

**UNITED STATES DISTRICT COURT
DISTRICT OF COLUMBIA**

ANGELICA S., <i>et al.</i> ,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	
	)	No. 1:25-cv-01405
U.S. DEPARTMENT OF HEALTH AND	)	
HUMAN SERVICES, <i>et al.</i> ,	)	
	)	
Defendants.	)	

PLAINTIFFS’ MOTION FOR PRELIMINARY INJUNCTION

Plaintiffs Angelica S., Eduardo M., Liam W., Leo B., Xavier L., and Immigrant Defenders Law Center hereby move the Court, pursuant to 5 U.S.C. § 705, Federal Rule of Civil Procedure 65, and Local Civil Rule 65.1 for a preliminary injunction against Defendants U.S. Department of Health and Human Services (“HHS”), Robert F. Kennedy, Jr., Secretary of HHS, and Angie Salazar, Acting Director of the Office of Refugee Resettlement (“ORR”). Plaintiffs are unaccompanied immigrant children in ORR custody unnecessarily separated from their parents or other caring potential sponsors because of ORR’s refusal to accept their sponsor’s proof of identification and/or financial stability, as well as a nonprofit organization representing unaccompanied immigrant children. The individual Plaintiffs file this motion pseudonymously, in accordance with Plaintiffs’ pending Motion for Leave to Proceed Under Pseudonym and to File Under Seal. ECF No. 2. Plaintiffs filed a motion for class certification on May 9, 2025. ECF No. 9.

Plaintiffs request the Court provisionally certify a putative class of unaccompanied immigrant children in ORR custody and issue a preliminary injunction (1) staying the Interim

Final Rule (“IFR”) promulgated by HHS on March 25, 2025; (2) prohibiting ORR from enforcing the new proof of identification requirements and new proof of income requirements currently contained in the March 7, 2025, and April 15, 2025, revisions of its Unaccompanied Children Policy Guide Section 2.2.4; (3) requiring ORR to promptly, and within no later than 10 days, inform all potential sponsors of unaccompanied children who were disqualified or denied based on ORR’s unlawful proof of identification and proof of income policies that they may now continue with their sponsorship applications; and (4) requiring ORR to adjudicate any sponsorship application denied, closed, or otherwise delayed in whole or in part because of the IFR or the above-described unlawful identification and/or proof of income policies according to the policies and requirements in place when the completed application was submitted.

As Plaintiffs discuss in greater detail in their accompanying memorandum of law, the IFR and ORR’s new proof of identification and proof of income policies are unlawful and were issued in violation of the Administrative Procedure Act. Plaintiff children are suffering emotional distress and other irreparable harm because of their unnecessary and ongoing separation from their parents and other close family members.

Plaintiffs request a hearing as soon as possible and in no more than 21 days from today’s date. *See* Local Civil Rule 65.1(d).

On May 8, 2025, Plaintiffs’ counsel provided Alex Haas, Diane Kelleher, and John Griffiths, the Directors of the Federal Programs Branch of the U.S. Department of Justice’s Civil Division, with a copy of the complaint, informed them that Plaintiffs intended to file a motion for preliminary injunction on May 9, and asked to confer about the motion with the attorneys assigned. Ms. Kelleher responded adding additional attorneys. As of the time of filing this motion, Defendants have not yet responded to Plaintiffs’ request to confer.

WHEREFORE, Plaintiffs respectfully request that this motion be granted.

Respectfully submitted,

/s/ David Hinojosa

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* Application for D.D.C. admission pending

** *Pro hac vice* pending

*** *Pro hac vice* forthcoming

CERTIFICATE OF SERVICE

I certify that on May 9, 2025, I caused the foregoing to be mailed to the following addresses:

U.S. Department of Health and Human Services
200 Independence Avenue SW
Washington, DC 20201

Robert Francis Kennedy Jr.
Secretary, Department of Health and Human Services
200 Independence Ave. SW
Washington, DC 20201

Angie Salazar
Acting Director of Office of Refugee Resettlement
330 C. Street, SW
Washington, DC 20201

U.S. Department of Health and Human Services
Robert F. Kennedy Jr., Secretary of Health and Human Services
Angie Salazar, Acting Dr. of the Office of Refugee Resettlement
c/o U.S. Attorney General
950 Pennsylvania Ave., NW
Washington, DC 20530

U.S. Department of Health and Human Services
Robert F. Kennedy Jr., Secretary of Health and Human Services
Angie Salazar, Acting Dr. of the Office of Refugee Resettlement
c/o Civil Process Clerk, U.S. Attorney's Office for the District of Columbia
601 D. Street, NW
Washington, DC 20004

/s/ Rebecca Wolozin

Rebecca Wolozin