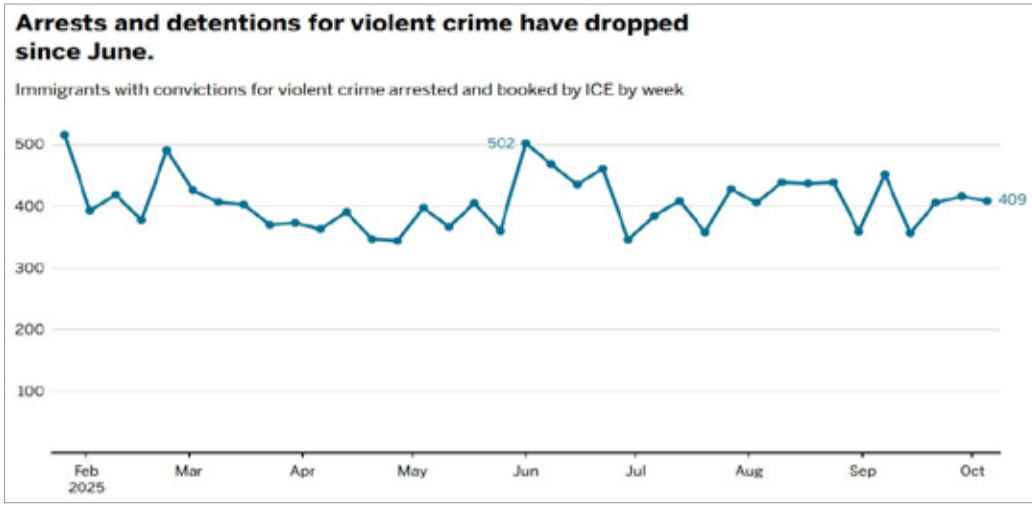


prior Brennan Center analysis) at unprecedented rates.

Take immigrants whose only offense is the misdemeanor of crossing the border without documentation, known in the law as an improper entry. Someone with an improper entry offense might be ordered deported after a hearing by an immigration judge. But their crime does not inherently make them a danger to the community such that they should be kept behind bars while awaiting the judge's decision. Yet in September 2025, ICE detained more individuals whose most serious crime was improper entry or reentry (1,776) than those guilty of violent crimes, such as assault or robbery (1,707). Of the 30,000 immigrants ICE arrested and jailed that month, only a fraction of a percent had been convicted of the most heinous criminal offenses, amounting to 0.05 percent for murder and 0.2 percent for rape.

That same month, ICE imprisoned around 716 individuals whose most serious crime was a minor traffic offense, such as driving without a license. That is far higher than the number of people ICE arrested and detained in the same period for more dangerous crimes — 280 percent more than the number of people with convictions for theft, 260 percent more than the number arrested for drug trafficking, and nearly 340 percent more than the number of people convicted of burglary.

The rise in detentions is fueled by arrests of people with no criminal conviction or who committed only a nonviolent crime. Meanwhile, the share of arrests of those convicted of violent crimes is trending in the opposite direction. The share of new detainees with a conviction for a violent crime has plunged from about 16 percent in the two weeks before President Trump's inauguration to about six percent in the first two weeks of October 2025.



DEPORTATION DATA PROJECT



Children are torn from their father by ICE inside the immigration court at 26 Federal Plaza in Lower Manhattan on August 26, 2025. JDEAN MOSES/AMNY

ICE diverting resources from own programs on criminals

ICE has programs dedicated to arresting and deporting immigrants with criminal backgrounds, but,

Although CAP has been criticized for eroding relationships between immigrant communities and local law enforcement, ICE claims it is a key tool to “protect the homeland through the arrest and removal of aliens who threaten the safety of our nation’s communities”. Yet, in the first nine months of the Trump administration, only about 43 percent of people detained through CAP had any conviction at all — and that share was just 36 percent in the four weeks ending October 15. The share with a violent conviction dropped from 17 percent in the last year of the Biden administration to nine percent in the first nine months of the second Trump administration.

Whatever one thinks about these ICE programs, they at least claim to specialize in identifying the relatively few immigrants whose presence may pose a genuine public safety risk — “the worst of the worst,” in the administration’s words. By pulling officers from these beats to arrest and imprison immigrants who do not pose a public safety threat, they fail to make the country any safer.

Women and Venezuelans comprise majority of non-criminals arrested

DHS’s claims notwithstanding, the overwhelming majority of detainees have never been convicted of a crime. If not individuals with criminal histories, who is ICE detaining?

The immigrants with no criminal convictions who have been caught in ICE’s dragnet are more than twice as likely to be women (12 percent) as those with criminal convictions (5 percent). The women are typically in their mid-thirties. On average, they spend 6.5 weeks in ICE’s prisons.

ICE does not track the personal circumstances of the women being detained. Although funding bills starting in 2019 required ICE to report the number of preg-

nant women in detention, the current Republican-controlled Congress removed that requirement in March of 2025. And a Biden-era policy that limited detention of pregnant, postpartum, and nursing mothers appears no longer to be “current practice”. Since these changes, ICE arrested a woman recovering from a C-section as she was on her way to visit her 15-day-old infant in intensive care. Another woman was arrested when she was five months pregnant and detained without sufficient medical care for most of the remainder of her pregnancy — 1,500 miles from her husband and two young children. Neither of the women had criminal histories. An assessment by Sen. Jon Ossoff found 14 credible reports of mistreatment of pregnant women in immigration detention between the beginning of Trump’s second term and the end of July 2025.

The Trump administration also renewed its policy of detaining families, resulting in a sixfold increase in the number of children and infants being detained since Trump returned to office. Venezuelans are also overrepresented among detainees without convictions. Only 15 percent of Venezuelans booked into ICE detention since the start of the Trump administration have a conviction, whereas 40 percent of people of other nationalities do. Venezuelans make up nine per-

cent of detainees without a conviction and two percent of those with one. This is in part a product of the administration’s legal strategy. It invoked the wartime Alien Enemies Act by dubiously claiming that a Venezuelan gang was using “mass migration” to “undermin[e] public safety” — a move that would have stripped tens of thousands of Venezuelans in the United States of their due process rights but has been temporarily enjoined by the Supreme Court. (The Brennan Center has argued that the invocation is illegal.) The administration used that same authority to send more than 200 Venezuelans to a notorious prison in El Salvador. It has also stripped Venezuelans of lawful parole and temporary protected status and banned many Venezuelans from coming to the United States lawfully. While some of these efforts have been stymied by the courts, Venezuelans who pose no demonstrable threat to public safety remain far more likely to be imprisoned by ICE than noncriminal individuals holding any other citizenship.

No report on number of US citizens ICE has arrested

The ICE data on which this analysis is based does not record the arrest or detention of a single US citizen. And DHS has made the demonstrably false claim that it has not arrested any citizens. ProPublica has documented more than 170 improper arrests of citizens during the second Trump administration, including children. In at least one detention facility, ICE has reportedly even designated cells for US citizens. In prior years, ICE reported dozens of US citizen arrests annually — figures that are likely closer to the truth despite themselves being incomplete.

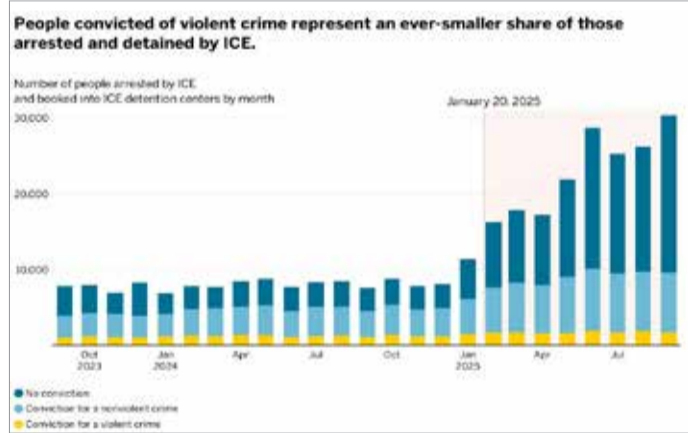
The mismatch suggests the administration is hiding the extent to which US citizens’ lives are being disrupted by the immigration enforcement surge. Despite the administration’s claims, immigrants are less likely to commit crimes than native-born Americans. Even so, the administration is not focusing on arresting those who do. Instead, federal law enforcement officers have been sidelined from protecting the country from genuine threats, such as child exploitation and drug trafficking, to indiscriminately increase the number of immigrants arrested.

In addition to posing a profound threat to the rights of immigrants and US citizens alike, the dragnet approach isn’t a good value for taxpayers. There is no reason to lock up immigrants unless they pose a threat to public safety or a demonstrable risk of flight. Detention keeps people separated from their families and prevents them from working for American employers. Instead, those who pose no risk can safely be released while they await a determination about whether they may remain in the country. Doing so would be more humane. And it would allow tax dollars to be put to better use on behalf of all Americans.

The article was first published by the Brennan Center for Justice.



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The overall number of people detained for violent crimes has stagnated and even dropped since a peak last summer. In the first week of October 2025, ICE arrested and booked 409 people convicted of violent crimes into detention, compared with 502 in the first week of June, a nearly 20 percent decline.

That means that the billions of dollars flowing into immigration enforcement — and away from traditional law enforcement at HSI, the FBI, the ATF, and the DEA — have failed to produce more arrests and deportations of immigrants convicted of violent crimes. Such arrests remain a tiny fraction of all immigrant arrests.

It is too soon to tell from publicly available data whether diverting specialized law enforcement officers from their core functions has reduced the number of criminal investigations and prosecutions they are pursuing. Because those officers specialize in complex cases, it may be years before we see the full effects. But using them to find and imprison noncriminal immigrants is a waste of their training and expertise.

as with other federal law enforcement agencies, they, too, have been redirected.

Take ICE’s Fugitive Operations. Its web page proclaims: “We remove criminals from our communities.” In the last year of the Biden administration, roughly 69 percent of individuals detained by Fugitive Operations had at least one conviction. No longer. In the first nine months of the second Trump administration, the share of criminals it detained flipped: only 33 percent of people detained by Fugitive Operations had any conviction — and less than 10 percent of all people detained had a conviction for a violent crime, compared with around 20 percent in the last year of the Biden administration. The number of people convicted of a violent crime detained by Fugitive Operations fell from almost 100 per week in June 2025 (and during certain weeks under the Biden administration) to between 50 and 60 in the four weeks ending October 15, 2025. Ditto the Criminal Alien Program (CAP), which screens people held in federal, state, and local jails and prisons for immigration status.

Specialized components of ICE are no longer focused on arresting and detaining convicted criminals.



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