

February 2, 2021

David Pekoske  
Acting Secretary  
Department of Homeland Security  
*via e-mail*

Re: Halt Deportation of Families in ICE Custody Pursuant to January 20 Memorandum

Dear Acting Secretary Pekoske,

We the undersigned 110 immigration, civil rights, faith-based and human rights organizations and law school clinics write to urge the Department to immediately halt the deportations of asylum seeking parents and their children this week from the South Texas Family Residential Center in Dilley, Texas. Children and families are not enforcement priorities. As this administration moves away from the anti-immigrant policies of the past, we call on the Department to take immediate steps to ensure these families remain together and free in the United States.

These parents and their children, some as young as three years old, face deportation to the countries from which they are seeking asylum after the prior administration sought to deny them protection based on unlawful and anti-refugee policies, such as the Third Country Asylum Transit Ban. Despite federal courts ruling the underlying policies were unlawful, these families have remained detained for up to 18 months and now face return to harm.

Deporting these families is not only a violation of the United States' obligation of *non-refoulement* but also serves no Departmental purpose as they are not priorities for removal, per your recent memorandum of January 20, 2021.<sup>1</sup> The Pekoske Memo set forth the Department's interim enforcement priorities, pending a full review of DHS policies and practices on immigration enforcement. Those priorities include individuals who (1) present a threat to national security; (2) were apprehended while attempting to enter without inspection after November 1, 2020 or who were not physically present in the United States on November 1; or (3) were convicted of an aggravated felony and present a threat to public safety. Despite a recent court ruling enjoining the "Immediate 100-Day Pause on Removals" articulated in section C of that memorandum, the interim enforcement priorities went into effect today. These asylum-seeking families, currently in your custody, fall outside of the Pekoske Memo's priorities, warranting the immediate halt of their deportations and their release from detention so that they may seek asylum safely within the community. Similarly, this week the Department has deported and plans to deport many Black asylum seekers from the United States that fall nowhere in the priorities listed in the Pekoske Memo. Such Departmental actions run in direct contradiction of current guidance and target those most vulnerable

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<sup>1</sup> Acting Secretary David Pekoske ("Pekoske memo") U.S. Department of Homeland Security ("DHS"), *Review of and Interim Revision to Civil Immigration Enforcement and Removal Policies and Priorities*, Memorandum of Jan. 20, 2021, [https://www.dhs.gov/sites/default/files/publications/21\\_0120\\_enforcement-memo\\_signed.pdf](https://www.dhs.gov/sites/default/files/publications/21_0120_enforcement-memo_signed.pdf). Although a federal judge has issued a Temporary Restraining Order applicable to Section C of the Pekoske Memo, that does not impact our request, which is grounded in Section B. *See* Ord. Granting Plaintiff's Motion for Temp. Ord., *Texas v. United States*, No. 6-21-cv-00003 (S.D. Tex. Jan. 26, 2021), ECF No. 16.

within DHS custody. We call upon DHS to leave behind the racist and unfair treatment of those seeking our help, as we move towards a more just and humane system of immigration.

We urge the Department to ensure the safety of these children and their parents by immediately halting their deportations and releasing them from detention so that they can seek asylum free and together as a family in the United States. Thank you for your urgent attention to this matter.

Sincerely,

African American Ministers In Action  
African Communities Together  
Aldea - the People's Justice Center  
Alianza Americas  
American Friends Service Committee  
American Legal Immigration Ctr  
Amnesty International USA  
Arcus Center for Social Justice Leadership  
Asylum Seeker Advocacy Project (ASAP)  
Bridges Faith Initiative  
Bridges Not Borders  
Center for Gender & Refugee Studies  
Children's Defense Fund-Texas  
Children's Legal Center  
Christ Lutheran Church, Natick, MA  
Christ the King Lutheran Church  
Church World Service  
Clackamas United Church of Christ  
Coalition for Humane Immigrant Rights (CHIRLA)  
Columbia Law School Immigrants' Rights Clinic  
Community Economic Development Center  
Congregation Action Network  
Congregation Beit Simchat Torah  
Creator Lutheran Immigration Team  
Detention Watch Network  
Disciples Refugee & Immigration Ministries  
Dominican Sisters ~ Grand Rapids  
Faith Lutheran Church  
Faith Lutheran Church  
First Focus on Children  
Franciscan Action Network  
Free Migration Project  
Freedom for Immigrants  
Freedom House Detroit  
Good Shepherd Lutheran Church, Jericho VT  
Gordon Law Group  
Government Accountability Project  
Grassroots leadership  
Haitian Bridge Alliance  
Holy Trinity Lutheran Church, Falls Church VA  
Human Rights First

Immigration Hub  
International Human Rights Law Clinic, American University Washington College of Law  
International Rescue Committee  
Jesuit Social Research Institute  
Jewish Activists for Immigration Justice of Western M  
Justice for Migrant Families WNY  
L&L Immigration Law, PLLC  
La Raza Centro Legal San Francisco  
Lakeview Lutheran Church  
Latin America Working Group (LAWG)  
Legal Aid Justice Center  
Loyola University New Orleans College of Law Stuart H Smith Law Clinic and Center for Social Justice  
Lutheran Church of the Good Shepherd, Jericho VT  
Lutheran Church of the Resurrection  
Lutheran Immigration and Refugee Service  
Macomb Immigrant Service Center  
Messiah Lutheran Church, Amherst, NH  
Michigan Immigrant Rights Center  
Migrant and Immigrant Community Action Project  
Mississippi Center for Justice  
MomsRising/MamásConPoder  
Mount Olive Lutheran Church  
Mount Olive Lutheran Church  
N.I.S.E.  
National Association of Social Workers - Texas Chapter  
National Immigrant Justice Center  
National Immigration Law Center  
National Immigration Project (NIPNLG)  
Nebraska Appleseed  
Network Lobby for Catholic Social Justice  
NorCal Resist  
Northern Illinois Justice for Our Neighbors  
Office of Justice, Peace and Integrity of Creation, Society of the Sacred Heart USC  
Ohio Immigrant Alliance  
O'Malley and Associates  
Our Saviour's Lutheran Church, East Boston  
Oxfam America  
Pax Christi New Jersey  
Peace Lutheran Church, Seattle Washington  
Physicians for Human Rights  
Power in Community Alliances Bangor, Maine  
Project Lifeline  
Proyecto Dilley  
Public Counsel  
Refugee and Immigration Task Force, New England Synod, ELCA  
Respond Crisis Translation  
Rocky Mountain Immigrant Advocacy Network  
Santa Fe Dreamers Project  
Seacoast Interfaith Sanctuary Coalition  
Sexuality and Gender Law Clinic at Columbia Law School  
Shut Down Berks Coalition

Sisters of Mercy of the Americas - Justice Team  
South Asian Americans Leading Together (SAALT)  
Southern Poverty Law Center  
Southwestern Pennsylvania Synod Immigration Working Group  
T'ruah: The Rabbinic Call for Human Rights  
Terra Firma, a program of Montefiore Medical Center and Catholic Charities  
The Center for Undocumented Students  
The Human Rights Program of the Icahn School of Medicine at Mount Sinai  
The Right to Immigration Institute  
Trinity Lutheran Church, Shelton, CT  
Union for Reform Judaism  
United Stateless  
University of Detroit Mercy School of Law, Immigration Clinic  
University of Houston Law Ctr. Immigration Clinic  
University of the District of Columbia School of Law, Immigration and Human Rights Clinic  
Welcoming Immigrants Housing Project  
Wind of the Spirit Immigrant Resource Center  
Witness at the Border

cc:

David Shahoulian, Assistant Secretary for Border Security and Immigration  
Adam Hunter, Deputy Assistant Secretary for Immigration, DHS  
Angela Kelley, Senior Counselor, DHS  
Tae Johnson, Acting Director, ICE  
Timothy Perry, Chief of Staff, ICE