



## AILA's Take on the Detention Bed Quota

For more information, go to [www.aila.org/detention](http://www.aila.org/detention).

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**AILA recommends Congress reject any effort to include an immigration detention bed quota into appropriations legislation.** This year, American taxpayers will spend over \$2 billion to detain 34,000 immigrants *per day*—an arbitrary, congressionally-imposed figure not based on the demonstrated needs of the agency. Congress first enacted the detention bed quota in 2009 requiring Immigration and Customs Enforcement (ICE) to maintain a steadily increasing number of beds each year. Though statute requires some individuals to be held in custody, thousands of people are detained unnecessarily as a result of the quota.

### **The detention bed quota does not serve a law enforcement purpose.**

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- The detention bed quota is an aberration in law enforcement. While ICE justifies detention of some immigrants because they pose a public safety risk, many immigrants do not need to be jailed. Over half of immigrant detainees between 2009 and 2011 had no criminal history. Additionally, no other federal or local law enforcement agency detains based upon a quota. Elimination of the bed quota would bring ICE in conformity with national law enforcement practice.
- Immigration detention is permissible only to ensure compliance with court hearings and final orders of removal or to protect the community where an individual poses a safety threat. Moreover, in many situations, detention is not needed to meet those goals. For example, the government can release individuals with bond or use other alternatives to detention. People who are on alternatives to detention appear in court 99% of the time and comply with removal 84% of the time.

### **The detention bed quota is a wasteful use of limited tax dollars.**

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- Immigration detention is costly. The United States spends about \$159 per day to detain one individual and about \$2 billion annually on immigration detention. Elimination of the bed quota would help give ICE more flexibility to apply the most effective and least restrictive form of custody necessary.
- Other proven and much more cost-effective alternatives to detention 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 \$22 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.

### **America needs a fair and humane immigrant enforcement system that prioritizes keeping families together and respects due process.**

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- Detention often results in family separation, especially for individuals detained in remote facilities or far from their home, a problem that can be exacerbated by the need to fill detention beds in facilities across the country. Family separation negatively impacts children, especially when the parent is the sole caregiver, and can undermine the economic stability of the family.
- Each year about 400,000 people are placed in immigration detention. Some will spend a few days in detention, while others will spend months or years fighting their deportation from behind bars. This includes asylum seekers and people with valid claims for relief. 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 seek an attorney. On average, 84% of detained immigrants go through proceedings without legal representation. The detention bed quota contributes to the number of people who must go through removal proceedings unrepresented.