

United States Senate

WASHINGTON, DC 20510

September 3, 2025

The Honorable Kristi Noem
Secretary of Homeland Security
U.S. Department of Homeland Security
245 Murray Lane, SW
Washington, DC 20528

Dear Secretary Noem:

In a recent statement, the Department of Homeland Security (DHS) Assistant Secretary for Public Affairs Tricia McLaughlin said: “Illegal aliens who claim to be recipients of Deferred Action for Childhood Arrivals (DACA) are not automatically protected from deportation.”¹ In fact, DACA was created to provide protections from immigration enforcement for certain noncitizens brought to the United States as children, also known as Dreamers, who undergo strict background checks and meet specific educational or work requirements.² In contrast to Ms. McLaughlin’s puzzling statement, public DHS guidance makes clear that DACA holders are “not considered to be unlawfully present” in the United States and that “[a]n individual who has received deferred action is authorized by DHS to be in the United States for the duration of the deferred action period.”³

Americans overwhelmingly support providing Dreamers a path to citizenship,⁴ and in December 2024, then-President-elect Trump stated that he supported protections for Dreamers to remain in the United States.⁵ The Fifth Circuit Court of Appeals kept in place a stay that protects current DACA holders and limited a nationwide injunction on new DACA approvals to the state of Texas.⁶ In June, 41 Senators sent United States Citizenship and Immigration Services (USCIS) a letter requesting that USCIS begin processing new DACA applications, consistent with these decisions.⁷

¹ Ximena Bustillo, *DHS is urging DACA recipients to self-deport*, NPR NEWS (July 29, 2025), <https://www.npr.org/2025/07/29/nx-s1-5482923/dhs-daca-recipients-self-deport>.

² Memo from DHS Secretary Janet Napolitano, *Exercising Prosecutorial Discretion with Respect to Individuals Who came to the United States as Children* (June 15, 2012), <https://www.dhs.gov/xlibrary/assets/s1-exercising-prosecutorial-discretion-individuals-who-came-to-us-as-children.pdf>; *Deferred Action for Childhood Arrivals*, 87 FR 53152 (2022), <https://www.federalregister.gov/d/2022-18401/p-238>.

³ United States Citizenship and Immigration Services (USCIS), *Frequently Asked Questions* (last updated January 24, 2025), <https://www.uscis.gov/humanitarian/consideration-of-deferred-action-for-childhood-arrivals-daca/frequently-asked-questions>.

⁴ Lydia Saad, *Surge in U.S. Concern about Immigration Has Abated*, Gallup (July 11, 2025), <https://news.gallup.com/poll/692522/surge-concern-immigration-abated.aspx>.

⁵ Kristen Welker, *Trump says he wants DACA recipients to be able to remain in U.S.*, NBC NEWS (Dec. 8, 2024), <https://www.nbcnews.com/meet-the-press/video/trump-says-he-wants-daca-recipients-to-be-able-to-remain-in-u-s-226490949921>.

⁶ *State of Texas, et al. v. U.S.A.*, 23-40653 (5th Cir. 2025), <https://www.ca5.uscourts.gov/opinions/pub/23/23-40653-CV0.pdf>. The decision was issued on January 17, 2025, and became the Fifth Circuit’s final word on this matter when it issued its mandate on March 11, 2025.

⁷ Durbin, *40 Senate Democrats Press Trump Administration To Resume Processing DACA Application* (June 13, 2025), <https://www.durbin.senate.gov/newsroom/press-releases/durbin-40-senate-democrats-press-trump->

Instead of doing so, DHS has issued a statement urging DACA holders—who know no home but the United States—to “self-deport.”⁸ It was also disturbing to see DHS recently waste taxpayer dollars on the prolonged detention of a deaf and non-verbal DACA holder with no criminal history, contrary to your claims that the Trump Administration is arresting the “worst of the worst.”⁹

Actions like this one, targeting DACA holders who are lawfully in the United States, and who have committed no crime, help explain why a majority of the American public disapproves of the Trump Administration’s track record on immigration.¹⁰

Please respond to the following questions no later than September 17, 2025:

1. How many active DACA recipients have been detained or deported by DHS since January 2025? Provide a complete record for each DACA recipient, including locations, dates, and case outcomes.
2. On what legal authority does DHS rely to detain or remove individuals with current DACA protections?
3. How is DHS verifying the DACA or legal status of individuals at the time of detention, prior to initiating removal proceedings or deportation?
4. In the instances where DHS ascertains it has erroneously detained or deported an individual, especially if they have a form of legal protection such as DACA, what actions is the Department taking to remedy these situations?
5. What actions are DHS and U.S. Immigration and Customs Enforcement (ICE) taking to address any errors regarding current DACA recipients and ensure they do not continue to take place as part of the current Trump administration’s immigration enforcement activities?
6. Has DHS shifted its policy regarding these young people despite President Trump declaring his support for protecting Dreamers and DACA recipients?¹¹

[administration-to-resume-processing-daca-application.](#)

⁸ NPR News, *supra* 1.

⁹ Brittny Mejia, *Deaf, mute and terrified: ICE arrests DACA recipient and ships him to Texas*, LA TIMES (July 22, 2025), <https://www.latimes.com/california/story/2025-07-22/ice-arrests-daca-recipient-at-california-car-wash>; and *We have been going after the ‘worst of the worst’ in LA: Kristi Noem*, FOX NEWS (Jun. 10, 2025), <https://www.foxnews.com/video/6374069994112>

¹⁰ See, e.g., Victoria Balara, *Fox News Poll: Voters view legal immigration as helpful, favor deporting those who are here illegally*, FOX NEWS (June 19, 2025), <https://www.foxnews.com/politics/fox-news-poll-voters-view-legal-immigration-helpful-while-favoring-deporting-illegal-immigrants> (by a 53-46 percent margin, Americans disapprove of Trump’s job performance on “immigration.”).

¹¹ NBC NEWS, *supra* 5.

We urge you to correct Assistant Secretary McLaughlin's statement to accurately reflect DACA and ensure that DHS recognizes and abides by the protections of DACA moving forward. Recent enforcement actions against DACA recipients not only appear to violate the Fifth Circuit stay, but also disrupt families, harm communities, and inflict unnecessary social, emotional, and economic costs.

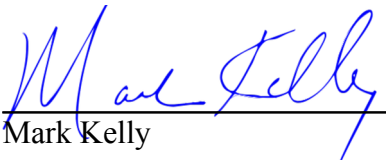
Sincerely,



Richard J. Durbin
United States Senator



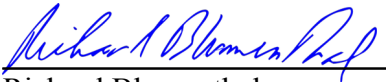
Alex Padilla
United States Senator



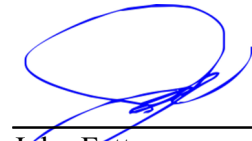
Mark Kelly
United States Senator



Charles E. Schumer
United States Senator



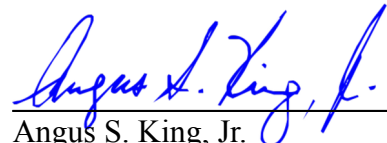
Richard Blumenthal
United States Senator



John Fetterman
United States Senator



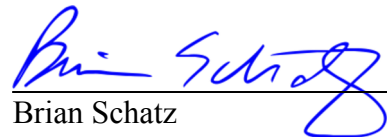
Bernard Sanders
United States Senator



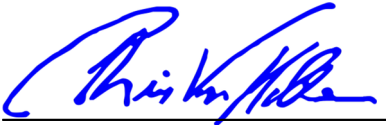
Angus S. King, Jr.
United States Senator



Raphael Warnock
United States Senator



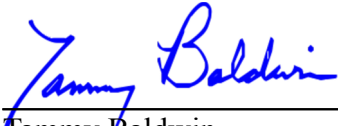
Brian Schatz
United States Senator



Chris Van Hollen
United States Senator



Cory A. Booker
United States Senator



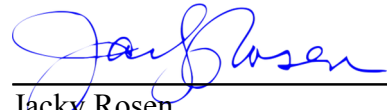
Tammy Baldwin
United States Senator



Peter Welch
United States Senator



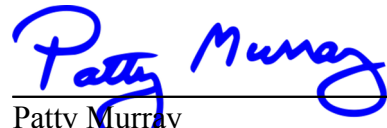
Adam B. Schiff
United States Senator



Jacky Rosen
United States Senator



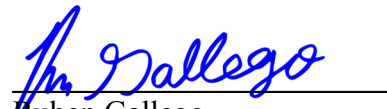
Catherine Cortez Masto
United States Senator



Patty Murray
United States Senator



Jeanne Shaheen
United States Senator



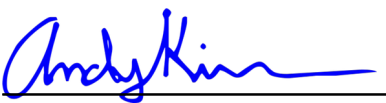
Ruben Gallego
United States Senator



Christopher S. Murphy
United States Senator



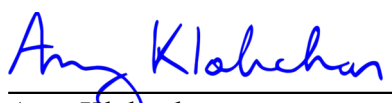
Kirsten Gillibrand
United States Senator

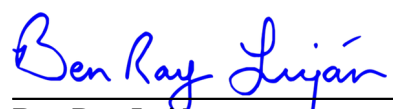



Andy Kim
United States Senator





Jack Reed
United States Senator


Amy Klobuchar
United States Senator

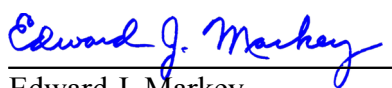

Ben Ray Lujan
United States Senator

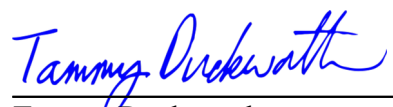

Tina Smith
United States Senator


Sheldon Whitehouse
United States Senator

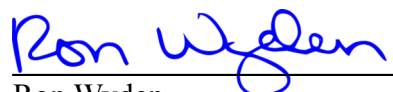

Elizabeth Warren
United States Senator

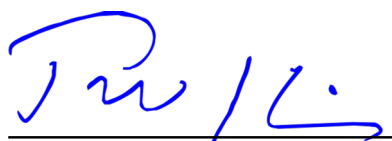

Mazie K. Hirono
United States Senator



Edward J. Markey
United States Senator


Tammy Duckworth
United States Senator



Michael F. Bennet
United States Senator


Ron Wyden
United States Senator


Tim Kaine
United States Senator


Gary C. Peters
United States Senator


Martin Heinrich
United States Senator


Jeffrey A. Merkley
United States Senator



Christopher A. Coons
United States Senator



Margaret Wood Hassan
United States Senator



Angela D. Alsobrooks
United States Senator