The Current State of Immigration Enforcement

National Trends and Implications for Bay Area Businesses and Workers

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Over the past year, federal policy has shifted in three major ways: enforcement funding has increased dramatically, detention capacity is being expanded, and enforcement activity has moved beyond border management toward a broader system of interior arrests, civil detention, and removals. These changes are reshaping the conditions in which immigrant communities, employers, and regional economies operate. This brief examines those shifts nationally, then through a regional lens: the San Francisco Bay Area, where state sanctuary laws, court consolidation, and gaps in legal representation offer a case study of how federal enforcement reaches local legal systems, labor markets, and communities.

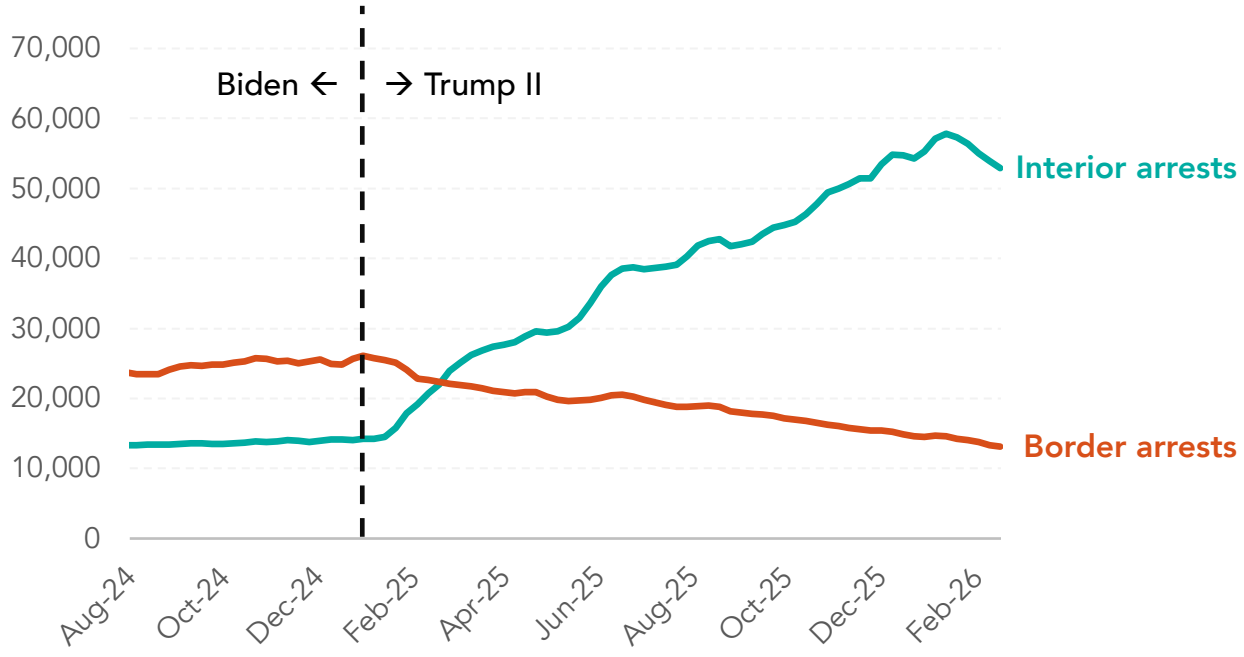
National Trends

In July 2025, Congress approved more than $170 billion in immigration and border enforcement funding through H.R. 1, including major new resources for Immigration and Customs Enforcement (ICE), Customs and Border Protection (CBP), detention infrastructure, deportation operations, border facilities, technology, and personnel.[1] Less than a year later, in June 2026, Congress advanced and the President signed an additional $70 billion funding bill for ICE and Border Patrol operations, further extending enforcement and detention capacity through the remainder of the administration.[2]

This new funding environment has coincided with a broader enforcement strategy. The administration has set a target of roughly one million deportations per year, a pace that would require thousands of arrests and removals each day.[3] While border crossings have fallen sharply from recent highs, enforcement activity has increasingly focused on the interior of the country. That means the economic effects are no longer limited to border communities or large gateway cities. They are increasingly felt in workplaces, schools, neighborhoods, and local economies across the country.

The shift toward interior enforcement is visible in the composition of arrest activity and detention population. **Figure 1** shows a sharp reversal in ICE's detention population: the number held following interior arrests rose steeply as the number held following border arrests declined, leaving interior arrests accounting for roughly four in five detainees by early 2026.[4] For regional economies, this wider reach creates exposure across agriculture, construction, hospitality, food service, and care work. The loss or absence of experienced workers can disrupt production and service delivery, while uncertainty can reduce household spending and business investment.

Figure 1. Interior arrests now account for most people held in ICE detention
Average overnight ICE detention population by arrest location, July 2024-February 2026, U.S. total



Source: Deportation Data Project. **Analysis**: Bay Area Council Economic Institute.

The economic effects of enforcement are not limited to formal arrests or removals. Employers, service providers, and community organizations across the country have reported that **enforcement activity, and even the threat of enforcement, can disrupt the economy before any large-scale operation occurs.**

Workers may stay home from job sites, avoid public places, or miss school drop-offs and appointments. Businesses may see lower foot traffic and disrupted schedules, while families prepare emergency childcare plans and cut spending to build savings.

These immediate disruptions can have lasting economic consequences: employers lose skills that are difficult to replace, and workers and entrepreneurs hesitate to invest in an uncertain future. Stakeholders described both effects:

> ***"It took two people to replace the work of the one person who left."***
> *– a community advocate*

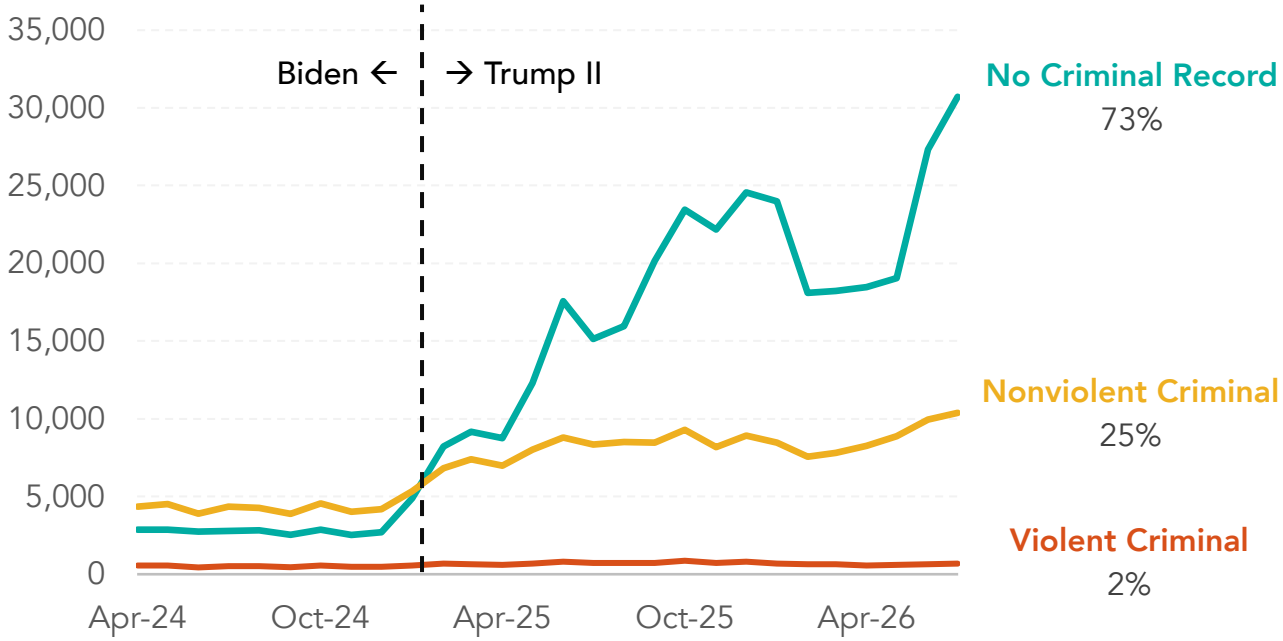
> ***"Someone who isn't sure they'll be able to stay doesn't make a ten-year investment."***
> *– a business stakeholder*

While **Figure 1** shows the rise in detention following interior arrests, **Figure 2** shows that this expansion increasingly involves people with no recorded criminal conviction. Monthly ICE detention book-ins rose from 11,000 in January 2025 to 42,000 in July 2026, nearly quadrupling. The share of book-ins involving people with no recorded criminal conviction increased from 36% in July 2024 to 74% in July 2026.[5]

These figures show that the growing detention system reaches well beyond people with criminal convictions. For communities that rely on long-established immigrant workers in industries like agriculture, hospitality, and healthcare, this trend adds urgency to workforce retention and access to legal support.

Figure 2. Monthly ICE detention book-ins nearly quadrupled from January 2025 to July 2026, while the share involving people with no recorded conviction rose from 36% in July 2025 to 74% in July 2026.

Monthly ICE detention book-ins by conviction history, April 2024-July 2026, U.S.

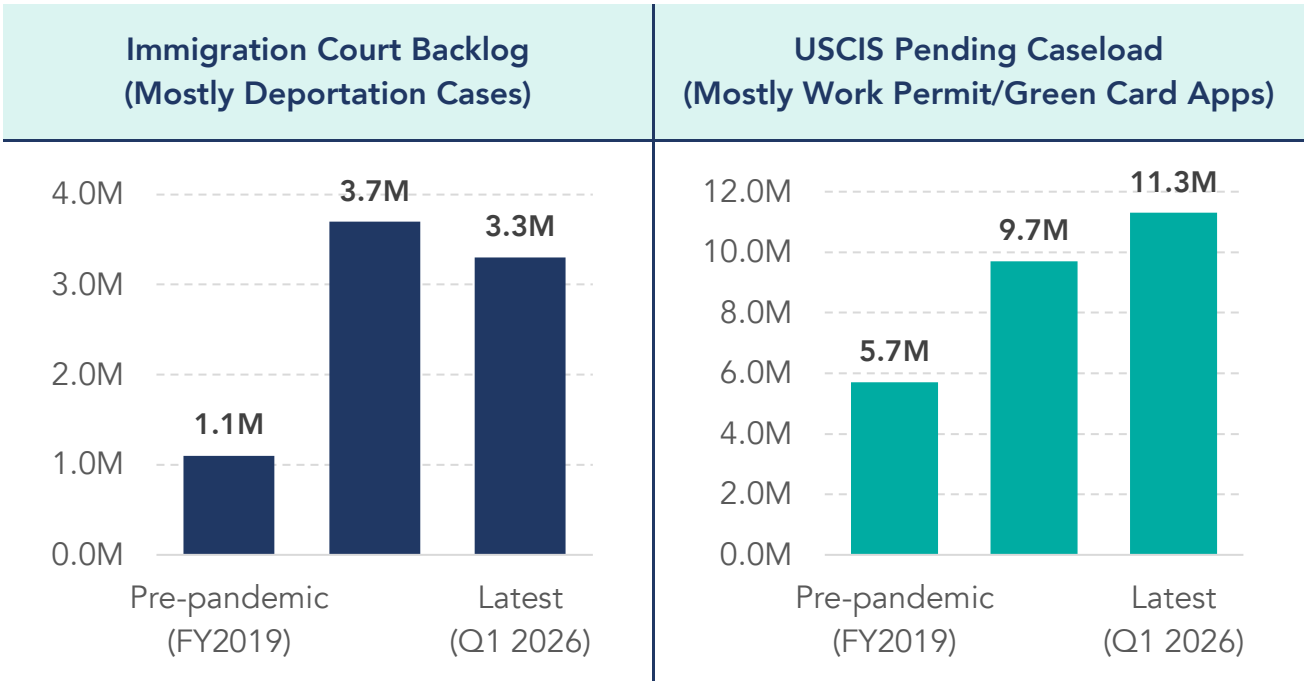


Source: Deportation Data Project. **Analysis**: Bay Area Council Economic Institute.

Nationally, pending immigration court cases grew from about 1.1 million before the pandemic to roughly 3.7 million in January 2025. It has since eased to about 3.3 million in early 2026 but remains nearly three times its pre-pandemic level, while U.S. Citizenship and Immigration Services' own pending caseload nearly doubled, from 5.7 million to 11.3 million cases (**Figure 3**).[6] These trends reflect different processes: the immigration court backlog can shrink as judges issue removal orders, while USCIS's queue grows because applications for benefits such as work permits and green cards arrive faster than the agency decides them.

Figure 3. The immigration court backlog is nearly three times its pre-pandemic level, and USCIS's pending caseload has nearly doubled

Immigration court backlog (pending cases) and USCIS pending caseload, pre-pandemic (FY2019) vs. January 2025 vs. latest available data (Q1 2026)



Source: Migration Policy Institute, TRAC, Niskanen Center. **Analysis**: Bay Area Council Economic Institute.

The smaller immigration court backlog does not necessarily signal relief for immigrants. Of the 101,000 cases closed in June 2026; about 78% ended in a removal order, while fewer than 2% ended with relief. More than two-thirds (68%) of those ordered removed were not present at the hearing where the order was issued.[7] The decline in pending cases thus reflects, in large part, deportation orders.

For individuals and families awaiting a hearing or decision, the backlog means years of legal limbo. Those delays are compounded by the rollback of legal protections: since January 2025, the federal government has announced Temporary Protected Status (TPS) terminations for at least 13 countries and the end of four country-specific humanitarian parole programs. The Institute's recent analysis of Salvadoran TPS holders estimates that California risks losing nearly 35,000 authorized workers and $1.36 billion in annual wages if affected workers cannot retain lawful work authorization.[8]

A Regional Lens: The San Francisco Bay Area

The Bay Area offers a useful lens on how these national shifts play out in a large, diverse metropolitan economy. The nine-county region is home to more than 2.6 million immigrants, an estimated 477,000 of whom are undocumented – almost one in five immigrants. Undocumented workers make up 19% of the region's administrative support and waste management workforce, 15% of accommodation and food services, and 13% of construction, and the Institute estimates that their removal could reduce regional GDP by up to $67 billion a year.[9]

The region also operates within a distinct policy environment shaped by decades of sanctuary protections. Nationwide, at least 1,003 state and local governments had sanctuary policies restricting cooperation with federal immigration enforcement as of 2025.[10] Under California's Values Act (SB 54) and TRUTH Act, state and local law enforcement agencies, including county sheriffs, are limited in the assistance they may provide to federal immigration enforcement, such as honoring ICE detainer requests or granting agents access to jail facilities without a judicial warrant.[11] San Francisco declared itself a "City and County of Refuge" in 1989, and San Jose, Oakland, and other Bay Area cities have since adopted local protections that go beyond the state framework.

Yet these protections have not eliminated uncertainty. In October 2025, federal officials announced a Bay Area enforcement surge, including staging agents at the Coast Guard base in Alameda. Although the operation was ultimately called off, interviews for the Institute's regional analysis found immediate effects on employers, workers, legal service providers, and community organizations – underscoring that announcements alone can reshape behavior.[12] Most enforcement in the region has been targeted – arrests at court check-ins, hearings, and traffic stops rather than large worksite raids – yet employers report lower foot traffic, higher absenteeism, and hiring delays.

Several features of the Bay Area have so far constrained large-scale operations. The three ICE detention facilities serving Northern California are all in Kern County; the closest to San Francisco, the Golden State Annex outside Bakersfield, is more than 260 miles away. The region has also built substantial civic infrastructure, including rapid-response networks such as San Francisco's coalition of 21 community-based organizations that provide legal representation and education to immigrants facing enforcement.[13] Many regions lack some or all of these conditions, which helps explain why the local effects of enforcement can look very different from place to place:

> ***"There are no nearby detention centers that can hold large numbers of people. To move people at scale, agents would have to drive hours into the Central Valley. That alone constrains large operations."***
>
> *– a community-based organization director*

In 2026, plans for a new ICE facility near Gilroy and reported consideration of reopening the former federal prison in Dublin as a detention site drew opposition from lawmakers.[14] The region's distance from detention capacity may help explain why it has experienced less enforcement activity than Southern California, but even one new facility could substantially expand federal enforcement capacity. An expanded federal presence could intensify fear, absenteeism, and reduced consumer spending while increasing demand for legal and emergency services.

As of August 2026, the nine Bay Area counties had more than 111,000 pending immigration court cases, but only 56% recorded legal representation **(Figure 4).** Representation rates ranged from 67% in Contra Costa County to 46% in Sonoma County, leaving roughly 49,000 pending cases across the region without recorded counsel.[15]

The stakes are substantial for residents and workers facing deportation. A national study of more than 1.2 million removal cases found that 63% of never-detained applicants who sought relief with counsel obtained it, compared with 13% without counsel.[16] Although these historical findings do not predict outcomes in any particular region, they show a strong association between representation and the likelihood of obtaining relief.

Figure 4. Legal representation rates in immigration court vary widely, averaging 56% across Bay Area counties.
Total pending immigration court cases and share represented by an attorney, by Bay Area county

County	Total Pending Cases	Share of Cases Represented by an Attorney
Contra Costa	11,733	67.2%
Solano	4,145	66.7%
Alameda	24,879	62.2%
San Francisco	12,022	58.9%
Marin	2,863	58.9%
Napa	1,311	54.3%
San Mateo	15,340	52.3%
Santa Clara	33,919	48.2%
Sonoma	5,096	46.0%
Bay Area total	**111,308**	**56.0%**

Source: TRAC Immigration Reports. **Analysis**: Bay Area Council Economic Institute.

Court capacity in Northern California has also contracted sharply. In September 2026, the U.S. Executive Office for Immigration Review (EOIR) closed the Montgomery Street immigration court in San Francisco, and its docket was reassigned to the Concord Immigration Court, with San Francisco's Sansome Street courthouse continuing only as a hearing location administered by Concord.[17]

Figure 5. Concord is absorbing most of San Francisco's 115,000+ pending cases, in addition to its existing backlog

Listed judges and caseload consolidation, as of September 2026

Court	Judges	Caseload
~~Montgomery St, San Francisco~~ CLOSED IN SEPTEMBER 2026	~~21~~	~~115,000+ cases~~
Concord (now receiving transferred cases)	18	59,000 existing + most of SF's 115,000+ cases
Sansome St, San Francisco (hearing location administered by Concord)	2	Under Concord's administration

Source: EOIR, Sept. 14, 2026. NBC Bay Area / TRAC, Sept. 4, 2026. **Note:** Figures describe the caseload being consolidated under Concord. The exact post-transfer total is not verified. The 2 judges at Sansome St. are included in the 18 judge count for Concord. **Analysis**: Bay Area Council Economic Institute.

Concord's 18 listed immigration judges, including the two who hear cases at Sansome Street, are now responsible for Concord's existing docket of roughly 59,000 cases plus most of San Francisco's 115,000-plus, or up to roughly 9,700 cases per judge. That is about 75% more than the roughly 5,500 cases per judge carried by the 21 judges at the closed Montgomery Street court. For Northern California residents with pending cases, this means less predictable scheduling, including hearings advanced on short notice, more expensive and difficult-to-arrange legal representation, and growing fear of appearing at a courthouse at all.

Limited access to legal help can put household income and workforce stability at risk. Residents who miss a reassigned hearing can be ordered removed in their absence (an *in absentia* order), and challenging that order requires additional legal filings.[18] The resulting uncertainty can disrupt family earnings and employers' staffing. Federal policy has also raised the cost of working legally: as of January 2026, asylum applicants must pay a nonwaivable $560 fee to apply for their first work permit – before they can begin authorized employment.[19]

Conclusion

Federal immigration enforcement is reaching more workplaces and households, and growing detention capacity and increased arrests have widened its economic effects, including for people with no criminal conviction. Meanwhile, immigration courts remain deeply backlogged, leaving families and employers facing prolonged uncertainty.

In the Bay Area, disruption begins before large-scale operations: announcements, rumors, and targeted arrests have kept workers home, reduced foot traffic, and delayed hiring and investment. State protections and civic networks offer support, but court consolidation and gaps in legal representation leave the region vulnerable.

Preparedness requires both access to trusted information and hands-on training to help employers, managers, and workers respond under pressure, backed by legal services and rapid-response networks. As one business-support stakeholder explained:

> ***"A written packet in a drawer doesn't help a manager who's face to face with an agent at 6 a.m."***
>
> *– a business-support stakeholder*

These local efforts can reduce disruption, but lasting stability requires comprehensive federal immigration reform. A pathway to legal status for long-term residents would help stabilize families, retain experienced workers, and give employers greater confidence to hire and invest.

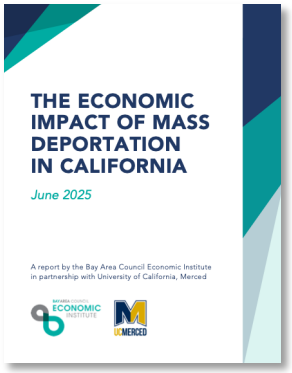
About BACEI

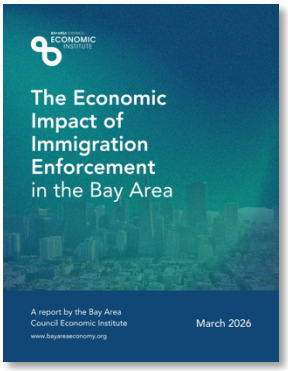
Since 1990, the Bay Area Council Economic Institute has been a leading think tank focused on the economy of the San Francisco/Silicon Valley Bay Area. Through its economic and policy research and its partnerships, the Economic Institute addresses issues impacting the competitiveness, economic development, and quality of life of the region and California.

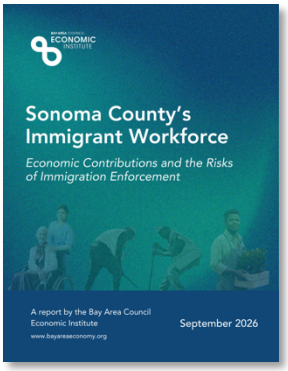
The Economic Institute is housed at and supported by the Bay Area Council, a public policy organization that includes hundreds of the region's largest employers and is committed to keeping the Bay Area the most innovative, sustainable, inclusive, and globally competitive region in the world.

Read related research from the Economic Institute:

- Sonoma County's Immigrant Workforce: Economic Contributions and the Risks of Immigration Enforcement (Sep 2026)
- The Economic Impact of Immigration Enforcement in the Bay Area (Mar 2026)
- The Economic Impact of Mass Deportation in California (Jun 2025)







Endnotes

[2] Secure America Act, S. 2, 119th Cong. (2026). https://www.congress.gov/bill/119th-congress/senate-bill/2/text

National Low Income Housing Coalition. (2026, June 15). *House Republicans pass and President signs into law "Reconciliation 2.0," providing $70 billion for ICE and CBP*. https://nlihc.org/resource/house-republicans-pass-and-president-signs-law-reconciliation-20-providing-70-billion-ice

[3] Dinan, S. (2026, April 15). ICE sets 1 million deportation target for 2026, 2027. *The Washington Times*. https://www.washingtontimes.com/news/2026/apr/15/ice-sets-1-million-deportation-target-2026-2027/

Chishti, M., Bush-Joseph, K., & Putzel-Kavanaugh, C. (2026, January 13). *Unleashing power in new ways: Immigration in the first year of Trump 2.0*. Migration Policy Institute. https://www.migrationpolicy.org/article/trump-2-immigration-1st-year

[4] Deportation Data Project. (2026). *Immigration and Customs Enforcement* [Data set]. University of California, Berkeley, School of Law, and University of California, Los Angeles. https://deportationdata.org/data/processed/ice.html

[5] Deportation Data Project. (2026). *Immigration and Customs Enforcement* [Data set]. University of California, Berkeley, School of Law, and University of California, Los Angeles. https://deportationdata.org/data/processed/ice.html

[6] Reichlin-Melnick, A. (2019, September 24). *How the immigration court reached a record one million case backlog*. American Immigration Council. https://www.americanimmigrationcouncil.org/blog/immigration-court-backlog-cases/

Transactional Records Access Clearinghouse. (2025, March 20). *Immigration court backlog: Overall down, asylum backlog up*. Syracuse University. https://tracreports.org/whatsnew/email.250320.html

Transactional Records Access Clearinghouse. (2026, March 24). *Immigration court operations: February 2026 update*. Syracuse University. https://tracreports.org/whatsnew/email.260324.html

Cato Institute. (n.d.). *Processing backlogs in the U.S. immigration system: Describing the scale of the problem*. https://www.cato.org/briefing-paper/processing-backlogs-us-immigration-system-describing-scale-problem

American Immigration Council. (2026, August). *USCIS filing trends: New data shows immigration processing falling further behind.* https://www.americanimmigrationcouncil.org/blog/uscis-immigration-processing-trends-2026/

[7] Transactional Records Access Clearinghouse. (2026, July 21). *Removal orders jump while immigration court closures top 100,000 in June 2026.* https://tracreports.org/reports/776/

[8] Bay Area Council Economic Institute. (2026, September 9). El Salvador TPS is set to expire: What California employers could lose. https://www.bayareaeconomy.org/el-salvador-tps-is-set-to-expire-what-california-employers-could-lose/

[9] Bay Area Council Economic Institute. (2026, March). The economic impact of immigration enforcement in the Bay Area. https://www.bayareaeconomy.org/report/economic-impact-of-immigration-enforcement-bayarea/

[10] Bay Area Council Economic Institute. (2026, March). The economic impact of immigration enforcement in the Bay Area. https://www.bayareaeconomy.org/report/economic-impact-of-immigration-enforcement-bayarea/

[11] California Values Act, S.B. 54, 2017–2018 Reg. Sess. (Cal. 2017). https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB54

Transparent Review of Unjust Transfers and Holds (TRUTH) Act, A.B. 2792, 2015–2016 Reg. Sess. (Cal. 2016). https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160AB2792

[12] Jones, C. (2025, October 23). Trump calls off immigration enforcement surge in San Francisco. *CalMatters*. https://calmatters.org/justice/2025/10/trump-cancels-san-francisco-immigration-surge/

[13] Bay Area Council Economic Institute. (2026, March). The economic impact of immigration enforcement in the Bay Area. https://www.bayareaeconomy.org/report/economic-impact-of-immigration-enforcement-bayarea/

[14] Dahlstrom-Eckman, A. (2026, May 14). Santa Clara County leaders say they'll fight planned ICE facility in Gilroy. *KQED*. https://www.kqed.org/news/12083600/santa-clara-county-leaders-say-theyll-fight-planned-ice-facility-in-gilroy

Schiff, A., Padilla, A., & DeSaulnier, M. (2026, February). *Letter to Secretary Kristi Noem regarding FCI Dublin* [Letter]. https://www.schiff.senate.gov/wp-content/uploads/2026/02/FINAL-FCI-Dublin-letter-to-Sec-Noem.pdf

[15] Transactional Records Access Clearinghouse. (2026). *Pending court cases by immigrant's address* [Data tool]. Syracuse University. https://tracreports.org/phptools/immigration/addressrep/

[16] Eagly, I., & Shafer, S. (2016). Access to counsel in immigration court. American Immigration Council. https://www.americanimmigrationcouncil.org/report/access-counsel-immigration-court/

[17] Executive Office for Immigration Review. (2026, May 1). *EOIR to close the San Francisco Immigration Court* [Press release]. U.S. Department of Justice. https://www.justice.gov/eoir/media/1439236/dl?inline=

Executive Office for Immigration Review. (n.d.). *Concord Immigration Court*. U.S. Department of Justice. Retrieved September 14, 2026, from https://www.justice.gov/eoir/concord-immigration-court

Gutierrez, H., & Bott, M. (2026, September 4). San Francisco's immigration court permanently closes, shifts cases to Concord. *NBC Bay Area*. https://www.nbcbayarea.com/news/local/san-franciscos-immigration-court-closed/4138166/

[18] Executive Office for Immigration Review. (n.d.). *3.16—In absentia hearing*. U.S. Department of Justice. https://www.justice.gov/eoir/policy-manual-eoir/part-II/icpm/chapter-3-16

[19] U.S. Citizenship and Immigration Services. (2025, July 18). *USCIS updates fees based on H.R. 1*. https://iptp-production.s3.amazonaws.com/media/documents/2025.07.18_USCIS_Updates_Fees_Based_on_H.R._1.pdf