IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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

Plaintiffs,

v.

KRISTI NOEM, *et al.*,

Defendants.

Case No.: 25-cv-2942-TJK

PLAINTIFFS' MOTION FOR AN ORDER TO SHOW CAUSE

After a temporary restraining order narrowly thwarted the government's secret, middle-of-the-night attempt to expel unaccompanied Guatemalan children from the United States over Labor Day weekend, this Court certified a provisional class of certain Guatemalan children who are or will be in the custody of the Department of Homeland Security (DHS) and other Defendants and enjoined Defendants from "transferring, repatriating, removing, or otherwise facilitating the transport" of class members from the United States. Defendants declined to appeal that injunction and it remains in place while this matter proceeds to final judgment. But Plaintiffs have learned that Defendants are engaged in a practice that openly flouts the plain text of the Court's injunction and the statutory protections guaranteed by the Trafficking Victims Protection Reauthorization Act (TVPRA). Specifically, U.S. Customs and Border Protection (CBP) agents are returning unaccompanied children from noncontiguous countries, including class members, to their home countries within 72 hours of entering government custody, typically before they can be transferred

to the Office of Refugee Resettlement (ORR), the agency that cares for unaccompanied children, and before the children can meet with an attorney or present any claims to an immigration judge.

As discussed further below, in unrelated litigation, Defendants recently acknowledged expanding this expedited return practice to children from noncontiguous countries, rather than restricting it to unaccompanied children from contiguous countries, as the TVPRA permits. But even worse, Defendants are using misinformation, coercion, threats, and fear to persuade the children to relinquish their rights and sign paperwork purportedly accepting a form of expedited "voluntary" return. These practices—applied to vulnerable children whom Congress recognized a special need to protect—violate the Court's preliminary injunction as applied to newly arrived Guatemalan children[1] and violate the TVPRA as applied to newly arrived children from all noncontiguous countries. Plaintiffs respectfully move the Court for an order to show cause why Defendants should not be held in civil contempt.[2]

BACKGROUND

On September 18, 2025, the Court provisionally certified a class of unaccompanied "children from Guatemala who are *or will be* in the custody of Defendants," are not subject to a final removal order, and have not been granted voluntary departure, and preliminarily enjoined Defendants "from transferring, repatriating, removing, or otherwise facilitating the transport of any

[1] Although CBP, the agency primarily responsible for carrying out this unlawful practice, is not a separately named Defendant in this matter, CBP is bound by this Court's injunction both because it is a subcomponent of DHS—which is a named Defendant—and because the Court's order includes Defendants' "agents, representatives, and all persons or entities [acting] in concert with them." Order, ECF No. 48. There is thus no question that CBP is bound by the terms of the injunction to the same extent as its parent agency. Plus, as explained *infra*, it is Immigration and Customs Enforcement (ICE) that operates the return flights, and ICE, a named defendant, is indisputably bound by the injunction.

[2] Counsel for Plaintiffs reached out to Counsel for Defendants to discuss this motion but were unable to reach agreement.

Plaintiff—including both named Plaintiffs and all members of the provisionally certified class—from the United States." Order, ECF No. 48 (emphasis added). The government declined to appeal that injunction, and it remains in place pending final judgment on Plaintiffs' claims.

Shortly before Thanksgiving, troubling reports emerged in unrelated litigation that CBP was using a new, secretive process "to intimidate and bully young people out of exercising their statutory rights" under the TVPRA by coercing unaccompanied minors into accepting expedited "voluntary" return. Matt Shuham, *Document Threatens Immigrant Children with 'Prolonged' Detention*, HuffPost (Nov. 20, 2025, 6:00 AM), https://perma.cc/J5GU-AT7M. Specifically, an attorney with the National Immigrant Justice Center received from an ORR shelter, as part of the immigration processing documents provided to a newly arrived unaccompanied child, a document that neither the attorney nor anyone on her team had ever seen. Decl. of Marie Silver, Ex. A.[3] As that attorney attested, the document, officially titled "UAC Processing Pathway Advisal," (Ex. B, hereafter referred to as "Processing Advisal"), "completely misstates—or at least dramatically misrepresents—the immigration laws that apply to unaccompanied immigrant children," and it conveys to vulnerable children "threats" that "are in clear contravention of the entire system implemented to protect and promote the safety and best interests of unaccompanied immigrant children pursuant to the … Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA)." Ex. A at ¶ 12.

Specifically, the Processing Advisal tells unaccompanied children (in English and Spanish) that they have "the option to voluntarily return to your country of origin … within 72 hours." Ex. B. "If you choose to voluntarily return to your country," the Advisal says, "there will be no

[3] This declaration was submitted in *Garcia Ramirez v. ICE*, No. 18-cv-00508 (D.D.C. Nov. 13, 2025).

administrative consequence," and you can "apply for a visa, through legal means, in the future." *Id.* But for those who decline to be immediately returned, the document threatens dire consequences. For children who "choose to seek a hearing with an immigration judge or indicate a fear of returning to" their home country, the Advisal warns: (i) "You will be detained in the custody of the United States Government[] for a prolonged period of time"; (ii) your sponsor[4] may "be subject to arrest and removal from the United States" and "subject to criminal prosecution for aiding your illegal entry"; and (iii) "[i]f you cannot substantiate your claim of fear of returning to your country, you can be barred from legally applying for a visa." *Id.* And for those who "turn 18 years of age while in U.S. Government custody," the Advisal contends, "you will be turned over to Immigration and Customs Enforcement for removal (deportation) from the United States," resulting "in being barred from applying for a visa in the future." *Id.* These threats can only be read as an attempt to scare children into signing paperwork that relinquishes their rights under the TVPRA before they are transferred to ORR custody, provided any opportunity to consult with legal counsel, or given the opportunity to seek immigration relief before a judge.

Upon learning of this report, undersigned counsel were concerned that this process—if implemented and if successful in convincing children to abandon their legal protections—could both violate the plain language of the Court's injunction and be used as a disingenuous way to seek to prevent newly arrived children from receiving the protections of the Court's order. At that time, however, it was unclear whether the Processing Advisal reflected official government policy or how widespread or successful its use might be in persuading children from noncontiguous countries to accept "voluntary return" during the fleeting 72-hour window before they must be

[4] Sponsors are typically close relatives already living in the United States, such as a parent, adult sibling, grandparent, etc.

transferred to ORR custody. *See* Prelim. Inj. Op., ECF No. 49, at 3. Counsel have been working to gather these facts and any others that may bear on Defendants' compliance, but that task has been difficult given that the TVPRA only requires the government to provide children access to counsel after they are transferred to ORR custody.

Since then, Defendants' own admissions have confirmed that Defendants are officially and systematically using these tactics to attempt to expel unaccompanied children from noncontiguous countries without providing the protections of the TVPRA. First, in seeking to dissolve a decades-old permanent injunction that requires the government to provide, *inter alia*, notice of certain legal rights to unaccompanied minors entering government custody, CBP admitted in a sworn declaration that it is using the Processing Advisal to persuade unaccompanied children to "voluntarily" return to their home country before entering ORR custody. *See* Decl. of Michael Julien, Ex. C.[5] According to the declaration, once "an agent has determined" for himself that a child purportedly is "capable of making an independent decision," the information contained in the Processing Advisal "is generally provided orally to the" child. *Id.* ¶ 4.

Similarly, in a recent letter to Senator Ron Wyden, CBP Commissioner Rodney Scott argued that his agency had been granted authority in the One Big Beautiful Bill Act (OBBBA), Pub. L. No. 119-21, to subject unaccompanied children from *noncontiguous* countries to expedited "voluntary" return, without ever entering ORR custody, as has long been allowed for some children from Canada and Mexico. *See* Letter from Commissioner Scott, Ex. D. Notably, this is the same argument that this Court flatly rejected on the ground that Defendants have not overcome the strong presumption that appropriations acts do not change substantive law. PI Op. at 33 n.9.

[5] This declaration was submitted in *Perez-Funez v. DHS*, No. CV 81-1457-MWF(Ex), ECF No. 277 (Jan. 20, 2026).

Commissioner Scott also admitted that CBP is housing children "in a short-term holding facility" while they await return to their home countries on an "Immigration and Customs Enforcement flight … as soon as operationally feasible"—again, without entering ORR custody. Ex. D at 1.

Defendants' recent public admissions confirm information class counsel has learned from Lauren Fisher Flores, the Legal Director of ProBar—a legal services provider that represents approximately 200 class members in their immigration proceedings, and who has provided previous declarations in this litigation, *see* ECF 2-2, 20-3—that some children in CBP custody are relinquishing their rights under the TVPRA and accepting expedited "voluntary return." Supp. Decl. of Fisher Flores, Ex. E. Last year, Ms. Fisher Flores began to hear rumors of a pilot program through which CBP would use several Rio Grande Valley ORR shelters "as a staging ground for removals of unaccompanied children from non-contiguous countries who had accepted a form of expedited 'voluntary return' while in CBP custody, before being transferred to ORR custody." *Id* ¶ 5. Under this program, if a child accepts the purported voluntary return but CBP is unable to expel them within the 72-hour-statutory maximum in which CBP is permitted to retain custody, CBP would hold them in one of the designated ORR facilities while awaiting expedited return. *Id.*

Ms. Fisher Flores has since learned that CBP is using misinformation, extreme coercion, threats, and fear to persuade children to relinquish their rights and purportedly "voluntarily" accept the return. "Over recent months, newly arrived unaccompanied minors have reported that federal immigration agents pressured them to waive their rights under the TVPRA, to abandon any claims for immigration relief they may have, and instead to accept expedited 'voluntary return' from the United States." *Id.* ¶ 8. The children's descriptions run the gamut from being willfully uninformed to being threatened and coerced. One *LGML* class member, an indigenous Guatemalan child, reported that "CBP agents shouted, cursed, and threatened [him] with a dog and a stun gun," "told

him he could accept a 'voluntary return' or he could remain detained for an extended period," and refused his request to speak with his family before signing away his rights. *Id.* ¶ 11. This occurred on or around October 14, 2025—nearly a month after entry of the Court's injunction. *Id.* That child signed the paperwork, but CBP apparently was unable to effectuate his expulsion quickly enough to prevent his transfer to an ORR shelter. Once at an ORR shelter, the child told ProBAR counsel that "his father is disabled and his parents cannot protect and support him" and that he "believes his prayers were answered" by being transferred to the shelter rather than returned to Guatemala. *Id.*; *see also* Ex. F, Decl. of D.A.T.M. (declaration from the child, describing mistreatment from CBP agents in detail).

Another Guatemalan boy, who speaks Kiche as his primary language, was told to sign "voluntary return" paperwork or he "would be detained for a long time." *Id.* ¶ 12. He signed, despite not understanding what he was signing, but with ProBAR's help, he revoked his acceptance of "expedited voluntary return" and is now in immigration proceedings.[6] *Id.*

These coercive tactics are not reserved for Guatemalan children. One child from a noncontiguous country was "handcuffed and interviewed by seven federal immigration officers without a parent or legal counsel present." *Id.* ¶ 9. When this child noticed one of the written answers to a question did not match his response, the officer told him, "I don't care." *Id.* When the child expressed fear of returning home, the officer told him that the United States also has violence

[6] This child entered the United States on September 16, 2025, roughly 48 hours before the Court certified the class and issued the preliminary injunction, *see* Ex. E ¶ 12, but while the temporary restraining order was in place, *see* Minute Order, Aug. 31, 2025. Plaintiffs respectfully contend that that timing does not undermine the relevance of this evidence because Defendants' own public admissions confirm, as does other evidence submitted with this motion, that they have continued to apply this practice to newly arrived unaccompanied children, including Guatemalan children, after the Court issued its injunction.

and danger. *Id.* That child was scared and pressured into signing a document agreeing to "'voluntary return' without any explanation of what it was, what it meant, or the consequences of signing," and afterward, "the child witnessed the officers celebrating." *Id.* A Honduran girl detained after a van crash was denied medical care while bleeding, yelled at by CBP agents, and told she had only two choices: agree to go back to Honduras now—where she had no parent to care for her—or wait in detention until she turned 18 and be deported at that time. *Id.* ¶ 13. She signed paperwork the agents told her to sign, without understanding what she was signing, but later "revoked the purported withdrawal of admission" in order to pursue immigration relief in the United States with ProBAR's help. *Id.*; *see also* Ex. G, Decl. of Y.Y.Z.O (declaration from child describing coercion and intimidation from CBP agents). The Honduran consulate also called a legal services provider to inquire about the protections afforded to unaccompanied children under the TVPRA, *id.* ¶ 15, explaining that CBP had requested travel documents to "repatriate[e]" a pregnant teen, although "the child did not want to return to Honduras but … CBP had told her they would arrest her undocumented parents living in the U.S. if she did not sign the 'voluntary return' paperwork." *Id.*

ProBAR staff have identified at least 13 children who signed purported voluntary return paperwork—eight from Guatemala, and others from Honduras, Ecuador, and Nicaragua—each of whom required immediate intervention to halt their impending return. *Id.* ¶¶ 10, 14. The children described "CBP officers behaving aggressively—shouting, insulting, cursing, grabbing, threatening, and handcuffing children," leaving them "scared and confused." *Id.* ¶ 10. It is critical to note that ProBAR, like other, similarly situated legal services providers, "is not allowed access to children while they are in CBP custody," so any child who CBP successfully coerces to sign "voluntary return" paperwork and places on an ICE deportation flight within 72 hours will never

receive appropriate legal services and screenings. *Id.* ¶ 14. In other words, neither ProBAR staff nor undersigned counsel in this litigation have any way of knowing how many children from noncontiguous countries, including class members in this litigation, CBP is returning within the 72-hour period before it must transfer children to ORR custody. ProBAR and other legal services providers only have a chance of catching those who slip through to ORR shelters because CBP cannot find them a flight fast enough. *Id.*

Ms. Fisher Flores explains that, in her "professional opinion, having worked with children for 20 years, the conditions of detention in CBP custody create a fearful environment for children, and a child cannot make an informed and willing decision about their future while detained in jail-like conditions, feeling the pressure of serious consequences by law enforcement agents." *Id.* ¶ 16. She further opines that, based on the information made available to her and her staff, "CBP is using intimidation tactics like prolonged detention in jail-like settings and arrest of family members to coerce children from noncontiguous countries into waiving their rights under the TVPRA and purportedly agreeing to accept 'voluntary return' without receiving any process or a hearing with an immigration judge." *Id.* She also confirms that these tactics are new and "appear to be an attempt by CBP to evade the protections children receive under the TVPRA." *Id.*

STANDARD OF REVIEW

"There can be no question that courts have inherent power to enforce compliance with their lawful orders through civil contempt." *Armstrong v. Exec. Office of the President*, 1 F.3d 1274, 1289 (D.C. Cir. 1993) (quoting *Shillitani v. United States*, 384 U.S. 364, 370 (1966)). Civil contempt is available only where the underlying order is clear and unambiguous. *Id.* The movant must show "that the alleged contemnor *violated the court's prior order*," but bad faith is not required. *Food Lion, Inc. v. United Food & Com. Workers Int'l Union*, 103 F.3d 1007, 1016 (D.C.

Cir. 1997). "Indeed, the law is clear in this circuit that 'the contemnor's failure to comply with the court decree need not be intentional' … because, unlike a criminal contempt proceeding, a civil contempt action is 'a remedial sanction used to obtain compliance with a court order or to compensate for damage sustained as a result of noncompliance." *Id.* (quoting *NLRB v. Blevins Popcorn Co.*, 659 F.2d 1173, 1183 (D.C. Cir. 1981) (internal alteration omitted). And—apart from the power to hold parties in contempt—"a court has the authority to issue additional orders to enforce a prior injunction." *Damus v. Wolf*, No. 18-578, 2020 WL 601629, at *2 (D.D.C. Feb. 7, 2020) (citing *Hutto v. Finney*, 437 U.S. 678, 687 (1978)); *see also Nat'l L. Ctr. on Homelessness & Poverty v. U.S. Veterans Admin.*, 765 F. Supp. 1, 6, 12-13 (D.D.C. 1991) (no contempt finding but modifying injunction to ensure further compliance).

ARGUMENT

This Court's order enjoined Defendants "from transferring, repatriating, removing, or otherwise facilitating the transport of any Plaintiff—including both named Plaintiffs and all members of the provisionally certified class—from the United States." Order, ECF No. 48. Substantial evidence indicates that Defendants are systematically violating the plain terms of this Court's preliminary injunction by pursuing policies to expeditiously expel unaccompanied children, including those from noncontiguous countries. Moreover, the evidence gathered to date shows that they are doing so through a coercive, threatening, and misleading "Processing Advisal" that seeks to persuade vulnerable children to relinquish the protections afforded by the TVPRA and accept such returns "voluntarily."

I. Defendants Are Violating The Court's Injunction

A. *Defendants' actions are targeting class members*

The class includes all "unaccompanied alien children from Guatemala who are or will be in the custody of Defendants and who (1) are not subject to an executable final order of removal and (2) have not been permitted to voluntarily depart under 8 U.S.C. § 1229c and applicable regulations." Order, ECF No. 48. The newly arrived Guatemalan children who are being subjected to the tactics described above are neither subject to an executable final order of removal nor have been granted permission to voluntarily depart under 8 U.S.C. § 1229c. They thus cannot be expelled from the country—no matter what Defendants call such expulsion—unless and until they have received their day in immigration court or have been granted voluntary departure with statutory protections to ensure that their choice is truly voluntary and will not place the child at undue risk of future harm. PI Op. at 33.

Ms. Fisher Flores's declaration evidences that Defendants are coercing newly arrived unaccompanied Guatemalan children—*i.e.*, class members—into relinquishing their rights and accepting expedited expulsion before entering the custody of ORR. Ex. E ¶¶ 11-12. There can be no doubt that these children were class members when CBP attempted to expel them, before arriving in ORR custody, because the Court defined the class to include children "who are or will be in the custody of Defendants," and children in CBP's custody necessarily are in the custody of CBP's parent agency, Defendant DHS.[7] ECF No. 48. If not for the serendipity of CBP's inability to secure a deportation flight within 72 hours, ProBAR staff would not have been able to revoke their clients' "voluntary return" paperwork and have them placed in immigration proceedings. *Id.* ¶ 14.

[7] Even were that not the case, the Court's inclusion of children who "will be" in Defendants' custody must include those who, by proper operation of law, should be transferred to Defendant ORR's custody. It would defy the spirit and the purpose of the injunction to permit CBP to unlawfully treat these children like those from contiguous countries by "voluntarily" returning them before they can receive the protections of the TVPRA.

It is unknowable to class counsel how many other Guatemalan children Defendants have succeeded in rapidly expelling without ever transferring them to ORR custody or providing *any* of the statutorily mandated TVPRA protections.[8]

B. *Defendants' actions violate the plain text of the Court's injunction*

Furthermore, Defendants cannot dispute having engaged in this course of conduct, which plainly violates the terms of this Court's injunction. After all, an Acting Division Chief at CBP admitted under oath that his agency began using the Processing Advisal in September 2025 for all children "who an agent has determined are capable of making an independent decision," and that the "advisal is generally provided orally to the" child. Ex. C ¶ 4. And Commissioner Scott similarly wrote to Senator Wyden that his agency is using "processing procedures … for [unaccompanied children] from non-contiguous countries [that] are the same as they are for [unaccompanied children] who are nationals or habitual residents of Canada or Mexico," meaning that those who purportedly "withdraw their application for admission and voluntarily return, and who choose to do so, are repatriated … by a U.S. Immigration and Customs Enforcement flight (for voluntary returns to noncontiguous countries) as soon as operationally feasible." Ex. D at 1.

Through these statements, Defendants have openly, publicly, and in sworn testimony admitted that they are engaging in conduct that constitutes the "transferring, repatriating,

[8] It is equally unknowable how many children from other noncontiguous countries have been subjected to this unlawful treatment; although those other children are not technically class members at this time, Plaintiffs' motion to expand the class definition to include additional nationalities is fully briefed and ripe for resolution, *see* ECF Nos. 65, 69, 70. And this Court already has admonished Defendants not to "construe" the decision to certify a class of only Guatemalan children "as an invitation to take similar action with respect to … other unaccompanied alien children," as "any such attempt to expel them" without affording the protections guaranteed by the TVPRA "is likely to be unlawful." PI Op. at 24.

removing, or otherwise facilitating the transport of any Plaintiff … from the United States"—conduct that is squarely prohibited by the Court's Order. ECF No. 48. That is enough to warrant an order to show cause for civil contempt. *See Food Lion, Inc.*, 103 F.3d at 1016; *see also Cobell v. Babbitt*, 37 F. Supp. 2d 6, 9 (D.D.C. 1999) ("Two requirements must be met before a party or its attorneys may be held in civil contempt … [f]irst, the court must have fashioned an order that is clear and reasonably specific … [and] the defendant must have violated that order."); *Al-Adahi v. Obama*, 672 F. Supp. 2d 114, 117-18 (D.D.C. 2009) (holding Department of Defense in civil contempt for violating court order to videotape examination of Guantanamo detainee).

II. Defendants' Expulsion of Newly Arrived Unaccompanied Children from Noncontiguous Countries is Substantively Unlawful

Not only does Defendants' conduct violate this Court's injunction, but the government's new process for coercing unaccompanied children from noncontiguous countries to purportedly accept expedited "voluntary" return is substantively unlawful.

By enacting the TVPRA, Congress created robust procedures to ensure the safety and protection of unaccompanied children as they face a complex, foreign legal regime. 8 U.S.C. § 1232. Those procedures require that, absent "exceptional circumstances," children be transferred to ORR custody within 72 hours of entering CBP custody. *Id.* § 1232(b)(3). There is one exception: Certain unaccompanied children from Mexico and Canada who are determined to be at low risk of trafficking and who lack a credible fear of persecution may be promptly repatriated to their country of origin following certain special procedures, rather than placed in ORR custody. *Id.* § 1232(a)(2)(A)-(C). All other unaccompanied children must be placed in full removal proceedings and given access to counsel. *Id.* § 1232(a)(5)(D). Yet Defendants now claim the authority to "offer" expedited processes to *all* unaccompanied children, regardless of their countries of origin.

Defendants thus seek to persuade vulnerable children being held in windowless cells without their parents to relinquish their rights during the brief window before they reach the care of a non-law-enforcement agency (ORR) and before they can speak with an attorney. This defies the explicit requirements of federal law and undermines the carefully crafted protections for vulnerable unaccompanied children.

The government likely will claim, as it has elsewhere, that Congress recently authorized its conduct. *See* Ex. D at 1, ("The language in Section 100051(8) of the *One Big Beautiful Bill Act (OBB[B]A)* (Pub. L. 119-21) [2025] makes it permissible to allow certain UACs who are screened and determined to be eligible—including those from noncontiguous countries—the opportunity to withdraw their application for admission and voluntarily return to their country of origin, if they choose to do so."). This argument is specious. Although Congress appropriated funds for "removal operations for specified unaccompanied alien children," "permitting a specified unaccompanied alien child to withdraw" their application under 8 U.S.C. § 1225(a)(4), Pub. L. No. 119-21, § 100051(8), 139 Stat. 72, 386 (2025), nothing in this allocation of funding suggests any congressional intent to override the robust and longstanding protections codified in the TVPRA. On the contrary, the better, consistent reading is that this legislation funds activities that substantive law already authorizes, such as the TVPRA's contiguous-country returns, rather than activities that were expressly prohibited by preexisting substantive law.

This Court already has rejected the contention "that this provision [of the OBBBA] overrides the TVPRA's protections keyed to removal" because Defendants "have not overcome the 'very strong presumption' that 'appropriation acts' do not 'substantively change existing law.'" PI Op. at 33 n.9 (citing *Calloway v. District of Columbia*, 216 F.3d 1, 9 (D.C. Cir. 2000)). As the Supreme Court has made clear, a repeal by implication of substantive law is so strongly disfavored

that it will only be found where two statutes cannot be reconciled. *Tenn. Valley Auth. v. Hill*, 437 U.S. 153, 190-91 (1978). And that "policy applies with even *greater* force when the claimed repeal rests solely on an Appropriations Act" which "have the limited and specific purpose of providing funds for authorized programs"; when voting on such measures, "legislators are entitled to operate under the assumption that the funds will be devoted to purposes which are lawful and not for any purpose forbidden."[9] *Id.* at 191. The upshot is that the grant of funding in the OBBBA provides no authority for CBP to ignore the TVPRA's protections and return unaccompanied children from noncontiguous countries without first transferring them to ORR custody and placing them in removal proceedings. And it certainly provides no justification for Defendants to flout the plain text of this Court's injunction.[10]

CONCLUSION

Plaintiffs respectfully request that the Court issue an order to show cause why Defendants should not be held in civil contempt for a pattern of repeatedly and openly violating this Court's unambiguous preliminary injunction.

[9] Not only is OBBBA an appropriations law, but it passed through budget reconciliation, which "may be used only for provisions that are predominantly budgetary in nature, not for provisions that would result in substantial policy changes." *See* Br. of Members of Congress as *Amici Curiae* in Supp. of Pls.'-Appellees and Affirmance at 1, *Flores v. Bondi*, No. 25-6308 (9th Cir. Jan. 28, 2026), https://perma.cc/7C69-TTWK.

[10] Plaintiffs respectfully suggest the Court consider ruling on their fully briefed motion to modify the class definition to protect children from other nationalities, *see* ECF Nos. 65, 69, 70, in conjunction with this motion to show cause, so that going forward Defendants' unlawful actions may be halted as to all unaccompanied children protected by the TVPRA, not only Guatemalan children.

Dated: February 24, 2026

Respectfully submitted,

/s/Joseph W. Mead
Joseph W. Mead (D.C. Bar No. 1740771)
Kate Talmor (D.C. Bar No. 90036191)
Rupa Bhattacharyya (D.C. Bar No. 1631262)
Mary B. McCord (D.C. Bar. No. 427563)
Tinesha Zandamela (D.C. Bar No. 90035492)
INSTITUTE FOR CONSTITUTIONAL ADVOCACY AND PROTECTION
Georgetown Law
600 New Jersey Ave., N.W.
Washington, D.C. 20001
Tel: (202) 662-9765
Fax: (202) 661-6730
jm3468@georgetown.edu
rb1796@georgetown.edu
mbm7@georgetown.edu
kt894@georgetown.edu
tcz7@georgetown.edu

Efrén Olivares (D.D.C. Bar No. TX0107)
Lynn Damiano Pearson (D.D.C. Bar No. GA0057)
Kevin Siegel*
Hilda Bonilla (D.C. Bar No. 90023968)
Elizabeth Choo**
NATIONAL IMMIGRATION LAW CENTER
1101 14th Street, Suite 410
Washington, D.C. 20005
Tel: (213) 639-3900
Fax: (213) 639-3911
olivares@nilc.org
damianopearson@nilc.org
siegel@nilc.org
bonilla@nilc.org
choo@nilc.org

Rebecca Wolozin (D.C. Bar No. 144369)
NATIONAL CENTER FOR YOUTH LAW
818 Connecticut Avenue NW, Suite 425
Washington, DC 20006
Tel: (202) 868-4792
bwolozin@youthlaw.org

Mishan Wroe*
NATIONAL CENTER FOR YOUTH LAW
1212 Broadway, Suite 600
Oakland, California 94612
Tel: (510) 835-8098
mwroe@youthlaw.org

Counsel for Plaintiffs
**Admitted Pro Hac Vice*
***Pending Admission*

EXHIBIT A

DECLARATION OF MARIE SILVER
MANAGING ATTORNEY FOR CHILDREN'S PROTECTION
FOR THE NATIONAL IMMIGRANT JUSTICE CENTER

I, Marie Silver, make the following statements on behalf of the National Immigrant Justice Center (NIJC). I certify under penalty of perjury that the following statements are true and correct pursuant to 28 U.S.C. § 1746.

1. My name is Marie Silver. I am the managing attorney for the Immigrant Children's Protection Project at the National Immigrant Justice Center (NIJC). NIJC is based in Chicago, Illinois, and provides legal services to immigrants. NIJC is dedicated to providing legal services to indigent unaccompanied immigrant children, including those who are held in the custody of the Office of Refugee Resettlement (ORR) in Illinois and Indiana.

2. NIJC's Immigrant Children's Protection Project works primarily on matters involving unaccompanied immigrant children. The mission of NIJC's Immigrant Children's Protection Project is to educate children about the United States immigration legal system and to assess and assist them in their claims for legal relief, including asylum, special immigrant juvenile status, and protection from human trafficking. The Immigrant Children's Protection Project equips children to make informed decisions about how to proceed with their immigration cases and represents children in applications for legal relief and in their removal proceedings before the immigration courts.

3. In my role as the managing attorney of NIJC's Immigrant Children's Protection Project, I lead a team of attorneys and paralegals that reviews the cases of children who arrive at the ORR shelters where NIJC provides legal services. My team and I review the paperwork of children to confirm accuracy, investigate eligibility for immigration relief (including defenses against deportation), and assist children in making informed decisions about how to proceed with their legal cases.

4. As a common practice, staff members at the ORR shelters provide NIJC, through me and my team, the charging documents of children in ORR custody with whom we will meet for legal consultations.

5. On November 11, 2025, a staff member at an ORR shelter for which NIJC is the designated legal service provider sent to me, by email, the charging documents for an unaccompanied immigrant child who had recently arrived at the facility.

6. Included with the documents for the child was a document titled "UAC Processing Pathway Advisal." Neither I nor my team had seen this document previously. This document has not been included with the documents for other children that we have reviewed. No children with whom we have conducted legal consultations have referenced or described this document.

7. The "UAC Processing Pathway Advisal" document asserts that children who have been identified as unaccompanied, who agree to voluntarily return to their countries within 72 hours, "will still have the opportunity to apply for a visa . . . in the future."

8. The "UAC Processing Pathway Advisal" document asserts that unaccompanied children who elect to have a hearing before an immigration judge or who indicate a fear of returning to their country (such that they can claim asylum in the United States) will be detained in United States government custody "for a prolonged period of time."

9. The "UAC Processing Pathway Advisal" document asserts that unaccompanied children who elect to have a hearing or who indicate fear of return may expose their "sponsor," who is often a parent or other family member, to arrest, detention, criminal prosecution, and deportation.

10. The "UAC Processing Pathway Advisal" document asserts that unaccompanied children who claim a fear of return and are unsuccessful in substantiating that claim may be barred from receiving immigration visas in the future.

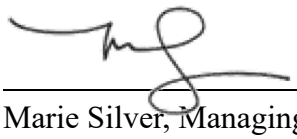
11. The "UAC Processing Pathway Advisal" asserts children who elect to have a hearing or who indicate fear of return and who turn 18 while in United States government custody "will be turned over to Immigration and Customs Enforcement for removal (deportation) from the United States."

12. As an immigration attorney specializing in children's issues with 12 years of experience, who has reviewed the paperwork of at least hundreds of children in ORR custody, I have never seen an advisal of this nature. In my legal opinion, this advisal completely misstates – or at least dramatically misrepresents – the immigration laws that apply to unaccompanied immigrant children. Further, the advisal's assertions, which are more aptly characterized as threats, are in clear contravention of the entire system implemented to protect and promote the safety and best interests of unaccompanied immigrant children pursuant to the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA).

13. I believe this advisal will cause significant distress and confusion among unaccompanied immigrant children, who are apprehended by immigration officials alone without their parents, and who are frequently survivors of violence and trauma. I believe many of these children will be so scared of the "consequences" outlined in this advisal, especially the threats of arrest, deportation, and criminal prosecution of their family members, that they will be unable to assert their rights to have a hearing before an immigration judge and to seek asylum and other forms of humanitarian protection for which they may be eligible. The outcome for such children will be rapid and extrajudicial return, alone, to countries where they face serious risks to their safety and wellbeing, including abuse, neglect, domestic violence, human trafficking, and even death.

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

Executed on the 12th of November 2025, in Chicago, Illinois.



Marie Silver, Managing Attorney
National Immigrant Justice Center
111 W. Jackson Blvd., Suite 800, Chicago, IL 60604
T: 773-672-6604
msilver@immigrantjustice.org

EXHIBIT B

UAC Processing Pathway Advisal

You have been identified as an unaccompanied minor. This information is intended to provide clarity about the steps involved.

You have the option to voluntarily return to your country of origin, and you can return to your country within 72 hours. If you choose to voluntarily return to your country, there will be no administrative consequence, and you will still have the opportunity to apply for a visa, through legal means, in the future

If you choose to seek a hearing with an immigration judge or indicate a fear of returning to your country, you can expect the following:

- You will be detained in the custody of the United States Government, for a prolonged period of time.
- If your sponsor in the United States does not have legal immigration status, they will be subject to arrest and removal from the United States. The sponsor may be subject to criminal prosecution for aiding your illegal entry.
- If you cannot substantiate your claim of fear of returning to your country, you can be barred from legally applying for a visa
- If you turn 18 years of age while in U.S. Government custody, you will be turned over to Immigration and Customs Enforcement for removal (deportation) from the United States. This can result in being barred from applying for a visa in the future.

Usted ha sido identificado como un menor no acompañado. Esta información tiene como objetivo proporcionar claridad sobre los pasos involucrados.

Usted tiene la opción de regresar voluntariamente a su país de origen, y puede hacerlo dentro de un plazo de 72 horas. Si elige regresar voluntariamente a su país, no habrá consecuencias administrativas, y aún tendrá la oportunidad de solicitar una visa, por medios legales, en el futuro.

Si elige solicitar una audiencia con un juez de inmigración o indica que tiene temor de regresar a su país, puede esperar lo siguiente:

- Será detenido bajo la custodia del Gobierno de los Estados Unidos por un período prolongado de tiempo.
- Si su patrocinador en los Estados Unidos no tiene estatus migratorio legal, estará sujeto a arresto y deportación de los Estados Unidos. El patrocinador también podría estar sujeto a un proceso penal por ayudar en su entrada ilegal.
- Si no puede justificar su afirmación de temor de regresar a su país, se le puede prohibir solicitar legalmente una visa en el futuro.
- Si cumple 18 años de edad mientras está bajo la custodia del Gobierno de los Estados Unidos, será transferido a Inmigración y Control de Aduanas (ICE) para su deportación de los Estados Unidos. Esto puede resultar en la prohibición de solicitar una visa en el futuro.

EXHIBIT C

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

JOSE ANTONIO PEREZ-FUNEZ, *et al.*, Plaintiffs, v. U.S. DEPARTMENT OF HOMELAND SECURITY, *et al.*, Defendants.	Case No. CV 81-1457-MWF(Ex) District Judge Michael W. Fitzgerald

DECLARATION OF MICHAEL JULIEN

I, Michael Julien, pursuant to 28 U.S.C. § 1746, and based upon my personal knowledge and information made known to me from official records and reasonably relied upon in the course of my employment, relating to the above-captioned matter, hereby declare as follows:

1. I am the Acting Division Chief; Immigration, Prosecution, and Custody Operations (IPC); Law Enforcement Directorate (LEOD); U.S. Border Patrol (USBP); U.S. Customs and Border Protection, Department of Homeland Security, in Washington, D.C. As the Acting Division Chief of IPC, LEOD, I oversee immigration enforcement, criminal prosecutions, and custodial conditions. My position includes oversight of USBP immigration enforcement policies and practices, including policies related to the *Flores* Settlement Agreement and the removal of inadmissible aliens. I have served in this role since July 2025. Prior to my current role, from August 2024 to July 2024, I was an Assistant Chief with USBP LEOD, where I oversaw operations in the Western Corridor of the United States. From April 2022 to August 2024, I served as a Special Operations Supervisor in Tucson Sector.

2. I understand that, in accordance with the requirements of the *Flores* Settlement

Agreement, all minors apprehended by USBP, regardless of whether or not they are accompanied by a parent or legal guardian, must be provided with a copy of the Form I-770, *Notice of Rights and Request for Disposition.* USBP has longstanding policy consistent with this requirement. IPC LEOD most recently reiterated this requirement to the field in May 2023. That requirement remains in effect today.

3. In accordance with the Trafficking Victims Protection Reauthorization Act of 2008, USBP screens all unaccompanied alien children (UACs), using the CBP Form 93, to determine whether a child (a) is a victim or likely victim of trafficking; (b) has a fear of returning to their home country; and (c) is able to make an independent decision, such that they may be permitted, in an exercise of discretion, to withdraw their application for admission and return home.

4. In September 2025, USBP began providing an "UAC Processing Pathway Advisal" for UACs who an agent has determined are capable of making an independent decision. This advisal is generally provided orally to the UAC.

5. USBP continues to provide all minors apprehended by USBP, including UACs who are able to make an independent decision, with the Form I-770.

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

Executed on this 20th day of January, 2026.

Michael Julien
Acting Division Chief,
Immigration, Prosecution and Custody Operations
Law Enforcement Operations Directorate
U.S. Border Patrol
U.S. Customs and Border Protection

EXHIBIT D

1300 Pennsylvania Avenue, NW
Washington, DC 20229

U.S. Customs and Border Protection

Commissioner

December 4, 2025

The Honorable Ron Wyden
Ranking Member
Committee on Finance
United States Senate
Washington, DC 20510

Dear Senator Wyden:

Thank you for your November 4, 2025, letter to U.S. Customs and Border Protection (CBP) voicing concerns about the voluntary return of unaccompanied alien children (UAC) to their countries of origin.

CBP's hard-working agents and officers are committed to the safety of every individual they encounter. Since UACs are particularly vulnerable to human trafficking and other grave abuses, our procedures ensure they are processed expeditiously, appropriately, and in a way that prioritizes their safety and security. The language in Section 100051(8) of the *One Big Beautiful Bill Act* (*OBBA*) (Pub. L. 119-21) makes it permissible to allow certain UACs who are screened and determined to be eligible – including those from noncontiguous countries – the opportunity to withdraw their application for admission and voluntarily return to their country of origin, if they choose to do so.

The processing procedures involved for UACs from non-contiguous countries are the same as they are for UACs who are nationals or habitual residents of Canada or Mexico. All UACs encountered by CBP are screened and processed in accordance with the *Trafficking Victims Protection Reauthorization Act of 2008*. All UACs encountered by CBP are screened for their ability to make an independent decision, as well as trafficking or fear concerns, using Form CBP-93, and all are provided with their Notice of Rights using Form I-770. UACs who are not able to make an independent decision, who are identified as being potential trafficking victims, or who are afraid to return to their home countries, are not amenable to a voluntary return.

UACs who are able to withdraw their application for admission and voluntarily return, and who choose to do so, are repatriated from the United States at a port of entry (for voluntary returns to Mexico or Canada) or by a U.S. Immigration and Customs Enforcement flight (for voluntary returns to noncontiguous countries) as soon as operationally feasible. UACs encountered by CBP and who are awaiting voluntary return will remain in a short-term holding facility for the appropriate duration and will be provided with the required provisions and amenities in accordance with Department of Homeland Security and CBP policies, as well as applicable legal settlement agreements and court orders. Depending on the timing of the next available flight for a UAC's repatriation to a noncontiguous country, the UAC may be transferred to the U.S.

Department of Health and Human Services, Office of Refugee Resettlement (ORR), consistent with CBP's obligation to transfer UACs to ORR within 72 hours, absent exceptional circumstances.

Should you need additional assistance, please contact me or have a member of your staff contact Matthew Eagan, Assistant Commissioner, Office of Congressional Affairs, at 202-344-1760.

Sincerely,

Rodney S. Scott
Commissioner

EXHIBIT E

SUPPLEMENTAL DECLARATION OF LAUREN FISHER FLORES

I, Lauren Fisher Flores, pursuant to 28 U.S.C. § 1746, declare:

1. I am the Legal Director of the South Texas Pro Bono Asylum Representation Project (ProBAR), a project of the American Bar Association (ABA). I submit this declaration to supplement my previous declarations in this matter, *see* ECF 2-2 at 31-32; ECF 20-3, and to update the Court on information my organization has gathered in recent months. As outlined in my previous declarations, ProBAR provides legal services at 20 shelters for unaccompanied children in the Rio Grande Valley and Corpus Christi regions (one facility has recently closed). Over the past several months, our legal services at these facilities have included providing updates to detained children on the protections afforded by the Court's preliminary injunction.

2. I have dedicated my career to working with children at the intersection of immigration law and child welfare. I make this declaration based on personal knowledge and information made known to me in the course of my professional experience, and I make this declaration in my personal capacity and not on behalf of ProBAR or the ABA.

3. ProBAR attorneys represent two of the named Plaintiffs in this action and approximately 200 *LGML* class members. ProBAR attorneys also represent detained unaccompanied children from other countries including Honduras, Nicaragua, and El Salvador.

4. Under normal circumstances and pursuant to the TVPRA and the Flores Settlement, when a child from a non-contiguous country enters the United States without a parent or legal guardian, CBP designates the child an "unaccompanied alien child," issues a Notice to Appear (NTA), and transfers the child to an ORR shelter facility within 72 hours. Then ProBAR staff meet with the child within 10 days, provide the child information about their legal rights, review the child's immigration documents, and conduct an intake screening.

5. In early August of 2025, I started to hear from credible sources about a pilot program to use several of the ORR shelters in the Rio Grande Valley as a staging ground for removals of unaccompanied children from non-contiguous countries who had accepted a form of expedited "voluntary return" while temporarily in CBP custody, before being transferred to ORR custody. The designated shelters included four where ProBAR serves as Legal Service Provider: Compass Connections Henderson, Compass Connections Cameron, Grace House, and New Hope LSSSS. If children accepted this new form of expedited "voluntary return" and CBP could not repatriate the children within 72 hours (the maximum time children may remain in CBP custody), CBP would hold the children in one of the four designated ORR facilities until they could be repatriated.

6. The first week of August, ProBAR identified two children at the above-referenced ORR shelters that purportedly had signed "voluntary return" paperwork with CBP. One child

was from Honduras, and he was repatriated within a few days. Another child was from Guatemala. This child was asked his age and then told to sign paperwork for his "voluntary return." The child said the officer told him to sign twice, never explained the form or what he was agreeing to by signing it, never told him what would happen if he did or did not sign, and never told him he could enter legal proceedings seeking to stay in the U.S. The child signed the documents, though he said if he had known he could see a judge, he would not have signed anything. The child expressed fear about returning to Guatemala and, with the assistance of ProBAR counsel, ultimately withdrew his purported agreement to return and filed an asylum application.

7. I have reviewed CBP paperwork for many of the children arriving at the above-referenced ORR shelters in recent months. During that review, I have seen notations in the Form I-213 Record of Deportable/Inadmissible Alien form that refer to the child accepting "voluntary return" and the box on the I-770 form checked "the subject admitted deportability and requested to return to his/her country voluntarily, without a hearing." The children do not have Notice to Appear (NTA) documents. In cases where ProBAR attorneys intervened, staff successfully advocated with ICE deportation officers to NTA the child so that they could be placed in TVPRA removal proceedings with an immigration judge.

8. Over recent months, newly arrived unaccompanied minors have reported that federal immigration agents pressured them to waive their rights under the TVPRA, to abandon any claims for immigration relief they may have, and instead to accept expedited "voluntary return" from the United States.

9. For example, in early August, ProBAR provided initial services to a child from a non-contiguous country who completed this "voluntary return" interview with CBP. The child reported that he had been handcuffed and interviewed by seven federal immigration officers without a parent or legal counsel present. According to the child, he noticed one of the written answers to a question was not what he had responded, and when asked why it was changed, the officer responded, "I don't care." When the child said he was scared to return home due to violence, the officer replied, "There is also violence and dangers here in the United States." The child described feeling scared and pressured by the officers. The child said that he was told to sign a document for his "voluntary return" without any explanation of what it was, what it meant, or the consequences of signing. Once the paperwork was complete, the child witnessed the officers celebrating. As with other children described here, my staff only learned of this encounter because CBP was unable to effectuate his return within 72 hours, so the child was transferred to ORR custody to await his removal.

10. ProBAR has since identified a total of 13 children who signed purported "voluntary return" paperwork. Children reported CBP officers behaving aggressively—shouting,

insulting, cursing, grabbing, threatening, and handcuffing children. Children reported being scared and confused. Eight of the children are from Guatemala, though others are from Honduras, Ecuador, and Nicaragua.

11. An indigenous Guatemalan boy at Compass Connections Harlingen told me his father is disabled and his parents cannot protect and support him. CBP agents detained him around October 14, 2025. According to the child, CBP agents shouted, cursed, and threatened the child with a dog and a stun gun. A CBP agent told him he could accept a "voluntary return" or he could remain detained for an extended period of time. The child asked if he could speak with his family before he decided, but the officer refused. The child signed the paperwork. However, an officer then told him he was being sent to a shelter. The child believes his prayers were answered.

12. Another indigenous boy from Guatemala spoke Kiche as his primary language. CBP detained him around September 15, 2025. He was not provided an interpreter. He did not understand the paperwork. According to the child, he was told that if he did not sign, he would be detained for a long time. He signed the "voluntary return" paperwork. With ProBAR's assistance, he was able to revoke it and is now in court proceedings.

13. A Honduran child from Upbring New Hope, also detained by CBP around September 15, 2025, told ProBAR that she had been abandoned by her mother and was unsafe in Honduras. CBP agents detained her after a van crash that left her bleeding from her head and legs. According to the child, the agents denied her appropriate medical care and yelled at her. CBP agents told her she had two choices: go back to her country or go to a detention facility until she was 18 and then be deported to her country anyway. Agents told her to sign a document. She did not understand the paperwork but signed anyway. With ProBAR's assistance, she revoked the purported withdrawal of admission.

14. ProBAR is not allowed access to children while they are in CBP custody. Therefore, ProBAR staff only see the children with "voluntary return" documentation after they are transferred to ORR custody. Of the 13 children whom ProBAR screened as needing immediate representation to halt their repatriation, it appeared that CBP was unable to repatriate them within 72 hours, and thus the children were awaiting a "voluntary return" flight while in ORR custody. If children from non-contiguous countries are repatriated directly from the CBP station after signing purported "voluntary return" paperwork, ProBAR staff have no access to them to provide legal services and screenings.

15. On September 30th, I received a call from a representative at the Honduran consulate. The representative told me that consular staff had met with a pregnant Honduran teen in CBP custody because CBP had requested travel documents for the child's repatriation. The representative said that the child did not want to return to Honduras but that CBP had told her they would arrest her undocumented parents living in the U.S. if she did not sign the "voluntary return" paperwork. The representative asked me for information about the

protections available to unaccompanied children, and I explained the TVPRA and its protections for such children, including the right to a hearing with an immigration judge and the right to be released to a sponsor in the community.

16. In my professional opinion, having worked with children for 20 years, the conditions of detention in CBP custody create a fearful environment for children, and a child cannot make an informed and willing decision about their future while detained in jail-like conditions, feeling the pressure of serious consequences by law enforcement agents. Based upon the information available to me, it is my professional opinion that CBP is using intimidation tactics like prolonged detention in jail-like settings and arrest of family members to coerce children from noncontiguous countries into waiving their rights under the TVPRA and purportedly agreeing to accept "voluntary return" without receiving any process or a hearing with an immigration judge. These practices are, as far as I am aware, new, and appear to be an attempt by CBP to evade the protections children receive under the TVPRA.

Signature

2/20/2026

Date

EXHIBIT F

Information on Federal Litigation

The U.S. government has several different new initiatives to discourage youth from remaining in the United States. These include the middle of the night flights to Guatemala, fines, payments for taking voluntary departure, and offering voluntary repatriation when youth first arrive in CBP custody. When initiatives like these go against the laws like the TVPRA that protect youth, federal litigators like our colleagues at National Immigration Law Center can help fight to ensure the protections of the law in federal court. You can choose if you want to provide a declaration to support federal litigation. Do you want to participate in federal litigation to protect immigrant youth?

- ☑ I understand that the ProBAR attorney [redacted] represents me in [redacted]limited L3 for TVPRA protections, court, other).
- ☑ I understand that National Immigration Law Center represents the class of unaccompanied Guatemalan children in the litigation *LGML v. Noem*, and may seek to expand that class to children from other countries.
- ☑ I want to provide a declaration that supports the LGML litigation.
- ☑ I want to participate in future federal litigation that protects me and others in my situation
- ☑ I give permission to share my declaration for these purposes.

[redacted]

Name

11/17/2025

Date

DECLARATION OF [redacted]

I, [redacted] based on my personal knowledge, hereby submit this declaration under 28 U.S.C. § 1746 and state the following:

1. My name is [redacted]. I just turned 16 years old and I am originally from Quiche, Chichicastenango, Guatemala. I speak Quiche as my first language; it is in my blood.

2. I live at the Compass Connections Harlingen children's shelter in Harlingen, Texas.

3. I crossed the river with an inflatable tube from a tire and my bag of personal things on my head. It was at sunset. I don't know how to swim, I slipped many times, and I was scared. I think I was in shock when Border Patrol agents started shouting at us, like all my dreams and plans had been taken and I wasn't really there at all. Border Patrol said they had a dog, they said don't move or they would sick the dog on us. They had taser guns and they threatened to use them. They pulled us out of the river and onto the grass. They went through our bags. They shouted at us asking about other bags, they said "ya les chingo la madre" (we already fucked your mother), but we had nothing else to give them. They handcuffed everyone but me. I was still wet and muddy from the river.

4. The Border Patrol officers took us to "la hielera" and took my fingerprints. Later that night, they took me to an immigration station. I was there for about a day and a half. During that time, officers called my aunt. They tried to get information about my family's addresses and their immigration status. My aunt was too scared to give them information. They called my uncle and he didn't answer the phone, so they said I had no one to receive me. The officers told me that no one was going to sponsor me and that I would stay detained. One of the officers told me that I owed $5000 for crossing into the United States because of a new law from the President. They told me I had to go back to Guatemala.

5. The officer that was interviewing me was in a green uniform, she spoke to me in Spanish, and she seemed angry. I asked her if I could go with a sponsor who didn't have documents, and she said no because they were illegal like me. She said I had to decide if I was going to voluntarily return to Guatemala or if I was going to stay detained. She did not explain anything about court or my right to fight a legal case for asylum or a visa. When she said I would stay detained, I believed that she meant detained there in immigration detention. I did not want to go to Guatemala. I did not want to be in immigration detention.

6. I asked her for a phone call so that I could talk to my family about it. The officer said no that I had to make a decision right now. I said I would sign the papers. I do not know how many documents I signed. The officers explained that the papers I signed were to return to my home country. I do not know if it was deportation or voluntary departure. I was not given the option to not sign. I do not remember if they explained to me the consequences of signing the document.

7. After a little while, the Officer told me I was not going to be sent to Guatemala. I am a Christian, and I believe in God. I believe that even when the strongest men make plans, God's plans are stronger. I remember thinking that even though I signed the papers, I was

going to a shelter. I remember thinking this was part of God's plan for me. I remember feeling hope.

8. My father is disabled—he is paralyzed and cannot move his legs. My mother does other people's laundry and takes care of children, but she does not earn enough to support us. I left school when I was 12 to work and support my younger siblings. I worked in manual labor hauling sand from the river. My parents cannot protect me, keep me safe, or give me a future.

9. I do not want to go back to Guatemala. My parents do not want me to return.

10. I came to the United States because I thought I would be safe here with my aunts and uncles.

11. I understand that there is a prospect of release to a safe sponsor here in the United States, and I am hopeful that I may be placed with a trusted caregiver who can provide me with safety and stability.

12. I want to remain in the United States and continue to fight my case in Immigration Court.

13. I respectfully ask the Court to allow me to remain in the United States while my case is pending and to protect me from being removed before I have had a full day in court.

DECLARACIÓN DE [redacted]

Yo, [redacted], basándome en mi conocimiento personal, presento esta declaración de conformidad con el 28 U.S.C. § 1746 U.S.C, y declaro lo siguiente:

1. Mi nombre es [redacted]. Acabo de cumplir 16 años y soy originario de Quiché, Chichicastenango, Guatemala. Hablo Quiché como mi primer idioma; lo llevo en la sangre.

2. Vivo en el albergue para niños Compass Connections Harlingen en Harlingen, Texas.

3. Crucé el río con un tubo inflable de una llanta y mi mochila con mis pertenencias sobre mi cabeza. Era atardecer. No sé nadar, me resbalé muchas veces y tenía miedo. Creo que estaba en shock cuando los agentes de la Patrulla Fronteriza empezaron a gritarnos, como si todos mis sueños y planes se hubieran ido y yo no estuviera allí. La Patrulla Fronteriza nos dijo que tenían un perro, que no nos moviéramos o nos lo soltarían. Tenían pistolas de descarga eléctrica y amenazaron con usarlas. Nos sacaron del río y nos llevaron al césped. Revisaron nuestras maletas. Nos gritaron preguntando por las demás maletas, dijeron "ya les chingo la madre", pero no teníamos nada más que darles. Esposaron a todos menos a mí. Todavía estaba mojado y enlodado del río.

4. Los agentes de la Patrulla Fronteriza nos llevaron a "la Hielera" y me tomaron mis huellas dactilares. Más tarde esa noche, me llevaron a una estación de inmigración. Estuve allí aproximadamente un día y medio. Durante ese tiempo, los agentes llamaron a mi tía. Intentaron obtener información sobre las direcciones de mi familia y su estatus migratorio. Mi tía tenía demasiado miedo de darles información. Ellos llamaron a mi tío y no contestó el teléfono, así que dijeron que no tenía a nadie que me recibiera. Los oficiales me dijeron que nadie me iba a patrocinar y que permanecería detenido. Uno de los agentes me dijo que debía $5000 por cruzar a los Estados Unidos debido a una nueva ley del presidente. Me dijeron que tenía que regresar a Guatemala.

5. La oficial que me entrevistó tenía un uniforme verde, me habló en español y parecía enojada. Le pregunté si podía ir con un patrocinador que no tuviera documentos, y me dijo que no porque eran indocumentados como yo. Me dijo que tenía que decidir si iba a regresar voluntariamente a Guatemala o si iba a quedarme detenido. No me explicó nada sobre la corte ni sobre mi derecho a pelea un caso legal de asilo o visa. Cuando dijo que me quedaría detenido, creí que se refería a estar detenido en un centro de detención de inmigrantes. No quería ir a Guatemala. No quería estar en un centro de detención de inmigrantes.

6. Le pedí una llamara para poder hablar con mi familia de esto. La oficial dijo no, que tenía que tomar una decisión en ese momento. Dije que firmaría los papeles. No sé cuántos documentos firmé. Los oficiales me explicaron que los papeles que firmé eran para regresar a mi país de

origen. No sé si se trataba de una deportación o de una salida voluntaria. No me dieron la opción de no firmar. No recuerdo si me explicaron las consecuencias de firmar el documento.

7. Poco después, el oficial me dijo que no me enviarían a Guatemala. Soy Cristiano y creo en Dios. Creo que incluso cuando los hombres más fuertes hacen planes, los planes de Dios son más fuertes. Recuerdo haber pensado que, aunque firmé los papeles, iba a un albergue. Recuerdo haber pensado que esto era parte del plan de Dios para mí. Recuerdo haber sentido esperanza.

8. Mi padre es discapacitado: está paralizado y no puede mover las piernas. Mi madre lava ropa ajena y cuida niños, pero no gana lo suficiente para mantenernos. Dejé la escuela a los 12 años para trabajar y mantener a mis hermanos menores. Trabajé en obra manual acarreando arena del río. Mis padres no pueden protegerme, mantenerme a salvo ni darme un futuro.

9. No quiero regresar a Guatemala. Mis padres no quieren que regrese

10. Vine a Estados Unidos porque pensé que estaría a salvo aquí con mis tíos y tías.

11. Entiendo que hay la posibilidad de ser entregado a un patrocinador seguro aquí en Estados Unidos, y tengo la esperanza de que me entreguen a un cuidador de confianza que pueda brindarme seguridad y estabilidad.

12. Quiero permanecer en Estados Unidos y continuar luchando por mi caso en la Corte de Inmigración.

13. Respetuosamente le pido a la Corte que me permita permanecer en Estados Unidos mientras mi caso está pendiente y que me proteja de ser deportado antes de haber tenido una audiencia completa en la corte.

Executed on November 17, 2025 in Harlingen, Texas.

The above statement was read to me in the Spanish language by Rut Castellanos, who is competent in English and Spanish to render such translation. I understand the content of the document and the statements herein are true and correct to the best of my knowledge.

[redacted]
Signature

11/17/2025
Date

CERTIFICATE OF TRANSLATOR'S COMPETENCE

I, Rut Castellanos, hereby certify that I am competent in written and oral Spanish and English, and that I have rendered an oral translation of the foregoing declaration from English to Spanish to the best my ability and skill to (CLIENT NAME).

Rut Castellanos
Signature

11/17/2025
Date

EXHIBIT G

DECLARATION OF [redacted]

I, [redacted], make the following statements. It is the truth to the best of my knowledge, information, and belief:

1. My name is [redacted], and I was born on [redacted] in Villanueva, Cortes, Honduras.
2. I currently live at ORR shelter Upbring New Hope located at 1000 N McColl Road, McAllen, Texas 78501.
3. My mother and stepfather abandoned me when I was three years old. They left me to be raised by my biological father's mother.
4. My grandmother is the person who has cared for me, but she will not be able to continue doing so because she is sick with health problems.
5. My grandmother is about 63 years old. She has issues with her breathing, blood pressure, and her shoulder bones to the point where she cannot lift her arms above shoulder height because it hurts her so much.
6. I came to the United States to escape the danger in Honduras and to live with my biological father in Springfield, Missouri.
7. Shortly after entering the United States, I was riding in a van near Laredo, Texas during the evening. It was late, so I was lying down when suddenly I felt a crash.
8. The crash lifted me up and then my whole body fell. My head and my legs were bleeding.
9. I was so scared, so I went to hide in a drainage tunnel.
10. I heard, "Don't hide!" and I was grabbed and yanked by the wrist by two Border Patrol agents. I told them that my legs hurt so badly. My legs were starting to swell.
11. I was put inside the Border Patrol truck and looked over by a paramedic who told me that I had the right to medical attention. I told him that yes, I wanted to go to

a hospital. However, another CBP agent denied my request and told me that where they were taking me had doctors.

12. I was driven to the holding center. I needed help getting out of the truck and walking inside the holding center.
13. Inside, I was only checked for a fever but was not offered any help with my pain.
14. After taking my fingerprints and photos, I was moved to another place.
15. I was told that that I had two options: go back to my country or go to a shelter where at 18 I would be turned back to my country anyway.
16. An agent called her aunt who got scared and hung up the phone. I was allowed to call her afterwards, but she did not answer.
17. An agent yelled at me and told me that they tried nicely and now they will not be nice anymore.
18. I was then held for a few hours and then taken out by the same agent who told me I had to sign a document. I shrugged and she said more forcefully that I had to sign it. She told me twice.
19. I thought I had to sign, so I signed but I did not know why or what for.
20. I was taken back to be held until I was taken to this shelter.
21. I am fearful of returning to Honduras because of the danger and because my grandmother can no longer care for me.
22. I want to live with my biological father in Missouri.

My name is [redacted] my date of birth is [redacted] and my address is 1000 N McColl Road, McAllen, Texas 78501. This statement has been orally translated to me from English to Spanish, and I fully understand its contents. I declare under penalty of perjury that the foregoing is true and correct.

Executed in Hidalgo County, State of TEXAS, on the 8th day of October 2025.

[redacted]

CERTIFICATE OF TRANSLATION

I hereby certify that I am competent in both Spanish and English, and that I have accurately read the above "DECLARATION OF Y[redacted] Y[redacted] Z[redacted] C[redacted]" and translated it to the client from English to Spanish to the best of my ability.

Jennifer Morales

10/08/2025

Date