

Immigration Detention: How Can the Government Cut Costs?

How much money does U.S. Immigration and Customs Enforcement (ICE) spend to detain immigrants?

- ICE's annual budget for immigration detention is about \$2 billion.
- The daily cost of detention is about \$164 per person.
- The federal government spends more than \$5 million daily to detain immigrants.

How many people does ICE detain?

- ICE holds up to 34,000 immigrants on any given day.
- Annually, ICE detains about 400,000 immigrants.

Alternatives to Detention

What are “alternatives to detention” and “alternative forms of detention”?

- Alternatives to Detention (ATD) programs generally provide for release from immigration detention with additional supervision measures intended to ensure court appearance and compliance with removal orders.
- Alternatives – including release on supervision, bail, or recognizance – are routinely used in the pre-trial context in criminal justice systems across the country.
- For its formal ATD programs, known as ISAP II, ICE contracts with BI Incorporated, a private company owned by the publicly traded prison contractor GEO Group.
- Community-based alternatives – not currently funded by the government – are designed to provide individualized case management, increased access to legal and social service providers through effective referrals, and information about immigration court and case matters.

How many people are supervised on “alternatives”? At what cost? Do they work?

- In 2011, BI supervised 35,380 individuals for ICE, 37% more than in 2010.
- The daily cost for alternatives is 17 cents to \$17 per person.
- The FY 2014 Omnibus bill calls for \$91 million for alternatives to detention, a fraction of spending on detention.
- 99% of active participants in ISAP II appear for their final hearing.

What is the role of alternatives to detention and alternative forms of detention in an effective and fiscally responsible approach to immigration enforcement?

- When a detained immigrant is not eligible for release on parole, bond, or recognizance, and some additional supervision is determined to be necessary, the individual should be assessed for release to a supervised release program or other alternative. Costly detention should only be used as a last resort.
- ICE should consider restrictive measures that are sometimes characterized as ATD – such as electronic monitoring – to constitute “custody” for the purposes of the mandatory custody law at INA § 236(c).

Who has recommended the use of alternatives in order to save government costs?

- Council on Foreign Relations' Independent Task Force on U.S. Immigration Policy
- American Bar Association
- American Jail Association
- National Sheriffs' Association
- Heritage Foundation
- Pretrial Justice Institute
- Texas Public Policy Foundation, home to Right on Crime

- International Association of Chiefs of Police
- National Conference of Chief Justices

Bed Mandate

What is the “bed mandate”?

- ICE and some members of Congress interpret Homeland Security appropriations language to mandate a daily detention level of 34,000, an approach that does not exist in other law enforcement contexts.

How does the “bed mandate” prevent ICE from saving taxpayer dollars?

- The “bed mandate” precludes professional ICE officers from making decisions about detention based on the agency’s enforcement priorities, policies, and need. Instead, in carrying out their professional responsibilities ICE officers are faced with a number that effectively serves as a quota.
- The mandate makes it impossible for ICE to actually create cost savings for taxpayers through increased efficiencies and more effective and appropriate use of alternatives to detention and alternative forms of detention.

This fact sheet does not cover detention of immigrants by the U.S. Department of Justice’s Bureau of Prisons of individuals charged under federal criminal law for illegal entry (8 U.S.C. § 1325) or illegal re-entry (8 U.S.C. § 1326). Their detention costs taxpayers millions of dollars.

For more information, contact Katharina Obser at obserk@humanrightsfirst.org
