



Secure Communities

Fiscal Year 2020, Third Quarter

November 30, 2020

Fiscal Year 2020 Report to Congress



Homeland
Security

U.S. Immigration and Customs Enforcement

Message from the Senior Official Performing the Duties of the Director

November 30, 2020

I am pleased to present the following report, “Secure Communities,” for the third quarter of Fiscal Year (FY) 2020, which has been prepared by U.S. Immigration and Customs Enforcement (ICE).

This report was compiled pursuant to direction in House Report 116-180, which accompanies the FY 2020 Department of Homeland Security (DHS) Appropriations Act (P.L. 116-93). The report continues direction in the Joint Explanatory Statement that accompanies the FY 2019 DHS Appropriations Act (P.L. 116-6), as well as direction in House Report 115-239 accompanying the FY 2018 DHS Appropriations Act (P.L. 115-141).



Pursuant to congressional guidelines, 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,
**T TONY H
PHAM**

Digitally signed by T
TONY H PHAM
Date: 2020.11.30
08:55:26 -05'00'
Tony H. Pham
Senior Official Performing the Duties of the Director
U.S. Immigration and Customs Enforcement

Executive Summary

House Report 116-180 accompanying P.L. 116-93 directs ICE to continue reporting detailed in House Report 115-239, which accompanies P.L. 115-141. House Report 115-239 contains legislative direction for ICE to report metrics related to Secure Communities and detainers issued to state and local law enforcement agencies. ICE is unable to report statistically on some variables in the exact manner requested because of multiple technical constraints, including the fact that uncooperative jurisdictions that decline an ICE detainer generally do not share this information with the agency. However, ICE is able to provide data on detainers that it issues, broken down by criminality, gender, and nationality, which can be found in this report.



Secure Communities

Fiscal Year 2020, Third Quarter

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I. Legislative Language

This report was compiled in response to direction in House Report 116-180, which accompanies the Fiscal Year (FY) 2020 Department of Homeland Security (DHS) Appropriations Act (P.L. 116-93).

House Report 116-180 states:

Detention Inspection Reporting.—ICE shall continue to report and make public the following, as described in House Report 116-9, and shall follow the previously directed timeframes unless otherwise specified:

(1) Secure Communities report; ...

House Report 116-180 continues direction in the Joint Explanatory Statement that accompanies the FY 2019 DHS Appropriations Act (P.L. 116-6), which states:

ICE shall continue to report and make public the following, as detailed in House Report 115-239, and shall follow the previously directed timeframes unless otherwise specified: ...

- Secure Communities report ...

Further guidance is in House Report 115-239 accompanying the FY 2018 DHS Appropriations Act (P.L. 115-141), which states:

Within 90 days after the date of enactment of this Act, and monthly thereafter, the Director of ICE shall submit to the Committee a Secure Communities report, including the number of detainer requests issued, actual custody transfers to ICE, and releases by state and local law enforcement jurisdiction, criminal category, conviction status, date of any conviction, immigration status, gender, country of citizenship, and enforcement priority, and shall make this information publicly available on its website.

II. Background

Congress first provided instructions for this report in House Report 115-239, which states that U.S. Immigration and Customs Enforcement (ICE) shall submit “a Secure Communities report, including the number of detainer requests issued, actual custody transfers to ICE, and releases by state and local law enforcement jurisdiction, criminal category, conviction status, date of any conviction, immigration status, gender, country of citizenship, and enforcement priority.”

Secure Communities is a simple and commonsense way to carry out ICE’s enforcement priorities for those aliens detained in the custody of another law enforcement agency (LEA). It uses a federal information-sharing partnership between DHS and the Federal Bureau of Investigation (FBI) that helps to identify in-custody aliens without imposing new or additional requirements on state and local law enforcement. For decades, local jurisdictions have shared with the FBI the fingerprints of individuals arrested and/or booked into custody to see if those individuals have a criminal record and outstanding warrants. Under Secure Communities, the FBI automatically sends the fingerprints to DHS to check against its immigration databases. If these checks reveal that an individual is present unlawfully in the United States or otherwise is removable, ICE prioritizes law enforcement action against individuals who present the most significant threats to public safety as determined by the severity of their crime, their criminal history, and risk to public safety—well as the removal of those who have violated the Nation’s immigration laws.

ICE is unable to report on the data in the manner contained in the legislative direction because of the following technical constraints:

- Secure Communities is a system that allows for interoperability and information-sharing rather than for a program to which officers are assigned. As a result, no associated enforcement metrics are in ICE’s system of record.
- ICE cannot report on releases conducted by state or local LEAs, because this information generally is not communicated to ICE by these LEAs.
- Because detainees and initial book-ins to ICE custody are independent variables in ICE’s system of records and are not linked directly, it is not possible to produce reliable, large-scale reporting on custody transfer because of ICE detainees.
- ICE no longer reports data broken down by the priorities in place during the previous Administration, and currently does not report on the priorities laid out in Executive Order 13768, many of which cannot be determined through data stored in the system of records.
- Currently, immigration status is not available for statistical reporting.

However, to provide Congress with information on detainer issuance, ICE has produced data on detainees issued, broken down by criminality, gender, and country of citizenship.

III. Analysis/Discussion

ICE issues detainers and requests for notification to LEAs to provide notice of its intent to assume custody of an individual detained in federal, state, or local custody. Detainers are placed on aliens arrested on criminal charges—ICE possesses probable cause to believe that these aliens are removable from the United States. A detainer requests that, up to 48 hours before releasing a removable alien from criminal custody, an LEA notify ICE and maintain custody of the alien to allow ICE to assume custody for removal purposes (<https://www.ice.gov/detainers>).

A detainer is recorded in the system of records when the form is printed. This does not correspond necessarily to issuance of a detainer to a local LEA. Additionally, a single detainer may be printed multiple times, and each printing is recorded as a distinct detainer.

FY 2020 Third Quarter (Q3)¹ Detainers Prepared by Gender and Criminality²

Gender	Convicted Criminal	Pending Criminal Charges	Other Immigration Violator	Total
Total	8,912	15,753	1,407	26,072
Female	373	1,449	68	1,890
Male	8,529	14,264	1,332	24,125
Unknown	10	40	7	57

FY 2020 Q3 Detainers Prepared by Country of Citizenship and Criminality

Country of Citizenship	Convicted Criminal	Pending Criminal Charges	Other Immigration Violator	Total
Total	8,912	15,753	1,407	26,072
AFGHANISTAN	9	6	1	16
ALBANIA	1	1	-	2
ALGERIA	-	4	-	4
ANGOLA	1	1	-	2
ARGENTINA	5	11	-	16

¹ Enforcement and Removal Operations' detainer data are updated through 07/04/2020 (ICE Integrated Decision Support v1.34 run date 07/06/2020; Enforcement Integrated Database as of 07/04/2020). Data are filtered through 04/01/2020 – 06/30/2020.

² Starting in FY 2018, ICE defines immigration violators' criminality in the following manner. Convicted criminals are immigration violators with a criminal conviction entered into ICE systems of record at the time of the enforcement action. Pending criminal charges means that immigration violators have pending criminal charges entered into ICE systems of record at the time of the enforcement action. Other immigration violators are immigration violators without any known criminal convictions, or pending charges entered into ICE systems of record at the time of the enforcement action.

FY 2020 Q3 Detainers Prepared by
Country of Citizenship and Criminality

Country of Citizenship	Convicted Criminal	Pending Criminal Charges	Other Immigration Violator	Total
ARMENIA	21	18	3	42
AUSTRALIA	2	8	-	10
AZERBAIJAN	2	10	-	12
BAHAMAS	7	23	5	35
BAHRAIN	-	-	1	1
BANGLADESH	4	15	-	19
BARBADOS	4	2	-	6
BELARUS	1	7	-	8
BELGIUM	1	-	-	1
BELIZE	3	13	2	18
BERMUDA	1	-	-	1
BHUTAN	1	-	-	1
BOLIVIA	3	5	2	10
BOSNIA-HERZEGOVINA	9	3	1	13
BOTSWANA	-	4	-	4
BRAZIL	18	129	10	157
BRITISH VIRGIN ISLANDS	1	-	-	1
BULGARIA	1	2	-	3
BURKINA FASO	-	6	-	6
BURMA	11	2	-	13
BURUNDI	2	5	1	8
CAMBODIA	16	5	2	23
CAMEROON	4	6	-	10
CANADA	33	27	8	68
CAPE VERDE	-	2	1	3
CENTRAL AFRICAN REPUBLIC	1	-	-	1
CHAD	-	2	-	2
CHILE	12	37	5	54
CHINA, PEOPLE'S REPUBLIC OF	19	113	6	138
COLOMBIA	51	133	24	208
CONGO	-	2	-	2
COSTA RICA	5	12	2	19
CROATIA	2	1	-	3
CUBA	189	140	29	358
CZECH REPUBLIC	1	2	-	3
CZECHOSLOVAKIA	-	3	-	3
DEM REP OF THE CONGO	7	1	-	8

FY 2020 Q3 Detainers Prepared by
Country of Citizenship and Criminality

Country of Citizenship	Convicted Criminal	Pending Criminal Charges	Other Immigration Violator	Total
DENMARK	1	1	-	2
DOMINICA	1	1	1	3
DOMINICAN REPUBLIC	158	119	30	307
ECUADOR	37	134	14	185
EGYPT	4	20	1	25
EL SALVADOR	490	1,062	60	1,612
ERITREA	2	3	-	5
ESTONIA	-	-	1	1
ETHIOPIA	8	10	2	20
FIJI	4	6	-	10
FRANCE	5	14	1	20
GAMBIA	3	5	-	8
GEORGIA	2	4	-	6
GERMANY	10	7	-	17
GHANA	8	9	-	17
GREECE	-	5	-	5
GRENADA	2	1	-	3
GUADELOUPE	1	2	6	9
GUATEMALA	573	1,739	129	2,441
GUINEA	5	6	2	13
GUYANA	9	20	1	30
HAITI	44	59	13	116
HONDURAS	588	1,393	82	2,063
HONG KONG	1	1	-	2
HUNGARY	1	4	1	6
ICELAND	-	1	-	1
INDIA	23	104	6	133
INDONESIA	2	6	-	8
IRAN	24	15	1	40
IRAQ	19	10	2	31
IRELAND	1	9	1	11
ISRAEL	4	9	2	15
ITALY	5	16	1	22
IVORY COAST	4	7	-	11
JAMAICA	82	122	22	226
JAPAN	-	3	1	4
JORDAN	9	19	2	30
KAZAKHSTAN	1	2	-	3

**FY 2020 Q3 Detainers Prepared by
Country of Citizenship and Criminality**

Country of Citizenship	Convicted Criminal	Pending Criminal Charges	Other Immigration Violator	Total
KENYA	12	16	1	29
KOREA ³	2	6	2	10
KOSOVO	1	1	-	2
KUWAIT	-	4	-	4
KYRGYZSTAN	-	4	-	4
LAOS	49	32	6	87
LEBANON	5	4	1	10
LESOTHO	-	2	-	2
LIBERIA	23	9	2	34
LIBYA	1	3	-	4
LITHUANIA	1	10	-	11
MACAU	1	-	3	4
MADAGASCAR	-	1	-	1
MALAYSIA	1	1	-	2
MALI	-	5	-	5
MARSHALL ISLANDS	7	1	-	8
MAURITANIA	-	1	-	1
MAURITIUS	-	2	-	2
MEXICO	5,738	9,121	822	15,681
MICRONESIA, FEDERATED STATES OF	12	3	-	15
MOLDOVA	-	2	-	2
MONGOLIA	1	4	-	5
MONTENEGRO	1	-	-	1
MOROCCO	1	10	-	11
NEPAL	2	4	1	7
NETHERLANDS	1	5	-	6
NEW ZEALAND	3	7	1	11
NICARAGUA	36	80	5	121
NIGER	2	19	-	21
NIGERIA	17	49	3	69
PAKISTAN	6	11	1	18
PALAU	1	1	-	2

³ Country of Citizenship data are recorded exactly as they exist in the system of record at the time that they are pulled. "Korea" is available in the Enforcement Integrated Database's Arrest Graphical User Interface for Law Enforcement system and the Enforcement Case Tracking Systems' Alien Removal Module as an option for officers to select when preparing documents. If Korea is selected, there is not sufficient information in the database to differentiate between North and South Korea, and thus the entry can be reported only as Korea.

FY 2020 Q3 Detainers Prepared by
Country of Citizenship and Criminality

Country of Citizenship	Convicted Criminal	Pending Criminal Charges	Other Immigration Violator	Total
PANAMA	6	8	1	15
PAPUA NEW GUINEA	-	-	1	1
PARAGUAY	1	1	2	4
PERU	17	63	2	82
PHILIPPINES	24	22	2	48
POLAND	14	19	-	33
PORTUGAL	5	7	-	12
QATAR	-	1	-	1
ROMANIA	11	54	7	72
RUSSIA ⁴	13	33	1	47
RWANDA	2	1	-	3
SAMOA	2	-	1	3
SAUDI ARABIA	5	3	-	8
SENEGAL	4	7	-	11
SERBIA	1	-	-	1
SIERRA LEONE	7	3	-	10
SINGAPORE	1	-	-	1
SLOVAKIA	-	6	-	6
SOLOMON ISLANDS	-	1	-	1
SOMALIA	27	11	4	42
SOUTH AFRICA	2	8	-	10
SOUTH KOREA ³	3	7	1	11
SOUTH SUDAN	8	2	-	10
SPAIN	2	31	-	33
SRI LANKA	1	2	-	3
ST. LUCIA	4	2	-	6
ST. VINCENT-GRENADINES	-	3	-	3
SUDAN	17	3	1	21
SURINAME	1	-	-	1
SWEDEN	-	4	-	4
SYRIA	1	2	-	3
TAIWAN	1	4	-	5
TANZANIA	3	2	-	5
THAILAND	14	11	3	28
TOGO	-	1	-	1
TONGA	3	4	-	7
TRINIDAD AND TOBAGO	12	14	4	30
TUNISIA	3	-	-	3

FY 2020 Q3 Detainers Prepared by
Country of Citizenship and Criminality

Country of Citizenship	Convicted Criminal	Pending Criminal Charges	Other Immigration Violator	Total
TURKEY	1	8	1	10
UGANDA	-	1	-	1
UKRAINE	13	19	-	32
UNITED ARAB EMIRATES	-	1	-	1
UNITED KINGDOM	16	19	2	37
UNKNOWN	40	70	17	127
URUGUAY	1	6	-	7
USSR ⁴	9	6	-	15
UZBEKISTAN	2	5	-	7
VENEZUELA	11	64	10	85
VIETNAM	93	78	12	183
YEMEN	3	1	1	5
YUGOSLAVIA	1	3	-	4
ZAMBIA	3	3	1	7
ZIMBABWE	1	2	-	3

⁴ Country of Citizenship data are recorded exactly as they exist in the system of record at the time that they are pulled. "USSR" is available in the Enforcement Integrated Database's Arrest Graphical User Interface for Law Enforcement system and the Enforcement Case Tracking Systems' Alien Removal Module as an option for officers to select when preparing documents. If USSR is selected, there is not sufficient information in the database to differentiate between Russia and other former Soviet States, and thus the entry can be reported only as USSR.

IV. Conclusion

As with any LEA, ICE's top priority is to ensure the safety and protection of communities nationwide. As a result, ICE stresses the importance of removing those who pose public safety and national security threats, those who have violated our Nation's immigration laws, including those who have failed to comply with a final order of removal, and those who have engaged in fraud or willful misrepresentation in connection with official U.S. Government matters.

By focusing on individuals who have been arrested and booked into custody for alleged violations of criminal laws, Secure Communities has proven to be one of ICE's most important tools for identifying and removing criminal aliens as well as repeat immigration violators. However, that is not the only benefit of Secure Communities. Secure Communities is designed to ensure that the responsibility of immigration enforcement remains with federal officials and does not authorize or permit state or local law enforcement to enforce federal immigration law.

The cooperation from other LEAs is critical for ICE to fulfill its mission to identify and arrest aliens who pose a risk to public safety or national security. ICE's enforcement priorities include the identification and removal of criminal aliens, other aliens who pose a threat to public safety, and aliens who have violated our Nation's immigration laws. The most effective way to identify such aliens is by checking the immigration status of individuals arrested and booked into custody for violations of criminal laws. It is ICE, and not the state or local LEA, that determines what immigration enforcement action, if any, is appropriate.

Appendix: Abbreviations

Abbreviation	Definition
DHS	Department of Homeland Security
FBI	Federal Bureau of Investigation
FY	Fiscal Year
ICE	U.S. Immigration and Customs Enforcement
LEA	Law Enforcement Agency
Q3	Third Quarter