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“Leveraging Technology to Strengthen Immigration Enforcement”

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Introduction

In general, the Department of Homeland Security (DHS) is required by law to detain all aliens arriving illegally in the U.S. “throughout the completion of applicable proceedings.”¹ Immigration detention is a tool to ensure compliance with immigration law, particularly removal. During historical surges in illegal arrivals, however, detention of all illegal aliens encountered at the border has been difficult to achieve, as the former Immigration and Naturalization Service (INS),² and today the DHS, have limited detention space.

The DHS refers to aliens who are in removal proceedings but are not detained as being on the “non-detained docket” (NDD). In 2003, the INS Inspector General reported that only 13 percent of aliens on the NDD who had final orders of removal were, in fact, removed.³ To increase compliance, Immigration and Customs Enforcement (ICE) started a program of “Alternatives to Detention” (ATD) in 2004. ICE’s Enforcement and Removal Operations (ERO) division is responsible for the ATD program.

¹*Jennings v. Rodriguez*, Supreme Court of the United States, No. 15–1204, February 27, 2018

²The INS was the U.S. agency in charge of implementing immigration laws before the creation of the DHS.

³U.S. Department of Justice, Office of the Inspector General, “The Immigration and Naturalization Service’s Removal of Aliens Issued Final Orders,” Report No. I-2003-004, February 2003, <https://oig.justice.gov/reports/INS/e0304/final.pdf>, (accessed March 17, 2023).

The intent of ATD was to monitor aliens on the NDD with technology and supervision by case officers while their removal proceedings were pending, and thus increase compliance with final orders of removal.⁴ At the conclusion of an alien’s immigration court process, unless he was granted asylum or other immigration benefit, an alien taking part in ATD would surrender to ICE for detention and eventual removal. ICE’s current criteria for placing individuals on ATD include “[c]riminal, immigration and supervision history,” “[f]amily and/or community ties,” “[s]tatus as a caregiver or provider,” and “[h]umanitarian or medical considerations.”⁵

ICE contracts with private companies to carry out various ATD programs. However, ICE officers, not the federal contractor implementing ATD, decide not only which aliens to enroll and remove from the program, but also which level of supervision is appropriate in each case. Supervision options include the technology discussed below, as well as the alien checking in personally or visits by contractors or ICE officers to an alien’s home. ICE states that it “may escalate or de-escalate [an alien’s] supervision level by considering certain factors.”⁶ However, the U.S. Government Accountability Office (GAO) reported in 2022 that “ICE does not ensure ATD supervision reviews are conducted according to policy,” nor within the times specified in its own guidance.⁷ The factors for raising or lowering supervision levels within ATD appear to have more to do with resource constraints and political optics than law enforcement efficacy.

The Intensive Supervision Appearance Program (ISAP)—the Original ATD

The largest ATD program in terms of numbers of enrolled aliens and budget is the ISAP, which began in 2004.⁸ To manage its large caseloads, ICE contracted with BI Incorporated to run ISAP starting in 2004. In 2011, BI was acquired by the GEO group.⁹ ICE’s most recent five-year contract was signed with GEO in March 2020 for \$2.2 billion.¹⁰ The contractor uses three types of technology to keep track of aliens who are in removal proceedings and enrolled in the ISAP:

- **SmartLINK.** Roughly 87 percent of aliens in ISAP are tracked using SmartLINK, a phone application which uses facial-recognition technology to allow participants to check in using a cell phone. Roughly half of those enrolled use their personal cell phones, and half are provided with devices by the contractor that are limited exclusively to the SmartLINK function. The SmartLINK app can be used to monitor location via GPS tracking, but so far ICE has not

⁴U.S. Immigration and Customs Enforcement, “Enforcement and Removal Operations: Alternatives to Detention,” infographic, April 2021, <https://www.ice.gov/doelib/detention/atdInfographic.pdf> (accessed March 17, 2023).

⁵ U.S. Immigration and Customs Enforcement, “Alternatives to Detention,” <https://www.ice.gov/features/atd>, (accessed February 27, 2025).

⁶U.S. Immigration and Customs Enforcement, “Alternatives to Detention: What Are Alternatives to Detention?” <https://www.ice.gov/features/atd> (accessed March 17, 2023).

⁷U.S. Government Accountability Office, “Alternatives to Detention: ICE Needs to Better Access Program Performance and Improve Contract Oversight,” *Report to Congressional Committees*, June 2022, p. 29, <https://www.gao.gov/assets/gao-22-104529.pdf> (accessed May 9, 2023).

⁸This *Backgrounder* discusses below two new programs created by the Biden Administration: (1) the Case Management Pilot Program and (2) the Young Adult Case Management Program.

⁹ Business Wire, “The GEO Group Closes \$415 Million Acquisition of B.I. Incorporated,” February 11, 2011, <https://www.businesswire.com/news/home/20110211005372/en/The-GEO-Group-Closes-415-Million-Acquisition-of-B.I.-Incorporated>

¹⁰GEO Group, “The GEO Group Announces Five-Year Contract with U.S. Immigration and Customs Enforcement for Intensive Supervision and Appearance Program (ISAP),” March 24, 2020, <https://www.geogroup.com/News-Detail/NewsID/593> (accessed March 23, 2023).

required the contractor to use this feature and location tracking by phone is “not in use for any ISAP participant.”¹¹

- **VoiceID.** Around 4 percent of aliens in ISAP are monitored with VoiceID, under which the aliens call a dedicated number to check in at assigned times. Their voices are matched against a voiceprint obtained during enrollment. The system currently operates in four languages and as of 2022 there were plans to add nine more.
- **GPS Monitoring.** Just under 2 percent of the aliens in the ISAP are tracked with a Global Positioning System (GPS), which reports their locations in real time through ankle or wrist bracelets. Though this is the most accurate method of keeping track of released aliens, it requires them to wear the device. From November 2014 to December 2020, 70 percent of the aliens who absconded from ATD had been assigned GPS ankle bracelets. Wrist-worn GPS devices were first used in April 2023 and approved for use across ICE/ERO in February 2024. The remaining 7 percent of aliens are enrolled in the ISAP without any technological means of supervision.¹²

Of the three ISAP options involving tracking technology, ankle bracelets with GPS monitoring cost \$2.75 a day per alien, SmartLINK costs a dollar a day, and VoiceID costs 18¢ a day per user.¹³ ICE estimates that, on average, ATD costs \$8 per participant in total per day, whereas detention costs \$150 per day.¹⁴

Assessing the Effectiveness of ATD

The DHS acknowledges that most inadmissible aliens are economic migrants and that “most migrants who are initially deemed eligible to pursue their credible fear claims ultimately are not granted asylum in the subsequent Department of Justice immigration court removal proceedings.”¹⁵ This reality argues strongly in favor of detaining them as the law requires.

The DHS produces immigration enforcement lifecycle reports of cases from initial immigration encounter to ultimate disposition, a process that can take many years. Not surprisingly, these reports show that aliens who are detained during their entire removal proceedings are likely to be deported if a court gives a final order of removal, whereas those not detained are rarely deported.¹⁶

During the Biden Administration, DHS claimed that it lacked resources to detain inadmissible aliens at the border, although in fact it never fully used the detention beds that Congress has

¹¹U.S. Immigration and Customs Enforcement, Office of Partnership and Engagement, “Stakeholder Engagement Follow-up,” email to attendees, April 7, 2023.

¹²Immigration and Customs Enforcement, “ICE Alternatives to Detention Data, FY23,” April 28, 2023, https://www.ice.gov/doclib/detention/FY23_detentionStats230316.xlsx (accessed May 9, 2023).

¹³Madeleine Hubbard, “ICE Spends Nearly \$90 Million Annually on Smartphone Program for Illegal Migrants,” *Just the News*, October 11, 2022, <https://justthenews.com/government/federal-agencies/ice-spends-nearly-90-million-annually-smartphone-program-illegal> (accessed March 28, 2023).

¹⁴U.S. Immigration and Customs Enforcement, “Alternatives to Detention: What Are Alternatives to Detention?”

¹⁵U.S. Immigration and Customs Enforcement et al., “Circumvention of Lawful Pathways,” Notice of Proposed Rulemaking, *Federal Register*, Vol. 88, No. 36 (February 23, 2023), p. 11704, <https://www.federalregister.gov/documents/2023/02/23/2023-03718/circumvention-of-lawful-pathways> (accessed May 9, 2023).

¹⁶U.S. Department of Homeland Security, “Fiscal Year 2021 Enforcement Lifecycle Reports,” November 2022, p. 13, https://www.dhs.gov/sites/default/files/2022-12/2022_1114_plcy_enforcement_lifecycle_report_fy2021.pdf (accessed February 28, 2023).

funded. Under President Biden, the DHS budget request actually reduced their requested detention facility capacity by 25 percent, a decrease of 9,000 beds.¹⁷

When illegal aliens are released instead of detained, it is not credible to expect a high percentage of them to voluntarily attend their final hearings, where they are likely to be given orders to depart. ATD programs with GPS monitoring or required reporting throughout an alien’s entire immigration court process would reduce such court absences. Despite the evidence that ATDs can increase compliance with hearing attendance and removal procedures if used throughout the alien’s proceedings, ICE is currently releasing the majority of aliens placed into ATD long before their cases conclude. The average time in the ATD program for single adult aliens was under two years in FY 2023, FY 2024, and so far in FY 2025.¹⁸ This is much less time than it typically takes to conclude an asylum case.

In 2022, Fox News reported on a leaked “pre-decisional” report from ICE written in 2020 but not officially released.¹⁹ The report concerned ATD from fiscal years 2016 to 2019. During that time, ATD monitored only around 5% of aliens on the NDD. The report concluded that ATD has "little value," is of "significant expense," and that when one looked at those few aliens enrolled for the duration of their entire immigration proceedings, from arrest to final decision in the case, most participants absconded.

Approximate Enrollments in ATD, by Fiscal Year²⁰

FY 2015	48,845
FY 2016	83,195
FY 2017	105,722
FY 2018	139,082
FY 2019	179,552
FY 2020	90,000

During the time period studied in the report (2016-2020) ISAP participants were only in ATD for 14-18 months before being dropped by ICE – usually well before a decision is rendered in an immigration case. Therefore, “the vast majority of participants are not in the program through the completion of their immigration proceedings.”²¹ Figures purporting to show program compliance with check-ins and court appearances are misleadingly positive, as they only count the time an alien is in the ATD program, not after they have been dropped.

¹⁷Office of Management and Budget, “Budget of the U.S. Government, Fiscal Year 2023,” https://www.whitehouse.gov/wp-content/uploads/2022/03/budget_fy2023.pdf (accessed May 9, 2023).

¹⁸ ICE Detention Statistics, ICE Alternatives to Detention Data, FY2025, <https://www.ice.gov/detain/detention-management#stats>, accessed February 24, 2025

¹⁹ Adam Shaw, “Leaked ICE doc shows 'Alternatives to Detention' program has 'little value' but 'significant expense,’” Fox News, April 27, 2022, <https://www.foxnews.com/politics/alternatives-detention-program-enrolled-illegal-immigrants-abscond>

²⁰ ICE pre-decisional report cited in Shaw, Ibid

²¹ Shaw, Ibid

Of the 47,905 ATD participants that ICE evaluated for the 2020 report who were enrolled for their full immigration lifecycle, 40,300 absconded – a rate of 84%. The report said abscondion rates were increasing year on year, and this was before the massive surge of illegal aliens under Biden.²²

With the exception of high-priority criminals, ICE’s low volume of total annual arrests and deportations during the Biden Administration indicated little effort to track down those who disappeared or were released from ATDs on their own recognizance and then failed to attend hearings or comply with court orders.

ATD In the Context of the Non-Detained Docket (NDD)

The NDD contains aliens released from custody who have final orders of removal, those whose removal proceedings are pending, and unaccompanied children who turned 18 and thus aged out of the custody of the Department of Health and Human Services, Office of Refugee Resettlement (HHS/ORR), which is responsible for unaccompanied alien children caught entering illegally once they are handed over by ICE.

At the end of FY2024 (31 October 2024), the NDD population was 7.6 million “noncitizens.” This had increased by approximately 24.6% from more than 6.1 million at the end of FY 2023. According to ICE, “CBP apprehensions of noncitizens at the Southwest Border and the transfer of those cases to ERO were the main drivers of this increase.” In its FY2024 annual report,²³ ICE explained that “ERO detains noncitizens only when necessary.” Exactly how they define “necessary” is unclear, but ICE says they consider factors like “which noncitizens may be at a higher risk of absconding, have very minor criminal histories but are not considered public safety threats, or have serious medical conditions.”

Broken down by country of citizenship, the top ten countries on the NDD are Mexico with 1,135,743 citizens on the NDD, followed by Guatemala at 982,669, Honduras at 951,188, Venezuela at 701,678, El Salvador at 569,090, Cuba at 539,400, Colombia at 384,734, Nicaragua at 355,122, Ecuador at 310,977, and Haiti at 292,178.²⁴ On an average day in FY2024, ICE had approximately 37,700 noncitizens in detention out of the 7.6 million on the NDD

Low Numbers of Aliens Enrolled in ATD

From March 2021 to September 2024, monthly illegal-alien encounters at the Southern border averaged at least 150,000 and usually over 200,000. There were 370,883 in December, 2023, the worst single month for illegal alien entries in U.S. history.²⁵ According to ICE, nearly 5 million cases were already on the NDD at the end of fiscal year (FY) 2022.²⁶ However, as of March 11,

²² U.S. Customs and Border Protection, Nationwide Encounters, <https://www.cbp.gov/newsroom/stats/nationwide-encounters>

²³ Immigration and Customs Enforcement, Annual Report, FY2024, pp.28-30, <https://www.ice.gov/doclib/eoy/iceAnnualReportFY2024.pdf>

²⁴ Ibid

²⁵ U.S. Customs and Border Protection, “FY Nationwide Encounters by Month,” <https://www.cbp.gov/newsroom/stats/nationwide-encounters> (accessed April 17, 2023).

²⁶ U.S. Immigration and Customs Enforcement, *Annual Report FY 2022*.

2023, ICE was supervising only 287,299 of these aliens under ATD.²⁷ The DHS budget for ATD in FY 2023 included a total of \$527.1 million (an increase of \$79 million over 2022), to cover an intended 170,000 total participants.²⁸ At the end of FY 2023, ICE had an active enrolled population of 194,427 in ATD. In FY 2024, ICE had an active enrolled ATD population of 179,171. As of early February 2025, there were 187,394 aliens enrolled in ATD, by which time the NDD had reached close to 8 million.

Aliens Released from ATD Prematurely

In 2020 - before the Biden Administration's mass release and mass parole programs added millions more cases onto the pile – an average court proceeding took about five years.²⁹ From November 2014 through December 2020, according to a Government Accountability Office, 79 percent of ATD participants were unenrolled before their immigration cases were concluded.³⁰ In a 2023 “stakeholder engagement” session with ICE, a participant asked “what percentage of [aliens] are terminated from ISAP prior to their immigration case’s completion?” ICE answered that “approximately 90% of participants were terminated from ISAP and migrated to Non-Detained status” though “the majority were still in removal proceedings.”³¹ ICE’s decision to remove a particular alien from ATD does not seem clearly linked to that alien’s likelihood of compliance with their immigration proceeding to its conclusion.³²

Aliens Violating or Absconding From ATD

In addition to ICE releasing ATD participants from the program early, some aliens violate their ATD conditions. An absconder from the NDD is defined as “a noncitizen who fails to comply with their reporting requirements after release from ICE custody.” Those requirements vary but normally include checking in with an assigned ICE officer at stated times every day, week, month, or year depending on the case. ICE classifies ATD enrollees as absconders if the assigned ICE officer or contractor is unable to contact or locate them because they have left their current address without informing ICE/ERO.

From November 2014 to December 2020, the overall rate of absconsion was 17 percent.³³ However, for those ATD cases in which ICE elects to assign an additional “court tracking” service, (the

²⁷U.S. Immigration and Customs Enforcement, “Detention Management,” <https://www.ice.gov/detain/detention-management> (accessed January 24, 2023).

²⁸U.S. Department of Homeland Security, “FY2023 Budget in Brief,” p. 37, <https://www.dhs.gov/sites/default/files/2022-03/22-%201835%20-%20FY%202023%20Budget%20in%20Brief%20FINAL%20with%20Cover%20Remediated.pdf> (accessed March 23, 2023).

²⁹U.S. Immigration and Customs Enforcement, “Intensive Supervision Appearance Program,” draft report, 2020, cited in Walsh, Fox News.

³⁰U.S. Government Accountability Office, “Alternatives to Detention: ICE Needs to Better Access Program Performance and Improve Contract Oversight,” p. 21.

³¹U.S. Immigration and Customs Enforcement, Office of Partnership and Engagement, “Stakeholder Engagement Follow-up” (email to attendees in response to questions).

³²On April 3, 2023, DHS Secretary Alejandro Mayorkas requested that the Homeland Security Advisory Council (HSAC) form a subcommittee to conduct a “wholesale review of the immigration Alternatives to Detention (ATD) programs, and [make] recommendations to modernize the programs and make them more effective.”

³³U.S. Government Accountability Office, “Alternatives to Detention,” p. 62. (The report notes that absconsion varied by type of monitoring and by location, ranging from 50 percent in El Paso to 5 percent in Boston.)

contractor tracks ATD participants' court hearing schedules and attendance), 99 percent of such aliens attended all their scheduled immigration hearings in FYs 2015 to 2020.³⁴ From November 2014 through December 2020, ICE assigned court tracking to only 39 percent (125,259) of all participants (320,152).³⁵

In FY 2024, 37,812 participants absconded from ATD. ICE/ERO explains that they do not track the absconder rate for aliens on the NDD but not on ATD; meaning that it is unclear how many of the nearly 8 million aliens on the NDD ICE can accurately locate. ERO defines a “fugitive as a noncitizen who fails to depart the United States upon receiving a final order of removal, deportation or exclusion, or who fails to report to ICE after receiving notice to do so.”

Crimes by Aliens on ATD with GPS

In theory, ATD “utilizes case management and technology tools to support aliens’ compliance with release conditions while on ICE’s non-detained docket...[and] enables aliens to remain in their communities — contributing to their families and community organizations and, as appropriate, concluding their affairs in the U.S.”³⁶ In the ICE report evaluating ATD from 2004-2020, there were 21,000 criminal charges of convictions recorded among the ISAP participants in that period.³⁷ GPS monitoring with worn devices is the best of the ATD monitoring alternatives. But although only a tiny percentage of aliens in the program have these devices, there have still been many crimes by this small subset in the past few years. One could extrapolate from this a far higher number of crimes committed by aliens in the program as a whole.

- On January 29 and 30, 2025, Jefferson Ubilla-Delgado and Geiderwuin Bello Morales were arrested in Chicago and charged with the murder and robbery of 63-year-old George Levin.³⁸ At the time of the crime, Ubilla-Delgado was wearing an ICE GPS ankle monitor.³⁹ Morales had been arrested earlier for attempting to lure a 12-year-old girl into his car.⁴⁰ Both Ubilla-Delgado and Morales had been in Chicago for over a year, entering the United States illegally from Venezuela and Ecuador respectively at an unknown date and location.
- On September 27, 2024, Estefania Primera, nicknamed “La Barbie,” was arrested outside Sacred Heart Church, a location known for serving arriving migrants, including illegal aliens. Primera was a member of the Tren de Aragua (TdA) gang accused of operating a sex-trafficking ring in El Paso, Texas. One sex-trafficking victim alleged Primera was the

³⁴U.S. Government Accountability Office, “Alternatives to Detention,” p. 38.

³⁵Ibid., p. 37.

³⁶ Immigration and Customs Enforcement, “Alternatives to Detention,” <https://www.ice.gov/features/atd> (accessed February 25, 2025).

³⁷ Shaw, Ibid

³⁸ Chicago Police, “Offender Charged with Murder of 63-Year-Old Male,” January 31, 2025, <https://www.chicagopolice.org/news/cpd-charge-release-offender-charged-with-murder-of-63-year-old-male/> (accessed February 25, 2025).

³⁹ Tim Hecke, “2 migrants murdered man they met on Grindr, then used his phone for a \$4,100 Amazon shopping spree: prosecutors,” CWB Chicago, February 1, 2025, <https://cwbchicago.com/2025/02/2-migrants-murdered-man-they-met-on-grindr-then-used-his-phone-for-a-4100-amazon-shopping-sprees-prosecutors.html> (accessed February 25, 2025).

⁴⁰ Isabel Keane, “Illegal migrants, including one wearing ankle monitor, allegedly murdered man they met on dating app, used credit card to spend \$4K on Amazon,” New York Post, February 3, 2025, <https://nypost.com/2025/02/03/us-news/illegal-migrants-allegedly-murdered-chicago-man-they-met-on-dating-app/> (accessed February 25, 2025).

frontwoman and had drugged her. Primera crossed the border illegally near El Paso in August 2023 and was released into the U.S. with a notice to appear and an ICE-supervised ankle monitor, which she removed within weeks.⁴¹ TdA has been caught operating trafficking and forced prostitution rings, such as this, throughout the U.S., in the states of California, Florida, Georgia, Illinois, Nevada, New Jersey, New York and Texas.⁴²

- On June 20, 2024, Johan Jose Rangel Martinez and Franklin Jose Pena Ramos, both members of TdA,⁴³ were arrested and charged with capital murder of 12-year-old Jocelyn Nungaray. Martinez crossed the border illegally into El Paso on March 14 and was released into the U.S. with a notice to appear and an ICE supervised ankle monitor. However, he was later removed from ATD in May since he had no known criminal history and had complied with check-ins.⁴⁴ Ramos crossed the border illegally into El Paso on May 28 and was released into the U.S. with a notice to appear and an ICE supervised ankle monitor set to operate for 21 days.⁴⁵ When arrested, Ramos had removed his ankle monitor.
- On February 22, 2024, Diego Ibarra, an alleged member of TdA and the brother of Laken Riley’s murderer, Jose Ibarra, was arrested for giving the authorities a fake green card.⁴⁶ Diego Ibarra crossed the border illegally into El Paso on April 3, 2023, where he allegedly assaulted a Border Patrol Agent. Afterward, he was offered a plea deal and was released with an ICE ATD ankle monitor, which he cut off and then moved from Colorado to Georgia. In September 2023, he was arrested for driving under the influence and driving without a license.⁴⁷ In October 2023, he and Diego and Jose Ibarra were arrested for stealing over \$200 worth of goods from Walmart. Prior to Riley’s murder and his arrest, Diego Ibarra briefly worked for the University of Georgia’s food services staff.

Low Consequences for Absconding From ATD

⁴¹ Jennie Taer, “Tatted-up female Tren de Aragua gang member called ‘The Barbie’ is busted for running brutal sex-trafficking ring,” New York Post, October 8, 2024, <https://nypost.com/2024/10/08/us-news/tren-de-aragua-gang-member-called-the-barbie-busted-for-brutal-sex-trafficking-ring/> (accessed February 25, 2025).

⁴² Jennie Taer, “How migrant gang Tren de Aragua is luring women into forced prostitution in 8 states — including along NYC’s ‘Market of Sweethearts,’” Newsweek, September 23, 2024, <https://nypost.com/2024/09/23/us-news/tren-de-aragua-linked-to-migrant-sex-trafficking-in-8-states-leaked-memo/> (Accessed February 25, 2025).

⁴³ Billal Rahman, “Jocelyn Nungaray’s Accused Killers Might Face Death Penalty,” Newsweek, December 13, 2024, <https://www.newsweek.com/jocelyn-nungaray-killers-death-penalty-tren-de-aragua-2000367> (accessed February 25, 2025).

⁴⁴ Jennie Taer, “Illegal Venezuelan migrant cut his ankle monitor after allegedly killing 12-year-old Jocelyn Nungaray,” New York Post, June 21, 2024, <https://nypost.com/2024/06/21/us-news/illegal-venezuelan-migrant-cut-his-ankle-monitor-after-allegedly-killing-12-year-old-jocelyn-nungaray/> (accessed February 25, 2025).

⁴⁵ Jennie Taer, “Migrant charged with murder of 12-year-old Jocelyn Nungaray was released into US just weeks ago,” New York Post, June 20, 2024, https://nypost.com/2024/06/20/us-news/2-migrants-charged-with-abducting-strangling-texas-girl-12-and-dumping-her-body-in-bayou/?utm_campaign=iphone_nyp&utm_source=com.microsoft.Office.Outlook.compose-shareextension (accessed February 25, 2025).

⁴⁶ Luke Barr, “Diego Ibarra, brother of University of Georgia murder suspect, to remain in federal custody,” ABC News, March 7, 2024 <https://abcnews.go.com/US/brother-university-georgia-murder-suspect-remain-federal-custody/story?id=107890018> (accessed February 25, 2025).

⁴⁷ Jennie Taer, “Migrant charged with Laken Riley’s murder easily entered US despite links to bloodthirsty gang, bombshell Post probe reveals,” New York Post, March 8, 2024, <https://nypost.com/2024/03/08/us-news/migrant-charged-with-murdering-laken-rileys-easy-path-to-us/> (accessed February 25, 2025).

In a December 2022 ATD seminar, ICE claimed that “those who do not report [to the contractor, ICE, or court according to the release conditions under ATD] are subject to arrest and potential removal.”⁴⁸ However, at present, there seem to be limited to no consequences to absconding from ATD, including by an alien cutting off his GPS ankle or wrist-worn device. ICE/ERO has limited staff and resources, and many local law enforcement agencies in “sanctuary” states and cities refuse to cooperate with them by honoring detainers. It appears that ICE does not routinely pursue absconders and apparently tracks down for arrest only those absconders presenting the highest risk or who are wanted on criminal charges.

Although roughly 430,000 of the aliens currently on the NDD have been convicted of more serious crimes (in addition to the millions who are in removal proceedings for entering or remaining in the U.S. illegally), ICE’s budget for FYs 2023 and 2024 set targets of deporting only 29,389 such aliens.⁴⁹ From these figures, it follows that aliens who simply fail to report under the ATD program stand a low chance of being arrested, much less removed. Under former Secretary of Homeland Security Mayorkas’ enforcement priorities, participants who absconded from ATD were highly unlikely to be detained or deported unless they triggered law enforcement interest for significant criminal activity.⁵⁰ Under the Biden Administration, deportation dropped from 186,000 in 2020, an already low number due to COVID-19, to only 59,011 in 2021 and 72,000 in 2022.⁵¹ In 2023, ICE removed 142,580,⁵² and in 2024, they removed 271,484.⁵³

Around 3.5 percent of issued ankle monitors and mobile devices are reported as “lost” by the participating alien.⁵⁴ According to ICE guidelines, GPS trackers should be assigned to the highest-risk cases, but making this risk-management tool effective requires swift follow-up when problems arise. For example, in April 2022, a Colombian who was on a U.S. terrorism watchlist was arrested when attempting to enter the U.S. illegally at the border in Arizona, then released with a GPS tracker under the ISAP.⁵⁵ Once ICE realized that he was on the watchlist, it took ICE two weeks to arrest him—in Florida.

Congress could amend the Immigration and Nationality Act to make it a ground of removability for any alien enrolled in an ATD program who removes his GPS device, fails to check in on time, or otherwise fails to comply with the terms of his supervision. Aliens committing such a violation should then be prioritized for ICE arrest and expedited removal, pending which they should be in mandatory detention. This would add a real consequence to failure to comply, as in addition to the

⁴⁸News release, “ICE Hosts Alternatives to Detention Program Symposium,” U.S. Immigration and Customs Enforcement, December 2, 2022, <https://www.ice.gov/news/releases/ice-hosts-alternatives-detention-program-symposium> (accessed May 9, 2023).

⁴⁹ U.S. Department of Homeland Security, Immigration and Customs Enforcement, *Budget Overview, Fiscal Year 2024*, Congressional Justification, p.23, <https://www.dhs.gov/sites/default/files/2023-03/U.S.%20IMMIGRATION%20AND%20CUSTOMS%20ENFORCEMENT.pdf> (accessed March 17, 2023).

⁵⁰U.S. Department of Homeland Security, “Guidelines for the Enforcement of Civil Immigration Law,” memorandum from Alejandro Mayorkas, Secretary, to Tae Johnson et al., September 30, 2021, <https://www.ice.gov/doclib/news/guidelines-civilimmigrationlaw.pdf> (accessed February 28, 2023).

⁵¹U.S. Immigration and Customs Enforcement, *Annual Report FY 2022*, December 30, 2022, <https://www.ice.gov/doclib/eoy/iceAnnualReportFY2022.pdf> (accessed March 16, 2023).

⁵² ICE Annual Report, FY2024, p.26, <https://www.ice.gov/doclib/eoy/iceAnnualReportFY2023.pdf>

⁵³ ICE Annual Report, FY2024, p.3, <https://www.ice.gov/doclib/eoy/iceAnnualReportFY2024.pdf>

⁵⁴Conversation between author and industry source.

⁵⁵Adam Sabes and Bill Melugin, “Border Patrol Released Suspected Terrorist Who Crossed into U.S. Illegally, ICE Took Weeks to Rearrest Him,” Fox News, May 23, 2022, <https://www.foxnews.com/us/border-patrol-released-suspected-terrorist-ice-rearrest-weeks> (accessed March 1, 2023).

criminal charge, the alien would face greater difficulty claiming protection or adjustment of status in future.

Biden ATD Programs Prioritized Social Services Over Enforcement

Tom Homan, former Acting Director of ICE and now coordinating border and immigration enforcement at the Trump White House, said in October 2023 that “80 percent of illegal immigrants that were released into the interior by the Biden Administration weren’t given a court summons” in August 2023, when over 300,000 illegal aliens were encountered at the border. At that time, DHS was overwhelmed with processing and releasing aliens, and thousands were given a “Notice to Report” to ICE within 60 days, rather than a Notice to Appear in immigration court to answer in removal proceedings. Checking in with ICE would eventually have led to their receiving a Notice to Appear, but court and processing backlogs were the excuse used to release them with an NTR instead. Homan wrote that of the aliens released without a Notice to Appear, almost half failed to check in with ICE within 60 days as instructed.⁵⁶

In October 2023, Homan charged that ICE’s Enforcement and Removal Operations (ERO) division was at that time “co-opted by Biden Administration officials hell-bent on turning the agency into a social services, catch-and-release organization.”⁵⁷

Indeed, the Biden Administration was staffed with many political appointees who came from non-profits that opposed immigration enforcement, and not surprisingly, the Biden Administration’s immigration policies aligned with activist groups that oppose detention for illegal migrants. For example, the Open Borders project believes that “[f]reedom of movement is a fundamental human liberty and it would be anti-liberty to restrict migration” in any way.⁵⁸ The American Friends Service Committee (AFSC) says that “no one should ever be detained” and has called for Congress to cut funding for ICE and the Customs and Border Protection (CBP) under both the Trump⁵⁹ and Biden⁶⁰ Administrations. Just Futures Law opposes any digital surveillance of illegal immigrants (such as GPS bracelets), calling it “e-carceration.”⁶¹

President Biden’s head of U.S. Citizenship and Immigration Services (USCIS), Ur Jaddou, was formerly head of DHS Watch at America’s Voice, a group that advocated amnesty (“a path to legalization”) for illegal aliens and against the Migrant Protection Protocols and Asylum

⁵⁶ Homan, Ibid

⁵⁷ Tom Homan, “Biden-Appointed Activists Are Abolishing ICE from Within,” October 25, 2023, <https://www.breitbart.com/politics/2023/10/25/exclusive-tom-homan-biden-appointed-activists-are-abolishing-ice-from-within/>

⁵⁸ Open Borders, “US-Specific Pro-Immigration Arguments,” <https://openborders.info/us-specific-pro-immigration-arguments/> (accessed March 23, 2023).

⁵⁹ American Friends Service Committee, “Trump’s Attacks on the Legal Immigration System,” April 23, 2020, <https://afsc.org/news/trumps-attacks-legal-immigration-system-explained> (accessed March 23, 2023).

⁶⁰ American Friends Service Committee, “Update: How Communities Are Urging Congress to Stop Funding Cruelty Against Immigrants,” September 23, 2021, <https://afsc.org/news/update-how-communities-are-urging-congress-stop-funding-cruelty-against-immigrants> (accessed March 28, 2023).

⁶¹ Just Futures Law, “ICE Digital Prisons,” <https://www.justfutureslaw.org/ice-digital-prisons/> (accessed March 23, 2023).

Cooperative Agreements that successfully reduced pull factors for illegal immigrants during the Trump Administration.⁶²

Biden-era ICE official Claire Trickler-McNulty played a key role in shifting ICE priorities from tracking and enforcement towards social services. Between her political appointments at ICE, she worked for Kids in Need of Defense (KIND), a non-profit that works to advocate for minor illegal migrants. KIND was partly funded by the Vera Institute for Justice, which opposes detention and immigration enforcement.⁶³

Biden White House Policy Advisor on immigration and border issues Katherine Pantangco⁶⁴ previously worked at the American Civil Liberties Union (ACLU), where she “oversaw a team of immigrant rights field organizers who built deportation defense networks in the wake of the Trump administration.”⁶⁵ The ACLU advocates and regularly sues the federal government on behalf of illegal aliens, and the organization’s agenda opposes detention of illegal immigrants and interior enforcement.⁶⁶

Leidy Perez-Davis, “special assistant to the president for immigration” in the Biden White House, previously worked at the Asylum Seeker Advocacy Project (ASAP), which believes that “all asylum seekers deserve to find safe haven in the United States.”⁶⁷ This appears to mean that the ASAP believes that all foreigners merely *seeking* asylum, not just those whose claims are legitimate, should be allowed to remain in the U.S. In fact, most putative asylum claimants are not granted asylum⁶⁸ because the aliens do not apply after passing a credible fear interview, or fail to complete the full process, or because an immigration judge rules that they do not qualify for asylum.⁶⁹

Led by such officials, the Biden Administration diverted ICE enforcement resources to programs that provided social services to aliens rather than ensuring their compliance with court process and eventual removal. Under the Biden Administration, starting in FY2021, ICE/ERO “began offering Wraparound Stabilization Services (WSS), targeted services that provide psychosocial and behavioral health support for vulnerable participants and their families who would benefit...”⁷⁰

⁶²America’s Voice, “Immigration 101,” <https://americasvoice.org/tag/immigration-101/> (accessed March 28, 2023).

⁶³Vera Institute for Justice, “ICE Detention Trends,” <https://www.vera.org/ice-detention-trends>, (accessed February 25, 2025).

⁶⁴The White House, “Meet the Team—Katherine Pantangco,” <https://www.whitehouse.gov/iga/meet-the-team/katherine-pantangco/#:~:text=Katherine%20Pantangco%20serves%20as%20a,issues%2C%20and%20other%20Administration%20priorities> (accessed March 28, 2023).

⁶⁵Public Policy and International Affairs Program, “Alumni Changemakers: Katherine Pantangco,” <https://ppiaprogram.org/article/alumni-changemakers-katherine-pantangco> (accessed March 28, 2023).

⁶⁶American Civil Liberties Union, “Immigrants’ Rights,” <https://www.aclu.org/issues/immigrants-rights> (accessed March 28, 2023).

⁶⁷Asylum Seeker Advocacy Project, “About,” <https://www.asylumadvocacy.org/about/> (accessed May 9, 2023).

⁶⁸U.S. Department of Homeland Security, “Fiscal Year 2021 Enforcement Lifecycle Report,” November 2022, p. 8, https://www.dhs.gov/sites/default/files/2022-12/2022_1114_plyc_enforcement_lifecycle_report_fy2021.pdf (accessed February 28, 2023).

⁶⁹Immigration and Nationality Act, §208(b)(1)(B)(i). To qualify for asylum, an applicant “must establish that race, religion, nationality, membership in a particular social group, or political opinion was or will be at least one central reason for persecuting the applicant.”

⁷⁰According to ICE, “ATD-ISAP allows ERO to supervise participants through a combination of contractor case management support services, including orientation and enrollment, home visits, office visits, access to Know

Wraparound Stabilization Services were discontinued in June 2024, for budgetary reasons according to ICE’s annual report.⁷¹ In 2022, Biden’s DHS added two new programs under ATD: the Case Management Pilot Program (CMPP) in 2021, and the Young Adult Case Management Program (YACMP).⁷²

Case Management Pilot Program

The CMPP received \$5 million in its first year to “provide voluntary case management and other services to [aliens] in immigration removal proceedings.”⁷³ Law enforcement does not feature in CMPP’s motto, which was “Trauma Informed Case Management.”⁷⁴ The CMPP’s governing National Board is chaired by the DHS Officer for Civil Rights and Civil Liberties, not someone from ICE’s ERO, and it is made up of NGOs “with experience providing and evaluating case management programs for asylees and refugees.”⁷⁵ The CMPP’s national board included the Church World Service (CWS), a non-profit that generally opposes enforcement of immigration laws and advocates “federal policies that advance pro-refugee, pro-immigrant policies and neutralize harmful immigration proposals.”⁷⁶ CWS has opposed ICE and the enforcement of immigration law.⁷⁷ CWS acted as the administrator of the CMPP and oversees grants to NGOs and local governments to provide social services.⁷⁸ The Grants Notice for NGOs and local government recipients stated that “connection to a range of services that CMPP participants identify as a priority could include access to counsel, affordable housing, childcare, transportation, healthcare, schooling, language classes, and orientation.”⁷⁹

ICE’s FY2023 and 2024 reports do not mention the CMPP, but the 2024 report does discuss Extended Case Management Services, by which ERO offers services “such as orientation and education on legal rights and responsibilities and reminders for ERO check-ins, court date appearances and compliance with final decisions” to selected aliens enrolled in ATD. These services are provided by the contractor as requested by ICE.

Young Adult Case Management Program

Your Rights presentations, alert management, EOIR court tracking and individualized service plans for targeted case management support by the contractor.”

⁷¹ Ibid

⁷² U.S. Immigration and Customs Enforcement, “Alternatives to Detention: What Are Alternatives to Detention?”

⁷³ News release, “DHS Announces Alternatives to Detention Case Management Pilot Program,” U.S. Department of Homeland Security, August 19, 2021, <https://www.dhs.gov/news/2021/08/17/dhs-announces-alternatives-detention-case-management-pilot-program> (accessed March 17, 2023).

⁷⁴ Case Management Pilot Program, “About CMPP,” <https://cmpp.org/> (accessed March 20, 2023).

⁷⁵ News release, “DHS Announces Alternatives to Detention Case Management Pilot Program.”

⁷⁶ Church World Service, “CWS Policy Tracker,” <https://cwsglobal.org/learn/migration-asylum-and-refuge/>, (accessed February 25, 2025).

⁷⁷ News release, “Church World Service Demands End to Immigration Raids, Calls for Support and Sanctuary to Those Targeted by ICE,” Church World Service, May 13, 2016, <https://cwsglobal.org/press-releases/church-world-service-demands-end-to-immigration-raids-calls-for-support-and-sanctuary-to-those-targeted-by-ice/> (accessed March 24, 2023).

⁷⁸ These include “mental health services; human and sex trafficking screening; legal orientation programs; cultural orientation programs; connections to social services; and for individuals who will be removed, reintegration services.”

⁷⁹ Ibid.

The YACMP was intended for 18 and 19-year-old “catch-and-release” cases at the border.⁸⁰ In September 2022, the DHS awarded an \$80 million contract to Acuity International for the YACMP. The contract explicitly banned the use of GPS tracking, leaving only VoiceID and other methods that depended on aliens compliance. Under the contract with Acuity, the YACMP was to develop “a network of age-appropriate and culturally sensitive community resources” including “trauma-informed care.” Acuity was also to provide deported YACMP aliens with a “support system” in their home countries upon deportation.⁸¹ In March 2023, Acuity was actively recruiting case managers in 16 U.S. cities (seven of which are known “sanctuary cities”) from San Diego to Boston to handle this youth ATD program.⁸²

In FY2024, ICE enrolled 5,111 participants in the YACMP and “made more than 9,135 referrals for participants to various social service organizations, and conducted 4,593 human trafficking screenings.” However, the YACMP contract ended in August 2024 and was not renewed. This was for budgetary reasons and because the program “did not align with ERO’s missions or priorities,” according to the ICE 2024 annual report.

The CMPP also appears to have been phased out. However, in 2024 ERO still offered “extended case management services” to some aliens in ATD through the contractor, including “orientation and education on legal rights and responsibilities and reminders for ERO check-ins, court date appearances and compliance with final decisions.”

To avoid future diversion of enforcement resources to social services, Congress could stipulate that ICE has complete authority over aliens on the NDD, including those enrolled in ATDs, without interference from the DHS’s Office for Civil Rights and Civil Liberties or other federal agencies.

Proposals for Further Watering Down ATD

In November 2023, Breitbart reported on a DHS proposal to revamp the ISAP-ATD into a “Release and Reporting Management” program.⁸³ Senior ICE political appointee Claire Trickler-McNulty (see above) reportedly told the House Homeland Security Committee that RRM was to apply to aliens released at the border, and that it would require them to check in with ICE only once a year. ICE solicited contracting proposals for the RRM program but did not implement it before the end of the Biden Administration.

ATD Status as of 31 OCT 2024 (end of FY2024)

⁸⁰Joseph Simonson, “Biden Admin Awards \$80 Million Contract That Prohibits GPS Monitoring of Illegal Immigrants,” *Washington Free Beacon*, September 15, 2022, <https://freebeacon.com/biden-Administration/biden-admin-awards-80-million-contract-that-prohibits-gps-monitoring-of-illegal-immigrants/> (accessed March 1, 2023).

⁸¹News release, “ICE Releases RFP for Case Management Program Geared Toward Young Adults,” U.S. Immigration and Customs Enforcement, February 2, 2022, <https://www.ice.gov/news/releases/ice-releases-rfp-case-management-program-geared-toward-young-adults> (accessed March 24, 2023).

⁸²Acuity International, “Case Management Services Position,” <https://acuityinternational.com/careers/case-management-services/#open-positions> (accessed May 9, 2023).

⁸³John Binder, “Biden Plan Seeks to Have Millions of Illegal Aliens ‘Check-In’ Annually After Release into U.S.,” Breitbart, November 3, 2023, <https://www.breitbart.com/politics/2023/11/03/exclusive-biden-plan-seeks-have-millions-illegal-aliens-check-annually-after-release-u-s/>

There were just over 187,000 aliens enrolled in ATD as of February 2025. At the end of FY 2024, there were more than 179,000 active participants. At the end of FY2023 there were 194,000 active participants. As of February 2025, ERO still monitored aliens in ATD using three methods: GPS monitoring via anklets or bracelets, biometric facial recognition, and voice recognition.

Proposals For Improving ATD

Detaining every alien crossing into the U.S. illegally until all pertinent immigration proceedings are concluded is the legal requirement and the ideal situation. With a secure border, sufficient detention beds, speedy case processing, and speedy enforcement of removal orders, this can be achieved. Where it is not possible, ATD using GPS tracking is a second-best option for cases where the risk of absconding or criminal activity is low.

GPS tracking is most secure when a device, such as an anklet or bracelet, is worn and not easy for the user to take off. But ICE could also require the ATD contractor (currently GEO group) to turn on GPS tracking through the SmartLINK application. Collecting and analyzing GPS data from as many non-detained aliens as possible will improve ICE's ability to enforce removal orders when appropriate or find absconders. The cost of enrolling even millions of aliens in SmartLINK would be mitigated by the lower cost in officer hours of finding aliens who are in removal proceedings.

With border encounters now significantly lower than any time in the past four years, ICE could use the regular check-in process with aliens on the NDD to enroll as many of them as possible in ATD. Minors who reached 18 could also be enrolled in ATD when they left custody of HHS/ORR. The goal should be to have 100% of the NDD enrolled in ATD requiring regular check-ins, with clear and enforced penalties for failure to do so.

Conclusion:

Immigration detention is a necessary means to protect public safety, prevent flight, and to ensure removal. ATD can be a backup for detention when there is no other option, but they are only effective when properly implemented.

For the past four years, ATD was used on a very small percentage of the 10 million or more aliens released, paroled, and (of course) entering the U.S. without inspection. It is difficult to assess the program's true value, as most participants are dropped within a year or two of being enrolled, but their immigration cases take much longer on average to process. Some kind of location monitoring should be applied to every alien on the non-detained docket. With improving technology from facial recognition to artificial intelligence, the U.S. does not have to tolerate having a population of almost 8 million aliens who are in removal proceedings but whose locations are not monitored.

These statistics are made available to the public pursuant to the Fiscal Year 2020 Department of Homeland Security Appropriations Bill.

ICE ALTERNATIVES TO DETENTION DATA, FY25

ATD Active Population Counts and Daily Cost by Technology

Technology	Count	Daily Tech Cost
SmartLINK	160,695	\$154,267.20
Ankle Monitor	18,989	\$52,029.86
Wristworn	5,810	\$26,145.00
VoicelD	1,725	\$310.50
Dual Tech	174	\$643.80
No Tech	1	\$0.00
Total	187,394	\$233,396.36

Data from BI Inc. Participants Report, 2.8.2025

Costs listed above are only related to technology costs, and do not include other associated contract and case management costs that are a part of the ATD program. Average daily participant cost is greater than those listed in the table above.

ATD Active Population by Status, Extended Case Management Service, Count and ALIP, FY25

FAMU Status	Count	ALIP
FAMU	87,787	646.8
ECMS-FAMU	3	1,015.0
Single Adult	99,601	603.8
ECMS-Single Adult	3	1,643.0
Total	187,394	624.0

Data from BI Inc. Participants Report, 2.8.2025

Data from OBP Report, 2.9.2025

FY25 thru January Court Appearance: Total Hearings*

Metric	Count	%
Attended	26,571	98.7%
Failed to Attend	357	1.3%
Total	26,928	100.0%

Court Data from BI Inc.

*Only Participants with court tracking assigned

FY25 thru January Court Appearance: Final Hearings*

Metric	Count	%
Attended	2,688	88.3%
Failed to Attend	357	11.7%
Total	3,045	100.0%

Court Data from BI Inc.

*Only Participants with court tracking assigned

⁸⁴ ICE Detention Statistics, ICE Alternatives to Detention Data, FY2025, <https://www.ice.gov/detain/detention-management#stats>, accessed February 24, 2025

U.S. Immigration and Customs Enforcement

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ICE ALTERNATIVES TO DETENTION DATA, FY24

Technology

Technology	Count	Daily Tech Cost
SmartLINK	153,098	\$146,974.08
Ankle Monitor	17,225	\$47,196.50
Wristworn	6,049	\$27,220.50
VoiceID	2,231	\$401.58
Dual Tech	461	\$1,705.70
No Tech	7	\$0.00
Total	179,071	\$223,498.36

Data from BI Inc. Participants Report, 09.30.2024

Costs listed above are only related to technology costs, and do not include other associated contract and case management costs that are a part of the ATD program. Average daily participant cost is greater than those listed in the table above.

ATD Active Population by Status, Extended Case Management Service, Count and ALIP, FY24

FAMU Status	Count	ALIP
FAMU	85,925	590.1
ECMS-FAMU	4	785.3
Single Adult	93,138	588.2
ECMS-Single Adult	4	1,602.8
Total	179,071	589.1

Data from BI Inc. Participants Report, 09.30.2024

Data from OBP Report, 10.07.2024

FY24 thru September Court Appearance: Total Hearings*

Metric	Count	%
Attended	78,887	98.6%
Failed to Attend	1,101	1.4%
Total	79,988	100.0%

Court Data from BI Inc.

*Only Participants with court tracking assigned

FY24 thru September Court Appearance: Final Hearings*

Metric	Count	%
Attended	10,387	90.4%
Failed to Attend	1,101	9.6%
Total	11,488	100.0%

Court Data from BI Inc.

*Only Participants with court tracking assigned

U.S. Immigration and Customs Enforcement

These statistics are made available to the public pursuant to the Fiscal Year 2020 Department of Homeland Security Appropriations Bill.

ICE ALTERNATIVES TO DETENTION DATA, FY23

Technology

Technology	Count	Daily Tech Cost
GPS	12,576	\$34,458.24
SmartLINK	173,590	\$166,646.40
VoiceID	7,320	\$1,317.60
Veriwatch	42	\$189.00
No Technology	386	\$0.00
Dual Technology	513	\$1,898.10
Total	194,427	\$204,509.34

Data from BI Inc. Participants Report, 9.30.2023

Costs listed above are only related to technology costs, and do not include other associated contract and case management costs that are a part of the ATD program. Average daily participant cost is greater than those listed in the table above.

ATD Active Population by Status, Extended Case Management Service, Count and ALIP, FY23

FAMU Status	Count	ALIP
FAMU	85,009	568.9
ECMS-FAMU	57	970.2
Single Adult	109,297	532.3
ECMS-Single Adult	64	1,006.5
Total	194,427	548.6

Data from BI Inc. Participants Report, 9.30.2023

Data from OBP Report, 9.24.2023

FY23 Year End Court Appearance: Total Hearings*

Metric	Count	%
Attended	78,716	99.1%
Failed to Attend	736	0.9%
Total	79,452	100.0%

Court Data from BI Inc. as of 9/30/2023

*Only Participants with court tracking assigned

FY23 Year End Court Appearance: Final Hearings*

Metric	Count	%
Attended	10,679	93.6%
Failed to Attend	736	6.4%
Total	11,415	100.0%

Court Data from BI Inc. as of 9/30/2023

*Only Participants with court tracking assigned

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⁸⁵ ICE Detention Statistics, ICE Alternatives to Detention Data, FY2023, <https://www.ice.gov/detain/detention-management#stats>, accessed February 24, 2025

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