

United States Senate

WASHINGTON, DC 20510

December 1, 2025

The Honorable Kristi Noem
Secretary
U.S. Department of Homeland Security
2707 Martin Luther King Jr. Ave SE
Washington, D.C. 20528

Dear Secretary Noem:

We write with alarm regarding the Department of Homeland Security's (DHS) arbitrary and illegal obstruction of Congressional access to detention facilities. Obstructing Congressional access to immigration detention facilities violates Federal law¹ and undermines Congress's inherent authority² to conduct oversight that ensures detained individuals' human rights and protects Americans from agency waste, fraud, and abuse.

The Further Consolidated Appropriations Act of 2024 requires DHS and its component and partner agencies to allow members of Congress to inspect detention facilities without notice, and for their staff to enter if at least 24 hours' notice is given.³ Even so, Members of Congress and their staff have been denied access to multiple detention facilities this year. Members from across the country have reported being denied access for unannounced inspections of U.S. Immigration and Customs Enforcement (ICE) facilities.⁴ In the course of Sen. Ossoff's ongoing investigation of human rights abuses in federal immigration detention, ICE arbitrarily required seven-day notice for Congressional staff to inspect a facility, postponing an urgent inspection of conditions for children held in a "family" detention center. Congressional offices have also been informed that ICE will no longer accommodate "mixed groups," preventing members and their staff from being accompanied by doctors, attorneys, or other experts as they tour detention facilities.

DHS's latest changes to ICE policies on Congressional detention facility visits violate Federal law. Despite statutory access requirements, ICE issued a new guidance memo in June, which, while re-stating these statutory requirements, purported to require 72-hour notice for a visit for members and staff alike.⁵ The memo, which DHS has since removed from ICE's website, was paired with a press statement from DHS claiming to require seven calendar days' notice for visits

¹ Further Consolidated Appropriations Act, 2024, div. C, title V, § 527(a), Pub. L. No. 118-47, 138 Stat. 460, 619 (Mar. 23, 2024) [hereinafter "FY24 Appropriations Act"], as incorporated by Full-Year Continuing Appropriations and Extensions Act, 2025, Pub. L. No. 119-4, §§ 1101(a)(6), 1105, 139 Stat. 9, 11, 12 (Mar. 15, 2025).

² See *McGrain v. Daugherty*, 273 U.S. 135, 174 (1927) ("We are of opinion that the power of inquiry—with process to enforce it—is an essential and appropriate auxiliary to the legislative function.").

³ FY24 Appropriations Act, *supra* n.1 at § 527(a).

⁴ Michael Gold, *ICE Imposes New Rules on Congressional Visits*, N.Y. TIMES (Jun. 19, 2025), <https://www.nytimes.com/2025/06/19/us/politics/ice-congress.html>.

⁵ "When planning to visit an ICE facility, ICE asks requests to be submitted at least 72 hours in advance." U.S. Immigration and Customs Enforcement, *Facility Visit and Engagement Protocol for Members of Congress and Staff* (Jun. 2025) [hereinafter "ICE June Guidance"].

to DHS detention facilities.⁶ The memo also purported to exclude ICE Field Offices, which are reportedly holding hundreds of detainees, from Congressional oversight.⁷ This runs counter to statute, which clearly contemplates Congressional access to any facility where individuals are detained by or for DHS, even if only temporarily.⁸

Congressional oversight protects detainees' human rights and delivers transparency and accountability to Americans. As of the end of July, Sen. Ossoff's office had received or identified 510 credible reports of human rights abuse against individuals in federal immigration custody, including deaths in custody, physical and sexual abuse, mistreatment of pregnant women and children, medical neglect, overcrowding and unsanitary living conditions, denial of adequate food and water, exposure to extreme temperatures, denial of access to attorneys, and family separations.⁹

Members of Congress and their staff must be allowed, pursuant to Congress's inherent oversight authority and as required by Federal law, to access any facility where individuals are held in federal custody to monitor and prevent these abuses and ensure accountability and compliance with standards for detention.

We urge you to follow the law and grant full access to detention facilities to members of Congress and their staff, and ask that you respond to the following questions in writing by December 15, 2025.

1. How many visits to DHS facilities or other any other place where detainees are being held, requested either by Members of Congress or their staff, did DHS and its component or partner agencies block or delay since January 20, 2025? Please indicate how many Member visit requests and how many Congressional staff visit requests were delayed or blocked, whether temporarily or permanently.
2. How many Members of Congress or Congressional staff members have been turned away since January 20, 2025, at DHS facilities or any other place where detainees are being held? Please indicate how many Members and how many Congressional staffers were temporarily or permanently denied entry into facilities or denied interviews with staff, contractors, or detainees.
 - a. How many visits were allowed, meaning the Member or Congressional staff was able to enter the facility without delay, as requested, and interview staff, contractors, or detainees? Please provide a breakdown by facility, facility

⁶ "As for visits to detention facilities, requests should be made with sufficient time to prevent interference with the President's Article II authority to oversee executive department functions—a week is sufficient to ensure no intrusion on the President's constitutional authority. To protect the President's Article II authority, any request to shorten that time must be approved by the Secretary." Press Statement, DHS Assistant Secretary Tricia McLaughlin (Jun. 19, 2025).

⁷ "Please note, ICE Field Offices are not detention facilities and fall outside of the Sec. 527 requirements." ICE June Guidance, *supra* note 3.

⁸ FY24 Appropriations Act, *supra* n.1 at § 527 ("any facility operated by or for the Department of Homeland Security used to detain or otherwise house aliens").

⁹ Office of U.S. Senator Jon Ossoff, *The Abuse of Pregnant Women and Children in U.S. Immigration Detention* (Aug. 5, 2025), https://www.ossoff.senate.gov/wp-content/uploads/2025/08/250721_Pregnancy_Report_v7.pdf

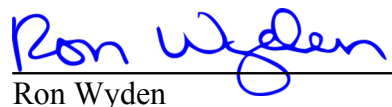
operator, month, and, if requested by a Member of Congress, whether the visit was announced or unannounced.

- b. Where visits were ultimately allowed, please provide the dates that each visit was initially requested, the date when the visit ultimately took place, and whether the visit involved Members of Congress or Congressional staff.
3. Please provide a copy of the most recent guidance to members of Congress and their staff with regard to Congressional access to facilities where individuals are held by or for DHS, including ICE and Customs and Border Patrol (CBP) facilities, as well as facilities operated by the Bureau of Prisons, Department of Defense, and other federal, state, and local partners.
4. Please provide a copy of the most recent guidance to facility operators with regard to Congressional access to facilities where individuals are held by or for DHS, including ICE and CBP facilities, as well as facilities operated by the Bureau of Prisons, Department of Defense, and other federal, state, and local partners.

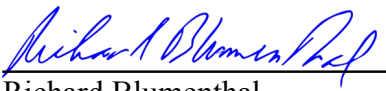
Sincerely,



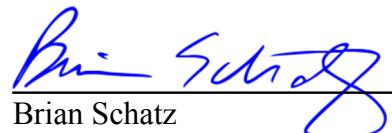
Jon Ossoff
United States Senator



Ron Wyden
United States Senator



Richard Blumenthal
United States Senator



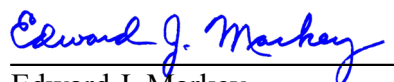
Brian Schatz
United States Senator



Mazie K. Hirono
United States Senator



Elizabeth Warren
United States Senator



Edward J. Markey
United States Senator



Cory A. Booker
United States Senator



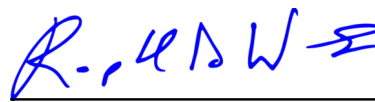
Chris Van Hollen
United States Senator



John Hickenlooper
United States Senator



Alex Padilla
United States Senator



Raphael Warnock
United States Senator



Angela D. Alsobrooks
United States Senator