

The Critical Role of Contracted Immigration Processing Centers

More immigrants reside in the United States than any other country in the world. As of 2017, more than 40 million people living in the U.S. were born in another country. This number continues to grow, as more than 1 million immigrants arrive in the U.S. each year. While 77% of all immigrants are in the country legally, almost a quarter are in the country illegally.¹ The majority of these individuals can be engaged in alternatives to detention programs; however, when there are concerns regarding public safety individuals are detained, primarily in immigration processing centers, while awaiting court proceedings.

Contractors play a vital role in supporting immigration processing centers. In 2016, the Homeland Security Advisory Council found that over 90% of detention capacity was provided through contractual agreements with contractor-operated processing centers (65%) or with local jails (25%).² In 2019, the average daily population in ICE's Enforcement and Removal Operations (ERO) custody was 50,165.³ ICE reports five facilities as being owned by ICE,⁴ and these facilities have an operational capacity of under 4000 individuals. In 2019, these ICE-owned facilities had capacity for under 8% of average daily detained population.

For ICE to purchase, construct, or lease only federally-owned and operated processing centers would be prohibitively expensive. ICE officials estimated that the cost would "exceed \$1.3 billion and could be as much as \$5-6 billion."⁵ This leaves the government with two viable options: contract with companies to build and operate immigration processing centers or contract with local jails to house immigrants with the general prison population. Processing centers provide clear advantages. These centers provide services that focus on the unique needs of immigrants, have a high level of accountability, and meet fluctuating capacity needs.

Civily detaining immigrants in local jails poses multiple difficulties. ICE officials shared with the Homeland Security Advisory Council that "county jails are, in general, the most problematic facilities for immigration detention. Because most of them are mixed-use facilities primarily handling county detainees in the criminal-justice process, such facilities often will not accept the full range of detailed detention standards that ICE has developed. . . Moreover, the officials operating such county facilities can be resistant to changes in their practices in response to identified problems."⁶

Eliminating contractors as an option for ICE would result in reliance on local jails and would reduce the quality of service provided to immigrants. Contracting to provide processing centers:

- **Ensures facilities are highly accountable for quality standards**
Contractors are held accountable for performance outcomes and are subject to daily monitoring, frequent audits, and unannounced visits by ICE and others.
- **Provides services tailored to the needs of immigrants**
Processing centers provide individuals with medical, legal, and personal resources. They can also participate in voluntary recreation and programming activities.

The Critical Role of Contracted Processing Centers

- **Supports population fluctuations**
With wide, daily fluctuations in the number of people placed in immigration processing centers, government agencies rely on contractors to nimbly respond to changing capacity needs.
- **Allows for timely due process**
People in processing centers average 34.3 days in the center awaiting court proceedings⁷ compared to the 705 days average wait time for immigrants in the community.⁸

Providing Services that Meet the Unique Needs of Immigrants

Contractors often go above and beyond contractual requirements to provide quality services that meet the unique needs of immigrants. Contractor-operated centers provide individuals with:

- **Comprehensive and responsive medical care:** Processing centers provide each individual a comprehensive medical screening upon arrival and ongoing care for chronic and acute illness.
- **Legal materials and services:** Centers partner with community organizations to provide legal presentations to immigrants. They also provide access to an on-site law library and full-time library staff to assist them in preparing for immigration proceedings.
- **Opportunities for recreation, education, and counseling services:** While not required to participate, individuals have opportunities to participate in recreation, English classes, and trauma counseling. They can also earn a GED or INEA, the Mexican equivalent of a GED.

Ensuring Accountability and Quality

Contractor-operated processing centers are held accountable in multiple ways:

- ICE maintains full-time, on-site staff at each contractor-operated center. This staff monitors daily operations to ensure the center meets contract requirements.
- ICE's Office of Detention Oversight (ODO) inspects facilities frequently, reviews complaints about facilities, and addresses detainee grievances.
- An independent third-party conducts an annual inspection of each center to ensure the center remains in compliance with the Performance-Based National Detention Standards (PBNDS and 2019 NDS), which ICE developed in conjunction with stakeholders to ensure safety, security, and quality conditions.⁹ These inspection reports are available to the public on the ICE website.

Contractor-operated centers outperform local jails in meeting the PBNDS and 2019 NDS requirements. In the two most recent annual audits, local jails were the only type of facility to receive a "Does Not Meet Standard" or "Deficient" rating.¹⁰ Additionally, when local jails hold only a small number of unauthorized immigrants, they do not reach the threshold for ICE annual inspections.¹¹ This means individuals can be placed in jails throughout the country without any oversight.

Supporting Daily Population Fluctuations

The actual population in processing centers fluctuates widely from day to day and is difficult to predict. ICE relies on contractors to handle surges in population. In 2019, the average daily population in processing centers was 50,165; however, at times, the population exceeded 56,000 individuals.¹² Contractor-operated centers provide ICE with the ability to quickly meet the increased capacity needs without needing to spend taxpayer dollars to build new facilities. When populations decrease, ICE

decreases its use of contract facilities, mitigating the challenges that ICE would otherwise face trying to manage the population fluctuation.

Conclusion

Using contractors to operate processing centers provides a cost-effective method for ICE to meet variable capacity needs while ensuring quality treatment within the centers. Eliminating the option to utilize contractors would result in over-reliance on local jails, which can be problematic for immigrants for multiple reasons.



Lawmakers should continue to review the standards for safety, security, and humane treatment that processing centers must adhere to. Centers that fail to meet these standards should no longer serve the immigration population. These standards should include access to legal materials and services, comprehensive and responsive medical care, and opportunities for recreation, education, and counseling services. Lawmakers are encouraged to visit contract processing centers and see first-hand the approach taken in these centers.

¹ Budiman, A. (2020, August). Key findings about U.S. immigrants. *Pew Research Center*. <https://www.pewresearch.org/fact-tank/2020/08/20/key-findings-about-u-s-immigrants/>

² Department of Homeland Security Advisory Council (December 2016). Report of the Subcommittee on Privatized Immigration Detention Facilities. (p. 6). Retrieved from <https://www.dhs.gov/sites/default/files/publications/DHS%20HSAC%20PIDF%20Final%20Report.pdf>

³ ICE (2020). The Fiscal Year 2019 ICE Enforcement and Removal Operations Report. Retrieved from <https://www.ice.gov/features/ERO-2019>

The Critical Role of Contracted Processing Centers

⁴ Facility contract types available in "Over72HourFacilities" file on <https://www.ice.gov/detention-management> under Detention Statistics

⁵ Department of Homeland Security Advisory Council (December 2016). Report of the Subcommittee on Privatized Immigration Detention Facilities. (p. 9). Retrieved from:

<https://www.dhs.gov/sites/default/files/publications/DHS%20HSAC%20PIDF%20Final%20Report.pdf>

⁶ Department of Homeland Security Advisory Council (December 2016). Report of the Subcommittee on Privatized Immigration Detention Facilities. (p. 9). Retrieved from:

<https://www.dhs.gov/sites/default/files/publications/DHS%20HSAC%20PIDF%20Final%20Report.pdf>

⁷ ICE (2020). The Fiscal Year 2019 ICE Enforcement and Removal Operations Report. Retrieved from

<https://www.ice.gov/features/ERO-2019>

⁸ Esthimer, M. (2019). Crisis in the Courts: Is the Backlogged U.S. Immigration Court System at Its Breaking Point? Retrieved from

<https://www.migrationpolicy.org/article/backlogged-us-immigration-courts-breaking-point>

⁹ ICE. (2012). ICE Detention Standards. Retrieved from <https://www.ice.gov/factsheets/facilities-pbnds>

¹⁰ Based on a review of audits in 2020 and 2019 available on <https://www.ice.gov/facility-inspections>

¹¹ ICE (2020). 2019 National Detention Standards for Non-Dedicated Facilities. Retrieved from <https://www.ice.gov/detention-standards/2019>

¹² ICE (2020). The Fiscal Year 2019 ICE Enforcement and Removal Operations Report. Retrieved from

<https://www.ice.gov/features/ERO-2019>