

EXCLUSIVE

IMMIGRATION

Some migrants arrested in Trump's immigration crackdown have been released back into the U.S.

Space constraints and court orders have led ICE to release migrants on monitoring programs after they're arrested.



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By **Julia Ainsley**

The Trump administration aggressively publicized the arrests of more than 8,000 immigrants by federal agents since Inauguration Day, with the promise that those detained would be part of a [historic mass deportation](#). But NBC News has learned that some have already been released back into the United States on a monitoring program, according to five sources familiar with the operations.

Since he took office, President Donald Trump and his allies have promoted immigration operations in cities like [Chicago](#) and [New York](#), where [agents across federal agencies](#) were called in to [increase the number of arrests](#).

But arresting more people inside the United States on allegations of immigration violations means they need to be held somewhere. And significant [space constraints in Immigration and Customs Enforcement detention facilities](#) – and federal court orders forbidding indefinite detention – have forced the agency to release some of those arrested in the roundups rather than hold them until deportation.



— ICE agents during a multi-agency targeted enforcement operation in Chicago on Jan. 26. Christopher Dilts / Bloomberg / Getty Images

ICE posts arrest figures daily on X, but it does not disclose how many of those arrested are released, remain in detention or have been deported.

In a statement to NBC News, an ICE spokesperson acknowledged federal court cases limit ICE from detaining people indefinitely if their countries refuse to take them back, which can lead ICE to release them.

“The agency’s federal law enforcement officers do everything they can to keep our communities safe,” the spokesperson said. “In some cases, ICE is required to release certain arrested aliens from custody.”

Those released are being kept on a monitoring program known as Alternatives to Detention, the five sources familiar with the releases said, which has for more than a decade been used to keep track of where migrants are as they make their way through the immigration system. ICE can track them by ankle monitors or wrist bands or through telephonic check-ins.

As he did in his first administration, Trump vowed when he took office last month to end so-called catch-and-release policies under which migrants apprehended at the southern border are released back into the United States while their immigration cases are pending.

Trump's ban on "catch and release" appears to be in effect at the southern border, where few migrants are being processed for asylum claims. But because ICE is funded for only 41,500 beds nationwide, it is still releasing some migrants who were detained in the interior of the country.

[Fox News reported in December](#) that the incoming Trump administration was aware of the capacity issues in ICE detention and was considering expanding the ankle monitor program.

ICE policy prioritizes immigrants deemed to be public safety threats for detention and allows officers to use their discretion when they decide to release migrants who do not have serious criminal convictions. There are no indications that the Trump administration has released anyone convicted of a serious crime.

When they decide who should be detained, ICE officers also consider whether immigrants come from countries that refuse to take them back. Hundreds of thousands of Venezuelans living in the United States, for example, could not be deported and were considered for release if they were not deemed threats to public safety.

On Saturday, Trump announced that Venezuela had agreed to take back its nationals who had emigrated to the United States.

Other detainees may be released for medical reasons or if they are the only caretakers of children, three sources familiar with the decisions said.

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