

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
AMARILLO DIVISION

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STATE OF TEXAS,  
STATE OF MISSOURI,

*Plaintiffs,*

v.

JOSEPH R. BIDEN, JR.,  
in his official capacity as  
President of the United States, *et al.*,

*Defendants.*

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Civil Action No. 2:21-cv-00067-Z

**DEFENDANTS' MONTHLY REPORT FOR APRIL 2022**

On August 13, 2021, the Court entered an injunction requiring Defendants to, *inter alia*, “enforce and implement [the Migrant Protection Protocols (MPP)] *in good faith*.” ECF No. 94 at 52; *see State v. Biden*, No. 21-10806, 2021 WL 3674780 at \*13 (5th Cir. Aug. 19, 2021). “To ensure compliance with this order,” the Court provided, “starting September 15th, 2021, the Government must file with the Court on the 15th of each month, a report stating

(1) the total monthly number of encounters at the southwest border; (2) the total monthly number of aliens expelled under Title 42, Section 1225, or under any other statute; (3) Defendants’ total detention capacity as well as current usage rate; (4) the total monthly number of “applicants for admission” under Section 1225; (5) the total monthly number of “applicants for admission” under Section 1225 paroled into the United States; and (6) the total monthly number of “applicants for admission” under Section 1225 released into the United States, paroled or otherwise.

ECF No. 94 at 52-53.

Defendants submit the following Report in compliance with this requirement. This May 15th<sup>1</sup> report reflects data from April 1, 2022, through April 30, 2022.<sup>2</sup>

### **1. Total Monthly Number of Encounters at the Southwest Border**

For the month of April 2022, DHS reported 234,088 total encounters at the Southwest Border. Ex. A at 1 (CBP Report for April 2022). This figure combines statistics reported by the U.S. Customs and Border Protection’s (CBP) Office of Field Operations (OFO), which deals with noncitizens seeking to enter at land ports of entry (POE), with statistics from the U.S. Border Patrol (USBP), which apprehends noncitizens seeking to enter between POEs.

### **2. Total Monthly Number of Aliens Expelled Under Title 42, Section 1225, or Under Any Other Statute**

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<sup>1</sup> May 15, 2022 fell on a Sunday and therefore Defendants file this report on the next day that is not a Saturday, Sunday or legal holiday pursuant to Fed. R. Civ. P. 6(a)(3).

<sup>2</sup> Pursuant to the Court’s Order of January 20, 2022, ECF No. 125, Defendants are no longer required to report the additional categories of information previously required under the Court’s Order of November 18, 2021, ECF No. 116.

For the month of April 2022, DHS reported 113,248 total noncitizens expelled under Title 42 and removed or returned under Title 8 authorities (including 8 U.S.C. § 1225). This figure combines 96,908 Title 42 expulsions and 15,171 Title 8 removals and returns reported by CBP, Ex. A at 2-3, and 1,169 removals under 8 U.S.C. § 1225 reported by U.S. Immigration and Customs Enforcement (ICE)<sup>3</sup>, Ex. B at 2 (ICE Report for April 2022). As explained in Exhibit A, CBP's Title 8 removals and returns include several categories of removals and returns conducted by OFO and USBP, including expedited removals, reinstated orders of removal, voluntary returns, returns pursuant to 8 U.S.C. § 1225(b)(2)(C), withdrawals of applications for admission, etc. Ex. A at 2-3. ICE's removals under section 1225 represent expedited removals. Ex. B at 2.

### **3. Total Detention Capacity and Current Usage Rate**

For the month of April 2022, DHS reported that its total detention capacity was approximately 34,868, a figure combining CBP's approximate holding capacity of 5,935, Ex. A at 3, and ICE's current approximate funded detention capacity of 28,933,<sup>4</sup> Ex. B at 1. CBP's approximate holding capacity is the sum of OFO's approximate holding capacity, 935, and USBP's approximate maximum holding capacity, 5,000. Ex. A at 3 & n.11.

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<sup>3</sup> ICE removals include noncitizens processed for Expedited Removal (ER) or Voluntary Return (VR) that are turned over to ICE Enforcement and Removal Operations (ERO) for detention. Noncitizens processed for ER and not detained by ERO or VR after June 1, 2013, and not detained by ERO are primarily processed by CBP, and would be included within CBP's data. Ex. B.

<sup>4</sup> ICE has approximately 34,000 funded detention beds available nationwide but its full inventory of bedspace is severely limited to approximately 75% capacity due to various court orders limiting the intake of noncitizen detainees, an increase in detention facility contract terminations, detention facility contract modifications, and the ongoing COVID-19 pandemic. *See, e.g., Fraihat v. ICE*, 445 F. Supp. 3d 709 (C.D. Cal. Apr. 20, 2020). Further, as of March 15, 2022, the funding for adult detention beds decreased to 31,500. Thus, based on the factors listed above, the available bedspace inventory is now approximately 28,933 beds. Ex. B at 1.

DHS reported that the current average daily usage rate throughout April 2022 for CBP detention was 34.8% for OFO facilities and 203% for Border Patrol facilities, Ex. A at 3 & n.11, and approximately 68.49% for ICE detention facilities. *See* Ex. B at 1 (rate equals average daily population of 19,815 for the month of April 2022 over the current approximate total detention capacity of 28,933).

#### **4. Total Monthly Number of Applicants for Admission under § 1225**

For the month of April 2022, DHS reported that the total number of applicants for admission under Section 1225 encountered<sup>5</sup> by CBP was 137,180. Ex. A at 5. This figure is consistent with CBP's total number of noncitizen encounters subtracting its Title 42 expulsions. *See* Ex. A at 5 n.12; *supra* §§ 1, 2.

#### **5. Total Monthly Number of Applicants for Admission under § 1225 Paroled into the United States**

For the month of April 2022, DHS reported that the total number of applicants for admission under Section 1225 paroled into the United States was 91,250. This figure combines 88,452 CBP grants of parole—40,023 USBP Apprehensions with a Parole Disposition, 20,775 OFO inadmissible noncitizens with a Parole Disposition, and 27,654 individuals categorized as “OFO NTA [Notice to Appear] and Paroled into the U.S. on a case-by-case basis pursuant to 8 U.S.C. § 1182(d)(5),” Ex. A. at 5—and 2,798 ICE grants of parole, Ex. B at 3.

#### **6. Total Monthly Number of Applicants for Admission under § 1225 Released into**

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<sup>5</sup> An applicant for admission is defined as “[a]n alien present in the United States who has not been admitted or who arrives in the United States (whether or not at a designated port of arrival and including an alien who is brought to the United States after having been interdicted in international or United States waters).” 8 U.S.C. § 1225(a)(1). Thus, an applicant for admission may include noncitizens that have never been encountered by CBP. At this time, CBP does not have a mechanism to track applicants for admission in the United States that are not encountered by CBP. Ex. A at 5 n.12. All references in this document to “applicants for admission” refer to noncitizen applicants for admission encountered at or in-between POEs by CBP.

**the United States, Paroled or Otherwise**

For the month of April 2022, DHS reported that the total number of applicants for admission under Section 1225 released into the United States, paroled or otherwise, was 117,989, a figure reflecting CBP's 110,207 total releases across all categories for the month of April 2022, Ex. A at 6,<sup>6</sup> combined with ICE's 7,782 total releases of noncitizens transferred to it from CBP following their apprehension or encounter at the Southwest Border for the month of April 2022, Ex. B at 3.

Dated: May 16, 2022

Respectfully submitted,

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/s/ Joseph A. Darrow  
JOSEPH A. DARROW  
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<sup>6</sup> This report does not include data on unaccompanied alien children (UCs), as defined in 6 U.S.C. § 279(g), who the Court recognized are not amenable to MPP, ECF No. 94 at 9, and who are subject to special processing and are transferred to U.S. Department of Health and Human Services Custody pursuant to the Trafficking Victims Protection Reauthorization Act. *See* 8 U.S.C. §§1232(a)(5)(D), 1232(b)(3), 1232(c)(2)(A), 1232(c)(3); *see also* CBP, Southwest Border Encounters, <https://www.cbp.gov/newsroom/stats/southwest-land-border-encounters> (providing statistics on UCs encountered by CBP).

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**CERTIFICATE OF SERVICE**

I hereby certify that on May 16, 2022, I electronically filed the foregoing document with the Clerk of the Court for the United States District Court for the Northern District of Texas by using the CM/ECF system. Counsel in the case are registered CM/ECF users and service will be accomplished by the CM/ECF system.

/s/ Joseph A. Darrow

JOSEPH A. DARROW

U.S. Department of Justice

# Exhibit A



**Texas v. Biden Monthly Report**  
**Reporting Period: April 1, 2022 – April 30, 2022**

**(1) The total monthly number of encounters<sup>1</sup> at the southwest border (SWB);**

Encounter data includes U.S. Border Patrol (USBP) Title 8 Apprehensions<sup>2</sup> between the ports of entry along the SWB, Office of Field Operations (OFO) Title 8 Inadmissibles<sup>3</sup> at land ports of entry along the SWB, and Title 42 Expulsions<sup>4</sup> at and between the ports of entry along the SWB.

<b>April 2022 as of May 4, 2022</b>	<b>Title 42</b>	<b>Title 8</b>	<b>Total Encounters</b>
<b>Office of Field Operations</b>	<b>2,250</b>	<b>30,038</b>	<b>32,288</b>
El Paso Field Office	162	1,284	1,446
Laredo Field Office	1,069	5,800	6,869
San Diego Field Office	777	22,257	23,034
Tucson Field Office	242	697	939
<b>U.S. Border Patrol</b>	<b>94,658</b>	<b>107,142</b>	<b>201,800</b>
Big Bend Sector	2,219	1,143	3,362
Del Rio Sector	14,984	25,871	40,855
El Centro Sector	3,104	3,143	6,247
El Paso Sector	14,875	14,963	29,838
Laredo Sector	11,039	1,501	12,540
Rio Grande Valley Sector	17,981	23,795	41,776
San Diego Sector	10,014	4,588	14,602
Tucson Sector	18,678	6,559	25,237
Yuma Sector	1,764	25,579	27,343
<b>Grand Total</b>	<b>96,908</b>	<b>137,180</b>	<b>234,088</b>

<sup>1</sup> The sum of Title 8 apprehensions/inadmissible aliens and expulsions.

<sup>2</sup> Apprehension refers to the physical control or temporary detainment of a person who is not lawfully in the U.S. which may or may not result in an arrest.

<sup>3</sup> Inadmissible refers to individuals encountered at ports of entry who are seeking lawful admission into the United States but are determined to be inadmissible, individuals presenting themselves to seek humanitarian protection under our laws, and individuals who withdraw an application for admission and return to their countries of origin within a short timeframe.

<sup>4</sup> Expulsions refers to individuals encountered by USBP and OFO and expelled to the country of last transit or home country in the interest of public health under Title 42 U.S.C. 265.

## (2) The total monthly number of aliens expelled under Title 42, Section 1225, or under any other statute;

- *Title 42 expulsions at and between the ports of entry along the SWB<sup>5</sup>*

<b>April 2022 as of May 4, 2022</b>	<b>Title 42</b>
<b>Office of Field Operations</b>	<b>2,250</b>
El Paso Field Office	162
Laredo Field Office	1,069
San Diego Field Office	777
Tucson Field Office	242
<b>U.S. Border Patrol</b>	<b>94,658</b>
Big Bend Sector	2,219
Del Rio Sector	14,984
El Centro Sector	3,104
El Paso Sector	14,875
Laredo Sector	11,039
Rio Grande Valley Sector	17,981
San Diego Sector	10,014
Tucson Sector	18,678
Yuma Sector	1,764
<b>Grand Total</b>	<b>96,908</b>

- *Southwest Land Border Removals/Returns under Title 8, based on encounter date<sup>6</sup>*

<b>Total Removals and Returns Under Title 8</b>	<b>April 2022</b>
<b>U.S. Border Patrol</b>	<b>13,438</b>
Bag and Baggage <sup>7</sup>	101
Voluntary Return <sup>8</sup>	2,746
Expedited Removal	6,383
Reinstatement of Removal	3,109
Returns Pursuant to 8 U.S.C. § 1225(b)(2)(C)	1,099
<b>Office of Field Operations</b>	<b>1,733</b>
Bag and Baggage	
Voluntary Return	57
Expedited Removal	474
Reinstatement of Removal	2
Withdrawal of Application for Admission	1,200

<sup>5</sup> Same as Title 42 expulsion data provided in response to 1 above.

<sup>6</sup> Indicates that the noncitizen was encountered during the reporting period (April 1, 2022 – April 30, 2022).

<sup>7</sup> When a noncitizen encountered or apprehended by CBP has been previously ordered removed by an immigration judge and the order was never executed (i.e., in absentia). The removal order may be immediately executed by CBP or CBP may turn the noncitizen over to ICE for removal.

<sup>8</sup> Constitutes a request by a non-citizen to be permitted to return to their country of citizenship on a voluntary basis, in lieu of being formally removed or placed into removal proceedings.

Returns Pursuant to 8 U.S.C. § 1225(b)(2)(C)	
<b>Grand Total</b>	<b>15,171</b>

**(3) Defendants' total detention capacity as well as current usage rates;***OFO Holding Capacity – Southwest Border in Custody<sup>9</sup>*

<b>Detention Capacity</b>	<b>April 2022</b>
935	325 (34.8%) <sup>10</sup>

*USBP Average Daily Subjects In Custody by Southwest Border Sector<sup>11</sup>*

<b>USBP Sector</b>	<b>April 2022</b>
<b>Big Bend</b>	55
<b>Del Rio</b>	1,448
<b>El Centro</b>	257
<b>El Paso</b>	2,341
<b>Laredo</b>	1,153
<b>Rio Grande</b>	2,390
<b>San Diego</b>	693
<b>Tucson</b>	676
<b>Yuma</b>	2,190
<b>Total</b>	<b>11,204</b>

<sup>9</sup> Represents an estimate of each cell's coded occupancy limit, as outlined in technical design standards when constructed, multiplied by the total number of cells for all ports of entry within each field office. This number does not account for the unique circumstances that may limit the occupancy of a given cell (e.g., high risk, nursing/pregnant, transgender, unaccompanied minor, etc.) nor does it reflect operational limitations that affect a port's capacity to detain. CBP's capacity to detain individuals in its short-term facilities depends on many factors, including: demographics of the individual in custody; medical or other needs of individuals in custody; ability of ICE ERO (or, if an unaccompanied child, the U.S. Department of Health and Human Services) to transfer individuals out of CBP custody; and OFO's available resources to safely process and hold individuals.

<sup>10</sup> Represents the average number of travelers in custody on a daily basis averaged over the number of days in the calendar month, at all Southwest Border Field Office locations. Travelers include inadmissible individuals, lawful permanent residents, asylees, refugees, and United States Citizens who are being detained to verify wants, warrants, criminal, administrative or other judicial process.

<sup>11</sup> U.S. Border Patrol facilities, such as stations and central processing centers, provide short-term holding capacity for the processing and transfer of individuals encountered by agents. Maximum facility capacity along the southwest border is approximately 5,000, which assumes a homogenous population and full operating status at all facilities. Actual capacity fluctuates constantly based on characteristics of in-custody population, to include demographics, gender, criminality, etc. The average percentage of subjects in custody on a daily basis is 203%, which is averaged over the number of days in the calendar month and includes all Southwest Border Sector locations.



(4) The total monthly number of “applicants for admission”<sup>12</sup> under Section 1225;

<b>April 2022 as of May 4, 2022</b>	<b>Title 8</b>
<b>Office of Field Operations</b>	<b>30,038</b>
El Paso Field Office	1,284
Laredo Field Office	5,800
San Diego Field Office	22,257
Tucson Field Office	697
<b>U.S. Border Patrol</b>	<b>107,142</b>
Big Bend Sector	1,143
Del Rio Sector	25,871
El Centro Sector	3,143
El Paso Sector	14,963
Laredo Sector	1,501
Rio Grande Valley Sector	23,795
San Diego Sector	4,588
Tucson Sector	6,559
Yuma Sector	25,579
<b>Grand Total</b>	<b>137,180</b>

(5) The total monthly number of “applicants for admission” under Section 1225 paroled into the United States; and

<b>Southwest Border Paroles</b>	<b>April 2022</b>
<b>U.S. Border Patrol</b>	<b>40,023</b>
Parole Disposition	40,023
<b>Office of Field Operations</b>	<b>48,429</b>
NTA and Paroled into the U.S. on a case-by-case basis pursuant to 8 U.S.C. § 1182(d)(5)	27,654
Parole Disposition	20,775
<b>Grand Total</b>	<b>88,452</b>

<sup>12</sup> An applicant for admission is defined as “[a]n alien present in the United States who has not been admitted or who arrives in the United States (whether or not at a designated port of arrival and including an alien who is brought to the United States after having been interdicted in international or United States waters).” 8 U.S.C. § 1225(a)(1). Thus, an applicant for admission may include noncitizens that have never been encountered by CBP. At this time, CBP does not have a mechanism to track all applicants for admission in the United States that are not encountered by CBP. CBP has included the same data as the Title 8 encounter data provided in response to 1 above.

(6) The total monthly number of “applicants for admission” under Section 1225 released into the United States, paroled or otherwise.”<sup>13</sup>

<b>Southwest Border Releases</b>	<b>April 2022</b>
<b>U.S. Border Patrol</b>	<b>61,778</b>
Notice To Report <sup>14</sup>	
Notice to Appear - Order of Release on Recognizance	21,755
Parole Disposition	40,023
<b>Office of Field Operations</b>	<b>48,429</b>
NTA and Paroled into the U.S. on a case-by-case basis pursuant to 8 U.S.C. § 1182(d)(5)	27,654
Parole Disposition	20,775
<b>Grand Total</b>	<b>110,207</b>

<sup>13</sup> All numbers in reporting requirement 6 are “based on encounter date,” as defined above.

<sup>14</sup> Individuals who are screened by CBP, and after criminal and immigration records checks are conducted to determine if the subject is a threat to national security or public safety, are then released and instructed to report to U.S. Immigration and Customs Enforcement (ICE) for continued processing.

# Exhibit B

# ERO Custody Management Division

## Population Counts from April 1, 2022 through April 30, 2022

Source: ICE Integrated Decision Support (IIDS), 05/02/2022

IIDS is a data warehouse that contains dynamic data extracts from the Enforcement Integrated Database (EID).

FY2022 data: IIDS as of 05/02/2022; EID data through 05/01/2022

Average Daily Population is calculated by the total daily population divided by the number of days in the month

Total Daily Population includes single adults and individuals in family units

Until March 15, 2022, ERO was appropriated sufficient funding for approximately 34,000 detention beds nationwide, to support its mission to enforce immigration law. As of March 15, 2022, the funding for adult detention beds decreased to 31,500. ICE's access to its full inventory of bedspace is severely limited due to various court orders limiting the intake of noncitizen detainees, an increase in detention facility contract terminations, detention facility contract modifications, and the ongoing COVID-19 pandemic. Specifically, ICE's Pandemic Response Requirements (PRR) for its detention facilities, which are informed by the Centers for Disease Control and Prevention's COVID-19 guidelines, require that facilities undertake efforts to reduce populations to approximately 75% capacity. Last year, the U.S. District Court for the Central District of California issued a nationwide preliminary injunction recognizing the 75% capacity limit, and ordering ICE to maintain additional strict standards to reduce the risk of COVID-19 infection. See *Fraihat v. ICE*, 445 F.Supp.3d 709 (C.D. Cal. Apr. 20, 2020). In light of these mandates, ICE's available bedspace inventory was only approximately 28,933 beds.

Month	April
Monthly Average Daily Population (ADP)	19,815

Date	Daily Population
4/1/2022	19,822
4/2/2022	19,938
4/3/2022	20,200
4/4/2022	20,365
4/5/2022	20,136
4/6/2022	19,495
4/7/2022	19,603
4/8/2022	19,042
4/9/2022	19,020
4/10/2022	19,339
4/11/2022	19,532
4/12/2022	19,305
4/13/2022	18,842
4/14/2022	19,033
4/15/2022	18,779
4/16/2022	18,877
4/17/2022	19,584
4/18/2022	19,862
4/19/2022	19,420
4/20/2022	19,218
4/21/2022	19,335
4/22/2022	19,267
4/23/2022	19,822
4/24/2022	20,099
4/25/2022	20,580
4/26/2022	20,665
4/27/2022	20,917
4/28/2022	21,157
4/29/2022	21,411
4/30/2022	21,770



**ERO LESA Statistical Tracking Unit****For Official Use Only (FOUO)/Pre-decisional****Texas v Biden (MPP) - Reporting Requirement - 05/06/2022****FY2022 April ICE Removals of  
Expedited Removals**

<b>Case AOR</b>	<b>07-Apr</b>
Atlanta	36
Baltimore	-
Boston	5
Buffalo	9
Chicago	3
Dallas	16
Denver	19
Detroit	5
El Paso	53
HQ	-
Harlingen	608
Houston	71
Los Angeles	29
Miami	42
New Orleans	81
New York City	2
Newark	17
Philadelphia	13
Phoenix	73
Salt Lake City	2
San Antonio	27
San Diego	42
San Francisco	2
Seattle	6
St. Paul	2
Washington	6
<b>Total</b>	<b>1,169</b>

**ERO-LESA Statistical Tracking Unit****For Official Use Only (FOUO)/Pre-decisional****Texas v Biden (MPP) - Reporting Requirement - 05/06/2022**

ICE Initial Book Ins in FY2022 April with Arresting Agency of CBP	<b>07-Apr</b>
	20,295

ICE Initial Book Ins in FY2022 April with Arresting Agency of CBP with a previously occurring USBP Apprehension or CBP OFO Encounter at the Southwest Border		<b>07-Apr</b>
		19,611
<b>FY2022 YTD</b>	04/30/2022 ICE Currently Detained	11,114
	FY2022 ICE Final Release	7,782
	<i>Bonded out</i>	415
	<i>Order of Recognizance</i>	4,383
	<i>Order of supervision</i>	186
	<i>Paroled</i>	2,798
	FY2022 ICE Removal	263

## **ERO-LESA Statistical Tracking Unit**

**For Official Use Only (FOUO)/Pre-decisional**

### **Texas v Biden (MPP) - Reporting Requirement - 05/06/2022**

#### **Footnotes**

FY2022 ICE Initial Book Ins data are updated through 04/30/2022 (IIDS run date 05/01/2022; EID as of 04/30/2022).

ICE Currently Detained National Docket data are a snapshot as of 04/30/2022 (IIDS run date 05/01/2022; EID as of 04/30/2022).

FY2022 ICE Final Releases data are updated through 04/30/2022 (IIDS run date 05/01/2022; EID as of 04/30/2022).

FY2022 ICE Removals data are updated through 04/30/2022 (IIDS run date 05/01/2022; EID as of 04/30/2022).

Current fiscal year data, FY2022, will reflect updated values until the FY2022 data lock in Oct 2022.

USBP Apprehensions FY14 - FY22 YTD uploaded to IIDS on 05/02/2022, with FY22 apps through 05/01/2022.

Office of Field Operations (OFO) Southwest Border Operations (SBO) Enforcement Encounters Report with Subject-level details for FY22TD through 04/30/2022.

For the purpose of this report, only the most recent status for an individual who had an ICE Initial Book Ins per fiscal year with Arresting Agency of CBP with a previously occurring USBP Apprehension or CBP OFO Encounter at the Southwest Border is included in the summary count. I.e., Individual with multiple initial book-ins within the fiscal year pertinent to this litigation should have the same reported status and not be included in multiple status summary counts.

The person record for 452 ICE Initial Book Ins in FY2022 March pertinent to this litigation could not be matched to an ICE Current Detention (snapshot as of 04/30/2022), FY2022 YTD ICE Final Release or FY2022 YTD ICE Removal occurring after the ICE Initial Book In date.

ICE Initial Book Ins are matched to USBP Apprehensions and/or OFO Encounters based on subject-level details (Civilian record) where the USBP Apprehension and/or OFO Encounter occur prior to the ICE Initial Book In date. STU cannot confirm that the ICE Initial Book In is directly related to the matched USBP Apprehension and/or OFO Encounter.

#### **ICE Initial Book Ins**

ICE Detention data exclude ORR transfers/facilities, as well as U.S. Marshals Service Prisoners.

All stats are pulled based on Current Program which attributes all cases back to the Program of the processing officer of the event. However, if Current Program = OPL, XXX, ZZZ, or null, then Event Program is used.

The "CBP" Arresting Agency includes the following programs: Border Patrol, Inspections, Inspections-Air, Inspections-Land, and Inspections-Sea.

Individuals may have more than one ICE Initial Book Ins relevant to this litigation. All have been included.

Individuals may have more than one USBP Apprehensions and/or OFO Encounters relevant to this litigation. The latest occurring Apprehension or Encounter is included.

#### **ICE Detained National Docket**

ICE Detention data exclude ORR transfers/facilities, as well as U.S. Marshals Service Prisoners.

ICE Initial Book Ins are matched to ICE Current Detention record based on person-level details (Person record) where the ICE Initial Book In occur prior to the ICE Current Detention date. The ICE Initial Book In may not be directly related to the matched ICE Current Detention.

#### **ICE Final Releases**

An ICE Final Release is defined as a Final Bookout that reflects one of the following release reasons: Bonded Out, Order of Recognizance, Order of Supervision, Paroled, or Prosecutorial Discretion. All Case Statuses are included.

ICE Detention data exclude ORR transfers/facilities and U.S. Marshals Service Prisoners.

An alien may have multiple releases; only the most recent release is included in this report.

ICE Initial Book Ins are matched to ICE Final Release record based on person-level details (Person record) where the ICE Initial Book In occur prior to the ICE Final Release date. The ICE Initial Book In may not be directly related to the matched ICE Final Release.

ICE does not track the number of applicants paroled or released into the United States based on DHS' s lack of detention capacity.

#### **ICE Removals**

ICE Removals include Returns. Returns include Voluntary Returns, Voluntary Departures and Withdrawals Under Docket Control.

ICE Removals include aliens processed for Expedited Removal (ER) or Voluntary Return (VR) that are turned over to ERO for detention. Aliens processed for ER and not detained by ERO or VR after June 1st, 2013 and not detained by ERO are primarily processed by Border Patrol.

Starting in FY2009, ICE began to "lock" removal statistics at the end of each fiscal year and counted only the aliens whose removal or return was already confirmed. Aliens removed or returned in that fiscal year but not confirmed until after the end of that fiscal year were excluded from the locked data and thus from ICE statistics. To ensure an accurate and complete representation of all removals and returns, ICE will include the removals and returns confirmed after the end of that fiscal year into the next fiscal year. The number of removals in FY2009, excluding the "lag" from FY2008, was 387,790. The number of removals in FY2010, excluding the "lag" from FY2009, was 373,440. This number does not include 76,732 expedited removal cases which ICE closed on behalf of CBP in FY2010. Of those 76,732, 33,900 cases resulted from a joint CBP/ICE operation in Arizona. ICE spent \$1,155,260 on those 33,900 cases. The number of removals in FY2011, excluding the "lag" from FY2010, was 385,145. The number of removals in FY2012, excluding the "lag" from FY2011, was 402,919. The number of removals in FY2013, excluding the "lag" from FY2012, was 363,144. The number of removals in FY2014, excluding the "lag" from FY2013, was 311,111. The number of removals in FY2015, excluding the "lag" from FY2014, was 231,250. The number of removals in FY2016, excluding the "lag" from FY2015, was 235,524. The number of removals in FY2017, excluding the "lag" from FY2016, was 220,649. The number of removals in FY2018, excluding the "lag" from FY2017, was 252,405. The Number of removals in FY2019, excluding the "lag" from FY2018, was 262,591. The number of removals in FY2020, excluding the "lag" from FY2019, was 177,516. The number of removals in FY2021, excluding the "lag" from FY2020, was 55,355.

FY Data Lag/Case Closure Lag is defined as the physical removal of an alien occurring in a given month; however, the case is not closed in EARM until a subsequent FY after the data is locked. Since the data from the previous FY is locked, the removal is recorded in the month the case was closed and reported in the next FY Removals. This will result in a higher number of recorded removals in an FY than actual departures.

All stats are pulled based on Current Program which attributes all cases back to the Program of the processing officer of the event. However, if Current Program = OPL, XXX, ZZZ, or null, then Event Program is used.

Expedited removals include cases have one of the following case categories:

[8F] Expedited Removal [8G] Expedited Removal - Credible Fear Referral, [8H] Expedited Removal - Status Claim Referral, [8K] Expedited Removal Terminated due to Credible Fear Finding / NTA Issued.

Month break out of Expedited Removals is based on fiscal month of departure.

ICE Initial Book Ins are matched to ICE Removal record based on person-level details (Person record) where the ICE Initial Book In occur prior to the ICE Removal date. The ICE Initial Book In may not be directly related to the matched ICE Removal.