

Immigration Enforcement Actions: 2016

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The U.S. Department of Homeland Security (DHS) engages in immigration enforcement actions to prevent unlawful entry into the United States and to apprehend and repatriate aliens within the United States who have violated or failed to comply with U.S. immigration laws. Primary responsibility for the enforcement and administration of immigration law within DHS rests with U.S. Customs and Border Protection (CBP), U.S. Immigration and Customs Enforcement (ICE), and U.S. Citizenship and Immigration Services (USCIS). CBP primarily enforces immigration laws along the borders and at ports of entry (POEs), ICE is responsible for interior enforcement and detention and removal operations, and USCIS adjudicates applications, petitions, and requests for immigration and naturalization benefits.

INTRODUCTION

The immigration enforcement actions covered in this report include initial enforcement actions (apprehensions by CBP U.S. Border Patrol (USBP) agents, administrative arrests by ICE officers, and determinations of inadmissibility by CBP Office of Field Operations (OFO) officers), initiation of removal proceedings, intakes into immigration detention, and repatriations (removals and returns).¹ This report provides details on the enforcement actions in Fiscal Year (FY) 2016 and changes from earlier years.^{2,3}

Key findings:

- DHS apprehended 15 percent more aliens in 2016 than in 2015, driven by a 50 percent increase in apprehensions of aliens from the Northern Triangle of Central America (NTCA)⁴ by USBP; apprehensions of Mexican nationals remained largely unchanged.
- Initial intakes into immigration detention increased by 15 percent; the increase was largely due to an increase in apprehensions of aliens from Northern Triangle countries, but also included large percentage increases for aliens from Haiti and Brazil.

- Removals increased slightly, including about 10,000 more Mexican nationals than in 2015 and a nearly 50 percent increase in removals of aliens from Brazil.
- Returns declined by nearly 20 percent between 2015 and 2016 and by nearly 80 percent from 2010—a long-term change largely driven by CBP’s policy of removing most people apprehended at the border, rather than allowing them to voluntarily return. Returns of Mexican nationals declined by nearly 90 percent from 2010 to 2015, but only by eight percent from 2015 to 2016. The largest reductions in returns from 2015 to 2016 were for China, the Philippines, and Canada.
- The number of aliens determined to be inadmissible during inspection by OFO at the POEs increased eight percent from 2015 to 2016; notable changes included increases of more than 150 percent for the Northern Triangle and more than 600 percent for Haiti, but reductions for Canada, the Philippines, and China.

ENFORCEMENT ACTIONS PROCESS

Inspection Process

All aliens seeking admission at a POE are subject to inspection. CBP/OFO conducts these inspections at designated POEs and at pre-clearance locations at certain foreign ports. Applicants for admission who are determined to be inadmissible may be: permitted to voluntarily withdraw their application for admission and return to their home country; processed for expedited removal; referred to an immigration judge for

¹ Throughout this report, “repatriation” is used as a blanket term to include all removals and returns; it includes aliens removed to third countries, although such aliens technically were not “repatriated.” This report does not include data on interdictions at sea or maritime repatriations completed by the United States Coast Guard.

² All years refer to fiscal years, which include all dates between October 1 of the prior calendar year and September 30 of the following year. For example, FY 2016 ran from October 1, 2015, through September 30, 2016.

³ Statistics for FY 2010-2015 are provided for context. See the Yearbook of Immigration Statistics for additional information and longer-term trends.

⁴ Northern Triangle countries include El Salvador, Guatemala, and Honduras.



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removal proceedings;⁵ processed for a visa waiver refusal; or paroled into the United States. Aliens referred to an immigration judge for removal proceedings under section 240 of the Immigration and Nationality Act (INA) are issued a Form I-862 Notice to Appear (NTA) and may be transferred to ICE for a detention and custody determination or paroled from custody depending on the individual facts and circumstances. Aliens who apply for admission under the U.S. Visa Waiver Program (VWP) who are found to be inadmissible are refused admission without referral to an immigration judge under Section 217 of the INA, unless the alien requests asylum, withholding of removal, or protection under the U.N. Convention against Torture.

Apprehension Process

DHS apprehensions of aliens for suspected immigration violations include “apprehensions” by USBP and “administrative arrests” by ICE. Aliens who are arrested and convicted for criminal activity, as opposed to immigration violations, might also be subject to administrative arrest by ICE at the conclusion of their criminal sentences; criminal arrests are not included in this report.⁶

Aliens who enter without inspection between POEs and are apprehended by USBP at or near the border are generally subject to removal. Adults from contiguous countries may be: permitted to return to their country of origin; removed administratively; or issued an NTA and either transferred to ICE for a detention and custody determination or released on their own recognizance. Adults from non-contiguous countries generally are transferred to ICE. Unaccompanied alien children (UAC) from contiguous countries may be permitted to return to their country of origin under certain circumstances, while other UAC are transferred through ICE to the custody of the U.S. Department of Health & Human Services (HHS).

Beginning in 2012, USBP implemented the Consequence Delivery System (CDS) across all sectors. The CDS guides USBP agents through a process designed to uniquely evaluate each subject and identify the most effective and efficient consequences to deliver in order to impede and deter further illegal activity. Examples of CDS consequences include expedited removal, lateral repatriation through the Alien Transfer Exit Program, and immigration-related criminal charges, among others.

Aliens unlawfully present in the United States and those lawfully present who are subject to removal may be identified and arrested by ICE within the interior of the United States. The agency’s two primary operating components are Homeland Security Investigations (HSI) and Enforcement and Removal Operations (ERO). ICE usually identifies potentially removable aliens in the interior by working with federal, state, and local law enforcement agencies to check the immigration status of individuals who are arrested or incarcerated and also conducts targeted operations to detain certain at-large removable aliens. Aliens arrested by ICE are

⁵ The immigration judge for the removal proceedings may also grant asylum or another form of relief from removal.

⁶ USBP and OFO also initiate criminal charges against certain aliens who are apprehended or found inadmissible, as well as against certain people who are suspected of non-immigration-related offenses; these criminal arrests are also beyond the scope of this report.

generally subject to the same legal framework as aliens who are apprehended by USBP.

Benefit Denial

USCIS may issue an NTA upon determining that an alien applicant for an immigration or naturalization benefit is inadmissible or has violated immigration law under INA Sections 212 or 237. USCIS will also issue an NTA when required by statute or regulation (e.g., termination of conditional permanent resident status, referral of asylum application, termination of asylum or refugee status, or positive credible fear determination) or, in certain cases, upon the subject’s request.⁷

Detention Process

ICE/ERO makes detention and custody determinations for aliens who are arrested by ICE or who are apprehended by CBP and transferred to ICE. ICE officers base custody determinations on risk to public safety, promoting compliance with removal proceedings or removal orders (i.e., reducing flight risk), and the availability and prioritization of resources. Options available to ICE include immigration detention, supervised alternatives to detention, release on bond, or release on the alien’s own recognizance, and may change at any point during the course of an alien’s time in the immigration enforcement system.

Repatriation Process

Inadmissible and removable aliens encountered by DHS may be subject to repatriation. Repatriations include removals, which carry penalties in addition to the repatriation itself, and returns, which generally do not. Removal cases can be further categorized as expedited removals, reinstatements of final orders, administrative removals, or removal orders issued during proceedings in immigration court. Penalties associated with removal may include fines and a bar of between five years and life from future lawful admission into the United States, depending upon the individual circumstances of the case. Aliens who illegally reenter following an order of removal may also be subject to criminal charges and imprisonment for up to 20 years.⁸

Removal Proceedings

Aliens who are issued an NTA are provided an immigration removal hearing under the jurisdiction of the Executive Office for Immigration Review (EOIR) within the U.S. Department of Justice (DOJ). Removal hearings in EOIR immigration court are administrative proceedings during which aliens may present evidence before an immigration judge to establish that they are eligible to remain in the United States. Immigration judges may issue an order of removal, grant voluntary departure at the alien’s expense (a form of “return”), terminate or suspend proceedings, or grant relief or protection from removal. Forms of relief from removal may include the award of an immigration benefit, such as asylum or lawful

⁷ If USCIS finds an alien who has applied for an immigration benefit to be ineligible, the subject may request an appearance before an immigration judge for reconsideration.

⁸ According to the United States Sentencing Commission in a 2015 report, the average sentence was 18 months (including sentences for aggravated felons who illegally reentered), offenders were deported 3.2 times on average prior to prosecution, and more than 60 percent of offenders were convicted of a criminal offense after having been previously deported (USSC, 2015).

permanent resident (LPR) status. Decisions by immigration judges can generally be appealed to the Board of Immigration Appeals, also within DOJ. Most decisions by the Board of Immigration Appeals can in turn be appealed by aliens to the appropriate federal appeals court.

Expedited Removal

Expedited removal is a process wherein aliens are removed from the United States administratively by DHS (i.e., without appearing before an immigration judge). Expedited removal applies to three classes of aliens. First, under INA section 235(b)(1)(A)(i) DHS may expeditiously remove certain aliens who arrive at a POE without proper documentation and/or attempt to gain entry through fraud or misrepresentation. Second, under INA Section 235(b)(1)(A)(iii), DHS may use expedited removal against aliens apprehended between POEs. Although the INA permits DHS to use expedited removal for any alien who cannot prove to an immigration officer's satisfaction that the alien has been physically present in the United States continuously for the two-year period immediately prior, DHS limits this authority to aliens apprehended within 100 miles of the southwest border and within 14 days of unlawfully entering the United States.⁹ Third, regulations also permit DHS to use expedited removal for aliens apprehended within two years after arriving by sea without being admitted or paroled.¹⁰

Reinstatement of Final Removal Orders

Section 241(a)(5) of the INA permits DHS to reinstate final removal orders, without further hearing or review, for aliens who have been removed or departed voluntarily under an order of removal and who subsequently illegally reentered the United States. The prior order of removal is reinstated from its original date and the alien has limited ability to apply for relief under the INA.

Administrative Removal

Section 238(b) of the INA permits DHS to administratively remove an alien if the alien has been convicted of an aggravated felony¹¹ and did not have LPR status at the time proceedings under this section commenced.

Aliens subject to expedited removal, reinstatement of removal, or administrative removal generally are not entitled to proceedings before an immigration judge or to consideration for administrative relief unless the alien expresses fear of being persecuted or tortured upon return to his or her home country or the alien makes a claim to certain forms of legal status in the United States. The specific procedures for establishing the right for review by an immigration judge differ for each of these three removal processes.

Stipulated Removal

Section 240(d) of the INA permits DHS and an alien in removal proceedings to agree to forego a hearing before an immigration

judge and proceed with removal—a provision similar to a plea agreement in a criminal proceeding. An alien may stipulate to removal, thereby acknowledging being removable and agreeing to immediate departure pursuant to a removal order. The proposed stipulated removal order is then reviewed and signed by an immigration judge. The stipulated removal order carries the same penalties as other removal orders.

Return

Returns are a form of prosecutorial discretion that may be offered as an alternative to formal removal or removal proceedings when an alien is denied entry or apprehended within the United States. For example, if a foreign vessel arrives at a POE and a crew member has an expired shore pass, that crew member would be found inadmissible, prohibited from departing the vessel, and considered to have been “returned” once the vessel departed. Other applicants for admission at a POE who are found to be inadmissible may be permitted to withdraw their applications and return to their home country in lieu of removal or removal proceedings.¹² Aliens apprehended by USBP near the border or who are otherwise potentially removable may be offered the opportunity to voluntarily return to their home country in lieu of removal or removal proceedings; generally such aliens waive their right to a hearing, remain in custody, and, if applicable, agree to depart the United States under supervision. Some aliens may also be permitted to voluntarily depart in lieu of removal proceedings pursuant to INA 240B; *voluntary departure* may be granted by certain ICE officials prior to the first removal proceedings hearing or by an immigration judge at or prior to the completion of proceedings. Aliens afforded voluntary departure generally depart unsupervised and at their own expense, must depart within a set period of time,¹³ and may be required to post bond to ensure departure.

DATA AND METHODS

The administrative record data used to compile this report were processed according to a set of defined rules and assumptions. To the extent possible, events were grouped into time periods according to when the event took place, rather than the date on which the case was completed, closed, or updated. Duplicate records were identified and excluded.¹⁴ Whenever possible, statistics are presented for each year from 2010 to 2016.

The removal and return numbers included in this report are estimates. For removals, this is largely due to the absence of explicit records on removals performed by CBP. Although CBP data systems indicate which aliens the agency initially intends to remove, they do not confirm the removal or provide a time and date (in contrast with ICE data systems). Returns are also estimates because a return cannot be confirmed for aliens who are returned without

⁹ Department of Homeland Security Bureau of Customs and Border Protection, “Designating Aliens for Expedited Removal,” *Federal Register*, Vol. 69, No. 154, p. 48877-48881, Aug. 11, 2004.

¹⁰ Department of Justice, “Notice Designating Aliens Subject to Expedited Removal Under §235(b)(1)(A)(iii) of the Immigration and Nationality Act,” *Federal Register*, Vol. 67, No. 219, p. 68924-68926, Nov. 13, 2002.

¹¹ The term, “aggravated felony” refers to a broad range of crimes and types of crimes which make an alien removable. See INA sections 101(a)(43) and 237(a)(2)(A)(iii) for additional details.

¹² Denial of entry for stowaways and refusals for travelers from U.S. Visa Waiver Program countries are also considered to be returns.

¹³ 60 days if offered at the conclusion of proceedings, 120 days otherwise.

¹⁴ In previous editions of this report, multiple administrative arrests or ICE removals of the same person in the same day were treated as duplicates and omitted. The impact of this data cleaning procedure was minimal (less than 0.1 percent of the total for ICE removals and one to two percent of the total for ICE/ERO administrative arrests), and the DHS Office of Immigration Statistics has discontinued this practice beginning with 2016 numbers in order to harmonize reporting with ICE.

supervision until the alien verifies his or her departure with a U.S. consulate. As a result of these limitations, previously reported estimates are routinely updated as new data become available.

Apprehension and inadmissibility data are collected in the Enforcement Integrated Database (EID) using Form I-213, Record of Removable-Inadmissible Alien, and EID Arrest Graphical User Interface for Law Enforcement (EAGLE). Data on individuals detained are collected through the ICE ENFORCE Alien Detention Module (EADM) and the ENFORCE Alien Removal Module (EARM). Data on USCIS NTAs are collected using the USCIS NTA Database. Data on individuals removed or returned are collected through both EARM and EID.

TRENDS AND CHARACTERISTICS OF ENFORCEMENT ACTIONS

Apprehensions

Total DHS apprehensions (i.e., including USBP apprehensions and ICE administrative arrests) increased by 15 percent from 2015 to 2016, driven by increasing apprehensions of aliens from Northern Triangle countries (see Table 1). The number of apprehensions and arrests of Mexican nationals was largely unchanged from 2015, and ICE arrests in the interior continued to decline. Altogether, DHS apprehended 530,000 aliens in 2016, compared to 460,000 in 2015.

U.S. Border Patrol Apprehensions

USBP apprehended 415,000 aliens in 2016, nearly 80,000 and 25 percent more than the 335,000 apprehended in 2015. With apprehensions of Mexican nationals largely unchanged from 2015, the overall increase was largely the result of a surge in

apprehensions of aliens from Northern Triangle countries (see Table 2 and Figure 1). The Northern Triangle accounted for nearly 50 percent of all apprehensions in 2016, compared to only 10 percent in 2010.

Forty-five percent of the apprehensions occurred in the Rio Grande Valley sector and about 15 percent in the Tucson sector, a complete reversal from the relative shares in 2010. The turnabout was driven by a large decline in Mexican apprehensions in the Tucson sector from 2010 to 2016 and a comparable increase in apprehensions of aliens from the Northern Triangle in the Rio Grande Valley sector during the same period.

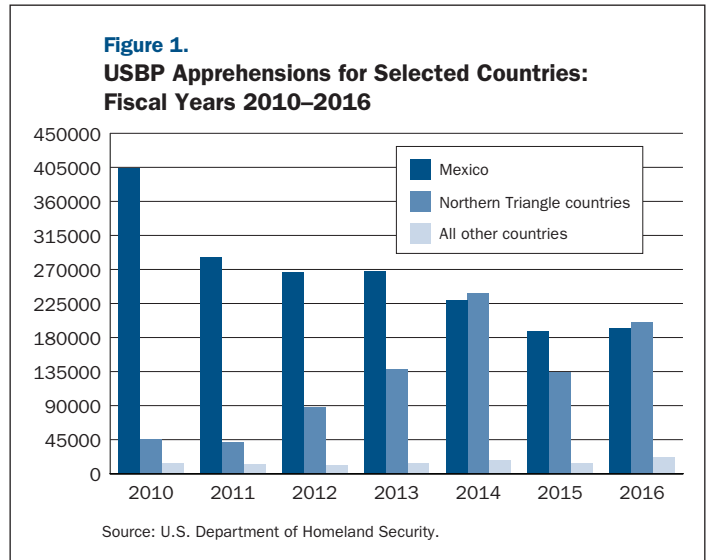


Table 1.

DHS Apprehensions by Program and Country of Nationality: Fiscal Years 2010–2016

(Countries ranked by 2016 apprehensions)

Program and country of nationality	2010	2011	2012	2013	2014	2015	2016*
PROGRAM							
Total	796,587	678,606	671,327	662,483	679,996	462,388	530,250
USBP	463,382	340,252	364,768	420,789	486,651	337,117	415,816
Southwest sectors (sub-total)	447,731	327,577	356,873	414,397	479,371	331,333	408,870
ICE ERO	314,915	322,093	290,622	229,698	181,719	117,983	110,104
ICE HSI	18,290	16,261	15,937	11,996	11,626	7,288	4,330
COUNTRY OF NATIONALITY							
Total	796,587	678,606	671,327	662,483	679,996	462,388	530,250
Mexico	632,034	517,472	468,766	424,978	350,177	267,885	265,747
Guatemala	39,050	41,708	57,486	73,208	97,151	66,982	84,649
El Salvador	29,911	27,652	38,976	51,226	79,321	51,200	78,983
Honduras	32,501	31,189	50,771	64,157	106,928	42,433	61,222
India	2,175	3,859	1,566	1,791	2,106	2,967	4,123
Brazil	3,532	3,228	2,433	1,702	1,643	1,911	3,738
Ecuador	3,890	3,298	4,374	5,680	6,276	3,438	3,472
China, People's Republic	2,709	2,546	2,350	1,918	2,601	1,875	3,197
Cuba	4,030	4,801	4,121	2,809	2,872	2,281	3,061
Dominican Republic	5,274	4,433	4,506	3,893	3,455	2,797	2,770
All others	41,481	38,420	35,978	31,121	27,466	18,619	19,288

Note: "Other" includes unknown.

* The counting methodology was revised for ICE administrative arrests (apprehensions) conducted in 2016. See the Data and Methods section for details.

Source: U.S. Department of Homeland Security.

Table 2.

USBP Apprehensions for Selected Countries of Nationality: FY 2010–2016

Country of Citizenship	2010	2011	2012	2013	2014	2015	2016
Total	463,382	340,252	364,768	420,789	486,651	337,117	415,816
Mexico	404,365	286,154	265,755	267,734	229,178	188,122	192,969
Northern Triangle countries	45,709	42,132	88,315	138,706	239,229	134,572	200,666
All other countries	13,308	11,966	10,698	14,349	18,244	14,423	22,181

Note: "Other" includes unknown.
 Source: U.S. Department of Homeland Security.

Although the Rio Grande Valley has been by far the leading sector for Northern Triangle apprehensions for several years, trends in the lesser-trafficked sectors of Yuma and El Paso are also noteworthy; from 2014 to 2016, apprehensions in these two sectors increased collectively by nearly 600 percent, growing from one percent of the total in 2014 to 10 percent in 2016. Increases for unaccompanied children were even more pronounced in these sectors and could have logistical implications for USBP and ICE. Overall, about 20 to 25 percent of Northern Triangle apprehensions were unaccompanied children in 2014 to 2016, compared to only 10 to 15 percent in 2010 to 2013 (see Figure 2).

ICE Administrative Arrests

Administrative arrests conducted by ICE/ERO and ICE/HSI both decreased in 2016, continuing a five to six year downward trend (see Figure 3). ICE/ERO arrests fell seven percent to 110,000 from nearly 120,000 in 2015 and about 65 percent from the previous peak of 320,000 in 2011. Similarly, administrative arrests conducted by ICE/HSI declined by slightly more than 40 percent from 2015 to 2016 (from 7,000 to 4,000) and by about 75 percent from 2010 to 2016.

Inadmissible Aliens

During inspection of aliens seeking admission at the POEs in 2016, CBP/OFO officers found 275,000 to be inadmissible, an eight percent increase from 255,000 in 2015 (see Table 3). The increase reflects the continued upward trends for Cuba and Northern Triangle countries combined with a surge in inadmissibility determinations for Haiti. Inadmissibility determinations were largely unchanged from 2015 for Mexico and India and decreased for Canada, China, and the Philippines.

Most aliens who are found inadmissible by OFO officers at U.S. POEs fall into one of three main categories. First, a small fraction of persons who present themselves for inspection at a POE are denied for having missing, invalid, or expired documents, for having intentions prohibited by the visa (e.g., presenting a tourist visa but intending to seek employment), or for national security or public safety reasons. Thus, countries with relatively many admissions (e.g., Mexico, Canada, China, and India) also tend to have relatively many inadmissibility determinations. OFO officers may permit some of these aliens to

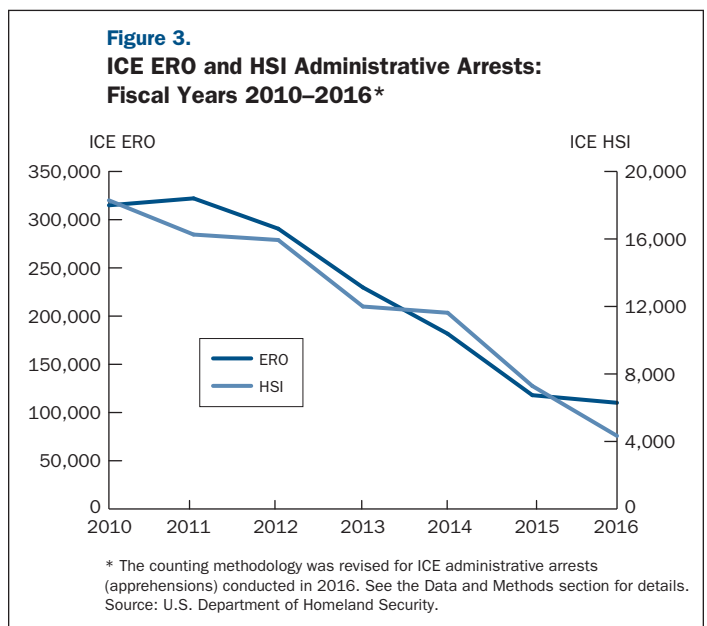
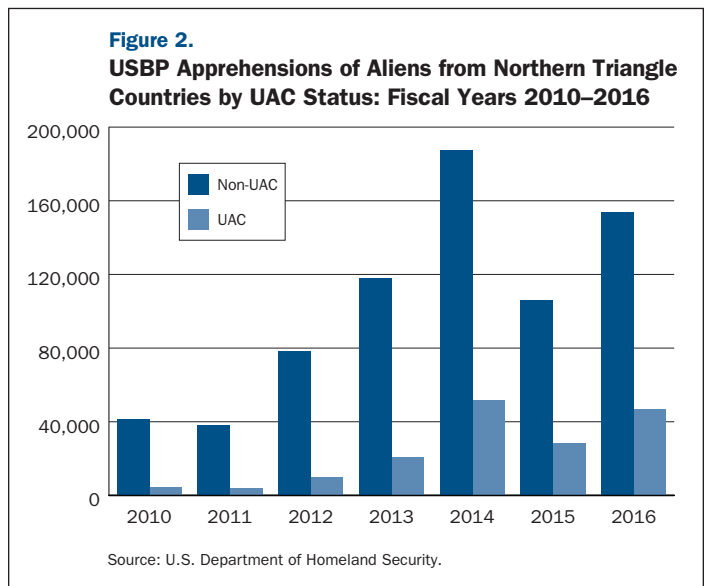


Table 3.

Aliens Determined Inadmissible by Mode of Travel, Country of Citizenship, and Field Office: Fiscal Years 2010–2016

(Ranked by 2016 inadmissible aliens)

Characteristic	2010	2011	2012	2013	2014	2015	2016
MODE OF TRAVEL							
Total	229,575	213,345	195,804	205,623	225,016	254,714	274,617
Land	116,997	107,385	100,592	103,642	118,662	139,884	174,868
Sea	68,254	66,538	53,774	52,326	52,695	49,672	35,327
Air	44,324	39,422	41,438	49,655	53,659	65,158	64,422
COUNTRY							
Total	229,575	213,345	195,804	205,623	225,016	254,714	274,617
Mexico	75,485	67,590	58,945	56,504	63,805	74,473	73,338
Cuba	7,456	7,794	12,290	17,717	24,301	43,146	54,226
Canada	33,155	32,182	30,786	29,403	28,100	26,347	22,120
Philippines	22,918	25,305	22,893	23,722	24,313	22,731	15,842
Guatemala	1,770	1,627	1,783	1,934	4,637	6,278	13,490
China, People's Republic	17,175	17,028	13,239	13,712	14,487	15,531	12,083
El Salvador	1,100	862	1,040	2,198	3,160	2,828	9,738
Honduras	1,301	1,084	1,457	2,197	5,922	3,235	7,996
India	6,579	5,998	6,947	11,864	8,585	7,207	7,115
Haiti	2,959	1,746	1,439	1,562	1,097	968	6,974
All others	59,677	52,129	44,985	44,810	46,609	51,970	51,695
FIELD OFFICE							
Total	229,575	213,345	195,804	205,623	225,016	254,714	274,617
Laredo, TX	24,443	25,847	28,212	32,149	39,699	52,795	68,014
San Diego, CA	40,021	33,746	26,914	25,636	32,563	40,446	48,161
El Paso, TX	7,898	6,942	6,981	7,870	10,185	12,063	23,552
Miami, FL	9,210	7,038	7,776	8,836	12,307	17,705	18,755
San Francisco, CA	6,283	7,065	9,957	14,982	14,092	15,856	15,538
New Orleans, LA	19,162	20,857	20,241	21,039	21,223	20,563	14,600
Buffalo, NY	17,768	15,725	14,066	13,445	13,125	11,916	11,993
Tucson, AZ	8,744	7,986	7,674	10,041	9,014	9,423	11,835
Houston, TX	18,966	19,573	12,786	10,958	10,492	11,224	9,820
Pre-clearance ¹	9,543	8,604	8,582	9,707	10,710	10,763	8,065
All others	67,537	59,962	52,615	50,960	51,606	51,960	44,284

¹ Refers to field offices abroad.

Note: "Other" includes unknown.

Source: U.S. Department of Homeland Security.

withdraw their applications for admission, but may place others in removal proceedings if, for example, the officer finds fraudulent intent or there are national security or public safety concerns. Although the numbers of inadmissibility determinations for top sending countries are large, the proportions of applicants for admission who are found inadmissible are small and comparable to the proportions for most other countries (about three per 1,000).

Second, nationals of certain countries can be paroled or released into the United States for humanitarian reasons or as a matter of foreign policy. These individuals may present themselves at a POE despite knowing that they are ineligible for lawful admission. For example, until the former U.S. "Wet Foot-Dry Foot" policy for Cuba was rescinded in January 2017, requesting asylum at a POE was a common method of economic or humanitarian migration for Cuban nationals, whether or not in possession of valid travel documents. The number of Cuban nationals found inadmissible has increased since 2009 and began to surge in 2012. In total, Cuban inadmissibility

counts increased by more than 600 percent between 2010 and 2016 (see Figure 4). For every 1,000 Cuban nationals admitted in 2016, another 1,000 were found inadmissible. Nearly 100 percent of these inadmissible Cubans were paroled into the United States.

Inadmissibility findings also increased by more than 600 percent for the Northern Triangle between 2010 and 2016. This trend roughly correlates with the border apprehension trend for Northern Triangle aliens, but with a slower start in 2011 to 2013 and a much larger percentage increase in 2016 (see Figure 5). Aliens traveling to the United States from Northern Triangle countries without official travel papers (e.g. valid passport and visa), may be found inadmissible, screened for credible fear of persecution or torture if repatriated, and paroled into the United States pending proceedings in immigration court. If an alien credibly asserts a fear of persecution or torture, an immigration judge may determine if the alien should be repatriated or granted protection under the INA and international law.

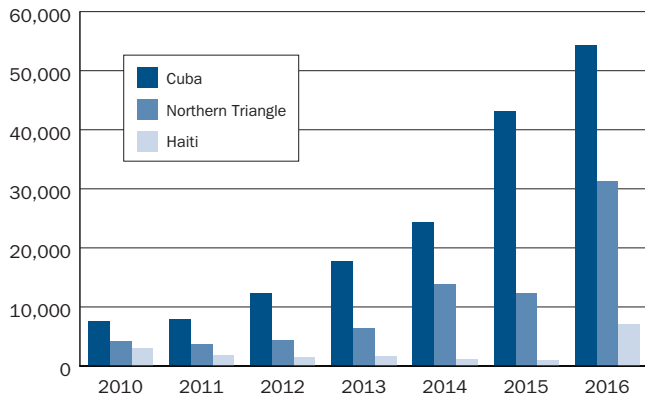
Inadmissibility determinations trended downward through 2015 for Haiti after the initial surge following the earthquake in 2010, but spiked more than 600 percent in 2016. Many of these Haitians migrated from Brazil,¹⁵ entered the United States through San Ysidro, and claimed fear of return or requested asylum. From May through September, an average of 1,200 Haitians per month were determined to be inadmissible at the ports of entry, 1,000 per month at San Ysidro alone.¹⁶ Most were issued an NTA with instructions to appear in immigration court and released into the United States.¹⁷ Despite the surge, the number of inadmissible Haitians was small relative to the counts for Cuba and the Northern Triangle.

¹⁵ Unemployment in Brazil doubled between January 2015 and the summer Olympics in August 2016 (see <https://www.pri.org/stories/2016-10-04/olympics-over-haitian-workers-are-leaving-brazil-us-big-numbers>). Further, the first warnings about the Zika virus started around November 2015 and citizens began the impeachment process for then-President Dilma Rousseff in December 2015.

¹⁶ The total number of inadmissible Haitians peaked at more than 3,500 in October 2016 before falling below 300 in February 2017.

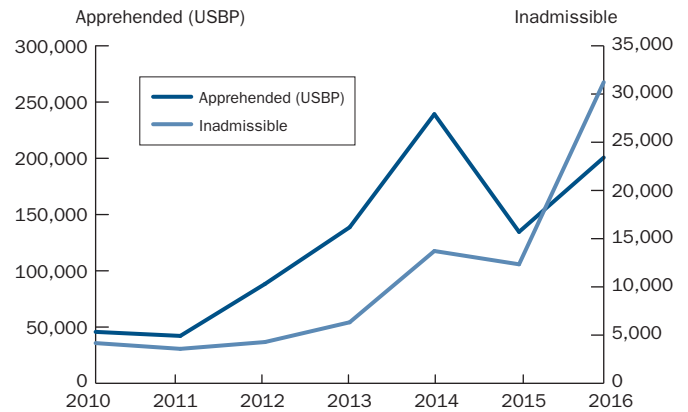
¹⁷ From October through August, more than 70 percent of the inadmissible Haitians were released directly into the United States and another 22 percent requested asylum or were found to have credible fear before being transferred to ICE/ERO for custody determination. In September, when DHS announced a policy shift for Haiti, 45 percent of the Haitians found to be inadmissible were slated for expedited removal and not found to have credible fear.

Figure 4.
CBP OFO Inadmissibility Determinations for Selected Countries: Fiscal Years 2010–2016



Source: U.S. Department of Homeland Security.

Figure 5.
CBP OFO Inadmissibility Determinations and USBP Apprehensions of Nationals of Northern Triangle Countries: Fiscal Years 2010–2016



Source: U.S. Department of Homeland Security.

Table 4.

Notices to Appear Issued by DHS Component or Office: Fiscal Years 2010–2016

(Ranked by 2016 notices to appear)

DHS component or office	2010		2011		2012		2013		2014		2015		2016	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Total	260,143	100.0%	250,127	100.0%	235,687	100.0%	224,178	100.0%	273,727	100.0%	191,978	100.0%	270,494	100.0%
USBP	34,986	13.4%	31,739	12.7%	31,506	13.4%	42,078	18.8%	118,753	43.4%	64,775	33.8%	93,146	35.6%
USCIS	53,820	20.7%	44,638	17.8%	41,778	17.7%	56,896	25.4%	56,684	20.7%	56,835	29.6%	92,229	31.8%
ICE ERO	152,345	58.6%	156,208	62.5%	140,707	59.7%	101,571	45.3%	78,753	28.8%	43,860	22.9%	42,573	16.3%
CBP OFO	18,992	7.3%	17,542	7.0%	21,696	9.2%	23,633	10.5%	19,537	7.1%	26,508	13.7%	42,546	16.3%

Source: U.S. Department of Homeland Security.

The third major category of inadmissibility determinations is the crews of foreign vessels. Cargo operations can require visits to multiple ports, or multiple docks within a single port, and can take longer than the 29 days permitted by a D-1 crew visa. In such cases, crew members initially granted shore leave may be re-coded as inadmissible once the shore leave expires, regardless of whether or not the crew members intended or attempted to disembark the vessel. These aliens may be categorized as “detained onboard” and counted as returned (i.e., repatriated) once the vessel departs U.S. waters. Many of the inadmissibility determinations for the Philippines tend to be for crew members of foreign vessels.

In 2016, nearly 65 percent of the inadmissibility determinations occurred at land ports, compared to 55 percent in 2015. The larger share was due to a surge in inadmissibility determinations at land ports (35,000 more than in 2015, roughly the same as the increase in inadmissibility determinations for Cuba, the Northern Triangle, and Haiti) and a reduction in inadmissibility determinations at sea ports. The leading field offices were Laredo (70,000), San Diego (50,000), and El Paso (25,000). Among the 10 leading field offices,

the largest percentage increase from 2015 to 2016 occurred at El Paso (95 percent). Notably, USBP apprehensions of aliens from Northern Triangle countries in the surrounding El Paso sector tripled during the same time period.

Notices to Appear

DHS issued 270,000 NTAs to initiate removal proceedings before an immigration judge in 2016, about 40 percent more than in 2015 (see Table 4). USBP issued about 45 percent more NTAs than in 2015, and USCIS and OFO issuances increased by more than 60 percent. ERO issuances declined only slightly, but due to the increases for USBP, OFO, and USCIS, the ERO share fell to 16 percent from 23 percent in 2015 and about 60 percent in 2010 through 2012. The increases for USBP and OFO correspond to increases in asylum seekers from the Northern Triangle and Haiti.^{18,19}

¹⁸ The number of asylum seekers from Cuba also increased substantially (nearly 600 percent since 2010), particularly at the ports of entry, but OFO officers transitioned from mostly issuing NTAs to these Cubans to paroling most of them in without an NTA starting late in FY 2013.

¹⁹ More than 40 percent of aliens from the Northern Triangle and 65 percent of Haitian nationals who were apprehended by USBP or were found inadmissible at a port of entry were issued an NTA.

Table 5.

Initial Admissions to ICE Detention Facilities by Country of Nationality: Fiscal Years 2010–2016

(Ranked by 2016 detention admissions)

Country of Nationality	2010	2011	2012	2013	2014	2015	2016
Total	358,390	421,312	464,190	440,540	425,728	307,342	352,882
Mexico	216,938	283,615	298,973	244,532	172,560	143,834	134,546
Guatemala	35,653	38,187	50,068	59,212	74,543	52,562	65,757
El Salvador	25,361	23,457	30,808	40,258	59,933	40,263	57,953
Honduras	27,742	26,106	39,859	50,622	76,708	34,899	46,753
Haiti	1,425	1,699	1,390	2,382	2,056	1,190	5,832
India	1,996	3,388	1,453	4,057	2,306	2,971	4,088
Brazil	2,889	2,467	1,920	1,423	1,376	1,802	4,056
Ecuador	3,627	2,929	3,811	4,717	5,351	3,097	3,196
China, People's Republic	2,370	2,289	1,966	1,729	2,444	1,880	3,023
Dominican Republic	4,870	3,987	3,954	3,538	3,379	2,757	2,788
All others	35,519	33,188	29,988	28,070	25,072	22,087	24,890

Notes: Excludes Office of Refugee Resettlement and Mexican Interior Repatriation Program facilities. "Other" includes unknown.
Source: U.S. Department of Homeland Security.

Detentions

ICE/ERO, the agency responsible for immigration detention, booked about 350,000 aliens into detention during 2016, an increase of 15 percent from about 310,000 in 2015 (see Table 5). Detentions of Mexican nationals fell slightly to 135,000, continuing a decline from a peak of nearly 300,000 in 2012. Detentions of aliens from the Northern Triangle increased by more than 30 percent from 2015 and nearly 100 percent since 2011. Detentions of Haitians and Brazilians, typically 1,000 to 3,000 per year, increased by 390 percent and 125 percent, respectively. In 2016, Mexicans comprised about 40 percent of the total (compared to about 60 percent in 2010) and the Northern Triangle accounted for nearly 50 percent (compared to 25 percent in 2010).

Removals and Returns

DHS repatriated about 445,000 aliens in 2016, a decline of about 10,000 from 2015. The modest drop in repatriations is notable in light of the increase in apprehensions during the same period. This disparity reflects a gap in recent years between apprehensions and repatriations in the case of aliens from Northern Triangle countries that stands in contrast to the relationship between apprehensions and repatriations in the case of Mexicans (see Figure 7). The gap for nationals of Northern Triangle countries is in part a result of the lengthy immigration court proceedings associated with asylum claims.

Removals

DHS removed about 340,000 aliens in 2016, a small increase from about 325,000 in 2015 (see Table 6). The shares

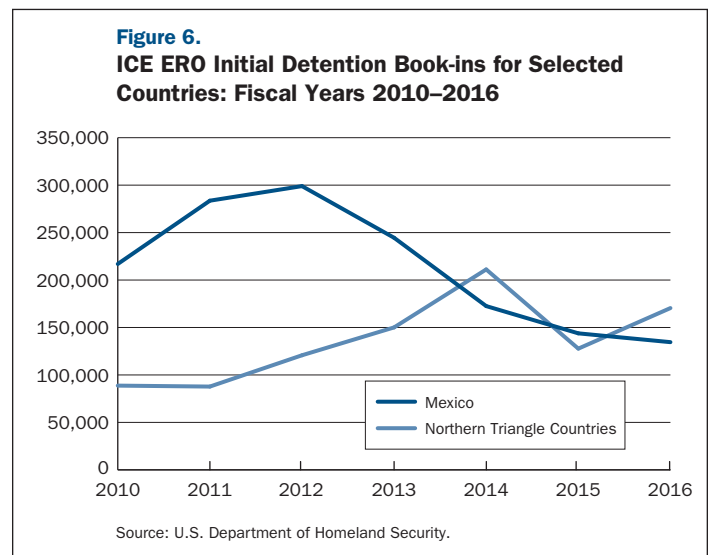


Table 6.

Aliens Removed by Component and Removal Type: Fiscal Years 2010–2016*

Component or Removal Type	2010	2011	2012	2013	2014	2015	2016
APPREHENDING COMPONENT							
Total	381,593	385,778	415,900	433,034	405,589	326,962	340,056
CBP OFO	36,936	36,034	31,494	28,033	27,455	31,337	34,019
ICE	195,198	183,140	153,877	114,527	93,560	66,167	60,637
USBP	149,459	166,604	230,529	290,474	284,574	229,458	245,400
REMOVING COMPONENT							
Total	381,593	385,778	415,900	433,034	405,589	326,962	340,056
CBP OFO	31,732	29,655	21,688	21,384	20,726	22,862	26,070
ICE	302,169	314,453	345,628	332,213	301,089	227,698	228,174
USBP	47,692	41,670	48,584	79,437	83,774	76,402	85,812
REMOVAL TYPE							
Total	381,593	385,778	415,900	433,034	405,589	326,962	340,056
Expedited Removals	109,720	122,129	163,187	192,559	175,937	140,043	141,518
Reinstatements	122,198	123,535	143,669	164,508	159,867	130,671	143,003
All other removals	149,675	140,114	109,044	75,967	69,785	56,248	55,535

* The counting methodology was revised for ICE removals conducted in 2016. See the Data and Methods section for details.
Note: The "all other removals" category includes removals pursuant to a standard judicial order of removal, removals pursuant to a stipulated judicial order of removal, and administrative removals.
Source: U.S. Department of Homeland Security Office of Immigration Statistics.

Table 7.

Aliens Removed by Criminal Status and Country of Nationality: Fiscal Years 2010–2016

(Ranked by 2016 aliens removed)

Country of nationality	2010		2011		2012		2013		2014		2015		2016*	
	Number	Percent Criminal ¹	Number	Percent Criminal ¹	Number	Percent Criminal ¹	Number	Percent Criminal ¹	Number	Percent Criminal ¹	Number	Percent Criminal ¹	Number	Percent Criminal ¹
Total	381,593	44.5%	385,778	49.0%	415,900	48.1%	433,034	46.0%	405,589	42.6%	326,962	42.7%	340,056	39.9%
Mexico	272,486	47.1%	286,731	50.6%	301,255	50.3%	308,828	47.5%	266,165	47.5%	235,087	44.9%	245,306	41.7%
Guatemala	29,709	31.7%	30,343	38.6%	38,899	34.7%	46,948	32.7%	54,247	25.3%	33,398	31.6%	33,729	31.3%
Honduras	25,121	41.5%	22,027	49.1%	31,738	43.5%	36,591	45.4%	40,633	34.5%	20,334	42.2%	21,891	39.0%
El Salvador	20,346	41.1%	17,379	48.9%	18,992	45.7%	20,921	45.2%	26,895	33.5%	21,610	33.1%	20,127	33.2%
Colombia	2,402	51.7%	1,899	55.2%	1,591	66.3%	1,440	66.7%	1,348	63.7%	1,571	49.7%	2,052	36.4%
Dominican Republic	3,371	66.5%	2,892	74.1%	2,866	76.1%	2,297	78.8%	2,066	79.4%	1,897	81.0%	1,949	75.0%
Brazil	3,533	13.8%	3,350	16.4%	2,397	17.7%	1,449	25.4%	952	29.8%	1,008	28.9%	1,485	21.6%
Ecuador	2,385	29.0%	1,716	41.0%	1,763	40.0%	1,510	38.7%	1,528	37.0%	1,441	33.9%	1,399	32.8%
Jamaica	1,481	78.9%	1,473	83.2%	1,319	87.2%	1,108	90.0%	1,035	80.0%	866	74.0%	1,069	57.0%
Nicaragua	1,903	42.2%	1,502	46.3%	1,400	52.2%	1,346	51.6%	1,296	49.2%	922	47.9%	872	44.3%
All other countries	18,856	34.0%	16,466	39.0%	13,680	47.3%	10,596	50.5%	9,424	49.4%	8,828	41.2%	10,177	34.2%

* The counting methodology was revised for ICE removals conducted in 2016. See the Data and Methods section for details.

¹ Refers to persons removed who have a prior criminal conviction.

Notes: Excludes criminals removed by Customs and Border Protection (CBP) because criminality data are not reliably collected. "Other" includes unknown.

Source: U.S. Department of Homeland Security.

of removals conducted by each component were largely unchanged from 2015; ICE removed more than 65 percent, USBP removed about 25 percent, and CBP/OFO removed the remainder. As in 2015, nearly 85 percent were expedited removals or reinstatement of prior removal orders. In most of the remaining 55,000 cases, the alien had a case in immigration court.²⁰ About 95 percent of all removals were of Mexican nationals or aliens from Northern Triangle countries.

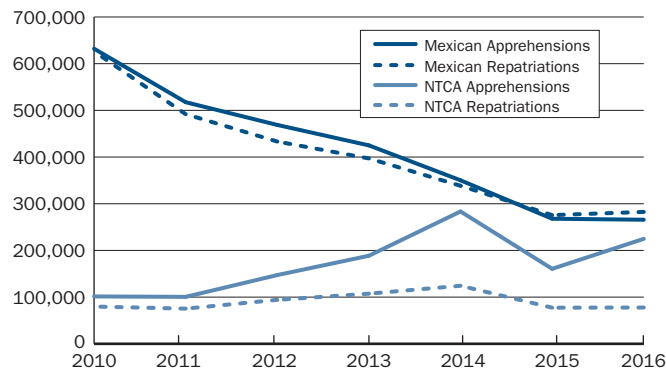
The share of initial apprehensions among aliens removed in 2016 was largely unchanged from 2015, but changed substantially from 2010 to 2016 (see Figure 8). More than 70 percent of all aliens removed in 2016 were apprehended by USBP, compared to only about 40 percent in 2010. Conversely, fewer than 20 percent of aliens removed in 2016 were initially arrested by ICE, compared to about 50 percent in 2010. One factor contributing to this shift has been USBP's increased use of removal as a consequence for border apprehensions.

About 40 percent of all aliens removed in 2016 had a prior criminal conviction (see Table 7).²¹ Slightly more than 40 percent of all Mexican nationals who were removed in 2016 had a prior criminal

²⁰ Persons convicted of an aggravated felony and administratively removed did not receive a hearing in immigration court; persons stipulating to removal had a hearing scheduled, but waived their rights to trial.

²¹ The criminal percentage is much higher (90 to 95 percent in FY 2013 to 2016) among removals of subjects administratively arrested by ICE. The lower criminal percentage among all DHS removals results from a lower criminal percentage among border apprehensions than among arrests in the interior and less complete information on criminality for subjects removed by USBP

Figure 7.
DHS Apprehensions and Repatriations for Selected Countries: Fiscal Years 2010–2016*



* The counting methodology was revised for ICE removals conducted in 2016. See the Data and Methods section for details.
Source: U.S. Department of Homeland Security.

conviction, compared to about 50 percent in 2010 through 2014. The proportion of aliens with prior criminal convictions also fell substantially for Colombia and Jamaica. As with removals overall, about 95 percent of criminal removals were of nationals of Mexico and Northern Triangle countries. The types of crime were unchanged from 2015; 35 percent were immigration offenses, 17 percent were related to dangerous drugs, 13 percent were traffic offenses, and 10 percent were assault (see Table 8).

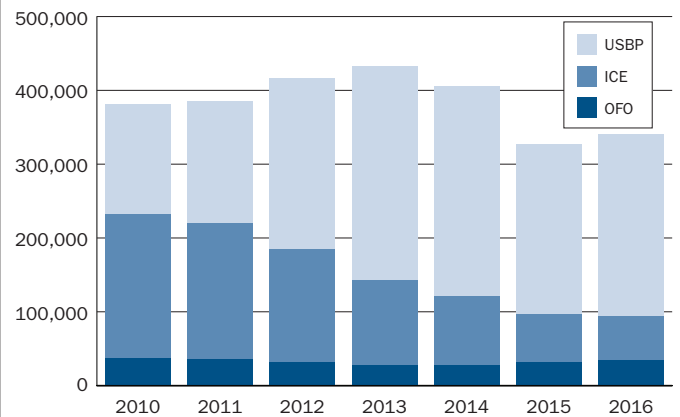
Returns

DHS returned about 25,000 fewer aliens to their home countries without an order of removal in 2016 than in 2015 (see Table 9). CBP/OFO returns fell by about 20 percent, due in part to a reduction in crew of foreign vessels determined to be inadmissible at sea ports. Despite the decrease, OFO continued to account for nearly 80 percent of all returns.²² USBP returns did not change from 2015 to 2016, having already fallen nearly 95 percent from 2010 to 2015 as the Consequence Delivery System (CDS) guided the agency to focus on removal as a more effective means of discouraging illegal immigration (see Figure 9).²³ Slightly more than half of all aliens returned to their home countries were Mexican or Canadian.

²² From 2010 through 2016, 90 to 95 percent of OFO returns each year were of inadmissible aliens who were allowed to withdraw their application for admission or crew of foreign vessels detained onboard.

²³ See Capps et al, 2017, for a recent review of the CDS.

Figure 8.
Aliens Removed by Initial Apprehending Component:
Fiscal Years 2010–2016*



* The counting methodology was revised for ICE removals conducted in 2016. See the Data and Methods section for details.
Source: U.S. Department of Homeland Security.

Table 8.

Criminal Aliens Removed by Crime Category: Fiscal Years 2010–2016

(Ranked by 2016 criminal aliens removed)

Crime Category	2010		2011		2012		2013		2014		2015		2016*	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Total	169,656	100.0%	188,964	100.0%	200,143	100.0%	198,981	100.0%	172,739	100.0%	139,633	100.0%	135,570	100.0%
Immigration ¹	31,828	18.8%	37,606	19.9%	47,616	23.8%	62,364	31.3%	54,546	31.6%	45,886	32.9%	47,066	34.7%
Dangerous Drugs ²	42,890	25.3%	43,378	23.0%	42,679	21.3%	30,688	15.4%	28,452	16.5%	24,129	17.3%	23,217	17.1%
Traffic Offenses ³	31,062	18.3%	43,154	22.8%	46,162	23.1%	29,945	15.0%	24,733	14.3%	18,585	13.3%	18,157	13.4%
Assault	12,175	7.2%	12,783	6.8%	13,045	6.5%	20,244	10.2%	17,809	10.3%	14,536	10.4%	13,239	9.8%
Weapon Offenses	2,814	1.7%	2,730	1.4%	2,513	1.3%	5,310	2.7%	4,581	2.7%	3,769	2.7%	3,757	2.8%
Burglary	4,213	2.5%	3,808	2.0%	3,569	1.8%	5,521	2.8%	4,761	2.8%	3,776	2.7%	3,495	2.6%
Larceny	5,459	3.2%	5,728	3.0%	5,428	2.7%	5,303	2.7%	4,363	2.5%	3,160	2.3%	2,832	2.1%
Sexual Assault	3,268	1.9%	3,576	1.9%	3,353	1.7%	3,176	1.6%	2,985	1.7%	2,562	1.8%	2,494	1.8%
Fraudulent Activities	3,889	2.3%	4,232	2.2%	3,879	1.9%	5,196	2.6%	3,922	2.3%	2,956	2.1%	2,437	1.8%
Obstructing Police	1,896	1.1%	2,294	1.2%	2,508	1.3%	2,934	1.5%	2,436	1.4%	1,911	1.4%	2,054	1.5%
All others	30,162	17.8%	29,675	15.7%	29,391	14.7%	28,300	14.2%	24,151	14.0%	18,363	13.2%	16,822	12.4%

* The counting methodology was revised for ICE removals conducted in 2016. See the Data and Methods section for details.

¹ Including entry and reentry, false claims to citizenship, and alien smuggling.

² Including the manufacturing, distribution, sale, and possession of illegal drugs.

³ Including hit and run and driving under the influence.

Notes: Excludes criminals removed by Customs and Border Protection (CBP) because criminality data are not reliably collected. "Other" includes unknown.

Source: U.S. Department of Homeland Security.

FOR MORE INFORMATION

For more information about immigration and immigration statistics, visit the Office of Immigration Statistics website at www.dhs.gov/immigration-statistics.

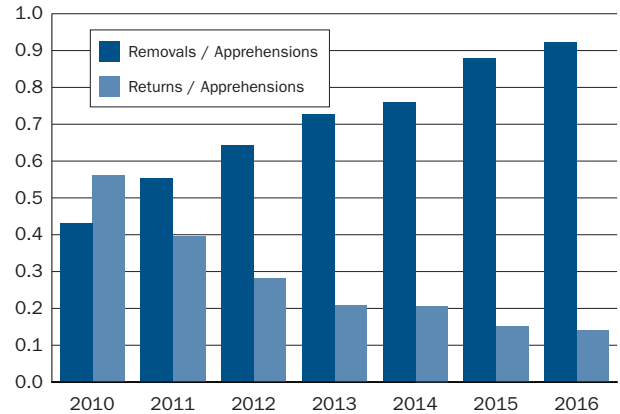
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Figure 9.
Ratio of Removals or Returns to DHS Apprehensions:
Fiscal Years 2010–2016*



* The counting methodology was revised for ICE removals conducted in 2016. See the Data and Methods section for details.
Note: The percentages represent ratios, not rates or proportions, because some persons removed or returned in the given year may not have been apprehended in the same year.
Source: U.S. Department of Homeland Security.

Table 9.

Aliens Returned by Component and Country of Nationality: Fiscal Years 2010–2016

Characteristic	2010		2011		2012		2013		2014		2015		2016*	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
COMPONENT														
Total	474,166	100.0%	322,073	100.0%	230,333	100.0%	178,663	100.0%	163,223	100.0%	129,429	100.0%	106,167	100.0%
CBP OFO	143,531	30.3%	130,979	40.7%	109,441	47.5%	104,237	58.3%	108,729	66.6%	104,988	81.1%	82,723	77.9%
USBP	248,167	52.3%	113,852	35.3%	58,171	25.3%	38,677	21.6%	40,340	24.7%	16,162	12.5%	16,094	15.2%
ICE	82,468	17.4%	77,242	24.0%	62,721	27.2%	35,749	20.0%	14,154	8.7%	8,279	6.4%	7,350	6.9%
COUNTRY														
Total	474,166	100.0%	322,073	100.0%	230,333	100.0%	178,663	100.0%	163,223	100.0%	129,429	100.0%	106,167	100.0%
Mexico	353,791	74.6%	205,110	63.7%	131,935	57.3%	88,209	49.4%	72,312	44.3%	40,528	31.3%	37,190	35.0%
Canada	29,142	6.1%	28,273	8.8%	27,038	11.7%	23,965	13.4%	23,256	14.2%	22,541	17.4%	18,410	17.3%
Philippines	21,413	4.5%	23,150	7.2%	20,903	9.1%	21,526	12.0%	22,161	13.6%	20,426	15.8%	13,601	12.8%
China	16,449	3.5%	16,234	5.0%	11,778	5.1%	11,688	6.5%	12,238	7.5%	12,796	9.9%	8,632	8.1%
India	4,695	1.0%	4,136	1.3%	3,273	1.4%	2,467	1.4%	2,803	1.7%	2,385	1.8%	2,421	2.3%
Ukraine	4,415	0.9%	4,111	1.3%	2,589	1.1%	2,609	1.5%	3,046	1.9%	2,662	2.1%	2,059	1.9%
Burma	3,951	0.8%	2,582	0.8%	2,337	1.0%	1,920	1.1%	1,888	1.2%	2,012	1.6%	1,444	1.4%
Turkey	1,802	0.4%	1,879	0.6%	1,226	0.5%	1,033	0.6%	1,095	0.7%	1,094	0.8%	982	0.9%
Korea, South	1,561	0.3%	1,619	0.5%	1,191	0.5%	1,259	0.7%	1,242	0.8%	1,182	0.9%	898	0.8%
Russia	3,189	0.7%	3,512	1.1%	2,441	1.1%	1,997	1.1%	1,900	1.2%	1,490	1.2%	886	0.8%
All other countries	33,758	7.1%	31,467	0.5%	25,622	11.1%	21,990	12.3%	21,282	13.0%	22,313	17.2%	19,644	18.5%

* The counting methodology was revised for ICE returns conducted in 2016. See the Data and Methods section for details.

Note: “Other” includes unknown.

Source: U.S. Department of Homeland Security.