

Fiscal Year 2021 Southwest Border Enforcement Report

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OFFICE OF IMMIGRATION STATISTICS

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**Homeland
Security**

Summary

U.S. Customs and Border Protection (CBP) faced an unprecedented set of challenges at the border in fiscal year (FY) 2021,¹ grappling with the continuing COVID-19 pandemic that deeply affected the health and well-being of its workforce even as it reported the highest number of Southwest Border encounters in 20 years.² The high number of total encounters was partly driven by high recidivism rates among individuals processed under Title 42 public health authorities, meaning the actual number of unique individuals attempting to cross the border was substantially lower than total encounters. Key challenges in 2021 include the continuing trend of large numbers of families and unaccompanied children being encountered at the border—populations that are more vulnerable and thus more challenging to process—and the increasingly diverse mix of citizenships, many from countries to which it is difficult to repatriate individuals. In response to these challenges, U.S. Immigration and Customs Enforcement (ICE) supported CBP by detailing a large number of personnel to the border to support migrant processing even as it implemented new enforcement priorities. These changes led ICE to reduce the number of at-large arrests in favor of a renewed emphasis on identifying and removing serious criminals. As a result, while total repatriations (e.g., removals, returns, expulsions) mainly targeted recent border crossers and hit a 15-year high, removals focused to an unprecedented degree on convicted criminals.

Border Encounters by Title Authority and Family Status

CBP processed a total of 1.72 million enforcement encounters in 2021,³ including 146,054 encounters of unaccompanied children, 478,492 of individuals in family units, and 1,098,500 of single adults.⁴ The majority of encounters (1.06 million, 62 percent) were processed in accordance with orders from the Centers for Disease Control and Prevention (CDC) under its

¹ Throughout this report, references to the “border” and to “encounters” refer to encounters at the Southwest Border and “year” refer to fiscal years. FY 2021 ran from October 1, 2020 through September 30, 2021. All data in this report are valid through the end of 2021.

² People migrate for many, complex reasons. The high number of encounters in 2021 likely reflects many of the same push factors that have propelled migration from Mexico and Central America for years, including poverty, high levels of violence, and corruption, along with Hurricanes Eta and Iota in 2020, the COVID-19 pandemic, and additional disruptions in several South American and Caribbean countries. Migration may have been further fueled by pent-up demand following reduced flows under the previous administration, family connections, relatively robust job creation in the second half of 2021, and the expectation of comparatively more generous migration policies under the Biden Administration. Understanding these drivers is important, including to shape policy responses; but this report focuses exclusively on describing numbers of border encounters and the Department’s enforcement response, not on underlying pushes and pulls.

³ A CBP encounter is an engagement between a noncitizen and border law enforcement agent or officer resulting in a U.S. Border Patrol (USBP) Title 8 apprehension, an Office of Field Operations (OFO) Title 8 determination of inadmissibility, or a USBP or OFO Title 42 expulsion. Throughout this report, encounter data are limited to enforcement encounters, which exclude OFO parolees, withdrawals of application for admission, and crew members detained on board vessels, collectively known as administrative encounters. Nationwide, OFO completed a total of 294,351 encounters in 2021, including 190,785 administrative encounters and 103,566 enforcement encounters. At the Southwest Border, OFO completed 9,988 administrative encounters and 65,489 enforcement encounters.

⁴ OFO also encountered 1,649 accompanied children, who are unauthorized children accompanied by a lawful permanent resident or U.S. citizen parent.

Title 42 public health authority, which require that DHS expel certain persons from the border in order to limit the spread of COVID-19 (Table 1).⁵

Table 1.

Southwest Border Enforcement Encounters by Title Authority and Family Status: FY 2021

Title/ Authority	Unaccompanied Children		Family Unit Individuals		Single Adults		Total	
Title 42	4,734	3%	126,847	27%	930,372	85%	1,063,524	62%
Title 8	141,320	97%	351,645	73%	168,128	15%	661,171	38%
Total	146,054		478,492		1,098,500		1,724,695	

Notes: Total column includes accompanied minors. Title 42 expulsions included unaccompanied children only between October 1 and November 18, 2020. Enforcement Encounters exclude OFO parolees, crew members, and withdrawals of application for admission.

Source: DHS Office of Immigration Statistics analysis of CBP data.

Total Encounters versus Unique Individuals

Given that all individuals encountered at the border must be processed, the number of total encounters defines CBP’s workload. However, it overstates the number of unique people attempting to cross the border because it does not account for those who make multiple crossing attempts, a figure that increased markedly during the pandemic. Prior to the pandemic, about one in eight border encounters involved a person previously encountered during the prior year (i.e., a repeat crossing attempt); but the repeat encounter⁶ rate jumped to more than one in three since CBP began expelling people under Title 42 authority, including almost half of single adult encounters (Table 2). The increase in repeat encounters is likely due to the lack of consequences associated with expulsions under Title 42, which may incentivize people who are expelled to make additional crossing attempts.

⁵ DHS generally processes border encounters under Title 8 authority, which governs immigration enforcement.

⁶ Throughout this report, “repeat encounters” refers to encounters with whom CBP had a previous enforcement encounter within the prior 12 months and “unique encounters” and “unique people” refer to encounters of people who were not previously encountered in the prior 12 months. A person encountered once in 2019 and again in 2021 would be counted as having a unique encounter in both years, but a person encountered twice in 2021 would only be counted as a unique encounter once. “Total encounters” count encounter events (i.e., without regard to the number of unique individuals).

Table 2.
Southwest Border Repeat Encounters as a Percentage of Total by
Time Period and Demographic

Demographic	Pre-Title 42 Period	Title 42 Period
Unaccompanied Children	1%	7%
Individuals in Families	2%	12%
Single Adults	22%	47%
Total	14%	36%

Notes: Pre-Title 42 period includes October 2013–February 2020; Title 42 period includes April 2020–September 2021. Data on unaccompanied children are limited to non-Mexicans.

Source: DHS Office of Immigration Statistics analysis of CBP data.

Thus, while total enforcement encounters increased 82 percent between 2019 (the last pre-pandemic year) and 2021 (950,000 versus 1.72 million), the number of unique people encountered at the border increased just 30 percent (874,000 versus 1.14 million).

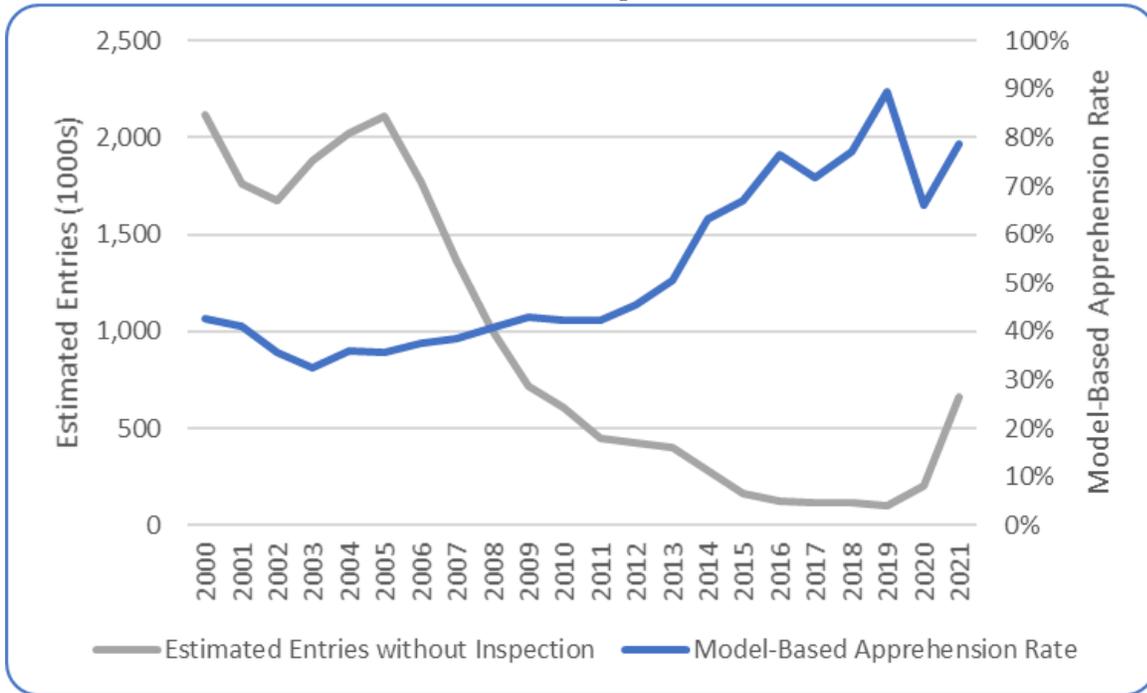
Estimated Entries without Inspection

Despite the relatively high number of encounters in 2021, improvements in CBP’s estimated at-the-border apprehension rate—which averaged 78 percent in 2018–2020, compared to 35 percent in 2002–2004—kept the estimated number of entries without inspection far below the levels observed in the early 2000s.⁷ Based on preliminary data, DHS estimates that about 660,000 border crossers evaded apprehension in 2021. This estimate represents an increase over the low levels observed in 2014–2020 (160,000/year), but it is lower than any year 2000–2010 and only one-third as high as the estimates for 2000–2006 (1.9 million/year) (Figure 1).

⁷ Figures are based on the Office of Immigration Statistics’ “model-based apprehension rate,” which is an estimate of the proportion of attempted entries without inspection between ports of entry that are successful (i.e., estimated entries without inspection divided by the sum of apprehensions and estimated entries without inspection). For a fuller discussion, see DHS, *DHS Border Security Metrics Report*, August 5, 2020, available at <https://www.dhs.gov/publication/border-security-metrics-report>. Data are not yet available to calculate the 2021 model-based apprehension rate.

Figure 1.

Estimated Southwest Border Entries without Inspection: FY 2000–FY 2021



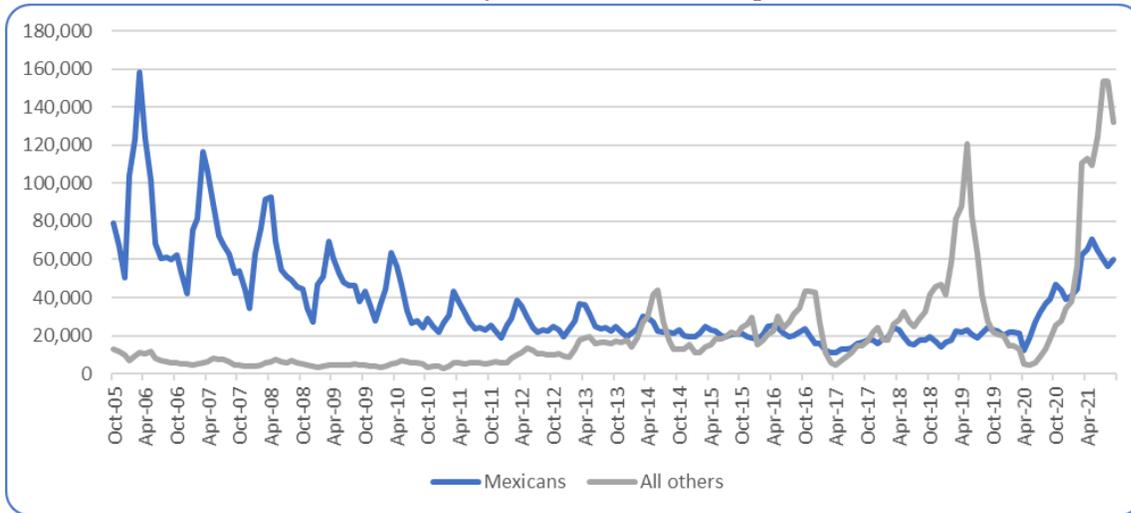
Notes: The 2021 estimated model-based apprehension rate and entries without inspection are preliminary based on 2021 encounter demographics and assuming no change in the 2020 pandemic period at-the-border deterrence rate or partial apprehension rates. See *DHS Border Security Metrics Report* for discussion of methodology. Source: DHS Office of Immigration Statistics analysis of CBP data.

Reduced Seasonality

One key change in recent years has been the end of predictable, seasonal, migratory flows. The large number of encounters in 2019 and 2021 represent a sharp break from the traditional seasonality observed prior to about 2014. For decades, encounter numbers routinely peaked in the spring and declined from late summer through winter. More recently, that seasonal pattern has been replaced by less predictable shifts in flows. Encounters dropped sharply in the first 6 months of fiscal year 2017 and then increased for two full years between April 2017 and the spring of 2019. Another sharp drop in late 2019 through the start of the pandemic was followed by growing encounters throughout the second half of 2020 and most of 2021 (Figure 2). The breakdown in encounter seasonality has made projecting and planning for migratory flows more challenging.

Figure 2.

Total Southwest Border Encounters by Selected Citizenships: FY 2006–FY 2021

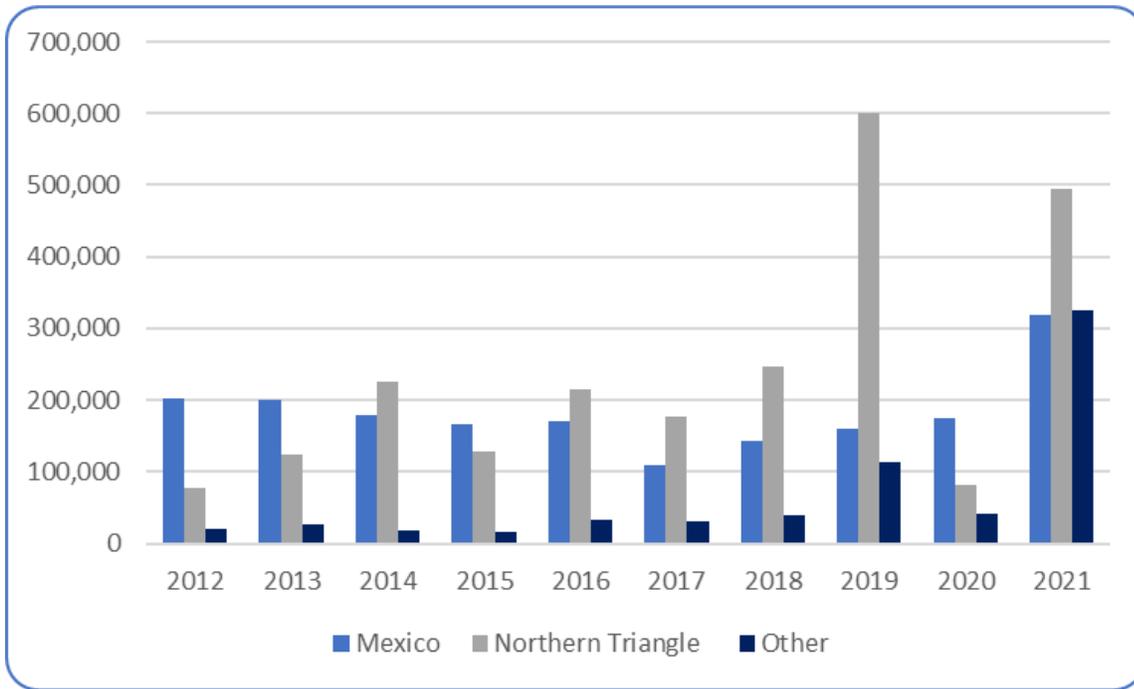


Source: DHS Office of Immigration Statistics analysis of CBP data.

Changing Encounter Demographics: Citizenship

The breakdown in seasonality has been associated with two changes in encounter demographics. The first change has been a substantial decline in unaccompanied Mexican migration and increasing flows from a growing number of other countries (Figure 2). Over 90 percent of border encounters prior to 2010 (and over 95 percent prior to 2000) were Mexican nationals; the three Northern Central America countries (El Salvador, Honduras, and Guatemala) accounted for a rising share throughout the 2010s; and several additional countries have accounted for growing shares since 2019 (Figure 3). Mexican nationals accounted for just 28 percent of unique encounters in 2021, their lowest share in recorded history, versus 44 percent for the Northern Central America countries. A full 28 percent of unique encounters were of people from countries other than Mexico or the Northern Central America countries—twice the previous record for this demographic. This trend is important because—unlike for Mexico and the Northern Central America countries—DHS does not currently have agreements to electronically verify nationality with these new sending countries, making removing or expelling their nationals more resource-intensive and time-consuming. COVID-19 mitigation requirements imposed by countries receiving DHS flights adds additional complexity, which can impede the ability to complete removals. Finally, in the cases of several countries, including Venezuela, Cuba, and Nicaragua, current political dynamics and complicated diplomatic relations often make it difficult to complete repatriations at all.

Figure 3.
 Southwest Border Unique Border Encounters by Selected Citzenships:
 FY 2012–FY 2021



Note: Encounters exclude OFO parolees and withdrawals of application for admission. The term “Northern Triangle” has been replaced by “Northern Central American” to describe El Salvador, Honduras, and Guatemala.
 Source: Source: DHS Office of Immigration Statistics analysis of CBP data.

The largest source of growth in unique encounters between 2019 and 2021 was countries other than Mexico or the Northern Central America countries, as these “other” numbers nearly tripled. The number of unique individuals from Mexico doubled during these years, though *total* encounters from Mexico nearly tripled because of Mexico’s high repeat encounter rate. Unique encounters of Northern Central America country nationals *fell* by over 100,000 between 2019 and 2021 (though simultaneously the high repeat encounters among this group meant that total Northern Central America country encounters increased). Countries other than Mexico and the Northern Central America countries represented 80 percent of the growth in unique encounters between 2019 and 2021 (Table 3).

Table 3.
Southwest Border Total and Unique Encounters by Selected Citizenship:
FY 2019 and FY 2021

Country	Total Encounters		Unique Encounters	
	2019	2021	2019	2021
Mexico	210,246	646,348	159,066	318,382
Northern Central American Countries	623,241	700,782	601,234	495,276
Other Countries	115,963	377,565	113,781	324,244
Total	949,450	1,724,695	874,081	1,137,902

Source: DHS Office of Immigration Statistics analysis of CBP data.

Outside of Mexico and the Northern Central America countries, the countries accounting for the largest number of encounters in 2021 were Ecuador, Brazil, Nicaragua, Venezuela, Haiti, and Cuba, each of which set new record highs. Encounters from Cuba were more than five times as high as the recent pre-pandemic average, and the five other top encounter countries had between nine- and 33-fold increases over their pre-pandemic averages (Table 4).

Table 4.
Southwest Border Encounters, Selected Countries:
FY 2021 vs FY 2014–FY 2019 Average

Country	FY 2021 Southwest Border Encounters	Increase over FY 2014-2019
Ecuador	96,150	2,136%
Brazil	56,881	928%
Nicaragua	50,109	1,285%
Venezuela	48,678	3,132%
Haiti	47,255	1,425%
Cuba	38,674	159%

Notes: Table excludes OFO parolees and withdrawals of application for admission, including Cubans who were paroled into the United States prior to 2017 under the “wet-foot/dry-foot” policy. Accounting for that relatively large earlier population, Cuba’s increase over 2014-2019 was 159 percent.

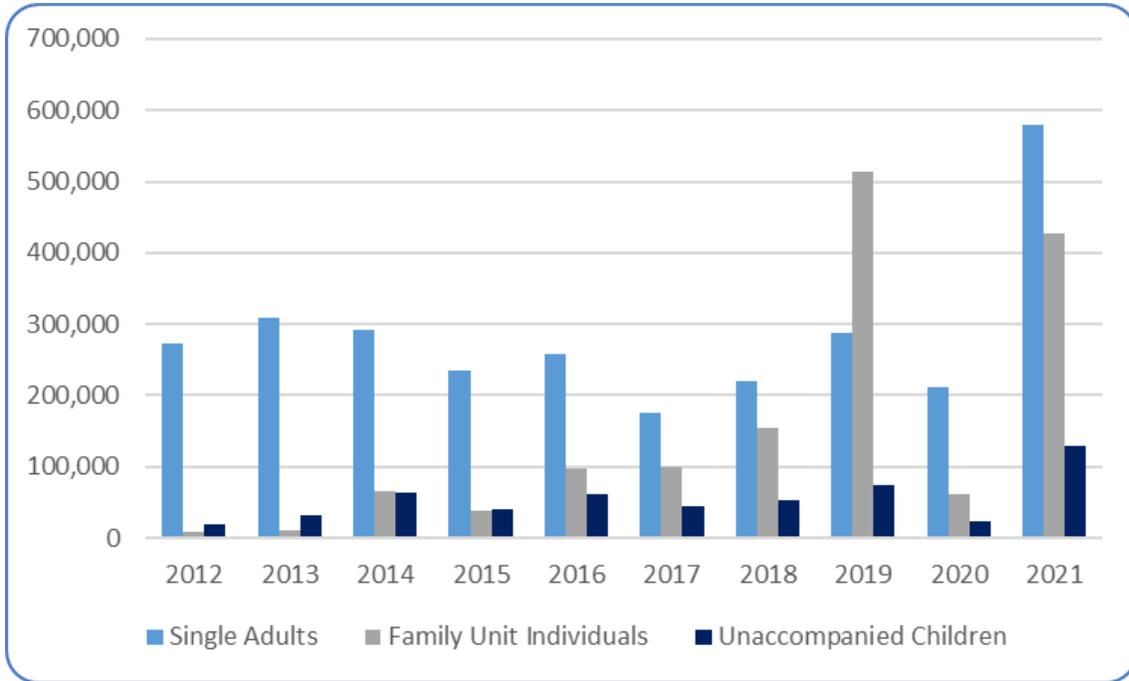
Source: DHS Office of Immigration Statistics analysis of CBP data.

Changing Encounter Demographics: Family Status and Sex

A second demographic change in recent years has been the rise of family and child migration. An average of just 21,000 unaccompanied children per year were encountered at the border in 2008–2013 (the first years for which data are available), and family unit migration (i.e., parents and children traveling together) was too infrequent for data to be collected at all prior to 2012. The number of unique encounters of children and individuals in families grew 59 percent between 2012 and 2013, tripled between 2013 and 2014, and then grew by an average of 57 percent per year between 2015 and 2019, for a combined 20-fold increase between 2012 and

2019. At the same time, the number of unique single adult encounters grew a total of just 5 percent over that period (Figure 4). The fact that more than half of persons being encountered at the border are now children and families—and the overall volume of child and family encounters—represents a major break from historical trends, and one that has substantial repercussions for immigration enforcement.

Figure 4.
Southwest Border Unique Encounters by Family Status:
FY 2012–FY 2021



Notes: Encounters exclude OFO parolees and withdrawals of application for admission. Figure excludes OFO accompanied minors. OFO data on individuals in family units are unavailable for 2012–2015.
Source: DHS Office of Immigration Statistics analysis of CBP data.

As Figure 4 also illustrates, the combined numbers of unique children and family unit encounters were roughly similar in 2021 to those observed in 2019. The number of unique unaccompanied child encounters increased 73 percent and the number of unique family unit encounters fell 17 percent, resulting in a total of 556,230 unique family unit and unaccompanied child encounters, the second-highest number ever (second to 2019) and a strong continuation of pre-pandemic trends. What changed notably from the recent past was the number of unique single adult encounters, which doubled between 2019 and 2021, accounting for all the total increase in unique encounters (Table 5).

Table 5.

Total and Unique Southwest Border Encounters by Family Status:
FY 2019 and FY 2021

Family Status	Total Encounters		Unique Encounters	
	2019	2021	2019	2021
Unaccompanied Children	78,607	146,054	74,290	128,450
Individuals in Families	522,099	478,492	513,123	427,780
Single Adults	348,557	1,098,500	286,524	580,153
Total	949,450	1,724,695	874,081	1,137,902

Note: Total row includes accompanied minors. Encounters exclude OFO parolees and withdrawals of application for admission.

Source: DHS Office of Immigration Statistics analysis of CBP data.

The number of women and girls encountered at the border in 2021 reached a historic high. Compared to the 2014–2019 average, unique encounters of female single adults were up 135 percent, of female unaccompanied children were up 135 percent, and of female individuals in family units were up 177 percent. Though more unique female single adults and children crossed in 2021 than ever before, a plurality of unique female encounters (48 percent) were parts of family units. Among unique children of all sexes encountered as parts of family units, more than half (57 percent) were tender age children (5 years and younger), up from 36 percent in 2019 and from an average of 40 percent for all of 2014–2019 (Table 6).

Table 6.

Total Enforcement Encounters and Unique Individuals by Sex:
FY 2014–FY 2019 Average and FY 2021

Sex Category	Total Encounters		Unique Individuals	
	2014–2019 Average	2021	2014–2019 Average	2021
Females	160,111	507,358	149,639	388,249
Males	374,876	1,216,834	312,424	749,216
Other/Unknown	123	503	110	437
Total	949,450	1,724,695	874,081	1,137,902

Note: Encounters exclude OFO parolees and withdrawals of application for admission.

Source: DHS Office of Immigration Statistics analysis of CBP data.

The rising number of women and the shift from single adults to children and families present different processing needs and policy responses. Humanitarian concerns and legal protections make processing children and families in immigration proceedings much more complex and resource intensive than processing single adults. In addition, ICE and CBP have limited detention/custody facilities set aside for women or families (or children, in the case of CBP), as both are dealing with much more diverse demographic profiles than their infrastructure was designed to manage. Lastly, increases in female migration may indicate that people are fleeing

gender-based violence in their home countries, which has larger implications about stability and about potential policy approaches to mitigate such migration

Border Enforcement Processing

Increasing numbers of encounters overall—and particularly of children, families, and people from countries other than Mexico and the Northern Central America countries—have made it more difficult for DHS to process those encountered at the border. Enforcement processing is further complicated by the implementation of COVID-19 protocols to reduce crowding, which have sharply reduced holding and detention capacity. The Department responded to the growing number of encounters by surging resources to the border, including ICE agents as well as the DHS volunteer corps; pursuing processing system updates to provide increased efficiency; and by working with the Departments of Health and Human Services (HHS) and Justice (DOJ) to establish new protocols to expedite processing.

In April 2021, CBP and ICE began to field the Case Acceptance System (CAS) to processing workstations across the agencies. CAS replaces decades-old pen-and-ink case processing forms with a digital system and electronic file transmission, reducing CBP processing time, supporting more expedient case review by ICE personnel, and providing a shared system for monitoring encounter and in-custody data. DHS also improved the processes for enrolling noncitizens into Alternative to Detention (ATD) programs, with ICE reporting a 40 percent reduction in ATD enrollment times.

In the case of unaccompanied children, DHS called upon the Federal Emergency Management Agency to provide expanded temporary holding capacity to the HHS Office of Refugee Resettlement by establishing temporary unaccompanied children housing facilities along the border. Coupled with the development of the CBP Movement Coordination Cell, a standing interagency group to oversee the expedited processing and transfer of unaccompanied children and vulnerable individuals out of CBP custody, DHS was able to rapidly reduce the total amount of unaccompanied children in CBP custody from over 5,600 on March 29 to under 500 six weeks later, even as unaccompanied child encounter rates remained elevated.

In the case of individuals in family units, DHS leveraged new solutions to improve processing and to prevent the 100+ hour average times in custody that occurred during prior elevated encounter years. In addition to pursuing increased processing efficiency through the use of CAS and other improvements, ICE has increased the use of ATD programs, enrolling family unit heads of household directly from CBP facilities to ensure noncitizens are accounted for after processing and release. DHS has also coordinated with DOJ to implement a dedicated docket for adjudicating family unit asylum claims. Family units with an intended destination of one of 11 major U.S. cities may be enrolled in this docket to ensure they are seen by an Immigration Judge to adjudicate their asylum claims in a timely fashion.

Throughout 2021, the majority of single adults encountered by DHS were expelled under Title 42. While continuing to seek processing efficiencies for those single adults who are not amenable to Title 42 expulsion, DHS has pursued agreements with Mexico and other origin countries to accept returns of individuals (both single adults and families) via Title 42. Eligible single adults processed under Title 8 are generally referred to ICE for detention during their immigration proceedings.

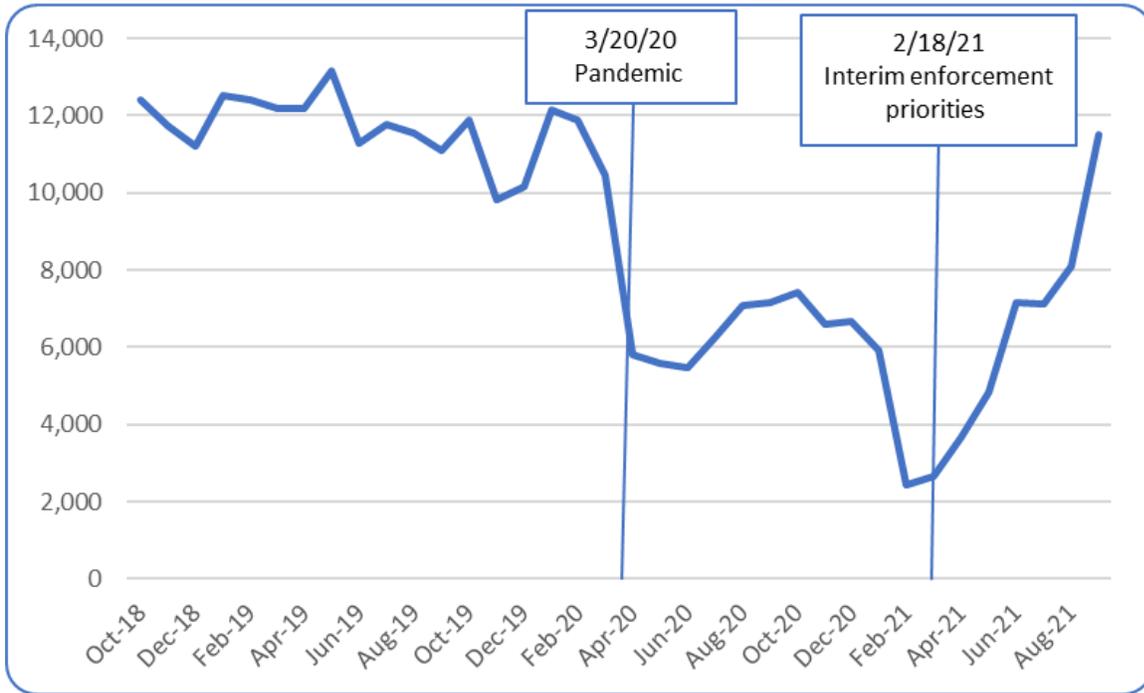
ICE Arrests

Trends in ICE arrests and removals have also been affected by the COVID-19 pandemic, shifting demographics of border encounters, and policy changes. Overall, ICE Enforcement and Removal Operations (ERO) arrests and DHS removals both fell between 2020 and 2021, while total repatriations more than doubled due the expulsions under the CDC's Title 42 authority. Additionally, large shares of arrests and repatriations focused on border security and serious criminals.

Recent trends in ERO administrative arrests have gone through three distinct periods over the last three years, marked by the beginning of the pandemic in March 2020 and the implementation of new interim enforcement priorities in January and February 2021.⁸ First, arrests fell 51 percent between February and April 2020, the first full month of the pandemic, and they remained well below their recent average throughout the rest of calendar year 2020. Second, arrests fell further in February and March 2021 as the Biden administration surged ICE resources to the border in response to rising encounters and pivoted toward new interim enforcement priorities. Third, since March, the implementation of new guidelines and ICE's support to border enforcement have resulted in steep growth in arrests (driven largely by arrests of recent border crossers), with average increases of 29 percent per month over the final 6 months of the fiscal year (Figure 5). Thus, ERO arrests in April and May 2021 were down 25 percent from the comparable period in 2020, but arrests in each month June–September 2021 exceeded the previous year's counts by an average of 30 percent, totaling 74,082 for the year.

⁸ David Pekoske, "Review of and Interim Revision to Civil Immigration Enforcement and Removal Policies and Priorities," January 20, 2021, available at: https://www.dhs.gov/sites/default/files/publications/21_0120_enforcement-memo_signed.pdf; and Tae Johnson, "Interim Guidance: Civil Immigration Enforcement and Removal Priorities," February 18, 2021, available at: https://www.ice.gov/doclib/news/releases/2021/021821_civil-immigration-enforcement_interim-guidance.pdf. The February guidance established three priority categories: 1) national security, 2) border security, and 3) public safety. On September 30, 2021 DHS Secretary Mayorkas published updated guidance directing ICE and other immigration agencies to prioritize for enforcement: 1) threats to national security, 2) threats to public safety, and 3) threats to border security. See Alejandro Mayorkas, "Guidelines for the Enforcement of Civil Immigration Law," September 30, 2021, available at: <https://www.ice.gov/doclib/news/guidelines-civilimmigrationlaw.pdf>.

Figure 5.
ICE ERO Administrative Arrests: FY 2019-FY 2021

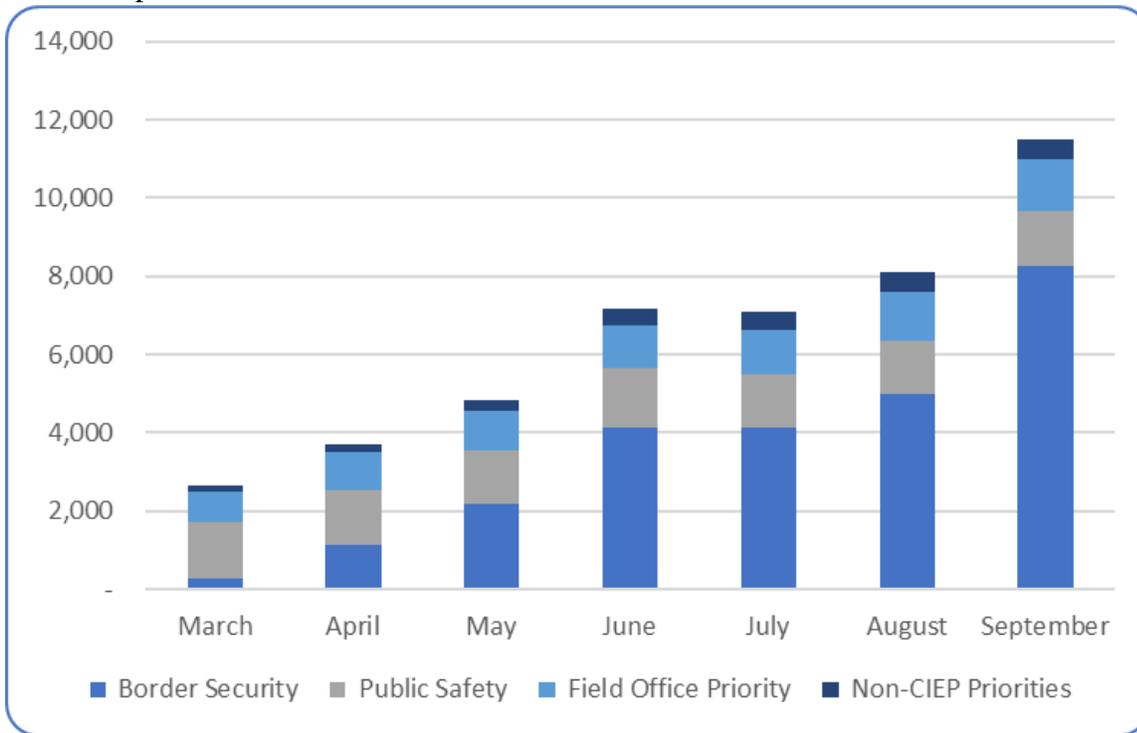


Source: DHS Office of Immigration Statistics analysis of ICE ERO data.

The interim enforcement guidelines announced in February 2021⁹ directed ICE officers to focus enforcement on national security risks, recent border crossers, and public safety, with a particular focus on aggravated felons. For the remainder of 2021, the majority (55 percent) of ERO administrative arrests were of recent border crossers, and almost all other arrests were of noncitizens identified as threats to public safety (23 percent) or other priority cases pre-approved by field office directors (17 percent), versus 5.8 percent of arrests that fell outside the interim guidelines (Figure 6). Included among the public safety threats, ICE ERO arrested 7,684 aggravated felons February 18–September 30, 2021, an increase of 84 percent over the 4,187 aggravated felons arrested during the same period the previous year.

⁹ Secretary Mayorkas’ final enforcement priorities became effective at the end of November 2021.

Figure 6.
ICE ERO Administrative Arrests by Interim Enforcement Priority:
March–September 2021



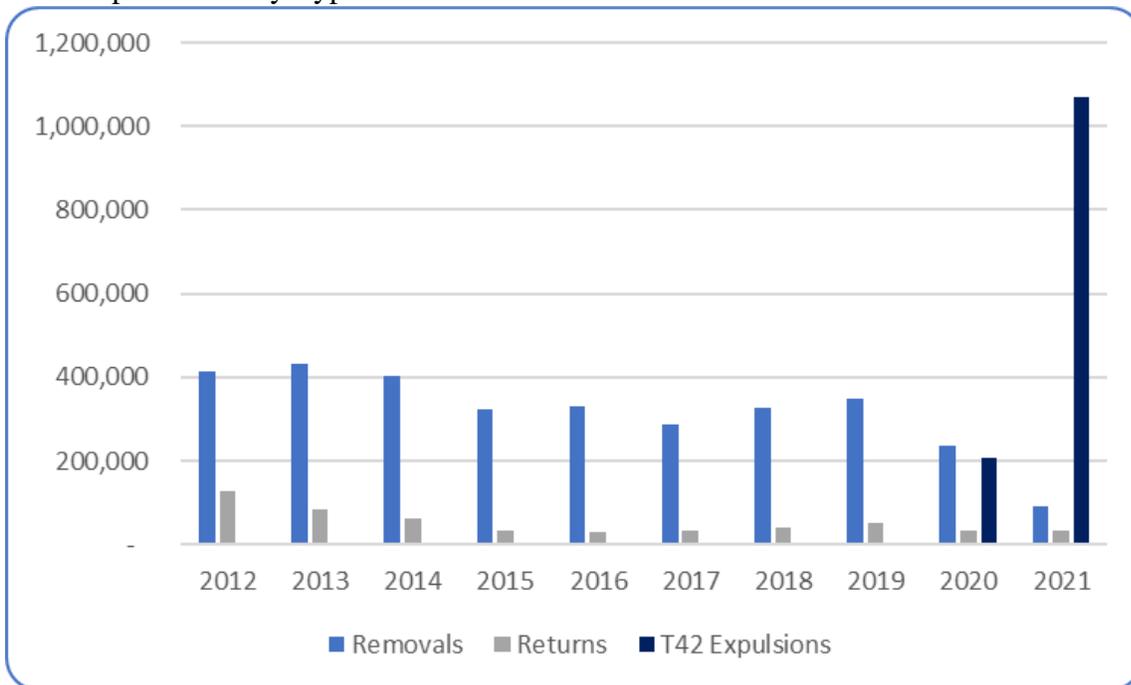
Notes: Civil Interim Enforcement Priorities (CIEP) are reported as a hierarchy, with the top priority being national security, followed by border security, public safety, and other field office priorities. Arrests that fit criteria for multiple priorities are reported as the highest priority. ICE ERO arrested 15 noncitizens in March–September 2021 who were classified as national security priorities.

Source: DHS Office of Immigration Statistics analysis of ICE ERO data.

Repatriations and Removals

Including Title 42 expulsions, the Department completed 1.2 million repatriations in 2021, more than two-and-a-half times as many as in 2020 and the highest number since 2006 (Figure 7). Almost all combined repatriations were of people initially encountered by USBP (92 percent) or OFO (5 percent).

Figure 7.
DHS Repatriations by Type: FY 2012–FY 2021

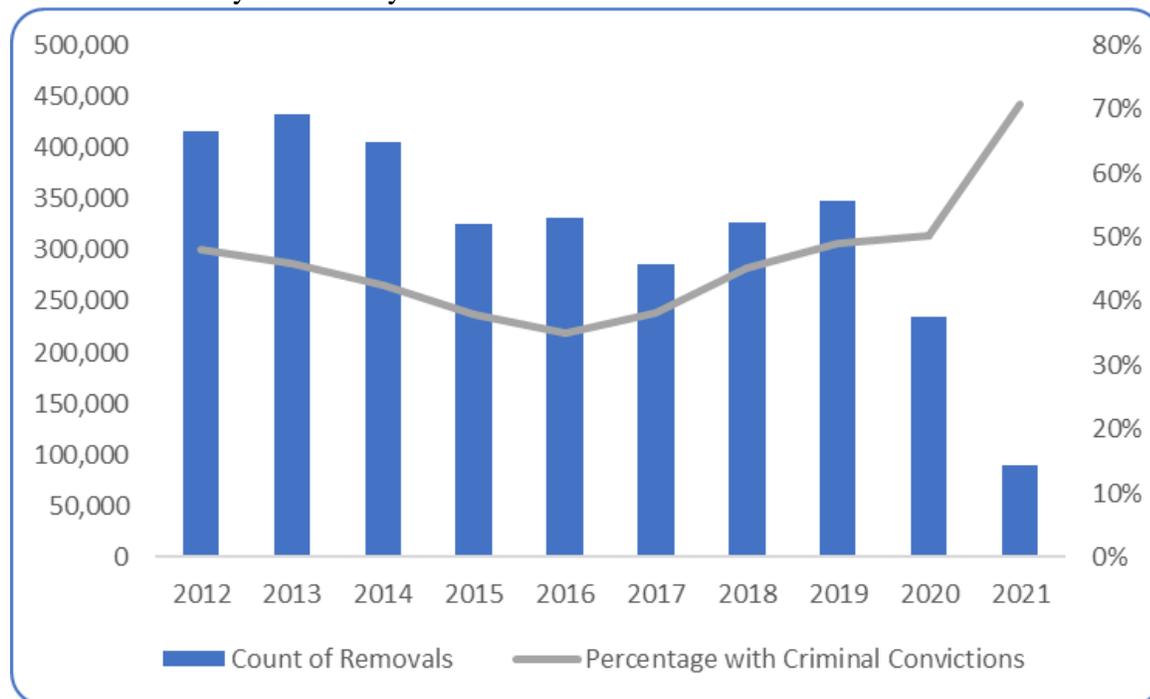


Note: Figure excludes OFO withdrawals of applications for admission and returns of crew members detained on board.

Source: DHS Office of Immigration Statistics analysis of CBP and ICE data.

While the total number of repatriations were at a 15-year high, with most people encountered at the border expelled under Title 42 authority, the Department completed the fewest number of Title 8 removals in 2021 than in any year since 1996. The majority of people removed under Title 8 (71 percent) had criminal convictions, the highest share ever recorded (Figure 8).

Figure 8.
DHS Removals by Criminality: FY 2012–FY 2021



Source: DHS Office of Immigration Statistics analysis of CBP and ICE data.

Conclusion

From an immigration enforcement perspective, the most important development in 2021 was the rise in border encounters, even when accounting for the larger than usual gap between total and unique encounters. High encounter numbers reflected a continuation of the pre-2020 pattern of growing Northern Central America country migration, a resumption in Mexican migration after several years of flat or declining numbers, and a sharp rise in migration from Venezuela, Ecuador and other countries of origin. Family unit and unaccompanied child unique encounter numbers were similar to those observed in 2019, with growth in child migration mostly offsetting a slight decline in family migration, while the numbers of unique single adults doubled compared to the pre-pandemic period and total single adult encounters increased three-fold thanks to their high repeat encounter rate. Female migration numbers were the highest in history.

The majority of border encounters resulted in Title 42 expulsions, and available data suggests that relatively few people successfully entered the United States without inspection. Yet the changing demographics of the encounter population and reductions in custody capacity and other COVID-related restrictions meant that processing the large number of noncitizens apprehended or found inadmissible were also uniquely challenging in 2021. The Department worked with HHS and DOJ and made a number of changes to processing IT systems to address these challenges, substantially reducing the time unaccompanied children and families spend in CBP or ICE custody and leveraging the ATD program to improve noncitizen appearance rates in immigration proceedings.