



AMERICAN
IMMIGRATION
LAWYERS
ASSOCIATION

**Statement of the American Immigration Lawyers Association
Submitted to the Subcommittee on Homeland Security of the
Committee on Appropriations of the U.S. Senate Hearing on the Department of Homeland
Security FY 2015 Budget**

March 12, 2014

The American Immigration Lawyers Association (AILA) submits this statement to the Subcommittee on Homeland Security of the Committee on Appropriations. AILA is the national association of immigration lawyers established to promote justice and advocate for fair and reasonable immigration law and policy. AILA has more than 13,000 attorney and law professor members.

This year, American taxpayers will spend over \$2 billion to detain 34,000 immigrants per day—an arbitrarily-determined figure not based on the actual, demonstrated needs of immigration enforcement. The enactment in 2007 of what is often termed a bed quota has been read by some to require ICE not only to maintain those beds, but also to keep every bed filled. No other federal or local law enforcement agency is subject to a statutory detention quota. This perceived quota establishes a culture of imprisonment, essentially abandoning individualized assessments of risk that should be serving the goals of ensuring that noncitizens show up at hearings and comply with removal orders. In many cases, institutional detention is not necessary to meet these goals, yet beds are filled for the sake of filling beds, at great social cost and cost to taxpayers.

AILA recommends the elimination of the detention bed quota contained in the President's Fiscal Year 2015 budget. The Department of Homeland Security's (DHS) budget requests funding for 30,539 detention beds, but only requests \$94.1 million for alternatives to detention (ATDs), even though the costliest ATDs can take custody of nearly 10 times the number of people that a detention bed can hold for the same amount of taxpayer money. The balance between detention beds and ATDs should be shifted to allow for greater use of the latter and reduced use of the former. Also, ICE should have the flexibility to move funds between detention and ATDs in order to meet the agency's ever-changing needs.

AILA has pushed for the elimination of the detention bed quota for many years. AILA members and our chapters are working at the local level to advocate for its elimination. While noncitizens in removal proceedings have the right to be represented by counsel at their own expense, many detention facilities are located in remote areas, making it difficult for detainees to obtain an attorney. On average, 84% of detained immigrants go through proceedings without legal



AMERICAN
IMMIGRATION
LAWYERS
ASSOCIATION

representation. The detention bed quota increases the number of people who must go through removal proceedings unrepresented.

The federal government currently detains more immigrants in detention facilities than ever before. From FY 2000 – 2012, the number of immigrants detained annually has nearly trebled, growing from 167,000 to 478,000. The restraint of an individual's liberty is one of the most consequential government powers. No one should be deprived of their liberty except as a last resort. But every day, thousands of people—including asylum seekers and those with no criminal convictions—are detained by ICE though they pose no flight risk or threat to public safety.

Immigration detention is costly. The United States spends about \$159 per day to detain one individual. Other proven and much more cost-effective ATD are available. ICE has a spectrum of supervision options, including community-based alternatives, bond, and GPS-enabled ankle monitors, which cost between 70 cents and \$17 a day—a fraction of the cost of detention. These are the same tools used nationwide by local and state authorities to supervise individuals in their custody.

ATD programs are critical to the lives of noncitizens in removal proceedings, many of whom would otherwise be separated from loved ones and isolated from community support, while being deprived of legal representation (over 80% of detained individuals are unrepresented). Community-based ATD programs should be established by law and funded by Congress.

America needs a fair and humane immigrant enforcement system that prioritizes keeping families together and respects due process. The detention bed quota does neither of those things while wasting taxpayer dollars.