



287(g) End-of-Year Report

February 21, 2023

Fiscal Year 2022 Report to Congress



**Homeland
Security**

U.S. Immigration and Customs Enforcement

Message from the Deputy Director and Senior Official Performing the Duties of the Director

February 21, 2023

I am pleased to present the following “287(g) End-of-Year Report” for Fiscal Year (FY) 2022, which was prepared by U.S. Immigration and Customs Enforcement (ICE).

This report was compiled pursuant to direction in the FY 2022 Department of Homeland Security Appropriations Act (P.L. 117-103) and its accompanying Joint Explanatory Statement and House Report 117-87.

Pursuant to congressional guidelines, this report is provided to the following Members of Congress:



The Honorable Dave Joyce
Chairman, House Appropriations Subcommittee on Homeland Security

The Honorable Henry Cuellar
Ranking Member, House Appropriations Subcommittee on Homeland Security

The Honorable Chris Murphy
Chair, Senate Appropriations Subcommittee on Homeland Security

The Honorable Katie Britt
Ranking Member, Senate Appropriations Subcommittee on Homeland Security

Inquiries related to this report may be directed to the ICE Office of Congressional Relations at (202) 732-4200.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tae D. Johnson', with a long, sweeping horizontal line extending to the right.

Tae D. Johnson
Deputy Director and
Senior Official Performing the Duties of the Director
U.S. Immigration and Customs Enforcement

Executive Summary

The following report provides an operational summary of the ICE 287(g) Program for FY 2022. Partnerships with state and local law enforcement are essential to help ICE to focus resources on the greatest threats, while ensuring that civil immigration enforcement is conducted in a way that protects civil rights and liberties.

Report Scope

P.L. 117-103, its Joint Explanatory Statement, and House Report 117-87 continue direction provided in P.L. 116-93, which directed ICE to provide a report to the Committee on the 287(g) Program, to include:

- Details on steering committee membership and activities for participating jurisdictions.
- Performance data, including:
 - Nationality,
 - Level of criminality,
 - Enforcement priority level of noncitizens placed into removal proceedings by 287(g) designated officers, and
 - Funding.
- Any plans for future expansion of, or changes to, the program.



287(g) End-of-Year Report

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I. Legislative Language

This report was compiled in response to direction set forth in the Fiscal Year (FY) 2022 Department of Homeland Security (DHS) Appropriations Act (P.L. 117-103), its accompanying Joint Explanatory Statement, and House Report 117-87, which continue direction set forth in the FY 2020 DHS Appropriations Act (P.L. 116-93).

P.L. 117-103 states:

SEC. 218. The terms and conditions of sections 216 and 217 of the Department of Homeland Security Appropriations Act, 2020 (division D of Public Law 116–93) shall apply to this Act.

The Joint Explanatory Statement states:

Section 218. By reference, the agreement continues provisions related to information sharing and on reporting under the 287(g) program.

House Report 117-87 states:

287(g) Program.—The recommendation continues a provision in the bill that requires ICE to provide a report to the Committees and the public regarding 287(g) steering committee membership and activities; performance data; the number of individuals placed into removal proceedings by 287(g)-designated officers; and any plans for future expansion of or changes to the program.

P.L. 116-93 states:

SEC. 217. Not later than 45 days after the date of enactment of this Act, the Director of U.S. Immigration and Customs Enforcement shall submit to the Committees on Appropriations of the Senate and the House of Representatives, and make available on a publicly accessible website, a report describing agreements pursuant to section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)) which shall include —

(1) detailed information relating to the community outreach activities of each participating jurisdiction pursuant to such agreement, including the membership and activities of any community-based steering committee established by such jurisdiction;

(2) the number of individuals placed into removal proceedings pursuant to each such agreement;

(3) data on the performance of the officers or employees of a State or political subdivision thereof under each such agreement, including the nationality and level of criminality of the individuals described in paragraph (2); and

(4) information relating to any future plans to increase the number of such agreements or expand the scope of such agreements through the introduction of new operations pursuant to such section.

II. Background

Program Overview

1. Mission

The 287(g) Program derives its authority under section 287(g) of the Immigration and Nationality Act. The 287(g) Program facilitates identification and processing of removable noncitizens booked into the custody of a law enforcement agency (LEA) after being arrested for violations of a state or local criminal law. Under a joint memorandum of agreement (MOA) with a state or local LEA, U.S. Immigration and Customs Enforcement (ICE) cross-designates nonfederal law enforcement officers of the LEA as Designated Immigration Officers (DIO) to perform specific immigration enforcement roles under the direction and supervision of an ICE officer.

2. History

The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 added section 287(g), which authorizes the Secretary of Homeland Security¹ to “enter into a written agreement with a State, or any political subdivision of a State, pursuant to which an officer or employee of the State or subdivision, who is determined by the [Secretary] to be qualified to perform a function of an immigration officer in relation to the investigation, apprehension, or detention of [noncitizens] in the United States (including the transportation of such [noncitizens] across State lines to detention centers), may carry out such function at the expense of the State or political subdivision and to the extent consistent with State and local law.”

¹ This granted authority to the Attorney General; these authorities later were codified in 8 U.S. Code (U.S.C.) § 1103, “Powers and duties of the Secretary, the Under Secretary, and the Attorney General.”

III. Operations

A. Operation and Program Execution

- ICE exercises its 287(g) Program authority by entering into formal MOAs with state and local LEAs.
- The 287(g) Program currently operates two models—the Jail Enforcement Model (JEM) and the Warrant Service Officer (WSO) program.
- JEM is designed to identify and process removable noncitizens arrested on criminal charges and booked into state or local detention facilities.
- Under the WSO program, ICE delegates to state or local law enforcement officers limited immigration enforcement authority to serve and execute administrative warrants on designated noncitizens in their agency’s jail or correctional facility at the time of the noncitizen’s scheduled release from criminal custody to facilitate their arrest and safe transfer to ICE custody.
- At the conclusion of FY 2022, JEM had a total of 65 signed MOAs (of which 60 were operational) in 19 states. Additionally, the WSO program had a total of 76 signed MOAs (of which 57 are operational) in 11 states.

B. Steering Committee Meetings

- 287(g) steering committee meetings were established to assess the immigration enforcement activities conducted by 287(g) DIOs and to ensure compliance with MOA terms.
- Steering committee meetings provide to ICE, to ICE’s partners, and to their stakeholders an opportunity to provide feedback on the 287(g) agreement.
- Steering committee meetings foster participation from community stakeholders and increase ICE’s ability to gain an independent, community-level perspective on 287(g) operations.
- A notice is released by the LEA at least 30 days before the meeting date. This notice informs the local community of the location, date, and time of the meeting.
- In FY 2022, 19 steering committee meetings were conducted. Participants of these meetings included leadership of the local LEAs, representatives from ICE Enforcement and Removal Operations (ERO), representatives from the ICE Office of Public Affairs, members of the community, and nongovernmental organizations. The table below shows LEAs that held steering committee meetings.

FY 2022 Steering Committee Meetings

State	MOA Name	Date of Meeting
WI	Waukesha County Sheriff's Office	11/30/2021
GA	Floyd County Sheriff's Office	2/28/2022
TX	Galveston County Sheriff's Office	4/5/2022
TX	Walker County Sheriff's Office	4/7/2022
TX	Jackson County Sheriff's Office	4/12/2022
TX	Chambers County Sheriff's Office	4/19/2022
NC	Cabarrus County Sheriff's Office	5/3/2022
CO	Teller County Sheriff's Office	5/15/2022
NY	Rensselaer County Sheriff's Office	6/17/2022
AR	Craighead County Sheriff's Office	6/28/2022
TX	Montgomery County Sheriff's Office	6/30/2022
TX	Lubbock County Sheriff's Office	7/29/2022
TN	Greene County Sheriff's Office	8/15/2022
LA	Etowah County Sheriff's Office	8/16/2022
AZ	Mesa Police Department	9/7/2022
AZ	Pinal County Sheriff's Office	9/19/2022
TX	Rockwall County Sheriff's Office	9/20/2022
AZ	Yavapai Sheriff's Office	9/21/2022
TX	Potter County Sheriff's Office	9/22/2022

C. Program Performance Data

In FY 2022, the 287(g) Program had 8,442 encounters with noncitizens from 141 countries. Of those encountered, 1,895 were convicted criminals and 4,999 had pending criminal charges. The table below shows the breakdown of 287(g) encounters by criminality for FY 2022:

FY 2022 287(g) Encounters by Criminality²

Criminality	FY 2022
Convicted Criminal	1,895
Pending Criminal Charges	4,999
Other Immigration Violator ³	1,548
Total	8,442

² FY 2022 287(g) encounter data is current through September 30, 2022.

³ "Other Immigration Violator" category encounters are noncitizens whose pending criminal charges at encounter are dismissed later and no longer are listed as "Pending Criminal Charges" in the ICE system of record.

The following table shows the number of relevant charges and convictions for noncitizens encountered in FY 2022:

FY 2022 Relevant Charges and Convictions for 287(g) Encounters⁴

Charge ⁵	FY 2022		
	Relevant Charge	Relevant Conviction	Total
Arson	7	5	12
Assault	1,245	349	1,594
Burglary	141	75	216
Commercialized Sexual Offenses	49	11	60
Conservation	38	18	56
Damage Property	150	60	210
Dangerous Drugs	770	419	1,189
Embezzlement	4	-	4
Extortion	5	7	12
Family Offenses	149	36	185
Flight/Escape	31	27	58
Forgery	48	22	70
Fraudulent Activities	165	71	236
Gambling	1	-	1
General Crimes	535	203	738
Health/Safety	11	3	14
Homicide	39	35	74
Immigration	37	123	160
Invasion of Privacy	190	73	263
Juvenile Offenders	3	3	6
Kidnapping	51	39	90
Larceny	275	155	430
Liquor	130	50	180
Obscenity	5	4	9
Obstructing Judiciary, Congress, Legislature, etc.	795	157	952
Obstructing the Police	341	137	478
Public Peace	195	125	320
Robbery	58	54	112

⁴ FY 2022 287(g) encounter data is current through September 30, 2022. Encounters Criminal History includes all criminal convictions or pending criminal charges for noncitizens encountered by 287(g) at the time of the encounter. Please note that an individual may have multiple charges or convictions.

⁵ ICE tracks and reports on criminality using the Federal Bureau of Investigation's standard National Crime Information Center codes.

Charge ⁵	FY 2022		
	Relevant Charge	Relevant Conviction	Total
Sex Offenses (Not Involving Assault or Commercialized Sex)	116	92	208
Sexual Assault	78	95	173
Smuggling	15	6	21
Stolen Property	38	30	68
Stolen Vehicle	91	42	133
Tax Revenue	4	-	4
Threat	13	8	21
Traffic Offenses	2,940	941	3,881
Weapon Offenses	179	104	283
Total	8,942	3,579	12,521

In FY 2022, 287(g) partner LEAs had encounters that initiated 473 removals effected in that fiscal year. ICE notes that encounters for these removals may have occurred in previous fiscal years. These removals pertained to noncitizens from 46 countries. The “criminality” of the individuals removed is provided in the following chart:

FY 2022 287(g) Encounters That Initiated Removals by Criminality⁶

Criminality	FY 2022
Convicted Criminal	367
Pending Criminal Charges	91
Other Immigration Violator ⁷	15
Total	473

The following table shows the 20 countries of citizenship with the highest numbers of noncitizens encountered in FY 2022:

FY 2022 287(g) ERO Encounters for Top 20 Countries of Citizenship⁸

Country of Citizenship	Total
Mexico	2,994
Guatemala	1,121
Honduras	763
Cuba	464
El Salvador	406
Haiti	171
Dominican Republic	125

⁶ FY 2022 287(g) encounter data is current through September 30, 2022

⁷ The “Other Immigration Violation” category encounters are noncitizens whose pending criminal charges at encounter are dismissed later and no longer are listed as “Pending Criminal Charges” in the ICE system of record.

⁸ FY 2022 287(g) encounter data is current through September 30, 2022.

Country of Citizenship	Total
Jamaica	117
Colombia	102
Marshall Islands	101
Brazil	82
Nicaragua	74
Venezuela	69
Canada	58
India	47
Burma	46
Micronesia, Federated States of	41
China, People's Republic of	40
Vietnam	38
Peru	31
Total	6,890

The following table shows removals of noncitizens encountered through the 287(g) Program by country of citizenship in FY 2022:

FY 2022 287(g) Removals by Country of Citizenship⁹

Country of Citizenship	Total
Antigua-Barbuda	1
Bangladesh	1
Belize	1
Brazil	12
Bulgaria	1
Canada	4
Cape Verde	1
Chile	2
Colombia	4
Democratic Republic of the Congo	1
Dominican Republic	22
El Salvador	66
Gambia	1
Ghana	1
Grenada	1
Guatemala	199
Guyana	1
Haiti	3
Honduras	98
Hungary	1
India	1

⁹ FY 2022 287(g) removal data is current through September 30, 2022.

Country of Citizenship	Total
Iraq	1
Israel	1
Italy	1
Ivory Coast	1
Jamaica	11
Kenya	1
Korea	1
Liberia	1
Mexico	725
Morocco	2
New Zealand	1
Nicaragua	2
Norway	1
Pakistan	1
Panama	1
Peru	3
Philippines	2
Romania	2
Senegal	1
Serbia	1
Sierra Leone	2
South Korea	1
Spain	2
Sudan	1
Sweden	1
Total	1,189

The following table shows the number of noncitizens placed into removal proceedings by 287(g) Program, by criminality in FY 2022.

FY 2022 Number of Noncitizens Placed into Removal Proceedings Through the 287(g) Program¹⁰

Criminality	FY 2022		
	Active Cases	Removals	Total
Convicted Criminal	691	367	1,058
Pending Criminal Charges	277	91	368
Other Immigration Violator ¹¹	45	15	60
Total	1,013	473	1,486

¹⁰ FY 2022 287(g) data is current through September 30, 2022.

¹¹ The “Other Immigration Violator” category encounters are noncitizens whose pending criminal charges at encounter are dismissed later and no longer are listed as “Pending Criminal Charges” in the ICE system of record.

IV. Funding and Execution

A. Current Level

The 287(g) Program requires multi-programmatic support to operate effectively. Consequently, several ICE program, project, and activities (PPA) fund work incident to the 287(g) Program. The following table displays funding allotment and program purposes.

ICE 287(g) Program Resources			
PPA/PPA Level II Office	FY 2022 Funding	FY 2022 Full-Time Positions	Activities
ICE ERO/Criminal Alien Program/287(g) Program Management Office	\$13,859,235	55	Oversees the program, including issuing charging documents, providing guidance to resolve issues, and ensuring compliance with program policies and their respective MOAs. Works with each ICE component to manage and execute program resources, to train state and local personnel, and to review funding of component activity. Provides oversight of the 287(g) JEM program.
ICE ERO/Custody Operations (COPS)	\$4,075,348	0	Supports detention contract costs in locations with existing MOAs.
ICE Mission Support/Enterprise Services/Office of the Chief Information Officer (OCIO)	\$4,161,210	4	Responsible for the engineering, purchase, installation, sustainment, and management services of all information technology equipment deployed inside the state and local facilities.
ICE Mission Support/Office of Professional Responsibility (OPR)	\$1,768,535	11	Responsible for assessing the effectiveness of ICE ERO field offices that supervise 287(g) programs, as well as ICE and LEA partners' compliance with program policies and 287(g) MOA requirements. Provides ICE leadership with an independent evaluation of the 287(g) Program. Serves as a member of the 287(g) Program Advisory Board.
ICE Office of the Principal Legal Advisor (OPLA)	\$456,672	2	Advises on the negotiations of proposed MOAs between ICE and partner LEAs and on operational matters affecting the program.

ICE 287(g) Program Resources			
PPA/PPA Level II Office	FY 2022 Funding	FY 2022 Full-Time Positions	Activities
			Serves as a member of the 287(g) Program Advisory Board. Advises on litigation matters, including coordination with the Department of Justice, program testimony, talking points, and other correspondence. Provides legal training to state and local enforcement personnel.
Total	\$24,321,000	72	

B. History of Funding

The program funding and participation by partner agencies decreased substantially in FY 2014 and continued to operate at a reduced level during much of the decade. However, from January 2017 to the end of FY 2020, partner participation increased at a rapid and consistent rate. The increased interest from law enforcement created a need for a more appropriate level of resources. To address the shortage of personnel, the 287(g) Program supports oversight duties by allowing temporary duty travel to oversee respective partners located at unmanned sites.

History of Funding

PPAs	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
Homeland Security Investigations	-	-	-	-	-	-	-	-	-
287(g) Program Management Office	13,935,128	13,935,128	9,956,129	13,935,128	13,895,907	13,895,907	13,859,235	13,855,706	13,859,235
Office of State and Local Tribal Coordination	900,000	900,000	810,318	-	-	-	-	-	-
OCIO	3,994,210	3,994,210	3,994,210	3,994,210	3,994,210	3,994,210	4,161,210	3,994,210	4,161,210
ERO/COPS	3,207,348	3,207,348	7,207,348	4,075,348	4,075,348	4,075,348	4,075,348	4,075,348	4,075,348
OPR	1,983,535	1,983,535	1,983,535	1,935,535	1,935,535	1,929,535	1,768,535	1,914,200	1,768,535
OPLA	300,779	300,779	369,460	380,779	420,000	426,000	456,672	481,536	456,672
Office of Acquisition Management	-	-	-	-	-	-	-	-	-
Office of the Chief Financial Officer	-	-	-	-	-	-	-	-	-
Total	24,321,000	24,321,000	24,321,000	24,321,000	24,321,000	24,321,000	24,321,000	24,321,000	24,321,000

V. Program Expansion

No new 287(g) Program agreements were entered into in FY 2022, and there are currently no plans to expand the program.

VI. Conclusion and Program Plan

ICE recognizes the importance of its relationships with state and local law enforcement partners and continues to share information and to coordinate operations with those partners in a way that best serves the LEA and ICE's needs. ICE will continue to evaluate the overall effectiveness of the program. ICE looks forward to working with the Committees on Appropriations to ensure the level of resources necessary to support public safety through enforcement programs such as 287(g).

Appendix: Abbreviations

Abbreviation	Definition
COPS	Custody Operations
DHS	Department of Homeland Security
DIO	Designated Immigration Officer
ERO	Enforcement and Removal Operations
FY	Fiscal Year
ICE	U.S. Immigration and Customs Enforcement
JEM	Jail Enforcement Model
LEA	Law Enforcement Agency
MOA	Memorandum of Agreement
OCIO	Office of the Chief Information Officer
OPLA	Office of the Principal Legal Advisor
OPR	Office of Professional Responsibility
PPA	Program/Project/Activity
U.S.C.	U.S. Code
WSO	Warrant Service Officer