

# Congress of the United States

Washington, DC 20515

February 2, 2026

Kristi Noem  
Secretary of Homeland Security  
2707 Martin Luther King Jr Ave SE  
Washington DC, 20528

Dear Secretary Noem,

We, as members of Congress, write to express serious concerns about recent reports on the experiences of individuals with disabilities who have interacted with Immigration and Customs Enforcement (ICE). Individuals with disabilities require and are, by law, entitled to accommodations that meet their specific needs. This includes those detained by ICE, given that ICE is bound by statute to comply with Section 504 of the Rehabilitation Act and are prohibited from discriminating against people with disabilities in programs and activities that receive federal funding. This effectively means that detainees in federal, state, and private detention facilities are entitled to reasonable accommodations to avoid disability discrimination. ICE guidance materials reflect this understanding of the law.<sup>1</sup> Further, ICE has a Disability Access Plan developed in August 2020 that should be followed to ensure compliance with this law.<sup>2</sup> Moreover, the most up-to-date version of the ICE National Detention Standards, as of 2025, also affirms the rights under the law.<sup>3</sup>

ICE is bound by regulations implemented by the Department of Homeland Security for all of its programs and services, including those that apply the provisions of Section 504 of the Rehabilitation Act - specifically Code 6 of Federal Regulations Part 15.<sup>4</sup>

Barriers that disabled immigrants face in the immigration system are longstanding and did not appear with the arrival of the Trump Administration. According to both experts and current and former employees at the Department of Homeland Security, the immigration system was already a potentially dangerous place for detainees with disabilities<sup>5</sup>. However, as the Administration has aggressively pursued immigration enforcement, they have simultaneously gutted the offices that were in place to safeguard against violations of detainees' rights, the Office for Civil Rights and

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<sup>1</sup> <https://www.ice.gov/leadership/ocrc/disability-access>

<sup>2</sup> <https://www.ice.gov/doclib/about/offices/dcr/iceDisabilityAccessPlan.pdf>

<sup>3</sup> <https://www.ice.gov/doclib/detention-standards/2025/nds2025.pdf>

<sup>4</sup> <https://www.ecfr.gov/current/title-6/chapter-I/part-15?toc=1>

<sup>5</sup> <https://www.theguardian.com/us-news/2025/apr/25/ice-immigration-detention>

Civil Liberties (CRCL) and the Office of the Immigration Detention Ombudsman (OIDO). Since January, staffing for CRCL has dropped by 85% and staffing for OID dropped by 91%.<sup>6</sup>

Based on recent reporting, there have been several troubling incidents involving immigration officers and individuals with disabilities:

- A Deaf Mongolian man spent months in the Otay Mesa Detention Center in San Diego, California without the opportunity to see a judge or communicate with anyone who knows Mongolian sign language<sup>7</sup>, or a Certified Deaf Interpreter (CDI)---- a deaf or hard of hearing individual who has specialized training or experience that can be called upon in situations where the communication mode of a Deaf individual is so unique that it cannot be adequately accessed by available hearing interpreters, including Deaf individuals who use a foreign sign language<sup>8</sup>.
- Rodney Taylor, a double amputee who was brought to the United States on a medical visa as a child, was detained in a Georgia detention center for three months and was repeatedly denied the care and resources he needed for his prosthetic legs to fit comfortably and work properly. His pain was so excruciating that he could not even walk to lunch.
- Javier Diaz Santana, a Deferred Action for Childhood Arrivals (DACA) recipient with no criminal history, had his Real ID confiscated by immigration officials and was taken to a detention center in El Paso. Diaz, who is Deaf and communicates using sign language, was denied the ability to communicate with his attorney or his family for weeks. He was provided with paperwork in a language he cannot read<sup>9</sup>.
- In Los Angeles, a 15-year-old boy with disabilities was handcuffed outside of a high school in August after federal immigration agents mistakenly identified him as a suspect. Him and his mother were pulled from their vehicle and separated. He was handcuffed for several minutes as his mom tried to explain to the officers that he has speech and hearing disabilities. His mom says he has nightmares about the incident<sup>10</sup>.
- Victor Acurio Suárez, who has significant developmental disabilities and aphasia, was arrested in Delaware in September while looking for work. Due to his disabilities, he reportedly is unaware that he is even detained and facing removal, according to his family.

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<sup>6</sup> Robert F. Kennedy Human Rights, "FAQ: Status of DHS Civil Rights Oversight Offices and Litigation Against Their Closure," last updated June 2025, <https://rfkhumanrights.org/wp-content/uploads/2025/06/DHS-oversight-agencies-FAQ-June-2025.pdf>.

<sup>7</sup> <https://www.kpbs.org/news/border-immigration/2025/05/16/the-plight-of-a-disabled-man-in-ice-custody-shows-impact-of-trump-immigration-orders>

<sup>8</sup> <https://thedrlc.org/deaf-mongolian-asylum-seeker-released-from-ice-custody-following-court-order-requiring-disability-accommodations/>

<sup>9</sup> <https://www.latimes.com/california/story/2025-07-22/ice-arrests-daca-recipient-at-california-car-wash>

<sup>10</sup> <https://www.pbs.org/newshour/show/mother-speaks-out-after-teen-with-disabilities-mistakenly-arrested-in-immigration-raid>

The Governor of Delaware has called on ICE to release him to his family, but he remains detained despite his significant issues, which are exacerbated by detention.<sup>11</sup>

- Hector, a 21-year-old Guatemalan man who has a developmental disability, is nearly deaf, and has difficulty speaking his native language of K'iche' due to surgeries to address a cleft palate, was detained in Washington, even though his disability makes it impossible for him to communicate with detention staff or understand his immigration proceedings.<sup>12</sup>

In addition to these interactions with immigration officials, communications from the United States Citizenship and Immigration Services (USCIS) have shared information on their social media accounts that directly contradicts their obligations under disability law, stating: “If you need help with foreign language translation for a field office appointment, you are responsible for arranging your own interpreter.” Section 504 has language mandating agencies to provide auxiliary aids and services, which include sign language interpreters. This kind of misinformation could deter disabled individuals from pursuing the legal immigration process, as individuals may be unaware that they have a right under Section 504 to auxiliary aids.

These incidents are deeply troubling and speak to the need for an increased understanding of the unique needs of individuals with disabilities, as well as enforcement of the standards that immigration officials are required to follow by law. It is not only possible but is *essential* that all law enforcement actions are taken within the bounds of what is allowed by federal law. Given that, we would like to request your responses to these questions by February 27, 2026.

- Were there consequences for the officers involved in the incidents mentioned above, and were others notified of their responsibility to comply with federal disability rights laws?
- What training is currently in place for officers to understand their statutory obligations with regard to individuals with disabilities who are in their custody? How can the agency work to improve this training to ensure incidents like the ones cited in this letter do not happen again?
- With the dismantling of the CRCL and OIDO offices, what structures do you have in place to oversee the conduct of immigration officers and specifically compliance with federal disability rights laws?
  - Who are the points of contact for these offices?
- Can you provide additional clarity on the agency's compliance with federal disability laws? Specifically-
  - What is your process for identifying when a person has a disability, as defined in Section 504?

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<sup>11</sup> <https://spotlightdelaware.org/2025/12/19/meyer-calls-for-immediate-release-of-disabled-delaware-resident-from-ice-detention/>.

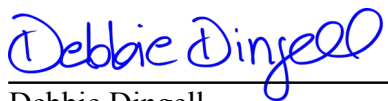
<sup>12</sup> <https://www.seattletimes.com/seattle-news/law-justice/man-with-physical-developmental-disabilities-in-wa-ice-detention/>

- What is the process for requesting, reviewing, and approving accommodations?
- How is continuity of accommodations ensured when individuals move or are transferred?
- Are all facilities considered accessible, as defined in Section 504?
- Is staff in place trained on evidence-based practice to safely manage and de-escalate behavior from an individual with a disability who may present harm to themselves or others?
- What data collection methods are in place for individuals in ICE custody to ensure transparency? If you do not have this data, what is your reason for not collecting them and can you commit to drafting a plan to begin such data collection?
  - How many individuals have been identified as having a disability?
  - How many individuals have requested reasonable accommodation, as defined in Section 504?
- Has USCIS provided guidance to adjudicators on the intersection between Section 504 and the new policy requiring applicants to provide their own interpreters?
  - Will USCIS provide sign language interpreters or other auxiliary aid to individuals who require them under Section 504?
  - What other accommodations, if any, is USCIS providing for individuals who need sign language interpretation or other auxiliary aid during any benefits interview?

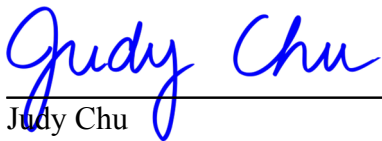
Thank you for your attention to this issue. We look forward to your response.

Sincerely,

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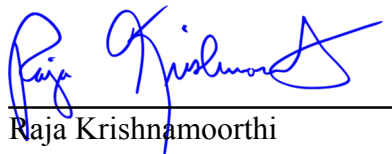
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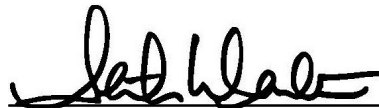
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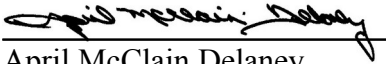
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Mark DeSaulnier  
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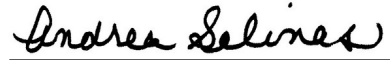


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Rashida Tlaib  
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April McClain Delaney  
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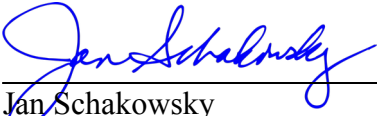
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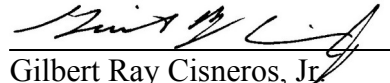
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