

IMMIGRATION ENFORCEMENT ACTORS

Who enforces immigration laws?

Before 2003, the Immigration and Naturalization Service (INS) was primarily tasked with carrying out the enforcement of immigration laws—from welcoming immigrants to the United States, to deciding on their deportation cases. In 2003, the INS was disbanded and the various tasks that it used to carry out were divided among several different agencies. Currently, these are some of the key federal agencies that work in tandem with one another, and oftentimes, with state and local law enforcement, to enforce U.S. immigration laws.

U.S. Department of Homeland Security (DHS)

Immigration and Customs Enforcement (ICE) ICE is the primary agency tasked with enforcing immigration laws within the U.S. It runs dozens of enforcement programs and facilities to further the detection, detention, and deportation of non-citizens.

Customs and Border Protection (CBP) CBP is primarily responsible for regulating immigration and trade at the borders and ports of entry, including airports across the country. The agency also enforces immigration laws within 100 miles of the border.

Citizenship and Immigration Services (USCIS) USCIS mainly decides on applications for immigration status, such as green cards. It also administers the E-Verify program that monitors the employment of undocumented individuals by businesses.

U.S. Department of Justice (DOJ)

The Executive Office of Immigration Review (EOIR) is a body of judges who administer the immigration court system, interpret U.S. immigration laws, and conduct removal proceedings. There are 60 courts in 27 states and two in U.S. territories. Appeals from decisions of the immigration courts are handled by the **Board of Immigration Appeals (BIA)**.

The Executive Office for United States Attorneys (EOUSA) oversees administrative support for 93 United States Attorneys, who are responsible for bringing cases against non-citizens for immigration violations such as unlawful re-entry and harboring unlawfully present individuals.

The U.S. Marshals Service is the primary agency for apprehending fugitives that are wanted by foreign nations. In 1995, the service merged with ICE to create the Justice Prisoner and Alien Transportation System (JPATS) to transport prisoners and non-citizens in detention to their hearings or other detention facilities.

IMMIGRATION ENFORCEMENT PROGRAMS

Criminal Alien Removal Initiative (CARI) Launched in 2012, ICE created this program with the help of local law enforcement agencies to target individuals with criminal records, including individuals with immigration status violations, in several pilot jurisdictions, such as New Orleans.⁷

E-Verify An internet-based system run by USCIS that allows public and private employers to verify whether employees are authorized to work in the United States. While its usage remains voluntary throughout the country, nine states—Alabama, Arizona, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Utah—require E-Verify for all employers.⁸ In 2011, E-Verify added the capacity to verify the authenticity of state driver's licenses though only a few states participate in this new program.

Fugitive Operations Program (FOP) FOP is an ICE Enforcement and Removal Operations (ERO) program to locate and remove individuals with final orders of removal who have failed to leave the United States, or individuals who have re-entered the country after a final order of removal. As of 2014, there were 129 FOP teams.

Priority Enforcement Program (PEP) The Department of Homeland Security Secretary announced the PEP program in November 2014 as a new program to replace Secure Communities.⁹ As opposed to Secure Communities, under PEP, ICE will make requests for notification for when an individual is about to be released from custody. Under the new program, ICE is supposed to take enforcement actions only against those individuals convicted of specific crimes such as individuals convicted of a federal felony or persons engaged in terrorism and espionage. While participation in the new program is voluntary, jurisdictions not complying with the notification system are likely to face more stringent and insidious methods of enforcement by ICE.

Secure Communities (S-COMM) Established in 2008, S-COMM was an information sharing program between local law enforcement, ICE and the FBI. When an individual was arrested and booked, the local arresting agency sent the individual's fingerprints to the FBI and ICE to check for criminal and immigration violations. If there was a match, ICE would issue a detainer requesting that the arresting agency notify ICE before it released the non-citizen so that ICE could take the individual into custody for detention and removal. In November 2014, the program was terminated through executive action, though remnants of it remains in place through PEP.

⁷ The Criminal Alien Removal Initiative in New Orleans, NEW ORLEANS CENTER FOR RACIAL JUSTICE (Dec. 2013), <http://www.ushrnetwork.org/sites/ushrnetwork.org/files/cari-report-final.pdf>.

⁸ National Conference of State Legislatures, State E-verify Action, Sept. 1. 2014, <http://www.ncsl.org/research/immigration/state-e-verify-action.aspx>.

⁹ Memorandum on Secure Communities from Jeh Johnson, Sec'y, Dep't of Homeland Sec., to Thomas S. Winkowski, Acting Dir., U.S. Immigration and Customs Enforcement, et al. (Nov. 20, 2014), available at http://www.dhs.gov/sites/default/files/publications/14_1120_memo_secure_communities.pdf.