



Oversight, Protection, and Enforcement Notification (OPEN) Act

U.S. Senator Michael Bennet (D-Colo.)

In the last year, the Trump Administration's Department of Homeland Security (DHS) immigration enforcement agents – including from Immigration and Customs Enforcement (ICE) and Customs and Border Protection (CBP) – have significantly expanded the use of immigration detention across the country. As detention has increased, concerns about conditions within detention facilities, access to medical care, and the protection of basic civil rights have grown. This legislation seeks to preserve the civil rights of immigrants in the United States by strengthening oversight of immigration detention centers, clarifying detention standards, and reinstating policies to ensure transparency.

DHS must improve transparency within detention centers, protect the rights of individuals in custody, and ensure accountability for personnel and contractors responsible for their care.

The OPEN Act would:

- Guarantee Members of Congress unrestricted access to all immigration detention facilities without prior approval, including ICE facilities, CBP facilities, regional processing centers, field offices, and privately operated detention centers;
- Ensure detained individuals have access to their family, legal counsel, and faith leaders while in detention;
- Require immediate notification to family and legal representatives when individuals are transferred to another detention facility or hospital;
- Require DHS to have an accessible grievance process and to publicly report allegations and incidents of excessive force, wrongful detention, mistaken arrests, the detention of U.S. citizens, and sexual assault;
- Prohibit the conversion of warehouses, jails, or other facilities into immigration detention centers without prior independent inspections and transparency to appropriate federal and state officials; and
- Require the use of judicial warrants for enforcement operations.

This legislation aims to strengthen oversight, reporting, and access to legal and medical protections in detention centers. It would also ensure detention conditions are transparent and humane.