

The Honorable Kirstjen M. Nielsen
Secretary of Homeland Security
Department of Homeland Security
245 Murray Lane SW
Washington, DC 20528

June 20, 2018

Dear Secretary Nielsen:

We are writing to you as your classmates from the University of Virginia School of Law. We believe the Trump Administration policy of separating migrant parents and their children is both illegal and immoral, and we are writing to demand that you end it now.

You have defended this policy by saying it is legally required, and can end only after congressional intervention. To the contrary, *no law requires separating families at the border*. The decision by this administration to enact and follow a zero-tolerance policy that tears children from their parents is a *new* initiative, one that was announced in April of this year by Attorney General Jeff Sessions. Nothing – certainly no legal requirement – is forcing you to exercise your authority in this inhumane fashion.

Both Attorney General Sessions and Chief of Staff John Kelly have publicly stated that the practice of separating families is intended to serve as a deterrent to families seeking illegal entry into the United States. We remind you that illegal border crossing is a *misdemeanor*, an offense that normally carries a minimal penalty. The punishment you are imposing on families - on young children - is grossly disproportionate to the nature of the charge, and well beyond what is reasonable in a civil society. It is a cruel practice, one that may cause the children irreparable harm with lifelong consequences.

Moreover, if a family enters the United States at an official border crossing and requests asylum, *their entry is not illegal*. And so the penalty of separation is quite simply a violation of these families' basic human rights. Separating families for the purpose of deterrence is a profound professional and ethical failure.

At present, multiple bills in Congress address the issue of family separation, some of which offer to trade the security of migrant children for the extraction of other policy goals. President Trump has publicly expressed a willingness to support a bill that ends family separation, thus recognizing the failings of the zero tolerance policy. Continuing to use children as leverage for

broader reform in spite of this recognition is an extraordinarily cruel and cynical act that is unworthy of a public servant.

Many of us signing below know you personally. We are asking you to do the right thing.

Regards,

Alix A. Rosenthal, Class of 1999
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