

GAO Highlights

Highlights of [GAO-13-832](#), a report to congressional requesters

Why GAO Did This Study

ICE-ERO uses orders of supervision to release from custody criminal aliens—including sex offenders—who have been ordered to be removed from the United States, but cannot be removed for various reasons or detained indefinitely under U.S. Supreme Court precedent. In July 2006, SORNA was enacted, which established minimum standards for sex offender registration and notification. Congressional requesters asked GAO to assess registration of alien sex offenders. This report addresses the extent to which alien sex offenders (1) under ICE-ERO order of supervision are registered and (2) who are removed or released under ICE-ERO order of supervision are informed of registration requirements and relevant jurisdiction officials are notified about these offenders. GAO analyzed a representative sample of 131 of 1,309 alien sex offenders who were under orders of supervision as of September 2012. GAO also interviewed officials from ICE-ERO, the SMART Office, and other relevant federal, state registry and local law enforcement agencies.

What GAO Recommends

GAO recommends, among other things, that ICE-ERO (1) set a deadline for its review of options for providing notifications to and about alien sex offenders under supervision and (2) in consultation with SMART and others, consider options for notifying jurisdictions about removed offenders. ICE agreed with the recommendations.

View [GAO-13-832](#). For more information, contact Eileen R. Larence at (202) 512-8777 or larencee@gao.gov.

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SEX OFFENDERS

ICE Could Better Inform Offenders It Supervises of Registration Responsibilities and Notify Jurisdictions when Offenders Are Removed

What GAO Found

On the basis of GAO's analysis of a representative sample of 131 alien sex offenders under U.S. Immigration and Customs Enforcement (ICE) supervision, GAO estimates that as of September 2012, 72 percent of alien sex offenders were registered, 22 percent were not required to register, and 5 percent did not register but should have. According to officials, offenders were not required to register for various reasons, such as the offense not requiring registration in some states. Of the 6 offenders in GAO's sample that should have registered, officials from ICE's Enforcement and Removal Operations (ICE-ERO) field offices informed 4 of their registration requirements. However, officials at some of these field offices identified several reasons why they did not ensure that these offenders actually registered. For example, the offender may have moved and no longer resided in the area of responsibility for that particular field office. ICE had not informed the remaining 2 offenders of their registration requirements.

Alien sex offenders are not consistently informed of potential registration requirements, and relevant jurisdiction officials—that is, state, territorial, and tribal sex offender registry and law enforcement officials—are not consistently notified when an offender is removed from the country or released. The Sex Offender Registration and Notification Act of 2006 (SORNA) and other federal laws identify when sex offenders and relevant jurisdiction officials should be notified. However, the agencies that have these notification responsibilities are limited in their ability to provide information to and about alien sex offenders, in part because they do not know when ICE-ERO will release or remove these offenders. ICE-ERO has a procedure in place to inform alien sex offenders who are being removed about potential registration requirements, but not alien sex offenders who are being released into the community under supervision, primarily because ICE-ERO is uncertain whether it has a responsibility to do so. ICE-ERO also does not consistently notify relevant jurisdiction officials when an alien sex offender is removed or released under supervision, for similar reasons. However, officials from the Department of Justice's Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART) Office said that state correctional facilities, in the interest of public safety, have notification processes in place, even though sometimes not required to do so. ICE-ERO is reviewing options for informing alien sex offenders under supervision about their potential registration requirements and notifying jurisdictions when alien sex offenders are released under supervision, but has not established a deadline for completing its review, which is inconsistent with project management standards. Without a deadline, it will be difficult to hold ICE-ERO accountable for providing these notifications. Further, ICE-ERO does not plan to notify relevant jurisdictions when an alien sex offender is removed. Providing such notification could help jurisdictions ensure public safety and avoid unnecessarily spending resources trying to locate the offender.

This is a public version of a sensitive security report GAO issued in August 2013, which also included information about steps ICE has taken to determine its responsibility for informing alien sex offenders of their notification requirements.