

Congress of the United States

Washington, DC 20515

October 15, 2026

Attorney General Todd Blanche
U.S. Department of Justice
950 Pennsylvania Ave NW
Washington, D.C. 20530

Charles Wall
U.S. Immigration and Customs Enforcement
Office of the Principal Legal Advisor
500 12th St SW
Washington, D.C. 20536

Acting Director Sirce Owen
U.S. Department of Justice
Executive Office for Immigration Review (EOIR)
5107 Leesburg Pike
Falls Church, VA 22041

Director Joseph Edlow
U.S. Citizenship and Immigration Services
5900 Capital Gateway Dr.
Camp Springs, MD 20746

Attorney General Blanche, Acting Director Owen, Director Edlow, and Mr. Wall:

We are concerned by how the U.S. Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), U.S. Citizenship and Immigration Services (USCIS), and U.S. Immigration and Customs Enforcement (ICE) are coordinating to accelerate the removal of unaccompanied children while systematically dismantling the due process protections Congress established under the Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA), and we call on you to reverse course immediately. As a result of your directives, immigration courts are operating as part of the Trump administration's larger deportation agenda and prioritizing speed and cruelty over due process and fair adjudication, with an increasing focus on unaccompanied children.¹ At the end of August 2026, a one-year-old child was asked to file her own asylum application with no legal representative stepping forward.² That is not an aberration; it is the predictable result of a coordinated effort to accelerate children's cases at the precise moment when the federally funded legal services infrastructure Congress mandated has been dismantled.³

After the administration failed to renew the existing contract with legal service providers that ended on July 31, 2026, they neglected to develop a coherent transition plan to ensure unaccompanied children continued to have access to legal service providers. Instead, they sought organizations that were incapable of performing this role because they lacked the expertise, infrastructure, and consents to responsibly manage this work to the great detriment of children.⁴ According to September 18, 2026, filings in *Community Legal Services in East Palo Alto v. U.S. Department of Health and Human Services (CLSEPA v. HHS)*, the U.S. Committee for Refugees and Immigrants (USCRI), the sole current federal legal services provider for unaccompanied children, "has provided only a handful of Know-Your-Rights presentations and has entered representation of at most a few

¹ THE GUARDIAN, Trump Ally Stephen Miller Leads Sweeping Push to Accelerate Removal of Migrant Children (Sept. 19, 2026), <https://www.theguardian.com/us-news/2026/sep/19/stephen-miller-trump-migrant-children>.

² *Community Legal Services in East Palo Alto v. U.S. Dept. of Health and Human Services*, Plaintiffs' Motion for an Order to Show Cause at an Evidentiary Hearing Case No. 4:25-CV-02847-AMO (N.D. Cal. 2026) <https://static.notus.org/77/a6/5addab084eaab13ac54b7a99fb0c/25-cv-02847-doc-178.pdf>.

³ NPR, More Than 25,000 Children Lose Previous Legal Protections as Federal Contract Ends (Aug. 1, 2026), <https://www.npr.org/2026/08/01/nx-s1-5913679/immigrant-children-lawyers-trump-administration>.

⁴ MS NOW, Abandoned Migrant Children Become Latest Victims of Trump's Deportation Agenda (Aug. 27, 2026), <https://www.ms.now/culture/trump-deportations-abandoned-migrant-children-chicago>.

dozen unaccompanied children since August 5.”⁵ That gap is unfolding at the same moment that EOIR is accelerating children's cases and USCIS is scheduling asylum interviews with only a 24-hour notice.

Rather than slowing proceedings to account for the extraordinary gap in legal services for unaccompanied children, courts are increasingly imposing accelerated timelines and restricted continuances due to directives from DOJ and EOIR. For example, in Philadelphia in early August 2026, 28 children's cases were continued over a four-week period to facilitate representation. Although the TVPRA mandates that the Secretary of Health and Human Services (HHS) “shall ensure, to the greatest extent practicable...that all unaccompanied children... have counsel to represent them in legal proceedings,” only six children obtained counsel from USCRI.⁶ This is despite the organization being repeatedly involved as a friend of the court asking for continuances. Also, in the same month in Houston, four children, out of a group of twelve cases involving unaccompanied children, were informed that their next continuance, scheduled within one to two weeks, would be their final opportunity to secure representation or they would be forced to represent themselves. In another case, a judge took pleadings from a child representing themselves, instructing them they had to complete and file their own asylum application and provide the court with proof within a matter of weeks.

Earlier this year, EOIR started using “mega masters” and “rocket dockets” at the direction of the administration. These consist of one hearing for sixty to over one hundred people, including children.⁷ This format creates enormous confusion for individuals trying to identify a child’s court date and ensure their attendance, as well as pressure for immigrant children to plead, accept deadlines, or move forward without counsel. One mega master occurred in early August 2026 in Seattle, where one judge heard 106 cases in one day. Over 30 children were ordered to be removed *in absentia*. The next day, attorneys reported a docket of 99 cases, including 30 ordered to be removed *in absentia*. It is clear that children cannot meaningfully participate in these mega masters, but EOIR continues to force them to make life-altering decisions, under unprecedented legal proceedings and without adequate legal representation. Federal regulation prohibits an immigration judge from accepting “an admission of removability from an unrepresented respondent who is incompetent or under the age of 18 and is not accompanied by an attorney or legal representative, a near relative, legal guardian, or friend.”⁸ Where the child has no lawyer, the immigration judge is required to “direct a hearing on the issues.”⁹ “Mega masters” that produce *in absentia* removal orders against tens of unrepresented children in a single sitting cannot be reconciled with this requirement.

When children are forced to navigate our immigration system alone on widely truncated timelines and without adequate assistance, subpar language access, and sometimes without a merits hearing, DOJ and EOIR cannot ensure that these children have fair, individualized adjudications.

The acceleration in immigration court is being matched at USCIS. Beginning in the summer of 2026, the Houston Asylum Office began issuing asylum interview notices to unaccompanied children in Office of Refugee Resettlement (ORR) custody on as little as 24 hours' notice, a departure from the prior 21-day practice. On September 11, 2026, the ORR Unaccompanied Alien Children (UAC) Bureau issued a memorandum and

⁵ *Community Legal Services in East Palo Alto v. U.S. Dept. of Health and Human Services*, Plaintiffs’ Post-Hearing Brief Case No. 4:25-CV-02847-AMO (N.D. Cal. 2026) at p. 9, <https://www.courtlistener.com/docket/69799154/205/community-legal-services-in-east-palo-alto-v-united-states-department-of/>.

⁶ 8 U.S.C. § 1232(c)(5).

⁷ THE GUARDIAN, US Immigration Judges are Deporting People in Mass Hearings – Some Without Notice (Aug. 15, 2026), <https://www.theguardian.com/us-news/2026/aug/15/immigration-judges-deportation-hearings>.

⁸ 8 C.F.R. § 1240.10(c).

⁹ *Id.*

accompanying job aid directing ORR care providers to facilitate virtual USCIS asylum interviews for children in custody, including by providing space, technology, and, where no interpreter has been provided by USCIS or the child's representative, by having care provider staff themselves serve as interpreters in confidential asylum proceedings.¹⁰ Reports indicate that children have already been interviewed on 24 hours' notice without legal representation. This practice compromises the confidentiality of the asylum application under 8 C.F.R. § 208.6; deprives children of any meaningful opportunity to prepare for a proceeding that Congress designed to be non-adversarial precisely because of children's unique vulnerabilities¹¹; and forecloses the possibility of counsel appearing on the child's behalf. Coming at the same moment that EOIR is accelerating removal proceedings and the Office of Principal Legal Advisor (OPLA) is opposing continuances, the practice signals coordination among agencies to close every remaining pathway to relief before a child can access it.

Additionally, there are concerns that court independence and EOIR biases have eroded protections for unaccompanied children. For example, there are reports that the Trump administration and EOIR leadership have hand-picked compliant immigration judges, and have pressured current immigration judges, sometimes with incentives, to prioritize completing cases and increasing removal numbers, with some judges even citing that a child's case must be completed by the end of the calendar year. The Trump administration has hired immigration judges who are ready to implement its directives. In fact, of May 2026, EOIR hired 153 permanent immigration judges this fiscal year, which the agency touts as “the most in any single year in the agency's history.”¹² Additionally, approximately 100 immigration judges left or were removed during 2025, including judges who reportedly did not comply with fast-tracked juvenile dockets. From January 2025 through July 2026, *in absentia* removal orders as a percentage of overall removal orders against unaccompanied children approximately doubled, and the asylum grant rate for unaccompanied children in removal proceedings fell from roughly 11% to approximately 1.5%.¹³

In another report, judges said that they received directives that constrain continuances, accelerate cases, limit friend of court services, permit cases without merits hearings, and order the removal of children with certain form of relief pending, such as Special Immigrant Juvenile Status (SIJS).¹⁴ Specifically, in Chicago in July and August 2026, a new judge appointed to the juvenile docket ordered at least eight SIJS eligible children removed because it would take so long for them to get a visa that it “didn't matter.”¹⁵ This practice appears to draw on the Board of Immigration Appeals' November 2025 precedential decision in *Matter of Cahuec Tzalam*, which held that an immigration judge need not administratively close a child's case to allow USCIS to process a prima facie SIJS application, notwithstanding that SIJS is a form of humanitarian relief Congress created specifically to

¹⁰ CNN, Inside the Texas Courtroom Where Toddlers Face Immigration Judges (Sept. 29, 2026), <https://www.cnn.com/2026/09/28/politics/texas-immigration-court-minors>.

¹¹ 8 U.S.C. § 1158(b)(3)(C).

¹² U.S. Department of Justice, EOIR Announces 77 Immigration Judges and 5 Temporary Immigration Judges (May 21, 2026), <https://www.justice.gov/opa/pr/eoir-announces-77-immigration-judges-and-5-temporary-immigration-judges>.

¹³ NPR, The Trump Administration Fired Nearly 100 Immigration Judges in 2025. What's Next? (Jan. 10, 2026), <https://www.npr.org/2026/01/10/nx-s1-5672386/the-trump-administration-fired-nearly-100-immigration-judges-in-2025-whats-next>; BLOOMBERG LAW, Asylum Grant Rates Plummet for Migrant Children in Removal Cases (Aug. 31, 2026), <https://news.bloomberglaw.com/us-law-week/asylum-grant-rates-plummet-for-migrant-children-in-removal-cases>.

¹⁴ BLOOMBERG LAW, Immigration Judges Speed Through Migrant Children Removal Cases (Aug. 20, 2026), <https://news.bloomberglaw.com/us-law-week/immigration-judges-speed-through-migrant-children-removal-cases>.

¹⁵ NBC CHICAGO, More Vulnerable Immigrant Children Face Deportation After Chicago Court Hearing (Aug. 26, 2026), <https://www.nbcchicago.com/investigations/more-vulnerable-immigrant-children-face-deportation-after-chicago-court-hearing/3981009/>.

protect abused, abandoned, and neglected children.¹⁶ In practice, the decision has become a vehicle for removing SIJS-eligible children before USCIS can adjudicate their applications.

The interagency coordination underlying these developments has now received an additional legal foundation. On September 28, 2026, HHS published a revision to the ORR System of Records Notice (SORN 09-80-0321) eliminating three protections that had governed ORR's information sharing with DHS and other agencies: the requirement that ORR obtain a written advisory that shared information will not be used for immigration enforcement, the requirement that ORR make an individualized determination that each disclosure is in the best interest of the child, and the prohibition on further use or disclosure of shared information by the Department of State recipient.¹⁷ HHS characterized the removed best-interest requirement as “administratively burdensome” and “difficult to implement.”¹⁸ And on September 29, 2026, HHS published a Federal Register notice creating a new Unaccompanied Alien Children Legal Representation Division within the HHS Office of the General Counsel, staffed by federal employees whose ultimate principal is the same administration that operates ICE OPLA and directs EOIR.¹⁹ The convergence of these developments - accelerated dockets, accelerated interviews, streamlined information sharing, and federal employees representing children in proceedings against the federal government - is not coincidence; it is the operational shape of a coordinated policy.

As of September 2026, the Trump administration has also started creating hidden courts for *pro se* respondents at several federal buildings, including the Federal Emergency Management Agency (FEMA), EOIR's headquarters, and the floor at 26 Federal Plaza in New York that is leased to DHS. Specifically, there have been reports of two children being sent to the EOIR headquarters. These dockets set up folks to miss their hearings and be ordered removed *in absentia*. Subjecting anyone to this practice, especially children, is particularly egregious.²⁰

These practices cannot be reconciled with the statutory framework Congress established for unaccompanied children. The TVPRA guarantees children access to counsel in formal removal proceedings; vests USCIS with initial, non-adversarial jurisdiction over children's asylum claims precisely because of children's unique vulnerabilities; and directs EOIR to cooperate with HHS in providing Legal Orientation Presentations to child custodians, a requirement EOIR has now stopped fulfilling.²¹ 24-hour asylum interview notices, “mega master” hearings, restricted continuances, and the closure of every pathway to counsel reads each of these provisions out of the statute by operation.

We therefore seek your written responses to the below questions no later than October 30, 2026.

1. What directives or other guidance has EOIR issued to immigration judges regarding case completion rates, continuances, and scheduling?
2. What accommodations do immigration judges make when children appear *pro se* in their hearings?
3. What EOIR directives or other guidance are in place regarding the timeline for docketing children's cases (including expedited dockets)?

¹⁶ 29 I&N Dec. 300 (BIA 2025).

¹⁷ Privacy Act of 1974 System of Records Notice, 91 Fed. Reg. 61234 (Sept. 28, 2026)

<https://www.federalregister.gov/documents/2026/09/28/2026-19755/privacy-act-of-1974-system-of-records>.

¹⁸ *Id.* at 61235.

¹⁹ Statement of Organization, Functions, and Delegations of Authority, 91 Fed. Reg. 61422 (Sept. 29, 2026)

<https://www.federalregister.gov/documents/2026/09/29/2026-19903/statement-of-organization-functions-and-delegations-of-authority>.

²⁰ WUFT, ‘Hidden Tribunals’: Immigration Court Due Process in Tumult With New Location (Sept. 4, 2026),

<https://www.wuft.org/2026-09-04/hidden-tribunals-immigration-court-due-process-in-tumult-with-new-locations>.

²¹ 8 U.S.C. § 1232(c)(5); 8 U.S.C. § 1158(b)(3)(C); 8 U.S.C. § 1232(c)(4).

4. What criteria does EOIR use to assign or remove judges from children's or juvenile dockets?
5. Since January 2026, how many juvenile dockets have been scheduled with:
 - a. 25-50 children scheduled to appear in one hearing?
 - b. 50-100 children scheduled to appear in one hearing?
 - c. over 100 children scheduled to appear in one hearing?
6. Since January 2026, how many unaccompanied children have been placed on in master calendar hearings with more than:
 - a. 25-50 children in one hearing?
 - b. 50-100 children in one hearing?
 - c. over 100 children in one hearing?
7. What justification does EOIR have for eliminating specialized children's dockets in January 2025?
8. What protections exist for an unrepresented child when the only person available to identify a language, procedural, or comprehension problem is not permitted to speak in certain courtrooms (i.e., friend of court)?
9. In master calendar hearings, including those with over 50 or over 100 children scheduled for one docket, how is EOIR ensuring that interpretation is provided for each child in their best language?
10. How does EOIR reconcile the practice of accepting pleadings and issuing removal orders against unrepresented children in mega master hearings with 8 C.F.R. § 1240.10(c)? Please produce any guidance, memoranda, or training materials EOIR has issued to immigration judges regarding 8 C.F.R. § 1240.10(c) since January 20, 2025.
11. How many unaccompanied children have been scheduled for asylum interviews on fewer than 21 days' notice since June 1, 2026? Please provide monthly totals broken down by asylum office and by whether the child was represented at the time of interview. How many of those interviews have taken place?
12. What is the policy or legal basis for USCIS's issuance of asylum interview notices to unaccompanied children on 24 hours' notice? Please produce all guidance, memoranda, and communications between USCIS and ORR, EOIR, ICE, or the White House regarding accelerated asylum interview scheduling for unaccompanied children since January 20, 2025.
13. How does USCIS verify representation status at asylum interviews for unaccompanied children? What is USCIS's practice when a USCRI attorney appears at an asylum interview for a child who has existing counsel of record?
14. Please describe USCIS's coordination with ORR on the September 11, 2026 "Care Provider Supporting Virtual Asylum Interviews" job aid, including the use of care provider staff as interpreters and the waiver-of-representative provision.
15. How many asylum cases for unaccompanied children has USCIS approved since January 2025? How many of those cases were for children in ORR custody?
16. What legal orientation presentations for custodians of unaccompanied children has EOIR provided in each month of 2026, consistent with 8 U.S.C. § 1232(c)(4)? If none, when did EOIR cease providing them and on what legal basis?
17. Please provide any communications between EOIR, DOJ, ICE OPLA, USCIS, and ORR (or any component of HHS) regarding the scheduling, prioritization, or acceleration of unaccompanied children's immigration cases since January 20, 2025, including communications regarding the September 28, 2026, revision to ORR System of Records Notice 09-80-0321.
18. Please produce any policies, memoranda, or guidance ICE OPLA has issued since January 20, 2025, regarding when OPLA attorneys are directed to oppose or not to oppose continuance requests in cases

involving unaccompanied children, including cases in which the child has not yet obtained counsel or has not yet had an opportunity to consult with counsel.

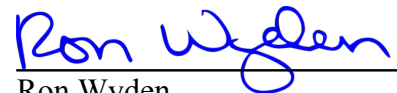
19. Historically, OPLA attorneys were allowed to make inquiries, request a case be expedited, or an interview be scheduled with USCIS regarding applications for pending immigration benefits on behalf of children appearing in removal proceedings. Does that access no longer exist? If it no longer exists, when was that ability taken away from OPLA attorneys?
20. How many unaccompanied children have been ordered removed *in absentia* each month in 2026, including August? How many of those were in ORR custody?
21. How many unaccompanied children without counsel have been ordered removed each month in 2026, including August? How many of those were in ORR custody?
22. How many unaccompanied children have accepted voluntary departure at immigration court each month in 2026, including August? How many of those were in ORR custody? How many of those children had legal representation at the time of accepting voluntary departure?
23. How many children withdrew their applications for asylum with USCIS prior to their interviews? How many of those were in ORR custody? How many of those children had legal representation at the time of withdrawing?
24. How many unaccompanied children have been ordered removed without receiving an individual hearing in their case?
25. What policies or guidance does DHS have in place regarding OPLA's role in children's immigration proceedings, including when to ask for and/or not oppose requests for a continuance?

Thank you for your prompt attention to these urgent matters. We look forward to your immediate response.

Sincerely,



Andrea Salinas
Member of Congress



Ron Wyden
United States Senator
Ranking Member, Committee on
Finance



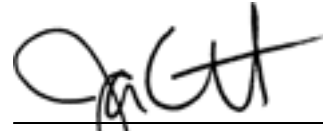
Adam Smith
Member of Congress



Diana DeGette
Member of Congress



Jesús G. "Chuy" García
Member of Congress



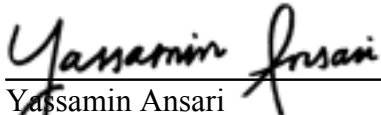
Jasmine Crockett
Member of Congress



Raja Krishnamoorthi
Member of Congress



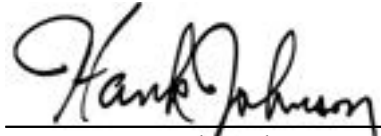
Joe Neguse
Member of Congress



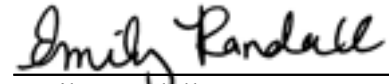
Yassamin Ansari
Member of Congress



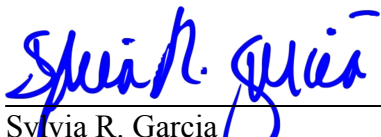
Stephen F. Lynch
Member of Congress



Henry C. "Hank" Johnson, Jr.
Member of Congress



Emily Randall
Member of Congress



Sylvia R. Garcia
Member of Congress



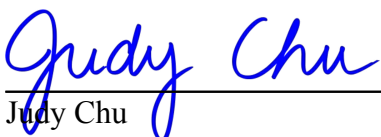
J. Luis Correa
Member of Congress



Val Hoyle
Member of Congress



Jim Tokuda
Member of Congress



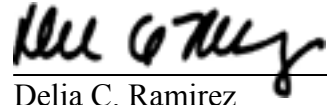
Judy Chu
Member of Congress



Jan Schakowsky
Member of Congress



Catherine Cortez Masto
United States Senator



Delia C. Ramirez
Member of Congress



Tammy Duckworth
United States Senator



Angela D. Alsobrooks
United States Senator



Richard Blumenthal
United States Senator



Dan Goldman
Member of Congress



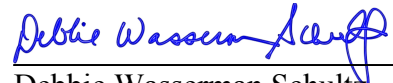
Suzanne Bonamici
Member of Congress



Mary Gay Scanlon
Member of Congress



Chris Van Hollen
United States Senator



Debbie Wasserman Schultz
Member of Congress



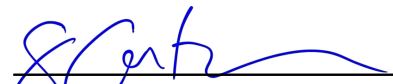
Andy Kim
United States Senator



Frederica S. Wilson
Member of Congress



Mazie K. Hirono
United States Senator



Sean Casten
Member of Congress



Bonnie Watson Coleman
Member of Congress



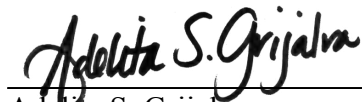
Al Green
Member of Congress



Mark DeSaulnier
Member of Congress



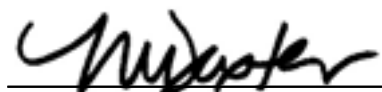
Greg Casar
Member of Congress



Adelita S. Grijalva
Member of Congress



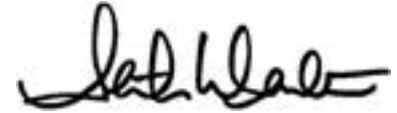
Veronica Escobar
Member of Congress



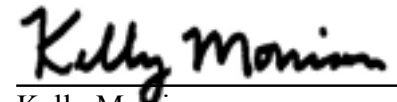
Maxine Dexter, M.D.
Member of Congress



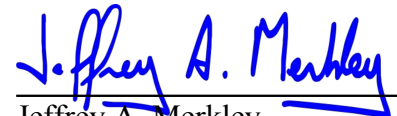
Madeleine Dean
Member of Congress



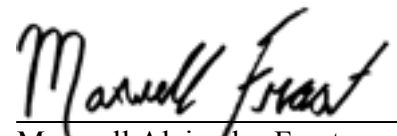
Seth Moulton
Member of Congress



Kelly Morrison
Member of Congress



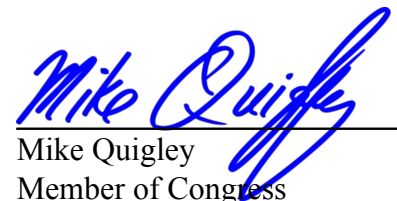
Jeffrey A. Merkley
United States Senator



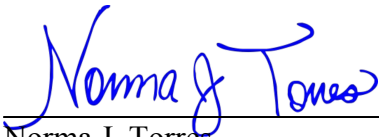
Maxwell Alejandro Frost
Member of Congress



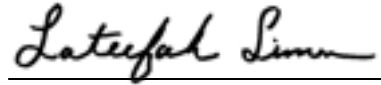
Dina Titus
Member of Congress



Mike Quigley
Member of Congress



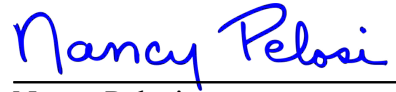
Norma J. Torres
Member of Congress



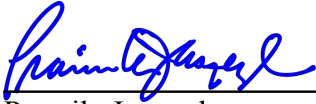
Lateefah Simon
Member of Congress



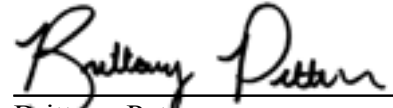
Jacky Rosen
United States Senator



Nancy Pelosi
Member of Congress



Pramila Jayapal
Member of Congress



Brittany Petersen
Member of Congress



Kirsten Gillibrand
United States Senator