

# DEPORTATION AND DISCRETION

## REVIEWING THE RECORD AND OPTIONS FOR CHANGE



By Marc R. Rosenblum and Kristen McCabe

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## Executive Summary

The United States has formally deported (“removed”) more than 4.6 million noncitizens since Congress toughened the nation’s enforcement system in 1996—with about 3.7 million of those removals occurring since the establishment of the Department of Homeland Security (DHS) in 2003.<sup>1</sup> Both the George W. Bush and Barack Obama administrations have taken steps to strengthen immigration enforcement by increasing formal removals and the criminal prosecution of immigration violations.

At the same time, the Obama administration has taken a series of measures to focus its enforcement efforts on certain high-priority cases. In 2010-11, U.S. Immigration and Customs Enforcement (ICE) published a pair of memoranda from Assistant Secretary John Morton describing the agency’s enforcement priorities and issuing guidelines for exercising prosecutorial discretion in certain cases. In August 2012, the administration initiated the Deferred Action for Childhood Arrivals (DACA) program, which has deferred deportation for more than 587,000 unauthorized youth. More recently, in March 2014, President Obama directed Homeland Security Secretary Jeh Johnson to review Department of Homeland Security (DHS) deportation practices “to see how it can conduct enforcement more humanely within the confines of the law.” In June 2014 the president pledged to take additional steps to adjust the immigration system without Congress—initially promising to take such steps by the end of the summer, but later promising action by the end of 2014. At publication of this report, the administration was considering several actions, including changes to its enforcement priorities and extending deportation deferral and work authorization to a larger group than the DACA population.

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This report deepens previous work by the Migration Policy Institute (MPI) on U.S. immigration enforcement<sup>2</sup> by providing a more detailed description of formal removals from the United States since the establishment of DHS in 2003. The report is based primarily on MPI analysis of ICE data obtained by *The New York Times* through a *Freedom of Information Act* (FOIA) request.<sup>3</sup> The data include information on 2.9 million removals in which ICE played a role between fiscal years (FY) 2003 and 2013, including information about how they were deported and their previous immigration and criminal records, as well as basic demographic characteristics. The report also draws on DHS Office of Immigration Statistics (OIS) data to estimate the number of Customs and Border Protection (CBP) removals that did not involve ICE, bringing the full set of removals examined to approximately 3.7 million. This number includes every formal removal since DHS was established in 2003; this report does not focus on informal returns.

MPI’s analysis of ICE and DHS enforcement data comes at a pivotal moment in the U.S. immigration debate, a moment that is characterized by deadlock and crisis. In this difficult context for immigration policy, this report contributes to the debates by addressing key questions about immigration enforcement since 2003: who is being removed, where are noncitizens being apprehended and how are they being

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1 “Deportation” refers to any type of mandatory repatriation of a noncitizen from the United States, including the legal processes of “removal” and “return,” both defined in Box 1. Except as otherwise indicated, this report focuses exclusively on formal removals.

2 See Marc R. Rosenblum and Doris Meissner with Claire Bergeron and Faye Hipsman, *The Deportation Dilemma: Reconciling Tough and Humane Enforcement* (Washington, DC: Migration Policy Institute, 2014), [www.migrationpolicy.org/research/deportation-dilemma-reconciling-tough-humane-enforcement](http://www.migrationpolicy.org/research/deportation-dilemma-reconciling-tough-humane-enforcement).

3 See Ginger Thompson and Sarah Cohen, “More Deportations Follow Minor Crimes, Records Show,” *The New York Times*, April 6, 2014, [www.nytimes.com/2014/04/07/us/more-deportations-follow-minor-crimes-data-shows.html](http://www.nytimes.com/2014/04/07/us/more-deportations-follow-minor-crimes-data-shows.html).



removed, how are DHS's current enforcement priorities reflected in enforcement outcomes, and how might changes to DHS's priorities affect future deportations?

The analysis in this report offers the first data-driven answers to these questions. The report provides detailed information about actual enforcement outcomes by focusing on the entire universe of DHS removals over the course of the past 11 years and analyzing previously unpublished data on deportees' characteristics and enforcement histories.

MPI analysis of the data indicates that 95 percent of all DHS removals in the FY 2003-13 period fell into one or more of the current enforcement priority categories, and that the Obama administration's existing priority categories reflect long-standing—and broadly defined—goals for DHS and the legacy Immigration and Naturalization Service (INS).

With most removals already falling within the department's priority categories, what would have been the result if DHS had exercised discretion by foregoing removal for all cases *not* falling into any designated enforcement priority? This analysis shows there would have been about 191,000 fewer removals in FY 2003-13.

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*Modifying DHS's enforcement priorities along multiple dimensions at once would have a more far-reaching effect on removal outcomes.*

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Looking forward, this report finds that many proposed changes to the existing enforcement priorities would produce only modest reductions in removals. For example, if DHS did not categorize individuals convicted exclusively of immigration crimes as enforcement priorities, only 7,000 fewer people would have been removed in FY 2003-13; and if DHS exercised discretion for people with removal orders that are ten years or older, 12,000 fewer people would have been removed in those years. What explains these relatively modest effects? One answer is that the majority of people removed in FY 2003-13 met more than one of DHS's current enforcement priorities. As a result, MPI's analysis suggests that many of the enforcement priority changes that have been proposed may not have far-reaching effects on future removal numbers if implemented in isolation.

Modifying DHS's enforcement priorities along multiple dimensions at once would have a more far-reaching effect on removal outcomes. For example, excluding immigration crimes from DHS's list of enforcement priorities in addition to strict adherence to the existing priority categories would have resulted in 198,000 fewer removals in FY 2003-13; excluding 10-year-old removal orders would have resulted in a total of 203,000 fewer removals during that period. Making both of these changes at once, while strictly adhering to existing priority categories, would have resulted in about 213,000 fewer removals. Excluding immigration crimes and redefining recent entrants to only include noncitizens who entered the United States within the previous year would have reduced removals by about 241,000 cases. And taking all of these changes together would have resulted in about 258,000 fewer removals.

A second reason that changing DHS's enforcement priorities would have a modest impact on removal numbers is that most unauthorized immigrants within the United States never enter the immigration enforcement system, and so never benefit directly from prosecutorial discretion during the removal process. Thus, the pool of *potential* candidates for such discretion is much larger than the number of people who actually benefit from discretion. In focusing on DHS removals, and not the broader universe of people who could intersect with the immigration enforcement system, this report does not estimate the total number of people potentially subject to discretion during the removal process.





Among the report's other key findings:

- DHS and INS before it—with support from Congress—have focused removal efforts on noncitizens convicted of a crime, people who obstruct immigration controls by disobeying immigration court orders or failing to show up for deportation, and recent illegal entrants. Nonetheless, both Presidents Bush and Obama have shifted the focus of their immigration enforcement systems in important ways over the course of their administrations:
  - Following the defeat of comprehensive immigration legislation in 2006 and 2007, the Bush administration oversaw a substantial enforcement surge in 2006-08, resulting particularly in increased interior removals. A substantial share of interior removals in these years—17 percent—would not be defined as enforcement priorities under current DHS policies.
  - Beginning in 2009, and increasingly since 2011, the Obama administration has de-emphasized removals for people outside of DHS's three priority categories. One of the most significant changes is that a growing share of removals are of noncitizens who have been convicted of a crime—80 percent of interior removals in FY 2011-13—but most of these criminal aliens have not been convicted of violent crimes or of other crimes that ICE considers among the most serious types of offenses.
- These shifts have produced different trends with respect to border and interior enforcement:
  - The Bush administration inherited a system mainly focused on border removals and oversaw substantial growth in interior enforcement. Thus, border enforcement fell from 62 percent of removals in FY 2006 to 53 percent in FY 2008, the Bush administration's last year in office.
  - The Obama administration has since shifted its focus back to the border. Border removals accounted for 60 percent of all removals in FY 2012, and 70 percent in FY 2013.
- Interior removals of noncriminals fell sharply under the Obama administration, from 77,000 (43 percent) in FY 2009 to 17,000 (13 percent) in FY 2013. The drop was offset by growing criminal removals from the interior in FY 2009-11, which peaked at 140,000 in FY 2011.
- Overall, 91 percent of removals during FY 2003-13 were men, even as women represent 47 percent of the unauthorized immigrant population in the United States.
- Ninety-one percent of all removals during FY 2003-13 were from Mexico or the Northern Triangle countries of Central America (El Salvador, Guatemala, and Honduras). Mexicans and Central Americans accounted for 95 percent of border removals, 98 percent of reinstatements of removal, and 96 percent of expedited removals during the period. By comparison, about 73 percent of all unauthorized immigrants are from Mexico or Central America. Thus, while illegal immigration to the United States is largely a Mexican and Central American phenomenon, U.S. removal policies—and particularly the implementation of nonjudicial removals, which increasingly dominate the system—disproportionately affect these groups.
- The largest category of convictions for criminal deportees was immigration crimes, accounting for 18 percent of criminal removals between FY 2003-13 (279,000 out of 1.5 million cases). The three next largest crime categories were FBI Part 1 crimes (223,000 cases, or 15 percent of criminal removals), FBI Part 2 crimes identified by MPI as violent offenses (210,000 cases, or 14 percent), and FBI Part 2 crimes identified by MPI as nonviolent offenses (205,000 cases, or 14 percent). Drug



possession (12 percent), other drug offenses (11 percent), DUI (8 percent), other traffic offenses (4 percent), nuisance crimes (2 percent), and some domestic crimes (3 percent) could also be considered nonviolent FBI Part 2 offenses.

- The median time span between entry and apprehension is four days. Not surprisingly, apprehensions leading to removal occur much more quickly at the border than in the interior. At the border, 76 percent of all apprehensions occurred within three days of a person's entry, 90 percent within 14 days, and 93 percent in under one year. Within the United States, just 11 percent of apprehensions occurred within 14 days of a person's entry, almost half (48 percent) involved people who entered at least three years before apprehension, and one in six (17 percent) involved people in the United States ten years or more.
- For criminal removals, the median timing for immigration apprehensions was 380 days following a criminal conviction, meaning that many people who are prioritized on the basis of being a convicted criminal were convicted long before their immigration apprehension.

Overall, the MPI analysis of 3.7 million removal cases between FY 2003-13 shows the potential—and the limitations—of prosecutorial discretion under existing immigration laws and priorities. The Obama administration has been successful at focusing enforcement on the three priority categories identified by the administration beginning in 2010. Yet highly focused enforcement and the characteristics of people removed leaves the administration with little additional room to maneuver by simply refining its existing priorities. In the absence of substantive immigration reform—or the expansion of deferred action or some other affirmative form of relief from removal—many changes to DHS's current enforcement priorities would have a limited effect on the near-record levels of removals now taking place.

## I. Introduction

About 3.7 million noncitizens<sup>4</sup> have been formally removed<sup>5</sup> from the United States since the establishment of the Department of Homeland Security (DHS) in 2003, the continuation and expansion of a trend that began during the 1990s. The high number of formal removals over the last 11 years under Presidents Bush and Obama is part of a broader trend that began during the 1990s. Since the enactment of the *Illegal Immigration Reform and Immigrant Responsibility Act* (IIRIRA) in 1996, U.S. immigration enforcement has been transformed from a system consisting overwhelmingly of informal returns to a system in which most deportees are formally removed. The distinction between informal returns and formal removals is important because formal removals have additional consequences for deportees, including lengthy bars on legal readmission and potential criminal charges and prison time for those who return illegally. Most formal removals are executed by DHS without an appearance before an immigration judge. Further, an increasing proportion of border crossers face immigration-related criminal charges in addition to formal removal.

### Box 1. Removals and Returns

**Removal.** The compulsory and confirmed movement of an inadmissible or deportable noncitizen out of the United States based on an order of removal. A noncitizen who is removed is ineligible for a visa to return to the United States for a period of time, and is subject to criminal penalties if he or she reenters the country without authorization.

**Return.** The confirmed movement of an inadmissible or deportable noncitizen out of the United States not based on a formal order of removal.

<sup>4</sup> This report uses the term noncitizens because removals can encompass both unauthorized immigrants and certain lawfully present noncitizens. Most unauthorized immigrants are deportable, and other noncitizens (lawful permanent residents [LPRs] and legal nonimmigrants) also may be deportable if they commit certain crimes or immigration offenses.

<sup>5</sup> "Removal" refers to a formal form of deportation, while informal deportations are known as "returns;" see Box 1. The analysis in this report focuses exclusively on formal removals, not returns.





The Migration Policy Institute's analysis of U.S. Immigration and Customs Enforcement (ICE) and DHS enforcement data deepens an earlier examination of the deportation system—*The Deportation Dilemma: Reconciling Tough and Humane Enforcement*—published in April 2014. This latest research comes at a pivotal moment in the U.S. immigration debate, a moment characterized by deadlock and crisis. In June 2014, after a year of legislative inaction in the House following the passage in June 2013 of a sweeping immigration overhaul in the Senate, President Obama declared that comprehensive immigration reform (CIR) was dead in Congress. In response, the president renewed his intention to take executive action on immigration,<sup>6</sup> presumably to continue narrowing the scope of deportation and potentially to offer deferred action or some other form of affirmative discretion to additional noncitizens beyond unauthorized immigrant youth.<sup>7</sup>

At the same time, a record number—more than 68,500—unaccompanied, unauthorized children were apprehended along the U.S.-Mexico border in FY 2014.<sup>8</sup> The arrival of so many children in such a short time has strained U.S. border enforcement and child protection resources and created further divisions on immigration policy, with some calling for deportation of all of these children and others seeking a grant of refugee status to protect them from violence and economic deprivation in their home countries. In this difficult environment for immigration policy, this report contributes to the debate by addressing the following key questions about deportations.

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*This report assesses where removals are occurring, and how policy shifts have occurred within and between administrations.*

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First, who is being deported from the United States? President Obama campaigned as an immigration reformer, and has called on Congress to pass comprehensive immigration reform legislation, but his administration also has executed more formal deportations than any previous president. The analysis in this report, based on administrative data, provides the first detailed picture of the demographic characteristics and previous criminal histories of the full universe of DHS removals.

Second, where are people being apprehended and how are they being removed? Understanding where people are apprehended is important because border and interior enforcement play different roles in the immigration enforcement system, and have different consequences for settled immigrant communities. Advocates for more restrictive immigration policies have argued that the United States should “secure the border first” to prevent new illegal inflows, and better border security has been seen as a precondition for broader immigration reforms. Yet some advocates for heightened enforcement also have criticized the Obama administration for failing to deport enough people from *inside* the United States.<sup>9</sup> Interior enforcement is controversial among some immigrants-rights advocates because it can generate fear and hardship

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6 The White House, “Remarks by the President on Border Security and Immigration Reform,” June 30, 2014, [www.whitehouse.gov/the-press-office/2014/06/30/remarks-president-border-security-and-immigration-reform](http://www.whitehouse.gov/the-press-office/2014/06/30/remarks-president-border-security-and-immigration-reform). The president initially pledged to take executive action on immigration policy by the end of the summer, but in September 2014 he extended the timeline for executive action to the end of 2014.

7 More than 587,000 unauthorized immigrant youth had received a two-year deferral of deportation and gained work authorization as a result of the Deferred Action for Childhood Arrivals (DACA) program implemented by the Obama administration in August 2012. See Jeanne Batalova, Sarah Hooker, and Randy Capps with James D. Bachmeier, *DACA at the Two-Year Mark: A National and State Profile of Youth Eligible and Applying for Deferred Action* (Washington, DC: Migration Policy Institute, 2014), [www.migrationpolicy.org/research/daca-two-year-mark-national-and-state-profile-youth-eligible-and-applying-deferred-action](http://www.migrationpolicy.org/research/daca-two-year-mark-national-and-state-profile-youth-eligible-and-applying-deferred-action).

8 U.S. Customs and Border Protection, “Southwest Border Unaccompanied Alien Children,” through September 30, 2014, [www.cbp.gov/newsroom/stats/southwest-border-unaccompanied-children](http://www.cbp.gov/newsroom/stats/southwest-border-unaccompanied-children).

9 See for example, Senator Jeff Sessions (R-AL), “DHS Enforcement Data Reveals Administrative Amnesty Much Broader than Previously Understood,” (news release, March 26, 2014), [www.sessions.senate.gov/public/index.cfm/news-releases?ID=3267d920-f254-463c-b105-ccb1980efe11](http://www.sessions.senate.gov/public/index.cfm/news-releases?ID=3267d920-f254-463c-b105-ccb1980efe11).



in U.S. communities where long-settled migrants are apprehended.<sup>10</sup> This report assesses where removals are occurring, and how policy shifts have occurred within and between administrations. In addition, the report describes how people are deported, including patterns of judicial versus nonjudicial removals, and the timing between migrants' apprehension and their deportation.

Third, how closely do recent enforcement outcomes match DHS's current enforcement priorities? The president describes the DHS enforcement priorities that were articulated in 2010 and 2011 as embodying smart immigration enforcement—focusing on border security and serious criminals rather than on deporting people who are simply “trying to make a living for their families.”<sup>11</sup> This report assesses the extent to which DHS has removed serious criminals and other high-priority cases versus other lower-priority removable immigrants.

Finally, how might deportation outcomes be affected by changes to DHS enforcement priorities that could be implemented as part of the administration's 2014 enforcement review? Some advocates for less-restrictive immigration policies have proposed that the administration exercise greater prosecutorial discretion by redefining its list of enforcement priorities to *not remove* certain people convicted of minor crimes, migrants with longer time in the United States, and/or people with relatively old removal orders, among others. This report explores several such scenarios by analyzing how redefined priorities, if applied in the past, would have affected removal numbers. (Because this report analyzes removal data, and not the broader unauthorized immigrant population, the analysis of reform scenarios focuses exclusively on potential changes to DHS enforcement priorities. It does not explore the predicted impact of a potential expansion of the DACA program or other forms of affirmative relief.)

This report, based on MPI analysis of ICE data obtained by *The New York Times* under the *Freedom of Information Act* (FOIA) as well as additional DHS data, offers the first data-driven answers to these questions. It provides detailed information about actual enforcement outcomes by focusing on the entire universe of DHS removals over the course of the past 11 years and by analyzing previously unpublished data on deportees' characteristics and enforcement histories.

The final section discusses the implications of these findings for DHS's current enforcement review, with administration officials suggesting the findings could be announced by the end of the year. The report concludes by discussing the trade-offs between tougher and more humane enforcement at the border and in the interior, and by addressing some of the differences between the exercise of discretion during immigration enforcement and affirmative discretion that occurs outside the enforcement process.

## II. Data and Methodology

This report relies primarily on ICE administrative data obtained through a FOIA request by reporters for *The New York Times*; the news organization made the data available to MPI and others. The data were extracted from ICE's Enforcement Integrated Database (EID) and provided to the *Times* by ICE's Enforcement and Removal Operations Directorate, Law Enforcement Systems and Analysis Statistical Tracking Unit. EID is the repository for all records related to the investigation, arrest, booking, detention, and removal of persons encountered during immigration and law enforcement investigations and operations conducted by ICE and U.S. Customs and Border Protection (CBP).<sup>12</sup> ICE and CBP are DHS's immigration

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10 Ajay Chaudry, Randy Capps, Juan Manuel Pedroza, Rosa Maria Castañeda, Robert Santos, and Molly M. Scott, *Facing Our Future: Children in the Aftermath of Immigration Raids* (Washington, DC: The Urban Institute, 2010), [http://carnegie.org/fileadmin/Media/Publications/facing\\_our\\_future.pdf](http://carnegie.org/fileadmin/Media/Publications/facing_our_future.pdf).

11 The White House, “Remarks by the President at Law Enforcement Briefing on Immigration,” May 13, 2014, [www.whitehouse.gov/the-press-office/2014/05/13/remarks-president-law-enforcement-briefing-immigration](http://www.whitehouse.gov/the-press-office/2014/05/13/remarks-president-law-enforcement-briefing-immigration).

12 Department of Homeland Security (DHS), “Privacy Impact Assessment for the Enforcement Integrated Database (EID),” January 14, 2010, 2, [www.dhs.gov/xlibrary/assets/privacy/privacy\\_pia\\_ice\\_eid.pdf](http://www.dhs.gov/xlibrary/assets/privacy/privacy_pia_ice_eid.pdf).



## Box 2. Definition of Removal Categories

**Border Removals.** As used in this report, refers to removals initiated by a U.S. Customs and Border Protection (CBP) apprehension and (when information on the arresting agency is unavailable) to removals following an apprehension that occurred within 14 days of a person's entry into the United States.

**CBP-Only Removals.** As used in this report, removals that occur following border apprehensions in which U.S. Immigration and Customs Enforcement (ICE) played no role. Data are Migration Policy Institute (MPI) estimates based on the difference between total Department of Homeland Security (DHS) removals and total ICE Enforcement Integrated Database (EID) removals and, as described in Appendix A. (CBP-only removals are a subset of border removals.)

**Criminal Removal.** A non-U.S. citizen who has ever been convicted of a U.S. crime and who is removed from the United States.

**ICE EID Removals.** All removals in which ICE played a role. ICE EID removals are described in the ICE EID, which was obtained by reporters from *The New York Times* through a FOIA request.

**Interior Removals.** As used in this report, refers to formal removals initiated by an ICE apprehension and (when information on the arresting agency is unavailable) to removals following an apprehension that occurred more than 14 days after a person's entry into the United States.

**Total DHS Removals.** All Department of Homeland Security removals. Data come from DHS Office of Immigration Statistics *Yearbooks of Immigration Statistics*.

enforcement agencies, with ICE responsible for immigration detention and enforcement within the United States ("interior enforcement") and other aspects of the deportation process, and CBP responsible for immigration enforcement at U.S. borders and ports of entry ("border enforcement").

The ICE EID dataset provided to MPI includes a record of every removal in FY 2003-13 in which ICE played a role and of ICE returns in FY 2007-13: about 2.9 million removals and 500,000 informal returns. *This report focuses exclusively on formal removals*, which allows for the reliable analysis of trends over time and the ability to incorporate other DHS removal data. Informal returns, which have historically been much larger in number (especially along the border) but have declined in recent years, are not analyzed in the report.<sup>13</sup>

As discussed in Box 2 and in Appendix A, MPI estimates that CBP completed approximately 818,000 removals at the border in FY 2003-13 in which ICE played no role; these removals are not included in the ICE EID dataset. The report refers to these cases as "CBP-only removals." Except as otherwise indicated, figures and tables in this report incorporate information from the ICE EID cases *and* from MPI's estimate of CBP-only removals—i.e., the full universe of DHS removals. Additional tables in Appendix B replicate tables found in the main text, but are based exclusively on ICE EID data.

The data analyzed in this report are limited in two key respects. First, both the ICE EID data made publicly available and the OIS data published in the *Yearbook of Immigration Statistics* are restricted to people who were ultimately deported. Thus, the analysis offers only indirect insight into DHS's exercise of prosecutorial discretion because cases benefitting from discretion (i.e., by not being deported) are excluded. Second, the ICE and OIS datasets are structured around immigration enforcement events, *not individuals*. Although the EID database used by ICE and CBP includes a person-specific field that would allow individual case histories to be constructed and analyzed, publicly available data do not include this identifier.

<sup>13</sup> For a fuller discussion of trends in removals and returns, see Rosenblum and Meissner with Bergeron and Hipsman, *The Deportation Dilemma*.

**Box 3. MPI Assumptions about Removal Cases Excluded from the ICE Dataset**

The U.S. Immigration and Customs Enforcement (ICE) Enforcement Integrated Database (EID) dataset analyzed for this report includes information about all removals between fiscal years (FY) 2003-13 in which ICE played a role. A comparison of the ICE EID removal numbers and data reported in the Department of Homeland Security (DHS), Office of Immigration Statistics (OIS) *Yearbook of Immigration Statistics* indicates that total DHS removals exceeded ICE removals by about 818,000 in FY 2003-13.

In order to provide a complete picture of DHS removals, MPI uses information about the roles of ICE and CBP in the removal process to make the following assumptions about these excluded cases:

- The excluded cases are CBP removals. CBP is the only DHS agency besides ICE directly involved in the removal process.
- The excluded cases are Mexican and Canadian citizens. All deportees to countries other than Mexico or Canada are deported by air by the ICE Transportation and Removal Program.
- The excluded cases are expedited removals and reinstatements of removal (which are nonjudicial removals). ICE attorneys are involved in judicial removal cases, and other ICE programs are involved in administrative removals.
- The excluded cases are noncriminals. ICE's Criminal Alien Program (CAP) is involved in tracking noncitizens who have been convicted of a crime, and in initiating removal proceedings against noncitizens incarcerated in local, state, and federal jails and prisons.

See Appendix A for additional details about these assumptions.

Thus, this report treats the 3.7 million removal cases being analyzed as *independent events*, even though an unknown number represent subsequent removals of the same individual.<sup>14</sup> An analysis of apprehensions that do not result in deportations, and/or of data that allow researchers to analyze repeat removals of the same individuals would open up important avenues for future research, should ICE or DHS make these data available. Finally, the data on interior enforcement do not allow for the geographic disaggregation of arrests, and so analysis of trends in enforcement across different areas of the United States would also be a topic for future research should DHS make these data available.

### III. DHS Enforcement Priorities

In FY 2010-11, ICE published a pair of memos from Assistant Secretary John Morton describing the agency's civil immigration enforcement policies and priorities concerning the exercise of prosecutorial discretion during immigration enforcement.<sup>15</sup> In August 2011, then Homeland Security Secretary Janet

14 About 1.1 million (30 percent) out of 3.6 million DHS removals in fiscal years (FY) 2003-12 were reinstatements of removal, indicating that at least this many cases concerned subsequent removals of a person previously deported.

15 Memorandum from U.S. Immigration and Customs Enforcement (ICE) Assistant Secretary John Morton to all ICE employees, "Civil Immigration Enforcement: Priorities for the Apprehension, Detention, and Removal of Aliens" (memorandum, June 30, 2010), [www.ice.gov/doclib/news/releases/2010/civil-enforcement-priorities.pdf](http://www.ice.gov/doclib/news/releases/2010/civil-enforcement-priorities.pdf); Memorandum from ICE Director John Morton to all ICE Field Office Directors, Special Agents in Charge, and Chief Counsel, "Exercising Prosecutorial Discretion Consistent with Civil Immigration Enforcement Priorities of the Agency for the Apprehension, Detention, and Removal of Aliens" (memorandum, June 17, 2011), [www.ice.gov/doclib/foia/prosecutorial-discretion/pd\\_cnstnt\\_w\\_civil\\_imm\\_enforce\\_ice\\_priorities.pdf](http://www.ice.gov/doclib/foia/prosecutorial-discretion/pd_cnstnt_w_civil_imm_enforce_ice_priorities.pdf). For a fuller discussion, see Rosenblum and Meissner with Bergeron and Hipsman, *The Deportation Dilemma*.



Napolitano described the priorities and discretion guidelines as department-wide policy.<sup>16</sup> These DHS policy statements have been controversial,<sup>17</sup> but they adhere to long-standing, broadly defined immigration enforcement priorities as described in previous law and policy. The memos identify three sets of enforcement priorities:

- **Noncitizens convicted of a crime.** The 2010 ICE memo's top civil immigration enforcement priority includes noncitizens who (a) are engaged in or suspected of terrorism or espionage, (b) have ever been convicted of a crime ("criminal aliens"), (c) those ages 16 or older who participated in organized criminal gangs, (d) are subject to outstanding criminal warrants, or (e) otherwise pose a serious risk to public safety.<sup>18</sup> Within this top priority category, the memo further subdivides aliens convicted of crimes into Level 1, Level 2, and Level 3 offenders based on the seriousness of the criminal conviction, as discussed below. These types of national security and public safety concerns have been consistent legislative priorities for immigration enforcement,<sup>19</sup> and INS and DHS have operated a series of programs since the 1990s to identify, detain, and deport criminal aliens, including the Criminal Alien Program (CAP), the 287(g) program, and the Secure Communities program.<sup>20</sup> Notably, while deporting criminal aliens is a widely accepted immigration priority within the United States, these deportations may contribute to regional crime and insecurity, as the United States deported convicted criminals to the Northern Triangle region of Central America (i.e., El Salvador, Guatemala, and Honduras) 250,000 times in FY 1995 – FY 2013 and 1.5 million times to Mexico.<sup>21</sup>
- **Recent illegal entrants.** ICE's second enforcement priority, as defined in the June 2010 immigration enforcement priorities memo, consists of recent illegal entrants, including "aliens who have recently violated immigration controls at the border, at ports of entry, or through the knowing abuse of the visa [or] visa waiver programs."<sup>22</sup> The focus on border crossers, in particular, is consistent with U.S. policies since the 1970s that have promoted greater security at the U.S.-Mexico border. Border enforcement has been seen as even more urgent—and an increasingly important spending priority—in the post-9/11 period.<sup>23</sup> The Bush administration took steps to limit the use of informal returns in favor of formal removals, including by expanding the use of nonjudicial removal procedures, and to charge border crossers with immigration-related criminal offenses. These initiatives have generally continued under the Obama administration.<sup>24</sup>
- **Noncitizens who disobey immigration court orders.** The third immigration enforcement priority includes ICE fugitives (i.e., people who fail to appear at a scheduled immigration hearing or who are subject to a final order of removal and fail to depart) and those who "intentionally obstruct

16 Letter from Homeland Security Secretary Janet Napolitano to Senator Richard Durbin (D-IL), August 18, 2011, <http://shusterman.com/pdf/napolitanoletter81811.pdf>.

17 See, for example, House Committee on the Judiciary hearing, *Oversight of the U.S. Department of Homeland Security*, 113th Cong., 2nd sess., May 29, 2014, [http://judiciary.house.gov/index.cfm/hearings?id=46c27b59-72fe-46b4-9ede-6576fc56f795&Statement\\_id=C7FF3692-AA44-4B7E-9783-1B1C8B0D04D0](http://judiciary.house.gov/index.cfm/hearings?id=46c27b59-72fe-46b4-9ede-6576fc56f795&Statement_id=C7FF3692-AA44-4B7E-9783-1B1C8B0D04D0).

18 Morton, "Civil Immigration Enforcement," 1-2.

19 See for example, the *Act of March 3, 1875* (18 Statutes-at-Large 477), which excluded criminals and prostitutes; *Immigration Reform and Control Act of 1986* (IRCA), Public Law 99-603, §701; *Anti-Drug Abuse Act of 1988*, Public Law 100-690, *U.S. Statutes at Large* 102 (1988): 4181; *Immigration Act of 1990*, Public Law 101-649, *U.S. Statutes at Large* 104 (1990): 4978; *Illegal Immigration Reform and Immigration Responsibility Act of 1996* (IIRIRA), Public Law 104-208, *U.S. Statutes at Large* 110 (1996): 3009.

20 For a fuller discussion see Randy Capps, Marc R. Rosenblum, Muzaffar Chishti, and Cristina Rodríguez, *Delegation and Divergence: 287(g) State and Local Immigration Enforcement* (Washington, DC: Migration Policy Institute, 2011), [www.migrationpolicy.org/research/delegation-and-divergence-287g-state-and-local-immigration-enforcement](http://www.migrationpolicy.org/research/delegation-and-divergence-287g-state-and-local-immigration-enforcement); and Marc R. Rosenblum and William A. Kandel, *Interior Immigration Enforcement: Programs Targeting Criminal Aliens* (Washington, DC: Congressional Research Service, 2012), 18-21, <http://fas.org/sgp/crs/homsec/R42057.pdf>.

21 MPI analysis of OIS, *Yearbook of Immigration Statistics*, various years. These data count removals, not unique individuals, so fewer individual criminals were deported during this period.

22 Morton, "Civil Immigration Enforcement," 2.

23 For a fuller discussion, see Doris Meissner, Donald M. Kerwin, Muzaffar Chishti, and Claire Bergeron, *Immigration Enforcement in the United States: The Rise of a Formidable Machinery* (Washington, DC: Migration Policy Institute, 2013), [www.migrationpolicy.org/research/immigration-enforcement-united-states-rise-formidable-machinery](http://www.migrationpolicy.org/research/immigration-enforcement-united-states-rise-formidable-machinery).

24 See Rosenblum and Meissner with Bergeron and Hipsman, *Deportation Dilemma*.





immigration controls” by re-entering the country illegally after being deported.<sup>25</sup> These categories are also a long-standing focus. For example, the 1996 IIRIRA law targeted migrants who re-enter following a removal order by streamlining administrative procedures for formally removing them. In 2003, DHS created the ICE National Fugitive Operations Program (NFOP), a task force program designed to locate, arrest, and remove at-large immigration fugitives, as well as certain noncitizens convicted of crimes.

While the three priorities identified in the ICE prosecutorial discretion memos are long-standing enforcement goals, they have not defined the full scope of priorities for the DHS (or the legacy INS) deportation system.

Worksite enforcement to combat employment of unauthorized immigrants is an additional enforcement priority. The 1986 *Immigration Reform and Control Act* (IRCA) made it illegal for employers to knowingly hire an unauthorized immigrant, but IRCA’s employer sanctions provisions have been notoriously difficult to enforce, and funding for worksite enforcement has been limited.<sup>26</sup> One of the Obama administration’s first immigration enforcement policy changes was to shift worksite enforcement resources away from raids targeting unauthorized workers in favor of I-9 audits and criminal investigations targeting noncompliant employers.<sup>27</sup>

Advocates for more restrictive immigration policies also have argued that DHS should make random enforcement a priority to ensure that all unauthorized immigrants face some threat of deportation. According to this argument, just as the Internal Revenue Service (IRS) conducts random audits to discourage tax cheats and local police set up speed traps to discourage speeding, so too should DHS set aside a portion of resources for random enforcement to discourage illegal immigration in general.<sup>28</sup>

## IV. A Brief Profile of Deportees

Analysis of the data from the ICE EID database and from OIS provides a detailed picture of the demographic characteristics and enforcement histories of the 3.7 million noncitizens removed over the past 11 years.

Overall, 91 percent of removals are men,<sup>29</sup> even as women account for 47 percent of all unauthorized immigrants in the United States.<sup>30</sup>

And 91 percent of all deportees during the FY 2003-13 period surveyed were from Mexico or the Northern Triangle countries of Central America—El Salvador, Guatemala, and Honduras—even though Mexicans and Central Americans represent approximately 73 percent of all unauthorized immigrants.<sup>31</sup> (See

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25 This category also includes noncitizens who obtain admission or status by visa, identification, or immigration benefit fraud; see Morton, “Civil Immigration Enforcement,” 2-3.

26 See Meissner, Kerwin, Chishti, and Bergeron, *Immigration Enforcement in the United States: The Rise of a Formidable Machinery*; Andorra Bruno, *Immigration-Related Worksite Enforcement: Performance Measures*, CRS Report R40002 (Washington, DC: Congressional Research Service, 2013), <http://fas.org/sgp/crs/homsec/R40002.pdf>.

27 Memorandum from ICE Office of Investigations Director Marcy Forman to ICE Assistant Director, Deputy Assistant Directors, and Special Agents in Charge, “Worksite Enforcement Strategy” (memorandum, April 30, 2009), [www.ice.gov/doclib/foia/dro\\_policy\\_memos/worksite\\_enforcement\\_strategy4\\_30\\_2009.pdf](http://www.ice.gov/doclib/foia/dro_policy_memos/worksite_enforcement_strategy4_30_2009.pdf).

28 Seung Min Kim, “Jeh Johnson Meets with Immigration Reform Critics,” Politico, May 7, 2014, [www.politico.com/story/2014/05/jeh-johnson-immigration-reform-106469.html](http://www.politico.com/story/2014/05/jeh-johnson-immigration-reform-106469.html).

29 Information about gender is based only on ICE EID data, and excludes CBP-only cases.

30 Bryan Baker and Nancy Rytina, *Estimates of the Unauthorized Immigrant Population Residing in the United States: January 2012* (Washington, DC: DHS Office of Immigration Statistics, 2013), [www.dhs.gov/publication/estimates-unauthorized-immigrant-population-residing-united-states-january-2012](http://www.dhs.gov/publication/estimates-unauthorized-immigrant-population-residing-united-states-january-2012).

31 Ibid.



Table 1.) Mexicans and Central Americans accounted for 95 percent of border removals, 98 percent of reinstatements of removal, and 96 percent of expedited removals during the period.

Thus, while illegal immigration to the United States is largely a Mexican and Central American phenomenon, U.S. removal policies—and particularly the implementation of nonjudicial removals, which increasingly dominate the system—disproportionately affect these groups. Men are also removed at disproportionate rates.

**Table 1. DHS Removals with Arrest Location and Removal Type by Gender and Nationality (%), FY 2003-13**

	Total DHS Removals (%)	Arrest Location		Removal Type		
		Border (%)	Interior (%)	Judicial (%)	Reinstatement (%)	Expedited (%)
Male	91	89	94	91	93	86
Female	9	11	6	9	7	14
<b>Country of Origin</b>						
Mexico	71	74	69	56	82	77
Guatemala	8	8	7	9	6	9
Honduras	7	8	6	8	7	8
El Salvador	5	4	5	7	3	3
Other	9	5	12	20	2	4
<b>Total</b>	<b>3,676,159</b>	<b>2,122,816</b>	<b>1,323,043</b>	<b>1,284,563</b>	<b>1,093,818</b>	<b>1,170,402</b>

*Notes:* Data on gender are based exclusively on U.S. Immigration and Customs Enforcement (ICE) Enforcement Integrated Database (EID) data. Data on nationality are from ICE EID and U.S. Customs and Border Protection (CBP). Totals may not add to 100 percent due to rounding error. See Appendix Table B-1 for raw data and for disaggregation of ICE EID and CBP-only numbers. Data are based on removal events, not individuals, and the characteristics of individuals who are removed repeatedly may differ from those who are only removed once, thereby biasing these data slightly toward the characteristics of individuals with multiple removals.

*Sources:* Migration Policy Institute (MPI) analysis of ICE Enforcement Integrated Database (EID) data for fiscal years (FY) 2003-13 obtained by *The New York Times* via a *Freedom of Information Act* request; DHS Office of Immigration Statistics (OIS), *Immigration Enforcement Actions, 2010 – 2013* (Washington, DC: DHS, OIS, 2011-14), [www.dhs.gov/immigration-statistics-publications](http://www.dhs.gov/immigration-statistics-publications).

## V. Deportees' Previous Criminal Convictions

Analysis of the removals data shows that convicted criminals have accounted for a substantially greater share of removals under the Obama administration (46 percent) than under the Bush administration (36 percent). This pattern is more pronounced with respect to interior removals (73 percent versus 56 percent), and the pattern has strengthened over time, as the criminal share of interior removals rose from 53 percent in FY 2008 to 87 percent in FY 2013. These data are important because interior enforcement tends to affect settled immigrant communities, and those seeking more generous immigration policies see deportations of low-priority noncriminals from within the United States (i.e., through interior enforcement) as having an unduly disruptive impact on these communities.

**Box 4. ICE Offender Levels**

**Level 1 Offender:** Noncitizens convicted of “aggravated felonies” (a class of crimes defined in the *Immigration and Nationality Act*) or of two or more felony offenses (crimes punishable by more than one year in prison).

**Level 2 Offender:** Noncitizens convicted of a single felony offense or of three or more misdemeanor offenses (crimes punishable by less than one year in prison).

**Level 3 Offender:** Noncitizens convicted of two or fewer misdemeanor offenses.

*Notes:* ICE offender definitions were modified in 2010, but the ICE EID dataset analyzed for this report applies the current definitions to all cases in the dataset; for a discussion of the previous definitions, see Randy Capps, Marc R. Rosenblum, Muzaffar Chishti, and Cristina Rodríguez, *Delegation and Divergence: 287(g) State and Local Immigration Enforcement* (Washington, DC: Migration Policy Institute, 2011), [www.migrationpolicy.org/research/delegation-and-divergence-287g-state-and-local-immigration-enforcement](http://www.migrationpolicy.org/research/delegation-and-divergence-287g-state-and-local-immigration-enforcement).

**A. Most Serious Lifetime Convictions**

While criminals account for a growing share of removals, a sizeable share of those removed are not the most serious criminals, as defined by ICE. Tables 2 and 3 summarize two different data points describing the most serious criminal convictions among removal cases. Table 2 provides information as coded and reported by ICE on the number of removal cases considered Level 1, Level 2, and Level 3 offenders, along with those coded as noncriminals.<sup>32</sup> ICE uses these threat levels to rank and prioritize noncitizen criminals. According to these data, while approximately 41 percent of all DHS removals in FY 2003-13 were of people previously convicted of a crime, just 18 percent were Level 1 offenders and 7 percent were Level 2 offenders.

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*While criminals account for a growing share of removals, a sizeable share of those removed are not the most serious criminals.*

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<sup>32</sup> ICE's definitions of Level 1, Level 2, and Level 3 offenders indicate that the categories encompass all convicted criminals, but 1,338 cases in the EID dataset receive a threat level coding even though they have no record of a criminal conviction. These cases, which represent 0.09 percent of cases receiving an ICE threat level code, are reported within their recorded threat level categories in Table 2, but treated as noncriminals elsewhere in this report.



Table 2. DHS Removals by Criminality and Threat Levels, FY 2003-13

	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	Total
<b>Total Removals</b>	211,098	240,665	246,431	280,974	319,382	359,795	391,597	382,265	387,134	418,397	438,421	3,676,159
<b>Criminals</b>	84,378	93,081	90,978	96,749	105,153	119,280	141,876	178,901	193,547	207,366	198,882	1,510,191
	40%	39%	37%	34%	33%	33%	36%	47%	50%	50%	45%	41%
<b>Level 1</b>	47,261	50,214	49,477	49,080	53,109	57,588	63,879	75,998	74,243	76,018	71,145	668,012
	22%	21%	20%	17%	17%	16%	16%	20%	19%	18%	16%	18%
<b>Level 2</b>	10,506	11,810	11,796	12,308	14,517	17,597	22,445	29,030	42,030	45,644	42,836	260,519
	5%	5%	5%	4%	5%	5%	6%	8%	11%	11%	10%	7%
<b>Level 3</b>	26,611	31,057	29,705	35,361	37,527	44,095	55,552	73,873	77,274	85,704	84,901	581,660
	13%	13%	12%	13%	12%	12%	14%	19%	20%	20%	19%	16%
<b>Noncriminals</b>	126,720	147,584	155,453	184,225	214,229	240,515	249,721	203,364	193,587	211,031	239,539	2,165,968
	60%	61%	63%	66%	67%	67%	64%	53%	50%	50%	55%	59%
<b>ICE Removals</b>	74,953	84,346	92,285	115,176	148,397	158,012	153,566	124,678	124,725	138,592	133,510	1,348,240
	36%	35%	37%	41%	46%	44%	39%	33%	32%	33%	30%	37%
<b>CBP-only</b>	51,767	63,238	63,168	69,049	65,832	82,503	96,155	78,686	68,862	72,439	106,029	817,728
	25%	26%	26%	25%	21%	23%	25%	21%	18%	17%	24%	22%

Notes: The FY 2013 total removals figure is MPI's estimate based on methodology described in Appendix A. Data on criminal removals and ICE threat levels come from ICE EID data set; CBP-only removals are MPI's estimate based on the methodology described in Appendix A. Data are based on removal events, not individuals, and the characteristics of individuals who are removed repeatedly may differ from those who are only removed once, thereby biasing these data slightly toward the characteristics of individuals with multiple removals. The table includes 1,338 cases that are coded as Level 1, Level 2, or Level 3 offenders but have no matching record of a criminal conviction. These cases, which account for .09 percent of cases receiving an ICE threat level code, are treated as noncriminals elsewhere in this report.

Sources: MPI analysis of ICE EID database for FY 2003-13; DHS OIS, *Immigration Enforcement Actions*, 2010-13.



Table 3 provides additional details on the types of crimes committed by people removed from the United States in FY 2003-13, based on ICE's more detailed description of each person's most serious lifetime criminal conviction. The ICE EID dataset includes 455 different criminal codes, ranging from offenses such as "Carjacking—Armed" to crimes like "Conservation—Birds." For ease of analysis, Table 3 displays non-criminal cases (ICE EID noncriminals and CBP-only removals, which MPI assumes to be noncriminals) and ICE EID cases with criminal convictions, which are classified into ten main categories.<sup>33</sup>

The largest category of criminal convictions was immigration crimes, accounting for 18 percent of criminal removals (279,000 out of 1.5 million cases). The three next largest crime categories were FBI Part 1 crimes (223,000 cases or 15 percent of criminal removals), FBI Part 2 crimes identified by MPI as violent offenses (210,000 cases, 14 percent), and FBI Part 2 crimes identified by MPI as nonviolent offenses (205,000 cases, 14 percent).<sup>34</sup> Drug possession (12 percent), other drug offenses (11 percent), driving under the influence (DUI, 8 percent), other traffic offenses (4 percent), some domestic crimes (3 percent), and nuisance crimes (2 percent) could also be considered nonviolent FBI Part 2 offenses, but these categories are disaggregated in Table 3 since prioritizing the removal of individuals convicted of these types of crimes has been a subject of debate.

Several trends in Table 3 are noteworthy.

First, the number of noncriminal removals roughly doubled between FY 2003-08. Most of the growth during this period coincided with the Bush administration's 2006-08 enforcement surge, when 67 percent of all DHS removals (including CBP-only removals) were noncriminals.

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*The largest category of criminal convictions was immigration crimes, accounting for 18 percent of criminal removals.*

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Second, five crime categories—FBI Part 1 crimes, violent and nonviolent Part 2 crimes, drug possession, and other drug crimes—each show consistency over the FY 2003-13 period, fluctuating within a narrow band of between 4 percent and 8 percent of total DHS removals. All five of these categories show steady increases—proportional to overall gains in removals—for the first eight or nine years in the ICE dataset; all peaked between FY 2010 and FY 2011 (or FY 2012 in the case of other drug crimes), and the number of removals in each of these categories has fallen somewhat during the last two or three years—though each remained above its pre-2009 levels in FY 2013.

Third, four of the other crime categories in Table 3 (immigration crimes, DUI, other traffic crimes, and nuisance crimes) accounted for a steadily rising share of total DHS removals between FY 2003-13. Notably, the only category of crime that *did not* show at least a slight decrease between FY 2010-11 and FY 2013 was immigration crimes. People convicted exclusively of immigration offenses accounted for 14 percent of total DHS removals in FY 2013, and 30 percent of criminal removals.

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<sup>33</sup> A complete list of crimes in each category is available as Appendix C.

<sup>34</sup> FBI Part 1 crimes include burglary, aggravated assault, and homicide, among other serious crimes; see Department of Justice (DOJ), Criminal Justice Information Services Division, "Crime in the United States: Offense Definitions," September 2010, [www2.fbi.gov/ucr/cius2009/about/offense\\_definitions.html](http://www2.fbi.gov/ucr/cius2009/about/offense_definitions.html). FBI Part 2 crimes coded as violent offenses include simple assault and hit and run, for example; FBI Part 2 crimes coded as nonviolent include fraud and shoplifting, for example. See Appendix C for a complete list of crimes in each category.





Table 3. DHS Removals by Criminality and Most Serious Lifetime Criminal Conviction, FY 2003-13

	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	Total
<b>Total DHS Removals</b>	211,098	240,665	246,431	280,974	319,382	359,795	391,597	382,265	387,134	418,397	438,421	3,676,159
<b>Noncriminal Removals</b>	126,741	147,600	155,474	184,245	214,264	240,562	250,056	204,036	193,697	211,055	239,576	2,167,306
	60%	61%	63%	66%	67%	67%	64%	53%	50%	50%	55%	59%
<b>ICE Removals</b>	74,974	84,362	92,306	115,196	148,432	158,059	153,901	125,350	124,835	138,616	133,547	1,349,578
	36%	35%	37%	41%	46%	44%	39%	33%	32%	33%	33%	37%
<b>CBP-only Removals</b>	51,767	63,238	63,168	69,049	65,832	82,503	96,155	78,686	68,862	72,439	106,029	817,728
	25%	26%	26%	25%	21%	23%	25%	21%	18%	17%	24%	22%
<b>Criminal Removals</b>	84,357	93,065	90,957	96,729	105,118	119,233	141,541	178,229	193,437	207,342	198,845	1,508,853
	40%	39%	37%	34%	33%	33%	36%	47%	50%	50%	45%	41%
<b>Immigration crime</b>	9,246	11,900	11,934	17,084	15,646	16,257	18,872	29,674	36,099	51,427	60,589	278,728
	4%	5%	5%	6%	5%	5%	5%	8%	9%	12%	14%	8%
<b>FBI Part 1</b>	16,410	17,331	17,397	17,450	18,557	19,765	22,051	25,432	24,630	23,388	20,889	223,300
	8%	7%	7%	6%	6%	5%	6%	7%	6%	6%	5%	6%
<b>FBI Part 2 - Violent</b>	11,931	13,748	13,388	13,389	15,333	18,021	21,111	26,854	26,369	25,836	23,570	209,550
	6%	6%	5%	5%	5%	5%	5%	7%	7%	6%	6%	6%
<b>FBI Part 2 - Nonviolent</b>	10,142	11,384	11,082	11,595	14,109	16,932	21,189	25,958	28,668	28,666	25,434	205,159
	5%	5%	4%	4%	4%	5%	5%	7%	7%	7%	6%	6%
<b>Drugs - possession</b>	13,157	14,641	14,544	14,401	15,229	16,390	17,888	19,451	17,615	16,293	14,422	174,031
	6%	6%	6%	5%	5%	5%	5%	5%	5%	4%	3%	5%
<b>Drugs - Sale, distribution, transportation</b>	15,338	15,385	14,831	14,166	13,860	13,935	14,898	17,174	16,969	17,377	16,532	170,465
	7%	6%	6%	5%	4%	4%	4%	4%	4%	4%	4%	5%
<b>Traffic - DUI</b>	3,573	3,700	3,317	3,950	6,000	8,828	12,425	16,401	21,119	20,823	18,044	118,180
	2%	2%	1%	1%	2%	2%	3%	4%	5%	5%	4%	3%
<b>Traffic - Other than DUI</b>	1,035	1,133	873	1,053	1,956	3,912	6,200	8,446	12,151	12,663	10,122	59,544
	0%	0%	0%	0%	1%	1%	2%	2%	3%	3%	2%	2%
<b>Domestic</b>	2,821	3,037	2,815	2,807	3,261	3,386	3,636	4,361	4,334	5,105	4,484	40,047
	1%	1%	1%	1%	1%	1%	1%	1%	1%	1%	1%	1%
<b>Nuisance crimes</b>	704	806	776	834	1,167	1,807	3,271	4,478	5,483	5,764	4,759	29,849
	0%	0%	0%	0%	0%	1%	1%	1%	1%	1%	1%	1%

Notes: CBP-only removals are MPI's estimate based on methodology described in Appendix A. See Appendix C for a detailed list of criminal offenses within each category. Data are based on removal events, not individuals, and the characteristics of individuals who are removed repeatedly may differ from those who are only removed once, thereby biasing these data slightly toward the characteristics of individuals with multiple removals. The table counts as noncriminals 1,338 cases that are coded as Level 1, Level 2, or Level 3 offenders but that have no record of a criminal conviction; these cases account for 0.09 percent of cases receiving an ICE threat level code.

Source: MPI analysis of ICE EID data for FY 2003-13; DHS OIS, *Immigration Enforcement Actions*, 2010-13.



## **B. Time Between Criminal Conviction and Immigration Apprehension**

The ICE EID dataset also show that, for criminal removals, the median number of days between a criminal conviction and an immigration apprehension is 380 days. This lag means that some people who are prioritized on the basis of being a convicted criminal were convicted long before their immigration apprehension.<sup>35</sup>

Among criminal removals from the interior, 51 percent of convictions occurred more than one year before the ICE apprehension leading to removal and 25 percent of convictions were more than five years old. These rates were 49 percent and 23 percent for removals that occurred at the border. At the other end of the spectrum, 25 percent of criminal removals within the interior followed recent criminal convictions, defined as convictions that occurred within 10 days of a person's immigration apprehension, or following their immigration apprehension; and 32 percent of criminal removals from the border occurred within this time period.

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*The median number of days between a criminal conviction and an immigration apprehension is 380 days.*

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Some have raised concerns about long-settled immigrants being prioritized for deportation on the basis of minor criminal offenses committed many years earlier. Table 4 describes removals of individuals convicted of a crime more than five years before their apprehension who would be considered an enforcement priority under current DHS policies only because of their criminal conviction (i.e., they were not recent illegal entrants or were not viewed as “immigration obstructionists” for violating an order from an immigration court). As the table indicates, a total of just 54,000 removals in FY 2003-13 fell into this category; and 66 percent of these removals followed previous criminal convictions for FBI Part 1 offenses, FBI Part 2 violent crimes, or crimes involving the sale, distribution, or transportation of drugs. Many of these relatively serious crimes likely involved periods of incarceration that may account for the lag between criminal conviction and removal. Fewer than 2,000 removals in FY 2003-13 (about 0.05 percent of all removals during this period) would have been defined as priorities strictly on the basis of more than five-year-old criminal convictions for immigration crimes, traffic offenses (other than DUI), and nuisance crimes. Thus, based on these data, few long-settled migrants have been prioritized for removal strictly on the basis of a long-standing conviction for a minor criminal offense.

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<sup>35</sup> This finding does not account for time during which noncitizens may be incarcerated prior to being transferred to DHS, a factor that adds time between conviction and apprehension in these cases.

**Table 4. Removals Occurring More than Five Years after a Criminal Conviction, by Type of Crime, FY 2003-13**

	Bush Administration (2003-08)	Obama Administration (2009-13)	Total
<b>Total</b>	<b>20,401</b>	<b>33,989</b>	<b>54,390</b>
FBI Part 1	5,252	8,663	13,915
FBI Part 2 – Violent	5,205	8,312	13,517
Drugs – Sale, distribution, transportation	3,681	4,972	8,653
FBI Part 2 – Nonviolent	2,058	4,566	6,624
Drugs – possession	2,677	3,299	5,976
Traffic – DUI	427	1,791	2,218
Domestic	604	940	1,544
Nuisance crime	152	729	881
Traffic – other than DUI	104	612	716
Immigration crime	241	105	346

*Notes:* See Appendix C for a detailed list of criminal offenses within each crime category. Data are based on removal events, not individuals, and the characteristics of individuals who are removed repeatedly may differ from those who are only removed once, thereby biasing these data slightly toward the characteristics of individuals with multiple removals. The table excludes convicted criminals who are also recent entrants or obstructionists as well as criminal removals for which time from conviction to apprehension cannot be calculated.

*Source:* MPI analysis of ICE EID data for FY 2003-13.

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*DHS enforcement priorities translate into very different enforcement profiles at the border and in the interior.*

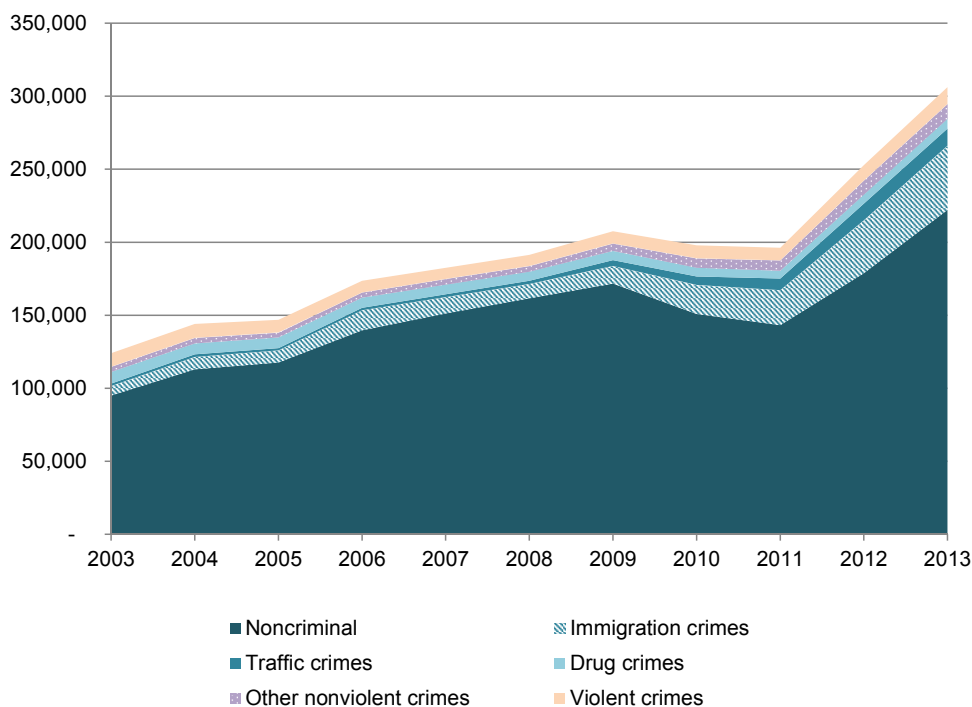
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### **C. Criminal and Noncriminal Removal Patterns at the Border and in the Interior**

DHS enforcement priorities translate into very different enforcement profiles at the border and in the interior, as MPI analyses have observed elsewhere.<sup>36</sup> Figures 1 and 2 illustrate one reflection of these differences by depicting the types of criminal convictions for individuals apprehended in the interior versus at the border, with crimes disaggregated into five broad categories: immigration crimes, DUI and other traffic offenses, possession and other drug crimes, other nonviolent crimes, and violent crimes.<sup>37</sup>

<sup>36</sup> See Rosenblum and Meissner with Bergeron and Hipsman, *The Deportation Dilemma*.

<sup>37</sup> Nonviolent crimes include crimes in the FBI Part 2 – Nonviolent and Nuisance Crimes categories from Table 3; violent crimes include FBI Part 1, FBI Part 2 – Violent, and Domestic Crimes categories; tables with more detailed criminal offense data broken down by border versus interior apprehensions are included in Appendix B; a complete list of crimes within each crime category is included in Appendix C.

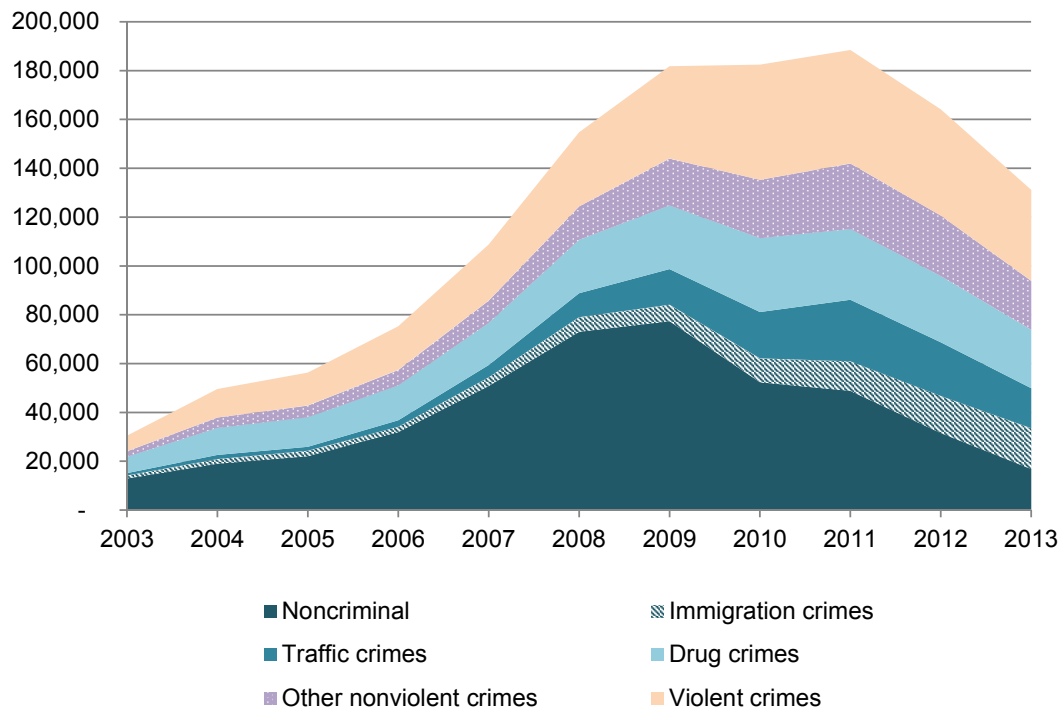
**Figure 1. DHS Border Removals by Most Serious Lifetime Criminal Conviction, FY 2003-13**

**Notes:** Noncriminal category includes MPI estimates of CBP-only removals as described in Appendix A. Traffic crimes include DUI and other traffic offenses; drug crimes include possession, sale, distribution, and transportation offenses; nonviolent crimes include FBI Part 2 crimes identified as nonviolent offenses and nuisance crimes; violent crimes include FBI Part 1 crimes, FBI Part 2 crimes identified as violent offenses, and domestic crimes. See Appendix Table B-2 for raw data and Appendix C for a detailed listing of crimes within each crime category. Data are based on removal events, not individuals, and the characteristics of individuals who are removed repeatedly may differ from those who are only removed once, thereby biasing these data slightly toward the characteristics of individuals with multiple removals.  
**Source:** MPI analysis of ICE EID data for FY 2003-13; DHS OIS, *Immigration Enforcement Actions*, 2010-13.

As depicted in Figure 1, total border removals (by both CBP and ICE) increased from 124,000 in FY 2003 to 306,000 in FY 2013. The criminality of border removals was broadly consistent over time, though the data show slightly different trends in FY 2003-08 as compared to FY 2009-13. During the earlier period, as removals increased, virtually all of the growth in border removals consisted of noncriminal removals, which peaked at 84 percent of border removals in FY 2008. Since FY 2009, noncriminal border removals leveled off, while the numbers of criminal removals from the border increased substantially. Immigration crimes (44,000 removal cases in FY 2013) and traffic crimes (about 12,000 cases) accounted for the greatest growth during this period, and together represented 18 percent of border removals in FY 2013.



**Figure 2. ICE Interior Removals by Most Serious Lifetime Criminal Conviction, FY 2003-13**



*Notes:* Traffic crimes include DUI and other traffic offenses; drug crimes include possession, sale, distribution, and transportation offenses; nonviolent crimes include FBI Part 2 crimes identified as nonviolent offenses and nuisance crimes; violent crimes include FBI Part 1 crimes, FBI Part 2 crimes identified as violent offenses, and domestic crimes. See Appendix Table B-3 for underlying data and Appendix C for a detailed listing of crimes within each crime category. Data are only for ICE removals and are based on removal events, not individuals, and the characteristics of individuals who are removed repeatedly may differ from those who are only removed once, thereby biasing these data slightly toward the characteristics of individuals with multiple removals.

*Source:* MPI analysis of ICE EID data for FY 2003-13.

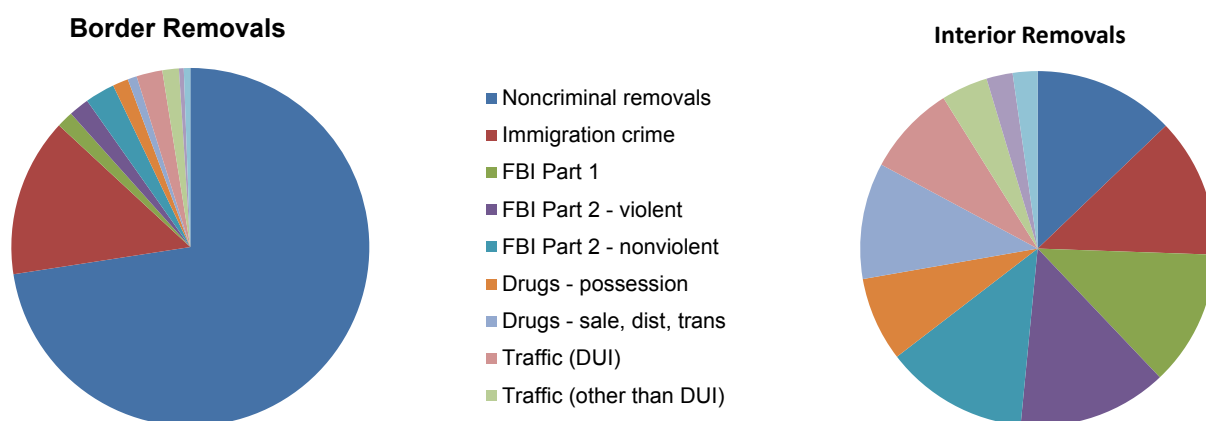
As depicted in Figure 2, interior removals increased from 30,000 in FY 2003 to a high of 188,000 in FY 2011, before falling to 131,000 in FY 2013. Again, the trends are different under the Bush and Obama administrations. Noncriminal removals from the interior increased almost six-fold between FY 2003-08 (from 13,000, or 42 percent of interior removals to 73,000, or 47 percent of interior removals). Interior removals of convicted criminals increased more slowly during these years, from 18,000 to 82,000, with roughly proportional gains in all five criminal categories displayed in Figure 2.

Interior removals of noncriminals fell sharply from 78,000 (43 percent) in FY 2009 to 17,000 (13 percent) in FY 2013. The drop in noncriminal removals was more than offset by growing criminal removals from the interior in FY 2009-11, which peaked at 140,000 in FY 2011. But criminal removals from the interior declined across all categories other than immigration crimes in FY 2012-13, reaching 114,000 in FY 2013. Violent crimes accounted for the largest number of interior removals in FY 2013 (37,000 removals, or 28 percent of the total), up from 6,000 (21 percent) in FY 2003. The next largest categories were drug crimes (24,000 in FY 2013, or 18 percent) and other nonviolent crimes (20,000 removals, or 15 percent). People convicted of immigration crimes or traffic offenses, and those without criminal convictions each accounted for about 13 percent of interior removals—a total of about 50,000 removals across these three categories.



Figure 3 depicts a more detailed breakdown of border and interior removals by type of criminal convictions, for FY 2013. As the figure indicates, 73 percent of border removals were of noncriminals, and another 14 percent were of people whose only convictions were for immigration crimes. In contrast, among interior removals, the corresponding proportions were 13 percent noncriminals and 13 percent people convicted only of immigration crimes. The largest category of previous criminal convictions among interior removals in FY 2013 was violent crimes (14 percent), followed by nonviolent FBI Part 2 crimes (13 percent) and FBI Part 1 crimes (12 percent). Among border removals, these three categories accounted for a combined total of just 6 percent. Thus, as this figure makes clear, the criminal profiles of the border and interior removal populations differ markedly.

**Figure 3. Border and Interior Removals by Most Serious Previous Criminal Conviction, FY 2013**



*Notes:* Noncriminal category within border removals includes MPI estimates of CBP-only removals as described in Appendix A. See Appendix Tables B-2 and B-3 for raw data and Appendix C for a detailed listing of crimes within each crime category. Data are based on removal events, not individuals, and the characteristics of individuals who are removed repeatedly may differ from those who are only removed once, thereby biasing these data slightly toward the characteristics of individuals with multiple removals.

*Source:* MPI analysis of ICE EID data for FY 2003-13; DHS OIS, *Yearbook of Immigration Statistics*, 2003-13.

## VI. Where Are Deportees Being Apprehended and How Are They Being Removed?

How have congressional and administrative enforcement priorities translated into immigration enforcement outcomes? This question is important because the ability to identify and deport unauthorized migrants is a fundamental requirement of a credible immigration system, and effective enforcement will remain a concern as long as the United States continues to attract illegal immigration.

Previous MPI research documents three overall trends in U.S. immigration enforcement.<sup>38</sup> Over the last two decades, immigration enforcement has gone from a system: (1) that relies overwhelmingly on voluntary returns to one in which most deportations are formal removals, with stronger negative consequences for deportees; (2) in which most removals involve an appearance before an immigration judge to one in which most removals are nonjudicial (i.e., executed administratively by DHS); and (3) in which few unauthorized immigrants are charged with a crime to one in which an increasing share of unauthor-

<sup>38</sup> See Rosenblum and Meissner with Bergeron and Hipsman, *The Deportation Dilemma*.



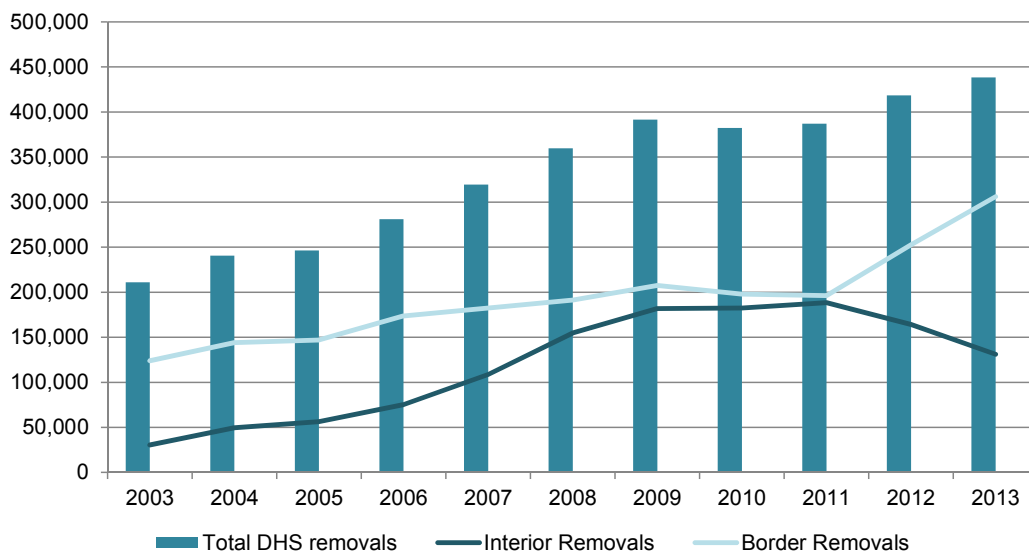
ized border crossers face immigration-related criminal charges. As a result of these trends, the Bush and Obama administrations have each set new records for formal removals, though declining illegal immigration since about 2007 has resulted in many fewer apprehensions, along with fewer informal returns and fewer total deportations.<sup>39</sup>

The ICE EID data offer important additional insight into these enforcement trends by describing how people enter the immigration enforcement system (i.e., whether following apprehension at the border versus in the interior) and how they are deported from each of these locations (i.e., judicial vs. nonjudicial forms of removal).

### A. Where Are Apprehensions Occurring?

MPI's estimates of total DHS interior and border removals are depicted in Figure 4.<sup>40</sup> These data illustrate the rising number of removals between FY 2003 and FY 2009 and record-high removals between FY 2009 and FY 2013. The data also show how changing priorities during the last two administrations have shaped the distribution of interior versus border removals in four different phases.

**Figure 4. DHS Removals by Arrest Location, FY 2003-13**



*Notes:* Border removals include ICE removals initiated by CBP or within two weeks of an immigrant's entry (when arresting agency data is unavailable) and MPI estimates of CBP-only removals based on DHS OIS data. See Appendix A for further discussion.

*Sources:* MPI analysis of ICE EID for FY 2003-13; DHS OIS, *Immigration Enforcement Actions*, 2010-13.

The early years of DHS, between FY 2003 and FY 2005, were characterized by no major changes in enforcement practices. Total removals grew at an average rate of about 7 percent per year, and the ratio of border-to-interior removals remained constant, with operations at the border accounting for about 60 percent of all removals.<sup>41</sup> Following the implementation of the Secure Border Initiative in 2005 and the interior enforcement surge after the breakdown of congressional CIR negotiations in 2006 and 2007, removals increased more quickly (see Figure 4), with an average removal growth rate of 13 percent in FY 2005-08. Interior removals accounted for the lion's share of this growth, doubling between FY 2006 and

<sup>39</sup> Ibid.

<sup>40</sup> See Appendix A for a discussion of how these estimates were derived.

<sup>41</sup> The locations for a total of 230,000 removals (6 percent of all removals in FY 2003-13) could not be determined; most of these cases (147,000) occurred in FY 2003-05 (21 percent of total removals during those years).

**Box 5. Types of Removal Proceedings**

**Administrative Removal.** A type of nonjudicial removal that may be issued to a noncitizen who has not been admitted for lawful permanent residence, and who has a prior conviction for an aggravated felony.

**Expedited Removal.** A type of nonjudicial removal that may be issued to certain unauthorized immigrants who are apprehended within 100 miles of the border and who entered the United States without inspection less than 14 days prior to their apprehension.

**Judicial Removal.** A removal that is order by an immigration judge on the basis of an administrative removal hearing.

**Nonjudicial Removals.** Formal removals that are issued without oversight by an immigration judge and without a formal hearing. Nonjudicial removals are handled entirely by DHS officers. Nonjudicial removals include administrative removal, expedited removal, and reinstatement of removal.

**Reinstatement of Removal.** A type of nonjudicial removal that may be issued to a noncitizen who previously received a formal order of removal, departed the United States, and returned without authorization.

FY 2008, and interior enforcement accounted for 43 percent of removals in FY 2008.

The arrival of the Obama administration marked another turning point in 2009. Border, interior, and overall removals all reached historically high levels during its first three years.<sup>42</sup> Following the announcement of DHS's enforcement priorities in 2010, total removals reached all-time high levels in both FY 2012 and FY 2013. At the same time, enforcement also shifted substantially back to the border—even before the president's June 2014 announcement that resources would be moved from the interior to the border.<sup>43</sup> MPI estimates that total border removals accounted for about 60 percent of all removals in FY 2012 and 70 percent in FY 2013. Notably, while interior removals fell 28 percent between FY 2009 and FY 2013, prompting criticism from some advocates for more restrictive immigration policies, the number of interior removals in FY 2013 still exceeded those of any year before FY 2008.

## **B. How Are People Being Removed?**

Table 5 describes judicial and nonjudicial removals by arrest location over the period FY 2003-13. Overall, 57 percent of removals (2.1 million out of 3.6 million) occurred at the border, and 65 percent (2.4 million) involved one of the three types of nonjudicial removal proceedings.

42 Some have accused the Obama administration of misrepresenting deportation numbers, arguing that removals have actually fallen in recent years; see for example, Congressman Lamar Smith, "Smith: Administration Cooks the Books to Achieve Deportation Numbers," (news release, August 24, 2012), <http://judiciary.house.gov/index.cfm/2012/8/smithadministrationcooksthebookstoachievedeportationnumbers>. In fact, the administration has formally removed more people than any of its predecessors. The primary source of confusion about deportation data is that in 2007 ICE began to include certain informal returns in its agency-level "ICE Removal" data—a counting rule that did inflate ICE removal numbers beginning that year. But ICE EID administrative data continues to distinguish between removals and returns (permitting MPI to restrict its attention to formal returns in this report); and the DHS Office of Immigration Statistics (OIS) continues to follow its historical record-keeping practice with respect to removals data, which is to exclusively count formal removals, including both ICE removals and removals executed by CBP. The DHS OIS numbers are the official department-wide removal data, and the appropriate metric for evaluating total removal trends. Confusion about removal statistics has been exacerbated by changing enforcement practices at the border, where CBP policies since 2005 have involved placing a higher proportion of border crossers in formal removal proceedings, rather than permitting them to informally return to Mexico. As a result, a higher share of formal removals occurs at the border, as noted above.

43 The White House, "Remarks by the President on Border Security and Immigration Reform," June 30, 2014, [www.whitehouse.gov/the-press-office/2014/06/30/remarks-president-border-security-and-immigration-reform](http://www.whitehouse.gov/the-press-office/2014/06/30/remarks-president-border-security-and-immigration-reform).



A majority (52 percent) of border removals consists of expedited removal cases, and 84 percent of border removals are nonjudicial. The ratio is almost reversed for interior enforcement, where most (61 percent) of removal cases involve an appearance before an immigration judge. Most nonjudicial removals from the interior are reinstatements, but a substantial number (about 96,000 cases) consist of administrative removals, a provision reserved for certain noncitizen criminals. Viewed from the other perspective, analysis of the ICE EID and DHS data shows that 63 percent of judicial removals are initiated in the interior, and 75 percent of nonjudicial removals are initiated at the border, including 61 percent of reinstatements of removal and 96 percent of expedited removals.

**Table 5. DHS Removals by Removal Type and Arrest Location, FY 2003-13**

Removal Type	Arrest Location			Total
	Border	Interior	Unknown	
<b>Total</b>	<b>2,122,816</b>	<b>1,323,043</b>	<b>230,300</b>	<b>3,676,159</b>
Judicial	331,385	804,319	148,859	1,284,563
	16%	61%	65%	35%
Nonjudicial	1,791,431	518,724	81,441	2,391,596
	84%	39%	35%	65%
Expedited	1,119,770	37,473	13,159	1,170,402
	53%	3%	6%	32%
Reinstatement	662,331	385,164	46,323	1,093,818
	31%	29%	20%	30%
Administrative	9,330	96,087	21,959	127,376
	0%	7%	10%	3%

*Notes:* Includes information about CBP-only enforcement cases in addition to ICE EID data. For a corresponding table based exclusively on ICE EID data, see Appendix Table B-4.

*Sources:* MPI analysis of ICE EID for FY 2003-13; DHS OIS, *Immigration Enforcement Actions*, 2010-13.

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*A majority...of border removals consists of  
expedited removal cases.*

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### C. When Are Apprehensions Occurring?

Table 6 summarizes the number of days elapsed between a person's entry into the United States on his or her current trip (based on self-reported date of entry) and apprehension by DHS. Entry date data are not available for CBP-only enforcement cases, so these data are based exclusively on cases from the ICE EID dataset. The data illustrate that border and interior enforcement, and judicial and nonjudicial removals, vary in expected ways with respect to immigrants' previous U.S. experiences.

**Table 6. ICE Removals by Time between Entry and Apprehension and Arrest Location (%), FY 2003-13**

Time Between Entry and Apprehension	Total (%)	Arrest Location		Removal Type		
		Border (%)	Interior (%)	Judicial (%)	Reinstatement (%)	Expedited (%)
0-3 Days	53	76	5	32	60	80
4-14 Days	10	14	6	5	12	18
15-180 Days	7	3	16	7	10	2
181-364 Days	4	1	8	5	4	0
365-729 Days	5	1	10	7	5	0
730-1,094 Days	3	1	8	6	3	0
1,095-3,469 Days	12	3	30	24	6	0
3,650+ Days	6	1	17	14	1	0

*Notes:* Data are based exclusively on ICE EID data. Calculations exclude cases assigned to border/interior category on the basis of self-reported date of entry and cases for which time between entry and apprehension cannot be calculated. Totals may not add to 100 percent due to rounding error.

*Source:* MPI analysis of ICE EID data for FY 2003-13.

Not surprisingly, the time span between entry and apprehension is much shorter for noncitizens apprehended at the border than in the interior.<sup>44</sup> At the border, 76 percent of apprehensions occurred within three days of a person's entry; 90 percent occur within 14 days and 93 percent occur in less than one year. Within the United States, just 11 percent of apprehensions occurred within 14 days of a person's entry; almost half (48 percent) involved people who entered three years or more before apprehension, and one in six (17 percent) involved people who had been in the United States ten years or more.<sup>45</sup>

With respect to types of removal, 98 percent of expedited removals involved migrants with entry dates in the previous two weeks—a rate that is unsurprising since regulations limit expedited removal to certain people who meet this description. More than half (60 percent) of reinstatement cases for which time between entry and apprehension can be calculated also involved migrants who arrived 0-3 days prior to apprehension, and 82 percent involved migrants who arrived in the previous six months. In contrast, about 65,000 migrants (9 percent of reinstatements) deported through reinstatement of removal had been in the country at least two years. Judicial removals show a more bimodal distribution, with about 37 percent involving people who entered the United States within the previous two weeks, and about 40 percent involving migrants who entered at least three years prior to apprehension.<sup>46</sup>

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*Not surprisingly, the time span between entry and apprehension is much shorter for noncitizens apprehended at the border than in the interior.*

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44 Analysis of days from entry to apprehension for border versus interior removals is based on cases for which an arrest program is identified; for this analysis no cases with missing arrest program information are “assigned” to the border or interior enforcement categories on the basis of how long after entry they were apprehended.

45 Notably, time between entry and apprehension cannot be calculated for more than half (55 percent) of interior apprehensions (as compared to just 1 percent of border apprehensions); these cases are excluded from Table 6 and from these calculations.

46 Time between entry and apprehension is unknown for 1 percent of expedited removal cases, 23 percent of reinstatements, and 37 percent of judicial removals.





### Box 6. Definitions

**Criminal Alien.** A noncitizen who has ever been convicted of a crime in the United States.

**Immigration Obstructionist.** A removable noncitizen who fails to appear at a scheduled removal hearing, fails to depart the country following a formal order of removal, or reenters the United States following a deportation.

**Recent Illegal Entrant.** A removable noncitizen apprehended by CBP at or near the border or apprehended within three years of the person's most recent illegal entry.

## VII. Adherence to Current DHS Enforcement Priorities

The implementation of DHS' enforcement priorities and discretion guidelines after 2010 sparked substantial controversy on both sides of the immigration debate. Some have accused the Obama administration of not doing enough to target unauthorized immigrants within the United States.<sup>47</sup> Others have complained that current enforcement priorities cast too wide a net and that the U.S. government is still removing near-record numbers of unauthorized immigrants and other removable noncitizens, including some individuals who have strong equities in the United States.<sup>48</sup>

The data examined in this report can be used to estimate the number of removals falling within each of the three DHS priority categories, as well as removals occurring outside of these categories, and so provide unique insight into the department's adherence to its stated priorities. This information is provided in Figure 5. While ICE has published the share of recent agency removals that fall into each of the three current priority categories,<sup>49</sup> Figure 5 expands on available information by including CBP-only removals to describe the share of *all* DHS removals that fit into each of these categories,<sup>50</sup> and by examining historical enforcement data through the lens of the priorities outlined in the 2010-11 enforcement priority memos.

Following ICE's basic methodology and using its definitions for each of the 2010 priority categories, we hierarchically assign each removal case to a priority category, with the "criminals" category taking precedence, followed by the "immigration obstructionists" category, and then the "recent entrants" category.<sup>51</sup> Cases falling into more than one category are only counted in the first category in which they appear. The criminals category includes any case with a criminal conviction prior to their removal. The immigration obstructionists category includes people who receive a "Bag and Baggage letter"<sup>52</sup> prior to departure or who are identified as an ICE fugitive at the time of their arrest, as well as anyone known to have a prior removal or return. And the "recent entrant" category is defined to include cases in the ICE dataset that

47 See for example, Sessions, "DHS Enforcement Data Reveals Administrative Amnesty Much Broader Than Previously Understood."

48 See for example, Elise Foley, "Immigration Activists Escalate Deportation Fight: 'Not One More,'" Huffington Post, April 4, 2014, [www.huffingtonpost.com/2014/04/04/immigration-activists-deportation\\_n\\_5093096.html](http://www.huffingtonpost.com/2014/04/04/immigration-activists-deportation_n_5093096.html).

49 See for example, ICE, "FY 2013 ICE Immigration Removals," accessed July 20, 2014, [www.ice.gov/removal-statistics/](http://www.ice.gov/removal-statistics/).

50 Following the same methodology described in Appendix A, approximately 120,000 CBP-only cases in Figure 2 are coded as "immigration obstructionists" and about 669,000 CBP-only cases are coded as "recent illegal entrants." Appendix Table B-5 includes a detailed breakdown of ICE and CBP-only removals within each of these categories.

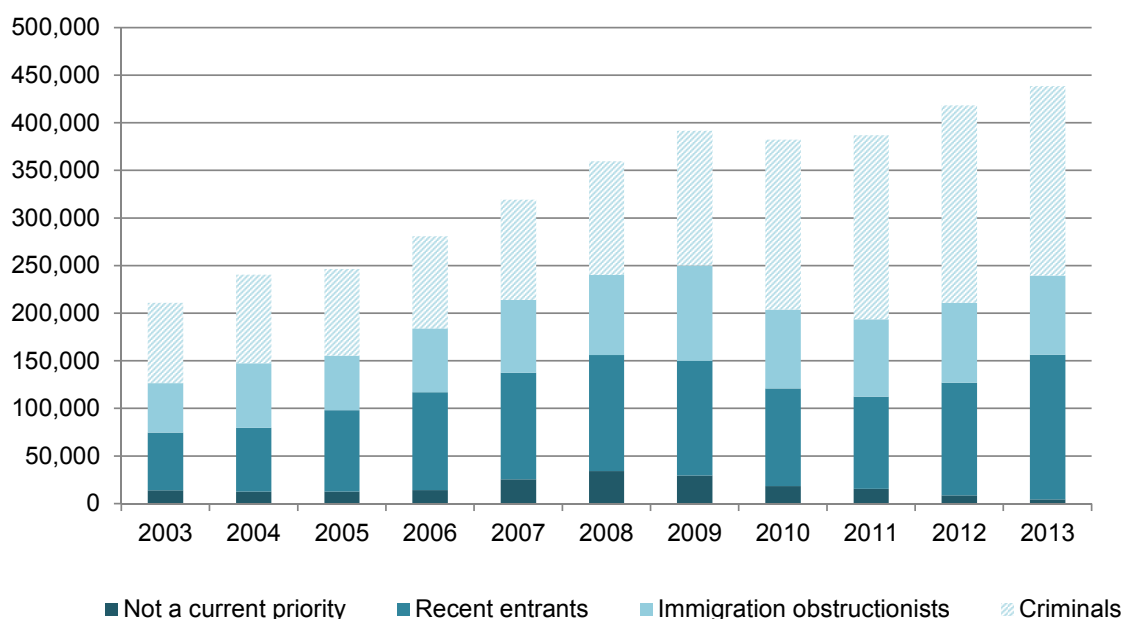
51 The June 2010 civil immigration enforcement memo describes recent illegal entrants (Priority 2) and immigration obstructionists (Priority 3) as "equal" priorities below noncitizens who pose a danger to national security or a risk to public safety; but ICE's internal records appear to treat immigration obstructionists as a higher priority, at least for purposes of data collection. All of the coding rules described in this section are based on ICE definitions as described by ICE Enforcement and Removal Operations (ERO), "ICE Total Removals through August 25th, 2012," August 2012, [www.ice.gov/doclib/about/offices/ero/pdf/ero-removals1.pdf](http://www.ice.gov/doclib/about/offices/ero/pdf/ero-removals1.pdf).

52 A "bag and baggage" letter is a letter from DHS to a removable immigrant to notify the person that they are the subject of a final order of removal, and to request that the person report to an ICE office to be deported.

are (1) apprehended or deported by Border Patrol or by one of the four CBP inspections programs,<sup>53</sup> (2) removed through expedited removal, and/or (3) removed within three years of their self-reported entry date.

One way to interpret the data in Figure 5 is to conclude that the 2010-11 memos did not represent a substantial policy shift because they define DHS priorities expansively and because DHS, along with the legacy INS, has always focused on similar enforcement priorities, as described earlier in the report. Indeed, about 95 percent of all removals in FY 2003-13 fell into at least one of the current DHS enforcement priority categories, including 93 percent of removals under the Bush administration. Overall, 41 percent of removals in FY 2003 – FY 2013 were of immigrants who had been previously convicted of a crime, 23 percent were noncriminals who fell into the immigration obstructionist category (i.e., people who did not show up at an immigration hearing or re-entered following a removal order), and 31 percent were neither criminals nor obstructionists but fell into the recent entrants category.

**Figure 5. DHS Removals by Enforcement Priorities, FY 2003-13**



*Notes:* Includes information about CBP-only enforcement cases in addition to ICE EID data. See accompanying text for definitions of enforcement priorities. See Appendix Table B-5 for underlying data.

*Sources:* MPI analysis of ICE EID for FY 2003-13; DHS OIS, *Immigration Enforcement Actions*, 2010-13.

Yet Figure 5 also indicates that the last two presidential administrations have shaped immigration enforcement outcomes in distinct ways. More specifically, the data show that the Bush administration efforts in 2006-08 to expand worksite and other interior enforcement resulted in a larger number of removals outside of traditional INS and DHS priorities, at least as they are described in the 2010 ICE civil immigration enforcement memo. The number of “low-priority” removals (i.e., removals that do not fit into any of the ICE memo priority categories) increased from about 15,000 in FY 2006 to about 26,000 in FY

<sup>53</sup> According to coding rules described by ERO, “ICE Total Removals,” illegal entrants include people apprehended by the Border Patrol or by CBP’s general Inspections Program (i.e., with an apprehension program coded “ISP”), as well as people deported by CBP or by any of the four inspections programs identified in the ICE dataset (the general program, as well as air, land, and sea inspections programs). The Migration Policy Institute (MPI) applied the same coding rule to both points in the enforcement process, counting a case as a recent illegal entrant if the person was apprehended or deported by any of the four inspections programs in the ICE dataset.



2007, and about 34,000 in FY 2008, reaching almost 10 percent of all removals (and 15 percent of interior removals) that year. This trend reversed in FY 2009, as low-priority removals have fallen, both absolutely and proportionally, in every year since FY 2008, reaching a low of just 1 percent (4,000 removals) in FY 2013. Thus, while increased interior removals in FY 2006-08 were associated with less focused enforcement (at least as currently defined), Figure 5 indicates that the current administration has achieved the somewhat contradictory goals of both increasing the total number of removals while also increasing DHS's focus on higher-priority cases.

## VIII. Recalibrating DHS Enforcement Priorities: Who Would Be Affected?

In March 2014, President Obama directed Homeland Security Secretary Jeh Johnson to review DHS removal operations “to see how [DHS] can conduct enforcement more humanely within the confines of the law.”<sup>54</sup> And the president has made repeated pledges in recent months to make changes to implement executive-branch changes to immigration enforcement before the end of 2014. As MPI outlined in a prior report, one way DHS could meet the president’s mandate would be to modify its enforcement priorities to make them narrower in scope.<sup>55</sup>

The ICE dataset offers additional insight into the number of noncitizens who could be affected by such reforms. Table 7 estimates the number of people who would have been removed in FY 2003-08 and in FY 2009-13 under a number of alternate policy scenarios, and compares removals under each of these scenarios to the actual number of removals during each of those periods, as reported in the first row of the table. Row 2 displays the number of removals in each period that were consistent with post-2010 DHS enforcement priorities. Put more simply, the second row of the table explores *how many removals would have occurred if DHS had exercised discretion in every case that fell outside its current priorities?*

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*Most ICE removals under both the Bush and Obama administrations have been consistent with the post-2010 enforcement priorities.*

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The table confirms that most ICE removals under both the Bush and Obama administrations have been consistent with the post-2010 enforcement priorities. Strict adherence to these priorities (i.e., if DHS were to exercise discretion for all cases not meeting a designated enforcement priority) would have reduced removals by about 114,000 in FY 2003-08 (a 9 percent change), and by about 77,000 in FY 2009-13 (a 5 percent change), assuming in both cases that the population entering DHS’s enforcement system was unchanged.<sup>56</sup>

<sup>54</sup> The White House, “Readout of the President’s Meeting with Congressional Hispanic Caucus Leadership,” March 13, 2014, [www.whitehouse.gov/the-press-office/2014/03/13/readout-presidents-meeting-congressional-hispanic-caucus-leadership](http://www.whitehouse.gov/the-press-office/2014/03/13/readout-presidents-meeting-congressional-hispanic-caucus-leadership).

<sup>55</sup> Rosenblum and Meissner with Bergeron and Hipsman, *The Deportation Dilemma*.

<sup>56</sup> The analysis in this section focuses exclusively on cases in the ICE dataset, and percentages are calculated on that basis. All CBP apprehensions are viewed as recent illegal entrants and therefore fit the recent illegal entrants priority group under the 2010 ICE “Civil Immigration Enforcement” memo. Adding the CBP-only removals to the analysis would increase the total number of removals, and would have no effect on the number of cases that would have benefitted from discretion based on changes to the criminal and immigration obstructionist categories. Some CBP-only cases *would* benefit from discretion based on changes to the definition of recent entrants (i.e., the calculations in the final section of the table), but MPI is unable to estimate this number because detailed information about these cases is not available.

**Table 7. ICE Removals and Predicted Removals under Current DHS Enforcement Priorities and Based on Potential Scenarios for Priority Changes, FY 2003-13**

Scenario	Bush Administration FY 2003-08	Reduction from Actual	Obama Administration FY 2009-13	Reduction from Actual	Total Reduction
<b>Actual Removals</b>	<b>1,262,788</b>	<b>NA</b>	<b>1,595,643</b>	<b>NA</b>	
Strict Adherence to Current Priorities	1,148,576	114,212 9%	1,518,668	76,975 5%	191,187 7%
<b>Predicted Removals Based on Strict Adherence to Modified Enforcement Priorities</b>					
<b>Criminal Priority Changes</b>					
Exclude Immigration Crimes	1,143,848	118,940 9%	1,516,564	79,079 5%	198,019 7%
Exclude Traffic Offenses (other than DUI)	1,145,263	117,525 9%	1,507,533	88,110 6%	205,635 7%
Exclude Level 3 Offenders	1,096,068	166,720 13%	1,456,916	138,727 9%	305,447 11%
Exclude All Nonviolent Crimes	1,037,491	225,297 18%	1,387,435	208,208 13%	433,505 15%
<b>Obstructionist Priority Changes</b>					
Disregard Removal Orders After 10 Years	1,146,440	116,348 9%	1,508,503	87,140 5%	203,488 7%
Disregard Removal Orders After 5 Years	1,138,423	124,365 10%	1,493,591	102,052 6%	226,417 8%
<b>Recent Entrant Priority Changes</b>					
Recent Illegal Entry Limited to 3 Years	1,140,164	122,624 10%	1,511,012	84,631 5%	207,255 7%
Recent Illegal Entry Limited to 2 Years	1,132,622	130,166 10%	1,507,794	87,849 6%	218,015 8%
Recent Illegal Entry Limited to 1 Year	1,122,153	140,635 11%	1,503,992	91,651 6%	232,286 8%
Recent Illegal Entry Limited to 14 Days	1,102,891	159,897 13%	1,496,490	99,153 6%	259,050 9%

*Notes:* Table does not account for CBP removals that are excluded from the ICE dataset. Violent crimes include FBI Part 1 crimes, FBI Part 2 crimes identified as violent offenses, and domestic crimes. See Appendix C for a detailed listing of crimes within the immigration crimes crime category. Data are based on removal events, not individuals, and the characteristics of individuals who are removed repeatedly may differ from those who are only removed once, thereby biasing these data slightly toward the characteristics of individuals with multiple removals.

*Source:* MPI analysis of ICE EID data for FY 2003-13.

The remaining rows in the table ask a similar question: *how many removals would have occurred if DHS had redefined its current priorities and exercised discretion in every case that fell outside these redefined priorities?* The table examines several scenarios for possible changes to DHS enforcement priorities. For example, Row 2 describes how many removals would have occurred if immigration criminal convictions were excluded from the criminal priority group. As the table indicates, redefining the criminal priorities in this way would have resulted in only somewhat fewer removals than if removals were strictly limited to cases meeting the current priorities, with 119,000 fewer removals in the Bush administration (versus



114,000 using the current priorities), and 79,000 fewer removals (versus 77,000) in the Obama administration. Compared to immigration crimes, excluding non-DUI traffic offenses would have had a larger impact during the Obama period (though a smaller one during the Bush period). But it is only when more significant changes to the criminal priorities are considered—for example, excluding all Level 3 offenders or all nonviolent crimes—that removals would fall by 10 percent or more compared to actual removals.

The estimates in the third panel of the table describe the number of noncitizens who would have been eligible for relief if DHS did not categorize an individual as an enforcement priority on the basis of a removal order that is more than five or ten years old. And the estimates in the final panel are based on narrower definitions of “recent illegal entries;” rather than including in this category anyone apprehended or removed by CBP and/or deported through expedited removal, the counts in Table 7 are strictly defined by the time elapsed between a person’s entry into the United States and his or her apprehension (as opposed to removal date).<sup>57</sup> In both of these sections, the analysis summarized in Table 7 indicates that none of these changes—including major changes such as limiting “recent illegal entrants” to people who entered within the previous 14 days—would have had a very large effect on the total number of removals in the Obama administration, though this change would have reduced removals by 13 percent in the Bush administration.

What explains these relatively modest effects? One answer is that the pool of *potential* candidates for discretion during enforcement is much larger than the number of people who *actually* benefit from discretion because most low-priority cases are never apprehended and so are not counted in these data. (Only individuals who enter the enforcement system and are ultimately removed are included in the ICE EID dataset and analyzed for this report.)

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*Any modifications to DHS enforcement priorities that affect only a single dimension of the 2010 ICE enforcement priorities would have a relatively small effect on enforcement outcomes.*

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A second answer is that the effect of certain changes to DHS’ discretion policies would be limited because the majority of noncitizens removed in FY 2003-13 not only met one of the current DHS enforcement priorities, they met two or three of them. As Table 8 indicates, 46 percent of people removed in the FY 2003-08 period met multiple 2010 enforcement priorities, as did 58 percent of FY 2009-13 removals. In many cases, people fell into multiple DHS priority categories because of connections among the priorities. For example, 36 percent of removals that involved criminals who were also recent entrants (regardless of whether they were obstructionists) involved noncitizens convicted of immigration offenses.

Thus, any modifications to DHS enforcement priorities that affect only a single dimension of the 2010 ICE enforcement priorities would have a relatively small effect on enforcement outcomes, as the universe of potentially affected cases would be limited to 37 percent or less of removals, as shown in Rows 5-7.

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<sup>57</sup> Estimates of the impact of changes to the definition of recent illegal entrant exclude cases for which no entry data is recorded so are biased downward. The projected impact of changes to this priority category would be larger if more information were available about entry dates for interior apprehension cases.

**Table 8. Share of ICE Removals Meeting One or More DHS 2010 Enforcement Priorities, (%) FY 2003-13**

2010 Enforcement Priorities Met	Bush Administration FY 2003-08 (%)	Obama Administration FY 2009-13 (%)
<b>All Three Priorities</b>		
Convicted Criminal/Obstructionist/Recent Entrant	16	22
<b>Two Priorities</b>		
Convicted Criminal/Obstructionist	10	18
Convicted Criminal/Recent Entrant	5	4
Obstructionist/Recent Entrant	15	14
<b>One Priority</b>		
Criminal Only	17	18
Obstructionist Only	8	6
Recent Entrant Only	19	13
<b>Not a Priority</b>	<b>9</b>	<b>5</b>
<b>Total</b>	<b>100</b>	<b>100</b>

*Note:* Table does not account for CBP removals that are excluded from the ICE dataset.

*Source:* MPI analysis of ICE EID data for FY 2003-13.

Table 9 describes how combining modifications to DHS enforcement priorities would have changed removal totals during the FY 2003-08 and FY 2009-13 periods.

The first panel describes the number of removal cases that would have been eligible for discretion if DHS enforcement priorities had been revised to simultaneously deprioritize certain types of convicted criminals and immigration obstructionists with removal orders more than ten years old. The second panel describes the number of removals that would have been eligible for discretion if DHS deprioritized certain criminal convictions and also redefined “recent illegal entrants” to focus exclusively on people who arrived within one year of their apprehension, or within three years. The third section of the table describes the effect of simultaneous changes to all three types of priorities.

As Table 9 indicates, multidimensional changes to DHS enforcement priorities could result in a larger number of individuals being eligible for prosecutorial discretion during the enforcement process than the one-dimensional changes described above. For example, while Table 7 indicates that excluding immigration crimes as a criminal priority and providing discretion to any persons not meeting any stated DHS enforcement priority would have resulted in a total of about 198,000 fewer removals in FY 2003-13, Table 9 indicates that excluding immigration crimes while also deprioritizing removal orders more than ten years old would have resulted in about 213,000 fewer removals. Excluding immigration crimes and redefining recent entrants as noncitizens who arrived in the United States within the previous year would have reduced removals by about 241,000 cases. All three of these changes together would have resulted in about 258,000 fewer removals.

Similar comparisons exist across the other categories described in Table 9, with the largest effect in removals associated with farther-reaching potential changes to the criminal priorities (e.g., deprioritizing Level 3 offenses, or deprioritizing nonviolent crimes).





**Table 9. Removal Cases Benefitting from Discretion under Various Scenarios for Potential Changes to DHS Enforcement Priorities, FY 2003-13**

Cases Eliminated from DHS Enforcement Priorities	Bush Administration FY 2003-08	Obama Administration FY 2009-13	Total
<b>Changes to Criminality and Obstructionists</b>			
Nonviolent criminals + 10-year-old removal orders	232,206	242,231	474,437
Level 3 criminals + 10-year-old removal orders	170,651	157,977	328,628
Non-DUI traffic crimes + 10-year-old removal orders	119,717	99,937	219,654
Immigration crimes + 10-year-old removal orders	121,494	91,543	213,037
<b>Changes to Criminality and Recent Entrants</b>			
Nonviolent criminals + unauthorized in U.S. more than 1 year	263,194	228,970	492,164
Level 3 criminals + unauthorized in U.S. more than 1 year	199,170	156,249	355,419
Non-DUI traffic crimes + unauthorized in U.S. more than 1 year	144,427	103,214	247,641
Immigration crimes + unauthorized in U.S. more than 1 year	146,466	94,336	240,802
Nonviolent criminals + unauthorized in U.S. more than 3 years	236,352	218,137	454,489
Level 3 criminals + unauthorized in U.S. more than 3 years	176,741	147,611	324,352
Non-DUI traffic crimes + unauthorized in U.S. more than 3 years	126,021	95,975	221,996
Immigration crimes + unauthorized in U.S. more than 3 years	127,675	87,054	214,729
<b>Changes to Criminality, Obstructionists, and Recent Entrants</b>			
Nonviolent criminals + 10-year-old removal orders + unauthorized in U.S. more than 1 years	271,387	266,584	537,971
Level 3 criminals + 10-year-old removal orders + unauthorized in U.S. more than 1 years	203,944	177,683	381,627
Non-DUI traffic crimes + 10-year-old removal orders + unauthorized in U.S. more than 1 years	147,154	116,530	263,684
Immigration crimes + 10-year-old removal orders + unauthorized in U.S. more than 1 years	149,672	108,658	258,330

*Notes:* Table assumes that all cases falling outside of the enforcement priorities modeled under each potential scenario would benefit from prosecutorial discretion. Table does not account for CBP-only removals that are excluded from the ICE EID dataset.

*Source:* MPI analysis of ICE EID data for FY 2003-13.



## IX. Conclusion

The Department of Homeland Security has formally removed about 3.7 million people since its establishment in 2003, with the Bush and Obama administrations both establishing historic records for removals. Yet these numbers tell only a portion of the story. Migration Policy Institute analysis of a newly available dataset that includes all U.S. Immigration and Customs Enforcement removals from fiscal years 2003-13 as well as other DHS data reveals a more nuanced picture of the Bush and Obama administrations' records on enforcement, and the distinguishing features of each administration's enforcement program.

The Bush administration oversaw an enforcement surge following Congress' failure to pass immigration legislation in 2006 and 2007, focusing new attention on worksite raids and other interior enforcement efforts. By 2008, almost one in ten removals—and 15 percent of interior removals—were of noncitizens DHS would now describe as low-priority cases: relatively long-settled immigrants with no previous criminal convictions or immigration enforcement records. Only 33 percent of removals in FY 2007 and FY 2008 were of noncitizens who had been convicted of a crime, the lowest proportions of any years for which data are available.

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*The Obama administration has shifted from a more generalized model of enforcement to a model focused almost exclusively on illegal border crossers, obstructionists, and criminals.*

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The Obama administration redirected DHS enforcement efforts to focus more narrowly on current enforcement priorities beginning in 2009. Under President Obama, DHS ceased most removal operations targeted at U.S. worksites, and expanded investments in programs such as Secure Communities and the Criminal Alien Program to focus on criminal removals. Almost half of all removals in FY 2011-13 were of criminal aliens, including 80 percent of interior removals. Overall, 99 percent of total DHS removals in FY 2013 (97 percent of interior removals) fell into one or more of the current DHS enforcement priority categories: recent illegal entrants, people who violate immigration court orders, and convicted criminals.

In effect, the Obama administration has shifted from a more generalized model of enforcement to a model focused almost exclusively on illegal border crossers, obstructionists, and criminals. Current DHS policies intend to make the system tough by ensuring that almost everyone apprehended at the border or falling into one of the DHS enforcement priorities in the interior is subject to formal removal. But at the same time, these policies allow for the exercise of discretion to *not* deport most people who fall outside these parameters. The Obama administration has moved away from the worksite and random enforcement operations that generated controversy at the end of the Bush administration—though cases outside of DHS's current set of priorities never accounted for more than 10 percent of all removals.

One reason that the Obama administration's current enforcement priorities are controversial is that some disagree with the idea of shielding certain unauthorized immigrants from enforcement. If the goal is to maximize deportations, the problem with current DHS policies is not that they prioritize the wrong people, it is that they *deprioritize* removable noncitizens who fall outside these categories. From this perspective, increasing deportations of low-priority cases—accompanied by a continued focus on high-priority cases—would further reduce the size of the unauthorized population not only through more removals but also because random enforcement destabilizes unauthorized immigrant communities and so discourages unauthorized immigrants from entering or remaining in the United States.



Yet random removals are arguably in tension with the Obama administration's review of DHS removal policies, which aims to make enforcement more "humane." One goal of humane enforcement is for the system to be predictable and transparent, and to reduce fear and insecurity within immigrant communities. To randomly remove noncitizens who fall outside the scope of stated enforcement priorities and to purposely create a climate of fear and uncertainty competes with the effort to make enforcement more humane. This tension is one aspect of what MPI has described as the "deportation dilemma:" the challenge of how to reconcile enforcement that is both tough and humane.<sup>58</sup>

From the strengthen-enforcement point of view, a further risk of the current priorities is that DHS lacks the capacity to precisely "fine-tune" its enforcement programs, and that discretion may not be limited to low-priority cases. In fact, as noted above, the drop in low-priority removals from the interior since FY 2011 has been matched by decreases across more serious criminal categories. Thus, removals of both criminals and noncriminals have fallen since FY 2011.

At the same time, those who favor more generous immigration policies believe that in the absence of congressional action to legalize certain unauthorized immigrants, DHS should further expand the pool of noncitizens eligible for discretion. From this perspective, not deporting certain unauthorized immigrants is justified by the fact that many immigrants have increasingly deep roots and other equities in the United States. The Obama administration's March 2014 announcement that Homeland Security Secretary Jeh Johnson would review DHS enforcement programs to make enforcement "more humane" and the president's June 2014 pledge to take additional executive action on immigration enforcement and to shift resources from the interior to the border both appear to reflect this view.

What does this analysis of the DHS removal record say about the administration's options for making enforcement "more humane"? One key finding is that DHS implementation of existing enforcement priorities has already resulted in a substantial shift from interior to border enforcement. This shift is arguably appropriate because most illegal border crossers lack deep roots in the United States (though some are returning immigrants, who may have deeper ties), and because U.S. law gives great deference to the government in exercising its enforcement authority at the border and at ports of entry. These considerations are part of the rationale for expedited removal proceedings for recent border crossers who are not eligible for other forms of relief.<sup>59</sup> Moreover, U.S. Customs and Border Protection has found unauthorized migrants subject to formal removal at the border are less likely to be re-apprehended than those subject to voluntary return, and that formal removal is typically a more effective deterrent for that reason.<sup>60</sup>

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*DHS implementation of existing enforcement priorities has  
already resulted in a substantial shift from interior to  
border enforcement.*

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These considerations are different when it comes to interior enforcement, because most unauthorized immigrants within the country have relatively deep roots in the United States, and because U.S. law is more deferential to individual rights away from the border. The expansion of interior enforcement beginning in 2006 contributed to a climate of fear and vulnerability among settled U.S. immigrant communities, including among some legal immigrants. From this perspective, interior enforcement that randomly tar-

<sup>58</sup> Rosenblum and Meissner with Bergeron and Hipsman, *The Deportation Dilemma*.

<sup>59</sup> Noncitizens subject to expedited removal are entitled to a removal hearing (i.e., exempted from expedited removal) if they are found to have a credible fear of persecution upon being returned to their country of citizenship. The *Homeland Security Act* (P.L. 107-296) and the *William Wilberforce Trafficking Victims Protection Reauthorization Act* (P.L. 110-457) establish special screening requirements to identify children who are eligible for humanitarian relief, recognizing that children are a particularly vulnerable population.

<sup>60</sup> See Rosenblum and Meissner with Bergeron and Hipsman, *Deportation Dilemma*.



gets otherwise low-priority cases is particularly problematic because it exacerbates these adverse effects. In addition, people with deeper roots in the United States are more likely to attempt re-entry.<sup>61</sup> For these reasons, interior enforcement is both more costly and less efficient than border enforcement.

A second key finding is that the relatively successful implementation of existing DHS enforcement priorities thus far also narrows the administration's options for broadening relief through the additional exercise of discretion during the enforcement process. With such a large share of removals already falling into one or more of the existing DHS priority categories, little can be gained through stricter adherence to the existing criteria. Our analysis also shows that 58 percent of ICE removals since FY 2009 fell into *more than one* enforcement priority category. This finding suggests that most one-dimensional changes to DHS enforcement priorities—such as lowering the priority attached to immigration-related crimes—likely would have only a modest impact on actual removal numbers if implemented in isolation. Enforcement priorities would have to be changed along multiple dimensions before discretion policies would generate a large reduction in removal numbers, assuming no other changes to DHS's enforcement practices.

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*The relatively successful implementation of existing DHS enforcement priorities thus far narrows the administration's options for broadening relief through the additional exercise of discretion during the enforcement process.*

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On one level, the modest predicted effects that would result from recalibrating DHS's enforcement priorities understate the potential impact of such changes because most low-priority cases never enter the enforcement system and have no opportunity to benefit from discretion. Thus, the total number of people who could benefit from discretion during the enforcement process is much larger than the actual number who benefit directly. For the same reason, however, the effects of discretion during enforcement on migrant communities are hard to observe; and many people whom DHS views as low priorities may still worry about the threat of seemingly random enforcement. Better public education and increasingly more consistent implementation of existing (or modified) enforcement priorities may ensure that existing policies are more humane in their impact.

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<sup>61</sup> Mark Grimes, Elyse Golob, Alexandra Durcikova, and Jay Nuamaker, *Reasons and Resolve to Cross the Line* (Tucson AZ: University of Arizona National Center for Border Security and Immigration, 2013), [www.borders.arizona.edu/cms/sites/default/files/Post-Aprehension-Survey-REPORT%20may31-2013\\_0.pdf](http://www.borders.arizona.edu/cms/sites/default/files/Post-Aprehension-Survey-REPORT%20may31-2013_0.pdf).



## Appendices

### *Appendix A. Methodology for Estimating U.S. Customs and Border Protection-Only Removals and Border Enforcement*

#### **CBP-Only Removals**

The U.S. Immigration and Customs Enforcement (ICE) Enforcement Integrated Database (EID) dataset analyzed for this report excludes information about U.S. Customs and Border Protection (CBP) removals in which ICE played no role. To obtain a full picture of all Department of Homeland Security (DHS) removals, the Migration Policy Institute examined differences between the ICE and DHS datasets for FY 2003-13. MPI assumes that the difference between removals recorded by DHS and those recorded in the ICE EID dataset (818,000 cases) represents the removals that were executed by CBP in which ICE played no role, referred to as CBP-only removals.<sup>62</sup>

As explained in the report, MPI assumes that CBP-only removals are all:

- removals of Mexican or Canadian citizens (because ICE's Transportation and Removal Program plays a role in all removals to noncontiguous countries);
- expedited removals and reinstatements of removal, which are nonjudicial removals (because ICE attorneys are involved in judicial removal cases and other ICE programs are involved in administrative removals); and
- noncriminal removals (because ICE's Criminal Alien Program is involved in tracking noncitizens who have been convicted of a crime, and in initiating removal proceedings against noncitizens incarcerated in local, state, and federal jails and prisons).

Table A-1 provides additional information about these assumptions by comparing DHS and ICE EID data on (a) total removals, (b) removals to Mexico and Canada, (c) expedited removals and reinstatements of removal, and (d) noncriminal removals. Based on our assumptions, the difference between DHS and ICE EID total removals are CBP-only removals; this number should equal the difference between DHS and ICE EID numbers in each of the other three columns of Table A-1 for any given year.

<sup>62</sup> In its FY 2013 Enforcement Report, the Department of Homeland Security (DHS) Office of Immigration Statistics (OIS) reported for the first time on "Aliens Removed by Component," for fiscal years 2011-13. The Migration Policy Institute (MPI) estimate of U.S. Customs and Border Protection-only removals aligns closely with DHS's data on aliens removed by the two CBP enforcement agencies, U.S. Border Patrol and the Office of Field Operations: 69,000 (for MPI) vs. 73,000 (for DHS) in FY 2011, 72,000 vs. 73,000 in FY 2012, and 106,000 vs. 107,000 in FY 2013.

**Table A-1. Comparison of DHS and ICE Removals to Determine CBP-Only Removals, FY 2003-13**

		Total Removals (Estimated CBP- only Removals)	Removals to Mexico or Canada	Reinstatements of Removal and Expedited Removals	Noncriminal Removals
<b>2003</b>	DHS	211,098	156,813	110,633	127,367
	ICE	159,331	108,226	56,359	74,974
	Difference	51,767	48,587	54,274	52,393
<b>2004</b>	DHS	240,665	177,362	135,361	148,285
	ICE	177,427	119,919	69,393	84,362
	Difference	63,238	57,443	65,968	63,923
<b>2005</b>	DHS	246,431	170,592	131,025	154,210
	ICE	183,263	111,121	64,230	92,306
	Difference	63,168	59,471	66,795	61,904
<b>2006</b>	DHS	280,974	188,139	160,202	182,484
	ICE	211,925	120,265	86,369	115,196
	Difference	69,049	67,874	73,833	67,288
<b>2007</b>	DHS	319,382	210,259	183,892	216,988
	ICE	253,550	141,453	108,425	148,432
	Difference	65,832	68,806	75,467	68,556
<b>2008</b>	DHS	359,795	248,565	204,034	254,529
	ICE	277,292	159,051	109,847	158,059
	Difference	82,503	89,514	94,187	96,470
<b>2009</b>	DHS	391,597	278,176	222,928	259,760
	ICE	295,442	190,585	130,179	153,901
	Difference	96,155	87,591	92,749	105,859
<b>2010</b>	DHS	382,265	274,491	241,956	212,609
	ICE	303,579	200,947	155,297	125,350
	Difference	78,686	73,544	86,659	87,259
<b>2011</b>	DHS	387,134	289,369	247,020	198,170
	ICE	318,272	219,593	174,730	124,835
	Difference	68,862	69,776	72,290	73,335
<b>2012</b>	DHS	418,397	304,710	309,352	218,254
	ICE	345,958	234,449	236,599	138,616
	Difference	72,439	70,261	72,753	79,638
<b>2013</b>	DHS	438,421	315,697	363,279	240,027
	ICE	332,392	210,646	255,064	133,547
	Difference	106,029	105,051	108,215	106,480

Sources: Migration Policy Institute (MPI) analysis of U.S. Immigration and Customs Enforcement (ICE) Enforcement Integrated Database (EID), fiscal years (FY) 2003-12; Department of Homeland Security (DHS) Office of Immigration Statistics (OIS), *Yearbook of Immigration Statistics*, FY 2010-13 (Washington, DC: DHS, OIS, 2011-14), [www.dhs.gov/immigration-statistics-publications](http://www.dhs.gov/immigration-statistics-publications).





In fact, as Table A-1 indicates, the differences between the DHS and ICE EID removal numbers across the four removal categories displayed are highly correlated (with correlation coefficients between .95 and .99), but not identical. Overall, inconsistencies in the difference between the ICE EID and DHS numbers (i.e., variation across the four “Difference” columns for a given year) average about 4,000 cases per year, an error rate equivalent to about 1 percent of the cases in the OIS dataset. These inconsistencies may reflect a combination of differences in ICE EID and DHS record-keeping practices, retrospective corrections present in one or both datasets, and/or other sources of error. In light of these considerations, MPI reporting that incorporates CBP-only cases should be considered *estimates* used to describe overall trends, not precise counts.

### Border versus Interior Removals

Data on total removals by enforcement location are presented in Table A-2. MPI’s methodology for describing border and interior removals includes three steps. First, an estimated 2.5 million cases in the ICE dataset (86 percent of removals) include information about the “Latest Arrest Program” associated with a removal.<sup>63</sup> In these cases, arrests initiated by a CBP enforcement program (i.e., by the Border Patrol or by a CBP inspections program) are considered to be the result of border enforcement, and all other arrests are considered to be the result of interior enforcement.<sup>64</sup>

Second, in cases with no identified arrest program, MPI’s analysis treats individuals apprehended within 14 days of entering the United States as border apprehensions, and individuals apprehended after more than 14 days as interior apprehensions.<sup>65</sup> About 8 percent of removals (230,300 cases) in the ICE dataset are missing information about both the arrest program and the time between the migrants’ date of entry and date of apprehension; these cases are treated as having an unknown enforcement location.

Third, as noted above, the difference between total DHS removals for FY 2003-13 (the first section of Table A-2) and total ICE EID removals (the second section of Table A-1) for the same period suggests that an additional 817,728 removals do not involve ICE at some point in the enforcement process. This report assumes that all of these cases are border removals executed by CBP (“CBP-only removals”).

63 Cases with unknown arrest programs represent a majority of the ICE Enforcement Integrated Database (EID) dataset in FY 2003, and have declined (absolutely and proportionally) almost every year since then.

64 Thus, our primary coding rule emphasizes ICE versus CBP apprehension *programs*, rather than apprehension location per se. Most CBP arrests are implemented at or near the border, and most ICE arrests in the interior. But some ICE arrests occur near the border, and would be considered “interior” enforcement in our analysis, and some CBP arrests happen up to 100 miles away from the border, and would be considered “border” enforcement.

65 The number of days between entry and apprehension is calculated based on the migrants’ self-reported date of entry and the apprehension date—both of which are recorded in the ICE dataset. Overall, 90 percent (1.1 million out of 1.2 million) of known CBP apprehensions occur within 14 days of a person’s entry date.



Table A-2. DHS Removals by Arrest Location, FY 2003-13

Data Source	Removal Category	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	Total
OIS and MPI <sup>a</sup>	Total DHS removals	211,098	240,665	246,431	280,974	319,382	359,795	391,597	382,265	387,134	418,397	438,421	3,676,159
	ICE-involved removals	159,331	177,427	183,263	211,925	253,550	277,292	295,442	303,579	318,272	345,958	332,392	2,858,431
	Interior	30,468	49,577	56,332	75,269	108,749	154,708	181,798	182,469	188,422	164,127	131,124	1,323,043
ICE-EID Data	Border	72,204	80,761	83,687	104,585	116,623	108,850	111,370	119,229	127,304	180,310	200,165	1,305,088
	Unknown	56,659	47,089	43,244	32,071	28,178	13,734	2,274	1,881	2,546	1,521	1,103	230,300
	CBP-only removals	51,767	63,238	63,168	69,049	65,832	82,503	96,155	78,686	68,862	72,439	106,029	817,728
MPI <sup>b</sup>	Total border removals	123,971	143,999	146,855	173,634	182,455	191,353	207,525	197,915	196,166	252,749	306,194	2,122,816

<sup>a</sup> Total DHS removals are based on OIS reported removals for FY 2003-13.

<sup>b</sup> CBP-only removals are calculated by subtracting total ICE-involved removals (ICE-EID data) from total DHS removals (DHS-OIS data), as described previously.

<sup>c</sup> Total border removals are calculated by adding CBP-only removals to border removals in ICE-EID dataset.

Source: DHS OIS, *Yearbook of Immigration Statistics*, FY 2010-13.



## Appendix B. Additional Data Tables

**Table B-1. DHS and ICE Removals by Arrest Location, Removal Type, and Migrant Characteristics, FY 2003-13**

	Total	Arrest Location			Removal Type		
		Border	Interior	Unknown	Judicial	Reinstatement	Expedited
<b>Total</b>	<b>3,676,159</b>	<b>2,094,123</b>	<b>1,323,043</b>	<b>230,300</b>	<b>1,284,563</b>	<b>1,088,884</b>	<b>1,146,643</b>
ICE Removals	2,858,431	1,305,088	1,323,043	230,300	1,284,563	968,964	477,528
CBP-only	817,728	817,728	0	0	0	124,854	692,874
<b>Gender</b>							
Male <sup>a</sup>	2,605,252	1,156,133	1,239,640	209,479	1,163,575	905,642	412,776
Female <sup>a</sup>	252,758	148,753	83,251	20,754	120,704	63,239	64,708
Unknown <sup>a</sup>	421	202	152	67	284	83	44
<b>Country of Origin</b>							
Mexico	2,620,614	1,577,924	916,501	126,189	715,760	895,624	903,850
ICE Removals	1,807,792	765,102	916,501	126,189	715,760	771,519	215,133
CBP-only	812,822	812,822	0	0	0	124,105	688,717
Guatemala	280,890	169,891	96,026	14,973	115,014	62,386	100,094
Honduras	262,887	164,959	85,460	12,468	97,469	73,369	88,312
El Salvador	172,383	95,508	65,393	11,482	93,347	38,100	36,947
Other	339,385	114,363	159,663	65,188	262,973	24,339	41,199
ICE Removals	334,479	109,628	159,663	65,188	262,973	23,590	37,042
CBP-only	4,906	4,906	0	0	0	749	4,157

<sup>a</sup> No gender breakdown is available for CBP-only removals; gender data is based exclusively on ICE EID data.

*Note:* Italicized rows are MPI's estimates of CBP-only removals. CBP-only removals are assigned to Mexico and Canada in proportion to those countries' share of total removals; and they are assigned to the expedited removal (ER) and reinstatement columns in proportion to the total number of ER and reinstatement cases excluded from the ICE dataset. As described in Appendix A, CBP-only cases are not assigned to removal cases for non-contiguous countries or for judicial removals. Nationality data are based on country of citizenship.

*Sources:* MPI analysis of ICE EID, FY 2003-13; DHS OIS, *Yearbook of Immigration Statistics*, FY 2010-2013 ; DHS OIS, *Immigration Enforcement Actions*, FY 2010-13 (Washington, DC: DHS, OIS, various years), [www.dhs.gov/immigration-statistics-publications](http://www.dhs.gov/immigration-statistics-publications).



Table B-2. Border Removals by Most Serious Lifetime Criminal Convictions, FY 2003-13

	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	Total
<b>Total Border Removals</b>	<b>123,991</b>	<b>144,015</b>	<b>146,864</b>	<b>173,637</b>	<b>182,462</b>	<b>191,355</b>	<b>207,525</b>	<b>197,916</b>	<b>196,166</b>	<b>252,749</b>	<b>306,194</b>	<b>2,122,874</b>
<b>Noncriminal</b>	95,044	112,970	117,651	139,688	151,314	161,635	171,703	150,861	143,241	178,821	222,180	1,645,108
ICE-EID data	43,277	49,732	54,483	70,639	85,482	79,132	75,548	72,175	74,379	106,382	116,151	827,380
CBP-only data	51,767	63,238	63,168	69,049	65,832	82,503	96,490	79,452	70,137	73,426	73,973	789,035
<b>Criminal Removals</b>	<b>28,947</b>	<b>31,045</b>	<b>29,213</b>	<b>33,949</b>	<b>31,148</b>	<b>29,720</b>	<b>96,155</b>	<b>78,686</b>	<b>68,862</b>	<b>72,439</b>	<b>106,029</b>	<b>817,728</b>
Immigration	6,477	8,465	8,317	13,786	11,068	9,767	12,092	19,873	23,949	36,122	43,874	193,790
FBI Part 2 - Nonviolent	3,263	3,484	3,159	3,301	3,462	3,534	4,492	5,605	6,061	7,871	8,243	52,475
FBI Part 1	4,945	4,801	4,414	4,282	3,919	3,840	3,890	3,911	3,661	4,196	4,569	46,428
FBI Part 2 - Violent	3,457	3,681	3,409	3,059	2,972	3,011	3,619	4,164	4,000	5,029	5,619	42,020
Drugs - possession	4,049	3,979	3,919	3,786	3,423	3,195	3,538	3,498	3,147	3,852	4,301	40,687
Traffic (DUI)	1,323	1,360	1,271	1,271	1,454	1,591	2,657	3,738	4,931	7,028	7,186	33,810
Drugs - sale, distribution, transportation	3,914	3,475	3,324	3,257	3,278	3,150	2,786	2,522	2,142	2,452	2,556	32,856
Traffic (other than DUI)	410	483	296	310	541	600	1,284	2,044	3,045	4,441	4,539	17,993
Domestic abuse	848	1,048	838	652	735	736	851	861	886	1,266	1,340	10,061
Nuisance crime	261	269	266	245	296	296	613	839	1,103	1,671	1,787	7,646

Note: Border removals include all removals in which CBP is the arresting agency and removals in which the arresting agency is unknown and the apprehension occurs within 14 days of entry, as discussed in Appendix A. Noncriminal removals are the sum of noncriminals identified in the ICE EID dataset and of MPI's estimate of CBP-only removals (all of which are assumed to be noncriminal removals, as discussed in Appendix A). Criminal removal data is drawn exclusively from the ICE EID dataset. See Appendix C for a detailed list of criminal offenses within each crime category.

Sources: MPI analysis of ICE EID, FY 2003-13; DHS OIS, *Yearbook of Immigration Statistics*, FY 2012; U.S. Border Patrol, "U.S. Border Patrol Sector Profile," FY 2011-13; DHS OIS, *Immigration Enforcement Actions*, FY 2010-12.



Table B-3. Interior Removals, by Most Serious Lifetime Criminal Convictions, FY 2003-13

	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	Total
<b>Total Interior Removals</b>	<b>30,468</b>	<b>49,577</b>	<b>56,332</b>	<b>75,269</b>	<b>108,749</b>	<b>154,708</b>	<b>181,798</b>	<b>182,469</b>	<b>188,422</b>	<b>164,127</b>	<b>131,124</b>	<b>1,323,043</b>
<b>Noncriminal Removals</b>	12,915	19,000	22,113	31,987	50,784	73,038	77,364	52,338	48,842	31,535	16,824	436,740
<b>Criminal Removals</b>	<b>17,553</b>	<b>30,577</b>	<b>34,219</b>	<b>43,282</b>	<b>57,965</b>	<b>81,670</b>	<b>104,434</b>	<b>130,131</b>	<b>139,580</b>	<b>132,592</b>	<b>114,300</b>	<b>886,303</b>
FBI Part 1	3,420	5,879	6,873	9,091	11,240	14,297	17,830	21,254	20,763	19,017	16,216	145,880
FBI Part 2 - Violent	2,500	4,767	5,482	7,126	9,564	13,547	17,208	22,463	22,210	20,687	17,854	143,408
FBI Part 2 - Nonviolent	2,157	3,965	4,406	5,835	8,499	12,293	16,554	20,245	22,475	20,675	17,109	134,213
Drugs - sale, distribution, transportation	3,631	5,503	6,007	6,798	7,852	9,721	11,908	14,489	14,696	14,801	13,878	109,284
Drugs - possession	3,070	5,606	6,253	7,598	9,419	12,224	14,176	15,829	14,358	12,377	10,068	110,978
Immigration	1,211	1,862	2,139	2,099	3,562	5,946	6,732	9,761	12,087	15,217	16,676	77,292
Traffic (DUI)	773	1,312	1,269	2,095	3,828	6,679	9,710	12,604	16,119	13,739	10,833	78,961
Traffic (other than DUI)	221	370	343	548	1,207	3,113	4,901	6,387	9,078	8,186	5,571	39,925
Domestic abuse	423	1,009	1,142	1,652	2,103	2,449	2,768	3,470	3,428	3,821	3,134	25,399
Nuisance crime	147	304	305	440	691	1,401	2,647	3,629	4,366	4,072	2,961	20,963

Note: Interior removals include all removals in which CBP is not the arresting agency and removals in which the arresting agency is unknown and the apprehension occurs more than 14 days after entry, as discussed in Appendix A. Table contains information from the ICE EID dataset only. See Appendix C for a detailed list of criminal offenses within each category.

Source: MPI analysis of ICE EID, FY 2003-13.

**Table B-4. ICE Removals by Removal Type and Arrest Location, FY 2003-13**

	Arrest Location			Total
	Border	Interior	Unknown	
<b>Total</b>	<b>1,305,088</b>	<b>1,323,043</b>	<b>230,300</b>	<b>2,858,431</b>
Judicial	331,385	804,319	148,859	1,284,563
Expedited	426,896	37,473	13,159	477,528
Reinstatement	537,477	385,164	46,323	968,964
Administrative	9,330	96,087	21,959	127,376

*Note:* Table includes only ICE removals and therefore excludes information about CBP-only enforcement cases.

*Source:* MPI analysis of ICE EID, FY 2003-13.



**Table B-5. DHS Removals by DHS Enforcement Priority, FY 2003-13**

	Source	Total DHS Removals	Criminals	Immigration Obstructionists	Recent Illegal Entrants	Not a Current Priority
<b>2003</b>	Total	211,098	84,357	51,997	60,566	14,178
	ICE	159,331	84,357	38,547	22,249	14,178
	CBP-Only	51,767	0	13,450	38,317	0
<b>2004</b>	Total	240,665	93,065	67,863	66,982	12,755
	ICE	177,427	93,065	49,953	21,654	12,755
	CBP-Only	63,238	0	17,910	45,328	0
<b>2005</b>	Total	246,431	90,957	57,235	85,412	12,827
	ICE	183,263	90,957	46,937	32,542	12,827
	CBP-Only	63,168	0	10,298	52,870	0
<b>2006</b>	Total	280,974	96,729	67,163	102,525	14,557
	ICE	211,925	96,729	56,453	44,186	14,557
	CBP-Only	69,049	0	10,710	58,339	0
<b>2007</b>	Total	319,382	105,118	76,578	111,961	25,725
	ICE	253,550	105,118	63,425	59,282	25,725
	CBP-Only	65,832	0	13,153	52,679	0
<b>2008</b>	Total	359,795	119,233	84,319	122,073	34,170
	ICE	277,292	119,233	69,565	54,324	34,170
	CBP-Only	82,503	0	14,754	67,749	0
<b>2009</b>	Total	391,597	141,541	100,221	120,179	29,656
	ICE	295,442	141,541	86,838	37,407	29,656
	CBP-Only	96,155	0	12,138	84,352	0
<b>2010</b>	Total	382,265	178,229	83,000	102,613	18,423
	ICE	303,579	178,229	73,557	33,370	18,423
	CBP-Only	78,686	0	3,103	76,349	0
<b>2011</b>	Total	387,134	193,437	81,331	96,658	15,708
	ICE	318,272	193,437	76,269	32,858	15,708
	CBP-Only	68,862	0	6,202	63,935	0
<b>2012</b>	Total	418,397	207,342	84,109	118,106	8,840
	ICE	345,958	207,342	77,896	51,880	8,840
	CBP-Only	72,439	0	9,068	64,358	0
<b>2013</b>	Total	438,421	198,845	82,996	152,232	4,348
	ICE	332,392	198,845	72,518	56,681	4,348
	CBP-Only	106,029	0	9,135	64,838	0
<b>Total</b>	Total	3,676,159	1,508,853	836,812	1,139,307	179,110
	ICE	2,858,431	1,508,853	711,958	458,510	179,110
	CBP-Only	817,728	0	124,854	692,874	0

*Note:* Total rows are sum of removals in ICE EID dataset and MPI estimates of CBP-only removals, as described in Appendix A.  
*Sources:* MPI analysis of ICE EID, FY 2003-13; DHS OIS, *Yearbook of Immigration Statistics*, FY 2010-13; DHS OIS, *Immigration Enforcement Actions*, FY 2010-13.

**Appendix C. ICE Most Serious Criminal Conviction Codes by MPI Crime Categories**

Crime Category	Crimes Labels Included
<b>FBI Part 1<sup>a</sup></b>	<p>Aggravated assault - family-gun, aggravated assault - family-strongarm, aggravated assault - family-weapon, aggravated assault – gun, aggravated assault - non-family-gun, aggravated assault - non-family-strongarm, aggravated assault - non-family-weapon, aggravated assault - police officer-gun, aggravated assault - police officer-strongarm, aggravated assault - police officer-weapon, aggravated assault - public officer-gun, aggravated assault - public officer-strongarm, aggravated assault - public officer-weapon, aggravated assault – weapon, arson, arson – business, arson - business-defraud insurer, arson - business-endangered life, arson - public building-endangered life, arson - public-building, arson – residence, arson - residence-defraud insurer, arson - residence-endangered life, burglary, burglary - banking-type institution, burglary - forced entry-non-residence, burglary - forced entry-residence, burglary - no forced entry-non-residence, burglary - no forced entry-residence, burglary - safe-vault, carjacking-armed, damage property - business-with explosive, damage property - private-with explosive, damage property - public-with explosive, espionage, explosives – using, forcible purse snatching, homicide, homicide-john/jane doe-no war, homicide-negligent manslaughter-vehicle, homicide-negligent manslaughter-weapon, homicide-willful kill-family-gun, homicide-willful kill-family-weapon, homicide-willful kill-gun, homicide-willful kill-non-family-gun, homicide-willful kill-non-family-weapon, homicide-willful kill-police officer-gun, homicide-willful kill-police officer-weapon, homicide-willful kill-public official-gun, homicide-willful kill-public official-weapon, homicide-willful kill-weapon, incendiary device – using, larceny, larceny - from auto, larceny - from banking-type institution, larceny - from building, larceny - from coin machine, larceny - from interstate shipment, larceny - from mails, larceny - from shipment, larceny - from yards, larceny - parts from vehicle, larceny – postal, larceny on us government reserves, rape – disabled, rape - drug-induced, rape – elderly, rape – gun, rape – remarks, rape – strongarm, rape with weapon, robbery, robbery - banking-type institution, robbery - business weapon, robbery - business-gun, robbery - business-strongarm, robbery - residence-gun, robbery - residence-strongarm, robbery - residence-weapon, robbery - street-gun, robbery - street-strongarm, robbery - street-weapon, sex assault - sodomy-boy-gun, sex assault - sodomy-boy-strongarm, sex assault - sodomy-boy-weapon, sex assault - sodomy-girl-gun, sex assault - sodomy-girl-strongarm, sex assault - sodomy-girl-weapon, sex assault - sodomy-man-gun, sex assault - sodomy-man-strongarm, sex assault - sodomy-man-weapon, sex assault - sodomy-woman-gun, sex assault - sodomy-woman-strongarm, sex assault - sodomy-woman-weapon, stolen vehicle, terrorism, theft and sale vehicle, theft and strip vehicle, theft and use vehicle other crime, theft vehicle by bailee, threat terroristic state offenses, vehicle theft, voluntary - manslaughter</p>



<b>FBI Part 2, Violent<sup>a</sup></b>	<p>Abduct-no ransom or assault, assault, battery, bestiality, crimes against person, cruelty toward disabled, cruelty toward elderly, enticement of minor for indecent purposes, enticement of minor for indecent purposes - via telecommunications, enticement of minor for prostitution, exploitation of a minor, extortion - threat injure person, false imprisonment, false imprisonment-minor-nonparental, false imprisonment-minor-parental, firing weapon, hit and run, human slavery or trafficking, illegal arrest, incest with minor, intimidation, kidnap adult, kidnap adult for ransom, kidnap adult to sexually assault, kidnap hostage for escape, kidnap minor, kidnap minor for ransom, kidnap minor to sexually assault, kidnap minor-nonparental, kidnap minor-parental, kidnap-hijack aircraft, kidnapping, lewd or lascivious acts with minor, molestation of minor, riot, riot - engaging in, riot – inciting, riot - interfere firearm, riot - interfere officer, sex assault, sex assault - carnal abuse, sex assault – disabled, sex assault – elderly, sex offense, sex offense – disabled, sex offense – elderly, sex offense against child-fondling, sexual assault - drug-induced, sexual exploitation of minor - exhibition of minor, sexual exploitation of minor - material – film, sexual exploitation of minor - material – photograph, sexual exploitation of minor - material – transport, sexual exploitation of minor – prostitution, sexual exploitation of minor - sex performance, sexual exploitation of minor - via telecommunications, simple assault, threat to bomb, threat to burn, threaten federal protectee, weapon offense</p>
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**FBI Part 2,  
Nonviolent<sup>b</sup>**

Abortifacient (selling mfg. delivering etc.), abortion, abortional act on other, abscond while on parole, abscond while on probation, aiding prisoner escape, aircraft theft, altering identification on weapon, anarchism, antitrust, bail - personal recognizance, bail - secured bond, bigamy, bookmaking, bribe, bribe – giving, bribe – offering, bribe – receiving, bribery, burglary tools – possession, burning of (identify object in comments), carrying concealed weapon, carrying prohibited weapon, civil rights, commercial sex, commercial sex - homosexual prostitution, compounding crime, computer crimes, conceal stolen property, conditional release violation, conflict of interest, conspiracy [use when no underlying offense such as 18 U.S.C. SEC. 371], contempt of court, contributing to delinquency of minor, counterfeiting, counterfeiting of (identify in comments), damage property, damage property – business, damage property – private, damage property – public, deceptive business practices (to include false advertising), desecrating flag, divulge eavesdrop information, divulge eavesdrop order, divulge message contents, election laws, embezzle, embezzle - banking-type institution, embezzle - business property, embezzle - interstate shipment, embezzle – postal, embezzle - public property (U.S. state city property), escape (identify type institution in comments), escape from custody, evidence – destroying, exploitation/enticement (use the mis field to further describe offense), explosives – possession, explosives - teaching use, explosives – transporting, extortion, extortion - threat accuse person of crime, extortion - threat damage property, extortion - threat injure reputation, extortion - threat of informing of violence, failure report crime, failure to appear, failure to register as a sex offender, federal-material witness, flight – escape, flight to avoid (prosecution confinement etc.), food – adulterated, food - health or safety, food – misbranded, forgery, forgery of (identify in comments), forgery of checks, fraud, fraud - confidence game, fraud - false statement, fraud - illegal use credit cards, fraud – impersonating, fraud - insufficient funds check, fraud – swindle, fraud by wire, fraud and abuse – computer, frequent house ill fame, gambling, gambling device, gambling device - not registered, gambling device – possession, gambling goods, gambling goods – possession, gang activity, gratuity, harassing communication, harboring escapee/fugitive, health – safety, homosexual act with boy, homosexual act with girl, homosexual act with man, homosexual act with woman, identity theft, incendiary device – possession, incendiary device - teaching use, incest with adult, income tax, indecent exposure to adult, indecent exposure to minor, interstate transportation of stolen vehicle, invade privacy, keeping house ill fame, kickback, kickback – receiving, licensing - registration weapon, licensing violation, liquor – manufacturing, liquor – sell, liquor – transport, liquor tax, lottery, mail fraud, making false report, mandatory release violation, military, military desertion, misconduct - judicial officer, money laundering-remarks, neglect disabled, neglect elderly, non-payment of alimony, non-support of parent, obscene communication, obscene material – mailing, obscene material, obscene material – distribution, obscene material – manufacturing, obscene material – possession, obscene material – sell, obscene material – transport, obstruct correspondence (postal violation), obstruct criminal invest, obstruct police, obstructing court order, obstructing justice, opening sealed communication, parole violation, pass counterfeited (identify in comments), pass forged (identify in comments), perjury, perjury - subornation of, pocketpicking, possession counterfeited (identify in comments), possession forged (identify in comments), possession of weapon, possession stolen property, possession stolen vehicle, possession tools for forgery/counterfeiting, probation violation, procure for prostitute (pimping), procure for prostitute who is a minor, procure for prostitute who is an adult, property crimes, prostitution, purse snatching - no force, Racketeer Influenced and Corrupt Organizations Act (RICO), receive stolen property, receiving stolen vehicle, resisting officer, sabotage, sale of stolen property, sales tax, sedition, seduction of adult, selling weapon, sex offender registration violation, shoplifting, smuggle contraband, smuggle contraband into prison, smuggle to avoid paying duty, smuggling, smuggling aliens, sovereignty, statutory rape - no force, stolen property, strip stolen vehicle, structuring, tax revenue, theft of us government property, transmit wager information, transport counterfeited (identify in comments), transport female interstate for immoral purposes, transport forged (identify in comments), transport interstate stolen property, transport interstate for commercialized sex, transport interstate for sexual activity, transport tools for forgery/counterfeiting, transporting dangerous material, treason, treason misprision, trespassing, unauthorized communication with prisoner, unauthorized use of vehicle (includes joy riding), violation of a court order, weapon trafficking, wiretap - failure to report, witness – deceiving, witness - dissuading



<b>Domestic Abuse<sup>a</sup></b>	Cruelty toward child, cruelty toward wife, domestic violence, family offense, neglect child, neglect family
<b>Drugs – Possession<sup>c</sup></b>	Amphetamine, amphetamine – possession, barbiturate, barbiturate – possession, cocaine, cocaine – possession, dangerous drugs, drug possession, hallucinogen, hallucinogen – possession, heroin, heroin – possession, marijuana, marijuana (describe offense), marijuana – possession, narcotic equip – possession, opium or derivatives, opium or derivatives – possession, synthetic narcotic, synthetic narcotic - possession
<b>Drugs – Sale, Distribution, Transportation<sup>c</sup></b>	Amphetamine – manufacturing, amphetamine – sell, barbiturate – manufacturing, barbiturate – sell, cocaine – sell, cocaine – smuggle, drug trafficking, drugs – adulterated, drugs - health or safety, drugs – misbranded, hallucinogen – distribution, hallucinogen – manufacturing, hallucinogen – sell, heroin – sell, heroin – smuggle, marijuana – sell, marijuana – smuggle, opium or derivatives – sell, opium or derivatives – smuggle, synthetic narcotic – sell, synthetic narcotic - smuggle
<b>Immigration</b>	False citizenship, illegal entry (INA SEC.101(a)(43)(O) 8USC1325 only), illegal re-entry (INA SEC.101(a)(43)(O) 8USC1326 only), immigration (possess of fraud. immigration docs), immigration (trafficking of fraud. immigration documents)
<b>Nuisance<sup>b</sup></b>	Assembly – unlawful, conservation, conservation – animals, conservation – birds, conservation – environment, conservation – fish, conservation - license-stamp, contempt of legislature, cosmetics – adulterated, cosmetics – misbranded, crossing police lines, dice game, dice game – operating, disorderly conduct, eavesdrop equipment, eavesdropping, establish gambling place, failing to move on, indecent exposure, liquor, liquor – possession, morals - decency crimes, obscene, obstruct (specify judiciary congress legislature commission in comments), peeping tom, public order crimes, public peace, refusing to aid officer, voyeurism
<b>Traffic – DUI<sup>d</sup></b>	Driving under influence drugs, driving under influence liquor
<b>Traffic – Not DUI<sup>d</sup></b>	Traffic offense

<sup>a</sup> FBI Part 1; FBI Part 2, Violent; and Domestic Abuse crimes are categorized by MPI as “violent crimes.”

<sup>b</sup> FBI Part 2, Nonviolent and Nuisance crimes are categorized by MPI as “nonviolent crimes.”

<sup>c</sup> Drugs – Possession and Drugs – Sale, Distribution, and Transportation are categorized by MPI as “drug crimes.”

<sup>d</sup> Traffic – DUI and Traffic – not DUI are categorized by MPI as “traffic crimes.”

Source: FBI, *Crime in the United States 2004*, Appendix II: Offenses in Uniform Crime Reporting, [www2.fbi.gov/ucr/cius\\_04/appendices/appendix\\_02.html](http://www2.fbi.gov/ucr/cius_04/appendices/appendix_02.html); and MPI analysis of ICE Enforcement Integrated Database (EID), FY 2003-13.



## Works Cited

- Anti-Drug Abuse Act of 1988*. Public Law 100-690. *U.S. Statutes at Large* 102, 1988.
- Baker, Bryan and Nancy Rytina. 2013. *Estimates of the Unauthorized Immigration Population Residing in the United States: January 2012*. Washington, DC: Department of Homeland Security, Office of Immigration Statistics. [www.dhs.gov/publication/estimates-unauthorized-immigrant-population-residing-united-states-january-2012](http://www.dhs.gov/publication/estimates-unauthorized-immigrant-population-residing-united-states-january-2012).
- Batalova, Jeanne, Sarah Hooker, and Randy Capps with James D. Bachmeier. 2014. *DACA at the Two-Year Mark: A National and State Profile of Youth Eligible and Applying for Deferred Action*. Washington, DC: Migration Policy Institute. [www.migrationpolicy.org/research/daca-two-year-mark-national-and-state-profile-youth-eligible-and-applying-deferred-action](http://www.migrationpolicy.org/research/daca-two-year-mark-national-and-state-profile-youth-eligible-and-applying-deferred-action).
- Bruno, Andorra. 2013. *Immigration-Related Worksite Enforcement: Performance Measures*. Washington, DC: Congressional Research Service. <http://fas.org/sgp/crs/homsec/R40002.pdf>.
- Capps, Randy, Marc R. Rosenblum, Muzaffar Chishti, and Christina Rodríguez. 2011. *Delegation and Divergence: 287(g) State and Local Immigration Enforcement*. Washington, DC: Migration Policy Institute. [www.migrationpolicy.org/research/delegation-and-divergence-287g-state-and-local-immigration-enforcement](http://www.migrationpolicy.org/research/delegation-and-divergence-287g-state-and-local-immigration-enforcement).
- Chaudry, Ajay, Randy Capps, Juan Manuel Pedroza, Rosa Maria Castañeda, Robert Santos, and Molly M. Scott. 2010. *Facing Our Future: Children in the Aftermath of Immigration Enforcement*. Washington, DC: The Urban Institute. [http://carnegie.org/fileadmin/Media/Publications/facing\\_our\\_future.pdf](http://carnegie.org/fileadmin/Media/Publications/facing_our_future.pdf).
- Federal Bureau of Investigation (FBI). Undated. *Crime in the United States 2004*, Appendix II: Offenses in Uniform Crime Reporting. [www2.fbi.gov/ucr/cius\\_04/appendices/appendix\\_02.html](http://www2.fbi.gov/ucr/cius_04/appendices/appendix_02.html).
- Foley, Elise. 2014. Immigration Activists Escalate Deportation Fight: "Not One More." Huffington Post, April 4, 2014. [www.huffingtonpost.com/2014/04/04/immigration-activists-deportation\\_n\\_5093096.html](http://www.huffingtonpost.com/2014/04/04/immigration-activists-deportation_n_5093096.html).
- Forman, Marcy. 2009. Memorandum from ICE Office of Investigations Director Marcy Forman to ICE Assistant Director, Deputy Assistant Directors, and Special Agents in Charge, Worksite Enforcement Strategy, April 30, 2009. [www.ice.gov/doclib/foia/dro\\_policy\\_memos/worksite\\_enforcement\\_strategy4\\_30\\_2009.pdf](http://www.ice.gov/doclib/foia/dro_policy_memos/worksite_enforcement_strategy4_30_2009.pdf).
- Grimes, Mark, Elyse Golob, Alexandra Durcikova, and Jay Nuamaker. 2013. *Reasons and Resolve to Cross the Line: A Post-Apprehension Survey of Unauthorized Immigrants along the U.S.-Mexico Border*. Tucson, AZ: University of Arizona National Center for Border Security and Immigration. [www.borders.arizona.edu/cms/sites/default/files/Post-Aprehension-Survey-REPORT%20may31-2013\\_0.pdf](http://www.borders.arizona.edu/cms/sites/default/files/Post-Aprehension-Survey-REPORT%20may31-2013_0.pdf).
- Homeland Security Act of 2002*. Public Law 107-296. *U.S. Statutes at Large* 116, 2002.
- Illegal Immigration Reform and Immigration Responsibility Act of 1996 (IIRIRA)*. Public Law 104-208. *U.S. Statutes at Large* 110, 1996.
- Immigration Act of 1990*. Public Law 101-649. *U.S. Statutes at Large* 104, 1990.
- Immigration Reform and Control Act of 1986 (IRCA)*. Public Law 99-603. *U.S. Statutes at Large* 100, 1986.
- Kim, Seung Min. 2014. Jeh Johnson Meets with Immigration Reform Critics. Politico, May 7, 2014. [www.politico.com/story/2014/05/jeh-johnson-immigration-reform-106469.html](http://www.politico.com/story/2014/05/jeh-johnson-immigration-reform-106469.html).





- Meissner, Doris, Donald M. Kerwin, Muzaffar Chishti, and Claire Bergeron. 2013. *Immigration Enforcement in the United States: The Rise of a Formidable Machinery*. Washington, DC: Migration Policy Institute. [www.migrationpolicy.org/research/immigration-enforcement-united-states-rise-formidable-machinery](http://www.migrationpolicy.org/research/immigration-enforcement-united-states-rise-formidable-machinery).
- Morton, John. 2010. Memorandum from the Assistant Secretary to all ICE Employees: Civil Immigration Enforcement: Priorities for the Apprehension, Detention, and Removal of Aliens, June 30, 2010. [www.ice.gov/doclib/news/releases/2010/civil-enforcement-priorities.pdf](http://www.ice.gov/doclib/news/releases/2010/civil-enforcement-priorities.pdf).
- \_\_\_\_\_. 2011. Memorandum from the ICE Director to all Field Office Directors, all Special Agents in Charge, all Chief Counsel: Exercising Prosecutorial Discretion Consistent with the Civil Immigration Enforcement Priorities of the Agency for the Apprehension, Detention, and Removal of Aliens, June 17, 2011. [www.ice.gov/doclib/foia/prosecutorial-discretion/pd\\_cnstnt\\_w\\_civil\\_imm\\_enforce\\_ice\\_priorities.pdf](http://www.ice.gov/doclib/foia/prosecutorial-discretion/pd_cnstnt_w_civil_imm_enforce_ice_priorities.pdf).
- Napolitano, Janet, Secretary of Homeland Security. 2011. Letter from Secretary Janet Napolitano to Senator Richard Durbin, August 18, 2001. <http://shusterman.com/pdf/napolitanoletter81811.pdf>.
- Page Act of March 3, 1875*. Chapter 141, 43rd Cong., 2d sess. March 3, 1875. *U.S. Statutes at Large* 18, 1875.
- Rosenblum, Marc R. and Doris Meissner with Claire Bergeron and Faye Hipsman. 2014. *The Deportation Dilemma: Reconciling Tough and Humane Enforcement*. Washington, DC: Migration Policy Institute. [www.migrationpolicy.org/research/deportation-dilemma-reconciling-tough-humane-enforcement](http://www.migrationpolicy.org/research/deportation-dilemma-reconciling-tough-humane-enforcement).
- Rosenblum, Marc R. and William A. Kandel. 2012. *Interior Immigration Enforcement: Programs Targeting Criminal Aliens*. Washington, DC: Congressional Research Service. <http://fas.org/sgp/crs/homesec/R42057.pdf>.
- Sessions, Jeff, U.S. Senator. 2014. DHS Enforcement Data Reveals Administrative Amnesty Much Broader Than Previously Understood. News release, March 26, 2014. [www.sessions.senate.gov/public/index.cfm/news-releases?ID=3267d920-f254-463c-b105-ccb1980efe11](http://www.sessions.senate.gov/public/index.cfm/news-releases?ID=3267d920-f254-463c-b105-ccb1980efe11).
- Smith, Lamar, U.S. Congressman. 2012. Smith: Administration Cooks the Books to Achieve Deportation Numbers. News release, August 24, 2012. <http://judiciary.house.gov/index.cfm/2012/8/smithadministrationcooks-thebookstoachievedeportationnumbers>.
- Thompson, Ginger and Sarah Cohen. 2014. More Deportations Follow Minor Crimes, Records Show. *The New York Times*, April 6, 2014. [www.nytimes.com/2014/04/07/us/more-deportations-follow-minor-crimes-data-shows.html?\\_r=1](http://www.nytimes.com/2014/04/07/us/more-deportations-follow-minor-crimes-data-shows.html?_r=1).
- U.S. Border Patrol. Undated. U.S. Border Patrol Sector Profile – Fiscal Year 2011 (Oct. 1st through Sept. 30th). Accessed August 4, 2014. [www.cbp.gov/sites/default/files/documents/U.S.%20Border%20Patrol%20Fiscal%20Year%202011%20Sector%20Profile.pdf](http://www.cbp.gov/sites/default/files/documents/U.S.%20Border%20Patrol%20Fiscal%20Year%202011%20Sector%20Profile.pdf).
- \_\_\_\_\_. Undated. U.S. Border Patrol Sector Profile – Fiscal Year 2012 (Oct. 1st through Sept. 30th). Accessed August 4, 2014. [www.cbp.gov/sites/default/files/documents/U.S.%20Border%20Patrol%20Fiscal%20Year%202012%20Sector%20Profile.pdf](http://www.cbp.gov/sites/default/files/documents/U.S.%20Border%20Patrol%20Fiscal%20Year%202012%20Sector%20Profile.pdf).
- \_\_\_\_\_. Undated. U.S. Border Patrol Sector Profile – Fiscal Year 2013 (Oct. 1st through Sept. 30th). Accessed August 4, 2014. [www.cbp.gov/sites/default/files/documents/U.S.%20Border%20Patrol%20Fiscal%20Year%202013%20Profile.pdf](http://www.cbp.gov/sites/default/files/documents/U.S.%20Border%20Patrol%20Fiscal%20Year%202013%20Profile.pdf).
- U.S. Customs and Border Protection. 2014. Southwest Border Unaccompanied Alien Children. Updated through July 31, 2014. [www.cbp.gov/newsroom/stats/southwest-border-unaccompanied-children](http://www.cbp.gov/newsroom/stats/southwest-border-unaccompanied-children).
- U.S. Department of Homeland Security (DHS). 2010. *Privacy Impact Assessment for the Enforcement Integrated Database (EID)*. Washington, DC: DHS. [www.dhs.gov/xlibrary/assets/privacy/privacy\\_pia\\_ice\\_eid.pdf](http://www.dhs.gov/xlibrary/assets/privacy/privacy_pia_ice_eid.pdf).



- U.S. Department of Homeland Security, Office of Immigration Statistics (OIS). 2010. *Immigration Enforcement Actions: 2010*. Washington, DC: DHS, OIS. [www.dhs.gov/immigration-enforcement-actions-2010](http://www.dhs.gov/immigration-enforcement-actions-2010).
- \_\_\_\_\_. 2011. *Immigration Enforcement Actions: 2011*. Washington, DC: DHS, OIS. [www.dhs.gov/immigration-enforcement-actions-2011](http://www.dhs.gov/immigration-enforcement-actions-2011).
- \_\_\_\_\_. 2012. *Immigration Enforcement Actions: 2012*. Washington, DC: DHS, OIS. [www.dhs.gov/publication/immigration-enforcement-actions-2012](http://www.dhs.gov/publication/immigration-enforcement-actions-2012).
- \_\_\_\_\_. 2012. *2012 Yearbook of Immigration Statistics*. Washington, DC: DHS, OIS. [www.dhs.gov/publication/yearbook-2012](http://www.dhs.gov/publication/yearbook-2012).
- U.S. Department of Justice, Criminal Justice Information Services Division (CJIS). 2009. Crime in the United States: Offense Definitions. Updated September 2010. [www2.fbi.gov/ucr/cius2009/about/offense\\_definitions.html](http://www2.fbi.gov/ucr/cius2009/about/offense_definitions.html).
- U.S. House Judiciary Committee. 2014. *Oversight of the U.S. Department of Homeland Security*, 113th Cong., 2nd sess., May 29, 2014. [http://judiciary.house.gov/index.cfm/hearings?Id=46c27b59-72fe-46b4-9ede-6576fc56f795&Statement\\_id=C7FF3692-AA44-4B7E-9783-1B1C8B0D04D0](http://judiciary.house.gov/index.cfm/hearings?Id=46c27b59-72fe-46b4-9ede-6576fc56f795&Statement_id=C7FF3692-AA44-4B7E-9783-1B1C8B0D04D0).
- U.S. Immigration and Customs Enforcement (ICE). FY 2013 ICE Immigration Removals. Accessed July 20, 2014. [www.ice.gov/removal-statistics/](http://www.ice.gov/removal-statistics/).
- U.S. Immigration and Customs Enforcement, Enforcement and Removal Operations (ERO). 2012. *ICE Total Removals through August 25th, 2012*. Washington, DC: ICE ERO. [www.ice.gov/doclib/about/offices/ero/pdf/ero-removals1.pdf](http://www.ice.gov/doclib/about/offices/ero/pdf/ero-removals1.pdf).
- \_\_\_\_\_. Undated. FY 2013 ICE Immigration Removals. Accessed July 20, 2014. [www.ice.gov/removal-statistics/](http://www.ice.gov/removal-statistics/).
- White House. 2014. Readout of the President's Meeting with Congressional Hispanic Caucus Leadership, March 13, 2014. Washington, DC: The White House. [www.whitehouse.gov/the-press-office/2014/03/13/read-out-presidents-meeting-congressional-hispanic-caucus-leadership](http://www.whitehouse.gov/the-press-office/2014/03/13/read-out-presidents-meeting-congressional-hispanic-caucus-leadership).
- White House. 2014. Remarks by the President at Law Enforcement Briefing on Immigration, May 13, 2014. Washington, DC: The White House. [www.whitehouse.gov/the-press-office/2014/05/13/remarks-president-law-enforcement-briefing-immigration](http://www.whitehouse.gov/the-press-office/2014/05/13/remarks-president-law-enforcement-briefing-immigration).
- White House. 2014. Remarks by the President on Border Security and Immigration Reform, June 30, 2014. Washington, DC: The White House. [www.whitehouse.gov/the-press-office/2014/06/30/remarks-president-border-security-and-immigration-reform](http://www.whitehouse.gov/the-press-office/2014/06/30/remarks-president-border-security-and-immigration-reform).
- William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008*. Public Law 110-457. *U.S. Statutes at Large* 122, 2008.



## About the Authors



**Marc R. Rosenblum** is Deputy Director of the Migration Policy Institute's U.S. Immigration Policy Program, where he works on U.S. immigration policy, immigration enforcement, and U.S. regional migration relations.

Dr. Rosenblum returned to MPI, where he had been a Senior Policy Analyst, after working as a specialist in immigration policy at the Congressional Research Service. He was a Council on Foreign Relations Fellow detailed to the office of U.S. Sen. Edward Kennedy during the 2006 Senate immigration debate and was involved in crafting the Senate's immigration legislation in 2006 and 2007. He also served as a member of President-elect Obama's Immigration Policy Transition Team in 2009.

He has published more than 50 academic journal articles, book chapters, and policy briefs on immigration, immigration policy, and U.S.-Latin American relations. He is coeditor of *The Oxford Handbook of International Migration* (Oxford University Press).

Dr. Rosenblum earned his B.A. from Columbia University and his Ph.D. from the University of California, San Diego, and is an Associate Professor of Political Science at the University of New Orleans.



**Kristen McCabe** was, during the research and writing of this report, a Policy Analyst at the Migration Policy Institute, where she worked for the National Center on Immigrant Integration Policy.

She co-authored a number of research publications and was a contributor to the *Migration Information Source*, MPI's award-winning online journal.

Prior to joining MPI, Ms. McCabe worked as a Legal Assistant at an immigration and nationality law firm in Boston, MA.

Ms. McCabe holds a bachelor of the arts degree with honors from Tufts University, where she double majored in English and international relations.

For more on MPI's U.S. Immigration Policy Program, please visit:  
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[www.migrationpolicy.org](http://www.migrationpolicy.org)

1400 16<sup>th</sup> Street NW  
Suite 300  
Washington, DC 20036

Tel: 001 202-266-1940  
Fax: 001 202-266-1900

