

Immigration Enforcement Actions: 2006

Each year, the Department of Homeland Security (DHS) undertakes immigration enforcement actions involving hundreds of thousands of foreign nationals (for definitions of immigration enforcement action terms, see Box 1). These actions include the arrest, detention, return, and removal from the United States of foreign nationals who are in violation of the Immigration and Nationality Act (INA). These violations include engaging in violent crime, document fraud, terrorist activity, and drug smuggling. Responsibility for the enforcement of immigration law within DHS rests with U.S. Customs and Border Protection (CBP) and U.S. Immigration and Customs Enforcement (ICE). CBP is responsible for the inspections of all arriving persons and conveyances at ports of entry and the deterrence or apprehension of illegal immigrants between ports of entry. ICE is responsible for enforcing immigration laws within the interior of the United States.

This Office of Immigration Statistics *Annual Report* presents information on the apprehension, detention, return, and removal of foreign nationals during 2006 as well as investigations of individuals or organizations in violation of immigration laws.¹ In 2006, in summary:

- DHS apprehended more than 1,206,000 foreign nationals. Nearly 88 percent were natives of Mexico.
- There were 8,778 ICE Office of Investigations criminal arrests and 6,872 convictions for immigration-related crimes.
- ICE detained approximately 257,000 foreign nationals.
- There were 272,389² aliens removed from the United States. The leading countries of origin of those removed were Mexico (67 percent), Honduras (10 percent) and Guatemala (7 percent). More than 1,043,000 other foreign nationals accepted an offer to return to their home countries without a removal order.
- Expedited removals accounted for 110,147 or 40 percent of all removals.
- DHS removed 95,752 known criminal aliens from the United States.

ENFORCEMENT PROGRAM ACTIVITIES

Inspections

CBP Officers determine the admissibility of aliens who are applying for admission to the U.S. at designated

ports of entry. CBP Officers may permit inadmissible aliens the opportunity to withdraw their application for admission or, in some cases, can refer an alien to an immigration judge for removal proceedings. Officers have the authority to order certain aliens removed under expedited removal proceedings without further hearings or review by an immigration judge. The expedited removal order carries the same penalties as a removal order issued by an immigration judge.

Border Patrol

The primary mission of the Border Patrol is to secure approximately 7,000 miles of international land border with Canada and Mexico and 2,000 miles of coastal border of the United States. The Border Patrol's major objectives are to prevent entry into the United States of illegal aliens and foreign nationals suspected of terrorism and other criminal activity, interdict drug smugglers and other criminals, and compel those persons seeking admission to present themselves legally at ports of entry for inspection. Border Patrol operations are divided into geographic regions referred to as sectors.

Investigations

The ICE Office of Investigations conducts criminal investigations that focus on the enforcement of a wide variety of laws that include immigration and customs statutes. Special agents plan and conduct complex investigations of organizations and serious violators subject to the administrative and criminal provisions of the INA as well as the United States Code. ICE Special Agents also work as team members in multi-agency task forces on terrorism, violent crime, document fraud, narcotic

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

² ICE physically removed approximately 204,300 foreign nationals during 2006. CBP physically removed the others, which totaled nearly 68,100.



trafficking, human trafficking and smuggling, and various forms of organized crime. In addition, worksite enforcement investigations are prioritized with a focus on critical infrastructure facilities and employers who use a business model that includes the employment of illegal aliens, or who willfully and knowingly hire unauthorized workers.

Detention and Removal

Officers and agents of the Detention and Removal Operations (DRO) program serve as the primary enforcement arm within ICE for the identification, apprehension and removal of illegal aliens from the United States. The resources and expertise of DRO are utilized to identify and apprehend illegal aliens, fugitive aliens, and criminal aliens, to manage cases in immigration proceedings, and to enforce orders of removal from the United States. DRO officers conduct reviews to determine appropriate custody conditions, which may include release of detained aliens on parole, bond, recognizance, or pursuant to orders of supervision where appropriate. DRO officers enforce the departure of removable aliens from the United States under final removal orders.

The Removal Process. Removal proceedings encompass the actions that lead to the removal of an alien from the United States when the presence of that alien is in violation of Section 237 or 212 of the INA. DHS has several options in removing an alien from the United States. Most removal proceedings are conducted before an immigration judge. Possible outcomes of an immigration hearing include removal, adjustment to legal status, or a termination of proceedings. Decisions of the immigration judge can be appealed to the Board of Immigration Appeals.

The penalties associated with removal include not only the removal itself but also possible fines, imprisonment for up to 10 years for aliens who do not appear at hearings or who fail to depart, and a bar to future legal entry (the bar is permanent for aggravated felons and up to 20 years for certain other aliens). The imposition and extent of these penalties depend upon the circumstances of the case.

Expedited Removal. Under expedited removal, an immigration officer may determine that an arriving alien is inadmissible because the alien engaged in fraud or misrepresentation, or lacks proper documents. The officer can order the alien removed without further hearing or review, unless the alien states a fear of persecution or an intention to apply for asylum. Officers refer aliens who make such pleas to an asylum officer and the case may eventually be argued before an immigration judge.

Return. In some cases, apprehended aliens may be offered the opportunity to return to their home country without being placed in immigration proceedings. This procedure is common with non-criminal aliens who are apprehended by the Border Patrol. Aliens agree that their entry was illegal, waive their right to a hearing, remain in custody, and are returned under supervision. Some aliens apprehended within the United States agree to voluntarily depart and pay the expense of departing. These departures may be granted by an immigration judge or, in some circumstances, by a DRO

Box 1.

Definitions of Immigration Enforcement Terms

Deportable Alien: An alien who has been admitted into the United States but who is subject to removal pursuant to provisions of the Immigration and Nationality Act (INA § 237).

Detention: The seizure and incarceration of an alien in order to hold him/her while awaiting judicial or legal proceedings or return transportation to his/her country of citizenship.

Inadmissible Alien: An alien seeking admission into the United States who is ineligible to be admitted according to the provisions of the Immigration and Nationality Act (INA § 212).

Removal: The compulsory and confirmed movement of an inadmissible or deportable alien out of the United States based on an order of removal. An alien who is removed has administrative or criminal consequences placed on subsequent reentry owing to the fact of the removal.

Return: The confirmed movement of an inadmissible or deportable alien out of the United States not based on an order of removal.

Expedited Removal: (INA § 235(b)) A process by which DHS may order an alien removed. This requires a finding that the alien is inadmissible pursuant to INA § 212(a)(6)(C) or (a)(7) based on having fraudulent documents or not having proper entry documents. Such aliens are generally removed without further hearing or review.

Withdrawal: An arriving alien's voluntary retraction of an application for admission to the United States in lieu of a removal hearing before an immigration judge or an expedited removal.

Field Office Director. In certain instances, aliens who have agreed to a return may be legally admitted in the future without penalty.

DATA

Apprehension

Apprehension data are collected in the Enforcement Case Tracking System (ENFORCE) using Form I-213. Much of the data collected establishes the identity of the individual and the circumstances of the apprehension. Additional information collected includes country of birth, country of citizenship, gender, date of birth, and marital status.

Individuals Detained

Data on individuals detained are collected through the ICE Deportable Alien Control System (DACS). The data captured include immigration status, type of entry into the United States, reasons for removal (if applicable), history of criminal activity, limited employment information, and basic demographic information such as date of birth, gender, marital status, country of birth, country of citizenship, and country to which deported.

Individuals Removed or Returned

Data on individuals removed or returned are collected through the ICE Deportable Alien Control System (DACS) and the Enforcement Case Tracking System (ENFORCE) and are updated annually.

Limitations of Data

Case Tracking. The current DHS data systems do not link an apprehension to its final disposition (e.g. removal or adjustment of status). Therefore, caution should be exercised when comparing apprehension and removal or return data. Apprehended aliens who choose to use the available appeals procedures could spend several months and in some cases several years in the process before final disposition of their cases. In addition, DHS statistics on apprehensions and removals relate to events. For example, if an alien has been apprehended three times during the year, that individual will appear three times in the apprehension statistics.

Changes in Definitions and Reporting Requirements.

Changes in data systems, definitions, and reporting requirements related to the establishment of DHS have had an impact on the annual data reported in this series. The major categories of ICE investigations, for example, changed beginning in 2004. In addition, the numbers of removals have been revised retroactively to Fiscal Year 2001 by the addition of all aliens ordered removed under expedited removal by CBP, as well as those removed by the Border Patrol under administrative removal procedures.

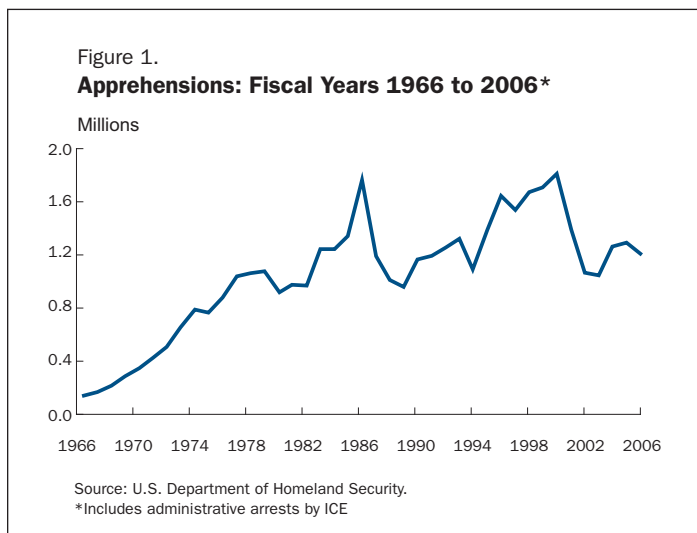
RESULTS

Apprehensions

DHS made a total of 1,206,457 apprehensions in 2006 (see Figure 1). The Border Patrol reported 1,089,136 or 90 percent of all apprehensions. Ninety-eight percent of Border Patrol apprehensions were along the southwest border. ICE Office of Investigations made 101,854³ apprehensions or 8 percent of all apprehensions in 2006. ICE's National Fugitive Operations Program (NFOP) apprehended 15,467³ fugitive and non-fugitive aliens.

Southwest Border Apprehensions

Apprehensions along the southwest border decreased 8 percent to 1,072,018 in 2006 from 1,171,428 in 2005. This was the first year-to-year decrease since 2000 when a record 1,643,679 apprehensions were made. In 2006, as in every year since 1998, the



Tucson, AZ sector had the largest number of apprehensions. Tucson accounted for 392,104 or 37 percent of all southwest border apprehensions in 2006. The next leading sectors were San Diego, CA (142,122), El Paso, TX (122,261), Yuma, AZ (118,537), and Rio Grande Valley, TX (110,531). These five sectors accounted for 83 percent of all southwest border apprehensions.

Nationality of Apprehended Aliens.

Mexican nationals accounted for nearly 88 percent of the 1,206,457 aliens apprehended. The next leading source countries were El Salvador, Honduras, Guatemala, Cuba, the Dominican Republic, Nicaragua, the People's Republic of China, Brazil, Ecuador, Colombia, Jamaica, and Haiti.

Investigations

Investigations of criminal cases include the following major activities/categories – financial, human smuggling and trafficking, general and criminal alien, identity and benefit fraud (IBF), compliance enforcement, and worksite enforcement. Financial investigations are cases developed to counteract criminal organizations involved in money laundering and related crimes and also to prosecute violators involved in cross border and related financial crimes. Human smuggling and trafficking investigations refer to cases targeted against persons or organizations that bring, transport, harbor, or smuggle illegal aliens into or within the United States. General alien investigations refer to general investigative activities, including those targeting aliens who attempt illegal reentry, have absconded, or commit other crimes in the United States. Criminal alien investigations focus on large-scale organizations engaged in ongoing criminal activity. Identity and benefit fraud investigations seek to dismantle fraud schemes that are used to circumvent immigration and related laws, or used to shield the true status of illegal aliens in order to obtain entitlement benefits from federal, state, or local agencies. The compliance enforcement program focuses on preventing foreign nationals from exploiting the nation's immigration system by developing cases for investigation from DHS systems containing information on the status of students and other nonimmigrants.

Worksite Enforcement investigations are prioritized with the focus on critical infrastructure facilities and employers who use a business model that includes the employment of illegal aliens, or willfully and knowingly hire unauthorized workers. Worksite enforcement forensic auditors provide investigative support to Special Agents to monitor and inspect trends and records to substantiate evidence for eventual arrest of unauthorized alien workers and prosecution of employers who knowingly employ them.

Traditionally, ICE has undertaken Worksite Enforcement investigations to obtain employer compliance by conducting administrative audits of the employment eligibility verification process (Form I-9). If substantive violations of the employment eligibility verification requirements are found, ICE could issue a Notice of Intent to Fine (NIF). Some employers view this compliance process as merely an additional cost of doing business. In addition to administrative

³ ICE reports these apprehensions as "administrative arrests."

finances, ICE conducts parallel financial investigations to seek criminal and/or civil forfeiture against business/individual assets belonging to these violators. These civil and criminal forfeiture efforts are judicial actions and require Federal District Court involvement.

In 2006, immigration-related criminal investigations resulted in 8,778 criminal arrests and 6,872 convictions (see Table 1). Seizures totaled 3,755 and were valued at \$33.9 million. General and criminal alien investigations represented the largest category of immigration-related investigations, accounting for 4,589 criminal arrests and 3,689 convictions. The Compliance Enforcement Unit's apprehensions are generally not criminal in nature, and are subsequently not reflected in this table. These other apprehensions totaled 1,710 during the year. Human smuggling and trafficking investigations resulted in the largest number of seizures (1,609) valued at \$11.0 million. Identity and Benefit Fraud investigations resulted in the second largest number of seizures (1,281) and the highest dollar value, \$12.2 million. ICE initiated Worksite Enforcement investigations resulted in seizures of property and assets valued at approximately \$1.8 million in 2006. This amount can differ from the actual amount that is judicially forfeited at the conclusion of all litigation, as a result of changing market value, return of some assets, and plea agreements. Thus, during 2006, the judicially ordered criminal fines, forfeitures, and payments in lieu of forfeiture are estimated to have yielded approximately \$233,000. Judicially ordered fines, forfeitures, and restitutions were \$2.9 million in 2004, and \$15.8 million in 2005.

Detentions

ICE detained a total of 256,842 aliens during 2006. The average daily detention population was approximately 21,450. Although nearly 50 percent of all detainees were aliens from Mexico, their relatively short stays in detention meant that they accounted for only 26 percent of detention bed days. The other leading countries were: El Salvador (12 percent of bed days), Honduras (11 percent), Guatemala (10 percent), Haiti and China (4 percent each), Dominican Republic, Jamaica and Cuba (3 percent each), and Nicaragua (2 percent).

Removals and Returns

The most complete picture of adverse actions involving individual aliens includes aliens who are removed with consequent penalties (272,389) and those who voluntarily return (approximately 1,043,000).

Total and Expedited Removal. The number of removals increased 13 percent to 272,389 in 2006 from 241,778 in 2005 (see Table 2). While the number of expedited removals increased by 25 percent from 2005 to 2006, the number of non-expedited removals increased by 5 percent.

Table 1.

Principal Immigration-Related Activities of U.S. Immigration and Custom Enforcement (ICE) Office of Investigations: Fiscal Year 2006

| Activities and accomplishments | Criminal arrests | Criminal indictments | Criminal convictions | Number of seizures | Dollar value of seizures |
|---|------------------|----------------------|----------------------|--------------------|--------------------------|
| Total, all immigration-related categories | 8,778 | 6,514 | 6,872 | 3,755 | 33,861,911 |
| Financial investigations | 27 | 16 | 14 | 60 | 3,996,732 |
| Human smuggling and trafficking investigations | 2,154 | 1,585 | 1,596 | 1,609 | 11,046,622 |
| General and criminal alien investigations | 4,589 | 3,434 | 3,689 | 532 | 4,804,781 |
| Identity and benefit fraud (IBF) investigations | 1,272 | 1,032 | 1,073 | 1,281 | 12,230,727 |
| Worksite enforcement | 716 | 441 | 493 | 261 | 1,782,447 |

Source: Department of Homeland Security, Immigration and Customs Enforcement (ICE) Office of Investigations, Treasury Enforcement Communications System (TECS) and Seized Asset and Case Tracking System (SEACATS).

Table 2.

Trends in Total and Expedited Removals: Fiscal Years 2001 to 2006

| Year | Total removals | Expedited removals |
|----------------|----------------|--------------------|
| 2006 | 272,389 | 110,147 |
| 2005 | 241,778 | 87,887 |
| 2004 | 236,932 | 51,015 |
| 2003 | 207,431 | 43,873 |
| 2002 | 162,865 | 34,590 |
| 2001 | 187,140 | 69,895 |

Source: U.S. Department of Homeland Security, Deportable Alien Control System (DACS), and Enforcement Case Tracking System (ENFORCE), reported as of July, 2007.

Table 3.

Leading Countries of Nationality of Aliens Removed: 2006

| Country | Number removed | Number of criminals |
|------------------------------|----------------|---------------------|
| Total | 272,389 | 95,752 |
| Mexico | 183,445 | 70,951 |
| Honduras | 26,779 | 5,591 |
| Guatemala | 19,136 | 3,608 |
| El Salvador | 10,588 | 3,688 |
| Brazil | 4,073 | 560 |
| Dominican Republic | 2,986 | 2,250 |
| Colombia | 2,551 | 1,313 |
| Nicaragua | 2,368 | 588 |
| Other | 20,463 | 7,203 |

Source: U.S. Department of Homeland Security, Deportable Alien Control System (DACS), and Enforcement Case Tracking System (ENFORCE), reported as of July, 2007.

Table 4.

Leading Crime Categories of Criminal Aliens Removed: Fiscal Year 2006

| Crime category | Number removed | Percent of total |
|---------------------------|----------------|------------------|
| Total | 95,752 | 100.0 |
| Dangerous drugs | 33,046 | 34.5 |
| Immigration | 22,697 | 23.7 |
| Assault | 9,373 | 9.8 |
| Burglary | 3,454 | 3.6 |
| Robbery | 2,861 | 3.0 |
| Larceny | 2,713 | 2.8 |
| Sexual assault | 2,485 | 2.6 |
| Family offenses | 2,232 | 2.3 |
| Stolen vehicles | 1,918 | 2.0 |
| Sex offenses | 1,859 | 1.9 |
| Other | 13,114 | 13.7 |

Source: U.S. Department of Homeland Security, Deportable Alien Control System (DACS), and Enforcement Case Tracking System (ENFORCE), reported as of July, 2007.

Expedited removals represented 40 percent of all removals in 2006. Expedited removal procedures allow DHS to quickly remove certain inadmissible aliens from the United States. In 2006, DHS used these procedures with aliens arriving at ports of entry who illegally attempted to gain admission by fraud or misrepresentation, with no entry documents, or by using counterfeit, altered, or otherwise fraudulent or improper documents. Aliens placed in the expedited removal process have the opportunity to claim a fear of persecution, or an intention to apply for asylum, or they may claim to have certain legal status in the United States. A supervisor reviews all cases and aliens who have made certain claims may be referred to an asylum officer and ultimately to an immigration judge.

Aliens from Mexico accounted for nearly 65 percent of expedited removals in 2006. The next largest source countries were Honduras, Guatemala, Brazil, Nicaragua and Ecuador. Approximately 81 percent of all expedited removals were made in one of three southwest offices: Phoenix, AZ (30 percent); San Antonio, TX (29 percent); and San Diego, CA (22 percent).

Country of Nationality of Alien Removals. Mexico was the country of nationality of 67 percent of all aliens removed in 2006 (see Table 3). The eight leading countries accounted for 92 percent of all the removals conducted in 2006.

Criminal Activity. Criminals accounted for 35 percent of total removals in 2006 (see Table 3). DHS continues to increase cooperation with other law enforcement agencies by using the Institutional Removal Program to ensure that incarcerated criminal aliens are placed in removal proceedings. The program seeks to eliminate or minimize the time an alien must be detained by DHS after release from prison and before removal. In 2006, DHS removed 22,132 criminal aliens using this program. The most common categories of crime committed by aliens removed in 2006 included dangerous drugs, immigration, and assault (see Table 4). These three categories accounted for 68 percent of all alien removals in 2006.

Returns. More than 1,043,000 aliens were allowed to return to their home countries in Fiscal Year 2006 without an order of removal. Less information is available on the characteristics of those returned as compared to those removed. About 88 percent of returns involved Mexican or Canadian aliens who were apprehended by the Border Patrol. This statistic includes recidivists and thus is a measure of events rather than unique individuals. The next leading category of returns was for aliens who were allowed to withdraw their application for admission (9 percent).

FOR MORE INFORMATION

For more information about immigration and immigration statistics, visit the Office of Immigration Statistics web page at <http://www.dhs.gov/immigrationstatistics>.