

Immigration Enforcement Actions: 2005

MARY DOUGHERTY, DENISE WILSON, AND AMY WU

Each year, the Department of Homeland Security (DHS) undertakes immigration enforcement actions involving hundreds of thousands of foreign nationals (for definitions of immigration enforcement action terms, see Box 1). These actions include the arrest, detention, and removal from the United States of foreign nationals who are in violation of the Immigration and Nationality Act (INA). These violations include: losing legal status by failing to abide by the terms and conditions of entry, or by engaging in crimes such as terrorist activity, violent crimes, document fraud, and drug smuggling. Responsibility for the enforcement of immigration law within DHS rests with the Bureau of Customs and Border Protection (CBP) and the Bureau of Immigration and Customs Enforcement (ICE). CBP handles the inspections of foreign nationals at ports of entry and the deterrence or apprehension of illegal immigrants between ports of entry. ICE is responsible for enforcing immigration laws within the interior of the United States.

This Office of Immigration Statistics Annual Report presents information on the apprehension, detention, and removal of foreign nationals during 2005 as well as investigations of individuals or organizations in violation of immigration laws.¹ Data were obtained from workload and case tracking systems of DHS. In 2005, in summary:

- DHS apprehended more than 1,291,000 foreign nationals. Eighty-five percent were natives of Mexico.
- There were 9,874 criminal arrests and 6,763 convictions for immigration-related activities including financial enforcement, human smuggling and trafficking, general and criminal alien enforcement, identity and benefit fraud, and compliance and work site enforcement.
- ICE detained approximately 238,000 foreign nationals.
- There were 208,521 foreign nationals formally removed from the United States. The leading countries of origin of those removed were Mexico (69 percent), Honduras (7 percent) and Guatemala (6 percent). More than 965,000 other foreign nationals accepted an offer of voluntary departure.
- Expedited removals accounted for 72,911 or 35 percent of all formal removals.
- DHS removed 89,406 criminal aliens from the United States. Nearly 77 percent were from Mexico.

¹ In this report, years are fiscal years (October 1 to September 30).

ENFORCEMENT PROGRAM ACTIVITIES

Inspections

CBP inspectors determine the admissibility of aliens who have arrived at a designated port of entry. There are approximately 340 such ports in the United States and abroad. Inspectors may permit inadmissible aliens the opportunity to withdraw their application for admission or, in some cases, inspectors will refer an alien to an immigration judge for removal proceedings. Inspectors have the authority to order certain aliens removed under expedited removal proceedings without further hearings or review by an immigration judge. The expedited removal order carries the same penalties as a removal order issued by an immigration judge.

Border Patrol

The primary mission of the Border Patrol is to secure approximately 8,000 miles of land and water boundaries of the United States between ports of entry. Its major objectives are to prevent illegal entry into the United States of illegal aliens and foreign nationals suspected of terrorism and other criminal activity, interdict drug smugglers and other criminals, and compel those persons seeking admission to present themselves legally at ports of entry for inspection. Border Patrol operations are divided into geographic regions referred to as sectors.

Investigations

ICE conducts investigations that focus on the enforcement of immigration laws within the interior of



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the United States. Special agents plan and conduct investigations of persons and organizations subject to the administrative and criminal provisions of the INA. Agents investigate violations of immigration law and aliens involved in criminal activities. They often work as team members in multi-agency task forces against terrorism, violent crime, document fraud, narcotic trafficking, and various forms of organized crime. They also seek to identify aliens who are incarcerated and deportable as a result of their criminal convictions. In addition, agents monitor and inspect work sites to apprehend unauthorized alien workers and to impose sanctions against employers who knowingly employ them.

Detention and Removal

Officers and agents of the Detention and Removal Operations (DRO) program serve as the primary enforcement arm within ICE for the identification, apprehension and removal of illegal aliens from the United States. The resources and expertise of DRO are utilized to identify and apprehend illegal aliens, fugitive aliens, and criminal aliens, to manage them while in custody and to enforce orders of removal from the United States. DRO officers determine appropriate release conditions that may include release of detained aliens on parole, bond, recognizance, or pursuant to orders of supervision where appropriate. DRO officers and agents enforce the departure of deportable and inadmissible aliens from the United States under final removal orders. Enforcing departure involves activities such as diplomatic liaison with foreign governments to secure permission to remove or transit aliens and to secure travel documents for aliens.

The Removal Process. Removal proceedings encompass the actions that lead to the formal removal of an alien from the United States when the presence of that alien is deemed inconsistent with the public welfare. DHS has several options in removing an alien from the United States. Traditionally, these options included deportation, voluntary departure, and exclusion; however, the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996 made major revisions to these procedures. Deportation and exclusion proceedings were consolidated as removal proceedings (with voluntary departure continuing as an option at government convenience). The most significant change was the new authority for expedited removals.

Most removal proceedings are conducted before an immigration judge. Possible outcomes of an immigration hearing include removal, adjustment to a legal status, or a termination of proceedings. Some aliens abscond before or after the hearing. Decisions of the immigration judge can be appealed to the Board of Immigration Appeals.

Under expedited removal, an immigration officer may determine that an arriving alien is inadmissible because the alien engaged in fraud or misrepresentation, or lacks proper documents. The officer can order the alien removed without further hearing or review unless the alien states a fear of persecution or an intention to apply for asylum. Officers refer aliens who make such pleas to an asylum officer and the case may eventually be argued before an immigration judge.

Box 1.

Definitions of Immigration Enforcement Terms

Detention: The seizure and incarceration of an alien in order to hold him/her for judicial or legal proceedings, or while awaiting return transportation to his/her country of citizenship.

Inadmissible: An alien seeking admission who does not meet the criteria of the Immigration and Nationality Act (INA) for admission. The alien may be placed in removal proceedings or, under certain circumstances, allowed to withdraw his or her application for admission.

Removal: The expulsion of an alien from the United States. This expulsion may be based on ground of inadmissibility or deportability.

Expedited Removal: The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 authorized DHS to quickly remove certain inadmissible aliens from the United States. The authority covers aliens who are inadmissible because they have no entry documents, or because they have used counterfeit, altered, or otherwise fraudulent or improper documents, or because they commit fraud or willful misrepresentation. The authority covers aliens who arrive in, attempt to enter, or have entered the United States without having been admitted or paroled by an immigration officer at a port-of-entry. DHS has the authority to order the removal, and the alien is not referred to an immigration judge except under certain circumstances after an alien makes a claim to lawful status in the United States or demonstrates a credible fear of persecution if returned to his or her home country.

Voluntary Departure: The departure of an alien from the United States without an order of removal. The departure may or may not have been preceded by a hearing before an immigration judge. An alien allowed to voluntarily depart concedes removability but does not have a bar to seeking admission at a port-of-entry at any time. Failure to depart within the time granted results in a fine and a ten-year bar to several forms of relief from deportation.

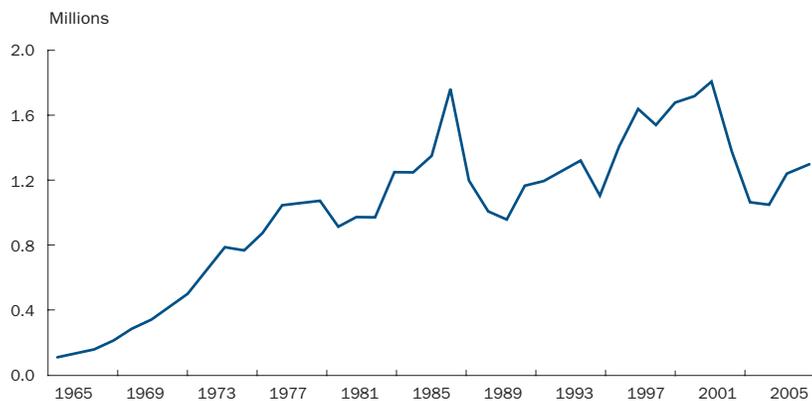
Withdrawal: An arriving alien's voluntary retraction of an application for admission to the United States in lieu of a removal hearing before an immigration judge or an expedited removal.

The penalties associated with formal removal include not only the removal but also possible fines, imprisonment for up to 10 years for aliens who do not appear at hearings or who fail to depart, and a bar to future legal entry (the bar is permanent for aggravated felons and up to 20 years for other aliens). The imposition and extent of these penalties depend upon the circumstances of the case.

Voluntary Departure. In some cases, an apprehended alien may be offered a voluntary departure. This procedure is common with non-criminal aliens who are apprehended by the Border Patrol during an attempted illegal entry. Aliens agree that their entry was illegal, waive their right to a hearing, remain in custody, and are returned under supervision. Some aliens apprehended within the United States agree to voluntarily depart and pay the expense of departing. These departures may be granted by an immigration judge or, in some circumstances, by a DHS Field Office Director. Aliens who have agreed to a voluntary departure can be legally admitted in the future without penalty.

Figure 1.

Apprehensions: Fiscal Years 1965 to 2005



Source: U.S. Department of Homeland Security.

their cases. In addition, DHS statistics on apprehensions and removals relate to events, not individuals. For example, if an alien has been apprehended three times during the year, that individual will appear three times in the apprehension statistics.

Time Lags in Removal Data Entry. The data on formal removals should be used cautiously as there is a time lag in reporting. The data are updated each year and cannot be considered complete for at least three years.

Changes in Definitions and Reporting Requirements. Changes in data systems, definitions, and reporting requirements related to the establishment of DHS had a significant impact on the reporting of data on ICE investigations beginning in 2004.

DATA

Apprehension

Apprehension data are collected in the Enforcement Case Tracking System (ENFORCE) using Form I-213. Much of the data collected establishes the identity of the individual and the circumstances of the apprehension. Some demographic data are available, including country of birth, country of citizenship, gender, date of birth, and marital status.

Individuals Detained or Removed

Data on individuals detained or removed with a formal order of removal, or given a voluntary departure following judicial hearings are collected through the ICE Deportable Alien Control System (DACCS). The data captured include immigration status, type of entry into the United States, reasons for removal, history of criminal activity, limited employment information, and basic demographic information such as date of birth, gender, marital status, country of birth, country of citizenship, and country to which deported. Data on voluntary departures for foreign nationals who are returned immediately after their apprehension are collected in ENFORCE.

Other Data

Beginning in 2004, data on ICE immigration-related investigations of criminal cases were obtained from the Treasury Enforcement Communications System (TECS) and Seized Asset and Case Tracking System (SEACATS). Apprehension data for 2003 and earlier years were obtained from the Performance Analysis System (PAS) and included both criminal and administrative cases.

Limitations of Data

Case Tracking. The current DHS data systems do not link an apprehension to its final disposition (e.g. removal or adjustment of status). Therefore, caution should be exercised when comparing apprehension and removal data. Apprehended aliens who choose to use the available appeals procedures will spend several months and perhaps several years in the process before final disposition of

RESULTS

Apprehensions

Aliens are apprehended primarily by CBP Border Patrol and ICE Investigations. DHS made a total of 1,291,142 apprehensions in 2005 (see Figure 1). The Border Patrol reported 1,189,108 or 92 percent of all apprehensions. Ninety-nine percent of Border Patrol apprehensions were along the southwest border. ICE investigations made 102,034 apprehensions or 8 percent of all apprehensions in 2005.

Southwest Border Apprehensions. Apprehensions along the southwest border increased 3 percent to 1,171,428 in 2005 from 1,139,282 in 2004. This was the second annual increase following the record level of 1,643,679 set in 2000 and subsequent decline (to 1,235,718 in 2001, 929,809 in 2002, and 905,065 in 2003).

In 2005, as in every year since 1998, the Tucson, AZ sector had the largest number of apprehensions. Tucson accounted for 439,090 or 37 percent of all southwest border apprehensions in 2005. The next leading sectors were Yuma, AZ (138,438), McAllen, TX (134,188), San Diego, CA (126,909), and El Paso, TX (122,689). These five sectors accounted for 82 percent of all southwest border apprehensions.

Nationality of Apprehended Aliens. Nationals of 188 countries were apprehended in 2005 – aliens from Mexico predominated, accounting for 85 percent of the total 1,291,142 apprehended. The next largest source countries were Honduras, El Salvador, Brazil, Guatemala, the Dominican Republic, Cuba, Nicaragua, People's Republic of China, Ecuador, Jamaica, Columbia, Canada and Costa Rica.

Investigations

Immigration investigations include the following major activities/categories – financial investigations, human smuggling and trafficking investigations, general and criminal alien investigations, identity and benefit fraud (IBF) investigations, and compliance and worksite enforcement.

Financial investigations are cases developed to counteract criminal organizations involved in money laundering and related financial crimes and also to prosecute violators involved in cross border and related financial crimes. Human smuggling and trafficking investigations refer to cases targeted against persons or organizations that bring, transport, harbor, or smuggle illegal aliens into or within the United

States. General alien investigations refer to general investigative activities, including those targeting aliens who attempt illegal reentry, have absconded, or commit other crimes in the United States. Criminal alien investigations focus on large-scale organizations engaged in ongoing criminal activity. Identity and benefit fraud investigations seek to penetrate fraud schemes that are used to violate immigration and related laws, or used to shield the true status of illegal aliens in order to obtain entitlement benefits from federal, state, or local agencies. The compliance enforcement program focuses on preventing foreign nationals from exploiting the nation's immigration system by developing cases for investigation from DHS systems containing information on the status of students and other nonimmigrants. In addition, agents monitor and inspect work sites to apprehend unauthorized alien workers and to impose sanctions against employers who knowingly employ them.

In 2005, immigration related investigations resulted in 9,874 criminal arrests and 6,763 convictions (see Table 1). Seizures totaled 3,819 and were valued at \$95.7 million. General and criminal alien investigations represented the largest category of immigration related investigations, accounting for 5,412 criminal arrests, and 3,741 convictions. Human smuggling and trafficking investigations resulted in the largest number of seizures (1,712) valued at \$43.2 million.

Detentions

ICE detained a total of 237,667 aliens during 2005. The average daily detention population was 19,619. Although nearly 50 percent of all detainees were aliens from Mexico, their relatively short stays in detention meant that they accounted for only 24 percent of detention bed days. The other leading countries were: Honduras (9 percent of bed days); Guatemala and El Salvador (8 percent each); Cuba (5 percent), the People's Republic of China (4 percent); and the Dominican Republic, Haiti, Jamaica and Brazil (3 percent each).

Removals

The most complete picture of adverse actions involving individual aliens includes aliens who withdraw their application for admission when presented with evidence of their inadmissibility, aliens who

Table 1.

Principal Immigration-Related Activities of U.S. Immigration and Customs Enforcement (ICE) Investigations: Fiscal Year 2005

Activity	Criminal arrests	Criminal indictments	Criminal convictions	Number seizures	Dollar value seizures (millions)
Total, all immigration-related categories	9,874	6,406	6,763	3,819	95.7
Financial investigations.	72	34	42	273	16.9
Human smuggling and trafficking investigations . . .	2,713	1,541	1,657	1,712	43.2
General and criminal alien investigations	5,412	3,571	3,741	348	30.4
Identity and benefit fraud (IBF) investigations . . .	1,426	1,065	1,135	1,343	4.6
Compliance and worksite enforcement.	251	195	188	143	0.6

Source: Department of Homeland Security, Immigration and Customs Enforcement (ICE) Office of Investigations, TECS and SEACATS Systems.

are allowed to voluntarily depart, and aliens who are formally removed with consequent penalties. In 2005, 316,898 aliens withdrew their applications for admission, while 965,538 accepted the offer of voluntary departure, and 208,521 were formally removed (with penalties).

Withdrawal of Application for Admission and Other Actions at Ports of Entry. An immigration inspector makes the decision to permit a withdrawal of an application for admission at a port of entry. The inspector also has the authority to place an arriving alien in expedited removal proceedings (discussed below). DHS has very little data on the characteristics of the 316,898 foreign nationals who were permitted to withdraw. In addition to withdrawals and expedited removal actions, inspectors referred an additional 10,331 aliens to hearings before an immigration judge during 2005.

Voluntary Departure. More than 99 percent of the 965,538 voluntary departures in 2005 involved aliens who were apprehended by the Border Patrol and returned quickly. This statistic includes recidivists and thus is a measure of events rather than unique individuals.

Formal and Expedited Removal. The number of formal removals increased 2 percent to 208,521 in 2005 from 204,290 in 2004 (see Table 2). While the number of expedited removals increased by 74 percent from 2004 to 2005, the number of non-expedited removals decreased by 16 percent.

Expedited removals represented 35 percent of all formal removals in 2005. Expedited removal procedures allow DHS to quickly remove certain inadmissible aliens from the United States. In 2005, DHS used these procedures with aliens arriving at ports of entry who illegally attempted to gain admission by fraud or misrepresentation, or with no entry documents, or by using counterfeit, altered, or otherwise fraudulent or improper documents. Aliens placed in the expedited removal process have the opportunity to claim a fear of persecution, or an intention to apply for asylum, or they may claim to have certain legal status in the United States. A supervisor reviews all cases and aliens who have made certain claims may be referred to an asylum officer and ultimately to an immigration judge.

Table 2.**Trends in Total Formal and Expedited Removals:
Fiscal Years 1995 to 2005**

Year	Total formal removals	Expedited removals
2005	208,521	72,911
2004	204,290	41,968
2003	189,856	43,785
2002	150,788	34,557
2001	178,207	69,860
2000	186,391	85,939
1999	181,194	89,172
1998	173,146	76,078
1997	114,432	23,242
1996	69,680	X
1995	50,924	X

X Not applicable.

Source: U.S. Department of Homeland Security, Deportable Alien Control System (DACS), reported as of January 2006.

Table 3.**Leading Country of Nationality of Aliens Formally Removed:
Fiscal Year 2005**

Country	Number removed	Number of criminals
Total	208,521	89,406
Mexico	144,840	68,840
Honduras	14,556	2,467
Guatemala	12,529	1,840
El Salvador	7,235	2,665
Brazil	5,938	1,416
Dominican Republic	2,929	2,301
Colombia	1,879	1,343
Jamaica	1,777	1,480
Other	16,838	7,054

Source: U.S. Department of Homeland Security, Deportable Alien Control System (DACS), reported as of January 2006.

Table 4.**Leading Crime Categories of Criminal Aliens Formally Removed:
Fiscal Year 2005**

Crime category	Number removed	
Total	89,406	100.0
Dangerous drugs	33,462	37.4
Immigration	16,648	18.6
Assault	9,245	10.3
Burglary	3,289	3.6
Robbery	2,940	3.2
Larceny	2,636	2.9
Sexual assault	2,594	2.9
Family offenses	2,142	2.4
Sex offenses	1,889	2.1
Stolen vehicles	1,776	1.9
Other	12,785	14.7

Source: U.S. Department of Homeland Security, Deportable Alien Control System (DACS), reported as of January 2006.

Aliens from Mexico accounted for over 71 percent of expedited removals in 2005. The next largest source countries were Honduras, Guatemala, Brazil, Ecuador and Nicaragua (all with 9 percent or fewer of total expedited removals). Approximately 87 percent of all expedited removals occurred at ports of entry in one of three southwest Field Offices: Phoenix, AZ (35 percent); San Diego, CA (29 percent); and San Antonio, TX (23 percent).

Country of Nationality of Alien Removals. Aliens formally removed came from 185 countries in 2005; 47 countries had more than 100 aliens removed from the United States. However, just eight countries accounted for nearly 92 percent of all formal removals. These countries have accounted for 88 percent or more of all formal removals each year since 1993. Mexico was the country of nationality of 69 percent of all aliens removed in 2005 (see Table 3).

Criminal Activity. Criminals accounted for 43 percent of total removals in 2005 (see Table 3). DHS continues to increase cooperation with other law enforcement agencies by using the Institutional Removal Program to insure that incarcerated criminal aliens are placed in removal proceedings. The program seeks to eliminate or minimize the time an alien must be detained by DHS after release from prison and before removal. In 2005, DHS removed 19,745 criminal aliens using this program. The most common categories of crime committed by aliens removed in 2005 included dangerous drugs, immigration, and assault (see Table 4). These three categories accounted for 66 percent of all alien removals in 2005.

Administrative Reason for Removal. The administrative reason for removal is the primary charge cited by an immigration judge in the order to remove an alien. There are more than 100 charges that might have formed the basis for a removal in 2005, but most fell into one of three main categories. Aliens who were present in the United States after making an illegal entry accounted for 35 percent of all aliens formally removed. Those who attempted entry without proper documents, or through fraud or misrepresentation, accounted for 36 percent. Aliens with criminal charges accounted for 19 percent. A criminal alien, as defined in the previous section, may not have a criminal charge as the reason for removal if, for example, the immigration judge did not have appropriate documents from the relevant criminal justice system.

FOR MORE INFORMATION

For more information about immigration and immigration statistics, visit the Department of Homeland Security web site at <http://www.dhs.gov/immigrationstatistics>.