

## Frequently Asked Questions:

### *L.G.M.L. v. Noem*

*L.G.M.L. v. Noem* is a class action case filed by the National Immigration Law Center (“NILC”), the Institute for Constitutional Advocacy and Protection (“ICAP”), and the National Center for Youth Law (“NCYL”). The lawsuit was originally filed on behalf of ten individual unaccompanied children and it challenges the Trump administration’s unlawful plan to summarily expel unaccompanied children detained by ORR from the United States in violation of their rights under the U.S. Constitution, the Administrative Procedure Act (“APA”), the Trafficking Victims Protection Reauthorization Act (“TVPRA”), and the Immigration and Nationality Act (“INA”).

Over Labor Day Weekend, shortly before midnight on August 30, 2025, the government sought to expel at least 76 unaccompanied Guatemalan children in Office of Refugee Resettlement (“ORR”) custody. Children were roused from their beds in the middle of the night and driven to an airport, where some were loaded onto planes. NILC filed a lawsuit seeking emergency relief at 1:02 A.M. to prevent the expulsion of these children. At 4:22 A.M., the federal district court issued a temporary restraining order (“TRO”) blocking the removal of the ten named Guatemalan children for fourteen days absent a final order of removal or a grant of voluntary departure. Later that same day, the court expanded the TRO’s protections to a class of all Guatemalan children in ORR custody.

On September 18, 2025, the court granted Plaintiffs’ motion for a preliminary injunction and provisional class certification. The court’s order for preliminary injunction blocks the U.S. government from transferring, repatriating, removing, or otherwise facilitating the transport of any members of the provisionally certified class from the United States while the case moves forward. The provisional class is defined as “all unaccompanied [] children from Guatemala in (and who will be in) ORR custody who have not received a final order of removal or the Attorney General’s permission to voluntarily depart under 8 U.S.C. § 1229c and applicable regulations.” *L.G.M.L. v. Noem*, No. 1:25CV02942, Order at 1 (D.D.C. Sept. 18, 2025).

***1. What is the current case status of LGML?***

On October 14, 2025, the plaintiffs filed an amended complaint in the U.S. District Court for the District of Columbia. The amended complaint expands the allegations in the original complaint to include children and putative class members from countries other than Guatemala because Plaintiffs are concerned the government intends to summarily expel all children in ORR custody in violation of their rights. While the case proceeds, the preliminary injunction prevents the removal of provisional class members from Guatemala.

***2. Who is part of the provisional class?***

The provisional class includes all unaccompanied children from Guatemala who are or will be in the custody of the ORR and who (a) do not have a final order of removal and (b) have not been permitted to voluntarily depart under applicable law.

***3. Who is not covered by the provisional class?***

The provisional class does not cover unaccompanied children from Guatemala who are or will be in ORR custody *and* who (a) have a final order of removal *or* (b) have been granted voluntary departure by an immigration judge. It also does not cover unaccompanied children from other countries who are or will be in ORR custody.

***4. Does LGML apply to unaccompanied children from other countries than Guatemala?***

As of October 2025, no. The preliminary injunction does not currently apply to unaccompanied children from other countries. The federal district court declined to provisionally certify a class covering unaccompanied children from all non-contiguous countries in ORR custody, as we requested in our initial motion for class certification. However, the court was clear that the U.S. government should not “construe [its] decision as an invitation to take similar action with respect to” other children, as “any such attempt to expel them is likely to be unlawful.” *L.G.M.L. v. Noem*, No. 1:25-CV-02942, Order at 1 (D.D.C. Sept. 18, 2025).

**5. *Is there a plan to try and expand the class to include youth from other countries?***

Yes. In our amended complaint, filed on October 14, 2025, we allege all children in ORR custody are at risk of summary expulsion under the government's plans. We also expand our class allegations to include all unaccompanied minor children – no matter their country of origin – who are or will be in ORR custody and who are not subject to an executable final order of removal or grant of voluntary departure by an immigration judge.

**6. *Can class members still request voluntary departure?***

Yes. If a class member decides to pursue voluntary departure, they may request voluntary departure. The TVPRA requires ORR to provide certain procedures to ensure the safe repatriation of unaccompanied children who seek to depart the United States voluntarily.

**7. *Can class members still be released from ORR custody to a sponsor?***

Yes. *LGML* does not prevent class members from being released from ORR custody to an approved sponsor.

**8. *Are unaccompanied children released from custody still class members?***

Since *LGML* provisional class members include unaccompanied children from Guatemala who are or “will be” in the custody of ORR (and who do not have a final order of removal or have not received permission to voluntarily depart), they may continue to be class members because they could be re-referred to ORR custody in the future. Irrespective of class membership, unaccompanied children who are released from ORR custody retain their rights under the TVPRA and cannot be removed without receiving a removal order or permission to voluntarily depart.

**9. *What if a class member is ordered removed?***

The preliminary injunction does not affect EOIR's authority to issue a removal order at the conclusion of removal proceedings or the government's authority to execute a final removal order issued against an unaccompanied child in accordance with the safe repatriation provisions of the TVPRA.

**10. Could terminating proceedings of children in ORR custody put unaccompanied children at risk of removal while they are detained by ORR?**

Guatemalan children who are or will be in ORR custody and whose proceedings have been terminated remain class members because they do not have a final order of removal or voluntary departure. Class counsel is not aware of any case where ORR has suggested that it has authority, notwithstanding the preliminary injunction, to remove unaccompanied children who are in ORR custody and whose removal proceedings were terminated.

**11. What happens when class members age out of ORR custody?**

When a UC turns 18 and ages out of ORR custody, § 1232(c)(2)(B) of the TVPRA requires ICE to consider “placement in the least restrictive setting available after taking into account the [child’s] danger to self, danger to the community, and risk of flight” as well as alternatives to detention programs. A federal court found that ICE was not complying with these requirements and issued a permanent injunction in *Garcia Ramirez v. ICE* which prohibits ICE from violating the TVPRA and establishes various affirmative obligations. If you have questions about the *Garcia Ramirez* permanent injunction, or represent an unaccompanied child approaching their 18<sup>th</sup> birthday who may be transferred to ICE custody, please contact class counsel at [Clearinghouse@immccouncil.org](mailto:Clearinghouse@immccouncil.org) and [litigation@immigrantjustice.org](mailto:litigation@immigrantjustice.org).

**12. Who can I ask if I have questions or concerns about compliance with the preliminary injunction?**

If you have questions or suspect violations of the *LGML* preliminary injunction, please contact class counsel at [lgml@nilc.org](mailto:lgml@nilc.org).