

THE HISTORIC REFUGEE CRISIS IN THE  
WESTERN HEMISPHERE

BY STUART ANDERSON

**EXECUTIVE SUMMARY**

The United States is experiencing a historic refugee crisis in the Western Hemisphere that has been cast as a border crisis, according to a National Foundation for American Policy (NFAP) analysis. Criticism of the increase in Border Patrol encounters has implied that individuals would not come to the United States if U.S. immigration policy were sufficiently harsh. However, the countries from which people are seeking refuge or employment in America have experienced economic and political upheavals. These upheavals or continuing violence and repression have created a large number of refugees.<sup>1</sup>

The best way to address illegal entry is to treat the current situation at the border as a historic refugee crisis and provide legal pathways for work and human rights protection. The Biden administration has taken steps in this direction with new parole programs and efforts to funnel asylum seekers to ports of entry. Unfortunately, the administration has been slow to label the problem a refugee crisis and, until January 2023, focused less on ways to expand the ways individuals could enter or work legally. Relying on Title 42 to expel migrants proved to be a costly mistake: It increased the number of encounters at the border by encouraging repeating crossings and illegal entry and allowed critics to use an inaccurate measurement since apprehensions at the border, the usual historical measure, are not the same as the more numerous “encounters.”

If Title 42 had not been in effect, the number of Border Patrol apprehensions at the Southwest border likely would have been about 1.2 million in FY 2021 and less than 1.6 million in FY 2022, according to a National Foundation for American Policy analysis. (This assumes, for the analysis, no other changes.) Due to Title 42, NFAP estimates there were approximately 471,000 more encounters at the Southwest border in FY 2021 and about 627,500 more encounters in FY 2022 than if the policy had not been in place.

Among the findings of the report:

- Venezuelans have experienced a historic economic collapse and widespread human rights violations that have caused more than [7.1 million refugees and migrants to leave the country](#) since 2015. That number is similar to the number of refugees who left Ukraine after Russia invaded in 2022. [U.S. Border Patrol encounters](#) at the Southwest border with Venezuelans increased from 1,227 in FY 2020 to 47,752 in FY 2021 and 187,286 in FY 2022, an increase of 15,164% between FY 2020 and FY 2022.

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<sup>1</sup> This policy brief expands upon Stuart Anderson, “A Historic Refugee Crisis Miscast As a Border Emergency,” *Reason*, January 26, 2023. <https://reason.com/2023/01/26/a-historic-refugee-crisis-miscast-as-a-border-emergency/>.

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- Advocates of harsher immigration policies have ignored that refugees leaving Venezuela and elsewhere have settled in or traveled to several countries across the Western Hemisphere—many in much larger numbers than in the United States. Approximately 1.8 million Venezuelans have gone to Colombia and 1.3 million to Peru. In other words, people did not leave Venezuela because of the Biden administration’s immigration policies. Most refugees from Venezuela left their country long before Joe Biden became president. According to a UNHCR [report](#) on Venezuelans, “Half of all refugees and migrants in the region cannot afford three meals a day and lack access to safe and dignified housing. To access food or avoid living on the streets, many Venezuelans resort to survival sex, begging or indebtedness.”
- The situation in Nicaragua also has caused people to flee. “The election of Sandinista leader Daniel Ortega in 2006 began a period of democratic deterioration marked by the consolidation of all branches of government under his party’s control, the limitation of fundamental freedoms, and unchecked corruption in government,” writes Freedom House. [U.S. Border Patrol encounters](#) at the Southwest border with Nicaraguans increased from 2,123 in FY 2020 to 49,841 in FY 2021 and 163,552 in FY 2022, an increase of 7,604% between FY 2020 and FY 2022.
- Cubans have fled their country and its communist government for over 50 years. “Cuba’s one-party communist state outlaws political pluralism, bans independent media, suppresses dissent, and severely restricts basic civil liberties,” according to Freedom House. “The government continues to dominate the economy . . . The regime’s undemocratic character has not changed.” [U.S. Border Patrol encounters](#) with Cubans increased from 9,822 in FY 2020 to 38,139 in FY 2021 and 220,321 in FY 2022, an increase of 2,143% between FY 2020 and FY 2022.
- The story is similar for individuals from other countries in the hemisphere. Between FY 2020 and FY 2022, U.S. Border Patrol encounters increased 560% for Haitians, 465% for Salvadorans, 397% for Hondurans and 383% for Guatemalans.
- Providing the legal means of seeking relief by at least partly opening ports of entry and recently establishing [parole programs accepting up to 30,000 Venezuelans, Cubans, Nicaraguans and Haitians a month](#) (with U.S. sponsors) has reduced illegal entry. “Encounters of Cuban, Haitian, Nicaraguan, and Venezuelan non-citizens attempting to cross the southwest border unlawfully has decreased drastically since President Biden announced an expanded parole program for these individuals,” according to Department of Homeland Security statistics [released](#) on January 25, 2023. “Preliminary numbers from January show that

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encounters of Cubans, Haitians, Nicaraguans, and Venezuelans crossing unlawfully between ports of entry at the southwest border declined 97% compared to December."

- Donald Trump's policies did not reduce illegal immigration or discourage people from applying for asylum. Pending asylum cases rose 300% between FY 2016 and FY 2020 (from 163,451 to 614,751), according to Syracuse University's TRAC. Apprehensions at the Southwest border (a proxy for illegal entry) rose more than 100% between FY 2016 and FY 2019 (from 408,870 to 851,508). Apprehensions fell for several months at the start of the Covid-19 pandemic, but by August and September 2020, apprehensions returned to the approximate level of illegal entry for the same months in FY 2019.

Addressing the situation at the border as a refugee crisis shifts the focus to helping people. Providing more opportunities to work legally with visas and implementing a widescale refugee program with circuit rides and camps organized by UNHCR, the UN Refugee Agency, would be reasonable additional steps. Congress has not enacted measures to provide more options to work legally or greater refugee protections, or even sufficient funding for the U.S. asylum program. Treating people humanely is not a sign of weakness. Allowing for orderly entry is a smart policy consistent with America's best tradition as a nation of immigrants and refugees.

## **THE BIDEN ADMINISTRATION’S FRAMING AND ACTIONS**

During the first two years of the Biden presidency, the administration adopted a mostly conventional approach to illegal immigration. The administration largely accepted the standard measures of illegal immigration—Border Patrol encounters and apprehensions at the Southwest border. Critics of the Biden administration used these measures and blamed the president for the increase at the border, even though the administration continued to use key policies from the Trump administration, particularly expulsions of asylum seekers utilizing the Title 42 health provision.

After almost two years, in a January 5, 2023, speech, President Joe Biden framed the situation at the border, at least in part, as a refugee crisis, although he did not use those words. Instead, he mentioned conditions in different countries that have caused thousands of individuals to seek protection in the United States. “Over the past several years, thousands of people have been fleeing from Central and South America and the Caribbean countries ruled by oppressive dictators—including Cuba, Nicaragua, and Venezuela—and escaping gang violence, which has the same impact, in Haiti,” he said. “Currently, these four countries account for most of the people traveling into Mexico to start a new life by getting at the—to the American border and trying to cross. But instead of safe and orderly process at the border, we have a patchwork system that simply doesn’t work as it should. We don’t have enough asylum officers or personnel to determine whether people qualify for asylum.”<sup>2</sup>

For the past two years, NFAP and other organizations and analysts have recommended that the Biden administration expand legal pathways for admission, viewing that as the most effective and humane approach to address the situation at the Southwest border.

During his January 5, 2023, speech, the president announced a new policy that would parole into the United States up to 30,000 people a month from Venezuela, Nicaragua, Cuba and Haiti if they meet certain criteria, including support from a U.S. sponsor. The parole programs and at least partly opening ports of entry have already reduced illegal entry, according to [Border Patrol statistics](#).

The president and DHS announced an “appointment portal” for “noncitizens located in Central and Northern Mexico seeking to enter the United States lawfully through a U.S. port of entry” using a mobile application to schedule “an appointment to present themselves for inspection and to initiate a protection claim.”<sup>3</sup> This effort to offer protection

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<sup>2</sup> <https://www.whitehouse.gov/briefing-room/speeches-remarks/2023/01/05/remarks-by-president-biden-on-border-security-and-enforcement/>.

<sup>3</sup> <https://www.whitehouse.gov/briefing-room/statements-releases/2023/01/05/fact-sheet-biden-harris-administration-announces-new-border-enforcement-actions/>.

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and encourage people to enter through lawful means is the correct response. Human rights advocates criticized the Biden administration's continued use of Title 42 to expel individuals and the [proposed regulation](#) to restrict access to asylum.

The U.S. Supreme Court will decide the fate of Title 42 and a lawsuit filed by attorneys general in several Republican-led states after the Biden administration attempted to end the Title 42 health designation. "In its order, the court . . . agreed to take up the states' appeal this term," reported [CNN](#). "The court said it would hear arguments on the case during its argument session that begins in February 2023."

**MAINTAINING TITLE 42 MADE THE PROBLEM WORSE**

Maintaining Title 42 during the first two years of the Biden presidency proved to be a mistake. First, by failing to frame the issue as a refugee crisis and not enacting policies to address the historic humanitarian scope of the problem, the Biden administration played into the hands of critics by focusing solely on the number of Border Patrol encounters or apprehensions at the Southwest border. Second, after conceding that border numbers would measure immigration policy success for failure—rather than treating people humanely or ensuring legal pathways were used—the administration continued to use Title 42, which has inflated the number of Border Patrol encounters (inaccurately called apprehensions by many) due to many individuals being counted multiple times as repeat border crossers.

Under Title 42, repeat border crossers generally have not been processed or faced legal consequences other than being returned across the U.S.-Mexico border. As a result, "*The number of total encounters overstates the number of unique people attempting to cross the border,*" according to U.S. Customs and Border Protection (CBP). "Prior to the pandemic, about one in eight border encounters involved a person previously encountered during the prior year. However, since CBP began expelling noncitizens under the CDC's Title 42 public health order to limit the spread of COVID-19, the repeat encounter rate jumped to more than *one in three encounters, including almost half of single adult encounters.*"<sup>4</sup> The number of unique individuals encountered at the Southwest border increased only 30% between FY 2019 and 2021 even though "total" enforcement encounters increased 82%, according to CBP.<sup>5</sup>

If Title 42 had not been in effect, the number of Border Patrol apprehensions at the Southwest border likely would have been about 1.2 million in FY 2021 and less than 1.6 million in FY 2022, according to a National Foundation for American Policy analysis. (This assumes, for the analysis, no other changes.) NFAP arrived at these numbers

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<sup>4</sup> <https://www.cbp.gov/newsroom/national-media-release/cbp-releases-operational-fiscal-year-2021-statistics>. Emphasis added.

<sup>5</sup> *Ibid.*

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by estimating unique encounters for FY 2022, applying the reported FY 2021 rate, and utilizing the ratio of total encounters to unique encounters based on FY 2019 rates (pre-Title 42).

Due to Title 42, NFAP estimates there were approximately 471,000 more encounters at the Southwest border in FY 2021 and about 627,500 more encounters in FY 2022 than if the policy had not been in place.

Many news articles and critics of Biden administration policies have incorrectly stated there were a record number of apprehensions at the Southwest border in FY 2022. There were a record number of *encounters* at the Southwest border (2,214,652) in FY 2022. However, the statistic called “encounters” was rarely cited publicly before FY 2020 and includes “apprehensions” but also other interactions with U.S. Customs and Border Protection.

The record for Border Patrol “apprehensions” at the Southwest border was 1,643,679 in FY 2000. In FY 2000, the apprehensions were primarily of Mexican workers trying to evade Border Patrol agents. In FY 2021 and FY 2022, many of the encounters with Border Patrol agents involved non-Mexicans turning themselves in and seeking asylum. These individuals and families would not have encountered Border Patrol agents if they were allowed to apply for asylum at lawful ports of entry—something that generally was prohibited after Title 42 was implemented.

Historically, the most used statistic on Border Patrol activity has been “apprehensions,” defined as people who entered illegally and were at least briefly in Border Patrol custody. Beginning in March 2020, the main enforcement statistic reported became “encounters,” not “apprehensions.” The change was due to the start in March 2020 of expulsions from the United States using the public health section of the U.S. Code (generally referred to as Title 42). “Encounters” are not synonymous with “apprehensions.” According to U.S. Customs and Border Protection (CBP), “Beginning in March FY20, USBP Encounters statistics include both Title 8 Apprehensions and Title 42 Expulsions. Apprehensions refer to the physical control or temporary detainment of a person who is not lawfully in the U.S. which may or may not result in an arrest.”<sup>6</sup>

Encounters include four different types of interaction with CBP:

- Apprehensions by the Border Patrol;
- Expulsions by the Border Patrol under Title 42;
- People ruled ineligible for entry by CPB’s Office of Field Operations (OFO) at a port of entry; and
- Expulsions by Office of Field Operations under Title 42.

Comparing enforcement statistics before and after the implementation of Title 42 at the Southwest border is difficult. The Biden administration created a trap for itself by continuing to use Title 42 and allowing itself to be judged on the total number of encounters at the Southwest border.

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<sup>6</sup> <https://www.cbp.gov/newsroom/stats/cbp-enforcement-statistics>.

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In January 2023, approximately two years after Joe Biden took office, MSNBC host Mehdi Hasan asked a guest, “Everyone, Democrats and Republicans alike, they say they want to get numbers down at the border, that’s the underlying goal . . . What should we do to keep numbers down at the border? The argument is that there are record numbers coming at the border and that they are unsustainable numbers.”<sup>7</sup>

The need to house or arrange care for large numbers of asylum seekers would have become apparent even if with a better metric. However, managing the humanitarian flow would have been easier if the Biden administration had allowed those seeking asylum to apply in an orderly, timed fashion at a lawful port of entry. The administration has tried to correct this with a [phone app](#) allowing individuals to receive scheduled appointments at a port. Enough people will need to be allowed to apply daily at ports of entry to make using the app a feasible alternative. Still, the idea is sound.

**U.S. REFUGEE PROGRAM MOSTLY ABSENT FROM THE WESTERN HEMISPHERE**

The Trump administration slashed U.S. refugee admissions and, in the process, dismantled the primary mechanisms for facilitating the entry of refugees into the United States. The Biden administration has yet to overcome these difficulties, despite showing a much greater willingness to accept refugees.

The Biden administration established a ceiling of 125,000 refugees in FY 2022 but resettled [fewer than 26,000 refugees](#), approximately 100,000 below the ceiling. The refugee ceiling is also 125,000 in FY 2023, but to meet that level, “President Biden must make the resettlement program a priority, investing resources and political will in creative solutions to expedite processing,” according to the National Immigration Forum’s [Danilo Zak](#).

Americans have offered their time as volunteers and money as sponsors to help those fleeing war and persecution in Afghanistan, Ukraine and elsewhere. The Biden administration has implemented the successful [Uniting for Ukraine](#) initiative that has allowed over 90,000 Ukrainians to be paroled into the United States with the help of U.S. financial sponsors, according to Michelle Hackman at the [Wall Street Journal](#), with another 34,000 approved for travel. A [more limited program](#) was established for [Venezuelans](#) and then expanded to include Nicaraguans, Cubans and Haitians.<sup>8</sup>

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<sup>7</sup> <https://twitter.com/MehdiHasanShow/status/1612981237655769089>.

<sup>8</sup> Adapted from: <https://www.forbes.com/sites/stuartanderson/2023/01/03/the-outlook-on-h-1b-visas-and-immigration-in-2023/?sh=5c3b10146980>.

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An omission in the past two years has been the almost complete absence of admitting refugees from the Western Hemisphere. Such a program, including circuit rides and support from UNHCR, could have discouraged individuals and families from taking the dangerous trip to the U.S.-Mexico border.

“The Biden-Harris Administration intends to welcome up to 20,000 refugees from Latin American and Caribbean countries during Fiscal Years 2023 and 2024, putting the United States on pace to *more than triple* refugee admissions from the Western Hemisphere this Fiscal Year alone,” according to an administration Fact Sheet. “This delivers on the President’s commitment under the *Los Angeles Declaration for Migration and Protection* to scale up refugee admissions from the Western Hemisphere.”<sup>9</sup>

**A HEMISPHERE-WIDE PROBLEM**

Advocates of harsher immigration policies have ignored that refugees leaving Venezuela and elsewhere have settled in or traveled to several countries across the Western Hemisphere—many in much larger numbers than in the United States. In other words, people did not leave Venezuela because of the Biden administration’s immigration policies. Most refugees from Venezuela left their country long before Joe Biden became president.

More than [7.1 million refugees and migrants have left Venezuela](#), a number on par with the level of Ukrainian refugees who have fled the most intense warfare seen in Europe since World War II, according to the United Nations High Commissioner for Refugees (UNHCR). Approximately 1.8 million Venezuelans have gone to Colombia, 1.3 million to Peru, 514,000 to Ecuador, 465,000 to the United States, 448,000 to Chile, 418,000 to Spain, 345,000 to Brazil and another 400,000 have gone to Argentina, Panama and the Dominican Republic, reports UNHCR.<sup>10</sup>

**Table 1**  
**Venezuelan Refugees in the Western Hemisphere**

<b>Country</b>	<b>Venezuelan Refugees</b>
<b>Colombia</b>	1.8 million
<b>Peru</b>	1.3 million
<b>Ecuador</b>	514,000
<b>United States</b>	465,000
<b>Chile</b>	448,000
<b>Spain</b>	418,000
<b>Argentina, Panama and the Dominican Republic</b>	400,000
<b>Brazil</b>	345,000

Source: United Nations High Commissioner for Refugees.

<sup>9</sup> <https://www.whitehouse.gov/briefing-room/statements-releases/2023/01/05/fact-sheet-biden-harris-administration-announces-new-border-enforcement-actions/>.

<sup>10</sup> <https://data.unhcr.org/en/documents/details/93629>.



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According to a UNHCR [report](#) on Venezuelans, “Half of all refugees and migrants in the region cannot afford three meals a day and lack access to safe and dignified housing. To access food or avoid living on the streets, many Venezuelans resort to survival sex, begging or indebtedness.”

The Biden administration has acknowledged this is a hemisphere-wide problem, but until recently, has provided little public emphasis. A Department of Homeland Security fact sheet issued in January 2023 stated, “Countries across the Western Hemisphere are delivering on their commitments under the *Los Angeles Declaration* to expand legal immigration pathways. Colombia, Ecuador, Costa Rica, and Belize are each implementing new regularization or temporary protection policies to provide legal status to hundreds of thousands of migrants. Canada, Mexico, and Spain have expanded refugee resettlement and temporary work opportunities. Mexico and Guatemala have also significantly grown their asylum system. Individuals are encouraged to avail themselves of this wide range of legal pathways in the region and avoid the dangerous consequences of irregular migration.”<sup>11</sup>

## **HISTORICAL DATA ON “OTHER THAN MEXICO” SHOW REFUGEE CRISIS**

U.S. Border Patrol apprehensions and encounters at the Southwest border of individuals from countries Other Than Mexico (OTM) document the flow of refugees in the Western Hemisphere. In FY 2000, only 1.7% of the apprehensions at the Southwest border were of non-Mexicans, compared to 81% in FY 2019 (mostly Central Americans), and 64% and 67% of Border Patrol encounters in FY 2021 and FY 2022.

Title 42 expulsions of repeat border crossers from Mexico likely caused the FY 2021 and FY 2022 “encounters” to have a lower percentage of non-Mexicans than otherwise. The Border Patrol reported an increase in repeat crossers due to the lack of consequences for those sent back across the border under Title 42.

Starting in the 20<sup>th</sup> century—and until recently—illegal entry at the Southwest border involved primarily Mexicans crossing unlawfully to seek work. This changed beginning in 2010 when violence and economic hardship drove Central Americans to the United States in large numbers. (Civil wars and violence in the 1980s also pushed Central Americans to the U.S.) In FY 2010, 11.4% of Southwest border apprehensions were Other Than Mexico, far higher than the 1.7% for non-Mexicans in FY 2000. In FY 2012, the proportion of non-Mexicans increased to 26.5% and rose steadily to over 50% of Southwest border apprehensions in all but one year between FY 2014 and FY 2018.

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<sup>11</sup> <https://www.whitehouse.gov/briefing-room/statements-releases/2023/01/05/fact-sheet-biden-harris-administration-announces-new-border-enforcement-actions/>.

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In FY 2019, over 80% of Southwest border apprehensions were of non-Mexicans. Although there was an increase in apprehensions of Brazilians between FY 2002 and FY 2015, apprehensions of non-Mexicans during those years and through FY 2019 were primarily of Hondurans, Guatemalans and Salvadorans.

**Table 2**  
**Southwest Apprehensions By Border Patrol Agents (Includes All Encounters After March 2020)**

<b>Fiscal Year</b>	<b>Mexico</b>	<b>Other Than Mexico (OTM)</b>	<b>Total</b>	<b>Percent Other Than Mexico</b>
<b>2000</b>	1,615,081	28,598	1,643,679	1.7%
<b>2001</b>	1,205,389	30,328	1,235,717	2.5%
<b>2002</b>	901,761	28,048	929,809	3.0%
<b>2003</b>	865,850	39,215	905,065	4.3%
<b>2004</b>	1,073,468	65,814	1,139,282	5.8%
<b>2005</b>	1,016,409	154,987	1,171,396	13.2%
<b>2006</b>	973,819	98,153	1,071,972	9.2%
<b>2007</b>	800,634	58,004	858,638	6.8%
<b>2008</b>	653,035	51,970	705,005	7.4%
<b>2009</b>	495,582	45,283	540,865	8.4%
<b>2010</b>	396,819	50,912	447,731	11.4%
<b>2011</b>	280,580	46,997	327,577	14.3%
<b>2012</b>	262,341	94,532	356,873	26.5%
<b>2013</b>	265,409	148,988	414,397	36.0%
<b>2014</b>	226,771	252,600	479,371	52.7%
<b>2015</b>	186,017	145,316	331,333	43.9%
<b>2016</b>	190,760	218,110	408,870	53.3%
<b>2017</b>	127,938	175,978	303,916	57.9%
<b>2018</b>	152,257	244,322	396,579	61.6%
<b>2019</b>	166,458	685,050	851,508	80.5%
<b>2020</b>	253,118	147,533	400,651	36.8%
<b>2021</b>	608,037	1,051,169	1,659,206	63.4%
<b>2022</b>	738,780	1,467,656	2,206,436	66.5%

Source: U.S. Border Patrol, National Foundation for American Policy. Includes all encounters after March 2020.

**Table 3**  
**U.S. Border Patrol Encounters At The Southwest Border: FY 2020 to FY 2022**

Country	FY 2020	FY 2021	FY 2022
Venezuela	1,227	47,752	187,286
Nicaragua	2,123	49,841	163,552
Cuba	9,822	38,139	220,321
Haiti	4,395	45,532	29,004
Colombia	295	5,838	124,540
El Salvador	16,484	95,692	93,196
Honduras	40,091	308,931	199,186
Guatemala	47,243	279,033	228,220

Source: U.S. Border Patrol, National Foundation for American Policy tabulation of CBP monthly data files.

Due to Covid-19, fewer people attempted to enter the United States in FY 2020. That pent-up demand and worsening conditions in other countries started a larger flow of refugees from a wider group of countries. In a 2022 report, the Department of Homeland Security compared the average number of Southwest border “encounters” in FY 2021 to the average for FY 2014 to FY 2019 for several countries.<sup>12</sup> As noted, encounters are not identical to apprehensions. The data showed an increase of 1,285% for Nicaraguans, 3,132% for Venezuelans, 2,136% for Ecuadorians, 1,425% for Haitians, 928% for Brazilians and 159% for Cubans. Border Patrol encounters increased for individuals from these countries in FY 2022.

## **WORSENING HUMAN RIGHTS IN VENEZUELA, NICARAGUA, CUBA AND HAITI**

Human rights reports on Venezuela, Nicaragua, Cuba and Haiti explain why refugees have fled those nations in search of greater freedom, protection and opportunity for their families. Freedom House rates all four countries as “not free.” U.S. State Department reports also criticize the human rights situation in Venezuela, Nicaragua, Cuba and Haiti.

**Venezuela:** “Venezuela’s democratic institutions have deteriorated since 1999, but conditions have grown sharply worse in recent years due to harsher crackdowns on the opposition and the ruling party relying on widely condemned elections to control all government branches,” according to Freedom House. “The authorities have closed off virtually all channels for political dissent, restricting civil liberties and prosecuting perceived opponents without regard for due process. The country’s severe humanitarian crisis has left millions struggling to meet basic needs, and driven mass emigration.”<sup>13</sup>

<sup>12</sup> [https://www.dhs.gov/sites/default/files/2022-09/2022\\_0818\\_plcy\\_southwest\\_border\\_enforcement\\_report\\_fy\\_2021.pdf](https://www.dhs.gov/sites/default/files/2022-09/2022_0818_plcy_southwest_border_enforcement_report_fy_2021.pdf).

<sup>13</sup> <https://freedomhouse.org/country/venezuela/freedom-world/2022>.

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Venezuelans have experienced a historic economic collapse and widespread human rights violations that have caused more than [7.1 million refugees and migrants to leave the country](#). (That number is similar to the number of refugees Russia created after invading Ukraine in 2022.) [U.S. Border Patrol encounters](#) at the Southwest border with Venezuelans increased from 1,227 in FY 2020 to 47,752 in FY 2021 and 187,286 in FY 2022, an increase of 15,164% between FY 2020 and FY 2022.

According to the U.S. State Department's country report on human rights in Venezuela, "Significant human rights issues included credible reports of: unlawful or arbitrary killings, including extrajudicial killings by regime forces; forced disappearances by the regime; [and] torture and cruel, inhuman, and degrading treatment by security forces."<sup>14</sup>

"The economy went into a tailspin because the government tried to control society by taking away economic rights," according to Ricardo Hausmann, founder and Director of Harvard's Growth Lab and a professor at the Harvard Kennedy School. "In the middle of the oil boom, the government thought, I have enough money coming from oil, so I don't need the private sector. In fact, I can expropriate the private sector. I can put all sorts of controls on the private sector and make it obey. Many people decided that under those conditions, it was not possible to dream, to plan, to invest, to do things in Venezuela, and people started to leave."<sup>15</sup>

"To keep power, the government disempowered people, taking away their civil, political and human rights," he said. "So, the human rights situation in Venezuela is catastrophic, but it is catastrophic because the government has maintained itself in power despite having engineered the largest peacetime economic collapse in human history." To put the human rights situation in context, Hausmann notes, "Venezuela is a unique case of an economic catastrophe. It's the only country in peacetime able to engineer a decline in GDP [Gross Domestic Product] of 80%." He compares that to a GDP decline of 28% during the Great Depression in the United States and a 50% drop in GDP in Germany during World War II. Hausmann served as chief economist at the Inter-American Development Bank (1994-2000), and as a member of the Board of the Central Bank of Venezuela and an economics professor in Caracas.

When oil prices were high in the years before 2015, Venezuela's socialist government took on more debt rather than saving money. When oil prices collapsed, the government lost access to financing. To keep servicing the debt, the government reduced imports. That resulted in a collapse in the supply of food, medicine, and intermediate

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<sup>14</sup> <https://www.state.gov/reports/2021-country-reports-on-human-rights-practices/venezuela/>.

<sup>15</sup> This section is adapted from Stuart Anderson, "Venezuelans Propelled To U.S. By Crisis, Not Immigration Policy," *Forbes*, December 14, 2022. <https://www.forbes.com/sites/stuartanderson/2022/12/14/venezuelans-propelled-to-us-by-crisis-not-immigration-policy/?sh=1d100ca036f3>.

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inputs, including spare parts, seed, fertilizers and other items needed to keep the economy going and prevent people from starving.

In December 2015, Venezuelans [voted for a two-thirds majority](#) for the opposition in the National Assembly. However, the government of Venezuelan president Nicolás Maduro unconstitutionally changed the Supreme Court, and [the court later removed legislative powers from the National Assembly](#). After that, people had no hope their situation would improve, according to Hausmann. That's when the migration out of Venezuela began in earnest.

**Nicaragua:** The situation in Nicaragua has caused people to flee. “The election of Sandinista leader Daniel Ortega in 2006 began a period of democratic deterioration marked by the consolidation of all branches of government under his party’s control, the limitation of fundamental freedoms, and unchecked corruption in government,” writes Freedom House. “In 2018, state forces, with the aid of informally allied armed groups, responded to a mass antigovernment movement with violence and repression. The rule of law collapsed as the government moved to put down the movement, with rights monitors reporting the deaths of at least 325 people, extrajudicial detentions, disappearances, and torture. Since then, antigovernment activists report surveillance and monitoring, and Ortega has consolidated his power with sweeping arrests of his political opponents.”<sup>16</sup>

[U.S. Border Patrol encounters](#) at the Southwest border with Nicaraguans increased from 2,123 in FY 2020 to 49,841 in FY 2021 and 163,552 in FY 2022, an increase of 7,604% between FY 2020 and FY 2022.

**Cuba:** Cubans have fled their country and its communist government for over 50 years. “Cuba’s one-party communist state outlaws political pluralism, bans independent media, suppresses dissent, and severely restricts basic civil liberties,” according to Freedom House. “The government continues to dominate the economy despite recent reforms that permit some private-sector activity. The regime’s undemocratic character has not changed despite a generational transition in political leadership between 2018 and 2021 that included the introduction of a new constitution.”<sup>17</sup>

“Cuba is an authoritarian state,” according to the U.S. State Department’s country report on human rights in Cuba. “The 2019 constitution codifies that Cuba remains a one-party system in which the Communist Party is the only legal political party. On April 19, President Miguel Diaz-Canel replaced former president Raul Castro as first secretary of the Communist Party, the highest political entity of the state by law. Elections were neither free nor fair nor competitive. . . Significant human rights issues included credible reports of: unlawful or arbitrary killings, including extrajudicial killings, by the government; forced disappearance by the government; torture and cruel,

<sup>16</sup> <https://freedomhouse.org/country/nicaragua/freedom-world/2022>.

<sup>17</sup> <https://freedomhouse.org/country/cuba/freedom-world/2022>.

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inhuman, and degrading treatment of political dissidents, detainees, and prisoners by security forces; harsh and life-threatening prison conditions; arbitrary arrests and detentions [and] political prisoners.”<sup>18</sup>

[U.S. Border Patrol encounters](#) with Cubans increased from 9,822 in FY 2020 to 38,139 in FY 2021 and 220,321 in FY 2022, an increase of 2,143% between FY 2020 and FY 2022.

**Haiti:** Between FY 2020 and FY 2022, U.S. Border Patrol encounters increased 560% for Haitians as more people fled the country. According to the BBC, “In Port-au-Prince you cannot see the boundaries, but you must know where they are. Your life may depend on it. Competing gangs are carving up the Haitian capital, kidnapping, raping, and killing at will. They demarcate their territory in blood. Cross from one gang's turf to another, and you may not make it back.”<sup>19</sup>

“In effect the state is missing in action, as the people suffer overlapping crises,” reports the BBC. “Almost half the population - 4.7 million Haitians - are facing acute hunger. In the capital around 20,000 people are facing famine-like conditions, according to the UN. This is a first for the Americas. Cholera has made a deadly comeback. But armed gangs are the greatest plague.”<sup>20</sup>

“Worsening breakdowns of the Haitian electoral system in recent years have led to a series of expired mandates and constitutional impasses, leaving citizens without proper political representation,” writes Freedom House. “Rampant corruption and violence by armed criminal groups undermine basic services and contribute to physical insecurity for the population. The judiciary and law enforcement agencies lack the resources, independence, and integrity to uphold due process and the rule of law. Antigovernment protests often result in excessive use of force by police.”<sup>21</sup>

## **ASYLUM TRANSIT BAN REGULATION**

A proposed Biden administration regulation (yet to be written) would “provide that individuals who circumvent available, established pathways to lawful migration, and also fail to seek protection in a country through which they traveled on their way to the United States, will be subject to a rebuttable presumption of asylum ineligibility in the United States.”<sup>22</sup>

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<sup>18</sup> <https://www.state.gov/reports/2021-country-reports-on-human-rights-practices/cuba/>.

<sup>19</sup> <https://www.bbc.com/news/world-latin-america-63707429>.

<sup>20</sup> <https://www.bbc.com/news/world-latin-america-63707429>.

<sup>21</sup> <https://freedomhouse.org/country/haiti/freedom-world/2022>.

<sup>22</sup> <https://www.washingtonpost.com/made-by-history/2023/01/23/bidens-announced-asylum-transit-ban-undermines-access-life-saving-protection/>.

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“These two reasons to bar people from seeking asylum for transiting through other countries and for crossing the U.S. border without authorization—have different rationales and historical origins,” according to Yael Schacher, a senior U.S. advocate at Refugees International. “But both have been marshaled against Central Americans since the late 1980s — severely undermining access to asylum. Doing so endangers people’s lives and breaks U.S. and international law. History reveals the purpose and perils of such bars.”<sup>23</sup>

## **PAROLE PROGRAM AT RISK**

Texas Attorney General Ken Paxton and other Republican attorneys general [filed a lawsuit](#) over the parole program with the [same U.S. district judge](#) who blocked another significant Biden administration immigration measure. While the parole program appears to be on sound legal grounds, by halting it for a year or more, the lawsuit could prevent a successful way of providing a legal path for those escaping oppressive conditions.

In addition, the parole program is part of an agreement with Mexico, a foreign policy tradeoff. “Mexico has agreed to accept up to 30,000 migrants each month from the four countries who attempt to walk or swim across the U.S.-Mexico border and are turned back,” [reports](#) PBS. “[T]he U.S. cannot easily send back people from those four countries for a variety of reasons that include relations with the governments there.” The Mexican government only decided to [accept](#) more expelled migrants after Biden implemented the parole program. If the parole program is blocked, more individuals would be released into the U.S. rather than returned to Mexico, which those filing the lawsuit would not want.

[Members of Congress](#) and others who oppose the Biden administration's parole program did not object to the Trump administration largely dismantling the U.S. refugee program, making it more difficult to use today. Most of these critics also have not advocated for other legal ways for people escaping oppressive governments to enter America. Without paths to enter lawfully, it is inevitable that more people will cross into the U.S. illegally.

## **THE TRUMP ADMINISTRATION**

Donald Trump’s policies did not reduce illegal immigration or discourage people from applying for asylum. Pending asylum cases rose 300% between FY 2016 and FY 2020 (from 163,451 to 614,751), according to Syracuse University’s [TRAC](#). Apprehensions at the Southwest border (a proxy for illegal entry) [rose](#) more than 100% between [FY 2016](#) and [FY 2019](#) (from 408,870 to 851,508). Apprehensions fell for several months at the start of the Covid-19 pandemic, but by August and September 2020, apprehensions returned to the [approximate level of illegal entry](#) for the same months in FY 2019.

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<sup>23</sup> Ibid.

## **CONCLUSION**

Addressing and labeling the situation at the border as a refugee crisis shifts the focus to helping people. Providing the legal means of seeking relief by at least partly opening ports of entry and the recent parole programs accepting up to 30,000 Venezuelans and others a month has already reduced illegal entry. Taking these actions sooner would have helped the situation. Providing more opportunities to work legally with visas and implementing a widescale refugee program with circuit rides and camps organized by UNHCR, the UN Refugee Agency, would be reasonable additional steps.

Treating people humanely is not a sign of weakness. Allowing for orderly entry is a smart policy consistent with America's best tradition as a nation of immigrants and refugees.



## ABOUT THE AUTHOR

Stuart Anderson is Executive Director of the National Foundation for American Policy, a non-profit, non-partisan public policy research organization in Arlington, Va. Stuart served as Executive Associate Commissioner for Policy and Planning and Counselor to the Commissioner at the Immigration and Naturalization Service from August 2001 to January 2003. He spent four and a half years on Capitol Hill on the Senate Immigration Subcommittee, first for Senator Spencer Abraham and then as Staff Director of the subcommittee for Senator Sam Brownback. Prior to that, Stuart was Director of Trade and Immigration Studies at the Cato Institute in Washington, D.C., where he produced reports on the military contributions of immigrants and the role of immigrants in high technology. He has an M.A. from Georgetown University and a B.A. in Political Science from Drew University. Stuart has published articles in the *Wall Street Journal*, *New York Times*, *Los Angeles Times*, and other publications. He is the author of the book *Immigration* (Greenwood, 2010).

## ABOUT THE NATIONAL FOUNDATION FOR AMERICAN POLICY

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