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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 of Children and Families; ANGIE SALAZAR, Acting Director of the Office of Refugee Resettlement; and ROBERT F. KENNEDY, Secretary of the U.S. Department of Health and Human Services,

Respondents.

Case No. 5:26-CV-03710

Hon. John W. Holcomb
United States District Judge

Hon. Rozella A. Oliver
United States Magistrate Judge

PETITIONERS' REPLY TO VERIFIED PETITION FOR WRIT OF HABEAS CORPUS

[Supplemental Declaration of Caitlin Jolley filed concurrently herewith]

INTRODUCTION

Petitioner Y.D.D.L.C. is a 15-year-old unaccompanied minor child who has been detained in ORR custody for **301 days**, despite having **two sponsors** who have each complied with ORR's vetting requirements. Still, ORR has issued no release decision and continues to detain Petitioner in violation of her rights under the TVPRA and the Fifth Amendment.

Respondents' Answer, confirms that, after nearly ten months in ORR custody, Respondents now identify only one remaining obstacle to Petitioner's release: updating internet background checks that ORR previously completed twice but allowed to expire while its review remained pending. Concerningly, Respondents' own evidence and policies raise substantial questions as to whether those background checks have expired at all. And even if they have, Respondents do not identify any safety concern revealed by the prior checks, which were just completed a few weeks before the Petition was filed. Nor do Respondents' own records identify any substantive basis to deny release to sponsor E.R.M.

To the contrary, Respondents' evidence establishes that E.R.M. (Petitioner's current sponsor) received a positive home study recommendation, successfully completed extensive sponsor vetting, resolved the sole identified potential issue (a dismissed charge for battery) on a household member's background check, and received a Division of Vetting report concluding there was no derogatory information likely to affect sponsor suitability. Respondents do not contend that E.R.M. is unsuitable. They do not contend that release would place Petitioner at risk. They do not identify any unresolved concern involving danger, trafficking, abuse,

neglect, or exploitation.

The Answer therefore confirms what this case has always been about: not child safety, but ORR's delays in sponsor vetting to limitlessly detain Petitioner. This cannot stand. The Court should grant the habeas petition in full and order the immediate release of Petitioner to her sponsor, E.R.M.[1]

FACTUAL BACKGROUND

The facts alleged in Petitioner's Petition are incorporated by reference here. *See* ECF No. 1 ("Petition"). The following summarizes and briefly supplements those facts:[2]

I. Petitioner Spends Nearly 10 Months In ORR Custody

Petitioner Y.D.D.L.C. ("Petitioner" or "Child") entered ORR custody on September 22, 2025, after DHS designated her an unaccompanied child. Petition ¶ 23; Answer at 12-13. At the filing of this reply, she has now remained in ORR custody for more than 301 days without any decision regarding her release to any sponsor. Petition ¶¶ 57-61, 63; Answer at 17, 22-23. Y.D.D.L.C. remains in immigration court proceedings. Supplemental Declaration of Caitlin Jolley In Support Of Reply To Petitioner's Verified Petition For Writ of Habeas Corpus ("Supp. Jolley Decl.") ¶ 3.

II. ORR Never Decided The Sponsor Suitability Of Petitioner's Mother

[1] Petitioner maintains that L.D.D.L.C. is a suitable sponsor and requests release based on her consent to E.R.M. as an alternate sponsor. This request is in no way intended to concede any determination on L.D.D.L.C. as a sponsor or waive any parental or appellate rights she holds.

[2] For the Court's convenience, Petitioner has prepared and submitted a timeline summarizing the chronology of Petitioner's detention, sponsorship proceedings, and related litigation. *See* Supp. Jolley Decl., Ex. A.

Petitioner's mother, L.D.D.L.C., sought reunification immediately after the Child entered ORR custody and participated in ORR's sponsorship process for months. Petition ¶¶ 24-49; Answer at 13-15. She complied with ORR's requests, submitted supporting documentation, and remained actively involved in the reunification process. Petition ¶¶ 31-49; Answer at 13-15.

Although ORR later identified background-check issues involving other household members, not L.D.D.L.C. herself, she continued pursuing reunification and exploring alternative avenues to secure her daughter's release. Petition ¶¶ 42-Ex. B at 10.

By December 2025, ORR had identified E.R.M. as a potential sponsor while L.D.D.L.C.'s sponsorship status remained unresolved.[3] ECF No. 1-1 Declaration of Caitlin Jolley In Support of Petitioner's Verified Petition For Writ Of Habeas Corpus ("Jolley Decl."), Ex. B at 4; 9-10 (12/5/2025 note identifying E.R.M. as available sponsor). L.D.D.L.C. consented to E.R.M. as an alternate sponsor to be vetted and considered withdrawing her own sponsor application. *Id.* However, ORR never clearly resolved the status of L.D.D.L.C.'s sponsorship application. To the contrary, ORR's own records reflect that L.D.D.L.C. reconsidered her proposed withdrawal,

[3] Respondents assert L.D.D.L.C.'s sponsorship application was withdrawn by February 10, 2026. Answer at 15. This is inconsistent with ORR's own records. ORR's personnel repeatedly reported awaiting guidance regarding the withdrawal, or awaiting a Sponsor Suitability Determination (SSD) before the withdrawal could proceed. Jolley Decl., Ex. C at 5-9. As late as April 4, 2026, ORR's records stated that Y.D.D.L.C. "continues to await the sponsor's withdrawal." Ex. C at 11. Moreover, ORR identified E.R.M. as a potential sponsor by December 5, 2025, more than two months before the February 10, 2026 date in question. *Id.*, Ex. B at 4, 9-10. Thus, Respondents' own records show both continued uncertainty and ORR silence regarding the purported withdrawal of L.D.D.L.C's sponsor application. *Id.* And, that ORR was aware of, and under an obligation to vet an alternative sponsor (E.R.M.) in tandem with L.D.D.L.C. beginning in December 2025. *See* Petition ¶ 36 (discussing ORR policy to identify an Alternative Caregiver ("ACG") and vet the ACG in tandem with the sponsor pursuant to 8 C.F.R. § 410.1203(f)).

instructed ORR not to process her withdrawal letter, and remained in sponsorship limbo for months thereafter. *Id.* at 10 (12/10/2025 note: sponsor "asked that FFS not submit her withdrawal letter"); *Id.* at Ex. B at 9 (12/18/2025 note: program "awaiting an update on sponsor's decision to withdrawal").

ORR's own records continued to reference a pending withdrawal and missing Sponsor Suitability Determination ("SSD") for L.D.D.L.C. through April 2026 without any decision as to either. *See* Jolley Decl., Ex. C. What remains undisputed is that ORR never approved L.D.D.L.C. as a sponsor, never denied her application, never issued an SSD, and never provided appeal rights. Petition ¶¶ 57-61; Answer at 11, 22-23. L.D.D.L.C. remains available and willing to provide for her daughter's physical and emotional well-being. Petition ¶¶ 24-26, 50-56. She also continues to consent to E.R.M. as an alternate sponsor for Petitioner. *Id.*

III. Respondents Materially Vet A Second Sponsor E.R.M. And Find No Safety Concerns

ORR began processing E.R.M. as a sponsor on December 5, 2025. Jolley Decl., Ex. B at 4, 9-10; *see supra* note 3. During the ensuing months to vet E.R.M., ORR collected additional household information, conducted fingerprint-based background checks, verified familial relationships, completed a Sponsor Assessment, and conducted a home study. Answer at 15-16.

On May 4, 2026, ORR received documentary evidence establishing the familial relationship between E.R.M. and Petitioner. Answer at 15-16; Biswas Decl. ¶ 53. Specifically, E.R.M. provided her own birth certificate, the birth certificate of Petitioner's father (E.R.M.'s brother), and the birth certificate of Petitioner's brother,

confirming that E.R.M. is Petitioner's paternal aunt. Answer at 15-16; Biswas Decl. ¶ 53. E.R.M. also provided photographs depicting herself, Petitioner, and other family members together during a family vacation the year prior, further corroborating the familial relationship and prior contact between Petitioner and the proposed sponsor. Answer at 16; Biswas Decl. ¶ 54. ORR deemed the Sponsor Assessment complete on May 8, 2026. *Id.* at 16. E.R.M. is a CAT 3 sponsor under ORR policy, so her completed application was to be adjudicated within fourteen calendar days. 45 C.F.R. § 410.1205(b).

On June 13, 2026, ORR received a home study report resulting in a **positive recommendation** for E.R.M. Answer at 17. On July 8, 2026, ORR received the Division of Vetting ("DOV") report, which Respondents acknowledge identified no information likely to affect sponsor suitability. *Id.* ORR stated it received remaining Social Security and identification documentation on July 15, 2026. *Id.* There is no finding that release to E.R.M. would place Y.D.D.L.C. at risk of harm, trafficking, abuse, neglect, or exploitation. *Id.* at 16-17.

IV. May 2026 Background Checks Show No Suitability Issues

On May 29, 2026, ORR reconducted background checks because the prior checks for E.R.M.'s sponsorship had expired. Answer at 16. The May 2026 background checks identified a single household member with one prior criminal history issue. *Id.* ORR requested additional documentation and, on June 2, 2026, received court records and a written statement confirming that the single issue (a battery charge) had been dismissed a year prior. *Id.* ORR then cleared the issue, concluding that it did not satisfy ORR's criteria for a mandatory denial. *Id.* ORR

thereafter received the DOV report on July 8, 2026, confirming the information in the criminal background checks did not impact the suitability of sponsor, E.R.M. *Id.* at 17.

V. ORR Background Checks Regularly Expire

Respondents' evidence reflects multiple rounds of background screening, including a second round of internet-based background checks conducted on May 29, 2026, because the initial background checks ORR conducted had expired. Answer at 16. And now the July 16, 2026 checks that Respondents identify as the final obstacle to release to E.R.M. the same sponsor, have once again expired. *Id.* at 16-17.

ORR's published policy provides that FBI National Criminal History Checks, Child Abuse and Neglect Checks, and State Criminal History Repository Checks expire **270 days** after ORR receives the results, while Public Records Checks and Sex Offender Registry Checks expire **90 days** after ORR receives the results. ORR Unaccompanied Children Program Policy Guide § 2.5.3, Q4; *see also* Supp. Jolley Decl. ¶¶ 4-6, Ex. B (excerpt of same).

PROCEDURAL HISTORY

Petitioner filed her Verified Petition for Writ of Habeas Corpus on July 3, 2026, challenging her continued detention in ORR custody and asserting violations of the TVPRA and the Fifth Amendment. ECF No. 1 ("Petition"). The Court referred the matter to Magistrate Judge Rozella A. Oliver and issued a briefing schedule pursuant to General Order 26-05 on July 6, 2026. ECF Nos. 5-6.

On July 13, 2026, the Court granted Petitioner's application for appointment

of Erica Santamaria as Guardian Ad Litem. ECF No. 10. That same day, Respondents filed an ex parte application seeking a three-day extension of time to answer the Petition. ECF No. 11. Petitioner opposed the request. ECF No. 12. On July 14, 2026, the Court granted Respondents' application and extended the deadline to respond through July 16, 2026. ECF No. 13. Respondents filed their Answer, along with the Declaration of Toby Biswas, on July 17, 2026. ECF No. 14. Petitioner now submits this Reply.

ARGUMENT

I. RESPONDENTS' EXHAUSTION ARGUMENT DEFEATS ITSELF

Petitioner was not required to exhaust administrative remedies because Respondents have never provided a final decision, including a sponsor denial, a suitability determination, or any other administratively appealable action. Respondents contend that judicial review is "untimely and premature" because the "sponsorship application for E.R.M. remains pending." Answer at 17-19. Respondents' argument is fundamentally self-defeating. Under Respondents' reasoning, the longer ORR delays making a decision, the less judicial scrutiny becomes available. This is not the law. Respondents' argument fails for two reasons.

First, Respondents ignore ORR is withholding the decision that triggers any administrative remedy available to Petitioner. Their own description of the regulatory framework confirms that appeal rights arise *only after* ORR issues a denial decision. Answer at 11-12. Here, ORR has issued no such decision. Petition ¶¶ 34, 57-61; Answer at 17, 27 ("…ORR will promptly make its final sponsor suitability determination and release decision."). By Respondents' account, ORR has

spent the better part of a year, vetting first L.D.D.L.C. and then E.R.M., yet still has not rendered a final reunification decision. Answer at 13-17. Petition ¶¶ 32-35, 52-61. Petitioner's claim is therefore not premature. It arises from the absence of any decision after a reunification process that has effectively stalled. ORR continues to withhold the very determination that would trigger administrative review. Respondents therefore seek to use ORR's failure to act as a bar against judicial review of that failure. This is nonsensical.

Second, the futility exception to administrative exhaustion applies based on Respondents' own timeline. Exhaustion is excused where resort to administrative procedures would be futile. *Lieske v. Morlock*, 570 F. Supp. 1426, 1429 (N.D. Ill. 1983); Answer at 18 (citing same). Here, Respondents acknowledge that ORR completed the sponsor assessment for E.R.M., obtained a positive home study recommendation, resolved any background check issues, received the Division of Vetting report, and now identifies only *updated* internet background checks as the remaining step before a release decision. *Id.* at 16-17. Yet, Respondents still cannot identify any timeline for a final determination, claiming only that "[u]pon receipt of the updated background check results, ORR will promptly make its final sponsor suitability determination and release decision." *Id.* at 17, 27.

That is not a timeline to release. It is a promise of future action materially indistinguishable from the assurances Petitioner has received throughout this case. *See* Petition ¶¶ 32-35, 52-61. Respondents' position amounts to: because ORR has still not decided, Petitioner must continue waiting for ORR to decide. The law does not require endless deference to an administrative process that has produced no final

decision. Indeed, courts have recognized that prolonged delays in ORR's reunification process raise serious liberty concerns and may warrant judicial intervention notwithstanding ongoing administrative proceedings. *See Lucas R. v. Becerra*, 2022 WL 2177454, at *23-26 (C.D. Cal. Mar. 11, 2022) (recognizing due process concerns arising from prolonged delays in ORR's reunification process and lack of timelines for sponsorship determinations); *Saravia for A.H. v. Sessions*, 905 F.3d 1137, 1145-46 (9th Cir. 2018) (recognizing federal courts' authority to review continued ORR detention notwithstanding ongoing administrative processes).

The Court should therefore reject Respondents' exhaustion argument.

II. RESPONDENTS' ANSWER CONFIRMS ORR VIOLATED THE TVPRA

Under the TVPRA, Petitioner has the right to *prompt* placement in the least restrictive setting that is in her best interest. 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. *Flores v. Sessions*, 862 F.3d 863, 876 (9th Cir. 2017). ORR's assignment under the statute is narrow: to *promptly* 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). The now-codified Foundational Rule provides timing requirements to ORR to ensure a child's placement is *prompt*—parent-sponsor applications generally *must* be adjudicated ***within ten calendar days*** of receipt, close-relative sponsor applications ***within fourteen calendar days***. 45 C.F.R. § 410.1205(b). And, ORR must 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). Respondents' Answer fails for two reasons: (1) it ignores Petitioner's right to prompt placement and the statutory deadlines imposed to protect that right; and (2) it explains its authority to vet sponsors generally, and offers no credible defense for its failure to make any placement decision on either of the sponsors it vetted here.

A. Respondents Offer No Defense For Their Violation of The TVPRA

Respondents' Answer fails because it never seriously attempts to defend ORR's compliance with the TVPRA. Instead, Respondents devote nearly twenty pages to explaining ORR's authority to investigate sponsors, conduct background checks, order home studies, and assess sponsor suitability. Answer at 3-17. That authority is not in dispute. The issue before this Court is whether ORR violated the TVPRA when it exceeded the statutory timing requirements several times over to make a placement decision and holds Petitioner in custody without limit.

Congress enacted the TVPRA to ensure that children are *promptly* placed in safe homes, not indefinitely detained while ORR continues an ever-expanding review process. The statute requires prompt placement in the least restrictive setting appropriate to the child's needs. 8 U.S.C. § 1232(c)(2)(A). The Foundational Rule implements that mandate by requiring ORR to generally adjudicate parent-sponsor applications within ten calendar days, close-relative applications within fourteen calendar days, and conduct automatic review of pending applications within ninety days of a child's entry into ORR custody. 45 C.F.R. §§ 410.1205(b), 410.1207(a).

Here, the contrast between the statutory deadlines and Respondents' conduct is stark. Congress contemplated decisions measured in *days*. Respondents seek to justify detention measured in *months* (nearly 10 months).

Notably, Respondents never argue ORR complied with any of the TVPRA's timing requirements. Respondents do not meaningfully address these requirements at all. Instead, they change the subject and discuss ORR's vetting authority. Answer at 3-27. But, Respondents' authority to vet sponsors is not at issue. Congress already accounted for vetting in enacting the TVPRA. Here, ORR *exceeded* that vetting authority by disregarding any timing requirements.

Respondents' Answer effectively reads any timing protections out of the statute. It never mentions them. Under their theory, ORR may continue detaining a child so long as some aspect of sponsor review remains incomplete, regardless of how long the child has remained in custody, how many rounds of vetting have already occurred, or whether any actual safety concern remains. Answer at 17-27. Under that view, the ten-day, fourteen-day, and ninety-day requirements impose no meaningful constraint on ORR at all. That is exactly what happened here.

ORR's own evidence confirms that it failed to adjudicate any sponsorship decision within the timeframe required by statute. ORR obtained L.D.D.L.C.'s completed sponsor application on October 17, 2025. Petition ¶ 39; Answer at 13. ORR later received E.R.M.'s completed sponsor application by May 1, 2026 and completed the sponsor assessment on May 8, 2026. Answer at 15-16. Yet ORR never adjudicated L.D.D.L.C.'s parent-sponsor application within the ten days contemplated by 45 C.F.R. § 410.1205(b), never adjudicated E.R.M.'s application

within the fourteen days contemplated by that same regulation, and never utilized the mandatory ninety-day review process to reach a final placement decision. 45 C.F.R. §§ 410.1205(b), 410.1207(a). Instead, Petitioner continues to languish in ORR custody while both sponsorship pathways remain pending.

Petitioner has now spent 301 days in ORR custody; Respondents offer no credible defense for that delay. Their Answer explains ORR's authority to vet sponsors generally but does nothing to defend its failure *promptly* release Petitioner to a sponsor here.

Accordingly, the Answer confirms, rather than refutes, Petitioner's claim that ORR violated the TVPRA.

B. Respondents' Own Evidence Establishes There Is No Basis To Continue Detaining Petitioner

In defense of their 301-day detention of Petitioner, Respondents vaguely argue, "ORR cannot simply release a child in its care on their own recognizance, or to just anyone who is willing to sponsor them." Answer at 18. Petitioner agrees, but this case is not about release to "just anyone." Here, ORR failed to release Petitioner or make any decision to two willing sponsors who complied with ORR's vetting and re-vetting requirements: E.R.M. and Y.D.L.L.C.

1. RESPONDENTS' OWN EVIDENCE SUGGESTS THE INTERNET BACKGROUND CHECKS HAVE **NOT** EXPIRED AND ARE NOT ESSENTIAL

Respondents' claim they just need more time to complete a single step to vetting E.R.M.—to *reconduct* internet background checks they claim have expired.

Respondents fail to acknowledge that previous background checks revealed no sponsor suitability concerns and only expired because of ORR's own delay. Answer at17. But more concerningly, based on Respondents' own evidence and policy the background checks do not appear to have expired at all.

ORR's own policy states that the FBI and other criminal background checks "all expire **270 days** from the day results are received," and Public Records and Sex Offender Registry Checks "expire **90 days** from the day ORR receives results."[4] ORR Unaccompanied Children Program Policy Guide § 2.5.3, Q4 (emphasis added); *see also* Supp. Jolley Decl. ¶¶ 4-6, Ex. B (excerpt of same). But here, the Answer states on "May 29, [2026] background checks were run once again as previous checks had expired." Even assuming those results were received the same day they were conducted for a second time (May 29th), the FBI and other criminal background would *not* expire until February 23, 2027, and the Public Records and Sex Offender Registry Checks would not expire until August 27, 2026, as stated by ORR's policy. Yet, Respondents claim the background checks are expired *now*.

More concerningly, the timing of the newly initiated internet background checks raises serious questions regarding whether they reflect a genuine essential requirement for release or are a post-litigation effort to justify ORR's continued delay. Respondents ignored Petitioner demand letter on June 24, 2026, requesting

[4]ORR Unaccompanied Alien Children Bureau Policy Guide Section 2.5.3 Commonly Asked Questions on the ORR Background Check Process provides a section for frequently asked questions. *See* Supp. Jolley Decl. ¶¶ 4-6, Ex. B. Question 4 states "Do background checks expire?" *Id.* Answer 4 provides: "Yes. The FBI National Criminal History Check, Child Abuse and Neglect (CA/N) Check, and State Criminal History Repository Check and/or Local Police Check all expire 270 days from the day results are received. The Public Records Check and Sex Offender Registry Check expire 90 days from the day ORR receives results. ORR requires new background checks if the previous results have expired prior to ORR approving the child's release; this includes obtaining a new set of fingerprints (re-fingerprinting) when applicable." *Id.*

the names and progress on vetting an alternative sponsor. Petition ¶¶ 52-54. On July 3, 2026, Petitioner brought this habeas action. ECF No. 1. Respondents never identified expired background checks and only initiated updated internet background checks on July 16, 2026, the same day the Answer was due. Answer at 17. The timing of these newly initiated checks is difficult to reconcile with Respondents' assertion that they represented a genuine obstacle to release, especially given it is the third time ORR will conduct the same background checks due to its own delay.

2. E.R.M. IS FULLY VETTED AS A SPONSOR IN EVERY MATERIAL RESPECT

If the internet background checks indeed have expired (and Respondents' own evidence and policy show they have not), there is still no bar to releasing Petitioner. The previous background check did not raise any concerns regarding release and expired only due to ORR's own delay. As such, they do not seem to be an "essential" vetting requirement as Respondent claims. Answer at 21.

As Respondents state in their Answer on May 20, 2026, ORR's field agent "reviewed the fingerprint results for all household members and identified criminal history for **one** of the household members" not sponsor E.R.M. Answer at 16; Biswas Decl. ¶ 55 (emphasis added). ORR quickly cleared that criminal-history issue and found it "did not impact the suitability of the sponsor." Answer at 17; Biswas Decl. ¶ 61. To do so, it contacted the household member with the criminal history and requested court documents and a written statement regarding the criminal history. *Id.* ¶ 56. On June 2, 2026, ORR received a statement from the household member regarding his arrest history—he had been arrested and charged with battery, but the

charge was dismissed. *Id.* Respondents acknowledge this did not meet the criteria for a sponsor denial since the charge was dismissed and cleared the fingerprints. *Id.*

Outside of the cleared background checks, E.R.M. has been vetted in every material respect. On December 5, 2025, ORR identified E.R.M. as a sponsor and began vetting her. Jolley Decl., Ex. B at 4. On May 4, 2026, E.R.M. provided proof of her relationship with Petitioner by providing her own birth certificate, her brother's (Petitioner's father) birth certificate, and Petitioner's brother's birth certificate, showing she is the paternal aunt of Y.D.D.L.C. Answer at 15-16; Biswas Decl. ¶ 53. On June 11, a home study was conducted that resulted in a positive recommendation two days later. Answer at 16. E.R.M. even provided photos from a vacation of her, Y.D.D.L.C., and her family all together just a few years prior. Answer at 16; Biswas Decl. ¶ 54. The Division of Vetting report has been completed and confirms there is no information that is likely to impact the suitability of the sponsor. Answer at 17.

After months of vetting, Respondents identify only updated internet background checks that became necessary because ORR allowed previously completed checks to expire while the case remained pending. Answer at 17. Remarkably, Respondents do not claim the previous internet checks revealed disqualifying information. They do not claim E.R.M. is unsuitable. Nor that release would place Y.D.D.L.C. at risk. Nor could they, all those concerns have been cleared. Instead, Respondents seek to continue detention because ORR did not complete its own review process before previously completed checks expired. *Id.* at 16-17.

The litigation timeline makes the point even clearer. Petitioner's counsel sent

a demand letter on June 24, 2026. Petition ¶¶ 52-54. Petitioner filed this habeas action on July 3, 2026. ECF No. 1. Only after the filing of this litigation, Respondents identified and initiated updated internet background checks (July 16, 2026). Answer at 17. The record reflects that reunification efforts accelerated dramatically only after Petitioner sought judicial intervention.

3. RESPONDENTS CANNOT AVOID REVIEW OF THEIR FAILURE TO RELEASE Y.D.D.L.C. TO HER MOTHER

Respondents also attempt to recast E.R.M. as the only sponsor. She is not.

From the moment Y.D.D.L.C. entered ORR custody in September 2025, her biological mother came forward seeking reunification. Petition ¶¶ 32-35. ORR verified the parent-child relationship. Petition ¶¶ 36-38. As to L.D.D.L.C., Respondents never issued a denial decision or suitability determination that would trigger her appeal rights. Petition ¶¶ 57-61. Nor does the Answer contend that L.D.D.L.C. is an unsuitable sponsor today.

Respondents' attempt to erase L.D.D.L.C. from the narrative obscures a basic fact: for months ORR failed to reach any final determination concerning the biological mother who immediately sought reunification with her child. Petition ¶¶ 32-61.

The Answer claims L.D.D.L.C. withdrew he application on February 10, 2026. Answer at 2. But, Respondent's own records show the purported withdrawal was still pending along with a sponsor suitability determination as late as April 4, 2026. Jolley Decl., Ex. C at 11; Petition ¶¶ 47, 53; Answer at 15. ORR's records demonstrates that L.D.D.L.C.'s actions were not an abandonment of reunification

efforts. To the contrary, they reflect a parent attempting to secure her daughter's release after months of stagnation in the reunification process. Petition ¶¶ 47-61. The record reflects that L.D.D.L.C. continued communicating with ORR regarding reunification after the purported withdrawal. Jolley Decl. ¶¶ 9(e), 10-13; Ex. B; Ex. C at 5-11. Moreover, she was never issued a sponsor denial, SSD, or other final determination informing her that her sponsorship application had been rejected or confirmation of any attempt at withdrawal. Petition ¶¶ 57-61; Answer at 11, 22-23; Jolley Decl. ¶¶ 7, 9(f), 13(a). L.D.D.L.C. consented to E.R.M. becoming a potential sponsor on December 5, 2025, nearly seven months ago, and continues to consent to E.R.M. as a potential sponsor today.

Respondents therefore cannot avoid scrutiny of their handling of L.D.D.L.C.'s sponsorship efforts by simply reframing the case as though only E.R.M. matters or that their duty to vet E.R.M. was triggered in February 2026. The TVPRA required prompt and continuous reunification efforts with respect to both proposed sponsors. Moreover, ORR was required to vet E.R.M. in *tandem* with L.D.D.L.C. Petition ¶¶ 65-92; 8 C.F.R. § 410.1203(f)). Respondents' Answer confirms they failed to timely reach a final determination as to either one.

4. ORR IDENTIFIES NO BASIS TO DENY EITHER SPONSOR

Respondents' own factual narrative shows they have no basis to deny release of Petitioner. Respondents' Answer states ORR will deny release if: (1) the potential sponsor is not willing or able to provide for the child's physical or mental well-being; (2) the potential sponsor is not willing to complete the mandatory fingerprint check; (3) the physical environment of the home presents a risk to the child's safety

or well-being; or (4) release of the UAC would present a risk to him or herself, the sponsor, household, or community. Answer at 10; Biswas Decl. ¶ 23; *see also* UACB Policy Guide § 2.7.4; 45 C.F.R. § 410.1205. Respondents identify none of those circumstances here. Nor could they.

As argued above, both potential sponsors are willing and able to provide for the Child's physical and mental well-being. Both sponsors complied with ORR's fingerprinting requirements and have submitted to background screening requests by ORR repeatedly. Answer at 14-17; Biswas Decl. ¶¶ 42-60. The home study for E.R.M. was conducted over a month ago and resulted in a positive recommendation. Answer at 16; Biswas Decl. ¶ 58. And, no home study was ever conducted for L.D.D.L.C. since home studies are not mandatory in all cases. Lastly, there is no finding that release of the Child would present a risk to herself, the sponsor, household, or community. Indeed, the evidence clearly weighs to the contrary.

Unbelievably, Respondents rely on their previous failure to place children in a safe environment over a decade ago to try to justify their continued custody of Petitioner. Answer at 6 (discussing a congressional subcommittee investigation in 2015, following reports that ORR placed eight children with members of a human trafficking ring that forced the children to work on an egg farm for 12 hours a day, six or seven days a week.) While, this placement failure is undisputably concerning, ORR's previous misplacement of those children does nothing to excuse their failure to render a decision to release the Child here. Though it may call into question ORR's ability to vet sponsors in the first place, it does not mean there are any credible safety concerns about the sponsors here. Indeed, there are not. E.R.M.

passed multiple background checks, received a positive home study, and there is no evidence of suitability concerns. Answer at 16-17.

Respondents devote substantial portions of the Answer explaining the circumstances under which ORR denies sponsorship applications. Yet they identify none of those circumstances here. Their own evidence therefore confirms the central point of the Petition: this case is not about danger. It is about delay.

C. The TVPRA Requires Judicial Guidance

This Court has now repeatedly confronted challenges involving prolonged ORR detention while sponsorship determinations remain pending. *See, e.g., C.S.M. v. Hernandez*, No. 5:26-cv-01144-JWH-ACCV (C.D. Cal. Mar. 11, 2026) (habeas petition challenging prolonged ORR custody based on its failure to timely release to petitioner to sponsor); *Benigno S.Z. v. Babudar*, No. 5:26-cv-00701-AH-PD (C.D. Cal. Feb. 14, 2026) (same); *Osvaldo Joan R.A. v. Hernandez*, No. 2:26-cv-00482-AB-PD (C.D. Cal. Jan. 16, 2026) (same); *Gerardo M.M. v. Beltran*, No. 5:26-cv-00085-SVW-PVC (C.D. Cal. Jan. 8, 2026) (same); *Hanny Sharline S.U. v. Beltran*, No. 2:25-cv-11073-MEMF-PVC (C.D. Cal. Nov. 18, 2025) (same). This case presents an unresolved and recurring question regarding ORR's authority under the TVPRA.

Throughout the Answer, Respondents defend ORR's authority to investigate sponsors. They do not identify any meaningful limit on how long a child may remain detained while that investigation continues. Answer at 17-27. Nor do they explain when ten-day, fourteen-day, and ninety-day timing requirements cease to matter. The Answer offers no limiting principle. Nothing in the TVPRA suggests Congress

intended such a result.

To the contrary, the TVPRA and its implementing regulations impose mandatory timing requirements, require prompt placement efforts, and direct ORR to place children in the least restrictive setting appropriate to their circumstances. 8 U.S.C. § 1232(c)(2)(A); 45 C.F.R. §§ 410.1203, 410.1205, 410.1207.

Absent judicial guidance, the same dispute presented here will continue to recur: ORR will delay the sponsor vetting process, fail to make any release determination, the child will remain detained, litigation will follow, and ORR may then attempt to avoid review by finally rendering the decision it should have made months earlier. The Court should reject that cycle and resolve the legality of Respondents' conduct on the merits.

III. RESPONDENTS' INDEFINITE DETENTION OF PETITIONER VIOLATES THE FIFTH AMENDMENT

The Fifth Amendment prohibits the government from depriving any person of liberty without due process of law. U.S. Const. amend. V. Courts evaluate procedural due process claims by applying the *Mathews* balancing test, weighing: (1) the private interests at stake; (2) the risk of erroneous deprivation under existing procedures; and (3) the government's interest. *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976). Petition ¶¶ 102-117.

Respondents offer no meaningful response to that framework. Instead, as with the TVPRA claim, Respondents spend much of their Answer explaining ORR's authority to conduct sponsor vetting generally while largely ignoring what occurred here. Answer at 19-27. The issue before this Court is not whether ORR may

investigate sponsors. It may. The issue is whether ORR may continue detaining a child for over 300 days without rendering a final reunification decision. Respondents' Answer provides no justification for their violation of the Child's due process rights.

A. Under the *Mathews* Balancing Test, All Factors Weigh In Favor of Petitioner

1. PETITIONER'S MOST FUNDAMENTAL INTERESTS—LIBERTY AND FAMILY-INTEGRITY ARE AT STAKE HERE

The first *Mathews* factor considers the private interests affected by the challenged government action. *Mathews*, 424 U.S. at 335. Those interests are extraordinary here.

Y.D.D.L.C. is a child who has spent nearly ten months in federal custody. Petition ¶ 23. She has been separated from her family for the better part of a year, despite the availability of multiple willing caregivers. Petition ¶¶ 24-25, 44-56. The liberty interest in freedom from institutional confinement lies at the core of the Due Process Clause. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). Petitioner also possesses a significant interest in family integrity and reunification with her mother. Petition ¶¶ 24-25, 44-49.

Respondents scarcely address these interests. Instead, they contend that neither Petitioner's liberty interest nor her family-integrity interest outweighs the remaining *Mathews* factors because the sponsorship process remains ongoing. Answer at 21-22. But that is not an argument about the magnitude of the liberty interests at stake. It is an argument about the adequacy of the procedures being

employed and is properly addressed under the second and third factors.

Indeed, Respondents never seriously dispute that a child's interest in freedom from confinement and reunification with family members is substantial. Nor could they. The first *Mathews* factor overwhelmingly favors Petitioner.

2. THE RISK OF ERRENOUS DEPRIVATION IS HIGH

The second *Mathews* factor examines the risk of erroneous deprivation under existing procedures. *Mathews*, 424 U.S. at 335. With no response to this Court's decision in *C.S.M. See* No. 5:26-cv-01144-JWH-ACCV (C.D. Cal.) (Report & Recommendation at 8–9)(concluding 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.) Respondents merely assert they will make a sponsor determination and release decision at some point. Answer at 27.

Respondents' Answer confirms that ORR has issued no release decision. It has not approved sponsorship, denied sponsorship, or issued any determination on sponsor suitability. Petition ¶¶ 41, 48, 54, 56-58; Answer at 11, 17, 22-23; Jolley Decl. ¶ 7. And so, it has not triggered any appeal rights. Moreover, it still cannot identify when a final decision will be made. Answer at 16-19, 27. A process with no decision point ceases to be process and becomes indefinite detention.

Respondents' answer to this problem is no answer at all. *First*, they rely principally on *Lucas R.* and argue that ORR is not required to prove a sponsor is unfit under the clear and convincing evidence standard. Answer at 22-24. That argument misses the point. Petitioner is not demanding a pre-determination hearing

or a heightened evidentiary burden. Petitioner is challenging ORR's failure to make any determination at all.

Second, ORR's own process is causing unreasonable delay. According to Respondents, the only remaining obstacle to release is updated internet background checks for E.R.M. Answer at 17. As argued above, there is a substantial question whether those internet background checks expired at all. Even assuming they have, Respondents identify no safety concern revealed by the prior checks. The Answer establishes that E.R.M. received a positive home study recommendation, passed extensive vetting, resolved the sole identified criminal-history issue for her household member, and received a favorable Division of Vetting review. Answer at 16-17; Biswas Decl. ¶¶ 55-60. Thus, after more than 300 days in custody, the alleged remaining issue is not a concern regarding abuse, trafficking, neglect, or danger. It is an additional administrative step required by ORR that only remains outstanding because of ORR's own delay in the vetting process.

Respondents also argue that Petitioner cannot establish unreasonable delay because ORR continued working on the sponsorship applications. Answer at 24-25. But the existence of activity does not negate delay. Here, it highlights it.

The timeline of this case shows ORR's delays is unreasonable. ORR began vetting L.D.D.L.C. in September 2025; has been vetting E.R.M. since December 2025; it completed the sponsor assessment in May 2026; obtained a positive home study recommendation in June 2026; ORR received the DOV report in July 2026. Petition ¶¶ 24-54; Jolley Decl., Ex. B at 4, 9-10; Answer at 15-17; Biswas Decl. ¶¶ 53-60. And yet, ORR still has not rendered any placement decision. Answer at 13-

17. That is not evidence that the procedures are working. It is evidence that the procedures have failed to produce a timely determination.

Respondents' own chronology therefore demonstrates a substantial risk of erroneous deprivation. After more than 300 days in custody, there is still no endpoint, no final determination, and no limiting principle governing how much longer this process may continue.

3. RESPONDENTS HAVE IDENTIFIED NO LEGITIMATE GOVERNMENT INTEREST

The government undoubtedly has a legitimate interest in ensuring that children are released only to safe and appropriate caregivers. Petitioner does not dispute that proposition. However, that interest does not outweigh a child's interest in freedom from confinement after nearly 10 months in custody.

Respondents repeatedly emphasize ORR's responsibility to protect children from trafficking and exploitation. Answer at 3-10. That governmental interest is real and important. But, Respondents identify no evidence that either proposed sponsor presents such a risk. Indeed, their own evidence demonstrates the opposite and shows no safety concerns as to either sponsor. Answer at 16-17. The government's interest is at its lowest where Respondents identify no unresolved safety concern and no basis for denying release.

Nor does *Lucas R.* help Respondents. That case addressed ORR's authority to establish sponsorship procedures and the standard applicable to sponsorship determinations. It did not hold that ORR may indefinitely postpone a final determination while a child remains in custody. Answer at 22-24.

Balancing the *Mathews* factors confirms that Respondents' continued detention of Petitioner without a final reunification determination violates her procedural due process rights.

B. Respondents' Continued Detention of Petitioner Violates Substantive Due Process

Respondents argue that Petitioner's substantive due process claim fails because ORR's sponsor-vetting process does not "shock the conscience." Answer at 27-28. Respondents once again miss the point. Substantive due process prohibits government action that is arbitrary or not reasonably related to a legitimate governmental objective. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). Thus, even where the government may initially detain an individual for a legitimate purpose, continued detention becomes constitutionally problematic once it no longer bears a reasonable relationship to that purpose, as is the case here.

First, the Answer establishes that the purported safety concerns underlying ORR's investigation have already been addressed. E.R.M. completed the sponsorship process, passed a positive home study, resolved the only identified criminal-history issue, and received a favorable Division of Vetting review. Answer at 16-17; Biswas Decl. ¶¶ 55-60. As discussed above, Respondents identify no evidence that E.R.M. poses a danger to Y.D.D.L.C., and no evidence that release

would expose Petitioner to trafficking, abuse, neglect, or exploitation. Answer at 16-17.

Indeed, Respondents do not contend that Petitioner remains detained because E.R.M. is unsuitable. They contend only that internet background checks need to be *reconducted* and were initiated on July 16, 2026. Answer at 17. Respondents' own policy and evidence call into question whether those checks have even expired. More importantly, Respondents do not claim that the prior checks revealed any disqualifying information. Thus, after more than 300 days of detention, Respondents identify no substantive safety concern justifying Petitioner's continued custody.

Second, this case challenges ORR's failure to decide, not its decision to vet. That distinction matters. Throughout the Answer, Respondents defend ORR's authority to conduct vetting. Answer at 3-17. But Petitioner's substantive due process claim does not arise from the existence of the vetting process. It arises from ORR's inability to bring that process to an end. The Constitution does not permit the government to hold the Petitioner in detention indefinitely.

Third, continued detention no longer bears a reasonable relationship to the purpose that supposedly justified it. At the outset of custody, ORR's detention of Petitioner served a legitimate purpose: providing care while evaluating potential sponsors for her safe release. But after more than 300 days, positive vetting results,

a favorable home study, resolution of the sole criminal-history issue of a non-sponsor household member, and completion of the Division of Vetting review, that rationale has been exhausted. Answer at 16-17. The continued confinement of Petitioner now appears tied not to any identified danger, but to administrative inertia.

The fact that L.D.D.L.C. purportedly withdrew her sponsorship application does not alter this conclusion. Petitioner's substantive liberty interest belongs to Petitioner herself. Her interest in freedom from prolonged detention does not disappear because her mother, after months of delay and uncertainty, attempted to secure release through an alternative caregiver. Petition ¶¶ 47-61.

Nor does *J.E.C.M.* compel a different result. Respondents rely on that decision to argue Petitioner's allegations cannot satisfy the demanding substantive due process standard. Answer at 27-28. But *J.E.C.M.* involved broad challenges to ORR policies generally. This case concerns the specific detention of a child for almost ten months where the sole remaining impediment to release is an administrative step that needs to be repeated because they let that evidence allegedly expire. *Id.* at 17.

Accordingly, Respondents' continued detention of Petitioner violates substantive due process because it no longer bears a reasonable relationship to the governmental interests that justify detention in the first place.

IV. RESPONDENTS' ATTEMPT TO RECAST THIS PETITION AS AN APA CLAIM FAILS

Respondents attempt to recharacterize Petitioner's claims as APA challenges to agency action. Answer at 25-27. That argument fails because it is inconsistent with both the nature of Petitioner's claims and Respondents' own position in this litigation.

First, Petitioner does not seek review of an adverse agency decision under the TVPRA. There is no agency decision to review. Respondents repeatedly emphasize that E.R.M.'s sponsorship application remains pending and that ORR has not yet made a final suitability or release determination. Answer at 17, 25-27. Petitioner's claims arise precisely because ORR has failed to act. Respondents cannot simultaneously argue that no final decision exists for purposes of exhaustion, while insisting that Petitioner's claims must be analyzed as challenges to final agency action. Those positions are irreconcilable.

Second, Respondents' argument that sovereign immunity bars Petitioner's TVPRA claim likewise fails. Answer at 17-19, 25-27. Petitioner does not seek money damages, review of a completed agency action, or other retrospective relief against the United States. Rather, she invokes this Court's habeas jurisdiction under 28 U.S.C. § 2241 to challenge the legality of her ongoing detention and seeks prospective relief regarding that detention. Respondents cannot simultaneously they are detaining the Child while arguing that sovereign immunity shields the Executive's continued detention of a child from judicial review. Answer at 17-19, 25-27. It does not. Habeas review exists precisely to test the legality of executive detention, including detention occurring in the absence of any final agency decision.

Moreover, Petitioner invokes the TVPRA because it supplies the substantive legal standards governing ORR's custody and release decisions. This habeas action challenges the legality of Petitioner's continued detention in light of those statutory requirements and the Fifth Amendment. Petition ¶¶ 64-117. Federal courts have long exercised habeas jurisdiction to review the legality of executive detention, including detention of children in ORR custody. *See Saravia v. Sessions*, 280 F. Supp. 3d 1168, 1195-99 (N.D. Cal. 2017); *Saravia for A.H. v. Sessions*, 905 F.3d 1137, 1145-46 (9th Cir. 2018).

Third, Respondents' reliance on APA finality principles only highlights the problem presented here. If there is no final agency action because ORR has never issued a decision, then that absence of a decision is exactly what gives rise to Petitioner's claims. The government cannot insulate prolonged detention from judicial review by indefinitely withholding the very determination that would trigger review. As the *Lucas R.* litigation recognized, the absence of meaningful timelines for sponsorship decisions creates a substantial risk of prolonged detention. *See Lucas R. v. Becerra*, 2022 WL 2177454, at *20-26 (C.D. Cal. Mar. 11, 2022). Answer at 22-23.

Finally, Respondents' reliance on the *Accardi* doctrine is misplaced. Petitioner does not assert a standalone *Accardi* claim. Rather, ORR's failure to comply with the timing requirements embodied in the Foundational Rule is relevant evidence that Respondents have violated the TVPRA and deprived Petitioner of due process. Petition ¶¶ 65-92, 102-117. In any event, the regulations at issue govern the rights and interests of children in ORR custody and their sponsors, not merely internal

agency housekeeping. *See Lucas R.*, 2022 WL 2177454, at 20-26. Respondents' attempt to minimize those protections only reinforces Petitioner's claim that ORR has treated mandatory safeguards as optional.

Respondents therefore devote several pages to APA doctrines that have little relevance to the claims actually before the Court.

V. SUBSEQUENT RELEASE DOES NOT MOOT PETITIONER'S CLAIMS

Respondents repeatedly represent that ORR will promptly render a final release decision once expired background checks are recompleted. Answer at 2, 17, 27. However, subsequent release of Petitioner would not eliminate this Court's ability to grant meaningful relief.

In *C.S.M. v. Hernandez*, this Court rejected a mootness argument after ORR released the child during the pendency of the habeas proceeding, pursuant to court order. No. 5:26-cv-01144-JWH-ACCV, Report & Recommendation at 2-6 (C.D. Cal. May 13, 2026). The court concluded that release did not extinguish the controversy because the child remained subject to future immigration proceedings and therefore retained a concrete interest in further habeas relief. *Id.* at 3-6. The court further reasoned that release did not deprive the court of the ability to enter prospective relief addressing the legality of the detention and recommended issuance of a writ prohibiting re-detention absent compliance with due process requirements and applicable regulations. *Id.* at 3,9.

The same reasoning applies here. Petitioner seeks more than immediate release. Petition at 32-33 (Prayer for Relief). She also seeks a determination that

Respondents' prolonged detention violated the TVPRA and the Fifth Amendment, attorneys fees and costs, and any other relief the Court may deem appropriate. *Id.* at 32-33 (Prayer for Relief ¶¶ 4-8). Those claims do not disappear merely because Respondents elect to release Petitioner after litigation has commenced. As *C.S.M.* recognized, release alone does not provide lasting protection against future unlawful detention, nor does it resolve the legality of the challenged conduct.

CONCLUSION

Respondents' Answer confirms that Petitioner has remained in ORR custody for 301 days despite the availability of two vetted sponsors. This case is not about danger. It is about delay.

Pursuant to General Order 26-05, "[t]he matter will stand submitted for final disposition upon filing of the reply." C.D. Cal. Gen. Ord. 26-05 § 2. Petitioner has now filed her Reply and the matter is therefore deemed submitted. Petitioner respectfully requests that the Court render judgment and grant the Petition in full, including her immediately release to E.R.M.

Dated: July 20, 2026

Respectfully Submitted,

/s/Caitlin Jolley
Caitlin Jolley
Attorney for Petitioner

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN 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; ANDREW GRADISON, Assistant Secretary of the Administration of Children and Families; ANGIE SALAZAR, Acting Director of the Office of Refugee Resettlement; and ROBERT F. KENNEDY, Secretary of the U.S. Department of Health and Human Services,

Respondents.

Case No. 5:26-cv-03710

Hon. John W. Holcomb
United States District Judge

Hon. Rozella A. Oliver
United States Magistrate Judge

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

DECLARATION OF CAITLIN JOLLEY

I, Caitlin Jolley, declare as follows:

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

2. I submit this declaration in support of Petitioner's Reply to Verified Petition for Writ of Habeas Corpus.

3. Petitioner Y.D.D.L.C. is currently in immigration proceedings in Santa Ana Immigration Court.

4. To date, neither I nor any attorney at Immigrant Defenders Law Center have received notice that Petitioner has been released from ORR custody.

5. Attached hereto as **Exhibit A** is a true and correct timeline summarizing the chronology of Petitioner's detention, sponsorship proceedings, and related litigation. The timeline was compiled from the Petition, Respondents' Answer, accompanying declarations, exhibits already filed in this action, and the Court's docket.

6. On July 20, 2026, I accessed the Office of Refugee Resettlement ("ORR") Unaccompanied Children Program Policy Guide ("Policy Guide") available on ORR's official website at: https://acf.gov/orr/policy-guidance/unaccompanied-children-program-policy-guide-section-2.

7. Attached hereto as **Exhibit B** is a true and correct copy of the relevant excerpt from ORR Policy Guide § 2.5.3, entitled "Commonly Asked Questions on the ORR Background Check Process" as it appeared on ORR's official website on July 20, 2026.

8. Exhibit B contains Question 4 and Answer 4 regarding the expiration of ORR background checks. I have added highlights to the expiration periods for the Court's convenience. The original document contains no such highlights.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: July 20, 2026

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

EXHIBIT A

EXHIBIT A

Timeline Summary of Petitioner's Detention and ORR Vetting Efforts

Date	Event	Citation
09/22/2025	Y.D.D.L.C. entered ORR custody after DHS designated her an unaccompanied child.	Petition ¶ 23; Answer at 12-13
09/22/2025	L.D.D.L.C. accepted sponsorship and immediately sought reunification with her daughter.	Petition ¶¶ 24-26; Ex. A at 2
10/17/2025	ORR acknowledged receipt of L.D.D.L.C.'s completed Sponsor Application.	Petition ¶ 39; Answer at 13
12/05/2025	ORR identified E.R.M. as an alternative sponsor while L.D.D.L.C.'s sponsorship application remained unresolved.	Jolley Decl., Ex. B at 4, 9-10
12/10/2025	L.D.D.L.C. instructed ORR not to process her withdrawal letter because she remained uncertain and wished to speak with her daughter first.	Jolley Decl., Ex. B at 10
12/18/2025	ORR recorded that it remained "awaiting an update on sponsor's decision to withdrawal."	Jolley Decl., Ex. B at 9
01/20/2026	ORR records reflected the program remained "pending sponsor's withdrawal letter."	Jolley Decl., Ex. C at 5
01/26/2026	ORR personnel followed up regarding the alleged withdrawal; status remained "pending response."	Jolley Decl., Ex. C at 6
03/01/2026	ORR records reflected that the program remained "pending the SSD to proceed with the sponsor withdrawal."	Jolley Decl., Ex. C at 8
04/04/2026	ORR records stated that Y.D.D.L.C. "continues to await the sponsor's withdrawal."	Jolley Decl., Ex. C at 11
05/04/2026	ORR received documentation establishing E.R.M.'s familial relationship to Petitioner, including birth records demonstrating she is Petitioner's paternal aunt.	Answer at 15-16; Biswas Decl. ¶ 53
05/08/2026	ORR completed E.R.M.'s Sponsor Assessment.	Answer at 16

Date	Event	Citation
05/29/2026	ORR reconducted background checks because prior checks had expired.	Answer at 16
06/02/2026	ORR cleared the sole identified criminal-history issue for non-sponsor household member after receiving court records showing the single charge of battery had been dismissed.	Answer at 16; Biswas Decl. ¶ 56
06/13/2026	ORR received a home study resulting in a **positive recommendation** for E.R.M.	Answer at 16
06/24/2026	Petitioner's counsel sent a demand letter requesting release or a final sponsorship decision.	Petition ¶¶ 52-54
07/03/2026	Petitioner filed the Verified Petition for Writ of Habeas Corpus.	Dkt. 1; Petition
07/06/2026	Court issued briefing schedule under General Order 26-05.	Dkt. 6
07/13/2026	Respondents filed Ex Parte Application seeking a three-day extension to answer the Petition.	Dkt. 11
07/14/2026	Court granted Respondents' request and extended the deadline to answer until July 16, 2026.	Dkt. 13
07/08/2026	ORR received the Division of Vetting ("DOV") report and concluded the identified information was not likely to affect sponsor suitability.	Answer at 17
07/16/2026	ORR initiated another round of internet-based background checks.	Answer at 17
07/17/2026	Respondents filed their Answer.	Answer at 17
07/21/2026	Petitioner has remained in ORR custody for approximately **301 days** without any release decision, sponsor denial, SSD, or administrative appeal rights.	Petition ¶¶ 57-61; Answer at 11, 17, 22-23

EXHIBIT B

An official website of the United States government Here's how you know

ORR Unaccompanied Alien Children Bureau Policy Guide: Section 2

Listen

Safe and Timely Release from ORR Care

Current as of: March 13, 2026

2.1 Summary of the Safe and Timely Release Process

The Office of Refugee Resettlement (ORR) has policies and procedures in place to ensure **unaccompanied alien children** in ORR care are **released** in a safe, efficient manner without unnecessary delay. ORR's policies require the release of unaccompanied alien children to parents, guardians, relatives, or individuals designated by the child's parents, referred to as "**sponsors**." Safe and timely release must promote public safety and ensure that sponsors are able to provide for the physical and mental well-being of children.

ORR evaluates potential sponsors' ability to provide for the child's physical and mental well-being, as required by law. ORR also protects children from smugglers, traffickers, or others who might seek to victimize or otherwise engage the child in criminal, harmful or exploitative activity. The process for the safe and timely release of an unaccompanied alien child from ORR custody involves several steps, 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.

In certain exceptional cases, ORR may begin vetting the potential sponsors of unaccompanied alien children likely to enter ORR care prior to their physical transfer to further diminish the time a child would remain in ORR care (see **Section 2.2 Sponsor Application Process**).

Revised 08/08/2025

2.2 Sponsor Application Process

As soon as an **unaccompanied alien child** is physically **transferred** to ORR custody, ORR begins to assess potential **sponsors**, which may include interviewing the child, their parent(s), **legal guardian(s)**, or other primary caregiver(s), in order to identify family members and others who may be qualify as sponsors to

BACKGROUND CHECK RESULTS	NEXT STEPS
No arrest record; check completed	Proceed with release decision-making process. See **Section 2.7 Recommendations and Decisions on Release**.
Criminal arrest record, pending charges, sponsor subject to a criminal investigation; and/or substantiated adverse child welfare findings; check completed	Determine whether release is barred. See **Section 2.7.4 Deny Release Request**. If release is not barred, elevate safety issues for third party review. For any findings that could affect safe release, care provider and/or ORR will obtain additional documents to determine current situation (e.g., sponsor is on probation, criminal charges are resolved, etc.). Final release decision must take into account the criminal records and all other relevant information that is available.
Criminal history pending results; check not complete	ORR/FFS will provide instructions to care provider
CA/N pending results	ORR may choose to release a child pending CA/N results if there are no significant child welfare concerns associated with the sponsor or an adult in the sponsor's home, with the child or other children.

Revised 02/27/2026

2.5.3 Commonly Asked Questions on the ORR Background Check Process

Q1: Where can a sponsor get their fingerprints taken?

A1: ORR funds a network of digital fingerprint providers at locations that are not affiliated with law enforcement entities. Sponsors may also go to any local police department for paper fingerprinting services in the event a digital fingerprint provider is not conveniently located near a sponsor's location. Fingerprinting services are not available at ORR headquarters or at HHS/PSC offices.

Q2: Are potential sponsors required to disclose to the care provider that they have a record of a criminal charge or child abuse?

A2: Yes. The sponsor must immediately advise the care provider of this situation and gather detailed documentation of the charges, dispositions, police reports, and evidence of rehabilitation.

Q3: What happens if a public records or sex offender registry check returns disqualifying findings for a sponsor, adult household member, or adult caregiver identified in the sponsor care plan?

A3: The Case Manager informs the sponsor and provides the sponsor with a copy of the results. The sponsor and household member/adult caregiver may dispute the results and provide further evidence or information that a check was not performed correctly (e.g., the wrong date of birth was used, the individual's name was spelled incorrectly, etc.). The Case Manager reruns the check using the corrected information. If further information is required, such as additional background checks, the Case Manager contacts the sponsor and household member/adult caregiver to obtain the information or make other

arrangements so that the safety risk to the unaccompanied alien child is mitigated (e.g., taking steps so that the household member no longer resides in the sponsor's home, identifying a new adult caregiver, etc.).

Q4: Do background checks expire?

A4: Yes. The FBI National Criminal History Check, Child Abuse and Neglect (CA/N) Check, and State Criminal History Repository Check and/or Local Police Check all expire 270 days from the day results are received. The Public Records Check and Sex Offender Registry Check expire 90 days from the day ORR receives results. ORR requires new background checks if the previous results have expired prior to ORR approving the child's release; this includes obtaining a new set of fingerprints (re-fingerprinting) when applicable.

Q5: Does ORR share the results of the FBI fingerprint checks with other parties?

A5: ORR does not release the results of the FBI fingerprints to outside organizations or individuals, or to ORR care providers. The FBI searches **DHS** databases that may contain overlapping records. The FBI system automatically initiates a notification to the DHS system if a particular record has been searched.

Revised 02/27/2026

2.6 Sponsor Immigration Status and Release of Unaccompanied Alien Children

ORR does not disqualify potential **sponsors** based solely on their immigration status or for law enforcement purposes.

ORR does not collect information on immigration status directly from the sponsor. However, the Federal Bureau of Investigation (FBI) searches Department of Homeland Security (DHS) databases as part of the FBI national criminal background check (see **Section 2.5 Sponsorship Assessment Background Check Investigations**) and ORR may obtain immigration status information through background check results. ORR does not share FBI background check results, or any immigration status information contained therein, with outside individuals or with ORR care providers (see **Section 2.5.3 Commonly Asked Questions on the ORR Background Check Process**). In addition, ORR does not use or share any information for immigration enforcement purposes (see **Section 5.10 Information Sharing**).

If ORR learns through background check results that the sponsor has an outstanding or pending order of removal that is related to an underlying criminal act, the decision to **release** a child to a sponsor in these circumstances is based on the considerations described in **Section 2.5.2 Results of Background Checks on Release Decisions**.