

Congress of the United States

Washington, DC 20515

October 24, 2025

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

Todd M. Lyons
Acting Director
U.S. Immigration and Customs Enforcement
Washington, D.C. 20024

Dear Secretary Noem and Acting Director Lyons:

We write to express urgent concern about the agency's lack of response to our recent requests to conduct an oversight visit of the detention facilities in the basement of Edward J. Schwartz Federal Building in San Diego. Last week, we began to hear alarming reports of increased numbers of people being detained in the basement facilities of the federal building during routine immigration check-ins.¹ We have also heard reports that people were being detained in subpar conditions, without access to attorneys, medical care, or proper nutrition.²

In response, several of us reached out in writing on Saturday October 18, 2025, to formally request an urgent oversight visit. The Office of Congressional Affairs did not respond. Accordingly, on Monday October 20, members of the San Diego delegation attempted to carry out their constitutional duties by visiting the detention facilities in the federal building. Even though we identified ourselves as members of Congress who were conducting federal oversight, local ICE officials denied us entry and told us that we needed seven days' notice to schedule a site visit.

After the visit, we again reached out to reiterate our request in writing for a tour of the facilities. In response, ICE sent an automated response indicating that the "ICE Office of Congressional Relations staff are currently out of the office and unable to respond to emails, phone calls, or perform other work-related duties" and that "incoming inquiries" would be reviewed only "[o]nce funding is restored." When asked for confirmation that the message meant that the Department has decided not to allocate any staff to review urgent requests for congressional oversight, a local DHS staff member confirmed that "[a]ll requests must be approved 7 days in advance by HQ Office of Congressional Relations (OCR)," but "due to the government shutdown, these requests are on hold until the government reopens."

The Department's decision not to allocate any staff to review urgent requests for congressional oversight is deeply concerning. As members of Congress, we have the right and responsibility to conduct governmental oversight of federal agencies.³ These oversight responsibilities are especially important in situations, like here, where reports indicate that people's wellbeing may be at risk.

Unfortunately, this is not an isolated incident. This Administration has routinely denied this right and created arbitrary barriers in an attempt to prevent Congressional oversight.⁴ For instance, earlier this summer, the

¹ See [Shelby Bremer](#), "ICE is detaining more people during check-ins at San Diego immigration court," *NBC7 San Diego*, October 16, 2025,

<https://www.nbcsandiego.com/news/local/ice-shifts-san-diego-courthouse-detention-strategy/3917057/>.

² See *id.*; "Asylum-seekers now held for days – in a downtown San Diego basement." *Times of San Diego*, October 20, 2025,

<https://timesofsandiego.com/politics/2025/10/20/asylum-seekers-held-basement-san-diego-ice/>.

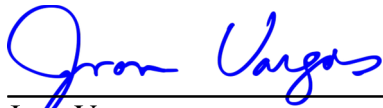
³ See U.S. Const. Art I, Sec. 8, Cl. 18; see also *McGrain v. Daugherty*, 273 U.S. 135, 174 (1927) ("We are of opinion that the power of inquiry—with process to enforce it—is an essential and appropriate auxiliary to the legislative function.").

⁴ See *Neguse et al. v. ICE et al.* 1:25-cv-02463, (D.D.C.); "[Maryland delegation denied access to inspect Baltimore ICE facility.](#)" *Maryland Matters*, July 29, 2025; "[Colorado congressional members accuse ICE of trying to prevent oversight of detention facilities.](#)" *CBS News*, August 12, 2025; "U.S. Reps. Scanlon, Lee denied entry to Pa. immigration detention center." *Pennsylvania Capital-Star*,

Department of Homeland Security implemented a new policy that purports to require oversight visits to be requested 7 days in advance.⁵ We continue to maintain that this rule is unlawful, and reiterate Congress' independent oversight authority, including to conduct visits to any facility where noncitizens are detained or housed.⁶ Despite these clear authorities, it is striking that in this instance the Department has decided not to meet even its own timeline.

Given the seriousness of the reports we have received and the health and safety concerns of individuals in custody, we are again providing notice that members of Congress intend to tour these facilities as soon as possible. Given the urgency of this matter and the Department's lack of responsiveness, we request a confirmation of this communication within the next 24 hours.

Sincerely,



Juan Vargas
Member of Congress



Mike Levin
Member of Congress



Sara Jacobs
Member of Congress



Scott H. Peters
Member of Congress



Adam B. Schiff
United States Senator



Alex Padilla
United States Senator

August 27, 2025; [“Congress members denied entry to ICE Detention Center in Adelanto.” ABC7](#), July 12, 2025.

⁵ “Facility Visit Request Process.” *U.S. Immigration and Custom Enforcement, Office of Congressional Relations*.
<https://www.ice.gov/leadership/ocr#:~:text=Facility%20Visit%20Request%20Process,will%20be%20allowed%20to%20participate>.

⁶ Consolidated Appropriations Act, 2020, Pub. L. No. 116-93, div. D, title V, § 532, 133 Stat. at 2530 (Dec. 20, 2019).