

Immigration Enforcement Actions: 2004

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Each year, the Department of Homeland Security (DHS) undertakes immigration enforcement actions involving hundreds of thousands of foreign nationals (for definitions of immigration enforcement action terms, see Box 1). These actions include the arrest, detention, and removal from the United States of foreign nationals who are in violation of the Immigration and Nationality Act (INA). These violations include: attempting illegal entry into the United States, entering the United States legally but subsequently losing legal status, and engaging in terrorist activity, violent crime, document fraud, and drug smuggling. Responsibility for the enforcement of immigration law within DHS rests with the Bureau of Customs and Border Protection (CBP) and the Bureau of Immigration and Customs Enforcement (ICE). CBP handles the inspections of foreign nationals at ports of entry and the deterrence or apprehension of illegal immigrants at the borders. ICE is responsible for enforcing immigration laws within the interior of the United States. Prior to the establishment of DHS in 2003, immigration enforcement was the responsibility of the Immigration and Naturalization Service (INS).

This Office of Immigration Statistics *Annual Report* presents information on apprehensions, investigations, detention and removal of foreign nationals during 2004.¹ Data were obtained from workload and case tracking systems of DHS. In 2004, in summary:

- DHS apprehended an estimated 1,241,089 foreign nationals. Ninety-two percent were natives of Mexico.
- There were 58,727 investigations initiated and 46,656 closed for immigration related activities including crime, compliance enforcement, work site enforcement, identity and benefit fraud, alien smuggling, and counter terrorism.
- ICE detained approximately 235,247 foreign nationals for a minimum of 24 hours.
- There were 202,842 foreign nationals formally removed from the United States. The leading countries of origin of formal removals were Mexico (73 percent), Guatemala (4.1 percent) and Honduras (4.0 percent). More than 1,035,000 other foreign nationals accepted an offer of voluntary departure.

¹In this report, years are fiscal years (October 1 to September 30).

- Expedited removals accounted for 41,752 or 21 percent of all formal removals.
- DHS removed 88,897 criminal aliens from the United States. The majority of criminal aliens (68,771 or 77 percent) were from Mexico.

ENFORCEMENT PROGRAM ACTIVITIES

Inspections

Customs and Border Protection inspectors determine the admissibility of aliens who have arrived at a designated port of entry. There are approximately 300 such ports in the United States. Inspectors may permit inadmissible aliens the opportunity to withdraw their application for admission or, in some cases, inspectors will refer an alien to an immigration judge for removal proceedings. Since April 1997, inspectors have had the authority to order certain aliens removed under expedited removal proceedings without further hearings or review by an immigration judge. The expedited removal order carries the same penalties as a removal order issued by an immigration judge.

Border Patrol

The primary mission of the Border Patrol is to secure the 8,000 miles of land and water boundaries of the United States between ports of entry. Its major objectives are to prevent illegal entry into the United States of illegal aliens and foreign nationals suspected of terrorism and other criminal activity, interdict drug smugglers and other criminals, and compel those persons seeking admission to present themselves legally at ports of entry for inspection. Border Patrol operations are divided into geographic regions referred to as sectors.

Investigations

Immigration investigations activity focuses on the enforcement of immigration laws within the interior of the United States. Special agents plan and conduct investigations of persons and events subject to the administrative and criminal provisions of the INA. Agents investigate violations of immigration law and aliens involved in criminal activities. They often work as team members in multi-agency task forces against terrorism, violent crime, document fraud, narcotic trafficking, and various forms of organized crime. They also seek to



Homeland Security

Office of Immigration Statistics
Management Directorate

Box 1.

Definitions of Immigration Enforcement Terms

Detention: The seizure and incarceration of a person in order to hold them for judicial or legal proceedings, or while awaiting return transportation to their country of citizenship.

Inadmissible: An alien seeking admission at a port of entry who does not meet the criteria of the Immigration and Nationality Act (INA) for admission. The alien may be placed in removal proceedings or, under certain circumstances, allowed to withdraw his or her application for admission.

Removal: The expulsion of an alien from the United States. This expulsion may be based on ground of inadmissibility or deportability.

Expedited Removal: The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 authorized the DHS to quickly remove certain inadmissible aliens from the United States. The authority covers aliens who are inadmissible because they have no entry documents, or because they have used counterfeit, altered, or otherwise fraudulent or improper documents, or because they commit fraud or willful misrepresentation. The authority covers aliens who arrive in, attempt to enter, or have entered the United States without having been admitted or paroled by an immigration officer at a port-of-entry. The DHS has the authority to order the removal, and the alien is not referred to an immigration judge except under certain circumstances after an alien makes a claim to lawful status in the United States or demonstrates a credible fear of persecution if returned to his or her home country.

Voluntary Departure: The departure of an alien from the United States without an order of removal. The departure may or may not have been preceded by a hearing before an immigration judge. An alien allowed to voluntarily depart concedes removability but does not have a bar to seeking admission at a port-of-entry at any time. Failure to depart within the time granted results in a fine and a ten-year bar to several forms of relief from deportation.

Withdrawal: An arriving alien's voluntary retraction of an application for admission to the United States in lieu of a removal hearing before an immigration judge or an expedited removal.

identify aliens who are incarcerated and deportable as a result of their criminal convictions. In addition, agents monitor and inspect work sites to apprehend unauthorized alien workers and to impose sanctions against employers who knowingly employ them. Apprehensions at places of employment may result in removal from the workplace and from the United States.

Detention and Removal

Officers and staff of the Detention and Removal Program are responsible for monitoring the cases of aliens in removal proceedings. In addition, the program

provides detention funding and positions in most Border Patrol sectors. Officers assume custodial responsibility for alien detainees providing for their needs including food, shelter, medical care, access to counsel, and recreation. The officers determine appropriate release conditions and facilitate release of detained aliens on parole, bond, and recognizance or pursuant to orders of supervision where appropriate. Officers enforce the departure from the United States of deportable and inadmissible aliens under final removal orders. This activity requires securing travel documents and related liaison with foreign

governments, making travel arrangements, and providing escorts as required.

The Removal Process. Removal proceedings encompass the actions that lead to the formal removal of an alien from the United States when the presence of that alien is deemed inconsistent with the public welfare. DHS has several options in removing an alien from the United States. Traditionally, these options included deportation, voluntary departure, and exclusion; however, the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996 made major revisions to these procedures, effective April 1, 1997. Deportation and exclusion proceedings were consolidated as removal proceedings (with voluntary departure continuing as an option at government convenience). The most significant change was the new authority for expedited removals.

Most removal proceedings are conducted before an immigration judge. Possible outcomes of an immigration hearing include removal, adjustment to a legal status, or a termination of proceedings. Some aliens abscond before or after the hearing. Decisions of the immigration judge can be appealed to the Board of Immigration Appeals.

Under expedited removal an immigration officer may determine that an arriving alien is inadmissible because the alien engaged in fraud or misrepresentation or lacks proper documents. The officer can order the alien removed without further hearing or review unless the alien states a fear of persecution or an intention to apply for asylum. Officers refer aliens who make such pleas to an asylum officer and the case may eventually be argued before an immigration judge.

The penalties associated with formal removal include not only the removal but possible fines, imprisonment for up to 10 years for aliens who do not appear at hearings or who fail to depart, and a bar to future legal entry (the bar is permanent for aggravated felons and up to 20 years for other aliens). The imposition and extent of these penalties depend upon the circumstances of the case.

Voluntary Departure. In some cases, an apprehended alien may be offered a

voluntary departure. This procedure is common with non-criminal aliens who are apprehended by the Border Patrol during an attempted illegal entry. Aliens agree that their entry was illegal, waive their right to a hearing, remain in custody, and are removed under supervision. Some aliens apprehended within the United States agree to voluntarily depart and pay the expense of departing. These departures may be granted by an immigration judge or, in some circumstances, by a DHS Field Office Director. Aliens who have agreed to a voluntary departure can be legally admitted in the future without penalty. Although such departures are called "voluntary departures," they are required and verified.

DATA

Apprehension and Voluntary Departure

Apprehension data are collected on Form I-213, Record of Deportable/Inadmissible Alien. Much of the data collected establishes the identity of the individual and the circumstances of the apprehension. Some demographic data are available, including country of birth, country of citizenship, gender, date of birth, and marital status. Statistics on the number of voluntary departures also are based on data captured on Form I-213. The data on most voluntary departures are aggregated and reported in the Performance Analysis System (PAS).

Individuals Detained or Removed

Data on individuals detained or removed with a formal order of removal or given a voluntary departure under docket control (in judicial proceedings) are more extensive. These data are collected through the ICE automated Deportable Alien Control System (DACS). The data captured include immigration status, type of entry into the United States, reasons for removal, history of criminal activity, limited employment information, and basic demographic information such as date of birth, gender, marital status, country of birth, country of citizenship, and country to which deported. In general, these data are entered in DACS over a period of time that begins with the placing of an apprehended alien in docket control. In some offices most of the data entry is done at the time of case closure (e.g. removal or adjustment of status).

Other Data

Beginning in 2004, data on ICE immigration-related Investigations were obtained from the Treasury Enforcement Communications System (TECS) and Seized Asset and Case Tracking System (SEACATS) and refer to criminal cases only. Data for 2003 and earlier years were obtained from PAS and included both criminal and administrative cases. In 2004, apprehensions data from ICE Investigations were obtained from the Enforcement Case Tracking System (ENFORCE). Data on drug seizures, prosecutions, fines and imprisonment were obtained from PAS. These data refer to CBP Inspections and Border Patrol only; 2004 ICE Investigations drug and prosecution data were not included.

Limitations of Data

Case Tracking. The current data systems of DHS do not link an apprehension to its final disposition (e.g. removal or adjustment of status). Therefore, caution should be exercised when comparing apprehension and removal data. Apprehended aliens who choose to use the available appeals procedures will spend several months and perhaps several years in the process before final disposition of their cases. In addition, DHS statistics on apprehensions and removals relate to events, not individuals. For example, if an alien has been apprehended three times during the year, that individual will appear three times in the apprehension statistics.

Time Lags in Data Entry. The data on removals under docket control (formal removals) reported in the *Yearbook of Immigration Statistics* should be used cautiously. One problem is the time lag in reporting removals. The data in the *Yearbook* are adjusted to reflect the actual year of removal. The data for each year require updating, and cannot be considered complete for at least three years.

Changes in Definitions and Reporting Requirements. Another area of caution involves changes in definitions across years. For example, information about the crimes of aliens removed in recent years was expanded to improve the accuracy of removal counts. Also, changes in data systems and reporting requirements related to the establishment of DHS had a

significant impact on the reporting of data on ICE investigations, drug seizures, prosecutions, fines, and imprisonment beginning in 2004.

RESULTS

Apprehensions

Aliens are apprehended primarily by CBP Border Patrol and ICE Investigations. In 2004, DHS apprehended a total of 1,241,089 aliens. The Border Patrol made 1,160,395 or 93 percent of all apprehensions. Ninety-eight percent of Border Patrol apprehensions were along the southwest border. ICE investigations reported 80,694 apprehensions or 7 percent of all apprehensions in 2004.

Southwest Border Apprehensions.

Apprehensions along the southwest border increased 26 percent to 1,139,282 in 2004 from 905,065 in 2003 (see Figure 1). This was the first annual increase following the record level of 1,643,679 set in 2000 and subsequent decline (to 1,235,716 in 2001, 929,809 in 2002, and 905,065 in 2003). In 2004, southwest border apprehensions accounted for 98 percent of all Border Patrol apprehensions.

In 2004, as in every year since 1997, the Tucson, AZ sector had the largest number of apprehensions. Tucson accounted for 491,771 or 43 percent of all southwest border apprehensions in 2004. The next leading sectors were San Diego, CA (138,608), El Paso, TX (104,399), Yuma, AZ (98,060), and McAllen, TX (92,947). These five sectors accounted for 81 percent of all southwest border apprehensions.

Nationality of Apprehended Aliens.

Nationals of 182 countries were apprehended in 2004—aliens from Mexico predominated, accounting for 92 percent of the total 1,241,089 apprehended. The next largest source countries were Honduras, El Salvador, Guatemala, the Dominican Republic, Canada, Cuba, the People's Republic of China, Ecuador, Nicaragua, Jamaica and Pakistan.

Table 1.

Selected Immigration Related Activities of U.S. Immigration and Customs Enforcement (ICE) Investigations: 2004

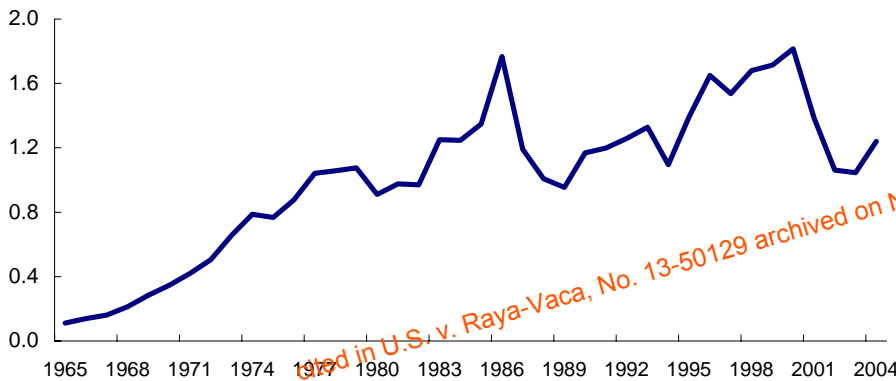
| Activity | Cases initiated | Cases closed | Criminal arrests | Criminal convictions | Number seizures | Dollar value seizures |
|--|-----------------|--------------|------------------|----------------------|-----------------|-----------------------|
| Total, all immigration related categories | 58,727 | 46,656 | 9,455 | 4,007 | 1,782 | 10,105,566 |
| Human trafficking investigations | 3,017 | 2,860 | 250 | 70 | 102 | 312,259 |
| Criminal alien investigations..... | 10,908 | 6,262 | 4,851 | 2,308 | 188 | 2,277,995 |
| Employers of unauthorized alien investigations..... | 3,258 | 3,064 | 159 | 46 | 54 | 486,313 |
| Identity and benefit fraud (IBF) investigations..... | 5,351 | 3,872 | 1,310 | 533 | 660 | 1,497,285 |
| Alien smuggling organizations investigations..... | 3,984 | 3,141 | 1,121 | 408 | 498 | 4,123,440 |
| Alien smuggling individuals/groups investigations..... | 3,958 | 3,281 | 1,295 | 491 | 234 | 1,053,737 |
| Alien absconder investigations..... | 2,911 | 2,866 | 19 | D | D | 103 |
| Compliance enforcement investigations | 9,622 | 6,458 | 40 | D | D | -- |
| Alien PWA/ EWI status violation investigations..... | 3,521 | 3,332 | 260 | 102 | 11 | 139,154 |
| Joint Terrorism Task Force (JTTF) | 3,711 | 3,070 | 130 | 36 | 25 | 117,079 |

D Disclosure standards not met. -- Figure is zero. Source: Department of Homeland Security, Treasury Enforcement Communications System (TECS) and Seized Asset and Case Tracking System (SEACATS)

Figure 1.

Apprehensions: 1965 to 2004

Millions



Source: U.S. Department of Homeland Security

Investigations

Immigration investigations include the following major activities/categories—human trafficking, criminal investigations, work site enforcement, identity and benefit fraud, alien smuggling, compliance enforcement investigations, immigration status violations, and the Joint Terrorism Task Force. In 2004, criminal alien investigations remained the largest category of immigration related cases both opened and closed (see Table 1).

Human Trafficking. Human trafficking investigations identify, disrupt and dismantle criminal smuggling and trafficking organizations that smuggle humans into the United States. These investigations are prioritized according to the degree of risk

posed to national security and public safety. Field office investigations are coordinated and the goal is to eliminate the ability of the targeted organization to function. In 2004, there were 3,017 immigration related human trafficking cases opened, representing 5 percent of the total cases opened. The cases closed represented 6 percent of the total cases closed.

Criminal Investigations. Compared to other types of investigations, criminal cases have historically represented the largest proportion of the total investigations immigration related workload. In 2004 they account for 19 percent of the cases initiated, 51 percent of arrests, and 58 percent of criminal convictions. The targets of these investigations include large-scale organizations engaged in ongoing criminal activity in violation of Title 8

or Title 18, U.S.C. or similar laws, including those pertaining to narcotics and terrorism. Criminal cases also include individual aliens convicted of a crime or crimes rendering them subject to DHS action, aliens arrested for the commission of an aggravated felony, aliens involved in activities considered contrary to the security of the United States, and aliens involved in certain immoral activities. Criminal alien investigations resulted in 188 seizures with a value of 2.3 million dollars.

Work Site Enforcement. Immigration law prohibits the unlawful employment of aliens and provides for penalties and fines against employers who hire, recruit, or refer aliens for employment for a fee. Employer cases may involve criminal or administrative investigations as well as general inspections. Employer cases may also originate as referrals from the Department of Labor. In 2004, there were 3,064 cases closed involving employers of unauthorized aliens. These cases accounted for 7 percent of all immigration related investigations cases closed by ICE. Employer arrests represented 2 percent of the total immigration related criminal arrests by ICE Investigations.

Fraud Investigations. Fraud investigations seek to penetrate fraud schemes of all sizes and complexity that are used to violate immigration and related laws, or used to shield the true status of illegal aliens in order to obtain entitlement benefits from federal, state, or local agencies. The Identify and Benefits Fraud Unit of the Office of Investigations, ICE provides oversight of programs that seek “to identify

and disrupt through criminal prosecutions, organizations and individuals involved in the illegal manufacture, facilitation and sale of fraudulent identifying documents, and the acquisition of immigration benefits through fraudulent means." There were 5,351 identity and benefit fraud criminal cases initiated in 2004. These cases represented 9 percent of all criminal cases initiated and 8 percent of all cases closed. Also, in 2004, there were 660 seizures related to identity and benefit fraud with a dollar value of 1.5 million dollars.

Smuggling Investigations. ICE smuggling investigations include the detection, apprehension, and prosecution of alien smuggling operations. The targets of these investigations are persons or entities including criminal smuggling organizations that bring, transport, harbor, or smuggle illegal aliens into or within the United States. The targets include violators with a substantial volume of smuggled aliens or revenues from the smuggling activity, e.g., organized conspiracies consisting of four or more persons, individuals such as freelance operators who smuggle infrequently or independently, and non-professional violators who smuggle relatives, household employees, or employees of small businesses. In 2004, there were 6,422 smuggling investigation criminal cases closed by ICE. Fifty-one percent of these cases were individual or group investigations. In 2004, there were 732 criminal alien smuggling investigation cases that resulted in seizures with a dollar value of 5.2 million dollars. A single case may involve multiple individuals or organizations.

Compliance Enforcement Investigations. In 2004, compliance enforcement investigations was the second largest category of immigration related activities and accomplishments of the ICE Office of Investigations. These investigations are initiated by examining various government databases to identify foreign students, exchange visitors, and other non-immigrant visitors who may have violated their immigration status. Compliance enforcement investigations represented 16 percent of all cases initiated and 14 percent of cases closed.

Aliens Present Without Authorization (PWA) or Entry Without Inspection (EWI) Status Violation Investigations.

This category includes status violators and stowaways, landed crewmen who were ordered detained on board, and aliens who entered without inspection. Status violators include aliens apprehended for violating the terms of their admission such as staying longer in the United States than permitted. Often, such aliens are not themselves investigative targets, but are located during other investigations. During 2004, there were over 3,500 criminal investigation cases initiated that pertained to PWA/ EWI status violations. These status violation investigation cases represented 6 percent of all immigration related criminal cases opened and 7 percent of cases closed.

Joint Terrorism Task Force (JTTF). The National Security and Threat Protection Branch under the National Security Investigations Division, Office of Investigations, provides oversight of enforcement operations related to the investigation, detection, interdiction, prosecution and removal of alien terrorists, their supporters along with foreign intelligence agents in the United States considered hostile to this country. In addition, this branch has responsibility for the operational oversight of Immigration Customs Enforcement (ICE) Special Agents who are assigned to approximately 66 FBI Joint Terrorism Task Forces (JTTF).

Ongoing support is given to all counter-terrorism investigations and ICE Investigations field offices supporting these counter-terrorism efforts. Special Agents provide counter-terrorism lead information in order to prevent or breakup domestic and international terrorist cells. In 2004 ICE Special Agents working for FBI Joint Terrorism Task Forces initiated 3,711 counter terrorism investigations and closed 3,070 cases.

Detentions

An estimated 235,247 aliens were detained by ICE during 2004. Approximately 120,049 (51 percent) of these aliens had criminal records. The average daily detention population was 21,919. Although 52 percent of all detainees were aliens from Mexico, their relatively short stays in

detention meant that they accounted for only 22 percent of detention bed days. The other leading countries were: Cuba (8 percent of bed days); Honduras, El Salvador and Guatemala (7 percent each); People's Republic of China (4 percent); Jamaica, the Dominican Republic, Brazil, and Haiti (3 percent each).

Removals

The most complete picture of adverse actions involving individual aliens includes aliens who withdraw their application for admission when presented with evidence of their inadmissibility, aliens who are allowed to voluntarily depart, and aliens who are formally removed with consequent penalties. In 2004, 378,130 aliens withdrew their applications for admission, while 1,035,477 accepted the offer of voluntary departure, and 202,842 were formally removed (with penalties).

Withdrawal of Application for Admission and Other Actions at Ports of Entry. An immigration inspector makes the decision to permit a withdrawal of an application for admission at a port of entry. The inspector also has the authority to place an arriving alien in expedited removal proceedings (discussed below). DHS has very little data on the characteristics of the 378,130 foreign nationals who were permitted to withdraw. In addition to withdrawals and expedited removal actions, inspectors referred an additional 9,693 aliens to hearings before an immigration judge during 2004.

Voluntary Departure. More than 99 percent of the 1,035,477 voluntary departures in 2004 involved aliens who were apprehended by the Border Patrol and removed quickly. This statistic includes recidivists and thus is a measure of events rather than unique individuals.

Formal and Expedited Removal. The number of formal removals increased 7 percent to 202,842 in 2004 from 189,368 in 2003 (see Table 2). Although the number of expedited removals decreased by 5 percent from 2003 to 2004, the number of non-expedited removals increased 11 percent.

Table 2.
Trends in Total and Expedited Removals: 1994 to 2004

| Year | Total removals | Expedited removals |
|------|----------------|--------------------|
| 2004 | 202,842 | 41,752 |
| 2003 | 189,368 | 43,758 |
| 2002 | 150,542 | 34,536 |
| 2001 | 178,026 | 69,841 |
| 2000 | 186,222 | 85,926 |
| 1999 | 181,072 | 89,170 |
| 1998 | 173,146 | 76,078 |
| 1997 | 114,432 | 23,242 |
| 1996 | 69,680 | X |
| 1995 | 50,924 | X |
| 1994 | 45,674 | X |

X Not applicable. Source: U.S. Department of Homeland Security, Deportable Alien Control System (DACCS).

Table 3.
Leading Country of Nationality of Alien Removals: 2004

| Country | Number removed | Number of criminals |
|----------------------|----------------|---------------------|
| Total | 202,842 | 88,897 |
| Mexico | 148,551 | 68,771 |
| Guatemala..... | 8,235 | 1,868 |
| Honduras..... | 8,125 | 2,366 |
| El Salvador..... | 6,342 | 2,698 |
| Brazil | 5,859 | 748 |
| Dominican Republic.. | 3,506 | 2,514 |
| Jamaica..... | 2,243 | 1,635 |
| Colombia..... | 2,197 | 1,465 |
| Other | 17,784 | 6,832 |

Source: U.S. Department of Homeland Security, Deportable Alien Control System (DACCS).

Table 4.
Removals of Criminal Aliens by Leading Crime Category: 2004

| Crime category | Number removed | Percent of total |
|-----------------------|----------------|------------------|
| Total | 88,897 | 100.0 |
| Dangerous drugs..... | 33,367 | 37.5 |
| Immigration | 14,929 | 16.8 |
| Assault | 9,259 | 10.4 |
| Burglary..... | 3,355 | 3.8 |
| Robbery..... | 2,855 | 3.2 |
| Larceny | 2,718 | 3.1 |
| Sexual assault..... | 2,716 | 3.1 |
| Family offenses | 2,442 | 2.7 |
| Sex offenses | 1,959 | 2.2 |
| Stolen vehicles | 1,773 | 2.0 |
| Other | 13,524 | 15.2 |

Source: U.S. Department of Homeland Security, Deportable Alien Control System (DACCS).

Expedited removals represented 21 percent of all formal removals in 2004. Expedited removal procedures allow DHS to quickly remove certain inadmissible aliens from the United States. In 2004, DHS used these procedures with aliens arriving at ports of entry who illegally attempted to gain admission by fraud or misrepresentation, or with no entry documents, or by using counterfeit, altered, or otherwise fraudulent or improper documents. Aliens placed in the expedited removal process have the opportunity to claim a fear of persecution, or an intention to apply for asylum, or they may claim to have certain legal status in the United States. All cases are reviewed by a supervisor and aliens who have made certain claims may be referred to an asylum officer and ultimately to an immigration judge.

The number of expedited removals decreased significantly in 2002 after the September 11 attacks. In part, tightened border security may have been a deterrent to those seeking admission at a port of entry without proper documents or with fraudulent documents.

Approximately 184,000 foreign nationals were determined to be inadmissible in 2004 for reasons that made them subject to expedited removal. However, 129,000 of those aliens were allowed to withdraw their application for admission. The remaining 55,000 were placed in expedited removal. Only about 7,900 of these aliens expressed a fear of being returned to their country of origin if denied admission; they were referred to an asylum officer. About 94 percent of those 7,900 aliens were found to have a credible fear of persecution, and were taken out of the expedited removal process, and scheduled for hearings before an immigration judge.

Aliens from Mexico accounted for over 81 percent of expedited removals in 2004. The next largest source countries were Brazil, the Dominican Republic, Guatemala, Jamaica, and Peru (all with 3 percent or fewer of total expedited removals). Approximately 70 percent of all expedited removals occurred at ports of entry in one of three southwest Districts: San Diego, CA (48 percent); Phoenix, AZ (11 percent); and El Paso, TX (11 percent).

Country of Nationality of Alien Removals. Aliens with a formal removal came from 181 countries in 2004; 49 countries had more than 100 aliens removed from the United States. However, just eight countries accounted for almost 91 percent of all formal removals. Seven of these eight countries have been the top countries for several years with approximately 88 percent or more of all formal removals each year since 1993. Mexico was the leading country of nationality of aliens removed in 2004 (148,551 or 73 percent of the total) (see Table 3).

Criminal Activity. The passage of the Immigration Reform and Control Act in 1986 helped INS focus on the removal of those aliens determined to be the greatest threat to society. In 1986 INS removed 1,978 aliens for criminal violations (about 3 percent of all removals). The removal of criminal aliens has increased greatly since then. The 2004 removal of 88,897 criminals represents an increase of 10 percent compared to 2003 (81,108). The countries that account for most of the removals also account for 93 percent of criminals that DHS removed from the United States in 2004. They have been the leading countries in this category for several years, with 91 percent or more of all criminals removed each year since 1993. DHS continues to increase cooperation with other law enforcement agencies by using the Institutional Removal Program to insure that incarcerated criminal aliens are placed in removal proceedings. The program seeks to eliminate or minimize the time an alien must be detained by DHS after release from prison and before removal. In 2004, DHS removed 25,633 criminal aliens using this program.

The most common categories of crime committed by aliens removed in 2004 included dangerous drugs, immigration, and assault (see Table 4). These three categories accounted for 65 percent of all alien removals in 2004.

Administrative Reason for Removal. The administrative reason for removal is the primary charge cited by an immigration judge in the order to remove an alien. There are more than 100 charges that might form the basis for a removal in 2004, but most fall into one of three main categories.

ries. Aliens who were present in the United States after making an illegal entry accounted for 42 percent of all aliens formally removed. Those who attempted entry without proper documents, or through fraud or misrepresentation, accounted for 25 percent. Aliens with criminal charges accounted for 21 percent. A criminal alien, as defined in the previous section, may not have a criminal charge as the reason for removal if, for example, the immigration judge did not have appropriate documents from the relevant criminal justice system. This distribution is very different compared to the years before 1998 because of the large number of expedited

removal cases; those cases are classified as attempting entry.

Immigration Status at Entry to the United States. In 2004, at least 67 percent of all aliens with a formal removal attempted (and perhaps completed) an illegal entry between designated ports of entry. Approximately 21 percent attempted to enter at a port of entry without proper documents or through fraud or misrepresentation. The remainder made legal entries but then failed to maintain status; parolees, tourists, and legal permanent residents are the largest groups in this category.

Aliens Removed From the Interior.

In 2004, about 104,000 formal removals were of aliens who had been in the United States at least 3 days before their apprehension—about 52 percent of all formal removals. At least 51,000 aliens with formal removals had been in the United States for longer than a year.

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FOR MORE INFORMATION

Visit the Office of Immigration Statistics Web page at uscis.gov/graphics/shared/statistics.

cited in U.S. v. Raya-Vaca, No. 13-50129 archived on November 24, 2014