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New Data Show Migrants Were More Likely to Be Released by Trump Than Biden

By **David J. Bier**



According to **new data** published last month, the Biden Department of Homeland Security (DHS) has removed a higher percentage of arrested border crossers in its first two years than the Trump DHS did over its last two years. Moreover, migrants were more likely to be released after a border arrest under President Trump than under President Biden.

In absolute terms, the Biden DHS is removing 3.5 times as many people per month as the Trump DHS did. These figures are important for understanding how each administration has carried out border enforcement.

During the Trump administration, DHS made 1.4 million arrests—what it calls “encounters”—in fiscal years 2019 and 2020 (24 months). Of those people arrested, only 47 percent were removed as of December 31, 2021, which includes people arrested by Trump and removed by Biden, and 52 percent were released into the United States.

Under Biden, DHS made over 5 million arrests in its first 26.3 months, and it removed nearly 2.6 million—51 percent—while releasing only 49 percent.

In other words, the Trump DHS removed a minority of those arrested while the Biden DHS removed a majority. Biden managed to increase the removal share while also increasing the total removals by a factor of 3.5.

Again, the snapshot of outcomes as of December 31, 2021, overstates Trump removals because it includes the removals of border crossers arrested during the Trump administration but removed by Biden from January to December 2021. Unfortunately, we don't have a snapshot of outcomes as of January 20, 2021, but another DHS report shows that as of March 31, 2020, Trump **had removed** just 37 percent of those arrested through 18 months of fiscal years 2019 and 2020. Overall, as of March 31, 2020, President Trump had failed to remove 1.2 million arrested border

crossers who entered during fiscal years 2017 to 2020—1.1 million of those crossers were still not removed as of December 2021.

Of course, the absolute numbers of releases have been higher under President Biden, but that reflects much higher arrivals, not any meaningful change in policy.

The pandemic-era authority called “Title 42” had enabled Border Patrol since March 2020 to quickly expel most crossers to Mexico. That ended in May 2023—after March 31, 2023, which was when the new data for Biden’s term cuts off—so the release percentage has probably increased since then. But, as noted above, the release percentage was also significantly higher during the Trump administration before Title 42. Of course, fluctuations will happen, but the point is clear: the Biden administration has not overturned immigration enforcement.

These numbers highlight how difficult it was even for the most determined administration in US history to expel everyone who enters illegally. This is yet another reason why it makes more sense to create policies that enable immigrants to apply to enter the country legally.

Knowing that there is still a high likelihood of having to release migrants who enter illegally, President Biden has created some legal pathways for immigrants. Unfortunately, his administration has capped these programs at such a low level that massive backlogs have developed, which **has effectively shut down the processing of new applicants**. President Biden should prioritize the removal of these arbitrary caps, which would enable more immigrants to enter the country legally and reduce illegal immigration.

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