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Immigration Magazine

ICE Immigration Enforcement & Compliance with U.S. Immigration Law

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The U.S. Immigration and Customs Enforcement (ICE), a department within the U.S. Department of Homeland Security, is responsible for a broad-range of civil enforcement of U.S. immigration law such as the apprehension, detention and/or removal of non-U.S. citizens or foreign nationals. Given its finite resources, scope of enforcement actions, and the enormous immigration or administrative violations in the U.S., ICE only has resources to remove approximately 400,000 non-U.S.-citizens each year (which is less than 4% of the estimated foreign nationals illegally present in the U.S.), and must prioritize its enforcement actions. ICE's priority is to secure the U.S. national border, and to safeguard the U.S. national security and public safety. For this reason, ICE has reiterated its priorities in civil immigration enforcement in the following categories of foreign nationals or non-citizens:

1. Priority 1 will be placed on foreign nationals or non-citizens who pose a danger to national security or risk to public safety. These foreign nationals include, but are not limited to, those suspected of terrorism/espionage and involved in certain crimes.
2. Priority 2 will be placed on foreign nationals who committed recent violations of illegal entries (attempted entries or otherwise).
3. Priority 3 will be placed on immigration fugitive foreign nationals or those obstructing U.S. immigration law. These foreign nationals include, but are not limited to, those who are involved in certain crimes, ordered removed/failed to depart the U.S., re-entered illegally upon removal, obtained (or attempted to obtain) immigration benefits by fraud.

It is extremely important for foreign nationals traveling to or for those already in the U.S. to adhere to and comply with the complex U.S. immigration law to avoid serious immigration complications. This applies to U.S. lawful permanent residents (LPR) as well as compliance with other U.S. laws. Some of the general matters to consider include, but are not limited to, not overstaying the period of authorized stay (such as the expiration date as endorsed on the I-94 departure/arrival record for non-LPR); not accepting employment in the U.S. without first seeking proper immigration authorization; not perpetrating, committing or attempting to commit visa or immigration fraud; not committing or attempting to violate U.S. criminal law.

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