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 TO MODIFY CLASS DEFINITION FOR FURTHER PROCEEDINGS

On September 18, 2025, this Court provisionally certified, for purposes of preliminary injunctive relief, a class of unaccompanied children from Guatemala who are or will be in the custody of the Office of Refugee Resettlement ("ORR"). Plaintiffs do not at this time request any modification to the scope of the preliminary injunction. For purposes of further merits litigation, however, Plaintiffs respectfully contend that it is necessary to adjudicate the process to which *all* unaccompanied children in ORR custody are entitled before the government may remove them from the country. Plaintiffs thus request that this Court modify the class definition for purposes of further proceedings in this case and certify a class of all unaccompanied minors who are or will be in ORR custody and who are not subject to an executable final order of removal and have not been granted voluntary departure under 8 U.S.C. § 1229c and applicable regulations.[1]

[1] Plaintiffs sought Defendants' position on this motion, *see* D.D.C. L.CvR 7(m), and Defendants indicated that they oppose Plaintiffs' request.

FACTUAL BACKGROUND[2]

Congress recognized that unaccompanied migrant children[3] are uniquely vulnerable and created a comprehensive statutory scheme to ensure that unaccompanied minors receive enhanced protection and care, including particular procedural protections before the government may remove them from the United States. Trafficking Victims Protection Reauthorization Act of 2008 ("TVPRA"), Pub. L. No. 110-457, 122 Stat. 5044 (2008). These include mandated special procedures for adjudicating removal proceedings against an unaccompanied minor, for caring for such children, and for releasing them to vetted sponsors during the pendency of their removal proceedings. Under these protections, any unaccompanied child in ORR custody sought to be removed from the United States shall (i) be placed in removal proceedings under 8 U.S.C. § 1229a; (ii) upon approval by an immigration judge, be eligible for voluntary departure relief under 8 U.S.C. § 1229c at no cost to the child; and (iii) be provided access to counsel in accordance with subsection (c)(5). 8 U.S.C. § 1232(a)(5)(D).

TVPRA protections apply to every unaccompanied child in the custody of the federal government, regardless of their country of origin. Absent "exceptional circumstances," unaccompanied children taken into custody by U.S. agents or departments must be transferred to

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[2] Plaintiffs hereby incorporate by reference the factual and legal background set forth in this Court's Opinion Granting Plaintiffs' Motion for a Preliminary Injunction, ECF No. 49, and Plaintiffs' Memorandum in Support of their Motion for a Preliminary Injunction, ECF No. 20-1 at 3-20, and include here only materials of particular relevance to resolution of this motion.

[3] Under U.S. law, an unaccompanied minor is defined as a child who "(A) has no lawful immigration status in the United States; (B) has not attained 18 years of age; and (C) with respect to whom— (i) there is no parent or legal guardian in the United States; or (ii) no parent or legal guardian in the United States is available to provide care and physical custody." 6 U.S.C. § 279(g)(2).

ORR custody "not later than 72 hours" after determining that the minor is unaccompanied. 8 U.S.C. § 1232(b)(3); 8 C.F.R. § 236.3(f)(1). There is one exception: Certain unaccompanied children from contiguous countries 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 (Mexico or Canada) following certain special procedures, rather than placed in ORR custody. 8 U.S.C. § 1232(a)(2)(A)-(C). But if an unaccompanied child from a contiguous country does not meet those conditions and is not promptly repatriated, they must promptly be placed in ORR custody, where they enjoy the same rights and protections contained in the TVPRA as do all other unaccompanied children in ORR custody. *See* 8 U.S.C. § 1232(a)(3) ("The custody of unaccompanied alien children [who are not determined to be subject to the special rules for certain children from contiguous countries] … shall be treated in accordance with" the rules applicable to children from non-contiguous countries.).

Plaintiffs originally filed their complaint to obtain emergency relief halting the then-imminent expulsion of unaccompanied children from Guatemala. *See* ECF No. 49, Memo. Op. Granting Prelim. Inj. 1-2 ("PI Opinion"). Defendants opposed preliminary injunctive relief by arguing that they have the authority to "reunify" children with their parents or guardians in their country of origin, and so long as they are acting pursuant to this "reunification" authority, they need not follow the statutory protections that apply to unaccompanied children seeking immigration relief. ECF No. 35, Defs.' Opp. to PI 7-11; *see also* PI Opinion 26-27 (describing Defendants' argument). Defendants further argued they were not required by the Due Process Clause to provide reasonable advance notice to the unaccompanied children or their advocates before removal because ORR was their legal custodian, and the notice therefore was to the government itself. Sept. 10, 2025, Transcript of Preliminary Injunction Oral Argument 46

(argument by Defendants' counsel) ("So you would normally think of notice as going to a child's legal custodian, not to the child itself. So ORR, of course, had notice of ORR's action."). None of Defendants' arguments were unique to unaccompanied children from *Guatemala*. Indeed, Defendants have declined to disavow any intent to remove unaccompanied children from countries other than Guatemala through procedures like those attempted on Labor Day weekend. *See id.* 29 (in response to Court's question about "plans in the works to basically do a similar procedure," government counsel representing only "no immediate action, no definite plans that currently exist"); ECF No. 27 (recounting government's refusal to "agree that it will not seek to effectuate removals of such children" during the weekend of PI briefing).

As this Court stated in issuing a preliminary injunction, "Congress enacted into law a specific process for removing unaccompanied alien children like Plaintiffs, and Defendants' 'reunification' plan likely contravenes those statutory requirements." PI Opinion at 2; *see also id.* at 26 ("Defendants' 'reunification' plan, which is predicated on first expelling—that is, removing—these unaccompanied alien children from the United States, would circumvent the process that Congress established for doing so."). Although the Court limited the scope of the provisionally certified class and preliminary injunction to unaccompanied children from Guatemala, the Court emphasized that "any [similar] attempt to expel [unaccompanied children from other countries] is likely to be unlawful" for the same reasons it was likely unlawful to expel children from Guatemala. *Id.* at 24.

Recognizing that Defendants' claimed authority places all unaccompanied children in ORR custody at risk for summary expulsion—regardless of their country of origin—Plaintiffs filed an amended complaint that seeks relief on behalf of unaccompanied children in ORR custody, regardless of country of origin. Am. Compl. ¶ 20 (L.G.M.S. is an unaccompanied child from

Mexico in ORR custody); *id*. at ¶ 21 (H.E.B. is an unaccompanied child from Honduras in ORR custody). Plaintiffs do not at this time seek emergency relief on behalf of a broader class of children and do not ask the Court to modify the existing PI to cover non-Guatemalan children. But Plaintiffs seek to litigate to final judgment the rights of a broader class than those covered by the Court's preliminary injunction and the provisionally certified class because the constitutional and statutory rights of unaccompanied children in ORR custody do not depend on country of origin and because Defendants' asserted "reunification" authority applies equally to all such children. Specifically, Plaintiffs ask the Court to certify, for purposes of further merits litigation, a class of all unaccompanied children who are or will be in ORR custody and who are not subject to an executable final order of removal or a valid grant of voluntary departure, *see* 8 U.S.C. § 1229c and implementing regulations. Am. Compl. ¶ 95.

ARGUMENT

I. Plaintiffs Satisfy All of Rule 23(a)'s Requirements

As this Court found in provisionally certifying the class for preliminary relief, in this case, "[n]umerosity is straightforward." PI Opp. 15. Because the existing class comprised of certain Guatemalan children in ORR custody "far exceeds th[e] threshold" for Rule 23(a), *id.*, a broader class containing children from other countries of origin necessarily must as well. And the Court already has rejected Defendants' sole argument on numerosity. *See id.* 15-16 (finding that the class, properly defined, "does not turn on whether class members object to being returned to Guatemala," but instead on whether a child has received the legal process due before any such return). Numerosity is satisfied.

Similarly, the Court's finding that the provisional class of Guatemalan children satisfies Rule 23(a)'s commonality requirement applies with full force to the broader class proposed here.

The "commonality test is easily met in most cases," 1 Newberg and Rubenstein on Class Actions § 3:24, because just "a single common question will do" if resolution of that issue will "generate common answers apt to" resolve the litigation. *Wal-Mart Stores, Inc. v. Dukes*, 564 U.S. 338, 350, 359 (2011) (internal quotation marks, emphasis, and alterations omitted). Here, the Court found that the existing class of Guatemalan unaccompanied children raised several common questions about the *process* due before the government may remove them, including: "Do the TVPRA provisions governing the removal of unaccompanied children like Plaintiffs apply to what Defendants describe as reunifications and repatriations? Would Defendants' 'reunification' plan violate binding regulations …? What notice and opportunity to be heard must unaccompanied alien children receive in this situation?" PI Opp. 16. Each of these questions may drive the resolution of this litigation by determining Plaintiffs' entitlement to relief, *id.* 17, and these questions are just as applicable to the rights of non-Guatemalan children who are or will be in ORR custody.

And just as the Court found that "potential factual differences" among the Guatemalan children, such as whether an individual child or her parents might prefer summary deportation without required process, "are not the kind that destroy commonality," *id.* 17-18, it is equally true that factual differences related to *country of origin* do not impact this inquiry.[4] In other words,

[4] As explained above and in Plaintiffs' Amended Complaint, ¶ 6, Plaintiffs' initial complaint and emergency motions sought relief for certain unaccompanied children from noncontiguous countries because children from *contiguous* countries who meet certain criteria may be swiftly repatriated without ever entering ORR custody. 8 U.S.C. § 1232(a)(2)(A)-(C). But unaccompanied children from Canada and Mexico who are screened and determined not to meet the statutory criteria—either because they are determined to be victims of (or at risk of) trafficking, to have a credible fear of persecution in their home country, and/or to lack the capacity to independently decide to withdraw their applications for admission, 8 U.S.C. § 1232(a)(2)(A)—are transferred to ORR custody. Once there, all children, regardless of country of origin, enjoy the same rights and protections contained in the TVPRA, implementing regulations, and the U.S. Constitution. *See* 8 U.S.C. § 1232(a)(3). There thus is no basis on which to carve out any unaccompanied minor in ORR custody who meets the class definition based simply on country of origin.

nothing about the material facts and legal issues presented in this lawsuit or the Government's claimed authority are unique to Guatemala. For purposes of further proceedings, including final judgment, a broader class is appropriate because the same common questions will determine the broader class's entitlement to the constitutional and statutory protections claimed by the provisional class.

The proposed class likewise satisfies Rule 23(a)'s typicality requirement for the same reasons as the existing class. As the Court noted in certifying the provisional class, typicality is not a demanding test and is satisfied where named Plaintiffs and putative class members "press claims deriving from the same conduct" and "rest[ing] on a common legal theory." PI Opp. 18. And just as members of the existing class press claims alleging that "the TVPRA prohibits Defendants' conduct, 6 U.S.C. § 279 does not authorize it, and due process demands more," *id.*, so too do members of the proposed class. An individual class member's country of origin makes no material difference to the resolution of the claims presented in this case—and, just as importantly, any final decision on the merits of the existing class claims should apply equally to members of the proposed class, because all unaccompanied children in ORR custody are entitled to coextensive procedural rights. Resolution of the class claims requires no individualized adjudications, whether of members' purported eligibility for Defendants' "reunification" plan, of their eligibility for immigration relief generally, or any other fact-bound determination. Rather, the question presented by Plaintiffs' amended complaint—of the *legality* of the process through which the government makes these decisions— should be resolved across the board for all children in ORR custody. Typicality is easily satisfied for the broader proposed class.

Rule 23(a)'s adequacy requirement also is easily satisfied. The broader proposed class is well represented by named Plaintiff class members for the same reasons that the Court credited

when granting provisional certification. The proposed class representatives are L.M.R.S., M.O.C.G., T.A.C.P., L.F.M.M., M.Y.A.T.C., L.G.M.S., and H.E.B. The proposed class representatives include a number of children in ORR custody from a variety of countries of origin. *E.g.*, L.G.M.S. Decl. (Mexico) (attached as Ex. A); H.E.B. Decl. (Honduras) (attached as Ex. B); L.M.R.S. Decl. (Guatemala) (ECF 2-2 at 3). Each proposed class representative has confirmed their willingness to serve in this role. L.M.R.S. Supp. Decl. (ECF 9-4); M.O.C.G. Supp. Decl. (ECF 29-5); T.A.C.P. Supp. Decl. (ECF 29-7); L.F.M.M. Supp. Decl. (attached as Ex. C); M.Y.A.T.C. Supp. Decl. (ECF 29-6); L.G.M.S. Decl. (Ex. A); H.E.B. Decl. (Ex. B).

This Court rightly rejected Defendants' adequacy objection when certifying the provisional class—specifically, that some putative class members could have conflicts of interest with named class members because, Defendants speculate, some children may wish to be "reunified" with their parents without receiving adequate process. As the Court found, the record does not support the existence of any such children and, even if they do exist, any such children are adequately protected because the class definition carves out unaccompanied children who seek and obtain voluntary departure in removal proceedings. PI Opp. 19. Even if some hypothetical child has yet to receive a grant of voluntary departure and would prefer to depart the United States as promptly as possible, a win in this case does not harm the interest of that child because, at most, it would cause only a small delay in that child's return. *Id.* 19-20. In sum, there is "no other reason to think that these named Plaintiffs will not 'vigorously prosecute the interests of the class through qualified counsel,'" *id.* 22 (quoting *J.D.*, 925 F.3d at 1312), so the final requirement of Rule 23(a) is satisfied.

The Court already has found the National Immigration Law Center and the Institute for Constitutional Advocacy and Protection to be adequate class counsel. PI Opp. 18. That is no less

true for the broader class. Plaintiffs request that the Court also designate the National Center for Youth Law as class counsel, as NCYL attorneys have extensive expertise in litigating class actions on behalf of immigrant children and issues relevant to this case. *See* Ex. D, Wroe Decl.

II. The Class Should be Certified Under Rule 23(b)(2)

For reasons similar to those supporting commonality, the broader proposed class meets Rule 23(b)(2)'s requirements to seek final injunctive relief on the merits. Indeed, those requirements are "almost automatically satisfied in actions seeking injunctive relief for common legal claims," *Baby Neal v. Casey*, 43 F.3d 48, 58 (3d Cir. 1994), and class actions challenging civil rights violations are particularly well-suited for class treatment under Rule 23(b)(2), as that provision arose out of civil rights litigation challenging government actions that violated the rights of a class of citizens through a single law or policy. *Amchem Prods., Inc. v. Windsor*, 521 U.S. 591, 614 (1997) (citation omitted).

Here, the Court already found that Defendants have "acted or refused to act on grounds that apply generally to" a provisional class of certain unaccompanied Guatemalan children. PI Opp. 23 (citing Fed. R. Civ. P. 23(b)(2)). For purposes of final judgment, there is no logical or factual reason to limit the class to Guatemalan children. As the Court explained, the rule does not require that the unlawful "conduct must have damaged every member of the class." *Id.* (citing 2 Rubenstein § 4:28) (internal alterations and quotation marks omitted). Instead, it is enough that the challenged conduct be generally applicable to all members of the class—a requirement that is satisfied here. Defendants' claimed authority to "reunify" children in ORR custody while bypassing the procedural protections contained in the TVPRA and implementing regulations does not depend on a child's country of origin. Guatemalan children were merely the first targets of Defendants' unlawful "reunification" plan.

Similarly, because *all* unaccompanied children who are in or will be in ORR custody, regardless of nationality, potentially may fall victim to Defendants' "reunification" plan, "final injunctive relief or corresponding declaratory relief is appropriate respecting the class as a whole." Fed. R. Civ. P. 23(b)(2). The Court recognized in granting provisional certification that the relief sought in this case will determine "what the TVPRA and Due Process Clause require before Defendants may send [unaccompanied minors] out of the country," and the answer to that query "is appropriately the subject of 'a single injunction or declaratory judgment.'" PI Opp. 23-24 (quoting *Wal-Mart Stores, Inc. v. Dukes*, 564 U.S. 338, 360 (2011)). That determination, and any relief flowing therefrom, will apply equally to non-Guatemalan minors who are in or will be in ORR custody who have not received an executable final order of removal or a valid grant of voluntary departure. The broader proposed class of unaccompanied children satisfies Rule 23(b)(2). *See* PI Opp. 24 (declining to expand the class, for provisional certification and emergency relief, to include non-Guatemalan children but noting "Defendants should not construe this decision as an invitation to take similar action with respect to" other children because "any such attempt to expel them is likely to be unlawful").

CONCLUSION

For these reasons, Plaintiffs respectfully request that this Court appoint the National Center for Youth Law as additional class counsel, modify the class definition, and certify for purposes of further proceedings a class of all unaccompanied minors who are or will be in the custody of ORR and who are not subject to an executable final order of removal and have not been granted voluntary departure from the United States under 8 U.S.C. § 1229c and applicable regulations.

Dated: November 25, 2025

Respectfully submitted,

/s/ *Kate Talmor*

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Counsel for Plaintiffs
**Admitted Pro Hac Vice*

Exhibit A

DECLARATION OF L[redacted] G[redacted] M[redacted] S[redacted]

I, [redacted], declare under penalty of perjury as follows:

1. My name is [redacted]. I am 16 years old and from Mexico.
2. I am currently detained at [redacted], Pennsylvania. I came to the United States in March of this year.
3. I am in removal proceedings before the Immigration Court. My case has not been decided yet, and I still have the right to continue fighting for protection. I told the judge that I am afraid to return to Mexico. I am hoping to apply for asylum and Special Immigrant Juvenile Status.
4. I recently learned that I may be at risk of being removed from the United States before my case is fully heard. I am afraid that I could be deported even though I am still waiting for the Court to decide my case.
5. I have been asked to participate in interviews with government officials, including Homeland Security Investigation officers and the Mexican consulate, about my case and identity. I have not been given any guarantee of safety or protection.
6. I fled to the United States because my life was threatened in Mexico. I grew up with an alcoholic mother and father who separated when I was young. At 15 years old, I had to quit school and began working 6 days a week to support myself. Last year my mother's boyfriend sexually assaulted me. I reported it to the police, which caused his family to make death threats against me. His family is connected to criminal groups in Mexico, and I am afraid the police there will not protect me. I could not safely stay in my country.
7. I understand that there is a prospect of my release to a safe sponsor here in the United States. I am hopeful that I may be placed with my aunt who can provide me with safety and stability.
8. I want to remain in the United States and continue to fight my case in Immigration Court and have a fair opportunity to be heard.
9. 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.

Executed on September 30, 2025, in [redacted] Pennsylvania.

The above statement was read to me in the Spanish language by Kaitlyn Hepburn, 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]

9/30/2025

CERTIFICATE OF TRANSLATOR'S COMPETENCE

I, Kaitlyn Hepburn, 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 [redacted]

Kaitlyn Hepburn

9/30/2025

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

DECLARATION OF L[redacted] G[redacted] M[redacted] S[redacted]

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

1. I submit this sworn declaration in further support of my prior statement in this case.

2. I volunteered to represent the class. I want to bring this lawsuit not only for myself, but for all minors in the same situation as me. I will fairly and adequately protect the interests of the class so that we can stay in the United States and pursue our immigration cases. I plan to seek justice in the name of the proposed class of minors by bringing the claims in this lawsuit with persistence and determination. I will participate in the lawsuit according to the way in which my lawyers and I decide I should. I will work with the lawyers so that the lawyers do what is best for all the children in the case. I intend to remain involved with this case and to represent the proposed class to the best of my ability.

3. I want to make sure these children do not have their rights denied.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on 10-21-25

[redacted]

Executed on October 21, 2025, in [redacted] Pennsylvania.

The above statement was read to me in the Spanish language by Kaitlyn Hepburn, 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]

10-21-25
Date

CERTIFICATE OF TRANSLATOR'S COMPETENCE

I, Kaitlyn Hepburn, 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 [redacted]

Kaitlyn R Hepburn
Kaitlyn Hepburn

10-21-25
Date

Exhibit B

DECLARATION OF H[redacted] E[redacted] B[redacted]

I, [redacted], declare the following statement is true and correct to the best of my memory, knowledge, information, and belief.

1. I am 13 years old. I am at a shelter in Georgia. I am working with my case worker to help me go live with my mom who lives here in the United States. That is what I really want. To be able to go live with my mom.

2. I am scared to be sent to Honduras. I cannot go live with my dad because he abandoned me at birth, and now he is dead. There is no one in Honduras to take care of me.

3. Things are fine here in the shelter, because they are calm and I get to go to school and go to the doctor. But I really want to be released to live with my mom and the rest of my family here in the United States. It is hard to be detained for so long.

4. Here in the shelter, I have a lawyer who is helping me, so I do not have to go back to Honduras. I want to keep working on my case, and I want to have the chance to apply for the special papers for children who were abandoned by their dads and are afraid to go back to their countries. I want to have a chance to present my case to an immigration judge because I have a right to do that.

5. I am afraid that I could be sent back without getting the chance to present my case, like what almost happened to a lot of Guatemalan kids in these kinds of shelters. We are all nervous now here, because we are worried we could be sent back even if there is no one to take care of us in the countries we came from.

6. I do not think it is fair that the government could just send kids back before they have their decisions about their cases. We learned that we have the right to go before the immigration judge and that we can explain why we cannot go back to the countries we came from. It is not fair or just that this right would be taken away from us. And it is not fair or safe to send kids back to places where they are in danger or where they don't have anyone to take care of them, no matter where they came from.

7. I don't want this to happen to me or any of the other kids who are in ORR shelters. That is why I am involved in this lawsuit. I will work hard to protect all of the kids like me. Even if I am released to my mom, I want to help other kids who are going through the same thing, and are afraid that the government might send them back to their countries before they get to finish their cases.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on 10/22/25

[redacted]

CERTIFICATE OF INTERPRETATION

I, Rebecca Wolozin, hereby certify that I am competent in both Spanish and English and that I have accurately read the above Declaration of [redacted] in Spanish to her to the best of my abilities.

10/22/25

Rebecca Wolozin

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

DECLARATION OF H[redacted] E[redacted] B[redacted]

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

1. I submit this sworn declaration in further support of my prior statement in this case.

2. I volunteered to represent the class. I want to bring this lawsuit not only for myself, but for all minors in the same situation as me. I will fairly and adequately protect the interests of the class so that we can stay in the United States and pursue our immigration cases. I plan to seek justice in the name of the proposed class of minors by bringing the claims in this lawsuit with persistence and determination. I will participate in the lawsuit according to the way in which my lawyers and I decide I should. I will work with the lawyers so that the lawyers do what is best for all the children in the case. I intend to remain involved with this case and to represent the proposed class to the best of my ability.

3. I want to make sure these children do not have their rights denied.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

I verify that the statements made in this declaration are true and correct to the best of my knowledge and belief.

10/22/25 -

[redacted]

CERTIFICATE OF INTERPRETATION

I, Rebecca Wolozin, hereby certify that I am competent in both Spanish and English and that I have accurately read the above Declaration of [redacted] in Spanish to her to the best of my abilities.

10/22/25

Rebecca Wolozin

Exhibit C

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

DECLARATION OF L [redacted] F [redacted] M [redacted] M [redacted]

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

1. I submit this sworn declaration in further support of my prior statement in this case.
2. I volunteered to represent the class. I want to bring this lawsuit not only for myself, but for all minors in the same situation as me. I will fairly and adequately protect the interests of the class so that we can stay in the United States and pursue our immigration cases. I plan to seek justice in the name of the proposed class of minors by bringing the claims in this lawsuit with persistence and determination. I will participate in the lawsuit according to the way in which my lawyers and I decide I should. I will work with the lawyers so that the lawyers do what is best for all the children in the case. I intend to remain involved with this case and to represent the proposed class to the best of my ability.
3. I want to make sure these children do not have their rights denied.

DATED: September 4, 2025

[redacted]

CERTIFICATE OF TRANSLATION

I, Cristel Martinez, declare and say as follows: I certify that I am competent to render such translation from Spanish into English. I certify that I have translated the oral supplemental declaration of [redacted] from Spanish to English to the best of my knowledge and ability. I have reviewed the supplemental declaration in Spanish with [redacted], who confirmed that he understood and verified the contents thereof prior to signing.

Signature of Translator

Cristel Martinez
Typed/Printed Name of Translator

September 4, 2025
Date

(213) 246-2197
Telephone Number of Translator

Address of Translator: 13200 Crossroads Pkwy. N. Suite 115
City of Industry, CA 91746

Exhibit D

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

L.G.M.L., *et al.*, Plaintiffs, v. KRISTI NOEM, in her official capacity as Secretary of the U.S. Department of Homeland Security, 245 Murray Lane SW, Washington, DC 20528, *et al.*, Defendants.	No. 1:25-cv-02942-TJK

DECLARATION OF MISHAN WROE IN SUPPORT OF PLAINTIFFS' MOTION FOR CLASS CERTIFICATION

I, Mishan Wroe, do hereby declare as follows:

1. I am at least 18 years of age. I have personal knowledge of the facts stated herein and, if called to testify, I could and would testify competently thereto. I represent Plaintiffs in the above-captioned case, and I am licensed to practice law in California. I have been admitted *pro hac vice* to appear on behalf of Plaintiffs in the above-captioned case.

2. I am a directing attorney at the National Center for Youth Law ("NCYL"). I submit this declaration in support of Plaintiffs' Motion for Class Certification.

3. NCYL is a privately-funded, non-profit organization founded in 1970 to advocate for low-income children and adolescents. NCYL regularly represents plaintiffs in complex class action lawsuits designed to protect the rights of youth and improve child-serving systems.

NCYL attorneys have significant experience in cases involving child welfare, juvenile justice, adolescent health, immigration, and children's mental health needs. NCYL attorneys are among the most experienced, knowledgeable, and respected children's lawyers in the country.

4. One of the NCYL's primary substantive areas of expertise is advocating for children in government custody. Specifically, NCYL has some of them most extensive experience and knowledge representing immigrant children detained in federal custody. NCYL filed the seminal *Flores* case in 1985 and continues to serve as co-counsel in *Flores v. Bondi*, No. 85-4544 DMG (C.D. Cal.), a nationwide class action on behalf of children held in federal immigration custody by the United States government, governing the conditions in which most children are held. NCYL also originally filed and serves as co-counsel in *Lucas R. v. Azar*, No. 2:18-cv-05741 DMG (C.D. Cal.), a nationwide class action addressing the due process, disability, and family integrity rights of unaccompanied children in the custody of the Office of Refugee Resettlement ("ORR"). NCYL is also co-counsel in *Angelica S. v. HHS*, No. 1:25-cv-01405 (D.D.C.), a nationwide class action addressing the rights of children in ORR to be promptly released to qualified sponsors. As class counsel in *Flores*, *Lucas R.*, and *Angelica S.*, NCYL attorneys have conducted hundreds of interviews with detained children and youth in federal custody. This includes interviews with children detained by Customs and Border Protection ("CBP"), Immigration and Customs Enforcement ("ICE"), and ORR under the Department of Health and Human Services ("HHS"). *Flores* counsel has filed numerous successful Motions to Enforce over the years. Recently, *Flores* counsel brought successful motions to enforce the *Flores* settlement agreement and uphold children's rights to basic, humane conditions if held in open-air detention sites. *Flores v. Garland*, 2024 WL 3051166 (C.D. Cal. 2024). *Flores* counsel also successfully extended a 2022 settlement agreement with CBP governing conditions of

confinement for children in two Texas CBP sectors. *Flores v. McHenry*, 2:85-cv-4544, ECF No. 1547 (C.D. Cal. 2025). NCYL also resolved a putative class action on behalf of immigrant children whose release from government custody was delayed due to unlawful fingerprinting policies and practices in *Duchitanga v. Hayes*, No. 18-cv-10332-PAC (S.D.N.Y.). NCYL also served as co-counsel in *J.E.C.M. v. Dunn Marcos*, 1:18-cv-903 (E.D. Va.), a Virginia-based class action on behalf of unaccompanied children and their relative-sponsors challenging information-sharing between ORR and the Department of Homeland Security ("DHS"), and parallel changes to the sponsorship process to require additional biographical and biometric information from sponsors and their households.

5. NCYL also has extensive experience in class action litigation on behalf of children outside of the context of immigration detention. NCYL serves as co-counsel in *M.J. v. Dist. of Columbia*, 1:18-cv-01901 EGS (D.D.C.), a class action lawsuit on behalf of children and youth with mental health disabilities in Washington, D.C. NCYL has also represented thousands of children in other class action lawsuits across the country. For example, NCYL has litigated numerous class action cases on behalf of children with disabilities denied appropriate placements and services in state systems, including for example *J.N. v. Oregon*, *Katie A. v. Bontá*, *T.R. v. Dreyfus*, *M.B. v. Howard*, and *D.S. v. Washington State DCYF*.

6. Two attorneys at NCYL have entered appearances in this case and they seek to be appointed as class counsel. They are me and Rebecca Wolozin.

7. I have been an attorney at National Center for Youth Law since April 2020. I earned my J.D. from University of Chicago Law School in 2013, and my B.A. from Stanford University in 2008. I was admitted to practice law in Illinois in 2013 and in California in 2014. I currently lead NCYL's immigration-related litigation and I have personally been involved in litigating on

behalf of nation-wide classes of detained immigrant children for over five years. Prior to joining NCYL, I worked as a trial attorney in private practice and maintained an active pro bono portfolio including work related to reproductive rights of immigrant children in federal custody, freedom of speech, tenants' rights, and FOIA litigation. For example, before joining NCYL I worked on a class action lawsuit to protect unaccompanied minors' access to abortion while in ORR custody. *Garza v. Hargan*, 304 F.Supp.3d 145 (D.D.C. 2019).

8. Rebecca Wolozin graduated with concurrent degrees from Harvard Law School and Harvard Graduate School of Education in 2015. She received a B.A., *magna cum laude*, from Cornell University in 2008. She was admitted to practice law in Virginia in October 2015 and in Washington, D.C. in January 2018. Ms. Wolozin joined NCYL as a senior attorney in May 2023. She previously worked as an attorney with the Legal Aid Justice Center in Virginia. Ms. Wolozin has primarily represented immigrants, children, and families in her practice over the past ten years. She was an Equal Justice Works Fellow, a staff attorney, and a senior supervising attorney at Legal Aid Justice Center, where she also co-founded and directed George Mason's Antonin Scalia Law School Immigration Litigation Clinic from 2019-2023. In her immigration practice, Ms. Wolozin has successfully advocated for clients before the Executive Office of Immigration Review ("EOIR"), the Board of Immigration Appeals, and the Fourth Circuit Court of Appeals. Ms. Wolozin also has deep experience in class action litigation and federal litigation representing immigrants and detained immigrant children and youth. At NCYL, she is a member of *Flores* counsel, she actively litigates the *Angelica S.* matter, and she supports other impact litigation across the organization. Ms. Wolozin has also litigated additional complex federal issues on behalf of detained immigrants and detained unaccompanied minors. She was counsel in *JECM v. Lloyd* 1:18-cv-903-LMB (E.D. Va.), a Virginia-based class action case on behalf of immigrant

children facing prolonged detention in ORR custody. She was also counsel in the class action case *Aziz v. Trump*, 2017 WL 386549 (E.D. Va. 2017), and individual cases *Beltran v. Cardall*, 222 F.Supp.3d 476 (E.D. Va. 2016), *Santos v. Smith,* 260 F.Supp.3d 598 (W.D. Va. 2017); *Reyna v. Hott* 1:17-cv-1192-LO (E.D. Va.), and *O.D.T.M. v. Lloyd*, 1:18-cv-524 (E.D. Va.).

9. The National Center for Youth Law has the resources to represent the plaintiff class. We are assisted in this matter by the considerable professional resources of our co-counsel at National Immigration Law Center and Institute for Constitutional Advocacy and Protection.

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

Executed this 16th day of October, 2025, in Oakland, California.

__/s/ *Mishan Wroe*_____

Mishan Wroe