



Immigration Enforcement

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Lax enforcement of U.S. immigration laws allowed illegal immigration to rise steadily from the 1980s until about 2007. While illegal entries have slackened somewhat since then, there are signs that the tide is shifting again. In 2012 border apprehensions, which CBP uses as an indicator of illegal crossings, went up by 9 percent on the southwest border.

Attention often focuses on border control, but interior enforcement is an equally important metric of effectiveness in controlling illegal immigration. Since the primary motivation for illegal immigration is employment, work site enforcement is an essential activity. Robust interior enforcement includes the removal of illegal workers as well as those who commit crimes and threaten [public safety](#), and those who are not eligible for legal residence, commit fraud, or skip immigration hearings.

Statistics on [immigration enforcement](#) from a variety of sources present a mixed picture of immigration enforcement today, with many indicators suggesting a significant decline in immigration enforcement activity over the last several years, and other showing only modest increases.

- [Apprehensions](#) by both immigration enforcement agencies (Customs and Border Protection and Immigration and Customs Enforcement) have declined dramatically over the last five years, from roughly one million in 2007 and 2008 down to 642,000 in 2011. The decline in apprehensions from 2008 to 2011 was 39 percent.
- The most significant decline in arrests — 70 percent — was in the Homeland Security Investigations division, which is responsible for [worksite enforcement](#), transnational gang cases, national security, and certain non-immigration related casework. HSI arrests declined from 54,000 in 2007 to 16,000 in 2011.
- Border Patrol apprehensions declined 61 percent over the five-year period, from 877,000 in 2007 to 340,000 in 2011.
- Apprehensions along the southwest border are up 9 percent in 2012, from 328,000 to 357,000.
- Arrests by ICE's Enforcement and Removal Operations have held relatively constant over the period, averaging 285,000 per year, with a slight drop in totals over the last two years. This division focuses on removing criminal aliens discovered in jails, referred by local law enforcement, and immigration fugitives.
- Enforcement agencies can order aliens “removed”, which includes a bar to future entry for a time, or “returned”, a simpler procedure in which the alien departs, but without penalty or a hearing. Since 2007, the number of aliens ordered removed has increased by 23 percent, while the number returned has decreased by 64 percent.
- When taken together, the total number of removals and returns has declined 41 percent since 2007, from 1,210,000 to 716,000 in 2011.

- ICE reports that it removed and returned about 410,000 aliens from the country in 2012. This is an increase of 14 percent over the last five years, with the steepest increase occurring between 2008 and 2009. However, ICE's latest removal/return statistics include more than 85,000 aliens that were apprehended by the Border Patrol, which traditionally have not been counted with removals. ICE has not published a breakdown of border arrests vs. interior arrests.
- In addition to removals and returns, Customs and Border Patrol's port of entry officers denied entry to 212,000 inadmissible aliens in 2011. This represents a slight decline over the last three years. About half of these occur at the land ports (107,000), 31 percent at the sea ports, and 18 percent at airports.
- More than 1.2 million criminal aliens arrested by local police have been identified through the [Secure Communities](#) program since 2009. Of these, 247,000 have been removed so far. According to a Congressional Research Service analysis, over a 2.5-year period they studied, ICE also released tens of thousands of deportable criminal aliens, of whom 26,000 were later re-arrested for new crimes within the time frame of the study.
- Data from the Secure Communities program indicate that about half of aliens selected for removal are either multiple or repeat immigration violators, and about one-fourth are individuals who illegally re-entered after a previous deportation, which is a felony under federal criminal statutes.
- An independent research group at Syracuse University, the Transactional Records Access Clearinghouse (TRAC), which obtains immigration court data from the federal government, reports that, since 2009, there has been a significant decline in the number of aliens that ICE has brought to immigration court. The number of immigration court filings has declined 25 percent since last year, and 30 percent since 2009.
- In addition, the percentage of aliens ordered deported by immigration judges is the lowest rate since 1998, according to TRAC. Last year, judges ordered removal in 57 percent of the cases, and granted the alien's request to stay 43 percent of the time.
- It appears that the number of aliens who have failed to abide by deportation orders is rising. In 2012, ICE reported that there were 850,000 aliens present in the country who had been ordered removed or excluded, but who had not departed. In 2008, DHS said that there were 558,000 "fugitive aliens".
- In the area of worksite enforcement, there have been great fluctuations. The number of [payroll audits](#) by ICE increased from 503 in 2007 to 2,496 in 2011. More civil penalties and administrative fines have been levied on employers. Civil penalties rose from two in 2007 to 385 in 2011. Civil fines increased from \$26,500 in 2007 to \$10,464,000 in 2011. In contrast, criminal fines on employers have fluctuated over the period, with a high of \$36.6 million levied on employers in 2010, dropping to \$7.2 million in 2011. Criminal indictments and convictions peaked in 2008, falling sharply for two years and rebounding somewhat in 2011.
- ICE enforcement directed at illegal workers has fluctuated over the period. ICE administrative arrests, which are almost always of illegal alien workers, peaked in 2008 at 5,184, and dropped to 1,471 by 2011. Criminal arrests, which can be workers, supervisors or employers, also dropped from 1,103 in 2007 to 444 in 2009, climbing back up to 713 in 2011.

Sources

Department of Homeland Security, Office of Immigration Statistics, [Yearbook of Immigration Statistics](#), and "Immigration Enforcement Actions: 2011".

Immigration and Customs Enforcement, ["Removal Statistics"](#) and ["Secure Communities"](#) webpages.

Syracuse University [Transactional Records Access Clearinghouse](#).

Department of Homeland Security Office of the Inspector General, OIG-13-11, December, 2012.

Congressional Research Service, ["Immigration-Related Worksite Enforcement: Performance Measures"](#), May 10, 2012.