



U.S. Immigration
and Customs
Enforcement

September 25, 2024

The Honorable Tony Gonzales
U.S. House of Representatives
Washington, DC 20515

Dear Representative Gonzales:

Thank you for your March 13, 2024 letter to the Department of Homeland Security (DHS). I am responding on behalf of the Department and apologize for the delay.

U.S. Immigration and Customs Enforcement (ICE) recognizes the importance of its relationships with its law enforcement partners to carry out its mission. In recent years, however, as you know, some jurisdictions have reduced their cooperation with ICE, to include refusal to honor ICE detainer requests, even for noncitizens who have been convicted of serious felonies and pose an ongoing threat to public safety. ICE recognizes that some jurisdictions are concerned that cooperating with federal immigration officials will erode trust with immigrant communities and make it harder for local law enforcement to serve those populations. However, "sanctuary" policies can end up shielding dangerous criminals, who often victimize those same communities.

Despite the challenges of operating within a broken immigration system, and in the face of an enormous workload and consistently limited funding, DHS continues to enforce the law to secure our borders. We are removing and returning record numbers of migrants who are unable to establish a legal basis to remain in the United States, and prioritizing for removal those who present national security and public safety risks, and recent border crossers. From mid-May 2023 through the end of July 2024, DHS removed or returned more than 893,600 individuals, including more than 138,300 individuals in family units. The majority of all individuals encountered at the Southwest Border over the past three years have been removed, returned, or expelled.

Your letter requests the number of noncitizens on ICE's docket convicted or charged with a crime. As of July 21, 2024, there were 662,566 noncitizens with criminal histories on ICE's national docket, which includes those detained by ICE, and on the agency's non-detained docket. Of those, 435,719 are convicted criminals, and 226,847 have pending criminal charges. Please refer to the following chart. It is important to note that detention determinations are made using a few guidelines. First, ICE is bound by statutory requirements not to release certain noncitizens from ICE custody during the pendency of removal proceedings and notes that most noncitizens who are convicted of homicide are typically not eligible for release from ICE custody under §236(c) of the Immigration and Nationality Act. Second and in limited circumstances when

236(c) does not apply, ICE officers may use their discretion in making custody determinations and release noncitizens with conditions. ICE custody determinations are made on a case-by-case basis and take into account the individual case circumstances, primarily considering risk of flight, national security threat, and threat to public safety. ICE takes other factors into consideration as well, including when a noncitizen has a serious medical condition, is the primary caregiver of minor children, or other humanitarian considerations.

National Docket Data for Noncitizens by Criminality and Most Serious Charge Category as of July 21, 2024

| Most Serious Charge Category | Currently Detained | | Non-Detained | |
|---------------------------------------|--------------------|--------------------------|--------------------|--------------------------|
| | Convicted Criminal | Pending Criminal Charges | Convicted Criminal | Pending Criminal Charges |
| Total | 10,288 | 4,706 | 425,431 | 222,141 |
| <i>Antitrust</i> | - | - | 1 | 1 |
| <i>Arson</i> | 36 | 3 | 792 | 177 |
| <i>Assault</i> | 2,348 | 1,498 | 62,231 | 42,915 |
| <i>Bribery</i> | 3 | - | 131 | 22 |
| <i>Burglary</i> | 365 | 126 | 14,301 | 3,266 |
| <i>Civil Rights</i> | - | - | 1 | - |
| <i>Commercialized Sexual Offenses</i> | 18 | 12 | 2,200 | 1,771 |
| <i>Conservation</i> | 1 | 1 | 225 | 183 |
| <i>Damage Property</i> | 46 | 65 | 1,396 | 1,270 |
| <i>Dangerous Drugs</i> | 1,352 | 328 | 56,533 | 13,846 |
| <i>Embezzlement</i> | 6 | - | 233 | 97 |
| <i>Extortion</i> | 4 | 5 | 217 | 136 |
| <i>Family Offenses</i> | 150 | 71 | 6,477 | 3,861 |
| <i>Flight / Escape</i> | 121 | 37 | 2,317 | 949 |

| | | | | |
|---|-----|-----|--------|--------|
| <i>Forgery</i> | 117 | 53 | 7,525 | 4,627 |
| <i>Fraudulent Activities</i> | 296 | 57 | 15,979 | 5,127 |
| <i>Gambling</i> | 1 | - | 155 | 222 |
| <i>General Crimes</i> | 245 | 138 | 10,998 | 7,851 |
| <i>Health / Safety</i> | 6 | 1 | 448 | 228 |
| <i>Homicide</i> | 277 | 51 | 13,099 | 1,845 |
| <i>Immigration</i> | 947 | 444 | 51,933 | 40,142 |
| <i>Invasion of Privacy</i> | 151 | 37 | 3,866 | 3,222 |
| <i>Juvenile Offenders</i> | 1 | - | 20 | 14 |
| <i>Kidnapping</i> | 85 | 27 | 2,521 | 851 |
| <i>Larceny</i> | 330 | 217 | 18,234 | 12,397 |
| <i>Liquor</i> | 31 | 26 | 1,367 | 1,186 |
| <i>Military</i> | - | - | - | 11 |
| <i>Obscenity</i> | 22 | 2 | 151 | 77 |
| <i>Obstructing Judiciary, Congress, Legislature, Etc.</i> | 118 | 54 | 7,446 | 4,579 |
| <i>Obstructing the Police</i> | 181 | 131 | 6,567 | 3,543 |
| <i>Public Peace</i> | 93 | 77 | 5,642 | 2,485 |
| <i>Robbery</i> | 285 | 71 | 10,031 | 2,039 |
| <i>Sex Offenses (Not Involving Assault or Commercialized Sex)</i> | 446 | 69 | 9,461 | 2,650 |
| <i>Sexual Assault</i> | 509 | 142 | 15,811 | 4,250 |

| | | | | |
|-------------------------|-------|-----|--------|--------|
| <i>Smuggling</i> | 15 | 2 | 218 | 154 |
| <i>Sovereignty</i> | - | - | 29 | 6 |
| <i>Stolen Property</i> | 31 | 23 | 2,508 | 1,593 |
| <i>Stolen Vehicle</i> | 53 | 38 | 2,663 | 1,189 |
| <i>Tax Revenue</i> | 1 | 2 | 106 | 58 |
| <i>Threat</i> | 54 | 35 | 1,101 | 635 |
| <i>Traffic Offenses</i> | 1,090 | 720 | 77,074 | 49,269 |
| <i>Weapon Offenses</i> | 453 | 143 | 13,423 | 3,397 |

You also requested ICE's current detention capacity. Under the DHS appropriations bill enacted on March 23, 2024, ICE Enforcement and Removal Operations (ERO) is funded at 41,500 beds through the rest of the fiscal year (FY), which is an increase from 34,000 in FY 2023.

Regarding the number of declined detainees since FY 2021, from October 1, 2020, through July 22, 2024, ICE lifted¹ 24,796 detainees. Of those, 23,591 were declined by state and local law enforcement agencies, and 1,205 were lifted due to insufficient notice to ICE. Additionally, from October 1, 2020, through July 22, 2024, ERO issued 2,897 detainees that were declined by state or local law enforcement agencies and where the subject of the detainee had a subsequent apprehension by ERO.

Thank you again for your letter. Should you wish to discuss this matter further, please do not hesitate to contact the ICE Office of Congressional Relations at CongressToICE@ice.dhs.gov.

Sincerely,



Patrick J. Lechleitner
Deputy Director and
Senior Official Performing the Duties of the Director

¹ ICE may lift a detainee at any time after it has been issued. The lifting of a detainee is based upon the totality of the case and ICE may lodge another detainee at a later date, if appropriate. The circumstances under which ICE may lift a detainee are unlimited; however, these circumstances may include, but are not limited to, criminal convictions and pending criminal charges, the noncitizen has lawful status to remain or reside in the United States, health-related concerns, etc.