Weaponizing Immigration Detention

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ABSTRACT[****]

Immigrants exist within networks of social relationships that shape their identities, inform their decision-making, and guide their behavior. Certain areas of substantive U.S. immigration law—the body of law governing who may enter or remain in the United States—acknowledge this social embeddedness by protecting or privileging valued social relationships. In contrast, many aspects of procedural immigration law—the set of rules governing how substantive immigration law is implemented and enforced—undermine or destroy those very relationships. The U.S. government's practice of transferring immigrant detainees across multiple detention facilities and confining them in remote locations is a paradigmatic example of such destructive procedural immigration law in action.

This Article presents the first systematic empirical analysis of interfacility transfers and remote detention in the U.S. immigration detention system. Our findings show that over the past fifteen years, U.S. Immigration and Customs Enforcement has routinely relied on long-distance transfers crossing state lines and federal judicial circuits, and on confinement in remote locations. Some of these practices have sharply accelerated during the second Trump administration: Compared to the Biden administration, the share of detention stays with two or more

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transfers increased from 19% to 55%; intercircuit transfers into the Fifth Circuit—long regarded as among the least favorable jurisdictions for noncitizens—increased from 55% to 70% of all intercircuit transfers; and the share of individuals ever experiencing remote detention increased from 71% to 81%. We argue that procedural immigration law must take seriously the social embeddedness of immigrants, and that doing so requires strictly limiting and regulating the use of interfacility transfers and remote detention.

INTRODUCTION 139

I. SOCIAL EMBEDDEDNESS IN THEORY AND IN PRACTICE 143
A. *SOCIAL EMBEDDEDNESS THEORY* 144
B. *SOCIAL EMBEDDEDNESS OF IMMIGRANTS* 145
C. *IMPORTANCE OF SOCIAL TIES FOR IMMIGRANT DETAINEES* 148

II. LEGAL CONTEXT 153
A. *SOCIAL EMBEDDEDNESS IN U.S. IMMIGRATION LAW* 153
1. Family-Preference Visa System 154
2. Hardship-Based Waivers and Relief from Removal 155
3. Humanitarian Protection 156
B. *IMMIGRATION DETENTION IN THE UNITED STATES* 158
1. Institutional Landscape 159
2. Transfers in Immigration Detention 162
3. Detention in Remote Locations 166

III. AN EMPIRICAL STUDY OF TRANSFERS AND REMOTE DETENTION 169
A. *DATA SOURCES AND STRUCTURE* 170
B. *SAMPLE RESTRICTIONS* 171
C. *CODING OF DISTANCE MEASURES AND REMOTE LOCATIONS* 172
D. *EMPIRICAL OVERVIEW OF FACILITIES AND DETENTION STAYS* 174

IV. RESULTS OF EMPIRICAL ANALYSIS 176
A. *AN ILLUSTRATIVE CASE* 176
B. *INTERFACILITY TRANSFERS* 177
1. Prevalence of Transfers 178
2. Type of Transfers 180
3. Transfer Distances 183
C. *REMOTE DETENTION* 184
1. Facilities in Remote Locations 185
2. Individuals Ever Detained in Remote Locations 186

3. Days Detained in Remote Locations 187

V. POLICY IMPLICATIONS AND FUTURE DIRECTIONS 188
A. REDUCING RELIANCE ON IMMIGRATION DETENTION 188
B. LIMITING AND REGULATING TRANSFERS 189
C. ADDRESSING THE HARMS OF REMOTE DETENTION 190
D. DIRECTIONS FOR FUTURE RESEARCH 192

CONCLUSION 193

APPENDIX: DATA AND METHODS 194
I. DATA PREPARATION 194
II. DATA CLEANING 194
III. INTERFACILITY TRANSFERS 195
IV. MAJOR URBAN AREAS 195
V. DISTANCE MEASURES 195

INTRODUCTION

> In video of Khalil's arrest, recorded by his wife, she can be heard asking officers multiple times where they are taking her husband. After ignoring her for several minutes, one of the officers says he's being taken to 26 Federal Plaza—the Immigration and Customs Enforcement District Office in Lower Manhattan. . . . As officers drove Khalil downtown, his lawyer raced to file a habeas corpus motion . . . in a federal court in New York. The process took several hours and required Khalil's attorney to work into the night. By the time the motion was filed, Khalil had been moved across the Hudson River to a detention facility in Elizabeth, New Jersey, without notice to his attorney. . . . Hours later, again without notifying his counsel, he was put on a plane from JFK Airport to Dallas and then to Louisiana. . . . While his jurisdictional battle plays out, Khalil, who is a permanent legal US resident, is sitting inside the Central Louisiana ICE Processing Center, counting down the days until his wife is due to give birth later this month.[1]

This story of Mahmoud Khalil's detention is a powerful illustration of two realities: the first, about the nature of immigrant lives, and the second, about the nature of U.S. immigration law. The first reality that the story underscores is that immigrants—like all individuals—are socially embedded, and they exist within networks of social relationships that shape their identities, inform their

1. Eric Levenson & Gloria Pazmino, *Why ICE Is Really Moving Detainees over a Thousand Miles from Where They Were Arrested*, CNN (Apr. 10, 2025), https://www.cnn.com/2025/04/10/us/immigration-detainees-trump-ice-students-visa [https://perma.cc/T99K-RJ6K].

decision-making, and guide their behavior. The second reality that the story brings to light is that interfacility transfers and detention in remote locations are tools that the U.S. government can use to destabilize or destroy those same relationships. As Khalil's attorney has observed, the U.S. government "want[s] to cut people off from their communities, from their base of support, from their lawyers, from their families, from their schools, their friends and isolate them so that they can deport them in silence."[2]

Stories like Khalil's abound,[3] as the second Trump administration has weaponized interfacility transfers and remote detention in service of its mass deportation campaign. As we explain in detail later in this Article, legal decision-making is inherently relational in nature and is shaped in a multitude of ways by the social networks in which individuals are embedded.[4] This means that interfacility transfers and remote detention deprive immigrant detainees of their ability to access basic legal information, exercise their legal rights, and make informed legal decisions that have far-reaching consequences not only for the detainees themselves, but also for their families and communities. The harms of transfers and remote detention radiate outward because immigrants are situated within networks of relationships that extend beyond the individual to families, workplaces, civic institutions, and local communities. Consequently, detention practices also disrupt the lives of U.S. citizens and lawful permanent residents—

2. *Id.*

3. *See, e.g.*, Gabrielle LaMarr LeMee, *How ICE Detainees Are Moved Miles Away from Families and Attorneys*, L.A. TIMES (Sep. 26, 2025, at 03:00 PT), https://www.latimes.com/politics/story/2025-09-26/faster-more-frequent-transfers-of-immigrant-ice-detainees-sow-fear-and-cut-off-resources [https://perma.cc/ZK85-G8UB] (describing one immigrant's abrupt transfers, as well as data documenting the widespread phenomena); PAUL ONG, JONATHAN ONG & SONJA DIAZ, UCLA CTR. FOR NEIGHBORHOOD KNOWLEDGE, UNSEEN: LATINO ICE DETENTIONS DRAMATICALLY RESHAPED UNDER TRUMP 9–10 (2026), https://knowledge.luskin.ucla.edu/wp-content/uploads/2026/01/UCLA_CNK_Unseen_Latino_ICE_Detentions_Dramatically_Reshaped_Under_Trump_Jan2026.pdf [https://perma.cc/7T6X-KK2P] (discussing an increase in immigration detention transfers for Latinos); Kate Morrissey, *ICE Is Transferring People in Its Custody Away from Family, Lawyers*, CAP. & MAIN (Sep. 23, 2025), https://capitalandmain.com/ice-is-transferring-people-in-its-custody-away-from-family-lawyers [https://perma.cc/TS9C-YXBH] (detailing instances of individuals being transferred without warning to Alaska); Complaint for Injunctive Relief ¶¶ 18–31, Rocky Mountain Immigrant Advoc. Network v. U.S. Dep't of Homeland Sec., No. 1:25-cv-01529 (D. Colo. May 14, 2025) (detailing the need to gain information regarding the government's transfer practices); Muzaffar Chishti & Valerie Lacarte, *U.S. Immigrant Detention Grows to Record Heights Under Trump Administration*, MIGRATION POL'Y INST. (Oct. 29, 2025), https://www.migrationpolicy.org/article/trump-immigrant-detention [https://perma.cc/S95U-M7AY] (discussing the effects of "the recent practice of transferring detainees between facilities multiple times within a short timeframe"); Letter from Luz Rivas, Rep., to Todd Lyons, Acting Dir., U.S. Immigr. & Customs Enf't (Aug. 29, 2025), https://rivas.house.gov/sites/evo-subsites/rivas.house.gov/files/evo-media-document/final-letter-ice-adelanto-detention-center-visit-8.26.25-public.pdf [https://perma.cc/RX8G-4LAJ] (demanding information about ICE's transfer policy and procedure after an eighteen-year-old was transferred several times without notice).

4. *See infra* Section I.C.

including family members, employers, community members, and other social actors—whose well-being is closely intertwined with that of detained immigrants.[5]

This Article systematically examines interfacility transfers and remote detention to make two key contributions. First, we identify and advance an important conceptual distinction between substantive and procedural immigration law[6] that has largely escaped scholarly scrutiny and public attention. Certain areas of substantive U.S. immigration law—the body of law governing who may enter or remain in the United States—explicitly acknowledge the social embeddedness of immigrants by protecting or privileging valued social relationships. For example, the family-based visa provisions of the Immigration and Nationality Act ("INA") grant preferential treatment to certain close family members.[7] In contrast, many aspects of procedural immigration law—the set of rules governing how substantive immigration law is implemented and enforced—undermine or destroy those very relationships.

The U.S. government's practice of transferring immigrant detainees across multiple detention facilities and confining them in remote locations is a paradigmatic example of such destructive procedural immigration law in action. These procedural mechanisms sever immigrant detainees from their families, communities, and legal advocates, effectively dismantling the social networks that substantive immigration law elsewhere seeks to preserve. We argue that procedural immigration law must take seriously the social embeddedness of immigrants, and that doing so requires establishing and enforcing strict regulatory oversight and limits on the use of interfacility transfers and remote detention.

Second, we present a systematic longitudinal empirical study of U.S. immigration detention that draws on the most recent available data on immigrants detained by U.S. Immigration and Customs Enforcement ("ICE"). Immigration detention is a critical immigration enforcement tool that has

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5. For research on the collateral consequences of immigration enforcement on broader communities, see generally JOANNA DREBY, EVERYDAY ILLEGAL: WHEN POLICIES UNDERMINE IMMIGRANT FAMILIES (2015) (documenting the effects of immigration enforcement on mixed-status families and U.S.-citizen children); and Emily Ryo & Christopher Levesque, *Immigration Detention as Racialised Wealth Extraction*, *in* IMMIGRATION DETENTION AND SOCIAL HARM: THE COLLATERAL IMPACTS OF MIGRANT INCARCERATION 155 (Michelle Peterie ed., 2025) (explaining that immigration detention is economically destabilizing and socially destructive for detainees and their families).

6. By substantive immigration law, we mean law that defines who may enter, remain, adjust status, or be removed from the United States. Substantive immigration law establishes the admission categories, eligibility criteria, grounds of removability, and relief from removal. Procedural immigration law, on the other hand, is concerned with the ways that substantive law is applied, enforced, and challenged. Both substantive and procedural immigration law encompass multiple sources of law: federal statutes enacted by Congress, executive actions, and judicial decisions interpreting and applying these statutory and regulatory provisions. *See generally* CHARLES GORDON, STANLEY MAILMAN, STEPHEN YALE-LOEHR, RONALD Y. WADA & SHOBA SIVAPRASAD WADHIA, 1 IMMIGRATION LAW & PROCEDURE § 1.02 (rev. ed. 2025) (describing the statutory, regulatory, administrative, and judicial sources of immigration law).

7. *See* 8 U.S.C. §§ 1151(b)(2)(A)(i), 1153(a) (2024).

dramatically expanded in the past few decades,[8] but it remains a system that is shrouded in secrecy and suffers from a severe lack of public accountability.[9] In the words of Alina Das, a legal scholar, immigration detention is a system defined by lawlessness.[10] Over the years, a growing number of scholars and nongovernmental organizations have sought to bring light to this system.[11] We build on this important prior body of work to develop the first empirical study of its kind to provide data-driven insights into interfacility transfers and remote detention.

Our empirical findings show that over the past fifteen years, ICE has routinely relied on long-distance transfers that cross state lines and federal judicial circuits, as well as confinement of individuals in remote locations. Some of these practices have sharply accelerated during the second Trump administration: Compared to the Biden administration, the share of detention stays with two or more transfers increased from 19% to 55%; intercircuit transfers into the Fifth Circuit—long regarded as among the least favorable jurisdictions for noncitizens—increased from 55% to 70% of all intercircuit transfers; and the share of individuals ever experiencing remote detention increased from 71% to 81%.

Our empirical analysis is broadly informed by our respective prior experiences working with the immigrant detainee population. Emily Ryo's relevant experiences include collecting and analyzing data on immigration bond hearings, obtaining and analyzing immigration-detention records from the federal government under the Freedom of Information Act, visiting government

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8. *See infra* Section II.B (providing an overview of immigration detention).

9. *See, e.g.*, Taylor Jung, *It's Hard to Keep Track of ICE Detainees, Families Say, Adding to Distress*, NJ SPOTLIGHT NEWS (Mar. 11, 2025), https://www.njspotlightnews.org/2025/03/ice-detainee-families-say-heightened-stress-as-difficult-track-detainees-in-system [https://perma.cc/XU7G-PSAT] (describing how families and lawyers cannot locate individuals in ICE detention because of delays in the ICE detainee locator system); Emily Ryo, *Immigration Detention as a Shadow Carceral System*, 28 THEORETICAL CRIMINOLOGY 577, 579–83 (2024) (describing three characteristics of immigration detention—invisibility, instability, and inscrutability—that make it challenging for researchers to investigate immigration detention); Nancy Hiemstra & Deirdre Conlon, *Reading Between the (Redacted) Lines: Muddling Through Absent Presences in Public Information Requests on U.S. Immigration Detention*, 20 ACME 666, 674–79 (2021) (describing how ICE uses the Freedom of Information Act to shield government entities and businesses involved in immigration detention); David S. Rubenstein & Pratheepan Gulasekaram, *Privatized Detention & Immigration Federalism*, 71 STAN. L. REV. ONLINE 224, 226 (2019) ("[D]etention contractors are not subject to federal open records laws, civil service requirements, administrative law, constitutional requirements, and other legal checks that would otherwise apply to federal officials doing the same work."); Jennifer M. Chacón, *Privatized Immigration Enforcement*, 52 HARV. C.R.-C.L. L. REV. 1, 38–40 (2017) (describing how the privatization of immigration detention has increased opacity because private prison companies do not release key data).

10. *See* Alina Das, *The Law and Lawlessness of U.S. Immigration Detention*, 138 HARV. L. REV. 1186, 1195 n.64 (2025) (defining lawlessness as "the absence of predictable and enforceable standards by which detained immigrants may measure the lawfulness of their substantive conditions of confinement and seek meaningful redress").

11. *See infra* Section II.B (discussing existing research on immigration detention).

and privately operated immigration detention facilities, assisting the California Department of Justice in the Attorney General's review of immigration detention facilities, and serving as a data expert in class action lawsuits brought by immigrant detainees. Zoe Holtzman's experiences include working as a part of a team to represent detained immigrant children for two years, coordinating legal intakes for detained immigrants, and representing a detained immigrant in removal proceedings. Chris Levesque has conducted extensive empirical research on immigration detention and served as an expert for ongoing class action litigation brought by immigrant detainees. In addition, he has completed court-observation studies of detained cases in collaboration with legal nonprofit organizations.

The remainder of this Article proceeds in five major parts. Part I establishes the study's broad theoretical framework and is organized into three main sections. First, we unpack the concept of social embeddedness and discuss the existing body of research that demonstrates the many ways that social embeddedness influences human behavior and decision-making. Second, we explain what it means for immigrants to be socially embedded individuals, and how social embeddedness shapes different domains of immigrant life. Third, we build on these existing studies to demonstrate that legal decision-making is inherently social and relational in nature, and therefore, how immigration law treats the social embeddedness of immigrants has profound consequences for immigrant detainees and their families.

Part II provides the broader legal context for the current study. First, we describe the concrete ways that certain areas of substantive U.S. immigration law value the social embeddedness of immigrants. This approach stands in stark contrast to the opposite approach taken in most areas of procedural immigration law, as exemplified by the growing practice of interfacility transfers and remote detention. We then offer an overview of key developments in U.S. immigration detention, with a focus on interfacility transfers and remote detention. Part III describes the data that we analyze and the analytical strategy that we use in the current study. Part IV presents the results of our empirical analysis of the nature and extent of the U.S. government's use of interfacility transfers and remote detention. Part V explores the policy implications of our empirical findings and discusses the urgent and critical need for limiting both of these practices.

I. SOCIAL EMBEDDEDNESS IN THEORY AND IN PRACTICE

What is social embeddedness and why is it important for thinking about immigration detention? To address these questions, we begin by discussing the large volume of research on social embeddedness and the ways that it shapes human behavior and decision-making. We then discuss research on the role of social networks in shaping migration decisions and immigrant integration post migration. Finally, we build on this existing body of knowledge to posit

that social ties and social networks play a critical role in the legal decision-making of immigrant detainees.

A. *Social Embeddedness Theory*

Scholars have long recognized the importance of group composition and the position of an individual within a social group for understanding fundamental aspects of social life.[12] At the turn of the twentieth century, for example, German sociologist and philosopher Georg Simmel wrote about the ways that people's overlapping group memberships, or "webs of affiliation," shape their identities and behavior, as well as social cohesion and conflict.[13] But it was not until the 1980s that Mark Granovetter expanded and popularized this idea with his pioneering work on the social embeddedness of economic actors.[14] Granovetter's seminal article, *Economic Action and Social Structure: The Problem of Embeddedness*, challenged the neoclassical economic view of "undersocialized" actors—rational and self-interested agents making economic decisions in isolation from one another.[15]

At the same time, Granovetter's work questioned the sociological view of "oversocialized" actors—individuals whose economic decisions are entirely determined by prevailing social norms and values that they have internalized.[16] Instead, he sought to chart a middle path that characterized individuals as deeply influenced in their economic life by their social networks:

> Actors do not behave or decide as atoms outside a social context, nor do they adhere slavishly to a script written for them by the particular intersection of social categories that they happen to occupy. Their attempts at purposive action are instead embedded in concrete, ongoing systems of social relations.[17]

The social embeddedness theory posits that individuals and organizations are embedded in social relations that can sometimes facilitate or promote the acquisition of new information and opportunities, and at other times constrain or derail them.[18] In subsequent decades, scholars from wide-ranging disciplines

12. For reviews of the early literature, see generally Laurel Smith-Doerr & Walter W. Powell, *Networks and Economic Life*, *in* THE HANDBOOK OF ECONOMIC SOCIOLOGY 379 (Neil J. Smelser & Richard Swedberg eds., 2d ed. 2005); and Greta R. Krippner & Anthony S. Alvarez, *Embeddedness and the Intellectual Projects of Economic Sociology*, 33 ANN. REV. SOCIO. 219 (2007).

13. *See generally* GEORG SIMMEL, *The Web of Group-Affiliations*, *in* CONFLICT & THE WEB OF GROUP-AFFILIATIONS 126 (Kurt H. Wolff & Reinhard Bendix trans., The Free Press 1955) (1922).

14. Krippner & Alvarez, *supra* note 12, at 220 ("[I]t was not until Granovetter (1985) used embeddedness to provide an intellectual justification for the new economic sociology that the concept took firm root.").

15. Mark Granovetter, *Economic Action and Social Structure: The Problem of Embeddedness*, 91 AM. J. SOCIO. 481, 483–87 (1985).

16. *Id.*

17. *Id.* at 487.

18. *See id.* at 481–82.

have explored the role of social networks in shaping diverse forms of economic activity and behavior.[19] For example, studies have examined whether, and to what extent, social connections among individuals influence negotiation processes and outcomes.[20] Others have investigated the role of social networks in explaining why and how individuals and organizations become involved in criminal activity.[21] Yet others have explored the importance of social networks in shaping a variety of outcomes related to entrepreneurial firms and entrepreneurs.[22]

Across these diverse settings, empirical research shows that social networks shape who participates in various types of economic activities, what information they access to achieve certain economic outcomes, and how they evaluate and respond to different opportunities and risks in the process. In the next Section, we turn to another body of extensive literature on social embeddedness, but this time on studies focused specifically on the lives and decision-making processes of prospective, current, and former immigrants.

B. SOCIAL EMBEDDEDNESS OF IMMIGRANTS

A longstanding and growing field of research shows that migration-related decisions are inherently social and relational, rather than individualistic cost-benefit choices.[23] Three related sets of findings from this literature warrant attention. First, studies show that decisions about whether, where, and when to migrate are closely shaped by prospective immigrants' family, friendship, and community ties.[24] A core insight from this literature is that migration decisions

19. *See, e.g.*, Smith-Doerr & Powell, *supra* note 12, at 380 (surveying the "empirical literature on networks and economic life").

20. For a review of empirical research on negotiations, see generally Leigh L. Thompson, Jiunwen Wang & Brian C. Gunia, *Negotiation*, 61 ANN. REV. PSYCH. 491 (2010).

21. *See, e.g.*, Bill McCarthy & John Hagan, *Getting into Street Crime: The Structure and Process of Criminal Embeddedness*, 24 SOC. SCI. RSCH. 63, 76 (1995); Tammy L. MacLean, *Thick as Thieves: A Social Embeddedness Model of Rule Breaking in Organizations*, 40 BUS. & SOC'Y 167, 191–92 (2001); Edward R. Kleemans, *Organized Crime and the Visible Hand: A Theoretical Critique on the Economic Analysis of Organized Crime*, 13 CRIMINOLOGY & CRIM. JUST. 615, 621–22 (2012).

22. For a review of research on embeddedness in entrepreneurship, see generally Caroline Wigren-Kristoferson, Ethel Brundin, Karin Hellerstedt, Anna Stevenson & Maria Aggestam, *Rethinking Embeddedness: A Review and Research Agenda*, 34 ENTREPRENEURSHIP & REG'L DEV. 32 (2022).

23. For a recent review of the literature, see Joshua E. Blumenstock, Guanghua Chi & Xu Tan, *Migration and the Value of Social Networks*, 92 REV. ECON. STUD. 97, 97–98 (2025).

24. *See, e.g.*, Douglas S. Massey, *Social Structure, Household Strategies, and the Cumulative Causation of Migration*, 56 POPULATION INDEX 3, 9–11 (1990) [hereinafter Massey, *Social Structure*]; Benjamin Davis, Guy Stecklov & Paul Winters, *Domestic and International Migration from Rural Mexico: Disaggregating the Effects of Network Structure and Composition*, 56 POPULATION STUD. 291, 308–09 (2002); Emily Ryo, *Deciding to Cross: Norms and Economics of Unauthorized Migration*, 78 AM. SOCIO. REV. 574, 592 (2013); Filiz Garip & Asad L. Asad, *Network Effects in Mexico–U.S. Migration: Disentangling the Underlying Social Mechanisms*, 60 AM. BEHAV. SCIENTIST 1168, 1184–85 (2016); Rianne Dekker, Godfried Engbersen, Jeanine Klaver & Hanna Vonk, *Smart Refugees: How Syrian Asylum Migrants Use Social Media Information in Migration Decision-Making*, SOC. MEDIA + SOC'Y 9 (2018), https://journals.sagepub.com/doi/10.1177/2056305118764439 [https://doi.org/10.1177/2056305118764439]; Miriam Manchin & Sultan Orazbayev, *Social Networks and the Intention to Migrate*, 109 WORLD DEV. 360, 361 (2018).

are often household decisions that are formed as part of a collective family strategy to diversify income, manage risk, and secure credit or insurance that markets fail to provide.[25] Studies of households in such diverse settings as Mexico, Bangladesh, and Italy, show that migration can function as a risk-sharing arrangement, whereby households finance the migration of a family member and, in return, the migrant's remittances serve to insure against crop failure, job loss, or price shocks at home.[26] Studies also show that migration decisions are informed by a broader set of community norms, cultural expectations, and support infrastructures that facilitate information flows, set standards for success, and provide logistical and emotional support that make migration possible and desirable.[27]

Second, empirical work on the drivers and barriers of return migration shows that decisions to return to home countries are shaped by a complex interplay of personal, structural, and relational factors. For example, studies indicate that family and kinship ties engender obligations and expectations that can pull migrants back home while also supplying information and logistical support that lower the costs and risks of return.[28] At the same time, studies find

25. *See* Douglas S. Massey et al., *Theories of International Migration: A Review and Appraisal*, 19 POPULATION & DEV. REV. 431, 436–39 (1993) (describing the "new economics of migration" decisions to address risks to household income).

26. *See generally* J. Edward Taylor, *The New Economics of Labour Migration and the Role of Remittances in the Migration Process*, 37 INT'L MIGRATION 63 (1999) (concluding that empirical studies support the view that remittances ease capital and risk constraints in migrant-sending households); Giulia Bettin, Andrea F. Presbitero & Nikola L. Spatafora, *Remittances and Vulnerability in Developing Countries*, 31 WORLD BANK ECON. REV. 1 (2017) (explaining that remittances can help households in recipient countries mitigate vulnerability to adverse economic shocks); Massey, *Social Structure*, *supra* note 24 (arguing that migration decisions are made jointly by households as part of broader family economic strategies); Alberto Palloni, Douglas S. Massey, Miguel Ceballos, Kristin Espinosa & Michael Spittel, *Social Capital and International Migration: A Test Using Information on Family Networks*, 106 AM. J. SOCIO. 1262 (2001) (reviewing household-level theories of migration while examining the effects of family networks on migration from Mexico); Bina Gubhaju & Gordon F. De Jong, *Individual Versus Household Migration Decision Rules: Gender and Marital Status Differences in Intentions to Migrate in South Africa*, 47 INT'L MIGRATION 31 (2009) (comparing individual and household theories of migration, including the new household economics theory, which posits that households use migration to diversify income and reduce risk).

27. *See, e.g.*, Margherita Comola & Mariapia Mendola, *Formation of Migrant Networks*, 117 SCANDINAVIAN J. ECON. 592, 616 (2015) (describing Sri Lankan immigrants' use of social networks for economic and social support); Sarah Dolfin & Garance Genicot, *What Do Networks Do? The Role of Networks on Migration and "Coyote" Use*, 14 REV. DEV. ECON. 343, 357–58 (2010) (describing how family networks provide economic support for migration through capital and jobs, while community networks provide information); Elizabeth Fussell & Douglas S. Massey, *The Limits to Cumulative Causation: International Migration from Mexican Urban Areas*, 41 DEMOGRAPHY 151, 152–53, 158 (2004) (describing how mechanisms of community can support and increase migration, particularly in rural communities); William Kandel & Douglas S. Massey, *The Culture of Mexican Migration: A Theoretical and Empirical Analysis*, 80 SOC. FORCES 981, 990–96 (2002) (developing and testing a theory of how community norms and expectations make migration from rural Mexico a culturally valued strategy).

28. *See, e.g.*, Lemlem F. Weldemariam, Ayansina Ayanlade, Marion Borderon & Karoline Mösslinger, *Dynamics and Factors Influencing Return Migration to Sub-Saharan Africa: A Systematic Review*,

that social capital that migrants accumulate during their time abroad can delay or discourage return migration by enhancing migrants' economic opportunities and promoting a sense of belonging in destination communities.[29] Additionally, studies suggest that reintegration experiences and trajectories of return migrants are deeply influenced by the type and density of personal networks and support structures that are present in home communities.[30]

Finally, voluminous research demonstrates that the extent, timing, and nature of immigrant integration are shaped in many ways by the social networks in which immigrants are embedded, rather than merely by their individual characteristics or legal status.[31] For example, substantial literature on immigrant integration into U.S. labor markets consistently shows that co-ethnic and family

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HELIYON 7 (2023), https://www.cell.com/heliyon/fulltext/S2405-8440(23)05999-6 [https://doi.org/10.1016/j.heliyon.2023.e18791]; Hein de Haas, Tineke Fokkema & Mohamed Fassi Fihri, *Return Migration as Failure or Success? The Determinants of Return Migration Intentions Among Moroccan Migrants in Europe*, 16 J. INT'L MIGRATION & INTEGRATION 415, 426 (2015) (finding that social ties in migrants' origin country are positively associated with return migration intentions); Richmond Tiemoko, *Migration, Return and Socio-Economic Change in West Africa: The Role of Family*, 10 POPULATION SPACE & PLACE 155, 161 (2004) (explaining that the vast majority of return migrants in the study sought information on their country from their families and friends).

29. *See* Sonja Haug, *Migration Networks and Migration Decision-Making*, 34 J. ETHNIC & MIGRATION STUD. 585, 599 (2008) (finding that social capital in the destination community influences immigrants' decision to stay); Özge Elif Özer, Adrien Remund & Matthijs Kalmijn, *Back for Good? Return Aspirations of Immigrants in the Netherlands*, 62 INT'L MIGRATION 159, 176 (2024) (finding that "lower levels of the integration variables . . . results in higher levels of return aspirations").

30. *See, e.g.*, Jean-Pierre Cassarino, *Theorising Return Migration: The Conceptual Approach to Return Migrants Revisited*, 6 INT'L J. ON MULTICULTURAL SOC'YS 253, 265–68 (2004) (discussing social network theory and explaining how migrants' social networks influence return migration); Dorottya Hoór & Elisa Bellotti, *Social Networks as Double-Edged Swords: Understanding the Impact of Relational Positivity and Negativity on Hungarian Migrants' Return Experiences*, INT'L MIGRATION 12–13 (2025), https://onlinelibrary.wiley.com/doi/10.1111/imig.13313 [https://doi.org/10.1111/imig.13313] (describing how positive and negative social ties, as well as the density of social ties, affect reintegration).

31. *See generally* Yixin Zhang, Chang You, Prachi Pundir & Louise Meijering, *Migrants' Community Participation and Social Integration in Urban Areas: A Scoping Review*, CITIES 1 (2023), https://www.sciencedirect.com/science/article/pii/S0264275123002597 [https://doi.org/10.1016/j.cities.2023.104447] (reviewing empirical research on the relationship between migrants' community participation and social integration); Farrah Jacquez, Lisa M. Vaughn & Jamie Hardy-Besaw, *Immigrant Perspectives of Social Connection in a Nontraditional Migration Area*, HEALTHCARE 1 (2024), https://www.mdpi.com/2227-9032/12/6/686 [https://doi.org/10.3390/healthcare12060686] (using qualitative interviews with Latino immigrants to identify seven domains of social connection that participants believed influence health and wellness); Susanne Wessendorf & Jenny Phillimore, *New Migrants' Social Integration, Embedding and Emplacement in Superdiverse Contexts*, 53 SOCIO. 123 (2018) (finding immigrant embeddedness in the United Kingdom was "shaped by the amount of emotionally fulfilling social relations with local people of various national backgrounds who shared similar interests"); Hanrui Wang, Noshaba Aziz & Qingjun Zhao, *Bridging "Isolated Islands": Heterogenous Social Networks Facilitate the Social Integration of Chinese Migrant Workers*, BMC PSYCH. 1 (2025), https://link.springer.com/article/10.1186/s40359-025-03438-w [https://doi.org/10.1186/s40359-025-03438-w] (finding that diverse social networks enhance migrant workers' social integration in Chinese cities).

networks strongly shape immigrants' job access, wages, and labor mobility.[32] Studies also highlight the centrality of social ties in the formation and sustenance of ethnic and refugee entrepreneurship in immigrant communities.[33] Another strand of research emphasizes that decisions to acquire citizenship in destination countries are deeply relational. These studies show that living with naturalized family members significantly increases an immigrant's probability of naturalizing, as does living in areas with higher concentrations of naturalized co-ethnics or active civic organizations.[34] In brief, social networks foster naturalization through social learning, normative pressure, and practical assistance.

A key finding across a large body of research is that social networks—both domestic and transnational—are central determinants of migration-related decisions and immigrant integration. In the next Section, we extend these insights to posit that the legal decision-making of immigrants facing removal is also an inherently social and relational process.

C. IMPORTANCE OF SOCIAL TIES FOR IMMIGRANT DETAINEES

Empirical applications of social embeddedness theory to law have been largely limited to studies of how legal adjudicators—most often judges—make their decisions as socially embedded individuals.[35] Research on the consequences

32. *See, e.g.*, Michael B. Aguilera & Douglas S. Massey, *Social Capital and the Wages of Mexican Migrants: New Hypotheses and Tests*, 82 SOC. FORCES 671, 672 (2003) ("[H]aving friends and relatives with migratory experience improves the efficiency and effectiveness of the job search to yield better jobs and higher wages . . . ."); Kaivan Munshi, *Networks in the Modern Economy: Mexican Migrants in the U.S. Labor Market*, 118 Q.J. ECON. 549, 597 (2003) (finding that Mexican immigrants with large networks are more likely to be employed with preferred, nonagricultural jobs).

33. *See, e.g.*, Howard E. Aldrich & Roger Waldinger, *Ethnicity and Entrepreneurship*, 16 ANN. REV. SOCIO. 111, 127–30 (1990) (describing the various ways that immigrant social networks sustain businesses, such as information-sharing, credit-raising, and providing labor); Sakura Yamamura & Paul Lassalle, *Extending Mixed Embeddedness to a Multi-Dimensional Concept of Transnational Entrepreneurship*, COMPAR. MIGRATION STUD. 13–14 (2022), https://link.springer.com/article/10.1186/s40878-022-00288-y [https://doi.org/10.1186/s40878-022-00288-7] (illustrating how social ties within Polish immigrant communities sustain immigrant-owned businesses).

34. *See, e.g.*, Christophe Leclerc, Maarten Vink & Hans Schmeets, *Does Residential Context Matter? Neighborhood Migrant Concentration and Citizenship Acquisition in the Netherlands*, 57 INT'L MIGRATION REV. 1456, 1475 (2023) (concluding that "immigrants were more likely to acquire destination-country citizenship if they lived in a neighborhood with a higher proportion of naturalized migrants"); Alicia Poole & Thomas Soehl, *A Citizen Just Like You: The Role of Complex Contagion and Resemblance for Decisions to Naturalize*, 57 INT'L MIGRATION REV. 1515, 1526 (2023) (finding that immigrants are affected by the successful and unsuccessful naturalization processes of people like them when deciding whether to naturalize); Mathias Kruse, *Childhood Exposure to Coethnics Increases Naturalization*, PNAS 3–4 (2024), https://www.pnas.org/doi/abs/10.1073/pnas.2404313121 [https://doi.org/10.1073/pnas.2404313121] (theorizing that students who attend school with co-ethnic peers are more likely to naturalize because doing so improves academic skills that are associated with naturalization).

35. *See* MORGAN L.W. HAZELTON, RACHAEL K. HINKLE & MICHAEL J. NELSON, THE ELEVATOR EFFECT: CONTACT AND COLLEGIALITY IN THE AMERICAN JUDICIARY 233–34 (2023) (summarizing the effect of relationships between judges, such as working in the same courthouse, co-tenure, and shared ideology, on substantive and stylistic choices in judicial opinions); Daniel M. Katz & Derek K. Stafford, *Hustle and Flow: A Social Network Analysis of the American Federal Judiciary*, 71 OHIO

of social embeddedness on everyday people's legal decision-making is scant, though notable exceptions exist.[36] By legal decision-making, we refer to the ways that an individual manages and chooses a course of action that seeks to address, or avoid addressing, a legal problem.

Removal proceedings require the respondent to navigate a remarkably large number of consequential choices, each of them legally significant and capable of altering the trajectory of their cases. For example, immigrants in removal proceedings must decide: whether to admit or contest the charges of removability the government has brought; whether to request a continuance to seek legal counsel; whether to apply for bond or fight for release from detention through other means; which evidence to present at various hearings; whether to appeal adverse rulings; and if appealing adverse rulings, which arguments to raise, which evidence to include, and which courts to petition.[37] These decisions are not isolated choices made at a single moment in time; instead, they are often interdependent and cumulative decisions that can foreclose important options that would otherwise have been available.[38] Thus, effective participation and meaningful exercise of legal rights in removal proceedings require sustained access to information, legal assistance, evidence, and support networks.

Appreciating the challenges that immigrant detainees face in attempting to navigate these and related decision points requires recognizing a few key dimensions about the removal process. First, despite the adversarial nature of

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ST. L.J. 457, 505–06 (2010) (describing how "peer effects" influence substantive case outcomes). *See generally* Janet M. Box-Steffensmeier, Dino P. Christenson & Claire Leavitt, *Judicial Networks*, *in* THE OXFORD HANDBOOK OF POLITICAL NETWORKS 491 (Jennifer Nicoll Victor, Alexander H. Montgomery & Mark Lubell eds., 2016) (providing an overview of literature studying the social networks in which judges may be embedded).

36. *See* Manuel A. Gómez, *All in the Family: The Influence of Social Networks on Dispute Processing (A Case Study of a Developing Economy)*, 36 GA. J. INT'L & COMPAR. L. 291, 296–98 (2008) (using qualitative interviews to study the effect of social networks on the decisions that businesspeople make to process legal disputes in Venezuela); Phoebe A. Morgan, *Risking Relationships: Understanding the Litigation Choices of Sexually Harassed Women*, 33 LAW & SOC'Y. REV. 67, 86–89 (1999) (examining the effect of the size and complexity of women's relational webs on their decisions to litigate sexual harassment). Other scholars have proposed that social networks can influence individuals' decisions to engage in non-compliance with the law. *See, e.g.*, Timothy F. Malloy, *Disclosure Stories*, 32 FLA. ST. U. L. REV. 617, 647–50 (2005) (discussing the ways that social networks may influence strategic non-compliance with environmental reporting laws); James Andreoni, Brian Erard & Jonathan Feinstein, *Tax Compliance*, 36 J. ECON. LITERATURE 818, 846–47 (1998) (discussing how tax preparers "may exert an influence on the compliance process" among taxpayers); Calvin Morrill, Tyler Harrison & Michelle Johnson, *Voice and Context in Simulated Everyday Legal Discourse: The Influence of Sex Differences and Social Ties*, 32 LAW & SOC'Y REV. 639, 657 (1998) (finding that parties in a mock small-claims hearing used different language depending on whether they were assigned to relationally-close or relationally-distanced conditions).

37. For a helpful overview of the removal process, see generally Vy Thuan Nguyen, *A Practical Overview of U.S. Immigration Removal Proceedings, Administrative Agencies and Respondent's Forms of Relief*, 42 N.C. CENT. L. REV. 217 (2020).

38. *See* STEPHEN H. LEGOMSKY & DAVID B. THRONSON, IMMIGRATION AND REFUGEE LAW AND POLICY 865–1032 (7th ed. 2019) (describing in detail the removal procedure and highlighting the interrelatedness of its various phases and components).

the removal process,[39] immigrants facing removal currently lack the right to government-appointed counsel because detention and deportation are defined legally as a civil, rather than a criminal, process.[40] Yet, many immigrants facing removal lack financial resources to retain private counsel,[41] and most are ineligible for assistance from federally funded legal services programs due to statutory restrictions placed on these programs.[42] As a result, tens of thousands of immigrants are forced to navigate the removal process on their own.[43] According to one estimate, as of April 2025, about 63% of immigrants in removal proceedings in immigration court lacked representation.[44] It is also important to recognize, however, even when immigrants in removal proceedings do obtain

39. Torres de la Cruz v. Maurer, 483 F.3d 1013, 1024 (10th Cir. 2007) ("[R]emoval proceedings before an [Immigration Judge] and the [Board of Immigration Appeals] 'generally are adversarial and employ many of the same procedures used in Article III courts.'" (quoting Frango v. Gonzales, 437 F.3d 726, 728 (8th Cir. 2006))).

40. 8 U.S.C. § 1229a(b)(4)(A) ("[T]he alien shall have the privilege of being represented, at no expense to the Government, by counsel of the alien's choosing who is authorized to practice in such proceedings."). For an overview of law governing noncitizens' right to counsel and legal-access programs, see generally HOLLY STRAUT-EPPSTEINER, CONG. RSCH. SERV., IF12158, U.S. IMMIGRATION COURTS: ACCESS TO COUNSEL IN REMOVAL PROCEEDINGS AND LEGAL ACCESS PROGRAMS (2024).

41. EXEC. OFF. FOR IMMIGR. REV., U.S. DEP'T OF JUST., FY 2016 STATISTICS YEARBOOK F1 (2017), https://www.justice.gov/eoir/page/file/fysb16/download [https://perma.cc/BK6G-A9XY] ("Many individuals who appear before EOIR are indigent and cannot afford a private attorney."); *see also* Jaclyn Kelley-Widmer & Alisa Whitfield, *Bridging the Immigration Detention Justice Gap*, 103 OR. L. REV. 119, 144 (2024) (detailing how detained immigrants are often unable to work to afford an attorney, and when they are able to work, they are paid too little to afford a standard retainer); Peter L. Markowitz, *Barriers to Representation for Detained Immigrants Facing Deportation: Varick Street Detention Facility, A Case Study*, 78 FORDHAM L. REV. 541, 548 (2009) (explaining that immigrants in removal proceedings often cannot afford counsel because, as a group, they tend to have fewer economic resources than the general population); Peter L. Markowitz et al., *Accessing Justice: The Availability and Adequacy of Counsel in Removal Proceedings*, 33 CARDOZO L. REV. 357, 386–87 (2011) (describing how immigrant detainees may have limited financial resources and have to choose between paying for bond or an attorney).

42. Omnibus Consolidated Rescissions and Appropriations Act of 1996, Pub. L. No. 104-134, § 504(a), 110 Stat. 1321, 1321-53 to -56; 45 C.F.R. § 1626 (2025). *See generally* Geoffrey Heeren, *Illegal Aid: Legal Assistance to Immigrants in the United States*, 33 CARDOZO L. REV. 619 (2011) (tracing the history of immigrant legal aid and of legal services organizations being barred from representing many categories of immigrants).

43. For scholarly examinations of issues related to legal representation for immigrants in removal proceedings, see generally Ingrid V. Eagly & Steven Shafer, *A National Study of Access to Counsel in Immigration Court*, 164 U. PA. L. REV. 1 (2015); Emily Ryo & Reed Humphrey, *Beyond Legal Deserts: Access to Counsel for Immigrants Facing Removal*, 101 N.C. L. REV. 787 (2023) [hereinafter Ryo & Humphrey, *Legal Deserts*]; Ingrid V. Eagly, Steven Shafer & Renee Moulton, *Access to Counsel in Immigration Court, Revisited*, 111 IOWA L. REV. 1 (2025); and Emily Ryo, Ian Peacock, Weston Ley & Christopher Levesque, *Representation in Removal Proceedings*, 101 IND. L.J. 753 (2026).

44. *Immigration Court Legal Representation Dashboard*, VERA INST. JUST., https://www.vera.org/ending-mass-incarceration/reducing-incarceration/detention-of-immigrants/advancing-universal-representation-initiative/immigration-court-legal-representation-dashboard [https://perma.cc/8LKR-6BRP] (last visited July 24, 2026).

counsel, some immigrants may not be able to benefit as much as others from representation.[45]

Second, immigration law is notoriously complex.[46] Modern immigration law is "a maze of hyper-technical statutes and regulations that engender waste, delay, and confusion for the Government and petitioners alike."[47] Moreover, fighting removal typically involves navigating not only a complex set of laws and regulations, but also a bewildering array of federal agencies within the Department of Homeland Security and the Department of Justice.[48] Thus, some U.S. courts have noted that lawyers are the only ones who are able to thread this "labyrinth" of a complex legal structure.[49] Consistent with such observations, a growing number of studies have documented a close relationship between legal representation and favorable legal outcomes for immigrants throughout their removal process.[50] Yet, under the second Trump administration, the Department

45. On contingent or conditional effects of legal representation that focus on judge characteristics and contextual factors, see Emily Ryo & Ian Peacock, *Represented but Unequal: The Contingent Effect of Legal Representation in Removal Proceedings*, 55 LAW & SOC'Y REV. 634, 635 (2021), concluding that "the representation effect (the increased probability of a favorable outcome associated with legal representation) differs by a number of important judge characteristics and contextual factors."

46. Baltazar-Alcazar v. Immigr. & Naturalization Serv., 386 F.3d 940, 948 (2004) ("[W]ith only a small degree of hyperbole, the immigration laws have been termed second only to the Internal Revenue Code in complexity. A lawyer is often the only person who could thread the labyrinth." (quoting Castro-O'Ryan v. U.S. Dep't of Immigr. & Naturalization, 847 F.2d 1307, 1312 (9th Cir. 1987))); Lok v. Immigr. & Naturalization Serv., 548 F.2d 37, 38 (2d Cir. 1977) ("We have had occasion to note the striking resemblance between some of the [immigration] laws we are called upon to interpret and King Minos's labyrinth in ancient Crete.").

47. Drax v. Reno, 338 F.3d 98, 99 (2d Cir. 2003).

48. These federal agencies include, for example, ICE, the Customs and Border Protection, the Citizenship and Immigration Services, and the Executive Office of Immigration Review, which oversees the Board of Immigration Appeals and immigration courts. *See* Megan Davy, Deborah W. Meyers & Jeanne Batalova, *Who Does What in U.S. Immigration*, MIGRATION POL'Y INST. (Dec. 1, 2025), https://www.migrationpolicy.org/article/who-does-what-us-immigration [https://perma.cc/9W39-83LC].

49. *Castro-O'Ryan*, 847 F.2d at 1312 ("A lawyer is often the only person who could thread the labyrinth."); *see also Drax*, 338 F.3d at 99 (analogizing immigration law to a "labyrinth"); *Lok*, 548 F.2d at 38 (likening immigration law to King Minos's labyrinth). The difficulties of fighting detention and deportation without legal representation are even more acute for immigrant detainees, as ICE confines them in jail or jail-like facilities that deprive them of personal liberty. *See, e.g.*, Juliet P. Stumpf, *Civil Detention and Other Oxymorons*, 40 QUEEN'S L.J. 55, 58 (2014) ("Immigration detention is the mirror image of criminal detention. It . . . shar[es] the same facilities and actors to achieve a nearly identical restraint on liberty."); César Cuauhtémoc García Hernández, *Abolishing Immigration Prisons*, 97 B.U. L. REV. 245, 251–53 (2017) (describing the "blurry boundary between civil detention and criminal confinement"); Emily Ryo, *Fostering Legal Cynicism Through Immigration Detention*, 90 S. CAL. L. REV. 999, 1024–25 (2017) [hereinafter Ryo, *Fostering Cynicism*] (showing that immigrant detainees found immigration detention equally, if not more, punitive as criminal incarceration).

50. *See, e.g.*, Jaya Ramji-Nogales, Andrew I. Schoenholtz & Philip G. Schrag, *Refugee Roulette: Disparities in Asylum Adjudication*, 60 STAN. L. REV. 295, 340–41 (2007); Markowitz et al., *supra* note 41, at 383–86; Jayashri Srikantiah, David Hausman & Lisa Weissman-Ward, *Access to Justice for Immigrant Families and Communities: A Study of Legal Representation of Detained Immigrants in Northern California*,

of Justice has moved repeatedly to suspend or terminate even the most basic legal access programs for immigrants in removal proceedings,[51] including the Legal Orientation Program that Congress established in 2003 to offer basic legal education to immigrant detainees.[52]

Third, many immigrants in removal proceedings struggle with language and cultural barriers, economic precarity, and unfamiliarity with the U.S. legal system.[53] These challenges are even greater for immigrants who are detained by ICE during the pendency of their removal proceedings, as detention commonly results in job loss, family separation, and harm to mental and physical health—all of which can have significant negative ripple effects on not only individual immigrants but also their families and communities.[54] Given these complex

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11 STAN. J.C.R. & C.L. 207, 212 (2015); Eagly & Shafer, *supra* note 43, at 75–76; Emily Ryo, *Detained: A Study of Immigration Bond Hearings*, 50 LAW & SOC'Y REV. 117, 135 (2016); David Hausman, *The Failure of Immigration Appeals*, 164 U. PA. L. REV. 1177, 1212–13 (2016); Stephen Manning & Kari Hong, *Getting It Righted: Access to Counsel in Rapid Removals*, 101 MARQ. L. REV. 673, 703 (2018); Emily Ryo, *Representing Immigrants: The Role of Lawyers in Immigration Bond Hearings*, 52 LAW & SOC'Y REV. 503, 504–05 (2018); Ingrid Eagly & Steven Shafer, *Measuring In Absentia Removal in Immigration Court*, 168 U. PA. L. REV. 817, 859–62 (2020).

51. *See* Press Release, Shaina Aber, Exec. Dir., Acacia Ctr. for Just., Acacia Center for Justice Statement on Termination of Critical Legal Access and Representation Programs (Apr. 10, 2025), https://acaciajustice.org/acacia-statement-on-termination-of-critical-legal-access-and-representation-programs [https://perma.cc/5Z3M-MT92] (describing the cancellation of government funding for the Legal Orientation Program, Legal Orientation Program for Custodians of Unaccompanied Children, Immigration Court Helpdesk, Family Group Legal Orientation Program, and the Counsel for Children Initiative). Litigation challenging the cancellation is ongoing. *See* Amica Ctr. for Immigrant Rts. v. U.S. Dep't of Just., No. 25-298 (D.D.C. July 6, 2025) (denying plaintiffs' motion for summary judgment and preliminary injunction), *appeal docketed*, No. 25-5254 (D.C. Cir. July 16, 2025).

52. *See* ACACIA CTR. FOR JUST., A REFUTATION OF EOIR ANALYSES OF THE LEGAL ORIENTATION PROGRAM FOR DETAINED ADULTS 1–2 (Mar. 21, 2025), https://acaciajustice.org/wp-content/uploads/2025/05/LOP-Memo-Long-Version_final.pdf [https://perma.cc/3HPT-7VPF] (summarizing the history and benefits of the Legal Orientation Program, including faster case completion).

53. *See* Maya P. Barak, *Can You Hear Me Now? Attorney Perceptions of Interpretation, Technology, and Power in Immigration Court*, 9 J. ON MIGRATION & HUM. SEC. 207, 213–15 (2021) (describing how immigrants struggle with faulty courtroom technology and interpretation in immigration courts); Ryo & Humphrey, *Legal Deserts*, *supra* note 43, at 823–24 (finding that non-English speaking immigrants are far less likely to obtain legal representation); Mirian G. Martinez-Aranda, *Precarious Legal Patchworking: Detained Immigrants' Access to Justice*, 72 SOC. PROBS. 191, 192 (2025) (explaining that one vulnerability immigrants face is unfamiliarity with the U.S. immigration system).

54. *See* Ryo, *Fostering Cynicism*, *supra* note 49, at 1039 (finding that 90% of immigrant detainees were employed prior to detention, and that detention caused "acute financial stress" for them and their families); Kazumi Tsuchiya et al., *Perceived Structural Vulnerabilities Among Detained Noncitizen Immigrants in Minnesota*, PLOS ONE 16 (2021), https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0252232 [https://doi.org/10.1371/journal.pone.0252232] (summarizing how detention exacerbates structural vulnerabilities related to employment and health among detained noncitizens and their families); Ryo & Levesque, *supra* note 5, at 155 ("Immigration detention is not only psychologically and physically traumatising, but it is also economically destabilising and socially destructive for immigrant detainees and their families."); Martinez-Aranda, *supra* note 53, at 192 (outlining some of the vulnerabilities that act as barriers to pursuing legal relief for immigrants during their legal cases).

realities confronting immigrant detainees, navigating the legal system can be extraordinarily difficult even for those who have the guidance of legal counsel.[55]

Thus, we argue that while legal decision-making across all legal contexts is invariably shaped by the social networks in which individuals are embedded, these networks take on even greater significance for immigrant detainees. Our prior work with immigrant detainees indicates that regardless of whether they have legal representation, they must routinely seek out and rely on information and knowledge about their cases and legal options from fellow detainees, family members, and community members.[56] For example, immigrant detainees inevitably share with one another stories about particular immigration judges, how to prepare for hearings and behave during those hearings, and whether to pursue certain types of legal relief or to seek voluntary departure.[57]

As Mirian Martinez-Aranda demonstrates in her recent study of immigrant detainees, many immigrant detainees "haphazardly piece together various legal resources, often in collaboration with their social networks" to navigate the legal system.[58] In sum, social relations matter to individuals seeking access to justice—and matter a great deal—even when (or perhaps especially when) they are physically cut off from the outside world due to institutional confinement.

II. LEGAL CONTEXT

In this Part, we provide the broader legal context necessary for understanding whether and how U.S. immigration law considers the social embeddedness of immigrants. First, we explain the concrete ways that certain aspects of substantive immigration law explicitly recognize and value immigrants' social embeddedness. We then draw attention to the opposite approach that characterizes procedural immigration law by providing an overview of immigration detention, with a focus on our state of knowledge about interfacility transfers and remote detention.

A. SOCIAL EMBEDDEDNESS IN U.S. IMMIGRATION LAW

Several key aspects of substantive U.S. immigration law recognize that immigrants are socially embedded individuals. This recognition, in turn, plays a central role in dictating the legal outcomes of noncitizens in various ways. To

55. In addition, having legal representation does not render legal decision-making any less relational or social in nature. For example, family members commonly serve as a critical conduit of information and intermediary between the immigrant detainee and their lawyers. Ryo, *Fostering Cynicism*, *supra* note 49, at 1037.

56. *Id.*

57. Voluntary departure is a discretionary form of relief that allows some noncitizens to leave the United States at their own expense, instead of being formally ordered removed by the U.S. government. *See* Dada v. Mukasey, 554 U.S. 1, 8 (2008). Voluntary departure allows immigrants to "sidestep some of the penalties attendant to deportation" resulting from formal removal orders. *Id.* at 11.

58. Martinez-Aranda, *supra* note 53, at 194.

illustrate this point with specificity, we discuss three key statutory provisions: (1) the family-preference visa system;[59] (2) hardship-based waiver provisions[60] and hardship-based forms of relief from removal;[61] and (3) certain forms of humanitarian protection.[62]

In the case of family-preference visas, substantive immigration law seeks to affirm and promote transnational webs of valued social relationships in which immigrants are embedded.[63] In the case of hardship-based waivers and relief from removal, substantive immigration law primarily seeks to protect the interests and well-being of U.S. citizens and lawful permanent residents ("LPRs") whose fates are intricately tied to those of noncitizens facing a denial of admission or removal from the United States.[64] Finally, in the case of certain forms of humanitarian protection, substantive immigration law seeks to address the harm that some noncitizens face due to particular types of social ties (or lack thereof).[65]

1. Family-Preference Visa System

Family-based immigration is a central pillar of the contemporary U.S. immigration system. The modern system of family immigration was created by the INA, or Hart–Celler Act.[66] It dismantled the racially discriminatory national-origins quotas that had heavily favored northern and western Europeans.[67] As foreshadowed in a Truman Commission Report in 1952, lawmakers expressly steered the INA toward a system that made family relationships the dominant organizing principle:

> The Commission was asked to recommend that admissions be permitted on a family basis, to avoid situations where the breadwinners on this side of the ocean are unable to bring their closest relatives to join them, and are separated indefinitely. The heartbreak caused by

59. 8 U.S.C. §§ 1151(b)(2)(A)(i), 1153(a).

60. *Id.* § 1182(a)(9)(B)(v), 1182(i), 1182(h).

61. *Id.* § 1229b(b)(1)(D).

62. *Id.* §§ 1154(a)(1)(A)(ii)–(iv), 1225(h).

63. *See infra* Section II.A.1.

64. *See infra* Section II.A.2.

65. *See infra* Section II.A.3.

66. Immigration and Nationality Act Amendments of 1965, Pub. L. No. 89-236, 79 Stat. 911 (codified as amended in scattered sections of 8 U.S.C.). For an overview of the history of the Hart–Celler Act, see generally César Cuauhtémoc García Hernández, *Unseen Exclusions in Voting and Immigration Law*, 16 BERKELEY J. AFR.-AM. L. & POL'Y 168 (2015). For an analysis of the early historical development and justifications for family preference categories and the structural centrality of family ties, see Kerry Abrams, *What Makes the Family Special?*, 80 U. CHI. L. REV. 7, 10–16 (2013).

67. Belinda I. Reyes, *The Impact of U.S. Immigration Policy on Mexican Unauthorized Immigration*, 2007 U. CHI. LEGAL F. 131, 134–35.

> these separations, and the resulting futility of efforts to restore well ordered [sic] family life, is incalculable . . . .[68]

Under the current U.S. visa system, the majority of immigrant visas are allocated to five major family-based categories.[69] The first category includes "immediate relatives" (spouses, minor unmarried children, and parents) of U.S. citizens,[70] and the other four categories include other relatives who are prioritized for visa eligibility based on various individual characteristics such as the legal status of the petitioning relative, and the age, family relationship, and marital status of the sponsored relative.[71] This visa system privileges close family relationships by exempting the "immediate relatives" of U.S. citizens from numerical caps.[72] The visas allocated to the more distant relatives are numerically capped and have generated long backlogs and wait times.[73] Nonetheless, the codification of these family-based admission categories continues to be a testament to substantive immigration law's formal recognition of the centrality of family ties in shaping migration decisions, and the importance of protecting immigrants' social embeddedness to ensure their well-being in the United States.

2. Hardship-Based Waivers and Relief from Removal

The INA enumerates various grounds that render noncitizens inadmissible[74] or deportable.[75] However, the INA also provides immigration authorities with the ability to waive the application of many of these grounds in certain situations, enabling noncitizens who are otherwise inadmissible or deportable to be lawfully admitted into the United States or to maintain a lawful status in the United States. Noncitizens who are in removal proceedings may seek different forms of relief

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68. PHILIP B. PERLMAN ET AL., PRESIDENT'S COMM'N ON IMMIGR. & NATURALIZATION, WHOM WE SHALL WELCOME: REPORT OF THE PRESIDENT'S COMMISSION ON IMMIGRATION AND NATURALIZATION 16 (1953).

69. 8 U.S.C. § 1151(b)(2)(A)(i); *id.* § 1153(a).

70. 8 U.S.C. § 1151(b)(2)(A)(i).

71. *See id.* § 1153(a) (specifying these categories of relatives). In addition, the spouses and children who accompany or later follow principal beneficiaries in a family preference category are entitled to "derivative" immigrant status. Derivative beneficiaries receive the same visa preference and priority date as the principal beneficiary without requiring a separate petition filed on their behalf. *Id.* § 1153(d). For an overview of the derivative immigrant status, see WILLIAM A. KANDEL, CONG. RSCH. SERV., R43145, U.S. FAMILY-BASED IMMIGRATION POLICY 7–8 (2018).

72. *See* § 1151(b)(2) ("Aliens described in this subsection . . . are not subject to the worldwide levels or numerical limitations of subsection (a) . . . .").

73. *See* CONSULAR AFFS., U.S. DEP'T OF STATE, VISA BULLETIN: IMMIGRANT NUMBERS FOR JANUARY 2026, at 2 (2026), https://travel.state.gov/content/dam/visas/Bulletins/visabulletin_January2026.pdf [https://perma.cc/W628-84K8] (listing the dates by which the first legally required document must be filed; for example, the unmarried child of a U.S. citizen from Mexico would have had to file their visa application in September 2006 to be eligible for a visa in January 2026).

74. *See* Immigration and Nationality Act § 212, 8 U.S.C. § 1182.

75. *See* Immigration and Nationality Act § 237, 8 U.S.C. § 1227.

from removal.[76] As we explain below, some of these waivers and relief from removal are structured in a certain way that expressly acknowledge and embrace immigrants as socially embedded individuals.

INA section 212(a)(9)(B)(v) permits immigration authorities to waive the inadmissibility provision applicable to noncitizens who have been unlawfully present in the United States for more than 180 days, if immigration authorities determine that refusing to admit certain noncitizens would result in "extreme hardship" for a U.S. citizen or LPR who is the spouse or parent of the noncitizen.[77] Similarly, INA section 212(i) allows a waiver of inadmissibility for misrepresentation or fraud, if denial of admission would cause "extreme hardship" to a U.S. citizen or LPR who is the spouse or parent of the noncitizen.[78] Likewise, INA section 212(h) allows waiver for certain criminal grounds of inadmissibility if the noncitizen can show, among other things, that the denial of admission would impose "extreme hardship" on their U.S. citizen or LPR spouse, parent, or child.[79]

Finally, another important form of relief called cancellation of removal for non-LPRs recognizes the social embeddedness of noncitizens. It allows noncitizens already in removal proceedings to obtain LPR status if they can demonstrate, among other things, that their removal will result in "exceptional and extremely unusual hardship" to a spouse, parent, or child who is a U.S. citizen or LPR.[80] The INA does not define what constitutes "extreme hardship" nor "exceptional and extremely unusual hardship," and judicial interpretations of these hardship requirement have changed over time.[81] Nonetheless, these substantive immigration law provisions are rooted in the idea that the fates of noncitizens are deeply intertwined with those of others in their social networks, and the law should mitigate the radiating effects of admission denials and removal decisions.

3. Humanitarian Protection

So far, we have shown that key aspects of substantive immigration law are notable for their protection or privileging of certain valued social relationships. We now focus on an aspect of substantive immigration law that seeks to protect

76. For a helpful overview, see RICHARD D. STEEL, 1 STEEL ON IMMIGRATION LAW § 14:26–37 (2025–2026 ed.).

77. 8 U.S.C. § 1182(a)(9)(B)(v) (concerning application of 8 U.S.C. § 1182(a)(9)(B)(i)).

78. *Id.* § 1182(i) (concerning application of 8 U.S.C. § 1182(a)(6)(C)).

79. *Id.* § 1182(h) (concerning application of 8 U.S.C. § 1182(a)(2)).

80. *Id.* § 1229b(b)(1)(D).

81. *See* KATE M. MANUEL & MICHAEL JOHN GARCIA, CONG. RSCH. SERV., R43782, EXECUTIVE DISCRETION AS TO IMMIGRATION: LEGAL OVERVIEW 10 (2014), https://www.nationofimmigrators.com/wp-content/uploads/sites/906/2014/11/CRS-Executive-Discretion-as-to-Immigration-Legal-Overview-11-10-14-c.pdf [https://perma.cc/S326-BGN7] ("Neither 'extreme hardship' nor 'exceptional and extremely unusual hardship' is defined by the INA, and both terms have been subject to varying interpretations over the years.").

noncitizens who either lack such social relationships or are in relationships that have caused harm.

Two examples are particularly relevant in this regard. First, the Violence Against Women Act ("VAWA") enables certain abused spouses, parents, and children of U.S. citizens or LPRs to self-petition for immigrant status.[82] In this way, VAWA explicitly protects those noncitizens whose family ties have placed them at risk.[83] Second, the Special Immigrant Juvenile Status ("SIJS") allows children who have been abused, neglected, or abandoned to access lawful status in recognition of their vulnerable social position and the loss of traditional, protective family ties.[84] In offering humanitarian protection to this set of noncitizens, this area of substantive immigration law affirms or reaffirms the important role that social embeddedness plays in ensuring the well-being of noncitizens.

* * *

Before proceeding, one point of clarification is in order. Certain features of substantive immigration law—for instance, deportation—are inherently, or by design, destructive of immigrants' social relationships. Other aspects of substantive immigration law are largely indifferent to immigrants' social embeddedness. For example, Temporary Protected Status ("TPS") provides protection from removal to nationals of designated countries experiencing armed conflict, environmental disaster, or other extraordinary conditions.[85] TPS beneficiaries may live in the United States for decades, develop extensive family and community ties, and yet remain vulnerable to removal because those ties are largely irrelevant to TPS eligibility and termination decisions.[86] Yet other aspects of substantive immigration law are products of the U.S. government's efforts to create deterrence by inflicting pain on individuals, families, and communities through the destruction of valued social ties. The first Trump administration's "zero tolerance" policy that separated immigrant children

82. *See* 8 U.S.C. § 1154(a)(1)(A)(ii)–(iv).

83. *See id.*

84. *See id.* § 1101(a)(27)(J) (defining SIJS); *id.* § 1255(h) (permitting SIJS beneficiaries to adjust status to LPRs).

85. *Id.* § 1254a(b)(1) (authorizing TPS designations based on ongoing armed conflict, environmental disaster, or extraordinary and temporary conditions in a foreign state).

86. *See* Emily M. Brown, *Strengthening Temporary Protected Status Through Executive Action*, 72 BUFF. L. REV. 1239, 1268 (2024) (explaining that TPS beneficiaries face threats of removal although many "now have deep ties to the U.S. and, in many cases, few ties remaining in their native countries").

from their parents at the U.S.-Mexico border for deterrence purposes[87] is a case in point.[88]

We draw attention to these aspects of substantive immigration law to underscore that our argument is not that this body of law is consistently and comprehensively protective of immigrants' social embeddedness. Instead, our limited and much more modest claim is that there are notable components of substantive immigration law that recognize immigrants as socially embedded individuals and protect this social embeddedness in the form of admission preferences and relief from removal.

In the next Section, we provide an overview of immigration detention that focuses on interfacility transfers and remote detention—the two government practices at the center of our empirical study.

B. IMMIGRATION DETENTION IN THE UNITED STATES

In this Section, we describe the scale and institutional character of the modern U.S. immigration detention system.[89] We then discuss the existing body

87. *See* WILLIAM A. KANDEL, CONG. RSCH. SERV., R45266, THE TRUMP ADMINISTRATION'S "ZERO TOLERANCE" IMMIGRATION ENFORCEMENT POLICY 1 (2021) (describing the "zero tolerance" policy as intended "to discourage illegal migration into the United States"); Philip Bump, *Here Are the Administration Officials Who Have Said that Family Separation Is Meant as a Deterrent*, WASH. POST (June 19, 2018), https://www.washingtonpost.com/news/politics/wp/2018/06/19/here-are-the-administration-officials-who-have-said-that-family-separation-is-meant-as-a-deterrent (on file with the *Iowa Law Review*) (quoting Trump administration officials who have stated that the "zero tolerance" policy serves a deterrence goal); *The Trump Administration's Child Separation Policy: Substantiated Allegations of Mistreatment: Hearing Before the H. Comm. on Oversight & Reform*, 116th Cong. 2 (2019) (statement of Chairmen Elijah E. Cummings) ("[W]hen Attorney General Jeff Sessions was asked if separating children was intended as a deterrent, he said, quote, 'Yes, hopefully people will get the message.'").

88. Under this policy that was implemented between April and May of 2018, the U.S. government sought to criminally prosecute virtually all adults apprehended crossing the U.S.-Mexico border between ports of entry, even on a first offense. *See* KANDEL, supra note 87, at 1–2. Because the law required apprehended adults to be held in criminal custody pending their proceedings, and because children traveling with them could not be held in criminal custody, the children were treated as unaccompanied minors and transferred into the Office of Refugee Resettlement custody or other facilities. *See id.*; *Family Separation and Detention*, ABA, https://www.americanbar.org/advocacy/governmental_legislative_work/priorities_policy/immigration/familyseparation [https://perma.cc/3BBM-NVAE] (last visited July 10, 2026) (describing the family separation policy). The result was large-scale family separation, which the senior members of the administration justified as an effective deterrence measure. *See* KANDEL, *supra* note 87, at 2.

89. For an early history of U.S. immigration detention that traces its origins to the colonial era, see Paulina D. Arnold, *How Immigration Detention Became Exceptional*, 75 STAN. L. REV. 261, 276–77 (2023) (describing how immigrants were targeted for civil confinement in colonial-era almshouses). Federal immigration detention began during the late nineteenth century as part of the Chinese Exclusion Act, affecting primarily Asian immigrants. *See* Jessica Rofé, *Peripheral Detention, Transfer, and Access to the Courts*, 122 MICH. L. REV. 867, 877–78 (2024) (describing the detention of Chinese immigrants as the beginning of immigration detention in the United States). During the 1930s, detention expanded with the passage of the Undesirable Aliens Act of 1929, which led to the detention of thousands of Mexican immigrants. *Id.* at 883. By the 1950s, however, immigration detention became discretionary, with numerous options for parole that meant very few immigrants were detained. DANIEL WILSHER, IMMIGRATION DETENTION: LAW, HISTORY, POLITICS 64 (2012).

of research on interfacility transfers and remote detention to advance a broader understanding of how and why these two practices deny or destroy the social embeddedness of immigrants.

1. Institutional Landscape

Starting in the 1980s, Congress expanded the range of deportable offenses and increasingly relied on mandatory detention.[90] In 1996, Congress further broadened the statutory mandatory detention provisions.[91] As of July 2026, the average daily population of individuals in ICE detention was more than 65,000.[92] Immigration detention has expanded markedly under the second Trump administration for two principal reasons. First, the administration has pursued an aggressive interior enforcement strategy that targets noncitizens regardless of their length of residence and lack of criminal history.[93] Second, the administration has reinterpreted the immigration laws to require the mandatory detention of many noncitizens who had not been subject to mandatory detention previously.[94] Most notably, all noncitizens who entered without inspection, including long-term residents in the interior of the United States, are now subject to mandatory detention.[95] Individuals subject to mandatory detention are ineligible for bond and therefore must remain confined for the duration of their immigration proceedings.[96] Although these policy changes continue to be

90. WILSHER, *supra* note 89, at 69.

91. *See* Ryo, *Fostering Cynicism*, *supra* note 49, at 1006 (stating that the Antiterrorism and Effective Death Penalty Act and Immigration Reform and Immigrant Responsibility Act broadened the use of mandatory detention).

92. *See Detention Management*, U.S. IMMIGR. & CUSTOMS ENF'T, https://www.ice.gov/detain/detention-management [https://perma.cc/UT9D-YUT6] (last visited Aug. 12, 2026) (download "FY 2026 ICE Statistics"; select sheet labeled "Detention FY26") (stating that the ICE average daily population was 65,634 as of July 2026).

93. *See* Kaleah Haddock & Diana Roy, *ICE and Deportations: How Trump Is Reshaping Immigration Enforcement*, COUNCIL ON FOREIGN RELS. (Feb. 27, 2026, at 09:59 CT), https://www.cfr.org/articles/ice-and-deportations-how-trump-reshaping-immigration-enforcement [https://perma.cc/L7BE-KA7Z].

94. The second Trump administration's mandatory detention policy rests on a July 2025 ICE memo that reinterprets 8 U.S.C. § 1225(b)(2)(A), a provision relating to immigration detention that previously applied only to "arriving aliens" at the border. For the text of the July 2025 ICE memo, see *ICE Memo: Interim Guidance Regarding Detention Authority for Applications for Admission*, AM. IMMIGR. LAWS. ASS'N (July 8, 2025), https://www.aila.org/library/ice-memo-interim-guidance-regarding-detention-authority-for-applications-for-admission [https://perma.cc/3V8G-7YGM].

95. *See* Chishti & Lacarte, *supra* note 3.

96. *See generally* Reine Choy, *Explainer: Immigration Removal Proceedings and Expanded Mandatory Detention in the U.S.*, NAT'L IMMIGR. F. (July 28, 2025), https://forumtogether.org/article/explainer-immigration-removal-proceedings-and-expanded-mandatory-detention-in-the-u-s [https://perma.cc/Q29G-2HHU] (explaining how an immigrant can request bond and the effects of the new policy memorandum). On July 8, 2025, ICE issued interim guidance, stating that noncitizens who entered without being admitted are subject to mandatory detention. AM. IMMIGR. LAWS. ASS'N, *supra* note 94. On September 5, 2025, the Board of Immigration Appeals adopted for the first time a similar interpretation of the mandatory detention provision. *See In re Yajure Hurtado*, 29 I&N Dec. 216, 216, 218–19 (stating that the Board "has not previously addressed in a precedential decision"

challenged in federal court,[97] there has been a sharp decline in the number of detainees who are granted bond.[98]

ICE currently relies on hundreds of detention facilities nationwide,[99] the vast majority of which are prison-like in design and operation.[100] Some facilities are owned by ICE but operated by for-profit prison companies; others are owned and operated by for-profit prison companies.[101] These companies have openly promoted the current expansion of detention as a major business opportunity.[102] At the same time, they have faced growing scrutiny for harsh and punitive conditions of confinement, high volumes of grievances,[103] prolonged

whether mandatory detention is required for those who are charged under INA section 235(b)(2) and concluding that they are subject to mandatory detention).

97. *See ICE Issues Memo Eliminating Bond for All Applicants for Admission*, IMMIGR. POL'Y TRACKING PROJECT, https://immpolicytracking.org/policies/ice-issues-memo-eliminating-bond-hearings-for-undocumented-immigrants [https://perma.cc/V28Q-6RK4] (last visited July 25, 2026) (tracking litigation related to the July 8, 2025 ICE memorandum).

98. *See* Miriam Jordan, *Under Trump Policy, Bonds for Immigrants Facing Deportation Are Vanishing*, N.Y. TIMES (Sep. 24, 2025), https://www.nytimes.com/2025/09/24/us/immigrants-trump-detention.html (on file with the *Iowa Law Review*) (detailing that the number of bonds granted dropped from more than one hundred per day in July 2025 to twenty-two per day in September 2025).

99. *See ICE Detention Trends*, VERA INST. JUST. (Apr. 2, 2026), https://www.vera.org/ice-detention-trends [https://perma.cc/B963-J5PC] (displaying a map of all active and historic ICE detention facilities). As of July 2026, the following states hold the largest number of detained immigrants: Texas, Louisiana, California, Georgia, and Florida. *See Immigration Detention Quick Facts*, TRANSACTIONAL RECS. ACCESS CLEARINGHOUSE, https://tracreports.org/immigration/quickfacts [https://perma.cc/FG8N-XUHK] (last visited July 25, 2026) (reporting that as of July 9, 2026, Texas houses 16,450 detained noncitizens, far outpacing even the second-place state, Louisiana, which detains 7,680 noncitizens; California has 6,412 detainees, Georgia has 4,556 detainees, and Florida has 3,934 detainees).

100. *See* AM. IMMIGR. COUNCIL, IMMIGRATION DETENTION IN THE UNITED STATES BY AGENCY 2–4 (2025), https://www.americanimmigrationcouncil.org/wp-content/uploads/2020/01/Immigration-Detention-in-the-United-States-by-Agency-2025.pdf [https://perma.cc/WHG8-JPF3] (describing how the majority of ICE detainees are held in the prison-like facilities).

101. *See id.* at 3 (defining Service Processing Centers, which are owned by ICE, and Contract Detention Facilities, which are owned by private prison companies); *see also* Emily Ryo & Ian Peacock, *A National Study of Immigration Detention in the United States*, 92 S. CAL. L. REV. 1, 15 (2018) [hereinafter Ryo & Peacock, *National Study*] (describing the expanding privatization of immigration enforcement); Nancy Hiemstra & Deirdre Conlon, *Beyond Privatization: Bureaucratization and the Spatialities of Immigration Detention Expansion*, 5 TERRITORY POL. GOVERNANCE 252, 260–63 (2017) (providing a detailed account of the involvement of private corporations in immigration detention by studying the contracts of one New Jersey facility).

102. *See* Alexandra Berzon, Allison McCann & Hamed Aleaziz, *Private Prisons Are Ramping up Detention of Immigrants and Cashing in*, N.Y. TIMES (Mar. 7, 2025), https://www.nytimes.com/2025/03/07/us/politics/private-prisons-immigrants-detention-trump.html (on file with the *Iowa Law Review*).

103. Ryo & Peacock, *National Study*, *supra* note 101, at 49 ("[P]rivately operated facilities are expected to have about 175% more grievances than non-privately operated facilities . . . .").

detention,[104] allegations of forced labor,[105] inadequate medical care,[106] chronic understaffing,[107] and detainee deaths.[108] Other facilities that ICE uses are owned by local, state, or federal governments, which contract with ICE to confine immigrant detainees in jails and prisons under intergovernmental service agreements.[109]

The One Big Beautiful Bill Act, signed by President Donald Trump on July 4, 2025,[110] allocated roughly $45 billion to immigration detention, prompting construction of new facilities and efforts to reopen facilities that had been closed following reports of abuse and mistreatment.[111] For example, a federal judge described Leavenworth Detention Center as "an absolute hell hole" in light of its history of pervasive violence, deaths, and grossly deficient medical care;[112] yet

104. *Id.* at 34–35 (demonstrating that average detention lengths are "consistently and substantially higher in privately operated facilities").

105. *See* Samantha Sherman, Note, *Defining Forced Labor: The Legal Battle to Protect Detained Immigrants from Private Exploitation*, 88 U. CHI. L. REV. 1201, 1203 n.3 (2021) (collecting pending federal lawsuits alleging forced labor in immigration detention). One such case recently reached the Supreme Court. *See* GEO Grp., Inc. v. Menocal, 146 S. Ct. 774, 786 (2026) (remanding the case for a merits determination of liability on the allegation of forced labor practices).

106. *See* Jonathon Booth, *Ending Forced Labor in ICE Detention Centers: A New Approach*, 34 GEO. IMMIGR. L.J. 573, 581 (2020) (describing how private prison companies increase their profit margins by discouraging detainees from seeking medical care).

107. *See, e.g.*, *id.* at 580 & n.53 (describing and collecting reports of understaffing in private immigration detention facilities); EUNICE HYUNHYE CHO, TARA TIDWELL CULLEN & CLARA LONG, ACLU, JUSTICE-FREE ZONES: U.S. IMMIGRATION DETENTION UNDER THE TRUMP ADMINISTRATION 6–7 (2020), https://assets.aclu.org/live/uploads/publications/justice-free_zones_immigrant_detention_report_aclu_hrw_nijc_0.pdf [https://perma.cc/D3RV-A8PA] (reporting understaffing in medical units, which could endanger the health of noncitizens).

108. EUNICE HYUNHYE CHO & TESSA WILSON, ACLU, DEADLY FAILURES: PREVENTABLE DEATHS IN U.S. IMMIGRATION DETENTION 6–10 (2024), https://assets.aclu.org/live/uploads/2024/06/2024-07-01-ICE-Detainee-Deaths.pdf [https://perma.cc/L4DP-AMZG] (describing deaths in immigration detention); Ximena Bustillo & Rahul Mukherjee, *It's the Deadliest Year for People in ICE Custody in Decades; Next Year Could Be Worse*, NPR (Oct. 23, 2025, at 10:22 ET), https://www.npr.org/2025/10/23/nx-s1-5538090/ice-detention-custody-immigration-arrest-enforcement-dhs-trump [https://perma.cc/TH2Z-FJ85] (reporting that the twenty deaths in 2025 in ICE detention are the most deaths in detention in the past twenty years).

109. *See* AM. IMMIGR. COUNCIL, *supra* note 100, at 3 (describing Non-Dedicated Intergovernmental Service Agreements ("IGSAs") and Dedicated IGSAs with local and state governments, as well as U.S. Marshals Service Intergovernmental Agreements with the federal government to contract for ICE detainee bed space in criminal detention centers).

110. One Big Beautiful Bill Act, Pub. L. No. 119-21, 139 Stat. 72 (2025).

111. *See* Shannon Heffernan, Geoff Hing, Beth Schwartzapfel & Jill Castellano, *How Trump Used the Criminal System to Massively Expand Immigration Detention*, MARSHALL PROJECT (Aug. 1, 2025, at 11:00 ET), https://www.themarshallproject.org/2025/08/01/trump-ice-immigration-detention [https://perma.cc/GZT6-6KAY] (describing the conditions of some of the facilities that may open as immigration detention centers); *see also* Complaint ¶¶ 25–27, Gomez Ruiz v. U.S. Immigr. & Customs Enf't, No. 3:25-cv-09757 (N.D. Cal. Nov. 12, 2025) (describing a notorious former private prison in California City that reopened in August 2025 to detain noncitizens after being shuttered for two years due to reports of abuse and mistreatment).

112. *See* Allison Kite, *For-Profit Kansas Prison an Understaffed 'Hell-Hole' of Violence, Death and Drugs*, KAN. REFLECTOR (Oct. 7, 2021, at 09:35 CT), https://kansasreflector.com/2021/10/07/for-pro

CoreCivic, a private prison company, has sought to reopen it as an immigration detention facility.[113] With these developments in view, we turn to what is currently known about interfacility transfers and remote detention.

2. Transfers in Immigration Detention

Section 241 of INA authorizes the Attorney General to "arrange for appropriate places of detention," but it does not explicitly address whether, and to what extent, the federal government may transfer immigrant detainees between detention facilities.[114] The provision states:

> The Attorney General shall arrange for appropriate places of detention for [noncitizens] detained pending removal or a decision on removal. When United States Government facilities are unavailable or facilities adapted or suitably located for detention are unavailable for rental, the Attorney General may . . . acquire land and . . . build, remodel, repair, and operate facilities . . . necessary for detention.[115]

The federal government has treated this statutory silence about interfacility transfers as implicitly granting broad discretion to engage in such transfers as

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fit-kansas-prison-an-understaffed-hell-hole-of-violence-death-and-drugs [https://perma.cc/AZD5-5A6A] (quoting U.S. District Court Judge Julie Robinson). Conditions included employee assaults, detainee deaths, medical inattention, and the proliferation of weapons. *Id.*

113. *See* Zane Irwin, *ICE Detention Center in Leavenworth, Kansas, Is Hiring Despite Months of Legal Limbo*, KCUR (Aug. 12, 2025, at 03:00 CT), https://www.kcur.org/politics-elections-and-government/2025-08-12/ice-detention-center-in-leavenworth-kansas-is-hiring-despite-months-of-legal-limbo [https://perma.cc/C7GA-SXL6] (describing CoreCivic's ongoing efforts to hire staff for the facility despite legal challenges by the city of Leavenworth).

114. 8 U.S.C. § 1231(g)(1) (authorizing the Attorney General to arrange for the detention and operation of immigration detention facilities); *see* Sabrina Balgamwalla, *ICE Transfers and the Detention Archipelago*, 31 J.L. & POL'Y 11–12 (2022), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4931877 [https://dx.doi.org/10.2139/ssrn.4931877]. 8 U.S.C. § 1231(g)(1) arguably does not provide the federal government the authority to transfer detained noncitizens. *See* Adrienne Pon, Note, *Identifying Limits to Immigration Detention Transfers and Venue*, 71 STAN. L. REV. 747, 759 (2019) (arguing that § 1231(g)(1), properly read, authorizes only the arrangement and operation of detention facilities and does not itself confer broad, unfettered transfer power); Rofé, *supra* note 89, at 901 (same). Courts are divided as to the scope of the executive authority under this provision. *Compare* Van Dinh v. Reno, 197 F.3d 427, 433 (10th Cir. 1999) (concluding the Attorney General has transfer authority under 8 U.S.C. § 1231(g)(1)), *and* Calla-Collado v. Att'y Gen., 663 F.3d 680, 685 (3d Cir. 2011) (finding that "ICE 'necessarily has the authority to determine the location of detention . . . and therefore, to transfer aliens from one detention center to another'" (quoting Gandarillas-Zambrana v. Bd. of Immigr. Appeals, 44 F.3d 1251, 1256 (4th Cir. 1995))), *with* Reyna *ex rel.* J.F.G. v. Hott, 921 F.3d 204, 209–10 (4th Cir. 2019) (concluding that "the language of § 1231(g) does not address transfers at all, nor does it explicitly grant the Attorney General or the Secretary of Homeland Security discretion with respect to transfers," and finding at most an implied authority to transfer detainees under § 1231(g)), *and* Ozturk v. Hyde, 136 F.4th 382, 396 (2d Cir. 2025) (adopting the same reading).

115. 8 U.S.C. § 1231(g)(1).

a matter of routine practice.[116] In response to growing criticism by advocates and courts about the detrimental effects of interfacility transfers on access to counsel and due process, ICE issued in 2012 an internal agency directive, Policy 11022.1.[117] This agency directive was framed in part as an effort to minimize transfers.[118] But as written, the directive has substantial limitations. For example, it governs only those transfers that move an immigrant detainee out of an Area of Responsibility ("AOR").[119] Most AORs cover multiple states.[120] Moreover, the directive applies only to ICE employees and not any of the staff under contract with ICE.[121] In addition, the directive expressly states that ICE may transfer an immigrant detainee whenever it is "deemed necessary" regardless of any relevant considerations such as the presence of family members and retained counsel within the AOR.[122] Finally, and perhaps most importantly, the directive is legally nonbinding.[123]

ICE has also published nonbinding custodial standards for immigration detention more generally.[124] However, these standards do little to constrain the government's transfer authority; instead, they simply incorporate and restate

116. César Cuauhtémoc García Hernández, *Due Process and Immigrant Detainee Prison Transfers: Moving LPRs to Isolated Prisons Violates Their Right to Counsel*, 21 BERKELEY LA RAZA L.J. 17, 22 (2011) [hereinafter García Hernández, *Moving LPRs*].

117. *See* Roger C. Grantham, Jr., Note, *Detainee Transfers and Immigration Judges: ICE Forum-Shopping Tactics in Removal Proceedings*, 53 GA. L. REV. 281, 291 (2018) (characterizing the issuance of Policy 11022.1 as a response to public criticism). *See generally* U.S. IMMIGR. & CUSTOMS ENF'T, ICE DETENTION STANDARD: DETAINEE TRANSFER (2004), https://assets.aila.org/files/e0664356-fe1c-4a5e-978e178b13f882d2/04092167.pdf?1697589696 [https://perma.cc/K7D5-HXMQ] (establishing ICE's initial procedures and notice requirements for transferring detainees on June 16, 2004).

118. U.S. IMMIGR. & CUSTOMS ENF'T, POLICY 11022.1: DETAINEE TRANSFERS 1 (2012), https://www.ice.gov/doclib/detention-reform/pdf/hd-detainee-transfers.pdf [https://perma.cc/N7UK-6TT4] ("This Directive establishes new prioritized transfer determinations that are meant to minimize, to the extent possible, detainee transfers outside the area of responsibility and to provide cost savings to the agency.").

119. *Id.* ("Transfers of detainees within the AOR are not covered by this Directive.").

120. *See ICE Field Offices*, U.S. IMMIGR. & CUSTOMS ENF'T (June 17, 2026), https://www.ice.gov/contact/field-offices?office=16 [https://perma.cc/9VK3-DTEP] (providing information on current AORs for different ICE field offices).

121. U.S. IMMIGR. & CUSTOMS ENF'T, *supra* note 118, at 1 ("This Directive establishes responsibilities and procedures for ICE employees who perform detainee transfers and does not govern contract staff.").

122. *Id.* at 2.

123. *See id.* at 14 ("This Directive is an internal policy statement of ICE. It is not intended to, does not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable at law by any party in any administrative, civil, or criminal matter.").

124. *See* Reine Choy, *Explainer: U.S. Immigration Detention and Custody Standards*, NAT'L IMMIGR. F. (June 18, 2025), https://forumtogether.org/article/explainer-u-s-immigration-detention-and-custody-standards [https://perma.cc/D8PN-9DSX] (explaining that the Performance-Based National Detention Standards and the National Detention Standards are nonbinding guidelines for dedicated immigration detention facilities and non-dedicated facilities, respectively).

portions of Policy 11022.1.[125] Professor Jessica Rofé has described these policies and guidelines as "riddled with carveouts for discretionary decisions that render [them] near-nullities."[126]

Some sources characterize immigration detention transfers as a form of judge- or forum-shopping to further ICE's immigration enforcement goals.[127] A growing number of reports from detainees, advocates, journalists, and oversight organizations suggest that transfers are sometimes used to retaliate against immigrant detainees who assert legal rights or challenge detention conditions.[128] For example, the ACLU of Massachusetts documented instances in which detainees were transferred after reporting abuse or poor conditions, concluding that such transfers served "to silence complaints about detention conditions or inhumane treatment."[129]

Systematic empirical analyses of transfers in immigration detention are more limited in number and scope. Human Rights Watch published the first empirical account of immigration detention transfers in 2009,[130] which was

125. *See, e.g.*, U.S. IMMIGR. & CUSTOMS ENF'T, PERFORMANCE-BASED NATIONAL DETENTION STANDARDS 2011, at 458 (2016), https://www.ice.gov/doclib/foia/policy/PerformanceBasedNationalDetentionStandards_2011.pdf [https://perma.cc/7YJ4-FEG5] (using near-identical language to Policy 11022.1 to describe detainee notification procedure); U.S. IMMIGR. & CUSTOMS ENF'T, NATIONAL DETENTION STANDARDS 200–01 (2025), https://www.ice.gov/doclib/detention-standards/2025/nds2025.pdf [https://perma.cc/3K5F-USGB] (using the language from Policy 11022.1 to describe the standards for detainee property transfers).

126. Rofé, *supra* note 89, at 902.

127. *See* Balgamwalla, *supra* note 114, at 8–10 (arguing that ICE uses their unchecked authority strategically, transferring noncitizens to venues where their claims are more likely to be denied); Grantham, *supra* note 117, at 285 (characterizing ICE's unchecked transfer authority as a form of judge-shopping).

128. *See, e.g.*, Malik Ndaula with Debbie Satyal, *Rafiu's Story: An American Immigrant Nightmare*, *in* KEEPING OUT THE OTHER: A CRITICAL INTRODUCTION TO IMMIGRATION ENFORCEMENT TODAY 241, 253–54 (David C. Brotherton & Philip Kretsedemas eds., 2008) (describing an interfacility transfer as retaliatory action by the government for the detainee filing a lawsuit against the detention facility); EUNICE HYUNHYE CHO & JOANNA NAPLES-MITCHELL, ACLU, BEHIND CLOSED DOORS: ABUSE AND RETALIATION AGAINST HUNGER STRIKERS IN U.S. IMMIGRATION DETENTION 8 (2021), https://assets.aclu.org/live/uploads/publications/aclu_phr_behind_closed_doors_final_1.pdf [https://perma.cc/X42Q-PAP3] ("ICE's records, news reports, and interviews with former hunger strikers reveal numerous examples of unlawful retaliation by ICE, including involuntary transfer and excessive force."); Ruben Vives & Brittny Mejia, *ICE Accused of Retaliating Against Adelanto Hunger Strikers with Transfers and Solitary Confinement*, L.A. TIMES (June 11, 2026, at 11:36 PT), https://www.latimes.com/california/story/2026-06-11/ice-retaliated-against-adelanto-hunger-strikers-advocates-say [https://perma.cc/VG64-M6SS] (quoting the legal services director at the Immigrant Defenders Law Center as stating that a detainee's transfer was "a blatant act of retaliation").

129. LAURA RÓTOLO, ACLU OF MASS., DETENTION AND DEPORTATION IN THE AGE OF ICE: IMMIGRANTS AND HUMAN RIGHTS IN MASSACHUSETTS 6 (2008), https://www.aclum.org/app/uploads/drupal/sites/default/files/wp-content/uploads/2015/06/reports-detention-and-deportation-in-the-age-of-ice.pdf [https://perma.cc/6437-M3NR].

130. *See* ALISON PARKER, HUM. RTS. WATCH, LOCKED UP FAR AWAY: THE TRANSFER OF IMMIGRANTS TO REMOTE DETENTION CENTERS IN THE UNITED STATES 2 (2009), https://www.hrw.org/sites/default/files/reports/us1209webwcover_0.pdf [https://perma.cc/F9FH-2LGA] (stating that transfer data was previously unavailable).

updated in 2011.[131] In 2018, Emily Ryo and Ian Peacock analyzed interfacility transfers as part of the first comprehensive, national empirical analysis of immigration detention, using data on immigrants detained in 2015.[132] More recently, journalists and nonprofit organizations have raised alarm over the second Trump administration's reliance on unchecked transfer authority. Early reporting by the *Los Angeles Times* documented a high volume of interfacility transfers during the first year of the second Trump administration.[133] A report by the UCLA Center for Neighborhood Knowledge concluded that Latino immigrants were more likely to be transferred in 2025 than in 2024.[134] Human Rights First found a significant increase in ICE's domestic transfer flights in 2025.[135]

Collectively, these studies and reports suggest that transfers in detention can impose serious social, psychological, and medical harms on noncitizens[136] and raise a host of due process concerns.[137] Transferred detainees may lose access to counsel, especially pro bono counsel.[138] Even if transferred detainees are able to retain legal counsel, representation becomes harder and costlier.[139] For example,

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131. ALISON PARKER, HUM. RTS. WATCH, A COSTLY MOVE: FAR AND FREQUENT TRANSFERS IMPEDE HEARINGS FOR IMMIGRANT DETAINEES IN THE UNITED STATES 17 (2011), https://www.hrw.org/sites/default/files/reports/uso611webwcover_0.pdf [https://perma.cc/JY37-C2FN].

132. Ryo & Peacock, *National Study*, *supra* note 101, at 5.

133. LeMee, *supra* note 3.

134. *See* ONG ET AL., *supra* note 3, at 9 (documenting an increase in transfers).

135. HUM. RTS. FIRST, ICE FLIGHT MONITOR: SEPTEMBER 2025 MONTHLY REPORT 12–13 (2025), https://cdn.sanity.io/files/1e7vpawz/production/8cfe58db1d52c3c3a6d6c2270fob60f39119e14c.pdf [https://perma.cc/7WRQ-4CT3].

136. *See, e.g.*, Alison Mountz, Kate Coddington, R. Tina Catania & Jenna M. Loyd, *Conceptualizing Detention: Mobility, Containment, Bordering, and Exclusion*, 37 PROGRESS HUM. GEOGRAPHY 522, 526–30 (2012) (highlighting the paradox between containment through detention and mobility through persistent transfers); Nancy Hiemstra, *'You Don't Even Know Where You Are': Chaotic Geographies of US Migrant Detention and Deportation*, *in* CARCERAL SPACES: MOBILITY AND AGENCY IN IMPRISONMENT AND MIGRANT DETENTION 57, 57, 67–71 (Dominique Moran, Nick Gill & Deirdre Conlon eds., 2013) (analyzing the effects of transfers on Ecuadorian noncitizens and characterizing the transfers as part of a "chaotic geography" of detention); Karina J. Livingston, Impacts of U.S. Immigration Detention and Transfers on the Well-Being of Those Detained Within a Punitive For-Profit System 102–26 (2021) (Ph.D. dissertation, Florida International University) (ProQuest) (identifying the harms of interfacility transfers).

137. *See, e.g.*, Pon, *supra* note 114, at 773–74 (identifying a potential Due Process Clause limitation on the government's unchecked transfer authority); García Hernández, *Moving LPRs*, *supra* note 116, at 54 (concluding that transfers may unconstitutionally interfere with a legal permanent resident's due process right to counsel); Rofé, *supra* note 89, at 905; Nancy Morawetz, *Detention Decisions and Access to Habeas Corpus for Immigrants Facing Deportation*, 25 B.C. THIRD WORLD L.J. 13, 15–16 (2005) (arguing that the government's choice of detention site affects the viability of noncitizens' habeas claims).

138. *See* Rofé, *supra* note 89, at 903 (stating that detainees may lose access to pro bono counsel if transferred).

139. *See id.* at 903–04 (identifying barriers to continued representation, including the limitations of telephonic communication, inability to conduct confidential interviews, challenges in preparing a client and obtaining signatures, and difficulty representing clients in collateral matters).

transfers can result in changes in the governing law,[140] as immigration courts are bound by the law of the federal judicial circuit where the immigration court is located.[141] Therefore, noncitizens who may have a viable legal claim for protection in one jurisdiction will lose that claim once moved to a different jurisdiction that does not recognize that legal theory.[142] Finally, transferred detainees lose access to their broader social support systems that consist of friends, family, and fellow detainees with whom they have established ongoing relationships through shared confinement experiences.[143] This loss of access to their social networks deprives immigrant detainees of the crucial emotional, logistical, and community support that they need to navigate their immigration proceedings.[144]

3. Detention in Remote Locations

Noncitizens have long been detained in geographically inaccessible locations in the United States. When federal immigration detention began in earnest during the late nineteenth century,[145] the federal government deliberately constructed its early immigration detention centers in paradigmatically remote settings—offshore islands.[146] Ellis Island opened on the East Coast in 1892, followed by Angel Island on the West Coast in 1910.[147] According to historians Erika Lee and Judy Yung, the federal government's decision to site detention on the Angel Island was expressly based on its isolating qualities:

> As San Francisco Commissioner of Immigration Hart Hyatt North explained . . . the island location would . . . be the most effective means of keeping a watchful eye over the newly arriving Chinese. They would be separated from friends and family who might try to coach them on how to pass the interrogations . . . .[148]

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140. *See* Balgamwalla, *supra* note 114, at 10 ("Detainees are frequently dispatched to the outer reaches of the archipelago—isolated places where they will face lower chances of winning their claims, especially where they cannot access legal support.").

141. *Id.* at 6–7.

142. *See id.* at 8 ("Accordingly, with a detainee's transfer, the agency is also selecting the choice of law on all matters, including whether a detainee should be released on bond, what law controls adjudication of a claim for immigration relief, and whether a detainee has recourse to challenge prolonged detention.").

143. *See, e.g.*, Rofé, *supra* note 89, at 905 (describing how interfacility transfers separate noncitizens from their communities, which is particularly harmful during bond proceedings); Ryo, *Fostering Cynicism*, *supra* note 49, at 1028–29 (same).

144. *See, e.g.*, Rofé, *supra* note 89, at 905; Ryo, *Fostering Cynicism*, *supra* note 49, at 1028–29.

145. For an overview of state immigration detention in the nineteenth century and the rise of a federalized immigration detention system, see Arnold, *supra* note 89, at 269–90 (describing the state system of immigration detention and the pressures that led to federalization).

146. *See id.* at 287 (describing the rise of federal immigration detention); ERIKA LEE & JUDY YUNG, ANGEL ISLAND: IMMIGRANT GATEWAY TO AMERICA 11–12 (2010).

147. Arnold, *supra* note 89, at 287, 290.

148. LEE & YUNG, *supra* note 146, at 12.

More than a century later, the same logic animates the construction and use of remote detention facilities.[149] In 2025, Florida Attorney General James Uthmeier coined the nickname "Alligator Alcatraz" to describe a detention facility built on the isolated airfield in the Everglades, explicitly emphasizing the location's isolation and natural barriers.[150] He considered the site to be ideal because "[i]f people get out, there's not much waiting for them other than alligators and pythons."[151] Similarly, Guantánamo Bay, Cuba—another remote site that began detaining immigrants in 2025—has been characterized as "a legal black box" where immigrants are held "incommunicado, without access to attorneys, family, or the outside world."[152] According to advocates, "this isolation is no coincidence"; instead, it is central to the facility's design and operation.[153]

The largest detention facilities currently in operation in the United States are in isolated, rural locations, far away from major population centers and legal services. For example, Adams County Detention Center had the largest daily detainee population in September 2025, confining over two thousand individuals.[154] Adams County Detention Center is in Natchez, Mississippi, a city of about fourteen thousand people on the banks of the Mississippi River.[155]

149. *See, e.g.*, Adriana Gomez Licon & Will Weissert, *Trump Tours Florida Immigration Lockup and Jokes About Escapees Having to Run from Alligators*, ASSOCIATED PRESS (July 1, 2025, at 16:27 CT), https://apnews.com/article/trump-everglades-immigrant-detention-facility-visit-5dc5568ec15534947c29c9149b773d1d [https://perma.cc/4WT2-E9PG] ("The White House has delighted in the area's remoteness—about 50 miles (80 kilometers) west of Miami—and the fact that it is teeming with pythons and alligators. It hopes to convey a message . . . that repercussions will be severe if the immigration laws of the United States are not followed."); Douglas MacMillan, Samuel Oakford, N. Kirkpatrick & Aaron Schaffer, *60 Violations in 50 Days: Inside ICE's Giant Tent Facility at Ft. Bliss*, WASH. POST (Sep. 16, 2025), https://www.washingtonpost.com/business/2025/09/16/icedetention-center-immigration-violations (on file with the *Iowa Law Review*) (describing the Trump administration's hasty construction of a tent facility to detain thousands of immigrants "in a remote stretch of desert" on a military base); Douglas MacMillan & Jonathan O'Connell, *ICE Documents Reveal Plan to Hold 80,000 Immigrants in Warehouses*, WASH. POST (Dec. 24, 2025), https://www.washingtonpost.com/business/2025/12/24/ice-immigrants-detention-warehouses-deportation-trump (on file with the *Iowa Law Review*) (detailing the Trump administration's plans to build warehouses to hold five thousand to ten thousand people each, "far from residential areas").

150. Bill Hutchinson, *Florida AG Proposes 'Alligator Alcatraz' Migrant Detention Center in Everglades*, ABC NEWS (June 25, 2025, at 17:27 CT), https://abcnews.go.com/US/florida-attorney-general-proposes-alligator-alcatraz-migrant-detention/story?id=123149898 [https://perma.cc/YUK3-5T88].

151. *Id.*

152. Sacha Pfeiffer, *ACLU and Other Advocates Sue for Access to Migrants Moved to Guantánamo Bay*, NPR (Feb. 12, 2025, at 22:01 ET), https://www.npr.org/2025/02/12/nx-s1-5295046/guantanamo-aclu-lawsuit-dhs-migrants-trump [https://perma.cc/S5B8-9QL7].

153. *Id.*

154. *Detention Facilities Average Daily Population*, TRANSACTIONAL RECS. ACCESS CLEARINGHOUSE, https://tracreports.org/immigration/detentionstats/facilities.html [https://perma.cc/P3MK-RLG7] (last visited July 25, 2026) (search "09/15/2025" in "Current as of" field).

155. *QuickFacts: Natchez City, Mississippi*, U.S. CENSUS BUREAU, https://www.census.gov/quickfacts/fact/table/natchezcitymississippi/DIS010223 [https://perma.cc/3R3Y-F2UF] (last visited July 25, 2026).

Natchez is roughly two hours by car from the nearest major metropolitan area;[156] public transit is limited and specialized services—such as immigration lawyers, major medical facilities, and social-service providers—are located hours away in distant urban centers.

Remote detention imposes severe barriers to family visitation, community oversight, and access to legal representation.[157] Immigrants confined in remote locations face enormous challenges to finding or securing legal counsel, especially pro bono counsel.[158] For example, there are only three pro bono legal service providers that serve Adams County Detention Center.[159] None of these providers are in-state.[160] Each provider serves multiple detention centers,[161]

156. The nearest major cities to Natchez are Baton Rouge, Louisiana, and Jackson, Mississippi. They are roughly 80 and 90 miles away, respectively. *See Distance from Natchez, MS, USA to Baton Rouge, LA, USA*, DISTANCE TO, https://www.distance.to/Natchez,MS,USA/Baton-Rouge,LA,USA [https://perma.cc/DW3S-6SUT] (last visited July 25, 2026) (showing that it takes one hour and fifty minutes to drive from Natchez to Baton Rouge); *Distance from Natchez, MS, USA to Jackson, MS, USA*, DISTANCE TO, https://www.distance.to/Natchez,MS,USA/Jackson,MS,USA [https://perma.cc/U5XC-ASW4] (last visited July 25, 2026) (showing that it takes two hours and eleven minutes to drive from Natchez to Jackson).

157. *See* García Hernández, *Moving LPRs*, *supra* note 116, at 35–36 (describing how rural detention centers make it more difficult for noncitizens to receive visitors who could provide support); Alison Mountz, *Mapping Remote Detention: Dis/location Through Isolation*, *in* BEYOND WALLS AND CAGES: PRISONS, BORDERS, AND GLOBAL CRISIS 91, 92–96 (Jenna M. Loyd, Matt Mitchelson & Andrew Burridge eds., 2012) (arguing that detention in remote areas leads to separation from family and other support networks).

158. *See, e.g.*, García Hernández, *Moving LPRs*, *supra* note 116, at 36 (stating that noncitizens in remote detention centers struggle to find counsel); Kelley-Widmer & Whitfield, *supra* note 41, at 135–37 (describing the challenges of finding and maintaining counsel in remote locations); NADIA ALMASALKHI, BERKELEY INTERDISC. MIGRATION INITIATIVE, IMMIGRANTS LACK ACCESS TO LEGAL REPRESENTATION 1 (2019), https://bimi.berkeley.edu/sites/default/files/bimi_policy_brief_almasalkhi_immigrants_lack_access_to_legal_representation.pdf [https://perma.cc/63NG-482T] ("Immigrant detention centers are also often located in remote areas, cutting detainees off from the rest of the world and thereby from the possibility of legal representation."); Note, *The Right to Be Heard from Immigration Prisons: Locating a Right of Access to Counsel for Immigration Detainees in the Right of Access to Courts*, 132 HARV. L. REV 726, 730 (2018) ("With many detention facilities located in remote locations far from where most attorneys practice, detainees' access to their lawyers is often severely constrained."); *see also* Emma Janssen, *How ICE Hides Detainees from Their Lawyers*, AM. PROSPECT (Oct. 6, 2025), https://prospect.org/2025/10/06/2025-10-06-how-ice-hides-detainees-from-their-lawyers [https://perma.cc/D2RC-YS3G] (interviewing attorneys who described how transfers to remote locations impede access to counsel).

159. *See National Immigration Legal Services Directory*, IMMIGR. ADVOCS. NETWORK, https://www.immigrationadvocates.org/legaldirectory/search?detentionFacility=161&x=15&y=23 [https://perma.cc/2GYT-PPA9] (last visited July 8, 2026) (identifying Carolina Migrant Network, Immigration Equality, and Immigration Services and Legal Advocacy ("ISLA") as the only three organizations that serve this facility).

160. *See id.* (stating that Carolina Migrant Network is in Charlotte, North Carolina, Immigration Equality is in Brooklyn, New York, and ISLA is in New Orleans, Louisiana).

161. *See Carolina Migrant Network*, IMMIGR. ADVOCS. NETWORK, https://www.immigrationadvocates.org/legaldirectory/organization.790079-Carolina_Migrant_Network [https://perma.cc/B39Y-M9HT] (last visited July 8, 2026) (stating that Carolina Migrant Network works in the Stewart Detention Center and Adams County Detention Center); *Immigration Equality*, IMMIGR. ADVOCS.

leaving the vast majority of noncitizens confined at Adams County Detention Center unable to obtain pro bono assistance. Empirical research shows that noncitizens detained in cities with populations of fifty thousand or fewer have the lowest representation rate in immigration court.[162] Other empirical research shows that the scarcity of nearby lawyers is associated with longer length of detention.[163] Finally, those in remote detention may suffer from worse conditions of confinement not only due to limited access to counsel and social support, but also due to reduced public oversight and weaker community accountability mechanisms that are generally associated with geographically isolated areas.[164]

Remote detention, particularly when combined with interfacility transfers, exemplifies how procedural immigration law operates to disrupt and undermine a core condition shaping immigrants' lives and legal decision-making: their social embeddedness in families, communities, and support networks. In the next Part, we introduce the current empirical study, which offers the first systematic, longitudinal analysis of the scope and character of interfacility transfers and remote detention in the United States.

III. AN EMPIRICAL STUDY OF TRANSFERS AND REMOTE DETENTION

This Part describes the datasets and key decisions that we made in conducting our analysis of interfacility transfers and remote detention. Details regarding data cleaning, coding, and analytic decisions appear in the Data and Methods Appendix.

NETWORK, https://www.immigrationadvocates.org/legaldirectory/organization.393181-Immigration_Equality [https://perma.cc/7FDT-TGG9] (last visited July 8, 2026) (stating that Immigration Equality works nationwide in all detention centers); *Immigration Services and Legal Advocacy (ISLA)*, IMMIGR. ADVOCS. NETWORK, https://www.immigrationadvocates.org/legaldirectory/organization.811023-Immigration_Services_and_Legal_Advocacy_ISLA [https://perma.cc/Y68E-YRWX] (last visited July 8, 2026) (stating that ISLA works in the LaSalle Detention Facility, Oakdale Federal Detention Center, South Louisiana Correctional Center, and Adams County Detention Center).

162. *See* Eagly et al., *supra* note 43, at 49 (finding that 29% of detained noncitizens in small cities are represented). This is a remarkable increase from 2007–2012, in which only 10% of noncitizens detained in small cities were represented. Eagly & Shafer, *supra* note 43, at 41 & fig. 11. The authors credit this increase to nonprofit programs that focused on detained cases, some of which have since shuttered. Eagly et al., *supra* note 43, at 31–32 & n.148.

163. *See* Emily Ryo & Ian Peacock, *Beyond the Walls: The Importance of Community Contexts in Immigration Detention*, 63 AM. BEHAV. SCIENTIST 1250, 1261–65 (2019).

164. According to a systematic empirical analysis of grievances filed against detention facilities used by ICE in fiscal year 2015, facilities in less populous areas had substantially higher average number of grievances across all grievance types. Ryo & Peacock, *National Study*, *supra* note 101, at 48 & fig. 12. This finding remained robust even after controlling for potential confounders (including the size of the detainee population at each facility) in a regression analysis. *See id.* at 49 & tbl. 7 (showing that "[f]acilities located outside of MSA principal cities are expected to have about 51% more grievances than facilities located within MSA principal cities, holding all other covariates in the model constant").

A. DATA SOURCES AND STRUCTURE

This Article analyzes detention records for individuals whom ICE booked into immigration detention between October 1, 2011, and October 16, 2025. Accordingly, our analysis includes detention records with initial book-in dates falling within the following presidential administrations: the partial first term of President Barack Obama (October 1, 2011–January 19, 2013); the second term of President Barack Obama (January 20, 2013–January 19, 2017); the first term of President Donald Trump (January 20, 2017–January 19, 2021); the term of President Joe Biden (January 20, 2021–January 19, 2025); and the partial second term of President Donald Trump (January 20, 2025–October 16, 2025).

ICE produced these detention records in response to two separate Freedom of Information Act ("FOIA") requests submitted by the University of Washington Center for Human Rights ("UWCHR") and the UCLA Center for Immigration Law and Policy ("CILP"), respectively. Both data releases, and the accompanying FOIA request materials, are publicly available through the Deportation Data Project.[165] For ease of reference, this Article refers to the first data release as the "Historical Data," the second as the "December 2025 Data," and the combined dataset that we created by appending these releases for our analysis as the "Detention Data."

The overall structure of the Detention Data closely parallels a previously analyzed immigration detention dataset that Emily Ryo and Ian Peacock examined and described in detail in an earlier study.[166] Accordingly, this Section offers only a brief overview of the data, emphasizing the key features of the Detention Data that are most salient for the analysis that follows.

Individuals may be transferred across multiple facilities during a single period of confinement, and thus they may experience multiple detention stints within a single detention stay. Each time an individual is booked into a facility, ICE creates a new record containing information about that detention stint, including the book-in date, book-out date, and the release reason associated with that stint. Many different release reasons are possible, including: the individual was removed from the United States, temporarily released pending the removal

165. *Immigration and Customs Enforcement*, DEPORTATION DATA PROJECT, https://deportationdata.org/data/ice.html [https://perma.cc/LA4R-NQHC] (last visited Dec. 22, 2025). To download the detention records from the FOIA request submitted by UWCHR, click on "Historical Data Archive," and then "Detention" (various files). To download the detention records from the FOIA request submitted by CILP, click on "Latest Data Release," and "Detentions." For the UWCHR FOIA request, see *Analyzing U.S. Immigration and Customs Enforcement (ICE) Immigration Detention Data (FY2012–2023) Released Pursuant to FOIA Requests by the University of Washington Center for Human Rights*, UWCHR, https://github.com/UWCHR/ice-detain [https://perma.cc/V3LN-LUS6] (last visited July 8, 2026). For the CILP FOIA Request, see *FOIA Request Repository*, DEPORTATION DATA PROJECT, https://deportationdata.org/foia.html [https://perma.cc/CF32-NEJZ] (last visited Dec. 22, 2025) (scroll down to "CILP v. ICE (2024–)").

166. *See* Ryo & Peacock, *National Study*, *supra* note 101, at 17–18 (describing this dataset).

process (bonded out, released on own recognizance, released on supervision conditions, etc.), granted relief from removal, and so on.[167]

For example, if an individual is booked into one facility and then transferred to another facility before being released on bond, that detention stay will generate two records, each corresponding to a distinct detention stint. The first detention stint record will list "Transferred" as the release reason (the "Release Type" variable in the Detention Data), and the second detention stint record will list "Bonded Out" as the release reason. Because both detention stints belong to the same detention stay, they will share the same initial book-in date (the "Initial Book-In Date" variable in the Detention Data), but each stint will have its own book-in and book-out dates corresponding to the particular facility in which the individual was confined. Thus, the Detention Data contains more detention stints than stays.

The Detention Data contains a total of over 9.6 million detention stints pertaining to over 4.6 million detention stays that have the initial book-in dates that fall between October 1, 2011, and October 16, 2025. Appendix Tables B and C provide descriptive statistics relating to the individuals and detention facilities, respectively, that appear in the Detention Data. Table D provides information on the measures that we used to generate the statistics in Appendix Tables B and C.

B. SAMPLE RESTRICTIONS

We restricted our analysis of interfacility transfers and remote detention in two important ways. First, our analysis of interfacility transfers and remote detention focuses on detention stays that are not "right-censored."[168] By right censoring, we mean the following: For individuals whose detention extended beyond mid-October 2025, the dataset does not reveal their ultimate outcomes. All else equal, the earlier the initial book-in date of a stay, the less likely that stay is to be right-censored, because the probability that a stay will culminate in some form of release generally increases with the passage of time.

We excluded right-censored stays in our analysis because certain types of analyses are more meaningful when limited to stays with a complete set of records. For example, when examining the prevalence of interfacility transfers, it is not possible to determine the total number of transfers for individuals who remained detained at the end of the study period. Excluding right-censored stays, however, introduces sample bias to the extent that such stays systematically differ from stays that are not right-censored. To address this concern, we replicated all of our analyses presented below using a dataset that includes right-censored stays, and those robustness checks yielded substantially similar overall patterns as the results

167. For more detailed information on release reasons, see Ryo & Peacock, *National Study*, *supra* note 101, at 59–60 app. tbl. A.

168. *See* JUDITH D. SINGER & JOHN B. WILLETT, APPLIED LONGITUDINAL DATA ANALYSIS: MODELING CHANGE AND EVENT OCCURRENCE 315–24 (2003) (explaining different types of data censoring and how they affect statistical analysis).

using the non-censored sample. Even so, the findings reported below for more recent detention stays—particularly those with the initial book-in year of 2025—should be interpreted with caution.

Second, we restricted our analysis of interfacility transfers and remote detention to the adult detainee population (individuals who were eighteen years or older at the time they were initially booked into ICE detention), given that a different set of laws and policies govern the detention of children whom U.S. law treats as unaccompanied minors.[169] In addition, some immigrant children are detained with their family members in facilities specifically designed for family detention.[170] In such cases, the detention records of the children are not independent of the detention records of their family members with whom they are detained.

The December 2025 Data includes information on whether a final order of removal was issued and, if so, the date of that order, whereas the Historical Data does not contain this information. However, the December 2025 Data is limited to individuals booked into ICE custody between September 2023 and October 2025 (based either on the initial book-in date or the stint book-in date). As a result, 2024 is the only full calendar year for which transfers can be reliably classified as occurring either before or after a final order of removal. Because a central contribution of this study is its longitudinal analysis of transfer patterns over time, we include all transfers in our analyses rather than restricting the sample to transfers that can be categorized as pre- or post-final-order.

C. CODING OF DISTANCE MEASURES AND REMOTE LOCATIONS

As we explain in greater detail in the Data and Methods Appendix, we calculated transfer distances based on driving routes between facilities. However, if a transfer necessitates crossing a body of water or requires using routes not accessible by road, we used a straight-line distance measure based on the Haversine formula.[171] The use of the Haversine formula results in an

169. *See* Emily Ryo & Reed Humphrey, *Children in Custody: A Study of Detained Migrant Children in the United States*, 68 UCLA L. REV. 136, 151–55 (2021) (describing the legal framework governing unaccompanied minors).

170. *See* Laurence Benenson & Nicci Mattey, *Family Detention Under the Second Trump Administration*, NAT'L IMMIGR. F. (July 11, 2025), https://forumtogether.org/article/family-detention-under-the-second-trump-administration [https://perma.cc/MK33-FAXA] (describing family detention centers and the legal standards that govern them); Anna Flagg & Shannon Heffernan, *ICE Threw Thousands of Kids in Detention, Many for Longer than Court-Prescribed Limit*, MARSHALL PROJECT (Dec. 17, 2025, at 06:00 ET), https://www.themarshallproject.org/2025/12/17/children-immigration-detention-dilley-ice [https://perma.cc/SCG3-69R5] (detailing life in family detention centers, which includes inadequate medical care, illegal extended detention, and food "contaminated with mold and worms"). *See generally* Ingrid Eagly, Steven Shafer & Jana Whalley, *Detaining Families: A Study of Asylum Adjudication in Family Detention*, 106 CALIF. L. REV. 785 (2018) (measuring immigration case outcomes and other case outcomes for individuals in family detention).

171. The Haversine formula is a straight-line distance measure. *See* Sarah C. Lotspeich, Ashley E. Mullan, Lucy D'Agostino McGowan & Staci A. Hepler, *Combining Straight-Line and Map-Based Distances to Investigate the Connection Between Proximity to Healthy Foods and Disease*, STAT. MED. 7

underestimate of the actual travel distances involved, because the straight-line distance between two facilities is usually shorter than the actual distance that aircrafts fly, since flights must follow airways and avoid restricted airspaces. Our estimates of the transfer distances for the transfers that occurred in 2025 must be interpreted with extra caution in light of the sharp increase in the number of ICE domestic transfer flights under the second Trump administration.[172] According to Human Right First, between January 20 to September 30, 2025, ICE carried out over 5,300 domestic transfer flights, which represents a 53% increase compared to the same time period in 2024.[173]

For the purposes of this study, we define remote locations as places outside of principal cities.[174] According to the U.S. Office of Management and Budget ("OMB"), principal cities constitute "the more significant places in each Metropolitan and Micropolitan Statistical Area . . . in terms of population and employment."[175] The OMB defines a Metropolitan Statistical Area as an area that has at least one urban area of fifty thousand or more inhabitants, and a Micropolitan Statistical Area as an area that has at least one urban area of at least ten thousand but less than fifty thousand inhabitants.[176] About 86% of the U.S. population lived in Metropolitan Statistical Areas in 2020, and another 8% lived in Micropolitan Statistical Areas.[177] Given the expansive coverage of Metropolitan and Micropolitan Statistical Areas, we sought a narrower definition of remote locations tied to principal cities. The largest city in each Metropolitan

(2025), https://onlinelibrary.wiley.com/doi/full/10.1002/sim.70054 [https://doi.org/10.1002/sim.70054] (explaining that the Haversine formula "measures the shortest arc distance between two sets of latitude and longitude coordinates").

172. HUM. RTS. FIRST, *supra* note 135, at 4.

173. *Id.*

174. In delineating the boundaries of principal cities for our coding purposes, we relied on the shapefiles generated by Andrew Van Leuven, which uses the U.S. Office of Management and Budget's April 2018 delineation of principal cities. *See* Andrew J. Van Leuven, *Generating Shapefiles for Principal Cities in U.S. Core-Based Statistical Areas*, ANDREW J. VAN LEUVEN, PH.D. (Sep. 26, 2024), https://andrewvanleuven.com/post/cityshapefiles [https://perma.cc/LSX4-AXX2].

175. OFF. OF MGMT. & BUDGET, EXEC. OFF. OF THE PRESIDENT, OMB BULL. NO. 13-01, REVISED DELINEATIONS OF METROPOLITAN STATISTICAL AREAS, MICROPOLITAN STATISTICAL AREAS, AND COMBINED STATISTICAL AREAS, AND GUIDANCE ON USES OF THE DELINEATIONS OF THESE AREAS app. 3 (2013), https://obamawhitehouse.archives.gov/sites/default/files/omb/bulletins/2013/b-13-01.pdf [https://perma.cc/H9AB-KXRP].

176. *About Metropolitan and Micropolitan Statistical Areas*, U.S. CENSUS BUREAU (Feb. 27, 2026), https://www.census.gov/programs-surveys/metro-micro/about.html [https://perma.cc/ZT28-TM27]. The basic idea behind Metropolitan Statistical Areas is "to represent a city or group of cities and its surrounding built up and/or economically integrated region." John E. Farley, *Metropolitan Statistical Area*, *in* THE BLACKWELL ENCYCLOPEDIA OF SOCIOLOGY 2993, 2993 (George Ritzer ed., 2007).

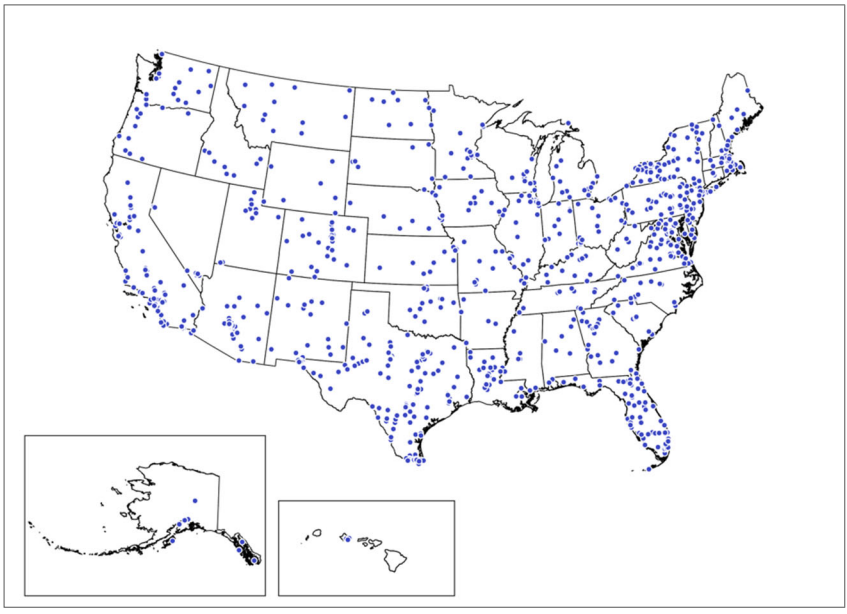
177. Paul Mackun, Joshua Comenetz & Lindsay Spell, *More than Half of U.S. Counties Were Smaller in 2020 than in 2010: Around Four-Fifths of All U.S. Metro Areas Grew Between 2010 and 2020*, U.S. CENSUS BUREAU (Aug. 12, 2021), https://www.census.gov/library/stories/2021/08/more-than-half-of-united-states-counties-were-smaller-in-2020-than-in-2010.html [https://perma.cc/BB5V-PB7U].

or Micropolitan Statistical Area is called a principal city.[178]

D. EMPIRICAL OVERVIEW OF FACILITIES AND DETENTION STAYS

Before presenting the results of our analysis on interfacility transfers and remote detention, we provide a broad overview of the detention system in two ways to contextualize our findings. First, Figure 1a is a map of the United States that offers a visual representation of the location of each of the facilities that ICE used to detain immigrants between 2011 and 2025. Each circle represents an individual facility. Figure 1a illustrates that these facilities are spread out across every part of the United States, though there is a relatively higher concentration of facilities in the Northeast and the South.

Figure 1a. Location of Facilities in the United States, 2011–2025



Note: Facilities in U.S. Territories and Guantanamo Bay, Cuba, are not shown.

Second, Table 1 highlights the basic characteristics of detention stays pertaining to our analysis sample of the adult detained population. Table 1 shows that this population experienced a total of over four million stays between October 1, 2011, and October 15, 2025[179] that were not right censored.[180] Put another way, over four million detention stays with an initial book-in date

178. U.S. CENSUS BUREAU, *supra* note 176.

179. The last initial book-in date is October 16, 2025, among all stays, including those that are right censored.

180. *See infra* Table 1 and the row labeled "2011-2025" corresponding to the "Total Number of Stays" column.

between October 1, 2011, and October 15, 2025, resulted in some type of a release from detention by October 15, 2026.

Table 1. Characteristics of Detention Stays, 2011–2025

Initial Book-In Year	Total Number of Stays	Mean Length of Detention (Days)	Max Length of Detention (Days)	Share of Stays with Multi-Year Stints	Share of Stays Right Censored
2011	95,890	28	2,648	0.22	0.05
2012	444,816	27	2,516	0.07	0.04
2013	392,892	28	2,571	0.07	0.03
2014	334,432	32	4,139	0.07	0.05
2015	261,097	41	2,517	0.12	0.05
2016	289,212	45	3,025	0.13	0.04
2017	254,381	49	2,992	0.14	0.05
2018	330,591	45	2,461	0.13	0.04
2019	321,861	54	1,957	0.12	0.04
2020	122,819	49	1,922	0.10	0.06
2021	236,235	30	1,441	0.09	0.01
2022	262,941	33	1,286	0.07	0.02
2023	262,755	46	919	0.14	0.02
2024	262,021	48	651	0.13	0.04
2025	199,942	35	285	0.00	0.25
2011-2025	4,071,885	39	4,139	0.10	0.05

Notes: All columns, with the exception of the column titled "Share of Stays Right Censored," report statistics using the sample that excludes right-censored stays.

Table 1 indicates that most detention stays began and ended during the same initial book-in year.[181] Table 1 also shows that a small share of stays that began during this time period pertained to individuals who were experiencing continued detention as of October 15, 2025.[182] As expected, the share of stays pertaining to individuals who were experiencing continued detention as of October 15, 2025, is significantly higher (25%) among the stays that began in 2025, since that set of stays had the shortest length of exposure to the "risk" of experiencing release from detention (i.e., January 1, 2025–October 15, 2025) compared to all other initial book-in years.

Finally, Table 1 shows that the mean length of detention across all stays that began between October 1, 2011, and October 15, 2025, was 39 days,[183] and the maximum length of detention during this time period was 4,139 days, or over

181. *See supra* Table 1 and the individual rows corresponding to the "Share of Stays with Multi-Year Stints" column.

182. *See supra* Table 1 and the individual rows corresponding to the "Share of Stays Right Censored" column.

183. *See supra* Table 1 and the row labeled "2011-2025" corresponding to the "Mean Length of Detention (Days)" column.

11 years.[184] Of note, the mean length of detention of 35 days for the stays that began in 2025 is shorter than the overall mean of 39 days for the entire study period, and it is also a significant decrease compared to the mean of 48 days corresponding to the stays that began in 2024. This decline in the average length of detention under the second Trump administration is consistent with the current administration's widely reported practice of fast-tracking mass deportations without due process.[185]

IV. RESULTS OF EMPIRICAL ANALYSIS

In this Part, we present the results of our empirical analysis of interfacility transfers and remote detention. Taken together, these findings show that in the past fifteen years, ICE has routinely relied on long-distance, often cross-state and cross-circuit, transfers and confinement in remote locations. Our analysis, however, also reveals that certain practices, such as subjecting individuals to multiple transfers throughout their detention, have sharply accelerated during the second Trump administration. These findings are especially noteworthy given the second Trump administration's rushed removal process that has shortened the average length of detention, as we have highlighted earlier. This means that immigrant detainees are experiencing transfers in a more concentrated period of time, intensifying the harms.

A. AN ILLUSTRATIVE CASE

Before discussing our empirical findings in greater detail, we present an illustrative case of an immigrant detainee whom ICE booked into custody in 2025 and subjected to multiple transfers and remote detention.[186] Our aim in presenting this illustrative case is to highlight the chaotic nature of these detention practices from the standpoint of individual detainees, which may be difficult to fully appreciate from discussions focused on aggregate statistics.

184. *See supra* Table 1 and the row labeled "2011-2025" corresponding to the "Max Length of Detention (Days)" column.

185. *See* Press Release, ACLU, Federal Court Blocks Trump Administration Fast-Track Deportation Policy (Aug. 30, 2025, at 16:00 CT), https://www.aclu.org/press-releases/federal-court-blocks-trump-administration-fast-track-deportation-policy [https://perma.cc/R6L3-UVKY] (describing recent litigation challenging the fast-track removals); Muzaffar Chishti & Kathleen Bush-Joseph, *Trump Administration's Expansion of Fast-Track Deportation Powers Is Transforming Immigration Enforcement*, MIGRATION POL'Y INST. (Sep. 25, 2025), https://www.migrationpolicy.org/article/trump-expedited-removal [https://perma.cc/JZ32-Y53U] (describing the Trump administration's increasing use of expedited removal).

186. In selecting this example, we considered the records of all individuals who were initially booked into ICE detention in 2025 (January 1, 2025–October 15, 2025). We then selected the individual with the highest number of transfers and whose stay had at least one stint in a facility located outside a principal city.

Figure 1b. Example Stay with Multiple Transfers and Remote Detention

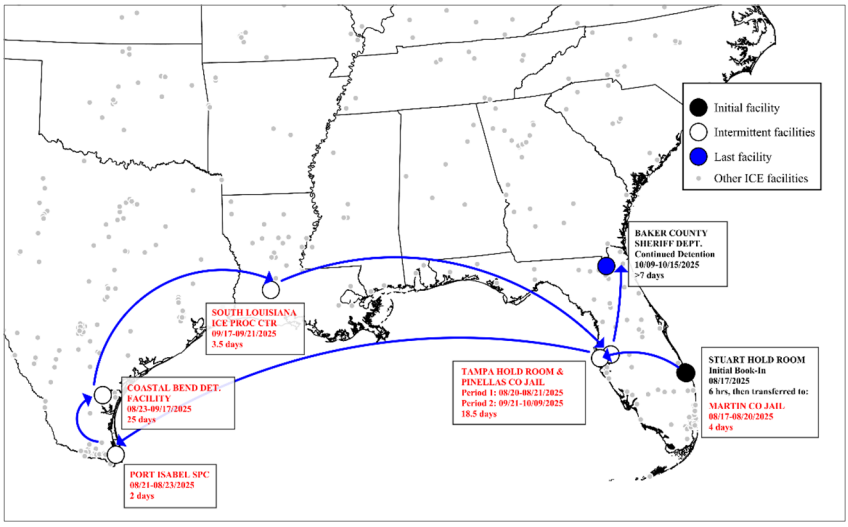


Figure 1b visually depicts the movement of one individual from Honduras whom ICE booked into detention on August 17, 2025, and who remained in detention as of mid-October 2025. ICE transferred this individual, a woman who was forty-three years old at the time of her initial book-in, twenty times across eight different facilities. Seven of the eight facilities where she was detained are located outside of principal cities. Her transfers entailed movements across seven cities and three states. She traveled a total of 3,386 miles, or approximately the same distance as between New York City and London.[187] Finally, it is worth noting that because she was continuing to be detained at the end of the study period, Figure 1b depicts only a partial picture of her detention experience. We have no way of knowing whether and to what extent she might continue to experience additional transfers and remote detention before she is released by ICE.

B. Interfacility Transfers

Our transfer analysis produced three key findings. First, interfacility transfers have been a routine feature of ICE detention in the past fifteen years. With the exception of 2021, 2022, and 2023, the years directly affected by the COVID-19 pandemic, the majority of immigrants booked into ICE detention between 2011 and 2025 experienced one or more transfers. These transfers involved an average of hundreds of miles of travel.

Second, the share of stays with multiple transfers per stay increased sharply during the second Trump administration. The share of stays with two or more

187. *Distance from New-York to London*, DISTANCE TO, https://www.distance.to/New-York/London [https://perma.cc/69PM-9Q62] (last visited July 26, 2026) (stating the distance between New York City and London is 3,461.34 miles).

transfers increased from 19% to 55% between the Biden administration and the second Trump administration.

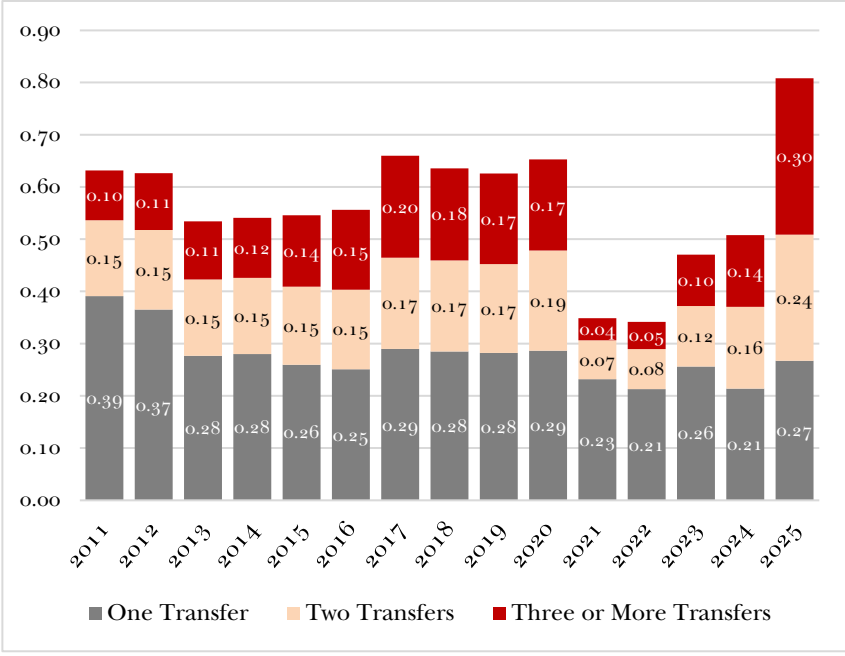
Third, both interstate and intercircuit transfers have become increasingly prevalent since 2020. These transfers reached their peak during the Biden and the second Trump administrations: 46% of all transfers during the Biden administration were interstate transfers, and 33% of all transfers during the second Trump administration were intercircuit transfers. Between the Biden administration and the second Trump administration, intercircuit transfers into the Fifth Circuit surged, increasing from 55% to 70% of all intercircuit transfers. We describe these findings in greater detail below.

1. Prevalence of Transfers

We begin by examining the prevalence of transfers by initial book-in years. For each initial book-in year, Figure 2 shows the share of stays that had one transfer, two transfers, and three or more transfers. Even a single transfer can present a host of insurmountable challenges for immigrant detainees,[188] but those challenges can rapidly compound when immigrant detainees are subjected to multiple transfers within a given detention stay. Thus, our discussion draws special attention to the relative prevalence of multiple transfers within a detention stay.

188. *See supra* notes 136–44 and accompanying text (detailing the harms of transfers in immigration detention).

Figure 2. Share of Stays by Transfer Frequency, 2011–2025



Note: Stays with right-censored stints are excluded from the analysis. Years indicated are initial book-in years.

First, Figure 2 shows that over 60% of stays that began in 2011 had one or more transfers.[189] There was a notable decline in transfer rates in 2021 and 2022, the years during which the COVID-19 pandemic resulted in border closures and changes to asylum procedures that significantly reduced the size of the detained population and altered its composition.[190] By 2023, however, transfer rates were on the rise again. In 2025, the first year of the second Trump administration, the share of stays with one or more transfers reached over 80%.

Second, Figure 2 shows a striking increase in the relative prevalence of multiple transfers in 2025. Specifically, 24% of stays that began in 2025 had two transfers, and 30% had three or more transfers, resulting in 54% of stays that had two or more transfers. In comparison, among the stays that began in 2024, 16% had two transfers, and 14% had three or more transfers, resulting in a total of 30% of all stays with two or more transfers.

189. 39% of stays that began in 2011 had one transfer, 15% had two transfers, and 10% had three or more transfers.

190. *See* Fatma E. Marouf, *The Impact of COVID-19 on Immigration Detention*, FRONTIERS HUM. DYNAMICS 4–6 (2021), https://www.frontiersin.org/journals/human-dynamics/articles/10.3389/fhumd.2020.599222/full [https://doi.org/10.3389/fhumd.2020.599222] (describing how Title 42, the Migrant Protection Protocols, and other pandemic-era policies changed removal proceedings and immigration detention).

Table 2 reports the relative prevalence of transfers across different presidential administrations. Among stays that began during the second Trump administration, an extraordinarily high share had multiple transfers. The share with two transfers more than doubled from the Biden administration to the second Trump administration, from 11% to 24%. The share with three or more transfers almost quadrupled across those two administrations from 8% to 31%. In brief, the share of stays with two or more transfers increased from 19% to 55% between the Biden administration and the second Trump administration.

Table 2. Share of Stays by Transfer Frequency and Presidential Administration

Presidential Administration	One Transfer	Two Transfers	Three or More Transfers	Total N (Stays)
Obama I	0.37	0.15	0.11	558,393
Obama II	0.27	0.15	0.13	1,272,685
Trump I	0.29	0.18	0.18	1,021,174
Biden	0.23	0.11	0.08	1,029,630
Trump II	0.27	0.24	0.31	190,003

Note: Stays with right-censored stints are excluded from the analysis. Stays are assigned to presidential administrations based on initial book-in years.

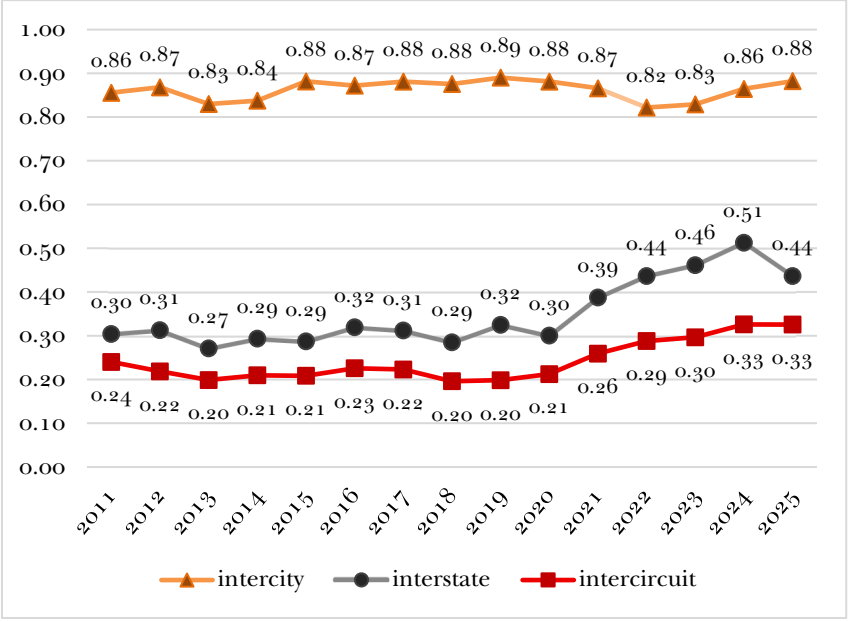
2. Type of Transfers

Next, we examine the type of transfers that immigrant detainees experienced. Figure 3 illustrates the extent to which the transfers that occurred between 2011 and 2025 involved intercity, interstate, and intercircuit movements. The different transfer types are not mutually exclusive, as some intercity transfers are also interstate transfers and intercircuit transfers, and some interstate transfers are also intercircuit transfers. Any kind of transfer is destabilizing and can inflict serious legal and non-legal harm on those experiencing transfers.[191] However, the risks of such harms are heightened with interstate transfers, and even more so with intercircuit transfers, all else being equal.[192] Thus, our discussion largely focuses on the relative prevalence of interstate and intercircuit transfers.

191. *See supra* notes 136–44 and accompanying text (detailing the harms of transfers in immigration detention).

192. *See* Ryo & Peacock, *National Study*, *supra* note 101, at 39 (explaining that intercircuit transfers can change the controlling law governing a noncitizen's case and increase the likelihood of deportation); Balgamwalla, *supra* note 114, at 6–10 (describing ICE's practice of transferring detainees to remote jurisdictions where they are less likely to obtain relief and have reduced access to legal counsel).

Figure 3. Share of Transfers by Transfer Type, 2011–2025



Note: Stays with right-censored stints are excluded from the analysis.

As shown in Figure 3, intercity transfer rates remained high and relatively stable between 2011 and 2025, ranging between 82% (in year 2022) and 89% (in year 2019) of the transfers. By contrast, interstate and intercircuit transfer rates increased significantly during this period. Specifically, interstate transfer rates increased from 30% in 2011 to over 50% in 2024, before declining to 44% in 2025. Intercircuit transfer rates also increased significantly during this period, from 24% in 2011 to 33% in 2025.

Given the special harms associated with intercircuit transfers,[193] we conducted a supplemental analysis to examine them in greater detail. Appendix Table E shows that, during the study period of 2011 and 2025, the Fifth and Ninth Circuits were the most common origin circuits (about 22% and 20%, respectively), and the Fifth Circuit was the dominant destination circuit (about 47%). Appendix Table F shows that the most common intercircuit transfers consisted of movements from the Eleventh Circuit to the Fifth Circuit, and from the Ninth Circuit to the Fifth Circuit (each about 11%).

These findings are notable given that the Fifth Circuit has been long regarded as among the least favorable jurisdictions for noncitizens seeking statutory and constitutional protections.[194] For example, the Fifth Circuit was the

193. *See supra* Section II.B.2.

194. *See, e.g.*, Amy L. Moore, *Stringent Yet Flexible: Circuit Courts' Use of the Substantial Evidence Test in Asylum Cases*, 18 TEX. TECH. ADMIN. L.J. 225, 264–68 (2017) (describing the Fifth Circuit as providing only a "cursory check" on the Board of Immigration Appeals' asylum decisions);

first federal appellate court (and one of only two such courts to date)[195] to affirm the new policy under the second Trump administration that mandates the detention of all noncitizens who entered without inspection, including long-term residents in the interior of the United States.[196]

Table 3 reports the prevalence of each of these transfer types across different presidential administrations. The shares of interstate and intercircuit transfers increased noticeably during the Biden administration, and both stayed high during the second Trump administration. Between the first Trump administration and the Biden administration, the share of interstate transfers increased from 31% to 46%, and the share of intercircuit transfer increased from 21% to 30%. Between the Biden administration and the second Trump administration, the share of interstate transfers declined from 46% to 44%, but the share of intercircuit transfers increased from 30% to 33%.

Table 3. Share of Transfers by Transfer Type and Presidential Administration

Presidential Administration	Intercity Transfer	Interstate Transfer	Intercircuit Transfer	Total N (Stints)
Obama I	0.87	0.31	0.22	590,779
Obama II	0.85	0.29	0.21	1,427,375
Trump I	0.88	0.31	0.21	1,494,131
Biden	0.85	0.46	0.30	755,110
Trump II	0.88	0.44	0.33	404,126

Note: Stays with right-censored stints are excluded from the analysis.

Finally, Appendix Table G reports the results of our supplemental analysis that examines intercircuit transfers by presidential administrations in greater detail. Appendix Table G shows variations in patterns of intercircuit transfers across presidential administrations, but the most notable finding is the absolute dominance of the Fifth Circuit as the destination circuit under the second Trump administration. The share of intercircuit transfers involving the Fifth Circuit as the destination circuit increased from 32% under the first Obama

Patrick Kennedy, *Diffusion of Soft Immigration Law: Evidence from Asylum Adjudication in the Wake of* Matter of A-B-, 83 MONT. L. REV. 41, 61 (2022) (concluding that the Fifth Circuit applies a more stringent legal standard than other circuits for determining particular social groups in asylum cases); Connie Oxford, *LGBTQI+ Asylum Cases in the U.S. Circuit Court of Appeals*, SEXES 10 & tbl. 1 (2025), https://www.mdpi.com/2411-5118/6/3/39 [https://doi.org/10.3390/sexes6030039] (concluding that the Fifth Circuit had the lowest grant rate among all circuits in an empirical study of LGBTQI+ asylum claims decided between 1994 and 2023).

195. Buenrostro-Mendez v. Bondi, 166 F.4th 494, 501–04 (5th Cir. 2026); Avila v. Bondi, 170 F.4th 1128, 1138 (8th Cir. 2026).

196. For a brief discussion of the new mandatory detention policy under the second Trump administration, see *supra* notes 93–96 and accompanying text.

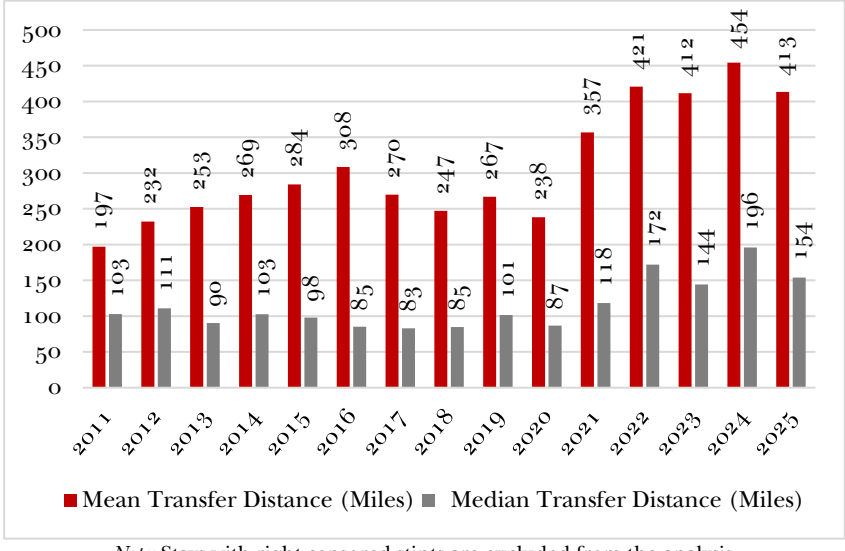
administration to 55% under the Biden administration, and finally, 70% under the second Trump administration.

3. Transfer Distances

Finally, we examine the distances involved in interfacility transfers that occurred between 2011 and 2025. It is important to note that, as we have explained earlier, these transfer distances are underestimates of the actual travel distances that immigrant detainees actually experienced, as our distance measures rely on a combination of driving distances and straight-line distances (rather than flight distances).[197] In particular, our estimate of the average transfer distances that we report for 2025 is likely a significant underestimate given reports of significant increases in ICE's domestic transfer flights in 2025.[198]

Figure 4 shows that average interfacility transfers involved hundreds of miles of travel distance. The highest mean and median transfer distances occurred in 2024, with the mean of 454 miles and the median of 196 miles, respectively. Between 2024 and 2025, the mean and median distances declined slightly to 413 and 154 miles, respectively. These average distances represent significant increases since 2011, which had the mean distance of 197 miles and the median distance of 103 miles.

Figure 4. Average Transfer Distance (Miles), 2011–2025



Note: Stays with right-censored stints are excluded from the analysis.

197. *See supra* Section III.C.

198. *See supra* text accompanying notes 173–74 (summarizing findings from Human Rights First's September 2025 ICE flight monitor report).

Table 4 shows a notable increase in transfer distances beginning with the Biden administration. The mean distance increased from 257 miles during the first Trump administration to 420 miles during the Biden administration, and the median distance increased from 85 miles to 164 miles across the two administrations. Table 4 also shows that, across the Biden and the second Trump administrations, these average distances traveled have remained largely steady. Specifically, during the second Trump administration, the mean and median distances traveled were 414 miles and 155 miles, respectively.

Finally, it is important to consider the maximum distances associated with the transfers that occurred during each administration. Table 4 shows that the maximum distance traveled has grown to an unprecedented 8,367 miles during the second Trump administration, which is more than double the maximum distance traveled during the first Obama administration (4,054 miles).

Table 4. Average Transfer Distance by Presidential Administration

Presidential Administration	Mean (Miles)	Median (Miles)	Maximum (Miles)	Total N (Stints)
Obama I	228	111	4,054	590,779
Obama II	279	95	7,555	1,427,375
Trump I	257	85	7,170	1,494,131
Biden	420	164	7,272	755,110
Trump II	414	155	8,367	404,126

Note: Stays with right-censored stints are excluded from the analysis.

C. REMOTE DETENTION

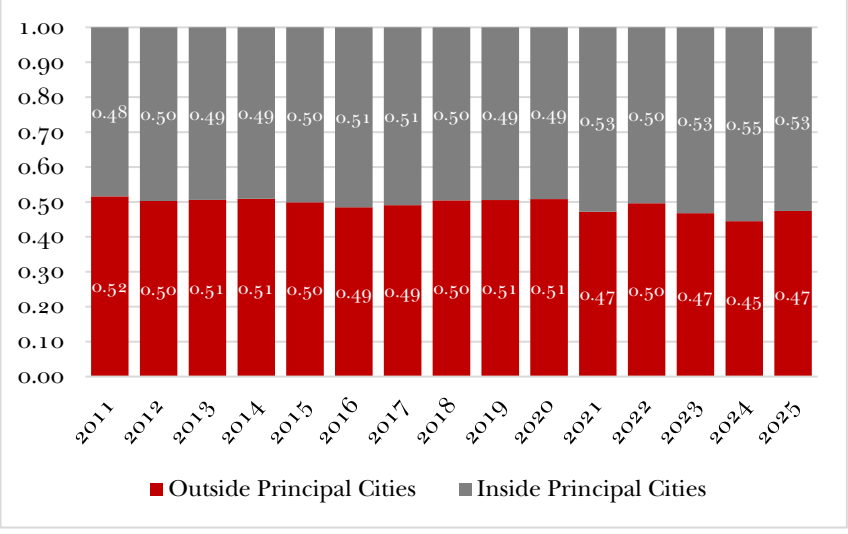
Just like interfacility transfers, detention in remote locations has been a defining feature of the U.S. immigration detention system in the past fifteen years. Between 2011 and 2025, about half or more of the facilities used by ICE to detain immigrants were located in remote places. During the same time period, between 66% and 81% of all detained immigrants experienced at least one detention stint in a remote location at some point during their detention, and they spent about 65% to 75% of their days in the aggregate detained in remote locations.

While the share of detention facilities located in remote locations remained at about 47% during both the Biden administration and the second Trump administration, the share of individuals ever experiencing remote detention increased from 71% to 81% across the two administrations. Considered together, these results indicate that every year between 2011 and 2025, ICE subjected the majority of individuals in its custody to remote detention, and the majority of their aggregate confinement time took place in remote locations. We describe these findings in greater detail below.

1. Facilities in Remote Locations

Figure 5 shows the share of facilities in remote locations that ICE used to detain individuals between 2011 and 2025. This share has fluctuated somewhat from year to year, ranging from the minimum of 45% in 2024 to the maximum of 52% in 2011. However, Figure 5 is notable in illustrating that for most of the years between 2011 and 2025, half or more of facilities that ICE used to detain individuals were located in remote areas. Figure 5 also shows that the share of facilities in remote locations declined slightly between the years 2023 and 2024 (from 47% to 45%), but that the share increased to 47% of all facilities used in 2025.

Figure 5. Share of Facilities Located Outside of Principal Cities, 2011–2025



Note: Stays with right-censored stints are excluded from the analysis.

Table 5 shows that the share of facilities in remote locations held steady at 51% during the two Obama administrations and the first Trump administration. That share then declined to 47% during the Biden administration and the second Trump administration. However, it is important to note that, for the purposes of our analysis, a facility is deemed to have been in use even if it held only a few individuals. Therefore, to obtain a fuller understanding of the prevalence of detention in remote locations, we next consider the share of individuals who ever experienced detention in remote locations.

Table 5. Share of Facilities Located Outside of Principal Cities by Presidential Administration

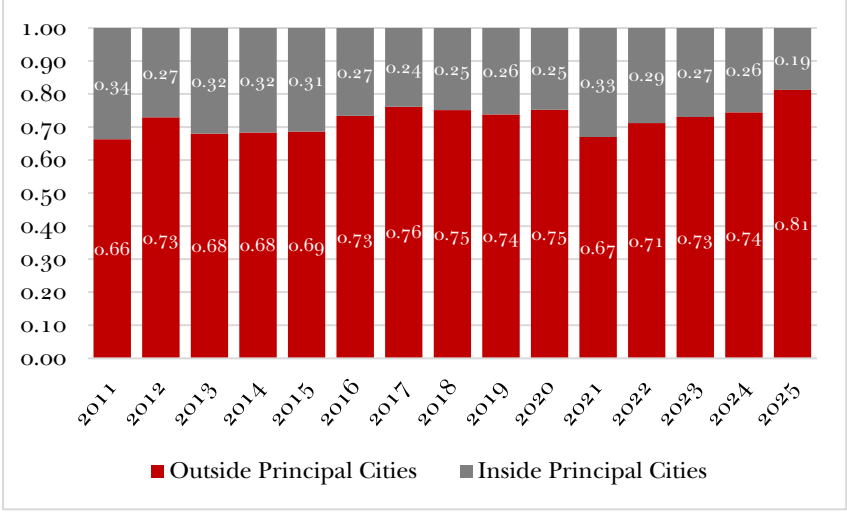
Presidential Administration	Share of Facilities Located Outside of Principal Cities	Total N (Facilities)
Obama I	0.51	534
Obama II	0.51	681
Trump I	0.51	753
Biden	0.47	794
Trump II	0.47	691

Note: Stays with right-censored stints are excluded from the analysis.

2. Individuals Ever Detained in Remote Locations

Figure 6 shows that ICE subjected strikingly high shares of individuals to remote detention every year between 2011 and 2025. In 2011, about 66% of individuals experienced remote detention, which was the lowest share during the study period. Since then, an increasing share of individuals has experienced remote detention, reaching 81% in 2025.

Figure 6. Share of Individuals Ever Detained Outside of Principal Cities, 2011–2025



Note: Stays with right-censored stints are excluded from the analysis.

Table 6 shows that the highest share of individuals ever experiencing detention in remote locations—81%—occurred during the second Trump administration. This represents a ten-percentage-point increase compared to the Biden administration (71%).

Table 6. Share of Individuals Ever Detained Outside of Principal Cities by Presidential Administration

Presidential Administration	Share of Individuals Detained Outside of Principal Cities	Total N (Individuals)
Obama I	0.72	501,960
Obama II	0.71	1,129,979
Trump I	0.76	964,602
Biden	0.71	1,022,644
Trump II	0.81	220,770

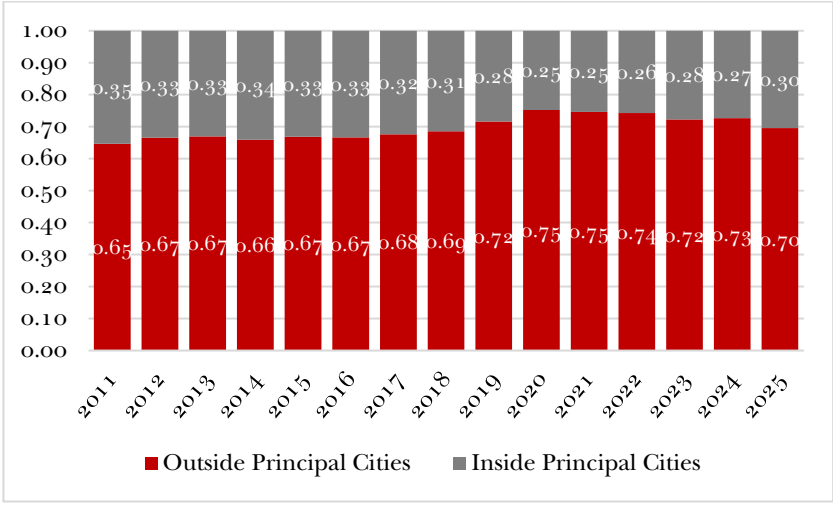
Note: Stays with right-censored stints are excluded from the analysis.

For the purposes of our analysis, an individual is deemed to have experienced detention in a remote location even if their detention length in such a location was relatively short. Therefore, to obtain a fuller understanding of the prevalence of remote detention, we next consider the share of days that individuals were confined in remote locations.

3. Days Detained in Remote Locations

Figure 7 shows high shares of days detained in remote locations. In 2011, about 65% of days detained took place in remote locations. That share reached 75% in 2020, which has subsequently declined to about 70% in 2025. Table 7 shows that the share of days detained in remote locations increased from 66% during the first Obama administration to 70% during the first Trump administration, and 73% during the Biden administration. The share has declined to 69% during the second Trump administration.

Figure 7. Share of Days Detained Outside of Principal Cities, 2011–2025



Note: Stays with right-censored stints are excluded from the analysis.

Table 7. Share of Days Detained Outside of Principal Cities by Presidential Administration

Presidential Administration	Share of Days Detained Outside of Principal Cities	Total N (Days)
Obama I	0.66	13,947,066
Obama II	0.67	46,843,633
Trump I	0.70	55,445,300
Biden	0.73	41,151,886
Trump II	0.69	9,471,137

Note: Stays with right-censored stints are excluded from the analysis.

V. POLICY IMPLICATIONS AND FUTURE DIRECTIONS

Our longitudinal empirical analysis of immigration detention shows that interfacility transfers and remote detention are not marginal or temporary practices; rather, they are central pillars of the contemporary immigration detention system in the United States. These findings, viewed through the lens of social embeddedness, underscore the need for reforms that would constrain the government's discretionary use of these practices.

A. REDUCING RELIANCE ON IMMIGRATION DETENTION

The most consequential reform would be to reduce reliance on immigration detention itself. Detention, by design, severs individuals from their social networks; frequent transfers and remote confinement exacerbate the harms of

such separations and magnify their devastating legal consequences.[199] Existing scholarship and advocacy already outline pathways to reducing reliance on detention while also ensuring appearance in immigration court, including: (1) expanded use of community-based supervision, case-management programs, and other alternatives to detention;[200] (2) curtailing the scope of mandatory detention;[201] and (3) phasing out immigration detention altogether in favor of non-carceral mechanisms of ensuring court appearance and compliance.[202]

Our findings also suggest that meaningful reform must be structural rather than administration-specific. Although the second Trump administration has brought renewed attention to the harms of immigration detention through its aggressive enforcement agenda, the practices that we analyze in this Article are not unique to any particular administration. The immigration detention system itself has expanded and persisted across presidential administrations of both political parties even as enforcement priorities and detention levels have fluctuated over time.[203] This history demonstrates that reforms dependent solely on executive policy choices are inherently vulnerable to reversal. Reducing reliance on detention offers a more durable response because it addresses the underlying institutional framework that makes these harms possible in the first place.

B. Limiting and Regulating Transfers

Even if immigration detention persists, procedural immigration law could, and should, mitigate the harms of interfacility transfers by clarifying and constraining ICE's transfer authority. Congress should clarify ICE's transfer authority under 8 U.S.C. § 1231(g)(1), which ICE has treated as granting unfettered discretion to transfer detainees across cities, states, and judicial circuits.[204] Statutory reforms could impose presumptive geographic limits, restrict the frequency of transfers, and require heightened justification for transfers that separate detainees from counsel or move them across circuits. For example, statutory amendments could require ICE to demonstrate necessity for long-

199. *See supra* Section II.B.

200. *See* García Hernández, *Moving LPRs*, *supra* note 116, at 57–58 (proposing increased reliance on Alternatives to Detention programs to ameliorate the effects of transfers); Fatma E. Marouf, *Alternatives to Immigration Detention*, 38 CARDOZO L. REV. 2141, 2155–70 (2017) (providing an overview of options that ICE could use instead of detention).

201. *See* Denise Gilman, *Immigration Detention Expansion by Stealth*, 26 NEV. L.J. 163, 217–19 (2025) (advocating for the return to "presumptive liberty").

202. *See* Sarah Sherman-Stokes, *Immigration Detention Abolition and the Violence of Digital Cages*, 95 U. COLO. L. REV. 219, 266 (2024) (calling for the abolition of immigration detention centers as well as electronic monitoring systems); García Hernández, *supra* note 49, at 249–50 ("By contextualizing immigration imprisonment—whether civil or criminal—within its racist origins and exploitative contemporary embodiments, I propose that imprisoning migrants should become taboo.").

203. For an overview of changes in detention policy across different presidential administrations, see generally Das, *supra* note 10.

204. *See supra* notes 113–15 and accompanying text (explaining the operation of this provision).

distance or intercircuit transfers, such as medical needs or documented security concerns, and prohibit transfers that would sever an existing attorney-client relationship absent compelling justification. Congress could also restrict interstate and intercircuit transfers to exceptional circumstances, echoing proposals in the prisoner-transfer literature that call for presumptive localism in placement decisions in the criminal incarceration context.[205]

Building on the Dignity for Detained Immigrants Act, a bill proposed by Representative Pramila Jayapal in 2025,[206] future legislation could mandate advance notice to detainees, counsel, and immediate family, and preserve jurisdiction in the original immigration court when a transfer is driven by ICE's bedspace or contract considerations. At the agency level, ICE could revise Policy 11022.1—currently a non-binding directive—to make its "minimize transfers" language enforceable and to incorporate explicit social-embeddedness factors, such as the presence of family, community support, and existing legal representation, in the guidelines regulating transfer decisions.[207] To be clear, these measures would not eliminate transfers, but they would introduce transparency and accountability into a practice that currently operates with little to no oversight.

C. Addressing the Harms of Remote Detention

Our empirical findings underscore that remote detention has become a defining feature of the U.S. immigration detention system. Criminal justice scholars have described a parallel phenomenon in the prison context, whereby state systems increasingly rely on "prison towns" and geographically isolated facilities that are far from prisoners' home communities.[208] Studies in that context show that remote incarceration reduces visitation, contributes to racialized disparities in representation, and shifts economic and political power to local stakeholders whose interests are misaligned with those of incarcerated

205. *See, e.g.*, Emma Kaufman, *The Prisoner Trade*, 133 HARV. L. REV. 1815, 1856–57 (2020) (arguing that incarceration should occur within the home state and for treating out-of-state transfers as exceptional); Bernadette Rabuy & Daniel Kopf, *Separation by Bars and Miles: Visitation in State Prisons*, PRISON POL'Y INITIATIVE (Oct. 15, 2015), https://www.prisonpolicy.org/reports/prisonvisits.html [https://perma.cc/3QG6-7RKD] (arguing for incarcerating people in prisons that are closer to their families).

206. H.R. 6397, 119th Cong. (2025).

207. *See supra* notes 117–23 and accompanying text (describing the current limitations of Policy 11022.1).

208. *See, e.g.*, John M. Eason, *Reclaiming the Prison Boom: Considering Prison Proliferation in the Era of Mass Imprisonment*, 10 SOCIO. COMPASS 261, 264–66 (2016); Valerie A. Clark & Grant Duwe, *Distance Matters: Examining the Factors that Impact Prisoner Visitation in Minnesota*, 44 CRIM. JUST. & BEHAV. 184, 187–88 (2017); JACOB KANG-BROWN & RAM SUBRAMANIAN, VERA INST. OF JUST., OUT OF SIGHT: THE GROWTH OF JAILS IN RURAL AMERICA 16–23 (2017), https://vera-institute.files.svdcdn.com/production/downloads/publications/out-of-sight-growth-of-jails-rural-america.pdf [https://perma.cc/JLK8-9P2U].

individuals and their families.[209] Our analysis suggests that immigration detention has replicated—and in some respects intensified—similar dynamics by combining remote detention with frequent, long-distance transfers.

A number of approaches should be considered in addressing these harms. As Professor César Cuauhtémoc García Hernández has argued, the Department of Homeland Security could read 8 U.S.C. § 1231(g)(1)'s "appropriate places of detention" language to require detention near an immigrant's place of residence or primary community ties, rather than in distant, rural facilities selected for their remoteness.[210] Recent federal investments have fueled the growth of large detention facilities in remote locations that confine hundred individuals at a time.[211] Congress and state governments could limit contracts with such facilities, require sunset provisions, and condition funding on meaningful access to counsel, technology, and visitation.[212] Where immigrant detainees remain in remote facilities, the social costs of isolation can be reduced by funding representation programs for the detainees,[213] mandating free, confidential, and reliable phone and video access to facilitate their communication with legal

209. *See, e.g.*, Julie Poehlmann, Danielle Dallaire, Ann Booker Loper & Leslie D. Shear, *Children's Contact with Their Incarcerated Parents: Research Findings and Recommendations*, 65 AM. PSYCH. 575, 587 (2010) (summarizing research showing that the distant location of prisons and jails is a key barrier to family visitation); Johnna Christian, *Riding the Bus: Barriers to Prison Visitation and Family Management Strategies*, 21 J. CONTEMP. CRIM. JUST. 31, 44 (2005) ("Whether a family visits may have nothing to do with a desire to maintain connections with the inmate but rather the difficulties of getting to the visit . . . ."); Dae-Young Kim, *Prison-Based Economic Development: What the Evidence Tells Us*, 7 INT'L J. RURAL CRIMINOLOGY 357, 373–76 (2023) (reviewing literature that demonstrates how rural prisons contribute to the redistribution of political and economic power).

210. García Hernández, *Moving LPRs*, *supra* note 116, at 58–59 (quoting 8 U.S.C. § 1231(g)(1)).

211. *See supra* notes 110–11 and accompanying text (discussing how the One Big Beautiful Bill has fueled the growth of large facilities).

212. This approach could draw on similar debates about closing or repurposing remote "supermax" and warehouse prisons in the criminal-incarceration context. *See generally* Daniel P. Mears, *Supermax Prisons: The Policy and the Evidence*, 12 CRIMINOLOGY & PUB. POL'Y 681 (2013) (reviewing empirical research on supermax facilities and questioning the effectiveness of supermax incarceration in achieving intended policy goals).

213. *See* H.R. 933, 112th Cong. (2011) (proposing that "[d]etention facilities shall be located, to the extent practicable, within 50 miles of a city or municipality in which there is a demonstrated capacity to provide competent legal representation by nonprofit legal aid organizations or other pro bono attorneys to detained noncitizens"); *see also* García Hernández, *Moving LPRs*, *supra* note 116, at 58–59 (discussing a similar proposal).

counsel and family members,[214] and requiring transportation support for family visitation.[215]

D. DIRECTIONS FOR FUTURE RESEARCH

Our analysis underscores the need for continued data-driven research on immigration detention. First, the Detention Data contains records only through mid-October 2025, which means our findings for the second Trump administration are limited to the first year of the current administration. Future research should replicate and extend our analysis as additional datasets on immigration detention become available, both to track whether acceleration in multiple transfers and remote detention persists, and to evaluate the effects of the current administration's legislative and policy changes on immigration detention.

Second, the current study is limited to the adult detainee population. Given the growth of family and child detention,[216] and the distinct statutory and policy frameworks that govern these populations, future research should examine whether similar patterns of transfers and remote confinement characterize the detention of children and families. It is also possible—and likely—that interfacility transfers and remote detention have a different effect on children than on the adult detainee population given the many physical and

214. *See* Zachary Manfredi & Joseph Meyers, *Isolated and Unreachable: Contesting Unconstitutional Restrictions on Communication in Immigration Detention*, 95 N.Y.U. L. REV. 130, 141–45 (2020) (describing the barriers to communication for noncitizens, especially those detained in remote areas); ANA LÓPEZ RICOY & ABIGAIL ANDREWS, INNOVATION LAW LAB, CUT OFF: HOW ICE DETENTION FACILITIES BLOCK COMMUNICATION 6–7 (2021), https://ccis.ucsd.edu/_files/Publications/CutOff_HowICE BlocksCommunication.pdf [https://perma.cc/45TX-H8YU] (examining the ways that immigration detention facilities and telecommunications companies interfere with communication between immigrant detainees and their families and advocates, including due to factors associated with remoteness of many detention facilities).

215. Similar programs exist to assist families visiting remote state prisons in the criminal justice context. *See* Dylan Addison, *Miles and Bars Between: The Tertiary Prisonization and Layered Liminality of Prison Visitation Transportation Services*, 52 J. CONTEMP. ETHNOGRAPHY 30, 33–34 (2023) (describing Better Together Transportation, which is one such visitation service).

216. *See* Mark Betancourt, *The Trump Administration Has All but Stopped Reuniting Detained Migrant Children with Families*, KUT NEWS (Dec. 19, 2025, at 08:25 CT), https://www.kut.org/crime-justice/2025-12-19/texas-trump-immigration-children-reunification [https://perma.cc/ZB4W-T634] (stating that the Office of Refugee Resettlement has largely stopped releasing immigrant children to approved sponsors, resulting in immigrant children languishing in detention); Mica Rosenberg, Mario Ariza, McKenzie Funk, Jeff Ernsthausen & Gabriel Sandoval, *ICE Sent 600 Immigrant Kids to Detention in Federal Shelters This Year. It's a New Record.*, PROPUBLICA (Nov. 24, 2025, at 13:05 CT), https://www.propublica.org/article/ice-detentions-immigrant-kids-family-separations [https://perma.cc/A9PE-D4R6] (describing the Trump administration's new practice of separating immigrant children from their families within the United States); Ximena Bustillo, *President Trump Brings Back Practice of Detaining Families Together*, NPR (Mar. 7, 2025, at 17:15 ET), https://www.npr.org/2025/03/07/g-s1-52674/trump-detention-families [https://perma.cc/GZ4U-CTL9] (stating that the Trump administration has revived the practice of detaining families after the Biden administration ended the practice).

psychological developmental needs of children.[217] These considerations point to an urgent need for studies of transfers and remote detention as they impact immigrant children and families in custody.

Finally, additional research is needed to elucidate the lived experiences and downstream effects of the patterns documented in our empirical findings. Ethnographic work, court-observation studies, and longitudinal research following individual detainees and their families over time could illuminate more fully how transfers and remote detention alter immigrant detainees' legal decision-making, mental and physical health, family stability, and community cohesion. Such work would deepen our understanding of the importance of social embeddedness in practice and inform the development of reform measures that seek not only to limit harm within the current system, but also to imagine alternatives to detention that value immigrants as socially embedded individuals.

CONCLUSION

The story of Mahmoud Khalil reminds us that interfacility transfers and remote detention are not merely administrative tools for managing detention populations. Rather, they are mechanisms that reshape the social conditions under which immigrants exercise legal rights and make consequential decisions in their removal proceedings—decisions that affect not only their own lives, but also the lives of family members, communities, and others to whom they are closely connected. When procedural immigration law permits the government to sever these ties with little oversight or constraint, it undermines the very values reflected elsewhere in substantive immigration law. Commitment to basic notions of fairness and due process therefore requires extending the recognition that immigrants are socially embedded individuals beyond substantive immigration law and into the procedural rules that govern immigration detention.

217. *See* Louise K. Newman & Zachary Steel, *The Child Asylum Seeker: Psychological and Developmental Impact of Immigration Detention*, 17 CHILD & ADOLESCENT PSYCHIATRIC CLINICS N. AM. 665, 669–74 (2008) (summarizing research about the negative effects of Australian immigration detention on children and concluding that "[a]mong asylum seekers, children are particularly vulnerable"); Sarah A. MacLean et al., *Mental Health of Children Held at a United States Immigration Detention Center*, 230 SOC. SCI. & MED. 303, 307 (2019) (concluding that detained immigrant children experienced significant psychological distress).

APPENDIX: DATA AND METHODS

I. DATA PREPARATION

As we described in Section III.A, we leveraged two detention datasets that ICE has released: the Historical Data and the December 2025 Data. Records pertaining to a given individual's detention stay may appear across these two datasets. However, individuals are not assigned the same identifiers across these datasets. Thus, we implemented the following two-step append-and-link process to ensure that the detention records of these individuals are treated as a single stay pertaining to the same individual.

First, we restricted the Historical Data to retain only those detention stints with an Initial Book-In Date of August 31, 2023, or earlier, since the first Initial Book-In Date in the December 2025 Data is September 1, 2023. This first step resulted in our excluding a total of 46,338 stints from the Historical Data. Second, we appended the December 2025 Data to the Historical Data and matched the right-censored stints in the Historical Data (N = 5,196) to records in the December 2025 Data using the following variables: (1) Initial Book-In Date and Time, (2) Detention Facility Code, (3) Citizenship, (4) Entry Status, and (5) Birth Year. This second step allowed us to retain the most complete set of records for those stays that appear across both datasets.

II. DATA CLEANING

The easiest way to describe the basic structure of the Detention Data is to consider an example set of hypothetical records pertaining to a single detention stay, as shown in Appendix Table A below.

Appendix Table A. Example Records of a Single Detention Stay

Record	Facility Code	Initial Book-In Date	Stint Book-In Date	Stint Book-Out Date	Release Type
1	A	1/29/2025	1/29/2025	2/4/2025	Transferred
2	B	1/29/2025	2/4/2025	2/7/2025	Transferred
3	C	1/29/2025	2/7/2025	2/8/2025	Bonded Out

The Facility Code is the unique identifier that ICE assigns to each facility. The Initial Book-In Date is the date the individual first came into ICE custody. The Stint Book-In Date and the Stint Book-Out Date, respectively, refer to the date that the individual was booked into and booked out of a given facility. The Release Type contains information about what happened to the detainee at the end of each record or detention stint.

We treated the records that share the same Initial Book-In Date as constituting a single detention stay. For example, Records 1–3 in Appendix Table A constitute a single detention stay and share the same Initial Book-In Date of January 29, 2025. This detention stay involved the following three detention

stints: the first detention stint occurred in Facility A, lasting between January 29, 2025, and February 4, 2025; the second detention stint occurred in Facility B, lasting between February 4, 2025, and February 7, 2025; and the third detention stint occurred in Facility C between February 7, 2025, and February 8, 2025. The individual whose detention stay is shown in Appendix Table A experienced two transfers (the first transfer was out of Facility A, and the second transfer was out of Facility B) before being bonded out from Facility C.

While preserving the datasets released by ICE "as is" as much as possible, we prepared the datasets for analysis by taking the following steps to address certain errors in ordering and issues related to duplicate or overlapping records. First, we ordered the records by sorting on the unique identification number associated with each detainee, Initial Book-In Date and Time, Book-In Date and Time, Book-Out Date and Time, Release Type, and Facility Code. We then removed the records that contained the exact same information on each of these variables. Second, we identified and adjusted the records with overlapping information. For example, if a given record contained Book-In and Book-Out Dates that were entirely nested within the immediately preceding record, and the two records shared the same Facility Code, we dropped the nested record (the record with the smaller date range).

III. INTERFACILITY TRANSFERS

We coded each record as involving a transfer if a given record's Release Type was "transferred" or "U.S. Marshals or other agency." We did not treat the last record as involving a transfer even if that record's Release Type was "transferred" or "U.S. Marshals or other agency," since in such instances we do not know to which facility the detainee has been transferred, and therefore we could not ascertain the type of transfer nor calculate the distance between the originating and receiving facilities.

IV. MAJOR URBAN AREAS

U.S. territories (other than Puerto Rico); Sitka, Alaska; Juneau, Alaska; and Guantánamo Bay, Cuba, do not have metropolitan or micropolitan statistical areas as defined by the U.S. Census. Thus, we coded the facilities in these places as located outside of principal cities. In determining whether a given facility is located inside or outside a principal city, we used the location information on detention facilities (including their longitudes and latitudes) that Vera Institute of Justice has released ("Vera Data").[218]

V. DISTANCE MEASURES

Using the Vera Data on facility locations, we calculated the distance between facilities when transfers occurred. Rather than use a straight-line measure of distance based on changes in latitude and longitude coordinates, we used the

218. VERA INST. JUST., *supra* note 99.

distance generated by Google Maps based on driving routes between different facilities. The advantage of using the driving distance is that by accounting for the existence or nonexistence of roads, freeways, interstates, mountains, bodies of water, and other geographical features of land, we better approximate the actual distance that legal counsel, kin, or advocates would have to travel to reach a given facility.

However, if a transfer necessitates crossing a body of water or requires using routes not accessible by road, we used the Haversine formula (a straight-line distance measure).[219] For example, in 2017, a detainee was transferred from the Charlotte Amalie Holdroom in the U.S. Virgin Islands to the Broward Transitional Center in Florida. Because this transfer required crossing the ocean, we used the Haversine formula to calculate the distance.

It is important to emphasize that the Haversine formula calculates the shortest distance between any two points of interest. This means that our use of the Haversine formula results in an underestimate of the actual travel distances involved in some of the transfers that we analyze. For example, in instances in which detainees were flown between two facilities, the straight-line distance between these facilities would be relatively shorter than the actual flight distance traveled.

219. *See* discussion *supra* note 172.

Appendix Table B. Characteristics of Individuals Detained by ICE, 2011–2025

	Proportion				
Variable	Obama I	Obama II	Trump I	Biden	Trump II
Gender					
Male	0.92	0.79	0.79	0.76	0.89
Region of Origin					
Africa	0.01	0.01	0.02	0.03	0.02
Asia Pacific	0.03	0.04	0.05	0.09	0.07
Caribbean	0.03	0.03	0.06	0.11	0.05
Europe & North America	0.01	0.01	0.01	0.02	0.02
Latin America	0.03	0.04	0.05	0.41	0.19
Mexico	0.62	0.41	0.35	0.17	0.35
Northern Triangle	0.27	0.45	0.46	0.17	0.29
Age[a]					
Less than 18 Years	0.01	0.11	0.11	0.06	0.01
18–30 Years	0.49	0.44	0.40	0.43	0.38
31–40 Years	0.32	0.27	0.28	0.30	0.32
41–50 Years	0.13	0.12	0.14	0.15	0.19
Over 50 Years	0.04	0.04	0.05	0.05	0.09
Population Median	30	29	29	30	33
Criminal History					
Has Criminal History	0.57	0.44	0.41	0.19	0.35
Total	517,974	1,270,071	1,084,402	1,097,693	273,650

Notes: The sample includes children under the age of eighteen and right-censored stays. To demarcate different presidential administrations, we used stint book-in years.

a. We excluded an individual whose birth year is reported as 1900 for the purposes of calculating these statistics.

Appendix Table C. Characteristics of Facilities Used by ICE, 2011–2025

	Proportion				
Variable	Obama I	Obama II	Trump I	Biden	Trump II
U.S. Region					
Midwest	0.17	0.15	0.14	0.12	0.16
Northeast	0.14	0.13	0.13	0.12	0.13
South	0.32	0.35	0.42	0.47	0.44
West	0.35	0.34	0.29	0.28	0.25
U.S. Territories/Other	0.02	0.02	0.02	0.02	0.02
Facility Type					
Dedicated	0.04	0.04	0.05	0.05	0.06
Federal	0.28	0.25	0.24	0.17	0.20
Family/Youth	0.03	0.03	0.02	0.02	0.01
Hotel	0.01	0.01	0.04	0.04	0.00
Medical	0.05	0.08	0.09	0.22	0.25
Non-Dedicated	0.37	0.31	0.26	0.19	0.19
Staging	0.20	0.22	0.22	0.22	0.24
Other/Unknown	0.01	0.06	0.07	0.08	0.06
Total	543	700	782	827	751

Notes: The sample includes facilities used to detain children under the age of eighteen and facilities associated with right-censored stays. To demarcate different presidential administrations, we used stint book-in years.

Appendix Table D. Variables Used in Appendix Tables B and C

Variable	Description	Coding
Detainee Characteristics		
Gender	Detainee's recorded gender is male.	1 = Yes 0 = No
Region of Origin[a]	The world region in which detainee's recorded citizenship country is located. Asia Pacific includes Asia and Oceania regions. Northern Triangle includes El Salvador, Guatemala, and Honduras.	1 = Africa 2 = Asia Pacific 3 = Caribbean 4 = Europe & North America 5 = Latin America 6 = Mexico 7 = Northern Triangle
Age	Detainee's recorded age at initial book-in date.	Years
Has Criminal History	An entry exists on the "Most Serious Criminal Charge" field.	1 = Yes 0 = No
Facility Characteristics		
U.S. Region	Region of the country in which the facility is located.	1 = Midwest 2 = Northeast 3 = South 4 = West 5 = U.S. Territories/Other[b]
Facility Type[c]	Vera Institute of Justice's categorizations of best-known facility type.	1 = Dedicated 2 = Federal 3 = Family/Youth 4 = Hotel 5 = Medical 6 = Non-Dedicated 7 = Hold/Staging 8 = Other/Unknown

a. For the classification system used, see *Geographic Region Definitions*, U.S. DEP'T HOMELAND SEC., https://ohss.dhs.gov/about-our-data/regions [https://perma.cc/8FXY-AF8Y] (last visited Dec. 19, 2025).

b. U.S. Territories/Other includes Guantanamo Bay, Cuba.

c. For more information on facility types, see VERA INST. JUST., *supra* note 99 (categorizing ICE detention facilities).

Appendix Table E. Share of Intercircuit Transfers by Origin and Destination Circuits, 2011–2025

Circuit	Origin Circuit		Destination Circuit	
	Total N (Intercircuit Transfers)	Share of All Intercircuit Transfers	Total N (Intercircuit Transfers)	Share of All Intercircuit Transfers
1	26355	0.02	11014	0.01
2	62720	0.06	36385	0.03
3	75724	0.07	71175	0.06
4	95140	0.09	10076	0.01
5	246540	0.22	516866	0.47
6	54122	0.05	11597	0.01
7	26776	0.02	21860	0.02
8	33892	0.03	5001	0.00
9	219968	0.20	70885	0.06
10	118188	0.11	186034	0.17
11	137376	0.13	155369	0.14
D.C.	17	0.00	0	0.00
Cuba	110	0.00	666	0.00

Note: The zeros shown for the shares of intercircuit transfers for D.C. and Cuba are not necessarily true zeros.

Appendix Table F. Share of Intercircuit Transfers by Top Ten Origin-Destination Pairs, 2011–2025

Origin Circuit	Destination Circuit	Total N (Intercircuit Transfers)	Share of All Intercircuit Transfers
11	5	119112	0.11
9	5	116693	0.11
5	10	97928	0.09
10	5	81473	0.07
9	10	73406	0.07
4	11	58668	0.05
5	11	56716	0.05
3	5	49597	0.05
10	9	33264	0.03
5	9	32214	0.03

Appendix Table G. Share of Intercircuit Transfers by Presidential Administrations, 2011–2025

Origin Circuit	Share of Intercircuit Transfers				
	Obama I	Obama II	Trump I	Biden	Trump II
1	0.02	0.02	0.02	0.03	0.04
2	0.08	0.06	0.06	0.03	0.06
3	0.07	0.07	0.07	0.06	0.08
4	0.12	0.08	0.10	0.06	0.09
5	0.15	0.34	0.24	0.18	0.08
6	0.05	0.04	0.05	0.04	0.09
7	0.01	0.03	0.03	0.02	0.04
8	0.03	0.02	0.03	0.02	0.07
9	0.35	0.13	0.13	0.36	0.09
10	0.07	0.11	0.12	0.09	0.13
11	0.06	0.10	0.13	0.13	0.23
D.C.	0.00	0.00	0.00	0.00	0.00
Cuba	0.00	0.00	0.00	0.00	0.00
Destination Circuit	Share of All Intercircuit Transfers				
	Obama I	Obama II	Trump I	Biden	Trump II
1	0.01	0.01	0.01	0.02	0.01
2	0.03	0.04	0.05	0.02	0.01
3	0.09	0.09	0.06	0.04	0.03
4	0.00	0.01	0.01	0.01	0.01
5	0.32	0.38	0.47	0.55	0.70
6	0.00	0.01	0.01	0.01	0.01
7	0.02	0.02	0.02	0.02	0.02
8	0.00	0.00	0.00	0.00	0.02
9	0.04	0.07	0.06	0.08	0.07
10	0.37	0.22	0.17	0.06	0.05
11	0.11	0.14	0.14	0.20	0.06
D.C.	0.00	0.00	0.00	0.00	0.00
Cuba	0.00	0.00	0.00	0.00	0.01

Note: The zeros shown for the shares of intercircuit transfers for D.C. and Cuba are not necessarily true zeros.