

Deceptive Numbers and Word Games Are Hiding Continued Mass Illegal Immigration Post–Title 42

THE ISSUE

Since President Joe Biden took office, the number of illegal aliens encountered at the U.S. border has exceeded all historical records. Despite the legal requirement for mandatory detention of those caught entering illegally, the Administration’s strategy has been to admit as many as possible on the pretext that they are seeking asylum. The seemingly lower numbers now being claimed for encounters at the border post–Title 42 are an illusion created by the Department of Homeland Security’s (DHS’s) deliberate channeling of those seeking to enter the U.S. illegally to ports of entry (POEs) using Custom and Border Protection’s CBP One mobile-phone application and through rampant abuse of parole.

Neither Congress nor the American people should be fooled by this charade: Illegal immigration remains at unprecedented, dangerous levels and will never be under control without an end to open borders and a change in policy.

BACKGROUND

The Biden Administration claims that its “historic expansion of lawful pathways” has reduced “unlawful entries between ports of entry...70 percent since May 11,” the day when Title 42 authority ended. But there has been no significant reduction of illegal entrants—they have simply been renamed and re-directed. Tens of thousands of illegal aliens whom the Border Patrol would have “encountered”—that is, administratively arrested—are now allowed

to enter the country by the CBP Office of Field Operations inspectors at air and land POEs. The crucial number for tracking the Biden surge in illegal immigration is how many total foreign nationals are allowed into the U.S. nationwide despite having no visa. That number remains exceptionally high, and April 2023 was the fourth-highest month on record. The Biden Administration is attempting to obscure this reality through unlawful action, botched accounting, manipulation of statistics, and taking advantage of a pliant and incurious press corps.

DHS’S DECEPTIVE SPIN ON NUMBERS

In a June 6 press release, the DHS boasted that border encounters were lower as a result of its supposedly tougher “Comprehensive Plan to Manage the Border After Title 42.” In fact, the plan is a smokescreen for the underlying strategic objective: to let in as many illegal aliens as possible and punt them into a backlogged asylum and court system, in most cases without tracking their locations or court appearances.

Encounters with the Border Patrol have averaged 3,400 per day since May 11. Another 1,070 inadmissible aliens presented themselves at a POE each day, using Secretary Mayorkas’ erroneously named “lawful pathway,” and the CBP has expanded daily appointments to 1,250. That is 37,500 inadmissible aliens each month. This number does not include an additional 23,000 supposedly vetted and sponsored Cuban, Haitian, Nicaraguan, and Venezuelan

This paper, in its entirety, can be found at <https://report.heritage.org/fs251>

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nationals who entered in May through a special parole “pathway” that started in January. These two mass-parole port programs add up to 60,500 inadmissible aliens per month. If this number were shifted back to the Border Patrol encounter data on the southwest land border, encounters would be back at, or above, the record 200,000 a month.

PRESIDENT BIDEN’S “LAWFUL PATHWAYS” ARE FICTIONAL—AND ILLEGAL

Since President Biden took office, the number of illegal aliens allowed into the U.S. has exceeded every historical record. In May, the Administration put into effect its new Circumvention of Lawful Pathways rule. The intent of this rule was not to bring illegal immigration under control, much less to a halt. It was to channel as many illegal arrivals as possible toward POEs, away from the open border in between.

President Biden’s DHS invented these “lawful pathways” by abusing limited immigration-parole power under current law, which Congress explicitly stated is to be approved “only on a case-by-case basis for urgent humanitarian reasons or significant public benefit.” In clear violation of the law, the DHS has granted parole in blanket fashion to entire nations. The DHS also expanded its mobile-phone application, CBP One, to aid the legal fiction and allow foreigners outside the U.S. to get advanced permission to apply for parole at a land port or interior airport. Successful applicants are allowed to enter the U.S.—without a visa, proven identity, or any evidence of persecution. They then receive parole from the CBP upon arrival.

The “[un]lawful pathways” programs so far include Afghanistan (evacuees), Ukraine, Cuba, Haiti, Nicaragua, and Venezuela, with 30,000 monthly appointments reserved for the latter four countries alone. The DHS is clearly intending to expand this abuse of parole to additional countries. The migrant processing centers that the State Department has just negotiated to build in Guatemala and Colombia are not intended to screen refugees under the long-established U.S. Refugee Admissions Program, but to identify yet more customers for the unconstitutional and unlawful parole programs.

ILLEGAL ENTRIES SKYROCKETING, REMOVALS CRATERING

The “stiffer consequences for unlawful entry” that the DHS threatens are simply not credible, given its fiscal years 2023 and 2024 budget targets to deport only 29,389 criminal illegal aliens, and no apparent target for the millions of others in the U.S. illegally, including those with final orders of removal. The Administration is neither using all the detention beds that Congress provided nor adequately using GPS tracking in its alternatives-to-detention program.

CONCLUSION

The cartels and coyotes are well aware of the Administration’s true agenda, and they will continue to make billions from trafficking people to the U.S.

Congress must defund these open-border operations, increase U.S. Immigration and Customs Enforcement resources to find and remove the Biden-released masses, and pass H.R. 2 through the Senate to bring true and lasting border security to America.