

From: ICE Office of the Director[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=370BE0A6DD3F4B53884B7B687A064E38-ICE-OFFICE_]
Sent: Wed 2/10/2021 11:53:43 AM (UTC-05:00)
Subject: Notification to ICE Employees – Extension of Temporary Restraining Order Issued in *Texas v. United States*, No. 21-00003 (S.D. Tex. filed Jan. 22, 2021)

A Message from the Office of the Senior Official Performing the Duties of the Deputy Director

February 10, 2021

To All ICE Employees

Notification to ICE Employees – Extension of Temporary Restraining Order Issued in *Texas v. United States*, No. 21-00003 (S.D. Tex. filed Jan. 22, 2021)

On January 26, 2021, the U.S. District Court for the Southern District of Texas issued a temporary restraining order (TRO) enjoining and restraining the Department of Homeland Security from enforcing and implementing the policies set forth in Section C, Immediate 100-Day Pause on Removals, of Acting Secretary David Pekoske’s January 20, 2021, memorandum, *Review of and Interim Revision to Civil Immigration Enforcement and Removal Policies and Priorities* (AS1 Memo). *Texas v. United States*, --- F. Supp. 3d ---, 2021 WL 247877 (S.D. Tex. 2021). The district court’s order did not in any way limit the Department’s efforts to carry out or adhere to the AS1 Memo’s other sections, namely Sections A (Comprehensive Review of Enforcement Policies and Priorities), B (Interim Civil Enforcement Guidelines), and D (No Private Right Statement). **At that time, U.S. Immigration and Customs Enforcement (ICE) employees were advised to return to normal removal operations as prior to the issuance of the January 20, 2021 memorandum. Thereafter, ICE leadership provided further interim guidance to Enforcement and Removal Operations leadership regarding the prioritization of removal missions, namely that removals should be conducted according to the priorities set forth in Section B of the AS1 Memo.**

On February 9, 2021, the district court extended the TRO to remain in effect through at least February 23, 2021. Accordingly, and until further notice, ICE employees are reminded that they may not apply or consider the Immediate 100-Day Pause on Removals in determining whether to execute a final order of removal. ICE employees must continue following current ICE guidance on the prioritization of removal resources, including any guidance issued after the date of this message, and ensure familiarity with the text of the TRO and compliance with the same. A copy of the TRO and the district court’s order extending the TRO are attached. Questions regarding the TRO should be directed to the Office of the Principal Legal Advisor.

Please continue to comply with this order until further notice.

Thank you,

Matthew C. Allen

Senior Official Performing the Duties of the Deputy Director

U.S. Immigration and Customs Enforcement