

U.S. House of Representatives

Committee on the Judiciary

Washington, DC 20515-6216
One Hundred Sixteenth Congress

January 11, 2019

The Honorable Kirstjen M. Nielsen
Secretary
U.S. Department of Homeland Security
301 7th Street SW
Washington, D.C. 20528

Dear Secretary Nielsen:

I want to thank you for testifying before the Committee in December. There remain many unanswered questions about the development and execution of the Trump Administration's family separation or "zero tolerance" policy. The latest tragic deaths in custody of young children underscore the need for oversight of Administration's policies. Members of this Committee have written repeatedly to the Department to request briefings, information, and document preservation on matters related to family separation, migrant detention, deaths in custody, and related policies on the border. The existence of any family separation pilot program, the health and safety of children in your facilities, the lack of a proper reunification strategy prior to implementation, and the legal justifications for these policies remain key issues this Committee must better understand.


To that end, I respectfully ask that you provide complete responses and produce the relevant documents and communications requested below by February 8, 2019. I recognize the challenges created by the ongoing government shutdown and my office is willing to work with you to find a workable deadline as the shutdown progresses.

1. Unredacted copy of the April 23, 2018 Department of Homeland Security memorandum signed by Secretary Nielsen concerning family separation;
2. Unredacted copy of the September 27, 2018 Department of Homeland Security Office of Inspector General Report concerning family separation;
3. Documents and communications dated from January 20, 2017 to April 23, 2018 relating to the implementation of a "zero tolerance" policy or any other family separation policy, including any pilot program resulting in family separation along the southwest border. Please include a list of any steps taken by the Administration to separate families at the southwest border, either at ports of entry or otherwise, prior to June 17, 2018;
4. Total number of separated or unaccompanied children who have been held longer than 72 hours since January 20, 2017;

5. Total number of separated or unaccompanied children who reported physical or sexual abuse in the custody of Health and Human Services or the Department of Homeland Security. Please include a list of the facilities where the incidents occurred and a description of actions taken for each incident;
6. Unredacted copies of the Custom and Border Protection “Sexual Abuse and Assault in Holding Facilities” Annual Reports for 2014 through 2018. Please include copies of the aggregated sexual abuse and assault data required to be publicly available pursuant to 28 C.F.R. §§ 115.186 - 189. If not completed, please provide copies of the draft reports;
7. Copies of the audits required pursuant to 28 C.F.R. § 115.193 of facilities holding individuals under 18 years of age. If the required audits are not complete, please provide documents and communications related to the proposed timeline of the audits and any draft findings;
8. Documents and communications relating to the policy of the forced administration of medication—including, but not limited to, anti-psychotics, anti-depressants, and mood stabilizers—to individuals under the age of 18 in the custody of Health and Human Services or the Department of Homeland Security;
9. Documents or communications relating to the policies, processes, or resources needed to identify, track, and reunify family members separated between January 20, 2017 and April 23, 2018;
10. Documents or communications relating to the creation of procedures or the allocation of resources to support the reunification of families separated between April 23, 2018 and June 20, 2018;
11. Documents and communications referring or relating to the conclusions and recommendations in the Department of Homeland Security’s Office of Inspector General’s September 2018 reports on “Family Separation Issues under the Zero Tolerance Policy” and “Results of Unaccounted Inspections into Conditions for Unaccompanied Alien Children in CBP Custody”;
12. Documents and communications dated from January 20, 2017 to January 11, 2019 relating to the decision to implement or expand metering or “queue management” at ports of entry along the southwest border;
13. Documents and communications dated from January 20, 2017 to January 11, 2019 relating to the policies, processes, or resources needed to implement or expand metering or “queue management” at ports of entry along the southwest border;
14. Documents and communications between the Department of Homeland Security and its components, Health & Human Services, and the Department of Defense, referring or relating to the use of Department of Defense personnel or facilities to support the detention of unaccompanied minors or children separated from families under the zero tolerance or other family separation policy.

Thank you for your prompt attention on this matter. I look forward to working more closely with your office in the 116th Congress.

Sincerely,



Jerrold Nadler
Chairman
House Committee on the Judiciary

cc: Honorable Doug Collins, Ranking Member, House Committee on the Judiciary