



Secure Communities

Fiscal Year 2021, Third Quarter

April 28, 2022

Fiscal Year 2021 Report to Congress



**Homeland
Security**

U.S. Immigration and Customs Enforcement

Message from the Acting Director

April 28, 2022

I am pleased to present the following report, "Secure Communities," for the third 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 blue ink, appearing to read "Tae D. Johnson", written over a light blue horizontal line.

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 the 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, Third 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 shared with the FBI 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 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; it is not possible to produce reliable, large-scale reporting on custody transfer because of ICE detainers.
- Currently, immigration status is not available for statistical reporting.

However, to provide Congress with information on detainer issuance, ICE produced data on detainers issued, broken down 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.¹

A detainer is recorded in the system of record when a form is printed. Printing of a 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 3rd Quarter (Q3)² Enforcement and Removal Operations (ERO) Detainers Prepared by Gender and Criminality³

Gender	Convicted Criminal	Pending Criminal Charges	Other Immigration Violator	Total
Total	4,868	2,357	268	7,493
Female	147	81	12	240
Male	4,719	2,270	256	7,245
Unknown	2	6	-	8

¹ <https://www.ice.gov/identify-and-arrest/detainers/ice-detainers-frequently-asked-questions>.

² FY 2021 year-to-date ERO detainers data are filtered from 4/01/2021 to 6/30/2021 (ICE Integrated Data Support v1.34 run date 7/12/2021; Enforcement Integrated Database as of 7/10/2021).

³ 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 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 Q3 Detainers Prepared by Country of Citizenship and Criminality

Country of Citizenship	Convicted Criminal	Pending Criminal Charges	Other Immigration Violator	Total
Total	4,868	2,357	268	7,493
AFGHANISTAN	4	1	1	6
ALBANIA	-	1	-	1
ALGERIA	2	2	-	4
ARGENTINA	3	1	-	4
ARMENIA	15	4	-	19
AUSTRALIA	1	-	-	1
AZERBAIJAN	6	-	-	6
BAHAMAS	11	6	-	17
BANGLADESH	3	2	-	5
BARBADOS	1	-	-	1
BELARUS	1	-	-	1
BELIZE	5	4	-	9
BENIN	-	1	-	1
BHUTAN	3	-	-	3
BOLIVIA	1	1	1	3
BOSNIA-HERZEGOVINA	4	-	-	4
BRAZIL	13	17	-	30
BURKINA FASO	1	-	-	1
BURMA	12	2	1	15
BURUNDI	2	-	-	2
CAMBODIA	13	1	-	14
CAMEROON	2	1	-	3
CANADA	17	5	2	24
CAPE VERDE	3	2	-	5
CHILE	13	12	-	25
CHINA, PEOPLES REPUBLIC OF	17	8	2	27
COLOMBIA	52	29	8	89
CONGO	2	-	-	2
COSTA RICA	2	3	-	5
CUBA	126	26	7	159
CZECHOSLOVAKIA	1	-	-	1
DEM REP OF THE CONGO	3	1	1	5
DOMINICAN REPUBLIC	157	106	3	266

Country of Citizenship	Convicted Criminal	Pending Criminal Charges	Other Immigration Violator	Total
ECUADOR	33	31	2	66
EGYPT	3	1	-	4
EL SALVADOR	281	166	12	459
ERITREA	2	-	-	2
ESTONIA	1	-	-	1
ETHIOPIA	11	2	-	13
FIJI	2	1	1	4
FRANCE	3	1	-	4
GAMBIA	1	-	-	1
GEORGIA	2	1	-	3
GERMANY	5	-	-	5
GHANA	5	5	-	10
GREECE	-	1	-	1
GRENADA	1	-	-	1
GUATEMALA	302	297	24	623
GUINEA	-	1	-	1
GUYANA	3	9	-	12
HAITI	28	12	-	40
HONDURAS	318	249	19	586
HONG KONG	-	1	-	1
INDIA	7	12	-	19
INDONESIA	1	-	-	1
IRAN	27	1	1	29
IRAQ	13	1	-	14
IRELAND	-	1	-	1
ISRAEL	1	-	-	1
ITALY	1	2	-	3
IVORY COAST	3	1	-	4
JAMAICA	50	22	2	74
JAPAN	-	1	-	1
JORDAN	3	2	-	5
KAZAKHSTAN	1	2	-	3
KENYA	2	4	-	6

Country of Citizenship	Convicted Criminal	Pending Criminal Charges	Other Immigration Violator	Total
KOREA ⁴	3	1	-	4
KOSOVO	-	1	-	1
LAOS	67	12	1	80
LEBANON	5	1	-	6
LIBERIA	13	2	-	15
MALAYSIA	2	-	-	2
MALI	1	1	-	2
MARSHALL ISLANDS	4	-	-	4
MEXICO	2,836	1,120	143	4,099
MICRONESIA, FEDERATED STATES OF	8	-	-	8
MOLDOVA	2	-	-	2
MONTENEGRO	1	-	-	1
MOROCCO	2	-	-	2
NAMIBIA	-	1	-	1
NEPAL	1	-	-	1
NETHERLANDS	1	-	-	1
NEW ZEALAND	1	-	-	1
NICARAGUA	24	10	2	36
NIGER	-	1	-	1
NIGERIA	17	13	1	31
PAKISTAN	5	2	2	9
PALAU	1	-	-	1
PANAMA	6	1	-	7
PARAGUAY	-	1	-	1
PERU	13	7	-	20
PHILIPPINES	15	5	1	21
POLAND	4	2	-	6
PORTUGAL	2	2	-	4
ROMANIA	16	12	-	28
RUSSIA	8	2	-	10
RWANDA	1	-	-	1
SAUDI ARABIA	-	1	-	1

⁴ 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."

Country of Citizenship	Convicted Criminal	Pending Criminal Charges	Other Immigration Violator	Total
SENEGAL	4	2	-	6
SERBIA	-	1	-	1
SIERRA LEONE	3	-	-	3
SOMALIA	13	3	-	16
SOUTH AFRICA	1	1	-	2
SOUTH KOREA	3	1	1	5
SOUTH SUDAN	2	-	-	2
SPAIN	2	8	-	10
ST. LUCIA	1	2	-	3
ST. VINCENT-GRENADINES	1	-	-	1
SUDAN	11	-	-	11
SWEDEN	1	-	-	1
SYRIA	3	-	-	3
TAIWAN	1	-	1	2
TAJIKISTAN	4	-	-	4
TANZANIA	3	-	-	3
THAILAND	8	2	-	10
TOGO	1	-	-	1
TONGA	1	-	-	1
TRINIDAD AND TOBAGO	7	2	2	11
UGANDA	1	-	-	1
UKRAINE	5	5	-	10
UNITED KINGDOM	7	3	1	11
UNKNOWN	13	12	21	46
USSR ⁵	5	1	-	6
UZBEKISTAN	2	-	-	2
VENEZUELA	7	39	-	46
VIETNAM	88	13	5	106
YEMEN	1	-	-	1
YUGOSLAVIA	2	-	-	2
ZAMBIA	1	1	-	2
ZIMBABWE	1	-	-	1

⁵ Country of Citizenship data are recorded exactly as they exist in the system of record at the time that the data are pulled. "USSR" is available in the Enforcement integrated database 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. ICE further notes that some noncitizens have resided in the United States for significant lengths of time. As a result, these noncitizens are citizens of geopolitical entities that no longer exist, including the USSR.

IV. Conclusion

ICE's enforcement and removal priorities include threats to national security, border security, and public safety.

Cooperation from other LEAs is critical for ICE to fulfill its mission. Further, the safety of the community, law enforcement personnel, and the criminal noncitizen is protected better when ICE officers take custody in the controlled environment of another LEA. By honoring ICE detainees associated with noncitizens who are threats to national security, border security, or public safety, LEAs help to keep communities safe.

Appendix: Abbreviations

Abbreviation	Definition
DHS	Department of Homeland Security
ERO	Enforcement and Removal Operations
FBI	Federal Bureau of Investigation
FY	Fiscal Year
ICE	U.S. Immigration and Customs Enforcement
LEA	Law Enforcement Agency
Q3	Third Quarter