

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

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

Plaintiffs,

v.

KRISTI NOEM, et al.,

Defendants.

Case No. 25-cv-2942-TJK

**PLAINTIFFS' REPLY IN
SUPPORT OF PLAINTIFFS'
MOTION FOR A
PRELIMINARY INJUNCTION**

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INTRODUCTION

Plaintiffs are unaccompanied Guatemalan children whom Defendants have sought to summarily expel from the United States in violation of the Trafficking Victims Protection and Reauthorization Act of 2008 (“TVPRA”), the Immigration and Nationality Act (“INA”), and the Due Process Clause of the Fifth Amendment. Defendants’ argument that they can expel hundreds of children in the middle of the night with two hours’ warning¹ relies on the fallacy that they were acting pursuant to authority to “reunify” them with their parents. That argument is illogical and illegal. Title 6 does not authorize Defendants’ actions, and Title 8 prohibits them. Defendants misconstrue 6 U.S.C. § 279 in an effort to dissolve their statutory and constitutional obligations to unaccompanied children. As a result, Defendants are putting hundreds of children at risk of imminent, irreparable harm if they are expelled with no remedy.

The Court should reject Defendants’ invocation of nonexistent statutory authority. The Court should moreover reject Defendants’ unsupported allegations that expelling class members was “appropriate” and in their best interest. The TVPRA and the INA comprehensively establish procedures intended to protect vulnerable children and ensure that their best interests are taken into account by the officials charged with making determinations about their eligibility to remain in the United States, *i.e.*, immigration judges acting in consultation with child advocates. Defendants’ clandestine actions, waking children up in the middle of the night, without advance warning, without notifying their attorneys, and clearly with the intent of expelling them from the country before a court could intervene, belies any effort by Defendants to claim the mantle of protecting these children’s interests. Moreover, by the time of the late-night transfers of children

¹ See ECF No. 35-1, Declaration of Angie Salazar ¶ 14 (“Salazar Decl.”) (“The notice called for care providers to take “proactive measures” to ensure that children are prepared for discharge within 2 hours (4 hours if in a foster care program.”).

from Office of Refugee Resettlement (ORR) custody to DHS over Labor Day Weekend, it was clear that Plaintiffs and putative class members (1) did not wish to return to Guatemala and (2) feared persecution and/or had no parental caregiver. While Defendants initially contended that these purported reunifications were at the behest of Guatemalan parents, when those claims were refuted, they pivoted to invoking an alleged request by the Guatemalan government. Finally, the Court should also reject Defendants' erroneous references to the jurisdictional bar at 8 U.S.C. § 1252(f)(1) and to a provision in the One Big Beautiful Bill Act ("BBB"), as well as their claim that the Young Center is not a proper next friend. Plaintiffs merit a preliminary injunction.

ARGUMENT

I. Defendants' actions violate the TVPRA, the INA, and the HSA.

A. Title 6 does not provide Defendants authority to summarily expel unaccompanied minors from noncontiguous countries.

Plaintiffs continue to show a likelihood of success on the merits of their claim that Defendants' actions violate the TVPRA, INA, and the Homeland Security Act (HSA). Defendants' remarkable position is that fewer than a dozen words in 6 U.S.C. § 279(b)(1)(H) give them broad unreviewable authority to summarily expel unaccompanied children against the wishes of the child. They seek to do so regardless of the status of the child's removal proceedings or requests for immigration relief, and absent any statutes, regulations, or procedures that set out standards for their actions. That is not what the statute says. Defendants can only arrive at that result by a series of misrepresentations and illogical inferences.

The TVPRA provides mandatory procedures that apply to unaccompanied children from noncontiguous countries. The HSA does not authorize Defendants to ignore the TVPRA. Indeed, Congress disclaimed any such effect by enacting 6 U.S.C. § 279(c)'s rule of construction. The only logical reading of the statutes is that they authorize repatriation after removal proceedings

have been disposed of through a removal order or a grant of voluntary departure. This reading gives effect to the plain meanings of the TVPRA, INA, and the HSA. ECF No. 20-1 at 12-19 ("Pls. Mot.").

The TVPRA, at 8 U.S.C. § 1232(a)(5)(D), provides that unaccompanied children from noncontiguous countries shall (i) be placed in § 1229a removal proceedings, (ii) be eligible for voluntary departure under § 1229c at no cost; and (iii) be provided counsel to the greatest extent possible, an obligation the statute imposes on the Department of Health and Human Services (HHS). *See id.* § 1232(c)(5); *see also Kingdomware Techs., Inc. v. U.S.*, 579 U.S. 162, 171 (2016) ("Unlike the word 'may,' which implies discretion, the word 'shall' usually connote a requirement."). The provision of the HSA Defendants rely on, 6 U.S.C. § 279(b)(1)(H), does not authorize Defendants to ignore these requirements. In responding to comments on the Foundational Rule just last year, ORR itself "note[d] that [ORR] is not an immigration enforcement agency and is not authorized to make decisions regarding repatriating individuals in their country of origin; such decisions are in the purview of DHS and DOJ." Unaccompanied Children Program Foundational Rule, 89 Fed. Reg. 34,384-01, 34,443 (Apr. 30, 2024) (codified at 45 C.F.R. pt. 10). ORR moreover has no authority to transfer unaccompanied children to ICE custody until they turn 18. *See* 8 U.S.C. § 1232(b)(2)(B). Where Congress has proscribed specific procedures for ensuring that unaccompanied children are removed from DHS custody and placed in ORR custody, 6 U.S.C. § 279, and both ORR and DHS have promulgated extensive regulations governing the process for doing so, *see* 45 C.F.R. § 410; 8 C.F.R. § 236.3, it is remarkable that Defendants identify no authority at all for ORR to transfer custody of these children to DHS in the manner they attempted over Labor Day weekend.

Seeking to evade the plain text of the statute, Defendants cite other sections of the TVPRA, but those sections show that Defendants do not have the “reunification” authority they assert. *First*, 8 U.S.C. § 1232(b) does not “expressly recognize[] HHS’s reunification authority under ‘section 279 of title 6.’” Def. Opp. at 8. The statute states that, “[c]onsistent with section 279 of Title 6 . . . , the care and custody of all unaccompanied alien children, including the 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). If Congress had wanted to expressly recognize the reunification authority that Defendants assert under 6 U.S.C. § 279(b)(1)(H), Congress would have done so. Yet the words “reunify” and “reunification” do not appear anywhere in § 1232. That is far from an express recognition. *Cf. Express*, Black’s Law Dictionary (8th ed. 2004) (“Clearly and unmistakably communicated; directly stated.”).

Second, 8 U.S.C. § 1232(a)(1) does not “provide[] the general rule permitting repatriation to a UAC’s ‘country of nationality or last habitual residence.’” Def. Opp. at 8. Instead, it charges agencies with “develop[ing] policies and procedures to ensure that unaccompanied alien children are safely repatriated to their country of nationality or last habitual residence.” 8 U.S.C. § 1232(a)(1). It does not negate other mandatory provisions of the statute, including § 1232(a)(5)(D), and Defendants identify no such policies or procedures that would be relevant here. Section 1232(a)(2) provides “[s]pecial rules specifically for repatriation of UACs from ‘contiguous’ countries[,]” and § 1232(a)(5)(D) provides procedural requirements before safely repatriating unaccompanied children from noncontiguous countries pursuant to a removal order or grant of voluntary departure.²

² Moreover, § 1232(a)(3) further makes clear that § 1232(a)(2)’s provisions do not apply to children from noncontiguous countries.

8 U.S.C. § 1232(a)(5), which applies to Plaintiff Children and putative class members, mandates “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[.]” in accordance with its provisions. These provisions authorize repatriation *after* unaccompanied children have had the opportunity to pursue immigration relief or after they are granted voluntary departure by an immigration judge under 8 U.S.C. § 1232(a)(5)(D). *See* ECF No. 20-7, Tabaddor Decl. ¶17 (“Even in the very rare instances where voluntary departure was ultimately requested and granted, only after investigations into the home environment and parental circumstances had been completed, the process was carefully and deliberately coordinated [with] [c]ounsel for the child, government counsel, and the parent.”).

If there were any doubt about whether 6 U.S.C. § 279 authorizes Defendants to violate the TVPRA, subsection (c) of the statute, its rule of construction, definitively denies HHS the authority to dispose of immigration proceedings outside of Title 8. There, Congress stated unambiguously that “[n]othing in this section may be construed to transfer the responsibility for adjudicating benefit determinations under the Immigration and Nationality Act (8 U.S.C. §§ 1101 *et seq.*) from the authority of any official of the Department of Justice, the Department of Homeland Security, or the Department of State.” 6 U.S.C. § 279(c). Plaintiffs are noncitizen children whom DHS is seeking to remove under the INA. If HHS were permitted to summarily expel unaccompanied children without awaiting the conclusion of their removal proceedings, DOJ and DHS would lose their statutory authority to adjudicate unaccompanied minors’ benefits requests (including for voluntary departure, *see* 8 U.S.C. § 1229(c)).

in violation of § 279(c). That cannot be the meaning of § 279(b)(1)(H). The TVPRA is clear as to the procedures guaranteed to Plaintiffs and putative class members. Section 279(b)(1)(H) does not provide Defendants the authority they assert, and the Court should reject Defendants' claim that it does. *See* Reply Ex. B, Smyers Decl. ¶5 (“ORR has rarely used 6 U.S.C. 279(b)(1)(h), never on a mass scale, and always in compliance with processes and practices [] in the [] (TVPRA)”).

Defendants nonetheless raise the One Big Beautiful Bill Act, Pub. L. No. 119-21, 139 Stat. 72, 385-87 (2025) (“BBB”), as “confirming” their reading of ORR’s purported “reunification” authority notwithstanding the TVPRA’s mandates. Def. Opp. at 12-13 (quoting BBB § 100051(8)). But that section is merely an appropriations law. It limits the use of “funding amounts available under this paragraph” only “for permitting a specified unaccompanied alien child to withdraw the application for admission of the child pursuant to section 235(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1225(a)(4)),” and proceeds to define the term “Specified unaccompanied alien child” for purpose of the section. Even Defendants do not represent that any child identified in last weekend’s activity is purporting to “withdraw the[ir] application for admission.” 8 U.S.C. § 1225(a)(4).³

In any event, § 100051 is not authorizing legislation, but an appropriation. *See Nat’l Ctr. for Mfg. Scis. v. Dep’t of Def.*, 199 F.3d 507, 510 (D.C. Cir. 2000) (“[A]uthorization acts generally precede appropriations acts[.]”). As such, it does not purport to change immigration law by extending contiguous-country rules to all unaccompanied children. Rather, it funds activities that other law already authorizes, such as the TVPRA’s contiguous-country returns. *See*

³ Nor does 8 U.S.C. § 1225(a)(4) say anything about “reunification.” That provision provides that “An alien applying for admission may, in the discretion of the Attorney General and at any time, be permitted to withdraw the application for admission and depart immediately from the United States.” It does not say that Defendants’ have any power to make that decision for the immigrant.

D.C. Fed’n of Civic Ass’ns, Inc. v. Airis, 391 F.2d 478, 482 (D.C. Cir. 1968) (“[B]ecause appropriation acts generally apply to a limited period of time courts have been reluctant to hold that appropriation acts affect any substantive legislation whatsoever.”).

The Court should read BBB’s language in harmony, not conflict, with the TVPRA, which treats differently the two categories of contiguous and noncontiguous unaccompanied children. Reconciliation provisions like the BBB’s are subject to the “Byrd Rule,” a set of six prohibitions found in section 313(b)(1) of the Congressional Budget Act, 2 U.S.C. § 644(b)(1), that declare several kinds of provisions “extraneous” and hence subject to a point of order. Subparagraph (C) disallows any provision that “produces changes in outlays or revenues which are merely incidental to the non-budgetary components of the provision.” The Senate Parliamentarian in 2021 applied this provision to disallow provisions “rescinding any immigration status from anyone” and rejected the argument that “the policy of stripping status from any immigrant does not vastly outweigh whatever budgetary impact there might be.”⁴ Here, too, Congress could not under reconciliation rules have made such a major policy change as to include noncontiguous countries’ unaccompanied children in the regime that the TVPRA limits to contiguous countries.

B. Defendants’ opposition reveals further statutory violations.

Beyond the fallacy of asserting independent Title 6 “reunification” authority, the procedures Defendants purport to be following are themselves additional violations of the TVPRA and the INA. *First*, as part of Defendants’ plan, agents from Homeland Security Investigations (“HSI”)—a component of ICE—interviewed children and determined they did not

⁴ Lisa Desjardins, PBS News, *Read the Senate rules decision that blocks Democrats from putting immigration reform in budget*, (Sept. 20, 2021), <https://www.pbs.org/newshour/politics/read-the-senate-rules-decision-that-blocks-democrats-from-putting-immigration-reform-in-budget>.

have a credible fear of return.⁵ But a “credible fear determination” occurs only in the context of expedited removal, a proceeding from which Congress exempted Plaintiffs and putative class members.⁶ Only asylum officers and immigration judges are authorized to determine credible fear in any event. *See* 8 C.F.R. § 208.30(b); *id.* § 1208.30(a). These interviews violate the TVPRA and are not a substitute for its robust procedures.⁷

Second, Defendants’ lack of meaningful notice to attorneys before summary removal violates the TVPRA’s access to counsel provision. *See* 8 U.S.C. § 1232(c)(5).⁸ In the night and early morning of August 30-31, 2025, Plaintiff Children and putative class members were taken to the airport without *any* notice from the government. ECF No. 20-3, Flores Decl. ¶ 8.⁹ One attorney was informed by the shelter that the only way to “protest” these planned removals was to email a generic inbox, orrguatemalareunification@acf.hhs.gov, which her staff frantically emailed at 2:57 a.m. CT on August 31, 2025, and received no response. This lack of notice of

⁵ Indeed, multiple Plaintiffs and putative class members who underwent interviews in the weeks leading up to August 31, 2025, were never asked about their fear of return all. ECF No. 2-2 at 5, M.O.C.G. Decl. ¶ 5; ECF No. 2-2 at 7, H.L.E.C. Decl. ¶ 5; ECF No. 2-2 at 19, L.F.M.M. Decl. ¶ 5; ECF No. 2-2 at 26, A.R.M.D. Decl. ¶ 2; ECF No. 20-16, W.M.R.P. Decl. ¶ 5; ECF No. 20-19, G.Y.V.S. Decl. ¶ 7; Reply Ex. K, I.B. Decl. ¶ 8; Reply Ex. L, Z.I.M.T.T. Decl. ¶ 7.

⁶ Since 8 U.S.C. § 1232(a)(5)(D) exempts unaccompanied children from non-contiguous expedited removal, they never undergo a credible fear interview before filing an asylum application with USCIS.

⁷ The use of HSI officers to conduct interviews of unaccompanied children also runs contrary to the TVPRA provisions that authorize the appointment of specialized Child Advocates to perform Best Interest Determinations. *See* 8 U.S.C. § 1232(c)(6); ECF No. 20-4, Vander Hoek Decl. ¶ 10.

⁸ *See* Reply Ex. B, Smyers Decl. ¶ 10 (“Before any effort to return a child to their country of origin, ORR has historically always given ample notice directly to the attorney of record. This is so that the attorney of record, as well as the child advocate, have time to properly raise any concerns and provide a [Best Interest Determination]”).

⁹ *See also* Reply Ex. E, Avila-Cimpeanu Decl. ¶¶ 14-15 (describing the lack of notice to attorneys representing putative class members at the Florence Project in Arizona).

[O]ver the course of night, the U.S. Government actively sought to physically remove at least 33 children, and one shelter even woke up all the children in care in the facility in the middle of the night even though they were not supposed to be removed that night. Despite having entered appearances as the attorney of record in the vast majority of these children’s cases, Florence Project staff received no direct communication, notice, or response to inquiries from the federal government about its plans to effectuate these removals. Rather, in every case Florence Project attorneys learned that their clients were at risk of imminent physical removal only after shelter staff notified the Florence Project that their clients were being transported, and as a result of FIRRP’s constant, proactive communication with shelter staff over the course of Friday and Saturday.

their client’s imminent removal cannot be reconciled with the TVPRA’s access to counsel requirements. 8 U.S.C. § 1232(c)(5); *see also* ECF No. 20-1 at 16-17.¹⁰

Third, Defendants’ actions in apparently suspending Plaintiffs’ and putative class members’ immigration cases in the middle of proceedings also violate the TVPRA and the INA, as well as the HSA. Recently, for example, ORR sent immigration judges a list of six putative class members allegedly “amenable” to voluntary departure even though they have not requested it. *See* Ex. P, Donovan-Kaloust Decl. ¶ 5. Two putative class members attended immigration court hearings on August 29, 2025, where a judge stated they were on a list to take voluntary departure. Reply Ex. M, M.A.L.R. Decl. ¶ 4; Ex. L, C.M.L. Decl. ¶ 4; Although both declined and stated that they wanted to pursue relief from removal, Defendants nonetheless awoke them at night on August 31, 2025, preparing to expel them to Guatemala. *See id.* Congress has made clear that ORR does not have authority to determine whether an unaccompanied child receives an immigration benefit, including voluntary departure, 6 U.S.C. § 279(c),¹¹ and that unaccompanied minors have a right to seek voluntary departure in accordance with the INA, 8 U.S.C. § 1229c; 8 U.S.C. § 1232(a)(5)(D)(ii).

These procedures purportedly implemented by Defendants violate the TVPRA, the INA, and HSA. They would—and very nearly did—result in erroneous expulsions of Plaintiffs and putative class members.

C. In addition to their statutory violations, Defendants attempted to expel children whose parents had not requested, or were aware of, the purported “reunification.”

¹⁰ After some shelter staff objected to the children being taken in this manner, ORR circulated a memorandum to all ORR Care Provider Facilities threatening “civil and criminal penalties and charges.” Ex. D, ORR “Demand for Compliance,” August 31, 2025, 9:17 am.

¹¹ *See also* Ex. L, Z.I.M.T.T. Decl. ¶ 7:

Last Friday, I met with my immigration judge. And I told the judge I was scared of going back to Guatemala. My attorney told the judge that too. And my attorney told the judge she was going help me apply for asylum. So, the judge gave me more time on my case so I could do that. But it did not matter...The very next day, immigration officials tried to deport me without a chance to present my case.

Defendants do not have statutory authority pursuant to 6 U.S.C. § 279 to summarily expel unaccompanied children. But, even if they did, the record shows there was never a factual basis to support “reunification” with parents in Guatemala. At the August 31, 2025, hearing, Defendants asserted that they were summarily expelling unaccompanied Guatemalan children pursuant to requests for reunification from their parents. Transcript of Record at 9:2. But, as described in a report from the Guatemalan government, *see* Reply Ex. A, Report of the National Attorney General’s Office of Guatemala (“Guatemala Report”),¹² *no* Guatemalan parents affirmatively requested the return of their children. In response to a notification from ORR that 609 unaccompanied minors would be returned to Guatemala, Guatemalan authorities attempted to contact the families concerned to notify *them* of the planned repatriations. *See* Guatemala Report at 2-3 (describing outcomes of 115 home visits and noting that “*none* were requesting [children’s] return”) (emphasis added). Guatemalan officials only learned of the summary expulsions on August 31, 2025, the day the first flights would have departed absent intervention by the Court. *Id.*

Even if the Guatemalan Report supported the government’s factual assertions, it could not override the statutory mandates Congress has imposed on Defendants, which prohibit their actions in this case. Nonetheless, the Report makes clear that the summary expulsions could not

¹² On September 4, 2025, the United States Senate Committee on Finance held an oversight hearing. Committee Ranking Member Senator Ron Wyden entered into the Committee record an internal memo issued by the Guatemalan government that “exposes the Administration’s bogus family reunification’ claims as false.” *See* Press Release, *Wyden Blasts RFK Jr. on Trump Administration’s Scheme to Disappear Vulnerable Unaccompanied Migrant Children*, (Sept. 5, 2025), <https://www.finance.senate.gov/ranking-members-news/wyden-blasts-rfk-jr-on-trump-administrations-scheme-to-disappear-vulnerable-unaccompanied-migrant-children>; The President’s 2026 Health Care Agenda: Hearing Before the Sen. Comm. on Finance, 119th Cong. (2025) (Statement of Ranking Member Ron Wyden), <https://www.finance.senate.gov/hearings/the-presidents-2026-health-care-agenda>. This document was also published by Reuters, which included a link to the document in a September 3, 2025, article describing the document as having been produced by a Guatemalan attorney general’s office. Emily Green, Ted Hesson, and Kristina Cooke, *Exclusive: Guatemalan document undercuts US claims on child deportations*, Reuters (Sept. 3, 2025, 7:17 PM), <https://www.reuters.com/legal/government/guatemalan-document-undercuts-us-claims-child-deportations-2025-09-03/>.

under any reading be “appropriate cases” of reuniting unaccompanied children with a parent abroad. Defendants actions violate the TVPRA, the INA, and the HSA.

II. Defendants’ Actions Violated Due Process.

Plaintiffs and putative class members are entitled to due process of law, and Defendants’ actions unconstitutionally deprive them of protected interests. The Fifth Amendment provides that “[n]o person shall . . . be deprived of life, liberty, or property, without due process of law,” U.S. Const., amend. V, and noncitizens, regardless of how they entered the United States, are entitled to due process of law. *Reno v. Flores*, 507 U.S. 292, 306 (1993) (“It is well established that the Fifth Amendment entitles aliens to due process of law in deportation proceedings.”).

Defendants nonetheless make the startling assertion that Plaintiffs have *no* constitutional due process rights, relying erroneously on *Dep’t of Homeland Sec. v. Thuraissigiam*, 591 U.S. 103 (2020). Def. Opp. 14. *Thuraissigiam* merely stated that an adult noncitizen apprehended within “25 yards into U.S. territory” was entitled only to the process Congress provided¹³ because he had not “effected an entry.” *Id.* at 139-40. That was the *only* situation *Thuraissigiam* addressed. Had Congress “intended to overturn more than a century of precedent, it would have said so. It did not.” *U.S. v. Guzman-Hernandez*, 487 F. Supp. 3d 985, 991 (E.D. Wash. 2020). No Plaintiff or putative class member is in *Thuraissigiam*’s position. Each has clearly “effected an entry” and is currently living in the United States. Defendants must recognize the constitutional rights of the noncitizen children in their care.¹⁴

¹³ Notably, the petitioner in *Thuraissigiam* was asking for process beyond what Congress has provided in expedited removal proceedings under 8 U.S.C. § 1225(b). Here, Congress also recognizes Plaintiffs’ special status by exempting them from expedited removal and demanding additional robust protections in custody and removal. 8 U.S.C. § 1232(a)(D)(5).

¹⁴ Likewise, *U.S. ex rel. Knauff v. Shaughnessy*, 338 U.S. 537 (1950) and *Khushnood v. U.S. Citizenship & Immigr. Servs.*, No. 21-cv- 2022, 2022 WL 407152 (D.D.C. 2022), are inapposite to Plaintiffs and the putative class. *Knauff* is concerned with a noncitizen seeking admission at a port of entry and the language is not applicable on the due process rights of noncitizens already in the United States. 338 U.S. at 539-40. *Khushnood*, similarly, was a

“An essential principle of due process is that a deprivation of life, liberty, or property ‘be preceded by notice and opportunity for hearing appropriate to the nature of the case.’” *Cleveland Bd. of Educ. v. Loudermill*, 470 U.S. 532, 542 (1985) (quoting *Mullane v. Cent. Hanover Bank & Trust Co.*, 339 U.S. 306, 313 (1950)). Defendants’ attempted summary expulsions cannot satisfy due process under any framework. According to Defendants’ own account, they first provided notice to caregivers at 11:45 PM, with the plan to remove children from the country in less than 12 hours. Salazar Decl. ¶¶ 14-24. If, for adults, providing a “notice roughly 24 hours before removal, devoid of information about how to exercise due process rights to contest that removal, surely does not pass muster,” *A.A.R.P. v. Trump*, 145 S. Ct. 1364, 1368 (2025), it is hard to see how a mere two hours is sufficient for children.

The balancing test from *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976), underscores the impropriety of the procedures used here.¹⁵ See, e.g., *Landon v. Plasencia*, 459 U.S. 21, 34 (1982) (applying *Mathews* to evaluate constitutionality of deportation procedure). Plaintiffs have articulated clear protected interests. Defendants cannot undermine Plaintiffs’ protected interest in avoiding summary expulsion. See Def. Opp. at 17 (distinguishing *J.G.G. v Trump*, 145 S. Ct. 1003 (2025)). This interest is well-supported by decades of precedent. See, e.g., *Bridges v. Wixon*, 326 U.S. 135, 154 (1945) (“Here the liberty of an individual is at stake Though deportation is not technically a criminal proceeding, it visits a great hardship on the individual

noncitizen who did not reside in the United States and “merely [sought admission] to work in this country.” 2022 WL 407152 at *6 (D.D.C. 2022). Plaintiffs and putative class members—all of whom are unaccompanied minors in ORR custody—have effected an entry to the United States and are entitled to due process.

¹⁵ The cases Defendants cite to argue against the *Mathews* balancing test, Def. Opp. at 15, appear to be unrelated to the point Defendants seek to make. Defendants are correct that the cases “do not engag[e] in any balancing analysis,” but that is because the courts found there was no protected interest and never discussed the test they would apply if there was a protected interest. See *Nelson’s Cabinetry, Inc. v. Blinken*, No. 24-cv-1335, 2025 WL 83027, at *11 (D.D.C. Jan. 13, 2025); In *Munoz*, the Supreme Court considered whether a plaintiff—an American citizen—could state a due process claim after her noncitizen spouse’s visa application was denied. The Court held that citizens do not “have procedural due process rights in the visa proceedings of others.” (quoting *Dep’t of State v. Muñoz*, 602 U.S. 899, 902-03, 917 (2024)).

and deprives him of the right to stay and live and work in this land of freedom.”); *Japanese Immigrant Case*, 189 U.S. 86, 101 (1903); *Suri v. Trump*, No. 25-1560, 2025 WL 1806692, at *5 (4th Cir. July 1, 2025) (“Without that order [enjoining Title 8 removal], Suri may well have been deported without the reasonable notice and opportunity for judicial review that ‘all nine Justices agree[]’ is due.”) (citing *J.G.G.*, 145 S. Ct. at 1006, and *A.A.R.P.*, 145 S. Ct. at 1368 v. *Trump*, 145 S. Ct. 1364, 1368 (2025)).¹⁶

Defendants also fail to undermine the other protected interests Plaintiffs assert. Plaintiffs have a protected interest in the procedures guaranteed to them by the TVPRA, including its asylum provision. *See* Pls.’ Mot. at 27-28; *see also Immigrant Defs L. Ctr. v. Dep’t of Homeland Sec.*, No. 21-cv-395 (FMO), 2025WL1191572, at *15-16 (C.D. Cal. Mar. 14, 2025) (finding protected interest in TVPRA procedures). Plaintiffs with Special Immigrant Juvenile Status, 8 U.S.C. § 101(a)(27)(J), also have a protected interest in that status. Contrary to Defendants’ suggestion, Def. Opp. at 15, a statute can give rise to a protected interest, and the INA does so by providing SIJS classification to young people who meet specific statutory criteria. *See* Pls.’ Mot. at 28-29.

Moreover, Defendants’ representations only confirm that their plan for summary expulsions features an elevated risk of erroneous deprivation. *See* Def. Opp. at 14, 17. For example, Defendants claim to rely on informal HSI interviews to determine whether unaccompanied children fear persecution. These law enforcement officers are not trained in asylum law, and the TVPRA explicitly tasks trained asylum officers with evaluating

¹⁶ Defendants are wrong to suggest that “*J.G.G.* did not—and could not—address due process in the Title 8 context.” Def. Opp. at 17. Numerous courts have cited Alien Enemies Act decisions to support propositions related generally to immigration law, including in Title 8 cases. *See, e.g., Enriquez-Perdomo v. Newman*, No. 24-5714, 2025 WL 2408658, at *7, n.2 (6th Cir. Aug. 20, 2025) (citing *J.G.G.* for the proposition that “[b]ecause immigration law is civil, the Fifth Amendment would apply to violations of due process in the immigration context.”).

unaccompanied children’s fear of persecution or torture. To the extent Defendants’ messages to care providers in the middle of the night were “notice” for due process purposes, they were clearly insufficient. *See, e.g., Mullane*, 339 U.S. at 306. With such procedures, there is an elevated risk of expelling children who fear persecution, who lack caregivers abroad, or whose return would otherwise be unlawful and erroneous.¹⁷

Class-wide relief is appropriate. *See* Class Cert. Reply at 10. Even if there are variations in their individual immigration cases, putative class members face the same deprivation and are entitled to the same processes required by the TVPRA and the Constitution. *See, e.g., Lightfoot v. D.C.*, 246 F.R.D. 326, 334-35 (D.D.C. 2007) (denying decertification of a class asserting due process claims).¹⁸

Seeking to avoid the conclusion that they have violated due process, Defendants deeply misconstrue *Reno v. Flores*. The *Flores* Court stated that “[i]t is well established that the Fifth Amendment entitles aliens to due process of law in deportation proceedings” and noted that, “[t]o determine whether these [unaccompanied children] have received it here, we must first review in some detail the procedures the INS has employed.” 507 U.S. at 306-07 (citing *Japanese Immigration Case*, 189 U.S. at 100-01). In *Flores*, unaccompanied children argued that an INS regulation “violate[d] ‘procedural due process,’ because it [did] not require the Service to determine, with regard to *each individual* detained juvenile who lacks an approved custodian,

¹⁷ Notably, the only government interest that Defendants invoke indirectly is “in promptly [reunifying children] without the full Title 8 removal process, which currently takes on average more than three years.” Def. Opp. at 16 (citation omitted). If the government wanted to expeditiously conclude removal proceedings for unaccompanied minors with a view toward safe repatriation, it could simply and lawfully prioritize those cases.

¹⁸ The concerns about class-wide relief in *Jennings v. Rodriguez* are inapposite here. *See* 583 U.S. 281, 314 (2018). The *Jennings* Court was discussing whether it would be appropriate to grant the same relief—an individualized bond hearing—to a class of noncitizens subject to more than 6 months of mandatory detention. However, here, it is clear “that the complained-of ‘conduct [violation of the TVPRA’s provisions] is such that it can be enjoined or declared unlawful only as to all of the class members or as to none of them.’” *Cf. id.* at 313 (quoting *Wal-Mart Stores, Inc. v. Dukes*, 564 U.S. 338, 360 (2011)).

whether his best interests lie in remaining in INS custody or in release to some other ‘responsible adult.’” *Id.* at 300. The *Flores* Court determined that the regulation “satisfied [due process] by giving the detained alien juveniles the *right* to a hearing before an immigration judge,” *id.* at 309 (emphasis in original), *i.e.*, the same right Defendants seek to deny to Plaintiffs here.

Defendants string together several phrases in *Flores* to give the impression that the Court was suggesting that a child’s interest should receive less weight in due process analysis. *See* Def. Opp. at 18. Defendants are simply wrong. In the passage Defendants cite, the Court was *not* discussing “interests” for due process purposes, but rather outlining the “best interest of the child” standard used in family court proceedings. *See Flores*, 507 U.S. at 303-04. This discussion is unrelated to the due process inquiry.

Finally, Defendants erroneously argue that “any balancing inquiry must take account of the interests of other stakeholders, including parents and the government of Guatemala.” Def. Opp. at 15. These interests are not relevant. Due process does not balance the interests of third parties. *See, e.g., English v. D.C.*, 717 F.3d 968, 972 (D.C. Cir. 2013). Even if it were proper for the government to assert the private interests of third parties, there is no evidence that those third parties have experienced a deprivation. *Cf.* Opp. at 16-17 (implying, without support, that unidentified Guatemalan parents are attempting to assert their interest in care, custody, and control of their children).

III. Defendants’ Actions Violated the *Accardi* Doctrine.

In opposing Plaintiffs’ arguments that ORR is failing to comply with its own regulations in violation of *U.S. ex rel. Accardi v. Shaughnessy*, 347 U.S. 260 (1954), Defendants largely rehash their incorrect statutory arguments. Def. Opp. at 18. Defendants violated the Foundation Rule in Title 45, *see* Pls.’ Mot. at 33-34, which “lays out a detailed structure for carrying out

ORR’s statutory obligations” as to Plaintiffs and putative class members. Pls.’ Mot. at 33 (emphasis added). The Court should reject Defendants’ attempt to sidestep the Foundational Rule by suggesting that purported “reunifications” are beyond its reach.

To be clear, the Foundation Rule applies to Defendants’ actions. Provisions such as 45 C.F.R. § 410.1302(c) provide minimum standards for *all* unaccompanied children in ORR custody. 45 C.F.R. § 410.1308 requires, “access to information” for all child advocates: “After a child advocate is appointed for an unaccompanied child, the child advocate *shall* be provided access to materials to effectively advocate for the best interest of the unaccompanied child.” (emphasis added). 45 C.F.R. § 410.1309 creates a framework for “[u]naccompanied children’s access to immigration legal services” and addresses “legal services” for “all unaccompanied alien children who are or have been in the custody of the Secretary [of HHS] or the Secretary of Homeland Security, and who are not [from contiguous countries].”

Moreover, 45 C.F.R. § 410.1601 requires notice for moving unaccompanied children within the ORR network. Even if transfer to an airport is not explicitly mentioned, the regulation’s benchmark of 48 hours’ notice “prior to the unaccompanied child’s physical transfer [to] notify all appropriate interested parties of the transfer, including the child’s attorney of record or DOJ Accredited Representative, legal service provider, or child advocate, as applicable” should inform Defendants’ notice obligations for more consequential transfers involving children’s summary expulsion from the United States. Indeed, Defendants identify no provision of law *at all* that authorizes ORR’s transfer of the custody of unaccompanied children to DHS outside of the statutory transfer that occurs when the child turns 18, 8 U.S.C. § 1232(c)(2)(B).

Defendants can only claim that Title 45 regulations are irrelevant by repeating their flawed premise that the “reunification” label makes generally applicable regulations fall to the wayside. It is clear, however, that Defendants have violated the *Accardi* principle by disregarding the Foundational Rule.

IV. Plaintiffs Have Demonstrated Irreparable Harm.

Plaintiffs have demonstrated irreparable harm. To begin, even with an individualized determination, *cf.* Def. Opp. at 20-21, summary expulsion without the potential for effective relief is irreparable harm. While removal itself does not typically constitute irreparable harm, *see Nken v. Holder*, 556 U.S. 418, 435 (2009), the Fifth Circuit recently found irreparable harm where removal involved “the prospect of irremediable error.” *W.M.M. v. Trump*, --- F.4th ----, No. 25-10535, 2025 WL 2508869, at *21 (5th Cir. Sept. 2, 2025); *see also id.* (“If Petitioners are removed based on the alleged improper invocation of AEA, there is little potential for effective relief[Q]uestions remain on whether their return could ever be effected. Thus, the *Nken* presumption . . . does not apply in these circumstances.”); *see also Doe v. Mattis*, 928 F.3d 1, 23 (D.C. Cir. 2019) (noting that, in some cases, transfer itself is a harm that cannot be remedied). As in *W.M.M.*, Defendants have not provided any assurances that they will return unaccompanied minors erroneously expelled pursuant to purported Title 6 authority. *Cf. W.M.M.*, 2025 WL 2508869, at *21-22. Their inadequate procedures and disregard for reasonable notice further heighten the risk of erroneous expulsion. *See also P.J.E.S. by & through Escobar Francisco v. Wolf*, 502 F. Supp. 3d 492, 517 (D.D.C. 2020) (“[P]utative [UAC] class members are being returned without any opportunity to apply for asylum or withholding of removal. Once expelled from the United States and outside the jurisdiction of the Court, it is not clear that a remedy can

be provided”).¹⁹ Plaintiffs face irreparable harm because, absent an injunction, Defendants will summarily expel them and cannot assure any remedy.

Defendants are wrong to suggest that the harms to Plaintiffs are speculative. On August 31, 2025, 76 Guatemalan children would have been expelled from the United States but for the Court’s intervention.²⁰ Each of those children would have had no remedy for an erroneous expulsion. Putative class members without caregivers in Guatemala would be certain to experience irreparable harm upon expulsion.²¹ Putative class members who have presented un rebutted evidence of a threat of persecution or torture, and who would be denied the opportunity to seek asylum or CAT relief, would also experience certain irreparable harm. Defendants unavailingly attempt to distinguish *Huisha-Huisha v. Mayorkas*, which found that “Plaintiffs [would] suffer irreparable harm if they are expelled to places where they will be persecuted or tortured.” 27 F.4th 718, 733 (D.C. Cir. 2022); *see also Coal. for Humane Immigrant Rts. v. Noem*, No. 25-cv-872 (JMC), 2025 WL 2192986, at *34-35 (D.D.C. Aug. 1, 2025) (finding that “risks of persecution and death if/when noncitizens subject to expedited removal are removed” constituted irreparable harm); *Devitri v. Cronen*, 289 F. Supp. 3d 287, 296-97 (D. Mass. 2018) (rejecting government’s assertion that un rebutted fear of persecution or

¹⁹ Further, removal of the Plaintiffs and putative class members would contravene U.S. and international law barring the United States from sending individuals, including children, back to countries where they would face persecution or torture. *See* 8 U.S.C. § 1231(b)(3)(A); 8 C.F.R. §§ 208.16(c); 208.18(a).

²⁰ *See* Reply Ex. L, Z.I.M.T.T. Decl. ¶¶ 9-15; Reply Ex. M, C.M.L. Decl. ¶ 8; Reply M.A.L.R. Decl. ¶¶ 5,7; Reply Ex. H, A.Y.S.T. Decl. ¶ 8; Reply Ex. O, D.A.G.R. Decl. ¶ 6; Reply Ex. G, F.O.Y.P. Decl. ¶ 7; ECF No. 20-18, Ex. P, A.J.P.D. Decl. ¶ 7; ECF No. 20-17, Ex. O, A.R.M.D. ¶ 8.

²¹ *See* ECF No. 20-12, Ex. J, JAIT Decl. ¶ 7 (“Since I was little in Guatemala I have suffered from physical and emotional abuse from both of my parents. I am receiving mental health care here in the shelter”); Reply Ex. L, C.M.L. Decl. ¶ 6; ECF No. 20-14, Ex. L, S.M.G.T. Decl. ¶ 4 (SIJS approved); ECF No. 20-10, Ex. H, E.M.V.M. Decl. ¶ 6 (“My parents did not take care of me like they should have when I was in Guatemala; I do not believe my parents would be able to take care of my if I return”); ECF No. 2-2 at 24, G.A.B.B. Decl. ¶ 7 (“My parents were not able to care for me in Guatemala”); ECF No. 2-2 at 7, H.L.E.C. Decl. ¶ 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”); ECF No. 2-2 at 5, M.O.G.C. Decl. ¶ 6; ECF No. 2-2 at 3, L.M.R.S. Decl. ¶ 6; Reply Ex. J, I.B. Decl. ¶ 3.

torture did not constitute irreparable harm and noting that petitioners “may not be able to return to the United States” even if they were successful on appeal). It is not relevant that ORR, rather than the President, is determining whom to expel. Def. Opp. at 21-22. Plaintiffs make clear that ORR’s procedures are deficient and unlawful, and Defendants cannot provide assurances that they will remedy erroneous expulsions. Numerous Plaintiffs and putative class members fear persecution or torture in Guatemala, and Defendants have not rebutted this evidence.²²

Finally, Defendants also wrongly suggest that Plaintiffs cannot show harm because, according to Defendants, only one named Plaintiff was on the first flight departing for Guatemala on August 31, 2025. Def. Opp. at 5. Plaintiffs do not have access to Defendants’ list and cannot confirm which Plaintiff Children or putative class members Defendants have or will seek to summarily expel. Given the hundreds of children who were at risk of imminent expulsion, *see, e.g.*, Guatemala Report at 2-3, coupled with the dubious vetting of their purported eligibility through HSI interviews, Plaintiffs and putative class members have shown imminent irreparable harm and should not be forced to file individual TROs if they are erroneously boarded on an airplane bound for Guatemala. *See, e.g., J.D. v. Azar*, 925 F.3d 1291, 1338 (D.C. Cir. 2019) (rejecting the contention that a class-wide preliminary injunction was inappropriate where class members could show irreparable harm in individual TROs “on a rolling, emergency basis as they arise in the course of the litigation”).

V. The balance of the equities and public interest weigh in Plaintiffs’ favor.

Plaintiffs continue to show that the balance of equities and public interest weigh in their favor. Neither the government nor the public has an interest in summarily expelling

²² See ECF No. 20-19, Ex. Q, G.Y.V.S. Decl. ¶ 5 (expressing fear of rape and forced marriage on account of LGBT identity); ECF No. 20-8, Ex. F, D.I.R. Decl. ¶¶ 6-7; ECF No. 20-9, Ex. G, D.E.C.E. Decl. ¶ 5; ECF No. 20-20, Ex. R, R.M.S.C.C. Decl. ¶ 5; Reply Ex. K, Z.I.M.T.T. Decl. ¶ 7; ECF No. 2-2 at 5, M.O.G.C. Decl. ¶ 7; ECF No. 2-2 at 15, M.F.A.P.V. Decl. ¶ 3; ECF No. 2-2 at 19, L.F.M.M. Decl. ¶ 3; ECF No. 2-2 at 29, M.Y.A.T.C. Decl. ¶ 4.

unaccompanied minors, many of whom would face neglect and persecution, without statutory authority and in violation of their constitutional rights. *See, e.g., W.M.M.*, 2025 WL 2508869, at *22 (“Of course there is a public interest in preventing aliens from being wrongfully removed, particularly to countries where they are likely to face substantial harm.”) (quoting *Nken*, 556 U.S. at 436). Even if the public has an interest “in prompt execution of removal orders,” Plaintiffs *do not* have removal orders and are vulnerable children who ask only to be afforded the procedures Congress has provided them. *Cf. id.* (“The interest in prompt removal may be heightened by the circumstances as well — if, for example, the alien is particularly dangerous, or has substantially prolonged his stay by abusing the processes provided to him.”) (quoting *Nken*, 556 U.S. at 436). Defendants will not be harmed by the relief Plaintiffs seek, including on a classwide basis. *Cf. Def. Opp.* at 23.

VI. This Court is Not Barred from Granting Class-Wide Injunctive Relief.

In conclusory fashion, Defendants raise 8 U.S.C. § 1252(f)(1)²³ as a purported impediment to classwide relief. *Def. Opp.* at 13. This provision does not apply here. First, Plaintiffs’ claims based on the TVPRA are not covered by section 1252(f)(1) because the TVPRA was enacted in 2008, 12 years after enactment of that jurisdictional bar. The provision’s limitation to “part IV of this subchapter, as amended by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996,” freezes its reach to exclude subsequent enactments. *Galvez v. Jaddou*, 52 F.4th 821, 831 (9th Cir. 2022); *see also Jam v. Int’l Fin. Corp.*, 586 U.S. 199, 209-10 (2019) (where an Act of Congress specifically references a statute by name, the Act

²³ This provision states: “Regardless of the nature of the action or claim or of the identity of the party or parties bringing the action, no court (other than the Supreme Court) shall have jurisdiction or authority to enjoin or restrain the operation of the provisions of part IV of this subchapter, as amended by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, other than with respect to the application of such provisions to an individual alien against whom proceedings under such part have been initiated.” 8 U.S.C. § 1252(f)(1).

applies only with respect to “the referenced statute as it existed when the referring statute was enacted, without any subsequent amendments”). Moreover, Plaintiffs’ protection claims include relief under the Convention Against Torture (CAT), which similarly does not fall under the ambit of section 1252(f)(1) because the Foreign Affairs Reform and Restructuring Act (FARRA)’s provisions enacting CAT protections are not in “chapter 4 of title II [of the INA].” *See Refugee & Immigrant Ctr. for Educ. & Legal Servs. v. Noem*, No. CV 25-306 (RDM), 2025 WL 1825431, at *52 (D.D.C. July 2, 2025) (hereinafter *RAICES*).

Second, section 1252(f)(1) applies only to relief that enjoins or restrains the operation of a limited subset of the INA, namely 8 U.S.C. §§ 1221-1232. Plaintiffs’ claims are based on statutory provisions *outside* the INA as well as encompassing INA provisions such as 8 U.S.C. § 1158 that are beyond section 1252(f)(1)’s coverage. *See* Pls.’ Mot. at 23-24, 30, 34; *see also* Def. Opp. at 11 (describing “Plaintiffs’ third and fourth arguments” as stemming from 8 U.S.C. § 1158). Importantly, *Garland v. Aleman Gonzalez*, 596 U.S. 543, 553 n.4 (2022), also distinguished circumstances in which “a court may enjoin unlawful operation of a provision that is not specified in § 1252(f)(1) even if that injunction has some collateral effect on the operation of a covered provision.” Thus, the Court “can grant effective injunctive relief without ordering any federal official ‘to take or to refrain from taking actions to enforce, implement, or otherwise carry out’ any provision” covered by section 1252(f)(1). *RAICES*, 2025 WL 1825431, at *52.²⁴

The Young Center is a Proper Next Friend.

Defendants’ argument that Plaintiffs are not properly before the court is without merit and ignores the record before the court. Fed. R. Civ. P. 17(c)(2) allows a minor who “does not

²⁴ *See also RAICES*, 2025 WL 1825431, at *52 (“The relevant question for purposes of § 1252(f)(1) . . . is whether [the] plaintiff seeks to ‘enjoin or restrain’ a ‘provision’ located in part IV, not whether the plaintiff cites to authority found in part IV to support his request to enjoin or restrain a federal official’s enforcement or implementation of a distinct statutory or constitutional provision.”).

have a duly appointed representative” to “sue by a next friend.” The very case Defendants cite to challenge the Young Center as next friend undercuts their argument: although ordinarily a significant relationship between a minor and their next friend is required, “that requirement may not rigidly apply when a minor has no significant relationships.” *Muthana v. Pompeo*, 985 F.3d 893, 902 (D.C. Cir. 2021). And the Young Center *does* have significant relationships with Plaintiffs: it has now been appointed by ORR to serve as the Independent Child Advocate *for all ten Plaintiff children*, as well as other putative class members. Reply Ex. C, Nagda Decl. ¶12. The Young Center’s unique role in unaccompanied minor cases was modeled in part on the concept of guardians *ad litem* or best interests advocates appointed to children in other situations where their parent or legal guardian is unavailable or unable to advocate for the child’s best interests.” *Id.* at ¶14.²⁵ Given the Young Center’s significant relationship to Plaintiff Children and putative class members, Plaintiffs have satisfied the requirements of Rule 17 to proceed with the Young Center as next friend for the putative class.

Defendants’ Unlawful Actions Apply to all Children in ORR Custody from Non-Contiguous Countries.

As described more fully in Plaintiffs’ Reply Brief in Support of Plaintiffs’ Emergency Motion for Class Certification (Class Certification Reply), since the complaint was filed in this case, developments have come to Plaintiffs’ attention that indicate Defendants are taking steps toward removing children from countries other than Guatemala under the guise of reunification, without complying with the protections of the TVPRA and the due process required by the Constitution. For example, on Thursday, September 4, a local legal services provider in Illinois was notified by its ORR Project Officer (i.e., the staff responsible for overseeing care providers)

²⁵ See *id.* at ¶19 (“[T]he Young Center’s experience in serving as Child Advocate and next friend will allow us to help the child plaintiffs in the proposed class to understand the proceedings and also to identify relevant issues for class counsel as it represents the full class.”)

that “ICE may soon be taking into custody minors from the country of Honduras with the intent to repatriate them to their home country.” *See* Reply Ex. T, Smith Decl. (Email Attachment). The following morning, a legal services provider in Texas received an anonymous phone call from a staff member at a shelter housing unaccompanied children, indicated that the government was planning “to repatriate all children under the ORR custody without making any announcement.” Reply Ex. S, Rosario Decl. ¶ 6.

Plaintiffs’ counsel has also recently learned that at least one child from Honduras, who does not want to be returned to Honduras, attended an immigration hearing at the end of August at which the judge asked the child if they wanted voluntary departure to Honduras, explaining that the child’s name was on a list that the judge had been provided. Reply Ex. O, D.Y.D.C.R. Decl. ¶ 6. The experience of D.Y.D.C.R. in immigration court is the same as what some unaccompanied Guatemalan children in ORR custody experienced when they attended immigration court hearings in late August. Like D.Y.D.C.R., they were told by their immigration judge that they were on a list of children who wanted to return to Guatemala, which had been provided to the judge, but they did not in fact want to return to Guatemala. Ex. L, C.M.L. Decl. ¶ 4; Ex. M, M.A.L.R. Decl. ¶ 4. These children were nevertheless woken in the middle of the night on August 30, told to pack a bag, and put on a bus. Ex. M, M.A.L.R. Decl. ¶¶ 5-6; Ex. L, C.M.L. Decl. ¶ 8.

Additionally, a legal service provider for unaccompanied children noticed, when checking the Executive Office for Immigration Review (EOIR) dockets for some of its Honduran and El Salvadoran clients and potential clients in ORR custody, that more than 20 have had their previously scheduled hearings removed from the dockets, something that the legal services provider observed happening to a number of its Guatemalan clients shortly before the attempt to

remove unaccompanied Guatemalan children from the country. Reply Ex. F, Korolev Decl. ¶¶ 6-8; Ex. R, A.V.R.R. Decl. ¶¶ 4-5. Similarly, agents from HSI have begun interviewing children from other countries, consistent with a pattern of HSI interviewing Guatemalan children shortly before their late-night attempted removals. *See* Class Certification Reply at Section IV (citing multiple children’s declarations).

Given concerns about these developments, Plaintiffs’ counsel reached out to counsel for Defendants on September 5, who declined to disavow any imminent attempt to remove other similarly situated children. *See* ECF No. 27, 27-1. Plaintiffs therefore urge this court to issue a preliminary injunction applicable to a class of all unaccompanied minors, except those who are from a country contiguous to the United States, who are or will be in ORR custody and who are not subject to an executable final order of removal or a voluntary departure approved by an immigration judge. At a minimum, Plaintiffs request a preliminary injunction to protect all Guatemalan unaccompanied minors who are or will be in ORR custody and who are not subject to an executable final order of removal or a voluntary departure approved by an immigration judge.

CONCLUSION

For the foregoing reasons, the Court should grant Plaintiffs’ motion for a preliminary injunction.

Dated: September 8, 2025

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on September 8, 2025, I electronically filed the foregoing with the Clerk of the Court for the United States District Court for the District of Columbia by using the CM/ECF system. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

/s/ Efrén Olivares
Efrén C. Olivares
Attorney for Plaintiffs

TABLE OF EXHIBITS

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Exhibits in Support of Reply to Opposition to Preliminary Injunction Motion

- A. Report of National Attorney General's Office of Guatemala
- B. Declaration of Jennifer Smyers, Former Chief of Staff, Office of Refugee Resettlement
- C. Declaration of Jennifer Nagda, Young Center for Immigrant Children's Rights
- D. ORR Demand for Compliance to Shelter Staff, August 31, 2025
- E. Declaration of Roxana Avila-Cimpeanu, Deputy Director, Florence Project
- F. Declaration of Aimee Korolev, Deputy Director, ProBar
- G. Declaration of F.O.Y.P.
- H. Declaration of A.Y.S.T.
- I. Declaration of B.M.R.P. (Mother of M.A.L.R.)
- J. Declaration of I.B.
- K. Declaration of Z.I.M.T.T.
- L. Declaration of C.M.L.
- M. Declaration M.A.L.R.
- N. Declaration of D.A.G.R.
- O. Declaration of D.Y.D.C.R.
- P. Declaration of Marion Donovan-Kaloust, Immigrant Defenders Law Center
- Q. Declaration of Stephanie Lubert (with email attached)
- R. Declaration of A.V.R.R.
- S. Declaration of Natasha H. Rosario
- T. Declaration of Laura Smith (with emails attached)

EXHIBIT A



ACTIVITIES TO IDENTIFY AND ASSESS FAMILY RESOURCES FOR UNACCOMPANIED MIGRANT CHILDREN AND ADOLESCENTS RETURNING FROM THE UNITED STATES OF AMERICA

The National Attorney General's Office, through its Office for Children and Adolescents, and pursuant to its responsibilities established by Guatemalan law, is required to legally represent, in the context of human mobility, Guatemalan children and adolescents who are being returned to the country by air or land.

For this reason, this Office actively participates in the process of receiving, caring for, accompanying, and reunifying children and adolescents that find themselves in this situation with their families. To this end, we perform a psychosocial assessment or preliminary investigation to determine if family reunification is viable, or if a special (judicial) protection process is necessary due to threats or rights violations of these returning minors.

The responsibilities of the National Attorney General's Office are established by the Comprehensive Protection of Children and Adolescents Act, and the Migration Code, among others, and it also seeks to develop and strengthen its activities in coordination with other agencies, as required.

a. BACKGROUND:

On July 9, 2025, the National Attorney General's Office held a meeting in our facilities with the Foreign Relations Ministry and other agencies regarding the **"Program for the Voluntary Return of Minors"** to discuss an action plan for Guatemalan children and adolescents who find themselves detained by the United States government in centers designated for minors. Of particular interest were adolescents close to becoming of age, and the fear that they then would be transferred to adult detention centers, followed by deportation.

Subsequently, we received a legal memorandum, #DAMIG-832-2025/GL-367, dated July 11, 2025, which contained a list of adolescents close to turning 18 years of age, with the goal of locating and interviewing their families, to determine if they could be considered a suitable resource to receive these adolescents if they were returned to the country. This information was up to date as of July 1, 2025. We subsequently received another legal memorandum, #DAMIG-935-2025/GL-405, containing a database of 609 adolescents between the ages of 14 and 17, submitted by the U.S. Office of Refugee Resettlement (ORR). Based on that information, these adolescents would be returned to Guatemala, their country of origin.

b. ACTIVITIES TO SEARCH FOR AND LOCATE FAMILY RESOURCES:

Headquarters
15 avenida 9-69, zona 13, Ciudad de Guatemala

Zona 8 Branch
41 calle 3-45 zona 8, Ciudad de Guatemala

PBX 1584

 www.pgn.gob.gt

 [PGNguatemalaOficial](https://www.facebook.com/PGNguatemalaOficial)

 [@PGNguatemala](https://www.tiktok.com/@PGNguatemala)

 [@PGNguatemala](https://twitter.com/PGNguatemala)

 [pgnguatemalaOficial](https://www.instagram.com/pgnguatemalaOficial)

Based on this information, the National Attorney General's Office initiated a plan to identify and locate family resources, which consisted of identifying all the information in the lists provided that was necessary to allow us to exhaust all search options to locate the addresses or exact locations of the parents or other possible relatives of the adolescents on those lists. To that end, it is of utmost importance to have their telephone numbers and addresses.

We proceeded to review the lists provided and discovered that of the 609 adolescents listed, phone numbers were provided for only 204; of those, we could only confirm the information of 115.

Prior to conducting home visits, this Office made telephone calls in order to collect the information needed for the home visit and assessment process. During this process, we discovered that the families were surprised, some even annoyed, that we had contacted them, because many believed that their children were part of a process that aimed to protect them and legalize their immigration status in the United States, and therefore did not expect them to be returned to Guatemala. Other calls went unanswered; some of the phone lines were disconnected and others indicated that we had the wrong number.

We should note that —based on information provided by the Foreign Relations Ministry— families were alerted to the fact that there was a significant possibility that the adolescents on the lists would be returned to the country, and that this Office was offering to inform them about this process, and fulfill its legal duty to conduct social investigations to determine if these adolescents were under threat, or if their rights had been violated, and also to determine the motive for their migration and, above all, the willingness of the families to welcome back their adolescents, and subsequently connect them with the social programs offered by the Government of Guatemala.

c. HOME VISITS:

Once the information was obtained, multidisciplinary teams from the Attorney General's Office at the Federal level scheduled home visits for the families that had responded to the telephone calls, as well as those whose addresses we were able to confirm.

From August 6-20 of this year, the National Attorney General's Office conducted home visits and issued reports, and was able to prepare psychosocial or investigation reports for the families of **115 adolescents**. During this process, we found the following:

1. **50** family resources (parents) who were willing to welcome back their children if they were to return,



with the caveat that none of them was requesting their return, indicating their desire to consider first the viability of the children staying in the United States. Nevertheless, the assessment results determined that they may be considered a family resource.

It should be noted that in one of the reports, the parents stated that if their daughter were to return, they would do everything possible to get her out of the country again, because she had received death threats and therefore could not live in this country.

2. **59** potential family resources (parents) expressed annoyance when this Office went to their residences, rejecting the request to conduct an assessment, sometimes in an intimidating manner. They claim that their contacts in the United States had told them that their children had an opportunity to stay there, so they were not willing to authorize or subject themselves to an assessment to determine if they were a suitable family resource; some even refused to provide information to locate their whereabouts.
3. In the case of **4** adolescents, we were informed by the families that they had been released, and were living with a sponsor in the United States of America.
4. In the case of **2** adolescents, it was established that they had been returned already, and were back living with their parents.

d. ACTIONS TAKEN ON AUGUST 31, 2025:

On August 31 of this year, we received information from several agencies that a substantial number of adolescents that were on several lists provided by the ORR and the United States Government were being returned to this country. The National Attorney General's Office proceeded to coordinate with other agencies to initiate a "Comprehensive Care Roadmap" program to ensure the proper care of Guatemalan adolescents in the context of human mobility.

For this purpose, this Office coordinated with the Foreign Relations Ministry, the Guatemalan Institute of Migration and the Office of the Social Welfare Secretary, among others, and proceeded to create multidisciplinary teams to participate in the process of receiving, caring for, accompanying, assessing and reunifying these returning adolescents with their families. However, later that afternoon, we were informed that these minors would not be traveling.

When we arrived at the Guatemalan Air Force (FAG) facilities, we encountered 7 families who said they were there because they had been informed that their children were being returned or deported.

This Office then proceeded to conduct a psychosocial assessment of these families, and determined that they were fully willing to welcome back their children in case they returned to this country. We also collected the information necessary to conduct a social investigation to determine if the parents could be considered a family resource.

We should note that of the 57 families that were assessed, 56 indicated that their children had immigrated for economic reasons, stating that they wished their children would be able to stay in the U.S. so they could “send money back,” as well as to find personal growth, and new opportunities in their lives.

Finally, it is important to note that this Office will continue its activities to identify and locate family resources, and to create social programs for the benefit of adolescents who are returned to Guatemala.



ACCIONES DE ATENCIÓN E IDENTIFICACIÓN FAMILIAR A FAVOR DE LA NIÑEZ Y ADOLESCENCIA MIGRANTE NO ACOMPAÑADA EN LOS ESTADOS UNIDOS DE AMÉRICA

La Procuraduría General de la Nación, a través de la Procuraduría de la Niñez y la Adolescencia, de conformidad a sus atribuciones, establecidas en el ordenamiento jurídico guatemalteco, es la responsable de representar legalmente en Guatemala, a las niñas, niños y adolescentes guatemaltecos en contexto de movilidad humana que son retornados al país, vía aérea o terrestre.

De esa cuenta, esta Procuraduría tiene una participación activa en los procesos de recepción, atención, acompañamiento y reunificación familiar de la niñez y adolescencia que se encuentra en este contexto, para ello realiza un abordaje psicosocial o investigación preliminar, que permite identificar si la reunificación familiar es viable o bien si se requiere un proceso de protección especial (judicial) por encontrarse en situación de amenaza o violación de derechos en contra de la niña, niño o adolescente que ha sido retornado.

La Procuraduría General de la Nación tiene sus atribuciones establecidas en la Ley de Protección Integral de la Niñez y la Adolescencia, Código de Migración entre otras, para lo cual también busca que estas acciones, se desarrollen y fortalezcan a través de las coordinaciones interinstitucionales que se requieren para el efecto.

a. ANTECEDENTES:

La Procuraduría General de la Nación sostuvo una reunión con autoridades del Ministerio de Relaciones Exteriores y otras instituciones en relación al **"Programa de Retorno Voluntario para Menores"** en las instalaciones de esta Procuraduría el 9 de julio de 2025, con el fin de discutir el plan de acción a tomar respecto a niños, niñas y adolescentes guatemaltecos que se encontraban bajo el resguardo de autoridades estadounidenses en albergues designados para dicho perfil, manifestándose preocupación principalmente respecto a los adolescentes próximos a cumplir la mayoría de edad, y el temor de que al alcanzarla fueran trasladados a albergues para adultos y sufrir posteriormente una deportación.

Posteriormente se recibió el Oficio identificado con el número DAMIG-832-2025/GL-367 de fecha 11 de julio de 2025 a través del cual se trasladó un listado de los adolescentes próximos a cumplir 18 años, con el fin de poder ubicar y entrevistar a sus familias para determinar si constituyen recurso familiar idóneo para la recepción de dichos adolescentes en caso fueran retornados al país. Dichos datos se encontraban actualizados hasta el 1 de julio de 2025. Posteriormente se recibió también el oficio de DAMIG-935-2025/GL-405 con una base de datos con información de 609 adolescentes de 14 a 17 años, la cual fue remitida por la Oficina de Reasentamiento de Refugiados (Office of Refugee Resettlement, ORR, por sus siglas en inglés); conforme dicha información, estos serían retornados a Guatemala por ser su país de origen.

b. DE LAS ACCIONES DE BÚSQUEDA Y LOCALIZACIÓN DE RECURSO FAMILIAR:

En atención a los antecedentes, la Procuraduría General de la Nación inició con un plan de individualización, identificación y ubicación de recurso familiar, el cual consistió en identificar en los listados proporcionados, la información necesaria que permitiera agotar otros mecanismo de búsqueda para localizar las direcciones o ubicaciones exactas de los progenitores o posibles recursos familiares de los adolescentes que aparecen en los listados, para lo cual es de suma importancia contar con los números telefónicos y direcciones.

De esa cuenta, se procedió a revisar el listado, proporcionado, siendo el caso que, del listado de los 609 adolescentes, únicamente se proporcionó el número telefónico a favor de 204 y de esa cantidad fue posible confirmar la información de 115.

Previo a realizar las visitas domiciliarias, esta Procuraduría, procedió a realizar la llamadas telefónicas, cuya finalidad consiste recabar la información necesaria que permita realizar una visita domiciliar y el proceso de evaluación; durante este proceso, fue posible establecer que las familias se encontraban sorprendidas al momento de contactarlas, incluso algunas con molestia, ya que varias manifestaron tener conocimiento que sus hijos se encontraban en un proceso que busca protegerlos y regularizar su situación migratoria en Estados Unidos, por lo que no esperan que sus hijos regresen a Guatemala. Otras llamadas no fueron respondidas, algunos teléfonos estaban desconectados y otros indicaron que era número equivocado.

Es oportuno indicar que, como parte de la información que se les brindó a las familias, se les indicó que según información remitida por el Ministerio de Relaciones Exteriores, existe una gran posibilidad de que los adolescentes que aparecen en los listados, sean retornados al país, para lo cual esta Procuraduría se pone a disposición de los mismos para informar sobre este proceso y así como cumplir con las atribuciones que le corresponde de conformidad con la Ley en cuanto a la investigación social, cuando existe amenaza o violación de derechos, aunado a ello establecer, cuál fue el motivo de la migración y sobre todo la disposición de recibir a los adolescentes, para posteriormente vincular a los programas sociales que ofrece el Estado de Guatemala.

c. DE LAS VISITAS DOMICILIARIAS:

Una vez obtenida la información, se coordinó para que los equipos multidisciplinarios que conforman a la Procuraduría General de la Nación a Nivel Nacional, procedieran a realizar las visitas domiciliarias a las familias que habían respondido las llamadas, así también a las familias a las que fue posible identificar una dirección.

En ese sentido, la Procuraduría General de la Nación, procedió a realizar la visita domiciliaria y emisión de informes durante las fechas programadas del 6 al 20 de agosto del presente año, siendo posible elaborar el informe psicosocial o de investigación de las familias de los **115 adolescentes** de quienes fue posible obtener información, siendo oportuno indicar que se identificó lo siguiente:

1. **50 recursos familiares** (progenitores) refirieron que estaban de acuerdo con recibir a sus hijos, si los mismos son retornados, haciendo la salvedad de que ninguno de ellos ésta requiriendo tal situación,



es decir, manifestaron su deseo respecto a que analice la viabilidad de lo que los mismos permanezcan en Estados Unidos, no obstante, el resultado de la evaluación determinó que sí pueden ser considerados recurso familiar.

Cabe resaltar que, en uno de los informes, los progenitores refirieron que si su hija regresaba, harían todo lo posible para ella saliera del país, ya que la misma se encuentra amenazada de muerte y por consiguiente no puede vivir en el país.

2. 59 posibles recursos familiares (progenitores) manifestaron su molestia al momento que ésta Procuraduría se constituyó a sus residencias, mostrando rechazo a la evaluación, incluso intimidación, refiriendo que personas de Estados Unidos, les han indicado que sus hijos tiene oportunidad de permanecer en ese país, por lo que no quisieron permitir o autorizar las evaluaciones correspondientes para establecer si los mismos constituyen recurso familiar, incluso algunos, no quisieron ampliar información para ser localizados de forma física.
3. En el caso de 4 adolescentes, se obtuvo información por parte de los familiares, que los mismos ya fueron reintegrados con un *sponsor* o patrocinador en Estados Unidos de América.
4. Respecto a 2 adolescentes, se estableció que los mismos ya habían sido retornados, por consiguiente, ya se encuentran a lado de sus progenitores.

d. DE LAS ACCIONES REALIZADAS EL 31 DE AGOSTO DEL 2025:

El 31 de agosto del presente año, se recibió información por diferentes instituciones del posible retorno de un número significativo de adolescentes que figuran en los diferentes listados que fueron trasladados y proporcionados por la ORR y autoridades de Estados Unidos, para lo cual esta Procuraduría procedió a realizar las coordinaciones interinstitucionales correspondientes para poner en marcha la "Ruta de Atención Integral" de adolescentes guatemaltecos en contexto de movilidad humana, para su debida atención.

Para el efecto esta Procuraduría realizó coordinaciones con el Ministerio de Relaciones Exteriores, Instituto Guatemalteco de Migración y la Secretaría de Bienestar Social, entre otras, así mismo, procedió a la conformación de los equipos multidisciplinarios que participarían en el proceso de recepción, atención, acompañamiento, evaluación y reunificación familiar de los adolescentes retornados; sin embargo, en horas de la tarde, se nos informó que los mismos no viajarían.

Al momento de constituirmos a las instalaciones de Fuerza Aérea Guatemalteca -FAG- se observó la presencia de 7 núcleos familiares que manifestaron encontrarse en el lugar en virtud de que se les informó que sus hijos serían retornados o bien deportados.

Para el efecto, esta Procuraduría procedió a realizar el abordaje psicosocial de los mismos, estableciendo que se encuentran en la disposición plena de recibir a sus hijos en caso los mismos regresen al país, así también, se recabó la información necesaria que permita realizar una investigación social para determinar si los progenitores constituyen o no un recurso familiar.

Cabe resaltar, que dentro de la información que se brindó por parte de los 57 recursos que fueron evaluados, 56 refirieron que el motivo de la migración radica en el tema económico, ya que manifestaron el deseo de que sus hijos puedan trabajar en ese país para poder "enviar dinero", así como la superación personal y nuevas oportunidades para retomar proyectos de vida.

Finalmente, es importante tomar en cuenta que esta Procuraduría continuará con las acciones correspondientes para la identificación y localización de los recursos familiares, así como la inclusión a programas sociales a favor de las y los adolescentes que sean retornados a Guatemala.

Certified Translation

This declaration certifies the accuracy of the translation named below:

EN_20250904_guatemala.pdf

The documents listed above were translated by an ATA, Federal Court, State Court, United Nations*, or otherwise qualified linguist. These documents are, to the best of my knowledge, complete, faithful, and accurate.



Florencia Russ, Transcend

9/5/2025

Date

*ATA formulates and maintains standards of professional ethics, practices, competence and quality of translation services. ATA accreditation is a testament to a translator's professional competence, as is Federal Court Certification, State of California Certification, and United Nations Affiliation.



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EXHIBIT B

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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

Plaintiffs,

v.

KRISTI NOEM, et al.,

Defendants.

Case No. 25-cv-2942-TJK

DECLARATION OF JENIFER SMYERS

I, Jenifer Smyers, pursuant to 28 USC § 1746 and based upon personal knowledge, declare as follows:

1. I live in Virginia, United States. I received a Masters of Public Policy from American University in 2008, and I have dedicated my career to advancing the rights of refugee families in the United States.

2. I served as the Chief of Staff and then Deputy Director of the Office of Refugee Resettlement (ORR) within the U.S. Department of Health and Human Services (HHS) from February 1, 2021, until January 20, 2025 collectively. Prior to government service, I worked at Church World Service (CWS) for more than 13 years, ultimately serving as the Director of Policy and Advocacy for the CWS Immigration and Refugee Program. I am well versed in refugee rights, programs serving refugee needs, and child welfare best practices. I have advised organizations and the U.S. government on best practices regarding vulnerable populations and child welfare for many years.

3. While working at ORR I had a number of responsibilities including supporting the executive leadership team and 30 inter-related divisions to shift the Refugee Program and Unaccompanied Children Bureaus to be more client-centered; advising and regularly briefing HHS and White House leadership; and translating complex immigration and child welfare issues into informed decision points. I also served as chief spokesperson with litigators, congressional offices, oversight bodies, media, and stakeholders. I directed policy and resource changes and shepherded regulations and sub-regulatory guidance to completion, including the Unaccompanied Children Program Foundational Rule.

4. Working at ORR deepened my understanding of well-documented child welfare best practices, including those related to the process for safe repatriations. I have read some of the public media reporting during and since Labor Day weekend regarding the government's attempt to send dozens of unaccompanied Guatemalan children to Guatemala early on Sunday morning. I have also reviewed some of the pleadings and Acting Director Angie Salazar's declaration submitted in this case.

5. In my experience, ORR has rarely used 6 U.S.C. 279(b)(1)(h), never on a mass scale, and always in compliance with processes and practices laid out in the Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA). Such reunification processes were always conducted in close coordination with the child advocates, the attorney(s) of record for the children, and relevant U.S. and foreign government agencies, and with ample time in order to ensure the best interest of the child is prioritized and respected. In my experience, this process typically takes at least several weeks, if not months, to complete, and all provisions of the TVPRA were complied with, as required by the statute.

6. It is my experience that ORR requests a recommendation from an appointed child advocate, most often a representative from the Young Center for Immigrant Children's Rights, the child's attorney, and any family members to determine whether returning to the child's country of origin is in the best interest of the child. ORR also discusses the situation with the child to take into account the child's perspective and interests. All of these steps are important so that children's best interests are fully taken into account. Otherwise, a child, and also a child's parents, may not have a full and clear understanding of their options and the consequences of certain decisions. This is important because many children in ORR custody have filed, or are in the process of filing, applications for asylum, Special Immigrant Juvenile Status, U- or T-visas, or other forms of relief for which they may be eligible, including due to fear of return to their country of origin. Both the TVPRA and ORR's Policy Guide include child advocates and legal services as important services for unaccompanied children.¹

7. For a reunification under 6 USC 279(b)(1)(H), the child advocate typically prepares a best interest determination (BID) or similar recommendation after a thorough individualized assessment of each child's situation. If a child expresses fear of returning to their home country, that is given significant weight. To reunify with a parent, there would need to be a determination that both the child and parent desire the reunification, and the reunification would only be initiated if it was the decision of the child and parent. During my time at ORR, I am not aware of ORR having returned any child to their country of origin against the child's wishes, including the 2023 case of a child from the United Kingdom to be reunited with his grandmother mentioned in Acting Director Salazar's declaration.

¹ The child advocate portion of the TVPRA can be viewed at: <https://www.law.cornell.edu/uscode/text/8/1232>. ORR's Policy Guide on child advocates is available at: <https://acf.gov/orr/policy-guidance/unaccompanied-children-program-policy-guide-section-2#2.3.4>.

8. In my experience, any request for voluntary departure must be made before an immigration judge and approved in order for the child to be removed.

9. In paragraph 10 of Acting Director Salazar's declaration, there is a list of criteria ORR reportedly employed to review the cases of unaccompanied children from Guatemala "to determine which cases were appropriate for reunification with their parents and legal guardians." I had never seen this list of criteria before, and it is not something that is provided for in any statute or regulation that I am aware of. However, the absence of any review by a child advocate; meaningful engagement with the child's attorney of record; consideration of the child's input; and/or counseling and preparation with the child, are concerning, as those are important criteria that are critical to considering the best interest of the child.²

10. Before any effort to return a child to their country of origin, ORR has historically always given ample notice directly to the attorney of record. This is so that the attorney of record, as well as the child advocate, have time to properly raise any concerns and provide a BID. This process is meant to allow plenty of time and several conferences with the child, their advocate, their family, and their attorney, before any child is removed from the United States.

11. Before this weekend, I am not aware of any instance in which ORR directed shelters to wake up a child in the middle of the night unless it was to take an early morning flight to be unified with a sponsor, of which they were notified days in advance. It is against child welfare best practices to wake up children in the middle of the night unexpectedly, outside of emergency circumstances. Many children in ORR custody have had traumatic experiences, so ORR has typically made every reasonable effort to stabilize the child's situation and environment, including providing advance notice about changes rather than surprising them. This is especially true for children who are scared about going back to their country of origin, which is true for a large number of children in ORR custody. Events like the ones I understand

² Per ORR's Policy Guide, "Best interests is a standard ORR applies in determining the types of decisions and actions it makes in relation to the care of an unaccompanied alien child. When evaluating what is in a child's best interests, ORR considers, as appropriate, the following non-exhaustive list of factors:

The unaccompanied alien child's expressed interests, in accordance with the unaccompanied alien child's age and maturity;

The unaccompanied alien child's mental and physical health;

The wishes of the unaccompanied alien child's parents or legal guardians;

The intimacy of relationship(s) between the unaccompanied alien child and the child's family, including the interactions and interrelationships of the unaccompanied alien child with the child's parents, siblings, and any other person who may significantly affect the unaccompanied alien child's well-being;

The unaccompanied alien child's adjustment to the community;

The unaccompanied alien child's cultural background and primary language;

Length or lack of time the unaccompanied alien child has lived in a stable environment;

Individualized needs, including any needs related to the unaccompanied alien child's disability; and

The unaccompanied alien child's development and identity."

Available at: <https://acf.gov/orr/policy-guidance/unaccompanied-children-program-policy-guide-guide-terms>.

happened over Labor Day weekend at many ORR shelters would be contrary to that and would likely further cause extreme stress and trauma to already vulnerable children.

Executed this 8th day of September, 2025.


Jenifer Smyers

EXHIBIT C

**UNITED STATES DISTRICT COURT
DISTRICT OF COLUMBIA**

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

Plaintiffs,

-against-

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

Defendants.

Case No. 25-cv-2942-TJK

**DECLARATION OF
JENNIFER NAGDA IN
SUPPORT OF
PLAINTIFFS' MOTION
FOR A PRELIMINARY
INJUNCTION**

I, JENNIFER NAGDA, hereby declare under penalty of perjury pursuant to 28 U.S.C. section 1746, as follows:

1. I serve as Chief Program Officer for the Young Center for Immigrant Children's Rights (the "Young Center") and submit this declaration in support of plaintiffs' motion for a preliminary injunction.

2. I graduated from law school in 2004 and am licensed to practice law in Illinois. I have been employed with the Young Center since 2008 in various roles including Child Advocate, staff attorney, and policy director. During that time, I have held appointments as a lecturer-in-law and adjunct faculty at the University of Chicago School of Law and the University of Pennsylvania Law School, respectively. I was appointed to Department of Homeland Security Secretary Jeh Johnson's Federal Advisory Committee on Family Residential Centers and recently completed a three-year term as a Commissioner on the American Bar Association's Commission on Youth at Risk. I staffed the Subcommittee on Best Interests of the

Interagency Working Group on Unaccompanied Children between 2012 and 2016, have coauthored articles including “Best Interests of the Child Standard: Bringing Common Sense to Immigration Decisions” published in 2015 by First Focus on Children, and testified before the United States House of Representatives Committee on Oversight and Reform.

3. I am familiar with the statutory framework governing the treatment of unaccompanied immigrant children, including the Trafficking Victims Protection Reauthorization Act (TVPRA), the Flores Settlement Agreement, and the Homeland Security Act of 2002. I am familiar with ORR’s obligation to place children in the least restrictive setting that is in their best interest and with federal regulations that require consideration of a child’s expressed wishes, consistent with their age and maturity, in best interests determinations. Finally, I am deeply familiar with the role of the Child Advocate as set forth in statute, regulation, and policy; the generally-accepted and regulatory criteria for evaluating a child’s best interests; and the need for children separated from their parents, legal guardians or trusted adults to have an adult at their side to explain, advise, and support them in complex legal proceedings that impact their present and future.

4. The Young Center is a registered 501(c)(3) organization based in Chicago, Illinois with programs in nine additional locations: Phoenix, Arizona; Los Angeles, California; Grand Rapids, Michigan; New York, New York; New Jersey; Harlingen, Texas; Houston, Texas; San Antonio, Texas; and Washington, D.C. The Young Center was founded in 2004 as an ORR pilot project to create a model for providing independent Child Advocates, akin to best interests guardians *ad litem*, for child trafficking victims and other vulnerable unaccompanied immigrant children. The role of the Child Advocate was codified in the Trafficking Victims Protection Reauthorization Act of 2008, 8 U.S.C. § 1232(c)(6)(A).

5. Since its founding, the Young Center, through staff and volunteers, has served as the independent Child Advocate for more than 7,000 children in government custody. The Young Center is the only organization authorized by ORR to serve as Child Advocate for children in ORR's custody and care.

6. Young Center attorneys and social workers are appointed as Child Advocates alongside trained, bilingual volunteers to particularly vulnerable unaccompanied and separated children. The role of the Child Advocate is to determine and advocate for the best interests of children on matters related to a child's custody, placement, transfer, reunification with family or release to another sponsor, access to services, immigration case, and repatriation, where appropriate.

7. Consistent with well-established principles of child protection, as recognized by the Departments of Homeland Security, Health and Human Services, Justice, and State in the Subcommittee on Best Interests of the Interagency Working Group on Unaccompanied and Separated Children's 2016 report *Framework for Considering the Best Interests of Unaccompanied Children*, a child's best interests are evaluated by considering the child's safety and well-being, expressed wishes considering their age and maturity, health, family integrity, liberty, development, and identity.

8. In order to identify the best interests of an individual child, Child Advocates meet regularly—in most cases, weekly—with the children to whom they are appointed. Visits are often conducted by volunteers who speak the child's language or share aspects of the child's identity. Those staff and volunteers spend weeks learning the child's story and understanding their wishes, so that trained staff can develop recommendations about what course of action by government officials will be in that child's best interests.

9. Child Advocates also gather information about the child’s history from adults who have relevant information about the child, including parents and other adult family members, whether in the United States or in the child’s country of origin. It also includes speaking with the child’s counsel (when the child gives consent) to understand whether the child may be eligible for relief from removal through protections including, but not limited to, asylum or Special Immigrant Juvenile Status. It also includes communication with federal agencies with insight into the child’s needs, such as the Office on Trafficking in Persons (OTIP), which designates some unaccompanied children as eligible for benefits as survivors of trafficking.

10. The Young Center has also served as “next friend” to child plaintiffs in the class action litigation *J.O.P., et al. v. Department of Homeland Security, et al.*, No. 19-CV-01944-SAG (D. Md. Nov. 25, 2024) (order granting final approval of settlement agreement).

11. In my work as a Child Advocate and supervisor of Child Advocates, I have been appointed to and supported cases where children sought and won asylum and protection as trafficking survivors as well as cases where children fled familial violence and were granted Special immigrant Juvenile Status after a court determined it was not in the child’s best interests to return to a parent in home country. I have witnessed children’s ability to share histories of violence, persecution, injury, and deprivation—and to do so repeatedly for lawyers, child advocates, judges, and immigration officials. For this reason, in establishing the Young Center’s paradigm for evaluating best interests, we made the child’s wishes a primary consideration, on par with a child’s right to safety, to ensure that a Child Advocate does not substitute their judgment for a child absent imminent danger to the child.

12. The Office of Refugee Resettlement (ORR) has appointed the Young Center as independent Child Advocate to each of the named plaintiffs. The Young Center is also appointed

to putative class member J.J.T.S. and many more putative class members. In these cases, the appointed Child Advocates meet regularly with the children in the facilities where they are in federal custody. This individualized time with children allows Child Advocates to understand each child's wishes—a bedrock principle of any best interests analysis—knowing that their wishes may change over time and as they learn new information. In each case, the Child Advocates will also engage in the activities set forth in paragraph 8, from fact-gathering to best interests advocacy specific to each case.

13. By definition, unaccompanied children in ORR are separated from their parents or legal guardians. They are also separated from other trusted adults who have cared for them and assisted them with important decisions. Until June 2023, children in ORR custody faced significant but arbitrary restrictions in their ability to speak with family members whether in home country or in the United States. Moreover, family members in the U.S. who seek to sponsor children's release from ORR custody often fear arrest, detention, and deportation by presenting themselves to ORR as sponsors, a fear that has become more acute in the current environment, further limiting the ability of children to communicate openly with family members as they seek both release from ORR and relief from removal before DOJ and USCIS.

14. The role of the TVPRA Independent Child Advocate was modeled in part on the concept of guardians *ad litem* or best interests advocates appointed to children in other situations where their parent or legal guardian is unavailable or unable to advocate for the child's best interests. For this reason, Young Center Child Advocates provide best interests determinations (BIDs) to a wide range of stakeholders on a variety of issues. For example, Child Advocates provide BIDs to ORR to contextualize a child's behavior and explain why transfer to a more restrictive facility is not in the best interests of a child with a disability or engaging in behavior

arising from an un-treated trauma history. Similarly, Child Advocates provide BIDs to immigration judges to secure a toddler's absence from a routine three-hour hearing or to help a judge understand why a continuance is in the best interests of a child with limited mental capacity who has yet to retain counsel.

15. ORR has the power to make decisions both favorable and adverse to a child's interest, from something as simple as a child's ability to participate in a field trip to critical issues like release to the child's preferred family member or transfer to a long-term foster care facility. In this way, ORR, like other federal agencies with the ability to make decisions about the child's conditions of custody, release from custody, and permanency (relief from removal in the US), requires the assistance of statutory Child Advocates to provide independent determinations about each child's best interests.

16. Since developing the Child Advocate model as a pilot project of ORR beginning in 2004, and then becoming the statutorily-appointed Child Advocate after passage of the 2008 TVPRA, the Young Center has become nationally recognized for its expertise on serving as independent Child Advocate for unaccompanied children in ORR custody. Our staff are frequently asked to speak about this unique role, have published articles about the need for best interests advocacy for unaccompanied children and even testified before Congress about our best interests advocacy on behalf of unaccompanied children.

17. In 2012-2013, the Young Center was appointed as Child Advocate to an infant placed in ORR custody. The infant was the subject of federal court litigation challenging the child's adoption. The Young Center's Executive Director, Maria Woltjen, provided a best interests recommendation to the federal judge who was considering the legality of the adoption

and appropriate placement of the child in the case of *Duquet v. Napolitano*, No. 12 C 9315 (N.D. Ill.).

18. Similar to the role of Child Advocate, a “next friend” can assist a child in understanding complex legal proceedings and making recommendations as to whether certain decisions—such as proposed settlement agreements—are in the best interests of an individual child. To the extent that an individual removal proceeding specific to the facts and law applicable to a specific child necessitates the involvement of a Child Advocate, federal class actions are even more complex and have the ability to impact different children in different ways.

19. Whether or not appointed as Child Advocate, the Young Center’s experience in serving as Child Advocate and next friend will allow us to help the child plaintiffs in the proposed class to understand the proceedings and also to identify relevant issues for class counsel as it represents the full class, including but not limited to whether class counsel needs to consult with a wider range of differently-situated plaintiffs in considering issues such as terms of any settlement.

20. In my experience, children in ORR custody are not reunified with parents or other family members who reside outside of the United States without significant advocacy by counsel and Child Advocates and the involvement of an immigration judge.

21. When we are appointed to children in ORR custody who wish to return to home country, we engage in fact gathering that often includes a safe repatriation assessment in the child’s home country in partnership with organizations based in that country. We then engage in a best interests analysis before submitting a BID to agencies involved in the child’s return. Prior to return, in almost all cases, children appear in immigration court, represented by an attorney, to request voluntary departure from an immigration judge who also considers the Child Advocate’s

BID. In some cases, the attorney works with the Department of Homeland Security to effectuate a process in which the child is permitted to withdraw their application for admission in order to return. In each instance, for days and weeks before the child's return, there is a legal process involving agencies outside of ORR who approve the child's return and subsequent work by the Child Advocate to secure arrangements for the child's safe repatriation.

I declare under penalty of perjury that the foregoing is true and correct. Executed on September 8, 2025.

A handwritten signature in black ink, appearing to read 'J. Nagda', is positioned above a horizontal line.

Jennifer Nagda

EXHIBIT D



ADMINISTRATION FOR
CHILDREN & FAMILIES

Office of the Assistant Secretary | 330 C Street, S.W., Suite 4034
Washington, D.C. 20201 | www.acf.hhs.gov

DATE: August 31, 2025

TO: ORR Care Provider Facilities

FROM: Angie Salazar, Acting Director, Office of Refugee Resettlement (ORR)

SUBJECT: DEMAND FOR COMPLIANCE WITH TERMS OF CUSTODY & CARE

The Administration for Children and Families (ACF) Office of Refugee Resettlement (ORR) requires that all care facilities comply with the lawful directives of ORR as consistent with applicable laws and court orders.

ORR, through a network of shelters and programs, provides care and services to all unaccompanied alien children referred to ORR by other federal agencies, as required by the Homeland Security Act of 2002 and the Trafficking Victims Protection Reauthorization Act of 2008. ORR is statutorily required to consider the interests of the child in decisions relating to the care and custody of the child. 6 USC 279(b)(1)(B). See also 8 USC 1232(c)(3)(A).

ORR is the agency lawfully authorized and entrusted with the custody and care of unaccompanied alien children including those in your care provider facility.

When ORR makes a decision regarding the care and custody of a child consistent with and in furtherance of its statutory and legal obligations, your refusal to comply can materially interfere with ORR's ability to effectively complete its statutory mission.

Negligent or intentional failure to comply with lawful requests from ORR regarding the care of the children in your care facility will result in prompt legal action and may result in civil and criminal penalties and charges, as well as suspension and termination of contractual relations with your facility. I refer you to the above referenced laws, the legal terms and conditions of your relationship with ORR and the ORR Unaccompanied Alien Children Bureau Policy Guide.

Angie M. Salazar

Date: 2025.08.31 09:17:06
-04'00'

Angie Salazar

Date

EXHIBIT E

**DECLARATION OF ROXANA AVILA-CIMPEANU, DEPUTY DIRECTOR, THE
FLORENCE IMMIGRANT AND REFUGEE RIGHTS PROJECT**

I, Roxana Avila-Cimpeanu, make the following statements on behalf of myself and The Florence Immigrant and Refugee Rights Project. I certify under penalty of perjury that the following statement is true and correct pursuant to 28 U.S.C. § 1746.

1. My name is Roxana Avila-Cimpeanu. I am a licensed attorney and a member in good standing in the State Bar of Arizona. I am currently employed as Deputy Director of the Florence Immigrant & Refugee Rights Project (“Florence Project” or “FIRRP”). I joined the Florence Project on September 6, 2016, and have served in my current role since September 2024. Before I assumed my current position, where I oversee our Legal and Social Service Programs, I previously served as Children’s Legal Program Manager, Managing Attorney for the Children’s Pro Bono Program, Pro Bono Mentor, Staff Attorney, and Law Graduate with the Florence Project’s Children’s Legal Program serving unaccompanied immigrant children in Arizona. During my time at the Florence Project, I have personally provided free legal services, including friend of court services, direct representation, legal orientation and education, and pro bono mentorship, to at least 140 children. Additionally, as Children’s Legal Program Manager and Deputy Director I have supervised attorneys, pro bono volunteer attorneys, law graduates, accredited representatives, legal assistants, intake specialists, and social workers who have provided free legal services, both direct representation and pro se services, to thousands of individuals detained in Office of Refugee Resettlement “ORR” and ICE custody in Arizona.

Florence Project’s Mission and Scope

2. Founded in 1989, the Florence Project is a 501(c)(3) non-profit legal services organization with offices in Tucson, Phoenix, and Florence, Arizona. The Florence Project’s mission is to provide free legal and social services to detained adults and children facing immigration removal proceedings in Arizona. On any given day, there are thousands of people detained in ICE custody in rural detention centers in Eloy and Florence, Arizona. With no public defender structure in immigration removal proceedings, the vast majority of people who are detained in ICE custody and facing removal are forced to go unrepresented in immigration court due to poverty or lack of access to counsel. The Florence Project strives to address this inequality through direct services through our legal and social service programs as well as through both local and national advocacy and outreach efforts, which are led by our advocacy program, informed by our direct services work, and done in partnerships with the broader immigrant rights community. The Florence Project’s vision is to ensure that all immigrants facing removal have access to counsel, understand their rights under the law, and are treated fairly and humanely.

3. The Florence Project is the sole 501(c)(3) non-profit organization dedicated to providing free legal services to unaccompanied children in Arizona and adults in immigration detention in Eloy and Florence, Arizona. Through our attorneys, accredited representative, legal assistants, and network of pro bono attorneys, the Florence Project provides free legal education and high quality free immigration representation to thousands of people who are detained in immigration custody and face removal in Arizona.
4. The Florence Project provides high quality immigration legal services and education to the thousands of unaccompanied children (“UC”) who come into Office of Refugee Resettlement (“ORR”) custody in Arizona in any given year. This includes providing age-appropriate “Know Your Rights” presentations to children in ORR shelters to help them understand what is happening to them and their legal process, as required by law under the Trafficking Victims Protection Reauthorization Act (“TVPRA”). We also work to ensure that no unaccompanied child in ORR custody in Arizona goes to court alone, providing friend of court support and representation in hundreds of cases to children seeking humanitarian protection and other relief in Immigration Court or before the United States Citizenship and Immigration Service (“USCIS”).
5. The Florence Project also provides free legal services in all three ICE detention centers currently in operation in Arizona: the Eloy Detention Center, the Florence Detention Center, and the Central Arizona Florence Correctional Complex. In those facilities, we provide detailed legal orientation and technical support to thousands of detained *pro se* respondents each year, including group orientations and workshops that enable people to represent themselves in bond and removal proceedings. Florence Project attorneys also represent hundreds of adult clients before the asylum office, immigration courts, and the Board of Immigration Appeals (“BIA”) each year, including many who are seeking humanitarian relief, such as asylum, withholding of removal, and protection under the Convention Against Torture (“CAT”). Florence Project attorneys also serve as appointed counsel for individuals deemed mentally incompetent to represent themselves in removal proceedings and, working with support from our legal assistants and social workers, maintain a caseload of approximately one hundred such clients throughout Arizona under the National Qualified Representative Program (“NQRP”) and pursuant to court order in *Franco-Gonzalez v. Holder*, No. CV 10-02211 DMG DTBX, 2013 WL 8115423, at *1 (C.D. Cal. Apr. 23, 2013).
6. In addition to our free in-house representation, Florence Project also has a robust *pro bono* program that receives case referrals from teams providing education and legal screenings and then connect unrepresented noncitizens, both adults and unaccompanied children, with *pro bono* counsel from law firms or *pro bono* private immigration practitioners. Each year, our *pro bono* program places dozens of new cases with volunteer attorneys before the immigration court, state juvenile and probate courts,

USCIS, BIA, and the Ninth Circuit Court of Appeals and provides mentorship and technical support on those cases.

Florence Project's Services to Unaccompanied Children

7. The Florence Project's core work is providing free legal services, including both legal education and information about asylum and other forms of humanitarian protection from removal, among other forms of relief, to thousands of people each year. Florence Project staff routinely provide individualized legal education and direct representation to noncitizens who are seeking asylum and/or other fear-based humanitarian protection, such as asylum. Our Children's Program represents unaccompanied children in regular removal proceedings under 8 U.S.C. § 1229a as well as in affirmative asylum applications before USCIS and the asylum officer under the TVPRA. We also represent and advise individuals in bond hearings before the Immigration Courts, and in release requests to ICE.
8. In total, the Florence Project currently has a staff of 138 people. The Florence Project operates two large direct legal service programs, one serving unaccompanied children, and one serving primarily detained adults, and a smaller advocacy program, which directly serves both adults and children in other federal court advocacy. All of the staff members who work on our children's team and advocacy team are impacted by the planned unlawful removals of unaccompanied children to Guatemala and Honduras.

Issuance and Immediate Impact of the Planned Removals to Guatemala

9. On or about August 6, 2025, Florence Project staff learned that Homeland Security Investigations ("HSI") were conducting unannounced interviews with unaccompanied children in ORR shelters across the country. On August 8, 2025, HSI began to interview children in shelters in Arizona. Florence Project staff sought to be present during these interviews, during which HSI asked a number of questions regarding potential sponsors and trafficking. Little to no part of these interviews focused on fear screening. The purpose of these interviews was, at the time, and to a degree still, remains unclear.
10. On August 28, 2025, Florence Project staff heard credible reports from partner organizations of planned removal and repatriation of Guatemalan children from ORR facilities. On August 29, 2025, the Florence Project learned about a letter released that morning by Senator Wyden and reporting from CNN and the *New York Times* stating that Guatemalan children in ORR shelters would be summarily repatriated.

11. Immediately upon learning this information, the Florence Project diverted experienced attorney and staff resources to determine a plan of action to identify all Guatemalan children in ORR care in Arizona, create a tailored Know Your Rights presentation, assign teams to meet with children, train staff on how to conduct the presentation and consultations, prepare documentation, and coordinate meetings with ORR for all Guatemalan children detained in shelters across Arizona. Our team met with 55 Guatemalan children, providing specialized Know Your Rights presentations, over August 28, 2025 and August 29, 2025. Florence Project managers and attorneys on the Children's Program also proactively contacted various government stakeholders to notify government officials that we are representing the children; attempt to obtain more information, confirmation, or clarification regarding potential plans for repatriation of Guatemalan children, state objections to removal outside of the statutorily mandated process under the TVPRA, and otherwise express concern regarding the potential removal of these children. This included emailing the following:

- a. On Friday, August 29, 2025, at 4:02 PM, FIRRP sent an email to the local Federal Field Specialists ("FFS"). FFSs are field staff who act as the local ORR liaison with care providers and stakeholders, including legal service providers such as FIRRP. An ORR/FFS is assigned to multiple care providers within a determined region and, acting as an agent of HHS/ORR, serves as the regional approval authority for unaccompanied alien children transfer and release decisions. To date, FIRRP has never received a response to these emails.
- b. On Saturday August 30, 2025 at 9:58AM, FIRRP emailed staff at the Administration for Children and Families' Prevention of Abuse and Neglect team. The PCAN Team, which is part of the Unaccompanied Alien Children Bureau's Division of Quality Improvement and Performance Management, provides policy guidance, technical assistance, and training to ORR care providers to support the prevention of child abuse and neglect in ORR care, as well as oversee compliance with related policies and procedures and the Interim Final Rule 45 C.F.R. § 411.6, *Standards to Prevent, Detect, and Respond to Sexual Abuse and Sexual Harassment Involving Unaccompanied Alien Children*). The PCAN Team works to ensure that unaccompanied alien children are safe, nurtured, and free from abuse and neglect by prioritizing the prevention of child maltreatment. To date, FIRRP has not received a response to this email.
- c. On Saturday, August 30, 2025 at 2:32 PM, FIRRP emailed the UC Office of the Ombudsman regarding client LMLR*092, to inform them of the purported plan to remove children to Guatemala, and request assistance for the removal of LMLR from any list of children set to be unlawfully repatriated due to failing to meet criteria.

- d. On Saturday August 30, 2025 at 10:55 PM, we again emailed to all the FFSs known to FIRRP and informed them of this pending litigation, that we are representing the 53 children listed in this complaint, and that children will suffer irreparable harm if transferred out of ORR custody and removed to Guatemala. To date, FIRRP has never received a response to this email.
 - e. On Sunday August 31, 2025 at 12:19 AM, FIRRP emailed MVM to inform them that an email had been sent to ICE and ORR regarding this pending litigation. At 1:24 AM, the email was forwarded to additional MVM email addresses.
 - f. On Sunday, August 31, 2025 at 2:03 AM, FIRRP emailed the FFSs, the DHS-ICE Field Office Juvenile Coordinator (“FOJC”), and MVM to inform them of the temporary restraining order issued in the L.G.M.L. class action. At 2:15 PM and 2:34 PM, FIRRP emailed the same list to inform them of the temporary restraining order issued by this Honorable Court, and informing them that the Government is enjoined from removing the 53 Guatemalan children FIRRP represents in this matter.
 - g. On Sunday, August 31, 2025 at 7:11 AM, FIRRP sent the UC Office of the Ombudsman a list of the 53 children from Guatemala we are representing in this matter.
12. Florence Project staff also worked over the holiday weekend, including some who cancelled vacation in the event that the U.S. Government elected to pursue removals of these Guatemalan children outside of normal business hours. This entailed having at least 20 staff members monitoring email and other communication and ready to quickly move into action to protect our child clients over a holiday weekend.
13. On Saturday, August 30, 2025, at approximately 9:45 p.m. Pacific Time, Florence Project filed the original complaint in the present lawsuit along with a Motion for a TRO. Florence Project promptly notified government stakeholders regarding this filing.
14. On Saturday, August 30, 2025, at approximately 9:30 p.m. Pacific Time on Labor Day Weekend, we began to hear from network partners that ORR had been instructed to discharge Guatemalan children within hours. In all, Florence Project staff were actively responding to government efforts to remove Guatemalan children between approximately 10 p.m. Pacific Time Saturday, August 30, 2025, and 4 a.m. Pacific Time, Sunday, August 31, 2025. Overnight on a holiday weekend, Florence Project staff and were forced to engage in rapid response efforts to ensure unaccompanied children in Arizona were not taken for unlawful repatriation against their will. Florence Project staff repeatedly emailed government stakeholders in ORR and DHS and spoke with shelter staff formally notifying

them that our unaccompanied child clients from Guatemala were not amenable for removal outside of the TVPRA process and highlighting that many of the children in question had fear claims, were at risk of trafficking, had been abandoned, abused, or neglected in their country of origin, and, in some cases, were not medically fit for travel. Ultimately, over the course of the night, the U.S. Government actively sought to physically remove at least 33 children, and one shelter even woke up all the children in care in the facility in the middle of the night even though they were not supposed to be removed that night.

15. Despite having entered appearances as the attorney of record in the vast majority of these children's cases, Florence Project staff received no direct communication, notice, or response to inquiries from the federal government about its plans to effectuate these removals. Rather, in every case Florence Project attorneys learned that their clients were at risk of imminent physical removal only after shelter staff notified the Florence Project that their clients were being transported, and as a result of FIRRP's constant, proactive communication with shelter staff over the course of Friday and Saturday. In approximately nineteen cases, the communication from shelter staff came before MVM – a private transportation company that contracts with ICE – arrived to the shelter. This gave Florence Project staff as much as two hours and as little as thirty minutes of notice that our clients were set to be transported. However, for kids in many of shelters, shelter staff only notified Florence Project attorneys once MVM was already physically present at the shelter seeking to take our clients for removal. In at least one shelter, MVM came to the facility multiple times through the night seeking to remove a child, with attempts taking place between 12:45 a.m. and 3:15 a.m. on Sunday morning. In some cases, it was unclear which children MVM had come to take.
16. In the cases where some advance notice was provided, shelter staff also at times provided Florence Project attorneys with a copy of an additional boilerplate written notice of intent to remove. For some children, the shelter indicated after giving initial notice that not all children were selected for removal after all. In each of those written notices, the form letter provided used bracketed and highlighted spaces in the letter stating "[UAC Name]" where the name of the individual unaccompanied child to be removed was supposed to be filled in, but had been left with only the bracketed generic language. At least one shelter provided the generic, fillable form letter accompanied by a list of actual names of individual children targeted for removal. The process was highly varied, inconsistent, and taking place in the middle of the night, which created confusion as to which of our clients were actually going to be taken away.
17. At a little after 4:00 a.m. Eastern Time - 1:00 a.m. Pacific Time – the DC District Court granted a TRO in *L.G.M.L. et. al. v. Noem*, 1-cv-25-02942 (D.D.C. Aug. 31, 2025). Florence Project staff learned about the TRO shortly thereafter and immediately began to

notify shelter staff throughout Arizona regarding the existence of the TRO. We also sent similar notices to ORR FFSs, DHS, and MVM contacts. Despite being notified of the TRO, for at least one shelter, the Florence Project attorney received written notice regarding the intent to remove children at 2:58 a.m. Pacific Time, well after the TRO had been issued and at another shelter, shelter staff notified a Florence Project attorney that MVM had returned to collect children at approximately 3:14 a.m., well after the TRO had been issued in the D.C. District Court case.

18. At approximately 7:00 a.m. on Sunday August 31, 2025, Florence Project staff learned about memo to ORR shelters from Angie Salazar, Acting Director of the Office of Refugee and Resettlement, demanding that shelters comply with ORR directives and threatening legal action, including possible civil and criminal penalties, for failure to comply. As a result, Florene Project staff again received communication from shelters that were again beginning to prepare children to be removed. Florence Project staff remained on-call and prepared to engage in further rapid response as needed until the resolution of the emergency hearing with the D.C. District Court in *L.G.M.L. et. al. v. Noem* on Sunday morning.
19. All of the children FIRRP represents in this matter are in active § 240 removal proceedings, have indicia of trafficking, asylum, or Special Immigrant Juvenile Status, or have reunification options with family members in the United States. None of them want to be forced back to their country of origin.

Issuance and Immediate Impact of the Planned Removals to Honduras

20. On August 29, 2025, while coordinating for Know Your Rights presentations for Guatemalan Children, Florence Project staff were informed by shelter staff that a Honduran Consulate official was meeting with a Honduran child. FIRRP met with the child after the child met with the consulate official. The child disclosed this was not an expected visit. The Honduran child stated the consulate official asked the child questions about his time at the shelter, questions concerning the minor's parents. The minor stated that the consulate official asked them if they wanted to return to Honduras, to which the child said they wished to remain in the United States.
21. On September 4, 2025, Florence Project staff learned while visiting a Honduran minor about the Honduran consulate visiting the same minor the day prior. The child disclosed this was not an expected visit. The child reported that the consulate official asked the minor questions about the minor's own child. The minor was surprised at the level of detail the consulate already had about the minor's child, like their name. The consulate official asked the minor child questions about the minor's family in the United States, and the minor's

treatment by ORR shelter team. The consulate official asked the minor if they wanted to return to Honduras, to which the minor responded they wished to remain in the United States.

22. Additionally, the Florence Project staff were aware that a number of Honduran children had also been subjected to HSI interviews that occurred early in the year, beginning on August 8, 2025. This follows a similar pattern of interviews that Florence Project staff witnessed in the case of Guatemalan unaccompanied children, who the U.S. Government did in fact attempt to remove over the Labor Day weekend.
23. On September 1, 2025, the Florence Project learned that the Honduran government was working on a cooperative agreement for the possible return of Honduran unaccompanied children to Honduras through public posts made by the Honduran government on their X account and a statement on the official website of the Honduran Secretariate of Foreign Relations and International Cooperation
24. The Florence Project is part of a broad network of legal service providers who support unaccompanied children. On September 4, 2025, Florence Project began to hear various reports from across the country regarding partner legal service provider organizations receiving communications from shelters in their region indicating that ORR was informing shelters that ICE may soon attempt to take into custody Honduran minors, much as they had attempted to take Guatemalan minors over the Labor Day weekend. On September 5, 2025, credible reports continued to stream in from the network regarding the imminent removal of Honduran children.
25. Immediately upon learning information regarding a possible similar attempt to remove Honduran unaccompanied children, the Florence Project again had to divert experienced attorney and staff resources to determine a plan of action to identify all Honduran children in ORR care in Arizona and provide them with a similar tailored Know Your Rights presentation addressing this situation. This involved assigning teams to meet with children, preparing staff for these consultations, preparing documentation, and coordinate meetings with ORR for an additional 11 Honduran children detained in shelters across Arizona, and one child placed in the legal care and custody of Catholic Charities Unaccompanied Refugee Minor Program. Although some of the materials from the effort for the Guatemalan children were able to be re-purposed for the Honduran children, the additional burden this placed on teams who were already stretched extremely thin by the efforts made the week prior for Guatemalan children was a significant diversion of resources.

Impact On Florence Project of Attempted Removals of Unaccompanied Children

26. From Thursday afternoon of August 28, 2025 to the time of this filing, Florence Project staff have had to divert significant hours of work to this emergency. This includes staff of all levels, including Executive Director, Deputy Director, Legal Director, Advocacy Team, and Children's Program. Florence Project staff members from our non-Unaccompanied Minor program are also being tapped in to create a rapid response on-call system and a buddy system in the event that staff are called to go to shelter facilities in the middle of the night again. Due to the clandestine nature of this process and the middle of the night removals, FIRR has to double staff visits to shelter that happen after normal business hours in order to protect our staff's safety to have someone dedicated to taking good notes about what happens to our clients in this unprecedented process. Many staff hours have been expended already in communication, both internal and external, document creation, staff support, rapid response planning, client meetings, document preparation, staff guidance, Office of People and culture consultations regarding off work hours work expectations, and constant communication and monitoring of external news and partner communications.

27. The unlawful removal plan impedes Florence Project's core work in a number of crucial ways. First and most importantly, by providing for unlawful removal of unaccompanied minors without providing them with an opportunity to speak with legal counsel, any ability to raise or pursue claims for asylum or other protection, this plan has effectively eliminated Florence Project's ability to serve children who are in the United States and seeking their statutory right to asylum or other fear-based humanitarian protection under the TVPRA. This frustrates our mission of providing legal services to children facing removal in Arizona and eliminates our ability to ensure that noncitizens facing removal have access to counsel, understand their rights, and are treated fairly and humanely. And it essentially eliminates our core practice of representing asylum seekers under proceedings protected by the TVPRA.

28. The plan also substantially interferes with another core aspect of the Florence Project's work, connecting children with fear-based claims for relief with pro bono legal representation. Florence Project was not informed of this plan directly, and with less than 48 hours of notice before the Labor Day holiday weekend, and when many of our staff were predictably out of office on the Friday before Labor Day, our ability to meet with all impacted children and provide services, and assess for relief in a child-friendly manner utilized many resources in time and staffing. The lack of official notification of this plan, and the imminent threat of removal eliminates Florence Project's ability to identify clients for pro bono representation through our Pro Bono Program.

29. Florence Project staff have also had to divert resources to understand if and how this plan would impact the children we serve. This includes both outreach to partner organizations and legal service providers across the country, the Guatemalan consulate, the Prevention of Child Abuse and Neglect (PCAN) team at the Administration for Children and Families (“ACF”), local and national ORR staff, the Phoenix Field Office Juvenile Coordinator, officers at the ACF, the ORR Ombudsman, and the Young Center, to learn if anyone is aware of or could share details of this plan as it affects our clients. As of August 30, 2025, no official representing agencies of the United States government has informed the Florence Project whether or not our clients are being impacted, and how, nor who the coordinator of this plan is.
30. Florence Project staff themselves also are not immune to the sense of chaos and confusion created by the plan and its incompatibility with the language of relevant immigration statutes on asylum and other protections such as the TVPRA. At least 31 Florence Project staff and managers have had to divert significant time towards developing a bespoke Know Your Rights Presentation, preparing documents, scheduling meetings, meeting with children to provide KYR presentation and consultation in a child friendly, and culturally and age appropriate manner, communicating with various external stakeholders, and trying to figure what is going to happen to our children clients. This is a task made more difficult at this moment given that, at this stage, there is no official communication regarding what the plan is, which children are impacted, or who or what group is in charge of effectuation of removals. Indeed, even after the class action TRO was issued to protect the class, Florence Project staff were still on high alert given reports that children were still on the planes bound for Guatemala for hours after the TRO was issued. Additionally, the government’s actions indicating a plan to repatriate Honduran children, a plan for which we have no notice, does not inspire confidence that our client’s rights will be protected.
31. On Thursday, August 28, 2025, staff worked past the usual 5:00 p.m. close of business to coordinate with ORR shelters on accelerated access to children, including sudden scheduling changes that would not have occurred but for the imminent risk of removal. Additionally, staff spent time preparing to visit and advise 56 Guatemalan children in ORR care. On Friday, August 29, 2025, staff continued to work beyond normal office hours, conducting KYR presentations and child interviews, scanning/intaking representation documents, compiling data and information for potentially impacted children, and performing rapid outreach to ORR shelters, FFS, and ICE.
32. The timing of this event caused FIRRP to incur overtime costs for non-exempt staff. Additionally, staff members were forced to cancel much deserved time off. In a high stress environment, the ability to take meaningful time off is essential to preventing attrition. When staff have to cancel time off for emergency situations, this can lead to

burnout and puts the Florence Project at risk of losing talented and trained staff, and increases costs spent on recruitment and hiring.

33. Staff also had to spend time working to schedule qualified interpreters for a variety of languages, including rare indigenous Mayan languages, adding to the complexity of talking with 55 children in one day. At least 17 of the children FIRRP interviewed on August 29, 2025, speak an indigenous language, which increased the amount of time staff spent in confirming best language, scheduling the appropriate interpreter, and conducting services through interpretation, which takes more time than when working with Spanish speaking clients, as the majority of our staff speak Spanish. It is also important to note that while many Indigenous children from Guatemala may state that they speak Spanish, they may in fact speak another language better, but they will say they speak and understand Spanish due to fear and the discrimination they may have faced against their indigenous group in home country. In an ideal course of representation of children, the attorney will have time to build trust and identify best language before moving forward to explain extremely complicated legal concepts and talking to the child about the traumatic things that have happened to them which could make them eligible for legal relief.
34. Many of the children we met with on August 29 come from indigenous communities and speak a Mayan language known only to a small number of people in the world. In Guatemala, they may have faced discrimination due to their identities, and not so long ago a Civil War made indigenous communities a target of state-sponsored violence, vestiges of which continue to this day. Many Honduran children are in the United States fleeing violence. Being ripped of bed in the middle of the night by the Government no doubt traumatized vulnerable children even more given their background.
35. Due to the tender age of some clients, staff had to spend more time preparing with care in order to provide important, child-friendly legal information to a three-year-old and 6 children under the age of 13. Before meeting with the children, staff met with FIRRP social workers for best practices on approaching a heavy topic with young children. Providing important legal information to children this age requires time for the child to feel comfortable to talk to staff, this includes play time such as playing with stuffed animals, coloring a picture together, and talking to a child about non-legal subject like favorite animals, games, food, etc. Informing a ten-year-old about possible removal to a country that they do not want to return to caused confusion and emotional distress. This inevitable reaction from a young child, left staff adding more time in providing some sort of comfort and clarity for the child. Staff learned that after the meetings, the children were down in spirits and required the services of the ORR clinician.

36. Staff spent time driving to ORR shelter facilities unexpectedly, and some of the shelters are more remote than others which added commuting costs and time for FIRRP due to the need to talk with clients in person about the situation.
37. The impact to FIRRP's staff and resources cannot be fully understood without taking into account the significant cuts to federal funding and related challenges that have affected the organization as a result of the Government's actions. Cuts to the Legal Orientation Program in its entirety, and cuts and continued uncertainty in the Unaccompanied Children Program have led FIRRP to the painful decision to reduce the workforce and lay off 35 valued staff members as of July 15th, 2025. Additionally, uncertainty around general funding has led to additional attrition of staff. In the past year, FIRRP's staffing levels have decreased from 213 staff members at its highest point to 137 as of the time of this filing. This reduced staffing number means that the Children's Program has been forced to be extremely conscientious about the number of cases we are taking. As a result of this sudden and unlawful plan, FIRRP's limited capacity is being spent on protecting 53 unaccompanied children from unlawful removal, which means there are less resources for children from other countries.
38. Because of the possible imminent and unlawful removals, the Florence Project Deputy Director, Children's Legal Program Manager, several managers, staff attorneys, legal assistants, advocacy liaison, advocacy attorney, and communications manager have also diverted resources to attempt to gain more information regarding this plan, determine a plan of action, and enter into representation for 53 children in care. Moreover, we at the Florence Project know that the stress caused by the uncertainty and chaos regarding immigration policy wears down staff, undermines morale, and contributes to burn-out and turnover, which has significant financial and brain-drain impacts on the Florence Project as an organization. Like many non-profits, our staff are deeply dedicated and personally connected to our organizational mission and vision; they are motivated by their desire to help people in need. The fact that we, as the designated legal service provider for ORR facilities in Arizona, have been left in the dark and have had to speak to children with real and deep fears of returning to Guatemala on such a truncated schedule has been emotionally disturbing and undermines morale for Florence Project staff.
39. Additionally, the plan is significantly hampering Florence Project's core work of explaining and educating immigrants as to their legal rights under U.S. immigration law. The clandestine nature of the plan is at odds with the TVPRA's guarantee of access to legal counsel to all unaccompanied minors. Conversations and plans for removal have been made without notifying Florence Project attorneys, thereby preventing children from having a meaningful conversation about their rights and eligibility for relief, or other legal options. As a result, Florence Project staff are being forced to explain a process to

vulnerable children and explain their rights to the best of our abilities, when we are aware of a plan that is inherently in conflict the laws that govern their rights and protections, and only after the government appears to have talked to the children without counsel present. We met with several children who were inconsolable and scared when we explained that they may be removed, yet due to the lack of information and imminent time frame for supposed removals, we were not able to address the child's concerns and fears in the most trauma-informed and children friendly manner, as is our goal with every conversation with have with child clients. The fact that several children we spoke with were scared and confused shows that they were not properly explained this process, and none of our clients in this complaint consent to returning to Guatemala.

40. The lack of transparency and communication, in turn, impedes our ability to effectively help children understand their rights and legal situation. This level of uncertainty and lack of information is also likely to adversely impact trust that we develop with clients and community stakeholders. That is because we are currently forced to explain a situation that is at odds with what the law says and a process for which we have been given no information, and in a timeline which does not allow us to effectively build rapport and learn the child's immigration history fully, or to figure out what is happening to these children. The government has not yet made public any information about how this plan is being implemented, nor have they shared information directly with us, which both undermines our ability as a legal service provider to give clear and accurate information while also making it much more difficult for us to gain the trust of the children we serve, who are often survivors of acute trauma, are of tender age, are fleeing violence and mistreatment, and require extra attention, intention and care in order to represent effectively. Indeed, all of the children listed in the complaint have expressed a fear of return, have been abused, abandoned, or neglected, or have described circumstances which could indicate the presence or risk of trafficking. They have the right to speak with counsel and file for relief, but they should not be forced into making those decisions with the Department of Homeland Security or ORR, but rather with trusted counsel and within a timeframe that acknowledges their special vulnerabilities as unaccompanied children.
41. The uncertainty with respect to how the plan is being implemented is also harming our efforts to serve unaccompanied children in ORR care. We have no details as to how these children were chosen, or who is in charge of the plan. We have no information as to whom we need to reach out to share that children have expressed fear or have possible relief. We have no information on whom to reach out in order to remind the Government that these children are in 240 proceedings or have the right to go before a judge in 240 proceedings under the TVPRA. We have not been informed of interviews with children that have happened without our presence and that would have clear and serious implications on their legal case, nor what was said in those interviews and in what language. We have no

information about who in this scheme is making determinations about children's eligibility for relief or determines if a child has expressed fear or is at risk of trafficking. This makes it impossible to properly counsel and console children who are afraid to return to their country of origin, and who are confused about the legal process they face. MVM contractors charged with taking children away from shelters told us that they "have a job to do," but did not seem well informed of pending and active litigation on this case, including the class action lawsuit and resulting TRO and the instant case.

42. We expect that this uncertainty will continue for the foreseeable future and continue to impact our staff and programs and our choice as to how we steward the organization's resources, and our ability to fulfill our mission.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on the 5th of September, 2025 in Phoenix, Arizona



Roxana Avila-Cimpeanu
Deputy Director
The Florence Immigrant and Refugee Rights Project

EXHIBIT F

DECLARATION OF AIMEE KOROLEV

I, Aimee Korolev, pursuant to 28 U.S.C. § 1746, declare:

1. I am the Deputy 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 worked in the field of humanitarian immigration for over 14 years, 13 as a practicing immigration attorney. My career has focused on indigent families, children, and adults feeling violence, abuse, and persecution in their home countries and in the United States. As part of my work at ProBAR over that past four years, I help to oversee our legal services to 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 concerned about the legal protections and safety of ProBAR's clients and prospective clients who have been designated as unaccompanied children in the custody the Office of Refugee and Resettlement (ORR). In addition to targeting Guatemalan children in ORR care for expedited repatriation flights, I fear the Government will now target all children in care, including those from Honduras and El Salvador.
5. On September 5, 2025, the Acacia Center for Justice notified ProBAR that Honduran children in ORR custody may face imminent removal, potentially this weekend, and that Salvadoran children may also be targeted for removal.
6. To date, ProBAR has 110 Honduran clients in ORR custody in its service region and has screened all clients for relief from removal options. Of the 110 Honduran clients in ORR custody, 19 clients appear to have had their hearings removed from the Executive Office of Immigration Review (EOIR) docket. The automated system now states that there "are no future hearings" in those cases. For one client, on September 4, 2025, the EOIR system showed a court date in October, but when ProBAR staff checked the EOIR system the following day, September 5, 2025, it stated no future hearing dates.
7. ProBAR has approximately 22 Salvadoran clients and potential clients in ORR custody in its service region who have been screened for relief from removal options. Four of the 22 children appear to have had their hearings removed from the EOIR docket, similarly showing "no future hearing dates." I provided a legal consultation to one ProBAR client on September 5, 2025, whose hearing had been removed from the docket. She had no idea that she had a hearing that was subsequently removed from the docket until we met. She remains anxious to file asylum relief because she fears returning to El Salvador.

8. I am worried that the removal of the hearings from the court docket is a signal that these children could face imminent removal. This was what the ProBAR team observed one week ago when the Government attempted to expeditiously repatriate Guatemalan children overnight despite the fact that they had pending cases before EOIR. At that time, seven of ProBAR's 14 Guatemalan clients had their cases removed from the EOIR docket without notice.
9. September 2 through 4, I along with my ProBAR colleagues met with the Guatemalan children returned to ORR from the failed repatriation flights. On September 2, I participated in a Know Your Rights Session with approximately 51 children who were on the repatriation flight.
10. I personally provided legal consultations to two Guatemalan children that were stuck on the plane awaiting repatriation. They reported that they were confused, scared, and unaware of why they were being placed on flights back to Guatemala. Both of the children had traveled from San Antonio and had faced nearly 24 hours of uncertainty. One child reported that he was not aware he was being deported to Guatemala until another child told him on the plane, nearly 12 hours after he had been awakened in the dead of the night.
11. ProBAR staff spoke with each child at length, and the accounts of their traumatic experiences include being woken in the middle of the night, difficulty breathing, sadness, confusion, fear, nervousness, and lack of sleep. Other children said prayers for their safety, fearing what might happen to them if they were forced to return to Guatemala. One child reported having trouble sleeping after the experience, fearing he will be woken again and placed on another flight back to Guatemala. All of the children had questions about what might happen to them if the temporary order expires.
12. The Honduran and Salvadoran children we spoke to this week are also scared for their safety. I fear that the Honduran and Salvadoran children as well as all other nationalities in ORR custody could face the same traumatic circumstances. They could be returned to their countries of origin without resources or protection.
13. Based on my 13 years as an immigration attorney, I believe these facts are indicators of the imminent removal of ProBAR's Honduran and Salvadoran clients and prospective clients as well as all children in ORR custody.

Aimee Korolev

Signature

September 6, 2025

Date

EXHIBIT G

DECLARATION OF F [REDACTED] O [REDACTED] Y [REDACTED] P [REDACTED]

I, F [REDACTED] O [REDACTED] Y [REDACTED] P [REDACTED], declare under penalty of perjury the following:

1. My name is F [REDACTED] O [REDACTED] Y [REDACTED] P [REDACTED]. I am a 17-year-old boy from [REDACTED], Guatemala.
2. My mother's family is Kiche, although I do not speak Kiche.
3. I entered the United States on about November 4, 2024. I spent about three days in custody of immigration until I was transferred to the shelter where I am staying now, Compass Connections Cameron, on about November 7, 2024.
4. I have a case before the immigration court. My next court date is going to be October 28, 2025. My case has not been decided yet. I want to stay here in the United States and keep fighting it. I do not want to be deported.
5. About six months before the date of this declaration, people from the Guatemalan consulate came to talk to me. They asked me about my life in Guatemala.
6. Then about two weeks before the date of this declaration, people from immigration came to talk to me. They asked me a lot of questions, including about my sponsor here and about where I lived in Guatemala. I did not give them the information for my sponsor or about where I lived in Guatemala.
7. On Sunday, August 31, 2025, at about 1 o'clock in the morning, they arrived in my room and told me they were going to be transporting me out of the shelter. They gave me only about 20 to 30 minutes to get ready. It was not enough time to get all of my stuff together. I had to leave stuff behind.
8. They told me I was not the only one, that there was a big group of us being transported. I had heard from my attorney that they might be trying to deport a big group of Guatemalan children, so I asked what country all the children were from. They told me

they were from different countries. I thought maybe they were reunifying me with my cousin in Maryland or sending me to a shelter closer to him. But when I got to where they were keeping all of us, it turned out that we were all from Guatemala.

9. Finally they told us that we were all going to be going back to Guatemala.
10. I asked to talk to my attorney at ProBAR and they did allow me to call his office, but no one answered since it was the middle of the night.
11. They took us to a bus. I was the first one on the bus. When I got on, I said that I understood that the only way they could send us back to Guatemala was if we got ordered removed by a judge or if we asked for voluntary departure. The man on the bus told me that he was just ordered to transport us and that he didn't know anything about that.
12. I saw that it looked like one child was staying off the bus, so I said I was going to get off the bus. The employee of the transport company told me that I could try and get off of the bus and see what happens. I took it as a threat, so I stayed where I was. The employee was named [REDACTED]. I saw it on his nametag. After this he stopped responding to my questions.
13. Another child tried to open the window, but they closed it so that we could not escape.
14. We were on the bus for about two hours before we arrived at the airport.
15. We waited on the bus for about four more hours when we got to the airport.
16. Then we waited on the airplane for about four hours.
17. Then they took us back on the bus and they said they weren't sure if they were taking us back to the shelter or to Guatemala or to a different shelter.

18. Finally they told us we were going back to the shelter. We were all very happy. We finally arrived at around 7 or 8pm.
19. Throughout this whole experience I was nervous and sad. I was trying to defend myself by not agreeing to be deported or signing anything, but it felt like I could not defend myself.
20. I cannot go back to Guatemala because my father died when I was 13 and my brother has a brain injury which is getting worse and worse. It is very expensive to live over there and we struggle to survive.
21. I am looking forward to reunifying with my cousin in Maryland. I turn 18 on September 12 so it might be after that, if the shelter does not approve it before that. I look forward to living with him in safety.

The above statement was read to me in the Spanish language by Samuel Phipps, 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.

Executed in Cameron County, Texas.

/s/ F [REDACTED] O [REDACTED] Y [REDACTED]
F [REDACTED] C [REDACTED] Y [REDACTED] P [REDACTED]

09/02/2025
Date

CERTIFICATE OF TRANSLATOR'S COMPETENCE

I, Samuel Phipps, 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 F [REDACTED] O [REDACTED] Y P [REDACTED].

/s/ Samuel Phipps
Signature

09/02/2025
Date

EXHIBIT

DECLARATION OF A ■■■ Y ■■■ S ■■ T ■■■

I, A ■■■ Y ■■■ S ■■ T ■■■, declare under penalty of perjury the following:

1. My name is A ■■■ Y ■■■ S ■■ T ■■■. I am 17 years old and originally from Guatemala.
2. I began living at the Compass Connections Cameron Campus children's shelter in Los Fresnos, Texas, on August 31, 2025. I previously lived at the Compass Connections Chavaneaux in San Antonio, 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 have been asked to participate in interviews with government officials, including Homeland Security Investigation officers, about my case and identity.
6. My family in Guatemala has not participated in interviews with the Guatemalan government.
7. I came to the United States because my family is very poor, and I would not be able to have any form of future in my home country. I would suffer hunger sometimes because we were so poor. I want to stay in the United States.
8. On Saturday, August 30, 2025, around nine in the evening, shelter staff started waking up other Guatemala children to start packing and getting ready. I was awake during this time and just confused as to what was happening. A shelter supervisor got everyone together and took us to the cafeteria. They told everyone that we were all going to be sent back to our home country.
9. The shelter supervisor did not know where we were going. They were just instructed to get us ready because in a couple of hours immigration would be picking us all up. I was sad because I did not know what was happening nor where I was going. Some of my roommates were crying and were so scared and did not know what was happening.

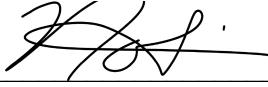
10. It was a total of seven of us that were put on the bus, five others stayed because they were going to see the medical staff. I was able to call my mom and let her know what was happening, my mom sounded so sad on the phone.
11. A couple hours later, some shelter staff including the supervisor and clinicians were arguing with the people who were outside picking us up trying to get answers as to what was happening. After some time, we were told to get our belongings and get on the bus. When I got on the bus, the worker told us that they were hired to just transport us and that we would be traveling for 3-4 hours until we got to the airport.
12. They took us to Harlingen Airport, and we made it there around 5:30 am. They fed us breakfast while we were on the bus, but I wasn't able to eat because of my nerves. I had no appetite for food; I only drank my Gatorade. When I was on the bus, a worker, who I don't know if they were an immigration officer or not, told us we would leave shortly and go back to Guatemala.
13. I got on the plane around 9am or 10am. When the plane started moving, I was really sad. I was so scared and nervous. I was given food and water on the plane. I was even more sad knowing I was going to be deported. I was thinking what I was going to do once I got to Guatemala because I knew I did not have any other opportunity to come back and did not know what my future would be like anymore. The plane never took off and we stayed on the plane for two hours. We were all asking why we were not leaving yet. The workers were saying that there was a lot of planes in Guatemala, and it could not take off.
14. After two hours a worker got on the bus and started calling our names. They told us we were going to get off and to get on a bus. I was so confused about what was happening. When we got on the bus we were there for a long time. I do not know the time because there was no way to tell the time. I was so tired from being awake for a whole night and being seated on the bus for so long. I had very little appetite all day from all the nerves and anxiety I had. There were times when I wanted to sleep, but I couldn't because I was so scared. The bus was really hot as well and made it hard to sleep. After some time, I was told that we were being taken to another shelter, and I felt some relief.
15. Since this happened, I feel like the days are really long. I can't focus on anything because I just keep thinking about them trying to return me to Guatemala. I feel worried not knowing what is next in my life.
16. 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.

17. I want to remain in the United States and continue to fight my case in Immigration Court. Being here in the U.S. gives me security that I do not have in Guatemala.
18. 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 September 2, 2025, in Cameron County, State of Texas.

Electronically signed: /s/A [REDACTED] Y [REDACTED] S [REDACTED] T [REDACTED]
A [REDACTED] Y [REDACTED] S [REDACTED] T [REDACTED]

The above statement was read to me in the Spanish language by Nohemi Charles, 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.



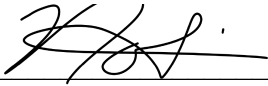
Signature

09/03/2025

Date

CERTIFICATE OF TRANSLATOR'S COMPETENCE

I, Nohemi Charles, 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 A ■ Y ■ S ■ T ■.



Signature

09/03/2025

Date

EXHIBIT

DECLARATION OF B■■■■ M■■■■ R■■■■ P■■■■

My name is B■■■■ M■■■■ R■■■■ P■■■■. I declare under the laws of the United States the following statement is true and correct to the best of my memory, knowledge, information and belief.

1. My name is B■■■■ M■■■■ R■■■■ P■■■■ and I am M■■■■ A■■■■'s mother. M■■■■ was living in the United States with a foster family. From what I knew she was safe and doing okay.
2. But then late Saturday night in the early Sunday morning hours, I talked to M■■■■. M■■■■ was crying uncontrollably. She sounded very scared. All I could understand was she was woken up and told to change and pack her things quickly. I couldn't get more information about why this was going on. I started crying too with M■■■■ because I was worried for her.
3. I called back later but then couldn't reach M■■■■. So, I called her foster mom. Her Foster mom apologized for what happened. She told me M■■■■ had been taken but she did not know where. She said the whole thing was a surprise to them also. Her foster mom told me she had tried get more information about what was going on and why they were taking M■■■■, but no one would give her details.
4. Her foster mom started crying and said M■■■■ was well behaved and they had a good routine down that worked for them.
5. Yesterday, I heard from M■■■■ again. She let me know they traveled by bus for hours and did not each much food or water during the entire drive. She told me she was feeling sick while on the bus. She told me she did not know where she was, why she was there, or what was going to happen next. She sounded so unsure.
6. When I talked to M■■■■, she was crying and in pain because she had a fever, had body aches, and she told me no one was giving her medicine.
7. She told me she was scared. That the place she is at now with other kids is like a prison. She told me they cannot leave the location and its one person isolated per room. Not at all like the foster home she was in before. I couldn't get more details because of the time limit and how much we were both crying. They forced us off the phone.
8. I learned from a group that this is happening because the government is trying to return her to Guatemala. I have not received communication from Guatemala or the United States Government about what is going on. No one has ever asked me if I wanted M■■■■ to return. I also never told anyone I wanted M■■■■ to return. I think she is in danger if she does return to Guatemala. That is why M■■■■ needs help. She needs help with getting time to get an

attorney and fight her case and not be returned to Guatemala without having that chance. All I ask is that you help my daughter stay safe – help her stay safe by not returning her to Guatemala.

The above statement was read to me in the Spanish language by Soledad Vega, 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. I have included my fingerprint in lieu of my signature because I cannot read or write.

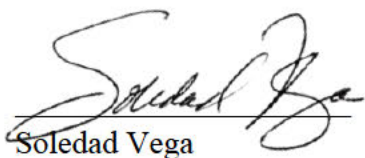
B [REDACTED] M [REDACTED] R [REDACTED] P [REDACTED]

Date: 09/02/2025



CERTIFICATE OF TRANSLATORS COMPETENCE

I, Soledad Vega, 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 B [REDACTED] M [REDACTED] R [REDACTED] P [REDACTED].


Soledad Vega

09/02/2025
Date

EXHIBIT

DECLARATION OF I.B.

I, **I.B.**, under penalty of perjury pursuant to 28 U.S.C. § 1746, do hereby state and declare:

1. My name is **I.B.**. I was born on , 2009, in , Guatemala, and I am Q'eqchi', an indigenous group in Guatemala.
2. I entered the United States around September 16, 2024, and I am currently under the care of , a grantee of the Office of Refugee Resettlement ("ORR"). This organization operates a long-term foster care program for ORR, and as part of that program, I live with a foster family in Connecticut.
3. Before coming to the United States, I lived in , Guatemala with my mother and siblings. We were very poor. My father was not part of my life since I was very young, and during one of the few times I saw him, he abused me. My mother was unable to care for me.
4. Because of our difficult circumstances, I had to stop going to school and work from a young age to help support my family. There were times when we had no food, and sometimes I had to eat food from dumpsters to survive. There was also a local church that would give me food if I agreed to do missionary work for them. I had to miss school to do the work, and they would not give me the food if I didn't do the work they said.
5. I had to leave Guatemala because of all of my suffering there, and I fled on my own.
6. Here in the U.S., I live with my foster family who treats me well and supports me. Because of their care, I feel safe, secure, and hopeful for my future. I am able to focus on my education and dream about building a better life.
7. I am afraid to go back to Guatemala because no one there can take care of me. My mother still lives in extreme poverty, and my father has never supported or cared for me in any way. Also, in Guatemala, the increase in gang activity makes it very dangerous, especially for young girls like me. Girls are often abused, threatened, or hurt, and there is no one to protect them. I am afraid that if I go back, I could be targeted, and I would not be safe.
8. Around a week and a half ago, some immigration agents came to ask me questions at the foster care program. The agents asked me if I have any family in my home country, and if I talk to my parents. No one asked me if I was afraid to go back to Guatemala, which I am, or if I have ever been forced to work, or what would happen to me if I had to go back to Guatemala. I felt very nervous, confused and worried during the interview because I did not understand why they were asking those questions.
9. I have an immigration hearing on February 6, 2026. My attorney is going to talk to the judge about my case and the visa I applied for to ask for permission to stay in the U.S.

10. I do not want to go back to Guatemala. I would not be safe if I return to Guatemala, and I believe I have no future there.

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

Executed on: 09/02/2025 at [REDACTED], Connecticut

Signed by: [REDACTED]

[REDACTED] I.B. [REDACTED]

Certificate of Interpretation

I, Dariela Garcia Cantillo, do hereby state and declare, under pains and penalties of perjury, that I am competent in the English and Spanish languages, that I have read the foregoing English version of the declaration to the declarant in its entirety in Spanish, a language in which she is competent, and that the declarant attested to its veracity prior to signing.



Dariela Garcia Cantillo

09/02/2025
Date

EXHIBIT

DECLARATION OF Z [REDACTED] I [REDACTED] M [REDACTED] T [REDACTED] T [REDACTED]

I, Z [REDACTED] I [REDACTED] M [REDACTED] T [REDACTED] T [REDACTED], declare the following statement is the true and correct to the best of my memory, knowledge, information, and belief.

1. Things in my life have been very hard. I have seen a lot of suffering. I am K'iche' and have had to deal with the murder of my people for almost all my life. K'iche' is my maternal language. It is the only language I really spoke until I came to the United States. Here, I started learning Spanish. It was hard to get an interpreter and so I tried as best I could to explain myself in Spanish.
2. Scared for my life, I fled to the United States. It has been a hard journey. I was in a shelter with other kids for a long time. But then, once I was 16, I was placed with the [REDACTED] family, a foster family. I was very thankful to be placed with such a loving family. I finally felt safe and secure. Mrs. [REDACTED] felt like a second mom to me. I recently started school, and I made a lot of new friends.
3. While I was with my foster family last week, officers from Homeland Security Investigations came to talk to me. They asked me my name and my birthday. They asked me where I was from and how I got to the United States. They asked me about my parents - where they were and their names. They did not ask me anything else. They did not ask me if I wanted to go back. They did not ask me if I was afraid to go back. They did not ask me if I was in danger or if someone hurt me.
4. I also was not very comfortable meeting with them. It was not a private space. Other kids and the staff could hear me. Although they were not mean, they were not nice and friendly. I did not feel safe telling them things. They made me feel suspicious.
5. They also did not explain well why they were meeting with me, why they needed this information.
6. The Guatemalan consulate has not come visit me. I also never called them while I have been in the shelter or with my fosters. I have never said that I wanted to return to Guatemala. I do not think that my parents would have asked for me to return. My mom just wants me to be safe. And she knows my life is in danger if I go back to Guatemala.
7. Last Friday, I met with my immigration judge. And I told the judge I was scared of going back to Guatemala. My attorney told the judge that too. And my attorney told the judge she was going help me apply for asylum. So, the judge gave me more time on my case so I could do that. But it did not matter. It did not matter that I had told the immigration judge I wanted to stay in the United States. The very next day, immigration officials tried to deport me without a chance to present my case.


8. It did not matter I had told the shelter workers I wanted to stay. It did not matter I had told my foster mom I wanted to stay.
9. On late Saturday night, I was woken up in the middle of the night. My foster mom told me to pack a few things, but she didn't know why. This entire process was confusing and scary.
10. When I arrived at the office, officials frisked my body and my shoes and they took my phone, money, and all personal belongings. And they did not tell me why. It was as if, I did not matter at all.
11. They put me on a bus. I was really sad about traveling away from my foster family and my new school. My new friends. My new life. I didn't even get a chance to say goodbye to my foster mom. She has been so good to me, and I didn't even get to tell her thank you. Neither of us knew if this would be the last time that I saw her. That makes me feel really sad.
12. In the bus, we traveled a long way the entire day for many hours. I asked the officials where we were going lots of times. They never responded to me. We were not allowed to get out, to stretch, or even walk around the bus when we stopped.
13. I was terrified. I didn't know where I was being taken, and I didn't know what they were going to do to me once we got there. There are stories about this in the community where I am from. There are stories of K'iche' children being stolen – disappeared.
14. They took us to different places, but I do not know what or where these different places were. I then heard the bus driver arguing with the officials on the bus; she told them that they needed to decide where they were going to take us.
15. After being on the bus what felt like all night and day, we were taken to this new place, a shelter with other immigrant kids. I have not been here before. I feel horrible being here. I feel like I did something wrong. I am really sad like when I first arrived.
16. All I want is a chance to present my case and present all the reasons why I believe I should remain in the United States. I want safety instead of being bused around and put into what feels like prison. I hope I will get a chance to be free. I want to go back to my foster parents. Please help me so I can return back to them.

"I verify that the statements made in this state are true and correct."

Z [REDACTED] M [REDACTED] T [REDACTED] T [REDACTED]

CERTIFICATE OF TRANSLATION

I hereby certify that I am competent in both Spanish and English and that I have accurately read the above Sworn Declaration of Z [REDACTED] I [REDACTED] M [REDACTED] T [REDACTED] T [REDACTED] from English to Spanish to the best of my abilities.

Raquel Melon 

09/02/25

EXHIBIT L

DECLARATION OF C [REDACTED] M [REDACTED] L [REDACTED]

I, C [REDACTED] M [REDACTED] L [REDACTED], declare the following statement is true and correct to the best of my memory, knowledge, information, and belief.

1. I speak Mam and Spanish. When I was around 16 years old, I got put in a foster home here in the United States. I arrived to the first shelter around May of 2025. I have been living in shelters since then. I was initially hoping to go live with my sister, but I was told that my sister couldn't sponsor me. I do not understand why I cannot go live with my sister.
2. Instead, I was sent to live with a foster family. They sent me to live with the [REDACTED] Family in Texas. Once I was placed with the [REDACTED], I felt stable for the first time in very long time.
3. I have grown close to my foster family. They helped me get ready to start high school. I was nervous at first but once I got there, I made a lot of new friends.
4. Aside from school, I also have to go to immigration court every so often. My last time in immigration court was last Friday. The judge asked me if I wanted voluntary departure. The attorney who was there with me as Friend of the Court explained what that meant. She told me the judge had gotten a list of kids who had said they wanted to leave the United States. I do not know why I was on that list because I never asked for this.
5. I told the judge that I did not want to go back to Guatemala, so she gave me more time. My case has not been decided yet. I want the time and need the time to find an attorney, because I am scared to go back to Guatemala.
6. I cannot return to Guatemala. I do not have anyone to care of me there. It is also not safe for me there. I am scared I will continue to be hurt if I go back. I do not ever want to return to Guatemala.
7. I do not believe my parents ever asked for me to go back to Guatemala. I think this because I have not ever spoken to my parents since I got to the shelter.
8. In the middle of the night on Saturday, my foster parents woke me up and told me that I had to pack my most important belongings because immigration was sending me to another place. I was very confused and scared. I could tell that my foster mother was very worried. She could not tell me where I would go. She did not seem to know much or really able to explain what was happening.
9. I was taken to the foster care office. Some case workers were going through all of my things. I did not know why or what they were looking for. They did not explain anything. I was just crying hysterically. I did not understand what was happening to me.

10. Then government agents arrived. This was worse. They had a lady agent frisked me. The agents took my jewelry and belongings. It felt ugly.
11. I could not believe this was happening. I just moved to this new place, moved in with a foster family and I just started school. I am really sad that I was taken away from all of those things. The things I knew. The things that were helping me to start feeling safe.
12. Then the agents put me in a bus with other kids. We were on the bus for many hours. I felt worried, I immediately thought I was going back to Guatemala. I just didn't know what was going on and no one would tell us what was happening. I was more scared than worried because this meant I would have to return to a place where people have hurt me. We were on that bus since those early morning hours until late in the evening.
13. Then, they brought me here, to a different place. A shelter with other immigrant kids. A place I have never been before. A place where I do not know anyone else except my foster sister, who was also picked up with me that night. I feel sad in this place. I miss my foster family. We were very close, and I feel like my new family, my new home was taken away from me. I also was taken away from my routines. My life. My school. My friends. Even just being able to walk around outside. Back with my foster parents, if I needed time to go to my room, or needed to walk outside, I could go to my room to walk outside. Here, I don't have the freedom to do that. I cannot even use the restroom on my own. We have to travel in groups and if someone in my group doesn't want to do something I do then none of us can do it.
14. I do not understand why this is happening to me. I never told anyone I wanted to go back to Guatemala. The immigration police and the Guatemalan government have not asked me if I wanted to go back. Only the immigration judge on Friday and I told the judge I did not want to go back to Guatemala. I do not want to return to my parents in Guatemala. I fear for my safety in Guatemala.
15. I want to remain in the United States. I want my case worker to keep working on my case so I can go to my sister. But until then, I want to go back and live with my foster parents. The place I was making my home until that happened. I want to continue to fight my case in Immigration Court and have a fair chance. Please help me.

"I verify that the statements made in this state are true and correct."

C.M.L.
C [REDACTED] M [REDACTED] L [REDACTED]

CERTIFICATE OF TRANSLATION

I hereby certify that I am competent in both Spanish and English and that I have accurately read the above Sworn Declaration of C [REDACTED] M [REDACTED] L [REDACTED] from English to Spanish to the best of my abilities.

Erik De la Cruz

9-2-2025

EXHIBIT M

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

I, M [REDACTED] A [REDACTED] L [REDACTED] R [REDACTED], declare the following statement is the true and correct to the best of my memory, knowledge, information, and belief.

1. I was put in a shelter here in the United States with other immigrant kids like me. That was really hard on me. Especially at first because I speak Mam, but I also speak Spanish. But once I was placed with the [REDACTED] family, I was relieved.
2. When I started to live with the [REDACTED], my life felt more stable. I started school and I made lots of new friends. I was still adjusting, but it was a good place to be.
3. Since I have gotten to the United States, no one from the government ever visited me to ask if I wanted to go back to Guatemala. Not when I was in the shelter with the other kids and not at the [REDACTED] family. From what my parents in Guatemala have told me, they were never contacted either. I also know my parents did not ask for me to return to Guatemala. I, myself, do not want to return to Guatemala.
4. I have been able to go to Immigration Court since I got to the United States. My most recent court date was on Friday August 29. An attorney appeared as friend of court with me. The judge said she had been given a list of kids who wanted to go back. But I never told anyone I wanted to go back. So, I do not know why my name was on the judge's list. I told this to the judge and the judge gave me time to find an attorney so I can work on my immigration case to stay here.
5. This weekend was terrible. I was woken up in the middle of the night, it was around 1 am. I was told to pack a bag because I have to go to the long-term foster care office. I started crying because I thought I was in trouble, and I did not understand. I felt confused. I packed some of my things but not all of them because I didn't understand what was happening. I thought I would be back. No one told me anything, so I was very afraid.
6. Me and my foster sister were taken to a different place in a bus. I didn't know where we were going. They did not tell us. It was very cold in the vehicle and raining outside, and the sheet they gave us was not enough.
7. During this whole thing, I got a fever and they weren't helping me even though I felt sick.
8. Although they stopped and got us a burger, I could not eat on the bus because I get car sick, and I did not want to throw up.
9. I really miss my foster family. Everything was really good there. I didn't lack anything with them. My foster mom made good food, and she was really nice. I also just started school, and I made lots of new friends. But with this, now I am missing my school, and missing my friends. I am missing my life.


10. I don't like being here, in this new place. A shelter with other kids. They have us in a room. I feel locked away. I want to go back to my foster family. Please help me so I can go back to my foster family and keep working on my case.
11. I do not want to go back Guatemala. I came to the United States to be safe and want a chance to remain in the United States.
12. When a girl turns 15 in my country it is expected that they get married, but I didn't want that. I saw many girls be forced into marriage and live horrible lives filled with physical abuse and poverty. When I turned 15, a 19-year-old boy started courting me. He tried giving my family and me small gifts. He asked me to be his girlfriend, and I refused. This refusal made him angry, and he threatened to kill us all. As the threats became worse, I came to the United States.

"I verify that the statements made in this state are true and correct."


M ■ A ■ L ■ R ■

CERTIFICATE OF TRANSLATION

I hereby certify that I am competent in both Spanish and English and that I have accurately read the above Sworn Declaration of M ■ A ■ L ■ R ■ English to Spanish to the best of my abilities.

Raquel Melon 

09/02/2025

EXHIBIT N

DECLARATION OF CHILD'S D [REDACTED] A [REDACTED] G [REDACTED] R [REDACTED]

I, D [REDACTED] A [REDACTED] G [REDACTED] R [REDACTED] declare under penalty of perjury the following:

1. My name is D [REDACTED] A [REDACTED] G [REDACTED] R [REDACTED]. I am 16 years old and originally from Guatemala.
2. I currently live at Compass Connection Cameron, a children's shelter in Los Fresnos, Texas.
1. 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.
2. 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.
3. I have not been asked to participate in interviews with government officials, including Homeland Security Investigation officers and the Guatemalan consulate, about my case and identity.
4. My family in Guatemala has not participated in interviews with the Guatemalan government.
5. I came to the United States seeking a better life for myself and my family.
6. Late Saturday night I woke up at 11:00 PM and the shelter supervising staff told me that I was going to be gathered with other children from Guatemala in a room. I was held there by the shelter staff until I was picked up by government officials. I was told that I was going to be deported by the shelter staff around 1:00 AM. I was then put on a bus at 2:00 AM and drove overnight to the Harlingen, TX from San Antonio, TX. I arrived at Harlingen airport at 9:00 AM and waited for 2 hours before boarding a plane at 11:00 AM. I was waiting in the plane for 2 hours before being taken off at 1:00 PM. Then government officials put me in a bus from 1:00 PM till 5:00 PM. I was then transferred to Compass Connections Cameron, but I was originally in Compass Connections San Antonio.
7. The impact of being woken up in the middle of the night and threatened with my return to Guatemala is very stressful.
8. 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.

9. I want to remain in the United States and continue to fight my case in Immigration Court.
10. 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 September 02, 2025 Texas.

The above statement was read to me in the Spanish language by Roy Manuel Cantu Jr, 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.

. DAGR

Signature

09/02/2025

Date

CERTIFICATE OF TRANSLATOR'S COMPETENCE

I, Roy Manuel Cantu Jr, 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 (CLIENT NAME).

Roy Cantu

Signature

09/02/2025

Date

EXHIBIT O

DECLARATION OF D [REDACTED] Y [REDACTED] D [REDACTED] C [REDACTED] R [REDACTED]

I, D [REDACTED] Y [REDACTED] D [REDACTED] C [REDACTED] R [REDACTED] declare the following statement is the true and correct to the best of my memory, knowledge, information, and belief.

1. I am 17 years old, and from Honduras. I have been here since January of 2025. I arrived unaccompanied to the United States with only some friends, no family members. I am currently at a foster home in the Dallas area. My foster mom takes good care of me. I feel safe here.
2. In Texas I am able to attend school, see a doctor, and enjoy other activities.
3. I am afraid to return to Honduras. My mother and I lived with my uncle, and he was abusive. He did things to me I do not like to talk about. It would be dangerous for me, and I do not want to return. My mother does not want me to go back to that either; so I do not think she would have asked for my return.
4. I also cannot remember my dad. He moved away when I was very little and then died.
5. I received a visit from HSI, but they never asked me if I wanted to return to my country. I also never told them that I wanted to go back to Honduras. I have not spoken to anyone from the Honduran Consulate. I have not had any conversations with anyone where I have ever indicated a wish to return to my country.
6. At the end of August, I had an immigration court hearing. The judge asked me if I wanted Voluntary Departure, but I told them that I did not. The judge said he had been given a list and that I was on that list. But I do not know why I was on that list. The judge gave me more time to work on my case. My next hearing is set for October.
7. I am scared of being taken away from my foster family. I feel safe there and I have a lot of friends. I only want to leave my foster family if it is to live with my paternal uncle in Virginia.
8. Please help me so that I can continue to work with my case manager on my release to my family in the United States, while I work on my immigration case. I want to continue studying and have a career.

"I verify that the statements made in this document are true and correct and have been read to me in the Spanish language." (*He verificado que las declaraciones hechas en este documento son verdaderas y correctas y que me han sido leídas en el idioma Español.*")

SIGNATURE _____

[REDACTED]

09/04/2025

Date

NAME: D [REDACTED] Y [REDACTED] D [REDACTED] C [REDACTED] R [REDACTED]

CERTIFICATE OF TRANSLATION

I hereby certify that I am competent in both Spanish and English and that I have accurately read the above Sworn Affidavit to the Affiant and translated it from Spanish to English to the best of my abilities.

SIGNATURE: _____

J. Thomas, Esq.

09/04/2025

Date

NAME: Jaha Thomas, Esq.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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

Plaintiffs,

v.

Kristi NOEM, *et al.*

Defendants.

Case No.: 25-cv-2942

**DECLARATION OF
MARION DONOVAN-KALOUST
IN SUPPORT OF PLAINTIFFS'
REPLY BRIEF**

I, Marion Donovan-Kaloust, declare under penalty of perjury that the following is true and correct pursuant to 28 USC 1746.

1. My name is Marion (“Mickey”) Donovan-Kaloust. I make this declaration based on personal knowledge and a review of records related to my position at Immigrant Defenders Law Center (“ImmDef”).
2. I am Director of Legal Services of the Children’s Representation Project (“CRP”) at ImmDef, where I have been employed as an attorney for nearly ten years. ImmDef is a non-profit organization incorporated in California and based in Los Angeles, with additional offices in Riverside, Santa Ana, and San Diego, California, that serves immigrants and asylum seekers throughout Southern California and across the U.S.-Mexico border in Tijuana, Mexico. It is the largest removal defense nonprofit in Southern California. ImmDef’s mission is to provide immigration services through a universal representation model to ensure that no person face an unjust immigration system alone. ImmDef’s CRP team provides direct representation and legal services to unaccompanied children facing removal proceedings throughout Southern California. We provide Know Your Rights presentations, legal screenings and full-scope representation to children detained in Southern California Office of Refugee e provide Know Your Rights presentations, legal screenings and full-scope

1 representation to children detained in Southern California Office of Refugee
2 Resettlement (“ORR”) facilities, as well as provide *pro bono* representation to
3 unaccompanied children who have been released from ORR facilities and are living
4 with sponsors in Southern California as they go through their removal
5 proceedings. We appear as *pro bono* attorney of record for children on Los Angeles
6 Area detained juvenile dockets, as well as serving as Friend of Court accompanying
7 unrepresented detained children. We have served these roles since our founding in
8 2015. ImmDef provides legal services to hundreds of unaccompanied children every
9 year.

- 10 3. In recent weeks and months, ImmDef has become aware that there appears to be some
11 initiative to pressure detained unaccompanied children to accept voluntary departure
12 or to otherwise be repatriated. We have received no official or formal communication
13 regarding a policy to this effect, but it appears that some coordination has been
14 ongoing given the events that I outline below.
- 15 4. On or about August 11, 2025, at least two Guatemalan ImmDef clients reached out to
16 their attorneys expressing concern that someone claiming to be from the Guatemalan
17 government had reached out to their families in Guatemala and telling them to prepare
18 for the children’s return to Guatemala. The children expressed fear that they would
19 be forced to return against their wishes.
- 20 5. On August 18, 2025, ImmDef attorneys representing six Guatemalan children
21 received emails from an attorney with the Immigration and Customs Enforcement
22 (“ICE”) Office of the Principal Legal Advisor (“OPLA”) Cinthia Rivera stating that
23 she had been made aware the children wished to pursue voluntary departure, and in
24 some cases, offering to file a stipulated joint motion for voluntary departure. Two of
25 the children were children who had indicated that their families had been contacted
26 regarding their return. ImmDef reached out to Ms. Rivera for clarification and she
27 stated that she had received a list of children flagged as wanting voluntary departure
28 from her superior, Norman Parkhurst, and that she had been instructed to reach out to

1 the children's attorneys to confirm their wishes and proceed with facilitating their
2 voluntary departure as appropriate. ImmDef immediately reached out to each of the
3 six clients to confirm their wishes. Each stated that they did not want voluntary
4 departure, and further, they had not expressed a desire to pursue voluntary departure
5 to anyone. We further reached out to the Office of Refugee Resettlement ("ORR")
6 subcontracted facilities where the children were housed to ask whether they had
7 notified anyone of the children's purported wish for voluntary departure and to
8 remind them to reach out to a child's attorney if a child expresses interest in voluntary
9 departure. It is key that children receive full consultation and advice before pursuing
10 voluntary departure. Leadership at each subcontracted facility denied that they had
11 provided any such information to ICE or to ORR and some expressed concern
12 because they knew the children *not* to be interested in voluntary departure.

13 6. Also on August 18, 2025, ImmDef staff reached out to Mr. Parkhurst to inquire
14 where he had received the purported information that these six Guatemalan children
15 wanted voluntary departure and to affirm that they did not indeed want to pursue
16 voluntary departure, but rather wished to pursue relief from removal as is their right
17 under the Trafficking Victims Protection Reauthorization Act. Mr. Parkhurst advised
18 that ORR had provided the list of children purportedly interested in voluntary
19 departure, but that he did not know who at ORR had done so.

20 7. I declare under penalty of perjury that the foregoing is true and correct.
21

22 Riverside, CA

23 Dated: September 7, 2025

24 By: 

25 Marion Donovan-Kaloust
26
27
28

EXHIBIT Q


Declaration of Stephanie Lubert

I, Stephanie Lubert, pursuant to 28 U.S.C. § 1746, declare:

I work at HIAS Pennsylvania. My job title is Managing Attorney. On August 8, 2025, at 10:48am, I received the attached email from a Federal Field Specialist at the Office of Refugee Resettlement. The subject line was, “[Shelter name] Interviews URGENT.” My email address is slubert@hiaspa.org. There were two attachments to this email, one titled, “OPLA Guidance 08052025 New UAC Initiative” and one titled, “UAC [Shelter name].”

We represent several children on the list, and I was concerned about these interviews going on with our clients and other children. The email attachment (OPLA Guidance 08052025 New UAC Initiative), which is attached here, does not align with my understanding of children's right to counsel during custodial interrogations.

09/08/2025



Stephanie Lubert, Esq.



Stephanie Lubert <slubert@hiaspa.org>

FW: [REDACTED] Interviews URGENT

7 messages

[REDACTED] (ACF) <[REDACTED]@acf.hhs.gov>

Fri, Aug 8, 2025 at 10:47 AM

To: "khepburn@hiaspa.org" <khepburn@hiaspa.org>, "slubert@hiaspa.org" <slubert@hiaspa.org>

[REDACTED], Mary McCabe <mmccabe@hiaspa.org>, [REDACTED]

URGENT NOTICE

Good morning Kaitlyn and Stephanie

Please see below and attached. There is an HSI agent that will be going to [REDACTED] on Monday to interview the children in regards to the attached OPLA letter received. The children should have an attorney present during the interviews – kindly confirm if arrangements can be made as HSI has a habit of showing up without extending an amicable date and time. In terms of logistics, once confirmed that LSP can be present I will loop you in the email of what time they want to arrive to the facility so that someone can be present with the children.

Please feel free to call me however I was advised that would be available after 1:00 PM today I will contact you directly after that time. I have enclosed all of the documents that were sent to me by the below HSI officer.

Respectfully submitted,

[REDACTED]
Federal Field Specialist

Office of Refugee Resettlement

Administration for Children and Families

U.S. Department of Health and Human Services

For after hours, weekends and holidays concerns that require immediate assistance/emergencies please contact ORR Field Operations on-call number at 202-795-7711.

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material and is therefore, privileged, and confidential. Any unauthorized review, use, disclosure, or distribution is prohibited. If you are not the intended recipient, please notify the sender by reply e-mail and delete the original message and all copies from your computer.

From: [REDACTED]@hsi.dhs.gov>
Sent: Friday, August 8, 2025 10:19 AM
To: [REDACTED] ACF) <[REDACTED]@acf.hhs.gov>
Cc: [REDACTED]@hsi.dhs.gov>
Subject: [REDACTED] Interviews

Good morning [REDACTED]

Thanks so much for speaking with me this morning and getting everything cleared for *Monday, August 11, 2025*. Please let me know once cleared with [REDACTED] so we may coordinate a time.

I attached our letter from OPLA advising ORR has cleared the interviews and a list of the children's names. Please let me know if any additional information is needed at this time.

Those highlighted in red will not be interviewed.


V/R

[REDACTED]
Special Agent

Homeland Security Investigations (HSI)

[REDACTED]
E-mail: [REDACTED]@ice.dhs.gov

2 attachments

 **OPLA Guidance 08052025 New UAC Initiative.pdf**
214K

 **UAC [REDACTED].xlsx**
11615K

[REDACTED] ACF) <[REDACTED]@acf.hhs.gov>

Fri, Aug 8, 2025 at 11:41 AM

To: "khepburn@hiaspa.org" <khepburn@hiaspa.org>, "slubert@hiaspa.org" <slubert@hiaspa.org>, [REDACTED]

Cc: Mary McCabe <mmccabe@hiaspa.org>, "tbenchoamrogers@theyoungcenter.org" <tbenchoamrogers@theyoungcenter.org>, "amozuna@theyoungcenter.org" <amozuna@theyoungcenter.org>, Laura Nino-Berry <lnino-berry@theyoungcenter.org>

Looping in the Child Advocates for their visibility. [REDACTED] if there are any additional CA's not included please loop them into this email.

Thank you.

Respectfully submitted,

[REDACTED]
Federal Field Specialist

Office of Refugee Resettlement

Administration for Children and Families

U.S. Department of Health and Human Services


[REDACTED]

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[Quoted text hidden]

2 attachments

 **OPLA Guidance 08052025 New UAC Initiative.pdf**
214K

 **UAC [REDACTED].xlsx**
11615K

Fri, Aug 8, 2025 at 11:43 AM

To: [REDACTED] (ACF)" <[REDACTED]@acf.hhs.gov>, "khepburn@hiaspa.org" <khepburn@hiaspa.org>, "slubert@hiaspa.org" <slubert@hiaspa.org>

Cc: Mary McCabe <mmccabe@hiaspa.org>, "tbenchoamrogers@theyoungcenter.org" <tbenchoamrogers@theyoungcenter.org>, "amozuna@theyoungcenter.org" <amozuna@theyoungcenter.org>, Laura Nino-Berry <lnino-berry@theyoungcenter.org>, "rchavarria@theyoungcenter.org" <rchavarria@theyoungcenter.org>

Looping in Child Advocate, Ruth Chavarria as well.

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From: [REDACTED] (ACF) <[REDACTED]@acf.hhs.gov>

Sent: Friday, August 8, 2025 11:41 AM

To: khepburn@hiaspa.org; slubert@hiaspa.org; [REDACTED]
[REDACTED]

Cc: Mary McCabe <mmccabe@hiaspa.org>; tbenchoamrogers@theyoungcenter.org;
amozuna@theyoungcenter.org; Laura Nino-Berry <lnino-berry@theyoungcenter.org>

Subject: RE: [REDACTED] interviews URGENT

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[Quoted text hidden]

[REDACTED] (ACF) <[REDACTED]@acf.hhs.gov>

Fri Aug 8 2025 at 11:50 AM

To: "khepburn@hiaspa.org" <khepburn@hiaspa.org>, "slubert@hiaspa.org" <slubert@hiaspa.org>, [REDACTED]
[REDACTED]

Cc: Mary McCabe <mmccabe@hiaspa.org>, "tbenchoamrogers@theyoungcenter.org" <tbenchoamrogers@theyoungcenter.org>, "amozuna@theyoungcenter.org" <amozuna@theyoungcenter.org>, Laura Nino-Berry <lnino-berry@theyoungcenter.org>, "rchavarria@theyoungcenter.org" <rchavarria@theyoungcenter.org>

Looping in CA Ruth Chavarria

Respectfully submitted,

[REDACTED]
Federal Field Specialist

Office of Refugee Resettlement

Administration for Children and Families

U.S. Department of Health and Human Services

[REDACTED]
[REDACTED]

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From: [REDACTED] (ACF)

Sent: Friday, August 8, 2025 11:41 AM

To: khepburn@hiaspa.org; slubert@hiaspa.org; [REDACTED]

Cc: Mary McCabe <mmccabe@hiaspa.org>; tbenchoamrogers@theyoungcenter.org; amozuna@theyoungcenter.org; Laura Nino-Berry <lnino-berry@theyoungcenter.org>

Subject: RE: [REDACTED] interviews URGENT

Looping in the Child Advocates for their visibility. [REDACTED] if there are any additional CA's not included please loop them into this email.

[Quoted text hidden]

2 attachments



OPLA Guidance 08052025 New UAC Initiative.pdf
214K



UAC [REDACTED].xlsx
11615K

Kaitlyn Hepburn <khepburn@hiaspa.org>
To: Stephanie Lubert <slubert@hiaspa.org>

Fri, Aug 8, 2025 at 11:51 AM

Kaitlyn Hepburn (She/Her)

Immigrant Youth Advocacy Program Paralegal

Phone 267-793-2749 Fax 215-832-0919

Web www.hiaspa.org

Email khepburn@hiaspa.org

HIAS Pennsylvania

600 Chestnut St, Suite 500B,

Philadelphia, PA 19106

HIAS Pennsylvania is migrating.

Our Mailing Address is:

HIAS Pennsylvania

P.O. Box 8688

Philadelphia, PA 19101

*Because we are between spaces, HIAS PA is seeing clients by **appointment only**. To open a new case please call us at 215-832-0900 during our INTAKE hours:*

Wednesday 9:30 am – 12:00 pm or

Thursday 2:00 pm – 4:30 pm.

To meet your legal advocate or case manager please call them directly to schedule an appointment or call 215 832-0900 to be transferred to your legal advocate or case manager. Please leave a message if you get voicemail. We are experiencing a high volume of calls. Thank you for your patience with us during this period of transition.

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----- Forwarded message -----

From: [REDACTED] (ACF) <[REDACTED]@acf.hhs.gov>

Date: Fri, Aug 8, 2025 at 10:48 AM

Subject: FW: [REDACTED] Interviews URGENT

[Quoted text hidden]

[Quoted text hidden]

2 attachments



OPLA Guidance 08052025 New UAC Initiative.pdf

214K



UAC [REDACTED].xlsx

11615K

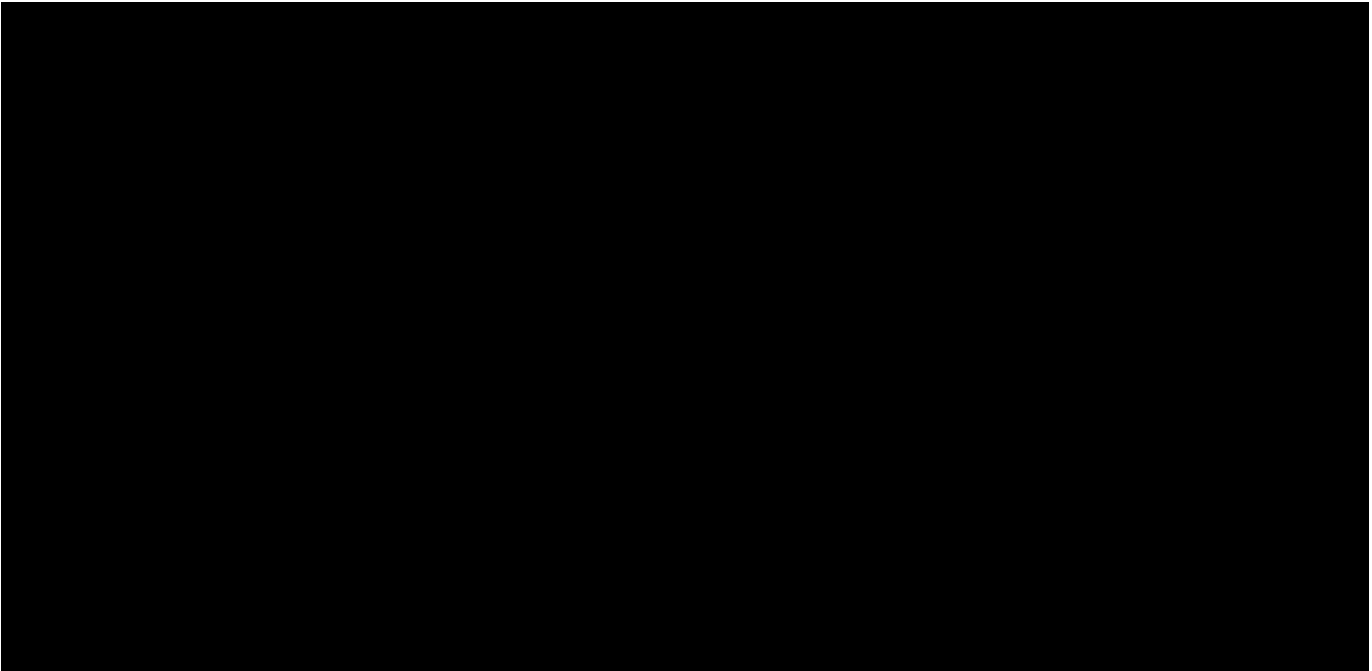
Fri, Aug 8, 2025 at 11:54 AM

To: [REDACTED] (ACF) <[REDACTED]@acf.hhs.gov>, "khepburn@hiaspa.org" <khepburn@hiaspa.org>,"slubert@hiaspa.org" <slubert@hiaspa.org>

Cc: Mary McCabe <mmccabe@hiaspa.org>, "benchoamrogers@theyoungcenter.org" <benchoamrogers@theyoungcenter.org>, "amozuna@theyoungcenter.org" <amozuna@theyoungcenter.org>, Laura Nino-Berry <lnino-berry@theyoungcenter.org>, "rchavarria@theyoungcenter.org" <rchavarria@theyoungcenter.org>, Fryda Cortes <fcortes@theyoungcenter.org>

Looping in CA, Fryda Cortes.

Thank you all for your support in advance!



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From: [REDACTED] (ACF) <[REDACTED]@acf.hhs.gov>

Sent: Friday, August 8, 2025 11:51 AM

To: khepburn@hiaspa.org; slubert@hiaspa.org; [REDACTED]
[REDACTED]

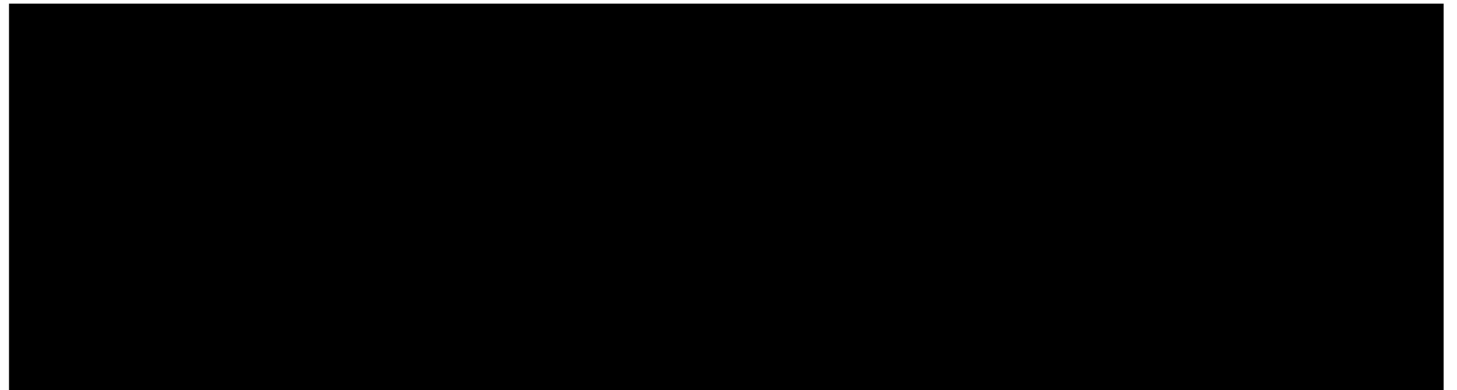
Cc: Mary McCabe <mmccabe@hiaspa.org>; tbenchoamrogers@theyoungcenter.org;
amozuna@theyoungcenter.org; Laura Nino-Berry <lnino-berry@theyoungcenter.org>;
rchavarria@theyoungcenter.org

Subject: RE: [REDACTED] Interviews URGENT

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Looping in CA Ruth Chavarria

[Quoted text hidden]



From: Loiacono, Adam V <Adam.V.Loiacono@ice.dhs.gov>
Sent: Tuesday, August 5, 2025 6:48 PM
To: King, Tatum <Tatum.King@hsi.dhs.gov>
Cc: Hippolyte, Tasha <Tasha.Hippolyte@hsi.dhs.gov>; Weindorf, Eric J <Eric.J.Weindorf@hsi.dhs.gov>; Kovachy, Matthew <Matthew.Kovachy@ice.dhs.gov>; Spidle, Helki <Helki.Spidle@ice.dhs.gov>; Loiacono, Adam V <Adam.V.Loiacono@ice.dhs.gov>
Subject: RE: New UAC Initiative for Action

Tatum,

Thanks for reaching out on this question. We understand that, in an effort to help the Department of Health and Human Services (HHS) reunite unaccompanied alien children (UAC) with their families, HSI intends to interview a number of UAC at HHS shelters with the following goals:

1. Locate a parent or guardian responsible for the UAC
2. Reunite the UAC with their parent/guardian
3. If the parent or guardian is unlawfully present in the US, take administrative action as appropriate (after reuniting them with their child so they remain a family unit throughout any administrative process)
4. Assess criminal conduct which warrants investigation or enforcement (to include trafficking, smuggling, harboring, false statements, etc.)

We also understand, from your message, that some of the UAC are represented by counsel. The William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA) requires that HHS, “ensure, to the greatest extent practicable . . . that all [UAC] who are or have been in the custody of [HHS] . . . have counsel to represent them.” 8 U.S.C. § 1232(c)(5); *see also* 6 U.S.C. § 279(b)(1)(A) (requiring HHS to develop plans to “ensure that qualified and independent legal counsel is timely appointed to represent the interests of each such child”). Specifically, such counsel is “to represent them in *legal proceedings or matters* and protect them from mistreatment, exploitation, and trafficking.” 8 U.S.C. § 1232(c)(5) (emphasis added). The context in which the intended HSI interviews would occur would not qualify as “legal proceedings or matters,” therefore it does not appear that any representation by such counsel would extend to the purpose of the interviews, such that counsel would be required to be present for such interviews. *See Lucas R. v. Becerra*, 2022 WL 2177454, *29-31 (C.D. Cal. 2022) (finding that “legal proceedings or matters” in 8 U.S.C. § 1232(c)(5) is not limited to representation in removal proceedings but would also extend to “decisions regarding placement of children in secure facilities, evaluation of custodial fitness, and medicating children without parental consent”). Moreover, HSI’s purpose for conducting the interviews— family reunification— serves to counter “mistreatment, exploitation, and trafficking,” which is consistent with one of the purposes for representation by counsel under the TVPRA. Of course, HSI should not question the UAC with regard to issues related to removability and eligibility for relief or protection from removal without their counsel present.

Additionally, we understand that HHS Office of Refugee Resettlement (ORR), which is responsible for the care and custody of the UAC, has cleared contact by HSI to conduct these interviews. With that understanding, HSI will likely interview the UAC in federal custody. Not all custodial questioning requires *Miranda* warnings. *Miranda v. Arizona*, 384 U.S. 436 (1966). The Supreme Court has clarified that custodial interrogation includes “both express questioning and words or actions . . . reasonable likely to elicit an incriminating response.” *Pennsylvania v. Muniz*, 496 U.S. 582, 601 (1990). If, during the course of a custodial interview initiated with the goal of family unity, HSI develops suspicion that the UAC themselves may be involved in criminal activity (including, but not limited to false statements, trafficking, smuggling, or harboring), and seeks to pursue a line of questioning designed to elicit an incriminating response, HSI should stop and administer *Miranda* warnings before proceeding further with the interview.

If specific questions arise in the course of this effort, please let us know and we will look at the particulars. I am adding Matt and Helki here in case there is any follow up.

Thanks,

Adam V. Loiacono

Deputy Principal Legal Advisor for
Enforcement and Litigation
Office of the Principal Legal Advisor
U.S. Immigration and Customs Enforcement
Iphone: 202-500-3700
adam.loiacono@ice.dhs.gov
avloiacono@dhs.ic.gov

*** ATTORNEY/CLIENT PRIVILEGE *** ATTORNEY WORK PRODUCT ***

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EXHIBIT R

DECLARATION OF A [REDACTED] V [REDACTED] R [REDACTED] R [REDACTED]

I, A [REDACTED] V. R [REDACTED] R [REDACTED], declare under penalty of perjury the following:

1. My name is A [REDACTED] V [REDACTED] R [REDACTED] R [REDACTED]. I am 16 years old and originally from El Salvador.
2. I live at the Urban Strategies 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 have yet to have a hearing in front of the judge. My attorney tells me that I had a hearing briefly scheduled for November of this year, but now it says I do not have a future hearing date in my case. I do not know why. I am very afraid that I could be deported even though I am still waiting for the Court to hear from me about my case.
5. I have been asked to participate in interviews with government officials, the Salvadoran Consulate, about my case and identity. They asked me questions about how I was doing and confirmed who I was. They came to my shelter about a month ago.
6. I have spoken with my family in El Salvador. My family in El Salvador has not participated in interviews with the Salvadoran government. They do not have any knowledge that I could be sent back to El Salvador quickly.
7. I do not have any family in El Salvador that can take good care of me and keep me safe. My two sisters already fled to the United States, and my father fled here as well. My mom is still in El Salvador, but it is not safe to be there with her or elsewhere in El Salvador because I will be targeted by the police.
8. I came to the United States because I feared for my safety and life in El Salvador. I am scared that I will be harmed or killed by the police. My family and myself have been threatened by the police in El Salvador for over 10 years. First, we were extorted my family and we had to close our restaurant because we ran out of money. Then, my father was unlawfully arrested after the police planted drugs in his car. He was in jail for seven years and then he had to flee to the US. My uncle was disappeared by the police in 2022, and we fear he is dead. My mom started to be a human rights defender, joining groups that track the disappearances and try to document what is happening against the Salvadoran people. Then the police started to target her, too.
9. The threats against me started in 2024, once my sisters left. They were threatening me to get to my dad and my mom, who continued to speak out against the police. They showed

up at the school and they would follow me when I was walking home, harassing me for information. I am very scared to return. I would have to be hiding, I couldn't live, I could not go to school. I fear that I will disappear like my uncle or worse. I can't go back.

10. 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.
11. I want to remain in the United States and continue to fight my case in Immigration Court.
12. 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 September 5, 2025, in San Benito, Texas.

The above statement was read to me in the Spanish language by Aimee Korolev, 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]

[REDACTED]

Signature

9/5/2025

Date

CERTIFICATE OF TRANSLATOR'S COMPETENCE

I, Aimee Korolev, 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] V. R [REDACTED] R [REDACTED].

Aimee Korolev

Signature

9/5/2025

Date

EXHIBIT S

DECLARATION

I, Natasha H. Rosario, declare under penalty of perjury the following:

1. My name is Natasha Halina Rosario. I am over age 18 and competent to make this declaration.
2. I am an attorney and the Children's Program Director for the Unaccompanied Minors Program at the nonprofit legal organization Estrella de El Paso in El Paso, Texas. I have worked at Estrella del Paso for about 10 years.
3. Estrella del Paso is the legal services provider for the Office of Refugee and Resettlement (ORR) shelters for unaccompanied children in El Paso, Texas.
4. On Friday, September 5, 2025, at 9:24 AM (MDT), I received a phone call from a phone number I recognized as one from the shelters we provide legal services to.
5. The person did not identify herself and requested to stay anonymous.
6. The person expressed her gratitude for the services we provide to the children. She then proceeded to alert us, as legal services providers, that the government was planning to repatriate all children under the ORR custody without making any announcement. She said that the government was "attacking" all the children, not only the children from Guatemala.
7. The person requested us to provide a Know Your Rights presentation and to empower the children to verbalize their fear of return to their country and to say that they do not want to return to their home country.
8. The person was emotional and said that all these involuntary repatriations were unfair and sad for the children.

Executed in El Paso County, Texas, on the 8th day of September 2025.



Natasha H. Rosario, Esq.
Children's Program Director
Estrella del Paso
Declarant

EXHIBIT T

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLOMBIA

L.G.M.L., <i>et al</i> ,)	
)	Case No. 1:25-cv-2942-TJC
Plaintiffs,)	
)	
v.)	
)	
Krisit Noem, <i>in her official capacity as Secretary</i>)	
<i>Of the US. Dept. of Homeland Security, et al</i> ,)	
)	
Respondents.)	
_____)	

DECLARATION OF LAURA SMITH

I, Laura Smith, formerly Laura Hoover, declare under penalty of perjury that the following statements are true and correct.

1. I am a licensed attorney in good standing in the State of Illinois and am the Executive Director of Children’s Legal Center (“CLC”), 1100 W. Cermak Road, Suite 422, Chicago, Illinois 60608. I am the attorney for Unaccompanied Minor Children (UACs) located in five (5) ORR facilities in Illinois and Indiana. This includes two (2) facilities whom ORR contracted with National Youth Advocacy Center (NYAP) to run and those facilities are located in [REDACTED] Illinois and [REDACTED] Illinois (NYAP [REDACTED] and NYAP [REDACTED]).

2. On September 4, 2024 I received an email from [REDACTED], [REDACTED] at the NYAP [REDACTED] Illinois ORR facility informing me that the ORR Program Officer (PO) alerted NYAP [REDACTED] that “ICE may soon be taking into custody minors from the country of Honduras with the intent to repatriate them to their home country”. A true and accurate copy of that email is attached to this Declaration.

3. On September 5, 2024 I received an email from [REDACTED], [REDACTED] [REDACTED] at NYAP, informing me that the ORR Program Officer (PO) alerted NYAP that “ICE

may soon be taking into custody minors from the country of Honduras with the intent to repatriate them to their home country”. Based on my verbal conversation with [REDACTED], I understood this notice to be with respect to the NYAP [REDACTED] facility. A true and accurate copy of that email is attached to this Declaration.

Executed on the 8th day of September 2025 in Chicago, Illinois.

/s/ Laura J Smith

Laura Smith
Executive Director and Attorney
Children’s Legal Center



Laura Smith <[REDACTED]>

NYAP PO Notice of Repatriation of Honduran Minors

Thu, Sep 4, 2025 at 2:36 PM

to: [REDACTED], Laura Smith [REDACTED], Laura Hoover

>

Good afternoon CLC LSP team,

This afternoon we were alerted by our PO that ICE may soon be taking into custody minors from the country of Honduras with the intent to repatriate them to their home country. Our PO has also asked that we immediately contact our LSP to inform them of this update and to maintain you continuously informed if we receive an ICE visit either to the program or the foster parents' homes.

Thank you for all you do!

Here to Serve,

National Youth Advocate Program

IL



Caring for People – Connecting Communities – Promoting Peace

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Laura Smith

Request

1 message

[REDACTED] >

Fri, Sep 5, 2025 at 4:13 PM

to: Laura Hoover [REDACTED]

Good afternoon Team,

This afternoon we were alerted by our PO that ICE may soon be taking into custody minors from the country of Honduras with the intent to repatriate them to their home country. This is similar to what occurred unsuccessfully last week and weekend with minors from Guatemala. PO has asked that you immediately contact your LSP to inform them of this update and to maintain LSP continuously informed if you receive an ICE visit either to the program or the foster parents' homes.

PO has also requested that you elevate to her and to her supervisor Alejandra Devito at alejandra.devito@acf.hhs.gov any updates regarding this matter. As always, keep us informed as well of any such updates.

Please inform your respective APDs accordingly.

Kindly let me know if you have any questions.

Thank you.

[REDACTED]
National Youth Advocate Program

Caring for People, Connecting Communities, Promoting Peace

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