

NATIONAL FOUNDATION FOR AMERICAN POLICY

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ILLEGAL ENTRY, PRESIDENTS & EFFECTIVE POLICY

EXECUTIVE SUMMARY

Examining 100 years of Border Patrol apprehensions data finds none of the three U.S. periods with a significant decline in illegal immigration were due to enforcement policies, calling into question conventional wisdom, according to a National Foundation for American Policy (NFAP) analysis. First, after increasing the admission of farmworkers under the Bracero Program, illegal entry, as measured by Border Patrol apprehensions, declined by 96% between 1953 and 1959. Second, apprehensions of Mexicans fell by 83% between 2004 and 2015 due to lower demand in the United States for Mexican workers in sectors like construction and demographics (Mexican family size dropped from 6.8 to 2.1 children between 1960 and 2008). Third, after the Biden administration introduced parole programs, Border Patrol encounters with individuals from Venezuela and three other countries fell by 95% as a group between December 2022 and March 2023. Some level of enforcement is needed as a deterrent, but a major impact of enhanced immigration enforcement has been to make migration more dangerous, increase migrant deaths and encourage individuals who unlawfully cross the U.S.-Mexico border to remain rather than risk frequent trips.

Table 1
Southwest Border Apprehensions by Presidential Administration (FY 1925 to 2019)

Presidential Administration	Average Annual Southwest Border Apprehensions
Franklin D. Roosevelt Administration	18,007
Calvin Coolidge Administration	21,521
Herbert Hoover Administration	21,710
John F. Kennedy Administration	25,374
Lyndon Johnson Administration	73,960
Dwight Eisenhower Administration	187,491
Richard Nixon Administration	359,954
Harry Truman Administration	389,473
Barack Obama Administration	413,377
Donald Trump Administration	517,334 (Through FY 2019. Reporting changes starting in March 2020 make data for FY 2020 and during the Biden administration incompatible with historical statistics.)
Gerald Ford Administration	559,882
Jimmy Carter Administration	752,247
George W. Bush Administration	1,002,111
George H.W. Bush Administration	1,031,319
Ronald Reagan Administration	1,056,463
Bill Clinton Administration	1,379,558

Source: National Foundation for American Policy, U.S. Border Patrol. Data for Trump administration through FY 2019 due to reporting changes starting in March 2020 that make data for FY 2020 and during the Biden administration incompatible with historical statistics. Data before 1960 are total apprehensions. Southwest border apprehensions only unavailable prior to 1960.

Table 2
Southwest Land Border Encounters Under Biden Administration (FY 2021 and FY 2022)

Fiscal Year	Southwest Land Border Encounters
2022	2,206,436
2021	1,659,206

Source: U.S. Customs and Border Protection.

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Among the findings of the analysis:

- Enforcement-only approaches to illegal immigration have been ineffective. The most recent example is the Trump administration. Border Patrol data show the Trump administration's use of more punitive immigration enforcement policies, including separating children from their parents as part of a "zero tolerance" policy, did not reduce illegal entry. Apprehensions at the Southwest border, a proxy for illegal entry, [increased](#) by more than 100 percent between [FY 2016](#) and [FY 2019](#) (from 408,870 to 851,508).¹ After the start of the Covid-19 pandemic in March 2020, Border Patrol encounters initially declined. However, Border Patrol [encounters](#) on the Southwest border rose from 16,182 in April 2020 to 69,032 by October 2020, a 327% increase. (The Border Patrol reported encounters in place of apprehensions beginning in March 2020 due to the use of the Title 42 health authority.)²
- Another indicator of the ineffectiveness of the Trump administration's immigration policies is the increase in asylum applications. The policies did not override people's need for protection and their motivations. Pending asylum cases rose 300% between FY 2016 and FY 2020 (from 163,451 to 614,751), according to Syracuse University's [TRAC](#). If Trump's immigration policies deterred people from coming to America, asylum applications would have declined or not have risen significantly.
- The winding down of the Covid-19 pandemic and an improving U.S. economy have encouraged the flow of people north since 2021. The Biden administration maintained the Trump administration's Title 42 health restrictions that largely blocked people from applying for asylum at ports of entry. That resulted in more people entering unlawfully and turning themselves in to Border Patrol agents to apply for asylum, and others entering, being returned and trying again. Both have driven up "encounter" numbers.
- The Western Hemisphere has seen a historic refugee crisis, even though much public discussion has labeled it a border issue. The increase in people coming from countries that have experienced significant political and economic upheaval, notably Venezuela, Cuba, Haiti and Nicaragua, continued from the Trump years into the Biden administration. "Mounting violent crime and political upheaval" have also prompted people from Peru, Ecuador and Colombia to leave their countries, reports the [Wall Street Journal](#).
- In January 2023, as a way to provide legal pathways, the Biden administration announced parole programs for up to 30,000 individuals a month from Cuba, Haiti, Nicaragua and Venezuela to enter the United States

¹ See also Stuart Anderson, "GOP State Lawsuit Could Stop Sound Way To Reduce Illegal Immigration," *Forbes*, March 21, 2023.

² *Ibid.*

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with a U.S. sponsor. The parole programs produced dramatic results and almost unprecedented effectiveness in reducing illegal entry as measured by encounters with Border Patrol agents. The number of Border Patrol encounters at the Southwest border declined by 95% for Cuba, Haiti, Nicaragua and Venezuela as a group between December 2022 and March 2023, according to a National Foundation for American Policy (NFAP) analysis. Border Patrol encounters for all other countries not in the parole programs increased by 15% during this period. The parole policies represented a humane alternative to forcing individuals to seek protection by entering through dangerous routes between ports of entry because legal access to the United States is blocked.

- During the Obama administration (Jan. 2009 to Jan. 2017), apprehensions along the Southwest border averaged 413,377, lower than during the Trump administration, which averaged 517,334 apprehensions between 2017 and 2019. (Reporting changes starting in 2020, including changing to Border Patrol “encounters,” make data for FY 2020 and later incompatible with historical statistics.)
- Between FY 2005 and FY 2015, apprehensions of Mexicans along the Southwest border declined by 82%, from 1,106,40 to 186,017. A drop in economic demand in the United States for Mexican labor in specific economic sectors, such as construction, and demographic changes in Mexican family size, appear to be the most plausible explanations for the reduced numbers of Mexicans attempting to migrate unlawfully starting around the midpoint of the 2000s.
- Andres Villarreal, a professor of sociology at UCLA, conducted a detailed analysis of the migration decline using a nationally representative panel survey of Mexican households. “The results support an explanation that attributes a large part of the decline to lower labor demand for Mexican immigrants in the United States.” Between 1960 and 2008, the average size of Mexican families dropped from 6.8 to 2.1 children, reducing the pool of young men available to migrate to the United States.
- To the extent Mexicans have still sought to work in the United States, many have chosen to use legal visas when available. Between FY 2006 and FY 2022, there was approximately an eight-fold increase in the number of H-2A visas, rising from 37,149 in FY 2006 to 298,336 in FY 2022. H-2A visas are for seasonal work in agriculture and are uncapped. The number of H-2B visas, including returnees, remained steady at 122,541 in FY 2006 to 124,644 in FY 2022. According to DHS statistics, in FY 2021, Mexicans comprised approximately 96% of the H-2A visa holders and 81% of H-2B visa holders.
- In FY 2000, only 1.7% of Southwest border apprehensions were “Other Than Mexico.” In FY 2014, that proportion climbed to 52.7% and rose to 80.5% in FY 2019. During the Trump administration, Other Than

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Mexico apprehensions, primarily Central Americans, rose from 175,978 in FY 2017 to 685,050 in FY 2019, an increase of 289%.

- The Bracero program proved to be the most effective policy the U.S. government ever established to reduce illegal entry. After the 1954 enforcement actions and the increased use of the Bracero program, INS apprehensions fell from the 1953 level of 835,311 to as low as 32,996 in 1959—a 96% reduction.³ The use of legal work visas was effective. “Without question the bracero program was . . . instrumental in ending the illegal alien problem of the mid-1940’s and 1950’s,” according to the Congressional Research Service. Apprehensions and illegal entry increased significantly after the legal safety valve of the Bracero Program ended in 1964.
- In 1994, the Border Patrol launched Operation Gatekeeper in the San Diego Sector and expanded it to other areas. It aimed to discourage illegal entry by building up of agents and resources in high-travel areas for migrants. The Border Patrol strategy carried two significant unintended consequences: 1) increased enforcement encouraged unauthorized immigrants to stay in the United States long-term, rather than risking apprehension on frequent trips, and 2) the Border Patrol strategy increased the number of immigrant deaths. By making it more dangerous to cross the border, the policy caused more people to die, which also encouraged more migrants to stay in America and build their lives here. Between FY 1998 and FY 2022, the Border Patrol recorded 9,465 immigrant deaths along the border. A [Government Accountability Office](#) report concluded the Border Patrol undercounts immigrant border deaths and indicated the number might be twice as high.
- There is little evidence that increases in Border Patrol personnel prevent illegal immigration. The undocumented population in the United States increased from 3 million to 12 million between 1986 and 2008 while there was “a fivefold increase in the number of U.S. Border Patrol officers, a fourfold increase in hours spent patrolling the border, and a twenty-fold increase in nominal funding,” according to Douglas S. Massey (Princeton University), Jorge Durand (Centro de Investigación y Docencia Económicas), Karen A. Pren (Princeton University). “Whether measured in terms of personnel, patrol hours, or budget, studies indicate that the surge in border enforcement had little effect in reducing unauthorized migration to the United States. . . [T]he unprecedented militarization of the Mexico-U.S. border not only failed in its attempt to reduce undocumented migration but backfired by increasing the rate of undocumented population growth and turning what had been a circular flow of male workers going to three states into a settled population of families living in 50 states.”

³ Apprehensions data in this report differ slightly from a 2003 National Foundation for American Policy report that used “deported aliens located,” which INS and Congressional Research Service reports used as a synonym for apprehensions. The Border Patrol later revised its definitions in data it released on apprehensions.

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- Some argue that “amnesties” encourage more illegal immigration. However, economists Pia M. Orrenius (Federal Reserve Bank of Dallas) and Madeline Zavodny (then with Federal Reserve Bank of Atlanta) examined the 1986 law and found, “An amnesty program also does not appear to encourage illegal immigration in the long run in the hopes of another amnesty program; we do not find a significant difference between apprehensions after the [1986] IRCA amnesty expired and before the program was created.”
- An increase in human smuggling is another consequence of expanding immigration enforcement. Law enforcement sources concede that an increase in border enforcement fueled the reliance on human smugglers, as discussed in a May 2022 [NFAP report](#). “One finding across multiple surveys is that smuggler usage rates have increased steadily over the last 5 decades,” reports the Department of Homeland Security. “Previous research by the Office of Immigration Statistics found that smuggler usage rates climbed from 40-50 percent during the 1970s, to 59 percent in the late 1970s and early 1980s, 70-80 percent in the 1980s to 1990s, 80 to 93 percent in the 1990s to 2000s, and 95 percent for first-time crossers surveyed in 2006. Similarly, according to USBP [Border Patrol] interviews, relatively few illegal border crossers hired a smuggler prior to 2001, but usage rates climbed to 80-95 percent among apprehended border crossers in recent years.”

Examining 100 years of apprehensions data leads to the conclusion that immigrants choose to migrate across the Southwest border due to violence, political unrest and economic problems in their home countries, as well as U.S. economic conditions, not due to the immigration enforcement policies of U.S. presidents. To the extent an administration’s policies reduce illegal entry, it is not enforcement but increasing legal admissions that is effective, as shown by reductions in illegal entry after Mexican farmworkers entered the U.S. under the Bracero program during the Eisenhower administration and the parole program for Venezuelans and others during the Biden administration. The history of the past 100 years shows that increasing enforcement is unlikely to reduce illegal entry, but economic and demographic changes and opening pathways to enter and work legally in the United States can succeed.

ILLEGAL ENTRY BY PRESIDENTIAL ADMINISTRATION

When the United States experiences an increase in migration at the Southwest border, elected officials and commentators focus on U.S. immigration enforcement policies. However, a new analysis of 100 years of apprehensions data and a review of the literature show people migrate to the United States for personal reasons, motivated by conditions in their home country and economic opportunity in America. Increasing enforcement as the primary policy has been ineffective in preventing or significantly deterring illegal entry.

Apprehensions are a proxy for illegal entry. Generally, the lower the number of apprehensions, the fewer people are attempting to enter unlawfully, and a higher number of apprehensions, the more people are trying to enter unlawfully. A review of data for the past 100 years shows immigration enforcement policies do little to affect the decisions people make to come without authorization to America. However, by making migration more dangerous, the policies can increase immigrant deaths and encourage people to stay in the United States once they cross the border.

1925 TO 1944: LOW LEVEL OF ILLEGAL ENTRY

The first few decades after the Border Patrol began operations saw low levels of illegal entry into the United States. In FY 1925, the first year on record, Border apprehensions totaled 22,199. Apprehensions ranged between 10,000 and 24,000 between FY 1926 and FY 1944 (except for 32,711 in FY 1929). Apprehensions never exceeded 13,054 between FY 1934 and FY 1944, a period that included the administrations of Calvin Coolidge, Herbert Hoover and Franklin Delano Roosevelt.

The Labor Appropriations Act of 1924 established the U.S. Border Patrol. “Mounted watchmen of the U.S. Immigration Service patrolled the border in an effort to prevent illegal crossings as early as 1904, but their efforts were irregular and undertaken only when resources permitted,” according to the Border Patrol. Part of the early mission was to prevent illegal immigration from China. Congress authorized Mounted Guards in 1915, who patrolled mostly on horseback between border inspection stations.⁴ The federal government opened the first Border Patrol Academy in 1934. By 1945 the Border Patrol employed over 1,400 people, including civilians.⁵

Lacking manpower because of mass troop mobilization during World War II, in April 1942, the United States and Mexico signed a bilateral agreement to permit Mexicans to work in America. This evolved into the Bracero program to allow Mexican agricultural workers. In April 1943, Congress passed an appropriations bill (H.J. Res. 96, Public

⁴ This section on history adapted from Stuart Anderson, *Immigration*, Santa Barbara, CA: Greenwood, 2010.

⁵ *Ibid.*

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Law 45) that included exemptions to certain immigration requirements (such as alien registration) that permitted the Bracero program to be incorporated into U.S. immigration law. The Commissioner of the Immigration and Naturalization Service (INS) was given primary regulatory authority.

Table 3
Border Apprehensions: FY 1925 to 1959

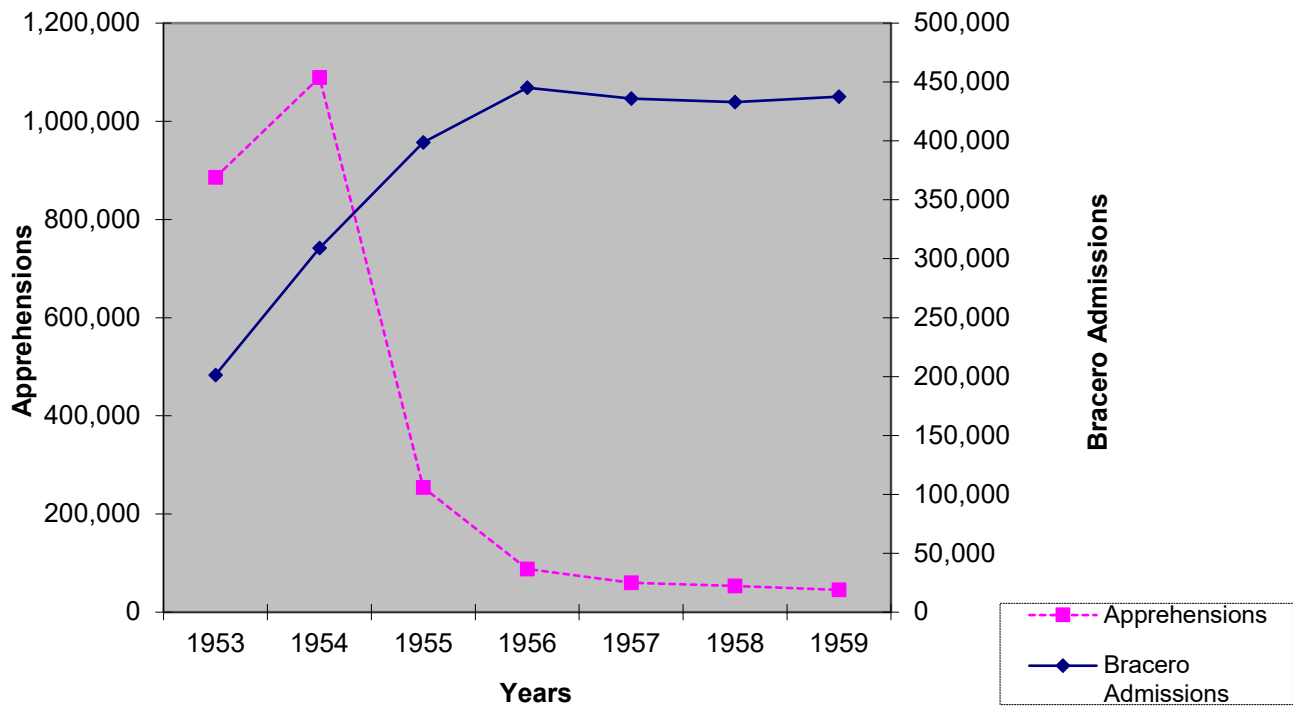
Fiscal Year	Border Apprehensions
FY 1959*	32,996
FY 1958	40,504
FY 1957	46,225
FY 1956	68,420
FY 1955	225,186
FY 1954	1,028,246
FY 1953	835,311
FY 1952	528,815
FY 1951	509,040
FY 1950	468,339
FY 1949	288,253
FY 1948	192,779
FY 1947	193,657
FY 1946	99,591
FY 1945	69,164
FY 1944	31,175
FY 1943	11,175
FY 1942	11,784
FY 1941	11,294
FY 1940	10,492
FY 1939	12,037
FY 1938	12,851
FY 1937	13,054
FY 1936	11,728
FY 1935	11,016
FY 1934	10,319
FY 1933	20,949
FY 1932	22,735
FY 1931	22,276
FY 1930	20,880
FY 1929	32,711
FY 1928	23,566
FY 1927	16,393
FY 1926	12,735
FY 1925	22,199

Source: U.S. Border Patrol. *Note: From FY 1925 to FY 1959, Southwest border apprehensions were not maintained separately from overall border apprehensions.

1945 TO 1964: OPERATION WETBACK AND THE BRACERO PROGRAM

In 1954, during the Eisenhower administration, due to concerns about increased illegal entry from Mexico, the Immigration and Naturalization Service launched a controversial crackdown on illegal immigration. Called “Operation Wetback, INS rounded up Mexican migrants and deported many to Mexico. This included people U.S. citizens and others in the country legally.

Figure 1
Apprehensions and Bracero Admissions: 1953-1959



Source: National Foundation for American Policy; Congressional Research Service, *Temporary Worker Programs: Background and Issues*, February 1980, p. 40; *Annual Report of the Immigration and Naturalization Service, 1959*; *INS Statistical Yearbook 1996*.

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INS data show a 200,000 jump in apprehensions from 835,311 in 1953 to 1,028,246 in 1954.⁶ Although it appears most INS apprehensions during Operation Wetback were made in rural areas, primarily in Texas and California, tactics included “sweeps” in urban areas.⁷ The operation eventually gave way to the liberalization of agricultural work rules along the border.

INS Commissioner (General) Joseph Swing worked with growers, assuring them he would liberalize rules for the Bracero program to encourage them to use legal workers. In 1955, General Swing said, “Net results of farmer-grower cooperation (with the INS) include a shoring up of the agricultural economy of the Southwest, and establishment of a dependable source of qualified agricultural labor.”⁸

The Bracero program proved to be the most effective policy the U.S. government ever established to reduce illegal entry. After the 1954 enforcement actions and the increase in the use of the Bracero program, the 1953 level of 835,311 to as low as 32,996 in 1959—a 96% reduction.⁹

The annual number of Mexican farm workers legally admitted increased from 201,380 in 1953 to 398,650 in 1955, and rose to an average of 437,937 for the years 1956 to 1959.¹⁰ Mexicans admitted as permanent residents (green card holders) increased from 18,454 in 1953 to an average of 42,949 between 1955 and 1959, with many likely sponsored by their agricultural employers.

The use of legal work visas was effective. “Without question the bracero program was . . . instrumental in ending the illegal alien problem of the mid-1940’s and 1950’s,” according to the Congressional Research Service.¹¹

In the 1950s and early 1960s, senior law enforcement officials at the INS, including the Border Patrol, believed using legal visas and market forces allowed the U.S. government to reduce illegal immigration and control the Southwest border. According to a February 1958 Border Patrol document from the El Centro (California) district,

⁶ U.S. Border Patrol.

⁷ Congressional Research Service, *Temporary Worker Programs: Background and Issues*. A report prepared at the request of Senator Edward M. Kennedy, Chairman of the Judiciary, United States Senate, for the use of the Select Commission on Immigration and Refugee Policy, February 1980, 41.

⁸ Immigration and Naturalization Service, I and N Reporter, 1955, p. 16, as cited in Kitty Calavita, *Inside the State*, Routledge, Chapman, and Hall, Inc., New York, 1992, p. 72.

⁹ See Stuart Anderson, *The Impact of Agricultural Guest Worker Programs on Illegal Immigration*, National Foundation for American Policy, November 2003. Apprehensions data in this report differ slightly from the 2003 NFAP study. That study used “deported aliens located,” which INS and Congressional Research Service reports used as a synonym for apprehensions. The Border Patrol later revised the definitions for data it released on apprehensions.

<https://www.cbp.gov/sites/default/files/assets/documents/2021-Aug/U.S.%20Border%20Patrol%20Total%20Apprehensions%20%28FY%201925%20-%20FY%202020%29%20%28508%29.pdf>.

¹⁰ Calavita, Congressional Research Service, February 1980.

¹¹ Congressional Research Service, February 1980.

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“Should Public Law 78 be repealed or a restriction placed on the number of braceros allowed to enter the United States, we can look forward to a large increase in the number of illegal alien entrants into the United States.”¹²

During a Congressional hearing in the 1950s, a top INS official was asked what would happen to illegal immigration if the Bracero program ended, and he replied, “We can’t do the impossible, Mr. Congressman.”¹³

Table 4
Southwest Border Apprehensions (FY 1960 to FY 2019)

Fiscal Year	SW Border Apprehensions		Fiscal Year	SW Border Apprehensions
FY 2019	851,508		FY 1989	852,506
FY 2018	396,579		FY 1988	942,561
FY 2017	303,916		FY 1987	1,122,067
FY 2016	408,870		FY 1986	1,615,844
FY 2015	331,333		FY 1985	1,183,351
FY 2014	479,371		FY 1984	1,058,276
FY 2013	414,397		FY 1983	1,033,974
FY 2012	356,873		FY 1982	745,820
FY 2011	327,577		FY 1981	749,808
FY 2010	447,731		FY 1980	690,554
FY 2009	540,865		FY 1979	795,798
FY 2008	705,005		FY 1978	789,441
FY 2007	858,638		FY 1977	733,193
FY 2006	1,071,972		FY 1976	607,499
FY 2005	1,171,396		FY 1975	512,264
FY 2004	1,139,282		FY 1974	571,606
FY 2003	905,065		FY 1973	441,066
FY 2002	929,809		FY 1972	321,326
FY 2001	1,235,718		FY 1971	263,991
FY 2000	1,643,679		FY 1970	201,780
FY 1999	1,537,000		FY 1969	137,968
FY 1998	1,516,680		FY 1968	96,641
FY 1997	1,368,707		FY 1967	73,973
FY 1996	1,507,020		FY 1966	62,640
FY 1995	1,271,390		FY 1965	40,020
FY 1994	979,101		FY 1964	32,519
FY 1993	1,212,886		FY 1963	29,644
FY 1992	1,145,574		FY 1962	21,103
FY 1991	1,077,876		FY 1961	21,745
FY 1990	1,049,321		FY 1960	21,022

Source: U.S. Border Patrol.

¹² Monthly Sector Activity Reports (MSAR), El Centro, California, February 1958, Accession 63A1359, Box 3, as cited in Calavita, p. 83.

¹³ U.S. Congress, House Committee on Agriculture, Subcommittee on Equipment, Supplies, and Manpower, 1958, p. 450, cited in Calavita, p. 85.

1965 TO 1992: RISE IN ILLEGAL IMMIGRATION AFTER BRACERO PROGRAM END

Due primarily to complaints from labor unions, the Bracero program ended in 1964 during the Johnson administration. The end of the Bracero program coincided with a dramatic increase in illegal entry as measured by apprehensions. Between 1964 and 1976, apprehensions increased from 32,519 to 607,499, a nearly 19-fold increase. “An internal INS report found that apprehensions of adult male Mexican agricultural workers increased by 600% between 1965 and 1970, which helped demonstrate the effect terminating the Bracero program had on illegal immigration,” according to a National Foundation for American Policy analysis. “Additional factors in illegal immigration rising during this period included economic conditions in Mexico and the lack of a useable temporary visa category for lesser skilled non-agricultural jobs. . . INS enforcement did not grow weaker after the 1960 curtailing of the Bracero program or after the program’s subsequent demise in December 1964. And both after 1960 and 1964, without the legal safety valve that the Bracero program represented, illegal immigration increased substantially.”¹⁴

Between 1983 and 1992, Southwest border apprehensions exceeded 1 million in all but two years. That included two terms of Ronald Reagan and one term of George H.W. Bush. In 1986, Congress passed the Immigration Reform and Control Act (IRCA). The law, signed by Ronald Reagan, significantly increased the number of Border Patrol agents, introduced sanctions against employers who “knowingly” hired unauthorized immigrants (those here illegally) and provided an amnesty, allowing approximately [2.7 million people](#) to legalize their status.

Some argue that “amnesties” encourage more illegal immigration. However, economists Pia M. Orrenius (Federal Reserve Bank of Dallas) and Madeline Zavodny (then with Federal Reserve Bank of Atlanta) examined the 1986 law and found, “An amnesty program also does not appear to encourage illegal immigration in the long run in the hopes of another amnesty program; we do not find a significant difference between apprehensions after the [1986] IRCA amnesty expired and before the program was created.” Enforcement measures in the bill, including the sanctions against employers for hiring workers without legal status, did not result in less illegal immigration. Orrenius and Zavodny concluded, “IRCA does not appear to have discouraged illegal immigration in the long run.”¹⁵

¹⁴ Stuart Anderson, *The Impact of Agricultural Guest Worker Programs on Illegal Immigration*.

¹⁵ Pia M. Orrenius and Madeline Zavodny, *Do Amnesty Programs Encourage Illegal Immigration? Evidence from the Immigration Reform and Control Act (IRCA)*, Federal Reserve Bank of Atlanta, Working Paper 2001-19, November 2001, 14-15.

1993 TO 2008: MORE BORDER PATROL AGENTS, MORE ILLEGAL IMMIGRATION

The Clinton administration (Jan. 1993 -Jan. 2001) responded to political pressure caused by increases in illegal entry. In FY 1993, Southwest border apprehensions rose to over 1.2 million. In 1994, anti-immigration groups launched [Prop 187](#) in California, aimed at denying people without legal status, including children, access to public education and (public) health services. A court ruled the measure unconstitutional, and it did not go into effect.

In 1994, the Border Patrol launched Operation Gatekeeper, which aimed to discourage illegal entry through the buildup of agents and resources in high-travel areas for migrants. “Operation Gatekeeper installed high-intensity floodlights to illuminate the border day and night and built an eight-foot-high steel fence along 14 miles of border from the Pacific Ocean to the foothills of the Coastal Range,” writes Princeton University Prof. Douglas S. Massey. “Border Patrol officers were stationed every few hundred yards behind this formidable steel wall, and a new array of sophisticated hardware was deployed in the no-man’s-land it faced.”¹⁶

The strategy expanded to several other high-traffic areas along the Southwest border. “Since the 1990s, migration control at the border has been guided by a strategy of ‘prevention through deterrence’—the idea that the concentration of personnel, infrastructure, and surveillance technology along heavily trafficked regions of the border will discourage unauthorized migrants from attempting to enter the United States,” according to the Congressional Research Service.¹⁷

The Border Patrol strategy carried two significant unintended consequences: 1) increased enforcement encouraged unauthorized immigrants to stay in the United States long-term, rather than risking apprehension on frequent trips, and 2) the Border Patrol strategy increased the number of immigrant deaths. By making it more dangerous to cross the border, the policy caused more people to die, which also encouraged more migrants to stay in America and build their lives here.

The undocumented population in the U.S. increased from 3 million to 12 million between 1986 and 2008 while there was “a fivefold increase in the number of U.S. Border Patrol officers, a fourfold increase in hours spent patrolling the border, and a twenty-fold increase in nominal funding,” according to Douglas S. Massey (Princeton University), Jorge Durand (Centro de Investigación y Docencia Económicas), Karen A. Pren (Princeton University). “Whether measured in terms of personnel, patrol hours, or budget, studies indicate that the surge in border enforcement had

¹⁶ Douglas S. Massey, “Beyond the Border Buildup: Towards a New Approach to Mexico-U.S. Migration,” Immigration Policy In Focus, Immigration Policy Center, September 2005.

¹⁷ Carla N. Argueta, *Border Security: Immigration Enforcement Between Ports of Entry*, Congressional Research Service, April 19, 2016.

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little effect in reducing unauthorized migration to the United States. . . [T]he unprecedented militarization of the Mexico-U.S. border not only failed in its attempt to reduce undocumented migration but backfired by increasing the rate of undocumented population growth and turning what had been a circular flow of male workers going to three states into a settled population of families living in 50 states.”¹⁸

Between FY 1998 and FY 2022, the Border Patrol recorded 9,465 immigrant deaths along the border. A [Government Accountability Office](#) report concluded the Border Patrol undercounts immigrant border deaths and indicated the number might be twice as high.

University of California-San Diego Prof. Wayne Cornelius concluded immigrant deaths are a result of Border Patrol policies. “Another consequence of concentrated border enforcement has been a sharp increase in the number of migrants who die trying to gain entry,” wrote Cornelius in a 2001 [report](#). “The incidence of deaths rose in tandem with the intensification of border enforcement in California, Arizona and Texas.”

The tragedies included 14 of 26 Mexican men dying in the southern Arizona desert in [May 2001](#), as detailed in the book [The Devil’s Highway](#) by Luis Alberto Urrea. In May 2003, 19 people died of “asphyxiation, dehydration and heat exposure as the result of being trapped inside a tractor-trailer truck. Among the dead was a 5-year-old child,” according to Jorge Ramos, author of [Dying to Cross](#). In late June 2022, “[Fifty-three people died](#) after being trapped in a sweltering tractor-trailer found near Lackland Air Force Base in San Antonio,” reported the [Texas Tribune](#). “The victims were migrants from Mexico and Central America. . .”

An increase in human smuggling is another consequence of expanding immigration enforcement. As discussed in a May 2022 [NFAP report](#), law enforcement sources concede that an increase in border enforcement fueled the reliance on human smugglers. “One finding across multiple surveys is that smuggler usage rates have increased steadily over the last 5 decades,” reports the Department of Homeland Security. “Previous research by the Office of Immigration Statistics found that smuggler usage rates climbed from 40-50 percent during the 1970s, to 59 percent in the late 1970s and early 1980s, 70-80 percent in the 1980s to 1990s, 80 to 93 percent in the 1990s to 2000s, and 95 percent for first-time crossers surveyed in 2006. Similarly, according to USBP [Border Patrol] interviews, relatively few illegal border crossers hired a smuggler prior to 2001, but usage rates climbed to 80-95 percent among apprehended border crossers in recent years, a trend partly driven by transnational criminal organizations’ (TCOs) control of crossing points along the Mexican side . . . of the border.”¹⁹

¹⁸ Douglas S. Massey, Jorge Durand, Karen A. Pren, “Why Border Enforcement Backfired,” *American Journal of Sociology*, Volume 121 Number 5 (March 2016) 1557-1600.

¹⁹ *Department of Homeland Security Border Security Metrics Report: Fiscal Year 2019*, Department of Homeland Security, August 5, 2020, p. 55.

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The 1996 Illegal Immigration Reform and Immigrant Responsibility Act (IIRAIRA) significantly tightened rules that had permitted unauthorized immigrants to convert to legal status and made other changes that made immigration law more restrictive in areas that included asylum and deportation. It also authorized more resources for Border Patrol agents, vehicles and technology along the border.

There were more than 1 million apprehensions along the Southwest border between FY 2004 and FY 2006 during the George W. Bush administration. Increased immigration enforcement failed to achieve its objectives and had unintended consequences, including more immigrant deaths, greater reliance on human smuggling and a three to four-fold increase in the total unauthorized immigrant population as migrants who stayed in the United States rather than venturing back and forth across the border.

In the last few years of the George W. Bush administration, apprehensions along the Southwest border, nearly all individuals from Mexico, declined from 1,071,972 in FY 2006 to 858,638 in FY 2007 and 705,005 in FY 2008.

2009 TO 2016: MEXICAN MIGRATION PLUMMETS, CENTRAL AMERICANS ARRIVE

Between FY 2005 and FY 2015, apprehensions of Mexicans along the Southwest border declined by 82%, from 1,106,40 to 186,017.

A drop in economic demand in the United States for Mexican labor in specific economic sectors, such as construction, appears to be the most plausible explanation for the reduced number of Mexicans attempting to migrate unlawfully starting around the midpoint of the 2000s.

Andres Villarreal, a professor of sociology at UCLA, conducted a detailed [analysis](#) of the migration decline using a nationally representative panel survey of Mexican households. “The results support an explanation that attributes a large part of the decline to lower labor demand for Mexican immigrants in the United States.”²⁰

“The rate of Mexican migration to the United States has declined precipitously in recent years,” according to Villarreal. “From 25 migrants per thousand in 2005, the annual international migration rate for Mexican men dropped to 7 per thousand by 2012. . . . Decreases in labor demand in industrial sectors that employ a large percentage of Mexican-born workers, such as construction, are found to be strongly associated with lower rates of migration for Mexican men. Second, changes in migrant selectivity are also consistent with an economic explanation for the

²⁰ Andres Villarreal, “Explaining the Decline in Mexico-U.S. Migration: The Effect of the Great Recession,” *Demography*, 2014 Dec; 51(6): 2203-2228.

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decline in international migration. The largest declines in migration occurred precisely among the demographic groups most affected by the Great Recession: namely, economically active young men with low education.”²¹

Table 5
Southwest Apprehensions Mexico and Other Than Mexico (FY 2000 to FY 2019)

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

Source: U.S. Border Patrol, National Foundation for American Policy.

The statistics on “Other Than Mexico” tell the story. In FY 2000, only 1.7% of Southwest border apprehensions were “Other Than Mexico.” In FY 2014, that proportion climbed to 52.7% and rose to 80.5% in FY 2019.²²

²¹ Ibid.

²² NFAP analysis of Border Patrol data.

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At the same time fewer Mexicans migrated to the United States, more Central Americans came to the United States. This started during Barack Obama's second term and carried over into the Trump administration. The Central Americans were primarily Hondurans, Guatemalans and Salvadorans fleeing violence and economic hardship. "Other Than Mexico" Southwest border apprehensions increased from 46,997 in FY 2011 to 94,532 in FY 2012 and as high as 252,600 in FY 2014 and 218,110 in FY 2016.

Demographics have also played a role. Between 1960 and 2008, the average size of Mexican families dropped from 6.8 to 2.1 children, reducing the available pool of young men to migrate to the United States.²³ "Migration is largely a youth phenomenon occurring in households that seldom dispatch all or most of their children to work abroad," according to Massimiliano Bratti, Simona Fiore and Mariapia Mendola, who studied the impact of Mexican family composition on decisions to migrate.²⁴

To the extent Mexicans have still sought to work in the United States, many have chosen to use legal visas when available. Between FY 2006 and FY 2022, there was approximately an eight-fold increase in the number of H-2A visas, rising from 37,149 in FY 2006 to 298,336 in FY 2022.²⁵ H-2A visas are for seasonal work in agriculture and are uncapped. Because previous H-2B visa holders could return without counting against the 66,000 H-2B annual limit for seasonal nonagricultural visas, H-2B visas remained steady at 122,541 in FY 2006 to 124,644 in FY 2022.²⁶

According to DHS statistics, in FY 2021, Mexicans comprised approximately 96% of the H-2A visa holders and 81% of H-2B visa holders, based on nonimmigrant temporary worker admissions.²⁷

THE OBAMA ADMINISTRATION

Southwest border apprehensions continued to decline during the first term of Barack Obama, falling to 540,865 in FY 2009 and down to 327,577 in FY 2011 and 356,873 in FY 2012. During the Obama administration (Jan. 2009 to Jan. 2017), apprehensions along the Southwest border averaged 413,377, lower than during the Trump administration, which averaged 517,334 apprehensions between 2017 and 2019. Reporting changes starting in 2020, including changing to Border Patrol "encounters," make data for FY 2020 and later incompatible with historical statistics.

²³ <https://www.reuters.com/article/us-mexico-usa-immigrants-sb/factbox-mexicos-shrinking-families-and-migrant-flows-to-u-s-idUSTRE51J02D20090220>.

²⁴ Massimiliano Bratti, Simona Fiore and Mariapia Mendola, (2019), "The Impact of Family Size and Sibling Structure on the Great Mexico-U.S. Migration," GLO Discussion Paper, No. 392, Global Labor Organization (GLO), Essen.

²⁵ Table XVI(B), FY 2006 and FY 2022, U.S. Department of State.

²⁶ Ibid.

²⁷ <https://www.dhs.gov/immigration-statistics/nonimmigrant>. See also <https://bipartisanpolicy.org/explainer/primer-h2a-visa/>.

THE TRUMP ADMINISTRATION

Border Patrol data show the Trump administration's use of more punitive immigration enforcement policies was ineffective in reducing illegal entry. These policies included separating children from their parents as part of a "zero tolerance" policy. Apprehensions at the Southwest border, a proxy for illegal entry, [increased](#) by more than 100 percent between [FY 2016](#) and [FY 2019](#) (from 408,870 to 851,508).²⁸ After the start of the Covid-19 pandemic in March 2020, Border Patrol encounters initially declined. However, Border Patrol [encounters](#) on the Southwest border rose from 16,182 in April 2020 to 69,032 by October 2020, a 327% increase. (The Border Patrol reported encounters in place of apprehensions beginning in March 2020 due to the use of the Title 42 health authority.)²⁹

Another indicator of the ineffectiveness of the Trump administration's immigration policies is the increase in asylum applications. The policies did not override people's need for protection and their motivations. Pending asylum cases rose 300% between FY 2016 and FY 2020 (from 163,451 to 614,751), according to Syracuse University's [TRAC](#). If Trump's immigration policies deterred people from coming to America, asylum applications would have declined or not have risen significantly.

During the Trump administration, Other Than Mexico apprehensions, primarily Central Americans, rose from 175,978 in FY 2017 to 685,050 in FY 2019, an increase of 289%.

THE BIDEN ADMINISTRATION

The winding down of the Covid-19 pandemic and an improving U.S. economy saw an increase in people from countries that experienced significant political and economic upheaval in recent years. The most prominent sources have been Venezuela, Cuba, Haiti, Nicaragua and other nations in Central America. "Mounting violent crime and political upheaval" have also prompted people from Peru, Ecuador and Colombia to leave their countries, reports the [Wall Street Journal](#). In sum, the Western Hemisphere has been experiencing a historic refugee crisis.

The Biden administration did not frame the issue as a refugee crisis and failed to enact policies that addressed the historic humanitarian scope of the problem. Instead, the administration likely played into the hands of critics by focusing solely on the number of Border Patrol encounters or apprehensions at the Southwest border.³⁰ 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, started under Trump,

²⁸ See Stuart Anderson, "GOP State Lawsuit Could Stop Sound Way To Reduce Illegal Immigration," *Forbes*, March 21, 2023.

²⁹ *Ibid.*

³⁰ This section is adapted from Stuart Anderson, *The Historic Refugee Crisis in the Western Hemisphere*, NFAP Policy Brief, National Foundation for American Policy, January 2023.

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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.

Border statistics after March 2020 are incompatible with historical data on apprehensions because of Title 42. 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 primary 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.”³¹

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.

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.*”³² 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.³³

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

³¹ <https://www.cbp.gov/newsroom/stats/cbp-enforcement-statistics>.

³² <https://www.cbp.gov/newsroom/national-media-release/cbp-releases-operational-fiscal-year-2021-statistics>. Emphasis added.

³³ 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 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 Mexican workers trying to evade Border Patrol agents. In FY 2021 and FY 2022, many 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.

PAROLE PROGRAMS: AN EFFECTIVE APPROACH TO REDUCING ILLEGAL ENTRY

People from countries experiencing significant upheaval provide another example of how offering a lawful means to enter the United States can reduce illegal entry. In January 2023, to provide legal pathways, the Biden administration [announced parole programs](#) for up to 30,000 individuals a month from Cuba, Haiti, Nicaragua and Venezuela to enter the United States with a U.S. sponsor. The parole programs produced dramatic results and almost unprecedented effectiveness in reducing illegal entry as measured by encounters with Border Patrol agents. The policies also represented a humane alternative to forcing individuals to seek protection by entering through dangerous routes between ports of entry because legal access to the United States is blocked.³⁴

The number of [Border Patrol encounters](#) at the Southwest border declined by 95% for Cuba, Haiti, Nicaragua and Venezuela as a group between December 2022 and March 2023, according to a National Foundation for American Policy (NFAP) analysis. Border Patrol encounters for all other countries not in the parole programs increased by 15% during this period.

Border Patrol encounters with Cubans along the Southwest border dropped by 99.7% from 42,616 to 117 between December 2022 and March 2023. Border Patrol encounters declined by 47% for Venezuelans (from 6,183 to 3,301)

³⁴ See Stuart Anderson, “GOP State Lawsuit Could Stop Sound Way To Reduce Illegal Immigration,” *Forbes*, March 21, 2023.

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and 99% for Nicaraguans (35,361 to 224) between December 2022 March 2023. Encounters rose for Haitians during this period by started from the very low number of 31 in December 2022 and increased to 224 in March 2023

During the same period, Border Patrol encounters with three Central American countries without access to parole programs (El Salvador, Guatemala and Honduras) increased and their total numbers were far higher than neighboring Nicaragua, whose citizens have access to a parole program. Border Patrol encounters with Salvadorans along the Southwest border rose by 29% between December 2022 and March 2023 (from 4,158 to 5,375). Border Patrol encounters increased by 3% for Guatemalans (from 14,246 to 14,026) and 11% for Hondurans (10,328 to 11,501) between December 2022 and March 2023.

The parole programs are part of an agreement with Mexico. “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 agreed to [accept](#) more individuals from the four countries expelled from the United States in conjunction with the parole programs. If the parole programs are stopped, Mexico might no longer accept returnees from the countries.

FACTORS THAT CAUSE PEOPLE TO MIGRATE

It is instructive to examine factors that influence the decision to migrate. When the United States experiences an increase in migration at the Southwest border, elected officials and commentators have focused U.S. immigration enforcement policies. However, the academic literature shows people migrate to the United States for personal reasons, motivated by conditions in their home country and economic opportunity in America.

ECONOMIC DEVELOPMENT

The research indicates economic development in a country encourages migration. “The principal explanation for rising migration from Mexico was Mexico’s emergence from poverty—hand in hand with a demographic transition (Hanson and McIntosh 2010) and vast expansion of basic schooling,” according to economist Michael Clemens. “People from Central America are following them now, decades later, as similar advances in development arrive there.”³⁵

Clemens points out that demography would explain only half of the tendency to migrate from Mexico decades ago. “What prevalence of Mexican migration in 2019 would we predict by fixing the age-specific tendency to migrate in

³⁵ Michael A. Clemens, *Migration on the Rise, a Paradigm in Decline: The Last Half-Century of Global Mobility*, Centre for Research and Analysis of Migration, January 2022, pp. 5-6.

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1930? 49% of it. Fixing the migration tendency by age and literacy—since the young and literate were more likely to migrate—this rises to 68%.”³⁶

VIOLENCE

Violence in a country can be a significant factor in causing people to leave. Michael Clemens studied the relationship between violence and migration using data on nearly 180,000 apprehensions of unaccompanied child migrants from Honduras, Guatemala and El Salvador between 2011 and 2016. “One additional homicide per year in the region, sustained over the whole period—that is, a cumulative total of six additional homicides—caused a cumulative total of 3.7 additional unaccompanied child apprehensions in the United States,” according to Clemens. “The explanatory power of short-term increases in violence is roughly equal to the explanatory power of long-term economic characteristics like average income and poverty. Due to diffusion of migration experience and assistance through social networks, violence can cause waves of migration that snowball over time, continuing to rise even when violence levels do not.”³⁷

WAR AND POLITICAL UPHEAVAL

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, similar to the number of refugees who fled Ukraine after Russia invaded in 2022. Many refugees have also left Cuba, Haiti, Nicaragua and elsewhere because of the political and economic situations in their countries.

CONCLUSION

Examining 100 years of apprehensions data leads to the conclusion that immigrants choose to migrate across the Southwest border due to violence, political unrest and economic problems in their home countries, as well as U.S. economic conditions, not due to the immigration enforcement policies of U.S. presidents. To the extent an administration’s policies reduce illegal entry, it is not enforcement but increasing legal admissions that is effective, as shown by reduced in illegal entry after Mexican farmworkers entered the U.S. under the Bracero program during the Eisenhower administration and the parole program for Venezuelans and others during the Biden administration. The history of the past 100 years shows that increasing enforcement is unlikely to reduce illegal entry, but economic and demographic changes and opening pathways to enter and work legally in the United States can succeed.

³⁶ Ibid., p. 5.

³⁷ Michael A. Clemens, *Violence, Development, and Migration, Waves: Evidence from Central American Child Migrant Apprehensions*, Center for Global Development, July 2017, p. 1.

ABOUT THE NATIONAL FOUNDATION FOR AMERICAN POLICY

Established in 2003, the National Foundation for American Policy (NFAP) is a 501(c)(3) nonprofit, nonpartisan public policy research organization based in Arlington, Virginia, focusing on trade, immigration and related issues. Advisory Board members include Columbia University economist Jagdish Bhagwati, Cornell Law School professor Stephen W. Yale-Loehr, Ohio University economist Richard Vedder and former INS Commissioner James Ziglar. Over the past 24 months, NFAP's research has been written about in the *Wall Street Journal*, the *New York Times*, the *Washington Post*, and other major media outlets. The organization's reports can be found at www.nfap.com.
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