

Fact Sheet: Rapid REPAT

U.S. Immigration and Customs Enforcement (ICE) identifies and removes 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 select criminal aliens incarcerated in state prisons 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, implemented in Georgia 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. There are seven states currently participating in ICE Rapid REPAT: Arizona, Georgia, Maryland, New Hampshire, New York, Puerto Rico and Washington. ICE field offices continue to reach out to state agencies to present ICE ACCESS partnership opportunities, including ICE Rapid REPAT.

Benefits

The ICE Rapid REPAT program allows ICE to more effectively achieve its objective of identifying and quickly removing criminal aliens from the United States. 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. ICE Rapid REPAT also allows ICE and participating states to reduce the costs associated with detention space. The seven participating states have realized substantial savings in detention and related operating costs through ICE Rapid REPAT because prisoners are detained for significantly less time. Since the inception of ICE Rapid REPAT, the participating states have realized more than \$477 million in combined cost savings.

Key Elements

Prior to implementing the Rapid REPAT program, ICE and the participating state must enter into a Memorandum of Agreement (MOA) and develop a Standard Operating Procedure (SOP). Eligible prisoners volunteer to participate in ICE Rapid REPAT and agree to waive administrative and judicial rights as a condition of their early release and removal from the United States.

Eligibility Criteria

- Criminal alien is at least 18 years of age;
- Criminal alien is not a native or citizen of the United States;

- Criminal alien voluntarily consents and agrees to participate in ICE Rapid REPAT;
- Criminal alien is imprisoned pursuant to a final conviction for an eligible nonviolent offense;
- Participating state certifies that removal of the criminal alien is appropriate and in the best interest of the state;
- Criminal alien has exhausted, or has freely and voluntarily waived, all administrative and judicial appellate rights to contest the alien's criminal conviction;
- Criminal alien agrees in writing to fully cooperate in obtaining a travel document; and
- Criminal alien has been advised that re-entry into the United States requires his/her return to participating state's custody to serve the remainder of the sentence and that s/he may be subject to prosecution pursuant to section 276 of the INA, 8 U.S.C. § 1326, including enhanced penalties.