

Congress of the United States

Washington, DC 20515

September 29, 2025

The Honorable Kristi Noem
Secretary
U.S. Department of Homeland Security
Washington, D.C. 20528

Secretary Noem,

We have deep concern regarding recent reports that the Department of Homeland Security (DHS) is summarily returning unaccompanied migrant children to their countries of origin, contrary to longstanding requirements under the bipartisan Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA). Given that we know the Trump Administration has no concern for keeping families together, we expect that DHS's new policy will deprive children of due process and place them in grave danger of trafficking and other harm.

On July 23, 2025, CNN and CBS News reported that Customs and Border Protection (CBP) officials will now offer unaccompanied children aged 14 and older the option to "self-deport." DHS will swiftly remove "self-deported" children to the same countries they fled rather than transfer them into child-appropriate U.S. shelters, ensure they receive anti-trafficking screenings by attorneys, and enable presentation of their protection claims before U.S. immigration judges.

The shift in policy runs counter to laws that Congress passed on a broad bipartisan basis to protect unaccompanied children from trafficking and exploitation. Under the TVPRA, DHS must transfer unaccompanied children at the U.S. border who are nationals of countries other than Mexico and Canada into the custody of the Office of Refugee Resettlement (ORR) as well as place them into proceedings before immigration court judges. The requirements by law serve to ensure that qualified legal services providers can appropriately screen children in ORR custody for trafficking and other protection concerns, and to accord children a full and fair legal process for pursuing humanitarian protection for which they may be eligible.

While children at the U.S. border who are nationals of countries other than Mexico and Canada are screened by qualified legal services providers who can appropriately identify trafficking and other protection concerns, children from Mexico or Canada are screened at the border. DHS border screenings have routinely failed to properly discern and document trafficking indicators and protection concerns. As a result, children from Mexico and Canada with valid protection claims have regularly faced summary removal to the harms they sought to escape.

Yet rather than mend the deficiencies of this process for Mexican and Canadian unaccompanied children, it appears that the Trump Administration is continuing to allow policy failures that harm unaccompanied children. Moreover, they are creating more harmful procedures for unaccompanied children of other nationalities. Alarming, CNN has reported that Customs and Border Protection personnel were directed to ask all unaccompanied children they encounter in any immigration enforcement operations across the country whether they want to voluntarily depart. The practice raises concerns that the Trump Administration will expand the summary return of unaccompanied children.

DHS claims that the One Big Beautiful Bill Act (H.R. 1) authorizes the new procedure of deporting unaccompanied migrant children to their countries of origin, even though it conflicts with the TVPRA. Presumably, the Department is relying on Section 100051(8), which provides funding for the removal of “specified” unaccompanied children. But DHS should read the section in harmony with the TVPRA by honoring the rule of law that protects unaccompanied children who present trafficking or other protection concerns.

Accordingly, we call upon the Trump Administration to immediately reverse course and faithfully implement the TVPRA. Doing so requires transferring unaccompanied children from noncontiguous countries into child-appropriate shelters, ensuring they receive proper protection screenings by attorneys, and affording them a meaningful opportunity to pursue legal relief before an immigration judge. We also request transparency on DHS’s policy deviating from TVPRA and summarily returning unaccompanied migrant children to their countries of origin, including this policy’s nature and scope, through a formal staff briefing and written responses to the following questions no later than October 10, 2025.

- (1) Please provide copies of any written directives, memoranda, instructions, training materials, or legal interpretations regarding this new policy, including as it relates to provisions of H.R. 1. Please also provide written summaries of any oral directives.
- (2) Please describe the “voluntary departure” process under this new policy, including as it relates to: (1) which DHS personnel will administer screenings; (2) to what extent, if any, those personnel have been trained in child-appropriate, trauma-informed interviewing; (3) screening protocols, questions, and locations/environments, including any confidentiality safeguards and whether screened children are accorded access to counsel; (4) procedures for “offering” children the option to self-deport and any associated due process protections.
- (3) Please clarify whether this policy is and/or will be applied exclusively to unaccompanied children at the U.S. border or also to unaccompanied children in the U.S. interior. Are there any restrictions relating to the length of time that unaccompanied children subject to this policy have been in the United States?
- (4) Please describe the locations and conditions in which “self-deported” children are and/or will be held in the United States until their removals are effectuated.

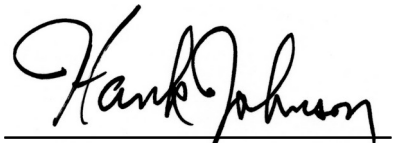
- (5) Has DHS been in communication with the consulates or governments of Mexico, Honduras, El Salvador, Guatemala, and other countries about this policy shift? If so, please describe and provide copies of any relevant written agreements. Have any of these countries expressed concerns about such returns, including reception capacity, access to protection, and the safety and well-being of unaccompanied children?
- (6) What steps, if any, will DHS take to ensure compliance with the TVPRA's provisions regarding safe repatriation, including assessment of the safety of the country and conditions to which a child would be returning? And what steps, if any, will DHS take to ensure there is a safe family member available to care for any child who will be removed? Are there any circumstances under which self-deported unaccompanied children have been or would be returned to countries other than their countries of origin?
- (7) Please provide the following data, disaggregated by children's age, sex, country of nationality, and whether these children were screened at the U.S. border or in the U.S. interior: (1) number of unaccompanied children "offered" the option to withdraw their applications for admission to the United States pursuant to this new policy; (2) number of children who withdrew their applications for admission; and (3) number of children removed, including as disaggregated by country of removal.

As the summary return of unaccompanied children, including children who may not understand their rights or that they are even being returned to their countries of origin, appears to fail that commitment, we expect a quick response to the urgent matter.

Sincerely,



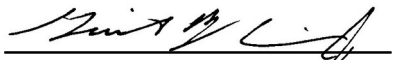
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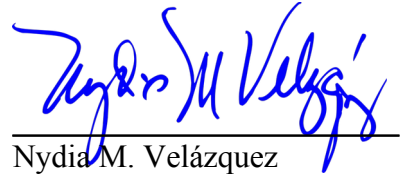
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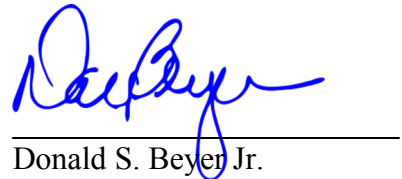
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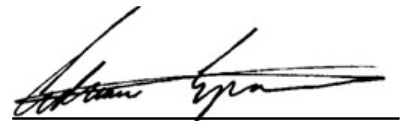
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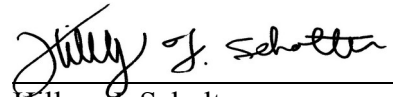
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