

Congress of the United States
Washington, DC 20515

June 29, 2018

The Honorable Michael E. Horowitz
Inspector General
Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530

The Honorable Daniel R. Levinson
Inspector General
Department of Health and Human Services
200 Independence Avenue, S.W.
Washington, D.C. 20201

John V. Kelly
Acting Inspector General
Department of Homeland Security
245 Murray Lane SW
Washington, D.C. 20528

Dear Mr. Horowitz, Mr. Levinson, and Mr. Kelly:

We are writing to request an investigation into the Trump Administration's "zero tolerance" policy—as well as its policy of separating children from their parents at the border—and the partial reversal of these policies through President Trump's Executive Order on June 20, 2018.

We strongly oppose these misguided and destructive policies. In addition, based on the events of the past several months, we have grave concerns about how the Department of Justice, Department of Homeland Security, and Department of Health and Human Services considered, prepared for, and executed these policies. We request that you examine this entire process—including legal, logistical, coordination, and public information issues—and issue a report detailing the ways in which these efforts were deficient or could have been improved.

For example, multiple reports indicate that, before implementing the child separation policy, the Trump Administration failed to put in place adequate protocols to reunite children and their parents at the resolution of these proceedings:

No protocols have been put in place for keeping track of parents and children concurrently, for keeping parents and children in contact with each other while they are separated, or for eventually reuniting them.¹

Multiple reports also indicate that the Trump Administration has been deporting parents without their children:

¹ *The Government Has No Plan for Reuniting the Immigrant Families It Is Tearing Apart*, New Yorker (June 18, 2018) (online at www.newyorker.com/news/news-desk/the-government-has-no-plan-for-reuniting-the-immigrant-families-it-is-tearing-apart).

On Wednesday, the President signed an executive order that he claimed would halt the separations, but it made no mention of the families who had already been split up. They have been left in limbo. Some parents have already been deported, while their children remain in the U.S.²

In addition, multiple reports indicate that the Trump Administration may be coercing parents to waive their legal rights and leave the country in order to be reunited with their children.³

Even since President Trump issued Executive Order 13841, the Administration still has not provided consistent information on a family reunification plan, whether children are still being separated at the border, or whether your agencies have accurate information about whether detained children entered the United States as unaccompanied minors or were separated from their parents upon entry.

We also have serious questions about whether public statements by officials at each of your agencies were based on facts or matched the internal decision-making process that led to the implementation of these policies. For example:

- Trump Administration officials made conflicting statements about whether there was a policy of separating children at the border. Department of Homeland Security Secretary Kirstjen Nielsen tweeted on June 17: “We do not have a policy of separating families at the border. Period.”⁴ Three days later, President Trump issued his executive order reversing the child separation policy.
- Trump Administration officials made conflicting statements about the goal of the child separation policy. For example, Attorney General Jeff Sessions, White House Chief of Staff John Kelly, and other Administration officials repeatedly said the policy would act as a deterrent, while Secretary Nielsen said she found that idea “offensive.”⁵
- Trump Administration officials made conflicting statements about the cause of the crisis and the manner in which it could be addressed. The President repeatedly and falsely blamed Democrats and legal requirements for his child separation

² *Mothers in a New Mexico Prison Do Not Know How to Find Their Children*, New Yorker (June 21, 2018) (online at www.newyorker.com/news/dispatch/mothers-in-a-new-mexico-prison-do-not-know-how-to-find-their-children).

³ *Separated Parents Given Option for Voluntary Deportation Amid Child Reunification*, CNN (June 24, 2018) (online at www.cnn.com/2018/06/24/politics/family-reunification-deportation-orders/index.html).

⁴ Sec. Kirstjen Nielsen, @SecNielsen, Twitter (June 17, 2018) (online at twitter.com/SecNielsen/status/1008467414235992069).

⁵ *Defiant Home Security Secretary Defends Family Separations*, NPR (June 18, 2018) (online at www.npr.org/2018/06/18/620972542/we-do-not-have-a-policy-of-separating-families-dhs-secretary-nielsen-says).

policy, saying: “We can’t do it through executive order.”⁶ Yet, a few days later, he did exactly that.

Prior to the “zero tolerance” policy, the Administration flatly denied that families were being separated at the border, despite numerous reports to the contrary.⁷ In addition, the Trump Administration promised that it would not separate families or prosecute asylum seekers who present themselves to authorities at official ports of entry, then reportedly did so.⁸

We understand that many of our colleagues sent a letter to Mr. Levinson and Mr. Kelly requesting an investigation.⁹ We fully support this request and ask that you expand it to also address the following questions at all three agencies:

- (1) When the Trump Administration announced its “zero tolerance” policy on April 6, 2018:
 - (a) What preparations—including legal, logistical, coordination, and public information issues—had been completed at that time at each agency?
 - (b) What documents were prepared at that time at each agency to estimate and prepare for the ramifications of implementing the policy?
 - (c) What policies or procedures were in place at that time at each agency to track separated children and reunite families?
 - (d) What guidance or training were offered at that time at each agency to employees implementing these policies?
- (2) When President Trump issued Executive Order 13841 on June 20, 2018:
 - (a) What preparations—including legal, logistical, coordination, and public information issues—had been completed at that time at each agency?

⁶ *Trump Stops Separating Immigrant Families After Claiming He Couldn't*, The Daily Beast (June 20, 2018) (online at www.thedailybeast.com/trump-stops-separating-immigrant-families-after-claiming-he-couldnt).

⁷ See, e.g., *Migrant Seeking Asylum Says His Toddler Was Taken Away at the U.S. Border*, PBS (Dec. 22, 2017) (online at www.pbs.org/newshour/show/migrant-seeking-asylum-says-his-toddler-was-taken-away-at-the-u-s-border); Letter from Members of Congress to Secretary Kirstjen Nielsen, Department of Homeland Security (Feb. 8, 2018) (online at democrats-homeland.house.gov/sites/democrats.homeland.house.gov/files/documents/DemsLetterDHSFamilies.pdf).

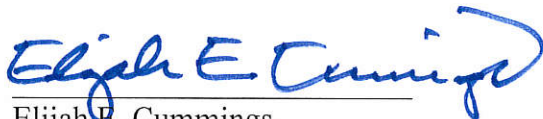
⁸ *What We Know: Family Separation and 'Zero Tolerance' at the Border*, NPR (June 19, 2018) (online at www.npr.org/2018/06/19/621065383/what-we-know-family-separation-and-zero-tolerance-at-the-border).

⁹ Letter from Members of Congress to Acting Inspector General John V. Kelly, Department of Homeland Security, and Inspector General Daniel R. Levinson, Department of Health and Human Services (June 22, 2018) (online at correa.house.gov/imo/media/doc/Rep%20Correa%20-%20Letter%20To%20DHS%20HHS%20IG.pdf).

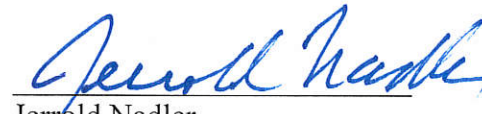
- (b) What documents were prepared at that time at each agency to estimate and prepare for the ramifications of implementing the policy?
 - (c) What policies or procedures were in place at that time at each agency to track separated children and reunite families?
 - (d) What guidance or training were offered at that time at each agency to employees implementing these policies?
- (3) To what extent have the Trump Administration's actions under the "zero tolerance" policy and the President's Executive Order complied with domestic and international law?
 - (4) Has the Trump Administration separated any children from their parents at official ports of entry? If so, how many, and for what reasons?
 - (5) Has the Trump Administration deported any parents without their children, leading to potentially permanent family separations? If so, how many, what actions have been taken to reunite those families?
 - (6) Has the Trump Administration coerced parents to waive their legal rights in order to be reunited with their children? If so, how many, and what actions have been taken to reunite those families?
 - (7) Did the Trump Administration separate any children from their parents before April 6, 2018? If so, how many, and what actions have been taken to reunite those families?

Thank you for your prompt attention to this request.

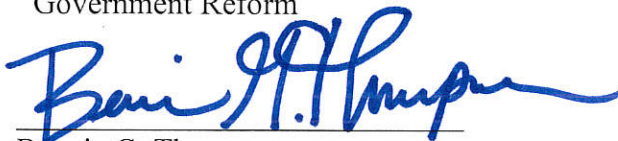
Sincerely,



Elijah E. Cummings
Ranking Member
Committee on Oversight and
Government Reform



Jerrold Nadler
Ranking Member
Committee on the Judiciary



Bennie G. Thompson
Ranking Member
Committee on Homeland Security



Robert C. "Bobby" Scott
Ranking Member
Committee on Education and the Workforce

The Honorable Michael E. Horowitz
The Honorable Daniel R. Levinson
Mr. John V. Kelly
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Frank Pallone, Jr.
Ranking Member
Committee on Energy and Commerce

cc: The Honorable Trey Gowdy, Chairman
Committee on Oversight and Government Reform

The Honorable Bob Goodlatte, Chairman
Committee on the Judiciary

The Honorable Michael McCaul, Chairman
Committee on Homeland Security

The Honorable Virginia Foxx, Chairwoman
Committee on Education and the Workforce

The Honorable Greg Walden, Chairman
Committee on Energy and Commerce