



**U.S. Immigration
and Customs
Enforcement**

May 6, 2026

The Honorable Edward J. Markey
United States Senate
Washington, DC 20510

Dear Senator Markey:

Thank you for your December 17, 2025 letter to U.S. Immigration and Customs Enforcement (ICE).

In accordance with Title 8 authorities, ICE officers and agents may arrest and detain aliens who are unlawfully present in the United States or otherwise removable from the country. Upon arrest, an alien may be placed in a hold room, which is defined as a space that is primarily used for the short-term confinement of aliens (under 12 hours, absent exigent circumstances) who have recently been detained, or are being transferred to or from a court, detention facility, other holding facility, or other agency. Furthermore, during his or her time in ICE custody, an alien maintains sufficient access to their legal representative and due process, along with appropriate medical and mental health care.

Thank you again for your letter. Enclosed are responses to your questions. Should you wish to discuss this matter further, please contact the ICE Office of Congressional Relations via email at CongresstoICE@ice.dhs.gov.

Sincerely,

John Cooper
Assistant Director
Office of Congressional Relations

Enclosure

**Department of Homeland Security Response to
Senator Markey's December 17, 2025 Letter**

1. How many individuals has the ICE field office in Burlington processed this calendar year?

(a) What is the highest number of people detained at the field office since the start of the year?

Response: The highest number of people detained into the Boston Hold Rooms this year occurred during the week of January 19, to January 25, 2026, reaching 304 aliens.

(b) How many individuals has ICE held at the facility overnight this year? How many have been held longer than 72 hours?

Response: Please refer to the following breakdown of aliens in the Boston field office hold room by hours in custody:

**ICE Book Ins into the Boston Hold Room
from 1/1/2025 to 4/13/2026 by Hours in Custody Grouping**

Hours in Custody Grouping	Book Ins
Total	7,435
Less than 24 Hours	5,491
24 - 71 Hours	1,532
More than 72 Hours	412

(c) What is the highest number of individuals held overnight in one room?

Response: U.S. Immigration and Customs Enforcement's (ICE) system of record does not track "overnight stays," and the number of individuals in a hold room is always fluid, as aliens are booked in and out. Some aliens held in the Boston hold room for longer than 24 hours were awaiting medical assessments, or ICE was requesting housing at a facility that could provide the level of care required by the alien and then facilitating movement to an appropriate level of care facility. Additionally, some time is attributable to the processing of releases of aliens where the level of care facilities were not available to house them.

(d) Do detainees always get a mattress if held overnight?

Response: The purpose of the hold room is not to hold overnight but to process, serve, and move the alien to detention space. Processing and transferring are occurring 24/7. Aliens are provided with services and amenities consistent with national detention standards.

(e) How many individuals processed by the field office this calendar year have violent criminal convictions?

Response: ICE cannot advise how many individuals processed by the field office this calendar year have violent criminal convictions, because ICE's systems of record do not define what constitutes a "violent crime." Furthermore, ICE cannot provide statistical breakdowns by city, as statistical tracking is done by each designated area of responsibility.

There have been many serious crimes committed by illegal aliens in the Boston area of responsibility, which includes the State of Vermont. Please note at the end of each fiscal year, ICE locks its statistics to perform a data quality review and finalize official reporting. During this time, ICE implements a statistical reporting hold. As a result, ICE is currently unable to provide the requested calendar year 2025 data. However, from January 1, 2026, to March 22, 2026, 2,667 aliens with criminal convictions were arrested in the Boston area of responsibility. These U.S. convictions included serious offenses, such as 282 assaults; 48 sexual assaults; 25 weapons offenses; 21 burglaries; 10 robberies; 5 kidnappings; and 14 homicides.

Please note, this includes only those criminal histories of which DHS law enforcement is aware. Illegal entry into the United States is a federal offense.¹ The notion an illegal alien must then commit additional crimes to be amenable for removal is one not grounded in statute. Additionally, some aliens have committed crimes in their countries of origin or last country of known residence, but those criminal histories are unknown to U.S. law enforcement. During the Biden administration alone, historic numbers of illegal aliens entered our country and were released into the interior, despite arriving from countries who are either unwilling or unable to share meaningful data regarding criminal histories with the United States.

2. Is every individual held at the Burlington facility properly recorded in the Online Detainee Locator System?

Response: The Online Detainee Locator System is a public system available online² that allows family members, legal representatives, and members of the public to locate ICE detainees.

Aliens must be processed in the Online Detainee Locator System when booked-in at an ICE facility and within 48 hours of book-in with U.S. Customs and Border Protection (CBP). As of July 2025, Online Detainee Locator System provides live data search results.

The Online Detainee Locator System only has information about ICE detainees currently in custody. "In custody" means the individual is currently in one of ICE's detention facilities. Short-term and temporary facilities, such as hold rooms, are not captured in the Online Detainee Locator System because the alien is in the process of being moved. Please also

¹ Illegally entering the United States is a federal misdemeanor, while re-entering illegally is a felony offense.

² <http://www.ice.gov/locator>

note certain aliens may not be listed in Online Detainee Locator System due to privacy, security, or law enforcement sensitivity concerns. Additionally, aliens held by other agencies (such as local jails or other federal agencies) may not be listed until transferred into ICE custody.

3. Has the ICE field office in Burlington detained individuals in vulnerable groups overnight, including minors, seniors, pregnant or nursing women, or disabled individuals?

(a) If so, how many individuals in each of these vulnerable groups has the ICE field office detained overnight?

Response: As previously stated, ICE's system of record does not track "overnight stays," and the number of individuals in a hold room is always fluid as aliens are booked in and out. Rather, these rooms provide a temporary location to hold aliens while processing and determining appropriate housing locations. As discussed in detail below, while these facilities serve as a temporary holding location, aliens are provided with sufficient access to potable water and meals, restrooms, prescriptions and emergency medical services, along with special accommodations when appropriate.

(b) Does the facility provide special accommodations for vulnerable groups?

Response: In accordance with ICE Policy 11087.2, *Operations of ICE Enforcement and Removal Operations (ERO) Holding Facilities*, there are various restrictions regarding the use of hold rooms. Unaccompanied alien children (under 18 years of age), elderly detainees, or family units are **not** placed in hold rooms, unless they have demonstrated or threatened violent behavior, have a history of criminal activity, or pose an escape risk. Pregnant detainees are held in the least restrictive setting available. Detainees not placed in a hold room are seated in a designated area outside the hold rooms, under direct supervision and control. If the physical layout of the holding facility precludes holding such individuals outside the hold room, they may be held in a separate room. Any detainee with a communication disability is provided with auxiliary aids and services as necessary to allow for effective communication, and any detainee who is illiterate or has limited English proficiency and speaks a language in which written material has not been translated is provided with in-person or telephonic oral interpretation.

Please note, males and females are placed in separate hold rooms. Additionally, the Flores Settlement Agreement applies to all minors in ICE custody. ICE adheres to all Flores Settlement Agreement requirements. Juveniles are placed separately from adults in the least restrictive setting possible in accordance with their needs. Juveniles are placed while minimizing sight, sound, and physical contact with adults, unless the adult is an immediate relative or recognized guardian and no other adult detainees are present in the hold room and there are no safety or security concerns with the arrangement. Officers closely supervise the hold rooms through direct supervision, which involves visual monitoring not to exceed 15 minutes between checks.

4. What is the process by which detainees can request medical care?

(a) Given that the ICE field office does not have on-site medical personnel, where do detainees receive medical care?

Response: ICE personnel at holding facilities are expected to respond to any observed or reported medical emergencies, and/or contact emergency medical services when an alien is determined to require urgent medical care. Furthermore, ICE personnel are to accompany the alien during his or her medical treatment, and upon completion of medical treatment. Should hospitalization of an alien occur, a supervisory staff member is notified. Additionally, during an alien's processing, an officer will ask him or her routine health inquiries. If medical conditions are disclosed, the alien will be referred to a medical professional as appropriate.

(b) How are detainees provided appropriate medication?

Response: Detainees keep personal inhaled medication on their person and have access to other prescribed medication as necessary.

5. I understand from my visit that there is one shower in the facility. Does ICE allow detainees to use this shower if held overnight?

Response: Detainees have regular access to restrooms, but generally, since this is a temporary hold location used to process aliens and transfer them to a detention location, an alien(s) would not have clean change of clothing available and showering would not occur until they are placed in a detention facility.

6. What is the field office's practice regarding access to drinking water?

(a) Are requests for water outside mealtimes permitted?

Response: Yes. Detainees are provided access to clean, potable drinking water in hold rooms at all times.

(b) Does the field office currently accept donations of food, water, or hygiene products? If not, will it change its policy to accept such donations?

Response: For safety and security reasons, field offices do not accept donations of food, water, or hygiene products as the field office must regulate any materials coming into the facility. The field office purchases these goods or materials as necessary.

7. What is the field office's position regarding the right to counsel for individuals processed and/or detained at the facility?

(a) Does the field office grant attorneys the right to meet with clients on-site? If so, what is the duration of permitted meetings? If not, will it change its policy to do so?

Response: ICE provides pro bono legal listings to aliens during processing with their charging documents, allowing aliens ample opportunity to be represented during their hearing process. Once in ICE custody, the alien has the opportunity to engage a legal representative of their choosing in alignment with national detention standards. Legal visits are permitted in person and virtually upon arrival in ICE detention facilities. As the Burlington Field Office is not a detention center, it is not operationally or infrastructurally feasible to provide routine legal visits for all detainees who transit through this location. The Field Office is not equipped with visitation rooms nor is the office equipped with the staff to facilitate legal visits in the office.

ICE is committed to facilitating detainee access to legal representatives upon placement in a detention facility including access to in-person legal visitation for eight hours per day on weekdays and four hours on weekends and holidays. ICE detention facilities continue to provide detainees with opportunities to meet privately with their current or prospective legal representatives, legal assistants, interpreters, and consular officials. While in-person contact visits remain available at the request of legal representatives, non-contact legal visitation (e.g., video teleconference) is available, wherever possible. This offers an alternative for attorneys to communicate with detained clients in a timely and efficient manner, especially when in-person visitation is not possible or practical. The list of ICE detention facilities that have virtual legal visitation capabilities is available online.³

(b) Does the field office work with language interpreters? What languages are available?

Response: As stated above, any detainee who is illiterate or has limited English proficiency and speaks a language in which written material has not been translated is provided with in-person or telephonic oral interpretation. ICE Field Offices have access to language services that provide ERO staff with single-point access to professional language services (interpretation, translation, and transcription) in 136 languages, including some rare and indigenous languages. Additionally, ICE allows detainees to meet privately with their current or prospective legal representatives, legal assistants, interpreters, and consular officials.

8. Does the field office currently allow family members and members of the clergy to meet with detainees? If not, will it change its policy to do so?

Response: The ICE field office must review family and clergy visit requests on a case-by-case basis because the purpose of the field office is to take in the arrest, process the arrestee,

³ <https://www.ice.gov/detain/detention-facilities/vav>

and place the arrestee in a detention facility. The detention facility is the appropriate location to facilitate family and clergy visits.

9. What steps is the field office taking to ensure that ICE agents are not engaging in excessive use of force when conducting enforcement operations?

(a) Has your office provided agents with training regarding the proper use of force?

Response: Consistent with the Supreme Court decision in *Graham v. Connor* and ICE policy concerning the use of force, ERO officers are trained to use only that force which is necessary and objectively reasonable in light of facts and circumstances confronting the officer. Use of force is necessary when it is reasonably required to carry out the Authorized Officer's law enforcement duties in a given situation, considering the totality of facts and circumstances of a particular situation. Tactics used vary based on, among other things, the nature of the law enforcement mission and available equipment and may change based on evolving circumstances. The "reasonableness" of a particular use of force will be reviewed based on the totality of the circumstances confronting the Authorized Officer at the time of the use of force. Reasonableness is an objective standard viewed from the perspective of a reasonable officer, rather than with 20/20 vision of hindsight.

All ICE officers, no matter their Field Office assignment, receive foundational training at the Federal Law Enforcement Training Centers (FLETC), followed by specific on-the-job training at their local field offices. Additionally, ERO officers must also demonstrate proficiency in the use of firearms and intermediate force weapons. Additionally, officers are required to complete annual training about the limits on the use of chokeholds and carotid restraints; the affirmative duty to request and/or render medical aid following the use of force, when it is safe and reasonable to do so; and the affirmative duty to intervene if an ICE officer is misusing force or using excessive force. Failure to meet mandatory training and proficiency requirements results in suspension of an officer's ability to carry a firearm or intermediate force weapon and may result in disciplinary measures.

(b) What actions are taken against agents who fail to follow proper protocol regarding the use of force?

Response: The use of excessive force by ICE employees is strictly prohibited. As a law enforcement agency, ICE expects all employees to adhere to the highest standards of professional conduct and to demonstrate integrity and professionalism in all aspects of their work.

ICE takes allegations regarding professional misconduct seriously, and the ICE Office of Professional Responsibility (OPR) investigates incidents and takes appropriate action in circumstances where it is warranted. OPR promotes public trust and confidence by ensuring organizational integrity is maintained through a multi-layered approach using

security, inspections, and investigations. Allegations of misconduct can be directed to OPR at 833-442-3677, ICEOPRIntake@ice.dhs.gov, or online.⁴

10. How many immigration enforcement actions have taken place near protected, or sensitive, locations in the Commonwealth this year, including at schools, places of worship, courtrooms, hospitals, etc.?

(a) Please identify the number of enforcement actions for each type of location.

Response: ICE's system of record does not routinely track arrests “near” sensitive locations. The identifier of “near” is subjective. While ICE routinely notes an arrest location via a street address, the arrest location itself is not marked in ICE’s systems as “near a sensitive location.” As such, this specific metric is not tracked. However, ERO Boston reported five planned and one unscheduled enforcement actions at locations whose addresses aligned with a courthouse location and school.

(b) Can you provide any guarantees that your agents will not conduct enforcement operations at or near these sensitive locations?

Response: ICE will continue to enforce the longstanding U.S. immigration laws consistent with current regulations and policies. Attempting to prohibit officers and agents from conducting operations in locations such as court houses would interfere with the execution of ICE’s statutory mission and authorities. While ICE does not actively conduct targeted operations within locations like schools or hospitals, officers and agents have the discretion to enter such facilities in certain circumstances, such as when a violent criminal alien attempts to flee from ICE personnel and enters one of these facilities.

On January 20, 2025, DHS issued the directive, *Enforcement Actions in or Near Protected Areas*, for ICE and CBP, superseding and rescinding DHS’s October 27, 2021 memorandum of the same title, which determined certain locations require special protection from enforcement of U.S. immigration laws. The January 20, 2025 DHS directive recognizes “officers frequently apply enforcement discretion to balance a variety of interests, including the degree to which any law enforcement action occurs in a sensitive location. Going forward, law enforcement officers should continue to use that discretion along with a healthy dose of common sense.” The January 20, 2025 DHS directive also stated that the heads of ICE and CBP may wish to issue further guidance to assist officers in exercising appropriate enforcement discretion.

On January 31, 2025, ICE issued a memorandum, *Common Sense Enforcement Actions In or Near Protected Areas*, which noted that the DHS January 20, 2025, guidance acknowledges the ability of the DHS law enforcement personnel to apply enforcement discretion to balance a variety of interests, including the degree to which law enforcement actions occur in protected areas. That as a result, DHS is not issuing rules regarding where immigration laws are permitted to be exercised, and instead, through ICE’s

⁴ <https://www.ice.gov/webform/opr-contact-form>

January 31, 2025 memorandum, Assistant Field Office Directors and Assistant Special Agents in Charge are now responsible for making case-by-case determinations regarding whether, where, and when to conduct an immigration enforcement action in or near a protected area.

ICE will continue to conduct immigration enforcement actions against individuals subject to removal in accordance with all federal regulations, court orders, and DHS and ICE policy.

(c) Has your field office received specific guidance from ICE to arrest or detain individuals who show up for routine check-ins at the field office even if they are in full compliance with the terms of their release?

Response: The purpose of these appointments is to facilitate ultimate removal of the illegal alien from the United States. With respect to these “routine check ins,” these aliens are either releases on orders of supervision or orders of recognizance. These orders are temporary permissions to remain outside of the custodial environment and to complete tasks related to removal in the case of orders of supervision or related to continued proceedings in the case of orders of recognizance. They are not carte blanche permissions to continue illegal residence within the United States. For instance, while on an order of supervision, the alien is supposed to be facilitating his/her removal by gaining tickets, travel documents, and putting their affairs in order for departure.

As stated above, ICE will continue conducting immigration enforcement actions against individuals subject to removal in accordance with all federal regulations, court orders, and DHS and ICE policy.

11. How many minors (i.e., individuals under the age of eighteen) has ICE arrested in Massachusetts this calendar year?

Response: In calendar year 2026, the Boston area of responsibility arrested 179 individuals under the age of 18 years old in Massachusetts who were either transferred to the Office of Refugee and Resettlement or kept accompanied by the illegal parent as part of a Family Unit group.

12. What guidance have you or your office provided ICE agents regarding how to identify themselves during enforcement operations? Will you commit to instructing your agents not to use masks or other face covering during enforcement actions?

Response: During immigration enforcement actions, ICE officers and agents may initially identify themselves as “police” during an encounter because it is the universally recognized term for law enforcement. Our officers and agents routinely interact with individuals from around the world who may not be proficient in the English language and/or may not know what “ICE” refers to.

According to 8 C.F.R. § 287.8(c)(2)(iii), “At the time of the arrest, the designated immigration officer shall, as soon as it is practical and safe to do so: (A) Identify himself or herself as an immigration officer who is authorized to execute an arrest; and (B) State that the person is under arrest and the reason for the arrest.” Consistent with this federal regulation, all officers conducting at-large enforcement actions in the field identify themselves to immediate parties involved and provide credentials upon request when safe and practical. If operationally feasible, officers may identify themselves to third parties.

To ensure compliance with federal law, ICE officers receive training regarding properly identifying themselves during their initial basic training at FLETC. Specifically, officer identification is covered through classroom instruction, legal blocks, and practical, scenario-based exercises, emphasizing lawful contacts and officer identification practices. This instruction is reinforced during on-the-job training, where officers are further trained, coached, and evaluated by experienced field training officers and supervisors on their compliance with identification requirements during real-world encounters, ensuring continued adherence to agency policy and federal law throughout the course of their duties.

ICE does not have a face-covering policy, nor does the agency instruct officers to wear masks. The use of face masks may be necessary for health, operational security, or officer safety. In Fiscal Year 2025 alone, death threats against ICE personnel increased more than 8,000 percent, while threats of assault rose an astounding 16,700 percent. Total threats increased by roughly 1,000 percent year-over-year. Actual assaults on ICE personnel increased more than 1,400 percent between January 20-December 31, 2025, compared to the corresponding period in 2024.

With this disturbing rise in violent threats, doxing, and physical attacks on ICE personnel, ICE will ensure officers have every tool they need to stay safe while carrying out law enforcement duties and will not discourage them from utilizing face masks when needed to maintain personal safety and security.