



September 4, 2025

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U. S. Department of Homeland Security
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Todd M. Lyons
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Joseph Simon
Acting Field Office Director
U.S. Immigration and Customs Enforcement
Washington Field Office
14797 Murdock Street
Chantilly, VA 20598-5216

VIA EMAIL

Re: Urgent Request for Attorney Access and Improvements to the Conditions at ICE Washington Field Office

Dear Secretary Noem, Director Todd Lyons, and Director Simon:

The Immigration and Customs Enforcement, Washington Field Office (“ICE WAS”) in Chantilly, Virginia, responsible for processing immigration arrests in Washington, D.C., and Virginia, is currently detaining people for periods of time unauthorized by policy, and is failing to maintain safe and lawful conditions for those people while in custody. The increase in immigration enforcement resulting from the federalization of D.C. has led to overcrowded and dangerous conditions for people detained at the Field Office: hundreds of people have been held for days in overcrowded rooms, without beds, sufficient food, medications or medical care, hygiene products, access to showers, or the ability to communicate confidentially with attorneys. These conditions render the civil immigration detention of individuals at the Field Office punitive and in violation of ICE’s own policies and the U.S. Constitution.¹

¹ Immigrant detainees are held in civil detention, cannot be subjected to punitive conditions of confinement, and are entitled to “more considerate treatment and conditions of confinement” than those in criminal custody. *Youngberg v.*

This letter identifies areas of significant concern based on reports provided by people currently or previously held at the Field Office, as well as their families and attorneys. Because the conditions that have been reported are clearly unlawful, ICE must cease its practice of detaining people for excessive amounts of time in conditions that threaten their health and safety.

I. ICE Is Violating Its Own Policy That Prohibits Extended Detention of Individuals at ICE WAS.

The ICE Washington Field Office is considered a “holding facility” governed by the policies outlined in part by ICE Directive 11087.2. This policy defines a “holding facility” as “[a] facility that contains hold rooms that are primarily used for short-term confinement of individuals who have recently been detained or are being transferred to or from a court, detention facility, or other holding facility, or other agency.” Notably, “short-term is defined as a period not to exceed 12 hours, absent exceptional circumstances.” On June 24, 2025, however, ICE issued a “Nationwide Hold Room Waiver,” which permits the detention of immigrants in holding facilities – without beds, showers, hygiene products, or adequate food – for up to 72 hours.

Even though it is ostensibly permitted by ICE policy, the Field Office is not equipped to hold people for up to 72 hours, and detention of any length of time in punitive conditions violates the rights of detainees. In addition, since around at least August 11, 2025, people have been detained at ICE WAS for multiple consecutive days, with many individuals detained for as many as six to eight days in unhealthy, unsanitary, and punitive conditions. This extended detention, therefore, violates the outer limits of even ICE’s own policies.

II. Individuals Detained at ICE WAS Are Being Held in Conditions that Violate Their Rights and DHS Policy.

ICE’s Policy directive mandates that holding facilities meet certain standards and provide certain conditions and accommodations for people detained there. According to ICE’s policy directive, Joseph Simon, the acting Field Office Director for the Washington Field Office, is responsible for ensuring that officers are complying with the policies and procedures outlined in the ICE directive, including:

- “Ensuring that detainees are provided a meal at least every six hours”;
- “Ensuring that hold rooms are safe, clean, equipped with restroom facilities, and clear of objects that could be used as weapons against ERO personnel, contractors, or detainees”;
- “[E]mpty holding facilities upon the conclusion of daily operations in those field office locations operating on a daily schedule . . . absent exceptional circumstances, no detainee should be housed in a holding facility for longer than 12 hours”;
- “If the hold room is not equipped with restroom facilities, ERO officers should position themselves within direct sight or earshot of the hold room so that detainees may request and have regular access to restroom facilities”;

Romero, 457 U.S. 307, 322 (1982), *see also Porro v. Barnes*, 624 F.3d 1322, 1326 (10th Cir. 2010) (requiring federal immigrant detainees to receive at least the same standard of treatment as pre-trial detainees).

- “Allow detainees to keep personal inhaled medication on their person and have access to other prescribed medication as necessary”;
“Maintain a detention log for every detainee brought into custody regardless of purpose,” recording, *inter alia*, time in, mealtime, and time out.

ICE is not complying with these requirements for detainees at the Washington Field Office. Reports indicate that as many as 80-90 individuals are packed into rooms that are only intended to hold a handful of individuals for a few hours. In these crowded rooms, there are no beds, only two toilets and two sinks, and individuals are forced to sleep on the hard floor without pillows, with some provided only with mylar blankets. For example, one individual reported that while he was detained in ICE WAS, he was placed in a room that was so crowded that he was forced to sleep sitting up because there was not enough space for everyone to lie down.

While living in these cramped conditions, sleeping alongside open toilets, people are denied access to showers and basic hygiene items such as clean clothes and toothbrushes. People are forced to remain in the dirty clothes they were arrested in, despite the number of days they remain at ICE WAS.

People at ICE WAS are also not provided adequate meals as required by ICE policy. Instead, numerous people report only being provided one meal a day, a burrito at irregular times.

Further, although prisons and detention facilities must timely provide prescription medication and cannot “intentionally interfere with...treatment once prescribed,”² people detained at ICE WAS are unable to access their medications, even for serious preexisting health conditions such as high blood pressure and cardiac issues. People are being told by staff that they will only be able to access their prescriptions and medical care after they are transferred to long-term detention facilities.

Further exemplifying the temporary nature of these hold rooms, there is *no* medical professional on-site to respond to the detained noncitizens’ pre-existing or sudden health concerns. Reports indicate that a suspected viral illness is spreading amongst the individuals detained at ICE WAS, resulting in fevers for which neither medical treatment nor preventative containment measures have been provided. For example, an individual reported that he and some of the men in his room had high fevers, and due to crowding, the illness was spreading to others in the room. He was worried about his safety because he could not access medications for preexisting medical issues or any medical treatment. While on a call with his family about his condition, another individual with a fever fainted and hit his head on the floor.

Not only does holding people at ICE WAS for more than 12 hours and not providing meals every six hours violate ICE policy,³ but the current overcrowded and unsanitary conditions also violate the detainees’ substantive due process rights to be free from punishment under the Fifth Amendment. *See French v. Owens*, 777 F.2d 1250, 1252-53 (7th Cir. 1985); *Jones v. City & Cty. of San Francisco*, 976 F. Supp. 896, 907 (N.D. Cal. 1997) (finding lock-in time of 16 hours per day to be unconstitutional in overcrowded conditions); *Vazquez v. Carver*, 729 F. Supp. 1063, 1069

² *Estelle v. Gamble*, 429 U.S. 97, 105 (1976).

³ ICE Directive 11087.2§3.2 n.3; 4.4.1.2.

(E.D. Penn. 1989) (finding confinement to cells for 20 hours of day to be unconstitutional in overcrowded conditions); *Porro*, 624 F.3d at 1326 (requiring federal immigrant detainees to receive at least the same standard of treatment as pre-trial detainees).

In addition, the failure to provide medical services for people in immigration custody, regardless of the type of facility, is unlawful. *See Martin v. Gentile*, 849 F.2d 863, 871 (4th Cir. 1988) (“no legitimate nonpunitive goal is served by a denial or unreasonable delay in providing medical treatment where the need for such treatment is apparent.”).

III. Restrictions on Telephone Access at ICE WAS Violate ICE Policy and Detainees’ Right to Access Counsel.

Individuals detained at ICE WAS have no means to communicate confidentially with their attorneys. Attorneys attempting to contact clients held at ICE WAS have been denied entry to see or meet with their clients. Officials at ICE WAS have stated that attorneys are prohibited from meeting with clients at the facility. Reports indicate that there are no private attorney-client meeting rooms or spaces at ICE WAS.⁴ Likewise, detained individuals are not permitted to communicate with their counsel over the phone on a non-recorded line. Field Office staff have ignored repeated attempts by attorneys to request confidential attorney calls with detained clients.

In response to the influx of people detained at ICE WAS for extended periods, the DC Chapter of the American Immigration Lawyers Association met with acting Field Office Director Simon to address the lack of attorney access at the facility. Mr. Simon provided the committee with a new protocol for requesting attorney calls at the facility, which includes emailing Washington.Outreach@ice.dhs.gov a request. Attorneys report that even since the implementation of this new protocol, attorneys’ requests for confidential calls continue to be unanswered, effectively prohibiting detainees from access to their attorneys.

The only means by which individuals at ICE WAS can communicate with the outside world is via a non-confidential phone line. While some people detained at ICE WAS are provided with a short free phone call after arriving at the facility, many families report not hearing from their loved ones at all. People who are able to use the phone are permitted to make calls for no longer than a few minutes, and all of these calls are monitored.

Despite not having access to counsel, officials at ICE WAS are meeting with people and pressuring them to sign deportation orders. For example, individuals reported being summoned to meet alone with ICE officials on multiple occasions while detained at ICE WAS, where they were badgered and insulted in an effort to have them sign their deportation order, despite having no ability to consult with their attorney.

⁴ *See* Laura Barron-Lopez, “One meal a day, no bathing for days: Inside the ‘crisis’ at one Virginia ICE field office,” MSNBC (Aug. 29, 2025), <https://www.msnbc.com/msnbc/news/virginia-ice-office-one-meal-day-inhumane-conditions-rcna227976>.

By not providing access to counsel for people detained at ICE WAS—especially for those who are being pressured to sign deportation orders—ICE is violating the Immigration and Nationality Act and the Fifth and First Amendment of the Constitution.

IV. ICE Must Immediately Remedy the Conditions at ICE WAS.

ICE must ensure its compliance with its own policies and the U.S. Constitution. At a minimum, ICE must immediately:

- Ensure that no person is held at ICE WAS in excess of 12 hours.
- Ensure that capacity limits for hold rooms are complied with such that all individuals have adequate space to sit and lie down if needed.
- Release all individuals who have health concerns or require medical attention or medication management.
- Ensure that all individuals are provided adequate meals on a regular schedule at least every six hours pursuant to ICE policy.
- Ensure that all individuals held overnight have adequate conditions for sleep, including beds or cots, pillows, and blankets.
- Ensure that all individuals who are held at the facility for more than a day are provided with access to showers, clean clothes, and dental hygiene.
- Immediately provide access for attorneys to meet with detained clients in person in a confidential setting.
- Provide an effective protocol for detained individuals to request a free, private, and confidential call with their attorney or potential attorney, and for attorneys to request free, private, and confidential calls with their clients.
- Ensure that attorneys and their clients are able to conduct a confidential legal call within a reasonable time, and no more than five hours of a request to do so.
- Prohibit ICE officials from interviewing or speaking with detainees about their immigration cases or deportation without their attorney present.
- Prohibit ICE officials from pressuring detainees to consent to their deportations.
- Ensure compliance with ICE detention standards that require the provision of appropriate interpretation and language services for medical and mental health care, including during intake and processing.
- Ensure that a medical professional is on-site at all times when an individual is in custody at the facility.

While these practices will resolve some of our concerns about the conditions of detention at ICE WAS, we do not believe that ICE WAS can safely or humanely serve as a multi-day detention facility. Further, due to the increase in populations at immigration detention facilities around the Commonwealth and the country, we are concerned that detained individuals will encounter similar conditions at any facility to which they are transferred. ICE's policy of detaining all noncitizens regardless of individual circumstances is creating an unnecessary and unwarranted humanitarian crisis in civil immigration detention centers and must cease.

We look forward to your response and would be happy to discuss the matter further with you in order to resolve our concerns. Please contact Sophia Gregg at sgregg@acluva.org or Yulie Landan at yulie@nipnlg.org to arrange a further discussion.

Sincerely,

AMERICAN CIVIL LIBERTIES UNION OF VIRGINIA



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NATIONAL IMMIGRATION PROJECT



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