IN THE 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

NOTICE OF EX PARTE MOTION FOR STAY UNDER THE ADMINISTRATIVE PROCEDURE ACT AND TEMPORARY RESTRAINING ORDER

Plaintiffs, through counsel, move this Court for a stay under the Administrative Procedure Act, 5 U.S.C. § 705, and a temporary restraining order under Fed. R. Civ. P. 65(b), as set forth below and for the reasons set forth in the accompanying Memorandum of Law in Support of Plaintiffs' Ex Parte Motion for a Stay Under the Administrative Procedure Act and a Temporary Restraining Order. Plaintiffs, who are legal service providers across the country, seek to restore the status quo on behalf of themselves and their unaccompanied child clients by staying policies implemented by Defendant United States Citizenship and Immigration Services ("USCIS") that restrict Plaintiffs from meaningfully representing their clients before USCIS's Asylum Office and prevent Plaintiffs' unaccompanied child clients from accessing the

protections guaranteed by the Trafficking Victims Protection Reauthorization Act ("TVPRA") and the Immigration and Nationality Act ("INA").

Defendants have enacted two policies that have unlawfully upset the status quo regarding represented unaccompanied children, in violation of the Administrative Procedure Act, the TVPRA, the INA, and applicable regulations: (1) Defendants have suddenly and inexplicably departed from USCIS's historic policy of providing a minimum of 21 days' notice of asylum interviews by targeting unaccompanied child applicants for abbreviated notice, including by providing less than 24 hours' notice in some cases; and (2) Defendants have heightened the standard for Plaintiffs and their unaccompanied child clients to reschedule asylum interviews, making it nearly impossible to reschedule even when Plaintiffs' attorneys are double- or triple-booked by Defendants or have a client in serious physical pain following a recent release from the hospital. As a result, Plaintiffs are facing scores of asylum interviews for their child clients with almost no notice or time to prepare, forcing them to cease almost all other work to provide even a modicum of representation. In the absence of emergency relief, Plaintiffs' child clients will be forced to attend, unprepared, without counsel's ability to submit a full record and, in some cases, without the presence of counsel, the most important interview of their lives.

Plaintiffs seek an order staying these new policies and reinstating USCIS's prior policies of providing at least 21 days' notice prior to an asylum interview and allowing applicants to reschedule 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, as well as the child's ability to attend the interview and whether the child and/or counsel received inadequate notice under the Inadequate Notice Policy. Plaintiffs further seek an order compelling Defendants to file a status

report with the Court within 48 hours and at regular intervals thereafter, describing steps the Defendants have taken to comply with this Court's Order.

The requested relief is warranted because Defendants' policies are causing Plaintiffs and their child clients irreparable injury, Plaintiffs are likely to show Defendants' policies are arbitrary and capricious and contrary to law in violation of the Administrative Procedure Act 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. Temporarily setting aside USCIS's Inadequate Notice Policy, as described in the accompanying Memorandum of Points and Authorities, and thereby restoring the *status quo ex ante* of USCIS's longstanding policy of providing at minimum 21 days' notice for asylum interviews;
2. Temporarily setting aside the USCIS Exceptional Circumstances Policy, as described in the accompanying Memorandum of Points and Authorities, and thereby restoring the *status quo ex ante* of USCIS's longstanding policy of granting first-time rescheduling requests of asylum interviews as a matter of course, and second rescheduling requests for good cause.

Dated: October 19, 2026 Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that, on this 19th day of October, 2026 the motion for stay and temporary restraining order, supporting memorandum of law, all exhibits, and proposed order were filed with the Clerk of the court by using the CM/ECF system. Additionally, on the 19th of October, I sent via electronic mail to the Chief of the Civil Division of the of the U.S. Attorney's Office for the District of Maryland a copy of the complaint filed in this action, ECF 1, and notice of this filing. Defendants have not yet entered an appearance.

/s/ Melissa Crow
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UNITED STATES DISTRICT COURT
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The Door, *et al.*,

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vs.

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

PLAINTIFFS' MEMORANDUM IN SUPPORT OF EX PARTE MOTION FOR A STAY UNDER THE ADMINISTRATIVE PROCEDURE ACT AND TEMPORARY RESTRAINING ORDER

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I. INTRODUCTION

Right now, every day, a child is appearing before an asylum officer to describe the most traumatic moments of her life without preparation, without the evidence she needs, and without the lawyer she knows and trusts. Though she is represented by counsel, her lawyer received notice of the asylum interview days or even hours earlier, without the time to gather additional evidence or prepare her. In the meantime, her lawyer tried to reschedule the interview due to having to attend four other asylum interviews the same day—including one scheduled at the very same time, but the government denied the request because it did not qualify as "exceptional circumstances." Both the child and her attorney are paralyzed in this new reality because of two unlawful policies implemented by USCIS to keep counsel from effectively representing their child clients, stripping those children of their rights to counsel and their access to the asylum process.

When a child arrives in the United States without a parent or legal guardian after fleeing persecution, trafficking, or abuse at home, that child cannot lawfully be deported without a meaningful opportunity to apply for asylum. Given the unique vulnerability of these unaccompanied children, Congress provided them with heightened protections, including attorney representation, to the greatest extent practicable, in their immigration proceedings; and granted a right to present their asylum claims through a non-adversarial interview before U.S. Citizenship and Immigration Services ("USCIS") in the first instance, rather than in a more formal court setting. In recent weeks, however, USCIS has launched a campaign to eviscerate these rights.

Despite a longstanding policy of providing 21 days' notice prior to an asylum interview for all applicants, USCIS is now specifically targeting unaccompanied child applicants across the country for radically reduced notice—sometimes just days, or even less than one day, before an interview (the "Inadequate Notice Policy"). USCIS's new notice policy deprives children and their counsel of the time necessary to prepare for asylum interviews, which require a child to recount harrowing personal experiences to a stranger. The short window between notice and the interview also makes it impossible for children and their counsel to submit supplemental evidence before

USCIS's own regulatory deadline, which is 14 days prior to the interview date. 8 C.F.R. § 208.9(e)(1). Compounding this harm, USCIS recently changed its rescheduling policy to require "exceptional circumstances" to reschedule an asylum interview (the "Exceptional Circumstances Policy") and has denied rescheduling requests even when a child's attorney is scheduled for multiple asylum interviews at the same time. As a result, children's immigration counsel, including Plaintiffs in this action, have been left with impossible choices because their attorneys cannot be in two places at once.

Because of USCIS's policy changes, children are being rushed through high-stakes asylum interviews under conditions of extreme stress without sufficient preparation, without trusted counsel present, and without an opportunity to obtain and submit critical evidence to support their claims. The six Plaintiff organizations are facing several hundred asylum interviews with scarcely any notice or time to prepare, forcing them to stop almost all other work to provide even the barest representation. Every day that passes, more children are forced to appear at their asylum interviews unprepared and without trusted counsel. In one case, USCIS refused to reschedule the interview of an unaccompanied child who had just given birth to a preterm baby, with both child and baby suffering from health consequences that would have made attendance at the interview unsafe. Despite counsel's pleas to reschedule, USCIS not only refused but issued the child a notice for failure to appear.

This chaotic, harmful situation is entirely unnecessary. It is no secret that since taking office in January 2025, the Trump administration has made the removal of immigrant children from the United States a priority, convening a multi-agency task force designed both to speed up removal of unaccompanied minors and to do so "without lawyers."[1] Its policies to further that priority are arbitrary and capricious and contrary to law in violation of the Administrative Procedure Act. USCIS has articulated no lawful justification for depriving unaccompanied

[1] Alexandra Villareal, *Trump Ally Stephen Miller Leads Sweeping Push to Accelerate Removal of Migrant Children*, The Guardian (Sep. 19, 2026, at 06:00 ET), https://www.theguardian.com/us-news/2026/sep/19/stephen-miller-trump-migrant-children.

children of the 21-day notice generally applicable to asylum applications, nor for restricting rescheduling to exceptional circumstances. No such justification exists. To the contrary: singling out unaccompanied children for especially harsh scheduling policies is plainly inconsistent with congressional intent.

An immediate stay is necessary because Plaintiffs—legal service providers whose core mission is to provide representation to as many unaccompanied children as possible—and their child clients are suffering significant irreparable harm from these two unlawful policies. The relief Plaintiffs seek for themselves and their unaccompanied child clients is modest: a return to the status quo where children had a meaningful opportunity to prepare for and participate in their immigration cases. Without a stay of USCIS's Inadequate Notice Policy and Exceptional Circumstances Policy, Plaintiffs and their clients will continue to be deprived of meaningful access to the asylum process, rendering null the procedural protections enshrined in the TVPRA, 8 U.S.C. § 1232(a)(5)(D), (c)(5), (d)(8), and the Immigration and Nationality Act, 8 U.S.C. § 1158(a)(2)(E), (b)(3)(C). The risks to unaccompanied children are too great to allow USCIS's policies to continue while the Court evaluates the merits of this case.

II. STATEMENT OF FACTS

A. The TVPRA Guarantees Unaccompanied Children Access to a Unique Asylum Application Process.

After disturbing reports that unaccompanied children were facing detention and deportation without legal representation, Congress passed the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 ("TVPRA"), 8 U.S.C. § 1232, with bipartisan support. Recognizing that traumatized children cannot be expected to navigate the asylum process alone or on accelerated timelines, Congress exempted unaccompanied children from expedited removal proceedings, permitted them to apply for asylum beyond the one-year time limit imposed on adults, provided these children the right to a non-adversarial asylum interview before USCIS, and required that the asylum process "be governed by regulations which take into account the specialized needs of unaccompanied [noncitizen] children." 8 U.S.C. § 1232(a)(5)(D), (d)(8); 8

U.S.C. § 1158(a)(2)(E) (exempting unaccompanied children from the INA's one-year filing deadline for asylum and channeling their applications through USCIS in the first instance), (b)(3)(C). Congress further mandated that the Office of Refugee Resettlement ("ORR"), the government agency with custody over these children, ensure "to the greatest extent practicable" that they have the assistance of counsel. 8 U.S.C. § 1232(c)(5).

Of the many protections enshrined in the TVPRA, two are especially at risk here: *first*, Congress's unique commitment to ensuring that unaccompanied children are represented in immigration proceedings by an attorney or qualified representative, and *second*, the unaccompanied child's right to pursue the "affirmative" asylum process through procedures that take into account their specialized needs, including a non-adversarial interview before a USCIS asylum officer in the first instance.

1. Congress Intended for Unaccompanied Children to Have Legal Representation.

The TVPRA directs the Secretary of Health and Human Services to "ensure, to the greatest extent practicable" that any unaccompanied child who was or is in the custody of the Office of Refugee Resettlement "have counsel to represent them in legal proceedings or matters" at no cost to the child. 8 U.S.C. § 1232(c)(5). As stated by the House Appropriations Committee, providing counsel is "absolutely critical to ensure that children understand their rights as they navigate the legal process to determine their status in the United States." H.R. Rep. No. 111-220, at 165. What began as an effort to secure pro bono assistance turned into congressional funds to hire dedicated counsel to provide full legal representation to unaccompanied children through ORR's Unaccompanied Children's Program. *See* Consolidated Appropriations Act, 2012, Pub. L. 112-74, Div. F, Tit. II, 125 Stat. 786, 1077 (2011); 45 C.F.R. § 410.1309(a)(4). Plaintiffs are members of the network of legal service providers who, for the last 13 years, were engaged under this appropriation of funds to represent unaccompanied children. *See* Richardson Decl. ¶¶ 17–18; Sanchez Kennedy Decl. ¶ 7; Avila-Cimpeanu Decl. ¶ 9; Hough Decl. ¶ 17; Donovan-Kaloust Decl. ¶ 6; Nally Decl. ¶ 7.

The role of counsel in fulfilling the mandate of the TVPRA cannot be overstated. As Senator Dianne Feinstein noted when she introduced the TVPRA in the Senate in 2008, the passage of the TVPRA marked an "important step" in the protection of unaccompanied children, a "most vulnerable group" to whom the United States owes "a special obligation" to ensure humane and fair treatment. 154 Cong. Rec. S10886 (daily ed. Dec. 10, 2008). In recognition of the challenges a child alone in the United States faces when navigating the asylum process, including the time it may take for an unaccompanied child to understand their legal rights, secure counsel, prepare applications, and secure the emotional and physical stability to meaningfully present a claim, Congress directed that "[a]pplications for asylum and other forms of relief from removal in which an [unaccompanied child] is the principal applicant shall be governed by regulations which take into account the specialized needs of [unaccompanied children] and which address both procedural and substantive aspects of handling [unaccompanied children's] cases." 8 U.S.C. § 1232(d)(8). The provision of free legal counsel was—and still is—a critical component of the TVPRA.

2. Plaintiffs' Child Clients Have the Right to a Non-Adversarial Asylum Interview Process.

All noncitizens physically present in the United States or who arrive in the United States, irrespective of their immigration status, have a statutory right to apply for asylum. 8 U.S.C. § 1158(a)(1). A person in removal proceedings may file a "defensive" asylum application before an immigration judge. *See* 8 U.S.C. § 1229a. Anyone not in removal proceedings may file an "affirmative" asylum application with USCIS. *See* 8 C.F.R. § 208.2(a). Whereas defensive proceedings in immigration court are adversarial, with cross-examinations by government lawyers, affirmative interviews are non-adversarial and take place in a local Asylum Office. *See id.* § 208.9(b).

Again, because of unaccompanied children's status as a vulnerable group, Congress, through the TVPRA, amended portions of the Immigration and Nationality Act ("INA") by providing unaccompanied children the right to file affirmative asylum applications with USCIS, even after they have been placed in removal proceedings. *See* 8 U.S.C. § 1158(b)(3)(C). Thus,

"[i]nstead of having to be cross-examined in an adversarial courtroom by trained government lawyers, unaccompanied children engage with USCIS officers trained to conduct non-adversarial interviews and to apply child-sensitive and trauma-informed interview techniques." *J.O.P. v. U.S. Dep't of Homeland Sec.*, 409 F. Supp. 3d 367, 373 (D. Md. 2019).

There is a meaningful difference between an in-person asylum interview at a USCIS Asylum Office and an adversarial court hearing before an immigration judge, with cross-examination by a Department of Homeland Security ("DHS") trial attorney. USCIS asylum officers are required to conduct interviews in a "non-adversarial manner," with the goal of eliciting all relevant information to assess an applicant's eligibility for asylum. 8 C.F.R. § 208.9(b). The interview is the only opportunity an asylum applicant has before USCIS to provide their own testimony and address any potential concerns the asylum officer has with the application. *See* USCIS, Refugee, Asylum, and International Operations (RAIO), *RAIO Directorate: Interviewing – Introduction to the Non-Adversarial Interview Lesson Plan*, 10–12.[2] Asylum officers are trained to use "child-sensitive questioning and listening techniques that facilitate eliciting information from children" during the asylum interview. USCIS, *RAIO Directorate: Children's Claims Lesson Plan*, 3.[3]

Asylum officers are also trained to expect that a child represented by counsel will produce documentary evidence. The RAIO Children's Claims Lesson Plan states: "A child, through his or her advocate or support person, is expected to either produce such documentation or offer a reasonable explanation as to why those documents cannot be obtained. What is reasonable will depend on the child's individual circumstances, *including whether or not the child is represented* and the circumstances of his or her flight." *Id.* at 42 (emphasis added).

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[2] Available at https://www.uscis.gov/sites/default/files/document/foia/Interviewing_-_Intro_to_the_NonAdversarial_Interview_LP_RAIO.pdf.

[3] Available at https://www.uscis.gov/sites/default/files/document/foia/Childrens_Claims_LP_RAIO.pdf.

Given the extraordinarily high stakes in asylum proceedings where applicants bear the burden of proof, attorneys require specialized training and ample time to gather necessary evidence—some of which may be overseas—to fully prepare for the asylum interview and finalize the asylum application. *See* Richardson Decl. ¶ 30; Avila-Cimpeanu Decl. ¶¶ 18–20; Donovan-Kaloust Decl. ¶¶ 17–20; Hough Decl. ¶ 27; Sanchez Kennedy Decl. ¶¶ 24–25; Nally Decl. ¶¶ 14–15. Regulations provide that once an application is filed, an applicant (or a child through her representative) may file additional, supporting evidence up to 14 days prior to the scheduled asylum interview, with any evidence submitted after that subject to the discretion of the asylum officer to accept or reject. 8 C.F.R. § 208.9(e)(1).

B. USCIS's Historic Policies Governing Notice, Rescheduling, and Presentation of Supplemental Evidence in Asylum Cases Were Consistent with The TVPRA.

Unaccompanied children seeking asylum have almost always experienced trauma, intense fear, or exploitation in their countries of origin. *See* Richardson Decl. ¶¶ 22–23; Sanchez Kennedy Decl. ¶ 10; Avila-Cimpeanu Decl. ¶ 16; Donovan-Kaloust Decl. ¶¶ 13, 17; Nally Decl. ¶ 12; Hough Decl. ¶ 11. An attorney with specialized training in representing children in asylum proceedings often needs several months to develop the rapport necessary for an unaccompanied child to feel comfortable sharing the traumatic events that form the basis of their claim for protection. *See* Donovan-Kaloust Decl. ¶¶ 13, 17; Nally Decl. ¶¶ 12–13; Richardson Decl. ¶ 23; Avila-Cimpeanu Decl. ¶¶ 12, 15; Hough Decl. ¶¶ 21, 27; Sanchez Kennedy Decl. ¶¶ 15–17. That relationship of trust is essential to the attorney's effective development of the case, to their collection of evidence necessary to meet the statutory burden of proof to obtain asylum, and to their ability to prepare their child clients for an interview intended to elicit sensitive facts with weighty legal significance. *Id.* Consistent with the TVPRA, USCIS's historic practices facilitated both the preparation and presentation of unaccompanied children's asylum applications in the following ways.

A Minimum of 21 Days' Notice Before an Asylum Interview. USCIS's Affirmative Asylum Procedures Manual ("AAPM"), the agency's comprehensive guide for asylum officers, provides that interview notices are generated for interviews within 45 days or within 21 or 22 days

of the interview date, depending on how the case is selected for interview. AAPM § II.G.3.[4] Throughout the course of Plaintiffs' practice representing unaccompanied children seeking asylum before USCIS, the agency adhered to this policy of issuing written notice of an asylum interview at minimum 21 days before the scheduled interview date. *See, e.g.*, Donovan-Kaloust Decl. ¶ 20; Richardson Decl. ¶ 25; Avila-Cimpeanu Decl. ¶ 18; Hough Decl. ¶ 28; Sanchez Kennedy Decl. ¶ 21, 48 (asylum officer asking Plaintiff's client to sign a declaration "waiving his right to receive 21 days' notice").

Adequate notice before an asylum interview is essential to Plaintiffs' ability to fulfill their missions of providing effective legal representation to unaccompanied children seeking asylum. *See* Nally Decl. ¶ 14; Sanchez Kennedy Decl. ¶ 24; Hough Decl. ¶ 29; Donovan-Kaloust Decl. ¶ 20; Avila-Cimpeanu Decl. ¶¶ 18–20; Richardson Decl. ¶¶ 26–27, 30. From the time an attorney receives the interview notice to the day of the interview, several critical steps must occur to render a complete asylum application and ensure that an unaccompanied child can present effective testimony.

First, attorneys use the time prior to the interview to gather and submit any supplemental evidence in support of the child's asylum application. *See* Hough Decl. ¶ 29; Richardson Decl. ¶ 26; Avila-Cimpeanu Decl. ¶¶ 19–20; Nally Decl. ¶ 15; Sanchez Kennedy Decl. ¶¶ 21, 24; Donovan-Kaloust Decl. ¶ 20. Historically, and as explicitly permitted under the regulations, Plaintiffs were able to submit supplemental evidence to the Asylum Office after an interview notice had been issued. 8 C.F.R. § 208.9(e)(1) (supplemental evidence filings allowed up to 14 days prior to interview); *see also* Declaration of Non-Party Witness Lauren Fisher Flores of American Bar Association South Texas Pro Bono Asylum Representation Project (ProBAR) ("Fisher Flores Decl.") ¶ 29 ("Local practice was to bring supporting evidence packets on the day of the interview."). This evidence consisted of updated client declarations, letters of support, psychological or medical evaluations, expert declarations, updated country conditions evidence,

[4] Available at https://www.uscis.gov/sites/default/files/document/guides/AAPM.pdf.

and/or briefing. *See, e.g.*, Richardson Decl. ¶¶ 26, 30; Sanchez Kennedy Decl. ¶¶ 22, 25; Hough ¶¶ 27, 29. In other words, the notice period accounted for the right to supplement an application; it was therefore critical to Plaintiffs' ability to present a complete and effective application on behalf of their clients and, given that country conditions can change rapidly, ensure that the application included the most updated corroborating evidence. *See* Richardson Decl. ¶ 26; Nally Decl. ¶ 14; Avila-Cimpeanu Decl. ¶¶ 18–20; Sanchez Kennedy Decl. ¶¶ 21–22, 25; Donovan-Kaloust Decl. ¶¶ 18, 20; Hough Decl. ¶¶ 27, 29.

Second, and equally important, the attorney would begin preparing their child client—sometimes barely old enough to form sentences—to testify at the interview. Since an asylum seeker's testimony during the interview is the principal tool asylum officers use to evaluate an asylum claim, it is paramount that a child understand what the interview will be like, who will sit where, how to use an interpreter, the importance of telling the truth and providing comprehensive testimony, and how to manage the intense stress and anxiety asylum interviews cause many children. *See, e.g.* Nally Decl. ¶ 15; Richardson Decl. ¶¶ 27, 30; Avila-Cimpeanu Decl. ¶¶ 18–20. Published research corroborates Plaintiffs' experiences: preparing a child for an asylum interview is time-intensive and requires providing children with the support necessary to recount traumatic experiences to an asylum officer without shutting down.[5]

[5] *See, e.g.,* van Os et al., *Finding Keys: A Systematic Review of Barriers and Facilitators for Refugee Children's Disclosure of Their Life Stories*, Trauma, Violence & Abuse (2020) ("Social workers, mentors, and guardians should have time to build trust and to help a young refugee in revealing the life story before the minor is heard by the migration authorities."); S. Diaz & C.E. Frazier, *Child Trauma: Research, Law, and Policy for Considerations in Immigration Proceedings* (Loyola Univ. Chi. 2023), https://ecommons.luc.edu/cgi/viewcontent.cgi?article=1043&context=chrc. (explaining that when children "are overwhelmed with fear, they may lose the capacity to put their experiences into words," and their brains "may not encode the traumatic memory in a verbal, linear narrative at all); S. Chilliak et al., *Interviewing Asylum-Seeking Children: A Scoping Review of Research to Inform Best Practices*, Trauma, Violence & Abuse (2024) (reporting that asylum-seeking youth "felt they were given inadequate time to prepare for their hearings, which exacerbated stress.").

Opportunity to Reschedule Interviews. After receiving an interview notice, Plaintiffs historically had the opportunity to reschedule the interview, once as a matter of course and one additional time for "good cause." *See* AAPM, § III.T ("As a matter of Asylum Division policy, the Asylum Office reschedules an interview if it is the applicant's first request for a rescheduling, and the request is received prior to the interview date. [. . .][If] the interview has already been rescheduled on one (1) occasion, the applicant must establish that the request for a rescheduling is due to 'good cause.'"). The AAPM defines "good cause" as a "reasonable excuse for being unable to appear for an asylum interview." *Id.*

In Plaintiffs' experience, USCIS always rescheduled for good cause. *See, e.g.*, Avila-Cimpeanu Decl. ¶ 21; Richardson Decl. ¶ 28; Nally Decl. ¶ 19; Sanchez Kennedy Decl. ¶ 23; Donovan-Kalous Decl. ¶¶ 20–21. USCIS would grant a "good cause" rescheduling request in a variety of situations, such as scheduling conflicts, requiring additional time to gather supporting evidence, illnesses or medical emergencies on the part of attorney or client, and instances where an unaccompanied child was too distressed to testify that day. *See, e.g.*, Avila-Cimpeanu Decl. ¶ 21; Richardson Decl. ¶ 28; Sanchez Kennedy Decl. ¶¶ 22–23; Donovan-Kaloust Decl. ¶ 21; Nally ¶ 19; *see also* Fisher Flores Decl. ¶¶ 29, 31.

The ability to submit rescheduling requests is an important procedural safeguard for unaccompanied children seeking asylum before USCIS. Fundamentally, rescheduling ensures that Plaintiffs may submit a complete application on behalf of their clients and that unaccompanied children have access to counsel at the asylum interview itself. *See, e.g.*, Avila-Cimpeanu Decl. ¶ 21; Richardson Decl. ¶ 28; Sanchez Kennedy Decl. ¶¶ 22–23, 32; Donovan-Kaloust ¶ 21; Nally ¶ 19; *see also* 8 C.F.R. § 208.9(b). Rescheduling can also account for additional time, if necessary, to prepare child clients, and naturally operates as a failsafe should additional time be necessary to submit supplemental evidence, manage conflicting deadlines, and minimize interference with a child's school or family obligations. *See* Avila-Cimpeanu Decl. ¶ 21; Sanchez Kennedy Decl. ¶¶ 22–23; Richardson Decl. ¶ 28; Nally Decl. ¶ 19; Donovan-Kaloust Decl. ¶ 21.

C. In Contravention of Procedural Safeguards, USCIS Has Reduced Asylum Interview Notice for Unaccompanied Children and Effectively Disallowed Rescheduling.

USCIS has now unlawfully disregarded its obligation to implement policies and procedures that "tak[e] into account" the needs of unaccompanied children, 8 U.S.C. § 1232(d)(8), with profound and immediate effects on Plaintiffs and the children they represent. The agency has implemented a series of new policies that have transformed the affirmative asylum process, in turn upending the statutory and regulatory scheme intended to protect unaccompanied children. These policies directly interfere with Plaintiffs' ability to provide effective legal representation to their unaccompanied child clients, frustrating Congress's purpose in passing the TVPRA. As a result, the policies work together to rush children through, and deprive them of their right to meaningfully access, the affirmative asylum process.

1. USCIS Inadequate Notice Policy

Since at least September 2026, and only in the case of unaccompanied children, USCIS radically departed from its 21-day notice policy and authorized shortening notice of unaccompanied children's asylum interviews to a matter of just days and, in some cases, less than one day. *See* Donovan-Kaloust Decl. ¶ 36; Sanchez Kennedy Decl. ¶¶ 37, 43; Nally Decl. ¶¶ 23–24; Richardson Decl. ¶¶ 34–35; Avila-Cimpeanu Decl. ¶¶ 22– 23; Hough Decl. ¶ 28; *see also* Fisher Flores Decl. ¶¶ 36–37.

This Inadequate Notice Policy came on the heels of an unprecedented increase in the number of asylum interview notices for Plaintiffs' unaccompanied child clients, with hundreds of interviews all clustered to take place over a compressed time period. *See* Donovan-Kaloust Decl. ¶ 35; Sanchez Kennedy Decl. ¶¶ 37, 40; Nally Decl. ¶ 18; Richardson Decl. ¶ 34; Avila-Cimpeanu Decl. ¶ 22; Hough Decl. ¶ 28; *see also* Fisher Flores Decl. ¶ 34. Many of those interviews are scheduled for the same day. *See, e.g.*, Donovan-Kaloust Decl. ¶ 40; Sanchez Kennedy Decl. ¶ 38; Richardson Decl. ¶ 36; Avila-Cimpeanu Decl. ¶ 27. Plaintiffs have learned that this sudden flood of interview notices was the result of a USCIS scheduling initiative solely focused on unaccompanied children, with instructions to regional Asylum Offices to complete affirmative

asylum interviews of every unaccompanied child with a pending asylum application by the end of the 2026 calendar year. *See* Sanchez Kennedy Decl. ¶ 40.

Public reporting confirms the existence of the Inadequate Notice Policy. On September 23, 2026, a media report indicated that USCIS issued an internal memorandum requesting approval from Defendant USCIS Director Edlow to "eliminate the 21-day advance notice requirement before scheduling an asylum interview" for unaccompanied children in government custody.[6]

Naturally, when USCIS gives only several days' or even 24 hours' notice, Plaintiffs cannot meaningfully prepare their child clients for their asylum interviews, either by compiling supplemental evidence or by preparing the child to provide testimony. This, in turn, means USCIS cannot fully consider—and so cannot properly adjudicate—a child's asylum application. *See* Sanchez Kennedy Decl. ¶¶ 39, 42; Donovan-Kaloust Decl. ¶¶ 37–39, 44; Avila-Cimpeanu Decl. ¶¶ 23–26; Nally Decl. ¶ 20; Hough Decl. ¶ 29; Richardson Decl. ¶¶ 43–44, 48–49. Plaintiffs are now generally unable to submit updated evidence on behalf of their unaccompanied child clients because the interview notices arrive after the 14-day deadline to submit supplemental evidence. *See* 8 C.F.R. 208.9(e)(1).

The Inadequate Notice Policy has had real consequences for Plaintiffs and their clients. Two of Galveston-Houston Immigrant Representation Project's clients received less than 24 hours' notice before their scheduled asylum interviews, providing their attorney no time to supplement evidence or prepare either client for their interviews. Sanchez Kennedy Decl. ¶¶ 43–44. Several Plaintiffs have had to appear alongside their unaccompanied child clients without the requisite supplemental evidence—either because the Asylum Office refused to deliver it to the interviewer, or because the time between notice and interview was so short that gathering documentation, in particular from overseas, was impossible. *See, e.g.*, Sanchez Kennedy Decl. ¶ 39; Donovan-Kaloust Decl. ¶¶ 38–39, 44; Avila-Cimpeanu Decl. ¶¶ 24, 26; Hough Decl. ¶ 38.

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[6] *See* Jonathan Blitzer, *X* (Sept. 23, 2026), https://x.com/JonathanBlitzer/status/2102931169427820908.

And whereas Plaintiffs could previously rely on the discretion of an asylum officer to accept later-submitted evidence, that discretion has now been stripped. *See, e.g.*, Richardson Decl. ¶ 26; Nally Decl. ¶ 20; Avila-Cimpeanu Decl. ¶ 25; Donovan-Kaloust Decl. ¶ 36; Hough Decl. ¶ 29. On August 21, 2026, USCIS published an "Alert" purporting to be an "Updated Evidence Submission Policy" that now effectively disallows attorneys from submitting supplemental evidence after the 14-day deadline before the interview.[7] *See, e.g.*, Nally Decl. ¶ 24; Avila-Cimpeanu Decl. ¶ 25; Sanchez Kennedy Decl. ¶ 39; Donovan-Kaloust Decl. ¶ 36; Hough Decl. ¶ 29. Combined with USCIS's Exceptional Circumstances Policy, described below, it is no longer feasible to reschedule an interview to submit additional evidence.

2. USCIS Exceptional Circumstances Policy

On August 21, 2026, USCIS issued a second policy providing that requests to reschedule asylum interviews may only be granted on a showing of "exceptional circumstances," doing away entirely with the prior policy allowing rescheduling as a matter of course for first requests *and* the good cause standard for second rescheduling requests.[8] The Exceptional Circumstances Policy was published on the USCIS website, without any explanation, justification, or memorandum addressing the goal or need for the Policy. The policy sets the bar for "exceptional circumstances" as including "serious illness," or "extreme cruelty to" the applicant or "death of [your parent]" and notes that "[l]ess compelling circumstances will not be classified as exceptional circumstances."[9] Unavailability of counsel is not included as "an exceptional circumstance."

In Plaintiffs' experience, "exceptional circumstances" is so narrowly construed that they face impossible barriers to rescheduling even under what can only be defined as exceptional circumstances. USCIS has denied rescheduling requests under the new policy even after a car crash

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[7] *See* USCIS, *ALERT: Updated Evidence Submission Policy for Affirmative Asylum Applications*, https://www.uscis.gov/humanitarian/refugees-and-asylum/asylum (last visited Oct. 18, 2026).

[8] USCIS, *Establishing Exceptional Circumstances for Rescheduling Asylum Interviews*, https://www.uscis.gov/humanitarian/refugees-and-asylum/asylum/establishing-exceptional-circumstances-for-rescheduling-affirmative-asylum-interviews (last updated Sept. 4, 2026).

[9] *Id.*

involving a child's counsel of record. *See* Avila-Cimpeanu Decl ¶ 29. Because the Agency was denying all rescheduling requests, rescheduling was not an option for a child who had been reunited with his father more than 500 miles from the original Asylum Office location, when an applicant had a high-risk pregnancy with serious postpartum complications, and when an applicant was nursing a newborn. *See, e.g.,* Nally Decl. ¶ 21; Avila-Cimpeanu Decl. ¶ 28; Donovan-Kaloust Decl. ¶ 42. USCIS even insisted on proceeding with an interview of a child who had been discharged from the hospital the day before due to a documented heart condition. Richardson Decl. ¶¶ 48–49. When the child was crying in pain and clutching her chest during the asylum interview, the officer persisted, calling in a supervisor to tell the child that the interview was "very important." *Id.* at ¶ 49. It was not until hours later that USCIS finally agreed to stop the interview and permitted counsel to submit a rescheduling request. *Id.* Had counsel been unable to attend—as nearly happened, with only one business days' notice—the child would have had no advocate to protect her rights and her health. *See id.* ¶¶ 48–49.

As with USCIS's Inadequate Notice Policy, its Exceptional Circumstances Policy effectively prevents Plaintiffs from submitting necessary additional evidence before the interview: the agency now routinely denies rescheduling requests that would allow Plaintiffs adequate time to gather and admit that evidence. *See, e.g.*, Sanchez Kennedy Decl. ¶ 39; Donovan-Kaloust Decl. ¶ 42. What's more, the policy leads to absurd outcomes when, for example, USCIS schedules the same attorney for two, three, or four interviews at the same time—and then refuses to reschedule those interviews. *See, e.g.*, Avila-Cimpeanu Decl. ¶ 27; Sanchez Kennedy Decl. ¶ 38; Donovan-Kaloust Decl. ¶¶ 40, 42; Richardson Decl. ¶¶ 36–37.

The obvious consequence is that Plaintiffs have been forced to make impossible choices: which child to accompany to the interview, which child to send with a non-attorney staff member, or whether to substitute counsel completely unfamiliar with the child and the child's application, knowing that assigning unfamiliar counsel significantly reduces the trust and comfort that enables a child to disclose. *See, e.g.*, Richardson Decl. ¶¶ 42–44; Donovan-Kaloust Decl. ¶ 40. Ultimately, Plaintiffs will be forced to consider whether to send a child to the interview alone—decisions

inimical to their own ethical obligations and the missions of their organizations. This is not representation to the greatest extent practicable, 8 U.S.C. § 1232(c)(5); it is not even fundamental access to counsel. 8 C.F.R. § 208.9(b).

III. ARGUMENT

Section 705 of the APA authorizes a court reviewing an agency action to "issue all necessary and appropriate process to postpone the effective date of [the] agency action or to preserve status or rights pending conclusion of the review proceedings" "[o]n such conditions as may be required and to the extent necessary to prevent irreparable injury." 5 U.S.C. § 705. "The standard of review for relief under 5 U.S.C. 705 is the same as the standard of review for preliminary injunctions." *Nw. Immigrant Rts. Project v. U.S. Citizenship & Immigr. Servs.*, 496 F. Supp. 3d 31, 45 (D.D.C. 2020).

A temporary restraining order is appropriate to "preserve the status quo only until a preliminary injunction hearing can be held." *Hoechst Diafoil Co. v. Nan Ya Plastics Corp.*, 174 F.3d 411, 422 (4th Cir. 1999) (quotation omitted). To obtain a temporary restraining order, the movant must establish by a preponderance of the evidence that: (1) they are likely to succeed on the merits of their case; (2) they are likely to suffer irreparable harm in the absence of injunctive relief; (3) the balance of the equities tips in their favor; and (4) an injunction would be in the public interest. *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 22 (2008). When, as here, the Government is the opposing party, the balance of equities and the public interest consideration merge. *Nken v. Holder*, 556 U.S. 418, 435 (2009). As explained below, Plaintiffs meet the standards for a stay and temporary restraining order.

A. Plaintiffs Have Standing on Behalf of Themselves and Their Unaccompanied Child Clients.

To establish standing, a plaintiff must have (1) suffered an "injury in fact," (2) that is fairly traceable to the challenged action of the defendant, and (3) that is likely to be redressed by a favorable decision. *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560–61 (1992). The injury must be "concrete and particularized" and "actual or imminent." *Id.* An organizational plaintiff may

establish an injury by showing that a defendant's actions "directly affected and interfered with [its] core business activities." *Food & Drug Admin. v. All. for Hippocratic Med.*, 602 U.S. 367, 395 (2024) (*citing Havens Realty Corp. v Coleman*, 455 U.S. 363, 379 (1982)); *see also Republican Nat'l Comm. v. N. Carolina State Bd. of Elections*, 120 F.4th 390, 397 (4th Cir. 2024) (organization sufficiently pleads standing when policy concretely impaired their core missions by stymying activities and causing resource drain). Plaintiffs, as retained counsel pursuant to 8 U.S.C. § 1232(c)(5) and 8 C.F.R. § 208.9(b), "[are] within the zone of interests protected by the statute." *Pye v. United States*, 269 F.3d 459, 467 (4th Cir. 2001).

As nonprofit organizations dedicated to the legal representation of unaccompanied children, Plaintiffs have standing to challenge the two policies at issue in this motion. USCIS's Inadequate Notice Policy and Exceptional Circumstances Policy have prevented Plaintiffs from providing effective representation to their clients by requiring them prepare for and attend asylum interviews on extremely short notice, with no option to reschedule and no time to prepare their clients or submit supplemental evidence. Plaintiffs have also turned away unaccompanied children for asylum representation, notwithstanding their organizations' missions; have dedicated resources to recruiting and training members of the private bar to provide pro bono representation; and have ceased or significantly limited their other core work. *See* Richardson Decl. ¶¶ 65–66 (requiring denial of representation to new unaccompanied child clients and reallocation of The Door's staff and resources from other core youth services); Nally Decl. ¶¶ 27–28 (preventing Amica from accepting new clients and reducing staff time spent on other cases); Avila-Cimpeanu Decl. ¶¶ 30–31 (straining FIRRP's staffing capacity and preventing the organization from accepting new child clients and continuing friend of court services); Sanchez Kennedy Decl. ¶¶ 36, 41 (declining representation for new clients and spending time and resources recruiting and training pro bono lawyers as well as other nonprofit organizations to help cover asylum interviews for GHIRP's child clients); Donovan-Kaloust Decl. ¶¶ 52-54 (turning away unaccompanied child clients ImmDef would otherwise have represented, requiring attorneys to put work for non-asylum seeking clients on hold, and diverting staff from adult immigration removal defense program to

cover asylum interviews); Hough Decl. ¶ 38 (reallocating JFCS staff who do not typically represent unaccompanied children to attend asylum interviews and limiting JFCS's ability to accept new cases for unaccompanied children).

Plaintiffs also have third party standing to challenge these policies on behalf of their unaccompanied child clients. To assert third-party standing, an organizational plaintiff must demonstrate (1) an injury-in-fact; (2) a "close relationship" with the third party; and (3) some "hindrance" to the third party's ability to protect their own interests. *See Maryland Shall Issue, Inc. v. Hogan*, 971 F.3d 199, 214–15 (4th Cir. 2020), as amended Aug. 31, 2020. As shown, above, Plaintiffs have suffered a "perceptible impair[ment]" to their core business activities. *People for the Ethical Treatment of Animals, Inc. v. Tri-State Zoological Park of W. Maryland, Inc.*, 843 F. App'x 493, 496 (4th Cir. 2021). Plaintiffs have a close relationship with their unaccompanied child clients. *See Caplin & Drysdale, Chartered v. United States*, 491 U.S. 617, 623 n.3 (1989) (noting that the attorney-client relationship is "one of special consequence"). And Plaintiffs' clients—many of whom are of tender age, have experienced trauma, and are currently in ORR custody—face significant obstacles in bringing a suit on their own, due to their lack of access to the legal system outside of Plaintiffs' advocacy, their indigence, their immigration status, their lack of proficiency in English, and their consequent fear of retaliation by Defendants. *See e.g., Mayor and City Council of Baltimore v. Trump*, 416 F. Supp. 3d 452, 490–91 (D. Md. 2019) (discussing immigration status as a factor hindering protection of one's own interests); *Exodus Refugee Immigr., Inc. v. Pence*, 165 F. Supp. 3d 718, 732 (S.D. Ind.), *aff'd*, 838 F.3d 902 (7th Cir. 2016) (same); Richardson Decl. ¶¶ 22–23, 31; Nally Decl. ¶¶ 12–13; Avila-Cimpeanu Decl. ¶¶ 12, 16; Sanchez Kennedy Decl. ¶¶ 10, 12; Donovan-Kaloust Decl. ¶¶ 12–13; Hough Decl. ¶ 11.

B. Plaintiffs Are Suffering Irreparable Injury.

USCIS's Inadequate Notice Policy and Exceptional Circumstances Policy are subjecting Plaintiffs and their unaccompanied child clients to grave, irreparable harm. This harm will only escalate as Plaintiffs and their clients have had to face hundreds of asylum interviews, which USCIS refuses to reschedule despite inadequate notice, emergencies, or scheduling conflicts

created by the agency itself. To establish irreparable harm, plaintiffs must show they will suffer harm that is "neither remote nor speculative, but actual and imminent." *Maryland v. Noem*, 823 F. Supp. 3d 560, 570 (D. Md. 2026) (Hurson, J.) (citing *Mountain Valley Pipeline v. 6.56 Acres of Land, Owned by Sandra Townes Powell*, 915 F.3d 197, 216 (4th Cir. 2019)). Irreparable harm is often found where, as here, "monetary damages are unavailable." *Handsome Brook Farm, LLC v. Humane Farm Animal Care, Inc.*, 700 F. App'x 251, 263 (4th Cir. 2017). As in this instance, the harm is irreparable because the "damage done by [USCIS]'s violation of the APA cannot be fully cured by later remedial action." *Ass'n of Cmty. Cancer Ctrs. v. Azar*, 509 F. Supp. 3d 482, 501 (D. Md. 2020).

The changes to USCIS's asylum interview policies have forced Plaintiffs to forgo numerous fundamental components of their representation of unaccompanied children seeking asylum. They have been barred from supplying critical evidence, denied rescheduling despite emergencies and clearly impossible practical circumstances created by the policy itself, and, as a result, been prevented from appearing alongside their clients at their interviews. *See supra* Section II.C. In addition to the injuries caused to Plaintiffs' core activities, including the diversion of resources in order to respond to the policies, each instance of such fundamental governmental interference with Plaintiffs' ability to effectively represent their child clients is an irreparable harm. *See. e.g.*, *Cook Cnty. v. Wolf,* 962 F.3d 208, 233 (7th Cir. 2020) (irreparable harm found when county "will have to divert resources away from existing programs to respond to the effects of the [policy]."); *Vasquez Perdomo v. Noem*, 790 F. Supp. 3d 850, 875, 881 (C.D. Cal. 2025) ("Government action that frustrates an organization's core mission gives rise to irreparable harm," including impediments to plaintiffs' ability to represent immigrants and refugees).

For Plaintiffs' unaccompanied child clients, the irreparable harm is even more obvious. Congress recognized the dangers unaccompanied children face without specialized procedures and without access to counsel, and it enacted the TVPRA to provide relief in both areas. Today, because of that system, Plaintiffs are often the most trusted people in the lives of their unaccompanied child clients. Those relationships depend on adequate time to build trust,

sensitivity to language barriers and trauma, and the confidence that the legal representative will be able to prepare a complete and effective asylum application and be present in the moment of truth. *See* Richardson Decl. ¶¶ 22–23; Nally ¶¶ 12–13; Avila-Cimpeanu Decl. ¶¶ 12, 15–16; Sanchez Kennedy Decl. ¶¶ 10, 15–17; Donovan-Kaloust Decl. ¶¶ 13, 17; Hough Decl. ¶¶ 21, 27. The Inadequate Notice and Exceptional Circumstances Policies cause irreparable harm by thwarting these relationships and forcing children into highly traumatic interviews without trusted counsel.

As has already occurred over the past month, hundreds of children have had to or are about to proceed with asylum interviews without adequate preparation, without supplemental evidence to corroborate their asylum claims, and under medically dangerous conditions. As a result, these children will be deprived of the ability to present a full application and to prepare for their one shot to tell their story in a non-adversarial context, which the TVPRA guarantees. *See, e.g.*, *M.M.M. ex rel. J.M.A. v. Sessions*, 347 F. Supp. 3d 526, 535 (S.D. Cal. 2018) (depriving children of "their right to seek asylum" constitutes irreparable harm). These harms cannot be undone, and scores of additional children will experience them alike if this Court does not act.

Every day that Defendants are allowed to continue with these policies is a day a child, or dozens of children, is denied effective representation in her asylum interview.

C. Plaintiffs Are Likely to Succeed on the Merits.

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, 319 (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 at trial because they can clearly show the Inadequate Notice Policy and the Exceptional Circumstances Policy are both arbitrary and capricious and contrary to law in violation of the APA.

1. The Inadequate Notice Policy and Exceptional Circumstances Policy Are Final Agency Action Reviewable Under the APA.

The Inadequate Notice Policy and Exceptional Circumstances Policy are final agency action reviewable under the APA because each "marks the consummation of the agency's decision-making process" (i.e. the "consummation" prong) and (2) is an action "by which rights or obligations have been determined or from which legal consequences will flow" (i.e. the "consequentiality" prong). *Bennett v. Spear*, 520 U.S. 154, 177–78 (1997) (internal citations omitted). Courts take a "pragmatic approach" to determining final agency action, focusing not on the form of the activity, but whether its "effects [are] felt in a concrete way by the challenging parties," including the threatened effect. *Abbott Lab'ys v. Gardner*, 387 U.S. 136, 148–49 (1967).

The Inadequate Notice Policy is final because it has been applied to all Plaintiffs, immediately interfering with Plaintiffs' effective representation of their clients. Additionally, public reporting indicates that USCIS has memorialized this policy in a written memorandum seeking to remove the 21-day notice requirement in the cases of unaccompanied children.[10] *See also Aracely, R. v. Nielsen*, 319 F. Supp. 3d 110, 145-146 (D.D.C. 2018) (finding final agency action, of which written memos were one piece of evidence). Even so, a policy need not be published in order to satisfy the APA's pragmatic final agency action requirement. *See Venetian Casino Resort LLC v. EEOC*, 530 F.3d 925, 929, 931 (D.C. Cir. 2008) (reviewing challenge to an agency's "decision . . . to adopt [an unwritten] policy of disclosing confidential information without notice" because such a policy was "surely a consummation of the agency's decisionmaking process" that negatively affected the plaintiff's rights).

The Exceptional Circumstances Policy is also final agency action: it has been published on the USCIS website, is framed in binding terms, and it has been implemented across the country, as shown in Plaintiffs' experiences from New York to Texas to California. *U.S. Army Corps of Eng'rs v. Hawkes Co.*, 578 U.S. 590, 597 (2016); *see J.Z. v. Dep't of Homeland Sec.*, 2026 WL

[10] *See* fn. 6, Jonathan Blitzer, *X* (Sept. 23, 2026).

3015634, at *4 (D.D.C. Oct. 7, 2026) (finding final agency action where the agencies "have publicly announced the decision on their website").

There can be no doubt that legal consequences flow from both policies. *Bennett*, 520 U.S. at 178; *U.S. Army Corps of Engineers*, 578 U.S. at 598 (quoting *Sackett v. E.P.A.*, 566 U.S. 120, 131 (2012) (Ginsburg, J., concurring)). Plaintiffs cannot prepare their clients for interview on inadequate notice timelines, and they have lost their ability to submit supplemental evidence—including declarations, medical and psychological evaluations, and up-to-date country conditions evidence—as a matter of right. *See* 8 C.F.R. § 208.9(e)(1); *see also, e.g.*, Richardson Decl. ¶¶ 43-44; Sanchez Kennedy Decl. ¶ 39; Donovan-Kaloust Decl. ¶¶ 37–39, 41–42; Avila-Cimpeanu Decl. ¶¶ 23-26; Hough Decl. ¶ 38. Both the Inadequate Notice Policy and the Exceptional Circumstances Policy prevent Plaintiffs' attorneys from attending their clients' asylum interviews, interfering with children's right to counsel. 8 C.F.R § 208.9(b). And under the Exceptional Circumstances Policy, Plaintiffs are also unable to reschedule their interviews to prepare their clients, to continue to collect evidence, or even to protect their medically sensitive children from interviews that could cause further injury. *See supra* Section II.C.2.

2. The Inadequate Notice Policy and Exceptional Circumstances Policy Are Arbitrary and Capricious.

Final agency action is arbitrary and capricious where the agency has: "[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 of agency expertise." *Motor Vehicle Mfrs. Ass'n of U.S., Inc. v. State Farm Mut. Auto. Ins. Co.* (*State Farm*), 463 U.S. 29, 43 (1983). In addition, "when an agency rescinds a prior policy its reasoned analysis must consider the alternative[s] that are within the ambit of the existing [policy]," and consider whether "longstanding policies may have engendered serious reliance interests that must be taken into account." *Dep't of Homeland Sec. v. Regents of the Univ. of Cal.*,

591 U.S. 1, 30 (2020); *see also Food & Drug Admin. v. Wages & White Lion Invs., LLC*, 604 U.S. 542, 568 (2025).

The Inadequate Notice Policy and Exceptional Circumstances Policy, though distinct, are each arbitrary and capricious for nearly all of the reasons listed in *State Farm*. 463 U.S. at 43. Both policies deprive Plaintiffs of their ability to effectively represent their unaccompanied children clients and deprive their clients of meaningful access to the asylum process. As explained below, both policies were issued without any explanation, fail to consider critical aspects of the asylum process for unaccompanied children, run contrary to congressional intent, fail to account for reliance interests of Plaintiffs and child applicants, and lead to results too implausible to suggest a mere difference in view. *Id*. The policies instead represent a concerted effort to target unaccompanied minor children.

First, the Inadequate Notice Policy and Exceptional Circumstances Policy are arbitrary and capricious because USCIS has offered no reasoned justification for its changes in policy. *See, e.g., Am. Fed'n of Tchrs. v. Dep't of Educ.*, 779 F. Supp. 3d 584, 617 (D. Md. 2025) (finding agency action arbitrary and capricious where "[t]he agency was required to demonstrate self-awareness where it changed positions and to explain the reasons for those changes in position" and "[i]t did not"); *J.Z.,* 2026 WL 3015634, at *7 (policy was arbitrary and capricious where Defendants could not "articulate a satisfactory explanation" for the choices made). USCIS has failed to show the required "self-awareness" and has not published any justification on its website or in any of the notices received by Plaintiffs.

Instead, USCIS failed to consider the unique vulnerabilities of unaccompanied children and the resulting impact of the new policies. The TVPRA's text and legislative history are unambiguous: any decision affecting the asylum procedures for unaccompanied children must ensure that children are able to effectively present their claims, represented by counsel, in a child-centered environment. *See, e.g.*, 8 U.S.C. § 1232(d)(8) (requiring that unaccompanied children's applications for asylum "be governed by regulations which take into account the specialized needs of unaccompanied [noncitizen] children."); H. Rep. No. 111-220, at 165 ("[L]egal representation

is absolutely critical to ensure that children understand their rights as they navigate the legal process to determine their status in the United States."). In instituting the Inadequate Notice Policy, USCIS has failed to consider that adequate notice is necessary to gather supplemental evidence and to prepare for the asylum interview. *See, e.g.*, *Rodriguez–Solis v. Blanche*, 177 F.4th 266, 273–74 (4th Cir. 2026) (noting importance of time to submit supplemental documents in context of adult asylum seeker). The agency has not considered that, by eliminating adequate notice, it is essentially precluding Plaintiffs and their clients from making a full and meaningful asylum presentation of their claims. *See, e.g.*, *J.Z.*, 2026 WL 3015634, at *4 (finding that USCIS acted arbitrarily and capriciously where it adopted a policy to stop collecting required biometrics data from detained noncitizens "without any indication that [the agency] considered that it would preclude detained people from pursuing pending USCIS applications for immigration status").

In instituting the Exceptional Circumstances Policy, USCIS has failed to consider Congress's intent that unaccompanied children "have counsel to represent them in legal proceedings or matters" "to the greatest extent practicable." 8 U.S.C. § 1232(c)(5). The policy results in attorneys being double- or even triple-booked for asylum interviews, forcing children to appear without their own counsel or with a legal representative with whom they have had no opportunity to develop the relationship necessary to disclose critical facts. *See, e.g.*, *Rodriguez–Solis*, 177 F.4th at 274 ("A new lawyer would need time to build rapport with [an asylum seeker] to elicit the sort of 'extremely traumatic' testimony necessary for [an] asylum hearing."). There is simply no good reason to refuse to reschedule in such circumstances. *See, e.g.*, *Jimenez–Cedillo v. Sessions*, 885 F.3d 292, 298 (4th Cir. 2018) ("[A]n agency must 'display awareness that it is changing position and show that there are good reasons for the new policy.'") (quoting *Encino Motorcars, LLC v. Navarro*, 579 U.S. 211, 221 (2016)).

Second, the Inadequate Notice Policy and the Exceptional Circumstances Policy are arbitrary and capricious because they conflict with USCIS's own regulations and the TVPRA. USCIS's regulations require that supplemental evidence be submitted no later than 14 days before an interview. 8 C.F.R. § 208.9(e)(1). The Inadequate Notice Policy conflicts directly with this

requirement. As explained *supra* Section II.C.1, the inescapable effect of the Policy, which prevents Plaintiffs and their child clients from complying with the 14-day supplemental evidence rule, renders it both contrary to law and arbitrary and capricious. The Exceptional Circumstances Policy cannot be reconciled with an unaccompanied child's right to legal representation "to the greatest extent practicable" under the TVPRA, as well as the child's right to have counsel present at the asylum interview under the INA. Any possible explanation for the policy changes is "so implausible that it cannot be ascribed to a difference in view." *State Farm*, 463 U.S. at 43; *see also Asylum Seeker Advoc. Project v. U.S. Citizenship & Immigr. Servs.*, 808 F. Supp. 3d 708, 718–19 (D. Md. 2025) (concluding plaintiff was likely to show arbitrary and capricious agency action for a preliminary injunction based on contradictions in USCIS's asylum policies).

Third, the Inadequate Notice Policy and Exceptional Circumstances Policies are arbitrary and capricious because USCIS did not consider that its historic policies "have engendered serious reliance interests." *Regents*, 591 U.S. at 30–33 (internal quotation marks omitted); *J.O.P.*, 409 F. Supp. 3d at 378. Throughout their years of practice, Plaintiffs have relied on USCIS's policies to structure entire programs focused on representing unaccompanied children. They have made decisions about staffing and allocation of resources based on a standard, minimum notice period and the opportunity to reschedule for cause. *See, e.g.,* Richardson Decl. ¶¶ 26–28; Nally Decl. ¶¶ 14–15; Avila-Cimpeanu Decl. ¶¶ 18–20, 27; Sanchez Kennedy Decl. ¶¶ 21–22, 24; Donovan-Kaloust Decl. ¶¶ 17–18, 36; Hough Decl. ¶¶ 28–29. USCIS failed to consider that its abrupt and radical change to its notice policy would upend expectations and create serious roadblocks to the provision of effective legal services, including by impeding attorneys' ability to prepare their clients for interviews, submit supplemental evidence prior to those interviews, and attend all the interviews scheduled on short notice. "When an agency changes course, as DHS did here, it must be cognizant that longstanding policies may have engendered serious reliance interests that must be taken into account. [. . .] [T]o ignore such matters" is arbitrary and capricious. *Regents*, 591 U.S. at 30 (internal quotation marks omitted).

Fourth and finally, even assuming that USCIS had legitimate goals in creating the policies, it did not consider any alternatives to achieving them. "An agency is required to consider responsible alternatives to its chosen policy and to give a reasoned explanation for its rejection of such alternatives." *Spirit Airlines, Inc. v. Dep't of Transp.*, 997 F.3d 1247, 1255 (D.C. Cir. 2021) (quoting *Am. Radio Relay League, Inc. v. Fed. Commc'ns Comm'n*, 524 F.3d 227, 242 (D.C. Cir. 2008)). The need to consider alternatives is especially strong where, as here, the agency is changing its prior position. *Regents*, 591 U.S. at 30. USCIS ignored the practical consequences of these policies and the many tools it possesses to ensure that Plaintiffs receive notice sufficient to submit supplemental evidence and are not scheduled for multiple asylum interviews at the same time. As Plaintiffs' experiences show, nothing in USCIS's abrupt and disruptive policy changes indicates that the agency considered any reasonable alternatives.

3. The Inadequate Notice Policy and Exceptional Circumstances Policy Are Contrary to Law.

The conflicts and chaos engendered by USCIS's new policies also underscore that those policies are contrary to law under the APA. To begin, as discussed *supra*, USCIS regulations permit asylum applicants to submit evidence up to 14 calendar days in advance of their interview as of right, with any later-submitted evidence accepted only as a matter of discretion. 8 C.F.R. § 208.9(e)(1).[11] The right to submit supplemental evidence is a critical safeguard in the asylum application process. *See* II.B., *supra*. By notifying Plaintiffs and their unaccompanied child clients of their interviews *after* the 14-day deadline has passed and refusing to reschedule interviews to accommodate evidence submissions, USCIS deprives Plaintiffs of the procedural protections guaranteed by regulation. USCIS's Inadequate Notice and Exceptional Circumstances Policies are therefore "not in accordance with law." 5 U.S.C. § 706(2)(A); *see, e.g., Morton v. Ruiz*, 415 U.S. 199, 235 (1974) ("Where the rights of individuals are affected, it is incumbent upon agencies to follow their own procedures."); *United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260, 265-

[11] As explained in Section II.C.1 *supra*, USCIS issued a policy on August 21, 2026, removing the discretionary portion of 208.9(e)(1).

67 (1954) (agency must follow "[r]egulations with the force and effect of law"); *Refugee & Immigrant Ctr. for Educ. & Legal Servs. v. Mullin*, 174 F.4th 81, 113 (D.C. Cir. 2026) ("Agencies may not adopt guidance or other procedures that conflict with or disregard duly promulgated regulations."); *cf. United States v. Mitchell*, 39 F.3d 465, 468 (4th Cir. 1994) (holding that plain language of "contrary to law" provision in criminal statute includes violations of regulations).

Moreover, by adopting a policy that specifically targets unaccompanied children and their attorneys' ability to provide counsel in the asylum process, the Inadequate Notice Policy is contrary to several TVPRA requirements. For example, it violates the requirement that USCIS's procedures "take into account the specialized needs of unaccompanied [noncitizen] children" in both "procedural and substantive aspects" of their cases. 8 U.S.C. § 1232(d)(8). Far from considering children's specialized needs, USCIS has singled out unaccompanied children for procedures that directly undermine the ability of child applicants to build sufficient trust with counsel to disclose extremely traumatic childhood experiences and prepare to describe those experiences to a stranger in an asylum interview. And, by disallowing counsel from gathering and submitting evidence and preparing a child of tender age for an interview at the Asylum Office, the Policy renders meaningless the TVPRA's guarantee of the right to seek asylum before USCIS in the first instance, *with the assistance of counsel*. 8 U.S.C. § 1232(c)(5) (requiring provision of counsel "to the greatest extent practicable"); *see also* 8 C.F.R. § 208.9(b) (right to bring counsel to asylum interview); *cf. Brooks v. Tennessee*, 406 U.S. 605, 612 (1972) (holding, in the Sixth Amendment context, that the state deprives a defendant from "the 'guiding hand of counsel'" when it restricts counsel's ability to make choices about evidence).

Finally, the Exceptional Circumstances Policy is contrary to law because it effectively denies unaccompanied children their right to counsel of their choosing. "Exceptional circumstances," as USCIS interprets them, are not met when a single attorney is double-, triple-, or even quadruple-booked for asylum interviews, or when an attorney suffers a car accident that prevents her from attending the interview. *See, e.g.*, Richardson Decl. ¶¶ 36–37; Nally Decl. ¶ 21; Avila-Cimpeanu Decl. ¶¶ 27, 29; Sanchez Kennedy Decl. ¶ 38; Donovan-Kaloust Decl. ¶¶ 39, 42.

Plaintiffs' relationships with their clients were painstakingly built over time, to ensure children were protected throughout their immigration proceedings, pursuant to the TVPRA. Stripping children of their chosen attorney just before the asylum interview cannot be interpreted as anything other than the denial of counsel under a framework designed to provide that access to unaccompanied children.

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

Finally, to obtain a TRO or a stay under the APA, Plaintiffs must establish "the balance of equities tips in [their] favor, and that an injunction is in the public interest." *Winter*, 555 U.S. at 20. However, because the Government is a defendant, these factors merge. *See Kravitz v. U.S. Dep't of Com.*, 366 F. Supp. 3d 681, 755 (D. Md. 2019) (citing *Pursuing Am. Greatness v. Fed. Election Comm'n*, 831 F.3d 500, 511 (D.C. Cir. 2016)). This is because "the government's interest *is* the public interest." *Ass'n of Cmty. Cancer Ctrs.*, 509 F. Supp. 3d at 501 (emphasis in original) (quoting *Pursuing Am. Greatness*, 831 F.3d at 511).

The government and public cannot claim "public interest in the perpetuation of unlawful agency action." *City of Columbus v. Kennedy*, 796 F. Supp. 3d 123, 174 (D. Md. 2025) (quoting *League of Women Voters of U.S. v. Newby*, 838 F.3d 1, 12 (D.C. Cir. 2016)). Here, where Defendants have pushed through two discrete policies upending decades of established, relied-upon procedures for the adjudication of unaccompanied children's asylum claims, creating chaos and hardship for children and non-profit legal service providers fighting to act in their clients' best interests, the balance of equities tips sharply in Plaintiffs' favor. *See Casa de Maryland, Inc. v. Wolf*, 486 F. Supp. 3d 928, 969–70 (D. Md. 2020) (holding balance of equities and public interest tip in organizational plaintiffs' favor where the government had previously operated under long-standing status quo and where "narrowly drawn relief" would rectify irreparable harm). Defendants' service of the public interest "does not mean [they] can flout the law." *Am. Fed'n of State, Cnty. & Mun. Emps., AFL-CIO v. Soc. Sec. Admin.*, 771 F. Supp. 3d 717, 808 (D. Md. 2025).

There is simply no public interest in rushing children through asylum interviews with almost no notice or ability to prepare and refusing reasonable requests to reschedule. The

challenged policies flout the will of Congress to provide more, not fewer, protections for unaccompanied children. The government cannot establish hardship based on their hasty and imprudent agency actions; to the contrary, "[i]t would be in the public interest [] to ease the significant confusion that has ensued due to Defendants' [] policies." *Asylum Seeker Advoc. Project*, 808 F. Supp. 3d at 721.

E. Plaintiffs Are Entitled to a Universal Stay.

The only appropriate relief is a stay of both the Inadequate Notice Policy and the Exceptional Circumstances Policy. The traditional relief afforded to Plaintiffs by the APA—vacatur of the unlawful policy—is available here and is not abrogated by recent Supreme Court precedent. As was held recently in this District, "in line with other recent cases addressing the issue, [] the limiting principle on universal or national injunctions announced in [*Trump v. CASA, Inc*., 606 U.S. 831 (2025)] does not apply to APA cases like the one at bar." *City of Columbus*, 796 F. Supp. 3d at 176 (citing cases). Indeed, the majority opinion in *CASA* "explicitly left open 'whether the [APA] authorizes federal courts to vacate federal agency action,'" *Id.* (quoting *CASA*, 606 U.S. at 847 n.10 (citing 5 U.S.C. § 706(2)); *see also Ctr. for Taxpayer Rts. v. Internal Revenue Serv.*, 2026 WL 2635380, at *14 (D.C. Cir. Sept. 8, 2026) (section 705 "allows a district court to preliminarily 'postpone the effective date of an agency action' when 'necessary to prevent irreparable injury'" by "operat[ing] on the legal source of authority for an agency to act at all" (quoting 5 U.S.C. § 705)). With the wide-ranging effect of Defendants' policies across Plaintiffs' offices coast-to-coast, a universal stay is the only efficient means of addressing Defendants' policies under the APA. *Refugee & Immigrant Ctr. for Educ. & Legal Servs. v. Noem,* 793 F. Supp. 3d 19, 105 (D.D.C. 2025), *aff'd sub nom. Refugee & Immigrant Ctr. for Educ. & Legal Servs. v. Mullin,* 174 F.4th 81 (D.C. Cir. 2026).

IV. CONCLUSION

For the foregoing reasons, because Plaintiffs are suffering irreparable harm, have established that they are likely to succeed on the merits and the balance of equities and public interest tip in their favor, Plaintiffs respectfully request that this Court stay these new policies and

reinstate USCIS's prior policies of 1) providing at least 21 days' notice prior to an asylum interview and 2) allowing applicants to reschedule interviews once as a matter of course and again for good cause.

Dated: October 19, 2026 Respectfully submitted,

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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

CERTIFICATION OF NOTICE

1. Counsel for Plaintiffs in this action, pursuant to Rule 65(b)(1) of the Federal Rules of Civil Procedure, hereby certify as follows: Defendant federal agencies have implemented policies that are depriving Plaintiffs and their unaccompanied child clients of meaningful access to the asylum process and preventing Plaintiffs from providing effective legal representation. As a result of Defendants' policies, Plaintiffs are currently facing several hundred asylum interviews for their child clients between now and early November, with almost no notice or time to prepare, unable to gather and submit evidence, and forcing them to cease almost all other work to provide even a modicum of representation. In the absence of emergency relief, Plaintiffs' child clients will be forced to attend, unprepared, without a full record prepared by counsel, and, in some cases, without the assistance of their counsel, the most important interview of their lives.

2. Given the immediate and continuing harms caused by Defendants' unlawful policies, counsel for Plaintiffs notified the Chief of the Civil Division of the of the U.S. Attorney's Office for the District of Maryland by telephone and electronic mail, that Plaintiffs intended to seek a temporary restraining order in this Court to stay further implementation of the two policies.

Further, Plaintiffs sent a copy of the Complaint filed in this matter to both the Chief of the Civil Division of the U.S. Attorney's Office for the District of Maryland and the United States Citizenship and Immigration Service.

3. Given the urgency of this matter, and Plaintiffs' notification of the Department of Justice, further notice to Defendants should not be required.

Dated: October 19, 2026

Respectfully submitted,

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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 MELISSA CROW IN SUPPORT OF PLAINTIFFS' EX PARTE MOTION FOR A STAY AND TEMPORARY RESTRAINING ORDER

Filed With Notice of Motion, Memorandum of Law, Proposed Order, and Exhibits

DECLARATION OF MELISSA CROW

I, Melissa Crow, declare as follows:

1. I am an attorney duly licensed to practice before this Court. I am the Director of Litigation at the Center for Gender and Refugee Studies and counsel of record in this action. I have personal knowledge of the facts set forth in this Declaration and, if called as a witness, could and would testify competently to such facts under oath.

2. Attached as Exhibit A to this Declaration is a true and correct copy of the Declaration of Jessica Richardson on Behalf of Plaintiff The Door;

3. Attached as Exhibit B to this Declaration is a true and correct copy of the Declaration of Laura Nally on Behalf of Plaintiff Amica Center for Immigrant Rights;

4. Attached as Exhibit C to this Declaration is a true and correct copy of the Declaration of Roxana Avila-Cimpeanu, Esq. on Behalf of Plaintiff Florence Immigrant & Refugee Rights Project;

5. Attached as Exhibit D to this Declaration is a true and correct copy of the Declaration of Elizabeth Sanchez Kennedy on Behalf of Plaintiff Galveston-Houston Immigration Representation Project;

6. Attached as Exhibit E to this Declaration is a true and correct copy of the Declaration of Marion Donovan-Kaloust on behalf of Plaintiff Immigrant Defenders Law Center;

7. Attached as Exhibit F to this Declaration is a true and correct copy of the Declaration of Sarah Hough on behalf of Plaintiff Jewish Family and Community Services;

8. Attached as Exhibit G to the Declaration is a true and correct copy of the Declaration of Lauren Fisher Flores on behalf of the American Bar Association South Texas Pro Bono Asylum Representation Project (ProBAR).

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

Executed on this 19th day of October, 2026, at North Potomac, Maryland.

/s/ Melissa Crow
Melissa Crow

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

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EXHIBIT A	Declaration of Jessica Richardson on Behalf of The Door
EXHIBIT B	Declaration of Laura Nally on Behalf of Plaintiff Amica Center for Immigrant Rights
EXHIBIT C	Declaration of Roxana Avila-Cimpeanu, Esq. on Behalf of Plaintiff Florence Immigrant & Refugee Rights Project
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EXHIBIT A

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-DLB Declaration of Jessica Richardson on Behalf of Plaintiff The Door

DECLARATION OF JESSICA RICHARDSON ON BEHALF OF PLAINTIFF THE DOOR

1. I, Jessica Richardson, 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 the Managing Attorney of the Detained Minors Project of The Door. I have been employed by The Door for 1 year and 9 months. I have been licensed to practice law in New York since 2014. I have been an immigration attorney for over a decade in various roles. Prior to working at The Door, I was the Executive Director at Immigration Advocacy and Support Center in Connecticut and the Managing Attorney at My Sisters' Place in White Plains. Prior to that, I was a solo practitioner in Connecticut.

I. The Door's Organizational Mission and Scope of Work

4. The Door is a New York-based 501(c)(3) nonprofit corporation founded in 1972. The Door's mission is to empower New York City's diverse population of disconnected youth by providing them with the tools they need to become successful. At The Door, young people between the ages of 12 and 24 can access free comprehensive services, including health care, education,

mental health counseling and crisis intervention, legal assistance, high school equivalency and college preparation services, career development, housing support, arts, sports and recreational activities, and nutritious meals. The Door has two youth centers, one in Manhattan and one in the Bronx, and two housing sites on the Lower East Side of Manhattan. We also have a 24-hour drop-in center for runaway and homeless youth.

5. As part of its mission to provide its members with comprehensive services, The Door provides its growing membership of noncitizen young people with legal assistance in their immigration cases to help them secure any immigration benefits or humanitarian immigration relief for which they are eligible. The Door accomplishes this in several ways. Attorneys at The Door's Legal Services Center provide full representation to many members in removal proceedings before immigration courts, as well as members seeking to regularize their status through the filing of affirmative humanitarian applications.

6. The Door has long engaged in core activities supporting young people who are not United States citizens, including unaccompanied children (UC), and who are seeking immigration relief, including by providing them with legal advice and representation.

7. The Door's Legal Services Center is a program within The Door established in 1992. Legal Services Center attorneys, employed by The Door, provide legal and case management services to members in need of immigration and other civil legal assistance. The Legal Services Center makes holistic representation available to noncitizen members so that they can pursue various forms of immigration relief, such as Special Immigrant Juvenile Status (SIJS), asylum, Temporary Protected Status (TPS), U and T non-immigrant status, adjustment of status and work authorization, among other forms of relief.

8. The Legal Services Center's Detained Minors Project represents unaccompanied children detained by HHS's Office of Refugee Resettlement (ORR) in multiple New York-area facilities, serving up to 133 children at a time. We service one short-term ORR shelter, one temporary foster program, and one long term foster care program, including providing

unaccompanied children with Know Your Rights (KYR) presentations, and legal screenings.

9. Additionally, The Door's Legal Services Center represents released unaccompanied child members and young adult members in removal proceedings in New York and in their applications for immigration relief. The Door has historically appeared as Friend of the Court (FOC) on the detained juvenile docket, but also provides full scope representation to detained children before both USCIS and EOIR.

10. Providing full scope representation to individual members and detained children is the core work of the Legal Services Center staff. We enter into full representation of these members and remain as their attorneys throughout each step of their case.

II. The Door's Membership

11. The Door is a membership-based organization that serves over 9,000 youth annually, the majority of whom reside in New York City. There are no fees, language requirements, or required documentation to become a member. Under our current processes, young people must meet with our membership team in person to conduct an intake and get connected to relevant services at The Door.

12. Young people join The Door by meeting with a staff or intern from the membership team in-person at The Door's facility in Manhattan and signing a membership agreement in which they agree to uphold three non-negotiable rules: no physical fights, no harassment/threats/bullying, and no possession of weapons in The Door's space. Individuals who join The Door remain members until they turn 25, unless their membership is terminated, which can happen if they break one of the three non-negotiable rules in The Door's membership agreement.

13. The Door maintains a database of its members. Joining The Door gives members access to our comprehensive services and programs, as well as The Door's space and community. Non-members are not allowed inside The Door's space unless they are

accompanying a Door member or staff of The Door, and do not have access to The Door's services, except for a few limited programs that are open to non-members, such as The Door's drop-in center for runaway and homeless youth.

14. The Door's membership is composed primarily of low-income and working-class young people, including many who are unhoused, lack familial support, and/or face significant economic hardship. These realities shape both the needs of our members and the services we provide. Our membership also includes noncitizens who are current or former clients in their immigration case.

15. Because of concerns for our members' privacy and because their trust in The Door is crucial to our mission and work, The Door does not share our membership information with third parties, including government agencies.

16. Generally, a young person must be a Door member to be a Door legal client. The Door has typically offered membership to unaccompanied children whom the organization represents in immigration proceedings. Prior to 2025, detained unaccompanied children were typically detained for a matter of weeks to a few months, depending on the type of sponsor they had. Unaccompanied children released to reside in one of the five boroughs became Door members after release to continue receiving legal services from The Door.

III. The Door's Legal Services Center Provides Shelter Advocacy and Legal Services to Unaccompanied Children and Immigrant Youth

17. The Door began providing legal services to unaccompanied children in ORR custody in 2019. Through July 2026, The Door's Detained Minors Project was continuously contracted to provide legal screenings, KYR presentations, court preparation, court assistance and direct representation in immigration and family court proceedings to unaccompanied minors detained in specified ORR facilities and foster care programs, as well as recently released unaccompanied minors in our geozone (broadly the five boroughs of New York City).

18. From 2019 through July 2026, The Door received federal funding as a member of the Acacia Center for Justice's Unaccompanied Children Program (UCP), that allowed us to provide legal services to unaccompanied children both in and released from ORR custody. With that funding, The Door employed 24 full-time staff providing services under the Detained Minors Project. The team is currently staffed with one managing attorney, one legal program manager, two supervising attorneys, four staff attorneys, six paralegals, and three social workers. Since ORR did not renew the Acacia contract, the team is now partially funded by other organizational contracts and reserves.

19. The Door provides shelter, FOC advocacy, and full-scope representation for children on the detained docket, which includes assistance completing and filing relief applications before EOIR and USCIS. The Door attorneys submit a notice of attorney representation forms called a form L-3 to ORR for children who are eligible for asylum. An attorney assigned to an unaccompanied child will assist the child in completing the I-589 application pro se. For unaccompanied children released from ORR to one of the five boroughs, we also provide full representation in family court, USCIS, and EOIR.

20. The Door serves as FOC for unaccompanied children who are detained, but whom we do not formally represent. The role of FOC is to participate in immigration court proceedings to facilitate the flow of information and assist the court in managing cases efficiently. The FOC helps the children who are unrepresented understand court procedures, their rights and obligations and can assist in completing forms. The Door continues to appear as FOC on behalf of children who were in ORR custody at one of the facilities we served as of July 31, 2026. Before July 2026, it was rare for a child to be scheduled for an asylum interview while in ORR custody. But if a child is scheduled for an interview while in ORR custody, the attorney will prepare evidence and testimony for the interview and attend the interview with the unaccompanied child. If the case is referred to EOIR, The Door will enter an appearance as attorney of record in the removal case.

A. The Door's Representation of Unaccompanied Children in Their Applications for Relief Before USCIS

21. Unaccompanied children's immigration proceedings have historically—and intentionally—proceeded at a slower pace than in adult proceedings. The TVPRA expressly exempts unaccompanied children from the one-year deadline to apply for asylum, which applies to all other non-unaccompanied children non-citizens who apply for asylum. Exemption from that timeline allows unaccompanied children to secure legal representation and then—along with their attorneys—to gather necessary evidence to support their claim and complete the application process.

22. Unaccompanied children are a vulnerable population, more likely to face trauma, exploitation, or instability. Because of this, it can often take more time to work with them on their applications for relief than it does with other populations. Some children who arrive in shelters are of tender age—under age 10. Previously, there was no expectation for a three-year-old child to file an asylum application on their own. Today, children of all ages, with and without attorneys are frequently told by immigration judges (IJ) that they must file these applications with USCIS within two weeks of their first Master Calendar Hearing.

23. Even when a child has access to a Door attorney, it takes several months for the attorney to build a rapport with that child before they can discuss complex and traumatic topics related to potential legal relief. This includes their ability to provide detailed descriptions of the persecution or abuse they may have faced in their home country. Our attorneys often navigate the cultural and family pressures a child faces in feeling free to share their history including fear of retaliation, family disapproval, or being sent back to a dangerous home country. The trauma they have experienced is often compounded by the prolonged detention in ORR.

24. Until very recently, once an unaccompanied child's application for asylum was filed with USCIS, they typically underwent a uniform process, as described below:

25. The Door would always receive written notice that their unaccompanied child

client's asylum interview was scheduled with an asylum officer. We would receive at least 21 days' notice before any asylum interview, sometimes 3-4 months' notice.

26. It is critical for The Door to have sufficient notice for the interview in order to prepare a child for the interview and to file necessary supplemental evidence. During the time between a notice and interview date, the legal team would review the Form I-589, Application for Asylum and make necessary amendments to things like address history and school history. Having sufficient time to make these amendments is critical, especially when several months or years have passed since the original application was filed to ensure the application before the asylum officer is accurate and complete, since errors or omissions can lead to a negative credibility finding. During that time, we would also draft the unaccompanied child's affidavit recounting their traumatic experiences in detail necessary to support their burden of proof. USCIS generally required The Door to submit supplemental evidence 7-10 days before the interview, however officers would regularly accept evidence submitted less than 7 days of the interview date. We would collect letters of support and updated school or medical records, and we would put together extensive country conditions from the unaccompanied child's country of origin that related directly to the basis for their asylum claim. In some cases, the legal team would determine that an expert or psychological or medical evaluation was necessary to support the claim. Those evaluations would then be scheduled with providers in the New York area who met with a child and provided a written report of their findings. Because we always had over 21 days' notice for an interview, we were able to begin working in earnest 3-4 months before a scheduled asylum interview to finalize the declaration, get needed evaluations, develop timely country conditions, and prepare the client for the interview itself.

27. Asylum interviews can involve sensitive and difficult topics and developing facts about trauma in a child-sensitive manner. Adequate notice allows the attorney time to help the unaccompanied child mentally prepare and organize their testimony in a coherent manner and gives the attorney the time to build rapport and apply child-sensitive and trauma-informed

practices.

28. If the unaccompanied child or their attorney were unable to attend the interview on the date noticed by USCIS, their attorney submitted a written request to reschedule the interview with USCIS. Until recently, USCIS granted those requests based on "good cause." In The Door's experience, "good cause" has included an attorney conflict or needing time to schedule a psychological or medical evaluation for the unaccompanied child. The Door's attorneys generally expected USCIS to grant a continuance of approximately 30 days.

29. The Door's attorney and their unaccompanied children client would then appear for the USCIS asylum interview. That interview was almost always conducted in person at the nearest asylum office. USCIS has specific procedures and protections to ensure that unaccompanied children clients are treated fairly, respectfully, and in a child-appropriate manner. The interview was conducted in a non-adversarial environment. Present during the interview would be the asylum officer, unaccompanied child, counsel, and interpreter if needed as well as a USCIS monitoring interpreter who would join through the phone. The asylum officers would be trained to conduct the interview in a trauma-informed approach, considering the child's age, language development, background, and level of sophistication. Questions and explanations would be adapted to the child's understanding. Generally, counsel did not participate during the interview. However, attorneys could make clarifications to help testimony move forward. At the end of the interview, attorneys would typically be given the opportunity to ask the unaccompanied child questions and provide a short closing statement. Because the interview was in-person, the child was better able to explain their situation in their own words, using their own language and cultural context which helps the officer understand the full scope of the child's experiences. In our experience, face-to-face interaction with a trained, child-appropriate interviewer can reduce anxiety and help a child feel more comfortable to open up and be more detailed about their experiences.

30. Sufficient notice of the interview date is critical to allow time for adequate

preparation which may require multiple meetings with the unaccompanied child; review of the Form I-589 and underlying record, preparation or revision of a declaration; identification, collection, review of corroborating evidence; obtaining translations; review of relevant country conditions evidence; preparation of a legal brief; and preparation of the unaccompanied child to answer detailed questions about traumatic and highly sensitive experiences. Generally, counsel also needs to coordinate with family members, social workers, ORR staff, interpreters, and other service providers. We also sometimes have to coordinate with service providers or authorities in the child's country of origin in order to obtain records like birth or death certificates, which are often necessary to corroborate certain parts of a child's claim.

31. It is important for an attorney who has developed a relationship with an unaccompanied child over months and years to attend the interview with them. For many of our unaccompanied children clients, their Door attorney is the one of the few people in their lives that they have been able to build trust with. Not having their attorney present at the interview has a negative emotional impact impairing their ability to articulate their trauma.

32. After the interview, The Door's attorney would then receive a written decision on the unaccompanied child's affirmative application for asylum from USCIS. Whatever the outcome, it would also be provided in writing and typically issued several months after the interview. Referral notices would include the reason USCIS determined the unaccompanied child to be ineligible for asylum.

IV. Since Early 2026, Alarming Changes to USCIS, and EOIR Policies and Practices Have Created Significant Barriers to The Door's Representation of Unaccompanied Children

33. The Door has recently experienced alarming changes from USCIS and EOIR that have significantly impacted The Door's ability to fully and effectively provide legal advocacy to unaccompanied children. These policies have in turn undermined these children's access to due process and immigration relief.

A. USCIS Abruptly Accelerates its Scheduling of Asylum Interviews of Unaccompanied Children

34. Beginning around early July 2026, USCIS began implementing policy changes that have made it impossible for The Door to advocate for unaccompanied children seeking asylum as we have in the past. At that time, The Door began receiving notices scheduling asylum interviews for unaccompanied children on extremely accelerated timelines. In the past, USCIS used its "last-in first-out" (LIFO) policy to schedule asylum interviews. This resulted in interviews being spaced out over time, in addition to having sufficient notice for each interview. In contrast, USCIS has scheduled more than 75 asylum interviews for The Door's unaccompanied children clients since July 2026. Since mid-September interviews for detained unaccompanied children have all been scheduled with less than 21 days' notice, and most often with less than 48 hours' notice via email or phone calls to the attorney from a USCIS officer. The Door has approximately 70 remaining cases where an unaccompanied child has filed an asylum application and is waiting for an interview.

35. Since August, The Door has been receiving interview notices no more than two weeks before the scheduled interview date for detained unaccompanied children, but that number keeps getting shorter, including some cases where we have gotten less than 24-hours notice. In one recent case, for example, USCIS issued an asylum interview notice dated September 17, 2026 for an interview scheduled for September 29, 2026.

36. The consequences of the lack of notice are particularly dire when USCIS schedules interviews that counsel cannot physically attend. The Door has had several attorneys assigned to represent multiple unaccompanied children whose interviews USCIS scheduled for the same date and at the same or overlapping times, but at different interview locations. These conflicts make it physically impossible for the assigned attorney to appear with both clients. Nevertheless, USCIS has denied or ignored requests to reschedule interviews even when counsel has explained that the attorney has been simultaneously scheduled to represent another unaccompanied child at a different USCIS location.

37. For example, one Door attorney representing two unaccompanied children was scheduled to appear at both unaccompanied children's asylum interviews at the same date and time, with one interview at 26 Federal Plaza in Manhattan and the other at the Bethpage asylum office on Long Island. The attorney could not physically attend both interviews. Before the interviews, the attorney requested that USCIS reschedule at least one of the interviews on that basis, but USCIS did not respond to the request. The Door was able to find coverage from another one of its attorneys, but that is becoming increasingly difficult as the number of interviews increases.

38. When USCIS has declined to reschedule an interview under these circumstances, the only option available to The Door to ensure that both unaccompanied children have an attorney present has been to attempt to identify another attorney to substitute for the assigned attorney at one of the interviews. This is not a sustainable solution. Most of The Door's attorneys are themselves preparing for and attending multiple asylum interviews on similarly abbreviated timelines, in addition to managing existing caseloads and court obligations. Consequently, there often is no other attorney with sufficient availability to take on an additional asylum interview on short notice. This also places the child at a disadvantage in the interview because the attorney with whom they have built trust is not able to be present.

39. In addition to the lack of notice, USCIS issued a new policy at the end of August 2026 requiring unaccompanied children to establish "exceptional circumstances" to reschedule an asylum interview, replacing the historic "good cause" standard. USCIS defines exceptional circumstances as circumstances such as battery or extreme cruelty, serious illness, or death of an immediate family member, while stating that the list is not exhaustive. Since early September 2026, the vast majority of The Door's requests to reschedule an asylum interview have not been granted, and the process for requesting a rescheduled interview has also been unclear and inconsistent.

40. The Door's attorneys have attempted to request rescheduling through multiple

channels, including mailing written requests to the asylum office and submitting online requests through USCIS e-Requests portal, which is how we would request rescheduling in the past. When those lines of communication have failed, we have even resorted to contacting individual asylum officers. Early in the mass scheduling of unaccompanied children's asylum interviews in July 2026, Door attorneys who appeared in person at the asylum office were instructed to submit Case Inquiries through USCIS's online e-Request system. The e-Request system, however, does not provide an option specifically for requesting that an asylum interview be rescheduled, requiring selection from existing options that do not correspond to the nature of the request and creating uncertainty around whether the request will be properly reviewed or timely received. When attempting to request a reschedule via the USCIS Contact Center, USCIS personnel at the Contact Center have instructed Door attorneys to request rescheduling via the applicant's USCIS online account. However, this is not possible in unaccompanied children's cases, which are filed on paper, and which receive a receipt number that does not begin with "IOE," which is the only type of receipt permitted for an online rescheduling request.

41. USCIS has also provided conflicting information regarding whether rescheduling requests had been granted. In some cases, Door attorneys received emails in response to e-Request stating that the asylum interview reschedule request had been granted, while USCIS's Case Status Online continued to reflect the original asylum interview as pending. Since Door attorneys could not determine which information was accurate, and since the asylum offices are no longer responsive to telephone and email requests, Door attorneys have had to appear at the original interview date to avoid the risk that the interview had not, in fact, been rescheduled and that the child could face consequences for failing to appear.

42. Given USCIS's current restrictions on rescheduling and the volume of unaccompanied children asylum interviews now being scheduled, these conflicts have repeatedly placed The Door in the untenable position of having to determine how to provide representation to multiple unaccompanied children at interviews that their assigned attorney cannot physically

attend simultaneously and that USCIS has refused to reschedule.

43. The abbreviated timelines also substantially impair The Door's ability to adequately prepare unaccompanied children for their asylum interviews. Preparing even one unaccompanied child for an asylum interview within two weeks is extremely difficult. Yet The Door's attorneys have sometimes been scheduled for three or four asylum interviews in a single week, while simultaneously remaining responsible for EOIR hearings, filing deadlines, client meetings, and other case obligations. The Door does not have sufficient attorney capacity to simply reassign every interview to other attorneys, particularly because those attorneys are themselves preparing for and attending asylum interviews on similarly abbreviated timelines.

44. The sudden concentration of more than 75 interviews within about two months, combined with abbreviated notice periods and restrictions on rescheduling, has made it impossible for The Door to ensure counsel has sufficient time to prepare with their clients, and that the attorney who has an established relationship of trust with the unaccompanied child and is familiar with the underlying asylum claim can prepare for and attend the scheduled interview. Our attorneys are under a huge amount of stress as a result, and they have often found themselves scrambling to fill in for each other or to find pro bono counsel to fill in on short notice when they are scheduled to be in two places at once.

45. Most recently, The Door received several emails and phone calls from USCIS officers on September 25, 2026, scheduling four virtual interviews on September 28, 2026 (i.e., the next business day) or on September 29, 2026.

46. Also, on September 25, 2026, around 4:30 pm, The Door was notified by an ORR care provider that there would be a transfer of multiple unaccompanied children within four hours. Our office was not contacted by ORR, even though their policy requires communication with the legal representative when a child is transferred. The transfer to a new shelter made preparation for and attendance of the interview even more difficult because we did not even know who to contact over the weekend.

47. Two of the children who received notices on September 25 for September 28 interviews were no longer detained in New York. One had been released to a sponsor, and the other had been transferred to a different ORR facility outside the jurisdiction of the New York Asylum Office. Our attempts to communicate with USCIS regarding the error in identifying these youths did not initially receive responses. Our attorneys had to frantically try to get in touch with someone at the asylum office to let them know about the error.

48. For the third child, her attorney was forced to go forward with the virtual interview. Given that the interview was scheduled one business day ahead of time, our attorney had no opportunity meet with or prepare the child before the interview. The child had applied for asylum based on her experiences of repeated sexual abuse in her home country. Additionally, the child has an existing heart condition that was documented in the record, and she had experienced a cardiac event that led to her hospitalization the night before the interview.

49. The day after she had to go to the hospital, the child was forced to virtually attend her asylum interview in the early morning. Three hours into her interview, the child requested to end the interview early because she was experiencing cardiac pain, clutching her heart, and was crying. Instead of ending the interview, the officer called a USCIS supervisor, who refused to listen to the child's attorney as she tried to explain that the child had submitted evidence of her medical history to USCIS, and insisted the interview was required. When her attorney attempted to explain that the child was clutching her heart and that she was crying and called attention to her medical history and psychological evaluation submitted into evidence, the USCIS supervisor insisted that the attorney could not testify on behalf of the applicant because the applicant had to explain herself why she wished to end the interview. The supervisor pressed on, telling the child that the interview was "very important" until the child stood up and went to the corner of the room. The attorney then spent two hours waiting to hear from USCIS management. USCIS requested that the attorney submit a Request to Reschedule on paper before leaving the interview. The attorney did not have adequate time or writing space to fully explain the child's

medical and psychological circumstances and did not have an opportunity to provide any supporting documentation.

50. In the fourth case, the interview also went forward, this time virtually on September 28, 2026, again leaving essentially no time for the attorney to prepare with the child. In this case, the child had already attended an in-person asylum interview in May 2026 and was waiting for a decision. The asylum office employee who called to schedule the interview refused to provide a reason why a re-interview was needed. The re-interview addressed all the same topics that had been covered initially, including the severe abuse the child had experienced at the hands of his caretakers. Although the attorney and the child met several times prior to the initial interview in May to prepare, there was no meaningful time between Friday, September 25 and Monday, September 28 for the attorney to speak with the child in advance to prepare him mentally and emotionally for an additional interview. The case was referred to immigration court the next day, and the interview itself was extremely challenging and traumatizing for our client.

51. On October 2, 2026, that child's attorney finally received written notice in the mail for the interview that had already taken place on September 28, 2026. Therefore, if she had not answered the phone and learned about the interview the Friday before, she would not have been informed until after the interview date had passed.

52. In a separate case, a Door attorney received mailed notice on September 24, 2026 for an in-person interview scheduled on September 29, 2026—five calendar days away. The Door attorney immediately notified USCIS that the unaccompanied child had been transferred to a different ORR facility and was no longer in the jurisdiction of the New York Asylum Office. The Door attorney also sent USCIS a change of address form. USCIS agreed to reschedule the interview, but the attorney then received a Teams invitation for a virtual interview for the child scheduled on September 29, 2026. The attorney appeared virtually for the interview on September 29, and the asylum officer was not aware that the child had been transferred or that the interview had been rescheduled. Over the next several days, USCIS called the attorney six

times and, each time, the attorney repeated that the child had been moved to the jurisdiction of the Newark Asylum Office. On the afternoon of October 6, 2026, the child's new ORR facility informed the attorney that USCIS had scheduled the child for a virtual asylum at 7:30am on October 7, 2026—the next day. Even later in the day on October 6, 2026, the New York Asylum Office called the attorney and told her October 8, 2026 would be the absolute latest day they could reschedule the interview. Even though the attorney entered an appearance as attorney of record, USCIS did not inform her of the October 7, 2026 interview until late in the afternoon the day before. The October 8, 2026 date that USCIS claims is the latest possible date for the interview is itself only 14 days after the attorney initially received notice for the interview. The bureaucratic hurdles and extremely short timeline, coupled with other interviews scheduled with similarly inadequate notice, made it impossible for the attorney to prepare for the interview.

53. A final way in which USCIS has made it harder for The Door to represent detained unaccompanied children is by suddenly switching to virtual interviews conducted from the ORR facility, like some of the interviews mentioned above. Unaccompanied children attending virtual interviews are told not to bring an interpreter, which is a departure from the in-person requirement. Despite this instruction, at the beginning of one virtual interview on September 28, 2026, the attorney was asked why she did not bring an interpreter, even though the asylum office had instructed the attorney that an interpreter would be provided by USCIS. Inconsistent instructions about interpretation have added additional confusion and stress to an already difficult and rushed new process.

54. Virtual interviews are conducted at the ORR shelter where the unaccompanied child has experienced prolonged detention. USCIS does not permit the unaccompanied child to provide their own interpreter for virtual interviews, which opens the possibility of an unaccompanied child having to discuss very traumatic details through an interpreter with whom they are unfamiliar with or uncomfortable, limiting the unaccompanied child's ability to present their claim.

55. Our attorneys have also not received clear instructions about where they should physically be in order to be present at a virtual interview. So far, they have been allowed to sit in the room with the child during the interview at the ORR facility, but we do not know if that will be the case at any given interview. As a result, our attorneys have spent hours commuting to the ORR facility without knowing if they will be allowed to attend virtually and without any instruction for how they could attend virtually from a different location.

B. EOIR Accelerates the Timelines for Unaccompanied Children's Removal Cases

56. Based on The Door's observations while representing existing detained unaccompanied child clients on the detained unaccompanied children's docket and based on observations in our role as FOC, we have noticed several alarming changes to EOIR's treatment of all detained unaccompanied children.

57. From the time The Door began representing unaccompanied children until mid-2026, IJs consistently gave detained unaccompanied children approximately three- to four-month continuances at a minimum to find representation. When an attorney from a legal service provider appeared as FOC, they were often given several continuances to build rapport to allow the attorney to file a complete and accurate application for relief. Continuances were also often granted when a child was going through the reunification process with a sponsor, since they would likely soon be released and their case transferred to a different court where their sponsor lives.

58. Once an asylum application was filed and the attorney submitted the receipt notice of the filing to the court, the immigration judge frequently granted termination for USCIS to adjudicate the application. The immigration judge also frequently granted continuances for months to allow children to pursue other immigration relief and/or initiate family court proceedings to pursue SIJS. When no sponsor was available, the immigration judge granted continuances so a child could be transferred to a Long-Term Foster Care facility and the attorney

could file a specific consent request with ORR and allow for a transfer out of ORR custody, again to pursue family court and SIJS relief.

59. Since January 2025, proceedings on the detained unaccompanied children's docket in New York have changed dramatically and detained now youth are being rushed through removal proceedings. Today, an unaccompanied child in removal proceedings on the detained docket in New York now has about one month from the time they receive their Notice to Appear (i.e., the time they are placed in removal proceedings) to the time the immigration judge enters a removal order. During this time, they are tasked with finding competent representation (with no personal access to a phone), finding an interpreter to assist them in completing the I-589 in English, and securing money to pay their attorney, interpreter, and the filing fee for the application, while still detained.

60. One major change has been that the length of continuances has progressively decreased since January 2025. The length went down on average to one month between July 2025 and July 31, 2026. Continuances since the contract termination on July 31, 2026, have now shortened to two to three weeks depending on whether an unaccompanied child has filed an asylum application with USCIS.

61. Beginning in August 2026, I have personally attended the detained docket in person to observe the court. During the dockets I have observed, the immigration judge has only granted the unaccompanied children one continuance for a period of two to three weeks. IJs have invariably refused to provide a continuance for a longer period of time. If the child had already filed an asylum application, IJ has also often reviewed the child's application and has stated that because the application was not likely to prevail at USCIS, she would not grant a pending motion to terminate.

62. On September 28, 2026, the detained unaccompanied children's docket in New York was transferred to IJ Jennifer Chung, whose courtroom is at the 290 Broadway Immigration Court. Since that time, IJ Chung has given children only one- to two- week

continuances to either provide an update on a pending I-589 with USCIS or file their application. IJ Chung has also said she was going to take jurisdiction over an unaccompanied child's case even though the attorney in that case said he was going to submit an asylum application to USCIS. This means she would not give the child more time to allow the asylum process to take place before USCIS. Before these changes, we had never seen a detained unaccompanied child on the detained docket ordered removed.

63. IJs in New York have also alluded to a specific end date for their detained children's dockets. Beginning the week of September 7, 2026, I also observed IJ Lisa Ling, who was assigned the detained docket for several months before IJ Chung, make multiple statements on the record regarding the end of her docket calendar being on January 28, 2027. When one unaccompanied child's attorney asked for an individual hearing date after January 28, 2027, IJ Chung said that the January date was the end of her calendar and that she was not permitted to schedule the hearing for a later date. This practice is an extreme departure from prior practice where immigration judges would be able to schedule a hearing based on the facts of the case. I observed IJ Ling set three individual hearings for unaccompanied children represented by counsel for January 28, 2027. The lack of flexibility in managing their docket forecloses the ability to pursue all relief for which they are eligible. Additionally, if the mass number of unaccompanied children scheduled for asylum office interviews in the last three months are referred back to EOIR, the detained docket will have a massive number of cases that have to be completed by January 28, 2027.

64. The expedited way EOIR is treating unaccompanied children's cases directly impairs The Door's ability to provide comprehensive representation to all children. The Door has multiple detained unaccompanied children clients who are being subjected to expedited timelines and has already had two unaccompanied children clients ordered removed after being granted a short continuance even though they were eligible for SIJS, because they had not yet applied for relief. For the detained unaccompanied we are representing in asylum before USCIS, if they are

referred to immigration court, the immigration judge will immediately schedule the cases for individual hearings. IJ Chung has already scheduled one such case for November 13, 2026. The Door would not have the time, staff, or resources to gather the evidence and build the record to present a full asylum case to the immigration judge on such a quick timeline. Asylum before EOIR is an adversarial proceeding with extensive briefing and cross-examination and live witnesses, so it requires different preparation than a non-adversarial asylum interview. Moreover, the timelines completely remove the possibility of applying for any other relief, like SIJS or T or U, because it is simply impossible for unaccompanied children to apply for or be granted these USCIS immigration benefits within the timelines the immigration court is setting—let alone to apply for the green card for which this relief would theoretically makes them eligible.

65. Across EOIR and USCIS, the accelerated timelines and diminished procedural protections, coupled with ORR's failure to promptly release unaccompanied children from custody, continue to place extraordinary strain on The Door's capacity to provide comprehensive and effective representation to unaccompanied children. These practices require The Door to redirect limited staff and resources to respond to rapidly shifting and overlapping demands while creating significant barriers to our ability to prepare unaccompanied children to meaningfully participate in their immigration proceedings, which is essential for them to seek and obtain relief. The Door has had to reassign attorneys or rely on pro bono counsel in order to make sure every interview has coverage and every client has representation. The cumulative effect jeopardizes The Door's ability to carry out its core work of providing each unaccompanied child with the individualized preparation, advocacy, and support necessary to fully pursue their claims for protection.

The notices that The Door has received scheduling asylum interviews for the next day or the subsequent day are particularly alarming. It is virtually impossible for The Door's attorneys to prepare for asylum interviews the following day, including reviewing their claims, gathering and submitting evidence, and ensuring that the unaccompanied children understand and are prepared

for the interview process. It is also impossible for us to meet USCIS's requirement to submit all evidence 14 days before the interview. We are extremely concerned that, if this practice continues, The Door's attorneys will be placed in an untenable position of having to respond to asylum interviews with effectively no opportunity for meaningful preparation, despite their best efforts to safeguard rights of unaccompanied children, many of whom have experienced significant trauma and require additional time to develop trust with counsel. We have already had to significantly limit our intake of new unaccompanied children clients, especially those seeking asylum. This threatens to severely undermine the level of comprehensive, trauma-informed legal representation that unaccompanied children need and that The Door is committed to providing. This ultimately compromises attorneys' ethical duty to represent clients.

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

Executed on this 15 th day of October 2026, in Brooklyn, New York.

Jessica Richardson

Jessica Richardson
Managing Attorney
The Door

Signature: Jessica Richardson
Email: jessicar@door.org

EXHIBIT B

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 26-cv-04326-BAH

Declaration of Laura Michelle Nally on Behalf of Plaintiff Amica Center for Immigrant Rights

DECLARATION OF LAURA NALLY ON BEHALF OF PLAINTIFF AMICA CENTER FOR IMMIGRANT RIGHTS

1. I, Laura Michelle Nally, make the following statements on behalf of myself and Amica Center for Immigrant Rights ("Amica Center"), formerly known as the Capital Area Immigrants' Rights (CAIR) Coalition. 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 truthfully 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 a practicing immigration attorney for 17 years. I am licensed to practice law in Virginia and the District of Columbia.

I. Amica Center's Mission and Children's Program

4. Amica Center is a Washington, D.C.-based nonprofit legal services organization. Since 1999, we have provided legal services to detained immigrants in the Maryland, Virginia, and Washington, D.C. metropolitan area. Amica Center strives to ensure equal justice for all indigent immigrant men, women, and children at risk of detention and deportation in the Washington, D.C. area and beyond through pro bono legal services and direct representation.

Amica Center operates three main programs: the Detained Adult Program, the Children's Program, and the Immigration Impact Lab.

5. The Children's Program focuses on offering trauma-centered legal services to unaccompanied immigrant children held by the Office of Refugee Resettlement ("ORR") at ORR-subcontracted facilities providing shelter and long-term foster care in Virginia and Maryland, as well as children released to sponsors in the larger Washington, D.C. and Baltimore metropolitan areas, and children released to the Unaccompanied Refugee Minor ("URM") programs in Fairfax, Virginia; Richmond, Virginia; and Washington, D.C. Amica Center has historically provided a Know Your Rights ("KYR") presentation and legal screening to all children in ORR custody locally and offered full-scope immigration representation to children expected to remain in the area long-term. Amica Center also supports unrepresented children before the immigration court by providing "Friend of Court" services.

6. Amica Center staff also work to recruit, train, and mentor pro bono attorneys who represent unaccompanied children in immigration proceedings and applications for immigration relief. These pro bono attorneys are a critical part of Amica Center's mission and model, which allows us to leverage volunteer attorneys, generally from large law firms, to expand our capacity to represent children.

7. In 2010, Amica Center began providing legal services to unaccompanied children in their immigration cases, including removal proceedings and all forms of immigration relief. In 2015, Amica Center began receiving federal funding that expanded the scope of our pro bono legal services to unaccompanied children. For the last 11 years, we received ORR funding through the Unaccompanied Children's Program ("UCP") as a subcontractor of the Acacia Center for Justice ("Acacia") and, before that, the Vera Institute of Justice. Until July 31, 2026, Acacia held the ORR-UCP contract and was responsible for overseeing subcontracts with almost 100 legal service providers providing representation to more than 20,000 unaccompanied children nationally. In addition to Acacia funding, Amica Center's Children's Program also receives funding from foundation grants and individual donors.

8. Amica Center's Children's Program currently employs 25 full-time and three part-time staff. The program is comprised of a program director, two deputy program directors, four managing attorneys, three managing paralegals, six senior attorneys, three staff attorneys, two senior paralegals, three paralegals, one senior program associate, one program assistant, and two social services staff. Five of our non-attorney staff members are DOJ Partially Accredited Representatives, allowing them to represent clients in immigration applications before USCIS but not EOIR. Our attorneys are licensed in Virginia, Maryland, and the District of Columbia, the jurisdictions in which we handle Special Immigrant Juvenile Status ("SIJS") cases.

9. The thirteen full-time attorneys, two part-time attorneys, and five DOJ Partially Accredited Representatives on the Children's Program provide direct representation and pro bono mentorship for approximately 800 children in their immigration cases before USCIS and EOIR. The Children's Program's two social services case managers work as part of an interdisciplinary team to assist clients in gaining access to needed medical, social, educational, mental health, and other services, without which they may not be able to meaningfully focus on their legal cases, as well as coordinating psychological evaluations for children's immigration cases.

10. Since 2025, Amica Center has observed that unaccompanied children remain in ORR custody significantly longer than in prior years. These delays have coincided with new sponsor-vetting requirements and the increasingly early filing of Notices of Appear (NTA) before the immigration court for children shortly after arrival in ORR custody. As a result, Amica Center has had to adjust its programming to provide representation for children who remain detained for much longer periods of time, including throughout the pendency of their immigration proceedings.

II. Amica Center's Representation of Children Before USCIS

11. Unaccompanied children, even those who are in removal proceedings, are entitled to file their asylum applications with USCIS, which has initial jurisdiction over their claims pursuant to the TVPRA. The Asylum Office is supposed to be a non-adversarial (neutral, as the officers

explain) environment wherein the child's eligibility for asylum is fully explored. Although children still bear the burden of proof to establish their eligibility for asylum, there are several protective mechanisms provided so they can effectively pursue their claims. For example, the TVPRA expressly exempts unaccompanied children from the one-year deadline to apply for asylum. This is an acknowledgement of the additional barriers, including social, emotional, and developmental differences, that make it more challenging for an unaccompanied child to put forward a complete application for asylum.

12. Nearly all unaccompanied children have survived trauma in some form, including mistreatment or threats from adults in their home countries, witnessing harm to others either at home or on the journey to the United States, and separation from their families. It is critical for children to have access to trauma-informed services and the time necessary to build trust with trained adults who can help them articulate their past experiences and fears. It is particularly challenging to interview children immediately after their arrival at an ORR shelter, where they have gone through multiple other medical and intake screenings and are exhausted and often traumatized by their journey to the United States and experiences at the border, including separation from family members.

13. Amica Center's experience has been that it can take months to build trusting relationships with child clients who have survived significant trauma, abuse, neglect, abandonment, and/or trafficking. Developing an immigration case is often a deeply re-traumatizing experience for children, and the relationship that the child creates with their attorney and legal support staff makes a critical difference in the ability to understand the child's full experience, gather evidence, and put forward the most appropriate arguments to access immigration legal protections.

14. Considering the unique vulnerabilities and circumstances of unaccompanied children, the TVPRA's extended timeline for children to apply for asylum and other forms of affirmative relief is also critical to allow Amica Center's attorneys to develop rapport with their child clients. The preparation of the I-589 Application for Asylum requires a child to provide detailed

biographic information which can be challenging for younger children, children with memory challenges or learning disabilities, and children who experienced unstable housing situations in their home countries. Many children do not possess this information and must contact family members or be guided over the course of several meetings to use memory cues to piece together as much context as they can to be able to respond. From there, a child must be able to articulate all instances of past harm, including who harmed them and why, and why they fear being harmed in the future. Over the course of the more than 15 years that Amica Center has been representing unaccompanied children, it was the historic practice that responses provided on the application form itself were more summary, with the expectation that more detailed declarations would be provided at the time of the child's interview.

15. In addition to the need to prepare and file supplemental evidence prior to the interview to meet the child's burden of establishing their eligibility for asylum, it is critical that children have adequate time to prepare for the interview itself. Many children experience intense fear and anxiety about the interview; understanding what to expect can help manage those feelings and enable them to focus on sharing their story. Our team developed the practice of conducting several moot interviews with a child, using staff members to play the role of the asylum officer so that children can understand what types of questions they will be asked and the purpose of those questions. As many children have been working with their attorney in Spanish, this is also an opportunity for them to practice using an interpreter. The child is required to provide their own in-person interpreter for USCIS interviews, and so where possible, Amica Center attempts to identify this person in advance to allow the child to practice with the same interpreter who would accompany them on the day of the interview. We routinely receive feedback from our child clients that these sessions are helpful both to prepare them to present their claims and to help mitigate their anxieties.

16. After this extensive preparation, Amica Center's attorney and their unaccompanied child client would appear for the asylum interview at USCIS. That interview has historically always been conducted in person at the nearest asylum office. The only people present are the child, the

asylum officer, the attorney, and an interpreter (unless the child speaks fluent English). The child is also permitted to bring a trusted adult to the interview, if they wish. The interview is conducted in an office environment, and officers are supposed to receive training in child-sensitive interviewing. Officers sit behind a desk and computer screen but generally take care to arrange the seating so that they are face-to-face with the child and the attorney and interpreter are seated at the child's side. Face-to-face communication is critical in both directions; for the officer to assess the child's credibility and comprehension level, and for the child to fully understand what is being asked of them and to build trust with the officer.

III. Recent Changes to the Processing of Unaccompanied Children's Cases Severely Impair Amica Center's Ability to Provide Legal Services

17. In recent months, policy changes implemented by USCIS and EOIR have increasingly impacted Amica Center's Children Program and staff, severely impairing Amica Center's ability to provide its mission-driven services to unaccompanied children and in some cases having to turn children away or assign them to new attorneys they have never previously worked with.

A. USCIS Now Schedules Asylum Interviews on Unprecedented Timelines and Changes its Longstanding Rescheduling Policy

18. Between March and June 2026, Amica Center began receiving interview notices more quickly and more consistently after filing I-589 applications for unaccompanied children. Historically, approximately 10% of newly filed applications had been scheduled for an interview under the Asylum Office's last-in, first-out (LIFO) policy, under which asylum applications filed by unaccompanied children received equal treatment as those filed by adults. In 2026, the rate has approached 100%, particularly for detained children. The scheduling has accelerated since the end of July when the UCP contract ended. Since August 1, 2026, Amica Center and the pro bono teams we mentor have been scheduled for 50 children's asylum interviews, all of which are scheduled to take place before November 5, 2026. Many have been scheduled for the same day, including seven interviews scheduled for October 6, 2026, alone.

19. In the past, an asylum interview could be rescheduled for "good cause." One request to

reschedule to allow for adequate attorney and client preparation was universally accepted as meeting the "good cause" standard, with subsequent requests requiring additional documentation. If a psychological or forensic evaluation was needed, for example, and required several weeks to schedule and complete, an additional request to reschedule the interview would generally be granted by the local asylum office. Similarly, if the attorney or child had a conflict with the interview date or would be unavailable that day, the interview could be rescheduled. If good cause was established, the interview would historically have been rescheduled for a date several weeks or months (depending on the underlying basis for the request) in the future. Requests to reschedule were submitted via a dedicated email address at the local asylum office for this purpose, and responses were generally prompt. Historically, the asylum office confirmed that for a first request, it was unnecessary to wait for written confirmation, and that the fact of submission could be relied upon to presume that the interview would be rescheduled.

20. In May 2025, Amica Center began experiencing difficulty rescheduling interviews, even in situations where it was clearly necessary to protect the client's interests, such as if the assigned attorney was out of the country. The Arlington Asylum Office deactivated the rescheduling email account and began requiring requests to be submitted in writing. Requests which were submitted using the new written form either did not receive any response or the response arrived after the interview had already taken place. Amica Center was receiving approximately three weeks' notice of the interview, with instructions to submit supplemental evidence 7-10 days in advance. As notices are physically mailed out, in practice, this often left approximately one week to prepare supplemental evidence. It is not feasible to fully prepare a child's supplemental asylum filing, including preparing a detailed declaration, obtaining a psychological or other forensic evaluation on this timeline, let alone to fully prepare a child to participate in the interview.

21. On August 21, 2026, USCIS announced on its website that it would now require a showing of "extraordinary circumstances" as opposed to its previous "good cause" standard. This change has been detrimental for Amica Center's clients and staff. In one case, just four

days before his asylum interview was scheduled to take place in Arlington, Virginia in early September 2026, a child detained in Virginia was released to his father in South Carolina. After having just arranged for his travel from the shelter to his home, his family was unable to afford to pay for someone to drive him back to Northern Virginia for his interview. Despite having traveled more than 500 miles home just four days earlier, because there was no option to reschedule the interview, the child had to take an overnight train alone, arriving in Washington, D.C., at approximately 6 a.m. on the morning of his 10:30 a.m. interview. The child—who had not slept on the train for fear of missing his stop—was so exhausted that he struggled to hold his head up during his four-hour asylum interview in which he was asked to recount in detail some of the most traumatic and difficult experiences of his life.

22. USCIS is also failing to provide timely written notice of asylum interviews. Even in a case where the child was physically unable to appear at their scheduled interviews, Amica Center and our mentored pro bono teams have experienced extreme difficulty rescheduling. The asylum interview for an unaccompanied child client originally scheduled for October 22, 2026, was advanced to October 6, 2026, at a time that conflicted with the child's next scheduled master calendar hearing in the immigration court. The pro bono team representing the child requested that the original asylum interview date be honored, citing the conflict with the child's removal proceeding, the attorneys' own preexisting conflicts with the new date, that an interpreter had already been scheduled for October 22, and the need to fully prepare the case and the child. After three emails and numerous unsuccessful phone calls, they received a denial via email which stated only that: "Your client's interview was rescheduled for 10/06/2026 due to operational needs. We apologize for any inconvenience." The pro bono team continued to request the rescheduling of the child's asylum interview to ensure the unaccompanied child could attend her master calendar hearing, and, after many attempts, spoke by phone to an individual at the asylum office who agreed to reschedule the interview to the original date of October 22, 2026.

23. Amica Center has repeatedly received less than 21 days' notice of an interview. In more

than a dozen cases, Amica Center has learned for the first time that an asylum interview has been scheduled with the asylum office via an oral update by DHS during the child's master calendar hearing. Moreover, DHS attorneys are only able to confirm the date of the interview but not the time. Amica Center attorneys have had to email the local office to request the notice in writing with sufficient information to ensure their clients can attend. In multiple cases where no interview has been scheduled yet, DHS counsel has indicated that they planned to reach out to USCIS to make an inquiry. On one docket, DHS counsel indicated to the judge that several children's cases which had not yet been set for interviews were "on the list" to "email USCIS about," raising concerns that DHS was not simply inquiring into the status of pending cases but providing input on which cases should be scheduled.

24. These accelerated interviews have coincided with more stringent timelines to submit evidence. On August 21, 2026, USCIS posted on its website that it would no longer accept evidence to support applications fewer than 14 calendar days in advance of the scheduled interview. This update appears to have been made days before its effective date and was not circulated or otherwise announced. As interview notices continued to be issued with 21 days' notice but delivered to Amica Center (and the client) by USPS first-class mail, the resulting mail delays caused notices to arrive within 24-48 hours of the deadline to submit supplemental evidence in multiple cases. Two days is plainly insufficient time to submit evidence to support children's asylum claims. In one case, the interview notice arrived on Friday, September 4, at approximately 4:00PM, an hour before our office closed for the Labor Day weekend, with an accompanying deadline to submit evidence the following business day. The assigned attorney was out of office that afternoon for the long weekend, and her supervisor was forced to work throughout the holiday weekend and schedule last-minute meetings with the client to submit the filing on Tuesday in person and avoid harming the client's claim.

25. Recently, Amica Center had 8 asylum interviews scheduled for October 6, 2026 [one of these was the case discussed *supra* at paragraph 22, which was ultimately rescheduled due to a conflict with the child's immigration court hearing]. The cases were a mix of detained and

released cases and in-house and *pro bono* mentored cases. Of those 8 interviews, four had been previously scheduled for dates later in October and were advanced to October 6. For 3 of the 8 cases, Amica Center learned in the first instance about the interview from DHS at a September 18, 2026, detained juvenile docket—18 days prior to the scheduled interview. After being notified by DHS of the interview dates, the assigned attorneys contacted the Arlington Asylum Office via email to confirm interview date, which they were able to do, but in one case the mailed interview notice did not arrive at Amica Center's office until October 6, 2026. In one of these cases, the assigned attorney had received email confirmation from the Arlington Asylum Office on September 14 and an interview notice via mail on September 15 indicating that the interview was scheduled for October 28, 2026, only to be informed by DHS that it had been advanced during the September 18 MCH. In another case where the interview was advanced, the client received two different interview notices in the mail on Monday September 21, 2026—one notice was for an interview on October 6 and one for an interview on October 8. In total, of the 7 interviews that went forward on October 6, 4 clients received less than 21 days' notice of their interview.

26. Amica Center is unique, nationally, in that the local asylum office is located about 3 miles from our main office. Many asylum offices cover multi-state jurisdictions, and so same-day delivery is not an option available for practitioners in all areas and supplemental evidence must be submitted by mail, further shortening the functional filing deadline. Frustratingly, this change in the filing submission date has not had a measurable impact on whether the officer conducting the interview has access to the materials; as recently as September 24, Amica Center attorneys have had to provide courtesy copies during the interview to officers who expressed no awareness that a supplemental filing had been made in the case.

27. The dramatic increase in the number of interviews scheduled, inadequate notice periods, and inability to obtain routine rescheduling has prevented Amica Center attorneys and staff from meeting our goals of providing fully effective legal services to our clients and has completely eliminated our ability to accept new clients and severely limited our ability to assist

current clients with non-urgent matters. The time spent accommodating short-notice interviews, addressing scheduling conflicts, and preparing cases on compressed timelines has taken away from work on other cases and forced us to decline additional representation. As a result of this unreasonable timeline to schedule interviews and provide supplemental evidence, Amica Center has been unable to provide the same quality of representation that we believe children deserve and which we historically have been able to provide. Our staff now handles multiple asylum interviews per week, when in the past we have typically handled 1-2 interviews per month. In September 2026, our team handled 32 asylum interviews, compared to zero interviews in September 2025.

28. This pace requires attorneys and legal support staff to devote nearly all of their time to clients' asylum cases. Their preparation of children for the interviews has inevitably been constrained, diminishing the child's ability to fully present their claim to the asylum officer. Children with less-urgent deadlines, such as children who are eligible for Special Immigrant Juvenile Status and not at risk of aging-out, are waiting longer for legal services because our capacity has been almost wholly devoted to managing the wave of asylum interviews being scheduled by USCIS and the individual hearings being scheduled by EOIR, discussed in more detail below. Our attorneys and other legal professionals report experiencing heightened levels of stress, anxiety, and burnout due to the increased pressure to prepare children's asylum cases under increasingly unsustainable circumstances. This stress and burden are further heightened because our attorneys know that children's lives are at stake and are forced to make impossible decisions about how to prioritize limited time and resources. Due to the dramatic increases in staff time necessary to address the current number of interviews and EOIR hearings, Amica Center's ability to accept new cases, including for detained children at imminent risk of removal without access to legal representation has been reduced dramatically over the past year and is now no longer possible at all.

29. The accelerated scheduling, coupled with the inability to reschedule, has also severely limited in our ability to provide in-person interpretation for asylum interviews on short notice

due. In one case where the child's asylum interview was advanced unexpectedly, the in-person interpreter that Amica Center had identified for the child's native language (Chuj) who was unavailable on the new date, causing the child to proceed with the interview in Spanish despite having previously expressed a preference for using a Chuj interpreter. Locating volunteer interpreters, even for Spanish-speaking clients, on such a short time frame is very difficult, necessitating Amica Center support staff to serve as interpreters and further limiting their capacity to complete other legal work.

30. Through conversations with local asylum officers during interviews, we have learned of several policy changes which negatively impact the officer's ability to exercise discretion and eliminate the child-friendly practices that have historically been in place. Officers have mentioned that they have been prohibited from referring to asylum applicants as "the applicant" and are now required to refer to them as "the alien," a dehumanizing term associated with anti-immigrant policies. There has been a notable trend towards the assignment of cases to officers who appear unfamiliar with children's cases, asking, for example, what ORR is, focusing on bars that don't apply to unaccompanied children's asylum claims, or becoming frustrated or flustered when children do not give succinct answers. In one interview, the officer indicated that the trusted adult was only allowed to provide additional information or context if the 9-year-old applicant affirmatively indicated that they did not understand the question or did not know the answer. Officers have also noted that they are no longer empowered to make "decisions" on the cases but rather make "recommendations" which must then be reviewed by an "adjudication team" and, in some cases, a section chief. Several officers have previewed or cautioned that under this new system, a grant takes longer to issue than a referral. After several months during which we received almost no decisions, decisions have been arriving much more quickly, particularly for detained children. At one asylum interview on October 6, 2026, the pro bono team representing a detained child was informed at the end of the interview that the decision would be made "at a lightning-fast speed" but that the officer was not sure whether it would be before or after the child's next scheduled master calendar hearing on October 9, 2026. In fact, the decision referring the case to the immigration court had already been mailed by October 8,

2026. Officers made similar comments in other interviews that day about needing any written closing argument from the attorney the same day because the case would be passed to an adjudication team the following day and that certain cases were on the "list" where decisions needed to be made very quickly. Referrals to the immigration court have been issued an average of about one week after the interview in detained children's cases.

31. We have heard from colleagues in other jurisdictions that USCIS has begun noticing interviews with only 24 hours' notice. The implementation of a 24-hour notice requirement for asylum interviews would be catastrophic for Amica Center's ability to provide effective representation to unaccompanied children. This change functionally eliminates the ability to prepare and file supplemental evidence, and would necessitate filing all available evidence, including detailed declaration(s), expert reports, psychological evaluations, and country conditions evidence, at the time of filing the child's initial I-589 Application for Asylum. It has already become nearly impossible to adequately prepare both the documentation and the child themselves to present their claim based on the hard deadlines for filing applications for asylum set by immigration judges, the sharp increase in the number of interviews being scheduled, and the 14-day supplemental evidence deadline. Extremely short-scheduled interviews, in combination with the near-impossibility of requesting that an asylum interview be rescheduled, would also significantly increase the risk of conflicts with attorneys' other obligations, including court appearances for other cases. Amica Center has an additional 166 asylum applications pending with USCIS for unaccompanied child clients, most of which have been pending for years. The cumulative impact of the policies described above, if applied to all pending applications, would be catastrophic to our ability to provide even the most basic level of competent representation to those clients.

B. EOIR Drastically Changes and Accelerates Processing of its Docket for Unaccompanied Children.

32. Based on Amica Center's observations while representing detained unaccompanied children and through observations in our role as Friend of Court on detained dockets, we have noticed several alarming changes to EOIR's treatment of detained unaccompanied children.

33. In June 2026, the immigration judge who had presided for years over the detained juvenile docket in the Annandale Immigration Court was abruptly replaced. For a period of several weeks, the docket rotated between immigration judges, each of whom was unfamiliar with the children's docket, suggesting that the prior immigration judge had been removed before a clear plan had been put in place for his replacement. Amica Center immediately began to observe negative developments in the way that the detained docket was handled, including expectations that children proceed with their cases at an unprecedented rate, even if unrepresented. In our experience, these changes went far beyond changes in personality or favorability and illustrated how external pressure on judges has compromised the integrity of the children's immigration system. On July 2, 2026, an immigration judge with no apparent prior experience working with children was assigned long-term to the Annandale detained juvenile docket. On September 25, 2026, the Annandale detained docket was again reassigned to new judge. On October 13, 2026, all represented children on the Annandale detained docket were reassigned yet again to an immigration judge from the Indianapolis Immigration Court, and hearing notices for the upcoming October 16, 2026, docket were reissued to indicate that (for the first time since the pandemic) the hearings would take place in person at the Annandale Immigration Court despite the assignment of a remote judge.

34. Beginning in April 2026, Amica Center began observing that the immigration judge presiding over the Annandale detained juvenile docket granted continuances on the detained unaccompanied children's docket of only three weeks. Judges have stated openly that they are prohibited from granting continuances for longer than three weeks due to EOIR policy; however, that policy has never been made publicly available. As a result, beginning in April 2026, detained juvenile dockets in Annandale were scheduled at 8:30 a.m. and 1:00 p.m. every Friday with 15 or more children on each docket and frequently lasted three hours, for a total of more than six hours each Friday. The cumulative effect of the frequency and length of these dockets began interfering with Amica Center attorneys' abilities to complete other case work and organizational activities including program management and supervision of staff. Moreover, due to the frequency of unannounced (and unpublished) changes to EOIR policy and

judge's varying implementation of it, it became necessary for managers and more senior attorneys to provide FOC coverage, further compounding the impact on supervision and training capacity within our program.

35. Additionally, judges are now using the three-week continuance policy to establish deadlines by which all relief for detained unaccompanied children needs to be filed. This is a massive change from historical practice and creates an incredibly expedited timeline upon which children are expected to file for any relief they may be seeking. It will not be possible for Amica Center to provide full and effective representation for all children whose cases will be referred from the asylum office to EOIR. As immigration judges generally require that supplemental evidence be filed at least two weeks in advance of trial (30 days in released cases), that provides approximately one week to prepare and file supplemental evidence for quickly-scheduled hearings. In one case, the Amica Center attorney argued that more time was necessary to obtain evidence from the child's home country, but the judge indicated that he was unable to schedule the trial date more than 3 weeks in advance and that the best he could do was offer the attorney one more master calendar hearing with the understanding that the trial date would take place three weeks after that. If this policy were to be applied to all currently-detained Amica Center clients, it would be completely unsustainable, particularly in conjunction with the expedited USCIS interviewing policies outlined above and the pressure to resolve all unaccompanied children's cases (detained and released) by the end of 2026. Three weeks is also an insufficient amount of time to adequately prepare a child to testify in open court and to be cross-examined by a DHS attorney. In addition to the barriers discussed above in the context of preparing children for asylum interviews, the requirement to testify in open court and be questioned by the judge and opposing counsel can be particularly terrifying and re-traumatizing for children.

36. By Amica Center's observation, immigration judges are under extreme pressure to adjudicate unaccompanied children's cases by the end of the calendar year. For example, beginning in September 2026, Amica Center observed that some immigration courts began

scheduling individual hearings in every unaccompanied child's case on their docket before the end of 2026, advancing all hearings that had been previously scheduled in 2027 or 2028 for dates in 2026. On September 22, 2026, an Amica Center attorney appeared in person at the Sterling Immigration Court and was scheduled for an individual hearing in a child's asylum case for May 2027. On September 24, 2026, the attorney received a call from the Immigration Court indicating that the individual hearing "needed to be moved to a date prior to November 30, 2026," and informing the attorney that it had been scheduled for November 12, 2026. At least 15 other cases have been similarly advanced to dates ranging between October 9, 2026, and November 30, 2026. Hearings have been advanced to dates providing very little notice or time to prepare and file evidence. For example,, we received notice on October 7, 2026, that an individual hearing originally scheduled for December 2027 had been advanced to October 29, 2026. Most recently, we received notice on October 15, 2026, that an individual hearing that was originally scheduled for February 24, 2027, was advanced to October 29, 2026, providing only 14 days' notice. The hearing is now set to take place before an immigration judge assigned to the Atlanta Immigration Court.

37. In one particularly telling case, a case was already scheduled for an individual hearing on December 2, 2026. On September 17, the immigration judge issued an order reading, in its entirety: "The Court has received instructions to advance this case. A new hearing notice will be sent. The hearing has been moved two days earlier, to November 30, 2026, at 1:00 p.m." *See* Attachment B (Order). The same Amica Center attorney received an identical notice in a different case advancing that hearing to November 30, 2026, at 8:00 a.m. Similarly, at an in-person master calendar hearing on September 8, 2026, an Amica Center attorney (after having been denied a continuance to allow USCIS to adjudicate the client's asylum claim), was informed by the judge that "dates had not been released yet" but that the individual hearing would likely be scheduled for September 2027, which would historically have been a typical time frame. Instead, a hearing notice was issued for October 26, 2026.

38. Unaccompanied children's master calendar hearings are also being rapidly accelerated in

patterns consistent with the apparent efforts to "finish" all juvenile cases by the end of the calendar year. On October 8, 2026, Amica Center attorneys received over a dozen notices rescheduling children's master calendar hearings from dates ranging from late October to December 2026 onto one docket on October 15, 2026. In one case, the child had a master calendar hearing the day before, on October 7, 2026, at which it was discussed that the child had just filed her asylum application with USCIS, and her case was set for an individual hearing on March 1, 2027. The following day, the case was reset without explanation to a master calendar hearing on October 15, 2026. On October 14, 2026, Amica Center attorneys received notifications indicating that children scheduled for master calendar hearings in the Sterling Immigration Court had been rescheduled to an immigration judge assigned to the Atlanta Immigration Court. In one of those cases, the child had appeared the day before, on October 13, 2026, with the previously-assigned judge and had obtained a continuance until mid-December because the asylum office had not yet made a decision on their asylum application.

39. In addition to the harm to Amica Center's ability to adequately prepare the child's legal representation on these exceptionally accelerated timelines, the chaotic scheduling itself continued to pose major operational challenges to our ability to effectively plan for and complete the work necessary to effectively represent our child clients. To accommodate that number and frequency of hearings, dockets are overscheduled with more cases than can reasonably be heard in the allotted time. Attorneys must frequently wait hours for their cases to be called. EOIR policy changes also now require hearings to be scheduled in person unless permission is granted to appear virtually, further stretching our limited resources. Hearings are also being rescheduled at an unprecedented pace which makes time management and case planning increasingly difficult. In one of my own cases, a child's master calendar hearing was advanced twice in the past three weeks: on September 22, 2026, I received a notice advancing the hearing from December 8, 2026, to November 4, 2026; on October 6, 2026, I received a notice again advancing the hearing to October 15, 2026, and reassigning it to a new judge. The 8-year-old child's asylum interview took place on October 13, 2026, and it is clear that no meaningful update will be available by the new hearing date. The near-constant reshuffling of

court hearings has made it increasingly difficult to schedule essential client meetings, including finalizing their declarations and preparing children for upcoming asylum interviews and individual hearings, and has directly contributed to clients receiving less effective services.

40. These accelerated timelines, particularly taken in conjunction with the expedited processing of children's asylum applications by USCIS as described above, directly interfere with Amica Center's provision of comprehensive services by creating artificially short, and often conflicting, timelines on which case preparation must occur for multiple clients simultaneously. Due to the abrupt termination of federal funding outlined above, we are unable to responsibly hire additional staff. EOIR's treatment of unaccompanied children on the detained docket, particularly when understood in conjunction with similarly expedited treatment of cases by USCIS, has directly impaired Amica Center's ability to assist those children to fully present their claims for protection in the United States. The extreme acceleration of the timelines at all stages of the process on which children are expected to present their claims has strained our internal capacity to the breaking point, caused unnecessary re-traumatization of children, and almost certainly resulted in asylum decisions being made on an incomplete record due to the unavailability of evidence on the artificially shortened timeline and the rushed preparation of children to participate in procedures which are complicated and intimidating even for adult applicants.

41. Finally, Amica Center staff has observed these accelerated timelines are being applied equally to unrepresented children, resulting in dire but predictable results of children being ordered removed without the opportunity to seek immigration relief. In addition to requiring *pro se* children to enter pleadings and take legally significant actions such as acknowledging proper service of the NTA, the immigration judge on the juvenile docket in Annandale has begun attempting to determine, in open court, whether the children had established *prima facie* eligibility for asylum. In practice, this involved asking the children the question, "If you returned to [your home country] do you fear you'd be harmed by the government of [that country] or that you will not be protected by the government from someone?" Based on the

child's one-sentence response, the immigration judge then determined whether the child had established good cause for a continuance to be permitted to apply for asylum with USCIS. In response to the question of why they feared return to their home country, a teenage girl responded, "My dad stabbed my mother and I don't want the same to happen to me," to which the judge responded, "what you have described is not a basis for asylum." When the judge denies a continuance to apply for asylum, he requires the child to, on the spot, choose between voluntary departure and the entry of a removal order. In multiple cases in which Amica Center was present as Friend of Court, the child expressed confusion and emotional distress at the dichotomy of that choice and indicated a lack of understanding of what to choose. After several minutes, if the child could not articulate that they wanted to accept voluntary departure, the immigration judge ordered their removal. Amica Center's inability to take on additional cases due to our rapidly accelerated commitments to existing clients is contributing to these children being forced to proceed *pro se* and has frustrated our mission to ensure that children do not appear in immigration court alone.

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

Executed on this 16 th day of October 2026, in Washington DC.

Laura Michelle Nally

_____

Laura Michelle Nally
Program Director
Amica Center for Immigrant Rights

Signature: Laura Michelle Nally
Laura Michelle Nally (Oct 16, 2026 13:08:16 EDT)

Email: laura@amicacenter.org

EXHIBIT C

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. 26-cv-04326-BAH Declaration Of Roxana Avila-Cimpeanu, Esq. on Behalf of Plaintiff Florence Immigrant & Refugee Rights Project

DECLARATION OF ROXANA AVILA-CIMPEANU, ESQ. ON BEHALF OF PLAINTIFF FLORENCE IMMIGRANT & REFUGEE RIGHTS PROJECT

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 and accurately 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. Prior to my current position, I served as Children's Legal Program Manager, Managing Attorney for the Children's Pro Bono Program, Pro Bono Mentor, Staff Attorney, and Law Graduate with the Florence Project's Children's Legal Program serving unaccompanied immigrant children in Arizona. During my time at the Florence Project, I have personally provided free legal services, including direct representation, and pro bono mentorship, to at least 140 unaccompanied children, as well as legal orientations and Know Your Rights

Presentations to hundreds more.

I. The Florence Project's Mission and Scope

4. Founded in 1989, FIRRP is a non-profit organization dedicated to providing free legal and social services to the thousands of adults and children in immigration custody in Arizona. Our vision is to ensure that every person facing removal proceedings has access to counsel, understands their rights, and is treated fairly and humanely.

5. The Florence Project is the sole 501(c)(3) non-profit organization dedicated to providing free legal services to both unaccompanied children in Arizona and adults in immigration detention in Eloy and Florence, Arizona.[1] Through our attorneys, accredited representatives, legal assistants, and network of pro bono attorneys, the Florence Project provides free legal education and high-quality free immigration representation to thousands of people who are detained in immigration custody and face removal in Arizona. In total, the Florence Project currently has a staff of 127 people. The Florence Project operates two larger direct legal service programs, one serving unaccompanied children, and one serving primarily detained adults, as well as a smaller advocacy program, which directly serves both adults and children in federal court. Currently, 49 staff members, including attorneys, law graduates, EOIR Accredited Representatives, legal assistants, and social workers work in our Children's Program.

6. For decades, the Florence Project has provided high-quality immigration legal services and education to thousands of unaccompanied children detained in ORR custody in

[1] While FIRRP remains the only organization serving both unaccompanied children and adults in Arizona, United States Committee for Refugees and Immigrants ("USCRI") has begun providing some limited services to children detained in Arizona. Per Office of Refugee Resettlement ("ORR") declarations, on August 4, 2026, ORR entered into a supplemental cooperative agreement with USCRI to provide legal services for the approximately 2,000 unaccompanied children then in ORR custody across the country. *See Cmty. Legal Servs. in E. Palo Alto v. U.S. Dep't of Health & Hum. Servs.*, No. 25-cv-02847-AMO, (Hereafter "*CLSEPA v. HHS*"), Dkt. No. 186-1, at *6 (N.D. Cal. Aug. 28, 2026) (Declaration of Richard Debaney). As of August 26, 2026, that plan had expanded for USCRI to provide legal services for approximately 22,000 unaccompanied children across the U.S. "including children both in and out of ORR" custody. *Id.* As of August 28, 2026, USCRI had 57 legal staff to provide said services, with a goal of reaching 115 full-time employees to serve this population. *Id.* Per USCRI's website, it operates as a not-for-profit organization.

Arizona. This includes providing direct representation to hundreds of children annually who otherwise would be without an attorney and providing developmentally appropriate "Know Your Rights" ("KYR") presentations to children in ORR shelters to help them understand what is happening to them and their legal process, as required by law under the Trafficking Victims Protection Reauthorization Act of 2008 ("TVPRA") and ORR's Foundational Rule, *see* 45 C.F.R. § 410.1000 et seq. We also work to ensure that no unaccompanied child in ORR custody in Arizona goes to court alone. We do this by providing representation to hundreds of children; we currently represent between 500-600 unaccompanied children and youth in their legal cases. Additionally, until very recently, FIRRP has also provided friend-of-the-court ("FOC") support before the Executive Office for Immigration Review ("EOIR") for unaccompanied children who were likely to reunify with a vetted sponsor or be accepted to a foster care program, such that the child's interests were better served by establishing a full attorney-client relationship with an attorney in their receiving community. Through these two models, both direct representation and *pro se* support through KYRs and FOC, FIRRP has historically provided free legal assistance to hundreds, and often thousands, of children seeking humanitarian protection and other relief in immigration court or before U.S. Citizenship and Immigration Service ("USCIS") each year.

II. Florence Project's Services to Unaccompanied Children

7. The Florence Project's core work with unaccompanied children involves providing free legal and social services to unaccompanied children facing removal in Arizona. FIRRP provides unaccompanied children with legal education, social services, and representation in state court, before USCIS, and in removal proceedings. Its matters include asylum, Special Immigrant Juvenile Status ("SIJS"), U- and T-visas, trafficking-related assistance, and, when necessary, appeals to the BIA and petitions for review in the Ninth Circuit.

8. The foundational level of our services to unaccompanied children has historically been based on providing age-appropriate legal education services and KYR presentations and conducting individual legal screenings with all unrepresented children in ORR custody in Arizona. For decades, FIRRP staff ensured that every unaccompanied child who is detained in

ORR custody in Arizona receives developmentally appropriate, basic KYR information and an intake in a language and mode they understand within 10 business days of their arrival in an Arizona ORR shelter facility, where possible, in keeping with 45 C.F.R. § 410.1309(a)(2)(i)(B).

9. The Florence Project was one of the first organizations to provide legal services to unaccompanied children, even before the inception of the TVPRA and placement of children in ORR custody. For decades, FIRRP provided many of its legal education, representation, and other legal support services for unaccompanied children under the federally funded Unaccompanied Children Program ("UCP"). The UCP was established to effectuate the protections guaranteed to unaccompanied children under the TVPRA and Immigration and Nationality Act ("INA"), and was based, in part, on work and systems for delivery of legal services that the Florence Project had piloted. However, on July 31, 2026, ORR allowed the UCP contract with the Acacia Center for Justice, which previously administered the grant, to expire, with no successor plan in place to continue providing legal services for children. Because these services are so central to our work, mission, and vision, FIRRP has continued to provide free legal and social services to unaccompanied children. FIRRP staff have continued to provide orientations for children who are new arrivals in the ORR facilities in Arizona, continued to help unrepresented children prepare for court, continued, until very recently, to serve as FOC when allowed by EOIR, and continued to fully represent between 500-600 unaccompanied children with whom we had established an attorney-client relationship. FIRRP has been able to continue these core services for children after the lapse of the UCP by drawing on alternative funding sources. However, recent policies adopted across agencies have come together to create a maelstrom in which cases before both USCIS and EOIR require significantly more work at an untenable pace.

10. Nearly 300 of the 500-600 children FIRRP represents have asylum applications pending before USCIS. Around 50 of those children have asylum applications pending before immigration courts. Under the TVPRA, USCIS has initial jurisdiction over unaccompanied children's asylum applications. Thus, more than 80% of FIRRP's current work in children's

asylum cases is before USCIS, preparing our clients for non-adversarial interviews in an office setting, as opposed to an adversarial courtroom. Approximately 8% of FIRRP's current child clients—nearly 50 children—are 12 years old or younger, including one child who is only 1-year-old and is in ORR custody in Arizona.

A. Florence Project's Representation of Children before USCIS

11. Because until recently most children were reunified with a vetted sponsor relatively quickly, FIRRP routinely not only provided representation to detained children seeking asylum or other relief before USCIS, but also representation to non-detained children who remain in its Arizona service area and who are seeking relief before USCIS.

12. One of the TVPRA's key protections for unaccompanied children is the opportunity to file their asylum claims with USCIS for initial adjudication. A more relaxed timeline to apply for asylum and other forms of affirmative relief before USCIS enables FIRRP attorneys to develop rapport with their child clients. In my experience, children often require more time and effort to build the trust needed for them to speak openly and fully about past trauma they may have experienced. For example, a child who applies for asylum or a T, U, or SIJS visa has by definition suffered past harm. They likely do not speak English as a first language or have any direct knowledge of the U.S. justice or immigration systems, and in many cases are still learning how to read and write. In some cases, children do not even know what country they are in until we explain it to them. In FIRRP's experience, attorneys may have to meet with a child over the course of weeks or even months for the child to both feel comfortable and familiar enough with the process and the relationship to disclose information necessary to build a claim.

13. The child-centered pace that has traditionally characterized the USCIS asylum process allowed many children to be safely reunited with vetted sponsors before they had to work to file their asylum application. In my experience, reunification with a sponsor is critical for children to effectively develop their asylum claims for two reasons. First, reunification gives

children a chance to feel safe, secure, and settled, which is crucial for them to be able to open up about the worst things that have happened to them. Second, detention in itself often interferes with children's ability to fully engage in the process of preparing an asylum case, as children in detention are away from loved ones, isolated, and are not uncommonly subject to in-custody mistreatment, discrimination, or abuse.

14. Asylum before USCIS is also a non-adversarial process, where asylum officers specifically trained in trauma-informed interviewing adjudicated the claims. Asylum interviews are conducted in an office, not a formal courtroom, with a familiar interpreter. The child is accompanied by an interpreter they know, their attorney, and have the right to have a trusted adult, such as their assigned social worker, in the room to support them. Factors such as these make the structure of a USCIS asylum interview a far more child-friendly adjudication option, which is precisely why Congress requires these specifically designed procedural protections for unaccompanied children. By comparison, all other defensive asylum applications are adjudicated by EOIR. Immigration court is a far more formal and adversarial setting. Government attorneys from the Department of Homeland Security, appear in active opposition to the child. The immigration judge presides from an elevated bench while wearing judicial robes, and the courtroom often features government seals and security personnel acting in a bailiff-like capacity. The interpreter is unknown to the child and may not even be in the room but appearing virtually. In addition, hearings may be observed by others, including ORR staff, other respondents, and other detained children, all of which can make the setting intimidating for children and impede their ability to share traumatic experiences.

15. The TVPRA also expressly exempts unaccompanied children from the one-year deadline to apply for asylum, which applies to all other noncitizens who seek to apply for asylum. Eliminating the one-year filing deadline for unaccompanied children's acknowledges their special vulnerabilities and developmental needs, and the difficulty they may have in applying for asylum. It allows children to find an attorney, build trust and rapport with their chosen counsel, and reunify and reintegrate into a stable, non-detained home environment before

going through the traumatizing process of filing for asylum.

16. The slower pace is particularly important for FIRRP's unaccompanied child clients of "tender age" (younger than 12), some of whom are pre-verbal. A more child-centered process allows attorneys sufficient time to locate and interview family members and other knowledgeable individuals who can shed light on the child's history, the reasons for their migration, and the basis for potential forms of relief that the child may be incapable of expressing independently. Many of FIRRP's tender-aged child clients are unable to remember or fully understand the circumstances that required them to flee their homes. Others experienced serious and significant trauma such that they are psychologically unable to share the full extent of their experiences after having just met with our staff for the first time and while still detained. Moreover, because we work with children who have been harmed or neglected, or who are of tender age, it is not uncommon for us to work with children who are not yet able to read or write. Generally, children lack the ability to recount their experiences using the legal terminology and structured narrative expected by the Asylum Office or Immigration Court to prove that they meet the statutory definition of asylum.

17. In recent months, practically everything about USCIS asylum notice, scheduling, and adjudication processes has changed, with devastating results for FIRRP and our clients.

1. Changes to USCIS Practices in Scheduling Asylum Interviews

18. In FIRRP's experience for at least the past decade, USCIS gave counsel enough written notice of an asylum interview for us to update the application, prepare the child, secure interpreters and expert evidence, gather foreign records and get them translated, and submit supplemental materials. These tasks are substantial, especially where a child speaks a rare language, has experienced trauma, or requires records available only in the country of origin. In the past we received notice at least 21 days before the interview, and often longer.

19. In the period between receiving notice and the interview itself, FIRRP staff meet with the child client to determine if any amendments or updates to the application are necessary

and to explain again the practical and legal effects of asylum to the client. Such visits often involve coordinating translators, as many of our child clients speak a language other than English or Spanish. For rarer languages, such as indigenous Mayan languages, it can take weeks to identify an adequate interpreter, and this has become more challenging given that many interpreters are themselves immigrants and are not willing or able to translate for asylum cases anymore. FIRRP staff must assist with or coordinate translations since any documents provided in a language other than English must be translated to English with a certified translation before submission to USCIS. If expert witnesses are involved in the case, preparation involves meeting with our experts and finalizing any declarations or other evidence to be submitted. In some cases, we have to contract with organizations that can go to the child's country of origin and get copies of certain documents that are only available for access in person, such as death records or other vital records. Many of our clients attend psychology sessions to get a psychological evaluation that can explain or fill in the gaps that can exist when working with traumatized children and youth.

20. In my experience, it can take anywhere from 15 to 30 hours of attorney time to prepare an unaccompanied child's case for an interview, not to mention additional time from legal assistants, social workers, volunteer coordinator, and others who support the case preparation and translation. Because final preparation before the interview in these cases takes a substantial amount of work, sufficient notice is incredibly important for attorneys to be able to schedule these tasks and time into their existing workflow and court schedule.

21. If, for whatever reason, the unaccompanied child client or a FIRRP attorney was unable to attend the interview on the date noticed by USCIS or needed more time to assemble a complete and comprehensive supplemental evidence package, the FIRRP attorney would submit a written request to continue or reschedule the interview with USCIS, usually directly through emailing the USCIS Los Angeles Asylum Office. Until recently, as described below, USCIS would grant those continuances based on "good cause." In FIRRP's experience, "good cause" has included pre-existing conflicts with other interviews or court hearings, pre-existing time off

of the assigned attorney, an unaccompanied child's inability to attend due to previously scheduled important medical or court appointments, or illness on the part of either the unaccompanied child or attorney. FIRRP has even successfully reschedule an interview when the minor is so distressed by the idea of the interview that they need more time to get emotionally ready to testify. Based on historical practice, USCIS would routinely grant such reasonable requests and reschedule the interview—typically to the next available appointment where there was no other conflict, which could be a few days, but often could be a few weeks or months later.

22. Since approximately July 31, 2026, FIRRP has seen a number of notable shifts in USCIS's policies and practices for scheduling asylum interviews for unaccompanied children. First, beginning on/around July 31, 2026, FIRRP began to receive a significant number of notices of asylum interviews being scheduled en masse in Arizona. For the first 7 months of 2026 up until July 31, FIRRP received around 50 notices for asylum interviews, which was in itself an increase in the normal scheduling patterns. However, in August and September alone, we received around 50 additional notices. For the vast majority of the interviews that have been scheduled since July 31, FIRRP staff were given very little notice, most commonly less than 21 days, and often closer to 14 days before the interview, giving FIRRP staff significantly less time than we historically had to supplement and prepare our unaccompanied child clients for their interviews.

23. Recently, we have started to receive as little as one days' notice before an asylum interview. That means we have less than 24 hours to prepare a child to share their story to a stranger. One attorney received one day notice for a 9-year-old client, and because she already had two hearings scheduled in immigration court on the day of the noticed interview, we had to find last minute coverage for the EOIR hearings from other busy attorneys. Even more alarming, this child was also scheduled for an EOIR hearing the same day, which was set to take place less than two hours after the noticed interview time, which means that if she were to go to her asylum interview, she would likely get an *in absentia* removal order in EOIR, and if she went to EOIR,

her asylum interview could be ordered abandoned. Given this choice, the child's tender age, the impossibility of preparing a nine-year-old in less than one day, the child went to EOIR with another attorney, and her assigned attorney went to USCIS to explain the conflict and as for a rescheduled interview.

24. Given how common it is for our legal team to receive less than 21 days' notice, we are put in a position where we have to regularly counsel children about the risks of not appearing for the interview, compared to the risks of appearing without having time to prepare. We have also had to counsel our clients to assume that their supplemental filings will be rejected since we often receive interview notices less than 14 days before an interview. The government's actions are putting us in a position where we have to counsel children to make tough calls, instead of devoting time to helping them feel comfortable and prepared to talk to a USCIS officer.

25. Additionally in August, USCIS officially announced several policy updates. First, USCIS announced an "Updated Evidence Submission Policy for Affirmative Asylum Applications," requiring all evidence in support of an asylum application to be submitted 14 days before the asylum interview starting on August 21, 2026. This updated policy significantly reduced the number of days that FIRRP staff have to prepare supplemental materials for these cases, and in many cases made it impossible to comply with the new filing deadline. In the past, the asylum interview notices expressly stated that applicants "should" submit supplemental evidence "as soon as possible or at least 7 to 10 days before the interview," but we regularly were allowed to submit supplemental evidence in person on the day of the interview. On August 21, FIRRP attorneys who had received interview notices that were generated before August 21 that expressly stated that supplemental evidence *should* be submitted 7-10 days before the interview had their supplemental filings rejected under the new policy because they were within 14 days of the interview date. The policy had just gone into effect that day, and USCIS did not notify the FIRRP attorneys that they would be subject to its stricter deadline. And in the week of Oct. 12, 2026, we received as little as three days' notice before an interview, which means that

we could not submit supplemental evidence for that case, as any evidence submitted would necessarily be considered timely under USCIS's new policy. Additionally, the assigned attorney was out of office until after the interview, and because we know that requesting a rescheduled interview is currently futile, we had to find emergency coverage. This forced the child to prepare for a potentially life-altering interview with an attorney with whom they are not familiar and without even the opportunity to present supplementary evidence since the notice of interview came within 14 days of the interview.

26. Since August 21, USCIS has continued to reject our supplemental filings as untimely under the new 14-day rule, even though USCIS gave us less than 14 days' notice. We are at the point where we expect this pattern to be the norm and are anticipating that the filings will be rejected. We continue to prepare and file supplemental evidence even though we know that it is untimely since the scheduling practices make it impossible for us to comply with the deadline and we feel strongly that it is critical to push back on this lack of due process, but ultimately, we are currently spending a lot of hours on evidence that is likely to be disallowed from entering the record in our client's asylum case.

27. Second, also on August 21, 2026, USCIS officially started following the "Updated Interview Rescheduling Procedures for Affirmative Asylum Interviews," which supplanted the historic "good cause" standard with an "exceptional circumstances" standard for requests to reschedule an asylum interview. Shortly thereafter, for the first time in my memory, USCIS started denying requests to reschedule asylum interviews filed by FIRRP attorneys despite obvious showings of good cause and even where exceptional circumstances warranting rescheduling existed. Since this change in policy, for example, USCIS has denied requests to reschedule filed by attorneys with two asylum interviews scheduled with USCIS at the same time. Not only is the denial of the request to reschedule a departure from USCIS's prior approach to reschedule requests, but the fact that USCIS would double-schedule the attorney at all was also a departure from prior norms. In the past, the asylum office actively worked with our office in advance of scheduling interviews to ensure that we did not have unnecessary conflicts in

interview times with our large number of clients. Arizona does not have an Asylum Office, and instead, the USCIS Los Angeles Asylum Office ("LA AO") conducts a "circuit ride", which means that they will send an officer to Phoenix to hear a batch of pending asylum cases. In the past, the LA AO would tell us up to a month in advance when there would be a circuit ride, and allowed us to send a list of clients for each attorney so that cases would not be scheduled at the same time, and generally approved reschedule requests for a number of reasons. Now, the AO email does not respond so we have to spend time getting someone on the phone, and USCIS states that such conflicts created by their scheduling practice do not constitute a reason to reschedule, or they not even respond to our requests.

28. USCIS's definition of what constitutes "exceptional circumstances" for rescheduling is an extraordinary bar to rescheduling. In one particularly egregious recent case, our unaccompanied child client was scheduled for an asylum interview just days after she was due to give birth. A FIRRP attorney timely filed a request to reschedule the interview on July 31, 2026, before the new policy was formally announced, but USCIS never issued a decision on that request. Our client ended up giving birth slightly early, in mid-August, and both the mother and her baby experienced complications during the birth, which left FIRRP's client experiencing significant pain and unable to stand, walk, or sit for extended periods of time. Despite providing this information, including information from our client's medical providers, to the asylum office, and despite our attorney appearing at the scheduled interview time to further explain why our client was unable to attend due to her medical complications, the interview was not only not rescheduled, but the client was issued a notice that her absence was being treated as a failure to appear that would allow USCIS to dismiss her asylum application unless she was able to establish within 10 days that her absence had been due to exceptional circumstances. FIRRP attorneys have spent hours responding to the failure to appear and continuing to advocate for this young woman to ensure that she gets an asylum interview.

29. In another instance, a FIRRP staff member was involved in a car accident about two hours before her client's scheduled asylum interview. The staff member immediately

notified her supervisor, who proactively went to meet our client at the USCIS offices, anticipating that the incident constituted sufficient grounds to reschedule the appointment. Our client also wished to reschedule so he could undergo the interview with his own legal representative, with whom he felt more comfortable and with whom he had built rapport and prepared for the interview several times. At the USCIS office, the coordinator requested rescheduling from his supervisor, but the request was denied. Our client did not feel comfortable proceeding with the interview alongside an attorney who had not prepared him, was not his legal representative, and could not have provided the same level of representation as his assigned representative. Our client therefore opted to reschedule and chose to be marked on the record as unable to proceed, hoping to secure a new date once his legal representative submitted proof of the accident. A month has passed, and neither the legal representative nor the client has received a response to the request.

30. These various changes have made the process of preparing for scheduled interviews exponentially more complicated, stressful, and time-consuming We have to spend significantly more time in preparing asylum applications for current client in very short time frames, and this in turn means that we have less time to complete other important aspects of our work. First, between receiving scheduling notices for upwards of 50 interviews in approximately two months, and over 100 total for 2026, as well as policy changes that have shortened the time to prepare supplemental evidence and dramatically reduced the likelihood of rescheduling interviews almost regardless of the level of need, FIRRP attorneys are routinely required to do more in less time for asylum applicant children and youth. This severely strains capacity and has prevented FIRRP from accepting new child clients who are detained in ORR custody and who have active removal cases before EOIR, despite there being dozens of such children in desperate need of legal assistance. The capacity strain also recently forced FIRRP to stop providing Friend of Court services to all detained children in Arizona, which is work we've done for decades. The strain of these cases, combined with our inability to serve other vulnerable children in need due to lack of capacity, has also damaged morale, which leads to staff turnover. Second, USCIS's

new policies and practices around scheduling procedures create a climate in which the agency routinely disregards due process and attorneys' ethical obligations to their clients. Third, and finally, USCIS's changes in policy and practice on scheduling asylum interviews, taken together, have created serious strain on FIRRP's limited resources and has interfered with our ability to provide friend of court services and representation to unaccompanied children in ORR custody. Specifically, as noted above, USCIS asylum interview workloads are so significant and resource-consuming that, currently, FIRRP staff have had to make the difficult decision to discontinue nearly all of our friend of court work – a central part of our services to unaccompanied children for over two decades.

31. Additionally, while FIRRP was able to provide near universal representation to unaccompanied children in ORR custody who were in removal proceedings before EOIR and who had advanced to stages where substantive hearings were being scheduled – pleadings being taken and relief being sought – the current weight of the asylum interview casework in light of new procedures is such that FIRRP attorneys are unable to accept full representation for any additional unaccompanied children, even though there are currently over 40 children in ORR custody in Arizona that FIRRP is aware of who may not have counsel and for whom FIRRP would historically have entered representation for their immigration case. Even for children who are currently unrepresented, we would ordinarily seek to offer representation to as many as possible once capacity opens, but that cannot happen if they are summarily removed before we are able to take new cases again.

2. Changes in Conduct at USCIS Interviews

32. Historically, USCIS asylum interviews were conducted in person in a private office, with the child and interpreter across from a specially trained asylum officer and the child's counsel, who is available to clarify the record. This conversational format is more child-friendly and trauma-informed than remote interviewing, it allows the officer to observe nonverbal responses, and permits counsel to identify misunderstandings and support the child after the interview.

33. Once USCIS completed adjudication of the claim following an interview, FIRRP historically received a written decision on the child's application. There are only two dispositions available for asylum officers adjudicating UC applications: grant asylum or refer the asylum application to EOIR, for a judge to reconsider it in the first instance. Whatever the outcome, the asylum officer's decision was provided in writing and typically issued anywhere from a couple weeks to several months, or sometimes even years, after the interview. On average, I would estimate that USCIS grants more than half FIRRP's unaccompanied child clients' applications for TVPRA affirmative asylum. In cases of clients who an AO determined did not merit a grant of asylum, USCIS would "refer" the application to DHS, who would then file the application with EOIR to initiate proceedings. This filing would sometimes happen years after the referral, particularly in cases where the EOIR case had been terminated, administratively closed, or where DHS would need to initiate proceedings through the proper filing and service of an NTA. Then, the asylum applicant would typically be scheduled for a master calendar hearing, and eventually an individual hearing in which they could present the case again in a comprehensive manner.

34. Now, this timeline is truncated, and procedures have changed in ways that result in quicker removal orders for unaccompanied children, and little to no opportunity to present their cases. Additionally, it has become apparent that DHS and USCIS are in close communication in a way that we have not seen before, with DHS counsel accessing a USCIS database during EOIR hearings, notifying immigration judges that DHS has emailed USCIS to expedite a child's asylum case, and asking the immigration judge for hearing dates just after the interview date. DHS attorneys have even told judges that "we are doing expedited adjudications" when the judge asked when a case will have a decision from the asylum office. At a hearing in October, a DHS attorney stated on the record that a case had been referred and though they did not have proof to submit to the court, stated that "it is now procedure for matters to be referred." Consistent with that statement, FIRRP is receiving decisions from the asylum office faster than ever before. Whereas in the past, we would get a decision from the asylum office weeks or months after an interview, we now receive them within days. For example, in one recent case,

USCIS scheduled the interview for October 5 and the child attended, USCIS mailed a notice of decision on October 6 and within hours that same day, the DHS attorney had already filed a Motion to Pretermit the case before EOIR. In another case, a FIRRP client's EOIR case was initiated in 2020 and administratively closed in 2022 for a pending USCIS asylum. The unaccompanied child attended an asylum interview on August 27, 2026, and then an additional interview on September 23, 2026. On September 29, 2026, the USCIS case status reflected that a decision was mailed, and just a day later, EOIR's automated case system showed that the case had been re-docketed on September 30, 2026, with a hearing set for October 29, 2026.

35. On top of this, in recent months, there has been an extremely concerning trend of immigration judges improperly taking jurisdiction or attempting to adjudicate the child's asylum claim in immigration court before USCIS even has a chance to interview the child. For the first time in my practice, the court is requesting that children, even unrepresented children, present the basis of their asylum claim for the record, or ordering that they submit copies of the asylum applications even if the Court does not yet have jurisdiction to adjudicate it.

36. For children who have not yet submitted an application for affirmative asylum with USCIS, immigration judges are ordering children's asylum claims abandoned if they are not submitted within EOIR-imposed timelines that are unreasonable, particularly considering the fact that the immigration judge does not have jurisdiction over asylum claims that have not yet even been filed with USCIS. FIRRP is aware of a number of cases where an IJ effectively stripped USCIS initial jurisdiction over asylum for unaccompanied children by ordering removal for children still under the age of 18, who had asserted fear of return to their country of origin, but who had been unable to file an asylum application to USCIS *pro se*. In several cases, FIRRP has requested more time to meet with children due to their tender age, or in order to build rapport, including in cases where a child had a pending application for other forms of affirmative immigration status, and where procedural safeguards are required under *Matter of M-A-M-* (25 I. & N. Dec. 474 (B.I.A. 2011), which requires safeguards to ensure a fair hearing for individuals deemed incompetent to represent themselves, as is the case with children in an immigration

hearing. Despite laying out these compelling reasons, the judges have refused to grant more time.

B. Florence Project's Representation of UC Before EOIR

37. As noted previously, FIRRP's mission also includes representation of unaccompanied children in their defensive removal proceedings before EOIR.

38. FIRRP attorneys also have historically attended every detained docket for unaccompanied children in the Phoenix and Tucson Immigration Courts and, where allowed by the judge and where such services are appropriate, we have served as Friend of Court ("FOC") for any cases where a child does not yet have representation—typically in cases where the child is still seeking to attain reunification with a sponsor or family member.

39. Because the TVPRA requires that unaccompanied children "be promptly placed in the least restrictive setting that is in the best interest of the child," most children to whom we provide educational KYR services in ORR custody and FOC services typically reunified with sponsors elsewhere in the United States, often in as little as a few weeks to a few months after arrival in ORR custody. As a result, FIRRP staff did not immediately enter as counsel on behalf of every detained child in Arizona, but in our FOC role we would both ensure that no child was alone in court and assist the immigration judge by providing critical information to the court regarding the status of the reunification process, the child's best language, special vulnerabilities and other critical information, where appropriate and allowed by the immigration judge.

40. In the past year and a half, new onerous requirements for child sponsorship have resulted in children remaining detained for much longer periods of time in ORR custody, sometimes potentially indefinitely. This has required FIRRP to expand representation to children who previously would have reunified with sponsors outside of Arizona. In the past, children were typically released within 30-60 days; the average length of stay for children discharged from immigration custody in AZ was around 120 days. For children currently in care in Arizona, the average length of stay is now around 180 days, with one child having been in care for over 600 days (over 1.5 years), and three other children detained for over a year.

41. Based on FIRRP's observations while representing existing detained UC clients on the detained juvenile docket and based on observations in our role as Friend of Court when we were still providing that service, we have noticed several alarming changes to EOIR's treatment of all detained unaccompanied children.

1. EOIR Practices Shift to Make Detained Unaccompanied Children's Docket a "Rocket Docket"

42. For most of the last decade that I have been at FIRRP, DHS's NTA filing practice has been much more child-friendly and trauma-informed than what we are seeing now. When FIRRP was providing legal services under the UCP, EOIR regularly shared docket information with us to ensure that we were able to support children in their hearings, either through Friend of Court services or full representation. Children's proceedings in EOIR typically would not be initiated for at least 60 days or more, and some children were reunified without ever having EOIR hearings initiated while in they were detained. Now, DHS initiates removal proceedings almost immediately upon children arriving in ORR facilities. It is common for children to have their first immigration court hearing before a judge just days or weeks after they came into ORR custody. Despite INA § 239(b)(1), which requires that "the first hearing may not be scheduled earlier than 10 days after service of the notice to appear", some judges are even setting the first hearing set within 10 days of DHS filing the NTA. The process has become so accelerated that, in a few dockets at the Phoenix and Tucson immigration courts, EOIR had children appear for hearings before the child's NTA had been properly served and filed.

43. Prior to May 2026, Phoenix EOIR regularly gave children 4-6 months between hearings so that they could reunify, apply for foster care placements, find an attorney, or apply for relief. For example, at Phoenix Immigration Court's detained juvenile docket in 2025, children's cases were regularly terminated, administratively closed, or given lengthy continuances, up to over 200 days. Now, immigration judges no longer administratively close or terminate proceedings for any unaccompanied children. Continuances are the only remaining docket management tool, but immigration judges have also fundamentally changed how they use

it. Starting in early May 2026, children were given closer to an average of 30 days between hearings. Now, as of September 2026, children receive only 14 to 21-day continuances. On August 17, two unrepresented children got a continuance of around two months to file an asylum application, but less than a week later and without any explanation, the immigration judge *sua sponte* advanced the cases such that they were required to return to court only 11 days after the August 17 hearing.

44. Prior to May 2026, children routinely received 120-180 days' continuance for reunification to be processed or for the child to find an attorney, both of which help ensure that children can pursue relief and have their legal rights protected. Now, however, immigration judges grant only a few brief continuances—three weeks at most—including for children who are unrepresented and do not speak English, have limited access to interpretation, or cannot understand court interpreters. Potential USCIS relief is often characterized as speculative, and children have been ordered removed after failing to complete complex English-language asylum applications in days or weeks. In the past, FIRRP would have offered to represent nearly all unaccompanied children in ORR custody who did not have a sponsor or otherwise needed an attorney to avoid removal. Now, there have been more than forty of children whom we have been unable to represent because of strain caused by the new USCIS and EOIR policies impacting unaccompanied children.

45. EOIR's current practice of giving only very brief continuances also makes FIRRP staff attend court on a much more frequent basis, which cuts into how much time our attorneys can spend doing substantive work on the cases in which they have entered appearances. This problem is amplified by changes to EOIR docketing, in which all children's cases are now heard remotely and, in at least some courtrooms, tend to be interspersed with hearings for individuals detained at other locations. The result is that covering a court docket is now both more frequent and more time-consuming such that it has become a limiting factor in FIRRP's ability to take on new cases and our painful decision to decrease the number and type of services we offer to children.

2. EOIR Makes All Detained UC Hearings Fully Remote and Assigns New Immigration Judges

46. In mid-August 2026, FIRRP learned of two major changes to the detained children's docket in Arizona. First, FIRRP learned that the immigration judge who had previously handled the Phoenix detained children's docket for nearly 7 years had been replaced with an immigration judge whose main docket is the adult detained docket at the Eloy Detention Center. The new immigration judge has no known experience managing a children's docket and has shown a willingness to remove children with valid claims for relief in a way that we have not seen before. From around August 7, 2026, the Phoenix detained juvenile docket was handled by the Assistant Chief Immigration Judge, who normally only handles the Tucson detained juvenile docket, before switching to the current assigned judge on or around August 26, 2026. This change away from the long-term detained juvenile docket judge has coincided with the drastic increase in removal orders for children with forms of relief and fear of return, and with the increase in coercive tactics used in court to pressure unrepresented children to take voluntary departure.

47. Second, FIRRP learned on August 13, 2026, that the detained children's docket would be moved from primarily an in-person docket to a fully remote docket. Hearings for detained children in Arizona historically have been largely in person, except for a relatively brief period during the COVID-19 pandemic. However, on the August 13, 2026, morning docket in Tucson, the Immigration Judge hearing detained children's cases in Tucson stated in the middle of a hearing that she had received a notification from the Chief Immigration Judge that all detained children's cases are to be held virtually from that day forward. No justification for the shift in policy was offered beyond the fact that these were the instructions she had received. At the afternoon docket that day, Florence Project staff asked the court if any legal authority was given regarding the sudden change from in-person to virtual hearings. The judge stated that the Chief Judge had ordered that all juvenile hearings should be remote, that the Chief Judge did not cite any authority, but that the IJ works for the Chief Judge and must follow her directions.

48. The use of video teleconferencing ("VTC") hearings for children undermines the fairness of their proceedings and is neither child-centered nor trauma informed. Forcing children to appear by themselves from the place of their detention while their attorney or legal support is in another location is not a child-centered way to manage children's removal cases. There are several negative consequences to VTC hearings for children.

49. To begin, virtual hearings make each proceeding take significantly longer because simultaneous interpretation is not available online, leading to exhaustion among our clients and staff.

50. This shift to less child-friendly procedures has had a detrimental effect on children in custody. In one example, FIRRP staff observed a hearing where an unrepresented unaccompanied child in ORR custody appeared remotely. The child, an advocate, and FOC counsel repeatedly reported that the child could not understand the interpreter; the court responded only after an on-site case manager explained that the child was crying. Other indigenous-language children were ordered removed that day despite similar interpretation and comprehension concerns. The frequency of the hearings and move to virtual dockets have led to other issues with interpretation. At some dockets, children, including FIRRP clients, were forced to go through the hearing with an interpreter service who was apparently using AI. The interpretation was frequently inaccurate, with portions of the judge's statements omitted or mistranslated, including incorrect future hearing dates. Most of the children did not understand the AI interpreter and FIRRP had to explain what was said afterwards. In addition to access issues caused by faulty interpretation, FIRRP is also concerned about the privacy implications of the use of AI in our clients' proceedings.

3. IJs Are Required to Complete Detained UC Cases by a Date-Certain

51. Since ORR allowed the UCP contract to lapse on July 31, 2026, FIRRP has witnessed a noticeable escalation of official and unofficial changes that have sped up the deportation of children. Multiple unrepresented children, including children as young as one year

old, have been told to file asylum applications or their cases will be deemed abandoned. In recent weeks, the judges and DHS have used the number of hearings a child has had against them, without acknowledging that the court is the one setting hearings less than a month apart. Unrepresented children, who have not been able to find an attorney or to fill out the complex asylum application in the short time allowed by the Court, are having their asylum cases deemed abandoned and are ordered removed or coerced into taking voluntary departure. Both DHS and the judges are informing unrepresented children that they will receive around $3,000 if they take voluntary departure, without explaining the consequences or waiver of rights that attach to voluntary departure. Children's reunification status is also being used against them, with one judge stating that since there is no viable sponsor, the minor had to choose between removal or voluntary departure.

52. For the large majority of the decade I have worked at the Florence Project, the Immigration Courts in Arizona would send us a weekly final docket and tentative docket for upcoming week, which included information regarding which children were scheduled each week. For most of that time, children's dockets were held in Phoenix around once a week, and less frequently in Tucson. These lists and regular cadence were immensely helpful because they notified us which children were scheduled to go to court for the next few weeks, allowing us to meet with them, prepare them for their hearings, learn information that could be used for Friend of the Court services, and provide information where authorized to do so to any ORR-appointed Young Center Child Advocate (best interest attorney). In those conversations with children, we were also able to ascertain which children wanted to ask for Voluntary Departure and safe repatriation at the next hearing so we could prepare notices of appearance and ensure that it would be safe for the child to return, and that they were not being pressured to do so by others, including their traffickers or abusive parents.

53. However, after April 7, 2025, EOIR abruptly stopped providing these weekly docket lists. As a result, our staff had to begin manually checking EOIR's Automated Case Information System for each child in custody in Arizona to determine whether a hearing had

been scheduled. This process required substantial staff time but was necessary to ensure that we were able to adequately prepare children for upcoming court appearances. At the same time, the frequency of detained children's dockets increased significantly. For example, the Phoenix and Tucson Immigration Courts expanded both the frequency and size of the dedicated detained children's dockets. This increase occurred even though in July 2025, ten ORR facilities operated by Southwest Key in Arizona closed suddenly, eliminating approximately 70% of the ORR's available beds for children in Arizona. Even with large reduction in the number of children detained in ORR care in Arizona, the number of EOIR hearings for detained children continued to climb. The number of hearings in 2026 has already nearly doubled the total for all of 2025 and more than tripled the total for all of 2021. Moreover, just after EOIR ceased providing weekly docket lists, the number of detained juvenile dockets surged from 14 in the first half of 2025 to 32 in the second half of the year.

Chart A: 2021-2016 Phoenix EOIR- Detained Juvenile Docket

Year	Number of dockets	Number of hearings
2021	25	183
2022	36	194
2023	25	149
2024	11	148
2025	48	334
2026	80	616

54. In my decade at FIRRP, we have rarely seen children ordered removed. When a child was removed, it was usually due to failure to appear at a hearing, or at the conclusion of a final immigration court asylum merits hearing. However, since mid-August 2026, we have seen over a dozen children, including at least 10 FIRRP clients, ordered removed. Among the 10 FIRRP unaccompanied child clients that have been ordered removed since August, there are child survivors of parental abuse, neglect, or abandonment, children under the age of 13, children deemed by the Office of Trafficking in Persons to have been victims of a severe form or human trafficking, children eligible for visas as victims of crime in the United States, and children who have expressed a fear of return to their country of origin.

55. In one case, an unrepresented child was told that he would have one more opportunity (10 days) to file for relief or he would be removed. Realizing that no one would step in to represent the minor, FIRRP staff offered representation to the minor, who had expressed a fear of return to his home country. FIRRP had just 4 days to prepare and file the child's asylum application, ensuring the child was not wrongfully removed to dangerous conditions, though with the current workload this is not something we would be able to continue to offer to other children. FIRRP is also aware of at least 3 other cases where children clearly expressed fear of removal or were otherwise facially eligible for potential forms of relief, but who were ordered removed *pro se* despite such eligibility because they did not have anyone who could assist them with filing specific applications on the timeline set by the immigration judge.

56. The speed of the current children's docket puts increased pressure on FIRRP attorneys covering court. For every hearing date scheduled for a child we serve, we meet with that child in person in order to orient them to the court process, prepare them for their hearing, answer their questions and assuage their fears, prepare them emotionally and educate them about their options where a removal order or the Court asking if they want voluntary departure is possible. The dockets themselves are both more frequent and often significantly longer than they used to be, with attorneys sometimes having to go back to court twice on the same day. Even in situations where the docket is virtual, our attorneys and legal assistants sometimes must spend most of the day in virtual court. The increased pace and frequency of the children's docket create substantial additional work for Florence Project staff to ensure that our clients are prepared and that their rights are respected in this accelerated process.

57. EOIR's expedited processing of the detained juvenile docket will invariably lead to more children, including FIRRP's clients, being ordered removed despite fear claims or eligibility for relief or pending applications for relief before USCIS, and will in turn impair FIRRP's ability to provide services to as many children as we previously could. This also creates increased need for appellate services for FIRRP clients and other children who have been ordered removed. Because children with eligibility for relief were not historically ordered

removed, many of the attorneys in our Children's Program have limited experience with appeals before the BIA, or before the Ninth Circuit Court of Appeals. FIRRP has now started training Children's Program staff on how to do appeals but given the current capacity constraints created by USCIS's asylum interview scheduling practices and EOIR's rocket docket, our attorneys have very little capacity to actively assist on appeals on the scale our clients need. As such, other attorneys from FIRRP's Adult and Advocacy Programs who are more familiar with appellate practice, but less familiar with the nuance of working with unaccompanied children have had to step in to support unaccompanied children with the BIA and Ninth Circuit appeals that are now needed as those children are moved quickly towards removal. Additionally, we have had to file several Notices of Appeal to the BIA, and have had to dedicate time not only in the filings, but in making sure the Notice of Appeal is processed by the BIA. Due to backlogs in the BIA clerk's office processing, there are frequently significant multi-week delays between the date an appeal is timely received by the BIA and when it is processed and marked as accepted by the BIA in their electronic system. This delay can come with devastating consequences for clients who may be at risk of improper removal from the U.S. until the Notice of Appeal is marked as accepted in the BIA system. As such, FIRRP staff must spend hours waiting on the phone to connect to the clerk to ensure the Notice of Appeal for our clients have been accepted and marked as such in the system. Such calls routinely take hours to complete due to the high volume of appeals the BIA receives and the fact that the BIA phone system allows only a limited number of people to be on hold at any time (based on my understanding, the limit is 50 people), which together means that someone trying to speak to the clerk's office must sometimes call in multiple times to even be put on hold and then wait on hold for as long as 3 and a half hours to actually speak to a clerk. Staff are resorting to waking up as early as 5 A.M. Arizona time in the hopes of getting through when the BIA opens at 8 A.M. Eastern, and hours are being spent on hold to make sure that the appeals are being properly processed so that our clients are not improperly sent back to harm.

58. EOIR's practices affect FIRRP work with respect to both already represented and prospective, currently *pro se* child clients. For represented children, we now spend more time

preparing for and fighting for our clients in EOIR. For *pro se* children, we intend to continually assess our capacity to accept new clients, particularly because their cases are rife with due process issues or unlawful removal orders. But if we do take on new clients, our work once we have accepted the case will be more complex and likely time-sensitive. Second, EOIR's unprecedented shift to ordering unrepresented children removed and the accompanying due process issues have required FIRRP's small Advocacy Team to dedicate many additional hours to representing unaccompanied children in appellate proceedings that would have never occurred in the past, and to training FIRRP staff on the appeals process at both the BIA and the Ninth Circuit Court of Appeals.

59. In sum, these changes in the expedited scheduling of both EOIR proceedings and USCIS interviews will ultimately limit FIRRP's ability to take on more cases and have already prevented FIRRP from taking cases we historically would have accepted and forced us to cut services that we have provided for decades. These policies significantly curtail FIRRP's ability to achieve its mission of serving all unaccompanied children in Arizona. For all the reasons discussed above, in the immediate term, responding to the coordinated inter-agency changes in the processing of unaccompanied children will make it harder for our staff to fulfill our mission of providing high-quality legal education and representation to unaccompanied children.

60. Finally, the deluge of concerted and intentional attacks on children has negatively affected the morale and staffing of our organization. Our staff are experiencing heightened vicarious trauma in watching our government fail young children day after day. From decades of doing this work, we know that children typically do not end up in a foreign country alone unless something has gone seriously wrong, and we have worked for decades to strengthen the rights and protection for children. The constant injustices, the government's failure to follow the law or notions of due process or fundamental fairness, and the untenable pace at which the government's actions force us to work have led to distress, burnout, and attrition of staff. Experienced, valued, and dedicated staff who have done this work for years are struggling to continue, and the new policies also make it more difficult to hire staff who can do the work and

continue our mission. In my decade of doing this work, I have never witnessed children being treated so cruelly by our government. Yet the immense stress and heartbreak experienced by those of us advocating on their behalf pales in comparison to the fear, uncertainty, and suffering our young clients endure every day.

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

Executed on the 15th of October in Phoenix, Arizona



Roxana Avila-Cimpeanu, Esq.

Deputy Director

The Florence Immigrant and Refugee Rights Project

EXHIBIT D

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 26-cv-04326-BAH Declaration Of Elizabeth Sanchez Kennedy on Behalf of Plaintiff alveston-Houston Immigrant Representation Project

DECLARATION OF ELI ABETH SANCHE ENNEDY ON BEHALF OF PLAINTIFF GALVESTON HOUSTON IMMIGRANT REPRESENTATION PRO ECT

1. I, Elizabeth Sanchez Kennedy, am the Executive Director at the alveston-Houston Immigrant Representation Project ("GHIRP"). I make the following statements on behalf of myself and HIRP. 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 founded HIRP along with two colleagues in 2020, and I have been at the organization since that time. As GHIRP's Executive Director, I oversee the organization's legal services program that is dedicated to unaccompanied immigrant children, support the managing attorney, and provide mentorship to the legal team.

I. GHIRP's Organi ational Mission Scope of ork, and Children's Program

4. HIRP is a legal services organization that was launched in 2020 with a mission to build a resilient, diverse community by providing comprehensive representation and holistic legal services to immigrants in need. GHIRP's legal services range from outreach and education

to complex litigation in the alveston-Houston area. Our legal team provides holistic and comprehensive representation to immigrants in the community, including unaccompanied children, adults, and families. Through legal representation, HIRP ensures that immigrants in the community have equal access to due process in our complex immigration system.

5. The majority of GHIRP's services are conducted out of the Houston office, through two programs: 1) the Community Immigration Program; and 2) the Immigrant Children Youth (ICY) Program. Our Community Immigration Program provides legal services and direct representation to survivors of crimes and human trafficking, adults detained in the four Houston-area immigrant detention facilities, and immigrants in the community who need representation. GHIRP's ICY program is dedicated to representing indigent unaccompanied immigrant children who are living in the community as well as those held in Office of Refugee Resettlement (ORR) custody throughout the alveston-Houston area.

6. Since the organization opened its doors, GHIRP's ICY program has expanded each year. In 2020, we provided direct representation to approximately 35 unaccompanied immigrant children. In 2021, HIRP initiated services in a newly opened ORR facility in Houston, providing Know Your Rights (KYR) presentations, intakes, direct representation, social services, and referrals for children who were released to other jurisdictions. In 2023, HIRP began providing the same legal services to unaccompanied children in a second ORR shelter. GHIRP's direct representation services dedicated to children who are not in custody have also expanded, from 35 cases in our first year of existence to now serving over 500 clients per year. Over the past six years, HIRP has served anywhere from 500–1,500 children annually, including providing legal screening and KYR presentations to 1,500 children detained in ORR custody in a single year, providing direct representation services to approximately 300–500 children per year, providing social services to approximately 120–150 children per year, and providing *pro se* assistance to approximately 35–50 children per year.

7. Until July 31, 2026, GHIRP's ICY program was funded primarily through the

U.S. Department of Health and Human Services' (HHS) Office of Refugee Resettlement's (ORR) contract for the Unaccompanied Children Program (UCP), which was administered by the Acacia Center for Justice's Unaccompanied Children Program. Based on the HHS/ORR funding alone, HIRP hired 19 full-time staff members dedicated to providing legal services to unaccompanied immigrant children, as well as an additional eight (8) attorneys, one (1) Department of Justice Partially Accredited Representative, nine (9) legal assistants, and one (1) social services coordinator. On July 31, 2026, ORR did not renew the UCP contract with Acacia, causing HIRP to lose approximately 49% of its funding as an Acacia sub-contractor. That loss impacted nearly half of our staff members.

8. To carry out our mission with respect to unaccompanied children, HIRP had several main work components (many of which were funded exclusively by the now-terminated HHS/ORR contract): (1) providing educational and pro se services in the form of legal education "know your rights" presentations, conducting individual consultations (intakes), and assisting unrepresented children in ORR custody in the alveston-Houston area with their *pro se* proceedings; (2) representing released unaccompanied children in immigration proceedings; (3) representing children in ORR custody in immigration proceedings; (4) referring children for pro bono legal services outside of the alveston-Houston area; and (5) providing social services to unaccompanied children.

9. To carry out our mission, GHIRP's ICY staff provide child-friendly, trauma informed, and culturally competent representation to unaccompanied children navigating the immigration system. Our approach to representing unaccompanied children works to ensure that children are not forced to return to the dangerous situations they fled, and that they can live in a home with loving caretakers, free from harm and exploitation. Our comprehensive, effective representation includes representation of unaccompanied children seeking affirmative immigration relief before United States Citizenship and Immigration Services (USCIS), such as affirmative asylum, Special Immigrant Juvenile Status, T and U visas, as well as presenting a full

and zealous defense of unaccompanied children in removal proceedings in immigration court. In order to achieve the best results for our clients, GHIRP's legal staff must develop claims for relief, submit reliable and relevant evidence, including expert evidence, and research and write legal briefing that addresses the rapidly changing precedential case law that impacts legal relief.

10. Many children who receive our legal services do not speak English, have experienced trauma, and do not have the resources to hire an attorney. Some clients are so young they cannot read or write in their own language, much less present a legally sufficient case in English in an adversarial court system. We represent non-verbal children, children with mental and physical disabilities, and parenting children who have been sexually abused from a young age. iven their particular vulnerabilities, many of our young clients do not have the means to pay a private attorney, and they cannot present a legally sufficient case before the court without an attorney by their side. GHIRP's free, accessible representation is their only chance to meaningfully participate in their cases and obtain a fair outcome.

11. GHIRP's staff members serving immigrant children and youth are exceptionally passionate about providing legal services to children. All have had formal and/or on-the-job training related to educating and representing children and youth and have developed unique skills to provide child-friendly legal services. Over the years, our team has built rapport with our clients, assisted them in navigating personal and legal issues, and dedicated a significant amount of time and resources to zealously advocating for our clients. Through our services, we hope to achieve our goals of obtaining safety and stability for our clients so that they can thrive.

12. Despite the significant loss in funding, HIRP has continued to represent hundreds of unaccompanied children who were its clients when the Acacia contract expired. Our youngest client is four (4) years old. We still owe ethical duties to numerous clients who have imminent hearings, filing deadlines, and time-sensitive motions before the courts, whom we do not want to abandon; however, we have observed an unprecedented and overwhelming volume of appointments and hearings scheduled for our clients across USCIS and Executive Office for

Immigration Review (EOIR) in recent months.

II. GHIRP's Representation of Children Before USCIS

13. In the past, most unaccompanied children would wait to file affirmative asylum applications with USCIS until after they were released from ORR custody. That's because ORR custody of unaccompanied immigrant children was temporary (usually between 10 days to 2 months), pending their reunification with a sponsor within the United States. Because ORR detention was generally short-term and a child could be released to a sponsor outside of GHIRP's service area, GHIRP generally did not enter representation for unaccompanied children while they were in ORR custody, particularly those who had very limited time in detention. Exceptions were made for children who needed immediate assistance in their case. Our team offered representation to all children who were released to a sponsor in GHIRP's service area.

14. Once an unaccompanied child was released to a sponsor within GHIRP's service area, HIRP would enter an appearance for the child. The first thing that HIRP did when accepting a new, non-detained unaccompanied child client was screen them for eligibility for immigration relief in the form of asylum, Special Immigrant Juvenile Status, a family petition, or a T or U Visa (if the child had not been previously screened by our team while detained in the facilities we serve).

15. This process was previously conducted at a slower pace than in adult proceedings. Unaccompanied children are exempt from the general rule that noncitizens seeking asylum must apply within one year of entering the U. S, which allows them to present the best claim possible because traumatized children disclose information at their own rate, depending on their circumstances. The child must first feel safe and trust their representative to disclose the information necessary for their counsel to effectively represent them. GHIRP's mission of delivering holistic representation includes providing clients with social services coordinators who connect children and families to mental health, educational, medical, and food/housing support. Children benefit tremendously from these services, which in turn enable them to

disclose critical information and actively participate in their case preparation.

16. Specifically, once released from ORR custody, children and youth may integrate into their new environment with their parent/s or caretaker/s, establish a social network in school, and stabilize after their tumultuous experiences. Most importantly, children who receive mental health services are more likely to disclose and discuss past harms fluidly with detail that is not available until there is stability and support in their environment. With the benefit of time and resources, we have experienced minimally verbal children become articulate, young children who have been diagnosed with intellectual disabilities establish a fear-based claim, and abused children disclose sexual and physical violence for the first time. We have had young clients disclose their long repressed sexual orientation after living in a safe and stable home in an accepting environment. We have helped aged-out children and young adults escape situations of homelessness, violence and trafficking through our continued representational relationships. All these developments directly impacted their cases and eligibility for relief.

17. The timeline to apply for asylum and other forms of affirmative relief is also critical to allow GHIRP's attorneys to develop rapport with our unaccompanied child clients. Because the law built in time for our unaccompanied child clients to enter the community and obtain services, and for us to develop rapport, HIRP historically filed affirmative asylum applications with USCIS on behalf of its unaccompanied child clients only after meeting with the clients multiple times to understand their stories. Our standard practice was to first build trust and rapport with our clients, coordinate with mental health specialists (if necessary), and gather information at a pace that meets the child's needs—before filing an asylum application. Depending on the child and the severity of the past harm, this timeline could be weeks or months after entering an appearance for a child. Traumatized children disclose information at different times, depending on their age and mental and cognitive abilities. Our deliberate approach to developing and filing asylum applications with USCIS also protected our clients from having to make significant changes to the application, which can have adverse consequences on their legal

claims.

18. Depending on a child's age, trauma history, and their personality and whether they are predisposed to sharing their story, it could take us anywhere from 5-20 hours to prepare an application for asylum filed with USCIS. This estimate includes the time spent conducting an intake, assessing the child's eligibility for relief, reviewing the Form I-589 (the asylum application), preparing the filing and evidence, and submitting the filing.

19. In GHIRP's experience, once an unaccompanied child's affirmative asylum application was filed with USCIS, they typically underwent the same process, as described below:

20. First, USCIS would schedule biometrics for the unaccompanied child. This ordinarily occurred between one to two months after the child's affirmative application was filed with USCIS. In the past, neither the immigration courts nor the asylum offices could proceed with the asylum application until biometrics had been collected. Biometrics are collected before adjudication, in order to comply with the immigration regulations. If a client does not complete biometrics before the interview or hearing where their case is heard, the application is deemed abandoned.

21. Second, HIRP would receive written notice that USCIS had scheduled our client for an interview with an asylum officer. The notices were generated three weeks before the interview was scheduled and sent to our office by mail. Our office generally received these notices 2–3 days after the asylum office sent them. The timing of the interview notice is critical because asylum office policies require applicants to submit evidence in support of their applications for asylum a certain period of time before the interview date. Our team files applications with initial evidence with the expectation that extensive updated supplemental evidence will be filed once the client is scheduled for an interview because cases were often scheduled months or years later. The long lag time from filing to interview required updated documentation to be filed at the time the case was called for adjudication.

22. In order to manage our caseload, prepare the child for the interview, and submit up-to-date evidence, our office often requested a continuance of the interview date. Additional time allowed our representatives to complete client and witness declarations, obtain psychological evaluations and reports, gather additional corroborating evidence, and finalize expert reports and declarations. Also, if our unaccompanied child client or their HIRP attorney were unable to attend the interview on the date noticed by USCIS, we would submit a written request to reschedule the interview with USCIS.

23. Until recently, as described below, USCIS regularly granted an initial request to reschedule as a matter of right, and a second request to reschedule upon a showing of "good cause." In GHIRP's experience, "good cause" included scheduling conflicts for the attorney or the client and obtaining additional information including updated records and reports. GHIRP's attorneys generally expected USCIS to grant a continuance of approximately two to four weeks. Additionally, the Houston Asylum Office held weekly walk-in hours so that attorneys could file documentation and ask case-specific questions in person. This availability enabled us to resolve issues, such as scheduling and evidentiary issues, directly with the asylum office on the same day.

24. GHIRP's staff fulfill the organization's mission by providing high quality, holistic legal services to our clients. Adequate notice is critical to fulfilling our mission as it allows us to present an application for asylum fully supported by evidence that establishes a client's eligibility for protection. The timelines that we have experienced in the past enabled our legal team to thoroughly present a case while minimizing the risk of re-traumatizing our clients. Being able to represent our young clients at a child-appropriate pace in a very complex legal system enables GHIRP's attorneys to meet their ethical duties as the children's representatives.

25. The process of preparing the client and gathering supplemental evidence generally took HIRP anywhere from 10-20 hours per client, though it could take 15-30 hours for clients suffering from trauma. This estimate includes attorney and paralegal time spent writing,

reviewing, and finalizing affidavits, document review and translation, developing country conditions evidence, preparing an eligibility brief or memo, compiling the supplemental filing packet, and preparing the client for the asylum interview.

26. Third, the HIRP attorney and our unaccompanied child client would appear for the USCIS asylum interview. That interview was almost always conducted in person at the nearest asylum office, usually Houston. Asylum office interviews are child-appropriate settings for several important reasons: 1) they are conducted in a non-adversarial manner; 2) the interview occurs in an office, which is more informal and comfortable; 3) questions are typically formed in child-appropriate language and manner; and 4) the child client is allowed to sit next to their attorney and in front of the officer. Our young clients feel supported with their attorneys and the officer present, which results in more open, fluid testimony. Our attorneys regularly asked re-direct questions and provided oral closing statements at the conclusion of the interview. We also intervened during the interview if the asylum officer was not engaged in child-appropriate questioning or was conducting the interview in an adversarial manner, or if there were significant misunderstandings that the attorney could clarify. Additionally, we intervened if there were errors in interpretation, which enabled us to preserve the record and our clients' ability to win their cases.

27. Fourth, as applicable, GHIRP's ICY attorneys would regularly submit written briefing/closing statements within several days to one week after the asylum interview. That briefing would summarize the testimony and evidence, clarify issues that arose during the interview, and address legal arguments that were raised by the officer during the interview.

28. Fifth, GHIRP's ICY attorney will eventually receive a written decision from USCIS on the unaccompanied child's affirmative asylum application. There are only two dispositions available for asylum officers adjudicating unaccompanied children's applications where the child does not have current lawful status: grant asylum or refer the asylum application to EOIR, for a judge to consider the application de novo. Whatever the outcome, it was provided

in writing and issued anywhere from several weeks to over a year after the interview. Applications that were not granted were referred to immigration court. Because USCIS does not issue denials, there is no way to appeal a USCIS officer's decision not to grant affirmative asylum, or the process through which the affirmative asylum application was evaluated.

29. When USCIS grants an unaccompanied child's application for asylum, GHIRP meets with the client to discuss next steps, legal and social services benefits for which they are eligible, and the timeline for adjusting status to that of a lawful permanent resident.

30. When USCIS refers a case to immigration court, we begin an entirely new aspect of our representation to prepare our client to present their claim for asylum to an immigration judge. This process previously took anywhere from 15-30 hours for each client, and involved assessing the evidence that we submitted to USCIS and how we can represent the claim to an IJ, as well as explaining the EOIR process and timeline to our client.

31. To assess the case that we presented to USCIS, we reviewed our notes and submitted a FOIA request for the asylum officer's notes and assessment to inform our approach before the IJ. We would also review the evidence we submitted, as well as the client's declaration, to assess whether it should be updated or modified or supplemented. We would consider whether to present evidence from other fact witnesses, either in a declaration or through testimony. We would consider engaging an expert witness, either on country conditions or psychological evaluation/trauma. No matter how well our client testified in the interview, we would always practice testimony with the client before the Individual Hearing, since it is a completely different setting and because we now have to practice cross examination. We also have many conversations with our client about the logistics of appearing in the courtroom; what to expect when an ICE attorney is arguing against them; the role of the judge; and the role of the interpreter. We would also update the Form I-589 as needed. Then we would prepare pre-trial briefing, such as eligibility briefs for the IJ that are different than the briefing we submitted to USCIS because they include, among other things, a separate particular-social-group ("PSG")

statement. We will also submit a witness list. Finally, removal proceedings before EOIR involved motion practice that did not happen before USCIS, such as motions relating to pending relief outside of EOIR.

32. Although not a perfect system, the asylum office interview process enabled our child clients to provide comprehensive testimony about the incidents supporting their claims while minimizing the risk of further psychological harm and trauma. GHIRP's staff were able to represent clients to their fullest ability and provide legal briefing, which is critical to fulfilling our mission to provide zealous advocacy.

33. In the six years that HIRP has represented unaccompanied children, USCIS interviewed approximately 10-15 of our clients per year. Until the recent change in scheduling practices, the only other time that USCIS suddenly scheduled many interviews at once was in April and May 2025. When that happened, the Houston Asylum Office allowed our attorneys to reschedule each interview at least one time given the tender age of our children, the influx of cases being scheduled, and the need for time for attorney preparation. After reviewing the circumstances outlined in our requests, the Houston Asylum Office regularly found that we had established "good cause" for the request and rescheduled the interview.

III. Recent Changes to USCIS and EOIR's Treatment of Unaccompanied Children Has Significantly Impaired GHIRP's Ability to Fully and Effectively Represent Our Clients

34. HIRP started noticing significant changes in the way that ORR, USCIS, and EOIR handled unaccompanied children and their cases. Beginning in May 2025, the average length of detention in ORR skyrocketed, with some of our clients being detained in ORR custody for over 450 days, even with our advocacy to help the children get released.

35. Since ORR allowed its contract with Acacia to expire on July 31, 2026, the treatment of unaccompanied children has only worsened. HIRP attorneys and representatives have been scheduled to appear with over 120 young clients for USCIS Asylum Office interviews

between August 3, 2026, and October 8, 2026, to present their claims for protection and receive decisions impacting their futures. Additionally, we have nearly 25 clients scheduled for Individual Hearings on the merits (i.e., trial dates) before the immigration court from September-November 2026, with an additional 20-30 clients who may be scheduled for Individual Hearings imminently. For both asylum interviews and Individual Hearings, HIRP representatives must comply with strict, immediate filing deadlines in each of our cases, including preparing and filing evidence, briefing our legal theories, and helping our clients prepare to testify. This represents a marked increase in the regular number of court appearances and USCIS interviews that we usually have for our unaccompanied child clients, one that we never could have foreseen.

36. Because of the influx of time-sensitive deadlines in our existing cases, our team does not have capacity to initiate representation with new clients; however, in emergency situations, we have provided limited legal services to some children who had no access to legal information or representation.

A. USCIS Schedules Asylum Interviews on E pedited Timelines and Under Unprecedented Conditions

37. USCIS Provides Notice Fewer Than 21 Days Before an Asylum Interview and Refuses Continuance Requests. Beginning in July 2026, HIRP began receiving an unprecedented number of USCIS appointment notices scheduling asylum interviews for our unaccompanied child clients who are currently in ORR custody, as well as our youth clients who had filed their applications many years ago. The asylum office generally provides interview notices by mail, and we generally receive the notice about 15-18 days before the asylum office interviews. In early August 2026, when the influx of notices started, HIRP successfully requested rescheduling of the original dates to provide attorneys with crucial preparation time to update applications, submit updated country conditions evidence, and prepare our clients to testify. The reschedule requests explained to the Asylum Office that we were pro bono counsel at a nonprofit organization that had just lost the majority of its federal funding for those specific cases, and that many clients who had filed asylum applications over a period of several years

were being called into interviews for the same six-week period, causing an impossible capacity constraint for our small staff.

38. Later in August 2026, HIRP staff had many interviews scheduled for the same days and times, resulting in several of our attorneys being double-, triple-, even quadruple-booked for the exact same appointment slots. However, the Asylum Office did not permit us to reschedule more than one time, even when they scheduled the same attorney for simultaneous interviews of different clients. When we raised this scheduling problem with the Asylum Office and requested slight modifications to allow us to be present for all our clients' appointments, USCIS denied our rescheduling request for a lack of "good cause," and the Section Chief upheld this decision. When we requested an explanation for how we possibly could be expected to appear for five simultaneous interviews, we were told that no further explanation would be provided.

39. On August 21, 2026, USCIS published an immediate change to the standard for requesting rescheduling of an asylum interview from "good cause" to "exceptional circumstances." After this policy change, the Asylum Office denied or ignored our requests to reschedule our clients' interviews, even when we specifically request additional time to obtain critical evidence such as an in-progress psychological evaluation. That same day, USCIS implemented a requirement that all evidence must be filed fourteen days in advance of an asylum interview. The combination of these two procedural changes announced by USCIS instantly impacted our ability to prepare clients' cases for adjudication—at a time that our capacity made us incapable of keeping up with the abrupt influx of appointments. By changing the evidence-filing deadline to 14 days prior to the scheduled interview, and USCIS's delayed delivery of notice, our team now has around 3-6 days to prepare supplemental documentation in support of our cases. When we advocated with the Director of the Asylum Office for more time, including providing justifications that should meet the new "exceptional circumstances" standards, such as for children who suffered egregious sexual abuse and had been diagnosed with Post-Traumatic

Stress Disorder and other mental health conditions based on psychological evaluations we had filed, we either received a denial or no response despite multiple email communications. We have had several cases where the interviewing officers rejected our evidence submissions for being within the 14-day period, which they did not convey to us until the day of the interview.

40. We continue to be inundated with an unprecedented number of asylum interview notices for clients. To date, we have received more than 120 interviews scheduled for our unaccompanied child clients. By contrast, we did not receive a single interview notice for other HIRP affirmative asylum clients who had not been designated as Unaccompanied Children. We have heard from asylum officers that the current scheduling initiative was solely focused on Unaccompanied Children, and we have heard from colleagues that USCIS has been instructed to complete interviews for every single pending unaccompanied child application by the end of the calendar year. For HIRP, that would include hundreds of applications, given our more than five-year history of representing unaccompanied children whose asylum cases have been inactive for many years before now, through no fault of our clients.

41. With over 120 interviews scheduled since August 2026, the situation has become untenable and unsustainable. Our staff, who have endured so much already, have begun to experience burnout and vicarious trauma with much greater frequency than ever before, and several staff even opted to leave not only their jobs with HIRP but also the field of immigration law entirely. We have started a community-wide pro bono project to seek help from other nonprofit organizations as well as corporate law firms and even solo practitioners, in order to cover these interviews, and our remaining staff are working overtime to prepare our cases and clients for interviews. Yet these initiatives are insufficient to address the overwhelming number of cases being called at the Asylum Office.

42. GHIRP's attorneys, legal assistants, and social services coordinators have extensive training on child-friendly representation and know how to effectively advocate for young clients in court without re-traumatizing them. But these fast-paced government initiatives

are forcing young children to confront (and publicly discuss) deep trauma very quickly, often in the detained setting without familial support. Our legal advocates are experiencing immense pressure to continue providing trauma-informed representation while inoculating our child clients from external harms and hostility. The immigration court's and USCIS's expedited dockets and processing of children's claims has hindered GHIRP's ability to provide holistic, comprehensive representation to our immigrant children and youth clients.

43. USCIS Begins Scheduling Asylum Interviews with Fewer than 24–Hours' Notice. On September 2, 2026, we received less than 24 hours' notice that two of GHIRP's detained clients were scheduled to appear before the Houston Asylum Office. The Asylum Office called a HIRP attorney at 1:40 pm CT on September 2, 2026, indicating that the attorney would be receiving two notices later that day for interviews that would take place the next morning at a time that would be disclosed in the interview notices. The caller stated that the interviews "had to be expedited" and that she needed to confirm the attorney's email address where the notice would be sent. At 2:35 pm and 3:20 pm CT, the attorney received emails for the two interviews, which were scheduled to take place the very next day, on September 3, 2026, at 7:30 am and 9:30 am CT, respectively. Both children are only 14 years old, and one had been recently hospitalized. The attorney immediately emailed the Houston Asylum Office stating that this was not sufficient notice. She explained that these two children required trauma-informed and child-friendly care to prepare for their interviews and expressed concern for the mental health of the child being asked to participate in a re-traumatizing process so soon after his discharge from the hospital. No response was received.

44. After coordinating transportation with the ORR facility to get the child to the asylum office, arranging an interpreter, and clearing her schedule, our attorney appeared with both clients for the appointments the next day. When she arrived, she was told that the interviews were going to be rescheduled. The scheduling of these two children with less than 24 hours' notice profoundly impacted our attorney who represents these children. These notices came at a

time the attorney was working overtime to meet deadlines in other cases before the Asylum Office. She had no capacity to supplement the cases in the few hours that she was on notice of the newly scheduled interviews. The clients were confused and stressed about having to testify in their cases with almost no preparation or guidance given the time constraints. It was impossible for our attorney to provide high-quality representation with such little notice, much less child-friendly, trauma-informed representation.

45. USCIS Conducts Asylum Interviews of UC Virtually. On September 11, 2026, we became aware of an email sent to ORR care provider staff stating that USCIS would be "requesting to conduct **virtual** interviews with the Unaccompanied Alien Children (UAC) claiming asylum" and that care providers—i.e., ORR shelter staff—needed to facilitate these appointments. The email also instructed care providers to "inform attorney of record and/or LSP [legal service provider] of the virtual interview when the interview time is set."

46. This change is concerning because virtual hearings and asylum interviews impact our young, traumatized clients' ability to testify openly about the harm they have experienced. We have observed clients disassociate from the adjudicator during virtual hearings and interviews, causing their testimony to lack sufficient detail and to be unresponsive to the questions asked. As such, virtual interviews impact our clients' credibility and hinder our ability to present a thorough claim, thereby making it more difficult to establish eligibility for asylum.

47. Since the announcement of virtual interviews, our team has observed confusion and inconsistent communication related to the Asylum Office's interview notices for detained unaccompanied children and truncated notice periods. We have even observed an effort to bypass HIRP lawyers. For example, one of our clients was scheduled for an in-person interview on September 15, 2026, at 9:30am. On September 14, 2026, the asylum officer emailed the ORR shelter to change the interview to a virtual interview at 7:30am but did not send notification to the HIRP attorney representing the child. The ORR shelter notified the HIRP attorney of the change by email as a courtesy. A HIRP attorney emailed the Asylum Office

with a notice of appearance and asked for clarification of the location and time of the interview, since we were never notified directly, and the new location and time in the email were inconsistent with the USCIS interview notice. The Asylum Office did not respond until September 15 at 9:30am, after the interview had been completed.

48. Fortunately, the HIRP attorney appeared at the interview with our client, using the link provided to the ORR shelter at the new time provided to the ORR shelter. During the interview, the asylum officer requested that our 14-year-old client sign documents, including a declaration stating that he had voluntarily requested an expedited interview and was waiving his right to receive 21 days' notice. The attorney requested that all documents be sent directly to her to maintain confidentiality and to ensure that she could properly advise her client about any document he is asked to sign. The officer stated that he was required to send them to the ORR facility rather than to the attorney of record. The child did not sign the document, and the Houston Asylum Office scheduled the client for a re-interview in person. Attached as **E hibit A** to this declaration is a true and correct copy of that waiver document, with redactions of the child's name, A , and interpreter information.

49. The morning of the second interview, the Asylum Office sent a Microsoft Teams link, purporting to change the setting of the interview from in person to virtual at the last minute; however, the child was already present in person at the Houston Asylum Office, pursuant to the notice he received of an in-person interview. The ORR facility had transported him there, and a HIRP paralegal had rearranged her schedule so she could serve as his interpreter, since USCIS said they would not provide an interpreter for the in-person appointment, and the ORR facility was unable to provide one either. Unfortunately, this child had to appear without counsel, as we did not have an attorney available to accompany him because all of our ICY attorneys were appearing at simultaneous court hearings or USCIS appointments. At the re-interview, the interviewing officer explained that because the minor had declined to sign the waiver document, he was being called back for another interview; however, the officer did not conduct a complete

interview. He simply summarized what was discussed at the initial virtual interview and asked the child if that was accurate. When the child affirmed that it was, he asked if the child had anything to add or any questions; the child said no. This perfunctory second interview required HIRP to expend additional staff time and resources for no apparent reason.

50. More recently, we have observed that USCIS has shifted to providing 2–3 days' notice, this time with no apparent opportunity to decline the expedited interviews. On October 5, 2026, the Houston Asylum Office contacted an ORR facility by email to schedule interviews for two children in custody on October 6, 2026. Shortly thereafter, the Asylum Office emailed the facility again, stating that the interviews would actually take place on October 7, 2026. On behalf of the children, an ORR facility case manager responded that same day that "after being informed of the scheduled interview for October 7, 2026, the minors would like to decline the expedited interview and invoke their right to the 21-day notice period." The Houston Asylum Office responded the next day, on October 6, 2026, that "the cases will proceed as scheduled on . If the children do not appear for interview, they can be deemed no shows and their cases referred to the immigration judge." The interviews were conducted virtually the next day, and HIRP did not have capacity to provide an attorney to accompany them due to competing simultaneous appointments. After the interview, the children's Master Calendar Hearings were advanced to October 20, 2026, thereafter.

51. USCIS' recent changes to Asylum Office notifications, including notifying only ORR about changes to the date, time, and location of an asylum interview for an unaccompanied child in ORR custody, creates a significant risk that HIRP unaccompanied child clients will go through their asylum interview alone. The risk is compounded by the fact that ORR has been instructed to accommodate all changes to USCIS's asylum interviews, including by making children available and providing them with a room and interpreter for the interview. At this point, whether HIRP knows the actual date, time, and location of an interview hinges on whether an ORR employee notifies us of the change. These changes, and ORR and USCIS's

policies essentially keeping attorneys in the dark about when, where, and how asylum interviews will take place, directly interfere with GHIRP's ability to zealously and comprehensively advocate for young, vulnerable children.

52. USCIS Refers Most Applications for Asylum to EOIR. HIRP completed more than 95 asylum interviews between August 1, 2026 and September 29, 2026. Around 60 of those cases have received decisions. All but one of the decisions that we have received for interviews conducted after July 31, 2026, have been referrals to immigration court or Notices of Intent to Deny for clients with lawful status. Among those asylum claims referred to the immigration court were multiple cases involving egregious child abuse and sexual assault. The referral decisions have been accompanied by Notices to Appear in immigration court with between one and four weeks' notice of the hearings. Several of the hearing dates were subsequently moved to earlier dates after the Notices to Appear had been issued.

53. HIRP staff have been told by multiple Asylum Officers that there is a new process for deciding cases. Under that new process, the interviewing officers do not make the ultimate decisions on whether to recommend approval or referral of an unaccompanied child's asylum case. In one interview for a very sympathetic case, an experienced asylum officer indicated to the HIRP attorney that the officer was inclined to grant the application, but the decision was, sadly, out of their hands because their supervisor likely would not approve the case. In another interview of a 7-year-old client in September 2026, the interviewing officer hugged our client after the interview was over; a few days later, however we learned that her case had been referred to immigration court. We subsequently heard from a colleague that any approvals now require three levels of sign-off. We still have only received only one grant of asylum from interviews that took place in or after August 2026. By removing the interviewing officers' discretion to recommend a decision on an asylum application, and by leaving it to a supervisor or other government official who has never even spoken to the applicant, it is no longer a fair process. This is very similar to what we have observed in immigration court, where

the judges conducting the hearings have lost a significant amount of discretion to adjudicate motions and applications for relief.

B. EOIR Fundamentally Changes Its Treatment of Unaccompanied Children's Cases

54. Removal proceedings before an immigration court are initiated by Department of Homeland Security (DHS) officials filing a Notice to Appear (NTA) with the EOIR. Unless a child was detained in ORR custody for longer than 120-days, ICE historically waited until a child had been released from custody to file the NTA in the immigration court that had jurisdiction over their residence address in the United States. The hearings for detained children in immigration proceedings were sporadic and enjoyed longer continuances more appropriate for their age, typical trauma history, and the time and care needed for us to help them prepare and file applications for relief. This practice enabled us to actively work on cases of children remaining in the facility long term and those who were to be released to the alveston-Houston area.

55. For the vast majority of GHIRP's unaccompanied child clients, those seeking affirmative relief before USCIS were historically not in active removal proceedings before EOIR while their USCIS applications were pending. If ICE initiated removal proceedings before USCIS had adjudicated an unaccompanied child's affirmative application for asylum, GHIRP would move for the immigration judge (IJ) to use various docket management tools to pause the child's case while USCIS adjudicated their applications. Those case management tools included administrative closure, termination, or placement on the status docket, which immigration judges readily used. In addition to preserving judicial resources, these docket management tools also allowed HIRP staff to focus resources on representing unaccompanied children in their applications for affirmative relief rather than having to appear in immigration court to provide inconsequential updates.

56. In GHIRP's experience, once cases were properly in active removal proceedings

before EOIR—meaning no applications for affirmative relief were pending—IJs often granted continuances for HIRP attorneys to build up our client's claims, which could include finalizing client and witness declarations, gathering additional corroborating evidence, finalizing expert reports and declarations, and identifying and preparing witnesses for trial. These continuances are critical to provide 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 applications with the court. In GHIRP's experience, an unaccompanied child's case would be pending on the non-detained court docket an average of 9 months to multiple years.

57. In or around April 2026, HIRP observed the immigration court accelerate the removal proceedings in detained unaccompanied child cases. This has forced GHIRP's clients, as well as newly arriving children who do not have representation, to appear in court at an unprecedented rate. Based on GHIRP's observations while representing our clients on the detained unaccompanied children docket and while appearing as Friend of Court, we have noticed several alarming changes to EOIR's treatment of all detained unaccompanied children.

58. To begin, HIRP has observed ICE initiating removal proceedings against unaccompanied children while they are still in ORR custody, which puts those children's cases on the detained juvenile dockets. This is an abrupt departure from ICE's prior practice of waiting until an unaccompanied child was released from ORR custody to file an NTA, or until they had reached 120 days in detention if release did not appear imminent. Now, ICE is filing an NTA almost immediately after a child is apprehended and detained, forcing a child to appear in immigration court within a month of their arrival in ORR custody. Children are also isolated from attorneys and families because they are detained in ORR custody. For many of the children HIRP has assisted, this was too soon a timeline for them to recover from trauma they had experienced in their countries of origin or on their journeys to the United States, and to feel comfortable enough to disclose information that was crucial to their legal cases.

59. This abrupt and unexplained change in procedure has significantly increased the amount of time GHIRP staff dedicates to children's court proceedings because we are constantly appearing in court and have to prepare for a greater number of hearings occurring daily. It also causes anxiety and stress for the children, especially tender-aged children who have recently arrived in ORR custody. Normally, we would help those children obtain certain historical information from their parents or other adult family members, such as their address or education history for the past five years, which is a necessary part of the application for asylum and something that young children typically do not know. Under the current timeline, it is not possible. For example, we have had clients who have experienced significant violence at a very young age in their home country but were shielded from the details by their parents. In those cases, the parent provided details as to the mistreatment and harm, context as to the circumstances surrounding the persecution, and the inability for the family to seek protection in the home country. HIRP has represented children whose mothers were subjected to relentless violence by the father, and children whose parents were persecuted for their political activities as dissidents. These cases were bolstered, or wholly supported, by the parents' information detailing the history, context, and details.

60. Immigration Judges Are Prohibited From iving Continuances Longer Than Three Weeks. In about June 2026, immigration judges on the detained juvenile dockets started granting continuances of no longer than three weeks in detained unaccompanied children's cases. In most cases, we observed continuances of two weeks. HIRP staff appearing in court for detained dockets have been told by multiple judges in various jurisdictions that they are not allowed to provide detained children more than 21 days for a continuance.

61. These 21-day continuances do not provide our staff enough time to comply with the immigration court orders and deadlines to file applications for relief before the children are ordered removed. Immigration judges expect new, significant case developments to occur within the three weeks (at most) between each hearing, including preparing and filing complete

applications for relief before multiple government agencies. For example, on October 7, 2026, during a Houston detained juvenile docket, the IJ gave an unrepresented 14-year-old child 20 days to file an application for relief after he stated on the record that he was scared to return to his home country. The judge ordered him to appear back in court less than three weeks later, at which time he must have mailed his Form I-589 to USCIS and filed a copy with the court, including proof of mailing, or else he would find the relief abandoned. A HIRP attorney appearing as Friend of Court had previously spoken up on the same docket to request more than 20 days for another teenage child who was given the same deadline to file his asylum application on his own; however, the judge rejected that request. On another detained juvenile docket in a Houston court on September 28, 2026, a child had indicated he was afraid to return to his country and told the immigration judge he was working to complete his application for asylum; he did not realize he had a deadline to file the application in that hearing, and an attorney appearing as Friend of Court spoke up on the record to inform the judge that it was almost complete but he needed a few more days to finalize the filing and take care of the filing fee. The immigration judge denied the request for more time and ordered the child removed, finding he had abandoned his opportunity to apply for relief, and did not allow him to ask for voluntary departure.

62. More and more immigration judges in the detained juvenile immigration court give little to no consideration to the fact that detained children have no access to representation (see more detail below), a law library, the internet, or legal resources in their native language in order to comply with rapid pace immigration court proceedings and filing deadlines. If a child somehow complies with the filing deadlines set by the court, they must then represent themselves in their asylum office interview or their adversarial court proceedings. As discussed in part above, HIRP has observed multiple children being ordered removed in immigration court or forced to accept Voluntary Departure without an attorney representing them, including when it was obvious to everyone present that the children did not understand what was happening. This practice is an extreme departure from prior practice where detained children

were provided free representation and afforded continuances to file applications for relief and to reunify with their caretakers.

63. IJs Are Rapidly Advancing Unaccompanied Children's Cases to Complete all Such Cases by a Date-Certain. Beginning in June 2026, HIRP observed immigration judges expediting hearings in immigration court for our released unaccompanied child clients in an apparent effort to complete all adjudications by the end of 2026. While we had been accustomed to having our clients' proceedings expedited on the detained juvenile dockets, that was not a consistent practice for released juvenile cases until recently. We observed that all of our clients who had been designated as Unaccompanied Children at some point in time, regardless of whether they were still minor children or had reached the age of majority, were being treated differently in immigration court than our non-UC clients, both minor children and adults.

64. For our non-detained unaccompanied child clients, the immigration court has advanced the merits hearings for approximately 25 cases that were scheduled for Individual Hearings in 2027 and 2028. Now the merits hearings for those cases are scheduled to take place in October, November, and December 2026, which we learned via notices mailed to our inboxes outside of the regular hearing process. This is a departure from the prior hearing-scheduling norms. In the past, immigration judges set case schedules considering the particularities of the client and their desired relief, including relief pending with USCIS, the child's young age, if relevant, as well as medical vulnerabilities. As is customary, the immigration judges considered the schedule of the attorney in charge of the case, providing accommodations for parental leave or planned medical leave, among other reasons. This flexibility was lost when the hearings were rescheduled via written notices sent in large numbers.

65. Based on GHIRP's experiences and observations, immigration judges no longer consider the individual needs or circumstances of the unaccompanied children or their attorney, if they have one, when scheduling cases. For example, the immigration court has advanced hearing dates for children who are in the middle of medical treatments for cancer and organ

failure. The immigration judge rejected GHIRP's requests to reschedule those children's hearings without explanation. Many impacted children also have approved applications for Special Immigrant Juvenile Status, Family Petitions, and Adjustment of Status, all of which would give the child immigration status and make removal proceedings unnecessary and improper. For those children, too, the immigration judge denied GHIRP's request for continuances. EOIR's rushed processing of unaccompanied children's cases has dramatically interfered with our ability to provide high-quality, trauma-informed, and child-friendly representation for our clients, as we have committed and are accustomed to doing.

66. It has also created access to counsel issues. Several of the advanced hearings were scheduled during one of our attorney's planned parental leave periods. When we filed motions to continue the hearings on that basis, they were denied immediately, on the basis that good cause had not been provided. One IJ's order noted that HIRP had other attorneys in its employ who could take over the cases from the attorney on parental leave, without any apparent concern for how this would impact our representation and our client who had built up trust with his primary attorney over many months working together. Like USCIS, immigration judges have set the exact same individual-hearing date (i.e., trial date) for multiple children who are represented by the same HIRP attorney. This information is presented on the same EOIR calendar within the attorneys' case portals, so it is unclear how such a scheduling error could occur when the resets are being done through EOIR's own scheduling system. iven the number of hearings we have on the same days and times, it is impossible for our attorneys on staff to cover all of these hearings, which were previously scheduled over the course of several years, but are now occurring in around eight weeks' time.

67. We are facing an untenable situation now of having to move to withdraw from cases if we are unable to recruit pro bono attorneys to help us with coverage. However, pro bono recruitment on such expedited timelines is very difficult considering most pro bono attorneys have no prior immigration court experience and are resistant to representing children in a fast-

tracked system that is very complex. In the event that we have to withdraw from existing client's cases, we are concerned that the courts will not allow us to withdraw representation at this late phase of the case. Our team is also concerned that the immigration court will impose sanctions, which we have heard from colleagues has already occurred, for withdrawing due to the unprecedented demands placed on counsel due to changes in EOIR's processing of children's cases. The prospect of needing to withdraw therefore puts our attorneys' practices at risk.

68. For our clients who are still in ORR custody, immigration judges are imposing rapid deadlines to file affirmative applications for asylum with USCIS. Immigration judges are ordering children to file a copy of their applications with the Court immediately, even where initial jurisdiction lies with USCIS, as well as proof of mailing and payment of the filing fee. Once an application for asylum is confirmed as having been filed with USCIS, DHS attorneys state on the record that they will coordinate with USCIS to get the asylum interview expedited to take place before the next hearing, typically 2-3 weeks away. After the interview occurs, in some cases, we have observed that the Asylum Office issues a same-day decision.

69. Detained children whose applications are referred to EOIR are being scheduled for immediate Individual Hearings thereafter, since they are already in court proceedings every two weeks or so. We have seen multiple judges on Houston detained juvenile dockets setting Individual Hearings for unrepresented children less than 3 weeks after they appear in Court for the first time after their asylum application has been referred. On one docket on October 9, 2026, the child had not even received notice from USCIS as to the decision on his application from his asylum interview on October 7, 2026; however, the DHS attorney informed the judge (and the child) that it had been referred to Court that same day. When a HIRP attorney appearing as Friend of Court requested more time for the child, the immigration judge said he was not able to schedule a hearing after October 26, 2027, though he did have earlier date options available. This child and many others in ORR custody now face the very real possibility of having their applications for relief pretermitted or denied under recent case law, which will lead to many of

them getting removal orders in the coming weeks if they remain in detention. DHS objects to requests by Friend of Court attorneys asking for more time on behalf of unrepresented detained children in court. If these children are incapable of being released from ORR custody, which is now the norm in light of ORR changes to the reunification standards and ongoing coordination with ICE for enforcement actions targeting proposed sponsors, the entire asylum process will take place while the children remain in government facilities. We are seeing significant decline in detained children's mental health, in some cases requiring hospitalization. Children are confused and losing faith in the system that was intended to protect them but now seeks only to fast-track their deportation. If the detained children cannot afford the 1,030 fee to appeal their case to the Board of Immigration Appeals (many children cannot afford this fee) or find an attorney who can help them prepare a case for appellate review, they will face swift removals to the countries they fled, regardless of whether they have family there to take care of them.

70. All of the unprecedented changes detailed above are designed to summarily deport children without meaningful access to the system in place to protect them. This comprehensive multi-agency effort is expediting unaccompanied children's immigration proceedings at such a pace that effectively prevents HIRP and other legal service providers from providing meaningful legal assistance.

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

Executed on the 16 th of October 2026, in Harris County, Texas.

Elizabeth Sanchez Kennedy

Eli abeth Sanche ennedy
E ecutive Director
Galveston Houston Immigrant Representation Pro ect GHIRP

Exhibit D-1

WAIVER OF 21-DAY NOTICE FOR ASYLUM INTERVIEW
(UACS IN CUSTODY)

Name of Applicant	[redacted]
Alien-Number of Applicant	A[redacted]
Language Used by Applicant	Spanish
Interpreter Used	Yes
Name of Interpreter	[redacted]
Languages Used by Interpreter	English and Spanish

- DECLARATION OF APPLICANT -

- I understand that USCIS generally schedules asylum interviews at least 21 days from the time that notice is provided of the interview date.
- I understand that USCIS has discretion to schedule an asylum interview with fewer than 21 days' notice.
- I voluntarily request that USCIS schedule my asylum interview with fewer than 21 days' notice. I understand that by making this request, I may have less time to prepare for my interview and to obtain an attorney or accredited representative, if I do not already have one.

Signature of Applicant: _____

I certify that I am fluent in both English and the applicant's native language or any other language in which the applicant is fluent and that I have read the above statements to the applicant. The applicant stated that he or she understood me.

Signature of Interpreter: Telephonic _____

Signature of Issuing Employee: _____

Printed Name of Issuing Employee: [redacted] _____

EXHIBIT E

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 Marion Donovan-Kaloust on Behalf of Plaintiff Immigrant Defenders Law Center

DECLARATION OF MARION DONOVAN ALOUST ON BEHALF OF PLAINTIFF IMMIGRANT DEFENDERS LA CENTER

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 statement is true and correct to the best of my knowledge.

2. I am over the age of 18 years old and make this declaration based upon my personal knowledge and experience in my role as Director of Legal Services for the Children's Representation Project ("CRP") at ImmDef. If called to do so, I could and would competently and truthfully testify to these matters under oath.

3. I have worked at ImmDef for around 11 years. I have worked with unaccompanied children for approximately 13 years. Prior to completing my law degree, I was an intake specialist with Kids in Need of Defense, a nonprofit organization that provides legal representation to unaccompanied children. I worked as a staff attorney with ImmDef's CRP before being promoted to Managing Attorney in 2017 and Directing Attorney in 2019. I became Director of Legal Services in 2022. I am an attorney in good standing with the State Bar of California.

I. ImmDef's Organi ational Mission and Scope of ork.

4. ImmDef is a non-profit organization headquartered in Los Angeles, California,

with additional offices in Santa Ana, Riverside, and San Diego. ImmDef was founded in 2015 with the purpose of providing universal representation so that no immigrant is forced to face removal proceedings without an attorney or accredited representative at their side. We believe that every person facing removal deserves to have zealous, competent counsel.

5. ImmDef is the largest provider of legal services to unaccompanied children in California. We represent approximately 3,100 noncitizens annually in their removal proceedings and provide other legal services to approximately 33,000 additional noncitizens. We provide pro bono representation and other legal services to unaccompanied children, indigent detained adults, individuals deemed mentally incompetent to represent themselves, deported veterans, and families separated at the border, among others. Our CRP program is the largest of our departments and has primary responsibility for carrying out ImmDef's mission and vision as it relates to unaccompanied children. In the past, CRP has provided legal services to children housed in seventeen Office of Refugee Resettlement ("ORR") facilities throughout Southern California. ImmDef still represents a large number of detained unaccompanied children as well as hundreds of unaccompanied children who have been released from ORR and are residing with sponsors in the reater Los Angeles area.

6. From our founding until July 31, 2026, ImmDef was subcontracted by the Acacia Center for Justice (which in turn contracted with ORR) to be the designated Legal Service Provider ("LSP") for children detained in multiple ORR-subcontracted facilities throughout Southern California. Through this federal subcontract, ImmDef built an active client caseload of approximately 1,900 unaccompanied child clients and represented nearly 4,000 children over the past eleven years. We have provided non-representation legal services to over 25,000 children through the same program. In 2024 alone, we provided Know Your Rights presentations ("KYR") and legal screenings to over 3,750 children and made over 4,200 referrals for legal services. We offered full-scope representation to over 670 detained children and to over 175 children who had been released from ORR custody, including children placed in the

Unaccompanied Refugee Minor ("URM") program, which provides housing and supportive services to formerly detained unaccompanied children who have been granted certain legal statuses or who have been designated as trafficking victims.

7. ImmDef has regularly employed over 55 full-time staff on its CRP and Detained Youth Empowerment Program ("DYEP") teams. DYEP is a sub-project within CRP that focuses on detained children. ImmDef's CRP team includes directing, managing, and staff attorneys; paralegals and legal assistants; and DYEP Program Managers, Coordinators, and Associates.

8. CRP attorneys are primarily responsible for full-scope representation of unaccompanied children in their immigration matters. This includes representing unaccompanied children before United States Citizenship and Immigration Services ("USCIS"), including the Asylum Office ("AO"); state courts in guardianship and custody proceedings, as well as to obtain Special Immigrant Juvenile ("SIJ") findings; and before the Executive Office for Immigration Review ("EOIR") and the Board of Immigration Appeals ("BIA").

9. The DYEP non-attorney staff have traditionally worked with supervisory attorneys to provide services to unaccompanied children in ORR custody, including KYR presentations and legal screenings. Historically, DYEP staff have travelled to ORR short-term facilities to meet with unaccompanied children on a near-daily basis. In addition to KYRs and legal screenings, these visits would include conducting "wellness" checks on the children to ask how they are doing, identifying any unmet legal or social services needs, and providing positive support for the children as they await reunification with their sponsors.

10. On July 31, 2026, the Acacia contract to provide legal services to unaccompanied children lapsed. Despite this unprecedented loss of funding, ImmDef's mission and work has not changed. We continue to represent hundreds of pre-existing unaccompanied child clients, including a large number of detained children, despite insufficient funding. This is due to our ethical responsibilities to our clients, as well as our mission-driven commitment not to abandon children in the middle of their removal proceedings.

II. ImmDef Provides Numerous Services to Unaccompanied Children.

11. Providing legal services to unaccompanied children has always been at the core of ImmDef's work. In order to carry out its mission, ImmDef's CRP program has historically had several main work components: (1) providing legal education KYR presentations, conducting individual consultations (legal screenings), and making referrals to legal service providers for detained children who would not remain in our service area, as well as Child Advocate referrals (the "Child Advocate" program is enshrined in the TVPRA and appoints "Child Advocates" to certain children to make recommendations regarding the best interests of unaccompanied children), and appearing as Friend of Court ("FOC") before EOIR for unrepresented detained children; (2) representing unaccompanied children who are not in ORR custody in immigration proceedings, including children who have been released to sponsors, and those residing in the Unaccompanied Refugee Minor program; and (3) representing children in ORR custody in immigration proceedings. We represent children in short-term ORR custody as well as children who have been placed in long-term foster care ("LTFC") settings.

12. The children we serve range in age from infants to teenagers, and the vast majority are indigent (which is unsurprising given that they are children). Children, especially detained children, are still recovering from their journey and have yet to reach a place of security and permanency when we meet them. Our team must often conduct multiple meetings with children to build trust and rapport. We also serve children from diverse geographic, linguistic, and cultural backgrounds. While most of our staff are bilingual in Spanish and English, in recent years, we have seen an increasing number of children from non-majority-Spanish-speaking countries, who require interpretation for their stories to be told and their rights to be vindicated. We also often serve indigenous children from Mexico, uatemala, and Ecuador who similarly require interpretation into a Mayan language or uechua.

13. Many unaccompanied children have also experienced significant trauma, whether in their home countries, on the journey to the United States, or at the hands of U.S. immigration

or ORR officials (or all three). As a result of these factors, ImmDef's staff members are highly trained to provide our services using child-friendly, trauma-informed and culturally responsive methods. Due to these same factors, the children cannot be expected to represent themselves before EOIR, nor can they expect to rely on a private attorney who may charge much more than they can afford, and who may lack the training and linguistic or cultural responsiveness to effectively represent them.

A. ImmDef's Services for Unaccompanied Children in ORR Custody

14. Every child who enters the United States and is designated "unaccompanied" should be transferred to ORR custody under the law. Unaccompanied children's custody in ORR has historically been, and is required by law to be, temporary, typically pending their reunification with a sponsor within the United States. Until spring of 2025, it had been ImmDef's experience that unaccompanied children typically remained in ORR custody for a relatively brief period. The average length of custody in 2024 was 34 days, which was on par with what was typical in my thirteen years working with detained children, though policy changes throughout the years might have shortened or lengthened this average slightly.

15. Because unaccompanied children's custody in ORR was historically temporary, and many were routinely released to the custody of a sponsor outside of ImmDef's geographic service area, ImmDef did not offer full-scope representation to unaccompanied children in short-term ORR custody unless they were anticipated to reunify within our service area, were seeking voluntary departure, or had another urgent legal need that required addressing while they were detained. Other children received more limited services in ORR custody such as legal screenings, KYRs, and referrals. ImmDef also sometimes collaborated with ORR staff supporting sponsors who had difficulty completing or satisfying the sponsorship requirements.

B. ImmDef's Representation of Unaccompanied Children in Their Applications for Relief Before USCIS

16. Once we confirmed that a detained unaccompanied child would remain within our

service area, ImmDef would enter a full-scope representation agreement with the unaccompanied child. The first thing that ImmDef did and still does when accepting a new, unaccompanied child client is screen them for eligibility for immigration relief.

17. Prior to this past summer, ImmDef attorneys and staff would spend months developing unaccompanied children's claims for relief. Typically, ImmDef legal staff meet with their child clients at least three to four times over a period of two to four months to develop the trust necessary to prepare and submit applications for relief, though many cases can take longer depending on their complexity and the urgency of other cases on the attorney's docket. Many children are too young to understand why their families were forced to flee their homes, so we need to contact relatives or witnesses—often in the children's home countries—to piece together the basis for their relief. Other children suffer from severe trauma or find it difficult to disclose the harm they have suffered to those they see as authority figures. Facilitating access to mental health services and building rapport with these children is important to ensure they are comfortable telling us their stories. For example, one detained child ImmDef represented was a victim of severe and repeated sexual abuse and torture in their home country. The child was held in one of ORR's long term foster care placements for over a year before finally disclosing the abuse to a therapist, and over two years before finally disclosing the abuse to their attorney. When a child's trust has been repeatedly broken in the most horrific ways by the very adults charged with protecting them, it is no wonder that it would take them many months or years to disclose such traumatic details to the adults they encounter in the United States, even when those adults assure them they are there to help.

18. Once we know the facts of a child's story, we must assemble them and the appropriate evidence into cognizable claims for relief. When pursuing asylum through the affirmative procedures authorized by the Trafficking Victims Protection Reauthorization Act ("TVPRA"), we file a paper form I-589 via mail with USCIS. USCIS sends a receipt notice unless the application is rejected. If we receive a rejection notice, we correct any alleged

deficiencies with the filing and re-file the application. Once receipted, USCIS transfers the case to the local asylum office. Historically, USCIS asylum interview scheduling policies led to some clients receiving an interview notice within at least 21 days of filing (with the interview being scheduled at least 21 days from the notice date). Once the interview was scheduled, we would submit additional evidence and meet with the child two to five more times to prepare the child for the interview.

19. ImmDef spends on average 40–47 hours preparing a full TVPRA-asylum filing. That time includes record requests and initial meetings with the child; filling out an I-589 application to file with USCIS; preparing a declaration, argument, and country conditions evidence; and preparing for and attending an asylum interview. This work was often spread out over several months or more both because developing a relationship with a child who has experienced trauma takes time, and because of USCIS's scheduling practices.

20. Before summer 2026, the TVPRA asylum process followed a predictable pattern. The first step after filing an I-589 application would be for USCIS to send the client a notice for a biometrics appointment. This would allow USCIS to collect basic biographic data for the child and check for any arrest records. The next step, which could occur years after the biometrics appointment, would be for USCIS to schedule an interview. Attorneys would typically receive a notice that USCIS had generated at least 21 days prior, but very often more, before the asylum interview was to take place (though we would sometimes receive the notice with slightly less than 21 days' notice if there were mail delays), with the possibility of rescheduling at least once as of right and additionally for good cause. This was important to allow the attorney time to update or draft in the first instance declarations from the child, family members, or other witnesses, prepare the child to answer questions at the interview, and file statements of the child's proposed particular social groups, country conditions evidence, or legal briefs.

21. If for whatever reason the unaccompanied child or their attorney were unable to attend the interview on the date noticed by USCIS, the attorney would submit a written request

to continue the interview with USCIS, most often by emailing the asylum office. Typically, USCIS would confirm receipt of the email, and then notice that the interview had been rescheduled would arrive anywhere from a week to a few days before the previously scheduled interview date. Until recently, as described below, USCIS would grant an initial continuance as a matter of right and any subsequent continuances based on "good cause." In ImmDef's experience, "good cause" could be established where the attorney of record had multiple competing hearing dates or deadlines, pre-planned time off, or other client commitments. Because attorneys were typically confident that their initial reschedule request would be granted, and any subsequent requests were likely to meet a good cause standard, they could expect that their interview would indeed be rescheduled, so long as they heard back from the asylum office before the appointed interview date. ImmDef's attorneys generally received a continuance of about a month, though longer continuances were sometimes granted.

22. Both the unaccompanied child and attorney would then attend the asylum interview together (at the initial or rescheduled date). The interview was almost always conducted in person at the nearest asylum office. The asylum interviews were "non-adversarial," meaning that the officers would ask questions in a child-friendly manner, no opposing DHS attorney would be present, an interpreter would be provided via a telephonic service, and the child was free to take breaks as needed. The attorney would also be able to ask the child follow-up questions at the interview and make a closing argument. The attorney could also submit a written closing argument up to a week after the interview took place. This allowed the attorney to fully consider and brief any issues that may have come up for the first time at the interview.

23. Being able to sit with an unaccompanied child client at the interview is critical to providing zealous legal representation because it allows the attorney to advocate for their client on the spot, as well as provide any follow-up that may be needed. It also allows the attorney to observe their unaccompanied child client's emotional state at the interview and intervene if necessary. Further, since no transcript is produced at an asylum interview, the attorney's detailed

notes are key if future advocacy on behalf of that child becomes necessary. After the interview, the asylum officer would ordinarily make the decision about the child's case. On information and belief, all decisions were reviewed by a supervisor and either the decision stood, or the supervisor could recommend changes or indicate that the child should be re-interviewed. There are only two dispositions available for asylum officers adjudicating unaccompanied children's applications: grant asylum or refer the asylum application to EOIR for a judge to consider it de novo. When USCIS grants an asylum application, the unaccompanied child is designated an asylee and has the option to apply for lawful permanent resident status after a year.

24. Whatever the outcome of the interview, the decision was provided in writing and issued anywhere from two weeks to several months after the interview. Though the above paragraphs explain the time, effort, and resources ImmDef attorneys and staff put into a TVPRA-asylum filing, ImmDef attorneys also work in parallel on other forms of relief and applications that are crucial for a client's case, such as motions to terminate removal proceedings based on violations of the child's rights, SIJ petitions, applications to adjust status, work permits, T-Visas, and U-Visas. These applications and other forms of relief require additional time, effort, and resources on the part of the ImmDef attorneys and staff. Further, in keeping with our mission and vision, ImmDef has relied on historical case timelines to maximize offers of pro bono representation to unaccompanied children while balancing attorney workloads. Our attorney caseloads of approximately fifty to seventy-five clients each assumed that cases would typically progress along these timelines, absent case-specific emergencies.

25. Children in short-term ORR custody were typically released before applications for relief were required to be filed, while children in long-term ORR placements, such as LTFC, were often required to file applications for relief while in custody because they had no viable sponsor and were expected to remain with ORR until they turned 18 or obtained immigration relief. Even for these children, it was extremely rare for their asylum applications to be swiftly scheduled for an interview.

C. ImmDef's Representation of Unaccompanied Children Before EOIR

26. In addition to providing full-scope representation to children in removal proceedings, since its founding in 2015 until the present, ImmDef has staffed the Detained Juvenile Docket before EOIR. Our presence both as counsel for detained children, as well as FOC for unrepresented children, made the hearings run much more efficiently and in a more child-friendly manner. As FOC, ImmDef would provide accompaniment to an unrepresented child and facilitate information to the court relevant to the proceedings, such as status on reunification efforts or known information about a child's indicia of incompetence. Although as FOC ImmDef could not make motions on behalf of the child, the information provided to the court often resulted in the court taking appropriate actions such as granting continuances or scheduling hearings on the child's competence. Our role as FOC contributed to the smooth functioning of the docket as well as to the child's comfort and well-being in the proceedings.

27. Removal proceedings for unaccompanied children are initiated by DHS filing a Notice to Appear ("NTA") with EOIR. Prior to November 2025, DHS typically waited for a child to be released from ORR custody to an available sponsor before filing their NTA, allowing many children to attend their first removal hearing once they had reached their final destination in the United States (except for a short time during the first Trump administration, when DHS filed NTAs right away). For children whose removal proceedings were initiated while they were still in ORR custody, Immigration Judges typically granted continuances to unrepresented children to allow for their reunification before they were forced to move forward with pleadings or applications for relief.

28. Detained children, in light of their vulnerability and the fact that—unlike for adult respondents—their detention should not be linked primarily to their immigration status but rather to their best interests, were allowed reasonable continuances to pursue asylum as well as other relief outside EOIR such as SIJ status and TVPRA asylum. For the vast majority of ImmDef's unaccompanied child clients, removal proceedings might have been administratively closed or

put on a "status docket" (long continuances to await updates on the status of a form of relief pending outside immigration court and outside the child applicant's control). These docket management tools were necessary in light of the children's trauma history, tender age, difficulty understanding the legal process, and the fact-development challenges that are inherent in representing children. Further, Immigration Judges used these case management tools in recognition that USCIS and state court processing times and backlogs were outside a child's control and the child should not be punished for them.

29. In ImmDef's experience, Immigration Judges often granted continuances for attorneys to build up the claims of their unaccompanied child client, which could include working with experts, drafting declarations and preparing the clients and witnesses for testimony, compiling letters of support, and filing briefs. This process would typically be more intensive than the process before USCIS because it is an adversarial proceeding. Some of the same evidence from USCIS could be repurposed, but the attorney would almost certainly have to update that evidence and collect additional evidence. This process could take three or more months, especially if we need to obtain psychological evaluations or evidence from the child's home country. Continuances are therefore critical to fulfilling ImmDef's mission of providing quality and effective legal representation to unaccompanied children. Alternatively, rather than granting continuances, an Immigration Judge might set a merits hearing out several months or in some cases over a year out, which would allow sufficient time for the attorney to work with a child to build the record.

30. Another option for Immigration Judges to manage their dockets was termination. Termination was typically granted after a client had filed for a form of relief—such as TVPRA asylum or SIJ status—with USCIS and submitted the filing receipt to EOIR.

31. Immigration Judges are required to conduct removal proceedings for unaccompanied children in a manner that is sensitive to their unique needs. We have seen this manifest in the form of waiving children's presence in court when represented by an attorney,

allowing a trusted adult to sit with the child, and granting reasonable continuances for unrepresented children to find counsel, or for represented children to have sufficient time to work with their counsel to prepare their case.

III. Since Early Alarming Changes to ORR USCIS and EOIR's Treatment of Unaccompanied Children Has Significantly Impaired ImmDef's Ability to Fully and Effectively Represent Its Unaccompanied Child Clients.

32. There have been an unprecedented number of attacks on unaccompanied children and their due process rights over the past year and a half. These attacks have come from all angles—USCIS, EOIR, and ORR are all involved. The result has been a major disruption not only to ImmDef's attorneys' practices, but to the lives and emotional and mental well-being of our unaccompanied child clients.

A. ORR Eliminates Meaningful Access to Counsel for Unaccompanied Children.

33. Prior to 2025, children in ORR custody were typically promptly placed in the least restrictive environment consistent with their best interests (typically, release to a sponsor) as required under the TVPRA. For example, the average length of custody for a detained child in 2024 was approximately 34 days. Beginning in early 2025, ImmDef began noticing that it was taking much longer for children to be reunified with sponsors. It now takes around 200 days for a child to be released. The delays in releasing unaccompanied children from ORR custody corresponded with ORR issuing a series of new requirements for individuals seeking to sponsor a child in ORR custody.

34. Around the same time, ImmDef noticed that DHS started filing NTAs against unaccompanied children immediately upon their detention, thereby initiating removal proceedings against those children on the detained unaccompanied child docket. This was an abrupt departure from DHS's prior practice of waiting until an unaccompanied child was released from ORR to file an NTA, or at least waiting a period of time to see if release would be effectuated before the NTA was filed. Worse, many children's hearings were scheduled within

10 days of the service of the NTA on the child.

B. USCIS Schedules Asylum Interviews on E pedited Timelines and Under Unprecedented Conditions

35. Since July 2026, USCIS has scheduled interviews in a manner that I have never seen in my over 13 years working with unaccompanied children. In 2025, ImmDef had approximately 37 interviews scheduled for unaccompanied child clients, an uptick from less than ten per year since the "Last In First Out" policy was implemented in 2018. In contrast, since July 31, 2026, ImmDef has had over 300 asylum interviews for unaccompanied child clients scheduled. All of these interviews have been scheduled to take place between July and November 2026 (the latest known interview is currently scheduled for mid-November), with the vast majority scheduled for a single month—September 2026. ImmDef continues to receive asylum interview notices nearly every day, and the October calendar is filling rapidly with asylum interviews. This rapid pace of asylum interviews has created chaos, overwhelmed attorneys representing these clients, and made it exceedingly difficult to prepare clients for their interviews. Since July 2026, ImmDef has appeared at over 200 interviews and has received approximately eighty referrals, many within a day of interview. We have received only one grant during this period, and it was for a child who was interviewed many months prior. ImmDef has about 800 additional unaccompanied child clients with pending asylum applications who have not yet received interview notices, but we suspect they may arrive soon. We also represent other unaccompanied children who intend to seek asylum, but we are still preparing their applications.

36. On top of the surge in asylum interviews, the amount of notice that ImmDef receives and the time we are provided to submit additional evidence before these interviews has been cut. Since late July 2026, ImmDef has increasingly received fewer than 21 days' notice of asylum interviews, including one with two business days' notice and one with 24 hours' notice. However, USCIS recently announced a policy about when evidence for the asylum application

needs to be submitted, stating that "[s]tarting Aug. 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." (https://www.uscis.gov/humanitarian/refugees-and-asylum/asylum). Longstanding practice, as memorialized in interview notices (even interview notices received after August 21, 2026), required evidence to be submitted seven days before the interview. Attorneys are now being given as little as one week to supplement a child's asylum application. When ImmDef has attempted to submit evidence less than 14 days before the interview, it has typically been rejected as untimely, with the exception of a client described below who was scheduled for interview via phone call with two business days' notice and was allowed to file supplemental evidence the same day as the phone call—which is to say two business days before the interview.

37. A minimum of 21 days' notice before an asylum interview with the ability to reschedule for good cause, which has been the standard for years, gave a more reasonable opportunity for a child and their attorney to develop a relationship and to make the required preparations, including drafting declarations and submitting records requests. I personally, along with the attorneys I oversee, have had insufficient notice of interviews for children with pending TVPRA asylum applications. For example, on Friday October 2, 2026, an ImmDef attorney who had mailed his detained client's asylum application on September 22, 2026, received a call from the asylum office stating that the interview would be scheduled for the following week, on Tuesday, with supplemental materials due that same day. The Asylum Office caller stated that if the child did not appear at the interview, their application would be deemed abandoned. ImmDef had not yet even received a filing receipt for the asylum application. The child, detained in LTFC, was in school when the call arrived. His case manager had to drive to his school and pull him out to obtain his signature on some supplemental documents; his attorney, who was in hearings for other clients all day that day, had to meet with the client after hours and work into

the night to get the supplemental materials filed. The attorney had other case matters the following week, so another attorney needed to fill in for him at the interview. Attending an asylum interview as a child is already a stressful and traumatizing experience. Having to talk about the most horrible things that ever happened to them not only in front of an asylum officer but also in front of an attorney they have never met compounds the trauma and makes it more likely that a child will leave key, sensitive facts out of their testimony. When a child leaves out facts from their testimony due to discomfort with the adults present in the room, it can have profound, damaging impacts on their case. Other attorneys have also received phone calls scheduling interviews within days. On October 8, 2026, one attorney who had filed multiple I-589s at the end of September due to court-imposed deadlines received a call scheduling two of her clients for interview on October 14, 2026 and October 15, 2026, respectively. She notified the caller that she should have 21 days' notice and further that she should at least have fourteen days before interview in order to submit supporting documentation per the policy described above, and requested to speak to a supervisor. The caller put her on hold, then returned to the phone and said she could not speak with a supervisor and that the interviews must proceed as scheduled on October 14 and October 15. That attorney will now have to be at the Asylum Office every business day that week, despite having court hearings and other client matters to attend to.

38. Many other detained clients' applications were recently filed under expedited EOIR deadlines, with Immigration Judges ordering children to submit asylum applications within just a few weeks of their arrival in the United States. At this point, the children's attorneys have not developed a relationship with their clients but must move forward with preparing for the interviews despite having limited knowledge about the child and their claims. Even for non-detained clients' whose applications were filed years ago, the attorneys need to make significant updates to the applications, sometimes because they have learned key facts about the child's claim after conducting multiple meetings with the client or because of factors such as the child's

age, trauma, or restraints on attending meetings due to school and work. For example, the client noted in paragraph 15, above did not disclose their sexual abuse history to their attorney until the child's attorney met with them to prepare for their upcoming scheduled asylum interview. The attorney was forced to rush through helping the client draft a declaration with horrific details on a condensed timeline, at the risk of exacerbating the child's diagnoses of PTSD, depression and anxiety.

39. Additionally, when the attorney learned of the sexual abuse history, she had to request and review psychological and other records on an expedited basis in order to provide additional documentation to the asylum office. The records did not come in time to submit them by the deadline created by USCIS's new 14-day evidence submission rule. When the attorney requested rescheduling of the asylum interview based on the child's trauma history and the pending records request, she was told she would need to wait 30 days for a response. The interview was scheduled with less than 30 days' notice, and she never received a decision on the request to reschedule before the interview went forward as scheduled. The child client did not have the opportunity to submit the records they needed to establish their claim. This pattern has been multiplied across the hundreds of child clients scheduled for asylum interviews in the coming weeks. Children's cases will necessarily be incomplete, not fully developed, and not sufficiently documented given the untenable, unprecedented and rigid timelines, and the trauma inherent in many of their stories. The end result is that more children will be unable to prepare and submit sufficient evidence for USCIS to grant their asylum applications.

40. Because USCIS is flooding ImmDef with asylum interviews, many attorneys are scheduled for multiple interviews with overlapping appointment times in a single day. At one point, ImmDef had over thirty asylum interviews scheduled for a single day on two different dates in September. One attorney was scheduled for 22 interviews spanning from June to September, and another attorney was scheduled for 13 interviews spanning from August to September. Attorneys cannot prepare for that many interviews on such short notice, nor can they

physically be in two interviews at once. Attorneys' attention is also necessarily taken away from other cases when they are responding to so many interview notices. On Monday, September 28, 2026, we had seven attorneys at the asylum office for interviews. Multiple attorneys have been scheduled for more than one interview at the same time, requiring us to reshuffle our child clients amongst our attorney team, including assigning them to attorneys on our adult representation teams who do not usually handle children's cases, and engaging the assistance of pro bono volunteer attorneys. This is not a "trauma informed" way to practice, like ImmDef's mission calls for—it's emergency room style triage.

41. ImmDef attorneys often face insurmountable obstacles when trying to reschedule asylum interviews to allow reasonable time to prepare. On August 11, 2026, USCIS enacted a new policy requiring applicants to "establish exceptional circumstances for USCIS to reschedule [the] asylum interview." (https://www.uscis.gov/humanitarian/refugees-and-asylum/asylum). This standard is different, and harder to meet, than the lower "good cause" standard, discussed at paragraph 19, that had been in place for many years. The policy update stated it would go into effect on August 21, 2026, but did not indicate whether it would be retroactively applied to rescheduling requests pending before August 21, 2026. On August 21, 2026, while the "good cause" rescheduling policy remained published on the USCIS website, we found our answer. All pending rescheduling requests were subjected to the new, heightened standard, even though many of those requests had been pending for weeks.

42. ImmDef attorneys have notified the asylum office that they are triple booked on a given date (the Los Angeles Asylum Office's own posted policy allows attorneys to appear at a maximum of two interviews per day, scheduled at least three hours apart) and have been advised this does not meet exceptional circumstances. Nor, we have been told, does inability to prepare a client in light of significant trauma, or in order to obtain documents on a shortened timeline. Neither does the full-term pregnancy of an applicant who could go into labor at any time, nor the fact that an applicant is nursing a newborn, nor inability to obtain transportation for a child who

lives a five-hour drive from the asylum office where their interview is venued. To my knowledge, no attorney at ImmDef has successfully rescheduled an asylum interview since August 21, 2026, despite dozens and dozens of attempts.

43. On September 18, 2026, one of our attorneys appeared with their client for a scheduled interview. After waiting several hours, the attorney was advised that the asylum office had been unable to schedule a telephonic interpretation-phone monitor in the child's Mayan language. The Asylum Office has a certified interpreter listening on the line to ensure that any interpretation provided is complete and accurate, and in certain instances, an unaccompanied child applicant is allowed to use the phone monitor as an interpreter. Because the phone monitor was unavailable, the asylum office stated that the interview would need to be rescheduled for the following week. Because the Asylum Office's policy requires 21 days' notice of a scheduled interview date, the Asylum Office requested that the attorney waive the 21-day notice requirement. But the attorney was unavailable on the rescheduled date and refused to waive the 21-day notice requirement, twice. Finally, a supervisor came and told the attorney that per new guidance coming from "headquarters," they would not be following the 21-day notice policy and the attorney and applicant would have to appear the following week as scheduled. The supervisory officer would not elaborate on the nature or content of the new guidance from Headquarters beyond that the Asylum Office would not be providing 21 days' notice.

44. ImmDef has seen the stresses of these rushed timelines play out over and over again. One ImmDef unaccompanied child client had to request a break at the beginning of the interview so he could go throw up in the bathroom because he was overcome with nerves. Another became so overwhelmed she could barely understand or respond to simple questions posed by the officer, even through an interpreter. Other children, like the child in paragraph 15, are forced to move forward without all of the relevant documentation and information necessary to present their cases or are forced to testify to their intense trauma knowing that the Asylum Office might reject their claims because not every piece of evidence could be filed more than 14

days before the interview. While an asylum interview is nearly always a stressful experience for a child, being rushed through it with insufficient time to prepare unacceptably exacerbates the stresses and compounds children's trauma. Additionally, attorneys' caseloads can become overwhelming, and they have had to put off other time-sensitive legal work to keep up with the asylum interviews. This new process makes it impossible for attorneys to represent their clients and greatly increases the risk of due process violations.

45. On September 14, 2026, several ORR-subcontracted facilities where ImmDef was the prior designated LSP and where we continue to represent children notified us that they had received guidance from ORR on or about September 11, 2026, that USCIS intended to begin scheduling virtual interviews for unaccompanied children and that it would fall to ORR to provide a space for the interviews and notify the child's attorney, if any. While ImmDef has not yet had any clients scheduled for these virtual interviews, we are deeply concerned about this new practice, including that USCIS is delegating its responsibility to notify the attorney of record of an upcoming interview to a third party—ORR.

C. EOIR Re uires Unaccompanied Children to Defend Against Their Removal Proceedings hile Their Affirmative Asylum Applications Are Pending Before USCIS

46. Based on ImmDef's observations while representing existing detained unaccompanied child clients on the detained docket, and based on earlier observations in our role as Friend of Court, we have noticed several alarming changes to EOIR's treatment of detained unaccompanied children.

47. Beginning in May 2026, Immigration Judges in the Santa Ana Immigration Court, where the detained juvenile docket is venued, started to grant continuance requests for only 21 days. Prior to this change, attorneys were routinely granted continuances of at least 30 days to allow time to prepare initial pleadings and notify the Immigration Judge which forms of relief we expected to seek. This length of time or longer is necessary given our child clients' personal

experiences and trauma, and the time it takes to build rapport. Thereafter, attorneys were routinely granted continuances to allow time for a child to reunite with a family member or friend and thus continue to litigate their removal cases while released in the community. Cases for released children were transferred to a released docket where continuances are granted for much longer periods of time (generally 3-6 months) and attorneys could file both TVPRA asylum applications and applications for SIJ status with USCIS without the time constraints now being imposed on detained children and their counsel. Immigration Judges then often terminated removal proceedings after the child submitted a TVPRA asylum application to USCIS or received an approved I-360 SIJ Petition, particularly if the child had been granted deferred action along with their SIJ Petition as part of a now-defunct Biden-era policy aimed at providing additional protection from deportation to SIJ status beneficiaries. Even if a child's TVPRA asylum application was referred to EOIR, it was common for their proceedings to be terminated to allow the child to pursue SIJ or another form of relief before USCIS. In the rare instances when a client did not have another form of relief available, the case would proceed to merits, but ImmDef has had only a handful of such hearings in its history.

48. In the middle of June 2026, Immigration Judges suddenly stopped terminating cases for children who had TVPRA asylum applications pending with USCIS without much explanation. Additionally, instead of terminating the cases where TVPRA asylum applications had been filed, IJs started following up on cases for detained children with pending asylum applications and rescheduling cases for hearings every 21 days for an update on their TVPRA asylum proceedings. Detained children without pending asylum claims but who have Special Immigrant Juvenile status have also been ordered to file TVPRA asylum applications on short timelines. We recently had one child—a five-year old—in LTFC ordered removed despite his having approved Special Immigrant Juvenile status. His case was re-calendared after being administratively closed, and a prior Immigration Judge granted a continuance to file for asylum by a certain date. The case was then changed to a different Immigration Judge and advanced a

week with little notice to a date before the filing deadline. Even though the deadline had not yet passed, because no application had been filed by the hearing, the Immigration Judge ordered his removal.

49. In one instance in August 2026, when an ImmDef attorney asked for more time to file an application because the child spoke a Mayan language and our funding for interpretation had been lost when our federal funding lapsed on July 31, 2026, the Immigration Judge said he had no discretion to grant a continuance longer than three weeks for detained children. In another instance in early September 2026, an Immigration Judge set for three weeks out a detained child's final individual hearing at which it would be determined whether the child would be deported. The attorney asked for one additional week given that she had many asylum interviews to attend in those three weeks, including one on the proposed hearing date. The Immigration Judge stated she could not give one additional week, but indicated that she could give her one additional day because the attorney would be at the asylum office on the original proposed date. While we were shocked that a judge would acknowledge lacking any discretion to set case timelines on her own docket, this statement was in line with what other Immigration Judges have been doing since May, i.e., limiting continuances to 21 days for detained children. It turns out that one extra day to prepare for an individual hearing was more "generosity" than we should have expected. The case was transferred to a different Immigration Judge who "pretermitted" the application for asylum and ordered the child removed from the United States without a hearing on the merits of her application, even though the child has an approved application for SIJ. The attorney is filing an appeal.

50. This expedited processing of detained children's cases differs from ImmDef's experience representing detained adults. While detained adults often must move forward in their removal proceedings on relatively rapid timelines, none of the ImmDef attorneys representing detained adults have reported any Immigration Judge saying that they are limited to continuances of a certain number of days, nor that they lack discretion to manage their dockets as they deem

appropriate.

51. In many detained children's cases, even the DHS attorney has pressured children to file TVPRA asylum applications on a very rapid timeline and stated that they can flag to USCIS that the interviews should be expedited and completed while the children are detained. Children who would normally be able to go through the interview process while released are now being forced to move forward while detained, receive referrals to EOIR within days of their interviews (to date, ImmDef has received over fifty referrals for interviews that have occurred since July 2026), and scheduled for merits hearings (their final deportation hearing) within weeks after their asylum application is referred to Immigration Court. Currently, ImmDef has final deportation hearings scheduled at the end of October 2026 for more than five children who entered LTFC in May 2026, with additional final deportation hearings scheduled in early November. In my experience, a child's final deportation hearing being scheduled within so few months of their arrival in LTFC is unprecedented. The children's attorneys have rushed to file Special Immigrant Juvenile status applications (which the Immigration Court is ignoring) and TVPRA asylum applications. The asylum applications were scheduled for interviews immediately and referred by the asylum office to EOIR within approximately 24 hours of the interviews (a dramatic change from the historic practice of receiving a decision after two or more weeks, sometimes after several months).

52. These changes at USCIS and EOIR have created an environment that is fast-moving and high-pressure, causing our legal staff to work faster than they have ever worked, often with little notice, to effectively defend their detained child clients from removal. They are not only leading to unsustainable business practices for ImmDef—they will also lead to the removal of children with meritorious asylum applications or other relief. ImmDef has had to turn away many referrals of children whose cases we would otherwise take because our attorneys' capacity is stretched so thin that we cannot ethically take on more clients. In two recent cases, we are aware of unrepresented children being ordered removed on the detained juvenile docket. This

is not something ImmDef would ever have allowed historically—it flies in the face of our mission. But given that our attorneys are camped out at the Asylum Office and now required to prepare for multiple final deportation hearings (and likely appeals), we cannot ethically offer representation to additional clients without undermining the ethical responsibilities we have to our current clients.

53. Another example of how these policies have impacted our ability to zealously advocate for our current clients arose at the end of September, when the "Visa Bulletin" was published, announcing a two-year advancement in "priority dates" of children with SIJ who would be eligible to apply for "adjustment of status" (their green cards). Due to the unprecedented advancement in priority dates, ImmDef has over 450 current clients who are now eligible to file for adjustment, and another approximately one hundred whose cases we were in the process of closing due to federal funding loss who were also eligible to apply. Had we not been overwhelmed by asylum interviews and upcoming merits hearings, we would have been able to swiftly mobilize to immediately prepare and file applications for all children who are now eligible and who want to apply immediately. Instead, we are having to notify clients with priority dates that are more recent that we are unable to immediately assist them. We also likely would have offered to take back the clients whose cases we just closed due to funding loss in order to assist them with their applications. Unfortunately, we cannot. As an attorney, I have never before found myself forced to tell a client they need to "wait their turn" because we cannot get to their case right now. This means there are clients who will have to wait longer to file meritorious applications for relief that could grant them permanent protection—leaving them in limbo and at risk of removal in a time of heightened enforcement. This is not a matter of irresponsible management of caseloads on ImmDef's part—rather, it is a direct result of the government upending longstanding practices, often with no announced policy change, making it impossible for our attorneys to be everywhere at once. As a mission-driven organization dedicated to defending as many immigrants in their removal proceedings as possible, these unannounced

policy changes feel like a deliberate knee-capping.

54. Further, we have had to divert resources away from departments that do not typically handle children's cases to cover the enormous number of asylum interviews for which we have been scheduled. This means that the policies impacting unaccompanied children are having ripple effects across the organization—with attorneys who were hired to represent detained adults being diverted to spend their day at the asylum office with a child whose primary attorney is double-booked. In sum, the unprecedented expediting of all aspects of unaccompanied children's immigration cases, often without any announced policy change, is impeding ImmDef's mission and vision that no immigrant should have to face an unjust immigration system alone—and it is subjecting children to the very types of treatment the TVPRA was enacted to guard against.

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

Executed on this 17th th day of October 2026, in Riverside, California.

Marion Donovan-Kaloust

Marion Donovan-Kaloust
Director of Legal Services for the Children's Representation Project
Immigrant Defenders Law Center

Signature:

Email: mickey@immdef.org

EXHIBIT F

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. _____ Declaration Of Sarah Hough on Behalf of Plaintiff Jewish Family and Community Services

DECLARATION OF SARAH HOUGH ON BEHALF OF PLAINTIFF JEWISH FAMILY AND COMMUNITY SERVICES

1. I, Sarah Hough, make the following statements on behalf of myself and Jewish Family and Community Services ("JFCS".) 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. I also make this declaration based on information I received after consultation with JFCS staff, management, and attorneys. Where information is upon information and belief, the same is stated. Otherwise, the information is based my personal observations and experiences. If called to do so, I could and would competently testify to these matters under oath.

3. I am the Director of the Immigration Legal Services Department at Jewish Family and Community Services in Pittsburgh, Pennsylvania, and have served in this role for approximately two years. In that capacity, I am responsible for overseeing and managing the operations of the entire department, including strategic planning, case matter supervision, staff management and case acceptance policies. Before becoming the Director of Immigration Legal Services at JFCS, I served as the Manager of the Unaccompanied Children's Program at JFCS for approximately one year and as an attorney in private practice for over twenty years.

I. JFCS' Organizational Mission and Scope of Work.

4. JFCS is a non-profit, non-partisan social services organization which has served the Greater Pittsburgh Community for nearly 100 years.

5. JFCS provides comprehensive, innovative and compassionate social services for everyone who walks through the door to the agency and throughout the Greater Pittsburgh region.

6. JFCS' Mission is "Supporting people through life's changes and challenges" and its Vision is "A caring community where all people have the opportunity to reach their potential."

7. JFCS is guided by the Jewish values of *tikkun olam* (repairing the world) and *pikuach nefesh* (saving a life.)

8. JFCS has served as a refugee resettlement agency since 1937. In furtherance of this work, JFCS's Immigration Legal Services Program provides pro bono and low cost affirmative and family based immigration legal services to refugees and immigrants throughout Western Pennsylvania.

9. In addition, JFCS' Immigration Legal Services Program provides legal representation to Unaccompanied Children throughout Western Pennsylvania and West Virginia. The program employs attorneys, accredited representatives and paralegals who specialize in trauma-informed, culturally sensitive legal services for children from diverse backgrounds.

10. Drawing on the Jewish experience with displacement and persecution, JFCS brings a unique expertise in serving children who have fled persecution, violence and genocide.

11. JFCS has represented Unaccompanied Children for over twelve years. Over just the last five years, JFCS has provided legal orientations for and legal screenings of 2,906 Unaccompanied Children. During that same period, JFCS has represented 983 Unaccompanied Children from over 30 countries. Many of these cases involved complex trauma histories,

violence, persecution, abuse, neglect and abandonment.

12. As part of the comprehensive legal representation that JFCS provides, JFCS employs attorneys who practice primarily in state Family Courts in Western Pennsylvania and West Virginia. These attorneys specialize in the screening of Unaccompanied Children for Special Immigrant Juvenile Status. This includes, but is not limited to, analysis of whether or not a child has been subjected to abuse or neglect or abandonment such that it rises to the level that would require the termination of parental rights under applicable state laws. It also includes a further analysis of whether it is in the best interest of the child to remain in the United States or return to their country of origin.

13. Over the last 5 years, JFCS' Family Law Attorneys have represented hundreds of Unaccompanied Children and filed applications for dependency, confirmation of custody and Special Immigrant Juvenile Petitions in state courts in Pennsylvania and West Virginia.

14. In addition to the Family Law Attorneys, JFCS employs attorneys and accredited representatives who practice law both with the Executive Office for Immigration Review ("EOIR"), the Board of Immigration Appeals ("BIA"), Federal Court, and the United States Citizenship and Immigration Services ("USCIS"). These attorneys specialize in screening children for human trafficking, and exposure to persecution, war, violence, abuse, crime or other traumas.

15. JFCS' Immigration Attorneys have represented hundreds of Unaccompanied Children by developing claims for relief including filing applications for asylum, U Visas which are a benefit for victims of crime within the United States, T Visas which are a temporary benefit for victims of severe human trafficking and I-360 Petitions for Special Immigrant Juveniles. Based on humanitarian grounds, these applications provide a legal pathway for legal permanent residency ("green cards") in the United States.

16. JFCS' provision of these services, which encompasses a full and zealous defense

of Unaccompanied Children in removal proceedings, is in furtherance of its guiding values, Mission and Vision.

II. JFCS Has Long Represented Unaccompanied Children in Their Immigration-Related Proceedings.

17. For over 12 years, JFCS has received federal funding that allowed us to provide pro bono legal services to Unaccompanied Children. For the last 4 years, we have received that funding as a member of the Acacia Center for Justice's Unaccompanied Children Program, which until recently held the ORR contract for the Unaccompanied Children Program and was responsible for overseeing subcontracts with more than 100 legal service providers that provided legal services to more than 20,000 Unaccompanied Children.

18. With that funding, JFCS employed 11 full-time staff providing services under JFCS' Unaccompanied Children's Program including the Immigration and Family Law Attorneys discussed above. That team included a program manager, three Immigration Attorneys/Accredited Representatives, two Family Law Attorneys and five paralegals.

19. On July 31, 2026, ORR allowed its contract with Acacia for its Unaccompanied Children Program to lapse, which effectively terminated federal funding for JFCS's Unaccompanied Minors team. Since that date, JFCS has self-funded the ongoing representation of our Unaccompanied Minor clients. JFCS is actively seeking other funding for this work including through foundations and direct donor appeals, state and local government advocacy and private and non-profit grant applications.

A. JFCS Represents Unaccompanied Children in Their Applications for Affirmative Relief Before USCIS

20. Many of JFCS' unaccompanied child clients are children released from ORR custody to a sponsor within JFCS' service area or are children placed in one of ORR's Long Term Foster Care programs where JFCS was contracted to provide legal services. JFCS screens these children for eligibility for immigration relief in the form of asylum, Special Immigrant

Juvenile Status, or T or U Visa.

21. The process of applying for immigration relief for unaccompanied children has historically—and intentionally—been at a slower pace than with adults and other children. For example, the TVPRA expressly exempts unaccompanied children from the one-year deadline to apply for asylum, which applies to all other non-unaccompanied child non-citizens who seek to apply for asylum. Exemption from that timeline allows these children to take the time necessary to build trust and rapport with their attorneys. This trust and rapport allow them to better develop their asylum cases and enables their attorneys to handle interviews and information-gathering in a trauma-informed manner, including by proceeding at the client's preferred pace and utilizing assistance from social workers and clinicians when necessary. The ability to develop the case slowly is particularly beneficial to JFCS' young clients because it empowers them to take control of their own case and choose who to reveal important details about their private and traumatic experiences to, and only when they feel comfortable, not based upon arbitrary deadlines set by the government.

22. For example, there have been instances where JFCS attorneys have worked with a client for months before the child was ready to share critical details about his or her life. In a particularly difficult example, one of JFCS' clients suffered trauma which was so severe and extreme that numerous social workers, attorneys, and mental health professions who have worked with the child describe it as the most difficult and horrific case that they have encountered in their careers. This child was kidnapped by a gang and forced to engage in narco-satanic rituals, including forced cannibalism. It took the child nearly a year of therapy before he was ready to discuss the full circumstances of his case with his attorney. Without this time to heal and to reveal his story and work on the legal case on his own terms, the child may not have been able to apply for legal relief. Being given this time and space was a large part of his healing process and it allowed him to begin work on his legal case once he was able to take agency over what happened to him without feeling guilt.

23. Against the relevant statutory and regulatory backdrop and considering the unique characteristics of unaccompanied children, JFCS has historically filed applications for affirmative asylum with USCIS on behalf of its unaccompanied child clients several months after first identifying their eligibility for asylum. Most of these cases were filed on behalf of released clients or clients who were in long-term foster care because of how long it takes to build the rapport with children to reveal the details of their lives which are necessary for the attorneys to understand whether they are even eligible for asylum. As described above, it is easier for children who are living in safe, stable homes as opposed to congregate care to feel comfortable sharing the difficult details of their experiences.

24. Beginning in July 2026, the immigration judges at the Philadelphia Immigration Court revealed a new policy which provides that juvenile cases will no longer be continued on the docket unless an asylum case is filed with USCIS. This means that unless a child quickly files an asylum application with USCIS, their immigration court proceedings will end with the child being ordered removed. JFCS attorneys witnessed children with predicate orders for Special Immigrant Juvenile Status, approved indications of a severe form of trafficking from the Office of Trafficking in Persons and a pending T visa ordered removed. In one case of a JFCS client who had not applied for asylum but had a pending T visa application, the minor was forced to give testimony as to the facts surrounding her claim. The Immigration Judge stated that " . . . if we are only considering the likelihood of success [of the T visa application] . . . there is probably no more clearer a case for a likelihood of success on the merits than this one." Still, the Immigration Judge ordered the child removed based on their "responsibility" to expeditiously move through their docket.

25. Pursuant to the TVPRA and the *JOP vs. DHS* Settlement Agreement, asylum cases for unaccompanied children are treated as affirmative filings and initial jurisdiction is with USCIS. In the past, it was on this basis that the Immigration Court judges on the juvenile dockets in Philadelphia indicated they were able to continue cases only for children with pending asylum

claims; the immigration court does not have initial jurisdiction over unaccompanied child asylum claims and those claims must be allowed to proceed before a child can be ordered removed.

26. As a result of the recent change in policy, JFCS rescreened all of its existing clients to determine if they were eligible to file for asylum in addition to the form(s) of relief which had already been filed on their behalf. In most cases, JFCS attorneys are now given two weeks by the Immigration Court to determine if a client is eligible to file for asylum and then an additional two weeks to file the asylum application. It is simply not possible to adequately prepare an asylum application within the time granted by the immigration court. But if an asylum application is not filed on behalf of the child, the child will be ordered removed.

i. USCIS Interviews are Scheduled Quickly and with Insufficient Notice

27. Of paramount importance in doing asylum work for unaccompanied children is one simple factor—time. It is necessary to have an appropriate amount of time to build rapport with the clients in order to handle cases in the trauma-informed manner which is necessary and appropriate when working with children. It takes time to research the country conditions so they can be used as evidence. Providing information about country conditions is a necessary element of an asylum case. Time is also important to gather evidence, find and engage with experts, conduct interviews, and draft written statements. Asylum is not intended to be a form of relief that is easily obtained. By its nature, the process and the case should be thorough, comprehensive and accurately address the elements required under the law. Building a case which respects the seriousness and complexity of the asylum process without further traumatizing our minor clients requires time.

28. Now, in contrast to previous experience with asylum applications filed on behalf of JFCS' unaccompanied child clients, new cases are scheduled for interviews within weeks of receipt. In further contrast with JFCS' previous experience with asylum interview notices, interviews are now being scheduled with as little as one week notice to the attorney, client or the ORR shelter required to transport the child to the interview. JFCS has received 24 interview

notices with as little as one week notice since August 2026. Prior to these recent changes, JFCS received written notice that their unaccompanied child client's asylum interview was scheduled with an asylum officer at least a month before an interview was scheduled. Since August 2026, JFCS has had over 24 interviews scheduled with fewer than the typical minimum of one month's notice. JFCS has additional unaccompanied child clients who have submitted asylum applications, and we anticipate they will quickly be scheduled for interviews as well.

29. The timing of the interview notice is critical because of internal USCIS policies regarding submission of evidence in support of the asylum application. Until August 2026, the internal policy at the Arlington Asylum office where JFCS' asylum applications are processed required evidence to be submitted 10 days prior to the interview. The new policy requires receipt of the evidence 14 calendar days prior to the interview. This timeline is important because JFCS is now regularly receiving interview notices only 12 days prior to the scheduled interview and in some cases only a week before the interview. This change in policy effectively means that the applicants are precluded from submitting any evidence which isn't included in the initial filing. And to reiterate, because of the orders of the Immigration Court judges, JFCS is now screening, preparing and filing the asylum applications over an extremely compressed time period. This compressed time frame complicates and limits the opportunity to properly interview the client, gather evidence, secure expert witnesses and draft country conditions in the way that the asylum regulations require. It cannot be overstated: it is extremely difficult to effectively represent unaccompanied children in their asylum proceedings as a result of these unpredictable and unexpected timelines with little or no notice of interview scheduling.

30. Prior to the recent changes, JFCS' attorneys and their child clients appeared together for the USCIS asylum interview which was normally conducted in person at the nearest USCIS office in Monroeville, Pennsylvania. An asylum officer on a circuit ride would travel to the regional office as opposed to requiring the attorney, interpreters and child to travel over four hours to the asylum office in Arlington, Virginia. The interviews were friendly in nature, non-

adversarial, and the only people present were the officer, counsel, and an interpreter. Questions were asked in a child-sensitive manner, and the attorneys were permitted to interject, ask leading or clarifying questions and do whatever was necessary to make the children comfortable while relaying the traumatic things which have happened to them.

31. The ability to have an asylum interview in-person and close to where the child lives was incredibly important in maintaining a trauma-informed interview process. Under the current changes, where children have to travel to Arlington, Virginia instead of appearing in Monroeville, Pennsylvania, the children and their counsel arrive at the interview after a long day of travel and sleeping in a hotel. Everyone is exhausted. Often, the interviews start so early in the morning that the children have not eaten breakfast. It is difficult enough to wake up a teenager and have them travel to a 7:30 a.m. asylum interview and it's even more challenging when they are tired, hungry and far from home. As a result, JFCS attorneys have observed that the quality of the children's responses and participation in the interviews suffers.

32. Before the recent changes, JFCS' attorneys would also regularly submit a written brief and closing argument within ten days following an asylum interview. This brief summarized the evidence in the case, presented legal arguments, and addressed and clarified any issues or questions that arose in the interview. However, per the new USCIS policy, JFCS' attorneys are no longer permitted to submit briefs or closing arguments after the interview.

33. The ability to submit briefs and closing arguments is very important to children's asylum cases. Because our clients are children, it is normal for them to be forgetful, scared, and confused. The additional pressure of being asked to recall and relay the most horrific experiences of their lives to a complete stranger, knowing that how well they tell their stories may determine whether they can stay in the United States, often makes them even more nervous or forget relevant details. Doing all of this under the new compressed time frame, far from home, while tired and hungry is less than ideal for eliciting relevant and accurate testimony. The ability to summarize testimony, clarify information and reiterate legal arguments with a written brief is

crucial to effective advocacy in a child's asylum case.

ii. USCIS Has Made it Difficult, Often Impossible, to Reschedule Interviews

34. JFCS attorneys have submitted timely requests via both email and USPS for multiple asylum interviews to be rescheduled due to lack of sufficient notice, lack of adequate time to prepare clients and in one case, due to the serious medical condition of a child. JFCS has not received a response to *any* of these rescheduling requests. In one case where notice was received only a week before the interview, a JFCS attorney delivered a rescheduling request in person to the USCIS Asylum Office in Arlington while there to attend an interview for another child. Still, no response was received but neither the attorney nor the child attended the scheduled interview due to the inability to make travel arrangements in such a short time frame. Rather than communicate with the attorney on record who had filed the asylum application and has a G-28 for the child, a week following the missed interview, USCIS contacted the ORR shelter where the child lives and rescheduled the interview to be held virtually for the attorney only, again with only one week notice. USCIS provided no communication or notification of this rescheduled interview to the attorney of record. Written notice of the virtual interview was received by the attorney only two days before it was scheduled. USCIS required the ORR shelter to transport the child to participate in the interview in person at the asylum office in Arlington, Virginia, without the child's attorney able to be physically present in the room.

35. When JFCS attorneys have called and asked for interviews to be rescheduled because USCIS' policies require at least 21 days' notice, JFCS attorneys have spent hours on the phone, only to be told a response would be emailed. One of our attorneys was told that she would receive a response "within the next 30 days" (for an interview scheduled the next week) and was told that she would receive a return phone call, possibly on the weekend, at any time from early in the morning to late evening. She was told to always have case details readily available so that she could verify representation. If the call was missed or the information was not readily at hand, the USCIS representative stated that they would not be able to honor the

rescheduling request.

36. Most recently, when I appeared for an interview, the asylum officer told me that my rescheduling request for that interview had been granted. I did not receive notification of the approved request. He explained that there is a new policy not to respond to the requests but rather to wait and see if the applicant appears.

37. The following day, I received an email from the Arlington Asylum Office in response to another rescheduling request. The email response was received the day after the interview occurred. It said that rescheduling requests will only be granted in person at the time of the originally scheduled interview. In other words, if we make a request to reschedule an interview with USCIS we will need to appear at the scheduled interview to learn whether or not our rescheduling request will be granted. This is an untenable method of providing notice of a rescheduling grant and will require JFCS to prepare our clients and travel for interviews we have already said we are unable to attend and/or prepare for. It is nonsensical.

38. As a result of the changes described here, JFCS has had to reallocate responsibilities for multiple staff members to attend asylum interviews on virtually a weekly basis. The volume of interviews, the lack of adequate notice before interviews, and the inability to easily reschedule interviews has forced JFCS to scramble to ensure someone is available to attend clients' asylum interviews. Attorneys have been forced to appear at interviews without being able to make briefing or evidentiary submissions because there was simply not enough time between the notice of the interview and the interview itself to prepare submissions. The chaos created by these changes has also forced JFCS to utilize the services of JFCS staff who are not on the Unaccompanied Children's team to support the work of zealously representing our Unaccompanied Child clients. JFCS has had to rely on intake staff and staff on the Immigration Legal Services General Team to serve as interpreters or legal counsel at asylum interviews. This means those staff members cannot spend as much time on their regular work and cases, which detracts from JFCS' ability to fulfill its goals and meet its objectives across all program areas.

Additionally, JFCS' Volunteer Services team has had to expend significant time and resources to recruit, screen and train volunteers to serve as interpreters at asylum interviews. Finally, JFCS' Leadership and Fund Development teams have had to pivot from the normal practices of supporting the general operations of the agency to attempt to secure new funding streams to fund the urgent work of the Unaccompanied Children's team. Finally, JFCS' ability to accept new cases for unaccompanied children is now significantly more limited than it was earlier this year because these timelines and changes have made it very difficult, if not impossible, to provide the kind of meaningful representation JFCS provides its clients.

B. JFCS' Representation of Unaccompanied Children Before EOIR

39. JFCS also represents unaccompanied children in their defensive removal proceedings before the Executive Office for Immigration Review.

40. Removal proceedings for Unaccompanied Children are initiated by ICE filing a Notice to Appear ("NTA") with EOIR. Prior to 2026, very few of the children detained in short term ORR shelters where JFCS was contracted to were referred to Immigration Court. Court referrals were primarily made for children released to sponsors or children living in a long-term foster care facility who had been in the United States for a longer period of time. Now children are referred to immigration court immediately after being detained, often before they even arrive at the shelter.

41. These changes have had a serious impact on our unaccompanied children team's ability to operate. Initially, even the children referred to Immigration Court proceedings were only required to appear in immigration court very infrequently. They were required to check in with the court every few months or when something important was expected to happen with their case. For example, Immigration Court hearings were scheduled after Family Court hearings or after a certain period of time based on the average processing times for cases with USCIS (e.g.—an I-360 application for Special Immigrant Juvenile Status took about six months to process so the child's next hearing after filing their I-360 was scheduled six months out.) Over the course of

a year, our staff observed the timeframe between hearings become shorter and shorter. First, hearings were scheduled once a month and then beginning in June 2026, every two weeks.

42. Our Unaccompanied Children's team has only two full-time immigration attorneys and one Accredited Representative who represent children in immigration court. One of those attorneys has a full caseload while also managing the team. These attorneys now spend several days a week on what are known as "mega-master rocket dockets" (very large dockets of 40+ detained Unaccompanied children). These dockets last from 7:45 a.m. and can go as late as 6 or 7 p.m. Our staff members sometimes only get two five-minute breaks on court days. Although the hearings occur virtually on a platform called WebEx, the attorneys are expected to be "on call" during this entire time period because they don't know when their cases will be called.

43. Relevantly, there are no meaningful changes in most children's immigration court cases in the two weeks between these hearings. The immigration processes for which our clients are eligible—SIJS, asylum, T visas—take months for any type of meaningful progress or adjudication to occur. Accordingly, often our attorneys wait all day long for hearing which lasts only minutes and where the only information conveyed to the court is that nothing has changed.

44. Compounding the challenge is the time our staff spends explaining these policy changes to our clients, immigrant children who often come to this country from remote towns after living in poverty. These children often do not know what a judge is, what a court is, or even what an attorney does. All that these children know is that they were promised that the United States would be a place where they would find safety and refuge from abuse, trafficking, or violence. It takes much longer to build trust and rapport as a result of these changes because often our clients initially equate lawyers with these government processes and do not understand that we are not responsible for their extended detention or the rushed processes they are being subjected to.

45. These children, however unlearned in the law they are, learn quicky and have

great instincts. They learn of the farcical nature of immigration court hearings and our attorneys often filed questions such as, "What did I do wrong to deserve this" and "Why is this happening to me?" It is difficult for anyone to meaningfully answer these questions. And just as these children began to understand the changing Immigration Court procedures, they were told that they can no longer seek protections that they rightfully have under the law. They leave court understanding that a process which was once quite friendly has become punitive.

i. Immigration Judges No Longer Use Docket Management Tools to Allow Unaccompanied Children to Seek Immigration Relief

46. Prior to these new policies being initiated, for the vast majority of JFCS' unaccompanied child clients, children seeking affirmative relief before USCIS were not placed in active removal proceedings before EOIR. If ICE initiated removal proceedings before USCIS had adjudicated a child's affirmative application for asylum, JFCS moved for the Immigration Judge to administratively close the child's removal proceedings while the affirmative asylum application was pending before USCIS. The Immigration Judge almost always granted those motions and typically required as proof of the pending application the filing receipt issued by USCIS when an affirmative application is filed. Only in those cases when USCIS did not grant relief, would Immigration Judges reopen removal proceedings upon a motion from ICE.

47. Another option some Immigration Judges would typically use for unaccompanied children's case was termination. Termination was sought most often when the government did not properly build their case. An example of this is when a Notice to Appear ("NTA") contained incorrect information, was improperly served, or when one was not issued at all. Termination was routinely granted on these grounds. NTAs are now considered presumptively correct. Removability evidence, detailed on a form the government issues called an I-213, is also deemed presumptively correct. The explanation Immigration Judges have begun providing is that these documents are correct because they are issued by the government. JFCS' attorneys have witnessed occasions where the child's name, parent's name, country of origin and the date and place of arrival were all incorrect on an I-213. In spite of this, the Immigration Judge still

claimed the document was reliable and served as proper grounds to find a child removable. Termination was also sought in instances where affirmative immigration relief was already granted to unaccompanied children.

48. Administrative closure and termination are valuable docket management tools. When cases were temporarily, or permanently, removed from the docket, JFCS attorneys could focus on the more meaningful aspects of our clients' cases which are the applications for relief. Now JFCS attorneys are required to be in court with their existing clients every two weeks, and as a result, the Unaccompanied Children's team is no longer able to take on a wider variety of case types and we are no longer able to serve new clients from our internal wait list for pro bono services. This wait list is now effectively closed, leaving vulnerable children without access to pro bono services because JFCS is the only legal service provider in Western Pennsylvania which provides pro bono legal services to unaccompanied children. Because JFCS does not have enough immigration attorneys on the Unaccompanied Children's team to handle the voluminous number of immigration court hearings now being scheduled for the children, JFCS has had to cross-train the family law attorneys to work in immigration law. They previously only practiced in state courts to complete the dependency and confirmation of custody cases related to SIJS so this training is very time and resource intensive to ensure they are prepared to handle these new cases.

49. In the instances when closed proceedings were reopened after a child was released from ORR custody, JFCS' Unaccompanied Children's clients' cases were placed on the non-detained docket, which operates at a slower pace than the Unaccompanied Children's detained docket. It was common for this type of case to be rescheduled more than a year in the future.

ii. Immigration Judges Now Only Allow a Single Two-Week Continuance

50. In JFCS' experience, in the past Immigration Judges on the non-detained unaccompanied children's docket often granted continuances for the attorneys at JFCS to work on their child client's claims at an appropriate pace given the children's particular vulnerabilities.

Continuances were granted to give the attorneys time to prepare cases (including interview the clients, identifying relief, gathering evidence, going to family court, writing declarations, filling out paperwork, etc.), or for USCIS to process legal relief which was not within the purview of EOIR—SIJS, T Visas, asylum, etc. The length of these continuances always correlated with the amount of time that it would take for the child's legal processes to come to a natural end. As an example, for SIJS cases, an Immigration Judge asked how far out cases were being heard on the Family Court docket. When JFCS informed the court that the Family Court Judge was scheduling new cases three months out, that the second hearing would be held a few months later and that it would take several more months to receive a predicate order, the Immigration Judge granted a continuance of at least six months to complete the process. When JFCS attorneys advised the Immigration Judge about the time needed to complete an I-360 application, the Immigration Judge granted a continuance of that length. And the Immigration Judge would then grant additional continuances of at least six months for USCIS to process and issue decisions about the I-360 applications.

51. For the reasons described above, these continuances are critical to effective representation of unaccompanied children. Special care is taken when handling the immigration cases of children because it is important to make sure that the representation is trauma-informed and takes into consideration the fact that the clients are children who have often been through unimaginable things. The ability to build trust with children is the most critical element of this type of work. The amount of trust that these children must have in his/her attorney in order to share the difficult experiences they have lived through can't be built in a matter of days, it's something that much be built over mange conversations and visits—time that JFCS attorneys used to have but as a result of these changes, no longer do.

C. EOIR Requires Unaccompanied Children to Defend Against Their Removal Proceedings While Their Affirmative Asylum Applications Are Pending Before USCIS

52. Beginning in June 2026, upon information and belief, JFCS attorneys were told in

court that immigration court cases would no longer receive administrative closures or termination and that new rules regarding continuances required unaccompanied children to be in court every two weeks, barring exceptional circumstances. JFCS attorneys were told that a new policy was conveyed in a series of emails from the Assistant Chief Immigration Judge for Special Populations to the assistant Chief Immigration Judge for Philadelphia and ultimately to the Immigration judges who preside over Philadelphia's juvenile dockets. FOIA requests have failed to produce a copy of any actual written policy or the emails in question.

53. Since that time, immigration judges have invariably refused to provide an additional continuance or to provide a continuance for longer than two weeks. This means unaccompanied children get a single two week continuance. During that time, they must file pleadings, review any removability evidence, and file applications for any and all legal relief. If the relief filed is not an affirmative asylum case (for which USCIS has sole initial jurisdiction), the Immigration Judges now order removal even for unaccompanied children who have valid forms of legal relief which is pending, including SIJS and T visas for victims of child trafficking. This practice is a dramatic departure from prior practice when continuances were routinely granted, especially for unaccompanied children to find an attorney, to meet with the attorney to prepare cases, and for all different applications for relief filed with USCIS to be processed. In every single case we have where an asylum application has not been filed, the Immigration Judges have contemplated issuing a removal order.

54. These expedited hearings have dramatically impacted JFCS' ability to represent our young clients. JFCS must now prepare every single case for appeal, not only to the BIA but also to federal court. JFCS attorneys are not primarily litigators – they are Family Law and Immigration Attorneys. Our BIA Accredited Representatives are only permitted to practice law in agency proceedings before EOIR, not in federal court. But in order to effectively represent our young clients and to try to ensure that they receive the most basic elements of due process, JFCS has had to adapt by adding litigation and appeals to the services we provide. This has resulted in

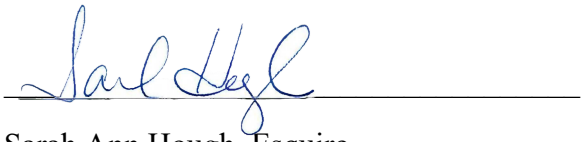
countless of hours of overtime, multiple staff working weekends and needing to utilize the services of attorneys on other teams at JFCS to supplement the work of the Unaccompanied Children's Team.

55. Beginning around August 2026, JFCS observed that Immigration Judges began scheduling individual hearings in every active detained unaccompanied child's case on very compressed timelines. Cases scheduled out further into 2027 were suddenly advanced. On a docket out of Miami, Florida on August 25, 2026, Marcy Hilty, Esq., Managing Attorney of JFCS' Unaccompanied Children's Team, witnessed an immigration judge say that all cases were to be "complete" by the end of the year. The judge remarked that this meant that it didn't matter if relief was going to be filed or was recently pending—"complete" meant "complete," suggesting that if the child did not have a green card by the end of the year, they would likely face removal.

56. This accelerated timeline directly interferes with JFCS' provision of comprehensive services by curtailing the time we have to file for immigration relief for all of our unaccompanied child clients. Having just one case advanced in this way would be difficult. Having every single child's case advanced has been catastrophic. This practice is an extreme departure from prior practice where Unaccompanied Children rarely had hearings in immigration court. Advancing all cases while simultaneously refusing to grant continuances longer than two weeks or administratively close or terminate proceedings has severely impaired JFCS' ability to effectively represent detained unaccompanied children. Our attorneys and accredited representatives are now typically in court for almost two full days every week. They spend at least half a day preparing clients for their hearings and explaining to them the posture of their cases. This leaves about half of the normal work week to do any other work that is required. With a team so small, this has meant we are unable to take on any additional cases.

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

Executed on this 14th day of October, 2026 in Pittsburgh, PA.



Sarah Ann Hough, Esquire

EXHIBIT G

UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF NEW YORK

THE DOOR; FLORENCE IMMIGRANT AND REFUGEE RIGHTS RPOJECT;

Plaintiffs,

v.

ROBERT F. KENNEDY, JR. in his official capacity as Secretary of Health and Human Services; U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, 200 Independence Avenue SW, Washington, DC 20201; ANGIE SALAZAR, in her official capacity as Acting Director of the Office for Refugee Resettlement, 330 C Street SW, Room 5123 Washington, DC 20201; OFFICE OF REFUGEE RESETTLEMENT, 300 C Street SW, Washington, DC 20201; TODD BLANCHE, in his official capacity as Attorney General; U.S. DEPARTMENT OF JUSTICE; MARKWAYNE MULLIN, in his official capacity as Secretary of Homeland Security; U.S. DEPARTMENT OF HOMELAND SECURITY,

Defendants.

Case No. _____

DECLARATION OF LAUREN FISHER FLORES IN SUPPORT OF PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION/TEMPORARY RESTRAINING ORDER

DECLARATION OF LAUREN FISHER FLORES

1. My name is Lauren Fisher Flores. 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 Legal Director at the American Bar Association South Texas Pro Bono Asylum Representation Project (ProBAR), a legal service provider in South Texas. ProBAR was founded in 1989 as a pro bono project to provide access to justice and due process to detained migrants and asylum seekers in the Rio Grande Valley region of South Texas. Today, ProBAR provides pro bono and direct legal services to immigrant adults, children, and families with a specialized focus on detained unaccompanied children in the Rio Grande Valley. I have been a practicing immigration attorney for the past 10 years and have worked in the immigration field since 2006. My work has focused on indigent children and families at the intersection of immigration law and child welfare. I am deeply familiar with the laws and policies that apply to unaccompanied children detained in federal government custody.

I. My Work with Unaccompanied Children prior to 2025-26

4. Before 2025, the systems for detained children in the Office of Refugee and Resettlement (ORR) custody prioritized placing children in the least-restrictive setting, either through reunification with a vetted sponsor or long-term foster care. For ProBAR, For many years, ProBAR provided high-quality legal orientations and intakes to thousands of unaccompanied children at the border. We also assisted adult sponsors with the process for change of venue and referred children to a national network of pro bono immigration

legal service nonprofits. The average length of stay for unaccompanied children in shelters after their arrivals was around 30 days, but often children with parents in the United States would reunify within the 10 days established in the ORR Foundational Rule. DHS had a policy of waiting to file the Notice to Appear (NTA) for 60 days, to allow children to reunify with sponsors before their first hearing. By the time that ProBAR represented children in their immigration cases, they were usually already living with family members and enrolled in school in the community. This was positive because ProBAR could seek information from children's adult caretakers to better understand children's cases and the legal relief available to them. For example, ProBAR would learn that a child was eligible to be included in their parent's U visa application or could apply for a family petition through a stepparent. For children eligible to apply for Special Immigrant Juvenile status (SIJ), ProBAR would locate a sponsor who could petition in state court. ProBAR was able to work with children on their legal cases in their permanent home setting, and not while they were detained and often experiencing the ongoing trauma of being detained and separated from their family. Court hearings were scheduled every few months, and children were often excused when they were attending school. Hearings and asylum interviews were scheduled months in advance, allowing ProBAR staff to fully prepare children. Once a child received SIJ status or another form of relief outside of the immigration court, most judges would allow ProBAR to terminate or administratively close proceedings. Many DHS attorneys would join in our motions to dismiss the proceedings. These docketing procedures allowed ProBAR attorneys to carry higher caseloads, offering quality services to more children at a time.

II. Changes to ORR Policies since 2025-2026

5. In 2025, ProBAR started to notice changes to the sponsorship process. Around February

2025, ORR issued new guidance on sponsor fingerprinting, background checks, and suitability assessments. Homeland Security Investigations also started doing "wellness checks" on ProBAR clients living in the community.

6. Around March 2025, ORR changed its sponsorship policies around proof of identification, address, and relationship to the child. Around April 2025, ORR issued new requirements for proof of income. Each of these requirements applied to pending cases, so frequently ProBAR would see a child who was about to be released to a sponsor and then a new requirement would go into effect. The additional paperwork hurdles could take months. For example, a sponsor would be told they needed to submit a tax ID number, so they would need to apply for a tax ID number with the federal government, a process that can take months. All of these changes caused confusion for children and for their sponsors.

7. Around July 2025, ORR issued a new policy requiring in-person interviews before the release of the child. ProBAR staff started hearing from children about sponsor arrests. Around August 2025, Homeland Security Investigations started visiting children in the shelters. In late August, reunifications stopped. Then over Labor Day 2025, the government attempted a mass removal of Guatemalan children.

8. In the following months, children began to report that the "outside caseworker" had their case. ProBAR eventually learned that the duties of sponsor reunification had been shifted from the local shelter caseworker to an ORR "sponsor vetting" group.

9. For a period between around November 2025 and February 2026, almost no children were released from ORR shelters to sponsors. Children were desperate. Caseworkers could no longer provide meaningful updates about the delays or what was needed for a child to be reunified. ProBAR started drafting habeas claims for child clients as young as three.

10. One child client told me that she felt she had lost herself. Another young client was in and out of psychiatric hospitals. A child fainted in court. Federal agents arrested sponsors . Undocumented sponsors stopped coming forward. Children languished in custody. More children started giving up and taking voluntary departure to return to their countries of origin.

11. I have experienced firsthand changes that have slowed down the sponsorship process and sped up the removal process for unaccompanied children, often to the detriment of children's ability to pursue their legal avenues to remain in the country.

12. For example, a seven-year-old child entered a local ORR shelter on July 27, 2026. The next day, the shelter caseworker sent ProBAR staff a referral stating that the child wanted voluntary departure. Our staff later learned from the mother that the shelter had not yet communicated with her, even though the child's immigration documents list the mother, her phone number, and her address in Texas. Because children are usually on medical hold the first four days after arriving at an ORR shelter, ProBAR was unable to provide the child a legal orientation or screening before the end of ProBAR's federal contract. DHS and DOJ scheduled the child for immigration court on August 11, 2026, fewer than two weeks after she arrived at the shelter. At her first and only hearing, the child took voluntary departure without an attorney. In the past, shelter staff tended to focus first on reunification with family in the U.S. It was unusual for the shelter to refer a young child for voluntary departure services when a parent was in the U.S.

13. I have also experienced what appear to be cooperative efforts between ORR and ICE to allow ICE to detain children's sponsors. In one instance, I spoke with the grandmother of a four-year-old who had submitted an application packet to serve as a sponsor. When the grandmother went for the now mandatory DNA testing, ICE arrested her. The child was detained for 10 months before he was finally released to his grandmother. Another ProBAR client was reunifying with his mother as his sponsor. ICE arrested the client's

mother at the in-person ID check. The mother was detained in adult detention and deported.

III. Changes to Immigration Court Proceedings since Spring 2026

14. In 2025, DHS began filing the NTA immediately, rather than at 60 days. This meant that children had to begin their court process before they were with their families, and ProBAR attorneys had to become involved much earlier in the process. DHS began objecting to continuances and declining to exercise prosecutorial discretion to join motions.

15. In the Spring of 2026, the immigration judges on the Harlingen and Corpus Christi juvenile dockets began informing ProBAR staff that they could no longer provide long continuances for cases (like those with collateral state court abuse and neglect proceedings or crime victims visas). The judges began resetting cases uniformly for 2-4 weeks.

16. When I requested a longer reset for a detained young child in a residential mental health treatment center with a competency determination and safeguards, the immigration juvenile judge in Houston, Texas, told me that if she set it out for longer, it would be administratively rescheduled to two weeks anyway. When I requested a longer reset for a detained child with a pending asylum in August of this year, the immigration juvenile judge on the Harlingen, Texas, docket said the same thing. Both judges indicated a lack of autonomy in scheduling cases for detained unaccompanied children.

17. In addition to the 2-week continuances, the immigration judges on the Harlingen and Corpus Christi juvenile docket also narrowed the reasons they would allow for continuances. For pro se children, ProBAR staff observed that after the first 2-4 week continuance to find an attorney, the immigration judges would proceed with the pleadings process. ProBAR's federal contract to provide legal services to unaccompanied

children ended in July 2026. Thereafter, ProBAR staff were no longer able to represent as many children, and there was no alternative, local legal service provider. Nonetheless, immigration judges would not allow multiple continuances for unaccompanied children to seek counsel.

18. From that point, even when ProBAR attorneys file proof of collateral relief, the immigration judges would deny continuances. Immigration judges stopped allowing termination of cases for approved collateral relief or relief pending with USCIS. In the past couple months, the immigration judges have taken the position that even a pending asylum application with USCIS is not grounds for termination, despite the law specifically allowing termination in these types of cases.

19. The Harlingen detained juvenile dockets through the months of August and September 2026 often had 50-70 children. Children formed lines outside the building, and the court room had standing room only.

20. The effect on children is that they have been ordered removed even with approved collateral relief, proceeding to conclusion without an attorney or even advice and counsel, with no time or understanding of relief available through parents/family. ProBAR staff have witnessed many children taking voluntary departure without an attorney and without having received information as to alternatives and the legal consequences of voluntary departure. ProBAR staff observed as a judge ordered voluntary departure for a 7-year-old child without an attorney. In the last several weeks, immigration judge Galvao has begun to order children removed rather than grant voluntary departure. On September 16, ProBAR staff observed immigration judge Galvao order a pro se thirteen-year-old indigenous child deported because she could not fill out the asylum forms in English by herself.

21. These changes are extremely challenging for ProBAR clients, and they are also a burden on ProBAR staff. Because of the frequent pace of hearings, ProBAR attorneys are in

court more than twice as often for administrative, procedural hearings.

22. While the hearings only take 5-10 minutes each, EOIR schedules all of the hearings at the same time. For example, at my last appearance, I waited with my client for two hours at an immigration court hearing for my five-minute hearing.

23. Hearings are also rescheduled from one day to the next, often with no notice. For example, I received notice at 2 pm on Friday, September 25, rescheduling a hearing to the following Monday.

24. These frequent and moving hearings take time from attorneys' substantive work. Constant policy changes and the wild pace of BIA decisions make it extremely difficult to make legal arguments, as the applicable law changes from week to week. All of these changes also make each case take more time, so ProBAR staff are unable to take on more clients.

IV. Changes to funding since July 2026

25. Until July 31, 2026, ProBAR provided legal services to unaccompanied children as part of a network of legal providers whom the federal government paid through subcontracts with Acacia Center for Justice ("Acacia"). When the federal government ended its contract with Acacia, the government did not implement a transition contract or arrange any other local pro bono legal service provider in the area to assume responsibility for the children whom ProBAR had been representing. As a result, ProBAR maintained more than 250 child clients. Yet, at the same time, the end of federal funding required ProBAR to lay off 22% of its staff.

26. ProBAR was unable to maintain Know Your Rights presentations, legal consultations, and Friend of Court services at the 17 shelters and three immigration juvenile dockets.

27. In response to children's continuing needs for such services, ProBAR opened a detained youth telephone hotline so that children could at least call us with their legal questions.

Since August 3, our staff have received over 200 calls on the hotline. The detained youth callers ask about their legal options, how to find an attorney, and what to do in court.

V. Changes to USCIS Processing since August 2026

28. In 2008, Congress enacted the Trafficking Victims Protection Reauthorization Act (TVPRA). The TVPRA changed the initial jurisdiction of asylum applications for unaccompanied children from the immigration court to the asylum office within USCIS.

29. The Houston asylum office provided trainings to asylum officers on child-friendly interviewing techniques, which ProBAR participated in developing and providing. The Houston asylum office was consistently responsive to requests to reschedule and requests for specific qualities of officers (like a female officer for child survivors of sexual assault). Local practice was to bring supporting evidence packets on the day of the interview.

30. The backlog of children's cases meant it could be years before a child received an interview, and COVID practices later increased this wait time.

31. When the asylum office scheduled an interview was scheduled, ProBAR staff often requested to reschedule the interview to allow time to update materials and prepare carefully, often relying on mental health specialists to bring up the traumatic incidents of children's past.

32. In August 2026, USCIS announced several policies by posting alerts on the website. These changes, which took effect August 21, 2026, require applicants to establish exceptional circumstances for USCIS to reschedule the asylum interview rather than the previous "good cause" standard. Additionally, supporting documents must be received 14 days in advance of the scheduled interview.

33. For example, two sibling clients submitted their asylum applications almost four years ago. Their father tortured his son and sexually abused his daughter. With years of

therapy, the siblings are stable. However, to prepare for an asylum interview I need to gather updated medical documents and support letters, and make sure the children receive support so that their mental health is not threatened by additional traumatization caused by the asylum interview. I received a notice on September 27, 2026, for an October 7, 2026, interview. I had one day to prepare and file these documents to comply with the 14-day filing deadline.

34. ProBAR has had more than 70 USCIS interviews scheduled in August andSeptember 2026.. Particularly given our recent layoffs, this has been incredibly challenging.

35. On August 21, the asylum office changed the timing for submitting documents to 14 days prior to interview, and it increased the standard for requesting a rescheduled interview from "good cause" to "extraordinary circumstances." These changes have further burdened attorneys and their child clients seeking asylum.

36. ProBAR attorneys have received multiple denials of requests for rescheduled interviews. For example, ProBAR represents a child, who was initially detained within ProBAR's service area in South Texas. After ProBAR lost its federal funding, ORR moved that child to an out-of-network psychiatric placement near Atlanta, Georgia. The child's attorney at ProBAR went out on medical leave. Through extensive efforts, ProBAR sought and obtained new pro bono counsel for the child for a scheduled November interview. On September 24, ProBAR staff received notice moving the November interview to October 6 (making it impossible to comply with the 14-day deadline). Our staff requested rescheduling based on the "extraordinary circumstances" of the out-of-network placement, the attorney's medical leave, the lack of 14 days to file supporting documentation, and the child's mental health. The request was denied.

37. One of my clients submitted an asylum application on August 4, 2026. I attended court for that client on July 31, August 25, and September 3. On September 3, the immigration judge asked me for a copy of the receipt notice. In court, she looked through the notice

for the receipt number and then identified it, read it out loud, and appeared to be entering it into the system. This struck me as odd, because the fact of filing is sufficient to establish good cause for a continuance and the receipt number had never previously been of interest to immigration judges. Several hours later, I received a phone call from a woman who identified herself as working for the asylum office at USCIS. The officer told me that my client was being scheduled for an interview on September 9 in San Antonio. Notices from the asylum office come by mail, and I had not received one for this case. The child had not yet done biometrics, which is usually a precursor to the interview. This is the first time in my practice I have received a phone call to schedule an asylum interview. I responded that my client did not wish to participate in an expedited process and wanted to receive 21-days' notice. The officer said she was calling to advise me of the September 9 date. I again declined an expedited interview. The officer said "umm, okay, thank you" and hung up. I then received a notice on September 14 scheduling an asylum interview with USCIS on September 28 (making it impossible to comply with the 14-day filing deadline) in San Antonio, Texas, for the same morning that the child also had an immigration court hearing scheduled in Harlingen, Texas (about 4 hours away). I requested rescheduling under the new "extraordinary circumstances" standard and specifically explained that my client wanted an in-person interview pursuant to the asylum office's own policy and the TVPRA. The interview was rescheduled for October 7, again in San Antonio (4 hours away from the detention shelter). Through the child client, I learned that the asylum office had directly communicated with the shelter and arranged for the interview to take place by video. To date, I have not received notice from the asylum office of the virtual interview.

38. For those asylum interviews ProBAR attorneys have completed, almost all of them have been referred to the immigration court. Recently, those referrals have happened very quickly. For example, last week, a ProBAR attorney had an asylum interview with

USCIS on Tuesday. The same day, DHS filed an NTA with the court to initiate removal proceedings.

39. In all the years I have been in this field, I have never seen government efforts to fast-track removal proceedings for unaccompanied children as they are now.

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

Executed on the 29th of September 2026, in Houston, Texas.



Lauren Fisher Flores
Legal Director
ABA ProBAR