UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

D.R.C.C., a minor, and E.E.C.C., a minor, by and through their Next Friend, T.C.C.,

Plaintiff-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; Alex ADAMS, in his official capacity as Assistant Secretary of the Administration for Children and Families; Randi CAVALLARO, in her official capacity as Executive Director of Children's Community Programs of Connecticut; U.S. Department of Health and Human Services (HHS); U.S. Office of Refugee Resettlement (ORR); Administration for Children and Families; Children's Community Programs of Connecticut,

Defendant-Respondents.

Civil Case No.:

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

ORAL ARGUMENT REQUESTED

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

INTRODUCTION

1. D.R.C.C., a 16 year-old boy, and E.E.C.C., a 14-year-old boy, brothers and citizens of Guatemala, have been detained by the United States Government since December 4, 2025. Despite the fact that the Office of Refugee Resettlement ("ORR") has failed to articulate

any rational reason why D.R.C.C. and E.E.C.C. cannot be released to their father and Next Friend, T.C.C. ("Mr. CC"), the minor children have been languishing in detention for 163 days. D.R.C.C. and E.E.C.C. have been confined in a restrictive setting, deprived of an adequate education, and surrounded by strangers. They have been isolated from their family, having seen their father only a handful of times since being detained, and only one time over the last month due to ORR moving the children to a more distant custodial location. As the weeks and months pass, D.R.C.C. and E.E.C.C. are experiencing increasing sadness, anxiety, and distress. D.R.C.C. has been prescribed sleeping pills and E.E.C.C. is receiving counseling to help cope with what they describe as being trapped in an endless "waiting room" of government custody.

2. D.R.C.C. and E.E.C.C. are being unlawfully held and suffering from grievous psychological and emotional harm, despite their father having complied with every request imposed by Defendant-Respondents. Desperate to reunify with his sons, Mr. C.C. has submitted proof of his income, address, identification, participated in multiple background checks, fingerprinting, DNA testing, and undergone a home study. Exhibit A (Affidavit of Tess E. Reagan) ("Reagan Aff.") ¶¶ 40, 46, 53; Exhibit B (Affidavit of T.C.C.) ("Mr. C.C. Aff.") ¶ 23. According to an ORR-appointed Child Advocate Supervisor assigned to their case, immediate release of D.R.C.C. and E.E.C.C. to their father is in the children's best interests. Reagan Aff. ¶ 48. Defendant-Respondents' own home study worker has indicated that Mr. C.C. is a suitable sponsor and that his home is appropriate. Reagan Aff. ¶ 48; Mr. C.C. Aff. ¶ 23.

3. Defendant-Respondents have not articulated any outstanding step that Mr. C.C. must complete in the sponsorship process, or any legitimate reason why D.R.C.C. and E.E.C.C.

cannot be reunified with their father, to either Mr. C.C., his attorney, the children's ORR-appointed Child Advocate, or the children's KIND attorney-advocates. And yet, without any legitimate or rational basis or articulated reason, Defendant-Respondents continue to detain D.R.C.C. and E.E.C.C., separating them from their father and family. Reagan Aff. ¶ 52.

4. At the earliest possible moment, when he was first contacted by ORR after his sons' arrival in Connecticut, Mr. C.C. informed ORR that he wished to begin the sponsorship process to secure the release of D.R.C.C. and E.E.C.C. to his custody. Reagan Aff. ¶ 12; Mr. C.C. Aff. ¶ 16. Despite an intake assessment conducted on December 7, 2026 wherein ORR identified Mr. C.C. as a potential sponsor and designated him as a Category 1, the most preferential category for sponsor release, it took over one month for ORR's Division of Sponsor Vetting to even contact Mr. C.C. Then, ORR waited until March 31, 2026 – almost four months later – to provide Mr. C.C. with a sponsorship application. Reagan Aff. ¶¶ 12, 30. Throughout the process, ORR has given Mr. C.C. incorrect or misleading information and has failed to process and otherwise delayed his application. Reagan Aff. ¶¶ 15, 17, 21, 30, 39; Mr. C.C. Aff. ¶ 16, 18, 21. In addition, over the last 160 days, ORR has subjected Mr. C.C. to an irrational, ever-multiplying, and piecemeal list of "requirements" that have unreasonably prevented his reunification with his children. Despite Mr. C.C.'s prompt compliance with every request, Defendant-Respondents have unreasonably delayed the process at every turn in violation of their statutory requirements, policies, and field guidance.

5. ORR improperly ordered Mr. C.C. to undergo a home study even though it was not required by ORR's own regulations or statute and ORR failed to determine that a home study would provide additional information about his sponsorship application. In addition, ORR failed

to schedule it for almost five months after D.R.C.C. and E.E.C.C. entered ORR custody, in violation of ORR's Policy Guide. Reagan Aff. ¶¶ 45-46; ORR Unaccompanied Alien Children Bureau Policy Guide ("UC Policy Guide") Sec. 2.4.2. Although the home study worker conducted his visit on May 7, 2026, and the study has been completed with a positive recommendation, Defendant-Respondents continue to unlawfully detain D.R.C.C. and E.E.C.C. Reagan Aff. ¶¶ 46, 48; Mr. C.C. Aff. ¶ 23.

6. Although there have been no doubts raised as to Mr. C.C.'s parentage, ORR required DNA testing from both boys and their father. Reagan Aff. ¶ 17; Mr. C.C. Aff. ¶ 18. Yet, ORR took four months to schedule the DNA testing. This is a clear violation of the timeline dictated by ORR Field Guidance which mandates that once "the need" for DNA testing has been identified, the test must be scheduled within 5-7 days.[1] And although the DNA testing was completed on May 4, 2026, ORR continues to detain and separate D.R.C.C. and E.E.C.C. from their family without reason. Reagan Aff. ¶ 46.

7. Defendant-Respondent's unlawful, prolonged detention of D.R.C.C. and E.E.C.C. is the result of ORR's delayed adjudication of Mr. C.C.'s sponsorship application. ORR has a statutory and regulatory responsibility to "promptly" place D.R.C.C. and E.E.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). To fulfill its mandate, ORR releases most unaccompanied children in ORR custody to their parents or other relatives in the United States, as the least restrictive setting is likely to be release from ORR custody. *See* 8 U.S.C. § 1232(c)(2)(A); 45 C.F.R. § 410.1209(e); *Saravia v. Sessions*, 905 F.3d 1137, 1143 (9th Cir. 2018). ORR's

[1] The requirements for DNA testing, including the requirement that they be scheduled within 5-7 days, are outlined in the Office of Refugee Resettlement's Field Guidance No. 27, issued May 15, 2025, available at https://acf.gov/sites/default/files/documents/orr/FG-27_-_DNA_Testing_Expansion.pdf.

regulations state, subject to an assessment of sponsor suitability, that ORR "shall release a child from its custody *without unnecessary delay*" with first order of preference being the child's parent. 45 C.F.R. § 410.1201(a) (emphasis added). ORR is required to adjudicate a sponsorship application from a child's parent – like Mr. C.C.'s – within 10 days. 45 C.F.R. § 410.1205(b). Defendant-Respondents have far exceeded this required timeline without justification.

8. ORR has failed to articulate an individualized rationale for the "requirements" imposed on Mr. C.C.'s sponsorship application and continues to place the burden on Mr. C.C., when the burden in fact rests on ORR to justify its continued detention of D.R.C.C. and E.E.C.C. and separation from their father. Without justification, ORR has failed to comply with the requirements of its own process, many of which are themselves unnecessary and unreasonable, all in violation of D.R.C.C.'s and E.E.C.C.'s constitutional, statutory, and regulatory rights, including the right to be "promptly" placed in the least restrictive setting that is in their best interests and to be released "without unnecessary delay."

9. In ORR custody, D.R.C.C. and E.E.C.C. have suffered increasing sadness, anxiety, and stress. D.R.C.C. describes the experience of prolonged detention as a "nightmare" and reports that "the pain is getting worse every day" being separated from his father. Exhibit D (Affidavit of D.R.C.C.) ("D.R.C.C. Aff.") ¶¶ 19, 24, 26. He worries that "the day will never come" when he can finally be with his father. D.R.C.C. Aff. ¶ 21. E.E.C.C. similarly feels "trapped in the middle of nowhere," noting that the separation from his father is so "painful" that it is "hard to think about anything else." Exhibit E (Affidavit of E.E.C.C.) ("E.E.C.C. Aff.") ¶¶ 17-18, 26. ORR's own records repeatedly acknowledge D.R.C.C.'s distress in government custody, identifying his prolonged stay and separation from his

father as the reason for his deteriorating psychological state. Reagan Aff. ¶ 51.

10. Both D.R.C.C. and E.E.C.C. are exhibiting physical and emotional symptoms from the trauma of prolonged detention. D.R.C.C. has experienced difficulty sleeping, necessitating the prescribing of sleeping pills. D.R.C.C. Aff. ¶ 13. E.E.C.C. is experiencing difficulty coping with his sadness and anxiety, which is compounded by physical symptoms; the stress has caused him to suffer from frequent crying and "painful headaches and high fevers." E.E.C.C. Aff. ¶ 12. Both youth report feeling "empty", "lonely", "stressed", and "anxious", finding it "very difficult" to watch other children leave, not knowing how long they will remain in government custody. D.R.C.C. ¶¶ 19-21, 24, 26; E.E.C.C. Aff. ¶¶ 17-21, 26.

11. Despite its legal obligations, ORR has far exceeded the statutory deadline to adjudicate Mr. C.C.'s sponsorship application. ORR's failure to act "promptly" and release D.R.C.C. and E.E.C.C. "without unnecessary delay" violates their constitutional rights to liberty, due process, and family integrity, as well as their statutory rights under the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 ("TVPRA"). ORR's failure to release D.R.C.C. and E.E.C.C. and reunify them with their father also constitutes agency action that is arbitrary, capricious, and violates the Administrative Procedures Act ("APA"), 5 U.S.C. §§ 701 *et. seq*. Additionally, by failing to release D.R.C.C. and E.E.C.C. to their father's custody, ORR has failed to follow its own "existing valid regulations," in violation of *United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260, 268 (1954).

12. Without judicial intervention, a 14-year-old child and a 16-year-old child, will remain in government detention, subject to its arbitrary requests and unconscionable delays. Every day that Defendant-Respondents keep D.R.C.C. and E.E.C.C. in detention not only

deprives them of their fundamental rights to liberty and family integrity but inflicts increasing trauma upon them and harm to their mental health and development, with potential lifelong damage.

13. In light of the foregoing, Petitioner hereby requests that an immediate hearing be set on this matter, and that D.R.C.C. and E.E.C.C. be released during the pendency of this Petition.

JURISDICTION AND VENUE

14. This Court has subject matter jurisdiction under Art. I, § 9, cl. 2 of the U.S. Constitution (Suspension Clause); 28 U.S.C. § 2241 (habeas corpus); 28 U.S.C. § 1651 (All Writs Act); 28 U.S.C. § 1331 (federal question jurisdiction); and 5 U.S.C. § 701 (the Administrative Procedure Act).

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

16. 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).

17. Venue is proper in the District of Connecticut under 28 U.S.C. § 1391(e) because D.R.C.C. and E.E.C.C. are detained within this District and a substantial part of the events giving rise to these claims occurred and continue to occur in this District.

PARTIES

18. D.R.C.C. is a 16-year-old child in the custody of ORR. He is presently detained at The Children's Community Programs of Connecticut in New Haven, Connecticut. D.R.C.C. brings this matter by and through his father and Next Friend, Mr. C.C.

19. E.E.C.C. is a 14-year-old child in the custody of ORR. He is presently detained at The

Children's Community Programs of Connecticut in New Haven, Connecticut. E.E.C.C. brings this matter by and through his father and Next Friend, Mr. C.C.

20. Plaintiff-Petitioner Mr. C.C. is the father of D.R.C.C. and E.E.C.C. He brings this matter on behalf of D.R.C.C. and E.E.C.C. as their Next Friend. Mr. C.C. presently lives in Providence, Rhode Island.

21. Defendant-Respondent Robert F. Kennedy, Jr., is the Secretary of the U.S. Department of Health and Human Services ("HHS"). In this capacity, he oversees ORR, the sub-agency of HHS generally responsible for the care of unaccompanied immigrant children, and specifically responsible for the ongoing custody of D.R.C.C. and E.E.C.C. Respondent Kennedy is sued in his official capacity.

22. Defendant-Respondent Angie Salazar is the Acting Director of ORR. ORR is the sub-agency of HHS responsible for the care of unaccompanied immigrant children and is the government entity responsible for D.R.C.C.'s and E.E.C.C.'s ongoing custody. Respondent Salazar is sued in her official capacity.

23. Defendant-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 D.R.C.C.'s and E.E.C.C.'s detention and custody. Respondent Adams is sued in his official capacity.

24. Defendant-Respondent Randi Cavallero is the Director of The Children's Community Programs of Connecticut, which operates the transitional foster care program where D.R.C.C. and E.E.C.C. are presently in custody. She is therefore D.R.C.C.'s and E.E.C.C.'s direct custodian for purposes of the instant habeas petition. Respondent Cavallero is sued

in her official capacity.

25. Defendant-Respondent U.S. Department of Health and Human Services is a cabinet-level department of the executive branch of the U.S. government headquartered in Washington, DC. HHS is the parent agency of ORR.

26. Defendant-Respondent Administration for Children and Families is the operating division of HHS tasked with the welfare of children and families and includes ORR as a component agency.

27. Defendant-Respondent Office of Refugee Resettlement ("ORR") is a component agency of ACF and HHS and is responsible for the care, custody, and well-being of unaccompanied immigrant children.

28. Defendant-Respondent The Children's Community Programs of Connecticut ("CCP") is an agency licensed by the State of Connecticut and contracted by ORR to provide care for unaccompanied immigrant children in CCP's care in New Haven, CT.

LEGAL FRAMEWORK

A. Statutory and Regulatory Framework Regarding the Care, Custody, and Release of Unaccompanied Immigrant Children

29. The care and custody of unaccompanied immigrant children is governed by a legal framework consisting of the Homeland Security Act of 2002, the TVPRA, the 1997 *Flores* Settlement Agreement, and the Foundational Rule, 45 C.F.R § 410, *et. seq.*

30. Prior to 2002, the Office of Juvenile Affairs in the former Immigration and Naturalization 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"), available at https://www.aila.org/files/o-files/view-file/04CEA0D1-427B-4D25-B6D0-47CF10B46997. However, following the promulgation of the Foundational Rule, the *Flores* Settlement Agreement was partially terminated as to HHS. *Flores v. Garland*, 2024 WL 3467715, at *7-9 (C.D. Cal., June 28, 2024).

31. 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.

32. Congress's decision to transfer responsibility for the care and custody of unaccompanied children from the INS to ORR reflected Congress's determination that caring for such children and prosecuting immigration enforcement were incompatible roles and should not be housed within a single agency.[2] Within HHS, ORR is responsible for children's safety and welfare and is explicitly not a law enforcement agency. *See* Foundational Rule, 89 Fed. Reg. at 34423 ("[I]t is not a law enforcement agency, unlike the former INS . . .").

33. Congress then expanded protections for unaccompanied children in the TVPRA, reaffirming Congress's intent to treat unaccompanied immigrant children differently than adults in the context of both detention and immigration proceedings. 8 U.S.C. § 1232 *et seq.*

34. The TVPRA requires federal officials who discover an unaccompanied child to transfer

[2] *See, e.g.*, 148 Cong. Rec. S11295 (Nov. 18, 2002) (statement of Sen. Feinstein); *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.")

the child to the care and custody of ORR 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, with preference given to parents and legal guardians. 45 C.F.R. § 410.1108 (a). *See also, e.g.*, *Santos v. Smith*, 260 F. Supp. 3d 598, 605 (W.D.V.A. 2017) ("Pursuant to the *Flores* agreement and the TVPRA, ORR should release to a parent, if available . . . ."). In other words, Congress enacted the TVPRA specifically to facilitate the safe, speedy release and minimally restrictive placement of unaccompanied children. *See, e.g.*, 154 Cong. Rec. S10887 (Dec. 10, 2008).

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

36. The Foundational Rule sets forth "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 (emphasis added). 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.*

37. Under the Foundational Rule, sponsors must complete a sponsorship application, undergo a sponsorship suitability assessment, and submit to various backgrounds checks. 45 C.F.R.

§§ 410.1202(b)-(c), 410.1203(c). Absent specific circumstances,[3] home studies are not a required part of the sponsor suitability assessment, but ORR "may, in its discretion, initiate home studies if it determines that a home study is likely to provide additional information which could assist in determining that the potential sponsor is able to care for the health, safety, and well-being of the unaccompanied child." 45 C.F.R. § 410.1204(c).

38. The Foundational Rule establishes that "ORR shall release a child from its custody without unnecessary delay" to suitable sponsors in a specific order of preference, with parents and legal guardians taking first priority. 45 C.F.R. § 410.1201(a). Specifically, it provides that "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". 45 C.F.R. § 410.1205(b).

39. The Foundational Rule does not provide any procedural mechanism for a potential sponsor to contest the agency's adjudicative delay during the pendency of a sponsorship application. An appeals process is only available following a final denial of a sponsor application from a parent, legal guardian, or other close relative, and can take up to 30 days to complete. 45 C.F.R. § 410.1206(a), (f).

40. ORR's sub-regulatory framework is laid out in the UC Policy Guide, which was first published publicly in 2015 and is available on ORR's website. Office of Refugee

[3] Home studies are required under the TVPRA where (i) the child is a victim of a severe form of trafficking in persons; (ii) a child has a disability requiring particularized services; (iii) a child has been a victim of physical or sexual abuse under circumstances that indicate that the child's health or welfare has been significantly harmed or threatened; or (iv) a child's sponsor clearly presents a risk of a abuse, maltreatment, exploitation, or trafficking to the child based on all available objective evidence. 8 U.S.C. § 1232(c)(3)(B). The Foundational Rule also requires home studies "before releasing any child to a non-relative sponsor who is seeking to sponsor multiple children or who has previously sponsored or sought to sponsor a child and is seeking to sponsor additional children" and "before releasing any child who is 12 years old or younger to a non-relative sponsor." 8 C.F.R. § 410.1204 (b).

Resettlement, *Unaccompanied Alien Children Bureau Policy Guide* (2026), https://acf.gov/orr/policy-guidance/unaccompanied-children-bureau-policy-guide. Consistent with the HSA, TVPRA, and Foundational Rule, the UC Policy Guide governs the placement, care, and release of unaccompanied children in ORR custody. UC Policy Guide, Introduction.

41. Section 2 of the UC Policy Guide sets out ORR's policies with respect to securing "[s]afe and timely release" of unaccompanied children to sponsors, emphasizing that ORR policies are intended to ensure the release of unaccompanied children "in a safe, efficient, manner without unnecessary delay." UC Policy Guide Sec. 2.1. It provides detailed guidance for the release process, including "the identification of sponsors; sponsor application; interviews; the assessment (evaluation) of sponsor suitability, including verification of the sponsor's identity and relationship to the child (if any), background checks, and in some cases home studies; and post-release planning." *Id.*

42. Since January 2025, the UC Policy Guide has been modified multiple times, without notice and comment, to heighten sponsorship vetting requirements.[4] These changes include narrowing the list of acceptable proof of identification documents (March 7, 2025); requiring specific proof of income documentation (April 15, 2025); requiring specific proof of address documentation (March 7, 2025); requiring ORR to "exhaust all available avenues to verify the authenticity of birth certificates" submitted as proof of child's identity and sponsor-child relationship (March 7, 2025); requiring DNA testing to establish a biological relationship to the child, where biological relationship is purported (March 14,

[4] Neha Desai and Melissa Adamson, et. al, The Unraveling of ORR: A Quick and Calculated Undoing of a System Intended to Protect Children, NAT'L CTR. FOR YOUTH L., at 3 (Sept. 2025), available at https://youthlaw.org/resources/the-unraveling-of-orr-a-quick-and-calculated-undoing-of-a-system-intended-toprotect-children/.

2025; revised May 15, 2025); requiring sponsor home studies in new circumstances beyond those mandated under the Foundational Rule and the TVPRA (July 14, 2025); requiring proof of a Social Security Number or Individual Taxpayer Identification Number for all adults identified in a sponsorship application (March 6, 2026); and requiring background checks for all household members and alternate caregivers (March 6, 2026).[5]

43. Beginning in August 2025, ORR created a new internal division, the Division of Sponsor Administration ("DSA"), which removed sponsorship document collection and vetting responsibilities that were previously assigned to local case managers and unification specialists employed by sub-contractors and placed that responsibility exclusively with DSA Federal Field Specialists ("FFS"). Under the new system, the DSA FFS is responsible for communicating with the child's sponsor, obtaining a sponsorship application, gathering all documents, and submitting requests for additional vetting procedures (ex. scheduling fingerprinting, a home study, and/or DNA testing, etc.). The FFS makes an initial recommendation as to release, which is reviewed by the local facility (in this case CCP) and a case coordinator (an ORR contractor) for their recommendations and finally sent to another FFS with ORR's Division of Case Administration ("DCA") who makes the final decision on release. That FFS may approve the release, deny the release, or remand the case back for further assessment. The final decision is reviewable by superiors within ORR.

B. Constitutional Framework Regarding the Prolonged Detention of Unaccompanied Immigrant Children

44. Children have a fundamental liberty interest in being free from confinement. The Supreme Court has recognized that "the interest in being free from physical detention" by the State is "the most elemental of liberty interests[.]" *Hamdi v. Rumsfeld*, 542 U.S. 507, 529 (2004).

[5] *Id.* at 5-8.

A child's interest in being free from confinement is no less fundamental than that of an adult. *See In re Gault*, 387 U.S. 1, 13 (1967) ("[N]either the Fourteenth Amendment nor the Bill of Rights is for adults alone . . ."); *Reno v. Flores*, 507 U.S. 292, 316 (1993) (O'Connor, J. and Souter, J., concurring) ("Children, too, have a core liberty interest in remaining free from institutional confinement. In this respect, a child's constitutional freedom from bodily restraint is no narrower than an adult's.") (internal quotation marks omitted). Minors, like adults, also 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).

45. The constitutional right to family integrity and familial association is also well established. *See Santosky v. Kramer*, 455 U.S. 745, 753 (1982) (holding that parents and children have a well-elaborated constitutional right to live together without governmental interference); *Smith v. Org. of Foster Families for Equality & Reform*, 431 U.S. 816, 845 (1977) ("[T]he liberty interest in family privacy has its source, and its contours are ordinarily to be sought . . . in intrinsic human rights."). The Second Circuit has held that the "right to the preservation of family integrity encompasses the reciprocal rights of both parent and children," and that "the most essential and basic aspect of familial privacy [is] the right of the family to remain together without the coercive interference of the awesome power of the state." *Duchesne v. Sugarman*, 566 F.2d 817, 825 (2d Cir. 1977); *see also Kia P. v. McIntyre*, 235 F.3d 749, 759 (2d Cir. 2000) (explaining children have a "constitutionally protected liberty interest in not being dislocated from the emotional attachments that derive from the intimacy of daily family association") (internal quotation marks omitted); *Southerland v. City of New York,* 680 F.3d 127, 142 (2d Cir. 2012) (explaining parents

"have a constitutionally protected liberty interest in the care, custody and management of their children") (quoting *Tenenbaum v. Williams*, 193 F.3d 581, 593 (2d Cir. 1999)).

46. In matters involving the prolonged detention of unaccompanied immigrant children in ORR custody, courts have repeatedly recognized the due process rights of children to family integrity. *See, e.g., 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); *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)); *Maldonado v. Lloyd*, 2018 WL 2089348 at *7 (S.D.N.Y May 4, 2018) (concluding that prolonged ORR sponsorship suitability process was violation of child's "right to family integrity"); *Santos v. Smith*, 260 F. Supp. 3d 598, 612 (W.D.V.A. 2017) ("[T]he interest in family reunification remains fundamental . . . and is deserving of significant due process protections."). *See also*, *Ms. L. v. U.S. ICE*, 310 F.Supp.3d 1133, 1142-46 (S.D. Cal. 2018) (finding likely substantive due process violation stemming from "zero tolerance" policy of family separation).

47. Longstanding Supreme Court precedent establishes that when a governmental 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. *See Mathews v. Eldridge*, 424 U.S. 319, 335 (1976). Under the balancing test set out in *Mathews*, in assessing an alleged violation of procedural due process, courts must consider: (1) "[T]he private interest that will be affected by the official action"; (2) "[T]he risk of erroneous deprivation of such interest through the procedures used, and the probable value, if any, of

additional or substitute procedural safeguards; and (3), "[T]he government's interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail." *Id.*

48. Pursuant to *Mathews*, some courts have required ORR to assess sponsorship applications by parents in light of the fundamental liberty interest in family integrity. Several courts have held that "when a parent (rather than another relative or friend) seeks reunification with her child, ORR procedures improperly place the burden of proof on the parent to demonstrate suitability rather than on ORR to justify its continued custody of the child." *Maldonado,* 2018 WL 2089348 at *9; *see also Santos,* 260 F. Supp. 3d at 613 ("[A]t least when a parent is requesting reunification, the burden should be on ORR to show why its continued custody of [an unaccompanied child] is appropriate, rather than placing that burden on the parent."); *Beltran,* 222 F. Supp. 3d at 485 ("Once the government decides to withhold a child from a parent's care, 'the state has the burden to initiate' proceedings to justify its action.") (Citation omitted.).

49. Furthermore, "'significant' and 'unexplained delay[s] in responding to [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) (quoting *Santos*, 260 F. Supp. at 614).

50. In accordance with these foundational principles of due process, ORR bears the burden to justify its continued unlawful custody of D.R.C.C. and E.E.C.C. ORR also has a constitutional responsibility to finalize its suitability assessment of Mr. C.C. without unnecessary delay. Based on the facts alleged herein, Mr. C.C. is a safe and qualified sponsor, and ORR has a duty to grant Mr. C.C.'s reunification request without delay. ORR

should immediately place D.R.C.C. and E.E.C.C. in the least restrictive setting that is in their best interests, which is with Mr. C.C., their father.

FACTUAL BACKGROUND

A. D.R.C.C. and E.E.C.C. are children in ORR custody with a vetted sponsor capable of providing for their physical and mental well-being.

51. D.R.C.C. and E.E.C.C. were born in San Andres Sajcabaja, Quiche, Guatemala, in 2010 and 2012, respectively. D.R.C.C. is 16-years-old and E.E.C.C. is 14-years-old. *See* Exhibit C.

52. Mr. C.C, the father of D.R.C.C. and E.E.C.C., and their ORR sponsor, was born in San Andres Sajcabaja, Quiche, Guatemala in 1992. Mr. C.C. Aff. at ¶ 2. He is 34 years old and resides in Providence, Rhode Island. *Id.* There is no evidence or allegation that Mr. C.C. has a criminal history or a child protection history. Reagan Aff. ¶ 52.

53. Until the ages of approximately 11 and 9 years, D.R.C.C. and E.E.C.C. lived with their father and mother and younger siblings in Guatemala. The family are members of an indigenous group, and their primary language is K'iche', although they also speak Spanish. Mr. C.C. ¶¶ 3, 6; D.R.C.C. Aff. ¶¶ 3, 5. Both D.R.C.C. and E.E.C.C. have always shared a close bond with their father who worked hard to provide for his family. D.R.C.C. Aff. ¶ 8; E.E.C.C. Aff. ¶ 8. The family was extremely poor and as members of the Quiche indigenous group, faced significant discrimination in Guatemala. Despite working hard in seasonal agriculture and often traveling to undertake available jobs, Mr. C.C. struggled to provide for his family. Given the dire economic conditions in Guatemala, in 2021, Mr. C.C. made the difficult decision to leave his family and migrate to the United States to work to support his family. Mr. C.C. Aff. ¶¶ 7-10.

54. After Mr. C.C. left Guatemala, D.R.C.C. and E.E.C.C. remained living with their mother and younger siblings. Mr. C.C. remained in constant contact with his sons and sent money

for their living expenses and education. *Id.* ¶ 12. D.R.C.C. and E.E.C.C. attended school and worked in their family field to help support their family. D.R.C.C. Aff. ¶¶ 6-7; E.E.C.C. Aff. ¶¶ 5-6. However, as they grew older, they were unable to continue their education due to the expense which their family could not afford. D.R.C.C. Aff. ¶ 6; E.E.C.C. Aff. ¶ 6.

55. In 2025, D.R.C.C. and E.E.C.C. fled to the United States due to their family's poverty, the economic situation in Guatemala that prevented them from continuing their education, and other safety concerns. D.R.C.C. Aff. ¶ 9; E.E.C.C. Aff. ¶ 9.

56. D.R.C.C. and E.E.C.C. departed Guatemala in November 2025 and entered the United States on December 4, 2025, near Fort Hancock, Texas. Reagan Aff. ¶ 8; D.R.C.C. Aff. ¶ 11; E.E.C.C. Aff. ¶ 10. They were apprehended by Customs and Border Protection ("CBP"), which designated each of them as an "unaccompanied child."[6] Reagan Aff. ¶ 8. On December 5, 2026, the Department of Homeland Security ("DHS") issued Notices to Appear in immigration court to D.R.C.C. and E.E.C.C. *Id.* DHS filed the Notices to Appear with the Hartford Immigration Court. E.E.C.C.'s removal proceedings were terminated on February 18, 2026. D.R.C.C.'s removal proceedings remain pending before Hartford Immigration Court. *Id.*

57. On December 7, 2025, D.R.C.C. and E.E.C.C. were transferred to the custody of ORR and transported to Noank Community Support Services ("NCSS") in Mystic, Connecticut, an ORR-funded residential care facility. Reagan Aff. ¶ 9. NCSS is a congregate care shelter where children are held 24 hours a day, 7 days a week. Reagan Aff. ¶ 10. The children sleep in dormitory-style bedrooms, eat all meals at the facility, and receive group

[6] An unaccompanied child is defined as "a child who has no lawful immigration status in the United States; has not attained 18 years of age; and, with respect to whom, there is no parent or legal guardian in the United States, or no parent or legal guardian in the United States available to provide care and physical custody." 6 U.S.C. § 279 (g) (2).

educational programming in the dining area. *Id.* They are only permitted to leave the facility with the permission of and accompanied by shelter staff on designated outings. *Id.*

58. Immediately upon D.R.C.C.'s and E.E.C.C.'s arrival at NCSS on December 7, 2025, an NCSS case manager completed an intake assessment with each child, and Mr. C.C. was identified as a potential Category 1 sponsor, the most preferential category for sponsor release.[7] The case manager then submitted a sponsor referral to ORR's Division of Sponsor Administration ("DSA") to begin the sponsorship application process. *Id.* ¶ 12. Screenings conducted by an NCSS case manager on December 7, 2025 found that D.R.C.C. and E.E.C.C. were not victims of trafficking and that Mr. C.C. did not present a risk of abuse, maltreatment, exploitation or trafficking to them. Reagan Aff. ¶ 13.

59. In early December 2025, Mr. C.C. was contacted by an ORR representative who inquired about his income, employment, and address. Reagan Aff. ¶ 15; Mr. C.C. Aff. ¶ 16. During this call, Mr. C.C. informed the representative of his desire to serve as the sponsor for his sons. The ORR representative informed Mr. CC that he would need to find an English speaker to assist him with his sponsorship application. *Id.* Mr. C.C. was not provided with the actual sponsorship application at that time. Reagan Aff. ¶ 30; Mr. C.C. Aff. ¶ 16.

60. On January 8, 2026, after D.R.C.C. and E.E.C.C. had already been in government custody for over one month, DSA Federal Field Specialist ("FFS") Rachel McOwusu contacted Mr. C.C. for the first time. FFS McOwusu was the ORR employee responsible for vetting Mr. C.C. as a

[7] ORR releases children to a sponsor in the following order of preference: parent; legal guardian; an adult relative; an adult individual or entity designated by the parent or legal guardian; a licensed program willing to accept legal custody; or an adult individual or entity when it appears that there is no other likely alternative to long term ORR care and custody. ORR has grouped unaccompanied children's cases into the following categories: Category 1: Parent or legal guardian. This includes qualifying step-parents that have legal or joint custody of the child; Category 2: A sibling, grandparent, or other immediate relative (e.g., aunt, uncle, first cousin) who previously served as the child's primary caregiver; Category 3: An immediate relative who has not previously served as the child's primary caregiver; Category 4: Other sponsor, such as distant relatives and unrelated adult individuals, and Category 5: No sponsor identified. *See* ORR Policy Guide section 2.2.1.

sponsor. During that conversation, she reviewed the sponsorship requirements and informed Mr. C.C. that he would be required to participate in a DNA test. Reagan Aff. ¶ 17; Mr. C.C. Aff. ¶ 18. FFS McOwusu expressed concern that Mr. C.C. would not be able to complete the sponsorship process due to having four household members who would be required to provide personal information. FFS McOwusu further informed Mr. C.C. that he was not eligible to be a sponsor due to his immigration status and that he should find someone else to sponsor his children. *Id.* Mr. C.C. maintained that he wished to be their sponsor and stated his intent to provide any requested documents. *Id.*

61. Over one month later, on February 12, 2026, following inquiries from D.R.C.C.'s and E.E.C.C.'s KIND attorney-advocates, FFS McOwusu spoke with Mr. C.C. to resolve any "misunderstanding" regarding his ability to sponsor his children. Reagan Aff. ¶ 21. Between February 24 and February 27, 2026, with the assistance of a friend who speaks English, Mr. C.C. provided the children's birth certificates, passports, his own birth certificate and passport, and tax documents to FFS McOwusu. Reagan Aff. ¶¶ 26, 29; Mr. C.C. Aff. ¶¶ 20-21. Between March 18 and March 30, 2026, Mr. C.C. submitted his 2024 state and federal tax returns, ITIN, and state identification. Reagan Aff. ¶ 29; Mr. C.C. Aff. ¶ 21.

62. In March 2026, to avoid any potential delays caused by residing with other individuals as indicated by FFS McOwusu, Mr. C.C. moved to a new apartment, along with his brother, the ACG. Mr. C.C. Aff. ¶ 19. On March 31, 2026, he provided ORR with proof of his new lease agreement as proof of address. Reagan Aff. ¶ 31.

63. Despite his having been identified as the sponsor on December 7, 2025, ORR did not provide Mr. C.C. a sponsorship application until March 31, 2026, almost four months after his children entered custody. Reagan Aff. ¶ 30.

64. On April 9, 2026, D.R.C.C. and E.E.C.C. were transferred from NCSS to CCP in New Haven, Connecticut due to the non-renewal of NCSS's contract with ORR. *Id.* ¶ 34.

65. In early April 2026, Mr. C.C. began working with a volunteer attorney, Dawn Burns, from VECINA. Reagan Aff. ¶ 36. Attorney Burns emailed FFS McOwusu and received a response that FFS McOwusu was out of the office until April 20, 2026. Attorney Burns was then contacted by a different FFS named Omar Martinez-Gavalo. With Attorney Burns' assistance, on April 17, 2026, Mr. C.C. submitted a completed sponsorship application to ORR. Reagan Aff. ¶¶ 37-38; Mr. C.C. Aff. ¶ 22-23.

66. On April 18, 2026, FFS Martinez-Gavalo requested that Attorney Burns resubmit all prior documentation for Mr. C.C., stating alternately that the documents were not in ORR's UC Portal and that he could not access the documents. Attorney Burns immediately complied with the request and also provided new signed authorization to release information forms ("ARIs") for Mr. C.C. and the ACG. Reagan Aff. ¶ 39; Mr. C.C. Aff. ¶ 21.

67. On April 20, 2026, Mr. C.C. attended a fingerprinting appointment and provided ORR with biometrics for additional background checks. Reagan Aff. ¶ 40. On April 23, 2026, he provided his 2025 tax returns as additional proof of income. Reagan Aff. ¶ 41; Mr. C.C. Aff. ¶ 23.

68. By April 30, 2026, four months after Mr. C.C. had first been informed he would be required to participate in a DNA testing, ORR confirmed that a formal request for both DNA testing and a home study had been submitted. Reagan Aff. ¶¶ 42-45. Mr. C.C. subsequently provided a DNA sample on May 4, 2026 and participated in a home study on May 7, 2026. Reagan Aff. ¶ 46; Mr. C.C. Aff. ¶ 23. The home study worker informed Mr. C.C. that the visit was successful and would result in a positive recommendation. Reagan Aff. ¶ 46; Mr. C.C. Aff. ¶ 23. On May 14, 2026, D.R.C.C.'s and E.E.C.C.'s Child Advocate confirmed that ORR had

received the written home study report, and the recommendation was positive. Reagan Aff. ¶ 48.

69. As of May 15, 2026, there are no known outstanding requirements for Mr. C.C. to be approved as a sponsor and yet, D.R.C.C. and E.E.C.C. remain in government custody. Reagan Aff. ¶ 49. No concerns have been raised by ORR or the facility staff regarding Mr. C.C.'s suitability or his ability to provide for the children. Reagan Aff. ¶¶ 49, 52.

70. As a result of the significant delays, mistakes, and failures by ORR to process Mr. C.C.'s sponsorship application, D.R.C.C. and E.E.C.C. have been separated from their father and held in governmental custody for 163 days.

B. Defendant-Respondents are violating their legal obligation to promptly release D.R.C.C. and E.E.C.C. to their sponsor and father, Mr. C.C.

71. Despite early and definitive verification of Mr. C.C.'s suitability as a sponsor for D.R.C.C. and E.E.C.C., Defendant-Respondents have failed to move with the promptness required by law, initiating a series of bureaucratic delays that have now kept these children in government detention for over five months.

72. Within days of D.R.C.C.'s and E.E.C.C.'s arrival in the U.S. on December 4, 2025, Mr. C.C. immediately identified himself to ORR as their father and stated his desire to serve as their sponsor. Mr. C.C. Aff. ¶ 16. On December 7, 2025, Mr. C.C. was identified as a "Category 1" sponsor—the highest priority category for release under ORR's own guidelines. Reagan Aff. ¶ 12. On that same day, a case manager confirmed through mandatory screenings that the children were not victims of trafficking and that Mr. C.C. posed no risk of abuse, maltreatment, exploitation or trafficking. *Id.*

73. During an initial contact in early December 2025, an ORR representative informed Mr. C.C. that he could not receive his children unless he found an English speaker to assist him. Reagan

Aff. ¶ 15; Mr. C.C. Aff. ¶ 16. ORR records reveal that the formal vetting process was not even initiated until January 8, 2026, while the children remained in custody for over a month. Reagan Aff. ¶ 16; Mr. C.C. Aff. ¶ 18. And perhaps most egregiously, ORR failed to provide Mr. C.C. with a sponsorship application until March 31, 2026, after the children had already been in custody for almost four months. Reagan Aff. ¶ 30.

74. On January 8, 2026, FFS McOwusu further delayed the sponsorship process by falsely informing Mr. C.C. that his immigration status rendered him ineligible to sponsor his own children. Reagan Aff. ¶ 17; Mr. C.C. Aff. ¶ 18. FFS McOwusu also informed Mr. C.C. that he may not be able to complete the sponsorship process due to having four household members. *Id.* Although Mr. C.C. persisted and a background check subsequently returned clear on January 26, 2026, the government's dissemination of misinformation served to prolong the children's detention. Reagan Aff. ¶ 18.

75. In light of ORR's mounting delays and misinformation, the children's KIND attorneys repeatedly contacted ORR officials. On February 2, 2026, and again on February 12, 2026, KIND attorneys sent formal inquiries to FFS McOwusu, demanding clarification on the erroneous claim that Mr. C.C.'s immigration status barred him from sponsorship. Reagan Aff. ¶¶ 19, 21. On February 12, 2026, FFS McOwusu clarified the "misunderstanding" with Mr. C.C., explaining that he could serve as the children's sponsor—over a month after providing this incorrect information. Reagan Aff. ¶ 21.

76. Despite this clarification, the government's failure to timely facilitate reunification was further punctuated by a series of delays and redundant demands that needlessly stalled the sponsorship process. ORR failed to provide Mr. C.C. a sponsorship application until March 31, 2026, almost four months after his children entered custody and they had identified him as a Category

1 sponsor. Reagan Aff. ¶ 30. After Mr. C.C. completed and submitted his sponsorship application, on April 18, 2026, ORR asked Mr. C.C. to resubmit all of the documents he had previously submitted including: multiple rounds of federal tax returns, proof of income, ITIN number, state identification, passport, and birth certificates for himself and his children. Reagan Aff. ¶ 39. In addition, Mr. C.C. provided his fingerprints and biometrics for additional background checks. Reagan Aff. ¶ 40.

77. Although ORR has never raised any doubts as to parentage, Mr. C.C. and both children were required to submit to a DNA test. Despite informing Mr. C.C. on January 8, 2026 that DNA testing would be required, ORR did not confirm that a formal request for testing had been submitted until April 30, 2026, almost four months later. Reagan Aff. ¶¶ 42-45. In early May 2026, Mr. C.C. was finally given an appointment to provide a DNA sample. Reagan Aff. ¶¶ 46; Mr. C.C. Aff. ¶ 23. As to his relationship with D.R.C.C. and E.E.C.C., Mr. C.C. had already submitted his identification and D.R.C.C.'s and E.E.C.C.'s birth certificates, and ORR had verified that he is their father through multiple sources, including the child's mother in Guatemala, and repeated interactions between Mr. C.C., D.R.C.C., and E.E.C.C. as observed by NCSS and CCP staff. Reagan Aff. ¶29. Nonetheless, Mr. C.C. provided a DNA sample on May 7, 2026. Reagan Aff. ¶ 46; Mr. C.C. Aff. ¶ 23.

78. In early May 2026, Mr. C.C. was contacted for the first time to schedule a home study. Following a home study visit on May 7, 2026, the home study has been completed with a positive recommendation. Reagan Aff. ¶¶ 46, 48. The Foundational Rule only requires home studies (1) when required under the TVPRA,[8] (2) when releasing any child to a non-

[8] The TVPRA requires a home study if the child (1) is a victim of a severe form of trafficking in persons; (2) has a disability (as defined in 42 U.S.C. 12102) who requires particularized services or treatment;(3) has been a victim of physical or sexual abuse under circumstances that indicate that the child's health or welfare has been significantly harmed or threatened; or (4) whose potential sponsor clearly presents a risk of abuse, maltreatment, exploitation, or

relative sponsor who is seeking to sponsor multiple children or has sponsored a child or multiple children in the past, and (3) before releasing any child who is 12 years old or younger to a non-relative sponsor. 45 C.F.R. § 410.1204(b). It provides for discretionary home studies only if ORR "determines that a home study is likely to provide additional information which could assist" in the sponsor suitability assessment. 45 C.F.R. § 410.1204(c).

79. Mr. C.C. has complied with every request made by ORR. To date, neither ORR nor CCP has communicated any concern to Mr. C.C. or to D.R.C.C.'s and E.E.C.C.'s legal advocates that Mr. C.C. is not a suitable sponsor for D.R.C.C. and E.E.C.C. Reagan Aff. ¶ 52.

80. D.R.C.C.'s and E.E.C.C.'s prolonged detention and separation from their father is part of a nationwide trend impacting youth in ORR custody. In fiscal years 2021 through 2024, the average length of time a child remained in ORR custody ranged from 27 days to 33 days.[9] However, that average has increased dramatically since January 2025, jumping to 112 days in March 2025, 182 days in August 2025, and 185 days in November 2025.[10] Releases to sponsors have also dropped sharply, from 1,858 releases in February 2025, to 343 releases in March 2025, to 45 releases in April 2025.[11] In November 2025, ORR only released 16 children to sponsors nationwide.[12] In January 2026, the number of children released to

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trafficking to the child based on all available objective evidence. 8 U.S.C. § 1232(c)(3)(B).

[9] Desai & Adamson, *supra* n.4 at 11.

[10] *Id.*

[11] *Id.*

[12] "Data -Released to Sponsors," OFFICE OF REFUGEE RESETTLEMENT, https://acf.gov/orr/about/ucs/facts-and-data (last accessed May 14, 2026). This nationwide trend has been widely documented. See, e.g., Mica Rosenberg, et. al., ICE Sent 600 Immigrant Kids to Detention in Federal Shelters This Year. It's a New Record, PROPUBLICA (Nov. 24, 2025), https://www.propublica.org/article/ice-detentions-immigrant-kids-family-separations; Julia Lurie, "The Children Are Being Used as Bait": Thousands of Kids Are Stuck in Immigration Facilities With No End in Sight, MOTHER JONES (May 12, 2025), https://www.motherjones.com/politics/2025/05/unaccompaniedimmigrant-children-trump-ice-orr-shelters/.

sponsors nationwide increased slightly to 42, constituting only 2.3% of the number of children released 11 months earlier in February 2025. As of April 2026, the average length of care for a child in ORR custody has risen to 215 days.

81. The prolonged detention and family separation of children in ORR custody nationwide is a direct result of the Trump Administration's draconian changes to the sponsor vetting process, including heightened sponsor identification document validation procedures; new proof of income and proof of address requirements; and expanded home studies of potential sponsors. According to a recent report by the National Center for Youth Law, "[c]ollectively, these and other new policies have made it nearly impossible for unaccompanied children to be released from government custody – undermining ORR's core mandate under federal law."[13]

82. In addition to ORR's heightened sponsor-vetting requirements, it is very likely that ORR has imposed an internal moratorium on releasing certain immigrant children from ORR custody. According to a media report published on December 18, 2025, "three ORR officials with knowledge of the office's release process" said that "in early November [2025], agency leadership ordered a hold on releasing children to sponsors until further notice, even if the sponsors have been cleared to receive them."[14] These officials further stated that "the order was not put in writing, but issued verbally to field officers across the country who are charged with signing off on releases."[15] Reportedly, an ORR field officer

[13] Desai & Adamson, *supra* n.4 at 3. *See also* Jonathan Beier & Ruben Ortiz, et. al., Dismantling Protections: How ORR Policy Changes Trap Children in Extended Detention, ACACIA CENTER FOR JUSTICE, (Sept. 2025), https://acaciajustice.org/wp-content/uploads/2025/09/Acacia-Dismantling-Protections-2025-09.pdf.
[14] Mark Betancourt, Trump admin has all but stopped reuniting detained migrant children with their families, LAIST, (Dec. 18, 2025), https://laist.com/news/politics/trump-admin-has-all-but-stopped-reunitingdetained-migrant-children-with-their-families.
[15] *Id.*

who received this order said, "Many cases are absolutely ready to go, but because releases aren't being allowed, they are in limbo."[16]

83. Under these circumstances, D.R.C.C. and E.E.C.C. are unlikely to be released without judicial intervention.

C. It is in D.R.C.C.'s and E.E.C.C.'s best interest to be released to their father and sponsor, Mr. C.C.

84. D.R.C.C., a 16-year-old child, and E.E.C.C., a 14-year-old child, have been detained, separated from their father, and socially isolated, without access to proper schooling for over 5 months. They have suffered profound and lasting harm at a critical stage in their development.[17] They have also been forced to navigate removal proceedings in immigration court while detained and separated from their father with D.R.C.C. due to appear before the Hartford Immigration Court on May 21, 2026. For these and other reasons, it is in D.R.C.C.'s and E.E.C.C.'s best interests to be released to their father immediately. Reagan Aff. ¶¶ 48, 50-51. Immediate release will reduce the lifelong impact of the already prolonged detainment experience.

85. Before their months in ORR custody, D.R.C.C. and E.E.C.C. spent their lives surrounded by family and grew up cared for by their parents. D.R.C.C. Aff. ¶¶ 5-7; E.E.C.C. Aff. ¶ 5. D.R.C.C. and E.E.C.C. came to the United States due to the extreme poverty and safety concerns they experienced in Guatemala. D.R.C.C. dreams of a future career as a lawyer or architect, and E.E.C.C. wishes to become a teacher one day. D.R.C.C. Aff. ¶ 17; E.E.C.C. Aff. ¶ 7.

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[16] *Id.*

[17] *See* Anna T. Smyke, Ph.D. et. al., *Mental Health Implications for Children of Incarcerated Parents*, 63 LOY. L. REV. 405, 410 (2017) ("In early childhood, young children are not able to sustain meaningful attachments to adult caregivers without having substantial amounts of regular contact with them . . . Disrupting attachment relationships . . . poses significant risks to young children.").

86. Since being detained by Defendant-Respondents, D.R.C.C. and E.E.C.C. have only seen their father a handful of times. After first arriving at NCSS, the children did not see their father for many weeks. They suffered not knowing when they would see him and spent the Christmas holiday alone, detained in a residential facility. D.R.C.C. Aff. ¶ 16. Subsequently, Mr. C.C. visited with his children every 3 weeks but could not see them more often due to the significant distance and expense required to travel from his home in Rhode Island. Mr. C.C. Aff. ¶ 29; D.R.C.C. Aff. ¶ 18.

87. Since being moved to CCP in New Haven by ORR on April 9, 2026, D.R.C.C. and E.E.C.C have only seen their father one time. Due to the even greater distance between New Haven and Rhode Island, and the extremely high cost of traveling round-trip that Mr. C.C. cannot afford, D.R.C.C. and E.E.C.C have only seen their father one time over the past month. Mr. C.C. Aff. ¶¶ 29-30. Both children are suffering without seeing their father for weeks at a time and describe the unbearable "pain" of separation as "getting worse every day." They are unable "to think about anything else" and are "desperate" to be reunited with their father and "feel his hug again." D.R.C.C. Aff. ¶19; E.E.C.C. Aff. ¶¶ 19, 26.

88. Currently, D.R.C.C. and E.E.C.C. are detained at CCP where they sleep in a foster home and spend all day, from breakfast until evening at CCP, an office building retrofitted with classrooms. Reagan Aff. ¶ 35 They have not been enrolled in school and since their arrival on April 9, 2026, have been only two of four children detained at CCP. *Id.* Thus, D.R.C.C. and E.E.C.C. spend the majority of their days with adult staff, clinicians, and teachers, not enrolled in a regular school, isolated from peers and deprived of basic opportunities for the educational and social-emotional growth that is critical to their development. *Id;* D.R.C.C. Aff. ¶¶ 14, 17; E.E.C.C. Aff. ¶¶ 13, 16. Although they should be in high school and middle

school respectively, D.R.C.C. and E.E.C.C. are taught together and along with an 11-year-old-child. They remain inside the CCP building for the entirety of most days, except when they are taken out on occasional excursions to the park or aquarium. On days when the weather is poor or cold, they do not go outside at all during the day. E.E.C.C. Aff. ¶ 16; Mr. C.C. Aff. ¶ 25.

89. It has been documented that children in ORR custody do not receive sufficient hours of educational time; are not challenged by their schoolwork; and are not permitted to leave their facilities to go to school in the community, where they would be able to socialize with peers.[18] Defendant-Respondents' continued detention of D.R.C.C. and E.E.C.C. is negatively impacting the physical and emotional well-being of both boys. D.R.C.C. is experiencing significant stress, anxiety, and extreme difficulty sleeping. Reagan Aff. ¶¶ 50-51; D.R.C.C. Aff. ¶¶ 13, 15, 24. E.E.C.C. is suffering from frequent bouts of crying, and accompanying headaches, fevers, and other physical symptoms. Reagan Aff. ¶¶ 50-51; E.E.C.C. Aff. ¶¶ 12, 18. Both boys describe themselves as feeling increasingly "desperate" and experiencing significant difficulty coping as their prolonged detention drags on with no end in sight. D.R.C.C. Aff. ¶¶ 19-21, 26; E.E.C.C. Aff. ¶¶ 17-18, 20-21; Mr. C.C. Aff. ¶¶ 25-27, 31.

90. The serious harms caused by the prolonged detention of immigrant children are well documented. In 2018, under similar circumstances, ORR policy changes caused unaccompanied children's length of custody in ORR to increase significantly, with children spending months in congregate care designed to hold them for only a few weeks. *See, e.g.*,

[18] Melissa Adamson & Mishan Wroe, et. al., Educational Advocacy for Unaccompanied Immigrant Youth in California, NAT'L CTR. FOR YOUTH L., 61-68 (May 2024), https://youthlaw.org/resources/educational-advocacyfor-unaccompanied-immigrant-youth-in-california/.

Dep't of Health and Hum. Servs., Office of the Inspector Gen., *Care Provider Facilities Described Challenges Addressing Mental Health Needs of Children in HHS Custody*, 13 (Sept. 2019), https://perma.cc/YLT7-R3HP ("HHS OIG Report"). The then-Assistant Secretary for the Administration for Children and Families later conceded that the policy did not "add[] anything to the protection and safety of the children."[19] To the contrary, the extended length of stay in ORR custody significantly harmed children's mental health and well-being. *See, e.g.*, HHS OIG Report, 12–13 ("According to facility staff, longer stays resulted in higher levels of defiance, hopelessness, and frustration among children, along with more instances of self-harm and suicidal ideation.").

91. Prolonged detention of D.R.C.C. and E.E.C.C. is not in their best interests, as every additional day in government custody inflicts deepening psychological and physical trauma on these children. Reagan Aff. ¶¶ 48, 50-51; Mr. C.C. Aff. ¶¶ 25-27, 31. Despite the availability of their biological father—a fit, vetted, and eager sponsor—the children are trapped in what they describe as a "nightmare" of indefinite separation and waiting. D.R.C.C. Aff. ¶ 26; E.E.C.C. Aff. ¶ 18. Their detention is defined by a state of perpetual limbo that E.E.C.C. describes as being stuck in a "waiting room" for something that never happens, while D.R.C.C. describes the profound alienation of "waiting somewhere they don't belong." E.E.C.C. Aff. ¶ 18; D.R.C.C. Aff. ¶ 21.

92. Both children are experiencing constant "distress" and "anxiety" due to the uncertainty of their situation and are "desperate" to leave detention and reunite with their family. D.R.C.C. Aff. ¶ 20; E.E.C.C. Aff. ¶ 18, 20-21. The emotional toll of this forced waiting is manifest in E.E.C.C.'s frequent bouts of crying, fever, and headaches, and an overwhelming sense of

[19] John Burnett, Several Thousand Migrant Children In U.S. Custody Could Be Released Before Christmas, NPR (Dec. 18, 2018), https://perma.cc/6WHS-BNR6.

loneliness, Mr. C.C. ¶ 26; E.E.C.C. Aff. ¶ 12, and in D.R.C.C.'s chronic stress, anxiety, and difficulty sleeping. Mr. C.C. ¶ 27; D.R.C.C. Aff. ¶¶ 13, 19.

93. Rather than living in the home Mr. C.C. has prepared for them in Rhode Island, the children remain isolated in a New Haven facility while the government ignores its own finding that Mr. C.C. poses no risk to their safety. Reagan Aff. ¶ 13. This continued detention is no longer a matter of vetting, but an arbitrary deprivation of liberty that ignores D.R.C.C.'s and E.E.C.C.'s best interests and constitutional right to family integrity. Reagan Aff. ¶¶ 48-49, 52; Mr. C.C. Aff. ¶ 23. In addition, not being enrolled in a regular school setting jeopardizes D.R.C.C.'s and E.E.C.C.'s educational progress, developmental growth, and emotional well-being. Mr. C.C. Aff. ¶ 25. To continue the detention of these children when a biological parent has met every administrative demand is a violation of their liberty and right to family unity, and for every day that passes, is inflicting grievous physical, emotional, and psychological harm. Reagan Aff. ¶¶ 50-51; D.R.C.C. Aff. ¶¶ 20-26; E.E.C.C. Aff. ¶¶ 18-26; Mr. C.C. ¶ 25.

FIRST CLAIM FOR RELIEF

VIOLATION OF THE DUE PROCESS CLAUSE OF THE FIFTH AMENDMENT OF THE CONSTITUTION (SUBSTANTIVE DUE PROCESS)

94. Plaintiff-Petitioner restates and realleges all paragraphs above as if fully set forth therein.

95. 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, 693 (2001).

96. The Supreme Court has long recognized family integrity as a fundamental liberty interest

protected by the Constitution. *See Santosky,* 455 U.S. at 753; *Troxel v. Granville*, 530 U.S. 57, 65 ("[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 this Court.") (collecting cases).

97. Courts have repeatedly held that the separation of children from their parents may not occur absent a clear showing that the parent is unfit or is otherwise endangering the child. *See, e.g., Quilloin v. Walcott*, 434 U.S. 246, 255 (1978) ("[T]he Due Process Clause would be offended if a State were to attempt to force the breakup of a natural family . . . without some showing of unfitness and for the sole reason that to do so was thought to be in the children's best interest.") (internal citations and quotation marks omitted); *United States v. Loy*, 237 F.3d 251, 269-70 (3d Cir. 2001) ("[W]here there is insufficient evidence to support a finding that children are potentially in danger from their parents, the state's interest cannot be said to be 'compelling,' and thus interference in the family relationship is unconstitutional."); *Ms. L.,* 310 F. Supp. 3d at 1133, 1142-46 (holding government practice of separating asylum-seekers from their minor children at the border and failing to reunify them, without any showing that parents were unfit or presented danger to their children, was likely violation of substantive due process) (internal citations and quotation marks omitted).

98. Substantive due process rights bar "certain government actions regardless of the fairness of the procedures used to implement them." *See Daniels v. Williams,* 474 U.S. 327, 331 (1986). The prolonged removal of a child from their parents' custody absent any showing that the child's parents are unfit, regardless of the procedures used to implement such a removal, is one such government action.

99. In the instant case, ORR has not made any showing that Mr. C.C. is unfit to parent D.R.C.C. and E.E.C.C. He has participated in all sponsor vetting procedures, including multiple background checks, fingerprinting, a home study, DNA testing, supervised visits, and provided significant documentation to ORR demonstrating his ability to provide for D.R.C.C.'s and E.E.C.C.'s physical and mental well-being. Reagan Aff. ¶¶ 29, 40, 46, 49; Mr. C.C. Aff. ¶ 23. ORR itself has found through a screening conducted by NCSS that Mr. C.C. does not present any risk of abuse, maltreatment, exploitation or trafficking to D.R.C.C. and E.E.C.C. Reagan Aff. ¶ 13. The agency has, nonetheless, irrationally and in a manner that shocks the conscience, delayed the adjudication of Mr. C.C.'s application with no explanation and failed to release D.R.C.C. and E.E.C.C. to his custody for over five months.

100. As ORR has failed to make any showing that Mr. C.C. is unfit or otherwise presents a danger to D.R.C.C. and E.E.C.C., Defendant-Respondents have deprived D.R.C.C. and E.E.C.C. of their due process right to family unity by failing to release them to their father's custody.

SECOND CLAIM FOR RELIEF

VIOLATION OF THE DUE PROCESS CLAUSE OF THE FIFTH AMENDMENT OF THE CONSTITUTION (PROCEDURAL DUE PROCESS)

101. Plaintiff-Petitioner restates and realleges all paragraphs above as if fully set forth herein.

102. 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,* 533 U.S. at 693.

103. 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,* 424 U.S. at 335. 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).

104. Defendant-Respondents' conduct, as set forth above, has deprived D.R.C.C. and E.E.C.C. of their fundamental rights to freedom from confinement and family integrity without constitutionally sufficient due process. *See In re Gault*, 387 U.S. at 13 ("A child's liberty interest in being free from confinement is no narrower than that of an adult."); *Kia P.,* 235 F.3d at 759 (explaining children have a "constitutionally protected liberty interest in not being dislocated from the emotional attachments that derive from the intimacy of daily family association"); *D.B.*, 826 F.3d at 740 (reasoning children have a fundamental "familial right to be raised and nurtured by their parents"); *Troxel*, 530 U.S. at 65 ("[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.").

105. As in similar cases of immigrant children separated from their parents, ORR's process for prompt placement with a parental sponsor "displays several significant deficiencies, especially in view of the magnitude of the private interest at stake." *Maldonado,* 2018 WL 2089348 at *8 (citing *Santos,* 260 F. Supp. 3d at 611-15; *Beltran*, 222 F. Supp. 3d at 482-89). These deficiencies include improperly placing the burden of proof on Mr. C.C. to demonstrate suitability rather than on ORR to justify its continued custody of D.R.C.C. and E.E.C.C.; providing inaccurate information to Mr. C.C. regarding his eligibility to serve as a sponsor, thus impeding the application process; the failure to timely initiate the sponsorship vetting process; the failure to provide Mr. C.C. with an application to

commence the sponsorship process; the failure to make adequate disclosures to Mr. C.C. about the status of his application; and inordinate delay including requiring Mr. C.C. to resubmit documents more than once due to an ORR's systems failure. Although ORR is required to adjudicate family member sponsor applications within 10 days, 45 C.F.R. § 410.1205(b), it has been over 5 months since ORR first designated Mr. C.C. as a Category 1 sponsor, and one month since Mr. C.C. submitted his completed sponsorship application, and ORR still has not rendered a final decision.

106. The delay in the adjudication of Mr. C.C.'s sponsorship application is sufficient to demonstrate a violation of procedural due process. *See E.H.C.F. by Contreras Flores v. Kennedy*, 2026 WL 145229 at * 12 (D. Conn. Jan 16, 2026) ("Their vague explanation as to the delay—that additional vetting is required . . . does not comport with basic procedural due process.").

107. However, Defendant-Respondents' delays are also based on irrational and arbitrary grounds. Such irrational delays include, but are not limited to: requiring Mr. C.C. to provide an English-speaking interpreter to communicate with ORR about his sponsorship application; suggesting to Mr. C.C. that he needed to secure an alternative residence without housemates for his sponsorship application to be successful; requiring Mr. C.C. to participate in a home study when no home study was required under the TVPRA or Foundational Rule and no concerns were raised as to his parental fitness, and then failing to schedule a home study for five months after D.R.C.C. and E.E.C.C. entered custody; requiring a DNA test when there is no doubt as to parentage; and delaying information requests and scheduling, including an approximate four month delay in scheduling a DNA test. After Mr. C.C. has passed every background check, complied with every ORR request,

and accommodated and received a positive recommendation for a home study, there can be no reasonable basis for continuing to delay and impede his sponsorship application.

THIRD CLAIM FOR RELIEF

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

108. Plaintiff-Petitioner restates and realleges all paragraphs above as if fully set forth herein.

109. Congress enacted the TVPRA specifically to facilitate the safe, speedy release and minimally restrictive placement of unaccompanied children. Defendant-Respondents have a non-discretionary duty under the TVPRA to "promptly" place D.R.C.C. and E.E.C.C. "in the least restrictive setting" that is in their best interests. 8 U.S.C. § 1232(c)(2)(A). The least restrictive setting is likely to be release from ORR custody. *See* 8 U.S.C. § 1232(c)(2)(A); 45 C.F.R. § 410.1209(e); *Saravia*, 905 F.3d at 1143.

110. Defendant-Respondents have failed to act promptly or place D.R.C.C. and E.E.C.C. in the least restrictive setting. At the earliest possible moment, when he was contacted by NCSS on December 7, 2025, Mr. C.C. stated his desire to serve as the sponsor for his children. As set forth above, Defendant-Respondents provided a series of inaccurate information to Mr. C.C. regarding the sponsorship process, imposed impermissible obstacles such as requiring him to obtain an interpreter to communicate with ORR, and delayed its commencement. ORR did not initiate the sponsor vetting process until the children had already been in custody for over one month and did not provide Mr. C.C. a formal sponsorship application until March 31, 2026, almost four months after his children entered custody. Reagan Aff. ¶ 30. Mr. C.C. submitted his completed sponsorship application on April 17, 2026, and it has remained pending for one month. Reagan Aff. ¶ 38.

111. D.R.C.C.'s and E.E.C.C.'s sponsor, Mr. C.C., is capable, proper, and fit, and D.R.C.C. and

E.E.C.C. do not present any flight risk or danger to the community. ORR has determined that D.R.C.C. and E.E.C.C. are not victims of trafficking and that Mr. C.C. does not present a risk of abuse, maltreatment, exploitation or trafficking to them. Reagan Aff. ¶ 13. ORR's own home study worker provided a positive recommendation, determined that Mr. C.C. is a suitable caregiver, and that his home is a healthy environment for D.R.C.C. and E.E.C.C. Reagan Aff. ¶ 48. Per the ORR-appointed Child Advocate, immediate release of D.R.C.C. and E.E.C.C. to Mr. C.C. is in the children's best interests. *Id.*

112. Therefore, Defendant-Respondents have failed to place D.R.C.C. and E.E.C.C. in the least restrictive setting that is in their best interests, the care of their father/sponsor. Defendant-Respondent's actions have resulted in D.R.C.C.'s and E.E.C.C.'s unnecessary prolonged detention and separation from their suitable sponsor, in violation of Section 235 of the TVPRA, 8 U.S.C. § 1232.

FOURTH CLAIM FOR RELIEF

VIOLATION OF THE ADMINISTRATIVE PROCEDURE ACT, 5 U.S.C. §§ 701 *et seq.*

113. Plaintiff-Petitioner restates and realleges all paragraphs above as if fully set forth herein.

114. Under the APA, 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).

115. The APA provides a right to judicial review to "a person suffering legal wrong because of agency action, or adversely affected or aggrieved by agency action within the meaning of a relevant statute." 5 U.S.C. § 702.

116. The APA likewise provides a right of judicial review for "final agency action for which

there is no other adequate remedy in a court." 5 U.S.C. § 704. A "final agency action" subject to judicial review must "mark the 'consummation' of the agency's decision-making process" and "be one by which 'rights or obligations have been determined' or from which 'legal consequences will flow.'" *Bennett v. Spear*, 520 U.S. 154, 177-78 (1997) (Internal citations omitted.)

117. D.R.C.C. and E.E.C.C. are "suffering legal wrong" because of Defendant-Respondents' actions delaying the commencement and adjudication of Mr. C.C.'s sponsorship application and have been "adversely affected" by Defendant-Respondents' refusal to release them to their father. Defendant-Respondents' actions also determine the "rights and obligations" of D.R.C.C. and E.E.C.C. and create "legal consequences" of continued detention and separation from their family members, in violation of D.R.C.C.'s and E.E.C.C.'s fundamental right to family integrity. *See Bennett* 520 U.S. at 177-78; *Duchesne*, 566 F.2d at 825; *Kia P.*, 235 F.3d at 759. Accordingly, D.R.C.C. and E.E.C.C. are entitled to judicial review of ORR's actions under 5 U.S.C. §§ 702 and 704.

118. Pursuant to the TVPRA, ORR has a statutory obligation to "promptly" place D.R.C.C. and E.E.C.C. "in the least restrictive setting" that is in their best interests and release them "without unnecessary delay." 8 U.S.C. § 1232(c)(2)(A); 45 C.F.R. § 410.1201(a). Despite identifying and designating Mr. C.C. as a Category 1 sponsor for potential release on December 7, 2025, Defendant-Respondents failed to commence the sponsorship vetting process until over a month later, and did not even provide Mr. C.C. with a sponsorship application until March 31, 2026, almost four months after D.R.C.C. and E.E.C.C. were first detained. Prior to that, Defendant-Respondents created numerous obstacles to Mr. C.C. pursuing sponsorship including: requiring him to provide an English interpreter;

misinforming him that his immigration status prevented him from serving as a sponsor; indicating that he should move residences to succeed in the sponsorship process. Further, rather than requesting all required documents for the sponsor vetting process at one time, Defendant-Respondents made piecemeal requests over the course of months. After Mr. C.C. complied with these requests and provided all required documents, ORR asked him to resubmit the documents due to a system "glitch" which prevented them from accessing Mr. C.C.'s documents. In addition, Defendant-Respondents first informed Mr. C.C. that he would need DNA testing as early as January 8, 2026, yet they failed to conduct that testing until May 4, 2026, four months later. Mr. C.C. Aff. ¶ 18; Reagan Aff. ¶¶ 45-46.

119. Defendant-Respondents' failure to act "promptly" and to release D.R.C.C. and E.E.C.C. "without unnecessary delay" to a fit, parental sponsor is therefore arbitrary, capricious, and not in accordance with the law. 5 U.S.C. § 706(2)(A)-(C).

120. Defendant-Respondents have also acted arbitrarily and capriciously by not providing adequate justification for the creation of ORR's heightened requirements and using them to delay Mr. C.C.'s sponsorship application. Defendant-Respondents required Mr. C.C. to submit to a home study, without basis. They also delayed conducting it for four months. And now that it is complete with a positive recommendation, Defendant-Respondents still have not adjudicated Mr. C.C.'s sponsorship application.

121. In addition, Defendant-Respondents repeatedly indicated that Mr. C.C., D.R.C.C., and E.E.C.C. needed to participate in DNA testing. Defendant-Respondents failed to schedule the DNA test for four months, in violation of ORR's own field guidance requesting approval for and scheduling of a DNA test within 5-7 days of identifying the need for a DNA test.

122. Although ORR has authority to impose sub-regulatory requirements to fulfill their mandate, those requirements must still align with ORR's governing regulations and core statutory mandate: to "promptly" place a child "in the least restrictive setting that is in the best interest of the child" and release children from its custody "without unnecessary delay." 8 U.S.C. § 1232(c)(2)(A); *see also* 45 C.F.R. § 410.1003(f). When ORR's sub-regulatory requirements conflict with its statutory mandate and no justification can be provided, that requirement becomes arbitrary and capricious. *See F.C.C. v. Fox Television Stations, Inc.*, 556 U.S. 502, 515-16 (2009) (explaining "it would be arbitrary and capricious" for an agency to "depart from a prior policy *sub silentio* or simply disregard rules that are still on the books").

123. In this case, a home study was not required by statute and therefore was presumably "discretionary" under ORR's policy. However, current ORR policy appears to require a home study of all sponsors, regardless of relationship or individual assessment. In this case, there was no evidence to suggest that Mr. C.C. undergoing a home study was likely to provide additional information as to his suitability to care for D.R.C.C. and E.E.C.C., as there were no concerns ever raised regarding his care or ability to provide for the well-being of his children. 45 C.F.R. § 410.1204(c). Thus, there was no identifiable, individualized need for a home study, and the predominant effect of its imposition was to cause unnecessary delay in D.R.C.C.'s and E.E.C.C.'s release, running contrary to their best interests and ORR's statutory obligations.

124. Similarly, the requirement to participate in DNA testing is categorical; all sponsors purporting to have a biological relationship with the child must participate in DNA testing or lose their preferential sponsorship category. Office of Refugee Resettlement's Field

Guidance No. 27, *DNA Testing Expansion* (May 15, 2025). This requirement applies to all biologically-related sponsors regardless of what other legitimate, widely-accepted proof exists of their relationship. And regardless of the significant delay obtaining DNA testing may cause. There have been no doubts raised as to Mr. C.C.'s relationship to D.R.C.C. and E.E.C.C., yet ORR required a DNA test, which it waited approximately four months to schedule despite informing Mr. C.C. in January 2026 that he would need to undergo testing. Therefore, imposing this requirement without any identifiable or individualized justification runs afoul of ORR's statutory mandate: prompt release (without unnecessary delay) in the child's best interest. *See F.C.C.*, 556 U.S. at 516 ("[A] reasoned explanation is needed for disregarding facts and circumstances that underlay or were engendered by the prior policy.").

125. Because both requirements had the effect of prolonging D.R.C.C.'s and E.E.C.C.'s detention, causing them significant psychological, socio-emotional, and developmental harm with each day that goes by, these sub-regulatory requirements directly contradict the statutory mandate for prompt release and to act in the child's best interest. Therefore, the categorical requirement of both a home study and a DNA test without an individualized assessment of their impact on delay and the child's best interest are arbitrary and capricious. *See Saget v. Trump*, 375 F. Supp. 3d 280, 354 (E.D.N.Y. 2019) (internal citation omitted) ("Agency action is arbitrary and capricious when the agency departs from prior policy without explanation .").

126. Defendant-Respondents have violated D.R.C.C.'s and E.E.C.C.'s regulatory rights under the APA by failing to abide by their statutory mandate to promptly release them to the least restrictive setting, by arbitrarily and capriciously imposing heightened requirements on Mr.

C.C.'s sponsorship application without justification under the regulations, and by failing to follow their own regulatory and sub-regulatory timelines for adjudication and information collection. These actions collectively render D.R.C.C.'s and E.E.C.C.'s continued detention and separation from their family unlawful. D.R.C.C. and E.E.C.C. have no recourse to judicial review other than by this action.

FIFTH CLAIM FOR RELIEF

VIOLATION OF THE *ACCARDI* DOCTRINE

127. Plaintiff-Petitioner restates and realleges all paragraphs above as if fully set forth herein.

128. Federal agencies and their officials are required to follow their own "existing valid regulations." *See Accardi*, 347 U.S. at 268. 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).

129. Under the Foundational Rule, Defendant-Respondents have a non-discretionary duty to promptly place D.R.C.C. and E.E.C.C. in the least restrictive setting that is in their 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. 45 C.F.R. § 410.1203(a) (emphasis added). The UC Policy Guide similarly requires that children are "released in a safe, efficient manner *without unnecessary delay*." UC Policy Guide Sec. 2.1 (emphasis added).

130. The Foundational Rule requires home studies for potential sponsors only under the specific circumstances laid out in the TVPRA, as well as in certain cases involving non-relative sponsors. 8 U.S.C. 1232(c)(3)(B), 45 C.F.R. § 410.1204(b). Absent these circumstances, the Foundational Rule provides that ORR "may, in its discretion, initiate home studies if it determines that a home study is likely to provide additional information which could assist

in determining that the potential sponsor is able to care for the health, safety, and well-being of the unaccompanied child." 45 C.F.R. § 410.1204(c). After imposing an unwarranted, discretionary home study, Defendant-Respondents delayed the scheduling of a home study for four months and failed to timely adjudicate Mr. C.C.'s sponsorship application within the required 10 days. Despite the completion of the home study with a positive recommendation, ORR continues its failure to adjudicate his application.

131. Defendant-Respondents have failed to promptly place D.R.C.C. and E.E.C.C. in the least restrictive setting that is in their best interests, in violation of their own regulations and guidance. Defendant-Respondents delayed the formal commencement of Mr. C.C.'s sponsorship application by providing misinformation regarding his eligibility and the requirements of sponsorship; by requiring Mr. C.C. to provide an English interpreter to communicate with ORR; and by failing to provide him with a sponsorship application for four months. In addition, Defendant-Respondents have delayed adjudication of Mr. C.C.'s application by slowly requesting information from him, over the course of multiple months, sometimes for duplicative information, with repeated delays and by losing documents submitted by Mr. C.C., despite Mr. C.C.'s prompt compliance with their requests. Mr. C.C. has complied with every request from ORR, including providing his fingerprints, pay stubs, passport, state-issued identification, birth certificate, and ITIN number, and participating in a home study and invasive DNA testing. Reagan Aff. ¶¶ 29, 39, 40, 46, 49; Mr. C.C. Aff. ¶ 23. Now, despite having ample information to assess Mr. C.C.'s suitability as D.R.C.C.'s and E.E.C.C.'s sponsor, Defendant-Respondents' continued detention of D.R.C.C. and E.E.C.C. is without regard to their best interests and right to be placed in the least restrictive setting with their father, Mr. C.C.

132. As a result of Defendant-Respondents' violations of their own binding regulations, they have impermissibly delayed D.R.C.C.'s and E.E.C.C.'s release and reunification with their father for over five months and are holding D.R.C.C. and E.E.C.C. unlawfully.

FIFTH CLAIM FOR RELIEF

WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. § 2241

133. Plaintiff-Petitioner restates and realleges all paragraphs above as if fully set forth herein.

134. As set forth above, Defendant-Respondents are holding D.R.C.C. and E.E.C.C. in federal custody in violation of federal statutes, the Foundational Rule, their own agency policies guidance, and the U.S. Constitution.

135. Accordingly, Plaintiff-Petitioner seeks a writ of habeas corpus pursuant to 28 U.S.C. § 2241 compelling Defendant-Respondents to release D.R.C.C. and E.E.C.C. to the custody and care of Mr. C.C.

SIXTH CLAIM FOR RELIEF

RELEASE PENDING ADJUDICATION

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

137. 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).

138. Plaintiff-Petitioner presents numerous substantial constitutional and statutory claims challenging D.R.C.C.'s and E.E.C.C.'s detention and has demonstrated extraordinary circumstances, thereby making D.R.C.C. and E.E.C.C. eligible for bail. Plaintiff-Petitioner

therefore requests immediate release of D.R.C.C. and E.E.C.C. pending adjudication of the instant petition.

PRAYER FOR RELIEF

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

a. Assume jurisdiction over this matter;

b. Enjoin the Defendant-Respondents from transferring D.R.C.C. and E.E.C.C. outside of the District of Connecticut and to enjoin their removal pending these proceedings;

c. Issue a Writ of Habeas Corpus directing Defendant-Respondents to release D.R.C.C. and E.E.C.C. to the custody and care of their father Mr. C.C. without restraints on their liberty or under such conditions as the Court deems just and proper;

d. Issue an Order to Show Cause ordering Defendant-Respondents to show cause why this Petition should not be granted within three days;

e. Declare that D.R.C.C.'s and E.E.C.C.'s continued detention violates their constitutional and statutory rights;

f. Award costs and reasonable attorneys' fees under the Equal Access to Justice Act, 5 U.S.C. § 504 and 28 U.S.C. § 2412, and any other applicable statute or regulation; and

g. Any other relief the Court deems just and proper.

Dated: May 15, 2026

Respectfully submitted,

/s/ Christopher M. Mattei

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

Pursuant to 28 U.S.C. § 2242, the undersigned hereby verifies under oath that that I have carefully reviewed the facts and legal arguments set forth in the above Complaint and Petition for Writ of Habeas Corpus, and that the allegations contained herein are true and correct to the best of my knowledge, information, and belief.

/s/ Christopher M. Mattei
Attorney for Plaintiff-Petitioner

CERTIFICATE OF SERVICE

I, Christopher M. Mattei, counsel of record for the Plaintiff-Petitioner, do hereby certify that on May 15, 2026, a copy of the foregoing was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF system.

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