



## **The Math of Immigration Detention, 2018 Update: Costs Continue to Multiply**

### Introduction

Since the National Immigration Forum's ("the Forum's") publication of [The Math of Immigration Detention](#) and the [collapse of bipartisan comprehensive immigration reform](#) in 2013, the federal government's exorbitant spending on detaining hundreds of thousands of immigrants has continued to multiply. In that time, across presidential administrations, both the number of people held in immigration detention and the cost of detaining each one have increased.

Detention of non-dangerous immigrants is a budget item ripe for cost savings. Such savings can be achieved by deprioritizing the detention of immigrants without criminal records and moving those immigrants into [alternatives to detention](#) (ATD) programs. ATDs [have proved to be effective](#), with immigrants appearing for their final hearings more than 95 percent of the time when participating in "full service" ATD programs that feature case management.

ATDs can cost [as little as 70 cents to \\$17 per person per day](#), with an average ATD contract costing [between \\$5 and \\$6 per person per day](#). Yet, while some progress has been made in [implementing these programs](#), ATDs all too often have been used to [supplement](#), rather than replace, immigrants held in detention. By not utilizing ATDs as actual "alternatives" — and not removing low-priority individuals from the detained population — the federal government has missed opportunities for cost savings.

In the coming years, the amount of taxpayer money unnecessarily spent on immigration detention likely will climb further. The Trump administration has sought to increase detention, [expanding the number of immigration detention facilities, calling for an end to what it calls "catch and release" policies](#) affecting asylum seekers, and [requesting additional funds](#) to hold thousands more immigrants in detention. At the same time, it has changed Obama administration policies prioritizing undocumented immigrants with criminal records for detention and removal, instead implementing [guidance](#) calling for enforcement against [all removable immigrants](#), which increases the number of noncriminal immigrants subject to detention. Reflecting this shift in priorities, arrests of noncriminals [more than doubled](#) between fiscal year (FY) 2016 and FY 2017. Absent pushback from Congress, through the appropriations process and elsewhere, such trends are likely to continue during the Trump presidency.

### The Cost of Detention

To calculate the "bed rate" — the average daily cost of detaining an immigrant — the Forum divides the annual Department of Homeland Security (DHS) Custody Operations budget by the number of detention beds Congress mandates. We then divide that number by the number of days in a year.

The [Custody Operations Program](#), which is located within Immigration and Customs Enforcement’s (ICE) Enforcement and Removal Operations division, manages the detention of removable aliens who are held in government custody.

The [detention bed mandate](#) is the number of detention beds that must be set aside for undocumented immigrant detainees. Since FY 2010, Congress has set this number each year through the appropriations process (with the exception of FY 2017). Unique among all federal law enforcement agencies, ICE is required to maintain this specified number of detention beds, which [some characterize as a quota](#), as a way to deter undocumented immigrants from entering the United States.

ICE uses a different calculation to determine the bed rate. In calculating the bed rate, ICE looks at a smaller number of factors making up the costs, including some costs related to security, health care, and other costs. ICE excludes a significant share of the payroll costs of Custody Operations from this calculation, along with a handful of additional miscellaneous costs.<sup>1</sup> In 2016, ICE calculated the daily bed rate to be \$126.46 for its 29,953 beds for adult detention and a daily bed rate of \$161.36 for its 960 beds for [family detention](#), producing an overall daily bed rate of \$127.54. The Forum finds this estimate be [low](#) because it excludes those significant payroll costs along with other relevant ICE operational expenses.

And, even under its own methodology, ICE has persistently underestimated the bed rate. A [recent report by the General Accountability Office](#) concluded that “ICE consistently underestimated the actual bed rate due to inaccuracies in the model,” and that “ICE’s methods for estimating detention costs do not [constitute] ... a reliable cost estimate.” We believe that considering the Custody Operations budget as a whole provides a more accurate picture of detention spending while avoiding some of the pitfalls ICE has encountered under its methodology.

### Calculating the Bed Rate

In FY 2018, the federal government is set to spend \$3.076 billion on DHS Custody Operations, or \$8.43 million per day on immigrant detention. Given the 40,520 detention bed quota for FY 2018, this amounts to an average daily cost of \$208 per immigrant detainee.

### **Figure 1 – FY 2018 Average Daily Cost per Immigrant Detainee**

$$\frac{\$3.076 \text{ billion (FY 2018 appropriations for ICE Custody and Operations)}}{365 \text{ days in a year}} = \$8.43 \text{ million per day}$$

$$\frac{\$8.43 \text{ million per day}}{40,520 \text{ detention beds (detainees)}} = \$208 \text{ daily cost to taxpayers per immigrant detainee}$$

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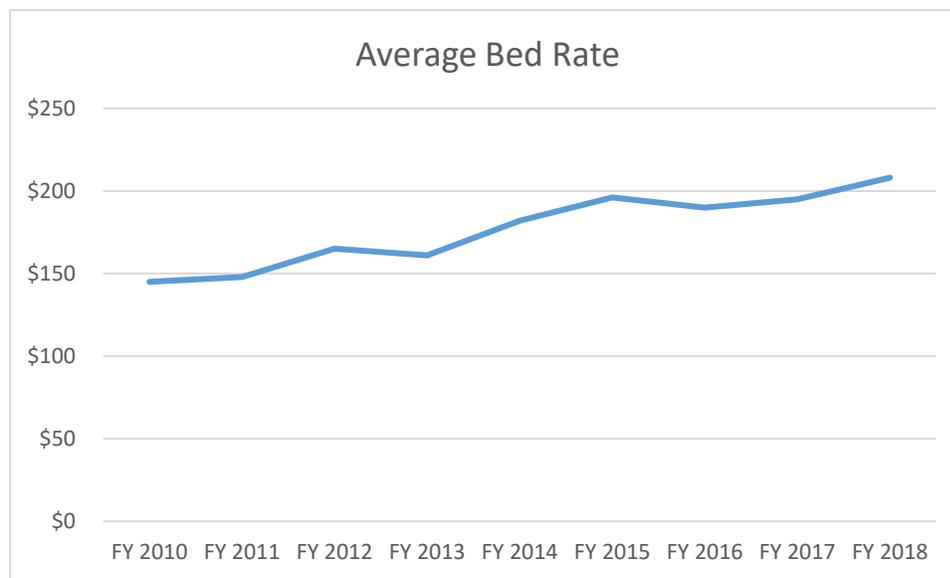
<sup>1</sup> See ICE FY 2019 Congressional Budget Justification at p. 127 (excludes 33.7 percent of the Custody Operations budget, including millions in relevant payroll expenditures, from the number it calculates for detention beds), <https://www.dhs.gov/sites/default/files/publications/U.S.%20Immigration%20and%20Customs%20Enforcement.pdf>.

Over time, the general trend has been an increase in the average daily cost per immigrant detainee. While the detention bed quota remained fairly constant between FY 2010 and FY 2016 – between 33,400 and 34,000 – the budget for ICE Custody Operations nevertheless continued to increase throughout the Obama administration. Even with a considerable increase in the FY 2018 bed quota, this trend is set only to accelerate in FY 2018.

**Figure 2 – Detention Bed Quota and Average Bed Rate: FY 2010 to FY 2018**

Fiscal Year	Detention Bed Quota	ICE Custody Operations Appropriations <sup>2</sup>	Average Bed Rate
FY 2010	33,400	\$1.771 billion	\$145
FY 2011	33,400	\$1.799 billion	\$148
FY 2012	34,000	\$2.051 billion	\$165
FY 2013	34,000	\$1.994 billion	\$161
FY 2014	34,000	\$2.255 billion	\$182
FY 2015	34,000	\$2.435 billion	\$196
FY 2016	34,000	\$2.368 billion	\$190
FY 2017	38,000 <sup>3</sup>	\$2.705 billion	\$195
FY 2018	40,520	\$3.076 billion	\$208

**Figure 3 – Average Bed Rate: FY 2010 to FY 2018**



<sup>2</sup> Where available, the Custody Operations Appropriations levels cited are revised enacted funding levels, published after completion of the fiscal year. These numbers slightly differ from the original enacted levels passed at the beginning of the fiscal year.

<sup>3</sup> Because Congress passed several continuing resolutions before passing regular appropriations bills for the final months of FY 2017, advocates were able to persuade Congress to remove the detention bed quota for FY 2017 in final budget negotiations. Nevertheless, the average daily population in ICE detention facilities rose to [more than 38,000](#), following an increase in asylum seekers from Central America.

Some of the increase in average daily cost per immigrant detainee over time reflects DHS's increasing reliance on family detention, particularly after FY 2013. Family detention, which keeps mothers and minor children together in one detention facility, is more costly than regular detention. Although it comprises only a fraction of the overall detained population, it can cost nearly twice as much per person, driving up the average daily cost for the detained population as a whole.

### Not Using ATDs as a True *Alternative* to Detention Wastes Money

Over the past decade, Congress and multiple administrations have failed to take advantage of opportunities to save taxpayer funds unnecessarily spent on immigrant detention. Rather, ATDs have largely served as alternatives to release.

In FY 2012, ICE monitored 12,253 individuals in the ATD program, at a cost of \$38 million, or \$8.47 per person per day.<sup>4</sup> By FY 2017, the number of ATD participants rose to 53,000 at a cost of \$114 million, or \$5.89 per person per day.<sup>5</sup> The increase in the ATD program had no effect in shrinking the detained population, as the average daily number of detention beds rose to 38,000 in FY 2017, above the previous detention bed quota of 34,000 in place since FY 2012.

In FY 2017, moving one person from detention to ATDs would save approximately \$189 each day. By dramatically ramping up the number of people participating in ATDs, while not reducing (and even increasing) the number of immigrants in detention, these potential savings go by the wayside. For example, had ICE moved one-third of the FY 2017 detained population (12,667 people) to ATDs, lowering the detained population to 25,333, this would have saved more than \$2.39 million each day, or \$874 million for the year.

### Conclusion

The costs of immigrant detention have continued to multiply in the years since the Forum published The Math of Immigration Detention. Each year, Congress spends billions of dollars to detain a population that includes thousands of people who have no criminal record and pose little danger to the public. The daily cost of a detention bed has continued to rise, as the number of people held in detention has also increased.

While ATDs show promise in reducing these detention costs, Congress has failed to reduce the detention bed mandate to reflect increases in ATDs. This results in higher overall costs to taxpayers, including an obvious missed opportunity to reduce the detained population to

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<sup>4</sup> In FY 2012, the budget for ATDs was \$38 million, according to the FY 2014 DHS Budget Justification at p. 87, <https://www.dhs.gov/sites/default/files/publications/DHS-%20Annual%20Performance%20Report%20and%20Congressional-Budget-Justification-FY2014.pdf>.

\$38 million/12,253 average daily population on ATDs = \$8.47 average daily cost.

<sup>5</sup> In FY 2017, the budget for ATDs tripled to \$114 million, while the average daily population on ATDs more than quadrupled, according to the FY 2018 DHS Budget Justification, at pp. 48, 66, <https://www.dhs.gov/sites/default/files/publications/ICE%20FY18%20Budget.pdf>.

\$114 million/53,000 average daily population on ATDs = \$5.89 average daily cost.

correspond with these increases. If Congress reduced the detention bed quota by one-third and shifted those individuals to ATDs, taxpayers would realize more than \$870 million in savings.

As ICE continues to arrest larger numbers of immigrants without criminal backgrounds and the administration takes steps to end policies that permit the release of some asylum seekers, these trends will only continue.