

U.S. Immigration and Customs Enforcement (ICE) Facility Visit and Engagement Protocol 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. To ensure security, preserve privacy, and avoid any disruptions in daily operations, all individuals touring ICE facilities shall maintain appropriate decorum, adherence to applicable ICE facility standards, and abide by this Protocol.

ICE detention locations and Field Offices are secure facilities. As such, all visitors are required to comply with identify verification and security screening requirements prior to entry. Visitors attempting to circumvent entry requirements may be subject to arrest or other legal action.

This Protocol does not create or confer any right, privilege, or benefit for any person, party or entity. *United States v. Caceres*, 440 U.S. 741 (1979). Failure to adhere to this policy, as well as any facility specific requirements, may result in the termination of the visitor engagement. Please communicate any questions or concerns to the ICE Office of Congressional Relations (OCR) at CongressToICE@ice.dhs.gov prior to your visit to mitigate any misunderstandings.

As outlined in the Further Consolidated Appropriations Act, 2024 (Public Law [118-47](#)), Title V: General Provisions:

SEC. 527. (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).

Please note, ICE Field Offices are not detention facilities and fall outside of the Sec. 527 requirements (see Frequently Asked Question on page 4 for additional information).

Request Process: When planning to visit an ICE facility, ICE asks requests to be submitted at least 72 hours in advance. Visit requests should be submitted during normal business hours to OCR at CongressToICE@ice.dhs.gov. Visit request are not considered actionable until receipt of the request is acknowledged by OCR to the requestor. Requests received after hours or on weekends/holidays will be confirmed on the next business day. OCR will work with the appropriate ICE Field Office to coordinate the visit request and will confirm details as soon as practicable. Visit requests should include the date of the proposed visit, the visit location, the

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length of time for the visit, and the names and titles of all participants. Only those participants scheduled and confirmed for the visitor engagement will be allowed to participate.

While Member of Congress are not required to provide advance notice for visits to ICE detention facilities, ICE requires a minimum of 24-hours' notice for visits by congressional staff. Visits to all other ICE facilities require advance coordination via OCR.

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, state and local officials, non-governmental organizations, members of the public, etc.) should contact the ICE Field Office with jurisdiction over the facility for coordination and approval.

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 screening and/or other search of their person and belongings for security reasons 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. ICE retains the sole and unreviewable discretion to deny a request or otherwise cancel, reschedule or terminate a tour or visit if: 1) an emergency arises; 2) the safety, security, and orderly operations of the facility are potentially jeopardized; 3) any violation(s) of this Protocol occur; 4) any other identified operational concerns exist; 5) facility management or other ICE officials deem it appropriate to do so.

Facility Entry Requirements:

- **Members:** ICE will make every effort to comply with the law and accommodate Members seeking to visit/tour an ICE detention facility for the purpose of conducting oversight, but exigent circumstances (e.g., operational conditions, security posture, etc.) may impact the time of entry into the facility. Regardless, Members must comply with entry requirements.
- **Congressional staff:** ICE requires a minimum of 24-hour's advance notice for an upcoming visit by congressional staff to a detention facility. Failure to meet this requirement will result in denied access to the facility.
- **Identification:** All visitors must present a valid, verifiable government-issued picture 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 (Member Voting Cards with picture ID are sufficient; Member pins which change from Congress to Congress and are not associated with a specific individual are not). 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:** All visitors are required to pass through a magnetometer prior to entry—and may be subject to additional nonintrusive inspection technology or pat downs—to preclude the introduction of contraband into the facility. Please allow additional time for screening.

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- **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 will be permitted inside ICE detention facilities. Before attempting to enter any ICE detention facility, all visitors should leave cell phones and other electronics in their vehicles.
- **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.

Interactions with Persons in ICE Detention Facilities or ICE Personnel: Visitors shall not:

- Enter, move about, or leave the facility without being properly escorted by ICE staff.
- Have any physical or verbal contact with any person in ICE detention facilities unless previously requested and specifically approved by ICE Headquarters. Physical and verbal contact with persons in ICE detention facilities is limited to safeguard privacy and to ensure the engagement progresses on schedule.
- Have any physical or verbal contact with persons in ICE detention facilities and/or staff not involved in delivery of the tour absent express consent of the persons and approval in advance from ICE.
- Engage in commercial solicitation, distribution of materials, or any activity for the purpose of financial gain.
- Coerce or intimidate any person in ICE detention facilities or ICE personnel.

Other Considerations:

- **Impact Considerations:** Group size or visit itinerary may be modified to reduce operational impacts at the time of the visit while still accommodating the visit request. Smaller facilities may limit tour group size.
- **Hatch Act:** ICE employees may not authorize the use of ICE detention facilities or Field Offices for political activities, which are 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 will be permitted with CODEL or STAFFDEL tours/visits. Note, this restriction is not intended to impede elected officials from appropriately representing their constituents.
- **Visit Duration:** Each respective ICE Field Office sets visit durations based on operational requirements of the day of the visit.
- **Detainee Visitation/Meetings:** ICE will not facilitate meetings with detainees in detention facilities 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

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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 interpreter or translations services for CODELs/STAFFDELS.

- **Donations:** No donations of any kind can be accepted at ICE facilities.

Frequently Asked Questions:

Q: Are field offices included in the Sec 527 definition of “facilities... used to detain or otherwise house aliens”?

A: No – ICE Field Offices are not detention facilities and fall outside of the Sec. 527 requirements. ICE does not house aliens at field offices, rather these are working offices where Enforcement and Removal Operations (ERO) personnel process aliens to make custody determinations based on the specific circumstances of each case. Aliens determined to require detention are transferred to an ICE detention facility pending removal or the outcome of their removal proceedings.

Q: Why does the ICE Visitation guidance state, “ICE retains the sole and unreviewable discretion to deny a request or otherwise cancel, reschedule, or terminate a tour or visit if: 1) an emergency arises; 2) the safety, security, and orderly operations of the facility are potentially jeopardized; 3) any violation(s) of this Protocol occur; 4) any other identified operational concerns exist; 5) failure to comply with instructions from facility personnel; or 6) facility management or other ICE officials deem it appropriate to do so”?

A: ICE complies with federal law but entry into detention facilities may be delayed due to exigent circumstances including personnel and facility security considerations during protests.

Q: Who specifically in ICE or DHS makes the determination?

A: Determinations are made by the ERO Officer in Charge (OIC) of the specific facility in coordination with the appropriate ERO Field Office.

Q: How is ICE ensuring field offices are aware of/trained on Sec 527 requirements?

A: ERO Headquarters is in regular communication with ERO Field Office Directors. In addition, OCR distributes any updates to the ICE Facility Visit and Engagement Protocol for Members of Congress and Staff as soon as they are made, highlighting specific changes, to all 25 ERO Field Offices.

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Q: What happens if this isn't solely a DHS/ICE facility? What is being communicated to the security personnel that may be operating other facilities that house and detain aliens?

A: All ICE facility visit requests should be made through OCR or the ICE Appropriations Liaison Office (ALO) at CongressToICE@ice.dhs.gov. OCR/ALO will then coordinate with the appropriate field office, which then coordinates with the facility. As contractors cannot speak on behalf of the government, only ICE personnel are authorized to conduct visits for facilities housing ICE detainees.

Q: I want to visit one of the Bureau of Prisons (BOP) facilities for which ICE has signed an agreement for bedspace. What is a process for requesting visits to Federal Detention Centers?

A: Federal Detention Centers (FDCs) are BOP-owned facilities for which ICE is a tenant. As such, BOP protocols apply. Visit requests for FDCs must be submitted to the BOP Office of Legislative Affairs (OLA) to kprophet@bop.gov and MIM-ExecAssistant-S@bop.gov for consideration. Once approved, BOP OLA will contact the appropriate ICE Field Office to set up/confirm the visit.

Please note BOP OLA typically requires 5-7 business days to coordinate and review visit requests for tours of BOP facilities; please plan accordingly. BOP also requires all individuals—except for Members of Congress—entering FDCs to complete a background check form in advance. In addition, BOP OLA requires the following information:

- Date, time of arrival, and duration of the proposed visit.
- Number and names of individuals visiting the facility.
- Areas of the facility requested to be visited (a typical tour includes a brief introductory meeting with the warden and a tour of a housing unit and program areas).
- Any specific topics the group would like to address.

During the visit, all individuals must surrender their IDs which will be returned at the completion of the visit. Additionally, stab proof vest equipment will also be offered. Proper dress attire is also required, to include closed-toe shoes. Visitors are also not authorized to bring any items such as electronic devices (tablets, cell phone, etc.) or cameras into the secure perimeter of the institution. Therefore, BOP recommends visitors only bring in their vehicle key and ID during the visit. All other belongings should be secured in your vehicle. Please know that these are standard protocols.