

# DEPORTATION AND DISCRETION: REVIEWING THE RECORD AND OPTIONS FOR CHANGE



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# Report Overview

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

# Methodology

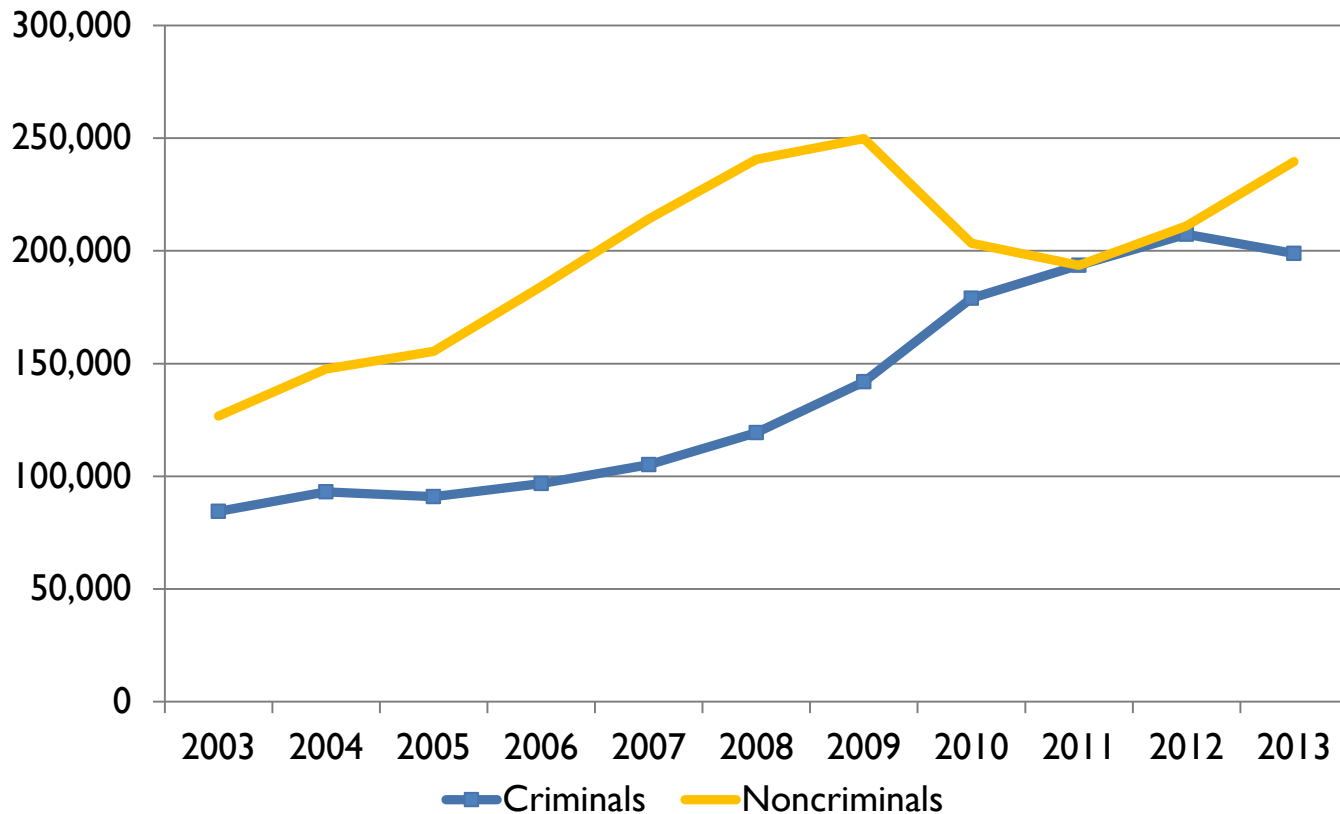
- ICE Enforcement Integrated Database (EID)
  - Data obtained by *New York Times* FOIA request
- Report focuses exclusively on formal removals (i.e., excludes returns)
- Uses DHS data to model non-ICE removals
  - CBP non-judicial/non-criminal removals to Mexico or Canada
- Data are removal events, not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

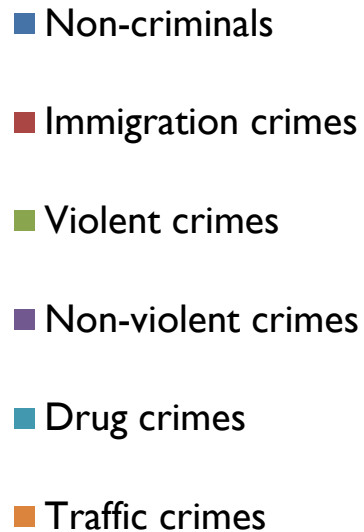
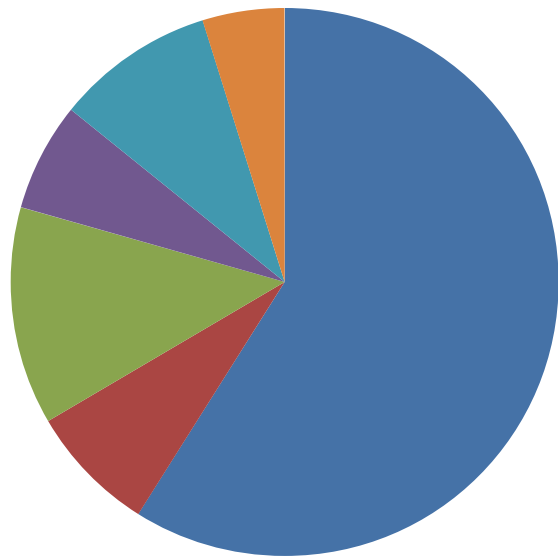


Note: Figure includes all DHS removals. Data are based on removal events; not individuals.

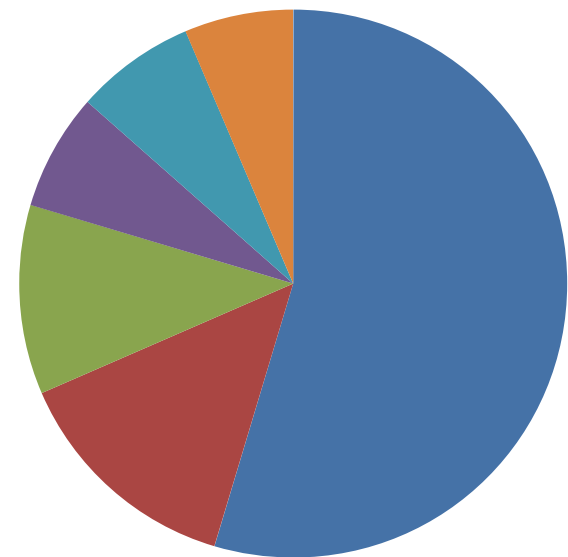
# Profile of Deportees

- Previous convictions: type of crime

**FY2003-FY2013**



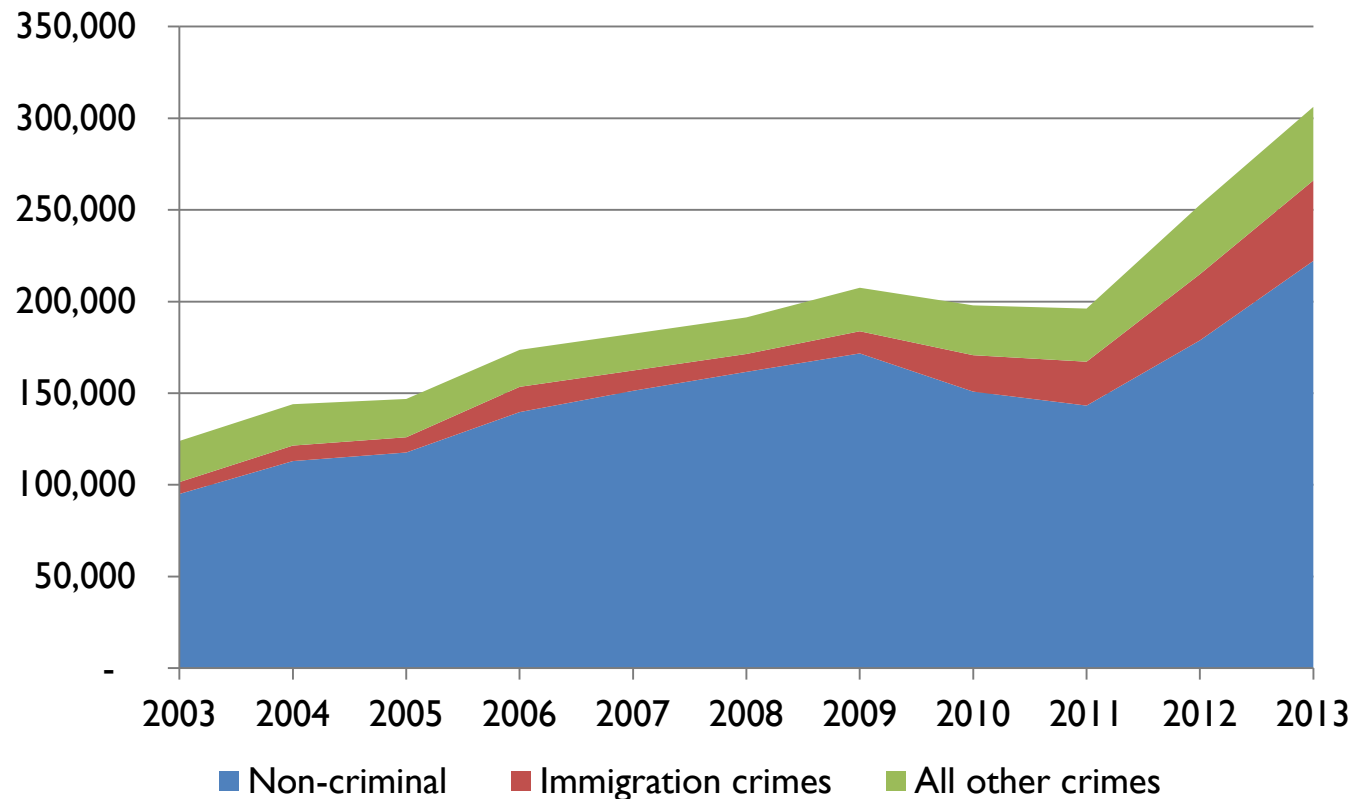
**FY2013**



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# Profile of Deportees

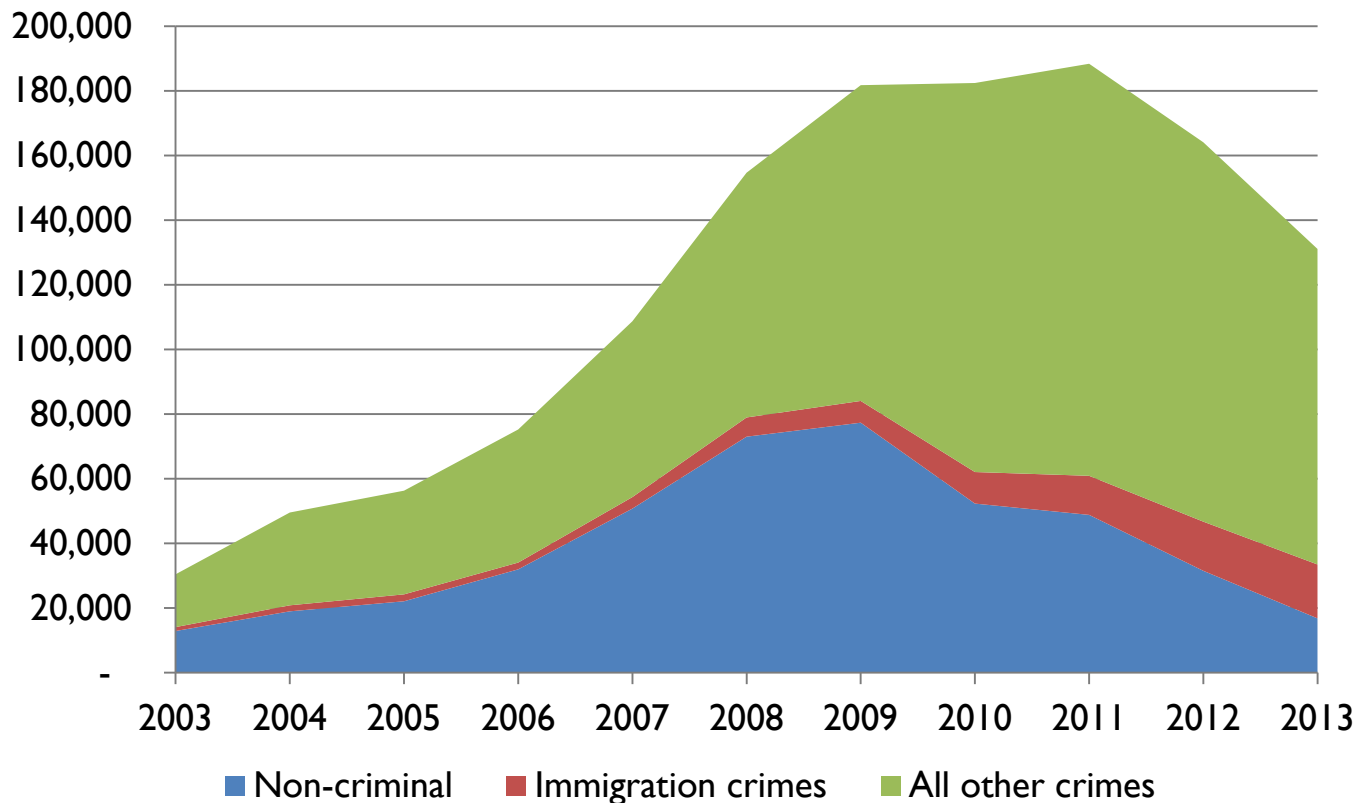
- Previous convictions: border removals



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

# Profile of Deportees

- Previous convictions: interior removals



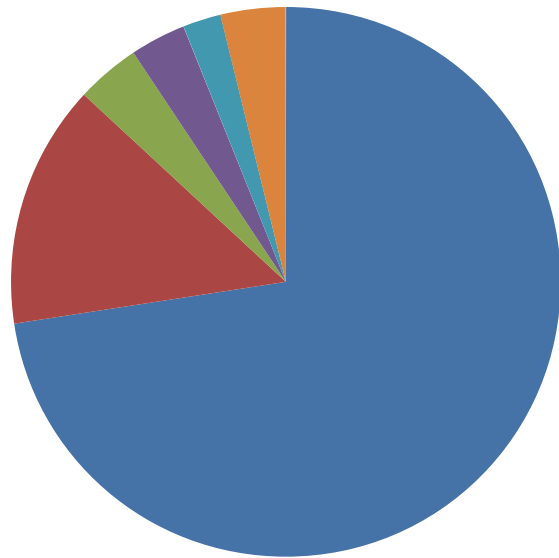
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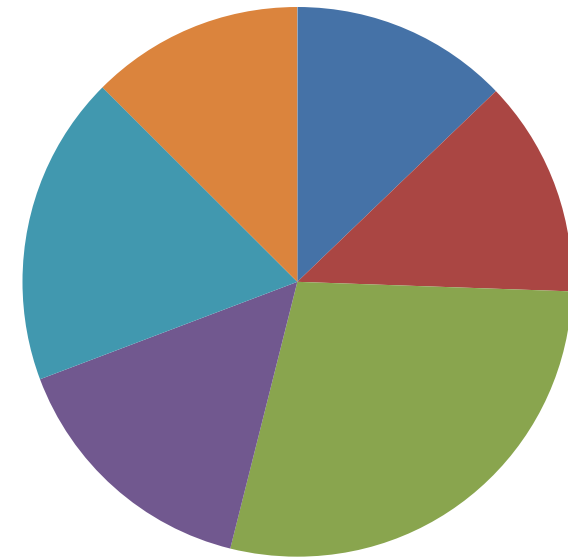
# Profile of Deportees

- Previous convictions by location, FY2013

## Border Removals



## Interior Removals

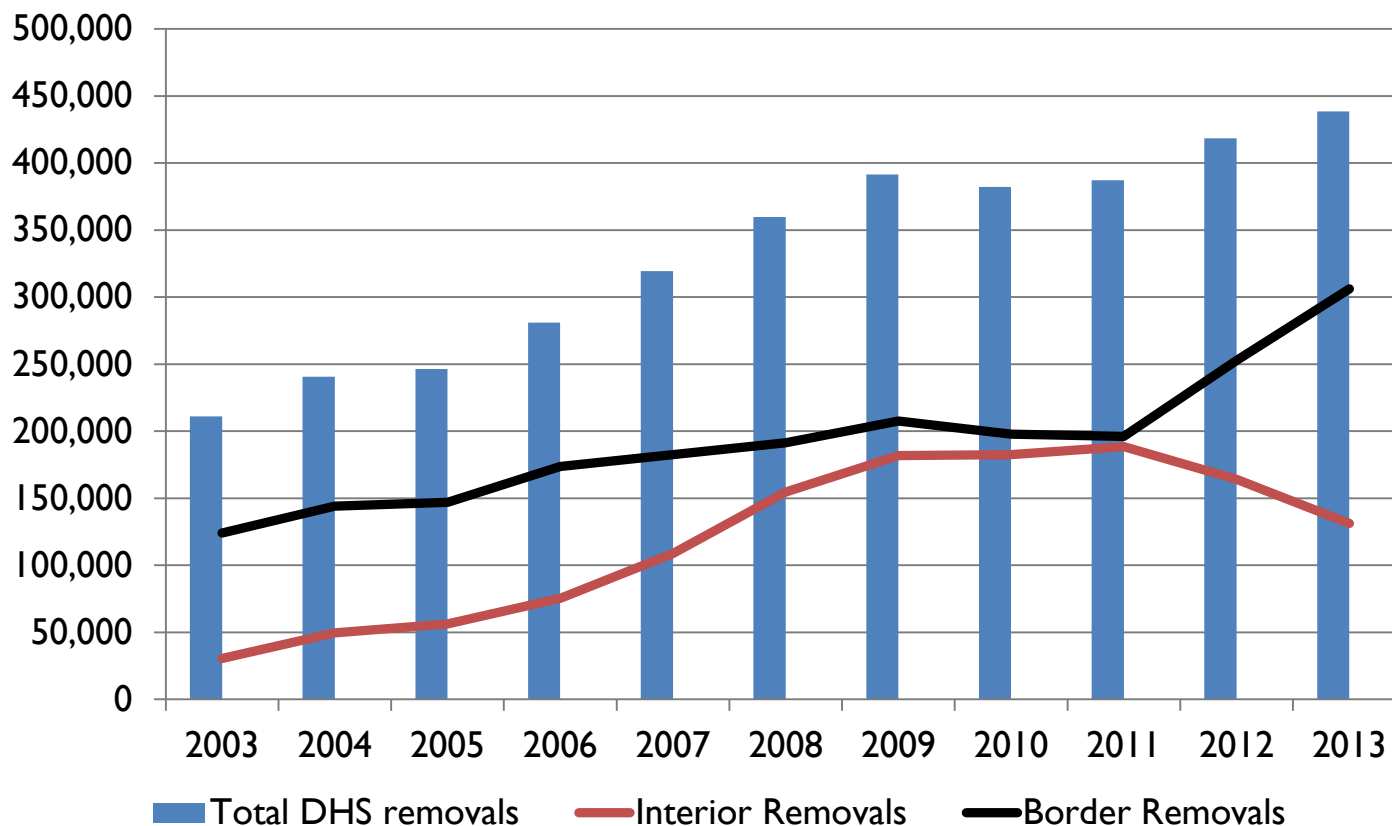


- Non-criminals
- Immigration crimes
- Violent crimes
- Non-violent crimes
- Drug crimes
- Traffic crimes

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

# Removal Patterns

- Removals by arrest location

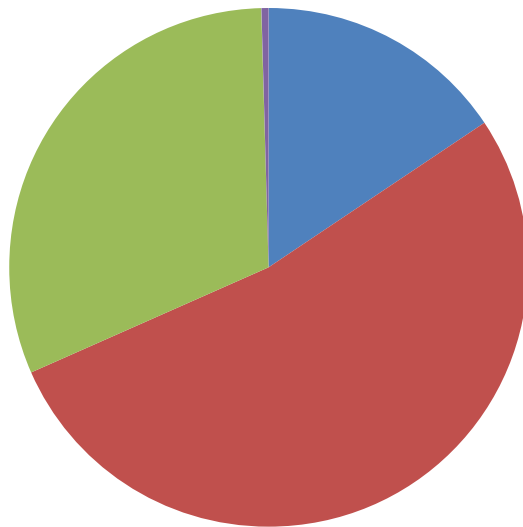


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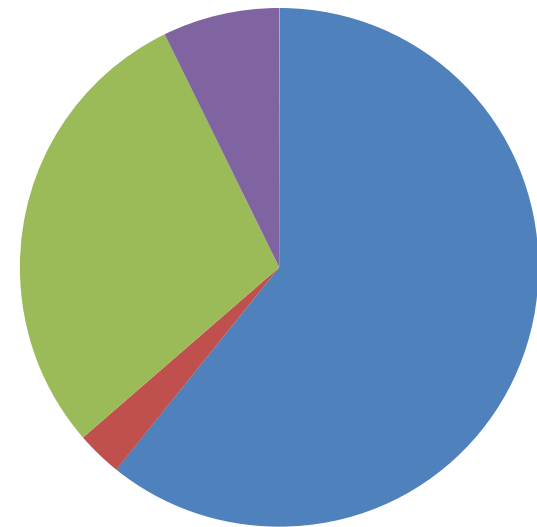
# Removal Patterns

- Removal type by arrest location

## Border Removals



## Interior Removals



■ Judicial  
■ Expedited  
■ Reinstatement  
■ Administrative

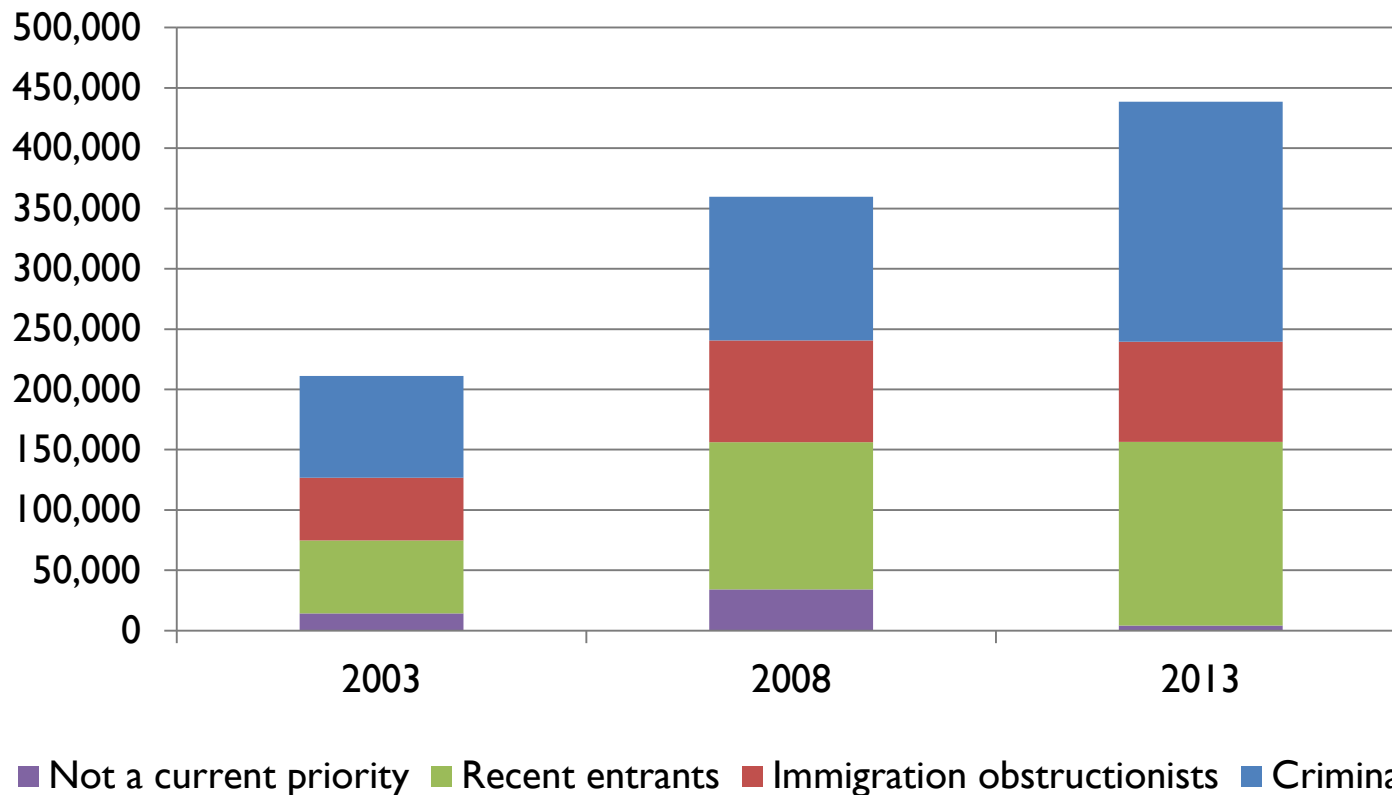
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# Removal Patterns

- 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



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

# DHS Priorities: Potential Changes

- Actual and predicted removals, by priority

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

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

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

Note: Table includes ICE removals only. Data are based on removal events; not individuals.

# DHS Priorities: Potential Changes

- Predicted reduction in removals, by scenario

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

Note: Table includes ICE removals only. Data are based on removal events; not individuals.



# Discretion During Enforcement

- 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



For More Information

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