

Secretary

U.S. Department of Homeland Security
Washington, DC 20528



**Homeland
Security**

February 2, 2021

Mark Brnovich
Attorney General
State of Arizona
2005 N. Central Avenue
Phoenix, Arizona 85004

Dear Attorney General Brnovich:

I am writing in response to your letter to me of January 26, 2021 alleging that the Department of Homeland Security (DHS) has violated a purported “Agreement” (Document) with the State of Arizona.

The State of Texas has initiated a lawsuit against DHS seeking to enjoin, on the basis of a substantially similar document, the Department’s lawful exercise of its authority. *Texas v. United States*, No. 6:21-cv-00003, Complaint, ECF No. 1 (S.D. Tex. filed Jan. 22, 2021). The Document between DHS and Arizona is void, not binding, and unenforceable, for the same reasons set forth in the Defendants’ Memorandum of Points and Authorities in Opposition to Plaintiffs’ Application for a Temporary Restraining Order, ECF No. 8 (filed Jan. 24, 2021) in *Texas v. United States*.

Notwithstanding that the Document is void, not binding, and unenforceable—and preserving all rights, authorities, remedies, and defenses under the law—this letter also provides notice, on behalf of DHS, U.S. Customs and Border Protection (CBP), U.S. Immigration and Customs Enforcement (ICE), and U.S. Citizenship and Immigration Services (USCIS), that DHS, CBP, ICE and USCIS rescinds, withdraws, and terminates the Document, effective immediately. DHS will continue to comply with applicable executive orders, statutes, regulations, and court orders.

Please direct any further correspondence concerning the Document to the Department of Justice.

Sincerely,

A handwritten signature in black ink that reads "David P. Pekoske".

David Pekoske
Acting Secretary

COPIES OF NOTICE TO:

Brian M. Boynton
Acting Assistant Attorney General
Civil Division, U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530

Department of Homeland Security
c/o Joseph B. Maher, Acting General Counsel
Washington, D.C. 20528

U.S. Customs and Border Protection
c/o Troy Miller, Senior Official Performing the Duties of the Commissioner
Office of the Commissioner
1300 Pennsylvania Ave. NW
Washington, D.C. 20229

U.S. Immigration and Customs Enforcement
c/o Tae Johnson, Acting Director
Office of the Director
500 12th Street SW
Washington, D.C. 20536

U.S. Citizenship and Immigration Services
c/o Tracy Renaud, Senior Official Performing the Duties of the Director
Office of the Director
5900 Capital Gateway Drive
Suitland, Maryland 20746