

Congress of the United States

Washington, DC 20515

June 23, 2025

The Honorable Kristi Noem
Secretary
U.S. Department of Homeland Security
Washington, D.C. 20528

Dear Secretary Noem:

Over the past few weeks, the Department of Homeland Security (DHS) and U.S. Immigration and Customs Enforcement (ICE) have illegally obstructed congressional oversight by denying Members of Congress access to multiple facilities used to detain immigrants.¹ Just last week, ICE issued new guidance that unlawfully restricts Members of Congress access to ICE facilities.² Denying Members of Congress access to these facilities is a blatant violation of federal law, as well as the constitutional right—and duty—of Congress to conduct oversight of the Executive branch.³

As you well know, Section 527 of the *Further Consolidated Appropriations Act, 2024* explicitly prohibits DHS from denying Members of Congress access to “any facility operated by or for the Department of Homeland Security used to detain or otherwise house aliens.”⁴ Federal law makes no distinction between ICE field offices, large detention centers, or correctional centers. Any facility used by ICE to detain people—for any period of time—is subject to Section 527. And Federal law explicitly prohibits DHS from “requir[ing] a Member of Congress to provide prior notice of the intent to enter a facility...for the purpose of conducting oversight.”⁵ Further, as the Supreme Court has repeatedly explained, Congress’s constitutional power and ability to conduct oversight “is as penetrating and far-reaching as the potential power to enact and appropriate under the Constitution.”⁶

The Constitution and laws of the United States are not unruly dogs that you can take out back, kick, and shoot when they no longer serve your purpose. ICE has no valid reason to deny Members of Congress access to its facilities, including the ICE field offices that hold people for multiple days. If your Department is doing no wrong, then you should welcome the representatives of the American people into ICE facilities. Instead, you have illegally shut us out while ICE falsely claims that every ICE office in the country is too busy to accommodate our statutorily authorized congressional visits.⁷

¹ Elijah Westbrook & Doug Williams, *After Brad Lander’s Arrest by ICE, New York Congressman [sic] Say They Were Denied Oversight Visit at Field Office*, CBS NEWS, June 18, 2025, <https://www.cbsnews.com/newyork/news/brad-lander-nyc-comptroller-arrested-by-ice/>.

² U.S. Immigration and Customs Enforcement, *Facility Visit and Engagement Protocol for Members of Congress and Staff*, June 2025, <https://www.ice.gov/doclib/detention/iceFacilityVisitationCongressional.pdf>.

³ E.g., *Trump v. Mazars USA, LLP*, 591 U.S. ___ (2020); *Barrenblatt v. United States*, 360 U.S. 109 (1959).

⁴ *Further Consolidated Appropriations Act, 2024*, Pub. L. No. 118-47, § 527, 138 Stat. 460, 619 (2024).

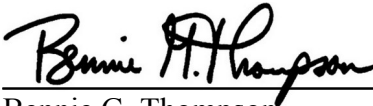
⁵ *Id.*

⁶ See *Barrenblatt v. United States*, 360 U.S. 109 (1959).

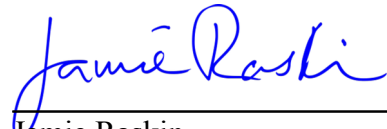
Blocking Members of Congress from conducting oversight and accessing ICE facilities is sadly just the most recent episode in a string of increasingly flagrant abuses of power committed by this administration to quell and crush any attempt at raising questions, expressing disagreement, or conducting oversight, even as you violate the rights and freedoms of the people of the United States. You have targeted, manhandled, arrested, and deported U.S. citizens without due process. You have dismantled oversight offices, including the Office of Civil Rights and Civil Liberties and the Office of the Immigration Detention Ombudsman, which protect Americans' rights and liberties, because you believed them to be "internal adversaries."⁸ You have arrested democratically elected officials and electoral candidates. The Department of Justice is now threatening our colleague, Rep. LaMonica McIver, with seventeen years in federal prison for carrying out her constitutional oversight duties at an ICE detention facility. Fortunately, the Constitution and laws of the United States do not bend and submit to your will.

We will continue to show up on behalf of the American people and our Constitution, and we will not be turned away. The American people are watching. Follow the law.

Sincerely,



Bennie G. Thompson
Member of Congress
Ranking Member, Committee
on Homeland Security



Jamie Raskin
Ranking Member
House Committee on the
Judiciary



J. Luis Correa
Member of Congress
Ranking Member,
Subcommittee on Border
Security and Enforcement



Pramila Jayapal
Ranking Member
Immigration Integrity,
Security, and Enforcement
House Judiciary Committee

cc: Todd Lyons, Acting Director, U.S. Immigration and Customs Enforcement

⁷ ICE to Committee on Homeland Security Staff, e-mail, June 18, 2025 (on record with the Committee on Homeland Security).

⁸ Maria Sacchetti & Ellie Silverman, *DHS Shuts Down Internal Watchdog Agencies That Advocated for Immigrants*, WASH. POST, Mar. 21, 2025, <https://www.washingtonpost.com/immigration/2025/03/21/dhs-immigrant-advocates-watchdogs-oversight/>.