



Immigrant Detention in the United States

“No cell is so isolated so as to exclude the Lord, none. He is there . . . His paternal and maternal love reaches everywhere.”

—Pope Francis, National Audience of Italian Prison Chaplains, October 23, 2013

Why Detain Immigrants?

The stated purpose or goal of immigrant detention has been to ensure that individuals appear for their removal proceedings and do not abscond after a final order of removal has been issued. While detention may be necessary for certain individuals considered to be community security concerns or flight risks, the majority of individuals currently in [detention](#) do not need to be detained to ensure attendance at their immigration proceedings and do they pose risks to society.¹ For this reason, the government should be utilizing individual assessments on the appropriateness of detention for all individuals it seeks to detain.

Explaining the Growth of Immigrant Detention

Immigrant detention in the United States has reached record levels. In Fiscal Year (FY) 2001, the now defunct Immigration and Naturalization Service (INS) detained 204,459 people.² By FY 2018, the total number of persons detained by the Department of Homeland Security (DHS) Immigration and Customs Enforcement (ICE) agency had risen to 396,448.³ The FY 2018 detention rate is more than twice the number of inmates currently serving sentences in the federal prison system.⁴

The increase in immigrant detention in the last twenty years can be attributed to federal immigration policies and priorities that have increasingly focused on enforcement and normalized deportations. The Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996⁵ promulgated mandatory detention laws for certain immigrants and initiated a “get tough on undocumented immigration” era. Through expedited legal removal proceedings, harsher penalties, and mandatory detention, IIRIRA begat the first wave of large-scale immigrant detention in the U.S. As removals became a high immigration priority of the U.S. government, the use of immigrant detention increased in an effort to keep immigrants in custody while they awaited deportation.

Private Prison Contractors and Immigrant Detention

Starting around 2003, in an effort to keep up with the demand for immigrant detention beds, DHS began to rely upon a diverse set of facilities, such as local and state jails, for-profit prisons, and federal prisons, to house the growing numbers of immigrant detainees. From 2009-2017, the number of immigrant detention beds that ICE made available had been determined by Congressional appropriators. ICE viewed this detention bed number to be a minimum allocation or floor. This original “bed mandate” of 33,400 detention beds led, in part, to a continued buildup of immigrant detention facilities and an increased reliance on private prison contractors. That system has now changed—beginning in 2017, Congress gave ICE money to detain an average daily population.⁶ As of FY 2019, ICE has the funds to detain 40,520 people per day. However, the average daily detention population was around 45,000 in FY 2019.⁷ Currently, for-profit contractors operate 73 percent of the entire immigrant detention system,⁸ including nine of the ten largest detention centers.⁹ In addition to lack of accountability and oversight of these facilities, asylum seekers detained in for-profit facilities have been found to be forty percent less likely to obtain relief than those in ICE facilities.¹⁰

Catholic Response to Immigrant Detention

The U.S. Conference of Catholic Bishops’ Migration and Refugee Services (USCCB/MRS) is concerned about the growth of immigrant detention. While USCCB/MRS acknowledges the right of governments to enforce their immigration laws, USCCB/MRS has asked that the U.S. government work to reform the immigrant detention system and end the painful suffering and human indignity that the current system inflicts on many immigrants and their families. In their pastoral letter entitled *Strangers No Longer: Together on the Journey of Hope*, the Mexican and U.S. Catholic Bishops recognized the right of a sovereign nation to control and protect its borders, stating: “we accept the legitimate role of the U.S. . . . government in intercepting undocumented migrants who attempt to travel through or cross into [the country].” The bishops emphasized, however, that “[w]e do not accept . . . some of the policies and tactics that [it has] employed to meet this . . . responsibility.”¹¹

The U.S. Catholic Bishops also addressed immigrant detention in *Responsibility Rehabilitation and Restoration: A Catholic Perspective on Crime and Criminal Justice*, stating: “We bishops have a long history of supporting the rights of immigrants. The special circumstance of immigrants in detention centers is of particular concern. [The government] uses a variety of methods to detain immigrants, some of them clearly inappropriate.”¹² USCCB/MRS strongly believes that the current immigrant detention system threatens family unity and, as such, must be reformed to prevent unnecessary family separation, particularly of young children from their families.

Furthermore, in 2015, Bishop Elizondo and Bishop DiMarzio noted in *Unlocking Human Dignity: A Plan to Transform the U.S. Immigrant Detention System* that: “[The U.S. immigration detention system] contributes to the misconception that immigrants are criminals and a threat to our unity, security and well-being. It engenders despair, divides families, causes asylum-seekers to relive trauma, leads many to forfeit their legal claims, and fails to treat immigrants with dignity and respect.”¹³ In 2019, Bishop Joe S. Vasquez submitted [testimony](#) to the House of Representatives Committee on the Judiciary, Subcommittee on Immigration and Citizenship regarding the expansion and troubling use of ICE detention.¹⁴

Are There Alternatives to Detention?

There are alternatives to detention available that are more humane and more cost-effective than detention. DHS estimates that in FY 2020 detention will cost taxpayers approximately \$130 per bed for those in adult detention, \$269 per bed for those in family detention, and over \$2.5 billion total for the year.¹⁵ In contrast, certain Alternative to Detention (ATD) programs can cost as little as 70 cents per person per day,¹⁶ while other ATD programs range in cost from \$4 per day for electronic monitoring and \$36 per day for the former Family Case Management Program (FCMP).¹⁷ Such alternatives are also effective in ensuring compliance with immigration proceedings and orders.¹⁸ The FCMP, for example, had a 99% compliance rate at court proceedings.¹⁹ However, community-based case management services have traditionally received only modest, if any, government funding.

USCCB Alternative to Detention Program Efforts

Consistent with the work and words of Pope Francis, USCCB/MRS works to end large-scale immigrant detention, in part by advocating for increased use of ATDs. In 2014, USCCB, along with its Catholic partners, launched a case management-based ATD program in Boston, Massachusetts, and Baton Rouge, Louisiana. The program, operated in cooperation with DHS, offered a holistic ATD “pilot” program providing community support to eligible individuals, such as asylum seekers, torture victims, pregnant women, primary caregivers, elderly, and victims of crime, who would otherwise be detained. Comprehensive case management was the hallmark of this program, which, along with the wide range of services provided, enabled clients to become self-sufficient and productive members of the communities in which they lived. The program ended in 2015, having served 39 individuals. The expansion of such community-based, case-management ATD programs would promote human dignity and reduce family separation while also decreasing the financial burden on the taxpayer. USCCB/MRS urges lawmakers to revise the mandatory detention policy and to implement expanded ATD programs that utilize case management.

Additionally, in 2015-2017, ICE engaged in a Family Case Management program in five cities. Among those participating were the Archdiocese of New York. Unfortunately, the program was cut short in June 2017.²⁰

There are recent efforts to reinstate the Family Case Management program in the FY 2019 DHS Consolidated Appropriations Act signed into law on February 15, 2019.²¹

What Can I Do to Stop Immigrant Detention and Stand in Solidarity with Detainees?

- Contact your Representative and Senators and ask them to fund community-supported ATD models run and administered by NGOs in lieu of immigrant detention;
- Urge the President to use discretion and stop detaining vulnerable populations;
- Share our materials and raise awareness in your local communities about immigrant detention and family separation;
- Join a [visitation or pastoral care group](#) in your community and visit a detention facility;²² and
- Assist families that have been torn apart by immigrant detention by offering rides to the detention facility so that they can see their loved ones, helping to prepare meals, or offering other assistance.

(Last Updated December 16, 2019)

Endnotes

- 1 In fact, the U.S. recently detained an estimated 77 percent of all asylum seekers in proceedings. HUMAN RIGHTS FIRST, LIFE ON LOCKDOWN 2 (2015).
- 2 DORIS MEISSNER, DONALD KERWIN, MUZAFFAR CHISHTI, CLAIRE BERGERON, MIGRATION POLICY INSTITUTE, IMMIGRATION ENFORCEMENT IN THE UNITED STATES: THE RISE OF FORMIDABLE MACHINERY 131 (2013); DOJ BUREAU OF STATISTICS, FEDERAL CRIMINAL CASE PROCESSING STATISTICS, [HTTPS://WWW.BJS.GOV/FJSRC/](https://www.bjs.gov/fjsrc/) (LAST VISITED MAY 28, 2019).
- 3 ICE, ERO FY 18 Achievements, <https://www.ice.gov/features/ERO-2018> (last updated Apr. 2, 2019).
- 4 See Federal Bureau of Prisons, Statistics, https://www.bop.gov/about/statistics/population_statistics.jsp#pop_report_cont (last updated May 23, 2019).
- 5 P.L. 104-208 (1996).
- 6 Dara Lind, *Congress's Deal on Immigration Detention, Explained*, VOX (Feb. 12, 2019), <https://www.vox.com/2019/2/12/18220323/immigration-detention-beds-congress-cap>
- 7 ICE, *Congressional Justification FY 2020*, https://www.dhs.gov/sites/default/files/publications/19_0318_MGMT_CBJ-Immigration-Customs-Enforcement_0.pdf.
- 8 Astrid Galvan, *Feds Reviewing Use of Private Immigration Facilities*, AP (Aug. 29, 2016), <http://bigstory.ap.org/article/f8266a1360ed4534964f02b9dec89cd3/feds-reviewing-use-private-immigration-facilities>
- 9 Chico Harlan, *The Private Prison Industry Was Crashing – Until Donald Trump's Victory*, WASHINGTON POST (Nov. 20, 2016), 20, 2016), [HTTPS://WWW.WASHINGTONPOST.COM/NEWS/WONK/WP/2016/11/10/THE-PRIVATE-PRISON-INDUSTRY-WAS-CRASHING-UNTIL-DONALD-TRUMPS-VICTORY/](https://www.washingtonpost.com/news/wonk/wp/2016/11/10/the-private-prison-industry-was-crashing-until-donald-trumps-victory/)
- 10 SHARITA GRUBERG, CENTER FOR AMERICAN PROGRESS, HOW FOR-PROFIT COMPANIES ARE DRIVING IMMIGRATION DETENTION POLICIES 8 (DEC. 2015).
- 11 *Strangers No Longer: Together on a Journey of Hope*, A Pastoral Letter Concerning Migration from the Catholic Bishops of Mexico and the United States, No. 78 (Nov. 15, 2000).
- 12 *Responsibility, Rehabilitation and Restoration, A Catholic Perspective on Crime and Criminal Justice*, A Statement of the Catholic Bishops of the United States (Nov. 15, 2000).
- 13 USCCB/MRS AND CENTER FOR MIGRATION STUDIES, UNLOCKING HUMAN DIGNITY: A PLAN TO TRANSFORM THE U.S. IMMIGRATION DETENTION SYSTEM 5 (2015).
- 14 U.S. Conference of Catholic Bishops, *Written Statement of Most Reverend Joe S. Vasquez for a Hearing of the House of Representatives Committee on the Judiciary Subcommittee on Immigration and Citizenship*, https://justiceforimmigrants.org/wp-content/uploads/2019/11/Clean-Statement-9.25.19_-House-Judiciary-Hearing-on-ICE-Detention.pdf
- 15 DHS/ICE, CONGRESSIONAL BUDGET JUSTIFICATION FOR FY 2020 16 (2019), AVAILABLE AT [LUTHERAN IMMIGRANT AND REFUGEE SERVICES, JOIN A VISITATION MINISTRY, HTTPS://WWW.LIRS.ORG/JOIN-A-VISITATION-MINISTRY/](https://www.lirs.org/join-a-visitation-ministry/).
- 16 Laurence Benenson, *The Math of Immigration Detention, 2018 Update: Costs Continue to Multiply* (May 9, 2018), <https://immigrationforum.org/article/math-immigration-detention-2018-update-costs-continue-multiply/>
- 17 See, e.g., *The Real Alternatives to Family Detention*, <https://justiceforimmigrants.org/wp-content/uploads/2017/07/The-Real-Alternatives-to-Detention-FINAL-06.27.17.pdf>(last visited June 3, 2019).
- 18 See, e.g., *The Real Alternatives to Family Detention*, <https://justiceforimmigrants.org/wp-content/uploads/2017/07/The-Real-Alternatives-to-Detention-FINAL-06.27.17.pdf> (last visited June 3, 2019).
- 19 *The Real Alternatives to Detention*, supra note 18.
- 20 Frank Bajak, *ICE Shuttles Detention Alternative for Asylum Seekers*, ASSOCIATED PRESS (June 9, 2017), <https://apnews.com/32b2408c9c8d47d2971c63a6fca1d8b0/ICE-shuttles-detention-alternative-for-asylum-seekers>.
- 21 H.J. Res. 31, 116th Cong. (2019).
- 22 Lutheran Immigrant and Refugee Services, Join a Visitation Ministry, <https://www.lirs.org/join-a-visitation-ministry>

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