No. 25-6308

IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

JENNY LISETTE FLORES, *et al.*,

Plaintiffs-Appellees,

v.

PAMELA BONDI, ATTORNEY GENERAL OF THE UNITED STATES, *et al.*,

Defendants-Appellants.

On Appeal from the United States District Court
for the Central District of California
Case No. 2:85-cv-04544 | Hon. Dolly M. Gee

BRIEF OF *AMICUS CURIAE* THE REFUGEE AND IMMIGRANT CENTER FOR EDUCATION AND LEGAL SERVICES ("RAICES") IN SUPPORT OF APPELLEES AND SEEKING AFFIRMANCE OF THE DISTRICT COURT

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CORPORATE DISCLOSURE STATEMENT

Under Rule 26.1(a) of the Federal Rules of Appellate Procedure, *amicus curiae* the Refugee and Immigrant Center for Education and Legal Services ("RAICES") states that it is a nonprofit, tax-exempt organization incorporated in San Antonio, Texas. RAICES has no parent corporation, and no publicly held company has 10% or greater ownership in RAICES.

Dated: January 28, 2026

Respectfully submitted,

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Counsel for Amicus Curiae *the Refugee and Immigrant Center for Education and Legal Services*

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INTEREST OF *AMICUS CURIAE*[1]

This *amicus curiae* brief is submitted on behalf of a non-profit, non-partisan organization, the Refugee and Immigrant Center for Education and Legal Services ("RAICES"), to provide an on-the-ground perspective on the Government's attempts at compliance with the *Flores* settlement agreement (the "FSA") and the Family Residential Standards (the "FRS" or "Residential Standards"), and how failures to comply with both have affected RAICES's clients.

RAICES's mission is to defend the rights of immigrants and refugees, empower individuals, families, and communities of immigrants and refugees, and advocate for liberty and justice. Since 1986, RAICES has provided legal services to immigrant children and families in Texas, many of whom are members of the *Flores* class. Today, RAICES is the largest immigration legal services provider in the state of Texas.

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[1] All parties have consented to the filing of this brief. *See* Fed. R. App. P. 29(a); 9th Cir. R. 29-1. No counsel for a party authored this brief in whole or in part, and neither the parties nor their counsel, nor anyone except for *amicus curiae*, financially contributed to preparing this brief. Fed. R. App. P. 29(a).

The facts asserted in this brief are based on the accounts of RAICES attorneys who offer legal support to children and families in Texas seeking to immigrate to the United States, and the accompanying declaration of Javier O. Hidalgo. Mr. Hidalgo joined RAICES in 2018 and has served as Legal Director since 2023. Declaration of Javier Hidalgo ("Hidalgo Decl.") ¶ 2. In his role as Legal Director, Mr. Hidalgo oversees the RAICES program that serves detained individuals and families facing expedited removal from the United States, as well as people seeking asylum and related protection, including families. *Id.* ¶ 3. The large majority of these children and families are currently being detained in the Dilley Immigration Processing Center ("Dilley"). *Id*.

Dilley is the largest family residential center in the United States. *Id*. ¶ 4. Dilley is also the primary facility used to detain immigrant family units. *Id*. Dilley was reopened in April 2025. *Id*. Since Dilley's reopening, RAICES has supported over 265 families in custody by U.S. Immigration and Customs Enforcement ("ICE") at

Dilley.[2] *Id*. Because Dilley is the largest facility where ICE holds family units, many of the individuals currently detained at Dilley are *Flores* class members. Therefore, the Government's actions at Dilley serve as a prime example of the Government's failure to comply with the FSA.

RAICES's clients are direct beneficiaries of the FSA's critical protections, which RAICES has fought for years to protect. Given RAICES's longstanding history of providing legal services to immigrant families and children, it has a significant interest in the outcome of this appeal. For the reasons stated in this brief, RAICES respectfully requests that this Court affirm the decision of the district court. This brief reflects the views of RAICES only, not those of any individual *Flores* class member or the class as a whole.

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[2] The specific numbers or data related to RAICES or its work are current as of the date of the filing of this brief, but these numbers and data are ever-evolving.

INTRODUCTION AND SUMMARY OF ARGUMENT

The Government contends that the FSA is no longer needed because conditions in the Family Residential Centers ("FRCs") have changed. Opening Br. at 5. The Government argues that, in addition to substantially complying with the FSA, it now has its own "policies and regulations" (e.g., the Residential Standards), which purportedly function as a durable remedy for the FSA. Opening Br. at 47, 59–60. But these representations do not comport with the observations of RAICES over the years, as documented herein. Over the years, RAICES has documented consistent violations of the FSA and more recently, the Residential Standards. Hidalgo Decl. ¶¶ 15–19. Indeed, the Government's violations of the FSA have become such standard practice that documenting and reporting violations is now a regular part of RAICES's daily operations. *Id.* ¶ 15. And recent developments indicate that the Government's violations are escalating and increasing in frequency. *Id.* ¶ 32.

The Government represented to this Court that "[c]onditions for detained minors have never been better." Opening Br. at 5. The reality is that conditions are just as egregious as they have always been, if not

worse. The facts offered here are based on direct knowledge and years of experience providing legal services to *Flores* class members. For purposes of this brief, we have identified three broad categories of ongoing and egregious violations of the terms of the FSA.

First, the Government continues to detain minors for periods of time beyond the default 20-day limit without sufficient justification, in violation of the FSA and subsequent orders enforcing it. *See Flores v. Lynch*, 212 F. Supp. 3d 907, 913–14 & n.7 (C.D. Cal. 2015).

Second, the Government fails to provide either safe or sanitary living conditions within the detention centers, in violation of both the FSA and Residential Standards. Specifically, the Government fails to provide adequate educational resources, age-appropriate activities for developing children, adequate food, or adequate sleeping arrangements for children. In addition, the Government consistently fails to provide necessary medical care to children in urgent need.

Finally, the Government impedes class members' ability to effectively pursue their legal claims in their immigration proceedings. As RAICES has observed, the Government limits class members' access to necessary documents and denies RAICES—and presumably

other organizations—the opportunity to disseminate legal information to class members with know-your-rights training.

Each violation discussed in this brief provides an independent and sufficient reason to conclude that the FSA remains necessary. And taken together, the volume of violations—over the course of years and despite repeated notice by RAICES—underscores the need for ongoing, vigilant judicial oversight.

The situation on the ground in Dilley is bleak. Far from demonstrating that the FSA is unnecessary, the facts as observed by RAICES show that without the FSA, immigrant children will have even fewer protections, will face increasingly dangerous conditions, and will lack adequate access to legal services to effectively pursue immigration relief. For these reasons, among others, it is imperative that the FSA remain in place. This Court should affirm the holding of the district court.

ARGUMENT

The FSA outlines basic protections for children placed in immigration custody. For instance, the FSA requires that the Government take steps to promptly release minors from detention.

And, when release is not possible, the FSA also requires that detained children be held in safe and sanitary facilities and be afforded other protections, such as access to legal resources. According to the Government, the Residential Standards serve as a durable remedy to the FSA and similarly enumerate many of the same protections provided for in the FSA. Opening Br. at 59–60. But the Government is demonstrably unable to self-police, and it consistently disregards the Residential Standards just as it disregards the FSA. To make the FSA obsolete, the Government must first actually comply with the standards set forth in the FSA. But it refuses to do so. As detailed below, the Government continually violates both the FSA and the Residential Standards. Therefore, judicial oversight is still very much required to protect the rights of immigrant children.

I. The Government continues to detain minors for significant periods of time without sufficient justification.

Prolonged detention of minors in unlicensed or secure settings such as Dilley runs afoul of the FSA's purpose. *Flores v. Barr*, 934 F.3d 910, 913 (9th Cir. 2019). Even when immediate release is not possible, the FSA requires the Government to make and document "prompt and

continuous efforts" toward release for the duration of a child's detention. FSA ¶ 18, 4-ER-687. And the Government is required to make individualized determinations as to the necessity of detaining the child, which must be justified by specific findings that continued custody is necessary to ensure the child's appearance or safety. *See* FSA ¶ 14, 4-ER-686. When children are held in custody, the Government must make "continuous" efforts to reunify families. FSA ¶ 18, 4-ER-687.

Once the Government determines that detention is not required to ensure a minor's timely appearance or safety, it "shall release a minor from its custody without unnecessary delay," prioritizing placement with parents, guardians, relatives, or other suitable custodians. *Id.*; *Lynch*, 212 F. Supp. 3d at 916. Though the FSA did not itself set down a bright-line rule, *Flores v. Lynch* suggests—and the Government has accepted in practice—that the outer bounds of such detention "without unnecessary delay" is 20 days. *See Lynch*, 212 F. Supp. 3d at 914 & n.7; *see also* Hidalgo Decl. ¶ 10 (describing the "20-day limit on detention").

Despite this clear legal authority, for years the Government has maintained a practice of detaining minors in direct contravention of the FSA's terms. As part of its representation of minor detainees, RAICES monitors the length of time its minor clients are detained in DHS custody. Hidalgo Decl. ¶ 16. Each time RAICES suspects that a *Flores* class member is being detained for an extended period of time in violation of the FSA, RAICES contacts DHS for the Government's individualized determination of the grounds for the extended detention, as required by the FSA. *Id.* ¶ 17.

Since Dilley reopened in April 2025, RAICES has documented at least 164 unique instances of the Government detaining minors for longer than 20 days without making an individualized determination that detention of the minor is necessary to ensure the child's appearance or safety. *Id.* ¶ 18.[3] In each of these instances, RAICES contacted the Government to notify it that a minor had been detained for an excessive amount of time, and the Government repeatedly failed

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[3] This figure significantly understates the scope of the Government's noncompliance. Because RAICES is unable to notify the Government of every violation, the documented cases represent only a portion of prolonged detentions experienced by class members. *See id.* ¶¶ 14–21.

to offer any meaningful individualized justification for that detention. *Id.* ¶ 18(a)–(d).

Instead of correcting this widespread noncompliance with the FSA, the Government has doubled down on its disregard of the FSA. Since August 2025 the rate at which RAICES has notified the Government of impermissible prolonged detention has remained robust. In that time, RAICES notified the Government of at least 94 unique instances where a *Flores* class member has been detained for a significant period of time. *Id.* ¶ 18. The frequency and consistency of these violations demonstrate a systemic departure from the FSA that is more than just an isolated error.

The Government's responses to these numerous notifications of FSA violations has been reliably insufficient. Sometimes, the Government made a superficial effort to comply, occasionally responding to RAICES's notices of prolonged detention with an indication of intent to release or remove. *See id.* ¶ 18(a). Other times, the Government improperly relied on removal proceedings as justification for indefinite detention. *See id.* ¶ 18(c); FSA ¶ 21, 4-ER-688 (listing narrow circumstances in which minors may be detained in

secure facilities). But the existence of removal proceedings does not itself justify prolonged detention of *Flores* class members. *See Flores v. Barr*, 2020 WL 2758792, at *12 (C.D. Cal. Apr. 24, 2020) (explaining that "a final order of deportation cannot be the dispositive consideration" for detention); *Flores v. Sessions*, 394 F. Supp. 3d 1041, 1066–67 (C.D. Cal. 2017) (emphasizing the FSA's presumption of release and the "unambiguous charge of the [FSA] to make *individualized* determinations" as to the necessity of detention) (emphasis in original). Worse still, in many instances, the Government has simply refused to respond to RAICES's inquiry. *See* Hidalgo Decl. ¶¶ 18(a). The Government regularly fails to provide an adequate justification to RAICES that identifies any individualized risk posed by the child that would justify prolonged detention, as identified in the FSA. *See* FSA ¶ 21, 4-ER-688; *see also* Hidalgo Decl. ¶ 18(a).[4]

[4] Sometimes, the Government relies on a purported flight risk to detain minors. Hidalgo Decl. ¶ 20. But often, the flight risk relates to the *parent*, not the class member. *Id.* Having a basis to detain a parent does not constitute a basis for detaining the class member. *Flores v. Rosen*, 984 F.3d 720, 743 (9th Cir. 2020).

Starting around September 2025, RAICES observed further deterioration in the Government's willingness to comply with the FSA with respect to the 20-day limitation. Hidalgo Decl. ¶¶ 18(a)–(d). Though earlier responses acknowledged the 20-day limitation and imminent release, the Government now frequently states that there are "no plans for release" or that families will remain detained indefinitely pending immigration proceedings. *Id.* ¶¶ 19–19(a). But the Government's justification of prolonged detentions solely based on the pendency of immigration proceedings is insufficient. *See Barr*, 2020 WL 2758792, at *12. And the Government ignores that immigration proceedings—such as BIA review—could take months or years to resolve, rendering detention effectively indefinite, and much longer than can be legally tolerated for a minor. Hidalgo Decl. ¶¶ 18(d), 19(b).

The Government's policy of detaining minors for indeterminate periods and providing insufficient justifications for these prolonged detentions reflects a continued disregard for the FSA's requirements and shows that the FSA is still necessary.

II. Detainment conditions are neither safe nor sanitary.

The FSA requires that minors be held in "safe and sanitary" conditions, with adequate medical care, nutrition, sleep, education, recreation, and developmental support, and that detention practices reflect the "particular vulnerability of minors." FSA ¶ 12A, 4-ER-684–85; *Flores v. Lynch*, 828 F.3d 898, 902–03 (9th Cir. 2016). This requirement encompasses more than the absence of immediate physical danger. It includes access to adequate nutrition, potable water, hygiene, appropriate sleeping conditions, emergency medical care, and environmental conditions that support children's physical and psychological well-being. *See Barr*, 934 F.3d at 912–17. The Residential Standards similarly require that minors receive nutritionally adequate and age-appropriate meals, educational programming, and daily recreation tailored to the child's developmental stages. *See* FRS §§ 1.3, 3.1, 4.1, 2-ER-266–80, 3-ER-375–91, 3-ER-393-423.

These obligations are not intended to be aspirational. They are enforceable benchmarks against which the Government's compliance must be measured. The reality for *Flores* class members detained at

FRCs such as Dilley demonstrates a continual practice of violating both the FSA and the Residential Standards.

A. Lack of Educational Materials and Age-Appropriate Activities

At Dilley, minors routinely lack access to meaningful educational instruction, adequate educational materials, and developmentally appropriate recreational activities, in violation of the FSA and Residential Standards. Hidalgo Decl. ¶ 22(a); *see* FSA ¶ 12A, 4-ER-684–85; FRS § 5.2, 3-ER-517–26. Such a continual absence of educational and recreational engagement is not merely a quality-of-life issue; it reflects a failure to treat minors as children rather than as incidental detainees. In this critical respect, RAICES's experience and specific on-the-ground observations demonstrate that the Government is clearly failing to comply with the FSA and Residential Standards.

B. Inadequate Nutrition and Food Quality

The FSA and Residential Standards require that minors receive nutritionally adequate, age-appropriate meals. FSA ¶ 12A, 4-ER-684–85; FRS § 4.1, 3-ER-393–423. Yet families detained at Dilley consistently report that the food provided is poorly balanced and

insufficient in calories for growing children, leading to weight loss, physical deterioration, and adverse health effects. Hidalgo Decl. ¶ 22(b). The reports also include food containing worms, foul-smelling water, and children falling ill from expired food. *Id.*

On multiple occasions, RAICES has notified the Government that meals do not meet basic nutritional requirements for growing children and are inappropriate for young minors, including toddlers. *Id*. Similar reports have been made over the span of many months, undermining any suggestion that these deficiencies are isolated. *Id.* Failure to provide adequate nutrition is no minor shortcoming. The FSA (and the Residential Standards) are dedicated to ensuring that detention conditions account for children's developmental needs. A failure to feed developing children adequately constitutes a clear violation of both the FSA and the Residential Standards.

C. Inadequate Sleeping Conditions and Environmental Stressors

Inadequate sleeping conditions like bright lights and cold temperatures deprive detainees of sleep and clearly violate the FSA. *Barr*, 934 F.3d at 914–17 ("Assuring that children eat enough edible

food, drink clean water, are housed in hygienic facilities with sanitary bathrooms, have soap and toothpaste, and are not sleep-deprived are without doubt essential to the children's safety."). The Residential Standards similarly forbid deprivation of adequate sleep. *See, e.g.*, FRS § 3.1, 3-ER-375–91 (mandating that minors may not "be subjected to . . . punitive interference with . . . sleeping"); FRS Expected Practices § J, 2-ER-217 ("All checks must be conducted . . . so as not to disturb sleeping residents. During evening and overnight hours, staff is prohibited from shining any form of light toward or in the residents' faces, or making loud noises that may disrupt or wake sleeping residents.").

RAICES's clients consistently report that children at Dilley are subjected to conditions incompatible with healthy sleep, including light constantly flooding children's sleeping areas and disruptive nighttime practices. Hidalgo Decl. ¶ 22(c). These conditions mirror conditions this Court already found to violate the FSA. *See Barr*, 934 F.3d at 916–17.

D. Inadequate Medical Care and Delayed Treatment

Minors at Dilley are exposed to a pervasive lack of adequate medical care. The FSA requires access to emergency medical care and appropriate ongoing treatment. FSA ¶ 12.A, 4-ER-684–85; FSA Ex. 1, ¶ A.2, 4-ER-695. The Residential Standards similarly impose detailed obligations regarding pediatric medical services. FRS § 4.1(H), 3-ER-409–10. Yet, families detained at Dilley have raised concerns about insufficient medical attention on at least 700 occasions since August 2025. Hidalgo Decl. ¶ 22(d). These reports detail shocking instances of disregard for the health of children, including babies who likely fell ill because of contaminated water, and a lack of medical care for pregnant women. *Id.*

In one exchange between RAICES and ICE, RAICES reported accounts of a teenage girl with ongoing stomach pain and digestion problems due to ICE's inability to accommodate her dietary needs. *Id.* ¶22(f). Despite collapsing twice during her detention, the only test she received was for blood sugar levels. *Id.* Further, upon contracting an infection in her tonsils, she was told that she could not get antibiotics until after taking acetaminophen (i.e., Tylenol) for three (3) days. *Id.*

ICE simply responded that medical staff were notified. *Id.* In a follow-up note, RAICES conveyed that the child continued to have difficulty eating, her tonsil infection persisted, and that a more fulsome medical evaluation was needed. *Id.* RAICES did not receive a response. *Id.*

On another occasion, RAICES informed the authorities that a child was taken to the doctor for teething pain, only for the mother to be informed that nothing could be provided. *Id.* ¶ 22(e). RAICES followed up multiple times and never received a response. *Id.*

On yet another occasion, ICE acknowledged it was unable to handle certain types of conditions—such as for a class member with severe autism—yet gave no indication of any plans for release of the class member. *Id.* ¶ 22(g).

And children with medical complaints frequently experience delays, dismissals, or lack of follow-up. *See id.* ¶ 22(e)–(g). These persistent failures to provide timely and adequate medical care are incompatible with any claim of compliance with either the FSA or the Residential Standards.

III. The Government has impeded the ability of *Flores* class members to pursue their legal cases effectively.

The FSA contains provisions mandating that minors receive (i) notice of their rights and reasons for detention, (ii) comprehensive orientation programming once admitted to a licensed facility, including information about the availability of legal assistance, and (iii) specific forms needed to advance through immigration proceedings. FSA ¶¶ 12.A, 24.C, 24.D, 4-ER-684–85, 4-ER-689, 4-ER-690; FSA Ex. 1, ¶ A.14, 4-ER-697; FSA Ex. 2, § J, 4-ER-702. These requirements also implicate fundamental due process considerations. *Orantes-Hernandez v. Thornburgh*, 919 F.2d 549, 554 (9th Cir. 1990) (characterizing "an alien's right to counsel as 'fundamental'" and one that "'must be respected in substance as well as in name'") (quoting *Baires v. INS*, 856 F.2d 89, 91 n.2 (9th Cir. 1988)). Further, the FSA mandates class members must be provided information about free legal assistance, "meaningful" access to law libraries and legal materials, and assistance where needed due to language, disability, or other constraints. *See* FSA Ex. 1, ¶ A.14, 4-ER-697 (requiring that licensed programs provide to *Flores* class members information about free legal

assistance); FRS § 6.3, 3-ER-600–08 (setting guidelines for "meaningful" and regular access to law libraries and guaranteeing detainees' access to their personal legal materials); FRS Expected Practices § C, 3-ER-212–13 (requiring detention centers to provide translated written legal materials and interpretation services).

In short, the FSA and Residential Standards should ensure that vulnerable children and their families have access to the court system, and guidance to navigate the complexities of immigration proceedings. Minor immigrant children suffer serious harm when they are not adequately informed of their rights in the immigration removal process, leaving them unable to understand or meaningfully exercise the protections afforded to them under the law. *See generally C.J.L.G. v. Barr*, 923 F.3d 622, 631, 633 (9th Cir. 2019) (Paez, J., concurring) (noting that children generally have a due process right to counsel in the face of "grave consequences," and that the role of counsel in immigration proceedings for children is "especially" important); *J.E.F.M v. Lynch*, 837 F.3d 1026, 1040 (9th Cir. 2016) (McKeown, J., concurring) (recognizing the "reality" that there is a "growing need for support systems" for "thousands of children [that] are [currently] left

to thread their way alone through the labyrinthine maze of immigration laws"). They are forced to confront a complex removal system without the knowledge or capacity required to assert even the most fundamental legal protections. Notwithstanding its obligations under the FSA and the Residential Standards, the Government regularly fails to provide minor immigrant children with clear, timely, and meaningful notice of their rights, *see* Hidalgo Decl. ¶¶ 23–29, and affirmatively hinders the ability of *Flores* class members to pursue their legal claims effectively.

A. Failure to Provide Notice of Rights

This Court has "consistently emphasized the critical role of counsel in deportation proceedings." *Baires*, 856 F.2d at 91 n.2. Unsurprisingly, the drafters of the FSA likewise recognized the importance of legal advice—particularly for immigrant minor children—and accordingly agreed that minors in custody must be informed of the availability of free legal services. FSA ¶ 24.D, 4-ER-690 (requiring the Government to provide "minors not released with . . . the list of free legal services available in the district"). Despite this requirement, the Government continually fails to provide *Flores*

class members with this information. *See* Hidalgo Decl. ¶¶ 26–29. This deprivation of access to information about legal services—along with other supportive programming available in licensed facilities—exacerbates the vulnerabilities class members face as children navigating complex immigration proceedings. *Id*. ¶ 25.

Previously, RAICES was permitted to conduct group know-your-rights ("KYR") presentations for detained Class Members, which served as a vital source of accurate legal information for individuals attempting to navigate the immigration system while detained. *Id*. ¶¶ 26–27. These sessions helped correct common misunderstandings, addressed pervasive gaps in information, and offered detained children and families a rare opportunity to ask questions about their rights and potential legal options. *Id.* ¶ 27. Nevertheless, the Government has decided to deny RAICES's requests to provide similar presentations to currently detained individuals. And the Government has refused to provide any explanation for this dramatic shift in policy. *Id.* ¶ 28.[5]

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[5] A FOIA request submitted on June 12, 2025, seeking information on the decision to end RAICES's KYR training remains unresolved.

At the same time, detained class members have lost access to the Legal Orientation Program historically provided through Department of Justice contracts, which the Government terminated in April 2025. *Id.* ¶ 29. As a result, many children are at risk of having to navigate portions of their immigration proceedings largely on their own and without awareness of the critical rights and legal resources available to them, in violation of the FSA and other protections. *See id*.

B. Prejudicing Class Members' Attempts to Pursue Legal Claims

Prolonged detention of immigrant minors also prejudices their ability to pursue legal claims in at least four other ways.

First, by denying class members and their families translated materials and interpretation services, the Government violates both the FSA and the Residential Standards. *See* FSA Ex. 1, ¶ B, 4-ER-697 ("Service delivery is to be accomplished in a manner which is sensitive to the . . . native language . . . of each minor."); FRS Expected Practices § C, 2-ER-211–12 (requiring detention centers to provide detainees with limited English proficiency information in a language they understand). Simply put, language barriers, without translation

services and resources, severely undermine class members' ability to understand, assert, and meaningfully pursue their legal rights. Hidalgo Decl. ¶ 25. Further, class members report a lack of meaningful access to critical legal forms in the languages they speak and read. *Id.* ¶¶ 25(b)–(c). And they are provided inadequate language resources to complete and submit filings required for their immigration applications (an especially acute concern given that key forms must be completed and filed with the court in English). *Id*. ¶ 25(c). Class members regularly report that, because the Government fails to provide translated materials or interpretation services, they cannot understand critical documents or meaningfully pursue their claims. *Id*. ¶ 25(b).

Second, the FSA mandates that minors remain in possession of their personal property—including "legal papers"—when transferred between placements. FSA ¶ 27, 4-ER-690. Having access to one's personal documents and other effects can be integral to a class member's ability to submit complete and accurate documentation in support of their immigration cases. However, detained minors and their families are frequently denied access to personal property and

related information necessary to support applications for relief. *See* Hidalgo Decl. ¶ 25(a). For example, U.S. Customs & Border Protection often fails to transfer personal property to ICE Enforcement and Removal Operations (to then be delivered to detainees)—including cell phones which may house information critical to a detainee's case—and may ultimately dispose of that property. *Id*. And some detainees have been told that only attorneys can be given access to certain information and materials, thus making it difficult for those proceeding *pro se* to obtain necessary information. *Id*.

Relatedly, long-term detention also creates financial constraints, which prevent class members from effectively pursuing their claims. Families often lose jobs or income, particularly when detained from the interior. These financial burdens are compounded by filing fees that detained individuals must pay to access the legal system, including a $100 fee for asylum applications (only payable by card or electronic means). *Id*. ¶ 25(a). Appeals and motions to reopen can run as high as $1,045 per family. *Id*. Simply put, prolonged detention creates financial barriers to seeking relief within the immigration system,

which might not otherwise exist if families were released and able to maintain a steady income.

Third, it is well-established that access to legal research tools such as libraries, or other avenues for collecting evidence and information, is crucial to ensuring detainees can pursue their claims and vindicate their rights. *See* FRS §§ 6.1, 6.3, 3-ER-582–89, 3-ER-600–08 (noting that law libraries with computers and other resources should be made available for each resident's use); *Lewis v. Casey*, 518 U.S. 343, 351 (1996) (finding that library and legal assistance programs are "means for ensuring 'a reasonably adequate opportunity to present claimed violations'" of rights and access to the courts); *Lyon v. U.S. Immigr. & Customs Enf't*, 171 F. Supp. 3d 961, 982, 985 (N.D. Cal. 2016) (finding that immigrant detainees were potentially prejudiced by telephone restrictions, which hindered counsel communications and ability to gather evidence). However, class members report a lack of access to law libraries, computers, or other similar tools. Hidalgo Decl. ¶ 25(d). In addition, frequent malfunctions on detention facility library computers undermine class members' ability to meaningfully participate in their legal proceedings. *Id*.

Without access to these resources, class members cannot pursue their claims with even a modicum of self-sufficiency.

Lastly, class members report use of fear, intimidation, and coercion tactics by the Government to convince detainees to return to their native country and drop their immigration claims. *Id.* ¶ 25(e). Courts have historically enjoined the use of fear tactics against immigrant detainees. *See Orantes-Hernandez v. Meese*, 685 F. Supp. 1488, 1505, 1511 (C.D. Cal. 1988) (enjoining immigration officials from "pressuring or intimidating [detained immigrants] to request voluntary departure or voluntary deportation"). Class members report that the Government regularly urges detained families to abandon their pursuit of protection and return to their countries of origin in exchange for a promised monetary payment. Hidalgo Decl. ¶ 25(e).

The Government's ongoing use of "threats, misrepresentation, subterfuge or other forms of coercion," *Orantes-Hernandez*, 685 F. Supp. at 1511, with respect to the legal rights of detainees undermines class members' ability to make informed decisions and meaningfully pursue the protections to which they are entitled. Hidalgo Decl. ¶ 25. This pressure is further exacerbated by the fact that these messages

are conveyed in a detention setting where families are already under significant stress and uncertainty about their legal rights and future. At the same time, families are left with the impression that declining to "voluntarily" depart may place them at risk of family separation. *Id*. These actions are material violations of the FSA and the Residential Standards.

CONCLUSION

For the reasons stated above, in Mr. Hidalgo's declaration, and in Plaintiffs' brief, ongoing judicial oversight remains necessary, as the Government has failed to substantially satisfy the FSA. This Court should affirm the judgment of the district court.

Dated: January 28, 2026

Respectfully submitted,

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CERTIFICATE OF COMPLIANCE

This brief complies with the word limit of Federal Rule of Appellate Procedure 29(a)(5) because it contains 4,952 words, excluding the portions exempted by Federal Rule of Appellate Procedure 32(f).

The brief complies with the typeface and type-style requirements of Rule 32(a)(5)(A) and (a)(6) because it is prepared in a proportionally spaced typeface using Microsoft Word in 14-point, New Century Schoolbook font.

Dated: January 28, 2026

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DECLARATION OF JAVIER O. HIDALGO

I, Javier O. Hidalgo, swearing under penalty of perjury, make the following declaration:

I. Background & Experience

1. My name is Javier O. Hidalgo, and I have been licensed to practice law in the State of New York since February 27, 2013, and in the State of Texas since January 24, 2019.

2. I serve as Legal Director at the Refugee and Immigrant Center for Education and Legal Services ("RAICES"). I have served in this role since June 2023.

a. I joined RAICES in 2018 and have held multiple positions during my time with the organization. Before I assumed my current position at the organization, I worked as a staff attorney from August 2018 to October 2018, as a supervising attorney from October 2018 to February 2022, and as Director of Asylum Access Services (formerly Pre-Removal Services) from February 2022 to June 2023.

b. RAICES is a 501(c)(3) nonprofit, non-partisan humanitarian aid organization. It was founded in 1986 and has offices in Austin, Corpus Christi, Dallas–Fort Worth, Houston, and San Antonio, its headquarters.

c. RAICES's mission is to deliver legal and social services, paired with rights advocacy, to underserved immigrants, refugees, and asylum-seeking people and families in the United States. RAICES provides qualified immigration legal assistance in numerous areas, including, but not limited to, asylum applications, removal defense, DACA renewals, and status changes.

d. RAICES provides this full range of immigration-related services to individuals in detention or who are continuing to fight their cases following release.

3. In my role as Legal Director, I oversee and work closely with Asylum Access Services, inclusive of legal support services inside family detention. The work includes, but is not limited to, serving detained individuals (including unaccompanied children both in and recently released from government custody) and families facing expedited removal from the United States, as well as people seeking asylum and related protection. Through this work, Asylum Access Services has taken on representation of many families—including minors who are *Flores* class members—detained in the Dilley Immigration Processing Center in

Dilley, Texas ("Dilley") and the Karnes County Immigration Processing Center in Karnes City, Texas ("Karnes").

4. Dilley is the largest family residential center in the United States and is the primary facility used to detain immigrant family units. Since Defendants resumed detaining families at Dilley in April 2025, RAICES has helped at least 265 families in ICE custody. On average, from July through December 2025, RAICES provided services to around 58 families at Dilley per month. As explained below, the Government's treatment of *Flores* class members at Dilley remains largely non-compliant with key provisions of the *Flores* Settlement Agreement ("FSA"), United States Immigration and Customs Enforcement's ("ICE") Family Residential Standards ("FRS" or "Residential Standards"), and other protections for detained immigrant children.

5. At various times over the past several years, I have submitted evidence to the lower court regarding the Government's lack of compliance with *Flores* protections, and I am familiar with prior Orders instructing ICE with regard to its compliance. The following facts set forth in this declaration unfortunately are not recent developments, but

rather have been persistent issues at least since I assumed the role of Legal Director.

6. Through my work at RAICES, including my current role as Legal Director overseeing Asylum Access Services, I have gained extensive familiarity with the terms and requirements of the FSA, as well as subsequent agreements and/or judicial orders related to it. I am also familiar with ICE's Residential Standards.

7. This familiarity arises from my years of providing legal services to *Flores* class members and overseeing related programming, including for detained minors and families held at Dilley and Karnes.

8. The FSA is a 1997 agreement setting national standards for the detention, treatment, and release of immigrant children in United States custody. The FRS is a set of guidelines designed to ensure humane environments for families in detention. I have previously submitted declarations in this matter detailing my team's experience with ICE's non-compliance with protections for minors, and I am familiar with prior judicial orders instructing ICE with regard to its compliance.

9. The facts set forth below are known personally to me and, if called as a witness, I could and would testify competently thereto under oath.

II. Key Protections for Immigrant Minors

10. Ever since the FSA took effect, protections for immigrant minors held in United States custody evolved due to multiple factors, including judicial decisions, federal regulations, and issuance of other guidance. Today, key protections under the FSA, FRS, and related authorities include:

a. In practice, a 20-day limit on detention, absent individualized justification for prolonged detention, and placement of children in the least restrictive setting possible that is appropriate for their individual circumstances.

b. Requirements that facilities be safe and sanitary, such as by providing necessities like bathrooms, water, food, medical assistance, sanitation, temperature control, supervision, family-member contact, educational resources, age-appropriate activities, and adequate sleeping arrangements.

c. Notice of certain rights and existence of legal services.

d. Language services.

e. Access to libraries and computers.

f. Access to personal property.

11. The thrust of the FSA is that, where possible, United States immigration authorities must release detained children without unnecessary delay to parents or family members. If that is not possible, then minors should be released to a "non-secure" "licensed program," i.e., a non-restrictive facility meeting defined requirements and conditions for proper care. FSA ¶¶ 6, 14, 19, **4-ER-682**, **4-ER-686**, **4-ER-687**. The FSA demonstrates a general policy favoring release.

III. Dilley & Karnes Immigration Detention Centers

12. ICE operates two family detention centers: Dilley and Karnes. Both Dilley and Karnes operate as secure institutions, rather than the types of "non-secure" "licensed program[s]" contemplated by the FSA for housing immigrant minors if they cannot be released to family members or guardians. FSA ¶ 6, **4-ER-682**. The Department of Homeland Security ("DHS") resumed detaining families in Karnes in March 2025 and then resumed detaining families in Dilley in April 2025. Since DHS

began detaining families at Dilley, it has ceased using Karnes for this purpose, but can choose to do so again if DHS wishes.

13. Dilley is located approximately 80 miles southwest of San Antonio, Texas. Karnes is located about 60 miles southeast of San Antonio, Texas.

IV. The Government Continues to Violate the *Flores* Settlement

A. Inadequate responses to inquiries from counsel & unjustified prolonged detention

14. The FSA carries a presumption in favor of release of minors to either family members or a licensed program. As a result, to prevent unreasonable delays in release of minors, there is a default 20-day limit on detention of minors unless the government makes a sufficient individualized determination to justify prolonged detention.

15. Because ICE Enforcement and Removal Operations ("ICE-ERO") at Dilley consistently disregards *Flores* protections, we have made it part of our normal course of business to notify Defendants of potential *Flores* violations, including, but not limited to, prolonged detention. Often, ICE-ERO's responses to inquiries about detainees demonstrate utter disregard for the FSA and other protections of minors.

16. As a matter of practice, our team monitors the length of time our minor clients—each of whom is a *Flores* class member—are in custody of DHS.

17. When it appears that a client's detention may violate this benchmark under *Flores*, our team notifies ICE-ERO at Dilley to inquire as to ICE-ERO's efforts toward release of the family and the Government's justification for prolonged detention. We are unable to notify ICE-ERO of every violation of *Flores*, and therefore our effort to notify Defendants of potential *Flores* violations underrepresents the true number of cases where a class member's prolonged detention at Dilley may be in violation of *Flores*. Included in the record on appeal is a prior declaration I submitted to the district court illustrating ICE-ERO's responses to these notices. *See* **SER-130–39**. The exhibits to that declaration include true and correct examples of ICE-ERO's responses to RAICES's notices of potential *Flores* violations. *See* **SER-140–201**. These materials are incorporated by reference herein.

18. Since Dilley reopened in April 2025, we have notified Defendants of at least 164 unique instances of what appear to be an unnecessary delay of a class member's release. RAICES has sent ICE-

ERO over 94 of these notifications in the last five months alone. In each notice, we ask ICE-ERO the status of the class member's release or their case status otherwise.

a. The nature of the responses RAICES receives from the government has long been inconsistent and became progressively more concerning entering the fall of 2025. In fact, it has recently become the norm that ICE-ERO's release decisions do not reflect consideration of *Flores* protections. Responses from Defendants increasingly indicate no efforts whatsoever to release the class member. Often, ICE indicates that it intends to house a class member indefinitely, with little-to-no explanation. Other times, ICE-ERO regularly fails to respond to our inquiries. And on multiple occasions, ICE-ERO has conveyed plans to detain class members in Dilley indefinitely pending further immigration processes and proceedings. For starters, it is indisputable that there are children being held beyond the 20-day limit. The Juvenile Coordinator's report indeed shows that many minors and/or families are released by ICE-ERO after the 20-day threshold. **SER-231–32**. Our personal experience working with our clients is consistent with the Juvenile Coordinator's report, in that RAICES

regularly reports instances of prolonged detention to ICE. In August, out of 23 notices of prolonged detention sent by RAICES to ICE, ICE responded to 17, and only 11 of those responses indicated some intent to mitigate prolonged detention (either through release or imminent removal).[1]

b. Many times, ICE-ERO's only stated reason for prolonged detention is the class member's immigration case posture. However, this is fundamentally inconsistent with the FSA's general policy favoring release, even while proceedings are pending. For example, in a September 26, 2025 response to an inquiry regarding a class member in DHS custody for over 23 days, an ICE-ERO deportation officer responded, "[a]t this time, the family's case remains pending a decision from USCIS . . . To determine the next appropriate steps, we must receive USCIS's decision . . . once a decision from USCIS is issued, we will re-evaluate the family's situation and take appropriate actions." *See* **SER-143**. In a November 15, 2025 response regarding class members in ICE custody over 28 days, an ICE-ERO deportation officer stated:

[1] ICE ignored six of RAICES' notices.

"Your clients have an upcoming Master Hearing scheduled for 11/18/2025, they will remain in custody until the completion of their hearing." *See* **SER-177**.

c. Indeed, among the class members detained at Dilley are children who, with their family members, were apprehended in the interior rather than upon crossing the southern border. Many of these families are in ongoing immigration proceedings, including but not limited to removal proceedings. ICE-ERO often cites the ongoing removal proceedings as justification for detaining class members who do not face imminent removal. *See* **SER-168** ("In client's Master Hearing . . . the Immigration Judge gave your client a task to be complete by a certain time frame. Due to the IJ decision your client will remain in custody. . . ."); **SER-183** ("The family's individual hearing is scheduled for January 7, 2026, at 8:30 AM."); **SER-192** ("Your clients are scheduled [for] their individual hearing on January 14, 2025. A review of their custody status will be completed following the decision from an immigration judge.").

d. Alarmingly, ICE-ERO has begun to indicate that for some class members, it intends to wait for a hearing in the child's BIA

appeal. *See* **SER-172, 197.** This is despite our explanations to ICE-ERO that such a hearing could take months to years and perhaps never occur. *See* **SER-173**. Hearings before the BIA are exceedingly rare. Usually, the BIA issues a written decision based on the parties' briefs alone, without a specific timeline. It can sometimes take years for the BIA to issue a decision on a fully briefed matter.

19. On other occasions, ICE-ERO has simply indicated that it has no plans for release, and provided no further details.

a. For instance, on November 26, 2025, an ICE-ERO deportation officer responded to an inquiry regarding a class member who had been detained for over 21 days, saying that ICE-ERO "[c]urrently [had] no plans for release." *See* **SER-200**. No further explanation was given.

b. Indeed, in November 2025, of the 21 notices sent, ICE responded to 17: only three (3) indicated mitigation of prolonged detention (in the form of removal), and 12 expressed intent to detain indefinitely pending resolution of full removal or BIA proceedings (i.e., additional months to years). And in December 2025, out of the 18 notices sent by RAICES, ICE responded to 11: nine (9) responses indicated an

intent to detain indefinitely, and two (2) directed us to contact DOJ counsel in the *Flores* matter to ask about release. Again, this flies in the face of the Government's obligations under the FSA to facilitate release "without unnecessary delay." FSA ¶ 14, **4-ER-686**.

20. On several occasions, ICE-ERO indicated that a class member is a flight risk without providing an individualized explanation or analysis as to the class member. Or, the explanation provided was so bare-bones as to raise obvious questions of whether the government was seeking pretextual justification for prolonged detentions. To the extent ICE has relied on flight risk as a basis for detention, it improperly relies on an assessment of the *parent* as a flight risk, rather than the class member.

a. For example, on October 15, 2025, an ICE-ERO deportation officer responded to an inquiry regarding a class member and her parents being held in ICE custody over 29 days by stating "your client remains a proven flight risk. Your client continues to unwillingly cooperate with the Colombian consulate to obtain travel documents . . . A third country removal request has been made; however your client will remain in custody until their removal is completed." **SER-147-52**.

However, it is clear that ICE's finding of a flight risk applied only to the parents—for alleged unwillingness to cooperate with the Colombian consulate—and not the child, who is a class member entitled to her own individualized determination.

b. And on the same day, we received another response from ICE-ERO, this time related to certain class members and their parents, who had been detained at Dilley for at least 48 days. The response stated: "Your client [i.e., the parents] failed to comply with a scheduled removal while in a detained environment. Based on the totality of the circumstances, your client is considered a flight risk and will remain in custody." *See* **SER-153-54**. Again, it is evident that no individualized determination was made with respect to the class member, a minor: only the parents.

c. In yet another instance, with regard to a class member who had been detained in Dilley with his father—from April 25, 2025 through June 27, 2025 (approximately 60 days), released and then **re-detained** in Dilley for another 29 days—the response from ICE-ERO stated: "Your clients failed to comply with their removal order. Their cases are being reviewed for prosecution for Failure to Comply. There is

no release date at this time." *See* **SER-155-166**. Once again, there is no indication that an individualized determination was made as to the class member, a minor, as opposed to only the parents.

21. In short, there has been no observable increase in Defendants' efforts to release class members from Dilley but, rather, a marked decrease.

B. Harmful conditions in confinement

22. In the normal course of our work, we inquire about the conditions of detention faced by our clients, and RAICES tracks various issues reported to us by *Flores* class members detained at Dilley. In addition to prolonged detention, we often hear of other egregious conditions imposed on class members by ICE. For the months of August through December 2025, families detained at Dilley reported to RAICES issues with the physical and environmental conditions of detention on at least 120 occasions.

a. Lack of educational resources and age-appropriate activities for developing children are a frequently reported issue. I understand that the Government's noncompliance with requirements to

provide education resources at Dilley is reflected in the Juvenile Coordinator's report. **SER-243**.

b. Our clients often report that the food provided at Dilley is neither adequate nor appropriate for children, leading to tender-age class members' physical deterioration and loss of weight. We also receive reports of children falling ill from expired food or food containing worms. There are also reports of foul-smelling water.

c. Families also report conditions that are harmful to class member children: as just one example, families report light flooding into sleeping areas at nighttime, **SER-260**, and inadequate clothing, **SER-217**.

d. Clients also frequently report not receiving adequate medical care when they report issues to ICE-ERO. RAICES's records indicate that families at Dilley have raised concerns over inadequate medical care on at least 700 occasions since August 2025. Specific problems RAICES is aware of include babies falling ill on suspected mixing of contaminated water with baby formula, lack of access to medical care for women experiencing pregnancy-related complications,

or doctors being generally inaccessible because they are away on vacation.

e. In one exchange between RAICES and ICE-ERO, RAICES informed authorities that a child was taken to the doctor for teething pain, only for the mother to be informed that nothing could be provided. RAICES followed up multiple times and never received a response.

f. On another occasion, RAICES notified ICE-ERO about a teenage girl who required an appropriate medical evaluation after collapsing twice, but the only testing she received was for her blood sugar levels. She also reported ongoing stomach pain and digestion problems due to ICE-ERO's inability to accommodate dietary needs. Further, once her tonsils became infected, she was told she could not get antibiotics until taking acetaminophen (i.e., Tylenol) for three (3) days. ICE simply responded that medical staff were notified; nothing further. In a follow-up note, RAICES conveyed its concern that the child continued to have difficulty eating, that her tonsil infection had not improved, and that she needed a more comprehensive medical evaluation. RAICES did not receive a response.

g. On yet another occasion, ICE-ERO acknowledged it was unable to handle certain types of conditions—such as for a class member with severe autism—yet gave no indication of any plans for release of the class member.

C. Lack of orientation and notice of rights, and prejudice to ability to pursue legal claims

23. The FSA requires that class members be provided with certain legal forms, a notice of the right of judicial review, and information on the availability of free legal counsel. Immigration proceedings are complex and consequential, and counsel plays a vital role in helping noncitizens understand their rights and present their cases effectively.

24. RAICES's Asylum Access Services cannot provide direct representation in all full removal proceedings under INA § 240 or all withholding-only proceedings. As a result, children served by RAICES's Asylum Access Services often must navigate significant portions of their immigration proceedings without full legal representation. Many families are unable to secure legal representation in full removal proceedings.

25. Prolonged and/or indefinite detention at Dilley prejudices class members in multiple respects by significantly impairing their ability to meaningfully pursue and present their legal claims.

a. Lack of access to personal property is a significant impediment. Class members and their families are often denied access to their property and to information that would provide material support for their claims for legal relief. Often, United States Customs & Border Protection ("CBP") does not transfer personal property of detainees to ICE-ERO, and the agency may ultimately dispose of the personal property. It is nearly impossible for detained individuals to advocate for the return of their property, and it is even more difficult to gather documents and evidence that may support an asylum claim. Some detainees report having been told that only attorneys can request certain information and documents. And, an especially acute concern is the inability of class members to access cellphones—which might contain important data and information relevant to an individual's immigration proceedings—while in CBP custody. Long-term detention also creates financial challenges to effectively proceed through the legal system. When detained from the

interior, families may lose jobs and income, which creates economic barriers to submitting case filings. For example, while asylum applications used to be free to file, they now cost $100 for detained individuals and can only be paid online by credit card, debit card, or ACH transfer. Appeals and motions to reopen are even more expensive: they could run between $110 and $1,045 per family.

b. Language barriers (and limited language-related support services) are also a persistent struggle for detainees moving through the immigration system. While the Juvenile Coordinator's report suggests language access at Dilley is in compliance with *Flores*, **SER-244**, RAICES's experience indicates otherwise. Class members and their families are often not able to access copies of required immigration forms in the languages they speak, nor do they have access to interpretation services to be able to submit this information to the immigration court in English.

c. For example, RAICES is aware that the Form I-589 Application for Asylum and for Withholding of Removal is made available by the Government in twelve languages, including Arabic, Simplified Chinese, Dari, French, Haitian Creole, Pashto, Portuguese, Russian,

Somali, Spanish, Turkish, and Vietnamese. But United States Citizenship & Immigration Services ("USCIS") and the Executive Office for Immigration Review ("EOIR") only accept completed forms in English. Class members are at constant risk of being prejudiced in their immigration proceedings while detained, as they often have no way to submit completed I-589 forms to the court by the short deadlines set by immigration judges in detained proceedings.[2] Many families are simply unable to complete documents due to language-related challenges and inability to seek assistance while in detention.

d. We also regularly receive reports from class members and their families that they are severely limited in their ability to access the library and computers at Dilley, and that limitations in access, as well as technical failures, often impact their ability to timely file required forms in their cases. And, even if computers are available, short time limits on computer usage make it difficult to draft and complete necessary documents, especially if translations are needed.

[2] When individuals are detained during their immigration proceedings, those proceedings are conducted on an expedited basis. *See* EOIR Immigr. Ct. Prac. Manual § 9.1(e).

e. Perhaps most alarmingly, ICE-ERO routinely urges families to give up their pursuit of protection and return home for some promised amount of money. Families report that ICE-ERO officials imply to them that if they do not "voluntarily" depart the United States, they risk family separation.

26. In prior years, RAICES services included group legal presentations that would provide know-your-rights ("KYR") information to class members.

27. Such presentations were essential in countering the misinformation and lack of information that detained class members commonly experience when navigating their immigration cases while detained. These presentations were also an important opportunity for detained class members to ask questions about their rights and legal options.

28. While RAICES has previously requested that it be allowed to provide the same presentation to currently detained class members, ICE-ERO has denied that request and has yet to respond to RAICES' request for clarification of the reason for the denial and for instructions to cure

any identified issues. RAICES submitted a FOIA request for this information on June 12, 2025, which remains pending.

29. Separately from the KYR presentations, RAICES was historically able to provide detained class members with a Legal Orientation Program presented by legal services providers pursuant to contracts and subcontracts with the Department of Justice. It is my understanding that in April 2025, the Department of Justice terminated its contracts with Legal Orientation Program providers. To my knowledge, there remains no meaningful replacement for the Legal Orientation Program. This is further evidenced by the lack of information class members and their families have received by the time we meet with them.

V. Reduced Oversight Threatens Long-term Compliance Issues

30. Historically, the Office for Civil Rights and Civil Liberties (CRCL) and the Office of the Immigration Detention Ombudsman (OIDO), through their oversight functions, served as an additional check against misconduct and rights violations suffered by *Flores* class members while in ICE custody.

31. I understand that CRCL and OIDO experienced drastic workforce reductions in or around March 2025. These reductions in the workforce at these agencies functionally eliminated their oversight capabilities.

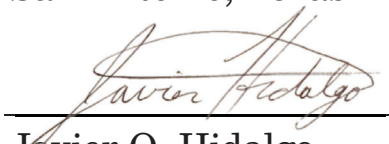
32. Following this drastic reduction in the workforce at these agencies, we have observed an increase in the misconduct and rights violations class members and their families report experiencing while detained at Dilley. As noted above, this includes coercive and prejudicial efforts to convince detained families to abandon their pursuit of legal protections and relief and instead return to their home country for a small sum of money. These coercive tactics are often accompanied by threats of family separation. Indeed, we have observed several families separated while detained at Dilley.

* * *

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

Dated: January 28, 2026

San Antonio, Texas



Javier O. Hidalgo