

Family Incarceration is Not the Solution: Proven Alternatives to Mass Incarceration of Families

On June 20, 2018 President Trump signed Executive Order 13841, titled “Affording Congress an Opportunity to Address Family Separation,” which called for the temporary halt of family separation while the administration worked to identify places where they could incarcerate children alongside their parents.¹ Incarcerating families, for any period of time, is detrimental to children’s long-term health and development, with consequences such as suicidal gestures and ideation, anxiety, sleeplessness, behavioral regressions, and loss of appetite.²

Along with being less humane, family incarceration is more expensive than alternative to detention programs. In its Congressional Budget Justification for fiscal year 2018, the Department of Homeland Security (DHS) estimated that it costs approximately \$319.37, per person, per day, to house a person in a family detention center.³ In comparison, other alternative programs cost as low as 30 cents to \$8.04 per person, per day.⁴ These alternative methods include family-based case management, community-based programs, and Immigration and Customs Enforcement (ICE) check-ins and home visits.

The Family Case Management Program

The Family Case Management Program, launched in 2016, assigned social workers to provide individual case management for asylum seekers, including:

- orientation and education about participants’ rights and responsibilities;
- individualized family service plans;
- assistance with transportation logistics;
- safe repatriation and reintegration planning for participants who are returning to their home countries.⁵

In a 2017 DHS Office of the Inspector General review, ICE reported that 99% of participants across the five regions attended their ICE check-ins and appointments, and 100% attended their court hearings.⁶

Despite the success of the program, the Family Case Management Program was discontinued by the Trump Administration in June 2017.

¹ Human Rights First, “Family Detention Is Not a Solution for Family Separation” found at <https://www.humanrightsfirst.org/blog/family-detention-not-solution-family-separation>

² Human Rights First, *Long-Term Detention of Mothers and Children in Pennsylvania* (New York: Human Rights First, 2016). Found at <https://www.humanrightsfirst.org/resource/long-term-detention-mothers-and-children-pennsylvania>

³ DHS Immigration and Customs Enforcement Congressional Justification for FY 2018 (ICE Budget Justification) at page 180, available at: https://www.dhs.gov/sites/default/files/publications/CFO/17_0524_U.S._Immigration_and_Customs_Enforcement.pdf.

⁴ New York Times, “Don’t Put Families in Cages” (June 24, 2018). Found at <https://www.nytimes.com/2018/06/22/opinion/children-detention-trump-executive-order.html>

⁵ Office of Inspector General, *Customs Enforcement’s Award of the Family Case Management Program Contract (November 30, 2017)*. Found at <https://www.oig.dhs.gov/sites/default/files/assets/2017-12/OIG-18-22-Nov17.pdf>

⁶ OIG, *Customs Enforcement’s Award of the Family Case Management Program Contract*

Intensive Supervision Appearance Program (ISAP II)

In 2009 ICE introduced the Intensive Supervision Appearance Program (ISAP II), which utilized electronic ankle monitors, biometric voice recognition software, unannounced home visits, employer verification, and in-person reporting to supervise participants.⁷ The ISAP II model divided participants into “technology-only” or “full-services”—which included case management programs conducted by ICE. ISAP II was shown to be an effective alternative to detention, resulting in a **99.6% appearance rate at immigration court hearings**, and a **91.1% compliance rate with court orders**.⁸

Other Non-Profit Community Management Programs

- Vera Institute of Justice’s Appearance Assistance Program
 - From 1997-2000, the Vera Institute of Justice partnered with the Immigration and Naturalization Service (INS) to create the Appearance Assistance Program (AAP), which screened and placed participants into regular or intensive supervision tracks. Participants in the regular supervision track received reminders by telephone and letter of their court dates and legal obligations, while individuals in the intensive supervision track had mandatory personal and telephonic reporting, home visits, and were consistently monitored of their whereabouts and the progress of their case.⁹ Results showed that **91% of regular supervision participants attended their hearings**.¹⁰
- Lutheran Immigration and Refugee Services (LIRS) piloted multiple ATD programs including:
 - 2012: The Community Support Initiative conducted assessments and provided community-based case management, legal services, and housing. The Community Support Initiative ran from January 2012 until December 2015 and had a **97% appearance rate**, costing between \$7-\$24 a day per individual in the program.¹¹
 - 2015: The Family Placement Alternatives program provided wrap-around services, including case management, housing, orientations on compliance, and access to legal representation.¹² The Family Placement Alternatives program had a **97% appearance rate for immigration court**, and cost \$50 a day for the entire family— only 6% of the cost of family incarceration.¹³

⁷ Press release, “The GEO Group Awarded Contract by U.S. Immigration and Customs Enforcement for the Continued Provision of Services under Intensive Supervision and Appearance Program,” Sept. 10, 2014, available at <http://www.businesswire.com/news/home/20140910005643/en/GEO-Group-Awarded-Contract-U.S.-Immigration-Customs#.VCzPTCtJNh5>

⁸ Cato Institute, *Alternatives to Detention are Cheaper than Universal Detention*. Found at <https://www.cato.org/blog/alternatives-detention-are-cheaper-indefinite-detention>

⁹ Vera Institute of Justice, *The Appearance Assistance Program: An Alternative To Detention for noncitizens in U.S. Immigration Removal Proceedings*, found at https://storage.googleapis.com/vera-web-assets/downloads/Publications/appearance-assistance-program-alternative-to-detention/legacy_downloads/aap_speech.pdf

¹⁰ Cato Institute, *Alternatives to Detention are Cheaper than Universal Detention*.

¹¹ Lutheran Immigration and Refugee Service, *From Persecution to Prison: Child and Family Detention*

¹² Report: *The Real Alternatives to Detention* by the American Immigration Lawyers Association, Lutheran Immigration and Refugee Service, National Immigration Justice Center, Women’s Refugee Commission, and Migration & Refugee Services. Found at <https://justiceforimmigrants.org/2016site/wp-content/uploads/2017/07/The-Real-Alternatives-to-Detention-FINAL-06.27.17.pdf>

¹³ Cato Institute, *Alternatives to Detention are Cheaper than Universal Detention*.