



One Hundred Fourteenth Congress  
U.S. House of Representatives  
Committee on Homeland Security  
Washington, DC 20515

The Honorable Sarah R. Saldaña  
Director  
U.S. Immigration and Customs Enforcement  
Department of Homeland Security  
500 12th St., SW  
Washington, D.C. 20536

Dear Director Saldaña:

I have great concern about recent reports regarding U.S. Immigration and Customs Enforcement's (ICE) actions limiting access to counsel for women and children detained at ICE's Karnes County Residential Center and the South Texas Family Residential Facility, both located in Texas and run by private, for-profit corporations.<sup>1</sup> Particularly troubling are reports that attorneys providing *pro bono* counsel to detainees have been banned from these facilities or had access to their clients impeded without adequate justification.<sup>2</sup> Furthermore, these reports indicate ICE personnel at these facilities have provided misinformation to detainees regarding immigration bonds and alternatives to detention outside the presence of counsel.

While ICE has a responsibility to maintain order in its detention facilities, it should be able to do so without undermining access to counsel for this particularly vulnerable population of women and children, many of whom have been shown to have valid claims to immigration relief. ICE's existing visitation policy may unnecessarily limit attorney access to clients in ICE custody. Reasonable policies and procedures for access to the facilities should be appropriately detailed in writing, posted publicly in the facilities, and followed by ICE personnel and its contractors.

Finally, I supported ICE's announcement last month that it would no longer detain most mothers with children if they have received a positive finding for credible or reasonable fear and have provided a verifiable residential address. I also note the federal court decision this month requiring the release of such mothers and children from detention within 60 days, by October 23.<sup>3</sup> As ICE works to comply with this court order, I urge you to ensure that attorneys have

---

<sup>1</sup> See, for example: Associated Press. "Two Attorneys Banned from Immigration Detention Center, Deepens Dispute." ABC News Online, August 23, 2015. August 31, 2015. <http://abcnews.go.com/US/wireStory/lawyers-banned-detention-center-deepens-dispute-33261549> and Jason Buch. "Two Lawyers Banned from Detention Center." San Antonio Express-News, August 27, 2015. August 31, 2015. <http://www.expressnews.com/news/local/article/Two-lawyers-banned-from-detention-center-6469502.php>.

<sup>2</sup> Id.

<sup>3</sup> *Flores v. Lynch*, No. 85-04544 (C.D.Ca.),

access to their clients in ICE custody so that the due process rights of these individuals are protected.

To better understand ICE's actions related to attorney access to family detention facilities, please respond to the following questions in writing by September 14, 2015.

- 1) What is ICE's current policy regarding access by attorneys to family detention facilities? Please provide a copy of the policy.
- 2) Does ICE require that this policy be posted at its family detention facilities? If so, where in the detention facilities are the policies posted?
- 3) What ICE officials are responsible for implementing this policy at each of the facilities? Do the officials check periodically to determine whether or not the policy is being followed?
- 4) What role, if any, do contractors have in controlling attorneys' access to the facilities?
- 5) Is it ICE policy or practice to have individuals in detention who are represented by counsel make legal decisions outside the presence of their attorney? Please explain.
- 6) How many attorneys have been banned from ICE detention facilities to date? What are the duration of these bans? What is the justification for these bans? Have any bans been lifted?
- 7) Please explain what role, if any, you or officials at ICE headquarters have in reviewing a determination to ban an attorney from an ICE facility or to lift such a ban? Please explain.
- 8) What is ICE's plan for complying with the recent federal court order requiring release of mothers and children in detention by October 23?

Thank you for your attention to this important matter. If you have any questions about this request, please contact Hope Goins, Chief Counsel for Oversight, at 202 226-2616.

Sincerely,

BENNIE G. THOMPSON  
Ranking Member