

**Congress of the United States**  
**Washington, DC 20515**

February 10, 2026

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

Mr. Todd M. Lyons  
Acting Director  
U.S. Immigration and  
Customs Enforcement  
500 12th Street, SW  
Washington, DC 20024

Dear Secretary Noem, Attorney General Bondi, and Acting Director Lyons,

We write to address the Trump administration's continued reliance on an absurd policy that has been rejected by over 300 judges.<sup>1</sup> In July, Acting Director Lyons issued a memo to Immigration and Customs Enforcement (ICE) employees declaring that immigrants, who at one point entered the country between ports of entry, must be held in immigration detention without receiving a bond hearing for the duration of their cases.<sup>2</sup> ICE created a legal fiction on which to rely: that all immigrants who entered without inspection, regardless of the timing of their entry, are to be treated as if they are still seeking admission at the border, and therefore afforded fewer protections under the Immigration and Nationality Act (INA). This ignores that the standard detention provision for persons in removal proceedings, INA 236, expressly encompasses persons who entered without inspection and thus are inadmissible.<sup>3</sup>

The memo declares that now, instead of processing individuals under the authorities of Section 236 of the INA, ICE will now be relying on the far more restrictive Section 235. This is despite the fact that Section 235 very clearly lays out to whom it applies: an inadmissible noncitizen "who is arriving in the United States" or a noncitizen "who has not been admitted or paroled into the United States" *and* who cannot prove two years of continuous physical presence in the United States.<sup>4</sup> ICE conveniently ignores this so that it can indiscriminately throw more people into immigration detention to juice the administration's detention statistics in the hope that the heinous conditions in immigration detention centers will force people to stop fighting their cases and accept deportation.

This policy flies in the face of the Due Process Clause of the Constitution, decades of precedent, and common sense. Unsurprisingly, this has led to many challenges in federal court, resulting in courts becoming clogged with these cases. This policy has been rejected by judges

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<sup>1</sup> Kyle Cheney, *Hundreds of judges reject Trump's mandatory detention policy, with no end in sight*, POLITICO (Jan. 5, 2026), <https://www.politico.com/news/2026/01/05/trump-administration-immigrants-mandatory-detention-00709494>.

<sup>2</sup> Maria Sacchetti & Carol D. Leonnig, *ICE declares millions of undocumented immigrants ineligible for bond hearings*, WASH. POST (Jul. 15, 2025), <https://www.washingtonpost.com/immigration/2025/07/14/ice-trump-undocumented-immigrants-bond-hearings/>.

<sup>3</sup> Memorandum from the Todd M. Lyons, Acting Dir. of Imm. and Customs Enforcement to all ICE Employees (Jul. 8, 2025) (<https://immpolicytracking.org/policies/ice-issues-memo-eliminating-bond-hearings-for-undocumented-immigrants/#/tab-policy-documents>).

<sup>4</sup> INA § 235 and 236; 8 U.S.C. § 1225 and 1226.

in 35 different states, appointed by every President since Ronald Reagan, including 33 judges appointed by President Trump.<sup>5</sup> This is such a clear-cut violation of the law that even some of the President's most recent appointees have rejected it. Judge Kyle Dudek of the Middle District of Florida ruled against this interpretation a mere two weeks after being confirmed to his position by the Senate.<sup>6</sup>

On November 25, California District Judge Sunshine Sykes certified a nationwide class of individuals living in the United States upon being detained, ruling that such individuals are entitled to bond hearings.<sup>7</sup> However, despite this ruling and the hundreds of similar rulings, immigrants across the country continue to be denied bond hearings due to ICE's policy.<sup>8</sup>

This must end. As executive branch appointees, your job is to enforce the law. Over 300 judges have told you 1,600 times exactly what the law is.<sup>9</sup> Now you must follow it. Rescind this absurd memo and allow detained immigrants the opportunity to obtain bond hearings.

Thank you for your prompt attention to this matter.

Sincerely,



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Pramila Jayapal  
Ranking Member  
Immigration Integrity,  
Security, and Enforcement  
House Judiciary Committee



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Eleanor Holmes Norton  
Member of Congress



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Shontel M. Brown  
Member of Congress



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Rashida Tlaib  
Member of Congress

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<sup>5</sup> Cheney, *supra* note 1; Kyle Cheney, *More than 220 judges have now rejected the Trump admin's mass detention policy*, POLITICO (Nov. 28, 2025), <https://www.politico.com/news/2025/11/28/trump-detention-deportation-policy-00669861>.

<sup>6</sup> Kyle Cheney, *Judges appointed by Trump keep ruling against him. He's not happy about it.*, POLITICO (Oct. 6, 2025), <https://www.politico.com/news/2025/10/06/trump-judges-ruling-against-him-00595511>.

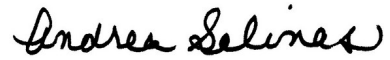
<sup>7</sup> Daniel Wiessner, *US judge orders Trump administration to provide bond hearings to detained migrants*, Reuters (Nov. 25, 2025), <https://www.reuters.com/legal/government/us-judge-orders-trump-administration-provide-bond-hearings-detained-migrants-2025-11-25/>.

<sup>8</sup> Mark Rivera, *et. al.*, *Judge's order could make thousands of arrested immigrants eligible for bond hearings and release*, ABC7 (Dec. 2, 2025), <https://abc7chicago.com/post/us-immigration-news-judges-order-could-make-thousands-arrested-immigrants-eligible-bond-hearings-release/18242722/>.

<sup>9</sup> Cheney, *supra* note 1.



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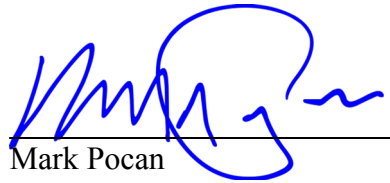
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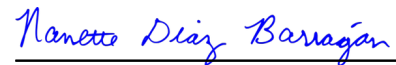
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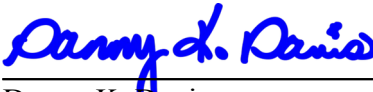
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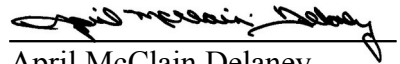
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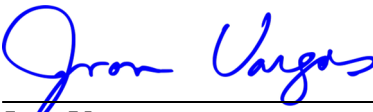
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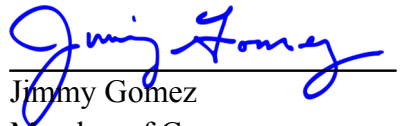
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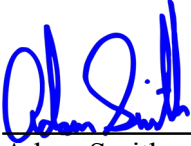
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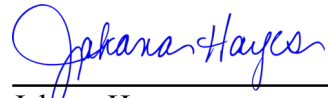


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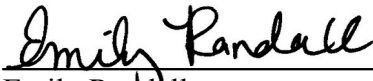
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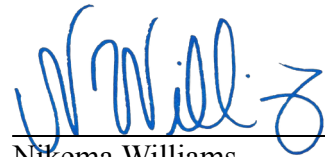
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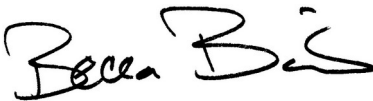
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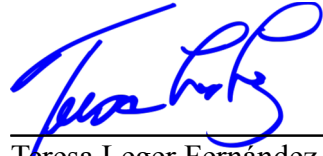


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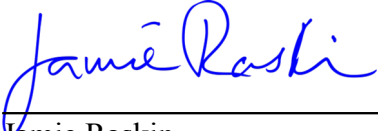
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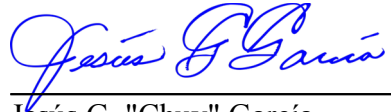
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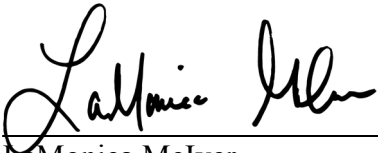
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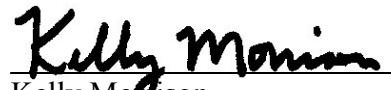
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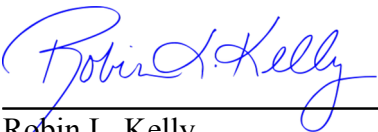
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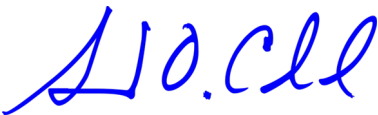
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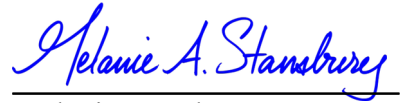
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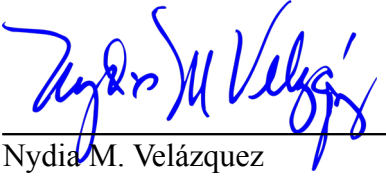
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