

Congress of the United States

Washington, DC 20515

September 28, 2026

The Honorable Markwayne Mullin
Secretary
U.S. Department of Homeland Security
2707 Martin Luther King Jr. Avenue, SE
Washington, DC 20528

David Venturella
Acting Director
U.S. Immigration and Customs Enforcement
500 12th Street, SW
Washington, DC 20536

The Honorable Cameron Hamilton
Administrator
Federal Emergency Management Agency
500 C Street, SW
Washington, DC 20472

The Honorable Todd Blanche
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Richard K. Cline
Director
Federal Protective Service
U.S. Department of Homeland Security
1800 F Street, NW
Washington, DC 20405

Dear Secretary Mullin, Acting Director Venturella, Administrator Hamilton, Attorney General Blanche, and Director Cline:

We write to raise serious concerns about public access to the immigration courtroom that has been established at Federal Emergency Management Agency (FEMA) headquarters, 500 C Street, SW, and to request written answers and a staff briefing regarding its operation.

On Wednesday, September 23, 2026, Ranking Member Greg Stanton attempted to access the courtroom at 10:30 a.m. to observe ongoing proceedings. U.S. Immigration and Customs Enforcement (ICE) officers barred both Ranking Member Stanton and accompanying staff from entering and directed them to contact the Executive Office for Immigration Review (EOIR). Staff subsequently contacted the DOJ Office of Congressional Affairs, which advised that ICE manages the space at FEMA headquarters and is responsible for determining entry, and that staff should raise the matter directly with ICE because, in that officer's words, DOJ could not compel ICE to grant access. Staff then contacted ICE congressional affairs, which advised that FEMA and the Federal Protective Service (FPS) manage the space and are responsible for denying entry. FEMA congressional affairs, in turn, stated that FEMA has no role in operating the courtroom or determining who may access it. After several hours, DHS congressional affairs authorized entry for Ranking Member Stanton alone; no accompanying staff were permitted inside.

To observe court proceedings in process, Ranking Member Stanton returned to the courtroom on Thursday, September 24 and after approximately 20 minutes, was permitted to enter. Once inside the courtroom, a staff member informed the judge overseeing the day's proceedings, virtually, that a member of Congress from Arizona was present and asked the judge's permission to observe. The judge responded for the record, of course, that anyone from the public is allowed to observe the proceedings.

This sequence of events is troubling for several reasons.

First, as the judge made clear on Thursday, immigration court proceedings are presumptively open to the public. Under 8 C.F.R. § 1003.27, a hearing may be closed only upon a determination by the presiding judge that closure is necessary to protect a party. This presumption of openness is reiterated in the EOIR Policy Manual, Part II, Chapter 3.8 (Public Access); the November 2025 EOIR Fact Sheet, "Observing Immigration Court Hearings"; and EOIR Policy Memorandum 26-06 (July 15, 2026), "Public Access to EOIR Hearings." No such determination was made or cited to justify the denial of entry to congressional staff on both September 23 and 24. Additionally, the back-and-forth finger pointing regarding agency jurisdiction over the court was completely unwarranted given that the judge reiterated that the court is open to the public. Ranking Member Stanton should have been provided access without question on Wednesday.

Second, jurisdiction over immigration courts, including decisions regarding access, rests with EOIR and the Department of Justice. The responses staff received from DOJ, ICE, FEMA, FPS, and DHS congressional affairs offices, each disclaiming responsibility for the courtroom while identifying another component as the decision-maker, indicate that EOIR's authority over courtroom access is being exercised, in practice, by DHS and its components. We ask that the Department of Justice clarify how EOIR is exercising, or delegating, its statutory and regulatory responsibility for public access at this location.

Third, staff have been advised in a briefing with the DHS Real Property Office that the White House has directed DHS to identify available space for additional immigration courtrooms nationwide, and that similar facilities may soon open in Washington, Los Angeles, Denver, Miami, New York, and San Antonio. It is essential that any additional courtrooms operate in full compliance with applicable law and regulation, including public access, and that respondents appearing without counsel receive adequate notice, no less than ten days, if their hearings are relocated to one of these facilities. It is equally important that counsel be permitted to accompany their clients at these locations. We are concerned by reports from immigration attorneys of a pattern in which respondents scheduled for hearings at the FEMA headquarters courtroom lack counsel, and in which a respondent's hearing is moved to a more established, publicly accessible court once that respondent retains counsel and counsel enters an appearance.

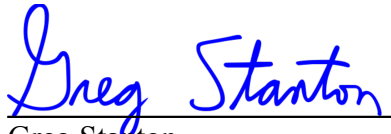
During his visit, Ranking Member Stanton posed a series of questions to personnel present in the courtroom that none could answer. We request written responses to the following questions within one week of the date of this letter:

1. How many notices have been issued directing respondents to appear for hearings at the courtroom at FEMA headquarters?
2. How many respondents have appeared at this courtroom for hearings since it opened?
3. What EOIR staff are present at the FEMA headquarters courtroom, and what are their hours of operation?
4. Ranking Member Stanton observed that judges and DHS prosecutors appear virtually at this courtroom. How many judges are assigned to this courtroom?
5. How many in absentia removal orders have been issued in this courtroom?
6. What is the maximum number of respondents that may be assigned the same hearing time in this courtroom?
7. What is the justification for preventing congressional staff, in addition to the public, from entering the courtroom to observe the proceedings if the judge presiding has confirmed for the record that the proceedings are open to the public?
8. Why were no hearings held on the morning of September 23, 2026? Congressional staff observed respondents waiting for hearings scheduled to begin at 1:00 p.m. as they exited the building.
9. Why are there no signs identifying the courtroom?

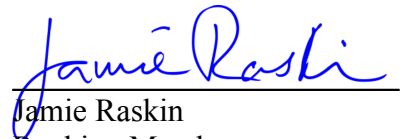
Finally, we request a briefing within one week of the date of this letter to discuss the concerns raised above.

Thank you for your prompt attention to this matter.

Sincerely,



Greg Stanton
Ranking Member
Subcommittee on Economic
Development, Public
Buildings and Emergency
Management



Jamie Raskin
Ranking Member
House Committee on the
Judiciary