

# Congress of the United States

## House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5051  
MINORITY (202) 225-5074  
<https://oversight.house.gov>

### MEMORANDUM

February 1, 2021

**To: Committee Members**

**Fr: Majority Staff**

**Re: Hearing on “Accountability and Lessons Learned from the Trump Administration’s Child Separation Policy”**

On **Thursday, February 4, 2021, at 10:00 a.m. ET**, the Committee will hold a remote hearing over WebEx on the Department of Justice (DOJ) Inspector General’s recent report examining the Trump Administration’s immigrant child separation policy.

#### I. BACKGROUND

Between April 2018 and June 2018, the Trump Administration separated more than 3,000 children from their parents at the southern border. These separations resulted from a “zero tolerance policy” of prosecuting all referrals of illegal entry into the United States, which Attorney General Jeff Sessions instituted in April 2018. A few weeks later, Department of Homeland Security (DHS) Secretary Kirstjen Nielsen changed DHS’s long-standing practice of placing family units in administrative deportation proceedings, and instead began referring adults with children for prosecution.<sup>1</sup> This combination of policy changes resulted in children being separated from their families.

In January 2021, the DOJ Inspector General issued a report entitled, “Review of the Department of Justice’s Planning and Implementation of Its Zero Tolerance Policy and Its Coordination with the Departments of Homeland Security and Health and Human Services.” The report found that, even though Attorney General Sessions was aware that the zero tolerance policy would separate children from parents, he and his top advisors were a “driving force” in pushing DHS to refer all parents arriving with their children for prosecution pursuant to the zero tolerance policy. The report also found that top DOJ officials, and in particular former Attorney General Sessions, “failed to effectively prepare for, or manage, the implementation of the zero

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<sup>1</sup> Department of Justice, Office of Inspector General, *Review of the Department of Justice’s Planning and Implementation of Its Zero Tolerance Policy and Its Coordination with the Departments of Homeland Security and Health and Human Services* (Jan. 14, 2021) (online at [https://oig.justice.gov/sites/default/files/reports/21-028\\_0.pdf](https://oig.justice.gov/sites/default/files/reports/21-028_0.pdf)).

tolerance policy.” The Inspector General concluded that “the Department’s single-minded focus on increasing immigration prosecutions came at the expense of careful and appropriate consideration of the impact of family unit prosecutions and child separations.”<sup>2</sup>

This hearing builds on the Committee’s investigation of the Trump Administration’s child separation policy. In 2019, the Committee issued a staff report detailing the harmful impacts of this policy based on information obtained from the Department of Justice, Department of Homeland Security, and Department of Health and Human Services.<sup>3</sup>

## **II. HEARING PURPOSE**

The purpose of the hearing is to examine actions of the Department of Justice in implementing the Trump Administration’s immigrant child separation policy and lessons learned for family reunifications and future policy decisions.

## **III. WITNESS**

**The Honorable Michael E. Horowitz**

Inspector General

U.S. Department of Justice

Staff contacts: Aaron Blacksberg, Kelly Hennessy, Cameron MacPherson, and Courtney French at (202) 225-5051.

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<sup>2</sup> *Id.*

<sup>3</sup> Majority Staff, Committee on Oversight and Reform, *Child Separations by the Trump Administration* (July 2019) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2019-07-2019.%20Immigrant%20Child%20Separations-%20Staff%20Report.pdf>).