

## Southern border ‘eerily quiet’ after policy shift on asylum seekers

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Alexander Gonzalez and his daughter Yefreannys, 7, sit under the Paso del Norte bridge between the United States and Mexico in late June in Ciudad Juárez, while waiting for their appointment via the CBP One app. (Danielle Villasana for The Washington Post)

EL PASO — On the border bridge from Mexico, about 200 asylum seekers lined up on a recent morning with their phones open to a Customs and Border Protection mobile app, ready for appointments at a reception hall on the U.S. side.

Thirty miles north, the Biden administration provided a different reception for those attempting to enter the United States illegally, bringing them to a massive tent complex in the desert for migrants facing deportation. The new 360,000-square-foot facility’s shelves were stocked with diapers, snacks and baby formula, signs of the administration’s efforts to meet the changing demands of U.S. immigration enforcement.

The two locations illustrate the extent to which Biden administration officials have begun transforming the way asylum seekers and migrants are processed along the southern border since May 11, when the White House lifted the pandemic policy known as Title 42. The policy had allowed quick expulsions of migrants who entered the United States illegally but no penalty for those who tried to get in again and again.

Now the administration is allowing tens of thousands of migrants to enter the United States legally each month through the mobile app CBP One, while those who don't follow the rules face ramped-up deportations and tougher penalties.

The preliminary result is a nearly 70 percent drop in illegal entries since early May, according to the latest U.S. Customs and Border Protection data. After two years of record crossings and crisis-level strains, the Biden administration appears to have better control over the southern border than at any point since early 2021.

The president's critics continue to depict his border policies as too permissive — geared more toward accommodating mass migration than deterrence. But the decline in illegal crossings undermines a key line of attack for [President Biden's](#) Republican critics and bolsters Democrats' argument that the pandemic expulsion policy was partly to blame for record numbers of border arrests.

Administration officials acknowledge it is too soon to tell whether their new approach can achieve lasting effects. Republican state officials are suing in federal court to block Biden's policies expanding legal entries through CBP One. At the same time, immigrant advocacy groups have filed challenges in federal court to Biden's new border restrictions on asylum seekers who cross illegally.

The recent drop in illegal crossings does not mean fewer than half as many migrants are coming to the United States. President Biden is allowing roughly 43,000 migrants and asylum seekers per month to enter through CBP One appointments and accepting an additional 30,000 through a process called parole. The new legal channels appear to be absorbing many of the border-crossers who for years have entered unlawfully to surrender in large groups, overwhelming U.S. border agents.

U.S. agents made about 100,000 arrests along the Mexico border in June, the first full month that Biden's new measures were in effect, down from 204,561 in May, according to the latest CBP data. It was the largest one-month decline since Biden took office.

Imelda Maynard, the legal director of Diocesan Migrant & Refugee Services in El Paso, which aids migrants, described the past several weeks in the city as "eerily quiet." The number of migrants released by CBP onto the streets of El Paso dropped to zero in recent days, according to the city.

"We've been so used to putting out fire after fire, we're like: Where are all the people?" Maynard said.

## **'We're so close'**

On the outskirts of El Paso, where for much of the past two years migrants have attempted to enter illegally each day through the steep canyons of Mount Cristo Rey, a CBP helicopter and a team of agents gave chase one recent morning to a single border-crosser. He turned back south.

With CBP using more contractors at its facilities to help perform tasks such as data entry, medical screening and child care, Biden officials say more U.S. agents can return to patrol duties. That appears to be making it harder for border-crossers to sneak through.

The factors that have fueled migration to the United States remain largely unchanged, but for the first time since Biden took office, the president's team is testing a new border-management strategy, one it considers a

more humane and effective alternative to the Trump administration's approach. At the heart of the strategy is a belief that reducing the chaos and illegality of migration is more feasible than trying to stop it.

Legislative proposals to overhaul the U.S. asylum process continue to face steep odds in a polarized U.S. Congress, which hasn't passed significant immigration legislation in nearly two decades.

Blas Nuñez-Neto, the top border policy official at the Department of Homeland Security, said the administration's measures remain vulnerable to adverse court rulings because they rely on executive actions rather than congressional fixes, which remain stalled.

The fact that the new Biden system is working as intended is encouraging, Nuñez-Neto said in an interview. "But it's still too early to draw any definitive conclusions about what we're going to see in the coming weeks and months."

For migrants in Mexican border cities trying to secure a CBP One appointment, the wait can be harrowing.

Jose Ricardo Pimentel, a 33-year-old Venezuelan, stood on the bridge on a recent morning. Lowering his voice to a whisper, he acknowledged that he'd slipped into the line without an appointment that day because he was so desperate to leave Mexico.

"I was kidnapped along the highway to Ciudad Juárez and held for 22 days," he said. "I'm scared."

Pimentel reached the front of the line to plead his case, but U.S. officers saw his name wasn't on their list. They turned him back.

Pimentel fell in behind other families who lacked appointments but were clinging to faint hopes the CBP officers would allow them to enter anyway.

Leidimar Muñoz; her husband, Alexander Gonzalez; and their 7-year-old daughter, Yefreannys, waited there, too, but they gave up after five hours in the 100-degree heat.

"My daughter couldn't stand it any longer," said Muñoz, also from Venezuela. "She was hungry and asking to use the bathroom."

The family walked back down the bridge into Ciudad Juárez, then laid out a blanket under the bridge's shade, sharing a plate of chicken and fried rice from a foam container. Yefreannys took out Play-Doh and Barbie dolls from a dusty backpack with a cat face.

Muñoz had registered the family for a CBP One appointment eight days earlier. The average wait for an appointment was four to six weeks, but she didn't want to move into a shelter farther away from the border bridge. They were spending nights under the bridge, sleeping outdoors on the patio of a Mexican migrant services center.

Downtown El Paso seemed within grasp, its skyline visible past the border wall and the spools of concertina wire.

"We're so close," Muñoz said.

Before May 11, the family could have joined the tens of thousands of other Venezuelans crossing illegally and surrendering to border agents with an expectation they'd be quickly released into the United States. Now doing so would risk deportation back to Mexico and ineligibility for asylum. Muñoz had to wait, glued to the mobile app.

## Criticism from all sides

The drop in illegal crossings has given Biden a reprieve on one of his most vulnerable issues ahead of next year's presidential election. White House officials expressed a sense of validation at seeing the border numbers fall after the expiration of the pandemic restrictions — noting how Republican politicians had been warning of impending chaos after May 11.

But even as Biden's aides expressed relief, the president himself has largely refrained from calling out his detractors over the issue. The challenges with border enforcement have vexed his administration since its earliest days, with fast-changing migration patterns, court orders that kept Title 42 in place and criticism from both liberals and conservatives.

The issue is bound to remain a sticking point during the 2024 campaign. Former president [Donald Trump](#) — who initiated the Title 42 policy and predicted that its end would lead to record migration — has accused Biden of deliberately undermining border security by lifting the restrictions.

Recent polling indicates that immigration is one of Biden's biggest political liabilities, with 6 in 10 adults saying they disapprove of his handling of the border, according to a recent [AP-NORC poll](#). In the aftermath of Title 42's lifting, several Republican candidates have announced presidential bids — and almost all of them have used their campaign launches to attack Biden on immigration.

In some cases, the disapproval is coming from Biden's side of the aisle — with Democrats criticizing him as being too harsh toward migrants.

Crystal Sandoval, director of strategic initiatives for Las Americas, an advocacy group working on both sides of the border, said Biden's restrictions have effectively “ended” access to asylum. Though the administration is allowing tens of thousands to enter with CBP One appointments to live in the United States while their protection claims are pending in U.S. courts, asylum seekers who might be fleeing immediate danger face new hurdles if they cross the border illegally.

“Is it really due process?” said Sandoval, whose organization has been helping migrants in Ciudad Juárez fix errors to their CBP One registrations.

“I expected more,” she said. “We can and should do better.”

## A floating city

The deceased man lay facedown in a sandy berm about five miles north of the border wall and 100 yards from a highway.

A CBP helicopter first spotted him, sending agents on horseback. They estimated he'd been there about a week. Pieces of sponge were glued to his boot soles, a tactic used to mask footprints. The sun had left his

limbs the color of charcoal.

He was one of two deceased migrants recovered in the Santa Teresa, N.M., area, just outside El Paso, on a recent morning.

Crossings have historically dipped during the peak summer months when temperatures along the border soar past 100 degrees. But as migrants trying to evade capture face tougher odds to sneak through, they often resort to more remote areas with greater risk. They may be U.S. deportees, or have criminal records, making them ineligible for CBP One.

Border agents in CBP's El Paso sector are still averaging 400 to 500 arrests per day, bringing detainees to the sprawling new detention facility comprising brightly lit, climate-controlled tents that resemble puffy clouds. The size of six football fields, it is the largest and perhaps least harsh CBP facility ever built, with capacity for more than 2,500.

The Border Patrol supervisor running the facility likened it to a cruise ship — a small self-contained city floating on the desert. With hot showers, on-site laundry and scores of private booths where migrants can videoconference with attorneys, asylum officers and immigration judges, the facility's operating costs exceed more than \$1 million per day.

Border Patrol officials said the facility allows them to manage detainees using far fewer agents. They can reserve the more austere, jail-like detention cells at Border Patrol stations for migrants considered security risks. Family groups, unaccompanied minors and others deemed lower risk can be held at the tent complex, where contractors perform administrative and custodial tasks that have long grated on agents.

Rep. Tony Gonzales (R-Tex.), a border-district lawmaker who criticized the new facility's price tag after a recent tour, said 100,000 illegal crossings a month still add up to more than a million annually, near historic highs. Asylum seekers who are released into the United States while their claims are pending rarely end up deported, even though the majority of their cases are rejected in U.S. immigration court, he said.

"If this is what the administration thinks is a win, they're on the complete wrong path," Gonzales said.

He said he is concerned that the arrival of tens of thousands of migrants through CBP One has effectively "streamlined and normalized illegal immigration."

"So they won't be deported, but they'll be living in the shadows all their lives," Gonzales said. "It's wrong to funnel them down a dead end."

Under CBP policy, 72 hours is the maximum amount of time migrants should remain in the agency's custody before they are released or transferred to another agency such as Immigration and Customs Enforcement for longer-term detention. The three-day window is generally too short to resolve asylum seekers' claims of persecution in their home countries.

The Biden administration appears to be using the new tent complex to hold detainees longer, allowing more time for the government to apply the new asylum restrictions and deport those who disregard the CBP One route.

Border Patrol officials providing a tour of the facility did not allow interviews with detainees. But one man lining up for a shower said he'd been there 18 days.

*Olorunnipa reported from Washington.*