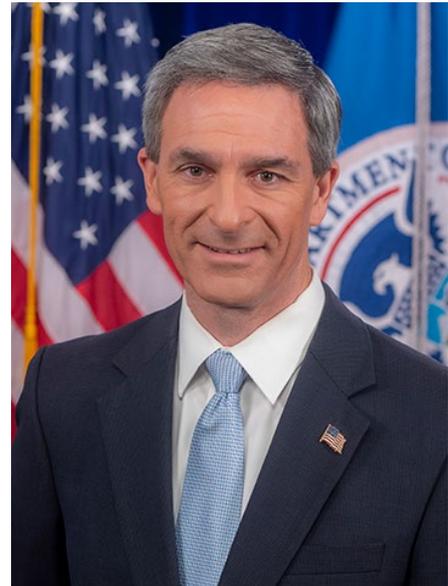




Homeland Security

Message from the Senior Official Performing the Duties of the Deputy Secretary of Homeland Security

The Department of Homeland Security is pleased to present the following *Fiscal Year 2020 Enforcement Lifecycle Report*, which provides a comprehensive analysis of enforcement outcomes for aliens encountered at the Southwest Border during Fiscal Years (FY) 2014 through 2019. This comprehensive report reveals significant discrepancies in outcomes of encounters depending on the demographics of the aliens involved, underscores the substantial challenges borne by the Department in addressing the 2019 Southwest Border crisis, demonstrates that “catch and release” policies do not work, and highlights the need for critical fixes to our immigration system.



The report indicates U.S. Customs and Border Protection (CBP) agents encountered a remarkable number of aliens between FY 2014 and FY 2019. During this time frame, CBP apprehended a striking 2.8 million illegal aliens between ports of entry. Additionally, CBP found another 725,000 aliens inadmissible at Southwest Border ports of entry. As of March 31, 2020, only 59 percent of these 3.5 million Southwest Border encounters had been resolved through a final outcome of repatriation or other relief/protection from removal.

Demonstrating the demand for necessary reforms and much-needed legislative fixes, repatriations accounted for only 51 percent (or 1.8 million) of all encounters at the Southwest Border compared to an astounding 49 percent (or 1.7 million) encounters that had no confirmed departure. Of the population with unconfirmed departures from the United States, only 8.1 percent (or 284,000 encounters) had been granted relief or other protection from removal, meaning roughly 40 percent remain in the United States in an unresolved immigration status. As unacceptable as the statistic is, it does not, by itself, highlight the extreme discrepancies in outcomes based on whether an alien was released into the United States, the nationality of the alien, or whether the alien came as a member of a family unit. Fortunately, the *Fiscal Year 2020 Enforcement Lifecycle Report* provides more granular details.

Not surprisingly, detention status was one of the most important factors that determined the outcome of a border encounter between 2014 and 2019. Those who were detained continuously were removed roughly 98 percent of the time. The overwhelming majority of those who DHS

released from custody were not repatriated. While some remain in proceedings, roughly 300,000 have final orders of removal and remain in the United States. And while some small percentage of those who have pending cases in the immigration courts will likely obtain relief or protection from removal, it is likely that hundreds of thousands of additional aliens who have been released into the United States will receive removal orders in the future and will not depart from the United States. Put simply, this report demonstrates that “catch and release” policies do not work—as hundreds of thousands of aliens will not show up for their hearings, and even those who do but who are not granted relief or protection from removal will not comply with their legal obligation to leave the United States on their own accord.

The 2014 to 2019 period also coincided with shifts in the demographic characteristics of aliens encountered at the Southwest Border, from single Mexican adults to Northern Triangle (Guatemala, El Salvador, and Honduras) family units and unaccompanied alien children (UAC)—populations that DHS has been unable to detain in any significant number for the duration of their proceedings. When it comes to nationalities, illegal aliens from Mexico were much more likely to be repatriated than illegal aliens from Central America. For instance, of the roughly 1.43 million aliens from Mexico encountered between 2014 and 2019, 1.27 million had been repatriated. On the other hand, of the roughly 1.7 million aliens from the Northern Triangle encountered between 2014 and 2019, only 472,000 had been repatriated, meaning more than a million still remain in the United States, many of which have final orders of removal yet have refused to depart.

Furthermore, of the roughly 2.1 million single adults encountered between 2014 and 2019, 1.6 million—or roughly three-fourths—had been repatriated. Conversely, of the roughly 1 million members of family units encountered between 2014 and 2019, only 61,000—a mere fraction—had been repatriated. Put differently, roughly 94 percent of all members of family units encountered between 2014 and 2019 are still present in the United States today. Also concerning, over 200,000 had final orders of removal against them and have yet to depart. DHS experiences similar issues when it comes to ensuring the swift outcome and repatriation of UAC cases. Of UAC from all non-contiguous countries encountered during FY 2014 to FY 2019, only 32 percent of cases were resolved and of those resolved cases, only 4.3 percent were repatriations.

This Lifecycle Report highlights what DHS has known and has been sounding the alarm bells over for years—that illegal alien border crossings are being driven by loopholes in our immigration laws and exploited by human smugglers bringing family units and UACs to the Southwest Border. DHS and the Trump Administration have taken significant, sustained actions to address these loopholes, enforce our laws, and defend our borders. Notably, since the border crisis in 2019:

- DHS successfully implemented the Migrant Protection Protocols (MPP), which as set forth in a law passed by Congress in 1996, allows aliens entering or seeking admission to the U.S. from Mexico—illegally or without proper documentation—to be returned to Mexico and required to wait outside of the U.S. for the duration of their immigration proceedings. MPP helps promote a safer and more orderly process along the Southwest

border, discourages individuals from making meritless asylum claims, and enables expeditious immigration results.

- DHS made tremendous progress in building a state-of-the-art border wall system. By the end of this calendar year DHS will reach over 450 miles. As hundreds of new miles of border wall system are constructed, they prevent the dangerous cartels and smuggling organizations from being able to walk across the border unimpeded.
- DHS ended “catch and release,” which served as a magnet to those seeking to exploit our generous immigration system and hindered the ability of bona fide asylum seekers to obtain the protection they need.
- DHS signed and implemented security and asylum cooperative agreements with our partners and have been working to restore functionality to our broken immigration system. These historic agreements with our partners in the Western Hemisphere have been integral to curbing illegal immigration and making all of our countries more secure.
- DHS and DOJ have promulgated numerous regulations to address effectuate clear statutory authority provided by Congress to manage the immigration system and resolve systemic problems, abuses, and exploitation of the immigration system—all while preserving and facilitating the efficient processing of claims from aliens who have legally viable claims to relief and protection from removal.

While the Department and the Trump Administration have used all available tools to address the crisis, until Congress makes targeted legislative fixes to our immigration laws, DHS will continue to experience stark challenges as outlined in the Lifecycle Report. This is particularly concerning given the current COVID-19 pandemic and the potential erosion of the use of Title 42 authorities. Addressing the problems identified by the Lifecycle Report require the continued use of the initiatives outlined above plus real legislative reforms to address the pull factors of illegal immigration. This means fundamental changes and continued enforcement of our immigration laws—not empty promises of increased bed space or initiatives such as “Alternatives to Detention” that fail to address the underlying structural problems in our immigration system. Releasing hundreds of thousands of aliens into the United States—the overwhelming majority of which will not receive relief or protection from removal and will also not depart the United States on their own accord—only exacerbates the pull factors of illegal immigration.

To ensure the long-term stability of our immigration system and to prevent future border crises of the magnitude of 2019, DHS is reiterating its call to action for Congress to fix the many loopholes in our immigration laws:

- Congress should ensure families remain detained together during the pendency of their immigration proceedings.
- Congress should allow for the prompt and safe return of all UAC who are not victims of trafficking or who do not claim fear of return, regardless of their countries of origin.
- Congress should raise the credible fear standard to require an alien to show that it is more likely than not that he or she has a well-founded fear of persecution if returned to his or her country of origin.
- Congress should update the definition of “special immigrant juveniles” (SIJ) to clarify that an applicant for SIJ status must establish that reunification with neither parent in the United States is viable due to abuse, neglect, or abandonment.

- Congress should ensure individuals in the Northern Triangle have access to a refugee processing center in their home country or a bordering country that allows them to safely apply for protection without having to make the dangerous journey to the United States.

The full report is available for review at <https://www.dhs.gov/immigration-statistics/special-reports/enforcement-lifecycle>.

Sincerely,

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Senior Official Performing the Duties
of the Deputy Secretary