

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

STATE OF TEXAS,)
STATE OF MISSOURI,)

Plaintiffs,)

v.)

JOSEPH R. BIDEN, JR.,)
in his official capacity as)
President of the United States, *et al.*,)

Defendants.)

Civil Action No. 2:21-cv-00067-Z

DEFENDANTS' MONTHLY REPORT FOR FEBRUARY 2022

On August 13, 2021, the Court entered an injunction requiring Defendants to, *inter alia*, “enforce and implement [the Migrant Protection Protocols (MPP)] *in good faith*.” ECF No. 94 at 52; *see State v. Biden*, No. 21-10806, 2021 WL 3674780 at *13 (5th Cir. Aug. 19, 2021). “To ensure compliance with this order,” the Court provided, “starting September 15th, 2021, the Government must file with the Court on the 15th of each month, a report stating

(1) the total monthly number of encounters at the southwest border; (2) the total monthly number of aliens expelled under Title 42, Section 1225, or under any other statute; (3) Defendants’ total detention capacity as well as current usage rate; (4) the total monthly number of “applicants for admission” under Section 1225; (5) the total monthly number of “applicants for admission” under Section 1225 paroled into the United States; and (6) the total monthly number of “applicants for admission” under Section 1225 released into the United States, paroled or otherwise.

ECF No. 94 at 52-53.

Defendants submit the following Report in compliance with this requirement. This February 15th report reflects data from February 1, 2022, through February 28, 2022.¹

1. Total Monthly Number of Encounters at the Southwest Border

For the month of February 2022, DHS reported 164,973 total encounters at the Southwest Border. Ex. A at 1 (CBP Report for February 2022). This figure combines statistics reported by the U.S. Customs and Border Protection’s (CBP) Office of Field Operations (OFO), which deals with noncitizens seeking to enter at land ports of entry (POE), with statistics from the U.S. Border Patrol (USBP), which apprehends noncitizens seeking to enter between POEs.

2. Total Monthly Number of Aliens Expelled Under Title 42, Section 1225, or Under Any Other Statute

For the month of February 2022, DHS reported 101,043 total noncitizens expelled under

¹ Pursuant to the Court’s Order of January 20, 2022, ECF No. 125, Defendants are no longer required to report the additional categories of information previously required under the Court’s Order of November 18, 2021, ECF No. 116.

Title 42 and removed or returned under Title 8 authorities (including 8 U.S.C. § 1225). This figure combines 91,513 Title 42 expulsions and 8,335 Title 8 removals and returns reported by CBP, Ex. A at 2-3, and 1,195 removals under 8 U.S.C. § 1225 reported by U.S. Immigration and Customs Enforcement (ICE)², Ex. B at 2 (ICE Report for February 2022). As explained in Exhibit A, CBP's Title 8 removals and returns include several categories of removals and returns conducted by OFO and USBP, including expedited removals, reinstated orders of removal, voluntary returns, returns pursuant to 8 U.S.C. § 1225(b)(2)(C), withdrawals of applications for admission, etc. Ex. A at 2-3. ICE's removals under section 1225 represent expedited removals. Ex. B at 2.

3. Total Detention Capacity and Current Usage Rate

For the month of February 2022, DHS reported that its total detention capacity was approximately 34,868, a figure combining CBP's approximate holding capacity of 5,935, Ex. A at 3-4, and ICE's current approximate funded detention capacity of 28,933,³ Ex. B at 1. CBP's approximate holding capacity is the sum of OFO's approximate holding capacity, 935, and USBP's approximate maximum holding capacity, 5,000. Ex. A at 3 & n.11.

DHS reported that the current average daily usage rate throughout February 2022 for CBP detention was 20.8% for OFO facilities and 161% for Border Patrol facilities, Ex. A at 3 & n.11, and approximately 68.64% for ICE detention facilities. *See* Ex. B at 1 (rate equals average daily

² ICE removals include noncitizens processed for Expedited Removal (ER) or Voluntary Return (VR) that are turned over to ICE Enforcement and Removal Operations (ERO) for detention. Noncitizens processed for ER and not detained by ERO or VR after June 1, 2013, and not detained by ERO are primarily processed by CBP, and would be included within CBP's data. Ex. B.

³ ICE has approximately 34,000 funded detention beds available nationwide but its full inventory of bedspace is severely limited to approximately 75% capacity due to various court orders limiting the intake of noncitizen detainees, an increase in detention facility contract terminations, detention facility contract modifications, and the ongoing COVID-19 pandemic. *See, e.g., Fraihat v. ICE*, 445 F. Supp. 3d 709 (C.D. Cal. Apr. 20, 2020).

population of 19,860 for the month of February 2022 over the current approximate total detention capacity of 28,933).

4. Total Monthly Number of Applicants for Admission under § 1225

For the month of February 2022, DHS reported that the total number of applicants for admission under Section 1225 encountered⁴ by CBP was 73,460. Ex. A at 4. This figure is consistent with CBP's total number of noncitizen encounters subtracting its Title 42 expulsions. See Ex. A at 4 n.12; *supra* §§ 1, 2.

5. Total Monthly Number of Applicants for Admission under § 1225 Paroled into the United States

For the month of February 2022, DHS reported that the total number of applicants for admission under Section 1225 paroled into the United States was 13,413. This figure combines CBP grants of parole – 8,565 USBP Apprehensions with a Parole Disposition, 779 OFO inadmissible noncitizens with a Parole Disposition, and 2,361 individuals categorized as “OFO NTA [Notice to Appear] and Paroled into the U.S. on a case-by-case basis pursuant to 8 U.S.C. § 1182(d)(5),” Ex. A. at 4 – and 1,708 ICE grants of parole, Ex. B at 3.

6. Total Monthly Number of Applicants for Admission under § 1225 Released into the United States, Paroled or Otherwise

For the month of February 2022, DHS reported that the total number of applicants for admission under Section 1225 released into the United States, paroled or otherwise, was 55,043, a

⁴ An applicant for admission is defined as “[a]n alien present in the United States who has not been admitted or who arrives in the United States (whether or not at a designated port of arrival and including an alien who is brought to the United States after having been interdicted in international or United States waters).” 8 U.S.C. § 1225(a)(1). Thus, an applicant for admission may include noncitizens that have never been encountered by CBP. At this time, CBP does not have a mechanism to track applicants for admission in the United States that are not encountered by CBP. Ex. A at 4 n.12. All references in this document to “applicants for admission” refer to noncitizen applicants for admission encountered at or in-between POEs by CBP.

figure reflecting CBP's 39,069 total releases across all categories for the month of February 2022, Ex. A at 5,⁵ combined with ICE's 15,974 total releases of noncitizens transferred to it from CBP following their apprehension or encounter at the Southwest Border for the month of February 2022, Ex. B at 3.

Dated: March 15, 2022

Respectfully submitted,

CHAD E. MEACHAM
United States Attorney

BRIAN M. BOYNTON
Acting Assistant Attorney General

BRIAN W. STOLZ
Assistant United States Attorney

WILLIAM C. PEACHEY
Director
Office of Immigration Litigation
District Court Section

EREZ REUVENI
Assistant Director

BRIAN C. WARD
Senior Litigation Counsel

/s/ Joseph A. Darrow
JOSEPH A. DARROW
Trial Attorney
U.S. Department of Justice
Civil Division
Office of Immigration Litigation
District Court Section
P.O. Box 868, Ben Franklin Station
Washington, DC 20044
Tel.: (202) 598-7537
Joseph.a.darrow@usdoj.gov

Counsel for Defendants

⁵ This report does not include data on unaccompanied alien children (UCs), as defined in 6 U.S.C. § 279(g), who the Court recognized are not amenable to MPP, ECF No. 94 at 9, and who are subject to special processing and are transferred to U.S. Department of Health and Human Services Custody pursuant to the Trafficking Victims Protection Reauthorization Act. *See* 8 U.S.C. §§1232(a)(5)(D), 1232(b)(3), 1232(c)(2)(A), 1232(c)(3); *see also* CBP, Southwest Border Encounters, <https://www.cbp.gov/newsroom/stats/southwest-land-border-encounters> (providing statistics on UCs encountered by CBP).

CERTIFICATE OF SERVICE

I hereby certify that on March 15, 2022, I electronically filed the foregoing document with the Clerk of the Court for the United States District Court for the Northern District of Texas by using the CM/ECF system. Counsel in the case are registered CM/ECF users and service will be accomplished by the CM/ECF system.

/s/ Joseph A. Darrow

JOSEPH A. DARROW

U.S. Department of Justice

Exhibit A

Texas v. Biden Monthly Report
Reporting Period: February 1, 2022 – February 28, 2022

(1) The total monthly number of encounters¹ at the southwest border (SWB);

Encounter data includes U.S. Border Patrol (USBP) Title 8 Apprehensions² between the ports of entry along the SWB, Office of Field Operations (OFO) Title 8 Inadmissibles³ at land ports of entry along the SWB, and Title 42 Expulsions⁴ at and between the ports of entry along the SWB.

February 2022 as of March 3, 2022	Title 42	Title 8	Total Encounters
Office of Field Operations	2,269	4,572	6,841
El Paso Field Office	153	584	737
Laredo Field Office	1,140	1,649	2,789
San Diego Field Office	719	2,021	2,740
Tucson Field Office	257	318	575
U.S. Border Patrol	89,244	68,888	158,132
Big Bend Sector	2,427	580	3,007
Del Rio Sector	15,611	14,869	30,480
El Centro Sector	3,501	2,187	5,688
El Paso Sector	12,154	8,460	20,614
Laredo Sector	8,740	758	9,498
Rio Grande Valley Sector	16,681	17,157	33,838
San Diego Sector	10,569	2,908	13,477
Tucson Sector	17,703	3,498	21,201
Yuma Sector	1,858	18,471	20,329
Grand Total	91,513	73,460	164,973

¹ The sum of Title 8 apprehensions/inadmissible aliens and expulsions.

² Apprehension refers to the physical control or temporary detainment of a person who is not lawfully in the U.S. which may or may not result in an arrest.

³ Inadmissible refers to individuals encountered at ports of entry who are seeking lawful admission into the United States but are determined to be inadmissible, individuals presenting themselves to seek humanitarian protection under our laws, and individuals who withdraw an application for admission and return to their countries of origin within a short timeframe.

⁴ Expulsions refers to individuals encountered by USBP and OFO and expelled to the country of last transit or home country in the interest of public health under Title 42 U.S.C. 265.

(2) The total monthly number of aliens expelled under Title 42, Section 1225, or under any other statute;

- Title 42 expulsions at and between the ports of entry along the SWB⁵

February 2022 as of March 3, 2022	Title 42
Office of Field Operations	2,269
El Paso Field Office	153
Laredo Field Office	1,140
San Diego Field Office	719
Tucson Field Office	257
U.S. Border Patrol	89,244
Big Bend Sector	2,427
Del Rio Sector	15,611
El Centro Sector	3,501
El Paso Sector	12,154
Laredo Sector	8,740
Rio Grande Valley Sector	16,681
San Diego Sector	10,569
Tucson Sector	17,703
Yuma Sector	1,858
Grand Total	91,513

- Southwest Land Border Removals/Returns under Title 8, based on encounter date⁶

Total Removals and Returns Under Title 8	
U.S. Border Patrol	6,723
Bag and Baggage ⁷	66
Voluntary Return ⁸	2,687
Expedited Removal	1,767
Reinstatement of Removal	1,714
Returns Pursuant to 8 U.S.C. § 1225(b)(2)(C)	489
Office of Field Operations	1,612
Bag and Baggage	1
Voluntary Return	52
Expedited Removal	423
Reinstatement of Removal	4
Withdrawal of Application for Admission	1,132
Returns Pursuant to 8 U.S.C. § 1225(b)(2)(C)	
Grand Total	8,335

⁵ Same as Title 42 expulsion data provided in response to 1 above.

⁶ Indicates that the noncitizen was encountered during the reporting period (February 1, 2022 – February 28, 2022).

⁷ When a noncitizen encountered or apprehended by CBP has been previously ordered removed by an immigration judge and the order was never executed (i.e., in absentia). The removal order may be immediately executed by CBP or CBP may turn the noncitizen over to ICE for removal.

⁸ Constitutes a request by a non-citizen to be permitted to return to their country of citizenship on a voluntary basis, in lieu of being formally removed or placed into removal proceedings.

(3) Defendants' total detention capacity as well as current usage rates;*OFO Holding Capacity – Southwest Border in Custody*⁹

Detention Capacity	February 2022
935	194 (20.8%) ¹⁰

*USBP Average Daily Subjects In Custody by Southwest Border Sector*¹¹

USBP Sector	February 2022
Big Bend	22
Del Rio	1,194
El Centro	266
El Paso	1,264
Laredo	635
Rio Grande	2,548
San Diego	574
Tucson	328
Yuma	1,135
Total	7,966

⁹ Represents an estimate of each cell's coded occupancy limit, as outlined in technical design standards when constructed, multiplied by the total number of cells for all ports of entry within each field office. This number does not account for the unique circumstances that may limit the occupancy of a given cell (e.g., high risk, nursing/pregnant, transgender, unaccompanied minor, etc.) nor does it reflect operational limitations that affect a port's capacity to detain. CBP's capacity to detain individuals in its short-term facilities depends on many factors, including: demographics of the individual in custody; medical or other needs of individuals in custody; ability of ICE ERO (or, if an unaccompanied child, the U.S. Department of Health and Human Services) to transfer individuals out of CBP custody; and OFO's available resources to safely process and hold individuals.

¹⁰ Represents the average number of travelers in custody on a daily basis averaged over the number of days in the calendar month, at all Southwest Border Field Office locations. Travelers include inadmissible individuals, lawful permanent residents, asylees, refugees, and United States Citizens who are being detained to verify wants, warrants, criminal, administrative or other judicial process.

¹¹ U.S. Border Patrol facilities, such as stations and central processing centers, provide short-term holding capacity for the processing and transfer of individuals encountered by agents. Maximum facility capacity along the southwest border is approximately 5,000, which assumes a homogenous population and full operating status at all facilities. Actual capacity fluctuates constantly based on characteristics of in-custody population, to include demographics, gender, criminality, etc. The average percentage of subjects in custody on a daily basis is 161%, which is averaged over the number of days in the calendar month and includes all Southwest Border Sector locations.

(4) The total monthly number of “applicants for admission”¹² under Section 1225;

February 2022 as of March 3, 2022	Title 8
Office of Field Operations	4,572
El Paso Field Office	584
Laredo Field Office	1,649
San Diego Field Office	2,021
Tucson Field Office	318
U.S. Border Patrol	68,888
Big Bend Sector	580
Del Rio Sector	14,869
El Centro Sector	2,187
El Paso Sector	8,460
Laredo Sector	758
Rio Grande Valley Sector	17,157
San Diego Sector	2,908
Tucson Sector	3,498
Yuma Sector	18,471
Grand Total	73,460

(5) The total monthly number of “applicants for admission” under Section 1225 paroled into the United States; and

Southwest Border Paroles	February 2022 Paroles
U.S. Border Patrol	8,565
Parole Disposition	8,565
Office of Field Operations	3,140
NTA and Paroled into the U.S. on a case-by-case basis pursuant to 8 U.S.C. § 1182(d)(5)	2,361
Parole Disposition	779
Grand Total	11,705

¹² An applicant for admission is defined as “[a]n alien present in the United States who has not been admitted or who arrives in the United States (whether or not at a designated port of arrival and including an alien who is brought to the United States after having been interdicted in international or United States waters).” 8 U.S.C. § 1225(a)(1). Thus, an applicant for admission may include noncitizens that have never been encountered by CBP. At this time, CBP does not have a mechanism to track all applicants for admission in the United States that are not encountered by CBP. CBP has included the same data as the Title 8 encounter data provided in response to 1 above.

(6) The total monthly number of “applicants for admission” under Section 1225 released into the United States, paroled or otherwise.”¹³

Southwest Border Releases	February 2022 Releases
U.S. Border Patrol	35,929
Notice To Report ¹⁴	
Notice to Appear - Order of Release on Recognizance	27,364
Parole Disposition	8,565
Office of Field Operations	3,140
NTA and Paroled into the U.S. on a case-by-case basis pursuant to 8 U.S.C. § 1182(d)(5)	2,361
Parole Disposition	779
Grand Total	39,069

¹³ All numbers in reporting requirement 6 are “based on encounter date,” as defined above.

¹⁴ Individuals who are screened by CBP, and after criminal and immigration records checks are conducted to determine if the subject is a threat to national security or public safety, are then released and instructed to report to U.S. Immigration and Customs Enforcement (ICE) for continued processing.

Exhibit B

ERO Custody Management Division

Population Counts from February 1, 2022 through February 28, 2022

Source: ICE Integrated Decision Support (IIDS), 03/02/2022

IIDS is a data warehouse that contains dynamic data extracts from the Enforcement Integrated Database (EID).

FY2022 data: IIDS as of 03/02/2022; EID data through 03/01/2022

Average Daily Population is calculated by the total daily population divided by the number of days in the month

Total Daily Population includes single adults and individuals in family units

ERO is currently appropriated sufficient funding for approximately 34,000 detention beds nationwide, to support its mission to enforce immigration law. ICE’s access to its full inventory of bedspace is severely limited due to various court orders limiting the intake of noncitizen detainees, an increase in detention facility contract terminations, detention facility contract modifications, and the ongoing COVID-19 pandemic. Specifically, ICE’s Pandemic Response Requirements (PRR) for its detention facilities, which are informed by the Centers for Disease Control and Prevention’s COVID-19 guidelines, require that facilities undertake efforts to reduce populations to approximately 75% capacity. Last year, the U.S. District Court for the Central District of California issued a nationwide preliminary injunction recognizing the 75% capacity limit, and ordering ICE to maintain additional strict standards to reduce the risk of COVID-19 infection. See *Fraihat v. ICE*, 445 F.Supp.3d 709 (C.D. Cal. Apr. 20, 2020). In light of these mandates, ICE’s currently available bedspace inventory is only approximately 28,933 beds

Month	February
Monthly Average Daily Population (ADP)	19,860

Date	Daily Population
2/1/2022	21,362
2/2/2022	21,353
2/3/2022	21,746
2/4/2022	21,356
2/5/2022	21,243
2/6/2022	21,235
2/7/2022	21,554
2/8/2022	21,179
2/9/2022	21,114
2/10/2022	20,975
2/11/2022	20,223
2/12/2022	20,138
2/13/2022	20,333
2/14/2022	20,355
2/15/2022	19,887
2/16/2022	19,448
2/17/2022	18,981
2/18/2022	18,509
2/19/2022	18,458
2/20/2022	18,737
2/21/2022	18,893
2/22/2022	19,105
2/23/2022	18,553
2/24/2022	18,250
2/25/2022	17,951
2/26/2022	18,201
2/27/2022	18,427
2/28/2022	18,511

ERO LESA Statistical Tracking Unit

For Official Use Only (FOUO)/Pre-decisional

Texas v Biden (MPP) - Reporting Requirement - 03/08/2022**FY2022 February ICE Removals
of Expedited Removals**

Case AOR	Feb
Atlanta	51
Baltimore	-
Boston	4
Buffalo	2
Chicago	7
Dallas	22
Denver	37
Detroit	8
El Paso	61
HQ	2
Harlingen	569
Houston	36
Los Angeles	6
Miami	15
New Orleans	129
New York City	1
Newark	12
Philadelphia	14
Phoenix	69
Salt Lake City	3
San Antonio	43
San Diego	40
San Francisco	6
Seattle	39
St. Paul	6
Washington	13
Total	1,195

ERO-LESA Statistical Tracking Unit

For Official Use Only (FOUO)/Pre-decisional

Texas v Biden (MPP) - Reporting Requirement - 03/08/2022

ICE Initial Book Ins in FY2022 February with Arresting Agency of CBP	Feb
	21,915

ICE Initial Book Ins in FY2022 February with Arresting Agency of CBP with a previously occurring USBP Apprehension or CBP OFO Encounter at the Southwest Border		Feb
		21,426
FY2022 YTD	03/05/2022 ICE Currently Detained	4,952
	FY2022 ICE Final Release	15,974
	<i>Bonded out</i>	872
	<i>Order of Recognizance</i>	13,250
	<i>Order of supervision</i>	144
	<i>Paroled</i>	1,708
	FY2022 ICE Removal	289

ERO-LESA Statistical Tracking Unit

For Official Use Only (FOUO)/Pre-decisional

Texas v Biden (MPP) - Reporting Requirement - 03/08/2022

Footnotes

FY2022 ICE Initial Book Ins data are updated through 03/05/2022 (IIDS run date 03/06/2022; EID as of 03/05/2022).
ICE Currently Detained National Docket data are a snapshot as of 3/05/2022 (IIDS run date 03/06/2022; EID as of 03/05/2022).
FY2022 ICE Final Releases data are updated through 3/05/2022 (IIDS run date 03/06/2022; EID as of 03/05/2022).
FY2022 ICE Removals data are updated through 3/05/2022 (IIDS run date 03/06/2022; EID as of 03/05/2022).
Current fiscal year data, FY2022, will reflect updated values until the FY2022 data lock in Oct 2022.

USBP Apprehensions FY14 - FY22 YTD uploaded to IIDS on 03/07/2022, with FY22 apps through 03/07/2022.

Office of Field Operations (OFO) Southwest Border Operations (SBO) Enforcement Encounters Report with Subject-level details for FY22TD through 03/05/2022.

For the purpose of this report, only the most recent status for an individual who had an ICE Initial Book Ins per fiscal year with Arresting Agency of CBP with a previously occurring USBP Apprehension or CBP OFO Encounter at the Southwest Border is included in the summary count. I.e., Individual with multiple initial book-ins within the fiscal year pertinent to this litigation should have the same reported status and not be included in multiple status summary counts.

The person record for 211 ICE Initial Book Ins in FY2022 February pertinent to this litigation could not be matched to an ICE Current Detention (snapshot as of 03/05/2022), FY2022 YTD ICE Final Release or FY2022 YTD ICE Removal occurring after the ICE Initial Book In date.

ICE Initial Book Ins are matched to USBP Apprehensions and/or OFO Encounters based on subject-level details (Civilian record) where the USBP Apprehension and/or OFO Encounter occur prior to the ICE Initial Book In date. STU cannot confirm that the ICE Initial Book In is directly related to the matched USBP Apprehension and/or OFO Encounter.

ICE Initial Book Ins

ICE Detention data exclude ORR transfers/facilities, as well as U.S. Marshals Service Prisoners.

All stats are pulled based on Current Program which attributes all cases back to the Program of the processing officer of the event. However, if Current Program = OPL, XXX, ZZZ, or null, then Event Program is used.

The "CBP" Arresting Agency includes the following programs: Border Patrol, Inspections, Inspections-Air, Inspections-Land, and Inspections-Sea.

Individuals may have more than one ICE Initial Book Ins relevant to this litigation. All have been included.

Individuals may have more than one USBP Apprehensions and/or OFO Encounters relevant to this litigation. The latest occurring Apprehension or Encounter is included.

ICE Detained National Docket

ICE Detention data exclude ORR transfers/facilities, as well as U.S. Marshals Service Prisoners.

ICE Initial Book Ins are matched to ICE Current Detention record based on person-level details (Person record) where the ICE Initial Book In occur prior to the ICE Current Detention date. The ICE Initial Book In may not be directly related to the matched ICE Current Detention.

ICE Final Releases

An ICE Final Release is defined as a Final Bookout that reflects one of the following release reasons: Bonded Out, Order of Recognizance, Order of Supervision, Paroled, or Prosecutorial Discretion. All Case Statuses are included.

ICE Detention data exclude ORR transfers/facilities and U.S. Marshals Service Prisoners.

An alien may have multiple releases; only the most recent release is included in this report.

ICE Initial Book Ins are matched to ICE Final Release record based on person-level details (Person record) where the ICE Initial Book In occur prior to the ICE Final Release date. The ICE Initial Book In may not be directly related to the matched ICE Final Release.

ICE does not track the number of applicants paroled or released into the United States based on DHS' s lack of detention capacity.

ICE Removals

ICE Removals include Returns. Returns include Voluntary Returns, Voluntary Departures and Withdrawals Under Docket Control.

ICE Removals include aliens processed for Expedited Removal (ER) or Voluntary Return (VR) that are turned over to ERO for detention. Aliens processed for ER and not detained by ERO or VR after June 1st, 2013 and not detained by ERO are primarily processed by Border Patrol.

Starting in FY2009, ICE began to “lock” removal statistics at the end of each fiscal year and counted only the aliens whose removal or return was already confirmed. Aliens removed or returned in that fiscal year but not confirmed until after the end of that fiscal year were excluded from the locked data and thus from ICE statistics. To ensure an accurate and complete representation of all removals and returns, ICE will include the removals and returns confirmed after the end of that fiscal year into the next fiscal year. The number of removals in FY2009, excluding the “lag” from FY2008, was 387,790. The number of removals in FY2010, excluding the “lag” from FY2009, was 373,440. This number does not include 76,732 expedited removal cases which ICE closed on behalf of CBP in FY2010. Of those 76,732, 33,900 cases resulted from a joint CBP/ICE operation in Arizona. ICE spent \$1,155,260 on those 33,900 cases. The number of removals in FY2011, excluding the “lag” from FY2010, was 385,145. The number of removals in FY2012, excluding the “lag” from FY2011, was 402,919. The number of removals in FY2013, excluding the “lag” from FY2012, was 363,144. The number of removals in FY2014, excluding the “lag” from FY2013, was 311,111. The number of removals in FY2015, excluding the “lag” from FY2014, was 231,250. The number of removals in FY2016, excluding the “lag” from FY2015, was 235,524. The number of removals in FY2017, excluding the “lag” from FY2016, was 220,649. The number of removals in FY2018, excluding the “lag” from FY2017, was 252,405. The Number of removals in FY2019, excluding the “lag” from FY2018, was 262,591. The number of removals in FY2020, excluding the “lag” from FY2019, was 177,516. The number of removals in FY2021, excluding the “lag” from FY2020, was 55,355.

FY Data Lag/Case Closure Lag is defined as the physical removal of an alien occurring in a given month; however, the case is not closed in EARM until a subsequent FY after the data is locked. Since the data from the previous FY is locked, the removal is recorded in the month the case was closed and reported in the next FY Removals. This will result in a higher number of recorded removals in an FY than actual departures.

All stats are pulled based on Current Program which attributes all cases back to the Program of the processing officer of the event. However, if Current Program = OPL, XXX, ZZZ, or null, then Event Program is used.

Expedited removals include cases have one of the following case categories:

[8F] Expedited Removal [8G] Expedited Removal - Credible Fear Referral, [8H] Expedited Removal - Status Claim Referral, [8K] Expedited Removal Terminated due to Credible Fear Finding / NTA Issued.

Month break out of Expedited Removals is based on fiscal month of departure.

ICE Initial Book Ins are matched to ICE Removal record based on person-level details (Person record) where the ICE Initial Book In occur prior to the ICE Removal date. The ICE Initial Book In may not be directly related to the matched ICE Removal.