

Congress of the United States

Washington, DC 20515

September 12, 2025

The Honorable Robert F. Kennedy, Jr.
Secretary of Health and Human Services
U.S. Department of Health and Human Services
200 Independence Ave SW
Washington, DC 20201

The Honorable Pamela Bondi
Attorney General
U.S. Department of Justice
950 Pennsylvania Ave NW
Washington, DC 20530

The Honorable Kristi Noem
Secretary of Homeland Security
U.S. Department of Homeland Security
245 Murray Lane SW
Washington, DC 20528

The Honorable Marco Rubio
Secretary of State
U.S. Department of State
2201 C St. NW
Washington, DC 20520

Dear Secretary Rubio, Attorney General Bondi, Secretary Kennedy, and Secretary Noem:

We write in response to deeply disturbing allegations that the Department of Health and Human Services' (HHS) Office of Refugee Resettlement (ORR) and Department of Homeland Security (DHS) attempted to unlawfully remove unaccompanied children (UACs) from the United States in the dead of night, during a holiday weekend. We are concerned that you violated these children's due process and procedural rights, and in doing so, abandoned your legal obligation to safeguard the best interests of the children in your care.

On the evening of Friday, August 29, staff at ORR shelters received notice to prepare children to depart the country, and attorneys for the children learned for the first time that their clients were facing return to Guatemala.¹ In the wee hours of Sunday, August 31, the Trump administration put 76 Guatemalan children on planes bound for Guatemala.² These planned removals came as a total surprise to the children and their attorneys, as many, if not all, of the children that DHS attempted to remove were properly participating in ongoing immigration court proceedings and requesting relief from removal because they did not want to, and in many cases feared, return to their home country.³ Even after a federal judge issued a temporary restraining order (TRO) at 4:22am, children continued to be transferred onto planes as late as 10:30am.⁴ Reports suggest that government officials did not respond to requests by the presiding federal judge to transmit the court's order to your Departments to ensure compliance, even as officials worked through the night to rush these children out of the country.⁵

UACs are among the most vulnerable children attempting to navigate our complex immigration system. They must trust in the government's care, frequently having fled abuse, violence, and persecution abroad. They are entitled to notice and due process under the Constitution, and the Trafficking Victims Protections Reauthorization Act (TVPRA) sets forth special procedures for the removal or voluntary departure of UACs to ensure they receive such process. If DHS seeks to remove any UAC who is not from Mexico or Canada, it must place the child in removal proceedings under section 240 of the Immigration and Nationality Act (INA) and wait until such child is issued a final order of removal or receives voluntary departure after an Immigration Judge adjudication.⁶ As noted above, many children

¹ *L.G.M.L. v. NOEM*, 1:25-cv-02942.

² *Id.*

³ *L.G.M.L. v. Noem*, 1:25-cv-02942, ECF No. 2 (D.D.C. filed Aug. 31, 2025), Emergency Motion For Temporary Restraining Order And Memorandum Of Law In Support.

⁴ *L.G.M.L. v. Noem*, 1:25-cv-02942, ECF No. 12 (D.D.C. filed Aug. 31, 2025), Transcript of Proceedings.

⁵ *Id.*

⁶ Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA), 8 U.S.C. § 1232(a)(2); 8 U.S.C. § 1232a(a)(5)(D).

slated for “repatriation” were in such proceedings and had not received a final order of removal or agreed to voluntary departure. Most received no explanation from the government as to why their cases were being dropped from immigration court dockets.⁷

Multiple public reports indicate these actions were part of an orchestrated plan to remove hundreds of Guatemalan children without any regard for their best interests, wishes, or safety.⁸ Affidavits submitted to the U.S. District Court for the District of Columbia indicate that many of the children on the planes expressed fear of returning to Guatemala and had pending applications for asylum, Special Immigrant Juvenile Status, or other protection.⁹ According to a report by a Guatemalan attorney general’s office, and contrary to initial assertions by the Trump Administration, Guatemalan authorities were unable to contact the vast majority of the families of the children slated for return, and the majority of those who they did contact stated that they did not request their children’s return and, in fact, “expressed anger” at the prospect of their children being returned; some even described their contact with Guatemalan officials as “intimidating” and said they were told that they needed to take their children back.¹⁰ This report was then later substantiated by a Department of Justice attorney representing the government at a September 10th hearing, withdrawing the government’s previous statements in court. It also does not appear that children were screened for concerns related to abuse or neglect in their home country.¹¹

As the Ranking Members of the Committees and Subcommittees with primary jurisdiction over the TVPRA and the INA, it is our responsibility to conduct oversight over implementation of these laws, ensuring that HHS, ORR, DHS, and the immigration courts meet their legal and ethical obligations under the law with respect to the care and protection of unaccompanied children. This situation is alarming, unacceptable, and raises serious concerns as to whether you are meeting your basic obligations to act in the best interests of children in your care.

Accordingly, we ask the Departments to provide written responses to the inquiries below by no later than **September 29, 2025**:

1. What steps are DHS and ORR taking to meet their legal obligation to ensure that children from noncontiguous countries are given the proper opportunity to appear before an immigration judge if DHS seeks to remove that unaccompanied child from the United States?
2. What are the terms of agreement the Trump Administration made with the government of Guatemala to initiate these repatriations? Please share a copy of the agreement.

⁷ Valerie Gonzalez, et al., *A judge blocks the deportation of Guatemalan children already waiting on the tarmac to be sent back*, ASSOC. PRESS (August 31, 2025), <https://apnews.com/article/immigration-unaccompanied-children-trump-deportations-guatemala-3790909d69f19fd8cd8edffb6b3215c3>.

⁸ Jody Gatica, et al., *U.S. is working with Guatemala to Return Hundreds of Children*, NEW YORK TIMES (August 29, 2025), <https://www.nytimes.com/2025/08/29/us/immigration-guatemala-children.html>; Kyle Cheney and Josh Gerstein, *Judge blocks flights sending hundreds of children back to Guatemala*, POLITICO (August 31, 2025), <https://www.politico.com/news/2025/08/31/judge-blocks-deportation-guatemalan-children-00538395>; Chiara Eisner, *Hundreds of unaccompanied Guatemalan children can stay in the U.S. for now, judge says*, NPR (August 31, 2025), <https://www.npr.org/2025/08/31/nx-s1-5524312/federal-judge-block-guatemalan-children-deportation>.

⁹ *L.G.M.L. v. Noem*, 1:25-cv-02942, ECF No. 20 (D.D.C. filed Sep. 3, 2025), Motion for Preliminary Injunction by Plaintiffs with attachments.

¹⁰ Emily Green, et al., *Exclusive: Guatemalan document undercuts US claims on child deportations*, Reuters (September 3, 2025), <https://www.reuters.com/legal/government/guatemalan-document-undercuts-us-claims-child-deportations-2025-09-03/>; Guatemala National Office of the Attorney General, *Family Care and Identification Actions for Unaccompanied Migrant Children and Adolescents in the United States of America*, with certified English translation.

¹¹ Emily Green, et al., *Exclusive: Guatemalan document undercuts US claims on child deportations*, Reuters (September 3, 2025), <https://www.reuters.com/legal/government/guatemalan-document-undercuts-us-claims-child-deportations-2025-09-03/>.

3. How many Guatemalan children in ORR custody have final orders of removal from an immigration judge? How many have requested voluntary departure before an immigration judge, and/or had that request adjudicated?
4. What are the training requirements for officials who interview or question children? Please provide a copy of all training materials.
5. For children who have been granted voluntary departure or have a final removal order, how are the agencies ensuring that protocols are followed to ensure safe repatriation as required by law?
6. Under what authority are children who have pending asylum cases or other immigration benefits requests determined eligible for removal or repatriation?
7. How are the agencies ensuring compliance with confidentiality regulations under asylum law or other statutory confidentiality requirements that are applicable based on the type of application filed by the child, including ensuring that information included in asylum applications is not shared with the child's country of origin?

We understand that responses to some of these questions may relate to ongoing litigation; however, the Supreme Court has held that legal proceedings do not limit the right of Congress to conduct its own investigations.¹² You are obligated to produce the requested information.

Thank you for your prompt attention to this matter. We look forward to receiving your responses in a timely manner.

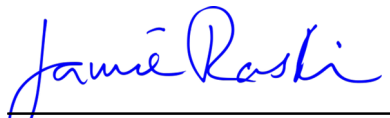
Sincerely,



Alex Padilla
Ranking Member, Judiciary
Subcommittee on Border
Security and Immigration



Richard J. Durbin
United States Senator
Ranking Member, Senate
Committee on the Judiciary



Jamie Raskin
Ranking Member
House Committee on the
Judiciary



Pramila Jayapal
Ranking Member
Immigration Integrity,
Security, and Enforcement
House Judiciary Committee

¹² *McGrain v. Daugherty*, 273 U.S. 135 (1927).