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## United States Senate

COMMITTEE ON FINANCE

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December 8, 2025

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

Commissioner Scott:

I write in follow-up to my November 4, 2025 letter concerning a Customs and Border Protection (CBP) policy that pressures vulnerable unaccompanied children to leave the country without pursuing legal protections to which they are entitled.<sup>1</sup> Since that letter, my office has received a copy of CBP's "UAC Processing Pathway Advisal" (the Advisal), a document that CBP has issued to unaccompanied children in its short-term custody under this new policy.<sup>2</sup> The Advisal is shockingly coercive, clearly intended to frighten unaccompanied children into abandoning the legal relief and protections they are seeking. The Advisal heightens the concerns expressed in my previous letter and confirms that CBP's new policy is designed to boost deportation numbers at the expense of the most vulnerable. I am therefore renewing my demand that CBP terminate this cruel policy.

Unaccompanied children are a uniquely vulnerable population, arriving in this country without guardians and often fleeing threats of violence, trafficking, abuse, and neglect. Many unaccompanied children migrate from countries where the threat of gang violence is endemic and where instability and poverty imperil their futures. Their journey here presents its own risks, but children traverse it out of extreme need. Because of these realities, Congress has passed and long reaffirmed legislation to protect these children on a bipartisan basis.

CBP's new policy and the Advisal cynically exploit these vulnerabilities to remove unaccompanied children before they can access essential protections. The Advisal begins by informing unaccompanied children that they may "return to [their] country within 72 hours. If [they] choose to voluntarily return to [their] country, there will be no administrative consequence, and [they] will have the opportunity to apply for a visa, through legal means, in the future." However, the notice goes on to warn the unaccompanied child:

<sup>1</sup> Letter from Ranking Member Wyden to Customs and Border Protection Commissioner Scott, Nov. 4, 2025, [https://www.finance.senate.gov/imo/media/doc/110425\\_letter\\_to\\_cbp\\_-\\_ucs\\_in\\_cbp\\_custody.pdf](https://www.finance.senate.gov/imo/media/doc/110425_letter_to_cbp_-_ucs_in_cbp_custody.pdf).

<sup>2</sup> On file with the Committee.

If you choose to seek a hearing with an immigration judge or indicate fear of returning to your country, you can expect the following:

You will be detained in the custody of the United States Government, for a prolonged period of time.

If your sponsor in the United States does not have legal immigration status, they will be subject to arrest and removal from the United States. The sponsor may be subject to criminal prosecution for aiding your illegal entry.

If you cannot substantiate your claim of fear of returning to your country, you can be barred from legally applying for a visa.

If you turn 18 years of age while in U.S. Government custody, you will be turned over to Immigration and Customs Enforcement for removal (deportation) from the United States. This can result in being barred from applying for a visa in the future.

This Advisal is not only coercive, it intentionally misrepresents the U.S. Government's obligations to unaccompanied children under law. CBP is leveraging the Trump administration's lawless abuse of unaccompanied children over the past year to frighten others in need from seeking refuge in this country.

First, the U.S. Government is required by the Trafficking Victims Protection Reauthorization Act (TVPPRA) to hold unaccompanied children in the least restrictive setting possible once transferred from CBP, within 72 hours, to the custody of the Office of Refugee Resettlement (ORR). The U.S. Government is further required to release unaccompanied children from ORR custody to vetted sponsors, most often immediate or extended family members, "without unnecessary delay."<sup>3</sup> Instead, the Trump administration has held children hostage in ORR custody for lengths of stay that have skyrocketed to over six months on average. This has resulted in family separation and devastating impacts on the mental and physical health of children in custody. The current prolonged stays in ORR custody run counter to established child welfare best practices and violate the law. Weaponizing this cruelty against children arriving in this country and threatening them with detention "for a prolonged period of time" further traumatizes these children.

Second, the government is required under the *Garcia-Ramirez* permanent injunction to consider less restrictive placements than Immigration and Customs Enforcement (ICE) detention when a child turns 18 in ORR custody.<sup>4</sup> This means that the government cannot automatically transfer an 18-year-old from ORR custody to ICE detention and in fact must often release children who age out to the community. The Advisal instead threatens unaccompanied children with detainment by ICE and deportation upon turning 18 no matter what.

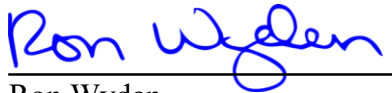
<sup>3</sup> 45 CFR § 410.1201(a).

<sup>4</sup> *Garcia Ramirez v. ICE*, Trafficking Victims Protection Reauthorization Act, 8 U.S.C. § 1232(c).

While I have no difficulty believing the Trump administration intends to break the law, even at the expense of this vulnerable group, the Advisal blatantly misrepresents the rights unaccompanied children are entitled to in order to coerce them into voluntarily departing. Further, the Advisal threatens immigration enforcement against family members to discourage children from seeking to reunify. This threat makes explicit the administration's past and present weaponization of family separation and places an unimaginable burden on the child.

The Trump administration has demonstrated a commitment to harming unaccompanied children in service of its mass deportation agenda. CBP's new policy and Advisal join other shameful attempts to exploit unaccompanied children's profound vulnerabilities to boost deportation numbers and frighten children in need from entering the country. I am again demanding CBP terminate this shameful policy and withdraw any advisals that misrepresent to unaccompanied children their rights under U.S. law.

Sincerely,



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Ron Wyden  
United States Senator  
Ranking Member, Committee  
on Finance