

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

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ANGELICA S., *et al.*,

Plaintiffs,

v.

U.S. DEPARTMENT OF HEALTH AND  
HUMAN SERVICES, *et al.*,

Defendants.

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No. 1:25-cv-1405

**PLAINTIFFS' MOTION FOR CLASS CERTIFICATION  
AND APPOINTMENT OF CLASS COUNSEL**

Plaintiffs Angelica S., Eduardo M., Liam W., Leo B., and Xavier L., on behalf of themselves and all others similarly situated, pursuant to Federal Rule of Civil Procedure 23(c)(1) and Local Civil Rule 23.1(b), move for the Court to certify a class under Federal Rule of Civil Procedure 23(b)(2) consisting of: All unaccompanied children who are or will be in the custody of HHS and who (a) have or had a potential sponsor who has been identified; and (b) have not been released to a sponsor in whole or in part because they are missing documents newly required on or after March 7, 2025.

The grounds for Plaintiffs' motion are set forth in the accompanying Memorandum of Points and Authorities.

On May 8, 2025, Plaintiffs' counsel provided Alex Haas, Diane Kelleher, and John Griffiths, the Directors of the Federal Programs Branch of the U.S. Department of Justice's Civil Division, with a copy of Plaintiffs' Complaint which contains Plaintiffs' class action allegations. On May 9, 2025, Plaintiffs' counsel asked to confer regarding this class certification motion.

However, counsel for Plaintiffs have not yet been informed of Defendants' position on this motion.

May 9, 2025

Respectfully submitted,

/s/ David Hinojosa

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**CERTIFICATE OF SERVICE**

I certify that on May 9, 2025, I caused the foregoing to be mailed to the following addresses:

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**PLAINTIFFS' MEMORANDUM OF POINTS AND AUTHORITIES**  
**IN SUPPORT OF PLAINTIFFS' MOTION FOR CLASS CERTIFICATION**  
**AND APPOINTMENT OF CLASS COUNSEL**

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## INTRODUCTION

This is a class action challenging the Department of Health and Human Services’ (“HHS”) improper issuance of an interim final rule (“IFR”) and the Office of Refugee Resettlement’s (“ORR”) concurrent Policy Guide changes which have resulted in prolonged custody of unaccompanied children who are denied release to their sponsors because of their sponsor’s immigration status. In addition to promulgating an arbitrary, capricious, and unlawful IFR on March 25, 2025, that immediately rescinded 45 C.F.R. § 410.1201(b) without notice and comment, ORR has also significantly increased the amount of personal information it is collecting from sponsors and made changes to its Policy Guide Section 2.2.4 in violation of 45 C.F.R. § 410.1201(b).

As alleged in Plaintiffs’ Complaint and demonstrated in Plaintiffs’ Motion for a Preliminary Injunction, Defendants’ actions have slowed or stopped releases of nearly all unaccompanied children from ORR custody, resulting in longer lengths of detention for children. The prolonged detention and family separation caused by ORR’s actions is causing serious harm to children.

Plaintiffs seek class certification pursuant to Federal Rule of Civil Procedure 23 and Local Rule 23.1(b) of a class of all unaccompanied children who are or will be in the custody of HHS and who (a) have or had a potential sponsor who has been identified; and (b) have not been released to a sponsor in whole or in part because they are missing documents newly required on or after March 7, 2025. Plaintiffs easily satisfy the Rule 23 requirements for class certification. *First*, the proposed class is numerous and consists of thousands of children across the country who are languishing in federal immigration custody while their parents or relatives are unnecessarily prevented from sponsoring them. *Second*, the proposed class members share common questions of law and fact because they all challenge ORR’s generally applicable change in policy—implemented through the IFR and revisions to the ORR Policy Guide—effectively preventing sponsors who are unable to

provide newly required documents because of their, or their household members', immigration status from sponsoring children. *Third*, the claims of the named Plaintiffs are typical of the claims of the remainder of the proposed class because all potential class members are subjected to the same ORR policy. *Fourth*, the class representatives and their experienced counsel will fairly and adequately protect class interests as well as vigorously prosecute the action on behalf of the class.

Finally, certification is warranted under Rule 23(b)(2) because Defendants are acting in the same manner with respect to the class of detained immigrant children in their custody, such that a declaration and injunction with respect to the whole class is appropriate. Alternatively, certification under Rule 23(b)(1) is warranted because bringing separate actions by individual detained immigrant children is impracticable and would risk inconsistent outcomes and incompatible standards of conduct for Defendants.

The court should certify the proposed class and appoint class counsel to uniformly resolve the legality of Defendants' conduct. Class certification is likewise appropriate in order to provide uniform relief for the thousands of children currently harmed by the prolonged custody and family separation caused by Defendants' policies.

### **FACTUAL BACKGROUND**

Plaintiffs incorporate by reference the facts submitted in the Complaint. ECF No. 1.

Briefly, the Unaccompanied Children Program Foundational Rule, codified in 2024, 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. § 410.1202(c). Until the issuance of the IFR, the Foundational Rule clearly stated that "ORR shall not disqualify potential sponsors based solely on their immigration status and shall not collect information on immigration status of potential

sponsors for law enforcement or immigration enforcement related purposes.” *Id.* § 410.1201(b) (2024).

Since fiscal year 2012, between 13,625 and 128,904 unaccompanied children have entered ORR custody each year. Fact Sheets and Data, Office of Refugee Resettlement, *Referrals* (current as of Apr. 7, 2025), <https://perma.cc/23B8-9FY3>. In fiscal year 2024, 98,356 children were referred to ORR custody. *Id.* These children are usually released to closely related family sponsors in the United States, the majority of whom lack stable immigration status.<sup>1</sup> For example, in October 2024, of the 5,111 children released from ORR custody, 4,653 were released to parents, legal guardians, or non-parent primary caregivers and close relatives like adult siblings. *Id.*; *see also*, Office of Refugee Resettlement, *ORR Unaccompanied Alien Children Bureau Policy Guide* (“ORR Policy Guide”) § 2.2.1, “Identification of Qualified Sponsors” (revised Aug. 1, 2024), <https://perma.cc/SLH6-KWQX> (describing sponsor categories).

Following ORR’s recent change in its sponsorship requirements, which demand documentation only available to individuals with legal status, releases of children plummeted, and children began languishing in ORR custody. A total of 343 children were released to sponsors in March 2025, as compared to 1,858 children released in the previous month, a five-fold decrease in the number of children released from custody. Fact Sheets and Data, Office of Refugee Resettlement, *Referrals* (current as of Apr. 7, 2025), <https://perma.cc/23B8-9FY3>. Additionally, the total time children spend in ORR custody has skyrocketed. In fiscal years 2021-2024, the average length of time a child remained in ORR custody ranged from 27 days to 33 days.<sup>2</sup> As of April 4,

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<sup>1</sup> *See* William A. Kandel, Cong. Rsch. Serv., R43599, *Unaccompanied Alien Children: An Overview* 24 (Sept. 5, 2024), <https://perma.cc/DRE3-M7TH> (in 2018, ICE “estimated that 80% of active UAC sponsors and accompanying family members were residing in the country illegally”).

<sup>2</sup> Fact Sheets and Data, Office of Refugee Resettlement, *Average Length of Care* (current as of Apr. 7, 2025), <https://perma.cc/SPV6-3KBD>.

2025, there were 2,223 unaccompanied children in ORR custody and the average length of time a child remained in custody was 201 days.<sup>3</sup>

Sponsorship data also suggests that ORR's new policies are functionally keeping families apart. In October 2024 through January 2025, over 90 percent of unaccompanied children were released to parents, legal guardians, primary caregivers, or close relatives. Fact Sheets and Data, Office of Refugee Resettlement, *Referrals* (current as of Apr. 7, 2025), <https://perma.cc/23B8-9FY3>. In February 2025 that percentage fell to 87%; in March, it fell to 84%. *Id.* Concerningly, the proportion of total releases to parents has fallen significantly in February and March, while releases to more distant relatives have increased. *Id.* ORR all but stopped releasing children to their families after issuing the IFR and implementing its mandatory sponsorship requirements for documents that are often only available to those who can show legal immigration status.

Named Plaintiffs are all unaccompanied minors in the custody of ORR. Ex. 4, Decl. of Angelica S. ¶¶ 2–3, April 16, 2025 (“Angelica S. Decl.”); Ex. 5, Decl. of Eduardo M. ¶¶ 2–4, April 16, 2025 (“Eduardo M. Decl.”); Ex. 6, Decl. of Liam W. ¶¶ 2–3, 6, May 6, 2025 (“Liam W. Decl.”); Ex. 7, Decl. of Leo B. ¶¶ 2–3, May 8, 2025 (“Leo B. Decl.”); Ex. 8, Decl. of Xavier L. ¶¶ 2–3, May 6, 2025 (“Xavier L. Decl.”). Each of the named Plaintiffs have sponsors who have identified themselves to ORR, expressing a desire to sponsor their children or relatives and engaging in the sponsorship process. Angelica S. Decl. ¶¶ 4, 6; Eduardo M. Decl. ¶¶ 4, 6; Liam W. Decl. ¶ 3; Leo B. Decl. ¶ 8; Xavier L. Decl. ¶ 3; *see also*, Ex. 9, Decl. of Deisy S. ¶ 6, May 7, 2025 (“Deisy S. Decl.”); Ex. 10, Decl. of Rosa M. ¶ 3, April 29, 2025 (“Rosa M. Decl.”); Ex. 11, Decl. of Sofia W. ¶ 3, May 7, 2025 (“Sofia W. Decl.”); Ex. 12, Decl. of Ximena L. ¶ 4, May 7, 2025 (“Ximena L. Decl.”).

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<sup>3</sup> Office of Refugee Resettlement, *Unaccompanied Alien Children Bureau Fact Sheet* (Apr. 4, 2025), *archived at* <https://perma.cc/S68K-5283>.

Angelica S. is a 17-year-old girl being held in California, despite efforts by her sister, Deisy S., to sponsor her. Angelica S. Decl., ¶¶ 2–3, 6–7. After Angelica and her sister believed Deisy’s sponsorship application was complete, ORR promulgated the IFR and now required Deisy to provide a form of identification she was not able to obtain because she did not have the necessary immigration status. *Id.*; Deisy S. Decl. ¶¶ 19–22. Angelica remains in ORR custody with her infant child—born while Angelica was held in ORR custody—instead of with her loving sister who wants to care for her. Angelica S. Decl. ¶¶ 4, 8; Deisy S. Decl. ¶¶ 21, 27. Further, Deisy has been unable to find anyone else to sponsor her sister so that Angelica and her infant daughter can be released, because everyone she has approached has been afraid to provide any information to ORR for fear it will be used for immigration enforcement purposes. Deisy S. Decl. ¶¶ 25, 28.

Eduardo M. is a 14-year-old boy in ORR custody with his 7-year-old brother in California. Eduardo M. Decl. ¶¶ 2, 4. Their mother, Rosa M., has been desperately trying to sponsor them since their placement in ORR custody at the end of January 2025. Rosa M. Decl. ¶¶ 2–3. After Rosa believed she had done everything required of her to complete the application, ORR changed its policies and imposed new requirements on Rosa, preventing the release of her sons to her. *Id.* at ¶¶ 3–9. Rosa was forced to find a different alternate caregiver who could satisfy the new identification requirements and applied for a waiver of the identification requirements for herself as the children’s mother. *Id.* at ¶ 6. However, ORR then imposed an additional new requirement for proof of income documents that Rosa cannot obtain. *Id.* at ¶ 8. She instead provided her bank statements and a letter confirming her financial status as alternative forms of proof. *Id.* Although Rosa’s sponsorship application was submitted with the waiver and alternative documents, she has not received any response, and Eduardo and his brother remain in custody apart from their mother. *Id.* at ¶ 9.

Liam W. is a 15-year-old boy in ORR custody in New York. Liam W. Decl. ¶¶ 2, 6. His mother, Sofia, began the sponsorship process right after he was placed in ORR custody in January 2025. Sofia W. Decl. ¶ 3. After having provided identification and income information for herself and all adult members of her household (Liam’s two sisters and his cousin) and undergoing a home study evaluation, ORR changed its policies and imposed new identity documentation requirements on Sofia and all of her adult household members. *Id.* at ¶¶ 4–7. Neither Sofia nor her daughters or nephew have been able to obtain the requisite documentation because they cannot show the necessary immigration status to do so. *Id.* at ¶ 7. Liam remains in ORR custody apart from his mother and family.

Leo B. is a 17-year-old boy who was re-detained and placed in ORR custody for a second time in March 2025. Leo B. Decl. ¶ 3. He had previously been lived with his sister, who had successfully sponsored him in 2023 and who had taken good care of him since that time while Leo attended school and played soccer for his high school team. *Id.* at ¶¶ 5–7. His sister again applied to be his sponsor when he was returned to ORR custody. *Id.* at ¶ 8. Although she had been previously vetted and approved in 2023 and had shown herself to be a capable and loving caregiver for Leo over the intervening years, ORR refuses to release Leo to her because she cannot obtain the newly required identification documents that require stable legal immigration status to obtain. *Id.* at ¶ 9. Leo remains in ORR custody, unable to enjoy his stable and happy life with his sister in their community. *Id.* at ¶¶ 11–13.

Xavier L. is a 17-year-old boy held in ORR custody in New York with his 13-year-old sister. Xavier L. Decl. ¶ 2. Their mother, Ximena L., began the sponsorship process soon after they were placed in ORR custody in December 2024. *Id.* at ¶ 3; Ximena Decl. ¶ 4. Ximena submitted extensive documentation, including her passport as identification. Ximena Decl. ¶ 6. Ximena’s partner lives with her, and he also provided his information at the outset of the sponsorship process,

in reliance on ORR's agreement not to share information with DHS for immigration enforcement purposes. *Id.* at ¶¶ 5, 10. In March, based on ORR's changed policies, ORR required new identification and proof of income documents from Ximena before ORR would release Xavier and his sister to her. *Id.* at ¶¶ 7-8, 10. Xavier and his little sister's reunification was stalled while Ximena worked to obtain necessary documents. *Id.* She was able to obtain a new form of identification, but she currently relies in part on her partner for financial support. *Id.* at ¶¶ 8, 10. Ximena's partner cannot obtain the requisite identification or provide the required proof of income documentation because of his immigration status. *Id.* at ¶ 10; Xavier L. Decl. ¶ 5. Fearful of turning 18 and being placed in ICE custody because his mother and her partner cannot provide the requisite documents, Xavier is now pursuing sponsorship with his aunt despite his strong desire to reunify and live with his mother. Xavier L. Decl. ¶ 6.

In sum, after their sponsors completed Family Reunification Applications and provided extensive evidence of their identities, relationship to the child, financial information, and other information ORR required in evaluating sponsor suitability, each child's reunification process was abruptly stalled or terminated because ORR promulgated the IFR and changed Policy Guide Section 2.2.4 to require new forms of documentation necessitating stable immigration status that was unavailable to their sponsor and/or other adults ORR requires to be involved in the sponsorship process. *See* Deisy S. Decl. ¶¶ 22–25 (sister's sponsorship application terminated due to lack of new compliant ID document); Angelica S. Decl. ¶¶ 6-7 (same); Rosa M. Decl. ¶¶ 5-6, 8 (mother's sponsorship application stalled due to delays obtaining a new compliant ID document, new alternate caregiver with compliant ID document, and a lack of new compliant proof of income documentation); Eduardo M. Decl. ¶ 6 (same); Sofia W. Decl. ¶ 7 (mother's reunification application stalled due to lack of new compliant ID documentation for her and her adult household members); Liam W. Decl. ¶ 7 (same); Leo B. Decl. ¶¶ 8–9 (sister's sponsorship application



terminated due to lack of new compliant ID document); Ximena L. Decl. ¶¶ 7–8, 10 (mother’s sponsorship application stalled due to delays obtaining a new compliant ID document, and terminated due to lack of new compliant proof of income documentation from her financially supportive partner).

ORR imposes its new requirements on all adults in a sponsorship application, including household members and alternate caregivers. Among the named Plaintiffs, several children’s sponsorship processes were stalled or terminated at least in part because other adults in their sponsor’s applications were unable to provide the newly requisite documentation to ORR. *See* Rosa M. Decl. ¶ 6 (application stalled to locate new alternate caregiver with the requisite ID documentation); Sofia W. Decl. ¶ 7 (application stalled because household members lack requisite ID documentation).

Finally, fear that ORR will share information with DHS for immigration enforcement purposes has chilled sponsors from coming forward and has prevented at least one household member from providing additional information. *See* Deisy S. Decl. ¶ 28 (unable to find new sponsors willing to provide information to ORR for fear of immigration enforcement); Ximena L. Decl. ¶ 10 (household member afraid to provide additional information to ORR for fear it will be used for immigration enforcement purposes).

As a result of ORR’s recent policy changes, generally applicable and applied to all named Plaintiffs, the named unaccompanied children remain detained in ORR custody and separated from their parents and other loving sponsors.

### **STANDARD OF REVIEW**

Class actions in federal court are governed by Federal Rule of Civil Procedure 23. Class certification demands a “rigorous analysis” under Federal Rule of Civil Procedure 23. *Wal-Mart Stores, Inc. v. Dukes*, 564 U.S. 338, 350–51 (2011). The issue at this stage is not, however, whether

Plaintiffs can or have proven the elements of their claims on the merits. *See Lewis v. U.S. Parole Comm’n*, 743 F. Supp. 3d 181, 194 n.3 (D.D.C. 2024) (“If some objective legal standard applies in common to the entire class and will be dispositive of each plaintiff’s success on the merits, plaintiffs need not prove that standard is met at the class certification stage.”); *see also Nat’l ATM Council v. Visa, Inc.*, No. 21-7109, 2023 WL 4743013, at \*5 (D.D.C. 2023) (probing merits of plaintiffs’ claims permissible “insofar as necessary to ensure that the Rule 23 requirements are met”). Instead, class certification focuses on the nature of the issues and whether common proof can resolve them.

Federal Rule of Civil Procedure 23 requires a party moving for class certification to first satisfy four prerequisites: (1) the class must be so numerous that joinder of all the members is impracticable (“numerosity”); (2) there must be questions of law or fact common to the class (“commonality”); (3) the claims or defenses of the representative parties must be typical of the claims or defenses of the class (“typicality”); and (4) the representative parties must fairly and adequately protect the interests of the class (“adequacy”). Fed. R. Civ. P. 23(a)(1)–(4); *see Brown v. District of Columbia*, 928 F.3d 1070, 1079 (D.C. Cir. 2019).

A class that meets all the requirements of Rule 23(a) should be certified if “prosecuting separate actions by or against individual class members would create a risk of: (A) inconsistent or varying adjudications with respect to individual class members that would establish incompatible standards of conduct for the party opposing the class.” Fed. R. Civ. P. 23(b)(1)(A). Certification is proper under Rule 23(b)(2) if “the party opposing the class has acted or refused to act on grounds that apply generally to the class, so that final injunctive or declaratory relief is appropriate respecting the class as a whole.” Fed. R. Civ. P. 23(b)(2); *see Wal-Mart*, 564 U.S. at 360; *Brown*,

928 F.3d at 1082. The Court must appoint class counsel upon certifying a class. Fed. R. Civ. P. 23(g).

Finally, a class may be provisionally certified in conjunction with a motion for preliminary injunction “to achieve meaningful relief with respect to [an] allegedly unlawful policy.” *Damus v. Nielsen*, 313 F.Supp.3d 317, 329 (D.D.C. 2018). This Court has repeatedly granted provisional class certifications for the purposes of preliminary injunctive relief. *See, e.g., Kirwa v. U.S. Dept. of Defense*, 285 F. Supp. 3d 21, 44 (D.D.C. 2017); *Feng Wang v. Pompeo*, 354 F. Supp. 3d 13, 16 n.1 (D.D.C. 2018). Like class certification, provisional class certification requires Plaintiffs to satisfy the requirements of Federal Rule of Civil Procedure 23, with the understanding that the certification may be “altered or amended” before a decision on the merits of the claims. *R.I.L.-R. v. Johnson*, 80 F. Supp. 3d 164, 179–80 (D.D.C. 2015) (citing *Berge v. United States*, 949 F. Supp. 2d 36, 49 (D.D.C. 2013)); *see also P.J.E.S. by and through Escobar Francisco v. Wolf*, 502 F. Supp. 3d 492, 530–31 (D.D.C. 2020) (listing cases).

## ARGUMENT

### A. The Proposed Class Members Are So Numerous That Joinder Is Impracticable

A proposed class must be “so numerous that joinder of all members is impracticable.” Fed. R. Civ. P. 23(a)(1). “Impracticability of joinder means only that it is difficult or inconvenient to join all class members, not that it is impossible to do so.” *Coleman through Bunn v. District of Columbia*, 306 F.R.D. 68, 76 (D.D.C. 2015) (citing *Bond v. Fleet Bank (RI), N.A.*, No. 1-177, 2002 WL 31500393, at \*4 (D.R.I. Oct. 10, 2002)). There is no minimum threshold number of members making joinder impracticable, but “[i]n this district, courts have found that numerosity is satisfied when a proposed class has at least forty members.” *Charles H. v. District of Columbia*, No. 21-cv-00997-CJN, 2021 WL 2946127, at \*13 (D.D.C. June 16, 2021) (citations omitted).

Notably, “the Court need only find an approximation of the size of the class, not an exact number of putative class members.” *Id.* at 76 (internal quotation marks and citations omitted). Plaintiffs must provide “some evidentiary basis beyond a bare allegation”<sup>4</sup> of a sufficiently numerous class, but the court may draw “reasonable inferences from the facts presented to find the requisite numerosity.” *Id.* (citing *McCuin v. Sec’y of Health & Hum. Servs.*, 817 F.2d 161, 167 (1st Cir. 1987)).

The proposed class is sufficiently numerous. In fiscal year 2024, 98,356 children were placed in ORR custody.<sup>5</sup> In March 2025, there were an average of 2,173 unaccompanied children in ORR custody on any given day throughout the month.<sup>6</sup> All of the children currently in ORR custody are subjected to the IFR’s rescission of 45 C.F.R. § 410.1201(b), which had prohibited ORR from (1) disqualifying potential sponsors based solely on their immigration status; (2) collecting information on immigration status of potential sponsors for law enforcement or immigration enforcement related purposes; and (3) sharing immigration status information relating to potential sponsors with law enforcement or immigration enforcement related entities.

Moreover, the vast majority of children in ORR custody are released to close family member sponsors.<sup>7</sup> The recent drastic increase in children’s time in custody suggests that the class of children impacted by ORR’s changed policies is numerous. As of April 4, 2025, there were

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<sup>4</sup> Plaintiffs may satisfy this evidentiary basis by relying upon a government agency’s own records, as well as any expert affidavits. *See Garza v. Hargan*, 304 F. Supp. 3d 145, 155 (D.D.C. 2018), *aff’d in part, vacated in part on other grounds, sub nom. J.D. v. Azar*, 925 F.3d 1291 (D.C. Cir. 2019); *Hoyte v. District of Columbia*, 325 F.R.D. 485, 492, 495–96 (D.D.C. 2017).

<sup>5</sup> Fact Sheets and Data, Office of Refugee Resettlement, *Referrals* (current as of Apr. 7, 2025), <https://perma.cc/23B8-9FY3>.

<sup>6</sup> Fact Sheets and Data, Office of Refugee Resettlement, *Average Monthly Data* (current as of Apr. 7, 2025), <https://perma.cc/23B8-9FY3>.

<sup>7</sup> Fact Sheets and Data, Office of Refugee Resettlement, *Released to Sponsors* (current as of Apr. 7, 2025), <https://perma.cc/23B8-9FY3>; ORR Policy Guide § 2.2.1, “Identification of Qualified Sponsors,” <https://perma.cc/SLH6-KWQX> (Category 1 sponsors are parents or legal guardians, and Category 2 sponsors are immediate relatives).

2,223 unaccompanied children in ORR’s custody and the average length of time a child remained in ORR’s care was 201 days,<sup>8</sup> compared to a more typical average of 30 days,<sup>9</sup> suggesting that releases to sponsors have widely been stalled. Historically, a majority of sponsors have lacked stable legal immigration status.<sup>10</sup>

Based on this information, the Court can easily conclude that the number of unaccompanied children in ORR custody seeking release to sponsors deemed ineligible because of their immigration status is sufficiently large to satisfy the numerosity requirement. *See, e.g., P.J.E.S.*, 502 F. Supp. 3d at 531 (relying on government and news reports of the number of immigrant children apprehended or expelled together with a much smaller number children identified by counsel as having been subjected to the policy at issue). Moreover, unaccompanied children are regularly being referred to and released from ORR custody, adding to the impracticability of joining future class members. *See J.D. v. Azar*, 925 F.3d 1291, 1323 (D.C. Cir. 2019) (assessing “non-numerical considerations that might make joinder impracticable, including the fluidity of ORR custody, the dispersion of class members across the country, and their limited resources.”); *see also D.L. v. District of Columbia*, 302 F.R.D. 1, 11 (D.D.C. 2013), *vacated on other grounds*, 713 F.3d 120 (D.C. Cir. 2013).

Additionally, the class members’ inherent vulnerability as minors in federal custody who are dependent on adults and have no independent financial resources also make joinder impracticable. *See D.L.*, 302 F.R.D. at 11; *Coleman*, 306 F.R.D. at 80. Unaccompanied children

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<sup>8</sup> Office of Refugee Resettlement, *Unaccompanied Alien Children Bureau Fact Sheet* (Apr. 4, 2025), *archived at* <https://perma.cc/S68K-5283>.

<sup>9</sup> Fact Sheets and Data, Office of Refugee Resettlement, *Average Length of Care* (current as of Apr. 7, 2025), <https://perma.cc/23B8-9FY3>.

<sup>10</sup> *See Kandel, Unaccompanied Alien Children: An Overview* at 24, <https://perma.cc/DRE3-M7TH> (in 2018, ICE “estimated that 80% of active UAC sponsors and accompanying family members were residing in the country illegally”).

are held in hundreds of facilities funded by ORR spanning across more than a dozen states,<sup>11</sup> reflecting a vast “geographic dispersion of class members.” *Coleman*, 306 F.R.D. at 80; *see also Garza*, 304 F. Supp. 3d at 157 (finding joinder impractical “especially given that the proposed class members are undocumented minors who are geographically dispersed and who are not at liberty—financially or otherwise—to move or act at will inside the United States.”). Accordingly, the proposed class satisfies the numerosity requirement of Rule 23(a)(1).

### **B. The Proposed Class Presents Common Questions of Law and Fact**

Rule 23(a)(2) requires the existence of “questions of law or fact common to the class,” or commonality. Fed. R. Civ. P. 23(a)(2). To establish commonality, class members must have “suffered the same injury,” and the class claims must “depend on a common contention” that “is capable of classwide resolution—which means that determination of its truth or falsity will resolve an issue that is central to the validity of each one of the claims in one stroke.” *Wal-Mart*, 564 U.S. at 350. “The touchstone of the commonality inquiry is ‘the capacity of a classwide proceeding to generate common *answers* apt to drive the resolution of the litigation.’” *Coleman*, 306 F.R.D. at 82 (quoting *Wal-Mart*, 564 U.S. at 390 (internal citations omitted) (emphasis in original)). “[E]ven a single common question will do.” *Wal-Mart*, 564 U.S. at 359 (internal quotation marks, alterations, and citations omitted).

Courts have consistently held that “commonality is satisfied where the lawsuit challenges a system-wide practice or policy that affects all putative class members.” *Thorpe v. District of Columbia*, 303 F.R.D. 120, 147 (D.D.C. 2014), *aff’d sub nom. In re District of Columbia*, 792 F.3d 96 (D.C. Cir. 2015); *see also R.I.L.-R*, 80 F. Supp. 3d at 181 (“commonality is satisfied where there

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<sup>11</sup> Office of Refugee Resettlement, *Unaccompanied Alien Children Bureau Fact Sheet* (Apr. 4, 2025), *archived at* <https://perma.cc/S68K-5283>.

is ‘a uniform policy or practice that affects all class members.’”); *P.J.E.S.*, 502 F.Supp.3d at 532 (commonality means that “if any person in the class has a meritorious claim, they all do.”).

“Factual variations among the class members will not defeat the commonality requirement, so long as a single aspect or feature of the claim is common to all proposed class members.” *Bynum v. District of Columbia*, 214 F.R.D. 27, 33 (D.D.C. 2003); *see also Coleman*, 306 F.R.D. at 83; *Afghan & Iraqi Allies v. Pompeo*, 334 F.R.D. 449, 459 (D.D.C. 2020) (certifying a class where “the factual variations among the class members . . . are not fatal to commonality because they do not undermine the class’s common characteristics”) (internal citations omitted); *S.R. by and through Rosenbauer v. Penn. Dep’t of Human Servs.*, 325 F.R.D. 103, 108–09 (M.D. Pa. 2018) (rejecting argument that the “individualized nature of placement and service decisions for each child in the dependency and delinquency systems makes classwide resolution impossible” because the “putative class seeks declaratory and injunctive relief to address systemic deficiencies”).

Here, the putative class has at least the following key legal issues in common: (1) whether the IFR and changes to the ORR Policy Guide were improperly promulgated; and (2) whether the new sponsorship requirements are unlawful, beyond statutory authority, contrary to law, and arbitrary and capricious.

ORR issued an IFR rescinding a key term of the Foundational Rule which prohibits (1) disqualification of sponsors based solely on their immigration status; (2) the collection of sponsors’ immigration status for law enforcement purposes; and (3) the sharing of sponsors’ immigration status with law enforcement. Issuance of the IFR together with changes to the ORR Policy Guide drastically modified Family Reunification Application requirements by restricting acceptable forms of documentation from sponsors, household members, and alternate caregivers, such that the required documents are obtainable only by individuals with certain forms of immigration or residency status. This “system-wide” policy affects “all putative classmembers,” by preventing

release from custody regardless of sponsor category, suitability, or any other differences in children's cases. *Thorpe*, 303 F.R.D. at 147. The resolution of these questions is a prerequisite to any challenge to ORR's adjudication of an individual class member's application for release to a sponsor, and each of these questions can be resolved for the "class as a whole." *Wal-Mart*, 564 U.S. at 360.

Furthermore, courts have found that plaintiffs asserting that an agency has failed to follow its own regulations (*Accardi* claims), as Plaintiffs do here, meet the commonality requirement because the question of whether agencies are complying with their own binding policies inherently raises common legal and factual questions. *See, e.g., Damus*, 313 F. Supp. 3d at 332 (plaintiffs alleging violation of *Accardi* doctrine satisfied commonality requirement because allegation that ICE officers violated an agency rule to provide individualized parole determinations generated common question of law and fact); *Mons v. McAleenan*, No. 19-1593 (JEB), 2019 WL 4225322, at \*9–10 (D.D.C. Sept. 5, 2019) (same). Plaintiffs' *Accardi* claim, alleging that Defendants are violating their obligations under the Foundational Rule, similarly generate common questions of law and fact in satisfaction of the commonality requirement.

The class members' claims likewise share common issues of fact, including but not limited to: (1) the class members' continued detention in ORR custody despite having an available sponsor; and (2) Defendants' policy of requiring documentation from sponsors and adults required to participate in the sponsorship application process that is only available to individuals who have certain forms of stable immigration status. Furthermore, a common resolution for the class is simple: the Court can and should vacate the IFR and mandate that ORR use and comply with the sponsorship eligibility and information collection and sharing policies in effect prior to March 7, 2025.



Similar classes have been certified by other district courts. *E.g.*, *Lucas R. v. Azar*, Case No. CV 18-5741-DMG (PLAx), 2018 WL 7200716, at \*17 (C.D. Cal. Dec. 27, 2018) (certifying a class of unaccompanied children “whom ORR is refusing or will refuse to release to parents or other available custodians within thirty days of the proposed custodian’s submitting a complete family reunification packet on the ground that the proposed custodian is or may be unfit”); *see also*, Class Cert. Order, *J.E.C.M. v. Hayes*, No. 1:19-cv-903 (E.D. Va. Apr. 26, 2019), ECF No. 138, *amended by* ECF No. 149 (E.D. Va. May 2, 2019) (certifying a class of unaccompanied children held in ORR custody for 60 days or more whose sponsor initiated the sponsorship process and the children were not released to the sponsor). Here, the proposed class likewise satisfies the commonality requirement of Rule 23(a)(2).

**C. Plaintiffs’ Claims Are Typical of the Claims of the Members of the Proposed Class**

Typicality exists when “the claims or defenses of the representative parties are typical of the claims or defenses of the class.” Fed. R. Civ. P. 23(a)(3). This requirement “ensures that the named plaintiffs are appropriate representatives of the class whose claims they wish to litigate.” *Wal-Mart*, 564 U.S. at 349. “A class representative satisfies the typicality requirement if the representative’s claims are based on the same legal theory as the claims of the other class members and her injuries arise from the same course of conduct that gives rise to the other class members’ claims.” *Coleman*, 306 F.R.D. at 83 (quoting *Bynum*, 214 F.R.D. at 35). This alignment of legal theory and course of conduct occurs when, as here, “the plaintiffs’ claims all arise from a common statutory background and raise identical legal questions.” *Id.*

Neither the claims nor the relevant facts need to be identical across class members to maintain typicality, which “refers to the nature of the claims of the representative, not the individual characteristics of the plaintiff.” *Garnett v. Zeilinger*, 301 F. Supp. 3d 199, 209 (D.D.C.

2018) (quoting *Hoyte*, 325 F.R.D. at 490); see *Wagner v. Taylor*, 836 F.2d 578, 591 (D.C. Cir. 1987) (“Courts have held that typicality is not destroyed by ‘factual variations.’”) (quoting *Donaldson v. Pillsbury Co.*, 554 F.2d 825, 831 (8th Cir. 1977)); *J.D.*, 925 F.3d at 1322 (“[T]o destroy typicality, a distinction must differentiate the ‘claims or defenses’ of representatives from those of the class.”) (citation omitted) (emphasis omitted).

Plaintiffs’ claims here are typical of the proposed class members’ claims. Each plaintiff’s sponsorship process has been stalled or terminated due to the inability to provide newly required documentation that is largely inaccessible to people without certain immigration statuses, leaving Plaintiff children in prolonged federal custody notwithstanding having an available sponsor. Thus, Plaintiffs’ and proposed class members’ claims arise from the same unlawful conduct: ORR’s issuance of the IFR and concurrent policy changes preventing class members’ release from ORR custody to their available sponsors because of sponsors’ inability to obtain documents that require proof of immigration status.

Plaintiffs’ claims are also based on the same legal theory as all proposed class members’ claims: —that Defendants have violated the APA by improperly promulgating the IFR and an unlawful and arbitrary and capricious policy preventing release of children to available sponsors because they and/or their household members cannot provide documentation which requires proof of immigration status to obtain.

Thus, Plaintiffs’ claims are “sufficiently interrelated with the class claims to protect absent class members.” *R.I.L.-R*, 80 F. Supp. 3d at 181; see also *Damus*, 313 F. Supp. 3d at 334 (finding typicality requirement satisfied where named plaintiff challenged ICE violation of policy requiring individualized parole determinations for asylum seekers in custody); *Lucas R.*, 2018 WL 7200716 (finding typicality where ORR refused to release named plaintiffs to their sponsors without notice

and an opportunity to be heard regarding their sponsors' suitability). Therefore, the proposed class satisfies the typicality requirement of Rule 23(a)(3).

**D. Plaintiffs Will Adequately Protect the Interests of the Proposed Class and Counsel are Qualified to Litigate this Action**

Finally, Rule 23(a) requires that the representative parties must “fairly and adequately protect the interests of the class.” Fed. R. Civ. P. 23(a)(4). “Two criteria for determining the adequacy of representation are generally recognized: (1) the named representative must not have antagonistic or conflicting interests with the unnamed members of the class, and (2) the representative must appear able to vigorously prosecute the interests of the class through qualified counsel.” *Nat’l Veterans Legal Servs. Program v. United States*, 235 F. Supp. 3d 32, 41 (D.D.C. 2017) (quoting *Twelve John Does v. District of Columbia*, 117 F.3d 571, 575–76 (D.C. Cir. 1997)). Plaintiffs easily meet both requirements.

First, Plaintiffs have no antagonistic or conflicting interests with the proposed class members’ interests. As discussed, Plaintiffs assert the same legal claims as the proposed class members. Plaintiffs aim to secure injunctive and declaratory relief that will ensure all proposed class members are afforded their statutory and constitutional rights, as outlined in the Complaint. Where, as here, Plaintiffs seek “identical relief for all class members,” they do not have conflicting interests. *P.J.E.S.*, 502 F.Supp.3d at 532.

Second, Plaintiffs are competent to represent the class. Adequacy “does not require either that the proposed class representatives have legal knowledge or a complete understanding of the representative’s role in class litigation.” *Garnett*, 301 F. Supp. 3d at 210 (citation omitted). It only requires that the named plaintiff have “some rudimentary knowledge of [their] role as . . . class representative[s] and [be] committed to serving in that role in litigation.” *Id.* (citation omitted). As several of their declarations show, Plaintiffs have proven sufficient knowledge of their roles as class

representatives and the facts of this case and are willing to act as class representatives to satisfy the adequacy requirement. *See* Leo B. Decl. ¶¶ 18-21; Xavier L. Decl. ¶¶ 8-10; Ex. 1, Supp. Decl. of Angelica S. ¶¶ 3-5, April 30, 2025; *see also, e.g., P.J.E.S.*, 502 F. Supp. 3d at 533.

In addition, class counsel are qualified and able to vigorously prosecute the interests of the class. Class counsel are not conflicted, they have no interests or commitments that are antagonistic to, or that would detract from, their efforts to seek a favorable decision for the class. Class counsel have extensive experience litigating complex class actions and in children’s and families’ rights, youth law, administrative law, and immigration law. *See Coleman*, 306 F.R.D. at 84 (finding adequacy when class counsel has extensive experience litigating class actions); *Healthy Futures of Tex. v. U.S. Dep’t of Health & Hum. Servs.*, 326 F.R.D. 1, 7–8 (D.D.C. 2018) (same); *see also*, Ex. 2, Decl. of Mishan Wroe, May 9, 2025 (“Wroe Decl.”) ¶¶ 3-12; Ex. 3, Decl. of Joel McElvain, May 9, 2025 (“McElvain Decl.”) ¶¶ 2-8. In particular, the counsel on this case from the National Center for Youth Law have represented plaintiffs in several other class action lawsuits on behalf of detained immigrant youth including *Flores v. Bondi*, *Lucas R. v. Becerra*, *Duchitanga v. Lloyd*, and *J.E.C.M. v. Dunn Marcos*. Counsel on this case from Democracy Forward have decades of experience litigating APA claims, including claims involving the Department of Health and Human Services. McElvain Decl. ¶¶ 2-6. Accordingly, this aspect of Rule 23(a)(4) is also satisfied.

#### **E. Class Certification Under Rule 23(b)(2) is Appropriate**

Plaintiffs seek to certify this class under Rule 23(b)(2), which requires that defendants have “acted or refused to act on grounds that apply generally to the class, so that final injunctive relief or corresponding declaratory relief is appropriate respecting the class as a whole.” Fed. R. Civ. P. 23(b)(2). As the Supreme Court noted in *Wal-Mart*, “[c]ivil rights cases against parties charged with unlawful, class-based discrimination are prime examples’ of what (b)(2) is meant to capture.” 564 U.S. at 361 (quoting *Amchem Prods., Inc. v. Windsor*, 521 U.S. 591, 614 (1997)). This Circuit

has described a Rule 23(b)(2) action as an efficient and consolidated way to address systemic harms that are best remedied with an injunction, particularly in civil rights cases like this one. *See D.L.*, 860 F.3d at 726 (“Rule 23(b)(2) exists so that parties and courts, especially in civil rights cases like this, can avoid piecemeal litigation when common claims arise from systemic harms that demand injunctive relief”).

“The key to the (b)(2) class is the indivisible nature of the injunctive or declaratory remedy warranted—the notion that the conduct is such that it can be enjoined or declared unlawful only as to all of the class members or as to none of them.” *Coleman*, 306 F.R.D. at 84 (quoting *Wal-Mart*, 564 U.S. at 360). Although the injunction must provide relief to each class member, “[i]f a certain outcome is legally mandated and an injunction provides each member of the class an increased opportunity to achieve that outcome, Rule 23(b)(2) is satisfied.” *Brown*, 928 F.3d at 1082–83; *see also P.J.E.S.*, 502 F. Supp. 3d at 534 (D.D.C. 2018) (provisionally approving class of unaccompanied children seeking class-wide relief to enjoin enforcement of Title 42 immigration restrictions against them).

Courts in this District have interpreted Rule 23(b)(2) to impose two requirements: “(1) the defendant’s action or refusal to act must be generally applicable to the class, and (2) plaintiff must seek final injunctive relief or corresponding declaratory relief on behalf of the class.” *Steele v. United States*, 159 F. Supp. 3d 73, 81 (D.D.C. 2016) (quotations and citations omitted); *Bynum*, 214 F.R.D. at 37; *R.I.L.-R*, 80 F. Supp. 3d at 182.

Both requirements are satisfied here. Defendants’ issuance of the IFR and corresponding policy of requiring potential sponsors, household members, and alternate caregivers to submit documentation that requires proof of certain immigration status is agency action “generally applicable” to all proposed class members. 5 U.S.C. § 706(2)(D); 5 U.S.C. § 552(a)(1)(E). Further, all class members are entitled to be released to family members capable of caring for their

physical and mental wellbeing, which is in the best interests of the child. *See* 8 U.S.C.

§ 1232(c)(2)(A); 6 U.S.C. § 279(b)(1)(B); *see also Moore v. City of East Cleveland*, 431 U.S. 494, 504 (1977); *Lucas R. v. Becerra*, Case No. CV 18-5741-DMG (PLAx), 2022 WL 2177454, at \*14 (C.D. Cal. Mar. 11, 2022); *J.E.C.M. v. Dunn Marcos*, 689 F. Supp. 3d 180, 195 (E.D. Va. 2023).

Additionally, a declaration that Defendants’ conduct is unlawful and an injunction directing Defendants to vacate the IFR and return to policies as they existed before March 7, 2025, would benefit the whole class by resolving all class members’ claims and ensuring that all class members would not be prohibited from reunification with family members based on immigration status. Therefore, the Court should find that the proposed class meets Rule 23(b)(2)’s requirements.

#### **F. The Proposed Class is Sufficiently Definite and Ascertainable**

The D.C. Circuit has not yet decided whether Rule 23(b)(2) requires that a class be ascertainable. *See J.D.*, 925 F.3d at 1319–20 (noting conflict in decisions of sister circuits); *see also Ramirez v. U.S. Immigr. & Customs Enf’t*, 338 F. Supp. 3d 1, 48 (D.D.C. 2018) (“it is far from clear that there exists in this district a requirement that a class certified under Rule 23(b)(2) must demonstrate ascertainability to merit certification”). Courts that apply such a requirement in addition to the Rule 23 requirements have considered whether the class is “clearly defined” and “sufficiently ascertainable”—in other words, that the class exists, and that it is “administratively feasible for the Court to determine whether a particular individual is a member” of the class. *Huashan Zhang v. U.S. Citizenship & Immigr. Servs.*, 344 F. Supp. 3d 32, 61–62 (D.D.C. 2018), *aff’d*, 978 F.3d 1314 (D.C. Cir. 2020) (quoting *Pigford v. Glickman*, 182 F.R.D. 341, 346 (D.D.C. 1998)); *see also Thorpe*, 303 F.R.D. at 139.

In Rule 23(b)(2) classes, such as this one, where plaintiffs only seek an injunction and notice is not required, “precise ascertainability” is not required. *D.L.*, 302 F.R.D. at 17 (quoting

William B. Rubenstein et al., *Newberg and Rubenstein on Class Actions* § 3:7 (5th ed.)). Rule 23(b)(2) classes are sufficiently ascertainable “as long as plaintiffs can establish the existence of a class and propose a class definition that accurately articulates the general demarcations of the class of individuals who are being harmed by the alleged deficiencies.” *Thorpe*, 303 F.R.D. at 139 (internal citations and quotation marks omitted). It must also be “administratively feasible” to determine who is in the proposed class—that is, counsel and putative class members should be able to determine who is in the class “simply by reading the [class] definition.” *Coleman*, 306 F.R.D. at 75 (internal citations omitted) (alteration in original).

If ascertainability is required here, the proposed class easily meets that standard. A proposed class member is an unaccompanied child who is or will be in the custody of HHS, and who (a) has or had a potential sponsor who has been identified; and (b) has not been released to a sponsor due, in whole or in part, to a lack of newly required documents. The class is further demarcated by a reason for their continued federal custody: they are missing documents newly required on or after March 7, 2025, which are enumerated in Defendants’ own policies. *See* ORR Policy Guide § 2.2.4. Thus, “simply by reading the [class] definition,” children in the custody of ORR will be able to determine whether they are class members. *See, e.g., Coleman*, 306 F.R.D. at 75.

The proposed class consists entirely of children known to Defendants, who are in Defendants’ custody. Furthermore, Defendants possess data that could be readily used to identify the children in its custody who have had a sponsor come forward but who have not had their sponsor’s application adjudicated because the sponsor or other adult included in the application lacks the newly required documentation. Defendants themselves are charged with reunifying potential class members with their sponsors and thus have already identified or will identify potential sponsors for each class member. *See* 8 U.S.C. § 1232(c)(2)(A); 45 C.F.R. §§ 410.1200,

410.1201(a), 410.1205(b)–(c). Likewise, Defendants have determined or will determine whether the sponsor is able to meet the new sponsorship application requirements, and note progress in children’s case files. Any future class members will be known to Defendants when they are taken into Defendants’ custody, and the details of their reunification cases will be entirely known to Defendants pursuant to ORR’s role in gathering the requisite information. For these reasons, the proposed class is “adequately defined” and “sufficiently ascertainable.” *Huashan Zhang*, 344 F. Supp. 3d at 61–62.

**G. Alternatively, Class Certification is Appropriate Under Rule 23(b)(1)(A)**

Alternatively, the class can be certified under Rule 23(b)(1)(A). A class that meets all the requirements of Rule 23(a) should be certified if “prosecuting separate actions by or against individual class members would create a risk of: [] an inconsistent or varying adjudications with respect to individual class members that would establish incompatible standards of conduct for the party opposing the class.” Fed. R. Civ. P. 23(b)(1)(A). Certification is appropriate when “the class seeks injunctive or declaratory relief to change an alleged ongoing course of conduct” that is “illegal as to all members of the class.” *Nio v. U.S. Dep’t of Homeland Sec.*, 323 F.R.D. 28, 34 (D.D.C. 2017) (internal citation omitted). Rule 23(a)(1) prevents inconsistent or varying adjudications that “would impair the opposing party’s ability to pursue a uniform continuing course of conduct.” *See Franklin v. Barry*, 909 F. Supp. 21, 31 (D.D.C. 1995) (granting certification under Rule 23(b)(1)(A) to avoid a “haunting specter of inconsistency, resulting in incompatible standards for prison officials” in their treatment of prisoners); *Larionoff v. United States*, 533 F.2d 1167, 1181 n.36 (D.C. Cir. 1976) (certifying a class under Rule 23(b)(1)(A) because the prosecution of separate actions by or against members of the class would create a risk of inconsistency and incompatible standards of conduct.).



Certification under 23(b)(1)(A) is appropriate here. Plaintiffs are attempting to secure injunctive and declaratory relief to change a uniform course of conduct that is illegal as to all proposed class members. Individual prosecution of claims will risk inconsistent results across ORR's hundreds of shelters processing thousands of sponsor applications each year. Office of Refugee Resettlement, *Unaccompanied Alien Children Bureau Fact Sheet* (Apr. 4, 2025), *archived at* <https://perma.cc/S68K-5283>. Defendants would then face inconsistent judgments as to the minors unnecessarily held in ORR custody because of their sponsors' inability to provide newly required documentation. Therefore, the Court should find that the proposed class meets Rule 23(b)(1)(A)'s requirements.

#### **H. The Court Should Designate Plaintiffs' Counsel as Class Counsel**

If the Court grants Plaintiffs' motion to certify the class, the Court must also appoint class counsel. Fed. R. Civ. P. 23(g). The Court is tasked with weighing "(i) the work counsel has done in identifying or investigating potential claims in the action; (ii) counsel's experience in handling class actions, other complex litigation, and the types of claims asserted in the action; (iii) counsel's knowledge of the applicable law; and (iv) the resources that counsel will commit to representing the class." Fed. R. Civ. P. 23(g)(1)(A). It may also consider "any other matter pertinent to counsel's ability to fairly and adequately represent the interests of the class." Fed. R. Civ. P. 23(g)(1)(B).

Plaintiffs' counsel meets the standard. Plaintiffs are represented collectively by the National Center for Youth Law and Democracy Forward. Attorneys from both organizations are seasoned litigators, many with substantial experience in class action lawsuits, administrative law litigation, and advocating for the rights of detained immigrant children. *See* Wroe Decl.; McElvain Decl. Counsel from the National Center for Youth Law have represented plaintiffs in several other class action lawsuits on behalf of detained immigrant youth, including *Flores v. Bondi*, *Lucas R. v. Becerra*, *Duchitanga v. Lloyd*, and *J.E.C.M. v. Dunn Marcos*. Counsel have already invested

“substantial time and resources to identifying and investigating potential claims in the action” and will continue to do so. *See Encinas v. J.J. Drywall Corp.*, 265 F.R.D. 3, 9 (D.D.C. 2010).

Accordingly, Plaintiffs’ counsel should be designated as counsel for the class.

### CONCLUSION

For the reasons set forth above, Plaintiffs respectfully request that the Court, pursuant to Federal Rules of Civil Procedure 23(a) and 23(b)(2), certify a class consisting of: all unaccompanied children who are or will be in the custody of HHS and who (a) have or had a potential sponsor who has been identified; and (b) have not been released to a sponsor in whole or in part because they are missing documents newly required on or after March 7, 2025.

May 9, 2025

Respectfully submitted,

/s/ David Hinojosa

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Cynthia Liao\*\*\*  
Joel McElvain (D.C. Bar No. 448431)  
Skye L. Perryman (D.C. Bar No. 984573)

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\* Application for D.D.C. admission pending  
\*\* *Pro hac vice* pending  
\*\*\* *Pro hac vice* forthcoming



**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

ANGELICA S., *et al.*,

Plaintiffs,

V.

No. 1:25-cv-1405

U.S. DEPARTMENT OF HEALTH AND  
HUMAN SERVICES, *et al.*,

Defendants.

**[PROPOSED] ORDER GRANTING PLAINTIFFS’ MOTION FOR CLASS  
CERTIFICATION AND APPOINTMENT OF CLASS COUNSEL**

Upon consideration of all briefing and evidence set forth by the Parties, Plaintiffs' Motion for Class Certification and Appointment of Class Counsel is GRANTED, and it is hereby

ORDERED that the following class be certified under Fed. R. Civ. P. 23(b):

All unaccompanied children who are or will be in the custody of HHS and who (a) have or had a potential sponsor who has been identified; and (b) have not been released to a sponsor in whole or in part because they are missing documents newly required on or after March 7, 2025.

It is further ORDERED that National Center for Youth Law and Democracy Forward Foundation are appointed class counsel for the class described above.

SO ORDERED this                      day of                      , 2025.

*Angelica S. et al. v. HHS et al.*, 1:25-cv-1405**Exhibit Index to Plaintiffs' Motion for Class Certification**

<b>Exhibit</b>	<b>Exhibit Description</b>
1	Supplemental Declaration of Angelica S., April 30, 2025
2	Declaration of Mishan Wroe, May 9, 2025
3	Declaration of Joel McElvain, May 9, 2025
4	Declaration of Angelica S., April 16, 2025
5	Declaration of Eduardo M., April 16, 2025
6	Declaration of Liam W., May 6, 2025
7	Declaration of Leo B., May 8, 2025
8	Declaration of Xavier L., May 6, 2025
9	Declaration of Deisy S., May 7, 2025
10	Declaration of Rosa M., April 29, 2025
11	Declaration of Sofia W., May 7, 2025
12	Declaration of Ximena L., May 7, 2025

# EXHIBIT 1

**UNITED STATES DISTRICT COURT  
DISTRICT OF COLUMBIA**

ANGELICA S., <i>et al.</i> ,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	
	)	No. 1:25-cv-01405
U.S. DEPARTMENT OF HEALTH AND	)	
HUMAN SERVICES, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**SUPPLEMENTAL DECLARATION OF ANGELICA S.**  
(proceeding under pseudonym)



I, Laura Alvarez, declare as follows:

1. I speak and understand English and Spanish.

2. The following is a true and correct translation of the annexed Declaration of [REDACTED]

[REDACTED].

\*\*\*\*\*

DECLARATION OF [REDACTED]

1. My name is [REDACTED]. I am 17 years old and I am detained in an ORR program in California with my baby.

2. I don't think it is fair that the government keeps me in custody when I could live safely with my sister. I want my baby to grow up with family, not in a shelter.

3. As a youth in ORR custody, I want to be a class representative in this lawsuit. I think what happened to me is unfair and I want to continue with the lawsuit in order to help other families who have been affected by the new government requirements that makes kids not be able to live in freedom with their families.

4. I think that continuing with this lawsuit is important because it affects not only my personal interests, but the interests of the individuals who are in a similar situation. I know there are other people who, like me, have been affected by the unfair policies of the government. Therefore, I am committed to being involved in this case and to serve as representative for all the kids who have been affected by these government policies.

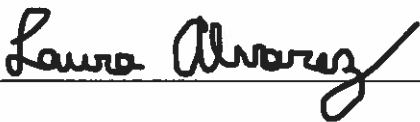
5. I know I will have to continue helping my lawyers throughout the litigation of this case, and I am happy to do so. I am going to work with the lawyers to assure they do the best for the kids.

I declare under my duty to tell the truth and penalty of perjury that all the information I have here given is correct and complete and I understand the legal consequences of testifying falsely to the authorities.

Executed on this 29th day of April 2025, in [REDACTED]

\*\*\*\*\*

I declare under penalty of perjury that the foregoing is true and correct. Executed on this 1st day of May 2025, in Oakland, California.

A handwritten signature in black ink, reading "Laura Alvarez", is written over a horizontal line.

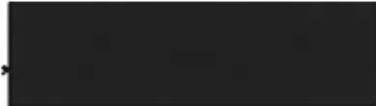
Laura Alvarez

DECLARACION DE [REDACTED]

1. Mi nombre es [REDACTED]. Tengo 17 años y estoy detenido en un programa de ORR en California con mi bebé.
2. No pienso que es justo que el gobierno me guarda en custodia cuando podría vivir en seguridad con mi hermana. Quiero que mi bebe crece con familia, no en un albergue.
3. Como joven en la custodia de la ORR, quiero ser una representante de la clase en esta demanda. Yo creo que lo que me sucedió es injusto y uquiero continuar con la demanda para poder ayudar a otras familias que han sido afectadas por los nuevos requisitos del gobierno que hace que los niños no pueden vivir en libertad con sus familias.
4. Yo creo que continuar con esta demanda es importante porque afecta no solo mis intereses personales, sino los intereses de los individuos que están en una situación similar. Yo sé que hay otras personas quienes, como yo, han sido afectadas por las políticas injustas del gobierno. Por lo tanto, estoy comprometida a estar involucrada en este caso y servir como representante para los niños quienes han sido afectados por estas políticas del gobierno.
5. Yo sé que tendré que continuar ayudando a mis abogados a lo largo del litigio de este caso, y estoy feliz de hacerlo. Voy a trabajar con los abogados para asegurar que hacen lo mejor para los niños.

**Declaro bajo protesta de decir la verdad y pena de falso testimonio que toda la información que aquí he proporcionado es correcta y completa a mi mejor conocimiento, consciente de las consecuencias legales de declarar con falsedad ante la autoridad.**

Hecho el día 30 de abril del año 2025,

A black rectangular box redacting the signature of the declarant.A large black rectangular box redacting the body of the declaration or any other text that might have been present.

# EXHIBIT 2

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

ANGELICA S., <i>et al.</i> ,	)	
	)	
	)	
	)	No. 25-cv-1405
Plaintiff,	)	
	)	
v.	)	
	)	
U.S. DEPARTMENT OF HEALTH AND	)	
HUMAN SERVICES, <i>et al.</i> ,	)	
	)	
	)	
Defendants.	)	
	)	

**DECLARATION OF MISHAN WROE IN SUPPORT OF  
PLAINTIFFS' MOTION FOR CLASS CERTIFICATION**

I, Mishan Wroe, do hereby declare as follows:

1. I am at least 18 years of age. I have personal knowledge of the facts stated herein and, if called to testify, I could and would testify competently thereto. I represent Plaintiffs in the above-captioned case, and I am licensed to practice law in California. I have applied *pro hac vice* to appear on behalf of Plaintiffs in the above-captioned case.
2. I am a senior attorney at the National Center for Youth Law ("NCYL"). I submit this declaration in support of Plaintiffs' Motion for Class Certification.
3. NCYL is a privately-funded, non-profit organization founded in 1970 to advocate for low-income children and adolescents. NCYL regularly represents plaintiffs in complex class action lawsuits designed to protect the rights of youth and improve child-serving systems. NCYL attorneys have significant experience in cases involving child welfare, juvenile justice,

adolescent health, immigration, and children's mental health needs. NCYL attorneys are among the most experienced, knowledgeable, and respected children's lawyers in the country.

4. One of the NCYL's primary substantive areas of expertise is advocating for children in government custody. Specifically, NCYL has some of the most extensive experience and knowledge representing immigrant children detained in federal custody. NCYL filed the seminal *Flores* case in 1985 and continues to serve as co-counsel in *Flores v. Bondi*, No. 85-4544 DMG (C.D. Cal.), a nationwide class action on behalf of children held in federal immigration custody by the United States government, governing the conditions in which most children are held. NCYL also originally filed and serves as co-counsel in *Lucas R. v. Azar*, No. 2:18-cv-05741 DMG (C.D. Cal.), a nationwide class action addressing the due process, disability, and family integrity rights of unaccompanied children in the custody of the Office of Refugee Resettlement ("ORR"). As class counsel in *Flores* and in *Lucas R.*, NCYL attorneys have conducted hundreds of interviews with detained children and youth in federal custody. This includes interviews with children detained by Customs and Border Protection ("CBP"), Immigration and Customs Enforcement ("ICE"), and ORR under the Department of Health and Human Services ("HHS"). *Flores* counsel has filed numerous successful Motions to Enforce over the years. Recently, *Flores* counsel brought successful motions to enforce the *Flores* settlement agreement and uphold children's rights to basic, humane conditions if held in open-air detention sites. *Flores v. Garland*, 2024 WL 3051166 (C.D. Cal. 2024). *Flores* counsel also successfully extended a 2022 settlement agreement with CBP governing conditions of confinement for children in two Texas CBP sectors. *Flores v. McHenry*, 2:85-cv-4544, ECF No. 1547 (C.D. Cal. 2025). NCYL also resolved a putative class action on behalf of immigrant children whose release from government custody was delayed due to unlawful fingerprinting policies and practices in *Duchitanga v.*

*Hayes*, No. 18-cv-10332-PAC (S.D.N.Y.). NCYL also served as co-counsel in *J.E.C.M. v. Dunn Marcos*, 1:18-cv-903 (E.D. Va.), a Virginia-based class action on behalf of unaccompanied children and their relative-sponsors challenging information-sharing between ORR and the Department of Homeland Security (“DHS”), and parallel changes to the sponsorship process to require additional biographical and biometric information from sponsors and their households.

5. NCYL also has extensive experience in class action litigation on behalf of children outside of the context of immigration detention. NCYL serves as co-counsel in *M.J. v. Dist. of Columbia*, 1:18-cv-01901 EGS (D.D.C.), a class action lawsuit on behalf of children and youth with mental health disabilities in Washington, D.C. NCYL has also represented thousands of children in other class action lawsuits across the country. For example, NCYL has litigated numerous class action cases on behalf of children with disabilities denied appropriate placements and services in state systems, including for example *J.N. v. Oregon*, *Katie A. v. Bontá*, *T.R. v. Dreyfus*, *M.B. v. Howard*, and *D.S. v. Washington State DCYF*.

6. Five attorneys at NCYL have entered appearances in this case and they seek to be appointed as class counsel. They are me, David Hinojosa, Neha Desai, Rebecca Wolozin, and Diane de Gramont.

7. I have been a senior attorney at National Center for Youth Law since April 2020. I earned my J.D. from University of Chicago Law School in 2013, and my B.A. from Stanford in 2008. I was admitted to practice law in Illinois in 2013 and in California in 2014. I have personally been involved in litigating on behalf of nation-wide classes of detained immigrant children in *Lucas R.* and *Flores* for over five years. I currently lead NCYL’s immigration-related litigation. Prior to joining NCYL, I worked as a trial attorney in private practice and maintained an active pro bono portfolio including work related to reproductive rights of immigrant children in federal custody,



freedom of speech, tenants' rights, and FOIA litigation. For example, before joining NCYL I worked on a class action lawsuit to protect unaccompanied minors' access to abortion while in ORR custody. *Garza v. Hargan*, 304 F.Supp.3d 145 (D.D.C. 2019).

8. David Hinojosa is Co-Director of Litigation at NCYL where he guides the organization's litigation strategy to protect the interests and rights of children and youth. Mr. Hinojosa received his J.D. from the University of Texas at Austin School of Law in 2000 and his B.A. from New Mexico State University in 1997. Mr. Hinojosa was admitted to practice in Texas in 2000 and in the District of Columbia in 2022. Mr. Hinojosa has served as a civil rights attorney for over twenty years, including complex, impact cases defending the rights of immigrant families and youth in state and federal court, representing over seventy immigrant workers in a Title VII/Fair Labor Standards Act case, and civilly prosecuting a vigilante rancher for assaulting immigrants in a federal jury trial. Mr. Hinojosa has argued impact cases before the state supreme courts of Texas and Colorado, the First and Fifth Circuits, and the United States Supreme Court. Mr. Hinojosa has also served as plaintiffs' counsel in several class action cases, including but not limited to *Hemphill v. Cardona*, No. 1:22-cv-01391 (D.D.C.), a challenge to the U.S. Department of Education's failure to discharge student loans induced by a for-profit college through fraudulent and deceptive means; *LULAC v. Texas*, 572 F.Supp.2d 726 (E.D. Tex.), a challenge to the sufficiency of language programs for English learner students; and *Morales v. Shannon*, No. DR-70-CA-14 (W.D. Tex.) and *Mendoza v. Tucson Unified School District*, No. CIV 74-2040-TUC-DCB (D. Ariz.), challenges to school districts' failure to desegregate their schools.

9. Neha Desai is the Managing Director of NCYL's Children's Human Rights & Dignity impact area. Ms. Desai leads the organization's work on behalf of immigrant children which incorporates multiple strategies including litigation, policy, and resource development. Ms. Desai

received her J.D. from Berkeley School of Law in 2006 and her B.A. from the University of Chicago in 2002. Ms. Desai was admitted to practice in Pennsylvania in 2007. She has been a children's rights advocate for over eighteen years, working with immigrant children in federal custody, as well as youth in the child welfare and juvenile justice systems. At NCYL, Ms. Desai has served as counsel in *Flores v. Bondi*, *Lucas R. v. Azar*, and *Duchitanga v. Hays*, representing nationwide classes of detained immigrant children. Before joining NCYL, Ms. Desai was a Zubrow Fellow and a staff attorney at the Juvenile Law Center where she represented children in dependency proceedings, drafted amicus briefs to federal courts, and served as a member of the legal team litigating the infamous "Kids for Cash" scandal. Ms. Desai has also represented individual children in federal immigration custody, including victims of child trafficking and child asylum seekers, in their petitions for individual relief. Additionally, Ms. Desai has worked on federal and state legislation related to immigrant children, including the California Trafficking Victims Protection Act of 2005 and the Children's Safe Welcome Act, which has twice been introduced in Congress. Ms. Desai is widely recognized as an expert in the field and regularly works with legislative staff, reporters, and leaders in children's rights law on issues related to immigrant children.

10. Rebecca Wolozin graduated with concurrent degrees from Harvard Law School and Harvard Graduate School of Education in 2015. She received a B.A., *magna cum laude*, from Cornell University in 2008. She was admitted to practice law in Virginia in October 2015 and in Washington, D.C. in January 2018. Ms. Wolozin joined NCYL as a senior attorney in May 2023. She previously worked as an attorney with the Legal Aid Justice Center in Virginia. Ms. Wolozin has primarily represented immigrants, children, and families in her practice over the past ten years. She was an Equal Justice Works Fellow, a staff attorney, and a senior supervising attorney

at Legal Aid Justice Center, where she also co-founded and directed George Mason's Antonin Scalia Law School Immigration Litigation Clinic from 2019-2023. In her immigration practice, Ms. Wolozin has successfully advocated for clients before the Executive Office of Immigration Review ("EOIR"), the Board of Immigration Appeals, and the Fourth Circuit Court of Appeals. Ms. Wolozin also has deep experience in class action litigation and federal litigation representing immigrants and detained immigrant children and youth. At NCYL, she is a member of *Flores* counsel and supports impact litigation across the organization. Ms. Wolozin has also litigated additional complex federal issues on behalf of detained immigrants and detained unaccompanied minors. She was counsel in *JECM v. Lloyd* 1:18-cv-903-LMB (E.D. Va.), a Virginia-based class action case on behalf of immigrant children facing prolonged detention in ORR custody. She was also counsel in the class action case *Aziz v. Trump*, 2017 WL 386549 (E.D. Va. 2017), and individual cases *Beltran v. Cardall*, 222 F.Supp.3d 476 (E.D. Va. 2016), *Santos v. Smith*, 260 F.Supp.3d 598 (W.D. Va. 2017); *Reyna v. Hott* 1:17-cv-1192-LO (E.D. Va.), and *O.D.T.M. v. Lloyd*, 1:18-cv-524 (E.D. Va.).

11. Diane de Gramont is an attorney at NCYL who focuses on impact litigation on behalf of detained immigrant youth, with particular focus on youth with disabilities. She received her J.D. from Yale Law School in 2017, an MPhil in Comparative Government from Oxford University in 2014, and a bachelor's degree from Harvard University in 2010. She was admitted to practice law in California in 2018. After graduating law school, Ms. de Gramont served as a law clerk to the Honorable Sarah S. Vance on the Eastern District of Louisiana and the Honorable Stephen A. Higginson on the U.S. Court of Appeals for the Fifth Circuit. She joined NCYL in 2019 as a Meselson-Liman Law Fellow and remained at NCYL as an attorney after the conclusion of her fellowship. Since joining NCYL, Ms. de Gramont has worked primarily on litigation on behalf

of the nation-wide classes of detained immigrant children in *Lucas R.* and *Flores*, including conducting site visits to ORR facilities and interviewing numerous children in federal immigration custody, researching and drafting motions, and participating in settlement negotiations and enforcement. Ms. de Gramont has also assisted other litigation at NCYL related to the rights of children with disabilities and deficiencies in the child welfare system.

12. The National Center for Youth Law has the resources to represent the plaintiff class. We are assisted in this matter by the considerable professional resources of our co-counsel, Joel McElvain, Cynthia Liao, and Skye Perryman of Democracy Forward.

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

Executed this 9th day of May, 2025, in Oakland, California.

/s/ Mishan Wroe

Mishan Wroe

# EXHIBIT 3

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

_____	)	
ANGELICA S., <i>et al.</i> ,	)	
	)	
Plaintiffs,	)	
	)	No. 25-cv-1405
v.	)	
U.S. DEPARTMENT OF HEALTH AND	)	
HUMAN SERVICES, <i>et al.</i> ,	)	
	)	
Defendants.	)	
_____	)	

**DECLARATION OF JOEL McELVAIN**

I, Joel McElvain, do hereby declare as follows:

1. I am a Senior Legal Advisor at Democracy Forward Foundation. I represent Plaintiffs in the above-titled action, and I submit this Declaration in support of Plaintiffs’ motion for class certification. I have personal knowledge of the facts stated herein and, if called to testify, could and would testify competently thereto.

2. Democracy Forward Foundation (“DFF”) is a nonprofit national legal organization that advances democracy and social progress through litigation, policy and public education, and regulatory engagement. DFF represents clients, including non-profits, local governments, tribes, small businesses, unions, and individuals, in challenging harmful and unlawful governmental action and in supporting governmental action. As part of this work, DFF has successfully litigated dozens of administrative law cases, including cases dealing specifically with immigration law and/or the Department of Health and Human Services. *See, e.g., J.G.G. v. Trump*, No. 25-cv-766 (D.D.C. filed Mar. 15, 2025); *Catholic Legal Immig. Network v. Exec. Office for Immig. Review*, No. 21-cv-94, 2021 WL 3609986 (D.D.C. Apr. 3, 2021); *County of*

*Santa Clara v. U.S. Dep't of Health & Human Services*, No. 21-cv-1655 (N.D. Cal. filed Mar. 9, 2021); *L.M.-M. v. Cuccinelli*, 442 F. Supp. 3d 1 (D.D.C. 2020); *Mayor and City Council of Baltimore v. Trump*, 416 F. Supp. 3d 452 (D. Md. 2019).

3. DFF is co-counsel for Plaintiffs in this action with the National Center for Youth Law. The team at Democracy Forward Foundation working on this case includes Cynthia Liao, Skye Perryman, and myself.

4. I have been employed by DFF since February 2025. Prior to my employment with DFF, I served as a Special Counsel and as an Acting Deputy General Counsel for the Office of General Counsel for the U.S. Department of Health and Human Services (HHS) from 2022 to January 2025; as a Partner at King & Spalding LLP from 2019 to 2021; and in various positions at the U.S. Department of Justice (DOJ) from 1997 to 2018 and from 2021 to 2022, including as an Assistant Branch Director with responsibility for HHS matters at DOJ's Federal Programs Branch. I graduated *magna cum laude* from Harvard Law School in 1995 and *magna cum laude* from Williams College in 1991. I have substantial experience in litigating matters of administrative law and constitutional law involving HHS. In particular, I represented HHS in *National Federation of Independent Business v. Sebelius*, 567 U.S. 519 (2012), and in the district court and the court of appeals in *King v. Burwell*, 576 U.S. 473 (2015), and in *Biden v. Missouri*, 595 U.S. 87 (2022).

5. Cynthia Liao has been employed by DFF since April 2025. Before that, she served as a trial attorney at DOJ's Federal Programs Branch from 2023-2025, during which she litigated Administrative Procedure Act (APA) challenges to agency rulemakings and other actions, including cases involving immigration policy. *See, e.g., Moody v. Mayorkas*, No. 1:24-CV-00762-CNS, 2024 WL 1346508 (D. Colo. Mar. 29, 2024). During her time as an attorney at the

U.S. Department of Labor from 2016-2023, she advised agencies on compliance with the APA, the Paperwork Reduction Act, and related requirements in numerous rulemakings. Ms. Liao clerked for Judge David O. Carter in the United States District Court for the Central District of California and Judge Michael D. Hawkins in the United States Court of Appeals for the Ninth Circuit. She graduated from Stanford University and Yale Law School. In law school, she took multiple courses on immigration law and participated in the Worker and Immigrant Rights Advocacy Clinic for five semesters, during which she worked with an undocumented youth organization on policy advocacy and successfully helped a detained client overturn her removal order based on the *Accardi* doctrine.

6. Skye Perryman has been President and CEO of DFF since 2021. She has substantial experience litigating matters involving administrative law and Constitutional rights as well as representing both plaintiffs and defendants in complex litigation. Ms. Perryman was a founding member of DFF's litigation team, serving as senior counsel from 2017 to 2018, served as the Chief Legal Officer and General Counsel of the American College of Obstetricians and Gynecologists from 2018-2021, and held litigation roles at the law firms of WilmerHale and Covington & Burling. She has received numerous awards for her legal work and leadership, including, among others, being named a *Rising Star in Litigation* by *SuperLawyer* for multiple consecutive years, the *Chuck F C Ruff Pro Bono Lawyer of the Year*, one of the *Most Influential People Shaping Policy* by *Washingtonian Magazine*, and, for her work at DFF, being named one of *TIME Magazine's Most Influential People in the World* for 2025. She graduated *cum laude* from Georgetown University Law Center and *magna cum laude* from Baylor University.

7. DFF and the National Center for Youth Law together have the resources to adequately represent the plaintiff class. With a staff totaling more than 100 people, DFF employs



approximately 50 full-time lawyers and numerous support staff. DFF is committed to providing the resources necessary to represent the members of the Plaintiff class fairly and adequately. We have already devoted substantial effort to identifying and investigating the claims in this case , and to working with the National Center for Youth Law to represent Plaintiffs' interests.

8. I am familiar with the experience of our co-counsel at the National Center for Youth Law, and they are skilled attorneys who have the necessary practice experience with civil litigation, immigration law, and civil rights actions to deliver high-quality representation to the Plaintiff class.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 9th day of May at Washington, D.C.

/s/ Joel McElvain  
JOEL McELVAIN

# **EXHIBIT 4**

**UNITED STATES DISTRICT COURT  
DISTRICT OF COLUMBIA**

ANGELICA S., <i>et al.</i> ,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	
	)	No. 1:25-cv-01405
U.S. DEPARTMENT OF HEALTH AND	)	
HUMAN SERVICES, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**DECLARATION OF ANGELICA S.**  
(proceeding under pseudonym)

1 I, [REDACTED], declare as follows:

2  
3 1. This declaration is based on my personal knowledge and the following facts are  
4 true to the best of my understanding and recollection.

5 2. I am 17 years old and I am from [REDACTED]. I arrived in the United States around  
6 November 2024. I arrived by myself. I speak Spanish and Mam.

7 3. I am currently at [REDACTED] and I want to go live with my sister. I have  
8 been at this place for almost five months and it's making me sad and I feel bad because  
9 the rules changed.

10  
11 Sponsorship Process

12 4. There is nothing that I want more than to live with my sister. I gave birth to my  
13 baby girl in February and being separated from my family during this time, with a new  
14 baby, has been really hard for me. My sister and I lived together in [REDACTED] and I miss  
15 her. We get along well, and I know she'll be helpful to me in taking care of my daughter  
16 while I am at school. I talk to my sister almost every day. Sometimes I have to choose  
17 between calling my mom and calling my sister, but I try to talk to them both every day.

18 5. It's hard to explain how much I want to leave this place to live with my sister. I  
19 know everything would be better living with her and she will help me with my studies  
20 and with my daughter.

21 6. My sister has done everything my case manager asked her to do. She has submitted  
22 all the documents they said they needed. I don't understand why I can't live with her.

23 7. My case manager said that because there is a new President in this country, my  
24 sister needs to be from the United States in order for me to live with her. I know my sister  
25 loves me and is doing everything she can to get me out.

26 8. This whole process has made me feel terrible. I was going to get to leave, but they  
27 changed all the rules when we were just waiting for vaccines for my daughter. And now  
28 I'm stuck here, and I want nothing more than to leave with my baby. If they wouldn't

---

1 have changed the rules I would have left already because my daughter has her vaccines  
2 now.

3 9. If I can't live with my sister, my case manager says I will have to go to a different  
4 program, but I don't want to. I want to live with my sister.

5 10. I hope the rules change back to how they were because there are a lot of girls here  
6 and I feel bad because some girls leave but then we remain behind so I would like the  
7 rules to go back to how they used to be so we can all leave.

8  
9 [REDACTED]

10 11. I have been at [REDACTED] for almost five months. It is a shelter where other girls  
11 live too.

12 12. Recently since I haven't been going to school, I just stay in my room and take care  
13 of my baby and do my homework. It's definitely taking a toll on me. They bring me  
14 homework to my room, but I don't get to do the normal activities, and I am not always  
15 able to finish my homework because I take care of my baby.

16 13. They have different rules here and sometimes they are confusing and not applied to  
17 everyone equally. For example, they tell us we have to shower before 8pm but they let  
18 some girls shower later. They also tell us we have to be alone in the kitchen when we're  
19 washing our plates but sometimes there are several girls in the kitchen at the same time  
20 and they don't get in trouble.

21 14. When I am finally able to leave, I would like to study. When I'm living with my  
22 sister I will decide what I want to study.

23  
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1 I declare under my duty to tell the truth and penalty of perjury that to the best of my  
2 knowledge, all the information I have here given is correct and complete and I understand  
3 the legal consequences of testifying falsely to the authorities.

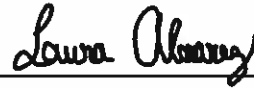
4  
5 Executed on this 16<sup>th</sup> day of April 2025, at [REDACTED].

6 [REDACTED]  
7 [REDACTED]  
8 [REDACTED]  
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CERTIFICATE OF TRANSLATION

My name is Laura Alvarez and I swear that I am fluent in both the English and Spanish languages and I translated the foregoing declaration from English to Spanish to the best of my abilities.

Dated: April 16, 2025

A handwritten signature in black ink, appearing to read 'Laura Alvarez', is written over a horizontal line.

# EXHIBIT 5



**UNITED STATES DISTRICT COURT  
DISTRICT OF COLUMBIA**

ANGELICA S., <i>et al.</i> ,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	
	)	No. 1:25-cv-01405
U.S. DEPARTMENT OF HEALTH AND	)	
HUMAN SERVICES, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**DECLARATION OF EDUARDO M.**  
(proceeding under pseudonym)

1 I, Laura Alvarez, declare as follows:

2  
3 1. I speak and understand English and Spanish.

4 2. The following is a true and correct translation of the annexed [REDACTED]  
5 [REDACTED]

6 \*\*\*\*\*

7  
8 DECLARATION OF [REDACTED]

9 I, [REDACTED], declare as follows:

10  
11 1. This declaration is based on my personal knowledge and the following facts are  
12 true to the best of my understanding and recollection.

13 2. I am 14 years old. I am here with my brother, who is 7 years old. We are from  
14 [REDACTED]. I speak Kaqchikel and Spanish.

15 3. We arrived in the United States in the end of January 2025.

16 4. Currently my brother and I are at [REDACTED] waiting for our release to live  
17 with our mother. We have been in this place for two months and a half.

18 5. What I want most is to be able to live with my mom and my sister. I feel very  
19 stressed by the delay. I have a good relationship with my mother and we spoke with her a  
20 lot when we were in [REDACTED]

21 6. My mother has done everything that the government asked. She has given her  
22 fingerprints and did a DNA test for me and my brother. But she does not have a state  
23 identification and this has caused a lot of delay. There was also a delay because my  
24 mother did not have a second person with a state identification. But now I think my uncle  
25 will be the second person because he has a driver's license.

26 7. There are other kids in this situation and they feel sad.  
27  
28

1 8. Here at [REDACTED] we live with a family and their kids. They treat us well but  
2 we really want to be with our mother.

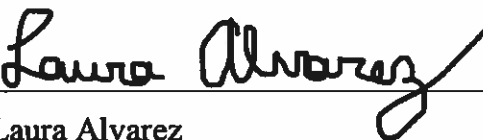
3 9. When I leave here, I want to spend time with my mother and my sister and go on  
4 outings. I also want to study. My younger brother wants to clean the table with my  
5 mother and wants to study Mathematics.

6  
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8  
9 I declare under my duty to tell the truth and penalty of perjury that all the information I  
10 have here given is correct and complete and I understand the legal consequences of  
11 testifying falsely to the authorities.

12  
13 Executed on this 16th day of April, 2025 in [REDACTED]  
14

15 \_\_\_\_\_  
16  
17  
18 \*\*\*\*\*

19 I declare under penalty of perjury that the foregoing is true and correct. Executed  
20 on this 5th day of May 2025, in Oakland, California.

21 \_\_\_\_\_  
22   
23 Laura Alvarez  
24  
25  
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27  
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1 Yo, [REDACTED], declare y digo lo siguiente:

2  
3 1. Esta declaración está basada en mi conocimiento personal. Los hechos que  
4 describo son verdaderos a mi mejor conocimiento.

5 2. Tengo 14 años de edad. Estoy aquí con mi hermano, que tiene 7 años. Somos de  
6 [REDACTED]. Hablo Kaqchikel y Español.

7 3. Llegamos a los Estados Unidos en fin de enero 2025.

8 4. Actualmente mi hermano y yo estamos en [REDACTED] esperando nuestra  
9 liberación para vivir con nuestra madre. Hemos estado en este lugar por dos meses y  
10 media.

11 5. Lo que más quiero es de vivir con mi madre y mi hermana. Me siento muy  
12 estresado por la demora. Tengo una buena relación con mi madre y hablamos mucho con  
13 ella cuando estábamos en [REDACTED]

14 6. Mi madre ha hecho todo que el gobierno pidió. Ella ha dado sus huellas y ha hecho  
15 una prueba de ADN para mi y mi hermano. Pero ella no tiene una identificación estatal y  
16 eso ha causado mucha demora. También hubiera una demora porque mi madre no tenía  
17 una segunda persona con una identificación estatal. Pero ahora creo que mi tío va a estar  
18 la segunda persona porque él tiene la licencia de conducir.

19 7. Hay otros niños en esta situación aquí y se sienten tristes.

20 8. Aquí en [REDACTED] vivimos con una familia y sus niños. Nos tratan bien pero  
21 queremos mucho estar con nuestra madre.

22 9. Cuando salga de aquí, quiero pasar tiempo con mi madre y mi hermana y salir de  
23 paseo. También quiero estudiar. Mi hermano menor quiere limpiar la mesa con mi mama  
24 y quiere estudiar matemáticas.

25

26

27

28

1 Declaro bajo protesta de decir la verdad y pena de falso testimonio que toda la  
2 información que aquí he proporcionado es correcta y completa a mi mejor conocimiento,  
3 consciente de las consecuencias legales de declarar con falsedad ante la autoridad.  
4

5 Hecho el día 16 de abril del año 2025, en [REDACTED]  
6  
7 [REDACTED]  
8 [REDACTED]  
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# EXHIBIT 6

**UNITED STATES DISTRICT COURT  
DISTRICT OF COLUMBIA**

ANGELICA S., <i>et al.</i> ,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	
	)	No. 1:25-cv-01405
U.S. DEPARTMENT OF HEALTH AND	)	
HUMAN SERVICES, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**DECLARATION OF LIAM W.**  
(proceeding under pseudonym)

**DECLARATION OF** [REDACTED]

I, [REDACTED] declare as follows:

1. This declaration is based on my personal knowledge and the following facts are true to the best of my understanding and recollection.
2. I am 15 years old and I am from [REDACTED]. I arrived in the United States around January 2025. I arrived by myself. My mom and my two sisters were already in the United States. I speak Spanish.
3. After I arrived, I was sent to a shelter in Kansas. I was there for a few months. My mom started the processes of sponsoring me immediately. My mom had sponsored my middle sister when she came to the United States a few years ago, so she knew what to do. She had the documents she needed when she started the process. And my sister still lives with my mom, and everything is good with them.
4. My mom and my case manager tell me about progress in my mom's sponsorship application. From what I understand, my mom has submitted the documents the case manager asked for. She provided her passport for identification. She also submitted a power of attorney from my dad, because he is still in [REDACTED]. She gave them a proof of address. My mom also did a home study that had a positive result. My mom lives with my two sisters who are 18 years old and 21 years old. My cousin also lives with them and I think he is 18 or 19-years old.
5. When I was still in Kansas, the case manager told me that the laws had changed, and now my mom would have to give more documents and do a DNA test to sponsor me. My cousin and sisters also had to provide ID documents that they didn't have.
6. After a few months in the Kansas shelter, I was moved to a shelter in New York called [REDACTED]. I don't know why I was moved.
7. At [REDACTED], my new case manager kept working with my mom on the sponsorship application. But my mom, sisters, and cousin don't have any way to get the kind of identification that the case manager is asking for. I think my mom gave them all the documents they asked for



until they changed the laws. Now I don't know what the plan is. Just that my mom said they will all keep trying to find a way to get identification documents that qualify for the sponsorship application to be approved.

8. I really miss my mom. I lived with her in [REDACTED] until I was about seven years old. Then she left for the United States and I went to live with my dad. My oldest sister came with me to my dad's. My middle sister went to live with my aunt in another part of [REDACTED], but we talked a lot on the phone and sent messages. I would talk to my mom about four times a week. We would send messages and do video calls. My mom sent me gifts of clothing, shoes, money, and other things. She would always ask me how I was doing and make sure I was going to school. We would send pictures to each other. She is really sweet and caring. And she's funny. I love my mom a lot.

9. Being in the shelter is hard. I want to leave and be with my family. When I arrived the strict routine every day was difficult. I also couldn't sleep. Now I just go to school, and when I'm not in school or doing the things they make you do I just sleep.

10. I talk to my mom every day on the phone from the shelter. If I imagine arriving at her house, and opening the door, the first thing I am going to do is hug her. I'm going to hug her for a really long time. Then I just want to talk to her, about anything. I just want to talk and be together again.

I declare under my duty to tell the truth and penalty of perjury that all the information I have here given is true and correct.

Executed on this 06 day of May, 2025



**CERTIFICATE OF TRANSLATION**

My name is Rebecca Wolozin and I swear that I am fluent in both the English and Spanish languages and I translated the foregoing declaration from English to Spanish to the best of my abilities.

Dated: 05/06/2025

Rebecca Wolozin

# EXHIBIT 7

**UNITED STATES DISTRICT COURT  
DISTRICT OF COLUMBIA**

ANGELICA S., <i>et al.</i> ,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	
	)	No. 1:25-cv-01405
U.S. DEPARTMENT OF HEALTH AND	)	
HUMAN SERVICES, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**DECLARATION OF LEO B.**  
(proceeding under pseudonym)

I, [REDACTED] declare as follows:

1. This declaration is based on my personal knowledge and the following facts are true to the best of my understanding and recollection.

2. I am 17 years old and I am from [REDACTED]. I arrived in the United States around February 4, 2023. I arrived by myself. I speak Spanish.

3. The first time I entered I was sent to an ORR shelter. I spent about 41 days there. When I started to feel overwhelmed by being there and really wanting to leave, it was time for me to be released to my sister. I was happy to get to live with my sister. I never imagined I would end up in ORR again, but I was sent to another shelter called [REDACTED] in the middle of March of this year. I was there for 12 days before they sent me to [REDACTED]

4. It's even harder being detained again than it was the first time, since I had the experience of getting to be with family and then had that taken away. It's difficult but I know I have to just accept it and see what happens in the future.

#### Sponsorship Process

5. There is nothing that I want more than to live with my sister. It's very difficult to accept being here because I pretty much had my own life already living with my sister. It's hard to come back to a place like this when it's not my fault. My sister lives in Georgia and I liked living there. I was going to school and living my life there.

6. I have been living with my sister for almost two years and we also lived together in [REDACTED]. In the mornings I would go to school, I had good grades, and I was playing soccer for the school's team. I was in 10<sup>th</sup> grade but I think next year was going to be my last year of high school because I was doing so well and taking extra classes and now it feels like I've lost it all.

7. My sister is very good person and a very good sister. We've lived together for so long and she is a great support to me.

8. My sister has done everything my case manager asked her to do. She's given all the documents they asked for, she's filled out all the forms. When they told her she was not going to be able to be my sponsor she has been trying to find me other people to be my sponsor. She's been in touch with my school, so they understand where I am and why I'm not coming school.

9. My case manager said I cannot be released to my sister because she doesn't have an identification from the United States. I know my sister loves me and is doing everything she can to get me out. I don't understand why the government has changed the rules in this way. Before I was able to be released to my sister and now because of not having a document I can't be released to her. It is difficult to accept and I don't know why this is my reality, only God knows.

10. When I start to think about what's happening I get really sad and it affects me. All the effort I was putting into school was for nothing. I was so happy and then all of the sudden it was all taken away from me.

[REDACTED]

11. I have been at [REDACTED] for about 22 days. It is a shelter. One of the hardest parts of being here is that school is so boring. What I have learned here in three weeks is the same as what I learned in my first week of school in Georgia. I have already made advancements in English and Math and what we are doing here for school is very boring.

12. It's very hard to describe how different it is to be here than to live at home. Not seeing my sister is difficult and school is very different than being at home. At home, I had so many friends and we would play basketball or soccer. Where I lived there were so many places to visit like the lake or the park or the water park, and the time would pass quickly because there were so many things to do. Here I don't have free time to do the things I want or that I would do my friends at home. When I was in Georgia, I felt very happy but when I got here it was a very big change, it was a very big hit, not a physical hit but an emotional hit.

13. In Georgia, I could do any activity whenever I wanted and here I can't just say, "I'm going to go to the gym after class" and I feel the emotional hit of that. For example, in Georgia I would be able to go outside and get fresh air whenever I wanted. Especially at night if I had trouble sleeping. Here I can't do that. We aren't allowed to go outside at night. I have to ask permission for everything here, even to watch TV. It feels like you're trapped here.

14. Sometimes I think that if I start to feel sad and think too much about why this is happening to me, I will get sick. I tell myself that I must have the maturity to accept things head on and see what God has in store.

15. I am able to talk to my sister every day which is good. But I miss my friends, and I haven't been able to call any friends because I'm only allowed to call my family members. But, if I am feeling sad I can't speak to my family for as long as I'd like because there is a time limit here.

16. If I could make changes to this place, I would really like it to be normal here, as if we were living anywhere else. But we have to respect the rules here.

17. When I'm able to leave I'm really looking forward to seeing my sister. I also really enjoy school, and I want to meet with the principal to see what will happen with my studies. I want to focus on school to make up for this lost time and try and act like none of this happened. I really don't have sufficient words to describe this experience. It's just been very difficult.

#### My Role in the Case

18. I understand that in this case I will be a representative for myself and other children who are also stuck in the custody of ORR because their sponsors cannot provide the new documents that are now required.

19. I want to help other kids who in the future may find themselves in the same situation as me because it is a very difficult situation. I am motivated to help children in this situation now and in the future because this is something I would not wish for



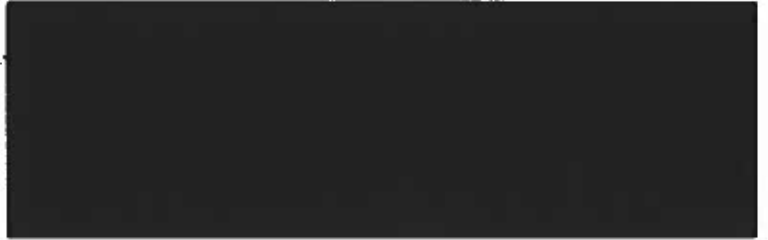
anyone. It is a very difficult situation to be in. It is an emotional issue, not just a physical one, that I feel, and I don't want any other kids to feel this too. Only God knows what will happen but if I can help, I want to help. I have the opportunity to not just help myself but to also help more children and that is what I will do in this case.

20. Based on how being a class representative was explained to me, I want to represent a class of minors in the same situation as me. I will fairly and adequately protect the interests of the class so that we can have a real chance to be released to our sponsors. I plan to seek justice in the name of the proposed class of minors by bringing the claims in this lawsuit with persistence and determination. I will participate in the lawsuit according to the way in which my lawyers and I decide I should. I will work with the lawyers so that the lawyers do what is best for all the children in the case. I intend to remain involved with this case and to represent the proposed class to the best of my ability.

21. I have never served as a class representative in any other case.

I declare under my duty to tell the truth and penalty of perjury that all the information I have here given is correct and complete and I understand the legal consequences of testifying falsely to the authorities.

Executed on this 8<sup>th</sup> day of May



CERTIFICATE OF TRANSLATION

My name is Laura Alvarez and I swear that I am fluent in both the English and Spanish languages and I translated the foregoing declaration from English to Spanish to the best of my abilities.

Dated: May 8, 2025

A handwritten signature in black ink, reading "Laura Alvarez", is written over a horizontal line.

# EXHIBIT 8

**UNITED STATES DISTRICT COURT  
DISTRICT OF COLUMBIA**

ANGELICA S., <i>et al.</i> ,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	
	)	No. 1:25-cv-01405
U.S. DEPARTMENT OF HEALTH AND	)	
HUMAN SERVICES, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**DECLARATION OF XAVIER L.**  
(proceeding under pseudonym)

**DECLARATION OF** [REDACTED]

I, [REDACTED] declare as follows:

1. This declaration is based on my personal knowledge and the following facts are true to the best of my understanding and recollection.

2. I am 17 years old, and I am from [REDACTED]. I arrived in the United States around December 2024 with my younger sister. She is 13 years old. My mom was already in the United States when we arrived. I speak Spanish.

3. After we arrived, my sister and I were sent to an ORR shelter in New York called [REDACTED]. My mom started the processes of sponsoring me right away. She lives in [REDACTED]. My aunt – her sister – also lives in [REDACTED].

4. Although my mom had all the documents we needed for the sponsorship process, some of them were in [REDACTED]. Because of that it took a while to get those documents. Because of the situation in [REDACTED], it was hard to get our birth certificates and some of the other documents they were asking for, but we finally got them and submitted them.

5. I think my mom used her work permit as her form of identification. The only thing that was missing was the proof of income. My mom is not working for medical reasons, but her partner who she lives with supports her. He also is eager to support us. But from what I understand, he does not have proof of his legal status to get the proof of income documents the government is requiring. He used to have a driver's license but was lost, and now he cannot get a new one because of his immigration status. Even if he could, he is really afraid that ORR will share information about him with immigration officers, so he does not want to send any information to ORR.

6. I am turning 18 years old in [REDACTED] and I'm really afraid of being sent to ICE detention. I want to live with my mom more than anything. But in order to get released faster, my aunt became my sponsor. My aunt also has submitted everything necessary for the application. The only thing that we don't have yet are the DNA test results. They were finally able to make an

appointment for today, so we will do the test. I hope we get the results back quickly so I can be released. My mom and my aunt are neighbors. I really want to live with my mom. But if I have to live with my aunt, at least I will be able to see my mom and the other people in my family.

7. My little sister is still waiting to be reunified with my mom, because really, we want to live together with her.

8. I am ready to do whatever I can to help other kids like me get released to their sponsors. I understand this case is about more than just me. I believe it is wrong for the U.S. government to keep me in custody away from my family.

9. Based on how being a class representative was explained to me, I want to represent a class of minors in the same situation as me. I will fairly and adequately protect the interests of the class so that we can have a real chance to be released to our sponsors. I plan to seek justice in the name of the proposed class of minors by bringing the claims in this lawsuit with persistence and determination. I will participate in the lawsuit according to the way in which my lawyers and I decide I should. I will work with the lawyers so that the lawyers do what is best for all the children in the case. I intend to remain involved with this case and to represent the proposed class to the best of my ability.

10. I have never served as a class representative in any other case. I am ready to do my best to help kids like me.

I declare under my duty to tell the truth and penalty of perjury that all the information I have here given is true and correct.

Executed on this 6 day of May, 2025





**CERTIFICATE OF TRANSLATION**

My name is Rebecca Wolozin and I swear that I am fluent in both the English and Spanish languages and I translated the foregoing declaration from English to Spanish to the best of my abilities.

Dated: 05/06/2025

Rebecca Wolozin

# EXHIBIT 9

**UNITED STATES DISTRICT COURT  
DISTRICT OF COLUMBIA**

ANGELICA S., <i>et al.</i> ,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	
	)	No. 1:25-cv-01405
U.S. DEPARTMENT OF HEALTH AND	)	
HUMAN SERVICES, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**DECLARATION OF DEISY S.**  
(proceeding under pseudonym)

**DECLARATION OF** [REDACTED]

I, [REDACTED], declare as follows:

1. This declaration is based on my personal knowledge and the following facts are true to the best of my understanding and recollection.
2. I am 25 years old. I live in Texas. I live with my partner and our eight-year-old daughter, and my sister-in-law. My partner and I have been together since we lived in [REDACTED] together where we had our daughter.
3. I am the sister of [REDACTED]. We are very close. We lived together in [REDACTED] on our family's farm. [REDACTED] and I liked to take care of the animals together. We liked to let the sheep out to pasture. [REDACTED] loves animals. [REDACTED] is a sensitive girl—very sincere and humble. She is delicate and worries about others easily. I love my sister so much.
4. After I moved to another town to live with my partner, [REDACTED] and I talked several times every week by phone. I visited my sister every month while I was still living in [REDACTED]. After I came to the United States, we spoke frequently by phone.
5. [REDACTED] has been in ORR custody since she arrived in the United States in November 2024. While she has been at the shelter, I have been able to talk to her a few times a week by phone. I have not been able to visit her because the shelter is too far away from me.

**Sponsorship Process**

6. I applied to sponsor [REDACTED] as soon as the government contacted me. They called me and asked me to be the sponsor, and I said yes right away during the phone call. I am her sister, and I am also a mother myself, so I was ready to take care of her and provide her with what she needed. I started the sponsor application process that same week, and I have provided everything they asked as quickly as possible—often the same day or the next day.

7. The first things I remember the case manager asking me for were my birth certificate, [REDACTED] birth certificate, and our parents' birth certificates, which I provided. They also asked me for my address.

8. I learned that [REDACTED] was pregnant early on because [REDACTED] told me that she was having stomach issues, and I encouraged her to go to a clinic. I was honored that my sister had the confidence in me to tell me about her pregnancy, and I was so happy for her. I learned that her baby would be born in February. Knowing that [REDACTED] was pregnant made it even more important to make sure she could be released and come live with me as fast as possible, where I could take care of her and support her. I gave her case worker everything as quickly as I could so [REDACTED] could come home to me, and I could be there for her when she gave birth. I did not want her to have to give birth while she was detained.

9. After a few weeks, or maybe even a bit sooner, they asked me to sign some documents. The papers I had to sign were to give permission to do a criminal background check, and to authorize the case manager to share my information in order to evaluate me as a sponsor.

10. At first, I was really worried about sharing all this information with the government. I was nervous that I was sharing my address and all my information, and that immigration officers would come arrest me. When I talked to the shelter case worker who was helping with [REDACTED] case, she gave me her word that this information was just for confirming I would be a good sponsor, and that it was for the federal government but not for immigration. She said that the information was confidential. After that conversation, I felt comfortable signing the form agreeing to share my information to continue the process.

11. They also asked me for the papers I received when I entered the United States, my [REDACTED] ID, and my passport. They asked me to provide the information for the medical

clinic where [REDACTED] would have her doctor's appointments, which I sent right away. They also asked me for the name and address of the school where [REDACTED] would attend, which I sent right away. They asked me for a bill sent to our home also.

12. At the end of November, they sent me the family reunification application. I had to read it and fill it out. It was like an interview document that asked a lot of questions. I filled it out right away. I think that I sent it back the next day.

13. Around December 4, they asked me for my partner's information and identification documents. We sent his identification and the identification of all the other people that live in our house, including my daughter's birth certificate.

14. In December, my husband, sister-in-law, and I all did fingerprints. They also did some interviews of our family in December. They called my brother, my sister-in-law, and my husband. They also asked my husband for his A# to see the status of his immigration case.

15. They also told me to go buy prenatal vitamins in December, and to send them a picture of the receipt and the bottle of vitamins, so I did that right away.

16. A man came to our house twice to do home studies. Both were positive. The second home study was to confirm only me, my husband, my daughter, and my sister-in-law are living in our house.

17. At the end of December, they gave me an appointment for an interview and training for sponsors, about how to make sure [REDACTED] had a lawyer and that she needed to attend her immigration hearings. The training was on January 6, 2025.

18. Also, at the end of December, I think on December 28, they asked me to get a power of attorney from [REDACTED] parents granting me authority to take care of her. I would have thought they would want it right at the beginning, or at least that they would have asked for it earlier if

the needed it. I worked with my parents in [REDACTED] to get the power of attorney as quickly as possible. They rushed to get a power of attorney written and notarized by a lawyer there. They were able to do that quickly and I think I sent the power of attorney to the case manager a day or two after she asked for it.

19. When I thought everything was ready, the case manager said she needed more information about my husband's niece who he had sponsored, but who had gone to live with a different uncle, like her previous school enrollment. We had notified ICE, ORR, and the local police when she told us she was not coming back from her visit to her uncle. The case manager said there still wasn't enough information about the niece in the reunification application. The case manager said that otherwise, everything was good, and that I had done everything that was required. I don't know why she did not ask for the information earlier, because my understanding is that ORR had all the information and could see it when we gave them my partner's documents and fingerprints.

20. When the case manager told me she needed this additional information, she also said there was only a week before [REDACTED] was 8 months pregnant and would not be able to fly in a plane to Texas. It was a Tuesday, and she said she presents cases for approval on Wednesday, and she needed more info about the niece, so there was not enough time for her to do it before she presented the case. The case manager said because of that, [REDACTED] would have to wait until after she gave birth, and the baby was two months old and had enough vaccines to travel on a plane before she could be reunified. Even though I knew [REDACTED] would not be able to fly, I provided what she asked for within a week.

21. I was devastated. So was [REDACTED]. Instead of being able to give birth surrounded by family and get to take her baby home and have me to help her in those first months, she had to give birth all alone, with strangers, and stay in detention with her new baby for several months.

22. All we could do was wait for the baby to be born and to be able to travel. Then, at the end of February or beginning of March, the laws changed. I learned in early March, around March 6, that there was a new rule that required me to provide documents showing my legal status or a state ID to be able to sponsor my sister. I could not get the documents they were asking for.

23. When the case manager told me this, I felt so bad. I cried. I had done so much, sent so many papers, and done everything as quickly as I could to try to get [REDACTED] released and home with me as fast as possible. Then I had been so patient, thinking she and her baby girl could soon come home to live with us. I had everything ready – I had bought a crib, cleared a room for her, had little baby clothes all ready for her.

24. The case manager told me she would have to wait until she was 18 to get released. I was so sad that she would have to stay there for another nine months and raise her baby girl there so far away from family and my help.

25. The case manager told me that because I could not get an ID that complies with the new requirements, I could not sponsor [REDACTED] any more, even though everything had been ready for approval since February 2025. She told me to find someone else with status who could sponsor her. I don't think it makes any sense that the government wants to send [REDACTED] and her very young baby to live with people who are not her family just because they have legal status.

Especially because they already did a full investigation of me and my home and decided I was a good caretaker for [REDACTED]. I think [REDACTED] and her daughter would be safer, happier, and better



cared for if she were living with me rather than living with someone who does not know her and is not family.

26. The case manager told me I had to withdraw the application and write a letter that said I was withdrawing because I don't have immigration status. I did not see the point in sending it, because I did not want to withdraw and also because she told me I couldn't sponsor anyway. I didn't send it, but she said she was going to terminate the application.

27. More than anything, I want to find a way for my sister to be released, so she does not have to keep raising her baby while detained. The case manager put her on the list for long term foster care, but there was a long wait and the case manager didn't think she would be accepted.

28. I searched for a new person who could sponsor my sister but I could not find anyone because everyone is too afraid. I asked my friend who is a legal permanent resident and lives in another state, but she was too afraid to give the government all her information. Lots of people who have some legal status and could provide the documents the government is asking for are afraid because they are not citizens. They don't know what will happen with the laws and they are afraid that if they give their information to sponsor a child the information will be given to Immigration. No one I asked would promise to sponsor her, out of fear that it would lead to them being arrested or deported.

29. Now I don't know what to do for her. I looked everywhere for someone to sponsor her. When I asked a close friend I trusted who is a man, the case manager said her sponsor has to be a woman.

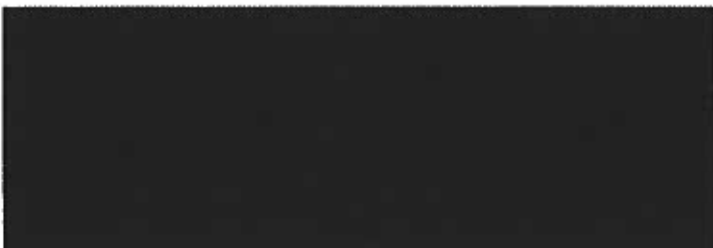
30. The case manager keeps asking if I have found anyone yet. She asks every week when I talk to [REDACTED]. I'm still looking, but I really don't think anyone will be able to do this out of fear.

31. [REDACTED] has been held by the government for so long, and during such an important moment in her life. She had to give birth to her baby in custody, and spend the first months of being a mother without any family to support her or help her. I haven't been able to hold my niece or hug my sister since she became a mother.

32. [REDACTED] is really worried about her baby. Because she's a first-time mom, she doesn't know what to expect or what to do. I know if she was with me, she would be less worried. She trusts me and she knows that because I am a mother I know how to take care of a baby. I will keep doing everything I can to help her be released.

**I declare under my duty to tell the truth and penalty of perjury that all the information I have here given is true and correct.**

**Executed on this 7th day of May, 2025.**



**CERTIFICATE OF TRANSLATION**

My name is Rebecca Wolozin and I swear that I am fluent in both the English and Spanish languages and I translated the foregoing declaration from English to Spanish to the best of my abilities.

Dated: 05/07/2025

Rebecca Wolozin

# **EXHIBIT 10**

**UNITED STATES DISTRICT COURT  
DISTRICT OF COLUMBIA**

ANGELICA S., <i>et al.</i> ,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	
	)	No. 1:25-cv-01405
U.S. DEPARTMENT OF HEALTH AND	)	
HUMAN SERVICES, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**DECLARATION OF ROSA M.**  
(proceeding under pseudonym)

I, Laura Alvarez, declare as follows:

1. I speak and understand English and Spanish.

2. The following is a true and correct translation of the annexed Declaration of [REDACTED]

[REDACTED].

\*\*\*\*\*

DECLARATION OF [REDACTED]

I, [REDACTED], declare and say as follows:

1. This testimony is based on my personal knowledge and the following facts are true to the best of my understanding and recollection.

2. I have two sons under the custody of the Office of Refugee Resettlement in a program close to [REDACTED]. [REDACTED] is 14 years old and [REDACTED] is 7 years old. I live in [REDACTED] and want my sons to live with me. This separation has been very hard for us and I am willing to do everything I can to reunite with my sons.

3. My sons arrived in the United States at the end of January and I did everything the government requested of me to sponsor them. I completed the application, including providing a copy of my passport. I also went to an appointment to provide my fingerprints. The case worker asked for information of a second person to take care of my sons, and I found someone and sent the information.

4. In early March, the case worker told me that everything was complete and that we were only waiting for a medical document. But the office was closed, so we had to wait until Monday.

5. That same Monday, March 10<sup>th</sup>, the case worker told me that the rules had changed and that I need another ID approved by the United States, such as a State ID or a permanent residency

card. I do not have any ID that would qualify and I can't obtain a driver's license because I don't know how to drive. The case worker also told me that the second person that appears in my application needs the same.

6. The case worker told me that it could be possible for me to obtain an exception for the ID requirement, but not for the second person. It was difficult for me to find someone with the correct ID. Finally, my brother agreed to be the second person, although he lives on the other side of the country. My brother needed to complete the whole process again and go to a fingerprinting appointment. Now he has done everything necessary to be the second person.

7. A week after the social worker informed me of the new ID requirements, she told me that my sons and I also needed to do a DNA test. She told me that we could not request an exception to the ID requirement without the DNA test results. My sons and I did the DNA test as soon as we could but afterwards we had to wait more than three weeks for the results.

8. In April, I received the DNA results and again thought that the case was almost complete. We only needed my brother's fingerprints. But later the case worker told me that there is a new proof of income requirement. She asked me for specific documents that I don't have. I provided my bank statements to show that I have enough money to take care of my sons and a letter about my income. I am still waiting to know if the government will approve the application with these alternative documents.

9. On Monday, April 28<sup>th</sup>, after identifying who will pick up my kids from school each day, the case worker told me that the application was finally ready to give to the government. Now I am praying that the government will give me an exception to the ID requirements and that my sons can live with me.



10. All these requirement changes have been very hard for me and my sons. Every time that I think that the application is ready, they tell me that the requirements have changed. The ID requirement was the hardest because we thought my sons were about to be released and suddenly I worried that they would never be able to get out to live with me. I don't know why it is necessary in order to show that I am their mother or that I could take care of my sons, especially when I have provided my passport, my fingerprints, and my DNA.


11. I am desperate because I only want to be with my sons but I already provided all the documents I have. I can't do anything more. My sons are very upset and frustrated. I would visit them at the ORR program and both were crying the last time I went. I know they cry frequently at the program. It is difficult as a mother because I want to help them but I don't know what more I can do.

I declare under my duty to tell the truth and penalty of perjury that all the information I have here given is correct and complete and I understand the legal consequences of testifying falsely to the authorities.

Executed on this 29th day of April 2025, in [REDACTED]

\*\*\*\*\*

I declare under penalty of perjury that the foregoing is true and correct. Executed on this 30th day of April 2025, in Oakland, California.

  
Laura Alvarez

Yo, [REDACTED], declare y digo lo siguiente:

1. Esta declaración está basada en mi conocimiento personal. Los hechos que describo son verdaderos a mi mejor conocimiento.
2. Tengo dos hijos bajo la custodia de la Oficina de Reubicación de Refugiados en un programa cerca de [REDACTED]. [REDACTED] tiene 14 años y [REDACTED] tiene 7 años. Yo vivo en [REDACTED] y quiero que mis hijos vengan a vivir conmigo. Esta separación ha sido muy dura para nosotros y estoy dispuesta a hacer todo lo que pueda para reunirme con mis hijos.
3. Mis hijos llegaron a los Estados Unidos a finales de enero y yo hice todo lo que el gobierno me pidió para patrocinarlos. Completé la aplicación, incluso di una copia de mi pasaporte. También fui a una cita para dar mis huellas. La trabajadora de casos me pidió información de una segunda persona para cuidar a mis hijos y yo encontré a una persona y le di la información.
4. A principios de marzo, la trabajadora de casos me dijo que todo estaba completo y que solo estábamos esperando un documento médico. Pero el consultorio estaba cerrado, así que tuvimos que esperar hasta el lunes.
5. Ese mismo lunes el 10 de marzo, la trabajadora de casos me dijo que las reglas habían cambiado y que necesito una otra identificación aprobada por los Estados Unidos, como una identificación del estado donde vivo o una tarjeta de residencia. No tengo ninguna identificación que califica y no puedo obtener una

licencia de manejo porque no sé manejar. La trabajadora también me dijo que la segunda persona que aparece en mi aplicación necesita la misma.

6. La trabajadora de casos me dijo que podría ser posible obtener una excepción para el requisito de identificación para mí, pero no para la segunda persona. Me resultó difícil encontrar a alguien con la identificación correcta. Finalmente, mi hermano aceptó ser la segunda persona, aunque él vive al otro lado del país. Mi hermano necesitaba completar todo el proceso de nuevo y asistir a una cita para dar sus huellas. Ahora él ha hecho todo lo necesario para ser la segunda persona.

7. Una semana después de que la trabajadora social me informara sobre los nuevos requisitos de identificación, me dijo que mis hijos y yo también necesitábamos hacernos una prueba de ADN. Me dijo que no podemos pedir una excepción al requisito de identificación sin los resultados de la prueba de ADN. Mis hijos y yo nos hicimos la prueba de ADN lo más pronto posible pero después teníamos que esperar más de tres semanas para los resultados.

8. En abril, recibí los resultados de ADN y otra vez pensé que el caso estaba casi completo. Solo estábamos esperando las huellas de mi hermano. Pero después la trabajadora de casos me dijo que hay un nuevo requisito sobre la prueba de ingresos. Ella me pidió documentos específicos que no tengo. Entregué mis extractos bancarios para demostrar que tengo suficiente dinero para cuidar a mis

hijos y una carta sobre mi ingreso. Todavía estoy esperando saber si el gobierno aprobará la aplicación con esos documentos alternativos.

9. El lunes 28 de abril, después de identificar quien va recoger a mis niños de su escuela cada día, la trabajadora de casos me dijo que la aplicación finalmente estaba lista para dar al gobierno. Ahora estoy rezando que el gobierno me de una excepción a los requisitos de identificación y que mis hijos pueden vivir conmigo.

10. Todos estos cambios de requisitos han sido muy duros para mi y mis hijos. Cada vez que creo que la aplicación esta lista dicen que los requisitos han cambiado. El requisito de identificación fue lo más duro porque pensamos que mis hijos estaban a punto de irse y de repente me preocupé de que nunca podrían salir para vivir conmigo. No sé porque es necesario para demostrar que soy su madre o que puedo cuidar a mis hijos, especialmente cuando ya he entregado mi pasaporte, mis huellas, y mi ADN.

11. Estoy desesperada porque solo quiero estar con mis hijos pero ya entregué todos los documentos que tengo. No puedo hacer más. Mis hijos están muy tristes y frustrados. Yo los visitaba en el programa de ORR y la última vez ambos estaban llorando. Yo sé que lloran con frecuencia en el programa. Es difícil como madre porque quiero ayudarlos pero no sé qué más puedo hacer.

**Declaro bajo protesta de decir la verdad y pena de falso testimonio que toda la información que aquí he proporcionado es correcta y completa, consciente de las consecuencias legales de declarar con falsedad ante la autoridad.**

Hecho el día 29 de abril del año 2025, en [REDACTED]

# EXHIBIT 11

**UNITED STATES DISTRICT COURT  
DISTRICT OF COLUMBIA**

ANGELICA S., <i>et al.</i> ,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	
	)	No. 1:25-cv-01405
U.S. DEPARTMENT OF HEALTH AND	)	
HUMAN SERVICES, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**DECLARATION OF SOFIA W.**  
(proceeding under pseudonym)

**DECLARATION OF** [REDACTED]

I, [REDACTED], declare as follows:

1. This declaration is based on my personal knowledge and the following facts are true to the best of my understanding and recollection.

2. I am 40 years old. I live in Florida. I live with my two daughters and my nephew. I am the mother of [REDACTED]. [REDACTED] has been in ORR custody since January.

**Sponsorship Process**

3. For a few months he was in an ORR shelter in Kansas. I applied to be [REDACTED] sponsor as soon as his case worker called me. I had already sponsored my daughter who is his sister, and my nephew, so I knew the process. My daughter and nephew still live with me, and my older daughter also joined us and lives with us. My daughter is 18 years old and my nephew is 20.

4. When I started the sponsorship process for [REDACTED], I gave them everything they asked for. I gave them my unexpired passport for my identification. I gave them his birth certificate. They asked for all the documents of everyone in the house too, and we provided those. My daughters gave their passports, and my nephew gave them his immigration documentation. He was also able to use that to do his fingerprints. When they asked for a power of attorney from [REDACTED] father, I worked to get that from him and submitted it. I also sent my bank statement, a letter from my employer, and other documents they asked for.

5. They wanted to do a home study because I had previously sponsored my daughter and my nephew. A woman came to our house in person. She inspected our whole house and talked to each one of us. She asked about income and financial stability, and she entered everything into the computer. The result was positive, and the woman told me everything looked good, and she would let her supervisor know.



6. All four of us in the house also did fingerprint background checks. I think we did them in February 2025. They told me that was pretty much the last thing I had to do for the application.

7. Around early March, the case worker in [REDACTED] case told me that there was a new requirement for sponsoring my son. They said it was going to take a little longer, because there were some changes in the law. She said that I and every adult in my household had to provide a form of photo-identification from the United States. It could be from the government or the state. The case worker told me to go to an appointment at a DMV and pass the phone to her when I had my appointment so she could explain what I needed. But when I went to the appointment, the woman in the DMV would not speak to the case worker. I have gone to the DMV three times to try to get an ID. They have told me I didn't have the right immigration status to get an ID now. I think it used to be possible with the documents that I have, but now it is not. I think there is no way I can get the ID they want. My daughters are also trying to get IDs. No one ever mentioned the possibility of a waiver of this requirement. She was very demanding that I get the right ID. She even said that I needed to move somewhere else so that I was living by myself, and my daughters and nephew wouldn't have to provide IDs. But how can I just leave my daughter and nephew? They are still young, and they cannot live by themselves yet without support. When I found a friend who said that he would sponsor [REDACTED] for me, I mentioned it to the case manager. She told me that if I wanted to do that, I would have to move in with the friend and live there instead of with my daughters and nephew. I can't do that.

8. Then a few weeks later they told me that I also had to do a DNA test in order to sponsor my son. I have been waiting and waiting for the appointment to provide DNA. I have been waiting for a month or more, but they have not given me an appointment yet.

9. While he was in still Kansas, I found out my son fractured a bone while playing sports. They didn't say anything to me until I asked them directly after my son told me about it. He fractured a finger and hurt his foot. When I heard about it, I was so worried. I don't know how he is being cared for there. Imagine an emergency like that happening to your son because he is being detained somewhere away from you. I don't think he would have had an emergency like that if I had been taking care of him, and if he did, I would have been able to do something right away and make sure he stayed safe and healed.

10. Then, without explanation, they moved my son to New York to his current shelter. I didn't even know he was going to be moved. He called me from the airport to tell me. That really surprised me. I asked him to let me talk to the woman who was traveling with him so I could understand. All they said was that he could not stay in the Kansas shelter, so he was going to New York.

11. Now I do not know what to do. I have done everything that was asked of me. I also have successfully sponsored my daughter and my nephew, and I have taken good care of them. They are doing well, and we still live together happily. I do not understand why having these specific forms of identification or doing a DNA test make me more able to take care of my son.

12. When we talk, I give [REDACTED] advice. I tell him to try and make this experience a learning experience. I know he is bored, and I know he does not like all the restrictions. I try to help him make the best of being detained. He is suffering by being separated from his family. He is only 15 years old, and he needs to be with a parent and with his sisters. I miss him so much, and I know he misses me.

I declare under my duty to tell the truth and penalty of perjury that all the information I have here given is true and correct.

Executed on this 7th day of May in

[REDACTED]

[REDACTED]

**CERTIFICATE OF TRANSLATION**

My name is Rebecca Wolozin and I swear that I am fluent in both the English and Spanish languages and I translated the foregoing declaration from English to Spanish to the best of my abilities.

Dated: 05/07/2025

Rebecca Wolozin

# **EXHIBIT 12**

**UNITED STATES DISTRICT COURT  
DISTRICT OF COLUMBIA**

ANGELICA S., <i>et al.</i> ,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	
	)	No. 1:25-cv-01405
U.S. DEPARTMENT OF HEALTH AND	)	
HUMAN SERVICES, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**DECLARATION OF XIMENA L.**  
(proceeding under pseudonym)

**DECLARATION OF** [REDACTED]

I, [REDACTED], declare as follows:

1. This declaration is based on my personal knowledge and the following facts are true to the best of my understanding and recollection.
2. I am 33 years old. I live in Illinois. I live with my partner. I am the mother of [REDACTED] [REDACTED] is 17 years old, and he will turn 18 years old in [REDACTED]. [REDACTED] is 13 years old. My son and daughter have been in ORR custody since December 2024.
3. I have been in the United States since September 2023. I am in the process of applying for asylum and I have a pending application. I also have an application for work authorization pending.

**Sponsorship Process**

4. I applied to be the sponsor of [REDACTED] and [REDACTED] right away when the case manager called me so they could come live with me.
5. The forms I completed as part of the family reunification application said that the information I gave to ORR would not be used for immigration enforcement purposes. This made me feel comfortable sharing so much personal information with the government. With this promise of confidentiality, my partner also sent his information.
6. When I started the sponsorship process, I used my original unexpired passport as my identification. I gave them the children's birth certificates. I have done a DNA test. I gave them each of the documents they asked for. Some of the documents were difficult to get because I did not have them with me in the United States. Once you leave [REDACTED], it is hard to get [REDACTED] documents. I had to have a lot of help from my siblings in [REDACTED], and we were

finally able to get the kids' birth certificates and other documents. ORR also did a home study to check some things on my fingerprint background check. They did the home study about three months ago, I think. They said everything looked good and I had a positive result.

7. The case manager told me about new document requirements in March 2025 that I had to submit in order to sponsor my children. She told me it wasn't her fault, and that there were new rules now with the new government and I had to send a United States photo-ID with my current address on it – like an ID from the state.

8. It had already been so difficult to submit everything, and I was desperate and frustrated. But I didn't give up and I began the process of trying to get a new Illinois State ID a little more than a month ago, in March. I received the provisional ID about a week ago. I have a provisional Illinois state-ID now, and they will send me the actual card in a few weeks. I am using that ID to sponsor my daughter now. Now, my sister is applying to be the sponsor of my son.

9. My son turns 18 years old soon, and we are so afraid he will be sent to ICE detention. My sister decided to become his sponsor because she has the type of identification they are asking for, and the documentation of income that they are asking for. She is also currently working. She has already done the DNA test here. I am desperate for my son to be released before he turns 18, even if it means he cannot be released to me. At least I will be able to see him, and he will be free and with his family.

10. I am not sure the ID will be enough to sponsor my daughter, though. Now they are asking for new documents to show proof of income that they did not ask for before. I am not working right now for medical reasons. I will be able to work in the future, but I cannot work now. But I did send them my bank statements. I also answered their questions about income and financial status. Now they are asking for more. My partner lives with me, and he helps support me and our



household financially. But he cannot get the proof of income documents they are requiring because he does not have the necessary immigration status to get them. And now he is so afraid to give anything more to ORR. He is afraid they will share it with immigration officials.

11. They have already suffered so much in [REDACTED] and on the journey here. They have experienced so much trauma. Now they are stuck in detention, away from their family. It's terrible for them. My son is so curious and active. He wants to learn and be engaged in the world. In the shelter, they are stuck. There are restrictions on everything they want to do—watching tv, reading, everything. They feel like they are being held like criminals in a jail. I just want to bring them home to me and take care of them so we can heal.

12. I feel so much frustration and sadness for all that has happened, and that they are still there. Every time I talk to them, they are crying. Every time I talk to my daughter she cries. My daughter tells me she just wants to die. I am so sad, because I am their mother, but I cannot do anything. Now [REDACTED] case worker told me she is going to work on transferring [REDACTED] to something called Long Term Foster Care. It's a long-term program. She said if I don't have the documents, I will never be able to sponsor her. She will just live in that program long-term. She didn't tell me how long it would be for, but I am worried she means that [REDACTED] will have to stay there until she is 18 years old.

13. It is unjust that the government can just keep my children from me because I don't have specific documents, when I have given them other types of documents that show I can take care of my children. I don't know why certain forms of identification or certain forms of showing financial stability mean that I can or cannot take care of my own kids. The government is hurting my children and my family by refusing to release them to me, their mother.

I declare under my duty to tell the truth and penalty of perjury that all the information I have here given is true and correct.

Executed on this 7th day of May 2025, in

[REDACTED]

[REDACTED]

**CERTIFICATE OF TRANSLATION**

My name is Rebecca Wolozin and I swear that I am fluent in both the English and Spanish languages and I translated the foregoing declaration from English to Spanish to the best of my abilities.

Dated: 05/07/2025

Rebecca Wolozin