UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

J[redacted] By Next Friend And Mother Maria Blanca Vimos Rivera, Petitioner, v. Lorraine M. Sánchez, Chief Executive Officer, Cayuga Centers, in her official capacity as facility custodian; Angie Salazar, Director, Office of Refugee Resettlement, U.S. Department of Health and Human Services, in her official capacity; Robert F. Kennedy, Jr., Secretary, U.S. Department of Health and Human Services, in his official capacity, Respondents.	Case No. 1:26-cv-2299 **VERIFIED PETITION FOR WRIT OF HABEAS CORPUS** File No. A-[redacted]

OPENING STATEMENT

1. Petitioner, minor child J[redacted] by his next friend and mother Maria Blanca Vimos Rivera, respectfully petitions this Court pursuant to 28 U.S.C. § 2241 for a writ of habeas corpus to secure his immediate release from custody at Cayuga Centers – NYC Program, 1916 Park Avenue, Suite 407, New York, NY 10037.

2. Petitioner is currently detained under the supervision of Respondents: Lorraine M. Sánchez, Chief Executive Officer of Cayuga Centers, who exercises day-to-day custody over Petitioner; Angie Salazar, Director of the Office of Refugee Resettlement, U.S. Department of Health and

Human Services, in her official capacity; and Robert F. Kennedy, Jr., Secretary of the U.S. Department of Health and Human Services, in his official capacity.

3. Petitioner seeks immediate release from custody that is no longer authorized by statute, violates the Flores Settlement Agreement, and infringes fundamental constitutional rights. Respondents continue to detain a 12-year-old child despite having approved him for release, rendering his custody arbitrary, ultra vires, and unconstitutional.

INTRODUCTION

4. Petitioner has been detained since November 22, 2025, despite his mother's full compliance with all requirements for release. Petitioner's mother has submitted proof of parentage, completed fingerprinting, and filed a sponsor application. (**Exhibit A** — Petitioner's mother, Maria Blanca Vimos Rivera, Affidavit).

5. Petitioner is only 12 years old. He is experiencing severe emotional distress as a result of his detention. (*See* **Exhibit A**). During visits by his mother, Petitioner cries and appears depressed, and becomes very agitated and extremely upset when his mother needs to leave him. *Id.* Petitioner does not want his mother to leave and shows clear signs of emotional trauma and hardship due to the separation. *Id.*

6. ORR has indicated that Petitioner is eligible for release, yet he remains detained due solely to inter-agency delay. (**Exhibit A**). This continued detention serves no regulatory purpose and is unlawful. This case presents a straightforward but urgent question: how can the government continue to detain a child after determining he should be released? The answer is that it cannot. Once Respondents determined that Petitioner was eligible for release, their authority to detain him ceased, and any continued custody is unlawful.

JURISDICTION

7. This action arises under the Constitution of the United States. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the United States Constitution (Suspension Clause).

8. This Court may grant relief under 28 U.S.C. § 2241 et seq., the Declaratory Judgment Act, 28 U.S.C. § 2201 et seq., and the All Writs Act, 28 U.S.C. § 1651.

VENUE

9. Venue is proper in this Court under 28 U.S.C. § 2241(a) because Petitioner is detained within the jurisdiction of this Court at Cayuga Centers – NYC Program, 1916 Park Avenue, Suite 407, New York, NY 10037.

PARTIES

10. Petitioner, J[redacted], is a minor child currently detained at Cayuga Centers NYC Program.

11. Petitioner is represented by his Next Friend and mother, Maria Blanca Vimos Rivera, who brings this action on his behalf.

12. Respondent Lorraine M. Sánchez, is the CEO of Cayuga Centers. In her official capacity, she is responsible for the operation of the NYC facility and exercises custody and control over Petitioner.

13. Respondent Angie Salazar is the Director of the Office of Refugee Resettlement, U.S. Department of Health and Human Services, and is responsible for decisions regarding the placement and release of unaccompanied children, including Petitioner.

14. Respondent Robert F. Kennedy, Jr. is the Secretary of the U.S. Department of Health and Human Services and is responsible for the overall administration of ORR, in his official capacity.

STATEMENT OF FACTS

15. Petitioner is currently detained at Cayuga Centers – NYC Program, located at 1916 Park Avenue, Suite 407, New York, NY 10037.

16. Petitioner is in the custody of Respondents, who exercise both physical and legal control over his placement and continued detention.

17. Petitioner's mother, Maria Blanca Vimos Rivera, is ready, willing, and able to assume immediate custody of her son.

18. Despite this, Respondents have continued to detain Petitioner without providing a lawful basis for such custody.

19. Petitioner's continued detention constitutes an unjustified deprivation of liberty where Respondents have identified no lawful basis for custody.

LEGAL FRAMEWORK

20. ORR lacks statutory authority to detain Petitioner. Even if the Court were to conclude otherwise, Petitioner's continued detention and separation from his parent violate procedural due process under the Fifth Amendment.

21. The Supreme Court has long recognized that freedom from physical restraint lies at the core of the liberty protected by the Due Process Clause. *See Zadvydas v. Davis,* 533 U.S. 678, 690 (2001). The detention of Petitioner in immigration custody is further governed by the Flores Settlement Agreement, which requires release without unnecessary delay and placement in the least restrictive setting.

22. Habeas corpus is the appropriate vehicle to challenge unlawful custody, including the detention of Petitioner by state or quasi-state actors.

23. Respondents, acting under color of law, are detaining Petitioner without sufficient legal justification, in violation of his constitutional rights. Moreover, Petitioner suffers ongoing and irreparable harm from continued separation from his parent and unlawful detention.

ARGUMENT

I. RESPONDENTS LACK STATUTORY AUTHORITY TO DETAIN PETITIONER BECAUSE PETITIONER IS NOT AN "UNACCOMPANIED ALIEN CHILD" WITHIN THE MEANING OF 6 U.S.C. § 279(g)(2)

24. ORR's statutory authority is strictly limited to "unaccompanied alien children." 6 U.S.C. § 279(g)(2). Once a parent in the United States is identified, verified, and available to assume custody, that authority terminates as a matter of law. *See Maldonado v. Lloyd No.* 16-0806 (RJL), 2016 WL 3251344, at *6-7 (D.D.C. June 10, 2016)

25. Here, Respondents' own actions confirm that Petitioner no longer qualifies as a UAC. ORR has completed its vetting process and approved release. Petitioner's mother has been identified, verified, and approved. Accordingly, Petitioner no longer meets the statutory definition of a UAC, and ORR lacks any legal authority to continue his detention. Under *Maldonado v. Lloyd,* ORR lacks statutory authority to continue detaining such a child, and continued custody under these circumstances is ultra vires.

II. RESPONDENTS' CONTINUED DETENTION OF PETITIONER VIOLATES THE FLORES SETTLEMENT AGREEMENT

26. The detention of a minor child in immigration custody is governed by the **Flores Settlement Agreement**, which requires that a minor be released "without unnecessary delay" to a parent, legal guardian, or other qualified sponsor.

27. Here, Petitioner is a minor child whose parent resides in the United States and has affirmatively come forward to secure his release. Respondents required proof of parentage, and Petitioner's parent has provided such proof. Despite this, Respondents have refused to release the child and have provided no lawful justification for continued detention.

28. There is no allegation that Petitioner's parent is unfit, poses a risk, or has failed to satisfy any requirement imposed by Respondents.

29. Courts have consistently held that the government may not delay release once a suitable custodian is identified. See *Flores v. Sessions*, 862 F.3d 863, 878 (9th Cir. 2017) (reaffirming that minors must be released "without unnecessary delay").

30. Respondents' continued detention of Petitioner—despite verified parental relationship—violates the core command of Flores and renders their custody unlawful.

31. Once a parent has established identity and suitability, the burden shifts to the government to justify continued detention. Respondents have failed to meet that burden.

III. RESPONDENTS' REFUSAL TO RELEASE PETITIONER TO HIS PARENTS IS ARBITRARY, CAPRICIOUS, AND CONTRARY TO LAW

32. Under the Administrative Procedure Act, agency action that is arbitrary, capricious, or contrary to law is unlawful. 5 U.S.C. § 706(2)(A). Once a parent has established their identity and relationship to the child, continued refusal to release the minor must be supported by a particularized, evidence-based justification specific to the child.

33. Here, Respondents required Petitioner's parent to prove paternity, which she has done. Nevertheless, Respondents continue to detain the child without explanation or meaningful review. Such conduct is arbitrary and capricious.

34. The Second Circuit has recognized that immigration detention decisions must comport with basic standards of reasonableness and due process. *See Lora v. Shanahan,* 804 F.3d 601, 614 (2d Cir. 2015) (emphasizing that immigration detention is subject to constitutional limitations and procedural safeguards).

35. By refusing to release Petitioner despite satisfaction of the government's stated requirements, Respondents have acted in an arbitrary manner that violates both Flores and fundamental principles of administrative law.

IV. RESPONDENTS HAVE FAILED TO PLACE PETITIONER IN THE LEAST RESTRICTIVE SETTING AS REQUIRED BY THE FLORES SETTLEMENT

36. Even where release is temporarily delayed, the **Flores Settlement Agreement** independently requires that Petitioner be held in the "least restrictive setting appropriate" to his age and circumstances.

37. Courts have made clear that detention cannot be used as a default and must be justified by individualized findings. See *Flores v. Lynch*, 212 F. Supp. 3d 907, 918–19 (C.D. Cal. 2015) (holding that the government must comply with Flores placement requirements and cannot justify detention based on general policy considerations).

38. Here, Petitioner is being held in restrictive custodial settings despite the availability of his mother and in the absence of any individualized determination that such placement is necessary. Respondents have not demonstrated that less restrictive alternatives—such as release to a parent—is unavailable or inappropriate.

39. Accordingly, Petitioner's continued placement in restrictive facilities violates the Flores requirement that Petitioner be held in the least restrictive setting.

V. CONTINUED DETENTION OF PETITIONER VIOLATES HIS SUBSTANTIVE AND PROCEDURAL DUE PROCESS RIGHTS

40. Under *Mathews v. Eldridge,* 424 U.S. 319 (1976), the procedures here are constitutionally deficient.

(1) The private interest—the right of a child to reunify with a parent—is fundamental;

(2) The risk of erroneous deprivation is extreme where detention continues without explanation, evidence, or review; and

(3) The government has no legitimate interest in prolonging detention where release has already been approved. Accordingly, continued detention violates procedural due process.

41. Courts within this Circuit have repeatedly emphasized that civil immigration detention must remain closely tethered to its regulatory purpose and cannot continue once that purpose is extinguished. See, e.g., *Zadvydas v. Davis,* 533 U.S. 678 (2001); *Lora v. Shanahan,* 804 F.3d 601 (2d Cir. 2015).

42. The Constitution protects the fundamental right to family integrity, including the right of a parent and child to live together free from unwarranted government interference.

43. The Second Circuit has long recognized the importance of the parent-child relationship as a protected liberty interest. *See Southerland v. City of New York,* 680 F.3d 127, 152 (2d Cir. 2012).

44. Here, Respondents' continued detention of Petitioner—despite the presence of his parent in the United States and the verification of his parental relationship—constitutes a direct interference with that fundamental right. Respondents' actions here fail both substantive and procedural due process requirements.

VI. RESPONDENTS HAVE DENIED PETITIONER ANY MEANINGFUL OPPORTUNITY TO CHALLENGE DETENTION

45. Petitioner has never been afforded a hearing, nor any meaningful opportunity to challenge his continued detention. Respondents have not provided any written decision explaining the basis for continued custody, have not disclosed any evidence, and have not afforded Petitioner the opportunity to rebut any alleged concerns.

46. This absence of process violates the Fifth Amendment. A detained child must be provided a meaningful forum to challenge the basis of detention, including access to counsel and the ability to contest the government's justification. *See Flores v. Sessions,* 862 F.3d 863, 867–68 (9th Cir. 2017). The absence of a hearing or individualized determination violates procedural due process.

47. Here, no such process has been provided. Petitioner remains detained based on undisclosed and unreviewable determinations, rendering his detention unlawful. Respondents' actions here fail procedural due process requirements.

48. As the Second Circuit has emphasized, immigration detention must remain reasonably related to its purpose and must include adequate procedural protections. *See Lora v. Shanahan,* 804 F.3d at 614.

A. ORR'S OPAQUE PROCEDURES DEPRIVE PETITIONER OF ANY MEANINGFUL OPPORTUNITY TO CONTEST DETENTION

49. Moreover, Respondents' procedures are impermissibly opaque. Petitioner's parent has not been given timely notice of adverse recommendations, any written explanation of the reasons for continued detention, or any meaningful opportunity to contest ORR's findings. Without disclosure of the basis for continued detention, there is no meaningful opportunity to rebut the government's position or alter its conclusions.

VII. RESPONDENTS LACK ANY LAWFUL BASIS TO CONTINUE DETENTION

50. ORR may continue detention of a minor only in limited circumstances, such as where the child poses a danger to self or others, presents a flight risk, or has engaged in serious misconduct.

51. None of those circumstances are present here. Petitioner has committed no crime, poses no danger, and has a verified parent available for immediate reunification.

52. Critically, ORR has already determined that Petitioner is eligible for release. Petitioner's mother has completed all required steps, including proof of parentage and vetting, and stands ready to assume custody (*See* **Exhibit A**). Respondents cannot rely on unspecified or ongoing internal processes to justify detention where all required steps have been completed and release has been approved.

53. At this stage, Petitioner's detention is no longer regulatory—it is purely administrative. Once ORR approved Petitioner for release and his parent satisfied all requirements, the legal basis for detention ceased. What remains is bureaucratic delay, which cannot justify continued physical restraint.

54. Any continued custody is based solely on inter-agency delay. Administrative delay cannot justify continued detention where statutory authority is absent. The government may not prolong a child's detention due to its own internal processes or bureaucratic inefficiencies.

55. The government may not convert internal delay into lawful detention. To hold otherwise would permit indefinite detention of children based solely on administrative inefficiency—an outcome squarely foreclosed by the Constitution and the Flores Settlement Agreement.

56. The Flores Settlement Agreement requires release "without unnecessary delay" once a suitable custodian is identified. *See Flores v. Sessions,* 862 F.3d 863, 878 (9th Cir. 2017).

57. Moreover, even temporary delay does not permit continued placement in a restrictive custodial setting where release to a parent is available. *See Flores v. Lynch,* 212 F. Supp. 3d 907, 918–19 (C.D. Cal. 2015).

58. Because Petitioner's detention no longer serves any lawful purpose, it violates the Flores Settlement Agreement, the Due Process Clause, and basic principles of administrative law.

59. Absent immediate judicial intervention, Petitioner will remain detained indefinitely without justification.

60. Detention without a legitimate regulatory purpose is unconstitutional.

A. The federal government must act as a single entity

61. Courts recognize that the federal government speaks with **one voice**, and inter-agency processes **cannot override statutory or settlement obligations**. Once ORR has determined that release is appropriate, continued detention serves no lawful purpose. *Flores v. Lynch*, 212 F. Supp. 3d 907, 918–19 (C.D. Cal. 2015) (detention cannot be justified based on general policy or administrative delay).

62. Here, Petitioner's continued detention—despite ORR's approval and parental verification—violates:

1. The **Flores Settlement Agreement**,
2. Substantive and procedural **due process**, and
3. Basic principles of **reasonableness under administrative law**.

B. Even Temporary Delays Require Least Restrictive Placement

63. Even assuming arguendo that some delay is unavoidable, Flores requires that Petitioner be held in the **least restrictive setting appropriate** to his age and circumstances. Respondents' continued placement of Petitioner in restrictive shelters, when release to a parent is possible, violates this requirement. See *Flores v. Lynch*, 212 F. Supp. 3d at 918–19.

64. **Petitioner's continued detention inflicts ongoing and irreparable harm.** Prolonged separation from a parent causes significant psychological and developmental harm to a minor, particularly in custodial settings.

65. There is no timeline for release, and absent court intervention, Petitioner will remain indefinitely detained without justification. Given Petitioner's age and ongoing harm, expedited review is warranted.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

(1) Grant the Petition;

(2) Order Respondents to immediately release Petitioner to his parent;

(3) In the alternative, order Respondents to provide an individualized custody determination within seventy-two (72) hours, with Respondents bearing the burden of proof by clear and convincing evidence of danger or flight risk, and order Petitioner's release if such hearing is not timely provided;

(4) Enjoin Respondents from transferring Petitioner outside this District;

(5) Order Respondents to show cause within three (3) days why the writ should not issue;

(6) Award attorneys' fees and costs; and

(7) Grant such other relief as the Court deems just and proper; and

(8) Order that if Respondents fail to comply within the time specified, Petitioner shall be immediately released without further proceedings.

Dated: March 20, 2026
Queens, New York

/s/ Avi Silberberg, Esq.
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VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I represent Petitioner, J[redacted] and submit this verification on his behalf. I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated this 20th day of March, 2026.

/s/ Avi Silberberg