

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

CENTER FOR FAMILY REPRESENTATION
40 Worth Street, Suite 605
New York, NY 10013,

Plaintiff,

-v.-

UNITED STATES DEPARTMENT OF
HOMELAND SECURITY,
2707 Martin Luther King Jr. Avenue, SE
Washington, DC 20528, and

UNITED STATES IMMIGRATION AND
CUSTOMS ENFORCEMENT
500 12th Street, SW
Washington, DC 20536,

Defendants.

____ Civ. ____ (____)

**COMPLAINT FOR DECLARATORY
AND INJUNCTIVE RELIEF**

1. On February 2, 2026, pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, the Center for Family Representation (CFR) requested records from the United States Department of Homeland Security (DHS) and the United States Immigration and Customs Enforcement (ICE), a component of DHS, pertaining to ICE Directive 11064.4, entitled “Detention and Removal of Alien Parents and Legal Guardians of Minor Children” (“the Directive”). The government failed to issue a timely determination on the request and then refused to search for and produce any documents, asserting that the request is overly burdensome and voluminous. Through this lawsuit, CFR asks this Court to compel DHS and ICE to comply with FOIA and promptly search for and 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 Southern District of New York is a proper venue because CFR has its headquarters and principal place of business in this District. *See* 5 U.S.C. § 552(a)(4)(B).

II

PARTIES

3. Plaintiff CFR is a nonprofit organization that has provided free legal representation and social work services to low-income parents involved in child welfare proceedings in Family Court in New York City for over 25 years. CFR currently represents 1,800 parents involved in child welfare cases, 27% of whom (approximately 485), are non-citizens. CFR's work also includes immigration, civil and criminal defense, as well as policy advocacy, with the goal of offering holistic resources to clients and to keep families together. CFR represents many of its non-citizen parent clients in defensive or affirmative immigration proceedings and assists them to plan for their children's custody and welfare if they are detained or deported.

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

5. Defendant ICE is a component of DHS that is charged with issues related to enforcement of immigration laws. It is headquartered in the District of Columbia. On information and belief, ICE has possession of or control over some or all of the requested documents.

III

FACTS

6. On July 2, 2025, ICE published Directive 11064.4, entitled “Detention and Removal of Alien Parents and Legal Guardians of Minor Children.” The Directive establishes ICE policy regarding the arrest, detention, and removal of noncitizen parents and legal guardians of minor children and is meant to “ensure that the agency’s enforcement actions do not unnecessarily infringe upon the legal parental or guardianship rights and obligations.” Directive 11064.4, Section 2. Among other things, the Directive sets forth protocols designed to facilitate parental or guardian involvement in the continued care of their minor children; regular visitation with their children; and participation in family court, child welfare, or guardianship proceedings pertaining to their children.

7. It has been estimated that upwards of 145,000 children who are United States citizens have had their parent detained between January 2025 and early April 2026, and that approximately 36% of those children were younger than six years old.¹ There are many stories of individual detained parents not receiving opportunities to visit with their children, arrange for their safe care, or be involved in their care.² As a result, there are numerous reports of children left in

¹ See Maria Cancian, et al., The administration has detained 400,000 immigrants: What do we know about their children?, The Brookings Institution (May 18, 2026), <https://www.brookings.edu/articles/the-administration-has-detained-400000-immigrants-what-do-we-know-about-their-children/> (archived [here](#) on August 18, 2026).

² See Jeff Ernsthausen, et al., Trump Has Detained the Parents of More than 11,000 U.S. Citizen Kids, ProPublica (March 23, 2026), <https://www.propublica.org/article/trump-family-deportations-ice-citizen-kids> (archived [here](#) on August 18, 2026); Maya Yang, Over 145,000 US children separated from parents since Trump’s ICE surge, study estimates, The Guardian (May 18, 2026), <https://www.theguardian.com/us-news/2026/may/18/children-parents-detained-trump-mass-deportation-push> (archived [here](#) on August 18, 2026); Maanvi Singh, Trump administration is deporting parents without their children in violation of its own policies, report finds, The Guardian (March 19, 2026) (“March 19, 2026 Guardian Article”),

vulnerable circumstances without a clear guardian or plan of care and of parents detained without the ability to shape their children's care.³

8. CFR works with families that have been or will be affected by the Directive. The disparity between the policies set out in the Directive, and ICE's actual treatment of parents (as described above in media reports and in CFR's experience) makes it more difficult for CFR to effectively advise and represent parents and to perform other work to serve the community.

9. On February 2, 2026, CFR's FOIA request was submitted to DHS and ICE through the government's Secure Release Portal. It asked for the following documents:

Request No. 3⁴

All records of policies, procedures, and guidance pertaining to implementation of the Directive.

Request No. 4

All records constituting a data evaluation or analysis regarding detained Covered Individuals made by the ERO [Enforcement and Removal Operations] Detained Parent Coordinator or any other ICE staff (as referenced in paragraph 4.3(2) of the Directive).

Request No. 5

All records provided by the ERO Detained Parent Coordinator or any other ICE staff to FODs [Field Officer Directors], Detained Parent Field POCs [Points of Contact], ERO Field Operations, and other ERO HQ personnel on the subjects listed in sub-paragraphs 4.3(3)(a) through 4.3(3)(e) of the Directive.

<https://www.theguardian.com/us-news/2026/mar/19/trump-deportation-children-trauma> (archived [here](#) on August 18, 2026).

³ See March 19, 2026 Guardian Article; Maanvi Singh and Will Craft, Revealed: The Trump administration arrested the parents of at least 27,000 kids in seven months, ICE records show, The Guardian (May 8, 2026), <https://www.theguardian.com/us-news/ng-interactive/2026/may/08/trump-administration-parents-arrested> (archived [here](#) on August 24, 2026).

⁴ To narrow the dispute before this Court, Plaintiff no longer requests that the government produce the documents responsive to requests 1 and 2. Accordingly, this list begins with request number 3.

Request No. 6

All records documenting “complaints received by ICE regarding the parental or guardianship interests of detained Covered Individuals” as referenced in paragraph 4.3(4) of the Directive.

Request No. 7

All records reflecting training and information on the Directive provided by the ERO Detained Parent Coordinator or any other ICE staff to Field POCs and state child welfare stakeholders as referenced in paragraph 4.3(5) of the Directive.

Request No. 8

All records documenting ICE staff “facilitating detained Covered Individuals’ participation in programs or training ordered or required by a state child welfare agency or relevant court, such as parenting or anger management classes” as referenced in paragraph 4.5(4) of the Directive.

Request No. 9

All records reflecting communications between Detained Parent Field POCs and the ERO Detained Parent Coordinator (or any other ICE staff) and the Office of the Principal Legal Advisor (OPLA) regarding the implementation of the Directive as referenced in paragraph 4.5(5) of the Directive.

Request No. 10

All records of procedures that require ICE personnel to affirmatively inquire about parental or legal guardian status upon ICE’s first encounter with an alien as specified in paragraph 5.1 of the Directive.

Request No. 11

All records reflecting information input into EARM [ENFORCE Alien Removal Module] or any successor system of record regarding Covered Individuals, including a determination by ICE that an “encountered alien is a Covered Individual,” as referenced in paragraph 5.1 of the Directive.

Request No. 12

All records constituting notifications from ICE personnel to the FRO [Field Responsible Official] (directly or through the chain of command) of the identification of any Covered Individual as referenced in paragraph 5.1 of the Directive.

Request No. 13

All records documenting decisions by Covered Individuals to transfer physical custody of minor child(ren) to an identified third party, including but not limited to those entered in EARM or any successor system of record as referenced in paragraph 5.2(1) of the Directive.

Request No. 14

All records showing notifications to local child welfare authorities or law enforcement agencies and ICE's assumption of physical custody of the minor child(ren), including but not limited to those documented in EARM or any successor system of record and reported to the applicable Detained Parent Field POC(s), as referenced in paragraph 5.2(2) of the Directive.

Request No. 15

All records showing communications to HHS/ORR [Department of Health and Human Services/Office of Refugee Resettlement] advising of transfers of a Covered Individual determined to be an Unaccompanied Alien Child as referenced in paragraph 5.2(4) of the Directive.

Request No. 16

All DHS policies published since January 1, 2025, regarding the transfer of a child of a Covered Individual to HHS/ORR custody or a determination that the child of a Covered Individual is an Unaccompanied Alien Child.

Request No. 17

All records showing documentation of actions taken pertaining to a Covered Individual's participation in family court or child welfare or guardianship proceedings, including but not limited to those entered in EARM or any successor system of record, as referenced in paragraph 5.4(3) of the Directive.

Request No. 18

All records documenting decisions of Covered Individuals not to attend and/or participate in a family court or child welfare or guardianship proceeding, or to attend virtually as opposed to in person, including but not limited to those entered in EARM or any successor system of record and including any written statements from Covered Individuals, as referenced in paragraph 5.4(4) of the Directive.

Request No. 19

All records constituting a "written request" as to visitation, as referenced in paragraph 5.5(1)(a) of the Directive.

Request No. 20

All records documenting parent-child or legal guardian-child visitation, including but not limited to those entered in EARM or any successor system of record, as referenced in paragraph 5.5(1)(d) of the Directive.

Request No. 21

All records documenting any request by a Covered Individual "for reunification and removal with their minor child(ren) prior to removal," as referenced in paragraph 5.6(1) of the Directive.

Request No. 22

All records documenting actions taken by the Detained Parent Field POCs or any other ICE staff to facilitate a detained Covered Individual's efforts to make arrangements for their minor child(ren) "[w]hen a detained Covered Individual is subject to a final order of removal and ICE is effectuating their removal,"^[7] as referenced in paragraph 5.6(1) of the Directive.^[8]

Request No. 23

All records documenting consideration by ICE staff of the ^[9]factors listed in paragraph 5.6(4) of the Directive,^[10] including but not limited to those entered in EARM or any successor system of record as referenced in paragraph 5.6(5) of the Directive.

Request No. 24

All documentation of Covered Individuals' decisions to leave their minor child(ren) in the U.S. under paragraph 5.7 (written and/or sworn statements) of the Directive.

Request No. 25

All documentation of ICE removal decisions of Covered Individuals under paragraph 5.7 of the Directive.

Request No. 26

All records constituting "training materials" referenced in paragraph 5.8 of the Directive.

Request No. 27

All records concerning ERO's development of a system for maintaining information concerning Covered Individuals used by ERO as referenced in paragraph 5.9 of the Directive.

Request No. 28

All records constituting completed ICE Form 71-076 as referenced in paragraph 8.1 of the Directive.

Request No. 29

All records constituting completed ICE Form 71-078 as referenced in paragraph 8.2 of the Directive.

Request No. 30

All records constituting completed ICE Form 71-080 as referenced in paragraph 8.3 of the Directive.

10. CFR requested expedited processing of the FOIA request (*see* 5 U.S.C. § 552(a)(6)(E); 6 C.F.R. § 5.5(e)) and a fee waiver (*see* 5 U.S.C. § 552(a)(4)(A)(iii); 6 C.F.R. § 5.11(k)).

11. When a requestor has made a request for expedited processing, the agency must determine whether or not to grant expedited processing within ten days of the request and must notify the requestor as to the determination. *See* 5 U.S.C. § 552(a)(6)(E)(ii)(I); 6 C.F.R. § 5.5(e)(4). That deadline was February 12, 2026. The Defendants made no response to the request for expedited processing by February 12, 2026, or by the date of this Complaint.

12. ICE assigned the FOIA request a tracking number: 2026-ICFO-15212.

13. 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* 6 C.F.R. § 5.5 (regarding timing of responses to requests to DHS). After a determination is made, the agency must “make the records promptly available.” 5 U.S.C. § 552(a)(3)(A).

14. 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* 6 C.F.R. § 5.5(c) (DHS regulation regarding application of the unusual circumstances exception). CFR received no such extension notification.

15. On June 12, 2026, well after the deadline for responding to the FOIA request, the ICE FOIA Office denied the FOIA request, stating that it was “overly broad, unduly burdensome on the agency, or does not reasonably describe the records” sought.

16. Plaintiff administratively appealed. On August 11, 2026, the ICE FOIA Office adjudicated that appeal, stating that the “FOIA Request is overly burdensome and voluminous and

[the] appeal is denied.” The letter further stated that “ICE affirms the determination of the ICE FOIA Office to administratively close 2026-IFCO-15212.”

17. All of the requests are tied directly to the implementation of the ICE Directive at issue, which relates to the detention and removal of parents and legal guardians of minor children. The requests identify specific forms enumerated in the Directive along with policies and materials expressly referenced and/or required in the Directive. Moreover, ICE Enforcement and Removal Operations is required by the Directive to “collect and maintain relevant data and information related to Covered Individuals,” the very information requested here, and to “develop a system for maintaining this information in a manner that permits continuous monitoring and tracking of such individuals to ensure compliance with the Directive.” Directive 11064.4, Section 5.9. The requests are not overly burdensome.

18. Plaintiff now seeks judicial review. *See* 5 U.S.C. 552(a)(4)(B); 6 C.F.R. § 5.8(e).

IV

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

19. FOIA and its implementing regulations required Defendants to timely search for, issue a determination, and produce the documents described in Plaintiff’s request. *See* 5 U.S.C. § 552(a)(3)(A)-(D), (6)(A)(i)); 6 C.F.R. §§ 5.4-5.6.

20. Defendants have violated FOIA and its implementing regulations by failing to timely search for, issue a determination, and produce all documents responsive to Plaintiff’s FOIA request.

21. Defendants have violated FOIA and its implementing regulations by withholding responsive documents that they have no lawful basis to withhold.

V

REMEDY

Plaintiff hereby requests that the Court:

- (1) Declare that Defendants' failure to conduct a reasonable search for records responsive to Plaintiff's FOIA request is unlawful;
- (2) Declare that Defendants' failure to timely issue determination(s) and produce the records requested is unlawful;
- (3) Order Defendants to promptly search for and produce all records responsive to Plaintiff's FOIA request to Plaintiff CFR;
- (4) Award Plaintiff CFR'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
- (5) Grant such other and further relief the Court may deem just and proper.

Respectfully submitted,

/s/ Amelia Friedman

AMELIA FRIEDMAN, *Pro Hac Vice*
Motion Forthcoming
THE YOUNG CENTER FOR IMMIGRANT
CHILDREN'S RIGHTS
8100 Washington Ave, Suite 150C
Houston, TX 77007
(346) 887-8118
afriedman@theyoungcenter.org

September 14, 2026

/s/ Todd A. Gluckman

TODD A. GLUCKMAN
MOLLY R. BERNSTEIN, *Pro Hac Vice*
Motion Forthcoming
Terris, Pravlik & Millian, LLP
1701 K Street, NW, Suite 500
Washington, DC 20006
(202) 682-2100
tgluckman@tpmlaw.com
mbernstein@tpmlaw.com

Counsel for Plaintiff