UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND
GREENBELT DIVISION

The Door, *et al.*,

Plaintiffs,

vs.

Joseph B. Edlow, *et al.*,

Defendants.

Case No. 8:26-cv-04326-BAH

NOTICE OF MOTION FOR PRELIMINARY INJUNCTION AND STAY

Plaintiffs, through counsel, move this Court for a preliminary injunction under Federal Rule of Civil Procedure 65(a) and a stay under Section 705 of the Administrative Procedure Act, as set forth below and for the reasons set forth in the accompanying Memorandum of Points and Authorities in Support of Plaintiffs' Motion for Preliminary Injunction and Stay. Plaintiffs, who are legal service providers across the country, seek to prevent irreparable harm to themselves and their unaccompanied child clients by staying policies implemented by Defendants United States Citizenship and Immigration Services ("USCIS"), the Department of Homeland Security ("DHS"), the Executive Office for Immigration Review ("EOIR"), and the Department of Justice ("DOJ") that restrict Plaintiffs from meaningfully representing their clients in their asylum proceedings and prevent Plaintiffs' unaccompanied child clients from accessing protections guaranteed by the William Wilberforce Trafficking Victims Protection Reauthorization Act ("TVPRA") and the Immigration and Nationality Act ("INA").

Defendants have enacted three policies that have unlawfully upset the status quo regarding unaccompanied children, in violation of the Administrative Procedure Act and the Due Process Clause of the Fifth Amendment. Defendants USCIS and DHS have (1) cut the 21-day notice they have long provided before an asylum interview to as little as 24 hours for unaccompanied children

(the "Inadequate Notice Policy"), and (2) replaced their longstanding rescheduling rule—once as of right, and thereafter for good cause—with an "exceptional circumstances" standard that is virtually impossible to meet (the "Exceptional Circumstances Policy"). As a result, Plaintiffs and their unaccompanied child clients are deprived of the time necessary to prepare for the interview, submit supplemental evidence, brief complex legal issues, and prepare testimony about the traumatic experiences that led the children to flee their home countries.

In addition, Defendants EOIR and DOJ have (3) instructed immigration judges to complete all detained unaccompanied children's removal cases by a date certain on or before January 31, 2027 (the "Detained Docket Deadline"). Defendants' policy has compressed the timeline for unaccompanied children's immigration hearings, affording Plaintiffs and their child clients little-to-no time to prepare for an adversarial proceeding that risks unaccompanied children's wrongful removal back to harm, abuse, or death.

The requested relief is warranted because Plaintiffs are likely to show Defendants' policies are arbitrary and capricious and contrary to law in violation of the Administrative Procedure Act, and that they violate the Due Process Clause. Defendants' policies are causing Plaintiffs and their child clients irreparable injury, and the balance of hardships and the public interest both favor restoring the status quo.

WHEREFORE, Plaintiffs request that the Court enter an Order:

1. Extending the stay granted on October 30, 2026, and extended on November 6, 2026, until final judgment in this matter;
2. Enjoining Defendants USCIS and DHS from denying unaccompanied children rights and benefits conferred under the INA, as amended by the TVPRA, and the Due Process Clause of the Fifth Amendment to the United States Constitution;
3. Staying EOIR's Detained Docket Deadline under 5 U.S.C. § 705; and

4. Requiring Defendants to update internal guidance and template notices to help ensure compliance with the Preliminary Injunction, provide timely responses to rescheduling requests, and provide regular status reports describing steps taken to comply with the Preliminary Injunction.

Dated: November 12, 2026

Respectfully submitted,

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MEMORANDUM OF POINTS AND AUTHORITIES
IN SUPPORT OF
PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION AND STAY
AND OPPOSITION TO
DEFENDANTS' MOTION FOR RECONSIDERATION
OF TEMPORARY RESTRAINING ORDER

TABLE OF CONTENTS

Page

INTRODUCTION 1

FACTUAL BACKGROUND 3

USCIS's Inadequate Notice and Exceptional Circumstances Policies 4

EOIR's Detained Docket Deadline 6

ARGUMENT 9

I. Plaintiffs Are Likely to Succeed on the Merits of Their Claims 10

A. USCIS's Inadequate Notice Policy and Exceptional Circumstances Policy Violate the APA 11

1. USCIS's Challenged Policies Are Final Agency Actions 11

2. USCIS's Challenged Policies Are Contrary to Law 12

3. USCIS's Challenged Policies Are Arbitrary and Capricious 13

B. USCIS's and DHS's Policies Violate The Procedural Due Process Rights of Plaintiffs' Unaccompanied Child Clients 19

1. Plaintiffs' Unaccompanied Child Clients Have a Property Interest in Applying for Asylum Before USCIS 19

2. The Mathews Factors Weigh in Plaintiffs' Favor 21

C. EOIR's and DOJ's Detained Docket Deadline Violates the APA 26

1. The Deadline Constitutes Final Agency Action 26

2. The Deadline Is Arbitrary and Capricious 29

II. Defendants' Policies Are Causing Ongoing Irreparable Harm to Plaintiffs and Their Unaccompanied Child Clients 30

III. The Balance of Equities and the Public Interest Strongly Favor Plaintiffs 32

IV. Plaintiffs Are Entitled to a Universal Stay 33

CONCLUSION 34

INTRODUCTION

The Trump Administration has made no secret of its desire to accelerate the removal of unaccompanied immigrant children from the United States. To this end, then-White House Deputy Chief of Staff Stephen Miller organized a multi-agency effort to speed up unaccompanied children's immigration proceedings before both U.S. Citizenship and Immigration Services ("USCIS") and the immigration courts.[1] The result has been confusion and chaos as asylum adjudicators are pressed to decide children's cases on timelines that leave no room for the protections Congress guaranteed them.

The three policies challenged in this lawsuit serve the administration's goal. USCIS cut the 21-day notice it has long provided before an asylum interview to as little as 24 hours for unaccompanied children (the "Inadequate Notice Policy"), depriving children and their counsel of the time necessary to prepare for the interview, gather supplemental evidence, brief complex legal issues, and prepare testimony about the traumatic experiences that led the children to flee their home countries. USCIS also replaced its longstanding rescheduling rule—once as of right, and thereafter for good cause—with an "exceptional circumstances" standard that is virtually impossible to meet (the "Exceptional Circumstances Policy"). And the Executive Office for Immigration Review ("EOIR"), which oversees the immigration courts, has instructed immigration judges to complete all detained unaccompanied children's removal cases by a date certain on or before January 31, 2027 (the "Detained Docket Deadline" or "Deadline"). When Plaintiffs and their clients have sought continuances of accelerated hearing dates, immigration judges have responded that their hands are tied.

[1] Alexa Villareal, *Trump Ally Stephen Miller Leads Sweeping Push to Accelerate Removal of Migrant Children*, The Guardian (Sept. 19, 2026 at 6:00 ET), https://www.theguardian.com/us-news/2026/sep/19/stephen-miller-trump-migrant-children; Forbes, *"Is This A Concern for the White House?": Miller Asked About Migrant Kids Representing Themselves* (Aug. 21, 2026), https://www.youtube.com/watch?v=3c__z95YANg.

Because USCIS's policies conflict with the statutory framework Congress enacted to account for the specialized needs of unaccompanied children, deprive such children of meaningful access to the asylum process, and wreak havoc on Plaintiffs' efforts to provide effective representation, this Court stayed both the Inadequate Notice and Exceptional Circumstances Policies, restoring the status quo. ECF 54. After finding Defendants out of compliance with the stay and TRO, the Court extended its order pending resolution of this motion. ECF 63.

While acknowledging the "particular vulnerabilities" of unaccompanied children, Defendants maintain that USCIS's policies are "in the long term interests" of those children. ECF 57 at 2, 5.[2] Prompt adjudication, they argue, helps the Department of Homeland Security ("DHS") ensure that unaccompanied children "without a legal path to remain in the United States can be safely reunited with their families abroad as quickly as possible." *Id.* at 6. But many of these children fled grave danger in their home countries, including from members of their own families, and may have viable pathways to asylum or other lawful status in the United States if given a meaningful opportunity to pursue them. And removing children "as quickly as possible" cannot be squared with the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 ("TVPRA"), which requires that children's asylum claims be adjudicated in a manner that accounts for their specialized needs, *see* 8 U.S.C. § 1232(d)(8)—including the time children need to build trust with counsel before they can disclose why they fled.

For the reasons set forth in Plaintiffs' TRO motion, ECF 23-1, and below, USCIS's Inadequate Notice and Exceptional Circumstances Policies are arbitrary, capricious, and contrary to law in violation of the Administrative Procedure Act, and they violate the procedural due process rights of the unaccompanied children that Plaintiffs represent. EOIR's Detained Docket Deadline is arbitrary and capricious because EOIR rested the Deadline on factors Congress did not intend EOIR to consider, failed to consider the unique vulnerabilities of unaccompanied children and the disastrous effects the Deadline has on their ability to seek asylum, and ignored Plaintiffs' reliance

[2] All ECF citations are to the internal ECF pagination unless otherwise stated.

interests. A preliminary injunction is necessary because these policies are causing irreparable harm to Plaintiffs and their unaccompanied child clients, who risk wrongful removal to harm, abuse, or death.

FACTUAL BACKGROUND

Congress created a distinct asylum process for unaccompanied children. Even when these children are in removal proceedings, USCIS, not an immigration judge, has initial jurisdiction over their asylum applications, 8 U.S.C. § 1158(b)(3)(C), and their claims must be adjudicated under procedures that "take into account [their] specialized needs," *id.* § 1232(d)(8). The right to apply for asylum before USCIS in the first instance ensures that unaccompanied children will have the opportunity to present their asylum claims through a non-adversarial interview with an asylum officer.

Until recently, USCIS buttressed that interview with procedural safeguards for unaccompanied children. Like all applicants before USCIS, unaccompanied children were entitled to written notice issued at least 21 days before the interview, the ability to reschedule the interview once as a matter of right and thereafter for good cause, and the opportunity to submit additional supporting evidence before and sometimes after the interview.[3] Affirmative Asylum Procedures Manual ("AAPM") § II.G.3; 8 C.F.R. § 208.9(e)(1); Ex. 1 (Raufer Decl.) ¶¶ 18, 35–38, 41, 44–46. They also received additional protections: asylum officers received specialized training to interview unaccompanied children; children could bring a trusted adult in addition to counsel; interviews presumptively took place in person and were rarely conducted while a child remained in federal custody; and USCIS gave children extra latitude to reschedule and set separate, longer timelines for completing their cases. Ex. 1 (Raufer Decl.) ¶¶ 10, 15, 25–28, 34, 40. Those protections reflect an understanding that children cannot participate meaningfully in the asylum

[3] Plaintiffs incorporate by reference the facts set forth in their Memorandum of Law in Support of their Motion for a Stay and TRO, ECF 23-1, and the declarations filed with that Motion, ECF 23-6 through 23-13.

process unless they can disclose traumatic experiences to unfamiliar adults. For most children, disclosure requires at least sufficient time to prepare and understand the process, a comfortable setting, the presence of someone they trust and, whenever possible, the support of an attorney who has developed a relationship with them and can fill gaps they cannot articulate themselves. Ex. 2 (Fortuna Report) at 19–22, 24–26; Ex. 1 (Raufer Decl.) ¶¶ 29–31, 42–43.

USCIS's Inadequate Notice and Exceptional Circumstances Policies

Late in the summer of 2026, USCIS abandoned those protections for unaccompanied children. Under the Inadequate Notice Policy, USCIS schedules interviews for unaccompanied children with less than 21 days' notice—sometimes with 24 hours' notice or less. ECF 57-1 ¶ 10; ECF 23-1 at 11; Ex. 3 (Donovan-Kaloust Supp. Decl.) ¶¶ 4–7; Ex. 4 (Hamill Decl.) ¶ 6; Ex. 8 (Fisher Flores Supp. Decl.) ¶ 4; Ex. 10 (Nally Supp. Decl.) ¶ 4. Under the Exceptional Circumstances Policy, USCIS will reschedule an interview only upon a showing of "exceptional circumstances."[4]

The new USCIS policies truncate and undermine the asylum process Congress intended for unaccompanied children. Because interview notices now often arrive after the deadline to submit supplemental evidence—14 days before the interview—children cannot submit corroborating evidence, and USCIS has rejected evidence submitted after that deadline. *See* 8 C.F.R. § 208.9(e)(1); ECF 23-8 (Avila-Cimpeanu Decl.) ¶¶ 25–26; Ex. 3 (Donovan-Kaloust Supp. Decl.) ¶ 9; Ex. 4 (Hamill Decl.) ¶ 6; Ex. 5 (Garcia Cantillo Decl.) ¶¶ 13, 15; Ex. 8 (Fisher Flores Supp. Decl.) ¶¶ 4, 6. Some asylum officers have explained that they cannot schedule detained children's interviews more than seven days in advance. Ex. 5 (Garcia Cantillo Decl.) ¶¶ 14–15; Ex. 3 (Donovan-Kaloust Supp. Decl.) ¶ 5. And USCIS now refers children's applications to immigration court within hours or days of the interview, foreclosing the post-interview briefing that once allowed counsel to fill gaps in a child client's testimony. Ex. 6 (Avila-Cimpeanu Supp.

[4] Detailed descriptions of these policies can be found in the Complaint, ECF 1 ¶¶ 65–79, and in Plaintiffs' Memorandum of Law in Support of their Motion for a Stay and TRO, ECF 23-1 at 11–15.

Decl.) ¶ 7; Ex. 3 (Donovan-Kaloust Supp. Decl.) ¶¶ 11, 18; Ex. 7 (Nafisi Decl.) ¶ 8; Ex. 1 (Raufer Decl.) ¶¶ 21, 46.

At the same time, USCIS has begun shifting to virtual interviews of unaccompanied children in ORR custody. ECF 23-9 (Sanchez Kennedy Decl.) ¶ 45; Ex. 6 (Avila-Cimpeanu Supp. Decl.) ¶ 9; Ex. 8 (Fisher Flores Supp. Decl.) ¶ 4. Historically, the agency treated in-person interviews as the default for children, recognizing that rapport and non-verbal cues are critical to eliciting a child's testimony. Ex. 1 (Raufer Decl.) ¶¶ 15–16; *see* Ex. 2 (Fortuna Report) at 23–24. But video interviews now go forward in circumstances that illustrate their risk: one detained child was interviewed by video while involuntarily committed to a psychiatric hospital, Ex. 9 (Sanchez Kennedy Supp. Decl.) ¶ 6; another was interviewed without his attorney—whose rescheduling request went unanswered—and was referred to immigration court less than 24 hours later, Ex. 8 (Fisher Flores Supp. Decl.) ¶ 5.

On October 30, 2026, this Court stayed and enjoined USCIS's Inadequate Notice and Exceptional Circumstances Policies. ECF 54 (Order Granting TRO). Nearly one week later, USCIS still had not complied with the stay and TRO. ECF 63 (Noncompliance Order). Although some asylum offices have begun granting initial rescheduling requests as a matter of right, others continue to invoke the "exceptional circumstances" standard, decline to act on requests while "awaiting guidance," or require attorneys and children to travel to asylum offices and wait for hours to request rescheduling in person. Ex. 3 (Donovan-Kaloust Supp. Decl.) ¶ 10; Ex. 4 (Hamill Decl.) ¶¶ 8–10; Ex. 6 (Avila-Cimpeanu Supp. Decl.) ¶ 6; Ex. 7 (Nafisi Decl.) ¶¶ 4–7; Ex. 10 (Nally Supp. Decl.) ¶ 7; Ex. 11 (Hough Supp. Decl.) ¶ 6. Children whose rescheduling requests go unanswered continue to be marked as having failed to appear, Ex. 6 (Avila-Cimpeanu Supp. Decl.) ¶ 6; Ex. 7 (Nafisi Decl.) ¶¶ 6–7; Ex. 16 (Smith Decl.) ¶ 14; and at least one immigration judge has deemed a child's asylum application abandoned on that basis even though it remains pending before USCIS. Ex. 7 (Nafisi Decl.) ¶ 11.

EOIR's Detained Docket Deadline

Until recently, EOIR also tailored unaccompanied children's removal proceedings to their specialized needs. Immigration judges on specialized juvenile dockets, trained in child-friendly and trauma-informed practices, used continuances, administrative closure, termination, and status dockets to give children time to find counsel and to allow USCIS to adjudicate asylum and other applications within its jurisdiction. Ex. 12 (Cassin Decl.) ¶¶ 6–8, 11–15; Ex. 13 (Khan Decl.) ¶¶ 8–11, 16–21; Ex. 14 (Harrington Decl.) ¶ 7. Prior EOIR guidance encouraged that approach. *See, e.g.*, Director's Memo 24-01, *Children's Cases in Immigration Court* at 4 (noting that, in general, "efficiency and fairness are served" by dismissing removal proceedings against an unaccompanied child with an asylum application pending before USCIS).[5] Immigration judges routinely granted continuances of three to six months, constrained only by calendar availability and cutoff dates more than a year in the future. Ex. 12 (Cassin Decl.) ¶¶ 13–14; Ex. 13 (Khan Decl.) ¶ 20; ECF 23-6 (Richardson Decl.) ¶ 57; ECF 23-8 ¶ 43. Plaintiffs built their children's representation programs—including staffing and caseloads—around that predictable pace. ECF 23-6 (Richardson Decl.) ¶ 57; ECF 23-8 ¶ 43; ECF 23-12 (Hough Decl.) ¶ 48; Ex. 3 (Donovan-Kaloust Supp. Decl.) ¶ 21; *see also* Ex. 14 (Harrington Decl.) ¶ 13.

Like USCIS, however, EOIR has sharply departed from historical practice, with the express goal of completing unaccompanied children's cases by a date certain—invariably on or before January 31, 2027. Immigration judges have repeatedly attributed their scheduling decisions to an EOIR directive. *See* ECF 23-6, ¶ 63; ECF 23-12, ¶ 55; Ex. 3 (Donovan-Kaloust Supp. Decl.) ¶ 12 (written order stating that child's case "has been identified as a priority case by EOIR and must be completed no later than October 31, 2026"); Ex. 7 (Nafisi Decl.) ¶ 10 (judge refusing to schedule a later hearing date because "I'm going to schedule you based on what my bosses tell me to do in

[5] *Available at* Impact Policy Tracking Project, https://immpolicytracking.org/policies/eoir-releases-guidelines-for-adjudicating-cases-involving-juveniles/#/tab-policy-documents (select "Biden Administration Action" from the left-side menu) (last visited Nov. 11, 2026). EOIR rescinded DM 24-01 in January 2025, and reinstated its prior guidance, Operating Policies and Procedures Memorandum 17-03, *Guidelines for Immigration Court Cases Involving Juveniles, Including Unaccompanied Alien Children* (Dec. 20, 2017). *See* Ex. 13 (Khan Decl.) ¶ 14.

these cases"); Ex. 9 (Sanchez Kennedy Supp. Decl.) ¶ 15 (judge reversing course on continuance after reviewing his screen and stating that he needed to "complete the case by a certain period of time"); Ex. 10 (Nally Supp. Decl.) ¶ 12 ("[T]he ACIJ says finish it by the end of the year"); Ex. 11 (Hough Supp. Decl.) ¶ 10 (Assistant Chief Immigration Judge remarking that "they want all these cases done by November or December"); *id.* ¶ 13 (judge stating he could not exercise discretion because "they" want "these cases" completed); Ex. 15 (Abad Decl.) ¶ 7 (court clerk reporting that all juvenile matters would be set before the end of the year "per instructions from EOIR Headquarters"); ECF 23-12 ¶ 52 (JFCS attorneys were told, on information and belief, that new continuance rules were conveyed by email from Assistant Chief Immigration Judge for Special Populations); *see also* Ex. 14 (Harrington Decl.) ¶ 12. This Detained Docket Deadline, as Plaintiffs refer to it, has compressed every stage of unaccompanied children's removal proceedings.[6]

Removal proceedings now begin almost as soon as an unaccompanied child arrives in the United States. Since 2025, DHS has filed charging documents against children immediately after they are placed in ORR custody, putting detained children into active removal proceedings in unprecedented numbers. ECF 23-11 (Donovan-Kaloust Decl.) ¶ 34; ECF 23-7 (Nally Decl.) ¶ 10; ECF 23-6, ¶ 59.[7] From there, immigration judges have begun applying the same scheduling rules, each with a fixed outer limit.

[6] As alleged in the Complaint, the Detained Docket Deadline targets detained unaccompanied children. ECF 1 ¶¶ 81–83. EOIR now appears to be applying the same accelerated scheduling to released children and other juveniles whose cases are heard on consolidated juvenile dockets. *See* Ex. 15 (Abad Decl.) ¶¶ 6–8; Ex. 14 (Harrington Decl.) ¶ 9 (children released into the unaccompanied refugee minor program "are being similarly fast-tracked"); Ex. 12 (Cassin Decl.) ¶ 28 (immigration judge on non-detained docket stating, "I am not allowed to do these adjournments any more"); Ex. 10 (Nally Supp. Decl.) ¶ 12.

[7] DHS initiates removal proceedings by filing a Notice to Appear with an immigration court. *See* 8 U.S.C. § 1229(a)(1). Until recently, DHS generally waited until an unaccompanied child was released from ORR custody to initiate proceedings, and Plaintiffs generally offered representation once a child was released to a sponsor in their service area. *See* ECF 23-8, ¶ 42; ECF 23-9, ¶¶ 13–14, 54; ECF 23-11, ¶¶ 15, 34; ECF 23-12, ¶ 40.

First, a child who wishes to seek asylum receives at most one continuance of up to three weeks to file an application with USCIS; if the application is not filed by the next master calendar hearing, the judge typically deems the claim abandoned. ECF 23-7 ¶ 35; ECF 23-8 ¶ 36; ECF 23-9 (Sanchez Kennedy Decl.) ¶ 61; ECF 23-11 ¶ 38; ECF 23-12 ¶ 53; Ex. 10 (Nally Supp. Decl.) ¶ 17; Ex. 12 (Cassin Decl.) ¶¶ 19, 25.

Second, while the application is pending before USCIS, judges continue the case for no more than three weeks at a time, and sometimes only for days. ECF 23-7 (Nally Decl.) ¶ 34; ECF 23-8 ¶ 43; ECF 23-9 ¶ 61; ECF 23-11 ¶ 49; ECF 23-12 ¶¶ 52–53; Ex. 12 (Cassin Decl.) ¶ 19; Ex. 10 (Nally Supp. Decl.) ¶¶ 9–11; Ex. 8 (Fisher Flores Supp. Decl.) ¶¶ 9, 12; Ex. 11 (Hough Supp. Decl.) ¶ 8.

Third, once USCIS refers the application, typically within hours or days of the interview, judges set an individual hearing within roughly two to four weeks. Ex. 10 (Nally Supp. Decl.) ¶¶ 10–11, 17; Ex. 3 (Donovan-Kaloust Supp. Decl.) ¶ 18; Ex. 7 (Nafisi Decl.) ¶ 12; Ex. 6 (Avila-Cimpeanu Supp. Decl.) ¶ 13; Ex. 12 (Cassin Decl.) ¶ 27; Ex. 9 (Sanchez Kennedy Suppl. Decl.) ¶ 14; Ex. 16 (Smith Decl.) ¶¶ 17–18, 21–22, 26. In some cases, judges end the case even sooner by granting DHS's motion to pretermit the application without hearing the child's testimony. Ex. 3 (Donovan-Kaloust Supp. Decl.) ¶ 20; Ex. 6 (Avila-Cimpeanu Supp. Decl.) ¶¶ 8, 15; Ex. 8 (Fisher Flores Supp. Decl.) ¶ 17; Ex. 14 (Harrington Decl.) ¶ 10. This complex, multi-agency process that once offered children's applications and testimony months of due consideration has been condensed beyond recognition, with cases going from asylum interview, to referral to immigration court, to removal order in as little as 20 days. *See* Ex. 16 (Smith Decl.) ¶ 17 & Attachments H–O (five-year-old interviewed on September 17, 2026, referred to immigration court on September 18, 2026, and ordered removed on October 7, 2026); *see also* Ex. 8 (Fisher Flores Supp. Decl.) ¶ 16 (child ordered removed within 23 days of asylum interview).

Immigration judges now lack the discretion to depart from these limits. Court administrators in May 2026 blocked immigration judges and staff from setting hearings beyond a fixed date—generally the end of December 2026—so detained children's cases would be

completed before then. Ex. 12 (Cassin Decl.) ¶ 20; *see also* Ex. 13 (Khan Decl.) ¶ 22 (former Assistant Chief Immigration Judge describing intensifying pressure on remaining judges). Consistent with that directive, hearings previously set for 2027 or 2028 have been advanced to 2026. Ex. 10 (Nally Supp. Decl.) ¶ 13; ECF 23-7 (Nally Decl.) ¶ 36; ECF 23-9, ¶ 64; ECF 23-12, ¶ 55; Ex. 14 (Harrington Decl.) ¶ 8; Ex. 15 (Abad Decl.) ¶¶ 8, 10, 13; Ex. 17 (Parada Decl.) ¶ 11. To rush through the many cases on the juvenile docket, EOIR has recently begun transferring children's cases from local juvenile dockets to immigration judges in other states, who hear them remotely—often on short notice, with hearings advanced without written notice to counsel, and in one instance with a different judge at each of a child's four hearings over two months. Ex. 3 (Donovan-Kaloust Supp. Decl.) ¶ 15; Ex. 6 (Avila-Cimpeanu Supp. Decl.) ¶ 18; Ex. 8 (Fisher Flores Supp. Decl.) ¶¶ 8–9; Ex. 10 (Nally Supp. Decl.) ¶ 9; Ex. 14 (Harrington Decl.) ¶ 9; Ex. 11 (Hough Supp. Decl.) ¶¶ 14–15; Ex. 9 (Sanchez Kennedy Supp. Decl.) ¶ 20; Ex. 15 (Abad Decl.) ¶¶ 7, 11. And when practitioners ask for more time, immigration judges respond that their hands are tied. Ex. 10 (Nally Supp. Decl.) ¶ 11 ("I don't always have control over when I reset these. I can't go beyond a certain [indistinct] they'll just bump it up."); Ex. 8 (Fisher Flores Supp. Decl.) ¶ 9; Ex. 9 (Sanchez Kennedy Supp. Decl.) ¶ 13; Ex. 11 (Hough Supp. Decl.) ¶ 8; Ex. 14 (Harrington Decl.) ¶¶ 11–12.

Because USCIS and EOIR are accelerating cases simultaneously, Plaintiffs' attorneys are routinely booked for overlapping interviews, master calendar hearings, and trials. Ex. 9 (Sanchez Kennedy Supp. Decl.) ¶ 9 (68 asylum interviews scheduled for the same three days in December); Ex. 10 (Nally Supp. Decl.) ¶¶ 11, 17; Ex. 11 (Hough Supp. Decl.) ¶ 21. The results are predictable: Plaintiff Immigrant Defenders Law Center has received more merits removal orders against child clients in a month than in its prior ten years combined. Ex. 3 (Donovan-Kaloust Supp. Decl.) ¶ 24.

ARGUMENT

To obtain a preliminary injunction, Plaintiffs must show that they are "likely to succeed on the merits, that [they are] likely to suffer irreparable harm in the absence of preliminary relief, that the balance of equities tips in [their] favor, and that an injunction is in the public interest." *Winter*

v. Nat. Res. Def. Council, Inc., 555 U.S. 7, 20 (2008). The same standard applies to a request for preliminary relief under the APA, 5 U.S.C. § 705. *Casa de Maryland, Inc. v. Wolf*, 486 F. Supp. 3d 928, 950 (D. Md. 2020). For the reasons discussed below, Plaintiffs have met each of these factors. The Court should therefore grant Plaintiffs' motion for a preliminary injunction and stay under 5 U.S.C. § 705, preventing Defendants from unlawfully fast-tracking unaccompanied children's immigration proceedings and ensuring that Plaintiffs and their unaccompanied child clients have meaningful access to the asylum process in accordance with the protections enshrined in the TVPRA, the INA, and the Constitution.

The Court should separately deny Defendants' motion for reconsideration, which fails to establish any error in the Court's order granting a TRO, much less clear error causing manifest injustice. ECF 57 (Reconsideration Motion) at 7–8; *U.S. Tobacco Coop. Inc. v. Big South Wholesale of Virginia, LLC*, 899 F.3d 236, 257 (4th Cir. 2018). Defendants' motion raises arguments that could have been raised in their initial opposition brief and blames the Court for failing to consider interests that Defendants never asserted. "[A] prior decision does not qualify for [clear error causing manifest injustice] by being just maybe or probably wrong; it must strike us as wrong with the force of a five-week-old, unrefrigerated dead fish. It must be dead wrong." *U.S. Tobacco Coop. Inc.*, 899 F.3d at 258 (citation omitted).

I. Plaintiffs Are Likely to Succeed on the Merits of Their Claims.

To establish the first *Winter* prong, "[P]laintiff[s] need not establish a 'certainty of success,' but must make a clear showing that [they are] likely to succeed at trial." *Di Biase v. SPX Corp.*, 872 F.3d 224, 230 (4th Cir. 2017) (quoting *Pashby v. Delia*, 709 F.3d 307, 321 (4th Cir. 2013)). And under Section 706(2) of the APA, a district court may set aside agency action that is "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law." 5 U.S.C. § 706(2)(A). Here, Plaintiffs are likely to succeed on the merits because they can clearly show that USCIS's Inadequate Notice Policy and Exceptional Circumstances Policy are arbitrary, capricious, and contrary to law in violation of the APA; that these policies violate the due process rights of

Plaintiffs' unaccompanied child clients; and that EOIR's Detained Docket Deadline is arbitrary and capricious.

A. USCIS's Inadequate Notice Policy and Exceptional Circumstances Policy Violate the APA.

1. USCIS's Challenged Policies Are Final Agency Actions.

Both the Inadequate Notice and Exceptional Circumstances Policies are final agency actions because they "mark the consummation of the agency's decision-making process" and are actions "by which rights or obligations have been determined, or from which legal consequences will flow." *Bennett v. Spear*, 520 U.S. 154, 177–78 (1997) (internal citations omitted); ECF 54 at 10–11 & n.7.

Although Defendants initially denied the existence of these policies, their motion for reconsideration concedes that both policies have been implemented and does not contest that they constitute final agency action. *Compare* ECF 32-1 (Opposition to TRO) at 10, *with* ECF 57 at 1–2, 4; *see also* ECF 57-1 (Kim Decl.) ¶¶ 10–11.[8] A USCIS policy change was required to shorten the authorized notice period for unaccompanied child interviews because USCIS's generally applicable procedures otherwise require that notice be generated at least 21 or 22 days prior to an interview and be mailed "no fewer than 18 days before the scheduled interview date." AAPM § II.G.3.[9]

Authorizing a shortened notice period and requiring exceptional circumstances to reschedule asylum interviews have legal consequences, including impeding Plaintiffs' ability to

[8] Although Mr. Kim's declaration describes a shortened notice policy specific to unaccompanied children in ORR custody, released unaccompanied children have also received inadequate notice. Therefore the Inadequate Notice Policy in practice applies to both detained and released children. *See*, *e.g.*, Ex. 3 (Donovan-Kaloust Supp. Decl.) ¶ 4; Ex. 4 (Hamill Decl.) ¶¶ 4, 6; Ex. 10 (Nally Supp. Decl.) ¶ 4.

[9] Defendants' motion for reconsideration cites a different section of the AAPM to assert that notice is issued "approximately" 21 days before the interview. ECF 57 at 8 (citing AAPM § II.G.2(a)). When these sections are read together, it is clear that the reference to "approximately 21 days" in Section II.G.2(a) includes the "21 or 22 days" specified in Section II.G.3 and does not authorize shorter notice.

provide effective representation to their unaccompanied child clients and depriving unaccompanied children of their ability to submit supplemental evidence as of right, 8 C.F.R. § 208.9(e)(1), their right to counsel at the asylum interview, *id.* § 208.9(b), and a meaningful opportunity to prepare for and participate in their one and only non-adversarial asylum proceeding, 8 U.S.C. § 1158(b)(3)(C). *See* ECF 54 at 11, 15–16.

2. USCIS's Challenged Policies Are Contrary to Law.

The Inadequate Notice and Exceptional Circumstances Policies are contrary to law because they deprive Plaintiffs and their unaccompanied child clients of their regulatory right to submit supplemental evidence up to 14 days before their asylum interviews, deprive children of access to counsel, and are inconsistent with the consideration of children's specialized needs required by the TVPRA. *See* ECF 54 at 12–15.

After previously asserting that the 14-day evidence submission provision in 8 C.F.R. § 208.9(e) does not apply to unaccompanied child cases, ECF 32-1 at 13, Defendants now admit that "the 14-day deadline is still applicable as required by the CFR" and argue that "the setting of the interview date does not create a signal to begin collecting that information but a notice that the period is closing." ECF 57 at 9. This ignores the heart of the problem. Even accepting Defendants' framing, Plaintiffs and their child clients are deprived of "notice that the period is closing" when they receive notice *after* the evidence submission period has closed. USCIS's policy of authorizing 24 hours to seven days' notice prior to an interview guarantees that notice will come too late to comply with the evidence submission deadline. ECF 57-1 ¶ 10. In practice, USCIS is generally not accepting evidence submitted after the 14-day deadline, even as a matter of discretion. *See* USCIS, *ALERT: Updated Evidence Submission Policy for Affirmative Asylum Applications*, https://www.uscis.gov/humanitarian/refugees-and-asylum/asylum (last visited Nov. 11, 2026); ECF 23-8 ¶¶ 25–26; ECF 23-7 ¶¶ 24, 26; ECF 23-9 ¶ 39; ECF 23-11 ¶ 36; ECF 23-12 ¶ 29. USCIS's rapid adjudication of asylum cases also prevents Plaintiffs from submitting post-interview evidence and briefing. *See* Ex. 6 (Avila-Cimpeanu Supp. Decl.) ¶ 7. Even if *some* asylum officers accept late-submitted evidence as a matter of discretion in *some* cases, the mere

possibility of a favorable exercise of discretion cannot replace the certainty and predictability of a regulatory entitlement.

As the Court previously concluded, Defendants' challenged policies also unlawfully obstruct children's right to counsel at their asylum interview. *See* ECF 54 at 14 (citing 8 C.F.R. § 208.9(b)). Defendants do not address this conclusion in their Motion for Reconsideration. While Defendants do assert that "USCIS will of course consider concerns lawyers have with double bookings and impracticalities," ECF 57 at 2, the Exceptional Circumstances Policy itself makes no reference to unavailability of counsel, and Plaintiffs' experience in practice is that USCIS does not reschedule interviews to permit counsel to attend, even when they are booked for multiple interviews at the same time. *See* ECF 23-8 ¶ 27; ECF 23-9 ¶ 38; ECF 23-11 ¶¶ 40, 42; ECF 23-6 ¶¶ 36–37.[10]

Moreover, as discussed below, Defendants' assertion that they take into account the "specialized needs of minors" under 8 U.S.C. § 1232(d)(8) by rushing children through their asylum interviews and refusing to reschedule at the child's own request is inconsistent with Congress's clear intent that the specialized needs of children include the assistance of counsel and sufficient time to prepare their applications.

3. USCIS's Challenged Policies Are Arbitrary and Capricious.

The Inadequate Notice and Exceptional Circumstances Policies are arbitrary and capricious because USCIS has failed to provide a contemporaneous reasoned justification for these policies and the justifications Defendants have offered show the agency "[1] relied on factors which Congress has not intended it to consider, [2] entirely failed to consider an important aspect of the problem, [3] offered an explanation for its decision that runs counter to the evidence before the agency, or [4] is so implausible that it could not be ascribed to a difference in view or the product

[10] *See also* Ex. 9 (Sanchez Kennedy Supp. Decl.) ¶¶ 9–11 (explaining that since the TRO was issued, Plaintiff Galveston-Houston Immigrant Representation Project has received 68 new asylum interview notices, with 11 more posted online but not yet delivered, all scheduled within the same three-day period). GHIRP's staff of seven attorneys will not be able to prepare for and attend all these interviews if they are unable to reschedule them. *Id.*

of agency expertise." *Motor Vehicle Mfrs. Ass'n of U.S., Inc. v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (1983) ("*State Farm*"). Although review under this standard is deferential, the Court "must conduct a searching and careful review to determine whether the agency's decision was based on a consideration of the relevant factors and whether there has been a clear error of judgment." *Appalachian Voices v. U.S. Dep't of Interior*, 25 F.4th 259, 269 (4th Cir. 2022) (internal citation omitted).

First, in the last two weeks, Defendants have offered shifting justifications for the challenged policies and only post-hoc justifications for USCIS's actions. When an agency changes policy—as Defendants now acknowledge USCIS has with respect to both the Exceptional Circumstances and Inadequate Notice Policies, *see* ECF 57 at 2, 4—it "must display awareness that it is changing position and show that there are good reasons for the new policy." *Jimenez-Cedillo v. Sessions*, 885 F.3d 292, 298 (4th Cir. 2018) (citation omitted). "[T]he 'reviewing court may look only to [the agency's] *contemporaneous* justifications' for its action." *Appalachian Voices*, 25 F.4th at 269 (quoting *Dow AgroSciences LLC v. Nat'l Marine Fisheries Serv.*, 707 F.3d 462, 467 (4th Cir. 2013)). Explanations provided after the policy change occurred "'must be viewed critically' to ensure that the rescission is not upheld on the basis of impermissible '*post hoc* rationalization.'" *Dep't of Homeland Sec. v. Regents of the Univ. of Cal.*, 591 U.S. 1, 21 (2020) ("*Regents*") (citation omitted) .

Here, Defendants initially justified the Exceptional Circumstances Policy as "required by statute and regulation," citing provisions related to the standard for rescheduling an interview after an applicant fails to appear. ECF 32-1 at 5, 14 (citing 8 U.S.C. § 1158(d)(5)(A)(v) and 8 C.F.R. § 208.10). Defendants also noted that this policy is generally applicable and not specific to unaccompanied children. *Id.* at 18. After the Court held that the Exceptional Circumstances Policy is *not* required by applicable law, ECF 54 at 14, Defendants' motion for reconsideration asserted that "[f]ocusing on the needs of [UCs], USCIS stopped allowing for automatic grants for initial rescheduling requests and required exceptional circumstances for all requests." ECF 57 at 2.

Similarly, Defendants did not provide any justification for the Inadequate Notice Policy in their TRO response and instead urged the Court to discount Plaintiffs' allegation of an "internal memo circulating that shortens interview notice periods." ECF 32-1 at 11. Defendants now acknowledge they adopted a new policy to schedule unaccompanied child interviews "with 24 hours to seven days' notice," purportedly to "ensure that vulnerable children receive timely decisions on their asylum claims." ECF 57 at 4. Despite the assertion by USCIS's declarant, Ted Kim, that "[t]he challenged interview-scheduling and rescheduling practices were intended to advance, not undermine, the interests of [UCs] and asylum seekers generally," ECF 57-1 ¶ 12, he does not indicate that he served as the decisionmaker on these policies or even that he reviewed the decision memo or any materials that served as the basis for the decision to adopt them.

Second, even if the Court were to credit Defendants' post-hoc justifications, those justifications "rel[y] on factors which Congress has not intended [USCIS] to consider." *State Farm*, 463 U.S. at 43. Defendants repeatedly suggest that USCIS decided to expedite the cases of detained unaccompanied children because Defendants believe it is in a child's best interests to have the asylum application resolved while the child is in detention rather than being released to a sponsor in the community while their asylum proceedings remain pending. ECF 57 at 1–2, 9, 11. But rushing unaccompanied children through their asylum proceedings before they have a chance at release is plainly contrary to Congressional intent. The TVPRA creates a presumption of release pending unaccompanied children's immigration proceedings, requiring that unaccompanied children "be *promptly* placed in the least restrictive setting that is in the best interest of the child," usually with "a suitable family member." 8 U.S.C. § 1232(c)(2)(A) (emphasis added).[11] Moreover, Congress charged ORR, not USCIS, with making these best-interest determinations.

[11] When there is no suitable sponsor, children can be placed in foster care settings through ORR's Long-Term Foster Care program or, for victims of trafficking or other eligible children, the Unaccompanied Refugee Minor program. *See* 8 U.S.C. § 1232(c)(2)(A); ORR Policy Guide § 1.2.6, https://acf.gov/orr/policy-guidance/uac-program-policy-guide-section-1#1.2.6 (last visited Nov. 11, 2026).

8 U.S.C. §§ 1232(b)(1), (c)(2)(A). Congress also understood that children's asylum claims may take more time to develop and therefore exempted unaccompanied children from expedited removal proceedings and from the one-year filing deadline usually applicable to asylum claims. 8 U.S.C. § 1232(a)(5)(D); 8 U.S.C. § 1158(a)(2)(E). USCIS cannot substitute its judgment for that of Congress, especially on an issue that Congress explicitly removed from DHS's jurisdiction.[12] *See* 6 U.S.C. § 279(a); 8 U.S.C. § 1232(b).

Further, Defendants' revised justification that the Exceptional Circumstances Policy "more faithfully appl[ies] existing regulatory language" in 8 C.F.R. § 208.10, ECF 57-1 ¶ 11, and "is consistent with" Congressional intent in 8 U.S.C. § 1158(d)(5)(A)(v), *id.* ¶ 18, fares no better than their original argument that it was required by statute. Far from faithfully applying its statutory and regulatory obligations, USCIS has plainly misinterpreted Congress's intent. *See* ECF 54 at 14 (analyzing statutory language); *Sierra Club v. State Water Control Board*, 64 F.4th 187, 194 (4th Cir. 2023); *Sea-Land Service, Inc. v. Dep't of Transportation*, 137 F.3d 640, 646 (D.C. Cir. 1998).

Third, by focusing only on the benefits of speedy adjudication and assuming that expedited consideration is in the best interests of children, ECF 57-1 (Kim Decl.) ¶¶ 12–16, 19, USCIS

[12] Even if Defendants' purported concern about release to unsafe sponsors were a valid consideration in asylum interview scheduling—which it is not—this concern is not supported by the evidence cited. As an initial matter, the release provisions of the *Flores* Settlement Agreement were terminated as to unaccompanied children in ORR custody two years ago. *See Flores v. Garland*, Case No. 85-cv-4544, 2024 WL 3467715, at *9 (C.D. Cal. June 28, 2024); *cf.* ECF 57 at 1, 3–4. In any event, the *Flores* Settlement never required release to an unsafe sponsor. *See, e.g., Flores v. Sessions*, 862 F.3d 863, 877–78 (9th Cir. 2017) (quoting Settlement ¶ 11 and noting that the TVPRA "mirror[s] the Settlement" in ensuring children are not released to unsafe sponsors). Additionally, Defendants' citation to their own press conferences to assert that the previous administration released over 300,000 children whose whereabouts could not be verified, ECF 57 at 3–4, 11, is both incorrect and irrelevant. This assertion is based on numbers related to the issuance of a Notice to Appear, not whether the child was in danger, and says nothing as to children currently in detention. *See, e.g.,* Melissa Goldin, *FACT FOCUS: Claims That More Than 300,000 Migrant Children Are Missing Lack Context*, Associated Press (Oct. 2, 2024, at 3:29 PM PST), https://apnews.com/article/fact-check-misinformation-migrant-children-missing-7ab0cea2fd2238346197429e952baa8b; *see also supra* n.7 (noting reasons for historic practice of waiting to issue Notice to Appear to unaccompanied children). Further, the existence of a small percentage of prior instances of fraud cannot support Defendants' blanket conclusion that releasing children to vetted parents or other family members in the United States is always dangerous but returning them to family in the countries they fled is presumptively safe. ECF 57 at 1–2, 6, 9, 12; ECF 57-1 ¶ 13.

"entirely failed to consider" multiple critical aspects of the problem. *State Farm*, 463 U.S. at 43. USCIS's articulated justifications failed to consider that its rushed scheduling policies could preclude grants of asylum to children who could have established their eligibility if given adequate time to prepare. More specifically, USCIS failed to consider the impact of its new scheduling policies on a child's ability to build sufficient trust with counsel to disclose past traumatic events, prepare for the interview, obtain and submit necessary evidence,[13] including mental health evaluations if appropriate, and meaningfully participate in the interview with the presence of trusted counsel. *See* Ex. 2 (Fortuna Report) at 19–22, 24–26; *see also id.* at 26 ("When short notice prevents this preparation and support [with counsel], it creates a substantial and foreseeable risk that the child will misunderstand questions, give an incomplete or disorganized story, experience acute distress, and be unable to make sound decisions."). Nor did USCIS consider the impact of its policies on the ability of legal service providers such as Plaintiffs to effectively represent their clients and to take on new unaccompanied child clients, undermining Congress's strong preference that unaccompanied children have the assistance of counsel in their immigration proceedings. 8 U.S.C. § 1232(c)(5).

USCIS further failed to consider the acute risks to children's mental health of forcing them to participate in interviews about traumatic experiences without adequate preparation or support from a trusted adult. Ex. 2 (Fortuna Report) at 24–25. USCIS has extensive experience with the applications of unaccompanied children and is aware of these issues. *See* Ex. 1 (Raufer Decl.) ¶¶ 25–34, 42–43. Disregarding all these factors in favor of a blinkered focus on efficiency was arbitrary and capricious.

Nor is there any indication that USCIS considered "serious reliance interests that must be taken into account" or "alternatives that are within the ambit of the existing policy." *Regents*, 591 U.S. at 30 (citations omitted); *see also* ECF 23-1 at 31. Plaintiffs made decisions about staffing

[13] Defendants' initial incorrect assertion that 8 C.F.R. § 208.9(e) does not apply to cases of unaccompanied children, ECF 32-1 at 13, is further evidence that USCIS did not consider the interaction between its Inadequate Notice and Exceptional Circumstances Policies and applicable regulatory deadlines for evidence submission.

and allocation of resources based on a standard, minimum notice period and the opportunity to reschedule for cause. *See, e.g.*, ECF 23-6 ¶¶ 26–28; ECF 23-7 ¶¶ 14–15; ECF 23-8 ¶¶ 18–20, 27; ECF 23-9 ¶¶ 21–22, 24; ECF 23-11 ¶¶ 17, 21, 36; ECF 23-12 ¶¶ 28–29. Plaintiffs also made commitments to represent their child clients and cannot simply abandon them because representing children in USCIS asylum interviews has become too resource-intensive. Despite Defendants' repeated emphasis on the best interests of unaccompanied children and reducing uncertainty and prolonged detention, USCIS did not consider an alternative policy of expediting interviews only at the request of a child or their counsel when the child wishes a faster adjudication.

Finally, the explanations Defendants have provided "run[] counter to the evidence before the agency" and in some cases are "so implausible that [they] could not be ascribed to a difference in view or the product of agency expertise." *State Farm*, 463 U.S. at 43. Defendants assert that their policies advance the interests of unaccompanied children because they "help[] reduce prolonged uncertainty" and "where the child remains in custody, can help avoid an unnecessary restrictive custodial situation." ECF 57-1 ¶ 12; *see also id.* ¶¶ 13, 15–16, 19. But USCIS cannot plausibly claim to know what serves the best interests of the unaccompanied child when it refuses *the child's own request* to reschedule. To the contrary, Plaintiffs' evidence demonstrates that USCIS's policies are causing substantial harm to children's emotional well-being, as well as their ability to cultivate an effective working relationship with counsel and develop and prepare to present their asylum claims.

The implausibility of Defendants' explanations is underscored by USCIS's implementation of the Exceptional Circumstances Policy in practice, both before and after the issuance of this Court's temporary restraining order. It has become substantially more difficult for attorneys to even receive a response to their rescheduling request prior to the date of the interview, creating significant uncertainty and stress and forcing Plaintiffs, similarly situated legal service providers, and their child clients to travel hours to asylum offices even when an interview is ultimately rescheduled. *See* ECF 23-7 ¶¶ 20, 22; ECF 23-12 ¶¶ 34, 36–37; ECF 23-6 ¶¶ 36–38; Ex. 3 (Donovan-Kaloust Supp. Decl.) ¶¶ 6, 10; Ex. 7 (Nafisi Decl.) ¶¶ 4–7; Ex. 8 (Fisher Flores Supp.

Decl.) ¶¶ 5–6; Ex. 10 (Nally Supp. Decl.) ¶¶ 4–5; Ex. 4 (Hamill Decl.) ¶¶ 5, 7–10.; Ex. 16 (Smith Decl.) ¶¶ 7–14; *see also* ECF 23-11 ¶ 21 (describing prior practice).

Similarly, Defendants do not explain why USCIS cannot efficiently process cases while abiding by its prior 21-day notice requirement. There is no logical connection between reduced notice and efficient processing of applications. One application could be pending for a year and then scheduled for an interview on 24 hours' notice. Another application could be filed in the prior month and scheduled for an interview 21 days out. Additionally, if a child is unsuccessful at their asylum interview because they have insufficient time to prepare or submit supplemental evidence, they are referred for further proceedings before EOIR, further prolonging the limbo, uncertainty, and stress that Defendants claim to wish to avoid.

B. USCIS's and DHS's Policies Violate The Procedural Due Process Rights of Plaintiffs' Unaccompanied Child Clients.

Plaintiffs' unaccompanied child clients have been "deprived of a protected [ ] property interest" in an asylum interview conducted in accordance with the TVPRA "without constitutionally sufficient process." *Brown v. Stapleton*, 142 F.4th 252, 255 (4th Cir. 2025).

Plaintiffs have third-party standing to challenge Defendants' policies affecting the asylum interview on behalf of their unaccompanied child clients. ECF 54 at 8–9. Under third-party standing doctrine, attorney plaintiffs may assert the constitutional rights, including due process rights, of their clients. *U.S. Dep't of Lab. v. Triplett*, 494 U.S. 715, 720 (1990). Defendants' policies, which deprive Plaintiffs' unaccompanied child clients of their due process right to participate fully in their asylum interviews, fall "squarely within this principle." *Id.*

1. Plaintiffs' Unaccompanied Child Clients Have a Property Interest in Applying for Asylum Before USCIS.

The right to procedural due process requires a "constitutionally protected property interest in [a benefit] … Although clothed in due process protection by the Constitution, 'property interests' are the creatures of independent positive law." *Mallette v. Arlington Cnty. Employees'*

Supplemental Ret. Sys. II, 91 F.3d 630, 634 (4th Cir. 1996). Property interests protected by the Fifth Amendment may be derived from such "positive law" as statutes, regulations, *id.* at 635–36, or even "rules and understandings, promulgated and fostered by state officials." *Perry v. Sindermann*, 408 U.S. 593, 602 (1972). To establish a property interest in a benefit, a person must "have a legitimate claim of entitlement to it." *Bd. of Regents of State Colls. v. Roth*, 408 U.S. 564, 577 (1972). An unaccompanied child's right to seek asylum before USCIS is a constitutionally protected property interest. *Immigrant Defs. L. Ctr. v. U.S. Dep't of Homeland Sec.*, No. CV 21-0395, 2025 WL 1191572, at *15 (C.D. Cal. Mar. 14, 2025) ("[U]naccompanied children are statutorily entitled to apply for affirmative asylum before an asylum officer in the first instance, see 8 U.S.C. § 1158(b)(3)(C). These statutory entitlements are constitutionally protected property interests."). Unaccompanied children have a legitimate claim of entitlement to have their asylum applications adjudicated consistent with the TVPRA. *See* 8 U.S.C. §§ 1158(b)(3)(C); 8 U.S.C. 1232.[14]

As described above, Defendants' Inadequate Notice and Exceptional Circumstances Policies—together with Defendants' shift to virtual interviews, their refusal to accept supplemental evidence or post-interview briefing, and their unwillingness to reschedule to ensure that counsel can be present—all work to strip children of their ability to effectively share their testimony, including their traumatic histories, at an Asylum Office interview. These constitutionally inadequate policies and procedures deprive children of their right to meaningfully present their claims to USCIS in the first instance. *See Brown,* 142 F.4th at 255.

[14] By amending 8 U.S.C. § 1158 to ensure unaccompanied children have the right to seek asylum in the first instance before an asylum officer and not before EOIR, Congress intended to protect those children who are "apprehended by immigration authorities, [ ] usually know[] nothing about U.S. courts or immigration policies and frequently do[] not speak English." 154 Cong. Rec. S 10886 (daily ed. Dec. 10, 2008) (statement of Sen. Feinstein).

2. The *Mathews* Factors Weigh in Plaintiffs' Favor.

Once the Court finds that the government has deprived a party of its constitutionally protected property interest, it must determine whether the existing procedures are constitutionally adequate by applying the three-factor framework under *Mathews v. Eldridge*, 424 U.S. 319 (1976). The *Mathews* framework balances: (1) the weight of the property interest; (2) the risk of erroneous deprivation under the current process and the value of additional safeguards; and (3) the government interest at stake, taking into account the administrative burden and other societal costs that would be associated with requiring, as a matter of constitutional right, additional protections. *Id.* at 335. Each of these factors favors Plaintiffs.

a. *Unaccompanied Children Have A Significant Interest In Their Right To Apply For Asylum Before USCIS in the Manner Contemplated by the INA and TVPRA.*

Unaccompanied children's interest in applying for asylum in a non-adversarial setting before USCIS is significant because it constitutes their only opportunity to present their claims in a manner consistent with the TVPRA's child-centered principles. *See e.g.*, *Immigrant Defs. L. Ctr.*, 2025 WL 1191572, at *16 ("[T]he right to apply for affirmative asylum … involve[s] weighty private interests." (quoting *Bridges v. Wixon*, 326 U.S. 135, 154 (1945))). As the TVPRA recognizes, unaccompanied children are a particularly vulnerable group who face unique challenges in presenting their claims for asylum. *See* 8 U.S.C. 1232(d)(8). These children have often experienced trauma that inhibits their ability to recall and describe their experiences; they may lack sufficient language skills to comprehend what is being asked of them and effectively articulate their claims; or they may struggle to "understand an unfamiliar process, follow complex questions, put events in order, recognize any confusion they are experiencing, and know how to ask for clarification or a break." Ex. 2 (Fortuna Report) at 18–19; *see* Ex. 1 (Raufer Decl.) ¶ 29.

Accordingly, a non-adversarial interview that takes into account their unique vulnerabilities, ensures support by trusted counsel, permits them to submit supplemental evidence, and gives them adequate time to prepare, is crucial to ensuring a full and fair opportunity to present

their claims. Ex. 2 (Fortuna Report) at 19–24; *see, e.g.*, *id.* at 23 (research demonstrates that rapport-building, open-ended questioning, and supportive behavior from interviewer improves the accuracy and quality of children's responses); Ex. 1 (Raufer Decl.) ¶¶ 28–31, 42–43. Hostile cross-examination in immigration court, by contrast, undermines the conditions necessary for disclosure. *See* Ex. 6 (Avila-Cimpeanu Supp. Decl.) ¶ 14.

b. USCIS's Policies Risk Erroneously Denying Unaccompanied Children a Meaningful Opportunity to Present Their Asylum Claims During Their Interviews.

For several reasons, USCIS's policies expose unaccompanied children to an intolerable risk that they will be erroneously deprived of their interest in a specialized asylum proceeding.

Inability to Prepare for Interviews. First, the policies deny them adequate notice, which lies at the core of due process. *See Todman v. Mayor & City Council of Baltimore*, 631 F. Supp. 3d 314, 328 (D. Md. 2022), *aff'd*, 104 F.4th 479 (4th Cir. 2024). For notice to pass constitutional muster, it must be "reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections." *Mullane v. Cent. Hanover Bank & Trust Co.*, 339 U.S. 306, 314–15 (1950). The "opportunity to present their objections," cannot be understood without ensuring that the opportunity is "tailored to the capacities and circumstances of those who are to be heard." *Goldberg v. Kelly*, 397 U.S. 254, 268–69 (1970).

USCIS's policy of providing fewer than 21 days' notice and as little as 24 hours' notice before an interview is not "reasonably calculated" to afford unaccompanied children a fair opportunity to prepare for their interviews and be heard. For the asylum interview to fulfill its purpose under the TVPRA, unaccompanied children require time to develop their claims, which includes building rapport and working with counsel, gathering evidence, and preparing to present testimony—none of which is feasible with notice of one or just a few days. Ex. 2 (Fortuna Report) at 20–22. The need for additional time is particularly profound for detained children, who are often required by immigration judges to apply for asylum within their first few weeks in ORR

custody. *See* ECF 23-8 ¶ 36; ECF 23-11 ¶ 38; ECF 23-12 ¶ 53; Ex. 10 (Nally Supp. Decl.) ¶ 17. Adequate notice is also necessary to facilitate language access to the interview, where necessary. Because many unaccompanied children are not conversant in English and speak rare or indigenous languages with few available interpreters, adequate notice is necessary to obtain reliable interpretation for children not just "to be heard," but to be understood. *See* ECF 23-8 ¶ 19; ECF 23-7 ¶¶ 15, 29; ECF 23-11 ¶ 12; Ex. 3 (Donovan-Kaloust Supp. Decl.) ¶ 8; *see also* Ex. 2 (Fortuna Report) at 24.

Inability to Submit Evidence. Second, as described above, USCIS's policies prevent unaccompanied children and their counsel from submitting supplemental evidence within the 14-day window required by USCIS. In addition, post-interview evidence or brief submission is nearly impossible because USCIS often refers unaccompanied children to EOIR within hours of an interview. *See* ECF 23-11 ¶ 51; ECF 23-8 ¶ 34; ECF 23-13 ¶ 38; Ex. 16 (Smith Decl.) ¶¶ 17–18 & Attachments H–I; Ex. 8 (Fisher Flores Supp Decl.) ¶ 16. In the asylum context, both subjective and objective evidence have been recognized as essential to prove an applicant's claim. *Cf. Diahn v. Blanche*, 175 F.4th 291, 302 (4th Cir. 2026). For unaccompanied children in particular, corroborating evidence, including declarations from family members and parents detailing persecution and expert reports or other documents describing country conditions and past harm, are key to fully developing claims and filling in gaps where the child is unable to articulate that information in the interview. *See* ECF 23-8 ¶¶ 16, 19; ECF 23-6 ¶¶ 26, 30; ECF 23-12 ¶ 27; Ex. 1 (Raufer Decl.) ¶¶ 42–43. USCIS's Inadequate Notice and Exceptional Circumstances Policies prevent child applicants from timely submitting such evidence and, as a result, deprive them of the opportunity to present a full record in support of their claims. *See* ECF 23-11 ¶¶ 36–37, 44; ECF 23-12 ¶ 38. USCIS must then adjudicate their claims based on an incomplete record. *See* Ex. 6 (Avila-Cimpeanu Supp. Decl.) ¶ 8; ECF 23-7 ¶ 40; Ex. 1 (Raufer Decl.) ¶¶ 42–43.

Inability to Access Counsel. Third, USCIS's policies deprive unaccompanied children of meaningful access to counsel, which is a cornerstone of their opportunity to be heard. *See Powell v. Alabama*, 287 U.S. 45, 68–69 (1932) ("The right to be heard would be, in many cases, of little

avail if it did not comprehend the right to be heard by counsel."). Access to counsel is especially significant in the case of unaccompanied children, who need assistance navigating a complex legal system. Ex. 1 (Raufer Decl.) ¶ 28. Yet USCIS's Exceptional Circumstances Policy obstructs access to that assistance. Pursuant to this Policy, USCIS has refused to reschedule interviews to accommodate counsel's presence, even when an attorney is booked for simultaneous interviews. *See* ECF 23-9 ¶ 38. Since this Court granted the TRO, USCIS has refused to reschedule interviews in additional instances, including where an attorney had to attend the funeral of a family member and sought to reschedule an interview for the first time. ECF 61-5 (Araya Decl.) ¶¶ 5–6. By disregarding the inability of a child's attorney to attend—let alone prepare for—the interview, USCIS turns notice into "a mere gesture." *Mullane*, 339 U.S. at 315.

Shift to Virtual Interviews. Fourth, Defendants' shift to conducting virtual asylum interviews for children in ORR custody also creates a significant risk that unaccompanied children will be deprived of a meaningful opportunity to be heard. *See* Ex. 9 (Sanchez Kennedy Decl.) ¶¶ 5–6 & Ex. A; Ex. 8 (Fisher Flores Supp. Decl.) ¶¶ 4–5; Ex. 6 (Avila-Cimpeanu Supp. Decl.) ¶¶ 9–11. Virtual teleconferencing or "VTC" is "rarely a substitute for actual presence [] even in an age of advancing technology, watching an event on the screen remains less than the complete equivalent of actually attending it." *United States v. Lawrence*, 248 F.3d 300, 304 (4th Cir. 2001). Where credibility determinations are paramount, this circuit has recognized that several unavoidable characteristics of VTC hearings make them an ill-suited medium for judges to reliably evaluate an applicant's credibility. *Rusu v. U.S. I.N.S.*, 296 F.3d 316, 322 (4th Cir. 2002).

USCIS has historically recognized that virtual interviews are not sufficient when adjudicating asylum claims, especially in the case of unaccompanied children. *See* Ex. 1 (Raufer Decl.) ¶¶ 14–17. Children, especially young children and children with developmental delays, often struggle to communicate clearly. *See* ECF 23-8 ¶ 16; ECF 23-7 ¶ 14; Ex. 2 (Fortuna Report) at 23–24. Moreover, children come to their asylum interviews already scared and anxious, especially if they are suffering from post-traumatic stress symptoms. *See* ECF 23-11 ¶ 44; ECF 23-12 ¶ 33. An asylum officer's job is to read these various cues and find ways to connect with

the child and make them comfortable. *See* Ex. 1 (Raufer Decl.) ¶ 16. Asylum officers cannot properly do so when the interview is virtual, making it hard to "[identify or evaluate] signs of confusion or distress." Ex. 2 (Fortuna Decl.) at 23. The child, in turn, feels even more disconnected, nervous, and isolated, and, as a result, is unable to fully and meaningfully participate in their interview from behind a screen. *See* ECF 23-9 ¶¶ 45–50; Ex. 6 (Avila-Cimpeanu Supp. Decl.) ¶¶ 9–11. Scheduling a virtual interview without first determining if it is appropriate for a particular child applicant risks an adverse determination based on misunderstandings or misreadings of a child's testimony. *See* Ex. 2 (Fortuna Report) at 23; *see also Rusu,* 296 F.3d at 322.[15] In some cases, Defendants have used virtual interviews as a basis to bypass notice to counsel, compounding the due process violations in this practice. *See* 23-9 ¶¶ 45–47; Ex. 8 (Fisher Flores Decl.) ¶¶ 4–6.

c. A Return to Prior Procedures Does Not Undermine USCIS's Interests.

USCIS does not have an interest in "unlawful agency action." *League of Women Voters of the U.S. v. Newby*, 838 F.3d 1, 12 (D.C. Cir. 2016) ("*Newby*"); *Urquilla Ramos v. Trump*, 821 F. Supp. 3d 603, 631 (S.D.W.Va. 2026). To the extent the agency asserts an interest in the speedy resolution of asylum cases, that interest does not overcome unaccompanied children's constitutionally protected interest in a non-adversarial asylum interview before USCIS. *See Garcia Vasquez v. Mullin*, No. 1:26-CV-3011 (LMB/LRV), 2026 WL 3120655, at *6 (E.D. Va. Oct. 16, 2026) ("[C]ourts in this circuit" have repeatedly "conclude[d] that the noncitizen's interest in avoiding the risk of erroneous removal substantially outweigh the modest administrative burden of [procedural safeguards]."). Moreover, restoring the agency's longstanding practices does not

[15] In one extreme example, a child who had been the victim of severe sexual abuse was forced to participate in a virtual interview the day after she was discharged from the hospital due to a heart condition. ECF 23-6 ¶¶ 48–50. Despite the child crying, clutching her heart and asking to end the interview, the asylum officer pressed on. *Id*. A supervisor came to the virtual room, admonished the attorney for explaining the young girl's heart condition, and pressed the child—through the screen—to carry on. *Id*.

impose fiscal or administrative burdens on USCIS and, as the Court has already concluded, serves the public interest. *See* ECF 54 at 17–18; *see also Mathews*, 424 U.S. at 347 ("[T]he final factor to be assessed is the public interest."). Here, Plaintiffs are not seeking additional procedural safeguards beyond what USCIS itself previously deemed necessary to protect children's rights—only that USCIS cease the implementation of new policies that strip these children of their procedural due process rights. All three *Mathews* factors therefore weigh in Plaintiffs' favor.

C. EOIR's and DOJ's Detained Docket Deadline Violates the APA.

Bookending the effort to accelerate proceedings for unaccompanied children is EOIR's policy for the immigration courts: a directive that immigration judges complete detained unaccompanied children's cases by a date certain on or before January 31, 2027.[16] EOIR has not made the Deadline public, *see* ECF 23-7 ¶ 34, but Plaintiffs' evidence documents both the directive and uniform scheduling rules that implement it. Like the USCIS policies, EOIR's Deadline is final agency action, and it is arbitrary and capricious under the APA.

1. The Deadline Constitutes Final Agency Action.

The Detained Docket Deadline satisfies both prongs of the *Bennett* test for final agency action. When an agency has not written down its policy, courts find finality—the first *Bennett* prong—where officials acknowledge the policy and the agency's conduct shows that the policy is being implemented. *See Escobar Molina v. U.S. Dep't of Homeland Sec.*, 811 F. Supp. 3d 1, 44–47 (D.D.C. 2025); *Amadei v. Nielsen*, 348 F. Supp. 3d 145, 166 (E.D.N.Y. 2018) (citing defendant agency's behavior as evidence of a final policy). The record here reflects both types of evidence.

To begin, immigration judges and court staff have tied children's hearing schedules to a completion date that they describe as coming from EOIR or from court administrators, not from the judge presiding over the case. *See* ECF 23-12 ¶ 55 (judge stating that all cases were to be "complete" by the end of the year); ECF 23-6 ¶ 63; Ex. 3 (Donovan-Kaloust Supp. Decl.) ¶ 12

[16] As discussed *supra* at n. 6, EOIR appears to have recently expanded its Detained Docket Deadline to reach non-detained unaccompanied children and even juveniles who are not designated "unaccompanied" but whose cases are on a single juvenile docket.

(written order stating that case "has been identified as a priority case by EOIR and must be completed no later than October 31, 2026); Ex. 10 (Nally Supp. Decl.) ¶ 12; Ex. 11 (Hough Supp. Decl.) ¶ 10; Ex. 15 (Abad Decl.) ¶ 7; Ex. 7 (Nafisi Decl.) ¶ 10; Ex. 9 (Sanchez Kennedy Supp. Decl.) ¶ 15. A former immigration judge reports that court administrators have blocked judges and staff from setting hearings past a fixed date. Ex. 12 (Cassin Decl.) ¶ 20.

Consistent with that directive, immigration judges across the country are applying the same scheduling restrictions and describing them as mandatory. Once USCIS refers a child's application for asylum to the immigration court, judges set an individual hearing within roughly two to four weeks or, in some cases, grant DHS's motion to pretermit the application without hearing the child's testimony. *See* ECF 23-11 ¶ 51; ECF 23-12 ¶ 52; Ex. 3 (Donovan-Kaloust Supp. Decl.) ¶¶ 18, 20; Ex. 6 (Avila-Cimpeanu Supp. Decl.) ¶¶ 8, 13, 15; Ex. 7 (Nafisi Decl.) ¶ 12; Ex. 8 (Fisher Flores Supp. Decl.) ¶ 17; Ex. 9 (Sanchez Kennedy Supp. Decl.) ¶ 14; Ex. 10 (Nally Supp. Decl.) ¶¶ 10, 17; Ex. 14 (Harrington Decl.) ¶¶ 8, 10; Ex. 12 (Cassin Decl.) ¶ 27. And when Plaintiffs and other practitioners seek more time, immigration judges consistently respond that they cannot grant continuances longer than three weeks in detained children's cases. *See* ECF 23-12 ¶¶ 52, 53; ECF 23-11 ¶ 49; ECF 23-7 ¶ 34; ECF 23-9 ¶¶ 60–61; ECF 23-8 ¶ 43; ECF 23-6 ¶¶ 60–61; Ex. 8 (Fisher Flores Supp. Decl.) ¶¶ 9, 12; Ex. 10 (Nally Supp. Decl.) ¶¶ 9, 11; Ex. 11 (Hough Supp. Decl.) ¶ 8; Ex. 12 (Cassin Decl.) ¶ 19 (former immigration judge reporting that judges "are now only permitted to provide continuances of a few weeks"). As a former immigration judge who regularly observes the New York juvenile dockets described it, the new case scheduling practices reflect "an intentional fast tracking of immigrant children's cases." Ex. 12 (Cassin Decl.) ¶ 23.

These acknowledgments of the directive, together with the consistent course of conduct that implements them, show that the Deadline reflects the consummation of EOIR's decision-making rather than the independent scheduling choices of individual judges. *See Escobar Molina*, 811 F. Supp. 3d at 44–47.

The Deadline also satisfies *Bennett*'s second prong because it has legal consequences for both Plaintiffs and EOIR. Agency action satisfies *Bennett*'s second prong when it determines the agency's own rights or obligations or those of its personnel. *See Maryland v. Patel*, --- F. Supp. 3d ---, 2026 WL 2389783, at *13–14 (D. Md. Aug. 17, 2026) (FBI's order to redirect funds satisfies the second *Bennett* prong because the decision "determined an agency's own 'rights or obligations' or those of its personnel" (citing *Bennett*, 520 U.S. at 178)); *Philadelphia Yearly Meeting of Religious Soc'y of Friends v. U.S. Dep't of Homeland Sec.*, No. CV 25-0243-TDC, 2026 WL 280089, at *3 (D. Md. Feb. 3, 2026) (collecting cases). In particular, "'where agency action withdraws an entity's previously-held discretion' in an area subject to its coverage, it effectively binds the entity and thus constitutes a final agency action." *Id.* at *4 (quoting *Texas v. Equal Emp. Opportunity Comm'n*, 933 F.3d 433, 442 (5th Cir. 2019)).

That is how the Deadline works here. Immigration judges have long exercised discretion over continuances and hearing dates, *see* Ex. 12 (Cassin Decl.) ¶¶ 11–13; Ex. 13 (Khan Decl.) ¶ 20, but they now tell practitioners that they cannot grant continuances beyond three weeks, *see* Ex. 10 (Nally Supp. Decl.) ¶ 9; Ex. 7 (Nafisi Decl.) ¶ 10; ECF 23-11 ¶ 49; ECF 23-7 ¶ 34; Ex. 11 (Hough Supp. Decl.) ¶ 8, Ex. 12 (Cassin Decl.) ¶ 19; Ex. 14 (Harrington Decl.) ¶ 11 (judges stating they no longer have discretion to provide unaccompanied children with more time). And when a judge does set a later date, the hearing may be moved up to meet the Deadline. *See* Ex. 11 (Hough Supp. Decl.) ¶ 8; Ex. 8 (Fisher Flores Supp. Decl.) ¶ 9; Ex. 10 (Nally Supp. Decl.) ¶ 11; *see also* Ex. 12 (Cassin Decl.) ¶ 20.

This lack of discretion has serious legal consequences for Plaintiffs and their clients, who are now forced to compress into a few weeks the client preparation, evidence collection, and motion practice that previously took months. *See* ECF 23-9 ¶ 66; ECF 23-6 ¶¶ 64, 65; ECF 23-7 ¶ 35; Ex. 7 (Nafisi Decl.) ¶ 22; Ex. 8 (Fisher Flores Supp. Decl) ¶¶ 15–17. Children are proceeding on incomplete records, without adequate time to prepare to testify and face cross-examination, and sometimes without their primary attorney. *See* ECF 23-7 ¶¶ 35, 40; ECF 23-11 ¶ 52; ECF 23-9 ¶ 66; Ex. 7 (Nafisi Decl.) ¶ 22; Ex. 8 (Fisher Flores Supp. Decl.) ¶ 16; Ex. 6 (Avila-Cimpeanu

Supp. Decl.) ¶¶ 7–8, 13; Ex. 10 (Nally Supp. Decl.) ¶¶ 15–16; Ex. 3 (Donovan-Kaloust Supp. Decl. ¶¶ 19–20; Ex. 9 (Sanchez-Kennedy Supp. Decl.) ¶¶ 25–27. The Detained Docket Deadline is therefore final agency action subject to judicial review under the APA.

2. The Deadline Is Arbitrary and Capricious.

The Deadline is arbitrary and capricious under the *State Farm* factors. *See State Farm*, 463 U.S. at 43. *First*, to the extent the Deadline reflects a decision to accelerate children's removal proceedings regardless of their individual circumstances, it rests on a factor Congress did not intend EOIR to consider. *See State Farm*, 463 U.S. at 43; *see also* ECF 57 at 2, 4–5 (noting efforts by HHS, DOJ, and DHS to prioritize unaccompanied child cases and the importance of "coordination between the affirmative asylum process and immigration court proceedings"). EOIR has a legitimate interest in efficient adjudication, but the Deadline's fixed completion date goes far beyond that when it targets unaccompanied children for hasty adjudication that risks depriving them of the right to find counsel, gather evidence, or prepare to testify. Congress struck a different balance for unaccompanied children. It exempted them from the one-year filing deadline for asylum applications, 8 U.S.C. § 1158(a)(2)(E); granted USCIS initial jurisdiction over their asylum applications, *id.* ¶ 1158(b)(3)(C); and directed that their applications be governed by regulations that take into account their specialized needs and address "both procedural and substantive aspects" of their cases. *Id.* § 1232(d)(8).

Second, EOIR "entirely failed to consider an important aspect of the problem": the Deadline's effect on children's ability to seek asylum. *State Farm*, 463 U.S. at 43. "[C]onsideration of the effects on bona fide asylum seekers is of paramount importance." *Casa de Maryland, Inc. v. Wolf*, 486 F. Supp. 3d 928, 965 (D. Md. 2020) (noting government non-opposition to this proposition). That principle carries added weight here, where Congress explicitly guaranteed heightened procedural and substantive safeguards—including the right to counsel, to the greatest extent practicable—to unaccompanied children seeking asylum. *See* 8 U.S.C. § 1232(c)(5), (d)(8). There is no indication that EOIR considered how a near-term fixed completion date—which would unavoidably limit the discretion of immigration judges to consider

the needs of each case before them and grant continuances accordingly—would affect children who need time to build trust with counsel, gather evidence, and prepare to testify in an adversarial proceeding.

Third, and finally, EOIR did not account for the "serious reliance interests" that its longstanding practice engendered. *Regents*, 591 U.S. at 30 (quoting *Encino Motorcars, LLC v. Navarro*, 579 U.S. 211, 212 (2016)). Prior to the Detained Docket Deadline, Plaintiffs accepted clients based on their understanding that EOIR would grant reasonable continuances sufficient to develop a child client's asylum claims, gather supporting evidence, and prepare the child for testimony and cross-examination. *See* ECF 23-9 ¶¶ 55–56; ECF 23-11 ¶¶ 27–31; ECF 23-8 ¶¶ 43–44. They set caseloads accordingly. *See* ECF 23-8 ¶¶ 31, 59; Ex. 6 (Avila-Cimpeanu Supp. Decl.) ¶ 17; Ex. 3 (Donovan-Kaloust Supp. Decl.) ¶ 21; Ex. 14 (Harrington Decl.) ¶ 13. Under the Deadline, however, Plaintiffs receive only a few weeks' notice before a trial, often on the heels of an expedited USCIS process, and in some cases cannot attend their clients' hearings because of agency-created scheduling conflicts. *See* ECF 23-9 ¶¶ 58–59, 61, 66; ECF 23-12 ¶¶ 64, 65; ECF 23-7 ¶¶ 35, 40; ECF 23-8 ¶ 45; Ex. 10 (Nally Supp. Decl.) ¶¶ 14–18. EOIR's failure to consider Plaintiffs' reliance interests before fundamentally transforming the immigration process for unaccompanied children was arbitrary and capricious. *See Regents*, 591 U.S. at 30; *Encino Motorcars, LLC*, 579 U.S. at 221; *League of Women Voters of the U.S. v. U.S. Citizenship & Immigr. Servs.*, 839 F. Supp. 3d 292, 347–48 (D. Md. 2026).

II. Defendants' Policies Are Causing Ongoing Irreparable Harm to Plaintiffs and Their Unaccompanied Child Clients.

The Court has already concluded that the "dire confluence of circumstances that prevent the meaningful representation of highly vulnerable children moving through the immigrations system" "'cannot be fully cured by later remedial action.'" ECF 54 at 16 (quoting *Ass'n of Cmty. Cancer Ctrs. v. Azar*, 509 F. Supp. 3d 482, 501 (D. Md. 2020)). The confluence of circumstances is no less dire at this juncture, particularly given the reality that USCIS's policies directly feed into

EOIR's implementation of the Detained Docket Deadline. *See, e.g.*, Ex. 6 (Avila-Cimpeanu Supp. Decl.) ¶ 13; Ex. 7 (Nafisi Decl.) ¶ 11; Ex. 8 (Fisher Flores Supp. Decl.) ¶ 16. Absent further injunctive relief, USCIS would be free to revive its unlawful policies, forcing Plaintiffs to forgo numerous fundamental components of their representation of unaccompanied children and depriving their young clients of effective representation at fast-tracked asylum interviews. Moreover, USCIS continues to violate the TRO. ECF 63 at 1–2 (finding noncompliance); *cf. Costa v. Bazron*, 464 F. Supp. 3d 132, 142 (D.D.C. 2020) ("If compliance with the terms of a TRO were sufficient to defeat entry of a preliminary injunction, few—if any—cases would make it past the TRO stage. That is true even when . . . a defendant has acted conscientiously and in good faith."). Plaintiffs have further alleged that USCIS is violating the Fifth Amendment rights of their unaccompanied child clients, and "the denial of a constitutional right constitutes irreparable harm." *Doe 1 v. Off. of the Dir. of Nat'l Intel.*, 180 F.4th 536, 549 (4th Cir. 2026) (citations omitted).

EOIR's Detained Docket Deadline irreparably harms Plaintiffs by impeding their core activity of effectively representing their unaccompanied child clients. A merits hearing on an asylum application is an adversarial proceeding that requires time-intensive preparation and a meaningful opportunity to develop arguments in a particularly nuanced area of the law. *See, e.g.*, *Quintero v. Garland*, 998 F.3d 612, 632 (4th Cir. 2021) (finding that, in asylum cases, immigration judges have a particularly important duty to develop the record because "the law of asylum is one of the most complex areas [of immigration law]"). The Deadline condenses that process into a matter of weeks. *See, e.g.*, Ex. 10 (Nally Supp. Decl.) ¶ 17; Ex. 11 (Hough Supp. Decl.) ¶ 21. Plaintiffs do not "have the time, staff, or resources to gather evidence and build the record to present a full asylum case to the immigration judge on such a quick timeline [as EOIR is imposing]." ECF 23-6 ¶ 64; *see also* Ex. 7 (Nafisi Decl.) ¶ 16; Ex. 10 (Nally Supp. Decl.) ¶ 17; Ex. 11 (Hough Supp. Decl.) ¶¶ 20–21; Ex. 3 (Donovan-Kaloust Supp Decl.) ¶ 19. In the coming weeks and months, Plaintiffs face a deluge of hearings for which "[i]t is not possible to adequately prepare a child client," especially given the unique sensitivity and care required when representing a child in adversarial proceedings. Ex. 10 (Nally Supp. Decl.) ¶ 15; Ex. 7 (Nafisi Decl.) ¶¶ 18–19.

Plaintiffs' "staff are suffering under the extreme pressure to complete multiple cases on impossible timelines," leading to burnout, attrition, and diminished well-being. *See* Ex. 10 (Nally Supp. Decl.) ¶ 14; Ex. 11 (Hough Supp. Decl.) ¶ 22; Ex. 3 (Donovan-Kaloust Supp. Decl.) ¶ 16.

Because of EOIR's policy, Plaintiffs' unaccompanied child clients are afforded little-to-no time to prepare for an adversarial proceeding with life-or-death stakes. *See, e.g.*, Ex. 10 (Nally Supp. Decl.) ¶¶ 17–18; Ex. 11 (Hough Supp. Decl.) ¶ 17; Ex. 7 (Nafisi Decl.) ¶¶ 21–22; Ex. 8 (Fisher Flores Supp. Decl.) ¶¶ 20–21; *see also* Ex. 2 (Fortuna Report) at 24–25. These children risk receiving a removal order at a proceeding in which they were denied effective representation—an outcome that has already occurred in multiple cases. *See, e.g.*, Ex. 7 (Nafisi Decl.) ¶¶ 14–15; Ex. 8 (Fisher Flores Supp. Decl.) ¶¶ 16–18; Ex. 11 (Hough Supp. Decl.) ¶¶ 17–18; Ex. 6 (Avila-Cimpeanu Supp. Decl.) ¶ 19; Ex. 12 (Cassin Decl.) ¶¶ 21, 28; Ex. 3 (Donovan-Kaloust Supp. Decl.) ¶¶ 24, 26; Ex. 16 (Smith Decl.) ¶¶ 17–19; *see also M.M.M. ex rel. J.M.A. v. Sessions*, 347 F. Supp. 3d 526, 535 (S.D. Cal. 2018) ("[D]epriving [children] of their right to seek asylum" constitutes irreparable harm); ECF 54 at 14 (citing *Romero v. Bondi*, 150 F.4th 332, 347 (4th Cir. 2025) (determining that petitioner "was denied a fundamentally fair removal hearing by the ineffective representation of her former counsel")). And as with USCIS's policies, final judgment after trial cannot go back in time and enable Plaintiffs to provide effective representation to unaccompanied children at hearings that have already occurred. *See* ECF 54 at 14; *Ass'n of Cmty. Cancer Ctrs.*, 509 F. Supp. 3d at 501 (D. Md. 2020) (finding irreparable harm where "damage done by [agency's] violation of the APA cannot be fully cured by later remedial action").

III. The Balance of Equities and the Public Interest Strongly Favor Plaintiffs.

The balance of equities and public interest factors "'merge when,' as here, 'the Government is the opposing party.'" *Karem v. Trump*, 960 F.3d 656, 668 (D.C. Cir. 2020) (quoting *Nken v. Holder*, 556 U.S. 418, 435 (2009)). These factors weigh heavily in Plaintiffs' favor. Absent preliminary relief, Plaintiffs and their unaccompanied child clients face an unlawfully fast-tracked asylum procedure that prevents effective representation and harms vulnerable children. "[T]here

is generally no public interest in the perpetuation of [such] unlawful agency action." *City of Columbus v. Kennedy*, 796 F. Supp. 3d 123, 174 (D. Md. 2025) (quoting *Newby*, 838 F.3d at 12). That conclusion applies with particular force here, as Plaintiffs seek in part to vindicate Fifth Amendment rights, and "upholding constitutional rights surely serves the public interest." *Newsom ex rel. Newsom v. Albermale Cnty. Sch. Bd.*, 354 F.3d 249, 261 (4th Cir. 2003). Moreover, Plaintiffs seek relief grounded in the "substantial public interest in having government agencies abide by the federal laws that govern their existence and operations." *Newby*, 838 F.3d at 12 (citation and quotation marks omitted).

In seeking reconsideration, Defendants invoke an interest in administrative efficiency and unfounded generalizations about the interests of unaccompanied children, irrespective of children's specific situations or the professional judgment of their counsel. To the extent Defendants assert "an interest in adjudicating asylum claims," they remain unable to show why "the public has an interest in the perpetuation of [the] chaotic system" that they have implemented. ECF 54 at 17. Moreover, Defendants continue to fail to engage with Plaintiffs' extensive accounts of the harm their policies inflict. *Cf.* ECF 57 at 12 (suggesting, incredibly, that the TRO "might benefit the advocates challenging the policy" while failing to "serve the long term interests of UACs."). The balance of the equities and the public interest thus weigh heavily in Plaintiffs' favor.

IV. Plaintiffs Are Entitled to a Universal Stay.

In requesting reconsideration, Defendants challenge the scope of the TRO on two grounds, both of which are unfounded. *First*, Defendants argue without merit that the scope of the Court's order is impermissibly broad. However, as the Court has found, relief issued pursuant to Section 705 of the APA "'need not be limited to [p]laintiffs." ECF 54 at 18 n.12 (quoting *Am. Hosp. Assoc. v. Kennedy*, 820 F. Supp. 3d 30, 47 (D. Me. 2025), and citing *City of Columbus*, 96 F. Supp. 3d at 176). Defendants are wrong to argue that this relief cannot be squared with the Supreme Court's decision in *Trump v. CASA, Inc.*, 606 U.S. 831 (2025). "*CASA* does not control the scope of relief available under 5 U.S.C. § 705." *Ctr. for Taxpayer Rts. v. Internal Revenue Serv.*, 190 F.4th 990, 1011 (D.C. Cir. 2026) (citation and quotation marks omitted). The Court is well within

its authority to issue a Section 705 stay of Defendants' unlawful policies pending final resolution of this matter. *See, e.g.*, *id.*; *League of Women Voters of the U.S. v. U.S. Citizenship & Immigr. Servs.*, 839 F. Supp. 3d 292, 350–51 (D. Md. 2026); *Am. Fed'n of Tchrs. v. Dep't of Educ.*, 779 F. Supp. 3d 584, 622–23 (D. Md. 2025).

Second, Defendants raise a separate objection to what they consider the Court's violation of the principle in *Vermont Yankee Nuclear Power Corp. v. Natural Resources Defense Council*, according to which, in general, "administrative agencies should be free to fashion their own rules of procedure." 435 U.S. 519, 543 (1978) (internal quotation marks omitted). But *Vermont Yankee* concerns an agency's formulation of "new procedures for the regulatory process," *Am. Radio Relay League, Inc. v. Fed. Commc'ns Comm'n*, 524 F.3d 227, 239 (D.C. Cir. 2008), which this case does not implicate. It does not displace the Court's authority to set aside agency action under 5 U.S.C. § 706(2), to determine that agency action falls short of constitutional muster, or to determine that an agency has failed to follow its own procedures affecting individual rights. *See, e.g.*, *Advocs. for Highway & Auto Safety v. Fed. Motor Carrier Safety Admin.*, 429 F.3d 1136, 1150 (D.C. Cir. 2005); *Am. Radio Relay League*, 524 F.3d at 243; *Morton v. Ruiz*, 415. U.S. 199, 235–36 (1974). Plaintiffs ask the Court to order the agencies to revert to a lawful status quo and to adhere to their own governing law.[17]

CONCLUSION

Congress gave unaccompanied children a distinct pathway to apply for asylum. For years, USCIS and EOIR implemented that framework through practices that gave children time to find counsel, gather evidence, and explain why they fled their home countries. Defendants' policies subordinate that framework to the goal of resolving children's cases as quickly as possible, *see* ECF 57 at 6, and the record shows the cost: children interviewed without counsel or supporting evidence, tried within weeks of referral, and ordered removed before their claims can be fully

[17] Even if *Vermont Yankee* were somehow applicable, the Supreme Court explicitly exempted situations like this one, in which a "constitutional constraint" limits an agency's latitude in creating rules of procedure. *Vermont Yankee*, 435 U.S. at 543.

presented. Preliminary relief would restore Congress's intended framework while this case proceeds.

For the foregoing reasons, Plaintiffs respectfully request that this Court deny Defendants' motion for reconsideration and enter the accompanying Proposed Order, which would (1) extend the Court's stay of USCIS's Inadequate Notice Policy and Exceptional Circumstances Policy under 5 U.S.C. § 705 until final judgment; (2) preliminarily enjoin Defendants USCIS and DHS from denying unaccompanied children rights and benefits conferred under the Immigration and Nationality Act, as amended by the TVPRA, and the Due Process Clause of the Fifth Amendment to the United States Constitution; (3) stay EOIR's Detained Docket Deadline under 5 U.S.C. § 705; (4) order Defendants USCIS and EOIR to update internal guidance and template notices to help ensure compliance with this Preliminary Injunction and to provide additional instructions to asylum office staff and immigration judges, respectively, with updated guidance and procedures consistent with this Preliminary Injunction; (5) order Defendant USCIS to provide clear instructions as to how to make requests to reschedule interviews under this Order and promptly respond to requests to reschedule under this Order, within 24 hours whenever possible; (6) order Defendants to provide monthly Status Reports describing all steps taken to comply with the Preliminary Injunction.

Dated: November 12, 2026

Respectfully submitted,

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EXHIBIT 1

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UNITED STATES DISTRICT COURT

DISTRICT OF MARYLAND

GREENBELT DIVISION

THE DOOR, *et al*;

Plaintiffs,

vs.

Joseph EDLOW, *et al*,

Defendants.

Case No. 8:26-CV-04326-BAH

DECLARATION OF SUSAN RAUFER IN SUPPORT OF PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION

1. I, Susan Raufer declare pursuant to 28 U.S.C. § 1746 and under penalty of perjury as follows:
2. I am a recently retired Federal Employee. I have worked in United States refugee and asylum law for 44 years, the last 31 of which were with the federal government. I was the Director of the Newark Asylum Office in the Refugee, Asylum and International Operations Division (RAIO) of the United States Citizenship and Immigration Service (USCIS), Department of Homeland Security (DHS) for 25 years (1999–2024). My most recent position prior to retirement was as a Supervisory Refugee Officer for one year with the Refugee Division of USCIS (2024–2025). During my career, among other assignments, I served as an expert on US refugee and asylum law and frequently trained new asylum and refugee officers. With this background I am well familiar with the expectations and requirements of refugee and asylum status under US law.
3. Based on my decades of experience overseeing asylum operations and training of asylum officers, I am familiar with how USCIS processes asylum applications, including scheduling interviews, accepting evidence submissions, and making adjudication decisions. I am also familiar with how this process has been adapted at different times throughout the duration of

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my career to deal with backlogs or to protect vulnerable populations, including unaccompanied children.

4. I am also familiar with the special procedures put in place for Unaccompanied Children ("UC") beginning in 2008 with the TVPRA. 8 U.S.C. § 1232. During my tenure at USCIS, I instructed at the Federal Law Enforcement Training Center, where I trained federal asylum officers across the country on asylum processes, including teaching a lesson plan on Unaccompanied Minors.

5. As the Director of the Newark Asylum Office, my role was to set policy for the office, which serves Connecticut, Delaware, New Jersey, and parts of Pennsylvania and New York. Prior to 2016, the office's jurisdiction also covered Maine, New Hampshire, Vermont, Massachusetts, and Rhode Island. This included overseeing the office's interview notice and scheduling processes and ensuring that individual asylum officers knew what was required to properly adjudicate an asylum claim and managed their cases accordingly.

6. I was also responsible for making sure that supervisors and officers were alerted to the special needs of vulnerable populations—such as unaccompanied minors—and knew how to manage those cases throughout the interview and adjudication processes.

7. My role also included occasionally resolving issues that arose within the adjudication process. Throughout my tenure, this included managing one of the largest backlogs of unaccompanied minor cases in the country and working with officers and their supervisors to handle last-minute submissions of evidence by applicants.

I. Overview of the Asylum Process

8. The Affirmative Asylum Program was intentionally designed to provide applicants who voluntarily came forward an opportunity to explain their claim for asylum in a neutral setting, in an office rather than a courtroom, to an officer who was not uniformed or robed, and importantly, who was trained to elicit the claim in a non-adversarial manner.

9. Creating a non-adversarial environment was a critical feature of the asylum process mandated by Congress. This feature is what differentiated affirmative asylum from the

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adversarial process in immigration court. Both Congress and USCIS recognized that the asylum officer's decision can be a matter of life or death for individuals fleeing persecution, and that many applicants had suffered traumatic or dangerous experiences and faced psychological barriers to articulating the facts that were relevant to their case. Asylum adjudication was understood as a fact-finding process, and the asylum program sought to give applicants a fair chance to present their case in an environment that was comfortable and safe.

10. Asylum officers undertook rigorous training before they began processing asylum applications. This included five weeks of onboarding training at the Federal Law Enforcement Training Center, where they learned substantive asylum law (including classes such as Past Persecution, Nexis and the Five Protected Grounds, Well-Founded Fear, Religious Persecution, and Bars to Asylum). Officers also took courses titled Eliciting Testimony, Standards of Review, Interviewing Particularly Vulnerable Populations including Unaccompanied Minors and Survivors of Torture, Credibility, Evidence, Cross-Cultural Communication, and Conducting Research on Country of Origin Information. All asylum offices were also required to provide all asylum officers with bi-weekly four-hour trainings to ensure officers stayed current with country conditions and the law. Often, new procedures were rolled out and explained in these trainings.
11. An applicant made their claim by providing detailed testimony at an interview with an asylum officer and by submitting evidence in support of their application. Once the applicant had submitted their claim, they would receive a notice to appear for their interview along with their representative, if they had one, and with all dependents on their claim.
12. The interview is a central part of the asylum application, and its purpose, historically, is to elicit all facts relevant to the claim so the officer can determine whether the applicant is eligible to apply for asylum, whether their claim is credible, whether it is consistent with known country conditions, whether the applicant meets the essential elements for asylum,

and whether there are any factors or bars that would render the applicant ineligible to receive asylum.

13. The interview was considered so central to the affirmative asylum process that the applicant could not voluntarily request to waive it. Even in cases where it appeared that the applicant was not eligible to apply for asylum, such as cases that had been filed more than a year after the applicant's arrival in the United States, an interview was required to establish the date of entry and ascertain whether any "extraordinary circumstances" or "changed circumstances" applied to excuse the applicant from the one-year from entry requirement. 8 CFR 208.4(a)(2).

14. During my tenure at USCIS, in-person interviews were the default. We conducted virtual interviews only in rare circumstances, such as during the COVID pandemic. An in-person interview is far superior to a virtual setting both for establishing rapport and for reading non-verbal cues from the applicant, which is an important part of every officer's job training.

15. With respect to unaccompanied children, where it is generally understood that establishing rapport and trust and holding a child's attention is critical to conducting a successful interview and to making a determination, in person interviews were not just preferred but presumed throughout the guidance issued to asylum officers.

16. While COVID was an exceptional situation that required virtual interviews, this shift presented challenges for officers conducting interviews, especially with children. In my office, we had a series of internal discussions and trainings to support officers who were having difficulties connecting with children through a screen. Because building rapport with a child is such an important part of the interview, during in person interviews, our officers often relied on techniques like providing crayons and paper for the child to draw as they were speaking or reading a child's body language to assess when they were nervous or scared. In virtual interviews, these techniques were significantly limited, and although we tried to find alternatives, we recognized that there was no replacement for in-person

Docusign Envelope ID: 7430ED02-CBF4-877A-8126-ADFE6C7B397C

interviews in terms of establishing rapport and helping a vulnerable person articulate their claim.

17. For this reason, as soon as we were able to, we returned to in-person interviews pursuant to guidance from USCIS headquarters, even though virtual interviews were logistically easier and could be done faster.

18. In order to provide the applicant and their representative sufficient time to prepare for the interview, asylum offices were required to send interview notices at least 21 days prior to the date of the scheduled interview. This requirement was encoded in 8 CFR § 208.9(a)(1), which was a response to the rapid scheduling for border-determined credible fear interviews. Whereas border-determined credible fear interviews could be conducted with much shorter notice, when a full adjudication was at stake, people needed this time to prepare for their interview, obtain representation, find witnesses, and gather evidence. The 21-day notice is also found in the Affirmative Asylum Procedures Manual ("AAPM"), Sec.II.G.3. It was generally understood among the asylum offices that 21 days was a workable minimum notice to ensure that all asylum applicants before the asylum office had sufficient notice to gather evidence and find counsel to help them prepare and tell their story at the interview. If an applicant received less than the 21-day notice, the notice would be considered insufficient, the case would be rescheduled, and the rescheduling would be considered to have been caused by the government.

19. Before the interview, the officer was responsible for reviewing the evidence submitted by the applicant, conducting extensive security checks in order to identify any concerns that had to be considered and potentially raised to be resolved during the interview, and familiarizing themselves with country conditions in order to appropriately delve into the claim.

20. During the interview, it was the officer's duty to question the applicant about the claim, record the questions and answers, manage the participation of telephonic interpreters, if any,

Docusign Envelope ID: 7430ED02-CBF4-877A-8126-ADFE6C7B397C

and ensure that the representative was provided an opportunity to make a statement at the end of the interview.

21. After the interview, the officer was responsible for preparing an assessment, laying out a summary of the facts of the case, and articulating the analysis and conclusion as to the applicant's eligibility for asylum. The officer would also be responsible for reviewing any additional evidence submitted after the interview before reaching their conclusion. An officer's review and preliminary decision of the case usually took up to four business days to complete, unless additional evidence was submitted. The officer or other staff then prepared the documents that accompanied the decision and submitted the completed packet to a supervisor for review.

22. For the vast majority of my tenure, every asylum adjudication underwent supervisory review. This consisted of an immediate supervisor reviewing the asylum officer's decision and accompanying packet prior to the applicant being notified of the decision on the case. This was so, regardless of whether the application was being granted or referred to an immigration judge.

23. If the supervisor concurred with the officer's decision, the supervisor would sign the appropriate documents and send the case for further processing, If the supervisor did not concur with the decision, they would return the case to the officer with an explanation of how the decision was inaccurate or legally insufficient. The officer was then responsible for correcting errors, bringing the case into legal sufficiency, or modifying the decision accordingly. Supervisors were not empowered to unilaterally change an officer's decision, or to compel a specific outcome. The standard of review was legal sufficiency. A supervisor's review could take anywhere from an hour to many hours depending on the complexity of the case and the volume of evidence submitted. Reviews of referrals or grants merited the same time and consideration.

24. If USCIS decided not to grant asylum, and the applicant otherwise had legal status to remain in the United States, USCIS would notify the applicant of the determination by mail. If the

applicant did not have status at the time of the decision, the case would be referred to a federal immigration judge at the Executive Office for Immigration Review (EOIR).

II. Safeguards for Unaccompanied Minors

25. In addition to procedures designed to ensure fair adjudication of all asylum cases, the agency employed additional safeguards for unaccompanied children. These were based on the agency's acknowledgment that unaccompanied children are a particularly vulnerable population who require special care in processing their applications and conducting interviews. The TVPRA provides special asylum protections for unaccompanied children, including allowing them to present their asylum application affirmatively to USCIS, even if the unaccompanied child was in defensive proceedings before an immigration judge. In that case, the immigration judge would suspend adjudication of the case to allow the affirmative asylum adjudication to proceed at the asylum office.

26. Interviewing children in ORR custody was extremely rare. Typically, they would have been released from custody and would have had the opportunity to obtain legal representation. There was also an agency preference for interviews with a child who was not in ORR custody but instead situated with a parent or guardian. This was because the agency recognized that children outside of custody were less likely to be anxious, and more likely to trust the asylum officer before them. Unaccompanied children were typically represented during their interviews either by private attorneys, or, more frequently, non-governmental non-profit organizations.

27. Within reason, an applicant could bring witnesses to the interview to testify. In special circumstances, an applicant could also bring a minister or other relative to support them. Unaccompanied children were permitted to bring a "trusted adult" in addition to their legal representative.

28. At least within the Newark Asylum Office, asylum officers were instructed not to proceed with an interview if the only person who appeared to be interviewed was a minor without anyone accompanying them to the interview. This was for several reasons, chief among

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them that children needed a trusted adult, and oftentimes a legal representative, to assist them in navigating a complex, foreign immigration and asylum system.

29. Children often struggle to articulate their claims, whether because of nervousness, trauma, anxiety, a lack of understanding of what is being asked of them, a disability, or even just their young age and lack of access to sufficient language skills. As a result, they may not effectively communicate their story and may leave out important information. For example, during my tenure, we had a case where a child sat through their interview and was unable to speak at all. In such cases, legal representatives can provide relevant information to fill in the gaps by gathering evidence, providing country conditions information, and coordinating affidavits. During an interview, especially where legal representatives have built rapport with a child and prepared them for their interview, they can help by pointing out when something has been misinterpreted by the child or the interviewer and clarifying questions and answers.

30. Attorneys serve a specific and important purpose during the interview. An attorney, who is usually well acquainted with the child's application and supporting evidence, can draw an asylum officer's attention to something in the application or evidence the officer has missed. The attorneys we worked with from trusted non-profits had usually spent time with the child and built a relationship with them, so they knew how to best advocate for them. For example, we had attorneys call our office before the interview to tell us that a certain child needed an interviewer who was female, or someone very patient, because of their prior life experiences.

31. Children also need emotional and psychological support when sitting for their interviews. Oftentimes, recounting their stories is a traumatizing experience, and having a familiar, adult figure there helps them feel safe and protected. From the point of view of the asylum office, the presence of an attorney or trusted adult served our purpose of fostering a non-adversarial and safe environment for the child applicant to communicate their claim.

32. At one point during my tenure, the Newark office began to see an influx of unaccompanied children appearing for their interviews without an adult. As the Director, and recognizing the special vulnerabilities of these children, I refused to move these cases forward, despite pressure from headquarters to clear the backlog. This led to our office having 50 unresolved UC cases. I communicated to our headquarters that they needed to come up with a solution because we could not interview these children—whom we had identified as being in vulnerable situations—without a trusted adult. As a result, my office coordinated with the American Friends Service Committee to bring in one of their attorneys. We gave the children the opportunity to speak with the attorney, which many of them did. The attorney met with these children to conduct a brief assessment, after which she advised us which cases needed to be rescheduled in order for the child to obtain representation and prepare with their counsel.

III. USCIS's Notice and Scheduling Policies

33. During the course of my career as Director of the office, there were times where the government had to prioritize backlogs. The main concern with backlogs was that individuals without a bona fide asylum case could receive Employment Authorization once they had filed their case which would be valid until the case was adjudicated, so some were incentivized to prolong the adjudication of weak claims. In 1995, to address this issue, the INS implemented a 150-day timeline for the complete adjudication of cases, although the backlog often remained longer than 150 days. Even then, however, it was understood that this policy to expedite applications was not aimed at children, and that applications of unaccompanied children would require more time for adjudication. This was due to the fact that it required the coordination of various parties to ensure a child attended their interview, and eliciting clear and holistic information from a child about their claim was more difficult than doing so from an adult and often took the attorney working with them for a longer period of time.

Docusign Envelope ID: 7430ED02-CBF4-877A-8126-ADFE6C7B397C

34. This reality was factored into the expectations headquarters had from each office, as well as the expectations each office Director had from its asylum officers. When setting targets for how quickly cases should be adjudicated, headquarters and individual offices would set goals for unaccompanied minor cases that were separate from the goals set for other populations, and that took into account the time needed for a full and fair adjudication.
35. Our office was required to give each applicant a minimum of 21 days' notice before their interview. The goal was to conduct the interview within 43 days of when the application was filed. The notice provided necessary time for the applicant to submit evidence and prepare to present their asylum claim effectively at the interview. Our office knew that applicants, including children, often relied on attorneys to help them with this process, and the 21 days' notice was also important for an attorney or other representative to prepare.
36. Even during the periods when the agency wanted to prioritize a backlog, a minimum of 21 days' notice before an interview was always required.
37. The agency typically accommodated reasonable requests to reschedule by applicants and their attorneys. Again, the main concern with rescheduling interviews was the adult applicants who wanted to prolong the adjudication of their claim so that they could obtain and/or continue to benefit from the Employment Authorization. This concern was balanced, however, by the asylum office understanding the importance of fulfilling its mandate to provide applicants a fair opportunity to present their claim, and rescheduling the interview was often a necessary part of that process.
38. The codification of the rationale for approving rescheduling requests changed over the course of my tenure, but certain policies were consistent throughout. To ensure a full and fair opportunity to present an asylum claim, which included gathering and submitting evidence, and preparing for the interview with an attorney, requests for rescheduling interviews would be honored the first time they were made as a matter of course. After that, requests for rescheduling would be honored if the applicant had good cause to make the request, absent evidence or a pattern that indicated the applicant/attorney was trying to delay

Docusign Envelope ID: 7430ED02-CBF4-877A-8126-ADFE6C7B397C

or undermine the adjudication process. Good cause, while sometimes case-specific, was seen as a reason that was beyond the applicant or representative's control. Sickness or other temporary physical incapacity, a significant scheduling conflict, or an unexpected event such as an accident or flat tire, were all considered good cause reasons for a rescheduling.

39. At times the interviews were scheduled automatically by an electronic system, and attorneys might be inadvertently scheduled to be in two interviews at one time. When that occurred, the office would work with the attorney to reschedule one of the interviews. Likewise, if the attorney produced evidence that they were scheduled for a hearing at EOIR that conflicted with a scheduled asylum office interview, the asylum officer would defer to the EOIR scheduling and reschedule the asylum interview. If the electronic system was scheduling the interviews, it would take a human to review the computer-generated schedule to identify anomalies such as the scheduling of a single attorney to multiple or conflicting interview slots.

40. Other interview rescheduling requests would be honored if they were not repetitive and were made in good faith. Consideration was given to the potential vulnerability of the requesting asylum seeker such that unaccompanied children, for example, were provided greater leeway, as it was understood that their appearance for an interview required coordination of several different parties, and that the minor was often not in control of their own ability to appear for the interview, in addition to the fact that minors may need more time to prepare their claims. Rescheduling requests were handled by legal assistants or clerks under supervision. Attorneys could request rescheduling up to and including the day of interview by contacting the office directly by phone or email.

IV. Evidence Submission

41. Providing ample opportunities for applicants to submit evidence in support of their claim is a critical part of the adjudication process. Asylum officers rely on evidence submission to understand the country conditions, the details of the applicant's claim, issues that arise during the interview, and other important information in making their decision.

Docusign Envelope ID: 7430ED02-CBF4-877A-8126-ADFE6C7B397C

42. When it came to unaccompanied children, evidence is even more important, because it can shed light on important information that might be a challenge to obtain or understand in the interview. Young children, nonverbal children, and children with disabilities, including children with post-traumatic stress disorder or other mental health conditions, may especially struggle to articulate their past, and the asylum officer will have little more than the evidence in their case to rely on. In these cases, evidence submitted after the interview could also help shed light on ambiguities resulting from miscommunication or unresolved issues. For example, in the instance where a child was interviewed and was nonverbal, we relied on evidence in their case to fully understand their circumstances.
43. In other cases, children simply did not have the information to contextualize their situation. They may not have known or understood the political, economic, social, or other relevant country conditions surrounding their life experiences sufficiently to articulate them as part of their story, and here evidence helped fill in the important gaps.
44. Regulations indicated that evidence should be submitted no later than two weeks prior to a scheduled interview. 8 CFR 208.9(e)(1). In practice, however, the office never declined to accept evidence. It was understood that given the nature of asylum, it was possible that evidence supporting a claim for asylum might arise at any time, such as the sudden disappearance of a relative in the home country, or a significant change in country conditions such as a coup d'etat making the applicant more vulnerable than when they had initially filed.
45. As Director of the office, I occasionally dealt with situations where an applicant submitted evidence very close to or even on their interview date. Especially in the case of unaccompanied children, it is not always possible for them to present all relevant documentation in advance of the interview, as it takes time to build trust with their attorney and prepare for their interview, during which time important evidence comes to light and is gathered. Sometimes, changes in facts, like those related to country conditions, also evolve throughout the adjudication process, requiring late evidence submissions. The office

Docusign Envelope ID: 7430ED02-CBF4-877A-8126-ADFE6C7B397C

balanced the applicant's need for evidence to be considered with the adjudicator's ability to review and absorb the evidence. This, however, did not mean that an officer could refuse to accept evidence. At the very most, an applicant's interview might need to be rescheduled to allow the officer to review evidence that had come in at the last minute. This was not a punitive measure, but one taken to allow the officer to conduct a full and fair review of the evidence, interview, and adjudication. Applicants and attorneys were advised to bring copies of all evidence to the interview and depending on the volume and nature of newly submitted evidence, be prepared to wait longer to be called in for the interview or even rescheduled to a different day.

46. Asylum officers and support staff were instructed that they did not have the discretion to reject any evidence submitted. While the weight they gave specific pieces of evidence could vary, this had to be based on the provenance or relevance of the evidence to the claim, not the timeframe or nature in which the evidence came to be included in the request for asylum. This instruction applied to a post-interview briefing as well.

47. I have recently heard that USCIS has begun scheduling interviews for unaccompanied children in ORR custody with as little as 24-hour notice. If this is the case, in my opinion, this notice is completely unreasonable, as it does not take into consideration the challenges that a minor faces in even physically appearing for the interview, let alone articulating a claim. It deprives children of a fair opportunity to present their cases.

48. I have also learned from non-government organizations assisting unaccompanied minors that USCIS is scheduling dozens of interviews at a time for a single organization, including conflicting interviews for a single attorney (on the same date or even same time) and refusing to reschedule them. I have seen the new rescheduling policy on the USCIS website which disallows all rescheduling but for exceptional circumstances, reflecting a significant change from prior practice and procedural priorities of ensuring a full and fair adjudication of an asylum claim. Applicants are also being disallowed from submitting supplemental

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evidence fewer than 14 days in advance even when they do not receive the notices in the mail until near, at, or even after, the 14-day deadline.

49. The TVPRA was enacted precisely to provide vulnerable minors the opportunity to present their claim in the more non-adversarial environment of the asylum office, in interviews conducted by officers specifically trained in eliciting testimony of minors. Asylum offices are mandated by Congress to ensure that this opportunity is provided. To implement procedures that inhibit asylum officers from being able to do this job is to undermine the intent of the TVPRA and the role of asylum offices.

50. All of the procedures described herein were set forth in the Affirmative Asylum Procedures Manual (AAPM). This manual is on the USCIS website and, to the best of my knowledge, remains operative.

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

Executed at Essex County, New Jersey, on November 12, 2026.

DocuSigned by:

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Susan Raufer

EXHIBIT 2

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
GREENBELT DIVISION

The Door, *et al.*,

Plaintiffs,

vs.

Joseph B. Edlow, *et al.*,

Defendants.

Case No. 8:26-cv-04326-BAH

EXPERT REPORT OF LISA FORTUNA, MD, MPH, MDiv

I. QUALIFICATIONS OF THE EXPERT

I, Lisa R. Fortuna, declare as follows:

I am a physician board certified in Psychiatry, Child and Adolescent Psychiatry, and Addiction Medicine. I am Professor and Chair of the Department of Psychiatry and Neuroscience at the University of California Riverside, School of Medicine.

My clinical and research work includes a focus on child and adolescent mental health, traumatic stress, immigrant and refugee mental health, Latino mental health and the social-contextual conditions that affect mental health. For more than 26 years, I have provided clinical care to children and adults, including children of recent immigrant families, unaccompanied minors, refugees, asylum seekers, and their families. I have also treated people affected by trauma, war, persecution, forced displacement, political violence, and family separation throughout my career. Since 2011, I have participated in the Physicians for Human Rights Asylum Network and have conducted asylum evaluations over approximately the past 15 years.

My research and scholarship have addressed migration-related stress, traumatic stress, and mental health among immigrant and refugee populations. This work includes research on Latin American immigrants in the United States and Spain; posttraumatic stress among immigrants; trauma and immigration stress among Latina women and implications for maternal and child well-being; social and environmental factors affecting immigrant and refugee youth mental health; culturally informed assessment and trauma treatment with unaccompanied immigrant children and adolescents; and the effects of U.S. immigration policy on children and families' mental health.[1]

I am the first author of a peer-reviewed 2023 clinical study describing a therapy for post-traumatic stress disorder ("PTSD") in unaccompanied immigrant children. In that work, I examined how migration-related trauma can shape posttraumatic thoughts, coping, and engagement in assessment and treatment (Fortuna et al., 2023). I also have over 30 publications that focus on the mental health of immigrant populations, including children. These publications reflect my direct clinical and research experience with immigrant youth, including unaccompanied and asylum-seeking youth.

My clinical work with asylum seekers and my research concerning immigrant and unaccompanied children inform the opinions I include in this report. I have been involved in approximately 50 asylum psychiatric evaluations, including for unaccompanied children and adolescents.

My curriculum vitae is attached as Exhibit B.

II. PURPOSE AND SCOPE OF THE REPORT

Counsel asked me to provide expert opinions in four areas: (1) how children's developmental stage and trauma history can affect their ability to describe past traumatic experiences, including as part of asylum interviews; (2) what interview conditions support or interfere with a child's

[1] A list of my relevant publications is included as Exhibit A.

ability to disclose those experiences; (3) how very short notice or compressed scheduling of a USCIS asylum interview can affect a child's ability to participate, communicate their past experiences and manage distress during the asylum interview, and (4) the impact of rushed or unsupportive interviews regarding traumatic events on children's long-term mental health.

My opinions address how child development, trauma, and mental health can affect a child's ability to understand and communicate during an interview and the conditions that are likely to impede or facilitate their participation in an asylum interview and proceedings, as well as the potential effects of these conditions on children's long-term mental health.

In forming my opinions, I considered my education, clinical training and experience, and scholarly work, as well as the materials listed in the references section of this report. Those materials include a clinical guide for pediatric forensic evaluations of children seeking asylum; systematic and scoping reviews of the scientific literature on refugee and asylum-seeking children's disclosures and best practices for conducting interviews with this population; an observational study of asylum interviews with young children; research on traumatic stress in immigrant children, including the experiences of unaccompanied minors (Lavoie et al., 2021; Saywitz et al., 2019; Lamb et al., 2007; Gartland et al., 2020; van Os et al., 2020; Chilliak et al., 2024; Rap, 2023; Blackmore et al., 2020; Sridhar et al., 2025). To assess the concerns about compressed scheduling, I apply evidence on best practices from this literature combined with my clinical experience, including consideration of the importance of adequate preparation, trust building, support, and developmentally appropriate interviewing approaches when conducting pediatric asylum and forensic interviews with children.

III. CHILD DEVELOPMENT AND TRAUMA HISTORY CONSIDERATIONS

Posttraumatic Stress Disorder (PTSD) is a specific clinical diagnosis requiring a qualifying exposure, symptoms across defined areas, including re-experiencing, avoidance, negative changes in thoughts or mood, and heightened arousal or reactivity, that persist for more than one month and cause significant distress or impairment (American Psychiatric Association, DSM-TR, 2022).

In my clinical and asylum-evaluation work, I have encountered children whose histories include traumatic exposure to war, persecution, or other violence; witnessing serious injury or death; family or sexual violence; detention; separation from caregivers or loss of loved ones; and dangerous migration experiences, including unsafe travel, kidnapping, extortion, trafficking, forced labor, or sexual assault. Many children have also experienced deprivation of food, water, shelter, or medical care.

"Traumatic stress" or "trauma" throughout this document refers to the emotional and physical responses a person, including children, may have after experiencing or witnessing frightening or overwhelming events involving actual or threatened harm. These responses can include symptoms that would qualify as PTSD. Children who have experienced traumatic events often present with heightened fear or alertness, avoidance of unwanted memories, sleep or concentration difficulties, or feeling numb, dissociation or disconnected. Traumatic stress

describes possible effects; it is not, by itself, a psychiatric diagnosis, and children may experience or express it in different ways.

Traumatic stress can interfere with a child's ability to attend to, recall, and describe experiences. Shame, guilt, fear, and avoidance of painful memories may make a child reluctant to disclose what has happened to them (Lamb et al., 2007; Gartland et al., 2020). Recounting traumatic events may feel frightening, embarrassing, or painful, particularly when a child blames themselves. A child's hesitation, pauses, or avoidance do not, by themselves, establish that an event did not occur. In my clinical experience, taking the time to understand these trauma-related thoughts and responses, and providing reassurance and compassionate listening ameliorates these barriers to disclosure and supports the child's psychological well-being during the process.

To be appropriate for children, asylum interviews need to consider a child's developmental stage, along with their language, trauma history and experiences, current living circumstances, preparation and access to a trusted adult who can provide appropriate support. The asylum interview requires the child to understand an unfamiliar process, follow complex questions, put events in order, recognize any confusion they are experiencing and know how to ask for clarification or a break. Children need trusted adult assistance to understand and respond to these demands. This does not mean they cannot remember or describe their experiences. It means they need explanations and support suited to their age and stage of development.

Children are not simply adults with less experience; their language, memory, understanding of time and abstract questions, and ability to organize events and communicate under stress are still developing.

Studies of child interviewing practices, including in the context of asylum applications and abuse investigations, demonstrate that pacing of the interview while continuously assessing the child's understanding, providing adult support, and asking questions in a developmentally appropriate way can shape whether a child understands and can communicate information accurately (Lavoie et al., 2021; Saywitz et al., 2019; Lamb et al., 2007; Gartland et al., 2020).

In my clinical work conducting assessments of children, I consider a child's developmental stage and individual profile, including their receptive and expressive language, literacy and schooling, understanding of time and sequence, cultural background, trauma history, current psychological symptoms, and the current safety and stability of their living environment (e.g., are they in a home, residential or detention setting). Development in these areas and the circumstances children face are not uniform; two children of the same age can differ substantially on any of these factors, and the same child may function differently when calm, supported and in a safe environment than when frightened, fatigued, not in a safe environment, and/or reminded of their trauma.

These factors all influence a child's ability to participate in an asylum interview, which demands several abilities at once. Through my clinical work with asylum-seeking children and families, and in conducting psychiatric evaluations for asylum applications, I have come to appreciate the

range of cognitive, linguistic, and social demands these interviews place on children. An asylum interview requires children to understand the interviewer's role and purpose; grasp procedural concepts and what may happen next; retrieve autobiographical memories; distinguish between direct experiences and information acquired from others; place events in sequence or estimate dates; describe internal states; and sustain attention through repeated questioning. Furthermore, the asylum interview requires children to do all these tasks while navigating the recollection of extremely stressful and likely traumatic events.

Children and adolescents may face different developmental challenges when participating in asylum interviews. Younger children may accurately recall important experiences yet have limited vocabulary and are still developing their ability to organize temporal concepts, including their ability to organize events into a coherent chronological narrative. As children mature, these language and cognitive skills typically develop, but older children and adolescents who have experienced trauma often continue to face significant barriers to disclosure, including shame, fear, loyalty to family, trauma-related symptoms, concerns about consequences, or difficulty navigating unfamiliar interactions with adult authorities. In addition, older children may experience a regression (a return to an earlier stage) in their developmental abilities under stress. Thus, supportive and developmentally appropriate interviewing practices remain important across childhood and adolescence, although the specific challenges may differ by developmental stage and status.

Trauma-related arousal (e.g., anxiety, hyperarousal), dissociation, depression, lack of sleep, and difficulty communicating in the interview language can make it harder for a child to focus, understand questions, recall details, and describe events in sequence. A child may therefore give a brief, fragmented, or nonlinear telling of their story; change or add details over time; say "I don't know"; or agree with an adult's wording. These responses may reflect developmental limits, confusion, distress, or an effort to comply. On their own, they do not establish that a child lacks memory, is withholding information, or is being deceptive. However, an assessment by the asylum officer of a child's story must consider whether the child had a meaningful opportunity to ask for clarification, take a break if needed, and respond in a developmentally appropriate way (Lavoie et al., 2021; Saywitz et al., 2019; Lamb et al., 2007; Gartland et al., 2020).

IV. CONDITIONS THAT SUPPORT OR INHIBIT DISCLOSURE

Children's disclosure in asylum proceedings is influenced by interacting psychological, developmental, relational, linguistic, and procedural factors. These conditions can affect whether children feel able to share their experiences, how they communicate them, and the level of detail they can provide. Recognizing these influences is essential to interpreting children's disclosures and credibility fairly and creating opportunities for meaningful participation in their asylum case.

The following sections examine the principal conditions that may support or inhibit disclosure, with attention to children's developmental and psychological capacities, their relationships with adults, including counsel, sense of safety, and the linguistic and procedural circumstances in which their story is elicited.

A. Trust and Preparation with Counsel and Mental Health Experts

Throughout my career, I have worked regularly with children's immigration attorneys. An important role of counsel is to identify when it is indicated that a child would benefit from a psychiatric evaluation, so that their psychological and developmental status, and how their traumatic experiences have affected them can be best understood in the context of their asylum applications. When preparing psychiatric evaluations, I coordinate with counsel to identify a child's language, psychological and support needs. The preparation that children receive from counsel is important so that the child is ready to meet with me for a psychiatric evaluation and so that they understand the process we will undertake. This direct experience has informed my understanding of how counsel can prepare children for the asylum interview itself.

Providing sufficient time for trauma-informed preparation with counsel is an important component of enabling a child to participate meaningfully in an asylum interview. Adequate preparation allows counsel to provide legal advice and information and establish the trust and rapport that are necessary for effective representation of children (Chilliak et al., 2024). Many children are reluctant to discuss traumatic or distressing experiences with unfamiliar adults, particularly when those experiences involve violence, persecution, sexual abuse, separation from family members, or other highly sensitive and painful topics. Building a trusting relationship with counsel takes time and is often a prerequisite to obtaining a complete and accurate understanding of the child's experiences and preparing the child to further disclose those experiences to unfamiliar adults.

It is best practice for the child to enter the interview already knowing what to expect because they have been prepared by counsel (Gartland et al., 2020). Stress, fear, lack of trust, shame, and the expectation of painful questioning can lead a child to withhold information, give brief answers, or avoid discussing some events. Lack of adequate time to prepare for an interview may contribute to mistrust, leaving a child uncertain about why the interview is happening, length of the interview, nature of the questions, topics covered and what will be asked, who will hear what they say, and what will happen afterward. Asylum-evaluation best practice guidance recommends transparency and expectation-setting, both practices that improve trust (Gartland et al., 2020).

When a child is given little opportunity to prepare, or when familiar sources of support are unavailable, the interview itself may become more difficult and stressful. A child who is worried, overwhelmed, or uncertain about what will happen will likely have greater difficulty concentrating, expressing themselves clearly, recalling information, or fully understanding questions and instructions.

For this reason, children benefit from a safe, developmentally appropriate opportunity to prepare for the interview process. This includes being given information in language they can understand, having the opportunity to ask questions in advance of the interview date, knowing what to expect, and receiving reassurance from trusted and appropriate supportive adults.

Children should be counseled that they can pause, seek clarification, or regain composure if they become distressed or confused during the preparation process and that they can also do so during the actual asylum interview. Such preparation and support not only promote the child's well-being but also help create conditions under which the child can participate more meaningfully and effectively in the asylum interview process.

Through preparation sessions, counsel can assess the child's developmental level, communication abilities, and any trauma-related, mental health, linguistic, or cultural factors that may affect participation in the interview. Counsel can then tailor explanations and preparation to the child's individual needs, helping the child understand the purpose of the interview, the role of the participants, and what to expect during the process. This preparation can reduce confusion and anxiety, promote a greater sense of safety and predictability, and improve the child's ability to communicate effectively during the asylum interview and proceedings.

Adequate preparation also enables counsel to identify areas where the child may have difficulty understanding or responding to questions and to address those challenges in advance. For children whose trauma symptoms, developmental limitations, or anxiety may interfere with disclosure, multiple conversations may be necessary before they are able to discuss important aspects of their experiences. Counsel can also explain the child's rights, reinforce that it is appropriate to ask for clarification when a question is not understood, and encourage the child to request a break when needed. These functions cannot be performed effectively without sufficient time for meaningful consultation and preparation and are essential to ensuring that the child can participate fully and fairly in the asylum interview process.

A systematic review of 39 studies on refugee children's disclosure of their life stories identified mistrust and self-protection as barriers to sharing difficult experiences (van Os et al., 2020). It found that respectful interviewer behavior, time to build trust, support for the child's agency, opportunities to communicate nonverbally (e.g., writing or drawing), and trained interpreters can improve trust and facilitate disclosure (van Os et al., 2020). These findings underscore the importance of preparing the child in a trauma informed and developmentally appropriate way.

Chilliak and colleagues' scoping review (a review of available studies and evidence) focused on interviews with asylum-seeking children and included 29 studies. Across those studies, children's preparation and ability to share their experiences were hindered when the interview process was not adequately explained, rapport-building and preparation were limited, or children feared that disclosure could put them or their family members at risk (Chilliak et al., 2024). The review also identified mistrust of authorities and other adults as barriers to children's participation in the asylum process (Chilliak et al., 2024). These findings show why children need adequate time to understand the process, build trust, and receive support before an interview. In my clinical opinion, when notice is so short that these preparation steps cannot reasonably occur, some children may face increased risk of confusion, distress, or incomplete communication.

Children may also fear that what they disclose could harm or affect their family members or supportive adults, including a potential sponsor. Those concerns should be addressed directly. Before the interview, the child should receive a clear, age-appropriate explanation of who will hear the information, how it may be used, and any limits on confidentiality, so the child can better understand, prepare and engage in the asylum interview process.

When indicated, an evaluation by a psychologist or psychiatrist with expertise in child development and trauma can further identify developmental, linguistic, emotional, cognitive, and trauma-related factors that may affect communication, memory reporting, and participation. These supports provide important context and can support counsel's work in understanding how a child experiences and communicates past events, help reduce avoidable distress, and promote the child's ability to participate meaningfully in asylum interviews and related proceedings in immigration court, if necessary, in that child's case. Although no intervention can guarantee disclosure of difficult or traumatic experiences, every effort should be made to ensure that children seeking asylum have access to developmentally informed preparation, assessment by counsel and mental health professional if needed, and support that maximize their ability to engage in the process and communicate their experiences effectively (van Os et al., 2020; Chilliak et al., 2024; Rap, 2023; Blackmore et al., 2020).

B. Supportive Asylum Interview Environment

In addition to preparation before the interview, the conditions of the asylum interview itself also has an important effect on children's ability to meaningfully participate and disclose.

A child who relies on a trusted adult, such as counsel, for reassurance, emotional regulation, or help understanding what is happening may experience significantly greater anxiety, confusion, or distress when expected to participate in an interview without that support. An attorney first met on the day of the interview is unlikely to provide the same sense of familiarity and emotional security as one that has had the opportunity to sufficiently prepare and support the child prior to the asylum interview.

For asylum seeking children, most of whom have experienced adversity, trauma, displacement, or repeated interactions with unfamiliar systems, trusted adults serve as an important source of safety, stability, and understanding. Their presence helps a child feel secure enough to engage, ask questions, process information, and communicate effectively.

Research identifies trust-building, support for children's agency, access to trained interpreters, and alternative methods of expression, such as drawing or writing, as additional factors that can facilitate disclosure and participation (Lamb et al., 2007; Gartland et al., 2020; van Os et al., 2020). The pediatric asylum-evaluation guide recommends that the asylum officer explain the purpose of the interview, setting expectations, attending to signs of distress, and allowing children control and choice where possible. It also identifies preparation with counsel and review

of available records as important components of a child-centered forensic process (Gartland et al, 2020).

Evidence from the child forensic interview literature further supports the importance of developmentally informed interviewing practices. A review of 35 studies found that rapport-building had a positive and meaningful effect on children's disclosure, and that open-ended questioning was associated with richer descriptions of sensitive experiences than closed-ended questioning (Lavoie et al., 2021). A separate systematic review and meta-analysis of 15 experimental studies found that supportive behavior from the interviewer regardless of the child's response (noncontingent interviewer support) was associated with greater accuracy and reduced acquiescence to suggestive questions (Saywitz et al., 2019). Research evaluating the NICHD Investigative Interview Protocol likewise found that structured interviews emphasizing rapport-building and open-ended prompts improved the quality and informativeness of children's reports (Lamb et al., 2007). Developmentally appropriate interviewing practices can facilitate children's communication while helping to protect the accuracy of their disclosure regarding what has happened to them.

C. In-person vs. Virtual Interviews

The exclusive use of virtual interviews may create additional challenges for some children seeking asylum as communicating difficult experiences usually requires rapport, interpersonal cues, and a sense of safety. These conditions can be more difficult to establish remotely and may affect a child's ability to participate fully, especially if they have experienced significant trauma (Chilliak et al., 2024; Dickinson et al., 2021).

Remote interviews can also raise practical and procedural concerns, including technical disruptions, confidentiality, uncertainty about who may be present outside the camera's view, and difficulties identifying or responding to signs of confusion or distress. The European Union Agency for Asylum identifies technical reliability, confidentiality, interview quality, and individual vulnerabilities as relevant considerations in remote asylum interviews (European Union Agency for Asylum, 2020). Although this guidance was developed primarily during the COVID-19 pandemic and in the context of adult interviews, these concerns are especially pertinent for children with developmental, cognitive, language, or trauma-related difficulties, whose needs may be better accommodated through in-person assessment.

Although virtual interviews may be appropriate in some circumstances where significant logistical barriers exist (such as during the COVID-19 pandemic), the decision to use videoconferencing should be based on an evaluation of the individual child's needs. It is not appropriate to presume that virtual interviews allow for a child's meaningful participation in all cases.

The choice of format, in person or virtual, should be guided by the individual child's needs. Those needs should be assessed by counsel during preparation, and by a mental health

professional when indicated. Where concerns arise regarding communication, psychological distress, privacy, or the child's ability to engage remotely, an individualized assessment should determine whether an in-person interview would better support meaningful participation and ensure appropriate psychological safeguards and matching to the child's abilities developmentally.

D. Qualified Interpreters

Language access is also essential. A child may be more fluent in one language than another, and may have difficulty conveying trauma-related words, internal experiences, or the sequence of events in a language other than their primary language. A trained interpreter can help the child understand questions and express answers accurately; a review of published research on best practices for pediatric asylum interviews identified trained interpreters as a facilitator of disclosure and more accurate reporting by children (Gartland et al., 2020; van Os et al., 2020; Chilliak et al., 2024).

V. SHORT NOTICE AND COMPRESSED SCHEDULING

The literature on children's asylum interviews consistently identifies clear information, adequate preparation time, and supportive adult involvement as important factors in children's ability to participate and communicate effectively during the asylum interview (Gartland et al., 2020; van Os et al., 2020; Chilliak et al., 2024; Rap, 2023). Preparation requires time for the child to build trust with counsel and other supportive adults and for counsel to explain the purpose and process of the interview in developmentally appropriate terms, arrange mental health evaluations when indicated, arrange qualified language access through an interpreter when needed, and help the child prepare to discuss likely traumatic experiences. When short notice prevents these preparations from occurring, children likely enter the interview without the supports necessary to understand what is being asked of them or to communicate their experiences as fully as they are able.

Furthermore, abrupt disruption of an established relationship with counsel may further remove a trusted source of explanation, preparation, and support at a critical stage of the proceedings. In my expert opinion, when short notice limits access to these supports and preparation, it creates a substantial and foreseeable risk to a child's ability to communicate effectively and participate meaningfully in asylum interviews and related immigration court proceedings.

VI. IMPACTS ON CHILDREN'S MENTAL HEALTH

In my clinical work with children, including unaccompanied immigrant minors, I have seen how trauma and uncertainty can affect a child's emotional well-being and daily functioning. A child seeking asylum may be coping not only with violence, loss, or separation before and during migration, but also with the fear and uncertainty of the asylum process, which can and often does create distress.

For example, I have observed the lasting effects that violence, loss, displacement, and prolonged uncertainty can have on emotional functioning and development. Children seeking asylum often

enter the process while simultaneously managing everyday developmental tasks, adapting to new environments, and coping with concerns about their future. Depending on the child and the circumstances, these experiences may be associated with anxiety, depressed mood, sleep disturbances, difficulties with concentration, irritability, withdrawal, somatic complaints, or trauma-related symptoms (Blackmore et al., 2020). Younger children may express these difficulties behaviorally, through clinginess, regression or changes in their functioning (e.g., regressing in their toileting, exhibiting more frequent irritability, withdrawing from interactions with others, or having difficulty in self-soothing), rather than through verbal descriptions of emotional distress. These signs of distress need to be adequately assessed to support the psychological safety of the child throughout the asylum proceedings.

For many children, the asylum process itself can present unique challenges. Discussing frightening, painful, or deeply personal experiences with unfamiliar adults may evoke memories and emotions that children have actively avoided or struggled to process. Some children become overwhelmed when recounting events in detail and may even dissociate, while others may minimize, fragment, or avoid discussion of particularly distressing experiences. These reactions are well-recognized responses to trauma and do not necessarily reflect a lack of credibility or willingness to participate. Research has documented elevated rates of PTSD, depression, and anxiety among refugee and asylum-seeking children, while also recognizing substantial variation in resilience and adaptation (Blackmore et al., 2020; Sridhar et al., 2025).

In my clinical opinion and experience, asking a child to recount traumatic experiences without adequate preparation and support creates a foreseeable, clinically meaningful risk of acute distress and may trigger or worsen trauma-related symptoms, particularly in children with prior trauma or current symptoms (Blackmore et al., 2020). From a clinical perspective, the goal is to create conditions that allow children to participate safely and effectively in their asylum proceedings and recover emotionally. This includes preparing children for what to expect, monitoring their responses during the interview process, communicating in a developmentally appropriate manner, and adjusting the pace when signs of emotional overload emerge. It is important for the child to have a trusted adult, especially counsel, in the interview to advocate for their needs in case the interviewer is not monitoring their responses and adjusting the pace when signs of emotional overload emerge. Such practices help reduce unnecessary psychological strain while supporting the child's ability to provide information in a manner that is consistent with their developmental capacities, emotional functioning and in a manner that assists the interviewer in accurately evaluating their experiences.

VII. OVERALL OPINION

In my expert opinion, children and adolescents must be understood as developing individuals, not treated as adults who are presumed to understand and navigate asylum interviews on their own. A child's ability to understand questions and describe experiences depends on developmental maturity, language, trauma history and symptoms, current circumstances, preparation, and available support. Younger children usually need direct adult help to understand

the interview and organize what they remember. Adolescents may have stronger language and reasoning skills, yet trauma, fear, shame, unfamiliar authority, or concern for family members can still make it difficult for them to disclose experiences, explain their significance, or ask for clarification.

Because information elicited in an asylum interview informs decisions in a child's immigration case, the child needs a meaningful opportunity to understand the process and to adequately communicate and participate. Counsel can explain the process, prepare the child without shaping their report of what has happened to them, identify language and developmental abilities, and help the child raise concerns. When short notice prevents this preparation and support, it creates a substantial and foreseeable risk that the child will misunderstand questions, give an incomplete or disorganized story, experience acute distress, and be unable to make sound decisions. Adequate time to establish a relationship and prepare with counsel, legal representation and trusted adult support during the interview, language access, and developmentally appropriate, trauma-informed interviewing approaches are essential to a child's meaningful participation in this consequential process.

VIII. RESERVATION AND SUPPLEMENTATION

I reserve the right to supplement or amend these opinions should additional relevant records, testimony, scientific evidence, or other information become available.

IX. COMPENSATION

I am providing this written declaration pro bono.

X. PRIOR TESTIMONY

The following is a list of all cases in which I have testified as an expert at trial or by deposition within the preceding four years:

P.G. v. United States, No. 4:21-cv-04457-KAW, 2022 WL 3024319 (N.D. Cal. May 10, 2022).

Executed on November 1, 2026, at Riverside, CA



Lisa R. Fortuna, MD, MPH, MDiv

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3. Chilliak, S., Musacchio, S., Montreuil, T., & Williams, S. (2024). Interviewing asylum-seeking children: A scoping review of research to inform best practices. *Trauma, Violence, & Abuse*, *25*(5), 3680–3695. https://doi.org/10.1177/15248380241260014
4. Dickinson, J. J., Lytle, N. E., & Poole, D. A. (2021). Tele-forensic interviewing can be a reasonable alternative to face-to-face interviewing of child witnesses. *Law and Human Behavior*, *45*(2), 97–111. https://doi.org/10.1037/lhb0000443
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6. Gartland, M.G., Ijadi-Maghsoodi, R., Giri, M., Messmer, S., Peeler, K., Barkoudah, A., & Shah, S. (2020). Forensic Medical Evaluation of children seeking asylum: A guide for pediatricians. *Pediatric Annals*, *49*(5), e215–e221. https://doi.org/10.3928/19382359-20200421-01
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10. Saywitz, K.J., Wells, C.R., Larson, R.P., & Hobbs, S.D. Effects of interviewer support on children's memory and suggestibility: Systematic review and meta-analyses of experimental research. *Trauma, Violence, & Abuse*, *20*(1), 22–39. https://doi.org/10.1177/1524838016683457
11. Sridhar, S., Ratner, L., Gartland, M.G., Kunichoff, D., Sullivan, M.M., & Digidiki, V. (2025). Approaching pediatric mental health screening and care in immigration detention. *Lancet Regional Health Americas*, *43*,100999.

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12. van Os, E.C.C., Zijlstra, A.E.E, Knorth, E.J., Post, W.J., & Kalverboer, M.E.M. (2020) Finding Keys: A systematic review of barriers and facilitators for refugee children's disclosure of their life stories. *Trauma, Violence, & Abuse*, *21*(2), 242–260. https://doi.org/10.1177/1524838018757748

EXHIBIT A

Exhibit A
Dr. Lisa Fortuna Relevant Published Work

1. Alegría, M., Falgàs-Bagué, I., Collazos, F., Carmona Camacho, R., Lapatin Markle, S., Wang, Y., Baca-García, E., Lê Cook, B., Chavez, L. M., Fortuna, L., Herrera, L., Qureshi, A., Ramos, Z., González, C., Aroca, P., Albarracín García, L., Cellerino, L., Villar, A., Ali, N., … Shrout, P. E. (2019). Evaluation of the Integrated Intervention for Dual Problems and Early Action among Latino immigrants with co-occurring mental health and substance misuse symptoms: A randomized clinical trial. *JAMA Network Open, 2*(1), e186927. https://doi.org/10.1001/jamanetworkopen.2018.6927
2. Concepcion Zayas, M. T., Fortuna, L. R., & Cullins, L. M. (2019). Depression in Latino and immigrant refugee youth: Clinical opportunities and considerations. *Child and Adolescent Psychiatric Clinics of North America, 28*(3), 483–495. https://doi.org/10.1016/j.chc.2019.02.013
3. Fortuna, L. R., Falgàs-Bagué, I., Ramos, Z., Porche, M. V., & Alegría, M. (2020). Development of a cognitive behavioral therapy with integrated mindfulness for Latinx immigrants with co-occurring disorders: Analysis of intermediary outcomes. *Psychological Trauma: Theory, Research, Practice, and Policy, 12*(8), 825–835. https://doi.org/10.1037/tra0000949
4. Fortuna, L. R., Martinez, W., & Porche, M. V. (2023). Integrating spirituality and religious beliefs in a mindfulness-based cognitive behavioral therapy for PTSD with Latinx unaccompanied immigrant children. *Journal of Child & Adolescent Trauma, 16*(3), 481–494. https://doi.org/10.1007/s40653-023-00541-1
5. Fortuna, L. R., Noroña, C. R., Porche, M. V., Tillman, C., Patil, P. A., Wang, Y., Lapatin Markle, S., & Alegría, M. (2019). Trauma, immigration, and sexual health among Latina women: Implications for maternal-child well-being and reproductive justice. *Infant Mental Health Journal, 40*(5), 640–658. https://doi.org/10.1002/imhj.21805
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7. Fortuna, L. R., Porche, M. V., & Alegría, M. (2008). Political violence, psychosocial trauma, and the context of mental health services use among immigrant Latinos in the United States. *Ethnicity & Health, 13*(5), 435–463. https://doi.org/10.1080/13557850701837286
8. Robles-Ramamurthy, B., & Fortuna, L. R. (2023). Institutional commitment is needed to promote care of unaccompanied immigrant minors. *Journal of the American Academy of Child & Adolescent Psychiatry, 62*(11), 1185–1187. https://doi.org/10.1016/j.jaac.2023.03.010
9. Robles-Ramamurthy, B., Ginjupalli, M., Ashraf, S., & Fortuna, L. R. (2026a). Improving systems of care for immigrant and refugee girls: Weaving culture and data to improve clinical care. *Child and Adolescent Psychiatric Clinics of North America, 35*(1), 139–150. https://doi.org/10.1016/j.chc.2025.04.008

10. Vega Potler, N. J., Fortuna, L. R., Barajas-Gonzalez, R. G., & Willheim, E. (2026). Navigating uncertainty: Facilitating parent-child conversations about immigration enforcement-related family separation. *Journal of the American Academy of Child & Adolescent Psychiatry*. Advance online publication. https://doi.org/10.1016/j.jaac.2026.06.026

EXHIBIT B

Lisa R. Fortuna

MD, MPH, M.Div.

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Education

2010 - 2010 — Clinical Pastoral Education and Chaplaincy / Beverly Hospital, Beverly, MA

2006 - 2012 — M.Div., Pastoral Theology and Global Theology Concentrations / Episcopal Divinity School, Cambridge, MA

2001 - 2003 — Postdoctoral Research Fellow / Harvard Pediatric Health Services Research Fellowship, Harvard Medical School, Massachusetts General Hospital, Cambridge, MA

1999 - 2001 — Resident, General Adult Psychiatry/ St. Vincent's Hospital and Medical Center, New York, NY

1999 - 2001 — MPH, Urban Public Health and Community Health / Hunter College, City University of New York, New York, NY

1997 - 1999 — Resident, Child and Adolescent Psychiatry / St. Vincent's Hospital and Medical Center, New York, NY

1996 - 1997 — Intern, General Pediatrics / Hospital Pediatrico Universitario in San Juan, University of Puerto Rico, San Juan, Puerto Rico

1992 - 1996 — MD, Medicine / UMDNJ New Jersey Medical School, Newark, NJ

1991 - 1991 — BA, Psychology / Yale College, Yale University, New Haven, CT

Academic and Professional Appointments

08/2023 - Present — Professor and Chair of Psychiatry and Neurosciences / University of California, Riverside School of Medicine

07/2022 - 08/2023 — Executive Vice Chair, Department of Psychiatry and Behavioral Sciences / University of California San Francisco, San Francisco, CA

07/2021 - 08/2023 — Professor of Clinical Psychiatry / University of California San Francisco, San Francisco, CA

11/2019 - 08/2023 — Chief and Vice Chair of Psychiatry, Zuckerberg San Francisco General Hospital, San Francisco, CA

11/2019 - 07/2021 — Associate Professor of Clinical Psychiatry / Department of Psychiatry and Behavioral Sciences, University of California San Francisco, San Francisco, CA

07/2017 - 10/2019 — Director, Psychiatry / Division of Child and Adolescent Psychiatry, Boston Medical Center, Boston, MA

07/2017 - 10/2019 — Director, Psychiatry / The Center for Research on ACCESS, Boston Medical Center, Boston, MA

05/2015 - 07/2017 — Medical Director, Psychiatry / Division of Child and Adolescent Psychiatry, Boston Medical Center, Boston, MA

05/2015 - 10/2019 — Assistant Professor of Psychiatry / Boston University School of Medicine, Boston, MA

01/2015 - 12/2019 — Attending Psychiatrist, Psychiatry / Child and Adolescent Psychiatry, Boston Medical Center, Boston University Medical School, Boston, MA

01/2013 - 12/2015 — Research Psychiatrist, Psychiatry / Center for Multicultural Mental Health Research, Cambridge Health Alliance, Department of Psychiatry, Cambridge, MA

10/2012 - 08/2018 — Adjunct Assistant Professor, Psychiatry / University of Massachusetts Medical School, Worcester, MA

10/2012 - 04/2015 — Medical Director, Psychiatry / Brighton-Allston Mental Health Associates/Italian Home for Children, Boston, MA

01/2012 - Present — Episcopal Priest, Episcopal Church, USA / Urban Resident at Iglesia San Juan, Hispanic Mission Congregation (2012-2015), Boston, MA; Associate Priest, Trinity Church, Melrose, MA (2015-2018); Priest-In Charge, at St. Paul's Episcopal Church, Malden, MA (2018-2019); Associate Priest, St. John's in the Mission, San Francisco, CA (2019-2023); Associate Priest, St. Peter's Church, Rialto, CA (2024-present).

01/2012 - 12/2015 — Staff Psychiatrist, Psychiatry / Brighton-Allston Mental Health Associates/Italian Home for Children. Boston, MA

01/2011 - 12/2019 — Founding Medical Director / Refugee and Immigrant Assistance Center Community Counseling, Boston, MA

01/2008 - 12/2012 — Staff Psychiatrist, Psychiatry / Motivating Youth Recovery, Adolescent Acute Residential Substance Use Program, Community Health Link, Worcester, MA

11/2007 - 10/2012 — Director of Research / Child and Adolescent Multicultural Health Services Research Program, Department of Psychiatry, University of Massachusetts Medical School

11/2007 - 10/2012 — Assistant Professor, Psychiatry / University of Massachusetts Medical School, Worcester MA

01/2005 - 12/2007 — Attending Psychiatrist, Psychiatry / Psychiatric Emergency Services, Cambridge Hospital, Cambridge, MA

01/2005 - 12/2006 — Attending Psychiatrist / School Based Mental Health Services, Cambridge Hospital, Cambridge, MA

07/2003 - 11/2007 — Instructor, Psychiatry / Harvard Medical School, Cambridge, MA

01/2003 - 12/2005 — Attending Psychiatrist, Psychiatry / Child Ambulatory Psychiatry, Cambridge Hospital, Cambridge, MA

01/2002 - 12/2003 — Staff Psychiatrist, Child and Adolescent Psychiatrist / Advocates Community Counseling, Framingham, MA

01/2002 - 12/2003 — Clinical Associate Fellow in Psychiatry / Massachusetts General Hospital, Chelsea Health Center, Chelsea, MA

07/2001 - 06/2003 — Clinical Fellow and Lecturer, Psychiatry / Harvard Medical School, Cambridge, MA

01/2000 - 12/2001 — Psychiatry Resident / Latino Mental Health Treatment Program, St. Vincents Catholic Medical Centers, New York, NY

Licensure and Board Certification

01/2019 - Present — California Physician and Surgeon License No. 167748

01/2014 - Present — Lifetime Diplomate, American Board of Addiction Medicine

01/2004 - Present — Board Certification in Child and Adolescent Psychiatry, American Board of Psychiatry and Neurology

01/2002 - Present — Board Certification in Psychiatry, American Board of Psychiatry and Neurology

01/2001 - Present — Massachusetts Physician and Surgeon License No. 210650

Honors and Awards

2026 — Virginia Q. Anthony Outstanding Woman Leader Award, American Academy of Child and Adolescent Psychiatry, Atlanta, GA

2026 — Dr. Pedro Ruiz Lifetime Achievement Award in Social Psychiatry, American Society of Hispanic Psychiatry (ASHP), Chicago, IL

2025 — Distinguished Fellow, American Academy of Child and Adolescent Psychiatry, Washington, DC

2025 — Distinguished Fellow, American Psychiatric Association, Washington, DC

2024 — Harvard Psychiatry Mysell Day Distinguished Lecturer / Harvard School of Medicine, Cambridge, MA

2024 — UCR Clinical Research Achievement Award / University of California, Riverside, School of Medicine, Riverside, CA

2023 — Appointed Carol Cochran Schaffner Endowed Chair of Mental Health, Department of Psychiatry and Behavioral Health, University of California San Francisco, San Francisco, CA

2023 — The Agnes Purcell McGavin Award for Prevention, / American Psychiatric Association, New York, NY

2022 — Irving Philips Award for Prevention / American Academy of Child and Adolescent Psychiatry, Washington, D.C

2022 — Frances J. Bonner, MD Award / Mass General Hospital, Department of Psychiatry and the Center for Diversity, MA, Boston, MA

2021 — Lauretta Bender Honorary Lecturer and Award / The Advisory Council of New York City Children's Center, New York, NY

2019 — Mental Health Leader Award / Massachusetts Association for Mental Health, Boston, MA

2012 — The Rev. Canon Frederick B. Williams Prize in Pastoral Theology, for excellence in ministry with communities of color / Episcopal Divinity School, Cambridge, MA

2012 — Tek Young Lin Prize, for excellence in homiletics for a multicultural world / Episcopal Divinity School, Cambridge, MA

2006 — The Latino Heritage Award, for Service to the Community, / Spanish American Center, Leominster, MA

2002 - 2006 — Health Disparities Research Award / National Institutes of Health, Bethesda, MD

1999 — C. Harold Taylor, MD Psychotherapy Award / New York Medical College, New York, NY

1993 - 1996 — National Public Health Service Scholarship, / National Health Service Corps, Washington, DC

Professional Leadership and Service

Manuscript Review

06/2022 - 06/2024 — JAMA Network, 10 Manuscripts Reviewed

01/2014 - 03/2021 — Journal of Latinx Psychology, 10 Manuscripts Reviewed

06/2021 - Present — Journal of the American Academy of Child and Adolescent Psychiatry, 40+ Manuscripts Reviewed

Grant Review

NIH and NIMH Grant Review

06/2024 - 02/2026 — Chair of Study Section, NIMH Social Psychology, Personality and Interpersonal Processes Study Section / 51 Grant Proposals Reviewed

01/2021 - 2024 — Scientific Reviewer Standing Member, NIMH Scientific Review Group 2022/01 The Social Psychology, Personality and Interpersonal Processes (SPIP) Study Section

01/2021 - 12/2021 — Scientific Reviewer, NIH Special Emphasis Panel/Scientific Review Group RFA-MH-20-505 Practice-Based Research for Implementing Scalable Evidence-Based Prevention Interventions in Primary Care Settings.

01/2020 - 12/2020 — Scientific Reviewer, NIH Special Emphasis Panel/Scientific Review Group 2021/05 ZMH1 Preventive Interventions in Primary Care, National Institute of Mental Health.

01/2005 - 12/2005 — Scientific Reviewer, National Institute of Mental Health, Division of Interventions Research and Health Services Research, 10 Grants Reviewed

Other Grant Review

01/2018 - 12/2020 — Reviewer, Deborah Monroe Noonan Memorial Research Fund Grant Proposals, Noonan Foundation, Boston, MA

01/2016 - 06/2021 — WT Grant Foundation, Research and Health Equity Grant proposals, 5 Grants Reviewed

Editorial Leadership

01/2022 - 06/2023 — Co-Guest Editor, Academic Pediatrics, Special Supplement Issue on Children of Immigrant Families

06/2021 - Present — Deputy Editor, Action Editorial Leadership Team, Journal of the America Academy of Child and Adolescent Psychiatry

01/2021 - 12/2022 — Guest-Editor, Child and Adolescent Psychiatric Clinics of North America, 1. Special issues on Girl's Mental Health; 2. Special Issue on Immigrant Child Mental Health

Professional Committee Service

01/2021 - 08/2023 — Member, UCSF Well Institute Neuroscience Cabinet, Member

01/2021 - 04/2021 — Member, UCSF Vice-Dean Search Committee

01/2021 - 01/2023 — Member, UCSF School of Medicine Faculty Council

01/2020 - 08/2023 — Clinical Vice Chair, UCSF COVID-19 Executive Response Committee

01/2020 - 08/2023 — Lead, Clinical Care and Community Relations Workgroup, UCSF Climate Change and Mental Health Task Force

01/2019 - 08/2023 — Member, Medical Executive Committee, Zuckerberg San Francisco General Hospital

01/2019 - 08/2023 — Executive Vice- Chair, Department of Psychiatry and Behavioral Sciences, University of California San Francisco

Professional Boards and Societies

American Academy of Child and Adolescent Psychiatry

01/2011 - Present — Member since 2011; Distinguished Member since 2025, American Academy of Child and Adolescent Psychiatry (AACAP).

01/2022 - 10/2025 — Councilor-at-Large, American Academy of Child and Adolescent Psychiatry

02/2018 - Present — Co-Chair, AACAP Systems of Care Committee, American Academy of Child and Adolescent Psychiatry

01/2020 - Present — ACSII/ECSII Steering Committee Member, American Academy of Child and Adolescent Psychiatry

01/2019 - 12/2021 — Co-Chair, Religion and Spirituality Committee, American Academy of Child and Adolescent Psychiatry

01/2018 - 03/2023 — Co-Chair, Hispanic/Latino Caucus, American Academy of Child and Adolescent Psychiatry

01/2018 - 2024 — Member, Resource Group on Youth at the Border, American Academy of Child and Adolescent Psychiatry

01/2018 - 2020 — Selection Committee Member, National Institute of Drug Abuse Jeanne Spurlock Research Fellowship in Substance Abuse and Addiction, American Academy of Child and Adolescent Psychiatry

01/2017 - 01/2023 — Member, Diversity and Culture Committee, American Academy of Child and Adolescent Psychiatry.

American Psychiatric Association

01/1997 - Present — Member, American Psychiatric Association

05/2024 - 05/2026 — Member (2024-2025); Chair (2025-2026), Council on Children, Adolescents and Their Families, American Psychiatric Association

08/2025 - Present — Member, APA DSM-5 TR Steering Committee

01/2022 - 01/2022 — Expert Testimony, Represented American Psychiatric Association at U.S. House Committee on Energy and Commerce Oversight Subcommittee hearing, "Americans in Need: Responding to the National Mental Health Crisis"

01/2021 - 12/2022 — Appointed Member, Presidential Task Force on the Social Determinants of Mental Health, American Psychiatric Association

American Society of Addiction Medicine

01/2008 - Present — Member, American Society of Addiction Medicine

01/2022 - Present — Co-Editor, American Society of Addiction Medicine-Adolescent ASAM Criteria, Volume 4

Other Professional Boards and Societies

2026 - Present — Board Member, Acacia Center for Justice, New York, NY

01/2017 - 12/2019 — Member, American Association of Directors of Child and Adolescent Psychiatry, Washington, DC

03/2026 (Renewal) Member, American Society of Hispanic Psychiatry, Washington, DC

01/2017 - 12/2019 — Vice-Chair, Executive Board and Committee, Episcopal City Mission, Boston, MA

2011-present – Asylum Network Member, Psychiatric Evaluations, Physician for Human Rights, Washington, DC,

Invited Presentations

02/2026 — Distinguished Speaker, Grand Rounds Lecture, Youth Digital Interventions and Community-Driven Mental Health Equity Research, University of Michigan, Ann Arbor, MI

03/2025 — Keynote Speaker, Lecture/Seminar, Grand Rounds, Community Health Frameworks for Healing Political Violence and Trauma, Virtual

06/2024 — Distinguished Honorary Speaker, Lecture/Seminar, Mysell Day Lecture, It's about time: The art and science of community driven mental health equity research, Harvard, Boston/ Cambridge MA

08/2023 — Keynote Speaker, Lecture/Seminar, Grand Rounds, Somos Esenciales/We are Essential: Community-led and academic partnered research for advancing mental health equity, Virtual

01/2023 — UCLA Spanish Speaking Psychosocial Clinic Latino/x Mental Health Lecture Series, Role of trauma-informed care interventions for the Latino/x, Virtual Event

04/2022 — Panelist, Grand Rounds, Don't Look Up: Climate Change and Mental Health, San Francisco, Virtual Event

01/2022 — Keynote speaker selected by students, International student forum, Millennium Campus Fellows of Obafemi Awolowo University, Nigeria, Africa, A platform that empowers students with the skills required to pursue a Sustainable Development Goal, Talk title: Overcoming the Silence of Trauma, virtual

01/2022 — Webinar Series, APA Looking Beyond Webinar Series: Examining the Role of Race in Health Research, Virtual

01/2022 — Grand Rounds, It's Not Just Fun and Games: App-based Technologies to Address Child Mental Health Services Disparities., Harvard Medical School, Virtual

01/2022 — Webinar, APA Emerging Topics Webinar Series--The Covid-19 Pandemic and the Child Mental Health Crisis: What We Can Do Now, Virtual

01/2022 — Grand Rounds, Wednesday Lecture: Responding to Social Determinants of Mental Health in Child Psychiatry Practice, Virtual

01/2022 — Honorary Talk and Grand Rounds, Bonner Award Frances J. Bonner, MD Award, recognizes an individual who has overcome adversity and has made significant contributions to the field of mental health and the care of minority communities, Mass General Hospital, Department of Psychiatry and the Center for Diversity, Co-Design with Communities: Digital Intervention for Addressing Mental Health Equity, MA, Virtual

01/2022 — Invited Expert Speakers, Speaker Program, Trauma and healing for those who work for Human Rights and Dignity. U.S. Department of State's Speaker Program in Cuba (Delivered in Spanish to Human Rights Activists and Journalists in Cuba), Virtual

09/2021 — Grand Rounds, UCSF Department of Psychiatry Grand Rounds: Inequity and the Disproportionate Impact of COVID-19 on Communities of Color: Employing a Trauma-Informed Social Justice Response, Virtual

07/2021 — Grand Rounds Presenter, Grand Rounds, UCSF Department of Psychiatry Special Grand Rounds: Leaning into culture, religion and spirituality for resiliency, Virtual

04/2021 — Grand Rounds, Invention is the Child of Necessity: Addressing Immigrant Child Mental Health During Covid-19 and beyond, Chicago, IL, Virtual

04/2021 — Grand Rounds, Inequity and the Mental Health Impact of COVID-19: Cultivating a Trauma-Informed Social Justice Response, Los Angeles, CA

04/2021 — Grand Rounds, No Turning Bank: Addressing Immigrant Child Mental Health Inequities in a Pandemic, Boston, MA

04/2021 — Congressional Talk, |Live Online Fall Summit: ¡Hablemos! Mental Health in the Latino Community Panel, Virtual

03/2021 — Grand Rounds, Mental Health and Communities of Color: From Stigma to Solutions, Virtual Event

01/2021 — Presenter and Discussion Panelist., Podcast, Seismic Retrofitting: Strengthening Foundations in the Era of Pandemics, Climate Disasters and Racial Trauma. International Live Virtual Conference, The Great Adaptation Sessions Live 2021 November 6, 13, and 20: How can we stay grounded when the ground is moving? Produced by Esther Perel, Virtual

01/2021 — American Psychiatric Association Annual Meeting, Posttraumatic Stress Disorders and Sleep in Adolescent Juvenile Justice Involved Youth, Virtual

01/2021 — American Psychiatric Association Annual Meeting, Fire and Rain: Climate Change and a Call to Action for Psychiatry to Address Mental Health for Special Populations, Virtual

01/2021 — Grand Rounds, recovering from a Pandemic: Caring for Immigrant Children and Their Families, Virtual Meeting

09/2020 — State of the Art Conference, Update on Adolescent Addiction Medicine, The role of Spirituality and Religion, Virtual Meeting

01/2020 — Grand Rounds, Racism and the Mental Health of Children of Color: Cultivating Change, Louisville, KY

01/2020 — Presenter, Webinar, Webinar Series, Latinx Community and COVID-19: Disparities in COVID19 Through the Lens of Diversity, Virtual

01/2020 — Grand Rounds, Inequities During the COVID-19 Pandemic: Building Back Better Child Mental Health Services, Virtual

01/2020 — Moderator and Presenter, Wellness During COVID Webinar: Psychological First Aid Strategies to Deal with Acute Stress (Dialogue with Bruce Perry, MD) >10K views, Virtual

02/2018 — Disaster Preparedness and Response: Building Capacity in Puerto Rico, San Juan, Puerto Rico

01/2018 — Boston Medical Center, Treatment of Traumatic Stress in Young Immigrant Children, Boston, MA

01/2018 — Keynote Speaker, Psychotherapy and Faith Conference, Trauma and Faith Narratives among Immigrant Refugee Youth and Families: Implications for Psychotherapy Interventions, Houston, Texas

01/2018 — Disaster Preparedness Committee, Recovery Post Hurricane Maria and Mental Health in Puerto Rico, Waltham, MA

01/2017 — Center for Global/ Local Mental Health Disparities Research, Puerto Rico, Mental Health and Recovery, Boston, MA

01/2017 — Implications for Infant-Caregiver Well-Being, Infant-Parent Training Institute Master Class, Trauma and Immigration Stress among Latino Families, Waltham, MA

05/2016 — APA Annual Meeting, American Psychiatric Association Annual Meeting Invited Presidential Symposium: Translating the Evidence for the Next Generation: Addressing the Mental Health of Youth and Emerging Adults of Color, Atlanta

04/2015 — Posttraumatic Stress Symptoms and Relationship to Drug and Alcohol Use in an International Sample of Latin American Immigrants, Barcelona, Spain

01/2015 — Department of Pediatrics, Collaborative Care for Refugee Immigrant Youth, Boston Medical Center, BU School of Medicine, Boston, MA

01/2014 — Speaker, Grand Rounds, Critical Issues in Immigrant Child Mental Health, Boston, MA

01/2012 — Keynote Speaker, presented to court clinicians, Cultural Issues in evaluating juvenile court involved youth and families. Cultural Issues in Forensic Psychiatry, South Borough, MA

10/2010 — Adapting Interventions for Minority Children and Families Washington, Balancing Culture and Fidelity in the Development of a Psychotherapy or Co-occurring Disorders in Adolescents, University in St. Louis, MO

01/2009 — Conference faculty, Adapting Interventions for Latino Children and Families, Cultural Adaptation of a PTSD and Substance Abuse Treatment for Latino Youth, St. Louis, MO

01/2008 — Future Leaders of Psychiatry Conference, A Pilot Study of Cognitive Behavioral Therapy for PTSD and Substance Use Disorders with Multicultural Youth in the Community, Orlando, FL

01/2008 — American Society of Adolescent Psychiatrists Annual Meeting, Treatment Concerns with Undocumented Adolescents, Boston, MA

01/2007 — Grand Rounds, Trauma and Faith Narratives among Immigrant Refugee Youth and Families: Implications for Psychotherapy Interventions. Psychotherapy and Faith Conference, Houston, Texas

01/2007 — Family Research Consortium IV Annual Meeting, Immigration Separation and Family Conflict among Latina Adolescent Suicide Attempters, Durham, NC

01/2006 — Grand Rounds, From Suicide to Trauma: Designing Mental Health Interventions for Latino Youth, New York, NY

01/2005 — Healing in relationship: Experiences of Latino youth offenders, Washington, DC

01/2005 — Gangs and adolescent identity, the Mental Health Center of Greater Manchester Health Center Grand Rounds, Manchester, New Hampshire

01/2005 — Keynote, Working with Students from Diverse Backgrounds, Cambridge, MA

01/2004 — Medicating Children: What we know and don't know. Child Psychotherapy Conference, Boston, MA

01/2004 — Returning home: Mental health services and community reentry among Latino juvenile offenders, Washington, DC

01/2002 — Association of Hispanic ethnicity, depressive symptoms and years living in the United States with report of never having had a Pap test among mothers, Philadelphia, PA

01/2002 — Peacemaking Circles: A value-based approach to youth and community alliances towards healing, San Francisco, CA

01/2002 — Social inequalities, dating violence and HIV sexual risk taking among African American and Latino Adolescents, Philadelphia, PA

01/2002 — Variation by ethnicity in the identification of attention deficit disorder among Latino children and adolescents., Baltimore, MD

01/2002 — Reducing disparities in mental health care for immigrant Latino youth through community collaborations, San Francisco, CA

01/2002 — Maternal depressive symptoms and timely use of routine care: The importance of having health insurance and a usual source of care, Philadelphia, PA

01/2002 — African American female adolescent health in an urban and suburban context. Poster presentation, Philadelphia, PA

01/2002 — Latina Adolescents and Suicide, New York. NY

01/2001 — Evaluation of suicidality in children and adolescents in primary care. Pediatric Roundtable Seminar, Boston, MA

Consulting and Expert Service

06/2024 - 12/2025 — Expert Witness, Provided expert witness on the impact of family separation on child, adolescent and family mental health / KEKER, VAN NEST & PETERS LLP

Government and State Service

01/2017 - 12/2019 — Commonwealth of Massachusetts, Early Childhood Behavioral Health Integration Statewide Work Group, Child Behavioral Health Consultant

01/2017 - 12/2019 — Boston Medical Center, Grayken Center for Addictions Policy Committee, BMC hospital and interagency initiative for addressing addictions especially the opiate crisis in the commonwealth of Massachusetts. Child Behavioral Health Consultant

01/2010 - 12/2012 — Commonwealth of Massachusetts, Child Behavioral Health Initiative, State of Massachusetts Committee to Reduce Health Disparities in Minority Child Mental Health

University Service

09/2025 - Present — Student mentor/Advisor, MPH Degree Program

07/2025 - 06/2026 — Co-Chair, Family Medicine Ladder Rank Recruitment

07/2024 - Present — Mentor, UCR School of Medicine

07/2024 - 06/2025 — Chair, SMPPH Ladder Rank Recruitment

07/2024 - 06/2025 — Chair, Internal Medicine Cardiology Recruitment

07/2024 - Present — Senate, Member, Faculty Executive Committee

08/2023 - Present — Department, Chair, Psychiatry and Neuroscience

08/2023 - Present — Senate, Member, Research Committee

08/2019 - Present. --- Faculty Lead and Mentor, UCSF Center for Human Rights

Community and Public Service

03/2025 - Present — Collaborator, LA Connect, a consortium of University of California Departments of Psychiatry and community organizations in response to the wildfires,Altadena, CA,

01/2021 - Present — Member, Board of Directors, Cristosal- A Human Rights Organization that works to advance human rights in Central America through rights- based research, learning, and programming, El Salvador, Central America.

01/2021 - Present — Faculty Collaborator, Somos Esenciales Community Participatory Action Researchers/ Accion Latina, San Francisco, CA

01/2020 - 12/2021 — Member, Board of Directors, Center for Youth Wellness, San Francisco, CA

01/2017 - 12/2019 — Member, Infant Mental Health Behavioral Heath Integration Workgroup in Massachusetts, Boston, MA

01/2011 - Present — Founding Medical Director, Advisor, Refugee and Immigrant Assistance Center Community Counseling, Boston, MA

01/2011 - 12/2019 — Advisory group member--co-developed trauma informed after school program for immigrant and unaccompanied youth, Trauma Informed After School Program for Immigrant Youth and Families, Chelsea, MA

Research and Program Funding

07/2025 - 06/2028 — MPI: National Institute of Mental Health: Child and Adolescent Psychiatry Research Institute (CAPRI)-R25MH132513, AACAP Child and Adolescent Psychiatry Research Institute (CAPRI): To meet the critical unmet need, we are implementing a national mentoring network, the Child and Adolescent Psychiatry Research Institute (CAPRI). CAPRI's overarching goal is to increase the number of CAP trainees and early-career faculty who successfully obtain a career development K award and ultimately become independent investigators who conduct high impact child and adolescent mental health research, $750,000.00

03/2025 - 02/2027 — Co-I: Desert Healthcare District and Foundation (DHCD), Improving Access to Behavioral Health Education and Prevention Services: The goals of the project are to 1) support an increase in the number of behavioral/mental health professionals (includes training), 2) to support an increase in the number of days and hours of operation of behavioral/mental health services, 3) increase the number and the geographic dispersion of sites providing behavioral/mental health services, 4) provide tele-behavioral/mental health services, and 5) educate community residents on available behavioral/mental health resources, all across the Coachella Valley, High Desert., $500,000.00

12/2024 - 08/2025 — MPI: California State--CHILD AND YOUTH BEHAVIORAL HEALTH INSTITUTE, CYBHI Behavioral Health Consultation Program/ CAL-MAP. The goals of the grant are to 1) increase access to child psychiatric consultations for primary care providers, 2) enhance care coordination for families seeking mental health resources, and 3) provide education and training for primary care providers in pediatric mental health., $483,245.00

09/2024 - 09/2027 — PI: Substance Abuse and Mental Health Services Administration (SAMHSA), UCR SOM Promoting Access to Treatment and Health (PATH) for Substance Use Care Curriculum: The PATH curriculum aims to build medical student and faculty competencies in treating substance use disorders (SUD) as a disease like any other chronic condition, increase access to evidence-based SUD screening and services, and leverage regional healthcare partnerships to educate and retain a physician workforce through hands-on clinical experiences and mentor-mentee relationships with primary care providers in the region, emphasizing the importance of comprehensive care. , $900,000.00

09/2023 - 09/2028 — Co-I and Academic partner lead: National Institutes of Health: Community Partnered and Led Research Initiative (Formally Known as COMPASS) 3OT2OD035895, Somos Esenciales: Community Revitalization and Health through Latino Arts and Entrepreneurship: This award mechanism is the first of its kind where the NIH provides the community partner with the necessary funds as the prime awardee and requires them to have a research partner to ensure scientific rigor, regulatory compliance, and fulfillment with other research requirements that may not be fully understood by the community partner. The research aims to complete a structural intervention, community led with high impact for community health, mental health, $6,000,000.00

09/2022 - 08/2027 — Co-I: R01 National Institute of Mental Health (1 R01 MH128432-01), SUPERA digital cognitive-behavioral therapy (dCBT): This proposal aims to implement and evaluate an evidence-based digital cognitive-behavioral therapy intervention in safety-net primary care clinics for Spanish speaking Latinx patients with depression and/or anxiety., $2,750,000.00

08/2022 - 06/2027 — MPI: U01 National Institutes of Mental Health (1 U01 MH131827-01), By Youth, For Youth: Digital Supported Peer Navigation for Addressing Child Mental Health Inequities: Using Participatory Design and Community Partnered Participatory Research (CPPR), the proposed intervention is a model of care for connecting youth ages 13-24 to mental health care and supports by combining mobile technology for screening, triage and care coordination, co-created with the community and used by culturally responsive individuals called family and youth navigators, in school based and pediatric primary care services., $10,673,570.00

07/2021 - 08/2022 — MPI: Kenneth Hao Philanthropic Gift, These two philanthropic funded pilot projects include: 1) the development and implementation of a mobile digital contingency management and intensive case management intervention for primarily homeless adult individuals with serious mental illness and methamphetamine addiction; 2) The development and implementation of a high-quality app for mental health services access and supports, co-created by transitional age youth in foster care. Obtaining funding, design and management of pilot projects, $2,000,000.00

12/2018 - 12/2020 — MPI: Patient Centered Outcomes Research Institute (PCORI), Kids FACE FEARS: Kids Face-to-face And Computer- Enhanced Formats Effectiveness study for Anxiety and Related Symptoms This is a large multi-site pragmatic trial testing two different methods of delivering CBT for anxiety in kids (face-to-face versus online formats) in nine health centers and pediatric practices, both urban and semirural in Boston, Seattle, Baltimore and Miami, that serve primarily racial/ethnic minority children inclusive of patient-centered outcomes and decision making., $12,400,000.00

07/2018 - 06/2023 — MPI: National Institute of Mental Health (R01MH117123), Optimization of a Family Navigator Model for Child Mental Health: Objective of this project is the optimization of a family navigator model for supporting children's mental health services access in a community health center setting. The study uses Multiphase Optimization Strategy (MOST), a framework adapted from engineering, to test efficacious and effective components of interventions, $2,225,000.00

06/2015 - 12/2018 — MPI: Richard and Susan Smith Family Foundation, Transforming and Enhancing Access to Mental Health in Urban Pediatrics (TEAM UP) for Child Mental Health: The goal of this project is to develop, implement and test a model of behavioral health integration for children (0-18 years) and their families in primary care pediatrics within three diverse Federally Qualified Health Centers serving primarily low-income communities in the greater Boston area., $10,000,000.00

05/2013 - 04/2017 — Co-I: NIDA, International Latino Research Partnership (3R01 DA034952-02S1), Brought together research institutions and their partnering community clinics in Boston, Madrid and Barcelona, Spain to enhance a collaborative international partnership and to develop the research evidence necessary to respond to Latino migrants behavioral health service needs.

05/2011 - 02/2015 — Co-I: NIMH Barriers and Facilitators of Mental Health Services Utilization among Latinos (5R01MH085653), Study in of Latino community in Massachusetts for barriers in to mental health and diabetes care, $212,720.00

01/2011 - 03/2011 — PI: UMMS Center Clinical and Translational Research Community Engagement Research Award, Hector Reyes House: Study of Dual Diagnosis Therapy Needs of Latino Men. Mixed methods pilot study of treatment needs of Latino men with co-occurring substance use and psychiatric disorders for intervention development, $40,000.00

01/2011 - 03/2012 — PI: Peter F. McManus Charitable Trust, Gender, Social Learning and Adversity, Factors in Adolescent Development of Substance Use Disorders (FADS STUDY). One year study of the factors leading to substance use disorders in adolescents treated in a residential program and opportunities for prevention and services. Study design, implementation, analysis, data interpretation and manuscript preparation, $50,000.00

10/2009 - 09/2010 — PI: SAMHSA--National Child Traumatic Stress Network, Needs Assessment for Addressing Traumatic Stress among African Refugee Youth and Families in New Hampshire- A mixed methods study and needs assessment of African Refugee communities in New Hampshire conducted to help support services planning, $10,000.00

09/2009 - 08/2011 — Co-I: NIMH Treatment Retention Strategies in Transition Age Youth (1RC1MH088542), Multisite study implementing and testing strategies for improving retention of transitional age youth in behavioral health services, $408,752.00

11/2008 - 09/2009 — PI: Executive Office of Health and Human Services of Commonwealth of Massachusetts, Communities of Care Foundations, Evaluation of the Project for Youth with Socio-emotional needs and Juvenile Justice Diversion Program Massachusetts based project conducted in local juvenile courts for detention diversion for youth with socio-emotional disorders, $75,000.00

07/2006 - 06/2011 — PI: NIDA CBT Treatment for PTSD and SUDs in Minority Youth (5K 23 DA018715), K23 Career Development Award focused in therapy development and clinical research in adolescent PTSD and substance use disorders, dual diagnosis treatment, $742,575.00

05/2005 - 09/2009 — Co-I: NIMH Sociocultural Context of Latina Adolescent Suicide (1R01MH070689-01A1), Mixed methods study of Latina adolescent girls and their families; a study of risk and protective factors for suicidal behaviors, $349,877.00

09/2004 - 06/2005 — Co-I: NIMH Advanced Center for Latino MH Systems Research (P50 MHO 73469), Advanced Center for Mental Health Disparities to focus on understanding factors which affect mental health service disparities in Latinos and to generate knowledge of how best to eliminate them., $821,185.00

10/2001 - 10/2006 — Co-I: NIMH National Latino and Asian American Study (U01 MH 062209), The National Latino and Asian American Study (NLAAS) provide national information on the similarities and differences in mental illness and service use of Latinos and Asian Americans. The NLAAS is one of the most comprehensive studies of Latinos and Asian Americans ever conducted using up-to-date scientific strategies in the design, sampling procedures, psychiatric assessments and analytic techniques. The final NLAAS sample consisted of 2,554 Latino respondents and 2,095 Asian American respondents., $3,319,907.00

Teaching, Mentoring, and Supervision

Teaching and Curriculum Development

2025 — Block 9: Substance Use Disorder Lectures, Clinical Neurosciences Block, UCR School of Medicine (5 hours)

2025 — Yr4 Transition to Residency, UCR School of Medicine (2 hours)

2023 — Yr3 Psychiatry, Assessment and Motivation Interviewing SUD OSCE (^6 hours)

Mentorship and Faculty Development

Mentorship spans predoctoral and medical students, residents, postdoctoral fellows, and faculty across career stages, with a focus on culturally responsive practice and support for scholars from backgrounds underrepresented in academic medicine. Guidance includes research design, grant development, scholarly writing, and academic career advancement. Mentored work has included NIH career-development awards, professional fellowships, dissertation research, peer-reviewed scholarship, and community-engaged projects in child and adolescent mental health, substance use, trauma, and health equity.

Additional Supervision and Advising

Master of Public Health Program Student Advising (09/2025-present). Advise students with course selection, academic planning, and questions or concerns about their studies.

Course Developed/Revised: Promoting Access to Treatment and Health Equity for Substance Use Care (09/2024). SAMHSA-funded curriculum advancing substance use treatment in UCR School of Medicine education. Three-year project resulting in the PATH curriculum thread in the School of Medicine, including didactics, case-based learning, OSCEs/simulations, experiential and community activities.

Dissertation Reading, non-UCR student (09/2024-09/2025). Reader for doctoral dissertation on posttraumatic growth in Puerto Rico after Hurricane Maria.

Advising: Dr. Kevin Gutierrez, MD (08/2024-present). Psychiatry faculty mentorship on research, scholarly activities, and career development.

Postdoctoral research mentor: J.C. Gonzalez (09/2023-08/2025). T32 postdoctoral mentor; weekly meetings on research project, publications, and career development. Mentored first-author publication using data from current U01: Gonzalez, JC, et al. Psychoeducation in School-Based Mental Health: Youth and Caregiver Insights for a Digital App, Child Psychiatry & Human Development, accepted September 12, 2025.

Associate Research Supervisor (01/2021-06/2023). UCSF Public Psychiatry Fellowship at ZSFG.

Postdoctoral Training Program (01/2021-present). NIDA T32 LEAD Postdoctoral Training Program in Substance Use Treatment and Services; 1-4 hours per month.

Clinical Preceptor (01/2020-06/2023). UCSF Child and Adolescent Psychiatry Fellowship rotation at ZSFG; 4 hours per week.

Supervision in Psychopharmacology/Psychotherapy (01/2015-12/2019). Adult Psychiatry Residency Program; 1 hour per week.

Supervision and teaching for psychiatry resident rotation in UCSF child psychiatry (01/2015-12/2019). 2 hours per week.

Career and research mentor: Dr. Pena (07/2005-08/2008). The Learning for Early Careers in Addiction and Diversity (LEAD) training program was developed to support assistant professors and postdoctoral scholars from traditionally underrepresented racial and ethnic minoritized backgrounds in obtaining NIH funding as independent scientists.

Publications and Scholarly Work

Peer Reviewed Journal Articles

1. Pérez, M. C., & Fortuna, L. (2005). Psychosocial Stressors, Psychiatric Diagnoses and Utilization of Mental Health Services Among Undocumented Immigrant Latinos. Journal of Immigrant & Refugee Services, 3(1–2), 107–123. https://doi.org/10.1300/j191v03n01_06 (Refereed)

2. Zayas, L. H., Lester, R. J., Cabassa, L. J., & Fortuna, L. R. (2005). Why Do So Many Latina Teens Attempt Suicide? A Conceptual Model for Research. American Journal of Orthopsychiatry, 75(2), 275–287. https://doi.org/10.1037/0002-9432.75.2.275 (Refereed)

3. Witt, W. P., Fortuna, L. R., Wu, E., Kahn, R. S., Winickoff, J. P., Pirraglia, and P. A., et al. (2006) .Children's Use of Motor Vehicle restraints: Maternal Psychological Distress, Maternal Motor Vehicle Restraint Practices, and Sociodemographics, Ambulatory Pediatrics. 6 (3), 145-151. (Refereed)

4. Cortes, D. E., Mulvaney-Day, N., Fortuna, L., Reinfeld, S., & Alegría, M. (2006). Patient—Provider Communication. Health Education & Behavior, 36(1), 138–154. https://doi.org/10.1177/1090198108314618 (Refereed)

5. Fortuna, L. R., Perez, D. J., Canino, G., Sribney, W., & Alegria, M. (2007). Prevalence and Correlates of Lifetime Suicidal Ideation and Suicide Attempts Among Latino Subgroups in the United States. The Journal of Clinical Psychiatry, 68(04), 572–581. https://doi.org/10.4088/jcp.v68n0413 (Refereed)

6. Pérez, D. J., Fortuna, L., & Alegría, M. (2008). Prevalence and correlates of everyday discrimination among U.S. Latinos. Journal of Community Psychology, 36(4), 421–433. Portico. https://doi.org/10.1002/jcop.20221 (Refereed)

7. Fortuna, L. R., Porche, M. V., & Alegria, M. (2008). Political violence, psychosocial trauma, and the context of mental health services use among immigrant Latinos in the United States. Ethnicity & Health, 13(5), 435–463. https://doi.org/10.1080/13557850701837286 (Refereed)

8. Witt, W. P., Kahn, R., Fortuna, L., Winickoff, J., Kuhlthau, K., Pirraglia, P. A., & Ferris, T. (2009). Psychological Distress as a Barrier to Preventive Healthcare Among U.S. Women. The Journal of Primary Prevention, 30(5), 531–547. https://doi.org/10.1007/s10935-009-0190-z (Refereed)

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Commentary

1. Novins, D. K., Singh, M. K., Althoff, R. R., Bagot, K. S., Brotman, M. A., DelBello, M. P., Dickstein, D. P., Doyle, A. E., Drury, S. S., Findling, R. L., Fortuna, L. R., Fristad, M. A., Middeldorp, C. M., Njoroge, W. F. M., Rogers, C. E., Pumariega, A. J., Bath, E., Tobón, A. L., Thompson-Felix, T., & Billingsley, M. K. (2023). Editors' Note: Third Annual Report Regarding JAACAP's Antiracist Journey. Journal of the American Academy of Child & Adolescent Psychiatry, 62(12), 1287–1294. (Refereed) 10.1016/j.jaac.2023.09.531

2. Novins, D. K., Althoff, R. R., Brotman, M. A., DelBello, M. P., Doyle, A. E., Fortuna, L. R., Fristad, M. A., Middeldorp, C. M., Njoroge, W. F. M., Rogers, C. E., & Singh, M. K. (2024). Editors' Best of 2023. Journal of the American Academy of Child & Adolescent Psychiatry, 63(1), 3–6. (Refereed) 10.1016/j.jaac.2023.10.001

Semi-technical and Scholarly Publications

Commentary

1. Fortuna, L., Gutierrez, K., Mendoza, P., Abbas, O., Nguy, A., & Vega-Potler, N. J. (2025). Special Report: U.S. Immigration Policy and the Mental Health of Children and Families. Psychiatric News, 60(8). https://doi.org/10.1176/appi.pn.2025.08.8.19 (Refereed, Invited, Electronic)

Other Publications and Creative Work

Journal Articles

1. Fortuna, L. R. (January 1997). From an individual to a population focus in medicine: A resident's perspective. Newsletter of the New York Council of Child and Adolescent Psychiatry. (Non-Refereed)
2. Fortuna, L. R. (November 1998). Cultural competency in child psychiatric residency training. Newsletter of the New York Council of Child and Adolescent Psychiatry. (Non-Refereed)
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5. Porche, M. V., Fortuna, L. R., Rosenberg, S. (2009). Community Dialogue and Needs Assessment for Trauma Informed Systems of Care for Resettled African Refugee Youth in New Hampshire, Wellesley Centers for Women, Wellesley College, Wellesley, MA http://www.wcwonline.org/proj/RefugeeNeedsAssessmentReport.pdf (Non-Refereed)
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7. Fortuna, LR, Porche MV, Clinical issues and challenges in treating undocumented immigrants: Implications for treatment. August (2013) Psychiatry Times/Cultural Psychiatry. https://www.psychiatrictimes.com/view/clinical-issues-and-challenges-treating- undocumented-immigrants (Non-Refereed)
8. Fortuna, L.R. (2016) American Psychiatric Association: Best Practice Highlights for Treating Diverse Patient Populations, Working with Latino/a Patients. On-Line Resources @ Psychiatry.org (Refereed)
9. American Psychiatric Association, Resource Document. Social Determinants of Mental Health in Children and Youth. This document was prepared by German Velez MD, Tresha Gibbs MD, Lisa Fortuna MD, Balkozar Adam MD, Ludmilla De Faria MD, Rana Elmaghraby MD, Stephanie Garayalde MD, Jordanne King MD, Caroline McCool MD, Brittany Atuahene Robinson MD, Amanie Salem MD, Gabrielle Shapiro MD, and Francis Lu MD (consultant). Drs. Gibbs, Fortuna, and Lu also serve on the 20212022 Presidential Task Force on Social (Refereed)

10. Seritan, A. L., Hasser, C., Burke, M. G., Bussmann, G. L., Charlesworth, A., Cooper, R., Fortuna, L. R., Herbst, E. D., Jayaratne, A., Richards, A., Stuart, B. K., & Epel, E. (2022). Correction to: The Climate Change and Mental Health Task Force: One Academic Psychiatry Department's Efforts to Heed the Call to Action. Academic Psychiatry, 46(5), 590–590. https://doi.org/10.1007/s40596-022-01672-7 (Refereed)

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Additional Bibliography

Articles About Dr. Fortuna's Work

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2. Ford-Paz, R., & Shapiro, G. L. (2021). PSYCHIATRIC EVALUATION OF CHILD AND ADOLESCENT ASYLUM SEEKERS: CLINIC MODELS AND BEST PRACTICES. Journal of the American Academy of Child & Adolescent Psychiatry, 60(10), S90. https://doi.org/10.1016/j.jaac.2021.07.378

3. Pittalwala, I. (2024) UC Riverside medical school develops new curriculum to address substance use crisis. 1-2.

4. UCR SOM Staff (2024) Fortuna to Present Mysell Lecture at Harvard University. UC Riverside News. 1-2. https://somnews.ucr.edu/articles/2024/01/17/fortuna-present-mysell-lecture-harvard-university

5. Pittalwala, I. (2025) Child mental health crisis tied to immigration enforcement: UC Riverside psychiatrists call for reform to protect families from trauma. UC Riverside News. 1-2. https://news.ucr.edu/articles/2025/08/08/child-mental-health-crisis-tied-immigration-enforcement

EXHIBIT 3

DECLARATION OF MARION DONOVAN-KALOUST ON BEHALF OF PLAINTIFF IMMIGRANT DEFENDERS LAW CENTER IN SUPPORT OF PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION

1. I, Marion ("Mickey") Donovan-Kaloust, make the following statements on behalf of myself and Immigrant Defenders Law Center ("ImmDef"). I certify under penalty of perjury that the following statements are true and correct.

2. I am over the age of 18 years old and make this declaration based upon my personal knowledge and experience. If called to do so, I could and would competently testify to these matters under oath.

3. I am Director of Legal Services of ImmDef. I have been at ImmDef for approximately 11 years. I incorporate my Declaration in Support of Plaintiffs' Motion for Temporary Restraining Order (Dkt. 23-11) as if fully set forth herein.

I. ImmDef Has Continued to Experience Scheduling and Notice Issues Before USCIS

4. Since filing my declaration in support of Plaintiffs' Motion for Temporary Restraining Order, ImmDef has experienced multiple instances of inadequate notice for asylum interviews, especially for detained children but also for non-detained children, as well as inability to reschedule asylum interviews.

5. For example, on October 23, 2026, an ImmDef staff attorney filed an asylum application for a detained child. On Monday, October 26, 2026, the Los Angeles Asylum Office called the attorney to schedule the interview for that same week. The attorney declined all offered dates because she had conflicts on each date. The Asylum Office refused to grant additional time, scheduled the interview for Friday, October 30, 2026, and told her that the interview was required to be scheduled within seven days. The attorney pointed out that Friday is less than seven days from Monday and reiterated that she was unavailable any day that week, but the Asylum Office proceeded with scheduling the interview for Friday. The attorney had an immigration court hearing for another detained child scheduled at the same time as the interview.

I personally had to step in to cover the attorney's hearing because other attorneys were already appearing at other interviews or hearings. Hearing coverage is not a typical part of my role, given my responsibilities as Director of Legal Services, but it is all hands on deck given the expediting of unaccompanied children's cases. The attorney attended the interview with the client, and the officer told her that the application could not be adjudicated, given that the client had not yet attended biometrics because the application was so recently filed. Nevertheless, at the child's next immigration court hearing, the attorney for the Department of Homeland Security notified the court that the application had already been referred back to court, and concurrently filed a Motion to Pretermit the application for asylum. That motion remains pending, and the child's final deportation hearing has been scheduled for November 23, 2026.

6. Another attorney received a call on Friday, October 30, 2026, scheduling sibling clients for an asylum interview on Monday, November 2, 2026. The attorney stated she was not available on Monday and needed additional time to prepare her clients. The officer refused to provide an alternative date and stated the application would be deemed abandoned if she did not appear. Later that morning, the TRO in the instant case was issued, and the attorney sent an email to the Asylum Office requesting reschedule under the terms of the TRO. She got no response and went to the Asylum Office in person on Monday morning with a copy of the TRO to request reschedule. After demanding to speak to a supervisor, she was finally allowed to reschedule the interview and is now awaiting the rescheduled date.

7. From the time my last declaration was filed until the issuance of the TRO on October 30, 2026, ImmDef attorneys continued to receive inadequate notice of asylum interviews for both detained and released unaccompanied children. For example, in addition to the examples cited above, an ImmDef attorney recently received seven days' notice of an interview. Another ImmDef attorney received an asylum interview notice on October 30, 2026, that had a notice date of October 27, 2026, and that scheduled the interview for November 2, 2026. The attorney had not yet even received a receipt notice for the application she had recently mailed.

8. Before the issuance of the TRO, given USCIS's repeated refusals to reschedule interviews and our limited time and capacity to make requests we know will get denied or ignored, ImmDef had generally stopped requesting reschedules and instead attempted to triage cases as best we could. However, in one case, a client who speaks an indigenous language attempted to reschedule based on the lack of availability of an interpreter in his language. The Los Angeles Asylum Office has a policy allowing unaccompanied children to use the "phone monitor" as an interpreter for asylum interviews, but did not have one available on the originally scheduled interview date of September 28, 2026. The Asylum Office told the attorney the interview would be rescheduled due to lack of available "phone monitor" interpreter on that date. On Monday, October 9, 2026, the Asylum Office emailed an interview notice to the attorney for Friday, October 13, 2026—four days later. However, on October 13, 2026, the Asylum Office indicated that there was no interpreter available in the child's best language. The attorney requested to reschedule to allow for availability of an interpreter, but the Asylum Office refused and, over the attorney's objections, forced the child to proceed in Spanish, which is not the child's best language. The child could not understand the officer well in Spanish and had to request clarification of nearly every question.

9. ImmDef has also faced challenges submitting evidence prior to the evidence submission deadline - 14 days before the date of the asylum interview. Although we strive to comply with this deadline, it is not always possible. For example, in one case, a client disclosed information relevant to their asylum matter not included in the declaration that was prepared when the I-589 was filed, several years ago. The attorney attempted to meet with the client to obtain a timely updated declaration; however, the client faced challenges getting to the office to meet with the attorney. The client was finally able to meet with the attorney on October 14, 2026, thirteen days before the scheduled interview on October 27, 2026. The attorney emailed the supplemental declaration to the Asylum Office that same day—October 14, 2026, and requested that it be considered. The attorney received a response from the Asylum Office on October 19, 2026,

indicating that it would not be considered because it was not submitted within fourteen days of the interview. Prior to this policy change, supplemental materials generally had to be submitted one week before the interview, but the consequence of missing the deadline was that the interview might need to be rescheduled *if* the officer needed additional time to review the materials. It was not a blanket policy rejecting any supplemental materials, no matter how brief or how close to the deadline they were submitted.

10. Even after the TRO went into effect, ImmDef attorneys have had to appear at the Asylum Office on the date of the interview to request that the interview be rescheduled, even when the attorney sent an email beforehand, because USCIS was not responding to requests to reschedule. One attorney had to speak to a supervisor, who told her that a new notice would be issued. Another attorney was told by a staff member at the Asylum Office that the client should be physically present to reschedule, even though this attorney explained the TRO. Eventually, a higher-ranked staff member took the TRO, left, and then came back and confirmed the interview would be rescheduled. In another case, on November 4, 2026, I emailed the Asylum Office a request to reschedule the interview of a child whose attorney had recently resigned from ImmDef. We needed additional time to reassign the child to new counsel, given how busy our existing staff is in light of the expedited nature of unaccompanied children's cases currently. I attached a copy of the TRO and explained that the child was entitled to one request to reschedule as of right. I received an autoreply from the Asylum Office indicating that the interview could only be rescheduled for "exceptional circumstances." I have not yet received a substantive reply to my request.

II. Immigration Courts are Fast Tracking Removal Proceedings for ImmDef's Unaccompanied Child Clients

11. ImmDef is currently representing approximately 60 detained unaccompanied children in their removal proceedings, and another approximately eighteen children who have been released from ORR custody to the Unaccompanied Refugee Minor ("URM") program but nonetheless

remain on the detained docket. We have over 100 unaccompanied child clients who have completed their asylum interviews with USCIS and are awaiting a decision. We expect the vast majority of these children's cases to be referred to Immigration Court in light of the fact that many of our clients' cases, including cases that would have been considered highly likely to be granted under prior administrations, are being referred to Immigration Court within 24 hours to three days of interview.

12. We have observed immigration judges state on the record that they lack control over their docket schedules. For example, in one case an ImmDef attorney moved to continue a hearing set for his unaccompanied child client. The immigration judge denied the motion and stated in his written order that "[t]his case has been identified as a priority case by EOIR and must be completed no later than October 31, 2026." It is not clear what the immigration judge meant by "a priority case" or who set the October 31, 2026 deadline for completion, but the language of the immigration judge's order implies that he himself did not set the deadline, but that it stemmed from some EOIR policy. In another case, on October 27, 2026, an ImmDef attorney requested a continuance to a date in early December given that the proposed date was the week of Thanksgiving and the attorney would be out of the office. The immigration judge indicated she was sympathetic but stated she could not grant the request because she was not able to grant continuances longer than thirty days for detained children. On October 29, 2026, an ImmDef attorney appeared for an Individual Calendar hearing. The attorney was new to the case and had filed a Motion to Substitute Counsel ten days before the hearing. The immigration judge never ruled on the motion, foreclosing the attorney from being able to file additional supplemental evidence in the case via the Immigration Court online filing system ("ECAS"). The attorney repeatedly contacted the immigration judge's clerk and made attempts to file the supplemental materials in other ways but was unsuccessful in getting them accepted by the court. On the date of the hearing, the immigration judge denied the attorney's request for even a brief continuance to be allowed to supplement the record with materials she had timely prepared but was unable to

submit due to the immigration court's own refusal to timely adjudicate her motion to substitute counsel. The immigration judge denied the request for continuance and pretermitted the child's asylum application in part for her "failure" to meet the filing deadline. Further, immigration judges are across the board denying continuances for children to seek relief outside immigration court, such as Special Immigrant Juvenile Status ("SIJ"), and declining to follow Ninth Circuit case law that indicates that judges should generally continue proceedings for a child to pursue SIJ. ImmDef now has many child clients with approved or pending applications for SIJ with removal orders because the immigration judge refused to grant continuances based on their pending or approved applications for SIJ and ordered them removed.

13. Our attorneys have also witnessed this new policy impact unrepresented detained unaccompanied children. For example, a child at a Long Term Foster Care ("LTFC") placement where ImmDef was the prior legal service provider (to whom we would have offered representation had our capacity not been overwhelmed by the government policies of expedited removal for unaccompanied children) was ordered removed by an immigration judge in Texas despite the fact that the child had an approved application for SIJ, and despite the fact that an attorney requested a continuance on that basis, but it was denied. The child was ordered removed on September 28, 2026. The ORR-subcontracted LTFC facility sought the assistance of the new ORR-subcontracted legal service provider, but received no response. ImmDef could not offer representation due to our lack of capacity. We therefore coordinated with the child's prior legal service provider, who assisted with a *pro se* notice of appeal, and ImmDef paid out of pocket for a service that completes same-day filing for Board of Immigration Appeals notices of appeals on the very last day before the removal order became final. The child remains unrepresented.

14. On November 4, 2026, a different unrepresented child who had been recently transferred to Southern California from a facility in Texas was ordered removed by the immigration judge for failure to file an application for relief. The child begged the immigration judge for additional time to find an attorney and fill out applications for relief, but his request was denied. Worse,

the Spanish language interpreter scolded the child for speaking over the judge when he was desperately begging to save himself from deportation. A non-attorney ImmDef staff member observing the docket recounted that it was extremely "hard to watch." This is a child ImmDef would have stepped in to represent were it possible to accept new cases—but given how overwhelming the deadlines are in our current clients' cases, we cannot ethically do so.

15. The push to accelerate timelines and force all unaccompanied children through the immigration courts as swiftly as possible has had immediate and severe impacts on ImmDef. Our staff are suffering as they juggle multiple competing deadlines with no ability to reschedule or seek reasonable continuances—they feel they cannot even take time off to rest because a hearing could be scheduled while they are out. This anxiety has been exacerbated since mid-October, when detained children's cases began to be shuffled between different immigration judges, and advanced, often with little or no notice. Attorneys are having to check their immigration court portals every day because hearings are being advanced with only a few days' notice—and that notice is often not being forwarded to the attorney as it should be. When attorneys do receive a hearing notice, it often states a different time than what is listed in the immigration court portal, or the immigration court portal says the hearing is in person, but the hearing notice says it is virtual (or vice versa). Attorneys are having to drop everything to call immigration court clerks to determine whether they need to drive hours in traffic to attend a hearing with little notice, or log on via WebEx. Clerks often seem as confused by the situation as we are. For example, on November 4, 2026, an attorney logged into ECAS to review her caseload. She saw that that morning, one of her client's cases had been advanced over a month and scheduled before a different judge on November 9, 2026, ostensibly in person. She had not received any notice of the change. Another attorney's case was advanced from November 18 to November 10, and she also has not received an updated hearing notice to date.

16. Unfortunately, we have had three attorney resignations in the last month and a half, in part due to the stress of these expedited proceedings. When an attorney gives notice, they are

typically able to wrap up loose ends in their cases and plan their last day to occur after any urgent hearings or deadlines. In these cases, because urgent hearings and deadlines are being scheduled right up until their last day, with no allowance made for the attorney's departure, it's impossible to seamlessly transition their caseloads to new attorneys, straining our capacity even further and raising the risk that we will be unable to meet our ethical responsibilities to our clients. This is exacerbated by instances like the one noted in paragraph 12 -- in which the immigration court declines to timely rule on a motion to substitute counsel for the new attorney taking over the case and then denies any reasonable request for continuance to supplement the record. Staff are working into the night and through weekends in order to attempt to comply with court deadlines, and casework that is "less urgent" is having to be pushed to the back burner -- meaning the representation of other clients will be delayed. Attorneys providing direct representation to unaccompanied children under these accelerated timelines are suffering from managing all of these matters. ImmDef has also had to enlist the support of attorneys who usually spend most, or all, of their time working on other types of matters to now help with tasks related to unaccompanied child clients—including taking on direct representation and supporting in drafting templates and training materials. Further, supervisory staff, including myself, are spending hours drafting guidance templates and training materials for staff who have never had to litigate at the Board of Immigration Appeals ("BIA") or defend against a Motion to Pretermit. Throughout ImmDef's history, cases (including detained adult cases) have proceeded on timelines that allow attorneys sufficient time to learn, research and receive one-on-one guidance from supervisors as they navigate case types for the first time. Now, attorneys who have never litigated at the BIA are being forced to file multiple notices of appeal in a matter of weeks. There is no time for individual training or to scale learning curves.

17. The expedited timelines have caused immense strain on attorneys and clients. Detained children have not yet reached a place of safety and are struggling to adjust to a new and unfamiliar environment. They are understandably unlikely to fully trust adults who tell them

they are there to help and then ask them to tell them their worst trauma. For example, I currently represent a child who was sex trafficked by a family member in her home country. She was in ORR custody for almost two months before she finally disclosed the commercial sexual exploitation to an ORR-subcontracted case manager, and later, to me. Luckily, she entered in early 2025 when the massive expediting of detained children's cases was not yet in full effect. If she entered today, I have no doubt that that key information would have been omitted from her application because she would have been required to file it before she felt ready to disclose it. In another recent case, an unrepresented child in LTFC was mailed an asylum application and ordered to fill it out within three weeks. ImmDef did not have capacity to represent the child, and the ORR-subcontracted LTFC also was unable to connect the child with other counsel. I worked after hours sending pro se asylum application guidance materials to the ORR-subcontracted facility just to give this child a fighting chance at trying to defend herself from immediate deportation. Given the complexity of asylum law, and without an attorney to help her prepare her claim, I have little doubt that she will soon be ordered removed from the United States.

18. Once a child's asylum interview is complete, we are seeing referrals to Immigration Court within 24 to 72 hours in most cases. Many children are scheduled for initial post-referral hearings before the immigration court even before we receive the referral notice in the mail. At that hearing, immigration judges are ignoring any other applications for relief (such as an SIJS application) and scheduling the children for a final deportation hearing within 2-4 weeks.

19. Given the swift scheduling at the Asylum Office, attorneys have often not had the opportunity to fully supplement the record before USCIS, and need to file additional evidence and documents in immigration court before the final hearing, but our capacity to do so is strained. ImmDef has had to train staff who do not usually work on client cases to assist with compiling country conditions evidence just to keep pace with the swift filing deadlines. Attorneys who would otherwise file detailed briefs outlining their client's eligibility for asylum

have no time to do so. Further, child asylum applicants need significant preparation for testimony, potential cross examination, and potential questioning by the immigration judge. An asylum merits hearing is a traumatic, grueling and nerve-racking experience even for an adult. Children need hours of preparation time regarding the nature and purpose of the hearing and the importance of their testimony, as well as education about grounding and relaxation techniques that they can use during the hearing. There is no time to do any of this.

20. Unfortunately, many of our client's applications for asylum are being summarily "pretermitted" and the children ordered removed before the final hearing on their application, meaning that the record will also not be supplemented through client testimony or through an attorney's closing argument. Given that many of these children will need to appeal their deportation orders, being constrained from presenting a full and complete record before the immigration judge significantly prejudices them and will make appeals that much more challenging and labor-intensive to present.

21. EOIR's policy to expedite removal proceedings for unaccompanied children also directly interferes with ImmDef's ability to provide counsel to unaccompanied children in their removal proceedings. ImmDef has approximately 25 attorneys on our Children's Representation Project (including staff attorneys and supervisory attorneys, who ideally would carry a lower caseload in order to support their staff attorney supervisees), representing over 1300 unaccompanied child clients. Each attorney currently averages over 50 cases. Historically 50-70 cases was a manageable caseload for our children-focused attorneys given the predictable pacing of their cases. However, that is no longer the case. Attorneys are preparing for multiple merits hearings at the same time as they have master calendar hearings multiple days a week. In addition, they have asylum interviews and other matters to attend to, including deadlines to meet in state courts.

22. For example, on October 22, 2026, an ImmDef attorney appeared in court, and the immigration judge wanted to set the attorney's client's case for merits less than one week later, on October 28, 2026. The immigration judge eventually set the case for a merits hearing on

November 18, 2026 after the attorney objected. Even still, a merits date of November 18 after an October 22 hearing does not give the attorney sufficient time to prepare for the merits hearing, especially given how demanding our caseloads currently are. Also on October 22, 2026, an ImmDef attorney appeared in immigration court on behalf of a client, and the immigration judge attempted to set the merits hearing within two weeks. This ImmDef attorney asked for more time to receive records through a USCIS Freedom of Information Act ("FOIA") request and to prepare her client for a merits hearing; she further indicated that the record needed to be supplemented with new information that the child disclosed for the first time at the asylum interview. Ultimately, the immigration judge set the merits hearing for November 17, 2026, but not before noting for the record that information presented for the first time at the interview would be subjected to additional "scrutiny" for credibility, given that it had not been presented at the time of the initial filing. As explained above, the expedited timelines present here all but guarantee that new information will come out after the initial application is filed, given the time constraints attorneys face in building their client's trust and eliciting the relevant information. If information a child shares after an initial rushed filing will be discounted as not "credible," it will ruin their ability to have their claims fully considered.

23. On November 10, 2026, an immigration judge attempted to schedule a child's final deportation hearing for November 12, 2026, a mere two days later. In my career I have never heard of an immigration judge attempting to schedule a final deportation hearing in two days, because it forecloses the attorney from being able to prepare their client, and the immigration judge from being able to review filings and consider briefing. Thankfully, the attorney pushed back and was able to obtain a final hearing date of December 9, 2026. Four weeks is also an extremely brief period of time, given all of the other deadlines our attorneys are facing, but it is better than two days. Worse, this case is assigned to an attorney who is no longer on the Children's Representation Project and had been promoted into another role on another team. Under normal circumstances, we would have reassigned this client to another attorney.

However, we cannot, given that the attorneys who would typically receive such a transfer assignment are all at capacity given the expedited nature of children's deportation proceedings currently.

24. Worse, because it has been impossible to fully prepare for asylum hearings, approximately fifteen of our child clients have received removal orders in less than a month (with many more anticipated in the coming weeks), which is more removal orders on the merits than our children's attorney team has received in the over ten years of ImmDef's existence. Attorneys are now racing to meet BIA appeal deadlines on top of their typical casework (which as outlined above is also being done on an expedited basis). Given the low numbers of removal orders our team has experienced historically, litigating at the BIA is a learning curve for our team, but there is no time to scale it. Three of the removal orders were for clients whose merits hearings were scheduled and their removal orders issued during a departing attorney's notice period; one of the orders was issued on an attorney's final day, meaning that we now have to reassign that case to a new attorney to file an appeal on an extremely short deadline. This pace is not sustainable.

25. It has also had an incredibly negative impact on our unaccompanied child clients, who are being forced through their removal proceedings with no opportunity to meaningfully present their claims for relief, or to even understand what is happening to them. Children and their ORR-subcontracted case managers are reeling from the raft of removal orders and expedited hearings. One child, a girl who has experienced multiple placement disruptions while in ORR custody, including being moved once because her foster parent made sexual advances on her, has told her attorney she is doing "ok." But when the attorney reached out to the child's mother in their home country to try to obtain additional evidence for the child's upcoming merits hearing, the mother told the attorney that she was very worried about her daughter because she appears extremely stressed and anxious when they speak on the phone. The mother indicated that her child is "not the same" as she once was. Another child requested through their ORR-

subcontracted case manager to be reassigned to another attorney within ImmDef because he was so confused and upset by the removal order that he assumed his attorney had done something wrong. To the contrary, she had done everything in her power under the circumstances to defend him. But children cannot be expected to understand this or understand that the weight of the entire government appears to be focused on removing them from the country as swiftly as possible. These ruptures in trust are hard to repair and will likely impact this child going forward as we continue to litigate his appeal.

26. Another child, who speaks an indigenous language, was ordered removed on October 28, 2026, after his attorney requested additional time to prepare and file his application, as the attorney had struggled to secure interpretation. The immigration judge denied the request for a short continuance and ordered the child removed. The child's case manager reported to the attorney her concern that the child's mental health was deteriorating in the face of the confusing and expedited process, as well as the subsequent removal order. The attorney is working to continue to secure interpretation to be able to advise the child about appeal.

Dated this 12th day of November, 2026

Marion Donovan-Kaloust

EXHIBIT 4

UNITED STATES DISTRICT COURT

DISTRICT OF MARYLAND

GREENBELT DIVISION

THE DOOR, *et al*; Plaintiffs, vs. Joseph EDLOW, *et al*, Defendants.	Case No. 8:26-CV-04326-BAH **DECLARATION OF ASHLEY HAMILL IN SUPPORT OF PLAINTIFFS' MOTION FOR A PRELIMINARY INJUNCTION**

DECLARATION OF ASHLEY HAMILL

1. I, Ashley Hamill, make the following statements on behalf of myself and Family & Immigration Rights Center (FIRC). I certify under penalty of perjury that the following statement is true and correct.

2. I am over the age of 18 years old and make this declaration based upon my personal knowledge and experience. If called to do so, I could and would competently testify to these matters under oath.

3. I am Legal Director of FIRC, and I am an attorney licensed in Florida. I have worked as Legal Director of FIRC for approximately three years. I have represented unaccompanied children in immigration matters and removal proceedings for approximately eight years.

4. FIRC is a non-profit legal service provider that represents non-citizens residing in North Florida, South Georgia, and South Alabama in immigration matters and removal proceedings. From 2023 to July 2026, FIRC received funding through a subcontract with the Office of Refugee Resettlement to represent released unaccompanied children in immigration matters and proceedings before USCIS and EOIR. We typically represent children in asylum interviews

before USCIS at the Tampa and Atlanta asylum offices.

5. Prior to August 21, 2026, I could submit rescheduling requests to the Tampa and Atlanta asylum offices by e-mail and I would consistently receive a response in approximately one to three days. Prior to August 21, 2026, the Tampa and Atlanta asylum offices would typically accept supporting documentation seven to ten days prior to the interview.

6. Beginning in June 2026, FIRC began receiving notice for multiple asylum interviews before USCIS on extremely condensed timelines for our unaccompanied child clients. There is no local ORR facility so our unaccompanied child clients were all released from ORR custody. In some cases, FIRC began receiving notice of interviews in the mail two weeks or less before the interview. In October 2026, interview notices were sometimes arriving via mail only three or four days before a scheduled interview. Out of the dozens of interview notices FIRC has received since June 2026, hardly any have arrived in time for FIRC to meet the previous seven to ten day deadline to file supporting documentation, much less the 14-day deadline imposed since August 21, 2026.

7. Also beginning in June 2026, FIRC attorneys began to receive notices of interviews for multiple clients at the same time on the same day for the same attorney. USCIS began to schedule asylum interviews various days throughout the week for several weeks in a row, often sending notices of interviews on condensed timelines for 10 or more children in the same week. As our organization has only four attorneys and only one who resides less than four hours from the closest asylum office, this scheduling proved logistically impossible and resulted in FIRC's child clients being forced to attend their interviews alone. Starting in August 2026, we were also unable to reschedule interviews unless we could meet an "exceptional circumstances" standard. Practically, no circumstance presented qualified to meet this standard. USCIS stopped responding to reschedule requests via e-mail and told FIRC attorneys that requests could only be made in person for exceptional circumstances. Making a request in person is extremely burdensome given our distance from the asylum office.

8. After the Court issued the temporary restraining order in the above-captioned case, I submitted requests to reschedule several interviews for unaccompanied child cases that were set for the week of November 2 and cited the temporary restraining order. In particular, FIRC clients had four interviews scheduled with the Tampa Asylum Office for November 5, 2026 at 8:30am ET and one scheduled for November 6, 2026 at 8:30am ET. All five of the clients had received less than 21 days' notice of their interviews and FIRC had only received the notices less than one week before the interviews. I requested to reschedule all five of these interviews. For two of the clients, this was the first time I had asked to reschedule these interviews so under the terms of the temporary restraining order the requests should have been granted as a matter of course. In addition, I included in my requests reasons establishing good cause to reschedule all five of the interviews as we had insufficient time to prepare the client and supporting documents given that we were given less than a week of actual notice. We have also had an unrelenting procession of asylum interviews and immigration court hearings for our children clients since June 2026 that has made it nearly impossible to adequately prepare clients and cases in advance. I submitted these requests via email as that has always been the method of contact preferred by the Tampa Asylum Office. The rescheduling requests submitted by email were ignored other than an automated response e-mail directing me to contact the USCIS contact center. But when I called the USCIS contact center, a contact center officer informed me that I needed to mail or email proof of exceptional circumstances to the appropriate asylum office in order to request a rescheduled interview.

9. Because I did not receive a response to my request to reschedule the interviews, and because I did not want to risk that my clients would be marked as "failure to appear" and lose their vital opportunity to proceed with their asylum application in a non-adversarial process before USCIS, I appeared with my clients around 8:00am on November 5, 2026 at the Tampa Asylum Office. This was incredibly burdensome because three of the four clients travelled between three and seven hours to get to the Tampa Asylum Office. My office is in Tallahassee,

and I left home the evening before the interviews and traveled four hours to the asylum office.

10. When we arrived at the Tampa Asylum Office, I again requested the interviews be rescheduled and handed the officer a copy of the Court's temporary restraining order. We spoke to various supervisors and then were told to wait for a decision. After waiting for six hours, the asylum officer informed me that all four interviews were rescheduled, and we would receive notice of the rescheduled interviews. Waiting for six hours for a decision and driving four hours in each direction consumed a significant portion of my week and prevented me from doing work on my other cases. However, my clients now have the opportunity to prepare for their asylum interviews. I was also able to get the interview set for November 6 rescheduled as well as three interviews set for the week of November 9.

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

Executed on this 10th day of November, 2026, at Tallahassee, Florida.



Ashley Hamill

EXHIBIT 5

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
(SOUTHERN DIVISION)

The Door, et al., *Plaintiffs*, vs. Joseph B. Edlow, *et al.*, *Defendants*.	Case No.: 8:26-cv-04326-BAH Declaration of Dariela Garcia Cantillo, Kids in Need of Defense

DECLARATION OF DARIELA GARCIA CANTILLO, KIDS IN NEED OF DEFENSE

1. I, Dariela Garcia Cantillo, declare under penalty of perjury that the following is true and correct pursuant to 28 U.S.C. § 1746.

2. My name is Dariela Garcia Cantillo, and I am an attorney admitted to practice in the state of Connecticut. I am over the age of eighteen and competent to make the statements included in this declaration. The following statements are within my personal knowledge and are true and correct to the best of my knowledge.

3. I am employed at Kids in Need of Defense ("KIND"), a national nonprofit organization providing legal and psychosocial services to unaccompanied children facing removal proceedings in the United States. Some children who receive legal services through KIND are in the care of the Office of Refugee Resettlement ("ORR") of the Department of Health and Human Services ("HHS"). KIND also serves children who have been released from ORR custody to live with caregivers.

4. Over KIND's history, multiple KIND field offices have served children during their time in ORR custody. As of the first quarter of 2025, KIND was serving children in approximately 20 short-term shelter care or foster care facilities, five long-term foster care

programs, and three Unaccompanied Refugee Minor ("URM") programs through KIND's field offices in Atlanta, GA; Boston, MA; Fresno, CA; Hartford, CT; Houston, TX; Los Angeles, CA; New York, NY; Sacramento, CA; and Seattle, WA. On July 31, 2026, ORR allowed its contract with Acacia for its Unaccompanied Children Program to lapse. Since the end of July 2026, KIND has utilized other funding sources to continue representing released children, as well as some children detained in ORR custody in Connecticut.

5. I have been employed by KIND since January 9, 2023, serving both detained and released children. As of June 2025, I am a staff attorney with KIND's legal programs team in Hartford and am responsible for direct representation of both detained and released children. Before assuming my current role, I served as a paralegal in KIND's Hartford field office. KIND's Hartford field office currently provides legal services to children released from ORR custody, as well as children detained in ORR custody in transitional foster care and long-term foster care settings.

6. Prior to the end of July 2026, KIND's Hartford staff met with almost all children arriving at their assigned facilities and provided children with Know Your Rights (KYR) presentations, legal screenings, assistance or representation in immigration court, and, where appropriate, full legal representation to seek immigration relief. KIND staff also liaised with shelter and program staff to ascertain the progress of efforts to reunify children with prospective caregivers (referred to as "sponsors") in the United States. Staff at KIND's Hartford office continue to provide direct legal representation for children in ORR custody as capacity and funding allow.

7. I currently provide legal representation to several children in ORR custody in Connecticut. Across KIND, when comparing the first three months of 2026 with August through October of this same year, our organization has observed around a tenfold increase in the number of asylum interviews scheduled. For the clients my colleagues and I represent in Connecticut I have seen an increase in the number of asylum interviews scheduled and a shortening of the amount of notice provided to children and their attorneys to prepare for these interviews.

8. On the afternoon of Monday October 19, 2026, I received a call from an Asylum Officer at the Newark Asylum Office. The officer informed me that she was calling to schedule one of my detained unaccompanied child clients for an asylum interview in Newark, NJ. The client is under the age of 18 and is in the custody of an ORR-contracted program in Connecticut.

9. According to USPS tracking, USCIS had received the client's asylum application on October 2, 2026. In general, when USCIS receives an asylum application it issues what is referred to as a receipt notice with a receipt number that is used to track the status of the application. The receipt number can be entered into an online case status web page that allows attorneys to track updates on a case, such as when a client is scheduled for an interview or if a decision has been rendered on the case. Because receipt of mail can take several days, the online tracking tool is especially important given the shorter interview notice times we have observed in our Hartford office. However, as of October 19, 2026 when I received the call from a USCIS officer to schedule my case for an interview, our office had not yet received a receipt notice for the client's application and did not have a receipt number to track the application's progress online using the USCIS online case status tool.

10. After a receipt notice is issued, clients with pending asylum applications are also issued a notice for an appointment to collect biometrics. In my personal experience as well as those of my colleagues both at the Hartford office and other KIND field offices, it is extremely unusual for a client to be scheduled for an asylum interview with USCIS before biometrics have been collected. However, as of October 19, 2026 when I received the call from a USCIS officer to schedule my client's case for an interview, the client had not been issued a notice for an appointment for biometrics collection either.

11. When she called me on October 19, the USCIS officer stated that she had spoken to staff at the ORR-contracted program caring for the child and had confirmed its availability to transport the minor to the asylum interview on either Wednesday, October 21, or Thursday, October 22, 2026. The officer then asked me which of those two dates I preferred for the interview.

12. I objected to both dates for two reasons. First, the short notice meant that I would have only one or two days in which to meet with the child client to prepare for the interview. When representing child clients in their asylum applications and preparing for an interview with USCIS, it is a widely recognized best practice that children often need multiple meetings to disclose and prepare to discuss information about traumatizing events they have experienced. During the several years I have worked at KIND exclusively serving child clients I have seen firsthand the importance of having sufficient time to obtain information from child clients, explain to them court or interview processes, and ensure that they understand what to expect in order to be able to best present their claim to any adjudicator. The Connecticut Rules of Professional Conduct also recognize that child clients may have impaired or limited capacity due to their age.

13. Secondly, I stated that one or two days was not sufficient time to submit supplemental supporting evidence. I told the officer that under new USCIS rules effective August 21, 2026, an applicant must submit all supporting evidence for their affirmative asylum claim at least 14 days prior to their interview. Pursuant to that rule, I stated that my client must be afforded at least two weeks' notice or we would be unable to comply with the rule and my client's due process rights would be violated.

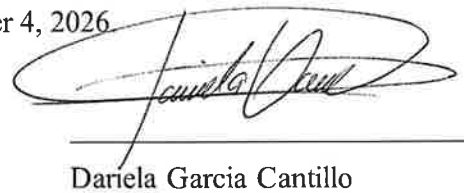
14. The officer stated she would speak with a supervisor and return my call. She called back later the same day and explained she had received an order requiring the interview to be scheduled within seven days. She specifically noted that this requirement applied to the minor in question because she was detained in ORR custody.

15. I again voiced my objection based on the rule requiring submission of supplemental supporting evidence at least 14 days in advance, and because this short notice would interfere with my ability to represent my client for the reasons stated above. However, the officer told me that the office had just received this order about the timing of scheduling, there was nothing they could do, and that it was my decision to go or not to the interview with my client. The officer then scheduled the interview for one week from the date of the call, Monday, October 26, 2026.

16. At that time, I was already scheduled to appear at master calendar hearings for several clients before the immigration court on the same day, October 26. Because USCIS also changed their rescheduling policy and no longer accepted rescheduling requests based on attorney scheduling conflicts, I had to find a colleague to attend the asylum interview in my place. Fortunately, someone was available for that day, however, short notices for asylum office interviews, coupled with increased number and frequency of immigration court hearings makes finding coverage for asylum interviews with such short notice challenging for my office.

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

Executed in Hartford, CT, on November 4, 2026.



Dariela Garcia Cantillo

EXHIBIT 6

DECLARATION OF ROXANA AVILA-CIMPEANU, ESQ., ON BEHALF OF PLAINTIFF FLORENCE IMMIGRANT & REFUGEE RIGHTS PROJECT IN SUPPORT OF PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION

1. I, Roxana Avila-Cimpeanu, make the following statements on behalf of myself and Florence Immigrant & Refugee Rights Project ("Florence Project" or "FIRRP"). I certify under penalty of perjury that the following statement is true and correct.

2. I am over the age of 18 years old and make this declaration based upon my personal knowledge and experience. If called to do so, I could and would competently testify to these matters under oath.

3. I am a licensed attorney and a member in good standing of the State Bar of Arizona. I am currently Deputy Director of the Florence Project. I joined the Florence Project on September 6, 2016, and have served in my current role since September 2024. I oversee our direct services programs, including both legal and social services for detained adults and unaccompanied children.

4. I previously submitted a declaration in *The Door v. Edlow*. This declaration is made in support of Plaintiffs' motion for a preliminary injunction and provides additional information about the harm FIRRP and its clients have faced as a result of Defendants' policies expediting unaccompanied children's immigration cases. I incorporate the statements in my prior declaration by reference.

Recent & Ongoing Issues with USCIS Processing of UC Cases

5. FIRRP continues to see several troubling trends with respect to USCIS's rushed processing and adjudication of children's cases, including rapid referrals to immigration court and scheduling children for virtual interviews while in ORR custody.

6. Despite the TRO issued in this case, we are still waiting to hear about several rescheduling requests. In the case I previously wrote about where a young mother was unable to attend her scheduled interview due to complications from childbirth, the asylum officer has cited the prior exceptional circumstance standard. On November 2, 2026, we sent a request to reschedule for an interview scheduled for November 24, 2026. In that reschedule request, we proffered that the client recently had a child, and we cited to the TRO in the request. In a phone call on Friday, November 6,2026, the asylum officer stated that exceptional circumstances needed to be demonstrated, and it seemed like they did not review the initial request to

reschedule. After the litigator advised the officer we have already filed the request, the asylum officer was going to review the filing. We have not heard back about this case and it has not been rescheduled. In another case where the child's legal representative was in a car accident two hours before the scheduled interview, FIRRP has still not received any communication about the rescheduling request, and the case still has not been rescheduled and it is still being marked as a "failure to appear".

7. As noted in my prior declaration, FIRRP is seeing our clients' cases referred to immigration court at a shocking pace—often within days or even hours of the USCIS referral. In the past, these decisions were typically received a few weeks after the interview. This gave FIRRP attorneys the opportunity to submit a post interview brief that could provide critical context to the child's testimony, or to fill in the gaps for important facts that the child is not able to express, either due to age, trauma responses, or feeling uncomfortable or distressed in the interview. The opportunity to supplement the child's testimony is an important tool that acknowledges the vulnerability and developmental stage of children who are being asked to talk about the worst days of their lives with a stranger; however, this is no longer an option under the current timelines.

8. When a case is referred from USCIS, DHS should then file the entire application with the Immigration Court, including supplemental materials. Fast-tracking these cases, which are often set quickly for individual merits hearings, makes it impossible for our staff to effectively prepare their child clients' asylum cases, as they were able to do in the past. Even worse, OPLA attorneys are now routinely moving to "pretermit" cases, meaning our staff has to quickly convince the immigration judge that the case is sufficiently meritorious to proceed to an individual hearing. This hurdle is larger when one considers that the rapid scheduling at USCIS has made it impossible for us to submit additional evidence that can help prove the claim and since the USCIS record is incomplete, it stays incomplete when it is filed by DHS in Immigration Court. Therefore, children and youth are more frequently having their asylum cases denied before they can fully present their case to the judge or provide updated or additional evidence or testimony. Since October 19, we have seen DHS move to pretermit at least three unaccompanied child asylum cases in Immigration Court.

9. Another problematic policy is that the Phoenix Asylum Office is scheduling interviews through video teleconferencing ("VTC"). This means that unaccompanied children are having interviews at the USCIS office with the officer appearing via video, In the past, FIRRP's

attorneys and our unaccompanied child clients would appear for the USCIS asylum interviews, which were almost always conducted in person at the nearest asylum office. The USCIS Phoenix office has a large waiting room where people waiting for interviews sit. FIRRP's unaccompanied child clients wait with their attorney on the case with whom they had developed a trusted relationship. FIRRP staff typically bring coloring books, toys, fidget gadgets, and snacks for the wait, which can often be a few hours and be very nerve-wracking for our child clients.

10. Once in the interview space, the client and the interpreter sit across a desk from an asylum officer in a small private room. FIRRP's attorneys sit next to our clients so that we can help provide clarifications if needed and make a brief opening and closing statement if allowed by the officer. This keeps the general feel of the interview less formal and more like a conversation between the child and the asylum officer. This less formal setting and structure is both more trauma-informed and child-friendly and asylum officers are specifically trained in trauma informed interviewing practices. Where an interpreter is required, the regulations require applicants to provide interpretation in most cases and, as such, typically the interpretation is provided by a person with whom the child is familiar and has some rapport. If the child speaks Spanish as their preferred language, often one of FIRRP's Legal Assistants can provide the interpretation.

11. In-person interviews are highly preferable to remote interviews, particularly for unaccompanied children because an in-person setting allows the asylum officer to better read the child's response to questions and temper questions that may be triggering or require a more trauma-informed approach. An in-person interview also allows the child to more easily show emotion and other physical responses to questions that may not be apparent in a remote interview setting and allows the asylum officer to understand the full context of how a child is responding to questions and the interview. For example, FIRRP social workers regularly work with unaccompanied child clients and our legal assistants to help children identify and understand their triggers and develop methods to work through hard emotions as part of our standard preparation for asylum interviews. When an asylum officer is in the room with the child, a child's lack of eye contact while coloring makes sense, whereas when such interviews are conducted remotely, the child's body language while using these calming skills are easily misinterpreted. Staff have reported that the VTC set up is disconcerting and uncomfortable, and can be rife with connection issues that result in interruptions to the child's testimony.

Recent and Ongoing Issues with UC Cases before EOIR

12. The unprecedented and unsustainable pace of FIRRP's child clients' cases continues. As discussed in my prior declaration, in May and June 2026, the Phoenix and Tucson immigration judges drastically reduced the length of continuances from several months to 14-21 days. To date, no cases before EOIR have hearings scheduled beyond November 30, 2026.

13. The deluge of asylum interviews scheduled before USCIS in recent months has had a cascading effect of cases being rapidly referred to immigration court and set for individual merits hearings. Such hearings—bench trials before the immigration judge—require even more extensive preparation than asylum interviews as it is an adversarial proceeding where the client and any other witnesses will face cross-examination. Any inconsistency or omission in testimony or documentary evidence can form the basis for an adverse credibility finding or not meeting the burden of proving the asylum claim. Attorneys are also expected to submit briefing and documentary evidence ahead of the hearing and to give opening and closing statements at the hearing, as well as coordinating expert documentation or testimony. Some children are so traumatized by what happened to them that FIRRP's social workers will connect them with counseling so they can work on healing and getting to the point where they can articulate what happened. In other cases, minors will need a psychological evaluation, which can be filed to highlight conditions such as post traumatic stress disorder (PTSD), anxiety, depression, developmental disabilities and other conditions which may help the judge understand the child's claim and testimony in a fuller way. In the past, attorneys typically handled a handful of individual merits hearings per year, and had sufficient time to complete these tasks. Now the short timeframes given are simply insufficient for attorneys prepare the cases at the pace they are being scheduled. One FIRRP attorney received a notice for a merits hearing with just one week to prepare and file all the evidence with the immigration court.

14. It is extremely difficult and time-consuming for an attorney to attempt to prepare a young child for court proceedings. For example, the attorney must explain to the child what will happen during immigration court proceedings and who the various actors present in the courtroom are, which are concepts a young child, especially those from more remote rural areas, will likely struggle to understand. These children often do not understand the various parties present in the courtroom, and need help, for example, distinguishing between the immigration judge and opposing counsel. For children who have been persecuted or victimized by the governments in their own countries, the process of working with government entities can in

itself cause re-traumatization that much we worked through delicately. Our teams often rely on visual aids such as dolls or illustrations in order to explain different processes for children. Further, the intimidating nature of court proceedings severely limits a child's ability to provide testimony regarding their asylum claim. Young children, especially those who have suffered from traumatic events, such as the children we work with who end up in a foreign country alone, struggle to provide testimony if faced with hostile questioning by opposing counsel on cross-examination, which does not happen in an interview at USCIS. In my experience, even a facially simple question such as "is Spanish your best language" can be difficult for a child to answer, and I have regularly seen indigenous children who don't speak Spanish well agree to Spanish interpretation in immigration court due to the pressure of the environment in EOIR and the discrimination they have faced on account of their indigenous identity.

15. As noted above, the government attorneys are also now routinely seeking to "pretermit" cases referred by USCIS, which essentially asks the immigration judge to deny the case without a hearing on the merits. Defending against pretermission requires attorneys to respond through briefing and establish that their client meets a prima facie standard of eligibility for asylum. If the attorney convinces the immigration judge to deny the government's motion to pretermit, the case is quickly scheduled for an individual hearing which, as noted above, requires additional preparation by both the attorney and client, as described above. Since my prior declaration, the government has moved to pretermit in at least 3 cases that were referred by USCIS.

16. These accelerated referrals to immigration court also further frustrate FIRRP's ability to pursue Special Immigrant Juvenile Status (SIJS) for our clients, because our client's immigration court cases will likely be completed before the SIJS process can be finalized. Given that immigration courts will no longer continue, terminate or administratively close cases to await the processing of SIJS, our clients for whom it is the best relief will face removal despite their eligibility and our representation. The compounded effect of these intersecting, inter-agency policies will prevent our clients from obtaining the relief they're entitled to and place FIRRP attorneys in the impossible position of trying to advocate and protect our clients' rights under these circumstances. The result is that we have seen multiple children ordered removed who the United States Government has already determined deserve our country's protection and that it is not in their best interest to return home.

17. Finally, EOIR's short continuances and fast-tracking of children's removal cases further interfere with FIRRP's core work by preventing FIRRP from offering full representation to as

many children as it could otherwise serve. As noted previously, children used to be given continuances of weeks or even months to go through the sponsor process and pursue their legal claims after release from custody. Immigration judges also used to routinely allow continuances or terminate or administratively close proceedings where children were seeking relief before USCIS or had a pending or approved application for SIJS. These reasonable timelines and policies focusing immigration courts resources on those cases where EOIR adjudication was most necessary to resolution of the case allowed FIRRP time and capacity to represent nearly all unaccompanied children in ORR custody in its service area who were are risk of removal or who did not have a viable sponsor, whereas there are now dozens of children who we are unable to represent.

18. Though FIRRP has had to discontinue Friend of Court Service due to the demands of USCIS' and EOIRs rapid case resolution policies, FIRRP staff have observed the dire consequences of unaccompanied children being forced to proceed *pro se* through court observations. In one case involving an unrepresented one-year-old baby and his unrepresented unaccompanied child mother, the immigration judge initially granted a more reasonable two-month continuance to allow the child the opportunity to file an asylum application with USCIS. However, just days after ordering this one-year-old unaccompanied child to prepare an asylum application, the court *sua sponte* rescheduled his next hearing to a date only eleven days after the last hearing. This s*ua sponte* rescheduling was in keeping with the new standard practice FIRRP staff have observed of EOIR only granting brief continuances in all cases involving unaccompanied children in ORR custody Additionally, starting in late October 2026, FIRRP begin to see a pattern of detained children's cases being placed on virtual dockets with judges sitting in courts in states other than Arizona. Including California, Nevada, and Colorado. This has caused stress and confusion for detained children, as the hearings are sometimes in other time zones. At one virtual detained children's docket on November 9, the Department of Homeland Security did not have an attorney present on its behalf for at least the first 20 minutes of docket. Despite this, the judge proceeded with at least six children's cases without DHS present, including one child who was given a continuance of just seven days. FIRRP continues to stay alert regarding the new judges' use of correct choice of law, as the children's cases should be adjudicated under Ninth Circuit precedent, but at least one of the judges is in the Tenth Circuit and may not be trained on the relevant laws.

19. FIRRP staff have also witnessed numerous cases involving children who were *pro se*

before EOIR where EOIR's myopic focus on moving cases forward quickly has resulted in severe violations of due process that have forced FIRRP's advocacy team and pro bono teams to expend resources to represent children in appeals to the Board of Immigration Appeals ("BIA"). For example, in one case, a teenager who only speaks K'iché and who is largely illiterate, having stopped going to school when he was 11 years old, expressed a fear of return to his country of origin, but was ordered removed after he was unable to prepare and file an asylum application with USCIS on his own over a 16-day continuance the immigration court had granted. This removal order was issued despite obvious issues with interpretation at several of his hearings and numerous attempts by child advocates and Friend of Court attorneys to advise the court that the child was struggling to understand the interpreter. Indeed, even after the child explained – through an interpreter he could understand – that he does not know how to read or write and did not understand how to fill out the application, the judge denied further continuances stating essentially that more time would not make a difference because if the child did not know before how to do it, he still will not know how to do if a continuance is granted. FIRRP's advocacy team, which typically focuses on federal court litigation and Petitions for Review before the Ninth Circuit Court of Appeals, has had to step in on at least five cases like this to represent children in filing appeals to the BIA since October 2026 given not only the accelerated timelines, but the repeated due process violations they have caused.

Dated: November 10, 2026

Roxana Avila-Cimpeanu

Roxana Avila-Cimpeanu

EXHIBIT 7

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

The Door, *et al.*, *Plaintiffs,* vs. Joseph B. Edlow, *et al.*, *Defendants.*	Case No. 26-cv-04326-BAH Declaration Of Selene Nafisi On Behalf Of The Door in Support Of Plaintiffs' Motion For Preliminary Injunction

DECLARATION OF SELENE NAFISI ON BEHALF OF PLAINTIFF THE DOOR IN SUPPORT OF PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION

1. I, Selene Nafisi, make the following statements on behalf of myself and The Door. I certify under penalty of perjury that the following statement is true and correct.

2. I am over the age of 18 years old and make this declaration based upon my personal knowledge and experience. If called to do so, I could and would competently testify to these matters under oath.

3. I am currently the Interim Deputy Director of The Door's Legal Services Center. I have been at The Door for seven years. In my time at The Door, I have represented detained and released unaccompanied children (UCs) in removal proceedings and before USCIS, including in applications for asylum and other forms of immigration relief. I also supervise several attorneys representing both detained and released UCs.

I. The Door Has Continued to Experience Scheduling and Notice Issues Before USCIS

4. Up until the Court issued the Temporary Restraining Order (TRO) on October 30, 2026, The Door continued to encounter difficulties rescheduling USCIS interviews and having

supporting evidence considered in asylum cases involving UCs. Since then, The Door has continued to face issues with noncompliance with the TRO. As of November 10, 2026, our attorneys continue to receive automated e-mail responses from the New York Asylum Office expressly stating that the August 21, 2026 "exceptional circumstances" standard remains in effect. *See* Exhibit A, Copy of Automated Email Response from the New York Asylum Office, timestamped 6:23 p.m. Eastern Standard Time on November 10, 2026. We have submitted or renewed interview rescheduling requests invoking the TRO, but we have not received written confirmation granting those requests or new interview dates. In several cases, USCIS's online status continues to report a missed asylum interview.

5. In one case, counsel sent a written request on October 29, 2026, to reschedule a November 2, 2026 interview at the Newark Asylum Office. FedEx confirmed delivery on October 30, and counsel also emailed the request. On November 2, counsel appeared at the office with an updated request and a copy of the TRO, explaining that this was the unaccompanied child's first interview rescheduling request and requesting rescheduling under the order. The office accepted the packet, but we have not received further notice concerning the request or interview.

6. Presenting a request in-person has likewise failed to secure confirmation of rescheduling. On November 4, 2026, a Door attorney appeared at the New York Asylum Office with a rescheduling order and the TRO. The officer could not confirm approval and said she would consult a supervisor. As of November 5, the online case status stated, "you recently missed your interview," and counsel had received no confirmation of approval.

7. Even an asylum officer's assurance that an asylum interview would be rescheduled has not resulted in a new interview date. In one case involving a seventeen-year-old unaccompanied child with autism, counsel had mailed a rescheduling request before the August 21, 2026 policy change. Counsel and the unaccompanied child also appeared for the September 16, 2026 asylum interview and requested rescheduling in person. The asylum officer stated that she had consulted her supervisor and that the interview would be rescheduled, but the UC was

instead given a failure to appear. Counsel renewed the request on October 30, 2026, citing the TRO. Nevertheless, the online case status continues to state that the child had failed to appear, and no new asylum interview notice has been received.

8. When the asylum interviews have gone forward, USCIS has issued referral notices within days, or on the day, of a child's asylum interview. In one case, an unaccompanied child attended an asylum interview on October 20, 2026. USCIS issued a referral notice dated October 26, 2026, only six days after the interview. The child's master calendar hearing is scheduled for November 25, 2026. In another case, an unaccompanied child attended an asylum interview on September 28, 2026. USCIS issued a referral notice the same day the interview took place, also dated September 28, 2026; a master calendar hearing was scheduled for October 28, 2026, and then advanced to October 13, 2026.

II. Immigration Courts are Fast Tracking Removal Proceedings for The Door's Unaccompanied Child Clients

9. The Door represents about 87 Unaccompanied children whose asylum interviews are scheduled or completed, including 32 whose cases have been referred to EOIR. We currently have at least six individual hearings for UCs scheduled between now and the end of January 2027. We continue to be unable to get any continuance granted by EOIR for a period of more than two or three weeks.

10. In addition to the statement from an immigration judge referencing a January 27, 2027 deadline for completing detained unaccompanied child cases (which my colleague Jessica Richardson shared in her previous declaration), our attorneys have witnessed other similar statements from immigration judges and court staff. For instance, at a September 9, 2026 master calendar hearing in an unaccompanied child's case, Immigration Judge Little stated that she would schedule the next master calendar hearing for November 4, 2026. The staff attorney confirmed her availability but explained that she was uncertain how long it would take to receive a decision following the child's asylum interview. The judge stated that she would not set the hearing for a

later date, explaining, "I'm going to schedule you based on what my bosses tell me to do in these cases."

11. We have also seen inadequate notice for interviews interact with the accelerated timelines at EOIR in ways that deprive children of their ability to present their asylum claim. One of our unaccompanied child clients was in removal proceedings while his asylum application was pending before USCIS. On September 4, 2026, USCIS generated an interview notice for September 21, 2026. This notice was postmarked September 8, and received at our office on September 22—the day after the interview. On September 23, 2026, the immigration court issued a notice advancing a previously scheduled master calendar hearing and converted it to an merits hearing scheduled for November 16, 2026, before Immigration Judge Johnson-Papillo. This notice referred to child's "failure to appear" for the asylum interview before USCIS. On October 26, 2026, we filed a motion in which we informed the court that USCIS has not issued a decision on the asylum application. The immigration court denied the motion on October 30, 2026, stating that it deemed the child to have abandoned his asylum application because he had missed the interview. As of today, USCIS's online case status indicated that the child had missed the interview, but does not indicate a referral to immigration court. On November 4, 2026, counsel filed another motion invoking the TRO and explaining how the child's case illustrated that USCIS practices were still causing the harms the TRO expressly sought to address. On November 10, 2026, the immigration court denied this motion. The child faces an imminent individual hearing date of November 16, 2026, even though he has not had the opportunity for a non-adversarial interview before USCIS.

12. The need to prepare cases for merits hearings before the immigration court on such short timelines means that it is not possible to provide meaningful representation for our unaccompanied children clients. Judges deny requests for continuances even where counsel identifies both a need for additional time and a scheduling conflict. At an October 27, 2026 master calendar hearing at the 290 Broadway Immigration Court, an immigration judge scheduled an individual hearing for a detained unaccompanied child for November 16, 2026, only twenty days

later. The immigration judge ordered that all supporting documentation in the case was due in just 13 days, on November 9, 2026. Because the unaccompanied child has serious mental health issues stemming from severe trauma in his home country, developing a strong case with the unaccompanied child would require substantial preparation time. The Door's attorney objected that this schedule provided insufficient time to prepare and that counsel already had another hearing scheduled for the same day. Despite these objections, the immigration judge set the individual hearing for November 16.

13. Our attorneys have encountered proceedings scheduled even after they had been previously dismissed or terminated, removal orders being issued despite pending or approved applications before USCIS, and restrictions on their ability to contest removability. These practices limit children's opportunities to resolve threshold procedural issues and pursue available protection.

14. These concerns have already materialized in numerous removal orders for unaccompanied children with pending or approved relief before USCIS. In one case, Immigration Judge Prieto ordered an unaccompanied child removed on August 6, 2026 even though he had SIJS.

15. Our attorneys have also been denied time to challenge DHS's evidence and brief disputed removability issues before the court issues a removal order. In one case involving a unaccompanied child with approved SIJS, counsel contested pleadings on August 20, 2026. The immigration judge ordered DHS to authenticate its record regarding the child's removability before a October 26, 2026 master calendar hearing. DHS did not submit the required document. Instead, at 10:59 p.m. on Saturday, October 24, 2026, DHS submitted an unverified copy of the unaccompanied child's SIJS application materials, including his passport and birth certificate. At the October 26 hearing, the judge admitted those materials over counsel's objection, found the unaccompanied child removable, denied counsel's request for time to brief removability issues relating to SIJS, and issued a removal order.

16. Accelerated schedules and procedural obstacles have placed an unsustainable burden on The Door. Staff work untenable hours to prepare for rapidly scheduled asylum interviews and individual hearings while continuing to meet their obligations to other clients. The work required to prepare an unaccompanied child's case does not diminish when the preparation period is shortened. Instead, attorneys must attempt to complete that work during evenings and weekends and alongside existing hearings, filing deadlines, and client meetings. These demands are causing significant stress and exhaustion among staff and are not sustainable.

17. Meaningful representation requires much more than completing an application or appearing at a hearing. Attorneys must meet with the child, arrange interpretation when needed, explain the proceedings in an accessible manner, and establish sufficient trust for the child to discuss sensitive and often traumatic experiences. They must identify and develop the factual and legal bases for relief, prepare and review declarations, obtain and translate supporting documents, research country conditions, identify and prepare potential witnesses, and, where appropriate, seek medical health evaluations. They must also prepare legal submissions and help the child understand and prepare for questioning. These tasks often require repeated meetings and coordination with family members, interpreters, service providers, and others whose availability counsel cannot control.

18. These difficulties are compounded when children must file their I-589s shortly after arriving in the United States and then prepare for USCIS asylum interviews on accelerated schedules. When the case is referred to EOIR—which it (almost) always is—the immigration judge schedules the case for an individual hearing (i.e. trial) within just a few weeks. Two or three weeks is not enough time to complete this work in our cases.

19. The instructions from EOIR that removal cases against unaccompanied children must be resolved on an expedited timeline impede The Door's ability to effectively represent unaccompanied children in removal proceedings. The adversarial nature of Immigration Court proceedings adds substantial preparation demands. Counsel must prepare the child to testify before

an immigration judge and respond to questioning by a government attorney, including questions challenging the child's account or highlighting perceived inconsistencies in earlier statements. This requires time to review the prior application and interview record, clarify misunderstandings, develop additional evidence, and help the child understand the different roles of the participants. For a child with mental health concerns or a history of trauma, preparing to discuss painful experiences while facing potentially challenging questioning requires particular care. When an individual hearing is scheduled only weeks after referral, counsel has limited time both to address the gaps left by the accelerated USCIS interview process and to prepare the child for this substantially different setting.

20. Moreover, the vulnerabilities that complicate development of an unaccompanied child's asylum claim persist throughout the application, interview, and individual hearing process. Children may need repeated meetings, breaks, or support to discuss traumatic experiences. Mental health concerns can affect concentration, recall, and participation in preparation. For detained children, restrictions on access further complicate meetings with counsel and coordination of services.

21. These compressed timelines and procedural obstacles impair our unaccompanied child clients' ability to understand their proceedings, participate meaningfully, and present their claims for relief. We have had to reassign cases and redistribute preparation responsibilities to address rapidly scheduled hearings and conflicts with attorneys' existing obligations. . For children who have already begun building rapport with their attorney, a change in counsel can require repeating difficult conversations and establishing trust with someone new.

22. These compressed timelines have an incredibly negative impact on our unaccompanied child clients, who are being forced through their removal proceedings with no opportunity to meaningfully present their claims for relief, or to even understand what is happening to them. An accelerated schedule leaves less time to explain the process, answer questions, address fears, and prepare the child to participate meaningfully. It also leaves less time to identify and

resolve misunderstandings before the child is questioned about events central to the claim. These pressures create a serious risk that a child's case will be decided before counsel can fully develop and present the evidence supporting relief. Where a continuance is denied, the consequences may include proceeding without important corroborating documents, a needed medical evaluation, a prepared witness, or sufficient opportunity to prepare a child's testimony. The resulting risk is that the case will be decided on an incomplete record, with potentially life-or-death consequences for a child seeking protection from danger.

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

Executed on November 11, 2026 in New York, New York.



Selene Nafisi, Esq.

EXHIBIT A

Outlook

Fwd: Asylum Interview Reschedule Request - A 2[redacted]

From Lisa Ledvora <lledvora@door.org>
Date Tue 11/10/2026 8:12 PM
To Selene Nafisi <snafisi@Door.org>; Beth Baltimore <bbaltimore@door.org>

The ZNY auto reply message has not been updated post-TRO:

Lisa Ledvora
Pronouns: she/her/ella
Staff Attorney, Removal Defense Team
The Door's Legal Services Center
Direct: 646.712.8353 • WhatsApp/Mobile: 929.637.2295
Mailing Address: 121 Avenue of the Americas, 3rd Floor, New York, NY 10013

From: NewYork Asylum <NewYork.Asylum@uscis.dhs.gov>
Sent: Tuesday, 10 November 2026 18:23:26
To: Lisa Ledvora <lledvora@door.org>
Subject: Automatic reply: Asylum Interview Reschedule Request - A[redacted]

IMPORTANT NOTICE - PLEASE READ

Starting April 20, 2026, this office no longer provides in-person information services or walk-in requests. If you submit an inquiry directly to our office, please note that the office does not process these inquiries directly. All mail, email, phone, and walk-in inquiries should be directed to USCIS' online tools or the USCIS Contact Center. Please visit **uscis.gov/tools** to check your case status online and to get answers to other immigration questions without the need for an appointment:

- Check your case status: **www.uscis.gov/casestatus**
- Change your address: **www.uscis.gov/addresschange**
- Submit an online request about your case or access a variety of self-help tools: **https://egov.uscis.gov/e-request**
- Sign up for automatic updates on your case: **www.myaccount.uscis.gov**
- Ask Emma, our virtual assistant, your immigration questions: **www.uscis.gov/emma**
- Explore your immigration options: **www.uscis.gov/forms/explore-my-options**
- Find free forms: **www.uscis.gov/forms**

If you are unable to find the information you need or you need a service that we can only provide in person, call the USCIS Contact Center at 800-375-5283. For people who are deaf, hard of hearing, or have a speech disability, please call TTY 800-767-1833 during the hours of 8:00 a.m. to 8:00 p.m. (EST). If you need a service that we can only provide in person, you may request an

appointment through the chat via Emma, the USCIS Virtual Assistance function on our website, or by calling the Contact Center at 800-375-5283 (TTY 800-767-1833).

ALERT: Effective May 18, 2026, USCIS will no longer permit attorneys and accredited representatives to participate remotely in interviews at field offices and in affirmative asylum and Nicaraguan Adjustment and Central American Relief Act (NACARA) 203 interviews at asylum offices, except in limited circumstances. All legal representatives must be physically present to attend these interviews.

Case Filing Information

Affirmative Asylum Applications are not accepted at the New York Asylum Office. For instructions on how to file, please visit www.uscis.gov/i-589 and click on the Filing Instructions Tool.

Updating a G-28

If you are an attorney or accredited representative and you need to update the G-28 on file with USCIS, please do **only one** of the following:

- If you have a USCIS Online Account, log in to your account to submit new Form G-28s for each case linked to your online account; or
- Submit a paper Form G-28 for every pending case and include the receipt number for each case.

If you are submitting a paper form or written request, submit the documents for each case to the USCIS location where that case is currently pending. For cases filed online, attorneys are advised to update G-28s through their attorney portal to avoid losing access to their client's status and notices. Once the G-28 is linked to the case, attorneys will have immediate access to filings and uploaded notices. If a G-28 for an online case is not processed through the attorney portal, the attorney will not be linked to their client's notices.

Accommodation

An accommodation is a change in a USCIS practice or procedure that allows a qualified individual with a disability to participate in our programs and activities and access our benefits. If you need to request a disability accommodation:

- Go to uscis.gov/accommodations to make your request online; or
- Ask the USCIS Contact Center for help in English or Spanish.

If you need an accommodation for an appointment (fingerprinting, interview, etc.), we encourage you to request your accommodation immediately when you receive your appointment notice.

Updated Interview Rescheduling Procedures for Affirmative Asylum Interviews

You may submit your request to the Contact Center at 1-800-375-5283 (TTY 800-767-1833) between 8:00 a.m. and 8:00 p.m. (EST). Applicants are responsible for appearing at their scheduled interview unless they receive written confirmation that a reschedule request has been approved. Starting August 21, 2026, you must establish exceptional circumstances for USCIS to reschedule your asylum interview. Additionally, we will no longer issue a Failure to Appear Warning notice after a missed interview. If you maintain a lawful basis to remain in the United States and you fail to appear for your interview without submitting a request to reschedule, either before your interview date or within 10 calendar days after your missed interview date, we may dismiss your asylum application. If you do not maintain a lawful basis to remain in the United States, we may refer your case to an immigration judge. Note: If you are a parolee who fails to appear for your asylum interview, USCIS will make a determination as to whether the purposes of parole have been served and determine, on a case-by-case basis, whether to terminate your parole and refer your case to an immigration judge.

Information about rescheduling an asylum interview and establishing exceptional circumstances will be available on the Establishing Exceptional Circumstances for Rescheduling Affirmative Asylum Interviews webpage once the new procedures are in effect.

Updated Biometrics Appointment Rescheduling Procedures for Aliens Who Have Filed for Affirmative Asylum

Starting August 21, 2026, if you fail to appear for your biometric services appointment and are requesting to be scheduled for a new appointment, you must submit your reschedule request within 10 calendar days of your missed appointment. You can submit a reschedule request via my.uscis.gov/accounts or by calling the USCIS Contact Center at 800-375-5283 (TTY 800-767-1833). You must provide evidence of the exceptional circumstances that led to your failure to appear in your USCIS online account or to the Asylum Office. Failure to submit a reschedule request with the requested evidence, or failure to establish exceptional circumstances to excuse your failure to attend your biometric services appointment as initially scheduled, may cause USCIS to:

- Dismiss your asylum application, if you maintain a lawful basis to remain in the United States; or
- Refer your application to an immigration judge, if you do not maintain a lawful basis to remain in the United States.

For more information, visit www.uscis.gov/forms/filing-guidance/preparing-for-your-biometric-services-appointment.

Updated Evidence Submission Policy for Affirmative Asylum Applications

Starting August 21, 2026, you must submit all evidence in support of your asylum application to the asylum office 14 calendar days before the date of your scheduled interview. Evidence submitted less than 14 calendar days from your scheduled interview may not be included with your asylum application, or we may reschedule your asylum interview. A rescheduled asylum interview due to late evidence submission may affect your eligibility for an employment authorization document (EAD).

- **For paper filings:** You can mail the additional evidence to the asylum office. Submit copies of evidence in duplicate (2 copies), accompanied by a certified English translation if not in English, and evidence must be 2-hole punched along the top (centered and 2 ¾ inches apart). Submissions may be stapled in the top left corner. If stapling is impracticable, the use of removable binder clips is encouraged. Submissions should not be bound on the side nor commercially bound, as items must be disassembled to fit into the record of proceedings and might be damaged in the process. The use of ACCO-type fasteners and paper clips is discouraged.
- **For online filings:** You can email the office's public email address or upload additional evidence via your myUSCIS account if you filed your application online. You may also mail or drop off evidence for online filings.

ADDITIONAL INFORMATION

Asylum Scheduling Priorities

For current information about scheduling priorities, please visit: www.uscis.gov/humanitarian/refugees-asylum/asylum /affirmative-asylum-interview-scheduling.

Credible Fear/Reasonable Fear/Expedited Removal Proceedings

The New York Asylum Office does not adjudicate Expedited Removal cases. For detained Credible Fear/Reasonable Fear cases, email AsylumD3Prescreening@uscis.dhs.gov. For Non-Detained Credible Fear cases, email AsylumD3NonDetainedScheduling@uscis.dhs.gov.

Immigration Proceedings Inquiries

Please contact EOIR. For more information visit www.justice.gov/eoir/eoir-case-information.

Unaccompanied Alien Children (UACs)

UACs in immigration proceedings with a pending asylum application may go to www.uscis.gov/casestatus or call USCIS Contact Center at 1-800-375-5283 (if you are deaf,

hard of hearing or have a speech disability: TTY 800-767-1833) during the hours of 8:00 a.m. and 8:00 p.m. (EST)

EXHIBIT 8

DECLARATION OF LAUREN FISHER FLORES, ESQ., LEGAL DIRECTOR OF PROBAR IN SUPPORT OF PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION

1. My name is Lauren Fisher Flores. I certify under penalty of perjury that the following statement is true and correct pursuant to 28 U.S.C. §1746.

2. I am over the age of 18 years old and make this declaration based upon my personal knowledge and experience. If called to do so, I could and would competently testify to these matters under oath.

3. I am the Legal Director at the American Bar Association South Texas Pro Bono Asylum Representation Project (ProBAR), a legal service provider in South Texas. I have been working for ProBAR the past three years and in the immigration field since 2006. I incorporate my Declaration in Support of Plaintiffs' Motion for Temporary Restraining Order as if fully set forth herein.

I. ProBAR Staff Have Continued to Experience Scheduling and Notice Issues Before USCIS

4. Since filing my declaration in support of Plaintiffs' Motion for Temporary Restraining Order, ProBAR attorneys and DOJ Representatives continue to experience a high volume of asylum interviews, with as little as 24 hours' notice, denials of rescheduling requests, and failure to receive and/or accept supporting documents prior to issuing a decision. ProBAR's detained child clients now have virtual interviews with the Asylum Officer. Often, attorneys do not receive notice from the government until after the interview has already taken place. Instead, the ORR shelter caseworker is notified of the asylum interview by email and ProBAR attorneys find out about the interview from the child client or the caseworker rather than by written notice. For example, prior to the Court's TRO, I learned about a scheduled asylum interview from speaking with the child client at the shelter, and received the interview notice by mail after the date of the interview.

5. On October 13, 2026, a ProBAR attorney received notice that USCIS would be conducting a virtual interview for her client on October 15, 2026, at 7:30 AM. The ProBAR attorney emailed the Houston asylum office asking for the interview to be rescheduled, asserting the child's right to have his attorney present and providing a copy of the flight itinerary for a pre-planned family trip to Disneyland. On October 13, 2026, while the attorney was on vacation, without providing a response to the reschedule request, the asylum officer proceeded to meet with the detained child for a virtual interview. A different ProBAR attorney was able to intercede and requested that the interview be reset for the child's own attorney to be present. The asylum officer told the child that his request for the interview to be rescheduled had already been denied and that if he declined to go forward his case would be referred to the court. The child, who had suffered severe child abuse, was forced to go forward without his own attorney and without evidentiary support to his claim. Less than 24 hours later, the asylum office referred the case to the immigration court.

6. In the case referenced above, had the child client received 21 days' notice of the interview, the ProBAR attorney would have submitted police reports evidencing the persecution the child suffered, a psychological evaluation explaining the child's trauma, and country conditions explaining the circumstances in the child's country of birth. The attorney would have prepared the child for the interview over multiple sessions, explaining what the interview would be like, empowering the child to explain their story, practicing using an interpreter, and helping the child understand asylum law as it applies to them. The ProBAR attorney would have made plans to be in person with the child at the shelter in support.

7. After the Court issued its TRO, the ProBAR attorney emailed a written request to the Director of the Houston Asylum Office that the child be re-interviewed with his attorney present and provided a copy of the Court's TRO. The request was denied.

II. Immigration Courts are Fast Tracking Removal Proceedings for ProBAR's Unaccompanied Child Clients

8. ProBAR attorneys and DOJ Representatives currently represent detained unaccompanied children in removal proceedings before EOIR. ProBAR staff regularly appear in immigration court and observe immigration proceedings. Until recently, children detained in the Rio Grande Valley region attended immigration court hearings in Harlingen, Texas in specialized juvenile dockets before two immigration judges physically located in the Harlingen, Texas court. ProBAR attorneys and DOJ Representatives, Child Advocates from the Young Center, and counsel for DHS also appeared in person. A Spanish interpreter was also usually in person in the courtroom. At the beginning of October, the hearings were all moved to virtual WebEx hearings with immigration judges in different parts of the country. Children physically detained in the Harlingen area now have hearings in other states, including Utah, Ohio, and Georgia.

9. In recent weeks, our team has witnessed a further erosion of the already-minimal due process protections for children since the policies and practices around removal hearings for detained juveniles changed in Spring of 2026. ProBAR staff have observed immigration judges state on the record that they lack control over their docket schedule. For example, I appeared for a hearing in Harlingen, Texas, with a detained unaccompanied child client who had filed an asylum application before USCIS. In the past, similarly situated clients consistently had their case dismissed under these circumstances. I requested a two-month continuance for the application to be adjudicated. The immigration judge said on the record "because Respondent is detained, I cannot give lengthy continuances, counsel, maybe two weeks at the most I might be able to stretch it to three weeks, but I can't guarantee that it won't be advanced." After that hearing, the next hearings were all conducted virtually. In two months, the child had four hearings with four different virtual judges. In one of the virtual hearings, the immigration judge was not visible on the video and instead the child could only see an

empty table and hear a disembodied voice. This child had court every week or two, often waiting hours before her virtual "turn" with judges unfamiliar with her case, each time without understanding what to expect. The frequent hearings caused the child anxiety and contributed to medical issues.

10. ProBAR staff have also witnessed these new policies negatively affect unrepresented detained unaccompanied children. Unrepresented children are being repatriated quickly, often within one month of entering the United States. Whereas children who wanted to repatriate used to seek voluntary departure with counsel and pursuant to the protections of the TVPRA, now the immigration judges are frequently ordering removal pro se. ProBAR staff have witnessed multiple children as young as thirteen ordered removed by an immigration judge without counsel. In one case, the immigration judge asked a child if there was any reason he could not return to his country. It was his second hearing before the court, and he had only been detained for one month. The thirteen-year-old pro-se child answered that he had no one to live with, and it was very dangerous to return to his country of origin. The judge told the child it was not a reason for asylum and ordered him removed. Instead of pursuing his case in a non-adversarial interview with the asylum office, the entire hearing was conducted in a few minutes in front of a packed courtroom that included media. In a different case, the immigration judge found that a pro se thirteen-year-old indigenous language speaker had abandoned her asylum application even after she expressed fear of return to her country. Despite her inability to fill out the English language form, the judge found that her asylum claim had been abandoned and ordered her removed.

11. Reports from ProBAR's Detention Orientation Resources for Youth hotline (DORY) confirm the significant impediments facing unrepresented children. Our staff have received multiple concerning calls from unrepresented detained children who have received incorrect or misleading information from the court, including prior and now

defunct versions of asylum applications and incorrect information about the way to file the asylum application fee. Legal harms are also committed by untrained ORR case managers who attempt to assist children in filing their applications – in one instance, a ProBAR accredited representative explained to an ORR case manager the harm to the child's interest in filing an unaccompanied child's asylum application with the court instead of with USCIS.

12. On Monday, November 2, 2026, after the Court issued the TRO regarding asylum office policies, ProBAR staff observed a change from two to three-week continuances to even shorter continuances. DHS counsel began objecting to continuances longer than three days for children with asylum claims and asserting "favorable country conditions" for repatriation. A pro se Spanish-speaking child was asked if he had completed the asylum application, and he responded that he had only been able to complete the first part. The judge gave him another hearing in three days. Another child had proof of the application filing with USCIS, but DHS insisted on a three-day continuance. On November 3, 2026, our staff observed a hearing with a child who was waiting for a decision after an interview with the Asylum Office. DHS counsel stated on the record that they did not see the likelihood of the application being approved and suggested the child take voluntary departure. On November 5, 2026, a pro se child showed proof of filing an asylum application with USCIS, and DHS counsel objected to a continuance of longer than three days, stating that the child had been in detention since July and DHS wanted to expedite the removal proceedings. The immigration judge scheduled the hearing for November 16, 2026, noting it was the soonest date available on his calendar.

13. The courts are not scheduling hearing dates beyond mid-November. In the hundreds of detained unaccompanied child cases ProBAR staff have observed in the month of October and the first week of November, the latest reset date we have recorded is November 17, 2026. ProBAR staff have not recorded any detained cases scheduled

beyond 2026.

14. Children arrive in the ORR detention centers with multiple layers of trauma from their experience in their home countries and on the journey. It often takes time for them to feel safe and open up to the adults around them. The expedited processes before the courts and before the asylum office limit the amount of time ProBAR staff has to develop rapport with child clients, understand their history, and develop the asylum claim. Immigration judges now expect the child to file an asylum application shortly after arriving in the United States, and USCIS schedules asylum interviews at a record pace. Meanwhile, our staff are still learning the facts of the child's claim, gathering evidence and records, and cannot sufficiently develop full and comprehensive asylum claims and applications. When the Asylum Office denies a case and refers it to EOIR, immigration judges regularly schedule the case for trial within just a few weeks.

15. Two or three weeks is not enough time to gather and translate foreign documents, find and contract with country conditions experts, procure mental health evaluations, respond to pretermission motions, brief the case, and prepare the child for an adversarial trial.

16. For example, one ProBAR client, a 15-year-old detained child, went through the asylum interview and immigration court asylum trial within a span of 23 days —an incredibly traumatizing experience for the client and nearly impossible burden on the attorney. The client filed for asylum on August 28, 2026. On September 21, 2026, ProBAR received the notice of her virtual interview on October 6, 2026. After the child's intense virtual interview, the asylum officer referred the case to the immigration court the very next day. The child was set for an initial hearing with the immigration court on October 15, 2026. At that hearing, DHS counsel moved to pretermit the asylum claim. The ProBAR attorney requested time for briefing. The immigration judge set an extremely short scheduling order for the case: the briefing deadline for pretermission on October 22, 2026, the asylum trial (should the case survive pretermission) for October 29, 2026, and

the filing deadline for all supporting documents on the asylum claim for October 28, 2026. The child's attorney successfully defended pretermission, but the immigration judge denied asylum and ordered the child removed at the hearing on October 29. The speed with which cases are proceeding is unprecedented and I have never seen anything like it in my 20 years of practice in immigration proceedings.

17. In another ProBAR case, a detained child client filed for asylum in July 2026. The interview took place on October 7, 2026 and the Asylum Office referred the case to the immigration court the very next day. The immigration judge set the asylum trial for October 28, 2026. DHS counsel moved to pretermit the asylum claim two days prior to the final hearing. At the asylum trial, the immigration judge pretermitted the asylum claim and ordered the child removed.

18. Both of those child clients had state court orders making them eligible for Special Immigrant Juvenile Status as abused, abandoned, or neglected children. Both children were ordered removed despite relief being available to them.

19. The push to accelerate case timelines and adjudications and force all unaccompanied children through the immigration courts has had immediate and severe impacts on ProBAR personnel. Our staff are working long hours to meet impossible timelines. We are unable to plan or calendar interviews and hearings due to the chaotic rescheduling and improper notice. We cannot effectively develop our clients' claims, gather evidence from foreign countries, conduct psychological evaluations, properly develop trust and use best practices for working with traumatized children, or take (or enjoy) planned time to recover. It has resulted in a demoralized environment for ProBAR's staff of passionate, mission driven advocates for children.

20. The dramatic changes to agency and court procedures that used to protect children's interests have made the legal practice nearly untenable. It directly interferes with ProBAR staff's ability to provide counsel to unaccompanied children in their removal

proceedings. ProBAR attorneys are scheduled for back-to-back master calendar and individual hearings in numerous cases now set via televideo almost every day of the week. This rapid progression of cases through the system has made it almost impossible for ProBAR to take on new clients. As a result, more children are going unrepresented in immigration court and, like those examples listed above, unable to pursue their asylum claims due to lack of language translation to understand and complete the English forms and lack of ability to articulate their asylum claims.

21. Most importantly, these changes have had an incredibly negative impact on our unaccompanied child clients. They are being forced through their removal proceedings with no opportunity to meaningfully present their claims for relief or even understand what is happening to them. For some clients, this could be the difference between life and death.

Executed on the 10th November 2026, in Houston, Texas.



EXHIBIT 9

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
GREENBELT DIVISION

The Door, *et al.*, *Plaintiffs,* vs. Joseph B. Edlow, *et al.*, *Defendants.*	Case No. 26-cv-04326-BAH Declaration of Elizabeth Sanchez Kennedy on Behalf of Plaintiff Galveston-Houston Immigration Representation Project in Support of Plaintiffs' Motion For Preliminary Injunction

DECLARATION OF ELIZABETH SANCHEZ KENNEDY ON BEHALF OF PLAINTIFF GALVESTON-HOUSTON IMMIGRATION REPRESENTATION PROJECT IN SUPPORT OF PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION

1. I, Elizabeth Sanchez Kennedy, am the Executive Director at the Galveston-Houston Immigrant Representation Project ("GHIRP"). I certify under penalty of perjury that the following statement is true and correct.

2. I am over the age of 18 years old and make this declaration based upon my personal knowledge and experience. If called to do so, I could and would competently testify to these matters under oath.

3. I am the executive director of GHIRP and have been employed at GHIRP since its founding in 2020. I incorporate my Declaration in Support of Plaintiffs' Motion for Temporary Restraining Order (Dkt. 23-9) as if fully set forth herein.

I. GHIRP Continues to Experience Scheduling and Notice Issues Before USCIS

4. Between filing my declaration in support of Plaintiffs' Motion for Temporary Restraining Order on October 16, 2026, and the Court's issuance of a temporary

restraining order, GHIRP observed several instances where USCIS refused to provide 21 days' notice of asylum interviews for pro se detained children in ORR custody and refused to reschedule the interviews when the ORR facilities requested that on behalf of the children. The children were told that they needed to appear for the asylum interviews or else they would risk getting "no-show" notices and being referred to immigration court.

5. On or around September 11, 2026, we were made aware of an email that ORR sent to all of its care providers, which stated that USCIS would be "requesting to conduct **virtual** interviews with the Unaccompanied Alien Children (UAC) claiming asylum" and requested that all "shelters and foster care" accommodate these requests. The email contained an attachment with further details about and instruction on how ORR will "support[] virtual asylum interviews." The email and attachment are attached as Exhibit A to this declaration. We received a copy of this email from a staff member at an ORR facility. GHIRP was actually aware of this change before September 11, 2026, but that appears to have been the formal announcement. As mentioned in our prior declaration, we represent two detained child clients for whom USCIS attempted to schedule asylum interviews on September 3, 2026, with less than 24 hours' notice.

6. In addition, we have observed that the Houston Asylum Office on multiple occasions has failed to accommodate the needs of children in ORR custody experiencing mental health crises due to prolonged detention and family separation. Some children have been involuntarily hospitalized during their detention in ORR custody. On one occasion, a child had to complete his asylum interview virtually from within a psychiatric hospital. The Houston Asylum Office was made aware of the child's hospitalization multiple times, but a supervisor ultimately instructed the interviewing officer to conduct the interview regardless. A GHIRP attorney requested that the ORR facility make the child available for a phone call before proceeding with the interview, but the attorney received

no response to the request. That child's asylum application was referred to immigration court immediately after the conclusion of his asylum interview, and the immigration judge scheduled him for an individual hearing at the very next court setting after he was released from the hospital.

7. On another occasion, a child was asked to sign paperwork for the Houston Asylum Office while still in the hospital. On both occasions, a GHIRP attorney objected to the unreasonable requests being made by USCIS, and the ORR facility's accommodations of those requests. The repeated hospitalizations have severely impacted GHIRP's ability to provide legal services to the detained children, and USCIS has consistently overlooked the obvious competency concerns for these children.

8. We have also observed multiple instances where the Houston Asylum Office issued a Referral Decision with a Notice to Appear before the immigration court; however, our clients did not receive either the decision or NTA in the mail. In almost all cases of our referred clients, the Houston Asylum Office is failing to send the notices to our clients, therefore not properly serving paperwork on the applicants. It appears as though USCIS is not sending the paperwork to the children at all, resulting in our clients appearing in immigration court despite never being served a charging document. In the cases where we represent the clients, we receive the attorney copy; however, in the cases where the applicants are unrepresented before USCIS, it is unclear if they are even being served the documentation properly in accordance with law.

9. From November 9-10, 2026, GHIRP received 68 interview notices from the Houston Asylum Office for our clients. The interviews are scheduled to occur on the same three days: December 8 (25 interviews), December 9 (28 interviews), and December 10 (15 interviews). An additional 11 clients have been scheduled for interviews, according to the USCIS online case status page, but we have not received the interview notices yet. The notices technically provide our office at least 21 days' notice, but that time does not

ensure GHIRP can meaningfully represent our clients in nearly 80 back-to-back interviews occurring in less than one week. Our team consists of only 7 attorneys and one DOJ accredited representative, and we cannot prepare for, and appear in, 79 separate interviews with clients occurring within three days. This is particularly true when the immigration court is simultaneously expediting a large number of clients through the court system.

10. On November 9, 2026, we submitted reschedule requests to the Houston Asylum Office for two detained child clients with upcoming asylum interviews, citing the TRO. As of November 11, 2026, they have yet to respond to these requests. Our attorney received an automatic response from the Houston Asylum Office email address, so we know that the two requests were received; however, they have not responded even to acknowledge receipt, as we requested.

11. We intend to submit requests to reschedule many of the other interviews so that we can prepare the clients, submit supporting documentation, and competently represent them during the interview.

II. Immigration Courts are Fast Tracking Removal Proceedings for GHIRP's Unaccompanied Child Clients

12. GHIRP is currently representing approximately 30 detained unaccompanied child who are in removal proceedings before EOIR. We also have 11 unaccompanied child clients who are released and have completed their asylum interview with USCIS and now awaiting a decision.

13. GHIRP has observed immigration judges indicate on the record that they lack control over their docket schedule. When we have requested continuances to allow the children more time to prepare applications, evidence, or testimony, we have been told by multiple immigration judges that they only have certain dates available and that they are limited in how long of a continuance they can grant. When we have requested continuances,

administrative closure, or termination of removal proceedings to allow children to proceed on applications for collateral relief with U.S. Citizenship and Immigration Services (USCIS), such as Special Immigrant Juvenile status ("SIJS"), they have been denied every time. The immigration judge orders denying continuances in these situations have merely cited a lack of good cause or speculative relief.

14. Our detained clients have been required to file Form I-589s with the immigration courts on very fast timelines. Typically, within days of USCIS referring an asylum application to EOIR, the child has to appear in immigration court, where the judge sets the case for an individual hearing within the next two or three weeks. In a couple of cases the immigration judge has granted a short continuance to find an attorney or prepare for the case, which gave the children only two to three additional weeks. This means that the best-case scenario for detained unaccompanied children is a six week period to prepare for their individual hearing.

15. In one a hearing in October, where a GHIRP attorney requested a continuance for our client, the immigration judge appeared to be willing to grant additional time. However, he reversed course after reviewing his computer screen and denied the continuance. Our attorney continued advocating for him to grant the continuance and the judge confirmed on the record that he had no other available dates and believed he needed to complete the case by a certain period of time.

16. Another case example illustrates EOIR's accelerated processing of detained UC cases. DHS initiated removal proceedings against a 17-year-old detained child shortly before the Acacia contract expired at the end of July 2026, and thus shortly before USCIS and EOIR further expedited their processing of unaccompanied children's cases starting in August 2026. At this child's first hearing to occur after the change in contract, in mid-August, the immigration judge granted a single 17-day continuance for the child to find counsel. At the next hearing, in late August, the judge forced the child to enter

pleadings and further ordered him to file a Form I-589 with USCIS. In mid-September, the child filed his Form I-589, pro se but with GHIRP's help, and he updated the court accordingly at the next hearing later in September. Over the next thirty-two days, USCIS interviewed the child (with inadequate notice prior to the interview and after refusing his reschedule request), referred his asylum application to EOIR, and then EOIR held an individual hearing where the judge ordered the child removed. The child had asked the judge for more time, but the judge denied his request.

17. We have also seen immigration judges require unrepresented children to respond to the allegations in the Notice to Appear—i.e., the charging document in their case—without counsel, despite their obvious lack of comprehension. In several instances, children accepted deportation or voluntary departure and waived their right to seek asylum or other protection without understanding their case. Others were ordered removed simply because they could not prepare an application on their own within the time the judge allowed.

18. On one recent docket, a very brave detained child told the immigration judge after pleadings that his Form I-213, which had been prepared and filed by DHS, was not accurate because it indicated that DHS had detained him without incident, but in reality, DHS had assaulted him and broken his leg. The Form I-213 is a DHS-prepared document that the government often uses in removal proceedings to establish the charges of removability alleged in the NTA. If the child was correct and the Form I-213 was inaccurate, the immigration judge could suppress the document and not consider it as evidence. Since the I-213 forms the basis for the removal proceedings, the child would potentially be eligible for termination of proceedings if the document was not admitted into evidence. At the very least, the government would be required to correct the documentation.

19. However, the judge proceeded with the case despite the child's assertion of being

assaulted by a government official. This is in stark contrast to prior child-friendly practices, when the juvenile judges would have developed the record of unrepresented children who raise serious issues of child harm, and seems to be the result of inflexible time limits for adjudicating children's cases.

20. Additionally, the courts are shuffling, reassigning, and consolidating children's cases with different judges, removing the children from juvenile judges and exacerbating the issues related to expeditious adjudications in the immigration court. Several child-friendly immigration judges who previously presided over detained unaccompanied children cases have seen their dockets transferred to other judges. Several of our former juvenile docket judges required in-person attendance at the courtroom, but the new judges strictly appear virtually, by WebEx. They have instructed us to file documents virtually, even for pro se respondents, and we have had multiple court clerks reject our filings that we have tried to file in person. The constant moving of dockets and judges has created confusion for attorneys attempting to file documents and meet court deadlines. While our detained juvenile clients have remained on dockets heard by Houston immigration judges, we have observed that children from out-of-state facilities are now also being heard by the same judge. Our access to observe the virtual dockets for children we are not assisting as Friend of Court has also been limited recently.

21. On another docket, a tender age child alerted the immigration judge that she had never received the Form I-213 in her case (which a GHIRP attorney appearing as Friend of Court affirmed), but the judge forced the child to plead nonetheless, telling her he had to move the case forward that day. She requested voluntary departure, but informed the judge that her younger siblings, whose cases were consolidated with their older sister's case, explicitly did not want voluntary departure. Nonetheless, the judge ordered all three children to take voluntary departure—even after the child indicated that she did not have a parent in her home country to receive her or her siblings, since her mother was in jail

and she did not know her father. The child's statements on the record raised child protection issues and alarming flags as to the viability of safe repatriation to their country of origin, which is part of the federal government's obligations to unaccompanied children. *See* 8 U.S.C. § 1232(a)(5)(A). Furthermore, the child's assertions indicate that the siblings qualify for Special Immigrant Juvenile Status, relief that would protect them from deportation and future harm. Previously, in a situation where child safety is at issue, an immigration judge would further develop the record, especially in the case of very young, unrepresented children.

22. A GHIRP attorney appearing as Friend of Court requested to enter an appearance for the younger siblings to sever the cases from the older sibling. However, the judge denied the request and abruptly removed the GHIRP attorney from the WebEx hearing, telling her she was impermissibly advocating for the children. The child and her little sister both cried into each other's arms after the hearing, as a GHIRP legal assistant attempted to explain what had happened and console them. All of these children have pending applications for relief with USCIS that could provide them a pathway to permanent legal status, but the immigration judge disregarded the pending applications.

23. We also recently observed an immigration judge "interrogating" detained child respondents (in the judge's own words) to assess their Spanish language proficiency, after they had requested an interpreter in their native (non-Spanish) language that the court did not provide. Language access issues seem to be more common due to the fast-tracking and re-calendaring of cases for unaccompanied children in both detained and released settings.

24. This push to accelerate the timelines and force all unaccompanied children through the immigration courts has had immediate and severe impacts on GHIRP and the children we serve. Our staff are experiencing burnout and vicarious trauma more than ever, and they are having to work overtime to meet these deadlines. We have been unable to obtain

evidence or prepare legal briefing to the quality and extent we would have previously due to woefully inadequate time to prepare cases and for such a high volume of cases.

25. By requiring newly arriving or newly detained children to file applications for relief immediately, it is extremely difficult for our team to provide legal services to children to protect their due process rights and ensure they have access to safety. GHIRP's Immigrant Children and Youth attorneys need time to adequately prepare our clients' cases, which could include finalizing client and witness declarations, gathering additional corroborating evidence establishing their claim, finalizing expert reports and declarations, and identifying and preparing witnesses for trial. These continuances are critical to providing effective representation to our unaccompanied child clients, and thus fulfilling GHIRP's mission, because our legal staff are able to prepare our clients' cases in a child-friendly and trauma-informed manner and file comprehensive application to the court.

26. Similarly, by fast-tracking children through the asylum office then through the immigration court process, GHIRP's legal team does not have the opportunity to present a fully prepared claim for our young clients in their EOIR proceedings. Because of this high-volume, fast-tracked system, our attorneys are often reduced to standing beside our clients instead of providing the full representation they need to participate meaningfully in their removal proceedings.

27. Expedited processes have also had an incredibly negative impact on our unaccompanied child clients, who are being forced through their removal proceedings with no opportunity to meaningfully present their claims for relief, or to even understand what is happening to them. In addition to the courtroom observations mentioned above, we have seen that detained children are being hospitalized for mental health crises amid prolonged detention. They are desperate and stressed over the changing enforcement policies that leave them detained without familial or legal support. Detained children are overcome

with fear because they have no advocate to raise their claims in court. They are scared that they are now required to defend themselves against deportation, and if unsuccessful, they will be forced to return to no one, or to a violent or neglectful home.

28. Even under the best circumstances, with an attorney who has time to fully prepare an asylum claim, current law and precedent make it extremely difficult to establish eligibility for protection in immigration court. Now, hundreds of children are being fast-tracked through the court on a fixed deadline while detention facilities have no legal services. Under these conditions, it is nearly impossible for them to meaningfully participate in their cases, much less prove they qualify for relief.

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

Executed on this 11th day of November 2026, in Harris County, Texas.



Elizabeth Sanchez Kennedy
Executive Director
Galveston-Houston Immigrant Representation Project (GHIRP)

EXHIBIT A

[redacted]

From: UC Policy (ACF) <UACPolicy@acf.hhs.gov>
Sent: Friday, September 11, 2026 1:19 PM
Cc: UC Policy (ACF) <UACPolicy@acf.hhs.gov>
Subject: Preparing for USCIS virtual interviews with UAC claiming asylum

Dear UAC Provider Network,

In the coming weeks, the United States Citizenship and Immigration Services (USCIS) will be requesting to conduct **virtual** interviews with the Unaccompanied Alien Children (UAC) claiming asylum. Prior to the virtual interview, care providers must have the following ready for UAC who are participating:

- Designate a private enclosed area that allows for confidentiality for in-person and virtual meetings to accommodate attorney of record and/or Legal Service Provider (LSP) attendance;
- Inform attorney of record and/or LSP of the virtual interview when the interview time is set;
- Prepare video/audio equipment and technology suitable for use in virtual interviews; and
- Provide qualified interpretation and/or translation services upon request.

USCIS anticipates all care providers will accommodate the virtual interviews, including shelters and foster care.

Please refer to the Job Aid attached, which will also be issued in the Knowledge Library.

For questions on procedures surrounding preparation for the virtual interviews that are not addressed in UAC policies and procedures, please reach out to UACLegalServicesSupport@acf.hhs.gov.

Thank you for everything you do to ensure the safety of the children ORR serves.

UAC Bureau
Office of Refugee Resettlement
Administration for Children and Families
U.S. Department of Health and Human Services
Washington, DC 20201

EXHIBIT 10

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND
GREENBELT DIVISION

THE DOOR, *et al*;

Plaintiffs,

vs.

Joseph EDLOW, *et al*,

Defendants.

Case No. 8:26-CV-04326-BAH

DECLARATION OF LAURA NALLY AND PLAINTIFF AMICA CENTER FOR IMMIGRANT RIGHTS IN SUPPORT OF PLAINTIFFS' MOTION FOR A PRELIMINARY INJUNCTION

DECLARATION OF LAURA NALLY

1. I, Laura Michelle Nally, make the following statements on behalf of myself and Amica Center for Immigrant Rights ("Amica Center"). I certify under penalty of perjury that the following statement is true and correct.

2. I am over the age of 18 years old and make this declaration based upon my personal knowledge and experience. If called to do so, I could and would competently testify to these matters under oath.

3. I am the Director of the Children's Program of Amica Center. I have been at Amica Center for 7 years and have been a practicing immigration attorney for 17 years. I incorporate my Declaration in Support of Plaintiffs' Motion for Temporary Restraining Order (Dkt. 23-7) as if fully set forth herein.

I. Amica Center Continues to Experience Scheduling and Notice Issues Before USCIS

4. Since signing my declaration in support of Plaintiffs' Motion for Temporary Restraining Order on October 16th and before the issuance of the Court's temporary restraining order, Amica Center received inadequate notice of several additional USCIS asylum interviews and continued to have difficulty in rescheduling interviews. In my prior declaration, our

rescheduling challenges had applied to both detained and released clients. Between my October 16 declaration and the issuance of the TRO, our problems have been limited to released cases because those are the interviews that have been scheduled. For example, in response to one request to reschedule an asylum interview for which fewer than 14 days' notice had been provided, the Arlington Asylum Office responded via email, "We have received your request to reschedule your asylum interview. You are required to appear for the interview as scheduled. At that time, you may make your rescheduling request in person if necessary, and a determination will be made accordingly. Please note that failure to appear for your scheduled asylum interview may result in your case being denied or referred to the Executive Office for Immigration Review." Although not at outright denial of the request to reschedule, a response of this nature has the same effect as a denial because the attorney must still fully prepare the client, timely file evidence, and appear for the interview or risk prejudicing the client if the in-person reschedule request were not granted at the time of the interview.

5. In another concerning case that has come to light since my prior declaration, the Arlington Asylum Office has alleged that a child represented by a pro bono team missed an interview on October 6, 2026, for which neither the child nor the attorneys received notice. The child had originally been scheduled for an interview on October 28, 2026, and the pro bono team worked diligently with the child to prepare her supplemental evidence submission, timely filing it with the Arlington Asylum Office on October 14, 2026. Through a routine check on October 21, 2026, Amica Center discovered that the USCIS online case status showed that the child had failed to appear for her interview. The pro bono team immediately followed up with the Arlington Asylum Office and was informed that the child's interview had been advanced to October 6, 2026, and that she had failed to appear. Neither the child nor the attorney of record received any notice that either her October 28 interview had been cancelled or that an interview had been scheduled on October 6. The pro bono attorney informed USCIS that no notice had been received and requested that USCIS respect the originally scheduled interview date of

October 28. As of the submission of this declaration, the child's interview has still not been rescheduled, and the USCIS online case status tool continues to indicate that she failed to appear for her interview on October 6, 2026.

6. Since the issuance of the TRO in this case, the Arlington Asylum Office has begun approving initial requests to reschedule an asylum interview for the purpose of attorney preparation and has provided at least 21 days' notice of the newly rescheduled interview. This was also true for the case referenced above in paragraph 4; the attorney renewed his request to reschedule the interview after the issuance of the TRO, and the Arlington Asylum Office granted the request and provided exactly 21 days' notice.

7. Amica Center represents one child who was recently released from ORR custody to New Jersey and whose asylum application was therefore transferred to the Newark Asylum Office. The child was scheduled for an interview on November 20, 2026. On the afternoon of October 31, 2026, the Amica Center attorney requested to reschedule the interview via email in order to prepare evidence and for the client to identify local counsel in New Jersey. She cited to the TRO in her request and attached a copy to the email. On November 2, the attorney followed up and spoke to an officer by phone, who informed her that their office was "still awaiting guidance for rescheduling procedures" and that they were not processing any rescheduling requests until they received such guidance. The officer provided no further guidance or a timeline by which the attorney could expect a response. As of the date of submission of this declaration, our office has still not received a response to this request.

II. Immigration Courts are Fast Tracking Removal Proceedings for Amica's Unaccompanied Child Clients

8. Amica Center is currently representing four detained unaccompanied children and over 70 released unaccompanied children in removal proceedings before EOIR. Amica Center represents more than 35 unaccompanied children who have completed their asylum interview with USCIS and are still awaiting a decision. We expect nearly all of those cases to be referred to

the immigration court because of the stark changes in adjudication of children's claims over the past few months. The last grant of asylum that our office received from the Arlington Asylum Office was for a child who was interviewed on September 22, 2026. Since September 22, our team has had 24 asylum interviews and received no positive decisions.

9. As previously stated in my October 16, 2026, declaration, immigration judges presiding over the detained juvenile dockets have continued to indicate that they are not permitted to continue cases for any more than three weeks at a time. Since that time, there have been several additional transfers of cases and dockets to judges around the country, often on short notice. Unaccompanied children represented by Amica Center are now scheduled for master calendar hearings before judges in Atlanta, Indianapolis, and New York. Each of these docket transfers has created confusion when hearings are listed as in person but no physical courtroom is actually available, causing Amica Center attorneys and staff to spend hours trying to confirm logistics for both the attorney's and client's appearances for hearings before each new judge.

10. On Friday October 16, 2026, Amica Center had the first detained juvenile docket with the newly assigned judge sitting at the Indianapolis Immigration Court. Of the five cases on that docket (one of which was a consolidated case involving three siblings), all of the children had already completed their interviews at the asylum office; two cases (including the three siblings) had been referred from USCIS to EOIR and three were still awaiting a decision. Of the cases that had already been referred by the asylum office, the immigration judge scheduled the individual hearings less than three weeks later. The case involving three siblings was scheduled for November 4, 2026, despite the attorney's representations that this was insufficient time to adequately prepare the case and the children and that the children had pending I-360 Petitions for Special Immigrant Juvenile Status. In the other case, the Amica Center attorney requested several weeks to prepare given competency concerns raised by the ORR staff, to which the immigration judge stated that "two weeks should be plenty" of time and set the hearing for

November 5, 2026.

11. For cases in which USCIS had not yet issued its decision, the judge scheduled another master calendar hearing the following Thursday, October 22—a continuance of four business days. When the decision was still not available on that date, the case was reset again for Tuesday, October 27—three business days. When the decision was still not available on October 27, the case was continued to Friday, October 30. On October 30, the Amica Center attorney requested a three-week continuance, which DHS opposed as being "excessively long," and the judge reset the cases for Monday, November 9. On November 9, there were still no decisions available from USCIS and the Amica Center attorney again requested a three-week continuance to which the immigration judge responded, "if I put it out there [referring to the three-week date] I think they are going to turn around and move it up anyway, so you know, I don't always have control over when I reset these. I can't go beyond a certain [indistinct] they'll just bump it up." The judge then reset the case to Monday, November 16. This type of scheduling practice is indicative of the extreme pressure to complete detained cases and is abusive and disruptive both to the children and to the attorneys who are forced to rearrange their schedule and other casework every few days and on short notice to comply with these demands. It is particularly important to understand the cumulative impact of these practices across cases. The same attorney who was told that two weeks' time "should be plenty" to prepare a child with competency issues for an asylum trial was also scheduled for three separate detained dockets on other cases during that same two-week period.

12. It is clear from Amica Center's interactions with the immigration courts that there are case completion requirements with which judges must comply. An Amica Center attorney appeared at a hearing before the Baton Rouge Immigration Court on August 20, 2026, for a recently released unaccompanied child where the immigration judge stated that the child client had "been designated as a priority case that must be completed in 2026." Later in that same hearing, after the court confirmed that USCIS had initial jurisdiction over the child's asylum

application, the judge stated: “OK, so that puts me between a rock and a hard place; the ACIJ says finish it by the end of the year, but I don't have jurisdiction over the I-589.”

13. Amica Center cases continue to be scheduled for individual hearings on timelines consistent with an understanding that all cases must be completed in 2026. As outlined in my previous declaration, nearly all of the individual hearings that Amica Center attorneys and the pro bono partners we train and assist had on the calendar for 2027 or 2028 were advanced to 2026, either for an earlier individual hearing or reset as a master calendar hearing at which a new date would be set. While one continuance has generally been provided to prepare and file an asylum application, either with USCIS or the immigration court, continuances to allow a child to proceed with any step of a Special Immigrant Juvenile Status case, including to allow a child with an approved I-360 to await availability of an immigrant visa to adjust status, are routinely denied. Many of our clients who have diligently pursued their SIJS claims, and for whom a juvenile court has determined are unable to reunify with one or both parents due to abuse, abandonment, or neglect, and that it would not be in their best interest to be returned to their country of origin, have been forced to choose between being ordered removed and accepting voluntary departure despite the juvenile court’s findings.

14. This push to accelerate timelines and force all unaccompanied children through the immigration courts has had immediate and severe impacts on Amica Center. Our staff are suffering under the extreme pressure to complete multiple cases on impossible timelines. I have worked an average of almost 60 hours a week over the past six weeks to complete client work, including six asylum interviews, two individual hearings (involving four children), and two state court custody/SIJS hearings, in addition to supervision and program management responsibilities. My colleagues are all working under similar pressure and having to make difficult choices regarding how they prioritize competing client needs and how they prioritize their own self-care and the needs of their families since there is not enough time to provide the level of representation that each client deserves.

15. The stress of these timelines and the deluge of work is compounded by the fact that our day-to-day work involves helping young children process and articulate the most traumatic things that have ever happened to them. It is not possible to adequately prepare a child client to testify in court on a two-week timeline in an environment where judges have used even minor details to undermine a client's credibility. For example, an immigration judge recently questioned a child client's credibility because one sibling recalled having been threatened with death on *two* occasions by their persecutor while the other sibling recalled only one such threat.

16. In my professional experience, it has taken at least one in-person meeting to fully communicate the concept of an adversarial proceeding, including the nature and purpose of a direct examination and why I must ask open-ended questions and cannot assist the child to tell his or her story even though they have told it to me multiple times. At least two more in-person meetings are required to practice direct testimony, including best practices when using an interpreter. It has become increasingly challenging to find expert witnesses who are available on these timelines, and nearly impossible to find those resources on a pro bono basis for all of the clients who need them. It is similarly incredibly challenging to arrange for a psychological evaluation by an expert who is also available and willing to testify on a particular date—and nearly impossible with less than three weeks' notice.

17. The cumulative impact of the timeline on which a child, and their attorneys, are now expected to present their asylum claim following their arrival in the United States, or, even more confusingly for the children, after having previously been told that they qualified for Special Immigrant Juvenile Status, has severely impacted the efficacy of the representation they are receiving and their ability to fully present their claims for protection. A child is now routinely forced to file an I-589 with USCIS prior to their second appearance in immigration court, which often takes place within weeks of the initiation of their removal proceedings. An asylum interview is scheduled several weeks after that, with supplemental evidence due 14 days in advance of the interview. A decision to refer a case to the immigration court can be made very

quickly, as soon as the same day as the interview. Immigration judges then schedule the case for an individual hearing within weeks of the referral (2-3 weeks after the next scheduled master calendar hearing). Judges often respond to scheduling requests as if each case exists in a vacuum, failing to consider the cumulative impact of scheduling multiple and sometimes conflicting timelines for the same attorney in different cases. Particularly on the detained docket, requests for additional time based on specific vulnerabilities of children including post-traumatic stress disorder, learning disabilities, traumatic brain injuries, or competency concerns which require further evaluation have not been successful. Where supporting declarations are not provided by family in home country on these compressed timelines, judges have questioned why the detained child was not able to corroborate their claims. The combination of these circumstances has made it extremely unlikely that a child can prevail on their asylum claim, even in cases where in my professional experience and opinion, that same claim would previously have been granted.

18. These changes have also had a devastating impact on our unaccompanied child clients, who are forced to share the most frightening and intimate details of their lives with multiple strangers in a very short period of time or risk permanent harm to their ability to seek protection in the United States. I find it increasingly challenging to adequately explain to children in one or two meetings everything they need to understand to be able to participate in their own cases, including the elements of asylum, the reasons why we need to ask the questions that we are asking on such a short timeline, and what is at stake if we don't move quickly enough (but not terrify them). Children are both afraid of being deported and afraid of the process through which they are being forced in order to apply for relief, which makes it incredibly challenging for them to focus on the types of details that adjudicators expect to see. Most children cannot identify which parts of their stories are relevant to their asylum claims, and increasingly I know that we do not have the time and capacity to work through those conversations with them to ensure that we are not missing any important aspects of their claims. The cumulative impact is that children are being ordered deported to countries where they will

be persecuted because they simply did not have a fair opportunity to explain the reasons why.

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

Executed on this 10th day of November 2026 in Alexandria, VA.

_/s/_Laura Nally_____
Laura Nally

EXHIBIT 11

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND
GREENBELT DIVISION

THE DOOR, *et al*;

Plaintiffs,

vs.

Joseph EDLOW, *et al*,

Defendants.

Case No. 8:26-CV-04326-BAH

DECLARATION OF SARAH HOUGH AND PLAINTIFF JEWISH FAMILY AND COMMUNITY SERVICES IN SUPPORT OF PLAINTIFFS' MOTION FOR A PRELIMINARY INJUNCTION

DECLARATION OF SARAH HOUGH

1. I, Sarah Hough, make the following statements on behalf of myself and Jewish Family and Community Services. I certify under penalty of perjury that the following statement is true and correct.

2. I am over the age of 18 years old and make this declaration based upon my personal knowledge and experience. If called to do so, I could and would competently testify to these matters under oath.

3. I am Director of the Immigration Legal Services Department at Jewish Family and Community Services in Pittsburgh, Pennsylvania, and have served in this role for two years. I incorporate my Declaration in Support of Plaintiffs' Motion for Temporary Restraining Order (Dkt. 23-12) as if fully set forth herein.

I. Continued Concerns About Notice and Ability to Reschedule Interviews Before USCIS

4. Between signing my declaration in support of Plaintiffs' Motion for Temporary Restraining Order on October 14th and the Court's issuance of a Temporary Restraining Order on

October 30, 2026, JFCS experienced several additional instances of inadequate notice for a USCIS asylum interviews, as well as USCIS's refusal to reschedule asylum interviews.

5. Following the issuance of the Temporary Restraining Order, JFCS requested rescheduling of one asylum interview for which only one week notice, received via telephone call, was received. USCIS agreed to reschedule that interview.

6. However, on November 4, 2026, a JFCS client was denied the opportunity to reschedule an asylum interview because the child missed a biometrics appointment. The client and her JFCS attorney were told that a request to reschedule may not be approved. A USCIS employee attempted to force the client to sign a paper acknowledging that her request to reschedule may not be granted and repeatedly inquired about the client's next scheduled court date. The JFCS attorney reminded the USCIS employees about the Temporary Restraining Order, which requires at least one rescheduling request as a matter of course, taking into consideration that the applicant is a child. Nonetheless, the Supervisor on duty stated that the biometrics appointment needed to be rescheduled within two days in order for the rescheduling request to be approved.

II. Immigration Courts are Fast Tracking Removal Proceedings for JFCS' Unaccompanied Child Clients

7. JFCS is currently representing approximately 14 detained unaccompanied children in removal proceedings before EOIR. We have one unaccompanied child client who has completed their asylum interview with USCIS and is awaiting a decision. Based on our experience with decisions received in other unaccompanied children's asylum cases over the last two months, JFCS expects that this case will be referred back to immigration court.

8. JFCS has observed immigration judges state on the record that they lack control over their docket schedule. I observed an Immigration Judge in Houston, TX struggle to set a future hearing date for a case she intended to continue for good cause; she said that the calendar didn't allow her to enter the date she intended to enter. JFCS attorneys have observed several judges state that even if they reschedule a hearing beyond three weeks, the hearing will be automatically

rescheduled to an earlier date.

9. JFCS has also observed that cases are added to Immigration Judges' dockets without their knowledge. On at least two occasions, one Immigration Judge said that she already had a full docket of Individual Hearings scheduled for that day but that numerous Master Calendar hearings were added to her docket one or two days before.

10. On October 22, 2026, attorneys from Rocky Mountain Immigrant Advocacy Network (RMIAN) attended a master calendar hearing on behalf of a JFCS client. JFCS attorney, Marcy Hilty, filed a request to appear via WebEx, but was denied. She had been previously told that the court in Denver permitted Webex as a matter of right but was not aware of a recent change in policy.

11. Although the client is in the Denver area, he requested that Attorney Hilty continue representing him because of the extreme trauma that he experienced and the trust he has developed with her. He is currently applying for a T visa. It took a year of therapy him to feel safe and comfortable enough to provide a declaration for the T visa application. In addition to the T visa application, JFCS intends to file an asylum application for this client based on the new information he has shared. This was explained to the court in written motions and briefing requesting a continuance. Although USCIS has initial jurisdiction over the asylum claim, at the October 22 hearing, Immigration Judge Matthew W. Kaufman, declared concurrent jurisdiction over the asylum claim.

12. Notably, those who have worked on this case have called it one of the most egregious cases they have encountered. This child was kidnapped by narcosatanic cannibals who forced him to consume the flesh of others who were kidnapped and refused to pay their ransoms. He was labor trafficked to the United States by his own family in order to pay off the debt they incurred to pay off the loan they obtained to pay his ransom so that he could be freed from his kidnappers. I listened to the Digital Audio Recording of this client's hearing and despite this information, Immigration Judge Kaufman denied the request for discretion to allow USCIS to

adjudicate the asylum in a less traumatic and less adversarial setting. He stated that he was not able to exercise any discretion, because "they" want "these cases" completed.

13. JFCS' clients increasingly do not receive any notice in advance of their hearings. For example, two JFCS unaccompanied child clients were scheduled for Master Calendar hearings on Tuesday, October 20 and Thursday, October 22 without written notice. These hearings simply appeared on the EOIR Courts and Appeals System ("ECAS") calendar of the children's attorney.

14. On Monday October 19, 2026, two additional cases were docketed for in-person hearings on October 22, 2026. Again, there were no written hearing notices. The only notice generated was in the attorney's ECAS calendar. One case had a pending I-589 with USCIS and an upcoming asylum interview. The attorney contacted the Court Administrator and hearing notices were subsequently generated. The attorney raised this issue directly with the Immigration Judge who advised that he was aware cases were being scheduled with no notice and that he would permit the clients and attorney to appear via Webex. He further indicated that he wasn't sure why this happened but said he was "monitoring the situation." He also apologized on behalf of the court.

15. On Tuesday November 3, 2026, as is her regular practice, Philadelphia Immigration Court Clerk Jacqueline Wright emailed the weekly Juvenile Court calendar to attorneys scheduled to appear. Numerous cases listed on JFCS Attorney Marcy Hilty's ECAS calendar were not listed on the juvenile court calendar emailed by Ms. Wright. When notified about this discrepancy, Ms. Wright replied that there is a new calendar system which is "still in transition."

16. The lack of continuances and speed with which hearings are set results in a fast tracking of removal proceedings. This has had an incredibly negative impact on our unaccompanied child clients, who are being forced through their removal proceedings with no opportunity to meaningfully present their claims for relief, or to even understand what is happening to them. The net effect of all of the recent changes at EOIR is that the JFCS Immigration Attorneys are

precluded from obtaining any relief for their minor clients in immigration court. The only options currently available to unaccompanied children in Immigration Court are removal, Voluntary Departure, or, when applicable, continued Master Calendar Hearings until USCIS adjudicates their asylum application.

17. The further net effect is that T Visa applications and I-360 Petitions filed by JFCS' Immigration Attorneys on behalf of their clients are effectively meaningless. As the children are no longer entitled to continuances in immigration court in order to pursue this relief, they have been or will be ordered removed before USCIS ever processes their applications.

18. These policies also hamstring the effectiveness of the work by JFCS' Family Court attorneys. While these attorneys are still able to petition for dependency, custody and predicate orders for Special Immigrant Juvenile Status, it is increasingly likely that the children will be ordered removed before the Family Court proceedings are concluded. Moreover, those petitions are essentially rendered meaningless by the inability of the children to remain in the United States despite a Family Court judge's determination that it in their best interest to do so.

19. These changes jeopardize the trust and rapport that JFCS' attorneys build with the children during the course of representation. The attorneys work closely with the children to learn their stories, investigate and verify their experiences and ask the children to share intimate and traumatic information with the promise that the attorneys will work zealously to advocate for them and help them pursue the relief they are entitled to under the law. The effect of the accelerated timeline means that there is no relief available even when they would otherwise qualify. These children have revisited their traumas and shared their life history because they trusted the attorneys who are no longer able to help them.

20. This push to accelerate the timelines and force all unaccompanied children through the immigration courts under an expedited schedule has had immediate and severe impacts on JFCS. When hearings are rescheduled or accelerated, we often do not receive written notice of the hearing until a week or more after the hearing has occurred. As more and more of our clients

with pending immigration relief have been ordered removed, our attorneys are struggling to balance their work loads while juggling appeal and briefing schedules which are often set out only weeks or even days in advance. These changes are directly interfering with JFCS' ability to provide counsel to unaccompanied children in their removal proceedings. We only have two attorneys and one accredited representative representing over 200 unaccompanied child clients in immigration matters. Those attorneys are scheduled for back-to-back master calendar, individual hearings and asylum interviews which often overlap.

21. Our staff members are suffering burnout and anxiety that they are going to inadvertently miss a hearing which was rescheduled without adequate notice. As a direct consequence of dealing with the frenetic, unpredictable and at times overwhelming pace of the accelerated court schedule, our staff is also struggling with morale issues. The impact of consistently having to share bad news with clients, frustration caused by the lack of due process afforded those clients and the constant barrage of changes in policy, lack of notice and the inability to obtain any form of immigration relief in immigration court even though clients are eligible for relief, have all combined to negatively impact the mental health and increase the stress levels of JFCS staff members.

22. The inability of our clients who are eligible for SIJS to obtain immigration relief and remain in the United States particularly threatens the value of "saving a life" under which JFCS operates. Our Family Court attorneys obtain a court order which establishes both that these children have been severely abused, neglected or abandoned and also that it is in their best interest to remain in the United States. By ignoring that order and instead ordering them removed, our clients are forced to return to environments where they are likely to continue to be abused and neglected or where they have no meaningful caregivers to provide for their basic needs.

23. The inability of our clients who are eligible for T Visas to obtain immigration relief and remain in the United States particularly threatens the value of "repairing the world" under which

JFCS operates. Congress established the Trafficking and Victims Protection Reauthorization Act ("TVPRA") to prevent human trafficking, protect victims and prosecute offenders. By ordering the removal of our minor clients who have faced severe forms of human trafficking, we are unable to advocate for the legal protections they are entitled to under the TVPRA, we are unable to support them as they receive care for the trauma which they suffered on their journey, nor are we able to advocate for or support the prosecution of their offenders.

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

Executed on this 10th day of November 2026 in Pittsburgh, Pennsylvania.

/s/ Sarah Hough

EXHIBIT 12

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND
GREENBELT DIVISION

THE DOOR, *et al*; Plaintiffs, vs. Joseph EDLOW, *et al*, Defendants.	**Case No. 8:26-CV-04326-BAH** **DECLARATION OF OLIVIA CASSIN IN SUPPORT OF PLAINTIFFS' MOTION FOR A PRELIMINARY INJUNCTION**

DECLARATION OF OLIVIA CASSIN

1. My name is Olivia Cassin. I certify under penalty of perjury that the following statement is true and correct.

2. I am over the age of 18 years old and make this declaration based upon my personal knowledge and experience. If called to do so, I could and would competently and accurately testify to these matters under oath.

3. I am currently the Legal Director of ICARE, a coalition of legal advocates which aims to expand access to legal representation for immigrant children and youth facing deportation in New York City. At ICARE, I oversee our court support efforts for unaccompanied children and youth navigating immigration proceedings in New York

City. I work to strengthen coordination, training, and access to resources across ICARE's provider network. I also design and participate in training for youth appearing *pro se* before the New York Immigration Court. With other ICARE staff, I act on a weekly basis as an informal "Friend of Court" before certain judges presiding over the juvenile dockets on master calendar days. I also spend some time every week observing the juvenile dockets at the New York City's Immigration Courts.

I. My Work with Unaccompanied Children prior to 2025-26

4. Prior to my work at ICARE, I was an Immigration Judge ("IJ") at the New York Immigration Court at 26 Federal Plaza from 2015 until 2021. From 2021 until 2025, I was an IJ at the New York Immigration Court at 290 Broadway. I was appointed to the bench in 2015 by Attorney General Loretta Lynch.

5. IJs are administrative law judges appointed by the Attorney General, and they operate within the Executive Office for Immigration Review ("EOIR"). Operational instructions and procedures governing immigration courts, including the implementation of new regulations, training of immigration judges, and setting of priorities and time frames for adjudication of cases, are managed by the Chief Immigration Judge, while the day-to-day operations of each immigration court around the country are managed by an Assistant Chief Immigration Judge assigned to that court. Each immigration court also has a Court Administrator, whose role is to oversee the supervisory staff and staff, and meet the day-to-day needs of the court.

6. During my tenure as an IJ at 26 Federal Plaza, I presided over the non-detained juvenile docket, a specialized docket for unaccompanied minors and youth, where I witnessed first hand the particular vulnerability and special needs of immigrant children and youth, including unaccompanied minors, appearing before me.

7. While on the juvenile docket, I was required to receive specialized training on the

adjudication of cases involving minors. This training included child-friendly practices where I would specifically not wear a robe. We were trained to provide an orientation to all those in the Courtroom with language easily understood by young children. We were trained specifically on how to prioritize the best interests of children appearing before us. Immigration Judges were also provided training on the special forms of relief available to children, including special immigrant juvenile status ("SIJS") and asylum. We also received training on trauma-informed adjudication of cases and secondary trauma, as well as ongoing specialized training for IJs covering a juvenile docket. In addition, I received and provided annual continuing legal education training with the entire IJ Corps.

8. Throughout my time on the juvenile docket, there were protective measures in place for unaccompanied children. With the assistance of local EOIR leadership at 26 Federal Plaza, legal service providers as well as private law firms and members of the American Immigration Lawyers Association took turns screening and assisting all unrepresented unaccompanied and young Respondents appearing in Court on the juvenile docket. The Court permitted members of the Department of Education to assist young respondents to enroll in school. There were also representatives of NY Social Services entities providing information about health benefits. The Court Administrator permitted and encouraged this set-up, understanding the special needs of unaccompanied minors and other immigrant children. After the young Respondents met with a lawyer or legal representative, they would then appear in Court with a letter documenting the screening and requesting time to meet with the organization or lawyer who had screened their case for possible representation.

9. On November 21, 2025, at approximately 4:00 p.m., I was informed by the Court Administrator that I had been terminated from my position as an Immigration Judge. The Court Administrator urged me to open my work e-mail. I immediately realized that I

received an email informing me that my employment was terminated pursuant to Article II of the United States Constitution. As soon as I read the e-mail, my computer access was immediately cut off. I was unable to print my termination notice or any other documents.

II. My Discretion as an IJ While on the Bench

10. While I was on the bench, neither EOIR, the Office of the Chief Immigration Judge, nor the assigned Assistant Chief Immigration Judge would ever directly involve itself/themselves in the adjudication of an individual case. The role of EOIR, the Chief Immigration Judge, and the Assistant Chief Immigration Judge was to provide general guidance and oversight. There were times that an immigration judge would receive guidance about when certain cases should be completed, but such advice and guidance were limited and never binding on the immigration judge.

11. Certainly, in my experience as an immigration judge, I was always able to grant or deny a continuance or to schedule a merits hearing based on my discretion, the facts, and the individual circumstances of the case. I remember a training in or about 2018 on best practices regarding what constitutes good cause for granting a continuance.

12. During the entire time I was on the bench, IJs were afforded ample discretion in how we handled our dockets consistent with statutes, regulation, and agency guidance. This included the ability to administratively close proceedings, terminate proceedings, and continue proceedings for respondents as required per the complexities and details of each individual case. In my experience as an IJ, having the independence and ability to manage my docket was essential to ensure that I could effectively and efficiently perform my job duties as a neutral arbiter. The ability to manage my docket without interference preserved my ability to ensure I was making decisions independently. It was also essential to ensure that every respondent appearing before me was provided due process

and had a meaningful opportunity to present their case. This was especially important when working with particularly vulnerable populations, such as unaccompanied children.

13. During my time on the bench, when an immigration judge would schedule a case for either a master calendar hearing or a merits hearing, he/she was free to select a date as required by the facts of the matter. The "reset dates," the term we used to refer to the next date we scheduled in a case, were under the IJ's control and discretion. The sole exception was that management at EOIR Head Quarters determined how far in the future a hearing date could be scheduled, which at that time was over a year. For example, while I was on the bench in 2025, IJs were not able to schedule final hearings beyond the end of 2027- over a year out. In my experience, the last available reset date was never just a few months away.

14. While presiding over the juvenile docket, I saw many children appear before me both with and without counsel. The difference in case outcomes cannot be overstated. A noncitizen in removal proceedings has the burden of proving that relief should be granted; if relevant evidence is not submitted to meet the noncitizen's burden of proof, the application for relief must be denied. Children do not understand what evidence is relevant and how to present their case, and thus the assistance of counsel is often essential. In addition, it is essential that a noncitizen in removal proceedings be given adequate time to gather evidence and prepare to present that evidence to the court. Without sufficient time to gather evidence and prepare for the hearing, a noncitizen's application for relief will be denied even though the person is eligible for relief and would be granted if given adequate time to prepare. Children do not have the ability to effectively advocate for themselves. In fact, many children appearing before me were presumptively incompetent because of their age. I always kept in mind what we learned in training, for example, that the brain is not fully formed until young people are in their 20s, when the pre-frontal cortex, the area responsible for impulse control, panning and

emotional regulation, finishes its structural maturation. Keeping in mind such limitations, I often continued the cases of unaccompanied minors several times until they were able to retain counsel. A typical adjournment would often be around 6 months. I would often take into consideration the limited capacity of free legal services in our area at the time. I would also consult my practice with respect to continuances with colleagues on the same docket, and my lengths of continuances were always in line with general norms. I understood the dire need for special protections afforded to unaccompanied children in removal proceedings, and having the ability to continue cases for unrepresented children as needed was essential to ensure that these children's rights were not violated. Having counsel served not only the child, but also the court system as a whole. I also understood that for children, finding counsel was much more difficult than for adults. On a practical level, it is significantly more challenging for a young child, in particular one who is unaccompanied and without adult support, to find legal resources than for an adult. I – and all IJs on the bench - relied greatly on the ability to independently decide what a reasonable continuance would look like for an unrepresented respondent, taking into consideration their age and their case specifics.

15. IJs generally relied on the ability to terminate, to administratively close, to continue, or to place on the status docket proceedings for children who had pending relief before other agencies. Many unaccompanied children before me had a fear of returning to their home countries and had filed applications for asylum before USCIS. They also often had other types of relief pending before USCIS, primarily special immigrant juvenile status and sometimes T and U visas for survivors of trafficking and victims of crime. I would often terminate proceedings for these children in order to ensure that they had the ability to seek relief before USCIS that was not immediately available in immigration court. We had a status docket at my court where I could place matters awaiting agency action. The

ACIJs presided over the status docket, and when a case was ready for adjudication, the ACIJ would reassign the matter to my docket.

III. Deteriorating court conditions for unaccompanied children between November 2025 and late September 2026.

16. Since I was terminated from my position in November 2025, I have remained in close contact with many of my former colleagues who remain on the bench in the Immigration Courts. I had close connections with them due to my prior role as the union representative for the National Association of Immigration Judges and after its decertification as a representative for the Association. I still communicate with them often.

17. Since leaving the bench, I have learned about a number of alarming changes within the immigration court system. Specifically, my colleagues have informed me of a consistent administrative push to do away with IJ's ability to afford adequate protections to unaccompanied children and youth who are in immigration court proceedings.

18. I have also been working alongside legal service providers who still attempt to represent unaccompanied children. In that capacity, I have personally witnessed these alarming trends and have seen how cases of unaccompanied children are being fast-tracked in dangerous ways. Children with approved SIJS petitions from USCIS – petitions designed to protect particularly vulnerable youth who have been found to have been abused, abandoned, or neglected– have been ordered removed. Currently, children are not being afforded sufficient time in which to obtain counsel. There is no universal representation for children despite the need and the legislative intent of the TVPRA.

19. I regularly observe both detained and non-detained juvenile dockets held at the New York Immigration Courts at Varick Street, 26 Federal Plaza and 290 Broadway. Since approximately April 2026, I have personally witnessed IJs limiting the continuances they

grant to unaccompanied children. Previously the continuances were granted in 6-month increments or as required by the facts of the matter. From what I have witnessed and learned from my former colleagues, IJs are now only permitted to provide continuances of a few weeks – from what I have seen, no more than three weeks- to unaccompanied children to allow them time to seek counsel. This is true for both detained and non-detained dockets.

20. I have heard from my former colleagues that they simply do not have the ability to continue cases past certain dates, regardless of the need to do so. They are not able to continue a case for more than a few weeks. From what I have learned from colleagues still on the bench, in May 2026 Court Administrators instructed the supervisory staff to block the ability of both IJs and support staff to reset cases for master calendar hearings or merits hearings beyond a certain date, which was about six months later. This means that IJs would have to complete all detained unaccompanied children's cases before that date, and the date I have generally been hearing has been the end of December 2026. Even if an IJ wishes to schedule a case for four weeks beyond the 6-month period, for example, they are unable to do so on the court's calendar.

21. At one recent master hearing in the Spring of 2026, I witnessed an IJ order dozens of unaccompanied children removed within one hour. The IJ either pretermitted their asylum applications, relying on recent BIA precedential decisions and often without providing an individualized analysis, or ruled that SIJS is not protection against deportation. Young children with pending and approved SIJS petitions were ordered removed, even after both family court and USCIS made determinations finding them to be in need of protection that could only be found here in the United States.

22. On September 28, 2026, the unaccompanied children's docket was moved to an entirely different court location, from 201 Varick Street to 290 Broadway. Respondents, who are unaccompanied children- and their representatives, friends of court and child advocates,

were given less than one day's notice of this change. Of course, such changes create chaos and confusion. During the same weekend, we learned that detained children were removed from their ORR selected group homes to different group homes without any notice during the same weekend.

IV. Critical situation since late September 2026.

23. Since the end of September 2026, the situation on the detained juvenile docket has reached a critical level. What I have observed in that time cannot be described as other than an intentional fast tracking of immigrant children's cases with a total disregard for their due process rights and special needs.

24. When I observed the detained juvenile docket at 290 Broadway on Monday, September 28, 2026, all the child Respondents and their legal representatives, friends of court and child advocates appeared by Webex. I noticed many changes from previous hearings. There was a lot of confusion, and some of the children had been relocated to new facilities with no notice to their legal representatives. Only the IJ and the attorney for the government were present in the Courtroom, along with a few observers. The IJ was not visible to the Respondent or their counsel. When one of the attorneys pointed this out to the IJ, she responded that the camera was not capable of showing everyone in the courtroom and that she had intentionally pointed the camera at the government counsel and the observers. Conducting hearings with an invisible IJ violates the guidance on best practices for remote hearings, which contemplates that participants be able to see and be seen, hear and be heard. This is particularly important in the cases of pro se immigrant children who do not know who is speaking to them. I should note that the IJ holding such hearings did not even introduce herself to the children or the trial attorney whom they could see on camera.

25. Importantly, the IJ gave extremely short continuances to the child Respondents, the majority of whom were appearing pro se. Most of the child Respondents who had

appeared at a previous master calendar hearing were told that they had one week to fill out an asylum application or the IJ would consider them to have waived their right to apply for asylum. Many of these children had not previously had an opportunity to file an asylum application with USCIS, and IJs proceeded to adjudicate the asylum applications without giving children an opportunity for an interview with USCIS.. The majority of the cases were adjourned from September 28, 2026, to October 5th or 12th, 2026. Lawyers from the US Committee for Refugees and Immigrants appeared as Friends of Court for some of the Respondents. They had not even met most of the Respondents. Nevertheless, the IJ gave the lawyers extremely short adjournments of one or two weeks to meet with the detained children and prepare asylum applications on their behalf. I know from experience that it takes at least several meetings with a child respondent to even gain their trust and for young respondents to feel comfortable discussing some of the most painful episodes of their lives.

26. While observing the juvenile dockets over the past six to eight weeks, I noticed that the IJs rarely explain their actions to the Respondent. On the occasions when they do provide an explanation, they do not do so in a manner designed to make children active participants in their own cases. In the rush to complete the cases, the immigrant children are lost. They are referred to by the last three numbers of their Alien Number, rarely by their names. Judges do not explain next steps, other than to instruct detained children as young as 7 years old, who do not speak English and may not know how to read or write, to complete the asylum application form by answering every question fully and in English.
27. The fast-tracking of cases of detained and non-detained immigrant youth continued through and worsened during October 2026. On the detained docket during the week of October 26, 2026, the immigration judge I observed heard the cases of numerous youth who had just been referred to the court from the asylum office. She scheduled final

merits hearings for all the respondents for dates in mid-November, providing only 2 or 3 weeks for the attorneys and their young clients to prepare for these hearings. In my experience, it is completely unreasonable for an IJ to expect an attorney to prepare a case for trial in that time period, especially for an unaccompanied child.

28. On the non-detained docket, I observed an immigration judge at 26 Federal Plaza order approximately nine (9) young respondents removed in approximately one hour. Most respondents were in the process of applying for SIJS. Their cases ranged from seeking predicate orders in family court which are necessary for young people to apply for SIJS, to respondents with approved I-360 petitions for SIJS awaiting the availability of a visa. In denying motions for a continuance or termination of proceedings, the judge stated "I am not allowed to do these adjournments any more." This suggests that she had orders from EOIR to deny continuances even where in the past she would have found good cause for a continuance.
29. Equally concerning was the judge's frequent invitation to the assigned DHS counsel to make unilateral motions. In nearly every case the judge asked: "Department, any motions?", to which the attorney for DHS invariably asked the judge for a removal order on the ground that there are no applications before the court and no immediate path to lawful status.
30. In cases where respondents had applied for asylum, including cases of unaccompanied children with asylum applications pending before the asylum office, DHS moved to pretermit the applications under the applicable case law and, in a very cursory manner, stated that the persecutors are private actors and that respondents have not met their burden to show that the government is unable or unwilling to protect respondents. The

judge gave children 30 days to oppose the DHS's motions. In my experience, it is unreasonable to ask a child to defend against this kind of motion without an opportunity to develop the record and it violates the TVPRA for the judge to make a determination on an unaccompanied child's asylum application while the application is pending before USCIS.

31. In addition, I was informed that week by court personnel at 26 Federal Plaza that there are going to be additional changes to which judges will hear the detained juvenile dockets. I was told that judges sitting in New York will start hearing cases of young respondents detained in other states. I am concerned that this constant reassignments of cases is going to create more chaos and hardship for respondents and their representatives. I have read new reports of attorneys having to appear before a new judge with little or insufficient advance notice.

32. From my observations of the juvenile docket at the New York Immigration Courts, I have come to the conclusion that EOIR is directing the Immigration Judges to complete the cases of unaccompanied minors as soon as possible and more specifically by a date near the end of 2026. I have witnessed Immigration Judges scheduling multiple merits hearings in November and December 2026. I recall an instance when a Respondents' counsel asked the judge for a merits hearing date in 2027 because they have too many cases scheduled in the final months of 2026. The judge offered counsel several dates before and after Thanksgiving or Christmas and eventually when counsel did not accept those dates, the Judge scheduled the merits hearing for a date in November 2026.

33. What I have observed over the past several months on the juvenile dockets in New York is a complete disregard for the TVPRA and for the due process rights of unaccompanied children. It is my belief that EOIR has a policy of fast-tracking these cases. I am deeply

concerned for the safety and welfare of all unaccompanied children in removal proceedings because EOIR is quickly and imminently moving their cases forward in a way that prevents IJs from considering their claims for immigration relief.

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

Executed on this 10th day of November, 2026 in New York, New York.



Olivia Cassin

EXHIBIT 13

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND
GREENBELT DIVISION

THE DOOR, *et al*; Plaintiffs, vs. Joseph EDLOW, *et al*, Defendants.	**Case No. 8:26-CV-04326-BAH** **DECLARATION OF AMIENA KHAN IN SUPPORT OF PLAINTIFFS' MOTION FOR A PRELIMINARY INJUNCTION**

DECLARATION OF AMIENA KHAN

1. My name is Amiena Khan. I certify under penalty of perjury that the following statement is true and correct.

2. I am over the age of 18 years old and make this declaration based upon my personal knowledge and experience. If called to do so, I could and would competently and accurately testify to these matters under oath.

3. I am a former Assistant Chief Immigration Judge (ACIJ). I began working for the Executive Office for Immigration Review (EOIR) in December 2010. I was appointed as a U.S. Immigration Judge by Attorney General Eric Holder. I initially served on the bench at the Newark, NJ Immigration Court until October, 2015 and thereafter, served at the NYC Immigration Court until December, 2025. I was selected to serve as an ACIJ in 2023. I served as the ACIJ for the 26 Federal Plaza Immigration Court NYC between October, 2023 and December 1, 2025.

4. IJs are appointed by the Attorney General. Immigration courts and IJs are managed by the Office of Chief Immigration Judge (OCIJ) within the EOIR. The EOIR is housed in the Department of Justice (DOJ). The EOIR oversees the Office of Chief Immigration Judge (OCIJ), the Board of Immigration Appeals (BIA) and the Office of the Chief Administrative Officer (OCAHO). Policies in immigration courts are managed by the Chief Immigration Judge, while the day-to-day operations of each immigration court around the country are managed by an Assistant Chief Immigration Judge (ACIJ) assigned to that court. Each immigration court also has a Court Administrator, whose role is to oversee the supervisory staff and staff, and meet the day-to-day needs of the court.

5. As an ACIJ I was responsible for overseeing 35 immigration judges, 19 attorney advisors, the Court Administrator and a supervisory team and staff of over 75 team members at the NYC court. As part of my duties, I was expected to communicate information from management at the EOIR and the OCIJ to judges, attorneys and staff. My duties also included performance evaluations, interfacing with the Department of Homeland Security (DHS), Federal Protective Services (FPS), stakeholders, ensuring that the day-to-day operations of the court ran effectively and efficiently and daily problem solving of issues as needed.

6. I also specifically oversaw the two immigration judges who covered the juvenile dockets at the court between October, 2023 and December 1, 2025. The juvenile docket is a specialized docket for unaccompanied minors and youth. There were separate dockets for detained and non-detained juveniles. In my position as ACIJ I interfaced with legal service providers covering these dockets and representatives from Acacia Center for Justice (Acacia), a federally funded non-profit, non-governmental organization that supports and partners with a national network of human rights defenders who provide legal defense to vulnerable immigrants at risk of detention and deportation.

7. Meetings with Acacia representatives, myself and the Immigration Judges (IJs) covering the juvenile dockets were held regularly to trouble shoot and problem solve issues identified by the IJs. The goal of Acacia, as I understood, was to assist in obtaining representation for unaccompanied children (UCs), to strengthen coordination with legal service providers, and provide access to resources.

8. The IJs covering the juvenile dockets would, in accordance with EOIR guidelines, regulations and the mandates provided in the Trafficking Victims Protection Reauthorization Act (TVPRA), consider continuance requests liberally for UCs for purposes of obtaining counsel. Additionally, the IJs had the decisional independence to consider motions to continue, motions to administratively close or motions to terminate cases based upon the facts of the matter before them. The IJs routinely continued or administratively closed juvenile cases with pending Special Immigrant Juvenile (SIJ) petitions before United States Citizen and Immigration Services (USCIS), juvenile cases with approved SIJs petitions but no current priority date, and terminated matters where juveniles had approved SIJ petitions and a current priority date to allow the juvenile to adjust status before USCIS.

9. The IJs covering the juvenile dockets were cognizant that some forms of immigration relief for children, like SIJ, required the filing of applications or petitions with agencies or entities outside EOIR. IJs were also required to advise children who were potentially eligible for asylum that they, if they were UCs, needed to file their asylum applications with USCIS.

10. Additionally, IJs were to consider the age and totality of the circumstances before proceeding in absentia in cases involving children. Alternatively, the IJs would place the juvenile cases on a specific juvenile status docket which the Court maintained for cases not ripe for adjudication because of a pending SIJ matter before USCIS or an approved SIJ petition without a priority date.

11. I covered the Status Dockets at 26 Federal Plaza while an ACIJ between 2024 and

November, 2025. Cases on the status docket were either continued, administratively closed or terminated. Juveniles who were designated as UCs who had pending asylum applications before USCIS had their cases either terminated or administratively closed as USCIS had initial jurisdiction in those matters. I also scheduled matters for individual merits hearings or master calendar hearings in cases where adjustment of status was sought or for USCIS referred asylum applications from the status docket onto the dockets of the IJs covering the juvenile dockets after I determined if the case was trial ready.

12. As an immigration judge I also previously covered the juvenile docket at 26 Federal Plaza from October 2015 until on or about the end of 2016. During this time I worked with EOIR in my capacity as a judge and member of the National Association of Immigration Judges to assist in the development of guidelines for adjudicating juvenile cases. I worked to obtain and prepare information on issues of abuse, neglect and abandonment including steps for IJs to take to report suspected abuse to local child protective services and clarify state mandated reporting requirements.

13. While covering the juvenile docket during this time period I would, in the presence of DHS counsel, reach out to legal service providers on behalf of pro se UC Respondents especially when there were concerns of lack of shelter or neglect. In 2024 and early 2025, with the knowledge of DHS counsel, I continued to reach out to legal service providers to seek assistance and possible representation for young adults who had entered as UCs and there were issues of lack of shelter and concerns for the safety and well being of the young adult.

14. The immigration courts followed Operating Policies and Procedures Memorandum (OPPM) 07-01, *Guidelines for Immigration Court Cases Involving Unaccompanied Alien Children*, dated May 22, 2007 which was rescinded and replaced by OPPM 17-03: *Guidelines for Immigration Court Cases Involving Juveniles, Including Unaccompanied*

Alien Children on December 20, 2017. OPPM 17-03 was replaced by Director's Memo (DM) 24-0, *Children's Cases in Immigration Court,* on December 21, 2023 which was was then officially rescinded and canceled on January 29, 2025, via Policy Memorandum (PM) 25-10 issued by EOIR Acting Director Sirce Owen. PM 25-10 reinstated the earlier 2017 guidance OPPM 17-03.

15. DM 24-01 focused on a greater child centric approach for IJs adjudicating cases with children and juveniles. Given the particular vulnerability of child respondents, specialized juvenile dockets were created with an emphasis on placing particular importance on legal representation for children. Therefore, IJs were encouraged to facilitate pro bono representation in cases involving unrepresented children.

16. Under the Trafficking Victims Protection Reauthorization Act (TVPRA), United States Citizenship and Immigration Services (USCIS) has initial jurisdiction over an asylum application filed by an unaccompanied child, even if the child is in removal proceedings. See section 208(a)(2)(E) of the *Immigration and Nationality Act* (INA). The IJs covering the juvenile dockets advised the children appearing before them of relief available and considered continuances to protect the rights of UCs to file their asylum applications before USCIS.

17. I also covered the non-detained juvenile docket while seated as an IJ at the Newark, NJ Immigration Court. I solely covered the juvenile docket from on or about the summer of 2014 until October, 2015. I was required to receive specialized training on the adjudication of cases involving minors. This training was held at EOIR headquarters in Falls Church and included IJs from across the nation. The training included child-friendly practices, and review of the TVPRA and policy memoranda. We were

trained to provide an orientation to all those in the Courtroom with language easily understood by young children. We were trained specifically on how to prioritize the best interests of children appearing before us. IJs were also provided training on the special forms of relief available to children, including asylum and special immigrant juvenile status (SIJS). IJs also received training on trauma-informed adjudication of cases and secondary trauma. In addition, I received annual continuing legal education training with the entire IJ Corps as well as ongoing specialized training for IJs covering a juvenile docket.

18. While covering juvenile dockets, I routinely utilized the resources provided by EOIR to ensure that children's due process rights were protected. I also observed the collaboration between EOIR and city agencies to ensure that information regarding city resources was available to the children and families. I witnessed the coordination between DHS, Office of Refugee Resettlement (ORR) and U.S. Department of Health and Human Services (HHS) to ensure that the juveniles were provided legal protections.

19. Throughout my time overseeing and covering the juvenile dockets, there were always protective measures in place for unaccompanied children. Resources and updated lists for legal service providers were routinely provided to appointed guardians and juveniles, legal services providers assisted with legal orientation and screenings, and representatives for city services including information about school enrollment and social services were present in the court space.

20. Throughout my time covering the juvenile dockets, including the juvenile status docket in late 2024 and 2025, I was permitted to docket cases freely where there was room on the calendar. I was able to use my discretion to reset a scheduled hearing date and to

determine if the date was appropriate based upon the facts of the matter before me as represented by the attorneys and evidence. The only limitations placed upon me in rescheduling master calendar and individual hearing dates was whether there was an opening or availability on the selected date. In 2016, the individual hearing dates were often scheduled about 2 years in the future unless information was provided which would necessitate an accelerated hearing date. In 2025, hearings were scheduled on the IJs first available hearing date, which varied from IJ to IJ. The only limitations placed on the IJs rescheduling master calendar and individual hearings at 26 Federal Plaza NYC was a court wide control date of October, 2029. This court wide control date varied nationally from court to court. IJs could not reschedule cases beyond the controlled cutoff date.

21. When I covered the juvenile dockets in 2016 and the juvenile status docket in 2025 it was well understood that UCs would be provided an opportunity to obtain counsel pursuant to the regulations, and a reasonable opportunity to file an application for asylum with USCIS pursuant to the TVPRA regulations. It was understood that there was a heightened responsibility to safeguard these due process rights for pro se UC. If the child had a pending asylum application before USCIS, the court well understood that initial jurisdiction resided with USCIS. Usually, cases on the master calendar docket in which the child had a pending asylum application before USCIS were terminated, administratively closed or continued with the reset date scheduled based on the details of the case.

22. This all began to change on January 20, 2025 when EOIR and the new administration began to put the emphasis on speed at the expense of due process. Remaining IJs face increased pressure to conform to the administration’s enforcement agenda or risk being

fired and losing their livelihoods. Although I am no longer on the bench, I have maintained close contact with my former colleagues who do remain with EOIR. From what I have learned in recent months, these pressures and constraints have intensified, the special needs and rights of UCs are being disregarded, and the prior practices that did afford protections to UCs have been largely eliminated.

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

Executed on November 10, 2026 at New York, New York.

Amiena Khan

Amiena Khan

EXHIBIT 14

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND
GREENBELT DIVISION

THE DOOR, *et al*; Plaintiffs, vs. Joseph EDLOW, *et al*, Defendants.	Case No. 8:26-CV-04326-BAH **Declaration of Ashley Turner Harrington on Behalf of Rocky Mountain Immigrant Advocacy Network in Support of Plaintiffs' Motion for Preliminary Injunction**

DECLARATION OF ASHLEY TURNER HARRINGTON ON BEHALF OF ROCKY MOUNTAIN IMMIGRANT ADVOCACY NETWORK IN SUPPORT OF PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION

1. I, Ashley Turner Harrington, Esq., make the following statements on behalf of myself and Rocky Mountain Immigrant Advocacy Network ("RMIAN"). I certify under penalty of perjury that the following statement is true and correct.

2. I am over the age of 18 years old and make this declaration based upon my personal knowledge and experience. If called to do so, I could and would competently testify to these matters under oath.

3. I am the Children's Program Managing Attorney of RMIAN. I have been at RMIAN in the Children's Program for 12 years. Throughout my time at RMIAN, I have gained extensive experience representing unaccompanied children before U.S. Citizenship and Immigration Services ("USCIS") and in their removal proceedings before the Executive Office of Immigration Review ("EOIR").

I. RMIAN Has Represented Unaccompanied Children in Immigration Proceedings before EOIR for 20 Years

4. RMIAN has provided direct representation and other supportive legal services to unaccompanied children in their immigration proceedings before EOIR since 2005. The RMIAN Children's Program currently consists of 12 attorneys, 1 DOJ accredited representative, and 3

support staff. Our team currently provides direct legal representation to over 750 individuals in their immigration matters. Many, if not most, of RMIAN Children's Program clients are or were unaccompanied children. RMIAN provides representation and other legal support services primarily to children who are in proceedings before the Denver Immigration Court. RMIAN provides free legal representation and services to unaccompanied children released from federal custody to sponsors, others released to the Unaccompanied Refugee Minor ("URM") program and placed in foster care through the state of Colorado, and others who are still in federal custody in the ORR Long-Term-Foster-Care ("LTFC") program. RMIAN previously also provided free legal representation and services to children detained in ORR shelters in Colorado, but those are no longer in operation.

5. Since approximately 2011, the Denver Immigration Court has generally had a dedicated "juvenile docket". This has meant that there has generally been one Immigration Judge assigned to juvenile cases and those cases have been heard on a separate docket from adult cases. While the specific Immigration Judge assigned has changed over time, for many years there has been consistency and predictability in how unaccompanied children's cases were handled by the Denver Immigration Court.

6. In 2026, we have witnessed a number of impactful changes in how immigration proceedings for unaccompanied children have been unfolding. Specifically, EOIR appears to be fast tracking all removal proceedings for unaccompanied children and ordering removal even when children have pending or approved humanitarian relief.

II. Immigration Judges Are Rushing to Complete Unaccompanied Children's Cases.

7. In RMIAN's experience, for many years immigration judges ("IJs") have regularly relied on numerous docket management tools at their disposal to ensure that unaccompanied children were represented by counsel, had the opportunity to be screened for potential immigration relief, and had the ability to meaningfully seek such relief. This included continuing cases to allow youth to secure representation and to file Special Immigrant Juvenile

Status ("SIJS"), asylum and other relief applications with USCIS. IJs routinely terminated proceedings once a youth had filed an asylum application with USCIS. IJs also routinely continued proceedings while SIJS was pending and then regularly terminated proceedings once SIJS had been approved. Similarly, IJs would routinely administratively close proceedings when youth demonstrated that they had filed other relief applications with USCIS, such as petitions for T and U visas. Our attorneys relied on this practice as it was consistent and predictable across multiple administrations for many years.

8. In 2026, we have witnessed a sudden and stark shift in these practices. IJs are now denying most motions to continue, administratively close, or terminate proceedings, even for youth with approved SIJS and deferred action. IJs have allowed for only brief continuances to allow USCIS to take jurisdiction over unaccompanied children's asylum applications and have pressed the Department to seek to expedite children's asylum interviews. As soon as asylum interviews are held, cases are rapidly referred to the immigration court and set for hearings. Even when IJs have granted a brief continuance (such as to file an asylum application with USCIS), hearing dates have then been suddenly advanced for no reason, eviscerating the continuance and the time to adequately prepare an asylum application prior to the hearing. RMIAN represents several youth with hearings that were continued to December 2026 that were suddenly advanced to between October and November 2026, sharply reducing time to prepare and file asylum applications.

9. In the last month, we have observed a new trend: IJs in other states and cities are suddenly replacing Denver Immigration Court judges for unaccompanied children's cases. We are seeing cases reassigned to IJs in other states including Utah and California, and the same clients' cases are sometimes being transferred and dates changed multiple times within a month. It has become entirely unpredictable for attorneys and their child clients to know when and where and by whom children's cases will be heard. Even when our attorneys have been successful in obtaining a continuance, they cannot rely on the hearing date or IJ remaining the

same. At first, it appeared detained youth in the ORR LTFC program were being expedited more than others. Yet now it appears other unaccompanied children (those released into the in URM program and others released to sponsors) are being similarly fast-tracked and randomly scrambled across multiple courts. It appears in some cases the IJs don't understand that children in the URM program are no longer detained, and when we have tried to argue their cases should not be expedited because they are not detained, IJs have largely continued with expedited proceedings against them.

10. In recent months, it has become clear that an approved SIJS petition provides no protection from removal anymore and that IJs are ordering youth with approved SIJS petitions removed, and they will no longer provide continuances for youth with pending SIJS petitions. It seems the only barrier to an immediate removal order is if the youth has a pending asylum application with USCIS while awaiting an interview. But a pending, affirmative asylum application only provides so much protection, as those interviews are being expedited at the Asylum Office, then the applications are rapidly denied by the Asylum Office and referred to the immigration court and children's hearings are quickly advanced. In some cases, as soon as an asylum application is referred to the court, DHS has moved to "pretermit" the applications, asking the court to deny the child's right to a full evidentiary hearing on the merits of their asylum claim. On two recent cases for unaccompanied child clients, the IJ granted the government's motion for pretermission at the children's first master calendar hearing following referral from the asylum office, ordering removal despite the children's approved SIJS petitions.

11. RMIAN Children's Program unaccompanied child clients are being directly impacted by the sudden shift in court policies to expedite and advance their cases, change IJ assignments and court locations, deny continuances, administrative closure, and termination of proceedings, pretermit their asylum claims, and order removal. When RMIAN attorneys have tried advocating for continuances, administrative closure or termination for their clients, IJs have made it clear they no longer have discretion to provide unaccompanied children with more time

to pursue protective relief and that they are under strict guidance to move these cases forward towards completion.

12. For example, in October 2026, a RMIAN attorney was covering a child's hearing at the Denver Immigration Court for the child's primary attorney with the Jewish Family and Children's Services, because that attorney's motion to appear via Webex had been denied by the court. When the RMIAN attorney asked the IJ if the child's primary attorney could file a motion to continue to allow the child time to file his asylum application with USCIS and await adjudication, the IJ stated, "his attorney can make that motion, but they want these cases decided, so I'm not sure that that's going to be a possibility for the immigration court."[1] In several other recent cases, RMIAN attorneys have appeared at unaccompanied children's hearings before IJs who have repeatedly referenced their need to handle children's cases "quickly," "efficiently," and "expeditiously.

13. This push to accelerate the timelines and force all unaccompanied children through expedited proceedings in the immigration courts without regard to their rights to present evidence and have their claims for relief fairly adjudicated has had severely impacted RMIAN. Our staff are struggling to provide child-centered, zealous representation for children under these circumstances, where children's cases are being expedited at rates we have never seen before. RMIAN Children's Program was not built for these expedited, adversarial proceedings resulting in removal orders against children. Some RMIAN attorneys have more than 100 clients assigned to their caseload. These high caseloads have been possible because for many years, children's removal hearings were routinely continued to allow them to file for humanitarian relief with USCIS and removal proceedings were regularly terminated for children with pending or

[1] This is a quotation from the Digital Audio Record ("DAR") from the relevant proceeding. The DAR is a verbatim recording of all on-the-record statements from the parties and the judge in a hearing. Transcripts are not available in removal proceedings unless and until the case is on appeal. The DAR may be made available to the Court by Plaintiff JFCS in the lawsuit, which has primary possession and control over the DAR because it is from their client's hearing.

approved relief applications. Even though many of our clients start out in removal proceedings, it has been predictable that so long as we were pursuing asylum, SIJS or other humanitarian relief with USCIS, removal proceedings would not move forward. Even when youth were in removal proceedings, it was predictable which IJ would be assigned to the case and that the immigration court would allow for reasonable continuances and termination of proceedings so that children could pursue protection with USCIS. Representation of children in removal proceedings on these expedited timelines with court dates and immigration judge assignments that are constantly changing, combined with a near-blanket refusal to continue or terminate proceedings where children have pending or approved relief applications, and instead order removal, has been devastating to our clients. Staff morale has suffered accordingly.

14. These policies have had and are continuing to have an incredibly negative impact on our unaccompanied child clients, who are being forced through their asylum and removal proceedings at a record pace. Children who were told they would have the ability to apply for legal protections are suddenly instead being expedited through proceedings that seem pre-determined to end in their removal as quickly as possible. It is difficult to explain to a child why, despite pursuing protective relief applications with USCIS and their attorneys doing everything we can to fight for their rights, the court is refusing to give them more time to pursue protection and is ordering them to return to the countries and harms they fled.

15. RMIAN staff are struggling to keep up with this pace of preparing for expedited asylum interviews on short notice, only to have cases quickly referred to the court where they are forced to defend against pretermission and removal orders on an unprecedented timeline. It is also straining our staff's time and resources to keep up with the number of BIA appeals that will be necessary for all the child clients who will need them once they are ordered removed on these expedited timelines. And because the government has stopped funding legal representation for children, RMIAN is unable to hire more attorneys to help. These dramatic changes are having a

harmful impact on staff morale because they cannot effectively represent their child clients. RMIAN attorneys are doing this work because they care deeply about defending children against removal and helping them secure protection and safety in the United States, which is proving to be impossible due to this sudden change in EOIR policies.

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

Executed on this 11 th day of November 2026, in Denver, Colorado.



Ashley Turner Harrington

EXHIBIT 15

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
GREENBELT DIVISION

The Door, *et al.*, *Plaintiffs,* vs. Joseph B. Edlow, *et al.*, *Defendants.*	Case No. 26-cv-04326-BAH Declaration of Nallely Abad in Support of Plaintiffs' Motion for Preliminary Injunction

DECLARATION OF NALLELY ABAD IN SUPPORT OF PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION

1. I, Nallely Abad, make the following statements on behalf of myself, as an attorney for Handy Legal Services, PC, in Las Vegas, Nevada. I certify under penalty of perjury that the following statement is true and correct.

2. I am over the age of 18 years old and make this declaration based upon my personal knowledge and experience. If called to do so, I could and would competently testify to these matters under oath.

3. I am the current Chair of State Bar of Nevada Immigration Law Section and have been part of this organization for two years now. I am also a member of the American Immigration Lawyers Association (AILA), Nevada Chapter and have been part of this organization for over nine years.

4. I have represented Unaccompanied Children and Juveniles in Immigration Proceedings before EOIR for the past 9 years.

5. My current office has directly represented Unaccompanied Children and Juveniles

in their immigration proceedings before EOIR for over 3 years.

6. The Las Vegas Immigration Court has a dedicated Juvenile docket. It is comprised of all children in removal proceedings and includes both those who are designated "unaccompanied children" and as a principal applicant (meaning they are not applying for asylum as a "rider' to their parents' application). The juvenile respondents' cases on the juvenile docket typically allowed for a minimum of a year to be set for individual merits hearings. This timeline allowed for the families of these children to obtain evidence in support of asylum claims and to apply for non-immigration court relief such as Special Immigrant Juvenile status, and for them to be able to obtain/afford legal representation. It also accommodated the unique characteristics of children, who are often scared and anxious in the context of their removal proceedings.

I. EOIR Instructs All Juvenile Cases Heard by End of the Year

7. On November 5, 2026, I learned from the court clerk that all juvenile matters would be set for a hearing, be it a Master Hearing or an Individual Mertis Hearing, before the end of the year per instructions from EOIR Headquarters. I was also told that the Las Vegas Immigration Court Juvenile Docket has been reassigned to a different Immigration Judge. This is worrisome because we have heard of cases being pretermitted at Master Hearings and fear that this will occur to juveniles that are set before the end of the year.

8. I learned this information after I received an email from the electronic case filing system on one of my juvenile matters. The email contained a notice advancing my client's individual hearing (i.e., trial on his asylum claim) by more than a year. Specifically, the child's trial date was reset from December 30, 2027, to November 30, 2026. My client is a 14-year-old boy who is seeking asylum in his removal proceedings.

9. Because my client entered the United States with his mother, he is not designated as an "unaccompanied child." He initially applied for asylum as a rider to his mother's claim for asylum, which means that he would obtain asylum if her application was granted, but since she is

waiting for a credible fear interview, my child client is proceeding on his own independent claim for asylum with the immigration court. His removal case was placed on the docket of the single judge in Las Vegas who presides over both juvenile and unaccompanied children's cases. This immigration judge ordered my child client to submit his own application. My child client's asylum application was filed with the Immigration Court on October 22, 2026.

10. On October 27, 2026, I appeared for a Master Hearing on behalf of my client. During that hearing, the immigration judge calendared an Individual Merits Hearing to take place on December 30, 2027. On November 5, 2026, I received a notice resetting the Individual Mertis Hearing to November 30, 2026, advancing my child client's trial date by more than one year and giving me and my client 25 days to prepare for trial. The court requires respondents to file evidence 30 days prior to their individual hearing, and that deadline had already passed by the time I was notified about the advanced individual hearing date. I contacted the court clerk to ask about evidentiary deadlines, as this setting would not allow for the 30-day standard deadline. I was told to submit it as soon as possible, but no specific date was given.

11. During this phone conversation with the Clerk, I also learned that my client's case was transferred from our local judge's docket to a judge who sits in the Adelanto, California immigration court, Immigration Judge Ravit Halperin, and that the Individual Hearing will be conducted virtually. I was informed by the court clerk that my client and I still have to appear in person for the individual hearing, but that we will take the hearing from the "pro bono room" in the local immigration court. This room is very limited in space and unworkable for a case where we will have two witnesses during the presentation of his claim for asylum.

12. The court's acceleration of my client's individual hearing is alarming and will significantly harm his ability to present a full and complete claim for asylum. My client's family is low income and had expected to have time to pay for attorney representation at the end of 2027. My client is young and now has limited time to prepare for this hearing, I also need to prepare the two witnesses in this case and gather the evidence of witness declarations, updated country

conditions and reports, along with a prehearing brief that are essential in his matter.

13. Upon receiving this alarming news, I notified attorneys of my local immigration community to see if others who represent juveniles in Las Vegas area have had similar experiences. One attorney told me their eight-year-old client had been set for an Individual Merits Hearing on December 24, 2026, at 3:00 p.m. Other attorneys told me they were reset for trials on their juvenile matters in the first week of December 2026. Some attorneys have juvenile cases related to SIJS that were placed on the status docket and had Master Hearings in January of 2027. Those cases have now been moved up to November 18, 2026. Attorneys have reported that their child clients had Master Hearings and have now been set for Individual Merits Hearings before the end of the year. Lastly, I have also received confirmation from attorneys that the pro bono room had been designated for virtual Individual Merits hearings for their juvenile cases as well.

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

Executed on this 9th day of November 2026, in Las Vegas, Nevada.



Nallely Abad, Esq.
NV Bar # 14338
Handy Legal Services, PC.
3037 E. Warm Springs Rd., Ste. 200-10
Las Vegas, NV 89120

EXHIBIT 16

DECLARATION OF LAURA J. SMITH, ESQ.
ON BEHALF OF CHILDREN'S LEGAL CENTER IN SUPPORT OF PLAINTIFFS' MOTION FOR A PRELIMINARY INJUNCTION

I, Laura J Smith, declare as follows:

1. I certify under penalty of perjury that the following statement is true and correct. I am over the age of 18 years old and make this declaration based upon my personal knowledge and experience. If called to do so, I could and would competently testify to these matters under oath.
2. I am a licensed attorney in the State of Illinois since 2009 and in good standing. I am also licensed in the Northern District of Illinois, Seventh Circuit Court of Appeals, Western District of Michigan, Southern District of Indiana, Sixth Circuit Court of Appeals and the New Mexico District Court.
3. I am the Executive Director of Children's Legal Center (CLC), a legal aid organization that provides free immigration legal services to children and families who reside in Illinois, Indiana and Wisconsin. I have served as the Executive Director of CLC since its founding in 2018.
4. Under the previous contract between the Office of Refugee Resettlement (ORR) and Acacia Center for Justice (Acacia), CLC provided legal services to children in ORR detention centers in Indiana and Illinois. Additionally, CLC provided legal services to over 500 children released from ORR detention to Illinois and Indiana. CLC continues to provide legal services to its child clients as well as new arrivals to the Illinois and Indiana ORR detention centers even after the expiration of the contract between ORR and Acacia.
5. In addition to myself, CLC employs 8 other licensed attorneys who work to represent children in ORR detention and released from ORR detention in Illinois and Indiana.

6. CLC represents children at USCIS asylum interviews and the Chicago Asylum Office and the Indianapolis Asylum Office. Additionally, CLC represents children whose cases are pending at the Chicago Immigration Court, the Indianapolis Immigration Court, the Board of Immigration Appeals and the Seventh Circuit Court of Appeals.

I. Compliance With *The Door v. Edlow* TRO – Children Released from ORR

7. In addition to my November 4, 2026 declaration provided to this Court, CLC has experienced the following responses from the Chicago Asylum Office regarding re-schedule requests.

8. On November 4, 2026, CLC emailed the Chicago Asylum Office to reschedule an interview for an Unaccompanied Minor Child whose interview was scheduled for November 5, 2026 (CLC internal case number 2301-0-72354294). The reschedule request included a reference to the TRO in the email body and attached a copy of the TRO. On November 5, 2026, the Chicago Asylum Office responded to the reschedule request and stated, "We received your request to reschedule, and it has been forwarded to management for consideration." The client did not appear for the interview, and no other response has been received by the Chicago Asylum Office. *See Attachment A.*

9. On November 5, 2026, CLC emailed the Chicago Asylum Office to reschedule an interview for an Unaccompanied Minor Child whose interview was scheduled for November 9, 2026 (CLC internal case number 2204-0-72465077). The reschedule request included a reference to the TRO in the email body and attached a copy of the TRO. On November 5, 2026, the Chicago Asylum Office responded stating, "We received your request to reschedule, and it has been forwarded to management for

consideration.". No further response has been received by the Chicago Asylum Office. *See Attachment B.*

10. On November 5, 2026, CLC emailed the Chicago Asylum Office to reschedule an interview for an Unaccompanied Minor Child whose interview was scheduled for November 24, 2026 (CLC internal case number 2509-0-72017067). The reschedule request included a reference to the TRO in the email body and attached a copy of the TRO. On November 5, 2026, the Chicago Asylum Office responded stating, "We received your request to reschedule, and it has been forwarded to management for consideration." No response has been received by the Chicago Asylum Office. *See Attachment C.*
11. On November 5, 2026, CLC emailed the Chicago Asylum Office to reschedule an interview for an Unaccompanied Minor Child whose interview was scheduled for November 23, 2026 (CLC internal case number 2205-0-72449941). The reschedule request included a reference to the TRO in the email body and attached a copy of the TRO. On November 5, 2026, the Chicago Asylum Office responded stating, "We received your request to reschedule, and it has been forwarded to management for consideration." No response has been received by the Chicago Asylum Office. *See Attachment D.*
12. On November 5, 2026, CLC emailed the Chicago Asylum Office to reschedule an interview for an Unaccompanied Minor Child whose interview was scheduled for November 24, 2026 (CLC internal case number 2402-0-72218353). The reschedule request included a reference to the TRO in the email body and attached a copy of the TRO. On November 5, 2026, the Chicago Asylum Office stating, "We received your

request to reschedule, and it has been forwarded to management for consideration." No response has been received by the Chicago Asylum Office. *See Attachment E.*

13. On November 5, 2026, CLC emailed the Chicago Asylum Office to reschedule an interview for an Unaccompanied Minor Child whose interview was scheduled for November 18, 2026 (CLC internal case number 2306-0-72291976). The reschedule request included a reference to the TRO in the email body and attached a copy of the TRO. On November 5, 2026, the Chicago Asylum Office responded to the reschedule request and stated, "We received your request to reschedule, and it has been forwarded to management for consideration." No other response has been received by the Chicago Asylum Office. *See Attachment F.*
14. On November 5, 2026, CLC emailed the Chicago Asylum Office to reschedule an interview for an Unaccompanied Minor Child whose interview was scheduled for November 9, 2026 (internal CLC case number 2604-0-71970168). The reschedule request included a reference to the TRO in the email body and attached a copy of the TRO. On November 6, 2026, the Chicago Asylum Office responded to the reschedule request and stated, "We received your request to reschedule, and it has been forwarded to management for consideration." No other response has been received by the Chicago Asylum Office. However, the USCIS online status for this client states in part: "Failure to Appear for Interview. You recently missed your interview appointment. You must request to reschedule your asylum interview within 10 calendar days after your missed interview date and establish exceptional circumstances for USCIS to reschedule your interview." *See Attachment G.*

II. Fast-Tracking Removal Proceedings with EOIR

15. In addition to the fast-tracking of asylum interviews, CLC has seen referrals of unaccompanied children's cases to immigration court at an unprecedented rate. Prior to August 2026, USCIS referred zero (0) children's asylum cases to EOIR. USCIS interviews on asylum cases for Unaccompanied Children that occurred prior to August 2026 were all approved. After August 2026, USCIS approved three (3) asylum applications for UCs and referred to EOIR fifteen (15) UC's application with the number of referrals to EOIR increasing daily.

16. In my 8 years as Executive Director of Children's Legal Center, I have never seen referrals from the Asylum Office to EOIR come one day after the asylum interview until this "practice" change.

A. Children Within the Custody of ORR – Indianapolis Immigration Court

17. For example, CLC represents Audrina (a fictitious name being used to preserve confidentiality) who is in ORR custody in Indianapolis (internal CLC case number 2604-0-71970168). Audrina entered the United States in January 2026 at the age of 4 years old, was designated an Unaccompanied Minor and placed in the custody of ORR. Audrina is currently 5 years old and remains in ORR custody. Audrina's mother was kidnapped by the CJNG cartel who cut off her fingers and threatened to kill Audrina and Maribell (see below) if Audrina's mother didn't sell drugs for them.

    a. On September 17, 2026, at 11:00 am Audrina attended an asylum interview with USCIS with counsel from CLC. *See Attachment H*. The asylum interview concluded around 1:00pm on September 17, 2026.

b. Approximately 24 hours later, on September 18, 2026, at 3:00 pm, DHS filed a "UAC Decision Notice for Non-Eligibility" with EOIR. *See Attachment I.*

c. Two hours later, around 5:00 pm on September 18, 2026, DHS filed a "Motion to Schedule Immediate Individual Merits Hearing". At the time of filing this motion, Audrina was scheduled for a Master Calendar Hearing for October 2, 2026. DHS's reasoning for advancing Audrina's hearing so quickly was because "respondent is a juvenile who is detained at taxpayer's expense." *See Attachment J.*

d. On September 22, 2026, before ruling on DHS' Motion to Advance, EOIR issued a hearing notice scheduling Audrina for an Individual Merits Hearing for October 7, 2026, at 8:30am EST. *See Attachment K.*

e. On September 23, 2026, EOIR issued an Order granting DHS's Motion to Advance stating as reasoning only that "good cause shown". *See Attachment 12.*

f. On September 28, 2026, counsel for Audrina filed a Motion for Continuance of the individual merits hearing citing the need for more time to prepare for the trial and the lack of availability of Audrina's attorney. *See Attachment L.*

g. On October 6, 2026, less than 24 hours before the hearing, EOIR denied Audrina's motion for a continuance. *See Attachment M.* Notably, DHS had not properly served Audrina with notice of the removal proceedings and accordingly, EOIR was required to dismiss the case when counsel for Audrina timely objected on May 22, 2026, pursuant to *Ortiz-Santiago v. Barr,* 924 F.3d 956, 963 (7th Cir. 2019) and *De La Rosa v. Garland*, 2 F.4th 685 (7th Cir. 2021) (DHS cannot cure the defective NTA by serving and filing a second document in this proceeding;

dismissal is the only option. *De La Rosa*, 2 F.4th at 687-88.). *See Attachment N.* Instead, on October 6, 2026, less than 24 hours before the trial, EOIR directed DHS to show proof of proper service of the Notice to Appear at the individual merits hearing the next day. *Id.*

h. As counsel for Audrina was not available on October 7, 2026, substitute counsel was obtained to represent Audrina at her individual merits hearing. This substitute counsel had never met Audrina and was not familiar with her case prior to October 6, 2026.

i. On October 7, 2026, EOIR ordered Audrina to be removed from the United States. *See Attachment O.*

18. CLC represents Maribelle (a fictitious name being used to preserve confidentiality) who is in ORR custody in Indianapolis (internal CLC case number 2604-0-71970168).[1] Maribelle entered the United States in January 2026 at the age of 17 years old, was designated an Unaccompanied Minor and placed in the custody of ORR. Maribelle remains in ORR custody. Maribelle's sister was kidnapped by the CJNG cartel who cut off her fingers and threatened to kill Audrina and Maribelle if Audrina's mother didn't sell drugs for them.

a. On September 17, 2026, at 9:00 am Maribelle attended an asylum interview with USCIS with counsel from CLC.

b. The very next day, on September 18, 2026, DHS filed a "UAC Decision Notice for Non-Eligibility" with EOIR.

[1] All of Maribelle's documents referenced in this declaration are on file with CLC and can be provided at the Court's request.

c. Approximately an hour later, around 5:00 pm on September 18, 2026, DHS filed a "Motion to Schedule Immediate Individual Merits Hearing". At the time of filing this motion, Maribelle was scheduled for a Master Calendar Hearing for October 2, 2026. DHS's reasoning for advancing Maribelle's hearing so quickly was because "respondent is a juvenile who is detained at taxpayer's expense."

d. On September 22, 2026, before ruling on DHS' Motion to Advance, EOIR issued a hearing notice scheduling Maribelle for an Individual Merits Hearing for October 7, 2026 at 10:30am EST.

e. On September 23, 2026, EOIR issued an Order granting DHS's Motion to Advance stating as reasoning only that "good cause shown".

f. On September 28, 2026, counsel for Maribelle filed a Motion for Continuance of the individual merits hearing citing the need for more time to prepare for the trial and the lack of availability of Maribelle's attorney.

g. On October 6, 2026, less than 24 hours before the hearing, EOIR denied Audrina's motion for a continuance.

h. As counsel for Maribelle was not available on October 7, 2026, substitute counsel was obtained to represent Maribelle at her individual merits hearing. This substitute counsel had never met Maribelle and was not familiar with her case prior to October 6, 2026.

i. On October 7, 2026, EOIR did not have sufficient time to complete Maribelle's individual hearing due to Audrina's individual hearing. Accordingly, EOIR rescheduled Maribelle's individual hearing to October 15, 2026.

j. On October 15, 2026, EOIR ordered Maribelle to be removed from the United States.

19. At the present, all of the children in ORR custody who were scheduled with the Indianapolis Immigration Court have been ordered removed or have taken voluntary departure.

B. Children Within the Custody of ORR – Chicago Immigration Court

20. The fast-tracking of unaccompanied children's cases before both USCIS and EOIR has made it impossible for CLC to provide meaningful representation and has forced some children to proceed *pro se* before CLC can engage them as clients.

21. CLC represents Dwayne (a fictitious name being used to preserve confidentiality) who is in ORR custody in Illinois (internal CLC case number 2610-0-71939110).[2] Dwayne entered the United States September 2025 at the age of 13 years old, was designated an Unaccompanied Minor and placed in the custody of ORR. Dwayne is currently 14 years old and remains in ORR custody because his biological mother applied to be his sponsor but was subsequently detained by ICE leaving Dwayne without an alternative sponsor.

a. Upon information and belief, in June 2026 Dwayne filed his I-589 Application for Asylum and Withholding of Removal *pro se.* Upon information and belief, Dwayne attended his asylum interview without an attorney.

b. On September 24, 2026, DHS filed a "UAC Decision Notice for Non-Eligibility" with EOIR.

[2] All of Dwayne's documents referenced in this declaration are on file with CLC and can be provided at the Court's request.

c. On September 30, 2026 Dwayne was transferred to an ORR Detention Center in Illinois.

d. On October 22, 2026, CLC filed a Notice of Entry of Appearance as Attorney for Dwayne with EOIR.

e. On October 23, 2026, EOIR scheduled Dwayne for a Master Calendar Hearing (MCH) on October 28, 2026 at 8:00 am CST.

f. At the October 28, 2026 MCH, I personally appeared on behalf of Dwayne. EOIR scheduled Dwayne for an individual merits hearing for November 10, 2026 and ordered counsel for Dwayne to file all documents supporting Dwayne's asylum application just 10 days later, on November 6, 2026. As counsel for Dwayne, I objected to the expedited timeline citing the need to become familiar with the case and adequately prepare documentation to support Dwayne's asylum application. In response, the Immigration Judge pressed me to withdraw from representing Dwayne and further threatened to remove me as Dwayne's attorney. No written order was entered by EOIR on October 28, 2026 but on November 5, 2026 EOIR issued a hearing notice scheduling Dwayne's individual merits hearing for November 10, 2026, at 1:00pm.

22. CLC represents Cora (a fictitious name being used to preserve confidentiality) who is in ORR custody in Indianapolis (internal CLC case number 2607-0-71954965).[3] Cora entered the United States in December 2025 at the age of 15 years old, was designated an Unaccompanied Minor and placed in the custody of ORR. Cora remains in ORR custody.

[3] All of Cora's documents referenced in this declaration are on file with CLC and can be provided at the Court's request.

a. On September 11, 2026, at 9:00 am Cora filed an application for asylum with USCIS.

b. On September 22, 2026, the Chicago Asylum Office scheduled Cora for an asylum interview on October 13, 2026.

c. Cora attended the asylum interview on October 13, 2026, and the very next day, USCIS referred the asylum application to EOIR.

d. On October 29, 2026 EOIR held a Master Calendar Hearing (MCH) at which EOIR scheduled Cora for an individual merits hearing on November 16, 2026 and ordered counsel to file all pre-trial documents by November 10, 2026. No written order was entered that day but on November 5, 2026 EOIR issued a hearing notice scheduling Cora for an individual merits hearing for November 16, 2026.

23. At present, none of CLC's clients on the detained UC docket at the Chicago Immigration Court have cases scheduled beyond December 2026.

C. Children Released from ORR - Chicago

24. Prior to November 2026, CLC was typically scheduled for MCHs for non-detained UCs at a rate of 10 – 15 cases per week.

25. On October 22, 2026, EOIR issued hearing notices scheduling 45 clients of CLC with new hearings for October 28, 2026. On October 23, 2026, EOIR issued hearing notices scheduling 45 additional clients of CLC with new hearings for October 29, 2026. Based on CLC's cursory review of these 90 newly schedule client hearings with 7-days' notice, these were all non-detained UCs whose cases were either advanced or were re-calendared after a prior grant of administrative closure.

26. CLC represents "Jane" (a fictitious name being used to preserve confidentiality) who is a UC not in ORR custody (internal CLC case number 2401-0-72225790).[4] On September 9, 2026 DHS initiated removal proceedings with EOIR after USCIS referred Jane's asylum application to EOIR. Jane is scheduled for an individual merits hearing on December 3, 2026.

Dated: November 10, 2026



Laura J Smith
Attorney and Executive Director
Children's Legal Center
1100 W Cermak Rd., Suite 422
Chicago, Illinois 60608

[4] [4] All of Jane's documents referenced in this declaration are on file with CLC and can be provided at the Court's request.

Declaration of Laura Smith,

Attachment A

Gmail Natallie Santana Suarez <natallie@childrenslegalcenterchicago.org>

RE: Request to Reschedule November 05, 2026 interview for [redacted]

2 messages

Asylum, Chicago <Chicago.Asylum@uscis.dhs.gov> Thu, Nov 5, 2026 at 9:23 AM
To: Natallie Santana Suarez <Natallie@childrenslegalcenterchicago.org>
Cc: Susana Montano Palacios <Susana@childrenslegalcenterchicago.org>, Laura Smith <laura@childrenslegalcenterchicago.org>, Jennifer Vazquez <lawclerk@childrenslegalcenterchicago.org>, Laura Perez <perez@childrenslegalcenterchicago.org>, Alex Bello <alejandro@childrenslegalcenterchicago.org>

Good morning,

We received your request to reschedule, and it has been forwarded to management for consideration.

Thank you,

Chicago Asylum Office

th

From: Natallie Santana Suarez <Natallie@childrenslegalcenterchicago.org>
Sent: Wednesday, November 4, 2026 1:34 PM
To: Asylum, Chicago <Chicago.Asylum@uscis.dhs.gov>
Cc: Susana Montano Palacios <Susana@childrenslegalcenterchicago.org>; Laura Smith <laura@childrenslegalcenterchicago.org>; Jennifer Vazquez <lawclerk@childrenslegalcenterchicago.org>; Laura Perez <perez@childrenslegalcenterchicago.org>; Alex Bello <alejandro@childrenslegalcenterchicago.org>
Subject: Re: Request to Reschedule November 05, 2026 interview for [redacted]

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Dear Asylum Officer,

Thank you for replying to our email. Please note that my client, [redacted] is an unaccompanied minor (UAC). Attached is a copy of her ORR verification of release. Per the link provided, "***Unless you are an unaccompanied alien child (UAC)*, you must establish exceptional circumstances in order to reschedule your asylum interview.**" Since my client is a UAC, the exceptional circumstances do ***not*** apply in order to reschedule her asylum interview. Moreover, pursuant to the recent court order entered on October 30, 2026, in *The Door, et.al v. Edlow*, Case No. 8:26-cv-04326-BAH (D. Md.), our request to reschedule should be granted as a matter of course. Therefore, we respectfully request that you reschedule the interview to a later date since this is our first request to reschedule and the exceptional circumstances do ***not*** apply. Thank you.

Regards,

Natallie Santana Suarez

Supervising Staff Attorney

Direct Tel: (312) 722-6799

Children's Legal Center

1100 West Cermak Road, Suite 422

Chicago, Illinois 60608

Tel: (312) 722-6642 English and Spanish

Email: intake@ChildrensLegalCenterChicago.org

Website: ChildrensLegalCenterChicago.org

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On Wed, Nov 4, 2026 at 8:44 AM Asylum, Chicago <Chicago.Asylum@uscis.dhs.gov> wrote:

> Good morning,
>
> We received your request to reschedule and are carefully considering your submission. We do not need any additional information from you at this time. If you/your client choose not to move forward with the interview and USCIS does not approve the reschedule request, your client risks USCIS not approving the reschedule request and dismissing the case, if he or she maintains lawful status, or referring the case to Immigration Court, if he or she does not maintain lawful status. The requirements for establishing exceptional circumstances to reschedule your interview can be found at https://www.uscis.gov/humanitarian/refugees-and-asylum/asylum/establishing-exceptional-circumstances-for-rescheduling-affirmative-asylum-interviews.
>
> Thank you,
>
> Chicago Asylum Office

th

From: Susana Montano Palacios <Susana@childrenslegalcenterchicago.org>
Sent: Tuesday, November 3, 2026 4:27 PM
To: Laura Smith <laura@childrenslegalcenterchicago.org>; Natallie Santana Suarez <natallie@childrenslegalcenterchicago.org>; Asylum, Chicago <Chicago.Asylum@uscis.dhs.gov>; Jennifer Vazquez <lawclerk@childrenslegalcenterchicago.org>; Laura Perez <perez@childrenslegalcenterchicago.org>; Alex Bello <alejandro@childrenslegalcenterchicago.org>
Subject: Request to Reschedule November 05, 2026 interview fo [redacted]

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Applicant's name: [redacted]
Applicant's A Number: [redacted]

Applicant's Date of Birth: [redacted]
Applicant's Country of Birth: **Honduras**
I-589 Receipt Number: [redacted]

I-589 Interview Date: **Thursday, November 05, 2026 at 11:00 AM**
Asylum Interview Location: **181 W. Madison Street, Suite 3000, Chicago, IL 60602**
Attorney of Record (G-28): **Natallie Santana Suarez**
Attorney's Mailing Address: **1100 W Cermak Rd., Ste 422, Chicago, IL 60608**
Attorney's Email Address: **Natallie@childrenslegalcenterchicago.org**

Dear Asylum Officer:

Our office represents the Applicant, [redacted] in relation to her I-589 Application for Asylum and Withholding of Removal. Applicant is scheduled for an upcoming asylum interview on **Thursday, November 05, 2026, at 11:00 AM.** Attached is a copy of our **Form G-28** and interview notice.

I am writing to request that the Applicant's interview be rescheduled to a later date. This is our first request to reschedule, and pursuant to the recent court order entered on October 30, 2026, in *The Door, et.al v. Edlow*, Case No. 8:26-cv-04326-BAH (D. Md.), our request to reschedule should be granted as a matter of course. Attached is a copy of the court order.

I would appreciate your confirmation of receipt of this e-mail. Thank you for your attention to this matter.

Regards,

--

Susana Montano Palacios

Law Clerk
Asistente Legal

Children's Legal Center

Please note our new address

Por favor notar nuestra nueva direccion

1100 W Cermak Road, Suite 422

Chicago, Illinois 60608

Tel: (312) 722-6642 English and Spanish
Tel: (872) 225-4901 Dari and Farsi
Tel: (872) 225-4918 Pashto
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Asylum, Chicago <Chicago.Asylum@uscis.dhs.gov> Thu, Nov 5, 2026 at 9:32 AM
To: Natallie Santana Suarez <Natallie@childrenslegalcenterchicago.org>
Cc: Susana Montano Palacios <Susana@childrenslegalcenterchicago.org>, Laura Smith <laura@childrenslegalcenterchicago.org>, Jennifer Vazquez <lawclerk@childrenslegalcenterchicago.org>, Laura Perez <perez@childrenslegalcenterchicago.org>, Alex Bello <alejandro@childrenslegalcenterchicago.org>

[Quoted text hidden]

[Quoted text hidden]

Applicant's name: [redacted]
Applicant's A Number: [redacted]

Applicant's Date of Birth [redacted]

[Quoted text hidden]
[redacted]

[Quoted text hidden]

Declaration of Laura Smith,

Attachment B

Gmail Aura Cardona Vargas <aura@childrenslegalcenterchicago.org>

RE: Request to Reschedule November 09, 2026 interview for [redacted]

1 message

Asylum, Chicago <Chicago.Asylum@uscis.dhs.gov> Thu, Nov 5, 2026 at 11:30 AM
To: Aura Cardona Vargas <Aura@childrenslegalcenterchicago.org>

Good morning,

We received your request to reschedule, and it has been forwarded to management for consideration.

Thank you,

Chicago Asylum Office

EYM

From: Aura Cardona Vargas <Aura@childrenslegalcenterchicago.org>
Sent: Thursday, November 5, 2026 9:34 AM
To: Asylum, Chicago <Chicago.Asylum@uscis.dhs.gov>
Cc: Laura Smith <laura.hoover@childrenslegalcenterchicago.org>; Jennifer Vazquez <lawclerk@childrenslegalcenterchicago.org>; Natallie Santana Suarez <natallie@childrenslegalcenterchicago.org>; Emily Enriquez Jimenez <EmilyJ@childrenslegalcenterchicago.org>; Alex Bello <alejandro@childrenslegalcenterchicago.org>; Laura Perez <perez@childrenslegalcenterchicago.org>; Madeleine Weirauch <madeleine@childrenslegalcenterchicago.org>
Subject: Request to Reschedule November 09, 2026 interview for [redacted]

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Applicant's name: [redacted]
Applicant's A Number: [redacted]

Applicant's Date of Birth:

Country of Birth:
I-589 Receipt Number: [redacted]

I-589 Interview Date: **Monday, November 09, 2026 at 10:00 AM**
Asylum Interview Location: **181 W. Madison Street, Suite 3000, Chicago, IL 60602**
Attorney of Record (G-28):
Attorney's Mailing Address:

Dear Asylum Officer:

Our office represents Applicant, [redacted] in relation to his I-589 Application for Asylum and Withholding of Removal. Applicant is scheduled for an upcoming asylum interview on **Monday, November 09, 2026 at 10:00 AM**. Attached is a copy of our **Form G-28** and

interview notice.

I am writing to request that Applicant's interview be rescheduled to a later date. This is our first request to reschedule, and pursuant to the recent court order entered on October 30, 2026 in *The Door, et.al v. Edlow*, Case No. 8:26-cv-04326-BAH (D. Md), our request to reschedule should be granted as a matter of course. Attached is a copy of the court order.

I would appreciate your confirmation of receipt of this e-mail. Thank you for your attention to this matter.

Regards,

Aura Cardona

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Declaration of Laura Smith,

Attachment C

Gmail Susana Montano Palacios <susana@childrenslegalcenterchicago.org>

RE: Request to Reschedule November 24, 2026 interview for [redacted]

1 message

Asylum, Chicago <Chicago.Asylum@uscis.dhs.gov> Thu, Nov 5, 2026 at 1:44 PM
To: Susana Montano Palacios <Susana@childrenslegalcenterchicago.org>

Good afternoon,

We received your request to reschedule, and it has been forwarded to management for consideration.

Thank you,

Chicago Asylum Office

nd

From: Susana Montano Palacios <Susana@childrenslegalcenterchicago.org>
Sent: Thursday, November 5, 2026 11:02 AM
To: Laura Smith <laura@childrenslegalcenterchicago.org>; Jennifer Vazquez <lawclerk@childrenslegalcenterchicago.org>; Natallie Santana Suarez <natallie@childrenslegalcenterchicago.org>; Asylum, Chicago <Chicago.Asylum@uscis.dhs.gov>; Alex Bello <alejandro@childrenslegalcenterchicago.org>; Laura Perez <perez@childrenslegalcenterchicago.org>
Subject: Request to Reschedule November 24, 2026 interview for [redacted]

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Applicant's name: [redacted]
Applicant's A Number: [redacted]

Applicant's Date of Birth:
Applicant's Country of Birth: **Venezuela**
I-589 Receipt Number: [redacted]

I-589 Interview Date: **Tuesday**
Asylum Interview Location: **Chicago, IL 60602**
Attorney of Record (G-28): **Laura J. Smith (Formerly Laura Hoover)**
Attorney's Mailing Address:
Attorney's Email Address:

Dear Asylum Officer:

Our office represents the Applicant, [redacted] in relation to her I-589 Application for Asylum and Withholding of Removal. Applicant is scheduled for an upcoming asylum interview on **Tuesday, November 24, 2026, at 8:30 AM.** Attached is a copy of our **Form G-28** and interview notice.

I am writing to request that the Applicant's interview be rescheduled to a later date. This is our first request to reschedule, and pursuant to the recent court order entered on October 30, 2026, in *The Door, et al. v. Edlow*, Case No. 8:26-cv-04326-BAH (D. Md.), our request to reschedule should be granted as a matter of course, and the exceptional circumstances requirement ***does not*** apply. Please note that the client is also an unaccompanied minor (UAC). Attached are copies of the client's ORR verification of release and the court order for the cited case.

I would appreciate your confirmation of receipt of this e-mail.

Thank you for your attention to this matter.

Regards,

--

Susana Montano Palacios

Law Clerk
Asistente Legal

Children's Legal Center

Please note our new address

Por favor notar nuestra nueva direccion

1100 W Cermak Road, Suite 422

Chicago, Illinois 60608

Tel: (312) 722-6642 English and Spanish
Tel: (872) 225-4901 Dari and Farsi
Tel: (872) 225-4918 Pashto

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Declaration of Laura Smith,

Attachment D

Gmail Susana Montano Palacios <susana@childrenslegalcenterchicago.org>

RE: Request to Reschedule November 23, 2026 interview for [redacted]

1 message

Asylum, Chicago <Chicago.Asylum@uscis.dhs.gov> Thu, Nov 5, 2026 at 1:48 PM
To: Susana Montano Palacios <Susana@childrenslegalcenterchicago.org>

Good afternoon,

We received your request to reschedule, and it has been forwarded to management for consideration.

Thank you,

Chicago Asylum Office

nd

From: Susana Montano Palacios <Susana@childrenslegalcenterchicago.org>
Sent: Thursday, November 5, 2026 11:26 AM
To: Laura Smith <laura@childrenslegalcenterchicago.org>; Natallie Santana Suarez <natallie@childrenslegalcenterchicago.org>; Asylum, Chicago <Chicago.Asylum@uscis.dhs.gov>; Jennifer Vazquez <lawclerk@childrenslegalcenterchicago.org>; Laura Perez <perez@childrenslegalcenterchicago.org>; Alex Bello <alejandro@childrenslegalcenterchicago.org>
Subject: Request to Reschedule November 23, 2026 interview for [redacted]

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Applicant's name: [redacted]
Applicant's A Number: [redacted]

Applicant's Date of Birth:
Applicant's Country of Birth:
I-589 Receipt Number: [redacted]

I-589 Interview Date: **9:30 AM**
Asylum Interview Location: **, Chicago, IL 60602**
Attorney of Record (G-28): **Laura J. Smith (Formerly Laura Hoover)**
Attorney's Mailing Address: **, IL 60608**
Attorney's Email Address:

Dear Asylum Officer:

Our office represents the Applicant, [redacted], in relation to his I-589 Application for Asylum and Withholding of Removal. Applicant is scheduled for an upcoming asylum interview on **Monday, November 23, 2026, at 9:30 AM.** Attached is a copy of our **Form G-28** and interview notice.

I am writing to request that the Applicant's interview be rescheduled to a later date. This is our first request to reschedule, and pursuant to the recent court order entered on October 30, 2026, in *The Door, et al. v. Edlow*, Case No. 8:26-cv-04326-BAH (D. Md.), our request to reschedule should be granted as a matter of course, and the exceptional circumstances requirement ***does not*** apply. Please note that the client is also an unaccompanied minor (UAC). Attached are copies of the client's ORR verification of release and the court order for the cited case.

I would appreciate your confirmation of receipt of this e-mail.

Thank you for your attention to this matter.

Regards,

--

Susana Montano Palacios

Law Clerk
Asistente Legal

Children's Legal Center

Please note our new address

Por favor notar nuestra nueva direccion

1100 W Cermak Road, Suite 422

Chicago, Illinois 60608

Tel: (312) 722-6642 English and Spanish
Tel: (872) 225-4901 Dari and Farsi
Tel: (872) 225-4918 Pashto

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Declaration of Laura Smith,

Attachment E

Gmail Susana Montano Palacios <susana@childrenslegalcenterchicago.org>

RE: Request to Reschedule November 24, 2026 interview for [redacted]

1 message

Asylum, Chicago <Chicago.Asylum@uscis.dhs.gov> Thu, Nov 5, 2026 at 2:49 PM
To: Susana Montano Palacios <Susana@childrenslegalcenterchicago.org>, Laura Smith <laura@childrenslegalcenterchicago.org>, Alex Bello <alejandro@childrenslegalcenterchicago.org>, Jennifer Vazquez <lawclerk@childrenslegalcenterchicago.org>, Natallie Santana Suarez <natallie@childrenslegalcenterchicago.org>, Laura Perez <perez@childrenslegalcenterchicago.org>

Good afternoon,

We received your request to reschedule, and it has been forwarded to management for consideration.

Thank you,

Chicago Asylum Office

js

From: Susana Montano Palacios <Susana@childrenslegalcenterchicago.org>
Sent: Thursday, November 5, 2026 11:55 AM
To: Laura Smith <laura@childrenslegalcenterchicago.org>; Asylum, Chicago <Chicago.Asylum@uscis.dhs.gov>; Alex Bello <alejandro@childrenslegalcenterchicago.org>; Jennifer Vazquez <lawclerk@childrenslegalcenterchicago.org>; Natallie Santana Suarez <natallie@childrenslegalcenterchicago.org>; Laura Perez <perez@childrenslegalcenterchicago.org>
Subject: Request to Reschedule November 24, 2026 interview for [redacted]

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Applicant's name: [redacted]
Applicant's A Number: [redacted]

Applicant's Date of Birth:
Applicant's Country of Birth:
I-589 Receipt Number: [redacted]

I-589 Interview Date: **Tuesday, November 24, 2026**
Asylum Interview Location: **181 W. Madison Street, Suite 3000, Chicago, IL 60602**
Attorney of Record (G-28): **Laura J. Smith (Formerly Laura Hoover)**
Attorney's Mailing Address: **1100 W Cermak Rd., Ste 422, Chicago, IL 60608**
Attorney's Email Address: **Laura@childrenslegalcenterchicago.org**

Dear Asylum Officer:

Our office represents the Applicant, [redacted] in relation to his I-589 Application for Asylum and Withholding of Removal. Applicant is scheduled for an upcoming asylum interview on **Tuesday, November 24, 2026, at 11:00 AM.** Attached is a copy of our **Form G-28** and interview notice.

I am writing to request that the Applicant's interview be rescheduled to a later date. This is our first request to reschedule, and pursuant to the recent court order entered on October 30, 2026, in *The Door, et al. v. Edlow*, Case No. 8:26-cv-04326-BAH (D. Md.), our request to reschedule should be granted as a matter of course, and the exceptional circumstances requirement ***does not*** apply. Please note that the client is also an unaccompanied minor (UAC). Attached are copies of the client's ORR verification of release and the court order for the cited case.

I would appreciate your confirmation of receipt of this e-mail.

Thank you for your attention to this matter.

Regards,

--

Susana Montano Palacios

Law Clerk
Asistente Legal

Children's Legal Center

Please note our new address

Por favor notar nuestra nueva direccion

1100 W Cermak Road, Suite 422

Chicago, Illinois 60608

Tel: (312) 722-6642 English and Spanish
Tel: (872) 225-4901 Dari and Farsi
Tel: (872) 225-4918 Pashto
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Declaration of Laura Smith,

Attachment F

Gmail Daniela Salazar Saavedra <danielas@childrenslegalcenterchicago.org>

Request Reschedule of the Interview [redacted] Interview 11/18/26 at 11 am

2 messages

Daniela Salazar Saavedra <danielas@childrenslegalcenterchicago.org> Thu, Nov 5, 2026 at 3:30 PM

To: "Asylum, Chicago" <Chicago.Asylum@uscis.dhs.gov>
Cc: Jennifer Vazquez <lawclerk@childrenslegalcenterchicago.org>, Laura Smith <laura.hoover@childrenslegalcenterchicago.org>, Natallie Santana Suarez <Natallie@childrenslegalcenterchicago.org>, Laura Perez <perez@childrenslegalcenterchicago.org>, Karina Serna <karina@childrenslegalcenterchicago.org>, Laura Smith <laura@childrenslegalcenterchicago.org>

Applicant's Name: [redacted]
Applicant's Date of Birth: [redacted]

A Number: [redacted]
Country of Birth: Ecuador
I-589 Receipt Notice: [redacted]

Interview Date: 11/18/26 at 11 am

Receipt Number: [redacted]
Asylum Interview Location: Chicago, Illinois
Attorney of Record (G-28): **Laura Smith (Formerly Laura Hoover)**
Attorney's Mailing Address: **1100 W Cermak Rd., Ste 422, Chicago, IL 60608**
Attorney's Email Address: **laura@childrenslegalcenterchicago.org**

Dear Asylum Officer,

Our office represents [redacted] in connection with his Form I-589 Application for Asylum and Withholding of Removal.

I hereby request that the above-listed asylum interview be rescheduled. Please be advised that on October 30, 2026, the District of Maryland entered a TRO restoring the prior policy requiring USCIS to grant at least one asylum interview reschedule request by right. *See The Door et al. al v. Edlow*, Case No. 8:26-cv-04326-BAH (D. Md). Applicant is an unaccompanied Minor (UAC). "***Unless you are an unaccompanied alien child (UAC)*, you must establish exceptional circumstances in order to reschedule your asylum interview.**"

Because Applicant is a UAC, the exceptional circumstances do ***not*** apply to rescheduling his asylum interview. Moreover, he is protected by the TRO mentioned before. *See The Door et al. al v. Edlow*, Case No. 8:26-cv-04326-BAH (D. Md). Therefore, we respectfully request to reschedule the interview as a matter of course.

I am attaching a copy of Laura Smith (formerly Laura Hoover), G-28, who is copied on this email. I am also attaching the order entered by the District of Maryland for your reference and the Applicant ORR release Verification showing that he is UAC and thus protected by the TRO.

I would appreciate your confirmation of receipt of this email. Thank you for your attention to this matter.

--

ATTORNEY CLIENT PRIVILEGE: This message and any files transmitted with it are intended only for the recipient and may contain confidential information protected by the attorney-client privilege and/or attorney work product doctrine. If you have received this email in error, please notify the sender and delete the email. Nothing in this communication creates an attorney-client relationship unless expressly stated.

PRIVILEGIO ABOGADO-CLIENTE: Este mensaje y cualquier archivo transmitido están destinados únicamente al destinatario y pueden contener información confidencial protegida por el privilegio abogado-cliente y/o la doctrina del producto del trabajo del abogado. Si ha recibido este mensaje por error, notifique al remitente y elimine el mensaje. Nada en esta comunicación crea una relación abogado-cliente a menos que se indique explícitamente.

Best regards,

Daniela Salazar Saavedra.
Staff Attorney
Children's Legal Center
1100 W Cermak Road, Suite 422
Chicago, Illinois 60608
Tel: (312) 722-6642 English and Spanish
Tel: (872) 225-4901 Dari and Farsi
Tel: (872) 225-4918 Pashto

Children's Legal Center

---

3 attachments

BAAS - G-28 (Laura Hoover).pdf
106K

0054. (10-30-2026) MEMORANDUM AND ORDER GRANTING [23] Motion for Temporary Restraining Order and Stay under the APA De (1).pdf
623K

BAAS - ORR Release.pdf
196K

Asylum, Chicago <Chicago.Asylum@uscis.dhs.gov> Thu, Nov 5, 2026 at 4:01 PM
To: Daniela Salazar Saavedra <danielas@childrenslegalcenterchicago.org>
Cc: Jennifer Vazquez <lawclerk@childrenslegalcenterchicago.org>, Laura Smith <laura.hoover@childrenslegalcenterchicago.org>, Natallie Santana Suarez <Natallie@childrenslegalcenterchicago.org>, Laura Perez <perez@childrenslegalcenterchicago.org>, Karina Serna <karina@childrenslegalcenterchicago.org>, Laura Smith <laura@childrenslegalcenterchicago.org>

Good afternoon,

We received your request to reschedule, and it has been forwarded to management for consideration.

Thank you,

Chicago Asylum Office

From: Daniela Salazar Saavedra <danielas@childrenslegalcenterchicago.org>
Sent: Thursday, November 5, 2026 3:30 PM
To: Asylum, Chicago <Chicago.Asylum@uscis.dhs.gov>
Cc: Jennifer Vazquez <lawclerk@childrenslegalcenterchicago.org>; Laura Smith <laura.hoover@childrenslegalcenterchicago.org>; Natallie Santana Suarez <Natallie@childrenslegalcenterchicago.org>; Laura Perez <perez@childrenslegalcenterchicago.org>; Karina Serna <karina@childrenslegalcenterchicago.org>; Laura Smith <laura@childrenslegalcenterchicago.org>
Subject: Request Reschedule of the Interview [redacted] (UAC) Interview 11/18/26 at 11 am

CAUTION: This email originated from outside of the Federal Government. DO NOT click links or open attachments unless you recognize and/or trust the sender. Contact the USCIS Security Operations Center with questions or click the "Report Phishing" button to report it as a phishing attempt.

Applicant's Name: [redacted]
Applicant's Date of Birth:

A Number: [redacted]
Country of Birth: Ecuador
I-589 Receipt Notice: [redacted]

Interview Date: 11/18/26 at 11 am

Receipt Number: [redacted]
Asylum Interview Location: Chicago, Illinois
Attorney of Record (G-28): **Laura Smith (Formerly Laura Hoover)**
Attorney's Mailing Address: **, Chicago, IL 60608**
Attorney's Email Address: **laura@childrenslegalcenterchicago.org**

[Quoted text hidden]

Declaration of Laura Smith,

Attachment G

Gmail

Laura Smith <laura@childrenslegalcenterchicago.org>

RE: Request to Reschedule November 09, 2026 interview for [redacted]
1 message

Asylum, Chicago <Chicago.Asylum@uscis.dhs.gov> Fri, Nov 6, 2026 at 10:07 AM
To: Connor White <connor@childrenslegalcenterchicago.org>
Cc: Laura Smith <laura@childrenslegalcenterchicago.org>, Laura Smith <laura.hoover@childrenslegalcenterchicago.org>, Jennifer Vazquez <Jennifer@childrenslegalcenterchicago.org>, Natallie Santana Suarez <natallie@childrenslegalcenterchicago.org>

Good morning,

We received your request to reschedule, and it has been forwarded to management for consideration.

Thank you,

Chicago Asylum Office

js

From: Connor White <connor@childrenslegalcenterchicago.org>
Sent: Thursday, November 5, 2026 5:19 PM
To: Asylum, Chicago <Chicago.Asylum@uscis.dhs.gov>
Cc: Laura Smith <laura@childrenslegalcenterchicago.org>; Laura Smith <laura.hoover@childrenslegalcenterchicago.org>; Jennifer Vazquez <Jennifer@childrenslegalcenterchicago.org>; Natallie Santana Suarez <natallie@childrenslegalcenterchicago.org>
Subject: Request to Reschedule November 09, 2026 interview for [redacted]

CAUTION: This email originated from outside of the Federal Government. DO NOT click links or open attachments unless you recognize and/or trust the sender. Contact the USCIS Security Operations Center with questions or click the "Report Phishing" button to report it as a phishing attempt.

Applicant's name: [redacted]
Applicant's A Number: [redacted]
Applicant's Date of Birth:
Applicant's Country of Birth:
I-589 Receipt Number: [redacted]

I-589 Interview Date: **Monday, November 09, 2026 at 12:30 PM**
Asylum Interview Location: 181 W. Madison Street, Suite 3000, Chicago, IL 60602
Attorney of Record (G-28): **Laura Smith (Formerly Laura Hoover)**
Attorney's Mailing Address: 1100 W Cermak Rd., Ste 422, Chicago, IL 60608
Attorney's Email Address: laura@childrenslegalcenterchicago.org

Dear Asylum Officer:

Our office represents Applicant, [redacted], in relation to his I-589 Application for Asylum and Withholding of Removal. Applicant is scheduled for an upcoming asylum interview on **Monday, November 09, 2026, at 12:30 PM**. Attached is a copy of our **Form G-28** and interview notice.

I am writing to request that Applicant's interview be rescheduled to a later date. This is our first request to reschedule, and pursuant to the recent court order entered on October 30, 2026 in *The Door, et.al v. Edlow*, Case No. 8:26-cv-04326-BAH (D. Md), our request to reschedule should be granted as a matter of course. Attached is a copy of the court order.

I would appreciate your confirmation of receipt of this e-mail. Thank you for your attention to this matter.

Connor White
Staff Attorney
Children's Legal Center
1100 W Cermak Rd. Suite 422
Chicago, IL 60608
Direct Line: (312) 825-1016
English & Spanish: (312) 722-6642
Dari & Farsi: (872) 225-4901
Pashto: (872) 225-4918

An official website of the United States government Here's how you know
Español | Multilingual Resources

U.S. Citizenship and Immigration Services

Case Status Online

Failure to Appear for Interview

You recently missed your interview appointment. You must request to reschedule your asylum interview within 10 calendar days after your missed interview date and establish exceptional circumstances for USCIS to reschedule your interview. Your failure to appear for your scheduled interview is considered an alien-caused delay for purposes of eligibility for employment authorization. This alien-caused delay will be resolved, and your clock will restart, when you appear for your rescheduled interview.

Consequently your 180-Day Asylum EAD Clock has stopped as of November 9, 2026.

As of November 9, 2026 you have 1180 days attributed to your 180-Day Asylum EAD Clock.

For information related to the 180-Day Asylum EAD Clock and the Form I-765, Application for Employment Authorization, please review: The 180-Day Asylum EAD Notice.

Enter Another Receipt Number

[redacted]

Check Status

Already have an Account? Login

Case Status Online account logins will now be routed through the MyAccount service. Existing account holders can find updated

Declaration of Laura Smith,

Attachment H

Chicago Asylum Office
181 W. Madison Street, Suite 3000
Chicago, Illinois 60602

U.S. Citizenship and Immigration Services

[redacted]
C/O BETHANY CHRISTIAN SERVICES
7168 GRAHAM RD
INDIANAPOLIS, IN 46250

Date: September 8, 2026 File Number: [redacted]

Please come to the office shown below at the time and place indicated in connection with an official matter.

OFFICE LOCATION	Birch Bayh Federal Court House 46 E. Ohio Street Room 528 Indianapolis, IN 46204
DATE AND HOUR	Thursday, September 17, 2026 11:00 AM
REASON FOR APPOINTMENT	Interview on your eligibility for asylum (Application for Asylum and for Withholding of Removal, **Form I-589**)

IT IS IMPORTANT THAT YOU KEEP THIS APPOINTMENT AND BRING THIS LETTER WITH YOU.

You and your dependent family members (if any) on your Form I-589, Application for Asylum and for Withholding of Removal, are scheduled for an asylum interview on the date and time shown above. Please read this interview notice in its entirety, as it contains important information about your asylum interview.

> **WARNING**: Unless USCIS excuses you, failure to appear at this asylum interview appointment will result in an applicant-caused delay that will impact your eligibility for employment authorization based on your pending asylum application. If you fail to appear at this appointment as scheduled, USCIS: (1) may dismiss your asylum application, if you maintain a lawful basis to remain in the United States; or (2) may refer your application to an immigration judge, if you do not maintain a lawful basis to remain in the United States.

Note: If you are a parolee who fails to appear for your asylum interview, USCIS will make a determination as to whether the purposes of parole have been served and determine, on a case-by-case basis, whether to terminate your parole and refer your case to an immigration judge.

I. Who should come with you to your interview?

Only the following people may come with you to your interview:

- ***Dependents:*** All family members included in your asylum application as dependents must come to your interview.
- ***Interpreter:*** If you are not fluent in English, you must bring an interpreter to your interview. Your interpreter must:
  - Be at least 18 years old;
  - Not be your attorney or accredited representative or witness;

Rev. 2026-08

- Not be a representative or employee of your country of nationality, or, if stateless, your country of last habitual residence; and
- Not have a pending asylum application for which they have not been interviewed.

If you need an interpreter and do not bring one, or if your interpreter is not competent, we will consider this a failure to appear for your interview without good cause and we will dismiss your asylum application or refer your asylum application to an immigration judge.

- ***Attorney or Accredited Representative:*** Your attorney or accredited representative may come with you to the interview
- ***Witnesses:*** If you have a witness who will provide testimony in your case, that individual may come with you to your interview. However, we encourage your witness to provide sworn written testimony before your interview and not attend the interview. You may provide this written testimony to USCIS as additional evidence following the guidelines described in **Section III** below.
- ***Minor Applicants:*** If you are a minor applying for asylum by yourself, a trusted adult may come with you.

II. What to Bring to Your Interview:

- If available, bring a written form of identification for you and each of your family members (if any) listed as dependents on your Form I-589, indicating name, date of birth, place of birth, and nationality.
- If available, bring the original and one copy of documentary evidence of your relationship to your family members (if any) listed as dependents on your Form I-589 (such as marriage certificates, birth certificates, or affidavits).

III. Additional Evidence:

If you wish to submit additional evidence not previously submitted with your asylum application, you should submit it to the asylum office in writing as soon as possible or at least 14 calendar days before the interview. You can mail the additional evidence to the asylum office or upload it via your myUSCIS account if you filed your application online. If you submit new evidence less than 14 calendar days before your interview or bring new evidence on the day of your interview, it may not be included with your asylum application, or we may reschedule your interview. A rescheduled asylum interview due to late evidence submission will be considered an applicant-caused delay for purposes of eligibility for employment authorization. This reschedule may impact your eligibility for employment authorization. For information related to employment authorization based on a pending asylum application, please review the **Permission to Work in the United States** section of the USCIS website at www.uscis.gov/asylum.

You must leave the United States if you do not have or otherwise obtain a lawful basis to remain in the United States. The U.S. Government may provide you cost-free travel and give you an exit bonus if you leave voluntarily through the CBP Home Mobile App process. For more information, please visit: https://www.dhs.gov/cbphome.

If you do not maintain a lawful basis to remain in the United States, you may be subject to enforcement actions, including but not limited to detention and removal, without an opportunity to make personal arrangements and return to your country in an orderly manner.

If you are unable to keep the appointment, state your reason, sign below and return this letter to the following address at once:

Chicago Asylum Office
U. S. CITIZENSHIP & IMMIGRATION SVC
181 W. Madison Street, Suite 3000
Chicago IL 60602
USCIS Contact Center: www.uscis.gov/contactcenter

Sincerely,

Darice Alvertos
Asylum Office Director

I am unable to keep this appointment because:
Signature

CC: JULISA LANGER
CHILDRENS LEGAL CENTER
1100 WEST CERMAK ROAD, STE 422
CHICAGO, IL 60608

Rev. 2026-08

Declaration of Laura Smith,

Attachment I

Uploaded on: 09/18/2026 at 03:01:09 PM (Eastern Daylight Time) Base City: INP

KAREN LUNDGREN
Regional Counsel
Gary P. Martin
Counsel
Office of the Principal Legal Advisor
U.S. Department of Homeland Security
U.S. Immigration and Customs Enforcement
575 North Pennsylvania Street, Suite 646
Indianapolis, IN 46204

DETAINED

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
INDIANAPOLIS, INDIANA

In the Matter of:

[redacted]

Respondent

In Removal Proceedings

File No.

Hon. Immigration Judge: THOMSEN
Master Calendar Hearing: October 2, 2026
(Detained Juvenile)

U.S. DEPARTMENT OF HOMELAND SECURITY
NOTICE OF FILING

EOIR – 1 of 18

Uploaded on: 09/18/2026 at 03:01:09 PM (Eastern Daylight Time) Base City: INP

The U.S. Department of Homeland Security, U.S. Immigration and Customs Enforcement (the Department), by and through the undersigned, hereby submits the respondent's UAC I-589 application and USCIS' decision on that application.

TAB A. USCIS Court Packet (I-589 and referral letter) 1-15

Respectfully Submitted,

GARY P MARTIN

Digitally signed by GARY P MARTIN
Date: 2026.09.18 14:59:30 -04'00'

Gary P. Martin
Counsel
Office of the Principal Legal Advisor
U.S. Department of Homeland Security
U.S. Immigration and Customs Enforcement

CERTIFICATE OF SERVICE

On __9/18/2026___, I, Gary P. Martin, served a copy of the **Department Notice of Filing** and any attached pages to the respondent's counsel by uploading a copy of the same to ECAS.

GARY P MARTIN

Digitally signed by GARY P MARTIN
Date: 2026.09.18 15:00:18 -04'00'

Gary P. Martin
Counsel

Uploaded on: 09/18/2026 at 05:16:07 PM (Eastern Daylight Time) Base City: INP

KAREN LUNDGREN
Regional Counsel
Gary P. Martin
Counsel
Office of the Principal Legal Advisor
U.S. Department of Homeland Security
U.S. Immigration and Customs Enforcement
575 North Pennsylvania Street, Suite 646
Indianapolis, IN 46204

DETAINED

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
INDIANAPOLIS, INDIANA

In the Matter of:

[redacted]

Respondent

In Removal Proceedings

File No.

Hon. Immigration Judge: THOMSEN
Master Calendar Hearing: October 2, 2026
(Detained Juvenile)

U.S. DEPARTMENT OF HOMELAND SECURITY
MOTION TO SCHEDULE IMMEDIATE INDIVIDUAL MERITS HEARING
ON RESPONDENT'S I-589 APPLICATION

Uploaded on: 09/18/2026 at 05:16:07 PM (Eastern Daylight Time) Base City: INP

The U.S. Department of Homeland Security, U.S. Immigration and Customs Enforcement (the Department), by and through its undersigned counsel, hereby requests the Court schedule this matter for an individual hearing immediately. The respondent is a juvenile who is detained at taxpayers' expense. United States Citizenship and Immigration Services (USCIS) has adjudicated the respondent's UAC I-589 and declined to find her eligible for asylum. The respondent is now entitled to have her I-589 application adjudicated by this Court. As there is no reason to delay these removal proceedings any further, the Department asks that the individual merits hearing on the respondent's I-589 be scheduled immediately.

Respectfully Submitted,

GARY P MARTIN

Digitally signed by GARY P MARTIN
Date: 2026.09.18 17:14:44 -04'00'

Gary P. Martin
Counsel
Office of the Principal Legal Advisor
U.S. Department of Homeland Security
U.S. Immigration and Customs Enforcement

CERTIFICATE OF SERVICE

On __9/18/2026___, I, Gary P. Martin, served a copy of the **Department Notice of Filing** and any attached pages to the respondent's counsel by uploading a copy of the same to ECAS.

GARY P MARTIN

Digitally signed by GARY P MARTIN
Date: 2026.09.18 17:15:23 -04'00'

Gary P. Martin

EOIR – 2 of 2

Uploaded on: 09/18/2026 at 03:01:09 PM (Eastern Daylight Time) Base City: INP

U.S. Department of Homeland Security
Chicago Asylum Office
181 W. Madison Street, Suite 3000, Chicago, IL 60602

U.S. Citizenship and Immigration Services

Date: September 18, 2026

[redacted]
JULISA LANGER
1100 WEST CERMAK RD 422
CHICAGO, IL 60608

RE: [redacted]

UAC Decision Notice for Non-Eligibility

Dear [redacted]

This letter refers to your Form I-589, *Application for Asylum and for Withholding of Removal*, filed with U.S. Citizenship and Immigration Services (USCIS).

On 01/21/2026, you were served with a Form I-862, *Notice to Appear*, and placed in immigration proceedings in front of an immigration judge. The William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA) amends the Immigration and Nationality Act to give USCIS initial jurisdiction over an asylum application filed by an Unaccompanied Alien Child (UAC). As defined at 6 U.S.C. § 279(g)(2), an Unaccompanied Alien Child means:

> a child who—
>
> **(A)** has no lawful immigration status in the United States;
> **(B)** has not attained 18 years of age; and
> **(C)** with respect to whom—
>
> > **(i)** there is no parent or legal guardian in the United States; or
> > **(ii)** no parent or legal guardian in the United States is available to provide care and physical custody.

USCIS has initial jurisdiction over your asylum application because (1) as of the date you first filed for asylum, a prior determination by U.S. Customs and Border Protection (CBP) or U.S. Immigration and Customs Enforcement (ICE) that you were a UAC was still in place, or (2) an asylum officer determined that you met the definition of a UAC on the date you first filed for asylum. USCIS interviewed you on 09/17/2026 at the above-named Asylum Office.

Applicants for asylum must credibly establish that: they have suffered past persecution or have a well-founded fear of future persecution on account of race, religion, nationality, membership in a particular social group, or political opinion; they are not subject to any bar to asylum; and they merit a grant of asylum in the exercise of discretion.

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Reason(s) for Ineligibility for Asylum:

For the reasons described below, USCIS has determined that you do not meet the requirements for asylum and has not granted your claim for asylum:

Past Persecution

- You have not established that any harm you experienced in the past is on account of one of the protected characteristics in the refugee definition (race, religion, nationality, membership in a particular social group, or political opinion).

Future Persecution

- You have not established that any future harm you fear is on account of one of the protected characteristics in the refugee definition (race, religion, nationality, membership in a particular social group, or political opinion).

Need to Appear in Immigration Court:

If your case is currently pending before the Immigration Court, USCIS will forward your asylum application to an immigration judge to adjudicate in immigration proceedings. You may then request asylum again before the immigration judge, and your request will be considered (without filing another application) at a time determined by the immigration court. The determinations that we have made in returning your application are not binding on the immigration judge, who will decide your case again.

WARNING: You must attend all scheduled hearings with the Immigration Court, or you may be ordered removed from the United States.

Change of Address:

You must report a change of address to USCIS within 10 days of moving by following the instructions on the How to Change Your Address webpage (https://www.uscis.gov/addresschange). Changing your address with the U.S. Postal Service will not change your address with USCIS.

Because you have been placed in removal proceedings, you must also notify the Immigration Court within five days of any change of address by completing Form EOIR-33, *Alien's Change of Address Form/Immigration Court*, and submitting the Form EOIR-33 to the Immigration Court where your proceedings have been referred. Form EOIR 33 is available on the Department of Justice website at https://www.justice.gov/eoir/eoir-forms.

Employment Authorization:

You may file a Form I-765, Application for Employment Authorization, based on your pending asylum application 150 days after you filed your asylum application. You are not eligible to receive an Employment Authorization Document (EAD) until your asylum application has been pending for at least another 30 days, for a total of 180 days. 8 CFR 208.7(a)(1). The 150-day waiting period and the 180-day eligibility period, commonly referred to as the 180-Day Asylum EAD Clock, do not include delays that you request or cause while your asylum application is pending with an asylum office or with the Immigration Court. 8 CFR 208.7(a)(2).

Delays you may request or cause may include:

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- A request to transfer a case to a new asylum office or interview location, including when the transfer is based on your change of address;
- A request to reschedule an interview for a later date;
- Failure to appear at an interview or biometrics appointment;
- Failure to provide a competent interpreter at an interview (if required);
- A request to provide additional evidence at or after an interview;
- The submission of large volumes of evidence immediately before an interview that requires a reschedule; and
- Failure to receive and acknowledge an asylum decision in person (if required).

If you are required to receive and acknowledge your asylum decision at an asylum office but you fail to appear, your 180-Day Asylum EAD Clock will stop and you may be ineligible to receive employment authorization. If your case has been referred to an Immigration Court, your 180-Day Asylum EAD Clock will not start again until your first hearing with an immigration judge.

If you have not attained 18 years of age by the time of this letter, please note that federal employment authorization does not guarantee you will be old enough to be eligible to work in the state where you reside. Each state also has its own laws relating to employment, including the employment of minors. Many states have enacted child labor laws, some of which may have a minimum age for employment which is higher than the federal minimum age. Please visit the U.S. Department of Labor website at http://www.dol.gov for more information.

You must leave the United States if you do not otherwise obtain a lawful basis to remain in the United States. The U.S. Government may provide you cost-free travel and give you an exit bonus if you leave voluntarily through the CBP Home Mobile App process. For more information, please visit: https://www.dhs.gov/cbphome.

If you do not otherwise obtain a lawful basis to remain in the United States, you may be subject to enforcement actions, including but not limited to detention and removal, without an opportunity to make personal arrangements and return to your country in an orderly manner.

Sincerely,

Darice Alvertos
Director

CC: JULISA LANGER
1100 WEST CERMAK ROAD, STE 422
CHICAGO, IL 60608

ICE Office of Principal Legal Advisor

Uploaded on: 09/18/2026 at 03:01:09 PM (Eastern Daylight Time) Base City: INP

[redacted]



[redacted]

START HERE - Type or pri

application.

NOTE: ☒ Check this box i

Part A.I. Informatio

1. Alien Registration Number

[redacted]

Uploaded on: 09/18/2026 at 03:01:09 PM (Eastern Daylight Time) Base City: INP

[redacted]

Part A.II. Informatio

For EOIR use only

Your spouse

1. Alien Registration Number *(if any)*

5. Complete Last Name

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[redacted]

Part A.II. Informatio

1. Alien Registration Number *(if any)*

5. Complete Last Name

9. City and Country of Birth

13. Is this child in the U.S. ?

14. Place of last entry into the

Uploaded on: 09/18/2026 at 03:01:09 PM (Eastern Daylight Time) Base City: INP

[redacted]

[redacted]

Part A.III. Informati

1. List your last address where
address in the country wher
(**NOTE:** *Use Form I-589 S*

Number and Street *(Provide if available)*
[redacted]
N/A

2. Provide the following infor

Uploaded on: 09/18/2026 at 03:01:09 PM (Eastern Daylight Time) Base City: INP

[redacted]

Part B. Information

(NOTE: *Use Form I-589 Sup*
Part B.)

When answering the following
withholding of removal under
or other protection. To the bes
documents evidencing the gen
you are relying to support you
why in your responses to the f

Refer to Instructions, Part 1: F

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[redacted]

Part B. Information

2. Have you or your family
country other than the Un

☒ No

If "Yes," explain the circ

N/A

Uploaded on: 09/18/2026 at 03:01:09 PM (Eastern Daylight Time) Base City: INP

[redacted]

Part C. Additional In

(**NOTE:** *Use Form I-589 Supp*
Part C.)

1. Have you, your spouse, y
withholding of removal?

☒ No ☐

If "Yes," explain the deci
result of that decision. In
A-number in your respon
change(s) in conditions ir

Uploaded on: 09/18/2026 at 03:01:09 PM (Eastern Daylight Time) Base City: INP

[redacted]

Part C. Additional In

4. After you left the country

☒ No

If "Yes," describe in deta
of time you remained in t

N/A

Uploaded on: 09/18/2026 at 03:01:09 PM (Eastern Daylight Time) Base City: INP

[redacted]

Part D. Your Signatu

I certify, under penalty of perju
and correct. Title 18, United S
perjury under Section 1746 of
application, affidavit, or other
application, affidavit, or other
fined in accordance with this ti
a Port of Entry when I execute
Immigration Services (USCIS)

WARNING: **Applicants who**
granted by an asylum officer
the institution of, or as evider

Uploaded on: 09/18/2026 at 03:01:09 PM (Eastern Daylight Time) Base City: INP

[redacted]

Part F. To Be Compl

NOTE: *You will be asked to c*
U.S. Citizenship and Immigra

I swear (affirm) that I know th
☐ all true or ☐ not all true
Furthermore, I am aware that
benefits under the Immigratio
false information in my asylu

Uploaded on: 09/18/2026 at 03:01:09 PM (Eastern Daylight Time) Base City: INP

[redacted]



[redacted]

A-Number *(If available)*

[redacted]

Applicant's Name

[redacted]

Uploaded on: 09/18/2026 at 03:01:09 PM (Eastern Daylight Time) Base City: INP

[redacted]

Additional Informatio

A-Number *(if available)*

[redacted]

Applicant's Name

[redacted]

Declaration of Laura Smith,

Attachment J

Uploaded on: 09/18/2026 at 05:16:07 PM (Eastern Daylight Time) Base City: INP

KAREN LUNDGREN
Regional Counsel
Gary P. Martin
Counsel
Office of the Principal Legal Advisor
U.S. Department of Homeland Security
U.S. Immigration and Customs Enforcement
575 North Pennsylvania Street, Suite 646
Indianapolis, IN 46204

DETAINED

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
INDIANAPOLIS, INDIANA

In the Matter of:

[redacted]

Respondent

In Removal Proceedings

File No.

Hon. Immigration Judge: THOMSEN
Master Calendar Hearing: October 2, 2026
(Detained Juvenile)

U.S. DEPARTMENT OF HOMELAND SECURITY
MOTION TO SCHEDULE IMMEDIATE INDIVIDUAL MERITS HEARING
ON RESPONDENT'S I-589 APPLICATION

Uploaded on: 09/18/2026 at 05:16:07 PM (Eastern Daylight Time) Base City: INP

The U.S. Department of Homeland Security, U.S. Immigration and Customs Enforcement (the Department), by and through its undersigned counsel, hereby requests the Court schedule this matter for an individual hearing immediately. The respondent is a juvenile who is detained at taxpayers' expense. United States Citizenship and Immigration Services (USCIS) has adjudicated the respondent's UAC I-589 and declined to find her eligible for asylum. The respondent is now entitled to have her I-589 application adjudicated by this Court. As there is no reason to delay these removal proceedings any further, the Department asks that the individual merits hearing on the respondent's I-589 be scheduled immediately.

Respectfully Submitted,

GARY P MARTIN

Digitally signed by GARY P MARTIN
Date: 2026.09.18 17:14:44 -04'00'

Gary P. Martin
Counsel
Office of the Principal Legal Advisor
U.S. Department of Homeland Security
U.S. Immigration and Customs Enforcement

CERTIFICATE OF SERVICE

On __9/18/2026___, I, Gary P. Martin, served a copy of the **Department Notice of Filing** and any attached pages to the respondent's counsel by uploading a copy of the same to ECAS.

GARY P MARTIN

Digitally signed by GARY P MARTIN
Date: 2026.09.18 17:15:23 -04'00'

Gary P. Martin

EOIR – 2 of 2

Declaration of Laura Smith,

Attachment K

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
INDIANAPOLIS IMMIGRATION COURT

LEAD FILE:
IN REMOVAL PROCEEDINGS
DATE: Sep 22, 2026
EAD Clock:

TO: Children's Legal Center
Smith, Laura J
1100 W Cermak Road
Suite 422
Chicago, IL 60608

RE: [redacted]

Notice of Internet-Based Hearing

Your case has been scheduled for a INDIVIDUAL hearing before the immigration court on:

Your hearing is not in person. You will access your hearing by using the web page below.
URL: https://eoir.webex.com/meet/IJ.Thomsen

Date: Oct 7, 2026
Time: 08:30 A.M. ET
Court Address: 575 N.PENNSYLVANIA ST, STE617
FLOOR #6, COURTROOM #6, INDIANAPOLIS, IN 46204

Representation: You may be represented in these proceedings, at no expense to the Government, by an attorney or other representative of your choice who is authorized and qualified to represent persons before an immigration court. If you are represented, your attorney or representative must also appear at your hearing and be ready to proceed with your case. Enclosed and online at https://www.justice.gov/eoir/list-pro-bono-legal-service-providers is a list of free legal service providers who may be able to assist you.

Failure to Appear: If you fail to appear at your hearing and the Department of Homeland Security establishes by clear, unequivocal, and convincing evidence that written notice of your hearing was provided and that you are removable, you will be ordered removed from the United States. Exceptions to these rules are only for exceptional circumstances.

Change of Address: The court will send all correspondence, including hearing notices, to you based on the most recent contact information you have provided, and your immigration proceedings can go forward in your absence if you do not appear before the court. If your contact information is missing or is incorrect on the Notice to Appear, you must provide the immigration court with your updated contact information within five days of receipt of that notice so you do not miss important information. Each time your address, telephone number, or email address changes, you must inform the immigration court within five days. To update your contact information with the immigration court, you must complete a Form EOIR-33 either online at https://respondentaccess.eoir.justice.gov/en/ or by completing the enclosed paper form and mailing it to the immigration court listed above.

Internet-Based Hearings: If you are scheduled to have an internet-based hearing, you will appear by video or telephone. If you prefer to appear in person at the immigration court named above, you must file a motion for an in-person hearing with the immigration court at least fifteen days before the hearing date provided above. Additional information about internet-based hearings for each immigration court is available on EOIR's website at https://www.justice.gov/eoir/eoir-immigration-court-listing.

In-Person Hearings: If you are scheduled to have an in-person hearing, you will appear in person at the immigration court named above. If you prefer to appear remotely, you must file a motion for an internet-based hearing with the immigration court at least fifteen days before the hearing date provided above.

For information about your case, please call **1-800-898-7180** (toll-free) or **304-625-2050.**

The Certificate of Service on this document allows the immigration court to record delivery of this notice to you and to the Department of Homeland Security.

CERTIFICATE OF SERVICE

THIS DOCUMENT WAS SERVED BY:MAIL[M] PERSONAL SERVICE[P] ELECTRONIC SERVICE[E]
TO: [ ] Noncitizen | [ ] Noncitizen c/o Custodial Officer |
[E] Noncitizen ATT/REP | [E] DHS
DATE: _____09/22/26_____ BY: COURT STAFF _____GT_____
Attachments:[ ] EOIR-33 [ ] Appeal Packet [ ] Legal Services List [ ] Other NH

Use a smartphone's camera to scan the code on this page to read the notice online.

Usa la cámara de un teléfono inteligente para escanear el código de esta página y leer el aviso en línea.

Use a câmara do smartphone para digitalizar o código nesta página e ler o manual de instruções online.

使用智能手机摄像头扫描本页面的代码，即可在线阅读该通知。

ਨੋਟਿਸ ਨੂੰ ਔਨਲਾਈਨ ਪੜ੍ਹਨ ਲਈ ਇਸ ਪੰਨੇ 'ਤੇ ਕੋਡ ਨੂੰ ਸਕੈਨ ਕਰਨ ਲਈ ਸਮਾਰਟਫੋਨ ਦੇ ਕੈਮਰੇ ਦੀ ਵਰਤੋਂ ਕਰੋ।

অনলাইনে নোটিশ পড়ার জন্য এই পেজের কোডটি স্ক্যান করতে স্মার্টফোনের ক্যামেরা ব্যবহার করুন

सूचना अनलाइनमा पढ्न यस पृष्ठमा कोड स्क्यान गर्न स्मार्टफोनको क्यामेरा प्रयोग गर्नुहोस्।

Sèvi ak kamera yon telefòn entèlijan pou eskane kòd ki nan paj sa a pou li avi a sou entènèt.

استخدم كاميرا الهاتف الذكي لمسح الرمز الموجود في هذه الصفحة لقراءة الإشعار على الإنترنت

Чтобы прочитать уведомление онлайн, отсканируйте код на этой странице с помощью камеры вашего смартфона.

Utilisez l'appareil photo d'un téléphone intelligent pour scanner le code sur cette page afin de lire l'avis en ligne.

Declaration of Laura Smith,

Attachment L

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
INDIANAPOLIS, INDIANA IMMIGRATION COURT

Respondent Name:
[redacted]

To:
Smith, Laura J
1100 W Cermak Road
Suite 422
Chicago, IL 60608

A-Number:
[redacted]

Riders:
In Removal Proceedings
Initiated by the Department of Homeland Security

Date:
09/23/2026

ORDER OF THE IMMIGRATION JUDGE

☑ Respondent ☐ The Department of Homeland Security has filed the following motion in these proceedings:
Motion to Advance for Earlier Hearing Date

After considering the facts and circumstances, the motion is ☑ granted ☐ denied for the following reason(s):
Good cause shown. Matter set for Individual Hearing on October 7, 2026, at 8:30 am.

Immigration Judge: Thomsen, Scott 09/23/2026

Appeal: Department of Homeland Security: ☐ waived ☐ reserved
Respondent: ☐ waived ☐ reserved
Appeal Due:

Certificate of Service

This document was served:
Via: [M] Mail | [P] Personal Service | [E] Electronic Service | [U] Address Unavailable
To: [ ] Alien | [ ] Alien c/o custodial officer | [E] Alien atty/rep. | [E] DHS
Respondent Name : [redacted] A-Number : [redacted]
Riders:
Date: 09/23/2026 By: Thomsen, Scott, Immigration Judg

Declaration of Laura Smith,

Attachment M

Uploaded on: 09/28/2026 at 05:07:11 PM (Eastern Daylight Time) Base City: INP

Laura J. Smith
Children's Legal Center
1100 W Cermak Rd, Suite 422
Chicago, Illinois 60608
(312) 722-6642
Attorney for Respondent

DETAINED

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
INDIANAPOLIS, INDIANA

In the Matter of:	
[redacted]	**File No.:** [redacted]
Respondent.	
In Removal Proceedings.	

Hon. Immigration Judge Scott Thomsen

Individual Hearing:
October 07, 2026 at 8:30 AM

RESPONDENT'S MOTION FOR CONTINUANCE

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RESPONDENT'S MOTION FOR CONTINUANCE

Now comes Respondent, [redacted], by and through her attorney, Laura J. Smith, at Children's Legal Center, respectfully requests that this honorable court continue the individual hearing to adequately prepare for the hearing. Additionally, Respondent requests this court to set Respondent's deadline for document submission to a date not less than 21-days. In support of this Motion, Respondent states:

1. Respondent entered the United States on or about January 20, 2026, at or near Eagle Pass, Texas. Respondent was designated an Unaccompanied Child (UAC) at the U.S. border by the U.S. Department of Homeland Security (DHS), affording her special protections under the law. *See* INA § 208(b)(3)(C). Respondent was placed under the custody of the Office of Refugee Resettlement (ORR). Respondent was then placed into removal proceedings on January 29, 2026.

2. Respondent is five (5) years old and her UAC designation has not been changed.

3. On July 28, 2026, Respondent filed an asylum application with USCIS pursuant to INA § 208(b).

4. On September 17, 2026, Respondent attended her scheduled asylum interview with USCIS.

5. The very next day, September 18, 2026, Respondent's asylum application was referred to EOIR and DHS filed a Motion to Advance.

6. On September 22, 2026, the Immigration Court scheduled Respondent's individual hearing for October 7, 2026, giving counsel just 13 days' notice and time to prepare.

7. Section 240(b)(4) of the Immigration and Nationality Act states that an individual in removal proceedings "***shall*** have the privilege of being represented, at no expense to the Government, by counsel of the alien's choosing. . ." (emphasis added). In addition, the respondent must be accorded "a reasonable opportunity to examine the evidence against him, to present evidence on his own behalf, and to cross-examine witnesses presented by the Government." *Id.*

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8. Children's Legal Center is a legal aid organization providing free legal services to Respondent.

9. The thirteen (13) days of notice provided for Respondent's Individual Hearing does not afford Respondent and counsel sufficient time to adequately prepare for the evidentiary hearing including but not limited to preparing supporting documentation such as an expert opinion and filing the memorandum of law.

10. According to the EOIR Policy Manual, for detained respondents, "filing deadlines are as specified by the Immigration Judge." EOIR Policy Manual, Part II, Chapter 2.1 (b)(2)(C). *See also* EOIR Policy Manual, Part VII, Appendix C (providing that filings in advance of an Individual Calendar Hearing are generally due thirty (30) days before the hearing, but that, "[i]f alien is detained, deadline is determined by the immigration court").

11. Respondent is currently detained and the Individual Hearing is scheduled for October 07, 2026.

12. The Court has not yet set a deadline for submission of filings prior to the individual hearing and Respondent cannot comply with the general 30-day filing deadline given that Respondent was only provided 13 days' notice.

13. Given the nature of an Individual Hearing, additional preparation time is necessary to ensure that Respondent's case can be fully and fairly presented.

14. Accordingly, Respondent respectfully requests that the Court continue the Individual Hearing to a date that affords Respondent and counsel sufficient time to prepare.

15. Additionally, counsel for Respondent is not available on October 7, 2026. Counsel for Respondent is already scheduled to attend a conference in New Orleans and is unavailable October 7 through October 9, 2026. This commitment was scheduled well in advance prior to the scheduling of Respondent's Individual Hearing. Accordingly, counsel respectfully requests that

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the hearing be continued to a date on which counsel is available to appear. For this reason alone, a continuance is required.

16. WHEREFORE, based on the above reasons, Respondent [redacted] requests that the Individual Hearing be continued, and that the Court set a reasonable deadline for the submission of pre-hearing documents.

Dated: September 25, 2026

Respectfully Submitted,

Laura J. Smith, *Attorney for Respondent*

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[redacted]
RESPONDENT
[redacted]

PROOF OF SERVICE

On September 28, 2026, I, Laura J. Smith served a copy of **Respondent's Motion for Continuance** and any attached pages on the U.S. Department of Homeland Security, Office of the Principal Legal Advisor (Indianapolis) at 575 N. Pennsylvania Street, Suite 617, Indianapolis, IN, **via** ECAS. All parties participate in ECAS and no separate service was completed.

Laura J. Smith *Attorney, for Respondent*

Declaration of Laura Smith,

Attachment N

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
INDIANAPOLIS, INDIANA IMMIGRATION COURT

Respondent Name:
[redacted]

To:
Smith, Laura J
1100 W Cermak Road
Suite 422
Chicago, IL 60608

A-Number:
[redacted]

Riders:
In Removal Proceedings
Initiated by the Department of Homeland Security
Date:
10/06/2026

ORDER OF THE IMMIGRATION JUDGE

☑ Respondent ☐ Department of Homeland Security has filed a motion for a continuance of the hearing scheduled for 10/07/2026

Upon reading and considering the motion, and any opposition from the non-moving party, the motion is:

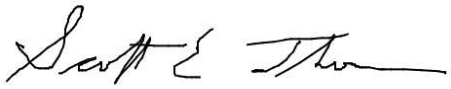
☐ granted because good cause has been established for the requested continuance. 8 C.F.R. § 1003.29.

☑ denied because good cause has not been established for the requested continuance. 8 C.F.R. § 1003.29.

☑ Further explanation:

The Respondent already had an interview with USCIS at which time it would be expected that the evidence necessary to establish Respondent's case would have been submitted. In any event, the Children's Legal Center has represented the Respondent since April 27, 2026, which should provide sufficient time to prepare for a possible individual hearing in Immigration Court. Moreover, the Respondent has two attorneys of record, so if one is unavailable due to a previous scheduling conflict, there is no reason provided that the other attorney could not represent the Respondent at her scheduled hearing.

☐ The hearing is rescheduled until
☐ The immigration court will serve Respondent with notice of the next hearing date.



Immigration Judge: Thomsen, Scott 10/06/2026

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To: [ ] Alien | [ ] Alien c/o custodial officer | [E] Alien atty/rep. | [E] DHS

Respondent Name : [redacted] | A-Number : [redacted]

Riders:

Date: 10/06/2026 By: Thomsen, Scott, Immigration Judg

Declaration of Laura Smith,

Attachment O

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
INDIANAPOLIS, INDIANA IMMIGRATION COURT

Respondent Name: [redacted]

To:

Smith, Laura J
1100 W Cermak Road
Suite 422
Chicago, IL 60608

A-Number: [redacted]

Riders:
In Removal Proceedings
Initiated by the Department of Homeland Security
Date:
10/06/2026

ORDER OF THE IMMIGRATION JUDGE

At a previous hearing Respondent's Counsel raised the issue of proper service of the NTA. The service shows it was served on the Respondent in person. The Respondent is under age 14, and thus service is required to be made on the head of the facility where the juvenile is residing. On the May 226, 2026, Master Calendar Hearing, DHS was directed to effectuate good service on the Respondent. The EROP does not reflect that proper service was made. Pleadings were not taken because the NTA had not been properly served.

Order:

DHS is ordered to be prepared to show proof at the Individual Hearing scheduled for October 7, 2026, that service was properly made or explain why it could not be made. If service has been properly made, parties should be prepared to address removability, either by pleadings or by DHS filing evidence of removability.

Immigration Judge: Thomsen, Scott 10/06/2026

Appeal: Department of Homeland Security: ☐ waived ☐ reserved
Respondent: ☐ waived ☐ reserved
Appeal Due:

Certificate of Service

This document was served:
Via: [M] Mail | [P] Personal Service | [E] Electronic Service | [U] Address Unavailable
To: [ ] Alien | [ ] Alien c/o custodial officer | [E] Alien atty/rep. | [E] DHS
Respondent Name : [redacted] | A-Number : [redacted]
Riders:
Date: 10/06/2026 By: Thomsen, Scott, Immigration Judge

Declaration of Laura Smith,

Attachment P

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
INDIANAPOLIS, INDIANA IMMIGRATION COURT

Respondent Name: [redacted]

To:
Smith, Laura J
1100 W Cermak Road
Suite 422
Chicago, IL 60608

A-Number: [redacted]

Riders:
In Removal Proceedings
Initiated by the Department of Homeland Security
Date:
10/07/2026

ORDER OF THE IMMIGRATION JUDGE

☑ This is a summary of the oral decision entered on 10/07/2026. The oral decision in this case is the official opinion, and the immigration court issued this summary for the convenience of the parties.
☐ Both parties waived the issuance of a formal oral decision in this proceeding.

I. Removability

The immigration court found Respondent ☑ removable ☐ inadmissible under the following Section(s) of the Immigration and Nationality Act (INA or Act):

The immigration court found Respondent ☐ not removable ☐ not inadmissible under the following Section(s) of the Act:

II. Applications for Relief

Respondent's application for:

A. Asylum/Withholding/Convention Against Torture

☑ Asylum was ☐ granted ☑ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice

☑ Withholding of Removal under INA § 241(b)(3) was ☐ granted ☑ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice

☑ Withholding of Removal under the Convention Against Torture was ☐ granted ☑ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice

☐ Deferral of Removal under the Convention Against Torture was ☐ granted ☐ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice

☐ Respondent knowingly filed a frivolous application for asylum after notice of the consequences. *See* INA § 208(d)(6); 8 C.F.R. §1208.20

B. Cancellation of Removal

☐ Cancellation of Removal for Lawful Permanent Residents under INA § 240A(a) was ☐ granted ☐ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice

☐ Cancellation of Removal for Nonpermanent Residents under INA § 240A(b)(1) was ☐ granted ☐ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice

☐ Special Rule Cancellation of Removal under INA § 240A(b)(2) was ☐ granted ☐ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice

C. Waiver

☐ A waiver under INA § was ☐ granted ☐ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice

D. Adjustment of Status

☐ Adjustment of Status under INA § was ☐ granted ☐ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice

E. Other

III. Voluntary Departure

☐ Respondent's application for ☐ pre-conclusion voluntary departure under INA § 240B(a) ☐ post-conclusion voluntary departure under INA § 240B(b) was ☐ denied.

☐ Respondent's application for ☐ pre-conclusion voluntary departure under INA § 240B(a) ☐ post-conclusion voluntary departure under INA § 240B(b) was ☐ granted, and Respondent is ordered to depart by . The respondent must post a $ bond with DHS within five business days of this order. Failure to post the bond as required or to depart by the required date will result in an alternate order of removal to taking effect immediately.

☐ The respondent is subject to the following conditions to ensure his or her timely departure from the United States:

☐ Further information regarding voluntary departure has been added to the record.

☐ Respondent was advised of the limitation on discretionary relief, the consequences for failure to depart as ordered, the bond posting requirements, and the consequences of filing a post-order motion to reopen or reconsider:

If Respondent fails to voluntarily depart within the time specified or any extensions granted by the DHS, Respondent shall be subject to a civil monetary penalty as provided by relevant statute, regulation, and policy. *See* INA § 240B(d)(1). The immigration court has set

☐ the presumptive civil monetary penalty amount of $3,000.00 USD

☐ $ USD instead of the presumptive amount.

If Respondent fails to voluntarily depart within the time specified, the alternate order of removal shall automatically take effect, and Respondent shall be ineligible, for a period of

10 years, for voluntary departure or for relief under sections 240A, 245, 248, and 249 of the Act, to include cancellation of removal, adjustment of status, registry, or change of nonimmigrant status. *Id.* If Respondent files a motion to reopen or reconsider prior to the expiration of the voluntary departure period set forth above, the grant of voluntary departure is automatically terminated; the period allowed for voluntary departure is not stayed, tolled, or extended. If the grant of voluntary departure is automatically terminated upon the filing of such a motion, the penalties for failure to depart under section 240B(d) of the Act shall not apply.

If Respondent appeals this decision, Respondent must provide to the Board of Immigration Appeals (Board), within 30 days of filing an appeal, sufficient proof of having posted the voluntary departure bond. The Board will not reinstate the voluntary departure period in its final order if Respondent does not submit timely proof to the Board that the voluntary departure bond has been posted.

In the case of conversion to a removal order where the alternate order of removal immediately takes effect, where Respondent willfully fails or refuses (1) to depart from the United States pursuant to the immigration court's order, (2) to make timely application in good faith for travel or other documents necessary to depart the United States, (3) to present themselves at the time and place required for removal by the DHS, or (4) conspires to or takes any action designed to prevent or hamper their departure pursuant to the order of removal, Respondent shall be subject to a civil monetary penalty for each day Respondent is in violation, pursuant to INA § 274D and 8 C.F.R. § 280.53(b)(14). If Respondent is removable pursuant to INA § 237(a), then Respondent shall be further fined and/or imprisoned for up to 10 years. See INA § 243(a)(1). Further, any Respondent that has been denied admission to, removed from, or has departed the United States while an order of exclusion, deportation, or removal is outstanding and thereafter enters, attempts to enter, or is at any time found in the United States shall be fined or imprisoned not more than two years, or both. 8 U.S.C. § 1326(a).

IV. Removal

☑ Respondent was ordered removed to Mexico

☐ In the alternative, Respondent was ordered removed to

☐ Respondent was advised of the penalties for failure to depart pursuant to the removal order:

> If Respondent is subject to a final order of removal and willfully fails or refuses (1) to depart from the United States pursuant to the immigration court's order, (2) to make timely application in good faith for travel or other documents necessary to depart the United States, (3) to present themselves at the time and place required for removal by the DHS, or (4) conspires to or takes any action designed to prevent or hamper their departure pursuant to the order of removal, Respondent shall be subject to a civil monetary penalty for each day Respondent is in violation, pursuant to INA § 274D and 8 C.F.R. § 280.53(b)(14). If Respondent is removable pursuant to INA § 237(a), then Respondent shall be further fined and/or imprisoned for up to 10 years. See INA § 243(a)(1). Further, any Respondent that has been denied admission to, removed from, or has departed the United States while an order of exclusion, deportation, or removal is outstanding and thereafter enters, attempts to enter, or is at any time found in the United States shall be fined or imprisoned not more than two years, or both. 8 U.S.C. § 1326(a).

V. Other

☐ Proceedings were ☐ dismissed ☐ terminated with prejudice
☐ terminated without prejudice ☐ administratively closed.

☐ Respondent's status was rescinded under INA § 246.

☐ Other:

Immigration Judge: Thomsen, Scott 10/07/2026

Appeal: Department of Homeland Security: ☑ waived ☐ reserved
Respondent: ☐ waived ☑ reserved

Appeal Due: 11/06/2026

Certificate of Service

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Via: [M] Mail | [P] Personal Service | [E] Electronic Service | [U] Address Unavailable

To: [ ] Alien | [ ] Alien c/o custodial officer | [E] Alien atty/rep. | [E] DHS

Respondent Name : [redacted] | A-Number : [redacted]

Riders:

Date: 10/07/2026 By: Thomsen, Scott, Immigration Judge

EXHIBIT 17

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
GREENBELT DIVISION

The Door, *et al.*, *Plaintiffs,* vs. Joseph B. Edlow, *et al.*, *Defendants.*	Case No. 26-cv-04326-BAH Declaration Of Priscilla Parada on Behalf of The Law Office of Miguel Mexicano, PC In Support of Plaintiffs' Motion For Preliminary Injunction

DECLARATION OF PRISCILLA PARADA ON BEHALF OF THE LAW OFFICE OF MIGUEL MEXICANO, PC IN SUPPORT OF PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION

1. I, Priscilla Parada, make the following statements on behalf of myself and the Law Office of Miguel Mexicano, PC. I certify under penalty of perjury that the following statement is true and correct.

2. I am over the age of 18 years old and make this declaration based upon my personal knowledge and experience. If called to do so, I could and would competently testify to these matters under oath.

3. I am Priscilla Parada of the Law Office of Miguel Mexicano, PC. I have been at the Law Office of Miguel Mexicano, PC for almost 2 years.

I. The Law Office of Miguel Mexicano, PC Has Represented Unaccompanied Children in Immigration Proceedings before EOIR for 10 years

4. The Law Office of Miguel Mexicano, PC has directly represented unaccompanied children in their immigration proceedings before EOIR for at least 10 years in private practice and as pro bono attorneys. In July of 2023 Law Office of Miguel Mexicano PC, became a legal service provider for the Unaccompanied Child Program ("UCP") funded by the Office of Refugee Resettlement through a flow through non-profit organization Acacia Center for

Justice. At one point we were a team of ten. But after 2024, the UCP came under siege until the program finally ended on July 31, 2026. Presently our team has been reduced to five, with three attorneys and two paralegals. We represent children all over southern California, including at the Immigration Courts in Santa Ana, Los Angeles, West Los Angeles, and Van Nuys.

II. EOIR Instructs Los Angeles Immigration Courts to Not Have Juvenile Cases Scattered Around and Intends to Close its Juvenile Docket.

5. The Santa Ana, Los Angeles, West Los Angeles, and Van Nuys Immigration Courts each have juvenile dockets, and certain immigration judges ("IJs") trained to hear those juvenile cases. The court schedules the unaccompanied children for a particular courthouse depending on their address.

6. In the detained docket, we had already seen that DHS quickly initiates removal proceedings before EOIR for unaccompanied children who are in ORR custody. Additionally, EOIR schedules their hearings quickly with the purpose of fast-tracking their deportations. Now, we have noticed that similar steps have been taken in the released juvenile dockets with the purpose of fast-tracking their deportations. We've seen this in that hearings have been suddenly changed and advanced. In one case, a master calendar hearing was suddenly changed to an Individual Hearing with little notice.

7. On November 5, 2026, I called the Los Angeles Immigration Court at 213-576-4701. I spoke to the general clerk and provided him with the Respondent's A# and said that I wanted to speak to whoever is handling IJ Ruane/IJ Star docket regarding a hearing notice we received. The general clerk transferred me to Hannah, the supervisor clerk handling IJ Ruane's docket. I provided Hannah with the Respondent's A# and told her who I was. I inquired about the hearing change for our client. I was told by IJ Ruane's Supervising Clerk, Hannah, that the court received orders from the higher-ups – above the court – who did not want juvenile cases scattered around. Hannah also implied that the higher-ups – above the court – were trying to eliminate the juvenile docket.

8. I learned this information when I called the Los Angeles Immigration Court and spoke to Hannah in search of an explanation for why our non-detained unaccompanied child client's January 06, 2027, master calendar hearing was changed to an individual hearing and advanced to December 08, 2026. My colleague learned the case was advanced via ECAS, and I checked the EOIR automated case information to see the change.

9. My client's case was reassigned to IJ Shadee M. Star at the Concord Immigration Court. I could not understand why the hearing was changed to an individual hearing and moved forward a whole month. My confusion was noticeable as I kept asking why this occurred. The court clerk told me I am counsel, and I know what to do – oppose the hearing change.

10. Not only did our hearing advance almost a month from January 6, 2027, to December 8, 2026, but the hearing changed from a master to an individual. The court rules require respondents to submit all evidence in support of their claims for asylum no later than 30 days before the individual hearing. This meant that we needed to prepare a full case to be heard on the merits in 3 days' time, since we received notice of the hearing change on November 5, 2026, and the filing deadline was November 8, 2026. There was no way for us to prepare the evidence on that timeline. IJ Ruane had previously granted my client time to file TVPRA asylum and re-file his I-360 application before his master calendar hearing on January 6, 2027. Due to this change, my client was given little time to file TVPRA asylum. This jeopardizes my client and violates his due process rights because USCIS has initial jurisdiction to hear his case, as he is designated an unaccompanied child and remains so for all intents and purposes. I informed the clerk that IJ Ruane gave us time to file the TVPRA. Clerk Hannah stated that it was no mistake – the hearing is an individual. She was aware I had only 3 days to prepare a case on the merits, which is why she stated I should file an opposition.

11. The clerk stated that hearing changes were also happening in Van Nuys Immigration Court, and I informed her that yes, I knew. On November 5, 2026, our office began to receive ECAS notices of hearing changes for several of our unaccompanied children in the Los Angeles,

West Los Angeles, and Van Nuys Immigration Courts. Those unaccompanied children have been reassigned to other judges, sometimes in distant locations. To my understanding, those judges will be appearing remotely, as they are located in a distant jurisdiction, while our clients are required to appear in person based on the hearing notices requiring their presence. Not only have the judges changed, but the hearing dates for some of our unaccompanied children were advanced. As a result, nearly all of our master calendar hearings for our unaccompanied children are now scheduled to take place before January 2027. Additionally, only one hearing was changed from a Master Calendar Hearing to an Individual Hearing; all other hearings remained the same.

12. Based on our observations with several unaccompanied minor clients, and our conversation with a supervising clerk at Los Angeles Immigration Court, we can only conclude that EOIR is implementing a policy from "higher-ups" to advance hearings for unaccompanied minors, with the purpose of eliminating the juvenile dockets, and fast-tracking deportations for unaccompanied minors.

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

Executed on this 11th day of November 2026, in Fontana, California.

Priscilla Parada

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
GREENBELT DIVISION

The Door, *et al.*,

Plaintiffs,

vs.

Joseph B. Edlow, *et al.*,

Defendants.

Case No. 8:26-cv-04326-BAH

INDEX OF EXHIBITS IN SUPPORT OF PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION

INDEX OF EXHIBITS

EXHIBIT	DESCRIPTION	PAGE(S)
1	Declaration of Susan Raufer	1–14
2	Expert Report of Lisa R. Fortuna, MD, MPH, MDiv (with Exhibits A–B)	15–58
3	Declaration of Marion Donovan-Kaloust	59–71
4	Declaration of Ashley Hamill	72–75
5	Declaration of Dariela Garcia Cantillo	76–80
6	Declaration of Roxana Avila-Cimpeanu, Esq.	81–87
7	Declaration of Selene Nafisi (with Exhibit A)	88–100
8	Supplemental Declaration of Lauren Fisher Flores, Esq.	101–108
9	Supplemental Declaration of Elizabeth Sanchez Kennedy (with Exhibit A)	109–120
10	Supplemental Declaration of Laura Nally	121–129
11	Supplemental Declaration of Sarah Hough	130–136
12	Declaration of Former Immigration Judge Olivia Cassin	137–149
13	Declaration of Former Immigration Judge Amiena Khan	150–157
14	Declaration of Ashley Turner Harrington	158–164
15	Declaration of Nallely Abad	165–168
16	Declaration of Laura J. Smith, Esq., (with Attachments A–P)	169–255
17	Declaration of Priscilla Parada	256–259

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND
GREENBELT DIVISION

THE DOOR, et al., *Plaintiffs*, v. JOSEPH B. EDLOW, et al., *Defendants*.	Case No. 8:26-cv-04326-BAH

[PROPOSED] ORDER GRANTING PRELIMINARY INJUNCTION AND STAY AND DENYING DEFENDANTS' MOTION FOR RECONSIDERATION

Upon consideration of Defendants' Motion for Reconsideration of the Court's Temporary Restraining Order, Plaintiffs' Motion for Preliminary Injunction and Stay and Opposition to Defendants' Motion for Reconsideration, Defendants' Opposition and Reply, Plaintiffs' Reply, the arguments thereon, and the entire record before the Court,

It is HEREBY ORDERED that Defendants' Motion for Reconsideration is DENIED.

IT IS FURTHER ORDERED that the stay granted on October 30, 2026, and extended on November 6, 2026, pending the adjudication of this motion, shall be extended under 8 U.S.C. § 705, until final judgment in this matter. Specifically, until further order of this Court:

(1) USCIS's policy of providing less than 21 days' notice of asylum interviews to applicants who filed their asylum applications as unaccompanied children (as defined by 6 U.S.C. § 279(g)(2)) and their counsel ("Inadequate Notice Policy") shall remain stayed under 5 U.S.C. § 705;

(2) USCIS shall reinstate its policy of generating written notice at least 21 days prior to a scheduled asylum interview and promptly sending such notice to applicants and their counsel;

(3) USCIS's policy requiring "exceptional circumstances" to reschedule an asylum interview ("Exceptional Circumstances Policy") shall remain stayed under 5 U.S.C. § 705;

(4) Defendants USCIS and DHS, their agents, representatives, and all persons or entities acting in concert with them shall reinstate USCIS's prior policy of allowing applicants to reschedule their asylum interviews once as a matter of course and again for good cause, taking into consideration counsel's ability to be present with their client at the interview, manage scheduling conflicts, gather and submit evidence, and prepare their client; the child's ability to attend the interview; and whether the child and/or counsel received inadequate notice under the Inadequate Notice Policy.

It is FURTHER ORDERED that Defendants USCIS and DHS are preliminarily enjoined from denying unaccompanied children rights and benefits conferred under the Immigration and Nationality Act, as amended by the Trafficking Victims Protection Reauthorization Act ("TVPRA"), and the Due Process Clause of the Fifth Amendment to the United States Constitution. Specifically, until further order of this Court:

(1) USCIS's policy of issuing notice less than 21 days prior to an asylum interview of an individual who filed their asylum application as an unaccompanied child, is preliminarily enjoined;

(2) USCIS shall provide notice to unaccompanied child applicants and their counsel reasonably calculated to afford an opportunity to submit supplemental evidence as of right prior to an asylum interview;

(3) USCIS's policy of requiring exceptional circumstances to reschedule an asylum interview of an individual who filed their asylum application as an unaccompanied child is preliminarily enjoined;

(4) USCIS shall permit unaccompanied child applicants to reschedule an asylum interview for a reasonable period to allow for the submission of evidence, preparation for the interview, and appearance of the child and their counsel of record;

(5) USCIS's policy of conducting virtual asylum interviews of unaccompanied children by default rather than based on an individualized determination of a child's needs is preliminarily enjoined;

(6) USCIS shall schedule unaccompanied children for in-person asylum interviews, absent a request from the child for a virtual interview.

It is FURTHER ORDERED that EOIR's Detained Docket Deadline is hereby stayed under 5 U.S.C. § 705. Specifically, until further order of this Court:

(1) EOIR's policy of requiring immigration judges to complete all unaccompanied children's removal cases by a date certain (the "Detained Docket Deadline") shall be stayed under 5 U.S.C. § 705;

(2) Defendants EOIR and DOJ, their agents, representatives, and all persons or entities acting in concert with them shall schedule and conduct hearings in removal proceedings of unaccompanied children in accordance with their prior practice of making

individualized determinations based on case-specific needs, consistent with 8 U.S.C. § 1232(d)(8).

It is FURTHER ORDERED that:

(1) Defendants will update internal guidance and template notices to help ensure compliance with this Preliminary Injunction. Defendants USCIS and EOIR will provide additional instructions to asylum office staff and immigration judges, respectively, with updated guidance and procedures consistent with this Preliminary Injunction;

(2) Defendant USCIS shall provide clear instructions as to how to make requests to reschedule interviews under this Order and shall promptly respond to requests to reschedule under this Order, within 24 hours absent exigent circumstances. USCIS will in all cases provide a response before the interview date, unless the request was made less than one business day before the interview. If an attorney requests rescheduling in person on the day of the interview, USCIS will instruct asylum officers to grant the request prior to the interview if the applicant is eligible under the preliminary injunction;

(3) Defendants will provide a status report within seven (7) days of this Order describing all steps taken to comply with this Order, and monthly Status Reports thereafter.

Dated this _____day of _____, 2026.

_____
United States District Judge