

United States Senate
WASHINGTON, DC 20510

January 22, 2026

Todd Lyons
Acting Director
United States Immigration and Customs Enforcement
500 12th Street, SW
Washington, D.C. 20536

Dear Acting Director Lyons:

We write to express our serious concerns regarding reports that United States Immigration and Customs Enforcement (ICE) has denied access to counsel to people detained at the Bishop Henry Whipple Federal Building in Fort Snelling, Minnesota.¹ This includes reports that federal law enforcement personnel denied access to an attorney who represents a U.S. citizen and Iraq War veteran who was being detained at the facility.²

In response to attorney demands to see their clients, one ICE agent reportedly said: “[i]f we let you see your clients, we would have to let all the attorneys see their clients, and imagine the chaos.”³

As you know the right to due process and the right to counsel are foundational constitutional guarantees enshrined in the Fifth and Sixth Amendments. ICE and all other federal law enforcement agencies are required to honor these constitutional rights, regardless of a person’s immigration status.

In addition to the protections in the Constitution, people in immigration proceedings are further provided a right to counsel by federal law (8 U.S.C. §1362). In fact, the Department of Homeland Security has conceded in court: “all individuals - regardless of immigration status - share in the rights guaranteed by the Fifth Amendments (*sic*) to the Constitution, including the right to have access to a lawyer” and it is “unlawful to prevent people from having access to lawyers who can help them in immigration court.”⁴

¹ Matt Rivers, Janice McDonald, and Armando Garcia, “Lawyers allege Dept. of Homeland Security is denying legal counsel to Minnesota detainees”, ABC News, Jan. 18, 2026, available at: <https://abcnews.go.com/US/lawyers-allege-dept-homeland-security-denying-legal-counsel/story?id=129335914>

² *Id.*

³ *Id.*

⁴ *Perdomo v. Noem*, Order Granting Plaintiffs’ Motion For Preliminary Injunction dated November 13, 2025, (C.D.CA), pp. 1-2, available at: https://publiccounsel.org/wp-content/uploads/2025/11/Order-Granting-Plaintiffs-Motion-for-Preliminary-Injunction_11_13_25.pdf

It is critical that ICE have policies and practices in place that ensure agents are complying with the Constitution, federal law, and ICE's own regulations, including access to counsel. Attorneys must not face unreasonable barriers to meeting with their clients, including standard and fulsome visitation hours and private means of communication.⁵

Please inform our offices immediately regarding the steps you are taking to ensure that your agents are aware of their constitutional obligations and acting in a manner that guarantees full access to counsel to people in ICE custody.

Thank you for your attention to this important matter.

Sincerely,



Amy Klobuchar
United States Senator



Tina Smith
United States Senator

⁵ As required by NDS 2025 § 5.5; available at: <https://www.ice.gov/doclib/detention-standards/2025/nds2025.pdf>