

U.S. Immigration and Customs Enforcement (ICE): Overview of Mission, Structure, Legal Authority, and Operations

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FINDINGS

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT (ICE): COMPREHENSIVE OVERVIEW OF MISSION, STRUCTURE, LEGAL AUTHORITY, AND OPERATIONS

Executive Summary

U.S. Immigration and Customs Enforcement (ICE) operates as the Department of Homeland Security's principal interior immigration enforcement and criminal investigation agency, responsible for enforcing federal laws governing border control, customs, trade, immigration, and national security[1][2][53]. Created through the Homeland Security Act of 2002 following the September 11 terrorist attacks, ICE emerged from a restructuring that absorbed investigative and enforcement functions previously held by the Immigration and Naturalization Service (INS) and the U.S. Customs Service[1][33]. With an annual budget exceeding \$28 billion as of fiscal year 2026, ICE represents the largest dedicated immigration enforcement apparatus in the federal government, employing approximately 20,000 personnel across domestic and international locations[1][3].

The agency operates through two distinct and substantially independent operational components: Enforcement and Removal Operations (ERO), responsible for apprehension, detention, and removal of individuals determined to be deportable; and Homeland Security Investigations (HSI), which investigates federal crimes related to immigration, transnational smuggling, trafficking, financial crimes, cybercrime, and national security threats[1][2]. A legal division, the Office of the Principal Legal Advisor (OPLA), employs over 1,100 attorneys nationwide who represent the Department of Homeland Security in immigration removal proceedings before the Executive Office for Immigration Review[27]. This organizational structure creates operational complexity, with significant tension historically existing between the agency's criminal investigative mission and its civil immigration enforcement activities. Recent developments in 2025 and early 2026 have fundamentally expanded ICE's detention capacity, enforcement funding, and geographic reach through unprecedented budget allocations and policy directives that signal a substantial intensification of interior immigration enforcement operations.

Historical Development and Creation of ICE

The creation of Immigration and Customs Enforcement in 2003 represented a transformative reorganization of federal immigration law enforcement in response to the September 11, 2001 terrorist attacks[1][33]. Prior to this restructuring, immigration law enforcement functions were fragmented across multiple federal agencies, primarily the Immigration and Naturalization Service, which operated under the Department of Justice, and the U.S. Customs Service, which fell under the Treasury Department[1]. The Homeland Security Act of 2002 effectuated a wholesale transfer of these functions into a new cabinet-level Department of Homeland Security, established following recommendations that integrated border security, immigration enforcement, and domestic security functions under unified command[33].

The institutional merger that created ICE consolidated the criminal investigative and intelligence resources of the United States Customs Service, the criminal investigative, detention, and deportation resources of the Immigration and Naturalization Service, and the Federal Protective Service into a single federal law enforcement agency[1]. This integration occurred on March 1, 2003, coinciding with the formal establishment of the Department of Homeland Security itself[1]. The agency was explicitly designed to operate as "the

largest investigative arm of the Department of Homeland Security" and was positioned as a contributor to the Federal Bureau of Investigation's Joint Terrorism Task Force, reflecting post-9/11 national security prioritization[1][51].

In its early years, ICE established operational programs that became foundational to its enforcement identity. Operation Community Shield, launched in February 2005, represented an expansive law enforcement initiative targeting violent transnational street gangs through use of ICE's broad law enforcement powers, including the unique authority to remove criminal immigrants regardless of legal status[1][31]. Since its inception, Operation Community Shield has facilitated more than 40,000 gang-related arrests, representing membership in more than 2,400 different criminal organizations, and resulted in seizure of more than 8,000 firearms[31]. These early enforcement initiatives established patterns and precedents that continue to define ICE operations in the contemporary period.

Organizational Structure, Components, and Internal Operations

Enforcement and Removal Operations (ERO): The Immigration Enforcement Arm

Enforcement and Removal Operations constitutes the operational division most visible to immigrant communities and most subject to public controversy[1][2]. ERO's primary mandate encompasses identification, apprehension, detention, custody determination, and deportation of individuals deemed deportable under federal immigration law[1][2]. With a dedicated budget allocation, ERO maintained approximately 4.8 billion dollars in fiscal year 2024 and has received substantially increased appropriations in fiscal year 2026, reflecting administrative prioritization of removal operations[2][3]. The division operates through a nationwide network of 25 field offices distributed across major metropolitan areas and state jurisdictions, supplemented by detention facilities, both ICE-owned and through contracts with private and public entities[5][32].

ERO's internal structure comprises several specialized divisions responsible for distinct operational functions. The Enforcement Division manages enforcement initiatives and components through which ERO identifies and arrests individuals subject to removal from the United States[5]. The Criminal Alien Program, a sub-component of this division, performs strategic planning and establishes policies designed to enhance ICE's ability to apprehend and remove individuals from carceral facilities[5][13]. The Criminal Alien Program represents ICE's largest single deportation initiative, responsible for between two-thirds and three-quarters of all deportations initiated from within the United States, with a documented 2.6 million encounters, 780,000 arrests, and 508,000 deportations attributed to the program[13][55].

The Field Operations Division provides guidance, coordination, and operational oversight to ICE ERO's 25 field offices across the nation[5]. Within Field Operations, the Domestic Operations office oversees, directs, and coordinates all ERO field office activities throughout the nation's field offices and sub-offices, while the Special Operations office oversees intelligence collection efforts, firearms training, protective equipment procurement, tactical programs, and communications efforts[5]. The Special Operations office also coordinates with federal emergency management entities to support prevention, preparedness, response, and recovery planning for significant incidents including terrorist attacks, natural disasters, or other national emergencies[5].

The Removal Division coordinates, manages, and facilitates removal operations across ICE's nationwide structure[5]. This division operates ICE Air Operations, which provides commercial and chartered aviation support, both domestically and internationally, to transfer individuals to designated detention locations and execute removal flights to countries of origin[5]. The division also maintains International Operations

personnel based overseas who coordinate with host-nation government officials to facilitate removal operations[5].

Custody Management, another critical ERO function, oversees detention management, custody programs, and coordination with the ICE Health Service Corps to ensure medical care and operational compliance with detention standards[5]. The Non-Detained Management office administers ICE's Alternatives to Detention program, which supervises individuals placed on the non-detained docket through electronic monitoring, case management, telephonic reporting, and other supervision mechanisms[44][59]. Law Enforcement Systems and Analysis provides data management and reporting infrastructure supporting ERO operations nationwide[5].

Homeland Security Investigations (HSI): The Criminal Investigation Component

Homeland Security Investigations functions as ICE's federal criminal investigative division, distinct in mission and operational approach from ERO's civil immigration enforcement focus[1][2]. HSI's stated mission is to investigate, disrupt, and dismantle terrorist, transnational, and other criminal organizations that threaten or exploit the customs and immigration laws of the United States[45]. With a dedicated budget of approximately two billion dollars and a workforce exceeding 10,400 employees including more than 7,100 special agents assigned across HSI's domestic and international field offices, HSI maintains what may be the largest international investigative presence of any U.S. law enforcement agency[2][45].

HSI's investigative portfolio encompasses a broad array of federal criminal statutes extending substantially beyond traditional immigration enforcement. The agency investigates human smuggling and trafficking, worksite and employment-based immigration fraud, visa and benefit fraud, sanctions evasion and export control violations, money laundering including bulk cash smuggling, intellectual property theft and trade fraud, cybercrime including child exploitation, cultural property and art smuggling, financial crimes, labor exploitation, and gang investigations[2][5][15][45]. This expansive jurisdictional authority positions HSI within a complex federal law enforcement ecosystem where it frequently coordinates with the Federal Bureau of Investigation, Drug Enforcement Administration, Secret Service, and international law enforcement partners.

The Center for Countering Human Trafficking (CCHT) within HSI exemplifies the agency's commitment to a specific transnational criminal problem[18]. As a unit dedicated specifically to combating human trafficking, CCHT employs a victim-centered approach where equal value is placed on identification and stabilization of trafficking victims as well as on deterrence, investigation, and prosecution of traffickers[18]. HSI conducts approximately one thousand human trafficking investigations annually, identifies and assists hundreds of victims, and conducts extensive outreach and training to law enforcement, nongovernmental organizations, and the public about human trafficking[18]. HSI special agents sign U visa certifications for trafficking victims who have assisted, are assisting, or will assist with HSI investigations, and HSI maintains coordination with the Department of Health and Human Services Office of Refugee Resettlement regarding potential minor trafficking victims[18][42].

HSI's Domestic Operations division and Countering Transnational Organized Crime division focus on investigation and disruption of criminal enterprises operating across borders[45]. The International Operations division maintains HSI attaché offices at U.S. embassies and consulates worldwide, with a documented network extending to Africa, Asia, Europe, North America, South America, and Oceania[32][45][48]. The Office of Intelligence within HSI develops criminal intelligence related to cross-border activity, while Cyber and Operational Technology divisions address internet-related crimes and cybersecurity threats[45]. The Global Trade division provides oversight and support for investigations of U.S. import and export law violations to ensure national security and prevent illegal trade practices[45]. National Security Investigations

division investigates terrorist and counterintelligence matters, human rights violators, war criminals, and hostile foreign intelligence entities[45].

This structural separation of HSI's investigative mission from ERO's removal-focused civil enforcement has historically created operational tension. During the Trump administration's first term (2017-2021), HSI special agents formally sought to establish greater operational independence from ERO, perceiving that association with ERO's deportation activities hampered HSI's ability to conduct effective criminal investigations, particularly in establishing informant networks and community trust necessary for complex transnational organized crime investigations[1]. This tension remains present in contemporary ICE operations and reflects fundamentally different operational cultures between criminal investigation and civil removal work.

Office of the Principal Legal Advisor (OPLA): Government Representation in Immigration Court

The Office of the Principal Legal Advisor functions as ICE's exclusive legal representative in immigration removal proceedings before the Executive Office for Immigration Review, serving as the prosecutorial arm of the Department of Homeland Security in immigration court litigation[27]. OPLA represents the single largest legal program within the Department of Homeland Security, employing over 1,100 attorneys and hundreds of support staff across more than 60 locations nationwide[27]. Established through congressional charter, OPLA's statutory authority derives from 6 U.S.C. § 252(c), which designates DHS's exclusive representative in EOIR proceedings[27].

OPLA attorneys, commonly referred to as immigration prosecutors, represent the government in removal cases involving criminal noncitizens, individuals with terrorism-related activity, human rights abusers, and other categories of removable individuals[27]. OPLA attorneys file Notices to Appear establishing deportation charges, present evidence through Form I-213 records and witness examination, negotiate custody determinations and bond positions, file motions for continuance and other procedural relief, and prosecute appeals to the Board of Immigration Appeals following unfavorable immigration court decisions[27]. The breadth of OPLA's role in immigration court proceedings makes the office's litigation strategy and prosecutorial discretion decisions central to immigration enforcement outcomes nationwide.

While OPLA attorneys formally retain prosecutorial discretion on a case-by-case basis, permitting attorneys to exercise judgment regarding which cases to pursue and under what terms to resolve cases, the extent of such discretion has contracted substantially under recent administrations[27]. As of January 2026, there exists no official replacement guidance for the previously controlling Doyle memorandum, which had provided framework guidance regarding discretionary prosecution decisions in immigration cases[Personalization note from original instructions]. This absence of guidance creates uncertainty regarding the parameters within which OPLA attorneys exercise whatever residual discretion remains available.

Legal Authority and Statutory Framework for ICE Operations

Foundational Statutory Authority

ICE's law enforcement authority derives from multiple overlapping statutory grants of authority codified throughout Title 8 of the United States Code and implemented through Title 8 of the Code of Federal Regulations. The Immigration and Nationality Act, codified primarily at 8 U.S.C. §§ 1101 et seq., establishes the foundational framework governing immigration status determination, grounds for deportability and inadmissibility, and procedural requirements for removal proceedings[11][19]. Section 1357 of Title 8, codified at 8 U.S.C. § 1357, grants immigration officers authority to interrogate any individual believed to be

an alien regarding their right to remain in the United States and to arrest without judicial warrant any alien whom the officer believes is violating immigration law and is likely to escape before a warrant can be obtained[8][19].

Critically, 8 U.S.C. § 1357 also authorizes immigration officers to make arrests for offenses against the United States committed in the officer's presence, regardless of whether the suspect is a citizen or noncitizen[8][19]. This authority extends to federal crimes including immigration-related offenses such as harboring, transporting, or conspiring to shield undocumented individuals, as well as crimes interfering with immigration enforcement itself, including obstruction, false statements, and assault on a federal officer[8][19]. This provision clarifies a commonly held misconception that ICE officers cannot arrest U.S. citizens; federal law explicitly permits such arrests when federal crimes occur in the officer's presence[8].

Regulations implementing these statutory authorities appear at 8 CFR § 287.8, which establishes standards for enforcement activities that must be adhered to by every immigration officer involved in enforcement[11][57][60]. The regulations specify that immigration officers may interrogate any person believed to be an alien concerning their right to remain in the United States and may briefly detain individuals based on reasonable suspicion of immigration violation or offense against the United States[11][57][60]. Site inspections-defined as Department of Homeland Security activities undertaken to locate and identify aliens illegally present or engaged in unauthorized employment-require either a warrant or consent of the property owner or person in control, except as specifically authorized[11][57][60]. The regulations further specify that immigration officers may enter areas of business or activity accessible to the general public without warrant, consent, or particularized suspicion[11][57][60].

Warrantless Arrest Authority and Administrative Warrants

A persistent area of confusion in immigration enforcement involves the distinction between ICE administrative warrants and judicial warrants[8][22]. Immigration officers are explicitly authorized to make warrantless arrests for immigration violations under 8 U.S.C. § 1357; no judicial warrant is required for such arrests to occur lawfully[8][22]. However, ICE also issues administrative warrants-documents issued internally by the agency rather than by a judicial officer-which provide the legal basis for continuing to hold individuals in civil immigration detention while removal proceedings progress[8][22].

The critical distinction is that judicial warrants, issued by a judge based on probable cause findings, are required in specific circumstances, most notably when ICE seeks to forcibly enter a private residence without consent[8][22]. A January 2026 ICE internal memorandum made public through news reporting stated that ICE officers could forcibly enter homes for immigration operations without a warrant, a position that conflicts with established Central District of California case law holding that administrative warrants are not valid to enter someone's home[58]. This legal tension remains unresolved in current jurisprudence, with implications for how officers are trained and what tactics they employ.

Outside the home, including during public arrests, vehicle stops, and consensual encounters, ICE officers may act under their statutory authority without any warrant[8][22]. The Supreme Court's decision in *Arizona v. United States*, 132 S. Ct. 2492 (2012), clarified that only authorized, trained immigration agents execute immigration arrest warrants and that local law enforcement officers generally lack authority to execute ICE administrative warrants[22]. This restriction significantly impacts the 287(g) program's operation in jurisdictions where state and local officers receive enhanced immigration enforcement authority.

Traffic Stops, Reasonable Suspicion, and Border Authority

ICE agents possess authority similar to other law enforcement officers to conduct traffic stops and detentions

based on reasonable suspicion of immigration violations or federal offenses[8][11]. The regulations at 8 CFR § 287.8 explicitly authorize immigration officers with reasonable suspicion based on specific articulable facts to briefly detain individuals for questioning[11][57][60]. A brief detention based on reasonable suspicion differs from an arrest; detention authority does not require probable cause but rather requires articulable, specific facts supporting the officer's reasonable suspicion[11][57][60].

At ports of entry and their functional equivalents, federal officers operate under the border search doctrine, which permits more extensive authority[8]. At ports of entry, federal officers may conduct routine searches of persons, vehicles, and belongings without warrant or individualized suspicion, and courts have held that this authority extends to electronic devices, although more invasive searches involving data extraction or accessing encrypted information are subject to additional legal limits[8].

Operational Programs and Enforcement Mechanisms

The Criminal Alien Program: ICE's Largest Deportation Initiative

The Criminal Alien Program (CAP) constitutes ICE's largest single deportation initiative, responsible for two-thirds to three-quarters of all deportations initiated from within the United States, with documented engagement across all state and federal prisons and more than 300 local jails nationwide[13][55]. The core goal of CAP involves identification of allegedly removable noncitizens incarcerated in custodial facilities and initiation of removal proceedings against such individuals[13][55]. A 2.6 million figure documented for CAP encounters, 780,000 arrests, and 508,000 deportations illustrates the program's extraordinary scale[13].

CAP operates through three sequential phases: identification of potentially removable individuals within custodial facilities, custody transfer from local or state custody to ICE custody, and removal or deportation proceedings[13]. During the identification phase, ICE officers gain access to local and state jail booking systems, may conduct on-site interviews with suspected immigrants, or maintain permanent ICE positioning within jails[13]. Federal correctional institutions report all self-identified foreign-born inmates to DHS; state and local facilities voluntarily cooperate by providing ICE with inmate lists, flagging suspected noncitizens, or granting CAP officers access to facility records and databases[13][55].

Participation in CAP has been documented to lead to biased outcomes heavily favoring arrest and deportation of Central American and Mexican immigrants[13]. Data indicates that more than 92 percent of all removals under CAP involve Mexican and Central American immigrants, a figure substantially exceeding the general proportion of immigrants from these countries within the U.S. population[13]. Officers in CAP have been documented to use coercive tactics, including misrepresenting themselves as legal counsel, to extract information from detained individuals[13]. Agents have threatened individuals that they will languish in immigration detention if they do not immediately sign orders of removal or voluntary departure, undermining the integrity of consent-based removal processes[13].

Following initial identification, ICE may place immigration detainers-also known as "holds"-on individuals suspected of removability[13][55]. These detainers request that local custody authorities hold individuals beyond their scheduled release date to permit ICE to assume custody[13]. Detainers are not mandatory; local jails retain independent authority to determine whether to comply with or reject ICE detainer requests[13]. However, compliance with detainers constitutes a significant pathway through which CAP drives deportation outcomes.

Alternative Programs Within CAP Structure

The Violent Criminal Alien Section (VCAS) investigates and prosecutes violations of the criminal provisions

of the Immigration and Nationality Act in conjunction with the U.S. Attorney's Office[55]. Between 2008 and the present, VCAS has facilitated approximately 36,000 arrests of individuals, targeting those with serious criminal convictions[55]. The Law Enforcement Agency Response Unit (LEAR), established as a pilot program in Phoenix, Arizona, provides 24/7 response to calls for assistance from state and local law enforcement, conducting interviews to determine alienage and status, lodging detainers, making arrests, and facilitating operations to disrupt human trafficking and transnational organized crime[55]. Since 2007, LEAR has facilitated approximately 21,000 arrests[55].

The Rapid Repatriation of Eligible Custodial Aliens Accepted for Transfer (Rapid REPAT) program operates as a joint partnership with state correctional and parole agencies, releasing nonviolent noncitizens with final removal orders into ICE custody for immediate deportation[55]. The Deportation Enforcement and Processing Offenders by Remote Technology (DEPORT) Center, established in 2006, functions as the centralized processing facility for placing removable noncitizens detained by the Federal Bureau of Prisons into immigration proceedings[55]. Joint Criminal Alien Removal Task Forces (JCART) identify, investigate, and arrest at-large individuals convicted of drug trafficking, crimes of violence, sex offenses, and other serious crimes, also targeting noncitizens involved in human trafficking, smuggling, and transnational organized crime[55].

Operation Community Shield and Gang-Focused Enforcement

Operation Community Shield, ICE's multi-agency gang enforcement initiative launched in February 2005, targets violent gang members and associates involved in illegal drug and human trafficking industries[31]. The initiative operates through HSI's National Gang Unit, which identifies and develops intelligence on gang membership, associations, criminal activities, and international movements[31]. Operation Community Shield accomplishes gang disruption through tracing and seizing cash, weapons, and other assets derived from illicit activities, seeking prosecution and removal of alien gang members, and working with federal, state, and local law enforcement partners as well as international law enforcement counterparts[31].

Since its inception, Operation Community Shield has facilitated more than 40,000 gang-related arrests, including 451 gang leaders representing membership in more than 2,400 different gangs and organizations, with seizure of more than 8,000 firearms[31]. The initiative encompasses multiple named projects addressing specific criminal enterprises and geographic regions, including Project Big Freeze (2010 drug trafficking investigation), Project Southern Tempest (2010-2011 drug trafficking investigation), Project Nefarious (2012 human trafficking investigation), Project Southbound (2014 investigation of the Sureños gang), Project Wildfire (2015), and Project Shadowfire (2016)[31].

The 287(g) Program: Delegation of Immigration Enforcement Authority to Local Police

The 287(g) program, authorized by Section 287(g) of the Immigration and Nationality Act, permits the Secretary of Homeland Security to enter into agreements delegating specific immigration enforcement powers to state and local law enforcement officers through Memoranda of Agreement (MOAs)[7][21]. Any officer deputized under the program must complete a five-week immigration law training course, and all deputized local law enforcement officials are subject to ICE supervision[21]. The program establishes three main types of agreements: the Warrant Service Officer model, granting limited powers; the Jail Enforcement model, providing immigration enforcement powers within jail operations; and the Task Force model, granting the most expansive powers and effectively providing local or state officers with authority substantially equivalent to immigration agents[7].

The 287(g) program has experienced dramatic expansion under the Trump administration's second term, with

documented growth from 135 active agreements in January 2025 to 649 agreements by June 2025[1][7]. This expansion dramatically accelerates trajectories established through state legislation in Florida, Georgia, and other states that have recently passed laws specifically requiring all their counties to participate in 287(g)[7][8]. The rapid expansion of 287(g) agreements changes how local communities, particularly immigrant and communities of color, experience policing, as growing numbers of state and local police become legally empowered to act as immigration agents[7].

Under 287(g) authority, local police can stop, interrogate, arrest, or transport immigrants based upon immigration violations alone, a power that normal state law enforcement cannot exercise[7]. Without 287(g), local police may stop drivers for traffic violations or detain individuals suspected of crime, but generally cannot legally continue detention based solely on civil immigration violations[7]. An officer designated under 287(g), particularly under the Task Force model, can effectively operate with the authority of ICE agents, including conducting home visits and questioning individuals about immigration status[7]. However, implementing 287(g) agreements costs localities millions of dollars while ICE provides little oversight and support, and participating agencies receive no compensation from ICE for implementation costs or any lawsuits arising from civil rights violations[21].

Numerous reports document problems with 287(g) implementation including costly mistakes resulting from officers' insufficient training in immigration law, racial profiling and civil rights violations, and erosion of community trust with police[21][22]. The International Association of Chiefs of Police and Major Cities Chiefs Association have both stated that local police agencies depend on cooperation from immigrants in solving crimes and maintaining public order, and that without assurances that contact with police will not result in purely civil immigration enforcement action, trust will disappear and immigrants will not report crimes or cooperate with investigations[21]. A federal court in Connecticut found that seizure based on an ICE warrant should be evaluated as a warrantless arrest because an ICE warrant is issued by an agent, not a judge[22].

Detention, Custody, and Alternatives to Detention Operations

ICE Detention Capacity, Facilities, and Recent Budget Expansion

Immigration detention has emerged as one of ICE's most significant operational and fiscal priorities. ICE detention facilities, known as the immigration detention system, hold noncitizens pending determination of removal eligibility, removal proceedings, or execution of removal orders[4][14]. As of January 2026, ICE detention population reached approximately 73,000 detainees, representing a more than 75 percent increase since President Trump's inauguration in January 2025[14]. Fiscal year 2026 funding allocations demonstrate this escalation starkly: Congress appropriated \$75 billion to ICE over four fiscal years in the July 2025 funding bill, approximately \$18.7 billion annually; combined with \$10 billion already appropriated for fiscal year 2025, ICE had access to approximately \$28.7 billion in fiscal year 2026, nearly triple the entire fiscal year 2024 budget[3][14].

Two-thirds of ICE's supplemental funding-\$45 billion over four fiscal years-is allocated specifically to detention operations, potentially supporting detention of more than 100,000 individuals annually[3]. This \$11.25 billion annual increase to ICE's detention budget represents a 400 percent increase from prior-year detention allocations and exceeds the entire Department of Justice budget for the federal prison system, which holds approximately 155,000 persons[3]. The law explicitly authorizes ICE to construct additional facilities to jail families, often mothers with their children, and does not limit detention duration, an apparent contravention of the Flores Settlement Agreement, which established a long-standing settlement limiting

detention of children to 20 days[3].

ICE contracts with public and private detention facilities nationwide, with facilities varying substantially in conditions and oversight[4]. The government has emphasized that detention is a civil, not criminal, measure; detainees are not prisoners but rather individuals in immigration proceedings[16]. However, conditions in detention facilities have been subject to substantial criticism. An October 2025 report documented that the number of ICE detention facility inspections dropped by 36.25 percent in 2025, even as detention rates and deaths in ICE custody surged[28]. The DHS Office of Inspector General has found that ICE detention facilities do not meet basic standards[4]. Medical care in detention facilities has been subject to documented deficiencies, with reports of delayed treatment for serious conditions and inadequate healthcare provision[25].

A significant legal development emerged in November 2025 when ICE issued new policy guidance interpreting the statute such that immigrants who entered without authorization and have never been formally admitted constitute "applicants for admission" ineligible for bond hearings before immigration judges, regardless of how long they have resided in the United States[49]. This interpretation substantially expands the class of individuals subject to mandatory detention and represents a major change from historical practice wherein such individuals could typically request bond hearings[49]. Federal litigation challenging this interpretation was pending as of early 2026[49][52].

Alternatives to Detention: ISAP, Technology-Based Monitoring, and Case Management

Recognizing detention's substantial costs and humanitarian concerns, ICE developed and expanded the Alternatives to Detention (ATD) program, created in 2002[44][59]. The program has expanded from original pilot sites serving 200 individuals to programming encompassing as many as 376,000 individuals under monitoring at various times[44][59]. ICE's main ATD program consists of the Intensive Supervision Appearance Program (ISAP), which utilizes case management and Global Positioning System (GPS) monitoring to ensure noncitizens' compliance with release conditions while on ICE's non-detained docket[44][59].

Specific sub-programs within ISAP include the Family Expedited Removal Management (FERM) program, the Young Adult Case Management (YACP) program, and Extended Case Management Services (ECMS)[44][59]. In addition to ICE's ATD programming, the DHS Office for Civil Rights and Civil Liberties operates a Case Management Pilot Program (CMPP) with separate enrollment eligibility requirements, voluntary participation, and trauma-informed case management approach[44][59].

The cost differential between ATD and detention is substantial: the daily cost per ATD participant is less than eight dollars, compared to approximately 150 dollars per day for detention, or as much as 319 dollars per day when detaining families[44][47]. Despite this cost efficiency, ICE detention populations have increased even as ATD slots theoretically expanded, with growth occurring in both detention and ATD supervision without corresponding reduction in detention populations[47].

ISAP ATD employs three different types of technology for monitoring: telephonic reporting, GPS monitoring through ankle-worn devices, and SmartLINK, an ICE electronic monitoring application on participants' phones[44][59]. Electronic monitoring devices, or ankle monitors, have become increasingly prevalent as ATD mechanisms since ICE determined them both economical and effective[47]. However, ankle monitors impose significant restraints on wearers' freedom of motion, with GPS capabilities monitoring location and movement in real time through radio frequency signals[47]. Pre-programmed audio messages broadcast from devices, including alerts that the device requires charging, cause alarm and embarrassment to wearers[47]. Ankle monitors raise privacy concerns, as little information has been made available regarding ICE's use of collected

data, which entities can access such data, or how long data is retained[47].

Ankle monitors have documented negative employment impacts on individuals wearing them[47]. The visible or disclosed nature of electronic monitoring makes employees less appealing to employers even when the person has no criminal record and is authorized to work[47]. ICE rules related to electronic monitoring programs impose significant employment obstacles, including unannounced home visits, nightly curfews, and geographical restrictions that substantially hinder immigrants' ability to maintain steady employment[47]. Documentation exists of individuals being fired from employment after pre-programmed monitor messages activated in the presence of supervisors or customers[47].

ATD programs have proven highly effective in ensuring immigration court appearance, with many programs exceeding 90 percent success rates[47]. Despite this high compliance rate and low escape rate (only approximately five percent in fiscal year 2012), ICE has continued expanding ATD without corresponding reduction in detention bed capacity, a policy choice that minimizes the positive human rights and fiscal impacts of ATD expansion[47].

Recent Policy Developments and 2025-2026 Changes

Budget Expansion and Enforcement Prioritization

The fiscal year 2026 budget allocations signal unprecedented federal investment in immigration enforcement operations. The expenditure of approximately \$28.7 billion on ICE operations in fiscal year 2026 alone exceeds the Department of Justice's complete budget for the federal prison system, which incarcerates approximately 155,000 persons[3]. The approximately \$170 billion total price tag for immigration enforcement eclipses other law enforcement expenditures at federal, state, and local levels, exceeding the annual expenditures on police by state and local governments in all 50 states and the District of Columbia combined[3].

Notably, the disparity between enforcement funding and judicial resources creates a systemic bottleneck. While Congress funded ICE with 400 percent increased detention capacity, immigration judge hiring was capped at only 800 new judges over the next three and a half years, a 14 percent increase, substantially disproportionate to detention capacity increases[3]. This disparity signals either a plan to reduce due process guarantees in deportations or to permit immigrants to languish in detention centers while awaiting hearings[3].

Non-Detained Docket Redetention Directive

In February 2025, ICE issued an email directive to Enforcement and Removal Operations officers directing them to "carefully review for removal all cases reporting on the non-detained docket," considering whether individuals should be redetained and removed[56]. This directive signaled ICE's intent to identify individuals previously released onto the non-detained docket and subject them to redetention and expedited removal[56]. Litigation challenging this directive was filed in federal court, with plaintiffs arguing that removals undertaken pursuant to this directive violated basic procedural protections and denied noncitizens opportunity to present fear-based claims[56].

Victim-Based Benefits Guidance

On January 31, 2025, ICE issued Interim Guidance on Civil Immigration Enforcement Actions Involving Current or Potential Beneficiaries of Victim-Based Immigration Benefits[42]. This guidance, which became public through social media disclosure, outlined ICE officers' procedures for enforcement actions involving individuals with pending or approved T visa applications (for trafficking victims), U visa applications (for

crime victims), VAWA petitions (for domestic violence victims), or other victim-based benefits[42]. The guidance notably stated that although ICE is "not required" to consider evidence of victimization as a positive factor in determining whether to take enforcement action, the guidance does not prohibit consideration of such evidence[42].

The guidance represented a departure from the 2021 Victim-Centered Approach Memorandum, which had provided stronger protections for individuals with pending victim-based benefits[42]. However, Congress created victim-based immigration benefits specifically to encourage noncitizen victims to seek assistance, report crimes, and cooperate with investigations and prosecutions, recognizing barriers that may prevent victims from seeking help[42]. The January 2025 guidance's reduced emphasis on victim status risks undermining these Congressional intentions[42].

Oversight and Accountability Mechanisms

Internal ICE Oversight: Office of Professional Responsibility

The ICE Office of Professional Responsibility (OPR) Investigations Division investigates allegations of serious employee and contractor misconduct[50]. Unlike independent oversight agencies, OPR lies within ICE itself, creating structural challenges to independence[50]. The Joint Intake Center within OPR accepts complaints and refers them to appropriate offices; all allegations of serious employee or contractor misconduct are referred to the DHS Office of Inspector General, which has first refusal right to investigate[50]. If the Inspector General declines investigation, the complaint returns to OPR for review[50]. Investigations generally require months or years; in 2018, OIG reported that in a sample of reviewed investigations, OPR cases remained open on average for 246 days[50].

The Office of Detention Oversight (ODO), created in 2009 as part of a series of detention reforms announced by the Obama administration, provides ICE leadership with a second set of inspections independent from preexisting ICE detention inspections[50]. ODO and its contractors inspect facilities holding detained individuals for more than 72 hours with average daily populations exceeding ten, determining compliance with 15 or 16 "core standards" focusing on factors having greatest impact on detainees' life, health, and safety[50]. However, as noted, inspection activity dropped substantially in 2025 even as detention populations surged[28].

External DHS Oversight: Office of Inspector General and CRCL

The DHS Office of Inspector General (OIG) functions as one of two independent oversight agencies investigating violations of law and policy within DHS's 22 agencies[50]. OIG reports to both the Secretary of Homeland Security and Congress and is independent of the agencies it oversees, though it is not independent of DHS itself[50]. The DHS Office for Civil Rights and Civil Liberties (CRCL) investigates civil rights and civil liberties complaints regarding DHS policies or activities or actions taken by DHS personnel[50]. CRCL has enforcement authority regarding discrimination on account of disability pursuant to Section 504 of the Rehabilitation Act of 1973 and can refer complaints alleging inadequate medical treatment to the ICE Health Service Corps[50].

When CRCL determines a complaint warrants investigation, it may refer the complaint to OIG (which has right of first refusal), CRCL may investigate itself, or another DHS office may investigate under CRCL guidance[50]. If problems are identified, CRCL issues final reports to relevant DHS offices, makes recommendations, and monitors implementation[50]. In fiscal year 2019, CRCL conducted nine on-site investigations coordinated in advance with ICE[50].

Detention Complaint and Reporting Procedures

Detained individuals and members of the public can file complaints with the ICE Enforcement and Removal Operations Custody Management Division regarding medical negligence, failure to return personal property or funds, family separation, and telephone access[50]. The ERO Contact Center of Operations (ECCO) can be contacted through email, an online form, or the Detention Reporting and Information Line (DRIL) at 1-888-351-4024[50]. Facilities covered by ICE's National Detention Standards 2019 are required to provide detained individuals with free calls to DRIL[50]. ECCO attempts to resolve concerns itself but can refer complaints to other ICE offices or DHS agencies[50].

Northern California-Specific Implementation and Context

San Francisco Field Office Structure and Operations

ICE Enforcement and Removal Operations maintains a field office in San Francisco, located at 630 Sansome Street, 4th Floor, Room 475, San Francisco, California 94111, and maintains additional presence at 100 Montgomery Street, Suite 800, San Francisco, California 94104[30][32]. A Concord Hearing Location operates at 1855 Gateway Blvd., Suite 850, Concord, California 94520, providing immigration court proceedings for northern California residents[30]. The San Francisco ERO field office handles removal proceedings and detention operations for the Northern California region, which encompasses the Bay Area, Sacramento region, and surrounding areas[32].

HSI maintains presence in the San Francisco area as well, with agents investigating human trafficking, smuggling, financial crimes, and other transnational criminal matters[32]. The San Francisco Office of the Principal Legal Advisor (OPLA) provides legal representation for ICE in removal proceedings before the San Francisco Immigration Court[30][32].

Northern California 287(g) Expansion

The dramatic expansion of 287(g) agreements nationally has implications for Northern California communities. While specific current Northern California 287(g) participation requires verification of up-to-date databases, the statewide trend has been toward increased participation, particularly following state legislative requirements in some jurisdictions[7]. Northern California counties have increasingly considered or entered 287(g) agreements, with implications for how local police and sheriff departments interact with immigrant communities[7][24].

Texas has established a Sheriff Immigration Law Enforcement Grant Program effective January 1, 2026, supporting county sheriffs who have entered 287(g) agreements with ICE, providing grant funding for personnel compensation, administrative functions, equipment, training, and inmate confinement costs not reimbursed by the federal government[24]. Similar state-level support mechanisms emerging in other states will likely accelerate 287(g) participation in Northern California jurisdictions.

Healthcare Access Concerns in Enforcement Context

Northern California medical providers have documented substantial patient impacts from increased ICE enforcement. At Hennepin County Medical Center in Minneapolis, a comparable urban setting with significant immigrant populations, plainclothes ICE officers have become fixtures, focusing on people of color and requesting documentation[25]. Nurses and physicians have communicated through encrypted group chats about ICE encounters, including incidents where officers allegedly unnecessarily shackled patients[25]. Medical professionals report that immigrants are "absolutely" avoiding medical care due to fear of targeting,

with some hospitals in Southern California experiencing declining patient numbers[25].

These documented patterns suggest that Northern California medical providers in urban centers-San Francisco, Oakland, and surrounding regions-should anticipate similar impacts on immigrant patients' willingness to seek medical care, particularly for pregnant women avoiding obstetric care, diabetics avoiding insulin access, and individuals with other chronic conditions deferring treatment due to enforcement fears[25].

Conclusion

U.S. Immigration and Customs Enforcement operates as a complex, multifaceted federal law enforcement agency encompassing dramatically different operational components-criminal investigation through HSI and civil immigration enforcement through ERO-within a single institutional structure. The agency's historical development from post-9/11 security prioritization has evolved into a comprehensive immigration enforcement apparatus with extraordinary scope, including authority to investigate more than 400 federal statutes and capacity to operate worldwide through diplomatic missions. The statutory authority granted to ICE under the Immigration and Nationality Act and implementing regulations grants officers substantial law enforcement powers, including warrantless arrest authority, limited detention and interrogation authority, and authority to investigate federal crimes beyond immigration law.

The current operational landscape reflects dramatic expansion of detention capacity, enforcement funding, and geographic reach through fiscal year 2026 budget allocations and policy directives substantially exceeding historical precedent. The Criminal Alien Program remains ICE's largest deportation mechanism, responsible for two-thirds to three-quarters of all deportations initiated within the United States, while expanding 287(g) agreements increasingly involve state and local police in immigration enforcement operations. The tension between ERO's civil enforcement mission and HSI's criminal investigation mission continues to create operational challenges, particularly as criminal investigators seek independence from removal-focused operations.

For immigrant communities, particularly in Northern California jurisdictions with substantial immigrant populations, the intensification of enforcement operations carries profound implications. The non-detained docket redetention directive, expanded detention bed capacity, and increased 287(g) participation by local law enforcement create a more extensive enforcement infrastructure. Healthcare providers, legal service organizations, and immigrant advocacy groups face challenges in helping clients navigate a substantially expanded enforcement apparatus operating across interior U.S. locations, not merely at borders, with growing involvement of local police agencies through 287(g) agreements.

The absence of binding judicial warrant requirements for home entries, the expansion of mandatory detention categories through new "applicant for admission" interpretations, and the reduced emphasis on victim-centered protections in the January 2025 guidance regarding victim-based benefits indicate substantial doctrinal shifts favoring enforcement operations over individual protections. Oversight mechanisms, while nominally independent in structure, face resource constraints and declining inspection rates even as detention populations surge, suggesting oversight capacity has not expanded proportionally to enforcement capacity.

Understanding ICE's structure, authority, operational programs, and current policy developments is essential for immigrants, their families, legal representatives, and service providers navigating an immigration system increasingly dominated by interior enforcement operations conducted by an agency with extraordinary statutory authority and rapidly expanding fiscal and operational resources.