



Homeland
Security

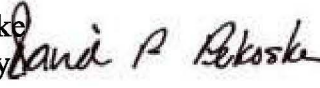
January 31, 2021

MEMORANDUM FOR: Kelli Ann Burriesci
Senior Official Performing the Duties of the Under Secretary
Office of Strategy, Policy, and Plans

Troy Miller
Senior Official Performing the Duties of the Commissioner
U.S. Customs and Border Protection

Tae Johnson
Acting Director
U.S. Immigration and Customs Enforcement

Tracy L. Renaud
Senior Official Performing the Duties of the Director
U.S. Citizenship and Immigration Services

FROM: David P. Pekoske
Acting Secretary 

SUBJECT: **Guidance for Compliance with the Temporary Restraining Order
Issued in *Texas v. United States*, -- F. Supp. 3d --, 2021 WL 247877
(S.D. Tex. Jan. 26, 2021)**

On January 26, 2021, the U.S. District Court for the Southern District of Texas issued a temporary restraining order (TRO) enjoining the Department of Homeland Security's (DHS) implementation of the 100-day pause on removal of certain individuals with final orders of removal. The court's order applies nationwide and enjoins the Department from "enforcing and implementing the policies" set forth in Section C (Immediate 100-Day Pause on Removals) of my January 20, 2021 memorandum, *Review of and Interim Revision to Civil Immigration Enforcement and Removal Policies and Procedures*.

Components have timely disseminated guidance to their personnel regarding the TRO. This memorandum provides Departmental guidance in order to ensure DHS's continued compliance with the TRO. Consistent with the court's order, components are reminded to take no action to enforce or implement the 100-day pause on removals, as directed in Section C of my January 20, 2021 memorandum. **Absent further notice, ICE should continue to conduct removal operations without implementing, and without taking into consideration, the pause on removals set forth in Section C.**

The district court's order makes clear that it does not limit the Department's efforts to carry out or adhere to Section A, Comprehensive Review of Enforcement Policies or Priorities; Section B, Interim Civil Enforcement Guidelines; or Section D, No Private Right Statement, of my January 20, 2021 memorandum. Accordingly, as directed in that memorandum, beginning February 1, 2021, components' civil immigration enforcement actions, including discretionary enforcement decisions, should be taken consistent with the Department's interim civil immigration enforcement priorities identified in Section B of the memorandum—national security, border security, and public safety. This includes issuance of operational guidance on the implementation of the interim enforcement priorities. **Absent further notice, however, in order to comply with the TRO, such operational guidance should not address or relate to the 100-day pause on removals, which has been temporarily enjoined.** In order to ensure compliance with the TRO, as well as applicable statutes, regulations, and court orders, components should closely coordinate with their respective counsel offices regarding any actions taken pursuant to Sections A, B, and D of my January 20, 2021 memorandum.

Questions regarding the TRO should be directed to your component counsel office for coordination with the Office of the General Counsel, as appropriate.