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March 24, 2026

VIA ECF

Hon. Lewis J. Liman
United States District Judge
Southern District of New York

Re: *M.A.V. v. Sanchez et al.*, 1:26-cv-02306 (LJL)

Your Honor:

Petitioner respectfully submits this letter in response to the Court's March 24, 2026 Order.

Petitioner acknowledges that the cases arise from similar circumstances, but each petition involves a different child, a different parent, and a different sponsor household, and the lawfulness of detention should be assessed independently as to each child.

The issue here is straightforward: whether Respondents may continue to detain this child where a parent in the United States is present, available to provide care and physical custody, and has cleared every required safety and background check.

The statute provides:

> *"The term 'unaccompanied alien child' means a child who—*
> (A) has no lawful immigration status in the United States;
> (B) has not attained 18 years of age; and
> (C) with respect to whom—
> (i) there is no parent or legal guardian in the United States; or
> (ii) no parent or legal guardian in the United States is available to provide care and physical custody."
> 6 U.S.C. § 279(g)(2).

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That definition is not satisfied here.

This Court has already addressed this issue. In *Maldonado v. Lloyd*, No. 18-cv-3089 (JFK) (S.D.N.Y. May 4, 2018), the court held that once a parent is available to provide care and physical custody, the statutory definition of a UAC is no longer satisfied, and continued detention on that basis is unauthorized.

That is the situation here.

Respondents' own submission confirms that the parent has been identified, has applied for sponsorship, and has cleared fingerprinting, home study, and all safety and anti-trafficking checks. There is no allegation of risk, fraud, or unfitness. Every substantive requirement has been satisfied.

The only remaining step according to the Respondents' is DNA testing. However, DNA testing is not in the statute. Nothing in 6 U.S.C. § 279(g)(2) conditions a parent's "availability" on completion of agency procedures.

What remains is process—not protection.

Respondents' position—that detention may continue while awaiting DNA results—effectively converts administrative delay into lawful custody. But agency process cannot expand statutory authority. Once the statutory definition is no longer met, ORR's authority to detain ends.

This case is not about risk. It is about an 11-year-old child who has been separated from his mother for approximately four months, despite her having done everything required, and who remains detained solely due to internal processing. The statute does not permit that result.

Petitioner respectfully requests that the Court grant the petition and order immediate release.

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Respectfully submitted,

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