

# Immigration Enforcement Actions: 2007

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: losing legal status by failing to abide by the terms and conditions of entry, or by engaging in crimes such as violent crimes, document fraud, terrorist activity, and drug smuggling. Primary responsibility for the enforcement of immigration law within DHS rests with U.S. Customs and Border Protection (CBP) and U.S. Immigration and Customs Enforcement (ICE). CBP is responsible for the 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 2007.<sup>1</sup> In summary:

- DHS apprehended nearly 961,000 foreign nationals. Nearly 89 percent were natives of Mexico.
- The annual number of foreign nationals apprehended by the Border Patrol decreased by 19 percent compared to 2006.
- ICE detained approximately 311,000 foreign nationals.
- More than 319,000<sup>2</sup> aliens were removed from the United States—the fifth consecutive record high. The leading countries of origin of those removed were Mexico (65 percent), Honduras (9 percent) and Guatemala (8 percent).
- More than 891,000 other foreign nationals accepted an offer to return to their home countries without a removal order.
- Expedited removals accounted for 106,200 or 33 percent of all removals.
- DHS removed 99,900 known criminal aliens from the United States.

<sup>1</sup>In this report, years are fiscal years (October 1 to September 30).

<sup>2</sup>ICE physically removed approximately 244,000 foreign nationals during Fiscal Year 2007. CBP physically removed the others, which totaled 75,000.

## 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 they 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. Its 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 statutes. Special agents



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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 against terrorism, violent crimes, document fraud, narcotic 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 egregious 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

### Box 1.

#### Definitions of Immigration Enforcement Terms

**Administrative Removal:** The removal of an alien under a DHS order based on the determination that the individual has been convicted of an aggravated felony or certain other serious criminal offenses. These aliens may be removed without a hearing before an immigration court.

**Deportable Alien:** An alien who has been admitted into the United States but who is subject to removal 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.

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

## DATA

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. 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, and basic demographic information such as date of birth, gender, marital status, country of birth, country of citizenship, and country to which deported. Data on individuals removed or returned are collected through both DACS and ENFORCE.

The data provided on individuals removed or returned, apprehended, or detained all 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.

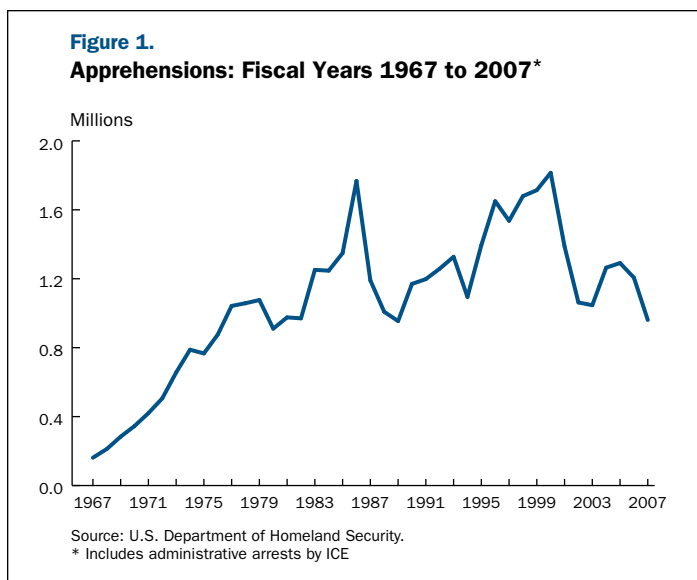
**Time Lags in Removal Data Entry.** Removal totals are revised annually based on updated case information. These updates sometimes occur more than a year after the aliens leave the United States.

**Changes in Definitions and Reporting Requirements.** Recent changes in data systems, definitions, and reporting requirements have had an impact on the annual removal and apprehension data series. The annual numbers of removals were revised in 2006 (beginning with 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. In addition, a change in ICE administrative arrests between 2006 and 2007 was largely attributable to the internal transfer of the Criminal Alien Program (CAP) from Investigations to Detention and Removal Operations (DRO). What would have been previously recorded as a “CAP administrative arrest” is now recorded as “Charging Documents Issued” and not included in this report.

## RESULTS

### Apprehensions

DHS made a total of 960,756 apprehensions in 2007 (see Table 1 and Figure 1). The Border Patrol reported 876,787 or 91 percent of all apprehensions. Ninety-eight percent of Border Patrol apprehensions were along the southwest border. ICE Office of Investigations made 53,562 administrative arrests and ICE’s National Fugitive Operations Program (NFOP) made 30,407 arrests of fugitive and non-fugitive aliens.<sup>3</sup> The decrease in the overall and Investigation apprehension totals are partly due to a change in reporting practices.



<sup>3</sup>An administrative arrest refers to the arrest of an alien who is charged with an immigration violation. Administrative arrests are included in the DHS apprehension totals.

**Southwest Border Apprehensions.** Apprehensions by the Border Patrol along the southwest border decreased 20 percent to 858,722 in 2007 from 1,072,018 in 2006. The 2007 total is the lowest recorded since 1989. In 2007, as in every year since 1998, the Tucson, AZ sector had the largest number of apprehensions. Tucson accounted for 378,323 or 44 percent of all southwest border apprehensions in 2007. The next leading sectors were San Diego, CA (152,459), El Paso, TX (75,464), Rio Grande Valley, TX (73,430), and Laredo, TX (56,715), and El Centro, CA (55,881).

**Nationality of Apprehended Aliens.** Mexican nationals accounted for nearly 89 percent of the 960,756 aliens apprehended in 2007. The next largest source countries were Honduras, Guatemala, El Salvador, Cuba, and Brazil (see Table 1). The number of El Salvadorans apprehended decreased by 57 percent between 2006 and 2007.

### Detentions

ICE detained a record total of 311,169 aliens during 2007. This number exceeded detentions in 2006 by 21 percent. Although more than 49 percent of all detainees in 2007 were aliens from Mexico, their relatively short stays in detention meant that they accounted for only 28 percent of detention bed days. The other leading countries were: El Salvador (13 percent of bed days), Honduras (11 percent), Guatemala (10 percent), the Dominican Republic (3 percent), Haiti, China, Jamaica, and Cuba (2 percent each).

**Table 1.**

**Apprehensions by Program and Country of Nationality: Fiscal Years 2005 to 2007**

Program and Country of Nationality	2007	2006	2005
<b>PROGRAM</b>			
Total . . . . .	960,756	1,206,457	1,291,142
Border Patrol . . . . .	876,787	1,089,136	1,189,108
Southwest sectors (sub-total) . . . . .	858,722	1,072,018	1,171,428
Investigations . . . . .	53,562	101,854	102,034
Detention and Removal Operations <sup>1</sup> . . . . .	30,407	15,467	—
<b>COUNTRY OF NATIONALITY</b>			
Total Apprehensions . . . . .	960,756	1,206,457	1,291,142
Mexico . . . . .	854,261	1,057,253	1,093,382
Honduras . . . . .	28,263	33,365	55,775
Guatemala . . . . .	23,907	25,135	25,908
El Salvador . . . . .	19,699	46,329	42,884
Cuba . . . . .	4,932	5,089	4,284
Brazil . . . . .	2,902	2,957	32,112
Dominican Republic . . . . .	2,118	3,712	4,587
Nicaragua . . . . .	2,118	3,228	4,273
Colombia . . . . .	1,893	1,648	1,545
Ecuador . . . . .	1,771	1,932	2,049
China, People's Republic . . . . .	1,623	2,987	2,890
Haiti . . . . .	1,004	1,214	999
Peru . . . . .	944	1,020	903
Jamaica . . . . .	804	1,348	1,557
Other countries . . . . .	14,517	19,240	17,994

— Represents zero.

<sup>1</sup> Include arrests of fugitive and nonfugitive aliens under the Office of Detention and Removal Operations (DRO) National Fugitive Operations Program

Source: U.S. Department of Homeland Security, Enforcement Case Tracking System (ENFORCE); CBP Border Patrol data for 2007 are current as of May 12, 2008, 2006 data are current as of January 25, 2007, and 2005 data are current as of April 13, 2006; ICE data for 2007 are current as of July 29, 2008.

## Removals and Returns

The most complete picture of adverse actions involving individual aliens includes aliens who are removed with consequent penalties (319,382) and those who voluntarily return (891,390).

**Total and Expedited Removal.** The number of removals increased 14 percent to 319,382 in 2007, from 280,974 in 2006 (see Table 2). While the number of expedited removals decreased by 4 percent from 2006 to 2007, the number of non-expedited removals increased by 25 percent.

Expedited removals represented 33 percent of all removals in 2007. Expedited removal procedures allow DHS to quickly remove certain inadmissible aliens from the United States. In 2007, DHS used these procedures with aliens arriving at ports of entry who illegally attempted to gain admission by fraud or misrepresentation, or 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 61 percent of expedited removals in 2007. The next largest source countries were Honduras, Guatemala, El Salvador, Brazil, and Nicaragua.

**Country of Nationality of Alien Removals.** Mexico was the country of nationality of 65 percent of all aliens removed in 2007 (see Table 3). The eight leading countries accounted for 93 percent of all the removals conducted in 2007.

**Criminal Activity.** Criminals accounted for 31 percent of total removals in 2007 (see Table 3). DHS continues to increase cooperation with other law enforcement agencies by using the Criminal Alien Program to insure that incarcerated criminal aliens are placed in removal proceedings. The Criminal Alien Program (CAP) is responsible for the identification, processing, and removal of criminal aliens incarcerated in federal, state, and local prisons and jails throughout the United States. In June 2007, the Office of Detention and Removal Operations (DRO) assumed responsibility for CAP nationwide. In Fiscal Year 2007, CAP issued 164,296 charging documents, which is the initial step towards removal taken by CAP. The most common categories of crime committed by aliens removed in 2007 included dangerous drugs, immigration, and assault (see Table 4). These three categories accounted for 66 percent of all criminal alien removals in 2007.

**Returns.** More than 891,000 aliens were allowed to return to their home countries in 2007 without an order of removal. Less information is available on the characteristics of those returned as compared to those removed. About 83 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 (11 percent).

**Table 2.**

### Trends in Total and Expedited Removals: Fiscal Years 2001 to 2007

Year	Total removals	Expedited removals
2007	319,382	106,196
2006	280,974	110,663
2005	246,431	87,888
2004	240,665	51,014
2003	211,098	43,920
2002	165,168	34,624
2001	189,026	69,923

Source: U.S. Department of Homeland Security, Deportable Alien Control System (DACS), reported as of July 2008, Enforcement Case Tracking System (ENFORCE), reported as of October, 2007.

**Table 3.**

### Leading Country of Nationality of Aliens Removed: 2007

Country	Number removed	Number of criminals
Total	319,382	99,924
Mexico	208,996	75,243
Honduras	29,737	5,032
Guatemala	25,898	3,477
El Salvador	20,045	4,669
Brazil	4,210	328
Colombia	2,993	1,226
Dominican Republic	2,990	2,108
Nicaragua	2,307	498
All other countries	22,206	7,343

Source: U.S. Department of Homeland Security, Deportable Alien Control System (DACS), reported as of July 2008, Enforcement Case Tracking System (ENFORCE), reported as of October, 2007.

**Table 4.**

### Leading Crime Categories of Criminal Aliens Removed: Fiscal Year 2007

Crime category	Number removed	Percent of total
Total	99,924	100.0
Dangerous drugs	33,449	33.5
Immigration	21,538	21.6
Assault	11,048	11.1
Burglary	3,466	3.5
Larceny	2,908	2.9
Sexual assault	2,878	2.9
Robbery	2,786	2.8
Family offenses	2,410	2.4
Sex offenses	1,875	1.9
Stolen vehicles	1,874	1.9
Other	15,692	15.7

Source: U.S. Department of Homeland Security, Deportable Alien Control System (DACS), reported as of July 2008, and Enforcement Case Tracking System (ENFORCE), reported as of October, 2007.

## FOR MORE INFORMATION

For more information about immigration and immigration statistics, visit the Department of Homeland Security Web site at [www.dhs.gov/immigrationstatistics](http://www.dhs.gov/immigrationstatistics).