



Fiscal Year 2021 Enforcement Lifecycle Report

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Executive Summary

This report describes the end-to-end Enforcement Lifecycle for noncitizens encountered at the Southwest Border from 2013 to 2021.¹ Traditional “event-count” reporting describes annual numbers of enforcement-related events (e.g., annual numbers of apprehensions, removals, credible fear claims, grants of asylum). However, the Lifecycle “outcome” reporting links events across different datasets to describe the results of noncitizens’ passage through the immigration enforcement system. For each person encountered at the border, the encounter eventually results in an expulsion or repatriation (removal or return) or a grant of relief or other protection from removal, or the person encountered does not yet have one of these final enforcement outcomes and is still being processed for possible removal. Traditional event-count reporting provides insight into the amount of work performed by agencies responsible for each aspect of immigration enforcement; outcome reporting provides insight into how the U.S. immigration enforcement system operates, as a whole.

Most noncitizens encountered at the Southwest Border are repatriated to their home countries or, beginning in March 2020, expelled as a public health measure pursuant to Title 42 of the U.S. Code.² As of the latest data available for this report, 60 percent of all Southwest Border enforcement encounters from 2013 to 2021 resulted in expulsions or repatriations, 28 percent were still being processed pursuant to the immigration enforcement provisions in Title 8 of the U.S. Code, 6 percent had resulted in unexecuted removal orders or grants of voluntary departure, and 5 percent had been granted relief or other protection from removal.

Outcomes vary substantially by citizenship and family status. Mexican nationals are much more likely to have been expelled or repatriated (93 percent) than citizens of the Northern Central American countries of El Salvador, Guatemala, or Honduras (40 percent) or other countries (24 percent). A majority (57 percent) of non-Mexican/non-Northern Central America country encounters (“other” countries) were still being processed as of December 31, 2022, as were 40 percent of encounters of Northern Central American nationals and 4.7 percent of encounters of Mexican nationals. Encounters of noncitizens from other countries were also most likely to have resulted in grants of relief or other protection from removal (10 percent), compared to 7.1 percent for encounters of noncitizens from Northern Central America and less than 1 percent for encounters of Mexican nationals.

Single adults (SAs) were also much more likely to be expelled or repatriated (85 percent of encounters) than individuals in family units (FMs)³ (15 percent) or unaccompanied children (UCs) from non-contiguous countries (5.3 percent).⁴ Most FMs and UCs were still being processed under Title 8 (64 percent and 57 percent of encounters, respectively). Encounters of non-contiguous UCs had resulted in grants of relief or other protection from removal in 26 percent of cases, compared to 4.2 percent of FM encounters and 2.7 percent of SA encounters.

Note: Acknowledgment for contributions to this report: Hongwei Zhang, Alan Moskowitz, and Alicia Ward.

¹ In this report, a year refers to a fiscal year (October 1 of the previous calendar year to September 30). This 2021 Enforcement Lifecycle Report covers Southwest Border enforcement encounters occurring between 2013 and 2021 and for all encounters describes final or most current outcomes as of December 31, 2021. Encounters include all Southwest Border encounters from these years *except* for accompanied minors and U.S. Customs and Border Protection (CBP) Office of Field Operations (OFO) administrative encounters, which include applications for admission terminated without prejudice, crewmen refused landing rights or detained on board, and OFO parolees.

² As of March 21, 2020, in accordance with Title 42 of the United States Code, Section 265, the President determined that there was a serious danger of the further introduction of COVID-19 into the United States and that prohibition on the introduction of persons or property, in whole or in part, from Mexico and Canada was required in the interest of public health. Under this order, CBP has been acting under the U.S. Centers for Disease Control and Prevention (CDC) Title 42 authority to prohibit the entry of certain persons who potentially pose a health risk and expelling those people under Title 42 authority rather than processing them under the immigration provisions found in Title 8 of the U.S. Code. Humanitarian exceptions exist; these involve close coordination with international and non-governmental organizations in Mexico.

³ Throughout this report, “family unit” or “family unit individuals” refers to individuals encountered as part of a group consisting of one or more children under 18 years old traveling with one or more of their adult (18 or older) parents or legal guardians.

⁴ Throughout this report, remaining references to unaccompanied children are limited to children from non-contiguous countries (i.e., excluding Mexico and Canada) unless otherwise indicated. Pursuant to the Homeland Security Act, non-contiguous UCs are required to be referred to the Department of Health and Human Services (HHS) Office of Refugee Resettlement and placed in the Department of Justice’s (DOJ) Executive Office for Immigration Review (EOIR) removal proceedings. In contrast, UCs from contiguous countries who are not victims of severe trafficking and who do not express a fear of return to their home country may be voluntarily returned to Mexico or Canada.

This report provides further details on outcomes for these groups broken down by whether the encounter occurred before or after the implementation of Title 42 expulsions, and by whether the encounter was followed by a period of U.S. Immigration and Customs Enforcement (ICE) detention. For the pre-pandemic period (2013 through March 19, 2020), the majority of encounters (56 percent) had resulted in repatriations as of December 31, 2021, while most of the rest (27 percent) were still being processed for removal. For the first year-and-a-half of the pandemic (March 20, 2020 through the end of FY 2021), the majority of encounters had resulted in Title 42 expulsions (66 percent) or Title 8 repatriations (3.0 percent), and almost all the rest were still being processed (30 percent).

Just over half of pre-pandemic encounters were either repatriated directly by CBP (27 percent) or continuously detained by ICE (26 percent). During the pandemic, continuous detention by ICE was much less common (1.2 percent) but repatriation or expulsion directly from CBP custody accounted for 68 percent of encounters. While almost all encounters resulting in continuous ICE detention had been repatriated by December 31, 2021 (97 percent), encounters that were neither expelled or repatriated directly by CBP nor continuously detained by ICE were mostly still being processed for removal (68 percent) or subject to unexecuted orders of removal or grants of voluntary departure (14 percent).

The final section of this report examines enforcement trends over time by comparing enforcement outcomes at fixed time intervals following encounters occurring 2013 to 2018. This temporal analysis reveals two main findings. First, noncitizens who are not repatriated within 12 months of being encountered are rarely repatriated after that. For individuals encountered in 2013 to 2016 who had been repatriated at any point within 5 years of an encounter, 95 percent of those repatriations occurred within the first 12 months of apprehension.

Second, the immigration enforcement system as a whole has processed cases more slowly each year between 2013 and 2018, the last year for which enough time has passed to complete the relevant analysis. For example, for encounters occurring in 2013, 86 percent of encounters resulted in final enforcement outcomes (i.e., repatriations or grants of relief/protection from removal) within 3 years, versus 14 percent of encounters that were either still being processed for removal or subject to unexecuted removal orders. The share of encounters with final enforcement outcomes within 3 years dropped each following year, falling to 56 percent in 2018, with 44 percent still being processed or subject to unexecuted removal orders. These findings are especially true for FMs encounters. UCs show increasing shares of encounters still being processed after 3 years and declining shares receiving relief.

1. Methodology

Outcome reporting is complex because the U.S. immigration enforcement system spans three different DHS Components and the DOJ’s EOIR, and each of these agencies maintains multiple data systems with limited interoperability. As a result, a noncitizen encountered at the Southwest Border who, for example, is processed for expedited removal, claims fear of return to their home country, is booked into ICE custody, appears before U.S. Citizenship and Immigration Services (USCIS) for a credible fear interview, appears before an immigration judge, and is eventually either repatriated or granted relief or other protection from removal may touch a dozen or more stand-alone data systems.

The Office of Immigration Statistics (OIS) has developed the Enforcement Lifecycle to provide an end-to-end view of immigration enforcement processing by linking records across 22 different operational data systems with a nexus to border enforcement (see text box). OIS uses individual and event identifiers from each source system to match records and assigns a new person-level identifier to each unique individual appearing in one or more dataset. OIS sorts the matched records by unique individual and date, yielding a comprehensive person-centric dataset that includes one row for each event.

Source Datasets Included in the OIS enforcement Lifecycle Data

CBP OFO Inadmissible	ICE ERO Charging Documents Issued
CBP OFO Title 42 Expulsions	ICE ERO Final Book-Outs
CBP USBP Apprehensions	ICE ERO Initial Book-In
CBP USBP Title 42 Expulsions	ICE HSI Administrative & Criminal Arrest
DOJ EOIR Appeals	ICE Removals & Returns
DOJ EOIR Bonds	USCIS Affirmative Asylum
DOJ EOIR Case Information	USCIS Asylum Pre-Screening Office (APSO)
DOJ EOIR Proceeding	USCIS Deferred Action for Child Arrivals (DACA)
DOJ EOIR Schedule	USCIS Legal Permanent Residents (LPR)
ICE ERO Administrative Arrests	USCIS Employment Authorization Document (EAD)

For purposes of the Enforcement Lifecycle, OIS classifies events within three categories: *initial enforcement actions*, *interim enforcement outcomes*, and *final enforcement outcomes*:

- *Initial enforcement actions* encompass the starting points of an enforcement process, including U.S. Border Patrol apprehensions, CBP OFO inadmissibility determinations, and Title 42 Encounters. These events are “initial” in the sense that they initiate a process that may lead to a repatriation, an expulsion, or to relief/protection from removal.
- *Interim enforcement events* encompass all events or actions that provide important information about noncitizens’ paths through the immigration enforcement system but do not represent starting or endpoints of an enforcement process. These include events such as book-ins to ICE detention facilities, USCIS credible fear screenings, applications for immigration benefits, and DOJ EOIR hearings, among others.⁵
- *Final enforcement outcomes* encompass the endpoints of an enforcement process, including confirmed expulsions or repatriations and grants of relief or other forms of protection from removal, among other outcomes (Table 1). These events are “final” in that they represent a durable resolution to a particular initial enforcement action.

⁵ The Enforcement Lifecycle dataset is not an exhaustive record of every event recorded in Components’ operational datasets. For example, Lifecycle data include records of initial book-ins to detention and detention release reasons but do not track transfers between detention facilities.

OIS' Enforcement Lifecycle methodology groups each initial enforcement action to its associated final enforcement outcome or to its most current interim event initial actions that remain in an unresolved status. In most cases, the most current interim event is the latest event (by calendar date) linked to the initial action. When multiple interim events occur on the same day and in certain other scenarios, OIS identifies the most current enforcement event based on which event takes logical precedence in the immigration enforcement processes.⁶

Many noncitizens are encountered at the border and repatriated multiple times. In these cases, the noncitizens will have more than one initial enforcement action and may have more than one final outcome. Data in this report are based on the total number of initial enforcement actions, meaning a noncitizen with multiple Southwest Border encounters is counted multiple times in the report's counts of initial encounters and enforcement outcomes.

Cohort Reporting

Most initial events and final enforcement outcomes are separated by a period of time, in some cases by months or years. Thus, while traditional event-count reporting is organized strictly by event date, Lifecycle outcome reporting is organized by enforcement cohort, where cohorts are defined by the fiscal year of the initial enforcement event (i.e., the encounter year.) Outcomes associated with each cohort may have occurred at any time up to December 31, 2021, the most recent data included in this report. For example, noncitizens encountered during 2013 may have been removed (or granted relief, etc.) at any time between 2013 and 2021; all removals of noncitizens initially encountered in 2013 are reported within the 2013 cohort, regardless of removal date.

Outcomes are divided into five high-level groups and further broken down into smaller sub-categories (Table 1):⁷

- “Title 42 Expulsions” (which are final enforcement outcomes) describes encounters resulting in expulsions under the U.S. Centers for Disease Control and Prevention (CDC) Title 42 authority.⁸
- “Repatriations” (final enforcement outcomes) describes encounters resulting in removals, returns, or re-encounters.⁹
- “Being processed” (interim enforcement events) describes encounters still being processed by DHS, cases in EOIR proceedings, and cases in which a proceeding has resulted in a case completion that has been followed by a further DOJ event, such as an appeal to the Board of Immigration Appeals (BIA) or a motion to reopen.
- “Unexecuted removal orders” (interim enforcement events) describes encounters resulting in final removal orders or offers of voluntary return/voluntary departure for which OIS cannot verify that a repatriation has occurred. Unexecuted orders are further broken down into those issued in *absentia* and those issued not in *absentia*.
- “Relief/protection” (final enforcement outcomes) describes encounters that result in the individual remaining in the United States, either because DHS or EOIR has granted them lawful status or because they have benefitted from some other protection from removal or suspension, or termination of removal proceedings.¹⁰

⁶ For example, a DOJ final order of removal, which is considered an interim outcome unless and until it is executed, would take precedence over an application for an immigration benefit or other status even if the application occurs later in time.

⁷ In addition to five main outcome groupings, about 1 percent of initial enforcement actions are unable to be matched to any interim or final enforcement outcome because of data errors, missing identifier data, or because the noncitizen awaits further processing. These cases are labeled as “no subsequent event.”

⁸ Title 42 expulsions are limited to expulsions of persons encountered between ports of entry or presenting themselves for admission at a port of entry; persons who are turned around pursuant to Title 42 authority prior to entering a port of entry (i.e., outside the OFO “limit line”) are not recorded as CBP encounters or as Title 42 expulsions.

⁹ OIS defines a CBP re-encounter as a case in which a noncitizen is encountered more than once by CBP without an intervening removal or return. OIS assumes the noncitizen departed of their own accord during the intervening period. A re-encounter is both a final enforcement outcome and a second initial enforcement action.

¹⁰ Encounters resulting in removal proceedings being terminated while a noncitizen is outside the country as part of the Migrant Protection Protocols are included within the repatriation outcomes, not the relief/protection outcome.

Table 1.

Enforcement Lifecycle Outcomes and Sub-Outcomes

High-Level Outcomes	Outcomes	Sub-Outcomes
Title 42 Expulsions		
Repatriations	Removals	Expedited
		Reinstatements
		Administrative removals
		Other removals ¹
	Returns	
	Re-encounters ²	
	MPP EOIR Termination ³	
No confirmed departure	Being processed	Being processed by DHS
		In EOIR Processing ⁴
		EOIR case completed—additional DOJ action ⁵
	Final order/voluntary departure	Unexecuted removal orders—in absentia
		Unexecuted removal orders—not in absentia
		Unexecuted voluntary departures
	Relief	SIJ or affirmative asylum
		LPR status granted by DHS
		EOIR relief ⁶
		EOIR termination
		Other ⁷
	No Subsequent Event ⁸	

Notes:

¹ Other removals include removals executed pursuant to an INA §240 proceeding.

² Includes noncitizens encountered more than once by CBP without a known intervening removal or return. OIS assumes the noncitizen departed of their own accord during the intervening period.

³ MPP returnees with EOIR Terminations are assumed to be located in Mexico at the time their EOIR case is terminated.

⁴ Includes noncitizens in proceedings whose cases have been closed and are not on an active docket.

⁵ Includes noncitizens subject to a final order or other EOIR case completion who are subject to a motion to reopen or reconsider or who appeal their case to the Board of Immigration Appeals.

⁶ Includes noncitizens granted asylum and other forms of protection from removal, including withholding of removal and protection under the Convention Against Torture.

⁷ Includes noncitizens granted cancelation of removal, DHS prosecutorial discretion, T visas, S visas, U visas, Temporary Protected Status, and EOIR conditional grants, as well as people found to be U.S. citizens or lawfully present noncitizens not subject to removal.

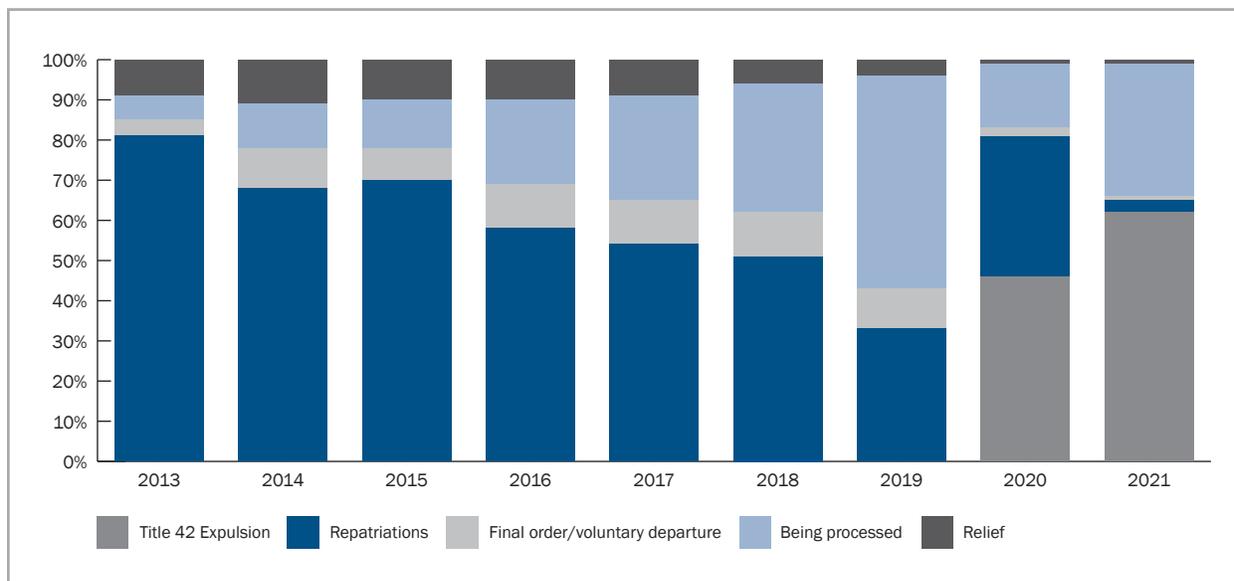
⁸ Initial enforcement action cannot be linked to a subsequent enforcement outcome; may result from data errors, missing identifier data, and/or because the noncitizen awaits further processing.

2. High-Level Enforcement Outcomes

Figure 1 summarizes final or most current outcomes for each cohort from 2013 to 2021 (see Appendix A for additional detail). CBP completed 5.7 million encounters during this 9-year period, of which 22 percent resulted in Title 42 expulsions, 38 percent resulted in Title 8 repatriations, 28 percent were still being processed as of December 31, 2021, 6.0 percent has unexecuted removal orders, and 4.9 percent had been granted relief or other protection from removal.

Figure 1.

Final or Most Current Enforcement Outcomes by Encounter Cohort: FY 2013 to 2021



Notes: Encounters with no subsequent event are excluded. Outcomes are current as of December 31, 2021.
Source: OIS Enforcement Lifecycle.

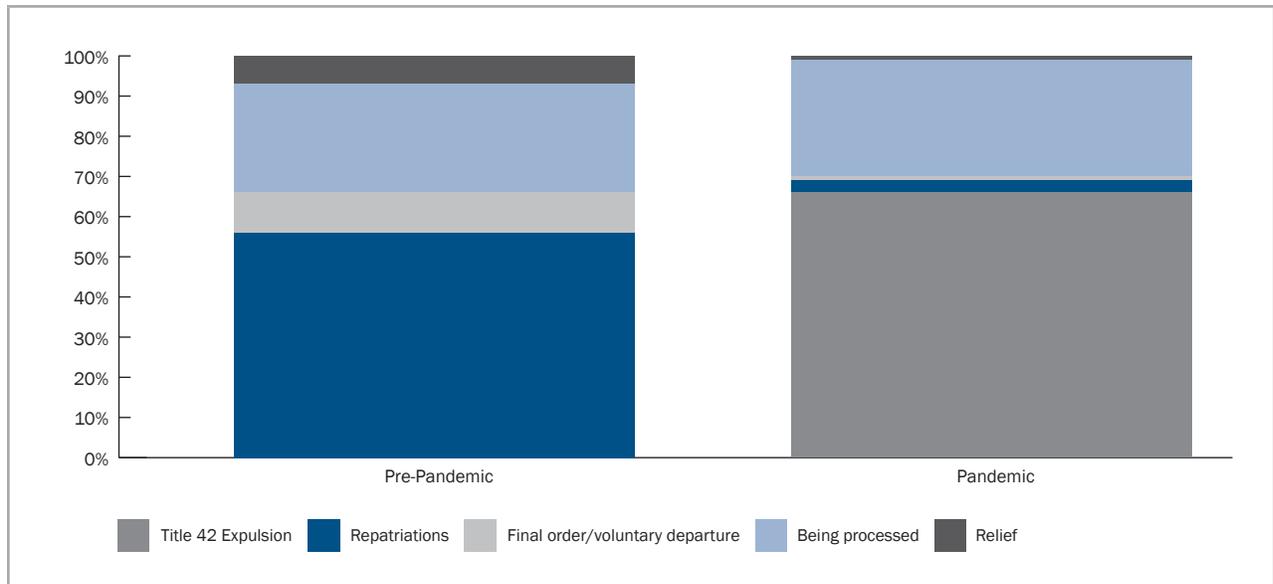
The implementation of Title 42 in March 2020 had substantial impacts on Southwest Border enforcement outcomes. For encounters occurring in the pre-pandemic era, the proportion of cases still being processed is smallest for the 2013 cohort and increases each year through the 2019 cohort, as later cohorts have had less time to progress toward repatriation or relief. The pattern does not extend to 2020 because the onset of the pandemic about halfway through that fiscal year meant that a large share of encounters was immediately expelled under Title 42, so many fewer encounters are still being processed. Analysis of the pre-pandemic cohort provides insight into the way the U.S. immigration enforcement system typically functions, and analysis of the pandemic era cohort provides insight into Southwest Border enforcement under the special circumstances in place during the COVID-19 pandemic. Thus, the remainder of this report generally divides encounters into these two periods.

Figure 2 summarizes overall enforcement outcomes during the pre-pandemic and pandemic periods. For the entire pre-pandemic period (2013 through March 19, 2020), CBP completed 3.8 million encounters along the Southwest Border. A majority (56 percent) of these encounters had resulted in repatriations as of December 31, 2021, while 27 percent were still being processed, 9.1 percent led to an unexecuted removal order, and 7.4 percent had led to relief or protection from removal (Figure 2).¹¹

¹¹ Figure 1 reports by whole fiscal year, while Figure 2 breaks FY 2020 into October 1, 2019 to March 19, 2020 (before implementation of Title 42 in response to Covid-19) and March 20, 2020 to September 30, 2020 (during implementation of Title 42 in response to the epidemic).

CBP completed 1.9 million encounters during the first year-and-a-half of the pandemic (March 20, 2020, through the end of FY 2021). Of these, 65 percent were immediately expelled under Title 42 authority, 3.0 percent had been repatriated under Title 8 authority, 29 percent were still being processed, 0.5 percent had an unexecuted order of removal or voluntary departure, and 0.1 percent had received relief or other protection from removal. Thus, while removals and returns accounted for historically low shares of encounters during the pandemic era, more than two-thirds of all border encounters during the first year-and-a-half of the pandemic had resulted in expulsions or repatriations by December 31, 2021, a far higher share than any other period for which cohort outcome data are available. See Appendices A and B for detailed outcome tables.

Figure 2.
Final or Most Current Enforcement Outcomes by Pre-Pandemic and Pandemic Eras

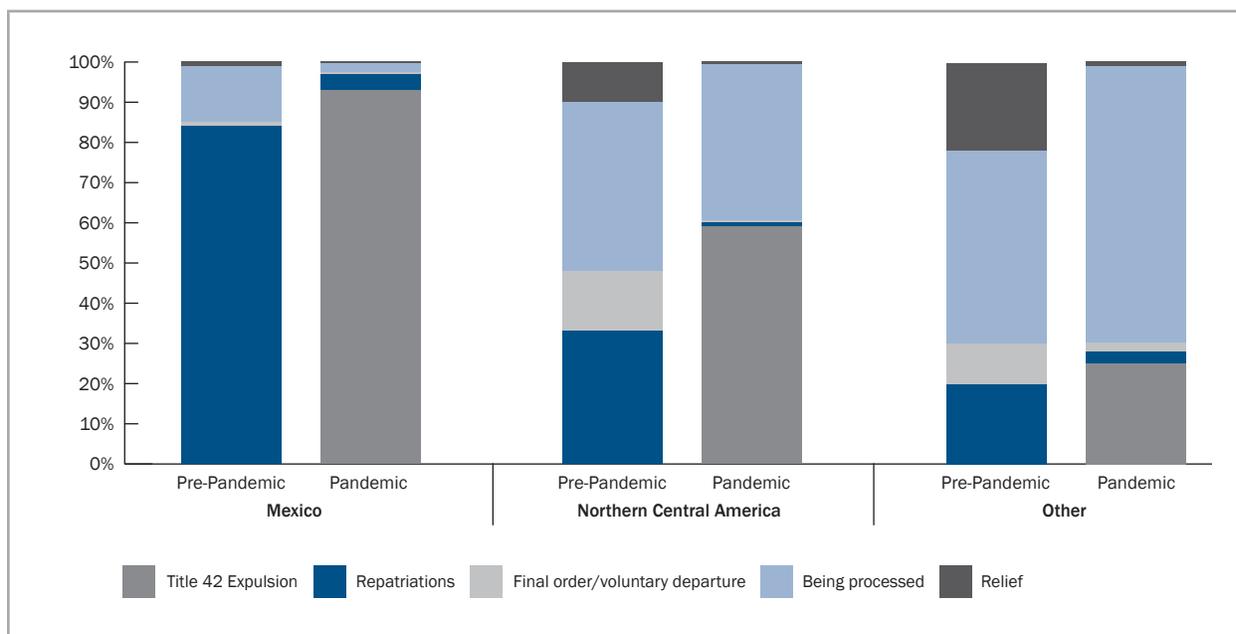


Notes: Pre-pandemic period includes FY 2013 through March 19, 2020; pandemic period includes March 20, 2020 through FY 2021. Encounters with no subsequent event are excluded. Outcomes are current as of December 31, 2021.
 Source: OIS Statistical Immigration Data.

3. Enforcement Outcomes by Citizenship

Figure 3 illustrates enforcement outcomes during the pre-pandemic and pandemic periods by citizenship. Overall, encounters of Mexican nationals were the most likely to result in expulsions or repatriations, and encounters of nationals from countries other than Mexico or Northern Central America were most likely to result in grants of relief or other protection from removal.

Figure 3.
Final or Most Current Enforcement Outcomes by Pre-Pandemic and Pandemic Eras and Citizenship



Notes: Pre-pandemic period includes FY 2013 through March 19, 2020; pandemic period includes March 20, 2020 through FY 2021. Encounters with no subsequent event are excluded. Outcomes are current as of December 31, 2021.
 Source: OIS Statistical Immigration Data.

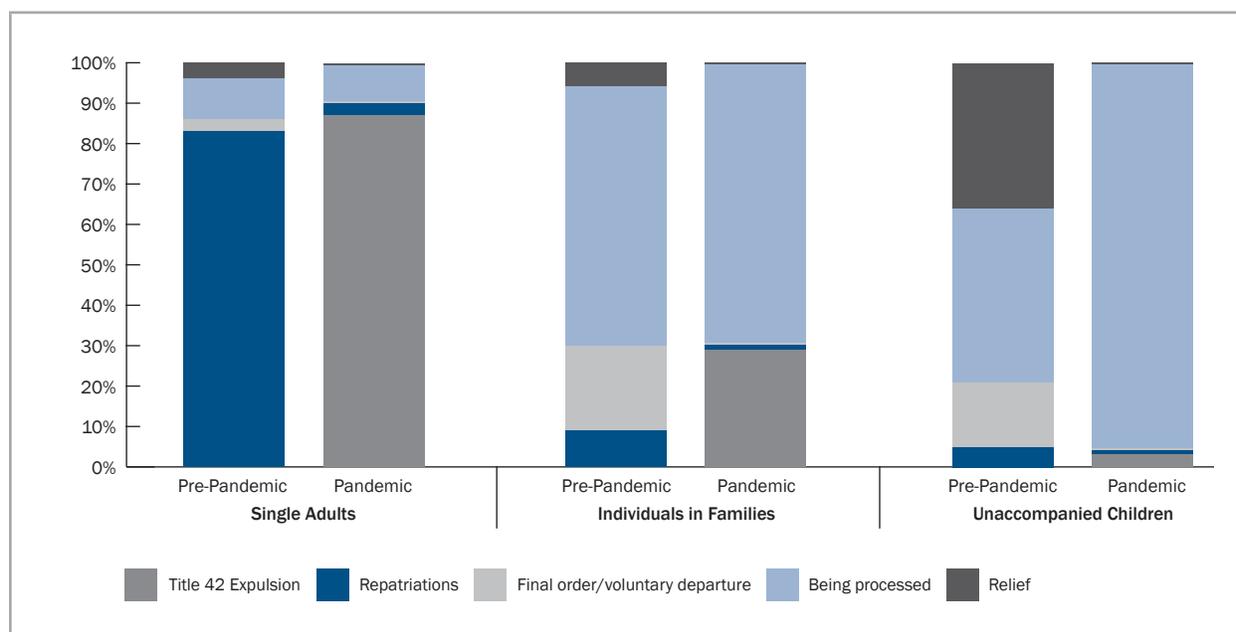
During the pre-pandemic period, 1.6 million encounters (42 percent of all encounters) involved Mexican nationals, 1.9 million encounters (50 percent) involved noncitizens from Northern Central American countries, and 322,000 encounters (8.5 percent) involved noncitizens from other countries. As of December 31, 2021, 91 percent of pre-pandemic encounters of Mexican nationals had been repatriated, 5.8 percent were still being processed, 1.4 percent had unexecuted final orders, and 1.4 percent had received relief or other protection from removal. For encounters of individuals from Northern Central America, 32 percent had been repatriated, 41 percent were still being processed, 15 percent had unexecuted final orders, and 9.9 percent had received relief or other protection from removal. For encounters with individuals from other countries, 20 percent had been repatriated, 48 percent were still being processed, 10 percent had unexecuted final orders, and 22 percent had been granted relief or other protection from removal.

During the pandemic period, Mexican nationals accounted for 773,000 encounters (40 percent of the total), noncitizens from Northern Central America accounted for 748,000 encounters (39 percent), and noncitizens from other countries accounted for 396,000 encounters (21 percent). For Mexican encounters, 93 percent were expelled under Title 42 authority, 4.3 percent had been repatriated under Title 8 authority, 2.5 percent were still being processed, less than one-half of 1 percent had an unexecuted order of removal, and less than one-half of 1 percent had received relief or other protection from removal. For encounters with individuals from Northern Central America, 59 percent were expelled under Title 42 authority, 1.3 percent had been repatriated under Title 8 authority, 39 percent were still being processed, and less than one-half of 1 percent had resulted in unexecuted orders of removal or relief or other protection from removal. For encounters of noncitizens from other countries, 23 percent were expelled under Title 42 authority, 3.5 percent had been repatriated under Title 8 authority, 64 percent were still being processed, 1.7 percent had an unexecuted order of removal, and less than one-half of 1 percent had received relief or other protection from removal.

4. Enforcement Outcomes by Family Status

Figure 4 depicts enforcement outcomes for pre-pandemic and pandemic era encounters by family status. Overall, 85 percent of SAs had been expelled or repatriated as of December 31, 2021, while most FMs and UCs were still being processed (64 percent and 57 percent, respectively).

Figure 4.
Final or Most Current Enforcement Outcomes by Time Period and Family Status



Notes: Pre-pandemic period includes FY 2013 through March 19, 2020; pandemic period includes March 20, 2020 through FY 2021. Encounters with no subsequent event are excluded. Outcomes are current as of December 31, 2021.
Source: OIS Enforcement Lifecycle.

During the pre-pandemic period, SAs accounted for 2.4 million encounters (64 percent of the total), compared to 1.1 million FMs (28 percent) and 326,000 non-contiguous UCs (8.6 percent). For SA encounters, 83 percent had been repatriated as of December 31, 2021, 9.0 percent were still being processed, 2.2 percent had unexecuted final orders, and 2.7 percent had received relief or other protection from removal. For FM encounters, 8.6 percent had been repatriated, 63 percent were being processed, 20 percent had unexecuted final orders, and 6.0 percent had received relief or other protection from removal. For non-contiguous UC encounters, 5.5 percent had been repatriated, 43 percent were being processed, 16 percent had unexecuted removal orders, and 36 percent had been granted relief or other protection from removal.

During the pandemic period, SAs accounted for 1.3 million encounters (68 percent of pandemic period encounters), FMs accounted for 491,000 encounters (26 percent) and non-contiguous UCs accounted for 126,000 encounters (6.6 percent). Among SA encounters, 86 percent had been expelled under Title 42 authority, 3.9 percent had been repatriated under Title 8 authority, 8.5 percent were still being processed, 0.5 percent had an unexecuted order of removal, and 0.1 percent had received relief or other protection from removal. Among FM encounters, 28 percent

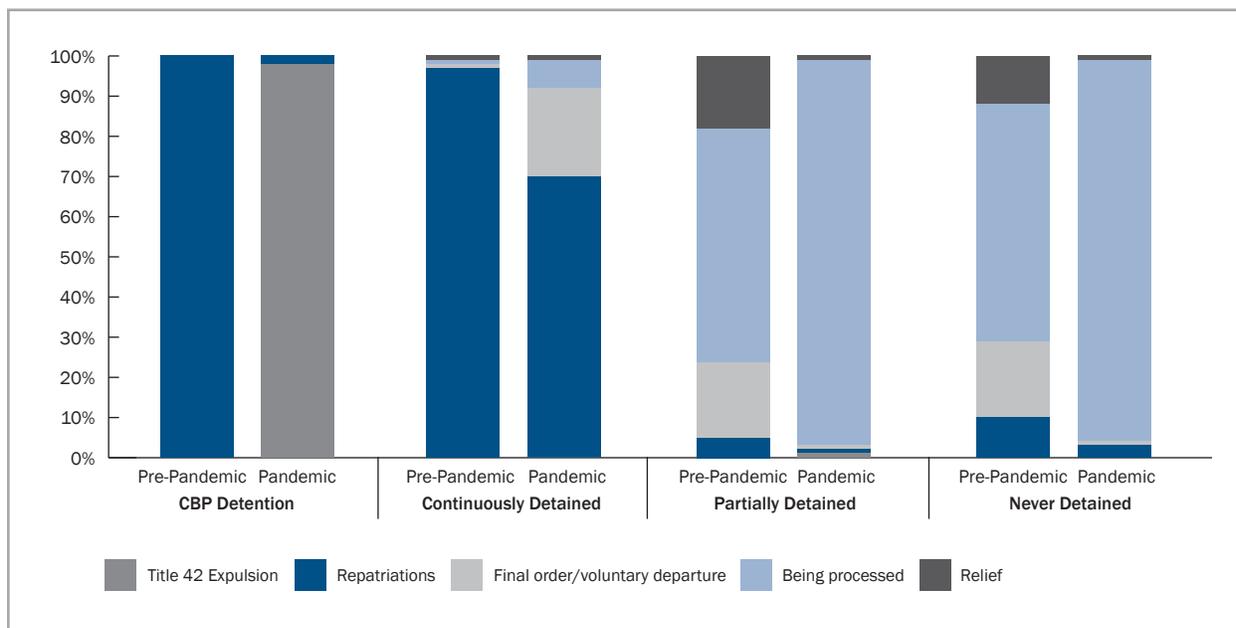
had been expelled under Title 42 authority, 1.1 percent had been repatriated under Title 8 authority, 68 percent were still being processed, 0.5 percent had an unexecuted order of removal, and 0.3 percent had received relief or other protection from removal. For non-contiguous UC encounters, 3.3 percent had been expelled under Title 42 authority, 1.4 percent had been repatriated under Title 8 authority, 94 percent were being processed, 0.3 percent had an unexecuted order of removal or voluntary departure, and 0.4 percent had been granted relief or other protection from removal.¹²

¹² A total of 15,886 UCs were expelled under Title 42 authority during the pandemic period, including 4,152 non-contiguous UCs. On November 18, 2021, a U.S. district court blocked the further expulsion of UCs under Title 42 authority. In January 2021 the Biden administration exempted UCs from Title 42 expulsions as a matter of policy.

5. Enforcement Outcomes by Detention History

Figure 5 describes outcomes broken down by whether persons encountered at the border were expelled or repatriated directly by CBP, booked into ICE custody for the duration of their immigration enforcement processing, booked into ICE custody for a more limited period of time, or released by CBP without being booked into ICE custody. For the pre-pandemic period, 1 million Southwest Border encounters (27 percent of pre-pandemic encounters) resulted in departures directly from CBP custody; 995,000 encounters (26 percent) were booked into ICE custody and either remained in custody as of December 31, 2021, or were only released in order to be repatriated or following a final EOIR case outcome (“continuously detained”);¹³ 1.1 million (27 percent) were booked into ICE custody and released prior to a final enforcement outcome (“partially detained”); and 722,000 (19 percent) were not repatriated by CBP and were never booked into ICE custody (“never detained”). With the broad use of Title 42 in the pandemic period, 1.3 million encounters (67 percent) resulted in departures directly from CBP custody, 24,000 (1.2 percent) were continuously detained, 267,000 (14 percent) were partially detained, and 346,000 (19 percent) were never detained.

Figure 5.
Final or Most Current Enforcement Outcomes by Pre-Pandemic and Pandemic Eras and Detention History



Notes: Pre-pandemic period includes FY 2013 through March 19, 2020; pandemic period includes March 20, 2020 through FY 2021. Encounters with no subsequent event are excluded. Outcomes are current as of December 31, 2021.
 Source: OIS Enforcement Lifecycle.

¹³ In the FY 2020 Lifecycle Report and certain other reporting, departures directly from CBP custody were grouped with continuous ICE detention for reporting purposes.

By definition, all pre-pandemic and pandemic period encounters of CBP departures resulted in expulsions or repatriations as of December 31, 2021. Likewise, almost all encounters (97 percent) that were continuously detained had been repatriated, with less than one-half of 1 percent still being processed, 1.9 percent with an unexecuted removal order, and 0.8 percent granted relief or protection from removal. For encounters resulting in partial detention, 3.7 percent had been repatriated, 64 percent were still being processed, 15 percent were subject to an unexecuted order of removal, and 14 percent had been granted relief or other protection from removal. And for encounters that were never detained, 7.7 percent had been repatriated, 70 percent were still being processed, 13 percent had unexecuted orders of removal, and 8 percent had been granted relief or protection from removal.

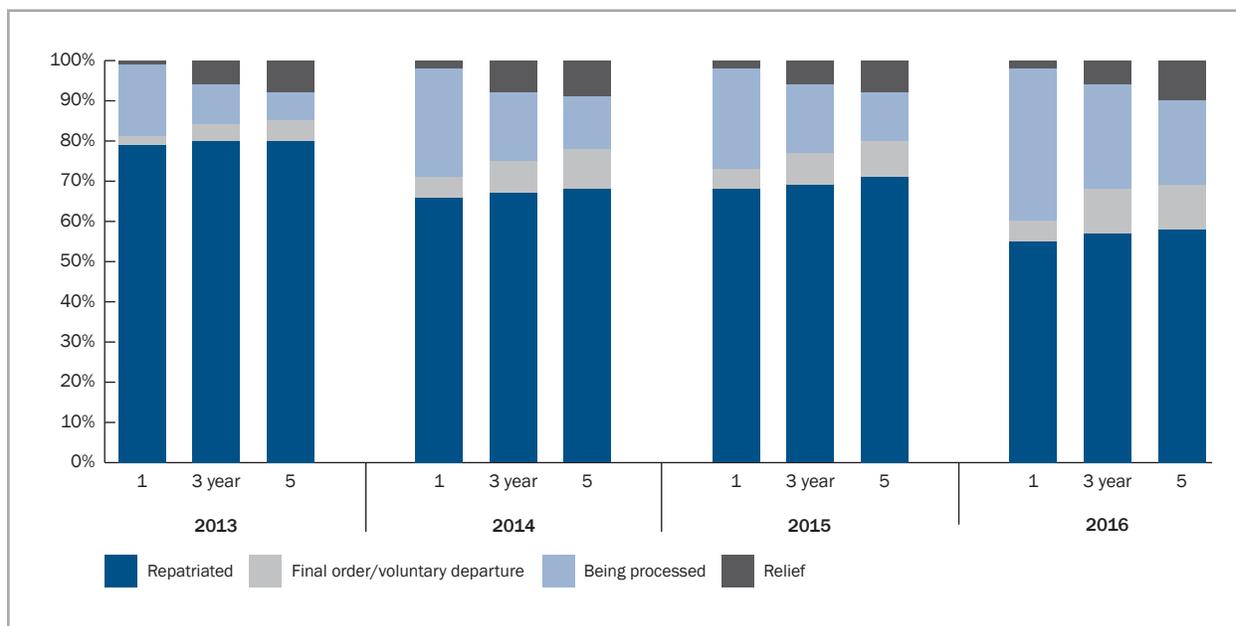
6. Enforcement Outcomes Over Time

One finding from Figure 1 is that, during the pre-pandemic period, more recent cohorts have higher shares of non-citizens still being processed and older cohorts have higher shares with final outcomes or unexecuted removal orders. This pattern partly reflects a natural progression, as cases shift over time from “being processed” to other outcome categories, while none shift in the opposite direction. This section further explores how enforcement outcomes have shifted over time by reporting on enforcement outcomes at fixed time intervals after the initial encounter rather than reporting on all cohorts as of December 31, 2021.

In particular, Figure 6 focuses on the 2013 to 2016 cohorts and depicts outcomes 1, 3, and 5 years after each encounter. The analysis thus eliminates differences across cohorts that are the result of variation in the elapsed time between initial encounters and the as-of reporting time. (The figure is limited to the 2013 to 2016 cohorts since those are the only ones for which 5-years-later data are available.)

Figure 6.

Southwest Border Encounters by Enforcement Outcomes 1, 3, and 5 Years after Initial Encounter: FY 2013 to 2016



Notes: Figure reflects outcomes as of 1, 3, and 5 years after each year’s encounters. Encounters with no subsequent event are excluded. Data current as of December 31, 2021. Source: OIS Enforcement Lifecycle.

Figure 6 illustrates two main findings. First, for each cohort, nearly all repatriations that occur within 5 years of an encounter happen within the first year following the encounter. For the 2013 cohort, for example, 345,000 out of 444,000 initial encounters (79 percent) had resulted in repatriations within 1 year of each encounter’s initial enforcement action, and only an additional 9,400 had been repatriated within 5 years of the initial encounter. In other words, first-year repatriations accounted for 97 percent of first 5-year repatriations. Similarly, first-year repatriations accounted for 95 percent, 94 percent, and 93 percent of first 5-year repatriations for the 2014–2016 cohorts, respectively. The percentage still being processed decreases over time, but virtually all the drop in “being processed” results from growth in relief/protection from removal and unexecuted final orders of removal, not in additional repatriations.

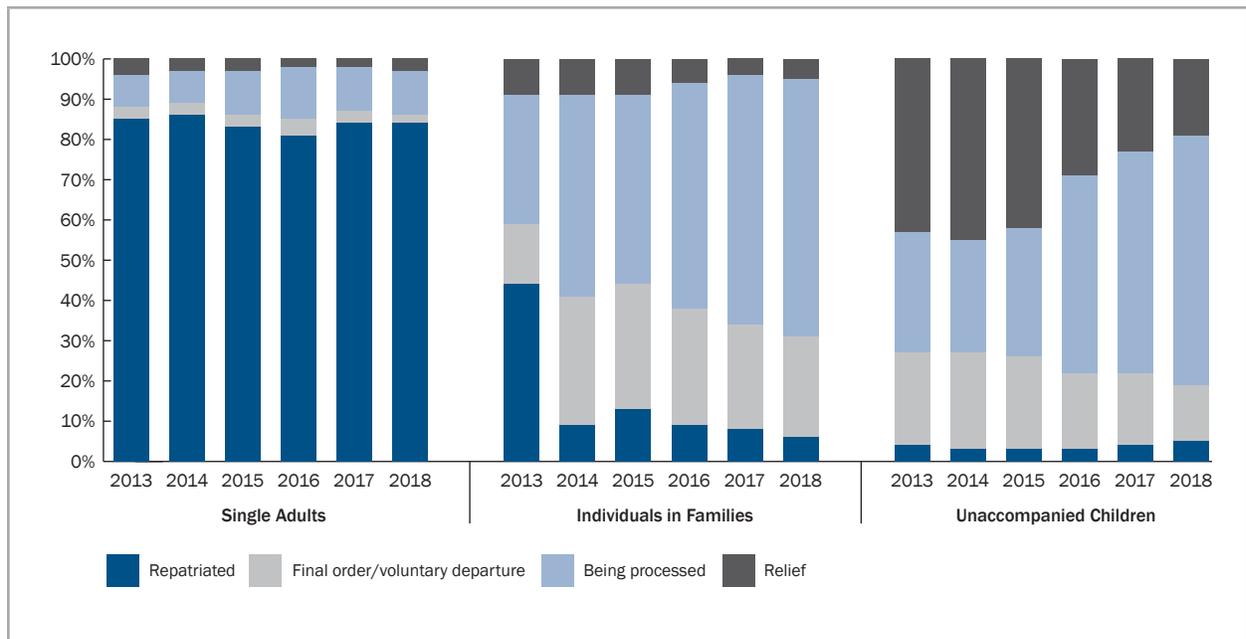
A second observation about Figure 6 is that the share of encounters with final enforcement outcomes (repatriations or relief/protection from removal) after 1, 3, and 5 years was notably lower for the 2016 cohort (68 percent with final outcomes after 5 years) than for the 2013 cohort (88 percent with final outcomes after 5 years).

This drop in the share of cases with final outcomes within 5 years occurred at the same time that the demographics of border encounters shifted from being predominantly Mexican SAs to having larger shares of FMs, UCs, and non-Mexicans. Enforcement processing generally takes longer for FMs and UCs than for SAs and for Northern Central American and other non-Mexican nationals than for Mexican nationals, so the demographic shift from 2013 to 2016 likely is one factor contributing to this slow-down in processing times.

Finally, Figure 7 summarizes outcomes 3 years after initial encounters by family status for each cohort 2013 to 2018. Outcomes for SAs have generally remained stable across cohorts, with 3-year repatriation rates ranging from only 81 to 86 percent and 3 year still-being-processed rates ranging from 8.0 to 13 percent, with no observable trend over time. For FM encounters, the 3-year repatriation rates fell from 44 percent for the 2013 cohort to 9.3 percent for the 2014 cohort to just 6.2 percent for the 2018 cohort. Conversely, FM encounters being processed after 3 years rose from 32 percent for the 2013 cohort to 64 percent for the 2018 cohort, and those with unexecuted final orders increased from 15 percent for the 2013 cohort to 25 percent for the 2018 cohort. Grants of relief or other protection from removal within 3 years has trended downward slightly over time, peaking at 9.3 percent for the 2014 cohort and reaching a low of 4.2 percent for the 2017 cohort.

Three-year outcomes for UCs show declining relief rates from a peak of 45 percent for the 2014 cohort to a low of 19 percent for the 2018 cohort. Three-year rates of unexecuted final orders have more gradually dropped from a peak of 24 percent for the 2014 cohort to a low 15 percent for the 2018 cohort. Conversely, the percentage of UCs being processed after 3 years rose from a low of 28 percent for the 2014 cohort to a peak of 62 percent for the 2018 cohort. Three-year repatriation rates range from a low of 2.8 percent for the 2014 cohort to a peak of 5.1 percent for the 2018 cohort.

Figure 7.
Southwest Border Encounters by Enforcement Outcomes 3 Years after Initial Encounter and Family Status:
FY 2013 to 2018



Notes: Encounters with no subsequent event are excluded. Outcomes are current as of December 31, 2021.
 Source: OIS Enforcement Lifecycle.

Conclusion

This report describes enforcement outcomes for persons encountered at the Southwest Border from 2013 to 2021, focusing on outcomes by encounter cohorts rather than events by year. Most encounters (56 percent) from the pre-pandemic period had been repatriated by December 31, 2021, but more than a quarter (27 percent) of pre-pandemic encounters were still being processed by DHS or DOJ. These outcomes varied considerably by citizenship and family status, with most SAs (83 percent) and most Mexican nationals (91 percent) having been repatriated, while majorities of FMs (63 percent) and pluralities of non-contiguous UCs, Northern Central American nationals, and nationals of other countries were still being processed (43 percent, 41 percent, and 48 percent, respectively). Non-contiguous UCs (36 percent) and nationals of countries other than Mexico or Northern Central America (22 percent) were the only groups from the pre-pandemic era granted relief or other protection from removal in substantial numbers. For SAs and FMs, almost all pre-pandemic repatriations occur within the first year of an encounter.

CBP's exercise of Title 42 authority reshaped border enforcement during the first year-and-a-half of the pandemic. For this period, 66 percent of encounters had resulted in expulsions as of December 31, 2021, and an additional 3 percent had been repatriated under Title 8 authority. These rates were especially high for Mexican nationals (97 percent of encounters expelled or repatriated) and single adults (90 percent expelled or repatriated), and they also applied to most Northern Central American encounters (60 percent expelled or repatriated). Majorities of FMs and non-contiguous UCs encountered during the pandemic were still being processed for removal as of December 2021 (68 percent and 94 percent, respectively).

The other major finding from this report is that enforcement processing slowed considerably between 2013 and 2018, with 86 percent of encounters resulting in final outcomes (repatriations or relief/protection from removal) within 3 years for the 2013 cohort compared to 56 percent for the 2018 cohort. This trend is partly explained by changing encounter demographics, as non-Mexicans, FMs, and non-contiguous UCs routinely take longer to process than Mexican nationals and SAs. But the trend is also driven by changes within demographic groups. In particular, the share of SA encounters with final enforcement outcomes within 3 years fell from 89 percent in 2013 to 87 percent in 2018; but the corresponding change for FMs was a drop from 52 percent to 11 percent, and for UCs a drop from 47 percent to 23 percent.

Appendix A

Table A1 summarizes final or most current enforcement outcomes for each cohort of Southwest Border enforcement encounters from 2013 to 2021. As described in the body of this report, each column summarizes outcomes by year of initial encounter, with outcome data current as of December 31, 2021. Outcomes are divided into broad categories and sub-categories as summarized in Table 1 of this report.

For example, the first green column summarizes final or most current enforcement outcomes for the 3.8 million Southwest Border enforcement encounters occurring from the start of 2013 through March 20, 2021, labeled here as the pre-pandemic period, all of which were processed under Title 8 authority. A total of 2.1 million of those encounters (56 percent of the total) resulted in repatriations, including 1.9 million (91 percent of repatriations, 51 percent of encounters) that were removals. Removals are further broken down into their sub-groups, with the largest being expedited removals (1.1 million). The remaining 1.7 million pre-pandemic encounters had no confirmed departure from the United States, including 1.1 million encounters (27 percent of the total) that were still being processed as of December 31, 2021. The largest share of the still-being-processed group were in Department of Justice Executive Office for Immigration Review (EOIR) proceedings (457,000). An additional 346,000 encounters had resulted in unexecuted removal orders or offers of voluntary departure, and 280,000 encounters had resulted in relief or some other form of protection from removal.

Table A1.

Southwest Border Encounters by Enforcement Outcomes: FYs 2013 to 2021

MOST RECENT OUTCOMES	Total												
	2013	2014	2015	2016	2017	2018	2019	2020 Pre-Pandemic	Pre-pandemic total	2020 Pandemic	2021	Pandemic Era Total	Total
Total Encounters¹	443,688	510,043	375,878	478,770	360,274	474,892	937,826	208,404	3,789,775	219,299	1,698,028	1,917,327	5,707,102
Title 42 Expulsion	0	0	0	0	0	0	0	0	0	196,281	1,058,514	1,254,795	1,254,795
Title 8	443,688	510,043	375,878	478,770	360,274	474,892	937,826	208,404	3,789,775	23,018	639,514	662,532	4,452,307
Repatriations	357,388	344,981	263,740	276,353	195,345	239,888	299,909	137,080	2,114,684	14,168	43,222	57,390	2,172,074
Removals	316,690	308,460	249,072	262,860	184,538	228,121	254,586	120,182	1,924,509	8,293	29,990	38,283	1,962,792
Expedited	188,546	178,950	142,227	145,299	101,705	127,841	142,157	67,696	1,094,421	2,957	15,422	18,379	1,112,800
Reinstatement	120,560	119,328	98,752	108,924	76,502	92,895	99,705	49,624	766,290	4,759	13,178	17,937	784,227
Administrative removals	805	949	865	764	580	574	680	283	5,500	75	95	170	5,670
Other removals ²	6,779	9,233	7,228	7,873	5,751	6,811	12,044	2,579	58,298	502	1,295	1,797	60,095
Returns	35,119	30,039	10,343	8,842	7,873	8,313	16,155	4,068	120,752	2,128	4,203	6,331	127,083
Re-encounters ³	5,579	6,482	4,325	4,651	2,934	3,454	22,337	12,429	62,191	3,745	9,029	12,774	74,965
MPP EOIR Termination ⁴	0	0	0	0	0	0	6,830	401	7,231	2	0	2	7,233
No confirmed departure	86,300	165,062	112,138	202,417	164,929	235,004	637,918	71,324	1,675,092	8,850	596,292	605,142	2,280,234
Being processed	26,566	58,424	45,504	98,166	94,367	150,082	492,202	58,546	1,023,857	8,048	555,275	563,323	1,587,180
Being Processed By DHS	9,832	16,639	8,599	19,765	22,214	34,549	143,780	19,027	274,405	2,996	327,465	330,461	604,866
In EOIR proceedings ⁵	2,930	10,373	9,307	31,394	38,638	70,140	269,833	23,970	456,585	1,689	185,893	187,582	644,167
EOIR case completed - additional DOJ action ⁶	13,804	31,412	27,598	47,007	33,515	45,393	78,589	15,549	292,867	3,363	41,917	45,280	338,147
Final order/voluntary departure	19,099	48,207	30,668	51,553	38,921	50,641	97,825	8,807	345,721	429	8,553	8,982	354,703
Unexecuted removal orders	18,303	46,298	29,241	49,770	37,988	49,546	96,257	8,796	336,199	423	8,497	8,920	345,119
In absentia	13,270	35,397	20,803	34,474	29,033	39,642	76,795	6,172	255,586	34	2,429	2,463	258,049
Not in absentia	5,033	10,901	8,438	15,296	8,955	9,904	19,462	2,624	80,613	389	6,068	6,457	87,070
Unexecuted voluntary departures	796	1,909	1,427	1,783	933	1,095	1,568	11	9,522	6	56	62	9,584
Relief	38,339	54,012	34,392	49,909	29,230	29,691	40,516	3,615	279,704	273	2,436	2,709	282,413
SJ or affirmative asylum	1,923	9,568	7,609	18,847	12,823	10,784	10,622	884	73,060	56	124	180	73,240
LPR status granted by DHS	10,828	2,372	1,537	2,141	1,217	1,793	5,000	479	25,367	13	812	825	26,192
EOIR relief ⁷	5,224	10,846	9,679	11,746	6,063	7,123	9,001	1,134	60,816	123	303	426	61,242
EOIR termination	18,319	27,741	13,274	14,623	7,660	8,945	15,146	1,043	106,751	62	1,066	1,128	107,879
Other ⁸	2,045	3,485	2,293	2,552	1,467	1,046	747	75	13,710	19	131	150	13,860
No Subsequent Event ⁹	2,296	4,419	1,574	2,789	2,411	4,590	7,375	356	25,810	100	30,028	30,128	55,938

Notes: Results based on source data as of December 31, 2021 and OIS Enforcement Lifecycle methodology as of May 31, 2021. Encounters include USBP apprehensions and OFO inadmissibility determinations on the Southwest Border by year of encounter. Table is event-based, so noncitizens encountered on multiple occasions appear in the table multiple times. Accompanied Minors (AM) and OFO with dispositions of Crewmember, Parole, or Withdrawal are excluded.

¹ Excludes Accompanied Minors (AM), Unaccompanied Children from Canada and Mexico, and OFO administrative cases including crewmembers, parolees, and withdrawals.

² Other removals include removals executed pursuant to an INA §240 proceeding.

³ Includes noncitizens encountered more than once by U.S. Customs and Border Protection without a known intervening removal or return. The Office of Immigration Statistics assumes the noncitizen departed of their own accord during the intervening period.

⁴ MPP returnees with EOIR Terminations are assumed to be located in Mexico at the time their EOIR case is terminated.

⁵ Includes noncitizens in proceedings whose cases have been closed and are not on an active docket.

⁶ Includes noncitizens subject to a final order or other EOIR case completion who are subject to a motion to reopen or reconsider or who appeal their case to the Board of Immigration Appeals.

⁷ Includes noncitizens granted asylum and other forms of relief from removal. This category also includes withholding of removal and protection under the Convention Against Torture even though they are not technically forms of relief.

⁸ Includes noncitizens granted cancellation of removal, DHS prosecutorial discretion, T visas, S visas, U visas, Temporary Protected Status, and EOIR conditional grants, as well as people found to be U.S. citizens or lawfully present noncitizens not subject to removal.

⁹ Initial enforcement action cannot be linked to a subsequent enforcement outcome; may result from data errors, missing identifier data, and/or because the noncitizen awaits further processing.

Source: OIS Enforcement Lifecycle.

Appendix B

OIS' standard Enforcement Lifecycle tables sort the outcomes of Southwest Border encounters into four large categories and a total of 20 sub-categories and provide breakouts by country of citizenship, family status, and detention. This appendix can be found at <https://www.dhs.gov/immigration-statistics/special-reports/enforcement-lifecycle>.

