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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
EASTERN DIVISION

Y.D.D.L.C., a minor, by and through Erica Santamaria as Guardian Ad Litem,

Petitioner,

v.

RUBY HERNANDEZ, Federal Field Specialist, Office of Refugee Resettlement; NIKY HYMEL, Federal Field Specialist Supervisor, Office of Refugee Resettlement; ALEX J. ADAMS, Assistant Secretary of the Administration for Children and Families; ANGIE SALAZAR, Acting Director of the Office of Refugee Resettlement; and ROBERT F. KENNEDY, JR., Secretary of the U.S. Department of Health and Human Services,

Respondents.

Case No. 5:26-cv-3710

VERIFIED PETITION FOR WRIT OF HABEAS CORPUS

INTRODUCTION

1. Petitioner Y.D.D.L.C. (the "Child" or "Petitioner") has been detained in the custody of the Office of Refugee Resettlement ("ORR") since September 22, 2025—a total of approximately **285 days**. Her continued detention violates the Trafficking Victims Protection Reauthorization Act ("TVPRA") and the Due Process Clause of the Fifth Amendment.

2. This case concerns a fifteen-year-old unaccompanied minor child whose biological mother, L.D.D.L.C. ("Mother") immediately came forward to sponsor her daughter's release from ORR custody. ORR verified Mother's identity and relationship to the Child, reviewed her sponsorship application, conducted background checks, assessed trafficking concerns, and continued evaluating the proposed placement for months.

3. ORR ultimately determined that Mother did not present a risk of abuse, maltreatment, exploitation, or trafficking.

4. But, ORR never made the decision that federal law requires it to make. ORR never approved Mother's sponsorship application, nor denied it, and never issued a Sponsor Suitability Determination.

5. Mother the only available sponsor willing to care for the Child. For months, ORR has also vetted E.R.M., Petitioner's godmother and family friend. ORR failed to complete that process, too.

6. In the meantime, Petitioner remained stuck in ORR custody through major life moments—Thanksgiving, Christmas, New Year's Day, and her fifteenth birthday. She remains detained despite required supervisory reviews to facilitate release, mandatory timing requirements governing sponsor adjudications, and

despite the existence of both a biological parent and a family friend willing to care for her.

7. Congress enacted the TVPRA and ORR promulgated regulations to ensure that children are *promptly* released from government custody and do not languish in detention while reunification decisions remain unresolved. Those safeguards failed here.

8. More than nine months after Petitioner entered ORR custody, ORR still has not approved a sponsor, denied a sponsor, issued a Sponsor Suitability Determination, or identified any trafficking concern, safety concern, danger finding, or flight-risk determination justifying continued detention. What remains is not an active reunification process. It is prolonged detention without a reunification decision.

9. Petitioner therefore seeks a writ of habeas corpus ordering her immediate release, declaratory relief, attorneys' fees and costs as authorized by law, and such other relief as the Court deems just and proper.

JURISDICTION

10. This Court has subject matter jurisdiction over this matter pursuant to 28 U.S.C. § 2241 (habeas corpus); 28 U.S.C. § 1651 (All Writs Act); 28 U.S.C. § 2201 (Declaratory Judgment Act); 28 U.S.C. § 1361 (writ of mandamus); and 28 U.S.C. § 1331 (federal question). This Court also has jurisdiction pursuant to Art. I, § 9, cl. 2 of the United States Constitution (Suspension Clause).

11. Federal district courts have jurisdiction to hear habeas claims by noncitizens challenging the lawfulness of their detention. *See Zadvydas v. Davis*, 533 U.S. 678, 687 (2001).

12. Administrative exhaustion is a prudential rather than jurisdictional requirement for habeas review under 28 U.S.C. § 2241. *See Acevedo-Carranza v. Ashcroft*, 371 F.3d 539, 541 (9th Cir. 2004).

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

VENUE

14. Venue is proper in the United States District Court for the Central District of California because the Child is detained at Marsell Wellness Center in Riverside, California.

15. Venue is also proper in this District because Respondents are officers, employees, or agencies of the United States, a substantial part of the events or omissions giving rise to Petitioners' claims occurred in this District, and no real property is involved in this action. 28 U.S.C. § 1391(e).

PARTIES

I. Petitioners

16. Petitioner Y.D.D.L.C. is a 15-year-old UC. Petitioner is currently detained at MWC in Riverside, California. Petitioner Y.D.D.L.C. is in the custody, and under the direct control, of Respondents and their agents.

17. Petitioner Y.D.D.L.C.'s proposed Guardian ad Litem is Erica Santamaria ("Mrs. Santamaria").[1]

II. Respondents

18. Respondent Ruby Hernandez is sued in her official capacity as an ORR Federal Field Specialist ("FFS Hernandez"). Federal Field Specialists are the

[1] Petitioner files concurrently with this petition her Application for Appointment of Guardian. Mrs. Santamaria, therefore, is the proposed guardian ad litem in this matter pending court order.

government officials responsible for the care and custody of children in ORR facilities. In this role, FFS Hernandez is responsible for determining Petitioners' placements and has authority to approve their respective releases to an appropriate sponsor's care. Respondent FFS Hernandez is thereby a legal custodian of Petitioner.

19. Respondent Niky Hymel is sued in her official capacity as an ORR FFS Supervisor. FFS Supervisors are the government officials responsible for the care and custody of children in ORR facilities and supervise FFSs. In this role, FFS Supervisor Hymel is responsible for determining Petitioners' placements and has authority to approve their respective releases to an appropriate sponsor's care. Respondent FFS Supervisor Hymel is thereby a legal custodian of Petitioner.

20. Respondent Alex J. Adams is sued in his official capacity as the Assistant Secretary of the Administration for Children and Families ("ACF"). ACF is comprised of 23 offices, including ORR, responsible for the welfare of children and families. Respondent Adams is thereby responsible for Petitioners' continued detention and custody and is a legal custodian of Petitioner.

21. Respondent Angie Salazar is sued in her official capacity as the Acting Director of ORR, the component of the U.S. Department of Health and Human Services ("HHS") responsible for implementing the Department's obligations to unaccompanied minors who are immigrants. ORR is the government entity directly responsible for the continued detention of Petitioners and has the authority to release them. Respondent Salazar is thereby a legal custodian of Petitioner.

22. Respondent Robert F. Kennedy, Jr. is sued in his official capacity as the Secretary of HHS. In this capacity Secretary Kennedy oversees ACF and ORR and is therefore the "head" of those agencies. 6 U.S.C. § 271(a)(2). HHS is responsible for the care and placement of unaccompanied children in federal custody. *See* 8

U.S.C. § 1232(c); 6 U.S.C. § 279. HHS and ORR enter contracts with public and private entities to house, care for, and provide legal assistance to unaccompanied children apprehended by the Department of Homeland Security ("DHS") pursuant to the Immigration and Nationality Act ("INA"). *See* 6 U.S.C. § 279. Respondent Secretary Kennedy is thereby a legal custodian of Petitioner.

STATEMENT OF FACTS

I. Y.D.D.L.C. WANTS TO BE RELEASED TO HER MOTHER.

23. Petitioner Y.D.D.L.C. is a fifteen-year-old child who was designated an unaccompanied immigrant child[2] ("UC") upon her arrival in the United States on September 20, 2025. *See* Declaration of Caitlin Jolley ("Jolley Decl.") at ¶ 3. On September 22, 2025, she was transferred to ORR custody, where she remains today. *Id.* As of the filing of this Petition, ***she has been detained in ORR custody for 285 days***. *Id.*

24. L.D.D.L.C. is Petitioner's biological mother and sponsor for reunification. On September 22, 2025, she was contacted by ORR and accepted sponsorship of her daughter. *See* Declaration of Caitlin Jolley Ex. A at 1. That same day she had a phone call with her daughter, and the ORR case manager noted there were no concerns. *Id.*

25. During the nine months Petitioner has been held in ORR custody, she has repeatedly and consistently expressed a desire to reunify with her mother. *Id.* at Ex. C. She has continued to have nearly daily phone contact with her mother, and enjoyed regular in-person visits together whenever possible. Jolley Decl., Ex. B at 4.

[2] *See* 6 U.S.C. § 279(g)(2).

26. Petitioner is unlawfully held in ORR custody at Marsell Wellness Center in Riverside, California ("MWCR"). On October 15, 2025, Petitioner was emergency transferred to MWCR from another ORR facility. Jolley Decl. at Ex. B. ORR has never determined that Petitioner is a flight risk nor that she presents a danger to herself or others. *See generally* Jolley Decl. ORR has refused to release her to any sponsor. *Id.*

27. As Petitioner's detention continued, ORR's records documented Petitioner's anxiety, concern regarding reunification delays, conflict with another minor in care, and frustration with the lack of progress in her case. *Id.* Petitioner also experienced periods of illnesses during her confinement, requiring medical attention and medication. *Id.*, Ex. C at 15.

28. Most difficult are the memories she is missing making with her family. Petitioner has spent many major holidays and her fifteenth birthday in ORR custody while awaiting a reunification decision that has still not been made. *Id.*

29. As a UC, Petitioner is currently in immigration proceedings in Santa Ana. *Id.* at ¶ 4. Because she remains in detention, counsel has been unable to fully assess potential forms of immigration relief. *Id.* Petitioner's immigration case has been continued multiple times pending her reunification, wasting judicial resources, and prejudicing her ability to defend her case there. *Id.* Petitioner has a Master Calendar Hearing scheduled for July 15, 2026, in her immigration case. *Id.*

II. ORR'S SPONSOR VETTING PROCESS

30. Under the Trafficking Victims Protection Reauthorization Act ("TVPRA"),[3] ORR is tasked with vetting sponsors before it releases minor children

[3] The William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA), Pub. L. No. 110-457, 122 Stat. 5044, codified in relevant part at 8 U.S.C. § 1232.

to them. The TVPRA and the Unaccompanied Children Program Foundational Rule[4] ("Foundational Rule") govern this process. Through the Unaccompanied Alien Children Bureau Policy Guide (the "Policy Guide"), ORR promulgates its own policies and procedures for vetting sponsors and releasing UCs.

A. SUMMARY OF REUNIFICATION PROCESS

31. Prior to releasing a UC, ORR must conduct a suitability assessment to determine whether the potential sponsor is capable of providing for the child's physical and mental well-being. 45 C.F.R. § 410.1202(b). ORR must verify the sponsor's identity and relationship to the child (Policy Guide § 2.2.3–§ 2.2.4) and make "an independent finding that the individual has not engaged in any activity that would indicate a potential risk to the unaccompanied child." 45 C.F.R. § 410.1202(b). ORR's policies require screening designed to protect children from "smugglers, traffickers, or others who might seek to victimize" them. Policy Guide § 2.1. To be considered for reunification, a potential sponsor must submit a sponsor application, known as a Family Reunification Packet ("FRP"). *Id.*

B. ORR'S RELEASE TIMING REQUIREMENTS ARE DESIGNED TO PREVENT PROLONGED DETENTION

32. ORR's time to vet a sponsor is not limitless. ORR must effectuate release to a vetted sponsor – with preference to parents first—"without unnecessary delay," and begin sponsor assessment as soon as a child enters ORR custody. 45 C.F.R. §§ 410.1200–1201; Policy Guide §§ 2.1, 2.2.

33. To ensure UCs are released "in a safe, efficient, manner without unnecessary delay," ORR has mandated timeframes to adjudicate completed sponsor applications. For a CAT 1 parent-sponsor ORR must adjudicate a completed sponsor

[4] Unaccompanied Children Program Foundational Rule, 89 Fed. Reg. 34,384 (Apr. 30, 2024) (codified at 45 C.F.R. pt. 410).

application *"**within 10 calendar days of receipt**,"* and other (non-parent) sponsor applications within 14 calendar days. 8. C.F.R. § 410.1205(b). To ensure that a child's release from ORR custody is not stalled, ORR is further required to conduct a formal review of pending sponsor applications ***every 90 days***. 8 C.F.R § 410.1207(a).

34. This review is not cursory. ORR supervisory staff must timely resolve any reasons a sponsor application remains pending and determine possible steps to accelerate the child's safe release. *Id.* ORR must further update both potential sponsor and child, to explain why the process is incomplete, and work with potential sponsors, relevant stakeholders, and ORR to address unresolved portions of the sponsor application. *Id.*

C. BASES FOR DENIAL OF A SPONSOR APPLICATION

35. Under federal regulation, ORR may deny release to a sponsor if the sponsor is incapable of caring for the child, or if placement with the sponsor would cause danger to the child or the community. 8 C.F.R § 410.1205(a). Further, ORR's Policy Guide provides additional reasons it will deny reunification with a parent, for example, if it determines the parent is not willing or able to provide for the child's physical or mental well-being; or if the parent (or any adult household member) refuses to complete the mandatory fingerprint check. Policy Guide § 2.7.4.

D. ORR'S CONCURRENT PLANNING REQUIREMENT ENSURES A BACK UP PLAN TO RELEASE CHILDREN

36. As part of the process to release unaccompanied children, ORR is responsible for conducting *concurrent* planning for release of all unaccompanied

children.[5] ORR does this by identifying an Alternative Caregiver ("ACG") and vets the ACG in tandem with the sponsor. 8. C.F.R. § 410.1203(f). ORR's concurrent planning includes indicating the reason for concurrent planning and any concerns with the potential sponsor, as well as any available information about the additional sponsor(s) or alternate release plans.[6] This process serves to "create a plan to cover a broad range of care," and to ensure a child does not get stuck in ORR custody because a sponsor becomes unavailable or is determined to be unsuitable. *Id.*

III. RESPONDENTS ARE UNLAWFULLY DETAINING Y.D.D.L.C.

A. ORR REFUSES TO RELEASE PETITIONER TO HER OWN MOTHER

37. Petitioner's mother, L.D.D.L.C., immediately came forward to sponsor her daughter upon Petitioner's entry into ORR custody on September 22, 2025. Jolley Decl., Ex. A at 1. ORR classified Petitioner's case as a Category 1 reunification case with her biological mother. *Id.*

38. On October 16, 2025, ORR obtained Petitioner's birth certificate establishing Mother's identity and her relationship to Petitioner. *Id.*, Ex. B at 6; Ex D. Mother promptly participated in the reunification process. By October 17, 2025, she had completed her sponsor application. *Id.*,Ex. B at 5.

39. Rather than adjudicating the application, ORR continued requesting additional documentation and revisions. For example, on October 17, 2025, ORR declined to close Mother's sponsor application because the proof of address she submitted was a direct-deposit confirmation rather than a monthly bank statement. *Id.*, Ex. B at 5. Mother thereafter obtained and submitted a bank statement to ORR on October 23, 2025. *Id.*

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[5] UC MAP Section 2: Safe and Timely Release from ORR Care (Version 8.2), https://acf.gov/sites/default/files/documents/orr/UACMAP_Section-2_2025-04-15.pdf, page 44.

[6] *Id.* at page 45.

40. In the weeks that followed, Mother continued complying with ORR's requests regarding household members, background checks, fingerprinting appointments, and application revisions. *Id.* at 4-5. ORR's records reflect ongoing requests for additional information but no reunification decision. *Id.*

41. Despite months of review and repeated requests for information, ORR never issued a Sponsor Suitability Determination ("SSD") regarding Mother's sponsorship application. ORR neither approved nor denied Mother's application. *Id.*, Ex. C at 1-15; Ex. B at 4-5.

42. At the same time, ORR identified no trafficking concerns and no indication that Mother posed a threat to Petitioner. In early October 2025, ORR ultimately concluded there were no trafficking concerns about Mother as a sponsor. *Id.*, Ex. B at 4. ORR's records expressly state: "Per clinician the sponsor does not present any risk of abuse, maltreatment, exploitation, or trafficking to the UC." *Id.*

43. Throughout Petitioner's detention, Mother remained actively involved in her daughter's life. Petitioner and Mother maintained daily telephone contact. *Id.*, Ex. C at 1-15. Petitioner's case manager facilitated regular family visits between Mother and Petitioner whenever possible. *Id.*, Ex. B at 4-5; Ex. C at 4, 11.

44. Today, Mother remains available to care for Petitioner. Throughout the reunification process, she continues communicating with ORR, maintains contact with Petitioner, and participates in family visits. *Id.*, Ex. C at 1-15; Ex. B at 4-5.

45. Despite possessing evidence of Mother's identity, relationship to Petitioner, willingness to care for her daughter, and lack of any identified trafficking or safety risk, ORR neither approved nor denied reunification. Instead, Petitioner's case remained pending for months. *Id.*, Ex. C at 1-15; Ex. B at 4-5.

46. By December 2025, after nearly three months in ORR custody and with no reunification decision forthcoming, Mother became increasingly frustrated by the lack of progress in Petitioner's case. Mother discussed with ORR the possibility of allowing another trusted caregiver to pursue reunification as an alternative means of securing Petitioner's release from custody. *Id.*, Ex. B at 4. Mother nevertheless continued maintaining regular contact with Petitioner and participating in family visits. *Id.*, Ex. C at 1-15; Ex. B at 4-5.

47. ORR then allowed Petitioner's case to languish. From December 2025 through at least April 2026, ORR records repeatedly documented that Mother's application had also not been withdrawn. *Id.*, Ex. C. There had also been no meaningful update in Petitioner's reunification process and reflected repeated unsuccessful efforts by program staff, Mother, and Petitioner to obtain information from ORR officials. *See generally* Jolley Decl., Ex. C.

48. As of the filing of this Petition, ORR has neither reunited Petitioner with her mother nor denied Mother's sponsorship application, despite possessing evidence confirming Mother's identity, Mother's relationship to Petitioner, Mother's willingness to care for Petitioner, and ORR's own finding that Mother does not present a risk of abuse, maltreatment, exploitation, or trafficking. *Id.*, Ex. B at 4-5.

B. ORR REFUSES TO RELEASE Y.D.D.L.C. TO AN ALTERNATE CAREGIVER

49. By late 2025, after months of unsuccessful efforts to secure Petitioner's release to Mother, ORR was aware that E.R.M., Petitioner's godmother and family friend, was willing to assume responsibility for Petitioner's care if necessary. *Id.*, Ex. B at 4.

50. ORR thereafter continued reviewing Petitioner's case with knowledge that an ACG stood ready to assume responsibility for Petitioner's care. *Id.*

51. ORR's records reflect that E.R.M. was already known to ORR through its ongoing sponsorship review. ORR had collected information regarding members of the household, conducted background screening, and continued evaluating potential caregivers associated with Petitioner's proposed placement. *Id.*, Ex. B at 4-5.

52. Nevertheless, ORR did not timely advance E.R.M.'s sponsorship process. Throughout January, February, and March 2026, ORR repeatedly informed Petitioner that her case remained stalled because ORR had not completed the steps necessary to move forward with its ACG sponsorship process. *Id.*, Ex. C at 3-15.

53. During that period, program staff repeatedly documented their efforts to obtain updates from ORR officials and noted that no substantive update had been provided regarding the status of the alternative sponsorship process. *Id.*, Ex. C at 4-15. By February 2026, ORR staff reported that they were preparing materials necessary for Petitioner's release to the ACG once ORR acted on the case. *Id.*, Ex. C at 7-10. Yet Petitioner remains in ORR custody.

54. As of the filing of this Petition, ORR has neither reunified Petitioner with her mother nor approved release to E.R.M., despite the existence of both a parent and an alternate caregiver willing to assume responsibility for Petitioner's care.

D. PETITIONERS CASE IS STALLED

55. ORR's failure to comply with its own mandatory timing requirements, supervisory review, and concurrent vetting of an ACG confirms Petitioners' case has stalled.

56. Petitioner has remained in ORR custody long enough to trigger repeated length-of-stay reviews. ORR conducted a case review on November 14, 2025, due to Petitioner being in custody for thirty days and opened another review on December 14, 2025 due to Petitioner's ninety-day length of stay. Jolley Decl., Ex. B at 4–5. Despite these repeated reviews, the central question remained unanswered: whether Petitioner would be released to an approved caregiver. ORR still issued no Sponsor Suitability Determination, approved no sponsor, and denied no sponsor.

57. This remained true even though ORR had identified both a biological parent and an ACG willing to care for Petitioner. Although ORR has begun assessing Petitioner's alternate sponsor, E.R.M, it still has not issued a decision.

58. ORR has not identified any lawful basis for detaining Petitioner. To date, ORR has approved no sponsor and nor denied no sponsor. And so, Petitioner remains trapped in ORR custody.

LEGAL FRAMEWORK

I. HABEAS PETITIONS

59. A writ of habeas corpus under 28 U.S.C. § 2241(c) may issue if, among other things, a person is "in custody under or by color of the authority of the United States," or is "in custody in violation of the Constitution or laws or treaties of the United States." 28 U.S.C. § 2241(c).

60. A habeas court's role is at its "most extensive in cases of pretrial and noncriminal detention," especially "where there ha[s] been little or no previous judicial review of the cause for detention," as is the case here. *Boumediene v. Bush*, 553 U.S. 723, 780 (2008).

61. The Court must grant the petition for writ of habeas corpus or issue an order to show cause (OSC) to Respondents "forthwith," unless Petitioners are not

entitled to relief. 28 U.S.C. § 2243. If an OSC is issued, this Court must require Respondents to file a return "within *three days* unless for good cause additional time, not exceeding twenty days, is allowed." *Id.* (emphasis added). The writ or OSC shall be directed to the person having custody of the person detained. *Id.*

62. Consistent with § 2243's mandate for prompt adjudication, the Central District of California has adopted special procedures governing immigration habeas petitions under 28 U.S.C. § 2241 to facilitate their "expeditious resolution." C.D. Cal. Gen. Ord. 26-05 at 1. The General Order provides for prompt service of immigration habeas petitions on the United States Attorney's Office and establishes an expedited briefing schedule under which Respondents ordinarily must answer the petition within seven calendar days of the Court's scheduling notice. *Id.* § 2. The General Order further authorizes disposition by a magistrate judge upon the parties' consent pursuant to 28 U.S.C. § 636(c), and the United States has prospectively consented to magistrate-judge jurisdiction in immigration habeas matters, subject to a limited right to withdraw consent in a particular case. *Id.* § 1.

II. LAWS GOVERNING THE CARE AND CUSTODY OF UNACCOMPANIED CHILDREN

63. Two key laws provide ORR's responsibilities regarding treatment and custody of unaccompanied immigrant children: (1) the Trafficking Victims Protection Reauthorization Act (TVPRA); and (2) The ORR Foundational Rule.

A. ORR Must *Promptly* Release Petitioner Under the TVPRA.

64. Congress enacted the TVPRA to provide special protections for unaccompanied children and to ensure that they are safely and promptly placed with appropriate caregivers. 8 U.S.C. § 1232; *Saravia v. Sessions*, 280 F. Supp. 3d 1168, 1178 (N.D. Cal. 2017). Under the TVPRA, ORR *shall promptly* place

unaccompanied children "in the least restrictive setting that is in the best interest of the child." 8 U.S.C. § 1232(c)(2)(A). This statutory framework, "focuses on care and placement rather than detention." *Flores v. Sessions*, 862 F.3d 863, 876 (9th Cir. 2017).

65. The statute narrows ORR's authority to evaluate whether a proposed sponsor is capable of providing for a child's physical and mental well-being and whether release would create a risk of harm, trafficking, exploitation, or other safety concerns. 8 U.S.C. § 1232(c)(3)(A).

66. Crucially, the TVPRA mandates release from ORR custody to an appropriate sponsor absent concerns that the child presents a danger to self, a danger to the community, or a risk of flight. *See Saravia*, 280 F. Supp. 3d 1168 at 1196.

B. The Foundational Rule Requires Prompt Adjudication And Review of Sponsor Applications

67. The Foundational Rule establishes mandatory safeguards designed to prevent children from languishing in ORR custody. 45 C.F.R. pt. 410. Congress assigned ORR responsibility for the care, custody, placement, and release of unaccompanied children to suitable sponsors. 6 U.S.C. § 279(b)(1)(A); 8 U.S.C. § 1232(c).

68. Sponsors may include parents, legal guardians, relatives, and other adults with established relationships to a child. Under the Foundational Rule, Completed parent-sponsor applications generally *must* be adjudicated ***within ten calendar days*** of receipt, while completed close-relative sponsor applications generally must be adjudicated within fourteen calendar days absent an unexpected delay. 45 C.F.R. § 410.1205(b).

69. If ORR formally denies release to a potential sponsor "who is a parent or legal guardian or close relative," ORR must promptly notify the potential sponsor in writing, provide an explanation of the reasons for the denial along with "evidence and information" supporting the decision, inform the potential sponsor that they may request an appeal of the decision, and allow for submission of additional evidence supporting their suitability. 45 C.F.R. § 410.1205(c). Absent "good cause," the appeal process "shall be completed within 30 calendar days of the potential sponsor's request for an appeal." 45 C.F.R. § 410.1206(f).

70. The regulation further requires supervisory staff to conduct "automatic review of all pending sponsor applications . . . within 90 days of an unaccompanied child entering ORR custody." 45 C.F.R. § 410.1207(a). These provisions ensure review of pending sponsor applications and continued progress toward a release.

C. ORR's Internal Procedures Cannot Expand its Detention Authority.

71. ORR's obligations arise from both statutes and regulations, as well as agency-created policies and procedures. The latter cannot expand ORR's detention authority beyond that granted by Congress and implemented through regulation.

72. Congress authorized ORR to determine whether a proposed placement is safe. 8 U.S.C. § 1232(c)(3)(A). The Foundational Rule establishes procedures for carrying out that task. 45 C.F.R. §§ 410.1202–.1207. But, neither Congress nor the Foundational Rule authorizes prolonged detention simply because ORR continues to pursue internal review processes, administrative tasks, or agency-created requirements.

73. Instead, the statutory and regulatory framework is designed to facilitate release to an approved sponsor following completion of the sponsor evaluation process.

III. THE FIFTH AMENDMENT REQUIRES MEANINGFUL PROCESS BEFORE A CHILD MAY BE DEPRIVED OF LIBERTY.

74. The Due Process Clause applies to all persons physically present within the United States, including noncitizens. *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001). Freedom from physical restraint lies at the core of the liberty protected by the Constitution. *Id.* at 690.

75. Children in ORR custody possess substantial liberty interests in freedom from detention and in reunification with family members and caregivers willing and able to provide care. Procedural due process requires procedures sufficient to ensure that continued detention remains justified. *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976). Where detention continues while required decisions remain unmade, the risk of erroneous deprivation of liberty becomes substantial.

76. Courts recognize that unaccompanied children possess protected interests in the statutory rights and entitlements created by the TVPRA. *See e.g., Immigrant Defs. L. Ctr. v. U.S. Dep't of Homeland Sec.*, No. CV 21-0395 FMO (RAOX), 2025 WL 1191572, at *15 (C.D. Cal. Mar. 14, 2025) (finding "statutory entitlements [under the TVPRA] are constitutionally protected property interests") (collecting cases); *Lucas R. v. Azar*, No. CV 18-5741-DMG (PLAx), 2018 WL 7200716, at *9 (C.D. Cal. Dec. 27, 2018) (noting that a statute can create "a substantive interest protected by the Due Process Clause by using 'mandatory language' that imposes an obligation on government officials, and referring to such mandatory language in the TVPRA) (citing 8

U.S.C. § 1232(c)(2)(A): a UC "*shall* be promptly placed in the least restrictive setting that is in the best interest of the child") (emphasis in original).

ARGUMENT

I. THIS HABEAS ACTION IS PROPER AND ADMINISTRATIVE EXHAUSTION IS NOT REQUIRED.

77. Federal courts have jurisdiction under 28 U.S.C. § 2241 to review claims that an individual is detained in violation of the Constitution or laws of the United States. 28 U.S.C. § 2241(c)(3); *Zadvydas v. Davis*, 533 U.S. 678, 687 (2001). Petitioner challenges the legality of her continued detention in ORR and therefore falls squarely within the core purpose of habeas review.

78. Administrative exhaustion is prudential rather than jurisdictional in habeas proceedings under § 2241. *Acevedo-Carranza v. Ashcroft*, 371 F.3d 539, 541 (9th Cir. 2004); *Laing v. Ashcroft*, 370 F.3d 994, 997 (9th Cir. 2004). Exhaustion is not required where administrative remedies are unavailable, inadequate, futile, or where irreparable injury would result from further delay. *Laing*, 370 F.3d at 1000.

79. Exhaustion is not required here because ORR has never approved a sponsor, denied a sponsor, or issued a Sponsor Suitability Determination. *See, supra* Statement of Facts ("SOF") ¶¶ 42, 46, 49, 56, 58–60. In the absence of any decision, Petitioner has no administrative appeal to pursue and no meaningful administrative remedy to exhaust. Requiring exhaustion would therefore serve no purpose other than prolonging Petitioner's detention while ORR continues to withhold the very determination that would trigger administrative review. After approximately **285 days** in custody, further delay itself constitutes ongoing irreparable harm. *See* SOF ¶ 23; *Cortez v. Sessions*, 318 F. Supp. 3d 1134, 1139 (N.D. Cal. 2018).

II. ORR IS VIOLATING THE TVPRA'S MANDATE THAT CHILDREN BE PROMPTLY RELEASED TO APPROPRIATE CAREGIVERS.

80. The TVPRA requires that an unaccompanied child "shall be promptly placed in the least restrictive setting that is in the best interest of the child." 8 U.S.C. § 1232(c)(2)(A). Congress enacted this mandate to ensure that ORR custody remains temporary and focused on care, placement, and release—not prolonged detention. *Flores v. Sessions*, 862 F.3d 863, 876 (9th Cir. 2017).

81. Congress authorized ORR to investigate whether a proposed sponsor can safely care for a child. The statute directs ORR to evaluate the sponsor's identity, relationship to the child, ability to provide for the child's well-being, and whether release would create a risk of trafficking, exploitation, abuse, or other harm. 8 U.S.C. § 1232(c)(3)(A). That is the authority Congress granted. The statute does not authorize ORR to detain a child indefinitely while repeatedly expanding the scope of review and postponing a release determination.

82. Here, ORR had ample opportunity to perform the task Congress assigned to it. Petitioner's mother came forward immediately upon Petitioner's entry into ORR custody on September 22, 2025. SOF ¶¶ 24, 38. In a matter of weeks, ORR had documentation confirming Mother's identity and relationship to the Child, including Petitioner's birth certificate. SOF ¶ 39. On October 17, 2025, Mother completed her sponsor application. SOF ¶ 39. Under the Foundational Rule, ORR was required to adjudicate Mother's completed Category 1 sponsorship application **within ten calendar days**. 45 C.F.R. § 410.1205(b). **Over 250 days** have passed since Mother completed her sponsor application, and ORR has made no decision. Meanwhile, Mother continued to comply with ORR's repeated requests for

additional information, documentation, background checks, fingerprinting requirements, and application revisions. SOF ¶¶ 40–41.

83. At that same time, ORR identified no trafficking concerns. ORR's records expressly state that Mother "does not present any risk of abuse, maltreatment, exploitation, or trafficking" to Petitioner. SOF ¶¶ 43. Still, the Child has not been released to her Mother.

84. Simply put, ORR never made the decision that the TVPRA requires it to make.

85. ORR never approved Mother's application. ORR never denied Mother's application. ORR never issued a Sponsor Suitability Determination. ORR never provided a written explanation for withholding release. Consequently, Mother never received a denial notice, never received appeal rights, and never received any final reunification decision. SOF ¶¶ 42,46,49.

86. The circumstances of this case demonstrate precisely why Congress imposed strict timing requirements and mandatory supervisory review procedures. Mother's application was completed in October 2025. Under ORR's regulations, that application generally should have been adjudicated within ten days. 45 C.F.R. § 410.1205(b). ORR was further required to conduct automatic review of any pending application within ninety days. 45 C.F.R. § 410.1207(a). Petitioner remained detained long enough to trigger repeated supervisory reviews. Yet, despite the passage of more than nine months, ORR still failed to render a reunification decision. As a result, a child whom ORR determined could safely communicate with her mother every day, visit her mother regularly, and maintain an active parental relationship remained confined in ORR custody through Thanksgiving, Christmas, New Year's Day, and her fifteenth birthday. SOF ¶¶ 25, 29, 44, 58.

87. ORR cannot justify delay to another suitable sponsor. ORR has concurrent-planning obligations. ORR's regulations require concurrent planning to ensure that a child does not remain in custody simply because a primary sponsorship pathway encounters delays or obstacles. See 45 C.F.R. § 410.1203(f). By late 2025, ORR was aware that E.R.M. was willing to serve as an alternative caregiver and proceeded to evaluate her as a potential placement. SOF ¶¶ 50-54. Yet ORR failed to timely advance that process as well. Months later, ORR still had not approved or denied placement with E.R.M. Petitioner's continued detention therefore reflects not the failure of a sponsor, but ORR's failure to utilize the multiple release mechanisms built into the statutory and regulatory framework to prevent prolonged detention. SOF ¶¶ 53-56.

88. The TVPRA authorizes ORR to determine whether release is safe. The governing regulations provide multiple mechanisms to ensure that determination is made promptly. ORR disregarded those requirements here. It does not have authority to prolong a child's detention simply by failing to make the determination it was required to make.

89. More than nine months after Petitioner entered ORR custody, ORR still has not approved a sponsor, denied a sponsor, identified a trafficking concern, identified a safety concern, issued a Sponsor Suitability Determination, or otherwise explained why Petitioner's detention must continue. What remains is not an active release process. It is prolonged detention without a release decision.

90. Despite having a biological parent ready and willing to care for her (Mother), a second caregiver available through ORR's concurrent-planning process (E.R.M.), no identified trafficking concerns, no identified safety concerns, Petitioner remains detained in ORR custody today.

91. Congress authorized ORR to investigate, evaluate, and determine a sponsor suitable for a child's release. It did not authorize ORR to detain a child in custody indefinitely by refusing to do so.

92. Because ORR failed to carry out the duties imposed by the TVPRA, disregarded the timing and review requirements governing sponsor determinations, failed to complete concurrent planning, and continues to detain Petitioner without making the release determination contemplated by the statute, Petitioner's continued detention violates 8 U.S.C. § 1232.

III. ORR'S DETENTION OF PETITIONER NO LONGER SERVES A LEGITIMATE GOVERNMENT PURPOSE

93. Congress authorized ORR to temporarily assume custody of unaccompanied children while determining whether release to a proposed caregiver may occur safely and in the child's best interests. 8 U.S.C. § 1232(c). Congress did not authorize ORR to detain children indefinitely while reunification decisions remain unresolved.

94. The statutory and regulatory framework reflects that limitation. Parent sponsor applications generally must be adjudicated within ten calendar days, close-relative applications generally must be adjudicated within fourteen calendar days, and ORR supervisors must review pending cases within ninety days. 45 C.F.R. §§ 410.1205(b), 410.1207(a).

95. Petitioner's detention has exceeded every meaningful timing mechanism established by that framework.

96. Petitioner entered ORR custody on September 22, 2025. Since then, ORR has conducted repeated length-of-stay reviews, continued collecting information concerning Petitioner's mother, and later evaluated an alternative

caregiver. Yet ORR has still not approved a sponsor, denied a sponsor, or issued a Sponsor Suitability Determination. *See* SOF ¶¶ 23, 39–42, 50–56, 58–60.

97. Significantly, Petitioner's prolonged detention cannot be attributed to the absence of a suitable caregiver. ORR has had before it both Petitioner's biological mother and an alternative caregiver willing to care for Petitioner. Nor has ORR identified any trafficking concern, safety concern for Mother, nor a danger finding, or flight-risk determination for the Child that supports continued detention. SOF ¶¶ 43–56.

98. At some point, continued detention ceases to be a temporary measure necessary to facilitate reunification and instead becomes detention for detention's sake. That point has long since passed here.

99. After more than nine months, multiple supervisory reviews, extensive information gathering, and concurrent-planning efforts, ORR cannot justify continued detention by pointing to unresolved internal processes of its own making. Its continued failure to decide cannot itself supply continuing detention authority.

IV. ORR'S CONTINUED DETENTION OF THIS CHILD VIOLATES THE FIFTH AMENDMENT

100. The Fifth Amendment protects all persons physically present in the United States, regardless of immigration status. *Zadvydas*, 533 U.S. at 693. Freedom from physical restraint lies at the core of the liberty protected by the Due Process Clause. *Id.* at 690.

101. This Court recently addressed materially similar circumstances in *C.S.M. v. Hernandez*, No. 5:26-cv-01144-JWH-ACCV (C.D. Cal.). There, a fourteen-year-old child remained in ORR custody for more than six months while a sponsorship application remained pending for release to her sister. Applying the *Mathews* factors, the court

concluded that the child's continued detention violated procedural due process and granted habeas relief. *See* No. 5:26-cv-01144-JWH-ACCV (C.D. Cal.), Report & Recommendation at 7–9, adopted by Judgment (June 2, 2026). The same reasoning applies here, where Petitioner has remained in ORR custody for more than nine months despite the existence of a biological parent willing to care for her and despite ORR's failure to issue a sponsorship determination.

102. Under *Mathews v. Eldridge*, courts evaluate procedural due process claims by considering: (1) the private interest affected; (2) the risk of erroneous deprivation under existing procedures; and (3) the government's interest. 424 U.S. 319, 335 (1976). Each factor strongly favors Petitioner.

A. Petitioner's Liberty Interest Are Extraordinary.

103. Petitioner is a fifteen-year-old child who has spent approximately **285 days** in federal custody. She remains separated from family members and caregivers willing to care for her, despite ORR's own determination that Mother presents no risk of abuse, maltreatment, exploitation, trafficking, or harm. SOF ¶¶ 23, 43–45, 49, 56

104. Like the child in *C.S.M.*, Petitioner possesses a profound liberty interest in freedom from government detention. Petitioner also possesses a substantial interest in family unity and reunification with her mother. *Zadvydas*, 533 U.S. at 690; *Lucas R. v. Azar*, No. CV 18-5741-DMG (PLAx), 2018 WL 7200716, at *9 (C.D. Cal. Dec. 27, 2018). *C.S.M.* recognized that a child's interest in reunification with family members weighs heavily under the first *Mathews* factor. The interest here is even stronger because Petitioner's proposed sponsor is her biological mother.

B. The Risk of Erroneous Deprivation Is Extreme.

105. The central procedural failure in this case is not that ORR denied sponsorship. It is that ORR never decided sponsorship at all.

106. ORR's own records reflect repeated reunification efforts, multiple mandatory reviews, extensive sponsor vetting, ongoing communications concerning release, and continued requests for action. Yet after more than nine months, ORR has issued no approval, no denial, and no suitability determination for either available sponsor here. SOF ¶¶ 39–60. Nor has it identified any concerns.

107. The risk of erroneous deprivation here is at least as substantial as the risk identified in *C.S.M.* There, the court concluded that a six-month detention during an unresolved sponsorship process created an unacceptably high risk of erroneous deprivation where ORR failed to provide the timely review contemplated by its regulations. *See C.S.M. v. Hernandez*, No. 5:26-cv-01144-JWH-ACCV (C.D. Cal.) (Report & Recommendation at 8–9). The court specifically relied upon ORR's failure to timely resolve the sponsorship process despite regulations requiring prompt review and adjudication. *Id.*

108. The circumstances presented here are even more troubling. Petitioner has been detained for approximately nine months—even longer than the detention at issue in *C.S.M.* Unlike *C.S.M.*, where ORR was evaluating a sibling sponsor and relied on DNA testing to verify the claimed relationship, ORR verified Mother's relationship to Petitioner through Petitioner's birth certificate months ago. SOF ¶¶ 39, 43, 49. ORR identified no trafficking concerns, no abuse concerns, no exploitation concerns. SOF ¶ 43. Yet ORR still failed to approve the application, deny the application, or issue a Sponsor Suitability Determination. SOF ¶¶ 42, 46, 49, 58–60.

109. This is precisely the type of erroneous deprivation that the Foundational Rule's adjudication deadlines, review requirements, and appeal procedures were designed to prevent.

C. The Government's Interest Is Minimal.

110. The Government has a legitimate interest in ensuring that children are released only to safe caregivers

111. That interest has already been accommodated. ORR investigated Petitioner's mother, verified her identity and relationship to Petitioner, collected documentation, conducted background checks, reviewed the household, and found no trafficking concerns. SOF ¶¶ 39-43.

112. ORR likewise pursued concurrent planning through an alternative caregiver and had additional placement options available if it believed release to Mother was inappropriate. SOF ¶¶ 50-54.

113. By contrast, ORR has identified no specific governmental interest that justifies continuing Petitioner's detention after more than nine months without a reunification decision.

114. The Government has a strong interest in protecting children. It has no legitimate interest in prolonging a child's detention for the better part of a year while declining to make the determination that Congress tasked it with making *promptly*.

115. Balancing the *Mathews* factors demonstrates that ORR's continued detention of Petitioner without a sponsor determination, denial decision, or meaningful avenue of review violates the Due Process Clause of the Fifth Amendment.

CLAIMS FOR RELIEF

COUNT ONE

Violation of the TVPRA, 8 U.S.C. § 1232

116. Petitioner realleges and incorporates by reference all preceding paragraphs as though fully set forth herein.

117. The TVPRA requires that an unaccompanied child in ORR custody be "promptly placed in the least restrictive setting that is in the best interest of the child." 8 U.S.C. § 1232(c)(2)(A).

118. The TVPRA further requires ORR to evaluate proposed sponsors and determine whether a proposed custodian is capable of providing for a child's physical and mental well-being and whether release presents a risk of harm, trafficking, exploitation, or other safety concerns. 8 U.S.C. § 1232(c)(3)(A).

119. Petitioner entered ORR custody on September 22, 2025. Petitioner's biological mother immediately came forward to sponsor her daughter and participated in ORR's reunification process.

120. ORR verified Mother's identity and relationship to Petitioner, obtained Petitioner's birth certificate, reviewed Mother's sponsorship application, conducted background checks, evaluated trafficking concerns, and continued reviewing the application for months. ORR ultimately determined that Mother did not present a risk of abuse, maltreatment, exploitation, or trafficking.

121. Despite completing substantial portions of the sponsorship review process, ORR never approved Mother's application, denied Mother's application, or issued a Sponsor Suitability Determination.

122. ORR likewise failed to timely complete its concurrent-planning obligations and failed to approve or deny placement with an alternative caregiver willing to assume responsibility for Petitioner.

123. As a result, Petitioner has remained in ORR custody for approximately nine months without a reunification decision, despite the availability of both a biological parent and an alternative caregiver.

124. By failing to timely complete the sponsor determination process, failing to comply with the release framework established by Congress, and continuing to detain Petitioner without making the release determination contemplated by the statute, Respondents have violated the TVPRA, 8 U.S.C. § 1232.

COUNT TWO

Violation of Fifth Amendment: Substantive Due Process

125. Petitioner realleges and incorporates by reference all preceding paragraphs as though fully set forth herein.

126. The Due Process Clause of the Fifth Amendment protects all persons physically present within the United States, regardless of immigration status. U.S. Const. amend. V; *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001).

127. Freedom from physical restraint lies at the core of the liberty protected by the Due Process Clause. *Zadvydas*, 533 U.S. at 690.

128. Petitioner possesses substantial liberty interests in freedom from unnecessary detention, family integrity, and reunification with her biological mother.

129. Respondents' authority to detain Petitioner is limited to the purposes authorized by Congress, including protecting the child, evaluating potential sponsors, and facilitating safe release to an appropriate caregiver.

130. Petitioner has remained in ORR custody for approximately nine months despite Respondents' determination that her mother does not present a risk of abuse, maltreatment, exploitation, or trafficking.

131. Respondents have not identified any trafficking concern, safety concern, danger finding, flight-risk determination, or other lawful basis that would justify Petitioner's continued detention.

132. Respondents have likewise failed to approve a sponsor, deny a sponsor, issue a Sponsor Suitability Determination, or otherwise resolve Petitioner's reunification case.

133. As a result, Petitioner's continued detention no longer bears a reasonable relationship to the reunification, placement, and child-welfare purposes for which ORR was granted custodial authority under the TVPRA.

134. By continuing to detain Petitioner without a legitimate governmental justification and despite the availability of both a biological parent and an alternative caregiver willing to assume responsibility for her care, Respondents have infringed Petitioner's fundamental liberty interests in freedom from restraint and family unity.

135. Because Respondents' continued detention of Petitioner is arbitrary, excessive, and contrary to the purposes for which Congress authorized ORR custody, it violates Petitioner's substantive due process rights under the Fifth Amendment.

COUNT THREE

Violation of the Fifth Amendment: Procedural Due Process

136. Petitioner realleges and incorporates by reference all preceding paragraphs as though fully set forth herein.

137. The Due Process Clause of the Fifth Amendment prohibits the federal government from depriving any person of liberty without due process of law. U.S. Const. amend. V.

138. Petitioner possesses protected liberty interests in freedom from physical restraint, family integrity, and reunification with her mother.

139. Petitioner also possesses protected interests in the statutory rights and entitlements afforded to unaccompanied children under the TVPRA. *See, e.g.*, *Immigrant Defs. L. Ctr. v. U.S. Dep't of Homeland Sec.*, No. CV 21-0395 FMO (RAOx), 2025 WL 1191572, at *15 (C.D. Cal. Mar. 14, 2025).

140. Under *Mathews v. Eldridge*, courts evaluate procedural due process claims by balancing: (1) the private interests affected; (2) the risk of erroneous deprivation under the procedures used; and (3) the government's interest. 424 U.S. 319, 335 (1976).

141. The first factor strongly favors Petitioner. Petitioner is a fifteen-year-old child who has spent approximately nine months in federal custody and remains separated from her mother despite her mother's ongoing efforts to secure reunification.

142. The second factor likewise strongly favors Petitioner. Respondents failed to timely adjudicate Mother's sponsorship application, failed to issue a Sponsor Suitability Determination, failed to provide a written explanation for continued detention, and failed to issue a denial that would have triggered appeal rights and further review procedures.

143. Although ORR's regulations require prompt adjudication of sponsor applications, periodic supervisory review, and concurrent planning designed to prevent prolonged detention, Respondents failed to carry out those protections in Petitioner's case.

144. As a result, Petitioner has remained detained for approximately nine months without receiving the procedural safeguards contemplated by federal law and regulation.

145. The third *Mathews* factor also favors Petitioner. Respondents have a legitimate interest in ensuring that children are released only to safe caregivers. However, that interest has already been accommodated through months of sponsor vetting, background checks, case reviews, trafficking assessments, and concurrent-planning efforts.

146. Accordingly, Respondents' continued detention of Petitioner without a sponsorship determination, meaningful review, or access to the procedural protections contemplated by the TVPRA and ORR's governing regulations violates Petitioner's procedural due process rights under the Fifth Amendment.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests this Court to grant the following:

1) Assume jurisdiction over this matter;
2) Issue a writ of habeas corpus directing Respondents to immediately release Petitioner Y.D.D.L.C. from ORR custody to the care and custody of her mother, L.D.D.L.C.;
3) In the alternative, order Respondents to immediately release Petitioner Y.D.D.L.C. to E.R.M. or another appropriate caregiver approved by the Court;
4) Declare that Respondents' continued detention of Petitioner violates the Trafficking Victims Protection Reauthorization Act, 8 U.S.C. § 1232.

5) Declare that Respondents' continued detention of Petitioner violates the Due Process Clause of the Fifth Amendment;

6) Enjoin Respondents from re-detaining Petitioner absent compliance with the procedural protections and statutory requirements governing release determinations for unaccompanied children;

7) Award Petitioner her attorneys' fees and costs pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412, and any other applicable authority;

8) Award such other and further relief as the Court deems just and proper.

Dated: July 2, 2026

Respectfully Submitted,

/s/ Caitlin Jolley
Caitlin Jolley
Attorney for Petitioner

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

I represent Petitioner, Y.D.D.L.C., and submit this verification on her behalf. I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated: July 2, 2026

Respectfully Submitted,

/s/ Caitlin Jolley
Caitlin Jolley
Attorney for Petitioner

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Attorney Petitioner

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
EASTERN DIVISION

Y.D.D.L.C, a minor; by and through Erica Santamaria, as Guardian Ad Litem,

Petitioners,

v.

RUBY HERNANDEZ, Federal Field Specialist, Office of Refugee Resettlement; NIKY HYMEL, Federal Field Specialist Supervisor, Office of Refugee Resettlement; ALEX J. ADAMS, Assistant Secretary of the Administration for Children and Families; ANGIE SALAZAR, Acting Director of the Office of Refugee Resettlement; and ROBERT F. KENNEDY, JR., Secretary of the U.S. Department of Health and Human Services,

Respondents.

Case No. 5:26-cv-3710

DECLARATION OF CAITLIN JOLLEY IN SUPPORT OF PETITIONER'S VERIFIED PETITION FOR WRIT OF HABEAS CORPUS

Declaration of Caitlin Jolley

I, Caitlin Jolley, declare that if called as a witness I would and could testify competently as follows:

1. I am an attorney licensed to practice law in the State of California and counsel for Petitioner Y.D.D.L.C. I have personal knowledge of the facts stated herein and could testify competently thereto if called as a witness. and am personally familiar with the filings in this matter.

2. I submit this declaration in support of Petitioner's Verified Petition For Writ Of Habeas Corpus.

3. Petitioner is a fifteen-year-old minor child who was designated as an unaccompanied minor upon her arrival to the United States on September 20, 2025. The same day, she was transferred to the custody of the Office of Refugee Resettlement ("ORR"). Petitioner remains in ORR custody as of the time of this filing on July 2, 2206. Petitioner has been in ORR custody for approximately 285 days.

4. Petitioner is currently housed through ORR's Marsell Wellness Center program in Riverside County, California.

5. Petitioner is presently in removal proceedings before the Executive Office for Immigration Review in Santa Ana, California. Her next Master Calendar Hearing is currently scheduled for July 15, 2026.

6. Because Petitioner remains in ORR custody and has not been reunified with a caregiver, counsel has been unable to fully evaluate all forms of immigration relief that may be available to her.

7. In the course of representing Petitioner, my office requested, and I reviewed ORR records concerning her reunification process. Based upon that review, I have not located any ORR record approving Mother's sponsorship application, denying Mother's sponsorship application, or issuing a Sponsor

Suitability Determination regarding Mother's proposed sponsorship.

8. Attached hereto as **Exhibit A** is a true and correct copy of ORR reunification records dated September 27, 2025 that I obtained in the course of representing Petitioner. Exhibit A reflects, among other things, that Petitioner's mother, L.D.D.L.C., accepted sponsorship of her daughter on September 20, 2025 and that ORR facilitated communication between Petitioner and her mother. Exhibit A further reflects that ORR documented no concerns regarding those communications.

9. Attached hereto as **Exhibit B** is a true and correct copy of ORR reunification records dated December 25, 2025 that I obtained in the course of representing Petitioner. Exhibit B reflects, among other things, that:

a. ORR classified Petitioner's case as a reunification case involving her biological mother;

b. ORR obtained documentation establishing Mother's identity and relationship to Petitioner;

c. Mother completed a sponsor application and continued responding to ORR requests for information and documentation;

d. ORR determined that Mother did not present a risk of abuse, maltreatment, exploitation, or trafficking to Petitioner; and

e. Mother continued to contact ORR regarding her sponsor application and attempted withdrawal, but ORR was unresponsive; and

f. ORR never issued a Sponsor Suitability Determination approving or denying Mother's sponsorship application.

10. Attached hereto as **Exhibit C** is a true and correct copy of ORR weekly case management records and wellness notes from December 24, 2025 to April 4,

2026, that I obtained in the course of representing Petitioner. Exhibit C reflects, among other things, that:

11. Petitioner maintained regular contact with her mother;

12. Petitioner participated in multiple family visits with her mother;

13. ORR repeatedly informed Petitioner that her case remained pending and that no meaningful updates had been received regarding reunification;

a. ORR repeatedly referenced the absence of a Sponsor Suitability Determination and the resulting inability to advance Petitioner's reunification process; and

b. Petitioner remained in ORR custody through her fifteenth birthday on March 22, 2026.

14. In reviewing the file, I reviewed Petitioner's birth certificate issued by her home country which lists L.D.D.L.C. as the mother. The birth certificate in the ORR file has a received date of October 16, 2025. Attached hereto as **Exhibit D** is a true and correct copy of Petitioner's birth certificate, that I obtained in the course of representing Petitioner.

15. Certain portions of the attached exhibits have been highlighted for the Court's convenience. The highlighting was added by counsel and does not appear in the original records.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge.

Dated: July 2, 2026

By: */s/Caitlin Jolley*
Caitlin Jolley
Attorney for Petitioner