



**U.S. Immigration
and Customs
Enforcement**

December 26, 2024

The Honorable Byron Donalds
U.S. House of Representatives
Washington, DC 20515

Dear Representative Donalds:

Thank you for your May 17, 2024 letter to U.S. Immigration and Customs Enforcement (ICE) regarding ICE's Alternatives to Detention (ATD) program.

As referenced in your letter, ATD exists to ensure compliance with release conditions and provide important case management services for noncitizens on ICE's non-detained docket. The program uses case management, technology, and other tools to manage undocumented noncitizens' compliance with release conditions while they are on ICE's non-detained docket. Through the ATD – Intensive Supervision Appearance Program (ISAP), ICE uses three types of technology to monitor noncitizens on the program: telephonic reporting, SmartLINK, and GPS ankle monitors.

As part of its suite of options, ATD – ISAP allows ICE to supervise participants through a combination of contractor case management support and technology assignment. These services include, but are not limited to, orientation/enrollment; home visits; office visits; access to Know Your Rights presentations; alert management; Executive Office for Immigration Review (EOIR) court tracking, and the development of individualized service plans for targeted case management support.

Beyond the traditional case management services of ATD – ISAP, ICE offers additional case management options, including the Extended Case Management Services (ECMS). ECMS uses a combination of increased case management with more contacts between the participant and the case specialist and supplemental services to assist in stabilizing participants who have significant vulnerabilities or challenges. ECMS includes six touchpoints per month between participants and case specialists and referrals for services that assist participants in meeting their immigration obligations. These services include orientation and education of participants about their legal rights and responsibilities; case specialists providing reminders regarding ICE Enforcement and Removal Operations (ERO) check-ins, dates for court appearances, and compliance with final decisions, and individualized service plans based on needs assessment(s) that may lead to, but are not limited to the provision of the following services (at no additional cost to the government).

While assignment to ECMS does incur more costs, the assigned population is minimal and participation at this level is intended to be short-term to overcome more substantial challenges faced by the noncitizen. Once the challenges are overcome, the noncitizen is transitioned from ECMS to traditional case management and technology as appropriate for the typical ATD – ISAP participant.

ATD – ISAP is an efficient and effective program for monitoring noncitizens on ICE’s non-detained docket. However, please note the ATD program is designed to monitor a smaller subset of ICE’s non-detained docket. The agency’s non-detained docket comprises noncitizens released from detention with final orders of removal as well as noncitizens who have been released and are waiting for an immigration court hearing. As of November 20, 2024, there were more than 7.7 million noncitizens on the non-detained docket. While noncitizens are on ICE’s non-detained docket, the agency provides effective case management services, including required check-ins. ICE ERO requires non-detained noncitizens released on Order of Release on Recognizance (OREC) or Order of Supervision (OSUP) to report in-person or remotely at least once per year. When releasing a noncitizen from ERO custody, ERO officers establish the minimum reporting requirements and reporting frequency the first year after release, including every two months for criminal noncitizens; every four months for immigration violators without criminal records or other derogatory information, and once every six months for asylum applicants.

Comparatively, as of October 28, 2024, there were 181,715 noncitizens enrolled in ATD – ISAP. However, ATD – ISAP provides an additional layer of supervision and increases accountability of noncitizens released from detention with conditions, including release on OREC, release on OSUP, a grant of parole, or a posted bond. ATD – ISAP officers determine the noncitizen’s continued suitability in ATD – ISAP and the level of supervision needed, which might include daily check-ins or travel restrictions. The recurring contact with the noncitizen through the case specialist and through ATD – ISAP officers creates a positive working relationship and builds rapport that assists with meeting immigration requirements.

Your letter notes concerns about ICE’s Young Adult Case Management Program (YACMP) and the Department of Homeland Security’s (DHS) Case Management Pilot Program (CMPP). Separate from ATD – ISAP, ICE launched YACMP—a non-detained program that helped participants 18 to 19 years of age navigate the immigration process by replacing ERO field office reporting requirements with case management services and does not include GPS or other monitoring technology—in 16 cities in January 2023. However, on June 17, 2024, ERO notified the YACMP vendor that ICE decided not to exercise next option year, effectively terminating the program on August 31, 2024. Additionally, in August 2021, DHS announced a new, congressionally directed pilot program, called the Case Management Pilot Program (CMPP), that provides voluntary case management and other services to noncitizens in immigration removal proceedings. While ICE maintains the immigration case management and reporting schedule, CMPP is a DHS-Civil Rights and Civil Liberties-run program.

Thank you again for your letter. Enclosed are responses to the specific questions in your letter. Should you wish to discuss this matter further, please do not hesitate to contact the ICE Office of Congressional Relations at CongressToICE@ice.dhs.gov.

Sincerely,

Sean M. Hackbarth
Deputy Assistant Director
Office of Congressional Relations

Enclosure

cc: The Honorable Andrew Clyde
 The Honorable Andy Biggs
 The Honorable Pete Sessions
 The Honorable Wesley Hunt
 The Honorable Clay Higgins
 The Honorable Lauren Boebert
 The Honorable Jeff Van Drew
 The Honorable Nancy Mace

 The Honorable August Pfluger
 The Honorable Ralph Norman
 The Honorable Troy Nehls
 The Honorable Jay Obernolte
 The Honorable Barry Moore
 The Honorable Eli Crane
 The Honorable Mary Miller

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Are detained individuals (cf. non-detained individuals) more likely to participate in & show up for all of their required removal proceedings?

Response: In Fiscal Year (FY) 2024, the rate of court appearance for Alternatives to Detention – Intensive Supervision Appearance Program (ATD – ISAP) participants with court tracking assigned was 98.6 percent for total hearings and 90.4 percent for final hearings. However, ICE Enforcement and Removal Operations (ERO) is unable to provide the requested data and defers to the Executive Office for Immigration Review (EOIR).

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?

Response: ICE is funded for 41,500 beds. Please refer to the following chart with the requested information.

Month	FY2021	FY022	FY2023	FY2024
October	18,747	22,823	28,848	38,522
November	16,871	23,408	30,298	39,199
December	16,132	21,806	24,651	37,005
January	15,103	21,740	22,196	38,194
February	14,098	19,857	26,758	39,080
March	14,175	20,031	27,706	38,372
April	15,562	19,817	25,295	35,070
May	20,964	23,818	25,559	37,222
June	26,201	24,333	30,207	38,266
July	27,059	23,715	31,136	37,161
August	25,199	25,196	31,353	36,663
September	23,096	25,883	35,757	37,983
FY ADP	19,467	22,718	28,304	37,772

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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?**

Response: Adults 18 years of age or older released from Department of Homeland Security (DHS) custody and are in removal proceedings, or subject to a final order of removal, may be eligible for enrollment in ICE's ATD – ISAP programs. Please note that ATD – ISAP participants are thoroughly vetted by officers before enrollment. ATD officers review several factors when making enrollment determinations, including criminal, immigration, and supervision history; family and/or community ties; proximity to case management sites; status as a caregiver or provider, and other humanitarian or medical considerations. ATD-ISAP is an ICE-run program. As noted previously, the Case Management Pilot Program (CMPP) is a DHS Office of Civil Rights and Civil Liberties- (CRCL-) run program, and ICE defers any further questions about this program to DHS CRCL. Additionally, ICE no longer uses the Young Adult Case Management Program (YACMP), effectively ending the program in August 2024.

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?**

Response: When ICE enrolls a noncitizen on ATD – ISAP, the agency determines the appropriate level of supervision. Throughout the noncitizen's time on the program, ICE may escalate or de-escalate a noncitizen's supervision level by considering certain factors. ICE may also remove a noncitizen from ATD-ISAP for lack of compliance. Factors considered in both initial placement and changes to supervision level, as relevant, include criminal history, compliance history, community or family ties, caregiver concerns, and other humanitarian or medical concerns.

ATD - ISAP exists to improve compliance with release conditions and to provide important case management services. This is done through individualized case reviews to ensure the appropriate levels of case management and technology are assigned to each participant. As recurring case reviews are conducted, ICE may determine a transition in a noncitizen's supervision level is appropriate based on factors such as current immigration status, criminal history, compliance history, community or family ties, caregiver or provider concerns, medical conditions, or other humanitarian considerations. Based on these factors, ICE may increase or decrease levels of case management and technology or, if deemed appropriate, no longer require ATD – ISAP participation.

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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?**

Response: As of September 30, 2024, 13.2 percent of active ATD – ISAP participants were assigned to one of the two types of ‘continuous’ location monitors: either the ankle monitors or the wrist-worn device. Through case management and recurring case reviews, ATD – ISAP determines the most appropriate levels of case management and technology to assign a participant to increase compliance with release conditions.

While ICE typically follows a ‘high-low-high’ practice¹, it maintains the discretion to change case-management levels and technology at any time. Based on experience, ICE has found that it is not appropriate to assume there is a ‘one-size-fits-all’ response to release conditions, as every participant has circumstances unique to them that must be considered when assigning requirements. An ankle bracelet or a wrist-worn device is not appropriate for all participants, nor is it required. If another form of technology increases compliance, then ICE maintains the discretion to assign it.

What role do “political optics” play in ICE’s handling of the ATD program?

Response: ICE’s ATD – ISAP is an apolitical program. It uses case management and technology to improve noncitizen compliance with release conditions, court hearings, and final orders of removal. The program allows ICE to exercise increased supervision over a subset of ICE’s non-detained docket, using several different monitoring technologies. ATD – ISAP effectively increases court appearance rates, compliance with release conditions, and helps the participants meet their basic needs and immigration obligations regardless of political persuasion or affiliation.

¹ ‘High-low-high’ model is known as the Multi-Aspect Removal Verification Initiative (MARVIN). This means ICE tends to lean toward higher levels of case management and technology assignment upon initial assignment to the program, after receiving orders of removal, or when a noncitizen demonstrates behaviors that indicate a higher level of risk or programmatic failure. Should a participant demonstrate compliance, they are assigned lower case management and technology requirements. The vast majority of the ATD – ISAP population is not using a body-worn device simply because they have demonstrated compliance and do not require the more expensive, higher form of technology.

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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?**

Response: In FY 2024, the average length on the program for all ATD – ISAP participants was 511.9 days. However, ERO is unable to provide the percentage of terminations prior to the noncitizens' immigration case status completion.

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?**

Response: Failure to appear at immigration court hearings or at required check-in appointments are criteria ICE uses to determine risk of flight. A noncitizen who fails to appear at an immigration court hearing may be issued an in-absentia removal order. Any noncitizen who fails to comply with a removal order issued by an immigration judge, federal district court judge, or DHS, is an ICE fugitive.

ICE may arrest noncitizens with final orders of removal and execute those orders, barring a stay or other impediment to removal. Similarly, if a noncitizen fails to comply with the conditions set through enrollment in ICE's ATD program, ICE will then review the circumstances surrounding the failure to comply and determine if an increase in reporting requirements or arrest and detention is appropriate. Please refer to the following charts for the data requested.

FY 2024 ATD Terminations with a Subsequent ERO Administrative Arrest

Total
2,855

FY 2024 ATD Terminations with a Subsequent ICE Removal

Total
2,800

FY 2024 ATD Terminations with a Subsequent

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ERO Administrative Arrest by Top 10 Most Serious Convictions (MSC)

MSC Charge Category	Count
Traffic Offenses	151
Assault	98
Immigration	69
Dangerous Drugs	62
Fraudulent Activities	25
Weapon Offenses	23
General Crimes	22
Sex Offenses (Not Involving Assault or Commercialized Sex)	22
Larceny	22
Obstructing the Police	20
Total	514

FY 2024 ATD Terminations with a Subsequent ICE Removal by Top 10 Most Serious Convictions

MSC Charge Category	Count
Traffic Offenses	130
Immigration	89
Assault	69
Dangerous Drugs	52
Fraudulent Activities	18
General Crimes	17
Sex Offenses (Not Involving Assault or Commercialized Sex)	16
Public Peace	15
Obstructing the Police	15
Weapon Offenses	14
Total	435

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?**

Response: In FY 2024, 3,913 charges and 688 convictions were committed by those noncitizens who were assigned to ATD – ISAP. ATD – ISAP officers conduct recurring case reviews of active participants who are assigned to the program. Should an officer discover new information related to the arrest, charge, or conviction of a participant, it is taken into a consideration while conducting a case review to ensure that the most appropriate levels of case management and technology are assigned. Depending on a totality of circumstances, the ATD – ISAP officer may determine a change in case management and technology levels is appropriate and may change those conditions at any time. This may include detention. Generally, certain events such as an

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arrest, conviction, or a decision issued by EOIR will trigger a case review by ICE. Depending on the totality of the circumstances, ICE may determine a transition in a noncitizen's supervision level is appropriate and may increase or decrease levels of case management and/or technology utilized. Alternatively, ICE may take the noncitizen into custody. Please refer to the following below charts for the data requested.

Total Charges for Noncitizens that Were Terminated from ICE's ATD Program in FY 2024 and Committed During Their ATD Enrollment

Charge Category	Charges
Total	3,913
Arson	4
Assault	928
Burglary	90
Commercialized Sexual Offenses	15
Conservation	3
Damage Property	66
Dangerous Drugs	169
Embezzlement	2
Extortion	4
Family Offenses	111
Flight / Escape	27
Forgery	62
Fraudulent Activities	67
Gambling	1
General Crimes	155
Health / Safety	1
Homicide	15
Immigration	130
Invasion of Privacy	30
Juvenile Offenders	1
Kidnapping	46
Larceny	356
Liquor	17
Obscenity	2
Obstructing Judiciary, Congress, Legislature, Etc.	173
Obstructing the Police	113
Public Peace	119
Robbery	51
Sex Offenses (Not Involving Assault or Commercialized Sex)	65
Sexual Assault	41
Smuggling	2

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Stolen Property	76
Stolen Vehicle	23
Threat	15
Traffic Offenses	857
Weapon Offenses	76

Total Convictions for Noncitizens That Were Terminated from ICE's ATD Program in FY 2024 and Committed During Their ATD Enrollment

Charge Category	Convictions
Total	688
Assault	65
Burglary	8
Commercialized Sexual Offenses	2
Conservation	3
Damage Property	8
Dangerous Drugs	26
Family Offenses	7
Flight / Escape	3
Forgery	5
Fraudulent Activities	12
General Crimes	24
Homicide	2
Immigration	19
Invasion of Privacy	11
Kidnapping	4
Larceny	31
Liquor	4
Obstructing Judiciary, Congress, Legislature, Etc.	15
Obstructing the Police	6
Public Peace	41
Sex Offenses (Not Involving Assault or Commercialized Sex)	10
Sexual Assault	2
Stolen Property	5
Stolen Vehicle	2
Tax Revenue	1
Threat	2
Traffic Offenses	364
Weapon Offenses	6

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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?**

Response: There are numerous enforcement benefits to ATD – ISAP and the case management services the program provides. For example, ATD – ISAP enables noncitizens to remain in their communities—contributing to their families and community organizations and, as appropriate, concluding their affairs in the United States as they move through immigration proceedings or prepare for departure. ATD – ISAP complements ERO’s law enforcement efforts by increasing supervision of eligible subsets of individuals on the non-detained docket. Additionally, ATD – ISAP provides an additional layer of supervision and increases accountability of noncitizens released from detention with conditions, including release on an order of recognizance, release on an order of supervision, a grant of parole, or a posted bond. Through the interactive process between the case specialist and the ATD – ISAP participant, a working relationship is developed that leads to higher compliance rates with release conditions that are imposed upon them. Further having case managements services provided by the ATD – ISAP contractor frees up ICE resources and officers to focus on operational needs rather than administrative.

Please refer to the following chart:

FY 2020 – FY 2025 YTD Termination Outcomes by ECMS²

Outcomes	Non-ECMS		ECMS		Total	
	Count	Percentage	Count	Percentage	Count	Percentage
Failure	164,339	16.62%	439	16.39%	164,778	16.62%
Success	824,302	83.38%	2,239	83.61%	826,541	83.38%
Total	988,641	100.00%	2,678	100.00%	991,319	100.00%

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?**

Response: Your letter notes that DHS and ICE are requesting billions of dollars due to budget shortfalls. In FY 2024, ICE faced significant budgetary challenges for each of its Program, Project, or Activities (PPAs), including the ATD PPA. As a result, to remain solvent for the rest of the fiscal year, ICE implemented several cost-saving measures that affected programs under ICE’s ATD program.

² The data table only contains terminations that occurred between 10/1/2019 and 11/30/2024. This is also only looking at terminations/known outcomes. The data table only contains terminations that occurred between 10/1/2019 and 11/30/2024. This is also only looking at terminations/known outcomes. ECMS utilization from ECMS Report as of 12/15/2024 for history of program.

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For one, ICE ceased new ATD - ISAP participant referrals to Wraparound Stabilization Service (WSS) providers who utilize funds derived from the ATD PPA, ending July 31, 2024. While in use, participants assigned to WSS and who took part in the services offered had a 2% higher compliance rate than participants not assigned services.

. ERO notes the challenge with the WSS was its immense cost with little improvement. As a result, ERO determined WSS was not cost effective enough to continue paying for these services when they did not benefit ICE or help the agency further its mission.

As noted earlier, in June 2024, ERO notified the YACMP vendor ICE would not exercise the contract's next option year. In addition to fiscal limitations, a review of the program revealed that YACMP does not align with ERO's mission or priorities. In short, ERO took steps to realign or stop using programs to address the budget challenges facing the agency.

Congress allocates funding to ICE for its ATD program and its enforcement-related programs, including the Fugitive Operations PPA and the Criminal Apprehension Program (CAP) PPAs. Please note by receiving funding for the ATD PPA does not mean ICE is not receiving funds for enforcement-related activities. For example, in the 2024 budget, Congress allocated \$470 million to the ATD PPA, which provided funding so ICE could manage detention alternatives and required reporting. In the 2024 budget, Congress funded ERO with \$159.1 million for the Fugitive Operations PPA and \$296.5 million for its CAP PPA. The funding allocated for ICE's ATD program has no bearing on the funding allocated for ERO's enforcement-related programs.