

## DHS Civil Immigration Enforcement Priorities

As an immigration officer/agent, you should focus enforcement resources on the arrest, detention, and removal of aliens in the three categories listed below, in descending order of priority. However, the agency retains discretion to deviate from these priorities on a case-by-case basis. If you encounter a priority alien who you believe is not a threat to national security, border security, or public safety, or believe that a non-priority alien's removal would serve an important federal interest, you should discuss the matter with your supervisor.

### Priority 1 (threats to national security, border security, and public safety)

- a. aliens engaged in or suspected of terrorism or espionage, or who otherwise pose a danger to national security;
- b. aliens apprehended at the border or ports of entry while attempting to unlawfully enter the United States;
- c. aliens convicted of an offense for which an element was active participation in a criminal street gang, as defined in 18 U.S.C. § 521(a), or aliens not younger than 16 years of age who intentionally participated in an organized criminal gang to further the illegal activity of the gang;
- d. aliens convicted of an offense classified as a felony in the convicting jurisdiction, other than a state or local offense for which an essential element was the alien's immigration status; and
- e. aliens convicted of an "aggravated felony," as that term is defined in section 101(a)(43) of the INA at the time of the conviction.



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### Priority 2 (misdemeanants and new immigration violators)

- a. aliens convicted of 3 or more misdemeanor offenses, other than minor traffic offenses or state or local offenses for which an essential element was the alien's immigration status, provided the offenses arise out of 3 separate incidents;
- b. aliens convicted of a "significant misdemeanor," which for these purposes is an offense of domestic violence; sexual abuse or exploitation; burglary; unlawful possession or use of a firearm; drug distribution or trafficking; or driving under the influence; or if not an offense listed above, one for which the individual was sentenced to time in custody of 90 days or more (the sentence must involve time to be served in custody, and does not include a suspended sentence);
- c. aliens apprehended anywhere in the U.S. after unlawfully entering or re-entering the U.S. and who cannot establish to the satisfaction of an immigration officer that they have been physically present in the United States continuously since January 1, 2014; and
- d. aliens who, in the judgment of an ICE Field Office Director, USCIS District Director, or USCIS Service Center Director, have significantly abused the visa or visa waiver programs.

### Priority 3 (other immigration violations)

- Aliens who have been issued a final order of removal on or after January 1, 2014.

Please contact your supervisor or Office of Chief Counsel with questions about the applicability of the priorities to a particular case.

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