



Testimony of

Adam Isacson  
Director for Defense Oversight  
Washington Office on Latin America

Before the

U.S. House of Representatives  
Committee on Oversight and Accountability  
Subcommittee on National Security, the Border, and Foreign Affairs

Hearing: “The Border Crisis: The Cost of Chaos”

Washington, DC  
September 25, 2024

As this hearing convenes, the number of migrants entering Border Patrol custody at the U.S.-Mexico border is at its lowest point since September 2020, when Donald Trump was president during the first months of the COVID pandemic. The lull in migration is the result of crackdowns—one in Mexico, one in access to the U.S. asylum system—that, if the past 10 years are any guide, provide some calm but do not “solve” deeper flaws in our border security and migration systems.

Once this election cycle ends, the present pause in what this hearing calls “chaos” offers a calmer context in which to work toward badly needed, long-delayed reforms that would align U.S. border and migration policies with 21<sup>st</sup> century reality.

**After a time of very high migration, a lull offers a chance to re-evaluate and adjust**

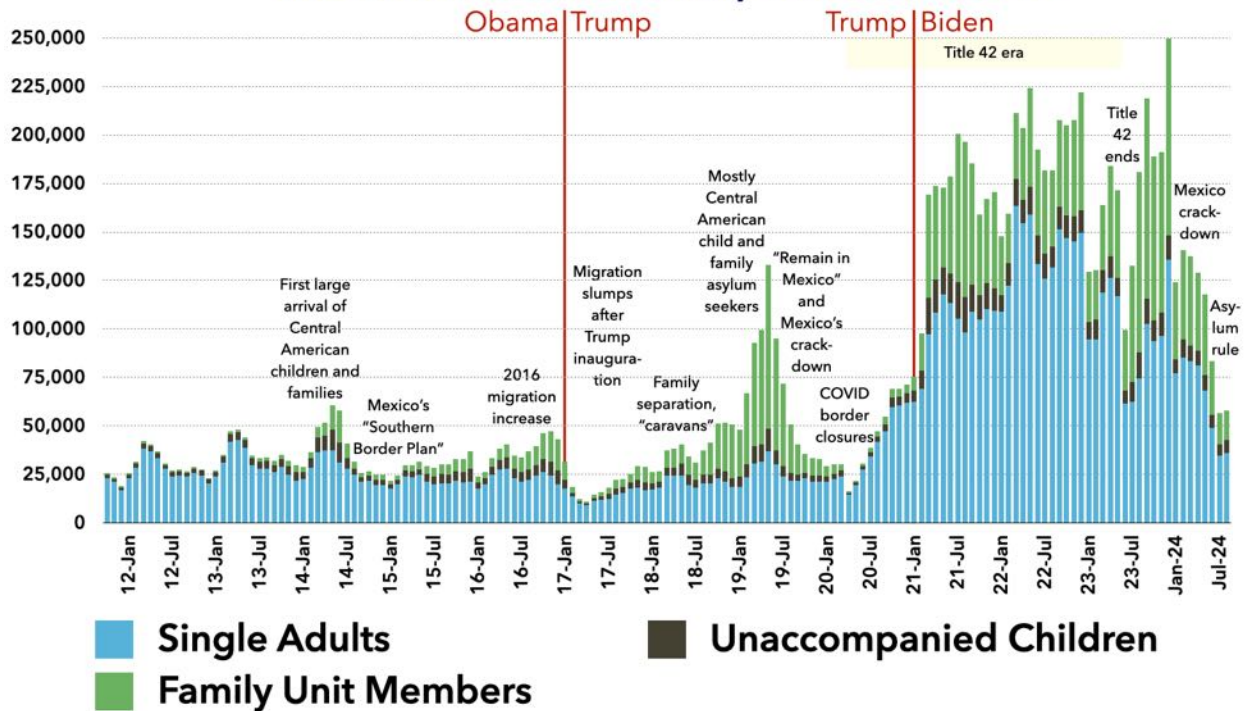
For much of its tenure, the Biden administration oversaw historically high levels of migration at the U.S.-Mexico border. This occurred even though the Trump administration’s Title 42 pandemic expulsions policy remained in place until May 2023; the Biden administration’s Department of Homeland Security (DHS) used it to rapidly expel people from the border 2.45 million times.<sup>1</sup>

Some of the post-2020 increase may have owed to migrants’ perceptions that the Biden administration might allow greater access to the U.S. asylum system than its predecessor. But **much of the increase owed to circumstances beyond any administration’s control.**

The world’s borders began reopening from COVID lockdowns just as the U.S. political transition was happening in early 2021; people who needed to migrate, but could not, finally had a chance. The

pandemic recession was deep in Latin America, aggravating **reasons why people migrate**, like authoritarian repression, threats from gangs and corruption-enabled organized crime, generalized violence, gender-based violence, systematic discrimination, natural disasters and climate change effects, poverty, hunger, or a general loss of hope for one's country's future.

## Border Patrol Migrant Apprehensions and Encounters at the U.S.-Mexico Border, October 2011-



Source: CBP - <https://bit.ly/3sTjLwD> <https://bit.ly/3v1Y9Rr> <https://bit.ly/3LMNYWJ>

With the pandemic's end, we also saw the intensification of a migration trend that had already been underway during the Trump years: the opening of the treacherous Darién Gap wilderness migration route between Colombia and Panama, which made the U.S.-Mexico border accessible to a much wider variety of nationalities than before. This was followed by the opening of a route via Nicaragua, a dictatorship that does not require visas of many nationalities.

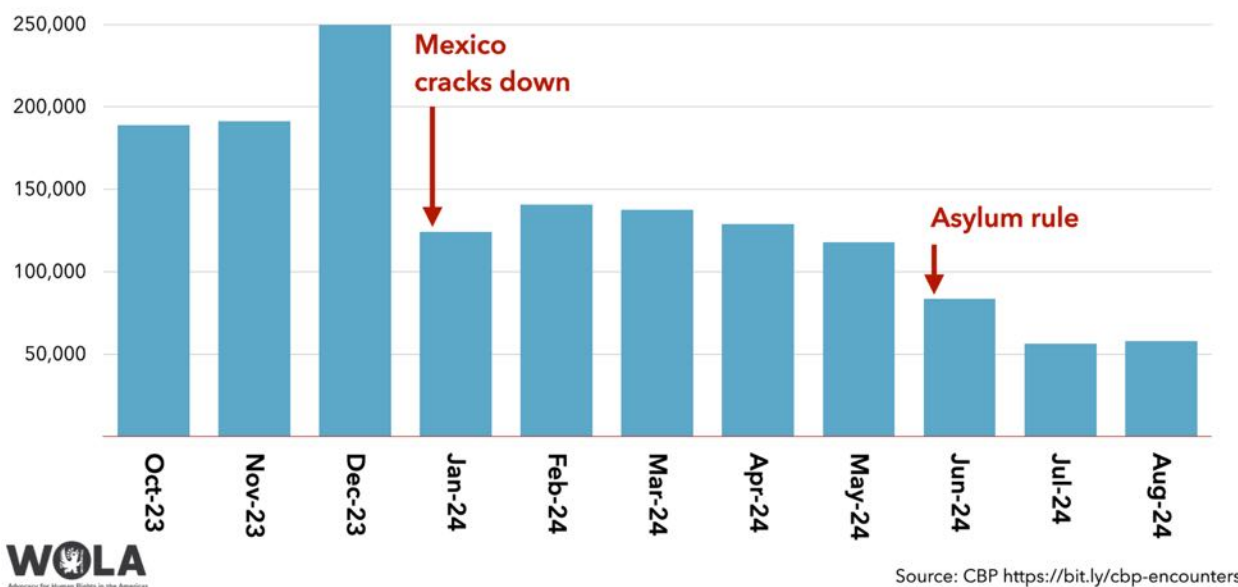
Unlike the mostly Mexican, mostly single-adult, mostly economic migration of the 20<sup>th</sup> and first years of the 21<sup>st</sup> century, **most recent migrants—about 40 percent of them children and families—have not sought to evade capture at the border.** Upon reaching U.S. soil, they have turned themselves in to Border Patrol agents and CBP officers, who have had to process most asylum claims for lack of other personnel to do it. That task, which has kept agents from patrolling and similar duties, hardly requires the skills of academy-trained law enforcement professionals.

Border walls, it is worth pointing out, do not deter a population that seeks only to be present on U.S. soil and turn themselves in: whether on riverbanks, at gates, or in places where people climb over and wait, barriers are of no consequence.

Many of these asylum seekers are fleeing threats to their lives or freedom; as discussed below, the number to whom U.S. immigration courts and asylum officers grant protection is significant, and our system saves tens of thousands of lives each year. Some migrants, however, are undoubtedly drawn by the U.S. asylum system’s chronic backlogs, with decisions routinely taking many years to reach. While this is not a new problem—the first large arrival of Central American asylum-seeking children and families took place in the spring of 2014—successive administrations have left unaddressed the administrative challenge of reducing the backlog by increasing asylum adjudication capacity.

In December 2023, about a quarter of a million migrants entered Border Patrol custody between the border’s ports of entry, a record. Since then, though, the number of migrants arriving at the U.S.-Mexico border has plummeted. In July and August, Border Patrol apprehended 56,399 and 58,038 people, respectively: less than a quarter of December’s total.

### Monthly Border Patrol Migrant Apprehensions at the U.S.-Mexico border: Fiscal Year 2024



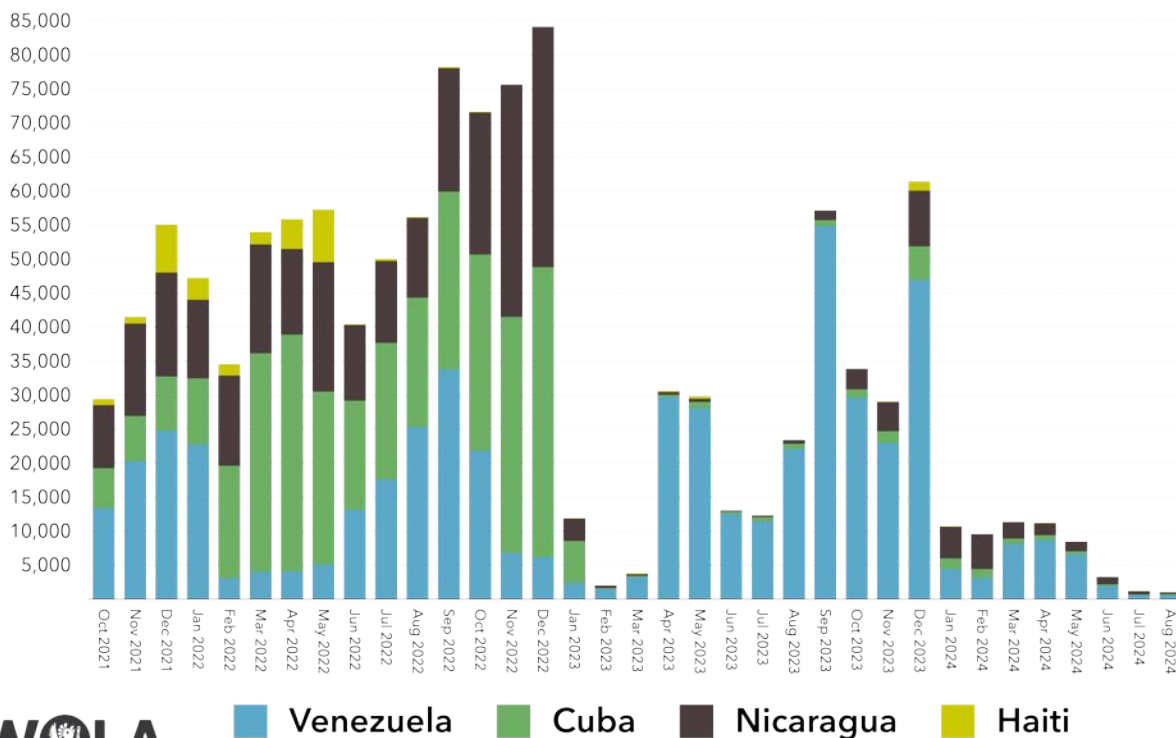
**The drop owes to two concurrent crackdowns.** First, since the beginning of the year, the government of Mexico has stepped up efforts to block migrants, busing tens of thousands of them to the southern part of the country.<sup>2</sup> That caused migration between border ports of entry to drop by 50 percent from December 2023 to January 2024. Border migrant encounters remained near that lower level from January to May, some of the months of lightest migration at the border during the Biden administration.

Then, in early June 2024, the administration launched a second crackdown: a proclamation and rule refusing asylum access to most people who cross the border between ports of entry during busy

times. At least for now, the additional measure has cut migration in half again: a 52 percent drop in Border Patrol apprehensions from May to July 2024.

In addition to these crackdowns, some of the reduction owes to the Biden administration’s effort to steer some migrants into legal, controlled channels. The use of humanitarian parole—a frequently invoked authority dating back to 1952—has helped reduce the number of Cuban, Haitian, Nicaraguan, and Venezuelan migrants entering Border Patrol custody from 61,000 last December to 1,000 in August.

## Cuba, Haiti, Nicaragua, and Venezuela Migrants Apprehended by Border Patrol Between Ports of Entry



■ Venezuela ■ Cuba ■ Nicaragua ■ Haiti

Source: <https://bit.ly/3LMNYWJ>

This authority has also encouraged far more migrants from all nationalities to make appointments at ports of entry using the CBP One app, a program that needs to expand. A system of “Safe Mobility Offices” in Colombia, Costa Rica, Ecuador, and Guatemala has relieved pressure on the border, too, by channeling a limited number of migrants into legal pathways like refugee resettlement.

A crackdown that *does not* get credit for reduced migration is the Texas state government’s “Operation Lone Star,” a series of restrictive measures that intends to deter migration to the state. Since the record month of December, Border Patrol apprehensions in Texas have declined by 85 percent. But they have also declined by 84 percent in Arizona, where the Democratic Party state government has implemented no similar crackdown.

Border Patrol Apprehensions	Dec-23	Jan-24	Feb-24	Mar-24	Apr-24	May-24	Jun-24	Jul-24	Aug-24
Arizona	87,317	54,266	54,358	47,771	36,774	38,500	25,902	13,858	13,593
California	36,603	25,866	32,824	35,529	38,784	34,263	26,865	16,469	15,572
New Mexico	8,413	8,298	11,595	12,413	13,396	11,256	9,205	9,087	11,016
Texas	117,408	35,788	41,863	41,762	39,940	33,886	21,564	16,985	17,857
Total	249,741	124,218	140,640	137,475	128,894	117,905	83,536	56,399	58,038

Percentage Changes	December to August	January to August	May to August
Arizona	-84%	-75%	-65%
California	-57%	-40%	-55%
New Mexico	31%	33%	-2%
Texas	-85%	-50%	-47%
Total	-77%	-53%	-51%

**We should not expect crackdowns’ effect to be permanent.** It has been common over the past ten years to see policy changes cause migration to plummet at the border, only to recover again after migrants and smugglers emerge from a so-called “wait and see period” of learning how new restrictions can and cannot be enforced (see the chart at the beginning of this testimony). Even the Trump administration’s pre-COVID crackdowns, and Title 42 itself, were unable to deter migration in the long term.

People will keep coming: perhaps not in the high numbers the border witnessed in late 2023, but likely in numbers much greater than the present lull. The border is too big and topographically complex for deterrence to be effective at the line. The U.S. economy, currently one of the world’s healthiest, is too robust: labor needs are great. The world is too troubled, and now more accessible with the opening of new, difficult-to-control routes like the Darién jungle. (The UN Refugee Agency estimated in 2023 that 22.1 million people were on the move throughout the Americas, only a small fraction of whom appeared to intend to migrate to the United States.<sup>3</sup>) Migrants now have greater access to information: they, and their smugglers, all have internet-connected smartphones and nimble social media networks.

While we shouldn’t expect today’s migration decline to be long-lasting, **we need to take full advantage of calmer moments when the numbers are down, when not in “crisis mode,” to consider creative alternatives** to today’s failed policies, and to bring our border and migration apparatus more in line with present-day challenges.

One such effort took place in late 2023 and early 2024, when a group of Democratic and Republican senators met repeatedly to hammer out a set of compromise measures. The resulting “Border Act,” which failed in the Senate in early February 2024, sought to address some immediate needs. It was a short-term approach, though, and human rights groups voiced concerns about compromise provisions increasing detention capacity and blocking access to asylum for many people who need protection. Longer-term solutions must go further.

### **Long-term solutions: immigration reform**

The best long-term solution to consider is comprehensive immigration reform, a goal that has eluded legislators for the past three decades. Agreement has been hard to reach because of differences on the desirability of increased legal migration, especially increased non-European migration. **These differences are deep: they rest on whether the United States defines itself as an ethnic state whose “blood” can be “poisoned” by admixture, or as a nation of immigrants—along with an Indigenous population—who agree to live by a common set of democratic values, laws, and ethics that distinguish it from much of the rest of the world.**

This disagreement is front-and-center in the 2024 election cycle. But it is ultimately irrelevant because **excluding certain migrants would require deterring them, which will never be fully possible, especially in the long term.** The push and pull factors mentioned above are very strong, and there is little that the United States can do, nor should it, to make migrants’ experience at the border more miserable than the conditions that they are fleeing in the first place. The only way to achieve that level of misery would be to adopt cruel and abusive policies that betray the shared values that make the United States what it is.

Comprehensive immigration reform that addresses a legal pathway to permanent residency and citizenship for the millions of undocumented immigrants currently in the country, while expanding legal pathways to enter the United States on a temporary or permanent basis, would greatly reduce pressure on the U.S.-Mexican border.

Our current laws make that hard to do. Caps on worldwide immigration and residency applications have changed little since 1990. Temporary work visa caps—which would accommodate many economic migrants who would prefer to return home—are similarly stagnant, and refugee admissions remain low compared to resettlement needs. There’s a mismatch between our economy’s demand for labor and the number of people who wish to contribute to it—there were 0.9 unemployed workers per job opening in July, a number that has recently been as low as 0.5—let alone the number of people who are fleeing imminent threats to their lives and freedom.<sup>4</sup>

The economic and demographic data right now favor greater legal migration. The number of unfilled jobs points to a reduced likelihood of competition with U.S. workers (though this could happen on a local level in some towns and neighborhoods).

- Recent immigration gets a significant portion of the credit for the United States’ economic recovery from the COVID pandemic, which has exceeded those of most of the world.<sup>5</sup>
- The Congressional Budget Office has estimated that the taxes paid by recent immigrants may lower the U.S. budget deficit by \$900 billion between 2024 and 2034.<sup>6</sup>
- While immigration does not get credit for the past two years’ drop in U.S. violent crime rates, it has certainly not countered the trend. A preponderance of studies indicates lower rates of

conviction and incarceration for violent crime among the immigrant population than among U.S. citizens.<sup>7</sup> While adding more people to the U.S. population naturally increases the aggregate number of crimes committed, adding more people who *commit crime at a lower rate* means less probability of being victimized overall.

- The non-immigrant population is aging out of the workforce faster than it is entering it, reducing worker-to-retiree ratios, and that population’s fertility rates are below replacement.<sup>8</sup>

### **Short-term solutions within existing law, like asylum system upgrades**

In the current climate, though, there is little likelihood of reaching a filibuster-proof consensus on changing the United States’ creaky, outdated immigration laws. **Much adjustment will have to employ tools in existing law.** That is what the Biden administration has sought to do with its current “carrot and stick” approach of expanding some legal immigration pathways—parole, Temporary Protected Status, family reunification, and smaller programs—while deeply curtailing asylum access at the border.

Compared to real reform, these tools are blunt instruments, as administration officials readily admit. For most, they do not provide sufficient alternatives to **the U.S. asylum system, which has stringent evidence requirements and requires people to set foot on U.S. soil.** Accessing U.S. soil requires harrowing journeys across South and Central America and Mexico through routes dominated by organized crime, which profits handsomely. Still, people come, because the asylum system is the only door that is even partially open for most.

While the asylum system is the principal pathway for so many, applying a “stick” to asylum-seekers—for instance, turning away people who may urgently need protection—not only violates U.S. law (Section 208 of the Immigration and Nationality Act, INA) and international commitments, but has been shown only to reduce migration in the short term, for brief periods.

The best way to reduce the number of migrants seeking to reach U.S. soil and enter the U.S. asylum system is to provide alternative legal pathways (along with smart diplomacy and foreign aid that can help address the reasons why people feel forced to leave their home countries to begin with). Another good way is to make the system more capable and efficient, without harming due process.

**The current backlogged asylum system is a fixable problem. It is an administrative challenge.** Before discussing how to meet it, it is important to recall why the U.S. asylum system exists, and why it reflects core American values.

The idea of asylum as an international standard came out of the years after World War II. The world had just come out of the war with the largest number of civilian deaths ever, with a historic genocide, and the free world realized that many of those lives could have been saved. The new standard, in the 1951 Refugee Convention, was that if someone is on another country’s soil and says “I’m afraid to return to my country, because I could die or be imprisoned on account of my race, religion, nationality, membership in a particular social group, or political opinion,” then one must not force that person to return to their country without first giving them due process. To return someone to their home country where they would face torture, cruel, inhumane or degrading treatment or punishment is called “refoulement,” a fundamental human rights violation.

The United States ratified the 1967 Protocol to the Refugee Convention in 1968 and passed the Refugee Act in 1980. These were commitments to avoid repeating the horrors of World War II, by setting new international standards. Those standards were not meant to be observed only in the breach, to be abandoned when the asylum seekers' numbers got larger or when they started to come from new parts of the world. Section 208 of the INA clearly states that the right to asylum applies whether or not a migrant arrived at a port of entry: even those who commit the misdemeanor offense of entry without inspection are still entitled to seek protection.

The asylum system has not caught up with the demands of the past decade. Until about 2013 or 2014, most migrants apprehended at the U.S.-Mexico border were single adults, usually Mexican, who sought to evade capture. It is hard to understate how radically that profile has changed, starting with an initial early 2014 wave of asylum-seeking families and unaccompanied children from Central America. In fiscal 2024, 43 percent of all migrants at the border were traveling as families or as unaccompanied children. Just 30 percent were from Mexico. About 11 percent are from outside the Western Hemisphere. A strong majority sought to turn themselves in to U.S. authorities and petition for protection in the United States.

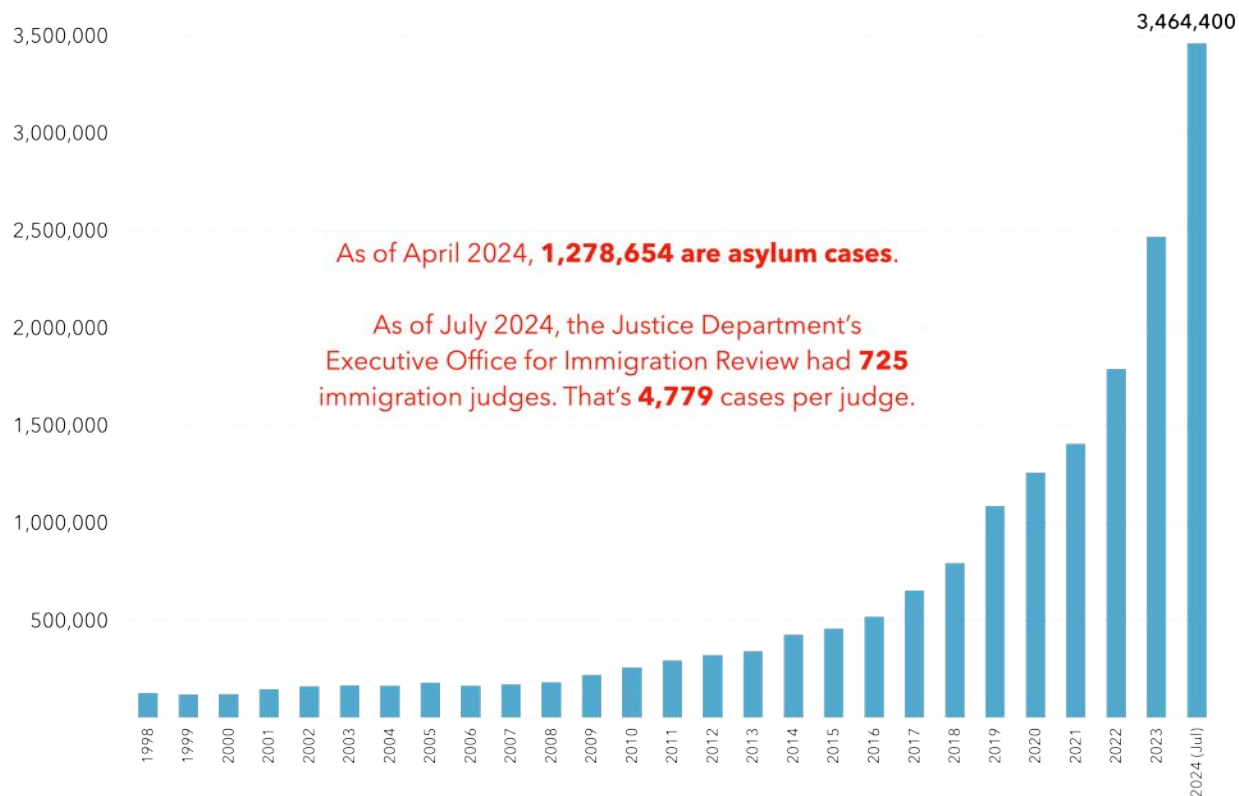
One reason border infrastructure and agencies have seemed overwhelmed at times is that the U.S. border and immigration apparatus was not set up to handle this profile of migrant. During the 1990s and 2000s and especially during the post-September 11, 2001 period, when Border Patrol quintupled in size, demand for asylum was a fraction of what it is now.

As a result, Border Patrol agents have been processing asylum applications—once a marginal task—instead of being on the line carrying out law enforcement duties, because DHS, particularly CBP, lack sufficient personnel, like processing coordinators, who can do this instead. **The Biden administration has hired about 1,000 processing coordinators, but it needs many more to free up agents to do what they were trained to do.**<sup>9</sup>

The U.S. immigration court system has 725 judges to handle a backlog of 3.46 million immigration cases (of which about 1.3 million are asylum cases): a wildly unrealistic 4,779 cases per judge.<sup>10</sup> These courts handed down 71,000 asylum decisions in 2023, but that's nowhere near enough to meet the current need. U.S. Citizenship and Immigration Services has about 1,200 asylum officers, which only reduces caseloads modestly.<sup>11</sup>



## Backlog of Pending Cases in Immigration Courts



Sources: TRAC Immigration <https://bit.ly/44ls2pM>; Justice Department <https://bit.ly/49yBIER>

**The “Border Act” would have authorized the hiring of 4,300 more asylum officers and 100 more immigration judge teams. That could reduce caseloads significantly.** Smaller caseloads mean shorter wait times for initial asylum hearings and, ultimately, asylum decisions. If increased asylum adjudication capacity can progress to the point at which applicants can get a fair decision in perhaps a year—with due process and representation opportunities intact or improved—then the asylum backlog will draw far fewer people.

According to the latest asylum data, 48 percent of those seeking protection in the United States whose cases reached a decision received asylum or another form of relief so far in fiscal 2024.<sup>12</sup> **That is more than 32,000 people who would have faced danger of death, torture, or imprisonment if we had sent them back.** If we count cases that were otherwise closed, the number who qualify for protection would be closer to 25 percent, DHS Secretary Mayorkas said in a late 2023 Senate hearing.<sup>13</sup>

That is fewer than 48 percent, but still way larger than a needle in a haystack: **for every 100,000 people coming to the United States asking for asylum, our current, flawed adjudication process determines that at least 25,000 could have been killed, tortured, imprisoned or suffered other serious human rights violations** had we returned them, for reasons of race, religion, nationality, membership in a particular social group, or political opinion.

That is a sobering reality, and it demands that we invest heavily in a fair and functioning asylum system. It also demands that we avoid watering down this post-World War II “never again” principle just because the asylum-seeking population is larger and more globally diverse than before.

It is crucial, then, that we adjust our border and migration apparatus to respond to this population, and to do it without years-long delays that become their own “pull factors.” This is not a wild utopian vision for the border. **It’s just processing, case management, and adjudication.** It is within our reach, and probably costs less than trying to deter asylum seekers. We should have started building it in 2014, but it is never too late.

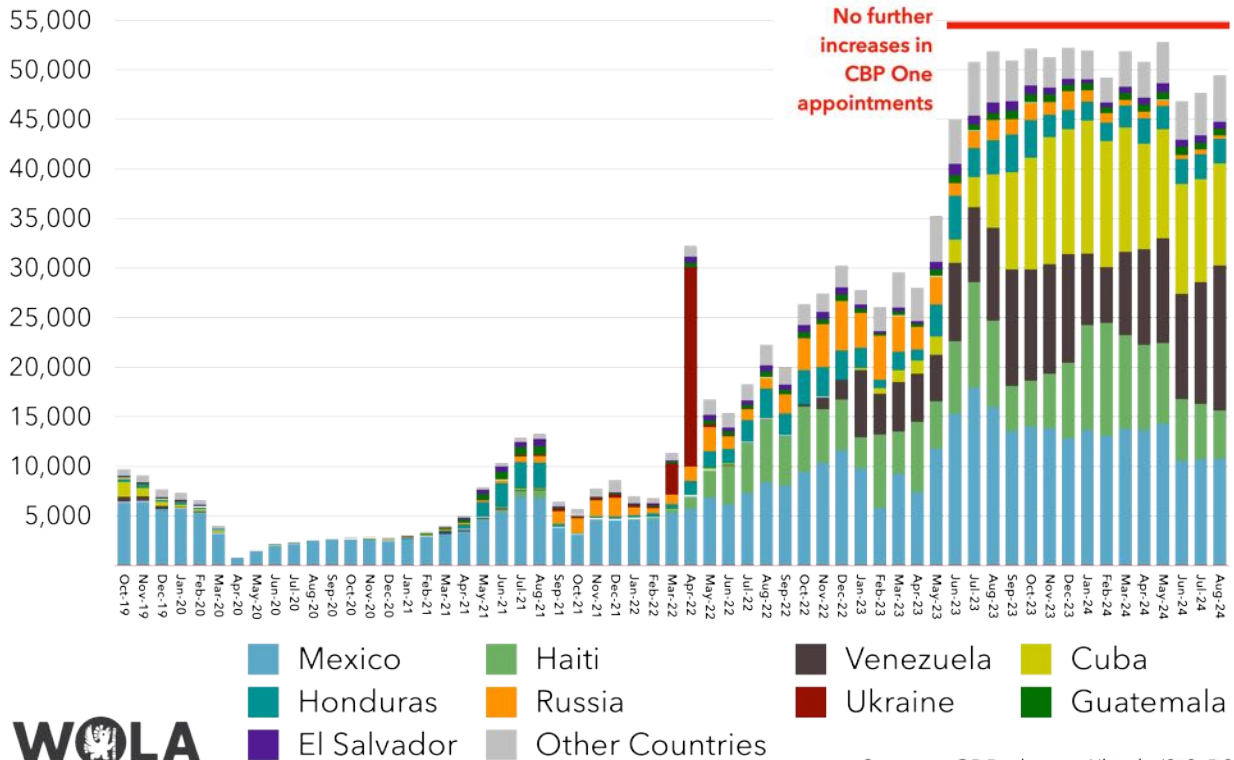
Other important channels for relieving pressure on the border go beyond asylum. Continued and expanded use of parole authorities offer a partial response. The humanitarian parole program for citizens of four of the worst-governed countries in the hemisphere—Cuba, Haiti, Nicaragua, and Venezuela—has contributed, partially, to far fewer of them crossing the border without inspection. That program, though, applies only to four nationalities, and only to those who are able to obtain a passport and link with U.S.-based sponsors. Those are filters that do not capture those who most urgently need protection. **The so-called “CHNV” parole program has room to expand.**

So does the **CBP One** process for making appointments at southwest border land ports of entry. Currently, asylum seekers waiting inside Mexico can use the smartphone app to seek one of 1,450 appointments available each day, about 45,000 per month. This sounds like a large number, but the U.S. asylum system was receiving a multiple of that from the border before the June 2024 asylum rule sharply reduced access. The number of appointments has not changed since June 2023.

## CBP Port of Entry Migrant Encounters by Country at the U.S.-Mexico Border

**August 2024:** Venezuela 29% of total, Mexico 22%, Cuba 21%, Haiti 10%, Honduras 5%, Colombia 4%, All Others <2%

**Since October 2019:** Mexico 34% of total, Haiti 14.3%, Venezuela 14.0%, Cuba 12%, Honduras 7%, Russia 5%, All Others <2%



Source: CBP - <https://bit.ly/3j3tP2l>

As a result, non-governmental reports indicate that **wait times for appointments are growing inside Mexico**, to as much as nine months, along with the overall population of non-Mexican migrants who do not intend to stay in Mexico.<sup>14</sup> Too often, NGO and media reports indicate, these migrants are preyed upon by organized crime—including violent kidnappers—and unscrupulous officials in Mexico.<sup>15</sup>

Increasing the number of CBP One appointments and expanding the number of languages available in the app, especially now that asylum is very hard to attain between ports of entry, could reduce this pressure inside Mexico which, as it increases, could become a major irritant in the bilateral relationship. The expansion of CBP One should not come at the expense of maintaining ports of entry open to asylum seekers unable to access the app or who are especially vulnerable and cannot safely stay in Mexico.

Other necessary steps within existing law go beyond parole and other mechanisms for admitting or removing migrants.

- The land border’s **ports of entry** need more investment, as they continue to suffer infrastructure, manpower, and technology deficiencies.

- Overseas “**root causes**” programs could invest much more in citizen security, rule of law, economic opportunities, and the fight against corruption in countries with high levels of out-migration, focusing first on making people feel safer and more prosperous in the communities and neighborhoods with highest numbers of migrants.
- The State Department’s Bureau of Population, Refugees and Migration, together with USAID, can redouble efforts—within the framework of the 2022 Los Angeles Declaration—to help countries **register and integrate migrants** so that they are not forced to uproot themselves again.

## What not to do

There is no shortage of proposals to take border and migration policy in a different direction, tightening access to protection even further. We have seen proposals to “deter” asylum seekers by detaining more of them—including children and families—finding ways to remove them from the United States without a hearing, or to remove them to await hearings amid miserable and dangerous conditions, as was the case with the Remain in Mexico policy. This is what H.R. 2, the “Secure the Border Act,” would do: set up a series of obstacles to the U.S. asylum system that would prevent all but a tiny trickle of threatened people from accessing it.<sup>16</sup>

Such obstacles to asylum, including a renewed “Remain in Mexico,” would endanger many people. The Trump-era Remain in Mexico policy forced 71,068 asylum seekers from third countries to await their U.S. immigration court dates inside Mexico—mainly in Mexican border cities with some of the country’s highest violent crime rates—in 2019 and 2020.<sup>17</sup>

At least 1,500 asylum seekers suffered violent attacks, including murder, rape, and kidnapping, after being made to remain in Mexico, according to information compiled by Human Rights First.<sup>18</sup> During those years, I spoke to dozens of Central American families stuck in Mexican border towns, living in meager shelters, afraid even to walk around their marginal neighborhoods, while they awaited U.S. court dates that were months away—and then, after the pandemic began, years away.

These individuals had a very hard time defending their cases in the video courts set up by the Remain in Mexico program: by January 2021, only about 2 percent of asylum cases were resolved in their favor, a tiny fraction of the asylum grant rate in regular U.S. immigration courts. This raises urgent questions about due process.

As with any effort to remove asylum seekers across the land border, a revived Remain in Mexico program, or a revived “Title 42,” would depend on Mexico’s government agreeing to take back large numbers of other countries’ citizens.

The Trump administration had also convinced Guatemala, Honduras, and El Salvador to sign “safe third country” agreements, under which asylum seekers of other nationalities, flown from the U.S.-Mexico border, would seek asylum in these countries’ systems. These three nations are hardly viewed as countries of refuge: with high poverty rates, high violent crime rates, and governments that, in some cases, persecute the free press, human rights activists, and anti-corruption advocates, they are second, third, and ninth among countries most often sending migrants to the United States since 2020. The only Trump-era “safe third country” agreement to operate was in Guatemala: DHS

sent 945 migrants from other countries to seek asylum in Guatemala City; none were granted protection.<sup>19</sup>

Migration from targeted countries did decrease in the months after the Remain in Mexico program was ramped up in 2019. As with most deterrence policies, though, **the post-Remain in Mexico decline bottomed out quickly**: numbers of Central American asylum seekers remained historically high during the second half of 2019, and by early 2020 the decline had leveled off. Then came the pandemic, the closure of borders throughout the world, and the Title 42 policy, which made the long-term deterrent impact of Remain in Mexico impossible to measure.

We do know, though, that Title 42 had no deterrent impact, while, between 2021 and 2022, at least 13,480 migrants or asylum seekers blocked or expelled to Mexico under Title 42 were victims of murder, torture, kidnapping, rape or other violent crimes.<sup>20</sup> Even during the Trump administration, the second half of 2020 was a period of sharply increased migration, despite the threat of expulsion into Mexico. By October of that year, Border Patrol apprehensions were greater than they are now. The rate of increase continued to accelerate in 2021, even as the Biden administration robustly enforced Title 42.

Some populations, meanwhile, arrive under circumstances that make attempts to deter them prohibitively costly or impossible. **More than a third of migrants now come from very distant countries**: beyond Mexico, Central America, and the Caribbean. Unless Mexico is pressured into taking them back over the land border, as it does with some Cuban, Haitian, Nicaraguan, and Venezuelan migrants, it is very expensive to deport them by air, if it is even possible to do so at all. That would be true even if H.R. 2 were the law of the land.

## Conclusion

With migration levels at their lowest in four years, the present—or at least, the present after the campaign concludes—offers a calmer time to embrace a real search for solutions based in the changed realities of the 21<sup>st</sup> century. It will not be easy, but it would be tragic to find ourselves repeating the same “chaos and crisis” debate after the present moment’s short-term measures’ impact fades and migration numbers increase again.

This means helping partners in the hemisphere address the root causes of today’s region-wide jump in migration, and manage and integrate migration flows humanely. While asylum is a human right and a global standard, there is a glaring need for other pathways that do not require a dangerous journey across the Americas to set foot on U.S. soil.

It is neither viable nor desirable to try to deter migrants. In our view, the past 10 years have shown that trying to deter protection-seeking migrants is nearly impossible, but you can lose your national soul trying to do it. There’s no suffering we can or should inflict that is worse than what people are fleeing. Parents with children will crawl through concertina wire, or walk through the desert or the Darién Gap jungles for days, because their daily lives are that hard or the threats they face are that serious.

Instead, we need to take a hard view of what the current reality of push and pull factors is, how we can manage that reality in the most orderly and humane way, what our laws and long-held international standards commit us to, and how our diplomacy can encourage shared responsibility for a shared challenge.

---

<sup>1</sup> “Nationwide Encounters” (U.S. Customs and Border Protection, September 16, 2024), <https://www.cbp.gov/newsroom/stats/nationwide-encounters>.

<sup>2</sup> Mary Beth Sheridan, “How Mexico Is Helping Biden and Harris at the U.S. Border,” *Washington Post*, September 14, 2024, <https://www.washingtonpost.com/world/2024/09/14/mexico-migrant-border-merry-go-round/>; “Removal and Return of Non-Mexican Nationals from the United States to Mexico” (Mexico City: Instituto para las Mujeres en la Migración, July 2024), <https://imumi.org/nuestras-publicaciones/removal-and-return-of-non-mexican-nationals-from-the-united-states-to-mexico/>; Megan Janetsky and Félix Márquez, “Mexico’s Tactic to Cut Immigration to the US: Wear out Migrants,” AP News, June 11, 2024, <https://apnews.com/article/mexico-immigration-border-lopez-obrador-biden-a5498f0791f5f1ef99f1dfd9acce8f4>; Michelle Hackman and Santiago Perez, “How the U.S. and Mexico Drove Border Crossings Down in an Election Year,” *The Wall Street Journal*, August 5, 2024, <https://www.wsj.com/us-news/how-the-u-s-and-mexico-drove-border-crossings-down-in-an-election-year-6672071f>.

<sup>3</sup> “Americas - Factsheet October 2023” (UN Refugee Agency, October 23, 2023), <https://data.unhcr.org/en/documents/details/104235>.

<sup>4</sup> “Number of Unemployed Persons per Job Opening, Seasonally Adjusted,” Bureau of Labor Statistics, accessed September 24, 2024, <https://www.bls.gov/charts/job-openings-and-labor-turnover/unemp-per-job-opening.htm>.

<sup>5</sup> Lydia DePillis, “The U.S. Economy Is Surpassing Expectations. Immigration Is One Reason.,” *The New York Times*, February 29, 2024, sec. Business, <https://www.nytimes.com/2024/02/29/business/economy/immigrants-labor.html>; Rachel Siegel, Lauren Kaori Gurley, and Meryl Kornfield, “The Economy Is Roaring. Immigration Is a Key Reason.,” *Washington Post*, February 27, 2024, <https://www.washingtonpost.com/business/2024/02/27/economy-immigration-border-biden/>.

<sup>6</sup> “Effects of the Immigration Surge on the Federal Budget and the Economy” (Washington: Congressional Budget Office, July 23, 2024), <https://www.cbo.gov/publication/60569>.

<sup>7</sup> Glenn Kessler, “Analysis | The Truth about Illegal Immigration and Crime,” *Washington Post*, February 29, 2024, <https://www.washingtonpost.com/politics/2024/02/29/truth-about-illegal-immigration-crime/>; Alex Nowrasteh, “Illegal Immigrants Have a Low Homicide Conviction Rate: Setting the Record Straight on Illegal Immigrant Crime,” Cato Institute, February 28, 2024, <https://www.cato.org/blog/illegal-immigrants-have-low-homicide-conviction-rate-setting-record-straight-illegal-immigrant>.

<sup>8</sup> Stuart Anderson, “U.S. Risks Decline And Stagnation Without Immigrants,” *Forbes*, August 23, 2023, <https://www.forbes.com/sites/stuartanderson/2023/08/23/us-risks-decline-and-stagnation-without-immigrants/>; “U.S. Demographic Projections: With and Without Immigration,” Penn Wharton Budget Model, March 22, 2024, <https://budgetmodel.wharton.upenn.edu/issues/2024/3/22/us-demographic-projections-with-and-without-immigration>.

<sup>9</sup> “Update on Southwest Border Security and Preparedness Ahead of Court-Ordered Lifting of Title 42” (U.S. Department of Homeland Security, December 13, 2022), [https://www.dhs.gov/sites/default/files/2022-12/22\\_1213\\_plyc\\_update-sw-border-security-preparedness.pdf](https://www.dhs.gov/sites/default/files/2022-12/22_1213_plyc_update-sw-border-security-preparedness.pdf).

<sup>10</sup> “Immigration Judge Hiring” (Executive Office of Immigration Review, 2024), <https://www.justice.gov/eoir/media/1344911/dl?inline>; “Nearly 1.3 Million Asylum Cases Now Pending in Immigration Court,” TRAC Immigration, May 10, 2024, <https://trac.syr.edu/whatsnew/email.240510.html>.

<sup>11</sup> “U.S. Citizenship and Immigration Services Fiscal Year 2025 Congressional Justification” (U.S. Department of Homeland Security, March 2024), [https://www.dhs.gov/sites/default/files/2024-03/2024\\_0308\\_us\\_citizenship\\_and\\_immigration\\_services.pdf](https://www.dhs.gov/sites/default/files/2024-03/2024_0308_us_citizenship_and_immigration_services.pdf).

<sup>12</sup> “Immigration Court Asylum Decisions,” TRAC Immigration, August 2024, <https://trac.syr.edu/phptools/immigration/asylum/>.

<sup>13</sup> “A Review of the President’s Supplemental Request for the Departments of Health and Human Services and Homeland Security” (Washington: U.S. Senate, November 8, 2023),

---

<https://www.appropriations.senate.gov/hearings/a-review-of-the-presidents-supplemental-request-for-the-departments-of-health-and-human-services-and-homeland-security>.

<sup>14</sup> Stephanie Leutert and Caitlyn Yates, “Asylum Processing at the U.S.-Mexico Border: August 2024” (Austin: University of Texas Strauss Center, August 30, 2024), <https://www.strausscenter.org/publications/asylum-processing-at-the-u-s-mexico-border-august-2024/>; Hope Border Institute, “Letter From Over 75 Organizations and Congregations Regarding Cbp One,” September 17, 2024, [https://www.hopeborder.org/\\_files/ugd/e07ba9\\_40eb9bef9e0744ed99e5c573355368e1.pdf](https://www.hopeborder.org/_files/ugd/e07ba9_40eb9bef9e0744ed99e5c573355368e1.pdf); Institute for Women in Migration, “Civil Society Organizations and Human Rights Defenders Demand Security and Protection for People Awaiting Cbp One Appointments in Mexico,” August 22, 2024, [https://imumi.org/attachments/2024/Security\\_and\\_protection\\_for\\_people\\_awaiting\\_CBP\\_One.pdf](https://imumi.org/attachments/2024/Security_and_protection_for_people_awaiting_CBP_One.pdf).

<sup>15</sup> “Amicus Brief Challenging Interim Final Rule: ‘Securing the Border’” (Human Rights First, Hope Border Institute, Immigrant Defenders Law Center, Kino Border Initiative, and Refugees International, July 30, 2024), <https://humanrightsfirst.org/library/amicus-brief-challenging-interim-final-rule-securing-the-border/>; “Six-Week Report: Implementation of the Biden Administration’s June 2024 ‘Securing the Border’ Asylum Ban” (Washington: National Immigrant Justice Center, Immigrant Defenders Law Center, Hope Border Institute, Refugees International, Las Americas Immigrant Advocacy Center, the National Immigration Law Center, Human Rights First, Women’s Refugee Commission, Florence Immigrant & Refugee Rights Project, July 25, 2024), <https://immigrantjustice.org/press-releases/six-weeks-after-bidens-second-asylum-ban-took-effect-advocates-report-rampant-rights>; Stephanie Brewer and Ana Lucía Verduzco, “Kidnapping of Migrants and Asylum Seekers at the Texas-Tamaulipas Border Reaches Intolerable Levels,” WOLA, April 4, 2024, <https://www.wola.org/analysis/kidnapping-migrants-asylum-seekers-texas-tamaulipas-border-intolerable-levels/>; Agencia EFE, “Migrantes padecen estrés postraumático tras la violencia en México,” Grupo Milenio, September 9, 2024, <https://www.milenio.com/politica/migrantes-padecen-estres-postraumatico-violencia-mexico>.

<sup>16</sup> Adam Isacson and Ana Lucía Verduzco, “U.S. Congress Must Not Gut the Right to Asylum at a Time of Historic Need,” WOLA, November 14, 2023, <https://www.wola.org/analysis/us-congress-must-not-gut-right-asylum-time-historic-need/>.

<sup>17</sup> “Details on MPP (Remain in Mexico) Deportation Proceedings,” TRAC Immigration, November 2022, <https://trac.syr.edu/phptools/immigration/mpp/>.

<sup>18</sup> “Publicly Reported Cases of Violent Attacks on Individuals Returned to Mexico under the ‘Migrant Protection Protocols’, as Compiled by Human Rights First” (Human Rights First, 2020), <https://humanrightsfirst.org/wp-content/uploads/2021/05/PubliclyReportedMPPAttacks2.19.2021.pdf>; “Explanation of the Decision to Terminate the Migrant Protection Protocols” (Washington: U.S. Department of Homeland Security, October 29, 2021), [https://www.dhs.gov/sites/default/files/2022-01/21\\_1029\\_mpp-termination-justification-memo-508.pdf](https://www.dhs.gov/sites/default/files/2022-01/21_1029_mpp-termination-justification-memo-508.pdf).

<sup>19</sup> “Menendez Publishes New Report Documenting Cruelty, Coercion, and Legal Contortions in Trump Administration’s Asylum Agreements | United States Senate Committee on Foreign Relations,” January 18, 2021, <https://www.foreign.senate.gov/press/dem/release/menendez-publishes-new-report-documenting-cruelty-coercion-and-legal-contortions-in-trump-administrations-asylum-agreements>.

<sup>20</sup> “Human Rights Stain, Public Health Farce” (New York: Human Rights First, December 2022), <https://humanrightsfirst.org/wp-content/uploads/2022/12/HumanRightsStainPublicHealthFarce-1.pdf>.