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United States Senate
COMMITTEE ON FINANCE
WASHINGTON, DC 20510–6200

June 24, 2026

Robert F. Kennedy Jr.
Secretary
Department of Health and Human Services
200 Independence Avenue SW
Washington, DC 20201

Secretary Kennedy,

I have obtained credible information that the Department of Health and Human Services (HHS or Department) is utilizing a list of over 500 unaccompanied children currently in the care and custody of the Office of Refugee Resettlement (ORR) as targets for expedited removal under an unprecedented legal framework. The lack of transparency surrounding the deployment of this new framework is deeply alarming, as is the Department's continued efforts to unilaterally send children back to dangerous conditions in their countries of origin, potentially including Guatemala, Honduras, El Salvador, and Afghanistan.

By utilizing a manufactured bureaucratic framework to review these children for removal risks and bypass the law, the Department is fundamentally abdicating its core humanitarian and child welfare mandates and running afoul of critical court protections and active federal litigation like Perez-Funez et al. v. DHS et al. and N.G.M.L. v. Noem. This is a severe institutional failure that places hundreds of vulnerable children in immediate jeopardy, effectively erasing them from the protection of U.S. oversight and thrusting them back into danger. To weaponize the very agency charged with their protection is an unacceptable escalation of executive overreach that undermines our nation's commitment to due process.

Based on information available to me, the children on this list were mainly placed in long-term foster care with ORR providers around the country and all have been in federal custody for at least 180 days. They are being categorized as having "no viable sponsor identified" or Category 4 children. Most consequentially, the vast majority have legal counsel in their immigration proceedings. While notice may not have been issued at this preliminary stage, any attempt to

move forward with repatriations without the active involvement of these attorneys would constitute a severe breach of due process.

My alarm is well founded. Over Labor Day weekend 2025, the government orchestrated an effort to remove nearly 700 Guatemalan children from ORR care and custody, waking children up in the middle of the night and yanking them away to an airport tarmac, without notice to attorneys. Many of these children were fleeing dangerous or violent situations in their country of origin, and the administration's attempt to endanger them again was rebuffed by the courts and resulted in the children remaining in ORR care.

The new information I obtained leads me to believe that the Department is laying the groundwork for another lawless deportation effort, this time on a greater scale, across more countries of origin. There is no statutory authority for a "voluntary repatriation" framework the Department is reportedly exploring. The Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA) and the Flores Settlement Agreement do not contemplate the removal of children from ORR custody simply because a sponsor has not been identified. As I've reminded the Department before, sending children to the very conditions they fled goes against the United States' commitments and obligations to uphold the principle of non-refoulement under international human rights law.

I believe the Department is racing to act before June 30, 2026, the explicit deadline by which immigration courts have been instructed to conclude these case proceedings. Initiating a parallel, internal screening process right as the courts are set to issue final orders looks like an attempt to preempt judicial determinations and deny these children their day in court. The timing is not coincidental; it is a transparent attempt to evade imminent judicial oversight and cut off all unaccompanied children's access to legal remedies.

I have written to you and your Department four times in the last several months concerning the Department's reorientation of ORR away from its statutory child welfare mission. To date, you have not provided a substantive response to any of those letters. As a standing committee of a coequal branch of government, the Senate Finance Committee seeks to conduct critical oversight of the Department you lead. Your continued refusal to engage is unacceptable, and it cannot continue while your Department quietly prepares a mechanism to bypass federal immigration frameworks and illegally remove children in your Department's custody.

Given the imminent threat to these children's safety and legal rights, time is of the essence. I demand the immediate suspension of any screening initiative and planned removal action involving children in ORR care, along with a substantive response to this letter and to the prior outstanding letters.

By close of business **June 26, 2026**, I expect written confirmation and exhaustive documentation of the following:

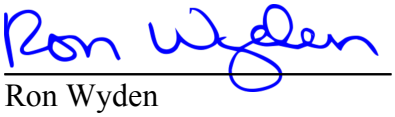
1) **Operational Scope**: Describe whether the Department is planning to remove any children currently in ORR care and custody under any initiative similar to the one described in this letter. If so, provide the exact operational status, scope, and timeline of the initiative, the legal framework being asserted, the internal definition and intent of the

"voluntary repatriation" framework, and the complete demographic and geographic profile of the children targeted by this action.

2) **Legal Counsel Notification**: Describe whether the Department has a formal protocol for notifying counsel of record before any child on this list is finalized for removal, and whether counsel of record for any of these over 500 children has been contacted.
3) **Family Notification**: Describe the Department's protocol for notifying the sponsors, parents, or immediate family members of these children regarding this repatriation review, and whether any such individuals have already been notified or afforded the opportunity to intervene.
4) **Consular Coordination**: Describe the Department's protocol for coordinating with the respective foreign consulates to ensure child welfare and country-of-origin safety checks are verified prior to any departure, detail which foreign governments the Department has engaged with or plans to engage with, and describe whether any of these consulates have already been notified.
5) **Logistics, Contractors, and Interagency Coordination**: Provide documentation of any operational directives issued or proposed to the ORR care provider network regarding this initiative, including:
    a) Any coordination, communication, or data-sharing with any HHS components, the Department of Homeland Security (DHS), the Department of Justice (DOJ), State Department, or other federal agency;
    b) Whether any contracts, task orders, or inquiries have been issued to private transportation, security, or logistical contractors for the movement of these children; and
    c) Whether any child on this list has been presented with, or asked to sign, any form of paperwork, waivers, or voluntary departure agreements, and the specific safeguards implemented to ensure no minor is interviewed or asked to sign documentation without legal counsel present.
6) **Statutory Authority**: Describe the legal basis on which the Department asserts authority to remove or repatriate children from ORR care and custody outside the strict voluntary departure and removal order frameworks established by Congress, including:
    a) How the Department believes this "voluntary repatriation" framework complies with Perez-Funez et al. v. DHS et al., specifically regarding how the Department ensures these reviews are genuinely voluntary and free from institutional coercion;
    b) How this initiative comports with the government's legal obligations and positions in active litigation like N.G.M.L. v. Noem; and
    c) A detailed justification of how using a child's lack of a viable sponsor to initiate removal screenings complies with the spirit and text of the Flores Settlement Agreement's mandate to prioritize an unaccompanied child's well-being and safe release.

You have been entrusted with the care and safety of the children placed within the ORR network. Proceeding with this plan knowingly endangers their lives and violates your duty to these vulnerable children. I will follow up with the full scope of the Committee's concerns separately. For now, I expect to hear from you this week, and I expect this initiative to cease.

Sincerely,



Ron Wyden
United States Senator
Ranking Member, Committee
on Finance