

DHS Immigration Enforcement: 2016

The Department of Homeland Security (DHS) engages in immigration enforcement actions to prevent unlawful entry into the United States and to apprehend and repatriate aliens who have violated or failed to comply with U.S. immigration laws. In 2014, the Secretary of Homeland Security announced a number of measures to strengthen and unify the Department’s immigration enforcement priorities by concentrating resources on the arrest, detention, and removal of individuals identified as posing a threat to national security, public safety, or border security. The 2014 priorities emphasize criminal convictions over criminal arrests, and focus on felonies and significant or multiple misdemeanors over minor infractions of the law. The priorities also focus on forward-looking efforts to further reduce unlawful migration by targeting recent border crossers and those who significantly abuse the visa system.

In support of this prioritization, Secretary Jeh Johnson established three tiers of enforcement categories that are defined in his November 20, 2014 memorandum, *Policies for the Apprehension, Detention and Removal of Undocumented Immigrants*. The priority categories are summarized in Box 1 and reproduced in **APPENDIX 1**.

To assess the Department’s performance in this area, Secretary Johnson directed the Office of Immigration Statistics (OIS) to develop a comprehensive system for tracking, monitoring, and analyzing enforcement actions. This data collection system was implemented midway through FY 2015. This 2016 report covers the first full fiscal year of DHS enforcement actions for

which the 2014 Department-wide enforcement priority categories were in place.

KEY FINDINGS

As the data included in this report reveal, the Department’s immigration enforcement entities—U.S. Border Patrol (USBP) and the Office of Field Operations (OFO) within U.S. Customs and Border Protection (CBP), and Enforcement and Removal Operations (ERO) and Homeland Security Investigations (HSI) within U.S. Immigration and Customs Enforcement (ICE)—consistently enforced the Department’s priorities at each point in the enforcement process during FY 2016. These data show:

- 98 percent of initial enforcement actions—a set of actions that includes OFO determinations of inadmissibility, USBP apprehensions, and ICE administrative arrests—involved aliens who were classified within one of the three enforcement priority categories. 91 percent were classified within a Priority 1 category.
- 98 percent of intakes to ICE detention were classified within one of the three enforcement priority categories. 88 percent were classified within a Priority 1 category.
- Virtually all (99.7 percent) removals and returns were classified within one of the three enforcement priority categories. 94 percent were classified within a Priority 1 category.
- The great majority of cases at each stage of the enforcement process were classified as Priority 1B (Border Security). This category includes aliens

Box 1.

Enforcement Priority Categories*

Priority 1A: National Security Interests

Priority 1B: Border Security

Priority 1C: Street Gangs

Priority 1D: Felonies

Priority 1E: Aggravated Felonies

Priority 2A: 3+ Misdemeanors

Priority 2B: Significant Misdemeanors

Priority 2C: Entry since January 2014

Priority 2D: Significant Visa Abuse

Priority 3: Removal Order after January 2014

*See Appendix 1 for full descriptions.



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Box 2.

Definitions and Terms

Apprehension: An action by a law enforcement agency to take physical control of a person. References to apprehensions in this report refer exclusively to those conducted by USBP.

Determination of Inadmissibility: A determination that an alien is ineligible to be admitted to the United States according to the provisions of the Immigration and Nationality Act (INA) § 212(a). References to determinations of inadmissibility in this report refer exclusively to determinations by OFO occurring at ports of entry.

Administrative Arrest: The arrest of an alien who is charged with removability under the provisions of the Immigration and Nationality Act (INA). References to administrative arrests in this report refer exclusively to arrests by ICE (ERO and HSI) occurring within the interior of the United States.

Detention: The physical custody of an alien in order to hold them pending a determination whether the alien is removable from the United States, or while awaiting transportation to their country of citizenship after a final order of removal has been entered. References to detention and “intake to detention” in this report refer exclusively to detention by ICE during or after removal proceedings; they do not include short-term periods of time an individual is held by CBP during processing, prior to a removal or return, or prior to a transfer of custody to ICE or another appropriate entity. They also do not include detention in Office of Refugee Resettlement or Mexican Interior Repatriation Program facilities.

Removal: The compulsory and confirmed movement of an inadmissible or deportable alien out of the United States based on an order of removal. An alien who is removed, as opposed to being returned or leaving the country under an order of voluntary departure, faces administrative or criminal consequences upon subsequent reentry.

Return: The confirmed movement of an inadmissible or deportable alien out of the United States not based on an order of removal. Data on returns in this report include voluntary returns, aliens leaving the country under an order of voluntary departure, and withdrawals under docket control.

identified at or near the border while attempting or furthering an unlawful entry or at a port of entry while applying for admission into the United States. Overall, 84 percent of initial enforcement actions, 72 percent of intakes to ICE detention, and 85 percent of removals and returns involved people identified at or near the border.¹ Each of these proportions was up slightly from FY 2015.²

- In light of the high share of enforcement actions classified within the three main priority categories, very few actions were classified as priority unknown or other federal interest. Overall, less than 1.5 percent of initial enforcement actions, less than 2 percent of intakes to detention, and less than 0.5 percent of removals and returns had unknown priority classifications. Less than 0.5 percent of initial enforcement actions and of intakes to detention and less than 0.1 percent of removals and returns were classified as other federal interest.

METHODOLOGY AND APPROACH

This report combines data collected at ports of entry by OFO, data collected between the ports by USBP, and data collected within the United States by ERO and HSI. The report covers the first full fiscal year for which the November 2014 priorities were implemented and priority data were systematically recorded. The report includes a snapshot of enforcement actions based on data that were available as of December 1, 2016; OIS will publish updated information on FY 2016 enforcement actions as additional data become available.

¹ Given the flow of cases through the immigration enforcement system, many of the same individuals who are classified upon apprehension or administrative arrest are also classified upon intake to ICE detention and/or upon removal or return.

² Except where otherwise indicated, references to FY 2015 refer to the seven-month period March through September, the months for which FY 2015 enforcement priority data are available.

OIS reports on enforcement actions and implementation of the 2014 priorities at each of three main stages in the enforcement process:

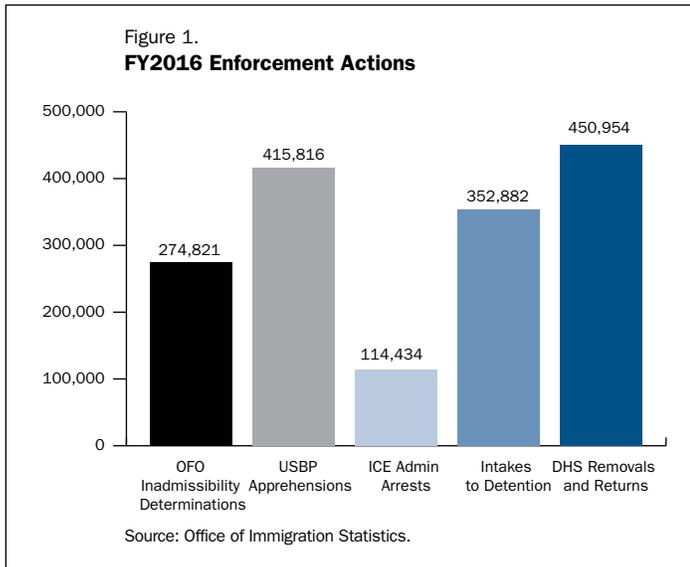
- **Initial enforcement actions.** For OFO, these actions consist of inadmissibility determinations. For USBP and ICE, these actions consist of apprehensions and administrative arrests, respectively. Each of these initial actions may or may not result in further enforcement actions, including detention and removal or return.³
- **Intakes to detention.** Following apprehension or arrest, aliens may be detained by ICE during the pendency of removal proceedings and/or following issuance of a removal order. ICE ERO, which manages the detention process, collects data on all aliens placed in detention.
- **Removals and returns.** Taken together, removals and returns encompass all compulsory repatriations from the United States. ICE and CBP each provide Component-level repatriation data, and this report aggregates the Component-level data to describe DHS-wide repatriations.

The following sections of this report describe the number of enforcement actions occurring at each of these stages during FY 2016 and, within each stage, the proportion of each action within the three priority categories. (Appendix 2 provides more detailed priority data for each type of enforcement action.) These sections are followed by discussions of enforcement actions for which the priority category was unknown or not recorded (coded as “priority unknown”) and of actions coded as “other federal interest,” an additional grouping identified in the November 2014 memo that includes individuals not covered by the other three categories.

³ Aliens who are found inadmissible, apprehended, or arrested may be permitted to return to their country of origin, a form of repatriation without additional penalties; be formally removed; or be issued a Notice to Appear, which initiates a removal proceeding in immigration court. Removal proceedings in immigration court may take many months to be resolved, and may result in an order of removal or some form of relief from removal.

Total Enforcement Actions

The total number of enforcement actions varies at each step of the process, as depicted in Figure 1. Immigration enforcement agents and officers initiated new enforcement actions against 805,071 inadmissible or deportable aliens in FY 2016. These actions included 274,821 inadmissibility determinations by the Office of Field Operations, 415,816 Border Patrol apprehensions, and 114,434 ICE arrests. ICE placed 352,882 aliens in civil detention facilities; and ICE and CBP together removed or returned 450,954 aliens.

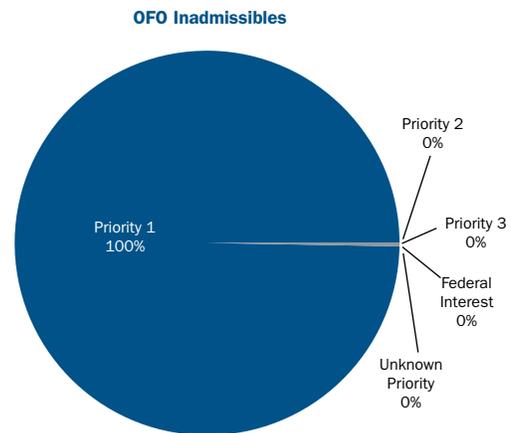


Comparing FY 2016 to the full 12 months of FY 2015 data, the numbers of OFO inadmissibility determinations, USBP apprehensions, and ICE intakes to detention all increased in FY 2016 (up 8 percent, 23 percent, and 15 percent, respectively), while ICE arrests and DHS removals and returns were slightly down for the year (by 9 percent and 1 percent, respectively).

Enforcement Actions By Priority Category

As Figure 2 illustrates, nearly all cases (99.9 percent) that OFO determined to be inadmissible were classified within the Priority 1 category—almost all of them within the Priority 1B (Border Security) category. (See **APPENDIX 2** for data on enforcement action by sub-priority.) This rate was unchanged from FY 2015.

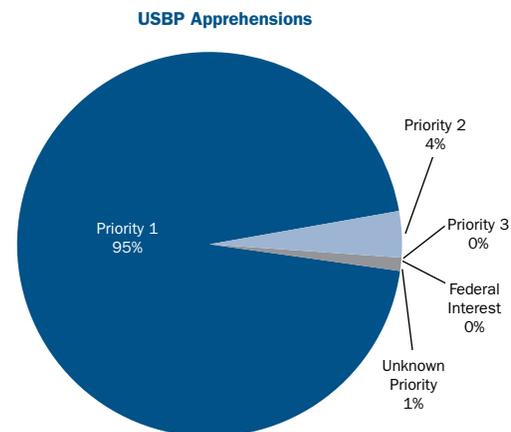
Figure 2.
FY2016 OFO Inadmissibility Determinations by Enforcement Priority



Note: Priorities are defined in Appendix 1; categories may not sum to 100 percent due to rounding.
Source: Office of Immigration Statistics.

In the case of USBP, 95 percent of all apprehensions were classified as Priority 1 (see Figure 3), and 94 percent involved aliens who were attempting or furthering an unlawful entry into the United States and were therefore classified as Priority 1B (Border Security). Most of the remaining cases (four percent) were classified Priority 2, including three percent of the total that were classified Priority 2C (unlawful entry since January 2014; see **APPENDIX 2**). These rates were similar to those observed in FY2015.

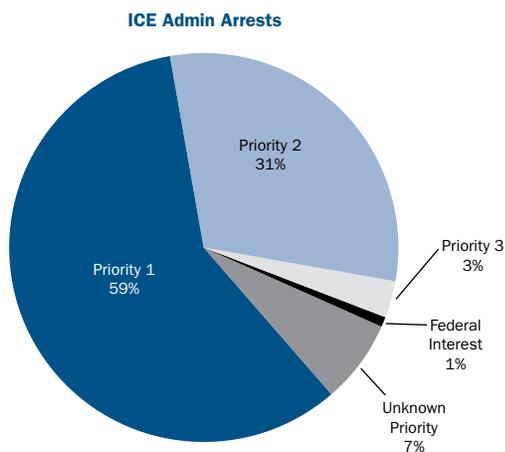
Figure 3.
FY2016 USBP Apprehensions by Enforcement Priority



Note: Priorities are defined in Appendix 1; categories may not sum to 100 percent due to rounding.
Source: Office of Immigration Statistics.

With respect to interior enforcement, 92 percent of ICE’s administrative arrests were classified as Priority 1, 2, or 3 (see Figure 4). These three categories accounted for 89 percent of ICE administrative arrests in FY 2016. About 7 percent of ICE administrative arrests had unknown priority data; this share was down from 10 percent in FY 2015. Less than one percent of arrests were classified as “other federal interest.” Pursuant to the November 2014 memo, this category includes aliens who are not classified within one of the three enforcement priority categories but who may be arrested, detained, and/or removed because a designated supervisory official determines that doing so serves an important federal interest.

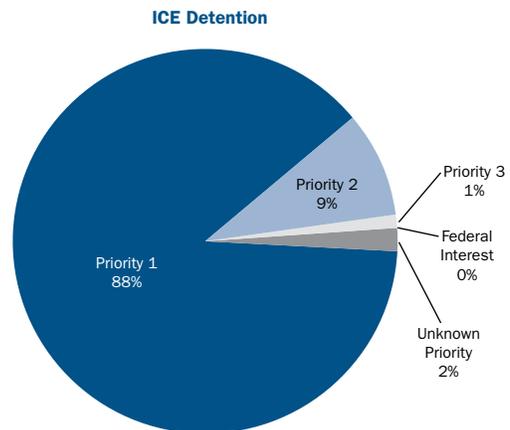
Figure 4.
FY2016 ICE Administrative Arrests by Enforcement Priority



Note: Priorities are defined in Appendix 1; categories may not sum to 100 percent due to rounding.
Source: Office of Immigration Statistics.

ICE ERO makes custody determinations following an administrative arrest or transfer of custody from CBP or another law enforcement agency. 88 percent of all intakes to ICE detention were classified as Priority 1 assignments, up from 83 percent in FY 2015; and 72 percent were classified as Priority 1B (Border Security), up from 64 percent in FY 2015. Most other intakes to detention were classified as Priority 2 (nine percent) or Priority 3 (one percent). Just under two percent of intakes to detention had unknown priority data.

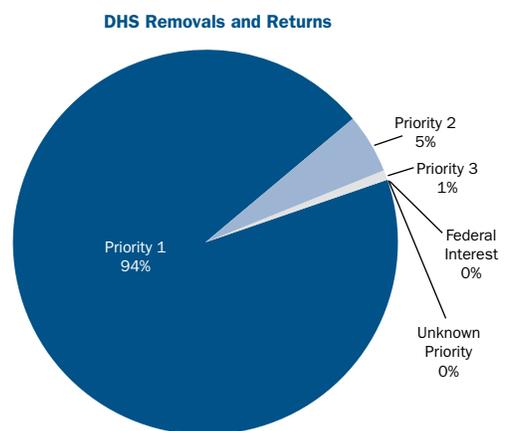
Figure 5.
FY2016 Intakes to ICE Detention by Enforcement Priority



Note: Priorities are defined in Appendix 1; categories may not sum to 100 percent due to rounding.
Source: Office of Immigration Statistics.

Removals and returns show a similar pattern, which was little changed from FY 2015. About 94 percent of all repatriations were classified within the Priority 1 category (see Figure 6), including 85 percent of the total classified within the Priority 1B category (i.e., apprehended at the border or a port of entry while attempting to unlawfully enter the United States). Remaining removals and returns involved aliens classified as Priority 2 (5 percent) or Priority 3 (1 percent), with about 0.2 percent of removals and returns having unknown priority classifications.

Figure 6.
FY2016 DHS Removals and Returns by Enforcement Priority



Note: Priorities are defined in Appendix 1; categories may not sum to 100 percent due to rounding.
Source: Office of Immigration Statistics.

Priority Unknown

As depicted in Figure 2 through Figure 6, DHS immigration enforcement Components were able to classify the vast majority of enforcement actions within a priority category. About seven percent of ICE administrative arrests lacked sufficient information to attach a priority classification; unknown priority classifications accounted for fewer than two percent of all other types of enforcement events. In addition, 38 percent of ICE administrative arrests and 2 percent of intakes to detention were classified as Priority 1 but lacked information about the specific priority sub-category (see **APPENDIX 2**).

These data mark a reduction from the number of actions with unknown priority classifications in FY 2015, when 10 percent of ICE arrests lacked sufficient data to assign a priority classification.⁴ One of the remaining data collection challenges concerns ICE HSI administrative arrests. Unlike ICE ERO, which focuses primarily on immigration enforcement, HSI's primary mission involves the investigation of criminal cases. As a result, administrative arrests are a small share of all HSI arrests (an estimated 11 percent in FY 2016), and HSI officers do not routinely collect Priority data when processing arrestees.

Other Federal Interest

The vast majority of enforcement events in FY 2016 were classified as Priority 1, 2, or 3, with very small percentages classified as "other federal interest." In particular, the other federal interest category encompassed 0.8 percent of ICE administrative arrests (965 out of 114,434 arrests), and less than 0.4 percent of all other types of enforcement events. OIS will continue to track this category.

CONCLUSION

The data depicted above and provided in detail in Appendix 2 indicate that DHS immigration enforcement Components adhered closely in FY 2016 to the priorities set forth by Secretary Johnson. As defined in November 2014, these priorities focus enforcement on those individuals who pose a threat to national security or public safety, have been convicted of serious crimes, have recently crossed the border, or have significantly abused the visa system. In short, DHS has consistently focused its enforcement efforts on convicted criminals and border crossers.

The low numbers of enforcement actions with unknown priority classifications in FY 2016 reflect the successful implementation by OIS and the Department's enforcement Components of a comprehensive system to collect and track the Secretary's enforcement priorities. At the same time, DHS has also launched a new Immigration Data Integration Initiative that will strengthen the Department's ability to analyze and report on enterprise wide

⁴As in FY 2015, OFO and ERO both have procedures in place, based on additional available information, to classify certain cases for which priority data are not initially recorded. OFO classifies inadmissibility determinations made at ports of entry as Priority 1B (Border Security) unless information is available to the contrary. ERO classifies administrative apprehensions, intakes to detention, and removals and returns for which priority data are not initially recorded as Priority 1 if the events are the result of a USBP apprehension or involve individuals convicted of an aggravated felony or two or more felonies; and ERO classifies events involving individuals who entered or had a final order of removal on or after January 1, 2014 as Priority 2 or Priority 3, respectively.

enforcement patterns, including the ways different types of cases progress through the immigration enforcement system. In the coming year, OIS will begin reporting on this enforcement lifecycle, and on other relevant data that will further inform DHS enforcement practices.

APPENDIX 1: EXECUTIVE IMMIGRATION REFORM PRIORITIES

The Secretary's November 20, 2014 memorandum details the prioritization for apprehension, detention, and removal of undocumented immigrants based on the following categories.

Priority 1

Aliens described in this priority represent the highest priority to which enforcement resources should be directed:

- (a) Aliens engaged in or suspected of terrorism or espionage, or who otherwise pose a danger to national security (national security);
- (b) Aliens apprehended at the border or ports of entry while attempting to unlawfully enter the United States (border security);
- (c) Aliens convicted of an offense for which an element was active participation in a criminal street gang, as defined in 18 U.S.C. § 521(a), or aliens not younger than 16 years of age who intentionally participated in an organized criminal gang to further the illegal activity of the gang (street gang);
- (d) Aliens convicted of an offense classified as a felony in the convicting jurisdiction, other than a state or local offense for which an essential element was the alien's immigration status (felony); and
- (e) Aliens convicted of an "aggravated felony," as that term is defined in section 101(a)(43) of the Immigration and Nationality Act at the time of the conviction (aggravated felony).

Priority 2

Aliens described in this priority, who are also not described in Priority 1, represent the second-highest priority for apprehension and removal. Resources should be dedicated accordingly to the removal of the following:

- (a) Aliens convicted of three or more misdemeanor offenses, other than minor traffic offenses or state or local offenses for which an essential element was the alien's immigration status, provided the offenses arise out of three separate incidents (3+ misdemeanors);
- (b) Aliens convicted of a "significant misdemeanor," which for these purposes is an offense of domestic violence; sexual abuse or exploitation; burglary; unlawful possession or use of a firearm; drug distribution or trafficking; or driving under the influence; or if not an offense listed above, one for which the individual was sentenced to time in custody of 90 days or more (the sentence must involve time to be served in custody, and does not include a suspended sentence) (significant misdemeanor);

- (c) Aliens apprehended anywhere in the United States after unlawfully entering or re-entering the United States and who cannot establish to the satisfaction of an immigration officer that they have been physically present in the United States continuously since January 1, 2014 (Entry Since January 2014); and
- (d) Aliens who, in the judgment of an ICE Field Office Director, U.S. Citizenship and Immigration Services (USCIS) District Director, or USCIS Service Center Director, have significantly abused the visa or visa waiver programs (visa abuse).

Priority 3

Priority 3 aliens are those who have been issued a final order of removal on or after January 1, 2014. Aliens described in this

priority, who are not also described in Priority 1 or 2, represent the third and lowest priority for apprehension and removal. Resources should be dedicated accordingly to aliens in this priority (removal orders after January 2014).

Other Federal Interest

Immigration officers and attorneys may pursue removal of an alien not identified as a priority provided, in the judgment of an ICE Field Office Director,⁵ removing such an alien would serve an important federal interest.

⁵ DHS policy also permits senior level USCIS and CBP officials to authorize immigration officers and attorneys to pursue the removal of an alien in the other federal interest category.

APPENDIX 2: ENFORCEMENT ACTIONS BY DETAILED ENFORCEMENT PRIORITY

Table 1.

FY2016 Enforcement Actions by Detailed Enforcement Priority

Enforcement Priority	OFO Inadmissibility Determinations	USBP Apprehensions	ICE Admin Arrests	Intakes to Detentions	DHS Removals and Returns
NUMBER					
Total	274,821	415,816	114,434	352,882	450,954
PERCENT					
Total	100.00%	100.00%	100.00%	100.00%	100.00%
Priority 1 Total	99.88%	94.66%	58.70%	87.96%	93.99%
National Security (1a)	0.08%	0.02%	0.48%	0.31%	0.18%
Border Security (1b)	99.71%	93.92%	11.07%	71.97%	84.78%
Criminal Street Gang (1c)	0.01%	0.01%	1.35%	0.50%	0.24%
Felony (1d)	0.08%	0.43%	7.04%	10.81%	5.63%
Aggravated Felony (1e)	0.01%	0.29%	0.55%	2.12%	1.80%
Unknown Subclass	0.00%	0.00%	38.22%	2.25%	1.36%
Priority 2 Total	0.11%	3.61%	30.59%	9.33%	5.08%
Three or More Misdemeanors (2a)	0.01%	0.23%	4.86%	1.54%	0.72%
Significant Misdemeanor (2b)	0.06%	0.20%	18.13%	5.63%	2.63%
Entry since Jan. 2014 (2c)	0.03%	3.13%	7.13%	2.01%	1.66%
Visa Abuse (2d)	0.01%	0.05%	0.47%	0.00%	0.06%
Unknown Subclass	0.00%	0.00%	0.00%	0.15%	0.00%
Priority 3 Total	0.00%	0.45%	3.03%	0.78%	0.65%
Federal Interest	0.00%	0.36%	0.84%	0.25%	0.08%
Unknown Priority	0.00%	0.92%	6.84%	1.68%	0.21%