

# How Cory Booker would ‘virtually eliminate’ immigration detention

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## What would the plan do?

Sen. Cory Booker (D-N.J.) released a broad immigration plan Tuesday that his presidential campaign said would “virtually eliminate immigration detention.” The plan would make exceptions for immigrants who present a risk to public safety or who are deemed unlikely to report for a court date.

## How would it work?

Booker would phase out the use of private detention centers over a three-year period. The move would greatly reduce detention space, since for-profit companies operated roughly two-thirds of all beds in 2015, according to a report last year by the non-partisan Migration Policy Institute. Booker also proposes winding down detention contracts with state and county jails over the same three-year period.

Under Booker’s plan, most immigrants would be monitored using “alternatives to detention.” Immigration and Customs Enforcement currently uses various detention alternatives in a limited manner, including ankle bracelets, bonds, and check-ins by phone and in person.

## What are the weaknesses in the proposal?

Booker’s plan could face backlash from Republicans and moderate Democrats in Congress who consider it too lenient. Under the proposal, many migrants who arrive at the U.S.-Mexico border would be released into the interior of the United States, a practice that immigration hard-liners argue would encourage more people to trek north.

The plan also would be pressure-tested if the level of migrants arriving at the southwest border grew to even higher levels than the surge of recent months. Border communities have struggled to house and care for migrants, a situation that could be exacerbated if there’s a spike in new arrivals.

## How much would it cost?

Booker did not estimate the cost of his detention wind-down, but it could reduce costs to the federal government in the short-term.

For example, the Trump administration requested roughly \$210 million in its fiscal year 2020 budget proposal to monitor a daily average of 120,000 people using alternatives to detention.

In the same proposal, the administration asked Congress for \$2.7 billion to pay for 54,000 detention beds — more than 10 times what it devoted to detention alternatives.

Supporters of detention, however, point out that detained migrants tend to have their cases heard more quickly and don't require added resources to track down.

Indeed, some people don't show up for their court cases. In fiscal year 2016, roughly 40 percent of non-detained immigrants failed to appear in court when they were ordered removed.

### **How would he pay for it?**

Booker didn't estimate costs or savings, but a campaign spokeswoman said the plan "would likely be a cost-saver." The libertarian Cato Institute analyzed alternatives to detention for migrant families in 2018 and found they generally would "far cheaper, more humanitarian, and less of a political disaster for [the Trump] administration."

### **What have other Democrats proposed?**

Former HUD Secretary Julián Castro released a detailed immigration plan in April and said he would "effectively end" immigration detention "except in serious cases." Like Booker, Castro said he would utilize alternatives and ensure all individuals had access to a bond hearing.

In addition, Castro would remove criminal penalties for crossing the border illegally, which would make it only a civil offense.

Former Texas congressman Beto O'Rourke presented a detention plan similar to that of Booker, but with less detail. He would issue an executive order "to require detention only for those with criminal backgrounds representing a danger to our communities and eliminate all funding for private, for-profit prison operators whose incentive is profit, not security."

Sen. Elizabeth Warren (D-Mass.) has pledged to ban the use of private detention facilities "by ending all contracts that the Bureau of Prisons, ICE, and the U.S. Marshals Service have with private detention provider."

Many candidates have said they oppose using "cages" to hold migrant children in border processing centers, but those facilities are intended to be short-term and are not used for longer-term detention.

### **Who would it help?**

The plan would allow many migrants to avoid the strictures of detention while they awaited their immigration court dates. In some cases, they might be eligible to apply for work authorization and contribute economically to their communities. If they had children or spouses in the U.S., they might be able to rejoin them.

### **Who opposes it?**

President Donald Trump presented a near-opposite strategy when he took office: He issued an executive order that called for migrants encountered at the border to be detained whenever possible. As such, Trump and many congressional Republicans will oppose this plan.