

Congress of the United States
Washington, DC 20515

February 9, 2023

The Honorable Shalanda Young
Director
Office of Management and Budget
1650 17th St. NW
Washington, D.C. 20500

Dear Director Young:

As you develop the President's Fiscal Year (FY) 2024 budget proposal, we urge you to include robust funding of at least \$20 million for the Federal Emergency Management Agency's (FEMA) Case Management Pilot Program (CMPP) and instruct the Department of Homeland Security (DHS) to prioritize establishing the program and that the expansion of CMPP does not result in an expansion of individuals subject to ICE surveillance through detention and electronic surveillance. Case management programs have proven highly effective to ensure that individuals can navigate immigration proceedings and comply with the process while reducing our reliance on immigration detention. Moreover, case management is more cost effective and humane compared to immigration detention.

We appreciate that the FY23 appropriations bill included \$20 million for CMPP. Investment in case management is crucial to reduce our reliance on immigration detention while ensuring that individuals who lack community ties and would benefit from additional assistance have assistance to comply with immigration proceedings. As the Administration invests in CMPP, it should accordingly reduce use of other alternatives to detention (ATD), such as U.S. Immigration and Customs Enforcement's (ICE) Intensive Supervision Appearance Program (ISAP).

Previous case management programs were highly effective in producing compliance with immigration proceedings. For instance, the Family Case Management Program (FCMP) enjoyed a strong record of success, producing compliance rates of 99 percent for compliance with court hearings and immigration appointments, at a cost of only \$36 per day per family¹ compared to adult detention, which costs up to \$232 per person per day.² A key factor in FCMP's success is

¹ *U.S. Immigration and Customs Enforcement's Award of the Family Case Management Program Contract (Redacted)*, Department of Homeland Security Office of Inspector General (Nov. 30, 2017) <https://www.oig.dhs.gov/sites/default/files/assets/2017-12/OIG-18-22-Nov17.pdf>.

² Consolidated Appropriations Act, 2023, *Explanatory Statement: Division F—Dep't of Homeland Security Appropriations Act, 2023*, 117th Cong. <https://democrats-appropriations.house.gov/sites/democrats-appropriations.house.gov/files/documents/Division-F-Homeland-Statement-FY23.pdf> at 39 & 128. Total funding of \$2,880,481,000 divided by 365 days in a year equals \$7.89 million per day on detention. \$7.89 million per day divided by 34,000 beds equals \$232 daily cost to taxpayers per detained person.

that it provided wraparound case management services to help participants understand how to navigate the legal process and secure legal representation.

In contrast, ISAP does not provide meaningful assistance to help immigrants navigate the legal process. ICE has enrolled a record 316,700 individuals in ISAP as of September 2022.³ Individuals in the program are subject to electronic monitoring and required to either download an app called Smart LINK, wear an ankle monitor, or use a voice reporting system; about 70 percent of people are enrolled in SmartLINK.⁴ Unlike FCMP, these measures do not provide case management assistance that would help individuals understand how to navigate the immigration system or comply with immigration court proceedings. Moreover, although alternatives to detention are intended to reduce reliance on detention, ICE's expansion of ISAP prior to the COVID-19 outbreak led to an increase among individuals subject to ICE surveillance through physical incarceration and electronic surveillance.⁵ We are concerned as ICE continues to return to regular operations, ICE will continue to expand the use of ISAP as it also ramps up detention.

Directing DHS to prioritize its implementation is also critical. The first allocation of funds by Congress for this program was in 2021, though DHS waited until the final day permitted to issue a solicitation for the project. The allocation for FY 2022 has not yet been disbursed. For the program to succeed, it requires both additional funds and the full support of DHS for its prompt implementation.

We respectfully request that the President's FY24 budget proposal include robust funding for CMPP and instruct DHS to prioritize establishing the program, make clear that community-based alternatives to detention like CMPP are the preferred approach to processing immigrants, and that these programs should be operated by community-based, not-for-profit entities. Moreover, we encourage the Administration to instruct DHS to ensure that expansion of CMPP does not result in an expansion of individuals subject to ICE surveillance through physical incarceration and electronic surveillance.

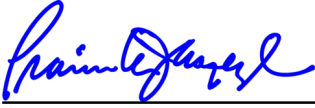
Thank you for your attention to this matter. We look forward to working with you on this important matter.

Sincerely,

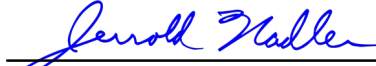
³ Transactional Records Access Clearinghouse (TRAC), "ICE Increases Use of Ankle Monitors and Smartphones to Monitor Immigrants," (Sep. 30, 2022) <https://trac.syr.edu/whatsnew/email.220930.html>.

⁴ Chris Mills Rodrigo, *Immigrant groups sue ICE for information on alternative to detention programs*, The Hill (Apr. 14, 2022) <https://thehill.com/policy/technology/3267504-immigrant-groups-sue-ice-for-information-on-alternative-detention-programs>.

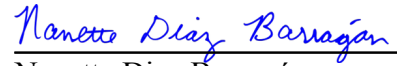
⁵ Dep't of Homeland Security, *Intensive Supervision Appearance Program: Fiscal Years 2017, 2018, 2019, and 2020* (Apr. 11, 2022) <https://www.dhs.gov/sites/default/files/2022-06/ICE%20-%20Intensive%20Supervision%20Appearance%20Program%2C%20FYs%202017%20-%202020.pdf>.



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Jerrold Nadler
Member of Congress



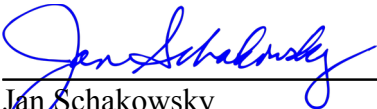
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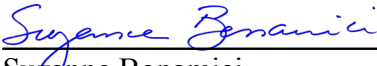
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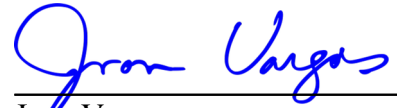
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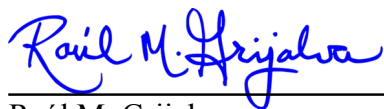
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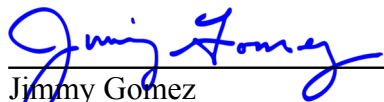
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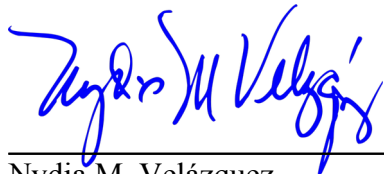
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