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CONGRESSIONAL HISPANIC CAUCUS
118th Congress

August 15, 2023

Hon. Merrick Garland
Attorney General
U.S. Department of Justice
950 Pennsylvania Ave., NW
Washington, D.C. 20630

Hon. Alejandro Mayorkas
Secretary
Department of Homeland Security
2702 Martin Luther King Jr. Ave., SE
Washington, DC 20528

Dear Attorney General Garland and Secretary Mayorkas:

The Congressional Hispanic Caucus (CHC) writes to demand that the Department of Justice (DOJ) immediately launch an investigation and take concerted measures to ensure that officials from the Texas Department of Public Safety (DPS) stop intentionally separating migrant families along the Rio Grande sector of the U.S.-Mexico border. Texas DPS has confirmed that they are separating families by arresting and incarcerating men who arrive with their wives and children as part of Operation Lone Star. This appears to be an attempt by Governor Greg Abbott to reinvent cruel and unpopular policies of the previous Trump Administration and is a blatant contradiction to the Biden Administration’s efforts to keep families together. We urge the Department of Homeland Security (DHS) to reunite these families and ensure that the families’ immigration cases proceed together.

Based on news reports and confirmed by CHC members during a recent Congressional Delegation (CODEL) visit to the Rio Grande sector of the U.S.-Mexico border, Texas DPS troopers have broken up at least 26 families by arresting the fathers for criminal trespass and incarcerating them in state prison since July 10. The families reported that DPS said they would be reunited later in immigration custody, but they remain separated. Of particular concern, during their visit, CHC Members were informed by local immigration and civil rights advocates with firsthand knowledge that those who have been incarcerated by DPS are living in horrendous prison conditions and are possibly being informed of their legal options in ways that arguably coerces a specific course of action. For example, CHC members learned, that migrants were being told that they could either wait 6-9 months in jail or, if they want to be reunited with their families, they could plead guilty and get out on bond automatically. Pretrial detention for a class B misdemeanor anywhere else in Texas is 1 to 3 days in jail, yet migrants are being held several months in deplorable conditions. Since most of these

individuals have little to no legal support, they do not understand what they are admitting guilt to or how it will affect their immigration status. If true, it is possible their rights to due process are being violated. We ask the DOJ to expedite any ongoing investigation of these allegations and, if due process rights are being violated, that they take immediate action to protect the rights of those in custody and to work with DHS to identify those whose rights were violated and reunite them with their families.

After the fathers are incarcerated in state or local facilities, they are then transferred to Immigration and Customs Enforcement (ICE) custody, with no reference to the families they have been separated from and placed in expedited removal. With little to no communication, mothers and children are traumatized and left wondering what happened to their loved ones. We ask that Secretary Mayorkas investigate these reports and ensure that these fathers are not being placed into expedited removal and immediately reunite the fathers with their families. This should be extended broadly so that parents are not separated from their families and placed into expedited removal. Confirming news reports, during our visit, we heard from advocates on the ground who have witnessed the severe physical and mental trauma Operation Lone Star's tactics inflict on innocent families.

This latest news comes at the heels of Governor Abbott's other increasingly malicious tactics to harm migrants at the Texas border. Based on news reports and confirmed during our visit, Texas DPS has installed large buoys with nets and razor-sharp defense mechanisms and concertina wire barriers to prevent people from reaching safety through the Rio Grande. Notably, the buoys are positioned in the river to impede migrants' ability to cross through safe waters, forcing people to cross through deep and dangerous points in the river. In addition to forcing migrants to tread through more dangerous waters, Texas troopers have been ordered to push migrants, including young children, back into the Rio Grande and to deny migrants water in the sweltering heat. Most recently, the bodies of two people were found on or near one of these buoy barriers installed by Texas authorities. Governor Abbott's escalating political stunts are not only inhumane and unacceptable but also deadly.

Additionally, according to reports, communities in Texas do not want their backyards used to host Governor Abbott's cruel and deadly political stunts. Earlier this month, Texans in Eagle Pass protested the city's closure of Shelby Park, a public city park that runs along the Rio Grande, to the public and its use as a base for Operation Lone Star. Since the park's closure on the Fourth of July, razor wire and large containers have been placed along the riverbank and buoy barriers were later deployed into the river from the park grounds. While the Mayor was responsive to the community and rescinded the affidavit that proclaimed Shelby Park private, the now-public park is still being used by Texas DPS to issue arrests. During their visit, CHC members were able to confirm these reports when they met with community stakeholders who emphasized their opposition to Operation Lone Star and the implementation of barriers in the Rio Grande. They oppose these barriers on humanitarian, environmental, private property, and business obstructions grounds. We echo their concerns and share the detrimental impact Governor Abbot's orders have had on border communities, particularly Eagle Pass.

We commend the DOJ filing a lawsuit on July 24 against Texas and Governor Abbott for placing these buoys in the Rio Grande. However, we strongly believe more must be done. Governor Abbott has been able to implement Operation Lone Star and act with impunity for more than two years. We urgently call on the Administration to consider what further decisive action they can take to address this alarming situation. We urge DOJ to expedite any ongoing investigation on how federal dollars are being used by the State of Texas in ways that violate civil rights and anti-discrimination laws. We also ask the administration to pursue all avenues, including the courts, to stop Governor Abbott from continuing to implement these policies and prevent any further human rights abuses.

We, the Congressional Hispanic Caucus, urgently request your immediate attention to this deeply troubling situation. We request a prompt reply that updates Congress as to how these families are being

reunited and what actions the DOJ and DHS are taking to ensure that future family separations are prevented, and due process rights is being protected. Please give this request your full and fair consideration on the merits in compliance with all applicable laws and regulations.

Sincerely,

Nanette Diaz Barragán
Chair
Congressional Hispanic Caucus

Sylvia R. Garcia
Whip
Congressional Hispanic Caucus

Joaquin Castro
Members of Congress

Veronica Escobar
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Robert Menendez
Members of Congress

Juan Vargas
Members of Congress

Raul Ruiz, M.D
Members of Congress

J. Luis Correa
Members of Congress