

Borders and Immigration:

Fixing our cruel and unconstitutional Immigrant Detention System

February 2026



Top Line

- I. Our immigration system relies heavily on for-profit detention facilities, and under the Trump administration their use has surged.**
- II. For-profit immigrant detention is both harmful to people and costly. Serious human rights violations are well documented and widespread.**
- III. Texas has become the epicenter for immigrant detention. Texas holds the most immigrants in detention of any state, by far.**
- IV. Republican immigration policies are further increasing the damage.**
- V. Specific immigration reforms are needed to fix the immigrant detention system**
 - 1. Adequately fund the immigration court system to reduce the need for detention**
 - 2. End detention of children**
 - 3. Set and enforce strong, binding standards for detention**
 - 4. Reduce the use of for-profit facilities**
 - 5. Utilize community-based alternatives to detention**

This is not only about immigrants, but also about protecting the core freedoms of every American. The Constitution guarantees due process to all people, regardless of immigration status. When rights are denied to one group, it becomes easier to deny

them to others. Allowing the government unchecked power over immigrants sets a dangerous precedent that threatens everyone’s liberty.

CPP Research Analyst Rachel led the research for this paper.

Backup

I. Our immigration system relies heavily on for-profit detention facilities, and under the Trump administration their use has surged.

- a. Immigration detention is sometimes necessary, especially for immigrants who have committed violent crimes.
 - Immigrant detention is meant only to ensure that individuals appear for court proceedings during removal cases or until repatriation. (1) Immigrant detention is not intended as punishment in the way imprisonment for criminals is.
 - The number of immigrants in detention has exploded since Trump retook office in January 2025. At the end of 2024 (essentially the end of the Biden administration) 36,265 immigrants were held in detention. By February 5 of 2026 this had surged to 67,138 – up 85%.

Number of people held in detention

	End of 2024	YTD 2026 as of February 5	Change	Percent Change
Male criminal	9,353	13837	4,484	47.90%
Male non-criminal	22,207	45,009	22,802	102.70%
Female criminal	543	994	451	83.10%
Female non-criminal	4,162	7298	3,136	75.30%
Total	36,265	67,138	30,873	85.10%

Total Criminal	9,896	14,831	4,935	49.90%
Total Non-Criminal	26,369	52,307	25,938	98.40%

Source: ICE, <https://www.ice.gov/detain/detention-management#stats>

- According to ICE’s own reporting, most of the immigrants in detention are not criminals. The number of non-criminals in detention has increased 98% in the past year, to over 52,000, and non-criminals now represent 77.9% of all immigrants held in detention.

- b. **Nearly 90% of immigrants in detention were being held in for-profit centers** as of mid-2025, run by GEO Group, CoreCivic, and similar companies. (2) As detailed in Section II, this is costly, and prone to serious legal and human rights abuses.
- c. Instead of focusing on dangerous criminals, as Trump had promised, ICE enforcement is sweeping up workers, families, and residents with deep community ties. Anyone without US citizenship is at risk of being detained and deported, even if they are here legally (e.g. under a student visa or Temporary Protected Status, or in the process of applying for asylum). Despite his promise to focus on “the worst of the worst”, our detention system is holding tens of thousands of people without criminal records. (3)

II. For-Profit Immigrant detention is both harmful to people and costly

- a. **For-profit detention centers are focused on maximizing their profits, not on how detainees are treated.** (4)
 - Private prison companies, such as CoreCivic and Geo Group, are profiting enormously from immigration detention.
 - As an example, CoreCivic’s annual revenue reached \$2.2 billion in 2025, up 13% from the previous year, and net income increased 69%. These profits are largely fueled by contracts with Immigration and Customs Enforcement (ICE).
 - The Trump administration’s \$45 billion budget for immigration detention has significantly increased demand for private detention, further boosting profits for these companies, which have spent heavily on lobbying and political contributions to influence policies that drive up detention rates.
 - Overall, federal contracts provide more than half of these companies’ revenues, ensuring sustained and growing profits tied directly to immigration detention expansion. (6)
 - To maximize profits, these companies force immigrants in these centers to work in essential jobs like cooking, cleaning, laundry, haircutting, painting, and vehicle maintenance. They often only get paid one dollar a day, and sometimes they don’t get paid at all. (7)

b. For-profit detention companies are earning record revenues and profits by providing a harmful service that we don't need. And American taxpayers are paying for it.

- ICE is now detaining around 67,000 immigrants in roughly 225 facilities, nearly double the population and number of sites from a year earlier. With 90% in for-profit centers, and an average cost to taxpayers of \$152 per day, that amounts to over \$3.3 billion to house people, many of whom are here legally, and most of whom do not have criminal records. (67,000 times 90% times \$152/day times 365 days).
- A \$45 billion budget is enabling ICE to plan new detention centers in states that previously had none, build mega-facilities in places like California and Texas, and even buy and convert large warehouses into detention centers despite local opposition. (8)

c. For-profit detention centers are characterized by frequent and severe human rights violations. Human rights violations in immigrant detention centers in Texas and across the country are serious and well-documented by multiple organizations. (10)

Privatized immigration detention lets corporations perform core state functions (custody and control) without being subject to the same transparency and accountability standards as government-run facilities. Because migrants are treated as revenue-generating “commodities,” the design of for-profit detention is inherently at odds with protecting their human rights. (11)

Specific human rights abuses include:

- **Denial of Access to Legal counsel:** Access to legal counsel is frequently restricted, with detainees often transferred suddenly or held without access to communication to disrupt their legal representation.
- **Physical and Sexual Abuse:** Reports include physical assaults and sexual abuse by detention staff. Vulnerable groups like children and pregnant women have faced mistreatment, including neglect and degrading conditions during intake and processing. (12)
- **Medical Neglect:** Detainees often suffer from inadequate or delayed medical care. Pregnant women have reported being denied proper examinations, leading

to complications and even miscarriages. Essential medications are sometimes withheld, worsening health outcomes. (13)

- **Inhumane and Degrading Conditions:** Overcrowding is common, with detainees forced to sleep on cold concrete floors without bedding or proper clothing in freezing holding cells. Hygiene and access to showers are often lacking. Food quality is poor, and detainees sometimes endure extreme temperatures and prolonged shackling during transport. (13)
- **Solitary Confinement:** Detention centers frequently use solitary confinement as punishment or to isolate detainees with mental health issues, sometimes for prolonged periods exceeding a year. This practice causes severe psychological harm and violates both domestic policy and international human rights standards. (14)
- **Traumatizing children:** Prior to the Trump administration, the average number of children held in detention averaged less than 50. But since January 2025 that has ballooned to over 300 (18), and in total 3800 children have been processed through ICE detention since Jan 2025.
 - Children in ICE detention describe their experience as frightening, depressing, and prison-like: they talk about always being watched, never being able to sleep well, eating the same inedible food day after day (sometimes with worms or mold), and getting little real medical help when they are sick, which leaves them scared that the water and food are making them ill.
 - They write and speak about constant sadness and anxiety, crying at night, having nightmares about being trapped in cages or chased by animals, regressing to bed-wetting or wanting to breastfeed again, and feeling that their “life is paused” or “life is over” even though they have done nothing wrong.
 - Many say they feel guilty for their family’s suffering, miss school and friends, and feel punished for having come to the U.S. seeking safety. (19)
- **Death.** Since Trump returned to office in January 2025, deaths in immigration detention have risen to levels not seen in more than two decades, with at least 30–32 people dying in ICE custody in 2025 alone—roughly triple the year before and more than during the entire Biden administration—and at least 6 more deaths already recorded in the first weeks of 2026. (20)

These abuses reflect systemic neglect and dehumanization in immigration detention, which is described by human rights organizations as a “living hell”. (15) **And it is**

important to recognize that most of the detainees in detention centers do not have criminal records, and many are in the country legally under Temporary Protected Status or are in the process of applying for asylum.

d. For Profit Detention Centers operate with less transparency than publicly operated facilities

- Even though these private facilities hold human beings in federal custody under federal law, they operate in secret and are not subject to the federal transparency law, the Freedom of Information Act. (40)
- A Justice Department inspector general report found that private prisons are more dangerous than federal facilities, and their corporate protections make it impossible for the public, Congress, and even ICE to ensure these companies are fulfilling the terms of their extremely lucrative contracts. (40)

e. For Profit Detention Centers do not save us money.

- Contrary to industry claims, daily cost per detainee is higher in for-profit facilities than in municipal or nonprofit-run jails. (9)
- Guaranteed minimum occupancy contracts can also inflate costs and encourage unnecessary incarceration. (9)
- Holding someone in detention costs \$152 per day (16), while the average daily cost paid to local jails for holding immigrants is \$71.44, less than 1/2 the cost at a for profit facility. (17)
- Prior to the Trump Administration, ICE followed a policy of “Alternatives to Detention” for undocumented aliens without criminal backgrounds and who did not pose a risk. In 2024 ICE reported that non-detention alternatives cost just \$4.20 per day, far below the \$152/day for detention. (16)

III. Texas has become the epicenter for immigrant detention.

a. Texas holds the most immigrants in detention of any state – by far.

- As of February 2026, Texas holds 18,734 immigrant detainees, more than any other state in the nation. This represents the highest detention population by a significant margin, with Louisiana holding the second-highest number at 8,244 detainees, followed by California at 6,459, Florida at 5,231, and Georgia at 4,227. **Texas holds almost as many detainees as the next three states combined.** (17)

- Nationally, ICE detained approximately 67,000 people across 212 facilities in early 2026, meaning **Texas accounts for roughly 28% of all ICE detainees nationwide despite representing only about 9% of the U.S. population.** (18)
- Currently, the largest single detention facility in U.S. history is in El Paso. Camp East Montana, which opened in August 2025, is a tent city with capacity for 5,000 detainees and currently averages 2,954 detainees per day as of February 2026. (19)
- Multiple “mega-centers” are planned for Texas, including an 8,500-bed warehouse in El Paso, and a 9,500-bed site in Hutchins, just south of Dallas. (20) At \$165 per day, just one of these mega facilities will cost taxpayer \$1 million to \$1.65 million each day, or as much as \$600 million in a year - primarily to hold people who do not have criminal records, and many of whom are in the US legally under Temporary Protected Status or in the process of an asylum application.

An interactive map of detention facilities in Texas by the Texas Tribune is [here](#).

b. Many of these detention facilities represent lucrative contracts to private companies – some with no relevant experience.

- Private prison corporations play a dominant role in Texas detention operations. CoreCivic and GEO Group operate numerous facilities under lucrative contracts:
 - Companies receive fixed per-bed fees regardless of occupancy rates, ensuring guaranteed revenue streams.
 - Many contracts use "pass-through" arrangements with municipalities as intermediaries, bypassing competitive bidding requirements.
 - A 2018 DHS Inspector General audit found these pass-through arrangements "improper" and "unnecessary," yet they continue to proliferate. (21)
- A \$1.24 billion contract was awarded to Acquisition Logistics LLC in 2025 to build and operate Camp East Montana in El Paso, the largest detention facility in U.S. history. Acquisition Logistics has no prior experience operating detention facilities. A house in suburban Richmond, Virginia, is listed as the company’s headquarters and it has no public record of running a detention facility before this one. (22)

c. Texas specializes in holding children and families in detention

- The Biden administration ended the practice of family detention in 2021, opting instead for ankle monitors and tracking devices. But the Trump Administration has restarted it, and reopened the Dilley Family Detention Center near Austin, run by CoreCivic, and the Karnes County Residential Center, run by GeoGroup, near San Antonio to detain immigrant families. Texas is the only state in the nation that allows for detention of immigrant children and families. (23)
- ICE has booked at least 3,800 children under 18 into immigration detention so far this year, including 20 infants. Some children at Dilley have been confined for over 9 months, indicating the government is often holding families for long periods to coerce them into self-deporting. (24)
- Parents also report that staff use threats of family separation and foster care as a disciplinary tool, exacerbating children's psychological trauma and fear. (24)

"This place has destroyed my children, both physically and mentally," Hayam El Gamal wrote in letters released by her attorney. Inside ICE's Dilley family detention center, the asylum-seeking mother and her five children describe months of harmful conditions: moldy contaminated food, constant bright lights, and officers who ignore or mock their religious practices. The children report rapid weight loss, nightmares about fences and locked gates, bed-wetting, and despairing statements like 'I hate my life,' while basic medical and dental needs go untreated for weeks or months. Instead of the brief stays federal officials promise, this family spent nine months in confinement, turning a supposed short-term facility into a place of prolonged trauma for kids. (25)

d. Texas detention has resulted in multiple injuries and deaths.

- In 2025, 32 people died in ICE custody nationwide, the deadliest year in two decades; nearly one in four of those deaths occurred in Texas facilities. (26)
- More than 45 detainees at Camp East Montana told attorneys about serious injuries, including a teen who said staff slammed him, beat him, and crushed his testicles after blocking the security cameras so that it would not be filmed; ICE's own inspectors found at least 60 violations, including that the contractor hired barely half the promised security staff. (26)
- In just six weeks between early December 2025 and mid-January 2026, six people died while detained by ICE in Texas; three of those deaths occurred at Camp East Montana, the tent mega-camp at Fort Bliss in El Paso. (27)
- One of the 2026 deaths reported at Camp Montana, 55-year-old Cuban immigrant Geraldo Lunas Campos, died on January 3; the El Paso medical

examiner ruled his death a homicide caused by asphyxia from neck and torso compression while being restrained by staff. (27)

Texas has become the epicenter of immigrant detention through a combination of geographic proximity to the border and political alignment with aggressive enforcement policies. Increased immigrant detention raises critical questions about Texas' role in the human rights abuses associated with immigrant detention.

IV. Republican immigration policies are further increasing the damage.

- a. Increasing detention capacity.** In February 2026 it was announced that ICE plans to increase detention capacity to 92,600 beds. (28) This is almost triple the number held in detention prior to the Trump Administration (36,265 at the end of 2024).
- b. Dramatically increasing the number of people in detention.** As shown in the table above, detention has already increased from 36,000 at the end of 2024 to over 67,000 as of February 2026. The administration's goal is to increase this to 100,000 as quickly as possible. (29)
- c. A huge increase in spending –** To fund this huge increase in capacity and in the number of people in detention, the Republican's "One Big Beautiful Bill" allocates an unprecedented **\$45 billion in funding for immigration detention, nearly equaling the last 20 years of funding combined.** (29) The primary beneficiaries of this funding windfall are private prison companies, such as Geo Group and CoreCivic, known for their appalling conditions and human rights abuses. With more money funneled into these corporations, immigrants will face longer detentions, more family separations, poorly trained staff, and coerced labor, all paid for by taxpayers.
- d. Eliminating Judicial Safeguards.**
 - **Detaining at court hearings** - Many detainees have been detained at their regular immigration hearings, punishing those doing it "the right way". This approach creates chaotic conditions in courts nationwide, where large numbers of immigrants must navigate complicated deportation proceedings amid the threat of last-minute detention. (30)
 - **Eliminating bond hearings** - In July 2025, the Trump administration issued a directive reinterpreting the Immigration and Nationality Act (INA), effectively

ending bond hearings for immigrants who entered the United States without inspection.

- This change means that hundreds of thousands of people in detention are no longer able to ask an immigration judge for release while their deportation cases proceed. Instead, release is possible only if the Department of Homeland Security (DHS) grants discretionary parole, which is rarely given. (31)
 - This policy leads to **indefinite detention of non-criminal immigrants**, denies due process, and undermines fair legal review. Immigration lawyers and advocates warn it will increase family separations, overcrowding in detention centers, and place unnecessary burdens on taxpayers while harming immigrant communities. (32)
 - **Firing Immigration Judges** - Over 100 immigration judges have been fired or resigned under the Trump administration's efforts to reshape the judiciary.
 - This wave of dismissals included experienced judges and leaders within the immigration courts, leading to a loss of institutional knowledge and undermining fairness in immigration proceedings. These actions have contributed to administrative chaos and a backlog of nearly 4 million cases, with delays extending into 2029 for some individuals. (33)
 - Widespread firing of immigration judges destabilizes the immigration court system, reduces the quality of proceedings, and threatens due process. It shifts the system toward a politicized, expedited, and less fair adjudication process that undermines the rule of law and the rights of migrants to fair hearings. (34)
- e. No bid contracts for immigration detention** - The use of no-bid contracts for immigration detention under the Trump administration has funneled vast amounts of public tax dollars into the hands of private prison corporations, particularly CoreCivic and Geo Group. (35)
- By declaring a national emergency and leveraging emergency contracting authority, ICE avoided competitive bidding processes, enabling rapid expansion of capacity nationwide, without regard for the cost to taxpayers.
 - “Alligator Alcatraz” in Florida is a glaring example of waste and self-dealing. The state of Florida bypassed normal competitive bidding processes, awarding contracts to firms linked to political donors, such as IRG Global Emergency Management, which received over \$5 million for operational support and site services. The total estimated operating cost of the center is approximately \$450

million annually, with daily costs per bed reaching \$245, which is much higher than the average daily cost of \$152 reported by ICE. The facility, now closed, has cost taxpayers more than \$245 million. (35)

f. Given these factors, it is not surprising that Americans overwhelmingly disapprove of the current administration’s detention policies.

- A February 2026 survey found that 65% of Americans say ICE has “gone too far” in enforcing immigration laws, up from 54% in July 2025.
- 60% disapprove of the job ICE is doing, only 30% approve.
- 62% of Americans say ICE’s actions are making the country less secure. (36)

Most Americans agree that we should focus enforcement efforts on criminal elements. Only 32% agree with the Administration’s approach of deporting all undocumented immigrants. We should prioritize the detainment, detention, and deportation of individuals who pose genuine threats to public safety and national security. This targeted approach ensures resources are used efficiently and humanely. (37)

V. Specific immigration reforms are needed to fix the immigrant detention system

1. Adequately fund the immigration court system to reduce the need for detention

- Current funding is heavily skewed toward detention and enforcement while ignoring our broken immigration system. Budget reconciliation bills have allocated tens of billions for detention expansion but limited increases for immigration judges and court infrastructure.
- The number of immigration judges is currently capped at 800, which is inadequate considering the nearly 4 million case backlog and multi-year delays. Hiring and retaining more qualified, experienced immigration judges is essential for timely, fair adjudications. (38) This will also help to reduce the number of people in detention.

2. End detention of children – We should end the practice of detaining children in jail-like settings, and instead use licensed, child-appropriate shelters and community placement with appropriate screening, monitoring, and services when needed.

- 3. Set and enforce strong, binding standards for detention** - Replace weak, self-policed detention “guidelines” with enforceable, jail-inspection-style standards for medical and mental health care, sanitation, nutrition, recreation, and protection from abuse, with unannounced inspections, public reporting, and meaningful penalties. These should apply equally to for-profit and publicly operated facilities.

- 4. Reduce the use of for-profit facilities** – For-profit immigrant detention centers are subject to less transparency than publicly operated facilities. Contracting has often bypassed normal controls, resulting in lucrative contracts for private companies at the expense of US taxpayers. And these centers have experienced human rights abuse and deaths.
 - We should reduce the need for detention overall, reduce the use of for-profit facilities, and when they are needed, ensure that they comply with appropriate standards of performance.
 - One important first step is to make for-profit immigration centers subject to the Freedom of Information Act (FOIA) (40)

- 5. Utilize community-based alternatives to detention** - We can create community-based alternatives to mass detention, utilize non-profit and public detention centers for the small percentage of immigrants who are also criminals who need to be locked away for the safety of our communities. (39) These measures will both reduce costs to taxpayers and reduce the potential for human rights abuses.

Its time to fix our broken immigrant detention system and reduce our reliance on for-profit prisons. This is not only about immigrants, but also about protecting the core freedoms of every American. The Constitution guarantees due process to all people, regardless of immigration status. When rights are denied to one group, it becomes easier to deny them to others. Allowing the government unchecked power over immigrants sets a dangerous precedent that threatens everyone’s liberty.

More Information

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