



ENFORCEMENT AND REMOVAL OPERATIONS

# **U.S. Immigration and Customs Enforcement Fiscal Year 2020 Enforcement and Removal Operations Report**



**U.S. Immigration  
and Customs  
Enforcement**

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## Executive Summary

U.S. Immigration and Customs Enforcement (ICE) Enforcement and Removal Operations (ERO) shares responsibility for administering and enforcing the nation's immigration laws with ICE Homeland Security Investigations (HSI), as well as other Department of Homeland Security (DHS) component agencies, including U.S. Customs and Border Protection (CBP) and U.S. Citizenship and Immigration Services (USCIS). ICE ERO is responsible for protecting the homeland through the arrest, detention, and removal of aliens who undermine public safety or the integrity of United States immigration laws, and its main areas of focus are interior enforcement operations, management of the agency's detained population nationwide, and repatriation of aliens who have received a final order of removal.

During Fiscal Year (FY) 2020,<sup>1</sup> ICE ERO faced an unprecedented challenge in the form of the coronavirus disease 2019 (COVID-19) global pandemic. Like nearly every agency in the United States Government, ICE ERO experienced impacts to its workforce and daily operations as a result, and made significant changes to ensure the safety of both detainees and personnel in order to meet or exceed Centers for Disease Control and Prevention (CDC) guidance.<sup>2</sup> Pandemic safety measures, along with extremely low numbers of CBP apprehensions along the Southwest Border due to the use of 42 U.S.C. §§ 265 and 268 authority,<sup>3</sup> have resulted in temporary decreases in many of ICE ERO's traditional metrics. However, the agency has continued to carry out its public safety mission while refocusing many of its efforts on ensuring health and safety during the pandemic.

This report presents ICE ERO's FY 2020 year-end statistics in the following areas: Custody and Case Management, Administrative and Criminal Arrests, ICE Detainers, and Removals. While many of these metrics have fallen by a third or more since FY 2019, ICE notes that these decreases are the result of temporary conditions during a global pandemic, and projects that conditions may shift rapidly once conditions resolve. As a result, while these metrics provide a snapshot in time, they do not reflect post-pandemic operational conditions or resource requirements.

- ***Custody and Case Management:*** During the COVID-19 pandemic, ICE ERO decreased its detained population to allow for social distancing, temporarily adjusted its enforcement posture to narrowly focus on criminal aliens and public safety threats, and received far fewer intakes from CBP. While ICE ERO's detained population generally averages around 45,000 and peaked at 55,000 during the 2019 border surge, it fell to approximately 20,000 by the end of FY 2020.

However, detention remained necessary for some aliens, and it continued to be the primary pathway by which ICE ERO was able to effectuate removals. Throughout the

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<sup>1</sup> FY 2020 indicates October 1, 2019 through September 30, 2020.

<sup>2</sup> The CDC remains the authoritative information source on how to reduce exposure to and the spread of COVID-19.

<sup>3</sup> This use of title 42 U.S.C. §§ 265 and 268 authority allows the expulsion of aliens from the United States to prevent the introduction of COVID-19 into the country.

pandemic, ICE ERO has taken multiple steps ensure safety in its detention facilities, including the development and implementation of comprehensive protocols in accordance with CDC guidance, reduction of the detained population, and the continual expansion of COVID-19 testing capabilities. As of the end of FY 2020, ICE ERO had tested more than 40,000 detainees.

Additionally, beyond managing ICE's detained population, ICE ERO also manages non-detained cases. In FY 2020, the number of aliens on ICE ERO's non-detained national docket remained consistent with FY 2019 at 3.26 million cases. ICE's Alternatives to Detention (ATD) program, which has expanded dramatically in recent years, remained relatively constant during FY 2020, with 90,000 aliens enrolled in the program at the end of the year. However, ATD experienced an increase in absconder rates among both single adult enrollees and family units, and the overall absconder rate of 33 percent in FY 2020 demonstrated the continuing challenges associated with the growth of this program in recent years.

- ***Administrative and Criminal Arrests:*** Due to the COVID-19 pandemic, in March 2020, ICE ERO temporarily adjusted its enforcement posture to narrowly focus enforcement efforts on public safety risks and individuals subject to mandatory detention based on criminal grounds. In FY 2020 ICE ERO conducted 103,603 administrative arrests, a 28 percent decline from FY 2019, and 90 percent of those arrested had criminal convictions or pending criminal charges at the time of arrest.

In addition to arresting aliens for administrative violations of the immigration laws, ICE ERO also conducts criminal arrests and assists with pursuing prosecutions related to such criminal activity. In FY 2020, ICE ERO enforcement activities resulted in 4,360 criminal arrests, 4,479 criminal charges, and 5,397 convictions.

- ***ICE Detainers:*** In FY 2020, ICE ERO issued 122,233 detainers, a 26 percent decline from FY 2019. This was likely impacted by decreased numbers of individuals in state and local custody nationwide, ICE's own temporary reduction in enforcement activity early in the pandemic, an increasing number of jurisdictions that do not cooperate with immigration enforcement activities, and court rulings limiting ICE's ability to lodge detainers.
- ***Removals:*** ICE ERO conducted 185,884 removals during FY 2020, a 30 percent decrease from FY 2019. This decrease primarily resulted from a sharp decline in CBP apprehensions at the Southwest Border due to the use of authority under 42 U.S.C. §§ 265 and 268 to expel aliens from the United States to prevent the introduction of COVID-19, though it was also impacted by a decline in ICE ERO interior arrests. The vast majority of ICE ERO's interior removals – 92 percent – had criminal convictions or pending criminal charges, demonstrating ICE ERO's commitment to removing those who pose the greatest risk to the safety and security of the United States. Additionally, despite the overall decrease in removals, ICE ERO assisted CBP with 17,000 air charter

expulsions under Title 42, and also saw increases in removals to several countries that were previously uncooperative with removal efforts.

## ICE Custody and Case Management

ICE custody and case management operations are integral to effectuating removals. ICE ERO detains individuals to ensure their presence for immigration proceedings and to secure their departure from the United States once they become subject to an executable final order of removal. While operations have changed due to COVID-19, detention remained necessary for some aliens, and it continued to be the primary pathway by which ICE ERO was able to effectuate removals. For example, in FY 2020, 82 percent of those removed spent time in ICE detention prior to their departure from the country.

The health and safety of both detainees and personnel is of paramount importance, especially during a global pandemic, and ICE ERO has taken a number of steps to ensure safety and allow for social distancing, including a temporary reduction in the detained population. ICE began developing and implementing comprehensive protocols in accordance with CDC guidance on January 22, 2020, and contributed to the development of the CDC's *Interim Guidance on Management of COVID-19 in Correctional and Detention Facilities*<sup>4</sup> by sharing expertise related to ICE ERO's handling of infectious diseases in a custodial environment. Guidance provided by the CDC rapidly evolved as epidemiologists and public health experts learned more about COVID-19. As a result, ICE ERO medical and operational personnel monitor and review this guidance daily, and continually update applicable policies and procedures.

On March 27, 2020, ICE ERO issued a memorandum to all Detention Wardens and Superintendents entitled, *Memorandum on COVID-19 Action Plan, Revision 1*.<sup>5</sup> The measures in the memorandum were developed to reduce exposure to COVID-19, protect the detained population, and optimize employee health and availability for duty. Subsequently, on April 10, 2020, ICE ERO released the *COVID-19 Pandemic Response Requirements (PRR)*,<sup>6</sup> a guidance document developed in consultation with the CDC that builds upon previously issued guidance, and sets forth specific requirements that must be adopted by all detention facilities housing ICE detainees, as well as best practices for such facilities. ICE ERO subsequently released updated versions of the PRR on June 22, July 28, September 4, and October 27, and continues to monitor evolving conditions and court rulings.

In March 2020, ICE ERO convened a working group of medical professionals, disease control specialists, detention experts, and field operators to identify enhanced steps to minimize the

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<sup>4</sup>Centers of Disease Control and Prevention, *Interim Guidance on Management of Coronavirus Disease 2019 (COVID-19) in Correctional and Detention Facilities* (July 22, 2020), <https://www.cdc.gov/coronavirus/2019-ncov/community/correction-detention/guidance-correctional-detention.html> (last visited Oct. 15, 2020).

<sup>5</sup> Memorandum from Executive Associate Director Enrique Lucero, Enforcement and Removal Operations, *Memorandum on Coronavirus 2019 (COVID-19) Action Plan, Revision 1* (Mar. 27, 2020)

<sup>6</sup> *Pandemic Response Requirements (PRR)*, <https://www.ice.gov/coronavirus/prr> (last visited Oct. 27, 2020).

spread of COVID-19, which recommended that all facilities make efforts to reduce the population at detention facilities to 75 percent of capacity or less to allow for increased social distancing opportunities. ICE ERO asked local jails to meet this target as quickly as possible and also set a target of 70 percent of population capacity for ICE dedicated facilities, exceeding the CDC and working group recommendations of 75 percent.

Like many federal, state, and local agencies and facilities across the country, ICE has been impacted by nationwide COVID-19 testing shortages. However, in addition to decreasing detention facility capacity, ICE ERO has been evaluating its testing processes and increasing these capabilities throughout the pandemic. This has included gains in testing upon intake, saturation testing (one-time testing of an entire population at a location to detect potential asymptomatic positive cases), and implementation of testing protocols for transfers and removals. As of the end of FY 2020, seventy-four facilities were testing all new intakes, and ICE ERO has continued to expand saturation testing at multiple sites across the country. From the initial test in February 2020 through the end of FY 2020, more than 42,000 detainees had been tested for COVID-19, and the agency continues to publish the latest data on testing at [ice.gov/coronavirus](https://ice.gov/coronavirus).

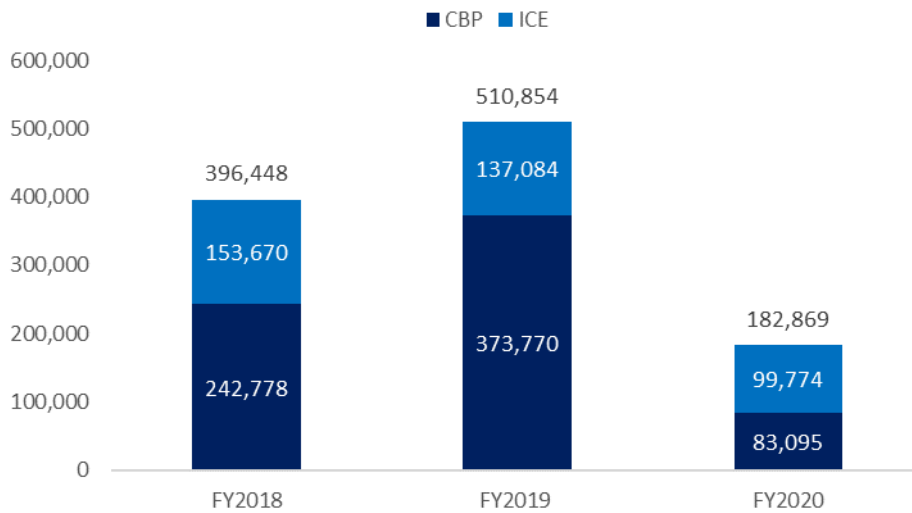
As a result of the extensive pandemic mitigation measures ICE has implemented, as well as a sharp decrease in arrivals at the Southwest Border, initial book-ins to ICE custody as well as the overall Average Daily Population (ADP) in ICE custody decreased significantly in FY 2020. However, the non-detained docket, which contains more than 3.26 million cases of aliens in all stages of the immigration process across the country, has remained consistent throughout FY 2020 as the pandemic slowed the previously growing national docket.

#### *ICE Initial Book-Ins from CBP Apprehensions*

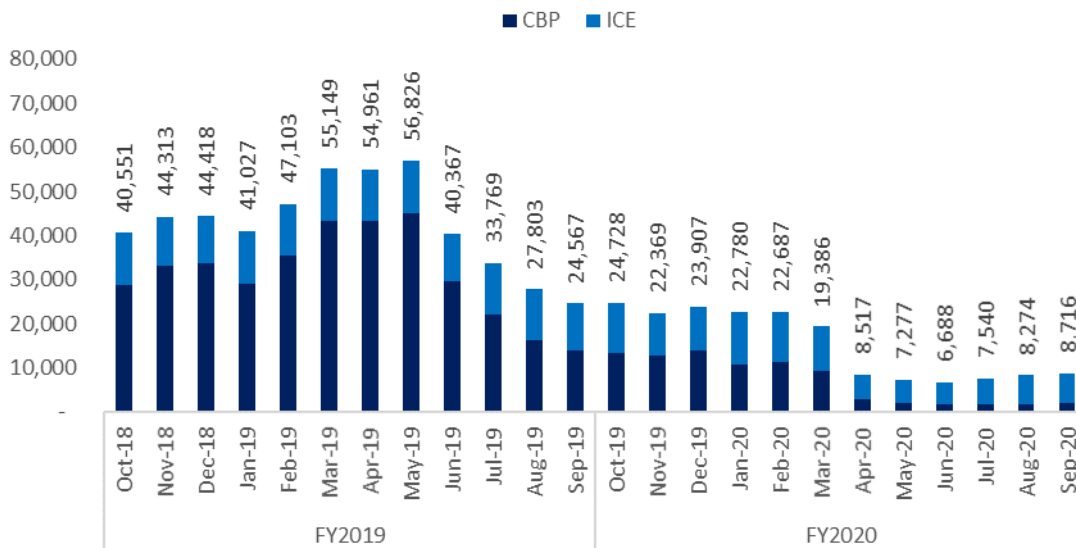
When an alien is apprehended by CBP, he or she may be returned immediately by CBP or transferred to ICE custody pending removal proceedings or execution of a removal order. An initial book-in to an ICE detention facility is defined as the first time an alien enters ICE custody for a detention stay and does not include transfers between facilities. In FY 2020, ICE ERO experienced a decline in overall book-ins from CBP largely due to border closures and fewer apprehensions at the border throughout the global pandemic, as well as CBP's use of Title 42 authority. During FY 2020, initial book-ins to ICE custody from CBP declined by 78 percent over FY 2019.

Overall, there were 182,869 initial book-ins to ICE custody in FY 2020 resulting from both CBP and ICE ERO arrests. These began to decline sharply in April 2020, coinciding with changes resulting from the global pandemic. Forty-five percent of initial book-ins were turned over from CBP in FY 2020, compared to 73 percent in FY 2019.

**Figure 1: FY 2018 – FY 2020 ICE Initial Book-Ins by Arresting Agency**



**Figure 2: FY 2019 – FY 2020 ICE Initial Book-Ins by Arresting Agency and Month**

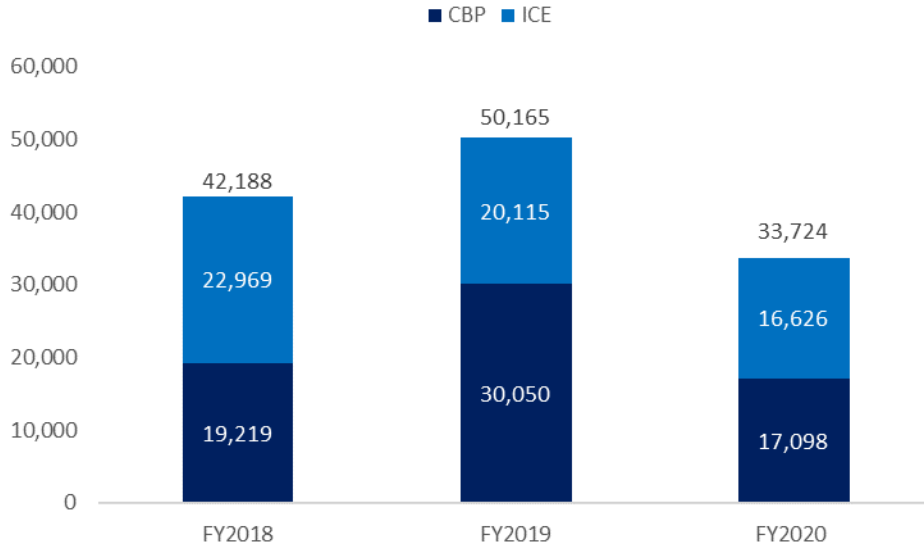


*ICE Average Daily Population*

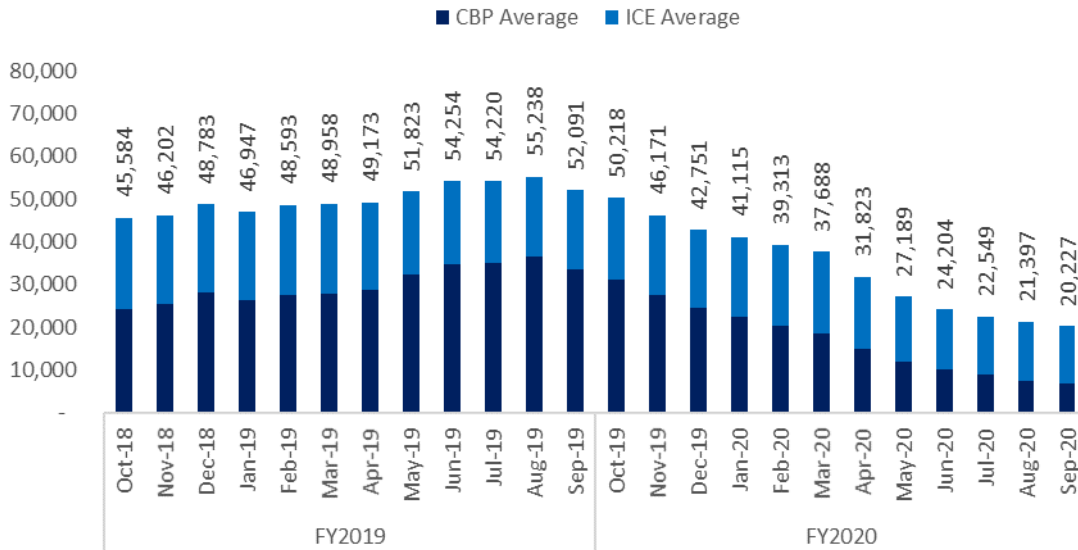
ICE ERO’s ADP measures the number of individuals in ICE custody on an average day during the fiscal year. In FY 2020, the ADP was 33,724, a decline of 33 percent compared to FY 2019. Like ICE ERO’s initial book-ins, the decrease in ADP in FY 2020 was driven by a reduction in

CBP apprehensions turned over to ICE for detention and removal, as well as necessary mitigation measures due to COVID-19.

**Figure 3: FY 2018 – FY 2020 Average Daily Population by Arresting Agency**



**Figure 4: FY 2019 – FY 2020 Average Daily Population by Arresting Agency and Month**





### *Detained Population*

ICE ERO detains individuals to secure their presence for immigration proceedings and removal from the United States, with detention resources focused on those who represent a danger to persons or property, for whom detention is mandatory by law,<sup>7</sup> or who may be a flight risk.

While ICE ERO has temporarily drawn down its detained population to 75 percent or less in line with CDC and working group guidance, it has continued to detain a relatively small number of aliens during the pandemic. In general, ICE's detained population of between 20,000 and 50,000 represents a small fraction of the overall number of removal cases it manages nationwide, which stood at more than 3.26 million at the end of FY 2020.

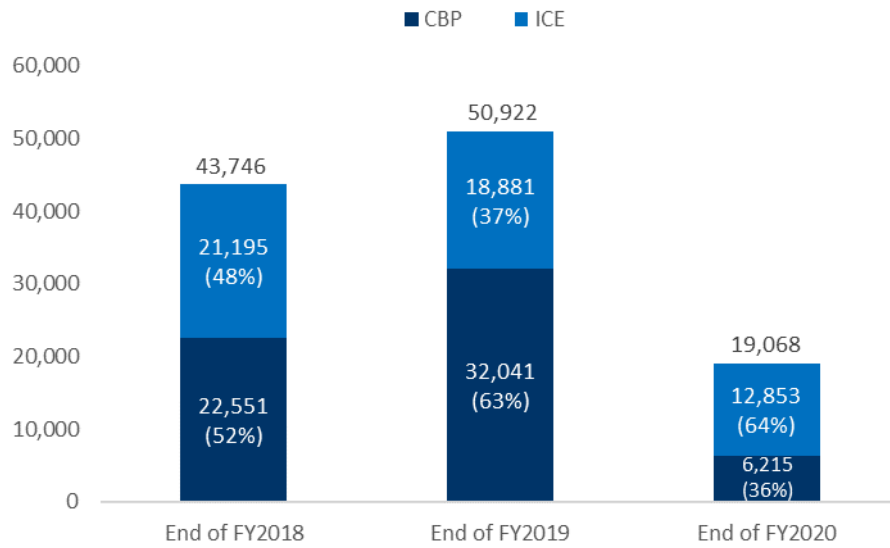
From March 1 through August 1, 2020, ICE's detained population decreased by 44 percent, and by the end of FY 2020 the detained population stood at just 19,068 - 63 percent less than at the end of FY 2019. The majority of those detained were subject to mandatory detention (63 percent) and of the remaining 37 percent who were not subject to mandatory detention, 71 percent had criminal convictions and/or pending criminal charges.

These significant decreases came as direct result of COVID-19 mitigation efforts, as well as extremely low numbers of arrivals at the Southwest Border during the pandemic. However, DHS and its component agencies have handled multiple historic migration surges at the Southwest Border since 2014, with ICE's detained population peaking at more than 55,000 during the summer of 2019. Because COVID-19 has severely impacted the global economy, once pandemic conditions begin to resolve within the United States, ICE anticipates that migration may meet or surpass pre-pandemic levels, and the agency will require adequate resources to address such a shift.

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<sup>7</sup> Under the Immigration and Nationality Act (INA), ICE may not release any alien subject to mandatory detention unless ordered to do so by a judge, and these provisions have been upheld by the Supreme Court.

**Figure 5: FY 2018 – FY 2020 Currently Detained Population Snapshots by Arresting Agency**

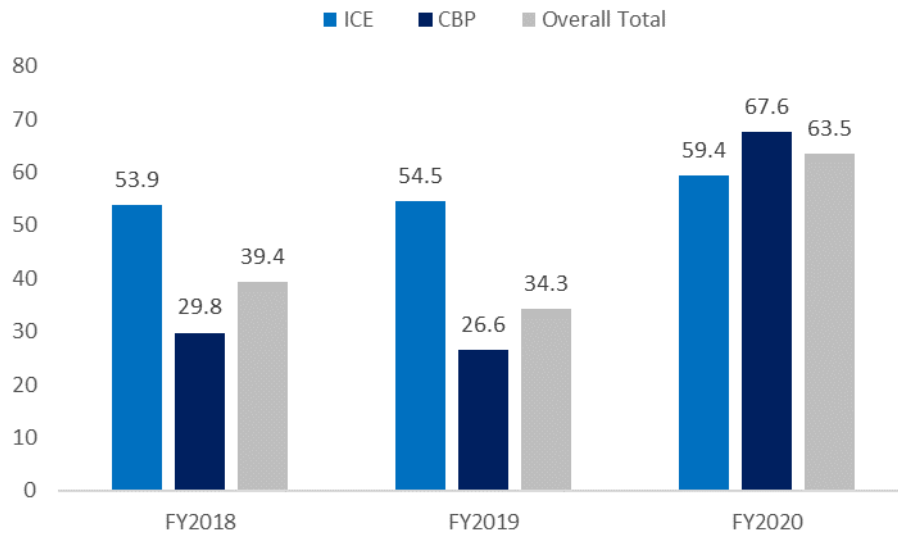


*Average Length of Stay (ALOS)*

The average length of stay (ALOS) represents the average amount of time an alien is detained in ICE custody. While ICE ERO’s ALOS has been decreasing for several years, in FY 2020, the downward trend reversed for an overall ALOS of 63.5 days.

Although the average length of stay remained relatively stable from October 2019 until March 2020, it increased significantly in April 2020, the first full month of the COVID-19 pandemic. The pandemic has resulted in a number of factors which have significantly changed the removal landscape, including closure of the Southwest Border, courts not operating normally and processing times increasing significantly, limited availability of commercial flights, CDC recommendations for 14-day cohorting to reduce the spread of illness in detention, and foreign governments which have denied or delayed the return of their nationals. As a result, while ALOS is complex, ICE’s analysis shows that pandemic-related factors played a major role in this increase.

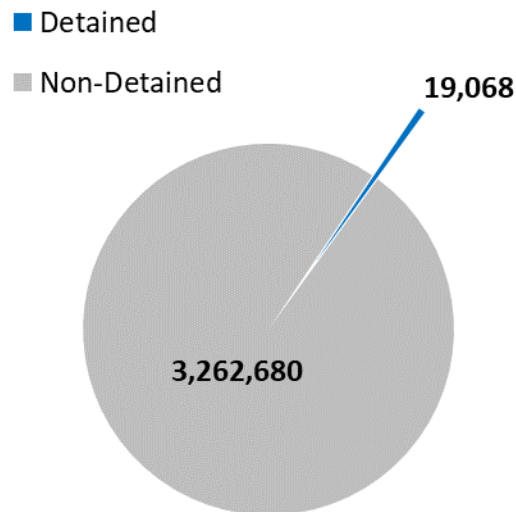
**Figure 7: FY 2018 – FY 2020 Average Length of Stay by Arresting Agency**



*ICE Non-Detained National Docket*

ICE ERO manages cases amenable to removal going through the immigration process via the ICE Non-detained National Docket. The national docket includes all aliens in removal proceedings and encompasses both the smaller detained docket and the much larger non-detained docket. Cases on the non-detained docket include aliens who are both pre- and post-final order, and who have been released on parole, bond, an Order of Recognizance, or an Order of Supervision. In FY 2020, the number of aliens on ICE’s non-detained national docket remained consistent with FY 2019 at 3.26 million cases.

**Figure 8: End of FY 2020 ICE National Docket Snapshot**



## *Alternatives to Detention*

ICE ERO's ATD program uses technology and case management to monitor aliens' court appearances and compliance with release conditions while their removal proceedings are pending on the non-detained immigration court docket. ATD is not a substitute for detention, but instead complements immigration enforcement efforts by offering increased supervision for a subset of eligible aliens who are not currently detained.

ATD may serve as an appropriate additional layer of supervision for an alien who is released from detention pursuant to an Order of Recognizance, an Order of Supervision (for aliens already subject to final removal orders), a grant of parole, or a bond. Adults age 18 and over may be eligible for participation in ATD but must be thoroughly vetted by ERO officers, who review an alien's criminal, immigration, and supervision history, family and/or community ties, status as a caregiver or provider, and humanitarian or medical considerations when making enrollment determinations in order to determine whether a candidate is likely to comply with the terms of the program. ICE ERO typically utilizes ATD to encourage compliance for aliens who may be a flight risk but either lack a criminal history or the criminal history is minor or non-violent. ICE ERO strongly recommends against the use of ATD to monitor those who have been accused of serious and violent criminal activity, as it does nothing to prevent such an individual from reoffending or to protect the initial victim.<sup>8</sup>

While ICE ERO has expanded its use of ATD from approximately 23,000 participants in FY 2014 to 90,000 as of the end of FY 2020, this expansion has come with a number of challenges, including increasing levels of absconders among both single adult enrollees as well as family units. Between FY 2019 and FY 2020, the absconder rate<sup>9</sup> for family units increased from 26.9 percent to 39 percent, while the absconder rate among single adults increased from 12.3 percent to 21 percent. Overall, FY 2020 saw a 33 percent absconder rate for ATD participants, demonstrating the growing challenges that large numbers of ATD enrollments create for immigration enforcement.

Additionally, there are currently over 3.26 million cases assigned to the non-detained docket. With approximately 5,300 ERO officers across 24 field offices, ICE ERO's ability to closely monitor the majority of cases on its non-detained docket and to provide robust case management for this segment of the population is extremely limited. On average, participants currently spend between 14 and 18 months enrolled in the program before they are removed or terminated from the program to make room for new participants who have recently entered the United States and/or those who are being released from ICE custody.

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<sup>8</sup> See *Matter of Urena*, 25 I&N Dec. 140 (BIA 2009) (holding that aliens posing a danger to the United States should be detained without bond pending their removal proceedings, as conditions of release only mitigate the risk of flight).

<sup>9</sup> Absconder Rate = Count of Absconders/Count of Overall Terminations. ICE calculates the percentage of absconders by looking at the overall number of aliens who concluded the ATD program in a given time period ("overall terminations"), and the number of those terminations which occurred due to a participant absconding.

Ultimately, because ICE ERO lacks sufficient resources to keep all current participants enrolled through the pendency of their removal proceedings, or to locate and arrest the significant number of participants who abscond, current problems with the ATD program will only be exacerbated by enrolling greater numbers of participants without the addition of appropriate case management and enforcement resources. While ICE ERO has continued to expand the use of ATD to monitor the non-detained population in FY 2020, particularly in light of the pandemic, the program will need to be further resourced in order to appropriately monitor participants, including through the addition of officers who can locate, arrest, and remove those who fail to adhere to conditions of enrollment.

### **ERO Administrative Arrests**

ICE ERO arrests aliens for administrative violations of United States immigration law. ICE ERO conducts enforcement actions based on intelligence-driven leads in communities nationwide (at-large arrests) and also works with prisons and jails to identify aliens who are amenable to removal and who have been arrested by state or local authorities for criminal activity (custodial arrests).

Due to the COVID-19 pandemic, in March 2020 ICE ERO temporarily adjusted its enforcement posture to narrowly focus enforcement efforts on public safety risks and individuals subject to mandatory detention based on criminal grounds. ERO officers have continued to undertake enforcement actions during the pandemic and have implemented procedures to effectively perform their duties in light of COVID-19. However, ICE enforcement activities, including ERO administrative arrests, slowed sharply for several months during the spring and summer, contributing to a lower number of arrests overall during the fiscal year. There were 103,603 ERO administrative arrests in FY 2020, a 28 percent decline from FY 2019, with similar declines in both at-large and custodial arrests.

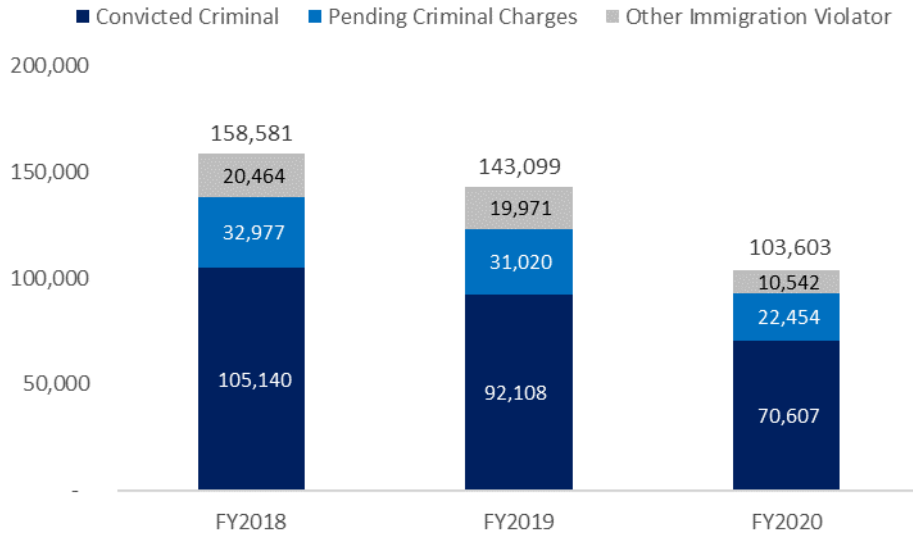
While ICE ERO administrative arrests have declined since FY 2019, ICE remains committed to directing its enforcement resources to those aliens posing the greatest risk to public safety and security threats to the United States. As a result, the majority of aliens arrested by ICE ERO are convicted criminals, followed by those with pending criminal charges at the time of arrest. In FY 2020, 90 percent of ICE ERO's administrative arrests were for aliens with criminal convictions or pending criminal charges while the remaining 10 percent were other immigration violators.<sup>10</sup> Many of those arrested have extensive criminal histories with multiple criminal convictions or pending charges, and the agency continued to carry out its key public safety mission during the pandemic by locating and arresting such aliens. Of the 93,061 ERO administrative arrests with criminal convictions or pending criminal charges in FY 2020, the criminal history for this group

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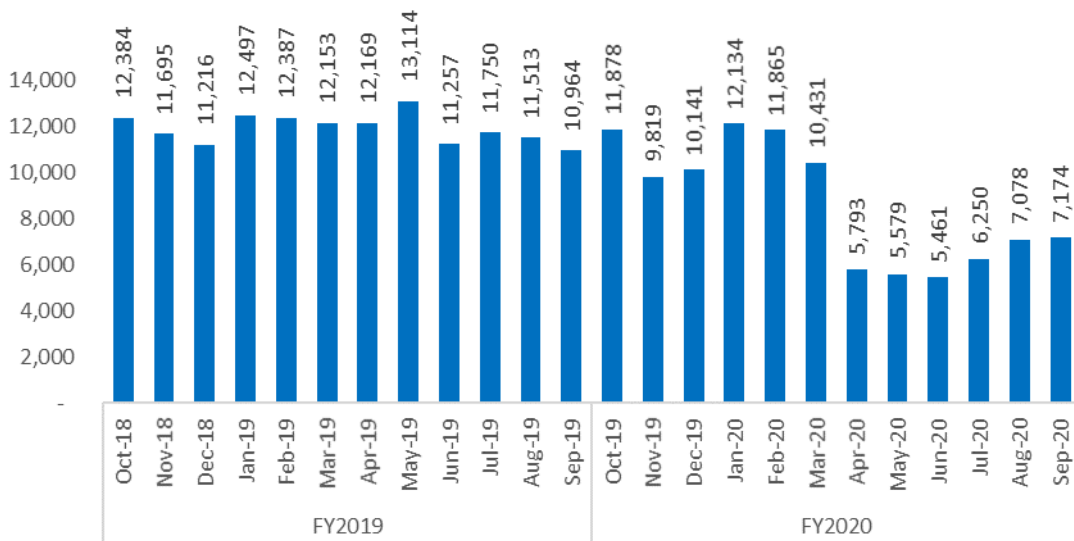
<sup>10</sup> ICE defines immigration violators' criminality in the following manner: Convicted Criminal: Immigration Violators with a criminal conviction entered into the ICE system of record at the time of the enforcement action; Pending Criminal Charges: Immigration Violators with pending criminal charges entered into the ICE system of record at the time of the enforcement action; Other Immigration Violators: Immigration Violators without any known criminal convictions, or pending charges entered into the ICE system of record at the time of the enforcement action.

included more than 374,000 total criminal convictions and pending charges as of the date of arrest – an average of four per alien.

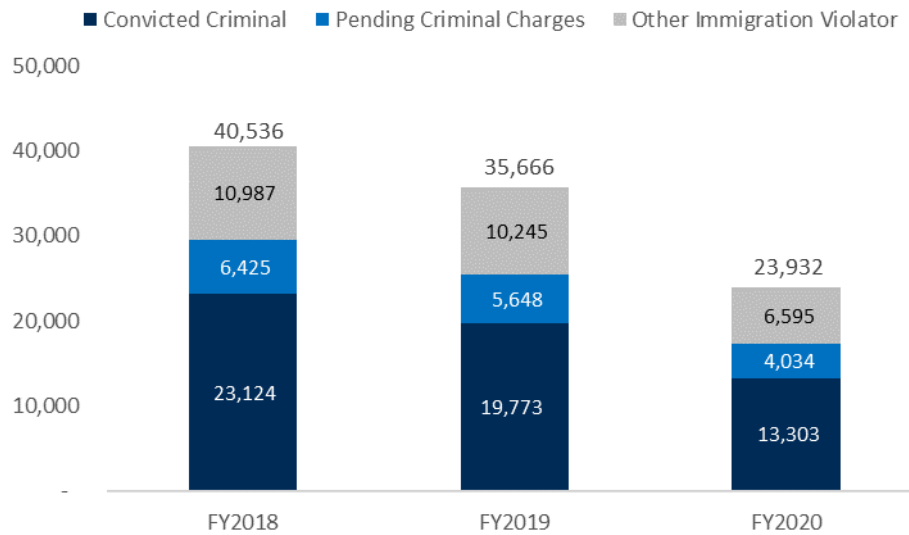
**Figure 9: FY 2018 – FY 2020 ERO Administrative Arrests by Criminality**



**Figure 10: FY 2019 – FY 2020 ERO Administrative Arrests by Month**



**Figure 11: FY 2018 – FY 2020 At-Large Arrests by Criminality**



**Table 1: FY 2020 Criminal Charges and Convictions for ERO Administrative Arrests<sup>11, 12</sup>**

Criminal Charge Category	Criminal Charge	Criminal Conviction	Total Offenses
Traffic Offenses – DUI	20,091	35,716	55,807
Dangerous Drugs	15,265	36,647	51,912
Traffic Offenses	19,910	29,009	48,919
Immigration	7,637	40,921	48,558
Assault	17,232	20,015	37,247
Obstructing Judiciary, Congress, Legislature, Etc.	7,310	6,949	14,259
General Crimes	5,895	7,166	13,061
Larceny	3,459	8,847	12,306
Obstructing the Police	4,386	6,815	11,201
Fraudulent Activities	2,977	5,888	8,865

<sup>11</sup> The specific criminal charges and convictions represent the criminal history as entered in the ICE system of record based on the FBI’s National Crime Information Center (NCIC) offense codes. Each alien may have multiple criminal convictions or charges at the time of their administrative arrest, and Table 1 lists categories which accounted for at least 1,000 combined charges and convictions among those who were administratively arrested by ERO in FY 2020.

<sup>12</sup> Notes: “Traffic Offenses” include (besides Traffic Offenses – DUI which is listed separately) Hit and Run, Transport Dangerous Material, and Traffic Offense. “Immigration” offenses include Illegal Entry, Illegal Reentry, False Claim to U.S. Citizenship, and Alien Smuggling. “Obstructing Judiciary, Congress, Legislature, Etc.,” refers to several related offenses including, but not limited to: Perjury; Contempt; Obstructing Justice; Misconduct; Parole and Probation Violations; and Failure to Appear. “General Crimes” include Conspiracy, Crimes Against Person, Licensing Violation, Money Laundering, Morals - Decency Crimes, Property Crimes, Public Order Crimes, Racketeer Influenced and Corrupt Organizations Act (RICO), and Structuring.

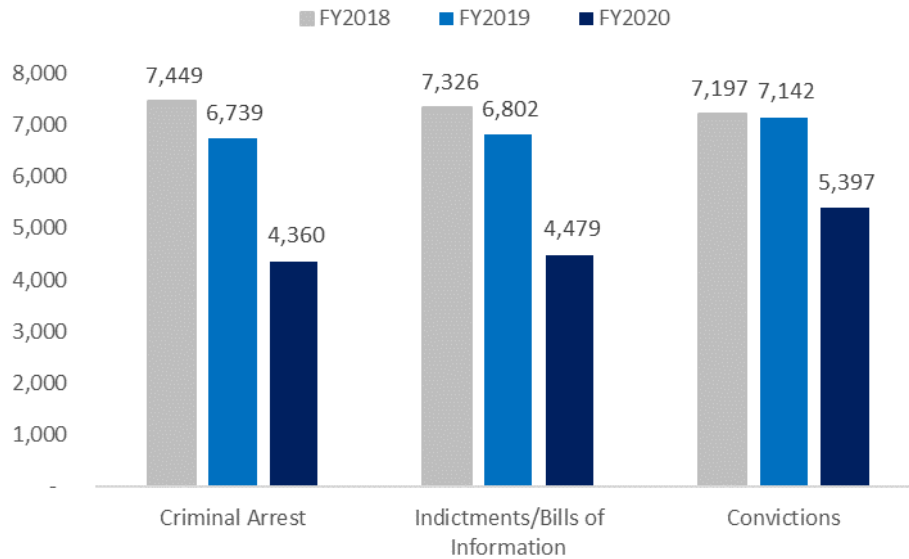
<b>Criminal Charge Category</b>	<b>Criminal Charge</b>	<b>Criminal Conviction</b>	<b>Total Offenses</b>
Burglary	1,988	6,149	8,137
Weapon Offenses	2,688	5,426	8,114
Public Peace	2,695	4,114	6,809
Sex Offenses (Not Involving Assault or Commercialized Sex)	1,733	4,184	5,917
Sexual Assault	1,334	3,051	4,385
Invasion of Privacy	1,512	2,817	4,329
Family Offenses	1,880	2,336	4,216
Robbery	883	2,933	3,816
Stolen Vehicle	1,104	2,697	3,801
Forgery	1,095	2,240	3,335
Damage Property	1,434	1,652	3,086
Liquor	1,602	1,424	3,026
Flight / Escape	1,010	1,647	2,657
Stolen Property	808	1,674	2,482
Homicide	369	1,468	1,837
Kidnapping	736	901	1,637
Health / Safety	398	659	1,057

### **Criminal Arrests and Prosecutions**

In addition to arresting aliens for administrative violations of immigration law, ICE ERO also conducts criminal arrests and assists with pursuing prosecutions related to such criminal activity. In FY 2020, ERO enforcement activities resulted in 4,360 criminal arrests (a 35 percent decline from FY 2019), 4,479 charges (a 34 percent decline from FY 2019), and 5,397 convictions (a 24 percent decline from FY 2019). These efforts resulted in the prosecutions of offenses which include, but are not limited to: 8 U.S.C. § 1253, Penalties Related to Removal, U.S.C § 1325, Illegal Entry into the United States; 8 U.S.C § 1326, Illegal Re-Entry of Removed Alien; 18 U.S.C. § 1361, Destruction of Government Property, 18 U.S.C § 1546, Fraud and Misuse of Visas, Permits and Other Documents; 18 U.S.C § 111, Assaulting and/or Resisting an Officer; and 18 U.S.C § 922(g)(5), Felon in Possession of a Firearm.



**Figure 12: FY 2018 – FY 2020 Prosecution Statistics**



### ICE Detainers

A detainer is a request from ICE to local law enforcement agencies to notify DHS as early as practicable before a removable alien is released from local custody. Detainers also request that local law enforcement agencies maintain custody of the alien for a period not to exceed 48 hours beyond the time the alien would otherwise be released, which allows DHS to assume custody for removal purposes in accordance with federal law.

Detainers reduce potential risks to ERO officers, removable aliens, and the general public by allowing arrests to be made in secure custodial settings as opposed to at-large in communities. The use of detainers also conserves scarce government resources and allows ICE ERO to assume custody of criminal aliens before they have an opportunity to reoffend. In FY 2020, ICE ERO issued 122,233 detainers, and the aliens who were the subjects of these detainers had criminal histories<sup>13</sup> including, but not limited to, the following crimes: more than 1,900 homicide-related offenses, 1,900 kidnappings, 3,600 robberies, 42,800 assaults, and 11,900 sex crimes.

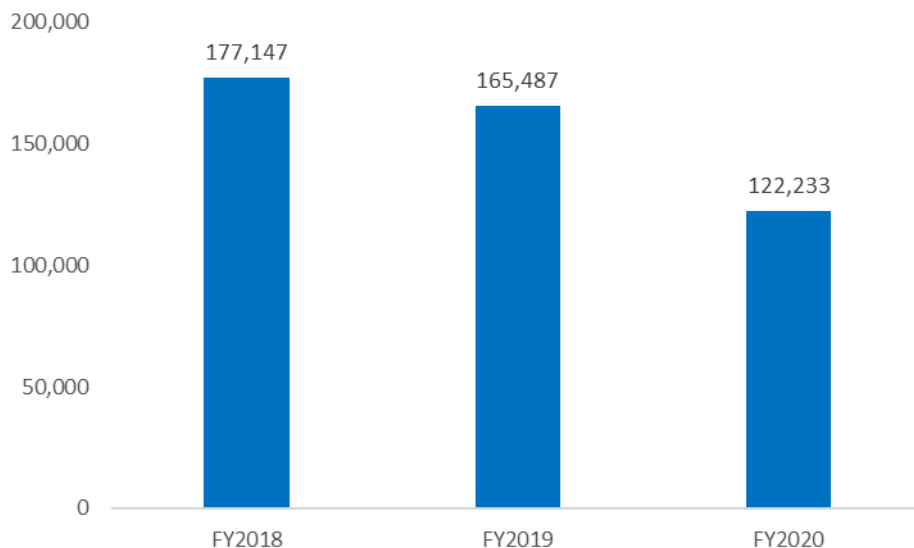
Similar to other decreases in interior enforcement activity due to COVID-19, the number of detainers issued in FY 2020 declined by 26 percent. Reduced detained populations in state and local jails, along ICE ERO's own temporary reduction in enforcement activity early in the pandemic, likely contributed to this decrease. However, ICE also continues to encounter jurisdictions that do not cooperate with its enforcement efforts and estimates that limited visibility into state and local law enforcement activities in non-cooperating jurisdictions also

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<sup>13</sup> "Criminal history" includes all criminal convictions and pending charges associated with the group of aliens who were the subjects of detainers in FY 2020. Criminal charges may be added or dropped at any point and convictions may be overturned, so this data is a snapshot in time but is representative of the serious criminal histories and corresponding public safety risk associated with this group of individuals.

impacted the number of detainers issued. Additionally, the court’s ruling in *Gonzalez v. U.S. Immigr. and Customs Enf’t*, 416 F. Supp. 3d 995 (C.D. Cal. 2019), which limited the agency’s ability to lodge biometric detainers, may have further contributed to reduced activity in this area.

**Figure 13: FY 2018 – FY 2020 ICE ERO Detainers Issued**



### ICE Removals

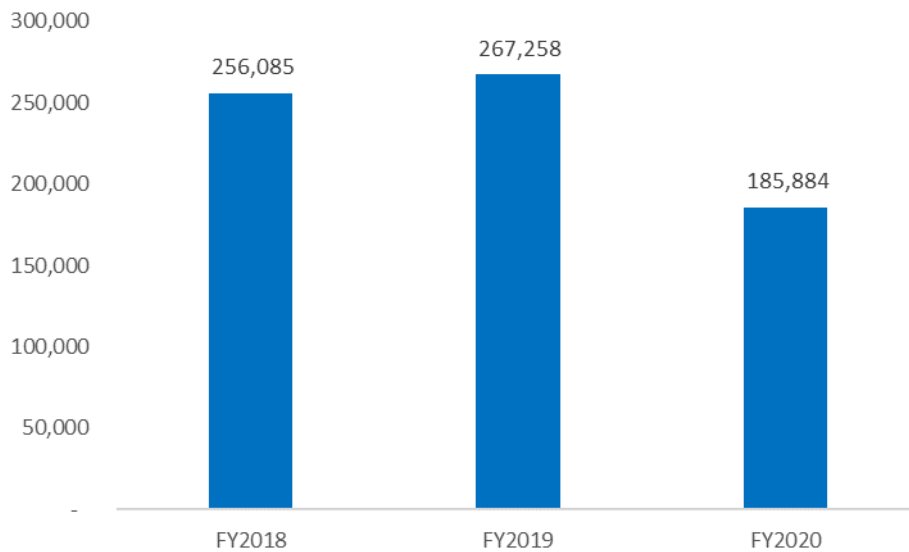
An ICE removal is the compulsory and confirmed movement of an inadmissible or deportable alien out of the United States.<sup>14</sup> ICE removals include both aliens arrested by ICE ERO in the interior of the country and aliens who are apprehended by CBP and subsequently turned over to ICE ERO for removal. While ICE removal operations continued throughout FY 2020, the overall removal number decreased due to 1) much lower numbers of aliens arriving at the Southwest Border, 2) CBP’s use of Title 42 authority, 3) a temporary decrease in ICE ERO enforcement actions within the interior of the country, 4) precautions taken by ICE ERO to help ensure the safety of those being removed, as well as staff and contractors, 5) restrictions on air travel, and 6) the reluctance of a number of countries to accept the return of their nationals early on in the pandemic. In FY 2020, ICE ERO conducted 185,884 removals, a 30 percent decrease over FY 2019. However, ICE ERO noted significant increases in removals to countries that were previously non-cooperative, including Bangladesh, Cuba, Haiti, and India, a direct result of engagement efforts by ICE and the Department of State (**Appendix B**).

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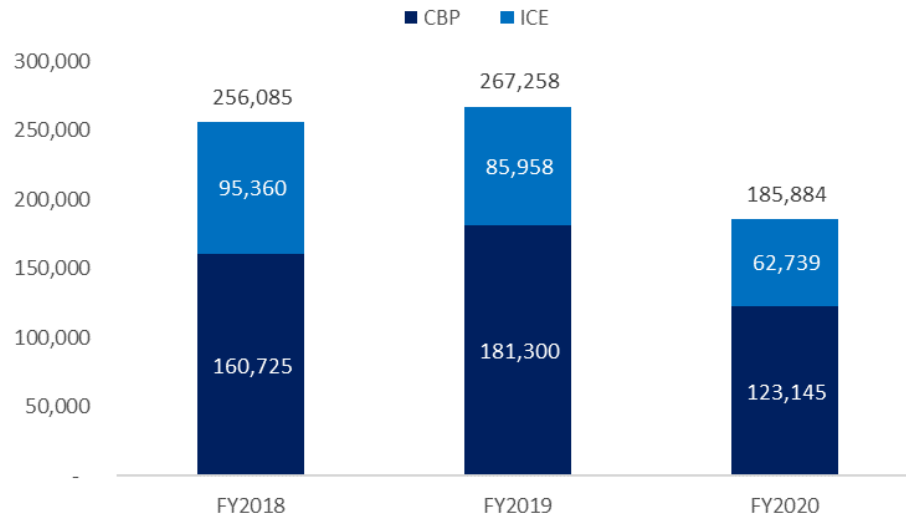
<sup>14</sup> ICE removals include removals and returns where aliens were turned over to ICE for removal efforts. This includes aliens who have received a final order of removal, as well as those who have been processed for Expedited Removal (ER) or Voluntary Return (VR) that are turned over to ICE for detention. Aliens processed for ER and not detained by ERO or VRs after June 1st, 2013 and not detained by ICE are primarily processed by the USBP. CBP should be contacted for those statistics.

During the pandemic, ICE ERO has taken significant steps toward safeguarding aliens with final orders of removal and does not remove any detainee who is confirmed or suspected of having COVID-19. Medical checks occur at several stages in custody, and if an individual exhibits symptom of respiratory disease, he or she is referred to a medical provider and segregated from others. Additionally, while the CDC recommends a temperature threshold of 100.4 degrees, out of an abundance of caution ICE ERO has lowered this threshold even further, to 99 degrees. Temperature checks are performed no more than 12 hours before a detainee’s departure, and anyone recording a temperature of 99 degrees or higher or exhibiting symptoms of a health condition that is potentially contagious to other detainees, staff, or third parties is denied boarding and referred for further screening and evaluation. All detainees must wear a mask prior to arrival at the flight line, and ICE ERO also conducts COVID-19 testing prior to removal where deemed warranted/practicable and by specific bilateral arrangement with a given nation’s government.

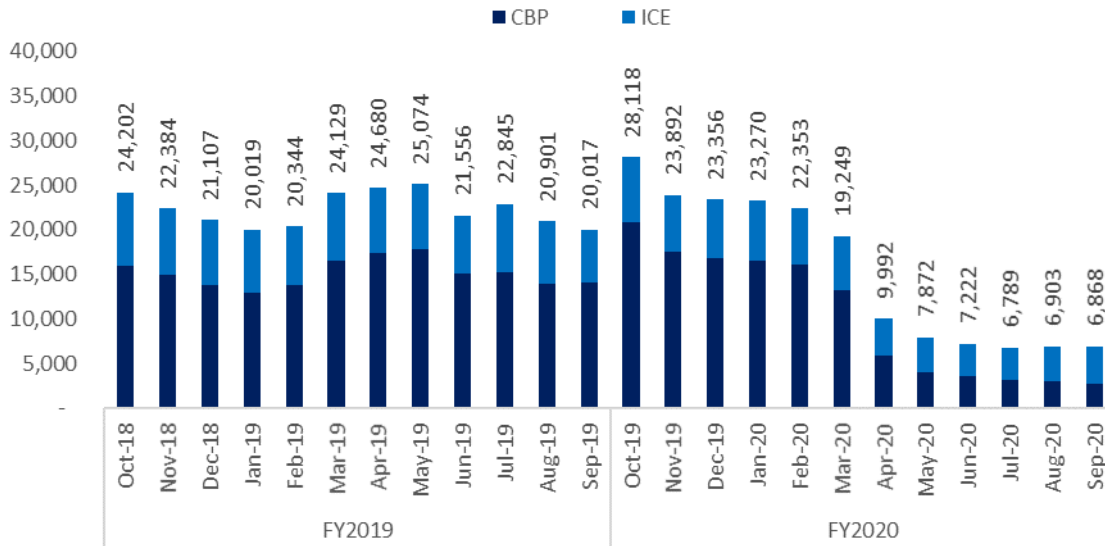
**Figure 14: FY 2018 – FY 2020 ICE Removals**



**Figure 15: FY 2018 – FY 2020 ICE Removals by Arresting Agency**



**Figure 16: FY 2018 – FY 2020 ICE Removals by Arresting Agency and Month**



*Title 42 Expulsions*

In addition to the removal of aliens represented in Figures 14, 15, and 16, during FY 2020, ICE ERO also assisted CBP with a subset of Title 42 expulsions. While individuals returned to their last transit point or countries of origin under Title 42 authority represent CBP “expulsions” rather than ICE removals, ICE plays a supporting role in this process.

During the COVID-19 pandemic, the CDC determined the potential introduction and spread of the virus in CBP stations and facilities presented a serious danger to migrants, CBP's frontline agents and officers, and the general populace. As a result, the U.S. Department of Health and Human Services issued an order pursuant to its authority under 42 U.S.C. §§ 265 and 268, which directs that DHS assist it in preventing the introduction into the United States persons who create a serious danger of introducing communicable diseases. On March 21, the CDC issued an order under Title 42 for assistance by DHS customs officers. Under this authority, illegal border crossers may be expeditiously returned to their country of last transit – Canada or Mexico – or, when such a return is not possible, to their country of origin. While both CBP and ICE are tasked with supporting the CDC in the application of Title 42, CBP determines which aliens are subject to Title 42 expulsions, while ERO's role is limited to obtaining a foreign government's authorization to receive Title 42 expulsions, as well as coordinating such expulsions. In FY 2020, from March 23 to September 30, ICE ERO assisted with more than 17,000 air charter expulsions under Title 42.

### *Removals of USBP Apprehended Family Units and Unaccompanied Alien Children*

Since the initial surge at the Southwest Border in FY 2014 and through the start of FY 2020, the United States border experienced a sustained increase in arrivals of both family unit members and Unaccompanied Alien Children (UAC). The large number of arrivals placed a strain on DHS resources at the border, as well as United States Government resources in the interior of the country. During FY 2018, FY 2019, and FY 2020 as a whole, the U.S. Border Patrol (USBP) apprehended 601,534 family unit members and 148,012 UAC, while ICE ERO removed only 22,912 family unit members and 15,978 UAC during the same time period – a 3.8 percent and 10.8 percent removal rate, respectively.<sup>15</sup> Although apprehensions at the Southwest Border decreased during the COVID-19 pandemic, ICE anticipates a renewed increase in border arrivals once pandemic conditions in the United States subside, which may pose significant resource and policy challenges for the United States Government and DHS agencies.

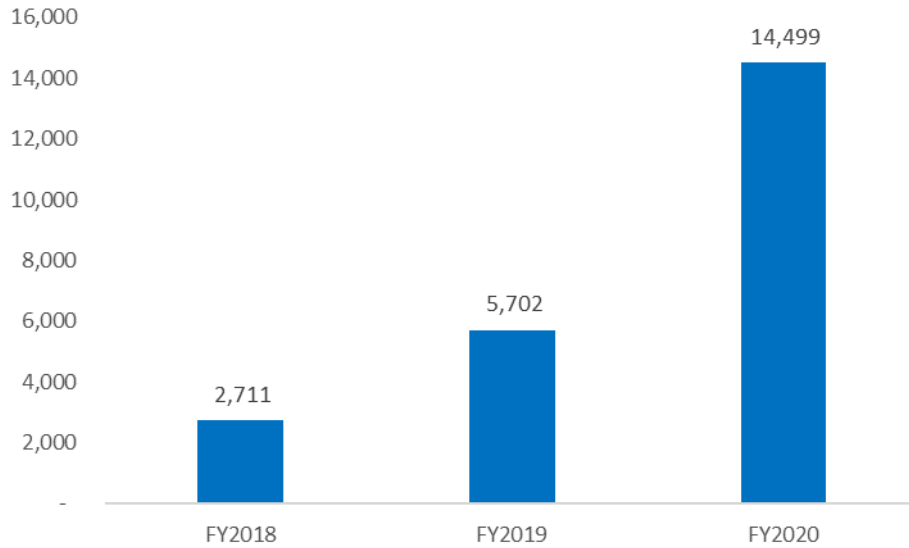
In FY 2020 ICE ERO removed 14,499 aliens identified as family unit members based on USBP apprehension data from the initial surge in FY 2014 through FY 2020. Although these removals represent only a small percentage of overall family unit apprehensions, they increased by 154 percent from FY 2019, primarily as a result of the Electronic Nationality Verification (ENV) Program, which began in July 2019 and reduces time spent in detention by returning nationals of participating countries (currently El Salvador, Guatemala, and Honduras) in an expeditious manner by verifying nationality electronically. However, ICE notes that more than 13,000 of the family unit removals in FY 2020 (90 percent) occurred between October 2019 and March 2020, and the onset of the COVID-19 pandemic resulted in a sharp decrease.

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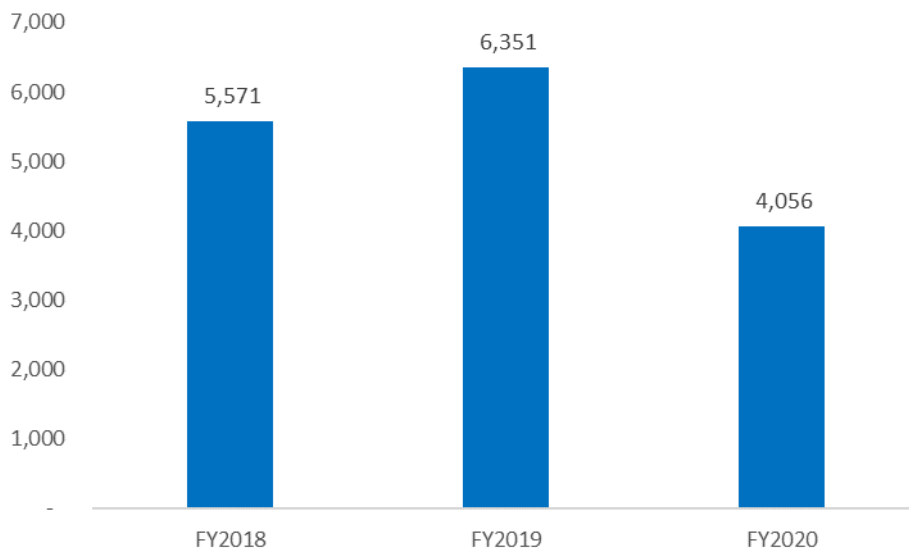
<sup>15</sup> ICE ERO removals of family unit members and UAC include all those identified as members of these populations by the USBP; some of the removals that occurred during this three-year time period may correspond to aliens who were apprehended prior to this time period.

In FY 2020 ICE ERO also removed 4,056 UAC who were identified as UAC from FY 2009 through FY 2020 based on USBP data.<sup>16</sup> The removals of UAC declined 36 percent from FY 2019.

**Figure 17: FY 2018 – FY 2020 ICE Removals of USBP-Identified Family Unit Apprehensions**



**Figure 18: FY 2018 – FY 2020 ICE Removals of Unaccompanied Alien Children**



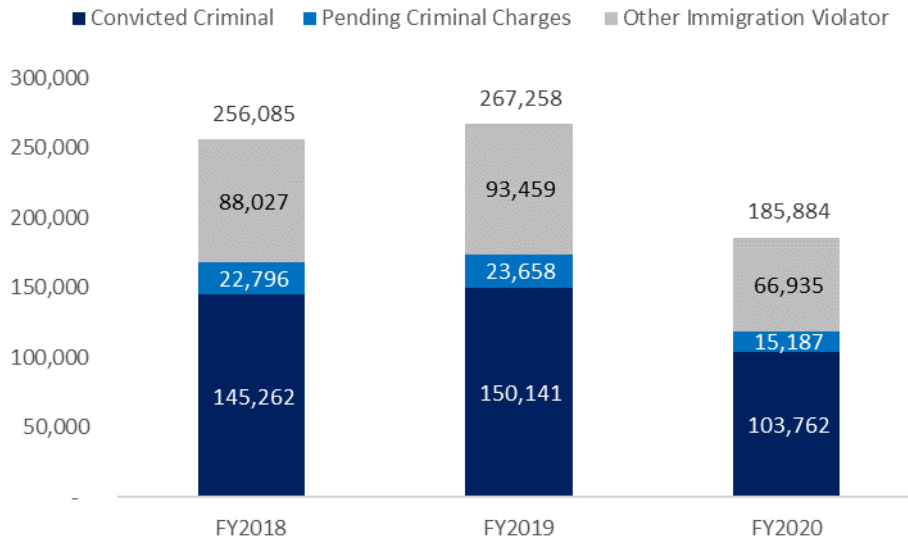
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<sup>16</sup> Removal counts are based on UAC designation at the time of initial book-in, and subjects may no longer be under the age of 18 at the time of removal.

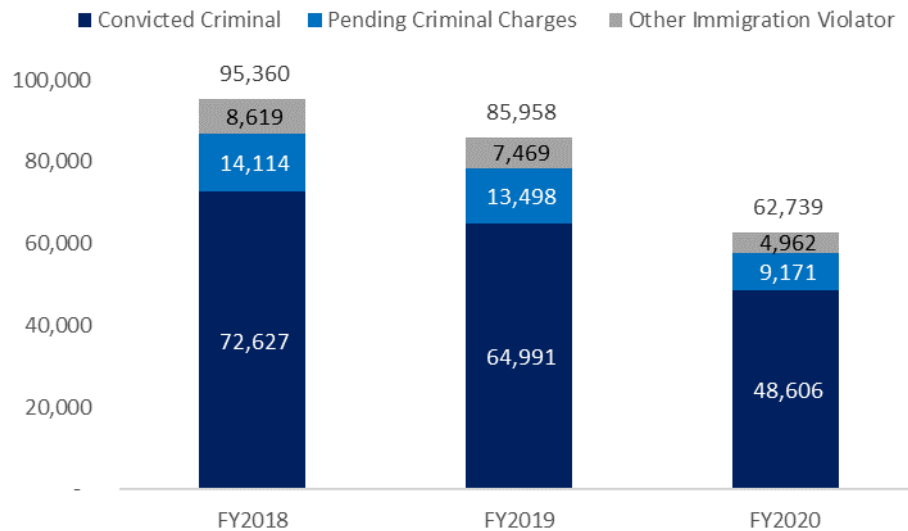
*Removals by Criminality*

During FY 2020, ICE ERO maintained its commitment to removing those aliens posing the greatest risk to the safety and security of the United States. The vast majority of removals in FY 2020 were of aliens with a criminal history. For FY 2020 interior removals, meaning those who were initially arrested by ICE ERO (not CBP), 92 percent had criminal convictions or pending criminal charges.

**Figure 19: FY 2018 – FY 2020 ICE Removals by Criminality**

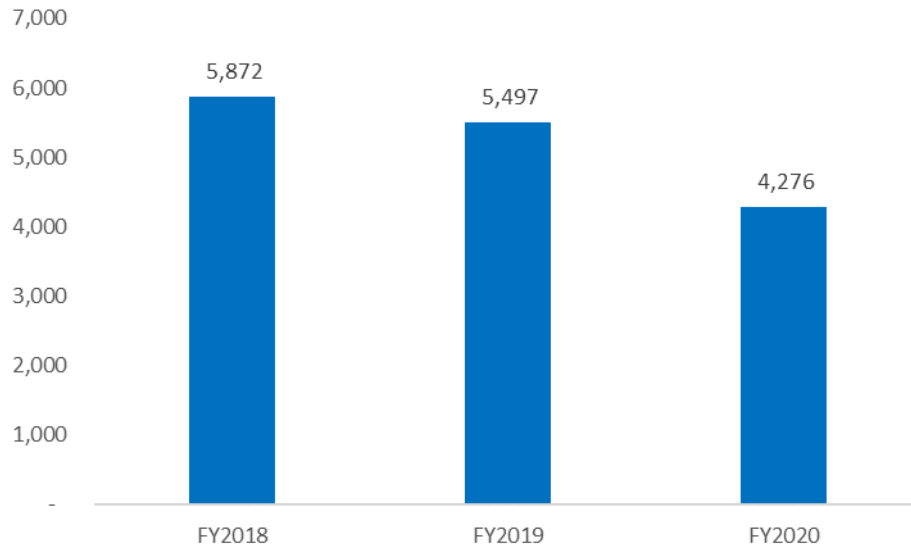


**Figure 20: FY 2018 – FY 2020 ICE Interior Removals by Criminality**

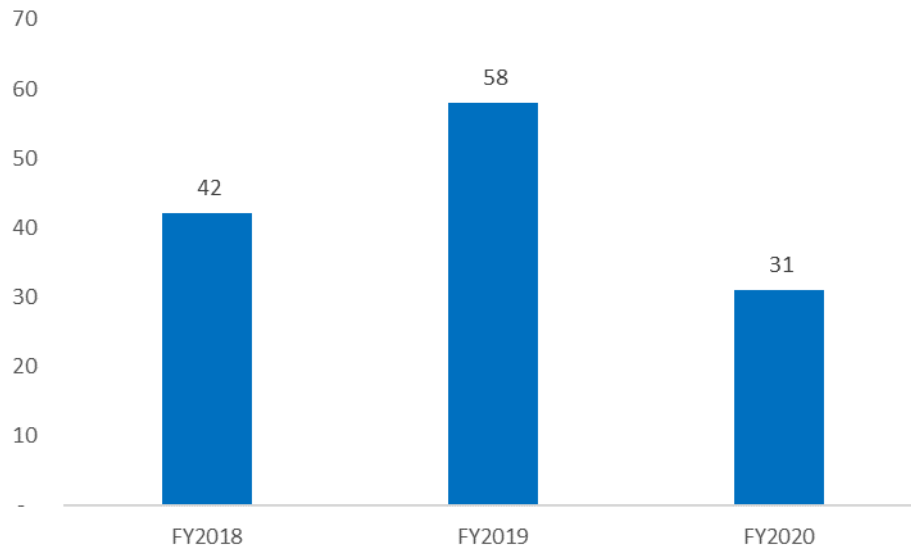


ICE ERO removals of known or suspected gang members and known or suspected terrorists (KSTs) are instrumental to the agency’s national security and public safety mission. ICE ERO identifies gang members and KSTs by checking an alien’s background in federal law enforcement databases, conducting interviews with aliens, and reviewing information received from its law enforcement partners, which is noted accordingly in the agency’s system of record. In FY 2020, ICE ERO removed 4,276 known or suspected gang members and 31 known or suspected terrorists.

**Figure 21: FY 2018 – FY 2020 ICE Removals of Known or Suspected Gang Members**



**Figure 22: FY 2018 – FY 2020 ICE Removals of Known or Suspected Terrorists**





## **Conclusion**

As the agency primarily responsible for immigration enforcement efforts in the interior of the United States, ICE ERO plays a critical role in upholding the immigration laws set by the United States Congress, as well as helping ensure public safety and the integrity of the immigration system. Like many other agencies, ICE ERO was significantly impacted by the COVID-19 pandemic, with effects on its workforce, its enforcement operations, and the detained population. Despite the pandemic, however, key front-line law enforcement operations such as arrests of aliens who represent a threat to public safety or border security, management of the detained population, and removals of those who have received a final order have continued to the extent possible. As of the close of FY 2020, ICE ERO personnel continue to monitor and adapt to operational conditions resulting from the pandemic, and the agency continues to prepare for a shift in operational posture once current conditions resolve.

## Appendix

### Appendix A: Methodology

#### Data Source

Data used to report ICE statistics are obtained through the ICE Integrated Decision Support (IIDS) system data warehouse.

#### Data Run Dates

FY2020: IIDS v.1.34 run date 10/04/2020; ENFORCE Integrated Database (EID) as of 10/02/2020

FY2019: IIDS v.1.34 run date 10/06/2019; ENFORCE Integrated Database (EID) as of 10/04/2019

FY2018: IIDS v.1.34 run date 10/08/2018; ENFORCE Integrated Database (EID) as of 10/06/2018

#### Removals

ICE Removals include removals and returns initiated by ICE and those initiated by other agencies in which aliens were turned over to ERO for repatriation efforts. Returns include Voluntary Returns, Voluntary Departures, and Withdrawals Under Docket Control. Any voluntary return recorded on or after June 1, 2013 without an ICE intake case is not recorded as an ICE removal.

Removals data are historical and remain static. In FY 2009, ERO began to “lock” removal statistics on October 5 at the end of each fiscal year and counted only aliens whose removal or return was already confirmed. Aliens removed or returned in that fiscal year but not confirmed until after October 5 were excluded from the locked data, and thus from ICE statistics. To ensure an accurate and complete representation of all removals and returns, ICE will count removals and returns confirmed after October 5 toward the next fiscal year. The number of removals in FY 2017, excluding the “lag” from FY 2016, was 220,649. The number of removals in FY 2018, excluding the “lag” from FY 2017, was 252,405. The number of removals in FY 2019, excluding the “lag” from FY 2018, was 262,591. The number of removals in FY 2020, excluding the “lag” from FY 2019, was 177,516.

### Appendix B: Removals by Country of Citizenship

**Table X: FY 2018 – FY 2020 ICE Removals by Country of Citizenship<sup>17</sup>**

Country of Citizenship	FY 2018	FY 2019	FY 2020
<b>Total</b>	<b>256,085</b>	<b>267,258</b>	<b>185,884</b>
AFGHANISTAN	30	36	25
ALBANIA	98	80	53
ALGERIA	17	20	5

<sup>17</sup> Country of citizenship is reported as it appears in ICE’s system of record at the time the data is pulled but may be updated as additional information is discovered or verified.

Country of Citizenship	FY 2018	FY 2019	FY 2020
ANDORRA	0	0	1
ANGOLA	32	40	43
ANGUILLA	0	2	0
ANTIGUA-BARBUDA	24	12	6
ARGENTINA	121	130	87
ARMENIA	27	48	31
ARUBA	1	1	0
AUSTRALIA	39	40	39
AUSTRIA	7	8	6
AZERBAIJAN	14	10	9
BAHAMAS	101	109	76
BAHRAIN	1	2	0
BANGLADESH	147	159	305
BARBADOS	17	29	6
BELARUS	10	18	11
BELGIUM	17	7	10
BELIZE	91	90	78
BENIN	10	9	5
BERMUDA	5	2	1
BHUTAN	1	1	0
BOLIVIA	81	64	49
BOSNIA-HERZEGOVINA	47	36	27
BOTSWANA	1	3	2
BRAZIL	1,691	1,770	1,902
BRITISH VIRGIN ISLANDS	1	4	5
BRUNEI	0	0	0
BULGARIA	34	21	21
BURKINA FASO	35	20	4
BURMA	40	29	26
BURUNDI	14	5	10
CAMBODIA	110	80	32
CAMEROON	72	76	54
CANADA	342	318	320
CAPE VERDE	68	50	15
CAYMAN ISLANDS	0	3	1
CENTRAL AFRICAN REPUBLIC	2	7	1
CHAD	13	3	1

Country of Citizenship	FY 2018	FY 2019	FY 2020
CHILE	166	253	351
CHINA, PEOPLES REPUBLIC OF	726	637	337
CHRISTMAS ISLAND	0	0	0
COLOMBIA	1,162	1,158	931
COMOROS	0	0	0
CONGO	18	15	12
COSTA RICA	162	176	130
CROATIA	12	9	4
CUBA	463	1,179	1,583
CYPRUS	3	1	2
CZECH REPUBLIC	47	56	22
CZECHOSLOVAKIA	4	2	1
DEM REP OF THE CONGO	79	81	96
DENMARK	2	5	12
DJIBOUTI	3	3	0
DOMINICA	19	16	13
DOMINICAN REPUBLIC	1,769	2,186	1,835
EAST TIMOR	0	0	0
ECUADOR	1,264	2,253	2,951
EGYPT	85	57	78
EL SALVADOR	15,445	18,981	12,590
EQUATORIAL GUINEA	5	5	7
ERITREA	62	49	37
ESTONIA	13	9	6
ESWATINI	0	1	0
ETHIOPIA	36	32	43
FIJI	21	11	9
FINLAND	3	3	4
FRANCE	85	78	83
FRENCH GUIANA	0	2	0
FRENCH POLYNESIA	0	2	0
GABON	6	8	4
GAMBIA	111	124	45
GEORGIA	20	38	44
GERMANY	72	77	63
GHANA	243	203	121
GREECE	22	32	17

Country of Citizenship	FY 2018	FY 2019	FY 2020
GRENADA	9	13	6
GUADELOUPE	1	1	1
GUATEMALA	50,390	54,919	29,790
GUINEA	219	102	44
GUINEA-BISSAU	5	4	0
GUYANA	142	125	84
HAITI	934	690	895
HONDURAS	28,894	41,800	21,139
HONG KONG	15	7	3
HUNGARY	81	71	44
ICELAND	2	0	1
INDIA	611	1,616	2,312
INDONESIA	110	77	62
IRAN	22	21	16
IRAQ	48	84	32
IRELAND	47	33	19
ISRAEL	93	89	52
ITALY	125	140	139
IVORY COAST	82	39	41
JAMAICA	792	751	523
JAPAN	28	21	27
JORDAN	94	106	70
KAZAKHSTAN	30	26	25
KENYA	140	122	85
KIRIBATI	0	0	0
KOREA	32	59	23
KOSOVO	14	15	13
KUWAIT	11	21	14
KYRGYZSTAN	15	19	3
LAOS	8	5	11
LATVIA	17	15	19
LEBANON	51	48	41
LESOTHO	1	0	0
LIBERIA	113	108	112
LIBYA	8	6	4
LIECHTENSTEIN	0	0	0
LITHUANIA	49	37	22
LUXEMBOURG	0	0	1

Country of Citizenship	FY 2018	FY 2019	FY 2020
MACAU	1	2	1
MACEDONIA	18	0	0
MADAGASCAR	1	0	0
MALAWI	3	1	2
MALAYSIA	11	9	11
MALDIVES	1	0	0
MALI	63	52	15
MALTA	0	1	1
MARSHALL ISLANDS	35	32	16
MARTINIQUE	0	0	0
MAURITANIA	98	41	25
MAURITIUS	0	1	0
MEXICO	141,045	127,492	100,388
MICRONESIA, FEDERATED STATES OF	99	91	24
MOLDOVA	38	28	17
MONACO	0	0	0
MONGOLIA	28	19	19
MONTENEGRO	18	23	7
MONTSERRAT	1	1	0
MOROCCO	58	33	27
MOZAMBIQUE	0	3	2
NAMIBIA	2	0	0
NAURU	0	0	1
NEPAL	45	162	97
NETHERLANDS	40	40	31
NETHERLANDS ANTILLES	2	6	4
NEW CALEDONIA	0	0	0
NEW ZEALAND	24	22	13
NICARAGUA	879	2,240	1,416
NIGER	5	13	5
NIGERIA	369	286	199
NORTH KOREA	0	0	0
NORTH MACEDONIA	0	15	10
NORWAY	7	9	11
OMAN	0	0	2
PAKISTAN	235	202	207

Country of Citizenship	FY 2018	FY 2019	FY 2020
PALAU	9	10	4
PALESTINE	0	0	0
PANAMA	59	55	36
PAPUA NEW GUINEA	1	2	1
PARAGUAY	6	7	9
PERU	581	571	353
PHILIPPINES	217	176	120
PITCAIRN ISLANDS	0	0	0
POLAND	123	135	102
PORTUGAL	96	101	47
QATAR	2	3	1
REUNION	0	0	0
ROMANIA	403	400	263
RUSSIA	107	153	108
RWANDA	2	12	8
SAMOA	30	17	4
SAN MARINO	0	0	0
SAO TOME AND PRINCIPE	0	0	0
SAUDI ARABIA	135	79	60
SENEGAL	125	55	52
SERBIA	30	31	16
SERBIA AND MONTENEGRO	2	2	1
SEYCHELLES	0	1	1
SIERRA LEONE	79	86	23
SINGAPORE	6	3	5
SLOVAKIA	35	22	12
SLOVENIA	1	1	2
SOLOMON ISLANDS	0	0	0
SOMALIA	229	151	112
SOUTH AFRICA	42	39	31
SOUTH KOREA	122	127	129
SOUTH SUDAN	61	65	41
SPAIN	209	259	235
SRI LANKA	36	112	119
ST. HELENA	0	0	0
ST. KITTS-NEVIS	15	11	3
ST. LUCIA	28	22	10

Country of Citizenship	FY 2018	FY 2019	FY 2020
ST. PIERRE AND MIQUELON	0	0	0
ST. VINCENT-GRENADINES	13	19	8
STATELESS	0	0	0
SUDAN	42	18	17
SURINAME	19	12	1
SWAZILAND	0	0	0
SWEDEN	19	21	9
SWITZERLAND	4	6	10
SYRIA	7	9	2
TAIWAN	27	51	42
TAJKISTAN	8	4	4
TANZANIA	19	25	13
THAILAND	55	46	25
TOGO	24	16	14
TONGA	21	10	10
TRINIDAD AND TOBAGO	104	106	73
TUNISIA	16	20	6
TURKEY	85	113	77
TURKMENISTAN	2	4	0
TURKS AND CAICOS ISLANDS	4	3	3
TUVALU	0	0	0
UGANDA	13	22	21
UKRAINE	105	125	106
UNITED ARAB EMIRATES	2	3	3
UNITED KINGDOM	209	198	173
UNKNOWN	42	46	30
URUGUAY	47	51	28
UZBEKISTAN	41	45	49
VANUATU	0	0	0
VENEZUELA	336	327	193
VIETNAM	122	80	93
YEMEN	24	46	14
YUGOSLAVIA	5	3	6
ZAMBIA	12	7	8
ZIMBABWE	19	16	16