

Case-by-Case Review Statistics

Case-by-Case Review and Administrative Closures

- In total, ICE has reviewed 219,554 pending cases with approximately 16,544, or 7.5%, identified as amenable for prosecutorial discretion as of April 16, 2012.
- 179,518 pending non-detained cases have been reviewed with approximately 16,518, or 9%, identified as amenable for prosecutorial discretion.
- 40,036 pending detained cases have been reviewed with approximately 26, or less than 1%, identified as amenable for prosecutorial discretion.
- Of the 16,518 pending non-detained cases identified as amenable for prosecutorial discretion, 2,722 cases have been administratively closed. These cases involve –
 - 8 individuals who are a member in good standing of the Coast Guard or Armed Forces of the United States, an honorably discharged veteran of the Coast Guard or Armed Forces of the United States, or the spouse or child of such a member or veteran;
 - 175 individuals who are a child, have been in the United States for more than five years, and are either in school or has successfully completed high school (or its equivalent);
 - 182 individuals who came to the United States under the age of sixteen, have been in the United States for more than five years, have completed high school (or its equivalent), and are now pursuing or have successfully completed higher education in the United States;
 - 23 individuals who are over the age of sixty-five and have been in the United States for more than ten years;
 - 60 individuals who have been the victim of domestic violence in the United States, human trafficking to the United States; or of any serious crime in the United States;
 - 16 individuals who have been lawful permanent residents for ten years or more and have a single, minor conviction for a non-violent offense;
 - 100 individuals who suffer from a serious mental physical condition that would require significant medical or detention resources;
 - 2,055 who have a very long-term presence in the United States, have an immediate family member who is a United States citizen, and have established compelling ties and made compelling contributions to the United States; and
 - 103 individuals who constitute a very low enforcement priority as defined by Director Morton's June 17, 2011 memorandum on prosecutorial discretion.

Deferred Action and Stays

- While administrative closure is the “preferred mechanism” for exercising discretion in the case-by-case review process, deferred action will continue to be utilized in

appropriate cases as is set forth in Director Morton's June 17, 2011 memorandum on prosecutorial discretion.

- As of March 19, 2012, Enforcement and Removal Operations (ERO) officers and agents have granted deferred actions or issued a stay of a final order of removal in 1,273 cases in fiscal year 2012.
- Of those 1,273 deferred actions or stays, 1,233 involved individuals subject to a final order of removal.
- In fiscal year 2010, ERO officers granted deferred actions or issued a stay of a final order in 486 cases; in fiscal year 2009 ERO officers granted 740 deferred actions; in fiscal year 2008 ERO officers granted 1006 deferred actions; in fiscal year 2007 ERO officers granted 598 deferred actions.*

Employment Authorization Cards Issued Pursuant to Prosecutorial Discretion Policies

- Eligibility for employment authorization is governed by longstanding law. Individuals are not eligible for work authorization on the basis of receiving administrative closure alone. Similarly, individuals who were eligible for a work authorization card prior to the case-by-case review remain eligible after their case has been administratively closed.

Priority Cases Accelerated Pursuant to this Process and the Implementation of Enforcement Priorities

- In fiscal year 2012 YTD, ICE removed over 102,000 individuals convicted of a crime.
- In fiscal year 2011, ICE removed 216,698 criminals, an 89 percent increase in the removal of criminals from fiscal year 2008.
- Overall, over 90 percent of all ICE removals in fiscal year 2011 fell into one of ICE's categories for priority enforcement.

* Due to upgrades to ICE's electronic system for tracking enforcement actions which affected how this data is recorded, the data from FY2012 are not directly comparable to the data from FY2008-FY2010. Because of these upgrades, ICE is not currently able to calculate FY2011 deferred action numbers.