

Immigration Enforcement Actions: 2010

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 are inadmissible to or removable from the United States under U.S. immigration law. Foreign nationals may be removable from the United States for violations including failure to abide by the terms and conditions of admission or engaging in 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 (OIS) Annual Report presents information on the apprehension, detention, return, and removal of foreign nationals during 2010.¹ Key findings in this report include the following:

- DHS apprehended 517,000 foreign nationals; 83 percent were natives of Mexico.
- ICE detained approximately 363,000 foreign nationals.
- DHS removed 387,000 foreign nationals from the United States.² The leading countries of origin of those removed were Mexico (73 percent), Guatemala (8 percent), Honduras (6 percent), and El Salvador (5 percent).
- Reinstatements of final orders accounted for 131,000, or 34 percent, of all removals.
- Expedited removals accounted for 111,000, or 29 percent, of all removals.
- ICE removed 169,000 known criminal aliens³ from the United States.
- DHS returned 476,000 foreign nationals to their home countries without a removal order.

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

² Includes removals, counted in the year the events occurred, by both ICE and CBP. Removals and returns are reported separately.

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, U.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.



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Investigations

ICE Homeland Security Investigations (HSI)⁴ conducts criminal investigations involving the enforcement of immigration-related statutes. Special agents conduct investigations of organizations and individuals subject to the administrative and criminal provisions of the Immigration and Nationality Act (INA) and other sections of the United States Code. HSI 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, HSI 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 ICE Enforcement and Removal Operations (ERO)⁵ serve as the primary enforcement arm within ICE for the identification, apprehension, and removal of illegal aliens from the United States. ERO 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. ERO 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. ERO officers also 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.

In addition to an immigration judge's authority to remove an alien, DHS officers are authorized to perform removals of aliens who enter the United States without proper documentation or those who have been previously removed. The two most common administrative forms of removal performed by DHS officers are expedited removals and reinstatement of final orders.

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 do not possess valid entry documents or because they have attempted to enter the United States by fraud or misrepresentation of material fact. Aliens

⁴Formally the ICE Office of Investigations.

⁵Formally the ICE Office of Detention and Removal Operations.

⁶The 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 not admitted for permanent residence or an alien admitted for permanent residence on a conditional basis, under a DHS order based on the determination that the individual has been convicted of an aggravated felony (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 does not possess valid entry documents or attempted to enter the United States by fraud or misrepresentation of material fact (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.

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.

Reinstatement of Final Removal Orders. Section 241(a)(5) of the INA permits DHS to reinstate final removal orders against illegal aliens previously removed from the United States. DHS officers may remove the alien under the prior order of removal without further hearing or review.

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 an ERO field office director. In certain instances, aliens who have agreed to a return may be legally admitted in the future without penalty.

DATA⁷

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

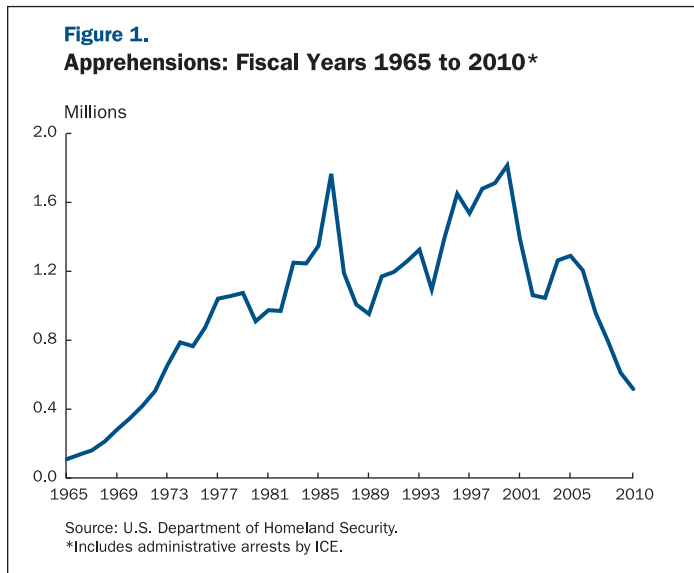
The data provided on removals or returns, apprehensions, or detention all relate to events or encounters. For example, one alien may be apprehended more than once, and each apprehension would count as a separate apprehension record.

TRENDS AND CHARACTERISTICS OF ENFORCEMENT ACTIONS

Apprehensions

DHS made 516,992 apprehensions in 2010, the fifth consecutive year-to-year decrease (see Table 1 and Figure 1). CBP's Border Patrol reported 463,382 or 90 percent of all apprehensions. Ninety-seven percent of Border Patrol apprehensions were along the Southwest border. ICE HSI made 17,836 administrative arrests,⁸ and ICE's National Fugitive Operations Program made 35,774 arrests of fugitive and non-fugitive aliens.

Southwest Border Apprehensions. Apprehensions by the Border Patrol along the Southwest border decreased 17 percent from 540,851 in 2009 to 447,731 in 2010. The San Diego sector



⁷ CBP data (apprehensions, removals, and returns) are current as of December 2010. ICE ERO apprehension data are current as of January 2011. ICE Homeland Security Investigations data are current as of January 2011. ICE removal and return data are current as of January 2011.

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.

recorded the largest decrease in apprehensions between 2009 and 2010 (42 percent), decreasing from 118,772 to 68,565. The Tucson, AZ sector had the largest number of apprehensions with 212,202 and accounted for 47 percent of all Southwest border apprehensions in 2010. The next leading sectors were San Diego, CA (68,565), Rio Grande Valley, TX (59,766), Laredo, TX (35,287), and El Centro, CA (32,562).

Nationality of Apprehended Aliens. Mexican nationals accounted for 83 percent of the 516,992 aliens apprehended in 2010. The next leading countries were Guatemala, El Salvador, and Honduras. These four countries accounted for 94 percent of all apprehensions (see Table 1).

Criminal Alien Program

The Criminal Alien Program (CAP) is responsible for the identification, processing, and removal of aliens incarcerated in Federal, State, and local prisons and jails throughout the United States. In 2010, CAP issued 223,217 charging documents, the initial step toward removal.

Table 1.

Apprehensions by Program and Country of Nationality: Fiscal Years 2008 to 2010

Program and Country of Nationality	2010	2009	2008
PROGRAM			
Total	516,992	613,003	791,568
CBP Border Patrol	463,382	556,032	723,840
Southwest sectors (sub-total)	447,731	540,851	705,022
ICE Homeland Security Investigations	17,836	21,877	33,573
ICE Enforcement and Removal Operations*	35,774	35,094	34,155
COUNTRY OF NATIONALITY			
Total Apprehensions	516,992	613,003	791,568
Mexico	427,940	528,139	693,592
Guatemala	23,068	20,746	22,670
El Salvador	18,520	18,514	17,911
Honduras	17,899	19,149	23,789
Ecuador	2,363	1,835	2,322
Brazil	2,232	2,106	2,649
Dominican Republic	2,076	1,826	1,934
China, People's Republic	1,970	2,363	1,772
India	1,672	767	822
Nicaragua	1,347	1,478	1,862
Cuba	1,187	1,559	3,896
Colombia	1,160	1,182	1,460
Peru	812	904	949
Canada	808	606	764
Jamaica	787	675	699
Other countries	13,151	12,854	14,477

*Includes arrests of fugitive and non-fugitive aliens under the Office of Enforcement and Removal Operations (ERO) National Fugitive Operations Program.

Source: U.S. Department of Homeland Security, Enforcement Integrated Database (EID); CBP Border Patrol data for 2010 are current as of December 2010, 2009 are current as of December 2009, 2008 data are current as of December 2008; ICE Enforcement and Removal Operations data for 2010 are current as of January 2011, 2009 are current as of February 2010, 2008 are current as of June 2009; Homeland Security Investigations data for 2010 are current as of January 2011, 2009 are current as of January 2010, 2008 are current as of February 2009.

Detentions

ICE detained 363,064 aliens during 2010. Mexican nationals accounted for 61 percent of the total but, because of their relatively short stays in detention, only 36 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), and Honduras (8 percent).

Removals and Returns

Total Removals. The number of removals decreased 2 percent from 395,165 in 2009 to 387,242 in 2010 (see Table 2). Mexican nationals accounted for 73 percent of all aliens removed in 2010 (see Table 3). The next leading countries were Guatemala (8 percent), Honduras (6 percent) and El Salvador (5 percent). These four countries accounted for 92 percent of all removals.

Expedited Removals. Expedited removals represented 29 percent of all removals in 2010, up from 27 percent in 2009 but down from an all-time high of 39 percent in 2006. Aliens from Mexico accounted for nearly 77 percent of expedited removals in 2010. The next leading countries were Guatemala, Honduras, and El Salvador. Nationals from these four countries accounted for 94 percent of all expedited removals in 2010.

Reinstatements. Reinstatements of previous removal orders accounted for 34 percent of all removals in 2010, up from 30 percent in 2009 (see Table 2). The number of removals based on a reinstatement of final orders increased every year since 2005. In 2010, aliens from Mexico accounted for nearly 83 percent of all reinstatements. Other leading countries included Honduras, Guatemala, and El Salvador. These four countries accounted for 98 percent of all reinstatements in 2010.

Criminal Activity. Approximately 169,000 convicted criminal aliens were removed in 2010¹⁰ (see Table 3). The most common categories of crime were illegal drug activity, immigration-related offenses, and criminal traffic offenses (see Table 4). These three categories accounted for 62 percent of all criminal alien removals in 2010.

Returns. In 2010, 476,405 aliens were allowed to return to their home countries without an order of removal, a decline of 19 percent from 2009. This is the sixth consecutive year in which returns declined, primarily due to decreases in Southwest border apprehensions. Eighty-one percent of returns in 2010 involved Mexican or Canadian aliens, down from 85 percent in 2009. The next leading countries of nationality in 2010 were the Philippines (4 percent) and China (3 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.

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

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

Table 2.

Trends in Total Removals, Expedited Removals, and Reinstatements of Final Removal Orders: Fiscal Years 2001 to 2010

Year	Total removals	Expedited removals	Reinstatements	All other removals
2010	387,242	111,116	130,840	145,286
2009	395,165	106,025	116,903	172,237
2008	359,795	112,716	91,318	155,761
2007	319,382	106,196	77,696	135,490
2006	280,974	110,663	49,539	120,772
2005	246,431	87,888	43,137	115,406
2004	240,665	51,014	84,347	105,304
2003	211,098	43,920	66,713	100,465
2002	165,168	34,624	46,436	84,108
2001	189,026	69,923	38,943	80,160

Source: U.S. Department of Homeland Security, ENFORCE Alien Removal Module (EARM), reported as of January 2011, Enforcement Integrated Database (EID), reported as of December 2010.

Table 3.

Leading Countries of Nationality of Aliens Removed: Fiscal Year 2010

Country	Number removed	Number of criminals
Total	387,242	168,532
Mexico	282,003	127,728
Guatemala	29,378	9,359
Honduras	24,611	10,358
El Salvador	19,809	8,315
Dominican Republic	3,309	2,215
Brazil	3,190	481
Ecuador	2,321	686
Colombia	2,267	1,223
Nicaragua	1,847	794
Jamaica	1,475	1,161
All other countries	17,032	6,212

Source: U.S. Department of Homeland Security, ENFORCE Alien Removal Module (EARM), reported as of January 2011, Enforcement Integrated Database (EID), reported as of December 2010.

Table 4.

Leading Crime Categories of Convicted Criminal Aliens Removed: Fiscal Year 2010

Crime category	Number removed	Percent of total
Total	168,532	100.0
Dangerous Drugs*	42,692	25.3
Immigration**	31,585	18.7
Criminal Traffic Offenses	30,808	18.3
Assault	12,105	7.2
Larceny	5,406	3.2
Burglary	4,188	2.5
Fraudulent Activities	3,849	2.3
Robbery	3,628	2.2
Family Offenses	3,318	2.0
Sexual Assault	3,252	1.9
Other	27,701	16.4

*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 January 2011.