

[Feb. 12, 2019] Last night, news outlets reported that the negotiated DHS funding deal includes a 17% decrease in immigration detention funding that will decrease detention beds from 49,057 to 40,500. This framework is both inaccurate and misleading. Today, we learned that **the deal funds an annual average daily population (ADP) of 45,274 detention beds**. What does this all mean?

- The annual ADP for FY2018 (ICE is currently operating on a continuing resolution from the FY2018 bill) was 40,500 and the proposed annual ADP for FY2019 is 45,057 - **this is a 12% increase for immigration detention, not a decrease.**
- In FY18, ICE had funding to detain 40,500 individuals per day on average. The 49,057 represents the agency's current population which is far above what it is actually permitted to spend under the Continuing Resolution that expires on Friday.
- The important number is the annual ADP which dictates ICE's spending for the entire fiscal year. Under this deal, ICE would be funded to detain an average 45,057 individuals over the course of the year. Theoretically, this means that if the agency overspends to detain more people (like it is doing right now) then it must decrease the detention population to average out to 45,057 by the end of the year.
- The 40,500 number that was reported as a decrease actually refers to the (again, theoretical) destination for a "glide down" process. ICE must "glide down" or decrease detention to 40,500 by the end of the fiscal year on September 30th, 2019. This gives ICE permission to keep detain as many immigrants as they want throughout the year as long as it ends the year at 40,500 in detention and the average over the course of the year equals 45,057.
- Congress has tried to put ICE on a "glide path" to decrease the ADP before and, without limiting its transfer/reprogramming authority, it did not work. In the March 2018 omnibus funding bill, ICE was funded for an ADP of 40,354, which [appropriators stated publicly](#) would "require ICE to reduce the number of detention beds in use between" the date of the bill's enactment and the end of the fiscal year. ICE never complied with this instruction and instead continued steadily expanding which is how it peaked at 49,057 individuals in detention this month.
- In addition, ICE has repeatedly acted as a rogue agency and ignored its responsibility to spend within its means. [See here for an explanation](#) as to how ICE has circumvented Congress to expand detention over the last three years.

