

# United States Senate

WASHINGTON, DC 20510

May 15, 2024

The Honorable Chris Murphy  
Chair  
Subcommittee on Homeland Security  
Senate Committee on Appropriations  
136 Hart Senate Office Building  
Washington, DC 20501

The Honorable Katie Britt  
Ranking Member  
Subcommittee on Homeland Security  
Senate Committee on Appropriations  
502 Dirksen Senate Office Building  
Washington, DC 20501

Dear Chair Murphy and Ranking Member Britt:

As you write the Fiscal Year (FY) 2025 Department of Homeland Security Appropriations bill, we urge you to dedicate a substantial portion of planned funding for Alternatives to Detention (ATD), at least \$100 million, to the Federal Emergency Management Agency (FEMA) for continued implementation of community-based case management as an ATD. The Department of Homeland Security (DHS) should conclude the pilot phase of the Case Management Pilot Program (CMPP), which has established the necessary funding, implementation, and oversight modalities to expand case management. DHS should also ensure that families, including those assigned to the Executive Office for Immigration Review's Dedicated Dockets and Immigration and Custom Enforcement's (ICE) Family Expedited Removal Management (FERM), are also considered eligible for these services.

Community-based case management programs have proven highly effective in ensuring that individuals can navigate immigration proceedings, comply with the obligations, and achieve final case outcomes. Indeed, CMPP includes assistance with repatriation as part of wrap-around support services. In line with best practices for the provision of case management, CMPP also provides enrollees with legal information and legal referrals. As the program advances, CMPP should expand to include legal representation. There is strong evidence that use of legal counsel benefits the immigration system by increasing efficiency and reducing costs overall by reducing delays or requiring decision-makers to spend time clarifying complicated immigration processes.

Additionally, case management programs are more cost effective and humane compared to immigration detention. Research has shown that alternatives to detention like case management programs are 80% less costly than detention. Further investment in community-based case management is crucial to reduce our reliance on immigration detention while ensuring that individuals who lack community ties and would benefit from additional support receive that assistance. With a community-based case management approach now established through CMPP, the administration should conclude the pilot phase, implement case management as a priority ATD, and accordingly reduce use of other ATDs for vulnerable children and families, such as ICE's Intensive Supervision Appearance Program (ISAP).

Previous case management programs were highly effective in producing compliance with the requirements of 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 family compared to adult detention, which costs up to \$232 per person per day. A key factor in

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

Unlike FCMP and CMPP, ISAP prioritizes surveillance measures instead of 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 like ISAP are intended to reduce reliance on detention, as of November 2023, ICE detention numbers have reached their highest levels in nearly four years. We are concerned that ICE's continued overreliance on physical incarceration and electronic surveillance instead of case management undermines the ability of our immigration system to fairly and efficiently process cases.

Ensuring that families on the Dedicated Dockets, FERM, or other programs tied to ATD enrollment are eligible for case management through FEMA-funded ATDs is critical. We are concerned that these families, who may be most in need of case management support as they are moved rapidly through the immigration process, have not been permitted to enroll in CMPP. For example, many families who otherwise would be eligible in key CMPP service locations like New York and Los Angeles have been cut off from access because they are on the Dedicated Docket. Expanding eligibility to these families will ensure equity in access and support the ongoing growth and positive impact of the program.

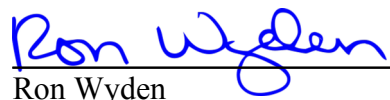
We respectfully request that the committee's FY2025 proposal include \$100 million for a full-fledged case management ATD program under FEMA and ensure families can access case management assistance ATDs.

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

Sincerely,



Jeffrey A. Merkley  
United States Senator



Ron Wyden  
United States Senator



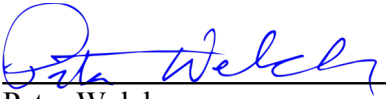
Bernard Sanders  
United States Senator



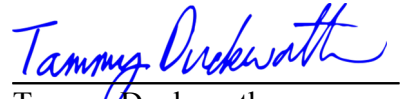
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