

Alternatives to Detention

**ALTERNATIVES TO DETENTION
BRIEFING MATERIALS -- UN SR VISIT
Materials Submitted by Lutheran Immigration and Refugee Service (LIRS),
in partnership with the Detention Watch Network (DWN)**

I. Background on Alternatives to Detention

UNHCR defines "alternatives to detention" as "alternative means of increasing the appearance and compliance of individual asylum seekers with the asylum procedures and of meeting other legitimate concerns which States have attempted to address, or may otherwise attempt to address, through recourse to detention."¹ The term, as noted by UNHCR in its 2006 report on Alternatives to Detention for Asylum Seekers and Refugees, does not imply that detention should be viewed as the norm while alternatives should be seen as derivations.² In fact, under human rights principles, detention should be used as a last resort and only when that level of restriction is necessary to meet the legal objectives for which it is intended.

Broadening the definition to include any non-citizen that a State has in custody on immigration grounds, there is a continuum of models that impose varying degrees of restrictions upon individuals. Some government-initiated programs labeled as "alternatives to detention" may in fact be "alternative *forms* of detention" and, therefore, not properly fit within the spirit of "alternatives to detention" (emphasis added). In the U.S. system, the ideal model creates a partnership between DHS and private, non-profit organizations that are granted the responsibility to supervise and refer people to community services. By contrast, programs that impose undue restrictions on an individual's liberty may be more properly equated to an "alternative form of detention," even if the individual is not physically held in a prison or prison-like setting. An analysis of the elements necessary to achieve a successful alternatives to detention program will be discussed in Sections II, with Sections III and IV providing an overview of different forms of alternative to detention programs tested and utilized in the United States.

II. Elements of a Successful Alternatives to Detention Program

Lutheran Immigration and Refugee Service (LIRS) is a national agency that resettles refugees, protects unaccompanied immigrant and refugee children, advocates for fair treatment of asylum seekers, and promotes alternatives to immigration detention. Based upon an analysis of pilot projects that has been tested in the U.S. between 1997 and 2000, LIRS submitted a proposal to Congress that included an elemental model for how to implement a successful program. According to the proposal, there are five elements important to achieving success in an alternative to detention program: 1) group screening in detention by non-profit agencies; 2) individual screening before release to an alternative; 3) provision of services to individuals released to the alternative; 4) on-going assistance, monitoring and information; and 5) enforcement of final orders of deportation. These elements are explained in greater detail below.

Step One: Group screening in detention by nonprofit agencies. In a number of detention facilities nation-wide, NGOs have worked with the legacy INS, ICE and the Executive Office for Immigration Review (EOIR) to conduct "know your rights" presentations for detainees in the facility.³ These presentations ensure that individuals in detention have information about the proceedings and

¹ "Alternatives to Detention of Asylum Seekers and Refugees," UNHCR Division of International Protection Services, Legal and Protection Policy Research Series, Orphelia Field, April 2006, pp 2.

² See Id at 21.

³ EOIR is an agency within the U.S. Department of Justice that "administers and interprets federal immigration laws and regulations through... immigration court proceedings, appellate reviews, and administrative hearings of individual cases." Wasem, R.E. (2007). *Toward More Effective Immigration Policies: Selected Organizational Issues (CRS Report for Congress)*. Report No. RL33319. Washington: Congressional Research Service. PP. 7-8.

whether or not they may be eligible for relief from removal or for release from detention. This can be a good opportunity for NGOs to gather initial information about potential candidates for an alternative program. NGOs can then follow up with the individual to organize effective services and evaluate release options. These “know your rights,” which are also known as legal orientation presentations, are often the detainee’s first contact with the NGO staff.

The EOIR—the U.S. Department of Justice agency that runs the nation’s immigration courts—created the Legal Orientation Program (LOP) in March 2003, based on a model developed by the Florence Immigrant and Refugee Rights Project in Arizona. In the first funding cycle, EOIR’s Legal Access Program received \$1 million for 6 sites.⁴ In 2006, EOIR received \$2 million to provide LOP at 12 different locations, a doubling of funds and locations from the 2005 program. LOPs typically include three components: 1) an interactive group orientation, which is open to general questions; 2) individual orientation, where non-represented individuals can briefly discuss their cases with experienced presenters; and 3) a referral/self-help component, where those with potential relief, or those who wish to voluntarily depart the country or request removal, are referred to *pro bono* counsel or provided self-help legal materials and training through group workshops.⁵

Despite the success of this project, LOP funding only reaches about 25% of ICE detainees. Continued expansion of the program is critical, both for aiding the screening of detainees for possible release to an alternative, and for ensuring that detainees are aware of their rights and are able to pursue the immigration options for which they are eligible. As mentioned above, for some of the other 75% of detainees not reached by LOPs, NGO attorneys are working with individual facilities to conduct similar presentations, but due to time and budget constraints they have a much more limited reach.

Step Two: Individual screening before release to an alternative. ICE has the authority to decide which immigrants it allows to be released to an alternative to detention program. However, an in-depth interview by an NGO representative can improve ICE’s ability to make this decision. The NGO interviews each potential participant to ensure that s/he meets the program’s criteria and understands the responsibilities of participants in the program. Through this interview, the NGO may discover important information that affects the release decision. For example, the person may have special needs which require individual attention or s/he may have family already in the US, in which case ICE can consider releasing the person to his or her family instead of to an alternative program.⁶

Step Three: Provision of service to individuals release to the alternative. Access to assistance upon release, such as legal, social, medical, mental health and job placement services, is crucial to ensure an individual’s appearance for immigration proceedings and their compliance with a final order. Depending on the population, however, the needs may be very different. For example, an asylum seeker is likely a newcomer to the country and would need assistance learning to live in the US and find legal assistance to pursue their asylum case.⁷ A long-term detainee, by contrast, has usually had experience living in the US but may need intensive support to help him/her restart his/her life and integrate into the community.⁸

⁴ See Vera Institute for Justice – Legal Orientation for Immigrant Detainees at http://www.vera.org/project/project1_1.asp?section_id=4&project_id=80

⁵ <http://www.usdoj.gov/eoir/press/06/LegalAccessFactSheet2006.htm>

⁶ Such screenings were found to be critical to the success of Vera’s Appearance Assistance Project. See Appendix A and Vera Institute of Justice: Appearance Assistance Program, Volume I, p. 6.

⁷ Vera’s AAP study found that these elements can be a critical factor in helping an asylum seeker make his/her court appearances. See Id at 31.

⁸ Sue Weisher, “NGOs and INS Establish Successful Alternative in New Orleans,” Detention Watch Network News, August/September 2000, p. 4.

Step Four: On-going assistance, monitoring and information. According to the Vera Institute of Justice's Appearance Assistance Project (AAP), providing information about how the legal system works, detailing the requirements for compliance and describing how to meet them, explaining the consequences of not attending a court hearing, helping locate legal assistance, and building a relationship of trust all help to ensure compliance.⁹ Immigration proceedings can be very confusing, particularly for newly arrived asylum seekers. Having contact with a trusted organization to ask questions, discuss problems, remind participants of their hearings and scheduled check-ins with ICE, and who can provide transportation if necessary makes individual compliance more feasible.

Step Five: Enforcing final orders of deportation. Vera's AAP study found that, at the conclusion of their proceedings, people released to alternative programs are more likely eligible to stay legally in the US.¹⁰ It is inevitable, however, that some individuals in alternative programs will lose their cases and be ordered removed. When this occurs, ICE is responsible for enforcing the removal order.

III. Use of Alternative Programs by DHS/ICE:¹¹

The U.S. Congress has recognized that alternative to detention programs are less costly to taxpayers while ensuring that immigrants in proceedings appear for their hearings. For FY 2006, Congress appropriated a record funding of \$43,600,000 to the Department of Homeland Security for alternatives to detention for detained adults.¹² According to H. Rept. 109-476 (2006), the House of Representatives explained that "the Alternatives to Detention program addresses aliens who are not mandatory detainees, but are deemed likely to appear at their immigration hearings." According to Congressional findings, programs for electronic monitoring devices and telephonic reporting, and especially the Intensive Supervised appearance Program (ISAP), contribute to more effective enforcement of immigration laws at far less cost (\$22/night) than for detention (\$95/night).¹³

UNHCR's 2006 study of Alternatives to Detention of Asylum Seekers and Refugees, a comprehensive study of alternative to detention programs for asylum seekers in 34 countries world-wide, found alternative programs to be "universally more cost-effective than detention."¹⁴ A study conducted by the Vera Institute for Justice from February 1997 to March 2000 found that alternatives saved the federal government almost \$4,000 per person while showing a 93% appearance rate for asylum seekers at all court hearings.¹⁵ In appropriating funds to DHS for alternatives to detention, Congress has indicated that its intent is to fund community-based, supervised release programs modeled after the Vera Institute of Justice's Appearance Assistance Project (Vera Project). The Vera Project was a three year study (February 1997 – March 2000) of a supervised release/assistance program funded by INS. It studied over 500 participants at both general and intensive levels of supervision in three groups: asylum seekers, people convicted of crimes and facing removal, and undocumented workers from detention facilities in the New York area. The Vera Project proved to be significantly less expensive than detention. Overall, 91% of non-citizens released to the Vera Project appeared at all required hearings, compared to a 71% appearance rate for comparison groups of non-citizens who had been released on bond or parole but did not have any of the extra supervision of the Vera Project.

The Intensive Supervision Appearance Program (ISAP) is an alternative to detention pilot program initiated by the Department of Homeland Security, modeled somewhat on the Vera Institute's Appearance

⁹ See Note 6 at 7.

¹⁰ Oren Root, "The Appearance Assistance Program: An Alternative to Detention," Detention Watch Network News, August/September 2000, p.3.

¹¹ ICE utilizes four different types of alternative programs: Order of Recognizance (ROR), Bond, Electronic monitoring devices (EMD), and the Intensive Supervision Appearance Program (ISAP). More information can be found at <http://www.ice.gov/pi/news/factsheets/061704detFS2.htm>

¹² H. Rept. 109-699 (2006), p. 132.

¹³ H. Rept. 109-476 (2006), p. 38.

¹⁴ See Note 2 at v.

¹⁵ See Note 6 at 32.

Assistance Program. It relies on electronic monitoring and in-person visits to ICE offices, the burdens of which start to recede as a participant proves his/her reliability in complying with the requirements. Currently there are eight sites around the United States that use the program.¹⁶ ISAP is only available to individuals who are not subject to mandatory detention; who are pending immigration court proceedings or awaiting removal from the United States; are residing within the managed area; and are not deemed a threat by the Department of Homeland Security. ISAP is a voluntary program and all participants must agree to comply with the conditions of their release.

To run ISAP, ICE contracted with an organization called Behavioral Interventions (BI). Case specialists are then assigned a limited caseload of participants and are responsible for monitoring those participants in the community by using tools such as electronic monitoring devices (bracelets), home and work visits and reporting by telephone. Case specialists will also assist participants in obtaining *pro bono* counsel for their hearings and help them to receive other types of assistance to which they may be entitled.

The first full year of the ISAP program demonstrated significant success with 94 percent of participants in the eight pilot cities appearing at immigration proceedings, compared to 34 percent for non-ISAP participants. Furthermore, in at least one case, the results showed a 98 percent appearance rate, a much higher rate of compliance with court orders, and gained EOIR agreement to expedite such cases.¹⁷ In 2006, the [House Appropriations] Committee recommended an additional \$5,000,000 for this promising program, with the expectation that it be expanded to at least two more cities.¹⁸

IV. Glimpses of Alternative to Detention Programs in the United States¹⁹

Intensive Supervision Appearance Program: LIRS has received reports from NGO immigration advocates at the five of the eight ISAP pilot sites: Twin Cities Metropolitan Area, Minn.; Miami, Fla.; Baltimore, Md.; Portland, Wash.; and Philadelphia, Pa. Brief descriptions of their experiences with ISAP are described here:²⁰

- **Twin Cities Metropolitan Area, Minnesota:** Immigration advocates in Minnesota report that the local ICE office is starting to enroll in their ISAP asylum applicants whose cases have been referred to the immigration courts from DHS asylum officers.²¹ This new policy to detain all affirmative applications which are referred to the courts increases the number of people in ISAP, even though these affirmative asylum applicants were not subject to any form of detention or any alternative to detention before the implementation of this local policy.²²

¹⁶ The ISAP pilot currently has the capacity to supervise up to 200 aliens in each of eight cities: Baltimore, Philadelphia, Miami, St. Paul, Denver, Kansas City, San Francisco and Portland, Oregon.

¹⁷ See Note 23.

¹⁸ *Id.*

¹⁹ Information current to March 2007. In February 2007, Scott Kuhagen at LIRS contacted various alternative to detention programs throughout the US and asked a series of questions to the relevant staff member at each program, usually the executive director. This "Glimpses" section summarizes those interviews and responses LIRS received from immigration advocates across the country regarding the operation of the Intensive Supervision Appearance Program (ISAP), the Department of Homeland Security-funded alternative to immigration detention.

²⁰ *Id.*

²¹ Please note that there are two procedural avenues for seeking asylum in the U.S.: affirmative applications and defensive applications. When an asylum seeker makes an affirmative claim after have been admitted to the U.S., the application is then reviewed affirmatively by an asylum officer. This officer does not deny a claim, but rather refers all claims that are not granted to EOIR immigration judges. Asylum applicants in the affirmative process are not subject to the mandatory detention requirements while their applications are being adjudicated. A defensive application for asylum is raised when an asylum seeker is in formal removal proceedings, and the applicant request asylum as a defense to his/her removal from the U.S. These applicants may be detained until a judge rules on their application due to their unlawful status in the U.S.

²² S. Kuhagen summary of email response by Minn. Advocates for Human Rights, Feb. 2007.

Other organizations also report concerns with the populations enrolled in ISAP. During the initial period of supervision, the ISAP program requires three appearances at the ISAP office each week for the first month. Many participants find compliance difficult considering that many live far from the ISAP office and frequent absences from work in order to attend these appearances make holding down a job difficult. Similarly, the house arrest provisions can be troublesome, especially if someone has a job that requires late night shifts, or if the participant is caring for other relatives who need to be ferried on errands.²³

- **Miami, Florida:** In Miami, too, ISAP is being used for people who previously would have been paroled, such as asylum seekers. Staff at the Florida Immigrant Advocacy Center report that certain individuals are enrolled in ISAP even if they are not detained: after appearing for their hearing at the Miami immigration court, victims of domestic violence and asylum seekers are fitted with the electronic ankle bracelet, even though they are not flight risks due to their willingness to show up for their hearings.

There are also some logistical difficulties associated with the operation of ISAP in Miami. Sponsors must have landline telephones and live in South Florida; the fact that many families no longer have landline telephones prevents some people from leaving detention. Furthermore, the reporting requirements are such that FIAC staff report one asylum seeker enrolled in ISAP is in jeopardy of losing his job due to the onerous requirements of checking in several times a week during working hours. The state of Miami's public transport system and the fact that the asylum seeker does not have a car create further complications and stresses. The ankle bracelet that ISAP participants must wear has been called embarrassing and humiliating, especially for people who have no criminal record. The humiliation has kept participants from social engagements and church services.²⁴

FIAC notes that their clients certainly prefer the program over detention, so as not to offer only criticism. However, they are concerned about the direction the program is taking, with asylum seekers and individuals eligible for parole being enrolled, as well as the individuals simply showing up for their hearings at immigration court. While FIAC staff were able to meet with ICE when ISAP was implemented, more recent requests have received no response.²⁵

- **Portland, Oregon:** Experience with ISAP in Portland is limited. For example, an individual in removal proceedings who obtained a U visa, later received an ISAP notice. When an attorney called the local ICE office to inquire as to why this happened, the officer told the attorney that the U visa is considered interim relief and that those cases are not "decided" (due to the lack of regulations), hence the individual's enrollment in ISAP. The individual only has to report once every six months in person, and does not have to wear the electronic ankle bracelet.²⁶
- **Baltimore, Maryland:** Catholic Charities of the Archdiocese of Baltimore report that many clients have "real difficulty" with ISAP in the Baltimore district. An officer appeared at the residence of an ISAP participant at 4:00 a.m., and the conflict escalated to the point where neither the participant nor the officer wanted continued visits without the presence of someone else. Though the participants are only supposed to be supervised intensively for the first period of the program, Catholic Charities reports that some clients are still required to report in every week, or every two weeks, even when they have passed the first intensive

²³ S. Kuhagen summary of email response by Immigrant Law Center of Minnesota, Feb. 2007.

²⁴ S. Kuhagen summary of email response by FIAC, Feb. 2007.

²⁵ Id.

²⁶ S. Kuhagen summary of email response by M. McKenna on behalf of CLINIC affiliates, Feb. 2007.

supervision period. This has happened with a woman who was pregnant and others whose work schedules were severely inconvenienced.²⁷

- **Philadelphia, Pennsylvania:** The Immigration Services and Refugee Resettlement Programs at Catholic Social Services, Archdiocese of Philadelphia reports limited experience with ISAP. However, in one experience with a client whose case was pending before the Third Circuit Court of Appeals, the BIA issued a final order of removal and the government sent the client a letter requesting his appearance at the ICE office. The attorney accompanied him to the office, and the agent placed an ankle bracelet on him and ordered him to report weekly. The Third Circuit granted the Petition for Review, and eventually the client was relieved of ISAP obligations.²⁸

US NGO-Based Alternative Programs: A number of pilot projects demonstrating alternatives to detention have been highly successful. NGOs have provided supervision, and, in some cases, housing in community shelters and assistance in locating *pro bono* attorneys to help with their claims. These projects have been cost-effective and have produced high appearance rates at immigration court hearings. For example, in New Orleans in 1998, the legacy INS released asylum seekers and people with over 90-day-old removal orders to a program run by Catholic Charities with a 96% appearance rate.²⁹ In another program coordinated by Lutheran Immigration and Refugee Service (LIRS) in 1996, the legacy INS released 25 Chinese asylum seekers from detention in Ullin, Illinois to shelters in several communities. This program achieved a 96% appearance rate.³⁰ Below is a summary of some current NGO programs in operation in the U.S.:³¹

- **Refugee Immigration Ministries – Boston, Massachusetts (RIM):** RIM uses a “cluster” model in order to support each client. These clusters are “made up of church congregation members and other volunteers” to support the client, providing him or her with legal representation, access to medical care, transportation, community support, and assistance with becoming self-sufficient.³² In 2006 RIM assisted 42 clients, and currently they are assisting 22 clients, with eight on the waiting list. RIM now has nine active clusters, up from seven in 2004. RIM currently only assists affirmative asylum applicants. They used to assist immigrants who had been paroled to them by the then-Immigration and Naturalization Service, but after September 11, 2001, there has only been one person in this category paroled to RIM. Each client is referred by an attorney, or occasionally by churches in the Boston area.³³
- **Freedom House – Detroit, Michigan (FH):** Freedom House is a “shelter of 37 places” that “accommodates asylum seekers and recognized refugees.”³⁴ Freedom House provides various “support services and transitional housing to recognized refugees [when] released,” and its legal staff visit two Michigan county jails that house immigrant detainees. The legal staff also assists with asylum applications.³⁵ The program at Freedom House is proceeding well, though the organization is experiencing changes in its leadership, staff, and board members. Recently, the

²⁷ S.Kuhagen summary of email response by Catholic Charities, Feb. 2007.

²⁸ S.Kuhagen summary of email response by Immigration Services and Refugee Resettlement Programs at Catholic Social Services, Archdiocese of Philadelphia, March 2007.

²⁹ Joan Treadway, “Detainees get chance to change their lives,” *New Orleans Times Picayune*, Jan. 22, 2001, pg. B-3.

³⁰ Esther Ebrahimian, “The Ullin 22: Shelters and Legal Service Providers Offer Viable Alternatives to Detention,” *Detention Watch Network* News, August/September 2000, p. 8.

³¹ See *Id.* at 36.

³² Field, O. and Edwards, A. (2006). *Alternatives to Detention of Asylum Seekers and Refugees (Legal and Protection Policy Research Series)*. POLAS/2006/03. Geneva: United Nations High Commissioner for Refugees. Available: <http://www.unhcr.org/cgi-bin/texis/vtx/protect/openssl.pdf?tbl=PROTECTION&id=4474140a2>. Pg. 242. Also, interview with RIM executive director, February 2007.

³³ Interview with RIM executive director, February 2007.

³⁴ Field and Edwards, pg. 242.

³⁵ *Id.*

program has struggled financially because of the unimpressive Michigan economy, which has led Freedom House to reach out to new funding sources.³⁶

- **International Friendship House – York, Pennsylvania (IFH):** International Friendship House is “an emergency housing resource” that used to house asylum seekers released from immigration detention.³⁷ Recently it has housed affirmative asylum seekers and refugees. In 2004, UNHCR reported that IFH could accommodate seventeen people³⁸; today, that is still true, though there are apartments that currently hold families. The total number of residents in these apartments is eleven.³⁹ Overall, their program is going well, though they are always in need of additional operating funds.⁴⁰ IFH accepts people who have nowhere else to go, but prospective residents must not have criminal records. Residents are allowed to stay for up to two years or until they have an employment authorization document (EAD) and ninety days of work experience. Many of the residents stay only for short-term periods before leaving to join family or friends elsewhere in the U.S.⁴¹
- **Casa de San Juan – San Diego, California:** Casa de San Juan is a residential facility in San Diego run by the Catholic Diocese of San Diego that provides a safe haven for individuals in U.S. Marshals’ custody, who are material witnesses in human trafficking cases, as well as women and children released from ICE custody.⁴² The program is going well, and has been quite busy recently, due to an increasing number of human trafficking prosecutions. The facility provides health care and education, addresses religious needs of the residents, and provides referrals for legal services (some with asylum claims receive assistance from Casa Cornelia Law Center).⁴³ There is an on-site case manager who is responsible for these services, and also provides a sympathetic ear for residents. The facility’s staff is proud of their ability to provide one-on-one attention and support. Casa de San Juan is also quite pleased with its good working relationships with the enforcement agencies in the area (U.S. Customs and Border Protection, U.S. Border Patrol, the U.S. Marshals, and U.S. Immigration and Customs Enforcement [ICE]).⁴⁴
- **VIVE Inc. – La Casa Shelter – Buffalo, New York:** VIVE operates the La Casa shelter, which provides refuge for refugees waiting to enter Canada for purposes of seeking asylum, or who are applying for asylum in the United States.⁴⁵ VIVE reports that its program is quite strong, and that the vast majority of its clientele are seeking asylum in Canada. VIVE provides its residents with both medical care and legal services in preparation for being admitted to Canada to seek asylum. The Canada Border Services Agency (CBSA) has a unique relationship with VIVE in which VIVE notifies the agency which residents are seeking asylum, and then the CBSA calls VIVE to have the facility send specific residents to the border for admission (99% of refugees who enter Canada through the Buffalo border crossing go through VIVE). VIVE staff are quite proud of this collaborative, efficient, and unique working relationship with the Canadian authorities. At the moment, the predominant nationality of residents is Haitian, though there were many residents from countries in the Middle East immediately after the September 11, 2001 terrorist attacks, when the climate in the U.S. for these individuals was quite intimidating. VIVE has struggled in the face of budget cuts, but is currently engaged in efforts to find another building for their

³⁶ Interview with FH executive director, January 2007.

³⁷ Field and Edwards, pg. 241.

³⁸ Id.

³⁹ Interview with IFH executive director, February 2007.

⁴⁰ Id.

⁴¹ Id.

⁴² Interview with CSJ director, March 2007.

⁴³ Id., and the Casa de San Juan website, available: <http://www.ccdsd.org/emercsj.php>. Accessed March 2007.

⁴⁴ Interview with CSJ director, March 2007.

⁴⁵ VIVE Inc. website, available: <http://www.vivelacasa.org/>. Accessed Feb. 2007.

organization by collaborating with other nonprofit groups in Buffalo. They are seeking a common site where they can share space and expertise between many different nonprofit agencies.⁴⁶

- **La Posada Providencia – San Benito, Texas:** This facility, run by the Sisters of Divine Providence, provides "shelter to persons (from countries with terrorist or oppressive regimes or those experiencing natural disasters) who are in the legal process of seeking asylum or other legal relief in the United States."⁴⁷ Attempts to talk with La Posada staff were unsuccessful; this document will be updated when more information is available.

V. Conclusion/Recommendations

The overuse of immigration detention in the United States violates the spirit of international laws/covenants and, in many cases, also violates the actual letter of those instruments. The availability of effective alternatives renders the increasing reliance on detention as an immigration enforcement mechanism unnecessary. Through these alternative programs, there are many less restrictive forms of detention and many alternatives to detention that would serve our nation's protection and enforcement needs more economically, while still complying with international human rights law and ensuring the just and humane treatment of migrants in this country.

Detention should only be used when it is necessary. In those rare circumstances where detaining an individual is the only viable option, there should be strict standards regarding detention conditions and immigrants should have access to regular judicial review of their confinement. To help serve this end, detention standards should be codified in regulations and vigorously enforced. Parole policies should be utilized and expanded, and DHS should work more closely with the NGO community to develop alternative programs. The NGO community, through the experience of running its own programs and working with clients enrolled in government-sponsored alternatives like ISAP, is uniquely positioned to assist the government in implementing these effective alternatives that will ensure greater compliance, adhere more faithfully to international law, and guarantee significant savings of public funds.

Attachments:

- A. Vera – Appearance Assistance Program – Executive Summary/Conclusions, August 1, 2000.
- B. Alternatives to Detention: A Step Ahead, A Step Back, In Liberty's Shadow: US Detention of Asylum Seekers in an Era of Homeland Security, pg 41-33, Human Rights First (2004).
- C. CLINIC Alternatives to Detention page from www.cliniclegal.org
- D. ICE Fact Sheet: Detention and Removal Operations: Alternatives to Detention, July 14, 2004, <http://www.ice.gov/pi/news/factsheets/061704detFS2.htm>, page last modified March 16, 2006.
- E. ISAP Process Flow from BI Incorporated, from ICE Briefing March 15, 2005.

⁴⁶ Interview with VIVE executive director and VIVE attorney, March 2007.

⁴⁷ La Posada/Sisters of Divine Providence website, available:

<http://www.divineprovidencweb.org/page/ministries/laposada/about.htm>. Accessed Feb. 2007.

Attachment A

Testing Community Supervision for the INS: An Evaluation of the Appearance Assistance Program

Volume I

Final Report to the Immigration and Naturalization Service
August 1, 2000

Prepared under INS Contract #COW-6-C-0038
For an Appearance Assistance Program

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EXECUTIVE SUMMARY

In 1996 the Immigration and Naturalization Service asked the Vera Institute of Justice, a nonprofit organization with experience implementing demonstration projects that promote just practices in government, to establish a supervised release project for people in removal proceedings in New York City. The INS goal was to explore supervision and evaluate its effect on people's rates of appearance in court and compliance with court rulings compared to other alternatives to detention already used by the agency, such as bond, parole, and release on recognizance. The Appearance Assistance Program (AAP), a three-year test of community supervision for people in immigration removal proceedings, began operations in February 1997.

Why choose to experiment with community supervision? The INS has experienced varying degrees of success with other methods of release, and has not been satisfied with the results. Four years ago the INS estimated that only 50% of noncitizens released into the community appeared in court. Statistics also showed that those not detained pending their required departure from the country had a compliance rate of 11%. While detaining people during removal proceedings ensures that they attend their hearings and comply with orders to leave the country, it also requires increasing numbers of costly detention facilities.

By asking Vera to test whether community supervision could improve rates of appearance and compliance without increasing reliance on detention, the INS was considering an alternative already used by the criminal justice system. In many ways, the challenges faced by the INS and the criminal justice system are comparable. Both systems seek to ensure that people will attend required court proceedings, and employ many of the same types of alternatives to detention. But while the criminal justice system has effectively used supervised release for many years, the INS has not had this option.

The AAP ended in March 2000. By that time, the project had supervised more than 500 noncitizens, who fell into three groups: people seeking asylum; individuals facing removal as a result of a criminal conviction, most of whom were lawful permanent residents (criminal aliens); and undocumented workers apprehended at work sites. The program provided supervision at two levels, intensive and regular. Intensive participants were people initially detained by the INS and then released to the AAP; they had to report regularly to AAP supervision officers in person and by phone. Program staff monitored each participant and re-evaluated the risk of flight. Regular participants were noncitizens apprehended by the INS and then released on recognizance; they entered the program voluntarily. People in both types of supervision received information about immigration proceedings and the consequences of noncompliance, reminders of court hearings, and referrals to legal representatives and other services.

This report describes the AAP and evaluates the effects of the program by addressing two main questions: Were rates of appearance at required hearings and compliance with final court orders higher for AAP participants than for members of comparison groups? Was the program a cost-effective alternative to detention? To answer these questions, researchers used quantitative data from the INS, the Executive Office for

Immigration Review (the agency responsible for immigration court), and the AAP, as well as qualitative data from observations and interviews with participants. The study sought to demonstrate what level of compliance a supervision program could achieve, and to assess how much and what kind of supervision might be appropriate for different types of noncitizens. Since the INS had expressed an interest in expanding its range of alternatives to detention, the ultimate goal was to help the agency make better use of all its release options and use detention space more efficiently and effectively.

Main Findings

About 90% of supervised noncitizens appeared in court compared to 71% of nonparticipants.

The AAP demonstrated that the INS does not have to detain all noncitizens in removal proceedings to ensure high rates of appearance at immigration court hearings. Ninety-one percent of participants in the intensive program attended all required hearings in comparison to 71% of noncitizens released on bond or parole. These appearance rates also indicate that even without supervision, many people, particularly asylum seekers and criminal aliens, are willing to attend immigration court hearings as required without having to be detained at that stage in the process.

- Intensive AAP supervision had the greatest effect on undocumented workers.

All three groups of noncitizens appeared at similar rates under intensive supervision; the numbers ranged from 88% for undocumented workers to 94% for criminal aliens. Undocumented workers in the comparison group appeared only 59% of the time; criminal aliens and asylum seekers about 75% of the time. Thus, the effect of intensive supervision is more dramatic for people who are less likely to appear—undocumented workers with little chance of winning their cases—and less so for people who are more likely to appear.

- Regular AAP supervision was especially effective for criminal aliens and asylum seekers.

Criminal aliens released by the INS on recognizance who voluntarily entered regular supervision appeared 92% of the time, compared to the criminal aliens in the comparison group, who appeared 82% of the time. Participant asylum seekers appeared at a rate of 84% compared to nonparticipant asylum seekers, who appeared at a rate of 62%. For undocumented workers there was little difference between regular participants and nonparticipants (59% and 55%, respectively).

- AAP supervision almost doubled the rate of compliance with final orders.

Sixty-nine percent of AAP intensive participants complied with the final order in comparison to 38% of comparison group individuals, all of whom were released on bond or parole. Participant asylum seekers, criminal aliens, and undocumented workers all complied at higher rates than the equivalent comparison groups. Most of the compliance is due to people being allowed to stay in the United States.

For noncitizens ordered to leave the country, many of the orders are not yet final. Our findings, therefore, are not conclusive. Of those granted voluntary departure

about half did not depart, and people in supervision did no better than those on bond. For noncitizens granted voluntary departure, the effectiveness of supervision could be improved by having their release to supervision tied to the court's grant of voluntary departure. In that way noncitizens who violate the rules of supervision could be subject to redetention. The INS should also maintain a capacity to redetain people ordered removed from the country.

- Compared to detention, the cost of supervision is 55% less for asylum seekers and 15% less for criminal aliens.

Supervision is more cost effective than detention for the noncitizens the INS currently detains— asylum seekers and criminal aliens. It costs the INS \$3,300 to supervise each asylum seeker who appears for hearings compared to \$7,300 for those detained. For criminal aliens, supervision costs \$3,871 compared to \$4,575 per detained individual. Under the current system, undocumented workers cost more to supervise than to detain, but the expense would be less if the court process were expedited for these people, most of whom have few possibilities for relief other than voluntary departure.

Conclusions

The addition of supervision would improve compliance rates as well as INS capacity for case management and strategic planning. Supervision would provide the agency with better information about participants' whereabouts, passage through the system, risk of flight, and eventual departure from the country. Supervision would also provide the INS with a graduated range of alternatives to detention that would work, in the most cost-effective way, for different types of noncitizens. The lessons learned from supervision would help improve the agency's capacity to assess a person's eligibility for release throughout the removal process and the most appropriate release option at different stages. In this way, the INS could use all of its release alternatives to capitalize on people's personal incentives to appear and comply with the law, and to add incentives— such as more rather than less intensive supervision, or minimal supervision rather than bond or parole—when they are needed.

By reducing its reliance on detention to secure compliance, the INS could reserve its detention space for people who cannot be released, who violate the rules of release, and who are at the stage in the process when they are at serious risk of flight. Reducing reliance on detention and using it only when necessary would also allow the INS to treat each noncitizen more fairly and humanely.

The report recommends that the INS implement and evaluate additional experimental supervised release programs in several districts around the country and that the agency move toward a nationwide supervision program. Next steps on the way to that goal should address how results in other districts compare to results for New York, how to maximize rates of compliance with orders to leave the country, how more consistent redetention in response to program violations affects a program's rates of appearance and compliance, and whether the INS or an independent agency should administer supervision programs in the future.

ATTACHMENT B



Dialine Dorvil, 14, was detained for six months.

6. Alternatives to Detention – A Step Ahead, A Step Back

A number of programs, known as “alternatives to detention,” have been tested in the United States. These programs generally provide for release of individual detainees from jail with some additional measures to monitor the individual upon release, such as requiring the individual to report periodically to an immigration office. Despite the successful testing of pilot programs, and the authorization of some funding for these efforts, the U.S. government has not initiated nation-wide use of alternatives to detention.

The Department of Homeland Security has taken steps to begin an alternative to detention program in eight cities. It is not yet clear whether this will be a permanent initiative of the new Department, or if it is simply the result of the fact that Congress has authorized some funding. Concerns have been raised that in some cases, the DHS’s use of alternatives to detention has been directed at monitoring individuals who would have been released from detention anyway, rather than providing detained individuals with a true alternative to detention.

The Vera Supervised Release Model

A number of successful models of alternatives to detention have been tested in the United States. These models have demonstrated high appearance rates for asylum seekers – ranging from 93 percent to 96 percent – with significant cost savings for the U.S. government.

The most comprehensive model alternative program was a pilot project conducted by the Vera Institute of Justice in contract with the INS from 1997 to 2000. In this pilot program, which was called the Appearance Assistance Program, the Vera Institute supervised the release of asylum seekers and other non-citizens. In order to be released to supervision, participants were required to report regularly in person and by phone. Their whereabouts were monitored. Participants were also provided with information about the consequences of failing to comply with U.S. immigration laws. Participants in a less intensive program were given reminders of court hearings and were provided with legal information, and referrals to lawyers and other services.¹²⁷

The Vera Institute pilot project reported an appearance rate of 93 percent for asylum seekers released through its appearance assistance program. It also concluded that the cost of supervision was 55 percent less than the cost of detention. The Vera study found that: “[i]t costs the INS \$3,300 to supervise each asylum seeker who appears for hearings compared to \$7,300 for those detained.” Based on its research, the Vera study concluded that: “Asylum seekers do not need to be detained to appear for their hearings. They also do not seem to need intensive supervision.”¹²⁸

Another successful alternative model was coordinated by the Lutheran Immigration and Refugee Service (LIRS). Through that project, the INS released 25 Chinese asylum seekers from detention in Ullin, Illinois to shelters in several communities. The community shelters reminded participants of their hearings, scheduled check-ins with the INS, organized transportation and accompanied asylum seekers to their appointments. Nonprofit agencies also found *pro bono* attorneys for all of the asylum seekers who were released to the shelters. The project achieved a 96 percent appearance rate.¹²⁹

Funding for Alternatives Used Instead for More Detention?

Encouraged by the success of the Vera pilot project, the U.S. Congress allocated \$3 million for alternatives to detention during fiscal 2002.¹³⁰ But rather than developing broader supervised release programs similar to the Vera project, U.S. officials indicated they were contemplating spending the money on building new detention facilities and/or shelters. On August 16, 2002, Senators Leahy, Kennedy, Hatch, and Brownback, who had been instrumental in authorizing the funds, wrote to the Attorney General to stress that the funds were intended for Vera-like supervised release programs and to express their concern about “reports that the INS intends to use “\$3,000,000 earmarked for ‘alternatives to detention’ to build new detention centers or shelters”¹³¹ When Congress re-authorized these funds for fiscal year 2003, it specifically directed that the “\$3,000,000 for alternatives to detention [be used to] promote community-based programs for supervised release from detention such as the Vera Institute for Justice’s Appearance Assistance Project or other similar programs. These funds shall not be available for new or existing detention facilities, including non-secure detention and/or shelter care detention facilities.”¹³²

Ankle Bracelets for Asylum Seekers in Florida

In August 2003, the Department of Homeland Security (ICE) initiated a program in Miami, Florida through which asylum seekers were released from detention but subject to electronic monitoring devices (EMDs). The Women's Commission for Refugee Women and Children, the Florida Immigrant Advocacy Center, and the Lawyers Committee for Human Rights wrote to DHS Secretary Ridge to express concern about the use of these devices as a substitute for less intrusive parole options for asylum seekers. The groups noted that the devices could be useful in allowing for the release of individuals who would otherwise be detained.

Asylum seekers subject to the Miami program were not permitted to leave their homes for more than five hours, hampering their ability to meet with lawyers or to attend to medical or family matters. In one case, ICE authorities believed an asylum seeker had violated the requirements of the program when he left his home to appear for his immigration court hearing at the Krome Service Processing Center.¹³³

DHS Requests Proposals from Contractors To Run Intensive Supervised Release Projects in Eight Cities

The Department of Homeland Security (ICE) has solicited proposals from contractors for a new alternative to detention program called the Intensive Supervision Appearance Program (ISAP). The intensive supervision program is planned for 2004, and for 200 participants each year in eight cities: Baltimore, Maryland; Denver, Colorado; Kansas City, Missouri; Miami, Florida; Philadelphia, Pennsylvania; Portland, Oregon; San Francisco, California; and St. Paul, Minnesota.

It is not clear to what extent this program will be available to asylum seekers. DHS has said that at least some of the participants will be asylum seekers; others will be non-criminal aliens and aliens on "orders of supervision." The list of locations selected does not include New Jersey and New York - states with two of the largest U.S. detention facilities for asylum seekers.

Public interest organizations have voiced concerns about the ISAP program's proposed use of electronic monitoring devices for some individuals. There is also concern that the program - like the Miami monitoring device program - may be applied to immigrants who would otherwise be released from detention without supervision, instead of to detainees who would not otherwise be released. In response to these concerns, DHS has stated that it: "does not intend to utilize the ISAP to 'widen the net' for persons that would normally be released anyway. It is designed to improve appearance rates at immigration hearings for those persons that would otherwise be held in secure detention."

ATTACHMENT C



CATHOLIC LEGAL
IMMIGRATION
NETWORK, INC.

<http://www.cliniclegal.org/Advocacy/detentionalternatives.html>

ALTERNATIVES TO DETENTION

The Immigration and Customs Enforcement (ICE) of the Department of Homeland Security (DHS) detains approximately 23,000 persons per day. ICE frequently refuses to release detainees (such as asylum-seekers and long term permanent residents with minor, non-violent criminal convictions) who are eligible for parole or release under orders of supervision. Moreover, it has failed to implement alternatives to detention that would be appropriate for many of those in its custody. ICE has used money expressly appropriated by Congress for alternatives to detention, on alternative forms of detention. It continues to request money from Congress for programs that it erroneously defines as alternatives to detention. These programs are overly restrictive in nature and constitute other forms of detention, rather than meaningful alternatives to detention.

Definition of Alternatives to Detention

Alternatives to detention include release on parole, as well as supervised release or reintegration programs that provide social services and legal support to program participants. Alternatives to detention do not include alternative forms of detention such as home detention or electronic monitoring programs. DHS has begun to define "alternatives to detention" to include electronic monitoring. It has also subjected individuals who are eligible for release on parole to electronic monitoring. In FY 2005, DHS requested 11 million dollars for alternatives to detention.

Model Alternative to Detention

From February 1997 through March 2000, the Vera Institute for Justice Appearance Assistance Program (AAP) supervised more than 500 non-citizens in removal proceedings, including asylum-seekers, lawful permanent residents with criminal convictions, and undocumented workers arrested in work-site raids. Participants received information about immigration proceedings, the consequences of noncompliance, reminders of court hearings, and referrals to legal service providers. They reported to Vera supervision officers in person and by phone and were subject to home visits. In addition to being a cost-effective alternative to detention¹, the APP had excellent results. The project found that 91 percent of supervised non-citizens appeared in court. AAP supervision also doubled the rate of compliance with final orders of removal.

DHS Uses Congressional Funds Appropriated for Alternatives to Detention Inappropriately

The FY 2002 Commerce, Justice, State appropriations bill included an increase of \$3 million to the former Immigration and Naturalization Service (INS) to fund alternatives to detention. Following enactment of the FY 2002 CJS bill, there were several communications with the INS to ensure compliance with the congressional intent that the \$3 million be spent for alternatives to detention, using "community based organizations to screen asylum-seekers and other INS detainees for community ties, provide them with necessary services and help to assure their appearance at court hearings."²

In a response to an inquiry from the Subcommittee on Immigration regarding INS' intended use of the \$3 million appropriation, the INS stated that it was using the money for (1) a detention facility in Broward County, FL to house female asylum-seekers and non-criminal females in a dormitory style setting providing a less restrictive and more humane atmosphere for individuals who were not releasable, and (2) an electronic monitoring pilot program.³ Both initiatives are clearly alternative forms of detention, and

not the type of alternative to detention that Congress envisioned during the appropriations process.

Clarifying Congressional Language Accompanies FY 2003 Appropriation

In FY 2003, an additional \$3 million was appropriated for alternatives to detention. The appropriation was accompanied by clarifying language that stated that the funds were for "alternatives to detention to promote community-based programs for supervised release from detention such as the Vera Institute for Justice's Appearance Assistance Project or other similar programs." The language further stated, "These funds shall not be available for new or existing detention facilities, including non-secure detention and/or shelter care detention facilities."

DHS Announces Intensive Supervision Appearance Program with Electronic Monitoring Component

In July 2003, DHS solicited a request for proposals (RFP) to implement an Intensive Supervision Appearance Program (ISAP) in 8 cities. The RFP explained that the program would involve varying levels of supervision, including electronic monitoring. Potential bidders were notified that if they failed to include plans for an electronic monitoring system in their proposal, it would not meet the technical proposal requirements and therefore would not be considered. DHS also stated that it, not the organization or company that received the contract, would determine which individuals would be eligible for the project and whether or not an ISAP participant would be subject to electronic monitoring. In March 2004, CLINIC learned that the ISAP contract had been awarded to Behavioral Interventions, Inc. (BI). According to its website, "BI pioneered the electronic monitoring (EM) industry by developing a prototype of what became the BI Home Escort™ electronic monitoring system for supervising offenders in the community."

The Vera Institute's AAP was successful in improving the compliance of the immigrant participants because it worked with non-governmental organizations that had substantial experience in providing social and legal services to immigrants. Recognizing that referrals to such organizations were central to the successful operation of the AAP, Congress specifically appropriated funds to DHS to implement a Vera-like program. CLINIC fears that ISAP will be a significant departure from the Vera AAP.

ICE Electronic Monitoring Program

In August 2003, ICE announced the implementation of an electronic monitoring pilot program in its Miami office. The announcement stated, "This new pilot program...will be used only on non-violent, low-risk cases. [The use of EMD's] by ICE is seen as one of several methods under consideration to maximize government resources while ensuring offenders appear at immigration proceedings."⁴

According to ICE, similar EMD programs are in place in Detroit, Anchorage, Seattle, and Portland. ⁵In Miami, the EMD program has been used with asylum-seekers who are clearly eligible for release under parole guidelines. In addition, many program participants have not received written instructions regarding the terms and conditions of their release. In many cases, this has contributed to innocent violations of the program that have resulted in unnecessary re-detention of program participants. In addition, overly restrictive release conditions have been placed on program participants, confining them to their homes during significant portions of the day for no legitimate reason. See CLINIC letter to John Mata, ICE, Field Office Director, Miami. (Insert link to CLINIC letter to Mata on EMDs here).

An equally disturbing indication of its long-term goals was a statement made by the Field Office Director of the Miami ICE office at a meeting with NGO's in February 2004. At that meeting the Miami ICE Field Office Director stated that if provided with ample resources, ICE would like to "tether" all asylum-seekers released in the Miami district.

Solutions

The use of electronic monitoring devices for asylum-seekers and others who are eligible for release on parole is unnecessary and is an ineffective use of limited government resources. In some areas of the country electronic monitoring has subjected individuals already eligible for release under existing law to overly restrictive conditions. Because electronic monitoring is an alternative form of detention, it should be reserved for individuals who would otherwise be detained under the mandatory provisions of the Immigration and Nationality Act.

As stated above, ICE has requested 11 million dollars in FY 2005 to expand its alternative to detention initiatives. ICE has failed to implement meaningful alternatives to detention similar to the Appearance Assistance Program coordinated by the Vera Institute. ICE must re-examine its definition of alternatives to detention so that it is consistent with the Congress' intentions and involves the development of appearance assistance programs that provide referrals to social and legal service agencies whose expertise will ensure participants court appearance. Supervised release programs such as the Vera AAP, which provide program participants with referrals to legal and social service resources, have proven effective in the past. ICE should focus its alternative to detention efforts on implementing such programs and must be sure to involve community-based organizations with experience serving the immigrant population in the programs.

footnotes

1. In its evaluation of the AAP, the Vera Institute found that the daily cost of supervision, \$12 per day, was significantly less than the INS average daily cost of detention at the time, \$61 per day. According to the Office of Detention Trustee, in FY 2002, it cost approximately \$85 per day to detain an immigration detainee. See <http://www.usdoj.gov/ofdt/statistics.htm>
2. Language taken from Senate Appropriations Report, Report 107-42, "Department of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriation Bill, 2002," p. 40.
3. Letter to the Honorable Edward M. Kennedy, Chairman, Subcommittee on Immigration, Committee on the Judiciary, U.S. Senate, from Daniel J. Bryant, Assistant Attorney General, Office of Legislative Affairs, U.S. Department of Justice, dated September 26, 2002.
4. ICE Press Release, "ICE Tests New Electronic Monitoring Program," August 8, 2003.
5. Id., Turnbull, "Seattle area helps test home detention for foreign detainees," *Seattle Times*, February 26, 2004.

ATTACHMENT D



U.S. Immigration
and Customs
Enforcement

Protecting National Security and Upholding Public Safety

Fact Sheets

July 14, 2004

Fact Sheet

DETENTION AND REMOVAL OPERATIONS: ALTERNATIVES TO DETENTION

Every year the Department of Homeland Security arrests over 1.6 million aliens. Successful enforcement strategies and the requirement to manage within Immigration and Customs Enforcement's (ICE) operational budget have resulted in a situation where the Office of Detention and Removal (DRO) has exceeded its funded bed space level and therefore must apply rigorous criteria to determine which apprehended aliens are detained.

National security and public safety are ICE's first priorities. ICE detains all aliens who pose a threat to community safety or national security, and those required to be detained under the nation's immigration laws. In order to address those priorities and restore integrity to the nation's immigration system, while managing its limited detention space, DRO utilizes alternatives to detention. Those alternatives include release on an Order of Recognizance (ROR), release on bond, release using electronic monitoring devices (EMD) and the Intensive Supervision Appearance Program (ISAP).

In order to address those aliens who fail to appear in court or fail to depart under the court's order, ICE has created the National Fugitive Operations Program (NFOP). Designated NFOP Fugitive Operations Teams are strategically deployed around the country to work solely on arresting these immigration fugitives. Since the creation of ICE in March 2003, these Fugitive Operations Teams have arrested more than 10,000 fugitives. In an effort to maintain the integrity of the nation's immigration system, DRO is increasing the number of these Fugitive Operations Teams by 67 percent.

- **Release on an Order of Recognizance:** An alien in immigration proceedings is released from detention under certain restrictions. These restrictions include regular reporting to DRO officers and appearing at all immigration court proceedings. ROR is usually used when an alien does not possess the financial resources to post a bond, but do not pose a threat to the community or national security. If the alien fails to appear for their hearing they will be ordered deported and will be subject to mandatory detention when apprehended.
- **An appearance bond:** A more restrictive alternative than ROR, the alien posts a bond of not less than \$1,500 dollars, which the alien forfeits if he or she fails to appear in court as required, or upon any other demand by ICE.

- **Electronic Monitoring Devices:** A new program to ensure compliance with appearance at court and removal orders. Under this program aliens awaiting immigration court hearings or removal wear either a monitoring ankle bracelet or report by telephone to a case manager. Originally available only at specific pilot sites, the EMD program is now being implemented nationwide.
- **The Intensive Supervision Appearance Program:** ISAP is a pilot program that will only be available to aliens who are not subject to mandatory detention; who are pending immigration court proceedings or awaiting removal from the United States; are residing within the managed area; and are not deemed a threat by the Department of Homeland Security. ISAP is a voluntary program and all participants must agree to comply with the conditions of their release. Case specialists are then assigned a limited caseload of participants and are responsible for monitoring those participants in the community by using tools such as electronic monitoring (bracelets), home visits, work visits and reporting by telephone. Case specialists will also assist participants in obtaining pro-bono counsel for their hearings and help them to receive other types of assistance to which they may be entitled. The ISAP pilot has the capacity to supervise up to 200 aliens in each of eight cities: Baltimore, Philadelphia, Miami, St.Paul, Denver, Kansas City, San Francisco and Portland, Oregon.

U.S. Immigration and Customs Enforcement (ICE) was established in March 2003 as the largest investigative arm of the Department of Homeland Security. ICE is comprised of four integrated divisions that form a 21st century law enforcement agency with broad responsibilities for a number of key homeland security priorities.

Last Modified: Wednesday, March 7, 2007 Friday, March 17, 2006

ATTACHMENT E

ISAP Process Flow BI Inc. From ICE Briefing, March 15, 2005

