

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA
CIVIL DIVISION**

L.B.R.P.; K.T.N.; N.D.; G.J.C.B., a minor, by and through her next friend, Marcy Hilty; F.Y.C.T., a minor, by and through her next friend, Marcy Hilty; K.Y.H.A., a minor, by and through his next friend, Marcy Hilty; and JEWISH FAMILY AND COMMUNITY SERVICES OF PITTSBURGH;

Petitioners,

v.

U.S. DEPARTMENT OF HOMELAND SECURITY; MARKWAYNE MULLIN, in his official capacity as Secretary of Homeland Security; U.S. CITIZENSHIP AND IMMIGRATION SERVICES; JOSEPH B. EDLOW, in his official capacity as Director of USCIS; U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT; DAVID VENTURELLA, in his official capacity as Acting Director of ICE; JOHN E. RIFE, in his official capacity as Philadelphia Field Office Director, ICE Enforcement and Removal Operations; U.S. DEPARTMENT OF JUSTICE; TODD BLANCHE, in his official capacity as Acting Attorney General of the United States; EXECUTIVE OFFICE FOR IMMIGRATION REVIEW; and DAREN K. MARGOLIN, in his official capacity as Director of EOIR;

Respondents.

No. 26-5346

**COMPLAINT FOR
DECLARATORY AND
INJUNCTIVE RELIEF**

**ORAL ARGUMENT
REQUESTED**

INTRODUCTION

"What's inhumane about taking care of our kids?... I will move heaven and hell to go find these kids."

- Secretary of Homeland Security Markwayne Mullin, News Conference on Unaccompanied Migrant Children (June 11, 2026).

1. This case is about the most vulnerable in our immigration system: abused, abandoned, neglected, and trafficked children. One would assume it would be a priority of our immigration system to protect, at least, these children. However, protecting vulnerable and trafficked children conflicts with an agenda of “deport at all costs.” Abused, abandoned, neglected and trafficked children are being removed, despite their eligibility for the statutory protections and pathways to relief Congress created for them decades ago, as a means to increase deportation numbers of children as “priorities” for U.S. immigration enforcement.
2. Individual Petitioners are L.B.R.P., K.T.N., N.D., G.J.C.B., F.Y.C.T., and K.Y.H.A., children whom the United States has recognized, or is on the verge of recognizing, as victims of abuse, abandonment, neglect, or child trafficking, and to whom Congress promised, by statute, a path to safety and permanent protection in the United States. They are joined by Jewish Family and Community Services of Pittsburgh (hereinafter “Organizational Petitioner” or “JFCS”), a nonprofit organization that represents them and other children like them.
3. Despite longstanding and important paths to protection, namely Special Immigrant Juvenile Status (hereinafter “SIJ”) and T-Nonimmigrant status (hereinafter also referred to as a “T-Visa”) , Respondents have enacted new policies and procedures targeting these

children, and children like them, for accelerated removal on priority dockets and the elimination of the procedural tools like, continuances, administrative closure, and termination, through which that relief can be reached, precisely because they may qualify for these benefits. Absent a Court's intervention, these children, and other children like them, will be summarily removed from the United States without process back to the abuse, the abandonment, the neglect, or the trafficking each of them fled.

4. The United States has long recognized a compelling interest in protecting children from harm and trafficking, an interest Congress has codified and reaffirmed for more than three decades. Immigration authorities, and immigration courts, throughout the United States are now refusing to afford children the due process to seek that protection. Instead, Respondents have chosen to deploy their very powerful deportation machine to remove the most vulnerable children from the United States without any reasonable opportunity to seek the protections Congress intended.
5. Organizational Petitioner JFCS represents unaccompanied immigrant children in Pennsylvania and West Virginia, in a role contemplated by Congress, to zealously represent vulnerable immigrant children. 8 U.S.C. § 1232(c)(5). JFCS has a direct stake in this case. JFCS brings this case because Respondents' policies directly impact its ability to represent children as Congress intended, because Respondents are, in effect, eliminating the lawful processes intended to provide vulnerable children relief from deportation.
6. Congress has repeatedly reaffirmed a statutory scheme protecting noncitizen children who have been abused, abandoned, neglected, or trafficked. In 1990, Congress created the SIJ classification, INA § 101(a)(27)(J), 8 U.S.C. § 1101(a)(27)(J). SIJ is a pathway to lawful permanent residence for children whom a state juvenile court has found cannot be reunified

with a parent due to abuse, abandonment, or neglect, and whose return to their country of origin is not in their best interest. In 2000, Congress created T-nonimmigrant status, a T-Visa, that protects child victims of human trafficking. And in 2008, in the William Wilberforce Trafficking Victims Protection Reauthorization Act ("TVPRA"), Congress imposed on Respondents mandatory duties toward children, including placing unaccompanied children in full removal proceedings under INA § 240, providing access to counsel to the greatest extent practicable, and instructing United States Citizenship and Immigration Services ("USCIS") to adjudicate SIJ petitions within 180 days. 8 U.S.C. § 1232.

7. Congress anticipated that placement in full removal proceedings would permit a child the judicial oversight and time to seek the protection outlined in that very law, while enjoying due process.
8. For an SIJ eligible child, she must, concurrently with those full removal proceedings, obtain state court juvenile special findings and file a petition with a third agency, USCIS. INA § 101(a)(27)(J), 8 U.S.C. § 1101(a)(27)(J); 8 C.F.R. § 204.11; 8 U.S.C. § 1232. Once approved, the child is awarded Special Immigrant Juvenile ("SIJ") Status, sometimes called a "juvenile visa." An SIJ child is required to await visa availability, a number which is dictated by Congress. Once a visa is available, the child can seek adjustment before the Court or the service, whomever has jurisdiction to hear the application.
9. T-visas are available for children who survive human trafficking, including both sex and labor trafficking. To obtain a T-Visa, a child may report the incident of trafficking and may participate in the investigation (or prosecution) of her trafficker. An application is filed with Respondent USCIS, and once approved the child is conferred T-nonimmigrant status,

or a T-Visa, for a period of four years. INA § 101(a)(15)(T). She may thereafter adjust status to lawful permanent residence.

10. Congress designed enforcement and protection to work together. Both SIJ and T-nonimmigrant status require the applicant to be physically present in the United States. This requirement makes sense, because a child can be protected here, and not returned to the place where they were victimized. A state juvenile court can act only on a child physically before it, 8 U.S.C. § 1101(a)(27)(J)(i)–(ii). Respondent USCIS can adjudicate a petition only from a child who remains here to receive it. And once SIJ status is granted, Congress waived the grounds of removability and inadmissibility that would otherwise apply, so that the child can adjust status to permanent resident. *See Osorio-Martinez v. Attorney General*, 893 F.3d 153, 166 (3d Cir. 2018); *Cortez-Amador v. Attorney General*, 66 F.4th 429, 437 n.11 (3d Cir. 2023) (quoting *Osorio-Martinez*, 893 F.3d at 171). Similarly, a trafficking victim can hardly cooperate with an investigation if she is not present in the United States. A T-Visa, once granted, like SIJ, has generous waivers of grounds of inadmissibility and removability, and results in a period of lawful status.
11. Congress wanted to protect children from return to the abuse, abandonment, neglect, or trafficking they fled. INA § 101(a)(27)(J); INA § 101(a)(15)(T); 22 U.S.C. § 7101(b). Contrary to this intent, Respondents are now using the very removal proceedings Congress designed to protect children as the mechanism for deporting them before any protection can take effect. *See Judulang v. Holder*, 565 U.S. 42, 52, 62 (2011). This violates the statutory and constitutional rights Congress conferred on Petitioners. *Osorio-Martinez*, 893 F.3d at 166–69.

12. Evidencing a change in Respondents' priorities, beginning in mid-2025, the Board of Immigration Appeals ("BIA") published a series of precedential decisions that, one after another, closed the procedural doors through which a child could reach the relief reserved to children who are identified as abused, abandoned, neglected or trafficked. These decisions arose from rare interlocutory appeals brought by DHS, a mechanism the Board has for decades described as being strongly disfavored. None of those decisions addressed the Third Circuit precedent unfavorable to Respondents.
13. On information and belief, Respondents have enacted a set of unpublished policies to target minors in removal proceedings, rather than returning to Congress to repeal the statutes those policies defeat. On the detained and non detained juvenile dockets in Pennsylvania, a chain of instructions and policies passed from the Respondents to Immigration Judges. On information and belief, materially identical instructions or policies govern other unaccompanied minor dockets nationwide. Immigration courts have, nearly and categorically, eliminated continuances and administrative closure as options in children's cases that involve SIJ or child trafficking, they have rapidly advanced children's cases on rocket dockets, and they have designated children as "priorities" for removal.
14. Since these policies took effect, immigration courts have issued more than 10,000 removal and voluntary departure orders against minors every month, nearly four times the prior rate, and unaccompanied children are being detained and removed at approximately three times the prior rate. Mica Rosenberg & Jeff Ernsthausen, *These Immigrant Kids Were Once Protected. Under Trump, Their Deportations Have Tripled.*, ProPublica (July 6, 2026). (Pet. Exh. Q.) In a single New York courtroom this April, an immigration judge, citing instructions from her superiors, ordered twenty-five children deported in under three hours,

among them an eight-year-old girl pursuing SIJ classification and asylum, and whose mother had already been granted asylum. *Id.* In the Philadelphia Immigration Court, the policies are the same, demonstrating a troubling pattern. *See also* E. Tammy Kim, How the Trump Administration Pushed Judges to Deport Children, *New Yorker* (June 20, 2026), <https://www.newyorker.com/news/the-lede/how-the-trump-administration-pushed-judges-to-deport-children>. (Pet. Exh. R.)

15. We have been here before. In 2018, this Court and the Third Circuit heard a case involving four SIJ children. In that case, the government acknowledged that Respondents historically had not pursued removal of SIJ children, but sought the authority to do just that. The Third Circuit refused, recognizing the significant protections Congress accorded children with Special Immigrant Juvenile status, including an array of statutory and regulatory rights and safeguards, the right to apply for adjustment of status to that of a lawful permanent resident, and rights substantial enough to establish a legal relationship between these children and the United States. *Osorio-Martinez v. Attorney General*, 893 F.3d 153, 160, 168, 174 (3d Cir. 2018).
16. Petitioners now again ask this Court for relief to ensure access to the protections that Congress created: first, to ensure that a child who is *prima facie* eligible for SIJ status or T-nonimmigrant status can meaningfully pursue that relief before removal, and that a person to whom USCIS has already granted SIJ status has the right to seek the adjustment of status Congress promised; second, vacatur of Respondents' unpublished policies concerning minors, SIJ status and other victim-based relief under 5 U.S.C. § 706(2); third, a stay of removal under 5 U.S.C. § 705 pending resolution of this action; fourth, injunctive relief specific to each named Petitioner and all Petitioner Organization clients, restoring

access to reasonable continuances or administrative closure, where appropriate, to complete the process Congress created for SIJ eligible children and child victims of trafficking.

JURISDICTION AND VENUE

17. This Court has subject matter jurisdiction under 28 U.S.C. § 1331 (federal question), and 28 U.S.C. § 1361 (mandamus).
18. Petitioners' causes of action arise under the APA, 5 U.S.C. §§ 701–706; the Declaratory Judgment Act, 28 U.S.C. §§ 2201 and 2202 and Fed. R. Civ. P. 57; the Immigration and Nationality Act (“INA”), 8 U.S.C. §§ 1101–1537, and implementing regulations; the TVPRA, William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, Pub. L. No. 110-457, 122 Stat. 5044 (Dec. 23, 2008), Trafficking Victims Protection Act of 2000; and the Fifth Amendment of the United States Constitution and the Suspension Clause, U.S. Const. art. I, § 9, cl. 2.
19. This Court may award declaratory relief pursuant to 28 U.S.C. §§ 2201 and 2202 and Fed. R. Civ. P. 57.
20. This Court has authority to issue injunctive relief under 5 U.S.C. § 702 and its inherent equitable powers.
21. This Court has additional remedial authority under the All Writs Act, 28 U.S.C. § 1651.
22. The federal government has waived its sovereign immunity and permitted judicial review of agency action under 5 U.S.C. § 702. In addition, sovereign immunity does not bar claims against federal officials that seek to prevent violations of federal law.
23. Venue lies in this district under 28 U.S.C. § 1391. Petitioners bring this action within the district where Petitioner L.B.R.P. resides. Organizational Petitioner, JFCS, provides

representation to children throughout Pennsylvania and provides unaccompanied minor representation before the Philadelphia Immigration Court, in Philadelphia Pennsylvania which is subject to the challenged policies in this district. Respondents are agencies and officers of the United States sued in their official capacities, and a substantial part of the events giving rise to the claims occurred here.

NO STATUTE STRIPS THIS COURT OF JURISDICTION

24. Respondents will likely argue that the INA's judicial review provisions, 8 U.S.C. § 1252, bar this suit. The severity of Respondents' policy change towards abused, abandoned, neglected and trafficked children in the removal system cannot be overstated. Respondents' single minded focus on obtaining orders of removal has usurped children's rights to access to the Congressional protections they are legally due. Respondents will argue that all children in removal proceedings whose access to relief the government is extinguishing pursuant to new policies, which is the majority of them, must wait for removal orders and then raise these claims, one by one, in petitions for review. That argument fails.
25. Judicial review of executive action is favored. There is a "strong presumption that Congress intends judicial review of administrative action," *Bowen v. Michigan Academy of Family Physicians*, 476 U.S. 667, 670 (1986), overcome only by "clear and convincing evidence of a contrary legislative intent," *Abbott Laboratories v. Gardner*, 387 U.S. 136, 141 (1967) (internal citations omitted), and statutes are construed, where fairly possible, to avoid the "serious constitutional questions" that foreclosing review would raise, *INS v. St. Cyr*, 533 U.S. 289, 298–300 (2001); *Webster v. Doe*, 486 U.S. 592, 603 (1988). In the immigration context specifically, the Supreme Court applies the "longstanding principle of construing any lingering ambiguities in deportation statutes in favor of the alien" and reads

jurisdiction-stripping provisions narrowly. *St. Cyr*, 533 U.S. at 320 (quoting *INS v. Cardoza-Fonseca*, 480 U.S. 421, 449 (1987); *see also Guerrero-Lasprilla v. Barr*, 589 U.S. 221, 229 (2020); *Kucana v. Holder*, 558 U.S. 233, 251 (2010)).

26. Petitioners' APA claims are not claims about a removal order. They challenge policies barring children from due process, namely access to required processes, including dependency or custody determinations, USCIS adjudication of SIJ status and T-Visas, which Immigration Judges and the Board have no power to grant, deny, or review. Congress delegated that exclusively to USCIS and juvenile courts. Routing these claims through a petition for review would, in most cases, eliminate review entirely, and the Supreme Court has refused to read § 1252 to require that result. *McNary v. Haitian Refugee Center, Inc.*, 498 U.S. 479, 496–97 (1991); *Jennings v. Rodriguez*, 583 U.S. 281, 293–95 (2018) (plurality). Most recently, on this theory and against closely related policies, the Central District of California certified classes and preliminarily enjoined the detention and removal of persons with pending or granted U-visa, T-visa, and VAWA relief, rejecting the government's jurisdictional defenses. *Immigration Center for Women & Children v. Noem*, No. 2:25-cv-09848 (C.D. Cal. May 20, 2026) *see also Goncalves Oliveira v. Edlow*, No. 25-13228-BEM (D. Mass. Dec. 4, 2025); *Alfaro Herrera v. Baltazar*, No. 1:25-cv-04014-CNS (D. Colo. Jan. 13, 2026).

27. A petition for review is not a real option to preserve the statutory and constitutional rights for Petitioners. The policies challenged here are designed to order a child removed before she could ever obtain Congressionally mandated SIJ or T-visa relief. Apart from the legal barriers, a filing fee to appeal the decision of an Immigration Judge now exceeds one thousand dollars, meaning thousands of SIJ beneficiaries, SIJ eligible children and

trafficked children will be required to pay more than a thousand dollars each simply because EOIR has enacted policies to support a mass deportation scheme against vulnerable children. 8 U.S.C. § 1812(d); Inflation Adjustment for EOIR OBBBA Fees; Fiscal Year 2026, 91 Fed. Reg. 2561, 2562 (Jan. 21, 2026). This departs from decades of immigration practice. A process that no affected child can actually use is not an adequate remedy under 5 U.S.C. § 704, and not what Congress intended. *Cf. Free Enterprise Fund v. PCAOB*, 561 U.S. 477, 489–91 (2010).

28. Petitioners' due process claims must be heard before removal, because once a child is removed, no court can undo the harm. Children with SIJ status hold significant statutory rights and a 'substantial legal relationship' with the United States. *Osorio-Martinez v. Attorney General*, 893 F.3d 153, 174 (3d Cir. 2018). An order of removal, before process, destroys those rights and imminently risks returning the child to the danger he fled. See *Joshua M. v. Barr*, 439 F. Supp. 3d 632, 671–78 (E.D. Va. 2020). Section 1252 cannot be read to let Respondents strip these rights faster than any court can review. *INS v. St. Cyr*, 533 U.S. 289, 299–300 (2001)."

29. INA §1252(g) reaches only three "discrete" actions: the "decision or action" to "commence proceedings, adjudicate cases, or execute removal orders" against an individual. *Reno v. American-Arab Anti-Discrimination Committee ("AADC")*, 525 U.S. 471, 482 (1999). The Supreme Court rejected the notion that this "mention of three discrete events along the road to deportation" is shorthand for all claims arising from the removal process, or that it imposes any "general jurisdictional limitation." *Id.*; *DHS v. Regents of the Univ. of Cal.*, 591 U.S. 1, 19 (2020) (quoting *AADC*, 525 U.S. at 482). "[M]any other decisions or actions" along that road lie outside the provision entirely: among the Court's own examples,

the decision "to reschedule the deportation hearing." *AADC*, 525 U.S. at 482. Congress wrote § 1252(g) as a discretion-protecting measure "directed against a particular evil: attempts to impose judicial constraints upon prosecutorial discretion." *Id.* at 485 n.9. Petitioners do not ask this Court to disturb any decision to commence, adjudicate, or execute in any individual case. What they challenge are standing policies that prevent access to USCIS benefits and defenses to removal and unlawfully strip statutory protections for children. Such a policy "is not a decision to 'commence proceedings,' much less to 'adjudicate' a case or 'execute' a removal order." *Regents*, 591 U.S. at 19.

30. INA §1252(b)(9) consolidates review of questions "arising from any action taken or proceeding brought to remove an alien" into review of a final order. This section channels claims that fit within a petition for review into a single petition, but does "not...bar claims that do not fit within that process." *E.O.H.C. v. Secretary DHS*, 950 F.3d 177, 186 (3d Cir. 2020). It presents a jurisdictional bar only where a petitioner seeks review of a removal order, the decision to seek removal, or "the process by which removability will be determined," *Regents*, 591 U.S. at 19 (quoting *Jennings v. Rodriguez*, 583 U.S. 281, 294 (2018)), and it "does not reach 'claims that are independent of, or wholly collateral to, the removal process,'" including "claims that cannot effectively be handled through the available administrative process." *E.O.H.C.*, 950 F.3d at 186 (quoting *Aguilar v. U.S. ICE*, 510 F.3d 1, 11 (1st Cir. 2007)). Petitioners' claims are outside the removability determination entirely, as this Circuit's own precedent establishes.

31. In *Cortez-Amador v. Attorney General*, 66 F.4th 429, 433–34 & n.12 (3d Cir. 2023), the Third Circuit held, at the Government's urging, that SIJ status does not bear on removability at all. It "does not categorically protect" a child from removal, and its statutory parole

benefit operates exclusively within the separate adjustment track that Congress assigned to USCIS. Removability is adjudicated in immigration court. SIJ and T status are adjudicated by USCIS. Petitioners' claims are "independent of, or wholly collateral to, the removal process." *E.O.H.C.*, 950 F.3d at 186. Where a petitioner seeks relief that a court of appeals cannot meaningfully provide on petition for review of a final order of removal, § 1252(b)(9) does not bar consideration by a district court." *Id.* at 180. The challenged policies are designed to effect removal before the SIJ or T-Visa process can conclude and for these children, review delayed is review "foreclosed." *E.O.H.C.*, 950 F.3d at 186 (quoting *McNary*, 498 U.S. at 496–97). These are “now-or-never” claims on behalf of the most vulnerable children in our immigration system, and “[i]f ‘later’ is not an option, review is available now.” *Id.* at 180. Petitioners do *not* seek to review any removal order or to adjudicate any child's removability. Petitioners seek vacatur of unlawful policies and restoration of the process federal law requires. Nothing in *Khalil v. President, United States*, 164 F.4th 259 (3d Cir. 2026), is to the contrary. The claims channeled there were a detainee's challenges to his own removability. The panel did not disturb *E.O.H.C.*'s holding that now or never claims remain viable.

32. Channeling would in any event be impossible here. The courts of appeals could grant none of the relief sought, including vacatur of unpublished policies, notice-and-comment compliance, adjudication within statutory deadlines and timely redress of due process concerns. Where the petition-for-review route affords no meaningful review of the claim, § 1252(b)(9) does not apply. *McNary*, 498 U.S. at 497; *Osorio-Martinez*, 893 F.3d at 163–68.

33. Congress codified the TVPRA's child-protection duties at 8 U.S.C. § 1232, outside the INA, and never subjected them to the INA's review-limiting provisions.¹ The duties are discrete and mandatory, supplying ample "law to apply," and federal courts routinely enforce them through the APA. *See, e.g., J.O.P. v. DHS*, No. 8:19-cv-1944 (D. Md.); *Garcia Ramirez v. ICE*, 471 F. Supp. 3d 88 (D.D.C. 2020); *Saravia v. Sessions*, 905 F.3d 1137 (9th Cir. 2018); *D.B. v. Cardall*, 826 F.3d 721 (4th Cir. 2016). Claims to enforce them are not "questions of law and fact arising from" any removal proceeding, 8 U.S.C. § 1252(b)(9) but rather are claims that Respondents have abandoned the duties Congress imposed on them to protect children in their processes and care.
34. Section 1252(f)(1) limits nothing sought here. It does not limit declaratory relief, *Alli v. Decker*, 650 F.3d 1007, 1013 (3d Cir. 2011); nor vacatur under 5 U.S.C. § 706(2), which annuls agency action rather than commanding anyone to do or refrain from anything, *see Texas v. United States*, 40 F.4th 205, 219–20 (5th Cir. 2022); *RAICES v. Noem*, 793 F. Supp. 3d 19, 61 (D.D.C. 2025); by its own text it permits injunctive relief "with respect to the application of such provisions to an individual alien against whom proceedings . . . have been initiated," a description that fits every individual Petitioner; and it does not apply to the TVPRA, which is not among the enumerated provisions.

¹ The TVPRA's duties are mandatory, run directly to children, and operate independently of any removal proceeding. See 8 U.S.C. § 1232(d)(2) ("All applications for special immigrant status . . . shall be adjudicated . . . not later than 180 days after the date on which the application is filed"); id. § 1232(a)(5)(D) (children "shall be" placed in full section 240 proceedings, made "eligible for relief under section 240B . . . at no cost to the child," and "provided access to counsel"); id. § 1232(c)(5) (the Secretary "shall ensure . . . that all unaccompanied alien children . . . have counsel to represent them in legal proceedings or matters and protect them from mistreatment, exploitation, and trafficking"); id. § 1232(a)(5)(B) (the Secretary "shall consult" the Department of State's Country Reports and Trafficking in Persons Report "in assessing whether to repatriate an unaccompanied alien child to a particular country"); id. § 1232(c)(1) (the agencies "shall establish policies and programs to ensure that unaccompanied alien children in the United States are protected from traffickers and other persons seeking to victimize . . . such children).

35. The Suspension Clause may provide review, *Osorio-Martinez*, 893 F.3d at 166–78.

36. For Petitioner JFCS, the jurisdiction stripping provisions do not apply at all. JFCS's claims are brought by an organization, in its own right, to address its own injuries, namely the frustration of its core legal services mission, activities and the diversion of its pro bono resources for vulnerable and trafficked children. *Havens Realty Corp. v. Coleman*, 455 U.S. 363, 379 (1982). Courts confronting organizational changes to immigration enforcement policies have accordingly recognized that these provisions do not apply. *See, e.g., Immigrant Coalition for Worker Protection v. Noem*, No. 2:25-cv-09848 (C.D. Cal. May 20, 2026), Order at 23 n.11 (jurisdiction-stripping provisions could not apply to organizational plaintiffs, "as organizations are not subject to orders of removal and therefore cannot challenge them"); *cf. Regents*, 591 U.S. at 19 (adjudicating APA claims of organizational and institutional plaintiffs without any suggestion of a § 1252 bar).

PARTIES

37. Petitioner L.B.R.P. is an 18-year-old citizen of Guatemala residing in Philadelphia, Pennsylvania. USCIS received L.B.R.P.'s Form I-360 petition on July 18, 2025, which is her priority date, and approved it on January 22, 2026. (Pet. Exh. C, Form I-797 Approval Notice.) She is a designated SIJ beneficiary. L.B.R.P. currently resides in a loving foster home. L.B.R.P. will be eligible to seek adjustment under INA § 245(h) once her priority date is current. L.B.R.P. is currently in removal proceedings. (Pet. Exh. D, EOIR Automated Case Information.) Absent relief, L.B.R.P. will be removed based on Respondent's policies notwithstanding a present entitlement to seek the very relief Congress created.

38. Petitioner K.T.N. is a 19-year-old citizen of Vietnam residing in Allegheny County, Pennsylvania. USCIS received K.T.N.'s Form I-360 petition on October 24, 2025, which

is his priority date, and approved it on May 7, 2026. (Pet. Exh. E, Form I-797 Approval Notice.) He is a designated SIJ beneficiary. K.T.N. currently resides in a loving foster home. K.T.N. will be eligible to seek adjustment under INA § 245(h) once his priority date is current. K.T.N. is currently in removal proceedings with an imminent removal hearing. (Pet. Exh. F, EOIR Automated Case Information.) On July 14, 2026, the immigration court ruled that it would apply *Matter of Pinzon Roza* and that K.T.N. would be ordered removed. Absent relief, K.T.N. will be removed based on Respondents' policies notwithstanding a present entitlement to seek the very relief Congress created.

39. Petitioner N.D. is a 19-year-old citizen of Guinea residing in Allegheny County, Pennsylvania. USCIS received N.D.'s Form I-360 petition on March 27, 2025, which is his priority date, and approved it on October 31, 2025. (Pet. Exh. G, Form I-797 Approval Notice.) He is a designated SIJ beneficiary. N.D. currently resides under the care of CYF. N.D. will be eligible to seek adjustment under INA § 245(h) once his priority date is current. N.D. is currently in removal proceedings with an imminent removal hearing. (Pet. Exh. H, EOIR Automated Case Information.) Absent relief, N.D. will be removed based on Respondent's policies notwithstanding a present entitlement to seek the very relief Congress created.

40. Petitioner G.J.C.B. is a 15-year-old citizen of El Salvador residing in Allegheny County, Pennsylvania. USCIS received G.J.C.B.'s Form I-360 petition on April 11, 2025, which is her priority date, and approved it on September 11, 2025. (Pet. Exh. I, Form I-797 Approval Notice.) She is a designated SIJ beneficiary. G.J.C.B. will be eligible to seek adjustment under INA § 245(h) once her priority date is current. G.J.C.B. is currently in removal proceedings with an imminent removal hearing. (Pet. Exh. J, EOIR Automated Case

Information.) Absent relief, G.J.C.B. will be removed based on Respondent's policies notwithstanding a present entitlement to seek the very relief Congress created. G.J.C.B. participates with counsel, Marcy Hilty, Esq., counsel with JFCS, as next friend.

41. Petitioner F.Y.C.T. is a 17-year-old citizen of Guatemala residing in Allegheny County in custody. On May 14, 2026, F.Y.C.T. was issued an "Eligibility Letter" from the Department of Health and Human Services, Administration for Children and Families, Office on Trafficking in Persons, pursuant to 22 U.S.C. § 7105(b)(1)(G), stating: "We have determined that you were subjected to a severe form of trafficking in persons." (Pet. Exh. K, HHS OTIP Eligibility Letter.) USCIS received the Form I-914, Application for T Nonimmigrant Status for F.Y.C.T. on June 26, 2026. On information and belief, Respondent USCIS has not conducted the bona fide determination its regulations prescribe. F.Y.C.T. was denied a continuance for the processing of her application for protection as a trafficking survivor. F.Y.C.T. was ordered removed on July 16, 2026 by the Philadelphia Immigration Court. F.Y.C.T. filed a timely appeal with the Board of Immigration Appeals, which is pending; the order of removal is stayed during the appeal. 8 C.F.R. § 1003.6(a). Absent relief, F.Y.C.T. will be removed based on Respondent's policies notwithstanding a present entitlement to seek the very relief Congress created. F.Y.C.T. participates with counsel, Marcy Hilty, Esq., counsel with JFCS, as next friend.

42. Petitioner K.Y.H.A. is a 17-year-old citizen of El Salvador residing in Allegheny County in custody. K.Y.H.A. is prima facie eligible for SIJ classification. Proceedings seeking the predicate findings required for SIJ classification are pending in the Court of Common Pleas of Allegheny County, Juvenile Section, filed May 22, 2026; the court granted the application for a private dependency petition on July 16, 2026, and an adjudicatory hearing

is scheduled for September 10, 2026. (Pet. Exh. N, Docket Sheet, CP-02-DP-0000319-2026.) K.Y.H.A. is in removal proceedings before the Philadelphia Immigration Court's Detained Docket. On June 25, 2026, the immigration judge denied his motion to adjourn proceedings to pursue SIJ relief, "citing Pinzon Rozo, 29 I&N Dec. 507 (BIA 2026) and declining to find that the Third Circuit's Decision in *Osorio-Martinez v Attorney General*, 893 F.3d 153 (3rd Cir. 2018) required a contrary outcome," (Pet. Exh. O, Order of the Immigration Judge, June 25, 2026.), and did not advise him of his apparent eligibility for SIJ classification as relief from removal, as 8 C.F.R. § 1240.11(a)(2) requires. On July 23, 2026, the immigration judge denied a further adjournment — sought to permit the filing of this action — and ordered K.Y.H.A. removed to El Salvador. (Pet. Exh. P, Order of the Immigration Judge, July 23, 2026.) K.Y.H.A. will timely appeal to the Board of Immigration Appeals, the order of removal is stayed during the appeal, 8 C.F.R. § 1003.6(a). K.Y.H.A. participates with counsel, Marcy Hilty, Esq., counsel with JFCS, as next friend.

43. Organizational Petitioner, Jewish Family and Community Services of Pittsburgh ("JFCS"), is a nonprofit, non-partisan social services organization headquartered in Pittsburgh, Pennsylvania. JFCS has served Pennsylvania since 1937. Through its Immigration Legal Services Program, JFCS provides trauma-informed, culturally sensitive legal representation to unaccompanied immigrant children throughout Pennsylvania and West Virginia, including children in removal proceedings and children pursuing SIJ status, T nonimmigrant status, and asylum.

44. JFCS's commitment to immigrant children is in its mission. From its inception, JFCS aided Jewish refugees fleeing persecution in Europe, JFCS is guided by the Jewish values of

tikkun olam (repairing the world) and *pikuach nefesh* (saving a life). JFCS's response to the 2018 tragedy at the Tree of Life Synagogue, in response to the shooter's hatred, was to deepen their support for refugees, children seeking protection, and people who have no other home. When JFCS represents an abused, abandoned, or trafficked child in removal proceedings, it is performing an act at the core of its identity conceived in the Jewish experience of displacement and reaffirmed in the aftermath of unspeakable violence. Respondents' policies disrupt that very work and that very commitment.

45. Over the last five years, JFCS has provided legal orientations and screenings to 2,906 unaccompanied minors and has represented 983 unaccompanied minors from over 30 countries, including in hundreds of applications for dependency, confirmation of custody in Pennsylvania and West Virginia state courts, and hundreds of applications for asylum, T-Visas, and SIJ petitions. Representation of children in these proceedings is a core JFCS function, one Congress itself contemplated when it directed the government to ensure, "to the greatest extent practicable," that unaccompanied children have counsel, 8 U.S.C. § 1232(c)(5).
46. The minors JFCS represent have their removal hearings before the Immigration Court in Philadelphia, Pennsylvania. JFCS counsel, and other immigration practitioners serving children, have recently seen drastic changes in DHS and DOJ policy prioritizing the removal of children in removal proceedings. These changes include new procedural policies stating that minors with approved SIJ status or prima facie eligibility for SIJ status or T-nonimmigrant status do not have good cause for a continuance, or any time at all, to actually seek or receive status. The effect is that removal, voluntary departure, or asylum adjudication are the only outcomes permitted to children on the EOIR juvenile docket. T-

visa applications and SIJ petitions filed on their behalf are rendered effectively meaningless, because the children will be ordered removed before USCIS ever adjudicates them.

47. Respondents' policies have directly interfered with and frustrated JFCS's core activities.

Indeed, Respondents control the time required to seek relief with USCIS while simultaneously controlling whether or not it will permit the child such time to seek protection based relief offered by Congress. JFCS attorneys have been unable to complete representations they undertook. For example state court predicate proceedings JFCS initiated for clients have been mooted by accelerated hearings, JFCS has been forced to abandon its ordinary practice and prepare simultaneous emergency filings for each child, hearing preparation time per child has multiplied because hearings now occur with very short frequency, and JFCS has been compelled to divert attorneys time from new child client intakes, turning away children it would otherwise represent, to respond to Respondent's policy changes threatening imminent removal of vulnerable children. The change has also degraded the trust between JFCS's advocates and its child clients. Children who do not understand the legal process experience truncated hearings, without respect to their due process rights. JFCS staff, who work to build rapport with traumatized children over months, have been left unable to answer their own clients' basic question of why they are being targeted. These injuries are concrete, particularized, ongoing, traceable to the challenged policies here.

48. Respondent Department of Homeland Security (DHS) is the federal agency responsible for implementing and enforcing the INA, including the detention and removal of noncitizens. Its component agencies include USCIS and ICE.

49. Respondent Markwayne Mullin is the Secretary of the Department of Homeland Security.

He is responsible for the implementation and enforcement of the Immigration and Nationality Act (INA), and oversees ICE. He is sued in his official capacity.

50. Respondent United States Citizenship and Immigration Service (USCIS) is a component agency of the Department of Homeland Security responsible for adjudicating I-360 petitions for SIJ status and I-914 applications for T-nonimmigrant status.

51. Respondent Joseph B. Edlow is the Director of USCIS, the federal agency that oversees lawful immigration to the United States, including SIJ and T-Visa applications, and a component agency of the Department of Homeland Security. He is sued in his official capacity.

52. Respondent Immigration and Customs Enforcement is a component agency of the Department of Homeland Security, the federal agency responsible for implementing and enforcing the INA, including the detention and removal of noncitizens, and a component agency of the Department of Homeland Security. Through its Office of the Principal Legal Advisor, ICE is responsible for prosecuting removal proceedings.

53. Respondent David Venturella is the Acting Director of ICE. In this capacity, Respondent Venturella is responsible for the administration of federal immigration law and the execution of detention and removal determinations. He is named in his official capacity.

54. Respondent John E. Rife is the acting Director of the Philadelphia Field Office of ICE's Enforcement and Removal Operations division, a component of the Department of Homeland Security. He is responsible for administration and management of ICE Enforcement Removal Operations in Pennsylvania. He is sued in his official capacity.

55. Respondent U.S. Department of Justice ("DOJ") is the federal agency responsible, through its components, for the administration of the immigration courts and the Board of Immigration Appeals.
56. Respondent Todd Blanche is the Acting Attorney General of the United States. He oversees DOJ and its component, the Executive Office for Immigration Review, and is responsible for the administration of the immigration laws committed to the Department of Justice. He is sued in his official capacity.
57. Respondent Executive Office for Immigration Review (EOIR) is the federal agency responsible for implementing and enforcing the INA in removal proceedings, including for custody redeterminations in bond hearings, and a component agency of the Department of Justice.
58. Respondent Daren K. Margolin is the acting director of the Executive Office for Immigration Review and the immigration court system it operates, a component agency of the Department of Justice. He is sued in his official capacity.

STATUTORY AND REGULATORY FRAMEWORK

A. Special Immigrant Juvenile Classification: Background, Congressional Intent, and the Process for Obtaining Relief

59. Congress created the SIJ program to provide a pathway to lawful permanent residency to a class of abused, neglected, and abandoned children under the age of 21 who are present in the United States and cannot reunify with one or both of their parents. The statute set forth specific eligibility criteria, which included being the subject of a state juvenile court determination that it would not be in their best interests to return to their country of origin or country of last habitual residence. Immigration Act of 1990 ("1990 Act"), Pub. L. 101–

649, § 153, 104 Stat. 4978 5005–06 (1990) (codified at 8 U.S.C. § 1101(a)(27)(J)) ("IMMACT").

60. The program was later expanded in 2008 through the Trafficking Victims Protection Reauthorization Act (TVPRA). 8 U.S.C. §§ 1101(27)(J), as modified by Pub. L. No. 110-457, § 235, 112 Stat. 5044 (2008 TVPRA). The TVPRA was intended to broaden the protections afforded to this class of noncitizens, and to bring the federal immigration laws into consistency with other child welfare legal standards (often referred to as the “best interests of the child” standard).
61. INA § 237(c) reflected Congress's judgment from the outset that a child granted SIJ status should not be removed on the very grounds, principally unlawful entry, for which most SIJ-eligible children would otherwise be removable. The Third Circuit has recognized that Congress enacted the SIJ provisions to give abused, neglected, and abandoned children "an alternative to deportation," a means to remain in the United States rather than be removed with or to their abusers. *Yeboah v. U.S. Dep't of Justice*, 345 F.3d 216, 221 (3d Cir. 2003).
62. SIJ status gives eligible children and young adults a host of benefits, not least of which is the eligibility and the right to apply for adjustment of status while within the United States. *Osorio-Martinez*, 893 F.3d at 160. Most importantly, after a qualified noncitizen is classified as a Special Immigrant Juvenile, SIJ status may not be revoked without notice and a showing of “good and sufficient cause” for revocation, an opportunity for the noncitizen to respond and present evidence to oppose the revocation, and the right to appeal any adverse ruling on revocation. *Id.* at 164, citing 8 U.S.C. § 1155; 8 C.F.R. § 205.2; and 5 U.S.C. § 702; see also 7 USCIS Policy Manual, pt. F, ch. 7 (Mar. 21, 2018).

63. Congress did not design SIJ status only or even primarily for children safely outside the removal system. The statute requires that the child be "present in the United States" and be the subject of findings by "a juvenile court located in the United States" that the child cannot be reunified with a parent due to abuse, neglect, or abandonment, and that return to the child's home country is not in the child's best interest. 8 U.S.C. § 1101(a)(27)(J); 8 C.F.R. § 204.11. A state court can make those findings only about a child before it. A child who is removed loses not just a pending application but their very grounds of eligibility. Physical presence is itself a requirement of the protection scheme.
64. Congress twice amended the statute to make sure this protection would actually work. When the agency advised that most SIJ children, who typically entered without inspection, could not adjust status under the law as first written, Congress responded within the year, deeming SIJ beneficiaries to "have been paroled into the United States" for adjustment purposes and exempting them from specified grounds of inadmissibility. MTINA, Pub. L. No. 102-232, § 302(d)(2), 105 Stat. 1733, 1744–45 (1991), codified at 8 U.S.C. § 1255(h)(2). And when a 1996 law created a new inadmissibility ground for entry without admission or parole, Congress closed that gap too. Pub. L. No. 110-457, § 235(d)(3), 122 Stat. 5044, 5080 (2008); 8 C.F.R. § 1245.1(e)(3). Each amendment reflects the same unbroken purpose: children Congress meant to protect must be able to remain physically present and reach the permanent residence Congress promised them, regardless of how they entered.
65. Congress wrote the SIJ adjustment provision specifically for children the government charges as removable, and Congress waived the grounds of inadmissibility, including entry without inspection, unlawful presence, and lack of documentation, that describe children

who cross the border without status. *Id.* § 1255(h)(2)(A). Congress enacted those waivers because it understood, and intended, that the children invoking this protection would be precisely the children DHS places in removal proceedings.

66. The SIJ provisions "show a congressional intent to assist a limited group of abused children to remain safely in the country with a means to apply for LPR status." *Osorio-Martinez v. Attorney General*, 893 F.3d 153, 168 (3d Cir. 2018) (quoting *Garcia v. Holder*, 659 F.3d 1261, 1271 (9th Cir. 2011)). DHS itself has described SIJ status as "a classification to provide humanitarian protection for abused, neglected, or abandoned child immigrants eligible for long-term foster care." 6 USCIS Policy Manual, pt. J, ch. 1 (Mar. 21, 2018) (quoted in *Osorio-Martinez*, 893 F.3d at 170). The purpose of the SIJ statutes is "establishing protection and a pathway to permanent residency for a specific subset of immigrant children," *Joshua M. v. Barr*, 439 F. Supp. 3d 632 (E.D. Va. 2020). Congress "clearly contemplated that SIJ designees would remain in the United States while awaiting adjudication of their adjustment of status applications," *Garcia Lanza v. Noem*, No. 26-0029, 2026 WL 585130, at 6 (*E.D.N.Y. Mar. 3, 2026*); see also *Del Cid Del Cid v. Bondi*, No. 3:25-cv-00304, 2025 WL 2985150, at 4 (W.D. Pa. Oct. 23, 2025). The purpose of SIJ status is not anecdotal, a loophole, or a speculative benefit. It is a congressional mandate to protect a defined and particularly vulnerable group of children, identified through multi-layered state and federal processes as victims of abuse, neglect, or abandonment who cannot safely return to their countries of origin.

67. The scheme Congress built is deliberately bifurcated. Congress assigned the child welfare determinations, dependency, the viability of reunification, and a child's best interest, to State juvenile courts, which possess the expertise in domestic relations and child welfare

law to make them, and assigned the immigration determination to USCIS, which adjudicates the I-360 petition and confirms the petition is bona fide. Congress deliberately withheld the child welfare determination from the federal immigration authorities to insulate it from the shifting priorities of federal immigration enforcement, so that whether a particular abused or abandoned child is recognized as such does not rise and fall with immigration policy. Neither function is performed by, or reviewable in, the immigration courts. State proceedings require filings, service, hearings, and orders; the SIJS statutes require an I-360 juvenile visa petition to be adjudicated by USCIS within 180 days (a timeframe that Respondents rarely adhere to). See 8 U.S.C. § 1232(d)(2).

68. To obtain SIJ status and then adjust to lawful permanent residence, a child must pass through a sequence of safeguards Congress built, each administered by a different actor, each reflecting a legislative judgment about how vulnerable children are to be protected. *See Osorio-Martinez*, 893 F.3d at 163. The sequence runs as follows.
69. First, for a child taken into immigration custody, the process typically begins with placement in the care of the Office of Refugee Resettlement, which may release the child only after assessing the suitability of a proposed sponsor and determining that placement serves the child's safety and best interests. 8 U.S.C. § 1232(c). Once released to a sponsor or caretaker, that caretaker may initiate the state-court custody or guardianship proceeding that leads to the predicate findings described below.
70. Second, the child must obtain an order from a state juvenile court making the three findings described in ¶ 36.1, *supra*: dependency or qualifying custody; that reunification with at least one parent is not viable due to abuse, neglect, or abandonment; and that return to the

child's country of nationality or last habitual residence is not in her best interest. 8 U.S.C. § 1101(a)(27)(J)(i)–(ii); 8 C.F.R. § 204.11(c).

71. Third, only with that state court order in hand may the child petition the federal government for SIJ status, by filing a Form I-360 with USCIS, supported by the juvenile court order and evidence of eligibility. 8 C.F.R. § 204.11(d); 6 USCIS Policy Manual, pt. J, ch. 4 (Mar. 21, 2018). The Secretary of Homeland Security must then consent to the grant of SIJ status, confirming that the request is bona fide. *Osorio-Martinez*, 893 F.3d at 170.
72. A successful applicant is thereby established, in the Third Circuit's words, "in effect ... as a ward of the United States with the approval of both state and federal authorities." *Id.* at 169 (citing *Yeboah*, 345 F.3d at 221). SIJ status, once granted, opens the statutory pathway to lawful permanent residence: Congress "intended to provide SIJS recipients with an opportunity to pursue adjustment of status." *Cortez-Amador v. Attorney General*, 66 F.4th 429, 433 n.12 (3d Cir. 2023).
73. After an SIJ beneficiary's I-360 petition is approved, they are then eligible to adjust their status to lawful permanent residence ("LPR") by filing a Form I-485 Adjustment of Status Application. This form may only be filed when a visa is immediately available. The immigrant visa category under which SIJ children may seek to adjust status is the employment-based fourth preference special immigrant category ("EB-4"). Immigrant visa availability for SIJ children, as for other applicants in the EB-4 category, is subject to annual numerical limits established by Congress. Congress set the annual allotment of EB-4 visas at 7.1 percent of the annual worldwide level of available employment-based visas, which amounts to about 9,940 available EB-4 visas in a typical year.

74. Because SIJ adjustment visas flow through the oversubscribed employment-based fourth preference, INA § 203(b)(4), an approved SIJ child must await visa availability, remaining deemed paroled and exempt from the inadmissibility grounds described above during that wait, before finally adjusting to lawful permanent resident status. INA § 245(h), 8 U.S.C. § 1255(a), (h)(1).
75. Importantly, removal of the SIJS beneficiary from the United States before the adjustment of status is complete strips the SIJ beneficiary of the opportunity to become an LPR, because adjustment of status is not available to those not in the United States. There is no process for those outside of the United States to return on an SIJ visa, and beneficiaries must be physically present in the United States at the time of filing the adjustment application. See 22 C.F.R. pt. 42.11 (denoting SIJS as an “adjustment-only” category).
76. Congress's scheme thus contemplates periods of time between seeking a predicate state court order, SIJ classification, and adjustment. It is in these periods that, by design, the child's relationship with the United States matures. Congress determined "to accord [SIJ designees] a legal relationship with the United States and to ensure they are not stripped of the opportunity to retain and *deepen* that relationship without due process," *Osorio-Martinez*, 893 F.3d at 170 (emphasis added). SIJ status is paired with benefits, like sweeping inadmissibility waivers under § 1255(h), access to federally funded educational programming, and preferential visa status, that "deepen the ties of those permitted to remain in the United States while they await ... adjustment of status." *Id.* at 171. SIJ children thus become, with "the approval of both state and federal authorities ... ward[s] of the United States." *Id.* at 169 (citing *Yeboah v. U.S. Dep't of Justice*, 345 F.3d 216, 221 (3d Cir. 2003)). Respondents attempt to destroy this design.

77. In *Osorio-Martinez v. Attorney General United States*, 893 F.3d 153 (3d Cir. 2018), the Third Circuit held that SIJ beneficiaries are entitled to due process protections under the 5th Amendment on account of the nature of the SIJ program, express statutory protections granted by Congress, and their significant connections to the United States. In that case, the Third Circuit found that jurisdiction-stripping clauses in the INA operated as unlawful suspensions of the Writ of Habeas Corpus under *Boumediene v. Bush*, 553 U.S. 723 128 S.Ct. 2229, 171 L.Ed.2d 41 (2008), and that the expedited removal program did not provide adequate substitutes for protecting the rights of the SIJ beneficiaries. Critically, the Third Circuit found that the INA explicitly designates SIJS as a “status” that affords its beneficiaries a host of legal rights and protections, not least of which is permission to remain in the United States in order to apply for adjustment of status. *Osorio-Martinez*, fn. 7, citing the INA, the implementing regulations, and *Yeboah v. U.S. Dep’t of Justice*, 345 F.3d 216, 221 (3rd Cir. 2003).
78. The Third Circuit recognized more than two decades ago that legal protections attach to the SIJ process at its earliest stage, when the child seeks merely to *begin* it. In *Yeboah v. U.S. Department of Justice*, 345 F.3d 216 (3d Cir. 2003), a juvenile in federal custody sought the agency's consent to appear before a state court for the dependency hearing that is the first step toward SIJ classification. The court held that even at that threshold, before any petition had been filed or approved, the child “has the right to have his request for a dependency hearing considered” in accordance with the agency's own policies, and that the agency's discretion is “bound ... by due process considerations.” *Id.* at 223; *see also Yeboah v. U.S. Dep’t of Justice*, 223 F. Supp. 2d 650, 655 (E.D. Pa. 2002) (“Procedural due process must be afforded the applicant at all times.”).

79. The Third Circuit reiterated that Congress intended SIJ classification to ensure to the greatest extent possible that SIJ beneficiaries "would be successful in their applications for adjustment by exempting them from a host of grounds that would otherwise render them inadmissible." *Cortez-Amador*, 66 F.4th at 437 n.11 (quoting *Osorio-Martinez*, 893 F.3d at 171). That reaffirmation, five years after *Osorio-Martinez* and in a materially different procedural posture, confirms that the result in *Osorio-Martinez* is not an artifact of expedited removal alone, but that the SIJ statute's design is applicable with equal force to every eligible child, at whatever stage of removal proceedings that child happens to be.

B. T Nonimmigrant Status: Background, Congressional Intent, and the Process for Obtaining Relief

80. Congress created T-nonimmigrant status in the Trafficking Victims Protection Act of 2000, Pub. L. No. 106-386, div. A, § 107(e), 114 Stat. 1464, 1477 ("TVPA"), to provide legal status for survivors of severe forms of human trafficking. 8 U.S.C. § 1101(a)(15)(T); 8 C.F.R. §§ 214.201–214.218. Congress found that existing law too often failed trafficking victims, who, because of their unlawful status, were punished more harshly than their traffickers, and it declared that victims should not be penalized for acts committed as a direct result of being trafficked. TVPA § 102(b)(17), (19).

81. Congress wrote the special vulnerability of children into the statute itself. A child induced to perform a commercial sex act is a per se victim of a "severe form of trafficking in persons." No showing of force, fraud, or coercion is required, because Congress recognized that a child cannot meaningfully consent to her own exploitation. TVPA § 103(8)(A), codified as amended at 22 U.S.C. § 7102(11)(A); 8 C.F.R. § 214.201. The statute ordinarily requires an applicant to assist law enforcement, but Congress exempted all victims under eighteen from that requirement. 8 U.S.C. § 1101(a)(15)(T)(i)(III)(cc); Pub. L. No. 108-193,

§ 4(b)(1), 117 Stat. 2875, 2878 (2003). The TVPRA of 2008 added an exemption for victims too traumatized to cooperate and made child victims eligible for federal assistance immediately, by certification. 8 U.S.C. § 1101(a)(15)(T)(i)(III)(bb); Pub. L. No. 110-457, § 212, 122 Stat. 5044, 5063–65; 22 U.S.C. § 7105(b)(1)(C), (E). A trafficked child is the survivor the T statute exists to protect, and the law requires less from her precisely because her traffickers took more from her.

82. For a child trafficking victim, physical presence in the United States is an express element of the claim itself. A T-visa applicant must show that she "is physically present in the United States ... on account of such trafficking." 8 U.S.C. § 1101(a)(15)(T)(i)(II). Removal therefore destroys a claim. To be eligible, an applicant must additionally show that she is a victim of a severe form of trafficking and that she would suffer extreme hardship involving unusual and severe harm if removed, an inquiry in which the applicant's age is itself a relevant factor. 8 U.S.C. § 1101(a)(15)(T); 8 C.F.R. § 214.209. A child applicant seeks this status by filing Form I-914 with USCIS.

83. Removing a child trafficking victim before her claim can be heard is contrary to the statute. It punishes the victim for her victimization and rewards the trafficker. Victim-based immigration protections exist "to encourage noncitizen victims to seek assistance and report crimes committed against them despite their undocumented status," because when victims "can feel safe in coming forward, it strengthens the ability of local, state, and federal law enforcement agencies ... to detect, investigate, and prosecute crimes." ICE Directive 11005.3, Using a Victim-Centered Approach with Noncitizen Crime Victims, at 1 (Dec. 2, 2021).

84. Where USCIS determines that a T-visa application presents a prima facie case for approval or that the application is "bona fide," the applicant becomes eligible for certain federal public benefits, deferred action, and work authorization. 22 U.S.C. § 7105(b)(1); 8 C.F.R. § 214.205(c), (e). Congress went further still for applicants facing removal. The bona fide determination is non-discretionary. A trafficking victim's eligibility must be assessed before, not after, the government decides whether to remove her.
85. Congress capped principal T visas at 5,000 annually, 8 U.S.C. § 1184(o)(2), and a successful applicant may adjust to lawful permanent residence after three years in T status or upon the earlier completion of the trafficking investigation. 8 U.S.C. § 1255(l)(1)(A). As of this filing, USCIS's posted processing time for Form I-914 is 32 months, meaning a child must remain in the United States for roughly two and a half years, and often longer, before her application is even decided.

C. The TVPRA's Mandatory Duties

86. The TVPRA imposes mandatory duties on the Respondents. Unaccompanied children "shall be" placed in full removal proceedings under INA § 240, 8 U.S.C. § 1232(a)(5)(D), guaranteeing a fair adjudicator and due process, not summary removal. The government "shall ensure," to the greatest extent practicable, that unaccompanied children "have counsel to represent them," *id.* § 1232(c)(5), and shall place children in the least restrictive setting in the child's best interest, *id.* § 1232(c)(2). And "[a]ll applications for special immigrant status under section 1101(a)(27)(J) . . . shall be adjudicated . . . not later than 180 days after the date on which the application is filed." *Id.* § 1232(d)(2). One would assume this would mean a child would have at least that much time to secure relief. However, under the Respondents' new policy, they do not.

D. The Immigration Judge's Duty to Advise Children of Their Rights and Apparent Eligibility

87. By regulation, an Immigration Judge in § 240 proceedings *must* advise every respondent of the right to representation and of the availability of free legal services. 8 C.F.R. § 1240.10(a). As relevant here, the Immigration Judge "shall inform the alien of his or her apparent eligibility to apply for any of the benefits enumerated in this chapter and shall afford the alien an opportunity to make application during the hearing." 8 C.F.R. § 1240.11(a)(2). This duty is mandatory. The *en banc* Ninth Circuit has enforced it in exactly this setting, holding that an Immigration Judge's failure to advise a child of his apparent eligibility for SIJ status violates § 1240.11(a)(2) and requires remand. *C.J.L.G. v. Barr*, 923 F.3d 622 (9th Cir. 2019) (*en banc*). The Third Circuit has long recognized the Immigration Judge's affirmative obligation to inform noncitizens of potential avenues of relief, *Bonhometre v. Gonzales*, 414 F.3d 442, 448 (3d Cir. 2005), and holds that when the government disregards regulations designed to protect fundamental rights, invalidation follows without any showing of prejudice. *Leslie v. Attorney General*, 611 F.3d 171, 180–81 (3d Cir. 2010).

E. Regulations Governing Continuance, Closure, and Independent Judgment and the Board decisions that upend those standards.

88. An Immigration Judge "may grant a motion for continuance for good cause shown," 8 C.F.R. § 1003.29, and may grant reasonable adjournments, *id.* § 1240.6. By regulation, Immigration Judges may administratively close and later recalendar cases, considering the totality of the circumstances, *id.* § 1003.18(c), and may terminate proceedings, including where the noncitizen respondent is *prima facie* eligible for relief, *id.* § 1003.18(d)(1)(ii). By regulation, Immigration Judges "shall exercise their independent judgment and discretion" in the cases before them, *id.* § 1003.10(b), and by statute every noncitizen

respondent "shall have a reasonable opportunity ... to present evidence," INA § 240(b)(4)(B). The Attorney General's own precedent identifies the likelihood that collateral relief will materialize as a central consideration in the continuance analysis. *Matter of L-A-B-R-*, 27 I&N Dec. 405, 413, 417 (A.G. 2018) ("the respondent's likelihood of success in the collateral matter is paramount").

89. Beginning in mid-2025 and continuing into 2026, the Board of Immigration Appeals published a sequence of decisions that improperly stripped the due process through which a child in removal proceedings can reach the SIJ and T processes, in practice targeting abused, abandoned, neglected, and trafficked children for removal. They then prioritized the removal of those children. The pattern is probative of intent.

90. *Administrative closure.* In *Matter of Cahuec Tzalam*, 29 I&N Dec. 300 (BIA 2025), on interlocutory appeal by DHS against an unrepresented 18-year-old, the Board reversed an Immigration Judge's grant of administrative closure for a child with a pending SIJ petition, faulting the child for filing only his USCIS receipt notice, and holding in the alternative that even a prima facie eligible child should be denied administrative closure because the visa backlog Congress's own allocation created makes his wait "indeterminate." The Board's own precedent acknowledges the multi-year wait, so the presumption operates as a categorical rule that no SIJ child may ever be granted administrative closure.

91. *Continuances.* In *Matter of Pinzon Rozo*, 29 I&N Dec. 507 (BIA 2026), again on interlocutory appeal by DHS, the Board held that an Immigration Judge erred in granting a continuance to a child with an approved SIJ petition awaiting visa availability, deploying the "good cause" balancing of *Matter of L-A-B-R-*, 27 I&N Dec. 405 (A.G. 2018), to hold that the very interval Congress built into the statute defeats good cause. Under *Pinzon Rozo*,

a child the United States has classified as a victim of abuse, whose sole remaining step is a visa number Congress controls, is entitled to no time at all.

The Due Process Rights of Children in Removal Proceedings

92. The Fifth Amendment’s Due Process Clause protects all “persons” within the United States, “including aliens, whether their presence here is lawful, unlawful, temporary, or permanent.” *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001); *accord Mathews v. Diaz*, 426 U.S. 67, 77 (1976). It “entitles aliens to due process of law in deportation proceedings.” *Reno v. Flores*, 507 U.S. 292, 306 (1993). Because Respondents are federal actors, the Fifth Amendment supplies the constraint here.
93. The fundamental requirement of due process is the opportunity to be heard “at a meaningful time and in a meaningful manner.” *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976) (quoting *Armstrong v. Manzo*, 380 U.S. 545, 552 (1965)). Once a protected liberty or property interest is identified, the adequacy of the procedures attending its deprivation is measured by three factors: the private interest affected; the risk of erroneous deprivation under the procedures used, together with the probable value of additional or substitute safeguards; and the government’s interest, including the fiscal and administrative burdens that additional process would entail. *Id.* at 334–35. Petitioners hold protected interests at three distinct levels, and Respondents’ policies deprive them of process at every one.
94. **Children the United States has classified as Special Immigrant Juveniles.** Congress made SIJ classification a statutory “status” carrying an “array of statutory and regulatory rights and safeguards.” *Osorio-Martinez v. Attorney General*, 893 F.3d 153, 157–58, 164 & n.7, 170–71 (3d Cir. 2018); 8 U.S.C. § 1255(h). Congress determined “to accord [these children] a legal relationship with the United States and to ensure they are not stripped of

the opportunity to retain and deepen that relationship without due process.” *Osorio-Martinez*, 893 F.3d at 170. And Congress and Respondents’ own regulations bounded official discretion to take the classification away: it may be revoked only for “good and sufficient cause,” and only upon notice of intent to revoke, an opportunity to offer evidence in opposition, a written decision, and a right of appeal. 8 U.S.C. § 1155; 8 C.F.R. § 205.2. Where the law couples mandatory limits on official discretion with prescribed procedures for deprivation, it creates precisely the kind of interest the Due Process Clause protects. *See Kentucky Dep’t of Corrections v. Thompson*, 490 U.S. 454, 462–63 (1989); *Joshua M. v. Barr*, 439 F. Supp. 3d 632, 678–79 (E.D. Va. 2020) (SIJ status “may constitute a protected liberty or property interest” for precisely these reasons). Petitioners L.B.R.P., K.T.N., and N.D. hold this interest today.

95. Children inside the process Congress mandated but not yet classified. This Circuit recognized more than two decades ago that legal protections attach at the earliest stage — when the child seeks merely to begin. Before any petition had been filed or approved, the child in *Yeboah* “ha[d] the right to have his request for a dependency hearing considered” in accordance with the agency’s own policies, and the agency’s discretion was “bound ... by due process considerations.” *Yeboah v. U.S. Dep’t of Justice*, 345 F.3d 216, 223 (3d Cir. 2003); *see Yeboah v. U.S. Dep’t of Justice*, 223 F. Supp. 2d 650, 655 (E.D. Pa. 2002) (“Procedural due process must be afforded the applicant at all times.”). The TVPRA then converts adjudication itself into an entitlement: “[a]ll” SIJ petitions “shall be adjudicated” within 180 days, 8 U.S.C. § 1232(d)(2), and a child cannot be deprived of an adjudication Congress made mandatory by the expedient of removing her before it occurs. For trafficked children, the entitlements are express and specific: a non-discretionary threshold

assessment of the application, 8 U.S.C. § 1227(d)(1); an automatic stay of removal upon a bona fide determination, 8 C.F.R. §§ 214.204(b)(2)(iii), 214.205(g); and federal benefits eligibility upon the government's own trafficking determination, 22 U.S.C. § 7105(b)(1)(G). Petitioners F.Y.C.T. and K.Y.H.A. hold these interests today.

96. Children who have been subjected to human trafficking. For trafficked children, there is no greater importance than the process that is due. In one case at issue here, the United States already has determined that F.Y.C.T. was "subjected to a severe form of trafficking in persons" and conferred her entitlements: federal benefits and services to the same extent as a refugee, *id.* § 7105(b)(1), and, upon her application to USCIS, a mandatory sequence of further protections. But, astonishingly, the Respondents' new policies would require her immediate removal anyway. The threshold assessment of a pending T application is non-discretionary, 8 U.S.C. § 1227(d)(1); a bona fide determination in the child's favor confers eligibility for deferred action and employment authorization, 8 C.F.R. § 214.205(c), (e), and automatically stays any final order of removal until her application is finally adjudicated, *id.* §§ 214.204(b)(2)(iii), 214.205(g). And because physical presence "on account of such trafficking" is an element of the claim itself, 8 U.S.C. § 1101(a)(15)(T)(i)(II), removal before the mandated assessment is not a postponement of process but its permanent denial: no adjudicator will ever have assessed the merits, and the child is returned to the country in which she was trafficked. Construing exactly these protections, the court in *Immigration Center for Women & Children* held that noncitizens with pending victim-based petitions were likely to succeed on their Fifth Amendment due process claims and preliminarily enjoined the removal of applicants without a prima facie determination of their visa eligibility. That is F.Y.C.T.'s case precisely: the government

determined she was trafficked, received her application, conducted no assessment, denied her time, and ordered her removed.

97. **Every child in § 240 proceedings.** Congress guaranteed unaccompanied children full removal proceedings rather than summary process, 8 U.S.C. § 1232(a)(5)(D), and those proceedings carry procedural rights of their own: a full and fair hearing, *Serrano-Alberto v. Attorney General*, 859 F.3d 208, 213 (3d Cir. 2017); *Abdulai v. Ashcroft*, 239 F.3d 542, 549 (3d Cir. 2001); a reasonable opportunity to present evidence, INA § 240(b)(4)(B); and the mandatory advisals of 8 C.F.R. §§ 1240.10(a) and 1240.11(a)(2). These are regulations “designed to protect fundamental rights,” and in this Circuit their violation invalidates the resulting action without any showing of prejudice. *Leslie v. Attorney General*, 611 F.3d 171, 180–81 (3d Cir. 2010); see *C.J.L.G. v. Barr*, 923 F.3d 622 (9th Cir. 2019) (en banc) (immigration judge’s failure to advise a child of apparent SIJ eligibility requires remand). All six individual Petitioners hold these rights.

98. What process is due must be calibrated to the person facing deprivation — and these are children. The Constitution has long recognized “the peculiar vulnerability of children” and their inability to protect their own critical interests, *Bellotti v. Baird*, 443 U.S. 622, 634 (1979) (plurality opinion); that a child cannot be processed through adjudicative machinery built for adults without safeguards responsive to age, *In re Gault*, 387 U.S. 1, 13 (1967); that “a child’s age far more than a chronological fact” and is relevant to the determination of what due process entails, *J.D.B. v. North Carolina*, 564 U.S. 261, 272–77 (2011); and that visiting legal consequences on children for circumstances they did not choose “does not comport with fundamental conceptions of justice,” *Plyler v. Doe*, 457 U.S. 202, 219–20 (1982). A procedure that might satisfy due process for a represented adult — a minutes-

long master calendar hearing, a two-week continuance, an unexplained categorical denial — cannot satisfy it for a detained, traumatized child who, as JFCS’s declarants attest, often does not know what a judge is, what a hearing is, or what a lawyer does. (Pet. Exh. B, Hilty Decl. ¶¶ 7–8).

99. The timing component of *Mathews* is decisive here. The hearing must come “at a meaningful time,” *Armstrong*, 380 U.S. at 552, and the government may not finally destroy an entitlement through the operation of its own established procedures without first affording a genuine opportunity to be heard on the claim. *Logan v. Zimmerman Brush Co.*, 455 U.S. 422, 434–37 (1982); see *Cleveland Bd. of Educ. v. Loudermill*, 470 U.S. 532, 542 (1985). Congress’s scheme makes time a safeguard including time for a state juvenile court to act, time for USCIS to adjudicate within its 180-day mandate, time for a visa number Congress rations to arrive. A policy engineered so that removal occurs before the mandated process can conclude is not a vindication of the child’s rights; it is a procedure timed to remove those rights.

100. Petitioners accordingly hold protected due process interests in the ability to seek relief from removal in the form of SIJ status and T nonimmigrant status and, upon SIJ classification, in remaining in the United States to apply for lawful permanent residence when a visa becomes available. Respondents may not extinguish those interests except through constitutionally adequate process — which, as alleged below, Respondents’ policies are designed to deny.

STATEMENT OF FACTS AND PROCEDURAL HISTORY

Organizational Petitioner JFCS

101. Petitioner Jewish Family and Community Services of Pittsburgh provides immigration legal services to children, guided by the Jewish tradition of welcoming the stranger. Its Immigration Legal Services Department, staffed by attorneys and Department of Justice-accredited representatives, provides free and low-cost representation to immigrants and refugees in Pennsylvania, including before the Philadelphia Immigration Court, USCIS, and the Pennsylvania Courts of Common Pleas. (Pet. Exh. A, Hough Decl. ¶¶ 1–6, 11).
102. A core part of JFCS's practice is the representation of unaccompanied and immigrant children, especially children in government custody. JFCS's advocates meet these children shortly after their arrival in the United States and build, over weeks and months, the trust a traumatized child requires before she can disclose the abuse, abandonment, neglect, or trafficking that is the foundation of her legal claim. (Pet. Exh. B, Hilty Decl. ¶¶ 7–8; Pet. Exh. A, Hough Decl. ¶¶ 4–6.) With that trust established, JFCS shepherds each child through the processes Congress designed, including asylum applications, dependency proceedings, SIJ petitions to USCIS, applications for T nonimmigrant status, and, when a visa number arrives, adjustment of status.
103. JFCS structured its representation, its intake capacity, its state-court practice, its filing sequences, in reliance on the legal framework that permits a child to seek relief from removal, including but not limited to SIJ relief, and protection as a survivor of child trafficking. (Pet. Exh. A, Hough Decl. ¶¶ 7–12.)

104. JFCS represents each individual Petitioner in this action, and its attorney Marcy Hilty, Esq., serves as next friend for the two minor Petitioners. What has happened to JFCS's practice, its capacity, and its clients since Respondents' policies took effect is set forth below; what has happened to six of its children is set forth here. Respondents' policies have significantly disrupted and undermined their and other legal service providers' ability to provide legal services to children.

The Individual Petitioners

105. Each individual Petitioner is a child, or has only recently reached adulthood, whom the United States has recognized, or is on the verge of recognizing, as a victim of abuse, abandonment, neglect, or child trafficking. Each remains inside the process Congress designed for children like them. And each, under the policies challenged here, faces removal before any protection process will conclude. The harm to each child is severe and substantial.

Petitioner L.B.R.P.

106. Petitioner L.B.R.P. is an 18-year-old citizen of Guatemala who resides in Philadelphia, Pennsylvania, in a loving foster home. A state juvenile court has entered the predicate findings 8 U.S.C. § 1101(a)(27)(J) requires, including that she is dependent, that reunification with her parent is not viable due to abuse, abandonment, or neglect, and that return to Guatemala is not in her best interest.

107. On July 18, 2025, USCIS received L.B.R.P.'s Form I-360 petition for SIJ classification; that date is her priority date. USCIS approved the petition on January 22, 2026, classifying her as a Special Immigrant Juvenile. (Pet. Exh. C, Form I-797 Approval

Notice, Jan. 22, 2026.) The United States has therefore already determined, with the approval of both state and federal authorities, that L.B.R.P. is a victim of abuse, abandonment, or neglect who cannot safely return to Guatemala.

108. L.B.R.P. is in removal proceedings before the Philadelphia Immigration Court and has been ordered to file an application for relief, which, in the Immigration Court's view, does not include her approved SIJ status. (Pet. Exh. D, EOIR Automated Case Information and Order of the Immigration Judge.) On information and belief, if she does not file an additional relief application, on September 25, 2026, she will be ordered removed, despite her SIJ status. She has done everything Congress's scheme asks of her. All that remains is her ability to remain in the United States in SIJ status until a visa number becomes available, as Congress contemplated. Under Respondents' policies and their intent to seek her removal, she will be afforded no time to await it while in removal proceedings. As a result, she will be ordered removed notwithstanding her present entitlement, once her priority date is current, to seek adjustment of status under 8 U.S.C. § 1255(h).

Petitioner K.T.N.

109. Petitioner K.T.N. is a 19-year-old citizen of Vietnam residing in Allegheny County, Pennsylvania, in a foster placement arranged and supervised by the Allegheny County Office of Children, Youth and Families ("CYF"). He entered the United States on or about June 1, 2024, as an unaccompanied child fleeing severe and repeated physical abuse by his father, was placed in the custody of the Office of Refugee Resettlement, and was transferred to a federally contracted shelter in Allegheny County on or about October 10, 2024.

110. JFCS undertook K.T.N.'s representation in January 2025 and within days of confirming his eligibility, filed a dependency petition and request for SIJ findings in the Court of Common Pleas of Allegheny County, Family Division, Juvenile Section. Following hearings on February 27 and March 13, 2025, at which K.T.N. testified about the abuse he suffered, the court entered Findings of Fact on March 26, 2025: K.T.N. is a dependent child under Pennsylvania law; reunification with his father is not viable due to abuse and neglect; and it is not in his best interest to be returned to Vietnam.

111. On October 24, 2025, USCIS received K.T.N.'s Form I-360; that date is his priority date. USCIS approved the petition on May 7, 2026. (Pet. Exh. E, Form I-797 Approval Notice, May 7, 2026.) Since arriving, K.T.N. has graduated from high school and is evaluating educational programs to continue his studies, doing precisely what Congress intended a child awaiting his priority date to do, deepening his ties to the United States. *Osorio-Martinez*, 893 F.3d at 170–71.

112. The immigration court has now put K.T.N. days from removal. (Pet. Exh. F, EOIR Automated Case Information.) On June 30, 2026, the court briefly continued proceedings for briefing on whether *Osorio-Martinez* supersedes or stands in tension with *Matter of Pinzon Rozo*. On July 14, 2026, the court ruled that it would apply *Pinzon Rozo* and that K.T.N. would be ordered removed. Absent relief from this Court, K.T.N. will be removed to his abuser, and will be stripped of the status Congress afforded him.

Petitioner N.D.

113. Petitioner N.D. is a 19-year-old citizen of Guinea residing in Allegheny County, Pennsylvania, in the care of CYF. On November 21, 2024, a Pennsylvania juvenile court entered Findings of Fact establishing the predicate determinations for SIJ classification

including dependency, the nonviability of reunification due to abuse, abandonment, or neglect, and a best-interest determination against return to Guinea.

114. On March 27, 2025, USCIS received N.D.'s Form I-360; that date is his priority date. USCIS approved the petition on October 31, 2025. (Pet. Exh. G, Form I-797 Approval Notice, Oct. 31, 2025.) N.D. is a designated Special Immigrant Juvenile awaiting visa availability, and will be eligible to seek adjustment under 8 U.S.C. § 1255(h) once his priority date is current.

115. N.D. is in removal proceedings with an imminent hearing. (Pet. Exh. H, EOIR Automated Case Information.) Under the policies described below, he will be ordered removed notwithstanding his approved SIJ status.

Petitioner G.J.C.B.

116. Petitioner G.J.C.B. is a 15-year-old citizen of El Salvador residing in Allegheny County, Pennsylvania. On January 31, 2025, a Pennsylvania juvenile court entered Findings of Fact establishing the predicate determinations for SIJ classification including dependency, the nonviability of reunification due to abuse, abandonment, or neglect, and a best-interest determination against return to El Salvador.

117. On April 11, 2025, USCIS received G.J.C.B.'s Form I-360; that date is her priority date. USCIS approved the petition on September 11, 2025. (Pet. Exh. I, Form I-797 Approval Notice, Sept. 11, 2025.) G.J.C.B. is a designated Special Immigrant Juvenile awaiting visa availability, and will be eligible to seek adjustment under 8 U.S.C. § 1255(h) once her priority date is current.

118. G.J.C.B. is in removal proceedings with an imminent hearing. (Pet. Exh. J, EOIR Automated Case Information.) Under the policies described below, she will be ordered removed notwithstanding her approved SIJ status.

Petitioner F.Y.C.T.

119. Petitioner F.Y.C.T. is a 17-year-old citizen of Guatemala held in government custody at a federally contracted shelter in Allegheny County, Pennsylvania. She proceeds through her next friend, Marcy Hilty, Esq.

120. F.Y.C.T. is a survivor of a severe form of human trafficking, as the United States has already found. On May 14, 2026, the Department of Health and Human Services, Administration for Children and Families, Office on Trafficking in Persons, issued F.Y.C.T. an Eligibility Letter pursuant to 22 U.S.C. § 7105(b)(1)(G), stating: "We have determined that you were subjected to a severe form of trafficking in persons." (Pet. Exh. K, HHS OTIP Eligibility Letter, May 14, 2026.) That determination entitles her to federal benefits and services to the same extent as a refugee. *Id.*

121. On June 26, 2026, USCIS received F.Y.C.T.'s Form I-914, Application for T Nonimmigrant Status, together with her application for employment authorization. (Pet. Exh. L, Form I-797C Receipt Notices (Forms I-914 and I-765).) On information and belief, USCIS has not conducted the bona fide determination its regulations prescribe. 8 C.F.R. § 214.205.

122. Respondents did not wait. F.Y.C.T. sought a continuance of her June 25, 2026 hearing to permit processing of her trafficking-based application; the immigration court

resolved that request against her by in-court order on June 25, 2026, and by written order dated June 29, 2026 deemed the written motion moot in light of that ruling. The ruling was that a continuance would not be permitted to seek T-Nonimmigrant relief. On July 16, 2026, the Philadelphia Immigration Court ordered F.Y.C.T. removed. (Pet. Exh. M, EOIR Automated Case Information.) She filed a timely appeal to the Board of Immigration Appeals, which remains pending; the removal order is stayed during the appeal. 8 C.F.R. § 1003.6(a).

123. No adjudicator has ever assessed the merits of F.Y.C.T.'s trafficking claim, although the Immigration Judge in ordering her removal speculated that her claim was viable. Physical presence is an express element of relief for a trafficking victim, 8 U.S.C. § 1101(a)(15)(T)(i)(II). Her removal would not merely delay adjudication but would eliminate any protection to her as a child trafficking victim, and would return a child to the country in which she was trafficked.

Petitioner K.Y.H.A.

124. Petitioner K.Y.H.A. is a 17-year-old citizen of El Salvador held in government custody at a federally contracted shelter in Allegheny County, Pennsylvania. He proceeds through his next friend, Marcy Hilty, Esq. K.Y.H.A. is prima facie eligible for SIJ classification.
125. Proceedings seeking the required predicate findings are underway and advancing. On May 22, 2026, a private dependency petition and request for SIJ findings were filed on K.Y.H.A.'s behalf in the Court of Common Pleas of Allegheny County, Juvenile Section, No. CP-02-DP-0000319-2026, before the Honorable Eleanor L. Bush. On July 16, 2026, that court granted the application to file the private dependency petition, and an

adjudicatory hearing is scheduled for September 10, 2026. (Pet. Exh. N, Detailed Docket Sheet.)

126. The immigration court will not allow K.Y.H.A. to seek SIJ relief. K.Y.H.A. is in removal proceedings on the Philadelphia Immigration Court's Detained Youth Docket. On June 25, 2026, the immigration judge denied his motion to adjourn proceedings to pursue SIJ relief, "citing Pinzon Rozo, 29 I&N Dec. 507 (BIA 2026) and declining to find that the Third Circuit's Decision in Osorio-Martinez v Attorney General, 893 F.3d 153 (3rd Cir. 2018) required a contrary outcome." (Pet. Exh. O, Order of the Immigration Judge, June 25, 2026.) The court did not advise K.Y.H.A. of his apparent eligibility for SIJ classification as relief from removal, as 8 C.F.R. § 1240.11(a)(2).

127. The court then denied K.Y.H.A. time to seek relief in this Court. On July 23, 2026, the immigration judge denied an adjournment sought to permit the filing of this federal action. The order states: "The Respondent has not filed, nor does The Respondent intend to file any applications for relief with This Court." Notably, K.Y.H.A. has a pending matter before the family court, with a date of hearing, to obtain the special findings necessary for SIJ, and the immigration court is aware. The Order concludes, "In the absence of relief, The Court shall ORDER THE RESPONDENT REMOVED." K.Y.H.A. was ordered removed to El Salvador. DHS waived its appeal; K.Y.H.A. reserved his, which is due August 24, 2026. (Pet. Exh. P, Order of the Immigration Judge, July 23, 2026.) K.Y.H.A. will file a timely appeal. The order of removal is stayed during the appeal. 8 C.F.R. § 1003.6(a)."

128. Absent relief, K.Y.H.A. is facing removal prior to his ability to seek SIJ relief and while in government custody. His removal would extinguish not a pending SIJ process but the very capacity to qualify for the protection Congress created for children like him.

The Board's Precedential Campaign Against Children Seeking Relief

129. Beginning in November 2025 and accelerating through the spring of 2026, the Board of Immigration Appeals published a coordinated, and sequenced, set of precedential decisions that, one after another, closed the procedural doors through which a child in removal proceedings reaches the SIJ and T processes. The first two arrived on interlocutory appeals by DHS, a mechanism the Board itself has for decades described as strongly disfavored and reserved for extraordinary circumstances. *See Matter of M-D-*, 24 I&N Dec. 138, 139 (BIA 2007). Notably, none of the the decisions at issue address *Osorio-Martinez* or *Cortez-Amador*, the Third Circuit precedent describing the substance of the rights the Board's new rules eliminate.
130. *Matter of Cahuec Tzalam*, 29 I&N Dec. 300 (BIA 2025) (decided Nov. 14, 2025), foreclosed administrative closure. On DHS's interlocutory appeal against an unrepresented eighteen-year-old, the Board reversed an immigration judge's administrative closure for a child with a pending SIJ petition, faulting the child for filing only his USCIS receipt notice, and holding in the alternative that even a prima facie eligible child should be denied closure because the visa backlog Congress's own allocation creates makes his wait "indeterminate." Because the Board's own precedent acknowledges the multi-year wait, the presumption operates as a categorical rule, completely eliminating administrative closure for all SIJ children.

131. *Matter of Pinzon Rozo*, 29 I&N Dec. 507 (BIA 2026) (decided Mar. 11, 2026), foreclosed continuances. Again on DHS's interlocutory appeal, the Board held that an immigration judge *erred in granting* a continuance to a respondent with an *approved* SIJ petition awaiting visa availability, deploying the good-cause balancing of *Matter of L-A-B-R-*, 27 I&N Dec. 405 (A.G. 2018), to hold that the very interval Congress built into the statute defeats good cause. Under *Pinzon Rozo*, a child the United States has classified as a victim of abuse, whose sole remaining step is a visa number Congress controls, is entitled to no time at all to pursue relief.

132. *Matter of Z-R-C-N-*, 29 I&N Dec. 523 (BIA 2026) (decided Mar. 18, 2026), foreclosed reopening. The Board held that minor respondents' eligibility for adjustment based on an *approved* SIJ petition was "speculative" in light of the four-year delay in visa availability, and that they had not demonstrated *prima facie* eligibility for relief. The interval the Board dismissed as speculation is the interval Congress designed, a period in which the child's relationship with the United States is meant to mature and deepen. *Osorio-Martinez*, 893 F.3d at 170–71.

133. Petitioners do not challenge these decisions here as individual adjudications. They allege them as the implementation, entrenchment, and probative evidence of the unpublished policies described below.

The Juvenile Relief Foreclosure Policy

134. On information and belief, beginning no later than mid-2025 and continuing to the present, Respondents DOJ, EOIR, DHS, and ICE adopted and have implemented a policy and practice, encompassed in unpublished directives, instructions, guidance, and the coordinated sequence of Board precedents described above under which children in

removal proceedings who are pursuing, or are prima facie eligible for, SIJ classification, T nonimmigrant status, or related relief are denied the procedural time that completion of those congressionally designed processes requires, and are instead ordered removed before the processes can conclude (hereinafter called the "Juvenile Relief Foreclosure Policy"). The Policy operates through the following discrete components, each of which constitutes final agency action, and each of which Petitioners challenge independently and in combination.

135. *A Time Denial Directive.* On information and belief, and as confirmed within this District, the Assistant Chief Immigration Judge for Special Populations transmitted, perhaps by a series of emails, instructions to the Immigration Judges who preside over Philadelphia's juvenile dockets. The instructions governed continuances in unaccompanied children's cases and limited continuances to two weeks, extendable to three weeks only in special circumstances, and to four weeks only where an asylum application is pending adjudication by USCIS. (Pet. Exh. B, Hilty Decl. ¶ 16.) On information and belief, materially identical instructions govern juvenile dockets in other immigration courts nationwide. A former immigration judge who presided over juvenile dockets in New York has publicly confirmed that the authorities overseeing the immigration courts instructed judges not to give children time, and sitting judges 'cited the instructions on the record when denying children's requests. Mica Rosenberg & Jeff Ernsthausen, *These Immigrant Kids Were Once Protected. Under Trump, Their Deportations Have Tripled*, ProPublica (July 6, 2026). (Pet. Exh. Q.)

136. In June 2026, an immigration judge who presides over the Philadelphia Immigration Court's Detained Youth Docket told Petitioners' JFCS counsel of a change in

policy requiring children to appear for master calendar hearings every two to three weeks until their cases are "expeditiously resolved." (Pet. Exh. A, Hough Decl. ¶ 14.) Ensuring compliance with this directive the Court ruled that minors with prima facie eligibility for SIJ classification do not have good cause for a continuance to pursue predicate state-court orders, to file I-360 petitions, or to seek adjustment of status, declining to follow *Osorio-Martinez*, and applied that ruling uniformly to all minors with available SIJ relief. (Pet. Exh. A, Hough Decl. ¶ 16.) In July 2026, the court extended the same ruling to minors with pending T visa applications, even where the court had itself determined that the minor's trafficking claim was likely to succeed on the merits. (Pet. Exh. A, Hough Decl. ¶ 17.) These rulings are seemingly categorical. They forgo the individualized, multi-factor weighing that 8 C.F.R. § 1003.29, *Matter of Hashmi*, 24 I&N Dec. 785 (BIA 2009), and *Matter of L-A-B-R-* require.

137. *A Juvenile Docket Acceleration Directive.* On information and belief, Respondents have, by policy or instruction, designated children's cases as removal priorities and accelerated their removal without sufficient time to seek relief. Hearings are advanced on days' notice, juvenile dockets compressed to biweekly appearances; and on information and belief, judges who afford children time are penalized. In open court, JFCS counsel were advised that the court intends to complete the juvenile docket by November 2026. (Pet. Exh. A, Hough Decl. ¶ 18.)

138. *Attempts to Suppress Counsel and Abandon Advisal Practice.* Respondents restricted funding for legal service providers serving unaccompanied children while compressing timelines so that no counsel, funded or not, could act, in derogation of 8 U.S.C. § 1232(c)(5). In these accelerated hearings directed at the most vulnerable in the

immigration system, immigration judges do not discharge, and cannot discharge, the mandatory duty under 8 C.F.R. § 1240.11(a)(2) to inform each child of her apparent eligibility for relief (such as SIJ or a T-visa) and to afford her an opportunity to apply. Children with facially apparent eligibility, like K.Y.H.A., are ordered removed, or induced to accept "voluntary" departure, without ever being told the law protects them.

139. The components of the Policy operate in combination and by design. A child denied time under a Time Denial Directive cannot fall back on administrative closure or termination, which is foreclosed; cannot await reopening, which is now restricted; cannot obtain counsel able to act within the timelines the Docket Acceleration Directive imposes; and will not be informed that she is entitled to relief. The object and effect of the whole is the object and effect of each part: the removal of children from the United States before the protective processes Congress created for them can begin, proceed, or conclude. Removal proceedings against these vulnerable children will conclude in mere minutes.

140. On information and belief, each component of the Policy is embodied in a written form and disseminated to adjudicators. This likely includes directives, memoranda, guidance, or litigation issued by Respondents DOJ, EOIR, DHS, and ICE, including an email chain described above. Respondents have not published these documents, have not made them available for public inspection, and have not disclosed them to the children whose cases they control. Their existence is nonetheless evident, from judges' on-the-record statements and communications to counsel, from former judges' public accounts, from OPLA's uniform litigation positions, from the Board's coordinated precedential campaign, and from the statistical pattern that only a directive produces. Petitioners have, like others, submitted Freedom of Information Act requests for these documents, which

remain outstanding. However, the damage to children in removal proceedings is happening now. Children who are detained will be removed. Children who are free are at imminent risk of being physically detained and removed throughout Pennsylvania communities and nationwide.

The Results

141. The Policy is working precisely as designed. Unaccompanied children who have been identified as abused, abandoned, neglected, and trafficked are being removed, and threatened with imminent removal, on accelerated removal dockets without the ability to apply for SIJ or T-Nonimmigrant relief to protect them from removal back to that very harm.

142. On the Philadelphia Detained Youth Docket, the outcomes available to a child have been reduced to three: removal, "voluntary" departure, or asylum (which notably does not typically encompass child abuse or child trafficking). (Pet. Exh. A, Hough Decl. ¶ 19.) The six individual Petitioners' cases, described in Part I, are evidence of the Policy applied.

143. This type of policy is unprecedented. Prior to this administration, the United States has not, since the TVPRA, aggressively sought the removal of children who have been recognized as abused, abandoned, neglected, or trafficked, with one notable exception: the children in *Osorio-Martinez*. Now, it appears, aggressive removal enforcement will now be applied to the most vulnerable children in our immigration system, unaccompanied minors, SIJ beneficiaries, and trafficked children. It is a hypocritical position to espouse, while simultaneously looking for credit in locating missing or trafficked children. They are right here, and the Respondents are seeking to return them to harm, without any due process.

144. The Policy has directly injured JFCS. Its attorneys have been forced to abandon the organization's ordinary practice and prepare simultaneous emergency filings for children facing imminent removal, hearing preparation time per child has multiplied because hearings now recur every two to three weeks, and because responding to accelerated proceedings consumes its small team, JFCS has been compelled to divert attorney time from new intakes and to turn away children it would otherwise represent. (Pet. Exh. A, Hough Decl. ¶ 22.) The Policy has degraded the trust JFCS's advocates build with traumatized children over months. Indeed, children who shared their traumas, because they trusted the attorneys who promised to pursue the relief the law provides, now must be told they will be removed despite their eligibility for relief. (Pet. Exh. A, Hough Decl. ¶ 23; Pet. Exh. B, Hilty Decl. ¶¶ 12–15.) These injuries are concrete, particularized, ongoing, and traceable to the Policy.

The End Result: Statutory Rights Stripped, Without Process, Forever

145. For these children, removal is the elimination of their protective right. A child removed before her state court hearing loses the predicate findings forever. A child removed while an I-360 is pending, or while awaiting visa availability, loses the classification's promise: adjustment of status is available only to a child physically present in the United States. There is no mechanism to return on an SIJ visa from abroad. *See* 22 C.F.R. § 42.11. A trafficked child removed before her application is assessed loses the claim itself, because presence "on account of such trafficking" is an element of it. 8 U.S.C. § 1101(a)(15)(T)(i)(II).

146. Because physical presence is a condition of SIJ classification, removal of a child granted that classification nullifies it as surely as a formal revocation but without the

process Congress and Respondents' own regulations prescribe as the exclusive means of revocation. That includes a "good and sufficient cause" determination, a notice of intent to revoke, an opportunity to respond, a written decision, and an administrative appeal. 8 U.S.C. § 1155; 8 C.F.R. § 205.2. The Third Circuit has already said removing an SIJ designee while adjustment remains available accomplishes a "revocation of these statutory rights without cause, notice, or judicial review" and would "render SIJ status a nullity." *Osorio-Martinez*, 893 F.3d at 172.

147. And the children the process was built for, the abused, the abandoned, the neglected, the trafficked, are returned to the very harm each of them fled.

THE CHALLENGED POLICIES ARE FINAL AGENCY ACTION REVIEWABLE UNDER THE APA

148. The APA holds that a reviewing court “shall” hold unlawful and set aside agency action that is arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law, *id.* § 706(2)(A); in excess of statutory jurisdiction or authority, *id.* § 706(2)(C); or without observance of procedure required by law, *id.* § 706(2)(D); and may postpone the effective date of agency action and preserve status and rights pending review, *id.* § 705.

149. Each component of the Juvenile Relief Foreclosure Policy is final agency action. Each marks the consummation of the issuing agency’s decisionmaking process and each determines rights and obligations and produces direct legal consequences. *See Bennett v. Spear*, 520 U.S. 154, 177–78 (1997). The consequences are significant. Continuances on the juvenile dockets are capped at two to three weeks regardless of what any child’s case requires; administrative closure and termination are unavailable; the advisals the regulations mandate go undelivered; and children with approved petitions and pending applications are ordered removed. Rights are being determined under these policies,

hearing by hearing, on the Philadelphia juvenile dockets today, including the rights of each individual Petitioner here.

150. That the components are unpublished defeats neither finality nor review. Courts may review policies proven by their pattern including by uniform application, by officials' statements on the record, by directives conveyed to adjudicators and confirmed by them, and by statistical results that only a directive produces. *See, e.g., Aracely R. v. Nielsen*, 319 F. Supp. 3d 110, 135 (D.D.C. 2018); Statement of Facts Parts III–IV, *supra*. An agency cannot insulate its action from judicial review by declining to write it down, still less by writing it down and refusing to publish it or disclose it. 5 U.S.C. § 552(a)(1)–(2).

151. There is no other adequate remedy in a court. 5 U.S.C. § 704. A petition for review of a removal order cannot reach the administration of SIJ status and T status, cannot restore notice-and-comment process, and cannot vacate or stay the directives. And for the children subject to the Policy, the petition-for-review route is not merely inadequate but illusory. *See Free Enterprise Fund v. PCAOB*, 561 U.S. 477, 489–91 (2010); *McNary v. Haitian Refugee Center, Inc.*, 498 U.S. 479, 496–97 (1991).

152. Agency action must be reasonable and reasonably explained; an agency that changes course must acknowledge the change, supply a reasoned explanation, and assess the reliance interests its prior policy engendered. *DHS v. Regents of the Univ. of Cal.*, 591 U.S. 1, 30 (2020). Immigration policy in particular must be tied to the purposes of the immigration laws, not set against them. *Judulang v. Holder*, 565 U.S. 42, 55 (2011). Rules that bind adjudicators and alter the rights of regulated parties are legislative rules requiring notice and comment, 5 U.S.C. § 553, and substantive rules and statements of policy an

agency fails to publish or make available may not be enforced to any person's detriment, *id.* § 552(a)(1)–(2).

153. The remedies follow the violations, and none is barred. Vacatur under § 706(2) annuls the unlawful policy itself rather than commanding anyone's conduct in any individual proceeding; a stay under § 705 merely postpones the effectiveness of unlawful agency action pending review; and § 552(a) bars adverse reliance on unpublished matter.

CONTROLLING THIRD CIRCUIT LAW BINDS THE BOARD AND IMMIGRATION JUDGES IN EVERY CASE ARISING WITHIN THIS CIRCUIT

154. The Board's precedents govern the immigration courts only to the extent federal law permits and federal law does not permit them to override the decisions of the Courts of Appeals. By regulation, the Board's decisions bind DHS officers and immigration judges. 8 C.F.R. § 1003.1(g)(1). Among the Board decisions so binding are those establishing the Board's own rule of decision on this very question: in cases arising within a particular circuit, the Board, and the immigration judges bound by its precedents, must follow the published decisions of that Circuit's Court of Appeals, whatever the Board's own contrary view. *Matter of Anselmo*, 20 I&N Dec. 25, 31–32 (BIA 1989); *Matter of K-S-*, 20 I&N Dec. 715, 719–20 (BIA 1993).

155. Respondents' own Policy Manual says the same: a Board order stands "unless and until it is stayed, modified, rescinded, or overruled by the Board, the Attorney General, or a federal court." EOIR Policy Manual, Part III, Ch. 1.4.

156. It is a matter of law. An executive adjudicator has no authority to instruct other executive adjudicators to disregard the holdings of an Article III court within that court's territorial jurisdiction.

157. Statutes have a single, best meaning, and it remains the responsibility of the courts to decide what that meaning is. *Loper Bright Enterprises v. Raimondo*, 603 U.S. 369, 412–13 (2024). An agency cannot, by adjudication or otherwise, displace a Court of Appeal’s authoritative construction of the statutes and regulations the agency administers; and prior Circuit holdings construing those provisions retain their full force as stare decisis. *Id.*

158. Within this Circuit, the controlling decision is *Osorio-Martinez v. Attorney General*, 893 F.3d 153 (3d Cir. 2018). There, the Third Circuit held that children with SIJ status possess congressionally conferred statutory rights including the right to seek adjustment of status under 8 U.S.C. § 1255(h) and the right not to be stripped of SIJ protections except for cause, on notice, with an opportunity to respond and a right of review, 893 F.3d at 171–72; that removing such a child while adjustment remains available “would effectively constitute revocation of these statutory rights without cause, notice, or judicial review” and would “render SIJ status a nullity,” *id.* at 172; that these protections extend in substantial measure to applicants and prima facie eligible children, whom the Executive and the Board had consistently protected from removal pending adjudication, *id.* at 173; and that SIJ children’s statutory rights carry with them constitutional protection, minimum due process and the guarantee of the Suspension Clause, by virtue of their substantial connections with the United States, *id.* at 167, 172–74. The Third Circuit invalidated an Act of Congress as applied to such children rather than permit their removal without meaningful review. *Id.* at 166–78.

159. The Board’s recent precedents conflict with *Osorio-Martinez* directly and by design. *Matter of Cahuec Tzalam*, 29 I&N Dec. 300 (BIA 2025) denies administrative closure to a prima facie eligible child on the ground that his wait for a congressionally

allocated visa is “indeterminate.” *Matter of Pinzon Rozo*, 29 I&N Dec. 507 (BIA 2026) holds that an immigration judge errs by granting a continuance to a child with an approved SIJ petition awaiting visa availability. *Matter of Z-R-C-N-*, 29 I&N Dec. 523 (BIA 2026), forecloses reopening; and *Matter of N-A-G-C-*, 29 I&N Dec. 662 (BIA 2026), leave even approved Special Immigrant Juveniles detained without bond hearings. A single premise runs through these decisions: that SIJ relief is too “speculative” or “remote” to justify time, liberty, or process. That premise is irreconcilable with *Osorio-Martinez*, which holds that the interval these children must wait out is Congress’s own design; that their rights are vested, not contingent; and that a proceeding ending a child’s case before she can obtain the relief Congress created accomplishes the revocation of statutory rights without process. A removal order entered against an SIJ child is the precise result *Osorio-Martinez* forbids.

160. Each individual Petitioner’s removal proceedings arise before the Philadelphia Immigration Court, within the Third Circuit. On June 25, 2026, the Immigration Judge denied K.Y.H.A.’s motion to adjourn proceedings to pursue SIJ relief, “citing *Pinzon Rozo*, 29 I&N Dec. 507 (BIA 2026) and declining to find that the Third Circuit’s Decision in *Osorio-Martinez v Attorney General*, 893 F.3d 153 (3rd Cir. 2018) required a contrary outcome.” (Pet. Exh. O, Order of the Immigration Judge, June 25, 2026.) On July 14, 2026, the court ruled that it would apply *Pinzon Rozo* and that K.T.N., a designated Special Immigrant Juvenile, would be ordered removed. On July 16, 2026, F.Y.C.T., a seventeen-year-old whom the Office on Trafficking in Persons has recognized as a victim of a severe form of trafficking was ordered removed without any assessment of her claim. And the refusal to apply *Osorio-Martinez* is not confined to any one case: it “became uniform to all minors before the Court.” (Pet. Exh. A, Hough Decl. ¶ 16.) L.B.R.P., G.J.C.B. and N.D.,

each a designated Special Immigrant Juvenile awaiting only the visa number Congress controls, face removal under the same rulings.

161. Within the Third Circuit, the Board's precedents are without binding force insofar as they conflict with *Osorio-Martinez*. An immigration judge presiding over a case arising within this Circuit who removes a child without a reasonable time to pursue the relief from removal Congress intended violates their statutory and constitutional rights, and also the precedent in this Circuit.

CLAIMS FOR RELIEF

COUNT I

Violation of the Administrative Procedure Act (Not in Accordance with Law; In Excess of Statutory Authority), 5 U.S.C. § 706(2)(A), (C)

162. Petitioners incorporate all preceding paragraphs. This claim is brought by all Petitioners against all Respondents.
163. Each challenged policy is final agency action: each marks the consummation of the issuing agency's decisionmaking and determines rights and obligations, as its uniform application demonstrates. A policy need not be published, or even written, to be final and reviewable. On information and belief a "Juvenile Relief Foreclosure Policy" and each of its components, including an accelerated juvenile docket that ignores eligibility for Congressionally mandated relief for abused, abandoned, neglected and trafficked children is final agency action reviewable under the APA.
164. The Policy and each component is contrary to law and in excess of statutory authority. They nullify 8 U.S.C. § 1101(a)(27)(J) and § 1255(h) by extinguishing the SIJ pathway Congress created; they nullify 8 U.S.C. § 1101(a)(15)(T) by extinguishing the T

pathway Congress created for child trafficking victims; they violate 8 U.S.C. § 1232(a)(5)(D) by converting the full § 240 proceedings Congress guaranteed into summary process; they violate § 1232(c)(5) by rendering access to counsel meaningless; they defeat § 1232(d)(2) by removing children before the adjudication Congress required can occur; and they violate INA § 240(b)(4)(B)'s guarantee of a reasonable opportunity to present evidence.

165. As to child trafficking victims, the Policy additionally violates 8 U.S.C. § 1227(d)(1) and the T visa regulations. A child with a pending T application does not yet hold a stay of removal; she holds the right to the determinations that precede it. Section 1227(d)(1) makes a *prima facie* assessment of the non-discretionary predicate to any removal decision, *Immigration Center for Women & Children v. Noem*, No. 2:25-cv-09848 (C.D. Cal. May 20, 2026); *Jimenez v. Dep't of Homeland Sec.*, No. 2:22-cv-00967, 2022 WL 19410308, at *3 (C.D. Cal. Nov. 14, 2022), and Respondents' regulations require a bona fide determination that, once made in her favor, automatically stays any final order of removal. 8 C.F.R. §§ 214.205, 214.204(b)(2)(iii), 214.205(g). The Policy inverts the sequence: Respondents remove first, so the determinations are made never. F.Y.C.T. was ordered removed without any adjudication, extinguishing her right to be considered for a bona fide determination and destroying the physical presence element of the claim itself. 8 U.S.C. § 1101(a)(15)(T)(i)(II).

166. Congress made these determinations mandatory and their consequences automatic so a trafficked child's protection would not depend on emergency litigation, and guaranteed her counsel. 8 U.S.C. § 1232(c)(5). The Policy forces Organizational Petitioner JFCS to seek by motion, appeal, and federal action what the statute grants by operation of law.

167. An agency may not accomplish by removal timing what it could not accomplish by repeal of the statutes Congress enacted. The Policy and each of its components must be held unlawful and set aside. 5 U.S.C. § 706(2)(A), (C).

COUNT II

Violation of the Administrative Procedure Act (Arbitrary and Capricious Agency Action), 5 U.S.C. § 706(2)(A)

168. Petitioners incorporate all preceding paragraphs. This claim is brought by all Petitioners against all Respondents. .
169. The policies are arbitrary and capricious. Respondents reversed decades of settled practice without acknowledging the change, without reasoned explanation, without assessing the reliance interests of children who structured their pursuit of relief around the prior framework, *DHS v. Regents of the Univ. of Cal.*, 591 U.S. 1, 30 (2020), and without considering obvious alternatives or the policies’ wholesale destruction of statutory rights. Respondents entirely failed to consider the most important aspects of the problem: that the SIJ and T processes require time by congressional design, and that removal before completion inflicts irreparable harm on abused, abandoned, neglected, and trafficked children. A policy that turns the removal system against the protective purposes of the very statutes it administers is unmoored from the purposes of the immigration laws. *Judulang v. Holder*, 565 U.S. 42, 55 (2011).
170. The policies are also internally incoherent: one component of DHS classifies a child as a victim, approving a I-360 or issuing a trafficking eligibility determination, while another simultaneously pursues her removal, without reconciling the two. Courts have found precisely this inconsistency probative of arbitrary and capricious action. *See Joshua M. v. Barr*, 439 F. Supp. 3d 632, 679–80 (E.D. Va. 2020) (finding it “peculiar” that DHS

granted SIJ status while ICE simultaneously pursued removal, and that these “seemingly opposing positions within the Executive Branch” supported the petitioner’s likelihood of success on his APA claim).

COUNT III

**Violation of the Administrative Procedure Act
(Failure to Engage in Notice-and-Comment Rulemaking), 5 U.S.C. §§ 553, 706(2)(D)**

171. Petitioners incorporate all preceding paragraphs. This claim is brought by all Petitioners against all Respondents.

172. The components of the policies are legislative rules. They bind adjudicators and prosecutors, eliminate discretion and alter the rights of children and/or vulnerable populations in proceedings. Respondents promulgated them without notice and comment. Respondents cannot amend 8 C.F.R. §§ 1003.29, 1003.10(b), 1003.18, 1240.6, 1240.10, 1240.11, 204.11, or 205.2 by unpublished memorandum, nor by adjudications engineered to announce categorical rules that contradict the regulations’ individualized standards. *See Moreno Galvez v. Cuccinelli*, 492 F. Supp. 3d 1169 (W.D. Wash. 2020) (vacating SIJ policy adopted without notice and comment), *aff’d in relevant part sub nom. Galvez v. Jaddou*, 52 F.4th 821 (9th Cir. 2022).

COUNT IV

**Unlawful Reliance on Unpublished Agency Directives
(5 U.S.C. § 552(a)(1), (a)(2))**

173. Petitioners incorporate all preceding paragraphs. This claim is brought by all Petitioners against all Respondents.

174. Section 552(a)(1) requires publication of substantive rules and statements of general policy, and provides that no person may “be adversely affected by” matters required to be published but not in fact published. Section 552(a)(2) requires that policy statements and staff manuals affecting the public be made available for inspection, and bars an agency from relying on or citing unindexed, unavailable matter against any party. Respondents’ unpublished directives, including the email chain conveying the Time-Denial Directive and any other correspondence regarding the rights of SIJ applicants or trafficking survivors in proceedings, are precisely such matters. Every adverse consequence visited on Petitioners pursuant to them, every denied continuance, every accelerated hearing, every categorical opposition, every omitted advisal, is unlawful, and Respondents must be enjoined from subjecting any person to them.

COUNT V

Violation of Binding Agency Regulations (Accardi Doctrine)

175. Petitioners incorporate all preceding paragraphs. This claim is brought by all Petitioners against all Respondents.

176. An agency must follow its own regulations while they remain in force, *United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260 (1954), and in this Circuit, violation of regulations designed to protect fundamental rights invalidates the resulting action without any showing of prejudice. *Leslie v. Attorney General*, 611 F.3d 171, 180–81 (3d Cir. 2010). Respondents’ directives, and the Board precedents implementing them, violate Respondents’ own regulations. Respondents’ directives and the Board precedents implementing them command categorical results, including no continuances, no administrative closure, no termination, no advisals, and no prima facie eligibility for those

awaiting a visa, that 8 C.F.R. §§ 1003.29, 1240.6, 1003.18, 1003.10(b), 1240.10(a), and 1240.11(a)(2) forbid, and they operate to defeat the protections of 8 C.F.R. §§ 204.11 and 214.201–214.218.

177. Regulations exist guaranteeing independent judicial adjudication in the immigration court. Immigration judges "shall exercise their independent judgment and discretion" in the cases before them, 8 C.F.R. § 1003.10(b); Board members must do the same, *id.* § 1003.1(d)(1); and a Chief Immigration Judge is expressly denied authority to direct the result of an adjudication assigned to another immigration judge, *id.* § 1003.9(c). A Time-Denial Directive, in which superiors instruct judges as to what continuances children's cases may receive, directs the results of adjudications wholesale and extinguishes the independent judgment the regulations command. The Third Circuit has invalidated Board action that stripped immigration judges of authority the regulations confer. *Arcos Sanchez v. Attorney General*, 997 F.3d 113 (3d Cir. 2021).

178. Sections 1003.29 and 1240.6 condition continuances on individualized findings of good cause, and § 1003.18 governs scheduling. In 2024, Respondents, through notice-and-comment rulemaking, codified the authority of immigration judges and the Board to administratively close cases, 8 C.F.R. §§ 1003.1(l), 1003.18(c), and to terminate them, *id.* §§ 1003.1(m), 1003.18(d). Efficient Case and Docket Management in Immigration Proceedings, 89 Fed. Reg. 46,742 (May 29, 2024). That rule remains in force today. Respondents have never undertaken new rulemaking. Instead, they rescinded the internal guidance implementing it, EOIR Policy Memorandum 25-29 (Apr. 18, 2025), directed government counsel to oppose administrative closure and termination categorically, and deployed the Board's precedents to forbid what the regulations permit.

179. The regulations protect children in removal proceedings. Section 1240.10(a) requires the immigration judge to advise each respondent of her rights; § 1240.11(a)(2) requires the judge to inform each respondent of apparent eligibility for relief and to afford an opportunity to apply. *C.J.L.G. v. Barr*, 923 F.3d 622 (9th Cir. 2019) (en banc)(enforced for children's SIJ eligibility). Children and young people in removal proceedings in most cases cannot pursue relief to protect them as trafficking survivors or beneficiaries of SIJ.
180. *The regulations protecting the classification and the application.* Section 205.2 prescribes the exclusive procedure for revoking an approved SIJ petition: revocation only for "good and sufficient cause," upon notice of intent to revoke, with an opportunity to offer evidence in opposition, a written decision, and a right of appeal. 8 C.F.R. § 205.2; 8 U.S.C. § 1155. Because removal of an SIJ beneficiary extinguishes the classification by operation of the statute's physical-presence requirement, 8 U.S.C. § 1101(a)(27)(J)(i), Respondents' policy of removing children granted SIJ classification before they can adjust operates as a revocation effected without any of the procedures § 205.2 commands. *Accardi* and *Leslie* forbid exactly that. For trafficking survivors, section 214.205 requires USCIS to conduct a bona fide determination on pending T applications, a determination that, once made in the applicant's favor, automatically stays any final order of removal, *id.* §§ 214.204(b)(2)(iii), 214.205(g).
181. Finally, Respondents' directives requiring the application of Board precedent over conflicting Third Circuit law, in proceedings arising within this Circuit, violate the Board's own binding decisions in *Matter of Anselmo* and *Matter of K-S-*, which 8 C.F.R. § 1003.1(g)(1) makes binding on immigration judges to follow federal precedent.

182. Each of these violations is independently unlawful under *Accardi*, and because each regulation is designed to protect fundamental rights, each violation invalidates the resulting action without any showing of prejudice. *Leslie*, 611 F.3d at 180–81. The Policy and each of its components must be held unlawful and set aside.

COUNT VI

Declaratory Judgment of Controlling Force of Third Circuit Precedent (28 U.S.C. §§ 2201–2202; 5 U.S.C. §§ 702, 706)

183. Petitioners incorporate all preceding paragraphs. This claim is brought by all Petitioners against all Respondents.

184. An actual and justiciable controversy exists between the parties. Respondents, through the Board’s precedents and the directives alleged in Statement of Facts Parts II–III, have adopted and applied the position that children *prima facie* eligible for, pursuing, or granted SIJ status may be denied continuance, administrative closure, termination, reopening, and bond, and may be ordered removed, notwithstanding *Osorio-Martinez v. Attorney General*, 893 F.3d 153 (3d Cir. 2018). Petitioners contend that position is foreclosed by controlling circuit law and by Respondents’ own regulation, 8 C.F.R. § 1003.1(g)(1).

185. This Count does not seek review of any Board decision as an adjudication, review of any order of removal, or a determination of any Petitioner’s removability or entitlement to relief. It seeks a declaration of the governing hierarchy of legal authority, a question of law collateral to any removal proceeding, and of Respondents’ resulting obligations. *See McNary v. Haitian Refugee Center, Inc.*, 498 U.S. 479, 491–94 (1991).

186. Petitioners are entitled to a declaration that: (a) *Osorio-Martinez* is controlling law within the Third Circuit, and its holdings, that SIJ children hold vested statutory rights whose extinguishment by removal without process is unlawful, and that prima facie eligible children are entitled to a meaningful opportunity to pursue the SIJ pathway before entry of a final order, bind Respondents, the Board, and every immigration judge presiding over a case arising within this Circuit; (b) under the Board's own binding rules of decision, made obligatory for immigration judges by 8 C.F.R. § 1003.1(g)(1), the Board's precedential decisions, including *Matter of Cahuec Tzalam*, *Matter of Pinzon Rozo*, and *Matter of Z-R-C-N-*, are without binding force in cases arising within the Third Circuit insofar as they conflict with *Osorio-Martinez*.

187. Petitioners further seek all necessary and proper relief based on any declaratory judgment entered.

COUNT VII

Violation of the Fifth Amendment to the U.S. Constitution (Procedural Due Process) (U.S. Const. amend. V; 5 U.S.C. § 706(2)(B))

188. Petitioners incorporate all preceding paragraphs, including Statutory and Regulatory Framework Part V. This claim is brought by all Petitioners against all Respondents.

189. Petitioners hold protected liberty and property interests in a process Congress created for them. Petitioners L.B.R.P., K.T.N., G.J.C.B. and N.D. hold the interests of classified Special Immigrant Juveniles, a statutory status of constitutional substance, revocable only for good and sufficient cause and only through prescribed procedures. Petitioner F.Y.C.T. holds the statutory entitlements Congress conferred on child trafficking

victims with pending applications, including the non-discretionary threshold assessment and the automatic stay that follows a bona fide determination. Petitioner K.Y.H.A. holds the applicant-stage protections this Circuit recognized in *Yeboah* and the entitlement to adjudication the TVPRA mandates. And all six hold the procedural rights of the § 240 proceedings Congress guaranteed them including a full and fair hearing, the mandatory advisals, and a reasonable opportunity to seek relief for which they are apparently eligible.

190. Respondents' policies extinguish those interests without process and foreclose the opportunity to be heard "at a meaningful time and in a meaningful manner." *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976). Continuances are denied categorically, without the individualized assessment the regulations require and without any evaluation of the child's likelihood of success on the very relief at stake; proceedings are accelerated so that removal precedes the state-court findings, the USCIS adjudications, and the visa availability on which Congress conditioned relief; and removal orders are entered against children the government itself has already classified as victims.

191. For the SIJ-classified Petitioners, the deprivation is a revocation of their SIJ status without process. Removal nullifies the classification with no cause determination. *Osorio-Martinez*, 893 F.3d at 172. Respondents may not accomplish through removal, or through the docketing and continuance policies that guarantee removal, what their own statute and regulations forbid them to accomplish directly.

192. Congress's mandatory scheme, State-court access, USCIS adjudication within 180 days, classification, and the § 245(h) right to seek adjustment, creates interests protected by the Due Process Clause. The Third Circuit has held exactly that: SIJ designees possess statutory and due process rights arising from the "array of statutory and regulatory rights

and safeguards" Congress built for them, rights substantial enough to invoke the Suspension Clause itself. *Osorio-Martinez*, 893 F.3d at 157–58, 166–69. Children in § 240 proceedings are likewise entitled to a full and fair hearing, one that includes, at minimum, the advisals the regulations mandate and a reasonable opportunity to seek relief for which they are apparently eligible.

193. The private interest of a child to seek protection from and the permanence of that protection offered by Congress are of the highest order. The risk of erroneous deprivation in minutes-long hearings, conducted against children who are never told of their eligibility, is extreme. The government has no legitimate interest in adjudicatory speed with a result that endangers children or trafficking survivors.

194. Because the Policy and each of its components is contrary to constitutional right, each must also be held unlawful and set aside under the APA itself. 5 U.S.C. § 706(2)(B); *Webster v. Doe*, 486 U.S. 592, 603 (1988).

COUNT VIII

Right to Reasonably Seek and Access SIJ and T Relief Prior to Removal (5 U.S.C. § 706(2)(A), (C); 8 U.S.C. §§ 1101(a)(27)(J), 1255(h), 1101(a)(15)(T), 1227(d)(1); U.S. Const. amend. V)

195. Petitioners incorporate all preceding paragraphs. This claim is brought by all Petitioners against all Respondents.

196. Congress enacted SIJ classification and adjustment as a sequence of mandatory processes including state juvenile-court findings, USCIS adjudication within 180 days, and, for those who qualify, the right to seek adjustment under 8 U.S.C. § 1255(h) and it structured that process on the premise that the child seeking it would remain in the United States while it ran.

197. A statutory scheme of this kind is not satisfied by a right to apply that removal can extinguish before it is ever exercised. It requires, as a matter of the statute's own logic and as *Osorio-Martinez* and *Cortez-Amador* each confirm in different postures, a reasonable opportunity to actually reach the relief Congress created before the government may remove the child from the only place that relief can be obtained. Removal does not delay that opportunity; it extinguishes the classification itself, because SIJ status by its terms requires that the child be "present in the United States." 8 U.S.C. § 1101(a)(27)(J). A court confronting this precise consequence held that removing an SIJ recipient with no adequate means of preserving or reviving his status from abroad rendered his removal unconstitutional as applied. *Joshua M. v. Barr*, 439 F. Supp. 3d 632, 674–78 (E.D. Va. 2020).

198. For trafficked children, Congress was explicit. Under 8 U.S.C. § 1227(d)(1), a non-discretionary prima facie assessment of the pending application must precede any removal decision. Construing that provision, the court in *Immigration Center for Women & Children v. Noem* held Respondents' "Blind Removal Policy," removing U and T applicants without any prima facie determination, likely unlawful, stayed it under 5 U.S.C. § 705, and enjoined removals without the determination. No. 2:25-cv-09848 (C.D. Cal. May 20, 2026).

199. Respondents' policies invert that sequence for SIJ- and T-eligible children alike. Under *Matter of Pinzon Rozo* and the directives described above, courts deny continuance, administrative closure, and termination without any individualized assessment of the child's likelihood of success. *Matter of Hashmi*, 24 I&N Dec. 785 (BIA 2009); *Matter of L-A-B-R-*, 27 I&N Dec. 405, 413, 417 (A.G. 2018). A rule that treats the pendency of relief,

rather than the merits of the child's claim to it, as the reason to deny time is not an application of the good-cause standard.

200. Petitioners are entitled to a declaration that a child who is *prima facie* eligible for SIJ classification or T nonimmigrant status has the right to a reasonable opportunity to seek and access that relief, including the predicate state-court proceedings and USCIS adjudication Congress's scheme requires, before removal may be effected; that a child whom USCIS has already classified as a Special Immigrant Juvenile has the right to remain to seek the adjustment of status Congress promised; and that Respondents may not deny a continuance, administrative closure, or termination sought for those purposes without first making the individualized assessment of the merits of the child's claim to relief that Congress's scheme, the Board's own precedent, and the Constitution each require.

COUNT IX

Rescission of Victim-Based Protections Without Statutorily Required Process (8 U.S.C. § 1155; 8 C.F.R. § 205.2; 22 U.S.C. § 7105; 5 U.S.C. § 706(2)(A), (B), (C); U.S. Const. amend. V)

201. Petitioners incorporate all preceding paragraphs. This claim is brought by all Petitioners against all Respondents.
202. Congress permitted the revocation of an approved petition on one condition: "good and sufficient cause," 8 U.S.C. § 1155. Respondents' own regulation prescribes the exclusive procedure: notice of intent to revoke, an opportunity to offer evidence in opposition, a written decision, and a right of appeal. 8 C.F.R. § 205.2. Because physical presence is a condition of SIJ classification, 8 U.S.C. § 1101(a)(27)(J)(i), Respondents' policy of removing children granted that classification before they can adjust rescinds the classification in fact. A "revocation of these statutory rights without cause, notice, or

judicial review” that “render[s] SIJ status a nullity.” *Osorio-Martinez*, 893 F.3d at 172. Petitioners L.B.R.P., K.T.N., G.J.C.B. and N.D. hold approved classifications subject to this de facto rescission today.

203. The same practice rescinds the protections of child trafficking victims. The United States determined that F.Y.C.T. was subjected to a severe form of trafficking, 22 U.S.C. § 7105(b)(1)(G), and Congress attached entitlements to her pending application: a mandatory threshold assessment, eligibility for deferred action and employment authorization, and an automatic stay of removal upon a bona fide determination. Her removal, ordered where the court has acknowledged that such trafficking claims are likely to succeed (Pet. Exh. A, Hough Decl. ¶¶ 17, 19) rescinds those entitlements and nullifies the government’s own victim determination without process, individualized review, or reasoned explanation.

204. Respondents may not evade §§ 1155 and 205.2 by extinguishing the classification before it issues. Removal in anticipation of the grant rescinds the entitlement to the adjudication itself, accomplishing before approval what Respondents concede they could not lawfully accomplish after it.

205. Respondents’ de facto rescission of Petitioners’ protections is not in accordance with law, exceeds statutory authority, and deprives Petitioners of process the Fifth Amendment requires. It must be declared unlawful and set aside. 5 U.S.C. § 706(2)(A), (B), (C).

COUNT X

Removal of Child Trafficking Victims Without the Mandatory Bona Fide Determination (8 U.S.C. § 1227(d)(1); 8 C.F.R. § 214.204, 214.205; 22 U.S.C. § 7105; 5 U.S.C. § 706(2)(A), (C))

206. Petitioners incorporate all preceding paragraphs. This claim is brought by Petitioners F.Y.C.T. and JFCS against Respondents DHS, Mullin, USCIS, Edlow, ICE, Venturella, and Rife.

207. F.Y.C.T. is a child whom the United States has determined was subjected to a severe form of trafficking in persons. 22 U.S.C. § 7105(b)(1)(G). Her Form I-914 is pending before USCIS. Under Respondents' own regulations, USCIS conducts an initial bona fide determination on pending T applications, 8 C.F.R. § 214.205; a determination in the applicant's favor confers eligibility for deferred action and employment authorization, *id.* § 214.205(c), (e), and automatically stays any final order of removal until the application is finally adjudicated, *id.* §§ 214.204(b)(2)(iii), 214.205(g). And under 8 U.S.C. § 1227(d)(1), an individualized prima facie assessment of her application is the non-discretionary predicate to any decision concerning her removal.

208. Respondents' policy and practice is to pursue and effect the removal of child T applicants without conducting the bona fide or prima facie determination at all, thereby depriving these children of the interim protections, and the automatic stay, that Congress and Respondents' own regulations attach to that determination. That is the same "Blind Removal Policy" the court in *Immigration Center for Women & Children* found likely unlawful under § 1227(d)(1) and the APA, stayed under 5 U.S.C. § 705, and enjoined as to class representatives. It is not in accordance with law, exceeds statutory authority, and must be set aside. 5 U.S.C. § 706(2)(A), (C).

COUNT XI

**Alternatively: 8 U.S.C. § 1252 Unconstitutionality As Applied
8 U.S.C. § 1252 (U.S. Const. art. I, § 9, cl. 2; U.S. Const. amend. V; 28 U.S.C. §§ 2201–2202)**

209. Petitioners incorporate all preceding paragraphs. This claim is brought by all Petitioners against all Respondents.

210. Respondents are expected to contend that 8 U.S.C. § 1252(a)(5), (b)(9), (g), or (a)(2)(B) precludes district court review of the claims pleaded here. Properly construed, those provisions do not reach Petitioners’ collateral challenges to unpublished policies, for the reasons set forth in the Jurisdiction and Venue allegations, and the canon of constitutional avoidance requires that construction. *INS v. St. Cyr*, 533 U.S. 289, 299–300 (2001).

211. In the alternative, if any of those provisions were construed to preclude review of these claims, it would be unconstitutional as applied to Petitioners. Children removed before the processes Congress created for them can conclude will never hold a meaningfully reviewable order presenting these claims; a review scheme that arrives only after the right is destroyed is not an adequate substitute for the writ. U.S. Const. art. I, § 9, cl. 2; *Boumediene v. Bush*, 553 U.S. 723 (2008); *E.O.H.C. v. Secretary DHS*, 950 F.3d 177, 186 (3d Cir. 2020). The Third Circuit has held precisely this: a jurisdiction-stripping provision is unconstitutional under the Suspension Clause as applied to SIJ-designated children whose statutory rights removal would extinguish without meaningful review. *Osorio-Martinez*, 893 F.3d at 166–78. The same construction would independently deny Petitioners all process for the deprivation of their protected interests, in violation of the Due Process Clause of the Fifth Amendment.

212. Petitioners are entitled to a declaration that § 1252 does not preclude this action; or, in the alternative, that any preclusive application of § 1252 to these claims is unconstitutional and without effect. Petitioners reserve the right to seek habeas relief in the district of their confinement should any court conclude that habeas is the exclusive available vehicle for any claim pleaded here.

PRAYER FOR RELIEF

WHEREFORE, Petitioners respectfully request that this Court:

213. Declare that children who are prima facie eligible for Special Immigrant Juvenile classification have the right, under 8 U.S.C. §§ 1101(a)(27)(J) and 1232 and the Due Process Clause, to a meaningful opportunity to enter and complete the SIJ process, including access to state juvenile-court proceedings and adjudication of the Form I-360 petition within the period Congress prescribed, before removal may be effected;

214. Declare that children granted SIJ classification have the right, under 8 U.S.C. § 1255(h), to a meaningful opportunity to seek adjustment of status; that a pending visa backlog does not defeat prima facie eligibility for that relief; and that removing a child granted SIJ classification while adjustment remains available, or structuring or accelerating proceedings to that end, effects a de facto rescission of the classification without the cause determination, notice, opportunity to respond, written decision, and appeal that 8 U.S.C. § 1155 and 8 C.F.R. § 205.2 prescribe as the exclusive means of revocation, and is unlawful;

215. Declare that Respondents may not deny a continuance, administrative closure, or termination sought by a child to pursue SIJ classification, T nonimmigrant status, or

resulting adjustment without first making an individualized assessment of the merits of the child's claim to that relief;

216. Declare that Respondents may not remove a child with a pending application for T nonimmigrant status unless USCIS has first conducted the prima facie and bona fide determinations that 8 U.S.C. § 1227(d)(1) and 8 C.F.R. § 214.205 require; that a bona fide determination in the child's favor automatically stays any final order of removal, 8 C.F.R. §§ 214.204(b)(2)(iii), 214.205(g); and that no removal decision may disregard the government's own determination, under 22 U.S.C. § 7105(b)(1)(G), that the child is a victim of a severe form of trafficking;
217. Declare that immigration judges remain bound by 8 C.F.R. §§ 1240.10(a) and 1240.11(a)(2) to advise every child of her rights and apparent eligibility for relief and to afford an opportunity to apply, and that no removal or voluntary departure order entered against a child in violation of those regulations is lawful;
218. Declare that *Osorio-Martinez v. Attorney General*, 893 F.3d 153 (3d Cir. 2018), is controlling law within the Third Circuit; that, under the Board's own binding rules of decision, made obligatory for immigration judges by 8 C.F.R. § 1003.1(g)(1), the precedential decisions of the Board including *Matter of Cahuec Tzalam*, 29 I&N Dec. 300 (BIA 2025), *Matter of Pinzon Rozo*, 29 I&N Dec. 507 (BIA 2026), *Matter of Z-R-C-N-*, 29 I&N Dec. 523 (BIA 2026), and *Matter of N-A-G-C-*, 29 I&N Dec. 662 (BIA 2026) have no binding force in cases arising within this Circuit insofar as they conflict with *Osorio-Martinez*; and that Respondents may not apply those decisions, or direct their application, to Petitioners or to JFCS's current and future child clients in derogation of *Osorio-Martinez*, *Matter of Anselmo*, and 8 C.F.R. § 1003.1(g)(1);

219. Hold unlawful and vacate the Juvenile Relief-Foreclosure Policy and each of its components: the Time-Denial Directive, the Blanket-Opposition Directive, the Juvenile Docket-Acceleration Directive and the Counsel-Suppression and Advisal-Abandonment Practice. 5 U.S.C. § 706(2)(A)–(D);
220. Postpone the effective date and stay the implementation of each challenged policy pending review, 5 U.S.C. § 705;
221. Declare that no person may be adversely affected by, and enjoin Respondents from relying on or citing against any person, any directive required to be published or made available under 5 U.S.C. § 552(a) that Respondents have failed to publish or make available;
222. Enjoin Respondents, as to Petitioners L.B.R.P., K.T.N., N.D., G.J.C.B., F.Y.C.T., and K.Y.H.A., from removing them from the United States, and from applying the challenged policies to oppose or deny their requests for continuance, administrative closure, termination, or reopening, while their SIJ and T processes remain incomplete and while this action is pending including;
223. Declare that 8 U.S.C. § 1252 does not preclude this action; or, in the alternative, that any preclusive application of § 1252 to these claims is unconstitutional and without effect;
224. Award Petitioners their reasonable attorneys' fees and costs, including under the Equal Access to Justice Act, 28 U.S.C. § 2412; and
225. Grant any further relief as this Court deems just and proper.

Dated: July 29, 2026

Respectfully submitted,

/s/ Bridget Cambria

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VERIFICATION

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief, and that the matters alleged on information and belief I believe to be true. I make this verification in lieu of the individual Petitioners because Petitioners F.Y.C.T., G.J.C.B. and K.Y.H.A. are minors who appear through their next friend, and Petitioners L.B.R.P., K.T.N., and N.D. are recently adult victims of abuse, abandonment, or neglect facing imminent removal proceedings; and in lieu of Organizational Petitioner Jewish Family and Community Services of Pittsburgh, because of the urgent nature of the relief requested. I am authorized to make this verification as counsel of record for Petitioners in this action.

Dated: July 29, 2026

/s/ Bridget Cambria
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