

Border crossings down, but many migrants released to U.S. to ease crowding

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May 19, 2023

Immigration

About 11,000 recent border crossers deported in the past week, according to U.S. data, while 21,000 were released to await a court date

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Updated May 19, 2023 at 11:08 p.m. EDT|Published May 19, 2023 at 4:15 p.m. EDT

Migrants hoping to turn themselves in to seek asylum in the United States in Ciudad Juárez, Mexico, on May 13. (Danielle Villasana for The Washington Post)



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The number of migrants crossing the southern border illegally has continued to fall in the week since the Biden administration lifted pandemic restrictions, easing pressure on weary U.S. agents and overcrowded holding facilities, the Department of Homeland Security said Friday.

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But unpublished data obtained by The Washington Post on Friday shows far more migrants were released into the United States over the past week than deported or returned to their home countries.

Biden administration officials have been publicizing their deportation operations since May 11, part of a messaging campaign to discourage migrants from hiring smugglers and attempting to enter the United States illegally. DHS said it sent more than 11,000 migrants, including families with children, to more than 30 countries during the past week, while issuing daily news releases describing ramped-up deportations.

More quietly, however, border authorities have been trying to alleviate crowding inside jam-packed detention cells and processing tents along the border by releasing thousands of migrants while their immigration claims are pending in U.S. courts — a practice that for years has been a major driver of illegal entries.

The crowding became especially acute last week as record numbers of migrants arrived in anticipation of the end of the Title 42 border policy, which allowed illegal border-crossers to be quickly expelled to Mexico but did not attach legal penalties for repeat offenders.

Title 42 has ended. Here's how it works at the border now

Since the policy ended last week, roughly 21,000 migrants have been released by the U.S. Border Patrol with a notice to appear in U.S. immigration court at some point in the future, the unpublished data shows.

The average amount of time migrants are spending in Border Patrol custody is three to four days at busy crossing points such as El Paso and the Rio Grande Valley of South Texas, so some of those released during the past week arrived while the Title 42 policy was still in place.

As restrictions on asylum expire Thursday in the U.S., authorities along the border with Mexico prepare for a potential flood of migrants. (Video: Rich Matthews/The Washington Post)

Marsha Espinosa, a spokesperson for DHS, said the migrants who were released included families and border-crossers who arrived before new asylum restrictions went into effect May 12.

Homeland Security officials had predicted a significant increase in illegal crossings when the Title 42 policy lifted, and President Biden told reporters that the period was likely to be “chaotic for a while.” Once border-patrol facilities are closer to their normal holding capacity, authorities say, the government will have more resources available to process recent border crossers for deportation.

What occurred was the opposite: Record numbers of migrants rushed to enter the United States before — not after — the expiration of the pandemic rules. Many told reporters they were spurred by U.S. threats to ramp up deportations when the pandemic rules were no longer in place.

U.S. agents have made 4,000 border arrests per day on average over the past week, down about 60 percent from the days leading up to the expiration of the Title 42 policy on May 11, the latest DHS figures show. The number of migrants held in Border Patrol stations and processing tents has plunged from about 30,000 a week ago to fewer than 10,000 on Friday, according to the latest numbers obtained by The Post.

“We are encouraged by this progress, but it is too soon to draw any definitive conclusions about or predict trends,” DHS officials said in a statement. “The underlying conditions prompting historic migration in the Western Hemisphere remain, and smugglers will continue to spread disinformation to entice migrants to make the dangerous journey.”

Approximately 28,000 migrants arrived during the past week. Biden administration officials did not respond to questions about how many of them were among the 21,000 released into the United States with a pending claim for humanitarian protection.

A fragile calm at the border

Theresa Cardinal Brown, a senior immigration policy adviser at the Bipartisan Policy Center, a D.C. think tank, said it is too soon to know if the administration’s enforcement plans are working. “A couple of days, even a couple of weeks, is not enough time to judge the overall effectiveness of any policy change,” she said. “We’re more likely to be seeing a pause right now. It’s everybody, the migrants, smugglers, the community, trying to figure out the new rules.”

She said it’s likely that migrant-smuggling networks are temporarily holding off as they watch how the Biden administration handles the border. If federal officials are detaining and deporting most migrants, then that could dissuade others from crossing. But if migrants are being released into the United States to await a court hearing, she said, that could inspire others to follow.

“They’re trying to understand what’s happening to people arriving now,” she said. “They’re paying attention to who’s getting in, who’s getting deported, what did they encounter.”

“If the reality on the ground is not matching the rhetoric very quickly everybody’s going to figure that out.”

The Biden administration’s new enforcement system is also fragile because it is subject to court rulings that could temporarily enjoin its policies. A Florida judge last week blocked officials from quickly releasing migrants without a court date — an emergency tactic the Border Patrol was using to relieve crowding in its facilities.

On Wednesday, an 8-year-old girl who had been held at a Border Patrol station in South Texas died after a medical emergency. The child, Anadith Tanay Reyes Álvarez, was traveling with her parents and two siblings, according to a Honduran official.

“When you have overcrowding, those risks go up,” Brown said.

The Biden administration has faced intense Republican criticism over its immigration policies, and in particular the mass releases of migrants into the United States with pending humanitarian claims. Lawmakers have deadlocked, however, on proposals to overhaul U.S. immigration laws and address immigration court backlogs.

Migrants’ odds of deportation vary widely depending on nationality, demographics and other factors. Unaccompanied minors who cross the border are automatically transferred to Health and Human Services and generally released to a relative or guardian. Those who arrive as part of a family group are far less likely to be detained or returned home. Asylum seekers who pass a preliminary screening known as a credible fear interview are released with a pending court date.

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How the U.S. is trying to deter illegal border entries

Experts are predicting a surge of asylum seekers and migrants at the southern U.S. border after [the end of Title 42 border policy](#). The influx will meet a system that is already backlogged. Here’s what the Biden administration is doing to deal with the [record numbers of people crossing the southern border unlawfully](#):

Sending troops

The Biden administration is [sending 1,500 troops to the Mexican border](#) — to join 2,500 National Guard troops already there — to aid U.S. Customs and Border Protection with surveillance and data entry. The troops join asylum officers, medics and 24,000 Department of Homeland Security officers and agents.

Encouraging migrants to seek asylum legally

Officials are planning to open [“regional processing centers”](#) in Colombia and Guatemala, and eventually elsewhere, where U.S. officials, working with the United Nations High Commissioner for Refugees and the International Organization for Migration, will direct migrants to refugee resettlement in the U.S., Canada or Spain.

Sending some people back to Mexico

The end of Title 42 means the U.S. can’t quickly and easily expel asylum seekers. But the U.S. reached a deal with Mexico where migrants from four countries — Venezuela, Nicaragua, Cuba and Haiti — [can be sent to Mexico so they don’t have to return to their homelands](#).

Making more people ineligible

Federal law lets anyone who sets foot on U.S. soil and expresses fear of returning home for reasons such as their political views to apply for humanitarian protection. A [new rule](#)

presumes that people are ineligible if they enter the U.S. illegally and came through a country where they could have sought asylum, but didn't.

New online tools for migrants

U.S. officials are launching an online platform for migrants to make appointments at regional processing centers, and replacing the troubled CBP One app for appointments inside the U.S., and prioritizing those who have waited the longest.

Expanded enforcement

Department of Homeland Security agencies are stepping up enforcement, with new holding facilities, thousands of new beds and more deportation flights. Health and Human Services is also increasing its capacity to shelter unaccompanied migrant children and teens, who have been crossing the border in record numbers.

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DHS officials said they are hopeful the decline in crossings over the past week is a response to new Biden policies that increase opportunities for migrants to temporarily live and work in the United States legally, while threatening stiffer consequences for those who enter unlawfully.

During the past week, Biden officials said an average of 1,070 migrants per day were given appointments at U.S. border checkpoints, or ports of entry, which under a new rule is the first step in seeking asylum in the United States. The appointments are available through a mobile app, CBP One, that many migrants and immigrant advocates describe as glitchy and difficult to use.

DHS officials, however, say thousands of migrants are successfully using CBP One instead of paying smugglers. The top three nationalities of people who received U.S. appointments through the app were Haitian, Mexican and Venezuelan, noted DHS officials, who have faced criticism from immigrant advocacy groups alleging the CBP One app discriminates against Haitians.

An additional 7,000 migrants from Cuba, Haiti, Nicaragua and Venezuela were allowed to enter the United States legally during the past week through a special humanitarian parole program set up for them because conditions in their home countries limit deportations, officials said.

Migrants who attempt to enter the United States without an appointment are subject to new tighter asylum restrictions enacted by the Biden administration to discourage illegal crossings. The restrictions penalize asylum seekers if they don't seek protection in another country on their way to the border, though advocates are suing to block that measure, arguing that it violates federal law.

DHS has not said how many migrants were rejected under the new rule. But Human Rights First and other nonprofits said in a [report](#) that advocates for immigrants witnessed migrants being turned back to unsanitary tent encampments in Mexico because they did not have a prior appointment. Some were prevented by Mexican authorities from even reaching the U.S. border, the advocates said.

DHS officials said they sent more than 1,100 migrants from Venezuela, Nicaragua, Haiti and Cuba back to Mexico over the past week, highlighting an accord with Mexican President Andrés Manuel López Obrador that for the first time is allowing the U.S. authorities to deport non-Mexicans back across the border.

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