

U.S. Department of Homeland Security
500 12th Street, SW
Washington, D.C. 20536



U.S. Immigration
and Customs
Enforcement

MEMORANDUM FOR: Field Office Directors

FROM: James Chaparro
Director

SUBJECT: Compliance with Congressional Provisions and Priorities for the
Remainder of Fiscal Year 2010

DATE: March 26, 2010

This memorandum serves to clarify an email message I sent on February 22, 2010, to ensure the email signals no shift in the important steps we have taken to date to focus our priorities on the smart and effective enforcement of immigration laws, prioritizing dangerous criminal aliens who present the greatest risk to the security of our communities. We have an obligation to focus on our priorities while also adhering to Congressional mandates to maintain an average daily population and meet annual performance measures.

The balance between our priorities, the budget, and congressional expectations can be challenging, but thanks to your work, we are succeeding. Overall, criminal and non-criminal removals and returns increased by 5% between FY2008 and FY2009 with criminal removals and returns increasing by 19%. This year, we have already removed 40% more aliens convicted of crimes FY2010 to date as compared to the same time last year.

Looking ahead, we must remain focused on these priorities, within the requirements set forth by Congress. To that end, I ask you remain committed to identifying and removing the following individuals—

1. Aliens who pose a threat to national security or public safety, including those

- aliens engaged in or suspected of terrorism or espionage, or who otherwise pose a threat to national security;
- aliens convicted of crimes, with a particular emphasis on violent criminals, felons, and repeat offenders; and
- aliens involved in criminal gangs, wanted for crimes, or who otherwise pose a threat to public safety.

2. Aliens who are fugitives or otherwise obstruct immigration controls, including

- **fugitive aliens, in descending priority order as follows:**
 - **fugitive aliens who pose a threat to national security;**
 - **fugitives aliens convicted of violent crimes or who otherwise pose a threat to the community;**
 - **fugitive aliens with criminal convictions;**
 - **fugitive aliens who are non-criminals;**
- **aliens who reenter the country illegally after removal, in descending priority as follows:**
 - **previously removed aliens who pose a threat to national security;**
 - **previously removed aliens convicted of violent crimes or who otherwise pose a threat to the community;**
 - **previously removed aliens with criminal convictions;**
 - **previously removed aliens who are non-criminals; and**
- **aliens who obtain admission or status by fraud upon the government.**

3. Illegal entrants apprehended at and near the border and ports of entry to stop the prior practice commonly referred to as “catch and release.”

Please focus on these priorities first and foremost, utilizing the Criminal Alien Program surges, the Rapid REPAT program, and the National Fugitive Operations Program to focus on removing criminal aliens who pose the greatest risk to the security of our country. To be clear, ICE employees should continue to enforce immigration laws and this memorandum should be not construed to prohibit the removal of other aliens unlawfully in the United States.