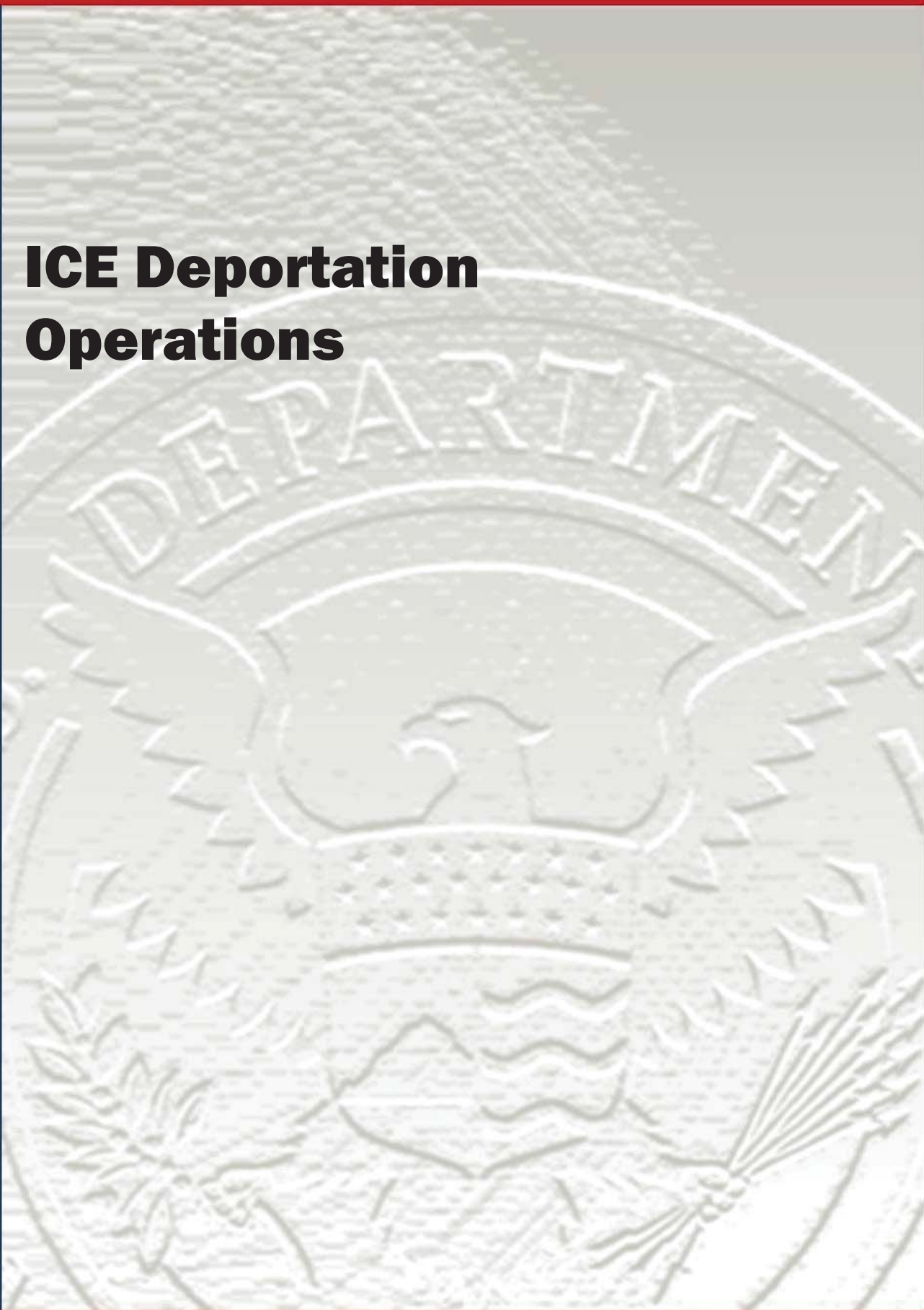


OFFICE OF INSPECTOR GENERAL

ICE Deportation Operations



Homeland
Security

April 13, 2017
OIG-17-51



DHS OIG HIGHLIGHTS

ICE Deportation Operations

April 13, 2017

Why We Did This Inspection

This is the second inspection related to U.S. Immigration and Customs Enforcement's (ICE) management of aliens released from detention and under ICE supervision. We sought to determine whether there are systemic factors hampering ICE's ability to deport these aliens.

What We Recommend

We made five recommendations to improve ICE's management of its deportation operations.

For Further Information:

Contact our Office of Public Affairs at (202) 254-4100, or email us at DHS-OIG.OfficePublicAffairs@oig.dhs.gov

What We Found

ICE does not effectively manage the deportation of aliens who are no longer detained, but are under its supervision. Effective management requires preparing and deploying the right number of employees to achieve program and policy objectives. In contrast, although many ICE Deportation Officers supervising aliens reported overwhelming caseloads and difficulty fulfilling their responsibilities, ICE does not collect and analyze data about employee workloads to allocate staff judiciously and determine achievable caseloads. Effective management also requires providing well-defined policies and procedures to employees. ICE has not clearly and widely communicated Department of Homeland Security deportation priorities to Deportation Officers; not issued up-to-date, comprehensive, and accessible procedures; and not provided sufficient training. ICE's failure to effectively balance and adequately prepare its workforce also makes it harder to address other obstacles to deportation, which may require significant time and resources. These management deficiencies and unresolved obstacles make it difficult for ICE to deport aliens expeditiously. ICE is almost certainly not deporting all the aliens who could be deported and will likely not be able to keep up with growing numbers of deportable aliens.

ICE Response

ICE concurred with all five recommendations and has initiated corrective actions that should improve its management of deportation of aliens under its supervision. We consider all five recommendations resolved and open.



OFFICE OF INSPECTOR GENERAL
Department of Homeland Security

Washington, DC 20528 / www.oig.dhs.gov

April 13, 2017

MEMORANDUM FOR: The Honorable Thomas Homan
Acting Director
U.S. Immigration and Customs Enforcement

FROM: John Roth 
Inspector General

SUBJECT: *ICE Deportation Operations*

Attached for your information is our final report, *ICE Deportation Operations*. We have incorporated ICE's formal comments as appropriate in the final report.

The report contains five recommendations to improve ICE's management of its deportation operations. Your office concurred with all five recommendations. Based on information provided in your response to the draft report, we consider all five recommendations resolved and open. Once your office has implemented the recommendations, please submit a formal closeout letter to us within 30 days so that we may close the recommendations. The memorandum should be accompanied by evidence of completion of agreed upon corrective actions. Please send your response or closure request to OIGInspectionsFollowup@oig.dhs.gov.

Consistent with our responsibility under the Inspector General Act, we will provide copies of our report to congressional committees with oversight and appropriation responsibility over the Department of Homeland Security. We will post the report on our website for public dissemination.

Please call me with any questions, or your staff may contact Laurel Loomis Rimon, Acting Assistant Inspector General for Inspections and Evaluations, at (202) 254-4100.

Attachment



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Abbreviations

BIETP	Basic Immigration Enforcement Training Program
CBP	U.S. Customs and Border Protection
CMT	Case Management Training
DO	Deportation Officer
ERO	Enforcement and Removal Operations
ICE	U.S. Immigration and Customs Enforcement
OIG	Office of Inspector General



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Background

This is the second inspection related to U.S. Immigration and Customs Enforcement's (ICE) management of aliens who have been released from detention. In our first inspection,¹ undertaken in response to a congressional request, we reviewed the circumstances surrounding the case of an alien from Haiti, Jean Jacques, who committed murder after receiving final deportation orders.² Our initial review revealed potentially broader issues affecting ICE's efforts to deport aliens. We conducted this second inspection to determine whether there are systemic factors hindering ICE's ability to deport aliens who are not in ICE detention, but are under its supervision.

ICE shares responsibility for enforcing the nation's civil immigration laws with U.S. Customs and Border Protection (CBP) and U.S. Citizenship and Immigration Services. ICE's two primary missions are to (1) identify and apprehend criminal aliens and other deportable individuals in the United States and (2) detain and deport those individuals apprehended in the interior of the United States. ICE Enforcement and Removal Operations (ERO) is responsible for carrying out this two-fold mission.

ICE detains aliens, both criminal and non-criminal, who are apprehended and determined to need custodial supervision. While in detention, ICE attempts to deport aliens with final deportation orders. ICE refers to aliens in its detention facilities as cases in a "detained docket."

A 2001 Supreme Court decision³ limits the length of time under the Immigration and Nationality Act [8 U.S.C. § 1231(a)(1)(A)] that ICE can detain aliens who are subject to a deportation order but cannot be deported in the near future.⁴ When aliens are released from detention because deportation is no longer reasonably foreseeable, ICE continues its efforts to deport those with final deportation orders.

ICE also monitors aliens released from detention who are waiting for a hearing in immigration court. Some aliens released from detention do not have final

¹ *Release of Jean Jacques from ICE Custody*, June 16, 2016

² When an immigration judge orders an alien to be deported the judge issues an order of removal. In this report, we refer to orders of removal as deportation orders and to removal as deportation.

³ *Zadvydas v. Davis*, 533 U.S. 678, 697 (2001)

⁴ There are several reasons why ICE may have difficulty deporting an alien with final deportation orders. For example, some countries refuse to repatriate their citizens and other countries restrict the number of aliens they will accept for repatriation. For more information on the Supreme Court decision and ICE's policies and procedures in one release from detention, see *Release of Jean Jacques from ICE Custody*, June 16, 2016.



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deportation orders, but instead are waiting to appear in immigration court for a ruling on their deportation. For example, aliens who claim they are fearful of returning to their home countries or who are seeking asylum in the United States must wait to appear in immigration court for a judge to render a decision. It may take months or years for an appearance before an immigration judge.

Aliens released from detention with final deportation orders, as well as aliens who have been released and are waiting for an immigration court hearing, compose ICE's "non-detained docket."

Among other duties, ICE DOs may work on either a detained or a non-detained docket. We focused this review on DOs primarily responsible for the non-detained docket. In this report, we refer to an ICE DO's responsibilities for non-detained aliens as "supervision." Supervision of non-detained aliens with final deportation orders entails facilitating their deportation and repatriation by working with embassies and consulates to obtain travel identification documents, which officially permit ICE to deport aliens. Supervision of non-detained aliens awaiting final court decisions on their immigration status entails ensuring the aliens check in at regular intervals to report any changes in their status, such as a change of address or updates on their immigration court proceedings. These DOs also interview the aliens and run criminal background checks.

In fiscal year 2014, the United States experienced a surge in illegal immigration along the southwest border. That year, the Border Patrol apprehended nearly 500,000 individuals entering the United States illegally. This represented a nearly 16 percent increase from FY 2013 and about a 34 percent increase from FY 2012. An increase in Border Patrol apprehensions potentially translates to more aliens that ICE must detain, deport, and supervise.

On November 20, 2014, the then Secretary of Homeland Security issued a memorandum, *Policies for the Apprehension, Detention and Removal of Undocumented Immigrants*, with revised department-wide immigration enforcement priorities to "inform enforcement and removal activity, detention decisions, budget requests and execution, and strategic planning." The memorandum directed the Department, including ICE, to focus resources and deportation efforts on, among others, criminals convicted of felonies, multiple misdemeanors, and "significant" misdemeanors (e.g., domestic violence and sexual abuse and exploitation), as well as aliens who unlawfully enter or re-



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enter the United States and “cannot establish ... that they have been physically present ... continuously since January 1, 2014.”⁵

According to ICE, as directed by the Secretary, in FY 2015 it focused its resources on apprehending, arresting, and deporting the most serious threats to national security, border security, and public safety. ICE also reported that its deportation statistics for the last three quarters of FY 2015 aligned with the Secretary’s revised immigration enforcement priorities. As of August 2016, ICE was supervising about 2.2 million aliens (on the non-detained docket); of these, about 368,574 are convicted criminals. In FY 2015, ICE removed or returned 235,413 individuals of which 139,368 were convicted criminals.

Results of Inspection

ICE does not effectively manage the supervision and deportation of non-detained aliens. Effective management requires preparing and deploying the right number of employees to achieve program and policy objectives. In contrast, although many ICE DOs supervising aliens reported overwhelming caseloads and difficulty fulfilling their responsibilities, ICE does not collect and analyze data about employee workloads to allocate staff judiciously and determine achievable caseloads. Effective management also requires providing well-defined policies and procedures to employees. ICE has not clearly and widely communicated Department priorities for deportation to DOs; not issued up-to-date, comprehensive, and accessible procedures for supervising aliens; and not provided sufficient training. ICE’s failure to effectively balance and adequately prepare its workforce also makes it harder to address obstacles to deportation, which may require significant time and resources. These management deficiencies and unresolved obstacles make it difficult for ICE to deport aliens expeditiously. ICE is almost certainly not deporting all the aliens who could be deported and will likely not be able to keep up with growing numbers of deportable aliens.

ICE Does Not Ensure Deportation Officer Workloads Are Balanced and Achievable

DO workloads appear to be uneven — DOs working on non-detained dockets have many more aliens they must supervise than DOs working with detained aliens. While the tasks associated with overseeing detained and non-detained

⁵ On February 20, 2017, the Secretary of Homeland Security issued a memo, *Enforcement of the Immigration Laws to Serve the National Interest*, which rescinded “all existing conflicting directives, memoranda, or field guidance regarding the enforcement of our immigration laws and priorities for removal,” including the November 20, 2014 memo.



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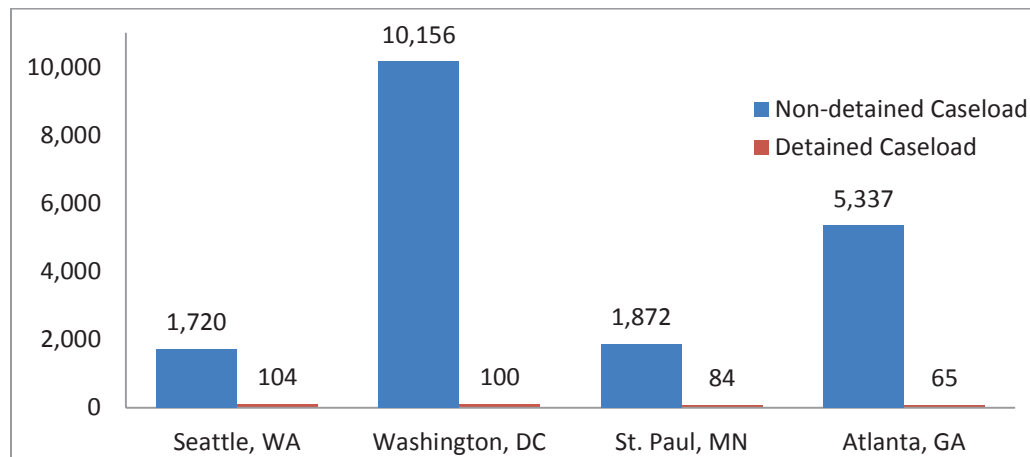
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aliens differ, ICE could not adequately explain the reasons for the workload differences at the locations we visited. Many of those working with non-detained aliens reported they had difficulty fulfilling all their responsibilities, such as working with embassies and consulates to obtain travel documents necessary for deportation, interviewing aliens under their supervision, and running criminal checks on aliens in their docket. Yet, ICE has not collected or analyzed workload data to determine the time and effort DOs need to adequately supervise and facilitate the deportation of non-detained aliens. Without workload data, ICE cannot ensure its caseload distribution is balanced and that non-detained workloads are achievable. ICE also cannot measure performance and apply lessons learned to ensure effective and efficient supervision and deportation of aliens.

Caseload Distribution Is Uneven

At all four ICE field offices we visited, the caseloads of DOs supervising non-detained aliens were much larger than those of DOs working with detained aliens. As shown in Figure 1, on average, DOs working on non-detained dockets were responsible for about 1,700 to about 10,000 non-detained aliens, compared to averages ranging from 65 to 110 for DOs working on detained dockets.

Figure 1: Average Number of Cases per Deportation Officer For Non-detained and Detained Aliens in Four ICE Field Offices, 2016



Source: ICE-reported data from July through October 2016

Deportation Officers Report Overwhelming Workloads

ICE personnel at all four field offices agreed that the workloads of DOs supervising non-detained aliens are unmanageable, yet ICE has not tried to determine what is achievable and what would alleviate the burden.



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In general, DOs working on non-detained dockets are supposed to obtain travel documents for aliens with final deportation orders as well as supervise aliens awaiting final decisions on their immigration status. To deport aliens, ICE DOs must work with embassies and consulates to obtain travel identification documents, such as birth certificates and passports, which officially permit ICE to deport the aliens. Each country that accepts its citizens has its own rules and proof of citizenship requirements that must be satisfied before it will issue travel documents and accept its citizens. All these tasks can be time consuming.

Supervision of non-detained aliens entails ensuring they check in at regular intervals to report any changes in their status, such as a change of address or updates on their immigration court proceedings. During and prior to an alien's check-in appointment, DOs respond to aliens' attorneys' inquiries and requests, interview non-detained aliens, run criminal background checks, and are supposed to record any changes in status in the ICE electronic case management system. The system is also used to alert DOs about upcoming scheduled check-ins. The large backlog of aliens awaiting final decisions on their immigration status drives increasing workloads for DOs supervising non-detained aliens.

Among the field offices we visited, however, DO responsibilities vary widely and shift, sometimes unexpectedly. For example, DOs working on the non-detained docket are sometimes asked to help with aliens in detention. DOs are also taken from assignments supervising non-detained aliens to work in specialized units that target criminals and fugitive aliens. Further, to assist with the increase in aliens crossing the southwest border, ICE has required some field offices to temporarily assign staff to the border field offices for 45-day rotations. One field office reported regular staffing shortages in supervising aliens because of these assignments. Also, other DOs must pick up the workload of those temporarily working elsewhere.

In addition, DOs may be asked to help with other "collateral" duties including:

- transporting and escorting departing aliens on commercial and chartered flights, which can take several days;
- rotating on "window duty" to check in aliens arriving for interviews; and
- transporting aliens to and from detention centers for immigration court proceedings.

At the four offices we visited, DOs supervising non-detained aliens reported they do not have enough time to obtain necessary travel documents to deport aliens. According to the DOs, their collateral duties leave them time only to deal with daily scheduled check-in appointments and unscheduled visits by



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aliens, answer phone calls from aliens, and input new cases into the electronic system. One DO also reported that because of competing work responsibilities criminal background checks are not conducted every time a non-detained alien checks in with the field office.

In a particularly troubling example of overworked staff, a DO at one field office we visited reported that a heavy workload limited oversight of non-detained aliens in that geographic area that ICE had flagged as risks to national security. In addition to oversight of these aliens, the DO supervised about 6,000 juvenile aliens, 150 of whom were detained; the DO said managing the detained juveniles took up most of the workday, including many hours of overtime. Without adequate oversight, this ICE DO may be unaware of missed check-in appointments and missed court dates and may have inaccurate information on the whereabouts of the non-detained aliens deemed to be a risk.

In addition to reported staffing shortages because of temporary DO assignments to the southwest border, ICE's non-detained unit also has unfilled vacancies for positions that are relatively hard to fill. According to ICE officials at one field office we visited, 6 of 19 DO positions assigned to the non-detained case management unit were vacant, and the number of personnel who provide administrative and clerical support has also dwindled, so DOs have had to take on administrative duties.

Because of the overwhelming workload, DOs at these four offices reported they need to work overtime to try to keep up with their caseloads. Nevertheless, as one DO said, "you might work 18 hours a day, but you still won't get caught up."

ICE Does Not Distribute Caseloads Systematically

Although the non-detained and detained caseloads appear unequal and DOs working on the non-detained docket seem overwhelmed, ICE could not provide any data on how it determines the staff needed to handle non-detained dockets.

In February 2009, ICE developed a draft staffing model to reorganize DO assignments to manage field offices. The model included suggested DO staffing levels for the detained and non-detained dockets, as well as mission support. However, ICE has not used the 2009 staffing model to allocate human resources at field offices.

Rather than determine how to distribute staff based on caseload requirements, supervisory personnel reported they arbitrarily assign the aliens in their geographic area of responsibility to staff working on the detained and non-detained dockets. This means cases are distributed without regard to the work



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they entail or whether DOs will be able to handle the number of cases they are assigned. An ICE official said that field office case management is complicated and both detained and non-detained caseloads vary based on enforcement priorities and other factors. These complications likely mean the two dockets will never be equal, but gathering and analyzing workload data could help ICE ensure a more balanced workload distribution.

ICE Does Not Provide Clear Policies and Procedures or Sufficient Training

ICE does not adequately communicate overall policies or give overstretched DOs comprehensive, up-to-date, and accessible procedures to guide them in supervising and deporting aliens. In addition, ICE has not routinely reviewed, updated, and organized its procedures to give DOs access to up-to-date manuals. Guidance is often communicated to field office personnel orally or by email, rather than through formal, documented policies and procedures. These deficiencies hinder proper supervision of non-detained aliens, including those who may be fugitives or who commit crimes. Field office staff confirmed that ICE's available policies and procedures did not help them properly manage their non-detained cases.

ICE often communicates changes in enforcement priorities for deportation through memoranda, directives, and broadcast messages to field offices. Because they are not reviewed by the ICE Enforcement Removal Operations Policy Office these communications are not official policies. According to ICE staff we interviewed, the official policy review and issuance process can be lengthy, so ICE opts to issue more immediate guidance through unofficial chains, but does not formalize these policies after the fact. Further, the communications are usually posted on websites where they are poorly organized and difficult for field office staff to find. Many of the documents on these websites had not undergone a periodic review every 4 years as required by ICE's *Policy Development Handbook*.

ICE has not issued comprehensive procedures for monitoring aliens throughout immigration court proceedings and taking aliens into ICE custody if deportation orders are issued. ICE also does not have an official policy requiring DOs to periodically review aliens' case files to verify and record contact information, the status of immigration proceedings, and criminal history. As a result, according to staff we interviewed, ICE's records on the number and status of aliens are likely inaccurate, which can cause repercussions. For example, the cases of aliens who have relocated may not be referred to the appropriate field office for supervision. Unless they verify the status of immigration proceedings, ICE DOs may not know about aliens who fail to report for court appearances and, thus, whose names should be



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forwarded to the fugitive operations unit. Without checking on criminal history, DOs may be unaware of aliens who have committed crimes and should be detained.

Deportation policies and procedures are outdated and unclear. Officials we interviewed said ICE considers the 2003 *Detention and Removal Operations Policy and Procedure Manual* (manual) “the official guide” to operations, but ICE has not periodically reviewed the manual or revised it since 2008. For a time, ICE would affix a memo to the front of the appropriate chapter to indicate changes, rather than incorporate changes and issue a revised manual. Eventually, many chapters were individually archived or left pending with unfinished revisions. To date the manual has not been extensively revised.

Staff in the field offices confirmed the neglected state of ICE’s guidance. Probably as a result of ICE’s failure to issue clear guidance, procedures at the ICE field offices we visited vary widely. Some field offices have created their own policies and procedures. Also, DOs are often allowed to act autonomously in determining alien reporting intervals, documenting alien check-ins, and even deciding which aliens to recommend for scheduled deportation charters.

According to ICE staff, DOs do not get enough training to help them supervise and deport non-detained aliens. Staff at all four field offices said that training was primarily on-the-job and informal. To compound this issue, since September 2015, ICE has transitioned about 2,900 Immigration Enforcement Agents to DO positions without, in our opinion, adequately training the fresh DOs on their new responsibilities.

From July to September 2016, ICE headquarters scheduled non-detained training for all 24 field offices, but did not plan for recurring training nor document training attendance to ensure all required staff attended. In our opinion, the training did not fully cover all necessary information. The training slides we reviewed did not sufficiently cover managing cases electronically, for example, by updating and sorting cases of deceased and self-deported aliens, which would help reduce the number of aliens in the non-detained docket. Overall, this combination of training did not give field office staff enough information to carry out their non-detained responsibilities. ICE headquarters personnel acknowledged they could improve training and communication with field offices.



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ICE Does Not Effectively Prepare Its Workforce to Handle Complicated Deportations

According to ICE officials, deporting aliens to some countries is nearly impossible, but in other instances, if ICE managed its operations better and provided DOs with clear guidance and sufficient training, there would be a greater chance of overcoming obstacles to deportation. Some countries refuse to repatriate any of their citizens, and ICE generally cannot deport aliens to these countries without intervention by the Department of State. Other countries restrict the number of individuals they will repatriate, and some accept their citizens, but ICE has difficulty obtaining the travel documents needed for deportation. ICE officials explained they would likely be more successful in deporting aliens to these countries if they could better coordinate with the Department of State and work more effectively with embassies and consulates representing these countries.

For ICE to deport an alien to his or her home country, the country must agree to repatriation. As of August 2016, ICE had identified 23 “uncooperative” countries to which it generally cannot deport aliens. To help deport aliens to these countries ICE may request diplomatic intervention by the Department of State, which determines whether and what action to take against the country. ICE officials also said that some countries, such as China, Bangladesh, and India, restrict the number of aliens for whom they will issue travel documents and accept for repatriation. Finally, ICE has identified 62 countries that are cooperative, but with which it has experienced delays in obtaining required travel documents. Deporting aliens to these 62 countries also requires more time and effort working with embassies and consulates to obtain travel documents and approval for alien repatriation.

ICE management at the field offices we visited noted that staff need to “stay on top” of the embassies and consulates because ICE has more success deporting aliens when DOs can be persistent in obtaining travel documents. DOs cited the large number of cases they are assigned and their collateral duties as hindrances to pursuing complicated deportations. If workloads were more reasonable and ICE provided better guidance and training, DOs would likely have more success with these deportations.

Conclusion

Our inspection and site visits of four ICE field offices revealed weaknesses in ICE’s management of its deportation operations. These weaknesses are hampering ICE’s ability to adequately supervise aliens awaiting immigration hearings, as well as efforts to deport those who should be deported, including some convicted criminals. Factors beyond ICE’s control may virtually prohibit



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deportation to some countries. In general, however, a more organized, diligent, and complete approach to management would help ICE deport aliens expeditiously and keep up with growing numbers of aliens who should be deported.

Recommendations

We recommend that the Director of ICE or a designee:

Recommendation 1: Comprehensively review, revise, update, and maintain ICE Enforcement and Removal Operations policies, procedures, and guidance to address gaps and outdated information.

Recommendation 2: Comprehensively review Deportation Officer functions at field offices to determine staffing allocations for non-detained units and identify appropriately sized caseloads for Deportation Officers working with non-detained aliens.

Recommendation 3: Based on a completed comprehensive review, develop a plan to identify and implement appropriate staffing of Deportation Officers.

Recommendation 4: Develop a standardized training curriculum for all current and future Deportation Officers, including recurrent refresher training courses for docket review and detained and non-detained case management.

Recommendation 5: Collaborate with the Department of State to identify potential mechanisms to address issues that hinder deportation efforts.

Management Comments and OIG Analysis

In its response to our draft report, ICE concurred with all five recommendations and has initiated corrective actions that should improve the effectiveness of managing the deportation of aliens under its supervision. We consider all five recommendations resolved and open.

Recommendation 1: We recommend that the Director of ICE or a designee comprehensively review, revise, update, and maintain ICE Enforcement and Removal Operations policies, procedures, and guidance to address gaps and outdated information.

ICE Response: ICE concurred with the recommendation. ICE agrees that ERO policies, procedures, and guidance should be reviewed, revised, updated, and



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maintained to address gaps and outdated information. ICE is currently working with the Department's Office of Policy and others to examine current ICE policies and guidance to ensure that they align with the President's recent Executive Orders and the Secretary of Homeland Security's vision and plans for implementing those orders. This will be an iterative process that will also address gaps in current policies, procedures, and guidance. The estimated completion date is January 31, 2018.

OIG Analysis: ICE's response addresses the intent of the recommendation. This recommendation is resolved and will remain open until ICE provides evidence that ERO policies, procedures, and guidance have been reviewed, revised, updated, and maintained to address gaps and outdated information and that such policies, procedures, and guidance align with the Executive Orders and the Secretary's plans to implement them.

Recommendation 2: We recommend that the Director of ICE or a designee comprehensively review Deportation Officer functions at field offices to determine staffing allocations for non-detained units and identify appropriately sized caseloads for Deportation Officers working with non-detained aliens.

ICE Response: ICE concurred with the recommendation. ICE ERO is currently examining staffing structures throughout the organization to inform future hiring that will implement the President's Executive Order 13768, *Enhancing Public Safety in the Interior of the United States*. This effort, along with ERO's evolving enforcement posture, will determine the future operational footprint for ERO's 24 field offices. This initiative is also aligned with ICE's project to complete a workforce staffing model that uses subject matter expertise and operational data to determine appropriate workforce staffing in positions and geographical areas. Such analyses will include a review of DO functions, including management of the non-detained docket and an appropriate case-to-officer ratio. The estimated completion date is January 31, 2018.

OIG Analysis: ICE's response provides an initial corrective action plan that addresses the intent of the recommendation. This recommendation is resolved, but will remain open until ICE provides specific information about its planned staffing structure initiative, especially as it affects DO staffing, as well as evidence of the completed workforce staffing model, including a comprehensive review of DO functions, all of which will help determine appropriate staffing allocations for non-detained units and caseload sizes for DOs assigned to non-detained dockets.



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Recommendation 3: We recommend that the Director of ICE or a designee, based on a completed comprehensive review, develop a plan to identify and implement appropriate staffing of Deportation Officers.

ICE Response: ICE concurred with the recommendation. As stated above, ICE ERO is currently examining staffing structure determine the future operational footprint for ERO's 24 field offices and a multi-year hiring plan. The estimated completion date is January 31, 2018.

OIG Analysis: ICE's response addresses the intent of the recommendation. This recommendation is resolved and will remain open until ICE provides evidence of the completed examination of its staffing structure to determine the future operational footprint for ERO's 24 field offices and a multi-year hiring plan, in conjunction with recent hiring surges proposed by the new Administration and DHS leadership.

Recommendation 4: We recommend that the Director of ICE or a designee develop a standardized training curriculum for all current and future Deportation Officers, including recurrent refresher training courses for docket review and detained and non-detained case management.

ICE Response: ICE concurred with the recommendation. Standardized training curriculum for future DOs is operated through ICE's basic program, the Basic Immigration Enforcement Training Program (BIETP), instructed by the ICE Office of Training and Tactical Programs. Immigration Enforcement Agents, who have been recently upgraded to the DO position, and new DOs who have attended a substantially equivalent course of instruction to the BIETP, must complete ICE ERO Case Management Training (CMT), which provides instruction that includes docket-related duties (docket review and detained and non-detained case management). CMT classes began in the latter part of 2016. ERO intends to have 70 percent of the upgraded Immigration Enforcement Agents complete the program by December 2017 and 100 percent by March 2018. ICE ERO is also currently working with the ICE Office of Principal Legal Advisor to begin the process of negotiating an ICE ERO on-the-job training program with the national union, which will also be used as a recurrent refresher for several ERO specific skill sets, including those related to docket review, detained casework, and non-detained casework. The estimated completion date is March 30, 2018.

OIG Analysis: ICE's response addresses the intent of the recommendation. This recommendation is resolved and will remain open until ICE provides evidence that 100 percent of Immigration Enforcement Agents converted to DOs have completed CMT, and that it has fully implemented an ICE ERO on-



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the-job (or similar) recurrent refresher training program for docket review and detained and non-detained case management.

Recommendation 5: We recommend that the Director of ICE or a designee collaborate with the Department of State to identify potential mechanisms to address issues that hinder deportation efforts.

ICE Response: ICE concurred with this recommendation. Since 2011, there has been a standing Memorandum of Understanding between the Department of State and ICE ERO that specifically identifies and uses available mechanisms to address issues that hinder removal efforts. Additionally, ICE ERO currently uses a Removal Cooperation Initiative tool to better assess a country's level of cooperation with the removal process and is thereby able to develop a plan of action to specifically address the issue(s) at hand, with the assistance of the Department of State. ICE ERO and the Department of State will continue to work together to ensure that countries accept the return of their nationals who have been ordered removed from the United States, in accordance with international law. ICE requested that DHS OIG consider this recommendation resolved and closed.

OIG Analysis: In its response, ICE identified the Memorandum of Understanding with the Department of State, current mechanisms, and the Removal Cooperation Initiative tool as addressing the intent of the recommendation. We acknowledge these ongoing efforts, but ICE continues to have problems ensuring deportation of aliens to uncooperative countries and countries with which it has problems obtaining travel documents. Therefore, this recommendation is resolved, but will remain open until ICE provides evidence of enhancements to current mechanisms and improvements to cooperation with the Department of State to remove hindrances to deportation. In particular, ICE needs to provide details on how it uses assessments from the Removal Cooperation Initiative tool to address issues and work with the Department of State to deport aliens to these countries. ICE also needs to provide any new plans and strategies it is developing with the Department of State to improve cooperation with these countries.



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Appendix A

Objective, Scope, and Methodology

DHS OIG was established by the *Homeland Security Act of 2002* (Public Law 107–269) by amendment to the *Inspector General Act of 1978*.

We conducted this inspection from June 2016 to October 2016 under the authority of the *Inspector General Act 1978*, as amended, and according to the *Quality Standards for Inspection and Evaluation* issued by the Council of the Inspectors General on Integrity and Efficiency. The objective of our review was to determine whether ICE has systemic factors that may hamper deportations of aliens not in detention facilities.

We analyzed ICE’s available supervision and deportation metrics as well as its field office case workload data, organizational charts, and staffing models. We also examined ICE’s supervision and deportation priorities, policies, procedures, and information on uncooperative countries; agreements with the Department of State; and email communication and training provided to ICE field offices. Further, we reviewed congressional hearings and testimony, as well as media articles relevant to the objective of this review, which focused on the failure to deport criminal aliens who allegedly endangered the public. During this review, we also met with congressional staff to understand concerns related to their requests for inspection.

We interviewed ICE headquarters staff and traveled to ICE field offices in Atlanta, GA; Washington, DC; St. Paul, MN; and Seattle, WA to discuss the above subject areas, local policies and procedures, and issues beyond ICE’s control. During these site visits, we interviewed Field Office Directors and their senior staff as well as DOs working on non-detained dockets and supervisors. We also observed DOs interviewing and gathering information from non-detained aliens and accessing the electronic case management system, ENFORCE Alien Removal Module. As needed, we followed up with ICE headquarters and field office personnel by phone and email. We interviewed ICE headquarters and field office staff members during site visits.

After October 2016, we contacted subject matter experts in ICE to clarify issues in our report and to confirm that the conditions we identified had not changed. In December 2016, we briefed these subject matter experts on our report’s findings and conclusions.



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Appendix B
ICE Comments to the Draft Report

Office of the Chief Financial Officer


U.S. Department of Homeland Security
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Washington, D.C. 20536



**U.S. Immigration
and Customs
Enforcement**

March 3, 2017

MEMORANDUM FOR: John Roth
Inspector General
Office of the Inspector General

FROM: Jennifer L. Longmeyer-Wood 
(Acting) Deputy Chief Financial Officer

SUBJECT: Management's Response to OIG Draft Report: "ICE
Deportation Operations" dated January 23, 2017
(OIG Project No. 16-044-ISP-ICE)

Thank you for the opportunity to review and comment on this draft report. U.S. Immigration and Customs Enforcement (ICE) appreciates the Office of Inspector General's (OIG) work in planning and conducting its review and issuing this report.

ICE remains committed to implementing safeguards to ensure that its deportation operations are executed in a way that promotes public safety and protects our communities. ICE continues to strengthen and improve relationships with state and local law enforcement partners and work directly with both foreign governments and with other government entities to improve cooperation with countries with whom we have encountered challenges in the past regarding the repatriation of their nationals.

The draft report contained five recommendations with which ICE concurs. Attached find our detailed responses to each recommendation.

Again, thank you for the opportunity to review and comment on this draft report. Technical Comments were previously provided under separate cover. Please feel free to contact us if you have any questions. We look forward to working with you in the future.

Attachment

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Attachment: ICE Management Response to Recommendations Contained in Draft Report Project No. 16-044-ISP-ICE

OIG recommended that the Director of ICE or a designee:

Recommendation 1: Comprehensively review, revise, update, and maintain ICE Enforcement and Removal Operations policies, procedures, and guidance to address gaps and outdated information.

Response: Concur. ICE agrees that ICE Enforcement and Removal Operations (ERO) policies, procedures, and guidance should be reviewed, revised, updated, and maintained to address gaps and outdated information. ICE is currently working with the Department's Office of Policy and others to examine current ICE policies and guidance to ensure that they align with the President's recent Executive Orders and the Secretary of Homeland Security's vision and plans for implementing those orders. This will be an iterative process that will also address gaps in current policies, procedures, and guidance.

ECD: January 31, 2018

Recommendation 2: Comprehensively review Deportation Officer functions at field offices to determine staffing allocations for non-detained units and identify appropriately sized caseloads for Deportation Officers working with non-detained aliens.

Response: Concur. ICE ERO is currently examining staffing structures throughout the organization to inform future hiring that will implement the President's Executive Order 13768, *Enhancing Public Safety in the Interior of the United States*. This effort, along with ERO's evolving enforcement posture, will determine the future operational footprint for ERO's twenty four field offices. This initiative is also aligned with ICE's project to complete a workforce staffing model that uses subject matter expertise and operational data to determine appropriate workforce staffing in positions and geographical areas. Such analyses will include a review of Deportation Officer functions, including management of the non-detained docket and an appropriate case-to-officer ratio.

ECD: January 31, 2018

Recommendation 3: Based on a completed comprehensive review, develop a plan to identify and implement appropriate staffing of Deportation Officers.

Response: Concur. As stated above, ICE ERO is currently examining staffing structures throughout the organization to inform future hiring and is completing a workforce staffing model. This effort, along with ERO's evolving enforcement posture, will



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determine the future operational footprint for ERO's twenty four field offices and a multi-year hiring plan.

ECD: January 31, 2018

Recommendation 4: Develop a standardized training curriculum for all current and future Deportation Officers, including recurrent refresher training courses for docket review and detained and non-detained case management.

Response: Concur. Standardized training curriculum for future Deportation Officers is operated through our basic program, the Basic Immigration Enforcement Training Program (BIETP), instructed by the ICE Office of Training and Tactical Programs (OTTP). Immigration Enforcement Agents (IEA), who have been recently upgraded to the Deportation Officer position, and new Deportation Officers who have attended a substantially equivalent course of instruction to the BIETP, must complete the ICE ERO Case Management Training (CMT) Program, which provides instruction that includes docket related duties (docket review, detained and non-detained case management). The CMT bridges the gap in the training the agents had previously and the newer BIETP. CMT classes began in the latter part of 2016. ERO intends to have 70 percent of the upgraded IEAs complete the program by December 2017 and 100 percent by March 2018. ICE ERO is also currently working with the ICE Office of Principal Legal Advisor (OPLA) to begin the process of negotiating an ICE ERO On-the-Job (OJT) training program with the national union, which will also be used as a recurrent refresher for several ERO specific skillsets, including those related to docket review, detained casework, and non-detained casework.

ECD: March 30, 2018

Recommendation 5: Collaborate with the Department of State to identify potential mechanisms to address issues that hinder deportation efforts.

Response: Concur. Since 2011, there has been a standing Memorandum of Understanding (MOU) between the Department of State (DOS) and ICE ERO that specifically identifies and utilizes available mechanisms to address issues that hinder removal efforts (term "deportation" no longer used). Additionally, ICE ERO currently utilizes a Removal Cooperation Initiative (RCI) Tool to better assess a country's level of cooperation with the removal process whereby being able to develop a plan of action to specifically address the issue(s) at hand with the assistance of DOS. ICE ERO and DOS will continue to work together to ensure that countries accept the return of their nationals, who have been ordered removed from the United States, in accordance with international law.

We request that DHS OIG consider this recommendation resolved and closed.



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Appendix C
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