

Secretary

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



**Homeland  
Security**

February 2, 2021

Ken Paxton  
Attorney General  
State of Texas  
300 West 15th Street  
Austin, Texas 78711

Dear Attorney General Paxton:

I am writing in response to your letter to me of January 21, 2021 alleging that the Department of Homeland Security (DHS) has violated a purported “Agreement” (Document) with the State of Texas.

As you are fully aware, the State of Texas has initiated a lawsuit against DHS seeking to enjoin, on the basis of that 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 that you reference in your letter is void, not binding, and unenforceable, as explained 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).

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 P. 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

Greg Abbott, Governor of Texas  
1100 San Jacinto Boulevard, 4th Floor  
Austin, TX 78701

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, Acting 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, Acting Director  
Office of the Director  
5900 Capital Gateway Drive  
Suitland, Maryland 20746