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ICE Is Releasing 23% More Convicted Criminals Than Under Biden

By David J. Bier

Fox News congressional correspondent Bill Melugin **stated** on social media last week that “Biden released illegal alien crimes” are happening “all over the country,” but “almost nobody is being released now.” **Official data**, however, show that Immigration and Customs Enforcement (ICE) is releasing 184 immigrants per day, 41 percent of whom have criminal convictions or pending criminal charges.

ICE is actually releasing more immigrants with criminal convictions and pending criminal charges than during President Biden’s term. Since January 2025, ICE has released 25,712 people with criminal convictions or pending criminal charges, and over 2,000 had violent criminal records. The data complicate the narrative that President Biden was less committed to preventing criminal releases than Trump.

President Trump’s administration has made a special effort to assert that Biden’s policies jeopardized public safety, and it has claimed that it has focused its arrest and detention efforts on the “worst of the worst.” It has long been clear that this was false because DHS was

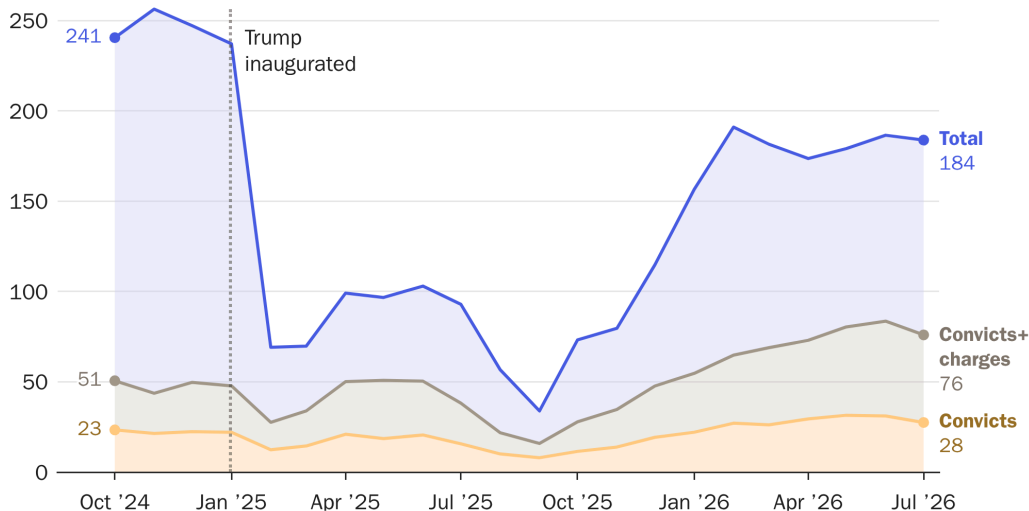
deliberately diverting resources toward targeting noncriminals over criminals, so much so that ICE agents told the *New York Post* that the White House was prioritizing “quantity over quality” in arrests. In July 2026, 55 percent of ICE arrests **were** of individuals without charges or convictions.

Criminal Releases Rise Under Trump

The releases highlight this concerning lack of prioritization. The official data show that although he has reduced the number of releases of non-criminals, he is actually releasing more people with criminal convictions and criminal charges. On a daily basis, releases of convicts have increased from 22 in December 2024 to 28 in early July 2026—a 23 percent increase. For convicts or those with pending charges, releases have increased from nearly 50 per day to 76—a 53 percent increase.

Trump has cut releases of non-criminals, not criminals, from ICE custody

ICE releases, daily average by month, FY 2025 to FY 2026 (July 11)



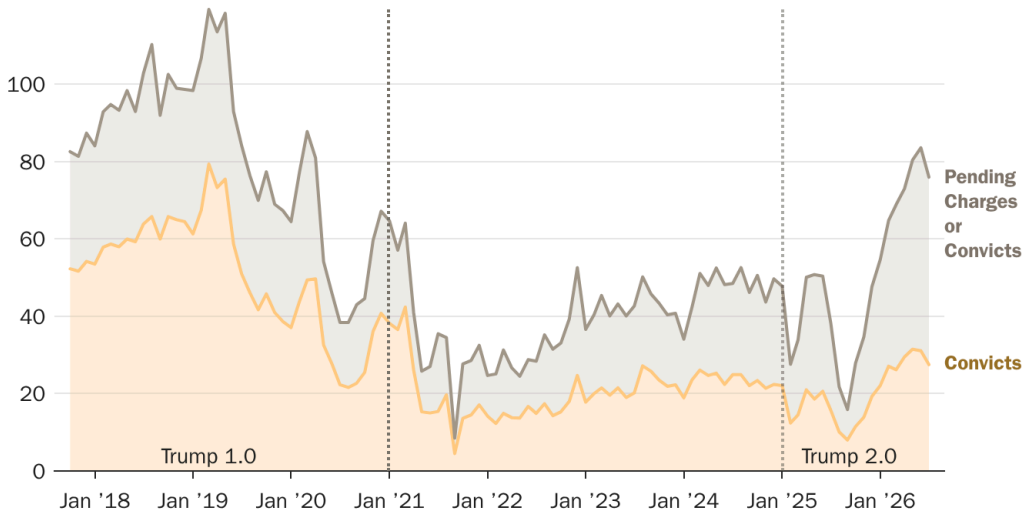
Source: ICE, "Detention Management"

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When we look at criminal releases under both Trump and Biden, Trump released more criminals during both terms than did Biden. Biden's administration cut releases from December 2020 to December 2024 by 67 per day to 50 per day—a 25 percent cut—thereby reversing the prior trend. Meanwhile, President Trump's administrations have had higher numbers of releases.

Biden cut releases of criminals from ICE custody. Trump increased them again.

ICE releases, daily average by month, FY 2018 to FY 2026 (July 11)



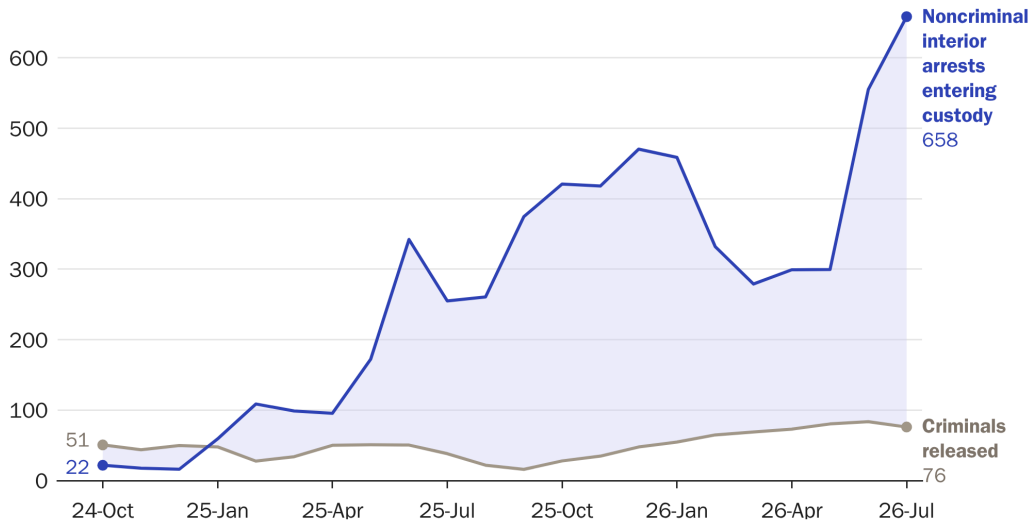
Source: ICE, "Detention Management"; Office of Homeland Security Statistics, "Immigration Enforcement and Legal Processes Monthly Tables"



More striking is how much the administration has increased arrests and detentions of individuals without criminal convictions or charges, even while it has not reduced the releases of criminal convicts. According to ICE data obtained by the [Deportation Data Project via FOIA request](#), non-criminals entering custody after an interior arrest increased from about 16 per day in December 2024 to 658 per day in July 2026—a massive 41-fold increase. ICE is booking into custody and imprisoning many immigrants who have committed no crimes—nor even been accused of any crimes—while simultaneously releasing many immigrants who have been convicted of or charged with crimes.

Trump's DHS is releasing more criminals, while detaining more noncriminal immigrants in the interior

ICE noncriminal book-ins and criminal book-outs, daily average, Oct. 2024-July 2026



Sources: U.S. Immigration and Customs Enforcement, "Detention Management"; Deportation Data Project, "ICE Data".

Note: "Non-criminal" refers to lacking both criminal conviction or pending criminal charge. "Criminals" refer to those with convictions or criminal charges.



The table below shows the types of crimes committed by those with criminal convictions (based on their most serious conviction). Like "criminal immigrants" detained by ICE generally, the convicts released by ICE under the Trump administration largely did not have serious convictions. However, 37 percent were convicted of a violent or property crime, like assault, robbery, theft, and burglary. One in 5 were convicted of a violent offense, including homicide.

Violent offenders were 1 in 5 of the 10,000 convicted criminals ICE released from custody

ICE releases, Jan. 20, 2025-August 2026

Category	Count	% of Total
Violent	2,225	22.0%
Traffic	1,834	18.2%
Traffic-DUI	1,673	16.6%
Property	1,475	14.6%
Immigration	525	5.2%
Possession of controlled substance	405	4.0%
Other vice (not possession)	638	6.3%
Evasion	352	3.5%
Other	969	9.6%
Total	10,096	100.0%

Source: Deportation Data Project, "Immigration and Customs Enforcement," August 2026

Note: Violent includes simple assault. Evasion means absconding, escape, resisting, obstruction, or similar.



How do immigrants with criminal convictions get released? According to the official ICE data, in FY 2026, 42 percent posted bond to obtain release through the Justice Department's immigration courts; 27 percent were ordered released by actual federal district or appeals courts; 19 percent were released by ICE with an order of recognizance, supervision, or parole; 6 percent were granted relief—such as asylum—by an immigration judge; and 5 percent had their immigration court proceedings against them terminated (often because they were going to be approved for an immigration benefit by DHS).

The Causes of Criminal Releases

Why do these releases happen?

1. First, not all crimes or even convictions bar immigrants from immigration relief. Many less serious offenses would not prevent someone from receiving asylum or a green card.
2. Second, ICE only has so much detention space. If ICE is detaining an immigrant without a criminal charge, whom it thinks it will be able to

remove more quickly than an immigrant with a criminal charge, ICE will make space for the noncriminal.

3. Third, the biggest reason is that after it shifted so **much criminal law enforcement into mass deportation efforts**, ICE is arresting so many more people—criminal and noncriminal—but not prioritizing removals based on criminal convictions, and ICE generally cannot detain immigrants indefinitely without eventually at least giving them a bond hearing to determine if they are a threat or a flight risk. Bond hearings raise complex legal issues, but the basic point is that, by statute and by constitutional interpretation, at least some immigrants are entitled to a hearing.

For certain criminals subject to mandatory detention by statute, **appeals courts are split** over exactly when bond hearings are required—an issue that the Supreme Court **has agreed to consider soon**. For others—noncriminals and criminals not subject to mandatory detention by statute—most **appeals courts have also required a bond hearing** right away, even if they entered **illegally**, but the issue **will also likely go** to the Supreme Court. Finally, in ***Zadvydas v. Davis*** (2001), the Supreme Court requires release if a removal is not reasonably foreseeable for someone with a removal order, even those convicted of a serious crime.

Conclusion

To prevent these releases, ICE would need to act expeditiously to remove criminals before they must be released. DHS's rush to arrest as many noncriminal immigrants as possible has led these trickier cases to receive less attention and resources than the government needs to obtain removal orders. This has forced DHS to release some convicted criminals to make way for the huge infusion of noncriminals into ICE detention centers. DHS should reprioritize serious criminals and stop wasting resources on immigrants who are seeking lawful status or simply want to contribute to the United States.

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