DEPORTATION AND DISCRETION: REVIEWING THE RECORD AND OPTIONS FOR CHANGE

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• Analysis of every removal FY2003-13
• Profile of deportees
• Description of removal patterns
• Adherence to DHS enforcement priorities
• Potential changes to enforcement priorities
Methodology

- ICE Enforcement Integrated Database (EID)
  - Data obtained by *New York Times* FOIA request
- Report focuses exclusively on formal removals (i.e., excludes returns)
- Uses DHS data to model non-ICE removals
  - CBP non-judicial/non-criminal removals to Mexico or Canada
- Data are removal events, not individuals
Profile of Deportees

• **Basic demographics**
  - 91% men
  - vs. 53% of all unauthorized immigrants
  - 91% from Mexico, El Salvador, Guatemala, Honduras
  - vs. 73% of all unauthorized immigrants
  - Mexico and Northern Triangle also:
    - 95% of border removals
    - 96% of expedited removals
    - 98% of reinstatements of removal
Profile of Deportees

- Previous criminal convictions

Note: Figure includes all DHS removals. Data are based on removal events; not individuals.
Profile of Deportees

- Previous convictions: type of crime

FY2003-FY2013

- Non-criminals
- Immigration crimes
- Violent crimes
- Non-violent crimes
- Drug crimes
- Traffic crimes

FY2013

Note: Figure includes all DHS removals. Data are based on removal events; not individuals.
Profile of Deportees

• Previous convictions: border removals

Note: Figure includes all DHS removals. Data are based on removal events; not individuals.
Profile of Deportees

- Previous convictions: interior removals

Note: Figure includes all DHS removals. Data are based on removal events; not individuals.
Profile of Deportees

• Previous convictions by location, FY2013

Border Removals

- Non-criminals
- Immigration crimes
- Violent crimes
- Non-violent crimes
- Drug crimes
- Traffic crimes

Interior Removals

Note: Figure includes all DHS removals. Data are based on removal events; not individuals.
Removal Patterns

- Removals by arrest location

Note: Figure includes all DHS removals. Data are based on removal events; not individuals.
Removal type by arrest location

Border Removals

Interior Removals

- Judicial
- Expedited
- Reinstatement
- Administrative

Note: Figure includes all DHS removals. Data are based on removal events; not individuals.
Removal Patterns

- Time between entry and apprehension:
  - Among border apprehensions:
    - 90% occur within 2 weeks of entry
    - 6% occur more than 1 year after entry
  - Among interior apprehensions:
    - 11% occur within 2 weeks of entry
    - 65% occur more than 1 year after entry
  - Among reinstatements:
    - 72% occur within 2 weeks of entry
    - 15% occur more than 1 year after entry
Adherence to DHS Priorities

- **Removals by enforcement priority**

![Bar chart showing removals by enforcement priority from 2003 to 2013.](image)

- Not a current priority
- Recent entrants
- Immigration obstructionists
- Criminals

Note: Figure includes all DHS removals. Data are based on removal events; not individuals.
### DHS Priorities: Potential Changes

- Actual and predicted removals, by priority

<table>
<thead>
<tr>
<th>Scenario</th>
<th>Removals</th>
<th>Total Reduction</th>
</tr>
</thead>
<tbody>
<tr>
<td>Actual Removals</td>
<td>2,858,431</td>
<td>NA</td>
</tr>
<tr>
<td><strong>Predicted Removals</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Strict Adherence to Current Priorities</td>
<td>2,667,244</td>
<td>7%</td>
</tr>
<tr>
<td>Exclude Immigration Crimes</td>
<td>2,660,412</td>
<td>7%</td>
</tr>
<tr>
<td>Exclude non-DUI Traffic Crimes</td>
<td>2,652,796</td>
<td>7%</td>
</tr>
<tr>
<td>Exclude Level 3 Offenders</td>
<td>2,552,984</td>
<td>11%</td>
</tr>
<tr>
<td>Exclude Nonviolent Crimes</td>
<td>2,424,926</td>
<td>15%</td>
</tr>
<tr>
<td>Disregard Removals After 10 Years</td>
<td>2,654,943</td>
<td>7%</td>
</tr>
<tr>
<td>Recent Illegal Entry &lt; 1 Year</td>
<td>2,626,145</td>
<td>8%</td>
</tr>
<tr>
<td>Recent Illegal Entry &lt; 14 Days</td>
<td>2,599,381</td>
<td>9%</td>
</tr>
</tbody>
</table>

Note: Table includes ICE removals only. Data are based on removal events; not individuals.
### DHS Priorities: Potential Changes

**Share of removals by number of priorities**

<table>
<thead>
<tr>
<th>2010 Enforcement Priorities Met</th>
<th>FY 2003-08 (%)</th>
<th>FY 2009-13 (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>All Three Priorities:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Convicted Criminal/Obstructionist/Recent Entrant</td>
<td>16</td>
<td>22</td>
</tr>
<tr>
<td><strong>Two Priorities:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Convicted Criminal/Obstructionist</td>
<td>10</td>
<td>18</td>
</tr>
<tr>
<td>Convicted Criminal/Recent Entrant</td>
<td>5</td>
<td>4</td>
</tr>
<tr>
<td>Obstructionist/Recent Entrant</td>
<td>15</td>
<td>14</td>
</tr>
<tr>
<td><strong>One Priority:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Criminal Only</td>
<td>17</td>
<td>18</td>
</tr>
<tr>
<td>Obstructionist Only</td>
<td>8</td>
<td>6</td>
</tr>
<tr>
<td>Recent Entrant Only</td>
<td>19</td>
<td>13</td>
</tr>
<tr>
<td><strong>Not a Priority</strong></td>
<td>9</td>
<td>5</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>100</td>
<td>100</td>
</tr>
</tbody>
</table>

Note: Table includes ICE removals only. Data are based on removal events; not individuals.
Predicted reduction in removals, by scenario

<table>
<thead>
<tr>
<th>Excluded Categories</th>
<th>Removals</th>
<th>Reduction</th>
</tr>
</thead>
<tbody>
<tr>
<td>Actual Removals</td>
<td>2,858,431</td>
<td>NA</td>
</tr>
<tr>
<td>Non-violent criminals; 10-year-old removal orders</td>
<td>2,383,994</td>
<td>17%</td>
</tr>
<tr>
<td>&quot;Level 3&quot; criminals; 10-year-old removal orders</td>
<td>2,529,803</td>
<td>11%</td>
</tr>
<tr>
<td>Non-DUI traffic crimes; 10-year-old removal orders</td>
<td>2,638,777</td>
<td>8%</td>
</tr>
<tr>
<td>Immigration crimes; 10-year-old removal orders</td>
<td>2,645,394</td>
<td>7%</td>
</tr>
<tr>
<td>Non-violent criminals; 1 year recent entrants</td>
<td>2,366,267</td>
<td>17%</td>
</tr>
<tr>
<td>&quot;Level 3&quot; criminals; 1 year recent entrants</td>
<td>2,503,012</td>
<td>12%</td>
</tr>
<tr>
<td>Non-DUI traffic crimes; 1 year recent entrants</td>
<td>2,610,790</td>
<td>9%</td>
</tr>
<tr>
<td>Immigration crimes; 1 year recent entrants</td>
<td>2,617,629</td>
<td>8%</td>
</tr>
<tr>
<td>Non-violent criminals; 10-year removals; 1 year recent entrants</td>
<td>2,320,460</td>
<td>19%</td>
</tr>
<tr>
<td>&quot;Level 3&quot; criminals; 10-year removals; 1 year recent entrants</td>
<td>2,476,804</td>
<td>13%</td>
</tr>
<tr>
<td>Non-DUI traffic crimes; 10-year removals; 1 year recent entrants</td>
<td>2,594,747</td>
<td>9%</td>
</tr>
<tr>
<td>Immigration crimes; 10-year removals; 1 year recent entrants</td>
<td>2,600,101</td>
<td>9%</td>
</tr>
</tbody>
</table>

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Limitations

• Most removals are priorities for more than one reason
• Most priority removals fall within core DHS interests
• Benefits of enforcement during discretion are less concrete than benefits of an affirmative (DACA-style) program
Key Takeaways

• Stark differences between border and interior enforcement:
  • Profile of deportees
  • Removal trends
  • Enforcement patterns

• Vast majority of removals meet current DHS priorities

• Changes to priorities would likely have a modest impact on removal numbers