



TARGETED ENFORCEMENT: PROJECTING THE EFFECTS OF EXECUTIVE ACTION ON DEPORTATIONS



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UNDERSTANDING THE POTENTIAL IMPACT OF EXECUTIVE ACTION ON IMMIGRATION ENFORCEMENT



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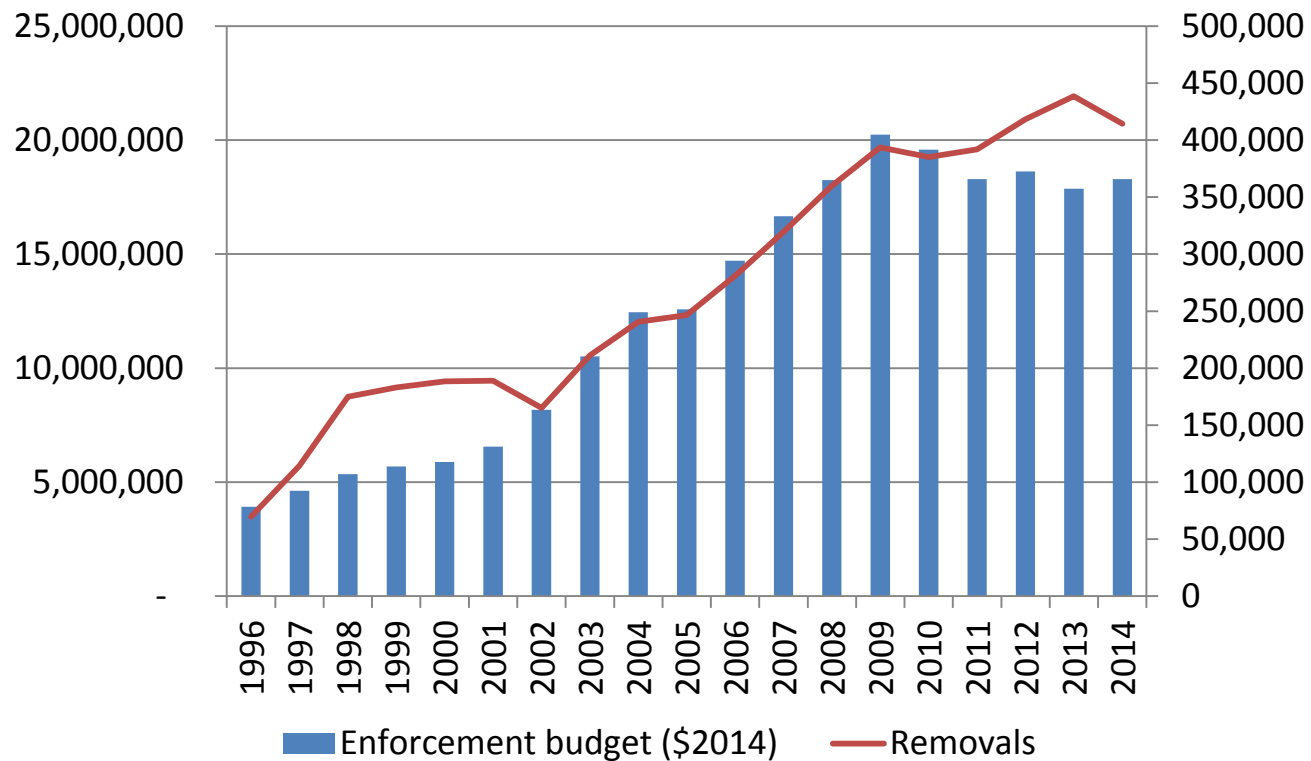
Overview

- Background: Trends in U.S. immigration enforcement
- 2014 DHS enforcement priorities
- Replacement of Secure Communities with Priority Enforcement Program (PEP)



Background

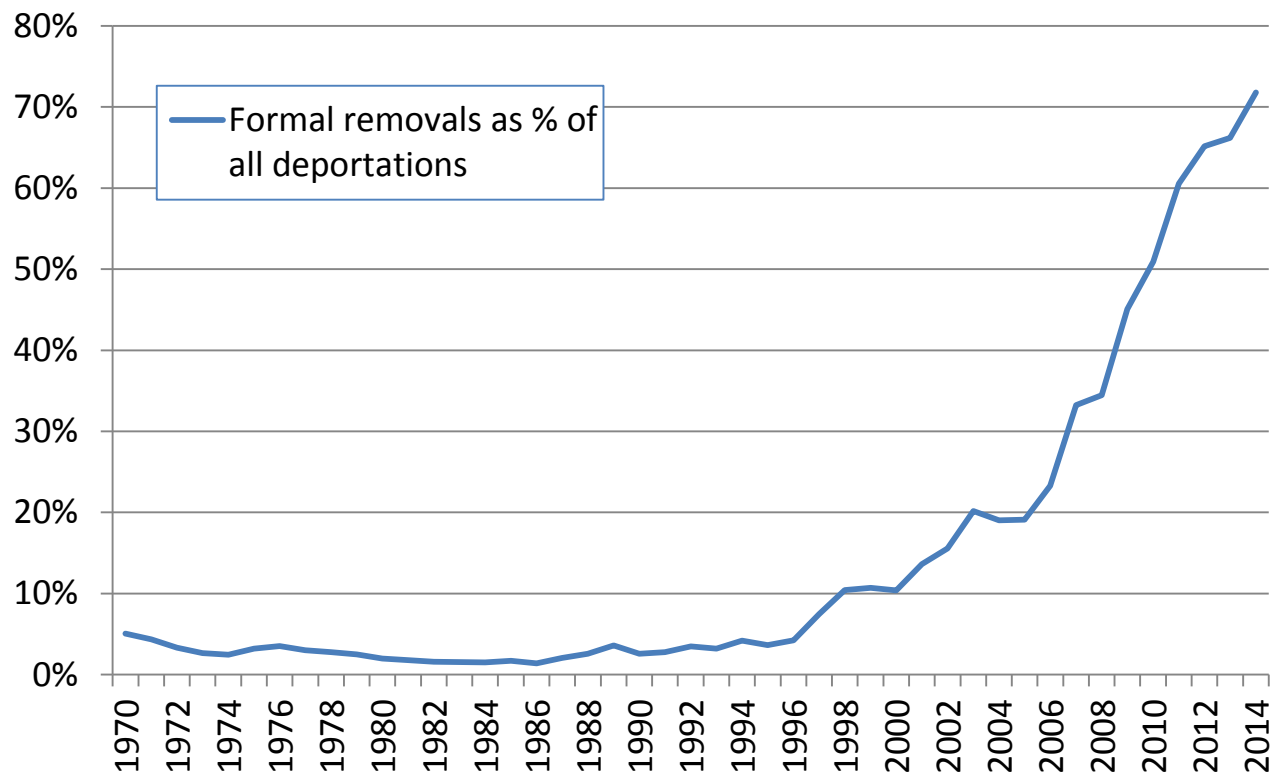
- U.S. immigration enforcement in post-9/11 period: “Rise of a Formidable Machinery”



Source: Updated from MPI, *Immigration Enforcement in the United States*

Background

- Shifts in immigration enforcement policies to emphasize formal removals

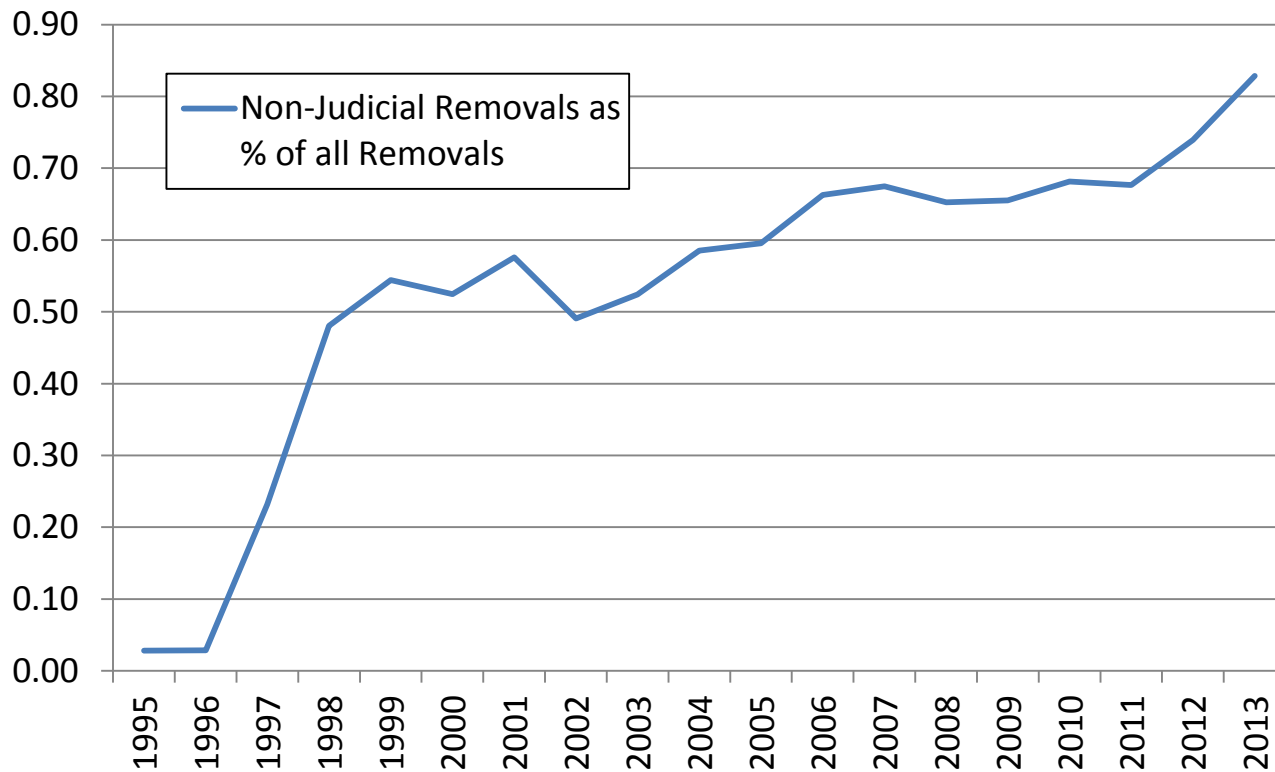


Source: Updated from MPI, *The Deportation Dilemma*



Background

- Shifts in immigration enforcement policies to emphasize formal removals

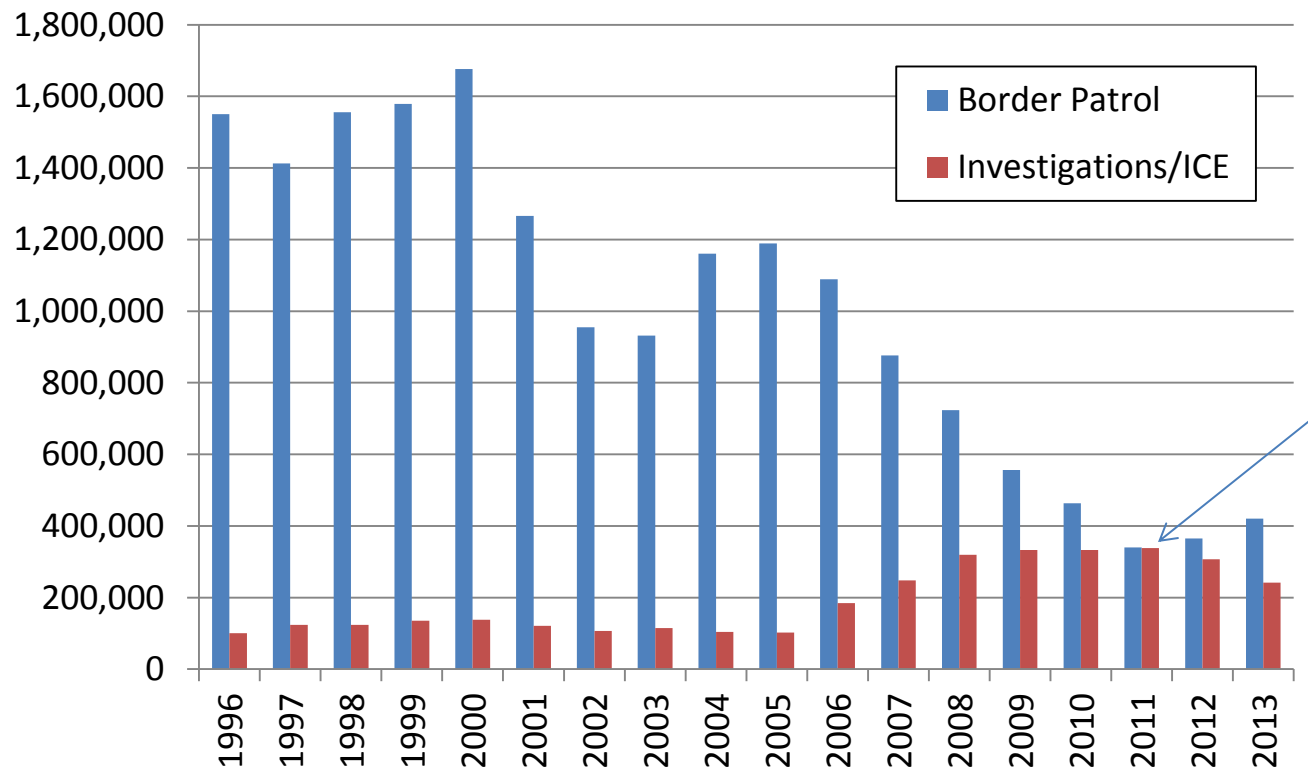


Source: Updated from MPI, *The Deportation Dilemma*



Background

- Increased focus on interior enforcement after 2005: Apprehensions data

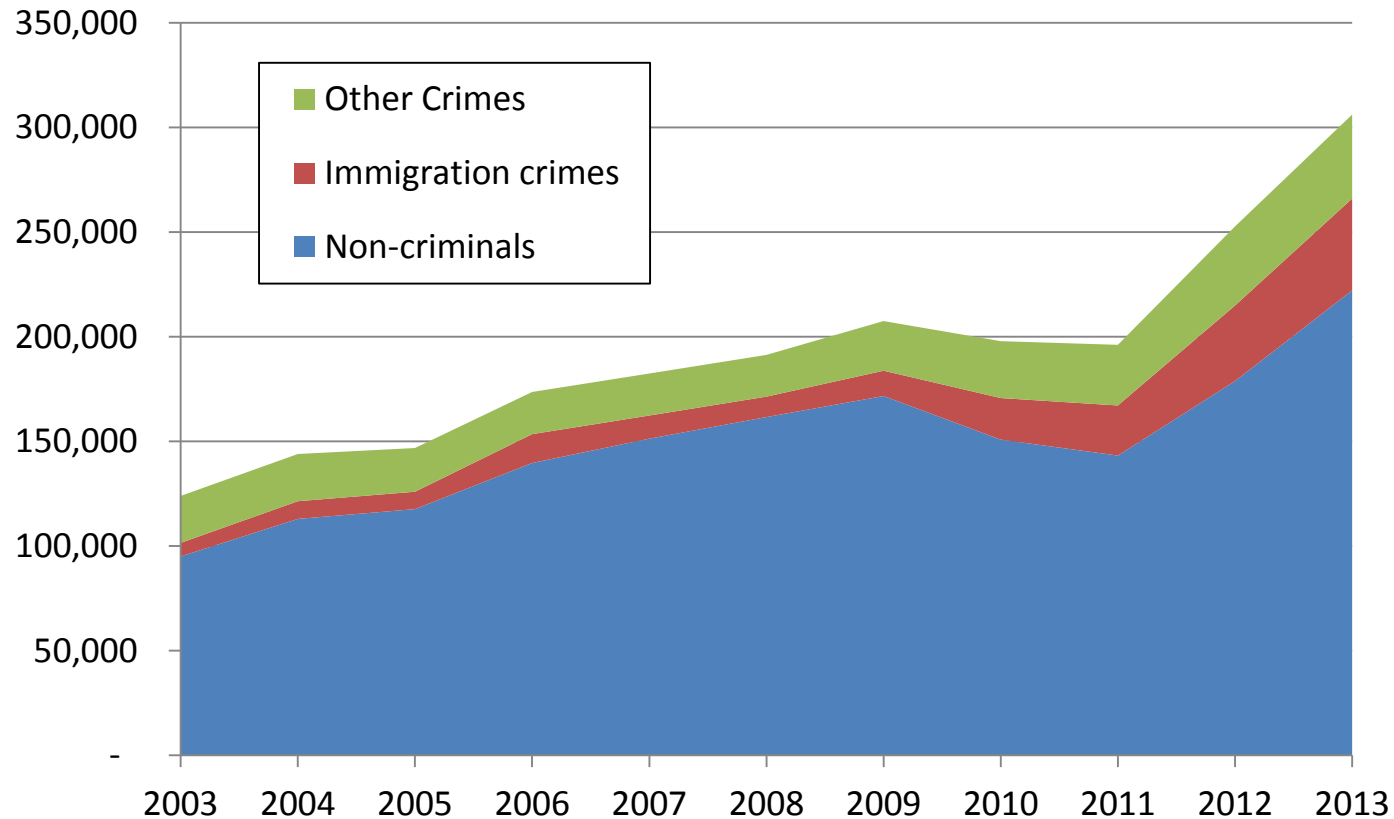


Source: Updated from MPI, *The Deportation Dilemma*



Background

- 2010-2011 policy changes: Slight increase in border removals

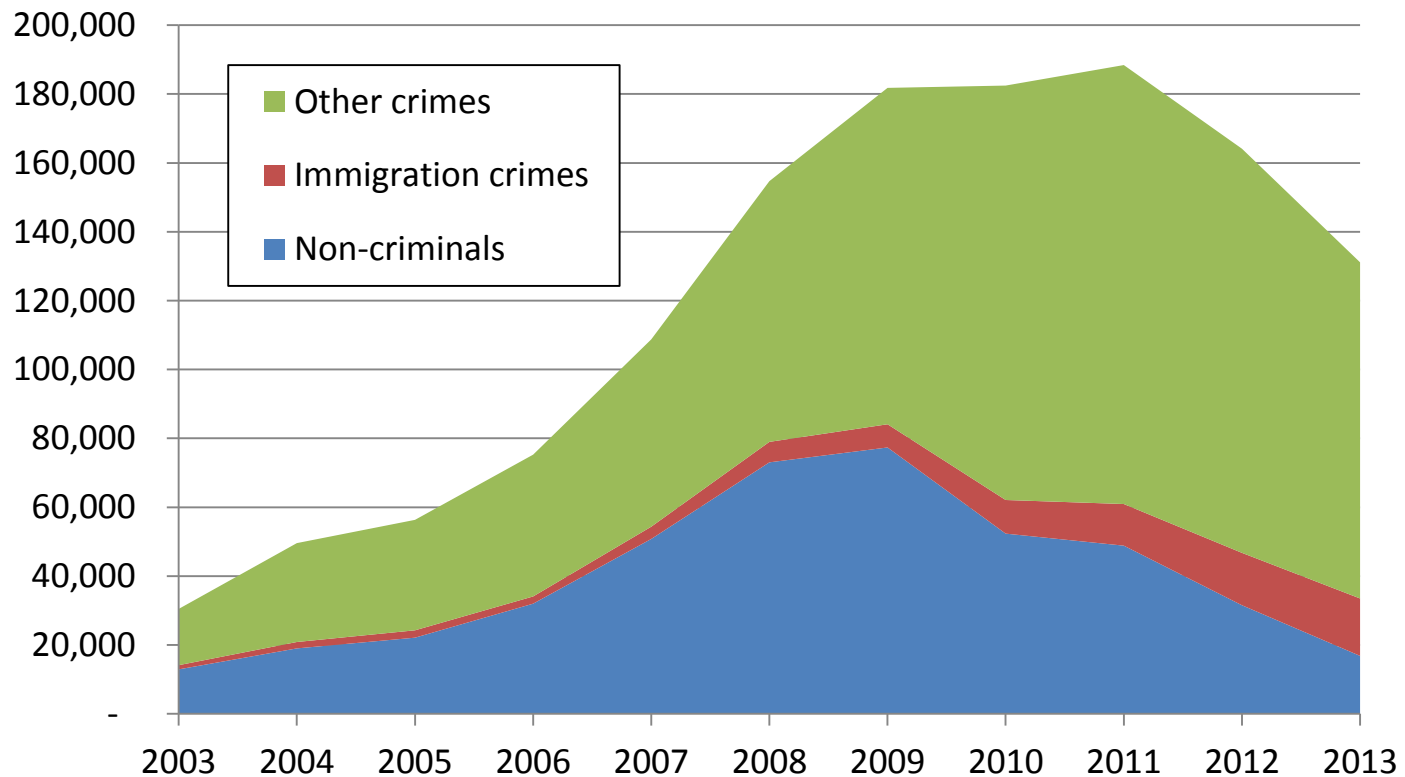


Source: MPI, *Deportation and Discretion*



Background

- 2010-2011 policy changes to focus interior enforcement on high priority cases



Source: MPI, *Deportation and Discretion*



2014 Executive Actions on Immigration

- Expansion of DACA and creation of DAPA
- Expansion of opportunities for high-skilled immigrants
- Promotion of integration and naturalization
- New enforcement practices
 - New policy guidance on DHS enforcement priorities
 - Replacement of Secure Communities with Priority Enforcement Program
 - New southern border enforcement strategy



2014 DHS Enforcement Priorities

- Why are the priorities important?
- How do they differ from previous priorities?
- Projected impact



2014 DHS Enforcement Priorities

- Why the priorities are important
 - 99% of removals in 2013 consistent with previous priorities



2014 DHS Enforcement Priorities

- How they differ
 - 2010-11 Priorities
 - 1) national-security and public-safety threats, including gang members and migrants previously convicted of any crime
 - 2) recent border crossers and other illegal entrants, including anyone apprehended within three years of entering the United States
 - 3) noncitizens who obstruct immigration controls, including those who fail to leave the country when subject to an immigration judge's final order and people who re-enter the United States following a removal order



2014 DHS Enforcement Priorities

- How they differ
 - 2014 Priorities
 - 1) national-security threats, noncitizens apprehended immediately at the border, gang members, and noncitizens who have been convicted of felonies or aggravated felonies
 - 2) noncitizens convicted of three or more misdemeanors or one serious misdemeanor, those who entered or re-entered unlawfully after January 1, 2014, and those who have significantly abused visa or visa waiver programs
 - 3) noncitizens subject to a final order of removal issued on or after January 1, 2014



2014 DHS Enforcement Priorities

- How they differ
 - Border crossers now a top priority
 - Clear distinction between old (pre-2014) and new (post-2014) entrants and removal orders
 - Focus on serious criminals instead of all criminals
 - Direction to enforcement officials on how to balance enforcement priorities and grounds for favorable exercise of discretion



2014 DHS Enforcement Priorities

- Projected Impact

	Number	Share of Unauthorized
Meeting 2014 Enforcement Priorities		
Not priorities for enforcement	9,610,000	87%
1 st Priority: Felons	300,000	3%
2 nd Priority:		
- Serious Misdemeanants	390,000	4%
- Unlawful entry or re-entry after January 1, 2014	640,000	6%
3 rd Priority: Removal order issued after January 1, 2014	60,000	1%
Subtotal all three priorities:	1,390,000	13%
Total unauthorized population	11,000,000	100%
Meeting 2010-11 Enforcement Priorities		
Not priorities for enforcement	8,020,000	73%
1 st Priority: All convicted criminals	820,000	7%
2 nd Priority: Entered within past three years	1,370,000	12%
3 rd Priority: Immigration obstructionists	790,000	7%
Subtotal all three priorities:	2,980,000	27%
Total unauthorized population	11,000,000	100%



2014 DHS Enforcement Priorities

- Projected Impact
 - DHS Removals by Percent Meeting 2010-11 and 2014 Enforcement Priorities, FY 2009-13

	2010-11 Enforcement Priorities					2014 Enforcement Priorities				
	First	Second	Third	Not a Priority		First	Second	Third	Not a Priority	Unable to Classify
2009	36%	26%	31%	8%		69%	7%	1%	20%	2%
2010	47%	22%	27%	5%		73%	7%	1%	16%	3%
2011	50%	21%	25%	4%		72%	10%	1%	16%	2%
2012	50%	20%	28%	2%		80%	8%	1%	10%	1%
2013	45%	19%	35%	1%		87%	7%	1%	6%	1%
5-Year Total	46%	21%	29%	4%		77%	7%	1%	13%	2%



2014 DHS Enforcement Priorities

- Projected Impact
 - Projected Reduction in Interior Removals Based on Strict Adherence to 2010 and 2014 Enforcement Priorities

	Reduction in Interior Removals Based on 2010-11 Enforcement Priorities	Reduction in Interior Removals Based on 2014 Enforcement Priorities	Difference in Interior Removals between 2010 and 2014 Priorities
2009	30,000	79,000	49,000
2010	18,000	61,000	43,000
2011	16,000	61,000	45,000
2012	9,000	42,000	33,000
2013	4,000	25,000	21,000
5-Year Total	77,000	268,000	191,000



Priority Enforcement Program

- Why is PEP important?
- How does it differ from Secure Communities?
- Projected impact



Priority Enforcement Program

- Why PEP is important
 - Secure Communities as force multiplier
 - 5,000 ICE officers vs. 750,000 local police
 - 73% of interior removals initiated through Secure Communities in FY 2014



Priority Enforcement Program

- Why PEP is important
 - Secure Communities as force multiplier
 - Backlash against Secure Communities
 - Impact on law enforcement
 - Impact on immigrant communities
 - Impact on civil liberties
 - At least 53% of unauthorized immigrants live in jurisdictions that have limited their cooperation with ICE detainers



Priority Enforcement Program

- How PEP differs from Secure Communities
 - Same infrastructure for information sharing
 - Differences:
 - Restricts information request to convicted criminals and public-safety threats (vs. all potentially deportable noncitizens)
 - Two-stage process for requesting detainers
 - Detainers require probable cause
 - Stronger mechanism to inform detainees of their rights
 - DHS to negotiate detainer protocols with previously uncooperative jurisdictions



Priority Enforcement Program

- Projected impact
 - PEP has same potential to identify potentially deportable noncitizens
 - Potentially addresses most serious concerns about Secure Communities
 - Questions about PEP implementation
 - Flow of information to ICE field offices
 - Remaining discretion built into system
 - DHS training and oversight
 - Impact of PEP on “sanctuary cities”



For more Information

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