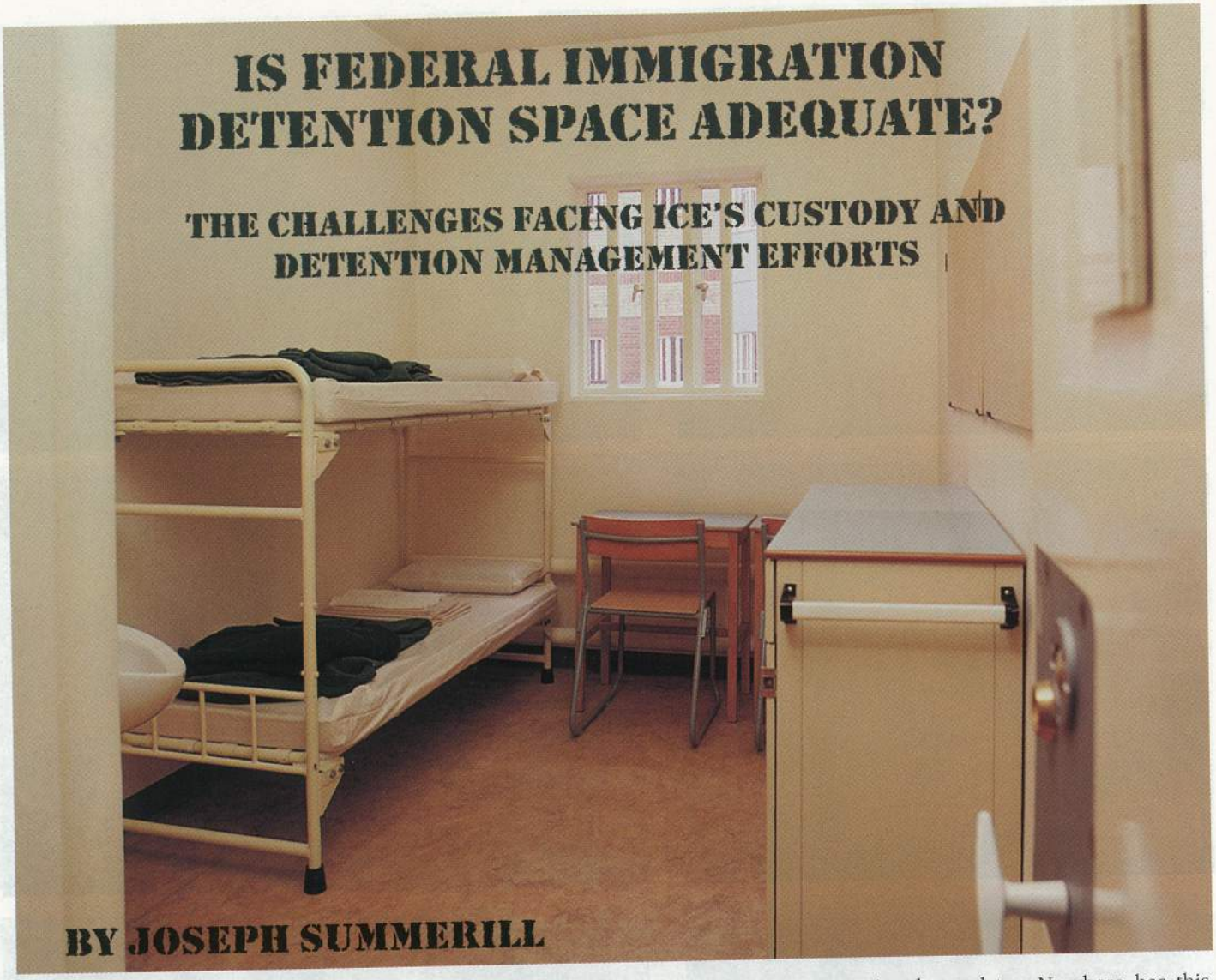
IS FEDERAL IMMIGRATION DETENTION SPACE ADEQUATE?

THE CHALLENGES FACING ICE'S CUSTODY AND DETENTION MANAGEMENT EFFORTS



BY JOSEPH SUMMERILL

This article examines the historic challenges facing our nation's immigration detention program, along with the efforts to improve the future of the program through an "endgame" approach. While intended to allow the Bureau of Immigration and Customs Enforcement to meet its detention commitments by 2012, recent analysis of ICE's progress on this endgame suggests that the government has fallen off course.

Just months after the Bureau of Justice Statistics at the Department of Justice (DOJ) reported a 2.7 percent increase in the total number of inmates under the jurisdiction of federal or state adult correctional authorities,[1] officials at the Department of Homeland Security (DHS) and the Department of Justice faced the start of a new year that presents the challenge of finding available detention space in order to fulfill congressional mandates. Nowhere has this challenge become more daunting than at DHS's Bureau of Immigration and Customs Enforcement (ICE). Charged with ensuring safe and secure borders, including enforcement of immigration policies and regulations, ICE is responsible for transporting illegal immigrants, managing them while they are in federal custody and waiting for their cases to be processed, and removing unauthorized immigrants from the United States when so ordered. However, the United States' immigration detention custody and management system has been criticized for years as being underfunded, and funding for fiscal year 2007 continues this trend.

Despite ICE's attempt to design an "end game" that would allow ICE to meet its detention commitments by 2012, recent analysis of the bureau's progress suggests that the government has fallen off course. Both the DHS Office of the Inspector General and members of Congress have questioned ICE's ability to manage future detention bed space needs successfully. However, a closer examination suggests that the challenges facing ICE's management of detention bed space stem from congressional pressure to detain more illegal immigrants with historically inadequate levels of funding.

Background Surrounding ICE's Detention Efforts

Historically, the government's immigration removal and detention programs concentrated on deporting dangerous and criminal immigrants. The Alien and Sedition Action of 1798 empowered the President to mandate the removal of all dangerous immigrants. Executive Order 6166, issued in 1933, established the legacy Immigration and Naturalization Service (INS), which consolidated the functions of separate bureaus tasked with managing immigration and deportation functions.

The Immigration and Nationality Act of 1952 expanded the categories of immigrants mandated for expulsion to include those to be deported based on health, moral, economic, seditious, and other grounds. By the mid-1950s, INS's enforcement activities had evolved to include strengthening borders in order to deter illegal immigration as well as investigating and deporting Communists, subversives, and people involved in organized crime. The Immigration Reform and Immigrant Responsibility Act of 1996 expanded the list of crimes that made people subject to deportation. The act also eliminated discretion regarding the release of certain immigrants by requiring that virtually any noncitizen subject to removal on the basis of a criminal conviction, as well as certain categories of noncriminal immigrants, be detained without bond. As a result of these acts and other legislation, the federal government has been required to detain and remove a much larger and more diverse population.

In March 2003, after the enactment of the Homeland Security Act of 2002, the Bush administration created the Bureau of Immigration and Customs Enforcement, combining the law enforcement arms of the former INS and the former U.S. Customs Service. ICE's mission is to target illegal immigrants, as well as the people, money, and materials that support terrorism and other criminal activities. Within ICE, the job of acquiring detention bed space falls to the Office of Detention and Removal (DRO), which is responsible for providing adequate custody management (including detention bed space) and for supporting the removal of illegal immigrants, facilitating their processing through the immigration court, and enforcing their departures. Toward that end, DRO is tasked with identifying and removing high-risk alien absconders, expeditiously removing criminal immigrants, and maintaining a vigorous and active removal program dedicated to executing final removal orders.

The majority of the approximately 20,375 existing detention beds utilized by ICE were procured through intergovernmental service agreements with more than 400 local and state facilities. In addition to these facilities, which handle approximately 52 percent of the bed space for ICE's detention population, seven facilities that operate under procurement contracts with private prison operators manage 19 percent, eight ICE-owned facilities are responsible for 18 percent, and five Federal Bureau of Prisons facilities handle 11 percent.[2]

Efforts to Design an End Game to Solve Detention Problems

The need to detain and deport all removable immigrants is an issue heightened by the Sept. 11, 2001, terrorist attacks. Policies and legislation enacted after September 11—such as the Border Security Act and the USA PATRIOT Act—have placed further burdens on DRO operations by reprioritizing national efforts to enforce immigration laws. In 2006, DHS introduced a comprehensive multiyear plan to secure the nation's borders and to reduce illegal immigration known as the Secure Border Initiative (SBI), which calls on the services of the DHS's Customs and Border Patrol (CBP), ICE, U.S. Citizenship and Immigration Services, the U.S. Coast Guard, and DHS's Intelligence Office, Management Directorate, and Office of International Affairs. The initiative focuses on all aspects of immigration enforcement deterrence, detection, apprehension, detention, removal, and investigation of criminal organizations that violate the border. As a DHS official explained to Congress, "This initiative is intended to provide a mechanism to meet the challenges in each of these areas with an integrated mix of increased staffing, robust interior enforcement, greater investment in detection technology and infrastructure, and enhanced coordination on the federal, state, local, and international levels."[3]

The goals of SBI include the following:

- hiring more agents to patrol the nation's borders, secure the ports of entry, and enforce immigration laws;
- expanding detention and removal capabilities to eliminate the policy of "catch and release";
- developing a comprehensive and systemic upgrading of the technology used in controlling the border, including increased manned aerial assets, expanded use of unmanned aerial vehicles, and next-generation detection technology;
- increasing investment in infrastructure improvements along the border by providing additional physical security in order to sharply reduce illegal border crossings; and
- augmenting interior enforcement of U.S. immigration laws, including more robust enforcement at the work site and increased compliance with visa requirements.

Formulating a comprehensive plan to enforce immigration laws that includes an effective custodial and detention program is not a new goal for the federal government, however. In June 2003, three years prior to SBI and 10 years after the passage of the Government Performance and Results Act,[4] DHS revealed a comprehensive strategy for enforcing immigration policies. This strategic plan, entitled Endgame, included specific objectives for DRO to develop the capacity for detaining and removing all illegal immigrants and set 2012 as the deadline for meeting this goal.[5] This plan set out a vision for DRO: "Within ten years, the Detention and Removal Program will be able to meet all of our commitments to and mandates from the President, Congress, and the American people." Among the objectives of the end game are the following:

- ensuring that sufficient and appropriate bed space is available based on detention category, characteristics, and condition of release;
- enhancing partnerships with other federal detention agencies to enable better use of their resources, including facilities and training; and
- developing a National Custody Management Plan promoting the effective use of available bed space and alternative settings for detention.

As part of these specific objectives, DRO outlined several goals designed to transform the current model used for enforcing immigration laws. With regard to custody and detention management, DRO intends to use nontraditional detention methods as well as traditional ones; for example, in an effort to reduce the number of absconders, DRO plans to implement an intensive electronic monitoring system to track illegal immigrants who have been released from custody before final orders of removal have been issued. The agency also plans to use halfway houses and family shelters to house illegal immigrants in response to the decreased availability of federal, local, and state detention bed space. By incorporating these methods with the traditional detention management system, DRO hopes to increase the number of immigrants who need to appear before immigration hearings by 10 percent until the 100 percent goal is reached.

A History of Immigration Detention Management Problems

Historically, the management of detention bed space to house illegal immigrants has challenged the federal government. Before DHS was created, when immigration detention was the responsibility of the U.S. attorney general, DOJ's Office of the Inspector General continuously identified detention space as a material weakness and one of the "top management challenges in the Department of Justice"—dating back to 1989.[6] In its Endgame plan, even DRO acknowledges that the resources needed for detention and removal have not kept pace with the increased number of apprehensions generated by explosive growth in border patrol activities and inspections since 1996.[7] As detailed in the Endgame, between 1998 and 2003, the detention population increased by 136 percent. In addition, the classification of the detention population changed from primarily noncriminal individuals to more than 65 percent criminals, with some persons requiring a maximum-security setting. Accordingly, the demand for DRO detention space has grown much faster than available bed space has, causing an increased reliance on local jails to house detainees, which reduces the number of detainees who are under the direct supervision and control of the Office of Detention and Removal. This situation poses a challenge for DRO, because DRO's standards for incarceration are more stringent than those of other facilities, and this, in turn, limits the number of jails that DRO can use.[8]

DRO further acknowledges that achieving the objectives of its strategic plan depends on factors that are beyond the agency's control, such as limited resources, nonremovable immigrants, and the actual number of illegal immigrants who must be removed. Specifically, since Sept. 11, 2001, DRO has been subjected to a series of unfunded mandates, and fulfilling them has depleted the resources needed for successfully accomplishing the Endgame strategy. This shift in available funds has caused the number of nonremovable immigrants to increase, because DRO does not have enough personnel to keep track of every illegal alien residing in the United States. The shortage of DRO personnel also has an impact on DRO's ability to follow up on apprehensions, to manage the processing of cases through the immigration courts effectively, and to remove those immigrants who have been issued final orders of removal.

Problems with Implementing the Endgame

Three years after the release of DRO's Endgame strategy, DHS's Office of the Inspector General (OIG) audited ICE's ability to apprehend, detain, and remove illegal immigrants[9] and also assessed whether DRO was fulfilling its mission to remove "all removable immigrants who pose a national security or public safety threat to the U.S."[10] In its final report, issued in April 2006, the DHS's inspector general highlighted the office's findings that several factors prevent DRO from being able to guarantee the departure of all removable immigrants:

- shortage of detention bed space and DRO personnel,
- DRO's inability to return illegal immigrants to their country of origin,
- inadequate funding, and
- DRO's inability to easily monitor its performance because of its outdated and outmoded data management system.

According to the DHS's OIG, the shortage of bed space[11] and personnel has an impact on the number of illegal immigrants, because many illegal immigrants who are apprehended are released during the adjudication process. Consequently, the department's inspector general believes that Customs and Border Patrol and the Bureau of Immigration and Customs Enforcement are unable to identify either the identities or the country of origin of many illegal immigrants.

The shortage of detention bed space discovered by the DHS's OIG is not a new problem for DRO, however. More specifically, before INS merged into DHS, as early as 1996 the Department of Justice's OIG reported that the detention bed space needed to keep illegal immigrants in custody was not adequate to meet the increasing number of illegal immigrants apprehended in the United States. Specifically, in its 1996 report, DOJ's OIG found that 89 percent of immigrants who had been released and had been issued final orders of removal were, in fact, still residing in the United States. Between 1999 and 2002, the U.S. attorney general cited the lack of detention bed space as the principal deficiency in the immigration programs managed by the INS.

In addition, the number of personnel needed to staff the facilities has not kept up with the demand. As detailed

s inspector general's audit report issued in
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d States increased from 231,077 in 2002 to
004 (an increase of 19 percent). During the
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ng to the inspector general, declining funds,
of DRO personnel, and decreased bed space
ercent increase of illegal immigrants released

ase in the amount of DRO detention space is
by the fact that the number of illegal immi-
ring mandatory detention is on the rise.[13]
§ 236 and 236A of the Immigration and Natu-
t of 1952 (P.L. 82-414, June 27, 1952, as
andate that "certain illegal immigrants who
al security risk or commit crimes in the U.S."
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6 criminal immigrants apprehended, 27,947
were released; 20,967 (75 percent) of the
l were criminal immigrants born in countries
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ıse in the number of mandatory detainees
E's ability to confine "high-risk[14]/high-prior-
s," because that designation applies to illegal
vho are classified as "nonmandatory" de-
spite the fact that high-risk/high-priority im-
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ıtigations, have committed fraud, or are like-
l, these immigrants are often released be-
ack of detention bed space.

ınesty Program

f detention bed space has resulted in creat-
o amnesty program for illegal immigrants
ct to removal, particularly those immigrants
s "other than Mexico" (OTM). For example,
l to FY 2004, the number of OTMs appre-
eased by 27 percent—from 114,266 to
because these individuals could not be im-
urned to their country of origin, most of
cent) were released into the United States.
st six months of FY 2005, the release rate of
ed from 54 percent to 68 percent. According
-Neto, an analyst in the Domestic Social Pol-
of the Congressional Research Service, one
n for the influx of OTMs may be the grow-
nal awareness that a loophole exists in the
ion system, whereby the lack of detention
ds to the release of many OTMs into the in-
United States on their own recognizance.[16]
o explained, "80 [percent] of the OTMs ap-
FY 2005 were released on their own recog-
o a lack of available detention space."
ıtage increase caused much concern on the

part of federal legislators because historical data suggest that many illegal immigrants who are released tend to abscond and are therefore not returned to their country of origin once final orders of removal are issued. DRO estimates that there were approximately 623,292 alien absconders as of August 2006.[17] In discussing the need for federal legislation focusing on immigration reform, U.S. Sen. Jon Kyl (R-Ariz.) noted that—

> if you are an illegal immigrant from China, for example, we can't take you down to the border with Mexico and drop you off there; we have to send you back to China. ... There are now some 39,000 Chinese citizens whom we apprehended who came here illegally, but who have not been returned to China. We don't have the detention space for all of them, so they are released on their own recognizance. Do you have any idea how many of them show up when it is time for them to go? The smart ones don't show up, obviously.[18]

As federal legislators have noted, many of the OTMs include illegal immigrants from countries whose governments support state-sponsored terrorism (SST) and countries whose governments "promote, produce or protect terrorist organizations and their members," referred to as special-interest countries (SIC).

According to the DHS's inspector general, from FY 2001 through the first six months of FY 2005, 91,516 immigrants from such countries were apprehended and 49 percent of them (45,000) were released. Because the current data management system does not provide sufficient data on SIC and SST immigrants, it is not known how many of the immigrants were issued final orders of removal, and, of those issued final removal orders, how many were actually returned to their country of origin.

Other Factors Affecting Detention Management

Aside from the shortage of detention bed space and lack of sufficient personnel, other factors affect DRO's ability to remove all removable immigrants. For example, illegal immigrants frequently fail to appear at scheduled immigration hearings. Even though immigration judges will subsequently hold the hearing in absentia and issue a removal order, the issuance of such an order is not always guaranteed. Even if a removal order is issued, the majority of illegal immigrants who are released and issued final orders of removal will abscond, and DRO currently lacks sufficient personnel and the infrastructure to supervise and remove illegal immigrants with final orders of removal.

Another factor that has an impact on repatriation stems from the fact that countries often block U.S. attempts to return their citizens. For example, before travel documents will be issued, Ethiopian citizens have historically been required to prove that they were born in Ethiopia, are able to speak the language, and can verify that family members currently reside in Ethiopia. Other countries—such as Iran, China, and India—have historically required

an inordinate amount of documentation and, therefore, impede the U.S. government from returning their citizens in a timely manner. Although the United States has made some progress with countries such as Jamaica in decreasing the time required to obtain travel documents for their citizens, some countries, such as Laos and Vietnam, have historically refused outright to accept illegal immigrants who were born in those countries.

The lack of a reliable program and analysis system also has repercussions on DRO's ability to remove illegal immigrants. Currently DRO employs the Deportable Alien Control System (DACS) in order to determine the apprehension, detention, and deportation status of illegal immigrants. However, this 20-year mainframe system is unable to readily provide DRO with the capability to manage its detention and removal programs efficiently and effectively. For example, DACS is unable to store or readily obtain statistics related to the following:

- the number of immigrants categorized as mandatory, high-, medium-, or low-priority detainees as specified in current detention guidelines;
- the number of immigrants who failed to show up for immigration hearings;
- the source of the apprehension of the immigrant—such as border patrols or investigations;
- the number of immigrants released into the U.S. population because of DRO's lack of resources; and
- the number of immigrants apprehended by year and by their detention and release status or their country of origin.

The outdated technology requires DRO personnel and contractors to download and manipulate special programs in order to obtain the information that is stored in the system. That information, however, is not always accurate and up-to-date. For example, in 2003, in a DOJ report entitled *The Immigration and Naturalization Service's Removal of Immigrants Issued Final Orders*, the General Accounting Office and the ICE's Office of Internal Audit stated that the lack of training for DACS users and the absence of written guidelines resulted in the following:

- immigrants in the removal process were not always entered into DACS,
- the final orders of removal were not always recorded, and
- inadequate internal controls existed for the timeliness of data entry.

DRO recognized the deficiencies of DACS and undertook the creation of an updated system designed to improve data collection and analytical capability. This new system—named the Enforce Removal Module (EREM) project—is intended to replace DACS and to provide DRO not only with the capability of easily monitoring the status of illegal immigrants from apprehension to removal but also with the statistical information needed to manage its programs effectively. However, EREM is not yet functioning as a result of problems with system performance and compatibility. Although DRO awarded a new contract to a different developer than the one who was initially given the contract to build and implement the new system, the DHS OIG reports that DRO continues to be plagued with delays in executing EREM. Consequently, the timetable for utilizing EREM has stalled, and DRO is unable to predict the date of completion or the final cost of the project.[19]

A Shortage of Federal Funding

In addition to the shortage of DRO detention bed space, lack of DRO personnel, and failure to repatriate illegal immigrants, DRO's ability to remove all removable immigrants is impeded by the lack of federal funding that ICE receives. Specifically, ICE's funding was decreased by $500 million during FY 2005. Consequently, ICE reduced the funding DRO received to maintain and expand current immigration, detention, monitoring, and removal programs. For example, ICE withheld from DRO $124 million of program-enhanced funding provided by Congress to increase detention bed space levels.[20] Even though, the President signed a bill to provide emergency supplemental appropriations (P.L. 109-13) on May 11, 2005, the additional funding allowed DRO to maintain only an average of 18,500 detention bed spaces—a number well below the intended detention space needed to house mandatory and high-risk immigrants.

The expansion of DRO's Fugitive Operations and Criminal Alien Program (CAP) capabilities has also been insufficiently funded. Currently ICE receives funds to pay 261 immigration enforcement agents (IEAs) to process approximately 78,300[21] criminal immigrants per year for removal by FY 2008. DRO maintains that it will need an additional 8,581 detention beds over the next two years and will ultimately need 33,150 CAP detention beds and 1,008 IEAs to support CAP's long-term mission of removing all criminal immigrants currently incarcerated in local, state, and federal correctional institutions who have been issued final orders of removal. However, DRO's FY 2006 and FY 2007 budgets do not include the number of detention beds or support personnel required to effectuate the planned CAP expansion successfully.

Finally, despite the observations included in the DHS OIG's April 2006 audit report, the present FY 2007 funding level does not provide the necessary funding required for successful attainment of DRO's mission. Although the President requested increased funding for the Department of Homeland Security (including increased funding for DRO detention bed space), DRO will be faced with the challenge of managing the detention systems without sufficient resources. Specifically, in February 2006, in support of the Secure Border Initiative, the President submitted to Congress a budget proposal for DHS that included a request for an additional 6,700 detention beds as well as costs associated with the expedited removal of illegal immigrants.[22] In its committee report released on May 22, 2006, the U.S. House of Representatives noted that DHS's OIG estimated that the department needed approximately 35,000 detention beds in order to detain and remove the

current criminal and special-interest alien population. The committee also pointed out that, despite the fact that detention beds and detention alternatives are keys to the success of removing illegal immigrants, ICE has been "plagued by budget shortfalls since its formation" and the President's FY 2007 budget does not contain a request for the estimated resources as outlined by DHS OIG. The final FY 2007 appropriations budget for DHS allocated approximately $1.9 billion for detention and removal operations,[23] but the FY 2007 funding falls well below the estimated level required for the detention bed space needed to fund DRO's custody and detention management system.[24]

Solutions for Detention Management Problems

In spite of the deficiencies that exist within the Office of Detention and Removal, the Office of the Inspector General found that the agency has developed a comprehensive plan needed to detain and remove illegal immigrants but also stated that this program's success depends on the collaborative efforts of Congress and agencies such as the Department of State to realize the goals of the plan. In addition, the OIG made the following recommendations:

Recommendation No. 1: Develop a detailed plan to provide ICE with the capacity to detain, process, and remove immigrants who pose a potential national security or public safety risk to the United States, including SIC, SST, and CAP immigrants. The plan should include personnel, training, equipment, infrastructure, and funding requirements.

Recommendation No. 2: Intensify efforts to provide ICE with the resources needed to expedite the development of alternatives to detention to minimize required detention bed space levels.

Recommendation No. 3: In collaboration with the Department of State, develop a detailed plan to resolve travel document and related issues that are preventing or impeding ICE's ability to repatriate OTM immigrants. The plan should include milestone dates, the identity and organizations responsible for creating and implementing the plan, and any funding requirements.

Recommendation No. 4: Expedite efforts to develop and implement a data management system that is capable of meeting its expanding data collection and analyses needs relating to the detention and removal of illegal immigrants. The plan should include timelines, milestone dates, equipment and infrastructure requirements, a biannual reporting requirement outlining the progress being made on the project, the identity of the organizational entities to be responsible for implementing the planned upgrade, and any short- and long-term funding requirements.

After reading an initial draft of the audit report that was issued on Dec. 28, 2005, DHS provided responses to the OIG's recommendations; these responses were incorporated in the final report, along with the OIG's comments. DHS agreed with Recommendation No. 1 and stated that DRO has made progress under DHS's Secure Border Initiative program in establishing uniform procedures for determining detention bed space allocations, personnel levels, funding requirements, and program infrastructure and removal requirements based on the projected apprehension numbers of each agency involved the removal of illegal immigrants. The OIG commended DRO for its progress but stated that the OIG's comments had not been fully addressed. Specifically, DHS's comments did not include the specific actions that DHA had taken in regard to providing ICE with sufficient personnel, funding, and infrastructure needed to ensure that DRO has the capability to apprehend, detain, and remove all removable immigrants. The OIG considered this recommendation "resolved but open" until DHS provided a detailed plan for achieving this goal.

With regard to Recommendation No. 2, DHS is currently evaluating several pilot programs, such as the Intensive Supervision Appearance Program and the Electronic Monitoring Program. Because the data from these alternative detention programs have not been analyzed, DHS has only partially concurred with this recommendation. The OIG considers this recommendation "resolved but open" and is awaiting further information regarding the effectiveness of these programs as well as DHS's detailed plans to expand and/or create cost-effective alternative detention programs.

DHS agreed with Recommendation No. 3, noting that the department is currently working with the Department of State to address issues involving travel documentation and is considering visa sanctions against Ethiopia if efforts to establish cooperation between the two countries fail. OIG commended DHS in its efforts to work with countries to resolve travel documentation issues but expressed concern that illegal immigrants from China, Iran, and India roam freely within the United States because the government has no plans to repatriate these immigrants. The OIG considers this recommendation "resolved but open" until DHS submits a detailed plan of action to ensure that travel documents are obtained from these countries and that detention space and personnel are efficiently used to process the removal of these illegal immigrants.

In its comments on Recommendation No. 4, DHS noted that it is currently working with ICE's Office of Chief Information Officer (OCIO) to expeditiously develop and implement a data management system that will allow personnel to record, search, and review information needed to effectively manage DRO's apprehension, detention, and removal programs. OIG commended DHS for working with ICE's OCIO but expressed concern that current efforts to revamp the data collection and management system were largely unsuccessful and resulted in expending $15 million and five years of effort. OIG considers this issue "resolved but open" until ICE's latest information technology development plan is approved.

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ithstanding ICE's efforts to rectify shortcomings DRO's detention management plan, proper execu- any plan proposed by DRO is contingent on re- the appropriate budget allocations and proper use budget. DRO has faced annual mandates by Con- ie President, and the American people to increase ber of illegal immigrants who are detained. Un- ely, federal funding has not kept pace with these es, thus forcing DRO to stretch its funding re- in order to accommodate an increasing illegal im- population while making the best use of those re- With the FY 2008 appropriation under way, Con- ie President, and the American people will need amine the nation's policy on the detention of ille- migrants and decide whether to allocate the re- that are needed to provide full funding to the order to ensure its successful management of de- bed space. TFL

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U.S. Department of Justice, Bureau of Justice Sta- *risoners in 2005* (NCJ 215092), November 2006.

BOP facilities are funded either from BOP con- ial appropriations or through reimbursement to

Stewart Baker, assistant secretary for policy, U.S. ient of Homeland Security, Testimony on the or- ional structure of Homeland Security agencies, gton, D.C., May 11, 2006.

law requires that government agencies develop plans with measurable program goals and report y to Congress and the American public on their s.

Endgame: Office of Detention and Removal Strate- , 2003–2012: Detention and Removal Strategy for e Homeland, U.S. Department of Homeland Secu- reau of Immigration and Customs Enforcement, 03.

Office of the Federal Detention Trustee, *Detention ssessment and Baseline Report*, prepared at the di- of the U.S. Congress, H.R. Rep. No. 680, 106th 2nd Sess. (2000), and H.R. Rep. No. 139, 107th lst Sess. (2001).

e 1996, the apprehension resources have in- by 64 percent while DRO forces have increased 37 percent.

opy of DRO detention standards can be found at e.gov/partners/dro/opsmanual/index.htm.

U.S. Department of Homeland Security, Office of pector General, *Detention and Removal of Illegal U.S. Immigration and Customs Enforcement (ICE)*, OIG-06-33, April 2006.

[10]"Removable immigrants" means all immigrants who have "been adjudicated and subject to removal from the U.S."

[11]The report excluded detention bed space funded by the Bureau of Prisons and the Department of Health and Human Services.

[12]Between FY 2002 and FY 2004, the number of illegal immigrants released by DRO increased from 78,977 to 108,891.

[13]The increase in the number of mandatory detainees has led to a 24 percent increase in detention bed space (from 63 percent to 87 percent) devoted to housing this category of illegal immigrants.

[14]"High-risk" immigrants include criminal immigrants and immigrants from state sponsors of terrorism and special-interest countries.

[15]The former Border and Transportation Security Directorate established nonmandatory categories for illegal immigrants: high-, medium-, and low-priority.

[16]*See* Blas Nunez-Neto, analyst, Domestic Social Policy Division, Congressional Research Service, *Border Vulnerabilities and International Terrorism*, Statement Before the U.S. Congress, Committee on House International Relations, Subcommittee on International Terrorism and Nonproliferation, Washington, D.C., July 7, 2006.

[17]*See An Assessment of United States Immigration and Customs Enforcement's Fugitive Operations Teams*, U.S. Department of Homeland Security, Office of Inspector General, March 2007.

[18]*See* the discussion regarding the Securing America's Borders Act, Proceedings and Debates of the 109th Congress, 2nd Session, April 3, 2006, 152 Cong. Rec. S.2715.

[19]To date, DRO has spent $15 million in creating EREM.

[20]Congress anticipated that DRO would receive funding for 19,216 detention beds during FY 2005.

[21]This number represents approximately 300 removable criminal immigrants to be processed per IEA a year. However, IEAs are expected to screen approximately 600 incarcerated immigrants a year, which results in 156,600 immigrants handled by the IEAs annually.

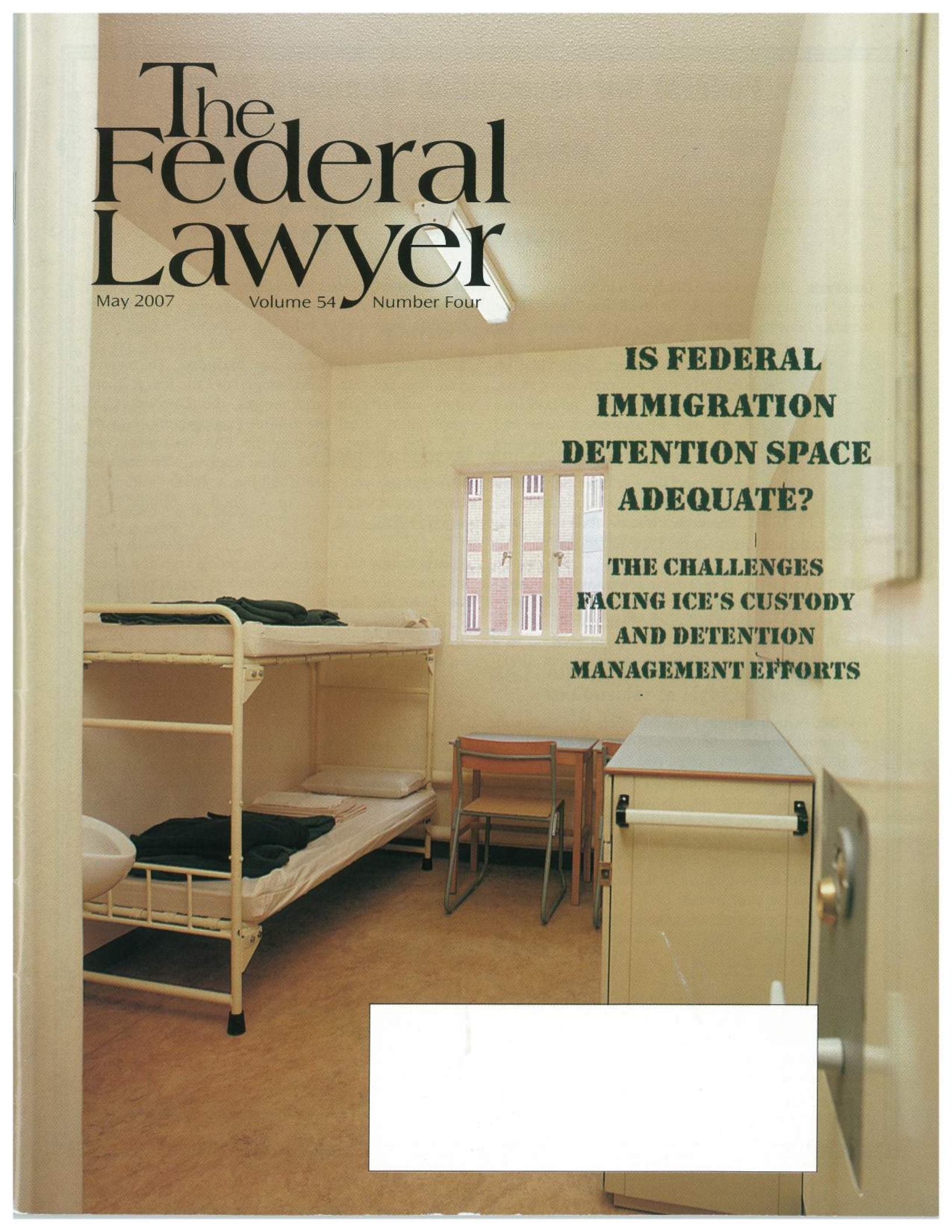
[22]The President requested $292.6 million for custody operations and $94.1 million for the transportation and expeditious removal of illegal immigrants.

[23]The breakdown is as follows: $1,381,767 million for custody operations; $238,284 million for transportation and removal; $183,200 million for fugitive operations; $137,494 million for the Criminal Alien Program; and $43,600 million for alternatives to detention.

[24]On Feb. 5, 2007, President Bush released his FY 2008 budget which included a request for $31 million for additional DRO detention beds, a substantial decrease from the President's FY 2007 budget request of $410.2 million for additional DRO detention beds.

The Federal Lawyer

May 2007 Volume 54 Number Four



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