



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

Second Half, Calendar Year 2018

*September 27, 2019*

Fiscal Year 2018 Report to Congress



**Homeland  
Security**

*U.S. Immigration and Customs Enforcement*

# Message from the Deputy Director and Senior Official Performing the Duties of the Director

September 27, 2019

I am pleased to present the following report, "Removal of Aliens Claiming U.S.-Born Children," for the second half of calendar year 2018, which has been prepared by U.S. Immigration and Customs Enforcement.

This report was compiled pursuant to language in the Joint Explanatory Statement and House Report 115-239, which accompany the Fiscal Year 2018 Department of Homeland Security Appropriations Act (P.L. 115-141).

Pursuant to congressional requirements, 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 Shelley Moore Capito  
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.

Sincerely,

A handwritten signature in blue ink, appearing to read "Matthew T. Albence".

Matthew T. Albence  
Deputy Director and  
Senior Official Performing the Duties of the Director  
U.S. Immigration and Customs Enforcement



# Removal of Aliens Claiming U.S.-Born Children Second Half, Calendar Year 2018

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# I. Legislative Language

This document responds to the reporting requirements set forth in the Joint Explanatory Statement and House Report 115-239, which accompany the Fiscal Year 2018 Department of Homeland Security Appropriations Act (P.L. 115-141).

The Joint Explanatory Statement includes the following provision:

The Department shall continue to submit quarterly Border Security Status reports and data on the deportation of parents of U.S.-born children semiannually, as in prior years.

House Report 115-239 states:

Consistent with prior years, ICE shall also continue submitting semiannual reports to the Committees on the removal of parents of U.S. citizen minors.

This report has been prepared pursuant to the report language and covers data for the second half of calendar year (CY) 2018, from July 1, 2018, through December 31, 2018.

## 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, releasing on bond, or placing apprehended removable aliens on supervised release, including on alternatives to detention as appropriate; 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 and who 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.

Additionally, in cases where an adult alien with minor children is taken into custody, ICE officers assess each situation on a case-by-case basis to determine what steps are necessary to ensure the minors' safety. ICE's policy titled, "Detention and Removal of Alien Parents or Legal Guardians" (ICE Policy 11064.2), provides guidance regarding the detention and removal of alien parents and legal guardians of minor children who lack indications of child abuse or neglect. According to ICE Policy 11064.2, ICE personnel should accommodate, to the extent practicable, an alien parent or legal guardian's efforts to make alternative care arrangements for his or her minor children. If the alien parent or legal guardian cannot make an alternative arrangement, or if there is an indication of abuse or neglect by the parent or other adult who may be asked to take custody, ICE personnel should contact the local child welfare authority or law enforcement agency to take custody of the minor children. ICE ERO also has a Parental Interests team that advises ICE personnel on child welfare issues related to detained aliens.

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 from the Enforcement Case Tracking System's (ENFORCE) Alien Removal Module (EARM) 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 2018—July 1, 2018, through December 31, 2018.

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.

### III. Summary

The data provided in this report are based on a reporting period of July 1, 2018, through December 31, 2018.

During the reporting period, ICE sought orders of removal in the cases of 10,348 aliens who claimed to have at least one U.S.-born child. ICE obtained 4,499 final orders of removal for aliens who claimed to have at least one U.S.-born child. ICE removed 15,553 aliens who claimed to have at least one U.S.-born child.

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 (387), Houston (354), and Dallas (346). The agency that apprehended the most aliens for whom final orders were obtained, and who claimed to have at least one U.S.-born child, was ICE with 4,182 aliens, followed by U.S. Customs and Border Protection (CBP) with 317 aliens. The highest number of final orders obtained was for inadmissible aliens (of which there were 3,572), followed by that for deportable aliens (of which there were 926).

#### Data Tables

The number of removal orders sought or obtained by ICE:

<b>Table A. Final Orders Sought<sup>1</sup> for Aliens Who Claim to Have U.S.-born Children</b>		
<b>CY 2018, Q3</b>	<b>CY 2018, Q4</b>	<b>Total</b>
5,211	5,137	10,348

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<sup>1</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, 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.

**Table B. Final Orders Obtained for Aliens Who Claim to Have  
U.S.-born Children by AOR**

<b>Area of Responsibility<sup>2</sup></b>	<b>CY 2018, Q3</b>	<b>CY 2018, Q4</b>	<b>Total</b>
Atlanta	184	203	387
Baltimore	18	13	31
Boston	26	33	59
Buffalo	9	15	24
Chicago	104	113	217
Dallas	146	200	346
Denver	101	108	209
Detroit	86	79	165
El Paso	42	36	78
Houston	184	170	354
Los Angeles	173	151	324
Miami	136	140	276
New Orleans	99	103	202
New York City	43	48	91
Newark	39	49	88
Philadelphia	44	36	80
Phoenix	171	132	303
Salt Lake City	102	97	199
San Antonio	118	106	224
San Diego	42	31	73
San Francisco	56	65	121
Seattle	141	126	267
St. Paul	134	109	243
Washington	68	70	138
HQ	0	0	0
<b>Total</b>	<b>2,266</b>	<b>2,233</b>	<b>4,499</b>

<sup>2</sup> The AOR is based on the AOR at the time that the final order was issued. If AOR information is not present in the system of record for the time that the final order was issued, then the latest case AOR is used.

<b>Table C. Final Orders Obtained for Aliens Who Claim to Have U.S.-born Children by Type</b>			
<b>Type</b>	<b>CY 2018, Q3</b>	<b>CY 2018, Q4</b>	<b>Total</b>
Deportable	486	440	926
Inadmissible	1,678	1,702	3,380
Inadmissible – Expedited Removal (ER)	101	91	192
Others	1	0	1
<b>Total</b>	<b>2,266</b>	<b>2,233</b>	<b>4,499</b>

<b>Table D. Final Orders Obtained for Aliens Who Claim to Have U.S.-born Children by Arresting Agency</b>			
<b>Arresting Agency<sup>3</sup></b>	<b>CY 2018, Q3</b>	<b>CY 2018, Q4</b>	<b>Total</b>
ICE	2,119	2,063	4,182
CBP	147	170	317
<b>Total</b>	<b>2,266</b>	<b>2,233</b>	<b>4,499</b>

Note: All final order statistics are based on current ICE program or component, which attributes all cases back to the program or component of the officer who processed the latest arrest prior to the final order (within the calendar year half). However, if this information is unavailable in the system of record, the Case Cause Encounter is used.

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<sup>3</sup> The ICE Arresting Agency includes the following ERO and 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, Mobile Criminal Alien Team, Nondetained 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, Nonuser Fee Investigations, HSI Criminal Arrest Only, and Intelligence. ICE also includes the Default program area for interface records and the Password Issuance and Control System Default value for user initialization, only where the users' programs were not updated at the time of the data run. The CBP Arresting Agency includes the following programs: Border Patrol, Inspections, Inspections - Air, Inspections - Land, and Inspections - Sea.



<b>Table E. Number of Removals<sup>4</sup> of Aliens Who Claim to Have U.S.-born Children by Type</b>			
<b>Type</b>	<b>CY 2018, Q3</b>	<b>CY 2018, Q4</b>	<b>Total</b>
Deportation/Removal	4,593	4,736	9,329
Inadmissible	2,557	2,783	5,340
Inadmissible - ER	354	368	722
Others	59	103	162
<b>Total</b>	<b>7,563</b>	<b>7,990</b>	<b>15,553</b>

Note: 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 will result in a higher number of recorded removals in a fiscal year than actual departures.

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<sup>4</sup> ICE removals include returns. Returns include Voluntary Returns (VR), Voluntary Departures, and Withdrawals under Docket Control. ICE removals include aliens processed for ER or VR that are turned over to ERO for detention. Border Patrol primarily processes aliens for ER and not detained by ERO, and those for VR after June 1, 2013, and not detained by ERO; CBP should be contacted for those statistics. “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, and 235(c) cases; Historical Category for system migration only; Relief Granted - Extended Voluntary Departure; and Voluntary Return under Safeguards.