



# **Public Access to U.S. Immigration and Customs Enforcement Offices**

*August 5, 2020*

Fiscal Year 2019 Report to Congress



**Homeland  
Security**

*U.S. Immigration and Customs Enforcement*

# Message from the Deputy Director and Senior Official Performing the Duties of the Director

August 5, 2020

I am pleased to present the following report, “Public Access to U.S. Immigration and Customs Enforcement Offices,” which has been prepared by U.S. Immigration and Customs Enforcement.

This report was compiled pursuant to direction in Senate Report 115-283, which accompanies the Fiscal Year 2019 Department of Homeland Security Appropriations Act (P.L. 116-6).

Pursuant to congressional guidelines, this report is being provided to the following Members of Congress:



The Honorable Lucille Roybal-Allard  
Chairwoman, House Appropriations Subcommittee on Homeland Security

The Honorable Chuck Fleischmann  
Ranking Member, House Appropriations Subcommittee on Homeland Security

The Honorable Shelley Moore Capito  
Chairman, Senate Appropriations Subcommittee on Homeland Security

The Honorable Jon Tester  
Ranking Member, Senate Appropriations Subcommittee on Homeland Security

Inquiries related to this report may be directed to me at (202) 732-3000.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. Albence', written in a cursive style.

Matthew T. Albence  
Deputy Director and  
Senior Official Performing the Duties of the Director  
U.S. Immigration and Customs Enforcement



# Public Access to U.S. Immigration and Customs Enforcement Offices

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# I. Legislative Language

This report was compiled in response to direction in Senate Report 115-283, which accompanies the Fiscal Year 2019 Department of Homeland Security (DHS) Appropriations Act (P.L. 116-6) and which states:

*Public Access.*—ICE is directed to report to the Committee within 120 days after the date of enactment of this act detailing how it complies with Federal law requiring equal public access to Federal buildings where ICE offices are located. Specifically, ICE is directed to detail its policy for determining when it permanently denies an individual or group’s entrance to a public Federal building or portion thereof, what specific security concerns or other criteria it uses to justify each denial and what procedures ICE field officers must follow to ensure compliance with this policy. ICE is further directed to include in this report an analysis of how its Boston Field Office has implemented this policy over the past 18 months to include each instance of denied entry, to whom entry was denied, and what security or other justifications were used as the denial’s basis.

## II. Background

U.S. Immigration and Customs Enforcement (ICE) employees occupy several types of government-owned or -leased space throughout the United States, which often are owned or controlled by non-ICE entities. ICE currently occupies office space in either U.S. General Service Administration (GSA)-leased or ICE-owned facilities.

### III. Access to Federal Buildings

Access to and movement throughout facilities that provide ICE with office space differ from location to location on the basis of distinct rules, regulations, and policies governing a specific facility. Access also may be controlled by a variety of government agencies.

#### A. Federal Law Requiring Equal Public Access to Federal Buildings

Most ICE office space is located in GSA-leased facilities; the DHS Federal Protective Service (FPS) protects the facilities, to include the public areas of the buildings. The facilities also are governed by the Federal Management Regulation, under Title 41 of the Code of Federal Regulations (C.F.R.), Section 102-74.365, Subpart C.

#### B. Policy for Determining an Individual's or Group's Entrance to a Public Building

Access to ICE office space located within a GSA building may be restricted further by DHS policy and limited to official ICE business only. Admission to property is governed by 41 C.F.R. § 102-74.375.

Office space that is not located within a GSA facility also is subject to requirements similar to a GSA facility. However, DHS policy may limit building access further to official ICE business only.

#### C. Security Concerns and Other Criteria to Justify Denial of Entrance to Public Buildings

The process for denying an individual or group public access to ICE offices is based on information received that the individual or group either has been validated as a threat or risk to the personal safety of employees, visitors, or the facility, or has the potential to cause a disruption in the daily operations of the tenants or facility. The validation process includes coordination with federal, state, and local law enforcement agencies and vetting the individuals with ICE Intelligence, other intelligence agencies, and FPS's Law Enforcement Operations Division.

In accordance with 40 U.S. Code § 581(h) and 41 C.F.R. § 102-74.465, Subpart D, individuals or groups wishing to demonstrate or protest within a federal building must petition and receive approval from the regional GSA office.

The Interagency Security Committee Standard for access into federal facilities requires visitors to nonpublic areas to be sponsored by a tenant and either to be approved for unescorted access or to be escorted at all times.

## IV. Analysis

The following is an analysis of how the ICE Office of Enforcement and Removal Operations (ERO) Boston Field Office implemented this policy between December 21, 2016, and June 21, 2018,<sup>1</sup> to include each instance of denied entry, to whom entry was denied, and what security or other justifications were used as the denial's basis.

### ICE Boston Field Office Implementation of Policy

#### **Instances of Denied Entry between December 21, 2016, and June 21, 2018, and To Whom Entry Was Denied**

In March 2017, members of the New Hampshire Council of Churches wishing to protest were identified as interrupting the “check-in” and day-to-day operations of the ERO Manchester office within the Cotton Norris Federal Building. This facility lacks a secure pathway to holding and processing areas. Instead, visitors are escorted past the reception area and in front of family and others.

#### **Security or Other Justification Used as the Basis of Denial**

FPS was summoned by ICE ERO because members of the New Hampshire Council of Churches were occupying ERO's reception area and hallways, which became a fire and safety hazard. FPS officers advised everyone present to vacate the hallways, and everyone complied. FPS did not make any arrests, issue any citations, nor restrict access to the building further. The New Hampshire Council of Churches currently demonstrates directly outside of the main entrance to the Cotton Norris Federal Building; however, members are allowed to enter the facility to use the public restrooms and the cafeteria.

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<sup>1</sup> The legislative language requests an analysis of how the policy was implemented in the last 18 months. The bill was enacted on June 21, 2018.