

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

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

Plaintiffs,

v.

NOEM, *et al.*

Defendants.

Case No. 25-cv-02942-TJK

NOTICE

Plaintiffs respectfully file this Notice to alert the Court of new developments that are relevant to Plaintiffs' Motion for a Preliminary Injunction, Dkt. 20, and Defendants' response thereto.

Attached to this Notice is a letter reported in national media and submitted earlier today to the Chair and Ranking Member of the Senate Judiciary Subcommittee on Border Security and Immigration. In it, whistleblowers with lawful access to pertinent Office of Refugee Resettlement (ORR) data communicated to Congress through their counsel that some of the factual statements contained in ORR Acting Director Angie Salazar's declaration, Dkt. 35-1, contained "inaccurate" information. In particular, they stated that:

based on information available in ORR's database for tracking unaccompanied children, that at least 30 and possibly more children who were deemed eligible for imminent return to Guatemala, have indicators of being a victim of child abuse, including death threats, gang violence, human trafficking and/or have expressed fear of return to Guatemala, including in some cases concern for harm and threats from their parents. Additionally, because the information upon which whistleblowers base their reasonable belief is from ORR's database, the whistleblowers reasonably believe Acting Director Salazar knew or should have known of the inaccuracies in her declaration." Exh. A.

Plaintiffs respectfully bring this information, which was only recently disclosed, to the

Court's attention in the interest of ensuring the Court has all relevant information before it in a timely manner particularly given the harm these children face if returned without the protections they are legally entitled to.

Dated: September 16, 2025

Respectfully submitted,

Joseph W. Mead (D.C. Bar No.1740771)
Rupa Bhattacharyya (D.C. Bar No. 1631262)
Kate Talmor (D.C. Bar No. 90036191)
Mary B. McCord (D.C. Bar. No. 427563)
Seth Wayne (D.C. Bar No. 888273445)
**INSTITUTE FOR CONSTITUTIONAL
ADVOCACY AND PROTECTION**
Georgetown Law
600 New Jersey Ave., N.W.
Washington, D.C. 20001
Phone: (202) 662-9765
Fax: (202) 661-6730
jm3468@georgetown.edu
rb1796@georgetown.edu
kt894@georgetown.edu
sw1098@georgetown.edu
mbm7@georgetown.edu

Rebecca Wolozin (D.C. Bar No 144369)
NATIONAL CENTER FOR YOUTH LAW
818 Connecticut Ave NW, Suite 425 Washington,
D.C. 20006
Phone: (202) 868-4792
Fax: (510) 835-8099
bwolozin@youthlaw.org

Mishan Wroe*
NATIONAL CENTER FOR YOUTH LAW
1212 Broadway Ste 600,
Oakland, CA 94612
Phone: (510) 835-8098
Fax: (510) 835-8099

/s/ Efrén C. Olivares
Efrén C. Olivares*
Lynn Damiano Pearson*
Kevin Siegel*
Hilda Bonilla (D.C. Bar No. 90023968)
**NATIONAL IMMIGRATION LAW
CENTER**
P.O. Box 34573
Washington, D.C. 20043
Tel: (213) 639-3900
Fax: (213) 639-3911
olivares@nilc.org
damianopearson@nilc.org
siegel@nilc.org
bonilla@nilc.org

mwroe@youthlaw.org

Counsel for Plaintiffs

**Admitted pro hac vice*

CERTIFICATE OF SERVICE

I hereby certify that on September 16, 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 C. Olivares
Efrén C. Olivares
Attorney for Plaintiffs

EXHIBIT A



1612 K Street NW Suite #808
Washington, DC, 20006
(202) 457-0034
whistleblower.org

September 16, 2025

Sent via electronic mail

Honorable John Cornyn, Chair
Subcommittee on Border Security and
Immigration
U.S. Senate Committee on the Judiciary
224 Dirksen Senate Office Building
Washington, DC 20510

Honorable Alex Padilla, Ranking Member
Subcommittee on Border Security and
Immigration
U.S. Senate Committee on the Judiciary
224 Dirksen Senate Office Building
Washington, DC 20510

RE: Protected Whistleblower Disclosure Regarding Violations of Laws, Rules and Regulations and Safety Risks to Children Facing Repatriation to Guatemala

Dear Chairman Cornyn and Ranking Member Padilla,

Government Accountability Project represents whistleblowers who reasonably believe representations made by Acting Director of the Office of Refugee Resettlement, Angie Salazar, to U.S. District Judge Timothy J. Kelly on September 6, 2025 in *L.G.M.L v. Noem*, a lawsuit filed to halt planned flights to return hundreds of children to Guatemala, were inaccurate.

Specifically, Salazar stated that 327 children identified for return to Guatemala had been screened according to a list of criteria that ensured, among other things, the children would not be subject to child abuse and neglect, including human trafficking, torture and other forms of violence, upon return to Guatemala.¹ These whistleblowers reasonably believe, based on information available in ORR's database for tracking unaccompanied children, that at least 30 and possibly more children who were deemed eligible for imminent return to Guatemala, have indicators of being a victim of child abuse, including death threats, gang violence, human trafficking and/or have expressed fear of return to Guatemala, including in some cases concern for harm and threats from their parents. Additionally, because the information upon which whistleblowers base their reasonable belief is from ORR's database, the whistleblowers reasonably believe Acting Director Salazar knew or should have known of the inaccuracies in her declaration.

In her declaration, Acting Director Salazar stated that ORR employed a "best interests framework in determining what constitutes an 'appropriate case' for repatriation within the meaning of 6 U.S.C. § 279(b)(1)(H),"² which gives authority to ORR to "reunite unaccompanied alien children with a parent abroad in appropriate cases."³ Ms. Salazar outlined the criteria

¹ *L.G.M.L v. NOEM*, 1:25-cv-02942, (D.D.C. Sep 06, 2025) ECF No. 35, pp. 4-5.

² *L.G.M.L v. NOEM*, 1:25-cv-02942, (D.D.C. Sep 06, 2025) ECF No. 35, Declaration of Angie Salazar in Support of Defendants' Memorandum in Opposition to Motion for Preliminary Injunction, <https://www.courtlistener.com/docket/71240524/35/1/lgml-v-noem/>.

³ 6 U.S.C. § 279(b)(1)(H).

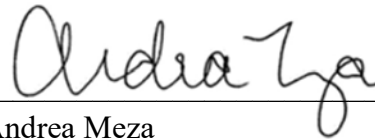
considered in the framework to determine whether it is indeed in the best interest of the child to be repatriated, which include, in pertinent part: the child does not have a credible fear claim or a pending asylum case; that ORR is assured the child will not be trafficked upon their return; that the child does not have indications of being a victim of trafficking; and that the child does not have indications of child abuse/neglect perpetrated by a parent/legal guardian.⁴

The whistleblowers obtained information they reasonably believe demonstrates that many children identified for repatriation do not in fact meet the eligibility criteria based on ORR's data; if confirmed, this would render this evidence provided to the court inaccurate. By September 5, 2025, the day before Ms. Salazar's declaration, at least thirty total, including 20% of a sample size of approximately fifty cases reviewed, had indicators of being ineligible for repatriation based on the excluding criteria. This data was noted and present in ORR's database at the time of Ms. Salazar's declaration.

These whistleblowers' disclosures evidence violations of law, rules and regulations, abuse of authority and substantial and specific danger to public health and safety on a matter of urgent, and potentially life and death, importance. While the whistleblowers choose to remain anonymous for fear of retaliation, they urge Congress to engage in immediate oversight to ensure that children are not repatriated to situations where they face trafficking, abuse, neglect, persecution, or torture.



Dana L. Gold
Government Accountability Project
1612 K Street, NW, Suite 808
Washington, D.C. 20006



Andrea Meza
Government Accountability Project
1612 K Street, NW, Suite 808
Washington, D.C. 20006

Attorneys for Whistleblowers

⁴ L.G.M.L v. NOEM, 1:25-cv-02942, (D.D.C. Sep 06, 2025) ECF No. 35, pp. 4-5.