

# Alien Incarceration Report Fiscal Year 2019



# Alien Incarceration Report

## Fiscal Year 2019

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### Introduction

On January 25, 2017, the President signed Executive Order (E.O.) 13768 on *Enhancing Public Safety in the Interior of the United States*.<sup>1</sup>

Section 16 of E.O. 13768 directs the Secretary of Homeland Security and the Attorney General to collect relevant data and provide quarterly reports on: (a) the immigration status of all aliens incarcerated under the supervision of the Federal Bureau of Prisons (BOP); (b) the immigration status of all aliens incarcerated as federal pretrial detainees under the supervision of the United States Marshals Service (USMS); and (c) the immigration status of all convicted aliens incarcerated in state prisons and local detention centers throughout the United States.

This report, which covers FY 2019 (FY19), includes data on known or suspected aliens under the custody of BOP and USMS, and available data regarding alien populations in state and local facilities, including aggregate data collected by the U.S. Department of Justice (DOJ). The lack of comprehensive data on this topic is a noteworthy limitation of this report because state and local facilities account for approximately 90 percent of the total U.S. incarcerated population. DOJ and the Department of Homeland Security (DHS) continue to develop and establish methods to collect, estimate, and analyze accurate data at the state and local levels. This section of the report will expand as these methodologies and procedures are improved or more information becomes available.

This report also includes data from the Institutional Hearing and Removal Program (IHP), a cooperative effort between DOJ's Executive Office for Immigration Review (EOIR), DHS, and various federal, state, and municipal corrections agencies. As part of the IHP, DHS identifies alien inmates in BOP, state, or local custody who may be removable from the United States and initiates their removal proceedings before EOIR while the aliens continue serving their criminal sentences. Bringing immigration judges to these inmates for a determination of their removability allows their immigration cases to be resolved prior to their release from prison. Upon release of these inmates, DHS is able to effectuate the removal of those aliens who have a final order of removal, as determined by either an immigration judge or the Board of Immigration Appeals. IHP aims to avoid transferring removable aliens into DHS custody, or releasing them into the community, pending future adjudication of their immigration cases. By holding immigration proceedings during an alien's prison sentence, IHP enhances the overall efficiency of the immigration system while contributing to the Nation's security.

Finally, the report provides case summaries of certain sentenced aliens in BOP custody in FY19.

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<sup>1</sup> Executive Order No. 13768, 82 Fed. Reg. 8799 (Jan. 30, 2017), available at <https://www.govinfo.gov/content/pkg/FR-2017-01-30/pdf/2017-02102.pdf>.

## Data Collection Process

Pursuant to E.O. 13768, USMS and BOP provide U.S. Immigration and Customs Enforcement (ICE) with data on a quarterly basis regarding inmates and detainees identified as foreign-born during their criminal case process.<sup>2</sup> In turn, ICE checks USMS and BOP data against its ICE Enforcement and Removal Operations (ERO) case management system, the ENFORCE Alien Removal Module (EARM), and the U.S. Citizenship and Immigration Services Central Index System to identify aliens with immigration records and pending or completed removal proceedings.

This approach allows ICE to place each known or suspected alien in USMS or BOP custody within one of the following five categories:

- Under Investigation: Further investigation by ICE is required to confirm alien status and establish potential removability.
- Under Adjudication – Legal: The person is lawfully present in the United States but has been charged as a removable alien; removal proceedings are ongoing.
- Under Adjudication – Illegal: The person is unlawfully present<sup>3</sup> in the United States and has been charged as a removable alien; removal proceedings are ongoing.
- Ordered Removed: The person is an alien who has been issued a final order of removal or has agreed to depart voluntarily, and therefore has no lawful status.
- Pending Relief/Benefit: The person is an alien who has been granted relief or protection from removal that would generally be considered lawful status. However, depending on the nature of the inmate’s criminal offense, his or her status may be subject to review and rescission or revocation by DHS or an immigration judge.

Once ICE checks the USMS and BOP data, it returns its findings to USMS and BOP. Those data are then used by USMS and BOP to generate statistics relevant to E.O. 13768, including the primary offenses committed, costs of incarceration, and other factors affecting public safety and the criminal justice system. USMS and BOP continue to develop their processes to allow for more robust reporting of information related to E.O. 13768.

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<sup>2</sup> Total counts in BOP and USMS custody reflect the populations on reported dates and are not quarterly or yearly totals.

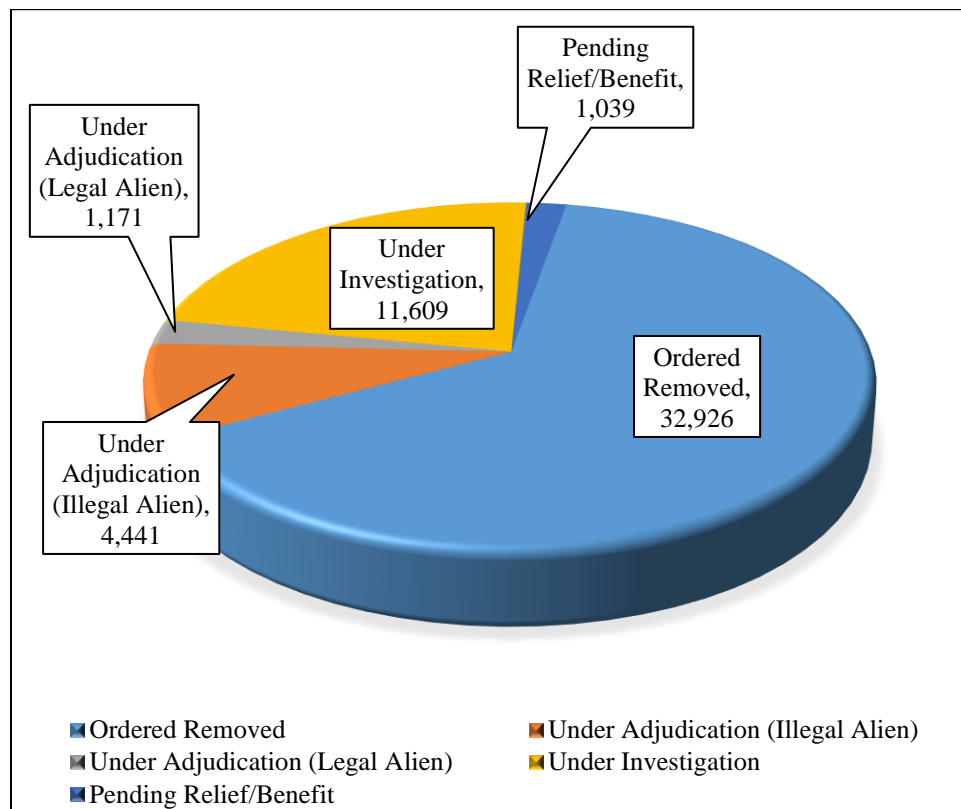
<sup>3</sup> “Unlawful presence” includes those circumstances in which an “alien is present in the United States after the expiration of the period of stay authorized ... or is present in the United States without being admitted or paroled.” 8 U.S.C. § 1182(a)(9)(B)(ii).

# Fiscal Year 2019, Quarter 1

## Summary of Findings

A total of 51,186 known or suspected aliens were in BOP or USMS custody at the end of the first quarter of FY19 (*see* Figure 1-1). Of those, 32,926 (64.3 percent) were subjects of removal orders or had agreed to depart voluntarily; 11,609 (22.7 percent) were still under investigation by ICE to determine alienage; 4,441 (8.7 percent) were illegally present and under adjudication; and 1,171 (2.3 percent) were legally present and under adjudication. A total of 1,039 aliens (2 percent) in DOJ custody were granted relief or protection from removal (Pending Relief/Benefit).

*Figure 1-1: Immigration Status of Known or Suspected Aliens in DOJ Custody, FY19 Q1*



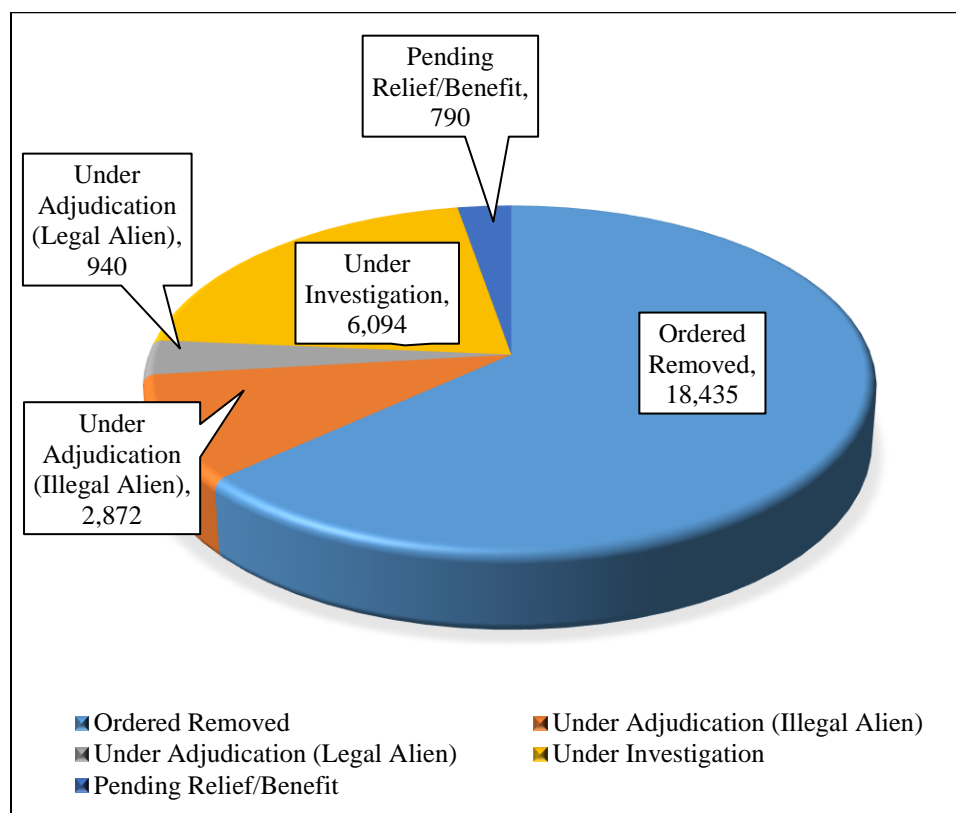
Sources: U.S. Department of Justice, U.S. Department of Homeland Security

## Immigration Status of and Offenses Committed by Known or Suspected Aliens in BOP Custody

### A. Immigration Status of Known or Suspected Aliens in BOP Custody

As of December 31, 2018, 29,131 known or suspected aliens were in BOP custody. Approximately 73 percent of those were confirmed not to have lawful immigration status in the United States: 18,435 individuals (63.3 percent of the total number of known or suspected aliens in BOP custody) who had been ordered removed and 2,872 individuals (9.9 percent) who were unlawfully present and under adjudication. Of the known or suspected aliens in BOP custody, 940 individuals (3.2 percent) were lawfully present and under adjudication and 790 aliens (2.7 percent) had been granted relief or protection from removal (Pending Relief/Benefit). There were 6,094 individuals (20.9 percent) under investigation to determine alienage (*see* Figure 1-2).

*Figure 1-2: Immigration Status of Known or Suspected Aliens in BOP Custody, FY19 Q1*



Sources: U.S. Department of Justice, U.S. Department of Homeland Security

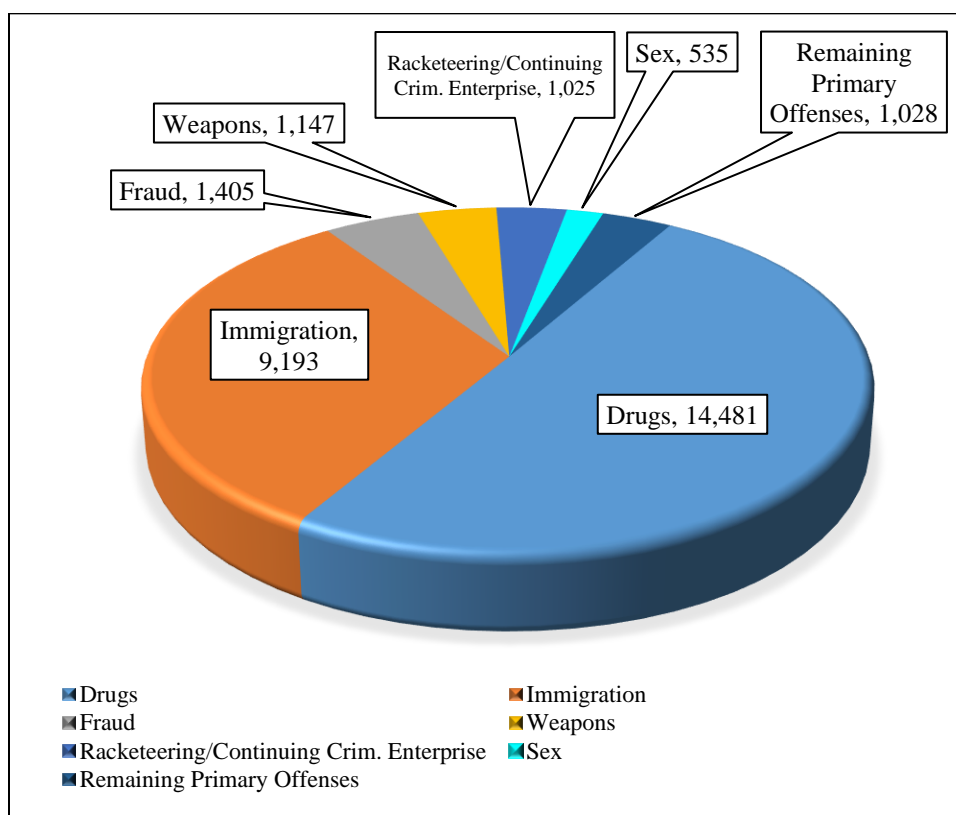
### B. Primary Offenses Committed by Known or Suspected Aliens in BOP Custody

Of the 29,131 known or suspected aliens in BOP custody, 28,814 had been convicted of an offense (317 inmates were in pretrial status). Approximately 50 percent of the 28,814 (14,481) had committed drug trafficking or other drug-related offenses (such as conspiracy to commit drug trafficking offenses, or smuggling large amounts of drugs on the high seas) as their primary

offense, making it the most common type of primary offense (*see* Figure 1-3). Approximately 32 percent (9,193) had committed immigration offenses (such as alien smuggling or illegal reentry after deportation) as their primary offense.

Of the 28,814 convicted known or suspected aliens in BOP custody, 4.9 percent (1,405 individuals) committed fraud and four percent (1,147) committed weapons offenses (including firearms offenses). Racketeering and continuing criminal enterprise offenses (including murder for hire) were the primary offenses committed by 3.6 percent (1,025) of the same group, while obscene materials offenses (such as the production or distribution of child pornography) and other sex offenses were the primary offenses committed by 1.9 percent (535) of the group. Other primary offenses committed by smaller numbers in BOP custody included kidnapping, murder, larceny, terrorism, escape, bribery and extortion, rape, and other offenses (1,028, 3.6 percent). Many of these non-terrorism-related offenses are typically prosecuted at the state and local levels.

*Figure 1-3: Primary Offenses Committed by Known or Suspected Aliens in BOP Custody, FY19 Q1<sup>4</sup>*



Sources: U.S. Department of Justice, U.S. Department of Homeland Security

<sup>4</sup> Figure 1-3 does not depict the 317 pretrial aliens in BOP custody (1.1 percent of the 29,131 known or suspected aliens in BOP custody).

## Immigration Status of and Pending Charges Against Known or Suspected Aliens in USMS Custody

### A. Immigration Status of Known or Suspected Aliens in USMS Custody

The USMS “oversee[s] all detention management matters for individuals remanded to U.S. Marshals custody.”<sup>5</sup> USMS also houses certain short-term sentenced individuals, as well as sentenced individuals pending transfer to BOP. This report includes data on all known or suspected aliens in USMS custody.<sup>6</sup> As of December 31, 2018, 22,055 confirmed aliens were in USMS custody.

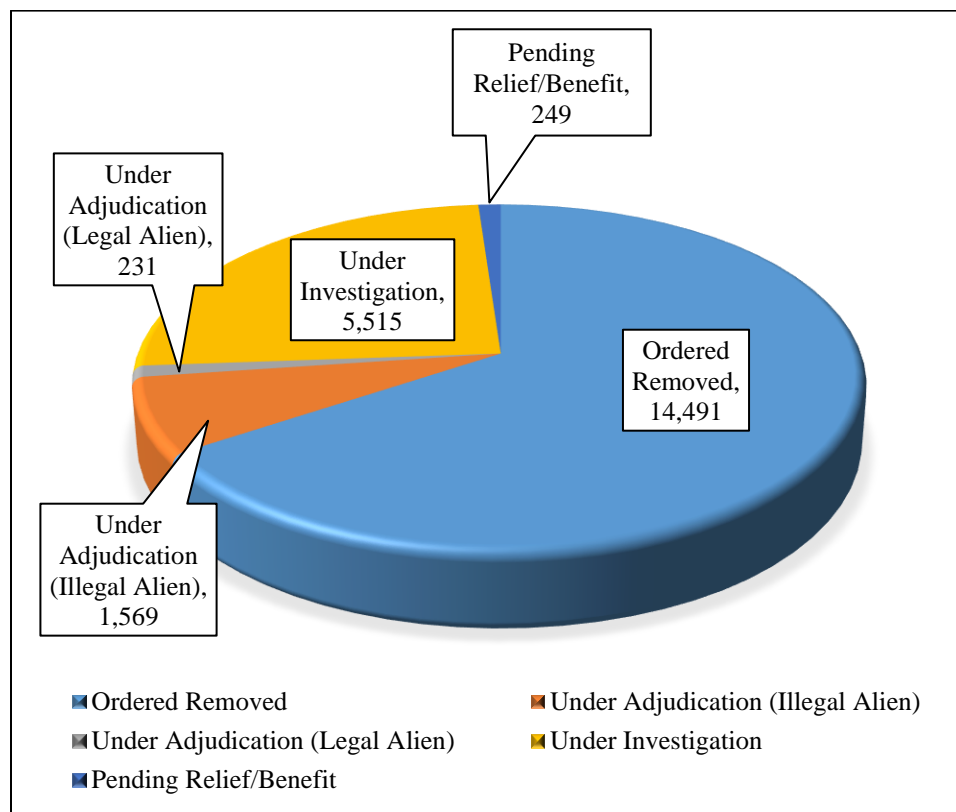
Known or suspected aliens, identified through self-reporting or through confirmation of alienage by ICE, composed 37 percent of the 59,185 total individuals in USMS custody. Of the 22,055 known or suspected aliens in USMS custody, 65.7 percent (14,491 individuals) had removal orders; 25 percent (5,515 individuals) had their immigration status currently under investigation; and 7.1 percent (1,569 individuals) were unlawfully present and in removal proceedings (*see* Figure 1-4). One percent (231 individuals) were lawfully present and in immigration proceedings, and 1.1 percent (249 individuals) were in receipt of a grant of protection or relief from removal (Pending Relief/Benefit).

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<sup>5</sup> Fact Sheet: U.S. Marshals, 2020, available at <https://www.usmarshals.gov/duties/factsheets/overview.pdf>.

<sup>6</sup> USMS data reflect all aliens in USMS custody, not just pretrial aliens, as the USMS also detains post-trial aliens completing short-term sentences or awaiting transfer to BOP.

Figure 1-4: Immigration Status of Known or Suspected Aliens in USMS Custody, FY19 Q1



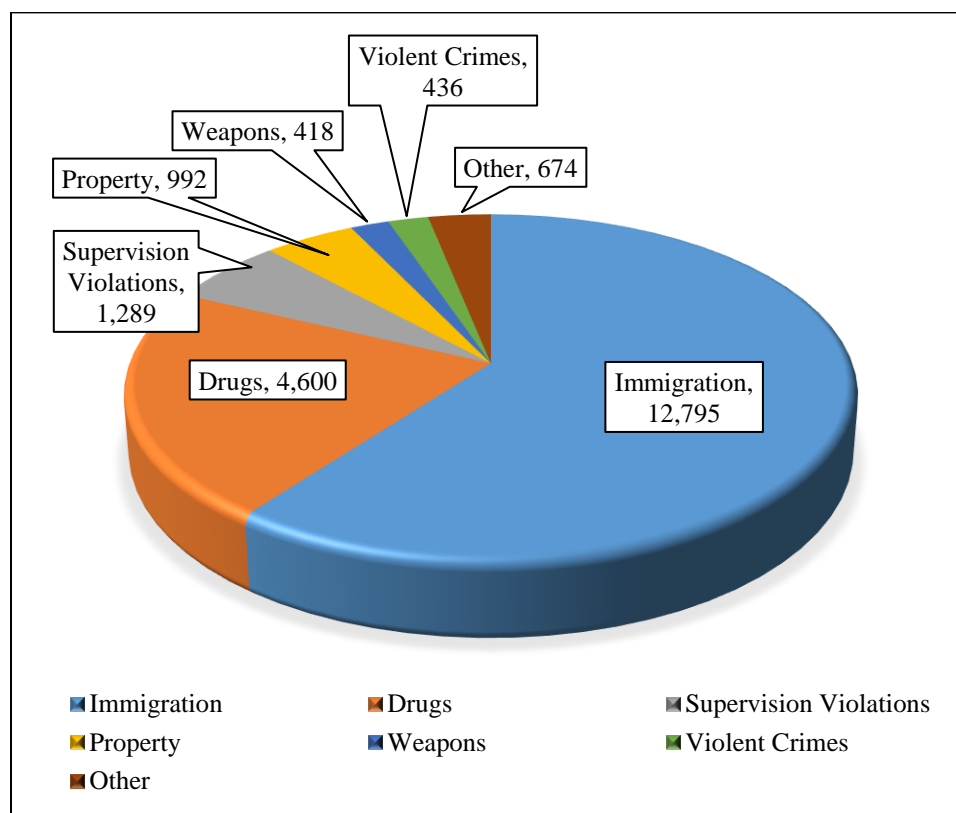
Sources: U.S. Department of Justice, U.S. Department of Homeland Security

## B. Pending Primary Charges Against Known or Suspected Aliens in USMS Custody

Of the 22,055 known or suspected aliens in USMS custody, 21,204 were being held for reasons other than being material witnesses. Approximately 60 percent of the 21,204 (12,795 individuals) were in custody for a primary offense related to immigration, such as alien smuggling or illegal reentry after deportation (*see* Figure 1-5), and 21.7 percent (4,600 individuals) were in custody for a primary offense related to drugs. Other primary offenses included violations of conditions of supervision (1,289 individuals, 6.1 percent), property offenses (992 individuals, 4.7 percent), violent offenses (436 individuals, 2.1 percent), and weapons offenses (418 individuals, 2 percent). Approximately three percent (3.2 percent) (674 individuals) were in custody for an unlisted offense or were in USMS custody due to a writ, hold, or transfer.



*Figure 1-5: Pending Primary Charges Against Known or Suspected Aliens in USMS Custody, FY19 Q1<sup>7</sup>*



Sources: U.S. Department of Justice, U.S. Department of Homeland Security

### C. Costs Associated With Known or Suspected Aliens in USMS Custody

During the quarter ending December 31, 2018, the USMS spent approximately \$161 million to house noncitizens remanded to their custody in nonfederal detention facilities. The average cost to house noncitizens in these facilities was \$88.78 per prisoner, per day. Because of the greater number of prisoners received into USMS custody, during the quarter ending December 30, 2018, total detention housing costs increased from \$158 million to \$161 million, which was approximately a 1.9 percent increase from the quarter ending September 30, 2018.

### Institutional Hearing and Removal Program Data

The Institutional Hearing and Removal Program (IHP) is a cooperative effort between EOIR, DHS, and various federal, state, and municipal corrections agencies. As part of the IHP, DHS identifies alien inmates in BOP, state, or local custody who may be removable from the United States and initiates their removal proceedings before EOIR while the aliens continue serving their criminal sentences.

<sup>7</sup> Figure 1-5 does not depict the 851 individuals (3.9 percent of the 22,055 known or suspected aliens in USMS custody) who were in USMS custody as material witnesses.

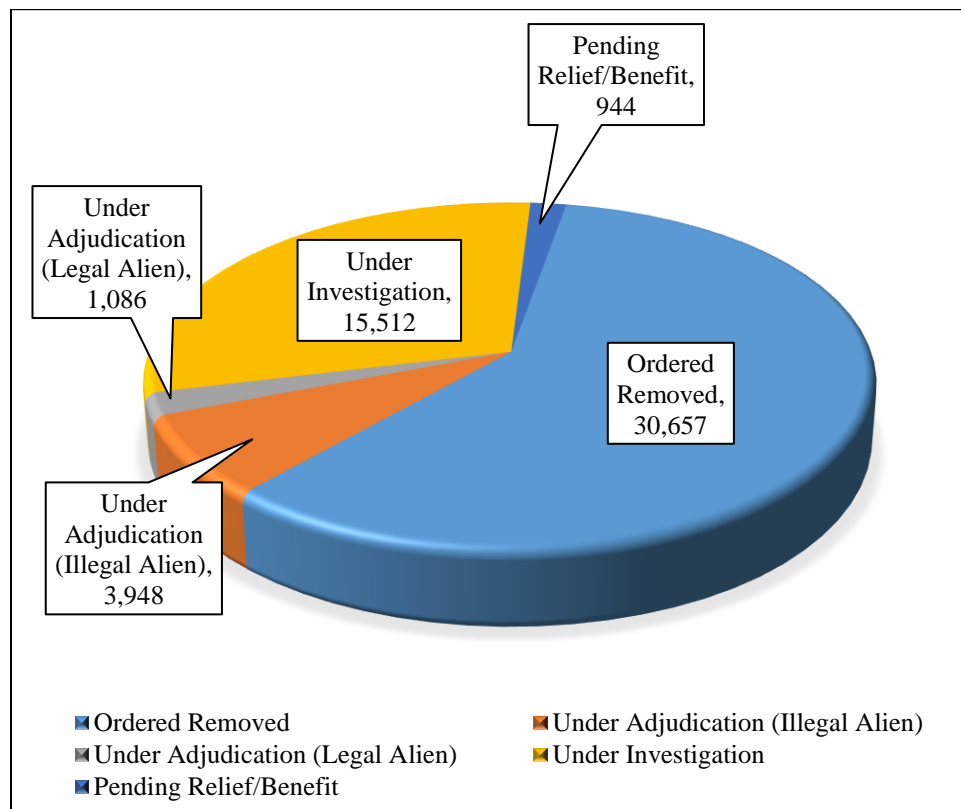
Between October 1 and December 31, 2018, EOIR completed 586 immigration cases at 50 IHP locations. EOIR had 1,859 IHP cases pending at 65 IHP locations as of December 31, 2018 and may hear cases at additional IHP locations as circumstances warrant.

# Fiscal Year 2019, Quarter 2

## Summary of Findings

A total of 52,147 known or suspected aliens were in BOP and USMS custody for a range of offenses at the end of the second quarter of FY19 (*see* Figure 2-1). Of those, 30,657 (58.8 percent) were known or suspected aliens with orders of removal or who had agreed to depart voluntarily; 15,512 (29.7 percent) were still under investigation by ICE to determine alienage; 3,948 (7.6 percent) were aliens who were illegally present and under adjudication; and 1,086 (2.1 percent) were legally present and under adjudication. A total of 944 aliens (1.8 percent) in DOJ custody had been granted relief or protection from removal (Pending Relief/Benefit).

*Figure 2-1: Immigration Status of Known or Suspected Aliens in DOJ Custody, FY19 Q2*



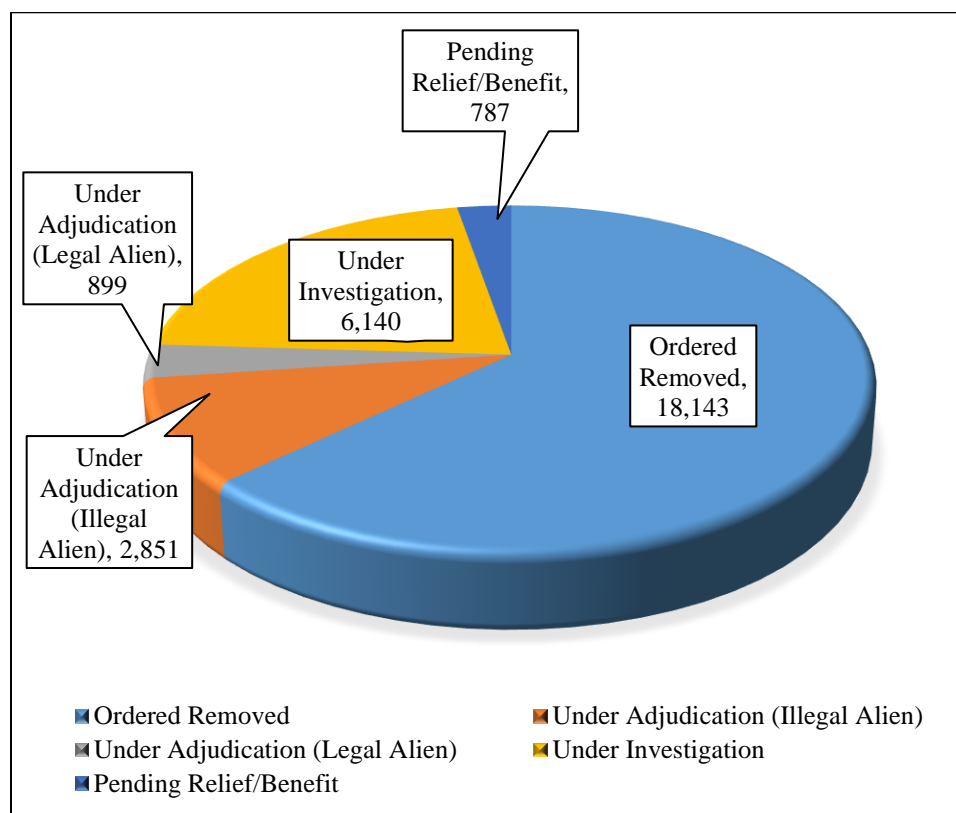
Sources: U.S. Department of Justice, U.S. Department of Homeland Security

## Immigration Status of and Offenses Committed by Known or Suspected Aliens in BOP Custody

### A. Immigration Status of Known or Suspected Aliens in BOP Custody

As of March 31, 2019, 28,820 known or suspected aliens were in BOP custody. Approximately 73 percent were confirmed not to have lawful immigration status in the United States: 18,143 individuals (63 percent of the total number of known or suspected aliens in BOP custody) who had been ordered removed and 2,851 individuals (9.9 percent) who were unlawfully present and in removal proceedings. Of the known or suspected aliens in BOP custody, 899 individuals (3.1 percent) were lawfully present and in removal proceedings and 787 aliens (2.7 percent) had been granted relief or protection from removal (Pending Relief/Benefit). There were 6,140 individuals (21.3 percent) under investigation to determine alienage (*see* Figure 2-2).

*Figure 2-2: Immigration Status of Known or Suspected Aliens in BOP Custody, FY19 Q2*



Sources: U.S. Department of Justice, U.S. Department of Homeland Security

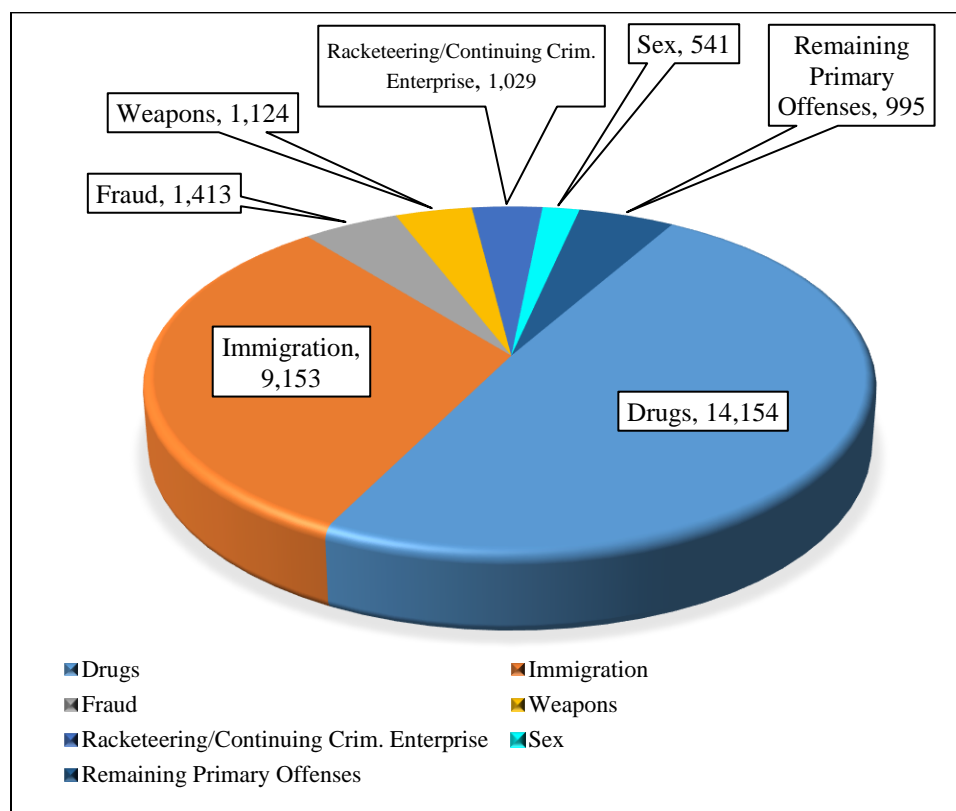
### B. Primary Offenses Committed by Known or Suspected Aliens in BOP Custody

Of the 28,820 known or suspected aliens in BOP custody, 28,409 had been convicted of an offense (411 inmates were in pretrial status). Nearly 50 percent of the 28,409 (14,154) had committed drug trafficking or other drug-related offenses (such as conspiracy to commit drug trafficking offenses, or smuggling large amounts of drugs on the high seas) as their primary

offense, making it the most common type of primary offense (*see* Figure 2-3). Approximately 32 percent (9,153) had committed immigration offenses (such as alien smuggling or illegal reentry after deportation) as their primary offense.

Of the 28,409 convicted known or suspected aliens in BOP custody, five percent (1,413 individuals) committed fraud and four percent (1,124 individuals) committed weapons offenses (including firearms offenses). Racketeering and continuing criminal enterprise offenses (including murder for hire) were the primary offenses committed by 3.6 percent (1,029) of the same group, while obscene materials offenses (such as the production or distribution of child pornography) and other sex offenses were the primary offenses committed by 1.9 percent (541) of the group. Other primary offenses committed by smaller numbers in BOP custody included kidnapping, murder, larceny, terrorism, escape, bribery and extortion, rape, and other offenses (995, 3.5 percent)—aside from terrorism-related offenses, many of these types of offenses are typically prosecuted at the state and local levels.

*Figure 2-3: Primary Offenses Committed by Known or Suspected Aliens in BOP Custody, FY19 Q2<sup>8</sup>*



Sources: U.S. Department of Justice, U.S. Department of Homeland Security

## Immigration Status of and Pending Charges Against Known or Suspected Aliens in USMS Custody

### A. Immigration Status of Known or Suspected Aliens in USMS Custody

The USMS is DOJ's component charged with the housing and care of federal pretrial detainees. USMS also houses certain short-term sentenced individuals as well as sentenced individuals pending transfer to BOP. This report includes data on all known or suspected aliens in USMS custody.<sup>9</sup> As of March 31, 2019, 23,327 known or suspected aliens were in USMS custody.

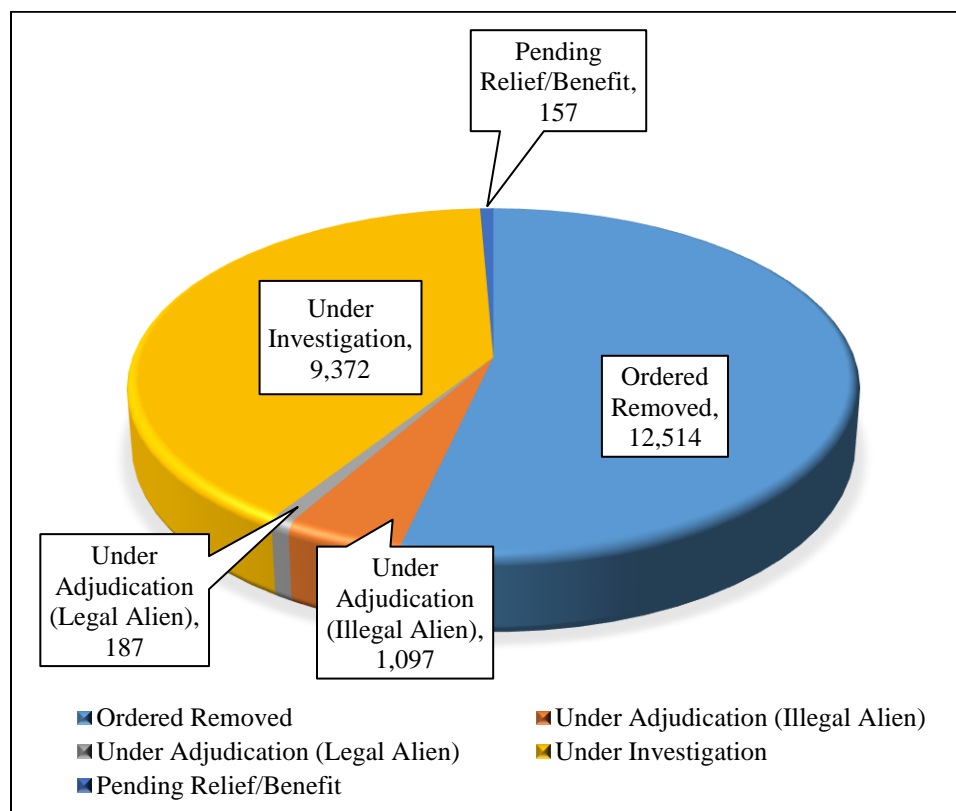
Known or suspected aliens, identified through self-reporting or through confirmation of alienage by ICE, composed 38 percent of the 61,948 total individuals in USMS custody. Of the 23,327 known or suspected aliens in USMS custody, 53.6 percent (12,514 individuals) had removal orders; 40.2 percent (9,372 individuals) had their immigration status currently under investigation; and 4.7 percent (1,097 individuals) were unlawfully present and in removal

<sup>8</sup> Figure 2-3 does not depict the 411 pretrial aliens in BOP custody (1.4 percent of the 28,820 known or suspected aliens in BOP custody).

<sup>9</sup> USMS data reflect all aliens in USMS custody, and do not delineate solely pretrial aliens as the USMS also detains post-trial aliens completing short-term sentences or awaiting transfer to BOP.

proceedings (*see* Figure 2-4). Less than one percent (0.8 percent) (187 individuals) were lawfully present and in immigration proceedings, and less than one percent (0.7 percent) (157 individuals) were in receipt of a grant of protection or relief from removal (Pending Relief/Benefit).

*Figure 2-4: Immigration Status of Known or Suspected Aliens in USMS Custody, FY19 Q2*

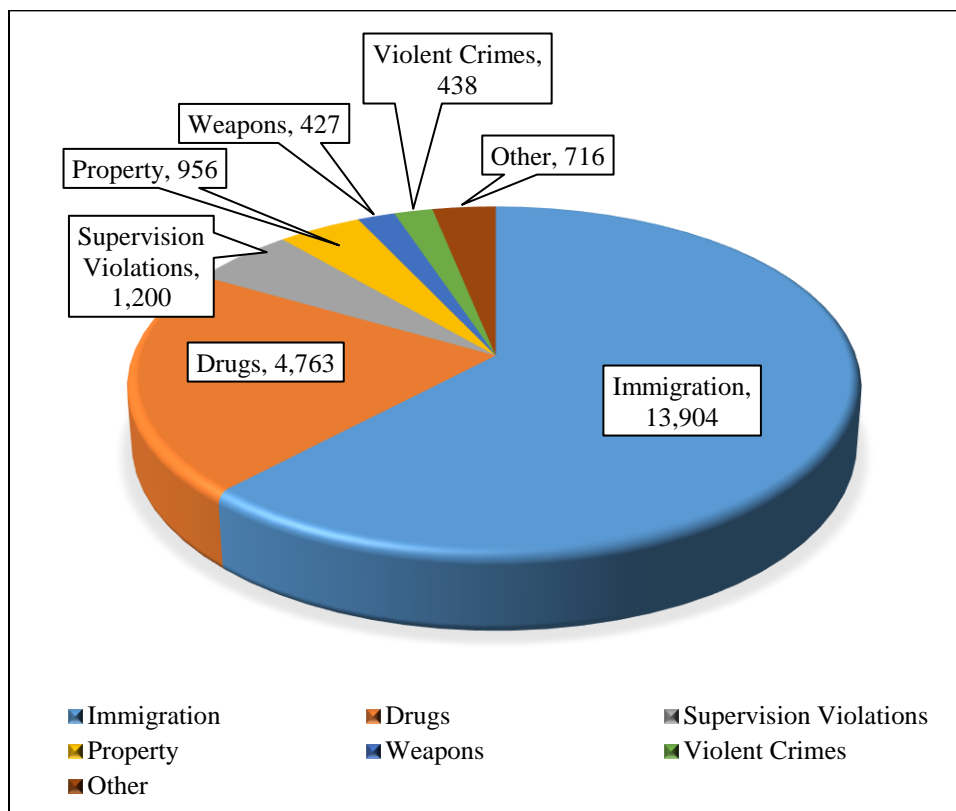


Sources: U.S. Department of Justice, U.S. Department of Homeland Security

## **B. Pending Primary Charges Against Known or Suspected Aliens in USMS Custody**

Of the 23,327 known or suspected aliens in USMS custody, 22,404 were being held for reasons other than being material witnesses. Approximately 62 percent of the 22,404 (13,904 individuals) were in custody for a primary offense related to immigration, such as alien smuggling or illegal reentry after deportation (*see* Figure 2-5), and 21.3 percent (4,763 individuals) were in custody for a primary offense related to drugs. Other primary offenses included violations of conditions of supervision (1,200 individuals, 5.4 percent), property offenses (956 individuals, 4.3 percent), violent offenses (438 individuals, 2 percent), and weapons offenses (427 individuals, 1.9 percent). Approximately three percent (3.2 percent) (716 individuals) were in custody for an unlisted offense or were in USMS custody due to a writ, hold, or transfer.

*Figure 2-5: Pending Primary Charges Against Known or Suspected Aliens in USMS Custody, FY19 Q2<sup>10</sup>*



Sources: U.S. Department of Justice, U.S. Department of Homeland Security

### C. Costs Associated With Known or Suspected Aliens in USMS Custody

During the quarter ending March 31, 2018, the USMS directly expended approximately \$155 million to house noncitizens remanded to their custody in nonfederal detention facilities. The average cost to house noncitizens in these facilities was \$88.12 per prisoner, per day. Because of the lower number of prisoners received into USMS custody, during the quarter ending March 31, 2019, total detention housing costs decreased by approximately 3.7 percent compared to the quarter ending December 31, 2018, from \$161 million to \$155 million.

### Institutional Hearing and Removal Program Data

Between January 1 and March 31, 2019, EOIR completed 651 immigration cases at 45 IHP locations. EOIR had 1,798 IHP cases pending at 59 IHP locations as of March 31, 2019, and may hear cases at additional IHP locations as circumstances warrant.

<sup>10</sup> Figure 2-5 does not depict the 923 individuals (4 percent of the 23,327 known or suspected aliens in USMS custody) who were in USMS custody as material witnesses.

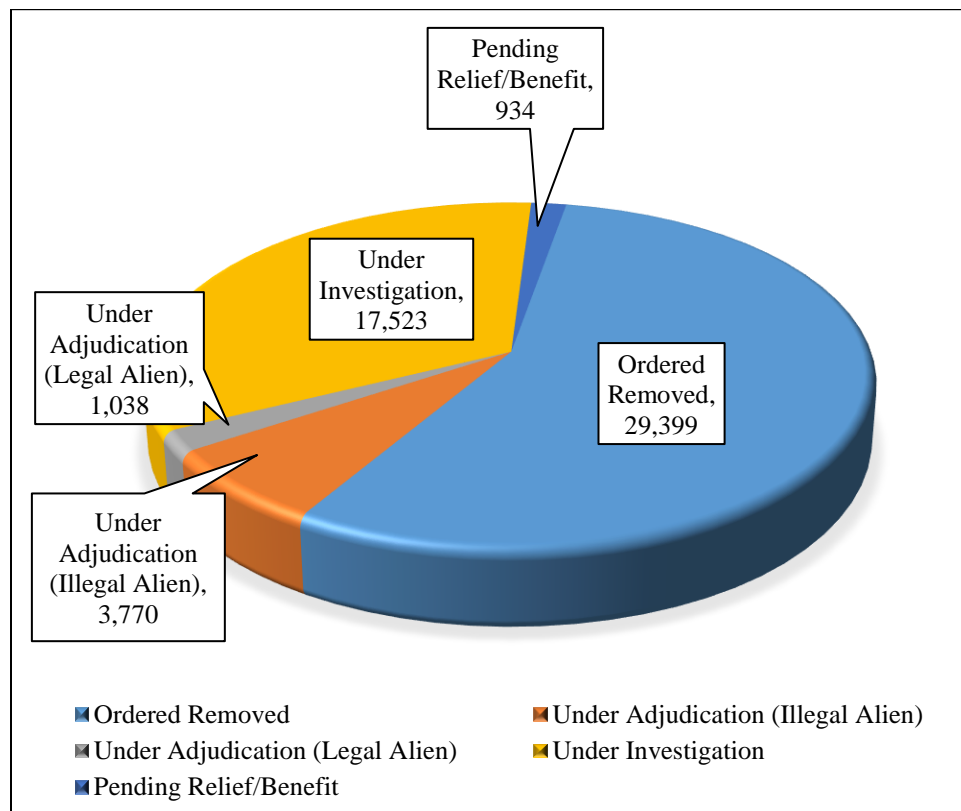


# Fiscal Year 2019, Quarter 3

## Summary of Findings

A total of 52,664 known or suspected aliens were in BOP and USMS custody for a range of offenses at the end of the third quarter of FY19 (*see* Figure 3-1). Of those, 29,399 (55.8 percent) were confirmed aliens with orders of removal or who had agreed to depart voluntarily; 17,523 (33.3 percent) were still under investigation by ICE to determine alienage; 3,770 (7.2 percent) were aliens who were illegally present and under adjudication; and 1,038 (2 percent) were legally present and under adjudication. A total of 934 aliens (1.8 percent) in DOJ custody had been granted relief or protection from removal (Pending Relief/Benefit).

*Figure 3-1: Immigration Status of Known or Suspected Aliens in DOJ Custody, FY19 Q3*



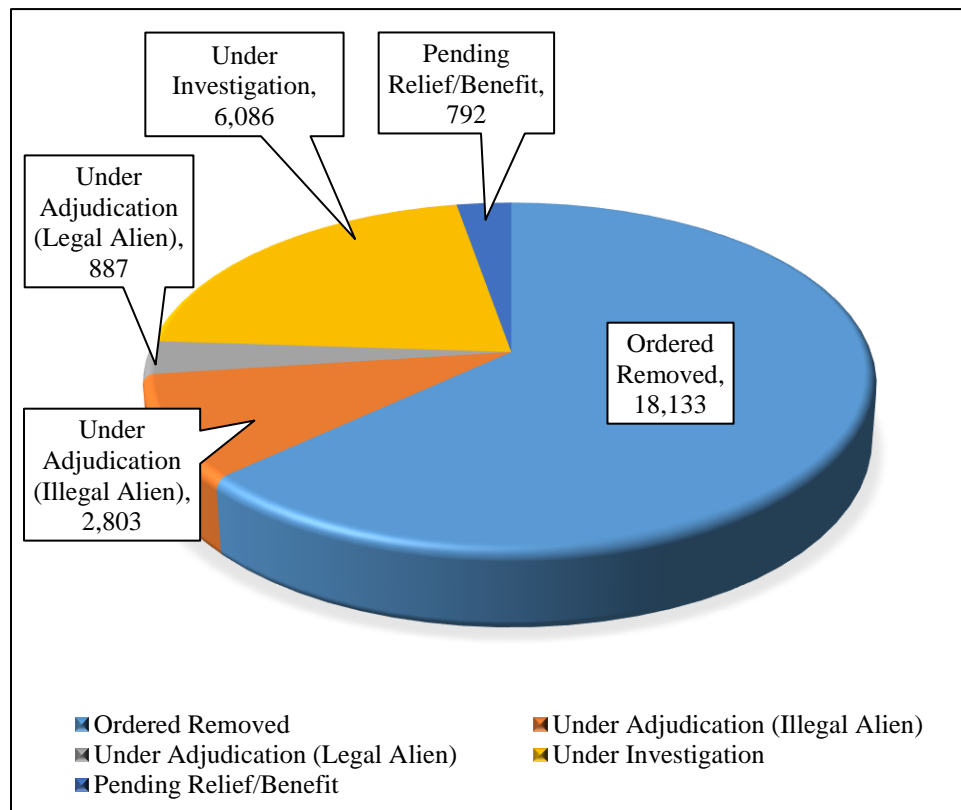
Sources: U.S. Department of Justice, U.S. Department of Homeland Security

## Immigration Status of and Offenses Committed by Known or Suspected Aliens in BOP Custody

### A. Immigration Status of Known or Suspected Aliens in BOP Custody

As of June 30, 2019, 28,701 known or suspected aliens were in BOP custody. Seventy-three percent of the known or suspected aliens were confirmed not to have lawful immigration status in the United States: 18,133 individuals (63.2 percent of the total number of known or suspected aliens in BOP custody) who had been ordered removed and 2,803 individuals (9.8 percent) who were unlawfully present and in removal proceedings. Of the known or suspected aliens in BOP custody, 887 individuals (3.1 percent) were lawfully present and in removal proceedings and 792 aliens (2.8 percent) had been granted relief or protection from removal (Pending Relief/Benefit). There were 6,086 individuals (21.2 percent) under investigation to determine alienage (*see* Figure 3-2).

*Figure 3-2: Immigration Status of Known or Suspected Aliens in BOP Custody, FY19 Q3*



Sources: U.S. Department of Justice, U.S. Department of Homeland Security

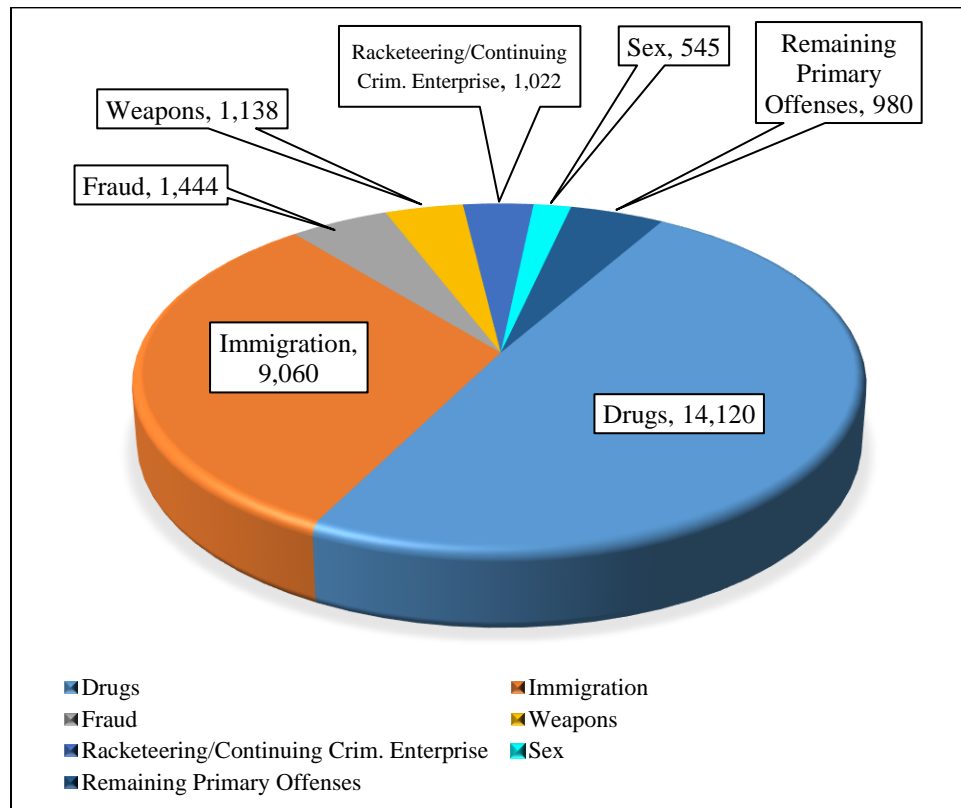
### B. Primary Offenses Committed by Known or Suspected Aliens in BOP Custody

Of the 28,701 known or suspected aliens in BOP custody, 28,309 had been convicted of an offense (392 inmates were in pretrial status). Approximately 50 percent of the 28,309 (14,120 individuals) had committed drug trafficking or other drug-related offenses (such as conspiracy to

commit drug trafficking offenses, or smuggling large amounts of drugs on the high seas) as their primary offense, making it the most common type of primary offense (*see* Figure 3-3). Approximately 32 percent (9,060) had committed immigration offenses (such as alien smuggling or illegal reentry after deportation) as their primary offense.

Of the 28,309 convicted known or suspected aliens in BOP custody, 5.1 percent (1,444 individuals) committed fraud and four percent (1,138) committed weapons offenses (including firearms offenses). Racketeering and continuing criminal enterprise offenses (including murder for hire) were the primary offenses committed by 3.6 percent (1,022) of the same group, while obscene materials offenses (such as the production or distribution of child pornography) and other sex offenses were the primary offenses committed by 1.9 percent (545) of the group. Other primary offenses committed by smaller numbers in BOP custody included kidnapping, murder, larceny, terrorism, escape, bribery and extortion, rape, and other offenses (980, 3.5 percent)—aside from terrorism-related offenses, many of these types of offenses are typically prosecuted at the state and local levels.

Figure 3-3: Primary Offenses Committed by Known or Suspected Aliens in BOP Custody, FY19 Q3<sup>11</sup>



Sources: U.S. Department of Justice, U.S. Department of Homeland Security

## Immigration Status of and Pending Charges Against Known or Suspected Aliens in USMS Custody

### A. Immigration Status of Known or Suspected Aliens in USMS Custody

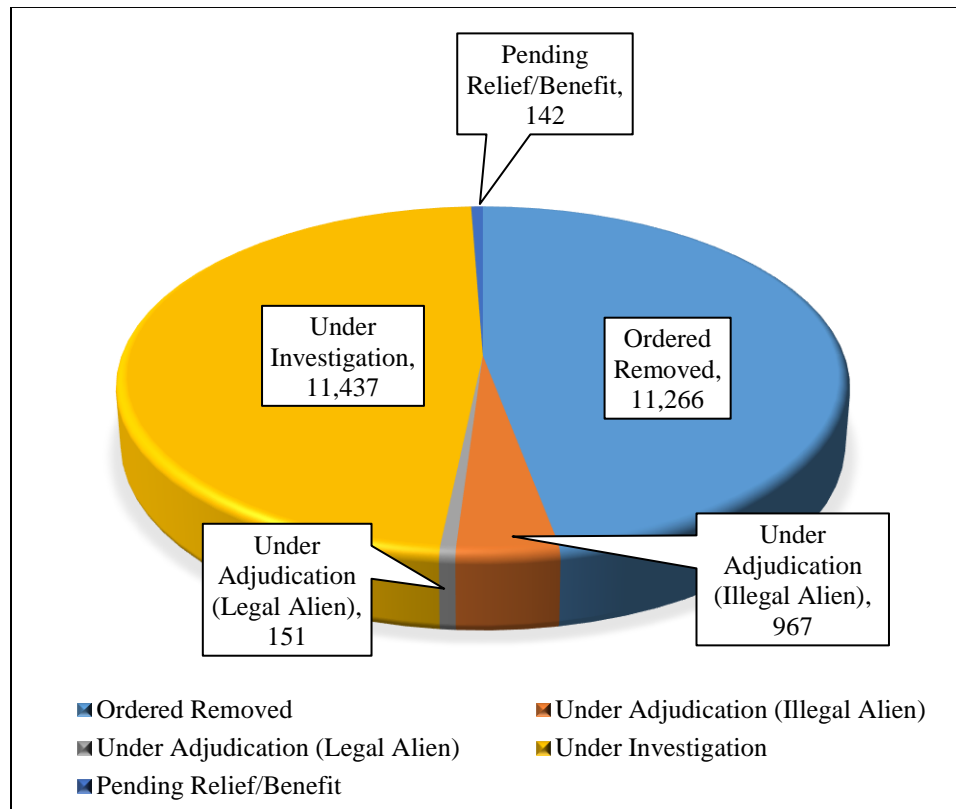
As of June 30, 2019, 23,963 known or suspected aliens were in USMS custody.

Known or suspected aliens, identified through self-reporting or through confirmation of alienage by ICE, composed 38 percent of the 63,217 total individuals in USMS custody. Of the 23,963 known or suspected aliens in USMS custody, 47 percent (11,266 individuals) had removal orders; 47.7 percent (11,437 individuals) had their immigration status currently under investigation; and four percent (967 individuals) were unlawfully present and in removal proceedings (*see* Figure 3-4). Less than one percent (0.6 percent) (151 individuals) were lawfully

<sup>11</sup> Figure 3-3 does not depict the 392 pretrial aliens in BOP custody (1.4 percent of the 28,701 known or suspected aliens in BOP custody).

present and in immigration proceedings, and less than one percent (0.6 percent) (142 individuals) were in receipt of a grant of protection or relief from removal (Pending Relief/Benefit).

*Figure 3-4: Immigration Status of Known or Suspected Aliens in USMS Custody, FY19 Q3*

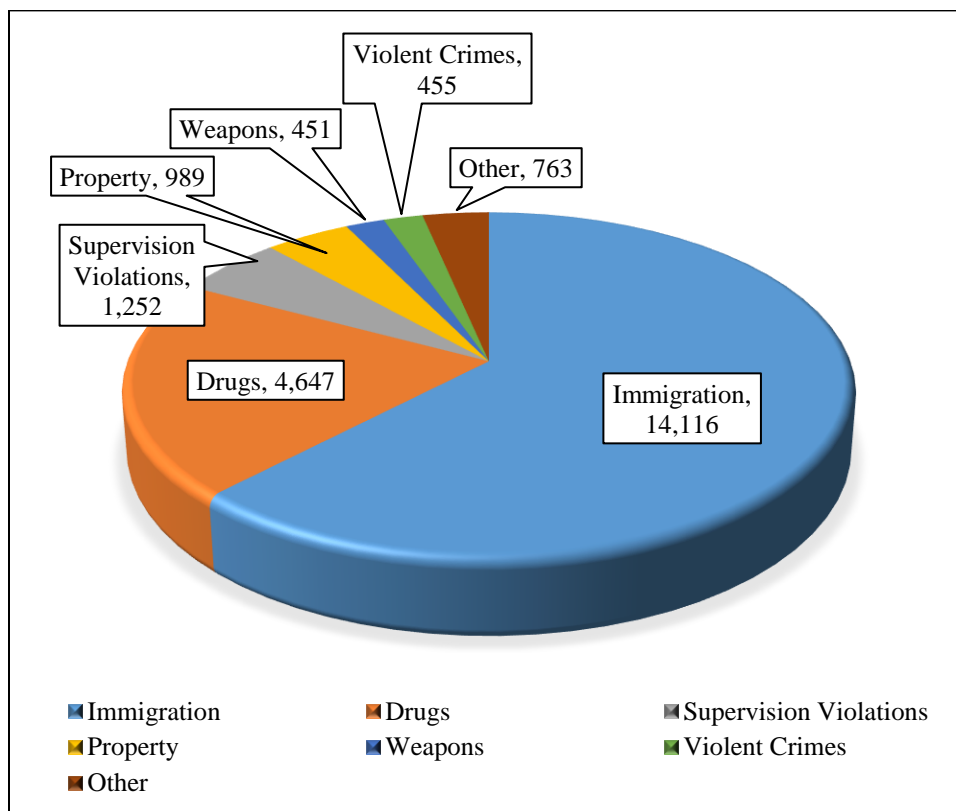


Sources: U.S. Department of Justice, U.S. Department of Homeland Security

## **B. Pending Primary Charges Against Known or Suspected Aliens in USMS Custody**

Of the 23,963 known or suspected aliens in USMS custody, 22,673 were being held for reasons other than being material witnesses. Approximately 62 percent of the 22,673 (14,116 individuals) were in custody for a primary offense related to immigration, such as alien smuggling or illegal reentry after deportation (*see* Figure 3-5), and 20.5 percent (4,647 individuals) were in custody for a primary offense related to drugs. Other primary offenses included violations of conditions of supervision (1,252 individuals, 5.5 percent), property offenses (989 individuals, 4.4 percent), violent offenses (455 individuals, 2 percent), and weapons offenses (451 individuals, 2 percent). Approximately three percent (3.4 percent) (763 individuals) were in custody for an unlisted offense or were in USMS custody due to a writ, hold, or transfer.

*Figure 3-5: Pending Primary Charges Against Known or Suspected Aliens in USMS Custody, FY19 Q3<sup>12</sup>*



Sources: U.S. Department of Justice, U.S. Department of Homeland Security

### C. Costs Associated With Known or Suspected Aliens in USMS Custody

During the quarter ending June 30, 2019, the USMS directly expended approximately \$159 million to house noncitizens remanded to their custody in nonfederal detention facilities. The average cost to house noncitizens in these facilities was \$88.04 per prisoner, per day. Because of the greater number of prisoners received into USMS custody, during the quarter ending June 30, 2019, total detention housing costs increased by approximately 2.6 percent compared to the quarter ending March 31, 2019, from \$155 million to \$159 million.

### Institutional Hearing and Removal Program Data

Between April 1 and June 30, 2019, EOIR completed 648 immigration cases at 50 IHP locations. EOIR had 1,820 IHP cases pending at 58 IHP locations as of June 30, 2019 and may hear cases at additional IHP locations as circumstances warrant.

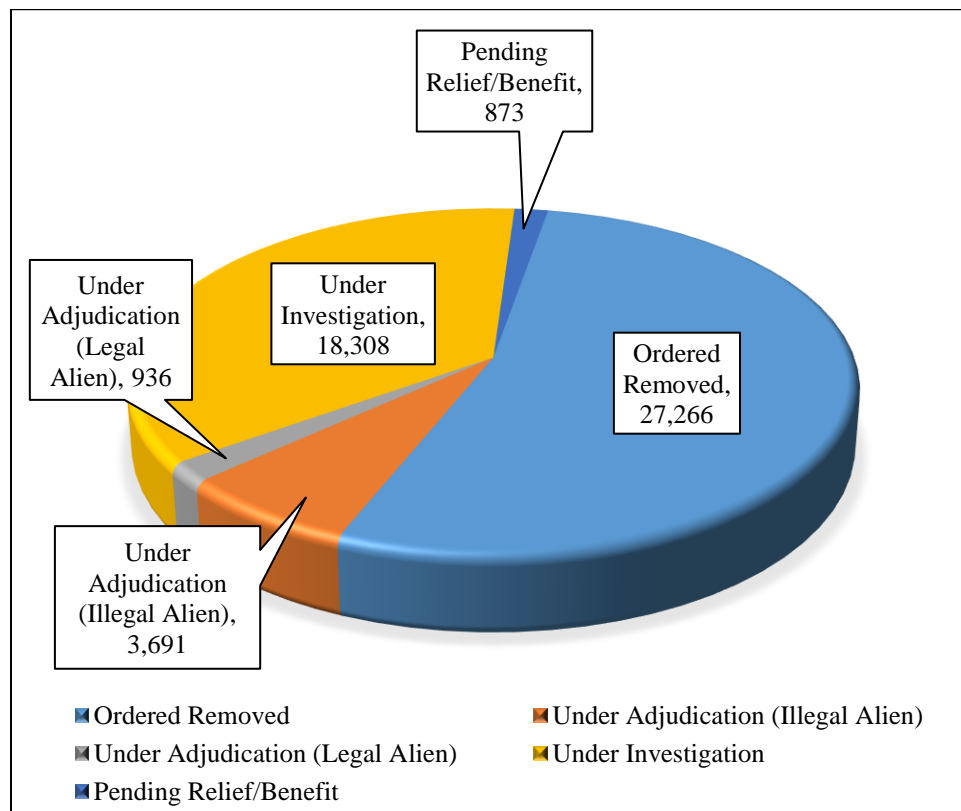
<sup>12</sup> Figure 3-5 does not depict the 1,290 individuals (5.4 percent of the 23,963 known or suspected aliens in USMS custody) who were in USMS custody as material witnesses.

# Fiscal Year 2019, Quarter 4

## Summary of Findings

A total of 51,074 known or suspected aliens were in BOP and USMS custody for a range of offenses at the end of the fourth quarter of FY19 (*see* Figure 4-1). Of those, 27,266 (53.4 percent) were confirmed aliens with orders of removal or who had agreed to depart voluntarily; 18,308 (35.8 percent) were still under investigation by ICE to determine alienage; 3,691 (7.2 percent) were aliens who were illegally present and under adjudication; and 936 (1.8 percent) were legally present and under adjudication. A total of 873 aliens (1.7 percent) in DOJ custody had been granted relief or protection from removal (Pending Relief/Benefit).

*Figure 4-1: Immigration Status of Known or Suspected Aliens in DOJ Custody, FY19 Q4*



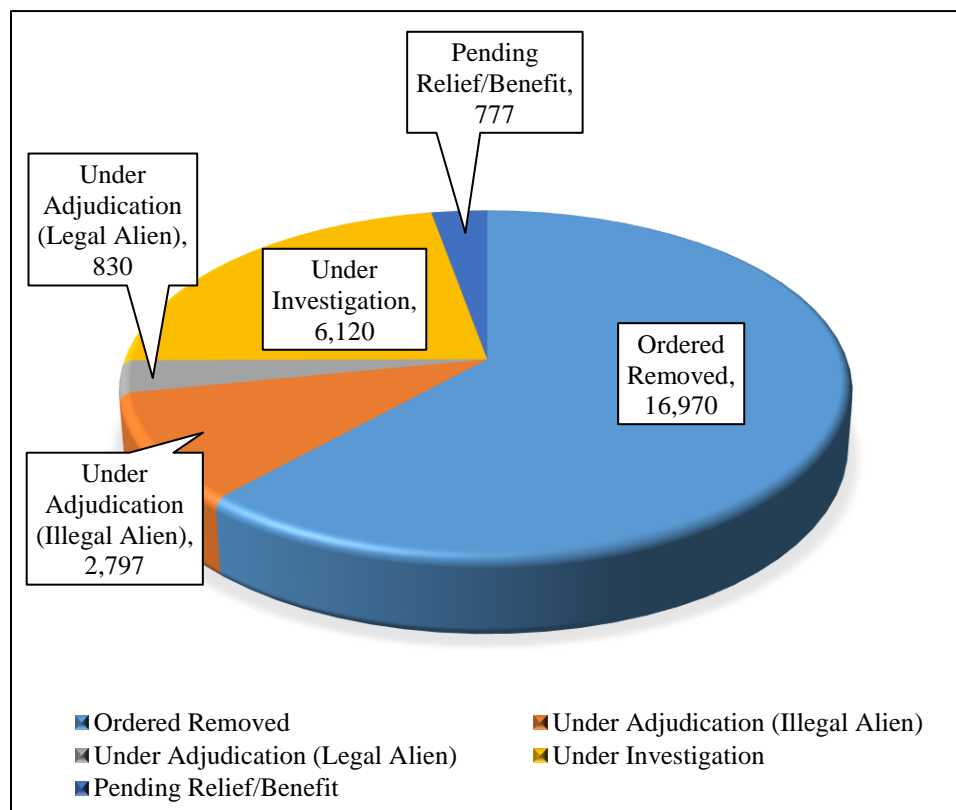
Sources: U.S. Department of Justice, U.S. Department of Homeland Security

## Immigration Status of and Offenses Committed by Known or Suspected Aliens in BOP Custody

### A. Immigration Status of Known or Suspected Aliens in BOP Custody

As of September 30, 2019, 27,494 known or suspected aliens were in BOP custody. Approximately 72 percent were confirmed not to have lawful immigration status in the United States: 16,970 individuals (61.7 percent of the total number of known or suspected aliens in BOP custody) who had been ordered removed and 2,797 individuals (10.2 percent) who were unlawfully present and in removal proceedings. Of the known or suspected aliens in BOP custody, 830 individuals (3 percent) were lawfully present and in removal proceedings and 777 aliens (2.8 percent) had been granted relief or protection from removal (Pending Relief/Benefit). There were 6,120 individuals (22.3 percent) under investigation to determine alienage (*see* Figure 4-2).

Figure 4-2: Immigration Status of Known or Suspected Aliens in BOP Custody, FY19 Q4



Sources: U.S. Department of Justice, U.S. Department of Homeland Security

### B. Primary Offenses Committed by Known or Suspected Aliens in BOP Custody

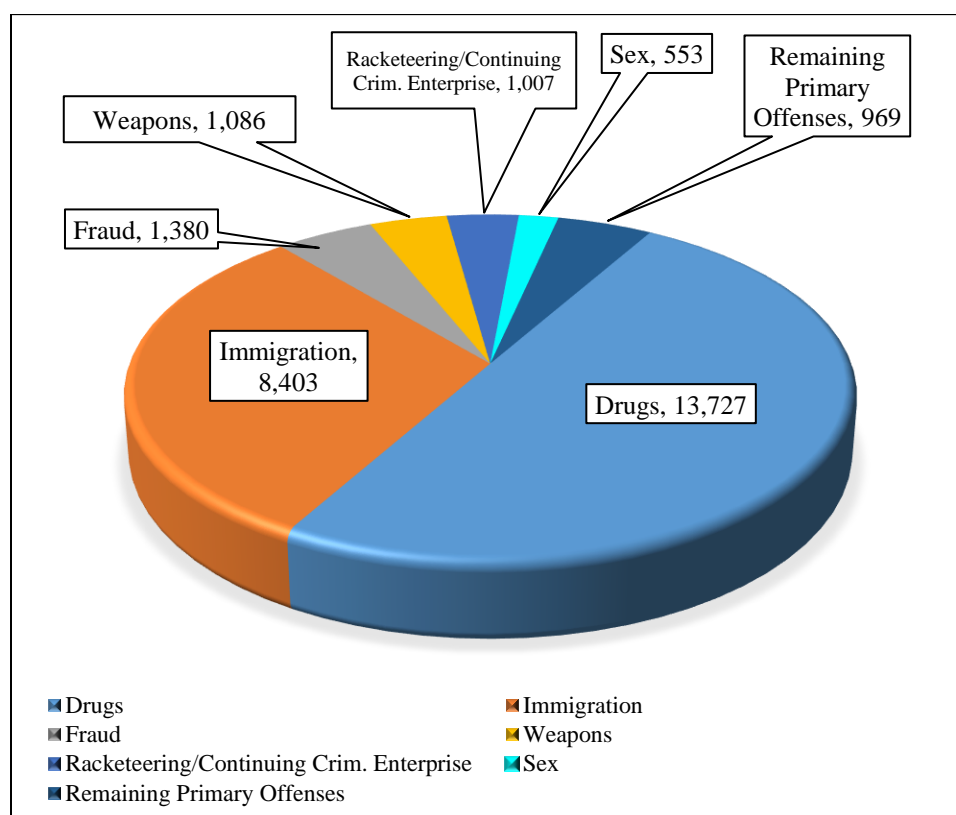
Of the 27,494 known or suspected aliens in BOP custody, 27,125 had been convicted of an offense (369 inmates were in pretrial status). Nearly 51 percent of the 27,125 (13,727) had committed drug trafficking or other drug-related offenses (such as conspiracy to commit drug



trafficking offenses, or smuggling large amounts of drugs on the high seas) as their primary offense, making it the most common type of primary offense (*see* Figure 4-3). Approximately 31 percent (8,403) had committed immigration offenses (such as alien smuggling or illegal reentry after deportation) as their primary offense.

Of the 27,125 convicted known or suspected aliens in BOP custody, 5.1 percent (1,380 individuals) committed fraud and four percent (1,086) committed weapons offenses (including firearms offenses). Racketeering and continuing criminal enterprise offenses (including murder for hire) were the primary offenses committed by 3.7 percent (1,007) of the same group, while obscene materials offenses (such as the production or distribution of child pornography) and other sex offenses were the primary offenses committed by two percent (553) of the group. Other primary offenses committed by smaller numbers in BOP custody included kidnapping, murder, larceny, terrorism, escape, bribery and extortion, rape, and other offenses (969, 3.6 percent)—aside from terrorism-related offenses, many of these types of offenses are typically prosecuted at the state and local levels.

*Figure 4-3: Primary Offenses Committed by Known or Suspected Aliens in BOP Custody, FY19 Q4<sup>13</sup>*



Sources: U.S. Department of Justice, U.S. Department of Homeland Security

<sup>13</sup> Figure 4-3 does not depict the 369 pretrial aliens in BOP custody (1.3 percent of the 27,494 known or suspected aliens in BOP custody).

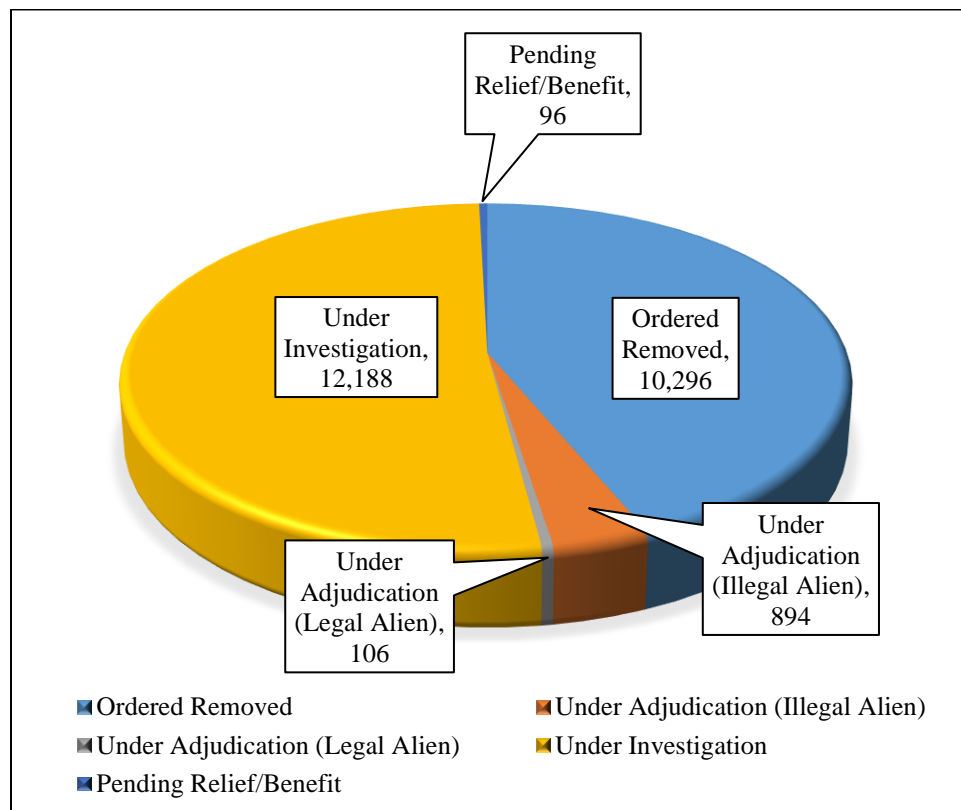
## Immigration Status of and Pending Charges Against Known or Suspected Aliens in USMS Custody

### A. Immigration Status of Known or Suspected Aliens in USMS Custody

As of September 30, 2019, 23,580 known or suspected aliens were in USMS custody.

Known or suspected aliens, identified through self-reporting or through confirmation of alienage by ICE, composed 37 percent of the 63,725 total individuals in USMS custody. Of the 23,580 known or suspected aliens in USMS custody, 43.7 percent (10,296 individuals) had removal orders; 51.7 percent (12,188 individuals) had their immigration status currently under investigation; and 3.8 percent (894 individuals) were unlawfully present and in removal proceedings (*see* Figure 4-4). Less than one percent (0.4 percent) (106 individuals) of the known or suspected aliens in USMS custody were lawfully present and in immigration proceedings, and less than one percent (0.4 percent) (96 individuals) of the known or suspected aliens in USMS custody were in receipt of a grant of protection or relief from removal (Pending Relief/Benefit).

*Figure 4-4: Immigration Status of Known or Suspected Aliens in USMS Custody, FY19 Q4*

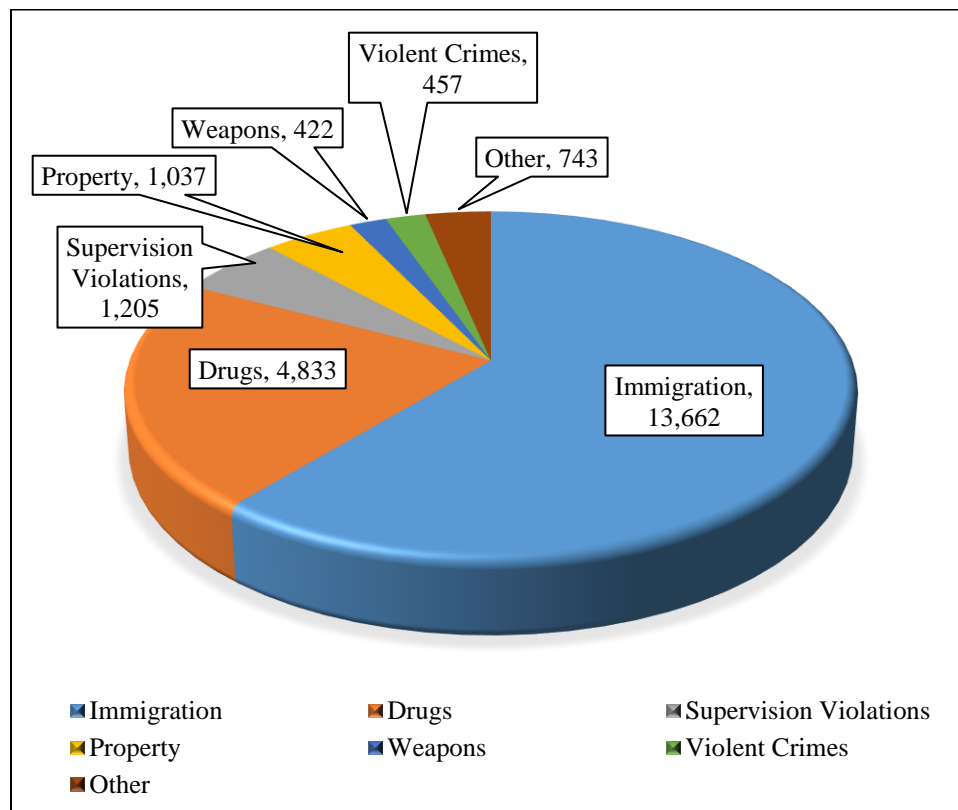


Sources: U.S. Department of Justice, U.S. Department of Homeland Security

## B. Pending Primary Charges Against Known or Suspected Aliens in USMS Custody

Of the 23,580 known or suspected aliens in USMS custody, 22,359 were being held for reasons other than being material witnesses. Approximately 61 percent of the 22,359 (13,662 individuals) were in custody for a primary offense related to immigration, such as alien smuggling or illegal reentry after deportation (*see* Figure 4-5), and 21.6 percent (4,833 individuals) were in custody for a primary offense related to drugs. Other primary offenses included violations of conditions of supervision (1,205 individuals, 5.4 percent), property offenses (1,037 individuals, 4.6 percent), violent offenses (457 individuals, 2 percent), and weapons offenses (422 individuals, 1.9 percent). Approximately three percent (3.3 percent) (743 individuals) were in custody for an unlisted offense or were in USMS custody due to a writ, hold, or transfer.

*Figure 4-5: Pending Primary Charges Against Known or Suspected Aliens in USMS Custody, FY19 Q4<sup>14</sup>*



Sources: U.S. Department of Justice, U.S. Department of Homeland Security

<sup>14</sup> Figure 4-5 does not depict the 1,221 individuals (5.2 percent of the 23,580 known or suspected aliens in USMS custody) who were in USMS custody as material witnesses.

### **C. Costs Associated With Known or Suspected Aliens in USMS Custody**

During the quarter ending September 30, 2019, the USMS directly expended approximately \$162 million to house noncitizens remanded to their custody in nonfederal detention facilities. The average cost to house noncitizens in these facilities was \$88.19 per prisoner, per day. Because of the greater number of prisoners received into USMS custody, during the quarter ending September 30, 2019, total detention housing costs increased by approximately 1.9 percent compared to the quarter ending June 30, 2019, from \$159 million to \$162 million.

### **Institutional Hearing and Removal Program Data**

Between July 1 and September 30, 2019, EOIR completed 605 immigration cases at 41 IHP locations. EOIR had 1,586 IHP cases pending at 53 IHP locations as of September 30, 2019, and may hear cases at additional IHP locations as circumstances warrant.

# Fiscal Year 2019 Data on the Immigration Status of Individuals in State and Local Custody

Through its Office of Justice Programs, Bureau of Justice Statistics (BJS), DOJ continues making progress toward acquiring better data regarding the immigration status of convicted aliens incarcerated in state prisons and local detention centers. In the meantime, some data are already available from particular states, such as Texas.

## A. Gathering Data from State Prisons

BJS currently collects on an annual basis aggregate numbers of noncitizens in state and federal prisons through the National Prisoner Statistics (NPS) program.<sup>15</sup> The most recent counts, released in April 2019, were from December 31, 2017. According to *Prisoners in 2017*, data from 45 states show that an estimated 69,300 non-U.S. citizens were held in public and private state prison facilities at year-end 2017.<sup>16</sup>

BJS is also continuing its efforts to modify the National Corrections Reporting Program (NCRP), the BJS annual collection of individual-level state prisoner records, to collect citizenship status of all inmates in state prisons. In November 2018, the Office of Information and Regulatory Affairs at the Office of Management and Budget granted conditional clearance for BJS to utilize a modified NCRP. The modified NCRP now also collects information regarding whether inmates in state prisons are citizens of the United States, the country of each inmate's current citizenship, and the country of each inmate's birth. BJS began data collection using the modified NCRP in early 2019, and as of May 14, 2019, 20 of the 34 states that have submitted NCRP data provided responses to at least one of the new citizenship questions.

BJS fielded its latest iteration of the Census of Prison Facilities in July 2019, and has included a question on the number of non-U.S. citizens per facility. Results are expected in the fall or winter of 2020.

## B. Gathering Data from Local Detention Facilities

BJS currently collects data from local detention facilities through its Annual Survey of Jails (ASJ). Currently, the ASJ data cannot be used to accurately estimate the total number of noncitizens in local custody. BJS is working to improve reporting from local facilities, and to develop ASJ's data collection to allow the disaggregation of conviction status, which would enable analysis of ASJ data to determine the number of noncitizens in custody, and to break down those numbers by conviction status.

During the first quarter of FY18, BJS fielded a pilot study to investigate the ability of local jail facilities to report this information. Based on the results of the study, BJS decided to include inquiries related to two data points on its 2019 Census of Jails (COJ, which substitutes for the

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<sup>15</sup> <https://www.bjs.gov/index.cfm?ty=dcdetail&iid=269>.

<sup>16</sup> BJS, *Prisoners in 2017* (April 2019), 15, available at <https://www.bjs.gov/content/pub/pdf/p17.pdf>.

ASJ every 5–7 years): a one-day count of noncitizens and a one-day count of noncitizens disaggregated by conviction status. The COJ was fielded in late July 2019, and will be analyzed during the spring and summer of 2020.

## Cases of Certain Sentenced Aliens in BOP Custody in FY19

## ***FY19, Quarter 1***

### ***Southern District of Florida***

#### **Alien Smuggling Resulting in Rape and Murder**

Miami, Florida – December 4, 2018 – Fredis Valencia Palacios, 30, a Colombian national, was sentenced to 180 months in prison for his role in a scheme to smuggle illegal aliens from Colombia into the United States, which resulted in the rape of one and the death of two Cuban nationals.

Valencia Palacios and his co-defendants organized and arranged the unlawful smuggling of illegal aliens, transporting them across Colombia toward the Panamanian border, en route to the United States. In 2016, three Cuban nationals arranged with, and paid, the defendants to transport them from Colombia to Panama, as they traveled to the United States, intending to arrive in Miami. Valencia Palacios delivered the three victims to a boat captained by his co-defendants to begin the journey to Panama. During the trip, the co-defendants pulled a knife and a gun on the victims. One of the co-defendants threw the male passengers overboard, anchoring them with rope to the inside of the boat. The surviving male victim reported that he heard the co-defendants sexually assault the female victim before cutting her throat and murdering her. The surviving victim also heard the co-defendants cut the other male victim's throat, killing him. The survivor managed to escape by swimming and was subsequently rescued by the Colombian Navy.

### ***Western District of Louisiana***

#### **Illegal Reentry**

Lake Charles, Louisiana – November 27, 2018 – Boney D. Cruz-Funez, 33, of Progreso, Honduras, was sentenced to 10 months' custody on one count of illegal reentry of a previously deported alien. On April 11, 2018, Sulphur (Louisiana) police conducted a traffic stop on Cruz-Funez's vehicle on Interstate 10. After the stop, Cruz-Funez admitted to being in the country illegally. Cruz-Funez had been removed from the United States previously on four occasions, most recently from San Antonio, Texas, in May 2013.

### ***District of South Carolina***

#### **Drug Trafficking**

Charleston, South Carolina – November 8, 2018 – Marcos Rodriguez Lopez, 34, a Mexican citizen living in Gaston, South Carolina, was sentenced to 262 months in federal prison for conspiracy to distribute five kilograms or more of cocaine.

According to court documents, Lopez and others conspired to possess with intent to distribute and to distribute multiple kilograms of cocaine. On January 10, 2017, federal, state, and local authorities executed search warrants at Lopez's residence and another nearby residence. As officers with the South Carolina Highway Patrol announced their presence and attempted to enter Lopez's residence, Lopez fired one shot through the door where the officers were located before surrendering. Lopez, who was residing in the United States illegally, was ultimately held accountable for more than 12 kilograms of cocaine.

### ***Northern District of West Virginia***

#### **Illegal Reentry**

Clarksburg, West Virginia – October 29, 2018 – Juan Mendez-Patishtan, 35, a Mexican national, received a sentence of 15 months’ custody after entering a guilty plea to one count of reentry of a removed alien. Mendez-Patishtan admitted to reentering the United States illegally after being removed six separate times from 2010 to 2016. Mendez-Patishtan was found in Harrison County, West Virginia, in April 2018.

#### ***Northern District of West Virginia***

##### **Drug Charges**

Wheeling, West Virginia – October 15, 2018 – Hsun Jung Chang, 30, and Shougi Li, 24, both illegally present in the United States, were sentenced to four months’ custody after entering guilty pleas in July 2018 to one count of conspiracy to possess with the intent to distribute and distribute marijuana. The men admitted to possessing marijuana in Ohio County, West Virginia, in May 2018.

#### ***FY19, Quarter 2***

#### ***Middle District of Florida***

##### **Alien Smuggling**

Tampa, Florida – January 11, 2019 – Eutiquio Mendoza-Nandho, 46, from Mexico, was sentenced to five years and ten months in federal prison for conspiring to bring and bringing illegal aliens into the United States. Mendoza-Nandho pleaded guilty on August 29, 2018.

Mendoza-Nandho, the organizer and leader of a Mexican smuggling organization, worked with his son and another family member, Juan Nopal-Nopal, to smuggle at least 78 illegal aliens—many of whom had been previously deported—from Mexico into Texas. They then transferred the aliens to destinations across the United States, including into the Middle District of Florida. The court found that the conditions of the trip, which involved multiple days of walking across the desert in dangerous conditions and without sufficient food or water, put the aliens at substantial risk of injury or death.

#### ***Northern District of Iowa***

##### **Fraudulent Use of a Social Security Number to Obtain Welfare Benefits**

Cedar Rapids, Iowa – March 27, 2019 – Melvin Rodriguez-Barrios, 44, a citizen of Guatemala illegally present in the United States and residing in Clarion, Iowa, was sentenced to six months in custody after a bench trial finding him guilty of three counts of unlawful use of an identification document and four counts of misuse of a Social Security Number.

The evidence at trial showed that on May 23, 2014, August 21, 2014, June 24, 2015, and January 5, 2016, Rodriguez-Barrios used a Social Security card bearing someone else’s name and Social Security Number on employment and tax documents when applying for work at various businesses in Clarion and Forest City, Iowa. Rodriguez-Barrios also used a fraudulent Missouri state identification card to attempt to support his stolen identity and falsely claimed to be a United States citizen when applying for work. Rodriguez-Barrios had been a fugitive from ICE since he was ordered deported from the United States in August 2011. Further investigation revealed that Rodriguez-Barrios’ wife, Cleotilde Puac-Gomez, 46, also an illegal alien, was falsely collecting food stamps and other state welfare benefits by not disclosing Rodriguez-



Barrios' income earned under the stolen identity. Puac-Gomez pleaded guilty to theft of government funds and was sentenced to two months' custody in June 2019.

### ***Western District of Louisiana***

#### **Drug Distribution / Firearms Possession**

Alexandria, Louisiana – March 20, 2019 – Raymundo Pizano-Montes, 34, of Mexico, was sentenced to 21 years in prison for distributing LSD in St. Mary Parish and possessing firearms.

On November 18, 2016, a St. Mary Parish deputy pulled over an SUV in which Pizano-Montes was an occupant for a traffic violation. During a search of the vehicle, the deputy found \$14,582 in cash, 319 dosage units of LSD, 82 Xanax pills, marijuana paraphernalia, a scale, and 12 firearms. Six of the 12 firearms—including an AR-15 assault rifle—were reported stolen. Pizano-Montes stated to officers that anything found in the vehicle was his property and that he had bought and sold firearms, marijuana, LSD, and Xanax. He was deported in 2010 after having been convicted in California for second-degree robbery and reentered the United States illegally.

### ***Southern District of Mississippi***

#### **Possession with Intent to Distribute**

Jackson, Mississippi – March 1, 2019 – Erik Betancourt-Olguin, 25, an illegal alien from Mexico, was sentenced to 330 months in federal prison followed by five years of supervised release after pleading guilty to one count of conspiracy to possess with intent to distribute methamphetamine. On January 30, 2018, Olguin and three others were stopped in a vehicle in Hancock County, Mississippi, traveling from Texas to North Carolina. They were transporting approximately four kilograms of 99%-pure methamphetamine.

### ***Southern District of Texas***

#### **Illegal Reentry**

Corpus Christi, Texas – February 13, 2019 – Isidro Rodriguez-Toscano, a 38-year-old Mexican national, was sentenced to 46 months' custody following his conviction for illegal reentry into the United States after deportation. At the sentencing hearing, the court heard evidence of Rodriguez-Toscano's convictions for aggravated robbery, felony theft, and assault. Rodriguez-Toscano was also previously convicted for the same offense—illegal reentry—in December 2009 and was sentenced to 70 months' custody, later deported, and not permitted to return to the United States. However, in August 2018, a Texas Department of Public Safety trooper conducted a traffic stop for a defective taillight near Riviera. Rodriguez-Toscano was the driver of that vehicle and determined to be illegally present in the country.

### ***Northern District of West Virginia***

#### **Illegal Reentry**

Martinsburg, West Virginia – February 25, 2019 – Eduardo Hernandez Sanchez, also known as Jorge Andrade-Sanchez, 42, a citizen of Mexico, was sentenced to 87 months' custody for illegal reentry. Sanchez pleaded guilty to one count of reentry of a removed alien in October 2018. Sanchez, having previously been removed twice, and previously convicted of drug distribution in Pennsylvania in 2016, admitted to being in Berkeley County, West Virginia, illegally in February 2018.

### ***FY19, Quarter 3***

#### ***Western District of Louisiana***

##### **Illegal Reentry**

Lafayette, Louisiana – June 6, 2019 – Jose Melchor Martinez, 49, of San Luis Potosi, Mexico, who was formerly on ICE’s Most Wanted list, was sentenced to 18 months’ custody in federal prison following a conviction for illegal reentry of a removed alien. Martinez entered a guilty plea on January 30, 2019.

At the time of Martinez’s arrest near Church Point, Louisiana, on October 12, 2018, ICE considered Martinez one of its most wanted fugitives. He was removed from the United States on September 6, 2003, via the Hidalgo, Texas Port of Entry following a 2002 conviction in Mecklenburg County, North Carolina, for indecent liberties with a child. After serving time for the conviction, he was removed from the United States but later returned on an unknown date. Martinez faces deportation upon finishing his prison term.

#### ***Middle District of Tennessee***

##### **Firearm Possession / Illegal Reentry / Drug Distribution / Threatening and Torturing a Federal Witness**

Nashville, Tennessee – May 16, 2019 – Gerson Serrano-Ramirez, a/k/a “Frijole,” 31, an illegal alien and MS-13 gang member from El Salvador, was sentenced to 19 years in prison. Serrano-Ramirez was convicted by a federal jury of using physical force to tamper with a witness; being an illegal alien in possession of a firearm; illegally reentering the United States after previously being deported; multiple counts of cocaine distribution; and multiple counts of other firearms violations. At the completion of his sentence, Serrano-Ramirez will be deported from the United States.

In July 2017, the activities of Serrano-Ramirez and other MS-13 gang members were disrupting the normal operation and business of a local night club. An acquaintance brought this to Serrano-Ramirez’s attention, asking him to tone down the disruptive behavior. Serrano-Ramirez later invited the individual to his home in the Antioch, Tennessee, area, where he assaulted him by pointing an assault rifle at him, strangling him with the rifle strap, spraying bleach into his eyes, and attempting to suffocate him by placing a plastic bag over his head. Finally, while clamping the individual’s finger with a pair of pliers and holding an assault rifle on him, Serrano-Ramirez told the individual that if he told anyone about the assault that he would kill him and his mother.

#### ***Southern District of Texas***

##### **Alien Smuggling Resulting in Death**

McAllen, Texas – June 10, 2019 – Imer Ares-Chagolla, 36, and Ismael Rivera-Lopez, 19, both Mexican citizens, were sentenced to 87 months’ custody and 46 months’ custody, respectively, following their convictions for human smuggling that resulted in the death of an alien. Ares-Chagolla and Rivera-Lopez entered guilty pleas on April 1, 2019.

Ares-Chagolla and Rivera-Lopez served as brush guides for a group of aliens who had illegally crossed the Rio Grande River from Mexico into the United States. On the afternoon of July 17, 2018, authorities located the group, learned one of its members was missing and possibly in

distress, and began emergency search operations in the area. A female citizen of El Salvador was soon found unresponsive in the south Texas brush country near Sullivan City. Authorities provided emergency medical treatment and transported her to a local hospital. However, she ultimately died from multiple organ failure due to shock related to heat stroke. That day, the temperature was determined to effectively be 110 degrees in the brush.

### ***Southern District of Texas***

#### **Illegal Reentry**

Corpus Christi, Texas – April 5, 2019 – Edward Estuardo Jacinto-Garcia, a 33-year-old Guatemalan citizen, was sentenced to 72 months in federal custody following his conviction for illegally reentering the United States after deportation. Jacinto-Garcia pleaded guilty on November 27, 2018. At the sentencing hearing, the court considered that prior to Jacinto-Garcia's first deportation from the United States, he had been convicted of sexual assault and had previously been convicted of illegally reentering the country and failing to register as a sex offender.

### ***Eastern District of Virginia***

#### **Drug Trafficking / Firearms Charges**

Alexandria, Virginia – April 19, 2019 – Homero Salgado Alvarez, 46, a citizen of Mexico with a prior felony drug trafficking conviction, was sentenced to more than 12 years in prison for cocaine distribution and firearms charges related to his involvement in a prolific cocaine trafficking network in the mid-Atlantic region of the United States.

Alvarez was previously convicted of drug distribution in 2007, and was subsequently deported to Mexico. He later returned to the United States, where he eventually resumed trafficking in controlled substances. When he came to the attention of law enforcement in late 2017, he was a wholesale cocaine distributor operating in southeastern North Carolina who was regularly trafficking in kilogram quantities of cocaine. The cocaine that Alvarez distributed made its way up from North Carolina to the greater Washington, D.C. area, including the Eastern District of Virginia.

### ***FY19, Quarter 4***

### ***Southern District of Florida***

#### **Alien Smuggling**

Miami, Florida – July 11, 2019 – Michael Stapleton, 44, of Jamaica, was sentenced to 262 months in prison after a South Florida jury convicted him of running an international alien smuggling organization out of Freeport, Bahamas. The court found that Stapleton was the leader/organizer of the smuggling venture that involved between 20 and 99 victims and that he created a risk of substantial bodily harm, sexually assaulted two women, and possessed a firearm.

For several years, Stapleton coordinated the smuggling of aliens to the United States through Freeport from around the world. He arranged for them to be hidden in stash houses, hired smuggling captains, and arranged for boats to make crossings from the Bahamas to the United States. Stapleton used the vulnerability of the aliens to exploit them by demanding more money

from them after they were in his power, keeping them in deplorable conditions, mistreating them, and sending them out in unsafe boats.

### ***Southern District of Georgia***

#### **Drug Trafficking**

Waycross, Georgia – August 13, 2019 – Ricardo Santana-Hernandez, a/k/a “Richard Hernandez,” a/k/a “Armond,” a/k/a “Armani,” 32, of Mexico, was sentenced to 135 months in prison, and Ryon Bland, 32, of Douglas, Georgia, was sentenced to 110 months in prison for conspiring to possess with intent to distribute large quantities of crystal methamphetamine. After completion of their sentences, Santana-Hernandez will be deported, and Bland will be placed on court-supervised release for three years. Santana-Hernandez, Bland, and nine other conspirators pleaded guilty after their indictment by a federal grand jury in October 2018 for drug trafficking and firearms-related offenses.

In early 2018, the Telfair County (Georgia) Sheriff’s Office received information that Donna Bazemore, a/k/a “Dirty D,” 45, of McRae, Georgia, was distributing large quantities of methamphetamine from her residence in Telfair County. Investigators searched the residence and seized 16 bags of methamphetamine, a bag of cocaine, two bags of MDMA (a/k/a Ecstasy), at least six firearms, a video security system, and other drug trafficking tools. Agents arrested Bland, who was at the location breaking down methamphetamine into smaller bags for distribution. The investigation revealed that Santana-Hernandez was a source of supply for the drug trafficking organization that operated in Telfair County and elsewhere. Santana-Hernandez, who resided in the Atlanta area illegally, received kilograms of methamphetamine from the “La Familia” cartel in Mexico. In August 2018, Santana-Hernandez delivered two kilograms of methamphetamine to the Southern District of Georgia via a courier. Federal agents then arrested Santana-Hernandez when he came to a Dublin, Georgia, restaurant to collect payment.

### ***District of Maryland***

#### **Passport Fraud / Falsely Claiming American Citizenship/ Illegal Voting in Ten Federal Elections as an Alien**

Greenbelt, Maryland – September 27, 2019 – Michael Nana Baako, 50, a native of Ghana residing in Fulton, Maryland, was sentenced to 15 months in federal prison, followed by three years of supervised release, for passport fraud. Baako was placed in removal proceedings after sentencing.

Baako and R.A.A. married in Ghana in 1995. Months later, Baako entered the United States legally after obtaining a visitor’s visa. In 1998, Baako married a U.S. citizen in Virginia who filed a petition for Baako to become a naturalized U.S. citizen. Immigration officials denied the petition in 2000 after concluding that Baako’s marriage was a “sham” marriage. In November 2005, Baako registered to vote in Maryland, swearing that he was a U.S. citizen, and subsequently voted in ten federal elections. In April 2008, Baako submitted an application for a U.S. passport in which he falsely claimed that he was born in North Carolina. Baako used the issued passport for international travel on several occasions. In February 2018, Baako filed a passport renewal application, again falsely stating that he was a U.S. citizen born in North Carolina. In interviews with Department of State officials in 2010 and 2018, Baako falsely stated that he was born in North Carolina. Baako and R.A.A. also submitted passport applications on

behalf of their minor children, in which Baako falsely claimed that he was a citizen of the United States.

### ***Southern District of Mississippi***

#### **Drug Trafficking**

Gulfport, Mississippi – September 9, 2019 – Pablo Vega-Ontanon, 53, an illegal alien from Mexico who was living in Georgia, was sentenced to 74 months in federal prison, followed by five years of supervised release, for possession with intent to distribute heroin.

On November 6, 2018, Vega-Ontanon and two co-defendants arrived in Gulfport, Mississippi, to sell heroin to a confidential informant. They claimed to have ten kilograms of heroin hidden in a compartment of their vehicle. All three were arrested shortly thereafter. The substance was eventually tested and found to contain nine kilograms of heroin and one kilogram of fentanyl. One kilogram of fentanyl can produce half a million fatal doses.

### ***Eastern District of Texas***

#### **Illegal Reentry / Drug Trafficking**

Beaumont, Texas – August 13, 2019 – Juan Jose Castro-Ayala, a 37-year-old Mexican national, was sentenced to 80 months in federal prison for possession with intent to distribute cocaine and 24 months for unlawfully reentering the United States after having been deported. The sentences were ordered to run concurrently and followed Castro-Ayala's guilty plea to these violations.

On September 12, 2018, Castro-Ayala was stopped for a traffic violation in Jefferson County, Texas. A search of the vehicle revealed seven kilograms of cocaine inside two five-gallon paint buckets. Castro-Ayala was transported to jail where a records check revealed he had been previously deported from the United States on three separate occasions in 2014 and again in 2015. Further investigation revealed Castro-Ayala was convicted in 2003 of assault causing bodily injury in Hidalgo County, Texas.