

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

STATE OF TEXAS,)
STATE OF MISSOURI,)

Plaintiffs,)

v.)

JOSEPH R. BIDEN, JR.,)
in his official capacity as)
President of the United States, *et al.*,)

Defendants.)

Civil Action No. 2:21-cv-00067-Z

DEFENDANTS' MONTHLY REPORT FOR MAY 2022

On August 13, 2021, the Court entered an injunction requiring Defendants to, *inter alia*, “enforce and implement [the Migrant Protection Protocols (MPP)] *in good faith*.” ECF No. 94 at 52; *see State v. Biden*, No. 21-10806, 2021 WL 3674780 at *13 (5th Cir. Aug. 19, 2021). “To ensure compliance with this order,” the Court provided, “starting September 15th, 2021, the Government must file with the Court on the 15th of each month, a report stating

(1) the total monthly number of encounters at the southwest border; (2) the total monthly number of aliens expelled under Title 42, Section 1225, or under any other statute; (3) Defendants’ total detention capacity as well as current usage rate; (4) the total monthly number of “applicants for admission” under Section 1225; (5) the total monthly number of “applicants for admission” under Section 1225 paroled into the United States; and (6) the total monthly number of “applicants for admission” under Section 1225 released into the United States, paroled or otherwise.

ECF No. 94 at 52-53.

Defendants submit the following Report in compliance with this requirement. This June 15th report reflects data from May 1, 2022, through May 31, 2022.¹

1. Total Monthly Number of Encounters at the Southwest Border

For the month of May 2022, DHS reported 239,416 total encounters at the Southwest Border. Ex. A at 1 (CBP Report for May 2022). This figure combines statistics reported by the U.S. Customs and Border Protection’s (CBP) Office of Field Operations (OFO), which deals with noncitizens seeking to enter at land ports of entry (POE), with statistics from the U.S. Border Patrol (USBP), which apprehends noncitizens seeking to enter between POEs.

2. Total Monthly Number of Aliens Expelled Under Title 42, Section 1225, or Under Any Other Statute

For the month of May 2022, DHS reported 117,150 total noncitizens expelled under Title

¹ Pursuant to the Court’s Order of January 20, 2022, ECF No. 125, Defendants are no longer required to report the additional categories of information previously required under the Court’s Order of November 18, 2021, ECF No. 116.

42 and removed or returned under Title 8 authorities (including 8 U.S.C. § 1225). This figure combines 100,699 Title 42 expulsions and 13,755 Title 8 removals and returns reported by CBP, Ex. A at 2, and 2,696 removals under 8 U.S.C. § 1225 reported by U.S. Immigration and Customs Enforcement (ICE)², Ex. B at 2 (ICE Report for May 2022). As explained in Exhibit A, CBP's Title 8 removals and returns include several categories of removals and returns conducted by OFO and USBP, including expedited removals, reinstated orders of removal, voluntary returns, returns pursuant to 8 U.S.C. § 1225(b)(2)(C), withdrawals of applications for admission, etc. Ex. A at 2. ICE's removals under section 1225 represent expedited removals. Ex. B at 2.

3. Total Detention Capacity and Current Usage Rate

For the month of May 2022, DHS reported that its total detention capacity was approximately 38,035, a figure combining CBP's approximate holding capacity of 6,535, Ex. A at 3, and ICE's current approximate funded detention capacity of 31,500,³ Ex. B at 1. CBP's approximate holding capacity is the sum of OFO's approximate holding capacity, 935, and USBP's approximate maximum holding capacity, 5,600. Ex. A at 3 & n.11.

DHS reported that the current average daily usage rate throughout May 2022 for CBP

² ICE removals include noncitizens processed for Expedited Removal (ER) or Voluntary Return (VR) that are turned over to ICE Enforcement and Removal Operations (ERO) for detention. Noncitizens processed for ER and not detained by ERO or VR after June 1, 2013, and not detained by ERO are primarily processed by CBP, and would be included within CBP's data. Ex. B.

³ Until March 15, 2022, ICE ERO was appropriated funding for approximately 34,000 detention beds nationwide on any given day, which included single adult bedspace for an average daily population of 31,500 and 2,500 family unit beds. Ex. B at 1. As of March 15, 2022, ERO had funding for detention beds to maintain space for an average daily population of 31,500 single adults. *Id.* As of March 15, 2022, ICE did not receive funding specifically intended for the 2,500 family unit beds. *Id.* ICE's access to its full inventory of bedspace is severely limited due to various court orders limiting the intake of noncitizen detainees, an increase in detention facility contract terminations, detention facility contract modifications, and the ongoing COVID-19 pandemic. *See, e.g., Fraihat v. ICE*, 445 F. Supp. 3d 709 (C.D. Cal. Apr. 20, 2020).

detention was 35.3% for OFO facilities and 230% for Border Patrol facilities, Ex. A at 3 & n.11, and approximately 80.73% for ICE detention facilities. *See* Ex. B at 1 (rate equals average daily population of 25,429 for the month of May 2022 over the current approximate total detention capacity of 31,500).

4. Total Monthly Number of Applicants for Admission under § 1225

For the month of May 2022, DHS reported that the total number of applicants for admission under Section 1225 encountered⁴ by CBP was 138,717. Ex. A at 4. This figure is consistent with CBP’s total number of noncitizen encounters subtracting its Title 42 expulsions. *See* Ex. A at 4 n.12; *supra* §§ 1, 2.

5. Total Monthly Number of Applicants for Admission under § 1225 Paroled into the United States

For the month of May 2022, DHS reported that the total number of applicants for admission under Section 1225 paroled into the United States was 68,527. This figure combines 64,263 CBP grants of parole—51,132 USBP Apprehensions with a Parole Disposition, 899 OFO inadmissible noncitizens with a Parole Disposition, and 12,232 individuals categorized as “OFO NTA [Notice to Appear] and Paroled into the U.S. on a case-by-case basis pursuant to 8 U.S.C. § 1182(d)(5),” Ex. A. at 4—and 4,264 ICE grants of parole, Ex. B at 3.

6. Total Monthly Number of Applicants for Admission under § 1225 Released into the United States, Paroled or Otherwise

⁴ An applicant for admission is defined as “[a]n alien present in the United States who has not been admitted or who arrives in the United States (whether or not at a designated port of arrival and including an alien who is brought to the United States after having been interdicted in international or United States waters).” 8 U.S.C. § 1225(a)(1). Thus, an applicant for admission may include noncitizens that have never been encountered by CBP. At this time, CBP does not have a mechanism to track applicants for admission in the United States that are not encountered by CBP. Ex. A at 4 n.12. All references in this document to “applicants for admission” refer to noncitizen applicants for admission encountered at or in-between POEs by CBP.

For the month of May 2022, DHS reported that the total number of applicants for admission under Section 1225 released into the United States, paroled or otherwise, was 95,318, a figure reflecting CBP's 85,372 total releases across all categories for the month of May 2022, Ex. A at 5,⁵ combined with ICE's 9,946 total releases of noncitizens transferred to it from CBP following their apprehension or encounter at the Southwest Border for the month of May 2022, Ex. B at 3.

Dated: June 15, 2022

Respectfully submitted,

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⁵ This report does not include data on unaccompanied alien children (UCs), as defined in 6 U.S.C. § 279(g), who the Court recognized are not amenable to MPP, ECF No. 94 at 9, and who are subject to special processing and are transferred to U.S. Department of Health and Human Services Custody pursuant to the Trafficking Victims Protection Reauthorization Act. *See* 8 U.S.C. §§1232(a)(5)(D), 1232(b)(3), 1232(c)(2)(A), 1232(c)(3); *see also* CBP, Southwest Border Encounters, <https://www.cbp.gov/newsroom/stats/southwest-land-border-encounters> (providing statistics on UCs encountered by CBP).

Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on June 15, 2022, I electronically filed the foregoing document with the Clerk of the Court for the United States District Court for the Northern District of Texas by using the CM/ECF system. Counsel in the case are registered CM/ECF users and service will be accomplished by the CM/ECF system.

/s/ Joseph A. Darrow

JOSEPH A. DARROW

U.S. Department of Justice

Exhibit A

Texas v. Biden Monthly Report
Reporting Period: May 1, 2022 – May 31, 2022

(1) The total monthly number of encounters¹ at the southwest border (SWB);

Encounter data includes U.S. Border Patrol (USBP) Title 8 Apprehensions² between the ports of entry along the SWB, Office of Field Operations (OFO) Title 8 Inadmissibles³ at land ports of entry along the SWB, and Title 42 Expulsions⁴ at and between the ports of entry along the SWB.

| May 2022 as of June 3, 2022 | Title 42 | Title 8 | Total Encounters |
|------------------------------------|-----------------|----------------|-------------------------|
| Office of Field Operations | 2,171 | 14,589 | 16,760 |
| El Paso Field Office | 185 | 1,477 | 1,662 |
| Laredo Field Office | 952 | 6,057 | 7,009 |
| San Diego Field Office | 785 | 6,216 | 7,001 |
| Tucson Field Office | 249 | 839 | 1,088 |
| U.S. Border Patrol | 98,528 | 124,128 | 222,656 |
| Big Bend Sector | 1,815 | 995 | 2,810 |
| Del Rio Sector | 14,408 | 29,980 | 44,388 |
| El Centro Sector | 3,410 | 3,586 | 6,996 |
| El Paso Sector | 19,078 | 15,560 | 34,638 |
| Laredo Sector | 10,923 | 734 | 11,657 |
| Rio Grande Valley Sector | 17,730 | 28,179 | 45,909 |
| San Diego Sector | 10,920 | 6,089 | 17,009 |
| Tucson Sector | 19,068 | 6,855 | 25,923 |
| Yuma Sector | 1,176 | 32,150 | 33,326 |
| Grand Total | 100,699 | 138,717 | 239,416 |

¹ The sum of Title 8 apprehensions/inadmissible aliens and expulsions.

² Apprehension refers to the physical control or temporary detainment of a person who is not lawfully in the U.S. which may or may not result in an arrest.

³ Inadmissible refers to individuals encountered at ports of entry who are seeking lawful admission into the United States but are determined to be inadmissible, individuals presenting themselves to seek humanitarian protection under our laws, and individuals who withdraw an application for admission and return to their countries of origin within a short timeframe.

⁴ Expulsions refers to individuals encountered by USBP and OFO and expelled to the country of last transit or home country in the interest of public health under Title 42 U.S.C. 265.

(2) The total monthly number of aliens expelled under Title 42, Section 1225, or under any other statute;

- Title 42 expulsions at and between the ports of entry along the SWB⁵

| May 2022 as of June 3, 2022 | Title 42 |
|-----------------------------------|----------------|
| Office of Field Operations | 2,171 |
| El Paso Field Office | 185 |
| Laredo Field Office | 952 |
| San Diego Field Office | 785 |
| Tucson Field Office | 249 |
| U.S. Border Patrol | 98,528 |
| Big Bend Sector | 1,815 |
| Del Rio Sector | 14,408 |
| El Centro Sector | 3,410 |
| El Paso Sector | 19,078 |
| Laredo Sector | 10,923 |
| Rio Grande Valley Sector | 17,730 |
| San Diego Sector | 10,920 |
| Tucson Sector | 19,068 |
| Yuma Sector | 1,176 |
| Grand Total | 100,699 |

- Southwest Land Border Removals>Returns under Title 8, based on encounter date⁶

| Total Removals and Returns Under Title 8 | May 2022 |
|--|---------------|
| U.S. Border Patrol | 11,868 |
| Bag and Baggage ⁷ | 59 |
| Voluntary Return ⁸ | 2,462 |
| Expedited Removal | 5,455 |
| Reinstatement of Removal | 2,432 |
| Returns Pursuant to 8 U.S.C. § 1225(b)(2)(C) | 1,460 |
| Office of Field Operations | 1,887 |
| Bag and Baggage | 9 |
| Voluntary Return | 69 |
| Expedited Removal | 530 |
| Reinstatement of Removal | 3 |
| Withdrawal of Application for Admission | 1,276 |
| Returns Pursuant to 8 U.S.C. § 1225(b)(2)(C) | |
| Grand Total | 13,755 |

⁵ Same as Title 42 expulsion data provided in response to 1 above.

⁶ Indicates that the noncitizen was encountered during the reporting period (May 1, 2022 – May 31, 2022).

⁷ When a noncitizen encountered or apprehended by CBP has been previously ordered removed by an immigration judge and the order was never executed (i.e., in absentia). The removal order may be immediately executed by CBP or CBP may turn the noncitizen over to ICE for removal.

⁸ Constitutes a request by a non-citizen to be permitted to return to their country of citizenship on a voluntary basis, in lieu of being formally removed or placed into removal proceedings.

(3) Defendants' total detention capacity as well as current usage rates;*OFO Holding Capacity – Southwest Border in Custody*⁹

| Detention Capacity | May 2022 |
|---------------------------|---------------------------|
| 935 | 330 (35.3%) ¹⁰ |

*USBP Average Daily Subjects In Custody by Southwest Border Sector*¹¹

| USBP Sector | May 2022 |
|--------------------|-----------------|
| Big Bend | 36 |
| Del Rio | 1,262 |
| El Centro | 456 |
| El Paso | 2,523 |
| Laredo | 1,156 |
| Rio Grande | 3,166 |
| San Diego | 785 |
| Tucson | 893 |
| Yuma | 2,622 |
| Total | 12,899 |

⁹ Represents an estimate of each cell's coded occupancy limit, as outlined in technical design standards when constructed, multiplied by the total number of cells for all ports of entry within each field office. This number does not account for the unique circumstances that may limit the occupancy of a given cell (e.g., high risk, nursing/pregnant, transgender, unaccompanied minor, etc.) nor does it reflect operational limitations that affect a port's capacity to detain. CBP's capacity to detain individuals in its short-term facilities depends on many factors, including: demographics of the individual in custody; medical or other needs of individuals in custody; ability of ICE ERO (or, if an unaccompanied child, the U.S. Department of Health and Human Services) to transfer individuals out of CBP custody; and OFO's available resources to safely process and hold individuals.

¹⁰ Represents the average number of travelers in custody on a daily basis averaged over the number of days in the calendar month, at all Southwest Border Field Office locations. Travelers include inadmissible individuals, lawful permanent residents, asylees, refugees, and United States Citizens who are being detained to verify wants, warrants, criminal, administrative or other judicial process.

¹¹ U.S. Border Patrol facilities, such as stations and central processing centers, provide short-term holding capacity for the processing and transfer of individuals encountered by agents. Maximum facility capacity along the southwest border is approximately 5,600, which assumes a homogenous population and full operating status at all facilities. Actual capacity fluctuates constantly based on characteristics of in-custody population, to include demographics, gender, criminality, etc. The average percentage of subjects in custody on a daily basis is 230%, which is averaged over the number of days in the calendar month and includes all Southwest Border Sector locations.

(4) The total monthly number of “applicants for admission”¹² under Section 1225;

| May 2022 as of June 3, 2022 | Title 8 |
|------------------------------------|----------------|
| Office of Field Operations | 14,589 |
| El Paso Field Office | 1,477 |
| Laredo Field Office | 6,057 |
| San Diego Field Office | 6,216 |
| Tucson Field Office | 839 |
| U.S. Border Patrol | 124,128 |
| Big Bend Sector | 995 |
| Del Rio Sector | 29,980 |
| El Centro Sector | 3,586 |
| El Paso Sector | 15,560 |
| Laredo Sector | 734 |
| Rio Grande Valley Sector | 28,179 |
| San Diego Sector | 6,089 |
| Tucson Sector | 6,855 |
| Yuma Sector | 32,150 |
| Grand Total | 138,717 |

(5) The total monthly number of “applicants for admission” under Section 1225 paroled into the United States; and

| Southwest Border Paroles | May 2022 |
|---|-----------------|
| U.S. Border Patrol | 51,132 |
| Parole Disposition | 51,132 |
| Office of Field Operations | 13,131 |
| NTA and Paroled into the U.S. on a case-by-case basis pursuant to 8 U.S.C. § 1182(d)(5) | 12,232 |
| Parole Disposition | 899 |
| Grand Total | 64,263 |

¹² An applicant for admission is defined as “[a]n alien present in the United States who has not been admitted or who arrives in the United States (whether or not at a designated port of arrival and including an alien who is brought to the United States after having been interdicted in international or United States waters).” 8 U.S.C. § 1225(a)(1). Thus, an applicant for admission may include noncitizens that have never been encountered by CBP. At this time, CBP does not have a mechanism to track all applicants for admission in the United States that are not encountered by CBP. CBP has included the same data as the Title 8 encounter data provided in response to 1 above.

(6) The total monthly number of “applicants for admission” under Section 1225 released into the United States, paroled or otherwise.”¹³

| Southwest Border Releases | May 2022 |
|---|-----------------|
| U.S. Border Patrol Total | 72,241 |
| Notice To Report | |
| Notice to Appear - Order of Release on Recognizance | 21,109 |
| Parole Disposition | 51,132 |
| Office of Field Operations Total | 13,131 |
| NTA and Paroled into the U.S. on a case-by-case basis pursuant to 8 U.S.C. § 1182(d)(5) | 12,232 |
| Parole Disposition | 899 |
| Grand Total | 85,372 |

¹³ All numbers in reporting requirement 6 are “based on encounter date,” as defined above.

Exhibit B

ERO Custody Management Division

Population Counts from May 1, 2022 through May 31, 2022

Source: ICE Integrated Decision Support (IIDS), 06/02/2022

IIDS is a data warehouse that contains dynamic data extracts from the Enforcement Integrated Database (EID).

FY2022 data: IIDS as of 06/02/2022; EID data through 06/01/2022

Average Daily Population is calculated by the total daily population divided by the number of days in the month

Total Daily Population includes single adults and individuals in family units

Until March 15, 2022, ERO was appropriated funding for approximately 34,000 detention beds nationwide on any given day, which included single adult bedspace for an average daily population of 31,500 and 2,500 family unit beds, to support its mission to enforce immigration law. As of March 15, 2022, ERO had funding for detention beds to maintain space for an average daily population of 31,500 single adults. As of March 15, ICE did not receive funding specifically intended for the 2,500 family unit beds. ICE’s access to its full inventory of bedspace is severely limited due to various court orders limiting the intake of noncitizen detainees, an increase in detention facility contract terminations, detention facility contract modifications, and the ongoing COVID-19 pandemic

| Month | May |
|---|--------|
| Monthly Average Daily Population (ADP) | 25,429 |

| Date | Daily Population |
|-----------|------------------|
| 5/1/2022 | 22,922 |
| 5/2/2022 | 23,208 |
| 5/3/2022 | 23,380 |
| 5/4/2022 | 23,474 |
| 5/5/2022 | 23,707 |
| 5/6/2022 | 23,478 |
| 5/7/2022 | 23,944 |
| 5/8/2022 | 24,136 |
| 5/9/2022 | 24,541 |
| 5/10/2022 | 24,357 |
| 5/11/2022 | 24,545 |
| 5/12/2022 | 25,031 |
| 5/13/2022 | 24,915 |
| 5/14/2022 | 25,432 |
| 5/15/2022 | 25,762 |
| 5/16/2022 | 25,787 |
| 5/17/2022 | 25,760 |
| 5/18/2022 | 25,698 |
| 5/19/2022 | 25,723 |
| 5/20/2022 | 25,383 |
| 5/21/2022 | 25,699 |
| 5/22/2022 | 26,457 |
| 5/23/2022 | 26,767 |
| 5/24/2022 | 26,845 |
| 5/25/2022 | 26,648 |
| 5/26/2022 | 26,713 |
| 5/27/2022 | 26,555 |
| 5/28/2022 | 27,153 |
| 5/29/2022 | 27,698 |
| 5/30/2022 | 28,291 |
| 5/31/2022 | 28,305 |

ERO LESA Statistical Tracking Unit

For Official Use Only (FOUO)/Pre-decisional

Texas v Biden (MPP) - Reporting Requirement - 06/10/2022

FY2022 May ICE Removals of Expedited Removals

| Case AOR | 08-May |
|----------------|--------------|
| Atlanta | 30 |
| Baltimore | - |
| Boston | - |
| Buffalo | 9 |
| Chicago | 12 |
| Dallas | 33 |
| Denver | 12 |
| Detroit | 12 |
| El Paso | 104 |
| HQ | - |
| Harlingen | 1,503 |
| Houston | 144 |
| Los Angeles | 45 |
| Miami | 30 |
| New Orleans | 132 |
| New York City | 2 |
| Newark | 16 |
| Philadelphia | 9 |
| Phoenix | 317 |
| Salt Lake City | 1 |
| San Antonio | 225 |
| San Diego | 38 |
| San Francisco | 5 |
| Seattle | 6 |
| St. Paul | 4 |
| Washington | 7 |
| Total | 2,696 |

ERO-LESA Statistical Tracking Unit

For Official Use Only (FOUO)/Pre-decisional

Texas v Biden (MPP) - Reporting Requirement - 06/10/2022

| | |
|---|-------------------------|
| ICE Initial Book Ins in FY2022 May with Arresting Agency of CBP | 08-May 20,971 |
|---|-------------------------|

| | | |
|--|-----------------------------------|-------------------------|
| ICE Initial Book Ins in FY2022 May with Arresting Agency of CBP with a previously occurring USBP Apprehension or CBP OFO Encounter at the Southwest Border | | 08-May 19,934 |
| FY2022 YTD | 06/05/2022 ICE Currently Detained | 9,260 |
| | FY2022 ICE Final Release | 9,946 |
| | <i>Bonded out</i> | 922 |
| | <i>Order of Recognizance</i> | 4,598 |
| | <i>Order of supervision</i> | 162 |
| | <i>Paroled</i> | 4,264 |
| | FY2022 ICE Removal | 322 |

ERO-LESA Statistical Tracking Unit

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Texas v Biden (MPP) - Reporting Requirement - 06/10/2022

Footnotes

FY2022 ICE Initial Book Ins data are updated through 06/05/2022 (IIDS run date 06/08/2022; EID as of 06/05/2022).

ICE Currently Detained National Docket data are a snapshot as of 06/05/2022 (IIDS run date 06/08/2022; EID as of 06/05/2022).

FY2022 ICE Final Releases data are updated through 06/05/2022 (IIDS run date 06/08/2022; EID as of 06/05/2022).

FY2022 ICE Removals data are updated through 06/05/2022 (IIDS run date 06/08/2022; EID as of 06/05/2022).

Current fiscal year data, FY2022, will reflect updated values until the FY2022 data lock in Oct 2022.

USBP Apprehensions FY14 - FY22 YTD uploaded to IIDS on 06/07/2022, with FY22 apps through 06/05/2022.

Office of Field Operations (OFO) Southwest Border Operations (SBO) Enforcement Encounters Report with Subject-level details for FY22TD through 06/04/2022.

For the purpose of this report, only the most recent status for an individual who had an ICE Initial Book Ins per fiscal year with Arresting Agency of CBP with a previously occurring USBP Apprehension or CBP OFO Encounter at the Southwest Border is included in the summary count. I.e., Individual with multiple initial book-ins within the fiscal year pertinent to this litigation should have the same reported status and not be included in multiple status summary counts.

The person record for 406 ICE Initial Book Ins in FY2022 March pertinent to this litigation could not be matched to an ICE Current Detention (snapshot as of 06/05/2022), FY2022 YTD ICE Final Release or FY2022 YTD ICE Removal occurring after the ICE Initial Book In date.

ICE Initial Book Ins are matched to USBP Apprehensions and/or OFO Encounters based on subject-level details (Civilian record) where the USBP Apprehension and/or OFO Encounter occur prior to the ICE Initial Book In date. STU cannot confirm that the ICE Initial Book In is directly related to the matched USBP Apprehension and/or OFO Encounter.

ICE Initial Book Ins

ICE Detention data exclude ORR transfers/facilities, as well as U.S. Marshals Service Prisoners.

All stats are pulled based on Current Program which attributes all cases back to the Program of the processing officer of the event. However, if Current Program = OPL, XXX, ZZZ, or null, then Event Program is used.

The "CBP" Arresting Agency includes the following programs: Border Patrol, Inspections, Inspections-Air, Inspections-Land, and Inspections-Sea.

Individuals may have more than one ICE Initial Book Ins relevant to this litigation. All have been included.

Individuals may have more than one USBP Apprehensions and/or OFO Encounters relevant to this litigation. The latest occurring Apprehension or Encounter is included.

ICE Detained National Docket

ICE Detention data exclude ORR transfers/facilities, as well as U.S. Marshals Service Prisoners.

ICE Initial Book Ins are matched to ICE Current Detention record based on person-level details (Person record) where the ICE Initial Book In occur prior to the ICE Current Detention date. The ICE Initial Book In may not be directly related to the matched ICE Current Detention.

ICE Final Releases

An ICE Final Release is defined as a Final Bookout that reflects one of the following release reasons: Bonded Out, Order of Recognizance, Order of Supervision, Paroled, or Prosecutorial Discretion. All Case Statuses are included.

ICE Detention data exclude ORR transfers/facilities and U.S. Marshals Service Prisoners.

An alien may have multiple releases; only the most recent release is included in this report.

ICE Initial Book Ins are matched to ICE Final Release record based on person-level details (Person record) where the ICE Initial Book In occur prior to the ICE Final Release date. The ICE Initial Book In may not be directly related to the matched ICE Final Release.

ICE does not track the number of applicants paroled or released into the United States based on DHS' s lack of detention capacity.

ICE Removals

ICE Removals include Returns. Returns include Voluntary Returns, Voluntary Departures and Withdrawals Under Docket Control.

ICE Removals include aliens processed for Expedited Removal (ER) or Voluntary Return (VR) that are turned over to ERO for detention. Aliens processed for ER and not detained by ERO or VR after June 1st, 2013 and not detained by ERO are primarily processed by Border Patrol.

Starting in FY2009, ICE began to “lock” removal statistics at the end of each fiscal year and counted only the aliens whose removal or return was already confirmed. Aliens removed or returned in that fiscal year but not confirmed until after the end of that fiscal year 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 include the removals and returns confirmed after the end of that fiscal year into the next fiscal year. The number of removals in FY2009, excluding the "lag" from FY2008, was 387,790. The number of removals in FY2010, excluding the "lag" from FY2009, was 373,440. This number does not include 76,732 expedited removal cases which ICE closed on behalf of CBP in FY2010. Of those 76,732, 33,900 cases resulted from a joint CBP/ICE operation in Arizona. ICE spent \$1,155,260 on those 33,900 cases. The number of removals in FY2011, excluding the "lag" from FY2010, was 385,145. The number of removals in FY2012, excluding the "lag" from FY2011, was 402,919. The number of removals in FY2013, excluding the "lag" from FY2012, was 363,144. The number of removals in FY2014, excluding the "lag" from FY2013, was 311,111. The number of removals in FY2015, excluding the "lag" from FY2014, was 231,250. The number of removals in FY2016, excluding the "lag" from FY2015, was 235,524. The number of removals in FY2017, excluding the “lag” from FY2016, was 220,649. The number of removals in FY2018, excluding the “lag” from FY2017, was 252,405. The Number of removals in FY2019, excluding the "lag" from FY2018, was 262,591. The number of removals in FY2020, excluding the “lag” from FY2019, was 177,516. The number of removals in FY2021, excluding the “lag” from FY2020, was 55,355.

FY Data Lag/Case Closure Lag is defined as the physical removal of an alien occurring in a given month; however, the case is not closed in EARM until a subsequent FY after the data is locked. Since the data from the previous FY is locked, the removal is recorded in the month the case was closed and reported in the next FY Removals. This will result in a higher number of recorded removals in an FY than actual departures.

All stats are pulled based on Current Program which attributes all cases back to the Program of the processing officer of the event. However, if Current Program = OPL, XXX, ZZZ, or null, then Event Program is used.

Expedited removals include cases have one of the following case categories:

[8F] Expedited Removal [8G] Expedited Removal - Credible Fear Referral, [8H] Expedited Removal - Status Claim Referral, [8K] Expedited Removal Terminated due to Credible Fear Finding / NTA Issued.

Month break out of Expedited Removals is based on fiscal month of departure.

ICE Initial Book Ins are matched to ICE Removal record based on person-level details (Person record) where the ICE Initial Book In occur prior to the ICE Removal date. The ICE Initial Book In may not be directly related to the matched ICE Removal.