

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

*C.A.C.C., a minor, by and through his
Next Friend, Gelin Adelaida Corado
Quinonez,*

Petitioner,

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; JENNIFER QUIMI, in her
official capacity as Federal Field
Specialist, Office of Refugee
Resettlement; and ADELA PANIAGUA,
in her official capacity as Program
Director of National Youth Advocate
Program Transitional Foster Care
Program Fairfax, Virginia,*

Respondents.

**PETITION FOR WRIT OF HABEAS
CORPUS**

Case No.:

PETITION FOR WRIT OF HABEAS CORPUS

1. C.A.C.C., an eight-year-old child, through his next friend and mother Gelin Adelaida Corado Quinonez, petitions this Court for a Writ of Habeas Corpus, pursuant to 28 U.S.C. § 2241 and the Administrative Procedure Act (APA), 5 U.S.C. § 701, *et seq.*, to remedy his unlawful detention by Respondents at National Youth Advocate Program (NYAP) Transitional Foster Care Program in Fairfax, Virginia. The Office of Refugee Resettlement (“ORR”) previously released C.A.C.C. to Ms. Corado Quinonez in 2024 after approving her sponsorship application in

a month. C.A.C.C. resided safely and happily with Ms. Corado Quinonez until early August 2025, when he was detained by immigration officials and placed back in ORR custody.

2. Despite Ms. Corado Quinonez's sponsorship approval from the prior year and no change in circumstances, ORR required that she start the sponsorship process anew. Within days, Ms. Corado Quinonez submitted a new application. She has undergone background checks, DNA testing confirming her maternal relationship to C.A.C.C., and a home study, which concluded she is fit to care for her son. Ms. Corado Quinonez has provided her identification multiple times, tax returns, and proof of C.A.C.C.'s enrollment in school. Despite all this, C.A.C.C. remains detained and has been separated from his mother for over six months. He does not understand why he cannot return to his mother and is sad and frustrated. Ms. Corado Quinonez is limited to visiting C.A.C.C. twice a month and he cries when their visits end.

3. As Ms. Corado Quinonez continues to comply with each new request from Respondents in the hopes of regaining custody of her son, Respondents offer shifting and arbitrary reasons for their delay, including requesting previously submitted documentation after stating that the application is complete. Respondents have admitted that Ms. Corado Quinonez can provide C.A.C.C. with a safe and loving home as she did in the past and offer no substantive concerns with her sponsorship or allegations of changed circumstances.

4. C.A.C.C.'s unlawful prolonged detention is the result of Respondents redetaining him and mandating that Ms. Corado Quinonez submit a new sponsorship application, in addition to Respondents' indefinite delay in approving reunification. ORR has a statutory and regulatory responsibility to "promptly" place C.A.C.C. "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) (parent sponsor applications must be adjudicated within 10 days). For C.A.C.C., that entails release to his

mother Ms. Corado Quinone. ORR's failure to act "promptly" violates C.A.C.C.'s constitutional rights to due process and family integrity, the Trafficking Victims Protection Reauthorization Act of 2008 ("TVPRA"), ORR's Foundational Rule, ORR's Unaccompanied Children Policy Guide, and constitutes arbitrary, capricious, and unlawful action under the APA. Petitioner hereby requests that an immediate hearing be set on this matter and that he be released to Ms. Corado Quinonez during the pendency of this Petition.

JURISDICTION AND VENUE

5. This Court has jurisdiction under the U.S. Constitution. U.S. Const. art. I § 9, cl. 2 ("The privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require.").

6. The Court also has jurisdiction under 28 U.S.C. § 1331 (federal question); 28 U.S.C. § 1651 (the All Writs Act); 28 U.S.C. § 2241 (habeas corpus); and 5 U.S.C. § 701 (the Administrative Procedure Act).

7. This Court has additional remedial authority under 28 U.S.C. §§ 2201 and 2202 (the Declaratory Judgment Act) to grant injunctive and declaratory relief.

8. Venue is proper in this Court because a substantial part of the events giving rise to these claims occurred and continue to occur in this district.

9. Venue is also proper under 28 U.S.C. § 2241 because C.A.C.C. is detained within this district.

PARTIES

10. Petitioner C.A.C.C. is an eight-year-old unaccompanied child in ORR custody at National Youth Advocate Program Transitional Foster Care Program in Fairfax, Virginia. He is trying to reunify with his mother Ms. Corado Quinonez.

11. Gelin Adelaida Corado Quinonez is the Next Friend of Petitioner C.A.C.C. She is C.A.C.C.'s biological mother and resides in Woodbridge, Virginia. Petitioner C.A.C.C. appears by and through Ms. Corado Quinonez.

12. Respondent Angie Salazar is the Acting Director of ORR, the subagency of the U.S. Department of Health and Human Services ("HHS") responsible for overseeing the care and custody of unaccompanied minors. ORR is the government entity directly responsible for the detention of C.A.C.C. Respondent Salazar is sued in her official capacity.

13. Respondent Robert F. Kennedy is the Secretary of HHS, a cabinet-level department of the United States Government. ORR is a component of HHS. Respondent Kennedy is sued in his official capacity.

14. Respondent Jennifer Quimi is an ORR Federal Field Specialist ("FFS"). Federal Field Specialist Quimi is the government official responsible for the care and custody of children who ORR has placed in the National Youth Advocate Program in Fairfax, Virginia. In this role, Federal Field Specialist Quimi is responsible for determining C.A.C.C.'s placement and has authority to approve his release to an appropriate sponsor's care. Respondent Quimi is sued in her official capacity.

15. Respondent Adela Paniagua is the Program Director of NYAP Transitional Foster Care Program Fairfax, where C.A.C.C. is held. Respondent Paniagua is sued in her official capacity.

LEGAL FRAMEWORK

I. Statutory and Regulatory Framework on the Care, Custody, and Release of Unaccompanied Immigrant Children

16. The care and custody of unaccompanied immigrant children is governed by a legal framework consisting primarily of two statutes (the Homeland Security Act of 2002 and the

TVPPRA), a settlement agreement that is binding on the pertinent federal agencies (the 1997 *Flores* Settlement Agreement), and federal regulations (the Foundational Rule).

17. Prior to 2002, the Office of Juvenile Affairs in the former Immigration and Nationality 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”). It 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).¹

18. 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.

19. Congress’ decision to transfer responsibility for the care and custody of unaccompanied children from the INS to ORR reflected Congress’ determination that caring for children who arrive to the United States without their parent or legal guardian and immigration enforcement were incompatible roles for a single agency.² Within HHS, ORR is responsible for

¹ 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).

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.”)

children's safety and welfare and is explicitly not a law enforcement agency. *See* Foundational Rule, 89 Fed. Reg. at 34399, 34423, 34591.

20. With strong bipartisan support, Congress then expanded protections for unaccompanied children in the TVPRA, reaffirming Congress' intent to treat unaccompanied children differently than adults are treated by the Department of Homeland Security ("DHS"), both in detention and in immigration proceedings. 8 U.S.C. § 1232 *et seq.*

21. 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. *See, e.g., Saravia v. Sessions*, 905 F.3d 1137, 1142–43 (9th Cir. 2018). 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) (statement of Sen. Feinstein, sponsoring senator).

22. 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.

23. In 2024, ORR promulgated regulations ("The Foundational Rule") codifying the "policies, standards, and protections for [unaccompanied children], consistent with the HSA and

TVPPRA, 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.*).

24. 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.* In response to comments on their proposed regulations, ORR explained that “[t]he HSA and the TVPPRA do not make any mention of a sponsor’s potential immigration status as a prerequisite to receive an unaccompanied child into their custody and do not imbue ORR with the authority to inquire into immigration status as a condition for sponsorship.” *Id.* at 34442.

25. When it was promulgated, the Foundational Rule also included a subsection stating: “ORR shall not disqualify potential sponsors based solely on their immigration status and shall not collect information on immigration status of potential sponsors for law enforcement or immigration enforcement related purposes. ORR shall not share any immigration status information relating to potential sponsors with any law enforcement or immigration enforcement related entity at any time.”³ 45 C.F.R. § 410.1201(b) (2024). ORR’s Ombuds office is likewise prohibited from sharing information for immigration enforcement related purposes. 45 C.F.R. § 410.2004(a). In addition, the Preamble repeatedly reiterates that ORR “is not an immigration

³ HHS rescinded this provision on March 25, 2025, by issuing an Interim Final Rule that modified the Foundational Rule. *See* 90 Fed. Reg. at 13,554–56.

enforcement authority.” 89 Fed. Reg. at 34399; *see also* 89 Fed. Reg. at 34442, 34443, 34452, 34568.

26. These protections against denying sponsors based on immigration status and collecting and sharing sponsor immigration status 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.”).

27. The Foundational Rule establishes that “ORR shall release a child from its custody without unnecessary delay” to sponsors in a specific order of preference with parents and legal guardians taking first priority and other family members following. 45 C.F.R. § 410.1201(a). As required by the regulation, sponsor suitability assessments must include various investigations and background checks, and “may include” background checks “based on fingerprints for some potential sponsors and adult residents of the potential sponsor’s household.” *Id.* § 410.1201(c). Furthermore, “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. As part of its sponsor suitability process, ORR may require “verification of the employment, income, or other information provided by the potential sponsor as evidence of the ability to support the child.” 45 C.F.R. § 410.1202(c). In the Preamble to the Foundational Rule, ORR stated that although employment is “a permissible consideration as part of the suitability

assessment[,] . . . ORR will not deny an otherwise qualified sponsor solely on the basis of low income or employment status.” 89 Fed. Reg. at 34446.

29. ORR’s subregulatory framework is laid out in the Unaccompanied Children Policy Guide. The 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* (2026) (“Policy Guide”), <https://acf.gov/orr/policy-guidance/unaccompanied-children-bureau-policy-guide>. The Policy Guide governs the placement, care, and release of unaccompanied children in ORR custody, consistent with ORR’s legal authorities. Policy Guide, Introduction.⁴

30. Section 2 of the Guide sets out ORR’s policies with respect to securing “[s]afe and timely release” of unaccompanied children “to parents, guardians, relatives, or individuals designated by the child’s parents, referred to as ‘sponsors.’” Policy Guide, § 2.1. Under the Policy Guide, “[s]afe and timely release must promote public safety and ensure that sponsors are able to provide for the physical and mental well-being of the children.” *Id.* The Policy Guide describes the sponsor identification and application process in detail, including specific ORR requirements prior to application adjudication and approval. *Id.* at §§ 2.2-2.7. It provides that “ORR does not disqualify potential sponsors based solely on their immigration status or for law enforcement purposes” and “does not use or share any information for immigration enforcement purposes.” *Id.* at § 2.6.

31. The ORR Policy Guide states that “Once a child is released to a sponsor, ORR’s custodial relationship with the child terminates.” Policy Guide, § 2.8.3. The Guide does not

⁴ ORR has further issued more detailed Field Guidance for sponsor vetting. Office of Refugee Resettlement, *Field Guidance Re: Field Guidance #24 – ORR Division of Sponsor Administration Role Guidance*, https://acf.gov/sites/default/files/documents/orr/FG-24_ORR-Division-of-Sponsor-Administration-Role-Guidance.pdf

provide a mechanism for ORR to redetain unaccompanied children previously released to their sponsors. Indeed, even in post-release situations where ORR “believes that the child is unsafe, the ORR representative must comply with mandatory reporting laws, State licensing requirements, and Federal laws and regulations for reporting to local child protective agencies and law enforcement” and is not authorized to redetain the child. Policy Guide, § 2.8.4.

II. The Constitutional Rights of Unaccompanied Immigrant Children in Detention

32. The substantive component of due process forbids the Government from infringing upon fundamental liberty interests unless the infringement is narrowly tailored to serve a compelling state interest. *United States v. Salerno*, 481 U.S. 739, 749 (1987). In the immigration context, whether the infringement is narrowly tailored to serve a compelling governmental interest is determined by evaluating whether the infringement on liberty: (1) is impermissible punishment or permissible regulation; and (2) is excessive in relation to the regulatory goal Congress sought to achieve. *See id.* at 747; *see also Zadvydas v. Davis*, 533 U.S. 678, 690 (2001) (“[G]overnment detention violates [the Due Process] Clause . . . [except] in certain special and narrow nonpunitive circumstances, where a special justification, such as harm-threatening mental illness, outweighs the individual’s constitutionally protected interest in avoiding physical restraint.” (internal citations omitted.)); *Hernandez v. Sessions*, 872 F.3d 976, 990 (9th Cir. 2017).

33. “[T]he interest in being free from physical detention” by the Government is “the most elemental of liberty interests[.]” *Hamdi v. Rumsfeld*, 542 U.S. 507, 529 (2004). A child’s interest in being free from confinement is no narrower than that of an adult. *In re Gault*, 387 U.S. 1, 13 (1967) (“neither the Fourteenth Amendment nor the Bill of Rights is for adults alone”); *see also Reno v. Flores*, 507 U.S. 292, 316 (1993) (O’Connor, J. and Souter, J., concurring), quoting *Gault*, 387 U.S. at 13 (“[The Supreme Court] ha[s] consistently [...] rejected the assertion that ‘a

child, unlike an adult, has a right ‘not to liberty but to custody.’”). Further, “incarceration is rarely if ever a necessary condition for raising the living standards of those capable of surviving safely in freedom, on their own or with the help of family or friends.” *O’Connor v. Donaldson*, 422 U.S. 563, 575 (1975). Therefore minors, like adults, 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 also, e.g., Parham v. J.R.*, 442 U.S. 584, 600 (1979).

34. The constitutional right to family integrity or to familial association is [also] well established.” *Rosenbaum v. Washoe Cty.*, 663 F.3d 1071, 1079 (9th Cir. 2011); *see also 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); *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); *Ching v. Mayorkas*, 725 F.3d 1149, 1157 (9th Cir. 2013); (“The right to live with and not be separated from one’s immediate family is ‘a right that ranks high among the interests of the individual’ and that cannot be taken away without procedural due process.”); *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).

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. *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976); *Mullane v. Central Hanover Bank & Trust*, 339 U.S. 306 (1950). 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 v. Smith*, 260 F. Supp. 3d 598, 613-14 (W.D. Va. 2017)).

36. In accordance with these procedural safeguards, ORR has a constitutional, statutory, and regulatory responsibility to release C.A.C.C. to Ms. Corado Quinonez without unnecessary delay given that, based on the facts provided below, she is qualified to provide him with a safe and loving home.

FACTUAL BACKGROUND

37. Petitioner C.A.C.C. is an eight-year-old boy and citizen of Guatemala. Exh. A, C.A.C.C. Decl. ¶ 1. He entered the U.S. in February 2024 without a parent or guardian and was apprehended by DHS, who designated him as an unaccompanied child and transferred him to ORR custody at a shelter in Raymondville, Texas. *Id.* Ms. Corado Quinones immediately filed a sponsorship application for C.A.C.C.'s release to her, which ORR approved in a month. Exh. B, Corado Quinonez Decl. ¶ 2. C.A.C.C. then went to reside with Ms. Corado Quinones in Virginia, where he lived happily and healthily and enrolled in first grade at a local elementary school. *Id.* ¶¶ 4-5; C.A.C.C. Decl. ¶¶ 3-4. C.A.C.C. is currently in immigration proceedings.

38. In late July 2025, Ms. Corado Quinones arranged for C.A.C.C. to travel with a maternal aunt to Texas to visit his 12-year-old half-sister. Corado Quinonez Decl. ¶ 6. On their return back to Virginia, DHS agents stopped their vehicle at an immigration checkpoint and redetained C.A.C.C. and his family members. *Id.* Rather than returning C.A.C.C. to Ms. Corado Quinones, on August 5, 2025, Respondents placed him back in ORR custody, this time at the NYAP Transitional Foster Care Program in Fairfax, Virginia. Exh. C, ORR Case Review Notes at 1. Respondents' only explanation for not immediately returning C.A.C.C. to Ms. Corado Quinones

was that their rules had changed. Corado Quinonez Decl. ¶ 7. They demanded that Ms. Corado Quinones complete a new sponsorship application for C.A.C.C. *Id.*

39. Ms. Corado Quinones immediately submitted a new sponsorship application, expecting quick approval like last time. *Id.* ¶¶ 8-9. However, C.A.C.C. remains in ORR custody after over six months. Despite Respondents continuing to identify additional unwarranted requirements for her sponsorship application, Ms. Corado Quinones has complied with each request—including resubmitting the same documentation that she previously submitted months earlier. Each time Ms. Corado Quinones completes an additional ask from Respondents, they offer a new and arbitrary reason for delaying reunification, demanding that she jump through additional hoops for custody of her eight-year-old son.

40. Ms. Corado Quinones attended a fingerprint appointment on August 8, 2025, undergoing a background check. *Id.* ¶ 9. Despite previously proving her maternal relationship in 2024, Ms. Corado Quinones completed another DNA test on August 27, 2025, which confirmed that she was indeed C.A.C.C.’s biological mother. *Id.* ORR visited Ms. Corado Quinones’ residence for a home study on September 5, 2025, concluding that release was proper because she has “the motivation, capacity, and resources necessary to provide a nurturing, stable, and protective environment for [C.A.C.C.]” and that “[n]o concerns were identified that would significantly impact [her] ability to provide adequate care.” Exh. D, Home Study at 2-3. As part of the home study, Ms. Corado Quinones submitted her 2024 income tax returns as proof of income and presented her driver’s license. *See id.* at 3.

41. ORR subsequently delayed C.A.C.C.’s release for several months based on the form of his alternate caregiver’s identification. In March 2025, ORR narrowed its list of acceptable identification documentation to no longer permit foreign passports without documentation of an

immigrant visa or work authorization, absent an exemption available to parent sponsors.⁵ See Policy Guide, § 2.2.4. C.A.C.C.'s alternate caregiver applied for an exemption in October 2025 but was not granted one until on or around January 8, 2026. ORR Case Review Notes at 3-4.

42. While the exemption was pending, ORR provided multiple assurances to Ms. Corado Quinones and C.A.C.C. that it was the sole remaining step for reunification. See *id.* This is consistent with ORR's Case Review notes from October 27, November 3, November 17, December 8, and December 15. See, e.g. *id.* at 3 (noting November 7, 2025 email from FFS Liliana Renteria stating "There is also nothing else pending for this case besides the exemption for the ACG ID."). On December 18, 2025, another ORR FFS concluded that the "ID exemption has no urgency of being expedited" despite the Immigration Judge for C.A.C.C.'s immigration case expressing concern over the reunification delay and inquiring as to why ORR was not expediting C.A.C.C.'s case. *Id.*

43. In late December 2025, ORR officials told Ms. Corado Quinones—for the first time—that she was now required to have her own identification verified in-person at an Immigration and Customs Enforcement (ICE) office on January 7, 2025. *Id.*; Corado Quinones Decl. ¶ 15. This was despite Ms. Corado Quinones previously providing a copy of her identification early in the sponsorship process, as well as uploading her new driver's license online on December 31, 2025. ORR Case Review Notes at 3. Fearing being arrested by ICE, Ms. Corado Quinones did not attend the January 7 appointment and instead rescheduled her appointment to

⁵ In June 2025, the District Court for the District of Columbia issued a preliminary injunction enjoining this new identification requirement on the basis that it was arbitrary and capricious. *Angelica S. v. U.S. Department of Health and Human Services*, 786 F. Supp. 3d 158, 173-75 (D.D.C. 2025). However, the injunction does not extend to C.A.C.C. because it only applies to unaccompanied children who entered ORR custody on or before April 22, 2025. *Id.* at 176.

January 14 at NYAP's Fairfax facility. *Id.* She attended the January 14 appointment and presented her ID to an ORR FFS. *Id.* at 2-3.

44. ORR Case Review notes from January 5 and onwards reflect that Ms. Corado Quinones was now required to provide additional documentation, including proof of address, even though ORR had previously conducted a September 2025 home study at her same address in Woodbridge, Virginia, which resulted in a positive recommendation. *Id.* at 5; Home Study at 1, 21. Ms. Corado Quinones sent her proof of address to ORR multiple times in January 2026, only for it to be rejected. ORR Case Review Notes at 2. ORR's latest requirements as of late January 2026 appear to be additional proof of income and additional ID verification for Ms. Corado Quinones and the alternative caregiver. *Id.* (describing alternative caregiver completing AU10TIX identity verification and Ms. Corado Quinones' employment and bank statements on January 30); Corado Quinones Decl. ¶ 13. Respondents have offered no rational explanation for why they now require additional proof of income when Ms. Corado Quinones submitted her 2024 tax returns in September 2025 or why additional verification is needed after she previously provided her ID multiple times, and the alternative caregiver submitted a copy of her ID and obtained an exemption for ORR's new ID requirements. *See id.*

45. Despite ORR continuing to provide additional unnecessary requirements for sponsorship, Ms. Corado Quinones continues to comply in hopes of being with her son. *Id.* ¶¶ 16, 18. Meanwhile, C.A.C.C., who has been in ORR custody for over six months, misses his mother and does not understand why he is still in detention. *Id.* ¶¶ 17-18; C.A.C.C. Decl. ¶¶ 6, 9. ORR staff have informed him multiple times over the last few months that the sponsorship process is nearly complete and that he will be able to return to Ms. Corado Quinones soon, only to further delay his reunification. ORR Case Review Notes at 3. C.A.C.C. is sad and frustrated. C.A.C.C.

Decl. ¶¶ 6-7. Ms. Corado Quinones is only able to visit him twice a month. Corado Quinones Decl. ¶ 17. C.A.C.C. oftentimes cries when she leaves and is unable to understand why he cannot go home with her. C.A.C.C. Decl. ¶¶ 6, 9. He appreciates his foster family but there is a language barrier, he is not as close with them, and they are not permitted to give him physical affection such as hugs. *Id.* ¶ 7. Ms. Corado Quinones worries that C.A.C.C. may think that she does not love him because she has not been able to secure his release. Corado Quinones Decl. ¶ 18. Despite C.A.C.C.'s six-month detention and Ms. Corado Quinones doing her best to fulfill each new and arbitrary requirement from Respondents, there is no end in sight given Respondents' continually moving targets for C.A.C.C.'s release.

CLAIMS FOR RELIEF

COUNT I

VIOLATION OF THE DUE PROCESS CLAUSE OF THE FIFTH AMENDMENT TO THE U.S. CONSTITUTION

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

47. 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). A child's interest in being free from confinement is no narrower than that of an adult. *In re Gault*, 387 U.S. 1, 13 (1967); *Reno v. Flores*, 507 U.S. 292, 316 (1993) (O'Connor, J. and Souter J., concurring) ("[The Supreme Court] ha[s] consistently [...] rejected the assertion that 'a child, unlike an adult, has a right 'not to liberty but to custody.'"'). This includes the right of a child "to be raised and nurtured by their parents." *D.B. v. Cardall*, 826 F.3d 721, 740 (4th Cir. 2016) (citations omitted); *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.”).

48. 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. 319, 335 (1976). 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).

49. “Given the nature of the liberty deprivation involved, a minor previously placed with a sponsor by ORR cannot be rearrested solely on the ground that he is subject to removal proceedings.” *Saravia v. Sessions*, 280 F. Supp. 3d 1168, 1196 (N.D. Cal. 2017). Where a child was previously apprehended and released, due process requires a “pre-deprivation bond hearing where the government bears the burden of proving by clear and convincing evidence that petitioner is a flight risk or danger to the community.” *Singh v. Andrews*, No. 1:25-cv-00801-KES-SKO (HC), 2025 WL 1918679, at *8 (E.D. Cal. July 11, 2025). It follows that where there is no allegation of flight risk or danger to the community, there is no justification for depriving the child of their constitutional right to liberty.

50. By refusing to release C.A.C.C. to Ms. Corado Quinones, who was previously approved for sponsorship and would provide him with a safe and caring home, Respondents’ actions have deprived C.A.C.C. of freedom from confinement and his right to family integrity without Constitutionally sufficient due process. There is further no basis for concluding that C.A.C.C., an eight-year-old child with no criminal history or history of flight, is a flight risk or danger to the community.

COUNT II

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

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

52. Respondents have a non-discretionary duty under the TVPRA to promptly place C.A.C.C. “in the least restrictive setting” that is in his best interests with “a suitable family member.” 8 U.S.C. § 1232(c)(2)(A).

53. Respondents have failed to act promptly.

54. As she has shown through her past care of C.A.C.C. and based on Respondents’ own conclusions, Ms. Corado Quinones is capable, proper, and fit, and C.A.C.C. does not present any flight risk or danger to the community. Therefore, Respondents have failed to place C.A.C.C. in the least restrictive setting that is in his best interests.

55. After DHS transfers a minor to ORR custody, and ORR previously “determined that the appropriate place for the minor was *not* in federal custody” but rather with his sponsor in the community, the TVPRA prevents DHS from rearresting a child without evidence of probable cause that there has been a material change in circumstances such that “the minor is now a danger to himself or the community, or a flight risk.” *Saravia v. Sessions*, F. Supp. 3d 1168, 1196 (N.D. Cal. 2017); 8 U.S.C. § 1232(c)(2)(A).

56. Further, where ORR previously approved a child’s sponsor and determined that release to that sponsor was the least restrictive setting in the child’s best interests, and the child is not a danger or a flight risk, the child must be released back to that previously approved sponsor barring materially changed circumstances. *Saravia v. Sessions*, 905 F.3d 1137 (9th Cir. 2018). Where unaccompanied children are seeking “to be released back to their *previous* sponsors” who were previously determined to be suitable, “[n]othing in the TVPRA requires the government to

conduct this review a second time.” *Id.* at 1143. “If DHS could, the day after a minor was released to a parent or other sponsor, arrest the minor on the same basis and restart the process, the TVPRA’s instruction to place the minor in the least restrictive appropriate setting would mean little.” *Saravia*, 280 F. Supp. 3d at 1196.

57. Respondents’ policies and actions described above, which have resulted in C.A.C.C.’s unnecessary prolonged detention and separation from his mother Ms. Corado Quinones, violate Section 235 of the TVPRA, 8 U.S.C. § 1232.

COUNT III

VIOLATION OF THE ADMINISTRATIVE PROCEDURE ACT (APA), 5 U.S.C. § 706(2)(A)

Arbitrary and Capricious Agency Action

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

59. Under the APA, courts must “hold unlawful and set aside agency action” that is “arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.” 5 U.S.C. § 706(2)(A).

60. Respondents’ continued detention of and failure to release C.A.C.C. to his vetted sponsor Ms. Corado Quinones, through requiring Ms. Corado Quinones to begin the sponsorship application process anew and delaying in granting her sponsorship application, constitutes final agency action. Such actions determine the “rights and obligations” of C.A.C.C. and create “legal consequences” of continued detention and separation from his mother, in violation of C.A.C.C.’s fundamental right to family integrity. *Bennett v. Spear*, 520 U.S. 154, 177-78 (1977). Accordingly, C.A.C.C. is entitled to judicial review of ORR’s actions under 5 U.S.C. §§ 702 and 704.

61. Respondents’ detention of C.A.C.C. and their failure to release him to his fit sponsor is arbitrary, capricious, and not in accordance with the law.

62. C.A.C.C. has no recourse to judicial review other than by this action.

COUNT IV

VIOLATION OF THE ADMINISTRATIVE PROCEDURE ACT (APA) 5 U.S.C. § 706(2)(A)

Failure to Follow ORR Foundational Rule and ORR Unaccompanied Children Policy Guide

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

64. 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).

65. Under the Foundational Rule, Respondents have a non-discretionary duty to promptly place C.A.C.C. 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). This includes adjudicating parent sponsorship applications like Ms. Corado Quinones’ “within 10 calendar days of receipt of the completed sponsor application, absent an unexpected delay.” 45 C.F.R. § 410.1205(b).

66. The ORR Policy Guide similarly requires “[s]afe and timely release” of unaccompanied children to sponsors. Policy Guide, § 2.1. It further states that “Once a child is released to a sponsor, ORR’s custodial relationship with the child terminates.” *Id.* § 2.8.3. The ORR policy guide does not provide for a mechanism for ORR to redetain unaccompanied children who were previously released to their sponsors.

67. Respondents’ failure to comply with the Foundational Rule’s and the ORR Policy Guide’s directives as to prompt release to suitable sponsors is “arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.” *See* 5 U.S.C. § 706(2)(A).

PRAYER FOR RELIEF

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

- a. Assume jurisdiction over this matter;
- b. Order Respondents to show cause why the writ should not be granted within three days, and, if necessary, set a hearing on this Petition within five days of the return, pursuant to 28 U.S.C. § 2243;
- c. Order that Respondents release C.A.C.C. to the custody and care of Ms. Corado Quinones during the pendency of this petition;
- d. Declare that C.A.C.C.'s detention violates the Due Process Clause of the Fifth Amendment, the TVPRA, the APA, the ORR Foundational Rule, and the ORR Unaccompanied Children Policy Guide;
- e. Grant a writ of habeas corpus releasing C.A.C.C. to the custody and care of Ms. Corado Quinones permanently; and
- f. Grant any other relief the Court deems just and proper.

Dated: February 6, 2026

Respectfully submitted,

/s/ Samantha Hsieh
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Pro Bono Counsel for Petitioner

**VERIFICATION BY SOMEONE ACTING ON PETITIONER'S BEHALF PURSUANT
TO 28 U.S.C. § 2242**

I am submitting this verification on behalf of the Petitioner because I am Petitioner's attorney. I or my colleagues have discussed with the Petitioner the events described in this Petition. I hereby verify that the statements made in the attached Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated: February 6, 2026

Respectfully submitted,

/s/ Samantha Hsieh

Samantha Hsieh
Pro Bono Counsel for Petitioner

CERTIFICATE OF SERVICE

I, undersigned counsel, hereby certify that on this date, I filed this Petition for Writ of Habeas Corpus and all attachments using the CM/ECF system. I will furthermore mail a copy by USPS Certified Priority Mail with Return Receipts to each of the following individuals:

Robert F. Kennedy, Jr., Secretary of Health and Human Services
200 Independence Avenue SW
Washington, DC 20201

Angie Salazar, Acting Director of the Office for Refugee Resettlement
330 C Street SW, Room 5123
Washington, DC 20201

Jennifer Quimi, Federal Field Specialist, Office of Refugee Resettlement
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Alexandria, VA 22314

Dated: February 6, 2026

Respectfully submitted,

/s/ Samantha Hsieh
Samantha Hsieh

Pro Bono Counsel for Petitioner