

ICE officials set quotas to deport more illegal immigrants



A Salvadoran is led away in a 2007 raid. The administration had signaled a move away from mass arrests. (Sarah L. Voisin/the Washington Post)

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Seeking to reverse a steep drop in deportations, U.S. immigration authorities have set controversial new quotas for agents. At the same time, officials have stepped back from an Obama administration commitment to focus enforcement efforts primarily on illegal immigrants who are dangerous or have violent criminal backgrounds.

The moves, outlined in internal documents and a recent e-mail by a senior U.S. Immigration and Customs Enforcement official to field directors nationwide, differ from pledges by ICE chief John T. Morton and his boss, Homeland Security Secretary Janet Napolitano, to focus enforcement on the most dangerous illegal immigrants. That approach represented a break from the mass factory raids and neighborhood sweeps the Bush administration used to drive up arrests.

In a Feb. 22 memo, James M. Chaparro, head of ICE detention and removal operations, wrote that, despite record deportations of criminals, the overall number of removals was down. While ICE was on pace to achieve "the Agency goal of 150,000 criminal alien removals" for the year ending Sept. 30, total deportations were set to barely top 310,000, "well under the Agency's goal of 400,000," and nearly 20 percent behind last year's total of 387,000, he wrote.

Beyond stating ICE enforcement goals in unusually explicit terms, Chaparro laid out how the agency would pump up the numbers: by increasing detention space to hold more illegal immigrants while they await deportation proceedings; by sweeping prisons and jails to find more candidates for deportation and offering early release to those willing to go quickly; and, most controversially, with a "surge" in efforts to catch illegal immigrants

whose only violation was lying on immigration or visa applications or reentering the United States after being deported.

"These efforts must be sustained and will be closely monitored," Chaparro told field directors in the e-mail, which was obtained by the Center for Investigative Reporting and The Washington Post.

ICE spokesman Brian P. Hale distanced the agency from Chaparro's remarks, saying, "Portions of the memo were inconsistent with ICE, inconsistent with the administration's point of view and inconsistent with the secretary." He added that the agency has moved to "clarify" the situation.

Chaparro issued a new memo Friday stating that his earlier e-mail "signals no shift in the important steps we have taken to date to focus our priorities on the smart and effective enforcement of immigration laws, prioritizing dangerous criminal aliens . . . while also adhering to Congressional mandates to maintain an average daily [detention] population and meet annual performance measures."

In the new memo, Chaparro did not alter or rescind any of the strategies he had laid out.

An immigration official said deportations are falling mainly because the focus on criminals has added a complication: It takes an average of 45 days to deport criminals, compared with 11 days for non-criminals, creating a shortage of detention beds. The number of beds was also limited because costs were higher than Congress expected, the official said.

Deportations of convicted criminals climbed 19 percent in 2009 and are on pace to climb 40 percent this year, while deportations of non-criminal illegal immigrants fell 3 percent and are on pace to drop 33 percent this year, agency officials said.

Advocates on the right and left pounced on the memo and other ICE documents, saying they showed that the agency is being neither tough nor consistent in targeting the worst offenders.

"We cannot allow a preoccupation with criminal aliens to obscure other critical ICE missions," Rep. Harold Rogers (Ky.), the ranking Republican on the House Appropriations subcommittee for homeland security, said in a statement released by his office. "At best, it appears as though immigration enforcement is being shelved and the Administration is attempting to enact some sort of selective amnesty under the cover of 'prioritization.' "

Joan Friedland, immigration policy director at the National Immigration Law Center, countered that quotas will encourage agents to target easy cases, not the ones who pose the greatest safety risk.

"For ICE leadership, it's not about keeping the community safe. It's all about chasing this 400,000 number," said Chris Crane, spokesman for the American Federation of Government Employees Council 118, which represents ICE workers.

Since November, ICE field offices in Northern California, Dallas and Chicago have issued new evaluation standards and work plans for enforcement agents who remove illegal immigrants from jails and prisons. In some cases, for example, the field offices are requiring that agents process an average of 40 to 60 cases a month to earn "excellent" ratings.

Such standards present a problem, said one San Francisco area agent who spoke on the condition of anonymity to avoid reprisal. Instead of taking a day to prepare a case against a legal resident with multiple convictions for serious crimes, agents may choose to process a drunk driver or nonviolent offender who agrees to leave the country voluntarily, because it will take only hours.

The steps appear at odds with a statement made by Morton in August, when he told reporters ICE had ended quotas in a program to capture illegal immigrants violating court deportation orders.

"I just don't think that a law enforcement program should be based on a hard number that must be met," Morton said. "So we don't have quotas anymore."

Under the Bush administration, ICE officials in 2006 increased an annual quota from 125 to 1,000 arrests for each fugitive operations team. At the same time, the agency dropped its policy that agents focus on criminals and deportation violators.

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