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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

Fernanda A.P. and Nicole A.P., minors, by and through their Next Friend, Y.P.P.,

Petitioners/Plaintiffs,

v.

ROBERT F. KENNEDY, JR., in his official capacity as Secretary of Health and Human Services; ANGIE SALAZAR, in her official capacity as Acting Director of the Office for Refugee Resettlement; LAYLA LOERA, in her official capacity as Federal Field Specialist, Office of Refugee Resettlement; and OLGA WACH, in her official capacity as Director of Bethany Christian Services Reading Transitional Foster Care,

Respondents/Defendants.

Civil Case No.: 2:26-cv-5909

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

PETITION FOR WRIT OF HABEAS CORPUS

Petitioners, minor children proceeding under the pseudonyms Fernanda A.P. and Nicole A.P.,[1] petition this Court for a Writ of Habeas Corpus, pursuant to 28 USC § 2241 and the Administrative Procedure Act, 5 U.S.C. § 701, *et seq.*, to remedy their continued unlawful detention by Respondents. Petitioners hereby request that an immediate hearing be set on this matter. Petitioners also request that they be released during the pendency of this Petition. In support of this Petition, Petitioners allege as follows:

INTRODUCTION

1. Petitioners Fernanda A.P. and Nicole A.P. are citizens of [redacted] who were detained by the Department of Homeland Security ("DHS") on May 6, 2026, at ages [redacted], respectively, after entering the United States at or near Roma, Texas. DHS designated Fernanda A.P. and Nicole A.P. as unaccompanied children and transferred them to the custody of the Office of Refugee Resettlement ("ORR").

2. Petitioners are currently detained in the custody of ORR at Bethany Christian Services ("BCS") Reading Transitional Foster Care in Laureldale, Pennsylvania. Fernanda A.P. and Nicole A.P. have been in the custody of ORR since May 7, 2026, approximately 100 days. Both children have repeatedly expressed their desire to reunite with their mother, Y.P.P. They have shared that they are sad that many other children have been reunited with their loved ones, but they have not. When Y.P.P. visited the children at the facility on July 15, 2026, she observed that they were sad, visibly depressed, and crying because they missed her. The children told Y.P.P. that they

[1] Filed concurrently with this Petition is a Motion for Leave to Proceed Under Pseudonym and to File Under Seal. Certain details have been redacted from the publicly filed version of this Petition to protect the identify of Petitioners.

wanted to be with her. They have expressed that it has been hard being separated from her. Prolonged detention is adversely impacting their well-being.

3. Petitioners' unlawful prolonged detention is the result of ORR's failure to facilitate the reunification process for their mother, Y.P.P., a Category 1 sponsor. ORR has a statutory and regulatory responsibility to "promptly" place Petitioners "in the least restrictive setting that is in the best interest of the child." 8 U.S.C. § 1232(c)(2)(A); 45 C.F.R. §§ 410.1003(f), 410.1201(a). To fulfill its mandate, ORR must make "prompt and continuous efforts" toward family unification and release, 45 C.F.R. § 410.1203(a), and must adjudicate sponsor applications of a parent or legal guardian within 10 days of completion, *id.* § 410.1205(b).

4. Despite ORR's legal obligation, ORR has unreasonably and unnecessarily delayed the reunification process for Y.P.P. and her children by erecting procedural hurdles that impede the completion of the sponsor application. Although Y.P.P. was identified as the children's parent and sponsor at the time of apprehension, and a sponsor application was initiated through an ORR unification specialist on or about May 20, 2026, three months later the application process remains incomplete—not due to any failure on Y.P.P.'s part, but due to ORR's failure to facilitate the remaining steps. On information and belief, the sponsor application consists of a 10-step process. An ORR reunification specialist has taken the lead on facilitating Y.P.P.'s completion of the application, approximately weekly contacting her to walk through each step. Despite this ongoing contact, the specialist has helped Y.P.P. complete only nine of the ten steps over the course of 85 days—a rate of approximately one step every nine days—with some steps requesting routine identifying information of the kind that could be gathered in a single phone call. Y.P.P. is currently awaiting ORR to schedule an appointment to verify her identification and take a DNA sample.

5. Once she completes these steps, all that remains will be for Y.P.P. to execute the application. Y.P.P. has been waiting at this stage for one month. Y.P.P. submitted fingerprints on June 3, 2026, and submitted proof of income on July 16, 2026. Despite Y.P.P.'s diligent compliance and readiness to satisfy ORR's reunification requirements, ORR has erected unnecessary procedural hurdles and failed to facilitate the completion of the remaining steps, thereby avoiding the 10-day regulatory trigger to adjudicate the completed application. *See* 45 C.F.R. § 410.1205(b). ORR has neither released Fernanda A.P. and Nicole A.P., nor issued any written decision regarding their placement. ORR's imposition of procedural barriers and unreasonable delay violates Petitioners' constitutional rights to due process and family integrity.

JURISDICTION AND VENUE

6. This Court has jurisdiction under the U.S. Constitution. U.S. Const. art. I § 9, cl. 2 ("The privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require.").

7. The Court also has jurisdiction under 28 U.S.C. § 1331 (federal question); 28 U.S.C, § 1651 (the All Writs Act); 28 U.S.C. § 2241 (habeas corpus); and 5 U.S.C. § 701 (the Administrative Procedure Act).

8. This Court has additional remedial authority under 28 U.S.C. §§ 2201 and 2202 (the Declaratory Judgment Act) and Fed. R. Civ. P. 65 to grant declaratory and injunctive relief.

9. Venue is proper in the Eastern District of Pennsylvania because a substantial part of the events giving rise to these claims occurred and continue to occur in this district.

10. Venue is also proper under 28 U.S.C. § 2241 because Fernanda A.P. and Nicole A.P. are detained within this district.

PARTIES

11. Petitioner Fernanda A.P. is a [redacted]-year-old unaccompanied child, and Petitioner Nicole A.P. is an [redacted]-year-old unaccompanied child, both in the custody of ORR. They are detained at Bethany Christian Services Reading Transitional Foster Care in Laureldale, Pennsylvania. They are trying to reunify with their mother, Y.P.P., in [redacted].

12. Y.P.P. is the Next Friend of Petitioners Fernanda A.P. and Nicole A.P. She is the biological mother of both Petitioners. Petitioners appear by and through Y.P.P.

13. Respondent Robert F. Kennedy, Jr. is the Secretary of HHS, a cabinet-level department of the United States Government. ORR is a component of HHS. As the Secretary of HHS, Respondent Kennedy is a custodian of Petitioners, with authority to produce and release them. Respondent Kennedy is sued in his official capacity.

14. Respondent Angie Salazar is the Acting Director of ORR, the subagency of the U.S. Department of Health and Human Services ("HHS") responsible for overseeing the care and custody of unaccompanied minors. ORR is the government entity directly responsible for the detention of Fernanda A.P. and Nicole A.P. As the Acting Director of ORR, Respondent Salazar is a custodian of Petitioners, with authority to produce and release them. Respondent Salazar is sued in her official capacity.

15. Respondent Layla Loera is an ORR Federal Field Specialist. Federal Field Specialist Loera is the government official responsible for the care and custody of children who ORR has placed in Bethany Christian Services Reading Transitional Foster Care. In this role, Federal Field Specialist Loera is responsible for determining Petitioners' placement and has authority to approve their release to an appropriate sponsor's care. Accordingly, Respondent Loera is a custodian of Petitioners, with authority to produce and release them. Respondent Loera is sued in her official capacity.

16. Respondent Olga Wach is the Director of Bethany Christian Services Reading Transitional Foster Care where Fernanda A.P. and Nicole A.P. are being held at the time of this petition. As Director of Bethany Christian Services Reading Transitional Foster Care, Respondent Wach is a custodian of Petitioners, with authority to produce them. Respondent Wach is sued in her official capacity.

LEGAL FRAMEWORK

A. Statutory and Regulatory Framework for Care and Custody of Unaccompanied Immigrant Children

17. The care and custody of unaccompanied immigrant children is governed by a legal framework consisting primarily of two statutes, a settlement agreement that is binding on the pertinent federal agencies, and federal regulations: the Homeland Security Act of 2002, the Trafficking Victims Protection Reauthorization Act, the 1997 Flores Settlement Agreement, and the Foundational Rule.

18. Prior to 2002, the Office of Juvenile Affairs in the former INS was responsible for the custody of unaccompanied immigrant children in the United States. The Flores Settlement Agreement, originally signed by the INS in 1997, established national minimum standards for the treatment and placement of minors in immigration custody. Stipulated Settlement Agreement, *Flores v. Reno*, No. CV 84-4544-RJK(Px) (C.D. Cal. Jan. 17, 1997) ("Flores Settlement"). It remains under the supervision of U.S. District Judge Dolly M. Gee in the Central District of California. *Flores v. Bondi*, No. CV 85-4544-DMG (AGRx).[2]

19. In 2002, Congress passed the Homeland Security Act ("HSA"), transferring functions of the former INS to other government entities. Pub. L. No. 107-296, 116 Stat. 2153

[2] Following the promulgation of the Foundational Rule, the Flores Settlement Agreement was partially terminated as to HHS. *Flores v. Garland*, 2024 WL 3467715 (C.D. Cal., June 28, 2024).

(2002). Specifically, the HSA transferred authority over the care and custody of unaccompanied immigrant children from the INS to ORR, housed within HHS. 6 U.S.C. § 279.

20. Congress' decision to transfer responsibility for the care and custody of unaccompanied children from the INS to ORR reflected Congress' determination that caring for children who arrive to the United States without their parent or legal guardian and immigration enforcement were incompatible roles for a single agency.[3] Within HHS, ORR is responsible for children's safety and welfare and is explicitly not a law enforcement agency. *See* Unaccompanied Children Program Foundational Rule ("Foundational Rule"), 89 Fed. Reg. 34384, 34399, 34423, 34591 (Apr. 30, 2024) ("it is not a law enforcement agency, unlike the former INS").

21. With strong bipartisan support, Congress then expanded protections for unaccompanied children in the Trafficking Victims Protection Reauthorization Act of 2008 ("TVPRA"), reaffirming Congress' intent to treat unaccompanied children differently than the manner in which adults are treated by the Department of Homeland Security ("DHS"), both in detention and in immigration proceedings. 8 U.S.C. § 1232 *et seq*.

22. The TVPRA requires federal officials who discover an unaccompanied child to transfer the child to the care and custody of HHS within 72 hours (absent exceptional circumstances). *Id*. § 1232(b)(3). The TVPRA also tasks ORR with ensuring that unaccompanied children are "promptly placed in the least restrictive setting that is in the best interest of the child."

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[3] *See, e.g.*, 148 Cong. Rec. S11295 (Nov. 18, 2002) (statement of Sen. Feinstein); 148 Cong. Rec. S8189 (Sept. 4, 2002) (reprinting letter from Sens. Kennedy and Brownback). *See also* 148 Cong. Rec. S5960 (Oct. 1, 2002) ("As we transfer and reshape the INS in this legislation, it is imperative to relieve the agency of its responsibility of the care and custody of unaccompanied children. Doing so would accomplish two ends: one, it would permit the INS to focus its energies, efforts, and attention on its core missions; and two, it would transfer the care and custody of these children to the Office of Refugee Resettlement, ORR, an office that is better suited and much more experienced in handling the complexities of the children's situations.").

Id. § 1232(c)(2)(A). This is usually with a sponsor. *See, e.g.*, *Saravia v. Sessions*, 905 F.3d 1137, 1142–43 (9th Cir. 2018). Congress enacted the TVPRA specifically to facilitate the safe, speedy release and minimally restrictive placement of unaccompanied children. *See, e.g.*, 154 Cong. Rec. S10886 (daily ed. Dec. 10, 2008) (statement of Sen. Feinstein, sponsoring senator).

23. The TVPRA provides that "an unaccompanied alien child may not be placed with a person or entity unless the Secretary of Health and Human Services makes a determination that the proposed custodian is capable of providing for the child's physical and mental well-being." 8 U.S.C. § 1232(c)(3)(A). This determination must include (1) verification of the custodian's identity and relationship to the child, if any, and (2) "an independent finding that the individual has not engaged in any activity that would indicate a potential risk to the child." *Id.* To facilitate this assessment, DHS is required, "not later than 2 weeks after receiving a request from the Secretary of Health and Human Services," to "provide information necessary to conduct suitability assessments from appropriate Federal, State, and local law enforcement and immigration databases." *Id.* § 1232(c)(3)(C).

24. Neither the HSA nor the TVPRA make any mention of a sponsor's potential immigration status as a prerequisite to receive an unaccompanied child into their custody. Similarly, neither statute gives ORR authority to: (1) inquire into immigration status as a condition for sponsorship; (2) collect information about potential sponsors for immigration or law enforcement purposes; or (3) share potential sponsor's immigration status with law enforcement or immigration enforcement entities.

25. In 2024, ORR promulgated regulations codifying the "policies, standards, and protections for [unaccompanied children], consistent with the HSA and TVPRA, and to implement

the substantive requirements of the [Flores Settlement Agreement] as they pertain to ORR." Foundational Rule, 89 Fed. Reg. at 34385 (promulgating 45 C.F.R. §§ 410.1000 et seq.).

26. The Foundational Rule includes "policies and procedures regarding release, without unnecessary delay, of an unaccompanied child from ORR custody to a vetted and approved sponsor." 89 Fed. Reg. at 34439. The Foundational Rule is consistent with the agency's "strong belief that, generally, placement with a vetted and approved family member or other vetted and approved sponsor, as opposed to placement in an ORR care provider facility … is in the best interests of unaccompanied children." *Id.* In response to comments on their proposed regulations, ORR explained that "[t]he HSA and the TVPRA do not make any mention of a sponsor's potential immigration status as a prerequisite to receive an unaccompanied child into their custody and do not imbue ORR with the authority to inquire into immigration status as a condition for sponsorship." *Id.* at 34442.

27. The Foundational Rule establishes that "ORR shall release a child from its custody without unnecessary delay" to sponsors in a specific order of preference with parents and legal guardians taking first priority and other family members following. 45 C.F.R. § 410.1201(a). As required by the regulation, sponsor suitability assessments must include various investigations and background checks, and "may include" background checks "based on fingerprints for some potential sponsors and adult residents of the potential sponsor's household." *Id.* § 410.1201(c).

28. The regulations establish a tiered preference system for sponsor categories that reflects the degree of the sponsor's relationship to the child. 45 C.F.R. § 410.1201(a). Category 1 sponsors—parents and legal guardians—receive the highest priority for release. *Id.* § 410.1201(a)(1)-(2). The scrutiny applied to a prospective sponsor—including the intensity of background investigation and the likelihood of mandatory home study requirements—escalates as

the relationship to the child becomes more attenuated. *See id.* §§ 410.1202(d), 410.1203(c)(6), 410.1204(b)(2)-(3).[4] Accordingly, "ORR shall adjudicate the completed sponsor application of a parent or legal guardian; brother, sister, or grandparent; or other close relative who has been the child's primary caregiver within 10 calendar days . . . absent an unexpected delay." *Id.* § 410.1205(b). Other completed sponsor applications by close relatives who were not the child's primary caregiver must be adjudicated within 14 days, absent unexpected delay. *Id.* § 410.1205(c).

29. As part of its sponsor suitability process, ORR may require "verification of the employment, income, or other information provided by the potential sponsor as evidence of the ability to support the child." 45 C.F.R. § 410.1202(c). In the Preamble to the Foundational Rule, ORR stated that although employment is "a permissible consideration as part of the suitability assessment[,] . . . ORR will not deny an otherwise qualified sponsor solely on the basis of low income or employment status." 89 Fed. Reg. at 34446.

30. ORR's subregulatory framework is laid out in the non-binding UC Policy Guide. The UC Policy Guide was first published publicly in 2015 and is available on ORR's website. Office of Refugee Resettlement, Unaccompanied Alien Children Bureau Policy Guide (2025) ("Policy Guide"), https://acf.gov/orr/policy-guidance/unaccompanied-children-bureau-policy-guide (last visited on August 5, 2026). The Policy Guide governs the placement, care, and release of unaccompanied children in ORR custody, consistent with ORR's legal authorities. Policy Guide, Introduction.

[4] Home studies are required only in specified circumstances, such as before releasing any child age 12 or younger to a non-relative sponsor and before releasing any child to a non-relative sponsor who is seeking to sponsor multiple children. 8 U.S.C. § 1232(c)(3)(B); 45 C.F.R. § 410.1204(b)(2)-(3). Notably, these mandatory home study triggers are expressly keyed to non-relative status, confirming that Category 1 parent sponsors are subject to a less intensive vetting framework than more attenuated sponsors.

31. Section 2 of the guide sets out ORR's policies with respect to securing "[s]afe and timely release" of unaccompanied children "to parents, guardians, relatives, or individuals designated by the child's parents, referred to as 'sponsors.'" Policy Guide, § 2.1. Under the Policy Guide, "[s]afe and timely release must promote public safety and ensure that sponsors are able to provide for the physical and mental well-being of the children." *Id.* The Policy Guide describes the sponsor identification and application process in detail, including specific ORR requirements prior to application adjudication and approval. *Id.* §§ 2.2-2.7.

32. The data and regulatory history surrounding ORR's release practices confirm that the delay Petitioners have experienced is not incidental but structural. ORR itself has acknowledged that "on average, most releases occur much earlier than 90 days from ORR gaining custody with an average time of a 27-day length of stay in ORR's custody prior to release in fiscal year 2023." Foundational Rule, 89 Fed. Reg. at 34451. It was precisely in light of this data—and the recognition that any case still pending at 90 days represents a significant departure from the norm—that the Foundational Rule codified a mandatory automatic supervisory review of all pending sponsor applications within 90 days of a child entering ORR custody. 45 C.F.R. § 410.1207(a).

33. The agency's own published data reveal that the average length of care in ORR custody has since risen to 117 days in fiscal year 2025—more than a four-fold increase over the FY2023 baseline. *See* Administration for Children and Families, *Average Length of Care* (July 7, 2026), https://acf.gov/orr/about/ucs/facts-and-data (reporting average lengths of care of 30 days in FY2024, 27 days in FY2023, 29 days in FY2022, and 33 days in FY2021). This dramatic increase coincides with ORR's sequential imposition of additional vetting requirements—fingerprinting, enhanced identification requirements, DNA testing, income verification, in-person vetting, and

expanded home study requirements—each addressed one step at a time, "adding weeks or months to approvals." Jill M. Williams et al., *Eroding Protections, Expanding Enforcement: Transformations in the Policies and Practices Governing the Treatment of Unaccompanied Children in the United States under the Second Trump Administration*, J. on Migration & Hum. Sec. (2026), https://doi.org/10.1177/23315024261447800. Experts, however, have confirmed that effective sponsor vetting "can generally be done in just two to three weeks." *Id.*; *cf.* ORR, Unaccompanied Alien Children Bureau Policy Guide: Record of Posting and Revision Dates, https://acf.gov/orr/policy-guidance/unaccompanied-children-bureau-policy-guide (July 23, 2026) (reflecting a cascade of revisions to sponsor vetting requirements throughout 2025 and 2026 against a backdrop of relative stability in prior years).

34. A multi-step application process administered entirely at ORR's discretion—with ORR controlling the scheduling of each successive step—is therefore not a product of legitimate vetting complexity. It is the product of ORR erecting procedural hurdles that prevent applications from being completed and the 10-day adjudication clock from ever commencing, in direct contravention of the Foundational Rule's requirements and the TVPRA's mandate of prompt placement in the least restrictive setting.

B. Constitutional Protections for Unaccompanied Children

35. "[T]he interest in being free from physical detention" by the state is "the most elemental of liberty interests[.]" *Hamdi v. Rumsfeld*, 542 U.S. 507, 529 (2004). A child's interest in being free from confinement is no narrower than that of an adult. *In re Gault*, 387 U.S. 1, 13 (1967) ("neither the Fourteenth Amendment nor the Bill of Rights is for adults alone"); *see also Reno v. Flores*, 507 U.S. 292, 316 (1993) (O'Connor, J. and Souter, J., concurring), quoting *Gault*, 387 U.S. at 13 ("[The Supreme Court] ha[s] consistently […] rejected the assertion that 'a child, unlike an adult, has a right 'not to liberty but to custody.'"). Further, "incarceration is rarely if ever

a necessary condition for raising the living standards of those capable of surviving safely in freedom, on their own or with the help of family or friends." *O'Connor v. Donaldson*, 422 U.S. 563, 575 (1975). Therefore minors, like adults, have a substantial liberty interest "in avoiding unjustified physical restraint." *Lucas R. v. Becerra*, 2022 WL 2177454, at *14 (C.D. Cal. Mar. 11, 2022). *See also, e.g.*, *Parham v. J.R.*, 442 U.S. 584, 600 (1979).

36. The serious harm of prolonged detention of unaccompanied children caused by arbitrary additional vetting requirements is well documented. *See Lucas R.*, 2022 WL 2177454 at *17 ("Numerous child welfare experts have expounded on the harm that detention causes children, particularly young children" and "[i]t is undisputed that being separated from family members is inimical to a child's well-being."). In 2018 in similar circumstances, ORR policy changes caused unaccompanied children's length of custody in ORR to increase significantly, with children spending months in congregate care designed to hold children for only a few weeks. S*ee, e.g.*, Dep't of Health and Hum. Servs., Office of the Inspector Gen., *Care Provider Facilities Described Challenges Addressing Mental Health Needs of Children in HHS Custody*, at 13 (Sept. 2019), https://perma.cc/YLT7-R3HP ("HHS OIG Report") ("[C]hildren's average length of stay in ORR custody increased markedly after ORR implemented the new fingerprinting policy in June 2018," from 61 days in June 2018 to 93 days in November 2018 and then decreased after ORR ended fingerprinting requirements for adult household members and then for parents, reaching 48 days in April 2019).

37. The then-Assistant Secretary for the Administration for Children and Families later conceded that the policy did not "add[] anything to the protection and safety of the children."[5]

[5] *See* John Burnett, *Several Thousand Migrant Children In U.S. Custody Could Be Released Before Christmas*, NPR (Dec. 18, 2018), available at https://perma.cc/6WHS-BNR6; *J.E.C.M. v.*

Extended lengths of stay in ORR custody harmed children's mental health and wellbeing. *See, e.g.*, HHS OIG Report at 13 (after implementing new restrictive reunification policies, "[ORR f]acilities reported that it became more difficult to identify sponsors willing to accept children after the new fingerprinting requirements were implemented, which delayed placing children with sponsors, adding further stress and uncertainty"); *see also id.* at 12-13 ("According to facility staff, longer stays resulted in higher levels of defiance, hopelessness, and frustration among children, along with more instances of self-harm and suicidal ideation.").

38. The constitutional right "to family integrity or to familial association is well established." *Rosenbaum v. Washoe Cty.*, 663 F.3d 1071, 1079 (9th Cir. 2011); *see also Santosky v. Kramer*, 455 U.S. 745, 753 (1982) (holding that parents and children have a well-elaborated constitutional right to live together without government interference); *Ching v. Mayorkas*, 725 F.3d 1149, 1157 (9th Cir. 2013) ("The right to live with and not be separated from one's immediate family is 'a right that ranks high among the interests of the individual' and that cannot be taken away without procedural due process."); *D.B. v. Cardall*, 826 F.3d 721, 740 (4th Cir. 2016) (children "enjoy a familial right to be raised and nurtured by their parents") (internal quotation marks omitted); *Beltran v. Cardall*, 222 F. Supp. 3d 476, 482 (E.D. Va. 2016) ("It is beyond dispute that [a mother's] right to the care and custody of her son – and [a son's] reciprocal right to his mother's care . . . is deserving of the greatest solicitude.") (internal quotation marks and citation omitted); *Jordan v. Jackson*, 15 F.3d 333, 343 (4th Cir. 1994); *see also Smith v. Org. of Foster Families for Equality & Reform*, 431 U.S. 816, 845 (1977) ("the liberty interest in family privacy has its source, and its contours are ordinarily to be sought…in intrinsic human rights."); *Hodge v.*

Lloyd,, 352 F. Supp. 3d 559, 583 (E.D. Va. 2018) (citing amicus brief filed by Human Trafficking Legal Center).

Jones, 31 F.3d 157, 163 (4th Cir. 1994) (the "sanctity of the family unit is a fundamental precept firmly ensconced in the Constitution"); *Angelica S. v. U.S. Dep't. of Health and Hum. Svcs.*, 786 F.Supp.3d 158, 175 ("Courts have found that family separation and prolonged detention qualify as irreparable injury.") (citing *Jacinto-Castanon de Nolasco v. U.S. ICE*, 319 F. Supp. 3d 491, 502 (D.D.C. 2018); *Andrieu v. Ashcroft*, 253 F.3d 477, 484 (9th Cir. 2001) (en banc)). *See also Ms. L. v. U.S. ICE*, 310 F.Supp.3d 1133 (S.D. Cal. June 26, 2018) (finding likely substantive due process violation stemming from "zero tolerance" policy of family separation). Longstanding Supreme Court precedent establishes that when a government action deprives an individual of a fundamental constitutional interest, that individual is entitled to procedural due process consisting of notice and an opportunity to be heard. *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976); *Mullane v. Central Hanover Bank & Trust*, 339 U.S. 306 (1950). Furthermore, "'significant' and 'unexplained delay[s] in responding to a [a proposed sponsor's] unification request' violate due process irrespective of other procedural defects." *Lucas R.*, 2022 WL 2177454, at *27 (citing *Santos v. Smith*, 260 F. Supp. 3d 598, 613-14 (W.D. Va. 2017).

39. In accordance with these procedural safeguards, ORR has a statutory and regulatory responsibility to determine the safety and suitability of Y.P.P. without unnecessary delay. Based on the facts provided below, Fernanda A.P. and Nicole A.P.'s sponsor is safe and qualified, and ORR has a duty to grant Y.P.P.'s reunification request and place Fernanda A.P. and Nicole A.P. in the least restrictive setting that is in their best interests—with their sponsor, their biological mother.

FACTUAL BACKGROUND

A. Fernanda A.P. and Nicole A.P. are unaccompanied children with a vetted sponsor capable of providing for their physical and mental well-being.

40. On May 6, 2026, Fernanda A.P. (age [redacted] and Nicole A.P. (age [redacted] both citizens of El Salvador, entered the United States at or near Roma, Texas to reunify with their mother, Y.P.P.,

who resides in [redacted]. They were encountered by a U.S. Border Patrol Agent in the Rio Grande Valley, Texas Border Patrol Sector. Y.P.P. was identified as their point of contact at the time of apprehension.

41. Upon apprehension, Fernanda A.P. and Nicole A.P. were transported to the Rio Grande Valley Sector Centralized Processing Center in McAllen, Texas for processing. Neither child had any prior immigration or criminal history. DHS designated both children as unaccompanied children and issued Notices to Appear for both children, charging them as inadmissible under INA §§ 212(a)(6)(A)(i) and 212(a)(7)(A)(i)(I).

42. After processing, DHS transferred Fernanda A.P. and Nicole A.P. to the custody of ORR. Fernanda A.P. and Nicole A.P. were placed at Bethany Christian Services Reading Transitional Foster Care in Laureldale, Pennsylvania, where they have remained since on or about May 7, 2026.

43. Fernanda A.P. and Nicole A.P. remain detained at Bethany Christian Services Reading Transitional Foster Care as of the date of this filing. Both children have consistently expressed their desire to be reunited with their mother since entering ORR custody. Fernanda A.P. and Nicole A.P. have a pending application for asylum and are scheduled to appear before the Philadelphia Immigration Court on August 20, 2026.

B. Respondents refuse to promptly release Fernanda A.P. and Nicole A.P. to their vetted sponsor, Y.P.P., in Petitioners' best interests.

44. Y.P.P. is a Category 1 sponsor—the biological mother of both Fernanda A.P. and Nicole A.P.—seeking reunification with her children.

45. Y.P.P. was the primary caregiver for Fernanda A.P. and Nicole A.P. from birth through 2023. Y.P.P. currently lives with and cares for another minor child, [redacted]. She is also employed as a caretaker of other young children. There are no other household members

whose presence would compromise the safety or wellbeing of Fernanda A.P. and Nicole A.P. Y.P.P. has family in the area where she lives.

46. Y.P.P. has proactively sought to complete all steps available to her to satisfy ORR's reunification requirements. A sponsor application was initiated through an ORR unification specialist on or about May 20, 2026, shortly after the children were encountered by immigration officials. On information and belief, the sponsor application consists of a 10-step series of questions or steps. Y.P.P. has completed nine of the ten steps and is currently awaiting a call from ORR to schedule an appointment to verify her identification and take a DNA sample. After completion of those steps, all that will remain is for Y.P.P. to execute the application. Y.P.P. has been waiting at this stage for one month. Despite Y.P.P.'s diligent efforts to advance the process, ORR has erected unnecessary procedural hurdles and failed to facilitate the completion of the remaining steps, thereby preventing the application from being completed and avoiding the 10-day regulatory trigger for adjudication of a parent's completed sponsor application. *See* 45 C.F.R. § 410.1205(b).

47. Y.P.P. submitted fingerprints on June 3, 2026, and submitted proof of income on July 16, 2026. Y.P.P. has been in contact weekly with the ORR unification specialist to schedule the remaining steps—including verification of her identification and a DNA test—but as of the date of this filing, ORR has not provided her with a verified appointment to complete these steps.[6]

[6] On the date of this Petition's filing, Y.P.P. received a telephone call from what appeared to be a personal cell phone number from an individual who did not identify herself as affiliated with any government agency. The caller purported to schedule Y.P.P.'s DNA test. The individual subsequently sent Y.P.P. a text message providing a time and address for the appointment. The address provided corresponds to an ICE Enforcement and Removal Operations facility—not an ORR office or affiliated service provider. The text message did not identify its source; contained suspicious typographical errors, unusual syntax, and missing punctuation; did not identify the nature of the location to which Y.P.P. was being directed other than to say it is "a federal office"; and made a cryptic reference to "the other team." These circumstances raise serious concerns

ORR's failure to facilitate the completion of the application process has prevented the 10-day adjudication period from commencing. *See* 45 C.F.R. § 410.1205(b).

48. On information and belief, the case was referred for a home study on July 25, 2026—nearly three months into Petitioners' custody. On August 1, 2026, two representatives visited Y.P.P.'s home. The visit lasted approximately 30 minutes, during which the representatives reviewed Y.P.P.'s identification but did not make a copy, and provided general advice regarding child-rearing and household organization. As of the date of this filing, no home study report has been completed or provided to Y.P.P. Notably, neither the TVPRA nor the Foundational Rule mandates a home study in these circumstances—mandatory home studies are triggered only for non-relative sponsors and certain other specified circumstances not present here. *See* 8 U.S.C. § 1232(c)(3)(B); 45 C.F.R. § 410.1204(b)(2)-(3). As a result, the referral of Y.P.P.'s case for a home study appears to constitute an additional procedural hurdle imposed without regulatory basis.

49. ORR itself has acknowledged that "on average, most releases occur much earlier than 90 days from ORR "gaining custody with an average time of a 27-day length of stay in ORR's custody prior to release" in fiscal year 2023.'" Foundational Rule, 89 Fed. Reg. at 34451. Indeed, it was precisely in light of this data—and the recognition that any case still pending at 90 days represents a significant departure from the norm—that the Foundational Rule codified a mandatory

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regarding the legitimacy and transparency of the purported scheduling process and underscore the extent to which ORR's reunification procedures have deviated from orderly, accountable agency action. They also raise the troubling possibility that ORR's sponsor vetting process has become entangled with immigration enforcement operations—contrary to the express statutory design separating ORR's child welfare mission from DHS's enforcement functions. *See* 6 U.S.C. § 279; Foundational Rule, 89 Fed. Reg. at 34399, 34423, 34591. Even assuming *arguendo* that this communication represents a legitimate scheduling effort, it addresses only one of the two outstanding steps—ID verification has yet to be scheduled at all—and provides no indication of when results will be processed or how long ORR will take to deem the step "complete," leaving Y.P.P. no closer to triggering the 10-day adjudication clock. *See* 45 C.F.R. § 410.1205(b).

automatic supervisory review of all pending sponsor applications within 90 days of a child entering ORR custody. 45 C.F.R. § 410.1207(a). Fernanda A.P. and Nicole A.P. have now been in ORR custody for approximately 100 days—four times that historical average—not because of any deficiency in their sponsor, but because ORR has erected procedural barriers that prevent the application from being completed and the adjudication clock from starting.

50. Despite Y.P.P.'s diligent efforts to comply with ORR's reunification requirements, ORR has erected unnecessary procedural hurdles, failed to facilitate the completion of the remaining application steps, and failed to release Fernanda A.P. and Nicole A.P. to her custody. ORR has not provided any stated basis for the continued detention of Fernanda A.P. and Nicole A.P. or for its imposition of procedural barriers that impede the completion of the sponsor application process.

51. On June 30, 2026, counsel for Petitioners sent correspondence to Federal Field Specialist Layla Loera via electronic mail raising concerns about undue reunification delays affecting Fernanda A.P. and Nicole A.P. and requesting an update by July 6, 2026. To date, there has been no response.

52. On July 31, 2026, counsel for Petitioners sent a demand letter to ORR Acting Director Angie Salazar demanding the immediate release of Fernanda A.P. and Nicole A.P. to Y.P.P., or, at a minimum, a final written decision within five business days. ORR failed to comply with this demand or respond to the letter.

53. Fernanda A.P.'s and Nicole A.P.'s prolonged detention and separation from their mother is adversely impacting their well-being. When Y.P.P. visited the children at the facility on July 15, 2026, she observed that they were sad, visibly depressed, and crying because they missed her. The children told Y.P.P. that they wanted to be with her. Y.P.P. was able to provide them with

emotional support during the visit, which temporarily brightened their spirits, but the children's distress upon separation underscores the ongoing harm caused by their continued detention. Both children have shared that they are sad that many other children have been reunited with their loved ones, but they have not. They have repeatedly expressed their desire to reunite with their mother. Prolonged detention is squarely at odds with Fernanda A.P.'s and Nicole A.P.'s best interests, and the continued separation is causing real and ongoing harm to these young children.

CLAIMS FOR RELIEF

FIRST CLAIM
VIOLATION OF PROCEDURAL DUE PROCESS

54. Petitioners restate and reallege all paragraphs above as if fully set forth herein.

55. The government may not deprive a person of life, liberty, or property without due process of law. U.S. Const. amend. V. Due process protects "all 'persons' within the United States, including [non-citizens], whether their presence here is lawful, unlawful, temporary, or permanent." *Zadvydas v. Davis*, 533 U.S. 678, 698 (2001). A child's interest in being free from confinement is no narrower than that of an adult. *In re Gault*, 387 U.S. 1, 13 (1967); *Reno v. Flores*, 507 U.S. 292, 316 (1993) (O'Connor, J. and Souter J., concurring) ("[The Supreme Court] ha[s] consistently [...] rejected the assertion that 'a child, unlike an adult, has a right 'not to liberty but to custody.'"). This includes the right of a child "to be raised and nurtured by their parents." *D.B. v. Cardall*, 826 F.3d 721, 740 (4th Cir. 2016) (citations omitted); *Troxel v. Granville*, 530 U.S. 57, 65 (2000) ("[T]he interest of parents in the care, custody, and control of their children [] is perhaps the oldest of the fundamental liberty interests recognized by [the Supreme] Court.").

56. Due process requires that the government may not deprive an individual of their constitutional rights without meaningful notice and an opportunity to be heard before a neutral arbiter to protect against the risk of erroneous deprivation. *Mathews v. Eldridge*, 424 U.S. 319, 335

(1976). Due process also requires that government action be rational and non-arbitrary. *See U.S. v. Trimble*, 487 F.3d 752, 757 (9th Cir. 2007).

57. Applying the three-factor balancing test set forth in *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976), Petitioners' procedural due process rights have been violated. The private interests at stake—freedom from physical detention and the right to family integrity—are of the highest constitutional magnitude. The risk of erroneous deprivation is acute given the complete absence of procedural safeguards. And the Government's interest does not justify withholding the very procedures its own regulations require.

58. Respondents have provided Petitioners with no meaningful process. Although a sponsor application was initiated on or about May 20, 2026, ORR has erected procedural hurdles that have unreasonably delayed the completion of the remaining steps, has not acted on Y.P.P.'s requests or to counsel's correspondence, and has issued no written decision regarding Petitioners' placement. By erecting unnecessary procedural barriers and failing to facilitate the completion of the application, ORR has effectively prevented the 10-day adjudication period from commencing, thereby indefinitely prolonging Petitioners' detention without any procedural mechanism for review or challenge. The systematic nature of these barriers is confirmed by ORR's own subregulatory record: the Policy Guide's revision history reflects a cascade of sequentially imposed vetting requirements throughout 2025 and 2026—each administered at ORR's discretion and each adding weeks or months to the approval process—against a backdrop of relative stability in prior years. *See* ORR, Unaccompanied Alien Children Bureau Policy Guide: Record of Posting and Revision Dates, https://acf.gov/orr/policy-guidance/unaccompanied-children-bureau-policy-guide (July 23, 2026). This imposition of procedural hurdles to manufacture delay in the face of a diligent sponsor violates the Fifth Amendment. *See Lucas R.*, 2022 WL 2177454, at *27.

59. Respondents' policies and actions, as set forth above, have deprived Fernanda A.P. and Nicole A.P. of freedom from confinement and their right to family integrity without Constitutionally sufficient due process.

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

60. Petitioners restate and reallege all paragraphs above as if fully set forth herein.

61. Respondents have a non-discretionary duty under the TVPRA to promptly place Fernanda A.P. and Nicole A.P. "in the least restrictive setting" that is in their best interests, usually with "a suitable family member." 8 U.S.C. § 1232(c)(2)(A).

62. Respondents have failed to promptly place Petitioners in the least restrictive setting in their best interests, which is with their mother, Y.P.P..

63. Petitioners' sponsor, Y.P.P., is capable, proper, and fit, and Fernanda A.P. and Nicole A.P. do not present any flight risk or danger to the community. Therefore, Respondents have failed to place Petitioners in the least restrictive setting that is in their best interests.

64. Respondents' policies and actions described above, which have resulted in Fernanda A.P.'s and Nicole A.P.'s unnecessary prolonged detention and separation from their suitable sponsor, violate Section 235 of the TVPRA, 8 U.S.C. § 1232.

THIRD CLAIM FOR RELIEF
VIOLATION OF THE ADMINISTRATIVE PROCEDURE ACT, 5 U.S.C. §§ 701 *et seq.*, AND THE FOUNDATIONAL RULE, 45 C.F.R. §§ 410.1000 *et seq.*

65. Petitioners restate and reallege all paragraphs above as if fully set forth herein.

66. Respondents' continued detainment of and failure to release Fernanda A.P. and Nicole A.P. to their mother—including their erection of unnecessary procedural hurdles that have unreasonably delayed the completion of Y.P.P.'s sponsor application and their failure to otherwise

advance the reunification process—constitutes agency action unlawfully withheld and unreasonably delayed within the meaning of 5 U.S.C. § 706(1).

67. Under 5 U.S.C. § 706(1), a court may "compel agency action unlawfully withheld or unreasonably delayed." A claim of unreasonable delay does not require final agency action. *See Telecomms. Research & Action Ctr. v. FCC*, 750 F.2d 70, 79 (D.C. Cir. 1984); *Oil, Chem. & Atomic Workers Union v. OSHA*, 145 F.3d 120, 123 (3d Cir. 1998). Respondents have a non-discretionary duty under the TVPRA and the Foundational Rule to promptly place Petitioners in the least restrictive setting in their best interests and to adjudicate a parent's completed sponsor application within 10 calendar days. 8 U.S.C. § 1232(c)(2)(A); 45 C.F.R. § 410.1205(b). Rather than fulfilling these obligations, Respondents have erected procedural barriers that prevent Y.P.P.'s application from being completed, have failed to act on her requests or respond to counsel's correspondence, and have taken no action to advance the release of Fernanda A.P. and Nicole A.P.—effectively withholding the agency action that the TVPRA and the Foundational Rule require. Accordingly, Fernanda A.P. and Nicole A.P. are entitled to judicial review under 5 U.S.C. §§ 702 and 706(1).

68. Respondents' detention of Fernanda A.P. and Nicole A.P. and their failure to release Petitioners to their fit sponsor is arbitrary, capricious, and not in accordance with the law. 5 U.S.C. § 706(2)(A). Federal agencies and their officials are required to follow their own "existing valid regulations," and when an agency fails to comply with binding regulations, such actions are "not in accordance with law." *See United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260, 268 (1954); *Vitarelli v. Seaton*, 359 U.S. 535, 545 (1959). Here, Respondents have violated their own binding regulations by failing to comply with the Foundational Rule's requirements for the prompt release of unaccompanied children to vetted sponsors. The agency's own subregulatory record further confirms that the procedural barriers Petitioners have encountered are not incidental but

the product of a deliberate, sequential expansion of vetting requirements throughout 2025 and 2026—each step administered at ORR's discretion and each adding to the delay—in direct contravention of the Foundational Rule's mandate of prompt placement.

69. Fernanda A.P. and Nicole A.P. have exhausted all administrative remedies available to them as of right. On June 30, 2026, counsel for Petitioners sent correspondence to Federal Field Specialist Layla Loera raising concerns about undue reunification delays and requesting an update by July 6, 2026. No response was received. On July 31, 2026, counsel for Petitioners sent a demand letter to ORR Acting Director Angie Salazar demanding the immediate release of Fernanda A.P. and Nicole A.P. to Y.P.P., or, at a minimum, a final written decision within five calendar days. ORR failed to comply. Fernanda A.P. and Nicole A.P. thus have no recourse to judicial review other than by this action.

PRAYER FOR RELIEF

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

I. Issue a Writ of Habeas Corpus compelling Respondents to release Fernanda A.P. and Nicole A.P. to the custody and care of Y.P.P.

   a. In the alternative, if the Court does not order immediate release, issue an order compelling Respondents to: (a) complete all remaining steps of Y.P.P.'s sponsor application within 5 calendar days; and (b) adjudicate the completed sponsor application within 10 calendar days in accordance with 45 C.F.R. § 410.1205(b).

II. A declaratory judgement that Respondents have violated Fernanda A.P.'s and Nicole A.P.'s constitutional and statutory rights.

III. An injunction prohibiting Fernanda A.P.'s and Nicole A.P.'s continued custody by ORR because a suitable sponsor is available, as required by federal statutes, the Foundational Rule, and the U.S. Constitution.

IV. An award of costs and reasonable attorneys' fees under the Equal Access to Justice Act, and any other applicable statute or regulation; and

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

Dated: August 14, 2026

Respectfully submitted,

s/ *Ruba Noor*
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Attorneys for Petitioners

* *pro hac vice* forthcoming

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

I represent Petitioners, Fernanda A.P. and Nicole A.P., and submit this verification on their 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.

Date: August 14, 2026

Respectfully Submitted,

s/ *Harmon L. (Monty) Cooper*
Harmon L. (Monty) Cooper

Attorneys for Petitioners

CERTIFICATE OF SERVICE

I, undersigned counsel, hereby certify that on this date, I filed this **PETITION FOR WRIT OF HABEAS CORPUS AND COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF** and all attachments using the CM/ECF system. I will also mail a copy by USPS Certified Mail, Return Receipt Requested and electronic mail to each of the individuals below:

Robert F. Kennedy, Jr., Secretary
U.S. Department of Health and Human Services
200 Independence Avenue, S.W.
Washington, DC 20201
secretary@hhs.gov

Angie Salazar, Acting Director
Office of Refugee Resettlement (ORR)
Administration for Children and Families (ACF)
Mary E. Switzer Building
330 C Street, SW, Room 5123
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angie.salazar@acf.hhs.gov

Layla Loera, Federal Field Specialist
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Administration for Children and Families (ACF)
Mary E. Switzer Building
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Olga Wach, Director
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David Metcalf, U.S. Attorney
U.S. Attorney's Office, Eastern District of Pennsylvania
615 Chestnut Street, Suite 1250
Philadelphia, PA 19106
USAPAE.USAttorney@usdoj.gov

Dated: August 14, 2026

s/ *Harmon L. (Monty) Cooper*
Harmon L. (Monty) Cooper

JS 44 (Rev. 04/21)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. *(SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)*

I. (a) PLAINTIFFS

Fernanda A.P. and Nicole A.P., minors, by and through their Next Friend, Y.P.P.

(b) County of Residence of First Listed Plaintiff Berks County, PA
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys *(Firm Name, Address, and Telephone Number)*
Ruba Noor
Crowell & Moring LLP, 600 Fifth Street, N.W.,
Washington, DC 20001, (202) 624-2500

DEFENDANTS

Robert F. Kennedy, Jr., in his official capacity as HHS Servs., Angie Salazar, In her official capacity as Acting Dir. of Office for Refugee Settlement, Layla Loera, in her official capacity as Fed. Field Agent, Office of Refugee Resettlement,and Olga Watch, i her official capacity as Dir. of Bethany Christian Servs. Reading Transitional Foster Car

County of Residence of First Listed Defendant
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys *(If Known)*

II. BASIS OF JURISDICTION *(Place an "X" in One Box Only)*

- ☐ 1 U.S. Government Plaintiff
- ☐ 3 Federal Question *(U.S. Government Not a Party)*
- ☒ 2 U.S. Government Defendant
- ☐ 4 Diversity *(Indicate Citizenship of Parties in Item III)*

III. CITIZENSHIP OF PRINCIPAL PARTIES *(Place an "X" in One Box for Plaintiff and One Box for Defendant)*
(For Diversity Cases Only)

	PTF	DEF		PTF	DEF
Citizen of This State	☐ 1	☐ 1	Incorporated *or* Principal Place of Business In This State	☐ 4	☐ 4
Citizen of Another State	☐ 2	☐ 2	Incorporated *and* Principal Place of Business In Another State	☐ 5	☐ 5
Citizen or Subject of a Foreign Country	☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 6

IV. NATURE OF SUIT *(Place an "X" in One Box Only)*

Click here for: Nature of Suit Code Descriptions.

CONTRACT
- ☐ 110 Insurance
- ☐ 120 Marine
- ☐ 130 Miller Act
- ☐ 140 Negotiable Instrument
- ☐ 150 Recovery of Overpayment & Enforcement of Judgment
- ☐ 151 Medicare Act
- ☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans)
- ☐ 153 Recovery of Overpayment of Veteran's Benefits
- ☐ 160 Stockholders' Suits
- ☐ 190 Other Contract
- ☐ 195 Contract Product Liability
- ☐ 196 Franchise

REAL PROPERTY
- ☐ 210 Land Condemnation
- ☐ 220 Foreclosure
- ☐ 230 Rent Lease & Ejectment
- ☐ 240 Torts to Land
- ☐ 245 Tort Product Liability
- ☐ 290 All Other Real Property

TORTS

PERSONAL INJURY
- ☐ 310 Airplane
- ☐ 315 Airplane Product Liability
- ☐ 320 Assault, Libel & Slander
- ☐ 330 Federal Employers' Liability
- ☐ 340 Marine
- ☐ 345 Marine Product Liability
- ☐ 350 Motor Vehicle
- ☐ 355 Motor Vehicle Product Liability
- ☐ 360 Other Personal Injury
- ☐ 362 Personal Injury - Medical Malpractice

PERSONAL INJURY
- ☐ 365 Personal Injury - Product Liability
- ☐ 367 Health Care/ Pharmaceutical Personal Injury Product Liability
- ☐ 368 Asbestos Personal Injury Product Liability

PERSONAL PROPERTY
- ☐ 370 Other Fraud
- ☐ 371 Truth in Lending
- ☐ 380 Other Personal Property Damage
- ☐ 385 Property Damage Product Liability

CIVIL RIGHTS
- ☐ 440 Other Civil Rights
- ☐ 441 Voting
- ☐ 442 Employment
- ☐ 443 Housing/ Accommodations
- ☐ 445 Amer. w/Disabilities - Employment
- ☐ 446 Amer. w/Disabilities - Other
- ☐ 448 Education

PRISONER PETITIONS

Habeas Corpus:
- ☒ 463 Alien Detainee
- ☐ 510 Motions to Vacate Sentence
- ☐ 530 General
- ☐ 535 Death Penalty

Other:
- ☐ 540 Mandamus & Other
- ☐ 550 Civil Rights
- ☐ 555 Prison Condition
- ☐ 560 Civil Detainee - Conditions of Confinement

FORFEITURE/PENALTY
- ☐ 625 Drug Related Seizure of Property 21 USC 881
- ☐ 690 Other

LABOR
- ☐ 710 Fair Labor Standards Act
- ☐ 720 Labor/Management Relations
- ☐ 740 Railway Labor Act
- ☐ 751 Family and Medical Leave Act
- ☐ 790 Other Labor Litigation
- ☐ 791 Employee Retirement Income Security Act

IMMIGRATION
- ☐ 462 Naturalization Application
- ☐ 465 Other Immigration Actions

BANKRUPTCY
- ☐ 422 Appeal 28 USC 158
- ☐ 423 Withdrawal 28 USC 157

INTELLECTUAL PROPERTY RIGHTS
- ☐ 820 Copyrights
- ☐ 830 Patent
- ☐ 835 Patent - Abbreviated New Drug Application
- ☐ 840 Trademark
- ☐ 880 Defend Trade Secrets Act of 2016

SOCIAL SECURITY
- ☐ 861 HIA (1395ff)
- ☐ 862 Black Lung (923)
- ☐ 863 DIWC/DIWW (405(g))
- ☐ 864 SSID Title XVI
- ☐ 865 RSI (405(g))

FEDERAL TAX SUITS
- ☐ 870 Taxes (U.S. Plaintiff or Defendant)
- ☐ 871 IRS—Third Party 26 USC 7609

OTHER STATUTES
- ☐ 375 False Claims Act
- ☐ 376 Qui Tam (31 USC 3729(a))
- ☐ 400 State Reapportionment
- ☐ 410 Antitrust
- ☐ 430 Banks and Banking
- ☐ 450 Commerce
- ☐ 460 Deportation
- ☐ 470 Racketeer Influenced and Corrupt Organizations
- ☐ 480 Consumer Credit (15 USC 1681 or 1692)
- ☐ 485 Telephone Consumer Protection Act
- ☐ 490 Cable/Sat TV
- ☐ 850 Securities/Commodities/ Exchange
- ☐ 890 Other Statutory Actions
- ☐ 891 Agricultural Acts
- ☐ 893 Environmental Matters
- ☐ 895 Freedom of Information Act
- ☐ 896 Arbitration
- ☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision
- ☐ 950 Constitutionality of State Statutes

V. ORIGIN *(Place an "X" in One Box Only)*

☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District *(specify)* ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing *(Do not cite jurisdictional statutes unless diversity)*:
28 U.S.C. 2241

Brief description of cause:
Petition for writ of habeas corpus for minor children in immigration custody

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A **CLASS ACTION** UNDER RULE 23, F.R.Cv.P.

DEMAND $

CHECK YES only if demanded in complaint:
JURY DEMAND: ☐ Yes ☒ No

VIII. RELATED CASE(S) IF ANY *(See instructions)*:

JUDGE _____ DOCKET NUMBER _____

DATE
Aug 14, 2026

SIGNATURE OF ATTORNEY OF RECORD
s/ Ruba Noor

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

I.(a) Plaintiffs-Defendants. Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.

(b) County of Residence. For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)

(c) Attorneys. Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".

II. Jurisdiction. The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)

III. Residence (citizenship) of Principal Parties. This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

IV. Nature of Suit. Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: Nature of Suit Code Descriptions.

V. Origin. Place an "X" in one of the seven boxes.
Original Proceedings. (1) Cases which originate in the United States district courts.
Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.

VI. Cause of Action. Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.

VII. Requested in Complaint. Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

VIII. Related Cases. This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DESIGNATION FORM

Place of Accident, Incident, or Transaction: Laureldale, PA

RELATED CASE IF ANY: Case Number:_____ Judge:_____

1. Does this case involve property included in an earlier numbered suit? Yes ☐
2. Does this case involve a transaction or occurrence which was the subject of an earlier numbered suit? Yes ☐
3. Does this case involve the validity or infringement of a patent which was the subject of an earlier numbered suit? Yes ☐
4. Is this case a second or successive habeas corpus petition, social security appeal, or pro se case filed by the same individual? Yes ☐
5. Is this case related to an earlier numbered suit even though none of the above categories apply? If yes, attach an explanation. Yes ☐

I certify that, to the best of my knowledge and belief, the within case ☐ **is** / ☑ **is not** related to any pending or previously terminated action in this court.

Civil Litigation Categories

A. Federal Question Cases:

- ☐ 1. Indemnity Contract, Marine Contract, and All Other Contracts)
- ☐ 2. FELA
- ☐ 3. Jones Act-Personal Injury
- ☐ 4. Antitrust
- ☐ 5. Wage and Hour Class Action/Collective Action
- ☐ 6. Patent
- ☐ 7. Copyright/Trademark
- ☐ 8. Employment
- ☐ 9. Labor-Management Relations
- ☐ 10. Civil Rights
- ☑ 11. Habeas Corpus
- ☐ 12. Securities Cases
- ☐ 13. Social Security Review Cases
- ☐ 14. Qui Tam Cases
- ☐ 15. Cases Seeking Systemic Relief ***see certification below***
- ☐ 16. All Other Federal Question Cases. *(Please specify)*:_____

B. Diversity Jurisdiction Cases:

- ☐ 1. Insurance Contract and Other Contracts
- ☐ 2. Airplane Personal Injury
- ☐ 3. Assault, Defamation
- ☐ 4. Marine Personal Injury
- ☐ 5. Motor Vehicle Personal Injury
- ☐ 6. Other Personal Injury *(Please specify)*:_____
- ☐ 7. Products Liability
- ☐ 8. All Other Diversity Cases: *(Please specify)*_____

I certify that, to the best of my knowledge and belief, that the remedy sought in this case ☐ **does** / ☑ **does not** have implications beyond the parties before the court and ☐ **does** / ☑ **does not** seek to bar or mandate statewide or nationwide enforcement of a state or federal law including a rule, regulation, policy, or order of the executive branch or a state or federal agency, whether by declaratory judgment and/or any form of injunctive relief.

ARBITRATION CERTIFICATION (CHECK ONLY ONE BOX BELOW)

I certify that, to the best of my knowledge and belief:

☑ Pursuant to Local Civil Rule 53.2(3), this case is not eligible for arbitration either because (1) it seeks relief other than money damages; (2) the money damages sought are in excess of $150,000 exclusive of interest and costs; (3) it is a social security case, includes a prisoner as a party, or alleges a violation of a right secured by the U.S. Constitution, or (4) jurisdiction is based in whole or in part on 28 U.S.C. § 1343.

☐ None of the restrictions in Local Civil Rule 53.2 apply and this case is eligible for arbitration.

NOTE: A trial de novo will be by jury only if there has been compliance with F.R.C.P. 38.

EXHIBIT A

PLACEHOLDER FOR DOCUMENT SOUGHT TO BE FILED UNDER SEAL

EXHIBIT B

PLACEHOLDER FOR DOCUMENT SOUGHT TO BE FILED UNDER SEAL

PLACEHOLDER FOR DOCUMENT SOUGHT TO BE FILED UNDER SEAL