

EXHIBIT C



Immigrants and Families Appear in Court: Setting the Record Straight

Immigrants placed into removal proceedings and told to appear in immigration court face a unique penalty for missing court. Unlike criminal court, where a missed court appearance usually results in a judge issuing a warrant for the defendant's arrest, an immigrant who misses even a single court hearing is generally ordered deported "*in absentia*" (Latin for "in absence").¹

This fact sheet presents studies and analyses on immigrants' "appearance rate" in court (the rate at which immigrants appear for court hearings). The fact sheet further contrasts appearance rate with "in absentia rate," a separate and distinct measurement used by the government, which the government and the media often confuse for appearance rate.

Do Immigrants Appear in Court?

Comprehensive analyses of the government's own data show that in the vast majority of situations, immigrants placed into removal proceedings appear for all of their court hearings.

Even a person who misses a hearing by accident can be ordered removed "in absentia." A judge may only overturn this "in absentia removal order" if the government failed to notify the immigrant of the hearing, or if the immigrant shows that "exceptional circumstances" led to the failure to appear.² Establishing "exceptional circumstances" can be difficult. Courts have refused to overturn removal orders in many circumstances in which the person did not deliberately miss court, where the reasons for missing court were as diverse as a car breaking down, late arrival coupled with long security lines, unusually bad traffic, or a mistaken belief that a hearing was scheduled for the afternoon and not the morning.³

Possibly due to the severe consequences of failure to appear, immigrants are highly likely to appear in court. Analysis of data from the Executive Office for Immigration Review (EOIR), which oversees the immigration courts, shows that in the vast majority of cases, only 14-23 percent of immigrants scheduled to appear in immigration court missed a hearing and were ordered removed in absentia (Figure 1).

Figure 1. What Percent of Immigrants Not Held in Government Custody Appeared for Court?

Group and Time Period Covered by Study or Dataset	Appearance Rate in Immigration Court	Appearance Rate if Immigrant Represented by Attorney
All immigrants placed in removal proceedings from Fiscal Year (FY) 2008 to June 2019 ⁴	83 percent	97 percent
Families released from ICE family detention centers, FY 2001 to 2016 ⁵	86 percent	97 percent (with asylum application filed)
Non-family individuals released from ICE detention, FY 2001 to 2016 ⁶	81 percent	96 percent (with asylum application filed)
Families placed on expedited Family Unit Docket, September 2018 to May 31, 2019 ⁷	81 percent	99 percent
Families placed on Adults with Children docket, April 2014 to May 2018 ⁸	77 percent	98 percent
Juveniles placed in removal proceedings, FY 2005 to June 2019 ⁹	83 percent	98 percent

Source: Author's analysis of publicly available data and literature. See endnotes for details.

Studies also show that families are not significantly more likely to miss court than individual adults or unaccompanied children. For example, one study of EOIR data revealed that families released from family detention centers between 2001 and 2016 appeared in court 86 percent of the time, compared to 81 percent for all immigrants released from detention centers over that period.¹⁰ Asylum-seeking families who had representation and were released from detention had even higher appearance rates.¹¹

Studies also show a significant link between representation and appearance in court. Having access to an attorney means immigrants have someone who can help them navigate an unfamiliar system, including helping ensure they appear in court.¹² Once immigrants manage to obtain a lawyer, they show up for all court hearings in the overwhelming majority of cases, with appearance rates of 96 percent or higher for every group (see Figure 1).

Of course, many people miss court through no fault of their own. There are serious barriers that can contribute to someone not appearing in court, such as lack of notice; government errors in providing notice; physical, geographical and language obstacles; trauma and mental health; and lack of legal representation.¹³

For these reasons, a significant number of removal orders for failure to appear are later overturned by an immigration judge for lack of notice or “extraordinary circumstances.”¹⁴ A 2018 study of families ordered removed for missing court demonstrated that attorneys were able to overturn 44 out of 46 in absentia removal orders issued to asylum-seekers’ families.¹⁵ In one case, a family member received two pieces of mail on the same day—a letter telling the person to appear for a court proceeding with a hearing date which had already passed, and an in absentia removal order for missing that court date.¹⁶

Significant Flaws Exist with the Government’s Measurement of Failures to Appear

Given that studies consistently show a high appearance rate for those in removal proceedings, why does the government insist that there is an epidemic of immigrants skipping court and “disappearing” into the United States?¹⁷ Boiled down, the most basic answer is: **the government does not measure the percent of immigrants failing to appear in court.** Instead, it uses an alternate, “completion-based” method which significantly overstates the prevalence of in absentia orders of removal for failure to appear in court.

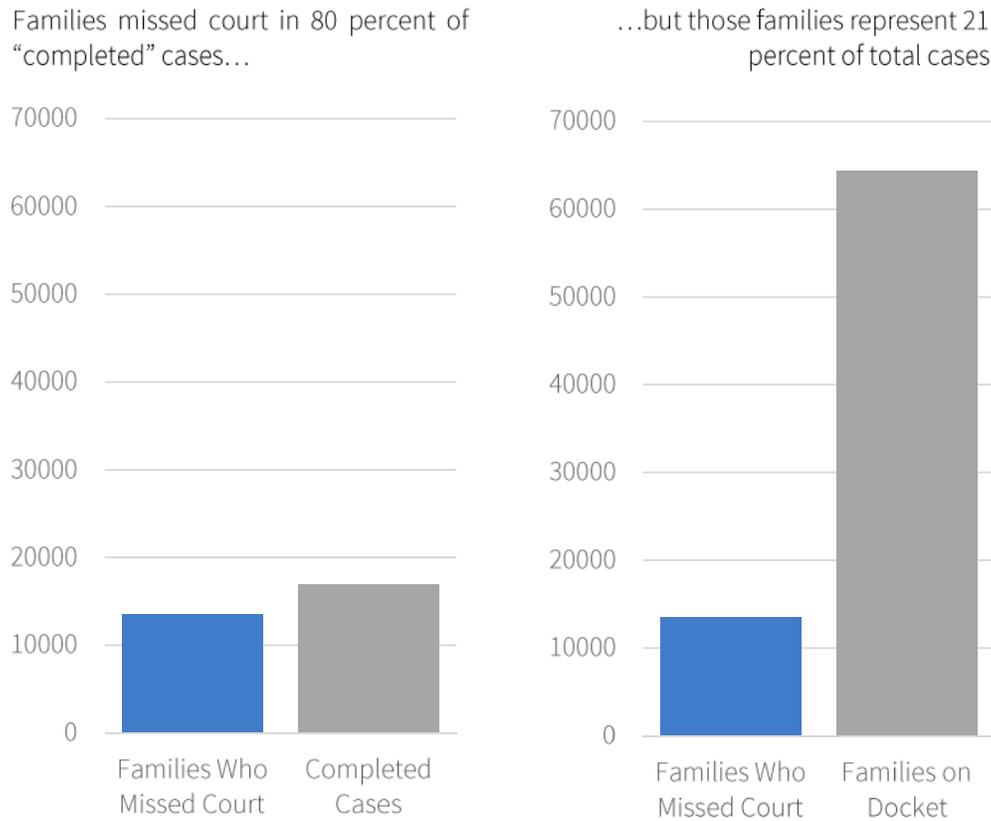
Every year EOIR publishes data on what it calls the “in absentia rate.” This rate is calculated by determining what percent of “case completions” (a decision in an immigrant’s case, such as a grant of relief or an order of removal) occurred because the immigrant missed court.¹⁸ For example, if a judge ordered one person removed for failure to appear and granted another person relief from removal, the “in absentia” rate would be 50 percent—one order of removal for missing court out of two completions.

This approach means that people who are showing up to court during their case, but have not received a final decision, are not factored into the equation. Cases often require multiple hearings over the course of years before a “completion,” which means that EOIR’s statistic neglects to account for the hundreds of thousands of immigrants who have appeared in court, but whose cases are not yet complete. EOIR’s “in absentia rate” gives the false impression that more immigrants miss court than actually do because cases where an immigrant fails to appear at the first hearing take significantly less time to complete than a case where the immigrant appears diligently for years before a final decision.

Even though EOIR’s “in absentia rate” is **not** a full measure of appearance rates, DHS has cited “in absentia” rate figures in ways that falsely imply that it is. For example, in June 2019, Acting DHS Secretary Kevin McAleenan testified in front of the Senate Judiciary Committee that 90 percent of families placed on EOIR’s recently-created expedited “Family Unit Docket” failed to appear in court.¹⁹ But McAleenan was wrong; an independent analysis of EOIR data on the Family Unit Docket showed that as of May 31, 2019, **81 percent** of families on the docket had appeared for all scheduled hearings since September 2018.²⁰ When families were represented, 99 percent had appeared in court for all hearings.²¹

So why the difference? McAleenan appears to have confused EOIR’s “in absentia rate” for the rate at which families missed court.²² This citation of the Family Unit Docket’s “in absentia rate” as if it were the appearance rate provides a cautionary example of why citation to EOIR’s “in absentia rate” can be problematic. The expedited Family Unit Docket was created by EOIR in November 2018 with the intention of expediting cases of recently-arrived families.²³ Because the docket has only existed for a matter of months, and because cases in immigration court often take months or years to complete, only a small fraction of cases placed on the docket have reached an ultimate decision on the merits of a case.

Figure 2. Perils in Citing the Family Unit Docket’s “In Absentia” Rate



Source: EOIR, [Family Unit Decisions in 10 Courts](#) (July 19, 2019).

Data from EOIR shows that out of 64,362 cases placed on the docket in 10 cities since September 2018, over 74 percent of cases are still pending (47,408).²⁴ Of the cases completed as of June 2018, 3,371 were completed because a judge issued a decision on the merits of the case, while 13,583 were completed because the immigrant failed to appear in court (Figure 2).

Thus, even though 79 percent of families placed on the docket have appeared in court, the “in absentia” rate reported by EOIR would be 80 percent. This example shows how the government’s methodology for reporting failures to appear can create the wrong impression about how often people appear in court.

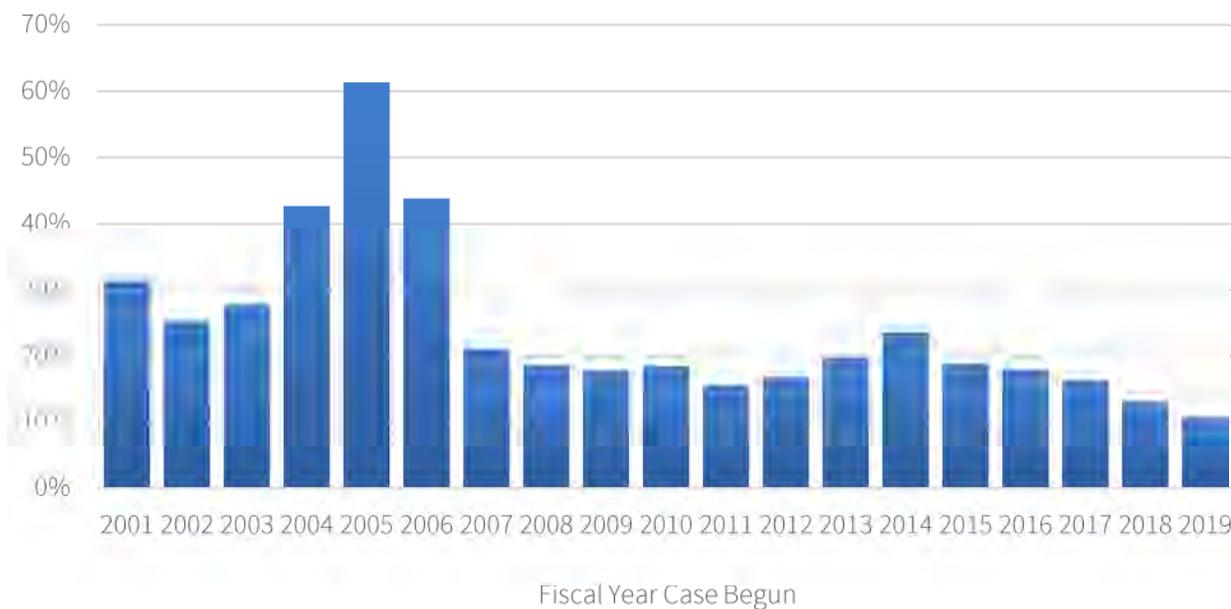
How Should Appearance Rates Be Calculated?

Alternate methods should be used to calculate the “in absentia rate” because EOIR’s current method does not fully reflect the percent of immigrants who appear in court.

A better approach is a cohort-based methodology, which looks at the percent of people placed into removal proceedings each year who have been ordered removed for missing court. By focusing on a group of people and tracking them throughout the entire multi-year process of immigration court, a cohort-based method avoids harmful abstractions. Unlike EOIR’s completion-based methodology, looking at groups of people over time better shows what percent of immigrants appeared in court.

Using a cohort-based method reveals that in every year since 2007, fewer than 25 percent of people placed on the non-detained docket were ordered removed for missing court (Figure 3). Since 2015, over 80 percent of all immigrants placed into removal proceedings have appeared for their court proceedings and avoided an order of removal for missing court.

Figure 3: Percent of Non-Detained Cases with a Final Order of Removal for Missing Court



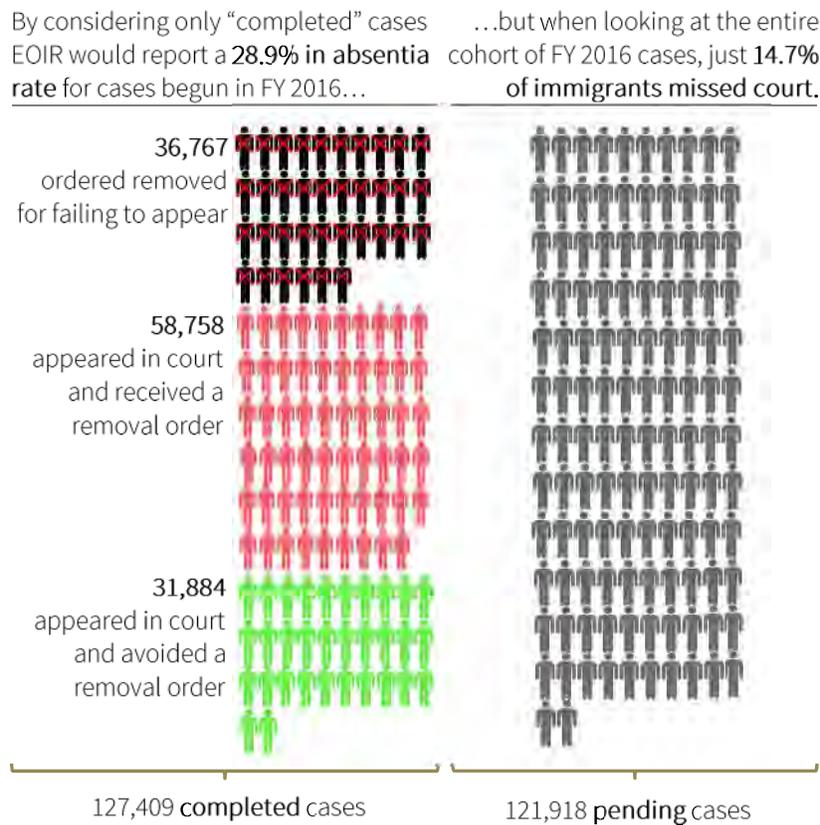
Note: Years reflect the fiscal year case originally filed with immigration court, through May 2019.

Source: TRAC, *Details on Deportation Proceedings in Immigration Court* (last accessed July 2019). Data on file with author.

This cohort-based method shows that even with more asylum-seekers arriving at the border in the past five years, immigrants placed in removal proceedings are still highly likely to appear in court. And despite record levels of families arriving at the border in FY 2019, orders of removal for missing court remain relatively uncommon.

Given the concerns noted above, EOIR should immediately abandon the use of its completion-based “in absentia” statistics, or at the very least clarify that such statistics do not represent appearance rates. As shown in Figure 4, the cohort-base methodology provides a significantly more accurate way of measuring the rate at which immigrants appear in court.

Figure 4. Cohort-Based Methodology Compared to EOIR’s Completion-Based “In Absentia Rate”
Using cases begun in Fiscal Year 2016 as a case study



Source: Author’s analysis of data on “never-detained” and “released” cases begun in FY 2016, through June 2019. TRAC, [Details on Deportation Proceedings in Immigration Court](#) (last accessed July 2019).

EOIR’s own data demonstrates in other ways that there is no crisis of immigrants failing to appear in court. In FY 2018, 46,051 orders of removal for missing court were issued,²⁵ despite DHS filing a record high of 314,316 cases²⁶ in immigration court that year and amid a record high backlog of 794,316 cases.²⁷

Good policy comes from good data. The government's reliance on "completion-based" reporting methods distorts appearance rates and gives the false impression that there is an epidemic of failures to appear in immigration court. But as long-term studies show, when you track people from start to finish, the vast majority of immigrants appear in court.

What Could Further Improve Appearance Rates?

Given immigrants' likelihood of appearing in court, there is little evidence for the government's frequent assertion that detention is necessary to ensure appearance in court.

Instead, focus should be on ensuring that immigrants who want to appear in immigration court have the opportunity to do so. This could be achieved through initiatives like the Family Case Management Program, an innovative program which achieved a 99 percent compliance rate with immigration court appearances through the use of community support and supervision.²⁸ The immigration courts could also adopt simple methods to help ensure that people don't miss court. Studies have shown that sending text messages or email reminders can have a significant effect on ensuring appearance in court.²⁹

Improved access to counsel is also key in further increasing immigrants' appearance rates. As Figure 1 shows, when immigrants are represented, they appear in court over 97 percent of the time. Having an attorney can help immigrants understand the complex and confusing immigration court system and navigate around common pitfalls that can lead to an order of removal for missing court. Indeed, immigrants with attorneys fair better at every stage of the court process.³⁰ Improving access to counsel would almost certainly have a significant effect on ensuring that every immigrant who wants their day in court has the opportunity to get one.

The government should also focus on fixing procedural errors which lead to immigrants not receiving notice of their court hearings. Even though the immigration system is faced with historic case backlogs, the government's failure to properly file notices to appear with correct address information and the court's well-documented failure to send hearing notices in a timely manner have created significant obstacles to immigrants receiving a fair day in court.³¹

These obstacles have become especially problematic in light of EOIR's expedited Family Unit Docket, where the accelerated process has created more opportunities for government error. Some families placed on the docket report that the first document they received from the immigration court was an order of removal for missing a court date about which they never received notice.³² Given the high potential for error, EOIR should carefully review docketing practices for cases placed on the Family Unit Docket and instruct judges to hold the government to its burden of proving by "clear, unequivocal, and convincing evidence" that a family received notice of a hearing before ordering anyone removed for missing court.³³

At present, the only way for individuals to determine whether a court date has been set is to call 1-800-898-7180 and listen to an automated message available only in English and Spanish.³⁴ In addition, those in removal proceedings can only change the address the court has on file by mailing a form in English to the correct

immigration court.³⁵ This thoroughly outdated system creates innumerable opportunities for well-meaning individuals to fall through the cracks. It is far past time for EOIR to modernize these systems and focus its resources on ensuring that no person ever misses court through government error.

Endnotes

1. INA § 240(b)(5); 8 U.S.C. § 1229a(b)(5).
2. INA § 240(b)(5)(C); 8 U.S.C. § 1229a(b)(5)(C).
3. See, e.g., *Magdaleno de Morales v. I.N.S.*, 116 F.3d 145 (5th Cir. 1997) (no exceptional circumstances where respondent's car broke down and he chose to "backtrack" home to fix the car before calling court); *Hui Lin v. Atty. Gen. of U.S.*, 127 Fed. Appx. 617 (3d Cir. 2005) (no exceptional circumstances where respondent arrived late and was further delayed by long security lines); *Sharma v. I.N.S.*, 89 F.3d 545 (9th Cir. 1996) (no exceptional circumstances where respondent arrived nearly two hours late due to traffic and difficulty finding parking); *Valencia-Fragoso v. I.N.S.*, 321 F.3d 1204 (9th Cir. 2003) (no exceptional circumstances where respondent lost hearing notice and mistakenly appeared at 1:00PM instead of 8:30AM).
4. Author's analysis of data on cases begun from FY 2008 to June 2019 reveal 313,466 final orders of removal in absentia issued out of 1,803,215 cases where at least one scheduled hearing had occurred. Transactional Records Access Clearinghouse, Details on Deportation Proceedings in Immigration Court, <https://trac.syr.edu/phptools/immigration/nta/>, last accessed July 2019 (collecting data on all cases by fiscal year case begun, measuring by current status, and sorting by custody status, representation, and absentia outcomes). Individuals with representation had 35,037 final orders of removal in absentia out of 1,263,211 cases where at least one scheduled hearing had occurred.
5. Ingrid Eagley, Steven Shafer, & Jana Whalley, *Detaining Families: A Study of Asylum Adjudication in Family Detention* (Washington, DC: American Immigration Council, August 2018), 23, fig. 7, <https://www.americanimmigrationcouncil.org/research/detaining-families-a-study-of-asylum-adjudication-in-family-detention>.
6. *Ibid.*
7. See Transactional Records Access Clearinghouse, "Most Released Families Attend Immigration Court Hearings," June 18, 2019, Table 1, <https://trac.syr.edu/immigration/reports/562/> (showing percent of recently released families who attended all court hearings).
8. Author's analysis of data on Adults with Children docket cases from April 2014 to May 2018 reveal 38,095 cases with a final order of removal in absentia out of 165,905 cases. See Transactional Records Access Clearinghouse, *Priority Immigration Court Cases: Women with Children*, last accessed July 2019, <https://trac.syr.edu/phptools/immigration/mwc/> (collecting data on individuals placed on EOIR's "Adults with Children" docket, through May 2018). Individuals with representation had 2,588 final orders of removal in absentia out of 105,063 cases.
9. Author's analysis of data on cases begun from FY 2005 to June 2019 reveal 100,719 cases with a final order of removal in absentia out of 589,415 cases. See Transactional Records Access Clearinghouse, *Juveniles — Immigration Court Deportation Proceedings*, last accessed July 2019, <https://trac.syr.edu/phptools/immigration/juvenile/> (collecting data on all juvenile cases in EOIR dockets. Data includes unaccompanied children from FY 2005 to FY 2017 and all juveniles in removal proceedings from FY 2018 to present). Individuals with representation had 6,863 final orders of removal in absentia out of 303,223 cases.
10. Eagly & Shafer, *Detaining Families*, at Fig. 7.
11. *Ibid.* (showing that individuals released from family detention with an asylum application had a 96% appearance rate; when these individuals had representation, their appearance rate increased to 97%).
12. See Ingrid Eagly and Steven Shafer, "A National Study of Access to Counsel in Immigration Court," *University of Pennsylvania Law Review* 164, no. 1 (December 2015), at 73-75, https://scholarship.law.upenn.edu/cgi/viewcontent.cgi?article=9502&context=penn_law_review.
13. See CLINIC & Urban Justice Ctr., *Denied a Day in Court: The Government's Use of In Absentia Removal Orders Against Families Seeking Asylum*, 2018, 16-27, <https://cliniclegal.org/sites/default/files/Denied-a-Day-in-Court.pdf>.
14. Transactional Records Access Clearinghouse, "What Happens When Individuals Are Released on Bond in Immigration Court Proceedings?" September 14, 2016, <https://trac.syr.edu/immigration/reports/438/> (noting that EOIR's calculation of in absentia rate only counts "initial case completions," and opining that "using the first proceeding and ignoring subsequent ones is quite inappropriate. Where, for example, the individual never received notice of the hearing, the case may be reopened and a later hearing take place. Use of the last proceeding, rather than the first, is thus a more accurate measure in this context. In fact, using the last proceeding instead of the first significantly impacts and reduces the calculated rates.").
15. CLINIC & Urban Justice Ctr., 17.
16. *Ibid.*, 18-19.
17. See Department of Homeland Security Secretary Kirstjen Nielsen, "Secretary Kirstjen M. Nielsen Announces Historic Action to Confront Illegal Immigration," December 20, 2018, <https://www.dhs.gov/news/2018/12/20/secretary-nielsen-announces-historic-action-confront-illegal-immigration> (suggesting that asylum-seekers "often disappear before a court can determine their claim's merits").
18. EOIR also only considers "initial case completions," which excludes cases where the immigrant was ordered removed for missing court and

then successfully reopened the case. EOIR also does not consider an order administratively closing a case to be a "case completion." Both of these factors significantly affect EOIR's reported in absentia rate. See Transactional Records Access Clearinghouse, "What Happens When Individuals Are Released on Bond in Immigration Court Proceedings?" September 14, 2016, fn 7, <https://trac.syr.edu/immigration/reports/438/>.

19. See Jack Crowe, "DHS Secretary: 90 Percent of Recent Asylum-Seekers Skipped Their Hearings," *National Review*, June 11, 2019, <https://www.nationalreview.com/news/dhs-secretary-90-percent-of-recent-asylum-seekers-skipped-their-hearings/>.
20. See Transactional Records Access Clearinghouse, "Most Released Families Attend Immigration Court Hearings," June 18, 2019, Table 1, <https://trac.syr.edu/immigration/reports/562/>.
21. *Ibid.*
22. When ICE ERO Director Nathalie Asher testified in Congress in May, she described the methodology which DHS used to calculate the figure cited by McAleenan—the same measurement EOIR uses to calculate in absentia rate. This figure is the clear origin of ICE's talking point. See ICE ERO Acting Director Nathalie Asher, *Testimony Before the Senate Judiciary Committee* (May 8, 2019), at 2.
23. See Executive Office for Immigration Review, "Family Unit" Data for Select Courts, July 19, 2019, <https://www.justice.gov/eoir/file/1187416/download> (last accessed July 25, 2019).
24. *Ibid.*
25. Executive Office for Immigration Review, In Absentia Removal Orders, April 23, 2019, <https://www.justice.gov/eoir/page/file/1060851/download>.
26. Executive Office for Immigration Review, New Cases and Total Completions, April 23, 2019, <https://www.justice.gov/eoir/page/file/1060841/download>.
27. Executive Office for Immigration Review, Pending Cases, April 23, 2019, <https://www.justice.gov/eoir/page/file/1060836/download>.
28. Women's Refugee Commission, *The Family Case Management Program: Why Case Management Can and Must Be Part of the US Approach to Immigration* (New York, NY: 2019), <https://www.womensrefugeecommission.org/rights/resources/1807-the-family-case-management-program-why-case-management-can-and-must-be-part-of-the-us-approach-to-immigration>.
29. Brice Cooke, et al., *Text message reminders decreased failure to appear in court in New York City* (2018).
30. Ingrid Eagly & Steven Shafer, *Access to Counsel in Immigration Court* (Washington, DC: 2016), <https://americanimmigrationcouncil.org/research/access-counsel-immigration-court>.
31. See Kristina Cooke and Mica Rosenberg, "No 'day in court': U.S. deportation orders blindside some families," *Reuters*, July 26, 2019, <https://www.reuters.com/article/us-usa-immigration-deportations/no-day-in-court-us-deportation-orders-blindside-some-families-idUSKCN1UL16I>.
32. *Ibid.*
33. 8 U.S.C. § 1229a(b)(5)(A).
34. Executive Office for Immigration Review, Customer Service Initiatives, March 20, 2018, last accessed July 2019, <https://www.justice.gov/eoir/customer-service-initiatives>.
35. Executive Office for Immigration Review, Form EOIR-33 Immigration Court Listing, June 12, 2019, last accessed July 2019, <https://www.justice.gov/eoir/form-eoir-33-eoir-immigration-court-listing>.

EXHIBIT D



Office of the Attorney General
Washington, D. C. 20530

April 3, 2020

MEMORANDUM FOR DIRECTOR OF BUREAU OF PRISONS

FROM: THE ATTORNEY GENERAL *UPBarr*
SUBJECT: Increasing Use of Home Confinement at Institutions Most Affected by COVID-19

The mission of BOP is to administer the lawful punishments that our justice system imposes. Executing that mission imposes on us a profound obligation to protect the health and safety of all inmates.

Last week, I directed the Bureau of Prisons to prioritize the use of home confinement as a tool for combatting the dangers that COVID-19 poses to our vulnerable inmates, while ensuring we successfully discharge our duty to protect the public. I applaud the substantial steps you have already taken on that front with respect to the vulnerable inmates who qualified for home confinement under the pre-CARES Act standards.

As you know, we are experiencing significant levels of infection at several of our facilities, including FCI Oakdale, FCI Danbury, and FCI Elkton. We have to move with dispatch in using home confinement, where appropriate, to move vulnerable inmates out of these institutions. I would like you to give priority to these institutions, and others similarly affected, as you continue to process the remaining inmates who are eligible for home confinement under pre-CARES Act standards. In addition, the CARES Act now authorizes me to expand the cohort of inmates who can be considered for home release upon my finding that emergency conditions are materially affecting the functioning of the Bureau of Prisons. I hereby make that finding and direct that, as detailed below, you give priority in implementing these new standards to the most vulnerable inmates at the most affected facilities, consistent with the guidance below.

- I. IMMEDIATELY MAXIMIZE APPROPRIATE TRANSFERS TO HOME CONFINEMENT OF ALL APPROPRIATE INMATES HELD AT FCI OAKDALE, FCI DANBURY, FCI ELKTON, AND AT OTHER SIMILARLY SITUATED BOP FACILITIES WHERE COVID-19 IS MATERIALLY AFFECTING OPERATIONS

Memorandum from the Attorney General

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Subject: Increasing Use of Home Confinement at Institutions Most Affected by COVID-19

While BOP has taken extensive precautions to prevent COVID-19 from entering its facilities and infecting our inmates, those precautions, like any precautions, have not been perfectly successful at all institutions. I am therefore directing you to immediately review all inmates who have COVID-19 risk factors, as established by the CDC, starting with the inmates incarcerated at FCI Oakdale, FCI Danbury, FCI Elkton, and similarly situated facilities where you determine that COVID-19 is materially affecting operations. You should begin implementing this directive immediately at the facilities I have specifically identified and any other facilities facing similarly serious problems. And now that I have exercised my authority under the CARES Act, your review should include all at-risk inmates—not only those who were previously eligible for transfer.

For all inmates whom you deem suitable candidates for home confinement, you are directed to immediately process them for transfer and then immediately transfer them following a 14-day quarantine at an appropriate BOP facility, or, in appropriate cases subject to your case-by-case discretion, in the residence to which the inmate is being transferred. It is vital that we not inadvertently contribute to the spread of COVID-19 by transferring inmates from our facilities. Your assessment of these inmates should thus be guided by the factors in my March 26 Memorandum, understanding, though, that inmates with a suitable confinement plan will generally be appropriate candidates for home confinement rather than continued detention at institutions in which COVID-19 is materially affecting their operations.

I also recognize that BOP has limited resources to monitor inmates on home confinement and that the U.S. Probation Office is unable to monitor large numbers of inmates in the community. I therefore authorize BOP to transfer inmates to home confinement even if electronic monitoring is not available, so long as BOP determines in every such instance that doing so is appropriate and consistent with our obligation to protect public safety.

Given the speed with which this disease has spread through the general public, it is clear that time is of the essence. Please implement this Memorandum as quickly as possible and keep me closely apprised of your progress.

II. PROTECTING THE PUBLIC

While we have a solemn obligation to protect the people in BOP custody, we also have an obligation to protect the public. That means we cannot simply release prison populations en masse onto the streets. Doing so would pose profound risks to the public from released prisoners engaging in additional criminal activity, potentially including violence or heinous sex offenses.

That risk is particularly acute as we combat the current pandemic. Police forces are facing the same daunting challenges in protecting the public that we face in protecting our inmates. It is impossible to engage in social distancing, hand washing, and other recommend steps in the middle of arresting a violent criminal. It is thus no surprise that many of our police officers have fallen ill with COVID-19, with some even dying in the line of duty from the disease. This pandemic has dramatically increased the already substantial risks facing the men and women who keep us safe, at the same time that it has winnowed their ranks while officers recover from getting sick, or self-quarantine to avoid possibly spreading the disease.

Memorandum from the Attorney General

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Subject: Increasing Use of Home Confinement at Institutions Most Affected by COVID-19

The last thing our massively over-burdened police forces need right now is the indiscriminate release of thousands of prisoners onto the streets without any verification that those prisoners will follow the laws when they are released, that they have a safe place to go where they will not be mingling with their old criminal associates, and that they will not return to their old ways as soon as they walk through the prison gates. Thus, while I am directing you to maximize the use of home confinement at affected institutions, it is essential that you continue making the careful, individualized determinations BOP makes in the typical case. Each inmate is unique and each requires the same individualized determinations we have always made in this context.

I believe strongly that we should do everything we can to protect the inmates in our care, but that we must do so in a careful and individualized way that remains faithful to our duty to protect the public and the law enforcement officers who protect us all.

EXHIBIT E



ENFORCEMENT AND REMOVAL OPERATIONS

Immigration and Customs Enforcement



U.S. Immigration
and Customs
Enforcement

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Overview

This report summarizes U.S. Immigration and Customs Enforcement (ICE) Enforcement and Removal Operations (ERO) activities during Fiscal Year (FY) 2019¹ and highlights the impact of changing migration patterns on the agency's operations.

ICE shares responsibility for administering and enforcing the nation's immigration laws with Department of Homeland Security (DHS) component agencies, including U.S. Customs and Border Protection (CBP) and U.S. Citizenship and Immigration Services. ICE ERO is responsible for the identification, arrest, and removal of aliens who present a danger to national security or a threat to public safety, or who otherwise undermine border control and the integrity of the U.S. immigration system. As a result, ICE ERO's main areas of focus are interior enforcement operations, management of the agency's detained population nationwide, and removal of aliens who have received a final order.

While ERO's targeted immigration enforcement operations focus on the interior of the country, changes in migration flows at the Southwest Border directly impact nearly every area of the agency's operations, including interior enforcement, detention capacity, transportation, removals, personnel, and overall expenditures. Despite some decrease in apprehensions toward the end of the fiscal year, CBP has continued to apprehend record numbers of migrants, particularly family units and Unaccompanied Alien Children (UAC), along the Southwest Border, and DHS and its component agencies continue to experience the ramifications of this unprecedented migration across operational areas.

According to CBP data, during FY 2019, the number of individuals apprehended or found inadmissible nationwide totaled 1,148,024, an increase of 68 percent over the previous fiscal year. The vast majority of this activity occurred along the Southwest Border, where the U.S. Border Patrol (USBP) apprehended 851,508 aliens, an increase of 115 percent over the previous year, and a higher number than any of the previous ten fiscal years. Among those apprehended were 473,682 family unit members, representing the highest number for any year on record and 342 percent higher than the previous year's record of 107,212. Overall, family unit members and UAC accounted for 64.5 percent of all individuals apprehended by the USBP at the Southwest Border during FY 2019, demonstrating both the magnitude and the changing demographics that have fueled a border security and humanitarian crisis and have compromised ICE's ability to conduct enforcement in the interior.

This sustained increase in migration has stretched resources across the U.S. government, requiring ERO to redirect its enforcement personnel and detention capacity to support border enforcement efforts as well as a significantly increased detained population. This has negatively impacted the number of ERO's interior arrests, as well as the percentage of removals stemming from such arrests, and has also changed the overall composition of ICE's detained population. Because much of ERO's limited detention capacity has been dedicated to housing aliens arrested by CBP, many of whom are subject to mandatory detention under U.S. immigration laws regardless of criminality, the increase in border apprehensions has resulted in a lower overall percentage of ICE detainees who have a criminal history (the vast majority of those arrested by

¹ FY 2019 indicates October 1, 2018 through September 30, 2019.

ERO in the interior have criminal convictions or pending criminal charges, while those arrested by CBP at the border often do not have any known criminal history).

In addition, the situation at the Southwest Border has also driven a significant increase in the number of non-detained cases² ERO manages nationwide, which surpassed 3.2 million cases in FY 2019, after steadily increasing from 2.6 million cases in FY 2018 and 2.4 million cases in FY 2017. With 5,300³ law enforcement officers across 24 field offices, ERO does not have sufficient resources to effectively manage the sustained increase in non-detained cases.

This report presents ERO's FY 2019 year-end statistics in the following areas: 1) ICE Custody and Case Management, 2) ERO Administrative Arrests, 3) ICE Detainers, and 4) ICE Removals.

ICE Custody and Case Management

ERO detains individuals to ensure their presence for immigration proceedings and to secure their departure from the United States once they become subject to an executable final order of removal. Detention is an important and necessary part of immigration enforcement, and in FY 2019, 85 percent of those removed by ERO had spent time in ICE detention prior to their departure from the country. Because ERO's limited detention beds account for only a small fraction of those who are amenable to removal, the agency's detention resources are primarily focused on individuals who represent a threat to public safety, for whom detention is mandatory by law, or who may be a flight risk.

In addition, ERO manages a non-detained docket of more than 3.2 million cases, which includes aliens in all stages of the immigration process across the country. During FY 2019, ICE's detained and non-detained dockets both increased significantly, which was overwhelmingly due to the historic levels of CBP apprehensions at the Southwest Border.

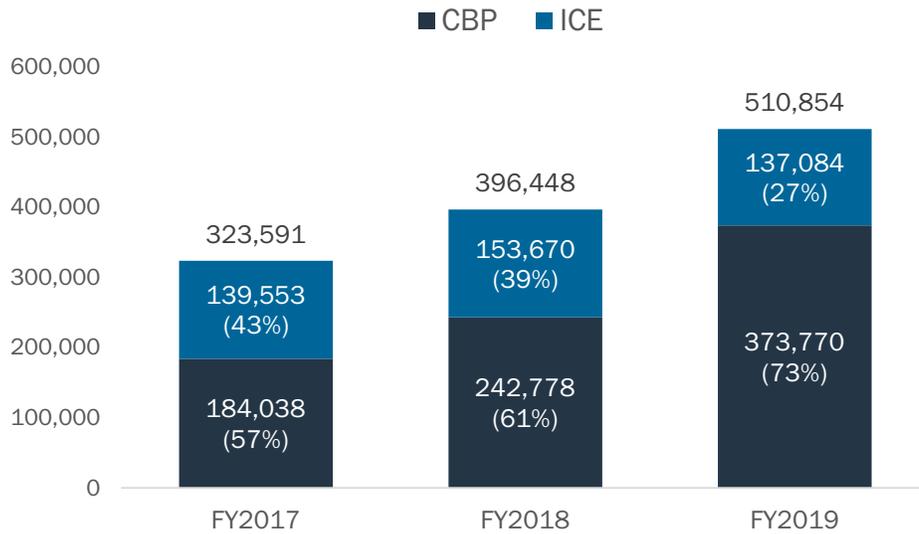
Initial Book-Ins Resulting from CBP Apprehensions Increased

Typically, when an alien is apprehended by CBP, he or she is transferred to ICE custody pending removal proceedings. An initial book-in to an ICE detention facility is defined as the first time an alien enters ICE custody for a detention stay and does not include transfers between facilities. In FY 2019, ERO experienced an increase in overall book-ins resulting from CBP activity at the border. During this time period, 73 percent of all initial book-ins to ICE custody resulted from CBP apprehensions, while overall initial book-ins to ICE custody increased 29 percent compared to FY 2018 and 58 percent compared to FY 2017.

² Non-detained cases consist of active removal cases for aliens not in ICE Custody.

³ ERO estimates that as of the end of FY 2019, there were approximately 5,300 Deportation Officers in its 24 field offices, excluding supervisory and headquarters personnel.

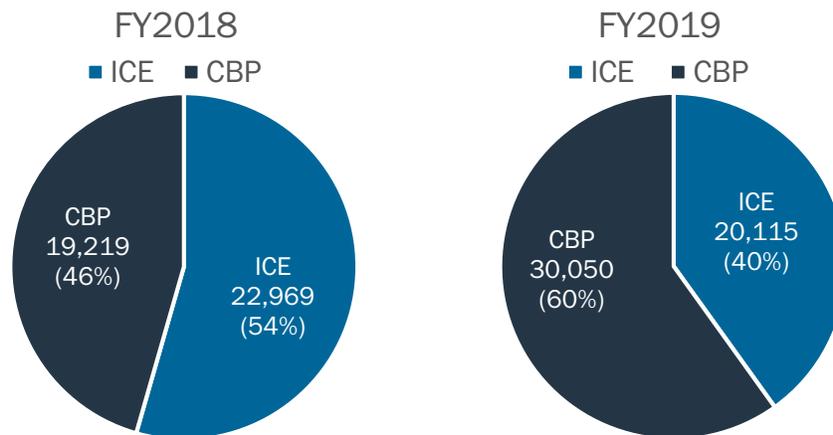
Figure 1: FY 2017 – FY 2019 Initial Book-Ins by Arresting Agency



Average Daily Population Resulting from CBP Apprehensions Increased

ERO’s Average Daily Population (ADP) measures the number of individuals in ICE custody on an average day during the fiscal year. ERO’s ADP reached 50,165 in FY 2019, an increase of 19 percent compared to FY 2018. Like ERO’s initial book-ins, the increase in overall ADP was driven by the increased CBP activity at the border, with CBP apprehensions accounting for 60 percent of those in custody, and ERO administrative arrests in the interior accounting for only 40 percent.

Figure 2: FY 2018 – FY 2019 Average Daily Population by Arresting Agency



Currently Detained Population Shifted due to CBP Apprehensions

ERO provides a range of comprehensive services to ensure the welfare of all those in its custody, including medical, dental, and mental healthcare, access to legal and educational resources, and recreational opportunities. It utilizes a nationwide network of detention facilities, including five ICE-owned, contractor operated Service Processing Centers, eight privately owned and/or operated Contract Detention Facilities, 12 Intergovernmental Service Agreement (IGSA) facilities which are dedicated to detaining ICE detainees, and approximately 200 shared-use IGSA. Through a robust inspections program, the agency ensures detention facilities utilized to detain ICE detainees do so in accordance with ICE national detention standards, which are typically much more rigorous than those that apply to other detained populations and conform to or exceed American Correctional Association guidance.

ICE's currently detained population represents a small fraction of the overall number of removal cases it manages nationwide, and the agency prioritizes its detention resources to focus on public safety and national security threats, flight risks, and those who are subject by law to mandatory detention. Since many recent border entrants are subject to mandatory detention under the Immigration and Nationality Act (INA), increased CBP apprehensions have caused a major shift in the composition of the detained population. At the end of FY 2019, 63 percent of the detained population was initially apprehended by CBP, an increase from 52 percent at the end of FY 2018 and 40 percent at the end of FY 2017.

This shift has forced ERO to balance its public safety mission in the interior with support for CBP operations at the Southwest Border, and ERO's corresponding adjustment of resources has come at a significant cost to other operational areas. As the detained population has grown, ERO officers have had to be redeployed across the country to assist with detained docket management. These temporary deployments and reassignments have come at a significant cost to ERO's interior enforcement and public safety efforts.

Figure 3: End of FY 2019 ICE National Docket Snapshot

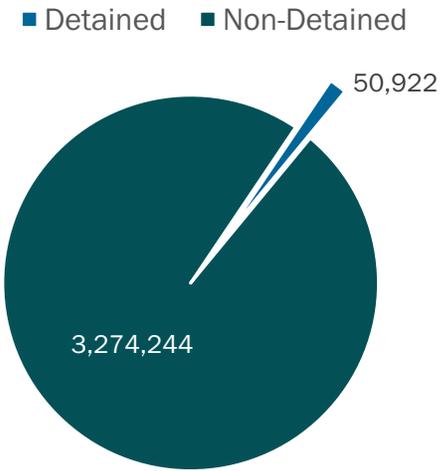


Figure 4: End of FY 2019 Currently Detained Population Snapshot by Arresting Agency

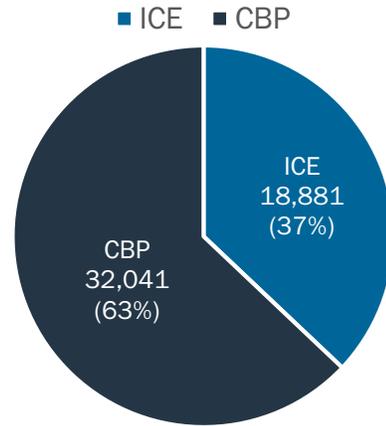
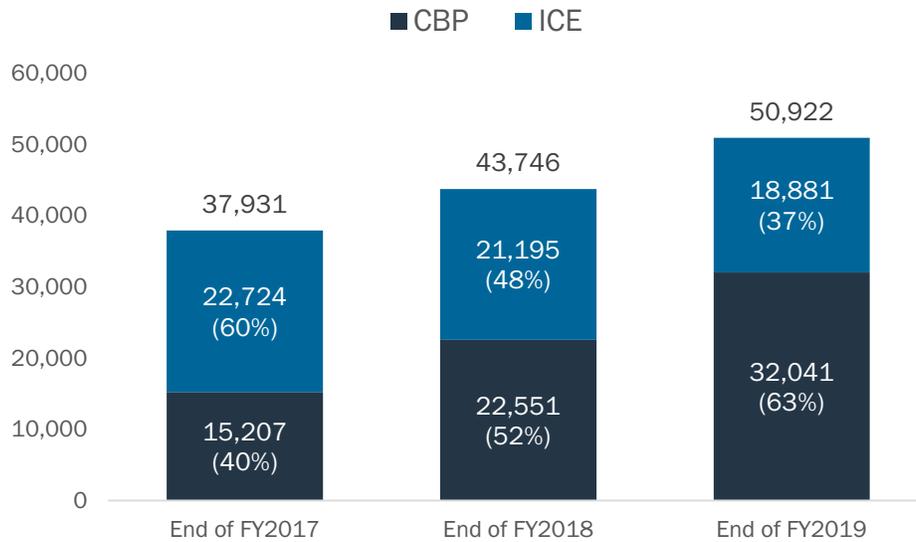


Figure 5: FY 2017- FY 2019 Currently Detained Population Snapshots by Arresting Agency

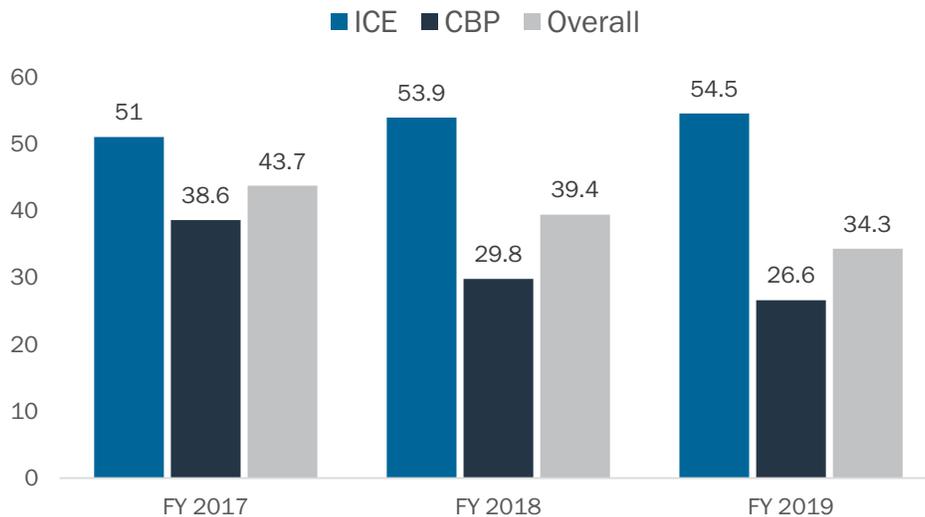


Average Length of Stay in ICE Custody Declined

The average length of stay (ALOS) represents the average amount of time an alien was detained while in ICE custody. ICE’s ALOS has been trending downward since FY 2017, which is primarily due to changes in the composition of the detained population.

In FY 2019, ICE’s ALOS for its detained population was 34.3 days, which decreased from 39.4 days in FY 2018 and 43.7 days in FY 2017. The primary drivers for this decrease in ALOS were a greater percentage of CBP cases and a smaller percentage of criminal aliens as a result (CBP apprehensions typically have shorter stays in detention while criminal cases tend to have longer stays), more family unit cases (which are usually booked in and out of custody quickly due to the *Flores Settlement Agreement (FSA)*⁴), and the need to prioritize extremely limited detention resources (including through the release of aliens not subject to mandatory detention, or who do not appear to pose a public safety threat or flight risk).

Figure 6: FY 2017 – FY 2019 Average Length of Stay in ICE Custody



Use of Family Residential Centers Decreased

While CBP apprehensions at the Southwest Border have increased overall in recent years, the composition of those apprehended has also changed. DHS and its component agencies have seen a significant increase in families and UAC, predominantly from El Salvador, Guatemala, and Honduras (collectively known as the Northern Triangle countries), either being apprehended along the Southwest Border or who are determined to be inadmissible upon presenting themselves at ports of entry. While for many years the majority of those apprehended along the

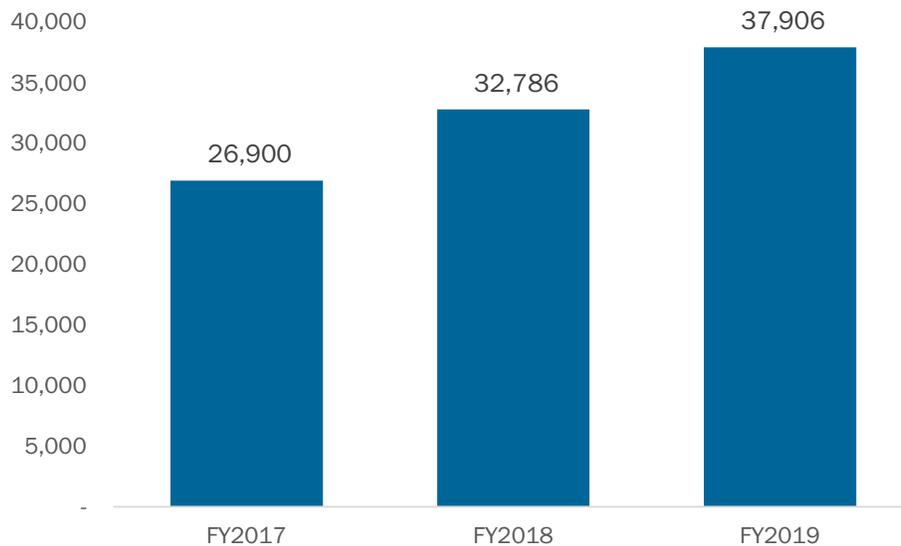
⁴ Based upon a ruling by the U.S. Court of Appeals for the Ninth Circuit that the FSA applies to all alien minors detained in DHS custody, including *accompanied* minors, *Flores v. Lynch*, 828 F.3d 898, 905 (9th Cir. 2016), such alien minors must be released or transferred to a “licensed program” “as expeditiously as possible[,]” pursuant to paragraph 12 of the FSA. In the context of expedited removal and reinstatement of removal, the U.S. District Court for the Central District of California noted that “if 20 days is as fast as Defendants, in good faith and in the exercise of due diligence, can possibly go in screening family members for reasonable or credible fear” that may fall within the standard. *Flores v. Lynch*, 212 F. Supp.3d 907, 914 (C.D. Cal. 2015).

Southwest Border were adult males from Mexico, the composition of arrivals has changed dramatically. In FY 2019, USBP apprehensions of family units at the Southwest Border increased more than 340 percent compared to FY 2018.

In FY 2019,⁵ there were over 470,000 USBP apprehensions of members of family units and 37,906 initial book-ins to ICE's three Family Residential Centers⁶, while ICE directly released approximately 200,000 family unit members from its custody⁷ as a result of the high volume of CBP apprehensions during this time period. Due to the humanitarian crisis caused by the record number of family unit members arriving at the border, CBP was also forced to conduct direct releases of thousands of members of this population who were never turned over to ICE and are not represented in ICE's release data as a result.

Pursuant to the FSA and subsequent court interpretations, pre-final order children accompanied by their parents generally cannot be held in immigration detention for more than 20 days. As a result, few migrant families spend time in detention and most of those that do are quickly released into the interior of the United States where they may wait years for their court cases to conclude. As a result, very few members of this population have been removed from the country, even after receiving a final order of removal from a Department of Justice Executive Office for Immigration Review immigration judge (**Figure 15**).

Figure 7: FY 2017 – FY 2019 Initial Book-Ins to ICE Family Residential Centers



⁵ "Southwest Border Migration 2019," <https://www.cbp.gov/newsroom/stats/sw-border-migration/fy-2019>.

⁶ ICE Family Residential Centers include Berks County Family Shelter, Karnes County Residential Center, and South Texas Family Residential Center.

⁷ ICE began manually tracking the number of family unit members released from its custody on December 21, 2018. Between December 2018 and September 30, 2019, ICE released approximately 200,000 family unit members across its four Field Offices covering the Southwest Border. Most of these aliens were apprehended by the USBP, subsequently transferred to ICE custody, and released into the interior of the country shortly thereafter.

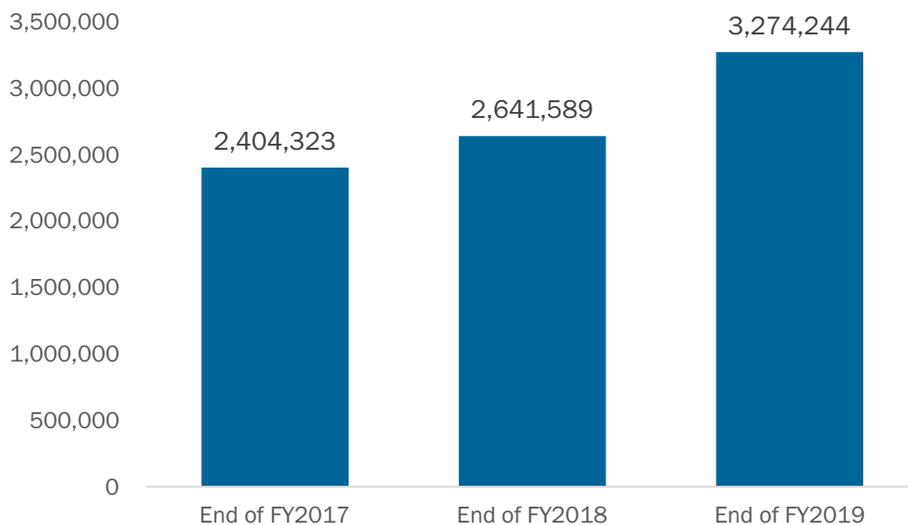
ICE's Non-Detained National Docket Continued to Grow

ERO manages active removal cases via the ICE National Docket. The national docket includes all aliens in removal proceedings and encompasses both the smaller detained docket and the much larger non-detained docket. Cases on the non-detained docket include aliens who are both pre- and post-final order, and who have been released on parole, bond, an order of recognizance, an order of supervision, or who are from countries where ERO is in the process of obtaining the necessary travel documents for repatriation.⁸

In FY 2019, the number of aliens on ICE's non-detained docket continued to increase, surpassing 3.2 million cases for the first time, up from 2.6 million cases at the end of FY 2018 and 2.4 million at the end of FY 2017. Like other increases in agency statistics this fiscal year, Southwest Border activity – including more than 470,000 USBP apprehensions of family units – accounted for nearly all of the growth on the non-detained docket.

As the ICE National Docket has continued to grow over the last several years, the number of fugitive aliens⁹ on the non-detained docket has continued to grow as well. At the end of FY 2019, the number of fugitives stood at 595,430, an increase from 565,892 in FY 2018 and 540,836 in FY 2017. The continued growth of the fugitive backlog is a direct result of the pressures placed on the immigration system by the crisis at the Southwest Border, as well as the fact that ICE's Fugitive Operations resources have remained static for many years in the absence of additional appropriations.

Figure 8: Non-Detained National Docket Cases at End of Fiscal Year



⁸ While most countries cooperate with ICE's requests to issue travel documents to their citizens who have been ordered removed by an immigration judge, a small number of countries fail to honor such requests or take a longer time to do so, which adds to removal timelines and results in aliens from these countries spending more time on the non-detained docket (and for those who are on the detained docket, more time in detention).

⁹ An ICE fugitive is defined as an alien who has failed to leave the United States based upon a final order of removal, deportation or exclusion, or who has failed to report to ICE after receiving notice to do so.

Alternatives to Detention Expanded

ICE's Alternatives to Detention (ATD) program uses technology and case management to monitor aliens' court appearances and compliance with release conditions while their removal proceedings are pending on the non-detained immigration court docket. ATD is not a substitute for detention, but instead complements immigration enforcement efforts by offering increased supervision for a small subset of eligible aliens who are not currently in ICE detention.

ATD may serve as an appropriate additional layer of supervision for an alien who is released from detention pursuant to an Order of Recognizance, an Order of Supervision (for aliens already subject to final removal orders), a grant of parole, or a bond. Adults age 18 and over may be eligible for participation in ATD but must be thoroughly vetted by ERO officers, who review an alien's criminal, immigration, and supervision history, family and/or community ties, status as a caregiver or provider, and humanitarian or medical considerations when making enrollment determinations in order to determine whether a candidate is likely to comply with the terms of the program.

While ERO has expanded its use of ATD from approximately 23,000 participants in FY 2014 to 96,000 as of the end of FY 2019, this expansion has come with a number of challenges, including high levels of absconders among recently enrolled family units. In FY 2019, the absconder rate¹⁰ for family units was 26.9 percent, more than double the 12.3 percent absconder rate for non-family unit participants, demonstrating the growing challenges such enrollments create for immigration enforcement.

Thus, while ATD can complement other immigration enforcement efforts when used appropriately on a vetted and monitored population of participants, the program was not designed to facilitate ERO's mission of removing aliens with final orders. Additionally, ERO lacks sufficient resources to keep all current participants enrolled through the pendency of their proceedings, or to locate and arrest the significant number of participants who abscond, problems which will only be exacerbated by enrolling greater numbers of participants without the addition of enforcement resources. While ERO has continued to expand the use of ATD to monitor the non-detained population in FY 2019, the program will need to be further resourced in order to appropriately monitor participants, including through the addition of officers who can locate, arrest, and remove those who fail to adhere to conditions of enrollment. Finally, while additional resources would improve the efficacy of ATD at current levels of enrollment, ERO notes that the program is not a viable solution for addressing the magnitude of cases on the non-detained docket, which surpassed 3.2 million in FY 2019.

ERO Administrative Arrests

ERO primarily arrests aliens for civil violations of U.S. immigration law. In furtherance of this mission, it conducts enforcement actions based on intelligence-driven leads in communities

¹⁰ Absconder Rate = Count of Absconders/Count of Overall Terminations. ICE calculates the percentage of absconders by looking at the overall number of aliens who concluded the ATD program in a given time period ("overall terminations"), and the number of those terminations which occurred due to a participant absconding.

nationwide (at-large arrests) and works with jails to identify aliens who are amenable to removal and who have been arrested by state or local authorities for criminal activity (custodial arrests).

In FY 2019, ERO's overall administrative arrests decreased by 10 percent over the last fiscal year, while administrative arrests of convicted criminals decreased by 12 percent, and at-large arrests decreased by 12 percent. As with other enforcement activity in FY 2019, this was significantly impacted by the reallocation of resources in response to the crisis at the border. These resources included approximately 350 ERO officers who were reassigned in support of Southwest Border operations. Thus, while ERO continues to conduct enforcement in the interior of the United States, in light of its limited resources and the sheer volume of aliens attempting to enter the country, the agency has had to balance its support for border security with its interior public safety mission.

Administrative Arrests Declined but Focused on Criminals

While ERO administrative arrests, including arrests of criminals, have declined overall since FY 2018, ICE remains committed to directing its enforcement resources to those aliens posing the greatest risk to the safety and security of the United States. As a result, the majority of aliens arrested by ERO are convicted criminals, followed by those with pending criminal charges at the time of arrest. In FY 2019, 86 percent of ERO's administrative arrests consisted of aliens with criminal convictions or pending criminal charges.¹¹

ERO continues to carry out its public safety mission with limited resources, and as a result, many of the criminal aliens it arrests have extensive criminal histories with multiple convictions or pending charges. Of the 123,128 ERO administrative arrests in FY 2019 with criminal convictions or pending criminal charges, the criminal history for this group represented 489,063 total criminal convictions and pending charges as of the date of arrest, which equates to an average of four criminal arrests/convictions per alien, highlighting the recidivist nature of the aliens that ICE arrests.

¹¹ ICE defines immigration violators' criminality in the following manner: Convicted Criminal: Immigration Violators with a criminal conviction entered into ICE systems of record at the time of the enforcement action; Pending Criminal Charges: Immigration Violators with pending criminal charges entered into ICE system of record at the time of the enforcement action; Other Immigration Violators: Immigration Violators without any known criminal convictions, or pending charges entered into ICE system of record at the time of the enforcement action.

Figure 9: FY 2017 – FY 2019 ERO Administrative Arrests by Criminality

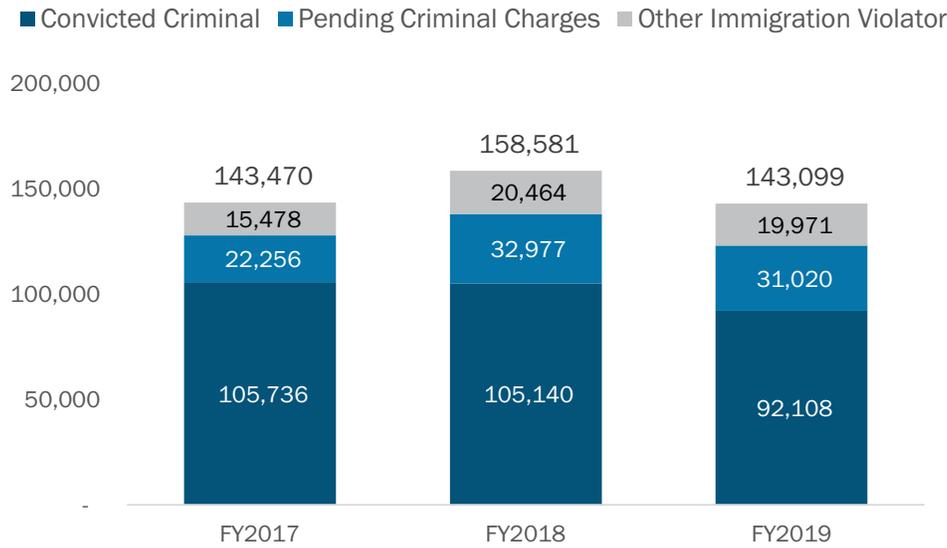


Figure 10: FY 2017 – FY 2019 At-Large Administrative Arrests by Criminality

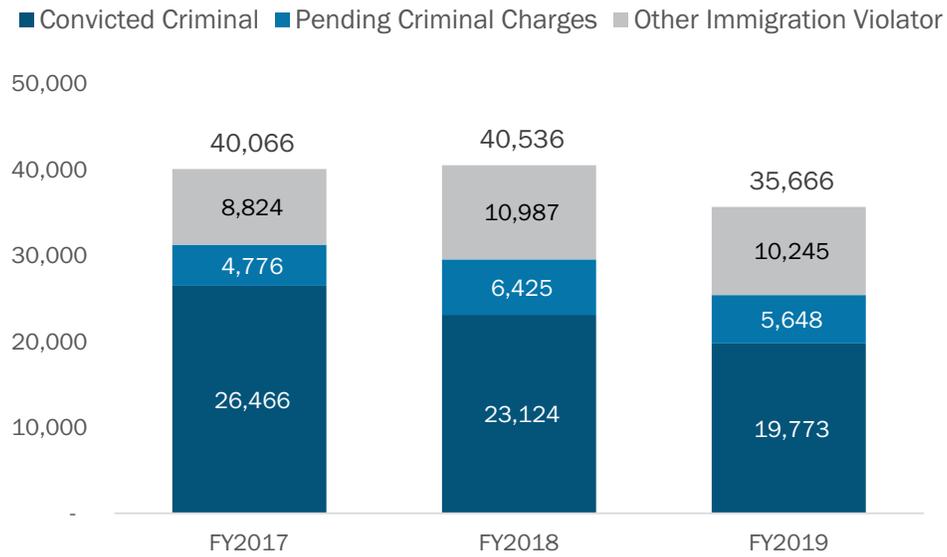


Table 1: FY 2017 – FY 2019 ERO Administrative Arrests of Other Immigration Violators¹²

ERO Administrative Arrest Type	FY2017		FY2018		FY2019	
	Arrests	Percentage	Arrests	Percentage	Arrests	Percentage
Other Immigration Violators	15,478	100%	20,464	100%	19,971	100%
Notice to Appear	7,642	49%	11,570	57%	11,272	56%
Fugitives	2,350	15%	2,791	14%	2,560	13%
Reinstatement	1,695	11%	1,846	9%	1,981	10%
Other	3,791	24%	4,257	21%	4,158	21%

Table 2: FY 2019 Criminal Charges and Convictions for ERO Administrative Arrests^{13, 14}

Criminal Charge Category	Criminal Charge	Criminal Conviction	Total Offenses
Traffic Offenses - DUI	25,417	49,106	74,523
Traffic Offenses	28,519	39,717	68,236
Dangerous Drugs	20,277	47,453	67,730
Immigration	10,769	46,888	57,657
Assault	19,648	26,156	45,804
Obstructing Judiciary, Congress, Legislature, Etc.	10,442	10,287	20,729
General Crimes	8,114	9,891	18,005
Larceny	4,599	12,456	17,055
Obstructing the Police	5,641	8,776	14,417
Fraudulent Activities	4,145	7,875	12,020
Burglary	2,565	7,757	10,322
Weapon Offenses	3,281	6,997	10,278
Public Peace	3,605	5,838	9,443
Sex Offenses (Not Involving Assault or Commercialized Sex)	1,992	4,658	6,650
Invasion of Privacy	2,078	4,233	6,311
Family Offenses	2,296	3,139	5,435
Stolen Vehicle	1,568	3,686	5,254
Sexual Assault	1,654	3,407	5,061
Robbery	1,155	3,581	4,736
Forgery	1,549	2,979	4,528
Damage Property	1,653	2,245	3,898

¹² “Other” types of arrests of Other Immigration Violators include, but are not limited to, arrests for Expedited Removal, Visa Waiver Program Removal, Administrative Removal, and Voluntary Departure/Removal.

¹³ The specific criminal charges and convictions represent the criminal history as entered in the ICE system of record based on the FBI’s National Crime Information Center (NCIC) offense codes. Each alien may have multiple criminal convictions or charges at the time of their administrative arrest, and Table 2 lists categories which accounted for at least 1,000 combined charges and convictions among those who were administratively arrested by ERO in FY 2019.

¹⁴ Notes: “Traffic Offenses” include (besides Traffic Offenses – DUI which is listed separately) Hit and Run, Transport Dangerous Material, and Traffic Offense (describe offense). “Immigration” offenses include Illegal Entry, Illegal Reentry, False Claim to U.S. Citizenship, and Alien Smuggling. “Obstructing Judiciary, Congress, Legislature, Etc.,” refers to several related offenses including, but not limited to: Perjury; Contempt; Obstructing Justice; Misconduct; Parole and Probation Violations; and Failure to Appear. “General Crimes” include Conspiracy, Crimes Against Person, Licensing Violation, Money Laundering, Morals - Decency Crimes, Property Crimes, Public Order Crimes, Racketeer Influenced and Corrupt Organizations Act (RICO), and Structuring.

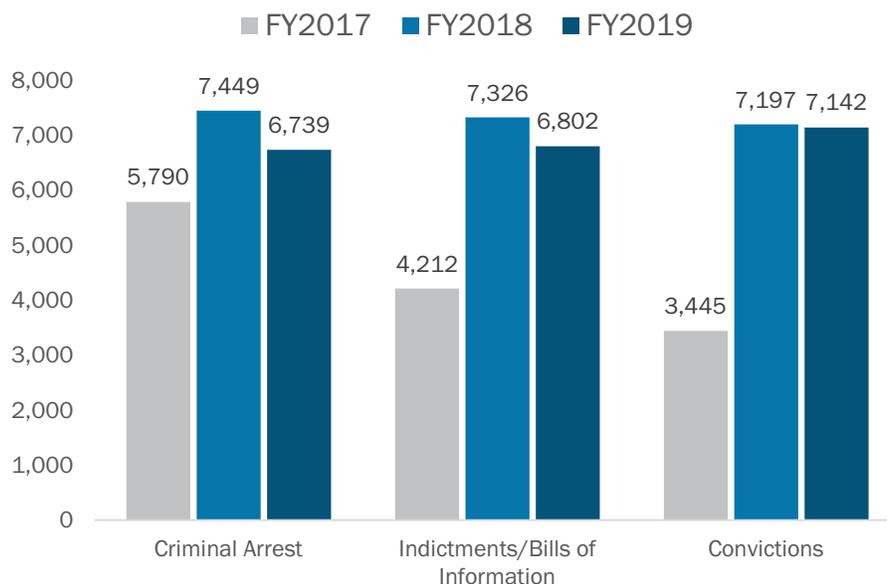
Criminal Charge Category	Criminal Charge	Criminal Conviction	Total Offenses
Liquor	1,991	1,799	3,790
Stolen Property	1,181	2,562	3,743
Flight / Escape	1,171	2,012	3,183
Homicide	374	1,549	1,923
Kidnapping	723	1,110	1,833
Health / Safety	481	1,012	1,493
Commercialized Sexual Offenses	605	743	1,348
Threat	534	658	1,192

ERO Continued to Pursue Criminal Arrests and Prosecutions

ICE is committed to protecting the safety and security of the homeland and adhering to the President’s June 20, 2018 Executive Order 13841, *Affording Congress the Opportunity to Address Family Separation*, which directs the Executive Branch to continue to rigorously enforce immigration laws and to prosecute illegal border entrants. When compared to FY 2018, ERO notes a slight drop in overall criminal arrests, which aligns with the 10 percent decrease in administrative arrests as well as other decreases in enforcement activity during the year. However, enforcement efforts still resulted in a significant number of criminal arrests and prosecutions.

In FY 2019, ERO enforcement activities resulted in 6,739 criminal arrests (10 percent drop from FY 2018), 6,802 Indictments/Bills of Information (a seven percent drop from FY 2018), and 7,142 Convictions (a less than one percent drop from FY 2018). These efforts resulted in the prosecutions of offenses which include, but are not limited to: 8 U.S.C. § 1253, Penalties Related to Removal, U.S.C § 1325, Illegal Entry into the United States; 8 U.S.C § 1326, Illegal Re-Entry of Removed Alien; 18 U.S.C. § 1361, Destruction of Government Property, 18 U.S.C § 1546, Fraud and Misuse of Visas, Permits and Other Documents; 18 U.S.C § 111, Assaulting and/or Resisting an Officer; and 18 U.S.C § 922(g)(5), Felon in Possession of a Firearm.

Figure 11: FY 2017 – FY 2019 Prosecution Statistics



ICE Detainers

A detainer is a request from ICE to local law enforcement agencies to notify DHS as early as practicable before a removable alien is released from local custody. Detainers request that local law enforcement agencies maintain custody of the alien for a period not to exceed 48 hours beyond the time the alien would otherwise be released, to allow DHS to assume custody for removal purposes in accordance with federal law. ICE also serves a warrant of removal or warrant of arrest at the time the detainer is lodged with the receiving law enforcement agency in accordance with existing legal requirements¹⁵ and a formal ICE policy directive issued in 2017.¹⁶

Detainers reduce potential risks to ERO officers and the general public by allowing arrests to be made in secure custodial settings as opposed to at-large in communities, conserve scarce government resources, and allow ERO to assume custody of criminal aliens before they have an opportunity to reoffend. In FY 2019, ERO issued 165,487 detainers; the aliens who were the subjects of these detainers had criminal histories¹⁷ including, but not limited to, the following crimes: more than 56,000 assaults, 14,500 sex crimes, 5,000 robberies, 2,500 homicides, and 2,500 kidnappings.

¹⁵ Federal law vests authority in immigration officers – rather than federal judges – to issue warrants for violations of civil immigration law provisions. See INA § 287, 8 U.S.C. § 1357. As a result, no judge in the United States has the authority to issue a warrant for a civil immigration violation.

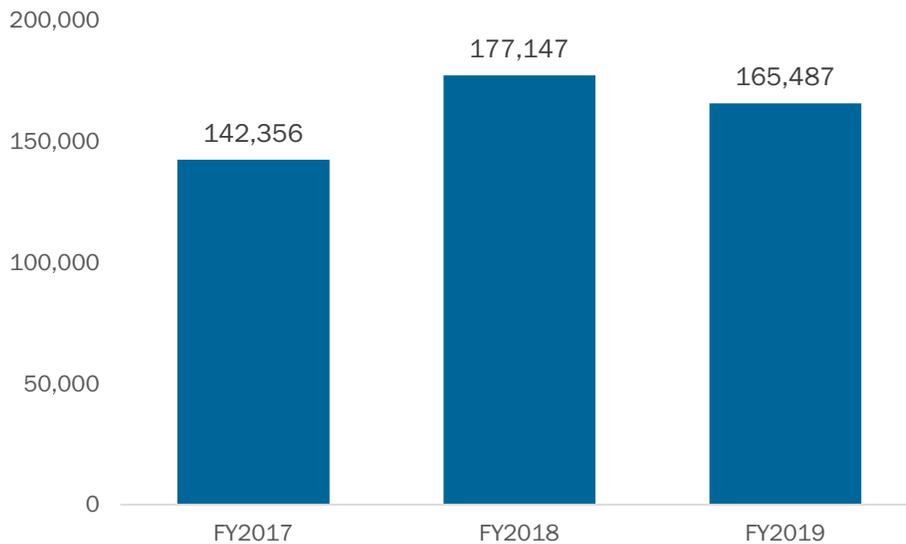
¹⁶ ICE Policy Directive No. 10074.2, *Issuance of Detainers by ICE Immigration Officers* (Mar. 24, 2017), available at: <https://www.ice.gov/sites/default/files/documents/Document/2017/10074-2.pdf>.

¹⁷ “Criminal history” includes all criminal convictions and pending charges associated with the group of aliens who were the subjects of detainers in FY 2019. Criminal charges may be added or dropped at any point and convictions may be overturned, so this data is a snapshot in time but is representative of the serious criminal histories and corresponding public safety risk associated with this group of individuals.

Detainers are one of the most critical public safety tools ERO officers have at their disposal. However, in recent years, the agency has experienced an increase in the number of jurisdictions that do not cooperate with its enforcement efforts or who do not honor detainers. While ERO has limited visibility into whether a detainer has been honored unless an alien is subsequently rearrested, a number of aliens who have been released under these circumstances have gone on to commit additional crimes that could have been prevented if ERO had been able to assume custody in accordance with federal immigration laws. As a result, ICE uses its unique law enforcement authorities to help prevent such crimes from occurring, and continues to seek ways to maintain and strengthen its state and local partnerships nationwide in furtherance of its national security and public safety mission.

ICE detainers issued in FY 2019 decreased slightly (by seven percent) from those issued in FY 2018. Like other decreases in interior enforcement activity, this was impacted by the diversion of resources to the Southwest Border as well as limited detention space. However, ICE has also experienced an increase in the number of jurisdictions that do not cooperate with its enforcement efforts nationwide, and estimates that limited visibility into the actions of state and local law enforcement in non-cooperating jurisdictions has also impacted the number of detainers issued.

Figure 12: FY 2017 – FY 2019 ICE Detainers Issued



One of the biggest impediments to ERO’s public safety efforts during FY 2019 was the lack of cooperation from an increasing number of jurisdictions nationwide. However, in keeping with its goal to build cooperative, respective relationships with law enforcement partners and guarantee public safety, ICE continued to collaborate with its law enforcement partners to help ensure – to the greatest extent possible – that removable aliens who may pose a safety threat are not released into the community. In furtherance of this mission, ERO has continued to operate its 287(g) Jail

Enforcement Model (JEM) Program,¹⁸ a valuable force multiplier which enhances community safety by allowing ICE to partner with state and local law enforcement agencies to identify and remove criminal aliens and immigration law violators before they are released. At end of FY 2019, ICE had 77 signed and operational Memorandums of Agreement (MOAs) nationwide.

Additionally, ICE launched the 287(g) Warrant Service Officer (WSO) Program in May 2019 to provide an opportunity for jurisdictions that seek to cooperate with enforcement efforts but who are precluded from honoring ICE detainers as a matter of local policy or state law. While WSO officers can serve and execute administrative warrants on designated aliens in their jails under the terms of the MOA, unlike the traditional 287(g) JEM Program, WSO officers do not interview individuals regarding alienage and removability, and do not process aliens who are in the United States in violation of immigration law. By the end of FY 2019, approximately 40 jurisdictions had expressed interest, with 42 subsequently signing MOAs with ICE during the first month of FY 2020. ICE is currently pursuing additional agreements nationwide.

ICE Removals

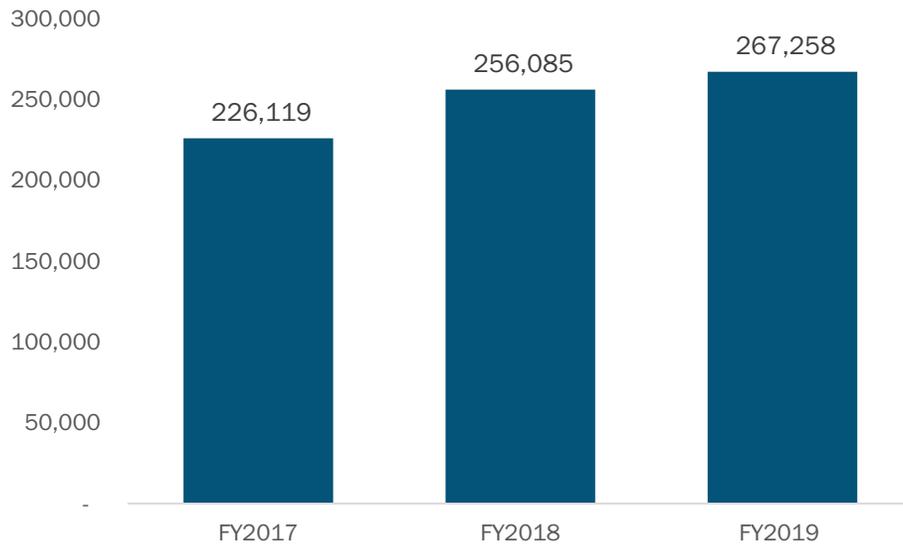
An ICE removal is the compulsory and confirmed movement of an inadmissible or deportable alien out of the United States.¹⁹ ICE removals include both aliens arrested by ERO in the interior of the country and aliens who were apprehended by CBP and turned over to ERO for removal efforts. While ICE's overall removals increased slightly from FY 2018 to FY 2019, the portion of removals resulting from CBP apprehensions increased significantly during this time period.

Detention remains a necessary tool for facilitating the repatriation of those who have received a final order of removal, and 85 percent of those removed by ICE in FY 2019 had spent time in ICE detention prior to repatriation to their home country. In FY 2019, there were 226,400 removals with detention involved, a slight increase from 209,928 such removals in FY 2018, demonstrating the continued importance of detention for the removal process.

¹⁸ Section 287(g) of the INA authorizes ICE to delegate the limited authority to state and local law enforcement officers to enforce federal immigration law under a signed memorandum of agreement.

¹⁹ ICE removals include removals and returns where aliens were turned over to ICE for removal efforts. This includes aliens who have received a final order of removal, as well as those who have been processed for Expedited Removal (ER) or Voluntary Return (VR) that are turned over to ICE for detention. Aliens processed for ER and not detained by ERO or VRs after June 1st, 2013 and not detained by ICE are primarily processed by the USBP. CBP should be contacted for those statistics.

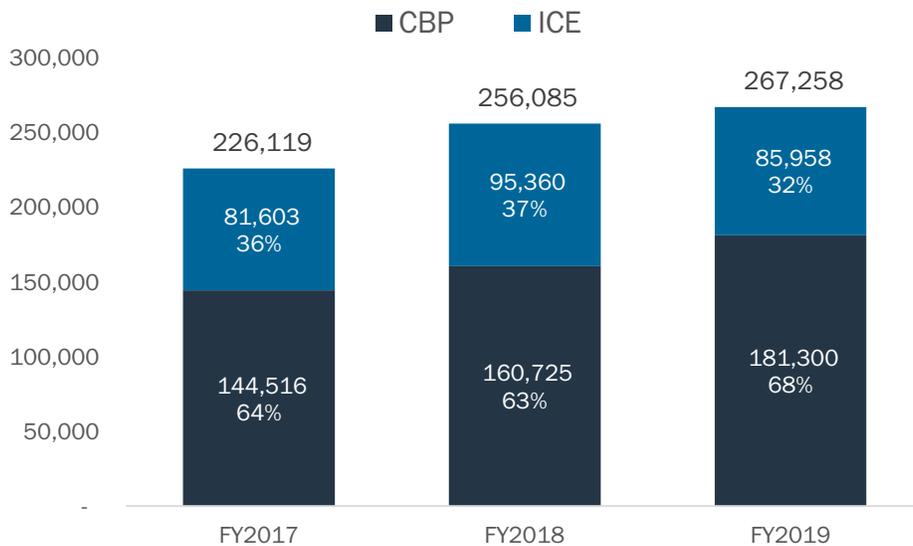
Figure 13: FY 2017 – FY 2019 ICE Removals



Removals with CBP as the Arresting Agency Increased

During FY 2019, a much greater percentage of ICE’s removals stemmed from an initial apprehension by CBP (68 percent) rather than an arrest by ICE (32 percent). In comparison, during FY 2018, removals stemming from a CBP apprehension accounted for 63 percent and removals stemming from an ICE arrest accounted for 37 percent. This is consistent with other shifts in ICE workload resulting from the crisis at the Southwest Border during FY 2019.

Figure 14: FY 2017 – FY 2019 ICE Removals by Arresting Agency



Removals of USBP-Identified Family Unit and Unaccompanied Alien Children Apprehensions Continued to Increase

Since the initial surge at the Southwest Border in FY 2014, there has been a continued increase in the arrival of both family units and UAC. In FY 2019, there were approximately 76,000 UAC and 470,000 family unit members apprehended by USBP at the Southwest Border, a 52 percent increase for UAC and a 341 percent increase for family unit members from the previous fiscal year.

While USBP routinely turns apprehended family unit members over to ERO for removal proceedings, judicial interpretations of the *FSA* and other adverse court rulings impose practical limitations on ICE's ability to detain family units through the completion of removal proceedings, making removal of members of this population extremely challenging. At the peak of CBP's apprehensions in May 2019, the USBP apprehended nearly 85,000 family units in a single month,²⁰ forcing both CBP and ICE to directly release members of this population into the United States.

DHS is responsible for transferring apprehended UAC to the custody to the Department of Health and Human Services (HHS) within 72 hours, absent exceptional circumstances, and the agency's primary role consists of transporting UAC from CBP to HHS custody. Like DHS, HHS is similarly limited in their ability to detain this population through the pendency of removal proceedings, so few UAC are ultimately removed.

In FY 2019, ERO conducted a number of targeted enforcement efforts in the interior of the country, including Operation Border Resolve, in order to uphold the integrity of the U.S. immigration system by locating, arresting, and removing members of the family unit and UAC populations with final orders of removal. As a result, during the fiscal year ERO removed 5,702 aliens identified as family unit members based on USBP apprehension data from the initial surge in FY 2014 through the end of FY 2019, as well as 6,351 UAC.²¹ While this represents a 110 percent increase in removals of family unit members and a 14 percent increase in removals of UAC from FY 2018 to FY 2019, it remains a small fraction of overall apprehensions for these populations.

During FY 2017, FY 2018, and FY 2019 as a whole, the USBP apprehended 656,516 family unit members and 167,491 UAC, while in the same time period, ICE removed 10,739 family unit members and 15,520 UAC – a 1.6 percent and 9.2 percent removal rate, respectively.²² These low removals of family unit members and UAC are a result of the significant challenges ICE faces when enforcing final orders issued for members of these populations. In addition to the sheer volume of arrivals and limited government resources, a growing immigration court case backlog, high numbers of absconders among family units, and judicial and legislative

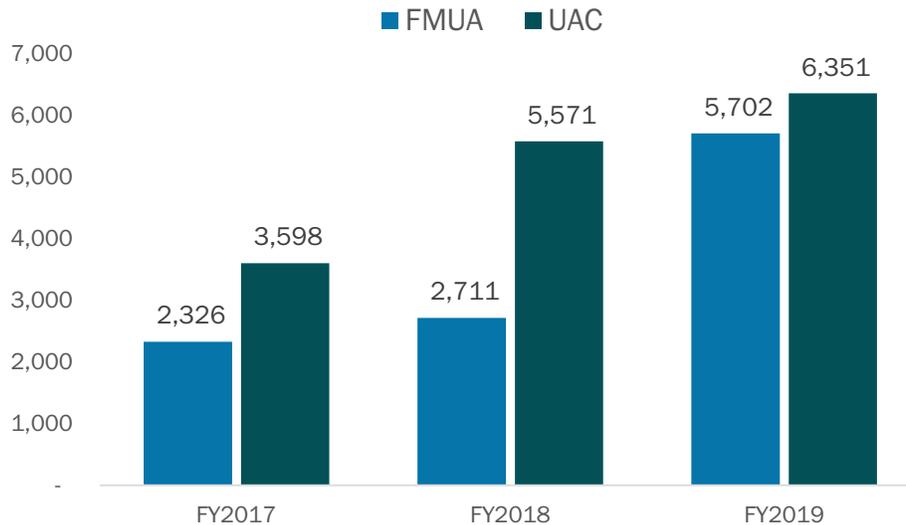
²⁰ "Southwest Border Migration 2019," <https://www.cbp.gov/newsroom/stats/sw-border-migration/fy-2019>.

²¹ ICE notes that this analysis is based on cross-referencing data with another agency, and that these figures are accurate to the best of its knowledge based on currently available information.

²² ICE removals of family unit members and UAC include all those identified as members of these populations by the USBP; some of the removals that occurred during the past three years may correspond to aliens who were apprehended prior to this time period.

constraints²³ also contribute to extremely low numbers of removals and corresponding strain across the U.S. immigration system.

Figure 15: FY 2017 – FY 2019 ICE Removals of USBP-Identified Family Unit Apprehensions (FMUA) and USBP-Identified Unaccompanied Children Apprehensions (UAC)



Removals of Criminals Remained a Priority

ICE remains committed to directing its enforcement resources to those aliens posing the greatest risk to the safety and security of the United States. Despite shifts in the composition of the detained population, including an increase in removals of “other immigration violators” resulting from CBP apprehensions, ICE removals of aliens with criminal convictions and pending criminal charges continued to increase in FY 2019.

Interior removals are those initially arrested by ICE who were subsequently removed by ERO. In FY 2019, the overwhelming majority (91 percent) had criminal convictions or pending criminal charges at the time of arrest, demonstrating ICE’s continued efforts to prioritize public safety in the interior despite resource constraints.

²³ By creating barriers to the removal of minors and family unit members, the *FSA* and the Trafficking Victims Protection Reauthorization Act in its current form are exploited by transnational criminal organizations and human smugglers, and create legal loopholes that incentivize a high volume of illegal immigration among family units and UAC.

Figure 16: FY 2017 – FY 2019 ICE Removals by Criminality

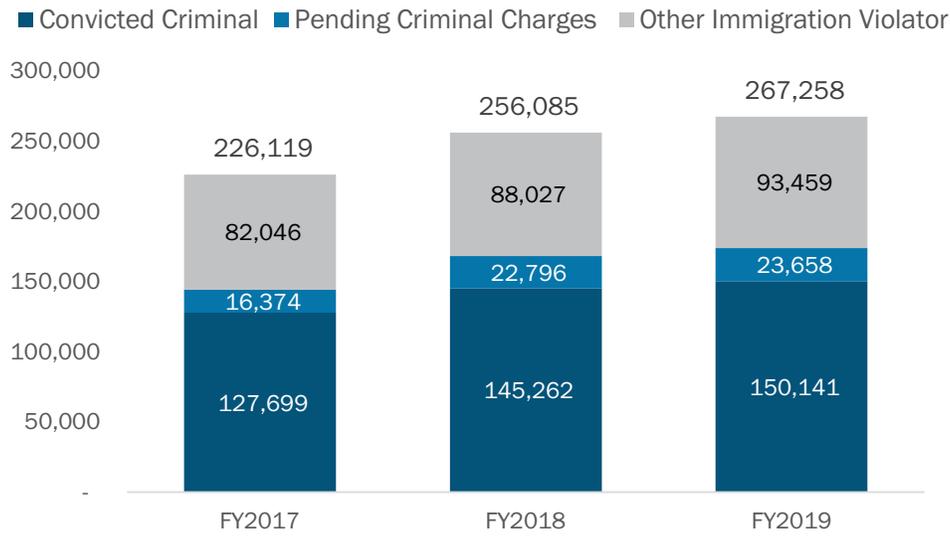
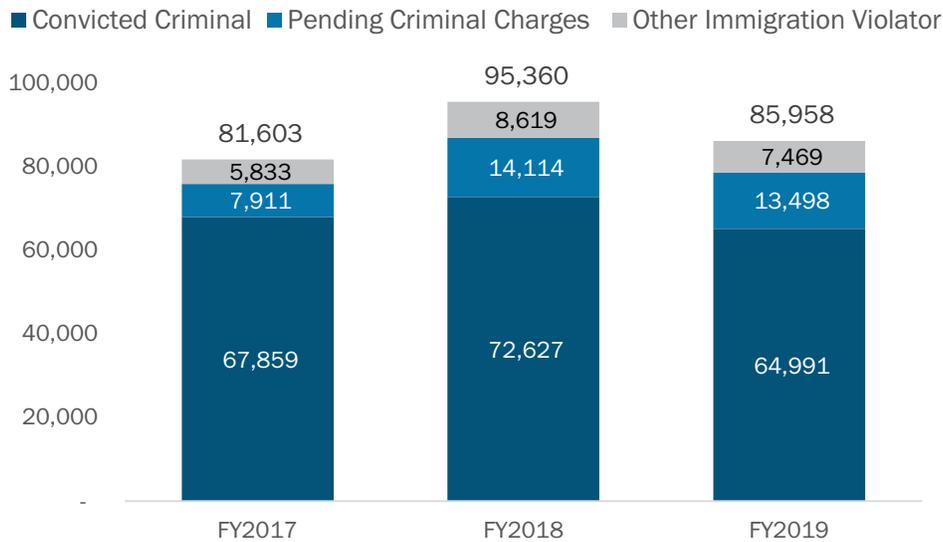


Figure 17: FY 2017 – FY 2019 ICE Interior Removals by Criminality



ICE removals of known or suspected gang members and known or suspected terrorists (KSTs) are instrumental to ICE’s national security and public safety mission. ICE identifies gang members and KSTs by checking an alien’s background in federal law enforcement databases, conducting interviews with aliens, and reviewing information received from its law enforcement partners, which is flagged accordingly in ERO’s system of record. In FY 2019, ICE removed 5,497 known or suspected gang members, a slight decrease from FY 2018 that aligns with other decreases in interior enforcement. However, ICE’s KST removals increased from 42 to 58.

Figure 18: FY 2017 – FY 2019 ICE Removals of Known or Suspected Gang Members

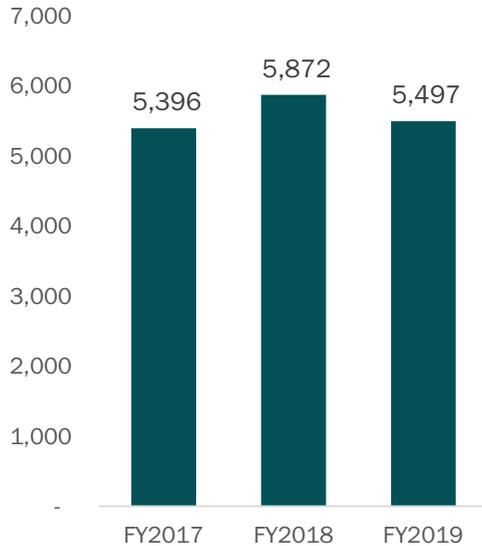
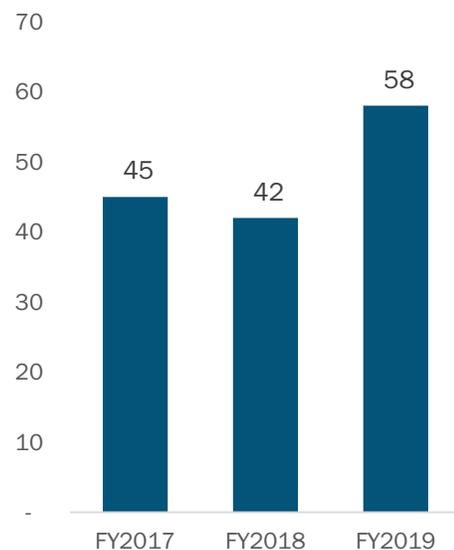


Figure 19: FY 2017 – FY 2019 ICE Removals of Known or Suspected Terrorists



Examples of KSTs and suspected gang members removed by ERO in FY 2019 include the following:

- Ali Caby, aka “Alex Caby”**, a 41-year-old Iranian national, was removed to Bulgaria on March 21, 2019. Caby ran the Bulgaria office of AW-Tronics, a Miami export company that shipped and exported various aircraft parts and equipment to Syrian Arab Airlines. Ali Caby supervised and encouraged subordinate employees of AW-Tronics in the willful exportation of the parts and equipment to SDN Syrian Air, whose activities have assisted the Syrian government’s violent crackdown on its people. Syrian Air is an OFAC-designated entity for transporting weapons and ammunition to Syria in conjunction with Hizballah, a terrorist organization, and the Iranian Revolutionary Guard Corps.

On December 19, 2017, Caby was convicted in U.S. District Court for the Southern District of Florida of conspiracy to violate the International Emergency Economic Powers Act for illegally exporting aviation parts and equipment to Syria without obtaining a license or authorization, following an investigation by ICE Homeland Security Investigations (HSI), the Federal Bureau of Investigation (FBI), the Department of Commerce, the Defense Criminal Investigative Service, CBP, and the South Florida Joint Terrorism Task Force, and sentenced to 24 months in prison, followed by two years of supervised release. On Jan. 15, 2019, an immigration judge ordered Caby removed

from the United States to Bulgaria, where Caby had legal permanent residency, or Iran as an alternative, and ERO subsequently removed him from the country.²⁴

- **Carlos Alfredo Luna-Guebara**, a 26-year-old national of El Salvador, was removed to El Salvador on May 15, 2019. Luna-Guebara was a wanted fugitive in his native country for aggravated homicide, conspiracy to commit homicide, and terrorist organization membership, and Salvadoran officials indicated to ERO that he is a documented active member of the 18th Street criminal gang.

Luna-Guebara previously entered the United States on an unknown date and at an unknown location without admission or parole by an immigration officer, and was subsequently arrested on local charges in Pennsylvania. He was ordered removed by an immigration judge on April 8, 2019, and ERO subsequently removed him from the country and turned him over to Salvadoran officials without incident.²⁵

- **Yassin Muhiddin Aref**, a 38-year-old Iraqi national, was removed to Iraq on June 10, 2019. In the summer of 2003, the FBI began investigating Aref after they received information indicating he had possible ties to terrorist organizations. His name and telephone number were found in three different suspected Ansar-al-Islam camps in Iraq, and telephone records for his telephone in Albany, New York, reflected 14 calls to the Syrian office of the Islamic Movement in Kurdistan. The FBI subsequently arrested him for conspiring to conceal the proceeds of the sale of a surface-to-air-missile he believed was unlawfully imported into the United States, knowing it would be sold to foreign terrorist group Jaish-E-Mohammed.

On March 8, 2007, Aref was convicted in U.S. District Court for the Northern District of New York and sentenced to 180 months imprisonment on seven counts relating to material support of terrorism and weapons of mass destruction, including conspiracy to use, attempt to use, or conspire to use, a weapon of mass destruction against any person within the United States, in violation of 18 USC § 2339A; and conspiracy to provide material support and resources to a Foreign Terrorist Organization, in violation of 18 USC § 2239B. He was ordered removed by an immigration judge on October 9, 2018, and ERO subsequently removed him from the country.²⁶

- **Houcine Ghoul**, a 45-year-old Tunisian national, was removed to Tunisia on June 19, 2019. Ghoul previously entered the United States on a tourist visa in 2001, overstayed his visa, and subsequently obtained status as a legal permanent resident through a sham marriage to a U.S. citizen, who he later divorced.

The investigation into Ghoul's conduct began in April 2014 when Ghoul posted a photo online that explicitly displayed support for the Islamic State of Iraq and al-Sham (ISIS), a

²⁴ "ICE removes Iranian man convicted of violating the International Emergency Economic Powers Act,"

<https://www.ice.gov/news/releases/ice-removes-iranian-man-convicted-violating-international-emergency-economic-powers>.

²⁵ "ICE removes Mara 18th Street Gang member to El Salvador," <https://www.ice.gov/news/releases/ice-removes-mara-18th-street-gang-member-el-salvador>.

²⁶ "ICE removes Iraqi man convicted of terrorism related charges," <https://www.ice.gov/news/releases/ice-removes-iraqi-man-convicted-terrorism-related-charges>.

designated foreign terrorist organization. This photo displayed an individual holding a sign with the Arabic phrase, “The victory of the Islamic State in Iraq and Syria,” and then below in English, “ISIS,” and “N. Carolina, USA,” the state where Ghoul was then residing. The photo later appeared in an online propaganda video posted by others to display worldwide support for ISIS, along with a self-description within the account, describing Ghoul as “Extremist, terrorist, tough, brain-washed, radical, I love explosions, booby trapping, beheading the enemy, and am among the supporters of establishing the religion with the sword.”

In August 2018, Ghoul was sentenced to 24 months in prison, followed by deportation, for attempted unlawful procurement of naturalization and making false statements on his tax return, following an investigation conducted by ICE HSI, the FBI and the Internal Revenue Service. ERO lodged a detainer on Ghoul, and upon his release from Bureau of Prisons custody, removed him from the country.²⁷

Conclusion

As the agency primarily responsible for immigration enforcement efforts in the interior of the United States, ICE plays a critical role in the national security and public safety of this country by upholding America’s immigration laws as set by Congress. During FY 2019, ICE operations were significantly impacted by the surge at the Southwest Border, including extremely high numbers of aliens turned over from CBP to ERO for detention and removal, many of them subject to mandatory detention, and record numbers of family units and UAC – the vast majority of whom remain on ICE’s continually growing non-detained docket of more than 3.2 million cases. This high volume of migration, including unprecedented numbers of family unit and UAC arrivals, stretched both ERO resources and those of the entire U.S. government to the breaking point, and created a severe humanitarian crisis and border security crisis that continues to cripple the immigration system.

In FY 2019, record migration at the Southwest Border took up limited ICE detention resources, drove increases in the agency’s ADP and decreases in its interior arrests (including arrests of criminals), and forced ICE to balance its critical public safety mission in the interior with its support for DHS efforts to secure the border. While CBP apprehensions decreased somewhat toward the end of FY 2019 from their peak during the months of May, June, and July, sustained high levels of migration over the course of several years have severely taxed ERO’s ability to execute key aspects of its mission. ICE projects that until fundamental changes are made to the immigration enforcement process – including legislation that addresses current legal loopholes that incentivize high levels of illegal migration – the crisis situation at the border will continue, and the hundreds of thousands of cases that began during FY 2019 will continue to impact the entire immigration system for many years to come.

²⁷ “Tunisian national with terrorist ties removed from US,” <https://www.ice.gov/news/releases/tunisian-national-terrorist-ties-removed-us>.

Appendix

Appendix A: Methodology

Data Source:

Data used to report ICE statistics are obtained through the ICE Integrated Decision Support (IIDS) system data warehouse.

Data Run Dates:

FY2019: IIDS v.1.3.4 run date 10/06/2019; ENFORCE Integrated Database (EID) as of 10/04/2019

FY2018: IIDS v.1.34 run date 10/08/2018; ENFORCE Integrated Database (EID) as of 10/06/2018

FY2017: IIDS v.1.28 run date 10/09/2017; ENFORCE Integrated Database (EID) as of 10/07/2017

Removals

ICE Removals include removals and returns initiated by ICE and those initiated by other agencies in which aliens were turned over to ERO for repatriation efforts. Returns include Voluntary Returns, Voluntary Departures, and Withdrawals Under Docket Control. Any voluntary return recorded on or after June 1, 2013 without an ICE intake case is not recorded as an ICE removal.

Removals data are historical and remain static. In FY 2009, ERO began to “lock” removal statistics on October 5 at the end of each fiscal year and counted only aliens whose removal or return was already confirmed. Aliens removed or returned in that fiscal year but not confirmed until after October 5 were excluded from the locked data, and thus from ICE statistics. To ensure an accurate and complete representation of all removals and returns, ICE will count removals and returns confirmed after October 5 toward the next fiscal year. The number of removals in FY 2017, excluding the “lag” from FY 2016, was 220,649. The number of removals in FY 2018, excluding the “lag” from FY 2017, was 252,405. The number of removals in FY 2019, excluding the “lag” from FY 2018, was 262,591.

Appendix B: Removals by Country of Citizenship

Table 3: FY 2018 – FY 2019 ICE Removals by Country of Citizenship²⁸²⁹

Country of Citizenship	FY 2018	FY 2019
Total	256,085	267,258
AFGHANISTAN	30	36
ALBANIA	98	80
ALGERIA	17	20
ANDORRA	0	0
ANGOLA	32	40
ANGUILLA	0	2
ANTIGUA-BARBUDA	24	12
ARGENTINA	121	130
ARMENIA	27	48
ARUBA	1	1
AUSTRALIA	39	40
AUSTRIA	7	8
AZERBAIJAN	14	10
BAHAMAS	101	109
BAHRAIN	1	2
BANGLADESH	147	159
BARBADOS	17	29
BELARUS	10	18
BELGIUM	17	7
BELIZE	91	90
BENIN	10	9
BERMUDA	5	2
BHUTAN	1	1
BOLIVIA	81	64
BOSNIA-HERZEGOVINA	47	36
BOTSWANA	1	3
BRAZIL	1,691	1,770
BRITISH VIRGIN ISLANDS	1	4
BRUNEI	0	0
BULGARIA	34	21
BURKINA FASO	35	20
BURMA	40	29
BURUNDI	14	5
CAMBODIA	110	80
CAMEROON	72	76

²⁸ Country of citizenship is reported as it appears in ICE’s system of record at the time the data is pulled but may be updated as additional information is discovered or verified.

²⁹ For FY 2019, the Swaziland country of citizenship has been changed to Eswatini and Macedonia has been changed to North Macedonia to reflect these countries’ name changes. Countries of citizenship for FY 2018 remain unchanged.

Country of Citizenship	FY 2018	FY 2019
CANADA	342	318
CAPE VERDE	68	50
CAYMAN ISLANDS	0	3
CENTRAL AFRICAN REPUBLIC	2	7
CHAD	13	3
CHILE	166	253
CHINA, PEOPLES REPUBLIC OF	726	637
CHRISTMAS ISLAND	0	0
COLOMBIA	1,162	1,158
COMOROS	0	0
CONGO	18	15
COSTA RICA	162	176
CROATIA	12	9
CUBA	463	1,179
CYPRUS	3	1
CZECH REPUBLIC	47	56
CZECHOSLOVAKIA	4	2
DEM REP OF THE CONGO	79	81
DENMARK	2	5
DJIBOUTI	3	3
DOMINICA	19	16
DOMINICAN REPUBLIC	1,769	2,186
EAST TIMOR	0	0
ECUADOR	1,264	2,253
EGYPT	85	57
EL SALVADOR	15,445	18,981
EQUATORIAL GUINEA	5	5
ERITREA	62	49
ESTONIA	13	9
ESWATINI	0	1
ETHIOPIA	36	32
FIJI	21	11
FINLAND	3	3
FRANCE	85	78
FRENCH GUIANA	0	2
FRENCH POLYNESIA	0	2
GABON	6	8
GAMBIA	111	124
GEORGIA	20	38
GERMANY	72	77
GHANA	243	203
GREECE	22	32
GRENADA	9	13
GUADELOUPE	1	1

Country of Citizenship	FY 2018	FY 2019
GUATEMALA	50,390	54,919
GUINEA	219	102
GUINEA-BISSAU	5	4
GUYANA	142	125
HAITI	934	690
HONDURAS	28,894	41,800
HONG KONG	15	7
HUNGARY	81	71
ICELAND	2	0
INDIA	611	1,616
INDONESIA	110	77
IRAN	22	21
IRAQ	48	84
IRELAND	47	33
ISRAEL	93	89
ITALY	125	140
IVORY COAST	82	39
JAMAICA	792	751
JAPAN	28	21
JORDAN	94	106
KAZAKHSTAN	30	26
KENYA	140	122
KIRIBATI	0	0
KOREA	32	59
KOSOVO	14	15
KUWAIT	11	21
KYRGYZSTAN	15	19
LAOS	8	5
LATVIA	17	15
LEBANON	51	48
LESOTHO	1	0
LIBERIA	113	108
LIBYA	8	6
LIECHTENSTEIN	0	0
LITHUANIA	49	37
LUXEMBOURG	0	0
MACAU	1	2
MACEDONIA	18	0
MADAGASCAR	1	0
MALAWI	3	1
MALAYSIA	11	9
MALDIVES	1	0
MALI	63	52
MALTA	0	1

Country of Citizenship	FY 2018	FY 2019
MARSHALL ISLANDS	35	32
MARTINIQUE	0	0
MAURITANIA	98	41
MAURITIUS	0	1
MEXICO	141,045	127,492
MICRONESIA, FEDERATED STATES OF	99	91
MOLDOVA	38	28
MONACO	0	0
MONGOLIA	28	19
MONTENEGRO	18	23
MONTserrat	1	1
MOROCCO	58	33
MOZAMBIQUE	0	3
NAMIBIA	2	0
NAURU	0	0
NEPAL	45	162
NETHERLANDS	40	40
NETHERLANDS ANTILLES	2	6
NEW CALEDONIA	0	0
NEW ZEALAND	24	22
NICARAGUA	879	2,240
NIGER	5	13
NIGERIA	369	286
NORTH KOREA	0	0
NORTH MACEDONIA	0	15
NORWAY	7	9
OMAN	0	0
PAKISTAN	235	202
PALAU	9	10
PALESTINE	0	0
PANAMA	59	55
PAPUA NEW GUINEA	1	2
PARAGUAY	6	7
PERU	581	571
PHILIPPINES	217	176
PITCAIRN ISLANDS	0	0
POLAND	123	135
PORTUGAL	96	101
QATAR	2	3
REUNION	0	0
ROMANIA	403	400
RUSSIA	107	153
RWANDA	2	12
SAMOA	30	17

Country of Citizenship	FY 2018	FY 2019
SAN MARINO	0	0
SAO TOME AND PRINCIPE	0	0
SAUDI ARABIA	135	79
SENEGAL	125	55
SERBIA	30	31
SERBIA AND MONTENEGRO	2	2
SEYCHELLES	0	1
SIERRA LEONE	79	86
SINGAPORE	6	3
SLOVAKIA	35	22
SLOVENIA	1	1
SOLOMON ISLANDS	0	0
SOMALIA	229	151
SOUTH AFRICA	42	39
SOUTH KOREA	122	127
SOUTH SUDAN	61	65
SPAIN	209	259
SRI LANKA	36	112
ST. HELENA	0	0
ST. KITTS-NEVIS	15	11
ST. LUCIA	28	22
ST. PIERRE AND MIQUELON	0	0
ST. VINCENT-GRENADINES	13	19
STATELESS	0	0
SUDAN	42	18
SURINAME	19	12
SWAZILAND	0	0
SWEDEN	19	21
SWITZERLAND	4	6
SYRIA	7	9
TAIWAN	27	51
TAJKISTAN	8	4
TANZANIA	19	25
THAILAND	55	46
TOGO	24	16
TONGA	21	10
TRINIDAD AND TOBAGO	104	106
TUNISIA	16	20
TURKEY	85	113
TURKMENISTAN	2	4
TURKS AND CAICOS ISLANDS	4	3
TUVALU	0	0
UGANDA	13	22
UKRAINE	105	125

Country of Citizenship	FY 2018	FY 2019
UNITED ARAB EMIRATES	2	3
UNITED KINGDOM	209	198
UNKNOWN	42	46
URUGUAY	47	51
UZBEKISTAN	41	45
VANUATU	0	0
VENEZUELA	336	327
VIETNAM	122	80
YEMEN	24	46
YUGOSLAVIA	5	3
ZAMBIA	12	7
ZIMBABWE	19	16