

JUSTICE NEWS

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Pursuant to Executive Order on Public Safety, Department of Justice Releases Data on Incarcerated Aliens

President Trump's Executive Order on Public Safety in the Interior of the United States requires the Department of Justice to collect relevant data and provide quarterly reports on data collection efforts. The data in this release shows a significant prison population of incarcerated aliens.

"Illegal aliens who commit additional crimes in the United States are a threat to public safety and a burden on our criminal justice system," said Attorney General Jeff Sessions. "This is why we must secure our borders through a wall and effective law enforcement, and we must strengthen cooperation between federal, state and local governments as we strive to fulfill our sacred duty of protecting and serving the American people."

Below is a summary of data collected under Section 16 of the Order, which directs "the Secretary [of Homeland Security] and the Attorney General . . . to collect relevant data and provide quarterly reports" regarding the following subjects: (a) the immigration status of all aliens incarcerated under the supervision of the Bureau of Prisons; (b) the immigration status of all aliens incarcerated as federal pretrial detainees; and (c) the immigration status of all convicted aliens in state prisons and local detention centers throughout the United States.

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

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

By way of satisfying the department's first quarterly report of this data, below is information regarding aliens currently incarcerated under the supervision of BOP. This data is current as of March 25, 2017:

There are 45,493 foreign-born inmates currently in BOP custody, of which 3,939 are U.S. citizens (either naturalized or derivative). Of the remaining 41,554 foreign-born inmates (aliens):

- o Approximately 22,541 (54.2 percent) are aliens for which final immigration orders have been issued for their removal;
- o Approximately 13,886 (33.4 percent) are aliens who are under ICE investigation for possible removal;
- o Approximately 5,101 (12.3 percent) are aliens still pending adjudication (in other words, ICE has charged these aliens as removal cases, but a final disposition has not yet been reached); and
- o Approximately 26 (0.1 percent) are aliens who have been granted relief on the basis of asylum claims.

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

The United States Marshals Service (USMS) is the Justice Department's component charged with housing and care of federal pretrial detainees. USMS recently instituted a program to capture data regarding the immigration status of

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these detainees. During the prisoner intake process, USMS captures arrestee data such as place of birth, citizenship country and alien number (if available), in a system called the Justice Detainee Information System (JDIS).

At the department's direction, USMS has begun providing ICE with complete data on all foreign-born detainees on a daily basis. The first of these data transfers to ICE took place on April 5, 2017, with a transfer of data associated with approximately 19,000 foreign-born detainees. ICE anticipates that its analysis of this data will soon be complete, and the department will then provide an updated status report.

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

The Department of Justice and the Department of Homeland Security (DHS) do not currently have a program that collects data regarding the immigration status of convicted aliens incarcerated in state prisons and local detention centers throughout the United States. Neither the Department of Justice nor DHS can independently collect this data without the assistance of the other. To address this need, the Department of Justice is in the process of establishing such a program through its Office of Justice Programs (OJP), which houses the Bureau of Justice Statistics (BJS). BJS already collects some relevant aggregate data from state and local facilities and the department intends to permanently expand BJS's data collection efforts in this area.

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