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Congress of the United States
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INVESTIGATIONS

REGIONAL WHIP, NEW YORK STATE

CO-CHAIR, NORTHERN BORDER CAUCUS

July 8, 2026

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

Dear Secretary Mullin,

I write to demand that the Department of Homeland Security (DHS) immediately discontinue plans to construct a new ICE detention facility at the Buffalo Service Processing Center (Batavia). This development represents a further expansion of the Trump administration's cruel, inhumane, and extreme immigration enforcement agenda. It reflects a broader effort to escalate interior immigration enforcement and expand detention capacity in service of the continued over-criminalization of immigrant communities in Western New York and across our country.

DHS's purported need for additional detention capacity in Western New York is largely a result of its own deeply flawed and extreme enforcement policies. It has been well documented that the majority of ICE detainees – roughly 70 percent – do not have a criminal record.¹ Consistent with this national trend, the majority of Batavia detainees also do not possess a criminal record. Specifically, four of five individuals have no criminal arrest or conviction.² This makes clear that DHS's proposed expansion is not driven by an influx of dangerous criminals in Western New York, but rather by the detention of non-criminal immigrants, including local small business owners, workers, students, or even individuals who mistakenly cross the northern border. Expanding detention capacity under these circumstances does little to enhance public safety – it merely increases the Trump administration's ability to police and overcriminalize communities in Western New York and across the U.S.

The Trump administration has a well-documented history of rapidly constructing detention facilities in service of its extreme immigration enforcement agenda, oftentimes without ensuring those facilities have the infrastructure to ensure detainee safety, security, and health. Through soft-sided tents, retrofitting of warehouses, and construction of hard-sided facilities, ICE has expanded its footprint – frequently over the objections of local communities – without proper consideration for detainee health or safety. I am deeply concerned that a new facility at Batavia would follow this same pattern, prioritizing rapid facility construction over DHS's obligation to ensure that every individual in its custody is held in a safe, humane, and dignified manner.

¹ Immigration Detention Quick Facts, Transactional Record Access Clearinghouse. tracreports.org/immigration/quickfacts/

² Fanelli, Gino. "Detainments by ICE Have Reached a Record High. Criminals Are Not Fueling the Surge." WXXI. February 24, 2026.

<https://www.wxxi.com/local-news/2026-02-24/detainments-by-ice-have-reached-a-record-high-criminals-are-not-fueling-the-surge>

Given these significant concerns, I request that DHS respond to the following questions wholly and completely by **July 15, 2026**.

1. As of July 8, 2026, how many individuals are currently 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. What appropriated funds is DHS using to build the new facility? What is the total estimated cost of designing, constructing, and operating the new facility?
3. Does ICE plan to detain men, women, or children at the new facility?
4. Has construction on the 100-bed facility begun? If so, when?
5. What additional medical infrastructure, if any, is DHS planning to build?
6. What are the staffing needs for DHS's planned new facility?
7. Please provide all records related to the decision to construct the facility, including official memos, cost estimates, and communications with any contractors.

Thank you for your prompt attention to this matter.

Sincerely,



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