

U.S. House of Representatives
Committee on the Judiciary
Washington, DC 20515-6216
One Hundred Fifteenth Congress

July 11, 2018

The Honorable Bob Goodlatte
Chairman
Committee on the Judiciary
U.S. House of Representatives
2138 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Goodlatte:

We write to request that the Judiciary Committee immediately schedule an oversight hearing with Secretary of Homeland Security Kirstjen Nielsen. The Committee has thus far failed to exercise its oversight responsibilities with the Department of Homeland Security (DHS) in the 115th Congress. This failure has grown even more indefensible as the Nation has watched the horrors caused by the Department's implementation of President Donald Trump's "zero tolerance" policy.

For weeks, the Administration refused to concede that a family separation policy was in effect. On June 17th, for example, Secretary Nielsen used social media channels to state that the Administration had no policy requiring family separation. Yet a mere three days later, President Trump signed an Executive Order reversing the purportedly non-existent policy.¹ This disconnect is emblematic of the confusion and disarray that has surrounded the policy since its inception.

The need for a DHS oversight hearing is made even more urgent by the fact that thousands of children remain separated from their parents. According to reports, chaos appears to reign at immigration detention centers across the country, as desperate parents and traumatized children attempt to locate each other with minimal success. As U.S. District Court Judge Dana M. Sabraw explained in a recent decision, "the government has no system in place to keep track of, provide effective communication with, and promptly produce alien children. The unfortunate reality is that under the present system migrant children are not accounted for with the same efficiency and accuracy as *property*."²

¹ Secretary Kirstjen Nielsen (@SecNielsen), TWITTER, (June 17, 2018, 2:57 pm), <https://twitter.com/SecNielsen/status/1008467414235992069>.

² Ms. L v. ICE, No. 18cv0428 DMS, at 14-15 (S.D. Cal. June 26, 2018).

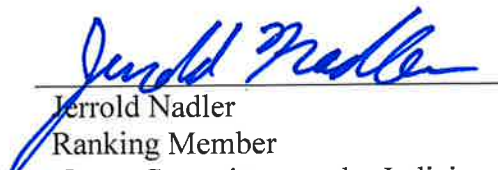
It is our understanding that although criminal immigration-only prosecutions for parents traveling with children have been temporarily paused, some 2,000 to 3,000 children remain separated from their parents.³ DHS—along with the Department of Justice and the Department of Health and Human Services—has failed to communicate a clear, cognizable plan for family reunification.⁴ The Administration continues to make contradictory statements with regards to family reunification, and these claims fail to line up with what is being reported by lawyers working to reunify families.⁵

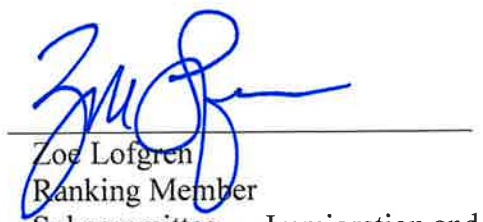
As the Committee with jurisdiction over immigration and criminal enforcement, we have a responsibility to conduct meaningful oversight of what has amounted to government sponsored child abuse under the cloak of immigration enforcement. Members should have an opportunity to ask questions about the inception of the family separation policy, its implementation, the level of coordination between DHS and other relevant agencies, and what steps are now being taken to reunify families. This questioning should be conducted in a formal setting so that the American people can listen to Secretary Nielsen's responses. As Members of the Judiciary Committee, our duty is to facilitate transparency for areas within our jurisdiction.

We had hoped that many of these questions would be addressed when Secretary Nielsen was tentatively scheduled to appear before the Committee in June. That hearing, however, was unceremoniously postponed followed by your assurance that the Committee would hear from the Secretary before the August recess. We are now in the final weeks before the summer recess and have yet to be advised of any such hearing.

We look forward to your prompt response to this important request.

Sincerely,


Jerrold Nadler
Ranking Member
House Committee on the Judiciary


Zoe Lofgren
Ranking Member
Subcommittee on Immigration and
Border Security

³ Tal Kopan, *DHS: 2000 children separated from parents border*, CNNPolitics (June 16, 2018).

⁴ Isaac Stanley-Becker & Devlin Barrett, *Federal judge orders reunification of migrant families*, WASH. POST, June 27, 2018.

⁵ Ella Nielsen, *The Trump administration says it has reunited more than 500 families. One legal group in Texas has confirmed 4 cases*, Vox (June 26, 2018, 12:40 pm EDT).