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 Commissioner  
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.¹ And authorities have erected buoy barriers and concertina wire fences in the Rio Grande and along its banks.²

creating death traps that have already caused deaths and injuries.³ 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.⁴ 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.⁵ 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 officials 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.⁶ 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.⁷ 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.

⁶ 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/c7b90d91cada0f9d9268a2cb7c78b357a/ACLU_TX_DHS_Complaint_OLS.pdf.
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. 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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8 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)