

DHS Reminds Congressional Members of ICE's Guidelines to Schedule Tours of ICE Detention Facilities

There was no need for Congressional members to storm Delaney Hall—they could have just scheduled a tour

WASHINGTON – After members of Congress broke into Delaney Hall and assaulted Immigration and Customs Enforcement (ICE) agents, the Department of Homeland Security is reminding Congressional offices of [ICE's facility visitation guidelines](https://links-1.govdelivery.com/CL0/https%2F%2Fwww.dhs.gov%2Fpublication%2Fus-immigration-and-customs-enforcement-ice-facility-visits-members-congress-and-staff/1/01000196cfb65804-d17887ca-c390-4527-8fe3-32a8443d685e-000000/Cgozg4DP2ZPBhKKR8drznKZaFteNaHY6XUMMTJbBfD4=405). (<https://links-1.govdelivery.com/CL0/https%2F%2Fwww.dhs.gov%2Fpublication%2Fus-immigration-and-customs-enforcement-ice-facility-visits-members-congress-and-staff/1/01000196cfb65804-d17887ca-c390-4527-8fe3-32a8443d685e-000000/Cgozg4DP2ZPBhKKR8drznKZaFteNaHY6XUMMTJbBfD4=405>).

"Members of Congress cannot break the law in the name of 'oversight.' Secretary Noem respects congresses oversight authority and is always willing to accommodate Members seeking to visit ICE detention facilities," said Assistant Secretary Tricia McLaughlin. "However, they are not above the law. All members and staff need to comply with facility rules, procedures, and instructions from ICE personnel on site for their own safety, the safety of the detainees, and the safety of ICE employees. If these three members had simply asked for a tour, these three congressional members would have been easily allowed into Delaney Hall and would not have had to resort to assaulting law enforcement to enter the facility."

Despite these Congressional members storming Delaney Hall and assaulting officers, they were still given a tour of the facility.

Below are a few highlights of ICE's guidance – which ensure the safety of all agents, visitors, and inmates:

- ICE will comply with the law and accommodate Members of Congress seeking to visit/tour an ICE detention facility for the purpose of conducting oversight.
- If Members and/or Congressional staff would like to meet with a specific detainee or set of detainees, please provide names, alien registration numbers, and valid, signed privacy releases with your request. If Members and/or Congressional staff would like to meet with non-specific detainees, a minimum of 48-hours advanced notice is needed for the facility to post sign-up sheets, identify detainees who wish to participate (if any), and execute required privacy waivers.
- Safety, security, and good order are always primary considerations in a detention facility, and visitors must be properly identified and attired.
- All visitors are subject to search upon entering the facility and at any other time during the tour.
- Introduction of contraband or other criminal violations may lead to criminal prosecution of a visitor.

U.S. Immigration and Customs Enforcement (ICE) Facility Visits for Members of Congress and Staff

All visitors are expected to comply with facility rules, procedures, and instructions from ICE personnel on site. In the event of an emergency, facility personnel will provide further instructions.

As outlined in the Consolidated Appropriations Act, 2020 (Public Law 116-93), Division D – Department of Homeland Security Appropriations Act, 2020, Sec. 532:

(a) None of the funds appropriated or otherwise made available to the Department of Homeland Security by this Act may be used to prevent any of the following persons from entering, for the purpose of conducting oversight, any facility operated by or for the Department of Homeland Security used to detain or otherwise house aliens, or to make any temporary modification at any such facility that in any way alters what is observed by a visiting member of Congress or such designated employee, compared to what would be observed in the absence of such modification:

(1) A Member of Congress;

(2) An employee of the United States House of Representatives or the United States Senate designated by such a Member for the purposes of this section.

(b) Nothing in this section may be construed to require a Member of Congress to provide prior notice of the intent to enter a facility described in subsection (a) for the purpose of conducting oversight.

(c) With respect to individuals described in subsection (a)(2), the Department of Homeland Security may require that a request be made at least 24 hours in advance of an intent to enter a facility described in subsection (a).

Access: Members of Congress (Members), Congressional Member Delegations (CODELs), and Congressional Staff Delegations (STAFFDELS) are afforded special access to ICE facilities. These visits are limited to Members and congressional staff only. ICE will not accommodate special access for mixed groups. All other requests for tours (e.g., media representatives, local officials, non-governmental organizations, members of the public, etc.) should be directed to the ICE Field Office with jurisdiction over the facility for coordination and approval. More information regarding ICE facilities and ICE Field Offices can be found at <https://www.ice.dhs.gov/detention-facilities> and <https://www.ice.dhs.gov/contact-us> respectively.

Conduct: Safety, security, and good order are always primary considerations in a detention facility, and visitors must be properly identified and attired. All visitors are subject to search upon entering the facility and at any other time during the tour/visit. Introduction of contraband or other criminal violations may lead to criminal prosecution of a visitor.

Facility Entry Requirements:

- **Members of Congress:** ICE will comply with the law and accommodate Members seeking to visit/tour an ICE detention facility for the purpose of conducting oversight.
- **Congressional staff:** ICE requires at least 24-hours advance notice of an upcoming visit by Congressional staff. Failure to meet this requirement will result in denied access to the facility.

**U.S. Immigration and Customs Enforcement (ICE)
Facility Visits for Members of Congress and Staff**

- **Identification:** All visitors must present a valid, verifiable government-issued identification card to enter an ICE detention facility. To preclude potential delays, Members should be prepared to show valid identification identifying him/her as a Member of Congress. Congressional staff should be prepared to show valid congressional identification issued by either the House or Senate Sergeant at Arms Identification Office. Identification will be checked prior to entering the facility. If the facility is unable to validate the identity of a visitor (e.g., the individual is not in possession of valid congressional identification), that individual will not be allowed to enter the facility.
- **Magnetometers:** ICE detention facilities are secure facilities. As such, all visitors are required to pass through a magnetometer prior to entry—and may be subject to additional non-intrusive inspection technology—to preclude the introduction of contraband into the facility. Please allow additional time for screening.
- **Recording Devices:** For the safety, security, and order of the facility, and to protect the privacy rights of those in custody (to include the right to not be photographed or recorded without consent), as well as visitors and the employees, contractors, and volunteers who work in these facilities, no electronic recording devices or picture taking is permitted inside ICE detention facilities. Before attempting to enter any ICE detention facility, all visitors should leave cell phones and other electronics in their vehicle.
- **Weapons, Illegal Controlled Substances, Other Contraband:** No weapons of any kind—to include knives, sharp objects, or firearms—are permitted in ICE detention facilities. Furthermore, no controlled substances under federal law, drugs, or other prohibited contraband are permitted in ICE detention facilities.

Other considerations:

- **Hatch Act:** ICE employees may not authorize the use of ICE detention facilities for political activities, which is defined as activities directed towards the success or failure of a political party, candidate for partisan political office, or partisan political group. This includes town hall meetings, political rallies, speeches, fundraisers, press conferences, photo opportunities, or other similar events for campaign purposes. No media, photographers, campaign pins, distribution of campaign literature, campaign consultants, or campaign volunteers are permitted with CODEL or STAFFDEL tours/visits. Note, this restriction is not intended to impede elected officials from appropriately representing their constituents.
- **Visit Duration:** Duration of visits will be set by the respective ICE Field Office based on operational requirements of the facility on the day of the visit.
- **Detainee Visitation/Metings:** ICE will not facilitate meetings with detainees without valid, signed privacy releases. If Members and/or Congressional staff would like to meet with a specific detainee or set of detainees, please provide names, alien registration numbers, and valid, signed privacy releases with your request. If Members and/or Congressional staff would like to meet with non-specific detainees, a minimum of 48-hours advanced notice is needed for the facility to post sign-up sheets, identify detainees who wish to participate (if any), and execute required privacy waivers. Note, the facility staff may, while providing a reasonable amount of privacy, maintain a physical presence in the meeting room to maintain safety and security. ICE is unable to provide translations services for CODELs/STAFFDELs.
- **Donations:** No donations of any kind can be accepted at ICE facilities.

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Members of Congress and their staff are invited to read the [full guidance \(/publication/us-immigration-and-customs-enforcement-ice-facility-visits-members-congress-and-staff\)](#) and schedule a tour of any ICE facility.

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