

July 2025

PRACTICE ADVISORY:

PRELIMINARY INJUNCTION IN *ANGELICA S. v. HHS*



INTRODUCTION

This practice advisory discusses the recent issuance of a [preliminary injunction](#) in *Angelica S. v. HHS*, a class action case filed by the National Center for Youth Law (“NCYL”) and Democracy Forward Foundation (“DFF”) on behalf of five unaccompanied children in the custody of the Office of Refugee Resettlement (“ORR”) and Immigrant Defenders Law Center (“ImmDef”). This practice guide is not intended to constitute legal advice of any kind, including in a particular case.

The [Angelica S. case](#) challenges new restrictive ORR proof of identification and proof of income policies that have disqualified parents, close relatives, and other potential sponsors simply because they cannot access certain types of documents as a result of their immigration status. On June 9, 2025, a federal district court provisionally certified a class and issued a preliminary injunction.

OVERVIEW OF PRELIMINARY INJUNCTION

CLASS DEFINITION

The preliminary injunction applies to all members of the *Angelica S.* class, which includes “all unaccompanied children who were in or transferred to the custody of HHS on or before April 22, 2025, and who (a) have or had a potential sponsor who has been identified; and (b) the sponsor’s family reunification application has been denied, closed, withdrawn, delayed, or cannot be completed because the sponsor is missing documents newly required on or after March 7, 2025.”

PRELIMINARY INJUNCTION REQUIREMENTS

Under the [preliminary injunction](#) ORR “is prohibited from enforcing the new proof of identification requirements and new proof of income requirements currently contained in the March 7, 2025, and April 15, 2025, revisions of its Unaccompanied Alien Children Bureau [Policy Guide Section 2.2.4](#) against all members of the certified class.”

ORR was required to notify all affected potential sponsors of class members by June 19, 2025, that they could continue with their applications.

If a potential sponsor of a class member has submitted a complete application but the application was denied, closed, or delayed because of the new proof of identification and/or proof of income requirements, ORR must “adjudicate the application without regard to the revised requirements.”

This means that if a child is part of the *Angelica S.* class, their sponsor, adult household members, and backup caregivers can provide forms of identification acceptable under the [previous version of ORR Policy Guide 2.2.4](#) in effect before March 7, 2025, such as foreign passports or certain foreign identity documents. In addition, the sponsor should not be required to provide specific proof of income documents.

As of June 2025, the Family Reunification Application form provided to sponsors has not yet been updated with ORR’s new proof of identity and proof of income requirements. This version of the Family Reunification Application (version 15, last revised March 25, 2024) therefore includes the correct list of acceptable documents for *Angelica S.* class members. Note that ORR has taken the position that sponsors, adult household members, and backup caregivers must still provide unexpired identification under [Field Guidance 26](#) issued on February 14, 2025. As discussed below, this is a violation of the Paperwork Reduction Act.

FREQUENTLY ASKED QUESTIONS

NOTICE

Q: *Is ORR obligated to notify previously disqualified sponsors that they can restart their sponsorship application?*

A: Yes. The preliminary injunction ordered ORR to notify all potential sponsors of class members who were disqualified or denied based on the new proof of identification and proof of income requirements that they may now continue their sponsorship applications. This should include all prior sponsors affected by the new requirements—not just the child’s most recent sponsor—and all sponsor categories (i.e., Category 1, Category 2, and Category 3).

ORR was required to notify all potential sponsors by June 19, 2025. If you believe your client is an *Angelica S.* class member but their potential sponsor has not been contacted, you should follow up with their case manager. Please contact NCYL at immigration@youthlaw.org if you are encountering obstacles.

Q: *Can ORR or my client’s case manager refuse to notify a potential sponsor on the basis that the sponsor was otherwise unsuitable?*

A: The preliminary injunction order applies to all potential sponsors of class members disqualified or denied based on the new proof of identification and proof of income requirements. If the sponsor was told that they were disqualified or denied because of these requirements, they should be informed of their right to continue their application.

If this potential sponsor remains the child’s preferred sponsor,¹ any concerns about sponsor suitability should be addressed through the application adjudication process but should not prevent sponsors from being notified that they may continue with the process.

Note that if the sponsor is a Category 1 parent or legal guardian or Category 2 close relative, they have the right to receive notice of the reasons for their denial and the right to appeal a denial of sponsorship. See 45 C.F.R. §§ 410.1205(c); 410.1206.

CLASS DEFINITION

Q: *Are children with Category 3 sponsors members of the class?*

A: Yes. The class definition does not distinguish between sponsor categories so all children who otherwise meet the requirements of the class definition are class members.

¹ If the child has concerns about this potential sponsor or wishes to be released to a different sponsor, ORR must take into account their wishes and concerns. 45 C.F.R. § 410.1202(c).

Q: Is a child a member of the class if their sponsor's household members or backup caregiver were missing documents newly required after March 7, 2025?

A: Yes. If there are any documents missing from the sponsor's application—whether the sponsor's own identity documents or documents from other household members—then “the sponsor is missing documents” within the meaning of class definition. The sponsor is the person required to fill out the family reunification application and provide all relevant documents. See 45 C.F.R. § 410.1202(a) (“Potential sponsors shall complete an application package to be considered as a sponsor for an unaccompanied child.”); [ORR Policy Guide Sec. 2.2.4](#) (“All potential sponsors must submit at least one (1) identification document that contains a photograph for all such adults.”).

Q: Is a child a member of the class if they entered ORR custody on or before April 22, 2025, but they have a new sponsor identified after April 22, 2025, who cannot complete the new proof of identification and proof of income requirements?

A: Yes. The April 22, 2025, date in the class definition refers only to when the child entered ORR custody, not when the sponsor was identified.

Q: Is a child a member of the class if they were previously in ORR custody and released to a sponsor but re-entered ORR custody after April 22, 2025?

A: The class definition does not reference continuous custody; therefore, this child should be considered a class member. Please contact NCYL if you are encountering obstacles in this circumstance.

Q: What if my client entered ORR custody for the first time after April 22, 2025?

A: They are not a member of the class, and the preliminary injunction unfortunately does not change the sponsorship requirements in their case. NCYL and DFF may seek additional court orders in *Angelica S.* to vacate the new proof of identity and proof of income requirements more broadly. If your client is interested in being involved in future steps of the litigation, please contact NCYL.

ADJUDICATION OF SPONSORSHIP APPLICATIONS

Q: What should I do if my client is a class member, but their case manager is not moving forward their sponsorship application?

A: If this is your client's preferred sponsor, follow up with the Federal Field Specialist (“FFS”) and/or FFS Supervisor to inquire as to the status of their case. You can also elevate the issue to ORR headquarters by emailing UACSettlements@acf.hhs.gov.

Please contact NCYL if you continue to encounter problems.

Q: Can ORR require additional layers of approval for Angelica S. class members whose sponsors are missing the newly required proof of identification and/or proof of income documents?

A: No, not without independent justification for any additional vetting. The preliminary injunction orders ORR to adjudicate completed applications of sponsors of class members “without regard to the revised requirements.” This means that ORR must treat the applications of potential sponsors of class members who cannot provide the newly required documents the same way as other sponsorship applications.

Q: *What should I do if my client's sponsor cannot provide unexpired forms of identification or is missing other newly required forms of documentation not covered by the Angelica S. preliminary injunction?*

A: It is a violation of the Paperwork Reduction Act for ORR to impose new generally applicable documentation requirements that are not included within the Family Reunification Application ("FRA") provided to the potential sponsor. See 44 U.S.C. §§ 3507(a), 3512; *Saco River Cellular, Inc. v. FCC*, 133 F.3d 25, 33 (D.C. Cir. 1998). If the potential sponsor can provide the documents specified in the "Supporting Documents" section of the FRA they were given, they should ask ORR to adjudicate their application based on those requirements. Note that Version 15 of FRA explicitly states that "[e]xpired documents are acceptable." ORR is prohibited from penalizing the potential sponsor for failing to provide new documents that are not included within the FRA. 44 U.S.C. § 3512.

ORR is [in the process](#) of revising the Family Reunification Application to incorporate its new documentation requirements but as of June 2025 this process is not yet complete. Please contact NCYL if the potential sponsor is interested in contesting ORR's denial on the basis of a Paperwork Reduction Act violation.

Q: *My client's first preferred sponsor was disqualified because of the proof of identification and/or income requirements but my client was later released to a different sponsor who could meet those requirements. Will ORR re-adjudicate the first sponsor's application?*

A: It is our understanding that ORR takes the position that it lacks jurisdiction to change a child's placement after release. See [ORR Foundational Rule Preamble](#), 89 Fed. Reg. 34,452 ("ORR acknowledges that it cannot require sponsors to seek permission to transfer custody of a child from the sponsor to someone else because ORR no longer has custody over children after they are discharged from its care. However, ORR needs to maintain and update records of the child's location in order to be able to provide PRS on a mandatory or discretionary basis while the child remains eligible for such services during the pendency of their removal proceedings.").

Attorneys for children or sponsors in this situation should contact the [ORR National Call Center](#), preferably in writing, to notify ORR of the child and/or sponsor's plans and inquire about any ORR requirements. Attorneys for children or sponsors may also explore family law rights and seek orders from family law courts to enforce those rights, particularly if the preferred sponsor is the child's parent or legal guardian.

**FOR MORE INFORMATION,
CONTACT NCYL**

immigration@youthlaw.org