



Deportations Plummet Under Biden Enforcement Policies

By Jessica M. Vaughan

Immigration enforcement, as measured by the number of aliens removed from the country, has collapsed to the lowest level since the mid-1990s, according to ICE deportation records the Center has obtained. Under policies imposed by the Biden administration, removals dropped by 80 percent since last year's low point during the pandemic lockdown, and by 90 percent since 2019, the last normal year for ICE operations. The number of aliens removed who had serious criminal convictions also has declined by over 50 percent from 2020 and by 65 percent since 2019.

The Center recently obtained records from ICE with details on all aliens removed from the beginning of FY 2019 through July 10, 2021.¹ The records include information on each alien removed by ICE, including date of removal, criminal convictions, and the ICE field office that handled the removal. Unlike past instances when we obtained these very same records, ICE has so far refused to provide information on whether the removed alien was arrested at the border or in the interior. Therefore, these statistics should be interpreted with caution because it is not clear to what extent they may reflect the level of enforcement at the border as well as in the interior. Nevertheless, it is possible to see in these records just how dramatically the new Biden policies have reduced ICE enforcement activity.

Under Biden Policies, ICE Removals Have Plummeted to a Fraction of Normal Levels. On his first day of office (January 20, 2021), President Biden issued a directive halting virtually all deportations for 100 days and greatly restricting immigration enforcement activity.² Following a lawsuit by Texas asserting grave fiscal and public safety harm to its citizens from a near-suspension of federal immigration enforcement, within two weeks federal judge Drew Tipton halted the deportation freeze and later enjoined it indefinitely pending further legal action. The restrictions on other enforcement actions have remained in place with some minor modifications, meaning that, in effect, ICE has been limited to removing known or suspected terrorists, aliens convicted of very serious crimes (mostly those defined as “aggravated felons”), and recent illegal arrivals.

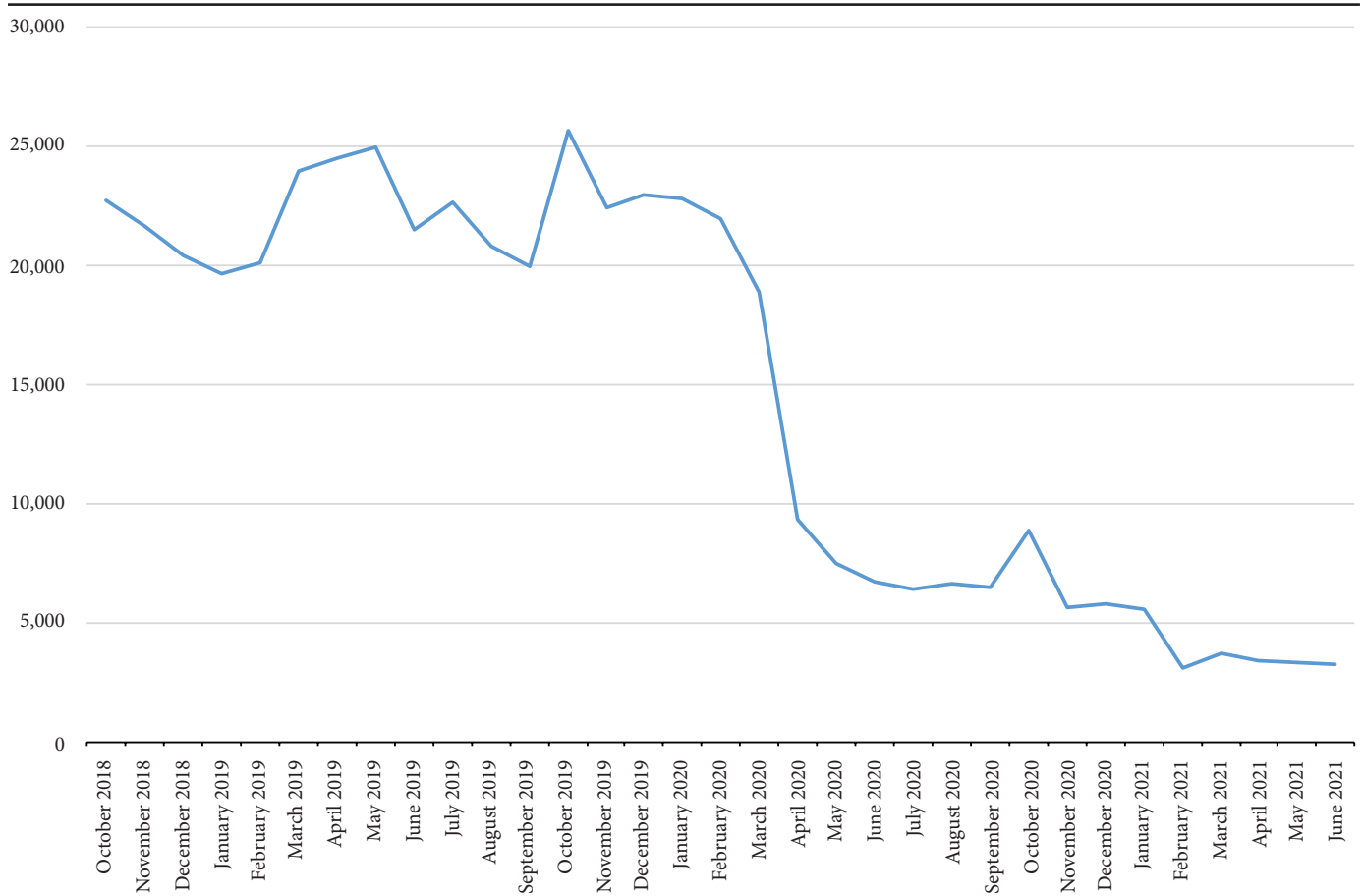
As a result of these policies, the number of removals conducted by ICE has dropped dramatically from prior years. The number of removals dropped sharply after Biden's order, as illustrated in Figure 1, which shows the number of removals each month from October 2018 through June 2021 (the last complete month of data we have). This figure shows that the level of enforcement, as measured by removals, is quite significantly lower than in 2019, and also much lower than the period after February 2020, when ICE had to curtail arrests, detentions, and deportations due to pandemic restrictions.

This pace of activity means that ICE was on pace to remove approximately 62,000 aliens for the entire 2021 fiscal year, down from about 186,000 in 2020, which was already a year of greatly reduced activity due to the pandemic.³ The total number of removals in 2019, a more normal year, was just over 267,000 (see Figure 2).

The records we obtained from ICE include only about the first five months of the Biden administration, but it is possible to compare data from the exact same days in 2019, 2020, and 2021. During Biden's first five months (January 21 to July 9, 2021) ICE removed 18,713 aliens.⁴ Over the same time period in 2020 (during the height

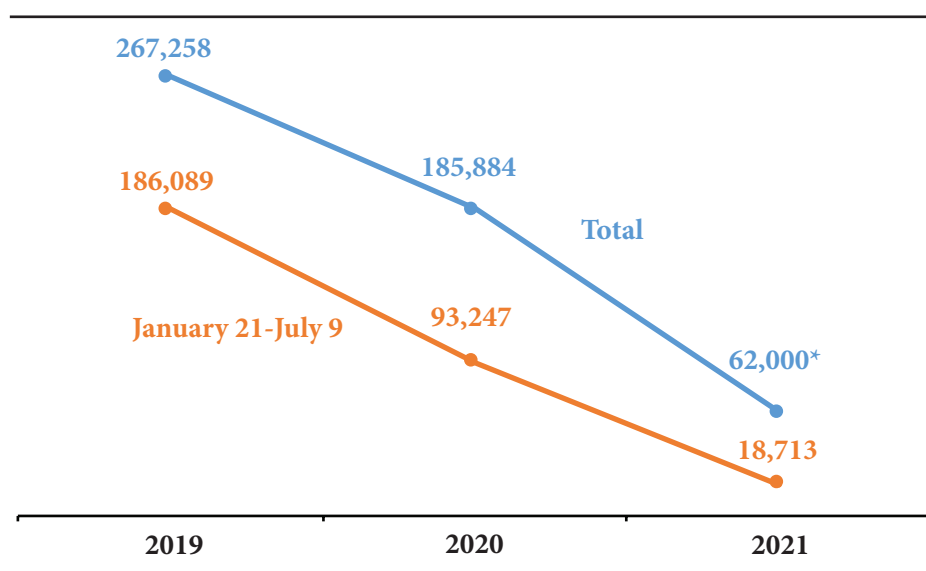
Jessica Vaughan is the director of policy studies at the Center for Immigration Studies.

Figure 1. ICE Removals by Month, October 2018-June 2021



Source: ICE records obtained through FOIA.

Figure 2. ICE Removals 2019-2021



Source: ICE records obtained through FOIA.

* Projected.

of the pandemic lockdowns) ICE removed 93,247 aliens. Over the same time period in 2019, which was a more normal period of enforcement, ICE removed 186,019 aliens, or nearly 10 times more removals.

Drop in Removals Likely Not Due to Use of Title 42 Expulsions. The statistics discussed above measure all deportations handled by ICE, which typically include a large percentage of aliens arrested by border officers in addition to aliens arrested by ICE in the interior. Since the Obama administration, the great majority of removals handled by ICE have been border cases rather than interior cases.⁵ Beginning in March 2020, most aliens caught crossing the border illegally were turned back using a process of expulsion under public health authorities (known as Title 42) rather than formal removal or even voluntary return, a less harsh form of deportation typically used more by the Border Patrol. The Title 42 cases would not show up in the ICE removal statistics, and theoretically could be a reason for the drop in ICE removals recorded after March 2020.

Other data points, however, indicate that the recent drop in removals is primarily due to the Biden enforcement policies implemented when he took office, not the use of Title 42 authorities at the southern border. For example, Figure 1 shows a sharp drop-off in removals from January to February 2021 and beyond, which is long after the Title 42 expulsions began. Moreover, Biden has reduced use of Title 42 at the southern border.

Further, according to ICE Field Offices statistics on removals reveal that removals have dropped even in those parts of the country where the bulk of ICE’s cases are the result of interior arrests. As Table 1 shows, the number of removals in certain field offices that do not handle many border cases — such as Atlanta, Baltimore, Denver, Miami, New York City, Newark, Philadelphia, Salt Lake City, and Washington D.C./Virginia — also has dropped dramatically. The table compares the number of removals in each field office over the January 21-July 9 period of fiscal years 2019, 2020, and 2021.

The number of removals is shockingly low in some ICE field offices. For example, the Baltimore Field Office removed a grand total of 32 aliens during Biden's first five months. This field office covers all of Maryland, including Montgomery and Prince Georges Counties adjacent to Washington, D.C., which have significant numbers of illegal alien residents and which are hotbeds of MS-13 and 18th Street gang activity. It also includes the populous Baltimore City and Baltimore and Anne Arundel Counties, which have a significant MS-13 gang presence, not to mention three other counties that have 287(g) partnership programs enabling certain local officers to identify and arrest criminal aliens — and yet they could only manage to remove 32 aliens, or one every three to four days.

Biden Enforcement Priorities Mean Fewer Serious Criminals Removed. The primary justification given by Biden officials for the major changes in enforcement guidance is to enable the agencies to better concentrate on removing aliens who represent a threat to the public. Upon announcing the new policies, acting ICE Director Tae Johnson said:

By focusing our limited resources on cases that present threats to national security, border security, and public safety, our agency will more ably and effectively execute its law enforcement mission. Like every law enforcement agency at the

Table 1. ICE Removals by Field Office: January 21-July 9

Field Office	2019	2020	2021
Atlanta	10,360	5,235	982
Baltimore	613	248	32
Boston	1,605	790	156
Buffalo	1,197	667	290
Chicago	3,737	2,346	927
Dallas	10,335	8,710	2,106
Denver	2,105	1,360	466
Detroit	2,826	1,569	483
El Paso	14,440	9,093	1,327
Houston	13,182	7,339	1,899
Headquarters	5	6	10
Los Angeles	5,695	2,248	506
Miami	6,747	3,755	1,012
New Orleans	10,027	6,229	913
New York City	1,749	630	146
Newark, NJ	1,693	969	347
Philadelphia	2,498	1,455	724
Phoenix	23,102	10,902	1,634
Salt Lake City	2,179	1,212	341
San Antonio	44,523	16,812	2,386
San Diego	16,986	6,088	666
San Francisco	3,371	1,720	476
Seattle	3,001	1,461	274
St. Paul	2,158	1,304	336
Washington, D.C./Virginia	1,885	1,099	274
Total	186,019	93,247	18,713

Source: ICE records obtained through FOIA.

*local, state and federal level, we must prioritize our efforts to achieve the greatest security and safety impact.*⁶

Analysis of the information on criminal convictions of aliens removed by ICE over the last three years indicates that under the first five months of the new policies, a greater percentage of all aliens deported had been convicted of serious crimes. However, a much smaller number of serious criminal aliens were removed — calling into question the claims that the Biden prioritization scheme is having a beneficial public safety impact.

Table 2 shows the number of aliens with convictions for the most serious crimes who were removed during the same five-month period in 2019, 2020, and 2021. It shows that ICE removed only 6,000 serious criminal aliens under Biden’s enforcement policies, compared to more than 17,500 removed during the same period in 2019 under pre-pandemic Trump policies. This is just half the number of serious criminals who were removed during the same period in 2020, during the height of the pandemic, when ICE enforcement activity was greatly constrained.

Table 2. Removals of Aliens Convicted of Serious Crimes: January 21-July 9, 2019, 2020, & 2021

Conviction Category	2019	2020	2021
Aggravated Assault	2326	1682	749
Arson	78	52	34
Burglary	1,839	1,281	342
Dangerous Drugs*	6,871	5,209	2,460
Homicide	705	570	357
Kidnapping	317	245	108
Robbery	1,119	814	408
Sexual Assault	1,682	1,314	798
Smuggling	36	53	13
Stolen Vehicle	435	306	73
Weapons	2,145	1,594	658
Total Removals of Serious Criminals	17,553	13,120	6,000
Total Removals Jan 21-July 9	186,019	93,247	18,713
Percent Serious Criminals	9%	14%	32%

Source: ICE records obtained through FOIA.

*This figure excludes convictions classified by ICE as dangerous drugs that were for possession of any drug or for any conviction involving marijuana.

ICE Personnel Report Red Tape and Deliberate Inefficiencies. How is it possible that enforcement policies that Biden officials claim are intended to focus resources on the removal of the highest priority “worst of the worst” cases are in practice resulting in fewer removals of these targets?

The answer is that ICE officers are not actually doing more effective enforcement, but are simply doing less enforcement. The current ICE leadership has effectively suppressed interior immigration enforcement by creating an elaborate process known as the Arrest Authorization Request Tool (AART). Under this process, in all but the most serious cases of aliens who are known national security threats or serious aggravated felons, before making an arrest, ICE officers must prepare a multi-page memo compiling an exhaustive immigration history for the alien, describing every encounter, arrest, detention, or other event, along with the disposition of each event, even those that occurred many years ago. The officer may not document these events solely using DHS databases, but must obtain the alien’s original immigration file and records of each event, which are stored with tens of millions of other immigration records in the DHS National Records Center in Missouri. In addition, the officer must investigate whether the alien has a family here, an illness, or other ties, and describe any ways in which the (usually criminal) alien may be “contributing” to the community. The arrest requests are submitted to local supervisors. According to a report prepared for DHS Secretary Mayorkas on the operation of the AART, about 90 percent of these arrest requests are approved, but because of the onerous process, the number of requests is much smaller than the number of enforcement actions that officers typically would be authorized to take.⁷

According to ICE sources, because of the cumbersome process, and also because of sanctuary policies in some large jurisdictions, most ICE arrests are now handled by fugitive operations teams rather than by ICE officers working in jails, as had been the norm before the Biden policies were implemented. Routine arrests, once approved, now require a team of several officers who work for days to prepare a plan and execute each arrest, which now must take place in the community in an area not designated a “sensitive” location.⁸

One ICE staff member told me that the process is extremely inefficient: “Instead of having one person working in a jail who can arrest four or five criminal aliens in a shift, now we have to send five or six guys out to make one or maybe two arrests in a shift.”

In addition to requiring what is essentially pointless busywork to seek an extra layer of approval for each arrest, agency leadership has also reduced interior enforcement by downsizing the number of working officers. This has been accomplished in many ways, including sending officers to work at the border and even by paying officers not to work. For example, ICE personnel recently were given extra “administrative leave” days off for Veteran’s Day and the Friday after Thanksgiving, which are not typically federal holidays.

Conclusion

The ICE removal statistics for the first five months of the Biden administration raise serious concerns about the effects of enforcement policies that have brought about such a drastic reduction in deportations overall, and especially such a drastic reduction in removals of aliens with convictions for the most serious crimes. The Biden policies appear to have been adopted with the goal of hobbling immigration enforcement, not enhancing public safety or ensuring the integrity of immigration laws or even making better use of government resources.

With less immigration enforcement, American communities will continue to be saddled with the costs associated with illegal immigration, including displacement of U.S. workers, wage depression, more spending on social services and education, and additional crime problems. While Congress theoretically could intervene to impose stricter enforcement mandates and spending requirements, in the meantime state and local governments should act to discourage illegal settlement, penalize illegal employment, maintain strict eligibility requirements for all public benefits and driver’s licenses, and ensure that state and local law enforcement agencies are cooperating fully with ICE to identify criminal aliens.⁹

End Notes

¹ The Center has similar records for every year dating back to 2003, when ICE was created.

² Then-Acting DHS Secretary David Pekoske, [“Review of and Interim Revision to Civil Immigration Enforcement and Removal Policies and Procedures”](#), DHS memo, January 20, 2021.

³ The number could be higher by several thousand, depending on how many of the approximately 15,000 Haitians who crossed illegally into Del Rio, Texas, in September of this year were processed under Title 42 and simply expelled and how many were formally removed to Haiti or other countries. Reportedly, several thousand Haitians were “deported” from the encampment in Del Rio, but to our knowledge DHS has not disclosed the exact manner of processing.

⁴ The set of records goes through July 10, 2021, but July 10, 2021, was a Saturday, and we wanted to capture a time period that did not understate the number of removals in 2021 relative to the other years.

⁵ Jessica M. Vaughan, [“Deportation Numbers Unwrapped”](#), Center for Immigration Studies, October 30, 2013.

⁶ [“ICE announces temporary guidelines for its enforcement and removal operations”](#), Immigration and Customs Enforcement, February 18, 2021.

⁷ [“Conclusions Drawn From ‘AART’ Data”](#), ICE memorandum to DHS Secretary Alejandro Mayorkas, September 24, 2021.

⁸ See Jon Feere, [“The Biden Administration Just Forced Every American Town to Host Illegal Immigrants”](#), The Federalist, November 18, 2021.

⁹ For more on policies that state and local governments can adopt to deter illegal settlement, see Jessica M. Vaughan, [“Recommendations for State and Local Action on Immigration”](#), Center for Immigration Studies, November 12, 2021.