

# Report Shows Spike In ICE Detainers Under Trump

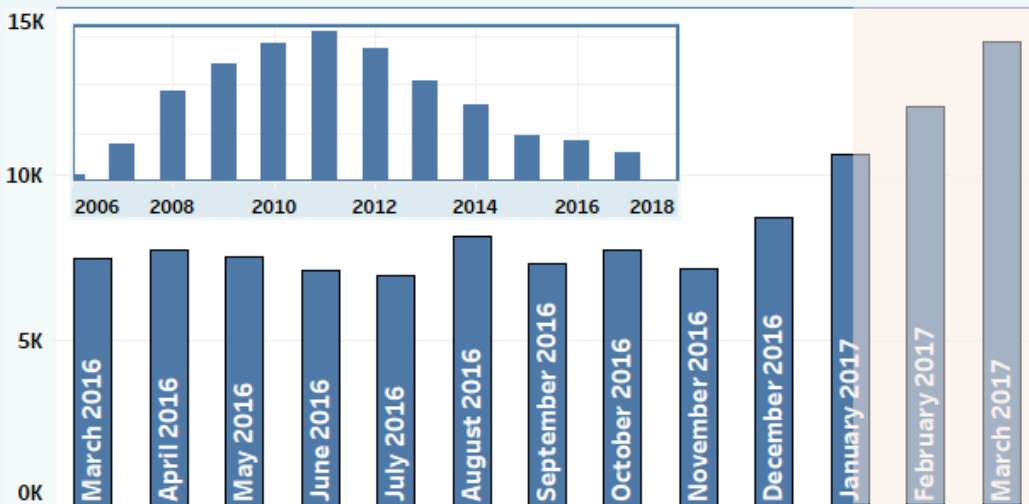
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Law360, New York (August 31, 2017, 2:36 PM EDT) -- A Syracuse University research center released a new report Wednesday indicating that [Immigration and Customs Enforcement](#)'s use of immigrant detainers shot up by almost 30 percent after President Donald Trump's inauguration, but is still well below peak levels in 2011.

The report, authored by the Transactional Records Access Clearinghouse at Syracuse University, draws from more than 2 million ICE detainers issued from October 2002 to March attained via more than 50 Freedom of Information Act requests. In March, shortly after Trump took office, ICE prepared 13,971 detainers, which was a 31.7 percent increase from January, but only half the detainers issued in March 2011.

## A Sharp Rise In Immigrant Detention

Immigration and Customs Enforcement's use of immigrant detainers spiked by almost 30 percent after President Trump's inauguration, but is still well below peak levels in 2011.



Source: TRAC

TRAC has also filed three lawsuits, most recently in June, to extract more recent information related to the detainees, such as the detainees' criminal records, that ICE is now withholding, but which was previously publicly available. As a result, the center could not ascertain how many detainees targeted individuals without criminal records or with minor offenses, as well as how many individuals ICE took into custody or finally deported.

"Detainer usage was severely cut back in 2014 when much more targeted and selective enforcement policies were instituted by the Obama administration," the report states. "Now the Trump administration has resurrected widespread use of detainees, and is pressuring local law enforcement agencies to comply."

ICE uses detainees to hold immigrants arrested on local criminal charges and deemed to have a likelihood of removability for 48 hours so that the agency can eventually take custody of them, according to its website.

Former Secretary of Homeland Security John Kelly implemented new detainer forms, known as I-247A, in April as a means of "more effectively communicat[ing] with recipient law enforcement agencies," he said in a February memo. As compared to its predecessor, the new form now mandates that ICE officials attain an administrative warrant from agency supervisors prior to issuing a detainer request.

From February to March, ICE sent detainees to 2,207 law enforcement agencies, more than half of which received up to three requests and 286 of which were located in Texas alone. Texas-based Harris County Jail received the most detainees, totaling 738, or about 13 daily.

By state, California received the greatest number of detainees, totaling 5,292, with Texas trailing at 5,091, according to the report. Georgia, Florida and New York also received high numbers of detainees.

TRAC has continued to push ICE to release the information missing from its responses to TRAC's FOIA requests, which was routinely included in such responses as late as January.

In June, the center accused ICE of violating FOIA and the [Department of Homeland Security's](#) FOIA regulations in D.C. federal court by withholding the records and claiming that the information does not exist. ICE responded to the complaint in late July, claiming that the withheld information was "exempt in whole or in part from public disclosure under FOIA and the Privacy Act," according to court filings.

"Rather than trumpeting their accomplishments, ICE officials are carrying out a puzzling campaign to hide what their detainer efforts are achieving," the report states.

TRAC also filed similar suits against ICE in New York federal court in May and D.C. federal court in February 2014.

Representatives for ICE did not immediately respond to requests for comment Thursday.

--Editing by Jack Karp.

[https://www.law360.com/immigration/articles/959340/report-shows-spike-in-ice-detainers-under-trump?nl\\_pk=64b4ed1a-14e9-4422-be5a-5d8b3cd1eb0d&utm\\_source=newsletter&utm\\_medium=email&utm\\_campaign=immigration](https://www.law360.com/immigration/articles/959340/report-shows-spike-in-ice-detainers-under-trump?nl_pk=64b4ed1a-14e9-4422-be5a-5d8b3cd1eb0d&utm_source=newsletter&utm_medium=email&utm_campaign=immigration)