



# Homeland Security

July 24, 2018

The Honorable Elijah E. Cummings  
U.S. House of Representatives  
Washington, DC 20515

Dear Representative Cummings:

Thank you for your June 22, 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. Individual adults or legitimate families crossing at a Port of Entry have not violated U.S. law and will not face prosecution.

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, by detaining alien families together where appropriate and consistent with the law and available resources. In support of this, DHS, the Department of Health and Human Services (HHS), and the Department of Justice (DOJ) established a coordinated reunification process to ensure that eligible parents are reunited with their children in a safe and efficient manner.<sup>1</sup> In the interest of transparency, we have resources dedicated to ensuring accurate public awareness, to include a frequently asked questions webpage<sup>2</sup> and periodic reunification progress updates.<sup>3</sup> DHS and HHS have also complied with multiple requests from Members of Congress and state and local officials for tours of detention facilities and to witness reunification efforts firsthand.

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<sup>1</sup> The Tri-Department Plan for Stage II of Family Reunification, July 18, 2018, <https://www.hhs.gov/sites/default/files/UAC-Tri-Department-Process.pdf>

<sup>2</sup> Frequently Asked Questions: Zero Tolerance Immigration Prosecutions, <https://www.dhs.gov/news/2018/06/15/frequently-asked-questions-zero-tolerance-immigration-prosecutions>

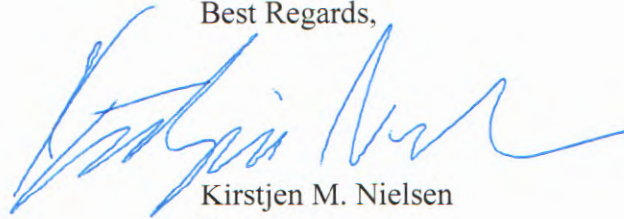
<sup>3</sup> Trump Administration Completes Reunification for Eligible Children Under Age 5  
<https://www.dhs.gov/news/2018/07/12/trump-administration-completes-reunification-eligible-children-under-age-5>

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Moving forward, I reiterate my plea to Congress to close the legal 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 a variety of issues in light of ongoing litigation and recent court decisions. Thank you again for your letter and your interest in this important issue.

Best Regards,



Kirstjen M. Nielsen  
Secretary