

United States Senate

WASHINGTON, DC 20510

March 7, 2025

VIA ELECTRONIC TRANSMISSION

The Honorable Kristi Noem
Secretary
United States Department of Homeland Security
2707 Martin Luther King Jr. Avenue SE
Washington, D.C. 20528

Mr. Tom Homan
Border Czar
The White House
1600 Pennsylvania Avenue, NW
Washington, D.C. 20530

Dear Secretary Noem and Mr. Homan:

I write with grave concern regarding Mr. Homan's recent suggestion that the Department of Homeland Security (DHS) should lower Immigration and Customs Enforcement (ICE) detention standards and limit federal inspections to facilitate detention of immigrants in local jails.¹ Conditions in too many of our nation's detention facilities already threaten the health, safety, and human rights of detainees. Lowering standards further will only worsen the crisis.

As it stands, ICE detention standards are insufficient and unevenly enforced.² For example, a 2019 DHS Office of the Inspector General (OIG) report found that "ICE does not adequately hold detention facility contractors accountable for not meeting performance standards."³ According to OIG, ICE frequently issued waivers to exempt facilities with deficient conditions from complying with certain detention standards and had, over a nearly three-year period, imposed financial penalties for noncompliance on just two occasions, "despite documenting thousands of instances of the facilities' failure to comply with detention standards."⁴ A 2022 Government Accountability Office (GAO) report also revealed shortcomings in the detention standards applicable to state and local jails contracting with ICE to provide detention services.⁵ Among other things, GAO noted that the standards do not require local personnel to verify that

¹ Ted Hesson, *ICE Aims to Lower US Immigration Detention Standards to Encourage more Sheriffs to Aid Crackdown*, Reuters, (Feb. 1, 2025), <https://www.reuters.com/world/us/trump-administration-aims-lower-immigration-detention-standards-let-more-jails-2025-02-01/#:~:text=WASHINGTON%2C%20Feb%201%20%2D%20The%20Trump,Tom%20Homan%20said%20on%20Saturday>.

² See, e.g., Isabela Dias, *ICE Quietly Lowers (Already Low) Standards at Some Immigration Detention Facilities*, Texas Observer (Jan. 21, 2020), <https://www.texasobserver.org/ice-immigrant-detention-low-standards/>.

³ *ICE Does Not Fully Use Contracting Tools to Hold Detention Facility Contractors Accountable for Failing to Meet Performance Standards* 7, Dept. of Homeland Security Off. of the Inspector Gen. (Jan. 29, 2019), <https://www.oig.dhs.gov/sites/default/files/assets/2019-02/OIG-19-18-Jan19.pdf>.

⁴ *Id.*

⁵ *Immigration Detention: ICE Needs to Strengthen Oversight of Informed Consent for Medical Care* 15, Gov't Accountability Off. (Oct. 2022), <https://www.gao.gov/assets/D23105196.pdf>.

detainees consented to care provided by off-site medical providers or to document when language services are used to secure informed consent before conducting medical procedures.⁶ These issues with setting and enforcing standards set the stage for human and civil rights abuses throughout detention facilities.

As Chairman of the Permanent Subcommittee on Investigations (PSI), I led a bipartisan investigation that found female ICE detainees at Irwin County Detention Center in Georgia were subjected by a DHS-contracted doctor to excessive, invasive, and often unnecessary gynecological surgeries and procedures, with repeated failures to obtain informed medical consent.⁷ In reviewing more than two dozen facilities—including local jails contracting with ICE—across 16 states from 2017 to 2019, experts hired by DHS’s own Office of Civil Rights and Civil Liberties found “barbaric practice[s],” “negligent” medical care, and “unsafe and filthy” conditions.⁸

Using local jails as a “force multiplier” ignores not just the frequently atrocious conditions that already prevail in many local facilities, but also severe overcrowding and staffing shortages.⁹ Many sheriffs in my state have emphasized that they simply do not have the space to accommodate federal detainees.¹⁰ Funneling immigrants into those jails will exacerbate this crisis.

Lowering already insufficient ICE detention standards will have disastrous consequences for the health and safety of thousands of immigrant detainees, worsen the human rights crisis that already afflicts many local facilities, and undermine human and civil rights nation-wide.

Sincerely,



Senator Jon Ossoff

⁶ *Id.* at 15, 31 n.39.

⁷ *Medical Mistreatment of Women in ICE Detention Staff Report*, Permanent Subcomm. on Investigations, (Nov. 15, 2022), <https://www.hsgac.senate.gov/wp-content/uploads/imo/media/doc/2022-11-15%20PSI%20Staff%20Report%20-%20Medical%20Mistreatment%20of%20Women%20in%20ICE%20Detention.pdf>.

⁸ Tom Dreisbach, *Governments own experts found 'barbaric' and 'negligent' conditions in ICE detention*, NPR (Aug. 16, 2023), <https://www.npr.org/2023/08/16/1190767610/ice-detention-immigration-government-inspectors-barbaric-negligent-conditions>.

⁹ Hesson, *supra* note 1.

¹⁰ Michelle Baruchman, *If Trump Initiates Mass Detainment of Migrants, Georgia Sheriffs Say They Have No Space Available in Jails*, Atl. J. Const. (Dec. 6, 2024), <https://www.ajc.com/politics/if-trump-initiates-mass-detainment-of-migrants-georgia-sheriffs-say-they-have-no-space-available-in-jails/VWFTVJA675GFRCJYLLV5P545PA/>.