

United States Senate
COMMITTEE ON THE JUDICIARY
WASHINGTON, DC 20510-6275

November 5, 2025

Todd Lyons
Acting Director
U.S. Immigration and Customs Enforcement
500 12th St., SW
Washington, DC 20536

Dear Acting Director Lyons:

I write to object to your unprecedented, unlawful, and unacceptable decision to deny Members of Congress access to the U.S. Immigration and Customs Enforcement (ICE) Broadview Processing Center in Broadview, Illinois (hereinafter, “Broadview ICE Facility”). The Trump Administration has increasingly restricted access to facilities used to detain noncitizens, including by denying Members of Congress access to the Broadview ICE Facility. I urge you to comply with the law and reverse this decision, allowing me and my colleagues to conduct desperately needed oversight of the Broadview ICE Facility.

Members of Congress have constitutional authority and a responsibility to conduct investigations to support our legislative duties—particularly of the executive branch. Without such oversight, we cannot identify shortcomings in the laws we have enacted and in their execution.¹ The Constitutional authority to conduct oversight of ICE detention facilities has been emphasized in appropriations law.² Specifically, the law mandates that ICE may not prevent a Member of Congress from entering “any facility operated by or for the Department of Homeland Security (DHS) used to detain or otherwise house” immigrants, including during unannounced visits. It further requires that congressional staff may visit such facilities with 24 hours’ advance notice.

Despite the robust legal framework authorizing and requiring such oversight, ICE has imposed unlawful limitations on facility access and, in many cases, has outright denied Members of Congress access to ICE facilities. In June, ICE issued an updated guidance memorandum requiring Members of Congress to give at least 72 hours’ notice before an immigration facility visit.³ Since then, ICE appears to have further restricted its policy through a statement on the ICE Congressional Relations website, which imposes a seven-day advance notice policy, with exceptions at the discretion of Department of Homeland Security (DHS) Secretary Kristi Noem.⁴

¹ *McGrain v. Daugherty*, 273 U.S. 135, 177 (1927); *see also* *Watkins v. United States*, 354 U.S. 178, 187 (1957), and *Barenblatt v. United States*, 360 U.S. 109, 111 (1959).

² Further Consolidated Appropriations Act, 2024, div. C, title V, § 527(a), Pub. L. No. 118-47, 138 Stat. 460, 619 (Mar. 23, 2024), as incorporated by Full-Year Continuing Appropriations and Extensions Act, 2025, Pub. L. No. 119-4, §§ 1101(a)(6), 1105, 139 Stat. 9, 11, 12 (Mar. 15, 2025).

³ Michael Gold, *ICE Imposes New Rules on Congressional Visits*, NY Times (Jun. 19, 2025), <https://www.nytimes.com/2025/06/19/us/politics/ice-congress.html>.

⁴ U.S. Immigration and Customs Enforcement (ICE), Office of Congressional Relations (Updated Sept. 29, 2025), <https://www.ice.gov/leadership/ocr>.

Most recently, ICE has denied Members of Congress and congressional staff access to facilities due to the government shutdown.⁵ In addition to these restrictions, ICE has regularly prevented or delayed congressional access to processing facilities used to detain noncitizens for prolonged periods, even as detainees report squalid conditions, overcrowding, inhumane treatment, and lengthy stays.⁶

The Broadview ICE Facility is no exception. Although designed as a short-term service processing facility, this year ICE has expanded the maximum number of hours that noncitizens could be held at Broadview and other processing centers.⁷ A recent report found that in September, 143 individuals were detained at Broadview for two days or more, reasonably concluding that, “ICE’s Broadview facility has become a de facto detention center, minus the rules and oversight.”⁸ An American citizen detained during peaceful protests reported that immigration detainees are “jammed packed” into rooms designed for short-term processing.⁹ Detainees report being provided little food, water, and hygiene products and having limited access to medication.¹⁰ The facility has been repeatedly described as a “black hole”. Attorneys and family members alike cannot reach, respectively, their clients and loved ones in the facility; detainees are simultaneously prevented from contacting anyone until they have been transferred to another facility, often days later.¹¹ These concerns have only grown as DHS has used the facility to support its reckless and dangerous immigration enforcement operations in Illinois.

As a member of the Senate Judiciary Committee and the senior Senator from Illinois, I have consistently carried out my constitutional duty and responsibility to conduct oversight of conditions at the Broadview ICE Facility. For example, on two previous occasions, I visited the facility to inspect its operations and meet with detained individuals and ICE employees. I visited the facility on August 30, 2013, and again on June 13, 2014, when I was joined by then-U.S. Secretary of Homeland Security Jeh Johnson, former Representative Luis Gutierrez (D-IL-04), and Representative Bill Foster (D-IL-11). We toured the facility and met with detainees during our visit.

I have regularly visited DHS facilities where noncitizens are detained during both Democratic and Republican Administrations without incident. The current Trump Administration is the only

⁵ Kyle Cheney and Myah Ward, *Another shutdown consequence: Democrats can’t visit ICE Detention facilities*, Politico (Oct. 27, 2025), <https://www.politico.com/news/2025/10/27/immigration-congressional-visits-ice-government-shutdown-00624066>.

⁶ See *ICE Imposes New Rules on Congressional Visits*, *supra* Note 3.

⁷ ICE Memorandum from Monica Burke, Assistant Director, Custody Management to All ERO Field Office Directors, *Nationwide Hold Room Waiver* (June 24, 2025), <https://storage.courtlistener.com/recap/gov.uscourts.mdd.582507/gov.uscourts.mdd.582507.40.3.pdf>.

⁸ Lauren FitzPatrick and Adriana Cardona-Maguigad, *ICE’s Broadview facility has become a de facto detention center, minus the rules and oversight*, WBEZ Chicago (Oct. 1, 2025), <https://www.wbez.org/immigration/2025/10/01/broadview-immigration-processing-center-detention-ice-dhs>.

⁹ Jessica D’Onofrio, *Inside Broadview ICE Facility, Arrested Protester Shares View*, NBC Chicago (Oct. 2, 2025), <https://www.nbcchicago.com/news/local/inside-broadview-ice-facility-arrested-protester-shares-view/3832911>.

¹⁰ *Broadview ICE Facility Sparks Complaints of Inhumane Conditions*, WTTW News (Sept. 25, 2025), <https://news.wttw.com/2025/09/25/broadview-ice-facility-sparks-complaints-inhumane-conditions>.

¹¹ See *id.*, and Mark Rivera & Barb Markoff, *Family Fights for Man’s Release from ICE Custody after Crestwood Arrest, Details Conditions at Broadview Facility*, ABC7 Chicago (Oct. 21, 2025), <https://abc7chicago.com/post/family-fights-fathers-release-ice-custody-crestwood-arrest-details-conditions-broadview-facility/18053713/>.

Administration that has repeatedly denied me and other Members of Congress access to a detention facility. In fact, I have requested to visit the Broadview ICE Facility and meet with detainees there four times. In each instance, I have been denied access.

ICE officials' attempts to impede oversight of the Broadview ICE Facility are unconstitutional. They also raise serious questions as to what ICE is attempting to hide at this facility, and as a duly elected representative of the people of Illinois, it is my job to find out. I urge you to grant Members of Congress prompt access to the Broadview ICE Facility and provide the American people transparency into the conditions there.

Sincerely,



Richard J. Durbin
Ranking Member
Senate Judiciary Committee