

Question#:	1
Topic:	Criminal aliens
Hearing:	Oversight of the Administration's Misdirected Immigration Enforcement Policies: Examining the Impact on Public Safety and Honoring the Victims
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

Question: During the past two fiscal years, the Department has released more than 66,500 criminal aliens back into our communities. While I know the courts play a small role in some of those releases, the vast majority of these criminal aliens – approximately 60 percent – have been released pursuant to your own discretion, NOT a court order. Some of these aliens have gone on to commit additional crimes, including assault, battery, rape, and homicide. You and your predecessors as well as the Secretary of Homeland Security have repeatedly said that lack of resources force ICE to carry out such releases of criminals.

Why hasn't ICE ever requested a substantial increase in its budget for detention operations?

ICE is budgeted for 34,000 detention beds, yet Secretary Johnson confirmed at a hearing before the House Judiciary Committee on July 14 that you are currently only using 31,000 detention beds. Why are you not using all the resources Congress has given you?

Do you expect to recommend an increase in funding for detention and removal operations in the next fiscal year?

Response: Pursuant to the legal authorities that govern U.S. Immigration and Customs Enforcement's (ICE) activities, each year, ICE's immigration enforcement is impacted by operational factors, including the size of the removable population found in the interior and encountered at the border, resources, and fluctuating migration patterns. ICE ensures the most cost-effective use of our appropriated funding by focusing costly detention capabilities on high-risk priority and mandatory detainees, while placing lower-risk, non-mandatory individuals in lower cost alternatives to detention programs. Since fiscal year (FY) 2014, ICE has utilized fewer detention beds due to a reduction in U.S. Customs and Border Protection apprehensions and an increase in jurisdictions refusing to honor ICE detainees. Because of the restrictions imposed by some jurisdictions, ICE has had to expend more resources on at-large operations which are less efficient and more costly than detention operations.

In FY 2015, Congress appropriated \$5.93 billion for ICE's Salaries and Expenses appropriation, of which \$3.4 billion was for Enforcement and Removal Operations (ERO). This was a \$621 million increase over the FY 2014 enacted level for ERO, primarily due to the funding of family residential centers and a rate increase for adult detention beds.

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The FY 2016 President's Budget requests \$5.88 billion for the Salaries and Expenses appropriation, of which \$3.3 billion is for ERO. The FY 2016 President's Budget fully funds 34,040 detention beds, the alternatives to detention program, and the associated costs of transportation to repatriate those aliens ordered removed.

Question#:	2
Topic:	ICE detainees
Hearing:	Oversight of the Administration's Misdirected Immigration Enforcement Policies: Examining the Impact on Public Safety and Honoring the Victims
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

Question: Will you consider withholding or recommend that the Department withhold any homeland security grant funds from entities that don't honor ICE detainees?

Response: Cutting valuable and necessary homeland security grant funding, including grants for first responders, would be counterproductive. These valuable grants enhance our nation's collective preparedness against acts of terrorism and other threats to homeland security. Threatening to take away grant funding that protects the nation is not a productive way for gaining the cooperation of state and local authorities. Measures that reduce the nation's security and level of preparedness should not be used to incentivize other action, as the question proposes.

The most effective way to work with state and local jurisdictions is through cooperative efforts. U.S. Immigration and Customs Enforcement (ICE) is implementing the Priority Enforcement Program (PEP), which replaced the Secure Communities program, as a critical piece of interior enforcement efforts. PEP implements a new interior enforcement approach in a way that supports community policing by focusing on convicted criminals and individuals who threaten public safety and working with state and local law enforcement to take custody of dangerous individuals and convicted criminals before they are released into the community. ICE is committed to working with all jurisdictions that are interested in partnering with us. PEP is tailored to bring back on board state and local jurisdictions that had concerns with, or legal obstacles to, assisting us in implementing Secure Communities and has experienced recent successes in significant locations such as those in Los Angeles and others in California. Most local law enforcement agencies, including many uncooperative jurisdictions, are now cooperating via PEP.

Question#:	3
Topic:	Section 287(g)
Hearing:	Oversight of the Administration's Misdirected Immigration Enforcement Policies: Examining the Impact on Public Safety and Honoring the Victims
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

Question: Section 287(g) of the Immigration and Nationality Act allows the Secretary of Homeland Security to enter into agreements that delegate immigration powers to local police, but only through negotiated agreements, documented in Memoranda of Agreement (MOAs). Under the 287(g) program, local law enforcement is trained by ICE to screen inmates at jails for immigration status, helping ICE identify alien inmates who should be the subjects of detainers or requests for notification of release. This is exactly the sort of federal-local partnership that should be encouraged. At the hearing you said:

“We welcome any 287(g) partners. ... There has been [diminution of the 287(g) program], sir, but it's not because of our not wanting that partnership. It's because jurisdictions have either withdrawn or are not coming to the table anymore.”

How many 287(g) jail enforcement model applications are currently pending with your agency? How long have they each been pending? Please identify the jurisdictions that have 287(g) jail enforcement model applications pending with ICE.

Why have these applications not been acted on?

When will ICE make a decision on these applications?

Response: Please find below a list of jurisdictions that currently have pending applications with U.S. Immigration and Customs Enforcement (ICE) for 287(g) Jail Enforcement Model partnerships. ICE is currently evaluating existing applications to determine whether they would be operationally viable and are weighing a number of factors as we consider these applications including ICE assets already in place in the jurisdiction's area, the cost of ICE training and oversight of local jurisdictions, and the potential priority population in the area. Consideration is given to the size of the requesting agency's arrest volume, number of foreign-born encounters, the number of Immigration Automated Queries (IAQ) generated through interoperability, and the ability of the affected ERO field office to support.

Question#:	3
Topic:	Section 287(g)
Hearing:	Oversight of the Administration's Misdirected Immigration Enforcement Policies: Examining the Impact on Public Safety and Honoring the Victims
Primary:	The Honorable Charles E. Grassley
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State	Law Enforcement Agency Name	Date of Application	Office/Sub-Office/Area of Responsibility
AZ	Apache Junction PD	8/24/2010	Phoenix
GA	Rockdale County Sheriff's Office	7/12/2010	Atlanta
GA	Cherokee County Sheriff's Office	9/24/2008	Atlanta
MA	Essex County Sheriff's Office	9/27/2011	Boston
MA	Plymouth County Sheriff's Office	4/24/2012	Boston
NC	Forsyth County Sheriff's Office	6/21/2010	Charlotte
NC	New Hanover County Sheriff's Office	4/1/2011	Charlotte
OK	Oklahoma County Sheriff's Office	7/1/2011	Oklahoma City
TN	Rutherford County Sheriff's Office	9/6/2011	Nashville
VA	Rappahannock Regional Jail	6/6/2012	Washington D.C.

Question#:	4
Topic:	Priority Enforcement Program (PEP) 1
Hearing:	Oversight of the Administration's Misdirected Immigration Enforcement Policies: Examining the Impact on Public Safety and Honoring the Victims
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

Question: Your agency's new Priority Enforcement Program, known as PEP, is being sold as a solution for sanctuary cities. Yet, this program is a watered down initiative that does very little to get lawbreaking and criminal aliens off the streets. Under PEP, your agency will not issue a detainer or a request for a local law enforcement jurisdiction to hold an individual unless that person has been convicted of certain criminal offenses. Given that few jurisdictions are buying into your PEP program and that sanctuary cities continue to thumb their nose at the federal government, it's time the administration re-thinks its enforcement strategy. Will you, as the head of ICE, push for changes to the PEP program to ensure that ICE will issue detainers for all criminal aliens defined by Congress, and all other dangerous aliens?

Response: The cooperation U.S. Immigration and Customs Enforcement (ICE) receives from other law enforcement agencies is critical to assisting ICE in identifying and detaining individuals who meet its enforcement and removal priorities. By tailoring the Priority Enforcement Program to fit the law enforcement needs of each jurisdiction, the Department of Homeland Security (DHS) seeks to ensure agencies are able to maintain community trust while also targeting those convicted criminals and dangerous individuals who threaten the peace and stability of our communities. At this time, ICE continues to believe that fostering cooperation between individual jurisdictions and DHS remains the most effective way to implement detainers and meet enforcement and removal priorities. Accordingly, our agency continues to engage state and local law enforcement beyond the initial rollout of this program to explain and further promote this enforcement effort. PEP is designed to bring back on board state and local jurisdictions that had concerns with, or legal obstacles to, assisting us in implementing Secure Communities and has experienced recent successes in significant locations such as those in Los Angeles and others in California. Most local law enforcement agencies, including many uncooperative jurisdictions, are now cooperating via PEP.

Question#:	5
Topic:	Priority Enforcement Program (PEP) 2
Hearing:	Oversight of the Administration's Misdirected Immigration Enforcement Policies: Examining the Impact on Public Safety and Honoring the Victims
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

Question: How many of the estimated 11 million illegal aliens in the country are priorities for removal under PEP?

Response: U.S. Immigration and Customs Enforcement (ICE) is unable to conclusively report how many individuals are enforcement priorities under the Priority Enforcement Program (PEP).

Question: Has ICE ever made or attempted to make its own estimate of the number of undocumented immigrants in this country who would not be a priority for removal under PEP? If so, what is ICE's estimate? If not, why hasn't ICE made such an estimate?

Response: While ICE is aware of publicly available data sets estimating the number of aliens allegedly present in the United States, any initial attempts to make similar deliberative projections did not yield estimates of the number of aliens in the United States who would not be a priority for removal under PEP.

Question: If ICE has not made such an estimate because it does not believe such an estimate is possible, then what is ICE's opinion of MPI's methodology and conclusions? Does ICE believe that the MPI estimate is accurate?

Response: ICE is unable to validate external methodology and conclusions. Further, ICE does not possess enough information on the estimated 11 to 12 million undocumented individuals present in the country to produce an effective estimate of how many would constitute priorities for removal.

Question#:	6
Topic:	Communication
Hearing:	Oversight of the Administration's Misdirected Immigration Enforcement Policies: Examining the Impact on Public Safety and Honoring the Victims
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

Question: I am interested in knowing more about the communication between ICE and USCIS related to DACA cases.

How many times has ICE been provided information by USCIS about DACA terminations?

How does ICE receive such information from USCIS?

How many Notices to Appear has ICE issued for DACA applicants or “requestors” whose grant has been denied or terminated?

How many aliens whose DACA application or “request” was denied or terminated have not received an NTA?

How many cases with a DACA nexus have been referred to ICE for investigation? What is the current disposition of each of those cases (e.g. still under investigation, NTA issued, referred to U.S. Attorney for prosecution)?

Response: At this time, U.S. Citizenship and Immigration Services (USCIS) does not routinely or systematically communicate grants, denials, or revocations of deferred action to U.S. Immigration and Customs Enforcement (ICE). Upon request, USCIS will provide to ICE data about individuals whose Deferred Action for Childhood Arrivals (DACA) request has been terminated.

Please note that deferred action is an exercise of prosecutorial discretion. Therefore, deferred action may be denied or terminated at any time. Factors making deferred action inappropriate would include, but not be limited to, threats to public safety or national security.

According to ICE records, as of July 28, 2015, 2,179 unique individuals whose DACA requests have been terminated or denied have received a Notice to Appear (NTA). Please note that ICE issues NTA’s in accordance with its stated enforcement priorities. Further, while terminations are commonly based on criminal activity, terminations may also be triggered by the DACA recipient acquiring legal status or traveling without advance parole, and denials may also result from a requestor’s inability to meet the DACA guidelines (age, length of time in country, etc.), and these aliens may not constitute priorities for removal. ICE also notes that cases with no NTA may include active

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detainers (meaning the individual is currently in the custody of another law enforcement agency) or another type of charging document.

Individuals who have DACA cases that are terminated by USCIS due to disqualifying criminal activities which pose continued serious threats to public safety, including those determined to be known or suspected gang members, and who are not already in removal proceedings or otherwise known to ICE, may be referred to ICE for issuance of an NTA. Per USCIS policy, if ICE or U.S. Customs and Border Protection (CBP) issues an NTA after a request for DACA has been approved, deferred action under DACA terminates automatically as of the date the NTA was issued. In other words, even for individuals not referred by USCIS, DACA would be automatically terminated upon issuance of a notice to appear by ICE or CBP.

Regarding cases with a DACA nexus referred to ICE for investigation:¹

USCIS referred 281 aliens to ICE, by Alien number, whose DACA had been terminated due to criminal or gang activity. Of these aliens, 78 were removed after termination of their deferred action. An additional 11 individuals were removed prior to their DACA termination date. Of the remaining 192 DACA cases that have been terminated but not yet been removed, ICE records indicate the following:

- 10 are currently in ICE detention;
- 77 were booked into ICE custody following termination of their deferred action, but have since been released²
 - 4 of these cases have subsequently been closed without a removal (i.e., proceedings terminated);
- 83 are considered active cases but the individuals have not been booked into ICE custody since the termination of their deferred action³;
- 6 were never detained following termination of their deferred action and have since had their cases closed;
- 16 do not currently have a case with ICE.⁴

¹ DACA termination data is provided by USCIS and is updated through July 28, 2015. ICE data is updated through August 10, 2015.

² Release reasons include bond, orders of supervision, orders of recognizance. ICE detainee releases are made pursuant to controlling law, regulation, and precedent legal decisions.

³ Includes one individual currently in Department of Health and Human Services Office of Refugee Resettlement custody.

⁴ Represents cases with no NTA. May include active detainers and voluntary returns without ICE NTA being issued.

Question#:	7
Topic:	Arizona
Hearing:	Oversight of the Administration's Misdirected Immigration Enforcement Policies: Examining the Impact on Public Safety and Honoring the Victims
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

Question: Shortly after bringing legal action against Arizona in 2010 for immigration-enforcement-related laws passed in that state, a U.S. Department of Justice spokesperson explained why the Administration was taking action against Arizona but was doing nothing against sanctuary cities:

“There is a big difference between a state or locality saying that they are not going to use their resources to enforce federal law, as so-called sanctuary cities have done, and a state passing its own immigration policy that actively interferes with federal law.”

Do you agree with that statement?

Response: U.S. Immigration and Customs Enforcement (ICE) recognizes that some of its state and local partners have concerns with regard to cooperating with Department of Homeland Security (DHS) in its enforcement of the immigration laws. This is, however, different than circumstances in which a jurisdiction enacts a law that is preempted by federal law. The most effective way to address these concerns is through cooperative efforts, including the Priority Enforcement Program (PEP). The objective of PEP is to implement a new interior enforcement approach that supports community policing by working with state and local law enforcement to take custody of convicted criminals and individuals who threaten public safety before they are released into the community. ICE is committed to working with all jurisdictions to ensure that this objective is met by tailoring the program to meet the needs of each jurisdiction. PEP is tailored to bring back on board the state and local jurisdictions that had concerns with, or legal obstacles to, assisting us in implementing Secure Communities and has experienced recent successes in significant locations such as those in Los Angeles and others in California. Most local law enforcement agencies, including many uncooperative jurisdictions, are now cooperating via PEP.

Question#:	8
Topic:	Reprogramming of funds
Hearing:	Oversight of the Administration's Misdirected Immigration Enforcement Policies: Examining the Impact on Public Safety and Honoring the Victims
Primary:	The Honorable Charles E. Grassley
Committee:	JUDICIARY (SENATE)

Question: Are any funds appropriated to ICE for immigration enforcement being reprogrammed to other DHS components? If so, how much is being reprogrammed out of ICE? From which accounts are funds being reprogrammed and which accounts at which DHS components are benefiting? Do you support that reprogramming of funds?

Response: The reprogramming request, transmitted to the House Appropriations Committee Subcommittee on Homeland Security (HAC-HS) and the Senate Appropriations Committee Subcommittee on Homeland Security (SAC-HS) by the Department of Homeland Security (DHS) on June 29, 2015, includes \$113 million in funds that will be reprogrammed from U.S. Immigration and Customs Enforcement (ICE) to other DHS components. Reprogramming funds from ICE will not negatively impact our current immigration enforcement efforts, and will help fund operational needs at other components that cannot be deferred until fiscal year (FY) 2016. The reprogramming request was approved by the SAC-HS on July 29, 2015, and by the HAC-HS on July 30, 2015.

The table below summarizes the ICE accounts being reprogrammed and the benefitting DHS components and accounts.

Account	ICE Funds Being Reprogrammed	Benefitting DHS Components
FY 2015 Salaries and Expenses - ICE	(\$113,000,000)	
<i>Custody Operations</i>	<i>(\$98,000,000)</i>	
<i>Transportation & Removal Program</i>	<i>(\$15,000,000)</i>	
FY 2015 Salaries and Expenses – U.S. Secret Service		\$87,258,000
<i>Protection of Persons and Facilities</i>		<i>\$59,645,000</i>
<i>Protective Intelligence Activities</i>		<i>\$635,000</i>
<i>Domestic Field Operations</i>		<i>\$3,808,000</i>
<i>International Field Office Administration & Operations</i>		<i>\$140,000</i>
<i>Headquarters, Management and Administration</i>		<i>\$15,558,000</i>
<i>James J. Rowley Training Center</i>		<i>\$7,472,000</i>
FY 2015/2019 Acquisitions, Construction, Improvements, & Related Expenses – U.S.		\$4,981,500

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Secret Service		
<i>James J. Rowley Training Center</i>		<i>\$4,981,500</i>
FY 2015 IPIS - NPPD		\$20,000,000
<i>Federal Network Security</i>		<i>\$20,000,000</i>
FY 2015 Salaries and Expenses - FEMA		\$760,500
<i>Mission Support</i>		<i>\$760,500</i>

Question#:	15
Topic:	Contacted families
Hearing:	Oversight of the Administration's Misdirected Immigration Enforcement Policies: Examining the Impact on Public Safety and Honoring the Victims
Primary:	The Honorable Jeff Sessions
Committee:	JUDICIARY (SENATE)

Question: Prior to the hearing, have you or anyone else in the administration personally contacted the Steinle, Oliver, McCann, Ronnebeck, or Wilkerson families? If so, when?

Response: Officials from the U.S. Immigration and Customs Enforcement (ICE) Enforcement and Removal Operations (ERO) San Francisco Field Office contacted a member of the Steinle family during the week of July 6, 2015. ICE Director Sarah Saldaña personally contacted Mr. Brad Steinle on July 20, 2015.

Officials from the ERO Chicago Field Office contacted a member of the McCann family in September 2011 and April 2012.

Question#:	16
Topic:	Prosecutorial discretion
Hearing:	Oversight of the Administration's Misdirected Immigration Enforcement Policies: Examining the Impact on Public Safety and Honoring the Victims
Primary:	The Honorable Jeff Sessions
Committee:	JUDICIARY (SENATE)

Question: Since January 20, 2009, has ICE ever granted “prosecutorial discretion” in any manner - including, but not limited to, administratively closing a case, terminating a case, or refusing to file a Notice to Appear - to an alien charged with or convicted of a crime?

If so, please provide a list broken down by fiscal year that describes each case, describing the crime(s) of conviction, specifying the manner in which prosecutorial discretion was exercised, explaining why it was exercised, the current disposition for the case, and the current location for the alien, if known.

Please also provide a separate list that sets forth aggregate totals for each category of criminal offense.

Please also provide a separate list that describes, in detail, any case in which ICE exercised “prosecutorial discretion” in any manner, but in which ICE subsequently took any additional action to attempt to remove the alien from the United States.

Response: U.S. Immigration and Customs Enforcement (ICE) officers, attorneys and agents exercise prosecutorial discretion on a case-by-case basis, after considering the totality of the circumstances known at the time, with the goal of conforming to the enforcement priorities outlined in the November 20, 2014 memorandum entitled, *Policies for the Apprehension, Detention, and Removal of Undocumented Immigrants*. Prosecutorial discretion may be exercised at any time as additional facts are discovered throughout the course of an investigation or as raised to the attention of ICE. No one factor is determinative, and in most cases the decision whether to exercise prosecutorial discretion is most appropriately made at the field office level.

Prosecutorial discretion can be exercised in a variety of ways. For example, ICE Enforcement and Removal Operations (ERO) can decide not to effectuate at-large arrests of subjects encountered collaterally or ICE ERO can grant a temporary stay of removal which may still lead to an enforcement outcome – such as allowing a non-detained alien to get his or her affairs in order prior to self-removal. As such, ICE is unable to report the requested level of detail regarding the granting of prosecutorial discretion, as this information is not maintained in a systematically reportable manner. ICE conducts case management on an individualized basis documenting and considering the facts of the case in a format conducive to both ICE deportation officers and attorneys in the field allowing appropriate law enforcement resolution.

Question#:	17
Topic:	Final order of removal
Hearing:	Oversight of the Administration's Misdirected Immigration Enforcement Policies: Examining the Impact on Public Safety and Honoring the Victims
Primary:	The Honorable Jeff Sessions
Committee:	JUDICIARY (SENATE)

Question: According to data provided to my staff, as of July 4, 2015, there were 925,193 aliens in the United States with a final order of removal. How many of these individuals have ever been charged with, or convicted of, a criminal offense? Please also provide a separate list that provides totals for each of the above-mentioned categories, by country, with the number of aliens with final removal orders.

Response: As of July 4, 2015, U.S. Immigration and Customs Enforcement (ICE) managed 925,193 individuals with a final order of removal on its national docket.

Please find a breakdown of these 925,193 individuals with a final order of removal, by criminal and detention status below. When reporting on criminality, ICE defines a criminal as an individual with one or more criminal convictions.

Post Final Order Docket (as of July 4, 2015)

	Convicted Criminal	Non-Criminal	Total
Detained	6,905	4,467	11,372
Non-Detained	172,135	741,686	913,821
Total	179,040	746,153	925,193

Please find a breakdown of the same 925,193 individuals with a final order of removal, by criminal and detention status, and country of citizenship, below:

Post Final Order, by Country (as of July 4, 2015)

Citizenship Country	Detained Final Order TOTAL	Detained Final Order Convicted CRIMINAL	Detained Final Order NON-CRIMINAL	Non-Detained Final Order TOTAL	Non-Detained Final Order Convicted CRIMINAL	Non-Detained Final Order NON-CRIMINAL	TOTAL by Country of Citizenship
Grand Totals:	11,372	6,905	4,467	913,821	172,135	741,686	925,193

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AFGHANISTAN	5	4	1	915	180	735	920
ALBANIA	14	6	8	2,298	134	2,164	2,312
ALGERIA	6	5	1	332	91	241	338
ANDORRA	-	-	-	-	-	-	0
ANGOLA	3	-	3	189	37	152	192
ANGUILLA	-	-	-	-	-	-	0
ANTIGUA-BARBUDA	6	6	-	135	89	46	141
ARGENTINA	13	11	2	1,303	127	1,176	1,316
ARMENIA	9	8	1	3,117	394	2,723	3,126
ARUBA	-	-	-	-	-	-	0
AUSTRALIA	4	3	1	289	20	269	293
AUSTRIA	-	-	-	73	15	58	73
AZERBAIJAN	3	3	-	731	72	659	734
BAHAMAS	19	19	-	505	273	232	524
BAHRAIN	-	-	-	16	-	16	16
BANGLADESH	84	10	74	5,067	162	4,905	5,151
BARBADOS	9	9	-	171	91	80	180
BELARUS	2	2	-	297	57	240	299
BELGIUM	1	1	-	50	10	40	51

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BELIZE	28	24	4	592	174	418	620
BENIN	-	-	-	72	9	63	72
BERMUDA	1	1	-	8	3	5	9
BHUTAN	1	1	-	23	8	15	24
BOLIVIA	16	9	7	1,016	118	898	1,032
BOSNIA- HERZEGOVIN A	12	12	-	177	87	90	189
BOTSWANA	1	1	-	11	4	7	12
BRAZIL	97	40	57	25,606	703	24,903	25,703
BRITISH VIRGIN ISLANDS	1	1	-	9	6	3	10
BRUNEI	-	-	-	3	2	1	3
BULGARIA	3	2	1	813	53	760	816
BURKINA FASO	1	1	-	199	28	171	200
BURMA	13	12	1	527	96	431	540
BURUNDI	4	4	-	486	35	451	490
CAMBODIA	51	51	-	1,942	1,413	529	1,993
CAMEROON	12	7	5	1,212	113	1,099	1,224
CANADA	17	16	1	1,322	474	848	1,339
CAPE VERDE	15	15	-	418	216	202	433

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CAYMAN ISLANDS	-	-	-	4	3	1	4
CENTRAL AFRICAN REPUBLIC	1	1	-	91	18	73	92
CHAD	2	1	1	91	8	83	93
CHILE	5	4	1	660	86	574	665
CHINA, PEOPLES REPUBLIC OF	210	124	86	38,568	1,640	36,928	38,778
CHRISTMAS ISLAND	-	-	-	-	-	-	0
COLOMBIA	87	69	18	14,694	1,683	13,011	14,781
COMOROS	-	-	-	3	1	2	3
CONGO	6	5	1	767	78	689	773
COSTA RICA	19	12	7	2,045	159	1,886	2,064
CROATIA	2	2	-	127	23	104	129
CUBA	164	158	6	34,992	27,845	7,147	35,156
CYPRUS	-	-	-	12	2	10	12
CZECH REPUBLIC	1	1	-	93	12	81	94
CZECHOSLOVAKIA	-	-	-	276	26	250	276
DEM REP OF THE CONGO	4	1	3	643	98	545	647
DENMARK	-	-	-	49	6	43	49
DJIBOUTI	-	-	-	24	1	23	24

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DOMINICA	4	3	1	161	43	118	165
DOMINICAN REPUBLIC	232	209	23	10,929	3,105	7,824	11,161
EAST TIMOR	-	-	-	-	-	-	0
ECUADOR	199	50	149	13,758	1,085	12,673	13,957
EGYPT	7	5	2	1,472	165	1,307	1,479
EL SALVADOR	2,493	882	1,611	157,016	10,701	146,315	159,509
EQUATORIAL GUINEA	2	2	-	11	3	8	13
ERITREA	10	2	8	488	107	381	498
ESTONIA	2	2	-	108	24	84	110
ETHIOPIA	31	9	22	1,840	331	1,509	1,871
FIJI	5	5	-	404	57	347	409
FINLAND	-	-	-	21	1	20	21
FRANCE	4	3	1	433	81	352	437
FRENCH GUIANA	-	-	-	-	-	-	0
FRENCH POLYNESIA	-	-	-	1	-	1	1
GABON	-	-	-	48	9	39	48
GAMBIA	7	6	1	1,253	296	957	1,260
GEORGIA	3	1	2	624	75	549	627
GERMANY	7	7	-	617	153	464	624

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GHANA	58	21	37	3,231	423	2,808	3,289
GREECE	1	1	-	234	45	189	235
GRENADA	10	10	-	152	40	112	162
GUADELOUPE	1	1	-	3	3	-	4
GUATEMALA	1,669	819	850	97,532	8,171	89,361	99,201
GUINEA	4	3	1	2,116	374	1,742	2,120
GUINEA-BISSAU	-	-	-	37	10	27	37
GUYANA	20	20	-	1,472	365	1,107	1,492
HAITI	73	61	12	30,731	2,103	28,628	30,804
HONDURAS	1,370	669	701	118,748	9,144	109,604	120,118
HONG KONG	3	3	-	123	49	74	126
HUNGARY	1	1	-	315	47	268	316
ICELAND	-	-	-	6	2	4	6
INDIA	135	41	94	16,912	893	16,019	17,047
INDONESIA	2	1	1	4,835	126	4,709	4,837
IRAN	12	10	2	2,706	891	1,815	2,718
IRAQ	15	14	1	1,327	832	495	1,342
IRELAND	-	-	-	122	28	94	122
ISRAEL	3	1	2	1,148	239	909	1,151

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ITALY	6	6	-	355	104	251	361
IVORY COAST	5	4	1	1,377	226	1,151	1,382
JAMAICA	184	180	4	5,249	2,650	2,599	5,433
JAPAN	0	-	-	315	17	298	315
JORDAN	22	21	1	1,631	453	1,178	1,653
KAZAKHSTAN	1	1	-	212	51	161	213
KENYA	31	25	6	1,294	240	1,054	1,325
KIRIBATI	0	-	-	4	1	3	4
KOREA	5	4	1	1,407	205	1,202	1,412
KOSOVO	0	-	-	68	12	56	68
KUWAIT	0	-	-	133	44	89	133
KYRGYZSTAN	0	-	-	141	11	130	141
LAOS	20	20	-	4,403	3,735	668	4,423
LATVIA	0	-	-	133	20	113	133
LEBANON	12	9	3	1,108	209	899	1,120
LESOTHO	0	-	-	9	2	7	9
LIBERIA	36	35	1	2,158	791	1,367	2,194
LIBYA	0	-	-	68	19	49	68
LIECHTENSTEIN	0	-	-	1	-	1	1

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LITHUANIA	2	-	2	299	35	264	301
LUXEMBOURG	0	-	-	-	-	-	0
MACAU	0	-	-	1	-	1	1
MACEDONIA	1	-	1	384	24	360	385
MADAGASCAR	0	-	-	6	3	3	6
MALAWI	2	2	-	48	8	40	50
MALAYSIA	1	1	-	459	43	416	460
MALDIVES	0	-	-	2	-	2	2
MALI	4	4	-	1,059	198	861	1,063
MALTA	0	-	-	6	-	6	6
MARSHALL ISLANDS	8	8	-	13	10	3	21
MARTINIQUE	0	-	-	-	-	-	0
MAURITANIA	0	-	-	4,032	184	3,848	4,032
MAURITIUS	0	-	-	65	3	62	65
MEXICO	2722	2,453	269	184,662	67,792	116,870	187,384
MICRONESIA, FEDERATED STATES OF	15	15	-	33	30	3	48
MOLDOVA	3	1	2	230	39	191	233
MONACO	0	-	-	1	-	1	1
MONGOLIA	0						424

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		-	-	424	38	386	
MONTENEGRO	5	5	-	41	26	15	46
MONTENEGRO - RAPS	0	-	-	-	-	-	0
MONTSERRAT	1	1	-	8	5	3	9
MOROCCO	12	10	2	523	131	392	535
MOZAMBIQUE	-	-	-	9	1	8	9
NAMIBIA	-	-	-	14	4	10	14
NAURU	-	-	-	3	-	3	3
NEPAL	39	1	38	878	34	844	917
NETHERLANDS	6	4	2	183	47	136	189
NETHERLANDS ANTILLES	-	-	-	6	3	3	6
NEW CALEDONIA	-	-	-	-	-	-	0
NEW ZEALAND	2	2	-	181	13	168	183
NICARAGUA	160	75	85	15,686	997	14,689	15,846
NIGER	2	2	-	721	105	616	723
NIGERIA	62	49	13	3,329	736	2,593	3,391
NORTH KOREA	-	-	-	2	-	2	2
NORWAY	-	-	-	46	6	40	46
OMAN	-	-	-	10	-	10	10
PAKISTAN							8,713

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	45	18	27	8,668	627	8,041	
PALAU	1	1	-	9	5	4	10
PALESTINE	-	-	-	-	-	-	0
PANAMA	11	8	3	649	206	443	660
PAPUA NEW GUINEA	-	-	-	2	1	1	2
PARAGUAY	-	-	-	150	11	139	150
PERU	74	44	30	5,930	588	5,342	6,004
PHILIPPINES	31	29	2	4,014	291	3,723	4,045
PITCAIRN ISLANDS	-	-	-	-	-	-	0
POLAND	13	10	3	2,530	253	2,277	2,543
PORTUGAL	4	4	-	363	79	284	367
QATAR	-	-	-	15	3	12	15
REUNION	-	-	-	-	-	-	0
ROMANIA	15	11	4	1,784	163	1,621	1,799
RUSSIA	31	27	4	2,690	498	2,192	2,721
RWANDA	6	2	4	324	21	303	330
SAMOA	2	2	-	94	44	50	96
SAN MARINO	-	-	-	3	1	2	3
SAO TOME AND PRINCIPE	-	-	-	1	1	-	1
SAUDI							211

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ARABIA	7	4	3	204	48	156	
SENEGAL	13	9	4	1,126	242	884	1,139
SERBIA	-	-	-	20	5	15	20
SERBIA - RAPS	-	-	-	-	-	-	0
SERBIA AND MONTENEGRO	1	-	1	83	10	73	84
SEYCHELLES	-	-	-	4	2	2	4
SIERRA LEONE	21	21	-	1,835	334	1,501	1,856
SINGAPORE	-	-	-	130	14	116	130
SLOVAKIA	3	1	2	139	8	131	142
SLOVENIA	-	-	-	19	3	16	19
SOLOMON ISLANDS	-	-	-	3	1	2	3
SOMALIA	120	18	102	4,571	760	3,811	4,691
SOUTH AFRICA	7	5	2	374	60	314	381
SOUTH KOREA	6	4	2	785	89	696	791
SOUTH SUDAN	2	2	-	73	68	5	75
SPAIN	10	2	8	272	56	216	282
SRI LANKA	6	3	3	2,749	58	2,691	2,755
ST. HELENA	-	-	-	-	-	-	0
ST. KITTS- NEVIS	8	8	-	85	48	37	93

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ST. LUCIA	8	8	-	229	107	122	237
ST. PIERRE AND MIQUELON	-	-	-	-	-	-	0
ST. VINCENT- GRENADINES	4	4	-	127	45	82	131
STATELESS	-	-	-	-	-	-	0
SUDAN	14	14	-	969	432	537	983
SURINAME	2	2	-	190	22	168	192
SWAZILAND	-	-	-	4	1	3	4
SWEDEN	-	-	-	128	15	113	128
SWITZERLAN D	1	-	1	64	4	60	65
SYRIA	3	1	2	559	97	462	562
TAIWAN	2	2	-	405	30	375	407
TAJIKISTAN	2	1	1	80	18	62	82
TANZANIA	2	1	1	293	64	229	295
THAILAND	13	12	1	963	394	569	976
TOGO	-	-	-	449	39	410	449
TONGA	2	2	-	153	41	112	155
TRINIDAD AND TOBAGO	27	27	-	1,382	387	995	1,409
TUNISIA	1	1	-	146	24	122	147
TURKEY							731

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	5	2	3	726	69	657	
TURKMENISTAN	1	1	-	48	5	43	49
TURKS AND CAICOS ISLANDS	-	-	-	16	11	5	16
TUVALU	-	-	-	1	-	1	1
UGANDA	5	4	1	350	56	294	355
UKRAINE	11	11	-	1,761	394	1,367	1,772
UNITED ARAB EMIRATES	-	-	-	24	9	15	24
UNITED KINGDOM	29	26	3	1,197	313	884	1,226
UNKNOWN	3	3	-	1,624	147	1,477	1,627
URUGUAY	3	3	-	404	40	364	407
USSR	-	-	-	346	181	165	346
UZBEKISTAN	-	-	-	605	117	488	605
VANUATU	-	-	-	2	-	2	2
VENEZUELA	28	23	5	2,788	275	2,513	2,816
VIETNAM	46	45	1	8,391	7,515	876	8,437
YEMEN	6	5	1	570	92	478	576
YUGOSLAVIA	2	2	-	963	153	810	965
ZAMBIA	6	5	1	158	29	129	164
ZIMBABWE	5	5	-	581	102	479	586

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Topic:	Final order of removal
Hearing:	Oversight of the Administration's Misdirected Immigration Enforcement Policies: Examining the Impact on Public Safety and Honoring the Victims
Primary:	The Honorable Jeff Sessions
Committee:	JUDICIARY (SENATE)

Question#:	18
Topic:	Immigration and Nationality Act (INA)
Hearing:	Oversight of the Administration's Misdirected Immigration Enforcement Policies: Examining the Impact on Public Safety and Honoring the Victims
Primary:	The Honorable Jeff Sessions
Committee:	JUDICIARY (SENATE)

Question: Subject to certain procedures, section 274D of the Immigration and Nationality Act (INA), 8 U.S.C. § 1324d, allows ICE to fine aliens subject to a final order of removal “not more than \$500” for each day that the alien is present in the United States.

Since January 20, 2009, how many aliens have been fined under the provisions of section 274D? Please provide the total of all fines levied by ICE in all such cases, received by ICE, and the average fine per alien.

If none, please describe in detail ICE's efforts to use this authority since January 20, 2009.

Response: U.S. Immigration and Customs Enforcement (ICE) Enforcement and Removal Operations does not have records of levying fines against aliens subject to a final order of removal for each day they remained in the United States past the date of the order. Although the authority under section 274D to fine individuals who are subject to a final order of removal and who willfully fail or refuse to depart from the United States is an available tool, it has limitations, including the alien’s inability to pay and the legal processes required to effectuate such a fine.

Question#:	19
Topic:	Mandatory custody
Hearing:	Oversight of the Administration's Misdirected Immigration Enforcement Policies: Examining the Impact on Public Safety and Honoring the Victims
Primary:	The Honorable Jeff Sessions
Committee:	JUDICIARY (SENATE)

Question: Since January 20, 2009, how many aliens who were subject to mandatory custody under section 236(c) of the INA has ICE released from its custody (other than by removal from the United States)? Please break down the total by fiscal year.

Response: The mandatory detention provision at section 236(c) of the Immigration and Nationality Act (INA) applies only during the pendency of removal proceedings. U.S. Immigration and Customs Enforcement (ICE) does not currently release individuals who are subject to mandatory detention. However, a number of precedential decisions issued by certain circuit courts of appeals have limited the applicability of mandatory detention under INA section 236(c), including individuals detained for more than 180 days. *See, e.g., Rodriguez v. Robbins*, – F.3d –, 2015 WL 6500862 (9th Cir. Oct. 28, 2015), *Lora v. Shanahan*, – F.3d –, 2015 WL 6499951 (2d Cir. Oct. 28, 2015) . ICE does not statistically track the relevant statutory detention provision (e.g., INA §§ 235, 236, 241) for individual cases and cannot statistically report on the number of individuals released who were subject to detention under certain specific provisions of INA.

Question#:	20
Topic:	The Boston Globe
Hearing:	Oversight of the Administration's Misdirected Immigration Enforcement Policies: Examining the Impact on Public Safety and Honoring the Victims
Primary:	The Honorable Jeff Sessions
Committee:	JUDICIARY (SENATE)

Question: The Boston Globe reported on illegal alien sex offenders being released into our communities by ICE, not subsequently registering with local officials, and committing additional crimes. Specifically, using data from 2008 to 2012 that had the names of more than 6,800 criminals, the Boston Globe identified 424 released criminal aliens who had previously been convicted of sex-related crimes, including 209 who appeared in the national public sex offender registry. Of the 209, 53 failed to re-register after ICE released them.

How many sex offenders has ICE released from its custody since 2009?

Of those, how many have failed to register as sex offenders after their release from ICE custody?

Response: Between fiscal year (FY) 2009 and FY 2015 YTD,⁵ 6,151 aliens with sexual offense⁶ convictions have been released from U.S. Immigration and Customs Enforcement (ICE) custody. ICE makes custody determinations on a case-by-case basis, and in accordance the Immigration and Nationality Act, controlling regulations, and precedential decisions such as *Zadvydas v. Davis* and *Rodriguez v. Robbins*. ICE currently notifies individuals of their requirement to register upon release, and notifies the LEA of a release of an individual required to register.

Regarding the question about how many individuals failed to register as sex offenders, ICE does not maintain the national sex offender registry, and is therefore unable to answer questions related to registration.

ICE Enforcement and Removal Operations (ERO) has completed deployment and training on the use of the Sex Offender Registration and Notification Act Exchange Portal, which is maintained by DOJ, and has been able to make notifications to state sex offender registries since May 1, 2015. ICE ERO also uses the new ICE Form 71-046, Sex Offender Notification for the National Sex Offender Registry (NSOR), upon the release of a convicted sex offender to notify local law enforcement authorities when an alien with an NSOR alert who is scheduled for release will be residing in their jurisdiction and is required to register as a sex offender.

⁵ FY2015 YTD data through August 8, 2015.

⁶ Sex Offenses include aliens convicted of charges under categories of Sexual Assault, Sex Offenses (Not Involving Assault or Commercialized Sex), and Commercialized Sexual Offenses.

Question#:	20
Topic:	The Boston Globe
Hearing:	Oversight of the Administration's Misdirected Immigration Enforcement Policies: Examining the Impact on Public Safety and Honoring the Victims
Primary:	The Honorable Jeff Sessions
Committee:	JUDICIARY (SENATE)

Additionally, ICE has updated form I-220A, Order of Release on Recognizance, and form I-220B, Order of Supervision, to specifically state that sex offenders with a current requirement to register, as identified through a National Crime Information Center NSOR alert, must register with the appropriate local regulatory authority upon release as a condition of their release from ICE custody.

Question#:	21
Topic:	287(g) program
Hearing:	Oversight of the Administration's Misdirected Immigration Enforcement Policies: Examining the Impact on Public Safety and Honoring the Victims
Primary:	The Honorable Jeff Sessions
Committee:	JUDICIARY (SENATE)

Question: At the hearing, you spoke favorably about the 287(g) program. Accordingly, please provide answers to the following questions:

Since January 20, 2009, please provide the total number of active 287(g) agreements by fiscal year.

Response: Please see the chart below, which highlights the total number of active 287(g) agreements by fiscal year:

Fiscal Year	Active Memorandums of Agreement (MOA)
2009	67
2010	71
2011	63
2012 ⁷	60
2013	37
2014	34
2015	32(YTD)

Question: Since January 20, 2009, please provide the total budget requested by ICE for administering the 287(g) program, by fiscal year.

Response: Please see the chart below which provides the budget for the 287(g) program by fiscal year.

Fiscal Year	Requested Budget
FY 2009	\$92,453,000
FY 2010	\$68,047,000
FY 2011	\$68,321,000

⁷ The number of jurisdictions participating in 287(g) has fluctuated since the program's inception due to a variety of factors. A notable decrease in program participation occurred in December 2012, when ICE announced it would not renew the 287(g) task force model agreements, as that model had proven to be a less efficient means, compared to the jail enforcement model, of identifying aliens subject to removal.

Question#:	21
Topic:	287(g) program
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FY 2012	\$68,321,000
FY 2013	\$51,321,000
FY 2014	\$24,321,000
FY 2015	\$24,321,000
FY 2016	\$24,321,000

Question: For any 287(g) agreements that have been terminated, please identify the jurisdiction involved, provide an explanation why the agreement was terminated.

Response: The following MOAs were not renewed when it was determined that the Task Force Models would no longer be utilized:

State	MOA Jurisdiction
AL	Department of Public Safety
AR	City of Springdale Police Department
AR	Rogers Police Department
CO	Department of Public Safety
CT	City of Danbury Police Department
FL	Bay County Sheriff's Office
FL	Department of Law Enforcement
GA	Department of Public Safety
MN	Department of Public Safety
MO	State Highway Patrol
NC	Durham Police Department
NH	Hudson City Police Department
SC	Beaufort County Sheriff's Office
TN	Department of Safety
TX	Farmers Branch Police Dept.
VA	City of Manassas Police Department
VA	Herndon Police Department
VA	Loudoun County Sheriff's Office
VA	Manassas Park Police Department
VA	Prince William County Police Department
VA	Prince William County Sheriff's Office

The following MOAs were terminated/not renewed by jurisdiction request:

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State	MOA Jurisdiction
CA	Los Angeles County Sheriff's Department
CA	San Bernardino County Sheriff's Office
CO	El Paso County Sheriff's Office
NM	Department of Corrections
TN	Davidson County Sheriff's Office
UT	Weber County Sheriff's Office
VA	Rockingham County Sheriff's Office
VA	Shenandoah County Sheriff's Office

The following MOAs had Joint Task Force and Jail Enforcement Models. The Jail Enforcement Models of these MOAs were inactive at the time the Task Force Models were terminated, and as such were also terminated:

State	MOA Jurisdiction
AZ	Department of Public Safety
AZ	City of Phoenix Police Department
AZ	Florence Police Department
AZ	Pima County Sheriff's Office

The following MOAs were terminated due to civil rights/civil liberties issues:

State	MOA Jurisdiction
AZ	Maricopa County Sheriff's Office
NC	Alamance County Sheriff's Office

The following MOA was terminated for inactivity:

State	MOA Jurisdiction
MA	Barnstable County Sheriff's Office

The following MOA expired and the law enforcement agency did not request renewal:

State	MOA Jurisdiction
CA	Riverside County Sheriff's Office

The following MOA was allowed to expire for inactivity:

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State	MOA Jurisdiction
UT	Washington County Sheriff's Office

The following MOA expired due to law enforcement agency union issues:

State	MOA Jurisdiction
DE	DE Department of Corrections

Question: Describe any subsequent efforts to renew the agreement.

Response: U.S. Immigration and Customs Enforcement (ICE) has not pursued renewal of the above-mentioned law enforcement agencies 287(g) agreements.

Question: Does ICE have any pending applications from any jurisdictions to enter into the 287(g) program? If so, please list the specific jurisdictions, how long each application has been pending?

Response: ICE currently has 10 pending requests for Jail Force Model Agreements. They are as follows:

State	MOA Jurisdiction	Pending Since	Office/ Sub-Office Handling Now
AZ	Apache Junction PD	8/24/2010	Phoenix
GA	Rockdale County Sheriff's Office	7/12/2010	Atlanta
GA	Cherokee County Sheriff's Office	9/24/2008	Atlanta
MA	Essex County Sheriff's Office	9/27/2011	Boston
MA	Plymouth County Sheriff's Office	4/24/2012	Boston
NC	Forsyth County Sheriff's Office	6/21/2010	Charlotte
NC	New Hanover County Sheriff's Office	4/1/2011	Charlotte
OK	Oklahoma County Sheriff's Office	7/1/2011	Oklahoma City
TN	Rutherford County Sheriff's Office	9/6/2011	Nashville

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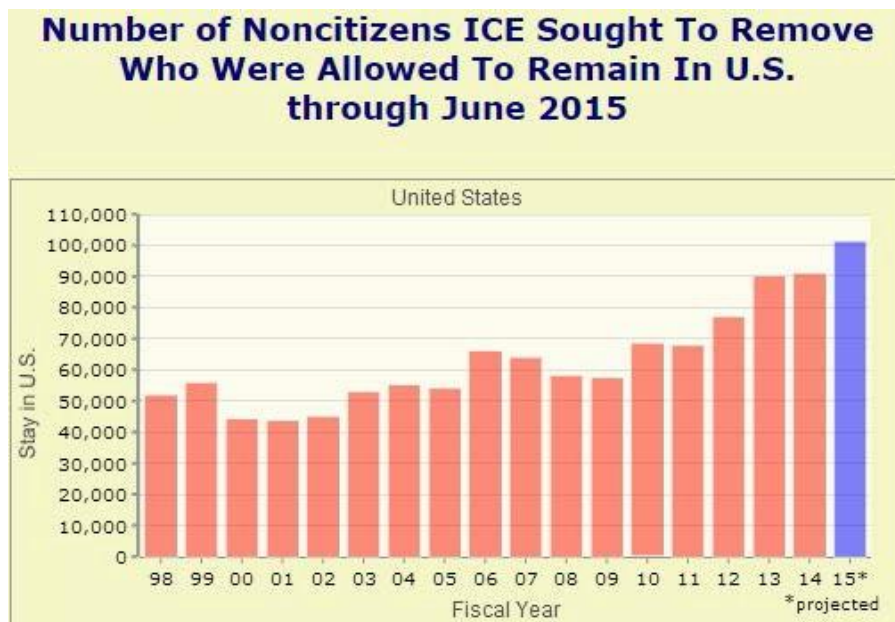
VA	Rappahannock Regional Jail	6/6/2012	Washington D.C.
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Question: The timeframe for any anticipated agreement with ICE?

Response: ICE is currently evaluating existing applications to determine whether they would be operationally viable and are weighing a number of factors as we consider these applications including ICE assets already in place in the jurisdiction's area, the cost of ICE training and oversight of local jurisdictions, and the potential priority population in the area. Consideration is given to the size of the requesting agency's arrest volume, number of foreign-born encounters, the number of Immigration Automated Queries (IAQ) generated through interoperability, and the ability of the corresponding ICE Enforcement and Removal Operations field office to support participation.

Question#:	22
Topic:	Executive Office of Immigration Review
Hearing:	Oversight of the Administration's Misdirected Immigration Enforcement Policies: Examining the Impact on Public Safety and Honoring the Victims
Primary:	The Honorable Jeff Sessions
Committee:	JUDICIARY (SENATE)

Question: The following chart from the Syracuse University Transactional Records Access Clearinghouse (TRAC), which is based on data obtained from the Executive Office of Immigration Review, shows the number of aliens ICE sought to remove who were allowed to remain in the United States through June of 2015:



The underlying data shows that for FY2015, a projected 100,000 aliens that ICE sought to remove from the United States will, instead, be allowed to stay. Similarly, the below chart from TRAC shows the odds of an alien receiving a removal order after being placed into removal proceedings by ICE.

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As demonstrated above, as recently as 2009, the odds of an alien receiving a removal order after being placed into removal proceedings by ICE was over 70%. Today, that number is less than 50%. During this same period, ICE claims to have been focusing its limited resources on criminal and dangerous aliens. Given that ICE fails to obtain a removal order in more than half of the cases it actually pursues, one might expect to see an ever-growing appellate caseload for the ICE Office of the Principal Legal Advisor (OPLA). However, according to information obtained by my office from ICE OPLA, between May 26, 2014, and May 26, 2015, ICE OPLA filed Notices of Appeal in only 262 cases. Accordingly, please provide the following information.

Since January 20, 2009, please provide the total number of cases, by fiscal year, in which ICE has filed a Notice of Appeal.

Please also provide the number of cases identified in (a), by fiscal year, in which ICE obtained a favorable outcome on appeal.

Response: U.S. Immigration and Customs Enforcement (ICE) began centrally tracking appeals in fiscal year (FY) 2011 to ensure headquarters review of briefs submitted in

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support of appeals filed by ICE. Because ICE did not centrally track appeals prior to FY 2011, data for FY 2009 and FY 2010 is not available.

Information obtained from this review process offers the best measure available of the number of ICE appeals per fiscal year based on the date the brief was filed:

FY 2011 – 720
FY 2012 – 567
FY 2013 – 387
FY 2014 – 177
FY 2015 – 304 (through 8/31/15).

These numbers may be somewhat inexact, as some briefs result from IJ certification, *see* 8 C.F.R. § 1003.7, cross-appeals or remands from U.S. Circuit Courts of Appeals. We note that the number of ICE appeals has recently increased as the agency focuses on the removal of criminal aliens. Over the past six months, ICE has filed an average of 33 appeals per month, which would yield just under 400 per annum. The Department of Justice Executive Office for Immigration Review would have the complete, official data set of immigration judge appeals taken, broken down by appealing party.

With respect to outcomes of ICE appeals, based on headquarters tracking of briefs reviewed, through July 30, 2015⁸:

FY 2011 – Of 670 decisions on the merits, 443 (66%) were considered favorable.
FY 2012 – Of 528 decisions on the merits, 318 (60%) were considered favorable.
FY 2013 – Of 357 decisions on the merits, 241 (68%) were considered favorable.

In some cases, it is not always clear what constitutes a “favorable outcome,” as many outcomes are mixed. For instance, an immigration judge’s decision granting relief may be reversed, but the proceedings may be remanded for further proceedings before the immigration judge. Other appeals, especially bond appeals, may become moot while pending at the Board of Immigration Appeals.

⁸ Given the timeframe for appellate adjudication by the Executive Office for Immigration Review, data is provided below for only FY 2011 – FY 2013, as these are the years on record for which the large majority of ICE-filed appeals have actually been adjudicated. As time passes and additional appeals are adjudicated, meaningful data can be provided for FY 2014 and FY 2015, as well.

Question#:	23
Topic:	Liz Cedillo-Pereira
Hearing:	Oversight of the Administration's Misdirected Immigration Enforcement Policies: Examining the Impact on Public Safety and Honoring the Victims
Primary:	The Honorable Jeff Sessions
Committee:	JUDICIARY (SENATE)

Question: It was recently announced that you hired as a top advisor, Liz Cedillo-Pereira, a private immigration attorney who has previously been a vocal critic of ICE and its enforcement efforts. Please provide a description of Ms. Cedillo-Pereira's duties and any previous law enforcement experience.

Response: Ms. Elizabeth ("Liz") Cedillo-Pereira is board certified in immigration and nationality law by the Texas Board of Legal Specialization. She is a well-respected member of the private bar and has served on national, state, and local organizations for immigration law and community advocacy, including the American Bar Association Commission on Immigration. Ms. Cedillo-Pereira has also served as a faculty member with the University of Texas at Austin, Immigration and Nationality Law Conference, and for the State Bar of Texas Advanced Immigration Law Course, helping to prepare and train other attorneys. She has been a member of the American Immigration Lawyers Association – Dallas Working Group, alongside U.S. Immigration and Customs Enforcement's (ICE) Dallas Field Office Director and Chief Counsel, which was responsible for working on immigration issues of mutual concern for ICE and its stakeholders. Throughout her career, Ms. Cedillo-Pereira has worked in a collegial and productive manner with ICE while also serving as an effective advocate for the people and organizations she was representing. While at ICE, her responsibilities will include promoting ICE's critical missions at the community, state, and national levels.