



Frequently Asked Questions on “Catch and Release”

Photo: Loren Elliot/CNS

What is meant by the term “catch and release”?

“Catch and release” is a term used to describe the process through which certain immigrants are apprehended and released from Department of Homeland Security (DHS) custody pending their immigration court proceedings.¹ This is an incorrect term that we suggest you do not use, as it incorrectly implies that individuals apprehended along the U.S./Mexico border are released from DHS custody without consideration, monitoring, or consequence.

Why is it preferable to release certain individuals rather than detain them in DHS custody?

Detaining individuals who present no safety or flight risk has both human and economic costs. It needlessly robs these individuals of their dignity and is a drain on limited DHS resources. In fact, costs in [FY19](#) are anticipated to be \$124 per individual/per day for those in adult detention and \$319 per individual/per day for those in family detention.²

Furthermore, many migrants entering the United States are seeking protection and already have strong community ties upon arrival, strengthening their incentive to comply with immigration requirements. These individuals are often received by family members and friends who have been in the country for some time and are eager to help their loved ones integrate into their new communities.

Are individuals who are released from DHS custody after apprehension along the U.S./Mexico border subject to monitoring from the U.S. federal government?

Yes. DHS has a spectrum of humane, proven, and cost-effective alternatives to detention that it can utilize to monitor released individuals and families. In many instances, people released from DHS custody at the U.S./Mexico border are put on GPS monitoring, such as an ankle monitor, which tracks their movements electronically; these individuals are also required to report into Immigration and Customs Enforcement (ICE) field offices periodically. Other forms of monitoring include release on bond and telephonic monitoring. To learn more about these alternatives to detention, see our backgrounder [here](#).

Do individuals released along the U.S./Mexico border have responsibilities to comply with their immigration court proceedings?

Yes. All individuals who are apprehended along the U.S./Mexico border are subject to the U.S. immigration laws. The large majority of those who have been apprehended between ports of entry have been put into removal or “deportation” proceedings and accordingly, need to comply with the requirements of the immigration authorities, including showing up to present themselves and their case in immigration court. Those seeking a form of relief, such as asylum, have particularly high incentives to comply with their court proceedings.

Why is this issue important to the Church?

As the [Committee on Migration](#) has stated: “As Catholic bishops in the United States, we approach immigrant detention not so much as a public policy issue, but as pastors concerned with the well-being of those we love and serve.”⁷ Detention of those that pose no danger to society runs contrary to the tenets of Catholic Social Teaching. Detaining individuals and families fleeing persecution undermines their human dignity and human rights. Further, in his [20 Action Points for the Global Compacts on Migrants and Refugees](#), Pope Francis encourages states to find alternatives to the mandatory detention of children as it is never in their best interest, regardless of their migratory status.⁸

What can Congress do to support alternatives to detention and released families?

We urge Members of Congress to:

- Invest Robustly in a Variety of Alternatives to Detention. Congress should more robustly fund alternatives to detention (ATDs) in the DHS budget. Congress should also ensure that DHS is working to undertake and pilot diverse alternatives to detention programming - in the form of the Intensive Supervision Appearance Program (ISAP) as well as alternatives to detention programming that utilize case management and, in some cases, NGO civil society participation.
- Promote Transparency. Congress should instruct DHS to publicly report on the outcomes of these ATD programs and ensure that a continual pilot period is undertaken to secure transparent and viable data on the effectiveness of such programs.
- Maintain Existing Protections. Given the long-lasting physical and mental consequences of detention on children, proposals seeking to alter existing safeguards relating to such detention must be firmly rejected. Immigrant children should be viewed as children first and foremost. (revised 12/14/2018)

Endnotes

1 Exec. Order No.13767, 82 Fed. Reg. 8,793 (Jan. 25, 2017).

2 Dep’t of Homeland Security, *U.S. Immigrations and Customs Enforcement Budget Overview Congressional Justification*, Fiscal Year 2018, 128 (2018), available at https://www.dhs.gov/sites/default/files/publications/CFO/17_0524_U.S._Immigration_and_Customs_Enforcement.pdf.

3 Att’y Gen. Jefferson Sessions, *Zero-Tolerance for Offenses Under 8 U.S.C. §1325(a)*, (U.S. Dep’t of Justice Apr. 6, 2018), available at https://www.justice.gov/opa/press-release/file/1049751/download?utm_medium=email&utm_source=govdelivery.

4 *Ms. L. et al., v. ICE*, Case No. 18cv0428, Dkt. No. 83 (S.D. Cal. June 26, 2018), available at https://www.aclu.org/sites/default/files/field_document/83_order_granting_pi.pdf.

5 *Ms L. et al., v. ICE*, Case No. 18cv428, Dkt. No. 159, 2 (S.D. Cal. July 26, 2018), available at https://www.aclu.org/sites/default/files/field_document/2018-07-26_status_report_joint_5bdckt_159_05d.pdf.

6 David French, *By Its Terms, Trump’s Executive Order Restores Catch-and-Release*, NATIONAL REVIEW (June 20, 2018), <https://www.nationalreview.com/corner/donald-trump-executive-order-catch-and-release/>.

7 Migration and Refugee Services, United States Conference of Catholic Bishops and the Center for Migration Studies, *Unlocking Human Dignity: A Plan to Transform the U.S. Immigrant Detention System*, 4 (2018), available at <http://www.usccb.org/about/migration-and-refugee-services/upload/unlocking-human-dignity.pdf>.

8 Migrants and Refugees Section Integral Human Development, *Towards the Global Compacts on Refugees 2018*, 31 (2018), available at <https://migrants-refugees.va/wp-content/uploads/2018/03/Legal-size-ENG-2nd-Edition-Towards-the-Global-Compacts-2018-EMAIL.pdf>.