



# **Deportation of Aliens Claiming U.S.-Born Children**

Second Half, Calendar Year 2015

*August 1, 2016*

**Fiscal Year 2015 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 second half of calendar year 2015, which has been prepared by U.S. Immigration and Customs Enforcement.

This report was compiled pursuant to language in the Joint Explanatory Statement and Senate Report 113-198, which accompany the *Fiscal Year 2015 Department of Homeland Security Appropriations Act* (P.L. 114-4).

Pursuant to congressional guidelines, 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, which appears to read "Sarah R. Saldaña". The signature is fluid and cursive.

Sarah R. Saldaña  
Director

U.S. Immigration and Customs Enforcement



# Deportation of Aliens Claiming U.S.-Born Children Second Half, Calendar Year 2015

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# I. Legislative Language

This document responds to the reporting requirement set forth in the Joint Explanatory Statement and Senate Report 113-198, which accompany the *Fiscal Year (FY) 2015 Department of Homeland Security Appropriations Act* (P.L. 114-4).

The Joint Explanatory Statement states:

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

Senate Report 113-198 states:

The Committee directs ICE to continue to submit the semiannual report on “Deportation 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) 2015, from July 1, 2015 through December 31, 2015.

## II. Background

This report was compiled using the U.S. Immigration and Customs Enforcement (ICE) Integrated Decision Support reporting tool, which provides an efficient method of obtaining operational data from the Enforcement Integrated Database and the ENFORCE (Enforcement Case Tracking System) Alien Booking Module for analytical and reporting purposes. ICE vets the quality and consistency of the data captured. Like the prior reports submitted to Congress, the raw data are extracted from the ICE system of records and are analyzed manually to achieve accurate 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 impact 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 U.S. Department of Justice Civil Rights Division, 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*<sup>1</sup> 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 detained primary caregivers. ENFORCE provides a standardized way for field offices to generate regular

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<sup>1</sup> Memorandum from Jeh C. Johnson, Secretary for Department of Homeland Security (November 20, 2014).

reports of detained primary caretakers and provides ICE personnel the ability to monitor individual cases.

### III. Data Report

The data provided in this report are based on a reporting period of July 1, 2015, through December 31, 2015.<sup>2</sup>

During the reporting period, ICE sought orders of deportation, exclusion, or removal in the cases of 12,592 aliens who claimed to have at least one U.S.-born child.<sup>3</sup> ICE obtained 5,452 final orders of deportation, exclusion, or removal for aliens who claimed to have at least one U.S.-born child.<sup>4</sup> ICE removed 15,422 aliens who claimed at least one U.S.-born child.<sup>5,6,7</sup>

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<sup>2</sup> Calendar year is based on apprehension date.

<sup>3</sup> 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, order to show cause, warrant of arrest/order to show cause, and warrant of arrest/notice to appear.

<sup>4</sup> Final order data exclude Case Category 16 and expedited removals with no detention.

<sup>5</sup> Removals include returns. Returns include voluntary returns, voluntary departures, and withdrawals under docket control. Removals exclude expedited removals with no detention.

<sup>6</sup> 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 into the next fiscal year.

<sup>7</sup> 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 reported in the next fiscal year removals. This will result in a higher number of recorded removals in a fiscal year than actual departures.

# Appendix

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

<b>Table A. Final Orders Sought for Aliens Who Claim to Have U.S.-born Children</b>		
<b>CY 2015 Q3</b>	<b>CY 2015 Q4</b>	<b>Total</b>
6,508	6,084	12,592

Calendar year and quarter are based on the apprehension date.

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.

<b>Table B. Final Orders Obtained for Aliens Who Claim to Have U.S.-born Children by Area of Responsibility (AOR)</b>			
<b>AOR</b>	<b>CY 2015 Q3</b>	<b>CY 2015 Q4</b>	<b>Total</b>
Atlanta	311	230	541
Baltimore	26	15	41
Boston	43	39	82
Buffalo	28	15	43
Chicago	159	116	275
Dallas	188	137	325
Denver	43	57	100
Detroit	70	57	127
El Paso	257	213	470
Houston	215	166	381
Los Angeles	232	185	417
Miami	112	116	228
New Orleans	116	85	201
New York City	46	32	78
Newark	26	45	71
Philadelphia	59	46	105
Phoenix	229	194	423
Salt Lake City	143	118	261
San Antonio	245	223	468
San Diego	54	52	106
San Francisco	131	140	271
Seattle	89	88	177
St. Paul	77	61	138
Washington	63	60	123
HQ	0	0	0
<b>Total</b>	<b>2,962</b>	<b>2,490</b>	<b>5,452</b>

<b>Table C. Final Orders Obtained (by Type) for Aliens Who Claim to Have U.S.-born Children</b>			
<b>Type</b>	<b>CY 2015 Q3</b>	<b>CY 2015 Q4</b>	<b>Total</b>
Deportable	708	679	1,387
Inadmissible	1,783	1,378	3,161
Inadmissible – Expedited Removal	471	433	904
Others	0	0	0
<b>Total</b>	<b>2,962</b>	<b>2,490</b>	<b>5,452</b>

<b>Table D. Final Orders Obtained for Aliens Who Claim to Have U.S.-born Children by Agency Issuing the Order</b>			
<b>Agency</b>	<b>CY 2015 Q3</b>	<b>CY 2015 Q4</b>	<b>Total</b>
ICE	2,253	1,906	4,159
CBP	695	575	1,270
Other	14	9	23
<b>Total</b>	<b>2,962</b>	<b>2,490</b>	<b>5,452</b>

Final order data exclude Case Category 16 and expedited removals with no detention.

All final order statistics are pulled on the basis of the latest Program of the 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 Homeland Security Investigations (HSI) arresting agency programs: 287g 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” arresting agency includes the following U.S. Citizenship and Immigration Services and “Other” arresting 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.

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, then the original AOR is used.

Headquarters AOR accounts for all Fugitive Operations Support Center cases.

<b>Table E. Number of Removals of Aliens Who Claim to Have U.S.-born Children by Category of Removal</b>			
<b>Type</b>	<b>CY 2015 Q3</b>	<b>CY 2015 Q4</b>	<b>Total</b>
Deportation/Removal	5,321	5,743	11,064
Inadmissible	1,624	1,721	3,345
Inadmissible - Expedited Removal	467	473	940
Others	30	43	73
<b>Total</b>	<b>7,442</b>	<b>7,980</b>	<b>15,422</b>

Removals include returns. Returns include voluntary returns, voluntary departures, and withdrawals under docket control.

Removals exclude expedited removals with no detention.

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

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 EARM 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.