 F. Supp.3d 598 (W.D. VA. 2017); *Beltran v. Cardall*, 222 F.Supp.3d 476 (E.D. Va. 2016). For these reasons, administrative exhaustion is not available, would not redress the children's injuries, and should not be required.

**D. Petitioners Present Neither a Danger nor a Flight Risk**

Though Respondents were ordered to address whether Petitioners present a danger or a flight risk [Dkt. 10] in their Answer, they did not do so. As such, Petitioners assume that Respondents concede that they present neither a danger nor a flight risk.

Further, since the filing of the instant petition on January 8, 2026, six of the seven Petitioners were released by Respondents into their parents' care, and the last has been approved for release and is scheduled to be discharged on January 30, 2026. Santamaria Supp. Decl. Such releases reflect a determination by ORR that Petitioners are not a danger to themselves or others, or flight risks. *R.D.T.M.*, 2025 WL 2686866 at *2 (citing *Saravia*, 280 F. Supp. 3d at 1178).

In addition, while detained the last nine months in the custody of ORR, Petitioners were residing in the lowest security setting known as Transitional Foster

Care[3], and did not abscond nor attempt to abscond, nor did they harm themselves or others. As such, Petitioners present neither a danger nor a flight risk.

**E. Petitioners Have a High Probability of Success on the Merits and Special Circumstances Warrant Release Pending the Resolution of These Proceedings**

Petitioners have protected liberty interests in family integrity and in being free from detention. Courts in this District have emphasized the well-established nature of the "substantive due process right to family integrity or to familial association," and recognized that the fundamental right to family unity independently supports procedural due process protections. *See Lucas R.*, 2018 WL 7200716 (quoting *Rosenbaum v. Washoe City*, 663 F.3d 1071, 1079 (9th Cir. 2011)). Moreover, Courts in this District have recognized that the TVPRA's mandatory language gives rise to a substantive right to prompt placement in the least restrictive setting that is in an unaccompanied child's best interest. *See, e.g., Immigrant Defs. L. Ctr. v. U.S. Dep't of Homeland Sec.*, No. CV-21-0395 FMO (RAOX), 2025 WL 1191572, at *15 (C.D. Cal. Mar. 14, 2025) (finding "statutory entitlements [under the TVPRA] are constitutionally protected property interests"). Petitioners' continued detention, in the absence of timely adjudication, written notice, or meaningful procedural safeguards, violates procedural due process.

[3] *See* Transitional Foster Care available at https://acf.gov/orr/policy-guidance/unaccompanied-children-program-policy-guide-guide-terms#transitionalfc

Absent immediate relief, Petitioners would continue to suffer irreparable harm for which no post-hoc remedy could ever compensate. The deprivation of constitutional rights itself is irreparable. *Melendres v. Arpaio*, 695 F.3d 990, 1002 (9th Cir. 2012). Their prolonged custody itself also constitutes a "loss of liberty that is … irreparable." *Moreno Galvez v. Cuccinelli*, 492 F. Supp. 3d 1169, 1181 (W.D. Wash. 2020). The record reflects far more than the loss of liberty, however; it demonstrates escalating emotional and developmental harm directly tied to Petitioners' continued separation from their parents. Each additional day in custody deepens a child's injuries, clearly demonstrating the special circumstances that would warranting immediate release.

**F. This Court Can and Should Order the Relief Sought and the Release of Certain Petitioners Does Not Render the Instant Petition Moot**

Respondents argue that this Court cannot order ORR to speed up its adjudication of FRPs or order release to sponsors because they "must front-load child safety considerations in its identity verification and sponsor-vetting policies." Answer at 6. However, Respondents have failed to consider all the relief that Petitioners seek. Ultimately, in addition to their release, Petitioners are requesting this Court declare their detention unlawful as violative of their statutory and constitutional rights. An order directing Respondents merely to adjudicate the long-pending FRPs would no longer serve Petitioners' interests or remedy the harm caused by months of continued detention and family separation. After such

prolonged delay, additional process would offer only formal compliance without meaningful relief. In addition to their immediate release, and an order from this Court declaring Respondents' actions unlawful is therefore the only remedy capable redressing the constitutional and statutory injuries Petitioners have suffered.

Further, even in light of the release of six of the seven Petitioners following the filing of the instant Petition, contrary to Respondents' contentions, their claims are not moot. Respondents ignore the well-established rule that a habeas petition "continue[s] to present a live controversy after the petitioner's release" where there is "some remaining 'collateral consequence' that may be redressed by success on the petition." *Abdala v. I.N.S.*, 488 F.3d 1061, 1064 (9th Cir. 2007) (quoting *Spencer v. Kenna*, 523 U.S. 1, 7 (1998)).

Respondents merely state that it is "obvious" that the claims of the Petitioners who have been released to their sponsors are moot. Answer at 2. In doing so, Respondents ignore the remaining relief requested in Petitioners' Petition and, indeed, the statutory purpose of the writ of habeas corpus. The writ's "mandate is broad with respect to the relief that may be granted. It provides that 'the court shall [. . . ] dispose of the matter as law and justice require." *Carafas v. LaVallee*, 391 U.S. 234, 239 (1968). Indeed, relief may still be afforded even after a petitioner's release, because "once the federal jurisdiction has attached in the District Court, it is not defeated by the release of the petitioner prior to completion of proceedings on such application." *Id.*

In addition to their release, Petitioners ask this Court to declare that their detention "violates the Due Process Clause of the Fifth Amendment, 8 U.S.C. § 1232, and/or 45 C.F.R. § 410.1001 et seq.," and grant "any further relief this Court deems just and proper." Petition at 31. Accordingly, there remains relief that this Court may and should grant Petitioners.

Based on the record, it is clear that Respondents have not followed their statutory or constitutional obligations. If any facts remain in dispute, Petitioners respectfully request that this Court hold an evidentiary hearing.

## CONCLUSION

For the foregoing reasons, this Court should grant the relief sought in Petitioners' Petition or hold an evidentiary hearing.

Respectfully submitted on January 29, 2026.

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