



Migration and Refugee Service

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Immigrant Detention Bed Mandate

What Is the Immigration Detention Bed Mandate?

The detention bed mandate is a number that represents the number of detention beds that must be occupied by immigrants each day in the United States, as mandated by Congress and interpreted by the Department of Homeland Security's (DHS) office of U.S. Immigration and Customs Enforcement (ICE). 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 and fill 34,000 beds daily, it has become known as the detention bed “mandate.” The number of beds is a completely arbitrary and is made by legislators instead of law enforcement or immigration experts.

What Are the Costs of Detention Bed Mandate and Immigrant Detention?

Running the mass immigrant detention scheme and placing 34,000 immigrants into detention beds costs taxpayers \$2 billion each year, has resulted in 135 deaths since 2002 and results in 400,000 immigrants being detained annually.

How Many Beds Does ICE Actually Need?

ICE still needs to be able to detain immigrants who it decides would not comply with hearings and final orders unless they are detained and may pose a threat to the community. However, not every person currently being detained needs to be detained. 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. 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, are effective and far less costly than detention.

Why Is This Important to Immigration Reform?

The detention bed mandate effectively binds the number of immigrants who must be detained and occupying a bed at a daily rate of 34,000 and deprives ICE of much discretion in regards to who they can let out of detention and who would be a good candidate for an alternative to detention program or other forms of relief. The detention bed mandate essentially fuels deportations by forcing ICE to continually keep the privately-run and federally-run immigrant detention facilities and county jails at the 34,000 rate. Expedited removals and deportations of immigrants create empty beds that ICE needs to look to fill to keep in compliance with the mandate.

Do Comprehensive Immigration Reform Proposals Address the Bed Mandate?

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

What Can I Do?

Contact your local Representative and Senator and ask them to strike the bed mandate from congressional appropriations language. Educate your community about immigrant detention and its harmful effects. Stand in solidarity with immigrant detainees by participating in and/or forming local visitation groups.