

EXECUTIVE ORDER

- - - - -

AFFORDING CONGRESS AN OPPORTUNITY TO ADDRESS FAMILY SEPARATION

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Immigration and Nationality Act (INA), 8 U.S.C. 1101 *et seq.*, it is hereby ordered as follows:

Section 1. Policy. It is the policy of this Administration to rigorously enforce our immigration laws. Under our laws, the only legal way for an alien to enter this country is at a designated port of entry at an appropriate time. When an alien enters or attempts to enter the country anywhere else, that alien has committed at least the crime of improper entry and is subject to a fine or imprisonment under section 1325(a) of title 8, United States Code. This Administration will initiate proceedings to enforce this and other criminal provisions of the INA until and unless Congress directs otherwise. It is also the policy of this Administration to maintain family unity, including by detaining alien families together where appropriate and consistent with law and available resources. It is unfortunate that Congress's failure to act and court orders have put the Administration in the position of separating alien families to effectively enforce the law.

Sec. 2. Definitions. For purposes of this order, the following definitions apply:

- (a) "Alien family" means
  - (i) any person not a citizen or national of the United States who has not been admitted into, or is not authorized to enter or remain in, the

United States, who entered this country with an alien child or alien children at or between designated ports of entry and who was detained; and

(ii) that person's alien child or alien children.

(b) "Alien child" means any person not a citizen or national of the United States who

(i) has not been admitted into, or is not authorized to enter or remain in, the United States;

(ii) is under the age of 18; and

(iii) has a legal parent-child relationship to an alien who entered the United States with the alien child at or between designated ports of entry and who was detained.

Sec. 3. Temporary Detention Policy for Families Entering this Country Illegally. (a) The Secretary of Homeland Security (Secretary), shall, to the extent permitted by law and subject to the availability of appropriations, maintain custody of alien families during the pendency of any criminal improper entry or immigration proceedings involving their members.

(b) The Secretary shall not, however, detain an alien family together when there is a concern that detention of an alien child with the child's alien parent would pose a risk to the child's welfare.

(c) The Secretary of Defense shall take all legally available measures to provide to the Secretary, upon request, any existing facilities available for the housing and care of alien families, and shall construct such facilities if necessary and consistent with law. The Secretary, to the extent permitted by law, shall be responsible for reimbursement for the use of these facilities.

(d) Heads of executive departments and agencies shall, to the extent consistent with law, make available to the Secretary, for the housing and care of alien families pending court proceedings for improper entry, any facilities that are appropriate for such purposes. The Secretary, to the extent permitted by law, shall be responsible for reimbursement for the use of these facilities.

(e) The Attorney General shall promptly file a request with the U.S. District Court for the Central District of California to modify the Settlement Agreement in *Flores v. Sessions*, CV 85-4544 ("*Flores* settlement"), in a manner that would permit the Secretary, under present resource constraints, to detain alien families together throughout the pendency of criminal proceedings for improper entry or any removal or other immigration proceedings.

Sec. 4. Prioritization of Immigration Proceedings Involving Alien Families. The Attorney General shall, to the extent practicable, prioritize the adjudication of cases involving detained families.

Sec. 5. General Provisions. (a) Nothing in this order shall be construed to impair or otherwise affect:

- (i) the authority granted by law to an executive department or agency, or the head thereof; or
- (ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented in a manner consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

THE WHITE HOUSE,

**From:** (b)(6);(b)(7)(C)  
**To:** (b)(6);(b)(7)(C)  
**Cc:** (b)(6);(b)(7)(C)  
**Subject:** Executive Order soft copy  
**Date:** Wednesday, June 20, 2018 3:37:19 PM  
**Attachments:** [2018EndSeparation.eo.docx](#)

---

FYSA

Acting Deputy Assistant Director  
HQ-Domestic Ops

(b)(6);(b)(7)(C)

**From:**  
**To:**  
**Subject:**  
**Date:**

(b)(6);(b)(7)(C)  
flow chart  
Tuesday, May 15, 2018 4:02:36 PM

---

Team, this is the current flow for family reunifications that I was discussing today.

It is only a draft, so please do not forward. We should have something ready for primetime later this week.

(b)(5)



(b)(5)



Acting Deputy Assistant Director  
HQ-Domestic Ops

**From:** [Archambeault, Gregory J](#)  
**To:** [Gallagher, Sean W](#)  
**Date:** Tuesday, May 15, 2018 3:20:35 PM

---

**From:** (b)(6);(b)(7)(C)  
**Sent:** Tuesday, May 15, 2018 6:17 AM  
**To:** Archambeault, Gregory J (b)(6);(b)(7)(C)  
(b)(6);(b)(7)(C)  
(b)(6);(b)(7)(C)  
**Subject:** FW: Family Reunification Action Steps

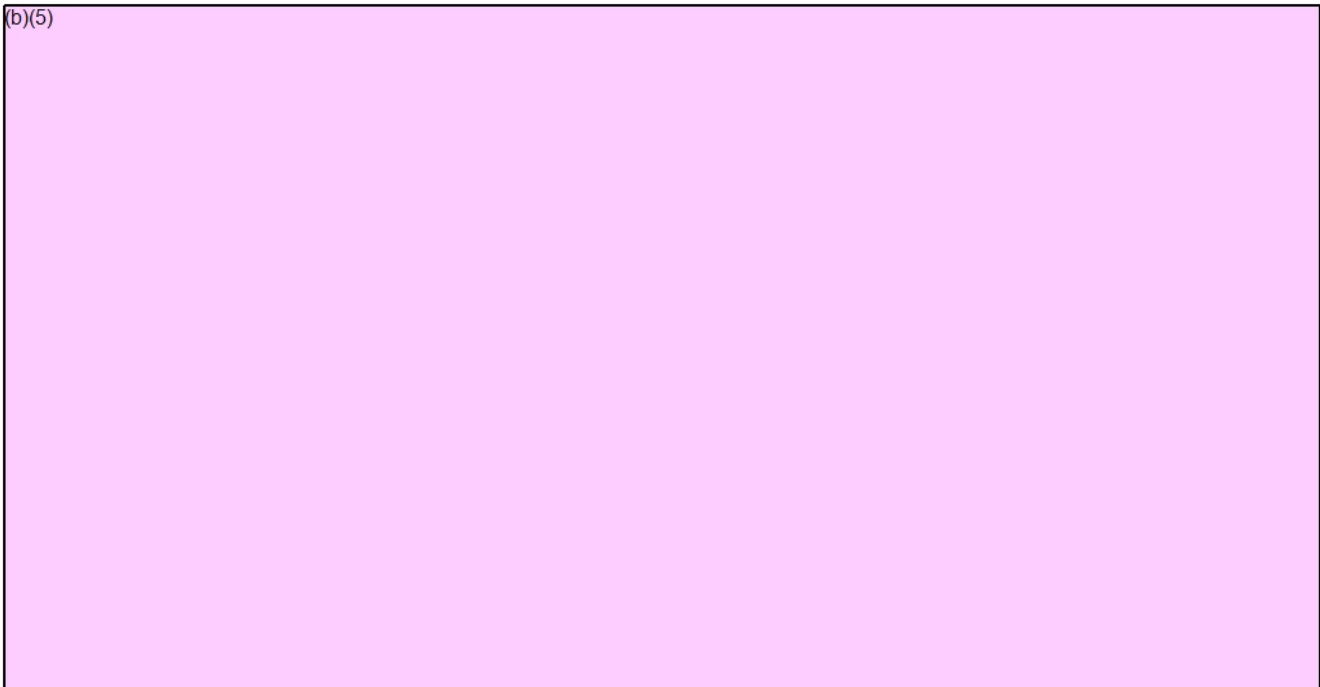
FYSA, comments welcome.

Acting Deputy Assistant Director  
HQ-Domestic Ops

---

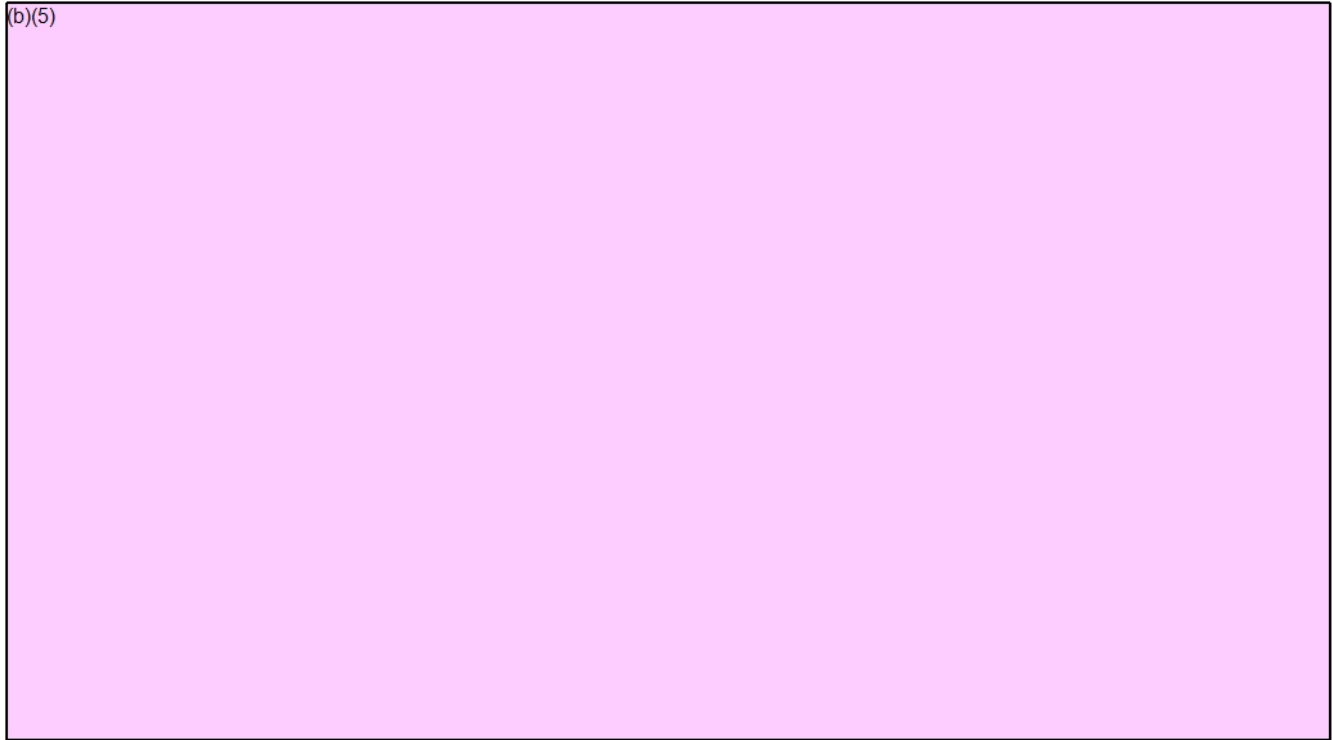
**From:** (b)(6);(b)(7)(C)  
**Sent:** Tuesday, May 15, 2018 7:48 AM  
**To:** Lorenzen-Strait, Andrew R (b)(6);(b)(7)(C)  
(b)(6);(b)(7)(C) Johnson, Tae D (b)(6);(b)(7)(C)  
(b)(6);(b)(7)(C)  
(b)(6);(b)(7)(C) Loiacono, Adam V  
(b)(6);(b)(7)(C)  
**Cc:** (b)(6);(b)(7)(C)  
(b)(6);(b)(7)(C)  
(b)(6);(b)(7)(C)  
**Subject:** RE: Family Reunification Action Steps

Here are the quick bullets for a flow chart. Once done, it'll be easier to make corrections.





(b)(5)



(b)(6);(b)(7)(C)

Unit Chief- JFRMU  
Custody Management Division  
DHS/ICE/ERO  
Office (b)(6);(b)(7)(C)  
Cell: (b)(6);(b)(7)(C)

**NOTICE:** This e-mail (including any attachments) is intended for the use of the individual or entity to which it is addressed. It may contain information that is privileged, confidential, or otherwise protected by applicable law. If you are not the intended recipient or the employee or agent responsible for delivery of this e-mail to the intended recipient, you are hereby notified that any dissemination, distribution, copying, or use of this e-mail or its contents is strictly prohibited. If you received this e-mail in error, please notify the sender immediately and destroy all copies.

**From:** Lorenzen-Strait, Andrew R

**Sent:** Monday, May 14, 2018 2:55 PM

**To:** (b)(6);(b)(7)(C) Johnson,

Tae D (b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)

(b)(6);(b)(7)(C) Loiacono, Adam V (b)(6);(b)(7)(C)

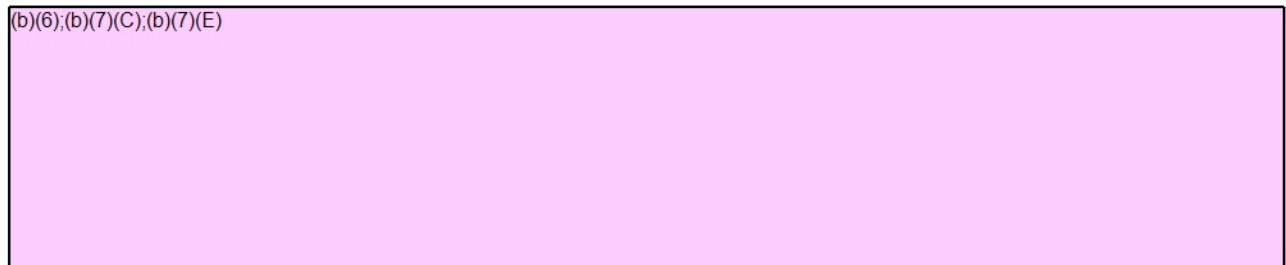
**Cc:** (b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)

**Subject:** RE: Family Reunification Action Steps

(b)(6);(b)(7)(C);(b)(7)(E)



(b)(5)

**From:** (b)(6);(b)(7)(C)

**Sent:** Monday, May 14, 2018 2:26 PM

**To:** Lorenzen-Strait, Andrew R (b)(6);(b)(7)(C)

(b)(6);(b)(7)(C) Johnson, Tae D (b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)

(b)(6);(b)(7)(C) Loiacono, Adam V

(b)(6);(b)(7)(C)

**Cc:** (b)(6);(b)(7)(C)

**Subject:** RE: Family Reunification Action Steps

Andrew, I recommend changing the language on one of the posters. (b)(5)

(b)(5)

(b)(5)

(b)(6);(b)(7)(C);(b)(5)

Acting Deputy Assistant Director  
HQ-Domestic Ops

**From:** Lorenzen-Strait, Andrew R

**Sent:** Monday, May 14, 2018 9:05 AM

**To:** (b)(6);(b)(7)(C) Johnson, Tae D (b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)

**Cc:** (b)(6);(b)(7)(C)

**Subject:** RE: Family Reunification Action Steps

Updated action steps.

Plus our current ORR process and some posters we have previously worked.

**Andrew R. Lorenzen-Strait**  
Deputy Assistant Director  
DHS/ICE/ERO/Custody Programs

Desk: (b)(6);(b)(7)(C)

Iphone: (b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)

-----Original Appointment-----

**From:** Lorenzen-Strait, Andrew R

**Sent:** Monday, May 14, 2018 8:51 AM

**To:** Lorenzen-Strait, Andrew R; (b)(6);(b)(7)(C); Johnson, Tae D; (b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)

**Cc:** (b)(6);(b)(7)(C)

**Subject:** Family Reunification Action Steps

**When:** Monday, May 14, 2018 11:00 AM-11:30 AM (UTC-05:00) Eastern Time (US & Canada).

**Where:** (b)(6) Office

**From:** [Gallagher, Sean W](#)  
**To:** (b)(6);(b)(7)(C)  
**Subject:** FW: FYSA  
**Date:** Tuesday, June 19, 2018 1:38:45 PM

---

FYI

Sent with BlackBerry Work  
(www.blackberry.com)

---

**From:** (b)(6);(b)(7)(C)  
**Date:** Tuesday, Jun 19, 2018, 12:07 PM  
**To:** Gallagher, Sean W (b)(6);(b)(7)(C)  
Archambeault, Gregory J (b)(6);(b)(7)(C)  
(b)(6);(b)(7)(C)  
**Subject:** FW: FYSA

---

**From:** (b)(6);(b)(7)(C)  
**Date:** Tuesday, Jun 19, 2018, 12:05 PM  
**To:** (b)(6);(b)(7)(C)  
**Subject:** FW: FYSA

---

FYI

(b)(6);(b)(7)(C)  
Chief Counsel - Washington, D.C.  
Office of the Principal Legal Advisor  
U.S. Immigration and Customs Enforcement  
(703) (b)(6);(b)(7)(C) office)  
(646) (b)(6);(b)(7)(C) (cell)  
(b)(6);(b)(7)(C)

\*\*\* WARNING \*\*\* ATTORNEY/CLIENT PRIVILEGE \*\*\* ATTORNEY WORK PRODUCT \*\*\*

This document contains confidential and/or sensitive attorney/client privileged information or attorney work product and is not for release, review, retransmission, dissemination or use by anyone other than the intended recipient. Please notify the sender if this message has been misdirected and immediately destroy all originals and copies. Any disclosure of this document must be approved by the Office of the Principal Legal Advisor, U.S. Immigration & Customs Enforcement. This document is for INTERNAL GOVERNMENT USE ONLY. FOIA exempt under 5 U.S.C. § 552(b)(5).

---

**From:** (b)(6);(b)(7)(C)  
**Sent:** Tuesday, June 19, 2018 12:17 PM

**To:** (b)(6);(b)(7)(C)  
**Subject:** FYSA

(b)(5)

Thanks,

(b)(6);(b)

(b)(6);(b)(7)(C)  
Assistant Chief Counsel  
Arlington Office of the Chief Counsel / OCC-WAS  
Department of Homeland Security / ICE  
1901 S. Bell Street, (b)(6);(b)(7)(C)  
Arlington, VA 22202  
(703) (b)(6);(b)(7)(C)  
(703) 235-2777 (fax)

**From:** [Gallagher, Sean W](#)  
**To:** (b)(6);(b)(7)(C)  
**Cc:**  
**Subject:** Protest Tomorrow 180 Ted Turner Drive  
**Date:** Thursday, May 31, 2018 2:23:00 PM

---

Good Afternoon,

(b)(5)

Regards,

Sean

---

Sean Gallagher | Field Office Director | Atlanta Field Office  
Department of Homeland Security | U.S. Immigration and Customs Enforcement | Enforcement and Removal  
Operations  
180 Ted Turner Drive, SW, Suite (b)(6) Atlanta, GA 30303  
PH: 404 (b)(6);(b)(7)

**Warning: This document is UNCLASSIFIED//FOR OFFICIAL USE ONLY (U//FOUO).** It contains information that may be exempt from public release under the Freedom of Information Act (5 U.S.C. 552). It is to be controlled, stored, handled, transmitted, distributed, and disposed of in accordance with DHS policy relating to FOUO information and is not to be released to the public or other personnel who do not have a valid "need-to-know" without prior approval of an authorized DHS official. **No portion of this report should be furnished to the media, either in written or verbal form.**