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Departments of Justice and Homeland Security Release Quarterly Alien Incarceration Report Highlighting the Negative Effects of Illegal Immigration and the Need for Border Security

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 June 7, 2018 DOJ and DHS released the FY 2018 1st Quarter Alien Incarceration Report, complying with this order.^[1] The report found that more than one-in-five of all persons in Bureau of Prisons custody were known or suspected aliens, and 93 percent of confirmed aliens in DOJ custody were in the United States unlawfully.

"The illegal immigrant crime rate in this country should be zero," said Attorney General Sessions. "Every crime committed by an illegal alien is, by definition, a crime that should have been prevented. It is outrageous that tens of thousands of Americans are dying every year because of the drugs and violence brought over our borders illegally and that taxpayers have been forced, year after year, to pay millions of dollars to incarcerate tens of thousands of illegal aliens. That is another reason why the Department of Justice under President Trump's leadership has instituted a zero tolerance policy for illegal entry on our Southwest border. Today's report is yet another reminder that we must continue this policy and help fulfill President Trump's goals of restoring lawfulness to our immigration system and ensure that immigration serves the good of this country."

"Bad actors know well our legal loopholes which act as a magnet for illegal immigration," said Secretary Nielsen. "As DHS continues to carry out President Trump's immigration priorities to keep America safe, Congress must urgently act to close dangerous loopholes that attract criminal aliens and also inhibit our ability to remove them."

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 57,820 known or suspected aliens were in DOJ custody at the end of FY 2018 Q1, including 38,132 persons in BOP custody and 19,688 in USMS custody. Of this total, 42,284 people had been confirmed by U.S. Immigration and Customs Enforcement (ICE) to be aliens (i.e., non-citizens and non-nationals), while 15,536 aliens were still under investigation by ICE to determine alienage and/or removability.

Among the 42,284 confirmed aliens, 39,413 people (93 percent) were unlawfully present. These numbers include a 62 percent unlawful rate among 38,132 known or suspected aliens in BOP custody and a 78 percent unlawful rate among 19,688 confirmed aliens in USMS custody.

Approximately 16,233 aliens in USMS custody required housing in state, local, and private facilities, which cost \$1,458,372.72 a day.

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For the first time, the Quarterly Alien Incarceration Report included examples of newly sentenced or incarcerated aliens in BOP custody. These examples include, but are not limited to:

- Anibel Rondolpho Rodriguez, an illegal alien from Honduras who was residing in Freeport, NY, was sentenced to 45 years in prison after he pled guilty to racketeering charges, two murder conspiracies, two attempted murders, and threatening to commit assault.
- Eduardo Martinez, an illegal alien who was residing in Fort Wayne, Indiana, was sentenced to 324 months in prison after he pled guilty to possession with intent to distribute more than a kilogram of heroin, distribution of over 50 grams of methamphetamine, and possession of a firearm.
- Pedro Quintero-Enriques, an illegal alien from Mexico who was residing in Summerdale, Alabama, was sentenced to 108 months in prison after he pled guilty to illegal reentry after deportation and felon in possession of firearms.

This report does not include data on the 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 183,058 inmates in BOP custody, 38,132 (twenty-one percent) were reported by BOP as known or suspected aliens. Further details regarding these 38,132 known or suspected aliens are as follows:

- 20,976 (55 percent) were unauthorized aliens who are subject to a final order of removal;
- 11,698 (31 percent) remain under ICE investigation;
- 2,850 (seven percent) were unlawfully present and now in removal proceedings;
- 2,484 (approximately seven percent) were lawfully present aliens but are now in removal proceedings; and
- 124 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 19,688 confirmed aliens under ICE investigation detained at USMS facilities. Further details regarding these 19,688 confirmed aliens are as follows:

- 13,858 (70 percent) were aliens who are subject to a final order of removal;
- 3,838 (19 percent) remain under ICE investigation;
- 1,560 (7.9 percent) were unlawfully present and now in removal proceedings;
- 387 (approximately two percent) were lawfully present but are now in removal proceedings; and
- 45 were aliens who have been granted relief or protection from removal.

Pending Charges Against Confirmed Aliens in USMS Custody

Of the 19,688 confirmed aliens in USMS custody, 10,971 (56 percent) were in custody for an immigration related offense. Additionally, 4,665 (nearly 24 percent) aliens were in custody for drug related offenses. Further details regarding the related charges of these inmates are as follows:

- 974 (approximately five percent) were in custody for supervision violations;

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- 889 (approximately five percent) were in custody for property offenses;
- 391 (approximately five percent) were in custody for weapons violations;
- 378 (approximately two percent) were in custody for violent crimes;
- 745 (approximately four percent) in custody were material witnesses.

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

Some state and local jurisdictions already take proactive measures to make this data available to the public. For example, the Texas Department of Public Safety publishes data online regarding criminal alien arrests and convictions. These data do not account for all aliens in the Texas criminal justice system, as they are limited to criminal alien arrestees who have had prior interaction with DHS resulting in the collection of their fingerprints.

As reported by the Texas Department of Public Safety (DPS), 251,000 criminal aliens have been booked into local Texas jails between June 1, 2011 and April 30, 2018, according to DHS status indicators. These criminal aliens were charged with:

- More than 663,000 criminal offenses;
- 1,351 homicides;
- 7,156 sexual assaults;
- 9,938 weapons charges;
- 79,049 assaults;
- 18,685 burglaries;
- 79,900 drug charges;
- 815 kidnappings;
- 44,882 thefts;
- 4,292 robberies.

Additional conviction data can be found in the report.

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.

Attachment(s):

[Download Alien Incarceration Report FY18Q1](#)

Topic(s):

Immigration

Component(s):

[Office of the Attorney General](#)

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