

Congress of the United States

Washington, DC 20515

April 7, 2026

The Honorable Joseph V. Cuffari
Inspector General
U.S. Department of Homeland Security
245 Murray Lane SW
Washington, D.C. 20528

Arne B. Baker
Acting Inspector General
U.S. Department of State
1700 North Moore Street
Arlington, VA 22209

Dear Inspector General Cuffari and Acting Inspector General Baker:

We request that your offices evaluate the Trump Administration’s unlawful and costly system of “third-country removals” run by the Department of Homeland Security (DHS) and the Department of State (DoS). Neither DHS nor DoS has provided adequate information about this system to Congress or the public, even as the Administration ramps up its third-country deportations.¹ Congress and the public deserve answers to better understand the scale of legal violations within this system that was recently ruled unconstitutional.

The Trump Administration has, with little or no notice, secretly deported individuals to countries they are not from, have no connection to, and sometimes have never heard of, leaving many feeling like victims of a human “smuggling operation.”² The Administration has entered agreements with 27 countries to receive non-nationals deported from the United States.³ Some, but not all, of those agreements have been made public.⁴ To persuade countries to enter these agreements, the Trump Administration has reportedly dangled various threats and incentives, including paying at least five of the countries — El Salvador, Rwanda, Eswatini, Equatorial Guinea, and Palau — over \$32 million.⁵

¹ D.V. D. v. U.S. Department of Homeland Security, No. 1:25-cv-10676-BEM, Judgment, February 25, 2026, <https://storage.courtlistener.com/recap/gov.uscourts.mad.282404/gov.uscourts.mad.282404.241.0.pdf>.

² New York Times, “U.S. Deports Nine Migrants in Secret, Ignoring Legal Protections,” Pranav Baskar and Hamed Aleaziz, February 14, 2026, <https://www.nytimes.com/2026/02/14/world/africa/us-secret-deportation-cameroon.html>; Council on Foreign Relations, “Here’s Where Trump’s Deportations Are Sending Migrants,” Diana Roy, July 1, 2025, <https://www.cfr.org/articles/heres-where-trumps-deportations-are-sending-migrants>.

³ Refugees International and Human Rights First, “Banished By Bargain: Third Country Deportation Watch,” <https://www.thirdcountrydeportationwatch.org/>; Information on file with the Office of Senator Elizabeth Warren. That count includes six “safe third country” agreements/Asylum Cooperative Agreements intended to reroute asylum seekers through another country’s asylum system, even though most people reportedly do not actually have the opportunity to pursue asylum once deported. American Immigration Council, “What Are Third-Country Removals? Understanding Their Use In U.S. Immigration Policy,” December 5, 2025, <https://www.americanimmigrationcouncil.org/fact-sheet/what-are-third-country-removals-factsheet/>; Seattle Times, “U.S. pauses tactic to deport asylum-seekers to ‘third countries,’” Nina Shapiro, March 13, 2026, <https://www.seattletimes.com/seattle-news/u-s-pauses-tactic-to-deport-asylum-seekers-to-third-countries/>.

⁴ U.S. Department of State, “Qualifying Non-binding Instruments,” January 16, 2026, <https://foia.state.gov/FOIALIBRARY/QNI2.aspx>; Third Country Deportation Watch, “Banished by Bargain: Third Country Deportation Watch,” <https://www.thirdcountrydeportationwatch.org/>.

On February 25, 2026, a federal court ruled that this third-country removal system violates the U.S. Constitution and immigration law.⁶ U.S. law imposes strict due process requirements before an individual can be deported to a third country — including requirements to give meaningful notice and an opportunity to be heard on a claim that one’s life or freedom would be threatened in the country slated for their removal.⁷ Yet DHS’s March 30, 2025 guidance and July 9, 2025 guidance regarding third country removals — which do not appear to have been updated since the February 2026 court ruling — claim the Department can deport individuals to third countries with no individualized process whatsoever: as long as a country has given generic assurances to not persecute or torture deported individuals and DoS believes the assurance is credible, DHS may deport a person to any country “without the need for further procedures.”⁸ Many people first learn that they are being deported to a third country while on the flight overseas.⁹ Even when a country has *not* credibly promised to refrain from torture or persecution, DHS still generally gives individuals only 24 hours’ notice that they will be deported to a particular country, with no guaranteed opportunity to speak with an attorney.¹⁰

Intensifying due process concerns, some DHS attorneys have reportedly threatened asylum seekers that they may be deported to third countries in order to pressure them to abandon their asylum claims and accept deportation to their home countries.¹¹

Individuals deported to third countries have reported torture, enforced disappearances with attorneys and family unable to reach them, arbitrary detention, forced return to their countries of

⁵ U.S. Senate Foreign Relations Committee, “At What Cost? Inside the Trump Administration’s Secret Deportation Deals,” February 17, 2026, p. 6, [https://www.foreign.senate.gov/imo/media/doc/\(FINAL%20-%20web\)%20At%20What%20Cost%20-%20Inside%20the%20Trump%20Administration%27s%20Secret%20Deportation%20Deals_2.17.26.pdf](https://www.foreign.senate.gov/imo/media/doc/(FINAL%20-%20web)%20At%20What%20Cost%20-%20Inside%20the%20Trump%20Administration%27s%20Secret%20Deportation%20Deals_2.17.26.pdf).

⁶ D.V. D. v. U.S. Department of Homeland Security, No. 1:25-cv-10676-BEM, Judgment, February 25, 2026, <https://storage.courtlistener.com/recap/gov.uscourts.mad.282404/gov.uscourts.mad.282404.241.0.pdf>. On March 16, 2026, the United States Court of Appeals for the First Circuit issued a temporary stay of the lower court order pending appeal and has not yet ruled on the merits of the case. Order, D.V.D. v. Department of Homeland Security, 26-1212 (1st Cir Mar. 16, 2026), <https://storage.courtlistener.com/recap/gov.uscourts.ca1.53896/gov.uscourts.ca1.53896.00108417272.0.pdf>.

⁷ 8 U.S.C. 1231(b)(3)(A), 8 U.S.C. 1231 note (“It shall be the policy of the United States not to expel, extradite, or otherwise effect the involuntary return of any person to a country in which there are substantial grounds for believing the person would be in danger of being subjected to torture, regardless of whether the person is physically present in the United States.”); D.V. D. v. U.S. Department of Homeland Security at 48-49, No. 1:25-cv-10676-BEM, Judgment, February 25, 2026,

<https://storage.courtlistener.com/recap/gov.uscourts.mad.282404/gov.uscourts.mad.282404.241.0.pdf>; Lawfare Media, “Due Process in Third Country Removals,” Matthew Boaz, December 1, 2025, <https://www.lawfaremedia.org/article/due-process-in-third-country-removals>.

⁸ U.S. Immigration and Customs Enforcement, “Third Country Removals Following the Supreme Court’s Order in Department of Homeland Security v. D. V.D., No. 24A1153 (U.S. June 23, 2025),” July 9, 2025, <https://storage.courtlistener.com/recap/gov.uscourts.mad.282404/gov.uscourts.mad.282404.190.1.pdf>; U.S. Department of Homeland Security, “Memorandum: Guidance Regarding Third Country Removals,” March 30, 2025, https://storage.courtlistener.com/recap/gov.uscourts.mad.282404/gov.uscourts.mad.282404.43.1_1.pdf.

⁹ See, e.g., Third Country Deportation Watch, “Cameroon,” last updated March 11, 2026, <https://www.thirdcountrydeportationwatch.org/cameroon>; Third Country Deportation Watch, “Ghana,” last updated March 11, 2026, <https://www.thirdcountrydeportationwatch.org/ghana>.

¹⁰ *Id.*

¹¹ Information on file with the Office of Senator Elizabeth Warren; U.S. Senate Foreign Relations Committee, “At What Cost? Inside the Trump Administration’s Secret Deportation Deals,” February 17, 2026, p. 14, [https://www.foreign.senate.gov/imo/media/doc/\(FINAL%20-%20web\)%20At%20What%20Cost%20-%20Inside%20the%20Trump%20Administration%27s%20Secret%20Deportation%20Deals_2.17.26.pdf](https://www.foreign.senate.gov/imo/media/doc/(FINAL%20-%20web)%20At%20What%20Cost%20-%20Inside%20the%20Trump%20Administration%27s%20Secret%20Deportation%20Deals_2.17.26.pdf).

origin where courts have found they are likely to face persecution (known as “chain *refoulement*”), and other human rights violations.¹² Such reports cast serious doubt on DoS’s process, if one exists, of verifying the reliability of countries’ assertions that they will not torture or persecute deportees, or transport them onward to other countries where they’re likely to face torture or persecution.¹³

Despite the grave implications of third-country removals, DHS and DoS have resisted giving the public or Congress sufficient information about this practice.¹⁴ Over 60 members of Congress wrote to the Departments of State and Homeland Security about this matter and have received no reply.¹⁵ Meanwhile, the Administration is continuing to execute third-country deportations; as of early March 2026, ICE had over 500 people in its custody slated for third-country deportations, and DHS signaled that it had its sights on deporting over 8,000 people to third countries.¹⁶ To understand the current status of such deportations, we request that your offices evaluate the following questions, investigate whether the system continues to violate U.S. law, and provide a written report and an interim briefing to our offices on this matter:

1. Due process:

- a. Since the February 2026 court order finding that the due process provided before third-country removals is constitutionally inadequate, what changes, if any, have been made to the third-country removal process, including the provision of notice, an opportunity to be heard, and access to counsel?
 - i. If any notice is provided, please explain the timeline for the provision of notice, whether notice is provided in the individual’s native language, and whether notice is also provided to the individual’s legal representative (where applicable).
 - ii. What opportunity, if any, is provided for unrepresented individuals slated for third-country removals to seek counsel?
- b. How many individuals subjected to third-country removals had court-ordered withholding-of-removal or Convention Against Torture (CAT) protection? What percentage of them were subsequently sent to their countries of origin (i.e. victims of chain *refoulement*)?

¹² Third Country Deportation Watch, “Stories,” January 21, 2026, <https://www.thirdcountrydeportationwatch.org/stories>; Human Rights Watch, “US/El Salvador: Torture of Venezuelan Deportees,” November 12, 2025, <https://www.hrw.org/news/2025/11/12/us/el-salvador-torture-of-venezuelan-deportees>; BBC News, “Eswatini accepts 10 US deportees despite legal challenge,” Savior Kakama, and Pumza Fihlani, October 6, 2025, <https://www.bbc.com/news/articles/cn5qdx260lzo>; American Immigration Council, “What Are Third-Country Removals? Understanding Their Use In U.S. Immigration Policy,” December 5, 2025, <https://www.americanimmigrationcouncil.org/fact-sheet/what-are-third-country-removals-factsheet/>.

¹³ U.S. Senate Foreign Relations Committee, “At What Cost? Inside the Trump Administration's Secret Deportation Deals,” February 17, 2026, pp. 19-21, [https://www.foreign.senate.gov/imo/media/doc/\(FINAL%20-%20web\)%20At%20What%20Cost%20-%20Inside%20the%20Trump%20Administration%27s%20Secret%20Deportation%20Deals_2.17.26.pdf](https://www.foreign.senate.gov/imo/media/doc/(FINAL%20-%20web)%20At%20What%20Cost%20-%20Inside%20the%20Trump%20Administration%27s%20Secret%20Deportation%20Deals_2.17.26.pdf).

¹⁴ *Id.* p. 4.

¹⁵ Letter from Senator Elizabeth Warren to the Department of Homeland Security, Department of State, and Department of Defense, September 24, 2025, https://www.warren.senate.gov/imo/media/doc/letter_on_third-country_deportations.pdf.

¹⁶ Declaration of John A. Schultz at 5, DVD v. DHS, 26-1212 (1st Cir. March 5, 2026); The Hill, “Appeals court allows Trump to swiftly deport migrants to third countries,” Zach Schonfeld, March 16, 2026, <https://thehill.com/regulation/court-battles/5786361-trump-administration-deportations-appeal/>.

- c. Have DHS or DOJ personnel threatened deportation to a third country during asylum proceedings to disincentivize pursuing asylum claims? If so, please explain the details of such threats and what consequences, if any, exist for personnel engaged in such conduct.
2. ***Negotiating with foreign governments:*** Besides financial support, the Administration has reportedly offered other types of support or relief to countries that have agreed to receive third-country removals. Please catalogue, on a per-country basis, any benefit provided in exchange for receiving deportees, including any monetary foreign assistance, relief from threats of travel bans, relief from tariffs, visa-related benefits, or other direct or indirect support.¹⁷
 - a. Has the State Department complied with all applicable statutory requirements related to entering agreements with foreign governments, including, but not limited to, the *Case-Zablocki Act*?¹⁸
3. ***Evaluating the risk of torture and persecution:***
 - a. To date, what has been the State Department's process, if any, for evaluating the credibility of a country's assurance that it will not torture or persecute deportees?
 - b. To date, what has been the State Department's process, if any, for evaluating whether a country is likely to transport deportees onward to other countries where they're likely to face torture or persecution?
 - c. What new countries is the United States negotiating with to establish third-country removal agreements, and how does the State Department plan to evaluate the credibility of such assurances by those countries?
 - d. How, if at all, does the U.S. government monitor whether foreign governments are violating these assurances?
 - e. What measures does the U.S. government take if it finds that a third country has violated its assurances not to persecute or torture deportees?
4. ***Costs & spending:*** How much has the Administration spent on third-country deportations (including through flight costs, payments to recipient countries, indirect financial support such as programmatic assistance in recipient countries, other expenses to support entering deals with foreign countries, etc.)?
 - a. Please provide a breakdown on a per-country basis.
 - b. What oversight, reporting, and accountability mechanisms are in place, if any, to oversee funds transferred to foreign governments?
 - c. In their spending on the implementation of this third-country removal system, have the State Department and DHS complied with all applicable statutory requirements related to the use of appropriated funds?

¹⁷ U.S. Senate Foreign Relations Committee, "At What Cost: Inside the Trump Administration's Secret Deportation Deals," February 17, 2026, https://www.foreign.senate.gov/imo/media/doc/%28FINAL%20-%20web%29%20At%20What%20Cost%20-%20Inside%20the%20Trump%20Administration%27s%20Secret%20Deportation%20Deals_SFRC%20Minority%20Report_Feb%202026%200213.pdf; *see, e.g.*, New York Times, "Senator Criticizes Rubio for Paying \$7.5 Million to Equatorial Guinea to Take Deportees," Edward Wong, November 11, 2025, <https://www.nytimes.com/2025/11/11/us/politics/marco-rubio-equatorial-guinea.html>.

¹⁸ 1 U.S.C. 112b.

- d. Please provide a breakdown of which appropriations accounts have been used to fund the third-country removal system, and explain whether any of that funding has been transferred between accounts. If so, please provide documentation associated with the approval of any transfers.

Thank you for your attention to this important matter.

Sincerely,



Elizabeth Warren
United States Senator



Chris Van Hollen
United States Senator



Delia C. Ramirez
Member of Congress



Troy A. Carter, Sr.
Member of Congress



Richard Blumenthal
United States Senator



Eleanor Holmes Norton
Member of Congress



Raja Krishnamoorthi
Member of Congress



Yvette D. Clarke
Member of Congress



Adam Smith
Member of Congress



James P. McGovern
Member of Congress



Adam B. Schiff
United States Senator



Ilhan Omar
Member of Congress



Jahana Hayes
Member of Congress



Bernard Sanders
United States Senator



Jacky Rosen
United States Senator



Donald S. Beyer Jr.
Member of Congress



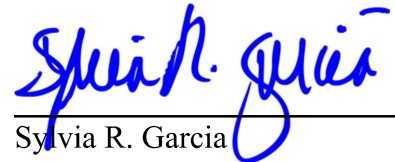
Chellie Pingree
Member of Congress



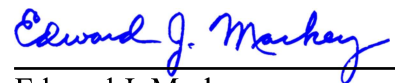
Dan Goldman
Member of Congress



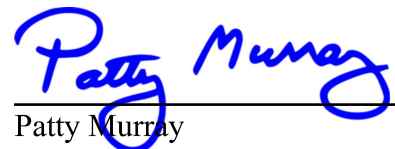
Jesús G. "Chuy" García
Member of Congress



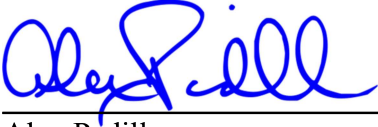
Sylvia R. Garcia
Member of Congress



Edward J. Markey
United States Senator



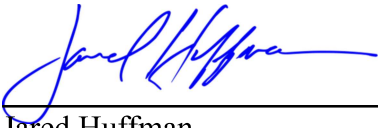
Patty Murray
United States Senator



Alex Padilla
United States Senator



Stephen F. Lynch
Member of Congress



Jared Huffman
Member of Congress



Ro Khanna
Member of Congress



Diana DeGette
Member of Congress



John Garamendi
Member of Congress



Jeffrey A. Merkley
United States Senator



Dwight Evans
Member of Congress