

May 17th, 2024

The Honorable Daniel A. Bible
Executive Associate Director
U.S. Immigration and Customs Enforcement (ICE)
Enforcement and Removal Operations (ERO)
500 12th St. SW
Washington, D.C., 20536

Dear Director Bible:

We write today to express our concerns about the implementation of the Alternatives to Detention (ATD) program. As you know, the ATD program was created in 2004 to monitor aliens on the non-detained docket (NDD) while they await the results of their pending immigration proceedings. At the conclusion of such proceedings, the ATD enrollee would theoretically surrender themselves to ICE for detention and eventual removal, unless they were granted asylum or some other immigration-related benefit. In theory, active monitoring of ATD participants may alleviate congestion at detention facilities. However, today's version of the ATD program has been expanded into a social services scheme, has failed to adequately monitor ATD enrollees, and has ultimately been an ineffective way to handle the unprecedented number of individuals on the NDD.

To begin, the largest ATD program in terms of budget and total enrolled aliens is the Intensive Supervision Appearance Program (ISAP)—which allows aliens to be released into the United States while being supervised through one of several means. ISAP methods include: (1) SmartLINK; (2) VoiceID; (3) Global Positioning System (GPS) Monitoring; (4) etc. Although we prefer that all aliens be detained while they await their immigration removal decision, ISAP theoretically provides an effective way to manage the vast number of aliens entering the United States. Unfortunately, we are concerned with ICE ERO's management of ISAP and the ATD program as it exists today.

For instance, we question whether it's appropriate to let aliens roam the United States of America without consistently monitoring the specific movements of such individuals. We also are concerned with the Case Management Pilot Program (CMPP) and the Young Adult Case Management Program (YACMP)—specifically how these methods have incentivized absconson, diluted alien accountability, and transformed the ATD program into a social welfare system. In our view, taxpayer dollars should not be used to provide aliens with social services. Alternatively, federal dollars should be appropriated to finish the wall, bolster the use of innovative technologies at the border, maximize the use of detention facilities, support law enforcement officers in carrying out their immigration responsibilities, and monitor aliens via GPS technology while they await their immigration proceedings.

As stewards of taxpayer dollars, we take seriously our role to evaluate the effectiveness of federal programs. Coupled with the unprecedented immigration crisis currently occurring at our southern border, evaluating pre-existing immigration-related tools in America's toolbox to halt the ongoing surge of illegal immigration is in the best interest of our constituents. In this regard, we respectfully request answers to the following inquiries that will assist with evaluating the effectiveness of the ATD program:

- Are detained individuals (*cf.* non-detained individuals) more likely to participate in & show up for all of their required removal proceedings?
- How many total detention beds are there to accommodate illegal immigrants? Of the total number of applicable detention beds, how many detention beds are currently filled? Can you please provide the Average Daily Population (ADP) in detention, by month, since January 2021?
- Can you please outline ICE's criteria for placing individuals on ATD, including information about the overall time it takes to make an ATD placement decision? What specific considerations does ICE take into account for initial

ATD placement? How might this criteria differ based on the potential ATD enrollee? What determines if an individual will be enrolled in ISAP, as opposed to other programs such as CMPP or YACMP?

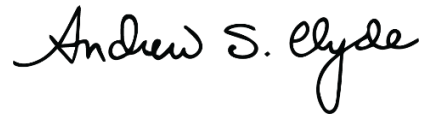
- What criteria does ICE take into account to disenroll an individual from ATD?
- What criteria does ICE follow in determining which level of supervision is appropriate for each case?
 - Throughout one's participation in the ATD program, what criteria does ICE follow to determine whether it's appropriate to escalate or de-escalate an alien's supervision level?
- Currently, does ICE have continuous location monitoring capability for each ATD participant?
 - If so, why isn't ICE monitoring all ATD participants with Global Positioning System (GPS) technology today?
 - What percentage of ATD enrollees utilize continuous location monitoring?
 - Do you believe that GPS monitoring is the most effective way to ensure individuals attend their required immigration hearings?
 - If aliens know they'll either be detained or enrolled in the ATD program with continuous GPS monitoring, what will be the impact on illegal immigration?
- What role do "political optics" play in ICE's handling of the ATD program?
- What percentage of aliens are terminated from ATD prior to their immigration case's completion? What is the average ATD participation length? How does this compare to the overall time to conclude an immigration case?
 - Do you believe the original intent of ATD is diluted if ATD participants are released from the ATD program before the conclusion of their removal proceedings?
 - When individuals are disenrolled from an ATD program after participating in such program for a period of time, are such individuals more or less likely to appear for their subsequent immigration hearings?
- For individuals that violate the terms of their ATD program, and fail to subsequently appear at their immigration hearings, what steps is the Biden administration currently taking to track those who disappear?
 - How many arrests and subsequent deportations has the Biden administration overseen resulting from an individual violating the terms of supervised released under the ATD program?
- Annually, how many crimes have been committed by those enrolled in the ATD program?
 - Does committing a crime while enrolled in the ATD program result in automatic detention and deportation? Why or why not?
 - What is the penalty for ATD enrollees if they decide to abscond?
- Under the Biden administration, the federal government has spent tens of millions of dollars providing social services to illegal immigrants on ATD programs. What is the return on that investment?
 - Is there any data that demonstrates that aliens receiving ICE-funded social services have better compliance rates than those under ICE supervision who don't receive such social services?
- ICE and the Department of Homeland Security are asking for billions of additional enforcement dollars due to budget shortfalls.
 - Why, then, are tens of millions of taxpayer dollars being spent to provide social services to non-U.S. citizens—instead of using that money for enforcement measures?

In sum, we look forward to receiving a prompt response and answers to the aforementioned questions. Additional transparency is needed to further evaluate the effectiveness of the ATD program, and your response will be vital as Congress continues to assess the value of the ATD program moving forward.

Sincerely,



Byron Donalds (FL-19)
Member of Congress



Andrew Clyde (GA-09)
Member of Congress



August Pfluger (TX-11)
Member of Congress



Andy Biggs (AZ-05)
Member of Congress



Ralph Norman (SC-05)
Member of Congress



Pete Sessions (TX-17)
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Troy Nehls (TX-22)
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Wesley Hunt (TX-38)
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Jay Obernolte (CA-23)
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Barry Moore (AL-02)
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Eli Crane (AZ-02)
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Nancy Mace (SC-01)
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