

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

STATE OF TEXAS,)	
STATE OF MISSOURI,)	
)	
<i>Plaintiffs,</i>)	
)	
v.)	Civil Action No. 2:21-cv-00067-Z
)	
JOSEPH R. BIDEN, JR.,)	
in his official capacity as)	
President of the United States, <i>et al.</i> ,)	
)	
<i>Defendants.</i>)	

DEFENDANTS' MONTHLY REPORT FOR NOVEMBER 2021
PLUS REPORTING DATA BEGINNING JANUARY 21, 2021

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. Further, on November 18, 2021, the Court granted in part and denied in part Plaintiffs’ Motion to Enforce Permanent Injunction and for Expedited Discovery. ECF No. 116.

As part of the relief, the Court added the following requirements to Defendants’ reporting:

- Defendants must file with the Court **on or before December 15, 2021** a report showing the five categories of information required by the injunction broken down monthly beginning January 21, 2021;
- Defendants’ reports filed with the Court in compliance with the injunction, including the report required by subsection (b), must include - as a part of categories (5) and (6) - the number of applicants paroled or released into the United States based on DHS’s lack of detention capacity; and
- Defendants’ reports filed with the Court in compliance with the injunction, including the report required by subsection (b), must show data on Haitian migrants in all categories.

ECF No. 116 at 9.

Defendants submit the following Report in compliance with these requirements. First, the attached reports and tallies below reflect the monthly data from November 1, 2021, through November 30, 2021, in compliance with Defendants’ routine monthly reporting and the additional

provisions in the Court's November 18 order. Second, as also stated in that order, the attached data reports submitted by U.S. Customs and Border Protection (CBP) and U.S. Immigration and Customs Enforcement (ICE) address the categories of information required by the injunction broken down monthly beginning January 21, 2021.

1. Total Monthly Number of Encounters at the Southwest Border

For the month of November 2021, DHS reported 173,620 total encounters at the Southwest Border (SWB). Ex. A at 1-2 (CBP Report). This figure combines statistics reported by the U.S. Customs and Border Protection's 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. This figure reflects the sum of all Title 8 Apprehensions between the ports of entry along the SWB and Title 8 Inadmissibles at land ports of entry along the SWB, 86,279, and all Title 42 Expulsions at and between the ports of entry along the SWB, 87,341, reported by OFO and USBP . Ex. A at 1-2.

DHS also reported, for the month of November 2021, 1,015 total encounters with Haitian nationals. Ex. A at 2-3. This figure similarly reflects the sum of all Haitian Title 8 Apprehensions between the ports of entry along the SWB and Title 8 Inadmissibles at land ports of entry along the SWB, 809, and all Title 42 Expulsions at and between the ports of entry along the SWB, 206, reported by OFO and USBP. Ex. A at 2-3.

Further, CBP's report includes these categories of data broken down by month beginning with January 21, 2021. Ex. A at 1-3.

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

For the month of November 2021, DHS reported 96,735 total noncitizens expelled under Title 42 and removed or returned under Title 8 authorities (including 8 U.S.C. § 1225). This figure

includes 87,341 Title 42 expulsions and 8,179 Title 8 removals and returns reported by CBP, Ex. A at 3-4, and 1,215 removals under 8 U.S.C. § 1225 reported by ICE¹, Ex. B (ICE Report) at 14.

DHS also reported, for the month of November 2021, 518 total Haitian nationals expelled under Title 42 and removed or returned under Title 8 authorities (including 8 U.S.C. § 1225). This figure includes 206 Haitian national Title 42 expulsions and two (2) Title 8 removals and returns reported by CBP, Ex. A at 4-5, and 310 removals of Haitian nationals under 8 U.S.C. § 1225 reported ICE, Ex. B at 14.

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 4-5. ICE's removals under section 1225 represent expedited removals. Ex. B at 14-16.

Further, CBP's and ICE's reports include these categories of data broken down by month beginning with January 21, 2021. Ex. A at 3-5; Ex. B at 14-16.

3. Total Detention Capacity and Current Usage Rate

For the month of November 2021, DHS reported that its total detention capacity was approximately 34,618, a figure combining CBP's approximate holding capacity of 5,685, Ex. A at 5-6, and ICE's current approximate funded detention capacity of 28,933,² Ex. B at 1. CBP's

¹ 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.

² ICE has approximately 34,000 funded detention beds available nationwide but its full inventory of bedspace is currently limited to approximately 28,933 beds, 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. Ex. B at 13; *see, e.g., Fraihat v. ICE*, 445 F. Supp. 3d 709 (C.D. Cal. Apr. 20, 2020).

approximate holding capacity is the sum of OFO's approximate holding capacity, 935, and USBP's average holding capacity, 4,750. Ex. A at 6-7 & n.11.

DHS reported that the current average daily usage rate throughout November 2021 for CBP detention was 14.8% for OFO facilities and 213% for Border Patrol facilities, Ex. A at 6-7, and approximately 80.3% for ICE detention facilities. *See* Ex. B at 13 (rate equals average daily population of 23,244 for the month of November 2021 over the current approximate total detention capacity of 28,933).

Regarding Haitian nationals, for the month of November 2021, DHS reported that, for CBP holding capacity, there was a daily average of 30 Haitian nationals in OFO custody, or 3.2% of overall OFO holding capacity, and a daily average of 136 Haitian nationals held in Border Patrol facilities, which represents 2.86% of overall USBP average holding capacity. Ex. A at 6-8. With respect to ICE, there was a monthly average daily population of 1,736 Haitian nationals in ICE custody, Ex. B at 13, indicating that Haitians accounted for an average daily usage rate of 6.0% of all ICE detention capacity.

Further, CBP's and ICE's reports include these categories of data broken down by month beginning with January 21, 2021. Ex. A at 6-8; Ex. B at 1-13.

4. Total Monthly Number of Applicants for Admission Under § 1225

For the month of November 2021, DHS reported that the total number of applicants for admission under Section 1225 encountered³ by CBP was 86,279. Ex. A at 9. This figure is

³ 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

consistent with CBP's total number of noncitizen encounters subtracting its Title 42 expulsions. *See* Ex. A at 9 n.13; *supra* §§ 1, 2.

Regarding Haitian nationals, DHS reported that the total number of Haitian national applicants for admission under Section 1225 encountered by CBP was 809. Ex. A at 9.

Further, CBP's report includes this data broken down by month beginning with January 21, 2021. Ex. A at 9.

5. Total Monthly Number of Applicants for Admission Under § 1225 Paroled Into the United States

For the month of November 2021, DHS reported that the total number of applicants for admission under Section 1225 paroled into the United States was 15,353. This figure combines 9,866 total CBP grants of parole in November 2021 for noncitizens apprehended or encountered at the Southwest Border, Ex. A. at 10, and 5,487 ICE grants of parole, Ex. B at 17.

Regarding Haitian nationals, for the month of November 2021, DHS reported that the total number of Haitian applicants for admission under Section 1225 paroled into the United States was 30. This number combines 29 CBP grants of parole for Haitian nationals at the Southwest Border, 16, Ex. A at 10, with one (1) ICE grant of parole for Haitian nationals transferred to ICE custody after being apprehended or encountered by CBP at the Southwest Border, Ex. B at 18.

Further, CBP's and ICE's reports include these categories of data broken down by month beginning with January 21, 2021. Ex. A at 10; Ex. B at 17-20.

Regarding the number of applicants paroled into the United States based on DHS's lack of detention capacity, Border Patrol reported 133 noncitizens paroled at the Southwest Border in November 2021 due to lack of detention space. Ex. A at 12. However, this number may not account

by CBP. Ex. A at 9 n.13. All references in this document to "applicants for admission" refer to noncitizen applicants for admission encountered at or in-between POEs by CBP.

for all such paroles: Lack of detention capacity is not a required field in BP's system of record. Ex. A at 12 n.19. Some paroles were documented in the system using a descriptor of "lack of space," but since it is not a required field, the descriptor is not consistently utilized and documented in the system. *Id.* As Defendants previously explained, "The number of noncitizens paroled or released into the United States by CBP based on DHS's lack of detention capacity is not a reliable data point in CBP's electronic systems of records. CBP's data processes do not accurately capture release or parole data uniformly." ECF No. 118-2 ¶ 5.

Data on the number of applicants paroled into the United States based on lack of detention capacity from OFO is currently unavailable. Ex. A at 11 n.14. In the case of OFO encounters, the relevant decision not detain is made by ICE. *Id.* OFO is able to provide data on noncitizens paroled and released into the United States; however, is not able to provide specific reasons as to why detention was declined. *Id.* Specific reasons for denial are not captured in the agency's electronic systems of record nor is it provided when that decision is reached. *Id.*; *see* ECF No. 118-2 ¶ 5.

As for ICE, "ICE's data systems have not captured release or parole based on lack of detention capacity since September 2019" and therefore "pulling that data from ICE systems for January 2021 to the present is impossible." ECF No. 118-1 ¶ 11. ICE's data systems capture only "the following release reasons: Bonded Out, Order of Recognizance, Order of Supervision, Paroled, or Prosecutorial Discretion." Ex. B at 22. ICE officers are not required to note in the subject's record any rationale for the release determination. ECF No. 118-1 ¶ 11. "Therefore, attempting to re-create that data from January 2021 to the present, through manual review or otherwise, would be operationally impossible because the data for that time period does not exist in any form." *Id.*

Regarding the number of Haitian applicants paroled into the United States based on DHS's

lack of detention capacity, Border Patrol reported no paroles of Haitian nationals at the Southwest Border in November 2021 due to lack of detention space. Ex. A at 13. Again, however, this number may be incomplete, as lack of detention capacity is not a required field in BP's system of record. Ex. A at 12 n.19; *see* ECF No. 118-2 ¶ 5.

Data on the number of the number of Haitian applicants paroled into the United States in November 2021 based on lack of detention capacity is currently unavailable from OFO, as the relevant decision not to detain is made by ICE and the reasons are not captured in OFO's electronic record-keeping system. Ex. A at 11 n.14; *see* ECF No. 118-2 ¶ 5. Such data is likewise unavailable from ICE. ECF No. 118-1 ¶ 11; *see* Ex. B at 22.

Further, to the extent it is available, CBP's report includes this data broken down by month beginning January 1, 2021. Ex. A at 10-13.

6. Total Monthly Number of Applicants for Admission Under § 1225 Released Into the United States, Paroled or Otherwise

For the month of November 2021, DHS reported that the total number of applicants for admission under Section 1225 released into the United States, paroled or otherwise, was 83,725, a figure reflecting CBP's 43,113 total releases across all categories for the month of November 2021, Ex. A at 11,⁴ combined with ICE's 40,612 total releases of noncitizens transferred to it from CBP following their apprehension or encounter at the Southwest Border for the month of November 2021, Ex. B at 17.

⁴ 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).

Regarding Haitian nationals, for the month of November 2021, DHS reported that the total number of Haitian national applicants for admission under Section 1225 released into the United States, paroled or otherwise, was 416. This figure combines 277 releases of Haitian nationals by CBP at the Southwest Border, Ex. A at 11, with 139 releases by ICE of Haitian nationals transferred to it from CBP following their apprehension or encounter at the Southwest Border, Ex. B at 18.

Further, CBP's and ICE's reports include these categories of data broken down by month beginning with January 21, 2021. Ex. A at 11; Ex. B at 17-20.

Regarding the number of applicants released into the United States, paroled or otherwise, based on DHS's lack of detention capacity, Border Patrol reported a total of 12,697 noncitizens released at the Southwest Border in November 2021 due to lack of detention space (133 released on parole and 12,564 released on Notice to Appear – Order of Release on Recognizance (NTA/OR)). Ex. A at 12. However, this number may not account for all such releases: Lack of detention capacity is not a required field in BP's system of record. Ex. A at 12 n.19. Some paroles were documented in the system using a descriptor of "lack of space," but since it is not a required field, the descriptor is not consistently utilized and documented in the system. *Id.*; see ECF No. 118-2 ¶ 5.⁵

Data from OFO on the number of applicants released into the United States, paroled or otherwise, based on lack of detention capacity is currently unavailable. Ex. A at 11 n.14. In the case of OFO encounters, the relevant decision not detain is made by ICE. *Id.* OFO is able to provide

⁵ Similarly, as CBP's report reflects, some noncitizens were in previous months released on Notices to Report (NTRs) when BP holding capacity was exceeded or when resources became overwhelmed; however, lack of detention capacity is not a required field in BP's system of record. Ex. A at 12 & n.18; see ECF No. 118-2 ¶ 5.

data on noncitizens paroled and released into the United States; however, is not able to provide specific reasons as to why detention was declined. *Id.* Specific reasons for denial are not captured in the agency's electronic systems of record nor is it provided when that decision is reached. *Id.*; *see* ECF No. 118-2 ¶ 5.

As for ICE, "ICE's data systems have not captured release or parole based on lack of detention capacity since September 2019" and therefore "pulling that data from ICE systems for January 2021 to the present is impossible." ECF No. 118-1 ¶ 11. ICE's data systems capture only "the following release reasons: Bonded Out, Order of Recognizance, Order of Supervision, Paroled, or Prosecutorial Discretion." Ex. B at 22. ICE officers are not required to note in the subject's record any rationale for the release determination. ECF No. 118-1 ¶ 11. "Therefore, attempting to re-create that data from January 2021 to the present, through manual review or otherwise, would be operationally impossible because the data for that time period does not exist in any form." *Id.*

Regarding the number of Haitian applicants released into the United States, paroled or otherwise, based on DHS's lack of detention capacity, Border Patrol reported a total of 89 Haitian nationals released at the Southwest Border in November 2021 due to lack of detention space (89 released on NTA/OR and no recorded paroles). Ex. A at 12. However, this number may not account for all such releases: Lack of detention capacity is not a required field in BP's system of record. Ex. A at 12 n.19. Some paroles were documented in the system using a descriptor of "lack of space," but since it is not a required field, the descriptor is not consistently utilized and documented in the system. *Id.*; *see* ECF No. 118-2 ¶ 5.⁶

⁶ Similarly, as CBP's report reflects, some Haitian nationals were released on NTRs in previous months when BP holding capacity was exceeded or when resources became overwhelmed;

Data on the number of the number of Haitian applicants released into the United States in November 2021 based on lack of detention capacity is currently unavailable from OFO, as the relevant decision not to detain is made by ICE and the reasons are not captured in OFO's electronic record-keeping system. Ex. A at 11 n.14; *see* ECF No. 118-2 ¶ 5. Such data is likewise unavailable from ICE. ECF No. 118-1 ¶ 11; *see* Ex. B at 22.

Further, to the extent it is available, CBP's report includes this data broken down by month beginning January 1, 2021. Ex. A at 10-13.

Dated: December 15, 2021

Respectfully submitted,

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however, lack of detention capacity is not a required field in BP's system of record. Ex. A at 12 & n.18; *see* ECF No. 118-2 ¶ 5.

CERTIFICATE OF SERVICE

I hereby certify that on December 15, 2021, 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: January 21, 2021 – November 30, 2021****(1) The total monthly number of encounters¹ at the southwest border (SWB);**

Encounter data includes U.S. Border Patrol (USBP) Title 8 Apprehensions² between the ports of entry along the SWB, Office of Field Operations (OFO) Title 8 Inadmissibles³ at land ports of entry along the SWB, and Title 42 Expulsions⁴ at and between the ports of entry along the SWB.

Total Title 8 Apprehensions and Inadmissibles	Jan 21 - 31, 2021	Feb-21	Mar-21	Apr-21	May-21	Jun-21	Jul-21	Aug-21	Sep-21	Oct-21	Nov-21
Office of Field Operations	593	1,509	2,058	3,345	6,040	8,492	10,898	11,036	4,371	3,889	5,500
El Paso Field Office	107	255	280	518	973	1,379	1,322	1,495	319	232	534
Laredo Field Office	145	359	560	658	1,735	2,628	4,370	4,087	979	576	1010
San Diego Field Office	318	803	1,076	1,908	2,877	3,648	4,164	4,640	2,896	2,879	3575
Tucson Field Office	23	92	142	261	455	837	1,042	814	177	202	381
U.S. Border Patrol	6,467	25,325	61,970	62,860	61,165	75,614	106,443	103,397	84,957	66,540	80,779
Big Bend Sector	186	496	529	460	480	430	386	248	282	371	544
Del Rio Sector	1,171	2,470	6,651	8,171	11,850	15,676	18,677	21,230	24,824	13,628	19,774
El Centro Sector	140	507	1,135	2249	2,196	1143	834	779	996	958	915
El Paso Sector	666	2,273	4,428	3,569	3,344	3,679	3,777	2,987	2,761	2,820	4,548
Laredo Sector	449	921	1,121	1150	1,209	994	861	737	700	597	706
Rio Grande Valley Sector	2,337	12,386	34,272	29,925	26,539	37,433	60,659	53,626	28,519	21,521	25,292
San Diego Sector	465	735	1,478	3,398	2,878	2,843	4,232	4,416	3,010	3,348	4,079
Tucson Sector	643	2,244	3,967	3,488	3,380	3,457	3,949	3,585	3,306	3,911	3,872
Yuma Sector	410	3,293	8,389	10,450	9,289	9,959	13,068	15,789	20,559	19,386	21,049
Total Title 8 Apprehensions and Inadmissibles	7,060	26,834	64,028	66,205	67,205	84,106	117,341	114,433	89,328	70,429	86,279

¹ The sum of Title 8 apprehensions/inadmissible aliens and expulsions. Fiscal year (FY) 2021 data is final as of October 15, 2021, and FY 2022 data is official as of December 3, 2021.

² 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.

³ 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.

⁴ 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.

Total Title 42 Expulsions	Jan 21 - 31, 2021	Feb-21	Mar-21	Apr-21	May-21	Jun-21	Jul-21	Aug-21	Sep-21	Oct-21	Nov-21
Office of Field Operations	638	1,947	2,003	1,751	1,903	1,893	2,037	2,290	2,115	1,837	2,337
El Paso Field Office	50	133	147	203	253	200	210	233	189	171	254
Laredo Field Office	107	327	390	323	439	522	466	544	706	649	1088
San Diego Field Office	447	1,286	1,250	1,020	932	936	1,162	1,278	993	845	772
Tucson Field Office	34	201	216	205	279	235	199	235	227	172	223
U.S. Border Patrol	27,341	72,318	107,246	110,839	111,489	103,035	94,215	93,117	100,558	92,487	85,004
Big Bend Sector	1,217	2,600	3,971	4,128	4,570	4,124	3,047	1,432	2,292	3,236	2,721
Del Rio Sector	4,315	8,624	13,401	13,608	16,082	15,031	14,923	11,832	18,746	14,580	9,983
El Centro Sector	1,101	3,270	5,076	4,790	5,329	4,989	4,338	3,864	3,947	4,085	2,974
El Paso Sector	4,142	10,911	15,028	16,228	18,875	17,828	16,773	17,233	15,054	11,182	10,976
Laredo Sector	3,045	7,565	10,059	9,775	10,883	9,278	7,657	7,430	7,905	6,846	7,323
Rio Grande Valley Sector	4,813	16,017	28,413	30,949	24,607	22,088	20,347	27,552	26,553	23,871	22,418
San Diego Sector	4,293	8,990	11,902	11,282	11,724	12,276	11,318	9,183	9,729	10,991	9,337
Tucson Sector	4,023	12,506	15,903	16,795	16,528	14,948	14,034	13,136	14,453	15,278	17,613
Yuma Sector	392	1,835	3,493	3,284	2,891	2,473	1,778	1,455	1,879	2,418	1,659
Total Title 42 Expulsions	27,979	74,265	109,249	112,590	113,392	104,928	96,252	95,407	102,673	94,324	87,341

Haitian National Title 8 Apprehensions and Inadmissibles	Jan 21 - 31, 2021	Feb-21	Mar-21	Apr-21	May-21	Jun-21	Jul-21	Aug-21	Sep-21	Oct-21	Nov-21
Office of Field Operations	2	4	5	103	211	530	811	44	1	13	
El Paso Field Office				1	1		5	40		1	
Laredo Field Office			2	1	23	65	305	572	36		5
San Diego Field Office		2	2	3	79	146	220	198	8		8
Tucson Field Office								1			
U.S. Border Patrol	617	517	2,485	1,040	2,517	5,413	4,894	6,158	11,228	340	796
Big Bend Sector			6		8	50	17	8	2	2	
Del Rio Sector	461	410	1,567	504	1,561	4,068	4,139	5,082	9,736	52	217
El Centro Sector									1		
El Paso Sector	13	52	587	286	745	915	380	187	5	95	242
Laredo Sector								6			
Rio Grande Valley Sector	3			1		1	1	1	3	5	
San Diego Sector	140	50	91	7	8	5	62	62	2		13
Tucson Sector						1					
Yuma Sector		5	234	242	195	373	295	812	1,479	186	324
Total Haitian Title 8 Apprehensions and Inadmissibles	617	519	2,489	1,045	2,620	5,624	5,424	6,969	11,272	341	809

Haitian National Title 42 Expulsions	Jan 21 - 31, 2021	Feb-21	Mar-21	Apr-21	May-21	Jun-21	Jul-21	Aug-21	Sep-21	Oct-21	Nov-21
Office of Field Operations		2	3				1	1			
El Paso Field Office			2				1				
Laredo Field Office			1					1			
San Diego Field Office		2									
Tucson Field Office											
U.S. Border Patrol	884	306	592	205	197	280	96	599	6,366	564	206
Big Bend Sector				1				13	11		
Del Rio Sector	282	138	223	10	4	27	34	103	6,215	64	28
El Centro Sector											
El Paso Sector	156	35	115	80	118	118	24	446	47	2	155
Laredo Sector											
Rio Grande Valley Sector	2									1	
San Diego Sector	444	133	135	8		2	8	12			
Tucson Sector											
Yuma Sector			119	106	75	133	30	25	93	497	23
Total Title 42 Haitian National Expulsions	884	308	595	205	197	280	97	600	6,366	564	206

(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 SWB⁵*

Total Title 42 Expulsions	Jan 21 - 31, 2021	Feb-21	Mar-21	Apr-21	May-21	Jun-21	Jul-21	Aug-21	Sep-21	Oct-21	Nov-21
Office of Field Operations	638	1,947	2,003	1,751	1,903	1,893	2,037	2,290	2,115	1,837	2,337
El Paso Field Office	50	133	147	203	253	200	210	233	189	171	254
Laredo Field Office	107	327	390	323	439	522	466	544	706	649	1088
San Diego Field Office	447	1,286	1,250	1,020	932	936	1,162	1,278	993	845	772
Tucson Field Office	34	201	216	205	279	235	199	235	227	172	223
U.S. Border Patrol	27,341	72,318	107,246	110,839	111,489	103,035	94,215	93,117	100,558	92,487	85,004
Big Bend Sector	1,217	2,600	3,971	4,128	4,570	4,124	3,047	1,432	2,292	3,236	2,721
Del Rio Sector	4,315	8,624	13,401	13,608	16,082	15,031	14,923	11,832	18,746	14,580	9,983
El Centro Sector	1,101	3,270	5,076	4,790	5,329	4,989	4,338	3,864	3,947	4,085	2,974
El Paso Sector	4,142	10,911	15,028	16,228	18,875	17,828	16,773	17,233	15,054	11,182	10,976
Laredo Sector	3,045	7,565	10,059	9,775	10,883	9,278	7,657	7,430	7,905	6,846	7,323
Rio Grande Valley Sector	4,813	16,017	28,413	30,949	24,607	22,088	20,347	27,552	26,553	23,871	22,418
San Diego Sector	4,293	8,990	11,902	11,282	11,724	12,276	11,318	9,183	9,729	10,991	9,337
Tucson Sector	4,023	12,506	15,903	16,795	16,528	14,948	14,034	13,136	14,453	15,278	17,613
Yuma Sector	392	1,835	3,493	3,284	2,891	2,473	1,778	1,455	1,879	2,418	1,659
Total Title 42 Expulsions	27,979	74,265	109,249	112,590	113,392	104,928	96,252	95,407	102,673	94,324	87,341

⁵ Same as Title 42 expulsion data provided in response to 1 above.

Haitian National Title 42 Expulsions	Jan 21 - 31, 2021	Feb-21	Mar-21	Apr-21	May-21	Jun-21	Jul-21	Aug-21	Sep-21	Oct-21	Nov-21
Office of Field Operations		2	3				1	1			
El Paso Field Office			2				1				
Laredo Field Office			1					1			
San Diego Field Office		2									
Tucson Field Office											
U.S. Border Patrol	884	306	592	205	197	280	96	599	6,366	564	206
Big Bend Sector				1				13	11		
Del Rio Sector	282	138	223	10	4	27	34	103	6,215	64	28
El Centro Sector											
El Paso Sector	156	35	115	80	118	118	24	446	47	2	155
Laredo Sector											
Rio Grande Valley Sector	2									1	
San Diego Sector	444	133	135	8		2	8	12			
Tucson Sector											
Yuma Sector			119	106	75	133	30	25	93	497	23
Total Title 42 Haitian National Expulsions	884	308	595	205	197	280	97	600	6,366	564	206

• *Southwest Land Border Removals>Returns^{6,7} under Title 8, based on encounter date⁸*

Total Removals and Returns Under Title 8	Jan 21 - 31, 2021	Feb-21	Mar-21	Apr-21	May-21	Jun-21	Jul-21	Aug-21	Sep-21	Oct-21	Nov-21
U.S. Border Patrol	1,713	3,800	5,097	5,493	5,760	5,591	4,991	6,158	6,105	7,033	6,466
Bag and Baggage	22	70	173	138	107	75	47	79	101	91	96
Voluntary Return	715	1,852	2,406	2,322	2,517	2,212	1,922	1,921	2,026	2,339	2,176
Expedited Removal	487	839	1,198	1,565	1,450	1,765	1,434	2,477	2,349	3,054	2,681
Reinstatement of Removal	489	1,039	1,320	1,468	1,686	1,539	1,588	1,681	1,629	1,549	1,513
Returns Pursuant to 8 U.S.C. 1225(B)(2)(C)											
Office of Field Operations	305	780	687	602	617	655	584	722	788	706	1,713
Bag and Baggage		3	2	1	5	1	1	1	1	1	3
Voluntary Return	69	127	107	72	82	61	69	75	173	132	115
Expedited Removal	44	119	133	124	113	130	123	149	150	111	255
Reinstatement of Removal	10	13	33	15	9	11	8	8	20	13	8
Withdrawal of Application for Admission	182	518	412	390	408	452	383	489	444	449	1,332
Returns Pursuant to 8 U.S.C. 1225(B)(2)(C)											
Total	2,018	4,580	5,784	6,095	6,377	6,246	5,575	6,880	6,893	7,739	8,179

⁶ Bag and Baggage: 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.

⁷ Voluntary Return: 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.

⁸ Indicates that the noncitizen was encountered during the reporting period (January 21, 2021 – November 30, 2021). Data is reflected under the corresponding month the individual was apprehended, deemed inadmissible or processed for expulsion.

Haitian National Removals and Returns Under Title 8	Jan 21 - 31, 2021	Feb-21	Mar-21	Apr-21	May-21	Jun-21	Jul-21	Aug-21	Sep-21	Oct-21	Nov-21
U.S. Border Patrol	18	7	35	19	30	166	82	62	104	3	2
Bag and Baggage				4				1			
Voluntary Return											
Expedited Removal	17	5	19	7	18	129	37	33	72	2	
Reinstatement of Removal	1	2	16	8	12	37	45	28	32	1	2
Returns Pursuant to 8 U.S.C. 1225(B)(2)(C)											
Office of Field Operations											
Bag and Baggage											
Voluntary Return											
Expedited Removal											
Reinstatement of Removal											
Withdrawal of Application for Admission											
Returns Pursuant to 8 U.S.C. 1225(B)(2)(C)											
Total	18	7	35	19	30	166	82	62	104	3	2

(3) Defendants’ total detention capacity as well as current usage rates;

OFO Holding Capacity – Southwest Border in Custody⁹

Jan 21 - 31, 2021	21-Feb	21-Mar	21-Apr	21-May	21-Jun	21-Jul	21-Aug	21-Sep	21-Oct	21-Nov
72(7.7% ¹⁰)	64 (6.8%)	107 (11.4%)	195 (20.8%)	135 (14.4%)	191 (20.4%)	274 (29.3%)	145 (15.5%)	150 (16%)	123 (13.2%)	138 (14.8%)

OFO Holding Capacity – Average Haitian Nationals Southwest Border in Custody

Jan 21 - 31, 2021	21-Feb	21-Mar	21-Apr	21-May	21-Jun	21-Jul	21-Aug	21-Sep	21-Oct	21-Nov
0	0	0	0	3 (<1%)	7 (<1%)	17 (1.8%)	26 (2.7%)	2 (<1%)	0	30 (3.2%)

⁹ 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.

¹⁰ Represents the average number of travelers in custody on a daily basis averaged over the 30-day period, 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.

USBP Average Daily Subjects In Custody by Southwest Border Sector^{11,12}

USBP Sector	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV
	Daily Avg in Custody										
Big Bend	45	45	71	43	60	52	29	12	30	25	39
Del Rio	334	456	643	835	1283	1217	1761	1542	1729	853	1313
El Centro	36	55	221	453	274	192	262	250	341	292	362
El Paso	123	245	933	500	304	272	806	586	1009	639	839
Laredo	91	107	279	369	384	282	170	221	508	392	865
Rio Grande	283	934	3953	3252	1189	2167	4683	4860	3983	2686	3897
San Diego	209	160	475	1096	585	369	559	673	485	479	683
Tucson	133	205	543	346	229	248	284	414	375	482	563
Yuma	52	163	495	798	610	576	1533	1728	2085	1600	1552
Total	1307	2371	7613	7693	4917	5374	10085	10286	10545	7447	10113
Usage %	28%	50%	160%	162%	104%	113%	212%	217%	222%	157%	213%

¹¹ 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 4,750, 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.

¹² Data for the month of January includes data from January 21, 2021 – January 31, 2021.

USBP Average Daily Subjects In Custody by Southwest Border Sector – Haitian Nationals

USBP Sector	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV
	Daily Avg in Custody										
Big Bend	1	0	4	0	2	7	3	1	36	0	0
Del Rio	150	162	104	32	111	276	350	450	745	11	15
El Centro	0	0	2	0	2	3	3	3	8	4	0
El Paso	22	36	49	20	39	59	30	35	789	11	51
Laredo	0	35	2	0	23	39	0	3	396	30	23
Rio Grande	2	12	0	1	0	1	1	1	180	1	0
San Diego	102	56	33	14	4	3	9	16	7	11	3
Tucson	0	0	0	0	0	3	4	7	36	2	1
Yuma	0	4	26	36	20	33	43	101	216	119	43
Total	277	305	220	103	201	424	443	617	2413	189	136

(4) The total monthly number of “applicants for admission”¹³ under Section 1225;

Total Title 8 Apprehensions and Inadmissibles	Jan 21 - 31, 2021	Feb-21	Mar-21	Apr-21	May-21	Jun-21	Jul-21	Aug-21	Sep-21	Oct-21	Nov-21
Office of Field Operations	593	1,509	2,058	3,345	6,040	8,492	10,898	11,036	4,371	3,889	5,500
El Paso Field Office	107	255	280	518	973	1,379	1,322	1,495	319	232	534
Laredo Field Office	145	359	560	658	1,735	2,628	4,370	4,087	979	576	1010
San Diego Field Office	318	803	1,076	1,908	2,877	3,648	4,164	4,640	2,896	2,879	3575
Tucson Field Office	23	92	142	261	455	837	1,042	814	177	202	381
U.S. Border Patrol	6,467	25,325	61,970	62,860	61,165	75,614	106,443	103,397	84,957	66,540	80,779
Big Bend Sector	186	496	529	460	480	430	386	248	282	371	544
Del Rio Sector	1,171	2,470	6,651	8,171	11,850	15,676	18,677	21,230	24,824	13,628	19,774
El Centro Sector	140	507	1,135	2249	2,196	1143	834	779	996	958	915
El Paso Sector	666	2,273	4,428	3,569	3,344	3,679	3,777	2,987	2,761	2,820	4,548
Laredo Sector	449	921	1,121	1150	1,209	994	861	737	700	597	706
Rio Grande Valley Sector	2,337	12,386	34,272	29,925	26,539	37,433	60,659	53,626	28,519	21,521	25,292
San Diego Sector	465	735	1,478	3,398	2,878	2,843	4,232	4,416	3,010	3,348	4,079
Tucson Sector	643	2,244	3,967	3,488	3,380	3,457	3,949	3,585	3,306	3,911	3,872
Yuma Sector	410	3,293	8,389	10,450	9,289	9,959	13,068	15,789	20,559	19,386	21,049
Total Title 8 Apprehensions and Inadmissibles	7,060	26,834	64,028	66,205	67,205	84,106	117,341	114,433	89,328	70,429	86,279

Haitian National Title 8 Apprehensions and Inadmissibles	Jan 21 - 31, 2021	Feb-21	Mar-21	Apr-21	May-21	Jun-21	Jul-21	Aug-21	Sep-21	Oct-21	Nov-21
Office of Field Operations		2	4	5	103	211	530	811	44	1	13
El Paso Field Office				1	1		5	40		1	
Laredo Field Office			2	1	23	65	305	572	36		5
San Diego Field Office		2	2	3	79	146	220	198	8		8
Tucson Field Office								1			
U.S. Border Patrol	617	517	2,485	1,040	2,517	5,413	4,894	6,158	11,228	340	796
Big Bend Sector			6		8	50	17	8	2	2	
Del Rio Sector	461	410	1,567	504	1,561	4,068	4,139	5,082	9,736	52	217
El Centro Sector									1		
El Paso Sector	13	52	587	286	745	915	380	187	5	95	242
Laredo Sector								6			
Rio Grande Valley Sector	3			1		1	1	1	3	5	
San Diego Sector	140	50	91	7	8	5	62	62	2		13
Tucson Sector						1					
Yuma Sector		5	234	242	195	373	295	812	1,479	186	324
Total Haitian Title 8 Apprehensions and Inadmissibles	617	519	2,489	1,045	2,620	5,624	5,424	6,969	11,272	341	809

¹³ 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.

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

Southwest Border Paroles	Jan 21 - 31, 2021	Feb-21	Mar-21	Apr-21	May-21	Jun-21	Jul-21	Aug-21	Sep-21	Oct-21	Nov-21
U.S. Border Patrol Total	0	0	0	0	0	0	0	13,553	21,893	9,859	5,669
Parole Disposition								13,553	21,893	9,859	5,669
Office of Field Operations Total	261	889	1,607	2,994	5,731	8,156	10,706	10,519	3,948	3,619	4,197
NTA and Paroled into the U.S. on a case-by-case basis pursuant to 8 U.S.C. § 1182(d)(5)	148	536	1,204	2,537	5,244	7,651	10,068	9,962	3,412	2,997	3,554
Parole Disposition	113	353	403	457	487	505	638	557	536	622	643
Total	261	889	1,607	2,994	5,731	8,156	10,706	24,072	25,841	13,478	9,866

Southwest Border Haitian National Paroles	Jan 21 - 31, 2021	Feb-21	Mar-21	Apr-21	May-21	Jun-21	Jul-21	Aug-21	Sep-21	Oct-21	Nov-21
U.S. Border Patrol Total	0	0	0	0	0	0	0	772	4,408	64	16
Parole Disposition								772	4,408	64	16
Office of Field Operations Total	0	3	6	4	103	212	531	808	41	1	13
NTA and Paroled into the U.S. on a case-by-case basis pursuant to 8 U.S.C. § 1182(d)(5)		2	4	4	103	211	530	808	41	1	13
Parole Disposition		1	2			1	1				
Total	0	3	6	4	103	212	531	1,580	4,449	65	29

(6) The total monthly number of “applicants for admission” under Section 1225 released into the United States, paroled or otherwise.”^{14,15, 16}

Southwest Border Releases	Jan 21 - 31, 2021	Feb-21	Mar-21	Apr-21	May-21	Jun-21	Jul-21	Aug-21	Sep-21	Oct-21	Nov-21
U.S. Border Patrol Total	1,263	8,798	26,032	25,882	26,343	34,731	60,548	57,655	42,936	27,619	38,916
Notice To Report		1	7,570	11,338	7,534	13,941	32,749	18,818	2,626		
Notice to Appear - Order of Release on Recognizance	1,263	8,797	18,462	14,544	18,809	20,790	27,799	25,284	18,417	17,760	33,247
Parole Disposition								13,553	21,893	9859	5,669
Office of Field Operations Total	271	889	1,607	2,994	5,731	8,156	10,706	10,519	3,948	3,619	4,197
NTA and Paroled into the U.S. on a case-by-case basis pursuant to 8 U.S.C. § 1182(d)(5)	148	536	1,204	2,537	5,244	7,651	10,068	9,962	3,412	2,997	3,554
Parole Disposition	123	353	403	457	487	505	638	557	536	622	643
Parole Disposition (ICE Declined to Detain Indicator)	5	8	32	77	17	19	26	35	37	28	23
Total	1,534	9,687	27,639	28,876	32,074	42,887	71,254	68,174	46,884	31,238	43,113
Southwest Border Haitian National Releases	Jan 21 - 31, 2021	Feb-21	Mar-21	Apr-21	May-21	Jun-21	Jul-21	Aug-21	Sep-21	Oct-21	Nov-21
U.S. Border Patrol Total	387	307	1,492	445	1,226	2,631	2,859	2,821	6,918	167	264
Notice To Report					225	1,064	1,644	1,136	1,398		
Notice to Appear - Order of Release on Recognizance	387	307	1,492	445	1,001	1,567	1,215	913	1,112	103	248
Parole Disposition								772	4,408	64	16
Office of Field Operations Total		3	6	4	103	212	531	808	41	1	13
NTA and Paroled into the U.S. on a case-by-case basis pursuant to 8 U.S.C. § 1182(d)(5)		2	4	4	103	211	530	808	41	1	13
Parole Disposition		1	2			1	1				
Total	387	310	1,498	449	1,329	2,843	3,390	3,629	6,959	168	277

¹⁴ All numbers in reporting requirement 6 for Office of Field Operations are “based on encounter date,” as defined above. The parole disposition (ICE Declined to Detain Indicator) row within the “Office of Field Operations Total” is *not* in addition to the preceding rows. This is not indicative of all individuals paroled into the United States due to an ICE declination to detain. This is merely those that requested to be paroled at a port of entry and a custody determination was made by ICE not to detain. When processing in OFO systems, this is not a field required for input. OFO is able to provide data on noncitizens paroled and released into the United States; however, is not able to provide specific reasons as to why detention was declined. Specific reasons for denial are not captured in CBP’s electronic systems of record nor is it provided when that decision is reached.

¹⁵ U.S. Border Patrol’s Notice to Report: 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.

¹⁶ Given that the data reported in reporting requirement number 6 is inclusive of the data reported in reporting requirement number 5, we have only included the data related to the reasons for release in response to reporting requirement number 6. In addition, the CBP releases may have occurred under Section 1225 or Section 1226, but that specific data is not available at this time for purposes of this report.

USBP Southwest Border ORs, NTRs, and Parole Subjects by Month**January 21, 2021 - November 30, 2021***Data includes Deportable Migrants only*

Data Source: EID (Unofficial) FY21 as of End of Year Date; FY22TD as of 12/15/21

Categories		Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	SBO Total
NTA/OR	"Lack of Space"	1,102	7,421	13,960	5,857	9,127	13,607	14,955	10,821	8,374	7,716	12,564	105,504
		161	1,376	4,503	8,687	9,682	7,183	12,852	14,479	10,049	10,053	22,159	101,184
NTA/OR Total¹⁷		1,263	8,797	18,463	14,544	18,809	20,790	27,807	25,300	18,423	17,769	34,723	206,688
NTR Total¹⁸		0	1	7,574	11,338	7,534	13,942	32,758	18,823	2,628	0	0	94,598
Parole	"Lack of Space"								386	301	232	133	1,052
				1		1		10	13,168	21,601	9,708	5,561	50,050
Parole Total¹⁹		0	0	1	0	1	0	10	13,554	21,902	9,940	5,694	51,102

USBP Southwest Border Haitian ORs, NTRs, and Parole Subjects by Month**January 21, 2021 - November 30, 2021***Data includes Deportable Migrants only*

Data Source: EID (Unofficial) FY21 as of End of Year Date; FY22TD as of 12/15/21

Categories		Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	SBO Total
NTA/OR	"Lack of Space"	290	191	1,187	278	751	932	937	716	501	17	89	5,889
		93	116	305	167	250	635	278	197	611	86	177	2,915

¹⁷ NTA/OR: Lack of detention capacity is not a required field in USBP's system of record. Some NTA/ORs were documented in the system using a descriptor of "lack of space" when ICE declined custody due to lack of detention capacity, but since it is not a required field, the descriptor is not consistently utilized and documented in the system. Some NTA/ORs may have issued due to a lack of detention capacity but not documented as such in the system.

¹⁸ NTR: Lack of detention capacity is not a required field in USBP's system of record and is not captured in the system for NTRs; however, NTRs were issued in limited sectors on a case-by-case basis when USBP holding capacity was exceeded or when resources became overwhelmed.

¹⁹ Parole: Lack of detention capacity is not a required field in USBP's system of record. Some Paroles were documented in the system using a descriptor of "lack of space," but since it is not a required field, the descriptor is not consistently utilized and documented in the system.

NTA/OR Total²⁰		383	307	1,492	445	1,001	1,567	1,215	913	1,112	103	266	8,804
NTR Total²¹		0	0	0	0	225	1,064	1,644	1,136	1,399	0	0	5,468
Parole	"Lack of Space"								72	70			142
									700	4,342	64	16	5,122
Parole Total²²		0	0	0	0	0	0	0	772	4,412	64	16	5,264

²⁰ NTA/OR: Lack of detention capacity is not a required field in USBP's system of record. Some NTA/ORs were documented in the system using a descriptor of "lack of space" when ICE declined custody due to lack of detention capacity, but since it is not a required field, the descriptor is not consistently utilized and documented in the system. Some NTA/ORs may have issued due to a lack of detention capacity but not documented as such in the system.

²¹ NTR: Lack of detention capacity is not a required field in USBP's system of record and is not captured in the system for NTRs; however, NTRs were issued in limited sectors on a case-by-case basis when USBP holding capacity was exceeded or when resources became overwhelmed.

²² Parole: Parole is utilized on a case-by-case basis when USBP holding capacity is exceeded or when resources have become overwhelmed. Lack of detention capacity is not a required field in USBP's system of record. Some Paroles were documented in the system using a descriptor of "lack of space," but since it is not a required field, the descriptor is not consistently utilized and documented in the system.

Exhibit B

ERO Custody Management Division

Population Counts from January 1, 2021 through November 30, 2021

Source: ICE Integrated Decision Support (IIDS), 12/05/2021

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

FY2021 data: IIDS as of 12/05/2021; EID data through 12/03/2021

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

ERO is currently appropriated sufficient funding for approximately 34,000 detention beds nationwide, to support its mission to enforce immigration law. 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 currently available bedspace inventory is only approximately 26,800 beds

Average Daily Population for January through November	20,724
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Date	Daily Population
1/1/2021	15,846
1/2/2021	16,000
1/3/2021	16,024
1/4/2021	15,938
1/5/2021	15,834
1/6/2021	15,601
1/7/2021	15,603
1/8/2021	15,167
1/9/2021	15,259
1/10/2021	15,342
1/11/2021	15,254
1/12/2021	15,114
1/13/2021	15,006
1/14/2021	14,934
1/15/2021	14,658
1/16/2021	14,685
1/17/2021	14,729
1/18/2021	14,697
1/19/2021	14,464
1/20/2021	14,522
1/21/2021	14,529
1/22/2021	14,680
1/23/2021	14,820
1/24/2021	14,923
1/25/2021	14,939
1/26/2021	15,012
1/27/2021	15,169
1/28/2021	15,123
1/29/2021	14,669
1/30/2021	14,781
1/31/2021	14,862
2/1/2021	14,769
2/2/2021	14,580
2/3/2021	14,475
2/4/2021	14,238
2/5/2021	13,785

2/6/2021	13,935
2/7/2021	14,052
2/8/2021	13,975
2/9/2021	13,997
2/10/2021	13,914
2/11/2021	13,839
2/12/2021	13,775
2/13/2021	13,762
2/14/2021	13,928
2/15/2021	14,074
2/16/2021	14,162
2/17/2021	14,196
2/18/2021	14,141
2/19/2021	14,073
2/20/2021	14,203
2/21/2021	14,368
2/22/2021	14,433
2/23/2021	14,278
2/24/2021	14,172
2/25/2021	13,994
2/26/2021	13,860
2/27/2021	13,823
2/28/2021	13,952
3/1/2021	14,092
3/2/2021	13,889
3/3/2021	13,793
3/4/2021	13,818
3/5/2021	13,483
3/6/2021	13,591
3/7/2021	13,770
3/8/2021	14,104
3/9/2021	14,038
3/10/2021	13,961
3/11/2021	14,091
3/12/2021	13,994
3/13/2021	14,291
3/14/2021	14,630
3/15/2021	14,756
3/16/2021	14,705
3/17/2021	14,501
3/18/2021	14,352
3/19/2021	14,154
3/20/2021	14,215
3/21/2021	14,403
3/22/2021	14,388
3/23/2021	14,449
3/24/2021	14,295
3/25/2021	14,178
3/26/2021	14,028
3/27/2021	14,125
3/28/2021	14,327
3/29/2021	14,272
3/30/2021	14,310
3/31/2021	14,429
4/1/2021	14,307
4/2/2021	14,367
4/3/2021	14,582
4/4/2021	14,726
4/5/2021	15,013

4/6/2021	15,064
4/7/2021	15,358
4/8/2021	15,349
4/9/2021	15,061
4/10/2021	15,370
4/11/2021	15,502
4/12/2021	15,541
4/13/2021	15,427
4/14/2021	15,214
4/15/2021	15,237
4/16/2021	14,852
4/17/2021	15,135
4/18/2021	15,512
4/19/2021	15,763
4/20/2021	15,827
4/21/2021	15,881
4/22/2021	15,967
4/23/2021	15,981
4/24/2021	15,949
4/25/2021	16,392
4/26/2021	16,436
4/27/2021	16,492
4/28/2021	16,698
4/29/2021	16,784
4/30/2021	17,061
5/1/2021	17,344
5/2/2021	17,693
5/3/2021	18,065
5/4/2021	18,564
5/5/2021	18,606
5/6/2021	18,933
5/7/2021	19,213
5/8/2021	19,372
5/9/2021	19,770
5/10/2021	20,240
5/11/2021	20,669
5/12/2021	20,673
5/13/2021	20,641
5/14/2021	20,805
5/15/2021	20,966
5/16/2021	21,176
5/17/2021	21,468
5/18/2021	21,451
5/19/2021	21,471
5/20/2021	21,498
5/21/2021	21,609
5/22/2021	21,929
5/23/2021	22,277
5/24/2021	22,499
5/25/2021	22,770
5/26/2021	23,058
5/27/2021	23,267
5/28/2021	23,025
5/29/2021	23,262
5/30/2021	23,594
5/31/2021	23,961
6/1/2021	24,009
6/2/2021	24,024
6/3/2021	24,127

6/4/2021	24,584
6/5/2021	24,826
6/6/2021	25,232
6/7/2021	25,382
6/8/2021	25,744
6/9/2021	25,356
6/10/2021	25,388
6/11/2021	25,415
6/12/2021	25,828
6/13/2021	26,143
6/14/2021	26,484
6/15/2021	26,494
6/16/2021	26,514
6/17/2021	26,644
6/18/2021	26,275
6/19/2021	26,670
6/20/2021	27,019
6/21/2021	27,205
6/22/2021	27,380
6/23/2021	27,172
6/24/2021	27,116
6/25/2021	26,990
6/26/2021	27,094
6/27/2021	27,744
6/28/2021	28,008
6/29/2021	27,807
6/30/2021	27,359
7/1/2021	27,257
7/2/2021	27,180
7/3/2021	27,409
7/4/2021	27,950
7/5/2021	28,213
7/6/2021	28,432
7/7/2021	28,062
7/8/2021	27,972
7/9/2021	27,736
7/10/2021	27,943
7/11/2021	28,159
7/12/2021	28,015
7/13/2021	27,780
7/14/2021	27,489
7/15/2021	27,443
7/16/2021	26,875
7/17/2021	27,092
7/18/2021	27,329
7/19/2021	27,437
7/20/2021	27,013
7/21/2021	26,777
7/22/2021	26,251
7/23/2021	25,516
7/24/2021	25,617
7/25/2021	25,786
7/26/2021	25,862
7/27/2021	26,260
7/28/2021	26,147
7/29/2021	26,186
7/30/2021	25,909
7/31/2021	25,740
8/1/2021	25,869

8/2/2021	26,268
8/3/2021	26,030
8/4/2021	25,530
8/5/2021	25,546
8/6/2021	25,517
8/7/2021	25,642
8/8/2021	26,109
8/9/2021	26,221
8/10/2021	25,991
8/11/2021	25,821
8/12/2021	25,457
8/13/2021	25,584
8/14/2021	25,699
8/15/2021	26,158
8/16/2021	25,868
8/17/2021	25,941
8/18/2021	25,656
8/19/2021	25,475
8/20/2021	24,884
8/21/2021	24,871
8/22/2021	25,065
8/23/2021	24,851
8/24/2021	24,483
8/25/2021	24,203
8/26/2021	23,725
8/27/2021	23,185
8/28/2021	23,478
8/29/2021	23,772
8/30/2021	24,153
8/31/2021	24,105
9/1/2021	23,859
9/2/2021	23,623
9/3/2021	23,235
9/4/2021	23,392
9/5/2021	23,420
9/6/2021	23,498
9/7/2021	23,093
9/8/2021	22,729
9/9/2021	22,462
9/10/2021	22,057
9/11/2021	22,247
9/12/2021	22,569
9/13/2021	22,628
9/14/2021	22,568
9/15/2021	22,228
9/16/2021	22,510
9/17/2021	22,326
9/18/2021	22,493
9/19/2021	22,831
9/20/2021	23,885
9/21/2021	23,872
9/22/2021	24,233
9/23/2021	24,350
9/24/2021	23,866
9/25/2021	23,835
9/26/2021	23,833
9/27/2021	23,569
9/28/2021	23,034
9/29/2021	22,656

9/30/2021	21,980
10/1/2021	21,572
10/2/2021	21,507
10/3/2021	21,861
10/4/2021	22,573
10/5/2021	22,447
10/6/2021	22,593
10/7/2021	22,257
10/8/2021	22,353
10/9/2021	22,392
10/10/2021	22,846
10/11/2021	22,922
10/12/2021	23,037
10/13/2021	22,892
10/14/2021	22,600
10/15/2021	22,294
10/16/2021	22,419
10/17/2021	22,471
10/18/2021	22,569
10/19/2021	22,520
10/20/2021	22,793
10/21/2021	22,872
10/22/2021	22,573
10/23/2021	22,862
10/24/2021	23,280
10/25/2021	23,820
10/26/2021	23,807
10/27/2021	23,625
10/28/2021	23,570
10/29/2021	23,634
10/30/2021	23,624
10/31/2021	23,830
11/1/2021	23,995
11/2/2021	24,071
11/3/2021	23,860
11/4/2021	23,728
11/5/2021	23,397
11/6/2021	23,570
11/7/2021	23,941
11/8/2021	24,268
11/9/2021	24,426
11/10/2021	24,639
11/11/2021	24,654
11/12/2021	24,171
11/13/2021	24,319
11/14/2021	24,241
11/15/2021	24,576
11/16/2021	24,622
11/17/2021	24,272
11/18/2021	23,440
11/19/2021	22,696
11/20/2021	22,247
11/21/2021	22,443
11/22/2021	21,875
11/23/2021	21,317
11/24/2021	21,279
11/25/2021	21,453
11/26/2021	21,446
11/27/2021	21,687

11/28/2021	22,075
11/29/2021	22,327
11/30/2021	22,295

ERO Custody Management Division

Population Counts from January 1, 2021 through September 30, 2021

Source: ICE Integrated Decision Support (IIDS), 11/08/2021

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

FY2021 data: IIDS as of 11/08/2021; EID data through 11/06/2021

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

ERO is currently appropriated sufficient funding for approximately 34,000 detention beds nationwide, to support its mission to enforce immigration law.

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 currently available bedspace inventory is only approximately 26,800 beds

Month	January	February	March	April	May	June	July	August	September	Total (Jan-Sep)
Monthly Average Daily Population (ADP)	15,103	14,098	14,175	15,562	20,964	26,201	27,059	25,199	23,096	20,212
Monthly Average Daily Population (ADP) of Haitian Detainees	298	408	463	558	707	1,761	1,970	1,883	3,115	1,243

Date	Daily Population	Haitian Daily Population
1/1/2021	15,846	290
1/2/2021	16,000	291
1/3/2021	16,024	295
1/4/2021	15,938	281
1/5/2021	15,834	280
1/6/2021	15,601	280
1/7/2021	15,603	277
1/8/2021	15,167	276
1/9/2021	15,259	276
1/10/2021	15,342	276
1/11/2021	15,254	268
1/12/2021	15,114	268
1/13/2021	15,006	270
1/14/2021	14,934	272
1/15/2021	14,658	270
1/16/2021	14,685	270
1/17/2021	14,729	268
1/18/2021	14,697	260
1/19/2021	14,464	250
1/20/2021	14,522	251
1/21/2021	14,529	250
1/22/2021	14,680	263
1/23/2021	14,820	280
1/24/2021	14,923	291
1/25/2021	14,939	300
1/26/2021	15,012	325
1/27/2021	15,169	343
1/28/2021	15,123	360
1/29/2021	14,669	425
1/30/2021	14,781	450
1/31/2021	14,862	473
2/1/2021	14,769	401
2/2/2021	14,580	399
2/3/2021	14,475	428
2/4/2021	14,238	435
2/5/2021	13,785	426
2/6/2021	13,935	459
2/7/2021	14,052	474
2/8/2021	13,975	424
2/9/2021	13,997	436
2/10/2021	13,914	449
2/11/2021	13,839	408
2/12/2021	13,775	405
2/13/2021	13,762	429
2/14/2021	13,928	440
2/15/2021	14,074	434
2/16/2021	14,162	437
2/17/2021	14,196	435
2/18/2021	14,141	421
2/19/2021	14,073	381
2/20/2021	14,203	378
2/21/2021	14,368	375
2/22/2021	14,433	373
2/23/2021	14,278	364
2/24/2021	14,172	362
2/25/2021	13,994	354
2/26/2021	13,860	360
2/27/2021	13,823	366
2/28/2021	13,952	372
3/1/2021	14,092	385
3/2/2021	13,889	368

3/3/2021	13,793	372
3/4/2021	13,818	384
3/5/2021	13,483	382
3/6/2021	13,591	394
3/7/2021	13,770	400
3/8/2021	14,104	419
3/9/2021	14,038	405
3/10/2021	13,961	408
3/11/2021	14,091	430
3/12/2021	13,994	413
3/13/2021	14,291	418
3/14/2021	14,630	422
3/15/2021	14,756	419
3/16/2021	14,705	436
3/17/2021	14,501	423
3/18/2021	14,352	437
3/19/2021	14,154	474
3/20/2021	14,215	495
3/21/2021	14,403	508
3/22/2021	14,388	533
3/23/2021	14,449	546
3/24/2021	14,295	541
3/25/2021	14,178	520
3/26/2021	14,028	551
3/27/2021	14,125	576
3/28/2021	14,327	580
3/29/2021	14,272	570
3/30/2021	14,310	569
3/31/2021	14,429	567
4/1/2021	14,307	577
4/2/2021	14,367	576
4/3/2021	14,582	602
4/4/2021	14,726	610
4/5/2021	15,013	631
4/6/2021	15,064	592
4/7/2021	15,358	594
4/8/2021	15,349	572
4/9/2021	15,061	556
4/10/2021	15,370	565
4/11/2021	15,502	590
4/12/2021	15,541	573
4/13/2021	15,427	561
4/14/2021	15,214	560
4/15/2021	15,237	535
4/16/2021	14,852	528
4/17/2021	15,135	527
4/18/2021	15,512	551
4/19/2021	15,763	552
4/20/2021	15,827	537
4/21/2021	15,881	532
4/22/2021	15,967	526
4/23/2021	15,981	512
4/24/2021	15,949	523
4/25/2021	16,392	554
4/26/2021	16,436	566
4/27/2021	16,492	544
4/28/2021	16,698	547
4/29/2021	16,784	536
4/30/2021	17,061	525
5/1/2021	17,344	532
5/2/2021	17,693	545
5/3/2021	18,065	552
5/4/2021	18,564	549
5/5/2021	18,606	555
5/6/2021	18,933	563
5/7/2021	19,213	570
5/8/2021	19,372	587
5/9/2021	19,770	631
5/10/2021	20,240	635
5/11/2021	20,669	602
5/12/2021	20,673	608
5/13/2021	20,641	642
5/14/2021	20,805	681
5/15/2021	20,966	699
5/16/2021	21,176	718
5/17/2021	21,468	756
5/18/2021	21,451	741
5/19/2021	21,471	738
5/20/2021	21,498	702
5/21/2021	21,609	732
5/22/2021	21,929	757
5/23/2021	22,277	782
5/24/2021	22,499	786

5/25/2021	22,770	801
5/26/2021	23,058	852
5/27/2021	23,267	876
5/28/2021	23,025	888
5/29/2021	23,262	919
5/30/2021	23,594	935
5/31/2021	23,961	988
6/1/2021	24,009	1,006
6/2/2021	24,024	975
6/3/2021	24,127	984
6/4/2021	24,584	1,034
6/5/2021	24,826	1,061
6/6/2021	25,232	1,133
6/7/2021	25,382	1,223
6/8/2021	25,744	1,318
6/9/2021	25,356	1,363
6/10/2021	25,388	1,440
6/11/2021	25,415	1,476
6/12/2021	25,828	1,494
6/13/2021	26,143	1,558
6/14/2021	26,484	1,645
6/15/2021	26,494	1,755
6/16/2021	26,514	1,841
6/17/2021	26,644	1,942
6/18/2021	26,275	1,957
6/19/2021	26,670	2,061
6/20/2021	27,019	2,108
6/21/2021	27,205	2,128
6/22/2021	27,380	2,309
6/23/2021	27,172	2,362
6/24/2021	27,116	2,382
6/25/2021	26,990	2,323
6/26/2021	27,094	2,354
6/27/2021	27,744	2,439
6/28/2021	28,008	2,437
6/29/2021	27,807	2,395
6/30/2021	27,359	2,339
7/1/2021	27,257	2,290
7/2/2021	27,180	2,260
7/3/2021	27,409	2,270
7/4/2021	27,950	2,295
7/5/2021	28,213	2,285
7/6/2021	28,432	2,245
7/7/2021	28,062	2,258
7/8/2021	27,972	2,274
7/9/2021	27,736	2,210
7/10/2021	27,943	2,193
7/11/2021	28,159	2,231
7/12/2021	28,015	2,140
7/13/2021	27,780	2,104
7/14/2021	27,489	2,075
7/15/2021	27,443	1,998
7/16/2021	26,875	1,900
7/17/2021	27,092	1,860
7/18/2021	27,329	1,826
7/19/2021	27,437	1,789
7/20/2021	27,013	1,792
7/21/2021	26,777	1,746
7/22/2021	26,251	1,709
7/23/2021	25,516	1,619
7/24/2021	25,617	1,591
7/25/2021	25,786	1,584
7/26/2021	25,862	1,574
7/27/2021	26,260	1,719
7/28/2021	26,147	1,785
7/29/2021	26,186	1,781
7/30/2021	25,909	1,825
7/31/2021	25,740	1,829
8/1/2021	25,869	1,903
8/2/2021	26,268	1,967
8/3/2021	26,030	1,933
8/4/2021	25,530	1,903
8/5/2021	25,546	1,976
8/6/2021	25,517	1,969
8/7/2021	25,642	1,949
8/8/2021	26,109	1,983
8/9/2021	26,221	1,937
8/10/2021	25,991	1,710
8/11/2021	25,821	1,693
8/12/2021	25,457	1,714
8/13/2021	25,584	1,880
8/14/2021	25,699	1,891
8/15/2021	26,158	1,921

8/16/2021	25,868	1,835
8/17/2021	25,941	2,018
8/18/2021	25,656	2,005
8/19/2021	25,475	1,957
8/20/2021	24,884	1,862
8/21/2021	24,871	1,856
8/22/2021	25,065	1,894
8/23/2021	24,851	1,874
8/24/2021	24,483	1,856
8/25/2021	24,203	1,825
8/26/2021	23,725	1,854
8/27/2021	23,185	1,811
8/28/2021	23,478	1,816
8/29/2021	23,772	1,828
8/30/2021	24,153	1,884
8/31/2021	24,105	1,878
9/1/2021	23,859	1,856
9/2/2021	23,623	1,885
9/3/2021	23,235	1,862
9/4/2021	23,392	1,851
9/5/2021	23,420	1,861
9/6/2021	23,498	1,862
9/7/2021	23,093	1,840
9/8/2021	22,729	1,784
9/9/2021	22,462	1,871
9/10/2021	22,057	2,004
9/11/2021	22,247	2,190
9/12/2021	22,569	2,218
9/13/2021	22,628	2,245
9/14/2021	22,568	2,416
9/15/2021	22,228	2,405
9/16/2021	22,510	2,643
9/17/2021	22,326	2,876
9/18/2021	22,493	3,319
9/19/2021	22,831	3,583
9/20/2021	23,885	4,226
9/21/2021	23,872	4,513
9/22/2021	24,233	4,919
9/23/2021	24,350	5,118
9/24/2021	23,866	5,029
9/25/2021	23,835	5,006
9/26/2021	23,833	4,881
9/27/2021	23,569	4,709
9/28/2021	23,034	4,469
9/29/2021	22,656	4,226
9/30/2021	21,980	3,797

ERO Custody Management Division

Population Counts from October 1, 2021 through October 31, 2021

Source: ICE Integrated Decision Support (IIDS), 11/08/2021

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

FY2022 data: IIDS as of 11/08/2021; EID data through 11/06/2021

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

ERO is currently appropriated sufficient funding for approximately 34,000 detention beds nationwide, to support its mission to enforce immigration law. 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 currently available bedspace inventory is only approximately 26,800 beds

Month	October
Monthly Average Daily Population (ADP)	22,806
Monthly Average Daily Population (ADP) of Haitian Detainees	2,567

Date	Daily Population	Haitian Daily Population
10/1/2021	21,576	3,580
10/2/2021	21,511	3,152
10/3/2021	21,867	3,085
10/4/2021	22,583	3,100
10/5/2021	22,456	3,003
10/6/2021	22,602	2,950
10/7/2021	22,269	2,846
10/8/2021	22,365	2,799
10/9/2021	22,404	2,751
10/10/2021	22,859	2,739
10/11/2021	22,938	2,723
10/12/2021	23,052	2,691
10/13/2021	22,908	2,653
10/14/2021	22,616	2,635
10/15/2021	22,309	2,525
10/16/2021	22,435	2,521
10/17/2021	22,487	2,526
10/18/2021	22,590	2,509
10/19/2021	22,540	2,346
10/20/2021	22,815	2,338
10/21/2021	22,894	2,282
10/22/2021	22,594	2,237
10/23/2021	22,887	2,230
10/24/2021	23,305	2,210
10/25/2021	23,846	2,187
10/26/2021	23,835	2,190
10/27/2021	23,652	2,174
10/28/2021	23,597	2,152
10/29/2021	23,663	2,150
10/30/2021	23,656	2,150
10/31/2021	23,868	2,147

ERO Custody Management Division

Population Counts from November 1, 2021 through November 31, 2021

Source: ICE Integrated Decision Support (IIDS), 12/06/2021

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

FY2022 data: IIDS as of 12/06/2021; EID data through 12/04/2021

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

ERO is currently appropriated sufficient funding for approximately 34,000 detention beds nationwide, to support its mission to enforce immigration law. 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 currently available bedspace inventory is only approximately 28,933 beds

Month	November
Monthly Average Daily Population (ADP)	23,244
Monthly Average Daily Population (ADP) of Haitian Detainees	1,736

Date	Daily Population	Haitian Daily Population
11/1/2021	23,995	2,122
11/2/2021	24,071	2,126
11/3/2021	23,860	2,053
11/4/2021	23,728	2,011
11/5/2021	23,397	1,861
11/6/2021	23,570	1,861
11/7/2021	23,941	1,866
11/8/2021	24,268	1,845
11/9/2021	24,426	1,823
11/10/2021	24,639	1,798
11/11/2021	24,654	1,796
11/12/2021	24,171	1,789
11/13/2021	24,319	1,790
11/14/2021	24,241	1,787
11/15/2021	24,576	1,764
11/16/2021	24,622	1,673
11/17/2021	24,272	1,648
11/18/2021	23,440	1,626
11/19/2021	22,696	1,630
11/20/2021	22,247	1,660
11/21/2021	22,443	1,670
11/22/2021	21,875	1,647
11/23/2021	21,317	1,620
11/24/2021	21,279	1,576
11/25/2021	21,453	1,576
11/26/2021	21,446	1,530
11/27/2021	21,687	1,541
11/28/2021	22,075	1,536
11/29/2021	22,327	1,504
11/30/2021	22,295	1,358

ERO LESA Statistical Tracking Unit

For Official Use Only (FOUO)/Pre-decisional

Texas v Biden (MPP) - Reporting Requirement - 12/10/2021

FY2022 YTD (10/1/2021 - 12/5/2021) ICE**Removals of Expedited Removals**

Case AOR	Fiscal Month of Removal Case			Total
	1-Oct	2-Nov	3-Dec	
Atlanta	69	49	3	121
Baltimore	3	-	-	3
Boston	3	2	-	5
Buffalo	5	3	-	8
Chicago	16	17	-	33
Dallas	93	72	2	167
Denver	15	34	3	52
Detroit	5	11	1	17
El Paso	59	72	3	134
Harlingen	218	108	10	336
Houston	116	106	2	224
Los Angeles	1	4	1	6
Miami	35	56	-	91
New Orleans	380	313	15	708
New York City	11	4	-	15
Newark	12	4	-	16
Philadelphia	1	1	-	2
Phoenix	103	117	2	222
Salt Lake City	36	13	-	49
San Antonio	120	124	-	244
San Diego	60	82	9	151
San Francisco	7	8	1	16
Seattle	26	6	-	32
St. Paul	5	3	-	8
Washington	4	7	-	11
Total	1,403	1,215	52	2,671

FY2022 YTD (10/1/2021 - 12/5/2021) ICE**Removals of Expedited Removals of Haitians**

Case AOR	Fiscal Month of Removal Case			Total
	1-Oct	2-Nov	3-Dec	
Atlanta	1	2	-	3
Baltimore	-	-	-	-
Boston	-	-	-	-
Buffalo	-	-	-	-
Chicago	-	-	-	-
Dallas	-	-	-	-
Denver	-	9	-	9
Detroit	-	-	-	-
El Paso	-	-	-	-
Harlingen	6	-	-	6
Houston	16	1	-	17
Los Angeles	-	-	-	-
Miami	18	13	-	31
New Orleans	68	176	-	244
New York City	-	-	-	-
Newark	-	-	-	-
Philadelphia	-	-	-	-
Phoenix	-	-	-	-
Salt Lake City	-	-	-	-
San Antonio	99	98	-	197
San Diego	1	11	-	12
San Francisco	-	-	-	-
Seattle	13	-	-	13
St. Paul	-	-	-	-
Washington	-	-	-	-
Total	222	310	-	532

ERO LESA Statistical Tracking Unit

For Official Use Only (FOUO)/Pre-decisional

Texas v Biden (MPP) - Reporting Requirement - 12/10/2021**FY2021 ICE Removals of Expedited Removals**

Case AOR	Fiscal Month of Removal Case												Total
	1-Oct	2-Nov	3-Dec	4-Jan	5-Feb	6-Mar	7-Apr	8-May	9-Jun	10-Jul	11-Aug	12-Sep	
Atlanta	109	39	21	16	14	26	22	25	21	39	69	66	467
Baltimore	3	-	1	-	4	1	2	-	-	1	-	-	12
Boston	3	2	1	1	2	1	1	3	3	5	-	3	25
Buffalo	3	4	5	2	3	5	1	1	3	-	6	5	38
Chicago	16	12	10	9	7	3	10	11	47	50	12	29	216
Dallas	88	60	59	77	52	90	70	50	97	117	111	61	932
Denver	15	15	22	26	31	30	30	23	3	33	57	11	296
Detroit	13	8	20	7	8	14	7	11	7	6	17	8	126
El Paso	85	50	64	51	37	65	68	65	61	68	72	80	766
Houston	67	42	31	60	44	68	49	75	127	111	90	166	930
HQ	1	-	-	1	-	-	1	1	-	-	-	-	4
Los Angeles	7	9	7	5	6	7	10	6	2	8	9	10	86
Miami	62	57	38	37	36	44	40	31	73	23	26	25	492
New Orleans	122	13	17	24	17	12	29	60	76	156	250	224	1,000
New York City	9	13	15	3	6	3	7	5	9	4	12	3	89
Newark	78	35	23	21	16	18	24	22	17	22	8	3	287
Philadelphia	16	3	9	10	7	14	6	7	8	5	7	7	99
Phoenix	94	92	60	68	63	49	45	83	92	147	128	79	1,000
Salt Lake City	5	9	5	9	2	10	8	21	52	80	67	41	309
San Antonio	125	89	132	123	123	143	160	166	106	205	247	203	1,822
San Diego	31	26	21	22	18	38	30	31	55	107	66	57	502
San Francisco	11	10	10	7	10	11	6	11	5	13	7	5	106
Seattle	50	6	4	1	4	3	1	3	3	14	11	5	105
St. Paul	2	6	4	5	2	1	7	1	2	-	2	7	39
Washington	4	1	3	4	2	1	4	-	2	4	2	9	36
Total	1,019	600	582	589	514	657	638	712	871	1,218	1,276	1,107	9,784

FY2021 ICE Removals of Expedited Removals of Haitians

Case AOR	Fiscal Month of Removal Case												Total
	1-Oct	2-Nov	3-Dec	4-Jan	5-Feb	6-Mar	7-Apr	8-May	9-Jun	10-Jul	11-Aug	12-Sep	
Atlanta	4	1	-	-	-	-	-	-	-	-	-	-	5
Baltimore	-	-	-	-	-	-	-	-	-	-	-	-	-
Boston	-	-	-	-	-	-	-	-	-	-	-	-	-
Buffalo	-	1	-	-	-	-	-	-	-	-	-	-	1
Chicago	-	-	-	-	-	-	-	-	-	-	-	-	-
Dallas	1	-	-	-	-	1	-	-	-	-	-	-	2
Denver	-	-	-	-	-	-	-	-	-	-	-	-	-
Detroit	-	-	-	-	-	-	-	-	-	-	1	-	1
El Paso	-	-	-	-	-	1	-	5	-	-	1	-	7
Houston	-	-	-	-	-	-	-	2	-	-	-	-	2
HQ	-	-	-	-	-	-	-	-	-	-	-	-	-
Los Angeles	-	-	-	-	-	-	-	-	-	-	-	-	-
Miami	6	10	2	-	2	2	2	-	-	-	-	-	24
New Orleans	1	-	-	2	-	1	2	12	-	1	-	1	20
New York City	-	-	-	-	-	-	-	-	-	-	-	-	-
Newark	1	-	-	-	-	-	-	-	-	1	-	-	2
Philadelphia	1	-	-	1	-	-	-	-	-	-	-	-	2
Phoenix	-	-	-	-	-	-	-	-	-	-	-	-	-
Salt Lake City	-	-	-	-	-	-	-	-	-	-	-	-	-
San Antonio	14	22	14	-	1	1	28	20	-	-	-	-	100
San Diego	-	-	-	-	-	1	11	-	-	-	-	-	12
San Francisco	-	-	-	-	-	-	-	-	-	-	-	-	-
Seattle	-	-	-	-	-	-	-	-	-	-	-	-	-
St. Paul	-	-	-	-	-	-	-	-	-	-	-	-	-
Washington	-	-	-	-	-	-	-	-	-	-	-	-	-
Total	28	34	16	3	3	7	43	39	-	2	2	1	178

ERO-LESA Statistical Tracking Unit

For Official Use Only (FOUO)/Pre-decisional

Texas v Biden (MPP) - Reporting Requirement - 12/10/2021

ICE Initial Book Ins in FY2022 YTD (10/1/2021 - 12/05/2021) with Arresting Agency of CBP	Fiscal Month of Initial Book In			
	1-Oct	2-Nov	3-Dec	Total
	26,008	28,489	4,631	59,128

ICE Initial Book Ins in FY2022 YTD (10/1/2021 - 12/05/2021) with Arresting Agency of CBP with a previously occurring USBP Apprehension or CBP OFO Encounter at the Southwest Border		Fiscal Month of Initial Book In			
		1-Oct	2-Nov	3-Dec	Total
		22,528	27,726	4,512	54,766
FY2022	12/05/2021 ICE Currently Detained	3,046	6,448	3,196	12,690
	FY2021 ICE Final Release	18,731	20,673	1,208	40,612
	<i>Bonded out</i>	253	106	-	359
	<i>Order of Recognizance</i>	10,454	14,751	1,168	26,373
	<i>Order of supervision</i>	405	329	10	744
	<i>Paroled</i>	7,619	5,487	30	13,136
	FY2021 ICE Removal	513	289	15	817

	Fiscal Month of Initial Book In			
ICE Initial Book Ins of Haitians in FY2022 YTD (10/1/2021 - 12/05/2021) with Arresting Agency of	1-Oct	2-Nov	3-Dec	Total
	487	323	70	880

	Fiscal Month of Initial Book In				
ICE Initial Book Ins of Haitians in FY2022 YTD (10/1/2021 - 12/05/2021) with Arresting Agency of CBP with a previously occurring USBP Apprehension or CBP OFO Encounter at the Southwest Border	1-Oct	2-Nov	3-Dec	Total	
		263	149	55	467
FY2022	12/05/2021 ICE Currently Detained	64	10	41	115
	FY2021 ICE Final Release	199	139	14	352
	<i>Bonded out</i>	-	4	-	4
	<i>Order of Recognizance</i>	131	133	14	278
	<i>Order of supervision</i>	3	1	-	4
	<i>Paroled</i>	65	1	-	66
	FY2021 ICE Removal	-	-	-	-

ERO-LESA Statistical Tracking Unit

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Texas v Biden (MPP) - Reporting Requirement - 12/10/2021

ICE Initial Book Ins in FY2021 (1/1/2021 - 9/30/2021) with Arresting Agency of CBP	Month of Initial Book In									
	4-Jan	5-Feb	6-Mar	7-Apr	8-May	9-Jun	10-Jul	11-Aug	12-Sep	Total
	3,022	4,924	10,076	14,787	19,785	23,098	22,739	29,378	27,067	154,876

ICE Initial Book Ins in FY2021 (1/1/2021 - 9/30/2021) with Arresting Agency of CBP with a previously occurring USBP Apprehension or CBP OFO Encounter at the Southwest Border		Month of Initial Book In									
		4-Jan	5-Feb	6-Mar	7-Apr	8-May	9-Jun	10-Jul	11-Aug	12-Sep	Total
		2,063	4,295	9,517	14,072	18,765	22,455	22,181	28,554	23,729	145,631
FY2021	10/08/2021 ICE Currently Detained	8	25	59	185	353	494	1,553	3,825	5,267	11,769
	FY2021 ICE Final Release	1,257	3,590	8,459	12,100	16,879	20,786	19,273	23,079	15,507	120,930
	<i>Bonded out</i>	350	613	865	1,734	914	531	547	225	37	5,816
	<i>Order of Recognizance</i>	503	2,051	5,548	7,160	10,525	13,274	12,225	17,614	11,110	80,010
	<i>Order of supervision</i>	165	219	417	461	511	643	356	324	170	3,266
	<i>Paroled</i>	239	707	1,629	2,745	4,929	6,338	6,145	4,916	4,190	31,838
	FY2021 ICE Removal	722	586	851	1,561	1,153	891	733	561	303	7,361

ICE Initial Book Ins in FY2021 (1/1/2021 - 9/30/2021) with Arresting Agency of CBP with a previously occurring USBP Apprehension or CBP OFO Encounter at the Southwest Border excluding those matched to a subsequent FY2021 Removal		Month of Initial Book In									
		4-Jan	5-Feb	6-Mar	7-Apr	8-May	9-Jun	10-Jul	11-Aug	12-Sep	Total
		1,341	3,709	8,666	12,511	17,612	21,564	21,448	27,993	23,426	138,270
FY2022 YTD (10/1/2021 - 12/05/2021)	12/05/2021 ICE Currently Detained	3	17	28	72	90	156	460	927	1,551	3,304
	FY2022 ICE Final Release	-	2	18	64	173	288	1,220	2,856	4,719	9,340
	<i>Bonded out</i>	-	-	1	6	10	43	387	563	574	1,584
	<i>Order of Recognizance</i>	-	1	4	17	25	15	194	307	1,269	1,832
	<i>Order of supervision</i>	-	1	8	20	25	62	81	95	101	393
	<i>Paroled</i>	-	-	5	21	113	168	558	1,891	2,775	5,531
	FY2022 ICE Removal	7	8	24	130	225	154	268	828	508	2,152

		Month of Initial Book In									
ICE Initial Book Ins of Haitians in FY2021 (1/1/2021 - 9/30/2021) with Arresting Agency of CBP		4-Jan	5-Feb	6-Mar	7-Apr	8-May	9-Jun	10-Jul	11-Aug	12-Sep	Total
		191	213	680	550	1,159	2,861	1,409	3,842	7,936	18,841

		Month of Initial Book In									
ICE Initial Book Ins of Haitians in FY2021 (1/1/2021 - 9/30/2021) with Arresting Agency of CBP with a previously occurring USBP Apprehension or CBP OFO Encounter at the Southwest Border		4-Jan	5-Feb	6-Mar	7-Apr	8-May	9-Jun	10-Jul	11-Aug	12-Sep	Total
		69	162	654	542	1,110	2,792	1,348	3,674	5,912	16,263
FY2021	10/08/2021 ICE Currently Detained	-	-	-	-	2	1	1	833	1,411	2,248
	FY2021 ICE Final Release	63	127	625	540	1,102	2,788	1,345	2,769	3,299	12,658
	<i>Bonded out</i>	3	13	19	5	7	17	1	-	-	65
	<i>Order of Recognizance</i>	48	66	464	418	943	1,876	839	2,034	1,859	8,547
	<i>Order of supervision</i>	3	10	56	54	57	262	55	58	28	583
	<i>Paroled</i>	9	38	86	63	95	633	450	677	1,412	3,463
	FY2021 ICE Removal	3	35	26	2	-	1	-	1	-	68

		Month of Initial Book In									
ICE Initial Book Ins in FY2021 (1/1/2021 - 9/30/2021) with Arresting Agency of CBP with a previously occurring USBP Apprehension or CBP OFO Encounter at the Southwest Border excluding those matched to a subsequent FY2021 Removal		4-Jan	5-Feb	6-Mar	7-Apr	8-May	9-Jun	10-Jul	11-Aug	12-Sep	Total
		66	127	628	540	1,110	2,791	1,348	3,673	5,912	16,195
FY2022 YTD (10/1/2021 - 12/05/2021)	12/05/2021 ICE Currently Detained	-	-	-	-	2	-	1	233	674	910
	FY2022 ICE Final Release	-	-	-	-	1	2	2	215	934	1,154
	<i>Bonded out</i>	-	-	-	-	-	-	-	18	58	76
	<i>Order of Recognizance</i>	-	-	-	-	-	-	1	21	380	402
	<i>Order of supervision</i>	-	-	-	-	-	1	-	12	31	44
	<i>Paroled</i>	-	-	-	-	1	1	1	164	465	632
	FY2022 ICE Removal	-	-	-	-	-	-	-	395	116	511

ERO-LESA Statistical Tracking Unit

For Official Use Only (FOUO)/Pre-decisional

Texas v Biden (MPP) - Reporting Requirement - 12/10/2021

Footnotes

FY2022 ICE Initial Book Ins data are updated through 12/05/2021 (IIDS run date 12/06/2021; EID as of 12/05/2021).

ICE Currently Detained National Docket data are a snapshot as of 12/05/2021 (IIDS run date 12/06/2021; EID as of 12/05/2021).

FY2022 ICE Final Releases data are updated through 12/05/2021 (IIDS run date 12/06/2021; EID as of 12/05/2021).

FY2022 ICE Removals data are updated through 12/05/2021 (IIDS run date 12/06/2021; EID as of 12/05/2021).

FY2021 ICE Book Ins data is historical and will remain static.

FY2021 ICE Currently Detained National Docket (snapshot as of 10/08/2021) is historical and will remain static.

FY2021 ICE Final Releases data is historical and will remain static.

FY2021 ICE Removals data is historical and will remain static.

USBP Apprehensions FY14 - FY22 YTD uploaded to IIDS on 12/07/2021, with FY22 apps through 12/06/2021.

Office of Field Operations (OFO) Southwest Border Operations (SBO) Enforcement Encounters Report with Subject-level details for FY22TD through 12/04/2021.

USBP Apprehensions FY14 - FY22 YTD uploaded to IIDS on 11/01/2021, with FY22 apps through 10/29/2021.

Office of Field Operations (OFO) Southwest Border Operations (SBO) Enforcement Encounters Report with Subject-level details for FY22TD through 10/30/2021.

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 5,571 ICE Initial Book Ins in FY2021 pertinent to this litigation could not be matched to an ICE Current Detention (snapshot as of 10/08/2021), FY2021 ICE Final Release or FY2021 ICE Removal occurring after the ICE Initial Book In date.

ICE Initial Book Ins in FY2021 pertinent to this litigation excluding those matched with a subsequent FY2021 Removal were then run against FY2022 YTD ICE Currently Detained, ICE Final Releases, and ICE Removals. The person record for 12,620 ICE Initial Book Ins in FY2021 pertinent to this litigation could not be matched to an ICE Current Detention (snapshot as of 12/05/2021), FY2022 ICE Final Release or FY2022 ICE Removal occurring after the ICE Initial Book In date. Note, the person record for 120,823 ICE Initial Book Ins in FY2021 pertinent to this litigation remain matched to a subsequent FY2021 Final Release.

The person record for 647 ICE Initial Book Ins in FY2022 pertinent to this litigation could not be matched to an ICE Current Detention (snapshot as of 12/05/2021), FY2022 ICE Final Release or FY2022 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 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.