



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

June 18, 2018

The Honorable Kirstjen Nielsen
Secretary
Department of Homeland Security
Washington, DC 20528

Dear Secretary Nielsen:

I write to express my serious concern about U.S. Immigration and Customs Enforcement's (ICE) recent transfer of 1,600 detainees to five federal prisons due to President Trump's so-called zero-tolerance policy and to obtain more information about this apparently unprecedented development.¹

I continue to be troubled by the Trump Administration's zero-tolerance policy, which punishes asylum seekers and separates children from their parents at the border. Moreover, it is increasingly clear that the Trump Administration was ill-prepared for the inevitable consequences of its own misguided, inhumane policy. The Department of Homeland Security (DHS or the Department) implemented this policy without having adequate immigration detention bed space for adults and has decided to separate children from their parents despite not having appropriate facilities to house them. As a result, the Administration is shuffling immigrant detainees to criminal Bureau of Prisons (BOP) facilities and putting thousands of children in one or more tent cities along the border.

ICE's decision to transfer immigration detainees to BOP facilities is concerning for several reasons. ICE could be releasing those with asylum applications on alternatives to detention or other similar procedures, which are less costly and have been utilized by past Administrations on a bipartisan basis. Additionally, according to reports, the designated BOP facilities are ill-equipped to house the detainees. It is my understanding that BOP personnel was unaware of the relocations until just before the detainees showed up. Moreover, reports have alleged that maintenance personnel, including electricians and plumbers, at a Federal Detention Center near

¹ Eli Rosenberg, "So many immigrants are being arrested that ICE is going to transfer 1,600 to federal prisons," *Washington Post* (June 7, 2018), https://www.washingtonpost.com/news/post-nation/wp/2018/06/07/so-many-immigrants-are-being-arrested-that-ice-is-going-to-transfer-1600-to-federal-prisons/?noredirect=on&utm_term=.f6b95dfda586.

Seattle, are playing the role of corrections officers due to staff shortages.² At a prison in California, 500 current inmates had to be transferred to a second facility to accommodate the ICE detainees.³

Accordingly, pursuant to Rule X(3)(g) and Rule XI of the Rules of the House of Representatives, please respond to the following by July 2, 2018:

1. Please provide a copy of any agreements between the Department of Homeland Security and the Department of Justice related to the transfer of the 1,600 ICE detainees to BOP facilities.
2. Has ICE previously entered into a similar agreement with the BOP for this purpose? If so, please provide copies of any such agreements.
3. How did the Department identify which 1,600 detainees to transfer to BOP facilities?
4. When were the five BOP facilities notified they would be receiving detainees?
5. What security level are the facilities in which detainees are being held?
6. Which detention standards are being applied to these detainees while in BOP facilities?
7. How is the Department ensuring that BOP facilities comply with all applicable laws, regulations, and standards for civil immigration detainees?
8. How is the Department ensuring detainees at BOP facilities have access to their counsel?
9. How much is the Department paying per bed, per night for the 1,600 detainees housed at BOP facilities?
10. Does the Department plan to send additional detainees to BOP facilities? Please explain.

Thank you for your attention to this important matter. Should you have any questions, please contact Alison Northrop, Chief Director for Oversight, at (202) 226-2616.

Sincerely,



BENNIE G. THOMPSON
Ranking Member

² Sarah N. Lynch and Kristina Cooke, "Lawyers, workers question putting immigration detainees in U.S. prisons," *Reuters* (June 8, 2018), <https://www.reuters.com/article/us-usa-immigration-prisons/lawyers-workers-question-putting-immigration-detainees-in-us-prisons-idUSKCN1J42KT>.

³ *Id.*