IMMIGRATION BED QUOTA 101

What is the immigration detention bed quota?

U.S. Immigration and Customs Enforcement (ICE), the interior enforcement agency of the Department of Homeland Security (DHS), detains approximately 34,000 individuals across the country *each day* – about 400,000 annually – in a network of county jails, privately run contract facilities, and federal facilities that costs taxpayers $2 billion each year. Congressional appropriations language covering ICE's detention budget – most recently referenced in the Continuing Appropriations Act of 2014 – states "[t]hat funding made available under this heading shall maintain a level of not less than 34,000 detention beds." Because ICE and some members of Congress interpret the language to require ICE to maintain <u>and</u> fill 34,000 beds daily, it has become known as the detention bed "mandate" or "quota." The number itself is completely arbitrary, and the concept of a legislatively mandated detention quota is an aberration among law enforcement agencies.

Some Members of Congress, including Representatives David Price (D-NC) and Lucille Roybal-Allard (D-CA), have long opposed the quota. In June 2013, Representatives Ted Deutch (D-FL) and Bill Foster (D-IL) introduced an amendment to strike the bed quota from the House's FY 2014 DHS Appropriations bill. It did not pass, but 190 Members, including eight Republicans, voted for the amendment.

How many beds does ICE actually need?

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. Immigration detention is civil detention, as opposed to punitive incarceration, and is meant to ensure compliance with immigration court hearings and final orders of removal. 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, and to a limited degree by ICE already – are effective and far less costly than detention.

Do Comprehensive Immigration Reform proposals address the bed quota?

No. The quota language exists in congressional appropriations language and is set through the annual budget process.

What happens to immigration detention if the bed quota is eliminated?

Eliminating the bed quota would not eliminate immigration detention, nor would it eliminate the mandatory detention provisions in current immigration law. ICE would still detain individuals who it decides would not comply with hearings and final orders unless they are detained. However, without a quota, the agency would be able to shift its resources to community-based and other alternatives as necessary – creating tremendous savings for taxpayers and reducing the disruption and harm that detention causes to families and communities.

What needs to happen?

The quota should be struck from congressional appropriations language. In its budget request for Fiscal Year 2014, the Administration asked for flexibility to transfer funds between the accounts for detention and alternatives to detention. The Administration should continue to request such flexibility from Congress and Congress should grant it by striking the quota language in future appropriations bills.