

United States Senate
(U.S. Senate)



The Future of U.S. Immigration and Customs Enforcement (ICE)

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I. INTRODUCTION

Immigration has played a defining role in the development of the United States. From the earliest periods of colonization to the modern era of globalization, migration has shaped the country's economy, demographic composition, and cultural identity. The United States has historically promoted itself as a nation of opportunity and refuge, attracting millions of immigrants from around the world.

However, immigration policy has also been one of the most contentious issues in American politics. Policymakers must balance multiple goals when designing immigration systems. These goals include promoting economic growth, protecting national security, ensuring the rule of law, and fulfilling humanitarian responsibilities toward individuals fleeing persecution or violence.

A central component of immigration policy involves immigration enforcement. Immigration enforcement refers to the government's efforts to monitor entry into the country, ensure compliance with immigration laws, and remove individuals who violate those laws. In the United States, immigration enforcement occurs at multiple levels, including border enforcement, visa monitoring, and interior enforcement operations.

The federal agency responsible for enforcing immigration law within the interior of the United States is U.S. Immigration and Customs Enforcement (ICE). ICE operates as part of the Department of Homeland Security (DHS) and is responsible for identifying, detaining, and deporting individuals who violate immigration laws. The agency also conducts investigations into international criminal activities such as human trafficking, drug smuggling, financial crimes, and cybercrime.

Since its creation in 2003, ICE has grown into one of the largest federal law enforcement agencies in the United States. The agency employs thousands of personnel across numerous field offices and detention facilities. ICE collaborates with federal, state, and local law enforcement agencies as well as international partners.

Despite its broad responsibilities, ICE has become one of the most controversial government institutions in modern American politics. Critics argue that the agency's enforcement methods

have resulted in human rights concerns, including overcrowded detention facilities, limited access to legal representation for migrants, and aggressive deportation practices that affect immigrant communities.

Supporters of ICE argue that immigration enforcement is necessary to maintain the integrity of U.S. immigration laws and protect national security. They contend that without effective enforcement mechanisms, immigration systems would be difficult to regulate and criminal networks could exploit vulnerabilities in border and visa systems.

The political debate surrounding ICE intensified during the late 2010s and early 2020s. During the presidency of Donald Trump, immigration enforcement policies became significantly stricter, with expanded deportation priorities and increased use of detention centers. The administration also implemented controversial policies related to family separations and asylum processing.

In contrast, the administration of Joe Biden introduced reforms intended to shift immigration enforcement priorities. These reforms included focusing deportation efforts on individuals who pose threats to public safety or national security, as well as expanding humanitarian protections for asylum seekers.

As a result of these shifts, policymakers continue to debate whether ICE should remain in its current form or undergo significant structural changes. Some political leaders propose abolishing the agency entirely, while others advocate reforming or expanding its responsibilities.

The United States Senate plays a crucial role in this debate. Senators are responsible for passing immigration legislation, overseeing federal agencies, and approving budgets for enforcement programs. Decisions made by the Senate will shape the future of immigration enforcement in the United States for decades to come.

II. HISTORY OF THE ISSUE

Early Immigration Enforcement

Immigration enforcement in the United States has evolved significantly over the past century. During the nineteenth century, immigration policies were relatively limited. However, as immigration increased, the federal government gradually expanded its regulatory authority.

The Immigration Act of 1882 represented one of the first major federal immigration laws. Over time, additional legislation introduced immigration quotas, visa systems, and deportation procedures.

The Immigration and Naturalization Service

During most of the twentieth century, immigration enforcement responsibilities were managed by the Immigration and Naturalization Service (INS). The INS was responsible for border enforcement, immigration processing, deportation procedures, and citizenship applications.

Throughout the 1980s and 1990s, the federal government increased enforcement efforts to address concerns about unauthorized immigration.

One major law was the Immigration Reform and Control Act of 1986 (IRCA). This law introduced penalties for employers who knowingly hired undocumented immigrants while also providing a pathway to legal status for millions of undocumented individuals already living in the country.

Another significant law was the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996, which expanded deportation authority and strengthened border enforcement measures.

Post-9/11 Reorganization

The terrorist attacks of September 11, 2001 dramatically reshaped national security policy in the United States. In response, Congress created the Department of Homeland Security (DHS) in 2002.

The creation of DHS resulted in one of the largest reorganizations of the federal government in modern history. Immigration enforcement responsibilities were reorganized and divided among three new agencies:

- U.S. Immigration and Customs Enforcement (ICE)
- U.S. Customs and Border Protection (CBP)
- U.S. Citizenship and Immigration Services (USCIS)

Each agency was assigned specific responsibilities within the immigration system.

ICE was tasked with enforcing immigration laws within the interior of the United States while also conducting criminal investigations involving cross-border activity.

Development of ICE Operations

Over time, ICE developed two major divisions:

Enforcement and Removal Operations (ERO)

Responsible for identifying undocumented immigrants and carrying out deportation orders.

Homeland Security Investigations (HSI)

Responsible for investigating transnational crimes such as trafficking, smuggling, cybercrime, and financial crimes.

While ICE's investigative work has been widely recognized for combating international crime, its immigration enforcement operations have generated significant political debate.

III. CURRENT HAPPENINGS

Migration Trends

Migration patterns to the United States continue to change due to global economic conditions, political instability, and environmental factors.

The United States receives millions of immigrants through legal pathways, including employment-based visas, family reunification programs, and refugee resettlement programs. However, unauthorized immigration remains a major concern. Migrants may enter the country without authorization or remain after their visas expire.

Southern Border Migration

In recent years, the U.S.–Mexico border has become a focal point of immigration debates. Migrants arriving at the southern border often come from Central American countries such as Honduras, Guatemala, and El Salvador.

Many migrants cite violence, poverty, and political instability as reasons for leaving their home countries.

Role of ICE in Interior Enforcement

Once migrants are inside the United States, ICE becomes responsible for enforcing immigration laws. ICE officers may identify individuals through workplace investigations, criminal arrests, or visa overstay monitoring.

ICE also manages detention centers where migrants may be held while awaiting immigration court decisions.

Public Controversies

Several controversies have shaped public perceptions of ICE:

Detention Conditions

Reports have raised concerns about overcrowding, healthcare access, and sanitation conditions in some detention facilities.

Family Separation

Policies implemented in the late 2010s resulted in the separation of migrant parents and children at the border. These policies generated widespread criticism both domestically and internationally.

Immigration Court Backlog

The immigration court system faces a backlog of millions of cases, creating delays that can last several years.

IV. LEGAL FRAMEWORK AND FEDERAL AUTHORITY

Immigration enforcement operates within a complex legal framework.

Immigration and Nationality Act

The Immigration and Nationality Act (INA) provides the legal foundation for immigration enforcement, visa systems, deportation procedures, and asylum protections.

Detention Authority

Under U.S. law, immigration authorities may detain individuals suspected of violating immigration laws while their cases are processed.

Role of Federal Courts

Federal courts often review immigration enforcement policies to ensure compliance with constitutional protections such as due process rights.

Court decisions frequently shape how immigration enforcement agencies operate.

Executive Authority

Presidents may influence immigration enforcement through executive orders and policy directives that establish enforcement priorities.

As a result, immigration enforcement policies often change depending on the priorities of different presidential administrations.

V. BLOCK ANALYSIS (POLICY POSITIONS)

Block A — Abolish ICE

Some political leaders and advocacy organizations argue that ICE should be abolished entirely. They claim that the agency's enforcement strategies have produced harmful humanitarian consequences and that immigration enforcement should be restructured.

Supporters of abolition often propose redistributing ICE responsibilities to other federal agencies while focusing more on humanitarian protection.

Block B — Reform ICE

A second group advocates maintaining ICE but implementing major reforms. These reforms may include improved detention standards, increased transparency, stronger oversight mechanisms, and clearer enforcement priorities.

Block C — Expand ICE

A third group argues that immigration enforcement should be strengthened by expanding ICE's authority and resources.

Supporters of this approach believe stronger enforcement is necessary to deter illegal immigration and combat international criminal networks.

VI. KEY POINTS

The debate surrounding the future of U.S. Immigration and Customs Enforcement (ICE) centers on several critical issues that reflect broader tensions within immigration policy.

First, one of the most important considerations is the balance between national security and human rights. Supporters of strong immigration enforcement argue that ICE plays a crucial role in keeping the integrity of immigration laws, preventing unauthorized migration, and combating transnational crime. However, critics emphasize that enforcement practices must respect fundamental human rights, including due process and humane treatment of migrants.

Second, detention practices remain a major point of controversy. ICE operates a network of detention facilities where migrants may be held while awaiting immigration proceedings. Concerns have been raised regarding overcrowding, access to healthcare, and the length of detention. These issues have led to calls for stricter oversight, improved standards, or the expansion of alternatives to detention.

Another key issue is the scale and priorities of deportation policies. Different administrations have adopted varying approaches to enforcement. Some prioritise the removal of individuals with criminal records or security risks, while others have expanded deportation efforts more broadly. These shifting priorities create uncertainty and influence how immigration laws are applied in practice.

The role of state and local governments also plays a significant role in the enforcement landscape. Policies such as “sanctuary cities” limit cooperation between local law enforcement and federal immigration authorities. This raises questions about federalism, public safety, and the appropriate division of authority between different levels of government.

Additionally, the immigration court system faces a substantial backlog of cases, resulting in long delays for migrants awaiting decisions. This backlog affects the efficiency and fairness of

the enforcement system and places additional pressure on detention facilities and legal resources.

Finally, the broader social and economic impact of ICE operations must be considered. Immigration enforcement can affect families, communities, and labor markets. While some argue that enforcement protects jobs and public resources, others highlight the negative consequences for mixed-status families and local economies.

VII. LEADING QUESTIONS

The following guiding questions are intended to help delegates analyze the complexity of forced marriage and develop realistic, effective policy proposals during committee debate.

One of the most fundamental questions concerns the role of governments in preventing forced marriage. To what extent should states be held responsible when forced marriage occurs within their borders? Delegates must consider whether government responsibility should be limited to cases of direct involvement, or whether states should also be accountable for failing to prevent or adequately respond to such practices.

Another important question relates to the effectiveness of criminal law in addressing forced marriage. Should forced marriage be treated primarily as a criminal offense, or should governments focus more heavily on preventive and social policy measures? While criminalization can send a strong signal that the practice is unacceptable, it may also discourage victims from reporting cases if they fear legal consequences for their family members.

Delegates should also examine the balance between cultural respect and human rights protection. Forced marriage is sometimes justified by reference to cultural traditions or social customs. However, international human rights standards emphasize that cultural practices cannot justify violations of fundamental rights. Policymakers must determine how governments can challenge harmful practices while maintaining respectful engagement with communities.

Another key issue involves the role of education and economic empowerment. Many experts argue that expanding access to education—particularly for girls—is one of the most effective strategies for reducing child marriage. Delegates should consider whether international programs should prioritize funding for education, vocational training, and economic opportunities as part of a broader prevention strategy.

Delegates should also evaluate international accountability mechanisms. If governments fail to meet their obligations to prevent forced marriage, what consequences should follow? Options may include international monitoring mechanisms, public reporting systems, diplomatic

pressure, targeted sanctions, or conditional international aid programs. Delegates must carefully consider the advantages and risks of each approach.

Another critical question concerns the protection of survivors. Victims of forced marriage often require legal assistance, psychological counseling, housing support, and access to education or employment. Delegates should consider how governments can ensure that survivor support services are accessible, confidential, and culturally sensitive.

Finally, delegates must consider the long-term sustainability of policy solutions. Ending forced marriage requires addressing structural inequalities, including poverty, gender discrimination, and limited access to education. Delegates should explore how international cooperation, development programs, and national policy reforms can work together to create lasting change.

VII. LEADING QUESTIONS

The following questions are designed to guide debate and help delegates develop comprehensive policy proposals:

- I. To what extent should ICE continue to exist in its current form? Should the agency be abolished, fundamentally restructured, or expanded?
- II. How can the United States balance the need for effective immigration enforcement with the protection of human rights and civil liberties?
- III. Should the use of detention centers be reduced or replaced with alternatives such as community supervision programs? What are the advantages and risks of these alternatives?
- IV. What criteria should determine deportation priorities? Should enforcement focus primarily on individuals who pose security threats, or should it apply more broadly?
- V. How should the federal government address the backlog in immigration courts? What reforms could improve efficiency and ensure timely access to justice?
- VI. What role should state, and local governments play in immigration enforcement?
Should cooperation with federal authorities be mandatory or optional?
- VII. How can immigration enforcement policies address the root causes of migration, such as violence, poverty, and political instability in migrants' countries of origin?
- VIII. Finally, what reforms are necessary to ensure transparency, accountability, and oversight within ICE operations?

VIII. SOURCES

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