

The Honorable Alejandro Mayorkas  
Secretary of Homeland Security  
Department of Homeland Security  
Washington, D.C. 20528

Troy A. Miller  
Senior Official Performing the Duties of the Commissioner  
U.S. Customs and Border Protection  
Washington, D.C. 20229

Patrick J. Lechleitner  
Senior Official Performing the Duties of the Director  
Immigration and Customs Enforcement  
Washington, D.C. 20536

August 24, 2023

Re: Ending All Forms of Collaboration with Texas on Operation Lone Star

Dear Secretary Mayorkas, Acting Commissioner Miller, and Acting Director Lechleitner,

On behalf of the National Immigration Project and the 107 undersigned organizations, we write to you again in light of recent developments in Texas to urge you to investigate and end any collaboration between the Department of Homeland Security (DHS) and Texas state officials in the implementation of Operation Lone Star (OLS). In the two years since Texas initiated OLS, we have repeatedly called on DHS and CBP to cease all forms of cooperation with the program. Nevertheless, to date your agencies have not forcefully disavowed the program or acknowledged the deep harms of Texas's racist and unlawful enforcement operation. Federal inaction has emboldened Texas officials to employ increasingly brazen, cruel, and deadly enforcement tactics that have caused family separation, death, and daily violations of the civil and human rights of Black and brown migrants.

Texas authorities' escalation in cruelty has recently garnered media attention, with various outlets reporting that officials have ordered state officers to push people encountered near the Rio Grande back into the river, and to deny migrants water in extreme heat.<sup>1</sup> And authorities have erected buoy barriers and concertina wire fences in the Rio Grande and along its banks,<sup>2</sup>

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<sup>1</sup> Rachel Clarke, Ashley Killough & Sarah Mood, *Texas troopers told to push back migrants into Rio Grande, report says*, CBS (Jul. 18, 2023),

<https://www.cbsnews.com/texas/news/report-texas-troopers-told-to-push-migrants-into-rio-grande-river-ordered-not-to-give-water/>; Rosa Flores & Sara Weisfeldt, *2 pregnant migrants claim Texas National Guard soldiers denied them water*, CNN (Jul. 21, 2023),

<https://edition.cnn.com/2023/07/21/us/pregnant-migrants-denied-water-texas/index.html>.

<sup>2</sup> Ken Molestina & Lexi Salazar, *Buoys, razor wire and more: A look at the border barriers in place to deter illegal migration*, CBS (Jul. 24, 2023),

<https://www.cbsnews.com/texas/news/buoys-razor-wire-and-more-a-look-at-the-border-barriers-in-place-to-deter-illegal-migration/>.

creating death traps that have already caused deaths and injuries.<sup>3</sup> A June 26 memorandum from Customs and Border Protection (CBP) revealed that razor wire installed by Texas officials is impeding the agency's immigration enforcement and border security operations, including preventing agents from reaching and assisting at-risk migrants.<sup>4</sup> These chilling, conscience-shocking tactics will only continue in the absence of a decisive federal response.

Additionally, in the past month, Texas officials have begun separating families arrested as part of OLS operations, a practice that relies on the cooperation of Border Patrol agents in receiving mothers and children who were separated from their fathers. Texas Department of Public Safety (DPS) officers have stopped and corralled parents with children near the border, arresting the fathers on trespassing charges and turning the mothers and children over to Border Patrol agents.<sup>5</sup> DPS officers take the fathers into state criminal custody while Border Patrol agents take the mothers and children into CBP custody, separating vulnerable families and leaving them with virtually no way to communicate or reunite with one another.

This devastating practice demonstrates that CBP continues to collude with DPS officers in the implementation of Operation Lone Star. Such collusion has been well documented and includes many cases where Border Patrol agents initially apprehended individuals and turned them over to DPS officers for criminal prosecution, rather than processing them for immigration purposes.<sup>6</sup> Border Patrol agents have also provided DPS officers with information about the location of groups of migrants collected by CBP helicopters, drones, and remote camera systems.<sup>7</sup> Despite being presented with overwhelming evidence of active and unlawful involvement of Border Patrol in OLS arrests, DHS has not taken any real action to condemn and stop this collusion. The Department's failure to act grants tacit permission to its agents to use federal resources to perpetuate Operation Lone Star, and makes DHS at least partly culpable for the program's atrocities.

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<sup>3</sup> Aarón Torres, Alfredo Corchado & Todd Gillman, *20-year-old from Honduras is one of two dead on or near Texas' anti-migrant border buoys*, Dallas Morning News (Aug. 2, 2023), <https://www.dallasnews.com/news/politics/2023/08/02/dead-person-found-in-texas-anti-migrant-buoys-that-mexico-and-justice-dept-want-removed/>; Acacia Coronado, *Texas Trooper's accounts of bloodied and fainting migrants on US-Mexico border unleashes criticism*, AP News (Jul. 18, 2023), <https://apnews.com/article/texas-border-razor-wire-fainting-7aa811baf2708b89a0316804c3f2e35e>; Clarke, *supra* note 1.

<sup>4</sup> Benjamin Wermund & Jeremy Wallace, *Exclusive: Razor wire along the Rio Grande is blocking border agents from reaching at-risk migrants*, Houston Chronicle (Jul. 11, 2023), <https://www.houstonchronicle.com/politics/texas/article/texas-border-razor-wire-memo-18193102.php>.

<sup>5</sup> Acacia Coronado, *Texas separates migrant families, detaining fathers on trespassing charges in latest border move*, Associated Press (Aug. 4, 2023), <https://apnews.com/article/texas-immigration-family-separation-a652cafd5270b097d0ebcc034796b8>; Rosa Flores & Sara Weisfeldt, *Texas is separating families at the border in apparent 'harsh and cruel' shift in policy, immigration attorney says*, CNN (Aug. 2, 2023), <https://edition.cnn.com/2023/08/02/us/texas-border-policy-separating-families/index.html>; Benjamin Wermund & Jhair Romero, *Texas DPS separates families at border in apparent policy shift*, Houston Chronicle (Aug. 1, 2023), <https://www.houstonchronicle.com/politics/texas/article/abbott-border-parent-separations-18272489.php>.

<sup>6</sup> See American Civil Liberties Union (ACLU) Texas, *Letter re: Border Patrol Collusion in Texas Migrant Arrest Program under "Operation Lone Star"—Urgent Need for Immediate End to Collusion* (Dec. 2, 2022), [https://static.texastribune.org/media/files/c7b90d91cada0fd9268a2cb7e78b357a/ACLUTX\\_DHS\\_Complaint\\_OLS.pdf](https://static.texastribune.org/media/files/c7b90d91cada0fd9268a2cb7e78b357a/ACLUTX_DHS_Complaint_OLS.pdf).

<sup>7</sup> ACLU Texas, *Letter re: Border Patrol Collusion* (Dec. 2, 2022) at 4-6.

According to reports by advocates in Texas, DHS has further contributed to and exacerbated the harms of OLS by improperly placing people subjected to OLS prosecutions into expedited removal proceedings upon their release from state into DHS custody. Many of these individuals have been in the United States—in Texas criminal custody—for weeks as they faced state prosecution for minor trespass offenses before being processed by federal immigration officials. Some of those arrested under OLS have even lived in the United States for years and have been placed erroneously in expedited removal proceedings. Under current regulations, individuals prosecuted under OLS and detained for more than 14 days should not be subjected to expedited removal proceedings.<sup>8</sup> DHS must follow its own regulations and uphold the rights of people subject to its jurisdiction.

Based on the disturbing and escalating harms of Operation Lone Star, we write once more to demand that DHS immediately cease any involvement or collaboration in the furtherance of OLS and the separation of fathers from their families, including the provision of agency funding and resources to Texas law enforcement. Further, we ask that DHS take affirmative steps to address past harms, including the violations of law and policy committed by federal officers participating in OLS arrests. Finally, we ask that DHS cease expedited removals of individuals subjected to OLS arrests, and ensure that families separated because of these arrests are reunited. DHS must reject Operation Lone Star and Texas's inhumane practices and must instead protect both migrants' lives and their rights under federal law.

Sincerely,

#WelcomeWithDignity  
Acacia Center for Justice  
African Communities Together (ACT)  
Al Otro Lado  
Aldea - The People's Justice Center  
Alianza Americas  
Alliance San Diego  
America's Voice  
American Civil Liberties Union  
American Friends Service Committee (AFSC)  
American Gateways  
Americans for Immigrant Justice  
Amnesty International USA  
Asian Americans Advancing Justice | AAJC  
Asian Americans Advancing Justice-Atlanta  
Asylum Seeker Advocacy Project (ASAP)  
Ayuda  
Bend the Arc: Jewish Action  
Black Alliance for Just Immigration  
Black and Brown United in Action

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<sup>8</sup> Recission of the Notice of July 23, 2019, Designating Aliens for Expedited Removal, 87 Fed. Reg. 16022 (Mar. 21, 2022) (individuals present in the United States for more than 14 days are not subject to expedited removal).

## BORDER NETWORK FOR HUMAN RIGHTS

Bridges Faith Initiative

Center for Constitutional Rights

Center for Gender & Refugee Studies

Center for Law and Social Policy

Church World Service

Coalition for Humane Immigrant Rights (CHIRLA)

Coalition on Human Needs

Colorado Immigrant Rights Coalition (CIRC)

Communities United for Status & Protection (CUSP)

Connecticut Shoreline Indivisible

Conversations with Friends (Minnesota)

Detention Watch Network

Diocesan Migrant and Refugee Services Inc

Envision Freedom Fund

First Friends of New Jersey & New York

Florence Immigrant & Refugee Rights Project

Freedom Network USA

Grassroots Leadership

Haitian Bridge Alliance

HIAS

Houston Immigration Legal Services Collaborative

Human Rights First

Human Rights Watch

Illinois Coalition for Immigrant & Refugee Rights

Immigrant Defenders Law Center

Immigrant Justice Network

Immigrant Legal Resource Center (ILRC)

Immigrant Welcoming Working Group, Plymouth Congregational Church, Minneapolis

Immigration Equality

Immigration Hub

Immigration Law & Justice Network

Inter-Faith Committee on Latin America

Interfaith Welcome Coalition - San Antonio

International Refugee Assistance Project (IRAP)

ISLA: Immigration Services and Legal Advocacy

Japanese American Citizens League

Jewish Activists for Immigration Justice of Western MA

Just Detention International

Justice Strategies

La Raza Centro Legal San Francisco

La Resistencia

Las Americas Immigrant Advocacy Center

Latin America Working Group

LatinoJustice PRLDEF

Louisiana Advocates for Immigrants in Detention

Lutheran Immigration and Refugee Service  
Midwest Immigration Bond Fund  
Minnesota Freedom Fund  
Minnesota Interfaith Coalition on Immigration  
NAKASEC  
National Day Laborer Organizing Network (NDLON)  
National Education Association  
National Immigrant Justice Center  
National Immigration Law Center  
National Immigration Project (NIPNLG)  
National Organization for Women  
Never Again Action  
Northwest Immigrant Rights Project  
Physicians for Human Rights  
Project On Government Oversight  
Quixote Center  
RCHP-AHC Still Waters Anti-Trafficking Program  
Refugees International  
Robert F. Kennedy Human Rights  
Rocky Mountain Immigrant Advocacy Network  
Service Employees International Union (SEIU)  
Social Workers for Immigration Justice and Human Rights  
Sojourners  
Southern Border Communities Coalition  
Southern Poverty Law Center  
Student Clinic for Immigrant Justice  
T'ruah: The Rabbinic Call for Human Rights  
The Border Network for Human Rights  
The Leadership Conference on Civil and Human Rights  
The Legal Aid Justice Center  
TPS-DED AAC  
UnidosUS  
United African Organization  
Voces Unidas (RGV)  
Voto Latino  
Washington Defender Association  
Washington Office on Latin America  
Wilco Justice Alliance (Williamson County, TX)  
Wind of the Spirit Immigrant Resource Center  
Witness at the Border  
Woori Juntos  
Young Center for Immigrant Children's Rights

Cc:

Royce Bernstein Murray, Senior Counselor to Secretary Mayorkas (DHS)

Shoba Sivaprasad Wadhia, Officer for Civil Rights and Civil Liberties (DHS)  
Carrie L. Anderson, Executive Director of Policy (CBP)  
Nathaniel C. Kaine, Chief of Staff (CBP)