

Overview of ICE Release

Issue:

ICE releases aliens from ICE custody for various reasons: 1) humanitarian concerns; 2) federal court order; 3) bond or recognizance set by IJ or DHS; and 4) as a result of *Zadvydas v. Davis*, 533 U.S. 678 (2001), ICE must release aliens upon an evaluation of the Significant Likelihood of Removal in the Reasonably Foreseeable Future (SLRRFF).

Background:

Currently Detained								
	Detained Final Order TOTAL	Detained Final Order Convicted CRIMINAL	Detained Final Order NON-CRIMINAL				Detained UNLINKED EVENTS	Detained GRAND TOTAL
Grand Totals:	15,295	8,023	7,272	18,690	9,834	8,856	235	34,220

Currently Non-Detained									
	Non-Detained Final Order TOTAL	Non-Detained Final Order Convicted CRIMINAL	Non-Detained Final Order NON-CRIMINAL	Non-Detained Final Order ACT IVE	Non-Detained Final Order INACTIVE				Non-Detained GRAND TOTAL
Grand Totals:	872,900	165,950	706,950	850,731	22,169	983,012	169,153	813,859	1,855,912

Detention data is updated through 04/26/2014 (IIDS v1.16 run date 04/28/2014; EID as of 04/26/2014).

Non-detained AOR is based upon the docket where the case is residing

Release:

- **Humanitarian** – Release may be considered for an alien who has a severe medical condition and it would not be in the Government’s best interest to continue detention; who may be the sole care provider for dependent(s)
- **Court Order** – Release may be obligated for an alien who made a successful habeas corpus petition; who fell into a special class such as the Rodriguez decision; who had their case terminated either judicially or administratively and were no longer removable
- **Bond or Recognizance** – Release may occur if the Government or Courts grant the alien a bond that is guaranteed, depending on case specifics (i.e. pursuit of legal remedies,)
- **Zadvydas** - Federal case law, the Immigration and Nationality Act (INA), and its interpreting regulations limit the amount of time ICE can continue to detain aliens after the issuance of a final order of removal. In 2001, the U.S. Supreme Court, in *Zadvydas v. Davis*, 533 U.S. 678, limited the length of detention for any admitted alien subject to an administratively final order of removal to a period of time "reasonable" to effectuate his/her removal. Removal is dependent upon receipt of a travel document or acceptance issued by the country of origin. If a country denies issuance or unreasonably delays issuance, ICE may be obligated to release aliens who cannot be removed.