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OFFICE OF INSPECTOR GENERAL

**DHS Does Not Have
Assurance That All
Migrants Can be Located
Once Released into the
United States
(REDACTED)**

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Homeland
Security

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September 6, 2023

OIG-23-47



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OFFICE OF INSPECTOR GENERAL
Department of Homeland Security

Washington, DC 20528 / www.oig.dhs.gov

September 6, 2023

MEMORANDUM FOR: The Honorable Alejandro Mayorkas
Secretary
Department of Homeland Security

Corey A. Price
Executive Associate Director
Enforcement and Removal Operations

Jason Owens
Chief
United States Border Patrol

FROM: Joseph V. Cuffari, Ph.D. **JOSEPH V**
Inspector General **CUFFARI**

Digitally signed by
JOSEPH V CUFFARI
Date: 2023.08.29
16:26:26 -04'00'

SUBJECT: *DHS Does Not Have Assurance That All Migrants Can
be Located Once Released into the United States – ~~Law
Enforcement Sensitive~~*

Attached for your action is our final report, *DHS Does Not Have Assurance That All Migrants Can be Located Once Released into the United States – ~~Law Enforcement Sensitive~~*. We incorporated the formal comments provided by your office.

The report contains four recommendations aimed at improving the controls validating migrants' post-release U.S. addresses. Your office did not concur with all four recommendations. Based on information provided in your response to the draft report, we consider all four recommendations open and unresolved. As prescribed by the Department of Homeland Security Directive 077-01, *Follow-Up and Resolutions for the Office of Inspector General Report Recommendations*, within 90 days of the date of this memorandum, please provide our office with a written response that includes your (1) agreement or disagreement, (2) corrective action plan, and (3) target completion date for each recommendation. Also, please include responsible parties and any other supporting documentation necessary to inform us about the current status of the recommendation. Until your response is received and evaluated, the recommendations will remain open and unresolved.

Please send your response to OIGAuditsFollowup@oig.dhs.gov.

www.oig.dhs.gov

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Consistent with our responsibility under the *Inspector General Act*, we will provide copies of our report to congressional committees with oversight and appropriation responsibility over the Department of Homeland Security. We will post a redacted version of the report on our website.

Please contact me with any questions, or your staff may contact Kristen Bernard, Acting Deputy Inspector General for Audits, at (202) 981-6000.

Attachment



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DHS OIG HIGHLIGHTS

DHS Does Not Have Assurance That All Migrants Can be Located Once Released into the United States

September 6, 2023

Why We Did This Audit

DHS ensures the safety and security of the Nation's borders while managing a safe, orderly, and humane immigration system. DHS released more than 1 million migrants into the United States from March 2021 through August 2022. Prior to releasing each migrant, DHS personnel are required to obtain an address when possible. We conducted this audit to determine the extent to which DHS accurately and effectively tracks migrants' post-release addresses in the United States.

What We Recommend

We made four recommendations to improve the controls validating migrants' post-release U.S. addresses.

For Further Information:

Contact our Office of Public Affairs at (202) 981-6000, or email us at DHS-OIG.OfficePublicAffairs@oig.dhs.gov

What We Found

The Department of Homeland Security has limited ability to track migrants' post-release addresses accurately and effectively. U.S. Border Patrol (USBP) cannot always obtain and does not always record migrant addresses, and U.S. Immigration and Customs Enforcement (ICE) does not always validate migrant addresses prior to migrant release into the United States. Based on our review of 981,671 migrant records documented by USBP from March 2021 through August 2022, addresses for more than 177,000 migrant records were either missing, invalid for delivery, or not legitimate residential locations. In addition to migrants not providing U.S. release addresses, DHS faced several challenges hindering its ability to record and validate migrant addresses as required. USBP did not accurately and effectively capture valid addresses, in part due to the large number of migrants apprehended, as well as its limited coordination with ICE and its limited authority to administer compliance with address requirements. ICE also did not have adequate resources to validate and analyze migrants' post-release addresses.

ICE must be able to locate migrants to enforce immigration laws, including to arrest or remove individuals who are considered potential threats to national security. The notable percentage of missing, invalid for delivery, or duplicate addresses on file means DHS may not be able to locate migrants following their release into the United States. As the Department continues to apprehend and release tens of thousands of migrants each month, valid post-release addresses are essential.

DHS Response

The Department did not concur with all four recommendations.

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Abbreviations

ATD	Alternatives to Detention
CBP	U.S. Customs and Border Protection
C.F.R.	Code of Federal Regulations
e3	e3 system
EARM	ENFORCE Alien Removal Module
ERO	Enforcement and Removal Operations
ICE	U.S. Immigration and Customs Enforcement
NTA	Notice to Appear
NTR	Notice to Report
USBP	U.S. Border Patrol
U.S.C.	United States Code
USPS	United States Postal Service



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Background

The Department of Homeland Security has primary responsibility for securing U.S. borders from illegal activity and regulating travel and legal trade. Within DHS, U.S. Customs and Border Protection's (CBP) mission is to safeguard U.S. borders, and specifically, U.S. Border Patrol (USBP) enforces laws preventing illegal immigration by detecting and apprehending migrants caught crossing the border between legal ports of entry. USBP is also responsible for the short-term detention of migrants. USBP is staffed with more than 16,000 agents who patrol the Southwest border and process migrants each day.

From March 2021 through August 2022, USBP apprehended more than 1.3 million¹ migrants illegally entering the United States across the Southwest border under the provisions of Title 8.² According to the *Immigration and Nationality Act*,³ CBP has the authority to release certain noncitizens into the United States on a case-by-case basis for urgent humanitarian reasons.⁴ USBP may release migrants for removal proceedings using various options, including, but not limited to:

- Notice to Appear (NTA) with Release on Own Recognizance.⁵ USBP may issue a migrant an NTA, which may be filed with the immigration court, to begin removal or admissibility determinations.⁶ During our audit period, from March 2021 through August 2022, USBP released more than 430,000 migrants using NTAs.
- Prosecutorial discretion.⁷ USBP had discretion to release migrants in the United States with a Notice to Report (NTR) to a U.S. Immigration and

¹ This figure represents single adult and family unit USBP apprehensions.

² See 8 United States Code (U.S.C.) § 1182 – *Inadmissible aliens*. An alien present in the United States without being admitted or paroled, or who arrives in the United States at any time or place other than as designated by the Attorney General, is inadmissible.

³ See 8 U.S.C. § 1182(d)(5); 8 Code of Federal Regulations (C.F.R.) § 212.5 – *Parole of aliens into the United States*. The Secretary of Homeland Security has the authority to continue an alien in custody or grant parole under Section 212(d)(5)(A) of the *Immigration and Nationality Act*.

⁴ On occasion, migrants can also be released for significant public benefit such as supporting law enforcement cases.

⁵ See 8 C.F.R. § 1239.1 – *Notice to appear*. Every removal proceeding conducted under section 240 of the Act (8 U.S.C. 1229a) to determine the deportability or inadmissibility of an alien begins with filing a notice to appear with the immigration court. For Orders of Release on Recognizance, DHS has the discretion to release noncitizens from detention.

⁶ If an NTA is not filed with the immigration court, the migrant has no requirement to appear in court and their removability cannot be determined.

⁷ USBP Former Chief, Rodney Scott, issued a memorandum dated March 19, 2021, *Prosecutorial Discretion*, which authorized USBP to exercise discretion to release persons,



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Customs Enforcement (ICE) office near their intended destination within 60 days of release. During our audit period, USBP released nearly 95,000 migrants using this release method.

- Parole Plus Alternatives to Detention (Parole + ATD).⁸ USBP released migrants into the United States using Parole + ATD, which mostly included ATD tracking. ICE manages ATD, which can include electronic devices such as ankle bracelets and smartphones intended to ensure compliance with release conditions, court hearings, and final orders of removal. During our audit period, USBP released more than 318,000 migrants on Parole + ATD. ICE's ATD program had more than 300,000 migrants actively enrolled at the end of FY 2022.⁹

Using these three authorities, DHS released more than 1 million¹⁰ migrant individuals and families into the United States from March 2021 through August 2022. DHS personnel obtain and use migrants' destination addresses to track and locate migrants once released into the United States. For example, ICE relies on migrant-provided information to track migrants, send documentation, and determine which ICE field office migrants will check into while awaiting immigration proceedings. More specifically, ICE Enforcement and Removal Operations (ERO) must be able to contact or locate migrants who are subject to final orders of removal, are fugitive removals,¹¹ or agree to voluntary departure from the United States.

In March 2021, USBP agents were instructed¹² to obtain a U.S. destination address, also referred to as a post-release address, "to the extent the subjects know it." This guidance also instructs USBP to document the address in its

excluding unaccompanied children, who were in the United States illegally, without placing them in removal proceedings. Under prosecutorial discretion, USBP issued a migrant an NTR, also referred to as a "Call-in Letter," and a Form I-385, which required the migrant to report to an ICE office within 60 days of release.

⁸ In November 2021, USBP issued a memorandum, *Parole Plus ATD*, formally ceasing the use of prosecutorial discretion and NTRs at all sectors across the southern border and instructing agents in authorized sectors to use the Parole Plus ATD processing pathway. Similar to NTRs, Parole Plus ATD authorizes USBP to release migrants, on ATD, into the United States without initiating removal proceedings.

⁹ The Department of Homeland Security's Parole + ATD memorandum was vacated by court order in March 2023. See *Florida v. U.S.*, 3:21-cv-01066-TKW-ZCB (N.D. Fla. 2023).

¹⁰ ICE released more than 370,000 migrants during our audit timeframe.

¹¹ Fugitive removals include migrants wanted for a crime in another country regardless of the severity of the crime and generally involve serious crimes, including murder, rape, sexual abuse of a minor, drug offenses, alien smuggling, fraud, or theft.

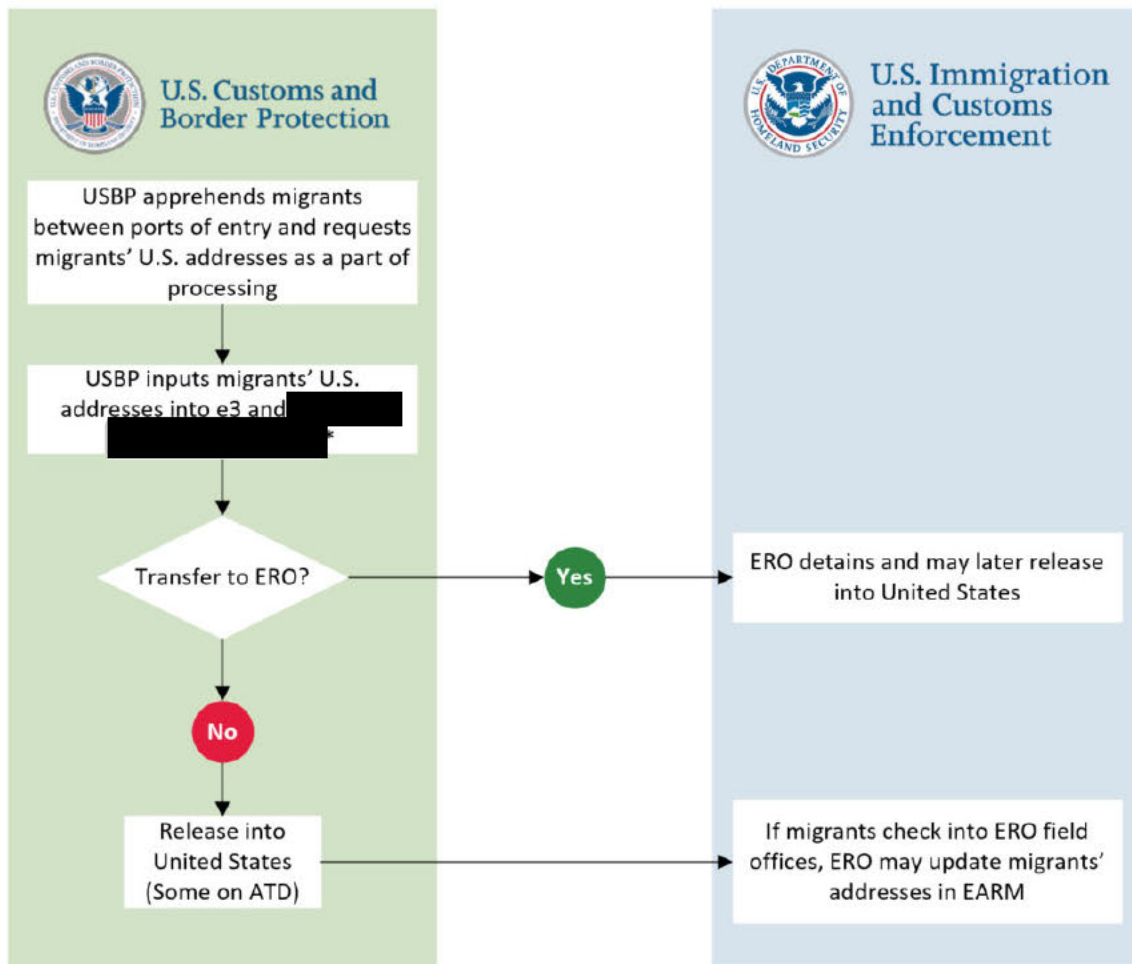
¹² According to an email from the Acting Deputy Chief Law Enforcement Operations Directorate at USBP on March 23, 2021, USBP agents must obtain an address to the extent the subject knows it.



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system of record¹³ and to coordinate and share migrant information with ERO to track migrants throughout the immigration process. ICE has also issued procedures¹⁴ for its officers to validate migrant addresses, captured by ICE, using the United States Postal Service’s (USPS) website and, if necessary, update their system of record¹⁵ with the correct address prior to release. Figure 1 outlines the process¹⁶ used by USBP and ERO to obtain and verify post-release addresses when processing migrants.

Figure 1. Overview of Migrant and Address Processes Post Apprehension



Source: DHS Office of Inspector General-created based on CBP and ICE data

* ERO may validate the USBP-captured U.S. addresses prior to USBP release if ERO is notified of the release.

¹³ USBP uses the e3 system (e3) as its system of record for processing apprehended migrants.

¹⁴ ICE’s *ENFORCE Alien Removal Module (EARM) Training Manual*, July 2021.

¹⁵ ICE uses EARM to enter migrant case data, such as apprehension details, migrant name, and U.S. point of contact.

¹⁶ This figure does not include all potential processes and pathways for migrants.



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In September 2022, we reported¹⁷ on the importance of DHS personnel documenting U.S. addresses where migrants plan to reside after release from DHS custody. However, we found that USBP did not always document migrant addresses prior to release, which hindered tracking, reporting, and various enforcement activities. We reported USBP only recorded an address about 65 percent of the time from March through June 2021. Additionally, 29 percent (32,092 of 111,990) of migrants released using prosecutorial discretion did not report to ICE within 60 days, as required by their release terms, from March through September 2021. We conducted this audit to follow up on this matter, to determine the extent to which DHS accurately and effectively tracks migrants' post-release addresses in the United States.

Results of Audit

DHS has limited ability to track migrants' post-release addresses accurately and effectively. USBP cannot always obtain and does not always record migrant addresses, and ICE does not always validate migrant addresses prior to migrant release into the United States. Based on our review of 981,671 migrant records documented by USBP from March 2021 through August 2022, addresses for more than 177,000 migrant records were either missing, invalid for delivery,¹⁸ or not legitimate residential locations. In addition to migrants not providing U.S. release addresses, DHS faced several challenges hindering its ability to record and validate migrant addresses as required. USBP did not accurately and effectively capture valid addresses, in part due to the large number of migrants apprehended, as well as its limited coordination with ICE and its limited authority to administer compliance with address requirements. ICE also did not have adequate resources to validate and analyze migrants' post-release addresses.

On average, DHS releases more than 60,000 migrants into the United States each month. ICE must be able to locate migrants to enforce immigration laws, including to arrest or remove individuals who are considered potential threats to national security. The notable percentage of missing, invalid, or duplicate addresses on file means DHS may not be able to locate migrants following their release into the United States. As the Department continues to apprehend and release tens of thousands of migrants each month, valid post-release addresses are essential.

¹⁷ *DHS Technology Systems Do Not Effectively Support Migrant Tracking at the Southwest Border*, OIG 22-66, September 2022.

¹⁸ We refer to addresses invalid for delivery as "invalid" and "undeliverable" throughout this report.



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USBP Did Not Receive and Record, and ICE Did Not Validate, All Addresses Prior to USBP Releasing Migrants into the United States

USBP did not always obtain valid destination addresses for all migrants processed from March 2021 through August 2022. Based on our review of 981,671 migrant records documented by USBP from March 2021 through August 2022,¹⁹ more than 177,000 migrant records were either missing, invalid, or not legitimate residential locations. USBP did not accurately and effectively capture valid addresses because DHS does not have sufficient coordination or authority to administer compliance with address requirements. Further, ICE did not always validate addresses for migrants prior to release into the United States because it did not have the resources necessary to validate and analyze migrants' post-release addresses.

USBP Did Not Always Receive and Record Valid Addresses for Migrants Released into the United States

According to CBP's internal 2021 guidance,²⁰ USBP agents are "required to populate the U.S. address field," [REDACTED] prior to releasing each migrant.²¹ This guidance instructs USBP to type migrants' intended destinations into USBP's system of record, e3, [REDACTED]

[REDACTED] A similar guidance document²² instructs USBP agents to type migrants' intended destination into the Find Address Field (within e3), and a validated address will appear. Although not required, we observed some USBP agents call the migrant's point of contact to verify the U.S. address provided by migrants.

USBP's ability to obtain an address is contingent on migrants providing valid addresses, which is not always possible.²³ Numerous USBP and ICE officials we met with stated some migrants do not have an address to provide when

¹⁹ 981,671 is the number of records associated with more than 845,000 migrants USBP released out of its custody from March 19, 2021, through September 8, 2022. The number of records associated with migrants that USBP released from September 1, 2022, through September 8, 2022, is less than 1 percent of the total records.

²⁰ Internal CBP guidance, *Capturing Destination Address for subjects released with NTR*, June 4, 2021.

²¹ See footnote 7, which applies during our audit period but was later superseded by Memorandum, *Policy on the Use of Parole Plus Alternatives to Detention to Decompress Border Locations*, July 20, 2022.

²² August 5, 2021, *Family Unit Parole with ATD initiative*.

²³ Prior encounter information for migrants apprehended by USBP may be used to retrieve previously documented U.S. addresses.



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crossing the border. Others provide handwritten addresses that may be in another language, invalid, or illegible.

More than **54,000**
address records
were blank.

As part of this audit, we reviewed 981,671²⁴ migrant records that USBP obtained from migrants and entered into e3 from March 2021 through August 2022.²⁵ Of these, 6 percent, or 54,663 records contained no address and most records without addresses (more than 54,000) were blank.²⁶ In September 2022, USBP issued guidance via email to instruct agents to enter “FAILED TO PROVIDE ADDRESS” into e3. Almost half of the records with no address obtained occurred in 6 months, from March through August 2021, under prosecutorial discretion releases. Figure 2 details missing addresses by release type.

²⁴ We obtained 981,671 migrant release address records from USBP’s e3 system. Of this total record count, we identified 728,747 records associated with migrants who each had only one address in e3. This total also includes 252,924 address records associated with 116,960 migrants with more than one address in the system of record, further complicating tracking. We tested all records together as we were unable to determine which address the migrant planned to travel to if multiple addresses were listed.

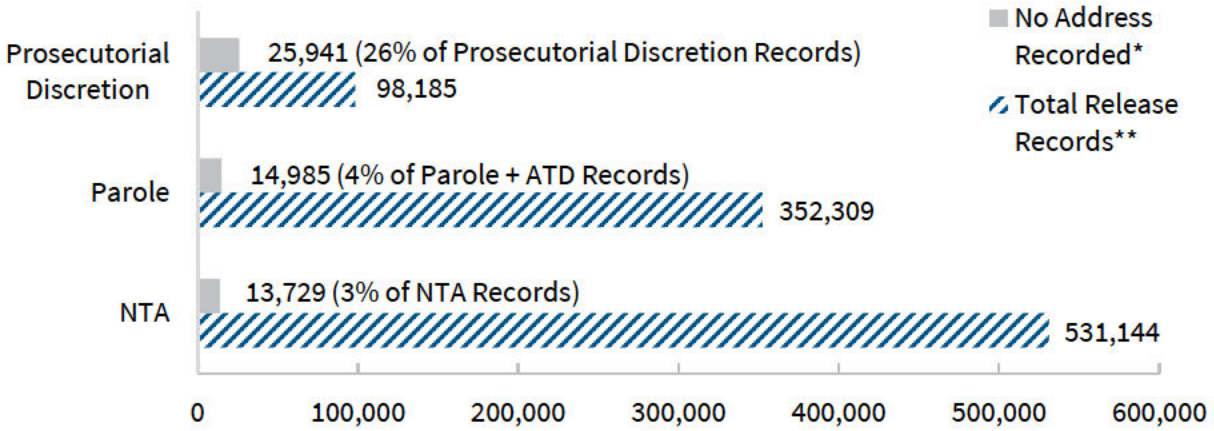
²⁵ All of the 981,671 migrant records tested and included in the report are associated with migrants apprehended and subsequently released by USBP; the report does not include migrants released by ICE.

²⁶ We considered no address as blank entries, “-”, and other obvious invalid addresses such as “111 DID NOT PROVIDE” as invalid addresses that could not receive mail.



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Figure 2. Of 981,671 U.S. Release Records, 6% Were Missing Addresses



Source: DHS OIG analysis of USBP address release data from March 2021 – August 2022

* The total addresses not recorded includes eight records associated with other release types, which are not reflected in the figure.

** The total release records do not include 33 records, which are associated with other release types.

In addition, 26,093 of 981,671 addresses were not valid for mail delivery of court documents or for tracking purposes. Specifically, about 3 percent of the addresses received and recorded by USBP agents were undeliverable²⁷ based on Informatica Address Verification.²⁸ Examples of undeliverable addresses in e3 include “Corona Ave, Corona, NY 11368” and “APT 3 Worcester, MA 01604.”

We also identified more than 97,000 apartment addresses with no unit numbers. Based on USPS, these addresses are considered deliverable, but because the addresses did not contain unit numbers, actual delivery is unlikely. A supervisory Deportation and Detention officer stated addresses without specific apartment numbers are “unusable.”

In other instances, we identified non-existent and uninhabitable addresses. The audit team did not test release addresses to identify uninhabitable locations. Of the 28 addresses visited, more than 10 were uninhabitable and we identified more than 20 other uninhabitable locations through data

²⁷ See USPS OIG, *Undeliverable as Addressed Mail*, MS-AR-14-006, July 14, 2014. USPS defines “undeliverable mail” as mail it cannot deliver to the address on the mail piece because of an incorrect or illegible address.

²⁸ We used Informatica Address Verification software to clean, standardize, and match migrant release address data to determine deliverability. We could not match the migrant addresses to a valid address using the address testing service. It is possible the USPS could overcome the address errors we identified and deliver the mail. However, the software was not able to match or resolve the provided migrant release addresses to a valid deliverable address.



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analysis. Figure 3 contains images of uninhabitable migrant release addresses we observed during site visits. We also attempted to locate two addresses in Maryland that did not exist on online maps and confirmed each location was non-existent. USBP agents recorded one of these non-existent addresses 50 different times during a 6-month period.

Figure 3. U.S. Release Addresses Observed



Source: DHS OIG observation photos from Georgia, Illinois, Maryland, and New Jersey

Migrants may share addresses with one another to help ensure they will be released into the country. USBP and ICE personnel at multiple locations affirmed migrants often share commonly used addresses and may reuse addresses based on extended family all going to the same location or based on information from potential smugglers. Based on our analysis, 80 percent (790,090 of 981,671) of addresses were recorded at least twice during an 18-month period, some of which were provided by families upon release. More than 780 of these addresses were used more than 20 times. These families provided addresses that may be unsafe or have overcrowded living conditions based on multiple migrants using the same address. For example, DHS released 7 families, comprising 12 adults and 17 children, to a single-family 3-bedroom New Jersey home in a 70-day period.



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We also identified 7 addresses that were recorded more than 500 times, some of which were other Federal agency locations and charities. USBP agents may input charity addresses. However, charities only serve as temporary residences, not migrants' final destinations. Based on our analysis of USBP release data from March 2021 through August 2022, we identified at least 8,600 migrant release addresses associated with 25 charities. In these situations, migrants must update²⁹ any address changes³⁰ once they reach their final destination in the United States.

According to an ICE official, the U.S. Department of Justice's Executive Office for Immigration Review, which is responsible for conducting migrants' immigration court proceedings, advised against using charity addresses because legal documents should not be sent to locations where migrants temporarily reside. ICE personnel also stated they discourage USBP from using charity addresses because charities do not always share updated migrant addresses with ICE. In addition, the same ICE personnel stated some charities do not always forward migrants' mail. Agents at one USBP location noted they do not use charity addresses as migrants' U.S. point of contact because doing so creates tracking issues for ICE post-release.

ICE Did Not Always Validate Migrant Addresses Prior to USBP's Release into the United States

After USBP and ICE release migrants from custody, ICE is responsible for managing migrant cases. ICE guidance³¹ recommends officers validate ICE captured migrant addresses using USPS' website and, if necessary, update the migrant's address in its official system, EARM, prior to release.

ICE's method to validate U.S. addresses varied by location. For example, we noticed the following variations by location:

- ICE personnel validated some U.S. addresses using open-source websites, such as USPS and online search engines. Based on this level of analysis, some ERO deportation officers identified addresses of parks and commercial retail stores migrants listed as the location at which they would reside.

²⁹ U.S. Department of Justice Executive Office for Immigration Review EOIR-33/IC, *Change of Address/Contact Information Form, Immigration Court*. The information on this form is required by 8 U.S.C. § 1229(a)(1)(F)(ii) and 8 C.F.R § 1003.15(d)(2) to notify the immigration court and the Office of the Principal Legal Advisor at ICE of any change(s) of address or phone number.

³⁰ For migrants released on Prosecutorial Discretion or Parole + ATD, migrants must notify ICE of their updated U.S. address.

³¹ ICE's *EARM Training Manual*, July 2021.



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- ICE personnel did not validate some U.S. addresses provided by migrants. Because of limited time and resources at one location, ERO deportation officers did not perform any additional analysis of addresses and relied solely on USBP's validation [REDACTED]
- ICE personnel conducted more in-depth analysis to validate some addresses, such as searching DHS databases. Using additional analysis, one ICE deportation officer identified more than 100 migrants who used one individual's contact information as their point of contact in the United States.

USBP's and ICE's Inability to Capture and Validate Migrant Addresses Caused by Multiple Factors

In addition to migrants not having U.S. release addresses, DHS faced several challenges hindering its ability to record and validate migrant addresses as required. USBP agents were not able to fully validate addresses, given the large number of migrants apprehended each day and their limited coordination with ICE. DHS personnel were challenged by limited monitoring and authority over migrants who provide invalid addresses, and staff did not have adequate policies or resources to take further action.

Sectors With the Greatest Volume of Migrants had the Greatest Number of Errors

According to guidance, USBP agents should validate addresses provided, [REDACTED] [REDACTED]. However, during our interviews, agents stated they did not record and validate all addresses because the sectors had to focus more on transferring migrants out of custody within legal time limits,³³ dictated by policy, during upticks in illegal border crossings. As previously stated, from March 2021 through August 2022, USBP apprehended more than 1.3 million migrants illegally entering the United States at the Southwest border. This equates to between 43,000 to 106,000

³² USBP policy directs agents to validate addresses via e3. [REDACTED]

³³ CBP's *National Standards on Transport, Escort, Detention, and Search*, October 2015, states detainees should generally not be held for longer than 72 hours in CBP hold rooms or holding facilities. Every effort must be made to hold detainees for the least amount of time required for their processing, transfer, release, or repatriation as appropriate and as operationally feasible. See also 6 U.S.C. § 211(m)(1)-(3).

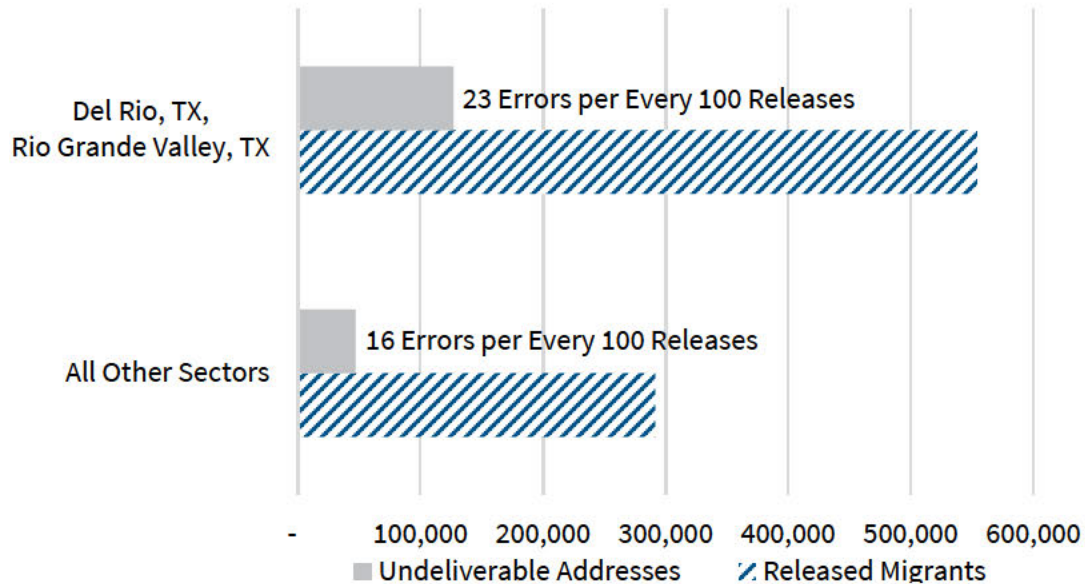


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apprehensions per month, or more than 2,000 per day.³⁴ Almost every USBP sector was at capacity during the time of this audit. Therefore, USBP needed to release migrants out of custody as quickly as possible.

The highest rates of undeliverable addresses occurred at the USBP sectors that apprehended some of the largest number of migrants from March 2021 through August 2022. For example, Del Rio and Rio Grande Valley sectors processed and released more than 550,000 migrants and had higher rates of invalid addresses than other sectors. Figure 4 details the USBP sectors with the greatest number of migrant releases and the number of invalid addresses.

Figure 4. Undeliverable Addresses and Total Migrant Releases by USBP Sector, March 2021–August 2022



Source: DHS OIG analysis of USBP address release data from March 2021 – August 2022

We also noted the number of missing addresses increased across all sectors during two separate migrant surges that occurred from March through August 2021, and from February through March 2022:³⁵

³⁴ This daily number is for Title 8 apprehensions only and does not include other USBP migrant encounters, which may further exacerbate issues.

³⁵ Collectively, USBP sectors' cumulative number of missing addresses increased from March through August 2021 and from February through March 2022. However, missing address trends varied by sector.

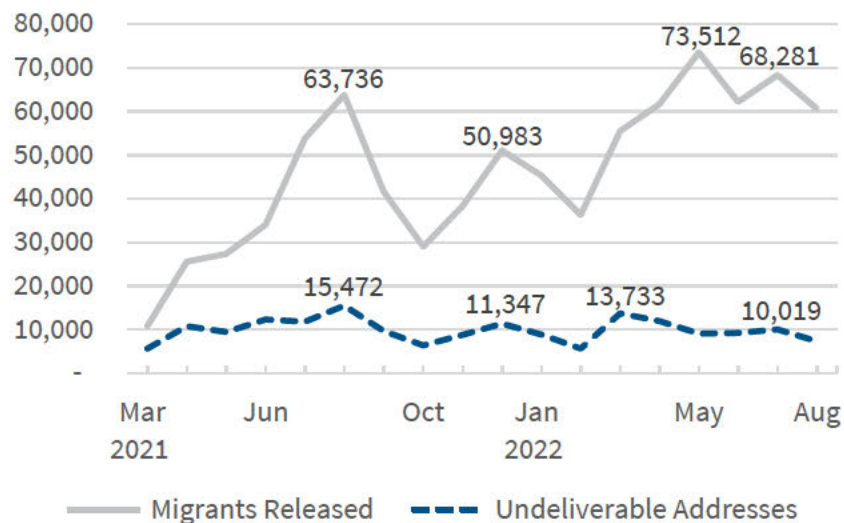


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- March through August 2021. The total number of migrants encountered at the entire Southwest border increased between 169 and 428 percent, respectively, compared to February 2021 rates. During the same period more than 30,000 migrants were released without an address.
- February through March 2022. The number of migrant apprehensions began to surge again from 56,000 in February 2022 to 87,000 in March 2022. During this period, the number of migrants released without an address also increased from more than 250 in February 2022 to more than 7,200 in March 2022.

As we noted in a 2022 report,³⁶ one ICE official noted an increase in migrant flow led USBP personnel to focus on speed rather than quality when entering migrant data. Figure 5 demonstrates the total undeliverable addresses, including no address, invalid addresses, and missing apartment numbers, identified compared to the total number of migrants released from March 2021 through August 2022.

Figure 5. Migrants Released by USBP and Undeliverable Addresses Identified March 2021–August 2022



Source: DHS OIG analysis of USBP address release data from March 2021 – August 2022

³⁶ *DHS Technology Systems Do Not Effectively Support Migrant Tracking at the Southwest Border*, OIG 22-66, September 2022.



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Limited Coordination Between USBP and ERO

Address problems persisted throughout our fieldwork due to continued coordination challenges between USBP and ICE. Release terms require USBP to coordinate with ICE prior to migrant release into the United States for items such as COVID-19 testing and ATD. There is no requirement for coordination regarding U.S. addresses prior to release, even if the migrant does not have an address upon release. USBP did not always notify and coordinate with ICE³⁷ to validate addresses prior to migrant releases into the United States. Personnel at multiple ICE locations stated USBP released migrants without notifying ICE of the release. Therefore, ICE was unable to validate all migrant addresses captured prior to release.

Migrants may provide USBP the address to a fast-food restaurant prior to release, and ERO would not know where the migrant is located. – ERO Headquarters Official

Although ICE lists validating an address as a best practice, officers are not required by a policy to validate addresses prior to release. ICE is also not required by a policy to identify and report missing migrant addresses, invalid addresses, or potential human smuggling concerns. Additionally, ICE Headquarters does not consistently analyze migrant address data to identify errors or trends related to non-residential and recurring addresses. To mitigate some of these challenges, according to an ICE Headquarters official, ICE is implementing an information technology service³⁸ to validate and standardize migrants' post-release addresses recorded by ICE. However, this system enhancement was slated for release in March 2023 and will not include an analysis of all release records or standardization for USBP entered addresses.

Limited Authority for Verifying Invalid Migrant Addresses

According to CBP's *National Standards on Transport, Escort, Detention, and Search*, October 2015, detainees should generally not be held for longer than 72 hours in CBP hold rooms or holding facilities.³⁹ USBP guidance⁴⁰ recognizes not all migrants have a U.S. release address prior to release. USBP agents also stated they must release migrants even if the migrant has no address, or the U.S. address provided has been used multiple times. Once a

³⁷ According to USBP officials, USBP may not coordinate with ICE before releasing family units or migrants with medical conditions, among other reasons.

³⁸ ICE's Office of the Chief Information Officer expects the service to standardize ICE addresses by identifying errors, non-residential locations, and frequency of use.

³⁹ See 6 U.S.C. § 211(m)(1)-(3).

⁴⁰ According to an email from the Acting Deputy Chief Law Enforcement Operations Directorate at USBP on March 23, 2021, "agents must fill out an outward address... we acknowledge that subjects may not know and/or may not be precise in their responses."



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migrant is released from USBP custody, ICE assumes responsibility for migrant tracking. USBP is not required based on their authority, and does not follow up post-release, to confirm the migrant is residing at the U.S. address obtained during processing.

Once USBP releases migrants from custody, ICE is unaware of some migrants' locations within the United States until migrants arrive at their final destinations, and only if they check in⁴¹ at a local ICE field office or notify ICE of address changes. If migrants do not check in with ICE within required timeframes, they may become a priority for further enforcement action because they are in the United States without lawful status. ICE makes enforcement decisions on a case-by-case basis, and only if officers can locate the migrant and have the resources to do so. At one field location, officers we interviewed noted they would not know a migrant's location or immigration status unless they looked it up on a case-by-case basis, and only do so if requested. At another field office we visited, an ERO deportation officer noted officers spend their days reviewing migrant cases at their desks and do not feel they are exercising law enforcement authority, for which they were hired. The same officer noted that, without a valid address to locate migrants, ICE may only locate migrants after they have been arrested by state or local police for unrelated offenses post-release. Only after the migrant's arrest would ICE be aware of the migrant's whereabouts. According to an ICE report, since March 2021, USBP released more than 127,000 migrants who were later arrested in the United States, including 5,500 criminal arrests and more than 122,000 non-criminal arrests, which included migrants considered as other immigration violators.⁴²

Limited Resources to Manage Immigration Enforcement

ICE does not have sufficient resources to oversee the volume of apprehended migrants. For example, ICE deportation officers at one field office were responsible for 35,000 migrant cases post-release, averaging about 3 minutes of staff time per case annually. ERO routinely details officers to the border, leaving fewer officers to perform enforcement functions at their assigned field offices. One senior ICE official acknowledged that, due to the high volume of cases, ICE deportation officers cannot always validate migrant addresses or effectively track if migrants check in at field offices, as required.

⁴¹ According to ICE's *Noncitizen CBP PD Release Dashboard*, ICE defines check-ins as making contact with an ICE office, as instructed (for at least one member if in a family unit), or by scheduling an appointment with ICE for a check-in.

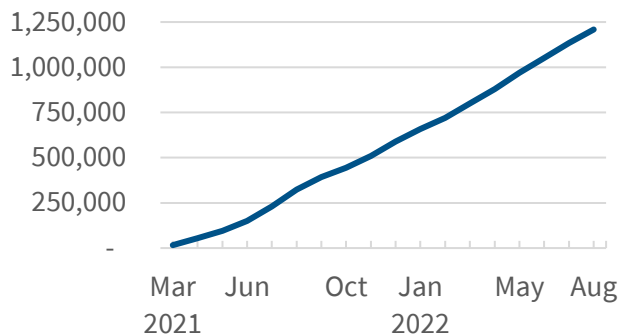
⁴² The more than 127,000 arrests were made by ICE ERO and do not include migrants arrested by other Federal agencies or by state and local law enforcement.



Conclusion

Upholding immigration laws and national security is critical, especially at the rate DHS is releasing migrants into the country. From March 2021 through August 2022, CBP and ICE released more than 1 million migrants into the United States, as shown in Figure 6.

Figure 6. Migrants Released by Quarter, March 2021 – August 2022



Source: DHS OIG-created based on USBP and ICE data

Despite this unprecedented number of releases, ICE still must be able to locate migrants to take immigration enforcement actions. If ICE does not have valid addresses for migrants who failed to report, it cannot issue valid NTAs for individuals released on ATD or NTRs. For example, ICE seeks to arrest individuals who pose potential threats to national security. ICE may also seek removal for migrants who are subjects to final orders of removal, are considered fugitive removals, or agree to voluntary departure from the United States. In other cases, ICE may simply need to locate migrants who need to be issued an NTA, which includes upcoming requirements for immigration proceedings and court hearings.

DHS saw an increase in migrants crossing the border. We also noted missing or invalid addresses and lower percentages of migrants checking in with ICE as required. We reviewed more than 25,000 address records for migrants with a dash (-) input as the address. More than 52 percent of those migrants did not check in with ICE as required, based on our analysis of ICE data. According to ICE data, the overall percentage of migrants who did not check in during our audit period was 28 percent. Figure 7 details check-in data by release type.⁴³ When migrants do not check in, ICE cannot ensure the migrant understands

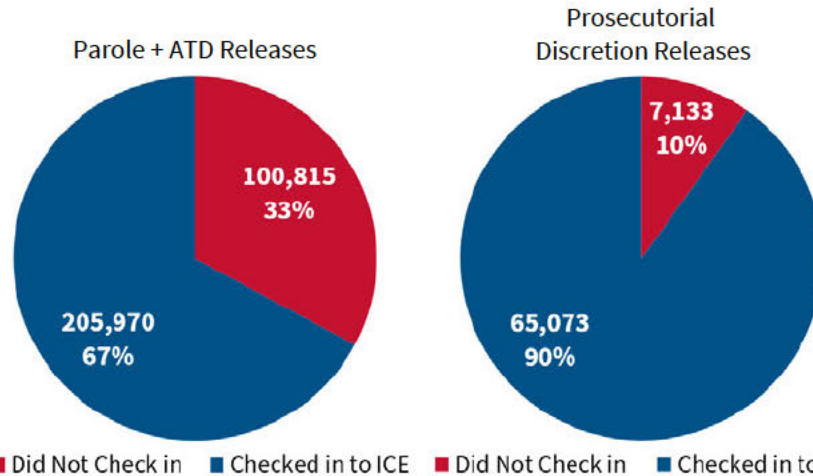
⁴³ This figure does not include migrants released by USBP on a Notice to Appear as migrants under that release type are not required to check in with ICE and must report to court instead.



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the next steps in the immigration process and cannot easily locate migrants who may be threats to public safety or are scheduled for removal.

Figure 7. Migrant Check in Rates by Release Type, March 2021 – August 2022



Source: DHS OIG analysis of migrant release data⁴⁴ extracted from the Unified Immigration Portal from March 2021 – August 2022⁴⁵

Finally, DHS may unknowingly release migrants, including children, to potentially unsafe conditions or smuggling operations. With the number of migrants released into the United States increasing and because USBP must release migrants in cases where the migrant does not have an address or it is uninhabitable, address validation will likely remain a challenge in the future.

Recommendations

Recommendation 1: We recommend the U.S. Customs and Border Protection Acting Commissioner and the Acting Director of U.S. Immigration and Customs Enforcement create and implement a plan of action to coordinate on requirements and processes when migrants do not have a valid U.S. address for release.

Recommendation 2: We recommend the Acting Director of U.S. Immigration and Customs Enforcement establish a policy for ICE field personnel to validate

⁴⁴ Check in rates for migrants released under Prosecutorial Discretion include more than 36,000 migrants who checked in past 60 days. In one example, migrants were apprehended in April 2021 but did not check in with ICE until January 2023.

⁴⁵ We obtained this data directly from the Unified Immigration Portal and, therefore, figures may vary with the background figures and slightly with the ICE rate of 28 percent for migrants who did not check in, as reported above.



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migrant addresses and to elevate address concerns, such as recurring or invalid migrant release addresses, recorded into U.S. Customs and Border Protection and ICE systems.

Recommendation 3: We recommend the Executive Associate Director of U.S. Immigration and Customs Enforcement’s Enforcement and Removal Operations analyze migrant U.S. release address data on a recurring basis to identify trends, such as recurring and uninhabitable addresses, and share known address concerns with U.S. Border Patrol.

Recommendation 4: We recommend the Acting Director of U.S. Immigration and Customs Enforcement evaluate resources and address results for officers overseeing addresses for migrants released.

DHS Comments and OIG Analysis

The Department provided written comments in response to a draft of this report. We reviewed the Department’s comments, as well as technical comments received under separate cover, and made changes to the report as appropriate. In the comments, the Department acknowledges obtaining valid addresses from migrants has been a longstanding issue. The Department stated that it has significantly improved how it processes noncitizens encountered along the U.S. borders and is currently implementing technology improvements to facilitate information sharing between DHS components and external agencies. DHS also indicated that since the conclusion of our fieldwork, ICE has deployed a new online change of address form, which included built-in address verification. DHS did not concur with our four recommendations. We have included a copy of the comments in their entirety in Appendix B. A summary of DHS’ responses and our analysis follows.

DHS Response to Recommendation 1: Non-concur. According to DHS, ICE and CBP already coordinate with Federal counterparts when encountering migrants who are unable or reluctant to provide a valid address. Also, starting in November 2022, DHS and the Department of Justice implemented a process in which USBP schedules a hearing for noncitizens without an address in their intended destination city and issues them a Notice to Appear on a specialized docket. In these cases, the Department of Justice knows not to change the date, time, or location of these hearings to avoid any potential notice issues. If a migrant does not have a valid address, they are referred to ICE ERO for detention, as appropriate.

OIG Analysis: We do not consider DHS’ actions responsive to the recommendation, which is unresolved and open. As discussed in our report,



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once USBP releases the migrant from custody, and before their court appearance, ICE may have difficulty locating the migrant, if needed, for security purposes. Migrants without valid addresses are only referred to ICE “as appropriate.” The intent of the recommendation is for USBP to coordinate with ICE for all migrants without valid addresses to increase visibility of these migrants’ whereabouts. Although detention may not be appropriate or possible in all cases, increased levels of ATD or other tracking methods may improve the Department’s ability to locate migrants released into the United States without a valid address.

DHS Response to Recommendation 2: Non-concur. According to DHS, establishing a new policy for ICE personnel to validate addresses or elevate address concerns would be impractical or resource intensive without adding commensurate value. ICE ERO cannot issue a policy concerning the release of noncitizens who are in the custody of a separate agency. The burden is on the noncitizen to provide a valid address. Further, establishing a policy for ICE field personnel to validate migrant addresses will not resolve the issue because not all migrants are in ICE custody.

OIG Analysis: We do not consider DHS’ actions responsive to the recommendation, which is unresolved and open. Although DHS claims implementing address validation practices would be impractical or resource intensive, ICE personnel at many sites we visited already do so. For example, we learned through our visits to various locations that ICE reviews many USBP-collected migrant addresses prior to their release into the United States. Implementing a policy, as recommended, to standardize this practice across the component would provide ICE personnel formalized guidance to follow, especially when they encounter recurring addresses, which may indicate these locations are used for human trafficking.

DHS Response to Recommendation 3: Non-concur. According to DHS, neither ICE ERO nor CBP have had in the past, or at present, the resources available to regularly perform this analysis, given competing priorities and demands. These demands include ICE ERO’s focus on enforcement actions against individuals who pose a public safety threat and processing noncitizens for release into the United States with instructions to report to an ICE office to complete processing.

OIG Analysis: We do not consider DHS’ actions responsive to the recommendation, which is unresolved and open. As discussed in our report, ICE has already begun efforts in line with our recommendation. Fully implementing this recommendation would ensure ICE continues progress by formalizing comprehensive trend analysis, which ICE personnel can, in turn,



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share with USBP for their awareness as they encounter migrants. Alerting USBP of known concerning addresses may save ICE both time and resources by reducing the number of migrants ERO personnel must search for who did not provide a valid address prior to release. Identifying these trends may also limit the number of migrants, including children, who may end up in unsafe environments.

DHS Response to Recommendation 4: Non-concur. According to DHS, all Department components, including ICE, regularly evaluate resources to maximize the effectiveness and efficiency of operations. ICE noted the benefits to this recommendation would be unclear as our report tested USBP releases, not ICE releases.

OIG Analysis: We do not consider DHS' actions responsive to the recommendation, which is unresolved and open. Although the Department may regularly review its resources, our report highlights a critical component of the address verification process left incomplete due to resource issues. Specifically, ICE personnel we interviewed in the field did not analyze addresses because of these specific resource limitations.

Although ICE is uncertain it will benefit from implementing this corrective action, ICE already reviews some migrant release addresses captured by USBP prior to release, and even after release. Fully implementing the recommendation will help ICE identify and potentially devote the resources needed to evaluate migrant addresses consistently daily in the field prior to a migrant's release into the United States, and on a recurring basis at Headquarters post-release to identify trends.



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Appendix A

Objective, Scope, and Methodology

The Department of Homeland Security Office of Inspector General was established by the *Homeland Security Act of 2002* (Public Law 107-296) by amendment to the *Inspector General Act of 1978*.

We conducted this audit to determine the extent to which DHS accurately and effectively tracks migrants' post-release addresses in the United States. The scope of this audit included U.S. release addresses provided by adult and migrant families apprehended by USBP between ports of entry at the Southwest border from March 2021 through August 2022 and released under Title 8. We focused on the extent to which USBP and ICE used IT systems to obtain, validate, and track migrants' post-release addresses. We determined through audit work whether the Department reviews system data to identify abnormalities of migrant addresses, such as errors and recurring or uninhabitable addresses.

During this audit, we researched and reviewed Federal laws as well as departmental and component policies and procedures related to USBP and ICE information technology systems, training manuals, and processes associated with the post-release address data entry, validation, and tracking of migrants released into the United States. To answer our objective, we conducted more than 20 virtual and in-person interviews. We interviewed the following USBP personnel:

- USBP Headquarters personnel in Washington, DC;
- Del Rio Sector, Boulevard and Chula Vista Stations in the San Diego Sector; and
- Central Processing Centers in El Paso and Rio Grande Valley Sectors.

We interviewed ICE personnel in:

- Office of the Chief Information Officer and the Domestic Operations Division in Washington, DC;
- ERO's Non-Detained Management Division in Phoenix, AZ, and Washington DC;
- ERO field offices in San Diego, CA; El Paso and Harlingen, TX; Philadelphia, PA; Baltimore, MD; and Miami, FL;
- ICE Intelligence Units in San Diego, CA and El Paso, TX, and the ATD Division in Phoenix, AZ; and
- ICE contractor's ATD Program Unit.



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The purpose of our interviews was to obtain an understanding of USBP and ICE processes used to obtain and record, validate, and track migrants' post-release U.S. addresses. We obtained and analyzed more than 100 documents and email correspondences from USBP, ERO, and ICE's ATD contractor to support the work conducted and audit findings. In addition to interviewing USBP and ICE personnel, we received virtual walkthroughs of IT systems and process pathways, and conducted physical site visits to observe ICE migrant check-ins. We also conducted physical site visits to observe 28 judgmentally selected post-release migrant U.S. addresses in Georgia, Illinois, Maryland, and New Jersey.

We assessed data reliability by (1) interviewing USBP and ICE officials knowledgeable about the data, (2) reviewing existing information about the data and the systems that produced it, (3) performing electronic testing of data used for our analysis, (4) reviewing data from CBP's Unified Immigration Portal and ICE's Enforcement Integrated Database, as well as (5) observing data entry in CBP's e3 system and ICE's EARM system during site visits and screen shares.

In addition to having direct access to the Unified Immigration Portal, we leveraged our Office of Innovation to obtain data relevant to our objective and conduct validity testing for address data⁴⁶ from CBP and ICE systems. Our Office of Innovation tested address data for validity and duplication. The Office of Innovation staff cleaned, standardized, and validated USBP address data using third-party address verification and validation software.⁴⁷ They also used the address software to format addresses according to USPS postal standards. The total count of address records obtained and analyzed from USBP was 981,671.

We assessed internal controls and information systems related to CBP and ICE's ability to record valid addresses and track migrants' post-release U.S. addresses. Based on our assessment, CBP and ICE do not have adequate internal controls to record valid addresses and track migrants' post-release U.S. addresses. We identified internal control weaknesses in the body of this report. However, since our internal control assessment was limited to the audit objective, it may not have disclosed other internal control deficiencies that potentially existed.

We conducted this performance audit from July 2022 through March 2023 pursuant to the *Inspector General Act of 1978*, 5 U.S.C. §§ 401-424, and

⁴⁶ Migrant data tested included single adults and family unit members but did not include unaccompanied children, who were outside of the scope of our audit.

⁴⁷ Informatica Address Verification.



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according to generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based upon our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based upon our audit objectives.

DHS OIG's Access to DHS Information

During this audit, DHS provided timely responses to the information we requested and did not delay or deny DHS OIG's access to DHS information.



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Appendix B
DHS Comments to the Draft Report

U.S. Department of Homeland Security
 Washington, DC 20528



July 19, 2023

MEMORANDUM FOR: Joseph V. Cuffari, Ph.D.
 Inspector General

FROM: Jim H. Crumacker, CIA, CFE **JIM H CRUMPACKER**
 Director
 Departmental GAO-OIG Liaison Office

Digitally signed by JIM H
 CRUMPACKER
 Date: 2023.07.19 15:04:50
 -04'00'

SUBJECT: Management Response to Draft Report: "DHS Does Not
 Have Assurance That All Migrants Can be Located Once they
 Are Released into the United States"
 (Project No. 22-054-AUD-ICE, CBP)

Thank you for the opportunity to comment on this draft report. The U.S. Department of Homeland Security (DHS or the Department) appreciates the work of the Office of Inspector General (OIG) in planning and conducting its review and issuing this report.

DHS leadership is pleased to note the OIG's recognition that the Department ensures the safety and security of the nation's borders while managing a safe, orderly, and humane immigration system. Obtaining valid addresses from migrants has been a longstanding issue across different Administrations since the passing of the Immigration and Nationality Act in 1952.

DHS has made significant improvements to how it processes noncitizens encountered along our borders and has additional technology improvements currently underway to facilitate better information sharing to support accurate and timely processing among various Components and agencies. A key effort is the U.S. Customs and Border Protection's (CBP) Unified Immigration Portal (UIP), which connects datasets from the Department of Health and Human Services, U.S. Citizenship and Immigration Services, U.S. Immigration and Customs Enforcement (ICE), and the Department of Justice (DOJ), to provide integrated digital processing capabilities that support the end-to-end electronic review and approval throughout the immigration lifecycle.



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In addition, in April 2023, ICE deployed a new online change of address form.¹ This new form includes built-in address verification, which officers currently use along with existing public websites, such as the United States Postal Service and Google Maps, to validate addresses provided by migrants. CBP and ICE remain committed to protecting America and safeguarding our borders, preserving national security and public safety, and enhancing the nation's economic prosperity.

The draft report contained four recommendations, with which the Department non-concurs. Enclosed find our detailed response to each recommendation. DHS previously submitted technical comments addressing several accuracy, contextual, and other issues under a separate cover for OIG's consideration.

Again, thank you for the opportunity to review and comment on this draft report. Please feel free to contact me if you have any questions.

Enclosure

¹ <https://onlinechangeofaddress.ice.gov/ocoa>



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**Enclosure: Management Response to Recommendations
Contained in 22-054-AUD-ICE, CBP**

OIG recommended the Acting Commissioner of CBP and the Acting Director of ICE:

Recommendation 1: Create and implement a plan of action to coordinate on requirements and processes when migrants do not have a valid U.S. address for release.

Response: Non-concur. DHS and its Components already coordinate with federal counterparts when encountering migrants who are unable or are reluctant to provide a valid address. For example, USBP follows an existing process that addresses the intent of this recommendation. Specifically, on November 1, 2022, DHS, in coordination with DOJ's Executive Office for Immigration Review (EOIR), implemented an updated process, whereby CBP USBP and other offices, as appropriate, schedule noncitizens that do not have an address and issue them a Notice to Appear (NTA) on a specialized "E-33 docket" in the noncitizen's intended destination city for an initial master calendar hearing 120 days from the date of NTA issuance. For cases on the E-33 docket, EOIR knows not to change the date, time, and location of these hearings to avoid potential notice issues. Additionally, when the individual comes in for their initial E-33 docket hearing, they are first directed to the court window to provide an EOIR-33 change of address form so that their current address can be recorded for any further communications or notices.

In addition, as a matter of practice USBP refers migrants without a valid address to ICE's Enforcement and Removal Operations (ERO) for detention, as appropriate.

DHS requests that the OIG consider this recommendation resolved and closed.

OIG recommended the Acting Director of ICE:

Recommendation 2: Establish a policy for ICE field personnel to validate migrant addresses and to elevate address concerns, such as recurring or invalid migrant release addresses, recorded into U.S. Customs and Border Protection and ICE systems.

Response: Non-concur. Establishing a new policy would be impractical and resource intensive without adding commensurate value. ICE ERO is not solely responsible for validating migrant addresses; it is a joint effort among several federal agencies, including those outside of DHS (such as DOJ's EOIR), to obtain and use this information. ICE ERO cannot issue a policy concerning the release of noncitizens who are not in ICE custody, but rather in the custody of a separate agency. The burden is on the noncitizen to provide a valid address. Further, establishing a policy for ICE field personnel to validate migrant addresses will not resolve the issue because not all migrants are in ICE custody.



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It is also important to note that in April 2023, ICE deployed a new online change of address form. This new form includes built-in address verification, which officers currently use along with existing public websites, such as the United States Postal Service and Google Maps, to validate addresses. DHS has a process to maximize the collection of valid addresses for migrants which considers the reality that some migrants are unable or reluctant to provide an address to federal agents. Further, although a noncitizen may provide an address at the time of encounter, even with DHS verifying the address [REDACTED] there is no guarantee the noncitizen will reside at that address.

ICE requests that the OIG consider this recommendation resolved and closed.

OIG recommended the Executive Associate Director of ICE ERO:

Recommendation 3: Analyze migrant U.S. release address data on a recurring basis to identify trends, such as recurring and uninhabitable addresses, and share known address concerns with U.S. Border Patrol.

Response: Non-concur. Although DHS regularly analyses available data, neither ICE ERO nor CBP have had in the past, nor have at present, the resources available to perform this analysis on a recurring (or scheduled) basis, given competing priorities and demands. For example, ICE ERO's resources should be focused on enforcement actions against individuals who pose a public safety threat and processing noncitizens who were released into the interior of the United States with instructions to report to an ICE office to complete processing. Moreover, ICE ERO is not solely responsible for validating migrant addresses, so the recommendation would require resource-intensive work across multiple agencies that will not produce actionable data given that many migrants cannot or are reluctant to provide a valid address.

ICE requests that the DHS OIG consider this recommendation resolved and closed.

OIG recommended the Acting Director of ICE:

Recommendation 4: Evaluate resources and address results for officers overseeing addresses for migrants released.

Response: Non-concur. DHS Components, including ICE, regularly evaluate their resources to maximize the effectiveness and efficiency of their operations. For instance, in July 2021, ICE ERO assessed and realigned Southwest Border resources to create a more efficient and effective operational structure to address migrants being released on the Southwest Border. Accordingly, the ERO Harlingen area of responsibility was established on October 1, 2021, to manage the workload and resources more equitably



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along the Southwest Border.

Additionally, ICE and CBP have implemented more robust technology such as using the UIP and the Case Acceptance Screen (CAS) for CBP officers encountering noncitizens at borders, which also provides alerts to ICE officials when making custody determinations. UIP and the CAS system allow more cohesive case coordination between CBP and ICE with automated processes, including viewing electronic A-Files inclusive of individual case addresses and providing case acceptance/rejection responses back to CBP and data evaluation.

As previously noted, neither ICE ERO nor CBP have the resources available to identify and analyze migrant-provided address information on a recurring (or scheduled) basis as recommended. It is also unclear what benefits would accrue to offset the costs of such analysis, because 100 percent of the migrant releases studied as part of OIG's report were CBP-releases. Thus, any analysis of ICE resources to address the issue of this subset of migrants would not yield any impact on DHS's oversight of these migrants. Instead, ICE ERO's limited resources are needed to address the significant backlog of non-detained migrants who were released into the interior United States without being issued NTAs.

ICE requests that the OIG consider this recommendation resolved and closed as implemented.



Appendix C

[Redacted]

[Redacted]

[Redacted]



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Appendix D **Report Distribution**

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