

# Congress of the United States

Washington, DC 20515

March 11, 2025

The Honorable Kristi Noem  
Secretary of Homeland Security  
U.S. Department of Homeland Security  
2707 Martin Luther King Jr. Ave., SE  
Washington, DC 20528

The Honorable Pam Bondi  
U.S. Attorney General  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530

Dear Secretary Noem and Attorney General Bondi:

We write to request more information about troubling reports that federal prisons are being used to detain noncitizens for civil immigration violations. In a recent statement to the *Associated Press*, the federal Bureau of Prisons (BOP) confirmed that it is assisting U.S. Immigration and Customs Enforcement (ICE) “by housing detainees.”<sup>1</sup> A recent NBC News article also reported that “males detained by ICE will be housed in units in several federal prisons” across the country including Federal Detention Center Miami, Federal Detention Center Philadelphia, Federal Correctional Institution Leavenworth, and Federal Correctional Institution Berlin.<sup>2</sup> Additionally, there are reports that ICE is considering detaining noncitizens at BOP facilities that were slated for closure such as Federal Prison Camp Morgantown and Federal Correctional Institution Dublin, which was scheduled to close in December 2024 because of widespread sexual abuse.<sup>3</sup>

As you are aware, while the Immigration and Nationality Act permits noncitizens to be detained while they wait for their immigration hearings,<sup>4</sup> the immigration system is civil, not criminal in nature.<sup>5</sup> ICE itself has recognized that there are “important distinctions between the characteristics of the Immigration Detention population in ICE custody and the administrative purpose of their detention—which is to hold, process, and prepare individuals for removal—as compared to the punitive purpose of the Criminal Incarceration system.”<sup>6</sup>

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<sup>1</sup> Michael R. Sisak, *Federal Prisons Being Used to Detain People Arrested in Trump’s Immigration Crackdown*, THE ASSOCIATED PRESS (Feb. 7, 2025), <https://apnews.com/article/immigration-federal-prisons-trump-25d676a6ebbf139ae04a75cd91be7e8>.

<sup>2</sup> Luke Barr, *Males Detained by ICE to be Housed in Federal Prisons, New Memo Says*, ABC NEWS (Feb. 14, 2025), <https://abcnews.go.com/US/males-detained-ice-housed-federal-prisons-new-memo/story?id=118850412>.

<sup>3</sup> Walter Pavlo, *Bureau of Prisons Executives Announce Retirement Ahead of New Director*, FORBES (Feb. 17, 2025), <https://www.forbes.com/sites/walterpavlo/2025/02/17/bureau-of-prisons-executives-announce-retirement-ahead-of-new-director/>.

<sup>4</sup> 8 U.S.C. § 1226

<sup>5</sup> *Rodriguez v. Robbins*, 804 F.3d 1060, 1065 (9th Cir. 2015), rev’d sub nom. *Jennings v. Rodriguez*, 138 S. Ct. 830 (2018).

<sup>6</sup> Dora Schriro, *Immigration Detention Overview and Recommendations* (Oct. 6, 2009), <https://www.ice.gov/doclib/about/offices/odpp/pdf/ice-detention-rpt.pdf>; See also this statement on ICE’s website: “U.S. Immigration and Customs Enforcement (ICE) Enforcement and Removal Operations (ERO) manages the nation’s civil immigration detention system and oversees one of the most highly transient and diverse populations of any detention system in the world.” <https://www.ice.gov/detain/detention-management>.

The detention of noncitizens in criminal prison facilities contradicts the civil nature of immigration law, risks further criminalizing immigration enforcement, and diverts critical resources away from the intended purpose of the federal prison system. To better understand the scope and implication of this, please produce the following information as soon as possible, but no later than 5:00 p.m. on March 14, 2025:

1. A list of each BOP facility that is currently being used or will be used to detain noncitizens pending immigration proceedings, including:
  - a. The total number of noncitizens that are currently detained;
  - b. The total number of detention beds BOP plans to make available for detained immigrants;
  - c. The total cost for detaining noncitizens at the facility and the agency covering the costs;
  - d. The detention conditions in the facility and whether the noncitizens detained are subject to the same restrictions as individuals convicted of federal crimes;
  - e. The security level of the facility; and
  - f. Whether the facility is in compliance with the national standards to prevent, detect, and respond to prison rape, as required by the Prison Rape Elimination Act of 2003 (PREA).
2. Any agreements, contracts, or memoranda of understanding between BOP and ICE related to the detention of noncitizens in federal prisons;
3. The criteria used for selecting which BOP facilities will detain noncitizens;
4. Have there been any reported instances of mistreatment or abuse of individuals in BOP custody at any of the selected BOP facilities in the past year, and if so, what remedial actions have been taken to prevent future abuse; and
5. Have there been any reported instances of mistreatment or abuse of noncitizens detained in BOP facilities, and if so, what actions have been taken to investigate and address them?

Thank you for your prompt attention to this important matter.

Sincerely,



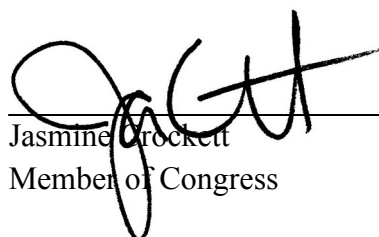
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Pramila Jayapal  
Ranking Member  
Subcommittee on  
Immigration Integrity,  
Security, and Enforcement



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Jesús G. "Chuy" García  
Member of Congress



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Jasmine Crockett  
Member of Congress



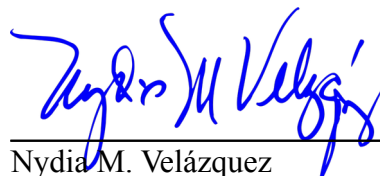
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James P. McGovern  
Member of Congress



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Paul D. Tonko  
Member of Congress



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Nydia M. Velázquez  
Member of Congress



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Greg Casar  
Member of Congress



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Eleanor Holmes Norton  
Member of Congress



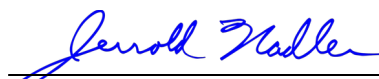
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Henry C. "Hank" Johnson, Jr.  
Member of Congress



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Nanette Diaz Barragán  
Member of Congress



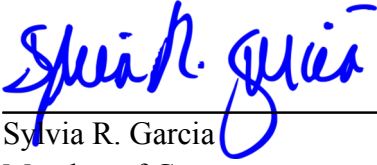
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Jerrold Nadler  
Member of Congress



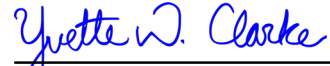
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Raúl M. Grijalva  
Member of Congress



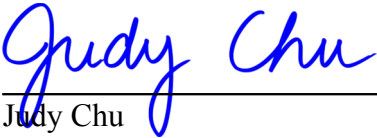
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Sylvia R. Garcia  
Member of Congress



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Yvette D. Clarke  
Member of Congress



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Judy Chu  
Member of Congress



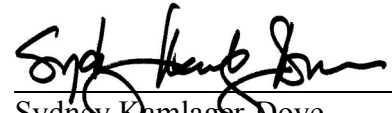
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Mary Gay Scanlon  
Member of Congress




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Ilhan Omar  
Member of Congress



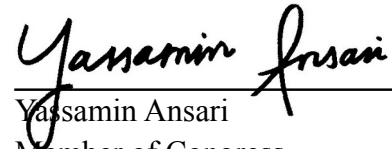
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Sydney Kamlager-Dove  
Member of Congress



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Ayanna Pressley  
Member of Congress




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Yassamin Ansari  
Member of Congress



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Andre Carson  
Member of Congress



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Adam Smith  
Member of Congress



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Melanie Stansbury  
Member of Congress



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Jim Tokuda  
Member of Congress



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Zoe Lofgren  
Member of Congress



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Summer L. Lee  
Member of Congress



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Deborah K. Ross  
Member of Congress