



Report to the Chairwoman,
Subcommittee on Immigration and
Citizenship, Committee on the Judiciary,
House of Representatives

December 2019

IMMIGRATION ENFORCEMENT

Arrests, Detentions, and Removals, and Issues Related to Selected Populations

GAO Highlights

Highlights of [GAO-20-36](#), a report to the Chairwoman, Subcommittee on Immigration and Citizenship, Committee on the Judiciary, House of Representatives

Why GAO Did This Study

In January 2017, the President issued Executive Order 13768 that instructs the Department of Homeland Security (DHS) to enforce U.S. immigration law against all removable individuals. In February 2017, the Secretary of DHS issued a memorandum (2017 DHS memo) establishing policy and providing guidance related to the Executive Order. Within DHS, ICE is responsible for providing safe confinement for detained aliens, including certain vulnerable populations.

GAO was asked to review ICE immigration enforcement priorities, including those for vulnerable populations. This report examines (1) ICE data on arrests, detentions, and removals from calendar years 2015 through 2018; (2) the policies in effect for selected populations and any changes ICE made to align these policies with the 2017 DHS memo; and (3) the extent to which ICE collects data on selected populations and what those data show.

GAO analyzed ICE data on arrests, detentions, and removals from calendar years 2015 through 2018; reviewed policies and documents on eight populations GAO selected based on ICE policies and input from organizations that represent various vulnerable populations; and interviewed agency officials.

What GAO Recommends

GAO is recommending that ICE collect readily available data on detained parents or guardians of U.S. citizen and legal permanent resident minors. DHS did not concur with the recommendation. GAO continues to believe this recommendation is valid as discussed in the report.

View [GAO-20-36](#). For more information, contact Gretta L. Goodwin at (202) 512-8777 or goodwing@gao.gov.

December 2019

IMMIGRATION ENFORCEMENT

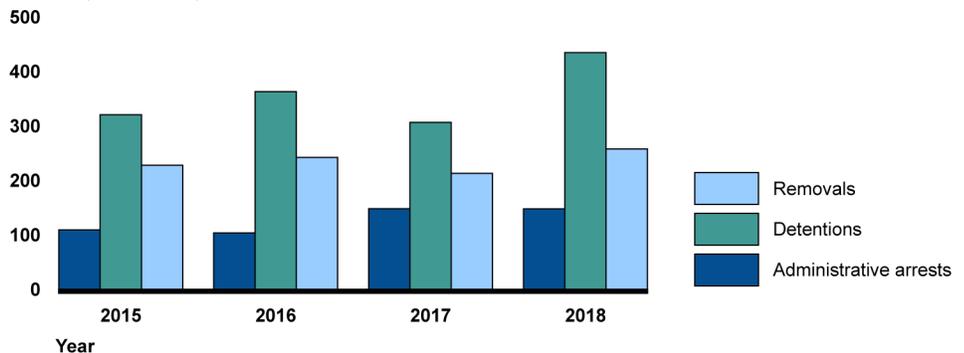
Arrests, Detentions, and Removals, and Issues Related to Selected Populations

What GAO Found

The numbers of administrative arrests (arrests), detentions, and removals of aliens (people who are not citizens or nationals of the United States) by U.S. Immigration and Customs Enforcement (ICE) varied during calendar years 2015 through 2018, and increased overall for the period. Males, aliens from four countries—Mexico, Guatemala, El Salvador, and Honduras—and convicted criminals accounted for the majority of ICE arrests and removals. The majority of detentions were made up of males, aliens from the same four countries, and non-criminals.

Enforcement and Removal Operations Administrative Arrests, Detentions, and Removals, Calendar Years 2015 through 2018

Number (in thousands)



Source: GAO analysis of U.S. Immigration and Customs Enforcement data. | GAO-20-36

ICE has policies related to six of the selected populations GAO examined, including aliens who are: transgender, individuals with disabilities, individuals with mental disorders, juveniles, parents of minors, and pregnant. These policies provide guidance on identifying, detaining, caring for, and removing aliens in these populations. After issuance of the 2017 DHS memo, ICE removed language from its existing policies for individuals who are pregnant and parents of minors that it determined to be inconsistent with 2017 DHS memo.

Available ICE detention data show that detentions of transgender and pregnant individuals increased from calendar years 2016 to 2018 and detentions of individuals with disabilities increased from 2017 to 2018. Detentions at facilities staffed by ICE medical personnel of individuals with mental disorders and women who are nursing varied from calendar years 2015 to 2018. We found that ICE does not collect or maintain readily available data on detained parents or legal guardians of U.S. citizen or legal permanent resident minors, as required by ICE policy. Without such information, ICE headquarters officials cannot ensure that ICE officers are collecting and entering this information into the system as required by policy. ICE officials said they have considered actions to identify this population, but are no longer considering these actions as of October 2019. Maintaining these data in a readily available format could help ensure that ICE personnel identify, evaluate, and share information on this population.

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Abbreviations

ATD	Alternatives to detention
CBP	Customs and Border Protection
DHS	Department of Homeland Security
ERO	Enforcement and Removal Operations
HSI	Homeland Security Investigations
IIDS	ICE Integrated Decision Support
IHSC	ICE Health Service Corps
ICE	U.S. Immigration and Customs Enforcement
LGBTI	lesbian, gay, bisexual, transgender, and intersex
NGO	Nongovernmental organization
OPLA	Office of the Principal Legal Advisor
PEP	Priority Enforcement Program

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December 5, 2019

The Honorable Zoe Lofgren
Chairwoman
Subcommittee on Immigration and Citizenship
Committee on the Judiciary
House of Representatives

Dear Madam Chairwoman:

In 2015, the Department of Homeland Security (DHS) estimated the total alien population in the United States was about 27.3 million; of that number, DHS reported that about 12 million aliens were without lawful status or presence.¹ U.S. Immigration and Customs Enforcement (ICE), one of DHS's component agencies, is responsible for identifying, apprehending, detaining, litigating charges of removability against, and removing aliens who are in the United States in violation of U.S. immigration law.² ICE conducts civil immigration enforcement actions, which includes administrative arrests for civil violations of U.S. immigration laws (arrests), detentions, and removals. ICE is also responsible for providing accommodations and medical care to individuals in detention with special needs or vulnerabilities, such as those who are pregnant, elderly, or who have certain medical conditions. To maximize its limited resources, ICE has prioritized certain groups of aliens for

¹DHS's *Population Estimates: Illegal Alien Population Residing in the United States: January 2015* is the most recent report that DHS issued on this population. According to DHS, the remaining approximately 15.3 million aliens includes lawful permanent residents (13.2 million), resident nonimmigrants (2 million), and individuals granted refugee or asylee status (0.1 million), as of 2015. DHS reported data on lawful permanent residents and those without lawful presence or status as of January 2015, and data for resident nonimmigrants and refugees or asylees as of September 2015. Data on alien populations come from DHS's Office of Immigration Statistics, see DHS Office of Immigration Statistics, *Population Estimates: Lawful Permanent Resident Population in the United States: January 2015* (Washington, D.C.: May 2019); *Nonimmigrants Residing in the United States: Fiscal Year 2015* (Washington, D.C.: September 2017); *Refugees and Asylees: 2015* (Washington, D.C.: November 2016); and *Population Estimates: Illegal Alien Population Residing in the United States: January 2015* (Washington, D.C.: December 2018).. The Immigration and Nationality Act defines an alien as a person who is not a citizen or national of the United States. See 8 U.S.C. § 1101(a)(3), (a)(22).

²Under U.S. immigration law, an alien may be removable on statutory grounds of inadmissibility or deportability. See 8 U.S.C. §§ 1182, 1227, 1229a(c), (e)(2). An alien determined to be removable and not eligible for any requested relief or protection is to be removed pursuant to an administratively final order of removal. 8 C.F.R. § 1241.1.

removal from the United States, such as individuals with criminal convictions.

From January 5, 2015 through February 20, 2017, the Priority Enforcement Program (PEP) directed DHS personnel to prioritize the apprehension, detention, and removal of aliens from the United States who pose a threat to national security, border security, and public safety, among others. On January 25, 2017, the President issued Executive Order 13768, Enhancing Public Safety in the Interior of the United States, instructing federal agencies, including DHS, to ensure that U.S. immigration law is enforced against all removable individuals without exempting classes or categories, among other things.³ In response, the Secretary of Homeland Security issued a memorandum establishing policy and providing guidance related to Executive Order 13768 in February 2017 (2017 DHS memo).⁴ In accordance with both Executive Order 13768 and the 2017 DHS memo, although aliens with criminal history are prioritized for enforcement action, the department is authorized to take action against any removable aliens encountered during operations.

In 2018, we reported on ICE's initial actions to implement Executive Order 13768.⁵ We reported that ICE reviewed its policies, regulations, and forms relevant to enforcement priorities, rescinded prior enforcement priority guidance, and issued new guidance directing application of the new approach to immigration enforcement prioritization.

You asked us to review issues related to ICE immigration enforcement priorities, and prosecutorial discretion decisions, including those that relate to selected populations. This report examines (1) what ICE data

³Exec. Order No. 13768, §§ 4, 5, 7, 82 Fed. Reg. 8799, 8800 (Jan. 30, 2017) (issued Jan. 25). Specifically, the executive order prioritizes aliens who are removable based on certain grounds of removability in the Immigration and Nationality Act, as well as removable aliens who have been convicted of, charged with or committed acts that constitute a criminal offense, have engaged in fraud or otherwise abused any government program, or who are determined to otherwise pose a risk to public safety or national security. See *id.* § 5. According to DHS officials, the priorities outlined in the executive order would cover almost all removable aliens, but place an emphasis on those with criminal history.

⁴Department of Homeland Security, *Enforcement of the Immigration Laws to Serve the National Interest*, (February 20, 2017).

⁵GAO, *Border Security and Immigration: Initial Executive Order Actions and Resource Implications*, [GAO-18-470](#) (Washington, D.C.: June 12, 2018).

show about arrests, detentions, and removals from calendar years 2015 through 2018; (2) what policies are in effect for selected populations, and what changes ICE made to align these policies with the 2017 DHS memo; and (3) the extent to which ICE collects data on selected populations and what those data show. For the purposes of our report, we selected eight populations including aliens who are: lesbian, gay, bisexual, transgender, and intersex (LGBTI); individuals with disabilities; individuals with mental disorders; juveniles; parents or legal guardians of minors; pregnant; women who are nursing; or individuals who are elderly. We selected these eight populations based on ICE policies that identify aliens with special vulnerabilities and input from nongovernmental organizations (NGOs) that serve or represent aliens with special vulnerabilities.

To address our first question, we analyzed individual-level data from the ICE Integrated Decision Support (IIDS) database to determine the total number of ICE Enforcement and Removal Operations (ERO) arrests by gender, country of citizenship, criminality, arresting program, and area of responsibility between January 2015 (the start of PEP) and December 2018 (to include the first two years for the 2017 DHS Memo).⁶ We also analyzed individual-level IIDS data to determine the total number of ERO detentions and removals by gender, country of citizenship, arresting agency, and criminality between January 2015 and December 2018. To conduct our analysis of criminality, we used ICE's determination of criminality—criminal or non-criminal—which ICE determines by conducting electronic criminal history checks.

To address our second question, we reviewed a master list of ICE policies and interviewed officials to identify policies related to individuals with special vulnerabilities. Based on this review as well as input from NGOs that serve or represent various populations, we selected eight populations including aliens who are: LGBTI, individuals with disabilities, individuals with mental disorders, juveniles, parents or legal guardians of

⁶According to ICE, the IIDS is a data warehouse populated by Enforcement Case Tracking System (ENFORCE) information related to the investigation, arrest, detention, and removal of persons encountered during immigration and criminal law enforcement investigations and operations conducted by certain DHS components, namely ICE and U.S. Customs and Border Protection. DHS personnel utilize various ENFORCE applications to enter information into the system. Specifically, officers use the Enforcement Integrated Database Arrest Guide for Law Enforcement to process arrest information, the ENFORCE Alien Removal Module (EARM) to track and support processing and removal of aliens, and the ENFORCE Alien Detention Module, a subsystem within EARM, to track aliens in ICE custody.

minors, pregnant, women who are nursing, or individuals who are elderly. To identify any changes ICE made to align its policies with the 2017 DHS memo, we reviewed specific provisions in the executive order and implementing memoranda. We then analyzed existing policies as well as policies that ICE revised or rescinded to align with the 2017 DHS memo, including policies related to prosecutorial discretion and selected populations. We conducted interviews with officials from ICE headquarters offices, including the Office of the Principal Legal Advisor, Office of Policy, Homeland Security Investigations, as well as program officials within ERO, including Domestic Operations, Fugitive Operations, and Custody Management Divisions. We also conducted interviews with representatives from NGOs that serve or represent our selected populations to obtain their perspectives on how, if at all, the policies affected the individuals they represent.

We conducted site visits to six selected ICE ERO areas of responsibility (Atlanta, Dallas, Los Angeles, San Diego, St. Paul, and Washington, D.C.) and interviewed ICE officials to obtain their perspectives on the policy revisions. We selected these locations based on the prevalence of arrests in fiscal year 2017, percent changes in arrests from fiscal year 2016 to 2017, and geographical dispersion. In each location we met with ERO liaisons and officers responsible for monitoring and implementing policy provisions for certain selected populations, as well as ICE medical staff, among others. We met with six national organizations that serve or represent immigrants as well as six state or regional organizations that serve or represent immigrants in the locations we visited. We selected these NGOs to reflect a range of types of populations served or represented as well as based on their proximity to ICE areas of

responsibility we visited.⁷ The information obtained from our site visits and interviews with the NGOs is not generalizable and may not be indicative of the care provided to all populations at all detention facilities, but provided insights into how the selected ICE areas of responsibility conduct enforcement activities and implement immigration enforcement policies.

To address our third question, we reviewed multiple data sources that ICE uses to track information on certain aliens with special vulnerabilities in detention and matched these data with individual-level detention data from IIDS to determine what ICE data show about detentions of selected populations between January 2015 and December 2018. We analyzed this information, for six of the eight selected populations (aliens who are: transgender, individuals with disabilities, pregnant, individuals with mental disorders, women who are nursing, or individuals who are elderly), to determine the total number of detentions; the number of detentions resulting from ICE versus U.S. Customs and Border Protection (CBP) arrests; detentions by criminality; and the length of detention. We excluded juveniles—aliens under the age of 18—from our analysis because ERO is generally not responsible for detaining juveniles, unless they were detained with their parent or legal guardian at an ICE Family Residential Center.⁸ To determine the extent to which ICE maintains data

⁷ERO has 24 field offices and corresponding areas of responsibility are Atlanta (Georgia, North Carolina, South Carolina); Baltimore (Maryland); Boston (Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont); Buffalo (Upstate New York); Chicago (Illinois, Indiana, Wisconsin, Missouri, Kentucky, Kansas); Dallas (North Texas, Oklahoma); Denver (Colorado, Wyoming); Detroit (Michigan, Ohio); El Paso (West Texas, New Mexico); Houston (Southeast Texas); Los Angeles (Counties of Los Angeles, Orange, Riverside, San Bernardino, Ventura, Santa Barbara, and San Luis Obispo); Miami (Florida, Puerto Rico, U.S. Virgin Islands); Newark (New Jersey); New Orleans (Alabama, Arkansas, Louisiana, Mississippi, Tennessee); New York (Counties of New York City, Dutchess, Nassau, Putnam, Suffolk, Sullivan, Orange, Rockland, Ulster, Westchester); Philadelphia (Delaware, Pennsylvania, West Virginia); Phoenix (Arizona); Salt Lake City (Utah, Idaho, Montana, Nevada); San Antonio (Central South Texas); San Diego (San Diego and Imperial County); San Francisco (Northern California, Hawaii, Guam, Saipan); Seattle (Alaska, Oregon, Washington); St. Paul (Iowa, Minnesota, Nebraska, North Dakota, South Dakota); and Washington, D.C (District of Columbia, Virginia).

⁸Aliens under the age of 18 who are designated as unaccompanied alien children are to be transferred to the Office of Refugee Resettlement within 72 hours after they are determined to be unaccompanied alien children, except in exceptional circumstances. See 6 U.S.C. § 279(g)(2); 8 U.S.C. § 1232. Juveniles not designated as unaccompanied alien children who are apprehended with a parent or legal guardian may be detained for a limited period of time with their adult parent in ICE family residential centers. Juveniles who were detained in ICE family residential centers were included in our overall analysis of ICE detention data in our first objective.

on detained parents or legal guardians of minors, we reviewed ICE policies pertaining to detained parents, including those that set forth requirements for tracking detained parents or legal guardians of U.S. citizens and legal permanent resident minors. We interviewed ERO officials about ICE's data collection processes and any limitations with the data it collects and maintains. We assessed ICE's efforts to track this population against agency policy.⁹

To assess the reliability of the data used in each of our analyses, we analyzed available documentation, such as related data dictionaries; interviewed ERO officials knowledgeable about the data; conducted electronic tests to identify missing data, anomalies, or erroneous values; and followed up with officials, as appropriate. We determined the data were sufficiently reliable for our purposes of depicting general trends in detentions of selected populations. Appendix I describes our objectives, scope, and methodology in greater detail.

We conducted this performance audit from November 2017 to December 2019 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Background

Immigration Enforcement Priorities

Priority Enforcement Program. Under PEP, which was in effect from January 5, 2015 until February 20, 2017, DHS personnel were directed to, among other things, prioritize the apprehension, detention, and removal from the United States of aliens who pose a threat to national security, border security, and public safety, including convicted felons. It further directed DHS personnel to prioritize for removal new immigration violators and those who had been issued a final order of removal on or

⁹We also assessed ICE's efforts to track this population against *Standards for Internal Control in the Federal Government*, including the standards related to using quality information to make informed decisions and evaluate the entity's performance in achieving key objectives and addressing risks. GAO, *Standards for Internal Control in the Federal Government*, [GAO-14-704G](#) (Washington, D.C.: September 10, 2014).

after January 1, 2014 and to exercise prosecutorial discretion, as appropriate, in accordance with these priorities and existing guidance.¹⁰ A 2011 ICE memorandum identified factors to consider when exercising prosecutorial discretion, such as the length of the individual's presence in the United States, whether the person or person's immediate relative has served in the U.S. military, on the basis of humanitarian reasons such as personal or family illness, among other factors.¹¹

Executive Order 13768. Executive order 13768, issued on January 25, 2017, focuses on immigration enforcement within the United States. Among other things, the executive order lays out the administration's immigration enforcement priorities for removable aliens. Specifically, the executive order prioritizes for the removal from the United States aliens who are removable based on certain criminal and security grounds in the Immigration and Nationality Act; as well as removable aliens who have been convicted of, charged with, or committed acts that constitute a criminal offense; have engaged in fraud or otherwise abused any government program; or who are determined to otherwise pose a risk to public safety or national security.¹² In addition, it calls for the termination of the PEP and reinstatement of Secure Communities.¹³ See table 1 for a description of enforcement priorities for the removal of aliens from the United States under PEP and Executive Order 13768.

¹⁰The Secretary of Homeland Security established the Priority Enforcement Program in a November 2014 memorandum. See Dept. of Homeland Security, *Secure Communities* (November 20, 2014).

¹¹U.S. Immigration and Customs Enforcement, *Exercising Prosecutorial Discretion Consistent with the Civil Immigration Enforcement Priorities of the Agency for the Apprehension, Detention, and Removal of Aliens* (June 17, 2011).

¹²Exec. Order No. 13768, §§ 5, 7, 8, 9, 82 Fed. Reg. at 8800-8801. See also 8 U.S.C. §§ 1182(a)(2)-(3), (a)(6)(C), 1225, 1227(a)(2), (a)(4).

¹³Exec. Order No. 13768, §§ 10, 82 Fed. Reg. at 8801. Under PEP, ICE issued a request for detainer (with probable cause of removability), information, or transfer, for a priority removable individual, such as one posing a threat to national security or public safety, including a foreign national convicted of a felony, among others, under DHS's former tiered civil enforcement categories. Under Secure Communities, ICE may issue detainers for removable individuals charged with, but not yet convicted of, criminal offenses, in addition to individuals subject to a final order of removal whether or not they have a criminal history.

Table 1: Enforcement Priorities for the Removal of Aliens from the United States from 2015-2018

Priority Enforcement Program (2015-2017)	Executive Order 13768 (issued January 25, 2017)
<p>Priority 1 (Threats to National Security, Border Security, and Public Safety):</p> <ul style="list-style-type: none"> Identified as the highest priority for enforcement resources, this category includes those aliens engaged in or suspected of terrorism or espionage or otherwise pose a danger to national security; those apprehended attempting to unlawfully enter the United States; and those with certain serious criminal convictions. 	<p>The executive order prioritized for removal the following categories of aliens:</p> <ul style="list-style-type: none"> Those who are removable from the United States under the Immigration and Nationality Act on criminal grounds, such as a conviction of a serious crime or a violation of controlled substance laws; on security and related grounds, such as engaging in terrorist activity; on the basis of fraud or misrepresentation in the procurement of an immigration benefit or admission into the United States; and those arriving who lack valid documentation to be admitted into the United States.^a
<p>Priority 2 (Misdemeanants and New Immigration Violators):</p> <ul style="list-style-type: none"> Identified as the second-highest priority for apprehension and removal, this category includes aliens who do not also fall into Priority 1, but have either three or more prior misdemeanor convictions, with some exceptions, or have a prior conviction of a “significant misdemeanor,” such as domestic violence, sexual abuse or drug trafficking; those apprehended anywhere in the United States after unlawfully entering who cannot establish that they had been physically present in the United States continuously since January 1, 2014; and those who have been determined to have significantly abused the visa or visa waiver program by U.S. Immigration and Customs Enforcement or U.S. Citizenship and Immigration Services officials. 	<ul style="list-style-type: none"> Those who have been convicted of any criminal offense; Those who have been charged with any criminal offense, where such charge has not been resolved; Those who have committed acts that constitute a chargeable criminal offense Those who have engaged in fraud or willful misrepresentation in connection with any official matter or application before a governmental agency; Those who have abused any program related to receipt of public benefits;
<p>Priority 3 (Other Immigration Violations):</p> <ul style="list-style-type: none"> Identified as the third and lowest priority for apprehension and removal, this category includes aliens who do not otherwise meet Priorities 1 or 2 and have been issued a final order of removal on or after January 1, 2014. 	<ul style="list-style-type: none"> Those who are subject to a final order of removal, but who have not complied with their legal obligation to depart the United States; or Those who, in the judgment of an immigration officer, otherwise pose a risk to public safety or national security.

Source: Dept. of Homeland Security, Policies for Apprehension, Detention and Removal of Undocumented Immigrants (November 20, 2014); Exec. Order No. 13768, §§ 4, 5, 7, 82 Fed. Reg. 8799, 8800 (Jan. 30, 2017) (issued Jan. 25). | GAO-20-36

^aSee 8 U.S.C. §§ 1182(a)(2)-(3), (a)(6)(C), 1225, 1227(a)(2), (a)(4).

The Secretary of Homeland Security issued the 2017 DHS memo to implement Executive Order 13768.¹⁴ According to the 2017 DHS memo, in addition to the priorities outlined in the executive order, the Director of ICE, Commissioner of CBP, and Director of U.S. Citizenship and Immigration Services may allocate resources to prioritize enforcement activities as they deem appropriate, such as by prioritizing enforcement

¹⁴Department of Homeland Security, *Enforcement of the Immigration Laws to Serve the National Interest*, (February 2017).

actions against convicted felons or gang members.¹⁵ ICE issued a memo further directing efforts to implement the executive order and apply the guidance from the 2017 DHS memo. The ICE memo stated that ICE was to review all existing policies and guidance documents and revise or rescind relevant policies in order to ensure consistency with the executive order.¹⁶ In addition, ICE’s Office of the Principal Legal Advisor (OPLA) issued additional guidance to OPLA attorneys to implement the 2017 DHS memo.¹⁷ OPLA is responsible for providing legal advice, training, and services to support the ICE mission, and for defending the interests of the United States in the administrative and federal courts including immigration court proceedings. See figure 1 for a timeline of DHS memoranda and Executive Order establishing immigration enforcement priorities from 2015 to 2018.

Figure 1: Timeline of Department of Homeland Security (DHS) Memoranda and Executive Order Establishing Immigration Enforcement Priorities from 2015 to 2018



Source: GAO analysis of Executive Orders and Department of Homeland Security policy memoranda. | GAO-20-36

^aExec. Order No. 13768, §§ 4, 5, 7, 82 Fed. Reg. 8799, 8800 (Jan. 30, 2017) (issued Jan. 25).

¹⁵The 2017 DHS memo rescinded conflicting directives, memoranda, or field guidance regarding the enforcement of the nation’s immigration laws and priorities for removal to the extent of the conflict, including, the November 2014 memoranda entitled *Policies for the Apprehension, Detention and Removal of Undocumented Immigrants*. The November 2014 memo contained guidance on exercising prosecutorial discretion, and stated that DHS personnel should consider compelling humanitarian factors such as poor health, age, pregnancy, a young child, or a seriously ill relative, among other factors.

¹⁶U.S. Immigration and Customs Enforcement, *Implementing the President’s Border Security and Interior Immigration Enforcement Policies*, (February 2017).

¹⁷U.S. Immigration and Customs Enforcement, *Guidance to OPLA Attorneys Regarding the Implementation of the President’s Executive Orders and the Secretary’s Directives on Immigration Enforcement*, (August 2017).

Prosecutorial Discretion. Prosecutorial discretion is the longstanding authority of an agency charged with enforcing a law to decide where to focus its resources and whether or how to enforce, or not to enforce, the law against an individual.¹⁸ Due to limited resources, ICE cannot respond to all immigration violations or remove all persons who are determined to be in the United States without legal status, and therefore, must exercise prosecutorial discretion in the enforcement of the law. In accordance with the DHS, ICE, and OPLA memos, agents and officers are to exercise prosecutorial discretion on a case-by-case basis based on the individual facts presented in consultation with the head of the field office, and prosecutorial discretion is not to be exercised in a manner that exempts or excludes a specified class or category of foreign nationals from enforcement of the immigration laws.

Agency Roles and Responsibilities

ICE's ERO conducts civil immigration enforcement actions, which includes administrative arrests, detentions, and removals.

Arrests. ERO arrests aliens for civil violations of U.S. immigration laws.¹⁹ Through the Criminal Alien Program, ICE identifies and arrests potentially removable aliens who are incarcerated within federal, state, and local prisons and jails.²⁰ The National Fugitive Operations Program identifies and arrests removable aliens who are at-large.²¹

¹⁸U.S. Immigration and Customs Enforcement, *Guidance to OPLA Attorneys Regarding the Implementation of the President's Executive Orders and the Secretary's Directives on Immigration Enforcement*, (August 2017).

¹⁹These arrests are referred to as administrative arrests. For the purposes of this report and our presentation of ICE data, we refer to administrative arrests as "arrests".

²⁰The Criminal Alien Program provides ICE-wide direction and support in the biometric and biographic identification, arrest, and removal of priority aliens who are incarcerated within federal, state, and local prisons and jails, as well as convicted criminals at-large that have circumvented identification.

²¹The National Fugitive Operations Program provides policy direction, strategic planning, and operational oversight for ERO's efforts to locate, arrest, and reduce the population of at-large removable aliens within the United States. This program provides investigative support to at-large enforcement efforts within the 24 ERO field offices, including 129 fugitive operations teams that prioritize enforcement efforts toward aliens who present a heightened threat to national security and public safety, such as transnational gang members, child sex offenders, and aliens with prior convictions for violent crimes. While ERO is responsible for taking civil immigration enforcement actions, it may also coordinate with local law enforcement entities to, for example, refer for prosecution individuals for criminal violations of federal immigration law, such as illegal reentry after removal, or to effectuate the removal of individuals charged with or convicted of crimes through the Criminal Alien Program.

ICE does not detain all aliens it arrests, due to lack of bed space, among other factors. To inform custody decisions for aliens who are arrested and not subject to mandatory detention, ICE guidance requires officers to consider certain factors, including risk of flight, risk of harm to public safety, and special vulnerabilities.²² For example, individuals with a physical or mental illness or disability, or individuals who fear being harmed in detention based on their sexual orientation or gender identity may be considered for release or alternatives to detention (ATD) based on these special vulnerabilities. The ATD program requires that, among other things, aliens released into the community agree to appear at all hearings and report to ICE periodically.²³

Non-detained Unit. ERO is also responsible for supervising and ensuring that aliens who are not held in detention facilities comply with requirements to appear in immigration court for their administrative removal proceedings. ICE uses one or more release options when it determines that an alien can be released from ICE custody—including bond, order of recognizance, order of supervision, parole, and on condition of participation in the ATD program. Total ATD enrollment numbers ranged from about 29,000 in calendar year 2015 to over 78,000 in calendar year 2018.²⁴ ICE does not track specific characteristics of individuals enrolled in ATD programs, including aliens who are pregnant, nursing, disabled, elderly, primary caregivers of minor children, among others.

ICE may also release aliens on bond or an order of recognizance who do not pose a threat to public safety, present a low risk of flight, and

²²Certain aliens may be subject to mandatory detention, including those arriving in the United States without documentation or with fraudulent documentation, those who are inadmissible or deportable on criminal or national security grounds, those certified as terrorist suspects, and those who have final orders of removal. See 8 U.S.C. §§ 1226, 1226a.

²³Upon the alien's request, an immigration judge may review the alien's placement in ATD in some instances. See 8 C.F.R. § 1236.1(d)(1); *Matter of Aguilar-Aquino*, 24 I. & N. Dec. 747, 753 (B.I.A. 2009).

²⁴ATD enrollment numbers were 29,077 in 2015; 57,518 in 2016; 35,957 in 2017; and 78,408 in 2018.

who are not required to be detained.²⁵ In addition, in rare instances, ICE may release an alien on an order of supervision when there is no significant likelihood of removal in the reasonably foreseeable future.²⁶ For example, ICE may not be able to coordinate travel arrangements for certain aliens with final orders of removal who are from countries with which the United States does not have repatriation agreements. An alien subject to a final order of deportation or removal may also request a stay of deportation or removal.²⁷ ICE may also release certain aliens on parole for urgent humanitarian reasons or significant public benefit, or for a medical emergency or legitimate law enforcement objective, on a case-by-case basis.²⁸

Detentions. ICE is responsible for providing safe, secure, and humane confinement for detained aliens in the United States who may be subject to removal while they await the resolution of their immigration cases or who have been ordered removed from the United States.²⁹ This includes aliens transferred to ICE from CBP who were apprehended at or between ports of entry.³⁰ In fiscal year 2019, ERO oversaw the detention of aliens in 147 facilities authorized to house detainees for over 72 hours. ICE manages these facilities in

²⁵See 8 U.S.C. § 1226; 8 C.F.R. § 1236.1. DHS may set a bond of at least \$1,500, which may also be used in conjunction with other release conditions, such as placement in ATD. In some instances, and upon the alien's request, an immigration judge may redetermine the amount of bond set by DHS. See 8 C.F.R. § 1236.1(d)(1). ICE may also release these aliens on an order of recognizance that requires the alien to abide by specified release conditions but does not require the alien to post a bond.

²⁶See 8 U.S.C. § 1231(a); 8 C.F.R. §§ 241.4, 241.5, 241.13, 241.14. ICE officers determine the frequency with which aliens released on an order of supervision must report to ICE.

²⁷See 8 C.F.R. § 241.6.

²⁸See 8 U.S.C. § 1182(d)(5)(A); 8 C.F.R. §§ 212.5, 235.3(b)(2)(iii).

²⁹The Immigration and Nationality Act, as amended, grants ICE the authority to detain aliens awaiting decisions about their removal from the United States as well as aliens ordered removed, and mandates that ICE detain certain categories of aliens. ICE confines detainees for the administrative purpose of holding, processing, and preparing them for removal from the United States. See 8 U.S.C. §§ 1225, 1226, 1226a, 1231.

³⁰CBP is the lead federal agency charged with keeping terrorists and their weapons, criminals and their contraband, and inadmissible aliens out of the country. Within CBP, the Office of Field Operations inspects individuals at designated U.S. ports of entry to determine their admissibility to the country and U.S. Border Patrol interdicts and apprehends aliens between ports of entry. Ports of entry are facilities that provide for the controlled entry into or departure from the United States.

conjunction with private contractors, state and local governments, and through contract with another federal agency.³¹

Within ERO, ICE Health Service Corps (IHSC) is responsible for providing direct medical, dental, mental health care, and public health services to detainees in 20 facilities authorized to house detainees for over 72 hours. Facilities serviced by IHSC include service processing centers, contract detention facilities, dedicated intergovernmental service agreement facilities, and family residential centers.³² IHSC medical staff are to monitor and implement policy provisions related to pregnant and mentally ill detainees. At detention facilities that are not staffed with IHSC personnel, similar services are provided by local government staff or private contractors and overseen by ICE.

Removals. ICE removes aliens who have been determined to be removable and not eligible for any requested relief or protection pursuant to an administrative final order of removal.³³ A removal is defined as the compulsory and confirmed movement of an inadmissible or deportable alien out of the United States. ICE removals include both aliens arrested by ICE and aliens who were apprehended by CBP and transferred to ICE.

ERO operates across 24 areas of responsibility nationwide and each area of responsibility is led by a field office director. Each ERO field office director is required by ICE policy to designate supervisory level employees to serve, as a collateral duty, as field liaisons for their area of responsibility tasked with monitoring and implementing the provisions of policies for certain selected populations. These field liaison roles include the LGBTI Field Liaison, Child Welfare Field Point of Contact, Supporting Disability Access Coordinator, and Juvenile Coordinator.

In addition to ERO and OPLA, ICE Homeland Security Investigations (HSI) conducts worksite enforcement operations among other law enforcement operations such as oversight of the Student and Exchange

³¹This count does not include CBP holding facilities, hospitals, juvenile facilities, or facilities used by the Office of Refugee Resettlement in the Department of Health and Human Services for the purpose of housing unaccompanied alien children. ICE authorizes facilities to house detainees for up to 72 hours or more than 72 hours. Short-term facilities are intended to temporarily house detainees waiting for ICE transfer.

³²ICE Health Service Corps (IHSC) has the authority to provide health care to detainees, as well as to authorize treatment of detainees in hospitals outside of detention facilities while in ICE custody. See 42 U.S.C. § 249; 42 C.F.R. § 34.7(a).

³³See 8 U.S.C. § 1182, 1227, 1229a; see also 8 C.F.R. § 1241.1.

Visitor program.³⁴ This includes arresting undocumented workers and employers who knowingly hire them. We did not include HSI worksite enforcement arrests in our analysis of ICE arrest data because we were unable to identify the number of unique arrests in these data for the purpose of depicting general arrest trends.

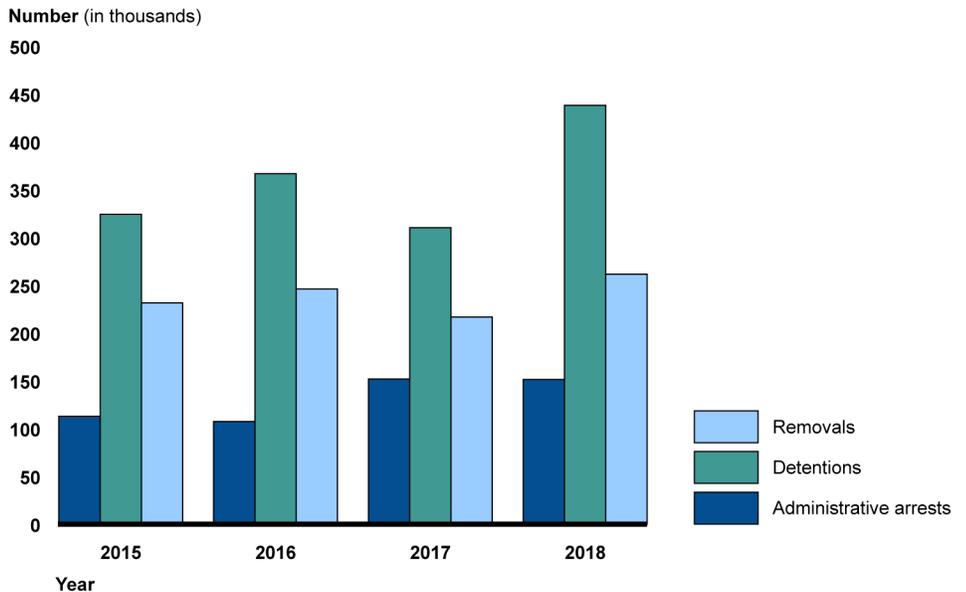
ERO Arrests, Detentions, and Removals Varied during Calendar Years 2015 through 2018, Increasing Overall

ERO arrests, detentions, and removals varied during calendar years 2015 through 2018, and increased overall for the period, as shown in figure 2. Specifically, males, aliens from four countries—Mexico, Guatemala, El Salvador, and Honduras—and convicted criminals accounted for the majority of ICE arrests and removals.³⁵ The majority of ICE detentions were made up of males, aliens from the same four countries, and non-criminals. See appendix II for additional information on ERO arrests, detentions, and removals by gender, country of citizenship, arresting agency, and criminality.

³⁴The Student and Exchange Visitor Program certifies schools authorized to enroll foreign students in academic and vocational programs, and oversees such schools and students.

³⁵For the purposes of this report and our presentation of ICE data, we refer to potentially removable aliens without criminal convictions known to ICE as “non-criminals” and aliens with criminal convictions known to ICE as “convicted criminals.”

Figure 2: Enforcement and Removal Operations Administrative Arrests, Detentions, and Removals, Calendar Years 2015 through 2018



Source: GAO analysis of U.S. Immigration and Customs Enforcement data. | GAO-20-36

Note: Administrative arrests include arrests by ICE’s Enforcement and Removal Operations. Detention and removal data include detentions and removals resulting from both ICE and U.S. Customs and Border Protection arrests.

ERO Arrests. The number of ERO arrests varied from calendar years 2015 through 2018 but increased overall from 112,870 in 2015 to 151,497 in 2018, see figure 2 above.³⁶ Male aliens, citizens of four countries—Mexico, Guatemala, El Salvador and Honduras—and arrests of aliens from state and local jails, through the Criminal Alien Program, accounted for the majority of these arrests each year from 2015 through 2018.³⁷ Further, ERO arrests increased in all ERO areas of responsibility from calendar years 2015 and 2016, when PEP was in effect, to calendar

³⁶We used “number of arrests” rather than “number of aliens arrested” as our unit of analysis because an individual may have been arrested multiple times in the same year. For our analysis, we excluded about 19,000 (2.6 percent) of ICE arrest records that had a missing alien number, invalid alien number, or duplicative alien number and arrest date combinations from calendar years 2015 through 2018. See appendix I for more details.

³⁷See appendix III and appendix IV for additional information on arrests, detentions and removals by gender. Also see appendix V for additional information on arrests of juveniles. See appendix VI for additional information on arrests by country of citizenship.

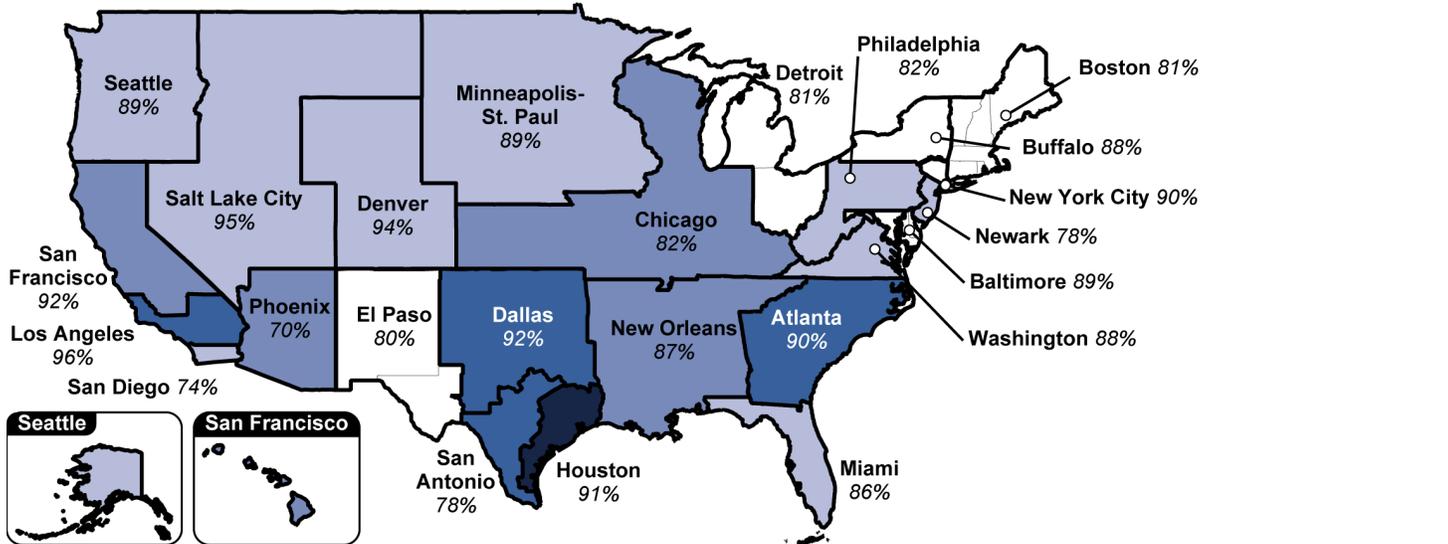
years 2017 and 2018, following implementation of the 2017 DHS memo.³⁸ Arrests of convicted criminals accounted for the majority of arrests in all areas of responsibility during both periods. However, as shown in figure 3, the proportion of arrests of convicted criminals decreased in each area of responsibility due to an increased number of arrests of non-criminals following the implementation of the 2017 DHS memo.³⁹ See appendix II for additional information on ERO arrests by gender, country of citizenship, arresting agency, and criminality.

³⁸These increases ranged from less than 1 percent increase in the Los Angeles area of responsibility to a 99 percent increase in the Miami area of responsibility. See appendix II for additional information on arrests by area of responsibility.

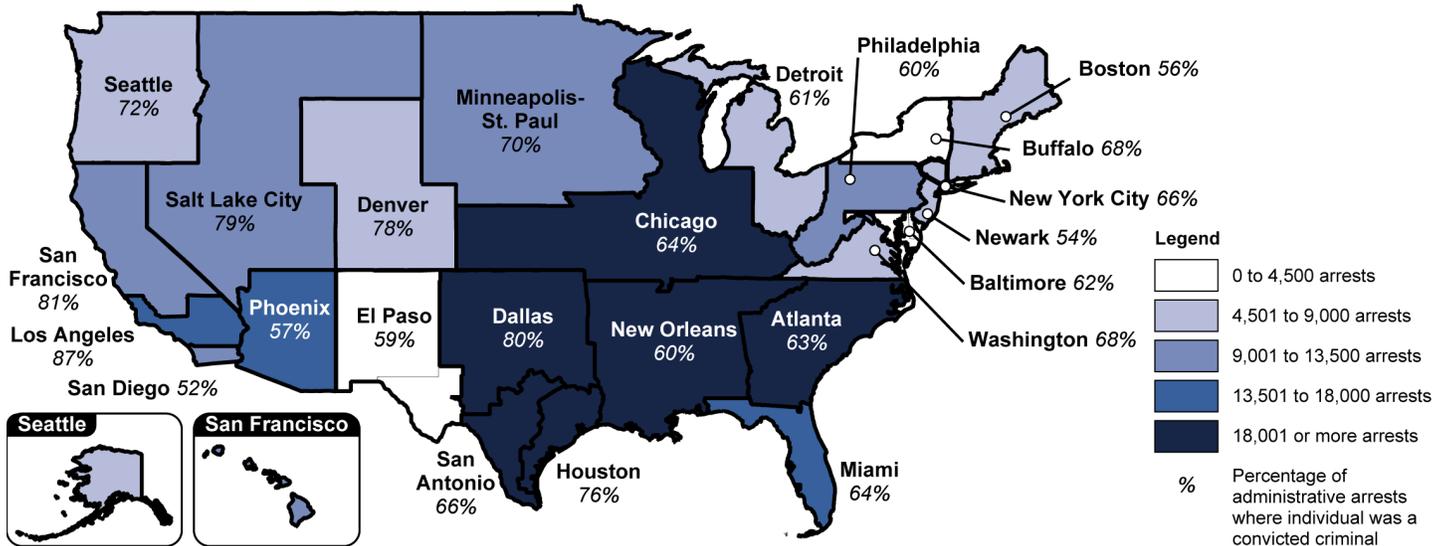
³⁹For the purposes of this report and our presentation of ICE data, we refer to potentially removable aliens without criminal convictions known to ICE as “non-criminals” and aliens with criminal convictions known to ICE as “convicted criminals.” According to ERO officials, administrative arrests of non-criminals include individuals who have been charged with but not convicted of a crime as well as those with no prior criminal history. According to ICE, ICE officers electronically request and retrieve criminal history information about an alien from the FBI’s National Crime Information Center (NCIC) database, which maintains a repository of federal and state criminal history information. ICE officers are also able to manually enter criminal history information in ICE’s data system if they discover additional criminal history information that was not available in NCIC. ICE officers may also check for criminal convictions committed outside the United States, on a case by case basis.

Figure 3: Enforcement and Removal Operations Administrative Arrests by Area of Responsibility, Calendar Years 2015-2016 and 2017-2018

2015-2016



2017-2018



Source: GAO analysis of U.S. Immigration and Customs Enforcement data; MapInfo (map). | GAO-20-36

Notes: Arrest data represent the number of administrative arrests, rather than the number of aliens since an individual could have multiple arrests in the same calendar year. For the purposes of this report and our presentation of ICE data, we refer to potentially removable aliens without criminal convictions known to ICE as “non-criminals” and aliens with criminal convictions known to ICE as “convicted criminals.” According to ICE officials, administrative arrests of non-criminals include individuals who have been charged but not convicted of a crime as well as those with no prior criminal

history. According to ICE, ICE officers electronically request and retrieve criminal history information about an alien from the FBI's National Crime Information Center database, which maintains a repository of federal and state criminal history information, and other sources. We used ICE's determination of criminality for our analysis.

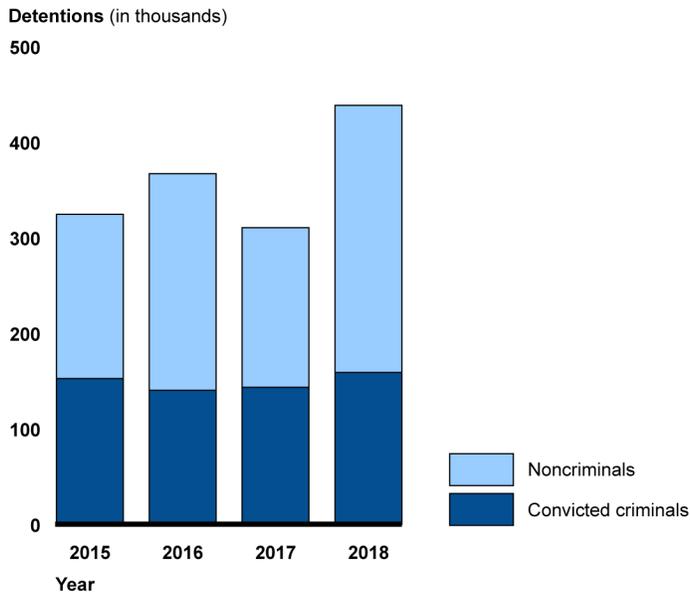
ERO Detentions. The number of ERO detentions varied from calendar years 2015 through 2018 but increased overall from 324,320 in 2015 to 438,258 in 2018.⁴⁰ Male aliens and citizens of four countries—Mexico, Guatemala, El Salvador and Honduras—collectively accounted for most ERO detentions.⁴¹ The majority of detentions resulted from CBP arrests at or between ports of entry.⁴² While the number of ERO detentions of convicted criminals stayed relatively stable from 2015 to 2018, the number of detentions of non-criminals increased from 171,856 in 2015 to 279,469 in 2018 and accounted for the majority of ERO detentions each year, as shown in figure 4. See appendix II for additional information on detentions by gender, country of citizenship, arresting agency, and criminality.

⁴⁰We used “number of detentions” rather than “number of aliens detained” as our unit of analysis because an individual may have been detained multiple times in the same year. For our analysis, we excluded less than one percent of ICE detention records that had a missing alien number, invalid alien number, or duplicative alien number and detention date combinations from 2015 through 2018. See appendix I for more details.

⁴¹See appendix III and appendix IV for additional information on arrests, detentions, and removals by gender. See appendix VII for additional information on detentions by country of citizenship.

⁴²ERO detention data include detentions resulting from both ICE and CBP arrests since ICE is responsible for detaining aliens awaiting decisions about their removal from the United States as well as aliens ordered removed, including aliens transferred to ICE from CBP who were apprehended at or between ports of entry.

Figure 4: Enforcement and Removal Operations Detentions by Criminality, Calendar Years 2015 through 2018



Source: GAO analysis of U.S. Immigration and Customs Enforcement data. | GAO-20-36

Note: Detention data represent the number of detentions, rather than the number of aliens detained since an individual could have multiple detentions in the same calendar year.

For the purposes of this report and our presentation of ICE data, we refer to potentially removable aliens without criminal convictions known to ICE as “non-criminals” and aliens with criminal convictions known to ICE as “convicted criminals.” According to ICE officials, administrative arrests of non-criminals include individuals who have been charged but not convicted of a crime as well as those with no prior criminal history. According to ICE, ICE officers electronically request and retrieve criminal history information about an alien from the FBI’s National Crime Information Center database, which maintains a repository of federal and state criminal history information, and other sources. We used ICE’s determination of criminality for our analysis.

ERO Removals. The number of ERO removals varied from calendar years 2015 through 2018 but increased overall from 231,559 in 2015 to

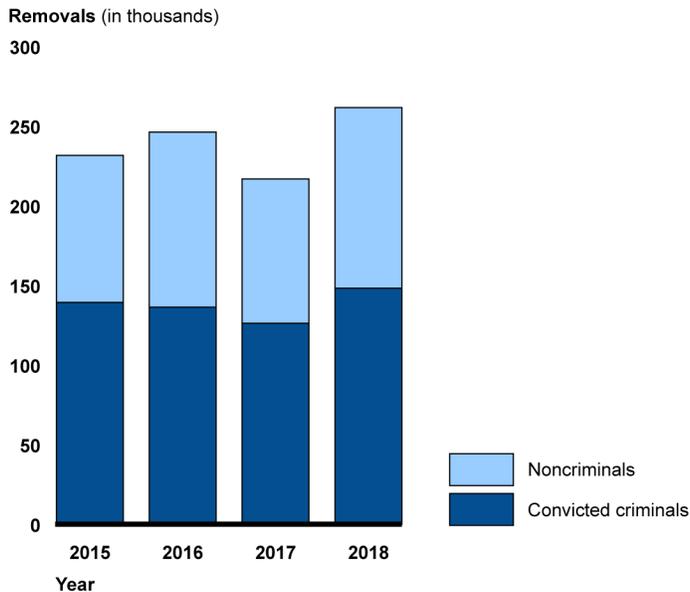
261,523 in 2018.⁴³ Male aliens and citizens of four countries—Mexico, Guatemala, El Salvador and Honduras—collectively accounted for most ERO removals.⁴⁴ The majority of removals resulted from CBP arrests at or between ports of entry.⁴⁵ While removals of both convicted criminals and non-criminals increased overall, removals of convicted criminals accounted for the majority of removals each year, see figure 5. See appendix II for additional information on removals by gender, country of citizenship, arresting agency and criminality.

⁴³We used “number of removals” rather than “number of aliens removed” as our unit of analysis because an individual may have been removed multiple times in the same year. For our analysis, we excluded less than one percent of ICE removal records that had a missing alien number, invalid alien number, or duplicative alien number and removal date combinations from calendar years 2015 through 2018. See appendix I for more details.

⁴⁴See appendix III and appendix IV for additional information on arrests, detentions, and removals by gender. See appendix VIII for additional information on detentions by country of citizenship.

⁴⁵ERO removal data include removals resulting from both ICE and CBP arrests. ERO removals include removals and returns where aliens were transferred to ICE custody from CBP for removal from the United States. This may include aliens processed for expedited removal or voluntary return that are transferred to ICE for detention. Aliens processed for expedited removal and not detained by ERO or voluntarily returned after June 1, 2013 were primarily processed by the U.S. Border Patrol and thus not included in these data.

Figure 5: Enforcement and Removal Operations Removals by Criminality, Calendar Years 2015 through 2018



Source: GAO analysis of U.S. Immigration and Customs Enforcement data. | GAO-20-36

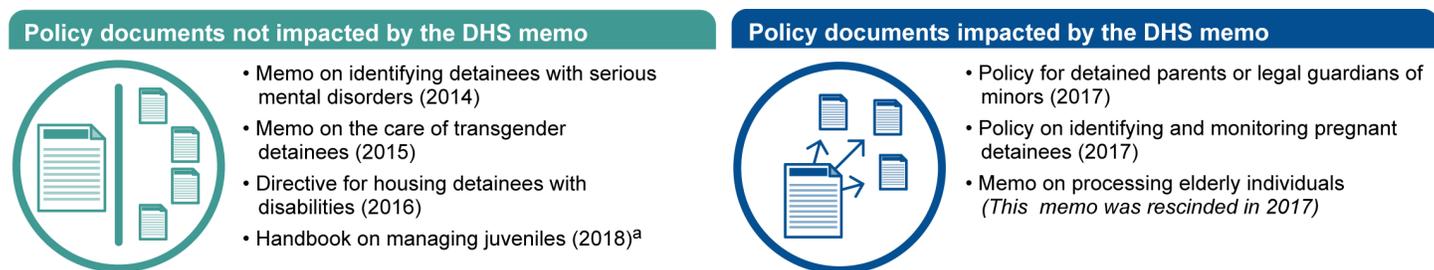
Note: Removal data represent the number of removals, rather than the number of aliens removed since an individual could have multiple removals in the same calendar year. For the purposes of this report and our presentation of ICE data, we refer to potentially removable aliens without criminal convictions known to ICE as “non-criminals” and aliens with criminal convictions known to ICE as “convicted criminals.” According to ICE officials, administrative arrests of non-criminals include individuals who have been charged but not convicted of a crime as well as those with no prior criminal history. According to ICE, ICE officers electronically request and retrieve criminal history information about an alien from the FBI’s National Crime Information Center database, which maintains a repository of federal and state criminal history information, and other sources. We used ICE’s determination of criminality for our analysis.

ICE Has Operational Policies for Certain Selected Populations, and Revised Its Policies As Needed to Align with the 2017 DHS Memo

According to ICE officials, in early 2018, ERO conducted a review of all existing policies and related documents to help ensure alignment with the 2017 DHS memo, resulting in operational policies related to six of the eight selected populations discussed in this report. The six policies in effect as of July 2019 for the selected populations provide direction and guidance to ERO officers on the identification, detention, care, and removal of aliens who are: individuals with mental disorders, transgender, individuals with disabilities, parents of minors, pregnant, and juveniles. Of the six policies in effect, three were not impacted by the 2017 DHS memo and ERO did not make changes to these policies; two were impacted by the 2017 DHS memo and were revised to remove language ERO determined to be inconsistent with the memo; and guidance on managing

juveniles was first issued after the 2017 DHS memo. For the remaining two populations, ERO does not have a separate policy on care provided to detainees who are nursing and as a result of the policy review, rescinded a prior policy related to exercising prosecutorial discretion for elderly individuals, as shown in figure 6.⁴⁶

Figure 6: Status of U.S. Immigration and Customs Enforcement (ICE) Policy Documents for Selected Populations since the 2017 Department of Homeland Security (DHS) Memo, as of June 2019



Source: GAO analysis of U.S. Immigration and Customs Enforcement policy documents. | GAO-20-36

Note: While ICE does not have a policy for detainees who are nursing, the *Women’s Health Directive* (2017) contains guidance related to this population for medical officers in facilities operated by ICE Health Service Corps.

^aICE released this handbook after issuance of the 2017 DHS Memo.

Individuals with Mental Disorders. In May 2014, ICE issued a memo titled *Identification of Detainees with Serious Mental Disorders or Conditions*, which sets forth procedures to assist ICE and detention facility personnel in identifying detainees with serious mental disorders or conditions in order to assess appropriate facility placement and treatment.⁴⁷ To identify individuals with mental disorders, ICE’s national detention standards require facilities to conduct an initial medical

⁴⁶U.S. Immigration and Customs Enforcement, *Humanitarian Resolution Procedures for Elderly Fugitives* (2009) (Rescinded).

⁴⁷The memo states that a detainee has a serious mental disorder or condition if a qualified medical provider determines the detainee has a mental disorder that is causing serious limitations in communication, memory, or general mental or intellectual functioning; or a severe medical condition, such as dementia, that is significantly impairing mental function; or is exhibiting one or more of the following active psychiatric symptoms or behavior: severe disorganization, active hallucinations or delusions, mania, catatonia, severe depressive symptoms, suicidal ideation or behavior, marked anxiety or impulsivity; or a qualified medical provider diagnoses the detainee as demonstrating significant symptoms of one of the following: psychosis or psychotic disorder; bipolar disorder; schizophrenia; major depressive disorder with psychotic features; dementia; or intellectual development disorder.

screening for all detainees, including a documented mental health screening, a 14-day full medical assessment, with mental health components, and timely referral for follow-up mental evaluations, diagnosis, and treatment.⁴⁸ ICE's policy also requires detention facilities to notify ICE field office directors of detainees with specified serious mental disorders. In addition, the policy requires that relevant personnel meet regularly to monitor the cases of detainees with serious mental disorders until their removal or release. ERO officials in all six areas of responsibility we visited said that these meetings are conducted weekly or biweekly with attorneys, medical staff, and ERO management staff to discuss and evaluate the needs of each detainee's medical care and security needs. According to ICE, this memo did not need to be revised to align with the 2017 DHS Memo. Our analysis of ICE data shows that the number of detentions of individuals with mental disorders at IHSC-staffed facilities varied from calendar years 2015 through 2018 but increased overall from 8513 to 8796 individuals.

Transgender Individuals. In June 2015, ICE issued a memo titled *Further Guidance Regarding the Care of Transgender Detainees*, which provides guidance regarding the placement and care of transgender adult detainees in ERO custody. This memo provides guidance for initial processing of transgender detainees who voluntarily disclose their gender identity to detention officers. Further, when a detainee self-identifies as transgender, the memo directs ERO officers to make individualized placement determinations to ensure the detainee's safety, and to ensure the facility chosen for placement is able to provide appropriate care for the individual, and to the extent practicable to consider the availability of medical personnel who have experience providing care and treatment to transgender detainees, including the delivery of hormone therapy.

This memo also directs ERO to designate a National LGBTI Coordinator to serve as the primary point of contact and subject matter expert for ERO regarding the care and treatment of detainees in ERO custody who self-identify as transgender. Specifically, the National LGBTI Coordinator is to evaluate and report information from all relevant ICE data systems regarding the demographics, care, and custody of transgender detainees and ensure field compliance with the provisions of this memo, among other things. Further, each field office is required to have a LGBTI Field

⁴⁸U.S. Immigration and Customs Enforcement, *Performance-Based National Detention Standards 2011* (Revised December 2016); U.S. Immigration and Customs Enforcement, *Serious Mental Disorders or Conditions* (Revised July 2019).

Liaison, appointed by the Field Office Director. The memo directs LGBTI Field Liaisons to provide regular updates to the national ERO LGBTI Coordinator and ERO Headquarters on the progress of implementing and maintaining the provisions of this memo, which includes determining the appropriateness of facilities to house transgender detainees. In addition, the memo requires certain detention facilities to convene a meeting no later than 72 hours after a transgender detainee's arrival to the facility to assess medical, psychological, and housing needs.⁴⁹ During our site visits, officers in three of the six areas of responsibility we visited said that they conduct these meetings with relevant ERO management staff and medical officials in accordance with the memo.⁵⁰

According to ICE officials, the transgender care memo did not need to be revised to align with the 2017 DHS Memo. The transgender care memo states that field office directors may exercise prosecutorial discretion for transgender individuals who are not subject to mandatory detention.⁵¹ Field ERO officers in five of the six areas of responsibility we visited explained that ERO generally does not detain transgender individuals unless their criminal histories warrant detention, in accordance with the memo. Specifically, officers in three of these five areas of responsibility reported that transgender individuals are likely to be released on bond or under an order of supervision. However, in the sixth area of responsibility, one ERO officer observed an increase in the detention of transgender individuals beginning in early 2017, which the official attributed to the revised priorities described in the 2017 DHS memo. In addition, attorneys from three NGOs we met with also observed an increase in the detention of transgender individuals or described ongoing challenges related to a decrease in the availability of dedicated transgender housing facilities.

⁴⁹According to the memo, in determining the appropriateness of facilities to house transgender detainees, ERO officials should consider facilities that have incorporated ICE's guidance for transgender care, and therefore are required to convene these meetings, among other factors.

⁵⁰During our site visit interviews, officers identified policies, practices, and trends that were relevant to their duties. For this example, officers in the other three areas of responsibility did not raise this practice during the course of our interviews, which does not necessarily mean that these officers do not engage in this practice or are required to engage in this practice. For instance, ERO officers in two of these three areas of responsibility reported that there are no facilities that house transgender individuals in their areas of responsibility.

⁵¹Aliens apprehended by ERO may be subject to mandatory detention if they have been convicted of or committed certain removable offenses, such as aggravated felonies, or pose a threat to public safety or national security.

They also provided anecdotes of transgender clients who had been detained or who experienced challenges obtaining access to appropriate medical care while in detention.⁵² Our analysis of ICE data shows that the number of detentions of transgender individuals increased from 237 in calendar year 2016 to 284 in calendar year 2018.

While ICE does not have separate policies for aliens who are lesbian, gay, bisexual, or intersex, the national LGBTI coordinator and LGBTI field liaisons also serve as subject matter experts for the care and treatment of these detainees. In addition, the transgender care memo prohibits discrimination or harassment of any kind based on a detainee's sexual orientation or gender identity. As such, ERO officers may take steps to protect a detainee who expresses safety concerns based on their sexual orientation, according to ERO officials. According to ERO officers in five of the six areas of responsibility we visited, they do not ask detainees about sexual orientation unless the individual voluntarily discloses this information.⁵³ Additionally, ERO officers in the same five areas of responsibility stated that they do not take sexual orientation into consideration for detention or housing decisions, unless an individual specifically requests protective custody due to safety concerns or harassment.

Individuals with Disabilities. In December 2016, ERO issued a directive titled Assessment and Accommodations for Detainees with Disabilities, which establishes policy and procedures for ERO to oversee and communicate with detention facilities on the identification, assessment, and accommodation of detainees with disabilities. According to this directive, ERO field leadership is to notify detention facilities in each area of responsibility of their existing obligations under federal law to accommodate detainees with disabilities. These obligations include maintaining a process to identify these detainees through observation, assessments, screenings, and self-identification; notifying detainees of their right to request accommodations; and establishing a process to

⁵²Anecdotal information provided by NGOs may not be indicative of care provided to transgender detainees at all detention facilities.

⁵³In the sixth area of responsibility we visited, detention facility personnel stated that they specifically ask detainees about their sexual orientation because the privately contracted detention facility requires gay and lesbian detainees to be identified during the initial screening process to determine appropriate housing placement. These officials noted that ICE policy only requires them to ask whether someone identifies as transgender during the initial screening process.

inform a detainee of the final decision on the request for accommodations, including whether the facility will provide alternative accommodations that are equally effective as those requested; among other things.

In addition, this directive requires ERO to designate an ERO disability access coordinator who is to serve as the primary point of contact and subject matter expert for ERO headquarters and the field regarding the accommodation of, and communication with, detainees with disabilities in ERO custody. Among other duties, the ERO disability access coordinator is responsible for evaluating information from all relevant ICE data systems regarding the identification, care, approved accommodations and custody of detainees with disabilities; as well as maintaining records of detainees with communication and mobility impairments, including records of denials of detainee requests for accommodations by facilities. According to the directive, detainees with communication impairments include detainees with hearing, visual, and speech impairments (e.g., detainees who are deaf or hard of hearing, blind, or nonverbal). Detainees with mobility impairments include detainees with physical impairments who require a wheelchair, crutches, prosthesis, cane, other mobility device, or other assistance. Accommodations for these impairments may include accessible showers, Braille material, or note takers for persons with physical and sensory impairments, among other things. The ERO disability access coordinator is also responsible for helping to ensure compliance with the provisions of this directive.

Field office directors are required to appoint at least one supervisory-level employee to serve as the supporting disability access coordinator for each area of responsibility. Supporting disability access coordinators are responsible for serving as the main point of contact for their field office regarding compliance with federal law and DHS, ICE, and ERO regulations, detention standards, policies, and procedures related to detainees with disabilities. Supporting disability access coordinators are also responsible for collaborating and communicating with ERO headquarters, field office, detention facility, and health care personnel to monitor the care and treatment of detainees with disabilities, among other things. In all six areas of responsibility we visited, supporting disability access coordinators and medical staff told us that they track detainees who receive accommodations for communication and mobility impairments by recording the accommodation on a form that they submit to ERO headquarters.

According to ICE, the Assessment and Accommodations for Detainees with Disabilities directive did not need to be revised to align with the 2017 DHS Memo. This directive states that it is meant to implement and complement the requirements of Section 504 of the Rehabilitation Act of 1973 and states that detainees with disabilities will be provided an equal opportunity to access, participate in, or benefit from in-custody programs, services, and activities, and that detainees with disabilities will be provided with auxiliary aids and services as necessary to allow for effective communication.⁵⁴ Further, the directive states that a field office director may consider releasing from ICE custody a detainee with an impairment or disability who is not subject to mandatory detention. ERO officers in five areas of responsibility we visited reported that they consult with the supporting disability access coordinator, medical staff, or a supervisor to determine whether local detention facilities are able to provide appropriate accommodations.⁵⁵ Our analysis of ICE data shows that the number of detentions of individuals with communication and mobility impairments increased from 434 to 530 in calendar years 2017 to 2018.

Parents or Legal Guardians of Minors. In August 2017, ICE issued a policy titled Detention and Removal of Alien Parents or Legal Guardians, which provides guidance regarding the detention and removal of alien parents and legal guardians, including those with children who are U.S. citizens and legal permanent residents and parents with ongoing cases in family court or child welfare proceedings in the United States.⁵⁶ This policy directs ERO to designate a child welfare coordinator to serve as the primary point of contact and subject matter expert for all ICE personnel regarding child welfare issues related to detained alien parents. The child welfare coordinator is also responsible for evaluating information from all relevant ICE data systems regarding detained alien parents or legal guardians of U.S. citizen and legal permanent resident minors and sharing appropriate information with field points of contact, among other things. Specifically, this policy directs field office directors to

⁵⁴See Pub. L. No. 93-112, 87 Stat. 355 (codified as amended at 29 U.S.C. § 794).

⁵⁵In the sixth area of responsibility, the supporting disability access coordinator and medical staff confirmed coordinating with ERO officials to determine if the facility can accommodate the medical needs of the detainee.

⁵⁶These are proceedings in which a family or dependency court or agency adjudicates or enforces the rights of parents or minor child(ren) through determination or modification of parenting plans, child custody, visitation, or support, or the distribution of property or other legal obligations in the context of parental rights.

make appropriate arrangements for detained parents to attend child welfare proceedings. ERO officers in three of the six areas of responsibility we visited stated that they coordinate visits to family courts for the detained parent to appear at these hearings.⁵⁷ The field office director in each area of responsibility is to designate a field point of contact to communicate with the child welfare coordinator and address public inquires related to detained parents or legal guardians in ERO custody.

The August 2017 policy superseded an August 2013 policy titled Facilitating Parental Interests in the Course of Civil Immigration Enforcement Activities, which ERO revised to align with the 2017 DHS memo. In the revised policy, ERO removed language indicating that field office directors should weigh whether an exercise of prosecutorial discretion may be warranted for an alien who is a parent or legal guardian of a U.S. citizen or legal permanent resident minor or is a primary caretaker of a minor, and to exercise such discretion as early as possible. ERO officers in five of the six areas of responsibility we visited stated that they typically do not detain parents of minors, unless criminal history warrants detention.⁵⁸ Attorneys we met with from a NGO that provides services to immigrant families and refugees stated that they have observed an increase in the number and length of detentions of parents or legal guardians of minors since January 2017. We were not able to identify trends in detention of detained parents because ERO does not collect or maintain data on this population in a readily available format.

Pregnant Women. In December 2017, ICE issued a directive titled Identification and Monitoring of Pregnant Detainees, which sets forth policy and procedures to ensure pregnant detainees in ICE custody for immigration violations are identified, monitored, tracked, and housed in an appropriate facility to manage their care. According to ICE policy on

⁵⁷During our site visit interviews, officers identified policies, practices, and trends when we asked them to do so or during the course of our discussion. For this example, officers in the remaining three areas of responsibility did not make this statement during the course of our interviews, which does not necessarily mean that these officers do not engage in this practice.

⁵⁸During our site visit interviews, officers identified policies, practices, and trends when we asked them to do so or during the course of our discussion. For this example, officers in the sixth area of responsibility reported that alien parents of minors who were detained in that area of responsibility were typically transferred from CBP, and that ERO officers may have considered these detainees for release on a case-by-case basis in extraordinary circumstances such as for humanitarian reasons.

women's health, pregnant women are identified upon arrival to a detention facility because all women of childbearing age undergo a pregnancy test during intake processing.⁵⁹ According to the December 2017 directive, IHSC personnel are responsible for notifying the field office director and IHSC headquarters, as soon as practical, when a pregnant detainee is identified; monitoring the condition of pregnant detainees, including the general health of the pregnant detainee and medical condition of the fetus; and communicating with the field office director about any specific risk factors or concerns. In addition, IHSC personnel are to provide oversight and review of facility capabilities to determine if the needs of a pregnant detainee can be accommodated and recommend to the field office director when a transfer to another facility is necessary for appropriate medical care. Further, IHSC personnel are to develop and maintain a system for tracking and monitoring all pregnant detainees.

This policy superseded an August 2016 version with the same title, which ERO revised to align with the 2017 DHS memo, according to ICE officials. In the revised version, ERO removed language stating that absent extraordinary circumstances pregnant women will generally not be detained by ICE. In five of the six areas of responsibility we visited, ERO officers stated that unless mandatory detention is required, they still generally avoid detaining pregnant women. In addition, ERO officers in all six areas of responsibility we visited stated that they are less likely to detain and may release a woman who is having a high risk pregnancy or in the third trimester of her pregnancy. However, an official in the sixth area of responsibility noted that under the revised policy, pregnant women may be detained during the third trimester, if she is likely to be removed quickly and has medical clearance to fly. Officers in two of the six areas of responsibility we visited noted that pregnant women may also be released on bond, under an order of supervision, or other non-detention options, after assessing the facts of the case. Attorneys and policy advocates we met with from three NGOs that represent a range of immigrant populations stated that they have observed increases in the detention of pregnant women since January 2017. Attorneys from another NGO we met with provided anecdotes of cases of pregnant detainees who experienced medical challenges, including miscarriages while in

⁵⁹U.S. Immigration and Customs Enforcement, Enforcement and Removal Operations, ICE Health Service Corps, *Women's Health Services* (August 2017).

custody.⁶⁰ Our analysis of ICE data shows that the number of detentions of pregnant women varied, but increased overall, from 1380 in calendar year 2016 to 2098 in calendar year 2018.

Juveniles. In April 2018, ICE issued the Field Office Juvenile Coordinator Handbook to guide ERO staff in processing, transporting, managing, and removing juveniles—persons encountered by ERO who have not reached 18 years of age. Field office juvenile coordinators, who serve as local subject-matter experts on juvenile matters for each area of responsibility, provide policy guidance to ERO personnel within their areas of responsibility, and assist with case review and custody redeterminations. Field office juvenile coordinators are also required to coordinate with other federal agencies including the Office of Refugee Resettlement,⁶¹ where juveniles designated as unaccompanied alien children are typically transferred.⁶² According to ERO policy, unaccompanied alien children apprehended by ERO or transferred into ERO custody by CBP are to be placed in the care of the Office of Refugee Resettlement within 72 hours of identification, if they are not repatriated at the border.⁶³ The Field Office Juvenile Coordinator Handbook was released after the 2017 DHS memo and aligns with the 2017 DHS Memo.

According to officers in four of the six areas of responsibility we visited, ERO does not target juveniles for arrests, unless they have criminal records. For example, officers we met with in one area of responsibility

⁶⁰GAO has ongoing work on pregnant women in ICE custody. The expected release date is spring 2020. Anecdotal information provided by NGOs may not be indicative of care provided to pregnant detainees at all detention facilities.

⁶¹The Office of Refugee Resettlement is a department within the Department of Health and Human Services that works in collaboration with other federal agencies to assist refugees with integrating into American society or repatriate to their country of birth.

⁶²See 6 U.S.C. § 279(g)(2) (defining “unaccompanied alien child” as a child who has no lawful immigration status in the United States; has not attained 18 years of age; and with respect to whom (1) there is no parent or legal guardian in the United States; or (2) no parent or legal guardian in the United States is available to provide care and physical custody).

⁶³See also 8 U.S.C. § 1232. For additional information on unaccompanied children, see GAO, *Unaccompanied Children: Agency Efforts to Reunify Children Separated from Parents at the Border*, [GAO-19-163](#) (Washington, D.C.: Oct. 9, 2018); GAO, *Unaccompanied Children: HHS Can Take Further Actions to Monitor Their Care*, [GAO-16-180](#) (Washington, D.C.: Feb. 5, 2016); and GAO, *Unaccompanied Alien Children: Actions Needed to Ensure Children Receive Required Care in DHS Custody*, [GAO-15-521](#) (Washington, D.C.: July 14, 2015).

stated that ERO typically does not target juveniles in that location, unless they are affiliated with gangs, because they are unlikely to pose a public safety threat. Our analysis of ICE data shows that the number of arrests of juveniles varied, but increased overall, from calendar years 2015 through 2018.⁶⁴ We excluded juveniles from our analysis of individual ICE detention data because ICE is generally not responsible for detaining juveniles, as discussed above.⁶⁵

Nursing Women. While ICE does not have a separate policy on the care, detention, or removal of women who are nursing, the 2017 Directive on Women’s Health Services provides guidance to IHSC staff on the delivery and administration of health services to this population. According to this directive, women who are nursing are identified during initial processing before being placed into custody at a detention facility because ERO officials and medical personnel are required to ask women if they are breastfeeding. Medical personnel make recommendations pertaining to the detention of women who are nursing, and in most cases, these detainees are placed in IHSC-staffed facilities. IHSC personnel record and use this information to monitor the care and needs of women who are nursing, according to IHSC officials. In five of the six areas of responsibility we visited, officers stated that they typically do not detain women who are nursing, unless their criminal histories warrant detention.⁶⁶ Specifically, health officials in one of the five areas of responsibility explained that if a nursing mother is detained, she is typically released within a few hours or placed on bond or order of supervision. Our analysis of ICE data shows that the number of detentions of nursing women at IHSC-staffed facilities varied from calendar years 2015 through 2018 but increased overall from 157 in 2015 to 381 in 2018.

Elderly Individuals. ICE no longer has a policy guiding the detention or care of elderly detainees. According to ICE guidance on assessing

⁶⁴For additional information on arrests of juveniles by age and gender, see appendix V.

⁶⁵Juveniles not designated as unaccompanied alien children who are apprehended with a parent or legal guardian may be detained with their adult parent in ICE family residential centers. Therefore, juveniles who were detained in ICE family residential centers were included in our overall analysis of ICE detention data.

⁶⁶During our site visit interviews, officers identified policies, practices, and trends when we asked them to do so or during the course of our discussion. For this example, officers in the sixth location did not raise this practice during the course of our interviews which does not necessarily mean that these officers do not engage in this practice.

individuals with special vulnerabilities during the intake process, ICE generally considers someone to be elderly starting at age 65. However, the guidance instructs agents and officers to assess whether these individuals have physical indicators of infirmity or fragility caused by old age when making decisions regarding detaining or releasing them. In February 2018, as part of its effort to align internal policies with the 2017 DHS memo, ERO rescinded a 2009 policy directing officers to administratively close cases of non-criminal fugitives who are 70 years old or older for humanitarian/health reasons.⁶⁷ ERO officers in five of the six areas of responsibility we visited reported that they do not target individuals who are elderly and continue to consider criminal history and medical condition when deciding whether to detain them. For example, officials in one of these five areas of responsibility explained that someone who committed an aggravated felony would be subject to mandatory detention regardless of age, but if the individual has a serious medical condition, such as advanced cancer, ERO may decide to release them from custody because the agency would be responsible for the cost of their medical treatments while they are in custody. Officers in the sixth area of responsibility said they have started to detain individuals who are elderly following the issuance of the 2017 DHS memo, but noted that they coordinate with the courts to expedite these hearings before an immigration judge who may order the release of an elderly detainee. Attorneys we met with from a NGO that provides services to immigrant families and refugees stated that they have observed an increase in detentions of individuals who are elderly, and only those with serious medical issues were considered for release. Our analysis of ICE data shows that the number of detentions of individuals who were elderly varied, increasing overall, from 882 in calendar year 2015 to 1159 in calendar year 2018.

⁶⁷ Administratively closing a case in removal proceedings refers to the practice of temporarily removing a case from the court's active calendar, and unless a party moves to re-calendar an administratively closed case, the case remains indefinitely suspended without a final resolution.

Data Indicate Detentions of Selected Populations Varied, Increasing Overall; but ICE Lacks Readily Available Data on All Detained Parents or Legal Guardians of Minors

Available ICE data show that detentions of most of the selected populations in our review varied between calendar years 2015 and 2018.⁶⁸ Specifically, detentions of transgender individuals and pregnant women increased from calendar years 2016 to 2018, after ICE began collecting data for these populations. Similarly, detentions of individuals with disabilities increased from 2017 to 2018, after ICE began collecting data for this population. Detentions of individuals with mental disorders and nursing women at IHSC-staffed facilities varied from calendar years 2015 to 2018. Finally, detentions of individuals who were elderly varied, increasing overall during the same timeframe. We were unable to obtain data on parents or legal guardians of minors in ICE custody because ICE does not collect or maintain data on this population in a readily available format.

ICE Data Show Detentions of Most Selected Populations Varied, Increasing Overall

Detentions of Transgender Individuals Increased from 2016 through 2018; the Majority Resulted from CBP Arrest and Were Detentions of Non-Criminals

ICE began collecting and maintaining data on transgender individuals who voluntarily disclose their gender identity to ICE officers in November 2015, as previously discussed. ERO officials said they use these data to monitor the placement and care of transgender individuals in ICE custody, in accordance to ICE's memo on Further Guidance Regarding the Care of Transgender Detainees. These data show that the number of detentions of transgender individuals increased from calendar years 2016

⁶⁸We present information on administrative arrests of juveniles in appendix V. We excluded juveniles from our analysis of detention data because ERO is generally not responsible for detaining juveniles. Upon apprehension, ICE transfers juveniles who are designated as unaccompanied alien children to the Office of Refugee Resettlement once they have been processed and placed in immigration proceedings. Juveniles not designated as unaccompanied alien children who are apprehended with a parent or legal guardian may be detained with their adult parent in ICE family residential centers. We also excluded detained parents from this analysis because ICE did not track this information in a readily available format at the time of our review. See appendix IX for the number and type of criminal charges of detentions of selected populations and appendix X for the length of detentions of selected populations.

through 2018, as shown in table 2.⁶⁹ Detentions resulting from CBP arrests accounted for about half of the total detentions of transgender individuals in 2016 and 2017, increasing to 69 percent in 2018.

Also shown in table 2, detentions of non-criminal transgender individuals increased from calendar years 2016 through 2018, increasing from 46 percent of total detentions of transgender individuals in 2016 to 71 percent in 2018. Detentions of non-criminal transgender individuals include both detentions of individuals with pending criminal charges (ranging from 12 to 24 percent) and individuals with no recorded criminal history (ranging from 76 to 88 percent). Detentions resulting from CBP arrests comprised most of these detentions (ranging from 77 to 91 percent). Detentions of transgender individuals with criminal convictions decreased over the same period, and most resulted from ICE arrests (ranging from 71 to 84 percent).

Table 2: Enforcement and Removal Operations Detentions of Transgender Individuals, Calendar Years 2016 through 2018

Calendar Year	CBP				ICE				Total Detentions of Transgender Individuals
	Convicted criminals	Non-criminals		Total	Convicted criminals	Non-criminals		Total	
		Pending criminal charges	No recorded criminal history			Pending criminal charges	No recorded criminal history		
2016	23	5	94	122	105	8	2	115	237
2017	20	9	92	121	102	22	8	132	253
2018	24	8	164	196	58	23	7	88	284

Source: GAO analysis of U.S. Immigration and Customs Enforcement (ICE) data | GAO-20-36

Notes: Transgender data only include individuals who voluntarily disclosed their gender identity to ICE. Our analysis is based on the 228 unique transgender detainee records for 2016, 241 for 2017 and 277 for 2018 that we were able to match to the detention data. The number of detainees may not equal the number of detentions because an individual may have been detained multiple times during a calendar year.

⁶⁹ICE collected data for 232 transgender detainees in calendar year 2016, 274 in 2017, and 304 in 2018. To obtain more information on the characteristics of detention for transgender individuals, we analyzed individual transgender detainee data in conjunction with the ICE detention data. We excluded 4 of the unique transgender detainee records for 2016, 33 for 2017 and 27 for 2018 because we were unable to match these records using alien number and book-in date combinations. According to ICE officials, this may be due to data entry errors. Our analysis is based on the unique transgender detainee records we were able to match: 228 for 2016, 241 for 2017, and 277 for 2018. ICE also recorded 55 transgender detainees in 2015; however, we excluded these records from our analysis since ICE did not collect complete data on this population in 2015.

For the purposes of this report and our presentation of ICE data, we refer to potentially removable aliens without criminal convictions known to ICE as “non-criminals” and aliens with criminal convictions known to ICE as “convicted criminals.” According to ICE officials, administrative arrests of non-criminals include individuals who have been charged with, but not convicted of a crime, (we refer to these as “aliens with pending criminal charges”), as well as those with no prior criminal history, (we refer to these as “aliens with no recorded criminal history”). According to ICE, ICE officers electronically request and retrieve criminal history information about an alien from the FBI’s National Crime Information Center database, which maintains a repository of federal and state criminal history information, and other sources. We used ICE’s determination of criminality for our analysis.

Detentions of Individuals with Disabilities Increased from 2017 to 2018; the Majority Resulted from ICE Arrests and Were Detentions of Convicted Criminals

ICE began collecting and maintaining data on certain detainees with disabilities—i.e., those with communication and mobility impairments—who disclosed their impairment or who were identified by facility staff as having an impairment in January 2017, in accordance with its directive, titled Assessment and Accommodations for Detainees with Disabilities.⁷⁰ These data show that detentions of individuals with disabilities increased from calendar years 2017 to 2018, as shown in table 3.⁷¹ Detentions resulting from ICE arrests accounted for the majority of these detentions (70 percent in 2017 and over 50 percent in 2018).

Also shown in table 3, detentions of convicted criminals with disabilities decreased from calendar years 2017 to 2018, and accounted for the majority of total detentions of this population (67 percent in 2017 and 53

⁷⁰According to the directive, detainees with communication impairments include detainees with physical, hearing, visual, and speech impairments (e.g., detainees who are deaf or hard of hearing, blind, or nonverbal). Detainees with mobility impairments include detainees with physical impairments who require a wheelchair, crutches, prosthesis, cane, other mobility device, or other assistance.

⁷¹ICE collected data for 429 individuals with disabilities—i.e., those with communication and mobility impairments—detained in calendar year 2017 and 517 in 2018. To obtain more information on the characteristics of detention for individuals with disabilities, we analyzed individual detainees with disabilities data in conjunction with the ICE detention data. We excluded 5 of the unique detainee records for 2017, and 1 for 2018 because we were unable to match these records using alien number and book-in date combinations. According to ICE officials, this may be due to data entry errors. Our analysis is based on the unique detainee with disabilities records we were able to match: 424 for 2017, and 516 for 2018. When ICE began collecting these data, it included individuals who were placed in detention prior to January 2017. We excluded 99 records for this reason from our analysis since ICE did not collect complete data on this population prior to January 2017.

percent in 2018). Most of these detentions resulted from ICE arrests (89 percent in 2017 and 72 percent in 2018). Detentions of non-criminals in this population increased from calendar years 2017 to 2018. Detentions of individuals with no recorded criminal history accounted for most detentions of non-criminals in this population (71 percent in 2017 and 79 in 2018 percent), and the majority resulted from CBP arrests (68 percent in 2017 and 74 percent in 2018).

Table 3: Enforcement and Removal Operations Detentions of Individuals with Disabilities, Calendar Years 2017 and 2018

Calendar Year	CBP				ICE				Total Detentions of Individuals with Disabilities
	Convicted criminals	Non-criminals		Total	Convicted criminals	Non-criminals		Total	
		Pending criminal charges	No recorded criminal history			Pending criminal charges	No recorded criminal history		
2017	33	11	87	131	257	31	15	303	434
2018	79	10	174	262	203	40	23	266	530 ^a

Source: GAO analysis of U.S. Immigration and Customs Enforcement (ICE) data | GAO-20-36

Notes: These data only include individuals who disclosed their impairment or who were identified by facility staff as having an impairment. Our analysis is based on the 424 unique detainees with disabilities records for 2017, and 516 for 2018 that we were able to match to the detention data. The number of detainees may not equal the number of detentions because an individual may have been detained multiple times during a calendar year.

For the purposes of this report and our presentation of ICE data, we refer to potentially removable aliens without criminal convictions known to ICE as “non-criminals” and aliens with criminal convictions known to ICE as “convicted criminals.” According to ICE officials, administrative arrests of non-criminal aliens include individuals who have been charged with, but not convicted of a crime, (we refer to these as “aliens with pending criminal charges”), as well as those with no prior criminal history, (we refer to these as “aliens with no recorded criminal history”). According to ICE, ICE officers electronically request and retrieve criminal history information about an alien from the FBI’s National Crime Information Center database, which maintains a repository of federal and state criminal history information, and other sources. We used ICE’s determination of criminality for our analysis.

^aTotal detentions of individuals with disabilities in 2018 include two detentions of non-criminals with pending criminal charges resulting from other agency arrests.

Detentions of Pregnant Women Increased from 2016 through 2018; Most Resulted from CBP Arrests and Most Were Detentions of Non-Criminals

ICE began collecting and maintaining data on pregnant women in ICE's custody in June 2015.⁷² IHSC officials said they use these data to monitor the condition of pregnant women in ICE custody, including the term of the pregnancy, general health of the pregnant detainee, and medical conditions of the fetus, in accordance to ICE's directive on Identification and Monitoring of Pregnant Detainees. These data show that the number of detentions of pregnant women varied, but increased overall from calendar years 2016 through 2018, as shown in table 4.⁷³ Detentions resulting from CBP arrests accounted for most of the total detentions of pregnant women each year (ranging from 90 to 96 percent).

Also shown in table 4, detentions of non-criminal pregnant women varied from calendar years 2016 through 2018, but increased overall. Detentions of non-criminal pregnant women accounted for most of the total detentions of pregnant women each year (ranging from 91 to 97 percent), and detentions of women with no recorded criminal history accounted for almost all of these detentions (ranging from 96 to 99 percent). Detentions of convicted criminal pregnant women also increased overall for the period.

⁷²From August 2013 to June 2015, IHSC collected data on pregnant women at IHSC-staffed facilities only.

⁷³ICE collected data for 1,437 pregnant detainees in 2016, 1,170 in 2017, and 2,126 in 2018. To obtain more information on the characteristics of detention for pregnant women, we analyzed individual pregnant detainee data in conjunction with the ICE detention data. We excluded 60 of the unique pregnant detainee records for 2016, 20 for 2017 and 32 for 2018 because we were unable to match these records using alien number and book-in date combinations. According to ICE officials, this may be due to data entry errors. Our analysis is based on the unique pregnant detainee records we were able to match: 1,377 for 2016, 1,150 for 2017, and 2,094 for 2018. ICE also recorded 675 pregnant detainees in 2015; however, we excluded these records from our analysis since ICE did not collect complete data on this population in 2015.

Table 4: Enforcement and Removal Operations Detentions of Pregnant Women, Calendar Years 2015 through 2018

Calendar Year	CBP				ICE				Total Detentions of Pregnant Women
	Convicted criminals	Non-criminals		Total	Convicted criminals	Non-criminals		Total	
		Pending criminal charges	No recorded criminal history			Pending criminal charges	No recorded criminal history		
2016	22	14	1286	1322	18	3	37	58	1380
2017	33	19	995	1047	48	22	43	113	1160
2018	149	38	1817	2004	33	24	37	94	2098

Source: GAO analysis of U.S. Immigration and Customs Enforcement (ICE) data | GAO-20-36

Notes: Our analysis is based on the 1,377 unique pregnant detainee records for 2016, 1,150 for 2017 and 2,094 for 2018 that we were able to match to the detention data. The number of detainees may not equal the number of detentions because an alien may have been detained multiple times during a calendar year.

For the purposes of this report and our presentation of ICE data, we refer to potentially removable aliens without criminal convictions known to ICE as “non-criminals” and aliens with criminal convictions known to ICE as “convicted criminals.” According to ICE officials, administrative arrests of non-criminals include individuals who have been charged with, but not convicted of a crime, (we refer to these as “aliens with pending criminal charges”), as well as those with no prior criminal history, (we refer to these as “aliens with no recorded criminal history”). According to ICE, ICE officers electronically request and retrieve criminal history information about an alien from the FBI’s National Crime Information Center database, which maintains a repository of federal and state criminal history information, and other sources. We used ICE’s determination of criminality for our analysis.

Detentions of Individuals with Mental Disorders at IHSC-staffed facilities Varied from 2015 through 2018; the Majority Resulted from CBP Arrests and Were Detentions of Non-Criminals

ICE began collecting and maintaining data needed to identify individuals with mental disorders at IHSC-staffed facilities in August 2013.⁷⁴ According to IHSC officials, ICE does not collect these data for non-IHSC staffed facilities, in part because many of these facilities do not have electronic health records. However, IHSC personnel are notified of detainees with mental disorders at non-IHSC staffed facilities and these individuals may be transferred to another facility if the current facility is unable to provide appropriate care. While we were not able to present the overall number of detentions of individuals with mental disorders in ICE custody, we reviewed available ICE data to indicate the number and characteristics of detentions of individuals with mental disorders at IHSC-staffed facilities. These data show that the number of detentions of individuals with mental disorders at IHSC-staffed facilities varied from

⁷⁴In August 2013 IHSC started using a medical records system to record detainee conditions and diagnoses, including mental illness, at IHSC-staffed facilities.

calendar years 2015 through 2018, as shown in table 5.⁷⁵ Detentions resulting from CBP arrests accounted for the majority of these detentions (ranging from 53 to 67 percent) in 2015, 2016, and 2018. In 2017, detentions resulting from ICE arrests accounted for the majority (51 percent) of these detentions.

Also shown in table 5, detentions of non-criminals with mental disorders varied from calendar years 2015 through 2018. These detentions accounted for the majority of total detentions of individuals with mental disorders in 2015, 2016, and 2018 (ranging from about 53 to 58 percent). Detentions of individuals with no recorded criminal history accounted for most detentions of non-criminals for this population (ranging from 79 to 92 percent), and most resulted from CBP arrests (ranging for 77 to 97 percent). Detentions of convicted criminals with mental disorders varied over the period and the majority resulted from ICE arrests (ranging from 71 to 79 percent).

Table 5: Enforcement and Removal Operations Detentions of Individuals with Mental Disorders in ICE Health Service Corps (IHSC)-staffed Facilities, Calendar Years 2015 through 2018

Calendar Year	CBP				ICE				Total Detentions of Individuals with Mental Disorders
	Convicted criminals	Non-criminals		Total	Convicted criminals	Non-criminals		Total	
		Pending criminal charges	No recorded criminal history			Pending criminal charges	No recorded criminal history		
2015	1035	291	4249	5575	2782	69	84	2935	8513^a
2016	1193	318	5130	6641	2951	152	158	3261	9903^b
2017	944	196	3254	4394	3660	680	303	4643	9038^c
2018	1119	167	3392	4678	3054	785	274	4113	8796^d

Source: GAO analysis of U.S. Immigration and Customs Enforcement (ICE) data | GAO-20-36

⁷⁵ICE collected data for 8,129 individuals with mental disorders in IHSC staffed facilities in calendar year 2015; 9,673 in 2016; 9,493 in 2017; and 9,734 in 2018. To obtain more information on the characteristics of detention for these individuals, we analyzed individual detainee with mental disorders data in conjunction with the ICE detention data. We excluded 207 of the unique detainee records with the detention data for 2016, 850 for 2017, and 1,233 for 2018 because we were unable to match these records using alien number and book-in date combinations. According to ICE officials, this may be due to data entry errors. Our analysis is based on the unique detainee with mental disorders records we were able to match: 8,138 for 2015, 9,466 for 2016, 8,643 for 2017, and 8,501 for 2018.

Notes: These data only include individuals with mental disorders detained at IHSC-staffed facilities. Our analysis is based on the 8,138 unique detainee with mental disorders records for 2015, 9,466 for 2016, 8,643 for 2017, and 8,501 for 2018 that we were able to match to the detention data. The number of detainees may not equal the number of detentions because an individual may have been detained multiple times during a calendar year.

For the purposes of this report and our presentation of ICE data, we refer to potentially removable aliens without criminal convictions known to ICE as “non-criminals” and aliens with criminal convictions known to ICE as “convicted criminals.” According to ICE officials, administrative arrests of non-criminals include individuals who have been charged with, but not convicted of a crime, (we refer to these as “aliens with pending criminal charges”), as well as those with no prior criminal history, we refer to these as (“aliens with no recorded criminal history”). According to ICE, ICE officers electronically request and retrieve criminal history information about an alien from the FBI’s National Crime Information Center database, which maintains a repository of federal and state criminal history information, and other sources. We used ICE’s determination of criminality for our analysis.

^aTotal detentions of individuals with mental disorders in 2015 include three detentions of convicted criminals resulting from another agency arrest.

^bTotal detentions of individuals with mental disorders in 2016 include one detention of a convicted criminal resulting from another agency arrest.

^cTotal detentions of individuals with mental disorders in 2017 include one detention of a convicted criminal resulting from another agency arrest.

^dTotal detentions of individuals with mental disorders in 2018 include two detentions of convicted criminals and three detentions of non-criminals with pending criminal charges resulting from another agency arrest.

Detentions of Nursing Women at IHSC-staffed Facilities Varied from 2015 through 2018; Most Resulted from CBP Arrests and Most Were Detentions of Non-Criminals

IHSC began collecting and maintaining data needed to identify women who are nursing at IHSC-staffed facilities, which is where ICE typically detains women who are nursing, in August 2013. These data are used to monitor the care and needs of women who are nursing, according to IHSC officials. While we were not able to present the overall number of detentions of nursing women in ICE custody, we reviewed available ICE data to indicate the number and characteristics of detentions of nursing women at IHSC-staffed facilities. These data show that the number of detentions of nursing women at IHSC-staffed facilities varied from calendar years 2015 through 2018, as shown in table 6.⁷⁶ Detentions resulting from CBP arrests accounted for most of the detentions of women who were nursing each year (ranging from 98 to 99 percent).

⁷⁶ICE collected data for 159 nursing detainees in IHSC staffed facilities in calendar year 2015; 398 in 2016; 567 in 2017; and 386 in 2018. To obtain more information on the characteristics of these detentions, we analyzed individual nursing detainee data in conjunction with the ICE detention data. We excluded 2 of the unique nursing detainee records for 2015, 3 for 2017 and 5 for 2018 because we were unable to match these records using alien number and book-in date combinations. According to ICE officials, this may be due to data entry errors. Our analysis is based on the unique nursing detainee records we were able to match: 157 for 2015, 399 for 2016, 564 for 2017, and 381 for 2018.

Also shown in table 6, detentions of both non-criminal and convicted criminal nursing women at IHSC-staffed facilities varied from calendar years 2015 through 2018. Detentions of non-criminal women who were nursing accounted for most of the total detentions of nursing women at IHSC-staffed facilities each year (ranging from 98 to 99 percent), and detentions of women who were nursing with no recorded criminal history accounted for almost all of these detentions (ranging from 99 to 100 percent), and resulted from CBP arrests (ranging from 98 to 100 percent).

Table 6: Enforcement and Removal Operations Detentions of Nursing Women in ICE Health Service Corps (IHSC)-staffed Facilities, Calendar Years 2015 through 2018

Calendar Year	CBP				ICE				Total Detentions of Nursing Women
	Convicted criminals	Non-criminals		Total	Convicted criminals	Non-criminals		Total	
		Pending criminal charges	No recorded criminal history			Pending criminal charges	No recorded criminal history		
2015	2	1	153	156	1	0	0	1	157
2016	1	4	389	394	2	0	5	7	401
2017	3	0	557	560	3	0	4	7	567
2018	3	2	370	375	0	3	3	6	381

Source: GAO analysis of U.S. Immigration and Customs Enforcement (ICE) data | GAO-20-36

Notes: These data only include nursing women at IHSC-staffed facilities. Our analysis is based on the 157 unique detainee records for 2015, 399 for 2016, 564 for 2017 and 381 for 2018 that we were able to match to the detention data. The number of detainees may not equal the number of detentions because an alien may have been detained multiple times during a calendar year.

For the purposes of this report and our presentation of ICE data, we refer to potentially removable aliens without criminal convictions known to ICE as “non-criminals” and aliens with criminal convictions known to ICE as “convicted criminals.” According to ICE officials, administrative arrests of non-criminals include individuals who have been charged with, but not convicted of a crime, (we refer to these as “aliens with pending criminal charges”), as well as those with no prior criminal history, (we refer to these as “aliens with no recorded criminal history”). According to ICE, ICE officers electronically request and retrieve criminal history information about an alien from the FBI’s National Crime Information Center database, which maintains a repository of federal and state criminal history information, and other sources. We used ICE’s determination of criminality for our analysis.

Detentions of Elderly Individuals Varied from 2015 through 2018; the Majority Resulted from ICE Arrests and Were Detentions of Convicted Criminals

From calendar year 2015 through 2018, ICE collected and maintained data on a detainee’s date of birth and is able to identify whether an individual is elderly, defined as someone who is over 65 years old, by calculating the individual’s age at the time they are detained. ICE does not collect or maintain specific data on whether an individual is elderly because it does not have a separate policy for elderly detainees. Rather, ICE considers an individual’s health, criminal history, and other factors when making detention determinations, according to officials. ICE data show that the number of detentions of individuals who were elderly

varied, but increased overall from calendar years 2015 through 2018, as shown in table 7.⁷⁷ Detentions resulting from ICE arrests accounted for the majority of detentions of individuals who were elderly each year (ranging from 64 to 71 percent).

Also shown in table 7, detentions of both non-criminal and criminal individuals who were elderly varied from calendar years 2015 through 2018, and increased overall. Detentions of convicted criminals accounted for the majority of detentions of individuals who were elderly each year (ranging from 65 to 74 percent) and most of these detentions resulted from ICE arrests (ranging from 82 to 85 percent). Detentions of individuals who were elderly with no recorded criminal history accounted for most detentions of non-criminal individuals who were elderly (ranging from 80 to 91 percent), and the majority resulted from CBP arrests (ranging from 70 to 74 percent).

Table 7: Enforcement and Removal Operations Detentions of Elderly Individuals, Calendar Years 2015 through 2018

Calendar Year	CBP				ICE				Total Detentions of Elderly Individuals
	Convicted criminals	Non-criminals		Total	Convicted criminals	Non-criminals		Total	
		Pending criminal charges	No recorded criminal history			Pending criminal charges	No recorded criminal history		
2015	115	11	164	290	522	11	59	592	882
2016	99	20	128	247	446	10	46	502	749
2017	84	15	127	226	491	25	36	552	778
2018	123	14	282	419	636	60	44	740	1159

Source: GAO analysis of U.S. Immigration and Customs Enforcement (ICE) data | GAO-20-36

Notes: Our analysis is based on the 863 unique elderly detainee records for 2015, 736 for 2016, 763 for 2017 and 1,132 for 2018 that we were able to match to the detention data. The number of detainees may not equal the number of detentions because an individual may have been detained multiple times during a calendar year.

⁷⁷ICE identified 867 elderly detainees (those over 65 years) in calendar year 2015; 739 in 2016; 763 in 2017; and 1,136 in 2018. To obtain more information on the characteristics of the detention of individuals who were elderly, we analyzed individual elderly detainee data in conjunction with the ICE detention data. We excluded 4 of the unique elderly detainee records for 2015, 3 for 2016 and 4 for 2018 because we were unable to match these records using alien number and book-in date combinations. According to ICE officials, this may be due to data entry errors. Our analysis is based on the unique elderly detainee records we were able to match: 863 for 2015, 736 for 2016, 763 for 2017, and 1,132 for 2018.

For the purposes of this report and our presentation of ICE data, we refer to potentially removable aliens without criminal convictions known to ICE as “non-criminals” and aliens with criminal convictions known to ICE as “convicted criminals.” According to ICE officials, administrative arrests of non-criminals include individuals who have been charged with, but not convicted of a crime, (we refer to these as “aliens with pending criminal charges”), as well as those with no prior criminal history, (we refer to these as “aliens with no recorded criminal history”). According to ICE, ICE officers electronically request and retrieve criminal history information about an alien from the FBI’s National Crime Information Center database, which maintains a repository of federal and state criminal history information, and other sources. We used ICE’s determination of criminality for our analysis.

ICE Does Not Readily Know How Many Parents or Legal Guardians of U.S. Citizens and Legal Permanent Resident Minors It Has in Custody

While ICE collects information on detained parents or legal guardians, including those of U.S. citizens and legal permanent resident minors, this information is not maintained in a readily available format that would allow ICE to systematically identify such detained parents and ensure officers are collecting information on this population as required by policy.⁷⁸

According to ICE officials, before making custody determinations, ICE officers are instructed to inquire whether arrested aliens are parents or legal guardians of minors, including parents of U.S. citizen and legal permanent resident minors. ICE officers are to enter this information in a separate tab in the ENFORCE Alien Detention Module, a subsystem within ICE’s data system for recording information about individuals in its custody. This information on detained parents, however, cannot be readily searched to identify all detained parents or legal guardians in custody. Therefore, ICE does not know how many detained parents or legal guardians are in custody, including parents of U.S. citizen and legal permanent resident minors, during any given time.

In accordance with a currently recurring Congressional reporting requirement, ICE generates a semi-annual report on removals of parents of U.S.-born citizen children.⁷⁹ However, officials explained that they must review this information manually to generate the report and added that ICE is not required to report in an aggregate way on detained parents of U.S. citizen or legal permanent residents. ICE also tracks individual cases requiring specific actions, such as arranging transportation for parents to attend child welfare proceedings or accommodating visitation for parents with mandated child visitation schedules. However, according to ICE

⁷⁸See 8 U.S.C. § 1101(a)(20). Legal permanent residents, also known as “green card” holders, are aliens who are lawfully authorized to live and work permanently within the United States. Legal permanent residents may generally accept an offer of employment without special restrictions, own property, receive financial assistance at public colleges and universities, and join the Armed Forces.

⁷⁹See, e.g., S. Rep. 114-264, 114th Cong. (2017) (accompanying Pub. L. No. 115-31, 131 Stat. 135 (2017)).

officials, these parents represent a small proportion of all parents in ICE custody.

ICE's policy on Detention and Removal of Alien Parents or Legal Guardians requires ICE personnel to enter information into ENFORCE once a detained alien has been determined to be a parent or legal guardians of a U.S. citizen or legal permanent resident minor.⁸⁰ As previously mentioned, this policy also requires the Child Welfare Coordinator to evaluate information from all relevant ICE data systems regarding detained parents or legal guardians of minors, including parents of U.S. citizen and legal permanent resident minors, and share appropriate information with the ERO field points of contact.⁸¹ ICE's policy further states that in pursuing the enforcement of U.S. immigration laws against parents of minors, ICE personnel should remain cognizant of the impact enforcement actions may have on U.S. citizen or legal permanent resident minors.

Standards for Internal Control in the Federal Government call for design of any data collection to collect quality information, and for management to use quality information to make informed decisions and evaluate the entity's performance in achieving key objectives and addressing risks. Because information entered into ICE's data system on detained parents or legal guardians, including those of U.S. citizen or legal permanent resident minors, is not maintained in a readily available format, ICE headquarters officials cannot ensure that ICE officers are collecting and entering this information into the system as required by policy. According to ICE officials, the agency had previously considered implementing a system update to readily identify certain detained parents of minors, but as of October 2019 is no longer considering this update. Collecting and maintaining information in a readily available format on detained parents

⁸⁰ICE Policy Number 11064.2: *Detention and Removal of Alien Parents or Legal Guardians* (August 29, 2017); This policy applies generally to all alien parents or legal guardians of minors. However, the requirement to record information in ICE's data system applies only to parents of U.S. citizen or legal permanent resident minors. In addition, *Standards for Internal Control in the Federal Government* call for design of any data collection to collect quality information, and for management to use quality information to make informed decisions and evaluate the entity's performance in achieving key objectives and addressing risks. GAO, *Standards for Internal Control in the Federal Government*, [GAO-14-704G](#) (Washington, D.C.: September 10, 2014).

⁸¹ERO field points of contact serve as the local subject matter experts on these issues and address public inquires related to detained parents or legal guardians, including parents of U.S. citizen or legal permanent resident minors, in ERO custody.

of U.S. citizen or legal permanent resident minors could help ensure that ICE personnel can identify, evaluate, and share information on this population, as required by ICE policy. In addition, collecting and evaluating this information would provide greater transparency regarding the impacts of ICE's enforcement actions on U.S. citizen or legal permanent resident minors.

Conclusions

In 2015, DHS reported that about 12 million aliens were residing in the United States without lawful status or presence, which includes parents of U.S. citizen, legal permanent resident, and alien minors. Through its policies, ICE has established the importance of collecting and maintaining information on detained parents and legal guardians of U.S. citizen and legal permanent resident minors. However, because ICE has not implemented a process to collect or maintain this information in a readily available format, it does not have reasonable assurance that it can identify all detained parents and legal guardians of U.S. citizen and legal permanent resident minors. Therefore, ICE cannot evaluate and share this information and ensure its officers are collecting information on this population in accordance with its policy. Implementing a process to collect and maintain this information in a readily available format would allow ICE to better assess the impacts of its enforcement actions on U.S. citizen and legal permanent resident minors and help improve ICE oversight efforts.

Recommendation for Executive Action

The Director of ICE should implement a process to collect and maintain data in a readily available format on detained parents or legal guardians of U.S. citizen and legal permanent resident minors to ensure that information on this population is entered into ICE's data system as required by policy. (Recommendation 1)

Agency Comments and Our Evaluation

We provided a draft of this report for review and comment to DHS. DHS provided comments, which are reproduced in appendix XI. DHS also provided technical comments, which we incorporated, as appropriate. DHS did not concur with our recommendation.

Specifically, in its comments, DHS stated that data on detained parents or legal guardians of U.S. citizens and legal permanent residents are available to approved EARM users and that we did not identify any problems with the quality of the data. However, as we noted in our report, these data are not readily available because ICE's data on family

relationships, including parents or legal guardians of U.S. citizens and legal permanent resident minors, can only be accessed by manually reviewing each separate case file in EARM. To that end, we or anyone else wishing to do so are unable to determine whether there are problems with the data as ICE is not able to provide aggregate data that would allow us to assess the quality or to report on these data.

In its comments, DHS states that ICE does not have any requirement or need to aggregate data on this particular group and doing so would not better inform ICE's decision making processes. However, as noted in the report, ICE's policy states that in pursuing the enforcement of U.S. immigration laws against parents of minors, ICE personnel should remain cognizant of the impact enforcement actions may have on U.S. citizen or legal permanent resident minors. Without making these data readily available, ICE is not able to account for the overall impact of its enforcement actions on U.S. citizen or legal permanent resident minors whose parents or legal guardians have been detained. Additionally, headquarters and field officials we met with during the course of this review agreed that having this information readily available would be useful. They also explained that ICE was developing a method to better track and report on primary caregivers of children. However, in October 2019, ICE officials stated that the agency is no longer considering this improvement.

We continue to believe that collecting and maintaining information in a readily available format on detained parents or legal guardians of U.S. citizen or legal permanent resident minors could help ensure that ICE personnel can identify, evaluate, and share information on this population, as required by ICE policy. Without such data, ICE headquarters officials cannot ensure that ICE officers are collecting and entering this information into the system as required. In addition, collecting and evaluating this information would provide greater transparency regarding the impacts of ICE's enforcement actions on U.S. citizen or legal permanent resident minors.

We are sending copies of this report to the appropriate congressional committees, and the Acting Secretary of the Department of Homeland Security. In addition, the report is available at no charge on the GAO website at <http://www.gao.gov>.

If you or your staff have any questions about this report, please contact me at (202) 512-8777 or goodwing@gao.gov. Contact points for our

Office of Congressional Relations and Public Affairs may be found on the last page of this report. Key contributors to this report are listed in appendix XII.

Sincerely yours,



Gretta L. Goodwin
Director, Homeland Security and Justice Issues

Appendix I: Objectives, Scope, and Methodology

This appendix provides additional information on our objectives, scope, and methodology. Specifically, our objectives were to examine the following questions:

1. What does ICE data show about ICE arrests, detentions, and removals from calendar years 2015 through 2018?
2. What policies are in effect for selected populations and what changes did ICE make to align these policies with the 2017 DHS memo?
3. To what extent does ICE collect data on selected populations in detention and what do these data show?

To address our first question, we analyzed individual-level data from the U.S. Immigration and Customs Enforcement (ICE) Integrated Decision Support (IIDS) database,¹ to determine the total number of ICE Enforcement and Removal Operations (ERO) administrative arrests (arrests),² detentions, and removals from January 2015 (the start of the Priority Enforcement Program) through December 2018 (to include the first two years for the 2017 DHS Memo).³ ERO conducts civil immigration enforcement actions, which includes arrests for civil violations of U.S. immigration laws, detentions, and removals.

¹According to ICE, the ICE Integrated Decision Support (IIDS) is a data warehouse populated by Enforcement Case Tracking System (ENFORCE) information related to the investigation, arrest, booking detention, and removal of persons encountered during immigration and criminal law enforcement investigations and operations conducted by certain DHS components, namely ICE and U.S. Customs and Border Protection. DHS personnel utilize the ENFORCE applications to enter information into the system. Specifically, officers use the Enforcement Integrated Database Arrest Guide for Law Enforcement to process arrest information, the ENFORCE Alien Removal Module (EARM) to track and support processing and removal of aliens, and the ENFORCE Alien Detention Module, a subsystem within EARM, to track aliens in ICE custody.

²ERO arrests of aliens for civil violations of U.S. immigration laws are referred to as administrative arrests. For the purposes of this report and our presentation of ICE data, we refer to administrative arrests as “arrests”.

³Under the Priority Enforcement Program, which was in effect from January 5, 2015 until February 20, 2017, DHS personnel were directed to exercise prosecutorial discretion to, among other things, prioritize the apprehension, detention, and removal of foreign nationals who pose a threat to national security, border security, and public safety, including convicted felons, as well as new immigration violators and those who had been issued a final order of removal on or after January 1, 2014. In February 2017, the Secretary of Homeland Security issued a memorandum establishing policy and providing guidance related to Executive Order 13768, *Enhancing Public Safety in the Interior of the United States*. Department of Homeland Security, Enforcement of the Immigration Laws to Serve the National Interest, (February 2017).

Arrests. We analyzed individual-level arrest data from IIDS to determine the total number of ERO arrests for each calendar year 2015 through 2018. We examined multiple data fields from the individual-level arrest data, including alien file number, family name, given name, gender, country of citizenship, arrest date, area of responsibility, and criminality, among other variables.⁴ Because aliens may have multiple arrests, we used alien number and arrest date to identify the unique number of arrests rather than the number of unique aliens who were arrested. We excluded from our analysis arrest records that had a missing alien number, an invalid alien number—i.e., that included all zeroes or had duplicate alien number and arrest date combinations—or records that indicated test in the name fields.⁵ We analyzed these data to determine total numbers of arrests by gender, country of citizenship, criminality, arresting program, and area of responsibility.

- To determine the number of arrests by gender, we analyzed IIDS individual-level arrest data. We also analyzed these data to determine the number of arrests by criminality for each gender, using ICE’s determination of criminality for our analysis, as discussed below.
- To determine the number of arrests by country of citizenship, we analyzed IIDS individual-level arrest data. ICE obtains country of citizenship data from arrest reports, which may be based on documentation or self-reported.
- To determine the number of arrests by criminality, we analyzed IIDS individual-level arrest data. For the purposes of this report and our presentation of ICE data, we refer to potentially removable aliens without criminal convictions known to ICE as “non-criminals” and aliens with criminal convictions known to ICE as “convicted criminals.” According to ERO officials, arrests of non-criminals include individuals who have been charged but not convicted of a crime as well as those with no prior criminal history. According to ICE, ICE officers electronically request and retrieve criminal history information about an alien from the FBI’s National Crime Information Center (NCIC) database, which maintains a repository of federal and state criminal history information. ICE

⁴An alien number, or alien file number, is a unique number assigned to a noncitizen’s administrative file for tracking purposes.

⁵From calendar years 2015 through 2018, we excluded 19,377 (about 2.6 percent) total arrest records for these reasons.

officers are also able to manually enter criminal history information in ICE's data system if they discover additional criminal history information that was not available in NCIC. ICE officers may also check for criminal convictions committed outside the United States, on a case-by-case basis. Most of the ICE data we reviewed indicated criminal or non-criminal history, where criminal included convictions, and non-criminal included both pending criminal charges and other immigration violations. Therefore, wherever we referred to criminality, we used ICE's determination of criminality—criminal or non-criminal—for our analysis.

- To determine the number of arrests by arresting program, we analyzed IIDS individual-level arrests data to determine the number of arrests at-large in the communities by ICE's fugitive operations teams and those resulting from an incarceration in federal, state, and local prisons and jails through the Criminal Alien Program.⁶
- To determine the number of arrests by ERO area of responsibility, we analyzed IIDS individual-level arrests data for calendar years 2015 through 2018. We also used these data to calculate the proportion of arrests of convicted criminals by ERO area of responsibility. We compared the number of arrests across the 24 ERO areas of responsibility to examine the differences in enforcement actions between the years the Priority Enforcement Program were in effect (2015-2016) and the years immediately following implementation of the DHS memo (2017-2018). We excluded from our analysis arrest records that had a missing or unknown area of responsibility.⁷

We also analyzed IIDS individual-level arrest data to determine the total number of arrests of juveniles during calendar years 2015

⁶ICE's fugitive operations teams are part of the National Fugitive Operations Program, which provides policy direction, strategic planning, and operational oversight for ERO's efforts to locate, arrest, and reduce the population of at-large removable aliens within the U.S. This program provides investigative support to at-large enforcement efforts within the 24 ERO field offices, including 129 fugitive operations teams that prioritize enforcement efforts toward aliens who present a heightened threat to national security and public safety, such as transnational gang members, child sex offenders, and aliens with prior convictions for violent crimes. The Criminal Alien Program provides ICE-wide direction and support in the biometric and biographic identification, arrest, and removal of priority aliens who are incarcerated within federal, state, and local prisons and jails, as well as convicted criminals at-large that have circumvented identification.

⁷From calendar years 2015 through 2018, we excluded 1,946 (less than one percent) total arrest records for this reason.

through 2018. Because aliens may have multiple arrests, we used alien number and arrest date to identify the unique number of arrests rather than the number of unique aliens who were arrested. We excluded from our analysis arrest records that had a missing alien number, an invalid alien number—i.e., that included all zeroes or had duplicate alien number and arrest date combinations.⁸ We used these data to determine the total number of arrests of juveniles by age and gender.

Detentions. We analyzed individual-level detention data from IIDS to determine the total number of ERO detentions during calendar years 2015 through 2018. We examined multiple data fields from the individual-level detention data, including alien file number, person id, family name, given name, gender, country of citizenship, arresting agency, criminality, detention facility, book-in date, book-out date, release reason, and length of stay, among other variables. Because aliens may have multiple detentions, we used alien number and initial book-in date fields—i.e., the first date the individual is taken into ICE custody—to identify the unique number of detentions rather than the number of unique aliens who were detained. We excluded from our analysis arrest records that had a missing alien number or had an invalid alien number—i.e., that included all zeroes.⁹ We analyzed these data to determine total numbers of detentions by gender, country of citizenship, arresting agency, and criminality.

- To determine the number of detentions by gender, we analyzed IIDS individual-level detention data. We also analyzed these data to determine the number of detentions by arresting agency—ICE or U.S. Customs and Border Protection (CBP)—and criminality for each gender. We included all detentions resulting from both ICE and CBP arrests because ICE is responsible for detaining certain aliens apprehended by CBP at or between ports of entry. To conduct our analysis, we used ICE’s determination of criminality—criminal or non-criminal—which ICE determines by conducting electronic criminal history checks, as previously discussed.
- To determine the number of detentions by country of citizenship, we analyzed IIDS individual-level detention data. ICE obtains

⁸From calendar years 2015 through 2018, we excluded 241 (about 3.8 percent) records of arrests of juveniles for these reasons. We also excluded 13 of these records because we were unable to match them to the overall arrest data.

⁹From calendar years 2015 through 2018, we excluded 11,479 (less than one percent) total detention records for this reason.

country of citizenship data from arrest reports, which may be based on documentation or self-reported.

- To determine the number of detentions by arresting agency, we analyzed IIDS individual-level detention data for detentions resulting from ICE arrests and those resulting from CBP arrests at or between ports of entry.
- To determine the number of detentions by criminality, we analyzed IIDS individual-level detention data. We also examined the extent to which detentions varied by criminality and arresting agency. To conduct our analysis, we used ICE's determination of criminality—criminal or non-criminal—which ICE determines by conducting electronic criminal history checks, as previously discussed.

Removals. We analyzed individual-level removal data from IIDS to determine the total number of ERO removals during calendar years 2015 through 2018. We examined multiple data fields from the individual-level removal data, including alien file number, family name, given name, gender, country of citizenship, criminality, arresting agency, and removal date, among other variables. Because aliens may have multiple removals, we used alien number and removal date to identify the unique number of removals rather than the number of unique aliens. We excluded from our analysis removal records that had a missing alien number, an invalid alien number—i.e., that included all zeroes, or had duplicate alien number and removal date combinations, or records that indicated test in the name fields.¹⁰ We analyzed these data to determine total numbers of removals by gender, country of citizenship, arresting agency, and criminality.

- To determine the number of removals by gender, we analyzed IIDS individual-level removal data. We also analyzed these data to determine the number of removals by arresting agency and criminality for each gender. To conduct our analysis, we used ICE's determination of criminality—criminal or non-criminal—which ICE determines by conducting electronic criminal history checks, as previously discussed.
- To determine the number of removals by country of citizenship, we analyzed IIDS individual-level data. ERO obtains country of citizenship data from arrest reports, which may be based on documentation or self-reported.

¹⁰From calendar years 2015 through 2018, we excluded 5,312 (less than one percent) total removal records for these reasons.

- To determine the number of removals by arresting agency, we analyzed IIDS individual-level removal data for removals resulting from ERO arrests and those resulting from CBP arrests at or between ports of entry.
- To determine the number of removals by criminality, we analyzed IIDS individual-level removal data. To conduct our analysis, we used ICE’s determination of criminality—criminal or non-criminal—which ICE determines by conducting electronic criminal history checks, as previously discussed.

We determined that the data used in each of our analyses were sufficiently reliable for the purposes of this report by analyzing available documentation, such as related data dictionaries; interviewing ICE officials knowledgeable about the data; conducting electronic tests to identify missing data, anomalies, or erroneous values; and following up with officials, as appropriate.

We also analyzed arrest data from Homeland Security Investigations (HSI) worksite enforcement to determine the total number of criminal and administrative arrests conducted by HSI worksite enforcement between January 2015 and December 2018. We were unable to use these data for the purposes of reporting the total number of arrests by HSI worksite enforcement for each calendar year.¹¹ Specifically, we identified combined arrest, charge, and conviction dates in the same field, among other issues, which limited our ability to identify the number of aliens arrested by HSI as a result of worksite enforcement operations each year.

To address our second question, we reviewed a master list of ICE policies and interviewed policy officials to identify policies related to individuals with special vulnerabilities. Based on this review as well as input from nongovernmental organizations (NGOs) that serve or represent various populations, we selected eight populations including aliens who are: lesbian, gay, bisexual, transgender, and intersex (LGBTI), individuals with disabilities, juveniles, parents or legal guardians of minors, pregnant, individuals with mental disorders, women who are nursing, or individuals who are elderly. To identify the changes ICE made to align these policies with the 2017 DHS memo, we reviewed specific provisions in the executive order and implementing memoranda. We then

¹¹ICE’s Homeland Security Investigations (HSI) conducts worksite enforcement operations which include the criminal arrest of employers and administrative arrest of unauthorized workers, among other things.

analyzed existing policies as well as policies that ICE revised or rescinded to align with the 2017 DHS memo, including policies related to prosecutorial discretion and selected populations. We conducted interviews with officials from ICE headquarters offices, including the Office of the Principal Legal Advisor, Office of Policy, Homeland Security Investigations, as well as program officials within ERO, including Domestic Operations, Fugitive Operations, and Custody Management Divisions. We met with six national organizations that serve or represent immigrants as well as six state or regional organizations that serve or represent immigrants in the locations we visited to obtain their perspectives on how the policies affected the individuals they represent. The perspectives of NGOs are not generalizable and may not be indicative of care provided at all detention facilities. We selected these NGOs to reflect a range of types of populations served or represented as well as based on their proximity to ICE areas of responsibility we visited, see table 8 for more information on the organizations we interviewed.

Table 8: Nongovernmental Organizations Interviewed

Organization	Location	Population(s)	Services Provided
The Advocates for Human Rights	National	Immigrants, refugees, and asylum seekers	Represents immigrants and refugees seeking asylum; and advocates for legal reform.
American Immigration Council	National	Immigrants	Focuses on policy, research, and advocacy.
American Immigration Lawyers Association	National	Immigrants and asylum seekers	National association of more than 15,000 attorneys and law professors who practice and teach immigration law. Member attorneys from the American Immigration Lawyers Association represent U.S. families seeking permanent residence for close family members, as well as foreign students, entertainers, athletes, and asylum seekers, often on a pro bono basis.
Catholic Charities Atlanta	Atlanta	Immigrants, refugees, and asylum seekers	Provides low-cost legal representation. Assist eligible immigrants, refugees, asylum seekers and their families obtain legal status, naturalization, and removal defense.
Catholic Legal Immigration Network, Inc.	National	Immigrants	Non-profit organization that supports community-based immigration programs and provides legal representation to low-income immigrants.
Detention Watch Network	National	Immigrants	National coalition of organizations focused on immigration detention issues
Immigration Equality	National	LGBTI immigrants and asylum seekers	Provides legal representation to low-income or indigent LGBTI individuals for asylum and immigration related cases.

Appendix I: Objectives, Scope, and Methodology

Organization	Location	Population(s)	Services Provided
Immigrant Law Center of Minnesota	Minnesota	Immigrants and refugees	Provides immigration legal assistance to low-income immigrants and refugees in Minnesota.
Mid-Minnesota Legal Aid	Minnesota	Mentally ill immigrants	Non-profit law firm that provides professional legal help to Minnesotans who cannot afford the services of a private attorney, and provides representation in court to obtain immigration relief for clients with mental illness and issues of competency.
National Immigrant Justice Center	Illinois, Indiana, Washington, D.C.	Immigrants, refugees, and asylum seekers	Provides direct legal services to and advocates for these populations through policy reform, impact litigation, and public education.
Refugee and Immigrant Center for Education and Legal Services	Texas	Immigrants and refugees	Non-profit agency that provides free and low-cost legal services to underserved immigrant children, families, and refugees in Texas.
Refugee Services of Texas	Dallas	Refugees and asylum seekers	Responsible for implementing the U.S refugee admissions program on behalf of the U.S. Department of State, and provides resettlement services to populations deemed eligible by the Office of Refugee Resettlement, including asylum seekers who are victims of human trafficking.

Source: GAO. | GAO-20-36

We conducted site visits to six selected ICE ERO areas of responsibility (Atlanta, Dallas, Los Angeles, San Diego, St. Paul, and Washington, D.C.) and interviewed ICE officials to obtain their perspectives on the policy revisions. We selected these locations based on the prevalence of arrests in fiscal year 2017, percent changes in arrests from fiscal year 2016 to 2017, and geographical dispersion. Specifically, we identified locations that had the highest arrest numbers in fiscal year 2017 or the largest percentage increases in arrests from fiscal years 2016 to 2017, and then selected locations that provided wide geographical representation. In each location we met with ERO liaisons and officers responsible for monitoring and implementing the provisions of policies for certain selected populations, as well as detention and deportation officers and supervisors who oversee the detention and removal of aliens, including those with special vulnerabilities. We also met with ICE medical staff in areas of responsibility with this position. In one area of responsibility, we limited our visit to a detention facility and met with the staff at that facility due to its proximity to another area of responsibility we visited. The information obtained from these site visits is not generalizable and may not be indicative of care provided to all populations at all detention facilities, but provided insights into how selected ICE areas of responsibility conduct enforcement activities and implement immigration enforcement policies.

To address our third question, we reviewed multiple data sources that ICE uses to track information on certain aliens with special vulnerabilities in detention and matched these data with IIDS individual-level detention data to determine what ICE data show about detentions of selected populations between January 2015 and December 2018. To conduct our analysis, we first excluded records that contained missing alien numbers or alien numbers that were all zeroes.¹² Then, we matched each data source to the IIDS detention data using alien number and excluded additional records we were unable to match. Because aliens may have multiple detentions, we compared the admission or book-in date from each data source with the book-in dates from the IIDS detention data, and excluded additional records with dates beyond 30 days apart. We analyzed this information to determine the total number of detentions for six of the eight selected populations (aliens who are: transgender, individuals with disabilities, pregnant, individuals with mental disorders, nursing, and elderly); and the number of detentions resulting from ICE versus CBP arrests; as well as detentions by criminality and the length of detention for each of these six populations. We excluded juveniles from our analysis because ERO is generally not responsible for detaining juveniles.¹³ To determine the extent to which ICE maintains data on detained parents or legal guardians of minors, we reviewed ICE policies pertaining to detained parents, including those that set forth requirements for tracking detained parents or legal guardians of U.S. citizens and legal permanent resident minors. We also interviewed ERO officials about ICE's data collection processes and any limitations with the data it collects and maintains. We assessed ICE's efforts to track this population against agency policy.¹⁴

¹²Because we excluded these records and analyzed these data at the detention level, the number of detentions may not equal the number of detainees.

¹³Aliens under the age of 18 who are designated as unaccompanied alien children are to be transferred to the Office of Refugee Resettlement within 72 hours after they are determined to be unaccompanied alien children, except in exceptional circumstances. See 6 U.S.C. § 279(g)(2); 8 U.S.C. § 1232. Juveniles not designated as unaccompanied alien children who are apprehended with a parent or legal guardian may be detained for a limited period of time with their adult parent in ICE family residential centers.

¹⁴We also assessed ICE's efforts to track this population against *Standards for Internal Control in the Federal Government*, including the standards related to using quality information to make informed decisions and evaluate the entity's performance in achieving key objectives and addressing risks. GAO, *Standards for Internal Control in the Federal Government*, [GAO-14-704G](#) (Washington, D.C.: September 10, 2014).

To conduct our analysis of criminality for each population, we used ICE’s determination of criminality—criminal or non-criminal—which ICE determines by conducting electronic criminal history checks, as previously discussed. We also analyzed IIDS data on criminal charges for detentions of aliens that resulted from ICE arrests to determine the type of charges (e.g., immigration-related or other criminal charges) associated with these detentions.¹⁵ To conduct our analysis on length of detention, we compared initial book-in date with the most recent book-out date to calculate the total days in detention for each of our selected populations.

- **Transgender Individuals:** We matched ERO records for transgender detainees from calendar years 2016 through 2018 with IIDS individual-level detention data to determine the total number of detentions of transgender individuals, as well as the number of detentions by arresting agency, criminality, and length of detention.¹⁶ We excluded 4 of the unique transgender detainee records for 2016, 33 for 2017 and 27 for 2018. These records were excluded because we were unable to match these records to the IIDS individual level-detention data using alien number and book-in date combinations. According to ICE officials, this may be due to data entry errors. Our analysis is based on those records we were able to match: 228 for 2016, 241 for 2017, and 277 for 2018. ICE also recorded 55 transgender detainees in 2015; however, we excluded these records from our analysis since ICE did not collect complete data on this population in 2015. For the LGBTI population, ICE only collects and maintains data on transgender individuals in detention. Therefore, we were only able to analyze data for this subset of the LGBTI population.
- **Individuals with Disabilities:** We matched ERO records for individuals with communication and mobility impairments in ERO custody during calendar years 2017 and 2018 with IIDS individual-level detention data to determine the total number of detentions of these individuals, as well as the number of detentions by arresting

¹⁵For the purposes of our report, immigration-related convictions or charges encompass those charges identified in IIDS data as immigration fraud, illegal re-entry, illegal entry, false citizenship, alien smuggling, and citations to specific criminal offenses such as 8 U.S.C. §§ 1325 (improper entry by alien) and 1326 (reentry by alien after removal).

¹⁶ICE began collecting and maintaining data on transgender detainees at all detention facilities to monitor the placement and care provided to transgender individuals in ICE custody in November 2015.

agency, criminality, and length of detention.¹⁷ We excluded 5 of the unique detainee records for 2017, and 1 for 2018 because we were unable to match these records to the IIDS individual level-detention data using alien number and book-in date combinations. According to ICE officials, this may be due to data entry errors. Our analysis is based on those records we were able to match: 424 for 2017, and 516 for 2018. When ICE began collecting these data, it included aliens who were placed in detention prior to January 2017. We excluded 99 records for this reason from our analysis since ICE did not collect complete data on this population prior to January 2017.

- **Pregnant Women:** We matched ICE Health Service Corps (IHSC) records for pregnant women in ERO custody during calendar years 2016 through 2018 with IIDS individual-level detention data to determine the total number of detentions of pregnant women, as well as the number of detentions by arresting agency, criminality, and length of detention.¹⁸ We excluded 60 of the unique pregnant detainee records for 2016, 20 for 2017 and 32 for 2018 because we were unable to match these records to the IIDS individual-level detention data using alien number and book-in date combinations. According to ICE officials, this may be due to data entry errors. Our analysis is based on those records we were able to match: 1,377 for 2016, 1,150 for 2017, and 2,094 for 2018. ICE also recorded 675 pregnant detainees in 2015; however, we excluded these records from our analysis since ICE did not collect complete data on this population in 2015.
- **Elderly Individuals:** We analyzed data records in IIDS for elderly individuals (those 65 years or older at the time of initial book-in) in ERO custody during calendar years 2015 through 2018 to determine the total number of detentions of elderly individuals, as well as the number of detentions by arresting agency, criminality, and length of detention. According to ERO, the agency does not maintain separate data records for elderly individuals in ERO custody; however, ERO officials were able to identify these detainees by calculating their age

¹⁷ICE began collecting information on individuals with communication and mobility impairments at all detention facilities in January 2017.

¹⁸From August 2013 through June 2015, ICE Health Service Corps only maintained data on pregnant detainees at IHSC-staffed facilities. IHSC staff recorded these pregnancies in IHSC's medical record systems. From June 2015 to January 2016 ICE used a separate pregnancy tracking spreadsheet maintained by field medical coordinators to track pregnancies in non-IHSC staffed facilities. Beginning in January 2016, ICE implemented a new process to track all pregnancies (at both IHSC and non-IHSC staffed facilities).

at the time they were detained. We excluded 4 of the unique elderly detainee records for 2015, 3 for 2016 and 4 for 2018 because we were unable to match these records to the IIDS individual-level detention data using alien number and book-in date combinations. According to ICE officials, this may be due to data entry errors. Our analysis is based on those records we were able to match: 863 for 2015, 736 for 2016, 763 for 2017, and 1,132 for 2018.

- **Individuals with Mental Disorders and Nursing Women:** We matched IHSC records for individuals with mental disorders and nursing women detained at IHSC-staffed facilities during calendar years 2015 through 2018 with IIDS individual-level detention data to determine the total number of detentions of each of these populations, as well as the number of detentions by arresting agency, criminality, and length of detention. Because ICE did not maintain data on individuals with mental disorders or nursing women detained at the over 200 non-IHSC staffed facilities, our findings for these two populations are not generalizable, but provided valuable insights into these detentions. We excluded 207 of the unique detainee with mental disorders records for 2016, 850 for 2017, and 1,233 for 2018 because we were unable to match these records with the IIDS individual-level detention data using alien number and book-in date combinations. Our analysis is based on the unique detainee with mental disorders records we were able to match: 8,138 for 2015, 9,466 for 2016, 8,643 for 2017, and 8,501 for 2018. Similarly, we excluded 2 of the unique nursing detainee records for 2015, 3 for 2017 and 5 for 2018 for the same reason. Our analysis is based on the unique nursing detainee records we were able to match: 157 for 2015, 399 for 2016, 564 for 2017, and 381 for 2018. According to ICE officials, this may be due to data entry errors.

We assessed the reliability of the data used in each of our analyses by analyzing available documentation, such as related data dictionaries; interviewing ERO officials knowledgeable about the data; conducting electronic tests to identify missing data, anomalies, or erroneous values; and following up with officials, as appropriate. We determined the data were sufficiently reliable for depicting general trends in detentions for the selected populations.

We conducted this performance audit from November 2017 to December 2019 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe

that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Appendix II: Enforcement and Removal Operations Arrests, Detentions, and Removals, 2015-2018

This appendix presents:

- The number of Enforcement and Removal Operations (ERO) administrative arrests (arrests) by gender, country of citizenship, ICE enforcement program, criminality, and area of responsibility from calendar years 2015 through 2018.¹
- The number of detentions by gender, country of citizenship, arresting agency, and criminality from calendar years 2015 through 2018.
- The number of removals by gender, country of citizenship, arresting agency, and criminality from calendar years 2015 through 2018.

We analyzed individual-level Immigration and Customs Enforcement (ICE) data to identify ERO arrests, detentions, and removals during calendar years 2015 through 2018.

Arrests

The Number of Arrests Varied during the Period, Increasing Overall. The number of ERO arrests varied from calendar years 2015 through 2018, and increased more than 30 percent overall for the 4-year period (from 112,870 arrests in 2015 to 151,497 arrests in 2018).² During the two years Priority Enforcement Program (PEP) was in effect, the number of ERO arrests varied little, decreasing 5 percent from 2015 to 2016. Following issuance of the 2017 DHS memo, ERO arrests increased 41 percent from 2016 to 2017, and stayed relatively the same from 2017 to 2018.

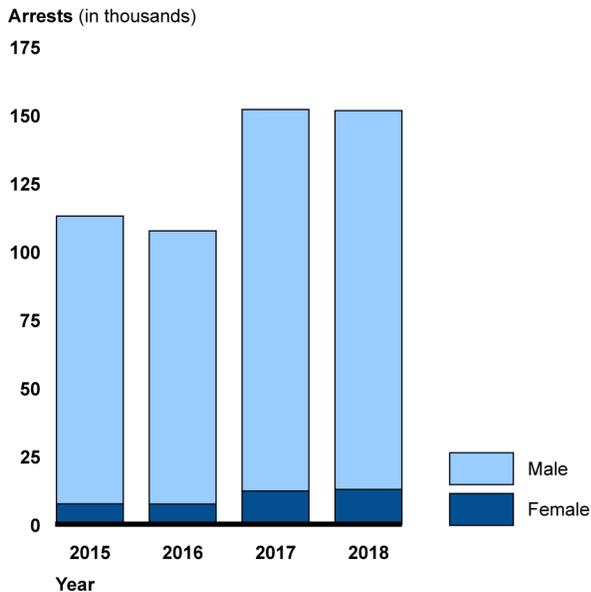
Arrests by Gender. Each year from calendar years 2015 through 2018, arrests of males accounted for the majority of ERO arrests (ranging from 92 to 93 percent), as shown in figure 7.³

¹ERO arrests of aliens for civil violations of U.S. immigration laws are referred to as administrative arrests. For the purposes of this report and our presentation of ICE data, we refer to administrative arrests as “arrests”.

²We used “number of arrests” rather than “number of aliens arrested” as our unit of analysis because an individual may have been arrested multiple times in the same year. For our analysis, we excluded over 19,000 (about 2.6 percent) of ICE arrest records that had a missing alien number, invalid alien number (e.g. all zeros), or duplicative alien number and arrest date combinations from calendar years 2015 through 2018. See appendix I for more details.

³See appendix III and appendix IV for additional information on arrests, detentions and removals by gender. Also see appendix V for additional information on arrests of juveniles.

Figure 7: Enforcement and Removal Operations Administrative Arrests by Gender, Calendar Years 2015 through 2018



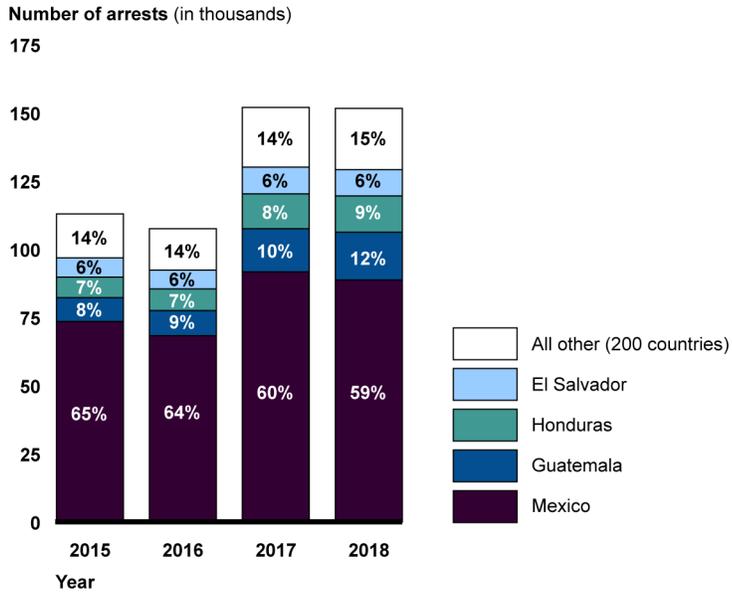
Source: GAO analysis of U.S. Immigration and Customs Enforcement data. | GAO-20-36

Note: Arrest data represent the number of administrative arrests, rather than the number of aliens since these aliens could have multiple arrests in the same calendar year. We excluded incomplete arrest records for which gender was not recorded, which ranged between 5 and 36 records during calendar years 2015 through 2018.

Arrests by Country of Citizenship. Each year from 2015 through 2018, ERO arrests of citizens of Mexico, Guatemala, El Salvador, and Honduras collectively accounted for about 86 percent of all ERO arrests, with individuals from Mexico accounting for the majority (ranging from 59 to 65 percent), as shown in figure 8. All other individual countries collectively accounted for about 14 to 15 percent of total arrests each year.⁴

⁴Country of citizenship information is based on an individual's self-reported citizenship to ICE. Arrest data do not represent the number of unique aliens arrested since these aliens could have multiple arrests during the reporting period. See appendix VI for additional information on arrests by country of citizenship.

Figure 8: Enforcement and Removal Operations Administrative Arrests by Country of Citizenship, Calendar Years 2015 through 2018



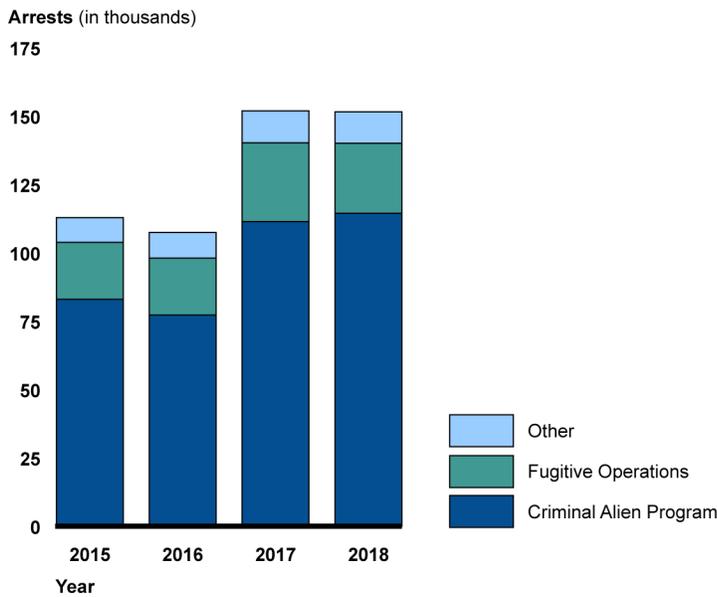
Source: GAO analysis of U.S. Immigration and Customs Enforcement data. | GAO-20-36

Arrests by ICE Enforcement Program. Arrests of individuals from federal, state and local prisons and jails, through the Criminal Alien Program, accounted for the majority (ranging from 72 to 76 percent) of ERO arrests each calendar year from 2015 through 2018, as shown in figure 9.⁵ Arrests of individuals at-large through Fugitive Operations (ranging from 17 to 19 percent) and other programs accounted for the

⁵The Criminal Alien Program provides ICE-wide direction and support in the biometric and biographic identification, arrest, and removal of priority aliens who are incarcerated within federal, state, and local prisons and jails, as well as convicted criminals at-large that have circumvented identification.

balance of the arrests each year.⁶ Criminal Alien Program arrests also accounted for most of the increase in ERO arrests in calendar years 2017 and 2018 (see figure 9).

Figure 9: Enforcement and Removal Operations Administrative Arrests by Enforcement Program, Calendar Years 2015 through 2018



Source: GAO analysis of U.S. Immigration and Customs Enforcement data. | GAO-20-36

Notes: Other enforcement programs include alternatives to detention and non-detained programs, such as those in which individuals are released under order of supervision or their own recognizance, among others.

Arrest data represent the number of administrative arrests, rather than the number of aliens since these aliens could have multiple arrests in the same calendar year.

Arrests by Criminality. As shown in figure 10, the number and proportion of ERO arrests of non-criminals aliens increased each year

⁶ICE's fugitive operations teams are part of the National Fugitive Operations Program, which provides policy direction, strategic planning, and operational oversight for ERO's efforts to locate, arrest, and reduce the population of at-large removable aliens within the U.S. Other ICE enforcement programs include alternatives to detention and non-detained programs, such as those in which individuals are released under order of supervision or their own recognizance, among others. ICE may supervise individuals in these programs using various mechanisms including GPS monitoring, and individuals are typically required to report to ICE on a recurring schedule. ICE may arrest individuals in these programs for various reasons including individuals who absconded or violated the conditions of the program.

from calendar years 2015 through 2018. For the purposes of this report and our presentation of ICE data, we refer to potentially removable aliens without criminal convictions known to ICE as “non-criminals” and aliens with criminal convictions known to ICE as “convicted criminals.”⁷

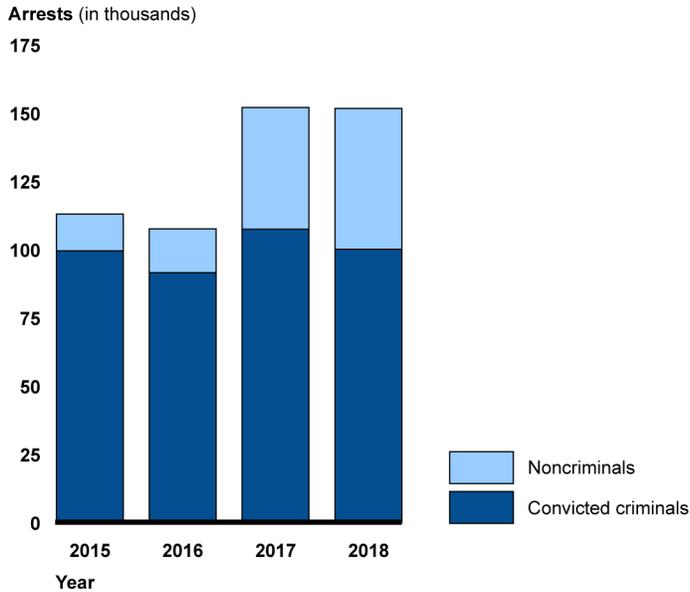
Specifically, the arrests of non-criminals increased from 13,494 (12 percent of total arrests) in 2015 to 51,513 (34 percent of total arrests) in 2018.⁸ According to ERO officials, arrests of non-criminals include individuals who have been charged with but not convicted of a crime as well as those with no prior criminal history.

The number of ERO arrests of convicted criminals stayed relatively stable from calendar years 2015 to 2018, ranging between about 91,000 and 107,000. Each of these years, arrests of convicted criminals comprised the majority of total arrests, but decreased from 88 percent in 2015 to 66 percent in 2018. Most arrests of convicted criminals resulted from the Criminal Alien Program (ranging from 76 to 80 percent), followed by Fugitive Operations (ranging from 15 to 19 percent).

⁷According to ICE, ICE officers electronically request and retrieve criminal history information about an alien from the FBI’s National Crime Information Center (NCIC) database, which maintains a repository of federal and state criminal history information. ICE officers are also able to manually enter criminal history information in ICE’s data system if they discover additional criminal history information that was not available in NCIC. ICE officers may also check for criminal convictions committed outside the United States, on a case by case basis.

⁸Arrests of non-criminals through the Criminal Alien Program increased from 7,683 in 2015 to 34,475 in 2018. Arrests of non-criminals through Fugitive Operations increased from 2,386 in 2015 to 11,014 in 2018.

Figure 10: Enforcement and Removal Operations Administrative Arrests by Criminality, Calendar Years 2015 through 2018



Source: GAO analysis of U.S. Immigration and Customs Enforcement data. | GAO-20-36

Notes: Arrest data represent the number of administrative arrests, rather than the number of aliens since these aliens could have multiple arrests in the same calendar year. For the purposes of this report and our presentation of ICE data, we refer to potentially removable aliens without criminal convictions known to ICE as “non-criminals” and aliens with criminal convictions known to ICE as “convicted criminals.” According to ICE officials, administrative arrests of non-criminals include individuals who have been charged with but not convicted of a crime as well as those with no prior criminal history. According to ICE, ICE officers electronically request and retrieve criminal history information about an alien from the FBI’s National Crime Information Center database, which maintains a repository of federal and state criminal history information, and other sources. We used ICE’s determination of criminality for our analysis.

Arrests by Areas of Responsibility. The number of ERO arrests increased in all ERO areas of responsibility when comparing calendar years 2015 and 2016, when PEP was in effect, to calendar years 2017 and 2018, following implementation of the 2017 DHS memo. These increases ranged from less than 1 percent increase in the Los Angeles area of responsibility to a 99 percent increase in the Miami area of responsibility.⁹ Arrests of convicted criminals accounted for the majority of

⁹In the Los Angeles area of responsibility, ERO arrests increased from 15,551 arrests for 2015 and 2016 combined compared to 15,601 arrests for 2017 and 2018 combined. In the Miami area of responsibility, ERO administrative arrests increased from 7,877 arrests for 2015 and 2016 combined compared to 15,636 arrests for 2017 and 2018 combined.

Appendix II: Enforcement and Removal
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2015-2018

total arrests in all areas of responsibility. However, the proportion of arrests of convicted criminals to total arrests decreased in all areas of responsibility from 2015 and 2016 to 2017 and 2018. This decrease is partially due to the increase in the number of ERO arrests of non-criminals in all areas of responsibility during these years.

Table 9 presents total numbers of ERO arrests for each of ERO's 24 areas responsibility nationwide. It also presents the percentage of arrests of convicted criminals by area of responsibility for calendar years 2015 and 2016 combined and calendar years 2017 and 2018 combined.

Table 9: Enforcement and Removal Operations Administrative Arrests by Area of Responsibility, Calendar Years 2015 through 2018

Area of Responsibility	2015		2016		2017		2018	
	Number of Arrests	% of arrests where an individual was a convicted criminal	Number of Arrests	% of arrests where an individual was a convicted criminal	Number of Arrests	% of arrests where an individual was a convicted criminal	Number of Arrests	% of arrests where an individual was a convicted criminal
Atlanta	9,585	94%	8,193	86%	15,563	64%	14,461	61%
Baltimore	1,111	93%	1,281	85%	1,732	67%	1,624	57%
Boston	1,627	84%	1,899	79%	2,976	58%	2,848	55%
Buffalo	1,183	91%	1,152	86%	1,525	70%	1,507	65%
Chicago	6,659	85%	6,787	78%	9,148	67%	8,944	60%
Dallas	7,830	94%	10,047	90%	16,220	83%	16,982	77%
Denver	2,285	96%	2,276	93%	2,904	81%	2,578	74%
Detroit	2,224	85%	2,256	77%	3,602	65%	3,554	56%
El Paso	1,774	83%	1,481	76%	1,929	66%	2,137	54%
Houston	13,319	90%	12,713	93%	13,972	79%	14,037	73%
Los Angeles	8,283	96%	7,268	95%	8,612	87%	6,989	87%
Miami	4,301	87%	3,576	84%	6,660	68%	8,976	60%
New Orleans	4,742	91%	5,111	84%	9,014	61%	9,918	59%
New York City	2,024	93%	1,636	85%	2,862	70%	3,298	62%
Newark	2,331	81%	2,230	74%	3,503	56%	3,221	51%
Philadelphia	4,127	80%	3,418	85%	5,369	60%	4,781	60%
Phoenix	6,753	72%	5,196	68%	6,707	63%	6,841	52%
Salt Lake City	4,560	95%	4,404	94%	5,379	82%	5,811	76%
San Antonio	9,871	82%	7,781	74%	8,339	69%	10,032	63%
San Diego	3,670	72%	3,612	75%	5,979	48%	4,312	59%

**Appendix II: Enforcement and Removal
Operations Arrests, Detentions, and Removals,
2015-2018**

Area of Responsibility	2015		2016		2017		2018	
	Number of Arrests	% of arrests where an individual was a convicted criminal	Number of Arrests	% of arrests where an individual was a convicted criminal	Number of Arrests	% of arrests where an individual was a convicted criminal	Number of Arrests	% of arrests where an individual was a convicted criminal
San Francisco	6,260	92%	6,454	92%	7,321	81%	5,760	80%
Seattle	2,827	88%	2,684	91%	3,409	74%	2,886	70%
St. Paul	2,287	95%	2,757	84%	4,522	71%	4,552	68%
Washington	2,865	92%	2,965	84%	4,339	69%	4,406	66%

Source: GAO analysis of U.S. Immigration and Customs Enforcement (ICE) data | GAO-20-36

Note: For the purposes of this report and our presentation of ICE data, we refer to potentially removable aliens without criminal convictions known to ICE as “non-criminals” and aliens with criminal convictions known to ICE as “convicted criminals.” According to ICE officials, administrative arrests of non-criminals include individuals who have been charged with but not convicted of a crime as well as those with no prior criminal history. Convicted criminals are aliens without lawful status who have criminal convictions known to ICE. According to ICE, ICE officers electronically request and retrieve criminal history information about an alien from the FBI’s National Crime Information Center database, which maintains a repository of federal and state criminal history information, and other sources. ICE uses this information to determine the criminality level of the individuals- convicted criminal or non-criminal. We used ICE’s determination of criminality for our analysis.

Detentions

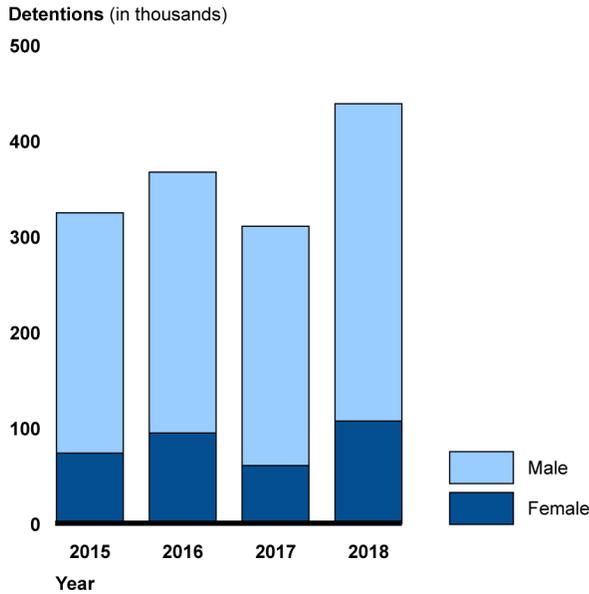
The Number of Detentions Varied, Increasing Overall. The number of ERO detentions varied from calendar years 2015 through 2018, and increased more than 30 percent overall for the 4-year period (from 324,320 detentions in 2015 to 438,258 detentions in 2018).¹⁰ ERO detention data include detentions resulting from both ICE and CBP arrests.¹¹ During the two years PEP was in effect, the number of ERO detentions increased 13 percent, from 324,320 in 2015 to 366,740 in 2016. Following issuance of the 2017 DHS memo, ERO detentions decreased 15 percent from 2016 to 2017 (from 366,740 to 310,309 detentions), and increased 41 percent from 2017 to 2018 (to 438,258 detentions).

¹⁰We used “number of detentions” rather than “number of aliens detained” as our unit of analysis because an individual may have been detained multiple times in the same year. For our analysis, we excluded less than one percent of ICE detention records that had a missing alien number, invalid alien number (e.g. all zeros), or duplicative alien number and detention date combinations from 2015 through 2018. See appendix I for more details.

¹¹ICE is responsible for detaining aliens awaiting decisions about their removal from the United States as well as aliens ordered removed, including aliens transferred to ICE from CBP who were apprehended at or between ports of entry.

Detentions by Gender. Each year from calendar years 2015 through 2018, detentions of males accounted for the majority of ERO detentions (ranging from 74 to 81 percent), as shown in figure 11.¹²

Figure 11: Enforcement and Removal Operations Detentions by Gender, Calendar Years 2015 through 2018



Source: GAO analysis of U.S. Immigration and Customs Enforcement data. | GAO-20-36

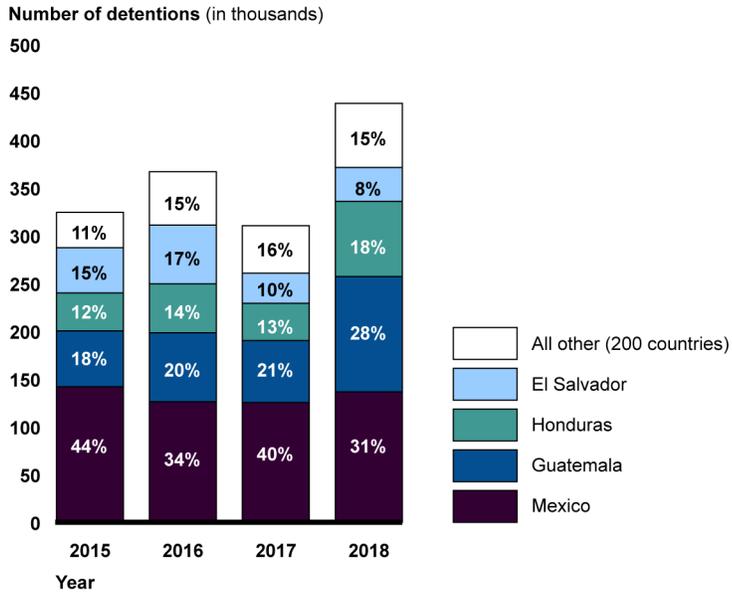
Note: Detention data represent the number of detentions, rather than the number of aliens detained since these aliens could have multiple detentions in the same calendar year. We excluded incomplete detention records for which gender was not recorded which ranged between 23 and 50 records during calendar years 2015 through 2018.

Detentions by Country of Citizenship. Each year from 2015 through 2018, ERO detentions of citizens of Mexico, Guatemala, El Salvador, and Honduras collectively accounted for the most detentions (ranging from 84 to 89 percent). All other individual countries collectively accounted for 11 to 16 percent of total detentions each year, as shown in Figure 12.¹³

¹²See appendix III and appendix IV for additional information on arrests, detentions, and removals by gender.

¹³Country of citizenship information is based on an individual's self-reported citizenship to ICE. Detention data do not represent the number of unique alien detainees since these aliens could have multiple detentions during the reporting period. See appendix VII for additional information on detentions by country of citizenship.

Figure 12: Enforcement and Removal Operations Detentions by Country of Citizenship, Calendar Years 2015 through 2018

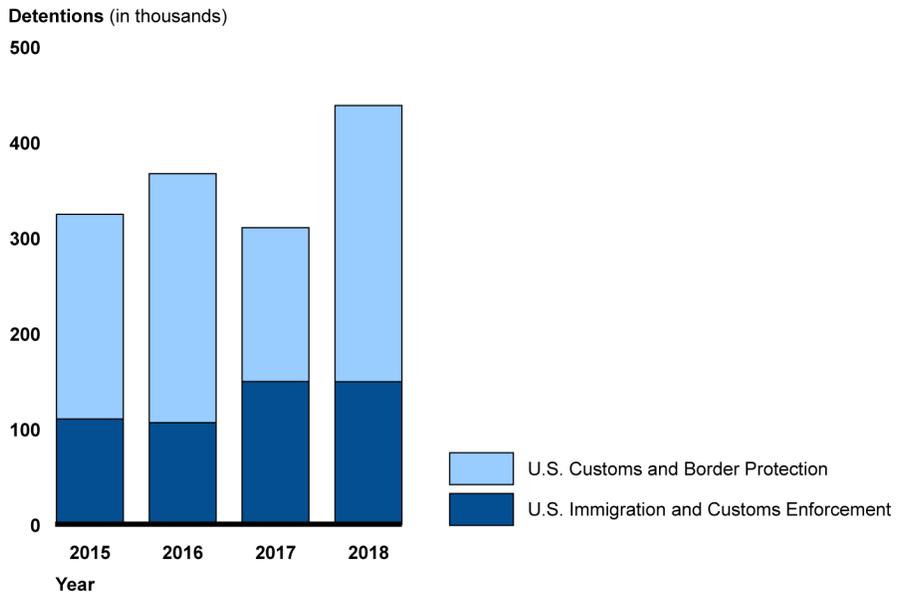


Source: GAO analysis of U.S. Immigration and Customs Enforcement data. | GAO-20-36

Detentions by Arresting Agency. Detentions resulting from CBP arrests at or between ports of entry accounted for the majority of ERO detentions each year from calendar years 2015 through 2018 (ranging from 52 to 71 percent). Detentions resulting from CBP arrests also accounted for most of the variation in detentions from year to year, as shown in figure 13.¹⁴ Detentions resulting from ICE arrests varied little from 2015 to 2016, increased in 2017, and then varied little from 2017 to 2018.

¹⁴CBP recorded the lowest level of illegal cross-border migration on record in fiscal year 2017, as measured by apprehensions along the border and inadmissible encounters at U.S. ports of entry. Nationwide, CBP recorded 337,117 apprehensions in fiscal year 2015, 415,816 in fiscal year 2016, 310,531 in fiscal year 2017, and 404,142 in fiscal year 2018. CBP recorded 225,342 inadmissible encounters in fiscal year 2015, 274,821 in fiscal year 2016, 216,370 in fiscal year 2017, and 279,036 in fiscal year 2018.

Figure 13: Enforcement and Removal Operations Detentions by Arresting Agency, Calendar Years 2015 through 2018



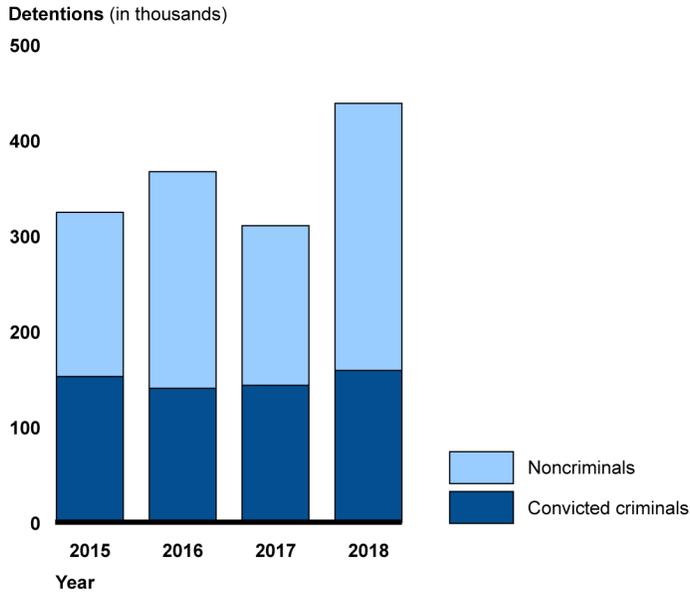
Source: GAO analysis of U.S. Immigration and Customs Enforcement data. | GAO-20-36

Note: Detention data represent the number of detentions, rather than the number of aliens detained since these aliens could have multiple detentions in the same calendar year. Because ERO does not detain all individuals arrested by ICE components, the number of detentions that resulted from ICE administrative arrests did not equal the total number of ICE arrests in each year. This figure excludes records with “other” for arresting agency (ranging from 26 to 195 records for the above years) because this field was not populated at the time of arrest due to internal database limitations, according to ICE.

Detentions by Criminality. As shown in figure 14, the number of ERO detentions of non-criminals varied, but increased overall from calendar years 2015 to 2018. These detentions accounted for the majority of total ERO detentions each year (ranging from 53 to 64 percent). The variation in the number of detentions of non-criminals was partially due to fluctuations in detentions that resulted from CBP arrests.

The number of ERO detentions of convicted criminals stayed relatively stable from 2015 to 2018, and accounted for the minority of total ERO detentions (ranging from 36 to 47 percent). The majority of these detentions resulted from ICE arrests (ranging from 64 to 76 percent) rather than CBP arrests.

Figure 14: Enforcement and Removal Operations Detentions by Criminality, Calendar Years 2015 through 2018



Source: GAO analysis of U.S. Immigration and Customs Enforcement data. | GAO-20-36

Note: Detention data represent the number of detentions, rather than the number of aliens detained since these aliens could have multiple detentions in the same calendar year.

For the purposes of this report and our presentation of ICE data, we refer to potentially removable aliens without criminal convictions known to ICE as “non-criminals” and aliens with criminal convictions known to ICE as “convicted criminals.” According to ICE officials, administrative arrests of non-criminals include individuals who have been charged with but not convicted of a crime as well as those with no prior criminal history. According to ICE, ICE officers electronically request and retrieve criminal history information about an alien from the FBI’s National Crime Information Center database, which maintains a repository of federal and state criminal history information, and other sources. We used ICE’s determination of criminality for our analysis.

Removals

The Number of Removals Varied, Increasing Overall. The number of ERO removals varied from calendar years 2015 through 2018, and increased 13 percent overall for the 4-year period (from 231,559 removals in 2015 to 261,523 removals in 2018). ERO removal data include removals

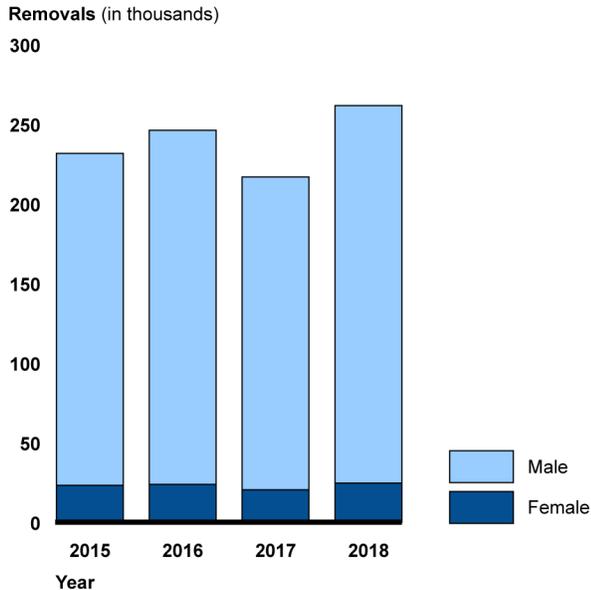
resulting from both ICE and CBP arrests.¹⁵ During the two years PEP was in effect, the number of ERO removals varied little, increasing 6 percent from 2015 to 2016. Following issuance of the 2017 DHS memo, ERO removals decreased 12 percent in 2017, and increased 21 percent from 2017 to 2018.

Removals by Gender. Removals of male aliens accounted for most of ERO removals (about 90 percent) each year from calendar years 2015 through 2018, as shown in figure 15.¹⁶

¹⁵ERO removals include removals and returns where aliens were transferred to ICE custody from CBP for removal from the United States. This may include aliens processed for expedited removal or voluntary return that are transferred to ICE for detention. Aliens processed for expedited removal and not detained by ERO or voluntary returned after June 1, 2013 were primarily processed by the U.S. Border Patrol and thus not included in these data. We used “number of removals” rather than “number of aliens removed” as our unit of analysis because an individual may have been removed multiple times in the same year. For our analysis, we excluded less than one percent of ICE removal records that had a missing alien number, invalid alien number (e.g. all zeros), or duplicative alien number and removal date combinations from calendar years 2015 through 2018. See appendix I for more details.

¹⁶See appendix III and appendix IV for additional information on arrests, detentions, and removals by gender.

Figure 15: Enforcement and Removal Operations Removals by Gender, Calendar Years 2015 through 2018



Source: GAO analysis of U.S. Immigration and Customs Enforcement data. | GAO-20-36

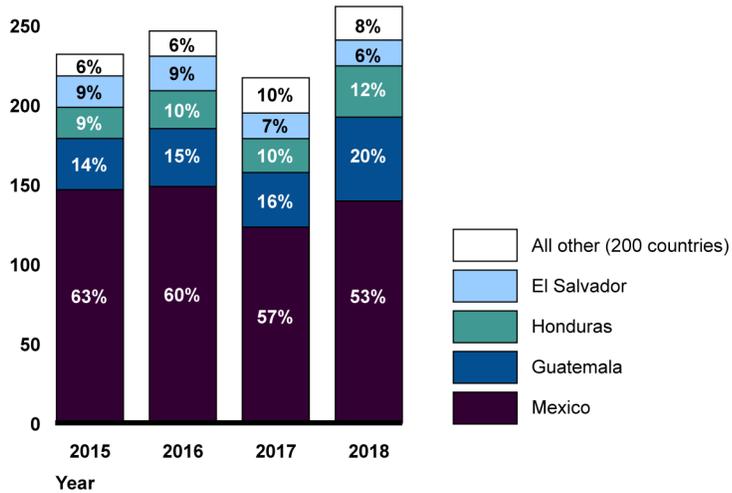
Note: Removal data represent the number of removals, rather than the number of aliens removed since these aliens could have multiple removals in the same calendar year. We excluded incomplete removal records for which gender was not recorded, which ranged between 12 and 35 records during calendar years 2015 through 2018.

Removals by Country of Citizenship. In addition, from calendar years 2015 through 2018, ERO removals of citizens of Mexico, Guatemala, El Salvador, and Honduras collectively accounted for most of the removals each year (ranging from 90 to 94 percent). Citizens of all other countries collectively accounted for 6 to 10 percent of total removals each year, as shown in figure 16.¹⁷

¹⁷Country of citizenship information is based on an individual's self-reported citizenship to ICE. Removal data do not represent the number of unique aliens removed since these aliens could have multiple removals during the reporting period. See appendix VIII for additional information on removals by country of citizenship.

Figure 16: Enforcement and Removal Operations Removals by Country of Citizenship, Calendar Years 2015 through 2018

Number of removals (in thousands)
300

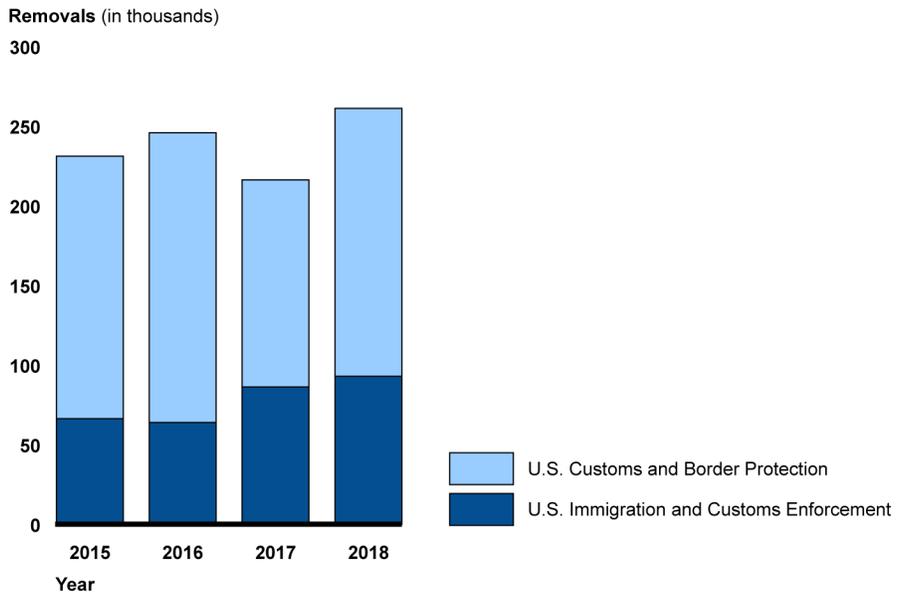


Source: GAO analysis of U.S. Immigration and Customs Enforcement data. | GAO-20-36

Removals by Arresting Agency. Each year, removals resulting from CBP arrests at or between ports of entry accounted for the majority of total ERO removals (ranging from 60 to 74 percent). ERO removals resulting from CBP arrests also accounted for most of the variation in total removals from year to year, as shown in figure 17.¹⁸

¹⁸According to ICE, the decrease in total removal numbers from 2016 to 2017 was primarily due to the decline in border apprehensions in 2017. This decline in border apprehensions contributed to the decrease in total removal numbers because the majority of aliens arriving at the border are processed under the provisions of expedited removal and are removed quickly, while aliens arrested in the interior are more likely to have protracted immigration proceedings and appeals, which delays the issuance of an executable final order of removal. These cases also frequently require a more complex and lengthy process to obtain travel documents, further delaying the process.

Figure 17: Enforcement and Removal Operations Removals by Arresting Agency, Calendar Years 2015 through 2018



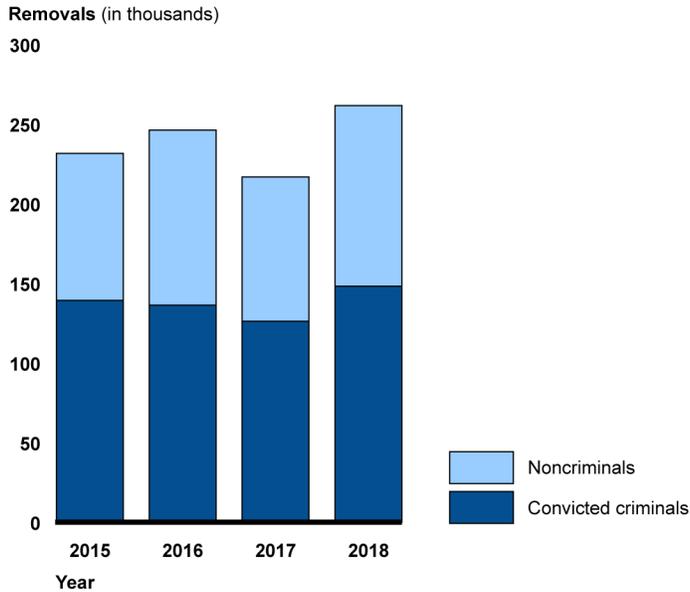
Source: GAO analysis of U.S. Immigration and Customs Enforcement data. | GAO-20-36

Notes: Removal data represent the number of removals, rather than the number of aliens removed since these aliens could have multiple removals in the same calendar year. This figure excludes records with “other” for arresting agency (ranging from 371 to 589 records for the above years) because this field was not populated at the time of arrest due to internal database limitations, according to ICE.

Removals by Criminality. The number and proportion of ERO removals of non-criminals varied, but increased overall, from calendar years 2015 through 2018, as shown in figure 18. Specifically, removals of non-criminals increased from 40 percent of total removals in 2015 to 43 percent of total removals in 2018. Most removals of non-criminals resulted from CBP arrests (ranging from 80 to 95 percent), rather than ICE arrests.

ERO removals of convicted criminals varied, increasing overall, from calendar years 2015 to 2018, and accounted for the majority of total ERO removals each year (ranging from 55 to 60 percent). Removals of convicted criminals resulted from CBP and ICE arrests at approximately equal levels.

Figure 18: Enforcement and Removal Operations Removals by Criminality, Calendar Years 2015 through 2018



Source: GAO analysis of U.S. Immigration and Customs Enforcement data. | GAO-20-36

Note: Removal data represent the number of removals, rather than the number of aliens removed since these aliens could have multiple removals in the same calendar year. For the purposes of this report and our presentation of ICE data, we refer to potentially removable aliens without criminal convictions known to ICE as “non-criminals” and aliens with criminal convictions known to ICE as “convicted criminals.” According to ICE officials, administrative arrests of non-criminals include individuals who have been charged with but not convicted of a crime as well as those with no prior criminal history. According to ICE, ICE officers electronically request and retrieve criminal history information about an alien from the FBI’s National Crime Information Center database, which maintains a repository of federal and state criminal history information, and other sources. We used ICE’s determination of criminality for our analysis.

Appendix III: Enforcement and Removal Operations Arrests, Detentions, and Removals of Males, 2015-2018

This appendix presents the overall number of Enforcement and Removal Operations (ERO) administrative arrests (arrests), detentions, and removals of males from calendar years 2015 through 2018, including the number of arrests by criminality and the number of detentions and removal by criminality and arresting agency.¹ We analyzed individual-level Immigration and Customs Enforcement (ICE) data to identify ERO arrests, detentions, and removals of males during calendar years 2015 through 2018.

Arrests

The Number of Arrests of Males Generally Increased. The number of ERO arrests of males varied from calendar years 2015 through 2018 but generally increased by 32 percent across the period, as shown in figure 19.² During the two years the Priority Enforcement Program (PEP) was in effect, between calendar years 2015 and 2016, the number of ERO arrests remained stable, decreasing by about 5 percent in that period. The following year, after the issuance of the 2017 DHS memo in February 2017, ERO arrests increased by about 40 percent from calendar years 2016 to 2017, and decreased by less than 1 percent in calendar year 2018.

Arrests of Males by Criminality. During the same time, the proportion of ERO arrests of convicted criminal males decreased each year from 90 percent of total arrests of males in calendar year 2015 to 69 percent in calendar year 2018, as shown in figure 19.³ For the purposes of this report and our presentation of ICE data, we refer to potentially removable aliens without criminal convictions known to ICE as “non-criminals” and

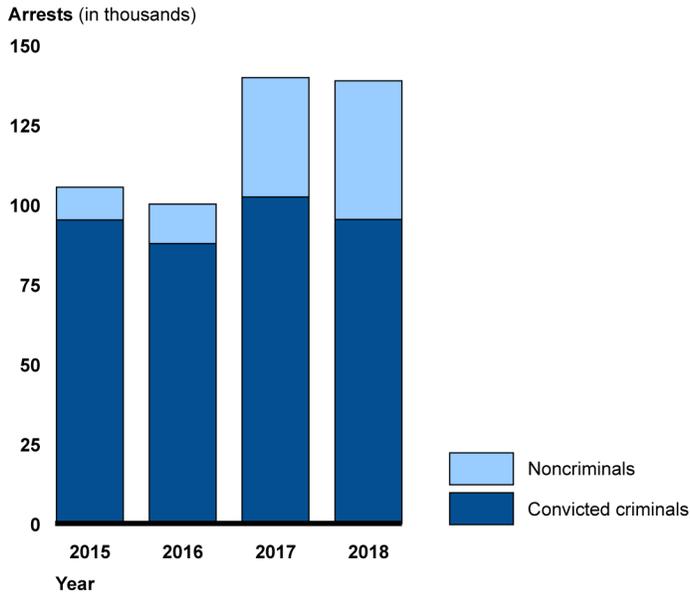
¹ERO arrests of aliens for civil violations of U.S. immigration laws are referred to as administrative arrests. For the purposes of this report and our presentation of ICE data, we refer to administrative arrests as “arrests”.

²We use “number of arrests” rather than “number of aliens arrested” as our unit of analysis because an individual may be arrested multiple times in the same year. For our analysis, we excluded ICE arrest records that had a missing alien number, invalid alien number (e.g. all zeros), or duplicative alien number and arrest date combinations. See appendix I for more details.

³According to ICE, to determine criminality, ICE officers electronically request and retrieve criminal history information about an alien from the FBI’s National Crime Information Center (NCIC) database, which maintains a repository of federal and state criminal history information. ICE officers are also able to manually enter criminal history information in ICE’s data system if they discover additional criminal history information that was not available in NCIC. ICE officers may also check for criminal convictions committed outside the United States, on a case-by-case basis.

aliens with criminal convictions known to ICE as “convicted criminals.” Conversely, the proportion of ERO arrests of non-criminal males increased each year, from 10 percent of total arrests of males in calendar year 2015 to 31 percent of total arrests in calendar year 2018. According to officials, arrests of non-criminals include individuals who have been charged with but not convicted of a crime as well as those with no prior criminal history.

Figure 19: Enforcement and Removal Operations Administrative Arrests of Males by Criminality, Calendar Years 2015 through 2018



Source: GAO analysis of U.S. Immigration and Customs Enforcement data. | GAO-20-36

Note: Arrest data represent the number of administrative arrests, rather than the number of aliens since these aliens could have multiple arrests in the same calendar year.

For the purposes of this report and our presentation of ICE data, we refer to potentially removable aliens without criminal convictions known to ICE as “non-criminals” and aliens with criminal convictions known to ICE as “convicted criminals.” According to ICE officials, administrative arrests of non-criminals include individuals who have been charged with but not convicted of a crime as well as those with no prior criminal history. According to ICE, ICE officers electronically request and retrieve criminal history information about an alien from the FBI’s National Crime Information Center database, which maintains a repository of federal and state criminal history information, and other sources. We used ICE’s determination of criminality for our analysis.

Detentions

Detentions of Males Increased Overall. The number of ERO detentions varied from calendar years 2015 through 2018, but increased overall by 32 percent over the period, as shown in figure 20.⁴ ERO detention data include detentions resulting from both ICE and U.S. Customs and Border Protection (CBP) arrests.⁵ During the two years PEP was in effect, the number of ERO detentions of males increased by more than 8 percent from calendar years 2015 to 2016. Following the issuance of the 2017 DHS memo, the number of male detentions decreased by more than 8 percent in calendar year 2017, and increased again in calendar year 2018, by over 32 percent.

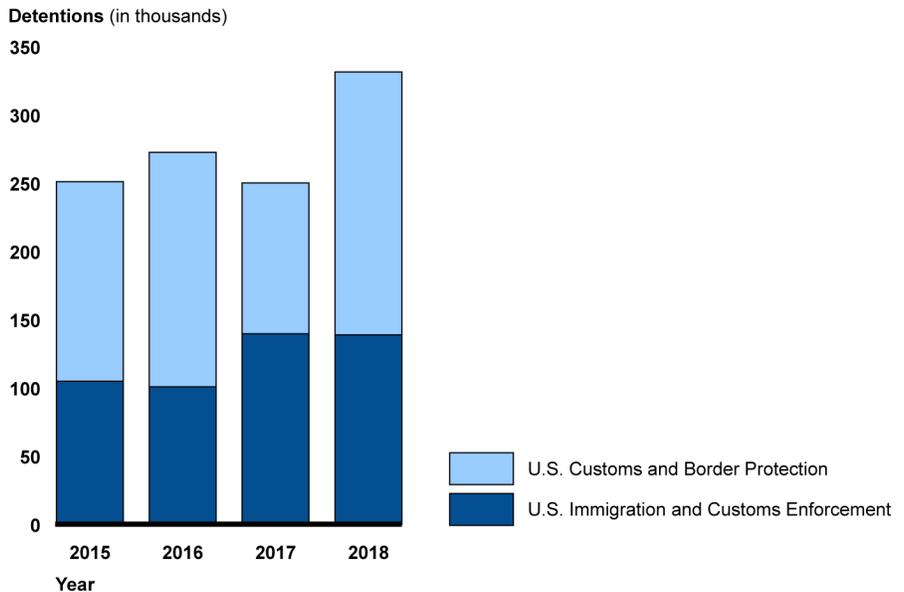
Detentions of Males by Arresting Agency. Detention of males resulted from both ICE and CBP arrests from calendar years 2015 through 2018, as shown in figure 20.⁶ For all the years in this period, except calendar year 2017, detentions resulting from a CBP arrest at or between ports of entry account for the majority of the detentions of males (ranging from about 58 to 63 percent). In calendar year 2017, detentions resulting from ICE arrests accounted for about 56 percent of all male detentions.

⁴We use “number of detentions” rather than “number of aliens detained” as our unit of analysis because an individual may be detained multiple times in the same year. For our analysis, we excluded ICE detention records that had a missing alien number, invalid alien number (e.g. all zeros), or duplicative alien number and book-in date combinations. See appendix I for more details.

⁵ICE is responsible for detaining aliens awaiting decisions about their removal from the United States as well as aliens ordered removed, including aliens transferred to ICE from U.S. Customs and Border Protection (CBP) who were apprehended at or between ports of entry.

⁶The number of detentions resulting from an ICE arrest may not be the same as the total number of ICE arrests for a given year since ICE does not detain all individuals arrested.

Figure 20: Enforcement and Removal Operations Detentions of Males by Arresting Agency, Calendar Years 2015 through 2018



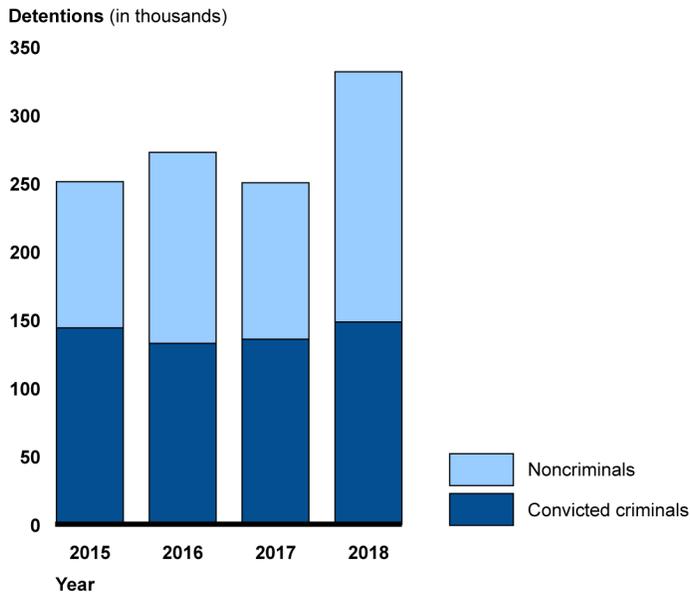
Source: GAO analysis of U.S. Immigration and Customs Enforcement data. | GAO-20-36

Note: Detention data represent the number of detentions in a given year, rather than the number of aliens detained since one alien could have multiple detentions in the same calendar year. In addition, every individual with an administrative arrest by an ICE component is not detained so the number of detentions does not equal the total number of ICE arrests in each year. This figure excludes records with “other” for arresting agency (ranging from 20 to 172 records for the above years) because this field was not populated at the time of arrest due to internal database limitations, according to ICE.

Detentions of Males by Criminality. During the same time, the number and proportion of ERO detentions of convicted criminal males varied, ranging from 45 to 57 percent of all detentions of males, as shown in figure 21. The majority of these detentions resulted from ICE arrests, ranging from 66 to 77 percent of all convicted criminal male detentions.

The number of ERO detentions of non-criminal males also varied, ranging from 43 to 55 percent of all detentions of males. Detentions of non-criminal males primarily resulted from CBP arrests, which ranged from 69 to 93 percent of detentions of non-criminal males between calendar years 2015 and 2018.

Figure 21: Enforcement and Removal Operations Detentions of Males by Criminality, Calendar Years 2015 through 2018



Source: GAO analysis of U.S. Immigration and Customs Enforcement data. | GAO-20-36

Note: Detention data represent the number of detentions in a given year, rather than the number of aliens detained since one alien could have multiple detentions in the same calendar year. For the purposes of this report and our presentation of ICE data, we refer to potentially removable aliens without criminal convictions known to ICE as “non-criminals” and aliens with criminal convictions known to ICE as “convicted criminals.” According to ICE officials, administrative arrests of non-criminals include individuals who have been charged with but not convicted of a crime as well as those with no prior criminal history. According to ICE, ICE officers electronically request and retrieve criminal history information about an alien from the FBI’s National Crime Information Center database, which maintains a repository of federal and state criminal history information, and other sources. We used ICE’s determination of criminality for our analysis.

Removals

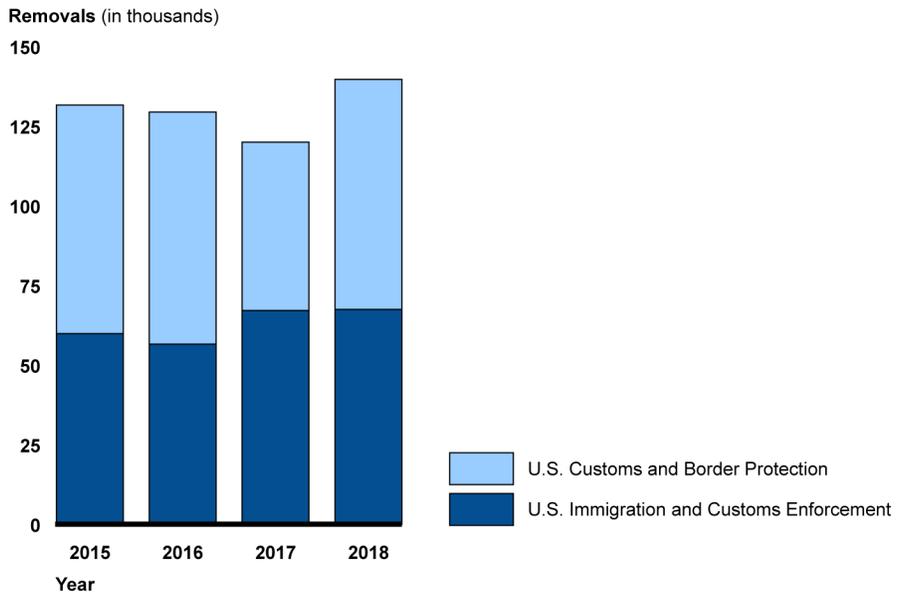
Removals of Males Increased Overall. The number of ERO removals of males varied from calendar years 2015 through 2018, but increased overall by 14 percent over the period, as shown in figure 22. ERO

removal data include removals resulting from both ICE and CBP arrests.⁷ During PEP, which was in effect from calendar years 2015 and 2016, the number of ERO removals of males increased by about 6 percent. From calendar years 2016 to 2017, following the issuance of the 2017 DHS memo, the number of these removals decreased by more than 11 percent, then increased by more than 20 percent in calendar year 2018.

Removals of Males by Arresting Agency. From calendar years 2015 to 2018, the majority of ERO removals of males resulted from CBP arrests at or in between ports of entry (ranging from 58 to 72 percent), as shown in figure 22.

⁷ERO removals include removals and returns where aliens were transferred to ICE custody from CBP for removal from the United States. This may include aliens processed for expedited removal or voluntary return that are transferred to ICE for detention. Aliens processed for expedited removal and not detained by ERO or voluntarily returned after June 1, 2013 were primarily processed by the U.S. Border Patrol and thus not included in these data. We used “number of removals” rather than “number of aliens removed” as our unit of analysis because an individual may have been removed multiple times in the same year. For our analysis, we excluded ICE removal records that had a missing alien number, invalid alien number (e.g. all zeros), or duplicative alien number and removal date combinations from calendar years 2015 through 2018. See appendix I for more details.

Figure 22: Enforcement and Removal Operations Removals of Males by Arresting Agency, Calendar Years 2015 through 2018



Source: GAO analysis of U.S. Immigration and Customs Enforcement data. | GAO-20-36

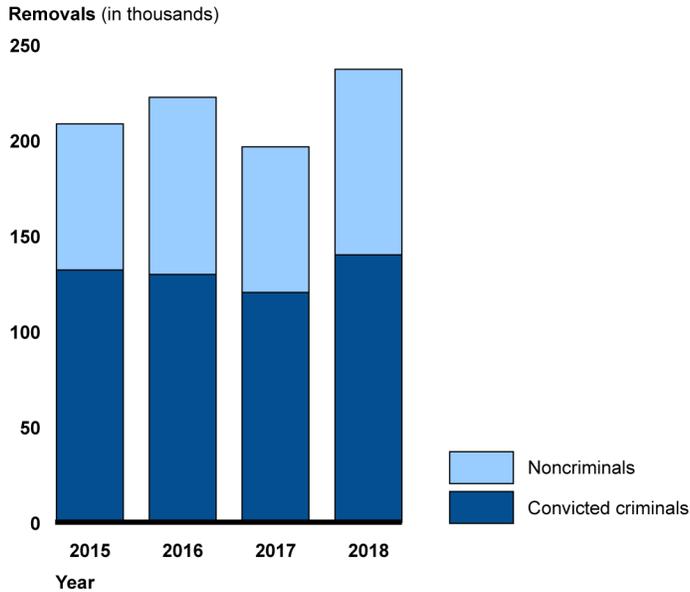
Note: Removal data represent the number of removals, rather than the number of aliens removed since these aliens could have multiple removals in the same calendar year. This figure excludes records with “other” for arresting agency (ranging from 317 to 490 records for the above years) because this field was not populated at the time of arrest due to internal database limitations, according to ICE.

Removals of Males by Criminality. From calendar years 2015 through 2018, ERO removals of convicted criminal males accounted for the majority of removals each year, ranging from 58 to 63 percent of the total removal of males, as shown in figure 23. The removals of convicted criminal males were the result of both CBP and ICE arrests. For all the years in this period, except calendar year 2017, removals resulting from a CBP arrest account for the majority of the removals of convicted criminal males (ranging from about 52 to 56 percent). In calendar year 2017, removals resulting from ICE arrests accounted for about 56 percent of all removals of convicted criminal males.

ERO removals of non-criminal males varied, increasing overall, from calendar years 2015 to 2018, and accounted for the minority of ERO removals of males each year (ranging from 37 to 42 percent). Most of the removals of non-criminal males were as a result of CBP arrests, ranging from 79 to 95 percent of all removals of non-criminal males.

Appendix III: Enforcement and Removal Operations Arrests, Detentions, and Removals of Males, 2015-2018

Figure 23: Enforcement and Removal Operations Removals of Males by Criminality, Calendar Years 2015 through 2018



Source: GAO analysis of U.S. Immigration and Customs Enforcement data. | GAO-20-36

Note: Removal data represent the number of removals, rather than the number of aliens removed since these aliens could have multiple removals in the same calendar year.

For the purposes of this report and our presentation of ICE data, we refer to potentially removable aliens without criminal convictions known to ICE as “non-criminals” and aliens with criminal convictions known to ICE as “convicted criminals.” According to ICE officials, administrative arrests of non-criminals include individuals who have been charged with but not convicted of a crime as well as those with no prior criminal history. According to ICE, ICE officers electronically request and retrieve criminal history information about an alien from the FBI’s National Crime Information Center database, which maintains a repository of federal and state criminal history information, and other sources. We used ICE’s determination of criminality for our analysis.

Appendix IV: Enforcement and Removal Operations Arrests, Detentions, and Removals of Females, 2015-2018

This appendix presents the overall number of Enforcement and Removal Operations (ERO) administrative arrests (arrests), detentions, and removals of females from calendar years 2015 through 2018, including the number of arrests by criminality and the number of detentions and removals by criminality and arresting agency.¹ We analyzed individual-level Immigration and Customs Enforcement (ICE) data to identify ERO arrests, detentions, and removals of females during calendar years 2015 through 2018.

Arrests

The Number of Arrests of Females Generally Increased. The number of ERO arrests of females generally increased more than 70 percent from calendar years 2015 through 2018, as shown in figure 24.² Between 2015 and 2016, the two years the Priority Enforcement Program (PEP) was in effect, the number of ERO arrests remained stable, decreasing by less than 1 percent in that period. Following the issuance of the 2017 DHS memo, ERO arrests increased by 65 percent from calendar years 2016 to 2017, and increased by less than 5 percent in calendar year 2018.

Arrests of Females by Criminality. During the same time, the proportion of arrests of non-criminal females increased each year from 43 percent in calendar year 2015 to 63 percent of total arrests of females in calendar year 2018.³ For the purposes of this report and our presentation of ICE data, we refer to potentially removable aliens without criminal convictions known to ICE as “non-criminals” and aliens with criminal convictions known to ICE as “convicted criminals.” According to officials, arrests of non-criminals include individuals who have been charged with but not

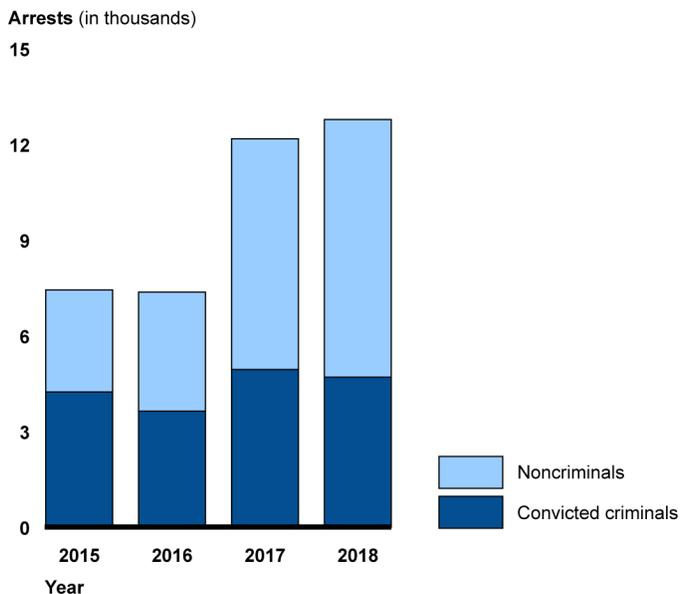
¹ERO arrests of aliens for civil violations of U.S. immigration laws are referred to as administrative arrests. For the purposes of this report and our presentation of ICE data, we refer to administrative arrests as “arrests”.

²We use “number of arrests” rather than “number of aliens arrested” as our unit of analysis because an individual may be arrested multiple times in the same year. For our analysis, we excluded ICE arrest records that had a missing alien number, invalid alien number (e.g. all zeros), or duplicative alien number and arrest date combinations. See appendix I for more details.

³According to ICE, to determine criminality, ICE officers electronically request and retrieve criminal history information about an alien from the FBI’s National Crime Information Center (NCIC) database, which maintains a repository of federal and state criminal history information. ICE officers are also able to manually enter criminal history information in ICE’s data system if they discover additional criminal history information that was not available in NCIC. ICE officers may also check for criminal convictions committed outside the United States, on a case-by-case basis.

convicted of a crime as well as those with no prior criminal history. Conversely, the proportion of ERO arrests of convicted criminal females decreased each year from 57 percent in calendar year 2015 to 37 percent in calendar year 2018, as shown in figure 24.

Figure 24: Enforcement and Removal Operations Administrative Arrests of Females by Criminality, Calendar Years 2015 through 2018



Source: GAO analysis of U.S. Immigration and Customs Enforcement data. | GAO-20-36

Note: Arrest data represent the number of administrative arrests, rather than the number of aliens since these aliens could have multiple arrests in the same calendar year.

For the purposes of this report and our presentation of ICE data, we refer to potentially removable aliens without criminal convictions known to ICE as “non-criminals” and aliens with criminal convictions known to ICE as “convicted criminals.” According to ICE officials, administrative arrests of non-criminals include individuals who have been charged with but not convicted of a crime as well as those with no prior criminal history. According to ICE, ICE officers electronically request and retrieve criminal history information about an alien from the FBI’s National Crime Information Center database, which maintains a repository of federal and state criminal history information, and other sources. We used ICE’s determination of criminality for our analysis.

Detentions

Detentions of Females Increased Overall. The number of ERO detentions varied from calendar years 2015 through 2018, and increased more than

45 percent over the period, as shown in figure 25.⁴ ERO detention data include detentions resulting from both ICE and U.S. Customs and Border Protection (CBP) arrests.⁵ During the two years PEP was in effect, the number of ERO detentions of females increased by more than 28 percent from calendar years 2015 through 2016. Following the issuance of the DHS memo, the number of detentions decreased by about 36 percent in 2017, then increased by over 77 percent in calendar year 2018.

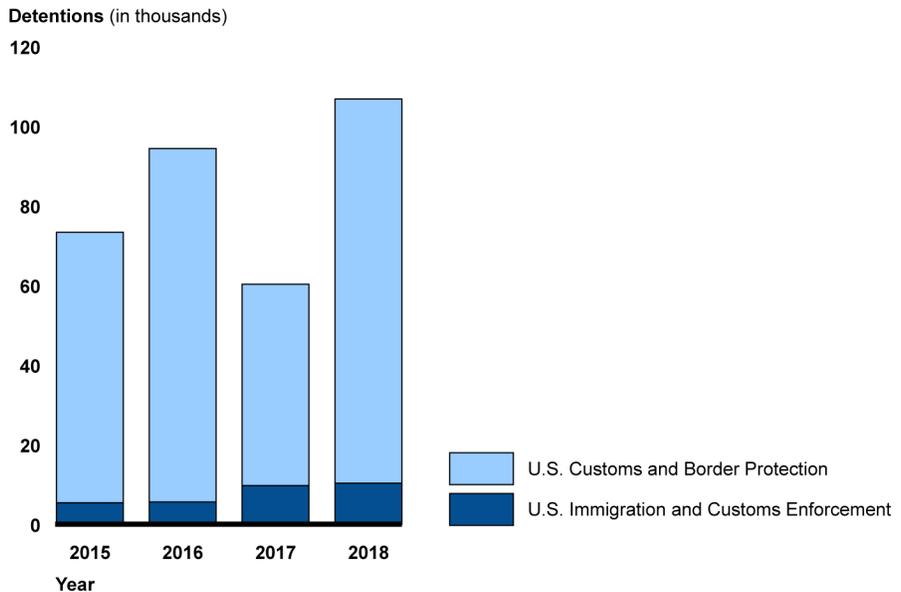
Detentions of Females by Arresting Agency. Detentions of females resulting from CBP arrests at or between ports of entry accounted for most of the detentions of females each year from calendar years 2015 through 2018 (ranging from 84 to 94 percent), as shown in figure 25.⁶

⁴We use “number of detentions” rather than “number of aliens detained” as our unit of analysis because an individual may be detained multiple times in the same year. For our analysis, we excluded ICE detention records that had a missing alien number, invalid alien number (e.g. all zeros), or duplicative alien number and book-in date combinations. See appendix I for more details.

⁵ICE is responsible for detaining aliens awaiting decisions about their removal from the United States as well as aliens ordered removed, including aliens transferred to ICE from U.S. Customs and Border Protection (CBP) who were apprehended at or between ports of entry.

⁶The number of detentions resulting from an ICE arrest may not be the same as the total number of ICE arrests for a given year since ICE does not detain all individuals arrested.

Figure 25: Enforcement and Removal Operations Detentions of Females by Arresting Agency, Calendar Years 2015 through 2018



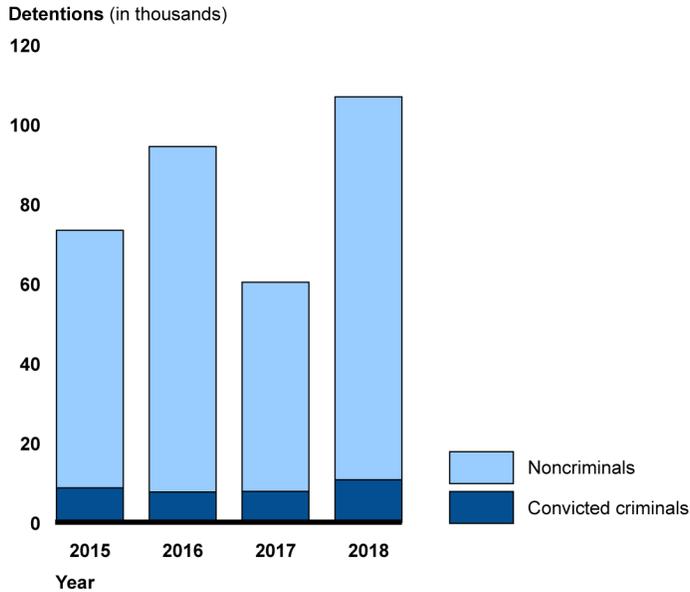
Source: GAO analysis of U.S. Immigration and Customs Enforcement data. | GAO-20-36

Note: Detention data represent the number of detentions, rather than the number of aliens detained since these aliens could have multiple detentions in the same calendar year. Because ERO does not detain all individuals arrested by ICE components, the number of detentions that resulted from ICE administrative arrests did not equal the total number of ICE arrests in each year. This figure excludes records with “other” for arresting agency (ranging from 4 to 23 records for the above years) because this field was not populated at the time of arrest due to internal database limitations, according to ICE.

Detentions of Females by Criminality. As shown in figure 26, the number of ERO detentions of non-criminal females varied, but increased overall from calendar years 2015 to 2018. These detentions accounted for most of the total ERO detentions of females each year (ranging from 87 to 92 percent). Most of the detention of non-criminal females resulted from CBP arrests (ranging from 91 to 98 percent) rather than ICE arrests.

The number of ERO detentions of convicted criminal females stayed relatively stable from calendar years 2015 through 2018, and accounted for the minority of total ERO detentions (ranging from 8 to 13 percent). CBP and ICE arrests accounted for approximately the same number of detentions of convicted criminal females.

Figure 26: Enforcement and Removal Operations Detentions of Females by Criminality, Calendar Years 2015 through 2018



Source: GAO analysis of U.S. Immigration and Customs Enforcement data. | GAO-20-36

Note: Detention data represent the number of detentions in a given year, rather than the number of aliens detained since one alien could have multiple detentions in the same calendar year. For the purposes of this report and our presentation of ICE data, we refer to potentially removable aliens without criminal convictions known to ICE as “non-criminals” and aliens with criminal convictions known to ICE as “convicted criminals.” According to ICE officials, administrative arrests of non-criminals include individuals who have been charged with but not convicted of a crime as well as those with no prior criminal history. According to ICE, ICE officers electronically request and retrieve criminal history information about an alien from the FBI’s National Crime Information Center database, which maintains a repository of federal and state criminal history information, and other sources. We used ICE’s determination of criminality for our analysis.

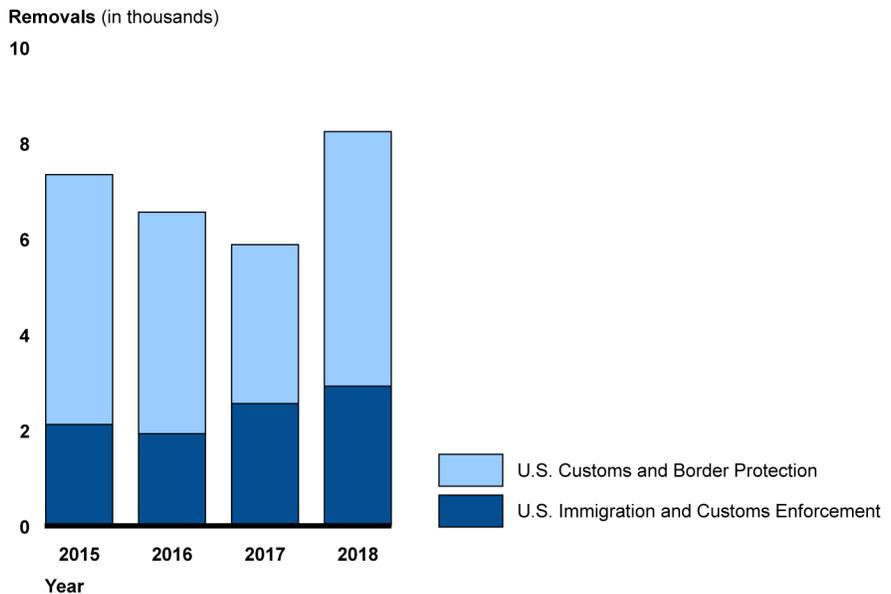
Removals

Removals of Females Increased Overall. The number of ERO removals of females remained relatively stable from calendar years 2015 through 2018, but increased overall by 6 percent over the period, as shown in figure 27. ERO removal data include removals resulting from both ICE

and CBP arrests.⁷ During the PEP, which lasted from calendar years 2015 and 2016, the number of ERO removals increased by more than 2 percent. From calendar years 2016 to 2017, following the issuance of the 2017 DHS memo, the number of ERO removals decreased by more than 14 percent, then increased by more than 20 percent in 2018.

Removals of Females by Arresting Agency. Each calendar year, removals resulting from CBP arrests at or between ports of entry accounted for most of the ERO removals of females (ranging from 80 to 90 percent), as shown in figure 27.

Figure 27: Enforcement and Removal Operations Removals of Females by Arresting Agency, Calendar Years 2015 through 2018



Source: GAO analysis of U.S. Immigration and Customs Enforcement data. | GAO-20-36

⁷ERO removals include removals and returns where aliens were transferred to ICE custody from CBP for removal from the United States. This may include aliens processed for expedited removal or voluntary return that are transferred to ICE for detention. Aliens processed for expedited removal and not detained by ERO or voluntary returned after June 1, 2013 were primarily processed by the U.S. Border Patrol and thus not included in these data. We used “number of removals” rather than “number of aliens removed” as our unit of analysis because an individual may have been removed multiple times in the same year. For our analysis, we excluded ICE removal records that had a missing alien number, invalid alien number (e.g. all zeros), or duplicative alien number and removal date combinations from calendar years 2015 through 2018. See appendix I for more details.

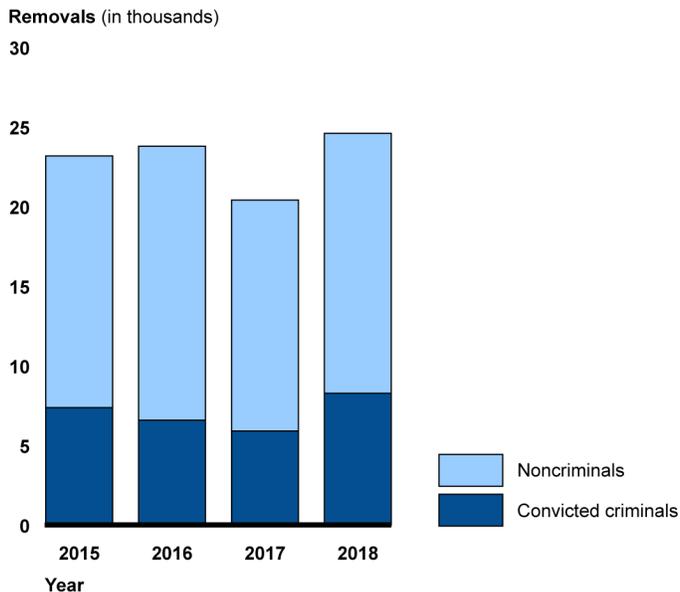
Appendix IV: Enforcement and Removal Operations Arrests, Detentions, and Removals of Females, 2015-2018

Note: Removal data represent the number of removals, rather than the number of aliens removed since these aliens could have multiple removals in the same calendar year. This figure excludes records with “other” for arresting agency (ranging from 54 to 103 records for the above years) because this field was not populated at the time of arrest due to internal database limitations, according to ICE.

Removals of Females by Criminality. From calendar years 2015 through 2018, the majority of ERO removals were of non-criminal females (ranging from 66 to 72 percent), as shown in figure 28. Most removals of non-criminal females resulted from CBP arrests (ranging from 88 to 97 percent), rather than ICE arrests.

ERO removals of convicted criminal females varied, increasing overall, from calendar years 2015 to 2018, and accounted for the minority of ERO removals of females each year (ranging from 28 to 34 percent). The majority removals of convicted criminal females also resulted from CBP arrests (ranging from 56 to 71 percent).

Figure 28: Enforcement and Removal Operations Removals of Females by Criminality, Calendar Years 2015 through 2018



Source: GAO analysis of U.S. Immigration and Customs Enforcement data. | GAO-20-36

Note: Removal data represent the number of removals, rather than the number of aliens removed since these aliens could have multiple removals in the same calendar year.

For the purposes of this report and our presentation of ICE data, we refer to potentially removable aliens without criminal convictions known to ICE as “non-criminals” and aliens with criminal convictions known to ICE as “convicted criminals.” According to ICE officials, administrative arrests of non-criminals include individuals who have been charged with but not convicted of a crime as well as

**Appendix IV: Enforcement and Removal
Operations Arrests, Detentions, and Removals
of Females, 2015-2018**

those with no prior criminal history. According to ICE, ICE officers electronically request and retrieve criminal history information about an alien from the FBI's National Crime Information Center database, which maintains a repository of federal and state criminal history information, and other sources. We used ICE's determination of criminality for our analysis.

Appendix V: Enforcement and Removal Operations Arrests of Juveniles by Age and Gender, 2015-2018

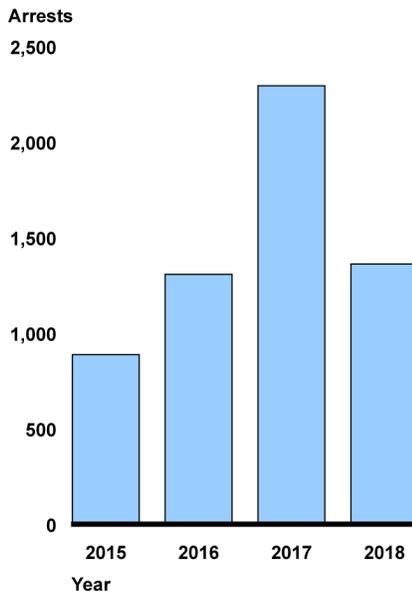
This appendix presents the overall number of Enforcement and Removal Operations (ERO) administrative arrests (arrests) of juveniles—persons encountered by ERO who have not reached 18 years of age—as well as the number of juvenile arrests by age and gender.¹ We analyzed individual-level Immigration and Customs Enforcement (ICE) data to identify the number of ERO arrests of juveniles during calendar years 2015 through 2018.

The Number of Arrests of Juveniles Increased Overall. The number of ERO arrests of juveniles increased overall by 53 percent from calendar years 2015 through 2018, as shown in figure 29.² During the two years the Priority Enforcement Program was in effect, ERO arrests of juveniles increased 47 percent (from 887 arrests in 2015 to 1,307 arrests in 2016). Following issuance of the 2017 DHS memo, ERO arrests of juveniles increased 76 percent in calendar year 2017 (2,294 arrests), and decreased 41 percent in calendar year 2018 (1,361 arrests).

¹According to ERO officials, ERO enforcement officers do not target juveniles in their enforcement activities. Aliens under the age of 18 who are designated as unaccompanied alien children are to be transferred to the Office of Refugee Resettlement within 72 hours after they are determined to be unaccompanied alien children, except in exceptional circumstances. See 6 U.S.C. § 279(g)(2); 8 U.S.C. § 1232. Juveniles not designated as unaccompanied alien children who are apprehended with a parent or legal guardian may be detained for a limited period of time with their adult parent in ICE family residential centers. ERO arrests of aliens for civil violations of U.S. immigration laws are referred to as administrative arrests. For the purposes of this report and our presentation of ICE data, we refer to administrative arrests as “arrests”.

²We use “number of arrests” rather than “number of juveniles arrested” as our unit of analysis because an individual may have been arrested multiple times in the same year. For our analysis, we excluded 241 (about 3.8 percent) of ICE juvenile arrest records that had a missing alien number, invalid alien number (e.g. all zeros), or duplicative alien number and arrest date combinations from calendar years 2015 through 2018. See appendix I for more details.

Figure 29: Enforcement and Removal Operations Administrative Arrests of Juveniles, Calendar Years 2015 through 2018

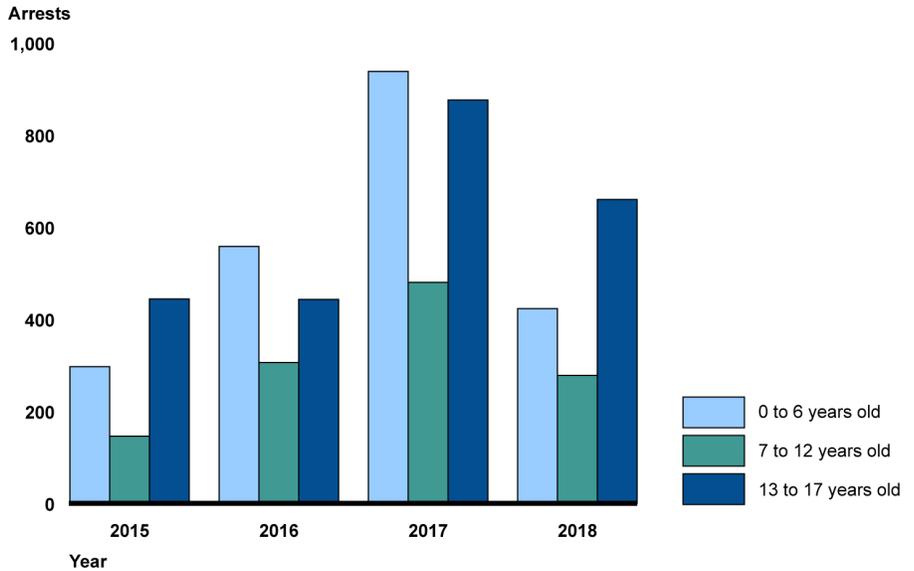


Source: GAO analysis of U.S. Immigration and Customs Enforcement data. | GAO-20-36

Note: Arrest data represent the number of administrative arrests, rather than the number of aliens since these aliens could have multiple arrests in the same calendar year.

Arrests of Juveniles by Age. The proportion of arrests for juveniles of all age groups—ages 0 to 6, 7 to 12, and 13 to 17—varied between calendar years 2015 and 2018, as shown in figure 30. For instance, the proportion of arrests of juveniles ages 0 to 6 between calendar years 2015 and 2018, ranged from 31 to 43 percent of the total number of arrests of juveniles. The proportion of arrests of juveniles ages 7 to 12 ranged from 16 percent to 23 percent of total arrests of juveniles during this same period while arrests of juveniles ages 13 to 17, during the same period ranged from 34 percent to 50 percent of total arrests of juveniles.

Figure 30: Enforcement and Removal Operations Administrative Arrests of Juveniles by Age, Calendar Years 2015 through 2018

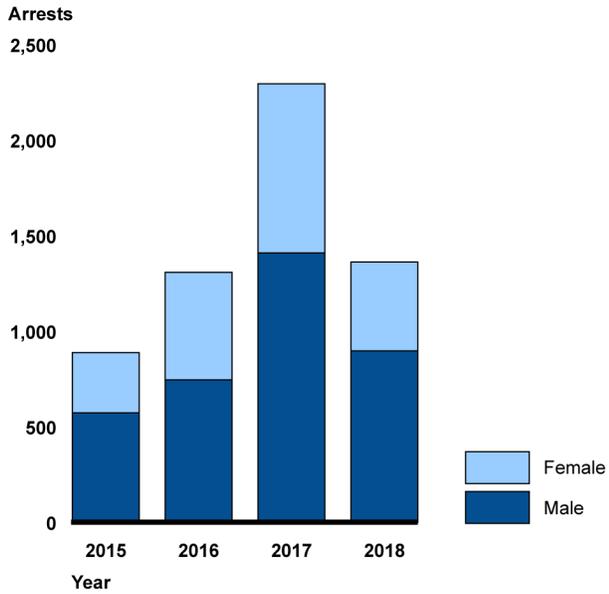


Source: GAO analysis of U.S. Immigration and Customs Enforcement data. | GAO-20-36

Note: Arrest data represent the number of administrative arrests, rather than the number of aliens since these aliens could have multiple arrests in the same calendar year.

Arrests of Juveniles by Gender. Each calendar year from 2015 through 2018, arrests of male juveniles accounted for the majority of ERO arrests of juveniles (ranging from 57 to 66 percent), as shown in figure 31.

Figure 31: Enforcement and Removal Operations Administrative Arrests of Juveniles by Gender, Calendar Years 2015 through 2018



Source: GAO analysis of U.S. Immigration and Customs Enforcement data. | GAO-20-36

Note: Arrest data represent the number of administrative arrests, rather than the number of aliens since these aliens could have multiple arrests in the same calendar year.

Appendix VI: Enforcement and Removal Operations Administrative Arrests by Country of Citizenship

This appendix presents the number of U.S. Immigration and Customs Enforcement (ICE) Enforcement and Removal Operations (ERO) administrative arrests by country of citizenship for calendar years 2015 through 2018.¹ Each year from 2015 through 2018, ERO administratively arrested aliens from over 200 countries.²

Table 10: Enforcement and Removal Operations Administrative Arrests by Country of Citizenship, Calendar Years 2015 through 2018

Country of Citizenship	2015	2016	2017	2018
Afghanistan	54	50	61	36
Albania	38	34	65	60
Algeria	15	15	33	16
Andorra	0	0	1	0
Angola	7	6	19	31
Anguilla	2	0	1	2
Antigua-Barbuda	20	18	25	18
Argentina	74	61	132	134
Armenia	87	67	97	80
Aruba	1	1	1	1
Australia	24	17	20	31
Austria	5	3	8	5
Azerbaijan	13	18	20	28
Bahamas	117	70	96	104
Bahrain	2	0	1	1
Bangladesh	73	102	144	132
Barbados	25	17	22	29
Belarus	14	16	19	25
Belgium	6	12	7	9
Belize	118	75	110	90
Benin	7	7	13	12
Bermuda	3	2	0	6
Bhutan	19	18	23	18
Bolivia	63	71	96	101

¹ICE arrests of aliens for a civil violation of U.S. immigration laws are referred to as administrative arrests.

²Country of citizenship information is based on an individual's self-reported citizenship to ICE.

Appendix VI: Enforcement and Removal Operations Administrative Arrests by Country of Citizenship

Country of Citizenship	2015	2016	2017	2018
Bosnia-Herzegovina	102	89	101	58
Botswana	2	1	4	3
Brazil	406	471	1015	1,078
British Virgin Islands	1	3	3	2
Brunei	0	1	0	0
Bulgaria	19	23	28	25
Burkina Faso	4	9	28	29
Burma	46	54	63	72
Burundi	8	20	12	17
Cambodia	122	176	179	144
Cameroon	41	49	49	71
Canada	311	249	311	254
Cape Verde	34	40	68	68
Cayman Islands	2	2	2	6
Central African Republic	1	4	6	15
Chad	3	2	8	13
Chile	72	73	114	175
China, People's Republic of	439	596	763	912
Colombia	994	811	1,008	1,088
Comoros	0	1	0	0
Congo	13	20	36	31
Costa Rica	103	110	189	180
Croatia	14	1	11	14
Cuba	1,024	960	1,963	2,022
Cyprus	1	0	1	0
Czech Republic	10	20	28	52
Czechoslovakia	5	7	4	1
Democratic Republic of the Congo	21	33	40	55
Denmark	5	1	3	2
Djibouti	1	1	2	0
Dominica	13	19	17	27
Dominican Republic	2,058	1,698	1,957	1,924
Ecuador	689	683	1040	993
Egypt	68	57	104	85
El Salvador	7,048	6,854	9,779	9,650
Equatorial Guinea	1	1	7	3

**Appendix VI: Enforcement and Removal
Operations Administrative Arrests by Country
of Citizenship**

Country of Citizenship	2015	2016	2017	2018
Eritrea	43	36	38	38
Estonia	9	12	13	6
Ethiopia	63	65	69	66
Fiji	22	18	22	25
Finland	3	1	2	1
France	27	22	52	52
French Guiana	0	0	1	0
Gabon	0	1	11	10
Gambia	25	34	82	127
Georgia	15	22	42	51
Germany	79	55	81	68
Ghana	108	140	150	173
Greece	9	16	17	28
Grenada	20	13	17	19
Guadeloupe	2	3	5	5
Guatemala	8,794	9,173	15,845	17,484
Guinea	31	44	120	108
Guinea-Bissau	2	3	2	5
Guyana	181	118	154	150
Haiti	723	971	811	588
Honduras	7,504	7,967	12,757	13,313
Hong Kong	8	10	6	11
Hungary	21	35	108	49
Iceland	1	1	0	0
India	317	390	536	620
Indonesia	17	28	99	85
Iran	107	86	138	118
Iraq	125	136	411	150
Ireland	20	18	46	57
Israel	65	63	102	107
Italy	67	53	87	96
Ivory Coast	26	16	47	99
Jamaica	1,110	852	969	1,049
Japan	6	10	32	6
Jordan	107	94	141	157
Kazakhstan	18	14	27	43
Kenya	148	135	159	181

Appendix VI: Enforcement and Removal Operations Administrative Arrests by Country of Citizenship

Country of Citizenship	2015	2016	2017	2018
Kiribati	0	0	0	1
Korea	69	35	38	40
Kosovo	17	11	10	16
Kuwait	12	12	16	17
Kyrgyzstan	7	7	25	13
Laos	193	185	195	161
Latvia	12	11	15	12
Lebanon	56	38	43	73
Lesotho	1	0	3	0
Liberia	138	156	233	190
Libya	3	9	5	16
Lithuania	19	23	41	35
Macau	0	1	1	2
Macedonia	10	13	11	17
Madagascar	1	0	2	0
Malawi	5	6	10	4
Malaysia	10	10	16	11
Maldives	0	0	1	0
Mali	21	22	47	55
Marshall Islands	36	22	40	37
Mauritania	9	10	25	84
Mauritius	4	3	0	3
Mexico	73,399	68,245	91,610	88,645
Micronesia, Federated States of	76	90	120	127
Moldova	33	30	49	31
Monaco	0	0	0	1
Mongolia	18	20	44	19
Montenegro	4	6	8	10
Montserrat	2	0	0	2
Morocco	45	47	85	66
Mozambique	2	0	2	2
Namibia	3	2	2	2
Nauru	0	1	1	0
Nepal	28	31	37	44
Netherlands	24	16	30	29
Netherlands Antilles	1	4	6	4

**Appendix VI: Enforcement and Removal
Operations Administrative Arrests by Country
of Citizenship**

Country of Citizenship	2015	2016	2017	2018
New Zealand	22	8	21	15
Nicaragua	462	416	626	691
Niger	9	15	9	23
Nigeria	236	198	375	573
North Korea	0	1	1	0
Norway	0	3	4	8
Oman	2	2	0	2
Pakistan	123	123	175	181
Palau	9	22	11	10
Panama	81	65	67	72
Papua New Guinea	2	2	1	2
Paraguay	6	5	8	12
Peru	374	316	461	480
Philippines	246	223	227	250
Poland	143	101	141	183
Portugal	57	51	81	84
Qatar	2	0	4	4
Romania	113	159	366	367
Russia	104	120	167	177
Rwanda	11	12	14	16
Samoa	11	21	26	39
San Marino	0	0	1	1
Saudi Arabia	106	83	109	83
Senegal	30	50	75	80
Serbia	6	12	26	15
Serbia And Montenegro	0	1	1	0
Seychelles	1	0	1	2
Sierra Leone	53	48	82	105
Singapore	6	5	3	4
Slovakia	8	8	25	30
Slovenia	3	1	0	2
Somalia	139	163	300	198
South Africa	42	28	41	52
South Korea	114	91	119	149
South Sudan	14	16	54	66
Spain	55	43	125	162
Sri Lanka	14	12	21	14

Appendix VI: Enforcement and Removal Operations Administrative Arrests by Country of Citizenship

Country of Citizenship	2015	2016	2017	2018
St. Kitts-Nevis	18	8	14	12
St. Lucia	28	20	28	37
St. Vincent-Grenadines	17	14	15	19
Sudan	74	87	98	121
Suriname	5	6	11	20
Swaziland	0	1	0	1
Sweden	12	6	12	8
Switzerland	0	3	4	5
Syria	23	23	32	30
Taiwan	19	14	26	30
Tajikistan	10	4	7	11
Tanzania	31	19	30	35
Thailand	69	56	86	113
Togo	6	10	20	17
Tonga	24	23	31	20
Trinidad And Tobago	178	169	191	162
Tunisia	8	10	16	14
Turkey	45	34	92	92
Turkmenistan	1	1	2	2
Turks And Caicos Islands	5	4	2	8
Uganda	12	13	16	30
Ukraine	126	91	148	153
United Arab Emirates	4	4	3	3
United Kingdom	194	142	193	201
Unknown	86	50	60	78
Uruguay	34	23	55	73
Ussr	15	20	36	20
Uzbekistan	31	19	55	30
Venezuela	144	129	266	410
Vietnam	420	395	543	502
Yemen	32	25	39	53
Yugoslavia	16	24	11	17
Zambia	14	16	21	21
Zimbabwe	16	19	31	45
Total	112870	107446	151889	151497

Source: GAO analysis of U.S. Immigration and Customs Enforcement (ICE) data | GAO-20-36

Note: Country of citizenship information is based on an individual's self-reported citizenship to ICE.

Appendix VII: Enforcement and Removal Operations Detentions by Country of Citizenship

This appendix presents the number of U.S. Immigration and Customs Enforcement (ICE) Enforcement and Removal Operations (ERO) detentions by country of citizenship for calendar years 2015 through 2018.¹ Each year from 2015 through 2018, ERO detained aliens from over 200 countries.²

Table 11: Enforcement and Removal Operations Detentions by Country of Citizenship, Calendar Years 2015 through 2018

Country of Citizenship	2015	2016	2017	2018
Afghanistan	87	122	114	77
Albania	130	142	153	115
Algeria	25	29	46	38
Andorra	0	0	1	0
Angola	20	38	107	111
Anguilla	1	1	1	3
Antigua-Barbuda	20	25	30	18
Argentina	105	102	165	155
Armenia	361	502	398	428
Aruba	1	1	1	0
Australia	58	45	36	41
Austria	17	12	14	8
Azerbaijan	20	26	40	56
Bahamas	144	108	138	147
Bahrain	2	1	2	4
Bangladesh	714	717	704	1309
Barbados	24	23	26	31
Belarus	25	32	46	51
Belgium	21	23	23	19
Belize	231	179	163	176
Benin	19	15	21	24
Bermuda	4	3	2	6
Bhutan	10	16	24	13

¹ICE is responsible for detaining aliens awaiting decisions about their removal from the United States as well as aliens ordered removed, including aliens transferred to ICE from U.S. Customs and Border Protection who were apprehended at or between ports of entry.

²Country of citizenship information is based on an individual's self-reported citizenship to ICE.

**Appendix VII: Enforcement and Removal
Operations Detentions by Country of
Citizenship**

Country of Citizenship	2015	2016	2017	2018
Bolivia	127	108	122	151
Bosnia-Herzegovina	100	86	110	70
Botswana	2	3	3	5
Brazil	2,175	5,289	4,168	6,597
British Virgin Islands	2	2	1	4
Brunei	0	1	1	0
Bulgaria	30	31	54	41
Burkina Faso	46	76	43	41
Burma	59	55	67	72
Burundi	13	23	28	20
Cambodia	136	183	182	160
Cameroon	271	525	503	874
Canada	417	315	379	326
Cape Verde	41	42	82	69
Cayman Islands	3	3	1	7
Central African Republic	3	5	4	14
Chad	9	10	16	18
Chile	102	122	162	214
China, People's Republic of	2,016	3,272	1,984	2,609
Colombia	1,581	1,427	1,419	1,656
Comoros	0	1	0	0
Congo	15	30	75	45
Costa Rica	204	233	265	245
Croatia	18	5	20	17
Cuba	1,202	1,219	5,318	10,125
Cyprus	4	1	2	2
Czech Republic	36	37	46	71
Czechoslovakia	5	8	5	2
Democratic Republic of the Congo	44	111	267	241
Denmark	17	3	10	7
Djibouti	3	9	6	8
Dominica	18	19	21	30
Dominican Republic	2,971	2,549	2,492	2,552
Ecuador	2,969	3,312	2,216	2,868
Egypt	146	132	212	154
El Salvador	47,366	61,446	31,413	35,502

**Appendix VII: Enforcement and Removal
Operations Detentions by Country of
Citizenship**

Country of Citizenship	2015	2016	2017	2018
Equatorial Guinea	3	3	14	7
Eritrea	263	396	706	505
Estonia	17	17	29	9
Eswatini	5	3	2	2
Ethiopia	222	145	114	118
Fiji	29	18	23	25
Finland	6	12	5	6
France	101	105	124	117
French Guiana	0	2	5	3
Gabon	8	3	14	15
Gambia	46	154	153	135
Georgia	42	76	83	121
Germany	140	115	131	107
Ghana	706	726	294	327
Greece	42	52	38	55
Grenada	23	12	21	17
Guadeloupe	1	1	5	3
Guatemala	58,616	72,201	64,829	120,745
Guinea	97	264	345	153
Guinea-Bissau	2	9	4	8
Guyana	193	147	212	216
Haiti	1157	12519	3151	939
Honduras	39,560	51,215	39,025	78,630
Hong Kong	10	15	13	11
Hungary	75	70	173	115
Iceland	3	2	2	1
India	3,532	3,913	5,322	9,811
Indonesia	21	39	110	120
Iran	145	119	165	147
Iraq	200	168	448	191
Ireland	39	41	63	62
Israel	103	106	185	156
Italy	160	165	180	192
Ivory Coast	47	44	64	107
Jamaica	1,324	1,168	1,204	1,268
Japan	57	72	51	26
Jordan	168	144	281	241

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Operations Detentions by Country of
Citizenship**

Country of Citizenship	2015	2016	2017	2018
Kazakhstan	34	30	41	76
Kenya	187	176	211	234
Kiribati	0	1	0	1
Korea	79	47	53	73
Kosovo	24	48	51	70
Kuwait	23	28	31	26
Kyrgyzstan	12	14	115	104
Laos	183	181	190	183
Latvia	42	24	26	20
Lebanon	75	59	64	88
Lesotho	1	0	3	0
Liberia	142	172	242	214
Libya	9	12	17	16
Lithuania	29	37	51	61
Luxembourg	1	1	1	0
Macau	1	1	0	4
Madagascar	1	0	2	0
Malawi	7	7	11	6
Malaysia	16	14	16	25
Maldives	0	0	2	0
Mali	23	79	68	73
Marshall Islands	36	22	41	38
Mauritania	12	16	36	108
Mauritius	5	2	0	1
Mexico	141,688	126,047	125,314	136,409
Micronesia, Federated States of	75	93	123	125
Moldova	56	41	72	52
Mongolia	25	24	58	30
Montenegro	13	9	22	25
Montserrat	2	0	1	1
Morocco	67	58	99	83
Mozambique	2	2	2	2
Namibia	4	3	3	2
Nauru	1	1	0	0
Nepal	389	774	646	795
Netherlands	51	40	54	50
Netherlands Antilles	1	3	3	6

**Appendix VII: Enforcement and Removal
Operations Detentions by Country of
Citizenship**

Country of Citizenship	2015	2016	2017	2018
New Zealand	31	23	30	15
Nicaragua	1,449	1,690	1,390	5,497
Niger	15	26	20	36
Nigeria	582	544	769	931
North Korea	0	0	1	0
North Macedonia	19	30	28	29
Norway	6	13	9	17
Oman	3	3	0	2
Pakistan	389	639	507	425
Palau	8	16	13	10
Panama	105	96	90	87
Papua New Guinea	1	2	2	3
Paraguay	15	10	14	22
Peru	894	954	900	1,116
Philippines	299	259	267	293
Poland	194	137	182	216
Portugal	103	72	104	123
Qatar	6	11	6	5
Romania	683	2346	973	754
Russia	251	294	392	648
Rwanda	13	11	22	20
Samoa	13	22	26	35
San Marino	0	0	2	0
Saudi Arabia	204	183	246	135
Senegal	80	321	115	103
Serbia	17	27	45	50
Serbia And Montenegro	5	1	1	3
Seychelles	1	0	2	2
Sierra Leone	60	86	112	119
Singapore	17	12	5	6
Slovakia	16	27	43	42
Slovenia	8	2	3	4
Somalia	898	520	464	251
South Africa	57	45	60	77
South Korea	229	158	168	215
South Sudan	34	44	82	105
Spain	241	189	262	287

**Appendix VII: Enforcement and Removal
Operations Detentions by Country of
Citizenship**

Country of Citizenship	2015	2016	2017	2018
Sri Lanka	143	70	161	325
St. Kitts-Nevis	25	11	20	13
St. Lucia	30	22	30	40
St. Vincent-Grenadines	17	16	16	28
Sudan	67	81	99	104
Suriname	4	6	15	27
Sweden	39	25	29	27
Switzerland	17	11	11	9
Syria	141	133	76	50
Taiwan	54	36	35	38
Tajikistan	26	14	21	25
Tanzania	36	28	35	40
Thailand	64	64	87	105
Togo	33	72	57	35
Tonga	27	21	35	19
Trinidad And Tobago	192	181	222	187
Tunisia	21	18	31	39
Turkey	119	142	265	386
Turkmenistan	11	8	13	5
Turks And Caicos Islands	6	5	4	8
Uganda	21	24	41	84
Ukraine	278	335	285	331
United Arab Emirates	1	1	7	5
United Kingdom	285	255	284	296
Unknown	85	61	100	81
Uruguay	34	27	66	88
Ussr	13	16	20	29
Uzbekistan	45	59	192	367
Venezuela	301	495	744	1,399
Vietnam	454	409	608	840
Yemen	53	33	56	107
Yugoslavia	15	20	9	4
Zambia	17	20	23	26
Zimbabwe	31	26	48	49
Total	324,320	366,740	310,309	438,258

Source: GAO analysis of U.S. Immigration and Customs Enforcement (ICE) data | GAO-20-36

Note: Country of citizenship information is based on an individual's self-reported citizenship to ICE.

Appendix VIII: Enforcement and Removal Operations Removals by Country of Citizenship

This appendix presents the number of U.S. Immigration and Customs Enforcement (ICE) Enforcement and Removal Operations (ERO) removals by country of citizenship for calendar years 2015 through 2018.¹ Each year from 2015 through 2018, ERO removed aliens from almost 200 countries.²

Table 12: Enforcement and Removal Operations Removals by Country of Citizenship, Calendar Years 2015 through 2018

Country of Citizenship	2015	2016	2017	2018
Afghanistan	10	15	47	32
Albania	43	30	69	98
Algeria	5	13	31	15
Andorra	0	0	1	0
Angola	9	6	15	36
Anguilla	0	1	0	0
Antigua-Barbuda	13	15	24	19
Argentina	71	75	122	124
Armenia	25	18	28	31
Aruba	0	0	2	0
Australia	26	22	25	48
Austria	8	9	9	5
Azerbaijan	4	4	6	18
Bahamas	80	98	100	98
Bahrain	0	0	2	0
Bangladesh	46	207	172	112
Barbados	13	16	16	21
Belarus	7	7	11	13
Belgium	7	9	10	13
Belize	117	117	85	86
Benin	6	1	12	8

¹ERO removals include removals and returns where aliens were transferred to ICE custody from CBP for removal from the United States. This may include aliens processed for expedited removal or voluntary return that are transferred to ICE for detention. Aliens processed for expedited removal and not detained by ERO or voluntary returned after June 1, 2013 were primarily processed by the U.S. Border Patrol and thus not included in these data.

²Country of citizenship information is based on an individual's self-reported citizenship to ICE.

Appendix VIII: Enforcement and Removal Operations Removals by Country of Citizenship

Country of Citizenship	2015	2016	2017	2018
Bermuda	4	2	2	5
Bhutan	0	0	0	1
Bolivia	66	66	69	80
Bosnia-Herzegovina	51	43	46	47
Botswana	1	2	2	2
Brazil	747	1,270	1,432	1,787
British Virgin Islands	4	6	0	2
Bulgaria	24	21	23	35
Burkina Faso	9	13	40	23
Burma	6	4	14	41
Burundi	2	4	5	15
Cambodia	32	44	38	137
Cameroon	27	35	61	71
Canada	418	380	368	339
Cape Verde	5	14	48	71
Cayman Islands	1	1	2	2
Central African Republic	0	0	2	5
Chad	3	3	7	14
Chile	66	85	127	202
China, People's Republic of	391	483	602	627
Colombia	1,248	1,045	1,074	1,157
Congo	4	3	6	16
Costa Rica	150	169	143	168
Croatia	7	7	5	11
Cuba	43	64	233	491
Cyprus	0	1	2	2
Czech Republic	21	19	33	55
Czechoslovakia	4	3	7	2
Dem Rep Of The Congo	8	22	55	69
Denmark	8	2	6	1
Djibouti	1	2	0	3
Dominica	15	11	9	17
Dominican Republic	2,054	1,837	1,936	1,827
Ecuador	1,122	1,168	1,127	1,304
Egypt	59	38	69	79
El Salvador	19,690	21,687	16,187	16,141

Appendix VIII: Enforcement and Removal Operations Removals by Country of Citizenship

Country of Citizenship	2015	2016	2017	2018
Equatorial Guinea	1	5	5	4
Eritrea	6	19	43	59
Estonia	7	9	19	8
Ethiopia	46	34	43	35
Fiji	10	16	14	17
Finland	2	2	2	3
France	53	57	86	95
French Guiana	0	0	1	0
Gabon	6	1	5	6
Gambia	7	14	73	124
Georgia	13	25	23	18
Germany	65	65	82	74
Ghana	54	175	243	267
Greece	10	18	18	32
Grenada	12	9	17	9
Guadeloupe	1	1	0	2
Guatemala	32,132	36,485	34,249	52,755
Guinea	8	19	185	170
Guinea-Bissau	1	2	4	6
Guyana	108	102	136	150
Haiti	341	1,709	4,401	794
Honduras	19,686	23,784	21,300	32,180
Hong Kong	10	6	13	13
Hungary	34	38	123	80
Iceland	3	3	0	2
India	296	387	474	831
Indonesia	32	34	97	99
Iran	20	23	20	16
Iraq	38	52	59	66
Ireland	23	25	40	51
Israel	56	52	93	86
Italy	78	65	131	128
Ivory Coast	10	17	25	89
Jamaica	765	778	753	830
Japan	24	18	21	24
Jordan	68	79	90	104
Kazakhstan	10	20	20	26

Appendix VIII: Enforcement and Removal Operations Removals by Country of Citizenship

Country of Citizenship	2015	2016	2017	2018
Kenya	89	74	116	134
Korea	43	37	42	52
Kosovo	12	13	10	17
Kuwait	10	14	14	7
Kyrgyzstan	6	15	11	17
Laos	3	0	8	7
Latvia	19	10	17	17
Lebanon	37	42	31	58
Lesotho	0	1	0	1
Liberia	10	54	105	112
Libya	2	5	7	12
Lithuania	14	19	28	48
Luxembourg	0	1	0	0
Macau	0	1	0	2
Macedonia	5	6	14	17
Madagascar	1	0	2	0
Malawi	1	5	4	2
Malaysia	12	9	8	12
Maldives	0	0	1	0
Mali	7	10	44	64
Marshall Islands	34	22	24	40
Mauritania	6	9	13	109
Mauritius	1	1	1	0
Mexico	146,485	148,418	122,968	139,330
Micronesia, Federated States of	67	78	107	104
Moldova	18	17	37	33
Mongolia	13	9	27	26
Montenegro	7	5	12	19
Montserrat	0	2	0	1
Morocco	29	24	75	50
Mozambique	0	1	1	0
Namibia	2	1	1	2
Nepal	27	20	62	38
Netherlands	39	20	42	42
Netherlands Antilles	4	0	2	2
New Zealand	12	15	25	20

Appendix VIII: Enforcement and Removal Operations Removals by Country of Citizenship

Country of Citizenship	2015	2016	2017	2018
Nicaragua	826	807	829	1,113
Niger	5	7	14	7
Nigeria	232	248	327	363
Norway	2	7	7	4
Oman	1	3	1	0
Pakistan	70	94	187	228
Palau	7	14	14	9
Panama	86	62	57	61
Papua New Guinea	0	1	2	0
Paraguay	9	6	7	8
Peru	443	400	495	587
Philippines	206	171	190	212
Poland	120	112	122	123
Portugal	41	44	75	103
Qatar	7	2	5	4
Romania	119	201	323	433
Russia	79	99	117	143
Rwanda	5	5	8	8
Samoa	1	5	13	31
San Marino	0	0	1	0
Sao Tome And Principe	1	0	0	0
Saudi Arabia	93	109	143	120
Senegal	18	15	214	125
Serbia	9	15	21	31
Serbia And Montenegro	2	1	2	3
Seychelles	0	1	0	0
Sierra Leone	4	22	49	90
Singapore	7	6	5	5
Slovakia	9	10	23	34
Slovenia	4	2	0	1
Somalia	148	188	491	279
South Africa	27	21	28	38
South Korea	98	91	109	134
South Sudan	0	1	22	85
Spain	108	90	203	247
Sri Lanka	29	39	39	37
St. Kitts-Nevis	14	13	13	16

Appendix VIII: Enforcement and Removal Operations Removals by Country of Citizenship

Country of Citizenship	2015	2016	2017	2018
St. Lucia	7	20	27	23
St. Vincent-Grenadines	7	14	10	17
Sudan	10	2	26	36
Suriname	4	1	10	19
Swaziland	2	1	1	0
Sweden	22	12	18	23
Switzerland	9	6	6	7
Syria	8	5	5	5
Taiwan	27	23	27	38
Tajikistan	8	9	6	9
Tanzania	19	15	13	25
Thailand	30	26	36	62
Togo	8	7	23	20
Tonga	16	19	17	18
Trinidad And Tobago	113	119	135	107
Tunisia	13	6	12	14
Turkey	47	60	100	96
Turkmenistan	5	4	9	3
Turks And Caicos Islands	3	3	3	4
Uganda	9	5	13	14
Ukraine	84	64	89	121
United Arab Emirates	1	1	3	3
United Kingdom	160	154	156	222
Unknown	23	16	33	42
Uruguay	24	18	43	55
Uzbekistan	24	16	26	43
Venezuela	146	184	274	372
Vietnam	35	32	115	90
Yemen	6	12	5	36
Yugoslavia	8	3	5	5
Zambia	11	7	11	14
Zimbabwe	8	8	9	24
Total	231,559	246,107	216,756	261,523

Source: GAO analysis of U.S. Immigration and Customs Enforcement (ICE) data | GAO-20-36

Note: Country of citizenship information is based on an individual's self-reported citizenship to ICE.

Appendix IX: Review of Available Criminal Charges for Detentions of Selected Populations Resulting from ICE Arrests

This appendix presents the number and type of criminal charges of U.S. Immigration and Customs Enforcement (ICE) Enforcement and Removal Operations (ERO) detentions of selected populations (aliens who are: transgender, individuals with disabilities, pregnant, individuals with mental disorders, women who are nursing, or individuals who are elderly) resulting from ICE arrests.¹ ICE administrative arrests of aliens for civil violations of U.S. immigration laws include arrests of both aliens with prior criminal convictions and those without prior criminal convictions.² According to ICE, ICE officers electronically request and retrieve criminal history information about an alien from the FBI's National Crime Information Center (NCIC) database, which maintains a repository of federal and state criminal history information. ICE officers are also able to manually enter criminal history information in ICE's data system if they discover additional criminal history information that was not available in NCIC. ICE officers may also check for criminal convictions committed outside the United States, on a case by case basis.

To identify which convictions or charges were immigration-related for these selected populations, we reviewed the criminal history information recorded in ICE's data system by ICE officers. ICE collected data to identify each of these populations beginning at different timeframes or subsets within the population, as shown below. For information on the number of detentions of selected populations resulting from ICE arrests by criminal charge type, see tables 13 through 18.

¹ERO conducts civil immigration enforcement actions, which includes administrative arrests, detentions, and removals. ICE is responsible for providing safe, secure, and humane confinement for detained aliens in the United States who may be subject to removal while they await the resolution of their immigration cases or who have been ordered removed from the United States. This includes aliens transferred to ICE from U.S. Customs and Border Protection who were apprehended at or between ports of entry.

²We used ICE's determination of criminality for our analysis.

Appendix IX: Review of Available Criminal Charges for Detentions of Selected Populations Resulting from ICE Arrests

Table 13: Enforcement and Removal Operations Detentions of Transgender Individuals Resulting from U.S. Immigration and Customs Enforcement (ICE) Arrests by Criminal Charge Type, Calendar Years 2016 through 2018

Calendar Year	Charges									No recorded criminal history
	Immigration-related ^a			Other ^b			Both Immigration and other			
	Convicted Criminal	Pending Criminal Charges	Total	Convicted Criminal	Pending Criminal Charges	Total	Convicted Criminal	Pending Criminal Charges	Total	
2016	6	0	6	84	9	93	34	0	34	3
2017	7	0	7	88	25	113	15	2	17	8
2018	1	0	1	52	25	77	16	0	16	7

Source: GAO analysis of U.S. Immigration and Customs Enforcement data | GAO-20-36

Note: Detention data represent the number of detentions, rather than the number of detainees since these individuals could have multiple detentions in the same calendar year. Transgender data only include individuals who voluntarily disclosed their gender identity to ICE. The number of detentions represents those for which we were able to match ICE data on convictions and charges with the unique transgender detainee records and may not represent total of detentions of transgender individuals resulting from ICE arrests.

For the purposes of this report and our presentation of ICE data, we refer to potentially removable aliens with criminal convictions known to ICE as “convicted criminals.” To identify which convictions or charges were immigration-related for detentions of transgender aliens resulting from ICE arrests, we reviewed the criminal history information recorded in ICE’s data system by ICE officers and categorized these records as “immigration-related” or “other” and also identified whether the recorded criminal history was a prior conviction or a pending criminal charge. According to ICE, ICE officers electronically request and retrieve criminal history information about an alien from the FBI’s National Crime Information Center database, which maintains a repository of federal and state criminal history information, and other sources. We used ICE’s determination of criminality for our analysis.

^aFor the purposes of our report, immigration-related convictions or charges include those charges identified in ICE data as immigration fraud, illegal re-entry, illegal entry, false citizenship, alien smuggling, and those that cited specific immigration-related criminal offenses such as 8 U.S.C. §§ 1325 (improper entry by alien) and 1326 (reentry by alien after removal).

^bOther” includes charges and convictions for assault, burglary, domestic violence, drug offenses, larceny, and theft, among others.

Table 14: Enforcement and Removal Operations Detentions of Individuals with Disabilities Resulting from U.S. Immigration and Customs Enforcement (ICE) Arrests by Criminal Charge Type, Calendar Years 2017 and 2018

Calendar Year	Charges									No recorded criminal history
	Immigration-related ^a			Other ^b			Both Immigration and other			
	Convicted Criminal	Pending Criminal Charges	Total	Convicted Criminal	Pending Criminal Charges	Total	Convicted Criminal	Pending Criminal Charges	Total	
2017	1	0	1	216	31	247	46	1	47	39
2018	10	1	11	171	38	209	40	0	40	30

Source: GAO analysis of U.S. Immigration and Customs Enforcement data | GAO-20-36

Notes: Detention data represent the number of detentions, rather than the number of detainees since these individuals could have multiple detentions in the same calendar year. These data only include

Appendix IX: Review of Available Criminal Charges for Detentions of Selected Populations Resulting from ICE Arrests

individuals who disclosed their impairment or who were identified by facility staff as having an impairment. The number of detentions represents those for which we were able to match ICE data on convictions and charges with the unique detainee records and may not represent total of detentions of individuals with disabilities resulting from ICE arrests.

For the purposes of this report and our presentation of ICE data, we refer to potentially removable aliens with criminal convictions known to ICE as “convicted criminals.” To identify which convictions or charges were immigration-related detentions of aliens with disabilities resulting from ICE arrests, we reviewed the criminal history information recorded in ICE’s data system by ICE officers and categorized these records as “immigration-related” or “other” and also identified whether the recorded criminal history was a prior conviction or a pending criminal charge. According to ICE, ICE officers electronically request and retrieve criminal history information about an alien from the FBI’s National Crime Information Center database, which maintains a repository of federal and state criminal history information, and other sources. We used ICE’s determination of criminality for our analysis.

^aFor the purposes of our report, immigration-related convictions or charges include those charges identified in ICE data as immigration fraud, illegal re-entry, illegal entry, false citizenship, alien smuggling, and those that cited specific immigration-related criminal offenses such as 8 U.S.C. §§ 1325 (improper entry by alien) and 1326 (reentry by alien after removal).

^bOther” includes charges and convictions for assault, burglary, domestic violence, drug offenses, larceny, and theft, among others.

Table 15: Enforcement and Removal Operations Detentions of Pregnant Women Resulting from U.S. Immigration and Customs Enforcement (ICE) Arrests by Criminal Charge Type, Calendar Years 2016 through 2018

Calendar Year	Charges									No recorded criminal history
	Immigration-related ^a			Other ^b			Both Immigration and other			
	Convicted Criminal	Pending Criminal Charges	Total	Convicted Criminal	Pending Criminal Charges	Total	Convicted Criminal	Pending Criminal Charges	Total	
2016	6	2	8	15	3	18	5	0	5	37
2017	3	5	8	50	23	73	4	0	4	48
2018	6	1	7	31	28	59	4	1	5	42

Source: GAO analysis of U.S. Immigration and Customs Enforcement data | GAO-20-36

Notes: Detention data represent the number of detentions, rather than the number of detainees since these women could have multiple detentions in the same calendar year. The number of detentions represents those for which we were able to match ICE data on convictions and charges with the unique detainee records and may not represent total of detentions of pregnant women resulting from ICE arrests.

For the purposes of this report and our presentation of ICE data, we refer to potentially removable aliens with criminal convictions known to ICE as “convicted criminals.” To identify which convictions or charges were immigration-related for detentions of pregnant aliens resulting from ICE arrests, we reviewed the criminal history information recorded in ICE’s data system by ICE officers and categorized these records as “immigration-related” or “other” and also identified whether the recorded criminal history was a prior conviction or a pending criminal charge. According to ICE, ICE officers electronically request and retrieve criminal history information about an alien from the FBI’s National Crime Information Center database, which maintains a repository of federal and state criminal history information, and other sources. We used ICE’s determination of criminality for our analysis.

^aFor the purposes of our report, immigration-related convictions or charges include those charges identified in ICE data as immigration fraud, illegal re-entry, illegal entry, false citizenship, alien smuggling, and those that cited specific immigration-related criminal offenses such as 8 U.S.C. §§ 1325 (improper entry by alien) and 1326 (reentry by alien after removal).

^bOther includes charges and convictions for assault, burglary, domestic violence, drug offenses, larceny, and theft, among others.

Appendix IX: Review of Available Criminal Charges for Detentions of Selected Populations Resulting from ICE Arrests

Table 16: Enforcement and Removal Operations Detentions of Individuals with Mental Disorders at ICE Health Service Corps (IHSC)-staffed Facilities Resulting from U.S. Immigration and Customs Enforcement (ICE) Arrests by Criminal Charge Type, Calendar Years 2015 through 2018

Calendar Year	Charges									No recorded criminal history.
	Immigration-related ^a			Other ^b			Both Immigration and other			
	Convicted Criminal	Pending Criminal Charges	Total	Convicted Criminal	Pending Criminal Charges	Total	Convicted Criminal	Pending Criminal Charges	Total	
2015	89	21	110	2942	117	3059	752	5	757	118
2016	112	23	135	2842	199	3041	727	4	731	199
2017	106	41	147	3432	718	4150	702	19	721	372
2018	100	29	129	2799	800	3599	747	24	771	337

Source: GAO analysis of U.S. Immigration and Customs Enforcement data | GAO-20-36

Notes: IHSC provides direct medical, dental, mental health care, and public health services to detainees in 20 facilities authorized to house detainees for over 72 hours. Facilities serviced by IHSC include service processing centers, contract detention facilities, dedicated intergovernmental service agreement facilities, and family residential centers. Detention data represent the number of detentions of individuals with mental disorders detained at IHSC-staffed facilities, rather than the number of detainees since these individuals could have multiple detentions in the same calendar year. The number of detentions represents those for which we were able to match ICE data on convictions and charges with the unique detainee records and may not represent total detentions of individuals with mental disorders at IHSC-staffed facilities resulting from ICE arrests.

For the purposes of this report and our presentation of ICE data, we refer to potentially removable aliens with criminal convictions known to ICE as “convicted criminals.” To identify which convictions or charges were immigration-related for detentions of aliens with mental disorders at IHSC-staffed facilities resulting from ICE arrests, we reviewed the criminal history information recorded in ICE’s data system by ICE officers and categorized these records as “immigration-related” or “other” and also identified whether the recorded criminal history was a prior conviction or a pending criminal charge. According to ICE, ICE officers electronically request and retrieve criminal history information about an alien from the FBI’s National Crime Information Center database, which maintains a repository of federal and state criminal history information, and other sources. We used ICE’s determination of criminality for our analysis.

^aFor the purposes of our report, immigration-related convictions or charges include those charges identified in ICE data as immigration fraud, illegal re-entry, illegal entry, false citizenship, alien smuggling, and those that cited specific immigration-related criminal offenses such as 8 U.S.C. §§ 1325 (improper entry by alien) and 1326 (reentry by alien after removal).

^bOther includes charges and convictions for assault, burglary, domestic violence, drug offenses, larceny, and theft, among others.

Appendix IX: Review of Available Criminal Charges for Detentions of Selected Populations Resulting from ICE Arrests

Table 17: Enforcement and Removal Operations Detentions of Nursing Women at ICE Health Service Corps (IHSC) -staffed Facilities Resulting from U.S. Immigration and Customs Enforcement (ICE) Arrests by Criminal Charge Type, Calendar Years 2015 through 2018

Calendar Year	Charges									No recorded criminal history
	Immigration-related ^a			Other ^b			Both Immigration and other			
	Convicted Criminal	Pending Criminal Charges	Total	Convicted Criminal	Pending Criminal Charges	Total	Convicted Criminal	Pending Criminal Charges	Total	
2015	0	0	0	1	0	1	0	0	0	0
2016	0	0	0	2	0	2	0	0	0	5
2017	0	0	0	3	0	3	0	0	0	5
2018	0	0	0	0	5	5	0	0	0	3

Source: GAO analysis of U.S. Immigration and Customs Enforcement data | GAO-20-36

Notes: IHSC provides direct medical, dental, mental health care, and public health services to detainees in 20 facilities authorized to house detainees for over 72 hours. Facilities serviced by IHSC include service processing centers, contract detention facilities, dedicated intergovernmental service agreement facilities, and family residential centers. Detention data represent the number of detentions of women who were nursing detained at IHSC-staffed facilities, rather than the number of detainees since these individuals could have multiple detentions in the same calendar year. The number of detentions represents those for which we were able to match ICE data on convictions and charges with the unique detainee records and may not represent total detentions of nursing women at IHSC-staffed facilities resulting from ICE arrests.

For the purposes of this report and our presentation of ICE data, we refer to potentially removable aliens with criminal convictions known to ICE as “convicted criminals.” To identify which convictions or charges were immigration-related for detentions of nursing aliens at IHSC-staffed facilities resulting from ICE arrests, we reviewed the criminal history information recorded in ICE’s data system by ICE officers and categorized these records as “immigration-related” or “other” and also identified whether the recorded criminal history was a prior conviction or a pending criminal charge. According to ICE, ICE officers electronically request and retrieve criminal history information about an alien from the FBI’s National Crime Information Center database, which maintains a repository of federal and state criminal history information, and other sources. We used ICE’s determination of criminality for our analysis.

^aFor the purposes of our report, immigration-related convictions or charges include those charges identified in ICE data as immigration fraud, illegal re-entry, illegal entry, false citizenship, alien smuggling, and those that cited specific immigration-related criminal offenses such as 8 U.S.C. §§ 1325 (improper entry by alien) and 1326 (reentry by alien after removal).

^bOther” includes charges and convictions for assault, burglary, domestic violence, drug offenses, larceny, and theft, among others.

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Table 18: Enforcement and Removal Operations Detentions of Elderly Individuals Resulting from U.S. Immigration and Customs Enforcement (ICE) Arrests by Criminal Charge Type, Calendar Years 2015 through 2018

Calendar Year	Charges									No recorded criminal history
	Immigration-related ^a			Other ^b			Both Immigration and other			
	Convicted Criminal	Pending Criminal Charges	Total	Convicted Criminal	Pending Criminal Charges	Total	Convicted Criminal	Pending Criminal Charges	Total	
2015	7	3	10	446	9	455	95	1	96	60
2016	10	1	11	365	9	374	85	0	85	46
2017	15	2	17	419	24	443	79	0	79	36
2018	14	2	16	518	57	575	107	0	107	45

Source: GAO analysis of U.S. Immigration and Customs Enforcement data | GAO-20-36

Notes: Detention data represent the number of detentions, rather than the number of detainees since these individuals could have multiple detentions in the same calendar year. The number of detentions represents those for which we were able to match ICE data on convictions and charges with the unique detainee records and may not represent total detentions of elderly individuals (those over 65 years) resulting from ICE arrests.

For the purposes of this report and our presentation of ICE data, we refer to potentially removable aliens with criminal convictions known to ICE as “convicted criminals.” To identify which convictions or charges were immigration-related for detentions of elderly aliens resulting from ICE arrests, we reviewed the criminal history information recorded in ICE’s data system by ICE officers and categorized these records as “immigration-related” or “other” and also identified whether the recorded criminal history was a prior conviction or a pending criminal charge. According to ICE, ICE officers electronically request and retrieve criminal history information about an alien from the FBI’s National Crime Information Center database, which maintains a repository of federal and state criminal history information, and other sources. We used ICE’s determination of criminality for our analysis.

^aFor the purposes of our report, immigration-related convictions or charges include those charges identified in ICE data as immigration fraud, illegal re-entry, illegal entry, false citizenship, alien smuggling, and those that cited specific immigration-related criminal offenses such as 8 U.S.C. §§ 1325 (improper entry by alien) and 1326 (reentry by alien after removal).

^bOther includes charges and convictions for assault, burglary, domestic violence, drug offenses, larceny, and theft, among others.

Appendix X: Length of Detentions of Selected Populations

This appendix presents the length of U.S. Immigrations and Customs Enforcement (ICE) Enforcement and Removal Operations detentions of selected populations—aliens who are: transgender, individuals with disabilities, pregnant, individuals with mental disorders, women who are nursing, or individuals who are elderly.¹ Available ICE data varied for each of these populations because ICE began collecting these data at different time periods. In addition, the length of some detentions from a particular year may be undetermined because they were still ongoing at the time of our review (as of May 15, 2019). We present available data for each of the populations.²

Detentions of Transgender Individuals. Based on available records each year from 2016 through 2018, the majority of detentions of transgender individuals were 90 days or less (ranging from 62 to 70 percent), as shown in table 19.

Table 19: Length of Enforcement and Removal Operations Detentions of Transgender Individuals, Calendar Years 2016 through 2018

Calendar Year	0 -1 day	2 -7 days	8 -15 days	16 -30 days	31- 90 days	91 - 180 days	181 - 270 days	271- 365 days	366- 450 days	451- 592 days	Undetermined or ongoing ^a	Total Detentions
2016	50	29	11	14	62	40	20	7	3	1	0	237
2017	39	35	7	24	52	40	29	10	7	5	5	253
2018	22	19	12	27	109	45	9	4	3	1	33	284

Source: GAO analysis of U.S. Immigration and Customs Enforcement (ICE) data | GAO-20-36

Notes: Detention data represent the number of detentions of transgender individuals, rather than the number of detainees since these individuals could have multiple detentions in the same calendar year. Transgender data only include individuals who voluntarily disclosed their gender identity to ICE. Our analysis is based on the 228 unique transgender detainee records for 2016, 241 for 2017 and 277 for 2018 that we were able to match to the detention data. The number of detainees may not equal the number of detentions because an individual may have been detained multiple times during a calendar year.

^aThe length of detention was undetermined for these detentions because the book-out date and book-out reason were missing for these records which is generally due to an ongoing detention.

¹ICE is responsible for detaining aliens awaiting decisions about their removal from the United States as well as aliens ordered removed, including aliens transferred to ICE from U.S. Customs and Border Protection who were apprehended at or between ports of entry.

²We used ICE detention data on detention start date (initial book-in date) and the last release date (book-out date) to calculate the length of stay. A release date (book-out date) may be entered to record multiple actions, including release from detention, transfer to another detention facility, or removal.

Appendix X: Length of Detentions of Selected Populations

Detentions of Individuals with Disabilities. Based on available records in calendar years 2017 and 2018, the majority of detentions of individuals with disabilities were 90 days or less (56 and 65 percent, respectively), as shown in table 20.

Table 20: Length of Enforcement and Removal Operations Detention of Individuals with Disabilities, Calendar Years 2017 and 2018

Calendar Years	0 -1 day	2 -7 days	8 -15 days	16 -30 days	31 -90 days	91 - 180 days	181 - 270 days	271 - 365 days	366 – 450 days	451- 734 days	Undetermined or ongoing ^a	Total Detentions
2017	2	10	22	56	151	94	45	24	11	15	4	434
2018	1	20	34	90	201	90	35	18	4	1	36	530

Source: GAO analysis of U.S. Immigration and Customs Enforcement data | GAO-20-36

Notes: Detention data represent the number of detentions of individuals with disabilities—i.e., those with communication and mobility impairments—, rather than the number of detainees since these individuals could have multiple detentions in the same calendar year. These data only include individuals who disclosed their impairment or who were identified by facility staff as having an impairment. Our analysis is based on the 429 unique detainee with disabilities records for 2017, and 516 for 2018 that we were able to match to the detention data. The number of detainees may not equal the number of detentions because an individual may have been detained multiple times during a calendar year.

^aThe length of detention was undetermined for these detentions because the book-out date and book-out reason were missing for these records which is generally due to an ongoing detention.

Detentions of Pregnant Women. From calendar years 2016 through 2018, the majority of detentions of pregnant women were 15 days or less (ranging from 71 to 93 percent), as shown in table 21.

Table 21: Length of Enforcement and Removal Operations Detentions of Pregnant Women, Calendar Years 2016 through 2018

Calendar Year	0 -1 day	2 -7 days	8 -15 days	16 -30 days	31 - 90 days	91 - 180 days	181 - 270 days	271 -334 days	Undetermined or ongoing ^a	Total Detentions
2016	627	600	61	42	41	9	0	0	0	1380
2017	328	449	117	144	108	14	0	0	0	1160
2018	523	644	316	338	261	13	1	1	1	2098

Source: GAO analysis of U.S. Immigration and Customs Enforcement data | GAO-20-36

Notes: Detention data represent the number of detentions of pregnant women, rather than the number of detainees since these women could have multiple detentions in the same calendar year. Our analysis is based on the 1,377 unique pregnant detainee records for 2016, 1,150 for 2017 and 2,094 for 2018 that we were able to match to the detention data. The number of detainees may not equal the number of detentions because an individual may have been detained multiple times during a calendar year.

^aThe length of detention was undetermined for these detentions because the book-out date and book-out reason were missing for these records which is generally due to an ongoing detention.

Detentions of Individuals with Mental Disorders at ICE Health Service Corps-staffed facilities. Based on available records each year from calendar years 2015 through 2018, the majority of detentions of individuals with mental disorders at ICE Health Service Corps (IHSC)-staffed facilities were 90 days or less (ranging from 59 to 71 percent), as shown in table 22.³

Table 22: Length of Enforcement and Removal Operations Detentions of Individuals with Mental Disorders in ICE Health Service Corps (IHSC)-staffed Facilities, Calendar Years 2015 through 2018

Calendar Year	0 -1 day	2 -7 days	8 -15 days	16 -30 days	31 -90 days	91 - 180 days	181 - 270 days	271 - 365 days	366 - 450 days	451- 1518 days	Undetermined or ongoing ^a	Total Detentions
2015	20	296	643	988	3237	1467	719	392	216	528	7	8513
2016	43	416	1100	1221	3216	1804	869	510	262	440	22	9903
2017	20	292	598	1548	2916	1657	883	477	255	310	82	9038
2018	27	263	720	1598	3609	1497	503	160	33	10	376	8796

Source: GAO analysis of U.S. Immigration and Customs Enforcement data | GAO-20-36

Notes: Detention data represent the number of detentions of individuals with mental disorders at IHSC-staffed facilities, rather than the number of detainees since these individuals could have multiple detentions in the same calendar year. These data only include individuals with mental disorders detained at IHSC-staffed facilities. Our analysis is based on the 8,138 unique detainee with mental disorders records for 2015, 9,466 for 2016, 8,643 for 2017, and 8,501 for 2018 that we were able to match to the detention data. The number of detainees may not equal the number of detentions because an individual may have been detained multiple times during a calendar year.

^aThe length of detention was undetermined for these detentions because the book-out date and book-out reason were missing for these records which is generally due to an ongoing detention.

Detentions of Nursing Women at IHSC-staffed facilities. From calendar years 2015 through 2018, most detentions of nursing women at IHSC-staffed facilities were 30 days or less (ranging from 77 to 97 percent), as shown in table 23.

³ICE Health Service Corps (IHSC) provides direct medical, dental, mental health care, and public health services to detainees in 20 facilities authorized to house detainees for over 72 hours. Facilities serviced by IHSC include service processing centers, contract detention facilities, dedicated intergovernmental service agreement facilities, and family residential centers.

Appendix X: Length of Detentions of Selected Populations

Table 23: Length of Enforcement and Removal Operations Detentions of Nursing Women in ICE Health Service Corps (IHSC)-staffed Facilities, Calendar Years 2015 through 2018

Calendar Year	0 -1 day	2 -7 days	8 -15 days	16 -30 days	31 - 90 days	91 - 180 days	181 - 270 days	271 -365 days	366-534 days	Total Detentions
2015	0	4	54	63	28	5	0	1	2	157
2016	2	7	227	150	10	1	3	1	0	401
2017	2	12	140	392	19	0	2	0	0	567
2018	0	20	103	245	13	0	0	0	0	381

Source: GAO analysis of U.S. Immigration and Customs Enforcement data | GAO-20-36

Notes: Detention data represent the number of detentions of nursing women at IHSC-staffed facilities, rather than the number of detainees since these women could have multiple detentions in the same calendar year. Our analysis is based on the 157 unique nursing detainee records for 2015, 399 for 2016, 564 for 2017 and 381 for 2018 that we were able to match to the detention data. The number of detainees may not equal the number of detentions because an individual may have been detained multiple times during a calendar year.

Detentions of Elderly Individuals. Based on available records each year from calendar years 2015 through 2018, most of the detentions of elderly individuals were 90 days or less (ranging from 80 to 84 percent), with the majority being of 30 days or less, as shown in table 24.

Table 24: Length of Enforcement and Removal Operations Detentions of Elderly Individuals, Calendar Years 2015 through 2018

Calendar Year	0 -1 day	2 -7 days	8 -15 days	16 -30 days	31 -90 days	91 - 180 days	181 - 270 days	271 - 365 days	366 - 450 days	541- 1,323 days	Undetermined or ongoing ^a	Total Detentions
2015	205	156	57	103	210	84	35	12	5	15	0	882
2016	161	109	55	91	193	91	27	12	6	4	0	749
2017	134	127	64	110	222	80	22	9	6	2	2	778
2018	165	175	89	164	334	149	30	7	1	0	46	1159

Source: GAO analysis of U.S. Immigration and Customs Enforcement data | GAO-20-36

Notes: Detention data represent the number of detentions of elderly individuals (those over 65 years), rather than the number of detainees since these individuals could have multiple detentions in the same calendar year. Our analysis is based on the 863 unique elderly detainee records for 2015, 736 for 2016, 763 for 2017 and 1,132 for 2018 that we were able to match to the detention data. The number of detainees may not equal the number of detentions because an individual may have been detained multiple times during a calendar year.

^aThe length of detention was undetermined for these detentions because the book-out date and book-out reason were missing for these records which is generally due to an ongoing detention.

Appendix XI: Comments from the Department of Homeland Security

U.S. Department of Homeland Security
Washington, DC 20528



**Homeland
Security**

November 4, 2019

Gretta Goodwin
Director, Homeland Security and Justice
U.S. Government Accountability Office
441 G Street, NW
Washington, DC 20548

Re: Management Response to Draft Report GAO-20-36, "IMMIGRATION ENFORCEMENT: Arrest, Detentions, and Removals and Issues Related to Selected Populations"

Dear Ms. Goodwin:

Thank you for the opportunity to review and comment on this draft report. The U.S. Department of Homeland Security (DHS) appreciates the U.S. Government Accountability Office's (GAO) work in planning and conducting its review and issuing this report.

The Department is pleased to note GAO's reporting confirms that the U.S. Immigration and Customs Enforcement (ICE) prioritizes the arrest and removal of criminal aliens. Specifically, ICE prioritizes the arrest and removal of unlawfully present aliens who received criminal convictions, have pending criminal charges, are a national security or public safety threat, or are immigration fugitives. GAO's analysis verified the clear majority of ICE arrests within these populations are convicted criminals or individuals with pending criminal charges.

In addition, the Department welcomes GAO's positive recognition that ICE has developed and implemented policies that consider the special needs of specific vulnerable populations, including individuals with mental disorders or disabilities, and those who are transgender, parents of minors, pregnant, or juveniles. GAO reporting acknowledges that ICE has dedicated personnel to serve as field liaisons for many of these populations and releases certain aliens on parole for humanitarian reasons, medical emergency, or other reasons on a case-by-case basis. Further, GAO reported that ICE generally does not target or detain these and other vulnerable populations, such as nursing women and the elderly, unless they have criminal records, a practice which aligns with ICE's priorities for the arrest and removal of criminal aliens.

These efforts demonstrate that the Department treats the individuals in its custody with respect and compassion. DHS remains committed to smart immigration enforcement, preventing terrorism, and combatting the illegal movement of people and trade.

The draft report contained one recommendation with which the Department non-concurs. Attached find our detailed response to the recommendation. DHS previously provided technical comments under a separate cover.

Again, thank you for the opportunity to review and comment on this draft report. Please feel free to contact me if you have any questions. We look forward to working with you again in the future.

Sincerely,



JIM H. CRUMPACKER, CIA, CFE
Director
Departmental GAO-OIG Liaison Office

Attachment

**Attachment: Management Response to Recommendation
Contained in GAO-20-36**

GAO recommended that the Director of ICE:

Recommendation 1: Implement a process to collect and maintain data in a readily available format on detained parents or legal guardians of U.S. citizen and legal permanent resident minors to ensure that information on this population is entered into ICE's data system as required by policy.

Response: Non-concur. ICE Enforcement and Removal Operations (ERO) agrees that it must collect and maintain data on detained parents or legal guardians of U.S. citizen and legal permanent resident minors, which it already does in accordance with ICE Policy Number 11064.2, "Detention and Removal of Alien Parents or Legal Guardians," dated August 29, 2017. This policy provides guidance for performing operations and managing individual cases, including tracking event-based data.

Once ICE determines a detained alien is a parent or legal guardian of a U.S.-born citizen or legal permanent resident minor, ERO officers enter and maintain the data in the ENFORCE Alien Removal Module (EARM) and the EAGLE [EID (Enforcement Integrated Database) Arrest GUI for Law Enforcement] systems (in the Relatives tab of these two systems) to facilitate appropriate actions specific to individual cases. Approved EARM users, including Child Welfare Coordinators, have ready access to this data and can use or share it with appropriate staff to ensure compliance with ICE policy and guidance. This includes making arrangements for the care of children, such as arranging transportation for parents to attend child welfare proceedings and to accommodate visitation. Data collected is also readily available for consideration, as appropriate, when determining whether to detain or release an alien.

Parents or legal guardians are considered adult detainees who, unlike other populations GAO reports on (e.g., lesbian, gay, bisexual, transgender, and intersex; individuals with disabilities; individuals with mental disorders; pregnant women who are nursing, etc.) do not require unique considerations as a group. For example, being a parent or legal guardian, in and of itself, does not necessitate an added health screening or placement consideration, which a transgender person or pregnant woman would require. As previously mentioned, ICE collects and maintains information on whether an alien is a parent or legal guardian only to take actions specific to individual cases. For parents or legal guardians, this case-specific information is what is necessary and is readily available. ICE does not have any requirement nor need to aggregate data on this particular group and doing so would not better inform ICE's decision making processes.

ICE's sole aggregate reporting requirement related to data concerning parents or legal guardians is a statutory requirement that began in Fiscal Year 2016 as part of the DHS Appropriations Act, which mandates that ICE submit semiannual reports to the House and Senate Committees on the removal of parents of U.S. Citizen minors. The data that ERO already collects and maintains is used to prepare ICE's semiannual report titled "Deportation of Aliens Claiming U.S.-Born Children," to satisfy this requirement, and is something ICE will continue to do. ICE has no requirement nor need to report any other aggregate data.

ICE officials and GAO personnel have met multiple times to discuss the intent of this recommendation and how having aggregate data on the parent or legal guardian population might contribute to improved ICE mission effectiveness. GAO has not identified any problem with the quality of the data in ICE's systems nor been able to articulate compelling reasons how implementing this recommendation could enhance ICE mission effectiveness.

ICE already collects and maintains the data needed in a format that is readily available to successfully fulfill its operational mission, remain appropriately cognizant of the impacts of enforcement actions on alien parents and legal guardians, and satisfy statutorily-mandated reporting requirements. Given current funding constraints and competing mission requirements, ICE cannot consider making system enhancements not directly tied to improving mission outcomes.

We request that GAO consider this recommendation resolved and closed as implemented.

Appendix XII: GAO Contact and Staff Acknowledgments

GAO Contact

Gretta L. Goodwin, (202) 512-8777, goodwing@gao.gov

Staff Acknowledgments

In addition to the contact name above, Meg Ullengren (Assistant Director), Carissa Bryant (Analyst-in-Charge), Hiwotte Amare, Michele Fejfar, Eric Hauswirth, Dainia Lawes, Marycella Mierez, Heidi Nielson, and Claire Peachey made key contributions to this report.

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