



Deportation of Aliens Claiming U.S.-Born Children

Second Half, Calendar Year 2016

June 1, 2017

Fiscal Year 2016 Report to Congress



**Homeland
Security**

U.S. Immigration and Customs Enforcement

Message from the Director (Acting)

June 1, 2017

I am pleased to present the following report, "Deportation of Aliens Claiming U.S.-Born Children," for the second half of calendar year 2016, which has been prepared by U.S. Immigration and Customs Enforcement.

This report was compiled pursuant to language in House Report 114-215 and Senate Report 114-68, which accompany the Fiscal Year 2016 Department of Homeland Security Appropriations Act (P.L. 114-113).

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

The Honorable John R. Carter
Chairman, House Appropriations Subcommittee on Homeland Security

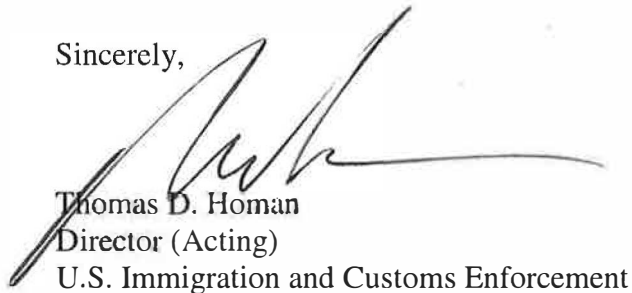
The Honorable Lucille Roybal-Allard
Ranking Member, House Appropriations Subcommittee on Homeland Security

The Honorable John Boozman
Chairman, Senate Appropriations Subcommittee on Homeland Security

The Honorable Jon Tester
Ranking Member, Senate Appropriations Subcommittee on Homeland Security

Inquiries related to this report may be directed to me at (202) 732-3000 or to the Department's Chief Financial Officer (Acting), Stacy Marcott, at (202) 447-5751.

Sincerely,



Thomas D. Homan
Director (Acting)
U.S. Immigration and Customs Enforcement





Deportation of Aliens Claiming U.S.-Born Children Second Half, Calendar Year 2016

Table of Contents

I. Legislative Language.....	1
II. Background.....	2
III. Summary.....	3

I. Legislative Language

This document responds to the reporting requirements set forth in House Report 114-215 and Senate Report 114-68, which accompany the Fiscal Year (FY) 2016 Department of Homeland Security (DHS) Appropriations Act (P.L. 114-113).

House Report 114-215 states:

The Committee directs ICE to continue to submit the semiannual report on removals of the parents of U.S. citizen minors.

Senate Report 114-68 states:

The Committee directs ICE to continue to submit the semiannual report on deportations of parents of U.S.-born citizens.

This report has been prepared pursuant to the report language and covers data for the second half of calendar year (CY) 2016, from July 1, 2016, through December 31, 2016.

II. Background

U.S. Immigration and Customs Enforcement (ICE) is responsible for enforcing federal laws that govern border control, customs, trade, and immigration in order to promote homeland security and public safety. ICE's Enforcement and Removal Operations (ERO) deportation officers enforce the Nation's immigration laws by identifying and arresting removable aliens, detaining or placing apprehended removable aliens in Alternatives to Detention programs when necessary, and removing them from the United States. To ensure the national security and public safety of the United States and the faithful execution of the immigration laws, ERO deportation officers can take enforcement action against any removable alien who is in the United States in violation of an immigration law that is encountered in the course of the officers' duties.

ICE takes into account numerous factors, including family ties, when making enforcement decisions. As a result, ICE has taken a number of steps when making these decisions and continues to collaborate and to consult with its intergovernmental partners, including the U.S. Department of Health and Human Services, and external stakeholders, including state courts and state child welfare agencies, to assess existing immigration enforcement practices.

This report was compiled using the ICE Integrated Decision Support reporting tool, a method used for obtaining operational data from the Enforcement Integrated Database and the Enforcement Case Tracking System (ENFORCE) Alien Booking Module for analytical and reporting purposes. Similar to prior reports submitted to Congress, the raw data are extracted from the ICE systems of record and are analyzed manually to achieve accurate and consistent reporting. The policies and priorities cited reflect those in place during the second half of CY 2016, from July 1, 2016, through December 31, 2016.

In January 2013, ICE completed implementation of a new detainee intake process, the Risk Classification Assessment (RCA) tool, to improve the consistency and transparency of ICE custody and release decisions. ICE programmed the RCA, which is a part of the ENFORCE suite of applications, to allow officers to identify and track parents who are the primary caregivers of minor children. ENFORCE provides a standardized way for field offices to generate regular reports of detained primary caretakers and provides to ICE personnel the ability to monitor individual cases.

During the reporting time period for this document, ICE enforcement priorities were based on the November 20, 2014, memorandum, *Policies for the Apprehension, Detention and Removal of Undocumented Immigrants*.¹

¹ Memorandum from Jeh C. Johnson, Secretary of DHS (November 20, 2014). This memorandum since has been rescinded and replaced by the following memoranda from John Kelly, Secretary of DHS: *Implementing the President's Border Security and Immigration Enforcement Improvements Policies and Enforcement of the Immigration Laws to Serve the National Interest* (February 20, 2017).

III. Summary

The data provided in this report are based on a reporting period of July 1, 2016, through December 31, 2016.

During the reporting period, ICE sought orders of deportation, exclusion, or removal in the cases of 11,543 aliens who claimed to have at least one U.S.-born child. ICE obtained 4,821 final orders of deportation, exclusion, or removal for aliens who claimed to have at least one U.S.-born child. ICE removed 14,161 aliens who claimed at least one U.S.-born child.²

Additionally, the ICE areas of responsibility (AOR) in which the most final orders were obtained for aliens who claimed to have at least one U.S.-born child were Los Angeles (424), Atlanta (418), and Houston (369). The agency that issued the most final orders to aliens who claimed to have at least one U.S.-born child was ICE, with 3,802, followed by U.S. Customs and Border Protection (CBP), with 994. The leading types of final orders obtained were for inadmissible aliens, with 3,049, followed by those for deportable aliens, with 1,109.

Data Tables

The number of deportation, exclusion, and removal orders sought or obtained by ICE:

Table A. Final Orders Sought for Aliens Who Claim to Have U.S.-Born Children		
CY 2016, Q3	CY 2016, Q4	Total
5,910	5,633	11,543

Final Orders Sought are identified as the following processing dispositions: Administrative Deportation, Expedited Removal (I-860), Expedited Removal Limited Review, Expedited Removal with Credible Fear, Notice to Appear Detained, Notice to Appear Released, Office of Special Counsel, Warrant of Arrest/Order to Show Cause, and Warrant of Arrest/Notice to Appear.

Calendar year and quarter are based on the apprehension date.

² Starting in FY 2009, ICE began to “lock” removal statistics on October 5th at the end of each fiscal year and counted only the aliens whose removal or return already was confirmed. Aliens removed or returned in that fiscal year but not confirmed until after October 5th were excluded from the locked data and thus from ICE statistics. To ensure an accurate and complete representation of all removals and returns, ICE will include the removals and returns confirmed after October 5th in the next fiscal year.

Table B. Final Orders Obtained for Aliens Who Claim to Have U.S.-Born Children by AOR			
Area of Responsibility	CY 2016, Q3	CY 2016, Q4	Total
Atlanta	219	199	418
Baltimore	15	14	29
Boston	36	40	76
Buffalo	18	17	35
Chicago	115	126	241
Dallas	116	84	200
Denver	60	74	134
Detroit	61	66	127
El Paso	161	120	281
Houston	172	197	369
Los Angeles	233	191	424
Miami	113	100	213
New Orleans	104	109	213
New York City	48	47	95
Newark	32	40	72
Philadelphia	46	43	89
Phoenix	190	149	339
Salt Lake City	167	134	301
San Antonio	161	155	316
San Diego	52	56	108
San Francisco	140	130	270
Seattle	99	116	215
St. Paul	69	73	142
Washington, D.C.	62	52	114
HQ	0	0	0
Total	2,489	2,332	4,821

The AOR is based on the AOR at the time the final order was issued. If an AOR does not exist for the time that the final order was issued, the original AOR is used. Headquarters AOR accounts for all Fugitive Operations Support Center cases.

Table C. Final Orders Obtained (by Type) for Aliens Who Claim to Have U.S.-Born Children			
Type	CY 2016, Q3	CY 2016, Q4	Total
Deportable	568	541	1,109
Inadmissible	1,584	1,465	3,049
Inadmissible - ER	337	326	663
Others	0	0	0
Total	2,489	2,332	4,821

Table D. Final Orders Obtained for Aliens Who Claim to Have U.S.-Born Children by Agency Issuing the Order			
Agency	CY 2016, Q3	CY 2016, Q4	Total
ICE	1,951	1,851	3,802
CBP	520	474	994
Other	18	7	25
Total	2,489	2,332	4,821

All Final Order statistics are reported on the basis of the latest Program of Apprehension (prior to the Final Order); however, if the latest program is undefined, the case cause event program is used.

The ICE Arresting Agency includes the following ERO and ICE Homeland Security Investigations (HSI) Arresting Agency programs: 287(g) Program, Alternatives to Detention, ERO Criminal Alien Program, Detained Docket Control, Detention and Deportation, Law Enforcement Area Response Unit, Non-Detained Docket Control, Juvenile, Fugitive Operations, Violent Criminal Alien Section, Joint Criminal Alien Response Team, Probation and Parole, Quick Response Team, User Fee Investigations, Joint Terrorism Task Force, Non-User Fee Investigations, HSI Criminal Arrest Only, and Intelligence. Starting in FY 2016, ERO Programs also included Mobile Criminal Alien Teams.

The CBP Arresting Agency includes the following programs: Border Patrol, Inspections, Inspections-Air, Inspections-Land, and Inspections-Sea.

The "Other" Agency includes the following U.S. Citizenship and Immigration Services and other Agency programs: Examinations, Adjudications, Asylum, Office of the Principal Legal Advisor, Default program area for interface records, and PICS Default value - for user initialization only.

Table E. Number of Removals of Aliens Who Claim to Have U.S.-Born Children by Category of Removal			
Type	CY 2016, Q3	CY 2016, Q4	Total
Deportation/Removal	4,784	5,430	10,214
Inadmissible	1,514	1,725	3,239
Inadmissible - Expedited Removal	324	334	658
Other	16	34	50
Total	6,638	7,523	14,161

Fiscal year data lag/case closure lag is defined as the physical removal of an alien occurring in a given month; however, the case is not closed in the ENFORCE Alien Removal Module until a subsequent fiscal year after the data are locked. Because the data from the previous fiscal year are locked, the removal is recorded in the month that the case was closed and is reported in the next fiscal year removals. This may result in a higher number of recorded removals in a fiscal year than actual departures.

Removals include Returns. Returns include: Voluntary Returns, Voluntary Departures, and Withdrawals under Docket Control. Removals exclude Expedited Removals with no Detention.

“Other” Removals include: Voluntary Departure – Unexpired and Unextended Departure Period; Voluntary Departure – Extended Departure Period; Expired Voluntary Departure Period – Referred to Investigations; Crewmen, Stowaways, S-Visa Holders, 235(c) cases; Historical Category for system migration only; Relief Granted – Extended Voluntary Departure; and Voluntary Return under Safeguards.