

United States Senate

WASHINGTON, DC 20510

August 22, 2018

The Honorable Kirstjen M. Nielsen
Secretary
U.S. Department of Homeland Security
Washington, D.C. 20528

Dear Secretary Nielsen:

We write to you today in your capacity as the most senior immigration policy maker in the Trump Administration. This Administration's anti-immigrant policies have provoked the worst immigration crisis in modern times, and under your leadership it grows worse by the day.

In the midst of the worst refugee crisis in history, the Trump Administration set the lowest refugee ceiling ever and is going to extraordinary lengths to prevent victims of horrific gang and sexual violence from seeking safe haven in the United States. While you falsely claimed, "We do not have a policy of separating families at the border," it was on your watch that nearly 2,700 migrant children were separated from their parents. Your agency has callously branded them "deleted family units." As of August 16, more than 500 children still have not been reunited with their families, including more than 360 whose parents were apparently deported and 10 whose parents have not been located at all.

Ongoing litigation has highlighted your central role in the cruel effort to repeal the Deferred Action for Childhood Arrivals (DACA) program, which has provided temporary protection from deportation to 800,000 Dreamers who grew up in this country. On August 3, U.S. District Court Judge John Bates, who was appointed by President George W. Bush, called the repeal of DACA "arbitrary and capricious" and said that your memo attempting to justify the decision "fails to elaborate meaningfully on the agency's primary rationale for its decision."

Despite your strident opposition, federal courts have ordered the Administration to continue DACA renewals. At the same time, the Trump Administration has refused to defend the DACA program in a lawsuit filed by the State of Texas and six other states which may soon result in an injunction blocking DACA renewals. These conflicting court decisions would only lead to further chaos and uncertainty for these Dreamers and countless Americans who rely upon them.

You have also terminated Temporary Protected Status (TPS) for more than 300,000 TPS recipients. This jeopardizes the stability of these countries, our national security, and the safety of these TPS recipients. You have offered no credible solution to protect the best interests of hundreds of thousands of U.S. citizens who are the children of these TPS recipients. Incredibly, for the few devastated countries for which you have extended TPS designations you have refused to provide protection to recent arrivals. How is a Syrian who arrived in the U.S. on October 2, 2016 less at risk if forced to return to a brutal civil war than someone who arrived the day before?

You have implemented overbroad and ineffective measures like a travel ban targeting Muslim countries that send a clear message that the United States is no longer a welcoming country. This has led to a sharp decline in international students at the same time universities in other nations are seeing double-digit increases in foreign student enrollment. This is a threat to the preeminence of our higher education system and our economic competitiveness.

All this destruction is supposedly in the name of securing our nation and protecting the interests of American workers. However, the reality is that you are making us less safe by focusing immigration enforcement on Dreamers, migrant children, and others who pose no danger, which diverts attention from true security threats. And, rather than defending American workers, you have allowed outsourcing companies to continue importing tens of thousands of low-wage foreign workers to replace Americans, and just this year you have personally authorized 15,000 additional guest-worker visas without improving protections for American workers.

This Administration created the threat to more than one million Dreamers and TPS beneficiaries, as well as the humanitarian crisis of the lost migrant children, and you have attempted to use these vulnerable individuals as bargaining chips to advance the Administration's anti-immigrant agenda. You led the negotiations in which the Trump Administration rejected several bipartisan deals to protect Dreamers, including an offer of \$25 billion to fund the President's wasteful border wall in exchange for the Dream Act.

You said the Administration would only support legalization for Dreamers if it was paired with a plan that would slash legal immigration by more than 40 percent, the largest cut in almost a century. Earlier this year the Senate voted on this plan and it failed by a bipartisan supermajority – 39 to 60. You are holding Dreamers hostage for an immigration plan so extreme that even your own party cannot support it.

Madam Secretary, if you plan to continue in your office we implore you to do the right thing and immediately change course. You should:

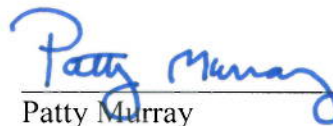
- Direct your agency to find the parents you have deported and reunite them with their children.
- Immediately restore the DACA program and support the bipartisan DREAM Act.
- Redesignate and extend TPS for the ten countries that were designated as of a year ago and clearly continue to meet the TPS statutory standard and support a path to citizenship for longtime TPS and Deferred Enforced Departure (DED) recipients.
- End the travel ban and make it clear that the United States welcomes international students and other travelers from all corners of the globe.
- Put forward an immigration-reform plan to help our farms and businesses hire the legal immigrants they need to thrive.
- Support a generous refugee ceiling for 2019 so we can resume our longstanding leadership in admitting the most vulnerable refugees no matter their religion or nationality.
- And initiate good faith bipartisan negotiations with Congress to fix our broken immigration system once and for all.

Some of the harm you have done is permanent. But it is not too late to prevent the crisis you helped create from spiraling out of control and doing untold damage to our nation's values and countless lives.

Sincerely,



Richard J. Durbin
United States Senator



Patty Murray
United States Senator



Ron Wyden
United States Senator



Jack Reed
United States Senator



Robert Menendez
United States Senator



Bernard Sanders
United States Senator



Sheldon Whitehouse
United States Senator



Tom Udall
United States Senator



Jeffrey A. Merkley
United States Senator



Kirsten Gillibrand
United States Senator



Richard Blumenthal
United States Senator




Brian Schatz
United States Senator



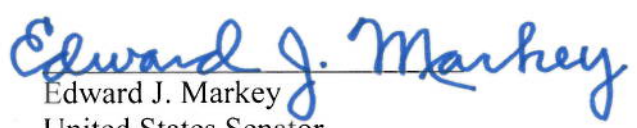
Mazie Hirono
United States Senator




Martin Heinrich
United States Senator



Elizabeth Warren
United States Senator



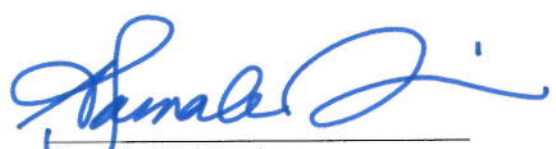
Edward J. Markey
United States Senator



Cory A. Booker
United States Senator



Tammy Duckworth
United States Senator



Kamala D. Harris
United States Senator