



Immigrant Detention Bed Mandate

What Is the Immigration Detention Bed Mandate?

The detention bed mandate is the number of detention beds that are to be available to detain immigrants each day in the United States, as mandated by Congress and interpreted by the Department of Homeland Security's (DHS) office of U.S. Immigration and Customs Enforcement (ICE). The detention bed mandate was introduced in 2009 into DHS's Appropriations Act. As some members of Congress and *prior* ICE leadership have [interpreted the language](#)¹ to require ICE to maintain 34,000 beds daily, it has become known as the detention bed "mandate." The number of beds is decided by legislators instead of law enforcement. No other law enforcement agency is subject to a statutory quota on the number of detention beds it must maintain.

What Are the Costs of Detention Bed Mandate and Immigrant Detention?

Running the mass immigrant detention scheme costs taxpayers [\\$2 billion each year](#),² has resulted in over 170 detainee deaths since 2003, and leads to over 400,000 immigrants being detained annually.

- 1 Michelle Ye Hee Lee, "Clinton's Inaccurate Claim that Immigration Detention Facilities Have a Legal Requirement to Fill Beds," *Washington Post* (May 15, 2015), https://www.washingtonpost.com/news/fact-checker/wp/2015/05/15/clintons-inaccurate-claim-that-immigrant-detention-facilities-have-a-legal-requirement-to-fill-beds/?utm_term=.96068b54783e
- 2 Department of Homeland Security, *Budget-in-Brief: Fiscal Year 2017* (2017), <https://www.dhs.gov/sites/default/files/publications/FY2017BIB.pdf>

How Many Beds Does ICE Actually Need?

ICE needs to be able to detain immigrants who may pose a threat to the community and cannot comply with final deportation orders unless they are detained. However, not every person currently being detained needs to be detained. ICE's daily detention level should be determined only by actual need, ideally based on case-by-case assessments of the need to detain that are reviewed by an immigration judge. For many men and women, detention is not necessary to meet this limited purpose. Alternatives to detention, widely used in criminal justice systems across the country, are effective and less costly than detention.

Is There a Better Way to Address Immigrant Detention?

Yes. Promoting the use of Alternatives to Detention (ATDs) over the use of immigrant detention is a common-sense solution to the problem. ATDs encompass a wide range of programs to address different populations and give ICE flexibility in determining an appropriate course of action for a particular individual in a way that a detention bed does not. ATDs cost as little as \$10-\$65/day, compared to approximately \$160 ICE spends to detain one person/day. Taxpayers could save \$1.44 billion each year if ATDs were more widely used. This would represent nearly 80 percent savings in detention spending.

Why Does This Mandate Continue to Exist?

The immigrant detention bed mandate continues to exist because the language continues to be included in the appropriations legislation. Support for the





detention bed mandate comes largely from for-profit prison corporations. Such corporations currently operate 73% of the entire U.S. immigrant detention system.

What Can I Do?

- Contact your local Representative and Senator and ask them to strike the bed mandate from congressional appropriations language or allow ATDs to count towards the detention bed mandate.
- Educate your community about immigrant detention and its harmful effects.³
- Stand in solidarity with immigrant detainees by [participating in and forming](#) visitation groups.

3 Reed Karaim, *Immigrant Detention: Is the System too Harsh*, 25 CQ Researcher 38 (October 23, 2015), <http://library.cqpress.com/cqresearcher/document.php?id=cqresre2015102300>.

