

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

JANE P. and MARK P.,
minors by and through their
Next Friend, MARY L.

Petitioners,

v.

ANGIE SALAZAR, in her official capacity,
Acting Director, Office of Refugee
Resettlement;

ROBERT F. KENNEDY JR., in his official
capacity, Secretary of the Health and
Human Services;

LILIANA RENTERIA, in her official
capacity, Federal Field Specialist, Office of
Refugee Resettlement;

GARY L. JONES, in his official capacity as
Director, Youth for Tomorrow.

Respondents.

**PETITION FOR A WRIT OF
HABEAS CORPUS AND
COMPLAINT**

Case No.

INTRODUCTION

1. In 2024, the average number of days unaccompanied children spent in the Office of Refugee Resettlement (“ORR”) care was 30 days.¹ In 2025, the average shot up to 117 days.² This case concerns the detention of two unaccompanied minor siblings—Jane P. and Mark P.³—

¹ Office of Refugee Resettlement, *Unaccompanied Children (UC) Program: Facts and Data*, Admin. for Children & Families, U.S. Dep’t of Health & Hum. Servs., <https://www.acf.hhs.gov/orr/about/ucs/facts-and-data> (last visited May 28, 2026).

² *Id.*

³ Petitioners and their next friend seek to proceed pseudonymously to protect their identities as minor children with a motion forthcoming.

who have now, at the time of filing, spent 315 days in ORR custody. This is despite the existence of a fully vetted and approved sponsor. Petitioners fled gang violence in Honduras after the death of their father and have remained confined at Youth for Tomorrow, a private short-term residential care facility in Virginia, while Respondents have repeatedly delayed reunification through shifting technical and immaterial objections to sponsorship paperwork.

2. Their sponsor and next friend, Mary L., a close family friend who has known the children since birth and who has passed every element of ORR's own vetting process, has been waiting to receive them since July 2025.

3. By October 2025, ORR had completed a positive Trafficking Victims Protection Reauthorization Act ("TVPRA") home study, completed fingerprinting and background checks, documented that no safety concerns existed in the sponsor's home, and expressly recorded that "no documents are pending" in Petitioners' case. Nevertheless, Respondents continued to reopen the sponsorship process for months over trivial formatting and administrative issues, including whether apartment numbers appeared in particular boxes on forms, whether city and zip code information was separated into designated fields, and whether an Alternate Caregiver could remember addresses from many years earlier.

4. Respondents' delays created a self-fulfilling trap. As months passed, previously completed background checks expired and had to be repeated, generating new rounds of delay. This is despite the absence of any identified trafficking concern, criminal concern, or danger to the children. These delays in reunification are part of an escalating pattern by Respondents to prevent children from being released. *See supra* n. 1.

5. Over the course of the last 311 days, Petitioners' emotional conditions have deteriorated as they have grappled with the ever-increasing length of their stay. Shelter staff

documented escalated anxiety, emotional distress, and frustration related to the uncertainty of their confinement. The last year has also affected Petitioners' ability to access the specialized support services—including speech therapy and post-operative care—documented in and mandated by both of their Section 504 accommodation plans. These services can only meaningfully be provided in a noncustodial setting, and Youth for Tomorrow has not been able to meet Petitioners' documented, required needs.

6. The TVPRA requires ORR to promptly place children in the least restrictive setting in their best interests, typically through reunification with a vetted sponsor. 8 U.S.C. § 1232(c)(2)(A). The Foundational Rule likewise requires ORR to release children “without unnecessary delay” to approved sponsors. 45 C.F.R. § 410.1201(a). Respondents' prolonged detention of Petitioners—despite a positive home study, completed vetting, and the lack of any safety-based obstacle to release—is in clear violation of the TVPRA, the Foundational Rule, the Administrative Procedure Act, and the Due Process Clause of the Fifth Amendment. The failure to provide Petitioners with their services and accommodations for their disabilities in the least restrictive environment is in clear violation of Section 504 of the Rehabilitation Act.

JURISDICTION AND VENUE

7. This Court has jurisdiction pursuant to 28 U.S.C. § 2241 (the general grant of habeas authority to the district court); Art. I § 9, cl. 2 of the U.S. Constitution (“Suspension Clause”); 28 U.S.C. § 1331 (federal question jurisdiction), and 28 U.S.C. § 2201, 2202 (Declaratory Judgment Act).

8. Federal district courts have jurisdiction to hear habeas claims by noncitizens challenging the lawfulness of their detention. *See, e.g., Zadvydas v. Davis*, 533 U.S. 678, 687 (2001).

9. Federal courts also have federal question jurisdiction, through the Administrative Procedures Act (“APA”), to “hold unlawful and set aside agency action” that is “arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.” 5 U.S.C. § 706(2)(A). APA claims are cognizable on habeas. 5 U.S.C. § 703 (providing that judicial review of agency action under the APA may proceed by “any applicable form of legal action, including actions for declaratory judgments or writs of prohibitory or mandatory injunction or habeas corpus”). The APA affords a right of review to a person who is “adversely affected or aggrieved by agency action.” 5 U.S.C. § 702.

10. Venue is proper in this district and division pursuant to 28 U.S.C. § 2241(c)(3) and 28 U.S.C. § 1391(b)(2) and (e)(1) because Petitioners are detained within this district at Youth for Tomorrow in Bristow, Virginia.

11. Petitioners are properly joined in this action because they jointly assert a right to release from custody and raise *at least* one “question of law or fact common to all plaintiffs,” namely, whether their detention is lawful under TVPRA and whether ORR has followed its own policy in continuing their detention. Fed. R. Civ. P. 20(a)(1).

PARTIES

12. Petitioner Mark P. is a 16-year-old native and citizen of Honduras who was designated as an unaccompanied minor in July 2025. He is currently in ORR custody at Youth for Tomorrow in Bristow, Virginia.

13. Petitioner Jane P. is the 15-year-old biological sister of Mark P., who is a native and citizen of Honduras. She was designated as an unaccompanied minor in July 2025. She is currently in ORR custody at Youth for Tomorrow in Bristow, Virginia.

14. Respondent Angie Salazar is the Acting Director of ORR, the subagency of the U.S. Department of Health and Human Services (“HHS”) responsible for overseeing the custody of unaccompanied minors. ORR is the government entity directly responsible for overseeing Petitioners' custody. Respondent Salazar is the direct legal custodian of Petitioners, with the authority to produce and release them. Respondent Salazar is sued in her official capacity.

15. Respondent Robert F. Kennedy Jr. is the Secretary of HHS, in which ORR is a subagency. Respondent Kennedy is the ultimate legal custodian of Petitioners. He is sued in his official capacity.

16. Respondent Liliana Renteria is an ORR field specialist responsible for the custody and care of children placed in Youth for Tomorrow. Respondent Renteria is responsible for determining Petitioners' placement and has the authority to approve their release to the care of an appropriate sponsor. Respondent Renteria is the direct legal custodian of Petitioners and is sued in her official capacity.

17. Respondent Gary Jones is the Chief Executive Officer of Youth for Tomorrow, where Petitioners are currently detained. As the Chief Executive Officer of Youth for Tomorrow, he is Petitioners' ultimate custodian. He is sued in his official capacity.

LEGAL FRAMEWORK

18. The care and custody of unaccompanied immigrant children is governed by a legal framework consisting primarily of two statutes—the Homeland Security Act of 2002 and the Trafficking Victims Protection Reauthorization Act a settlement agreement that is binding on the pertinent federal agencies, and federal regulations: the Homeland Security Act of 2002, the Trafficking Victims Protection Reauthorization Act, the 1997 Flores Settlement Agreement, and the Foundational Rule.

19. Prior to 2002, the Office of Juvenile Affairs in the former INS was responsible for the custody of unaccompanied immigrant children in the United States. The Flores Settlement Agreement, originally signed by the INS in 1997, established national minimum standards for the treatment and placement of minors in immigration custody. Stipulated Settlement Agreement, *Flores v. Reno*, No. CV 84-4544-RJK(Px) (C.D. Cal. Jan. 17, 1997) (“Flores Settlement”). It remains under the supervision of U.S. District Judge Dolly M. Gee in the Central District of California. *Flores v. Bondi*, No. CV 85-4544-DMG (AGRx).

20. In 2002, Congress passed the Homeland Security Act (HSA), transferring functions of the former INS to other government entities. Pub. L. No. 107-296, 116 Stat. 2153 (2002). Specifically, the HSA transferred authority over the care and custody of unaccompanied immigrant children from the INS to ORR, housed within HHS. 6 U.S.C. § 279.

21. Congress’ decision to transfer responsibility for the care and custody of unaccompanied children from the INS to ORR reflected Congress’ determination that caring for children who arrive in the United States without their parents or legal guardians, and immigration enforcement were incompatible roles for a single agency. Within HHS, ORR is responsible for children’s safety and welfare and is explicitly not a law enforcement agency. *See* Foundational Rule, 89 Fed. Reg. at 34399, 34423 (“it is not a law enforcement agency, unlike the former INS...”), 34591.

22. With strong bipartisan support, Congress then expanded protections for unaccompanied children in the TVPRA, reaffirming Congress’ intent to treat unaccompanied children differently than the manner in which adults are treated by the Department of Homeland Security (DHS), both in detention and in immigration proceedings. 8 U.S.C. § 1232 et seq.

23. The TVPRA requires federal officials who discover an unaccompanied child to transfer the child to the care and custody of HHS within 72 hours (absent exceptional circumstances). *Id.* § 1232(b)(3). The TVPRA also tasks ORR with ensuring that unaccompanied children are “promptly placed in the least restrictive setting that is in the best interest of the child.” *Id.* § 1232(c)(2)(A). This is usually with a sponsor. *See, e.g., Saravia v. Sessions*, 905 F.3d 1137, 1142–43 (9th Cir. 2018). Congress enacted the TVPRA specifically to facilitate the safe, speedy release and minimally restrictive placement of unaccompanied children. *See, e.g.,* 154 Cong. Rec. S10886 (daily ed. Dec. 10, 2008) (statement of Sen. Feinstein, sponsoring senator).

24. Neither the HSA nor the TVPRA makes any mention of a sponsor’s potential immigration status as a prerequisite to receiving an unaccompanied child into their custody. Similarly, neither statute gives ORR authority to: (1) inquire into immigration status as a condition for sponsorship; (2) collect information about potential sponsors for immigration or law enforcement purposes; or (3) share potential sponsors’ immigration status with law enforcement or immigration enforcement entities.

25. In 2024, ORR promulgated regulations (“The Foundational Rule”) codifying the “policies, standards, and protections for [unaccompanied children], consistent with the HSA and TVPRA, and to implement the substantive requirements of the [Flores Settlement Agreement] as they pertain to ORR.” 89 Fed. Reg. at 34385 (promulgating 45 C.F.R. §§ 410.1000 et seq.).

26. The Foundational Rule includes “policies and procedures regarding release, without unnecessary delay, of an unaccompanied child from ORR custody to a vetted and approved sponsor.” 89 Fed. Reg. at 34439. The Foundational Rule is consistent with the agency’s “strong belief that, generally, placement with a vetted and approved family member or other vetted and approved sponsor, as opposed to placement in an ORR care provider facility ... is in the best

interests of unaccompanied children.” *Id.* In response to comments on their proposed regulations, ORR explained that “[t]he HSA and the TVPRA do not make any mention of a sponsor’s potential immigration status as a prerequisite to receive an unaccompanied child into their custody and do not imbue ORR with the authority to inquire into immigration status as a condition for sponsorship.” *Id.* at 34442.

27. The Foundational Rule establishes that “ORR shall release a child from its custody without unnecessary delay” to sponsors in a specific order of preference, with parents and legal guardians taking priority, followed by other family members. 45 C.F.R. § 410.1201(a). As required by the regulation, sponsor suitability assessments must include various investigations and background checks, and “may include” background checks “based on fingerprints for some potential sponsors and adult residents of the potential sponsor’s household.” *Id.* § 410.1201(c). Furthermore, “ORR shall adjudicate the completed sponsor application of a parent or legal guardian; brother, sister, or grandparent; or other close relative who has been the child’s primary caregiver within 10 calendar days . . . absent an unexpected delay”. *Id.* § 410.1205(b). Other completed sponsor applications by close relatives who were not the child’s primary caregiver must be adjudicated within 14 days, absent an unexpected delay. *Id.* § 410.1205(c).

28. As part of its sponsor suitability process, ORR may require “verification of the employment, income, or other information provided by the potential sponsor as evidence of the ability to support the child.” 45 C.F.R. § 410.1202(c). In the Preamble to the Foundational Rule, ORR stated that although employment is “a permissible consideration as part of the suitability assessment[,] . . . ORR will not deny an otherwise qualified sponsor solely on the basis of low income or employment status.” 89 Fed. Reg. at 34446.

29. ORR’s subregulatory framework is laid out in the UC Policy Guide. The UC Policy Guide was first published publicly in 2015 and is available on ORR’s website. Office of Refugee Resettlement, Unaccompanied Alien Children Bureau Policy Guide (2026) (“Policy Guide”), <https://acf.gov/orr/policy-guidance/unaccompanied-children-bureau-policy-guide>. The Policy Guide governs the placement, care, and release of unaccompanied children in ORR custody, consistent with ORR’s legal authorities. Policy Guide, Introduction.

30. Section 2 of the guide sets out ORR’s policies with respect to securing “[s]afe and timely release” of unaccompanied children “to parents, guardians, relatives, or individuals designated by the child’s parents, referred to as ‘sponsors.’” Policy Guide, § 2.1. Under the Policy Guide, “[s]afe and timely release must promote public safety and ensure that sponsors are able to provide for the physical and mental well-being of the children.” *Id.* The Policy Guide describes the sponsor identification and application process in detail, including specific ORR requirements prior to application adjudication and approval. *Id.* at §§ 2.2-2.7.

31. Under Section 504 of the Rehabilitation Act, 29 U.S.C. § 794, “[n]o otherwise qualified individual with a disability ... shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance or under any program or activity conducted by any Executive agency[.]”

32. ORR’s placement, care, custody, sponsor reunification, and release of immigrant children constitutes a program or activity conducted by an Executive agency that receives Federal financial assistance. ORR cannot deprive a child of the benefits of timely family reunification because of their disability or otherwise discriminate against a child with a disability in the release process. 45 C.F.R. § 85.21(a), (b)(1); 45 C.F.R. § 410.1311. ORR must also make reasonable

modifications during the release process to accommodate children's disabilities. 45 C.F.R. § 410.1311(e)(2).

33. The TVPRA requires a home study for a child with a disability. 8 U.S.C. § 1232(c)(3)(B). ORR considers a sponsor's ability to provide for the child's disability-related needs in the sponsor vetting process. 45 C.F.R. § 410.1311(e)(1). ORR must simultaneously "consider the potential benefits to the child of release to a community-based setting." *Id.* Further, ORR must "affirmatively support and assist otherwise viable potential sponsors in accessing and coordinating appropriate post-release community-based services and supports available in the community to support the sponsor's ability to care for a child with one or more disabilities." *Id.* § 410.1311(e)(2).

CONSTITUTIONAL PROTECTIONS FOR UNACCOMPANIED MINORS

34. The substantive component of due process forbids the Government from infringing in any way upon fundamental liberty interests unless the infringement is narrowly tailored to serve a compelling state interest. *United States v. Salerno*, 481 U.S. 739, 749 (1987). In the immigration context, whether the infringement is narrowly tailored to serve a compelling governmental interest is determined by evaluating whether the infringement on liberty: 1) is impermissible punishment or permissible regulation; and 2) is excessive in relation to the regulatory goal Congress sought to achieve. *See id.* at 747; *see also Zadvydas v. Davis*, 533 U.S. 678, 690 (2001) ("[G]overnment detention violates [the Due Process] Clause . . . [except] in certain special and narrow nonpunitive circumstances, where a special justification, such as harm-threatening mental illness, outweighs the individual's constitutionally protected interest in avoiding physical restraint." (internal citations omitted.)).

35. "[T]he interest in being free from physical detention" by the state is "the most elemental of liberty interests[.]" *Hamdi v. Rumsfeld*, 542 U.S. 507, 529 (2004). A child's interest

in being free from confinement is no narrower than that of an adult. *In re Gault*, 387 U.S. 1, 13 (1967) (“neither the Fourteenth Amendment nor the Bill of Rights is for adults alone”); *see also Reno v. Flores*, 507 U.S. 292, 316 (1993) (O’Connor, J. and Souter, J., concurring), quoting *Gault*, 387 U.S. at 13 (“[The Supreme Court] ha[s] consistently [...] rejected the assertion that ‘a child, unlike an adult, has a right ‘not to liberty but to custody.’”). Further, “incarceration is rarely if ever a necessary condition for raising the living standards of those capable of surviving safely in freedom, on their own or with the help of family or friends.” *O’Connor v. Donaldson*, 422 U.S. 563, 575 (1975). Therefore, minors, like adults, have a substantial liberty interest “in avoiding unjustified physical restraint.” *Lucas R. v. Becerra*, 2022 WL 2177454, at *14 (C.D. Cal. Mar. 11, 2022). *See also, e.g., Parham v. J.R.*, 442 U.S. 584, 600 (1979).

36. The serious harm of prolonged detention of unaccompanied children [caused by unnecessary/arbitrary additional vetting requirements] is well documented. *See Lucas R.*, 2022 WL 2177454 at *17 (“Numerous child welfare experts have expounded on the harm that detention causes children, particularly young children” and “[i]t is undisputed that being separated from family members is inimical to a child’s well-being.”). In 2018, in similar circumstances, ORR policy changes caused unaccompanied children’s length of custody in ORR to increase significantly, with children spending months in congregate care designed to hold children for only a few weeks. *See, e.g., Dep’t of Health and Hum. Servs., Office of the Inspector Gen., Care Provider Facilities Described Challenges Addressing Mental Health Needs of Children in HHS Custody*, 13 (Sept. 2019), <https://perma.cc/YLT7-R3HP> (“HHS OIG Report”) (“[C]hildren’s average length of stay in ORR custody increased markedly after ORR implemented the new fingerprinting policy in June 2018”, from 61 days in June 2018 to 93 days in November 2018 and

then decreased after ORR ended fingerprinting requirements for adult household members and then for parents, reaching 48 days in April 2019).

37. The then-Assistant Secretary for the Administration for Children and Families later conceded that the policy did not “add[] anything to the protection and safety of the children.” Extended lengths of stay in ORR custody harmed children’s mental health and well-being. *See, e.g.*, HHS OIG Report, 13 (After implementing new restrictive reunification policies, “[ORR] facilities reported that it became more difficult to identify sponsors willing to accept children after the new fingerprinting requirements were implemented, which delayed placing children with sponsors, adding further stress and uncertainty.”); *see also id.* at 12–13 (“According to facility staff, longer stays resulted in higher levels of defiance, hopelessness, and frustration among children, along with more instances of self-harm and suicidal ideation.”).

38. The constitutional right to family integrity or to familial association is [also] well established.” *Rosenbaum v. Washoe Cty.*, 663 F.3d 1071, 1079 (9th Cir. 2011); *see also Santosky v. Kramer*, 455 U.S. 745, 753 (1982) (holding that parents and children have a well-elaborated constitutional right to live together without government interference); *Ching v. Mayorkas*, 725 F.3d 1149, 1157 (9th Cir. 2013) (“The right to live with and not be separated from one’s immediate family is ‘a right that ranks high among the interests of the individual’ and that cannot be taken away without procedural due process.”); *D.B. v. Cardall*, 826 F.3d 721, 740 (4th Cir. 2016) (children “enjoy a familial right to be raised and nurtured by their parents”) (internal quotation marks omitted); *Beltran v. Cardall*, 222 F. Supp. 3d 476, 482 (E.D. Va. 2016) (“It is beyond dispute that [a mother’s] right to the care and custody of her son – and [a son’s] reciprocal right to his mother’s care . . . is deserving of the greatest solicitude.”) (internal quotation marks and citation omitted); *Jordan v. Jackson*, 15 F.3d 333, 343 (4th Cir. 1994); *see also Smith v. Org. of Foster*

Families for Equality & Reform, 431 U.S. 816, 845 (1977) (“the liberty interest in family privacy has its source, and its contours are ordinarily to be sought...in intrinsic human rights.”); *Hodge v. Jones*, 31 F.3d 157, 163 (4th Cir. 1994) (the “sanctity of the family unit is a fundamental precept firmly ensconced in the Constitution”); *Angelica S. v. U.S. Dep’t. of Health and Hum. Svcs.*, 786 F.Supp.3d 158, 175 (“Courts have found that family separation and prolonged detention qualify as irreparable injury.”) (citing *Jacinto-Castanon de Nolasco*, 319 F. Supp. 3d 491, 502 (D.D.C. 2018)); *Andrieu v. Ashcroft*, 253 F.3d 477, 484 (9th Cir. 2001) (en banc)). See also *Ms. L. v. U.S. ICE*, 310 F.Supp.3d 1133 (S.D. Cal. June 26, 2018) (finding likely substantive due process violation stemming from “zero tolerance” policy of family separation).

39. Numerous courts have also held that a child’s right to familial association is not limited to parents. See *Smith*, 431 U.S. at 843 (“biological relationships are not [the] exclusive determina[tion] of the existence of a family”); see also *Moore v. City of East Cleveland*, 431 U.S. 494, 504 (1977) (“The tradition of uncles, aunts, cousins, and especially grandparents sharing a household along with parents and children has roots equally venerable and equally deserving of constitutional recognition.”); *J.E.C.M. v. Lloyd*, 352 F. Supp. 3d 559, 585 (E.D. Va. 2018) (rejecting argument that child’s interest in family unity is unique to parents, and finding “siblings, aunts or uncles, grandparents, or first cousins” are family “captured in ORR’s second-level category of would-be sponsors” and also “constitutionally significant”); *Aristotle P. v. Johnson*, 721 F. Supp. 1002, 1006 (N.D. Ill. 1989) (children have “constitutionally protected right to associate with their siblings”).

40. Longstanding Supreme Court precedent establishes that when a government action deprives an individual of a fundamental constitutional interest, the individual is entitled to procedural due process, including notice and an opportunity to be heard. *Mathews v. Eldridge*, 424

U.S. 319, 335 (1976); *Mullane v. Central Hanover Bank & Trust*, 339 U.S. 306 (1950). Furthermore, “‘significant’ and ‘unexplained delay[s] in responding to a [a proposed sponsor’s] unification request’ violate due process irrespective of other procedural defects.” *Lucas R. v. Becerra*, 2022 WL 2177454, at *27 (C.D. Cal. Mar. 11, 2022) (citing *Santos v. Smith*, 260 F. Supp. 3d 598, 613-14 (W.D. Va. 2017)).

41. In accordance with these procedural safeguards, ORR has a statutory and regulatory responsibility to determine a sponsor's safety and suitability without unnecessary delay.

FACTS

A. Petitioners Fled Honduras and Remain in ORR Custody

42. Petitioners are two minor siblings from Honduras. Petitioners’ father is deceased, and their mother remains in Honduras. Ex. A, Mark P.’s ORR File [*hereinafter* Ex. A] at 71.

43. Petitioners fled Honduras due to gang violence, arriving in the United States on July 19, 2025. They were designated as unaccompanied minors and transferred to the custody of ORR on July 22, 2025. Ex. A at 1–3; Ex. B, Jane P.’s ORR File [*hereinafter* Ex. B] at 52.

44. Since entering ORR custody, Petitioners have remained detained at Youth for Tomorrow—a short-term shelter care facility in Bristow, Virginia that contracts with ORR. *Id.*

45. During their prolonged detention, Petitioners experienced increasing emotional distress and anxiety related to the uncertainty surrounding their reunification and continued confinement. Ex. A at 49, 56; Ex. B at 63.

46. Shelter staff further documented on January 27, 2026, that “[t]here has been no documented progress in the case since October 2025,” at which point ORR had recorded that “[n]o documents are pending for this case at this time.” Ex. A at 45, 20; Ex. B at 62.

47. Upon information and belief, the prolonged uncertainty and institutional detention have negatively affected Petitioners' emotional well-being, educational stability, and access to needed supportive services.

B. Mary L. Promptly Came Forward as Sponsor and Completed Sponsorship Requirements

48. The proposed sponsor, Mary L., is a longtime family friend of Petitioners and Petitioners' family. Mary L. lived with Petitioners' family in Honduras beginning when she was approximately eleven years old, prior to the birth of Petitioners. Petitioners and Mary L. grew up together in the same household until Mary L. departed for the United States in 2019. Mary L. has remained in close communication with Petitioners' mother and has consistently received updates regarding Petitioners' lives and well-being. Mary L. considers Petitioners to be like her own children because she helped raise them and watched them grow up. Ex. A. at 72–73.

49. On July 22, 2025, Mary L. verified Petitioners' information with ORR and confirmed her intent to proceed with sponsorship. She identified herself as a family friend of Petitioners. *Id.* at 62.

50. On July 26, 2025, Mary L. provided ORR with extensive supporting documentation, including her children's birth certificates, two paystubs, a school attendance document for one of her children, and a photograph of the front of her home. *Id.*

51. On or about August 4, 2025, Mary L. completed fingerprinting, and on August 6, 2026, ORR received the results reflecting no issues or disqualifying concerns. Ex. B at 59.

52. On or about August 5, 2025, an Alternate Caregiver ("ACG") was identified for the sponsorship application. *Id.*; Ex. A at 5.

53. On August 14, 2025, Mary L. informed ORR that she "has everything ready for their arrival" and that she was "very eager to have the minors at her house." Mary L. further stated

that she would make the “perfect home” for Petitioners because she viewed them “like her own siblings.” Ex. A at 8.

54. Throughout the sponsorship process, Mary L. consistently complied with ORR’s requests and submitted updated materials promptly when requested.

C. ORR Approved the Home Study and Documented That No Documents Were Pending

55. On September 29, 2025, ORR completed a TVPRA home study for the proposed placement. The home study resulted in a positive recommendation. The home study report stated that no concerns were identified and that no safety hazards were identified within Mary L.’s home. Ex. A at 67. On October 2, 2025, ORR documented that the “[h]ome study recommendation is positive” and that “[n]o documents are pending for this case at this time.” Ex. A at 19; Ex. B at 8–58.

56. By October 2025, ORR had received and documented substantial sponsorship materials from both Mary L. and the ACG, including but not limited to: clearance and background checks; Social Security information; address verification; fingerprint results; authorization and release forms; internet criminal public records checks; sex offender registry checks in Virginia and North Carolina; proof of identity; proof of residence; Unified Immigration Portal documentation; educational records; family photographs; birth certificate documentation; and other reunification materials. ORR further documented that “[n]o documents are pending.” Ex. A at 20.

57. On October 3, 2025, Division of Sponsor Administration Federal Field Specialist (“DSA FFS”), Liliana Renteria, was assigned to the case in order to begin the final review of the sponsorship application. Despite the positive home study recommendation and ORR’s October 2025 determination that no documents were pending, DSA FFS Liliana Renteria repeatedly reopened or prolonged review of the sponsorship application based primarily on asserted technical,

formatting, or administrative deficiencies relating to address history and form completion. Ex. A at 119.

D. DSA FFS Repeatedly Reopened the Sponsorship Process Based on Technical and Administrative Objections

58. DSA FFS Liliana Renteria repeatedly reopened or prolonged the review of the sponsorship application, based primarily on asserted technical, formatting, or administrative deficiencies related to address history and form completion.

59. On October 17, 2025, DSA FFS Renteria claimed that the ACG's ARI did not contain all addresses where the ACG had resided since turning eighteen years old. Ex. A at 23.

60. On October 20, 2025, Mary L. informed the shelter case manager that she had repeatedly attempted to contact DSA FFS Renteria because the ACG was unable to remember certain addresses from many years earlier, and no records were available to assist him. The shelter case manager instructed Mary L. to continue attempting to contact DSA FFS Renteria. *Id.* at 24.

61. On October 21, 2025, DSA FFS Renteria informed Mary L. that a utility bill photograph submitted as proof of address was incomplete because the entire bill could not be viewed in the image. Mary L. thereafter submitted an additional utility bill, but DSA FFS Renteria requested yet another image. *Id.* at 26.

62. On October 28, 2025, Mary L. submitted a written explanation stating that the ACG could not remember certain prior addresses. DSA FFS Renteria nevertheless requested additional clarification because the statement did not include the dates associated with those addresses. *Id.* at 27. During this interaction, Mary L. requested permission to record DSA FFS Renteria's questions so that she could accurately relay them to the care plan provider, but the request was denied. *Id.*

63. On November 5, 2025, DSA FFS Renteria informed Mary L. that the ACG was required to include all information he could recall on the ARI and separately provide a statement for information he could not remember. *Id.* at 28.

64. On November 12, 2025, Mary L. contacted the shelter case manager expressing frustration that only a single pending document remained unresolved. The shelter case manager documented and validated Mary L.'s frustration and encouraged her to continue attempting to contact the DSA. *Id.* at 29.

65. On November 14, 2025, because the ACG's ARI had not been accepted by DSA FFS Renteria, previously completed background checks for both Mary L. and the ACG expired and required renewal for reunification processing. *Id.* at 32–33.

66. On November 21, 2025, Mary L. submitted updated ARI supporting documentation for the ACG. DSA FFS Renteria rejected the submission as insufficient, asserting that additional information recalled by the ACG needed to appear directly on the ARI form itself. *Id.* at 34.

67. On December 23, 2025, ORR documented that the only remaining pending item in the case was the ACG's ARI, which lacked addresses from approximately the time the ACG was eighteen years old because he could not remember them. ORR stated that final child abuse and neglect checks would proceed once the information was received. *Id.* at 39.

68. On January 2, 2026, Mary L. resubmitted an updated ARI for the ACG. DSA FFS Renteria claimed there were discrepancies between dates listed on the ARI and dates listed elsewhere in the reunification materials. The ACG again explained that he could not remember certain historical addresses and agreed to provide an additional statement. DSA FFS Renteria nevertheless stated that the ARI remained insufficient. *Id.* at 41.

69. On January 13, 2026, the ACG submitted the requested statement. The statement mistakenly referenced USCIS; the ACG clarified that he had become confused while drafting the document. *Id.* at 42.

70. On January 16, 2026, the shelter case manager submitted a case elevation request due to ongoing issues and lack of progress in the DSA process. *Id.* at 43.

71. On January 23, 2026, DSA FFS Renteria contacted Mary L. regarding the wording of the ACG's statement. During that conversation, Mary L. expressed frustration that the requested statements and documents continued to be rejected despite repeated compliance efforts. *Id.* at 120.

72. On February 24, 2026, DSA FFS Renteria again requested updated proof of address from Mary L. and additionally asserted that Mary L.'s own ARI did not list all addresses where she had resided since turning eighteen years old. The shelter case manager documented that, although updated ARI materials had been uploaded to the UAC Portal, it remained unclear whether DSA FFS Renteria had approved them or whether the review was still ongoing. *Id.* at 46.

73. On February 25, 2026, DSA FFS Renteria informed Mary L. that the sponsorship application would need to be reopened in order to revise address information and provide updated proof of address and proof of income. Mary L. expressed frustration and believed she was being required to repeatedly redo documentation, thereby prolonging reunification. *Id.* at 47.

74. On March 10, 2026, the shelter case manager documented that the sponsor had expressed ongoing frustration regarding the ARI issue, which had persisted since October 2025, and had requested assignment of a new DSA worker. *Id.* at 48.

75. On March 12, 2026, Mark P. inquired about long-term foster care because no meaningful progress had occurred in the case, and shelter staff apologized to him for the delay. *Id.* at 49.

76. On March 13, 2026, Mary L. reported that DSA FFS Renteria had informed her that Petitioners would not be released to her because she allegedly “does not make enough” and was “not qualified to sponsor.” *Id.* at 50.

77. On March 19, 2026, DSA FFS Renteria formally reopened the sponsorship application and required Mary L. to complete additional portions of the sponsorship packet and provide renewed supporting documentation. *Id.* at 51.

78. On March 27, 2026, DSA FFS Renteria informed Mary L. that apartment numbers needed to be separately listed within address entries on the sponsorship forms. *Id.* at 52.

79. On April 3, 2026, DSA FFS Renteria acknowledged receipt of updated ARI materials for the ACG but claimed that the ACG had not listed his name exactly as reflected on his identification documents. During the same period, the sponsorship application was again reopened because one apartment number had been omitted in an address entry. *Id.* at 53.

80. On April 23, 2026, after Mary L. updated the addresses as requested, DSA FFS Renteria asserted that the city, state, and zip code had improperly been entered together in the “street address” field rather than separately within designated boxes. DSA FFS Renteria additionally requested Social Security documentation for both Mary L. and the ACG. *Id.* at 55

E. As a result of ORR’s continued and prolonged detention, Petitioners have not received the educational and supportive services as mandated by their Section 504 accommodation plan.

81. Both Petitioners have documented Section 504 educational accommodation plans and require specialized educational and developmental services while in custody. Jane P.’s 504 plan was created on [REDACTED] 2025, and was last updated [REDACTED] 2026. Her 504 plan includes, for example, [REDACTED] care following her [REDACTED]. Mark P.’s 504 plan was created on [REDACTED] 2025, and was last updated [REDACTED] 2026. His plan includes, for example, [REDACTED] therapy and [REDACTED] therapy twice weekly. Mark P. has remained on a

waiting list for these services as of [REDACTED], 2026. Youth for Tomorrow has not been able to adequately provide these mandated services. *Id.* at 112–118; Ex. B at 1–7.

82. As of the time of filing, Petitioners have remained detained in ORR custody for more than seven months beyond ORR’s determination that no documents were pending in the case, and despite the documentation of a completed and positive home study recommendation, completed fingerprinting and background checks, extensive sponsorship documentation, and no identified safety concerns. ORR has not identified any safety hazard within Mary L.’s home, any disqualifying criminal history, any trafficking concern, or made any finding that Mary L. poses, or has ever posed, a danger to Petitioners.

CLAIMS FOR RELIEF

COUNT I VIOLATION OF THE FIFTH AMENDMENT PROCEDURAL DUE PROCESS

83. Petitioners restate and reallege preceding paragraphs as if fully set forth herein.

84. The government may not deprive a person of life, liberty, or property without due process of law. U.S. Const. amend. V. Due process protects “all ‘persons’ within the United States, including [non-citizens], whether their presence here is lawful, unlawful, temporary, or permanent.” *Zadvydas v. Davis*, 533 U.S. 678, 698 (2001). A child’s interest in being free from confinement is no narrower than that of an adult. *In re Gault*, 387 U.S. 1, 13 (1967); *Reno v. Flores*, 507 U.S. 292, 316 (1993) (O’Connor, J. and Souter J., concurring) (“[The Supreme Court] ha[s] consistently [...] rejected the assertion that ‘a child, unlike an adult, has a right ‘not to liberty but to custody.’”).

85. Due process requires that the government may not deprive an individual of their constitutional rights without meaningful notice and an opportunity to be heard before a neutral

arbiter to protect against the risk of erroneous deprivation. *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976). Due process also requires fair and adequate procedural protections. *Tri County Paving, Inc. v. Ashe County*, 281 F.3d 430, 436 (4th Cir. 2002).

86. Respondents' policies and actions, as set forth above, have deprived Petitioners of freedom from confinement without constitutionally sufficient due process.

COUNT II
VIOLATION OF THE TRAFFICKING VICTIMS PROTECTION
REAUTHORIZATION ACT (TVPRA), 8 U.S.C. § 1232

87. Petitioners restate and reallege the preceding paragraphs as if fully set forth herein.

88. Respondents have a non-discretionary duty under the TVPRA to promptly place Petitioners "in the least restrictive setting." 8 U.S.C. § 1232(c)(2)(A). When assessing the safety and suitability of a sponsor, the TVPRA only requires "that the proposed custodian is capable of providing for the child's physical and mental well-being," and includes "verification of the custodian's identity and relationship to the child, if any, as well as an independent finding that the individual had not engaged in any activity that would indicate a potential risk to the child." 8 U.S.C. § 1232(c)(3)(A).

89. Respondents have failed to promptly place Petitioners in the least restrictive setting in their best interests, with their sponsor, Mary L.

90. Petitioners' sponsor, Mary L., is capable, proper, and fit, and Petitioners do not present any flight risk or danger to the community. Therefore, Respondents have failed to place Petitioner in the least restrictive setting that is in their best interests.

91. Respondents' policies and actions described above, which have resulted in Petitioners unnecessary prolonged detention and separation from their suitable sponsor, violate Section 235 of the TVPRA, 8 U.S.C. § 1232.

COUNT III
VIOLATION OF THE ADMINISTRATIVE PROCEDURES ACT (APA),
5 U.S.C. §§ 701 et seq.

92. Petitioners restate and reallege the preceding paragraphs as if fully set forth herein.

93. Respondents' continued detainment of and failure to release Petitioners to their vetted sponsor constitutes final agency action.

94. Respondents' action of stalling the sponsor's application process by failing to make timely determinations and rejecting submissions for frivolous reasons determines the "rights and obligations" of Petitioners and creates "legal consequences" of continued detainment and separation from their qualifying sponsor in violation of the TVPRA. Accordingly, Petitioners are entitled to judicial review of ORR's actions under 5 U.S.C. §§ 702 and 704.

95. Respondents' detention of Petitioners and their failure to release Petitioners to their fit sponsor is arbitrary, capricious, and not in accordance with the law. 5 U.S.C. § 706(2)(A).

96. Petitioners have exhausted all administrative remedies available to them as of right. On May 19, 2026, undersigned counsel for Petitioners submitted a demand letter to ORR seeking the release of Petitioners to their qualified sponsor in accordance with the TVPRA and received no response.

97. Petitioners have no recourse to judicial review other than by this action.

COUNT IV
VIOLATION OF THE FOUNDATIONAL RULE, 45 C.F.R. §§ 410.1000 et seq., AND
THE ORR UC POLICY GUIDE

98. Petitioners restate and reallege the preceding paragraphs as if fully set forth herein

99. Federal agencies and their officials are required to follow their own "existing valid regulations." *See United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260, 268 (1954). When

an agency fails to comply with binding regulations, such actions are “not in accordance with law.” See *Vitarelli v. Seaton*, 359 U.S. 535, 545 (1959).

100. Under the Foundational Rule, Respondents have a non-discretionary duty to promptly place Petitioners in the least restrictive setting that is in their best interests under the Foundational Rule. 45 C.F.R. § 410.1003(f). ORR is also required to make and record prompt and continuous efforts towards a child’s release. *Id.* § 410.1203(a).

101. Respondents have failed to timely adjudicate their sponsor’s application in violation of their own regulations and guidance, and therefore are holding Petitioners unlawfully.

**COUNT V
DISCRIMINATION ON THE BASIS OF DISABILITY IN VIOLATION OF SECTION
504 OF THE REHABILITATION ACT, 29 U.S.C. § 794**

102. Petitioners restate and reallege all paragraphs above as if fully set forth herein.

103. Disability is defined to include “a physical or mental impairment that substantially limits one or more life activities...” 29 U.S.C. §705(20)(B); 42 U.S.C. §12102.

104. Mark P. suffers from [REDACTED] disorder, developmental [REDACTED] disorder, and [REDACTED] intolerance. These impairments impact his ability to [REDACTED] [REDACTED]. Jane P. suffers from [REDACTED] and [REDACTED]. These impairments impact her ability to [REDACTED] communicate. Jane P. and Mark P. thus have physical or mental impairment that substantially limits one or more major life activities.

105. To state a claim under the Rehabilitation Act, a petitioner must “sufficiently allege ‘(1) that he has a disability; (2) that he is otherwise qualified for the employment or benefit in question; and (3) that he was excluded from the employment or benefit due to discrimination solely on the basis of the disability.’” *Wood v. Maryland Dep’t of Transportation*, 732 F. App’x 177, 182

(4th Cir. 2018) (quoting *Doe v. Univ. of Maryland Med. Sys. Corp.*, 50 F.3d 1261, 1264–65 (4th Cir. 1995)).

106. Respondents are federal executive agencies within the meaning of the Rehabilitation Act. As such, they are required to comply with the provisions of Section 504.

107. Respondents are legally responsible for all violations of Section 504 committed by their contractors arising from their operation of ORR facilities. 6 C.F.R. § 15.30(b)(1).

108. HHS regulations prohibit criteria or methods of administration that discriminate on the basis of disability or “have the purpose or effect of defeating or substantially impairing accomplishment of the objectives of the recipient’s program or activity with respect to handicapped persons.” 45 C.F.R. § 84.68(b)(3).

109. As described above, both Jane P. and Mark P. have physical disabilities that require bi-weekly to weekly services, such as [REDACTED]. For these reasons, unnecessary, prolonged time in ORR custody is extremely harmful and distressing. In prolonging Jane P. and Mark P.’s releases, Respondents have failed to account for the child’s “individualized needs, including those related to disability or other medical or behavioral/mental health issues” as they relate to prompt release from custody. 45 C.F.R. § 410.1202(f)(5). Respondents have also failed to account for the best interests of the children with such disabilities, weighing heavily in favor of prompt release from detention, in violation of the TVPRA. 8 U.S.C. § 1232(c)(2)(A).

110. In keeping Jane P. and Mark P. warehoused in ORR custody, the Respondents have exacerbated their disabilities, excluded them from the protections afforded by federal law, and discriminated against them on the basis of their disabilities.

PRAYER FOR RELIEF

1. Assume jurisdiction of the Petition

2. Issue a Writ of Habeas Corpus compelling Respondents to release Petitioners to the custody and care of Mary L.
3. Declare that Respondents have violated Petitioner's constitutional and statutory rights.
4. Enjoin Petitioners' continued custody by ORR because a suitable sponsor is available, as required by federal statutes, the Foundational Rule, and the U.S. Constitution.
5. Grant any other and further relief that the Court deems just and proper.

Date: June 1, 2026

Respectfully submitted,

/s/ Sophia Gregg
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VERIFICATION BY SOMEONE ACTING ON PETITIONERS'
BEHALF PURSUANT TO 28 U.S.C. § 2242

I am submitting this verification on behalf of Petitioners, as Petitioners' attorney. I or my co-counsel has discussed the events described in this Petition with Petitioners. Based on those discussions, I hereby verify that the statements made in the attached Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated: June 1, 2026

Respectfully submitted,

/s/ Sophia Gregg
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