



Secure Communities

Fiscal Year 2020, Fourth Quarter

May 24, 2021

Fiscal Year 2020 Report to Congress



Homeland
Security

U.S. Immigration and Customs Enforcement

Message from the Acting Director

May 24, 2021

I am pleased to present the following report, “Secure Communities” for the fourth quarter of Fiscal Year (FY) 2020, which has been prepared by U.S. Immigration and Customs Enforcement (ICE).



This report was compiled pursuant to direction in House Report 116-180, which accompanies the FY 2020 Department of Homeland Security (DHS) Appropriations Act (P.L. 116-93). The report continues direction in the Joint Explanatory Statement, which accompanies the FY 2019 DHS Appropriations Act (P.L. 116-6), as well as direction in House Report 115-239, accompanying the FY 2018 DHS Appropriations Act (P.L. 115-141).

Pursuant to congressional guidelines, this report is being provided to the following Members of Congress:

The Honorable Lucille Roybal-Allard
Chair, House Appropriations Subcommittee on Homeland Security

The Honorable Chuck Fleischmann
Ranking Member, House Appropriations Subcommittee on Homeland Security

The Honorable Chris Murphy
Chair, Senate Appropriations Subcommittee on Homeland Security

The Honorable Shelley Moore Capito
Ranking Member, Senate Appropriations Subcommittee on Homeland Security

Inquiries related to this report may be directed to me at (202) 732-3000.

Sincerely,

A handwritten signature in black ink, appearing to read "Tae D. Johnson". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Tae D. Johnson
Acting Director
U.S. Immigration and Customs Enforcement

Executive Summary

House Report 116-180 accompanying P.L. 116-93 directs ICE to continue the reporting that is detailed in House Report 115-239, which accompanies P.L. 115-141. House Report 115-239 directs ICE to report metrics related to Secure Communities and detainers issued to state and local law enforcement agencies. ICE is unable to report statistically on several variables in the manner requested because of a variety of technical constraints that are discussed in the report. However, ICE is able to provide data on the detainers that it issues, broken down by criminality, gender, and nationality.



Secure Communities

Fiscal Year 2020, Fourth Quarter

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I. Legislative Language

This report was compiled in response to direction in House Report 116-180, which accompanies the Fiscal Year (FY) 2020 Department of Homeland Security (DHS) Appropriations Act (P.L. 116-93).

House Report 116-180 states:

Detention Inspection Reporting.—ICE shall continue to report and make public the following, as described in House Report 116-9, and shall follow the previously directed timeframes unless otherwise specified:

- (1) Secure Communities report; ...

House Report 116-180 continues direction in the Joint Explanatory Statement accompanying the FY 2019 DHS Appropriations Act (P.L. 116-6), which states:

ICE shall continue to report and make public the following, as detailed in House Report 115-239, and shall follow the previously directed timeframes unless otherwise specified. ...

- Secure Communities report ...

Further guidance is in House Report 115-239 accompanying the FY 2018 DHS Appropriations Act (P.L. 115-141), which states:

Within 90 days after the date of enactment of this Act, and monthly thereafter, the Director of ICE shall submit to the Committee a Secure Communities report, including the number of detainer requests issued, actual custody transfers to ICE, and releases by state and local law enforcement jurisdiction, criminal category, conviction status, date of any conviction, immigration status, gender, country of citizenship, and enforcement priority, and shall make this information publicly available on its website.

II. Background

Congress first provided instructions for this report in House Report 115-239, which states that U.S. Immigration and Customs Enforcement (ICE) submit “a Secure Communities report, including the number of detainer requests issued, actual custody transfers to ICE, and releases by state and local law enforcement jurisdiction, criminal category, conviction status, date of any conviction, immigration status, gender, country of citizenship, and enforcement priority.”

Secure Communities is a simple and common-sense way to carry out ICE’s enforcement priorities for those noncitizens detained in the custody of another law enforcement agency (LEA). It uses a federal information-sharing partnership between DHS and the Federal Bureau of Investigation (FBI) that helps to identify in-custody noncitizens without imposing new or additional requirements on state and local law enforcement. For decades, local jurisdictions have shared with the FBI the fingerprints of individuals arrested and/or booked into custody to see if those individuals have a criminal record and outstanding warrants. Under Secure Communities, the FBI automatically sends the fingerprints to DHS to check against its immigration databases. If these checks revealed that an individual was present unlawfully in the United States or was otherwise removable, ICE took law enforcement action prioritizing, under the 2017 Executive Order (EO) 13768, *Enhancing Public Safety in the Interior of the United States* (revoked on January 20, 2021, by EO 13993), the removal of individuals who presented the most significant threats to public safety, as determined by the severity of the crime, their criminal history, and the risk to public safety, as well as those who have violated the Nation’s immigration laws.

ICE is unable to report on the data in the manner contained in the legislative direction because of the following technical constraints:

- Secure Communities is a system that allows for interoperability and information-sharing rather than a program to which officers are assigned. As a result, no associated enforcement metrics are in ICE’s system of record.
- ICE cannot report on releases conducted by state or local LEAs because this information generally is not communicated to ICE by these LEAs.
- Detainers and initial book-ins to ICE custody are independent variables in ICE’s system of record and are not linked directly, so it is not possible to produce reliable, large-scale reporting on custody transfer because of ICE detainers.
- ICE no longer reports data broken down by the priorities in place during previous Administrations, and currently does not report on the priorities laid out in EO 13768 (revoked on January 20, 2021, by EO 13993), many of which cannot be determined through data stored in the system of record.
- Currently, immigration status is not available for statistical reporting.

However, to provide Congress with information on detainer issuance, ICE has produced data on detainers issued, broken down by criminality, gender, and country of citizenship.

III. Analysis/Discussion

ICE issues detainers and requests for notification to LEAs to provide notice of its intent to assume custody of an individual detained in federal, state, or local custody. Detainers are placed on noncitizens arrested on criminal charges when ICE possesses probable cause to believe that these noncitizens are removable from the United States. A detainer requests that, up to 48 hours before releasing a removable noncitizen from criminal custody, an LEA notify ICE and maintain custody of the noncitizen to allow ICE to assume custody for removal purposes.

The numbers below reflect detainers recorded in the system of record. A detainer is recorded in the system of record when the detainer form is printed. A single detainer may be printed multiple times; each printing is recorded as a distinct detainer. The printing and subsequent recording of a detainer in the system of record does not necessarily correspond to issuance of a detainer to a local LEA.

FY 2020 Fourth Quarter (Q4)¹ Enforcement and Removal Operations Detainers Prepared by Gender and Criminality²

Gender	Convicted Criminal	Pending Criminal Charges	Other Immigration Violator	Total
Total	9,860	20,437	1,372	31,669
Female	441	1,852	99	2,392
Male	9,399	18,532	1,267	29,198
Unknown	20	53	6	79

¹ FY 2020 ICE Enforcement and Removal Operations detainer data are historic and static. Data are filtered from 07/01/2020 to 09/30/2020 (ICE Integrated Decision Support v 1.34 run as of 10/04/2020; U.S. Customs and Border Protection’s Enforcement Integrated Database as of 10/02/2020).

² Starting in FY 2018, ICE defines immigration violators’ criminality in the following manner: convicted criminals are immigration violators with a criminal conviction entered into ICE’s system of record at the time of the enforcement action. Pending criminal charges means immigration violators have pending criminal charges entered into the ICE system of record at the time of the enforcement action. Other immigration violators are immigration violators without any known criminal convictions, or pending charges entered into the ICE system of record at the time of the enforcement action.

FY 2020 Q4 Detainers Prepared by Country of Citizenship and Criminality

Country of Citizenship	Convicted Criminal	Pending Criminal Charges	Other Immigration Violator	Total
Total	9,860	20,437	1,372	31,669
AFGHANISTAN	6	9	-	15
ALBANIA	3	3	-	6
ALGERIA	1	5	-	6
ANTIGUA-BARBUDA	1	3	-	4
ARGENTINA	3	21	-	24
ARMENIA	14	20	4	38
ARUBA	-	2	-	2
AUSTRALIA	1	4	1	6
AUSTRIA	1	1	-	2
AZERBAIJAN	3	4	-	7
BAHAMAS	9	12	1	22
BANGLADESH	-	12	-	12
BARBADOS	2	4	-	6
BELARUS	2	2	1	5
BELGIUM	1	3	1	5
BELIZE	5	11	1	17
BENIN	1	-	1	2
BHUTAN	7	-	-	7
BOLIVIA	2	11	1	14
BOSNIA-HERZEGOVINA	6	1	1	8
BOTSWANA	-	1	-	1
BRAZIL	22	183	12	217
BRITISH VIRGIN ISLANDS	-	1	-	1
BULGARIA	2	6	-	8
BURKINA FASO	3	5	-	8
BURMA	6	1	-	7
BURUNDI	-	2	-	2
CAMBODIA	11	7	2	20
CAMEROON	4	2	-	6
CANADA	29	36	3	68
CAPE VERDE	4	7	1	12
CAYMAN ISLANDS	-	-	1	1
CENTRAL AFRICAN REPUBLIC	1	-	-	1

Country of Citizenship	Convicted Criminal	Pending Criminal Charges	Other Immigration Violator	Total
CHAD	1	-	-	1
CHILE	10	40	2	52
CHINA, PEOPLES REPUBLIC OF	19	164	4	187
COLOMBIA	49	174	13	236
CONGO	1	6	-	7
COSTA RICA	10	23	-	33
CUBA	220	140	22	382
CZECH REPUBLIC	1	4	1	6
CZECHOSLOVAKIA	-	1	-	1
DEM REP OF THE CONGO	8	8	1	17
DENMARK	2	2	-	4
DOMINICA	4	3	-	7
DOMINICAN REPUBLIC	174	198	21	393
ECUADOR	54	147	4	205
EGYPT	8	14	-	22
EL SALVADOR	545	1,353	69	1,967
ERITREA	8	5	-	13
ETHIOPIA	12	9	-	21
FIJI	1	6	-	7
FRANCE	4	7	1	12
GABON	-	4	-	4
GAMBIA	8	8	1	17
GEORGIA	-	6	1	7
GERMANY	3	5	-	8
GHANA	7	17	1	25
GREECE	1	2	-	3
GRENADA	2	2	-	4
GUADELOUPE	-	3	-	3
GUATEMALA	768	2,479	180	3,427
GUINEA	5	8	1	14
GUINEA-BISSAU	-	1	-	1
GUYANA	10	30	1	41
HAITI	41	70	11	122
HONDURAS	731	1,979	101	2,811
HONG KONG	-	1	-	1
HUNGARY	2	5	1	8
INDIA	32	132	8	172

Country of Citizenship	Convicted Criminal	Pending Criminal Charges	Other Immigration Violator	Total
INDONESIA	2	4	-	6
IRAN	24	21	3	48
IRAQ	14	8	1	23
IRELAND	3	6	-	9
ISRAEL	1	13	2	16
ITALY	5	15	-	20
IVORY COAST	2	6	-	8
JAMAICA	91	135	6	232
JAPAN	1	2	-	3
JORDAN	15	27	4	46
KAZAKHSTAN	3	7	-	10
KENYA	12	20	1	33
KOREA ³	3	12	-	15
KUWAIT	-	3	1	4
KYRGYZSTAN	-	2	-	2
LAOS	53	31	-	84
LATVIA	1	3	-	4
LEBANON	1	6	1	8
LIBERIA	37	20	-	57
LIBYA	-	2	-	2
LITHUANIA	3	8	1	12
MACAU	-	3	-	3
MALAWI	-	6	-	6
MALAYSIA	1	4	-	5
MALI	2	4	-	6
MARSHALL ISLANDS	3	4	-	7
MAURITANIA	-	4	-	4
MAURITIUS	-	1	-	1
MEXICO	6,134	11,564	776	18,474
MICRONESIA, FEDERATED STATES OF	19	4	-	23
MOLDOVA	-	3	-	3

³ Country of Citizenship data are recorded exactly as they exist in the system of record at the time that the data are pulled. "Korea" is available in the Enforcement Integrated Database's Arrest Graphical User Interface for Law Enforcement system and the Enforcement Case Tracking Systems' Alien Removal Module as an option for officers to select when preparing documents. If Korea is selected, there is not sufficient information in the database to differentiate between North or South Korea in that category, and thus the entry can be reported only as "Korea." Similarly, "USSR" exists as an option in the system.

Country of Citizenship	Convicted Criminal	Pending Criminal Charges	Other Immigration Violator	Total
MONGOLIA	3	14	-	17
MOROCCO	4	8	1	13
MOZAMBIQUE	1	1	-	2
NEPAL	5	13	-	18
NETHERLANDS	3	4	-	7
NEW ZEALAND	1	3	-	4
NICARAGUA	44	87	10	141
NIGER	3	26	2	31
NIGERIA	15	68	1	84
NORWAY	-	1	-	1
PAKISTAN	5	10	-	15
PALAU	-	1	-	1
PANAMA	8	8	1	17
PARAGUAY	-	6	-	6
PERU	25	67	4	96
PHILIPPINES	32	40	4	76
POLAND	6	26	1	33
PORTUGAL	2	17	-	19
QATAR	-	2	-	2
ROMANIA	20	70	7	97
RUSSIA	13	23	3	39
RWANDA	-	-	1	1
SAMOA	-	2	-	2
SAUDI ARABIA	3	12	-	15
SENEGAL	1	4	-	5
SERBIA	-	1	-	1
SERBIA AND MONTENEGRO	-	1	1	2
SIERRA LEONE	8	10	-	18
SINGAPORE	-	2	-	2
SLOVAKIA	-	4	-	4
SOLOMON ISLANDS	-	1	-	1
SOMALIA	21	5	2	28
SOUTH AFRICA	8	14	1	23
SOUTH KOREA	1	17	2	20
SOUTH SUDAN	5	-	-	5
SPAIN	9	49	1	59
SRI LANKA	1	5	-	6

Country of Citizenship	Convicted Criminal	Pending Criminal Charges	Other Immigration Violator	Total
ST. LUCIA	5	3	-	8
ST. VINCENT-GRENADINES	1	3	1	5
SUDAN	25	5	3	33
SURINAME	1	1	-	2
SWEDEN	-	1	-	1
SWITZERLAND	-	1	-	1
SYRIA	-	6	-	6
TAIWAN	1	9	-	10
TAJKISTAN	1	-	-	1
TANZANIA	2	3	1	6
THAILAND	15	13	-	28
TOGO	-	2	-	2
TONGA	2	4	-	6
TRINIDAD AND TOBAGO	11	27	-	38
TUNISIA	-	1	1	2
TURKEY	2	10	-	12
TURKMENISTAN	-	2	-	2
TURKS AND CAICOS ISLANDS	1	1	-	2
UGANDA	3	9	-	12
UKRAINE	12	14	1	27
UNITED ARAB EMIRATES	2	-	-	2
UNITED KINGDOM	14	26	1	41
URUGUAY	2	5	-	7
USSR ⁴	8	4	2	14
UZBEKISTAN	-	3	2	5
VENEZUELA	19	112	11	142
VIETNAM	128	88	6	222
YEMEN	2	1	-	3
YUGOSLAVIA	2	-	-	2
ZAMBIA	1	1	2	4
ZIMBABWE	2	1	1	4
UNKNOWN	30	76	27	133

⁴ Country of Citizenship data are recorded exactly as they exist in the system of record at the time that they are pulled. "USSR" is available in the Enforcement Integrated Database's Arrest Graphical User Interface for Law Enforcement system and the Enforcement Case Tracking Systems' Alien Removal Module as an option for officers to select when preparing documents. If USSR is selected, there is not sufficient information in the database to differentiate between Russia and other former Soviet States, and thus the entry can be reported only as USSR.

IV. Conclusion

As with any LEA, ICE's top priority is to ensure the safety and protection of communities nationwide. In accordance with EO 13768 (revoked on January 20, 2021, by EO 13993), all individuals encountered by the Secure Communities Program in Q4 of FY 2020 fell into the following categories:

- (a) Have been convicted of any criminal offense;
- (b) Have been charged with any criminal offense, where such charge has not been resolved;
- (c) Have committed acts that constitute a chargeable criminal offense;
- (d) Have engaged in fraud or willful misrepresentation in connection with any official matter or application before a governmental agency;
- (e) Have abused any program related to receipt of public benefits;
- (f) Are subject to a final order of removal, but have not complied with their legal obligation to depart the United States; or
- (g) In the judgement of an immigration officer, otherwise pose a risk to public safety and national security.

Cooperation from other LEAs is critical for ICE to fulfill its mission to identify and arrest noncitizens who pose a risk to public safety or national security. Further, the safety of the community, law enforcement personnel, and the criminal noncitizen is protected better when ICE officers take custody in the controlled environment of another LEA. By honoring ICE detainees, LEAs help to increase public safety and to keep communities safe.

Appendix: Abbreviations

Abbreviation	Definition
DHS	Department of Homeland Security
EO	Executive Order
FBI	Federal Bureau of Investigation
FY	Fiscal Year
ICE	U.S. Immigration and Customs Enforcement
LEA	Law Enforcement Agency
Q4	Fourth Quarter