

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



Homeland
Security

January 8, 2026

MEMORANDUM FOR: Todd M. Lyons
Acting Director for U.S. Immigration and Customs Enforcement

Holly C. Mehringer
Senior Officer Performing the Duties of the Chief Financial Officer

FROM: Kristi Noem
Secretary of Homeland Security

SUBJECT: **Congressional Access to Alien Detention Facilities – Access Policy and Use of Appropriations for Enforcement**

In June 2025, following significant and sometimes violent incidents at ICE facilities, I directed that requests by Members of Congress to visit an ICE facility be submitted at least seven days in advance of the visit. DHS also determined that because ICE field offices, including holding facilities, are not detention facilities, they are not subject to the same requirements as detention facilities. On December 17, 2025, in *Neguse v. ICE*, the U.S. District Court for the District of Columbia stayed this guidance, concluding that DHS's policy is inconsistent with Section 527(b) of the Department's appropriation.¹ That appropriation states, among other things, that "[n]one of the funds appropriated or otherwise made available to [DHS] . . . may be used to prevent" Members of Congress or certain congressional employees "from entering, for the purpose of conducting oversight," any DHS facility "used to detain or otherwise house aliens."² The district court also found that covered facilities for purposes of Section 527(b) include field offices and holding facilities.³

I disagree with this decision, but as even the district court explicitly acknowledged, funds deriving from the One Big Beautiful Bill Act (OBBBA)⁴ "are not subject to Section 527's limitations."⁵ Accordingly, effective immediately, and to ensure compliance with this court order, I am issuing this new policy.

¹ *Neguse v. ICE*, No. 25-2463, Memorandum Op. at 72 (D.D.C. Dec. 17, 2025).

² Pub. L. No. 118-47, div. C, tit. V, § 527(a), 138 Stat. 460, 619; *as extended by* Full-Year Continuing Appropriations and Extensions Act, 2025, Pub. L. No. 119-4, §§ 1101(a)(6), 1105, 139 Stat. 9, 11-12; *as extended by* Continuing Appropriations, Agriculture, Legislative Branch, Military Construction and Veterans Affairs, and Extensions Act, 2026, Pub. L. No. 119-37, §§ 101, 103, 139 Stat. 495, 496-97 (2025).

³ *Neguse v. ICE*, No. 25-2463, Memorandum Op. at 66 (D.D.C. Dec. 17, 2025).

⁴ Pub. L. No. 119-21, tit. X, § 100052, 139 Stat. 72, 388-89 (2025).

⁵ *Neguse v. ICE*, No. 25-2463, Memorandum Op. at 9 (D.D.C. Dec. 17, 2025).

Facility visit requests must be made a minimum of seven (7) calendar days in advance. Any requests to shorten that time must be approved by me. Visit requests should be submitted during normal business hours to the Office of Congressional Relations (OCR) at CongressToICE@ice.dhs.gov. Visit requests are not considered actionable until OCR acknowledges receipt of the request 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 duration of the visit, and the names and titles of all participants. Only Members and congressional staff scheduled and confirmed for the visit will be allowed to participate.

ICE must ensure that this policy is implemented and enforced exclusively with money appropriated by the OBBBA. To that end, any time or resources spent conducting activities otherwise subject to Section 527's limitations must be appropriately logged and funded from OBBBA funding. Given the extent of the funding made available to ICE through the OBBBA, I anticipate that there is more than sufficient funding available for the limited expenses associated with implementing and enforcing these policies.

The basis for this policy is that advance notice is necessary to ensure adequate protection for Members of Congress, congressional staff, detainees, and ICE employees alike. Unannounced visits require pulling ICE officers away from their normal duties. Moreover, there is an increasing trend of replacing legitimate oversight activities with circus-like publicity stunts, all of which creates a chaotic environment with heightened emotions.

This policy is consistent with and effectuates the clear intent of Congress to not subject OBBBA funding to Section 527's limitations. In an abundance of caution, however, the Chief Financial Officer, in consultation with the General Counsel, shall ensure appropriate funding for the promulgation of this policy, including use of OBBBA funding where appropriate.