June 18, 2018

The Honorable Jeff Sessions  The Honorable Kirstjen Nielsen
Attorney General  Secretary
U.S. Department of Justice  Department of Homeland Security
950 Pennsylvania Avenue N.W.  Washington, D.C. 20528
Washington, D.C. 20530

Dear Attorney General Sessions and Secretary Nielsen:

We are writing regarding the Trump Administration’s outrageous new family separation policy, which is inflicting intentional, gratuitous, and permanent trauma on young children who have done nothing wrong and on parents who often have valid claims for refugee or asylum status. We are writing with two requests.

First, we ask that you answer basic questions about people in Washington state who are being affected by this policy. Twelve days ago, we sent the enclosed letter to federal officials in western Washington asking about a large group of women – many of them separated from their children – being detained at the SeaTac Bureau of Prisons facility in our state. Since our letter, to which there has been no response, we learned that there are at least 170 women and more than 30 men detained at the prison. Many of these detainees are parents who were separated from their children by border officials, and many came to this country seeking asylum. We have the following questions:

- Where are the children of these parents, and who is caring for them?
- Why are these parents being held in prison while their asylum claims are resolved?
- Have these parents been given information about their legal rights or access to attorneys, such as those from the Northwest Immigrant Rights Project?
- When and where will these parents be released into the community?
- When can they expect to be reunited with their young children?

From media and other reports, we understand that at least several dozen of these parents crossed the border with their children, some as young as 16 months old. You and the Trump Administration took their kids away and are detaining them separately. You did not even have the decency to allow many parents to say goodbye to their children. Many parents have no idea where their children are. This is cruel and unconscionable.
Second, we ask that you and others in the Trump Administration stop lying about the family separation policy. On May 16, the President said “we have to break up families,” a claim he has repeated personally and through his spokesperson, Sarah Huckabee Sanders. As you surely know, this is not accurate. Prior administrations have not systematically separated families seeking asylum, nor have prior administrations insisted on criminally prosecuting refugees or asylum-seekers for misdemeanor crimes. This Administration is solely responsible for this mean-spirited policy, but in the face of intense public backlash is attempting to blame others.

It is this deliberate manipulation of people at our border ports of entry and mass criminal misdemeanor prosecutions that allow ICE to tear children from their parents. The reality is that federal officials are abusing international law at our border and creating a humanitarian crisis by needlessly separating families. Even under these conditions, the Trump Administration could still choose not to separate families if it refrained from jailing parents while their misdemeanor charges are pending. This heartless policy was implemented by the Trump Administration as part of the President’s ongoing assault on immigrants, not because of any legal requirement.

Presumably, the President is lying about the origins of this policy because even he recognizes that it is morally indefensible. But these lies cannot erase the stain of what this administration is doing. We cannot understand how you or the President can sleep at night knowing what is being done on your orders. The least you can do is be honest with the American people about who chose to implement this policy.

Sincerely,

JAY INSLEE
Washington State Governor

BOB FERGUSON
Washington State Attorney General

JI/BF/jlg
Enclosure