



Freeing Children, Reuniting Families: The Power of Habeas Advocacy

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Executive Summary

Since the beginning of the second Trump administration, the length of time unaccompanied children spend in the custody of the Office of Refugee Resettlement (ORR) has ballooned, driven by increasingly cumbersome sponsor vetting processes and apparent organizational inefficiencies. As a result, children and their advocates have increasingly turned to a novel legal strategy to seek release—the filing of habeas corpus petitions to challenge unlawful confinement.

This report documents findings from the first systematic effort to understand this phenomenon, the contexts that push children and those who care about them to this rarely used measure, and the impact it is having. To do so, we analyzed publicly available court filings of unaccompanied children's cases and observed the unfolding of the Children's Due Process Project—a grassroots effort to increase capacity for filing habeas petitions on behalf of unaccompanied children nationally. Through our analysis of habeas petitions filed on behalf of unaccompanied children, we found:

1. A dramatic rise in the use of habeas as a means of garnering children's release from ORR custody, with a 3,500% increase in habeas filings on behalf of unaccompanied children between January 2025 and July 2026 compared to all filings between 2021-2024. If the current pace is maintained, over 100 habeas petitions on behalf of unaccompanied children will be filed in 2026 alone.
2. Petitions have been filed in 16 federal jurisdictions, but over 70% of petitions are concentrated in just four jurisdictions. This uneven geography is likely reflective of variations in where children are detained and uneven access to attorneys with the licensure, expertise, and resources needed to pursue habeas.
3. Petitions are almost always successful at garnering children's release from custody, with 98% of the cases reviewed resulting in the release of the child from ORR custody.
4. Short timelines between filing of habeas petitions and children's release point to apparent shortcomings in ORR's management of sponsor vetting and release. 80% of cases reviewed resulted in children being released in 30 days or less and court documents reveal numerous examples of ORR mismanagement in sponsor vetting that are linked to children's prolonged detention.
5. The actions of federal agencies are creating unaccompanied children and then trapping them in prolonged detention. We identified at least four cases in which a child who was never previously designated an unaccompanied child and previously under the care of a

parent or guardian in the United States, was designated an unaccompanied child by federal agencies following interior enforcement efforts and then experienced prolonged detention in ORR custody.

6. Patterns of re-detention and re-vetting are resulting in the unnecessary and prolonged detention of children. This is shockingly prevalent; of cases in which information about the detention context was available, 1 in 3 involved a child being re-detained for a prolonged period due to re-vetting of their sponsor. Re-vetting is not legally required and undermines the child welfare provisions of existing laws and policies.

Our findings suggest that policy changes could substantially reduce the amount of time children spend in ORR custody, improving outcomes for children and obviating the need for habeas petitions. We recommend that ORR implement changes to their sponsorship policies and procedures, including:

- Eliminating unnecessary sponsor vetting processes and arbitrary expiration dates which do not increase safety and are not required by law;
- addressing internal mismanagement and poor communication which contribute to prolonged detention times;
- ensuring access to qualified legal counsel who can support and advocate for children throughout their time in detention; and
- releasing children who are re-detained to their previously approved sponsors without unnecessary re-vetting.

We additionally recommend that federal immigration enforcement agencies avoid separating children from parents and other caregivers—including by detaining those parents and caregivers—which often results in children being unnecessarily designated unaccompanied and detained by ORR. Congress can contribute to a solution by prohibiting sharing information about children and sponsors with immigration enforcement agencies. And state and local governments and philanthropic organizations can fund legal services for both removal defense and habeas petitions for children, which are critical interventions while the unnecessary and prolonged detention of children in ORR custody persists.

Introduction

Since the beginning of the second Trump administration, the length of time unaccompanied children spend in the custody of the Office of Refugee Resettlement (ORR) has ballooned, growing over five-fold over historical norms. As of August 2026, unaccompanied children spend over 170 days in ORR custody on average.ⁱ Driven by increasingly onerous sponsor vetting processes and apparent organizational inefficiencies, this phenomenon has raised concerns among child welfare experts due to the negative emotional, physical, and mental health impacts detention and prolonged family separation has on unaccompanied children.ⁱⁱ

As ORR's failure to expeditiously process sponsor applications and release children persists, children and their advocates have increasingly turned to a novel legal strategy to garner their release—the filing of *habeas corpus* petitions in federal courts. This report documents preliminary findings from the first systematic effort to understand the use and impact of habeas corpus in the child population, and the contexts that push children and those who care about them to this uncommon legal measure. To do so, we analyzed publicly available court filings of unaccompanied children's cases and observed the unfolding of the Children's Due Process Project—a grassroots effort to increase capacity for filing habeas petitions on behalf of unaccompanied children nationally.ⁱⁱⁱ Combining information gathered through court filings with observational insights allows us to speak to the growth of this legal strategy and how it is playing out in courts across the country.

Habeas corpus is a legal tool used to challenge unlawful detention by the government. It has long been used in criminal and adult immigration detention, but until recently has been rare in the unaccompanied child context. A judge ruling on a petition for habeas corpus can order release from detention or other remedies that could make the confinement lawful, such as adherence to administrative procedures (like following the sponsorship process), prohibitions on transfer or rearrest, or improved detention conditions.

Identifying Unaccompanied Children's Cases

Since January 2025, nearly 80,000 habeas corpus petitions have been filed by immigrants arguing that their detention is illegal.^{iv} This is a dramatic increase compared to prior years. The average number of habeas petitions filed by immigrants between 2008 and 2024 was less than 935 each year, whereas over 69,000 petitions were filed in the first eight months of 2026.^v Identifying unaccompanied children's cases within this unprecedented volume of petitions required the development of a novel multi-step search methodology (see Appendix for details). This methodology allowed us to identify 72 petitions filed between January 2025 and July 2026 that

we have definitively confirmed as being filed on behalf of unaccompanied children (46 cases) or in which all available data suggests the petition was filed on behalf of an unaccompanied child (26 cases).^{vi}

Six Key Findings

Initial analyses of cases reveal six key findings related to: the timing and drivers of petitions, factors shaping the geography of petitions, case outcomes and timelines, and patterns related to the contexts that shape the need to pursue habeas corpus as a legal strategy.

- 1. Since the start of the second Trump administration, there has been a 3,500% increase in habeas filings on behalf of unaccompanied children compared to all filings during the entire prior administration (2021-2024). If the current pace is maintained, over 100 habeas petitions on behalf of unaccompanied children will be filed in 2026 alone.***

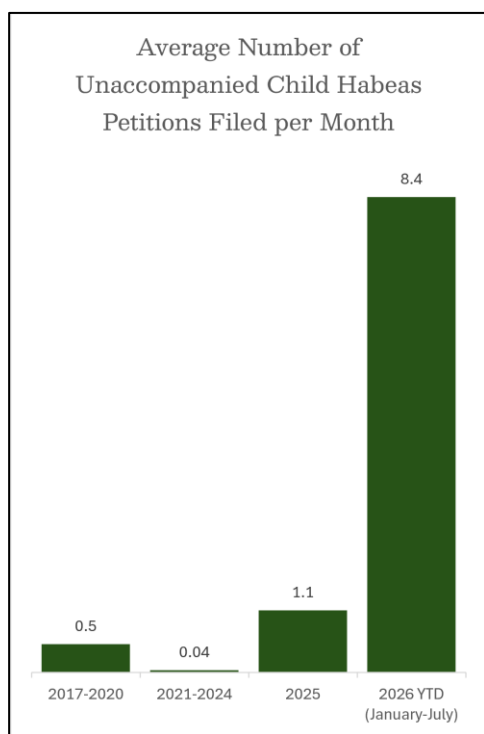


Figure 1

We identified only 33 habeas petitions filed on behalf of children in ORR custody prior to 2025. Twenty-five of these, or 76%, were filed during the first Trump administration. Since the start of the second Trump administration, at least 72 petitions have been filed on behalf of children in ORR custody. This is a 3,500% increase over the number filed during the Biden administration. At the same time, the rate of filings has increased between 2025 and 2026, with 4.5 times more petitions filed in the first seven months of 2026 compared to all of 2025. If this pace continues, there will be over 100 habeas petitions filed on behalf of unaccompanied children in 2026 alone.

The rise in habeas petitions mirrors a dramatic increase in the amount of time unaccompanied children spend in federal custody before being released to sponsors in the community. Compared to 2024, the average amount of time a child spends in ORR custody before being released

to a sponsor (meaning being reunified with a vetted parent or caregiver) has grown over five-fold, from approximately 30 days to over 170 days.^{vii} Children now routinely spend many months in federal custody even if they have a parent or other family member willing to sponsor them. Because of this, children and their advocates are increasingly turning to extraordinary legal means—the filing of habeas petitions in federal courts—to garner children’s release.

2. Petitions have been filed in 16 federal jurisdictions, but over 70% of petitions are concentrated in just four jurisdictions.

Petitions are being filed nationally, but filings are geographically concentrated in certain jurisdictions. Between January 2025 and July 2026, petitions were filed in 16 federal district court jurisdictions stretching from Texas to Minnesota and from California to New York. However,

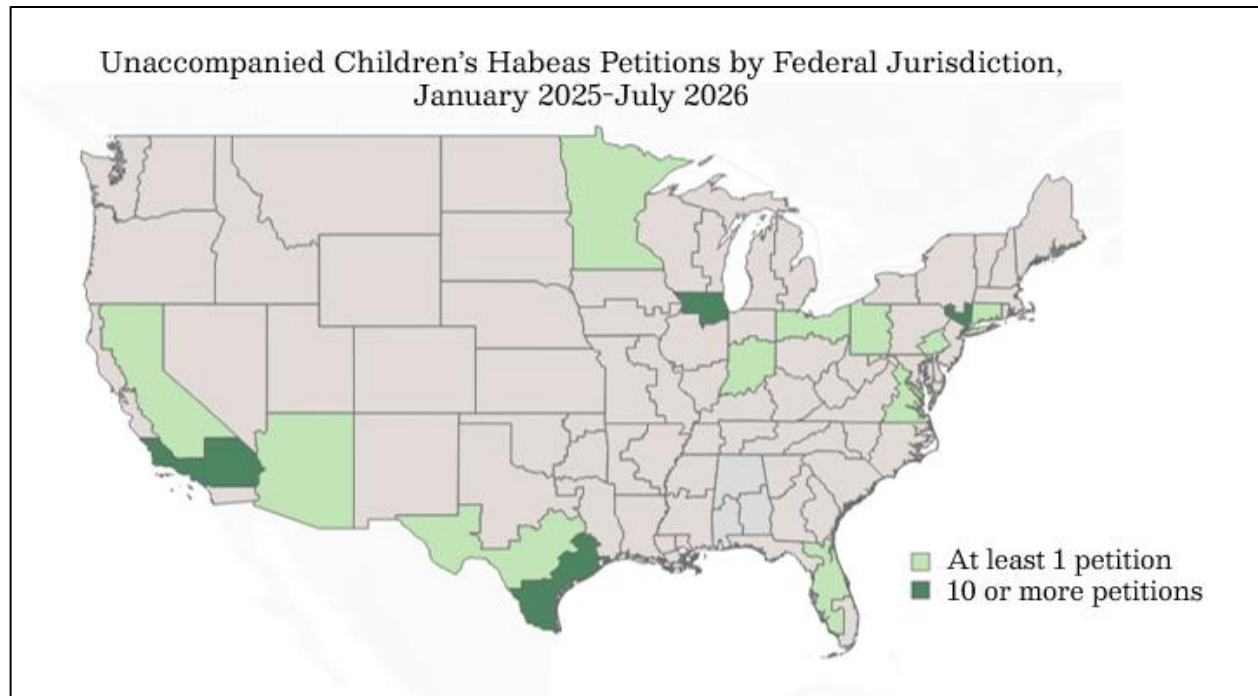


Figure 2

filings across just four jurisdictions—the Southern District of New York, Southern District of Texas, Northern District of Illinois, and Central District of California—account for over 70% of the total petitions filed during that time. This trend likely speaks to two related phenomena: the geographic concentration of ORR detention facilities and children’s ability to access attorneys admitted to federal courts who have the resources and expertise needed to file habeas petitions.

According to public reporting, ORR detains children in over 170 facilities and programs across the country while they are pending release to sponsors in the community.^{viii} In a document released as part of a contract solicitation for unaccompanied children’s legal services in 2026, ORR indicated its expectation to operate 204 total facilities across the country, with the number of facilities per state varying from 1 to 45.^{ix} Texas, California, New York, and Illinois were in the top five states based on the number of facilities, each having 45, 32, 30, and 15 facilities, respectively. Because petitions must be filed in the jurisdiction where a child is detained, the geography of habeas filings likely reflects, to some degree, the uneven geography of unaccompanied child detention nationally.^x

In order to file a habeas petition, a child must also be able to access an attorney with experience in federal litigation, knowledge of the laws and policies governing the detention and release of unaccompanied children and the time and resources needed for filing. Nearly two out of every three petitions between January 2025 and July 2026 were filed by attorneys at organizations that are established unaccompanied children legal service providers with years of expertise in the laws governing the care and treatment of unaccompanied children. For example, in the Central District of California, attorneys with one organization, Immigrant Defenders Law Center, were involved in filing 11 of the 13 petitions. Similarly, in the Northern District of Illinois, attorneys with the National Immigrant Justice Center (NIJC) filed nearly 90% of the 18 cases in that district. This suggests that children's ability to access attorneys with relevant expertise is key to their ability to exercise their right to release.

Media reports and public documents suggest that ORR is currently working to consolidate unaccompanied children in larger facilities and in locations that would facilitate their swift deportation. For example, a letter by over 75 members of Congress issued on August 24, 2026 indicates that a former Air Force Base in Louisiana is under consideration as a site to detain up to 3,000 children.^{xi} Other reports point to ORR efforts to concentrate unaccompanied children, including those who are pregnant,^{xii} in Texas where ORR facilities and programs are not state licensed as in other states.^{xiii}

Efforts to consolidate children in Louisiana and Texas have coincided with government actions that restrict children's access to expert legal representation. These include delaying payment to legal service providers for completed work, interrupting services for children despite Congressionally appropriated funding, and awarding federal funding to entities with limited or no experience representing unaccompanied children.^{xiv} While it is not yet possible to systematically assess the impact of these actions on children, media reports and court filings suggest that they are hindering children's ability to access quality legal representation and attorneys who might be able to assist them in pursuing habeas as a legal avenue.

Taken collectively, these government actions threaten children's ability to pursue habeas relief by reducing access to legal counsel qualified and able to assist them in pursuing this legal avenue. At the same time, efforts like the Children's Due Process Project are promising antidotes to government attempts to limit children's access to the resources needed to pursue habeas by expanding the number of individuals prepared and willing to do this work.

3. Petitions are almost always successful at garnering children's release from custody.

Based on analysis of available court documents, we were able to ascertain the outcome in 41 of the 72 cases analyzed.^{xv} All but one of these cases (98%) resulted in the child petitioners being released from ORR custody, with the judge directly ordering release in 15 cases, the judge

requiring ORR to take steps toward release in another eight cases, and ORR releasing the child/children of their own accord during the pendency of the proceedings in 17 cases.^{xvi}

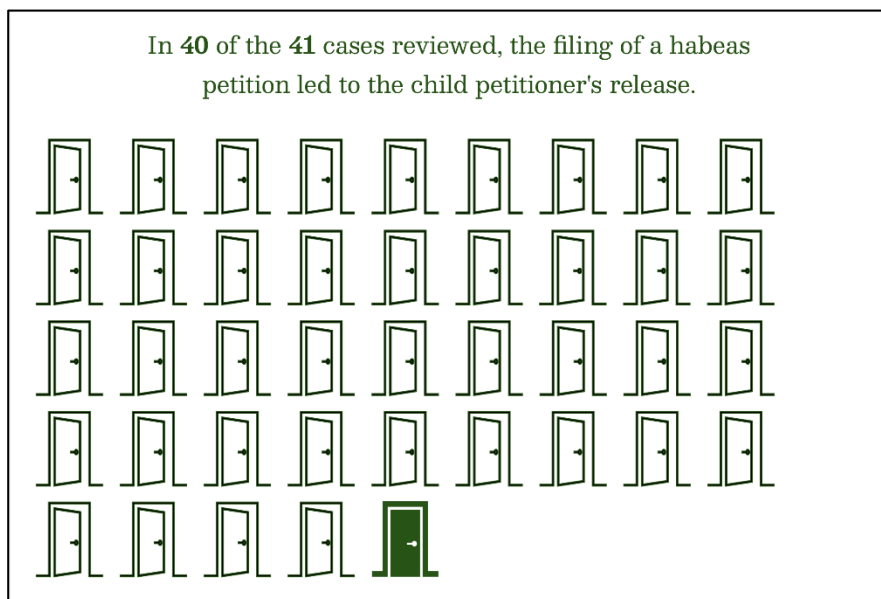


Figure 3

Court records indicate that an additional 20 cases of the 72 analyzed have concluded.^{xvii} In these instances, available court documents only allowed us to see that the case was formally dismissed or voluntarily dismissed. Theoretically, a dismissal could reflect any outcome, including an order granting or denying the petition, the child abandoning the case to seek voluntary departure,

or the child being released by ORR before the judge ruled. However, in cases ending in dismissal or voluntary dismissal in which the outcome for the petition *is* known, the petitioner(s) was released (by judicial or ORR action) in 96% of cases.^{xviii} Thus, it is reasonable to surmise that nearly all of the 20 concluded cases for which an outcome is unknown likely also resulted in the release of the petitioner(s).

These numbers demonstrate the remarkable success of habeas petitions in securing the release of children from ORR custody, drawing into question why children and their advocates are compelled to such extraordinary legal means to garner releases that appear to be overwhelmingly justified.

4. Short timelines between filing of habeas petitions and children's release point to apparent shortcomings in ORR's management of sponsor vetting and release.

In 34 of the 40 cases in which we know the child was released, we determined the child's release date and assessed the time from the filing of the habeas petition to release. In over a quarter of these cases, the child was released to their sponsor, generally a family member, in seven days or less. In nearly 80% (27) of these cases, children were released within 30 days. Taken collectively, these trends suggest that sponsors have met the legal and statutory requirements needed for children to be released, but that shortcomings in ORR's own internal management and release

process are prolonging children's detention until the filing of the habeas petition compels either ORR or the judge to take action.

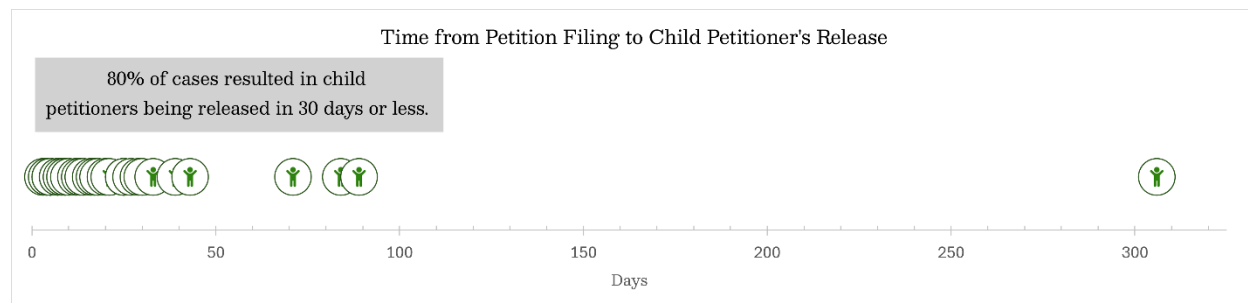


Figure 4

Court documents reflect a pattern of ORR arguing that their internal policies, rather than the laws governing the care and treatment of unaccompanied children, require the indefinite detention of children pending more and more review of sponsor suitability. For example, in the case [*J.R.L.M. v. Salazar*](#), ORR claimed that a child could not be released to his mother after over seven months of detention until the completion of a “Division of Vetting” report, a DNA test, and background checks of the mother’s partner and children living in the home—none of which are required by the laws and regulations governing the care and oversight of unaccompanied children (the Trafficking Victims Protection and Reauthorization Act of 2008 (TVPRA) and the Unaccompanied Children Program Foundational Rule). In granting the child’s release to his mother, the judge stated that the government has not shown “any particularized, identifiable, cognizable risk or threat to Petitioner’s health or welfare, or to any risk of flight, such that his continued detention would be warranted under the TVPRA.”^{xix}

Documents also reveal patterns of mismanagement by ORR that extend the time sponsor vetting takes, even when the sponsors are consistently responding to ORR requests for additional information. Our analysis identified that in at least 13 cases, a petitioner’s prolonged detention appears related to ORR mismanagement of the sponsor vetting process.^{xx} For example, in the case [*C.F. v. Kennedy*](#), a child who had been living in the U.S. with his parents and adult sister was arrested and placed into ORR custody. The family continuously responded to ORR requests seeking the child’s release, submitting a variety of identification documents, submitting to DNA testing, authorizing background checks, and undergoing a home study. Bafflingly, at one point ORR specifically requested the sister’s library card as a form of identification, and after the family submitted it, responded that it was not sufficient and requested her college ID card, which she would not have for several more weeks, as she had just enrolled. Three months after the detention began, ORR inexplicably required the family to restart the reunification process after transferring the child to a different facility. Over seven months after the child’s arrest, a habeas petition was filed on the child’s behalf, and the judge ordered the child’s release 25 days later.

5. *The actions of federal agencies are creating unaccompanied children and then trapping them in prolonged detention.*

Our analysis identified at least four cases in which a child who was never previously designated an unaccompanied child and previously under the care of a parent or guardian in the United States, was designated an unaccompanied child by federal agencies following interior enforcement efforts and then experienced prolonged detention in ORR custody.^{xxi} For example, in one Texas case (*E.A.G., a minor v. Negash*) a child with disabilities who had wandered away from his mother was picked up by the local police department who, within a few hours, seemingly determined he was in the country without authorization and turned him over to ICE. ICE then designated him unaccompanied and transferred him into ORR custody. This all happened despite his mother having an active missing person report filed with the same police department that turned the child over to ICE. This child spent 47 days in ORR custody before a habeas petition effectively garnered his release. During this time the child experienced significant declines in his physical and mental health.

Similarly, in *C.F. v. Kennedy*, a 15-year-old who had entered the country with both parents and had been living under their care while the family's asylum claim was pending was detained by ICE with his father. The boy was subsequently separated from his father, then designated an unaccompanied child, and transferred to ORR custody. This all happened despite the child's mother being in the country and available to care for him. The child spent over seven months in ORR detention as ORR required family members to complete sponsor vetting. As the judge noted: "The Court is deeply troubled by the apparent sequence of events, which—at minimum—raises serious questions as to whether E.H.C.F's designation as a UAC [unaccompanied alien child] resulted not from the absence or unavailability of a parent, but from the government's own actions in declining to release him to an available parent."^{xxii}

6. *Patterns of re-detention and re-vetting are resulting in the unnecessary and prolonged detention of children. Re-vetting is not legally required and undermines the child welfare provisions of existing laws and policies.*

Court documents reveal a pattern whereby interior immigration enforcement efforts and collaborations between local/state law enforcement agencies and immigration agencies is leading to the re-detention of unaccompanied children who had previously been released to vetted sponsors. Despite prior sponsor vetting, ORR repeatedly asserts that they must re-vet these sponsors before children can be released to them again, regardless of any apparent change in circumstances that would affect sponsor suitability. As an investigative report by journalists with the Hearst Connecticut Media Group notes, "[T]he Office of Refugee Resettlement has kept children in custody for months by imposing requirements no federal regulation or law demands and restarting vetting it already completed".^{xxiii}

The issue of re-vetting of sponsors emerged during the first Trump administration in the class action case *Saravia v. Sessions*, focused on children re-arrested based on largely unsubstantiated allegations of gang involvement (first heard in the [Northern District of California](#), then appealed to the [Ninth Circuit](#)). While the judges ordered that the class members must be released to their previous sponsors without re-vetting absent a clear change in circumstances, ORR has interpreted the ruling to not apply outside of the narrow definition of the class in that case.^{xxiv} The issue has now reemerged and is leading to children's prolonged detention, necessitating the filing of habeas petitions.

For example, in the case [A.N.P.S. v. Salazar](#), a minor from Honduras was detained upon entry on October 15, 2022, determined to be an unaccompanied minor, and transferred to ORR. He was subsequently released to his sponsor cousin on December 6, 2022. On November 7, 2025, the child was re-detained by ICE and transferred to ORR custody despite no change in circumstances that would warrant the arrest. After a habeas petition was filed, ORR argued that the sponsor needed to re-obtain custody by applying for sponsorship again before the petitioner could be released to them. The judge ruled that since there was no probable cause for re-detention and no change in circumstances with the sponsor, A.N.P.S. should be released to his previously approved sponsor within 48 hours.

Several more cases display a similar pattern of re-detention of children who had previously been released by ORR to a sponsor. These include:

- [C.C. v. Kennedy](#), where an eight-year-old who was previously released to his mother in 2024 was re-detained in 2026 after a car he was traveling in was stopped at an immigration checkpoint. C.C. was placed in ORR custody where he languished for six months due to ORR insisting that his mother re-complete the sponsor vetting process from the beginning.
- [L.L. v. Wesling](#), where a 16-year-old who originally entered the United States as an unaccompanied minor in 2020 and was released to his sponsor father was re-detained in August 2025. L.L.'s re-detention arose after interactions with local police who then turned the child over to DHS custody despite him providing documents that demonstrated his identity and legal status, and even though he had committed no crime and was never under suspicion of committing a crime. DHS turned the child over to ORR and he remained in ORR custody for over four months before a habeas petition was filed and he was released from custody within four days.
- [M.A. v. Moling](#), in which a child previously released to his mother was re-detained after interactions with local law enforcement. The child was detained for nearly eight months due to ORR requiring his mother to re-start the vetting process,

continually asking her to complete more and more steps. After a habeas petition was filed the court ordered that he be released, noting that Respondents “have no viable explanation” as to why the vetting process was so prolonged and as such their actions do “not comport with basic procedural due process.”^{xxv}

- [*E.L. v. Noem*](#), in which a child who had arrived unaccompanied in January 2025 was re-detained in December—despite presenting the immigration official with his ORR-provided identity card and with no reason for arrest. His brother was unable to reapply for sponsorship as he lacked a U.S.-government ID, which had not been required at the time of the original sponsorship. The judge ordered the teen’s release back to his brother’s custody over four months after his rearrest, as there was no justification for the re-detention, and found that the TVPRA did not require the brother to reapply as he had previously been found suitable as a sponsor.

This pattern of re-detention followed by prolonged detention due to ORR requiring re-vetting of sponsors is shockingly prevalent in the cases reviewed, with approximately 1 in 3 being cases where children were re-detained months or years after previously being released from ORR custody.^{xxvi}

Across cases, judges frequently question ORR authority to re-detain children previously released and to require already vetted sponsors to engage in re-vetting when no change in material circumstances is identified. Moreover, some Courts have drawn attention to the way in which ORR efforts to re-detain children in this way are contradictory to the intentions of existing laws governing the care and oversight of unaccompanied children. For example, in [*E.L. v Noem*](#), the Court states that ORR’s attempt to put in place policies that require already vetted sponsors to begin vetting again anytime an unaccompanied child is re-detained by ORR “flagrantly contradicts...the purpose of the TVPRA.”^{xxvii} This phenomenon is the focus of the ongoing litigation [*Diego N. v. HHS*](#), filed by the National Center for Youth Law and Democracy Forward, who argue that these policies violate children’s Constitutional right to due process, as well as the Administrative Procedure Act.^{xxviii}

Policy Recommendations

While the growth in the use of habeas petitions as a legal strategy has been highly effective at securing children’s release from ORR detention, it should be rarely needed. We offer the following policy recommendations aimed at reducing the time children spend in government custody, reuniting them with loved ones living in the community, and supporting children’s access to representation and justice more broadly:

- ❖ ORR should eliminate unnecessary and cumbersome sponsor vetting procedures which are not required by law and do not meaningfully improve safety outcomes, such as in-person identity verification appointments, DNA testing to prove familial relationships even where other evidence of the relationship exists, fingerprinting and background checks for all adult household members of the sponsor, and U.S.-government issued identification documents.^{xxix} ORR should not impose arbitrary expiration dates on background checks or other vetting results that unnecessarily require sponsors to redo already-completed steps, delaying reunification.
- ❖ ORR should engage in clear and transparent efforts to address issues of internal mismanagement and poor internal communication that appear to be central causes of many instances of children's prolonged detention, including requesting documents which were already provided, failing to respond to sponsor communications, and allowing multiple weeks to pass before deciding on pending reunifications. Simple checks could prevent these types of errors.
- ❖ ORR should ensure that all children in ORR custody have consistent access to high-quality legal counsel with demonstrated expertise in the laws and policies governing unaccompanied children's care, rights, and legal options. This will necessarily entail demonstrating that any consolidation or shifts in the geography of facilities where children are detained will not affect children's access to legal services before any children are moved or facilities opened or closed.
- ❖ Federal immigration enforcement agencies should not engage in practices that separate children from parents and other caregivers, resulting in those children being unnecessarily designated unaccompanied children and detained in ORR custody. Agencies should engage in due diligence to determine whether a child has a parent or legal guardian who was already caring for them in the United States and to whom they could be returned to before designating the child unaccompanied and transferring them to ORR. Federal agencies should refrain from detaining parents, guardians, and caregivers as the default mode of ensuring compliance with U.S. immigration laws.
- ❖ ORR should release children who are re-detained to their previously approved sponsors without delay. To support timely reunification with previously approved sponsors, ORR should establish a simple identity verification process, and any decision to re-vet a previously approved sponsor should be based on documented child safety concerns and receive supervisory review.
- ❖ Congress should prohibit information sharing between ORR and other agencies for immigration enforcement purposes against children, families, household members, and alternate caregivers, which discourages otherwise-eligible sponsors who fear immigration detention from applying for sponsorship.

- ❖ While the federal government reduces funding for and access to qualified legal assistance, state and local governments and philanthropic organizations should step in to ensure children's rights and well-being are protected by funding legal services for children, including removal defense and the habeas filings.

The targeting of immigrant children under the second Trump administration is unprecedented.^{xxx} Diligence is required to ensure that children's Constitutional rights are protected, and that the intent and spirit of existing laws governing the care and oversight of unaccompanied children in federal custody are followed. This report demonstrates one way in which advocates across the country are using existing legal pathways to resist policies that are actively harming children and separating them from their loved ones. Efforts like the Children's Due Process Project work against these harmful policies by expanding the number of individuals prepared and willing to do this work. Supporting these efforts is critical until the policies resulting in the unnecessary and prolonged detention of children in ORR custody come to an end.

Appendix: Methodology for Identifying Children's Cases

This involved searching for key parties involved in the management and oversight of unaccompanied children by the Office of Refugee Resettlement, as well as attending to nuances in how cases involving juveniles are filed using, for example, “Next Friends” and the initials of children in order to protect their identities.^{xxxi} This multi-step search process was carried out across platforms that make court filing information and documents publicly available, including HabeasDockets.org, CourtListener, and PACER.

Once our search process identified an initial set of potential unaccompanied child cases, we reviewed publicly available court documents to see if they provided information that could definitively confirm that the case was indeed that of an unaccompanied child held in ORR custody. When court filings were not publicly available because cases were sealed by the courts, we manually reviewed the parties involved in the case and attorneys representing the petitioners and evaluated this in relation to our existing knowledge of parties involved in detaining and representing unaccompanied children. We also reviewed public reports and media accounts documenting unaccompanied children's experiences. In some instances, details included in the public reports allowed us to confirm cases as unaccompanied children's cases even when filing documents were not available or limited. This process allowed us to identify 72 petitions filed between January 2025 and July 2026 that we have definitively confirmed as being filed on behalf of unaccompanied children (46) or in which all available data points to the petition having been filed on behalf of an unaccompanied child (26).^{xxxii}

We systematically collected and tracked data on these cases including: filing date, date of resolution/case closure, final case outcome, filing jurisdiction, and attorneys representing Petitioners. In 24 cases, filing documents that contained substantive information about the case were available. These documents were manually reviewed and relevant details were systematically tracked. Due to the high degree of variability in how federal courts, judges, and attorneys file and process cases, manual coding was conducted to standardize some data fields to allow for efficient and reliable data analysis.

Our analysis approach and methods were informed by our observations of the Children's Due Process Project as it unfolded in summer 2026. As researchers based in one of the organizations leading this effort, we were able to attend meetings and trainings regarding the use of habeas petitions to garner children's release from ORR custody. This knowledge gave us insight into how cases unfold, common case characteristics, and variables that should be explored. This information informed data coding, analysis, and interpretation.

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- ⁱ Office of Refugee Resettlement. (2026, September 22). *UACB Data*. <https://acf.gov/orr/research-data/uac>
- ⁱⁱ Beier, J., Ortiz, R., & Forkuo-Sekyere, K. (2025). *Dismantling Protections: How ORR Policy Changes Trap Children in Extended Detention*. Acacia Center for Justice. <https://acaciajustice.org/wp-content/uploads/2025/11/Acacia-Dismantling-Protections-2025-09.pdf>
- ⁱⁱⁱ Villarreal, A. (2026, September 3). Revealed: attorneys rally to free children held in US immigration custody. *The Guardian*. <https://www.theguardian.com/us-news/2026/sep/03/attorneys-rally-children-immigration-custody>
- ^{iv} Habeas Dockets. (n.d.). Retrieved September 22, 2026, from <https://habeasdockets.org/>
- ^v The average was calculated based on data from: Talbot, R., Rebala, P., & Astudillo, C. (2026, September 15). *Tracking Habeas Cases*. ProPublica. <https://projects.propublica.org/habeas-tracker/>
- ^{vi} The last search of cases used here was conducted on August 7, 2026; however, no additional cases were identified at that time that were filed before July 31, 2026. Cases activity for cases identified was tracked and updated through September 8, 2026.
- ^{vii} Office of Refugee Resettlement. *UACB Data*.
- ^{viii} Office of Refugee Resettlement. (2026, September 16). *Unaccompanied Alien Children Bureau Fact Sheet*. <https://acf.gov/orr/programs-services/uac/fact-sheet>
- ^{ix} SAM.GOV. (2026, June 8). *Legal Services for Unaccompanied Alien Children (UAC)*, Attachment D - ORR Facilities by State_20260513.pdf. <https://sam.gov/workspace/contract/opp/2f695a89afe446f39c34cfd219892537/view>
- ^x It is important to note that the methods utilized here are not capable of definitively assessing the relationship between children's detention location and the number of petitions filed. ORR does not make the exact number of children detained at facilities in each jurisdiction public, so we are unable to calculate the rate of petitions filed based on number of children detained regionally.
- ^{xi} Office of Congressman Dr. Raul Ruiz, Serving California's 25th District. (2026, August 24). *Congressman Dr. Raul Ruiz and Congressman Troy Carter Demand Answers From HHS, ICE, CBP, and ORR On Plans To Expand Child Detention Capacity and House Unaccompanied Children at Contaminated Former Air Force Base*. <https://ruiz.house.gov/media-center/press-releases/congressman-dr-raul-ruiz-and-congressman-troy-carter-demand-answers-hhs>
- ^{xii} Nawaz, A. & Adams, D. (2026, March 13). *Pregnant migrant girls held at Texas center criticized for inadequate care*. PBS News Hour. <https://www.pbs.org/newshour/show/pregnant-migrant-girls-held-at-texas-center-criticized-for-inadequate-care>
- ^{xiii} Gunther, J. & Marrow, B. (2026, September 18). *Over 90 Percent of Newly Detained Unaccompanied Kids Sent to Texas Facilities*. bklg blog. <https://bklg.org/blog/newly-detained-kids-sent-to-texas/>
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- Taft, I. (2026, May 19). *New York's Beds for Unaccompanied Immigrant Children Evaporate as Feds End Contracts*. New York Focus. <https://nysfocus.com/2026/05/19/unaccompanied-immigrant-children-orr-contracts>
- ^{xiv} The Latin Times. (2026, July 18). *Texas Democrats Demand Answers as DOJ's Outreach Fuels Fears of a Child-Deportation Pipeline*. <https://www.latintimes.com/texas-democrats-demand-answers-dojs-outreach-fuels-fears-child-deportation-pipeline-598270>

Avila-Cimpeanu, R. (2026, September 9). *How the Trump administration blocked me from defending a 1-year-old in immigration court*. MS NOW. <https://www.ms.now/opinion/trump-funding-cuts-immigration-court-children-asylum>

^{xv} The outcomes discussed in this section are based on a coding schema developed by the research team that provides a more nuanced understanding of case outcomes beyond the formal outcomes listed in public records. The development of this schema was necessary because in many cases the formal case outcome of dismissal, voluntary dismissal, denial, etc., does not effectively speak to what actually happened to the child. The coding schema we developed allows us to more accurately speak to the ultimate outcome of a case as it relates to children's detention.

^{xvi} One case involved 5 petitioners, 4 of whom were ordered released; the 5th appears to have been transferred from ORR to ICE custody. This is likely either because the child turned 18 or because they accepted voluntary departure and were awaiting deportation. Because the majority of petitioners were released from ORR custody, we counted this case among those where the result was petitioners being released from custody.

^{xvii} The remaining 11 cases (in addition to the 41 with known outcomes and 20 with unknown outcomes) were still pending at the time of analysis.

^{xviii} This calculation includes the case of *I.A.R. V Cantu* in which 4 of 5 petitioners were released from ORR custody and the case was dismissed.

^{xix} Order Granting Petition for Writ of Habeas Corpus, *I.R.L.M. v. Angie Salazar*, No. 5:26-cv-04335, ECF No. 25 at 13 (C.D. Cal. Sep. 2, 2026), available at <https://storage.courtlistener.com/recap/gov.uscourts.cacd.1032155/gov.uscourts.cacd.1032155.25.0.pdf>

^{xx} Cases were identified as involving mismanagement if case documents indicated or alleged that ORR failed to communicate effectively with potential sponsors, delayed scheduling of necessary steps, asked for documents in succession rather than identifying everything they'd need at once, or changed prior decisions without explanation.

^{xxi} There is an additional case, *E.J.C.C. v. Joyce*, in which a child who was never previously designated an unaccompanied child was arrested in the U.S. interior and was subsequently placed into ORR custody. The child arrived in 2022 as an accompanied minor with his mother. However, in 2025 his mother self-deported in response to threats of ICE detention, and the child was arrested the next month. As his mother was no longer in the U.S.—although she had left him in the care of his uncle—he was designated unaccompanied at that point, and was placed into ORR custody.

^{xxii} Memorandum & Order, *C.F. v. Kennedy*, No. 3:25-cv-02142, ECF No. 54 at 20 (D. Conn. Jan. 16, 2026), available at <https://storage.courtlistener.com/recap/gov.uscourts.ctd.168482/gov.uscourts.ctd.168482.54.0.pdf>

^{xxiii} Rabe Thomas, J. & Eaton, J. (2026, July 15). *Six immigrant children spent as long as 505 days in federal custody as their families waited*. CT Insider. <https://www.ctinsider.com/news/article/ct-immigration-unaccompanied-children-habeas-22340673.php>

^{xxiv} Order Requesting Response to Emergency Application, *Saravia v. Sessions*, No. 3:17-cv-03615, ECF No. 109 at 2 (N.D. Cal. Dec. 7, 2017), available at <https://storage.courtlistener.com/recap/gov.uscourts.cand.313391/gov.uscourts.cand.313391.109.0.pdf>; *Saravia ex rel. A.H. v. Sessions*, 905 F.3d 1137 (9th Cir. 2018).

^{xxv} Order, *M.A. v. Molina*, No. 1:26-cv-00415, ECF No. 14 at 13 (N.D. Ohio Mar. 17, 2026), available at <https://storage.courtlistener.com/recap/gov.uscourts.ohnd.324982/gov.uscourts.ohnd.324982.14.0.pdf>

^{xxvi} 20 of the 72 cases identified contained publicly available court documents that allowed us to determine the context in which the child was detained; in 7 of the 20, a child was seeking release after previously being in ORR custody and having been released to a vetted sponsor.

^{xxvii} Memorandum Opinion and Order, *E.L. v. Noem*, No. 1:26-cv-02507, ECF No. 27 at 8 (N.D. Ill. Apr. 17, 2026), available at <https://storage.courtlistener.com/recap/gov.uscourts.ilnd.496595/gov.uscourts.ilnd.496595.27.0.pdf>

^{xxviii} The judge at the [district court level](#) denied the plaintiffs’ motion for a Preliminary Injunction (which would have forbidden ORR from requiring re-vetting of all sponsors). This denial was appealed to the DC Circuit Court of Appeals, and as of the time of publication plaintiffs are awaiting a decision following September 15 oral arguments.

^{xxix} Williams, J., Steckman, A., Ortiz, R., Beier, J., Moffa, N., Johnson, M., & O’Brien, A. (2026). Eroding Protections, Expanding Enforcement: Transformations in the Policies and Practices Governing the Treatment of Unaccompanied Children in the United States under the Second Trump Administration. *Journal on Migration and Human Security*. <https://journals.sagepub.com/doi/full/10.1177/23315024261447800>

Beier, J., Ortiz, R., & Forkuo-Sekyere, K. *Dismantling Protections...*

^{xxx} Villarreal, A. (2026, September 19). Trump ally Stephen Miller leads sweeping push to accelerate removal of migrant children. *The Guardian*. <https://www.theguardian.com/us-news/2026/sep/19/stephen-miller-trump-migrant-children>

^{xxxi} For information on what a “Next Friend” is, please see the National Center for Youth Law’s Practice Advisory on the role of Next Friends in federal litigation published in May 2026, available at: https://www.americanbar.org/content/dam/aba/publications/litigation_committees/childrights/habeas-advisory/next-friend.pdf

^{xxxii} The last search of cases used here was conducted on August 7, 2026, however, no additional cases were identified at that time that were filed before July 31, 2026. Cases activity for cases identified was tracked and updated through September 8, 2026.

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Author Contribution Statement

Jill M. Williams led the overall research design and management for this project; Alyssa Steckman led the development of the search strategy, code book development, and case review; Mehak Siddiquei supported quantitative and qualitative data analysis and the refinement of the search strategy.