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Immigration Detention: ICE Can Improve Oversight and Management

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U.S. Immigration and Customs Enforcement (ICE) can take additional action to help ensure that the immigration detention system is safe, humane, and well-managed. GAO has identified areas where ICE could improve how it uses its resources and manages the detention system.

The Big Picture

ICE detains tens of thousands of noncitizens each year in facilities nation-wide. This includes individuals from many different countries who have unique personal, medical, and other needs. In fiscal year 2021, Congress appropriated around \$2.8 billion for ICE to operate the immigration detention system.

What GAO's Work Shows

GAO has evaluated ICE's immigration detention policies, facility management, and efforts to ensure safe and humane conditions for the detained noncitizens in its custody. As a result of this work, GAO has made recommendations related to improving ICE's efforts and holding its facilities accountable for meeting [national detention standards](#). ICE has addressed some of these recommendations. But as of January 2023, several of them remain unaddressed, as discussed below.

1. Improving Policies and Facility Management

ICE [inspects detention facilities](#) for compliance with detention standards, such as whether detained individuals are receiving adequate medical care and if facilities are sufficiently clean. However, ICE does not analyze its inspection findings to identify trends in noncompliance, which makes it difficult for ICE to focus resources on the areas needing improvement.

- **We recommended** that ICE regularly analyze facility inspection data to identify and address trends.

ICE increased the number of [guaranteed minimum payments](#) in its contracts and agreements, committing millions of dollars a month to detention beds regardless of whether the beds are used. ICE officials said that planning for fluctuating detention needs was difficult. But ICE had rapidly increased its

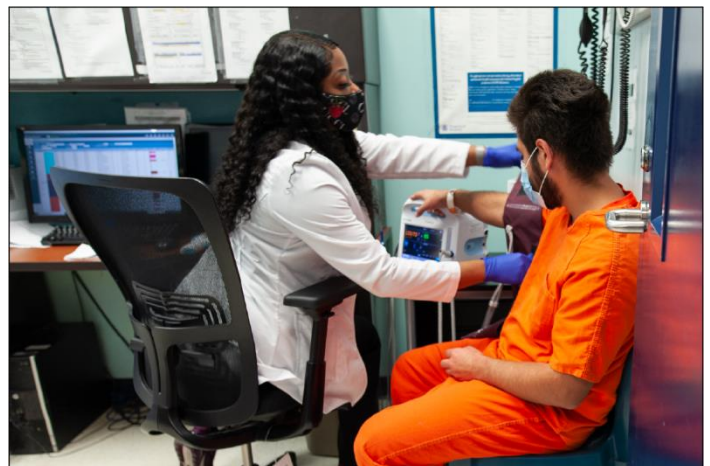
number of guaranteed payments without a strategy for how many beds it needs.

- **We recommended** that ICE take a strategic approach to using guaranteed minimums.

2. Ensuring Safe and Humane Conditions

For medical care provided at its facilities, ICE has policies for obtaining and documenting [informed consent](#). This involves a medical care provider speaking to the patient about a procedure's risks, benefits, and alternatives. But when a detained person needs more invasive services and is treated at an offsite clinic or hospital, ICE's policies do not require facilities to collect copies of documentation of informed consent for care at these facilities. Such a requirement could help ensure detained individuals make informed choices about their medical care.

Medical staff and detained noncitizen



Source: ICE Health Service Corps. | GAO-23-106350

- **We recommended** that ICE require facilities to collect informed consent documentation for offsite medical care.

ICE made nearly [15,000 segregated housing placements](#)—which is where individuals are in one or two-person cells separate from the general population—from fiscal years 2017-2021. ICE documentation did not always explain why individuals were placed in segregated housing, making it difficult to determine the appropriateness of placements. Further, ICE policy only allows segregated housing for vulnerable populations, including persons who are pregnant or elderly, as a last resort; however, ICE was unable to identify all vulnerable noncitizens in segregated housing. Without complete data, ICE’s oversight is limited.

Segregated housing cell in a detention facility



Source: ICE. | GAO-23-106350

- **We recommended** that ICE provide guidance on segregated housing documentation and identify all known vulnerable populations in segregated housing.

ICE has different ways for detained individuals and others to [submit complaints](#) directly with ICE or with other DHS entities. ICE’s Detention Reporting and Information Line, for example, received over 13,000 calls from fiscal years 2017-2019. However, ICE does not comprehensively analyze complaint data, which could help identify areas for improvement.

Examples of Detention-Related Complaints ICE’s Detention Reporting and Information Line Received in FY 2017-2019

| Complaint category | Number of allegations | Examples of allegations |
|--------------------|-----------------------|--|
| Medical | >2,180 | Facility refused to send individual to hospital for health condition |
| Funds account | >1,130 | Funds for telephone calls disappeared |
| Property | >1,120 | Mail room did not send legal documents on time |
| Family separation | >820 | Separated at border from minor child and seeking information |

Source: GAO analysis of ICE information. | GAO-23-106350

Further, ICE refers some detention related complaints to its field offices, but does not require the offices to document how they resolve the complaints. This limits ICE’s ability to know if issues are being addressed.

- **We recommended** that ICE (1) regularly analyze complaint data at a level necessary to identify and address potentially reoccurring complaints, and (2) require field offices to record actions to resolve complaints in a timely manner.

Challenges and Opportunities

Managing the immigration detention system is challenging, and GAO has identified a number of actions ICE can take to improve its efforts. In particular, ICE can analyze existing data to strengthen its oversight of facilities and implement new requirements for field offices and facilities to help in addressing complaints and ultimately enhance conditions of confinement for detained noncitizens. These opportunities for improvement would contribute to better management, conditions of confinement, and use of federal funds.

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Source (cover photo): Department of Homeland Security, ICE.