



Deportation of Aliens Claiming U.S.-Born Children

First Half, Calendar Year 2016

September 14, 2016

Fiscal Year 2016 Report to Congress



**Homeland
Security**

U.S. Immigration and Customs Enforcement

Message from the Director

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

This report was compiled pursuant to language in the Joint Explanatory Statement, 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 Hoeven
Chairman, Senate Appropriations Subcommittee on Homeland Security

The Honorable Jeanne Shaheen
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 Deputy Under Secretary for Management and Chief Financial Officer, Chip Fulghum, at (202) 447-5751.

Sincerely,

A handwritten signature in blue ink that reads "S.R.S.", representing Sarah R. Saldaña.

Sarah R. Saldaña
Director

U.S. Immigration and Customs Enforcement



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

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I. Legislative Language

This document responds to the reporting requirements set forth in the Joint Explanatory Statement, 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).

The Joint Explanatory Statement states:

ICE is directed to continue to submit the semi-annual reports on the deportation of parents of U.S.-born citizens.

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 first half of calendar year (CY) 2016, from January 1, 2016, through June 30, 2016.

II. Background

This report was compiled using the U.S. Immigration and Customs Enforcement (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 is extracted from the ICE systems of record and is manually analyzed to achieve accurate and consistent reporting.

ICE is committed to ensuring that the agency's immigration enforcement activities, including detention and removal, are applied in a way that accounts for the effect on the parental rights and family ties of alien parents. As a result, the agency has taken a number of proactive steps to address this issue and continues to collaborate and 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 policies and practices, and to identify opportunities for maintaining family unity and parental rights when feasible. To that end, ICE Enforcement and Removal Operations (ERO) has a Parental Rights Coordinator, who meets weekly with ERO staff to address issues related to the impact of immigration enforcement and detention on parental rights and family unity.

The November 20, 2014, *Policies for the Apprehension, Detention and Removal of Undocumented Immigrants*¹ memorandum underscores the importance of family ties in the exercise of prosecutorial discretion. ICE will continue to focus its limited resources on the agency's enforcement priorities, namely the promotion of national security, border security, and public safety, and will base detention and removal decisions on the totality of circumstances present in each case.

In August 2013, ICE issued the ICE policy directive, "Facilitating Parental Interests in the Course of Civil Immigration Enforcement Actions." This directive complements existing ICE policies and procedures by addressing the placement, monitoring, accommodation, and removal of certain alien parents or legal guardians.

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.

¹ Memorandum from Jeh C. Johnson, Secretary of DHS (November 20, 2014).

III. Summary

The data provided in this report is based on a reporting period of January 1, 2016, through June 30, 2016.

During the reporting period, ICE sought orders of deportation, exclusion, or removal in the cases of 11,542 aliens who claimed to have at least one U.S.-born child. ICE obtained 5,145 final orders of deportation, exclusion, or removal for aliens who claimed to have at least one U.S.-born child. ICE removed 14,699 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 Atlanta (521), El Paso (404), and San Antonio (362). The agency that issued the most final orders to aliens who claimed to have at least one U.S.-born child was ICE, with 3,929, followed by U.S. Customs and Border Protection (CBP), with 1,199. The leading types of final orders obtained were for inadmissible aliens, with 3,041, followed by those for deportable aliens, with 1,280.

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, Q1	CY 2016, Q2	Total
5,579	5,963	11,542

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 was already 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 into 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, Q1	CY 2016, Q2	Total
Atlanta	243	278	521
Baltimore	16	28	44
Boston	45	43	88
Buffalo	22	22	44
Chicago	128	140	268
Dallas	108	137	245
Denver	56	71	127
Detroit	81	87	168
El Paso	193	211	404
Houston	189	172	361
Los Angeles	164	188	352
Miami	104	139	243
New Orleans	106	88	194
New York City	31	41	72
Newark	28	32	60
Philadelphia	33	51	84
Phoenix	149	191	340
Salt Lake City	145	152	297
San Antonio	183	179	362
San Diego	55	67	122
San Francisco	133	141	274
Seattle	86	113	199
St. Paul	65	87	152
Washington, D.C.	51	73	124
HQ	0	0	0
Total	2,414	2,731	5,145

The AOR is based on the AOR at the time the final order was issued. If an AOR does not exist for the time the final order was issued, the 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, Q1	CY 2016, Q2	Total
Deportable	596	684	1,280
Inadmissible	1,427	1,614	3,041
Inadmissible - ER	389	432	821
Others	2	1	3
Total	2,414	2,731	5,145

Table D. Final Orders Obtained for Aliens Who Claim to Have U.S.-Born Children by Agency Issuing the Order			
Agency	CY 2016, Q1	CY 2016, Q2	Total
ICE	1,860	2,069	3,929
CBP	548	651	1,199
Other	6	11	17
Total	2,414	2,731	5,145

All Final Order statistics are reported based on 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 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.

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, Q1	CY 2016, Q2	Total
Deportation/Removal	5,143	5,499	10,642
Inadmissible	1,545	1,626	3,171
Inadmissible - Expedited Removal	426	410	836
Other	24	26	50
Total	7,138	7,561	14,699

FY 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 FY after the data is locked. Since the data from the previous FY is locked, the removal is recorded in the month the case was closed and reported in the next FY Removals. This may result in a higher number of recorded removals in an FY 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.