

MEASURING THE EFFECTIVENESS OF GOVERNMENT SPENDING ON IMMIGRATION ENFORCEMENT

EXECUTIVE SUMMARY

Government spending on immigration enforcement has been ineffective in reducing illegal immigration, according to a National Foundation for American Policy (NFAP) analysis. Research shows an overall lack of a correlation between illegal entry and the number of Border Patrol agents and immigration enforcement spending. The analysis finds using work visas and humanitarian legal pathways are more effective and humane ways to reduce the number of people who enter the U.S. unlawfully. Though the sustainability remains unproven, cooperation with Mexico and other policy changes can also reduce illegal entry, at least in the short term. Economists have concluded America needs more workers to produce economic growth and improve U.S. living standards. An [NFAP analysis](#) found that immigrant workers have been responsible for 88% of the labor force growth in America since 2019. Allowing increased legal entry of workers could benefit border security and the U.S. economy.

Among the findings in the research:

- Looking across several decades, the data suggest that factors other than the number of agents on the border and immigration enforcement spending are the major influences on illegal border crossings.
- Fewer encounters or apprehensions generally mean individuals are deterred from unlawfully crossing the U.S. border. If Border Patrol agents significantly deter illegal entry, increasing the level of Border Patrol agents should result in fewer apprehensions, independent of other factors. However, examining several periods fails to find a strong relationship between Border Patrol staffing levels and deterring illegal entry as measured by encounters or apprehensions. (The Border Patrol reported encounters in place of apprehensions beginning in March 2020 due to the use of Title 42 health authority.)
- One finds no relationship between Border Patrol staffing levels and apprehensions from 1939 to 1960. Examining 1975 to 2024, there is little evidence of a direct connection between increasing the number of Border Patrol agents and preventing illegal immigration. In 2019, Border Patrol staffing stayed high (around 11 times more agents than in 1975) but encounters rose dramatically during the Trump Administration.
- The data indicate Border Patrol levels played little role in determining the level of illegal entry during the past decade. The number of Border Patrol agents did not deter the rise in Central Americans seeking work and asylum in the United States, which began during the Obama administration and carried over into the Trump and Biden administrations. Many individuals and families turned themselves into Border Patrol agents rather than seeking to evade enforcement personnel like Mexicans seeking work had done decades earlier.

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- The conclusion is the same on budgets related to the border, which include spending on barriers and new technology. The analysis finds no consistent correlation between the amount of money spent on Border Patrol operations and illegal entry as measured by encounters and apprehensions. Between 1990 and 2001, apprehensions remained above one million yearly while the Border Patrol's budget increased significantly. Much of this period saw falling U.S. unemployment rates and increased job opportunities in America. Apprehensions plunged between 2004 and 2011 while the Border Patrol's budget rose. However, the budget remained at a relatively flat level, measured in October 2023 dollars, between 2011 and 2022, yet encounters increased significantly in 2021 and 2022, indicating immigration enforcement spending is not a decisive factor in deterring illegal entry.
- There is no consistent correlation between encounters and the overall immigration enforcement budget when including Immigration and Customs Enforcement and all of Customs and Border Protection (CBP). CBP consists of the Border Patrol and other elements, such as CBP officers stationed at ports of entry. During a time of little change in enforcement spending, encounters rose significantly between 2017 and 2019, dropped in 2020, grew significantly again from 2021 to 2023 and plummeted in 2024.
- The evidence indicates increasing the number of enforcement personnel produced the unintended consequence of encouraging people to remain in the country after crossing the border unlawfully, which led to a significant rise in the unauthorized immigrant population. As border crossings grew more perilous and getting caught through safer routes became more likely, individuals chose to remain in the United States after making it across the border rather than travel back and forth as in the past. Between 1990 and 2007, the number of authorized U.S. Border Patrol Agents increased from 3,733 to 14,923. The unauthorized immigrant population in the United States rose from 3.5 million to 11.8 million between 1990 and 2007, according to the Department of Homeland Security.
- The Bracero program is likely the most effective policy the U.S. government has ever established to reduce illegal entry. After the 1954 enforcement actions and the increased use of the Bracero program, the 1953 level of 835,311 apprehensions fell to as low as 32,996 in 1959—a 96% reduction. 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.
- After the Biden administration introduced humanitarian parole programs, Border Patrol encounters declined by 92% for Cubans, Haitians and Nicaraguans as a group between December 2022 (the month before the parole programs started) and November 2023 compared to an 18% increase for nationals of non-parole

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countries, according to an NFAP analysis.¹ Illegal entry also declined for Venezuelans. Due to the demand, the low 30,000-monthly limit for the countries may limit the effectiveness of the humanitarian parole program. The programs require a U.S. sponsor, flying to an interior port of entry and the possibility of employment authorization.

- The Trump administration's enforcement-only policies did not reduce illegal immigration. During the Trump administration, Border Patrol apprehensions at the Southwest border, a proxy for illegal entry, [increased](#) 108% between [FY 2016](#) and [FY 2019](#) (from 408,870 to 851,508).² 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.³
- Forcing asylum seekers to "Remain in Mexico" in unsafe conditions under the "Migrant Protection Protocols" (MPP) beginning in January 2019 did not reduce illegal entry. Border Patrol apprehensions along the Southwest border increased by 162% between December 2018 (the month before Remain in Mexico started) and May 2019. Eight months after the start of MPP, Border Patrol apprehensions along the Southwest border in September 2019 were almost identical to those of September 2018.
- Providing Haitians the option to enter the United States legally at a port of entry significantly reduced illegal entry. After Haitians started receiving permission and waivers to enter lawfully at ports of entry, Border Patrol encounters fell from 7,762 in May 2022 to 145 in June 2022. In November 2023, there were only 102 Border Patrol encounters of Haitians at the Southwest border. The exceptions to Title 42 expulsion authority and using the CBP One app, not Title 42, reduced unlawful migration from Haiti. "What this says is that legal pathways can work better than deterrence," said Tom Cartwright of Witness at the Border.
- Research by Brown University economist Dany Bahar concluded that border crossings are connected to U.S. job openings. Bahar found that "In the presence of tight labor markets, the surge in border crossings observed during 2022 and 2023 . . . would have occurred in a similar magnitude regardless of who was sitting at the White House at the time, a Democrat, or a Republican. The findings also suggest that what is often perceived as a 'border crisis' is, in many respects, a manifestation of the US economy's labor demands."

¹ *Legal Pathways: A Humane and Effective Option*, NFAP Policy Brief, National Foundation for American Policy, January 2024.

² Department of Homeland Security. See also Stuart Anderson, "GOP State Lawsuit Could Stop Sound Way To Reduce Illegal Immigration," *Forbes*, March 21, 2023.

³ *Ibid.* The Border Patrol reported encounters in place of apprehensions beginning in March 2020 due to using the Title 42 health authority.

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- The Border Patrol saw a drop in encounters after the Biden administration’s executive action that suspended the entry of noncitizens who “cross the Southern border into the United States unlawfully” and attempt to apply for asylum and securing greater cooperation from the Mexican government aimed at preventing many Latin American migrants from reaching the U.S. border. Since the Biden administration announced its executive action, encounters at the Southwest border declined from 117,905 in May 2024 to 83,536 in June, 56,399 in July and 58,038 in August 2024. Those levels are lower than in January 2021, Donald Trump’s last month as president.⁴ It is unclear whether the policy will keep unlawful border entries low over a more extended period. Groups have challenged the legality of the asylum policies. The Biden administration has continued to allow people to apply for asylum at lawful ports of entry if they use the CBP One app.

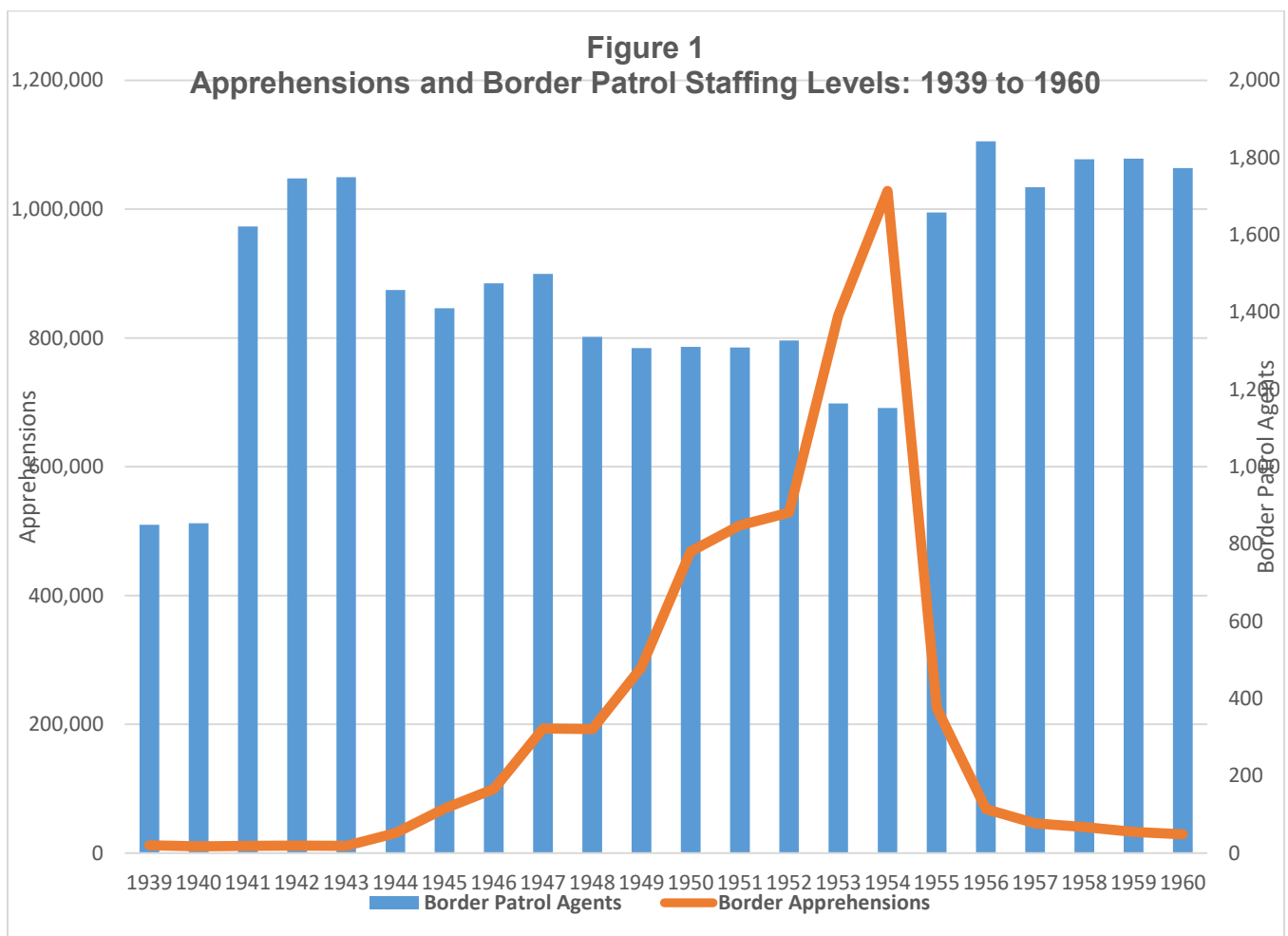
Throughout many [presidential administrations](#), U.S. immigration policy has focused on increasing enforcement as the solution to illegal entry. The analysis finds no evidence of a correlation between illegal entry and the number of Border Patrol agents and immigration enforcement spending. The data suggest other factors as the major influences. Alternative solutions are more humane and effective in reducing illegal entry and are better for the economy. Economists at the Federal Bank of Dallas concluded that without the recent increases in immigration, the number of workers would be “insufficient to sustain the type of economic growth the U.S. is accustomed to.”⁵ Policymakers should consider focusing more on work visas and humanitarian legal pathways and less on enforcement-only policies.

⁴ <https://www.cbp.gov/newsroom/stats/nationwide-encounters>.

⁵ <https://www.dallasfed.org/research/economics/2024/0702>.

NO CORRELATION BETWEEN BORDER PATROL AGENTS AND ILLEGAL ENTRY

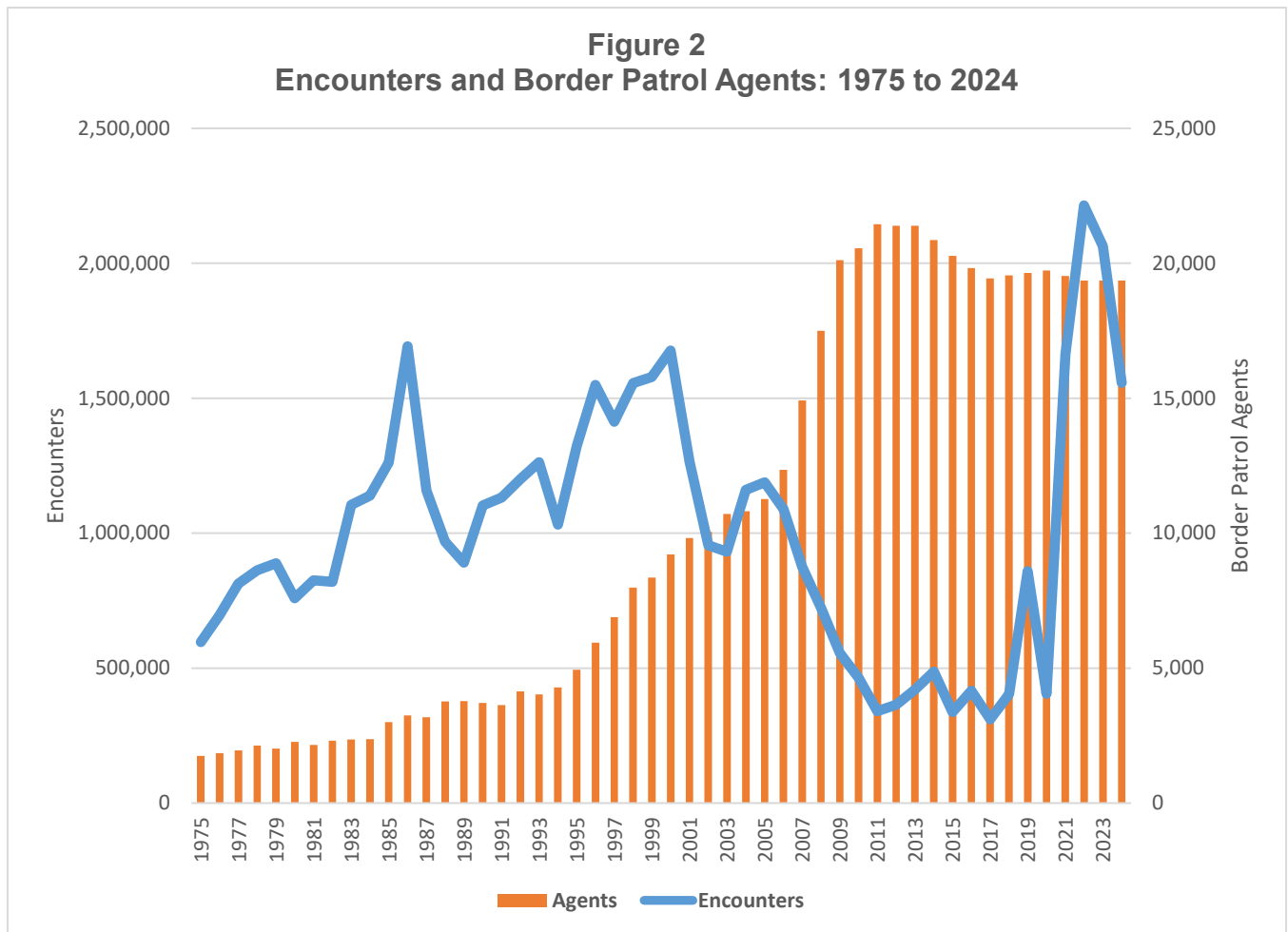
The analysis finds no correlation between the number of Border Patrols and illegal entry as measured by apprehensions and encounters. In general, fewer encounters or apprehensions mean less illegal entry. (The Border Patrol reported encounters in place of apprehensions beginning in March 2020 due to the use of Title 42 health authority.) If Border Patrol agents significantly deter illegal entry, increasing the level of Border Patrol agents should result in fewer apprehensions, independent of other factors. Examining several periods fails to find a strong relationship between Border Patrol staffing levels and deterring illegal entry as measured by apprehensions.



Source: U.S. Border Patrol, National Foundation for American Policy. Data used are nationwide because data on both encounters and Border Patrol staffing are available for the entire period covered. Data limited to the Southwest border do not cover the time period. The vast majority of apprehensions and Border Patrol staff are at the Southwest border. The Border Patrol reported encounters in place of apprehensions beginning in March 2020 due to the use of Title 42 health authority.

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Between 1948 and 1952, the number of Border Patrol agents remained steady at approximately 1,300 a year, while apprehensions rose significantly from 192,779 in 1949 to 528,815, a 174% increase. The major change between 1953 and 1959 was not Border Patrol staffing levels but the lawful increase of Mexican agricultural workers via the Bracero program, which drove down illegal entry as employers increasingly turned to legal workers. (See page 11.) While on paper Border Patrol levels declined in 1953 and 1954, it appears more likely that the Immigration and Naturalization Service reassigned staff during “Operation Wetback,” which used government agents to deport Mexicans in interior parts of the United States and saw a rise in apprehensions. Border Patrol staffing levels remained steady between 1955 and 1960 while apprehensions plummeted.



Source: U.S. Border Patrol, National Foundation for American Policy. Data used are nationwide because data on both encounters and Border Patrol staffing are available for the entire period covered. Data limited to the Southwest border do not cover the time period. The vast majority of apprehensions and Border Patrol staff are at the Southwest border. The Border Patrol reported encounters in place of apprehensions beginning in March 2020 due to the use of Title 42 health authority.

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Examining the years 1975 to 2024 also finds little evidence of a direct connection between increasing the number of Border Patrol agents and preventing illegal immigration. From the 1970s through the 1990s, one could see an increase in the Border Patrol level and more apprehensions, indicating the absence of a deterrent effect. The decline in apprehensions during the Obama administration coincided with ongoing increases in Border Patrol staffing but also with two other trends: a slower U.S. economy because of the Great Recession of 2008 and lower family size in Mexico, leading to fewer Mexican workers seeking to enter the United States unlawfully.

The data indicate Border Patrol staffing played little role in determining the level of illegal entry during the past decade. The number of Border Patrol agents did not deter the rise in Central Americans seeking work and asylum in the United States, which began during the Obama administration and carried over into the Trump and Biden administrations. Many individuals and families turned themselves into Border Patrol agents rather than sought to evade enforcement personnel as Mexicans had done decades earlier. Following the Covid-19 pandemic, a refugee crisis in Latin America significantly increased illegal entry. It included 8 million Venezuelans leaving their country.

UNDERSTANDING THE STATISTICS

From 1975 to 2000, the number of Border Patrol agents and the number of encounters increased over time even if there was year-to-year variation in encounters. There was a strong direct correlation between the two series of numbers of +0.799, and if we draw a trendline, it would suggest that each additional agent would lead to 118 additional encounters. In other words, the numbers generally move in the same direction (a positive correlation of +0.799). This implies that adding more Border Patrol agents increases illegal entry, meaning there is little deterrent effect of adding Border Patrol agents, at least during this period. This does not mean adding more Border Patrol agents caused more people to enter unlawfully, but it also provides no evidence that the additional agents are creating a deterrence to keep people from crossing. It's possible that some people are deterred, but the numbers don't reveal any significance.

Looking at the period 2000 to 2017, one might think the data tell a different story. The number of Border Patrol agents more than doubled while encounters fell to less than one-fifth of the 2000 number. The relationship between the two series is even more robust but the *opposite* of the earlier period: a negative correlation of -0.931. In other words, we found a strong negative correlation between Border Patrol agents and encounters. If we draw a trendline, it suggests that each additional agent would lead to 77 fewer encounters, implying a deterrent effect.

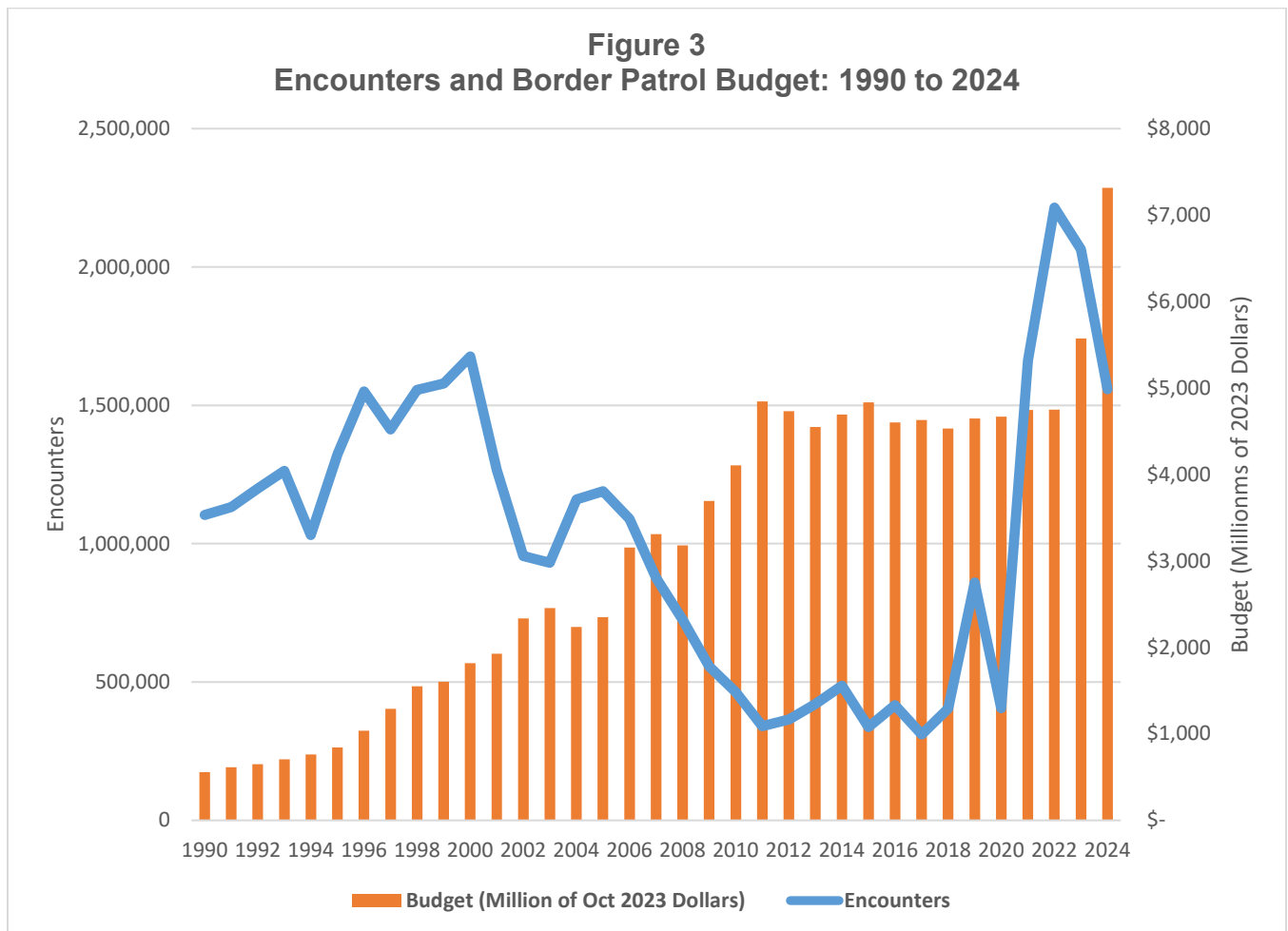
Looking between 2017 and 2024, the data would suggest a third story. Border Patrol agent staffing stayed at a relatively high level (around 11 times more agents than in 1975), but encounters began to rise dramatically early in the Trump Administration. Over this period, no statistically significant relationship exists between the number of

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Border Patrol agents and the number of encounters. Examining several decades suggests that factors other than the number of agents on the border are the major influences upon illegal border crossings. Over three periods, there is one strong positive correlation, one strong negative correlation and no relationship at all in the third period.

NO CORRELATION BETWEEN ENFORCEMENT SPENDING AND ILLEGAL ENTRY

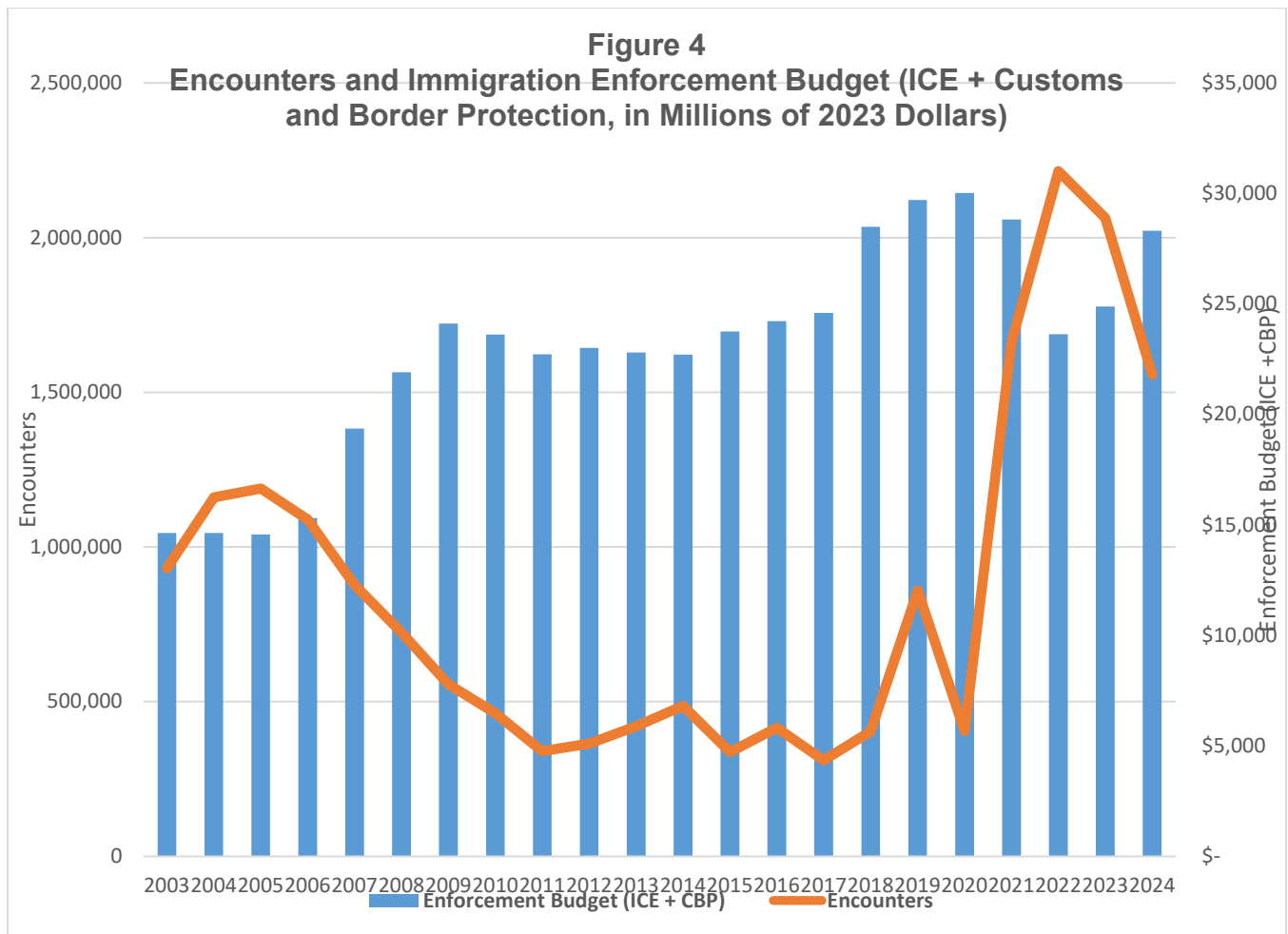
The analysis finds no correlation between the amount of money spent on the Border Patrol and illegal entry as measured by apprehensions and encounters. Between 1990 and 2001, apprehensions remained above one million yearly at the same time as the Border Patrol’s budget increased significantly. The budget increase represented new agents, technology and fencing.



Source: U.S. Border Patrol, National Foundation for American Policy. Data used are nationwide because data on both encounters and Border Patrol staffing are available for the entire period covered. Data limited to the Southwest border do not cover the time period. The vast majority of apprehensions and Border Patrol staff are at the Southwest border. The Border Patrol reported encounters in place of apprehensions beginning in March 2020 due to the use of Title 42 health authority.

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Apprehensions plunged between 2004 and 2011 while the Border Patrol’s budget rose. However, the budget remained at a relatively flat level, measured in October 2023 dollars between 2011 and 2022, yet encounters rose significantly in 2021 and 2022, indicating that immigration enforcement spending is not a decisive factor in deterring illegal entry. To cover a longer period, NFAP data use nationwide encounters and apprehensions, but more than 98% were at the Southwest border in FY 2024, a slight increase since 1990.



National Foundation for American Policy calculations using data from the U.S. Bureau of Economic Analysis, American Immigration Council and Department of Homeland Security.

There is no consistent correlation between encounters and the overall immigration enforcement budget that includes Immigration and Customs Enforcement and all of Customs and Border Protection (CBP).⁶ CBP consists of the

⁶ NFAP used the American Immigration Council Factsheet: The Cost of Immigration Enforcement and Border Security, adjusted the data to 2023 dollars and analyzed the spending against nationwide Border Patrol encounters.

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Border Patrol and other elements, such as CBP officers stationed at ports of entry. Encounters rose from 2003 to 2005 with steady enforcement spending and declined during the Obama administration and the start of the Trump administration at the same time as higher enforcement spending. However, during a time of little change in enforcement spending, encounters rose significantly between 2017 and 2019, dropped in 2020, grew significantly again from 2021 to 2023 and plummeted in 2024.

MORE BORDER PATROL AGENTS LIKELY INCREASED THE UNAUTHORIZED IMMIGRANT POPULATION

The evidence indicates increasing the number of enforcement personnel produced the unintended consequence of encouraging people to remain in the country after crossing the border unlawfully. Between 1990 and 2007, the number of authorized U.S. Border Patrol Agents increased from 3,733 to 14,923.⁷ The unauthorized immigrant population in the United States rose from 3.5 million to 11.8 million between 1990 and 2007, according to the Department of Homeland Security.⁸ In sum, as the number of Border Patrol agents increased, the unauthorized (illegal) immigrant population also rose.

Why did this happen? People respond to incentives. In this case, Mexicans reacted to a new Border Patrol strategy by avoiding bodily danger and the greater risk of apprehension. Increasing the number of Border Patrol agents and the new approach resulted in pushing unauthorized immigrants to cross into more remote areas. As border crossings grew more perilous and getting caught through safer routes became more likely, individuals chose to remain in the United States after making it across the border rather than travel back and forth as in the past. Evidence of the danger was clear: the number of immigrant deaths at the border increased from 263 in FY 1998 to 492 in FY 2005.⁹

The change in strategy included Operation Hold the Line in 1993. “Operation Hold the Line was the first operation of its kind and represented a shift in ideology in policing illegal immigration,” according to a history of the period. “Previous policies focused on finding and deporting illegal immigrants who had already crossed the border. Operation Hold the Line instead focused on intercepting and preventing illegal entries at the border.”¹⁰

The strategy change and personnel increase failed to produce the desired outcomes. “Although the intent of border enforcement was to discourage migrants from coming to the United States, in practice it backfired,” explains

⁷ U.S. Border Patrol.

⁸ Michael Hoefer, Nancy Rytina, and Bryan C. Baker, *Estimates of the Unauthorized Immigrant Population Residing in the United States: January 2007*, Office of Immigration Statistics, Department of Homeland Security, 2008.

⁹ U.S. Border Patrol.

¹⁰ Vincent Dowd, “Operation Hold the Line,” National Border, National Park: A History of Organ Pipe Cactus National Monument.

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Princeton University Prof. Douglas S. Massey. “Having experienced the risks and having paid the costs of gaining entry, undocumented men increasingly hunkered down and stayed in the United States, rather than circulating back to face the gauntlet once more. As a result, the rate of return migration began to fall after 1986 and accelerated with the launching of the border operations in 1993 and 1994.”¹¹

Massey notes that people “trapped” in the U.S. due to the new policies decided to set down roots. “As male migrants spent more time north of the border, they were increasingly joined by their wives and children. And then they started making babies,” he writes. “In the end, the militarization of the border transformed what had been a circular flow of workers going overwhelmingly to just three states—California, Texas, and Illinois—into a much larger settled population of families living across all 50 U.S. states—not a good outcome for a policy whose goal was the limitation and control of immigration.”¹²

ALTERNATIVES TO INCREASED ENFORCEMENT PERSONNEL AND SPENDING

A fuller picture of policy choices emerges when examining the alternatives to increasing immigration enforcement personnel and spending. These choices include more work visas, creating or facilitating other legal pathways and policy changes that include greater international cooperation.

WORK VISAS HELPED REDUCE ILLEGAL IMMIGRATION FROM MEXICO

In the 1950s, following an (infamous) crackdown on immigrants called Operation Wetback, INS Commissioner (General) Joseph Swing worked with growers and assured them he would liberalize rules for the Bracero program to encourage them to use legal Mexican farm workers.¹³ 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.”¹⁴

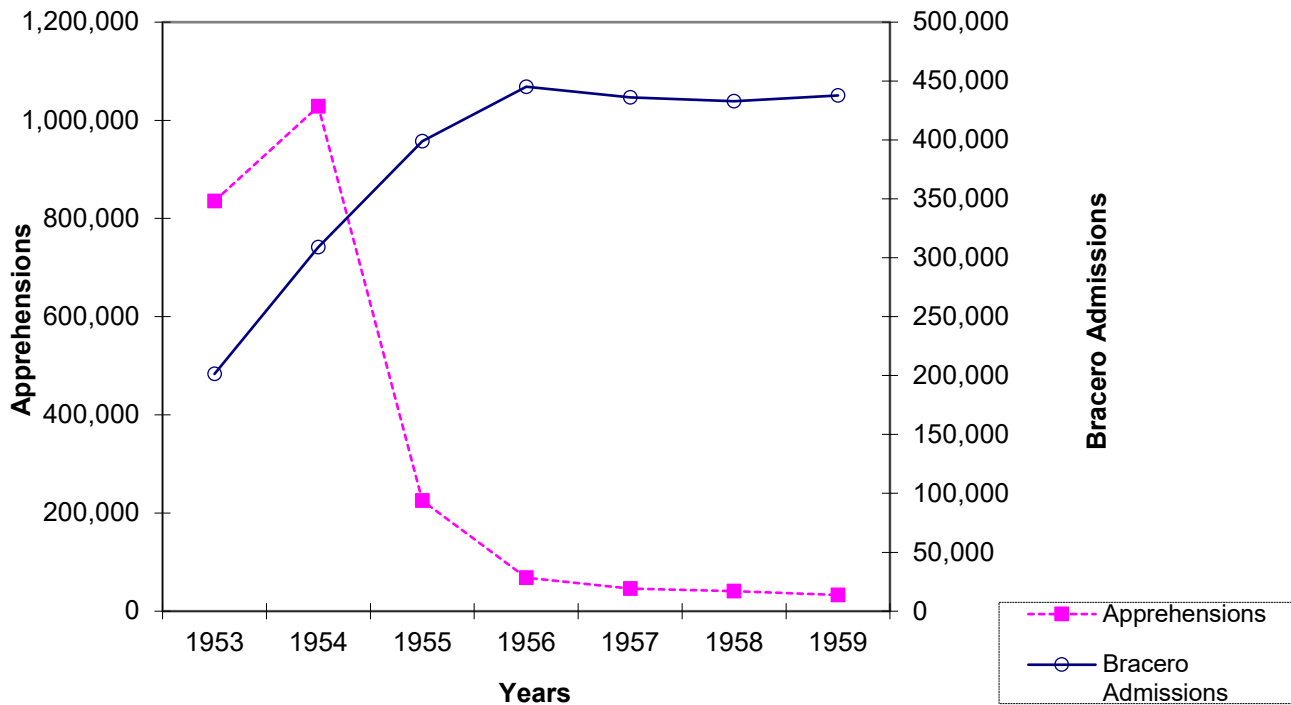
¹¹ Douglas S. Massey, “Donald Trump’s Mexican Border Wall is a Moronic Idea,” *Foreign Policy*, August 18, 2015.

¹² *Ibid.*

¹³ 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.

¹⁴ 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.

Figure 5
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*.

The Bracero program is likely the most effective policy the U.S. government has 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 apprehensions fell to as low as 32,996 in 1959—a 96% reduction.¹⁵

¹⁵ 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>.

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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 1959.¹⁶ Mexicans admitted as permanent residents (green card holders) rose from 18,454 in 1953 to an average of 42,949 between 1955 and 1959, with many likely sponsored by their agricultural employers.

There is little debate about whether expanding legal work visas was effective. “Without question the Bracero program was . . . instrumental in ending the illegal alien problem of the mid-1940s and 1950s,” according to the Congressional Research Service.¹⁷

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, “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.”¹⁸

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.”¹⁹ After the Bracero program ended in 1964, illegal immigration increased significantly. The lack of reliable temporary visas for nonagricultural work contributed to the rise in unlawful entry.

HUMANITARIAN PAROLE AND OTHER LEGAL PATHWAYS

According to DHS, 528,000 individuals from Cuba, Haiti, Nicaragua and Venezuela have arrived in the United States after being approved for the Biden administration’s humanitarian parole program.²⁰ After the Biden administration introduced humanitarian parole programs, Border Patrol encounters declined by 92% for Cubans, Haitians and Nicaraguans as a group between December 2022 (the month before the parole programs started) and November 2023 compared to an 18% increase for nationals of non-parole countries, according to an NFAP analysis.²¹ The programs require a U.S. sponsor, flying to an interior port of entry and the possibility of employment authorization.

¹⁶ Calavita, Congressional Research Service, February 1980.

¹⁷ Congressional Research Service, February 1980.

¹⁸ Monthly Sector Activity Reports (MSAR), El Centro, California, February 1958, Accession 63A1359, Box 3, as cited in Calavita, p. 83.

¹⁹ U.S. Congress, House Committee on Agriculture, Subcommittee on Equipment, Supplies, and Manpower, 1958, p. 450, cited in Calavita, p. 85.

²⁰ Data obtained from DHS as of August 31, 2024. It is also known as the CHNV humanitarian parole program. See also 2.7 *Million Could Lose TPS, DACA and Humanitarian Parole*, NFAP Policy Brief, National Foundation for American Policy, October 2024.

²¹ This section draws from *Legal Pathways: A Humane and Effective Option*, NFAP Policy Brief, National Foundation for American Policy, January 2024.

Table 1
CHNV Humanitarian Parole Program

Country of Origin	Number Arrived in U.S. Following Approval
Cubans	110,000
Haitians	210,000
Nicaraguans	92,000
Venezuelans	116,000
Total	528,000

Source: Department of Homeland Security. Data as of August 31, 2024.

After the Biden administration introduced the parole program for Venezuelans in October 2022, Border Patrol encounters declined by 90% for Venezuelans between September 2022 (the month before the parole programs started) and March 2023 compared to a 24% increase for nationals of non-parole countries. The low 30,000-monthly limit for the four countries may have reduced the program's effectiveness for Venezuelans after March 2023 because the demand likely exceeded the available monthly slots to enter legally via parole.

The humanitarian parole programs are connected to U.S. foreign policy and cooperation with the Mexican government. "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, reported [PBS](#). "Normally, these migrants would be returned to their country of origin, but the U.S. cannot easily send back people from those four countries for a variety of reasons that include relations with the governments there."²²

TRUMP ADMINISTRATION POLICIES FAILED TO REDUCE ILLEGAL ENTRY

The Biden administration's humanitarian parole programs proved more effective in reducing illegal entry than Trump administration policies that relied only on increased immigration enforcement. During the Trump administration, Border Patrol apprehensions at the Southwest border, a proxy for illegal entry, [increased](#) 108% between [FY 2016](#) and [FY 2019](#) (from 408,870 to 851,508).²³ 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.²⁴

²² <https://www.pbs.org/newshour/politics/watch-live-biden-speaks-on-border-and-immigration-policy-in-white-house-address>.

²³ Department of Homeland Security. See also Stuart Anderson, "GOP State Lawsuit Could Stop Sound Way To Reduce Illegal Immigration," *Forbes*, March 21, 2023.

²⁴ *Ibid.* The Border Patrol reported encounters in place of apprehensions beginning in March 2020 due to using the Title 42 health authority.

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The Trump administration’s immigration policies did not override people’s need for protection and their motivations. Pending asylum cases rose 276% between FY 2016 and FY 2020 (from 163,451 to 614,751), according to Syracuse University’s [TRAC](#).

Table 2
An Increase in Border Patrol Apprehensions Southwest Border After Remain in Mexico in January 2019

Dec. 2018	Jan. 2019	Feb. 2019	March 2019	April 2019	May 2019	Change from Dec. 2018 to May 2019
50,751	47,979	66,883	92,833	99,273	132,856	+162%

Source: National Foundation for American Policy analysis of Customs and Border Protection data.

Forcing asylum seekers to “Remain in Mexico” in unsafe conditions under the “Migrant Protection Protocols” (MPP) beginning in January 2019 did not reduce illegal entry. Border Patrol apprehensions along the Southwest border increased by 162% between December 2018 (the month before Remain in Mexico started) and May 2019. Eight months after the start of MPP, Border Patrol apprehensions along the Southwest border in September 2019 were almost identical to those of September 2018.²⁵ In contrast, the Biden administration’s parole programs showed immediate and significant declines in illegal entry.

“Despite Donald Trump’s criticism of the Biden-Harris administration, illegal entry, based on border arrests, [was lower](#) in July and August 2024 than during Trump’s last month in office,” noted a *Forbes* article. “In January 2021, there were 75,316 [Border Patrol encounters](#) along the Southwest border. That is well above the 56,408 encounters reported in July 2024. In August 2024, there were 58,038 [Border Patrol encounters](#).”

After a short pause, the Biden administration resumed its humanitarian parole programs and still allows asylum applications when people enter the United States with an appointment through a lawful port of entry.

HAITIANS AND LEGAL PATHWAYS

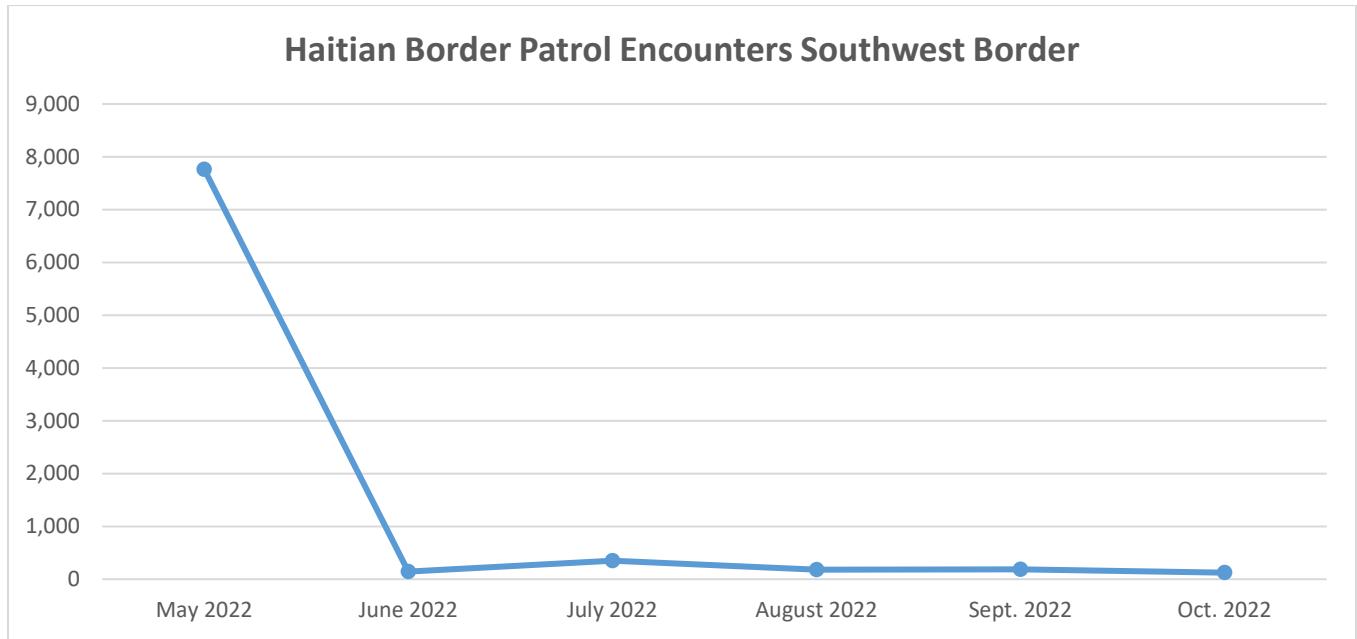
Providing Haitians the option to enter the United States legally at a port of entry significantly reduced illegal entry. Between December 2021 and May 2022, Border Patrol encounters of Haitians at the Southwest border averaged 4,371 a month. In 2022, Border Patrol encounters rose for three consecutive months to 1,903 in March, 4,462 in April and 7,762 in May. Then, after Haitians started receiving permission and waivers to enter lawfully at ports of entry, Border Patrol encounters fell from 7,762 in May 2022 to 145 in June 2022. In November 2023, there were

²⁵ <https://www.cbp.gov/newsroom/stats/sw-border-migration/fy-2018>; <https://www.cbp.gov/newsroom/stats/sw-border-migration/fy-2019>.

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only 102 Border Patrol encounters of Haitians at the Southwest border. In other words, it was the exceptions to Title 42 and the use of the CBP One app, not Title 42, that reduced unlawful migration from Haiti.²⁶

Figure 6
Haitian Border Patrol Encounters After Waivers and Appointments at Ports of Entry



Source: National Foundation for American Policy analysis of Customs and Border Protection data.

In June 2022, there were 3,924 encounters of Haitians by the Office of Field Operations at ports of entry along the Southwest border, far higher than the 268 encounters of Haitians at ports of entry in March 2022 before Haitians could enter lawfully. Haitian encounters at ports of entry along the Southwest border increased to 5,027 in July and 6,372 in August 2022 and have remained between 3,000 and 10,700 every month.

Table 3
Decrease in Haitian Border Patrol Encounters Southwest Border After Waivers at Ports of Entry

May 2022	June 2022	July 2022	August 2022	Sept 2022	Oct 2022	Change from May 2022 to Oct 2022
7,762	145	353	179	186	124	-98%

Source: National Foundation for American Policy analysis of Customs and Border Protection data.

²⁶ *Legal Pathways: A Humane and Effective Option*, NFAP Policy Brief, National Foundation for American Policy, January 2024.

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The parole program for Haitians, announced in January 2023, resulted in a significant increase of Haitians entering at ports of entry other than the Southwest border and helped keep Haitians from attempting to enter the United States unlawfully.

“What this says is that legal pathways can work better than deterrence,” said Tom Cartwright of Witness at the Border. Cartwright notes tens of thousands of Haitians crossed at ports of entry when allowed exceptions to Title 42 expulsion authority with appointments via the CBP One app. “There was a tremendous effort made by advocates, particularly Haitian Bridge Alliance, to help the Haitian population in Mexico understand CBP One and the advantage of crossing with a CBP One appointment rather than without.” He says that during this period, the number of Immigration and Customs Enforcement deportation flights to Haiti (and the number of people on the flights) dropped significantly.²⁷

Yael Schacher, director of the Americas and Europe for Refugees International, said she agreed about the effectiveness of legal pathways. “CBP One and the CHNV (parole) program have essentially led to almost zero Haitians crossing the border unauthorized in the last year. And that outreach and education by organizations about these pathways is key. It is also important that the pathways be accessible and capacious. Otherwise, the smugglers will still be seen as more viable alternatives.”²⁸

Schacher notes a D.C. Circuit Court ruling in June 2022 played a positive role since it said that families could not be expelled under Title 42 without a screening.²⁹

BORDER CROSSINGS AND JOB OPENINGS

As with most issues, economics plays a significant role in people’s choices. That is the case with individuals deciding whether to come to the United States, given the strong U.S. economy compared to the weak economic recoveries in many Latin American countries after the Covid-19 pandemic.

Research by Brown University economist Dany Bahar concluded that border crossings are connected to U.S. job openings. “The insights gleaned from this study have significant implications for the discourse on migration policy,” Bahar explains. “By demonstrating the critical importance of economic ‘pull’ factors, particularly labor market tightness, the findings challenge the prevailing policy of focusing only on enforcement and assistance to migrant-sending countries as primary means of reducing irregular border crossings. These findings indicate that the

²⁷ Interview with Tom Cartwright.

²⁸ Interview with Yael Schacher.

²⁹ See <https://www.aclu.org/cases/huisha-huisha-v-mayorkas>.

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provision of legal pathways to satisfy labor market demands is part of the solution.”³⁰ That echoes the conclusions of NFAP research.

Bahar found that “In the presence of tight labor markets, the surge in border crossings observed during 2022 and 2023 . . . would have occurred in a similar magnitude regardless of who was sitting at the White House at the time, a Democrat, or a Republican. The findings also suggest that what is often perceived as a ‘border crisis’ is, in many respects, a manifestation of the US economy’s labor demands.”³¹

Bahar estimated “the elasticity of job openings per unemployed person to border crossings falls between 0.3 and 0.7” and found the connection between border crossings and tightness in the labor market was consistent across the Bush, Obama, Trump and Biden administrations.³²

LEGAL VISAS AND SMALLER FAMILIES CONTRIBUTE TO LESS MEXICAN ILLEGAL ENTRY

Demographics have played a significant role in immigration patterns. 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.³³ “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.³⁴

Many Mexicans seeking to work in the United States have used legal visas when available. Between FY 2006 and FY 2023, the number of H-2A visas increased more than eight-fold, rising from 37,149 in FY 2006 to 310,676 in FY 2023.³⁵ 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 relatively steady at 122,541 in FY 2006 to 131,704 in FY 2022.³⁶

³⁰ Dany Bahar, *The Often Overlooked “Pull” Factor: Border Crossings and Labor Market Tightness in the U.S.*, Center for Global Development, May 2024.

³¹ Ibid.

³² Ibid.

³³ <https://www.reuters.com/article/us-mexico-usa-immigrants-sb/factbox-mexicos-shrinking-families-and-migrant-flows-to-u-s-idUSTRE51J02D20090220>.

³⁴ 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. See also *Illegal Entry, Presidents and Effective Policy*, NFAP Policy, National Foundation for American Policy, May 2023.

³⁵ Table XVI(B), FY 2006 and FY 2023, U.S. Department of State.

³⁶ Ibid.

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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.³⁷

While fewer Mexicans came to the United States, more Central Americans arrived, starting during Barack Obama's second term and into the Trump administration. "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. The Central Americans were primarily Hondurans, Guatemalans and Salvadorans fleeing violence and economic hardship. 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 2019.³⁸

BIDEN ADMINISTRATION POLICY CHANGES AND COOPERATION WITH MEXICO

In June 2024, President Biden issued an executive action—a proclamation citing Immigration and Nationality Act sections 212(f) and 215(a)—that suspended the entry of noncitizens who "cross the Southern border into the United States unlawfully" and attempt to apply for asylum. The proclamation was combined with an interim final rule (i.e., a rule that went into effect upon publication).³⁹

At the same time as the executive action, the Biden administration secured greater cooperation from the Mexican government aimed at preventing many Latin American migrants from reaching the U.S. border. "The Mexican government is hoping that the combination of U.S. policies and its own enforcement will transform the dynamics at the U.S. border," reports the *Washington Post*. "Around 75,000 migrants a month are now entering the United States through legal channels—many using an app called CBP One to schedule appointments for asylum interviews."⁴⁰

Since the Biden administration announced its executive action, encounters at the Southwest border declined from 117,905 in May 2024 to 83,536 in June, 56,399 in July and 58,038 in August 2024. Those levels are lower than in January 2021, Donald Trump's last month as president.⁴¹

It is unclear whether the policy will keep unlawful border entries low over a longer period. Groups have challenged the legality of the asylum policies. The Biden administration has continued to allow people to apply for asylum at lawful ports of entry if they use the CBP One app.

³⁷ <https://www.dhs.gov/immigration-statistics/nonimmigrant>. See also <https://bipartisanpolicy.org/explainer/primer-h2a-visa/>.

³⁸ NFAP analysis of Border Patrol data.

³⁹ <https://www.whitehouse.gov/briefing-room/statements-releases/2024/06/04/fact-sheet-president-biden-announces-new-actions-to-secure-the-border/>.

⁴⁰ <https://www.washingtonpost.com/world/2024/09/14/mexico-migrant-border-merry-go-round/>.

⁴¹ <https://www.cbp.gov/newsroom/stats/nationwide-encounters>.

CONCLUSION

Throughout many presidential administrations, U.S. immigration policy has focused on increasing enforcement as the solution to illegal entry. The analysis finds no correlation between illegal entry and the number of Border Patrol agents and immigration enforcement spending. The data suggest other factors as the major influences. Alternative solutions are more humane and effective in reducing illegal entry and are better for the economy. According to an NFAP analysis, immigrant workers have been responsible for 88% of the labor force growth in America since 2019.⁴² Economists at the Federal Bank of Dallas concluded that without the recent increases in immigration, the number of workers would be “insufficient to sustain the type of economic growth the U.S. is accustomed to.”⁴³ Policymakers should consider focusing more on work visas and humanitarian legal pathways and less on enforcement-only policies.

⁴² *Immigrants and America's Labor Force Growth*, NFAP Policy Brief, National Foundation for American Policy, October 2024.

⁴³ <https://www.dallasfed.org/research/economics/2024/0702>.

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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