



Secure Communities

Fiscal Year 2021, First Quarter

March 2, 2022

Fiscal Year 2021 Report to Congress



**Homeland
Security**

U.S. Immigration and Customs Enforcement

Message from the Acting Director

March 2, 2022

I am pleased to present the following report, "Secure Communities," for the first quarter of Fiscal Year (FY) 2021, which has been prepared by U.S. Immigration and Customs Enforcement (ICE).

This report was compiled pursuant to direction in House Report 116-458, which accompanies the FY 2021 Department of Homeland Security (DHS) Appropriations Act (P.L. 116-260).

Pursuant to congressional guidelines, this report is being provided to the following Members of Congress:



The Honorable Lucille Roybal-Allard
Chairwoman, House Appropriations Subcommittee on Homeland Security

The Honorable Chuck Fleischmann
Ranking Member, House Appropriations Subcommittee on Homeland Security

The Honorable Chris Murphy
Chair, Senate Appropriations Subcommittee on Homeland Security

The Honorable Shelley Moore Capito
Ranking Member, Senate Appropriations Subcommittee on Homeland Security

Inquiries related to this report may be directed to me at (202) 732-3000.

Sincerely,

A handwritten signature in black ink, appearing to read "Tae D. Johnson". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Tae D. Johnson
Acting Director
U.S. Immigration and Customs Enforcement

Executive Summary

House Report 116-458 accompanying the FY 2021 DHS Appropriations Act (P.L. 116-260) directs ICE to continue the reporting that is detailed in prior reports, which direct ICE to report metrics related to secure communities and detainers issued to state and local law enforcement agencies. ICE is unable to report statistically on several variables in the manner requested because of a variety of technical constraints, which are discussed in this report. However, ICE is able to provide data on the detainers that it issues, broken down by criminal history, gender, and nationality.



Secure Communities Fiscal Year 2021, First Quarter

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I. Legislative Language

This report was compiled in response to direction in House Report 116-458, which accompanies the Fiscal Year (FY) 2021 Department of Homeland Security (DHS) Appropriations Act (P.L. 116-260).

House Report 116-458 states:

Detention Inspection Reporting.—ICE shall continue to report and make public the following, as described in House Report 116–9, and shall follow the previously directed timeframes unless otherwise specified:

- (1) Secure Communities report ...

The Joint Explanatory Statement (House Report 116-9) accompanying the FY 2019 DHS Appropriations Act (P.L. 116-6) states:

ICE shall continue to report and make public the following, as detailed in House Report 115-239, and shall follow the previously directed timeframes unless otherwise specified.:

- Secure Communities report ...

House Report 115-239 accompanying the FY 2018 DHS Appropriations Act (P.L. 115-141) states:

Within 90 days after the date of enactment of this Act, and monthly thereafter, the Director of ICE shall submit to the Committee a Secure Communities report, including the number of detainer requests issued, actual custody transfers to ICE, and releases by state and local law enforcement jurisdiction, criminal category, conviction status, date of any conviction, immigration status, gender, country of citizenship, and enforcement priority, and shall make this information publicly available on its website.

II. Background

Congress first provided instructions for this report in House Report 115-239, which required U.S. Immigration and Customs Enforcement (ICE) to submit “a Secure Communities report, including the number of detainer requests issued, actual custody transfers to ICE, and releases by state and local law enforcement jurisdiction, criminal category, conviction status, date of any conviction, immigration status, gender, country of citizenship, and enforcement priority.”

Secure Communities uses a federal information-sharing partnership between DHS and the Federal Bureau of Investigation (FBI) that helps to identify in-custody noncitizens without imposing new or additional requirements on state and local law enforcement. For decades, local jurisdictions have shared with the FBI the fingerprints of individuals arrested and/or booked into custody to see if those individuals have a criminal record and outstanding warrants. Under Secure Communities, the FBI automatically sends the fingerprints to DHS to check against its immigration databases. Using this information, ICE can issue detainer requests and ultimately can take individuals into custody where appropriate.

ICE is unable to report on the data in the manner contained in the legislative direction because of the following technical constraints:

- Secure Communities is a system that allows for interoperability and information-sharing rather than a program to which officers are assigned. As a result, no associated enforcement metrics are in ICE’s system of record.
- ICE cannot report on releases conducted by state or local law enforcement agencies (LEA) because this information generally is not communicated to ICE by these LEAs.
- Detainers and initial book-ins to ICE custody are independent variables in ICE’s system of record and are not linked directly, so it is not possible to produce reliable, large-scale reporting on custody transfer because of ICE detainers.
- ICE does not report on the priorities laid out in Executive Order (EO) 13768 (now revoked), many of which cannot be determined through data stored in the system of record.
- Currently, immigration status is not available for statistical reporting.

However, to provide Congress with information on detainer issuance, ICE has produced data on detainers issued organized by criminal history, gender, and country of citizenship.

III. Analysis/Discussion

ICE issues detainers and requests for notification to LEAs to provide notice of its intent to assume custody of a noncitizen detained in federal, state, or local custody. Detainers are placed on noncitizens arrested on criminal charges whom ICE has reason to believe are removable from the United States. A detainer requests that an LEA notify ICE as early as practicable, ideally at least 48 hours, before a removable noncitizen is released from criminal custody and that the LEA briefly maintain custody of the noncitizen for up to 48 hours to allow ICE to assume custody for removal purposes.

A detainer is recorded in the system of record when the form is printed. Printing of the detainer form does not correspond necessarily one-to-one with the issuance of a detainer to a local LEA, as a single detainer may be printed multiple times. Each time a detainer is printed, it is recorded as a distinct detainer. The numbers below reflect detainers recorded in the system of record.

FY 2021 1st Quarter (Q1)¹ Enforcement and Removal Operations (ERO) Detainers Prepared by Gender and Criminality²

Gender	Convicted Criminal	Pending Criminal Charges	Other Immigration Violator	Total
Total	9,436	20,374	1,340	31,150
Female	386	1,769	78	2,233
Male	9,043	18,556	1,253	28,852
Unknown	7	49	9	65

¹ FY 2021 year-to-date ERO detainers data are filtered through 12/31/2020 (ICE Integrated Decision Support v1.34 run date 02/01/2021; Enforcement Integrated Database as of 01/30/2021).

² Starting in FY 2018, ICE defines immigration violators' criminality in the following manner: Convicted criminals are immigration violators with a criminal conviction entered into ICE systems of record at the time of the enforcement action. Pending criminal charges means immigration violators with pending criminal charges entered into the ICE system of record at the time of the enforcement action. Other immigration violators are immigration violators without any known criminal convictions or pending charges entered into ICE system of record at the time of the enforcement action.

FY 2021 Q1 Detainers Prepared by Country of Citizenship and Criminality

Country of Citizenship	Convicted Criminal	Pending Criminal Charges	Other Immigration Violator	Total
Total	9,436	20,374	1,340	31,150
AFGHANISTAN	6	9	1	16
ALBANIA	1	1	-	2
ALGERIA	2	-	-	2
ANGOLA	3	5	1	9
ANTIGUA-BARBUDA	-	1	-	1
ARGENTINA	11	9	2	22
ARMENIA	6	19	1	26
ARUBA	2	-	-	2
AUSTRALIA	2	4	-	6
AUSTRIA	2	1	-	3
AZERBAIJAN	4	4	-	8
BAHAMAS	7	19	3	29
BANGLADESH	2	10	-	12
BARBADOS	3	-	-	3
BELARUS	3	5	-	8
BELGIUM	-	1	-	1
BELIZE	5	16	1	22
BHUTAN	4	4	-	8
BOLIVIA	7	16	-	23
BOSNIA-HERZEGOVINA	4	1	-	5
BOTSWANA	-	1	-	1
BRAZIL	28	180	4	212
BULGARIA	-	4	1	5
BURKINA FASO	3	12	-	15
BURMA	14	2	-	16
BURUNDI	5	1	-	6
CAMBODIA	12	11	-	23
CAMEROON	2	7	2	11
CANADA	24	33	2	59
CAPE VERDE	2	7	-	9
CHAD	-	1	-	1
CHILE	11	42	3	56
CHINA, PEOPLES REPUBLIC OF	20	119	8	147

Country of Citizenship	Convicted Criminal	Pending Criminal Charges	Other Immigration Violator	Total
COLOMBIA	72	183	23	278
CONGO	-	2	-	2
COSTA RICA	7	11	1	19
CROATIA	-	1	-	1
CUBA	205	163	16	384
CZECH REPUBLIC	-	4	-	4
CZECHOSLOVAKIA	-	2	-	2
DEM REP OF THE CONGO	7	3	-	10
DENMARK	2	-	-	2
DOMINICA	3	3	-	6
DOMINICAN REPUBLIC	207	245	13	465
ECUADOR	53	157	6	216
EGYPT	1	14	-	15
EL SALVADOR	542	1,356	82	1,980
EQUATORIAL GUINEA	1	7	-	8
ERITREA	5	-	-	5
ESWATINI	2	-	-	2
ETHIOPIA	12	7	1	20
FIJI	1	7	-	8
FRANCE	1	11	-	12
FRENCH GUIANA	-	1	-	1
GABON	-	1	-	1
GAMBIA	2	7	2	11
GEORGIA	1	12	-	13
GERMANY	6	8	-	14
GHANA	10	17	1	28
GREECE	1	4	1	6
GRENADA	3	5	-	8
GUADELOUPE	2	1	4	7
GUATEMALA	677	2,455	157	3,289
GUINEA	4	2	-	6
GUINEA-BISSAU	-	1	-	1
GUYANA	13	35	2	50
HAITI	46	71	5	122
HONDURAS	713	2,043	90	2,846
HUNGARY	2	9	1	12
ICELAND	-	1	-	1

Country of Citizenship	Convicted Criminal	Pending Criminal Charges	Other Immigration Violator	Total
INDIA	24	161	8	193
INDONESIA	-	4	1	5
IRAN	28	13	4	45
IRAQ	7	14	1	22
IRELAND	1	6	-	7
ISRAEL	6	11	1	18
ITALY	3	11	1	15
IVORY COAST	1	4	-	5
JAMAICA	77	160	8	245
JAPAN	-	3	-	3
JORDAN	5	22	2	29
KAZAKHSTAN	4	3	-	7
KENYA	16	24	1	41
KOREA ³	3	8	-	11
KOSOVO	2	3	-	5
KUWAIT	3	6	-	9
KYRGYZSTAN	-	5	-	5
LAOS	57	38	3	98
LATVIA	3	4	-	7
LEBANON	-	7	-	7
LIBERIA	30	11	1	42
LIBYA	2	3	-	5
LITHUANIA	2	5	-	7
MACAU	-	2	3	5
MALAWI	-	2	-	2
MALAYSIA	2	2	-	4
MALI	3	10	-	13
MARSHALL ISLANDS	2	3	-	5
MAURITANIA	2	4	-	6
MEXICO	5,854	11,397	791	18,042
MICRONESIA, FEDERATED STATES OF	12	2	-	14

³ Country of Citizenship data are recorded exactly as they exist in the system of record at the time that the data are pulled. "Korea" is available in the Enforcement Integrated Database's Arrest Graphical User Interface for Law Enforcement system and the Enforcement Case Tracking Systems' Alien Removal Module as an option for officers to select when preparing documents. If "Korea" is selected, there is not sufficient information in the database to differentiate between North or South Korea, and thus the entry can be reported only as "Korea." Similarly, "USSR" exists as an option in the system.

Country of Citizenship	Convicted Criminal	Pending Criminal Charges	Other Immigration Violator	Total
MOLDOVA	2	2	-	4
MONGOLIA	1	10	-	11
MONTENEGRO	-	3	-	3
MOROCCO	5	6	-	11
MOZAMBIQUE	-	1	-	1
NEPAL	-	6	-	6
NETHERLANDS	3	-	-	3
NEW ZEALAND	1	2	-	3
NICARAGUA	41	116	10	167
NIGER	5	24	2	31
NIGERIA	22	70	3	95
NORTH MACEDONIA	-	7	-	7
NORWAY	-	1	-	1
PAKISTAN	8	16	-	24
PALAU	2	1	-	3
PANAMA	7	7	-	14
PARAGUAY	1	5	-	6
PERU	29	62	4	95
PHILIPPINES	19	44	1	64
POLAND	7	33	-	40
PORTUGAL	2	21	1	24
ROMANIA	14	45	7	66
RUSSIA	16	26	1	43
RWANDA	1	4	-	5
SAMOA	-	1	-	1
SAUDI ARABIA	2	12	2	16
SENEGAL	4	9	-	13
SERBIA	-	3	-	3
SERBIA AND MONTENEGRO	-	5	-	5
SIERRA LEONE	6	8	-	14
SINGAPORE	-	1	-	1
SLOVAKIA	1	3	-	4
SLOVENIA	-	1	-	1
SOLOMON ISLANDS	-	1	-	1
SOMALIA	22	8	1	31
SOUTH AFRICA	3	7	1	11
SOUTH KOREA	10	12	-	22

Country of Citizenship	Convicted Criminal	Pending Criminal Charges	Other Immigration Violator	Total
SOUTH SUDAN	3	1	-	4
SPAIN	3	31	-	34
SRI LANKA	5	8	-	13
ST. LUCIA	3	4	1	8
ST. VINCENT-GRENADINES	2	4	1	7
SUDAN	21	11	3	35
SURINAME	1	-	-	1
SWEDEN	-	6	-	6
SYRIA	2	-	-	2
TAIWAN	-	4	-	4
TAJKISTAN	-	2	-	2
TANZANIA	2	3	-	5
THAILAND	19	15	1	35
TOGO	-	1	-	1
TONGA	1	7	-	8
TRINIDAD AND TOBAGO	10	16	-	26
TUNISIA	-	2	-	2
TURKEY	2	9	1	12
TURKS AND CAICOS ISLANDS	1	-	-	1
UGANDA	2	8	-	10
UKRAINE	10	15	-	25
UNITED KINGDOM	18	27	-	45
UNKNOWN	20	71	22	113
URUGUAY	1	6	3	10
USSR ³	5	6	-	11
UZBEKISTAN	2	10	-	12
VENEZUELA	19	76	8	103
VIETNAM	100	88	8	196
YEMEN	1	4	-	5
YUGOSLAVIA	1	2	-	3
ZAMBIA	1	5	-	6
ZIMBABWE	2	7	-	9

IV. Conclusion

As with any LEA, ICE's top priority is to ensure the safety and protection of communities nationwide. In accordance with EO 13768 (revoked on January 20, 2021, by EO 13993), all individuals subject to detainer requests through the Secure Communities Program in Q1 of FY 2021 fell into the following categories:

- (a) Have been convicted of any criminal offense;
- (b) Have been charged with any criminal offense, where such charge has not been resolved;
- (c) Have committed acts that constitute a chargeable criminal offense;
- (d) Have engaged in fraud or willful misrepresentation in connection with any official matter or application before a governmental agency;
- (e) Have abused any program related to receipt of public benefits;
- (f) Are subject to a final order of removal, but who have not complied with their legal obligation to depart the United States; or
- (g) In the judgement of an immigration officer, otherwise pose a risk to public safety and national security.

Appendix: Abbreviations

Abbreviation	Definition
DHS	Department of Homeland Security
EO	Executive Order
ERO	Enforcement and Removal Operations
FBI	Federal Bureau of Investigation
FY	Fiscal Year
ICE	U.S. Immigration and Customs Enforcement
LEA	Law Enforcement Agency
Q1	First Quarter