

## JUSTICE NEWS

### Department of Justice

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## **Departments of Justice and Homeland Security Release Data on Incarcerated Aliens —94 Percent of All Confirmed Aliens in DOJ Custody Are Unlawfully Present**

President Trump's Executive Order on Enhancing Public Safety in the Interior of the United States requires the Department of Justice (DOJ) and the Department of Homeland Security (DHS) to collect relevant data and provide quarterly reports on data collection efforts. On Dec. 18, 2017, DOJ and DHS released the FY 2017 4<sup>th</sup> Quarter Alien Incarceration Report, complying with this order.<sup>[1]</sup> The report found that more than one-in-five of all persons in Bureau of Prisons custody were foreign born, and that 94 percent of confirmed aliens in custody were unlawfully present.

"The American people deserve a lawful system of immigration that serves the national interest," Attorney General Sessions said. "But at the border and in communities across America, our citizens are being victimized by illegal aliens who commit crimes. Nearly 95 percent of confirmed aliens in our federal prisons are here illegally. We know based on sentencing data that non-citizens commit a substantially disproportionate number of drug-related offenses, which contributes to our national drug abuse crisis. The simple fact is that any offense committed by a criminal alien is ultimately preventable. One victim is too many. It's time for Congress to enact the President's immigration reform agenda so that we start welcoming the best and brightest while turning away drug dealers, gang members, and other criminals."

"While the administration is working diligently to remove dangerous criminal aliens from our streets, this report highlights the fact that more must be done," said Secretary of Homeland Security Kirstjen Nielsen. "We will continue to pursue President Trump's immigration priorities, including securing the border, enhancing interior enforcement, and pursuing a merit-based immigration system, but Congress must act immediately to adopt obvious solutions to strengthen DHS and DOJ efforts to confront dangerous criminal aliens."

Section 16 of the Executive Order directs the Secretary of Homeland Security and the Attorney General to collect relevant data and provide quarterly reports regarding: (a) the immigration status of all aliens incarcerated under the supervision of the Federal Bureau of Prisons; (b) the immigration status of all aliens incarcerated as federal pretrial detainees under the supervision of the United States Marshals Service; and (c) the immigration status of all convicted aliens in state prisons and local detention centers throughout the United States.

A total of 58,766 known or suspected aliens were in in DOJ custody at the end of FY 2017, including 39,455 persons in BOP custody and 19,311 in USMS custody. Of this total, 37,557 people had been confirmed by U.S. Immigration and Customs Enforcement (ICE) to be aliens (i.e., non-citizens and non-nationals), while 21,209 foreign-born people were still under investigation by ICE to determine alienage and/or removability

Among the 37,557 confirmed aliens, 35,334 people (94 percent) were unlawfully present. These numbers include a 92 percent unlawful rate among 24,476 confirmed aliens in BOP custody and a 97 percent unlawful rate among 13,081 confirmed aliens in USMS custody.

This report does not include data on the foreign-born or alien populations in state prisons and local jails because state and local facilities do not routinely provide DHS or DOJ with comprehensive information about their inmates and detainees—which account for approximately 90 percent of the total U.S. incarcerated population.

### **Information Regarding Immigration Status of Aliens Incarcerated Under the Supervision of the Federal Bureau of Prisons**

The Department of Justice's Bureau of Prisons (BOP) has an operational process for maintaining data regarding foreign-born inmates in its custody. On a quarterly basis, BOP supplies this information to U.S. Immigration and Customs Enforcement (ICE). ICE, in turn, analyzes that information to determine the immigration status of each inmate and provides that information back to BOP.

Out of the 185,507 inmates in BOP custody, 39,455 (21 percent) were reported by BOP as foreign-born. Further details regarding these 39,455 foreign-born inmates are as follows:

- 20,240 (51 percent) were unauthorized aliens who are subject to a final order of removal;
- 14,979 (38 percent) remain under ICE investigation;
- 2,374 (6 percent) were unlawfully present and now in removal proceedings;
- 1,852 (less than 5 percent) were lawfully present aliens but are now in removal proceedings; and
- 10 were aliens who have been granted relief or protection from removal.

### **Information Regarding the Immigration Status of Aliens Incarcerated as Federal Pretrial Detainees**

USMS identified 19,311 aliens and foreign-born inmates under ICE investigation detained at USMS facilities. Further details regarding these 19,311 foreign-born inmates are as follows:

- 11,459 (59 percent) were aliens who are subject to a final order of removal;
- 6,230 (32 percent) remain under ICE investigation;
- 1,261 (6.5 percent) were unlawfully present and now in removal proceedings;
- 358 (less than 2 percent) were lawfully present but are now in removal proceedings; and

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- 3 were aliens who have been granted relief or protection from removal.

## **Immigration Status of All Convicted Aliens Incarcerated in State Prisons and Local Detention Centers Throughout the United States**

The Departments continue to progress towards establishing data collection of the immigration status of convicted aliens incarcerated in state prisons and local detention centers through the Department of Justice's Office of Justice Programs, Bureau of Justice Statistics and the Department of Homeland Security's Office of Immigration Statistics.

[1] The FY 2017 2<sup>nd</sup> Quarter report is available at: <https://www.justice.gov/opa/pr/pursuant-executive-order-public-safety-department-justice-releases-data-incarcerated-aliens-0>. Data for the 3<sup>rd</sup> quarter of FY 2017 is available at: <https://www.dhs.gov/news/2017/08/01/pursuant-executive-order-public-safety-departments-justice-and-homeland-security>.

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### **Attachment(s):**

[Download Alien Incarceration Report FY17 Q4](#)

### **Topic(s):**

Immigration

### **Component(s):**

[Executive Office for Immigration Review](#)

### **Press Release Number:**

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