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Dear Secretary Mayorkas:

The undersigned 62 organizations urge the Department of Homeland Security (DHS) to immediately scale back the Intensive Supervision Appearance Program (ISAP) – the agency’s mass surveillance and digital shackling program that tracks hundreds of thousands of immigrant community members and their families – so that it cannot be used to carry out mass arrests, detention, deportations, and family separations under the incoming Trump administration.

The incoming administration has threatened to expand on its prior practices of mass deportations, racially discriminatory anti-immigrant policies, retaliation against activists, and arrests, with little concern for the civil rights and dignity of immigrant communities and their families.¹

We are deeply concerned that despite the impending threats, DHS appears to be expanding ISAP. For example, contractor proposals issued by DHS suggest the agency seeks to carry out “mass intakes” and expand ICE’s sweeping geolocation and biometric surveillance capabilities.² This approach flies in the face of recent decisions by federal regulators censuring corporations that sell sensitive geolocation data to law enforcement entities.³ DHS’ troubling expansion of ISAP paves the way for the Trump administration to quickly enroll millions more.

Evidence including the direct experience of immigrants shows ISAP expands national policing powers into all neighborhoods and communities. To mitigate these harms, we are calling on DHS to immediately:

¹ See Tearing Families Apart: The Impact of Trump’s Immigration Agenda, fwd.us (Sept. 29, 2020), <https://www.fwd.us/news/the-impact-of-trumps-immigration-agenda>; See Thomas J. Rachko, Jr., U.S. Detains Yet Another Immigrant Rights Activist: Alejandra Pablos Detained by Immigration Officers in Arizona, Human Rights Watch (Mar. 14, 2018), <https://www.hrw.org/news/2018/03/14/us-detains-yet-another-immigrant-rights-activist>; American Civil Liberties Union, Trump on Immigration: Tearing Apart Immigrant Families, Communities, and the Fabric of Our Nation (2024), <https://www.aclu.org/publications/trump-on-immigration>; Cecilia Vega, Trump’s mass deportation plan for undocumented immigrants could cost billions a year, 60 Minutes (Oct. 27, 2024), at <https://www.cbsnews.com/news/trump-mass-deportation-plan-cost-consequences-60-minutes-transcript/>.

² U.S. Dep’t of Homeland Sec., Intensive Supervision Appearance Program (ISAP) V Req’t for Information (Nov. 6, 2024), at <https://sam.gov/opp/d7bfeab60dd541e1ab760550048de34a/view>; “ICE wants biometric monitoring devices for alternative to detention program,” BiometricUpdate.com (Nov. 8, 2024), at <https://www.biometricupdate.com/202411/ice-wants-biometric-monitoring-devices-for-alternative-to-detention-program>.

³ Statement of Comm’r Alvaro M. Bedoya, *In the Matter of Gravy Analytics, Inc. & Venntel, Inc.* (Dec. 2, 2024), at https://www.ftc.gov/system/files/ftc_gov/pdf/bedoya-gravy-statement.pdf (“Can a collection of precise geolocation data that otherwise violates Section 5 be cured by a potential future law enforcement use of that data? I think the answer is ‘no.’”).

1. *Carry out an immediate mass unenrollment campaign for immigrants enrolled in ISAP.* DHS is currently positioned to instruct ICE field offices nationwide to un-enroll immigrants from ISAP en masse.⁴
2. *Cancel DHS' \$2.2 billion contract with BI, Inc., the for-profit contractor that runs ISAP.* DHS' contract with BI, a subsidiary of the for-profit prison company GEO Group, is set to end in March 2025.⁵ For years, reports have shown that BI subjects immigrants to abusive conditions as part of ISAP, including physical harm from faulty equipment and mental harm from invasive surveillance.⁶
3. *Delete all historical data gathered via ISAP, including sensitive data like location data.*

Unless you take immediate action, the incoming administration will vastly expand this dangerous tool of mass immigrant surveillance. In the past four years, DHS more than doubled the number of people on ISAP,⁷ and recent proposals suggest the agency was entertaining plans to potentially expand its ISAP surveillance regime to track 5.7 million people in the future.⁸ Now, ICE uses ISAP to extract massive quantities of sensitive personal information – including geolocation data – from close to 180,000 people.⁹ ISAP uses electronic ankle shackles to track people's precise location in real-time, and to stockpile location data history that can reveal someone's travel patterns over hours, days, weeks, or months.¹⁰ Reports indicate that ICE agents can also continuously track the location of people through another mode

⁴ This would not require a change in regulation or agency policy, nor would it require permission from Congress.

⁵ Contract language indicates the possibility of extensions through September 2024. "The GEO Group Announces Five-Year Contract With U.S. Immigration and Customs Enforcement for Intensive Supervision and Appearance Program (ISAP)," Business Wire (Mar. 24, 2020) <https://www.businesswire.com/news/home/20200324005145/en/The-GEO-Group-Announces-Five-Year-Contract-With-U.S.-Immigration-and-Customs-Enforcement-for-Intensive-Supervision-and-Appearance-Program-ISAP>; Solicitation, Offer, and Award, ICE and BI Inc., Contract No. 70CDCR20D0000011 at 3 (Dec. 3, 2019), https://www.law.berkeley.edu/wp-content/uploads/2022/05/2022-12-09_ISAP-FOIA_ICEProduction3_ISAP4-SolicitationOfferAward-03232020.pdf; Contract Clauses at 149, https://www.law.berkeley.edu/wp-content/uploads/2022/05/2022-12-15_ISAP-FOIA_ICEProduction4_ISAP4-SectionIContractClauses.pdf.

⁶ See Johana Bhuiyan, Poor tech, opaque rules, exhausted staff: inside the private company surveilling US immigrants, *The Guardian* (Mar. 7, 2022), at <https://www.theguardian.com/us-news/2022/mar/07/us-immigration-surveillance-ice-bi-isap>; Aly Panjwani & Hannah Lucal, *Tracked and Trapped: Experiences from ICE Digital Prisons*, #NoTechForICE (2022), <https://notechforice.com/digitalprisons/>.

⁷ Caroline Haskins, ICE Started Ramping Up Its Surveillance Arsenal Immediately After Donald Trump Won, *Wired* (Nov. 13, 2024), at <https://www.wired.com/story/ice-surveillance-contracts-isap/>.

⁸ U.S. Dep't of Homeland Sec., Release and Reporting Management Req't. for Information (Sept. 11, 2023), at <https://sam.gov/opp/569cef7239f14fb7a7a4ca98559d3866/view>.

⁹ U.S. Immigr. & Customs Enf't, Enforcement and Removal Operations Statistics (Nov. 25, 2024), at <https://www.ice.gov/spotlight/statistics>.

¹⁰ ISAP's wrist-worn electronic shackles (the BI Veriwatch) and SmartLINK cell phone app also track location data, among other data points. U.S. Immigr. & Customs Enf't, Alternatives to Detention (ATD), at https://trac.syr.edu/immigration/detentionstats/atd_pop_table.html.

of ISAP surveillance, the SmartLINK app,¹¹ though ICE maintains it currently does not use that capability.¹²

The Trump administration may leverage troves of immigrants’ geolocation data collected through ISAP to target immigrants en masse. ICE has a history of using ISAP data to locate and arrest scores of community members at a time.¹³ Any existing policy prohibiting “persistent location tracking” may be reversed under a new administration. What’s more, location tracking programs like ISAP are not necessary. For example, new ICE programs for non-detained immigrants do not rely on electronic monitoring or location surveillance.¹⁴ At a time when federal regulators are recognizing the sensitivity of location data and banning certain companies from selling it to law enforcement customers, DHS should change its own practices around location data collection.¹⁵

Your actions in the coming month will impact the safety of millions of non-citizens for years to come. We urge DHS to immediately un-enroll as many people as possible from ISAP and to end the agency’s contract with BI. Limiting ISAP is essential to reducing the harm of the Trump Administration and preserving civil rights and civil liberties.

Signed,

Alliance to Mobilize Our Resistance -AMOR-

Amparo

Asian American Federation

Asian Americans Advancing Justice | AAJC

Ayuda

Bend the Arc: Jewish Action

Borderlands Resource Initiative

Boston University School of Law Immigrants' Rights and Human Trafficking Program

California Immigrant Youth Justice Alliance

Carolina Migrant Network

¹¹ Elizabeth Trovall, The growing business of immigrant surveillance, Marketplace (Aug. 2, 2023), at <https://www.marketplace.org/2023/08/02/the-growing-business-of-immigrant-surveillance/> .

¹² Just Futures Law, Mijente, & Community Justice Exchange, Fact Sheet on ICE FOIA Lawsuit: ICE Documents Reveal Alarming Scale of Surveillance in ISAP Program 5 (2023), at <https://static1.squarespace.com/static/62c3198c117dd661bd99eb3a/t/6512da273ccb7321c334ab6c/1695734312687/ATDFOIAFinal.pdf>.

¹³ For example, in 2018, BI provided ICE with location data for more than 40 persons subject to ISAP, enabling the agency to carry out “the largest coordinated arrest in the history of ISAP within the Washington, DC, Field Office.” U.S. Dep’t of Homeland Sec., BI Capability Statement for a Criminal Activity Monitoring Program 123, available at <https://perma.cc/8X5V-Y4KS>.

¹⁴ U.S. Dep’t of Homeland Sec., ICE unveils online portal to streamline noncitizen immigration obligations (Nov. 30, 2023), at <https://www.ice.gov/news/releases/ice-unveils-online-portal-streamline-noncitizen-immigration-obligations>.

¹⁵ *Supra*, note 2.

Coalición de Derechos Humanos
Colectiva Legal del Pueblo
Colorado Immigrant Rights Coalition
Community Justice Exchange
Demand Progress Education Fund
Envision Freedom Fund
Families For Freedom
First Friends of New Jersey & New York
Food Justice DMV
Freedom for Immigrants
Freedom Network USA
Government Information Watch
H-CAN Immigration & Refugees Action Group
Immigrant Defenders Law Center (ImmDef)
Immigrant Defense Project
Immigrant Justice Network
Immigrant Legal Resource Center
International Refugee Assistance Project
Jewish Activists for Immigration Justice
Juntos
Just Futures Law
Just Neighbors
Justice Action Center
Latino Commission on AIDS
Louisiana Advocates for Immigrants in Detention
MediaJustice
Miami Valley Immigration Coalition
Migrantes Unidos
Mijente
MIRA Coalition
Muslim Advocates
National Immigration Law Center
Never Again Action
New Jersey Alliance for Immigrant Justice
NorCal Resist
Northwest Immigrant Rights Project
OneAmerica
Organized Communities Against Deportations
People's Tech Project
Project On Government Oversight

Refugee Support Network, RSN
Robert F. Kennedy Human Rights
Surveillance Resistance Lab
Surveillance Technology Oversight Project
The Mami Chelo Foundation INC
Transformations CDC
V901
Washington Defender Association
Wind of the Spirit Immigrant Resource Center
Worth Rises
Young Center for Immigrant Children's Rights