



U.S. Immigration  
and Customs  
Enforcement

# FACT SHEET

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## ICE Rapid REPAT Program

U.S. Immigration and Customs Enforcement (ICE), the largest investigative agency in the Department of Homeland Security (DHS), is charged with enforcing the nation's immigration and customs laws. Among ICE's responsibilities is the identification and removal of criminal aliens from the United States. The ICE Rapid REPAT (Removal of Eligible Parolees Accepted for Transfer) program is designed to expedite that process by allowing selected criminal aliens incarcerated in U.S. prisons and jails to accept early release in exchange for voluntarily returning to their country of origin.

### ***Background***

In November 2007, ICE began meeting with state executive agencies to discuss the concept of ICE Rapid REPAT as part of the ICE ACCESS (Agreements of Cooperation in Communities to Enhance Safety and Security) initiative. The concept, recently implemented in Puerto Rico and Rhode Island, is modeled after two programs in the states of New York and Arizona that capitalize on ICE's ability to more effectively identify and ultimately remove criminal aliens from the United States while still preserving the integrity of the criminal justice system. ICE field offices recently began to reach out to state agencies to present ICE ACCESS partnership opportunities, including ICE Rapid REPAT, where appropriate.

### ***Key Elements***

In states where Rapid REPAT is implemented, certain aliens who are incarcerated in state prison and who have been convicted of non-violent offenses may receive early conditional release if they have a final order of removal and agree not to return to the United States.

Eligible aliens agree to waive appeal rights associated with their state conviction(s) and must have final removal orders.

If aliens re-enter the United States, state statutes must provide for revocation of parole and confinement for the remainder of the alien's original sentence. Additionally, aliens may be prosecuted under federal statutes that provide for up to 20 years in prison for illegally reentering the United States.

### ***Benefits***

ICE Rapid REPAT is another law enforcement tool available that assists in ensuring that all criminal aliens serving a term of imprisonment are identified and processed for removal prior to their release from state custody. The identification and processing of incarcerated criminal aliens prior to release reduces the

burden on the taxpayer, and ensures that criminal aliens are promptly removed from the United States upon completion of their criminal sentence. This program allows ICE to more effectively achieve its objective of identifying and quickly removing criminal aliens from the United States. ICE Rapid REPAT also allows ICE and participating states to reduce the costs associated with detention space.

### ***The Puerto Rico and Rhode Island Agreements***

On July 31, 2008, ICE and the Puerto Rico Department of Correction and Rehabilitation announced the signing of the first ICE Rapid REPAT agreement. According to Puerto Rico officials, foreign nationals make up more than 2 percent of their prison population. Through Rapid REPAT, it is estimated that between 50 and 60 non-violent aliens will qualify for the program each year. This could save the taxpayers an estimated \$2.5 million annually.

On August 20, 2008, ICE and the Rhode Island Department of Corrections announced the signing of the second ICE Rapid REPAT agreement. The Rhode Island agreement represents a step forward in a gubernatorial executive order on immigration, which directs the Parole Board and the Department of Corrections to work cooperatively with ICE personnel to provide for the parole and deportation of criminal aliens.

### ***The History of the New York and Arizona Programs***

In 1985 and 1995, New York amended sections of the New York executive law to implement Conditional Parole for Deportation Only (CPDO) and Early Conditional Parole for Deportation Only (ECPDO), respectively. These two parole dispositions can be granted to an alien inmate who has not been convicted of a violent felony and is subject to a final order of removal, for which the alien has waived or exhausted his or her appeal. Under the New York program, from 1995 through 2007, 1,952 criminal aliens were released to federal custody for deportation.

In 1996, Arizona implemented Release to Detainers/Deportation Orders from the Arizona Department of Corrections (ADC). This form of unsupervised release authorizes the deportation of foreign-born inmates upon completion of one-half of the imposed sentence(s) pursuant to the Arizona Revised Statutes. This release is granted solely for deportation purposes to all foreign-born inmates who do not have any previous felony or sexually based convictions and have a final order of removal. The ICE field office in Phoenix has removed a total of 1,133 criminal aliens through this program since 2005.

Both New York and Arizona have realized substantial savings in detention operation and relating costs through these programs because the parolees are detained for significantly less time than what is typical for an alien's release to the ICE Criminal Alien Program. Since January 1995, the state of New York realized over \$140 million in combined savings. Since April 2005, Arizona saved over \$18 million in detention costs.

# ICE #

*U.S. Immigration and Customs Enforcement (ICE) was established in March 2003 as the largest investigative arm of the Department of Homeland Security. ICE is comprised of five integrated divisions that form a 21st century law enforcement agency with broad responsibilities for a number of key homeland security priorities.*