



Homeland Security

July 19, 2018

Ms. Catherine E. Lhamon
Chair
United States Commission on Civil Rights
1331 Pennsylvania Avenue, NW
Suite 1150
Washington, DC 20425

Dear Ms. Lhamon:

Thank you for your June 15, 2018 letter.

I have reviewed your concerns about the Administration's zero-tolerance efforts and cases of family separation that have resulted from the prosecution of illegal border crossers. The purpose of zero-tolerance is to refer for prosecution all amenable adults who illegally enter the United States in violation of 8 U.S.C. § 1325(a). Our policy has been to enforce this law prohibiting illegal entry by prosecuting those who violate the law, *not* by deliberately separating families. I want to reiterate that the Department of Homeland Security (DHS) has never had a blanket policy of separating families at the border. But like any American arrested and charged with a crime, illegal aliens who violate our laws are not accompanied by their families into the criminal justice system.

On June 20, 2018, President Trump signed an Executive Order that directs the Administration to continue to protect the border and to prosecute illegal crossers, while simultaneously avoiding the separation of families to the extent we can legally do so. As expressed in the Executive Order, it is the policy of this Administration to maintain family unity, including by detaining alien families together where appropriate and consistent with the law and available resources. A permanent fix, however, is the responsibility of Congress, which must act to ensure DHS can keep families together throughout the course of their immigration proceedings and to eliminate loopholes that incentivize criminals, smugglers, and other nefarious actors from exploiting our immigration system to enter the United States illegally.

The Department is continuing to examine these issues in light of ongoing litigation and recent court decisions. The cosigners of your letter will receive a separate, identical response. Thank you again for your letter and your interest in this important issue.

Best Regards,

A handwritten signature in black ink, appearing to read "Kirstjen Nielsen", written over a light blue grid background.

Kirstjen M. Nielsen
Secretary