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Congress of the United States
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REGIONAL WHIP, NEW YORK STATE

CO-CHAIR, NORTHERN BORDER CAUCUS

October 20, 2026

The Honorable Markwayne Mullin
Secretary
U.S. Department of Homeland Security
Washington, DC 20528

Dear Secretary Mullin,

I write to follow up on my congressional oversight visit to the Buffalo Service Processing Center (Batavia) on October 15, 2026. The intention of the visit was to tour the facility, examine detainee conditions, and gain an understanding of Immigration and Customs Enforcement's (ICE) new plans to expand detention capacity. I remain deeply concerned about efforts to spend over \$16 million in taxpayer dollars to expand ICE detention in Western New York, and I have questions that remain unanswered.

Given these significant concerns, I respectfully request that DHS respond to the following questions wholly and completely by **November 2, 2026**.

1. As of October 15, 2026, how many individuals were being held at Batavia?
 - a. What percentage of those individuals possess a criminal record? How many detainees are being held for a civil immigration offense?
2. DHS records provided to my office refer to the new planned structure at Batavia as both "hard-sided" and "soft-sided." What kind of structure is planned and how will DHS ensure it is equipped to sustain sub-zero Western New York winter temperatures?
 - a. Please provide the architecture and floor planning for the new facility.
3. It is my understanding that ICE plans to primarily house women in the new facility, but that it may be used for men as well. How does ICE plan to ensure appropriate separation?
4. Construction on the new 100-bed facility began on October 5, 2026. When is construction estimated to be complete and when will the new facility become operational?
5. Please provide all records related to the decision to construct the facility, including official memos, cost estimates, and communications with any contractors.
6. A September 2024 DHS Office of Inspector General report found that Batavia did not have a permanent physician. Has this vacancy been filled?
7. Media reports confirmed German Machado Guillen was taken into custody at Batavia on October 13, 2026. Is Mr. Machado Guillen still in custody at Batavia as of the date of this letter?
8. My office has received personal accounts from constituents that Batavia is no longer allowing legal representatives or staff (including paralegals and social workers) to park in the facility parking lot, inhibiting access to detained clients. What is Batavia's policy regarding access to on-site parking spaces for outside advocacy workers?

Thank you for your prompt attention to this matter. I look forward to your response.

Sincerely,

A handwritten signature in blue ink that reads "Timothy M. Kennedy". The signature is written in a cursive style with a large, stylized 'K' at the end.

Timothy M. Kennedy
Member of Congress (NY-26)