

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

L.G.M.L., L.M.R.S., M.O.C.G., H.L.E.C,
T.A.C.P., M.F.A.P.V., L.F.M.M., G.A.B.B.,
A.R.M.D. M.Y.A.T.C. ¹ *on behalf of themselves
and all others similarly situated by and through
their next friend*, YOUNG CENTER FOR
IMMIGRANT CHILDREN’S RIGHTS,

Plaintiffs,

v.

KRISTI NOEM, in her official capacity as
Secretary of the U.S. Department of Homeland
Security, U.S. DEPARTMENT OF HOMELAND
SECURITY; TODD LYONS, in his official
capacity as Acting Director of the Director of U.S.
Immigration and Customs Enforcement, U.S.
IMMIGRATION AND CUSTOMS
ENFORCEMENT, ROBERT F. KENNEDY, JR.,
in his official capacity as Secretary of Health and
Human Services, U.S. DEPARTMENT OF
HEALTH AND HUMAN SERVICES, ANGIE
SALAZAR in her official capacity as Acting
Director of the Office of Refugee Resettlement,
OFFICE OF REFUGEE RESETTLEMENT,
PAMELA BONDI, in her official capacity as
Attorney General, U.S. DEPARTMENT OF
JUSTICE, MARCO RUBIO, in his official capacity
as Secretary of State, U.S. STATE
DEPARTMENT,

Defendants.

Case No. 25-cv-2942

**PLAINTIFF’S EMERGENCY
MOTION FOR TEMPORARY
RESTRAINING ORDER AND
MEMORANDUM OF LAW IN
SUPPORT**

**FLIGHTS DEPARTING
UNITED STATES IN THE
NEXT FOUR HOURS**

¹ Motion for these Plaintiffs to proceed under pseudonym forthcoming.

INTRODUCTION

Plaintiff Children seek emergency relief to prevent irreparable harm to hundreds of minors because Defendants are planning to remove them to Guatemala imminently and in violation of multiple laws. **Plaintiffs’ counsel has learned that flights are reportedly scheduled to depart the United States within the next 2 -4 hours.**

Although these children are supposed to be in the care and custody of the Office of Refugee Resettlement (“ORR”), defendants are illegally transferring them to Immigration and Customs Enforcement (“ICE”) custody to put them on flights to Guatemala, where they may face abuse, neglect, persecution, or torture. Defendants are further depriving Plaintiff Children of due process by preventing these children from pursuing claims of asylum or other forms of immigration relief before the immigration courts. Plaintiffs seek emergency relief from this Court in order to prevent grave and irreparable harms resulting from Defendants’ reckless and illegal actions.²

LEGAL AND FACTUAL BACKGROUND

On August 29, 2025, reports surfaced that the administration is planning to remove hundreds of Guatemalan children in government custody who arrived in the United States alone.³ These children, currently in the custody of the Office of Refugee Resettlement—a component of the Department of Health and Human Services that is charged with caring for unaccompanied children—are waiting to be released to a relative or guardian in the United States who can care

² One other court has already issued a TRO enjoining Defendants from removing named petitioners from the United States in an action filed by Guatemalan unaccompanied minors in Illinois. *See* Emergency Order Concerning Stay of Transfer or Removal, *J.J.T.S. v. Francis*, No.1:25-cv-10428 (N.D. Ill. Aug. 30, 2025), ECF No. 4.

³ Priscilla Alvarez, *Exclusive: Trump administration plans to send hundreds of Guatemalan children in government custody back to home country*, CNN (Aug. 29, 2025), <https://www.cnn.com/2025/08/29/politics/migrant-kids-guatemala-immigration>; Jody Garcia *et al.*, *U.S. is Working With Guatemala to Return Hundreds of Children*, N.Y. Times (Aug. 29, 2025), <https://www.nytimes.com/2025/08/29/us/immigration-guatemala-children.html>.

for them while they make their case for protection before the immigration courts. Instead, they are being returned to Guatemala.

The administration has reportedly identified more than 600 children from Guatemala to potentially deport as a part of a first of its kind pilot program through an agreement negotiated with the Guatemalan government.⁴ Defendants have not provided notice to unaccompanied minors subject to summary removal and have not provided them an opportunity to contest their summary removal. Rather, in certain instances, Defendants have simply removed minors' pending cases from the immigration court docket in preparation for their summary removal. Ex. J, Declaration of Laura Fisher Flores, Legal Director, South Texas Asylum Representation Project ("ProBAR") ¶8 ("Fisher Decl."). Accordingly, Defendants are not complying with their obligations to provide access to counsel or with the mandated safeguards it must implement before any child requests voluntary departure, which must be approved by an immigration judge. *Perez-Funez v. District Director*, 619 F. Supp. 656 (C.D. Cal. 1985).

Plaintiff Children are ten unaccompanied minors from Guatemala between the ages of 10 and 17 whom Defendants are seeking to remove from the United States in clear violation of the unambiguous protections that Congress has provided them as vulnerable children. Ex. A-J. Defendants do not currently have authority under the immigration statutes to remove any of the Plaintiff Children. Many have active proceedings before immigration courts across the country, yet Defendants plan to remove them in violation of the Trafficking Victims Protection Reauthorization Act of 2008, the Immigration and Nationality Act, and the Constitution.

A. Protections for Children under the Trafficking Victims Protection Reauthorization Act of 2008

1. Right to Removal Proceedings under 8 U.S.C. §1229a

⁴ *Id.*

The Trafficking Victims Protection Reauthorization Act (“TVPRA”) of 2008, Pub. L. No. 110-457, 122 Stat. 5044 (2008), embodies Congress’ intent to provide unique substantive and procedural protections to unaccompanied minors seeking refuge in the United States and represents the culmination of two decades of bipartisan advocacy on behalf of this uniquely vulnerable population.⁵ The TVPRA and related statutes create a comprehensive scheme that mandates special procedures for adjudicating removal proceedings against an unaccompanied minor and for caring for unaccompanied minors during the pendency of their removal proceedings.

Pursuant to the TVPRA, any unaccompanied child sought to be removed from the United States by the Department of Homeland Security (“DHS”), except for certain unaccompanied children from a contiguous countries, shall be (i) placed in removal proceedings under 8 U.S.C. § 1229a; (ii) eligible for relief under 8 U.S.C. § 1229c at no cost to the child; *and* (iii) provided access to counsel in accordance with subsection (c)(5). 8 U.S.C. § 1232 (a)(5)(D). (emphasis added). Guatemala is not a country that is contiguous to the United States, as they share no border. As such, the mandate provided in 8 U.S.C. § 1232(a)(5)(D) applies to Guatemalan unaccompanied children.

By requiring that DHS place unaccompanied children in § 1229a removal proceedings, the TVPRA exempts unaccompanied children from placement expedited removal proceedings pursuant to 8 U.S.C. § 1225(b). 8 U.S.C. §§ 1232(a)(2)(B), (a)(3), (a)(5)(D). Under the expedited removal statute, certain noncitizens with limited ties to the United States may be removed without a hearing. 8 U.S.C. §§ 1225(b)(1)(A)(i), (iii)(II). However, all unaccompanied children—regardless of the circumstances of their arrival to the United States—receive the

⁵ See, e.g., Cong. Research Serv., Unaccompanied Alien Children: An Overview 5-6 (Sept. 5, 2024), *available at* <https://sgp.fas.org/crs/homsec/R43599.pdf/>.

benefit of full immigration proceedings, including a hearing on claims for relief before an immigration judge. Congress provided even further procedural protection to unaccompanied minors in removal proceedings by mandating that their claims for asylum be heard in the first instance before an asylum officer in a non-adversarial setting rather than in an adversarial courtroom setting. 8 U.S.C. § 1158(b)(3)(C).

The TVPRA contains no exceptions to its protections, confirming Congress's clear directive regarding the removal protections afforded to unaccompanied children. It does not distinguish between unaccompanied children who have or do not have prior immigration histories. More specifically, it does not exclude those who have prior removal orders. The TVPRA does not allow DHS to bypass § 1229a proceedings and remove children without observance of the procedures of the Immigration and Nationality Act ("INA") and without their day in court.

2. Access to Counsel

In addition, U.S.C. § 1232(c)(5) requires, in its use of "shall," that the Secretary of Health and Human Services ensure, to the greatest extent practicable, that all unaccompanied alien children who are or have been in the custody of the Secretary or the Secretary of Homeland Security (other than those children from contiguous countries as described in (a)(2)), have counsel to represent them in legal proceedings or matters and protect them from mistreatment, exploitation, and trafficking.

3. Safe Repatriation

The TVPRA also provides special procedures to ensure the safe repatriation of unaccompanied minors who seek to depart the United States voluntarily or who are ordered removed at the termination of removal proceedings. Once placed in § 1229a proceedings, only an

immigration judge may grant an unaccompanied minor's voluntary departure pursuant to § 1229c. Voluntary departure is a form of immigration relief that allows certain noncitizens in removal proceedings to request to depart the United States without the issuance of a removal order and generally occurs at the noncitizen's expense. 8 U.S.C. § 1229c(a)(1). The TVPRA mandates, however, that unaccompanied minors granted voluntary departure not bear the cost of their repatriation. 8 U.S.C. § 1232 (a)(5)(D)(ii).

To further protect children from traffickers and other persons seeking to victimize children, DHS, in conjunction with the Department of State, DOJ, and HHS, bears an affirmative responsibility to ensure the safety of any unaccompanied seeking repatriation through a voluntary departure order or ordered removed from the United States. 8 U.S.C. § 1232(a)(1).

The TVPRA similarly requires DHS and HHS to work together to ensure "safe and sustainable repatriation and reintegration" of unaccompanied minors into their countries of nationality or last habitual residence, "including placement with their families, legal guardians, or other sponsoring agencies." 8 U.S.C. § 1232(a)(5).

4. Exclusive ORR Custody

The TVPRA, along with the Homeland Security Act ("HSA"), Pub. L. No. 107-296, § 462, 116 Stat. 2135 (2002), creates a unique system for housing and caring for unaccompanied children in government custody and for ensuring their safety when released from government custody. This system is wholly separate from the detention program operated for adult noncitizens by Defendant ICE. ORR is the only agency authorized to retain custody of unaccompanied minors. The TVPRA provides that, except in the case of unaccompanied minors from a contiguous country, "the care and custody of all unaccompanied alien children, including responsibility for their detention, where appropriate, shall be the responsibility of the Secretary

of Health and Human Services.” 8 U.S.C. § 1232(b)(1); *accord* 6 U.S.C. § 279(b); 45 C.F.R. §§ 410.1002-1004. Any federal department or agency that has an unaccompanied minor in its custody must transfer the minor to ORR custody “not later than 72 hours after determining” that the minor is unaccompanied. 8 U.S.C. § 1232(b)(3). Unaccompanied minors in ORR custody “shall be promptly placed in the least restrictive setting that is in the best interest of the child.” *Id.* § 1232(b)(c)(2). The HSA further charges ORR with “ensuring that the interests of the child are considered in decisions and actions relating to the care and custody of an unaccompanied alien child.” 6 U.S.C. § 279(b)(1)(B).

ORR has promulgated detailed regulations for making placement determinations as to unaccompanied minors (*i.e.*, determining where to house them while in custody), 45 C.F.R. §§ 410.1100-1109, and for determining when and to whom to release an unaccompanied minor in ORR custody. *Id.* §§ 410.1200-1210. The regulations require that “unaccompanied children shall be treated with dignity, respect, and special concern for their particular vulnerability,” *id.* § 419.1003(a), and that “ORR shall place each unaccompanied child in the least restrictive setting that is in the best interests of the child, giving consideration to the child's danger to self, danger to others, and runaway risk.” *Id.* § 419.1003(f).⁶

I. Other Legal Safeguards for Unaccompanied Minors

A. Flores Settlement

⁶ ORR is mandated to follow certain procedures for the care and custody of unaccompanied minors and is tasked with their safe reunification with family members OR ensure their safe repatriation should the immigration court determine that that is the best interest of the child while in their care. The ORR Policy Guide provides guidance to care providers and other service providers regarding the placement, care, and services provided to unaccompanied alien children in ORR custody consistent with ORR’s legal authorities (e.g., section 462 of the Homeland Security Act of 2002, Public Law 107-296, 6 U.S.C. 279; section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA), Public Law 110-457, 8 U.S.C. 1232; the Unaccompanied Alien Children Program Foundational Rule, codified at 45 C.F.R. Part 410; the Standards to Prevent, Detect, and Respond to Sexual Abuse and Sexual Harassment Involving Unaccompanied Alien Children Interim Final Rule, codified at 45 C.F.R. Part 411; and the Investigations of Child Abuse and Neglect Interim Final Rule, codified at 45 C.F.R. Part 412).

Prior to the enactment of the HSA and the TVPRA, federal courts intervened on several occasions to protect unaccompanied minors from abuses in the immigration system. These protections remain binding on Defendants. In 1997, a federal court in the Central District of California approved a consent decree covering “[a]ll minors who are detained in the legal custody of the INS [Immigration and Naturalization Service].” Stipulated Settlement Agreement, *Flores v. Reno*, No. CV 85-4544-RJK(Px), ¶ 10 (C.D. Cal. Jan. 17, 1997).⁷ Among other requirements, the Flores Settlement Agreement directs the INS to “treat all minors in its custody with dignity, respect and special concern for their particular vulnerability as minors” and to “place each detained minor in the least restrictive setting appropriate to the minor’s age and special needs.” *Id.* Section 462 of the HSA extended to all the key protections of the *Flores* Settlement Agreement, including its “least restrictive setting” requirement. Pub. L. No. 107-296, § 462, 116 Stat. 2143 (2002).

B. *Perez-Funez Permanent Injunction*

In 1985, another court in the Central District of California issued a permanent injunction granting certain special protections to unaccompanied children before they can accept voluntary departure. *Perez-Funez v. District Director*, 619 F. Supp. 656 (C.D. Cal. 1985). This lawsuit arose out of the then-INS coercive practices and its protections are now implemented by regulation. 8 C.F.R. §§ 236.3(g)-(h), 1236.3(g)-(h). (1) a written notice of rights; (2) a list of free legal service providers; and (3) access to telephones and notice that they may call a parent, close relative, friend, or attorney. Additionally, for unaccompanied children from noncontiguous

⁷ Available at <http://www.aila.org/File/Related/14111359b.pdf> [hereinafter the “Flores Settlement Agreement”]. After *Flores*, the INS was dissolved and subsumed into DHS, whereupon DHS inherited the INS’ obligations under the *Flores* Settlement Agreement.

countries (i.e. children not from Canada or Mexico), DHS must ensure that the child in fact communicates with a parent, adult relative, friend, or attorney. *Id.* §§ 236.3(g), 1236.3(g).

II. Protections for all Noncitizens under Immigration and Nationality Act

The special protections afforded to unaccompanied minors in removal proceedings in light of their vulnerability complement the more general statutory procedures that guarantee fairness in all removal proceedings and the rights of all people seeking refuge in the United States. These general procedures are also binding on Defendants when they seek to remove an unaccompanied minor.

For many decades, the Immigration and Nationality Act (“INA”), as amended, has provided for a comprehensive system of procedures that the government must follow before removing a noncitizen from the United States. The INA provides the exclusive procedure by which the government may determine whether to remove an individual, including children. 8 U.S.C. § 1229a(a)(3). Once immigration proceedings have been initiated, ICE cannot unilaterally cancel them as jurisdiction is vested with the immigration judge. 8 C.F.R. § 239.2. Once a Notice to Appear is filed with the court, the child’s removal proceedings have begun, and the decision to dismiss proceedings rests only with the immigration court.

In addition to laying out the process by which the government determines whether to remove an individual, the INA also enshrines certain forms of humanitarian protection. First, the INA provides that “[a]ny alien who is physically present in the United States or who arrives in the United States (whether or not at a designated port of arrival . . .), irrespective of such alien’s status,” may apply for asylum. 8 U.S.C. § 1158(a)(1). To qualify for asylum, a noncitizen must show a “well-founded fear of persecution” on account of a protected ground, such as race, nationality, political opinion, or religion. 8 U.S.C. § 1101(a)(42)(A).

Second, Congress has barred the removal of an individual to a country where it is more likely than not that he would face persecution on one of these protected grounds. 8 U.S.C. § 1231(b)(3). That protection implements this country’s obligations under the 1951 Refugee Convention and the 1967 Protocol relating to the Status of Refugees. The relevant form of relief, known as “withholding of removal,” requires the applicant to satisfy a higher standard with respect to the likelihood of harm than asylum; granting that relief is mandatory if the standard is met absent limited exceptions.

Third, the Convention Against Torture (“CAT”) prohibits the government from returning a noncitizen to a country where it is more likely than not that he would face torture. *See* 8 U.S.C. § 1231 note. That protection implements the Foreign Affairs Reform and Restructuring Act of 1998 (“FARRA”), Pub. L. No. 105-277, div. G, Title XXII, § 2242. As with withholding of removal, CAT relief also requires the applicant to satisfy a higher standard with respect to the likelihood of harm than asylum and relief is mandatory if that standard is met. There is no exception to CAT relief.

PLAINTIFFS

Plaintiff Children are Guatemalan unaccompanied minors who face imminent risk of summary removal to Guatemala without proceedings before an immigration judge. The children range in age from 7 to 17. They are in custody at facilities operated by ORR the United States. *See* Ex. A-I. The majority of Plaintiff Children are in the middle of the § 1229a removal proceedings mandated by the TVPRA. Many have hearings scheduled in the next few weeks. *See, e.g.,* Ex. I, Declaration of A.R.M.D ¶4 (next hearing scheduled for October 1, 2025) (“A.R.M.D. Decl.”); Ex. D., Declaration of H.L.E.C. ¶3 (“H.L.E.C. Decl.”); Ex. C, Declaration of M.O.C.G. ¶7 (“M.O.C.G. Decl.”); Ex. E, Declaration of T.A.C.P. ¶4 (“T.A.C.P. Decl.”) (next

hearing scheduled for November 26, 2025); Ex. H, Declaration of G.A.B.B. ¶5 (“G.A.B.B. Decl.”). Several are also pursuing asylum through the non-adversarial procedure that the TVRPA uniquely affords them by filing affirmative asylum applications with the United States Citizenship and Immigration Service (“USCIS”). Plaintiff L.P.M.M., for example, is a sixteen year-old who states, “I am now just waiting for an asylum interview to be scheduled. I still have the right to continue fighting for protection.” Ex. G, Declaration of L.F.M.M. ¶3 (“L.F.M.M. Decl.”); *see also* Ex. J, Declaration of M.Y.A.T.C. ¶4 (“M.Y.A.T.C. Decl.”).

Many Plaintiff Children recently learned that the government is seeking to remove them summarily from the United States. In the face of this troubling news, they uniformly express a desire to remain in the United States and to continue seeking immigration relief. *See, e.g.*, A.R.M.D. Decl. ¶¶4, 6, Ex. I (“I want to be able to attend my court hearing and be able to present my case . . . I do not wish to return to Guatemala because Guatemala is not safe for me.”); H.L.E.C. Decl. ¶¶6, 8, Ex. D (“I came to the United States after experiencing abuse and neglect from my father and from the father of my child . . . I want to remain the United States and continue to fight my case in Immigration Court[.]”); T.A.C.P. Decl. ¶5, Ex. E (“I want the opportunity to stay here in the United States where I am safe. I want the U.S. government to respect my rights.”).

Counsel for Plaintiff Children learned at the time of filing that summary removals of Guatemalan unaccompanied minors were imminent. Defendants have not provided Plaintiff Children or their counsel notice of their plan to subject them to summary removal. In at least some cases, after reports of Defendants’ plan emerged, counsel surmised that certain unaccompanied Guatemalan minors would be subject to summary removal when their cases disappeared from the immigration court docket. *See* Fisher Decl. ¶9. Homeland Security

Investigations, a component of Defendant DHS, has conducted interviews of several Plaintiff Children in which they asked them about their family members in Guatemala. *See, e.g.*, Fisher Decl. ¶¶6, 7; A.R.M.D. Decl. ¶2, Ex. I; H.L.E.C. Decl. ¶5, Ex. D; M.O.C.G. Decl. ¶5, Ex. c; *see also* M.Y.A.D.T. Decl. ¶6, Ex. J (“A few weeks ago, in August 2025, my parents, who live in Guatemala, told me that they received a strange phone call. The person told them that the U.S. government is planning to deport me with a larger group of Guatemalan minors.”). The legal director of a nonprofit organization providing pro bono legal services to unaccompanied minors reports that HSI proceeded with the interviews even when minors asked for their attorneys to be present or declined to be interviewed. Fisher Decl. ¶6.

LEGAL STANDARD

To obtain a temporary restraining order, a plaintiff “must establish that he is likely to succeed on the merits, that he is likely to suffer irreparable harm in the absence of preliminary relief, that the balance of equities tips in his favor, and that an injunction is in the public interest.” *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008); *see Aamer v. Obama*, 742 F.3d 1023, 1038 (D.C. Cir. 2014); *Am. Foreign Serv. Ass’n v. Trump*, No. 1:25-cv-352 (CJN), 2025 WL 435415, at *1 (D.D.C. Feb. 7, 2025). The standards for issuing a temporary restraining order and a preliminary injunction are “the same.” *Doe v. McHenry*, No. 1:25-cv-286-RCL, 2025 WL 388218, at *2 (D.D.C. Feb. 4, 2025).

ARGUMENT

A. Plaintiffs Are Likely to Succeed on the Merits.

1. *Defendants’ summary removal of Plaintiffs violates the statutory protections afforded to unaccompanied minors.*

Plaintiffs are likely to succeed on the merits of their claim that Defendants’ summary removals violate the TVPRA and the INA and the due process clause. These statutes

unambiguously mandate a specific procedure for determining whether unaccompanied minors may be removed from the United and specific protections that the government has no discretion to ignore. Defendants’ summary removal of Plaintiffs while their removal proceedings are pending deprives them of the substantive and procedural protections Congress has afforded unaccompanied minors and of the general protections Congress has afforded noncitizens in removal proceedings. Further, Defendants’ deliberate targeting of Guatemalan children for removal violates the due process clause of the Fifth Amendment, as it constitutes unlawful discrimination based on national origin.

The TVPRA “guarantees certain protections for unaccompanied children—irrespective of the specific circumstances that led an unaccompanied child to arrive at the border.” *Immigrant Defs L. Center v. DHS*, No. 21-cv-395 (FMO), 2025 WL 1191572, at *12 (C.D. Cal. March 14, 2025). The TVPRA requires that any unaccompanied child sought to be removed by DHS—except for certain unaccompanied children from a contiguous country subject to exceptions not applicable here—shall (i) be placed in removal proceedings under section 8 U.S.C. § 1229a; (ii) be eligible for relief under 8 U.S.C. § 1229c [voluntary departure] at no cost to the child; **and** (iii) be provided access to counsel in accordance with subsection (c)(5). 8 U.S.C. § 1232(a)(5)(D) (emphasis added); *see also Immigrant Defs L. Center*, 2025 WL 1191572, at *12 (“§ 1232(a)(5)(D)(i) entitles ‘[a]ny unaccompanied alien child’ to placement in § [1229a] proceedings as an unaccompanied child with the full range of protections to which unaccompanied children are entitled.”).

Guatemala is not a country that is contiguous to the United States, as they share no border. As such, the mandate provided in 8 U.S.C. § 1232(a)(5)(D) and any other statutory language regarding unaccompanied minors unambiguously apply to Guatemalan unaccompanied

children like Plaintiffs and the putative class. Section 1232(a)(5)(D) contains no exceptions other than those for minors from contiguous countries. By summarily removing Plaintiffs, Defendants are violating the statutory mandate of § 12232(a)(5)(D).

The TVPRA contains numerous other provisions that enshrine the substantive and procedural rights of unaccompanied minors and demonstrate Congress' intent to provide them with special protections. *See, e.g.*, 8 U.S.C. § 1232(a)(3)(5) (directing HHS to “ensure, to the greatest extent practicable” that unaccompanied minors “has counsel to represent them in legal proceedings or matters and protect them from mistreatment, exploitation, and trafficking”); *id.* § 1232(a)(5)(6) (authorizing HHS “to appoint independent child advocates for trafficking victims and other vulnerable unaccompanied alien children”); *id.* § 1232(d)(8) (stating that “[a]pplications for asylum and other forms of relief from removal in which an unaccompanied alien child is the principal applicant shall be governed by regulations which take into account the specialized needs of unaccompanied alien children and which address both procedural and substantive aspects of handling unaccompanied alien children’s cases.”); *id.* § 1232(e) (requiring DOS, DHS, HHS, and DOJ to “provide specialized training to all Federal personnel, and upon request, state and local personnel, who have substantive contact with unaccompanied alien children.”).

The TVPRA also amended the asylum statute to provide that, even when an unaccompanied minor has been placed in removal proceedings, “[a]n asylum officer [rather than the immigration judge] shall have initial jurisdiction over any asylum application filed by an unaccompanied alien child.” 8 U.S.C. § 1158(b)(3)(C); *see also O.A. v. Trump*, 404 F. Supp. 3d 109, 121-22 (D.D.C. 2019) (noting that the TVPRA entitles unaccompanied minors to present their asylum claims “in the first instance in a non-adversarial setting.”); *J.O.P. v. DHS*, 338

F.R.D. 33, 65 (D. Md. 2020) (enjoining DHS from applying eligibility criteria that would deprive certain unaccompanied minors of initial non-adversarial review). Thus, summary removal of vulnerable unaccompanied minors in the middle of their removal proceedings is manifestly incompatible with these special protections.

Once an unaccompanied minor is placed in § 1229a proceedings, the government cannot simply choose to cancel those proceedings by removing cases from the immigration court’s docket. The INA provides that, “[u]nless otherwise specified in this chapter, a proceeding under [§ 1229a] shall be the sole and exclusive procedure for determining whether an alien may be admitted to the United States or, if the alien has been so admitted, removed from the United States.” 8 U.S.C. § 1229a(a)(3). The INA also provides all noncitizens in § 1229a proceedings the right to appeal an unfavorable decision to the Board of Immigration Appeals (“BIA”) and to petition a Court of Appeals for judicial review. *See* 8 U.S.C. §§ 1229a(c)(5); 1252(b). A removal order can only be effectuated upon the commencement of a 90-day removal period, which “begins on the latest of three dates: (1) the date the order of removal becomes ‘administratively final,’ (2) the date of the final order of any court that entered a stay of removal, or (3) the date on which the alien is released from non-immigration detention or confinement.” *Johnson v. Guzman-Chavez*, 594 U.S. 523, 528 (2021) (citing 8 U.S.C. § 1231(a)(1)(B)). Regulations provide specific mechanisms and conditions under which DHS may seek to cancel a Notice to Appear after jurisdiction has vested with the immigration court and before the issuance of a removal order. *See* 8 C.F.R. § 239.2.

The government likewise cannot simply ignore the TVPRA’s statutory mandate that it provide unaccompanied minors with the opportunity to seek voluntary departure under 8 U.S.C. § 1229c. *See, e.g., Immigrant Defs. L. Center*, 2025 WL 1191572, at *14 (“The

language of § 1232(a)(5)(D)(ii) is clear that ‘[a]ny unaccompanied alien child’ – meaning all unaccompanied children – must be eligible for voluntary departure.”) (citing A. Scalia & B. Garner, *READING LAW: THE INTERPRETATION OF LEGAL TEXTS* 140 (2012)). 8 U.S.C. § 1229c in turn authorizes the Attorney General “[to] permit an alien voluntarily to depart from the United States” subject to certain restrictions. Voluntary departure is a form of immigration that only an immigration judge can grant. The TVPRA contains numerous provisions that ensure that unaccompanied minors do not bear the cost of their voluntary repatriation, 8 U.S.C. § 1232(a)(5)(D)(ii), and that the government ensure their safety and sustainable repatriation. *Id.* §§ 1232(a)(1), (5); *see also Perez-Funez v. District Director*, 619 F. Supp. 656 (C.D. Cal. 1985) (granting unaccompanied minors special protection before they can accept voluntary departure); 8 C.F.R. §§ 236.3(g)-(h), 1236.3(g)-(h) (providing procedural rights for voluntary departure). Although Plaintiffs seek to remain in the United States, Defendants’ summary removals nonetheless deprive them of their statutory right to request voluntary departure under special conditions.

Defendants’ summary removals of unaccompanied minors while their § 1229a proceedings are pending are an obvious violation of the TVPRA and the INA. “[T]he President and federal agencies may not ignore statutory mandates or prohibitions merely because of policy disagreement with Congress.” *In re Aiken Cnty.*, 725 F.3d 255, 261 (D.C. Cir. 2013). Plaintiffs are likely to succeed on the merits.

2. *Plaintiffs are likely to succeed on their Equal Protection claim because they face discrimination on the basis of national origin.*

Plaintiffs are likely to succeed on the merits of their claim that Defendants’ actions constitute discrimination on the basis of national origin, in violation of the equal protection

guarantee of the Due Process clause of the Fifth Amendment.

All Plaintiffs and putative class members are Guatemalan nationals. Defendants seek to expeditiously remove children of Guatemalan nationality in ORR custody. This constitutes unconstitutional discrimination on the basis of national origin.

The Supreme Court has consistently applied a strict scrutiny standard to government actions that discriminate on the basis of national origin. *See, e.g., Yick Wo v. Hopkins*, 118 US 356, 374 (1886); *Clark v. Jeter*, 486 U.S. 456, 461 (1988); *City of Cleburne v. Cleburne Living Center*, 473 US 432, 440 (1985); *United States Railroad Retirement Board v. Fritz*, 449 US 166, 174 (1980); *Pena-Rodriguez v. Colorado*, 137 S Ct 855, 883 (2017) (Alito dissenting).

Here, Plaintiffs are likely to succeed on the merits because Defendants are targeting them based on national origin. Defendants' actions are not narrowly tailored, and there is no compelling government interest to justify such targeting on the basis of national origin. Thus, Defendants' actions violate the equal protection guarantee of the Fifth Amendment.

3. *Plaintiffs are likely to succeed on the merits because Defendants' actions violate Due Process.*

Plaintiffs are likely to succeed on their claim that their summary removal while their removal proceedings are pending violates the Due Process Clause of the Fifth Amendment. “It is well established that the Fifth Amendment entitles aliens to due process of law’ in the context of removal proceedings.” *Trump v. J.G.G.*, 145 S. Ct. 1003, 1006 (2025) (quoting *Reno v. Flores*, 507 U.S. 292, 306 (1993)). As children, Plaintiffs are entitled to special due process protections. The Supreme Court has noted that, “[v]iewed together, our cases show that although children generally are protected by the same constitutional guarantees as are adults, the State is entitled to adjust its legal system to account for children’s vulnerability and their needs for concern, sympathy, and paternal attention.” *Bellotti v. Baird*, 443 U.S. 622, 635 (1979)

(quotation marks, alterations, and citation omitted). “The three basic elements of a procedural due process claim are (1) a deprivation, (2) of life, liberty, or property, (3) without due process of law.” *Morris v. Carter Global Lee, Inc.*, 997 F. Supp. 2d 27, 35-36 (D.D.C. 2013).

Plaintiffs have a liberty interest in avoiding summary removal. *See, e.g., J.G.G.*, 145 S. Ct. at 1006 (“The detainees’ rights against summary removal . . . are not currently in dispute.”). The TVPRA and the INA further substantiate their protected interest. A statute creates a protected interest where it includes “rules or understandings that secure certain benefits and that support claims of entitlements to those benefits.” *The Board of Regents of State Colleges v. Roth*, 408 U.S. 464, 577 (1972); *see also Abrego Garcia v. Noem*, 777 F. Supp. 3d 501 (D. Md. 2025) (finding that INA’s withholding of removal provision created a protected interest “in avoiding forcible removal to El Salvador” by limiting DHS’s discretion to remove noncitizen absent process), *aff’d in relevant part sub. Nom*, 145 S. Ct. 1017 (2025). The TVPRA mandates several special procedural protections for unaccompanied minors that demonstrate their protected interest in avoiding summary removal: placement in § 1229a removal proceedings (*i.e.*, an exception from expedited removal proceedings), 8 U.S.C. § 1232(a)(5)(D)(i); eligibility for voluntary departure at no cost to the child, *id.* § 1232(a)(5)(D)(ii); enhanced access to counsel, *id.* §§ 1232(a)(5)(D)(iii), (c)(5); and special non-adversarial consideration of their asylum applications. 8 U.S.C. § 1158(b)(3)(C). Each of rules mandatorily structure removal proceedings in such a way as to protect and benefit unaccompanied minors in light of their unique vulnerabilities.

Defendants are depriving Plaintiffs of their interest in avoiding summary removal. As described *supra*, Defendants are unlawfully ignoring the mandatory procedures and protections that amount to Plaintiff’s protected interest. Moreover, Defendants have offered Plaintiffs *no*

procedure whatsoever by which to challenge their summary removal. *See, e.g.*, Flores Decl. ¶10. Nor have Defendants provided them adequate notice that they will be imminently subject to summary removal, choosing instead in certain cases to simply remove their cases from the immigration court docket without observance of any procedure. *See id.*; *see also, e.g., Abrego Garcia*, 777 F. Supp. 3d at 517 (“Defendants deprived Abrego Garcia of this right without *any procedural protections* due to him. Indeed, nothing in the record suggests that Abrego Garcia received any process at all.”); *cf. A.A.R.P. v. Trump*, 145 S. Ct. 1364, 1367-68 (2025) (“Due process requires notice that is ‘reasonably calculated, under all the circumstances, to apprise interested parties’ and that ‘afford[s] a reasonable time ... to make [an] appearance.’”) (quoting *Mullane v. Cent. Hanover Bank & Trust Co.*, 339 U.S. 306, 314 (1950)). Plaintiffs therefore show a likelihood of success on the merits of their claim that their imminent summary removals violate the Due Process Clause of the Fifth Amendment.

B. Plaintiffs will suffer irreparable harm if removed

The threat of removal without the opportunity to apply for humanitarian protection or other immigration relief for which Plaintiffs are eligible further heightens the irreparable injury. *Huisha-Huisha v. Mayorkas*, 560 F. Supp. 3d 146, 172 (D.D.C. 2021) (finding irreparable harm where plaintiffs “face the threat of removal prior to receiving any of the protections the immigration laws provide”), *aff’d in part, rev’d in part on other grounds*, 24 F.4th 718 (D.C. Cir. 2022); *P.J.E.S. ex rel. Escobar Francisco v. Wolf*, 502 F. Supp. 3d 492, 517 (D.D.C. 2020) (irreparable injury exists where class members were “threatened with deportation prior to receiving any of the protections the immigration laws provide”); *Orantes-Hernandez v. Meese*, 685 F. Supp. 1488, 1504–05 (C.D. Cal. 1988) (plaintiffs would suffer irreparable harm if they were summarily removed without being afforded opportunity to exercise their right to apply for

asylum).

Here, Plaintiff children have demonstrated clear and irreparable harms if removed to Guatemala. Several plaintiffs lack guardians who can provide safety and care. Many fear return and wish to continue pursuing their asylum claims before the immigration courts. Facing risks of persecution and torture. Further, Defendants have failed to comply with legal obligations to ensure safe repatriation to Guatemala. As a result, Plaintiffs are at risk of not receiving care and access to basic needs such as shelter, food, and education that Defendants are legally required to provide either in ORR custody or through safe repatriation *after* unaccompanied children have completed their removals proceedings or chosen to voluntarily depart with legally mandated safeguards. Once they are removed to Guatemala, harms will be irreparable.

For these reasons, Plaintiffs satisfy their burden to show that they are at imminent risk of irreparable harm unless the Court grants temporary emergency relief.

C. The Balance of Equities and Public Interest Weigh Decidedly in Favor of a Temporary Restraining Order.

The balance of equities and the public interest factors merge in cases against the government. *See Pursuing Am. 's Greatness v. FEC*, 831 F.3d 500, 511 (D.C. Cir. 2016) (citations omitted). Where, as here, the challenged governmental conduct deprives Plaintiffs of their rights and is contrary to the rule of law, both factors weigh in Plaintiffs' favor. The public—and therefore the government—has an interest in protecting people in government custody, particularly children. *See Nken v. Holder*, 556 U.S. 418, 436 (2009) (describing the “public interest in preventing aliens from being wrongfully removed, particularly to countries where they are likely to face substantial harm”); *Simms v. District of Columbia*, 872 F. Supp. 2d 90, 105 (D.D.C. 2012) (“It is always in the public interest to prevent the violation of a party’s constitutional rights.” (quotation marks and citations omitted)); *Torres v. U.S. Dep’t of*

Homeland Sec., 2020 WL 3124216, at *9 (C.D. Cal. Apr. 11, 2020) (“[T]he public has an interest in the orderly administration of justice[.]”). In this case, the public has a particular interests in ensuring children are not unlawfully removed to unsafe conditions.

D. The Court Should Not Require Plaintiffs to Provide Security Prior to the Temporary Restraining Order.

Federal Rule of Civil Procedure 65(c) provides that “[t]he court may issue a preliminary injunction or a temporary restraining order only if the movant gives security in an amount that the court considers proper to pay the costs and damage sustained by any party found to have been wrongfully enjoined or restrained.” However, “courts in this Circuit have found the Rule ‘vests broad discretion in the district court to determine the appropriate amount of an injunction bond,’ including the discretion to require no bond at all.” *Simms v. District of Columbia*, 872 F. Supp. 2d 90, 107 (D.D.C. 2012) (internal quotation marks, citation, and alterations omitted). District courts exercise this discretion to require no security in cases brought by indigent and/or incarcerated people, and in the vindication of immigrants’ rights. *See, e.g., P.J.E.S. by & through Escobar Francisco v. Wolf*, 502 F. Supp. 3d 492, 520 (D.D.C. 2020). This Court should do so here as well. Alternatively, the Court should order Plaintiffs to post security in the amount of \$1.00.

CONCLUSION

The Court should grant Plaintiffs’ motion for a temporary restraining order for them and putative class members.

Dated: August 31, 2025

Respectfully submitted,

/s/ Hilda Bonilla

Hilda Bonilla (D.C. Bar No. 90023968)

Efren Olivares*
Lynn Damiano Pearson*
Kevin Siegel*
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siegel@nilc.org

Counsel for Plaintiffs

**Pro Hac Vice application forthcoming*

CERTIFICATE OF SERVICE

I, Hilda Bonilla, certify that a true and correct copy of this Request for Emergency Temporary Restraining Orders was filed via the Court's CM/ECF filing system and will be served on all Defendants in accordance with the Federal Rules of Civil Procedure.

/s/ Hilda Bonilla

Hilda Bonilla
Attorney for Plaintiffs

Dated: August 31, 2025

Respectfully submitted,

/s/ Hilda Bonilla

Hilda Bonilla (D.C. Bar No. 90023968)

Efren Olivares*

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siegel@nilc.org

Counsel for Plaintiffs

**Pro hac vice application forthcoming*

EXHIBITS

Motion in Support of Emergency TRO

- A. Declaration of L.G.M.L.
- B. Declaration of L.M.R.S.
- C. Declaration of M.O.C.G.
- D. Declaration of H.L.E.C.
- E. Declaration of T.A.C.P.
- F. Declaration of M.F.A.P.V.
- G. Declaration of L.F.M.M.
- H. Declaration of G.A.B.B.
- I. Declaration of A.R.M.D.
- J. Declaration of M.Y.T.A.C.
- K. Declaration of Lauren Fisher Flores
- L. Declaration of Child Advocate on Behalf of H.M.O.C.

DECLARATION OF L [REDACTED] G [REDACTED] M [REDACTED] L [REDACTED]

I, L [REDACTED] G [REDACTED] M [REDACTED] L [REDACTED], declare under penalty of perjury as follows:

1. My name is L [REDACTED] G [REDACTED] M [REDACTED] L [REDACTED]. I am 10 years old and I am from Guatemala.
2. I am currently detained at the Urban Strategies San Benito children's shelter in San Benito, Texas.
3. I am in removal proceedings before the Immigration Court. My case has not been decided yet, and I still have the right to continue fighting for protection.
4. I recently learned that I may be at risk of being removed from the United States before my case is fully heard. I am very afraid that I could be deported even though I am still waiting for the Court to decide my case.
5. I do not have any family in Guatemala that can take good care of me. My father does not take good care of me. My mother is dead.
6. I came to the United States after experiencing abuse, neglect and family violence. If I am sent back, I will not be able to live safely. I won't have anyone to protect me.
7. I understand that there is a prospect of release to a safe sponsor here in the United States, and I want to be somewhere safe with family who can provide me with safety and give me a safe home.
8. I want to remain in the United States and continue to fight my case in Immigration Court and have a fair opportunity to be heard.
9. I respectfully ask the Court to allow me to remain in the United States while my case is pending and to protect me from being removed before I have had a full day in court.

Executed on August 30, 2025, in San Benito, Texas.

The above statement was read to me in the Spanish language by Lauren Fisher Flores, who is competent in English and Spanish to render such translation. I understand the content of the document and the statements herein are true and correct to the best of my knowledge.

[REDACTED]

Signature

8/30/2025

Date

CERTIFICATE OF TRANSLATOR'S COMPETENCE

I, Lauren Fisher Flores, hereby certify that I am competent in written and oral Spanish and English, and that I have rendered an oral translation of the foregoing declaration from English to Spanish to the best my ability and skill to L [REDACTED] G [REDACTED] M [REDACTED] I [REDACTED]



Lauren Fisher Flores

8/30/2025

Date

DECLARATION OF L [REDACTED] M [REDACTED] S [REDACTED]

I, L [REDACTED] M [REDACTED] R [REDACTED] S [REDACTED], declare under penalty of perjury as follows:

1. My name is L [REDACTED] M [REDACTED] R [REDACTED] S [REDACTED]. I am sixteen years old and originally from Guatemala.
2. I am currently detained at Kidspeace in Bethlehem, Pennsylvania, together with my ten-month old daughter, E [REDACTED] Y [REDACTED] R [REDACTED] R [REDACTED]. E [REDACTED] and I came to the United States together earlier this year.
3. E [REDACTED] and I are in removal proceedings before the Immigration Court. Our cases have not been decided yet, and we still have the right to continue fighting for protection.
4. I recently learned that we may be at risk of being removed from the United States before our cases are fully heard. I am very afraid that we could be deported even though we are still waiting for the Court to decide our cases.
5. I have been asked to participate in interviews with government officials, including Homeland Security Investigation officers and the Guatemalan consulate, about our cases and identities. I have not been given any guarantee of safety or protection.
6. We came to the United States after experiencing neglect from my parents and after E [REDACTED] was abandoned by her father. If we are sent back, we will not be able to live safely.
7. I understand that there is a prospect of our release to a safe sponsor here in the United States, and I am hopeful that I may be placed with a trusted caregiver who can provide us with safety and stability.
8. I want us to remain in the United States and continue to fight our cases in Immigration Court and have a fair opportunity to be heard.
9. I respectfully ask the Court to allow us to remain in the United States while our cases are pending and to protect us from being removed before we have had a full day in court.

Executed on August 30, 2025, in Bethlehem, Pennsylvania.

L [REDACTED] R [REDACTED]

The above statement was read to me in the Spanish language by Mary McClenahan McCabe, who is competent in English and Spanish to render such translation. I understand the content of the document and the statements herein are true and correct to the best of my knowledge.

[Redacted Signature]

8/30/25

8/30/2025

CERTIFICATE OF TRANSLATOR'S COMPETENCE

I, Mary McClenahan McCabe, hereby certify that I am competent in written and oral Spanish and English, and that I have rendered an oral translation of the foregoing declaration from English to Spanish to the best my ability and skill to [Redacted] M [Redacted] R [Redacted]

[Redacted Signature]

08/30/2025

Mary McClenahan McCabe

DECLARATION OF M [REDACTED] O [REDACTED] C [REDACTED] G [REDACTED]

I, M [REDACTED] O [REDACTED] C [REDACTED] G [REDACTED], declare under penalty of perjury as follows:

1. My name is M [REDACTED] O [REDACTED] C [REDACTED] G [REDACTED]. I am sixteen years old and am originally from Guatemala.
2. I am currently detained at Crittenton Long Term Foster Care in Fullerton, California.
3. I am in removal proceedings before the Immigration Court. In April 2025, my proceedings were administratively closed, but my case has not been decided yet, and I still have the right to continue fighting for protection.
4. I recently learned that I may be at risk of being removed from the United States before my case is fully heard. I am very afraid that I could be deported even though I am still waiting for the Court to decide my case.
5. I have participated in interviews with government officials, including Homeland Security Investigation officers, about my case and identity. My family in Guatemala has participated in interviews with the Guatemalan government. Even though I have cooperated, I have not been given any guarantee of safety or protection.
6. I fear returning to Guatemala because of the threats against my life I experienced there, and because of the abuse and neglect I experienced growing up. If I am sent back, I believe I will be in danger.
7. I want to remain in the United States and continue to fight my case in Immigration Court. I want the chance to present my claim for asylum, withholding of removal, and protection under the Convention Against Torture, and to have a fair opportunity to be heard.
8. I respectfully ask the Court to allow me to remain in the United States while my case is pending and to protect me from being removed before I have had my full day in court.

Executed on August 29, 2025, in Los Angeles, California.

/s/M [REDACTED] O [REDACTED] C [REDACTED] G [REDACTED]

The above statement was read to me in the Spanish language by Juliana Durning, who is competent in English and Spanish to render such translation. I understand the content of the document and the statements herein are true and correct to the best of my knowledge.

/s/M [REDACTED] O [REDACTED] C [REDACTED] G [REDACTED]
Date

08/29/2025

CERTIFICATE OF TRANSLATOR'S COMPETENCE

I, Juliana Durning, hereby certify that I am competent in written and oral Spanish and English, and that I have rendered an oral translation of the foregoing declaration from English to Spanish to the best my ability and skill to M [REDACTED] O [REDACTED] C [REDACTED] G [REDACTED]


Juliana Durning

08/29/2025
Date

DECLARATION OF H [REDACTED] L [REDACTED] E [REDACTED] C [REDACTED]

I, H [REDACTED] L [REDACTED] E [REDACTED] C [REDACTED], declare under penalty of perjury as follows:

1. My name is H [REDACTED] L [REDACTED] E [REDACTED] C [REDACTED]. I am sixteen years old and originally from Guatemala.
2. I am currently detained at New Life Foster Family Agency Long Term Foster Care in Riverside, California.
3. I am in removal proceedings before the Immigration Court. My case has not been decided yet, and I still have the right to continue fighting for protection.
4. I recently learned that I may be at risk of being removed from the United States before my case is fully heard. I am very afraid that I could be deported even though I am still waiting for the Court to decide my case.
5. I have been asked to participate in interviews with government officials, including Homeland Security Investigation officers and the Guatemalan consulate, about my case and identity. My family in Guatemala has participated in interviews with the Guatemalan government. Even though I have cooperated, I have not been given any guarantee of safety or protection.
6. I came to the United States after experiencing abuse and neglect from my father and abuse from the father of my child. If I am sent back, I will not be able to live safely.
7. I understand that there is a prospect of release to a safe sponsor here in the United States, and I am hopeful that I may be placed with a trusted caregiver who can provide me with safety and stability.
8. I want to remain in the United States and continue to fight my case in Immigration Court and have a fair opportunity to be heard.
9. I respectfully ask the Court to allow me to remain in the United States while my case is pending and to protect me from being removed before I have had a full day in court.

Executed on August 29, 2025, in Los Angeles, California.

/s/H [REDACTED] L [REDACTED] E [REDACTED] C [REDACTED]

The above statement was read to me in the Spanish language by Juliana Durning, who is competent in English and Spanish to render such translation. I understand the content of the document and the statements herein are true and correct to the best of my knowledge.

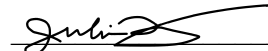
/s/H [REDACTED] L [REDACTED] E [REDACTED] C [REDACTED]

08/29/2025

Date

CERTIFICATE OF TRANSLATOR'S COMPETENCE

I, Juliana Durning, hereby certify that I am competent in written and oral Spanish and English, and that I have rendered an oral translation of the foregoing declaration from English to Spanish to the best my ability and skill to H [REDACTED] L [REDACTED] E [REDACTED] C [REDACTED].



Juliana Durning

08/29/2025

Date

DECLARATION OF T [REDACTED] A [REDACTED] C [REDACTED] P [REDACTED]

I, T [REDACTED] A [REDACTED] C [REDACTED] P [REDACTED] declare as follows:

1. I am now in the care of the shelter Trinity Youth Services in El Monte, California. I have been here since June 2025.
2. I was waiting to live in the state of Virginia with my sponsor, a friend of my father. My caseworker told me that everything was ready, and we were just waiting for a final decision.
3. Today I was told that the person in charge of making the decision needed more information, so I still can't go. I don't know what information is missing.
4. I am currently in proceedings in immigration court. I had my first hearing on August 27, 2025. My next hearing will be November 26, 2025. I want to continue with my process in immigration court and present my case before an immigration judge.
5. I am afraid of returning to Guatemala. I want the opportunity to stay here in the United States where I am safe. I want the U.S. government to respect my rights.

DECLARATION OF T■■■■ A■■■■ C■■■■ P■■■■

Yo, T■■■■ A■■■■ C■■■■ P■■■■ declaro lo siguiente:

1. Ahora estoy en el cuidado del albergue Trinity Youth Services en El Monte, California. Estoy aquí desde junio del 2025.
2. Estaba esperando vivir en el estado de Virginia con mi patrocinador, un amigo de mi papá. Mi trabajadora me decía que todo estaba listo, y solo esperábamos una decisión final.
3. Hoy me dijeron la persona a cargo de hacer la decisión necesitaba más información, entonces todavía no puedo ir. No sé qué información falta.
4. Ahora estoy en un proceso en la corte de inmigración. Tuve mi primera audiencia el 27 de agosto de 2025. Mi próxima audiencia será el 26 de noviembre de 2025. Quiero seguir con mi proceso en la corte de inmigración y presentar mi caso antes un juez de inmigración.
5. Tengo miedo de regresar a Guatemala. Quiero la oportunidad de quedarme aquí en Estados Unidos donde estoy seguro. Quiero que el gobierno estadounidense respete mis derechos.

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

Date: 08/29/2025

T [REDACTED] A [REDACTED] C [REDACTED] P [REDACTED]

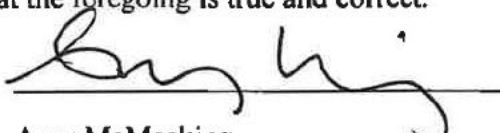
CERTIFICATION OF ORAL TRANSLATION

I, Amy McMeeking, declare and say as follows:

I certify that I am competent to render oral translation in both the English and Spanish languages, that I simultaneously translated the applicant's oral declaration in Spanish onto paper and into English, to the best of my knowledge and ability, and I reviewed the declaration with T [REDACTED] A [REDACTED] C [REDACTED] P [REDACTED] who confirmed that he understood and verified the contents thereof prior to signing.

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

Date: 08/29/2025


Amy McMeeking

Yo declaro bajo pena de perjurio que lo anterior es verdadero y correcto.

Fecha: 08/29/2025

[REDACTED]

T [REDACTED] A [REDACTED] C [REDACTED] F [REDACTED]

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

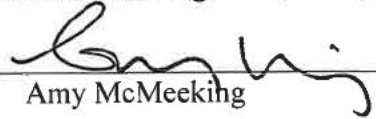
Date: 08/29/2025

T [REDACTED] A [REDACTED] C [REDACTED] P [REDACTED]

CERTIFICATE OF TRANSLATION

I, Amy McMeeking, declare under penalty of perjury that I am competent in both the Spanish and English languages. I have accurately and completely translated the relevant information in the attached document from Spanish into English.

Executed on August 29, 2025, in Los Angeles, California.



Amy McMeeking

**DECLARATION OF M [REDACTED] F [REDACTED]
A [REDACTED] P [REDACTED] VI [REDACTED]**

I, M [REDACTED] F [REDACTED] A [REDACTED] P [REDACTED] V [REDACTED], declare as follows:

1. I am now in the care of a foster care program located in Modesto, California but I live with a foster family in Fresno, California. I have been here since June 2025.
2. I am currently in proceedings in immigration court. I had my first hearing on July 31, 2025. My next hearing will be October 9, 2025. I want to continue with my process in immigration court and present my case before an immigration judge.
3. I am afraid of returning to Guatemala. I am preparing an asylum application with my legal team. I want the opportunity to stay here in the United States where I am safe. I want the U.S. government to respect my rights.

**DECLARACION OF M [REDACTED] F [REDACTED]
A [REDACTED] P [REDACTED] V [REDACTED]**

Yo, M [REDACTED] F [REDACTED] A [REDACTED] P [REDACTED] V [REDACTED] declaro lo siguiente:

1. Ahora estoy en el cuidado de un programa de foster ubicada en Modesto, California, pero vivo con una familia foster en Fresno, California. Estoy aqui desde junio del 2025.
2. Ahora estoy en un proceso en la corte de inmigración. Tuve mi primera audiencia el 31 de julio de 2025. Mi próxima audiencia será el 9 de octubre de 2025. Quiero seguir con mi proceso en la corte de inmigración y presentar mi caso antes un juez de inmigración.
3. Tengo miedo de regresar a Guatemala. Estoy preparando mi solicitud para el asilo con mi equipo legal. Quiero la oportunidad de quedarme aqui en Estados Unidos donde estoy seguro. Quiero que el gobierno estadounidense respete mis derechos.

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

Date:

[REDACTED]

M [REDACTED] F [REDACTED] A [REDACTED] P [REDACTED] V [REDACTED]

CERTIFICATION OF ORAL TRANSLATION

I, Erin Maxwell, declare and say as follows:

I certify that I am competent to render oral translation in both the English and Spanish languages, that I simultaneously translated the applicant's oral declaration in Spanish onto paper and into English, to the best of my knowledge and ability, and I reviewed the declaration with M [REDACTED] F [REDACTED] A [REDACTED] P [REDACTED] V [REDACTED], who confirmed that he understood and verified the contents thereof prior to signing.

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

Date: 08/29/25

Erin Maxwell

Yo declaro bajo pena de perjurio que lo anterior es verdadero y correcto.

Fecha: 08/29/05

M [REDACTED] F [REDACTED] A [REDACTED] P [REDACTED] V [REDACTED]

CERTIFICATE OF TRANSLATION

I, Erin Maxwell, declare under penalty of perjury that I am competent in both the Spanish and English languages. I have accurately and completely translated the relevant information in the attached document from Spanish into English.

Executed on August 29, 2025, in Los Angeles, California.

Erin Maxwell

DECLARATION OF L [REDACTED] F [REDACTED] M [REDACTED] M [REDACTED]

I, L [REDACTED] F [REDACTED] M [REDACTED] M [REDACTED], declare under penalty of perjury as follows:

1. My name is L [REDACTED] F [REDACTED] M [REDACTED] M [REDACTED]. I am 16 years old and originally from Guatemala.
2. I am currently detained in immigration custody in California.
3. My case has not been decided yet. I still have the right to continue fighting for protection. I have already filed my asylum application in June 2025 and have completed my biometrics. I am now just waiting for an asylum interview to be scheduled. I still have the right to continue fighting for protection.
4. I recently learned that I may be at risk of being removed from the United States before my case is fully heard. I am very afraid that I could be deported even though I am still waiting for the USCIS to decide my case.
5. I have participated in interviews with government officials, including HSI officers and my country's consulate, about my case and identity. Even though I have cooperated, I have not been given any guarantee of safety or protection.
6. I fear returning to Guatemala and being harmed. If I am sent back, I believe I will be in danger. I was already assaulted once with a knife.
7. I know I might be released to a safe sponsor here in the United States. I hope I can live with someone I trust who will keep me safe and give me stability.
8. I want to remain in the United States and continue to fight my case. I want the chance to present my claim for asylum and Special Immigrant Juvenile Status and to have a fair opportunity to be heard.
9. I respectfully ask the Court to allow me to remain in the United States while my case is pending and to protect me from being removed before I have had my full day in court.

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Executed on 8, 29, 2025, at Los Angeles.



CERTIFICATE OF TRANSLATION

I, Cristel Martinez, declare and say as follows:

I certify that I am competent to render such translation from Spanish into English. I certify that I have translated the oral declaration of L ■ F ■ M ■ M ■ from Spanish to English to the best of my knowledge and ability. I have reviewed the declaration in Spanish with L ■ F ■ M ■ M ■, who confirmed that he understood and verified the contents thereof prior to signing.



Signature of Translator

Cristel Martinez

Typed/Printed Name of Translator

August 29, 2025

Date

(213) 246-2197

Telephone Number of Translator


Address of Translator:

13200 Crossroads Pkwy. N. Suite 115


City of Industry, CA 91746

MINOR CHILD CONSENT TO BE PLAINTIFF

CONSENT TO BE NAMED AS PLAINTIFF

I,  _____,

Child's Full Name

Date of Birth:  2008

Country of Citizenship: Guatemala

I understand that there is a legal case being filed in the United States to protect my rights.

I agree to be named as a plaintiff in this case.

I understand that:

1. This case is being filed to protect me and my rights under U.S. law.

2. I am giving my consent freely and no one is forcing me.

I declare under penalty of perjury under the laws of the United States that the information I give here is true and correct.

Child's Signature:  _____

Date: 8, 29, 2025

CERTIFICATE OF TRANSLATION

I, Cristel Martinez, declare and say as follows:

I certify that I am competent to render such translation from Spanish into English. I certify that I have translated the minor child's consent of L [REDACTED] F [REDACTED] M [REDACTED] M [REDACTED] from Spanish to English to the best of my knowledge and ability. I have reviewed the minor child's consent in Spanish with L [REDACTED] F [REDACTED] M [REDACTED] M [REDACTED], who confirmed that he understood and verified the contents thereof prior to signing.



Signature of Translator

Cristel Martinez

Typed/Printed Name of Translator

August 29, 2025

Date

(213) 246-2197

Telephone Number of Translator

Address of Translator:

13200 Crossroads Pkwy. N. Suite 115

City of Industry, CA 91746

Declaration of G [REDACTED] A [REDACTED] B [REDACTED] B [REDACTED]

I swear under penalty of perjury that the following information is true and correct to the best of my knowledge and understanding.

1. My name is G [REDACTED] A [REDACTED] B [REDACTED] B [REDACTED]. My immigrant number is A [REDACTED]
2. I'm from Tejutla, Guatemala. My birthdate is [REDACTED] 2007.
3. I currently reside at the Caminos West – Everstand shelter in Pennsylvania in the custody of the Office of Refugee Resettlement.
4. I left Guatemala in November 2024 for the United States. When I crossed the border, they sent me to a shelter for youth because I was 17 years old and I was alone.
5. I have attended one immigration hearing. I have another scheduled for October 8, 2025.
6. My parents were not able to care for me in Guatemala. I am going to pursue Special Immigrant Juvenile Status in the United States.
7. I have learned that the government intends to remove me to Guatemala in the coming days without letting me finish my process. I don't want to return to Guatemala. I want to continue with my legal process in the United States.

Juro bajo pena de perjurio que la siguiente información es verdadera y correcta a mi leal saber y entender.


1. Mi nombre es G [REDACTED] A [REDACTED] B [REDACTED] B [REDACTED]. Mi numero de inmigrante es A [REDACTED]
2. Soy de Tejutla, Guatemala. Mi fecha de nacimiento es el [REDACTED] de 2007.
3. Resido actualmente en el albergue Caminos West – Everstand en Pennsylvania bajo la custodia de la oficina de reubicación de refugiados.
4. Sali de Guatemala en noviembre de 2024 para los Estados Unidos. Cuando cruce la frontera, me mandaron a un albergue para jóvenes porque tenía 17 años y estaba solo.
5. Yo he asistido una corte de inmigración. Tengo otra programada para el 8 de octubre 2025.
6. Mis papas no me podrían cuidar en Guatemala bien. Voy a buscar estatus de juvenil inmigrante especial en los estados unidos.
7. He aprendido que el gobierno tiene intención de regresarme a Guatemala en estos días sin dejarme terminar mi proceso. No quiero volver a Guatemala. Quiero seguir con mi proceso legal en los Estados Unidos.

G [REDACTED]
G [REDACTED] A [REDACTED] B [REDACTED] B [REDACTED]

August 30, 2025

Certificate of Translation

I, Laura Stump Kennedy, hereby swear and affirm that I am competent in both the Spanish and English languages and that I translated the foregoing declaration from English to Spanish to the best of my abilities.



Laura Stump Kennedy
(717) 802-4725
CWS Lancaster
308 E King St
Lancaster, PA 17602

August 30, 2025

DECLARATION OF A [REDACTED] R [REDACTED] M [REDACTED] D [REDACTED]

1. My name is A [REDACTED] R [REDACTED] M [REDACTED] D [REDACTED]. I am seventeen years old. I was born on October 12, 2007. I am from Guatemala. I arrived in the United States as an unaccompanied minor on December 23, 2024. I am currently in the custody of the Office of Refugee Resettlement and living at CC Harlingen in Harlingen, Texas.
2. On August 25, 2025, at 9:30 am, I received a visit from three agents with Homeland Security Investigations/Immigration and Customs Enforcement. The agents asked me about my mother and brother, including their full names, dates of birth, phone numbers, and addresses. I forgot my mother and my brother's date of birth. I gave them my mother's phone number, but not her address, because I didn't remember it. HSI asked me about my brother's address and phone number, but I didn't remember it. They seemed doubtful of me because I didn't give them this information. They seemed upset with me because I didn't answer all of their questions. They also asked me about the cost of the trip to the U.S. I didn't know how much it cost. They started speaking in English and I couldn't understand them.
3. I was scared that they would deport me if I didn't answer their questions. I felt pressured to answer their questions and I was scared that it could affect me if I didn't answer their questions. I did not feel I had a choice.
4. I have a court hearing scheduled for October 1, 2025, at the Harlingen Immigration Court. I want to be able to attend my court hearing and be able to present my case.
5. I do not wish to return to Guatemala. I wish to apply for status in the United States. I understand that I would not be able to do that if I returned to Guatemala.
6. I am afraid to go back to Guatemala because of the violence and the drug dealers in the country who threaten my safety. I do not wish to return to Guatemala because Guatemala is not safe for me.

This statement has been orally translated to me from English to Spanish, and I fully understand its contents. I declare under penalty of perjury that the foregoing is true and correct.

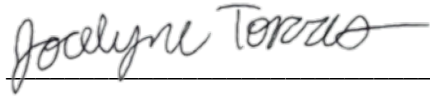
Executed in Cameron County, State of Texas, on the 29 day of August, 2025.

ARM D

A [REDACTED] R [REDACTED] M [REDACTED] D [REDACTED]

CERTIFICATE OF TRANSLATOR'S COMPETENCE

I, Jocelyne Torres, hereby certify that I am competent in written and oral Spanish and English, and that I have rendered an oral translation of the foregoing declaration from English to Spanish to the best my ability and skill to A [REDACTED] R [REDACTED] M [REDACTED] D [REDACTED]



Signature

08/29/2025

Date


Declaration of M [REDACTED] Y [REDACTED] A [REDACTED] T [REDACTED] C [REDACTED]

I, M [REDACTED] Y [REDACTED] A [REDACTED] T [REDACTED] C [REDACTED], pursuant to 28 U.S.C. s.1746 declare as follows:

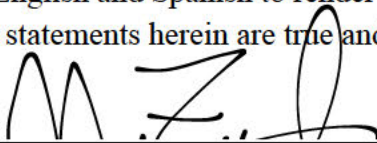
1. My name is M [REDACTED] d Y [REDACTED] A [REDACTED] T [REDACTED] l C [REDACTED]. I was born on [REDACTED] 2009, and I am 16 years old. I am originally from Guatemala.
2. I am currently detained at the JCCA Long Term Foster Care in the Bronx, New York.
3. I came to the United States in around January 2023 to seek protection and opportunities for safety and stability.
4. I am afraid to return to Guatemala. I have a pending petition for asylum, form I-589, which I filed with the support of my attorney on January 8, 2024. I am currently awaiting an Asylum Office interview.
5. I should not be subject to deportation because I am no longer in removal proceedings and do not have any removal order against me. With the support of my attorney, I was able to have my case in Immigration Court dismissed around April 17, 2024.
6. I believe the government maybe me trying to deport me back to Guatemala. A few weeks ago, in August 2025, my parents, who live in Guatemala, told me that they received a strange phone call. The person told them that the U.S. government is planning to deport me with a larger group of Guatemalan minors. Since my parents told me this news, I feel terrible.
7. I was scared to learn from my case worker and lawyer that agents from the government were trying to interview me last Friday, August 29, 2025. We were ultimately able to cancel the interview.
8. I understand there is a possibility of release to a safe sponsor here in the United States, and I am hopeful that I may be placed with a trusted caregiver who can provide me with stability.
9. I am an honors student, and I am about to start the eleventh grade. I love my life here in the United States and I am deeply afraid of being deported. Since I have received the news of potentially being deported, I feel depressed and anxious.

10. I respectfully ask the Court to protect me from deportation and allow me to remain in the United States as my removal proceedings were dismissed, and as I am seeking humanitarian relief.

Executed on August 30, 2025, in New York, New York.


M. Y. A. T. C.

The above statement was read to me in the Spanish language by Selene Nafisi, who is competent in English and Spanish to render such translation. I understand the content of the document and the statements herein are true and correct to the best of my knowledge.


M. Y. A. T. C.

Dated: 08/30/2025

CERTIFICATE OF TRANSLATOR'S COMPETENCE

I, Selene Nafisi, hereby certify that I am competent in written and oral Spanish and English, and that I have rendered an oral translation of the foregoing declaration from English to Spanish to the best of my ability and skill to M. Y. A. T. C.


Selene Nafisi

Dated: 08/30/2025

DECLARATION OF LAUREN FISHER FLORES

I, Lauren Fisher Flores, pursuant to 28 U.S.C. § 1746, declare:

1. I am the Legal Director of the South Texas Pro Bono Asylum Representation Project (ProBAR), a project of the American Bar Association. ProBAR was founded in 1989 as a pro bono project to provide access to justice and due process to detained migrants and asylum seekers in the Rio Grande Valley region of South Texas. Today, ProBAR provides pro bono legal services to immigrant adults, children, and families with a specialized focus on detained unaccompanied children in the Rio Grande Valley. ProBAR provides legal services at 22 shelters for unaccompanied children in the Rio Grande Valley and Corpus Christi regions.
2. I have spent my career dedicated to the welfare of immigrant children. I have been in this field for the past 16 years and a practicing immigration attorney for the past 10 years. My work has focused on indigent children and families at the intersection of immigration law and child welfare. I am deeply familiar with the practices and processes of immigrant children detained in federal government custody.
3. I make this declaration based on personal knowledge and information made known to me in the course of my professional experience.
4. I am deeply concerned about the legal protections and safety of ProBAR's Guatemalan clients and prospective clients who have been designated as unaccompanied children and are in the custody of the Office of Refugee and Resettlement (ORR). To date, ProBAR has 14 Guatemalan clients in ORR custody in its region and approximately 94 prospective Guatemalan clients that ProBAR has not had the ability to retain yet. Of these 108 Guatemalan children, ProBAR has screened 95 for relief from removal.
5. Over the past weeks, enforcement and country inquiries have increased for Guatemalan children in ORR custody.
6. In the past week, Immigration and Customs Enforcement Homeland Security Investigations (HSI) visited 12 of the shelters we serve and interviewed children, many Guatemalan children. Some of the interviews included detailed questions about the situation in their home country. HSI did not provide any notice to ProBAR attorneys that their clients would be interviewed. In the cases where ProBAR staff learned about the interviews through the programs, they were often informed just before or as HSI officers arrived. Even when ProBAR's clients asked for their attorney to be present or declined to be interviewed, HSI officers interviewed them anyway. Today ProBAR received 30 minutes' notice from a third party that a Guatemalan child in one of ProBAR's facilities would be interviewed by HSI.
7. Over the past month, Guatemalan consulate officials have increased their visitation of Guatemalan children in ORR custody. As one example, a consulate official visited a client two times in the last week. The client has expressed her fear of returning to her home country.
8. For seven of ProBAR's clients, it appears that EOIR has removed their case from the dockets as the automated system now lists their court hearings as "no future hearing."

9. On the evening of Friday, August 29, I became aware that 16 of the shelters we serve in South Texas are preparing to repatriate Guatemalan children in their custody—a total of 69 children. The shelter facilities are the following: Upbring Bokenkamp, Compass Connections Harlingen, Compass Connections Cameron, Compass Connections Driscoll, Compass Connections Henderson, Chicanos Por La Causa Magnolia House, Grace House Children's Shelter, Hands of Healing Casa Sunshine, Hands of Healing Casa Harlingen, Upbring New Hope, Sunny Glen Children's Home New Life Resiliency Center, Upbring LSSS- Corpus Christi Long Term Foster Care, Urban Strategies Refugio Alamo, Urban Strategies San Benito, and Vision Quest Jake Devonshire Center.
10. Based on my 10 years as an immigration attorney for children, I am concerned that these signs are all indicators of the imminent removal or repatriation of ProBAR's Guatemalan clients and prospective clients in ORR custody.

/s/ Lauren Fisher Flores

Signature

August 29, 2025

Date

**DECLARATION OF FEDERALLY APPOINTED CHILD ADVOCATE ON BEHALF OF
UNACCOMPANIED CHILD H■■■■ M■■■■ O■■■■ C■■■■**

I, Elizabeth Garcia, LMSW, declare under penalty of perjury the following:

1. My name is Elizabeth Garcia. On January 16, 2025, the Office of Refugee Resettlement (ORR) appointed me in my role as a Child Advocate at the Young Center for Immigrant Children's Rights to serve as the independent Child Advocate for seven-year-old H■■■■ M■■■■ O■■■■ C■■■■ pursuant to the William Wilberforce Trafficking Victims Protection Reauthorization Act (TVPRA)¹.
2. Pursuant to the TVPRA and federal regulations, the role of the independent Child Advocate is to assess the best interests of particularly vulnerable unaccompanied children, like H■■■■, and then develop determinations regarding their custody, placement, release, legal representation, relief from removal, and safe repatriation. H■■■■ was referred for the appointment of a Child Advocate because of her young age, because her sponsor is undergoing a home study, and because her inability to make an independent decision.
3. Due to H■■■■'s age, it is difficult for her to provide a formal declaration. I am providing this declaration in support of H■■■■'s best interests in my role as her Child Advocate.
4. H■■■■ is currently in care at the Bokenkamp Children's Shelter in Corpus Christi, Texas. To the best of my knowledge, she does not have a birth certificate.
5. H■■■■ is currently in removal proceedings before the Houston immigration court. Her next Master Calendar hearing is October 2, 2025.
6. In light of recent news stories² indicating that the U.S. government has made plans to return Guatemalan children to their country of origin without the due process protections of immigration court, I am concerned that H■■■■ may be unsafely and unlawfully returned to Guatemala.
7. H■■■■ does not have a caregiver in Guatemala who is capable or willing to provide her with a safe a permanent home at this time. She previously lived with an adult

¹ 8 U.S.C. §1232(c)(6)(A) (2018). *See attached* Child Advocate Recommendation & Appointment Form.

² Alvarez, Priscilla, "Exclusive: Trump Administration plans to send hundreds of Guatemalan children in government custody back to home country," CNN, Aug. 29, 2025, available at: <https://www.cnn.com/2025/08/29/politics/migrant-kids-guatemala-immigration>.

caregiver who mistreated her and has no known family members willing or able to care for her.

8. If repatriated to Guatemala, H[REDACTED]'s safety would be immediately compromised. She could be rendered homeless; she could be returned to an abusive, prior caregiver; or she could be placed in the custody of a government that may lack the capacity to meet her needs..
9. H[REDACTED]'s expressed wish is to live with the people she considers to be her parents, the people she calls "Mami Nohemi" and "Papi Wilber Arturo." Both have stepped forward to sponsor her release from federal custody, but due to ORR's recent and rapid changes in reunification requirements, H[REDACTED]'s reunification with them has been significantly delayed.
10. We believe it is in H[REDACTED]'s best interests to remain in the United States to continue in her immigration court proceedings with the due process protections of the law.
11. It is our determination that it is in H[REDACTED]'s best interests for this Court to ensure H[REDACTED] remains in the United States while her immigration case is pending and to protect her from being removed before she is able to have her case fully adjudicated by immigration officials within U.S. Citizenship and Immigration Services (which adjudicates certain forms of immigration benefits such as asylum and Special Immigrant Juvenile Status) and/or the Executive Office of Immigration Review (home to the immigration courts). If H[REDACTED] is ever ordered to leave the United States by an immigration judge, she should do so only after provisions are made under the TVPRA for her safe repatriation, including confirmation by her Child Advocate and attorney that she will have a safe, appropriate and permanent place to which she can return.

Respectfully,



Elizabeth Garcia, LMSW
TVPRA Child Advocate

Executed on August 30, 2025, in Texas.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

L.G.M.L., et al.,

Plaintiffs,

v.

KRISTI NOEM, in her official capacity as
Secretary of the U.S. Department of Homeland
Security, et al,

Defendants.

Case No. 25- 2942

PROPOSED ORDER

Before the Court is Plaintiff's Emergency Motion for Temporary Restraining Order and accompanying exhibits. Considering the record before it and in order to preserve the status quo and prevent irreparable harm, the Court hereby **GRANTS** the Motion and orders Defendants to not transfer any Guatemalan unaccompanied children from the custody of the Office of Refugee Resettlement (ORR) to U.S. Immigration and Customs Enforcement (ICE) until a further order from this Court is issued.

U.S. District Judge