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ICE releases some migrant detainees as its detention facilities reach 109% capacity

By [Camilo Montoya-Galvez](#)

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ICE releases some migrant detainees



[Some migrant detainees released as ICE facilities fill up 05:03](#)

Washington — U.S. Immigration and Customs Enforcement is releasing some migrant detainees, in some cases dozens per day, as space in its detention system has exceeded maximum capacity amid a [spike in arrests](#) by the agency under President Trump, internal government statistics obtained by CBS News show.

On Tuesday morning, space inside ICE detention facilities was at 109% capacity, with the agency holding close to 42,000 migrant detainees, despite having, on paper, a 38,521-bed capacity in its network of for-profit prisons and county jails, according to the internal Department of Homeland Security data. More than half of those in ICE custody were initially arrested along the southern border, the figures show.

On Monday, ICE released roughly 160 migrants from its custody, the figures show, an indication that the Trump administration, faced with the same operational and legal challenges on immigration enforcement that have bedeviled Democratic and Republican presidents, is being forced to release some detainees. Those released can be fitted by ICE with ankle monitors, to track their movements.

In a statement to CBS News, ICE acknowledged that its "enhanced" operations have yielded "a significant number of arrests of criminal aliens that require greater detention capacity."

"We are exploring every solution including working with U.S. Customs and Border Protection and our state and local law enforcement partners, asking Congress for increased funding, and scrutinizing case files to quickly remove criminal aliens with executable final orders of removal from Department of Justice immigration judges," the agency said.

ICE also said some immigration laws require it to release certain migrants, noting that those released remain under the agency's supervision.

Earlier this week, [NBC News reported](#) ICE had released some migrants recently arrested under the Trump administration.

Since Mr. Trump's inauguration, [ICE has increased](#) arrest operations [across the country](#), recording as many 1,000 arrests on some days, compared to the 312 daily average during former President Joe Biden's last year in office. The Trump administration has rescinded [several Biden-era limits](#) on ICE arrests, giving the agency a broad mandate to go after most of those in the U.S. illegally, including unauthorized migrants without criminal records.

But those arrested by ICE often have to be detained for days and weeks — and in some cases, months — before the agency completes all the paperwork and legal process necessary to deport them. Sometimes, those migrants can't be deported because their home countries do not accept them, and the Supreme Court has limited detention in those cases. In other cases, judges grant them relief from deportation.

Because of the limited space at existing holding facilities, ICE is planning to dramatically expand its detention capacity as it seeks to fulfill what Mr. Trump has promised will be the largest mass deportation campaign in U.S. history.

On one hand, the agency is seeking to expand its own network of detention centers. An internal [government memo](#) last month indicated that ICE was eyeing 14 new detention sites that could hold as many as 1,000 detainees each, as well as four larger facilities with 10,000 beds each.

But ICE is also turning to other agencies to augment its detention capabilities. The Department of Defense has already authorized ICE to detain migrants [at a Space Force base](#) in Colorado, and the Guantanamo Bay Naval base received its first group of migrant detainees on Tuesday after Mr. Trump [directed officials](#) to convert facilities there into a massive immigration detention center.

Over the weekend, Tom Homan, the Trump administration's border czar, [asked](#) county sheriffs to help federal immigration officers arrest and detain unauthorized immigrants, Reuters reported.

The Trump administration has also considered holding ICE detainees inside [large tent sites](#), known as "soft-sided" facilities, that were set up by Border Patrol along the southern border to temporarily house and process migrant families and children, two officials familiar with the proposal told CBS News.

It's unclear whether that plan will be implemented. It could face significant operational and safety challenges as soft-sided facilities were designed for short-term processing and are not as secure as ICE detention centers.

But, unlike ICE, Border Patrol's detention space is well under capacity. On Tuesday morning, Customs and Border Protection had fewer than 2,000 migrants in its custody, using roughly 9% of its 21,000-person detention capacity, according to the internal DHS data.

That is mainly due to the relative calm at the U.S.-Mexico border, where illegal crossings [are nearing](#) a five-year low. In January, Border Patrol processed nearly 30,000 migrants who crossed the southern border illegally, the lowest level since May 2020, internal government figures show.

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