Annual Report

AUGUST 2010

Immigration Enforcement Actions: 2009

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, return, and removal from the United States of foreign nationals who violate U.S. immigration law. Violations include failing to abide by the terms and conditions of admission or engaging in a variety of crimes such as violent crimes, document and benefit fraud, terrorist activity, and drug smuggling. Primary responsibility for the enforcement of immigration law within DHS rests with U.S. Customs and Border Protection (CBP) and U.S. Immigration and Customs Enforcement (ICE). CBP is responsible for the inspection of all arriving persons and conveyances at ports of entry and the deterrence or apprehension of illegal immigrants between ports of entry. ICE is responsible for enforcing immigration laws throughout the United States.

This Office of Immigration Statistics Annual Report presents information on the apprehension, detention, return, and removal of foreign nationals during 2009.[1] Key findings in this report include the following:

- DHS apprehended 613,000 foreign nationals; 86 percent were natives of Mexico.
- The number of foreign nationals apprehended by CBP's Border Patrol decreased 23 percent between 2008 and 2009.
- ICE detained approximately 383,000 foreign nationals.
- 393,000 foreign nationals[2] were removed from the United States—the seventh consecutive record high. The leading countries of origin of those removed were Mexico (72 percent), Guatemala (7 percent), and Honduras (7 percent).
- Expedited removals accounted for 106,600 or 27 percent of all removals.
- DHS removed 128,000 known criminal aliens[3] from the United States.
- 580,000 foreign nationals were returned to their home countries without a removal order.

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

[2] ICE removed approximately 298,000 foreign nationals during 2009. CBP removed the remainder, 95,000.

[3] Refers to persons removed who have a criminal conviction.

ENFORCEMENT PROGRAM ACTIVITIES

Inspections

CBP Officers determine the admissibility of aliens who are applying for admission to the United States at designated ports of entry. CBP Officers may permit inadmissible aliens the opportunity to return to their countries of origin rather than being placed in removal proceedings. Alternatively, they can refer aliens to immigration judges for removal proceedings or, where appropriate, process them for expedited removal. An expedited removal order carries the same penalties as a removal order issued by an immigration judge.

Border Patrol

The primary mission of CBP's Border Patrol is to secure approximately 7,000 miles of international land border with Canada and Mexico and 2,600 miles of coastal border of the United States. Its major objectives are to deter, detect, and interdict the illicit entry of aliens, terrorists, terrorist weapons, and other contraband into the United States. Border Patrol operations are divided into geographic regions referred to as sectors.

Homeland Security

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Investigations

The ICE Office of Investigations[4] conducts criminal investigations involving the enforcement of immigration-related statutes. Special agents conduct investigations of organizations and violators subject to the administrative and criminal provisions of the Immigration and Nationality Act (INA) and other sections of the United States Code. ICE Special Agents also work as team members in multi-agency task forces combating terrorism, violent crime, document and benefit fraud, drug trafficking, weapons proliferation, human trafficking and smuggling, and various forms of organized crime. In addition, the ICE Office of Investigations conducts worksite enforcement operations that are focused on the criminal prosecution of employers who knowingly hire illegal workers.

Detention and Removal

Officers and agents of the Detention and Removal Operations (DRO)[5] program serve as the primary enforcement arm within ICE for the identification, apprehension, and removal of illegal aliens from the United States. DRO identifies and apprehends illegal aliens, fugitive aliens, and other criminal aliens; manages cases in immigration proceedings; and enforces orders of removal from the United States. DRO officers conduct reviews to determine appropriate custody conditions, which may include release of detained aliens on parole, bond, recognizance, or pursuant to orders of supervision where appropriate. DRO officers enforce the departure of removable aliens from the United States under final removal orders.

The Removal Process. Removal proceedings include the administrative process that leads to the removal of an alien pursuant to Sections 237 or 212 of the INA. Most removal proceedings are conducted before an immigration court. Removal hearings before the court may result in a variety of outcomes, including entry of an order of removal, adjustment to lawful permanent resident status, grant of voluntary departure, or termination of proceedings. Decisions of immigration judges can be appealed to the Board of Immigration Appeals.

The penalties associated with removal include not only the removal itself but also possible fines, imprisonment for up to ten years for aliens who do not appear at hearings or who fail to depart, and a bar to future legal entry.[6] The imposition and extent of these penalties depend upon the circumstances of the case.

Expedited Removal. Immigration officers may order the removal of certain aliens who are inadmissible because they have no entry documents or because they have used counterfeit, altered, or otherwise improper documents. Aliens placed in the expedited removal proceedings have the opportunity to seek asylum, or they may claim to have legal status in the United States. Aliens who have made certain claims may be referred to an asylum officer and ultimately to an immigration judge.

[4] ICE Office of Homeland Security Investigations as of 2010.

[5] ICE Office of Enforcement and Removal Operations as of 2010.

[6] The bar is permanent for aggravated felons and up to 20 years for certain other aliens.

Box 1.

Definitions of Immigration Enforcement Terms

Administrative Removal: The removal of an alien under a DHS order based on the determination that the individual has been convicted of an aggravated felony or certain other serious criminal offenses (INA § 238(b)(1)). The alien may be removed without a hearing before an immigration court.

Deportable Alien: An alien who has been admitted into the United States but who is subject to removal under INA § 237.

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

Expedited Removal: The removal of an alien who is inadmissible because the individual has no entry documents or has used counterfeit, altered, or otherwise improper documents (INA § 235(b)(1)(B)(iii)). The alien may be removed without a hearing before an immigration court.

Inadmissible Alien: An alien seeking admission into the United States who is ineligible to be admitted according to the provisions of INA § 212.

Reinstatement of Final Removal Orders: The removal of an alien based on the reinstatement of a prior removal order, where the alien departed the United States under an order of removal and illegally reentered the United States (INA § 241(a)(5)). The alien may be removed without a hearing before an immigration court.

Removal: The compulsory and confirmed movement of an inadmissible or deportable alien out of the United States based on an order of removal. An alien who is removed has administrative or criminal consequences placed on subsequent reentry owing to the fact of the removal.

Return: The confirmed movement of an inadmissible or deportable alien out of the United States not based on an order of removal.

Return. In some cases, apprehended aliens may be offered the opportunity to return to their home countries without being placed in immigration proceedings. This procedure is common with non-criminal aliens who are apprehended at the border. Aliens agree that their entry was illegal, waive their right to a hearing, remain in custody, and are returned under supervision. Return is also available for non-criminal aliens who are deemed inadmissible at ports of entry. In addition, 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 DRO field office director. In certain instances, aliens who have agreed to a return may be legally admitted in the future without penalty.

DATA[7]

Apprehension data are collected in the Enforcement Case Tracking System (ENFORCE) using Form I-213, TECS, and the Fugitive Case Management System (FCMS). Data on individuals

[7] CBP data (apprehensions, removals, and returns) are current as of December 2009. ICE DRO apprehension data are current as of February 2010. ICE Investigations data are current as of January 2010. ICE removal and return data are current as of February 2010.

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detained are collected through the ICE ENFORCE Alien Detention Module (EADM) and the ENFORCE Alien Removal Module (EARM). Data on individuals removed or returned are collected through both EARM and ENFORCE.

The data provided on removals or returns, apprehensions, or detention all relate to events. For example, one alien may be apprehended more than once, and each apprehension would count as a separate apprehension record.

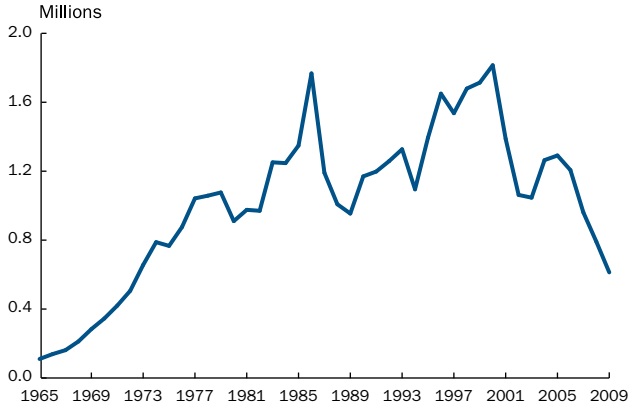
TRENDS AND CHARACTERISTICS OF ENFORCEMENT ACTIONS

Apprehensions

DHS made 613,003 apprehensions in 2009 (see Table 1 and Figure 1). CBP's Border Patrol reported 556,032 or 91 percent of all apprehensions. Ninety-seven percent of Border Patrol apprehensions were along the Southwest border. ICE's Office of Investigations made 21,877 administrative arrests[8] and ICE's National Fugitive Operations Program made 35,094 arrests of fugitive and non-fugitive aliens. The decrease in the overall and Office of Investigations apprehension totals are partly due to a change in reporting practices.

Southwest Border Apprehensions. Apprehensions by the Border Patrol along the Southwest border decreased 23 percent to 540,851 in 2009 from 705,022 in 2008. In 2009, as in every year since 1998, the Tucson, AZ sector had the largest number of apprehensions. Tucson accounted for 241,667 or 45 percent of all Southwest border apprehensions in 2009. The next leading sectors were San Diego, CA (118,712), Rio Grande Valley, TX (60,992), Laredo, TX (40,571), El Centro, CA (33,520), and Del Rio, TX (17,082).

Figure 1.
Apprehensions: Fiscal Years 1965 to 2009*



Source: U.S. Department of Homeland Security.
*Includes administrative arrests by ICE.

Nationality of Apprehended Aliens. Mexican nationals accounted for 86 percent of the 613,003 aliens apprehended in 2009. The next leading countries were Guatemala, Honduras, El Salvador, China, and Brazil (see Table 1).

Criminal Alien Program

The Criminal Alien Program (CAP) is responsible for the identification, processing, and removal of criminal aliens incarcerated in federal, state, and local prisons and jails throughout the United States. In 2009, CAP issued 232,796 charging documents to criminal aliens, which is the initial step toward removal.

Detentions

ICE detained a record total of 383,524 aliens during 2009. Mexican nationals accounted for 63 percent of all detainees, but because of their relatively short stays in detention they accounted for only 34 percent of detention bed days.[9] The next leading countries of nationality of detainees were El Salvador (11 percent of bed days), Guatemala (10 percent), Honduras (9 percent), and China (3 percent).

Table 1.
Apprehensions by Program and Country of Nationality: Fiscal Years 2007 to 2009

Program and Country of Nationality	2009	2008	2007
PROGRAM			
Total	613,003	791,568	960,756
Border Patrol	556,032	723,840	876,787
Southwest sectors (sub-total)	540,851	705,022	858,722
Investigations	21,877	33,573	53,562
Detention and Removal Operations*	35,094	34,155	30,407
COUNTRY OF NATIONALITY			
Total Apprehensions	613,003	791,568	960,756
Mexico	528,139	693,592	854,261
Guatemala	20,746	22,670	23,907
Honduras	19,149	23,789	28,263
El Salvador	16,814	17,911	19,699
China, People's Republic	2,363	1,772	1,623
Brazil	2,106	2,649	2,902
Ecuador	1,835	2,322	1,771
Dominican Republic	1,826	1,934	2,118
Cuba	1,559	3,896	4,932
Nicaragua	1,478	1,862	2,118
Colombia	1,182	1,460	1,893
Peru	904	949	944
India	767	822	795
Haiti	716	1,098	1,004
Other countries	13,419	14,842	14,526

*Includes arrests of fugitive and nonfugitive aliens under the Office of Detention and Removal Operations (DRO) National Fugitive Operations Program.

Source: U.S. Department of Homeland Security, Enforcement Case Tracking System (ENFORCE); CBP Border Patrol data for 2009 are current as of December 2009, 2008 are current as of December 2008, 2007 data are current as of May 12, 2008; ICE Detention and Removal Operations data for 2009 are current as of February 2010, 2008 are current as of June 2009, ICE Office of Investigations data for 2009 are current as of January 2010, 2008 are current as of February 2009, ICE 2007 data are current as of July 29, 2008.

[8] An administrative arrest refers to the arrest of an alien who is charged with an immigration violation. Administrative arrests are included in the DHS apprehension totals.

[9] Detention bed days are the number of days aliens are in DHS detention facilities.

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Removals and Returns

Total and Expedited Removals. The number of removals increased 10 percent to 393,289 in 2009 from 358,886 in 2008 (see Table 2). The number of non-expedited removals increased 17 percent from 2008 to 2009.

Expedited removals represented 27 percent of all removals in 2009, down from 32 percent in 2008. Aliens from Mexico accounted for nearly 75 percent of expedited removals in 2009. The next leading countries were Guatemala, Honduras, El Salvador, Ecuador, and Brazil.

Reinstatements. Reinstatements of previous removal orders accounted for 31 percent of all removals in 2009, up from 25 percent in 2008. A reinstatement can be issued by DHS to aliens who illegally reenter the United States after a prior removal. DHS can use reinstatement to quickly remove recidivists without referral to an immigration judge. Aliens from Mexico accounted for nearly 84 percent of all reinstatements in 2009. Other leading countries included Honduras, Guatemala, El Salvador, and the Dominican Republic. These five countries accounted for 98 percent of all reinstatements.

Country of Nationality of Alien Removals. Mexico was the country of nationality of 72 percent of all aliens removed in 2009 (see Table 3). The eight leading countries accounted for 94 percent of all removals.

Criminal Activity. Approximately 128,000 criminal aliens were removed in 2009[10] (see Table 3). The most common categories of crime committed by aliens removed in 2009 included illegal drug activity, traffic offenses, and immigration related violations (see Table 4). These three categories accounted for 61 percent of all criminal alien removals in 2009.

Returns. In 2009, 580,000 aliens were allowed to return to their home countries without an order of removal. Eighty-five percent of returns in 2009 involved Mexican or Canadian aliens. The next leading countries were the Philippines (3 percent), China (3 percent), and Ukraine (1 percent).

FOR MORE INFORMATION

For more information about immigration and immigration statistics, visit the Office of Immigration Statistics Web site at www.dhs.gov/immigrationstatistics.

[10] Excludes criminals removed by CBP; CBP ENFORCE data do not identify if aliens removed were criminals.

Table 2.

Trends in Total and Expedited Removals: Fiscal Years 2001 to 2009

Year	Total removals	Expedited removals
2009	393,289	106,613
2008	358,886	113,462
2007	319,382	106,196
2006	280,974	110,663
2005	246,431	87,888
2004	240,665	51,014
2003	211,098	43,920
2002	165,168	34,624
2001	189,026	69,923

Source: U.S. Department of Homeland Security, Enforce Alien Removal Module (EARM), reported as of February 2010, Enforcement Case Tracking System (ENFORCE), reported as of December 2009.

Table 3.

Leading Countries of Nationality of Aliens Removed: 2009

Country	Number removed	Number of criminals
Total	393,289	128,345
Mexico	282,666	96,965
Guatemala	29,182	6,432
Honduras	26,849	6,890
El Salvador	20,406	6,220
Dominican Republic	3,464	2,133
Brazil	3,407	367
Colombia	2,443	1,085
Ecuador	2,303	589
All other Countries	22,569	7,664

Source: U.S. Department of Homeland Security, Enforce Alien Removal Module (EARM), reported as of February 2010, Enforcement Case Tracking System (ENFORCE), reported as of December 2009.

Table 4.

Leading Crime Categories of Criminal Aliens Removed: Fiscal Year 2009

Crime category	Number removed	Percent of total
Total	128,345	100.0
Dangerous Drugs*	37,993	29.6
Traffic Offenses	20,367	15.9
Immigration**	19,807	15.4
Assault	9,436	7.4
Larceny	4,228	3.3
Burglary	3,795	3.0
Robbery	3,252	2.5
Fraudulent Activities	2,903	2.3
Sexual Assault	2,792	2.2
Family Offenses	2,611	2.0
Other	21,161	16.5

* Examples include the manufacturing, distribution, sale and possession of illegal drugs.

** Includes entry and reentry, false claims to citizenship, and alien smuggling.

Source: U.S. Department of Homeland Security, Enforce Alien Removal Module (EARM), reported as of February 2010.

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