

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

THE YOUNG CENTER FOR IMMIGRANT  
CHILDREN’S RIGHTS  
67 E Madison St., Suite 1810  
Chicago, IL 60603,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF  
JUSTICE,  
950 Pennsylvania Avenue, NW  
Washington, DC 20530, and

EXECUTIVE OFFICE FOR IMMIGRATION  
REVIEW  
5107 Leesburg Pike, Suite 2150  
Falls Church, VA 22041,

Defendants.

Civil Action No. \_\_\_\_\_

**COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF**

1. On April 30, 2026, pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, The Young Center for Immigrant Children’s Rights (Young Center) requested records from the United States Department of Justice (DOJ) and the Executive Office for Immigration Review (EOIR), a component of DOJ, pertaining to recent EOIR guidance that has led to changes in the processing of children’s removal proceedings in immigration court. Federal law requires the government to issue a determination on a FOIA request within 20 business days, or 30 business days under limited circumstances, and then promptly produce the requested documents. Defendants failed to comply with these obligations and the Young Center has not received a determination on its FOIA request or any documents. Through this lawsuit, the Young Center asks

this Court to compel EOIR and DOJ to comply with FOIA and promptly produce the requested documents.

## I

### JURISDICTION AND VENUE

2. This Court has jurisdiction over this action pursuant to 5 U.S.C. § 552(a)(4)(B) (FOIA jurisdiction provision) and 28 U.S.C. § 1331 (federal question jurisdiction). The District of Columbia is a proper venue. *See* 5 U.S.C. § 552(a)(4)(B) (District of Columbia a proper venue in a FOIA case).

## II

### PARTIES

3. Plaintiff Young Center is a nonprofit organization that protects and advances the rights and best interests of immigrant children and youth.

4. The Young Center is appointed as Child Advocate by the Office of Refugee Resettlement (ORR) of the United States Department of Health and Human Services. Among other things, ORR is responsible for the care and placement of immigrant children designated as “unaccompanied” by agents of the United States Department of Homeland Security. The Young Center is the only organization appointed by the federal government to serve as an independent Child Advocate for child trafficking victims and other vulnerable unaccompanied immigrant children in federal government custody, as authorized by the Trafficking Victims Protection Reauthorization Act.

5. As Child Advocate, the Young Center identifies the best interests of children on all issues impacting the child, and advocates for those interests with federal agencies making decisions in their cases, including advocating before immigration judges in removal proceedings. A child’s best interests are determined by considering not just their expressed wishes, but also the

child's safety and rights to family integrity, liberty, development, and identity, whether or not those issues are expressed. This is distinct from the role of a child's immigration attorney, who provides legal representation to the child in their immigration case and is obligated to pursue the child's expressed interests.

6. Defendant DOJ is a federal executive department with responsibility for law enforcement-related matters and for upholding the rule of law. It is headquartered in the District of Columbia. On information and belief, DOJ, or one of its components, has possession or control over some or all of the requested documents.

7. Defendant EOIR is a component of DOJ that is charged with operating the nation's immigration courts and adjudicating immigration cases before immigration courts. It is headquartered in Falls Church, Virginia. On information and belief, EOIR has possession of and control over some or all of the requested documents.

### **III**

#### **FACTS**

8. Immigration judges are employees of EOIR. They hear the cases of individuals that the government is trying to remove from the United States.

9. On information and belief, immigration judges received new guidance from EOIR related to the scheduling and processing of children's immigration cases on or about April 1, 2026. Thereafter, children in ORR custody, including children to whom the Young Center has been appointed as Child Advocate, received expedited court dates in their removal proceedings. EOIR rescheduled hearing dates for children on short notice and, in many cases, moved up their hearings by months. In addition, the Young Center understands that this new guidance restricted immigration judges' ability to grant continuances in children's immigration cases.

10. Expediting processes for children in removal proceedings impedes the child's ability to fully participate in their court case and to seek legal relief to which they may be entitled. Children, especially those in ORR custody, often need additional time to find legal representation in their immigration case, meet with their attorney to discuss their case, gather evidence to support their case, and/or prepare the necessary documents to apply for relief. Without being given the necessary amount of time to prepare their case or to be heard by the immigration courts, children are very unlikely to be able to effectively assert their rights and avoid unlawful removal.

11. As Child Advocate, the Young Center works with children that have been or will be affected by any EOIR guidance related to the scheduling and processing of children's immigration cases. Accordingly, on April 30, 2026, the Young Center submitted a FOIA request regarding such guidance through the government's FOIA Public Access Link (PAL) to both EOIR and DOJ. It stated the following:

On information and belief, immigration judges received new guidance from EOIR related to the scheduling and processing of children's immigration cases on or about April 1, 2026. The requests below seek that guidance, regardless of its format (e.g., email, guidance, directive, etc.), and any related documents.

...

Requestor sets forth the requests ("Request," in the singular, and "Requests," in the plural) for the records and documents described below. **This Request seeks documents created or transmitted on or after March 1, 2026, unless otherwise stated in an individual Request.**

Request No. 1

All guidance, directives, policies, procedures, and memoranda from EOIR pertaining to the scheduling or processing of children's cases in Immigration Courts.

Request No. 2

All communications from EOIR to judges in Immigration Courts and/or other EOIR staff pertaining to the scheduling or processing of children's cases in Immigration Courts.

Request No. 3

All guidance, directives, policies, procedures, and memoranda from EOIR pertaining to how the Immigration Courts handle removal proceedings for unaccompanied children in ORR custody.

Request No. 4

All communications from EOIR to immigration judges and/or other EOIR staff pertaining to how the Immigration Courts handle removal proceedings for unaccompanied children in ORR custody.

Request No. 5

All guidance, directives, policies, procedures, and memoranda from EOIR pertaining to competency hearings held in accordance with *Matter of M-A-M-*, 25 I&N Dec. 474 (BIA 2011).

12. The Young Center also requested expedited processing (*see* 5 U.S.C. § 552(a)(6)(E); 28 C.F.R. § 16.5(e)) and a fee waiver (*see* 5 U.S.C. § 552(a)(4)(A)(iii); 28 C.F.R. § 16.10(k)).

13. On April 30, 2026, EOIR acknowledged receipt of the Young Center's FOIA request and assigned the request a control number of 2026-39029.

14. That April 30 acknowledgment states that the FOIA request "involves 'unusual circumstances,' and EOIR is extending the time period to respond by an additional 10 working days because your request requires the collection of records from field offices, or involves a search, collection, and review of voluminous records, or requires consultation with another agency or two or more agency components."

15. The Young Center disagrees that its request for guidance and related documents presents such unusual circumstances. In fact, in the following paragraph, the April 30 acknowledgement states "EOIR FOIA requests are placed in one of three tracks.... Track two is for simple requests that do not involve voluminous records or lengthy consultations with other entities.... As a matter of default, your request has been placed in track two for simple requests."

16. On May 4, 2026, EOIR denied the Young Center's request for expedited processing.

17. FOIA requires agencies to “determine within 20 days (excepting Saturdays, Sundays, and legal public holidays) after the receipt of [a FOIA] request whether to comply with such [a] request[,] ... immediately notify the person making such request of ... such determination and the reasons therefor[,]” and provide information regarding the right to seek assistance from the FOIA Public Liaison and the right to appeal an adverse decision. 5 U.S.C. § 552(a)(6)(A)(i); *see also* 28 C.F.R. § 16.5 (regarding timing of responses to requests to DOJ and its components). After a determination is made, the agency must “make the records promptly available.” 5 U.S.C. § 552(a)(3)(A).

18. An agency is permitted a ten working day extension if statutorily defined “unusual circumstances” apply and written notice is made to the requestor setting forth those unusual circumstances. 5 U.S.C. § 552(a)(6)(B); *see also* 28 C.F.R. § 16.5(c) (DOJ regulation regarding application of the unusual circumstances exception). As described above, EOIR claimed this ten working day extension and the Young Center disagrees that its request presents such unusual circumstances that would justify that extension. If the ten-day extension applied, EOIR's deadline to issue its determination on the FOIA request passed on June 12, 2026.

19. As of the date of the filing of this Complaint, the status in the government's FOIA Public Access Link (PAL) is that the request is “Assigned for Processing,” not “In Process” (which means the “Request is actively being processed”) or “Closed” (which means that “[t]he Agency's response ... was sent and your request is closed”).

20. As of the filing of this Complaint, Defendants have not issued a determination on the FOIA request or produced any documents.

21. Plaintiff exhausted its administrative remedies. *See* 5 U.S.C. § 552(a)(6)(C)(i) (“Any person making a [FOIA] request to any agency for records ... shall be deemed to have exhausted his administrative remedies with respect to such request if the agency fails to comply with the applicable time limit provisions of [FOIA].”).

#### IV

#### **CLAIM FOR FAILURE TO PRODUCE DOCUMENTS IN VIOLATION OF FOIA AND ITS IMPLEMENTING REGULATIONS**

22. FOIA and its implementing regulations required Defendants to issue their determination(s) on the Young Center’s FOIA request and produce the documents pursuant to the timelines described above. *See* 5 U.S.C. § 552(a)(6)(A)(i), (a)(3)(A); 28 C.F.R. § 16.4-16.6. Defendants violated FOIA and its implementing regulations by failing to do so.

#### V

#### **REMEDY**

Plaintiff hereby requests that the Court:

- (1) Declare that Defendants’ failure to issue a timely determination and produce the documents requested is unlawful;
- (2) Order Defendants to issue a prompt determination and produce the documents to Plaintiff;
- (3) Award Plaintiff’s reasonable attorneys’ fees and other litigation costs reasonably incurred in this action, as provided in 5 U.S.C. § 552(a)(4)(E); and
- (4) Grant such other and further relief the Court may deem just and proper.

Respectfully submitted,

*/s/ Amelia Friedman*

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June 16, 2026

*/s/ Todd A. Gluckman*

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