

United States Senate

May 23, 2022

The Honorable Alejandro Mayorkas
Secretary
Department of Homeland Security
301 7th St., SW
Washington, D.C. 20528

Secretary Mayorkas:

On February 2, 2021, President Biden signed Executive Order 14011 *Establishment of Interagency Task Force on the Reunification of Families*.¹ The stated goal of the Family Reunification Task Force (FRTF) is to identify and implement “comprehensive strategies that will bring families back together and ensure that the children and parents who were intentionally separated from each other are provided support,” as it relates to the period from January 2017–January 2021 during which time the Department of Justice’s (DOJ) “zero tolerance” policy was in place.² That policy discouraged the flow of illegal immigration by requiring the DOJ to prosecute all aliens who entered illegally. However, due to the *Flores Settlement Agreement*, children cannot remain in family immigration detention facilities for a period in excess of 20 days.³

According to the Department of Homeland Security (DHS), the reunification process consists of first identifying children separated from their parent or guardian at the border.⁴ Then, an applicant will indicate members of their household for inclusion in the reunification process.⁵ Use of the term household (as opposed to parent) would seem to indicate that a broader pool of persons related to an applicant may be eligible for reunification.

DHS relies on its temporary parole authority in permitting the reunification process of children and their households to come to the United States and to receive immigration status in addition to social services.⁶ Immigration parole is official permission to enter and temporarily remain in the U.S., however, it does not constitute formal admission under the nation’s immigration system.

¹ *Identifying Recommendations To Support the Work of the Interagency Task Force on the Reunification of Families*, 86 Fed. Reg. 70,512 (Dec. 10, 2021).

² *Family Reunification Task Force*, DEP’T OF HOMELAND SEC. <https://www.dhs.gov/family-reunification-task-force>.

³ Stipulated Settlement Agreement, *Flores v. Reno*, No. 85-CV-4544 (C.D. Cal. 1997).

⁴ *Family Reunification Task Force*, *supra* note 2.

⁵ *Id.*

⁶ 8 U.S.C. § 1182(d).

This authority derives from the Immigration and Nationality Act (INA), providing the DHS Secretary with discretionary authority to, on a case-by-case basis, grant parole to individuals. It is unclear if standard vetting processes are applied in such cases where presumably, some, or perhaps many, of these household members reunified in the U.S. were previously expelled for illegally crossing the border in contradiction of federal criminal law. Generally, such persons would be barred from re-entry to the U.S. for a period ranging anywhere from 5 up to 20 years. The nature of FRTF's mission in reunifying separated households raises a number of questions. Please provide answers to the following:

1. What is the total number of applications submitted to FRTF for reunification? Please provide the data broken out by country.
2. For each application resulting in reunification, please identify the total number of persons in each household brought to the U.S.
 - a. Have any applications resulting in reunification in the U.S. resulted in a case where a household is relocated in a city that is different from the city where the child such household applied to be reunified with is located? If so, please identify the total number of such cases as well as which cities the child and household are located in for each case.
3. What criteria does the FRTF use in determining whether to include a particular individual claimed as a household member?
4. How does FRTF define the term "household"?
5. How does FRTF verify if a person listed on an application as a household member is a member of that household?
6. How does FRTF vet household members to be reunified in the U.S.?
7. What factors would disqualify an applicant from reunification in the U.S.? If a household member has a criminal history for prosecution in the U.S. for illegally crossing the border, would that be disqualifying? If not, how many total persons have been reunified in the U.S. who have previously been prosecuted for illegally crossing the border?
8. What private and non-governmental organizations are involved in facilitating FRTF's mission? Please detail the terms of the arrangement, including the total amount of funds that have been allocated to such groups.

Sincerely,



Ted Cruz
United States Senator