

United States Senate
WASHINGTON, DC 20510

July 18, 2025

The Honorable Kristi Noem
Secretary of Homeland Security
U.S. Department of Homeland Security
2707 Martin Luther King Jr. Ave SE
Washington, DC 20032

Dear Secretary Noem:

In light of your decision to shutter key Department of Homeland Security (DHS) oversight offices in March 2025, recent whistleblower disclosures related to this decision, and disclosures made in ongoing litigation, we request additional information regarding how DHS is carrying out its statutory duties to protect individual rights and liberties and to ensure our immigration system functions properly.¹ Three offices have long carried out those congressionally-mandated duties—the Office for Civil Rights and Civil Liberties (CRCL), the Office of the Immigration Detention Ombudsman (OIDO), and the Office of the Citizenship and Immigration Services Ombudsman (Office of CIS Ombudsman).

Congress gave each of these offices distinct oversight responsibilities. CRCL fulfills one of DHS’ fundamental missions, to “ensure that the civil rights and civil liberties of persons are not diminished by efforts, activities, and programs aimed at securing the homeland.”² Congress created the role of the CRCL Officer to integrate protections for civil rights and civil liberties in all DHS programs, policies, and operations.³ The CRCL Officer is responsible for receiving complaints and reporting to Congress on those complaints annually.⁴

Congress established OIDO to “[p]rovide assistance to individuals affected by potential misconduct, excessive force, or violations of law or detention standards” and to report to Congress on its “activities, findings, and recommendations.”⁵ In addition, OIDO conducts “unannounced inspections of detention facilities” and provides recommendations to address violations of contract terms.⁶

¹ *Re: Protected Whistleblowers’ Disclosures Regarding Violations of Laws, Rules and Regulations, Gross Mismanagement, Gross Waste of Funds, Abuse of Authority, and Danger to Public Health and Safety in the Dissolution of the U.S. Department of Homeland Security Office for Civil Rights and Civil Liberties*, GOVERNMENT ACCOUNTABILITY PROJECT (May 15, 2025).

² 6 U.S.C. § 111(b)(1)(G).

³ *See* 6 U.S.C. § 345.

⁴ *Id.*

⁵ 6 U.S.C. § 205(e).

⁶ 6 U.S.C. § 205(b).

Finally, Congress established the Office of the CIS Ombudsman to identify problems with U.S. Citizenship and Immigration Services (USCIS) and to help the public and employers resolve those issues.⁷ To the extent possible, the Office is responsible for proposing changes to USCIS practices to alleviate these problems. The CIS Ombudsman also is required to annually report to Congress on the types of problems being experienced, its recommendations, and the status of agency responses.⁸

Congress recently received CRCL employees' whistleblower disclosures that describe how the abrupt closure of their office violates the law, prevents the office from carrying out its statutory functions, and creates threats to public health and safety.⁹ According to the disclosures, CRCL employees have had to abandon approximately 550 open complaints investigations and hundreds of other complaints pending review.¹⁰ Among the many complaints that remain open are allegations that 1) Customs and Border Protection (CBP) discriminated against travelers, including U.S. citizens, based on country of birth, religious affiliation, or other protected characteristics; 2) DHS failed to provide accommodations to individuals with disabilities; and 3) the Federal Emergency Management Agency (FEMA) discriminated against supporters of President Trump following a federally-recognized disaster.¹¹ Further, the disclosures highlight how CRCL can no longer perform its statutory functions, including investigating disability discrimination; ensuring protections for survivors of human trafficking and other crimes; conducting oversight of facial recognition technology, including protecting Americans' right to opt out of the use of these technologies; auditing of Transportation Security Administration (TSA) and CBP Traveler Screening practices; and protecting DHS employees who are discriminated against or harassed in the workplace.¹²

Ongoing litigation has revealed key facts about the Trump Administration's failure to fulfill these required duties, including an admission from Ronald Sartini, the CIS Ombudsman whom you appointed, that CRCL and OIDO's statutory obligations were not being performed.¹³

Judge Ana C. Reyes, who is presiding over the case, stated that she did not believe it was in her "purview or ability to determine" if the Administration's plan for the future of the oversight offices "is effective or good one." However, as Ranking Members of the committees of oversight, it is within our purview, and we are deeply concerned with what we know so far about your plans.¹⁴ The plan submitted to the court would staff the offices with a much smaller mix of

⁷ See 6 U.S.C. § 272(b)(2).

⁸ *Id.*

⁹ *Protected Whistleblowers' Disclosures*, *supra*, note 1.

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

¹³ Tierney Sneed, Trump appointee grilled in court about shuttering Homeland Security offices tasked with civil rights oversight, CNN (May 19, 2025), <https://www.cnn.com/2025/05/19/politics/homeland-security-civil-rights-offices>.

¹⁴ Declaration of Troup Hemenway (May 22, 2025), *Robert F. Kennedy Human Rights Center v. U.S. Department of Homeland Security*, (No. 1:25 cv 01270). This plan from newly appointed Acting CRCL Officer Troup Hemenway was submitted to the court and describes how the Department plans to staff the offices with a much smaller mix of full-time employees recruited from within DHS, detailees from other components, and contracts. The plan for the CRCL Office, for example, contemplated 20 individuals handling all forms of case work (which would include both

full-time employees recruited from within DHS; detailees, including some who would oversee their own components; and government contractors. Your course of action will lead to the loss of institutional knowledge and subject matter expertise, as well as potential conflicts of interest, which combined will prevent these offices from supplying the Department with the thorough and independent oversight needed when carrying out sensitive and critical missions. Further, your plan fails to account for how these offices will be able to tackle the backlog of casework allowed to build up when the Department suddenly ceased these offices' operations. It also fails to explain how these offices will meet an increased demand due to the Administration's mass deportation efforts, which include an increase in the use of detention and increased vetting and processing activities. While Mr. Sartini claimed that cases at the three offices were being triaged, that is not the same as identifying issues, investigating them, and making recommendations for changes to ensure that the government is adequately serving the public and faithfully executing the law. Finally, your plan to assign the same statutory duties of these offices to significantly smaller staffs casts serious doubt on any office's ability to carry out its mission.

No act of Congress has altered the responsibilities of these DHS oversight offices, and their missions have never been more important. Eliminating CRCL's role in the Department's operations will negatively impact DHS's ability to smoothly operate our airports and other ports of entry and undermine trust that the Department will not unfairly surveil, target, or discriminate against people. The increase in and haphazard nature of immigration enforcement under the Trump Administration has already resulted in the wrongful deportations of noncitizens and has even resulted in the apprehension of U.S. citizens and the removal of U.S. citizen children.¹⁵ In addition, the Administration has implemented changes to USCIS' approach to processing cases and adjudication applications, a process which is exacerbated by a non-functioning CIS Ombudsman's Office.¹⁶

The Trump Administration's chaotic immigration enforcement and willingness to defy court orders risks violating constitutional protections—emphasizing the need for these congressionally-mandated oversight offices. Instead of ensuring these oversight functions remain intact, as the law requires, you decided to summarily place the vast majority of employees at

complaints and equal opportunity claims) and, according to Mr. Sartini, detailees who would handle oversight of the components from which they are detailed. In addition, both CRCL and OIDO are currently being managed by dual-hatted individuals with existing full-time political appointments elsewhere in the Department.

¹⁵ See Alan Feuer and Karoun Demirjian, *What to Know About the Deportation of Abrego Garcia to El Salvador*, N.Y. TIMES, (Apr. 21, 2021) <https://www.nytimes.com/article/abrego-garcia-trump-deportations-el-salvador.html>; Josh Gerstein, *He Was Protected from Deportation by a Legal Settlement. Trump Deported Him Anyway*, POLITICO (May 5, 2025), <https://www.politico.com/news/2025/05/05/daniel-lozano-camargo-el-salvador-deportation-00330300>; Emmanuel Felton & Maegan Vazquez, *Three U.S. citizens, Ages 2, 4 and 7, Swiftly Deported from Louisiana*, WASH. POST. (Apr. 26, 2025), <https://www.washingtonpost.com/immigration/2025/04/26/us-citizen-children-deported-ice/>.

¹⁶ See e.g., Moriah Balingit, *U.S. Government Expands Grounds for Canceling International Students' Legal Status*, AP (Apr. 30, 2025), <https://apnews.com/article/international-student-visa-fl-sevis-status-716ce8e67e2c3093eba4092e57ba1612>; Maya Yang, *Trump Officials Ask Supreme Court to Help Strip Legal Status from Venezuelans*, THE GUARDIAN (May 1, 2025), <https://www.theguardian.com/us-news/2025/may/01/trump-supreme-court-venezuelans-protected-status>; Michelle Hackman, *They Thought they Came to the U.S. Legally. Now They're at Risk for Deportation*, WALL ST. J. (Mar. 17, 2025), <https://www.wsj.com/politics/policy/trump-deportation-biden-immigration-program-a4e7a729>.

CRCL, OIDO, and the Office of the CIS Ombudsman on administrative leave, halting work on a variety of important bipartisan issues.¹⁷

In addition to the open complaints from members of the public at CRCL, OIDO, and the Office of the CIS Ombudsman, it appears DHS is still operating public portals that purport to submit complaints and requests for assistance to these offices—despite testimony to the court suggesting that these offices are currently only able to triage responses.

Section 872 of the Homeland Security Act prohibits you from the “abolition of any agency, entity, organizational unit, program, or function established or required to be maintained by [statute].”¹⁸ While it permits you to “allocate or reallocate functions among the officers of the Department” and allows you to “establish, consolidate, alter, or discontinue organizational units within the Department,” this is only after providing 60 days’ notice to the appropriate congressional committees, which “shall include an explanation of the rationale for the action.”¹⁹ Further, section 513 of P.L. 118-47, which remains current law under the FY25 full-year Continuing Resolution, P.L. 119-4, states that “none of the funds provided or otherwise made available in this Act shall be available to carry out section 872... unless explicitly authorized by the Congress.”

We believe that you are in violation of these statutory provisions. As such, we request that by July 31, 2025, you provide the following information related to your Department’s termination of the staffs of these offices and plan to reconstitute them:

1. Your rationale for terminating all employees from CRCL, OIDO, and the Office of the CIS Ombudsman with significant institutional knowledge and subject matter expertise, and a description of how your plan will address any knowledge gaps created by your decision to cut staff, including any efforts to bring former employees back to the Department to fill these roles.
2. A copy of the methodology used to determine staffing levels in your plan to reconstitute the offices, if it exists. Please also provide the following data points:
 - a. The number of cases that you expect each of the offices to handle on a yearly basis compared to cases handled in previous years;
 - b. The projected amount of time it will take the Department to reach the staffing levels outlined in your plan; and
 - c. The potential impact on operations of any potential reductions, including how you plan to replace capacity through contract support.
3. The rationale for relying on contractors and detailees to conduct what Congress clearly intended to be independent oversight activities.
4. The rationale for placing dual-hatted officers at CRCL and OIDO. Please also describe your plan for enabling these officers to effectively oversee the staff’s work.
5. Any changes to the plan provided to Judge Reyes since the hearing.


¹⁷ J. David McSwane & Hannah Allam, “*They Don’t Care About Civil Rights*”: Trump’s Shuttering of DHS Oversight Arm Freezes 600 Cases, Imperils Human Rights, PROPUBLICA (Apr. 8, 2025), <https://www.propublica.org/article/homeland-security-crcl-civil-rights-immigration-border-patrol-trump-kristi-noem>.

¹⁸ 6 U.S.C. § 452(b)(1).

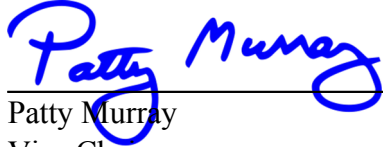
¹⁹ 6 U.S.C. § 452(a).

6. The rationale for the decision to eliminate public access to previous CRCL reports and recommendations, as well as an explanation of where this information is now housed.

Sincerely,



Gary C. Peters
United States Senator
Ranking Member, Committee
on Homeland Security and
Governmental Affairs



Patty Murray
Vice Chair
Senate Committee on
Appropriations



Richard J. Durbin
United States Senator
Ranking Member, Senate
Committee on the Judiciary