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November 4, 2025

The Honorable Rodney Scott
Commissioner
Customs and Border Protection
1300 Pennsylvania Avenue NW
Washington, D.C. 20229

Commissioner Scott,

I am alarmed that Customs and Border Protection (CBP) is pressuring vulnerable, unaccompanied immigrant children to leave the country, denying them the opportunity to pursue the relief they are entitled to under the law.¹ Recent reporting details that CBP is now directed to offer all children ages 14 and older whom it apprehends the option to self-deport, rather than providing timely transfer to the Office of Refugee Resettlement (ORR), the child welfare agency tasked with caring for unaccompanied children. This new policy is inhumane and unlawful, exploiting the vulnerability of children in direct violation of the Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA). I write to demand CBP terminate this cruel policy.

CBP's new policy coerces children into leaving the country without receiving the protection they need and are entitled to under the law. Unaccompanied children are extremely vulnerable, often fleeing danger in their countries of origin and encountering new dangers on their journeys to this country. They are at heightened risk of trafficking and abuse and typically do not have legal representation while in CBP custody. Additionally, many unaccompanied children do not speak English or Spanish and require comprehensive translation services. All unaccompanied children should have support from experienced attorneys and best language translation services to ensure they understand any paperwork they are presented with. It is therefore essential that the U.S. government treat them with the utmost care and ensure that their legally mandated protections are upheld.

¹ Camilo Montoya-Galvez, *Border officials directed to give migrant teens the option of returning home voluntarily*, CBS News, Jul. 23, 2025, <https://www.cbsnews.com/news/trump-administration-border-officials-migrant-teens-self-deporting/>.

According to reporting, the Trump administration claims new authority under Public Law 119-21 to present all unaccompanied children whom CBP apprehends with the option to self-deport. However, any such practice violates the TVPRA, bipartisan legislation that enshrines protections for unaccompanied children against trafficking and coercion. As you know, under the TVPRA, the Department of Homeland Security (DHS) and its subagencies are required to turn over all unaccompanied children from non-contiguous countries—countries other than Mexico and Canada—to the custody of ORR within 72 hours. Under the law, CBP cannot immediately deport unaccompanied children from non-contiguous countries. Instead, these children must be transferred to ORR and may be removed only after completing removal proceedings or through voluntary departure which are separate, judicially reviewed processes mandated by the TVPRA. These processes are meant to ensure that children from non-contiguous countries are not sent back to dangerous conditions, placed at risk of trafficking, or coerced into abandoning immigration relief to which they are entitled.

This new policy also risks diverting unaccompanied children from the more nuanced trafficking risk screenings they receive once transferred to ORR custody. Now, CBP is directed to be the arbiter of whether a child has been “a victim of severe forms of trafficking in persons,” is at risk of trafficking, or has a credible fear of persecution.² If CBP determines the child is not at risk, this new policy allows the agency to offer the child the option to voluntarily remove. Over the years, advocates and government entities have uncovered failures by CBP to properly screen unaccompanied children for trafficking risks before deporting them. In its review, the Government Accountability Office (GAO) found that CBP agents “made inconsistent screening decisions, had varying levels of awareness about how they were to assess certain screening criteria, and did not consistently document the rationales for their decisions.”³ In contrast, the TVPRA effects an extra layer of screening for unaccompanied children from non-contiguous countries when they are transferred to ORR custody. There, they are evaluated by child care providers who refer suspected cases of trafficking to a specialized trafficking screening office within the U.S. Department of Health and Human Services (HHS).

Each day, children cross the nation’s borders and enter CBP custody.⁴ Additionally, children who are already living safely in the country are taken into CBP custody as the result of interior enforcement actions. My office has received reports of CBP holding children for longer than 72 hours instead of making timely transfers to ORR custody.⁵ Further, my office has

² HR 1 Section 70119(c)(1).

³ GAO, Unaccompanied Alien Children: Actions Needed to Ensure Children Receive Required Care in DHS Custody, Jul. 14, 2015, GAO-15-521, <https://www.gao.gov/products/gao-15-521>.

⁴ Though border apprehensions are down, CBP continues to apprehend children at the border. Health Data, HHS Unaccompanied Alien Children Program, https://healthdata.gov/National/HHS-Unaccompanied-Alien-Children-Program/chpz-xc9n/data_preview.

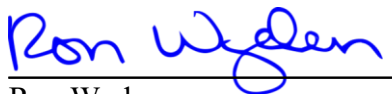
⁵ HR 1 Section 70119(c)(1).

⁶ While ORR operates shelters meant to meet children’s needs for multiple weeks as they await release to sponsors, CBP operates facilities that have been found deficient through ongoing monitoring under the *Flores* settlement

received reports confirming that CBP is presenting unaccompanied children from non-contiguous countries with voluntary return paperwork. This paperwork is often presented to children without an attorney present to advocate for them.

The Trump administration has displayed a shocking eagerness to exploit vulnerable children in service of its mass deportation agenda, as demonstrated through this legally and morally unsupportable new policy. For years, the U.S. government has recognized the extreme vulnerability of unaccompanied children and has faithfully applied the requirements of the TVPRA, which imposes an additional layer of judicial review before unaccompanied children from non-contiguous countries can be removed. Under law and consistent with years-long practice, unaccompanied children should be afforded the greatest care and consideration. This cruel policy does the opposite, inexplicably authorizing CBP to bypass processes meant to protect vulnerable children. I am writing to demand CBP terminate this policy.

Sincerely,



Ron Wyden
United States Senator
Ranking Member, Committee
on Finance

agreement. This monitoring has turned up pervasive issues in CBP's treatment of children in its custody, such as substandard medical care, insufficient clothing, limited access to counsel, and limited or no visitation from family members. This monitoring has also found a dearth of internal oversight of these settings and standards enforcement by CBP. *see, e.g.* National Center for Youth Law, With migrant youth still held in harmful conditions, attorneys call for extension of CBP settlement and independent monitoring, Dec. 20, 2024, <https://youthlaw.org/news/migrant-youth-still-held-harmful-conditions-attorneys-call-extension-cbp-settlement-and>, Juvenile Care Monitor Report by Dr. Paul Wise, Jan. 30, 2023, <https://youthlaw.org/sites/default/files/2023-07/2023.01.30%20-%20Flores%20Juvenile%20Care%20Monitor%20Report.pdf>, Juvenile Care Monitor Report by Dr. Paul Wise, Jul. 18, 2023, https://youthlaw.org/sites/default/files/2023-07/2023.07.18_Flores%20Juvenile%20Care%20Monitor%20Report.pdf, Juvenile Care Monitor Report by Dr. Paul Wise, Sept. 15, 2023, <https://youthlaw.org/sites/default/files/attachments/2023-09/September%202023%20-%20Dr.%20Wise%20Report.pdf>, Juvenile Care Monitor Report by Dr. Paul Wise, Nov. 13, 2023, <https://youthlaw.org/sites/default/files/2024-03/November%202023%20Juvenile%20Care%20Monitor%20Report%20by%20Dr.%20Paul%20Wise.pdf>.