

# Fiscal Year 2020 Enforcement Lifecycle Report

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# Homeland Security

## Summary

U.S. Customs and Border Protection (CBP), the Department of Homeland Security (DHS) Component responsible for securing U.S. borders, apprehended 2.8 million aliens between ports of entry along the Southwest Border between Fiscal Year 2014 and 2019 and found an additional 725,000 aliens inadmissible at Southwest Border ports of entry.<sup>1</sup> This report updates previous Office of Immigration Statistics (OIS) efforts to link administrative records across DHS and Department of Justice (DOJ) data systems and to describe the end-to-end enforcement lifecycle (OIS 2019). OIS' Enforcement Lifecycle methodology matches each unique border encounter to its associated final or most current enforcement outcome. This 2020 Enforcement Lifecycle Report describes the final or most current outcomes, as of March 31, 2020, associated with the 3.5 million Southwest Border encounters occurring between 2014 and 2019.

Overall, 59 percent of the 3.5 million Southwest Border encounters between 2014 and 2019 had been resolved through a final outcome of repatriation or relief/protection from removal as of the end of 2020 Q2. Repatriations accounted for 51 percent of encounters (or 1.8 million) versus 49 percent (or 1.7 million) of encounters that had no confirmed departure, including 8.1 percent that had been granted relief or other protection from removal (284,000 encounters).

The 2014 to 2019 period coincides with shifts in the demographic characteristics of aliens encountered at the Southwest Border. The bulk of encounters shifted from aliens from Mexico to aliens from the Northern Triangle countries of Central America (El Salvador, Guatemala, and Honduras); from aliens who do not seek humanitarian protection to aliens who seek asylum or otherwise claim a fear of being returned to their home countries ("asylum seekers"); and from adults traveling without children ("single adults") to parents or legal guardians and children traveling together ("family unit aliens," or FMUA) and children traveling alone ("unaccompanied alien children," or UAC).

These changes are noteworthy, in part, because of dramatic differences in enforcement outcomes across these sub-groups, as this report shows. Most encounters of aliens from Mexico, single adults, and non-asylum seekers were fully resolved (i.e., either repatriated or granted relief) relatively quickly; however, most encounters of aliens from countries other than Mexico, FMUA and UAC, and asylum seekers remained in an unresolved status (i.e., still being processed by DHS or DOJ or subject to an unexecuted order of removal) even years after their initial encounter. Among encounters that had been resolved as of March 31, 2020, aliens from Mexico, single adults, and non-asylum seekers were much more likely to have been repatriated than were aliens from countries other than Mexico or the Northern Triangle, UACs, and asylum seekers, all of whom who were somewhat more likely to have been granted relief. These differences overlap with similar disparities in enforcement outcomes as a function of whether and how consistently aliens were held in detention following their initial encounters.

Section 1 of this report summarizes OIS' Enforcement Lifecycle methodology. Sections 2 and 3 describe the 2014 to 2019 Southwest Border enforcement cohorts and summarize high-level enforcement outcomes as of March 31, 2020. Section 4 reports on outcomes by country of origin.

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<sup>1</sup> Throughout this report, years refer to fiscal years. This report describes enforcement events, not individual aliens, so aliens apprehended or found inadmissible multiple times between 2014 and 2019 are counted multiple times in the report. Data in the body of the report are rounded to the nearest thousand (or to the nearest hundred thousand for figures over 1 million); for detailed data tables see Appendices A and B.

Section 5 reports on outcomes by family status. Section 6 reports on outcomes by whether the alien made a fear claim at some point in the enforcement process.

### Methodology

For historic reasons, DHS data systems are siloed, and the immigration enforcement system is highly complex, spanning multiple DHS Components as well as part of DOJ. An alien who is encountered at the Southwest Border may touch a dozen or more stand-alone data systems as they claim a fear of return to their home country, are booked into Immigration and Customs Enforcement (ICE) custody, appear before an immigration judge, and are eventually either repatriated or granted relief or some other form of protection from removal. Given the challenges of linking records across these different systems, traditional DHS reports are limited to separate subsets of the overall enforcement process: how many aliens were apprehended or found inadmissible; how many were booked into or booked out of ICE detention; and, how many were removed, returned, or granted relief?

The key innovation behind the OIS Enforcement Lifecycle is that OIS links records across the multiple data systems aliens may touch during the course of their enforcement process, providing a more complete view of the end-to-end immigration enforcement system. OIS calls the resulting integrated, person-level data the

“Flow Dataset,” because it captures how aliens flow through the immigration enforcement process.

Currently, the Flow Dataset combines data from 19 different source systems central to the immigration enforcement process (see text box). OIS matches records by using individual and event identifiers from the different source systems and assigns a new person-level identifier to each unique

individual appearing in one or more of the source datasets. OIS also converts non-standardized data into a common format based on data standards gathered and published by the DHS Immigration Data Integration Initiative. OIS sorts the matched records by unique individual and date, yielding a comprehensive, integrated person-centric dataset that includes one row for each in-scope event.

Source Datasets included in the Flow Dataset	
● USCIS Affirmative Asylum	● ICE ERO Final Book-Outs
● USCIS Asylum Pre-Screening Officer (APSO)	● ICE Removals & Returns
● USCIS Employment Authorization Document (EAD)	● ICE HSI Administrative & Criminal Arrests
● USCIS Deferred Action for Child Arrivals (DACA)	● CBP OFO Inadmissibles
● USCIS Legal Permanent Residents (LPR)	● CBP USBP Apprehensions
● ICE ERO Charging Documents Issued	● DHS OIS Removals & Returns
● ICE ERO Administrative Arrests	● DOJ EOIR Bonds
● ICE ERO Initial Book-Ins	● DOJ EOIR Schedule
	● DOJ EOIR Appeals
	● DOJ EOIR Proceedings
	● DOJ EOIR Case Information

The unit of analysis for the Enforcement Lifecycle methodology is defined as an “event cycle.” An *event cycle* consists of an initial enforcement action and all subsequent reportable events associated with the subject alien. Many aliens are encountered at the border and repatriated on multiple occasions. In these cases, the aliens have more than one initial enforcement action and they pass through multiple event cycles. All of the data in this report are event- and event cycle-based, meaning an alien with multiple Southwest Border encounters is counted multiple times toward the total numbers of initial encounters and the numbers of final or most current enforcement outcomes.

Working with DHS and DOJ subject matter experts, OIS uses the Flow Dataset to map Component administrative data into 129 distinct enforcement events. For purposes of the Enforcement Lifecycle Analysis, OIS groups events into three categories: “initial enforcement actions,” “final enforcement outcomes,” and “interim enforcement outcomes”:

- *Initial enforcement actions* include U.S. Border Patrol (USBP) apprehensions and Office of Field Operations (OFO) inadmissibility determinations. These events are “initial” in the sense that they initiate a process that may lead to a repatriation or to relief/protection from removal.
- *Final enforcement outcomes* include confirmed repatriations (removals or returns), grants of relief or other forms of protection from removal, findings of non-removability, and CBP re-encounters of aliens believed to have departed the country of their own accord.<sup>2</sup> These events are “final” in that they represent a durable resolution to an initial enforcement action.
- *Interim enforcement outcomes* encompass all other reportable enforcement events, including book-ins to ICE detention facilities, U.S. Citizenship and Immigration Services (USCIS) credible fear screenings, applications for immigration benefits, and DOJ Executive Office for Immigration Review (EOIR) hearings, among others. These interim outcomes provide important information about aliens’ paths through the immigration enforcement system, but they do not represent start- or end-points of an enforcement process.

For each event cycle, OIS’ Enforcement Lifecycle algorithm matches the initial enforcement action to its associated final enforcement action if one exists, or to the *most current* interim enforcement action if the encounter remains in unresolved status. In most cases, interim actions are identified as most current if they are the latest event (by calendar date) in an enforcement encounter’s event cycle. When multiple interim events occur on the same day and in certain other scenarios, OIS identifies the most current enforcement outcome based on which event takes logical precedence in the DHS and DOJ enforcement processes.<sup>3</sup>

OIS uses the Enforcement Lifecycle methodology to answer four main questions about groups of aliens encountered at the Southwest Border. First, fundamentally, for any such group of aliens, what is their final or most current enforcement outcome? OIS groups outcomes to align with different points in the enforcement process, including aliens being processed by DHS or DOJ for possible removal, aliens subject to a final order of removal, aliens who have been repatriated, and aliens who have been granted relief or some other protection from removal. OIS’ standard Enforcement Lifecycle table sorts the outcomes of Southwest Border encounters into these four large categories and 19 sub-categories. Appendix A provides a detailed listing of the specific outcomes that comprise each of the four main Enforcement Lifecycle outcomes.

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<sup>2</sup> OIS defines a CBP re-encounter as a case in which an alien is encountered more than once by CBP without an intervening removal or return. OIS assumes the alien departed of their own accord during the intervening period. A re-encounter is both a final enforcement outcome and a second initial enforcement action.

<sup>3</sup> For example, a DOJ final order of removal, which is considered an interim outcome unless and until it is executed, would take precedence over an application for an immigration benefit or other status even if the application occurs later in time.

As noted above, while traditional DHS reporting focuses on enforcement (or benefits) events occurring in a given year, Enforcement Lifecycle reporting represents a snapshot of final or most current events as of the date of the analysis. Thus, while this report examines Southwest Border encounters for each year 2014 to 2019, all results are based on final or most current outcomes as of the end of 2020 Q2 (March 31, 2020).

A second, related question concerns what share of initial enforcement actions are “resolved” versus “unresolved.” Resolved encounters include those with final enforcement outcomes. These encounters have resulted in an alien being repatriated or being granted some form of relief or other protection from removal, so their enforcement event cycle is complete.<sup>4</sup> (An alien who, for whatever reason, is subsequently re-apprehended is the subject of an additional event cycle, as noted above.)

Initial enforcement actions that lack a final outcome are unresolved. Most unresolved event cycles fall into two main sub-categories:<sup>5</sup>

- Aliens being processed for removal. These event cycles include aliens being processed by DHS who do not have records in EOIR’s case management system, aliens with removal proceedings pending before EOIR, and aliens subject to an EOIR removal order that is pending additional DOJ action (i.e., because the case is subject to a motion to reopen or reconsider or because the case has been appealed to the Board of Immigration Appeals (BIA)).
- Aliens subject to an unexecuted final order or offer of voluntary departure. These event cycles include aliens who have been ordered removed (in person or *in absentia*) or accepted an offer of voluntary departure but who have not been repatriated or confirmed their exit from the country.

Third, what share of initial enforcement actions have resulted in an alien being repatriated or otherwise departing the United States and what share have resulted in no confirmed departure? For the purposes of this analysis, repatriations include removals, returns, voluntary departures,

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<sup>4</sup> Repatriations include removals, returns, and re-encounters. Throughout this report relief from removal includes both formal relief and certain other forms of permanent or temporary protection from removal, including: granting of affirmative asylum; Special Immigrant Juvenile status; cancellation of removal; LPR status granted by DHS or EOIR; a T, S, or U visa; withholding of removal; Convention Against Torture protection; termination of EOIR proceedings; Temporary Protected Status; DHS prosecutorial discretion; EOIR conditional grants of relief; and people found to be U.S. citizens or lawfully present aliens not subject to removal. See Appendix A for further details. Aliens subject to temporary forms of relief such as withholding of removal may be reclassified if the temporary relief is revoked or the alien is subject to additional enforcement outcomes on the same event trip. Note that aliens who remain in Mexico while their removal proceedings are ongoing pursuant to the Migration Protection Protocols program are not counted among repatriations since they have not been removed or returned, and their enforcement cycles remain unresolved.

<sup>5</sup> About 2 percent of all enforcement encounters are unresolved but do not fall into these two categories. These other unresolved encounters include aliens paroled into the United States who have not been granted a lawful status (1 percent) and encounters for which no updated enforcement outcome data are available (1 percent). Encounters are coded as “no subsequent event” if OIS is unable to match the initial encounter to any additional enforcement action or form of relief. These cases may result from data errors or errors in OIS’ record-matching.

and re-encounters. No confirmed departure includes encounters resulting in aliens being granted relief or other protection from removal as well as all encounters that remain unresolved.<sup>6</sup>

Resolved versus unresolved and repatriated versus no confirmed departure represent two distinct dimensions of how the immigration enforcement system operates (see Table 1). The first of these questions essentially gets at how well or how quickly the system produces durable results; and the second of these questions gets at the substantive impact of its results.

Table 1: Primary Enforcement Lifecycle Statuses and Events

<b>Status Following an Initial Encounter</b>	<b>Repatriated</b>	<b>No Confirmed Departure</b>
<b>Resolved</b>	Repatriated <ul style="list-style-type: none"> <li>• Removed</li> <li>• Returned</li> <li>• Re-encountered</li> </ul>	Granted relief or other protection from removal: <ul style="list-style-type: none"> <li>• Special Immigrant Juvenile status or asylum</li> <li>• Cancellation of removal</li> <li>• LPR status</li> <li>• T, S, or U visa</li> <li>• Withholding of removal or Convention Against Torture protection</li> <li>• Other form or relief</li> </ul>
<b>Unresolved</b>	N/A	Being Processed for Possible Removal: <ul style="list-style-type: none"> <li>• Being processed by DHS but no record of EOIR proceedings</li> <li>• In EOIR proceedings</li> <li>• Subject to an EOIR decision that has been reopened/reconsidered or appealed to the Board of Immigration Appeals</li> </ul> Subject to an EOIR final order or grant of voluntary departure that has not been executed

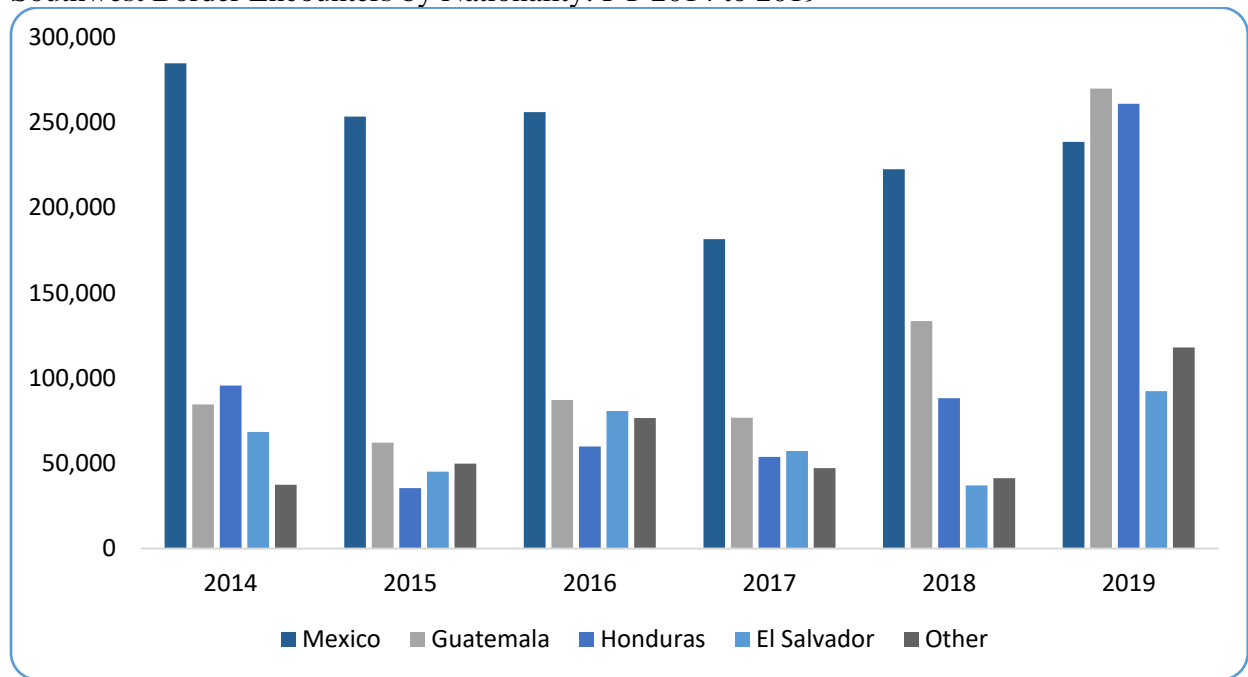
<sup>6</sup> As a practical matter, “no confirmed departure” may be interpreted to mean that the alien likely remains in the United States. An unknown share of aliens with no confirmed departure may have departed the United States without notifying DHS.

A fourth overarching question focuses exclusively on the subset of resolved encounters and asks: what share of resolved encounters have been repatriated versus granted relief or other protection from removal? Especially for certain groups of border encounters (i.e., those for which large shares of encounters remain unresolved), focusing exclusively on resolved encounters rather than the broader cohort may provide more insight into the substantive outcomes of immigration enforcement.

### The 2014 to 2019 Southwest Border Enforcement Cohorts

CBP completed 3.5 million initial enforcement actions along the Southwest Border between 2014 and 2019, including 2.8 million USBP apprehensions and 725,000 OFO inadmissibility determinations. Total encounters (apprehensions plus inadmissibility determinations) were relatively stable between 2014 and 2018, ranging between an annual low of 417,000 and a high of 571,000, before increasing sharply to 980,000 in 2019. The demographics of border encounters shifted notably from Mexicans to aliens from the Northern Triangle, from single adults to family units, and to more aliens seeking to claim asylum. The number of aliens younger than 18 years of age has risen as well, particularly among those younger than 13 years of age, most of whom arrived within family units.

Figure 1.  
Southwest Border Encounters by Nationality: FY 2014 to 2019



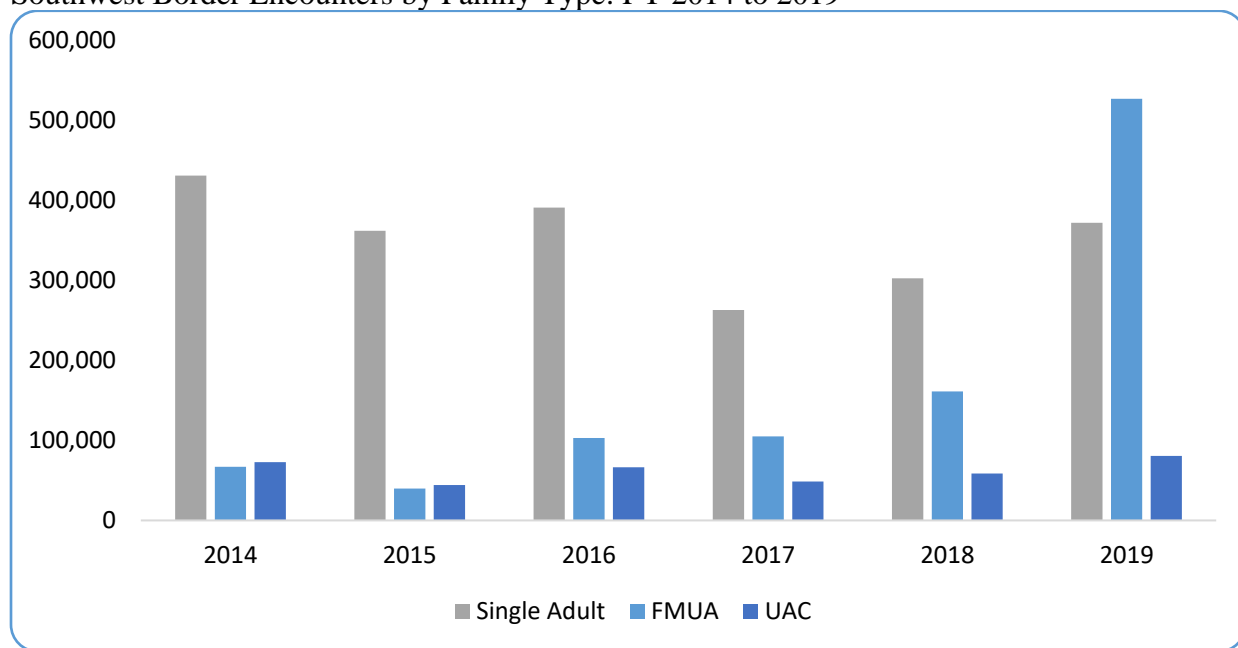
Source: OIS Statistical Immigration Data.

Figure 1 depicts Southwest Border encounters by nationality. One noteworthy pair of trends since 2014 has been a slight decline in the number of Mexican nationals encountered at the border and a pronounced increase in the number of encounters from the Northern Triangle countries of Guatemala, Honduras, and El Salvador. Encounters of Mexican nationals fell 16 percent from 285,000 in 2014 to 239,000 in 2019. Conversely, encounters of Guatemalans more than tripled over the same period from 85,000 to 270,000; encounters of Hondurans more than

doubled from 96,000 to 261,000; and encounters of El Salvadorans increased by just over a third from 68,000 to 92,000. Aliens from countries other than Mexico and the three Northern Triangle countries also more than tripled in this period, from 37,000 to 118,000, with most of the increase consisting of Haitians (through 2017) and Cubans (through 2019).

These contrasting trends are even more pronounced when analyzed proportionally. Viewed this way, Mexicans dropped from 97 percent of all encounters from 2000 to 2004 and 87 percent from 2005 to 2013 to 50 percent of all encounters in 2014 and just 24 percent of all encounters in 2019. Meanwhile, Guatemala’s share of encounters rose from 15 percent in 2014 to 28 percent in 2019 and Honduras’s share rose from 17 percent to 27 percent, while El Salvador’s dropped from 12 percent to 9.4 percent. Together, encounters with aliens from the three Northern Triangle countries increased from 44 percent to 64 percent of total encounters between 2014 and 2019.

Figure 2.  
Southwest Border Encounters by Family Type: FY 2014 to 2019



Source: OIS Statistical Immigration Data.

Note: FMUA data are limited to USBP apprehensions for 2013–2015; later years include both USBP and OFO.

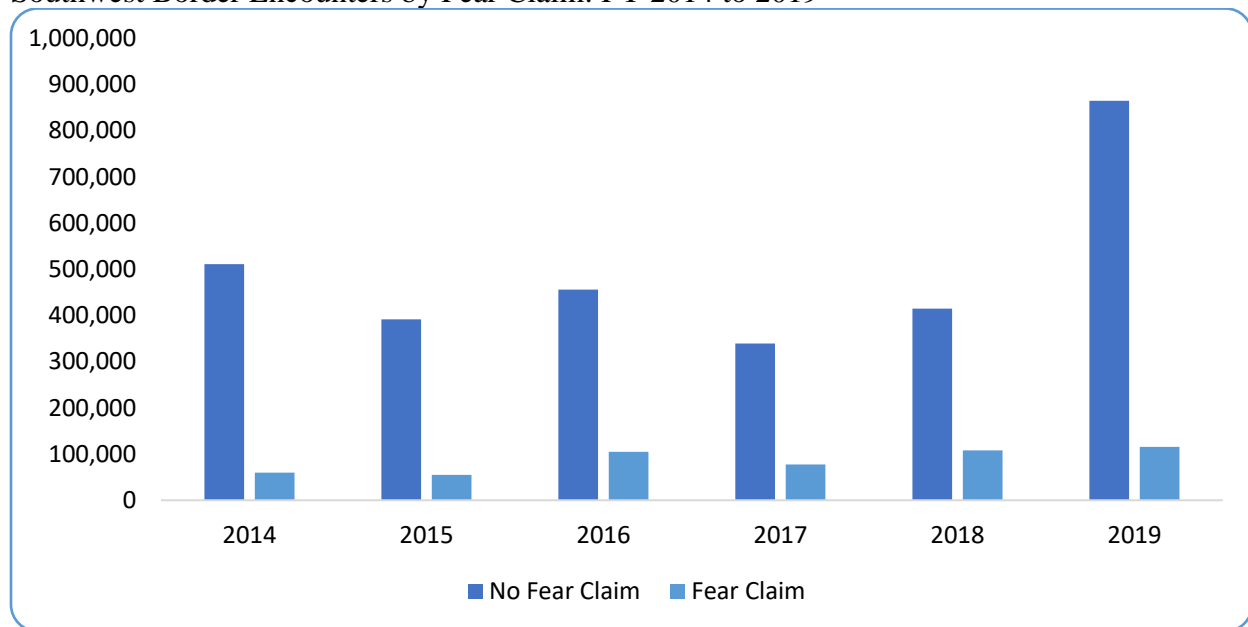
Figure 2 depicts the breakdown of 2014 to 2019 Southwest Border encounters into single adults; FMUAs, which include each individual in a group of a parent or legal guardian traveling with one or more minor children; and UACs, defined as minor children traveling without a parent or legal guardian. A second set of noteworthy trends concerns changes among these demographic groups during this period, including a 14 percent decline in single adult encounters from 431,000 in 2014 to 372,000 in 2019; a 686 percent increase in FMUAs from 67,000 in 2014 to 527,000 in 2019; and an 11 percent increase in UACs from 73,000 in 2014 to 81,000 in 2019. As a result,



single adults fell from 76 percent of encounters in 2014 to 38 percent in 2019 while FMUAs increased from 12 percent to 54 percent during the same period.<sup>7</sup>

The shift from single adults to a larger number of FMUA and UAC was accompanied by a shift toward younger aliens. In particular, the number of encounters of aliens under 18 years old almost tripled from 125,000 in 2014 to 356,000 in 2019, increasing from 22 percent of all encounters in 2014 to 36 percent in 2019. All other age groups saw more modest growth in their numbers of encounters and accounted for smaller shares of encounters in 2019 than in 2014. Within the under-18 grouping, encounters of children under 6 years old more than quadrupled from 25,000 in 2014 to 102,000 in 2019, while encounters of children between 6 and 12 years old nearly did so as well, from 29,000 in 2014 to 115,000 in 2019. In contrast, the number of children ages 13 to 17 years old only nearly doubled from 70,000 in 2014 to 138,000 in 2019.<sup>8</sup> These shifts caused the median age of encountered minors to drop from 14 years old to 10 years old between 2014 and 2019.

Figure 3.  
Southwest Border Encounters by Fear Claim: FY 2014 to 2019



Source: OIS Statistical Immigration Data.

Figure 3 depicts a third noteworthy recent trend in Southwest Border encounters: the rising share through 2018 of aliens who claimed a fear of return to their home countries following an apprehension or determination of inadmissibility. The number of encounters resulting in a fear claim increased from 60,000 in 2014 (10 percent of encounters in 2014) to 108,000 in 2018 (21 percent of encounters in 2018). The number of fear claims showed a further modest increase to

<sup>7</sup> OFO began collecting FMUA data in March 2016; as a result, reported FMUA counts are biased downward for 2013–2015. Southwest Border encounters appear to have fallen sharply back to 2017 and 2018 levels in FY 2020, a period beyond the scope of this report.

<sup>8</sup> Overall, 4 percent of encounters under age 5 arrived as UACs versus 96 percent that arrived within family units; 19 percent of encounters between ages 6 and 12 arrived as UACs versus 81 percent that arrived within family units; and 72 percent of encounters between ages 13 and 17 arrive as UACs versus 28 percent that arrived within family units.

115,000 in 2019 while falling to 12 percent of encounters.<sup>9</sup> Overall, 520,000 Southwest Border encounters resulted in fear claims between 2014 and 2019, 15 percent of all Southwest Border encounters during this period.

### High-Level Outcomes

Overall, 59 percent of 3.5 million apprehensions or findings of inadmissibility along the Southwest Border between 2014 and 2019 had been resolved through a final outcome of repatriation or relief/protection from removal as of the end of 2020 Q2 (See Appendix A). Repatriations accounted for 51 percent of encounters (or 1.8 million), versus 49 percent (or 1.7 million) of encounters that had no confirmed departure, including 8.1 percent that had been granted relief or other protection from removal (284,000 encounters). Restricting attention to border encounters that had been resolved, 86 percent resulted in repatriation and 14 percent led to relief or other protection from removal.

The majority (83 percent) of the 1.8 million repatriations were removals, which accounted for 76 percent of resolved encounters (and 43 percent of all encounters). The next largest share of repatriations (13 percent) were returns, which accounted for 12 percent of resolved encounters (and 6.9 percent of all encounters).<sup>10</sup>

The largest share (40 percent) of those granted relief were granted LPR status by DHS, accounting for 5.5 percent of resolved encounters (and 3.3 percent of all encounters). The next largest share (22 percent) of those granted relief had their EOIR proceedings terminated, accounting for 3.0 percent of resolved encounters (and 1.8 percent of all encounters).

The largest share (74 percent) of unresolved encounters were still being processed by DHS or EOIR (accounting for 30 percent of all encounters), and the next largest share (22 percent) were encounters with unexecuted final orders of removal or voluntary departure (accounting for 9.0 percent of all encounters).<sup>11</sup>

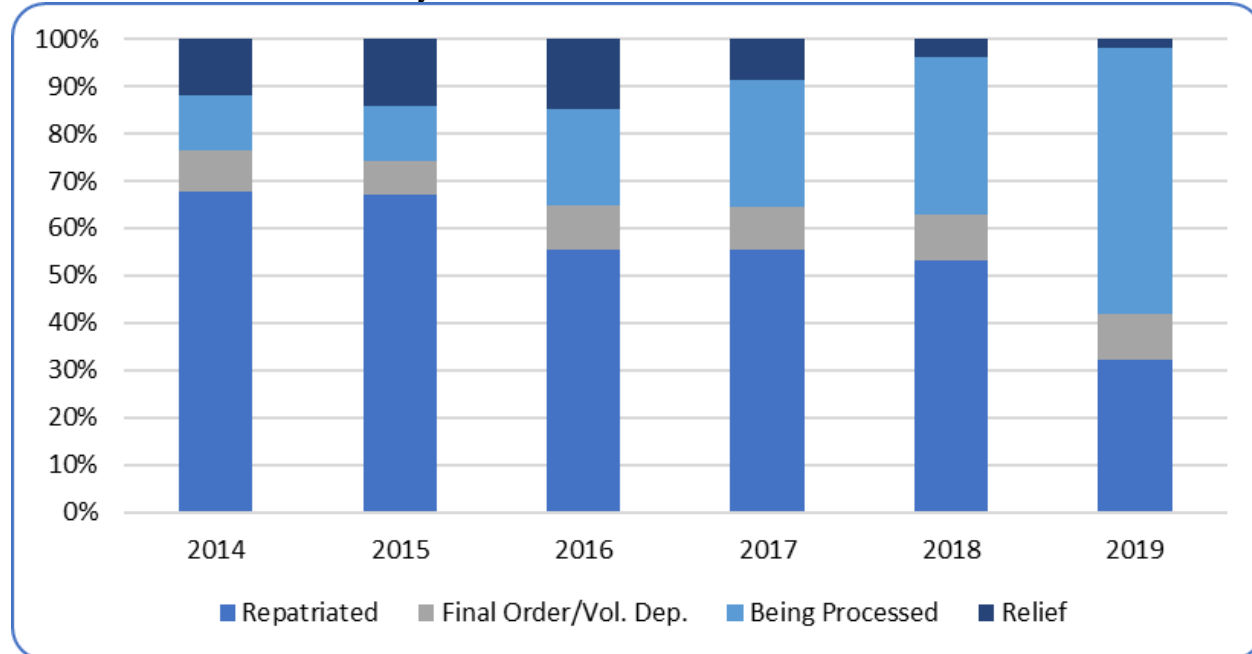
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<sup>9</sup> This figure includes fear claims made at any point following a CBP encounter; 30 percent of fear claims between 2014 and 2019 occurred after aliens were released from CBP into ICE custody. About 92 percent of fear claims during this period were credible fear claims by aliens subject to expedited removal, and 7.8 percent were reasonable fear claims by aliens subject to reinstatement of a removal order or subject to administrative removal because they were aggravated felons.

<sup>10</sup> About 2 percent of all encounters were aliens encountered at the border twice without an intervening removal or return; OIS assumes that these “re-encounters” departed the United States following the first border encounter without notifying DHS and counts them as departures.

<sup>11</sup> The remaining 2 percent of encounters were paroled into the United States with no subsequent change in status or were unable to be matched to subsequent enforcement outcomes.

Figure 4.  
Southwest Border Encounters by Enforcement Outcomes: FY 2014 to 2019



Source: OIS Statistical Immigration Data.

Note: Outcomes are current as of March 31, 2020.

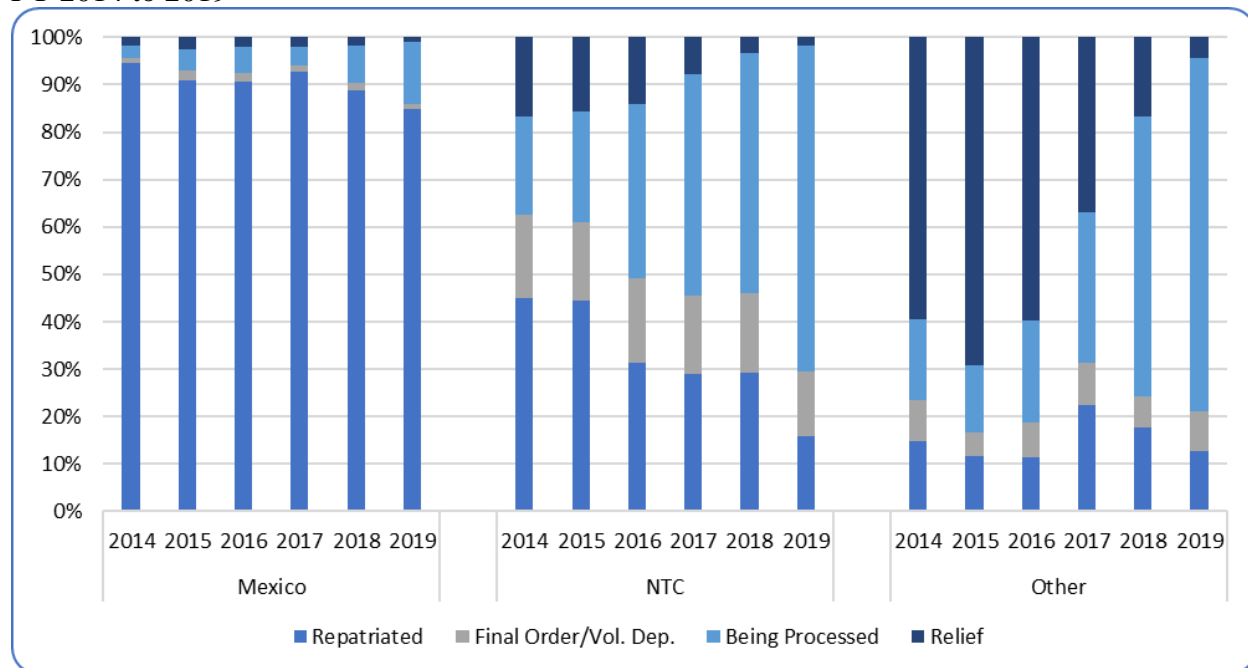
Figure 4 depicts enforcement outcomes as of the end of 2020 Q2 for aliens encountered at the Southwest Border each year from 2014 to 2019 (see Appendix B for a more detailed breakdown). Because many enforcement encounters take months or years to be resolved, outcomes differ partly—but not exclusively—as a function of how much time has elapsed since a cohort of aliens was initially encountered.<sup>12</sup> Thus, a relatively large share (66 percent) of the 980,000 encounters in 2019 remained unresolved at the end of 2020 Q2. Most of the 1.4 million unresolved encounters in 2019 were still being processed for removal (83 percent), while an additional 15 percent had unexecuted final orders of removal or voluntary departure. Of the 34 percent of the 980,000 encounters in 2019 that had been resolved by 2020 Q2, 94 percent had been repatriated versus 5.6 percent that had been granted relief.

For each earlier cohort of encounters, the additional time elapsed between the initial encounter and the reporting date is associated with a smaller share of aliens still being processed and larger proportions having been repatriated, issued a final order, or granted relief. For the 2014 cohort of 571,000 encounters, for example, most encounters had been resolved (79 percent) by the end of 2020 Q2, and only 20 percent were still being processed or had unexecuted removal orders or unexecuted voluntary departures.

<sup>12</sup> Not all variation in enforcement outcomes between cohorts is a function of time elapsed, as the demographic characteristics and specific enforcement histories of each cohort also differ.

## Enforcement Outcomes by Nationality

Figure 5: Enforcement Outcomes by Country or Region and Year of Initial Encounter: FY 2014 to 2019



Source: OIS Statistical Immigration Data.

Note: Outcomes are current as of March 31, 2020. “NTC” refers to Northern Triangle Countries.

Figure 5 depicts variation in final or most current enforcement outcomes by country or region and by year (see Appendix B for a more detailed breakdown).

As Figure 5 illustrates, the vast majority (90 percent) of 1.4 million encounters of Mexican nationals between 2014 and 2019 had been resolved by the end of 2020 Q2, ranging from 95 percent of the 285,000 encounters in 2014 to 83 percent of the 239,000 encounters in 2019. Overall, 88 percent of Mexican encounters between 2014 and 2019 had resulted in repatriations by 2020 Q2 versus 12 percent with no confirmed departure, including 1.8 percent of Mexican encounters resulting in some form or relief from removal. Very few Mexican encounters (6.0 percent) were still being processed, ranging from 2.6 percent of 2014 encounters to 13 percent of 2019 encounters. Mexicans had a relatively high proportion of encounters leading to parole (2.2 percent of Mexican encounters over this period). And Mexican encounters were notably unlikely to result in unexecuted final orders or offers of voluntary departure: just 1.5 percent over the entire period.

Just over a third (36 percent) of the 1.7 million encounters of aliens from the Northern Triangle were resolved by the end of 2020 Q2, ranging from 61 percent of the 248,000 encounters in 2014 to 18 percent of the 623,000 encounters in 2019. Among all Northern Triangle encounters during this period, 28 percent had been repatriated and 72 percent had no confirmed departure, including 7.6 percent granted some form of relief from removal. A total of 64 percent of all Northern Triangle encounters over this period remained unresolved, including 48 percent that

were still being processed by DHS or DOJ for removal and 16 percent with unexecuted final orders of removal or offers of voluntary departure.

Almost half (49 percent) of the 370,000 encounters of aliens from countries other than Mexico or the Northern Triangle between 2014 and 2019 were resolved by the end of 2020 Q2, ranging from 73 percent of the 37,000 encounters in 2014 to 17 percent of the 118,000 encounters in 2019. Encounters of aliens from these other countries had been repatriated 14 percent of the time while 86 percent of these encounters had no confirmed departure, including 35 percent that had been granted relief. A total of 51 percent of all encounters for aliens from countries other than Mexico or the Northern Triangle encountered over this period remained unresolved, including 42 percent still being processed and 7.5 percent with unexecuted final orders or offers of voluntary departure.

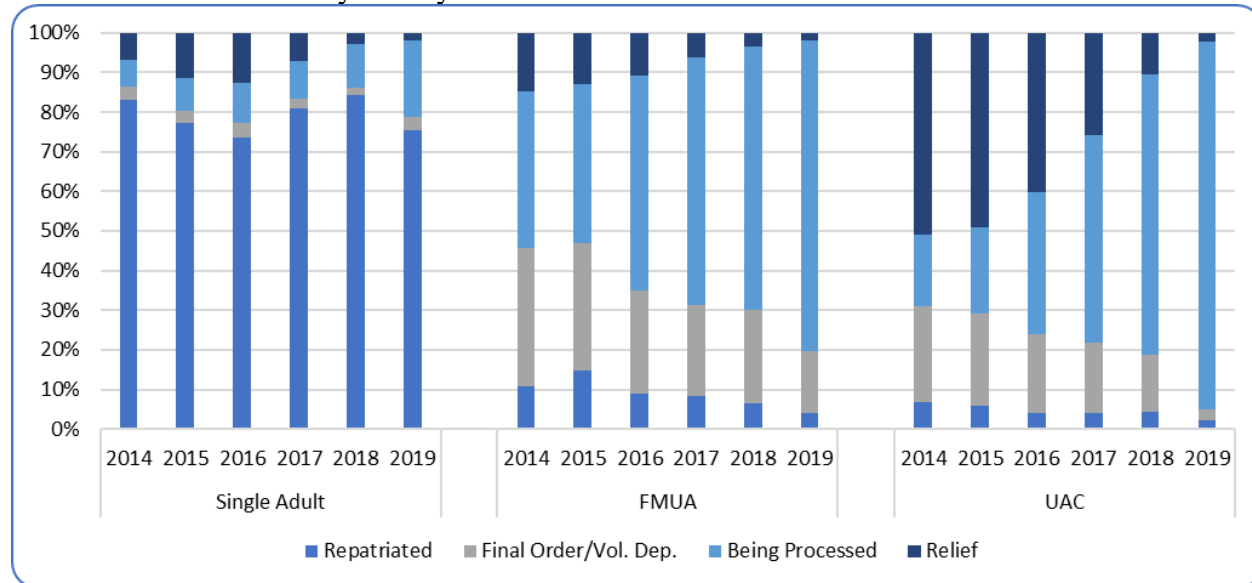
Comparing across the three sets of countries between 2014 and 2019, encounters of aliens from Mexico had the highest rate of resolution (90 percent) as of the end of 2020 Q2, followed by encounters from countries other than Mexico or the Northern Triangle (49 percent), with encounters for those from the Northern Triangle having the lowest rate of resolution (36 percent). Setting aside unresolved encounters and focusing exclusively on encounters with final outcomes, Mexicans had the highest rate of repatriation/lowest rate of relief from removal (98 percent repatriated; 2 percent granted relief), followed by aliens from the Northern Triangle (79 percent repatriated; 21 percent granted relief) and aliens from all other countries (29 percent repatriated; 71 percent granted relief).

## Enforcement Outcomes by Family Status

Figure 6 depicts variation in final or most current enforcement outcomes by family status (FMUAs, UACs, or single adults) and by year (see Appendix B for a more detailed breakdown). Mexican and Canadian UACs are excluded from this portion of the analysis because U.S. law includes special provisions for unaccompanied children from non-contiguous countries.<sup>13</sup>

Figure 6.

Enforcement Outcomes by Family Status and Year of Initial Encounter: FY 2014 to 2019



Source: OIS Statistical Immigration Data.

Note: Outcomes are current as of March 31, 2020. UAC excludes contiguous countries.

The vast majority (85 percent) of the 2.1 million encounters of single adults between 2014 and 2019 had been resolved by the end of 2020 Q2, ranging from 89 percent of the 431,000 encounters in 2014 to 76 percent of the 372,000 encounters in 2019. Among all single adult encounters, 78 percent had been repatriated versus 22 percent with no confirmed departure, including 7.2 percent that had been granted relief. A total of 15 percent of encounters of single adults over this period remained unresolved, including 11 percent that were still being processed at the end of 2020 Q2, ranging from 6.7 percent of single adult encounters in 2014 to 19 percent of single adult encounters in 2019. Just 2.9 percent of single adult encounters over the entire period had resulted in an unexecuted final order of removal or voluntary departure.

Just over a tenth (11 percent) of the 1 million FMUA encounters between 2014 and 2019 were resolved by the end of 2020 Q2, ranging from 24 percent of the 67,000 encounters in 2014 to 5.9 percent of the 527,000 encounters in 2019. Among FMUA encounters, just 6.1 percent had been

<sup>13</sup> In general, the Trafficking Victims Protection Reauthorization Act of 2008 prevents the immediate return of UACs from non-contiguous countries and allows them to make an affirmative asylum claim before an asylum officer and to appear before an immigration judge to seek relief or other protection from removal. UACs from Mexico or Canada who are not found to be victims of severe trafficking and who are considered able to make an informed decision to return to their country of citizenship may be offered voluntary return by CBP. A total of 79,055 Mexican and five Canadian UAC encounters occurred between 2014 and 2019, and a high percentage (88 percent) resulted in such returns. Among the remainder, 3.6 percent were removed or re-encountered, 2.5 percent were granted relief or other protection from removal, 4.5 percent were being processed as of 2020 Q2, and 0.9 percent had received unexecuted orders of removal or offers of voluntary departure.

repatriated versus 94 percent with no confirmed departure, including 4.7 percent granted relief. A total of 89 percent of FMUA encounters over this period remained unresolved, including 67 percent of all encounters between 2014 and 2019 that were still being processed by DHS or DOJ as of 2020 Q2. Twenty percent of all FMUA encounters had received an unexecuted final order of removal or offer of voluntary departure.

Almost a third (32 percent) of the 290,000 encounters of UACs from non-contiguous countries between 2014 and 2019 were resolved by the end of 2020 Q2, ranging from 58 percent of the 56,000 encounters in 2014 to 4.5 percent of the 67,000 encounters in 2019. Among all non-contiguous UAC encounters, 4.3 percent had been repatriated versus 96 percent with no confirmed departure, including 28 percent granted some form of relief or other protection from removal. A total of 68 percent of non-contiguous UAC encounters remained unresolved, including 52 percent that were still being processed by DHS or DOJ. Sixteen percent of all non-contiguous UAC encounters had received an unexecuted final order of removal or voluntary departure.

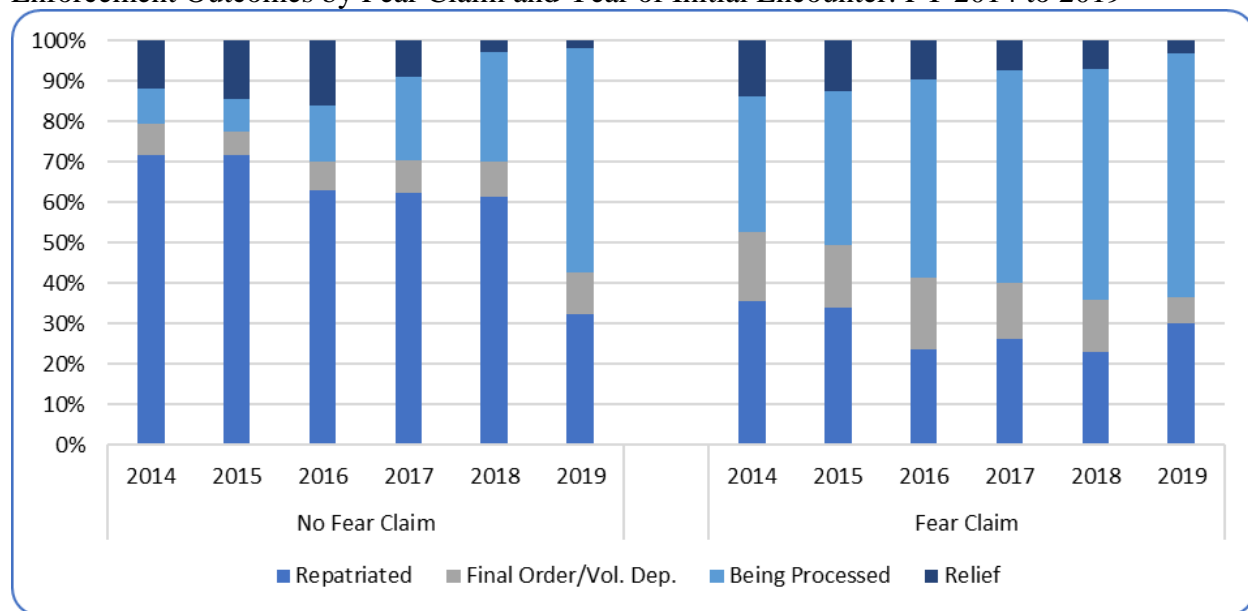
Comparing across the three sub-groups, encounters of single adults had the highest rate of resolution (85 percent) as of the end of 2020 Q2 followed by UACs from non-contiguous countries (32 percent), with encounters for FMUAs having the lowest rate of resolution (11 percent). Outcomes also differed substantially across these groups. For encounters that had been resolved, single adults had the highest rate of repatriation (92 percent; 8.5 percent relief), followed by FMUAs (56 percent repatriation; 44 percent relief) and UACs from non-contiguous countries (13 percent repatriations; 87 percent relief).

## Enforcement Outcomes by Fear Claims

Figure 7 breaks down final or most current enforcement outcomes by whether or not the alien made a fear claim (see Appendix B for a more detailed breakdown).<sup>14</sup>

Figure 7.

Enforcement Outcomes by Fear Claim and Year of Initial Encounter: FY 2014 to 2019



Source: OIS Statistical Immigration Data.

Note: Outcomes are current as of March 31, 2020.

The majority (64 percent) of the 3 million encounters of aliens between 2014 and 2019 that did not involve fear claims had been resolved by the end of 2020 Q2 (ranging from 82 percent of the 511,000 encounters in 2014 to 34 percent of the 864,000 encounters in 2019). Slightly more than half of non-fear encounters (55 percent) over this period had been repatriated by 2020 Q2 versus 45 percent with no confirmed departure, including 8.1 percent that had been granted some form of relief or protection from removal. A total of 36 percent of non-fear encounters remained unresolved, including 27 percent that were still being processed for removal and 8.2 percent with unexecuted final orders of removal or offers of voluntary departure.

The ratio of resolved versus unresolved encounters was exactly reversed for Southwest Border encounters resulting in fear claims (520,000), with just over a third (36 percent) of encounters resolved and 64 percent unresolved. Among encounters with fear claims, just 28 percent had been repatriated, with the rest having no confirmed departure, including 8.0 percent of

<sup>14</sup> This section of the report analyzes outcomes by whether aliens made a *fear claim*, not by whether they sought asylum or some other form of humanitarian relief. Some aliens who initially claim fear never make an asylum claim because their fear claim is not found credible/reasonable, because they abandon their effort, or because they seek some form of relief or protection from removal other than asylum, among other reasons. And some aliens seek asylum or other relief before EOIR without first making a fear claim because they are issued a Notice to Appear (NTA) after their border encounter rather than without ever being placed in expedited removal. Many FMUAs encountered since 2014 have fallen into the latter category because large numbers of family arrivals have overwhelmed the Department's family detention capacity, and when detention facilities are unavailable CBP may release people with NTAs rather than holding them for ER processing.



encounters that had been granted relief or other protection from removal. Half (50 percent) of encounters over this period involving a fear claim were still being processed at the end of 2020 Q2, ranging from 34 percent of the 60,000 encounters in 2014 to 60 percent of the 115,000 encounters in 2019. Just 13 percent of aliens encountered over the entire period who claimed fear had an unexecuted final order of removal or voluntary departure.

While the absolute proportions of encounters resulting in relief or other protection from removal were similar across the non-fear claim and fear claim encounters (8.1 percent of 3 million non-fear claim encounters and 8.0 percent of 520,000 fear claim encounters), these groups differed somewhat when accounting for differences in the share of encounters that remained unresolved. Restricting attention to the 2.1 million encounters that had been resolved, the 185,000 encounters of aliens making fear claims were somewhat more likely to have been granted relief (23 percent relief; 77 percent repatriation) than the 1.9 million encounters of aliens not making fear claims (13 percent relief; 87 percent repatriation).

Table 2.  
Most Current Outcomes for Fear Claimants by Year of Initial Encounter: FY 2014 to 2019

MOST CURRENT OUTCOMES	TOTAL						
	2014	2015	2016	2017	2018	2019	Total
<b>Total Encounters</b>	570,832	446,060	560,432	416,645	522,626	979,729	3,496,324
<b>Fear Claims<sup>1</sup></b>	59,871	54,797	104,692	77,319	107,826	115,371	519,876
EOIR cases <sup>2</sup>	48,667	45,605	89,277	64,790	87,107	82,310	417,756
Being Processed <sup>3</sup>	17,717	18,950	46,740	36,921	52,301	50,588	223,217
<i>Being Processed as Share of EOIR cases</i>	36.4%	41.6%	52.4%	57.0%	60.0%	61.5%	53.4%
Asylum Granted or other EOIR Relief from Removal <sup>4</sup>	8,080	6,727	9,858	5,460	7,036	3,511	40,672
<i>Asylum/Relief as Share of EOIR cases</i>	16.6%	14.8%	11.0%	8.4%	8.1%	4.3%	9.7%
Removal Orders <sup>5</sup>	22,870	19,928	32,679	22,409	27,770	28,211	153,867
<i>Removal Orders as Share of EOIR cases</i>	47.0%	43.7%	36.6%	34.6%	31.9%	34.3%	36.8%

Source: OIS Statistical Immigration Data.

Note: Outcomes are current as of March 31, 2020.

<sup>1</sup> Fear claims include credible and reasonable fear at any time following an initial encounter, including individuals who claimed fear at the time of apprehension but who have no record of a fear determination, possibly because they withdrew their claim.

<sup>2</sup> EOIR cases include aliens with EOIR case-started dates.

<sup>3</sup> Includes aliens in proceedings whose cases have been closed and are not on an active docket.

<sup>4</sup> Asylum granted or other relief from removal includes withholding of removal, protection under the Convention Against Torture, Special Immigrant Juvenile status, cancellation of removal, EOIR termination, or other status.

<sup>5</sup> Removal orders include completed repatriations and unexecuted orders of removal or grants of voluntary departure.

Table 2 provides additional detail on enforcement outcomes for the population claiming fear. As noted above, the proportion of border encounters involving a fear claim more than doubled from 10 percent in 2014 to 21 percent in 2018. The total number of fear claims reached its highest number ever (115,000) in 2019, even while falling back to 12 percent of total encounters (also see Figure 3). The third row of the table reports the subset of fear claims resulting in EOIR cases—typically because of a positive USCIS credible or reasonable fear determination, but these cases also include negative fear determinations that are vacated by EOIR.

The remaining rows of Table 2 describe the final or most current status for this subset of cases with fear claims. Not surprisingly, the 2019 cohort has the largest share of cases (62 percent) still being processed, and the share being processed drops in each preceding cohort, falling to a still-high 36 percent for 2014 encounters. Comparing outcomes by year of encounter suggests that EOIR asylum cases that are completed quickly are much more likely to result in removal orders, but that cases completed over longer periods of time yield more grants of asylum. Thus, for the 82,000 fear claims resulting in EOIR cases out of the 2019 border encounters, 28,000 (34 percent) resulted in removal orders by 2020 Q2, versus just 3,500 (4.3 percent) cases resulting in grants of asylum or other relief from removal. In the case of the 2014 cohort, 49,000 EOIR cases yielded 23,000 (47 percent) removal orders versus 8,000 (17 percent) resulting in grants of asylum or other relief from removal. Not all of the variation between cohorts is a function of time elapsed since the demographic characteristics and enforcement histories of each cohort differ, as noted above.

### Conclusion

This 2019 Enforcement Lifecycle Analysis describes the final or most current outcomes of about 3.5 million Southwest Border encounters occurring between 2014 and 2019 as of March 31, 2020. It offers a very different lens into the enforcement process than our usual production tables. From 2014 to 2019, the demographic characteristics of aliens encountered at the Southwest Border have shifted away from single Mexican adult non-asylum seekers to Northern Triangle FMUA and UAC asylum seekers.

Encounters with these different groups tend to lead to different paths through the enforcement system, both in terms of whether and how quickly encounters are resolved and what resolution is reached: Encounters with Mexicans tend to lead to repatriations; encounters with Central Americans tend to remain unresolved; and encounters with nationals from countries other than Mexico or the Northern Triangle tend (on average) to lead to relief. Encounters with single adults tend to quickly lead to repatriations, while encounters with FMUAs and non-contiguous UACs tend to remain unresolved. Encounters with aliens who do not claim a fear of return to their home countries tend to be repatriated, while those who claim fear are more likely to remain in the United States and some eventually get relief.

Some of these disparities in enforcement outcomes reflect differences in detention practices. Overall, 42 percent of aliens encountered in 2014 – 2019 remained continuously in DHS custody between their initial encounter and a final enforcement outcome (or had no final outcome but still remained in custody as of March 31, 2020). For these encounters, aliens were repatriated 98 percent of the time, with 0.5 percent resulting in relief or other protection from removal and 1.5 percent remaining unresolved as of March 31, 2020. Just 1 percent of continuously detained encounters resulted in unexecuted removal orders. In contrast, aliens who were never detained following their initial encounters were repatriated 30 percent of the time, with 15 percent granted relief and 55 percent unresolved. The largest share of these encounters were still being processed (40 percent), while 11 percent were subject to unexecuted removal orders, including 10 percent subject to *in absentia* orders. The detention pattern yielding the greatest share of unresolved cases were encounters initially placed in detention but then released prior to a final enforcement

outcome. These “partially detained” encounters resulted in repatriations just 3 percent of the time and relief just 12 percent of the time, with 85 percent still unresolved, including 18 percent with unexecuted removal orders (14 percent *in absentia* orders) (see Appendix B).

Differences in enforcement practices overlap with and contribute to the other factors analyzed in this report. For example, Mexican nationals (67 percent) were much more likely than Northern Triangle (27 percent) and other (14 percent) nationals to be continuously detained, a fact partly reflecting the large share of Mexicans repatriated by CBP within a day or two of their initial encounters. Similarly, a plurality (45 percent) of encounters of aliens not making fear claims resulted in continuous detentions (and a large number of repatriations), while the majority of encounters resulting in fear claims (68 percent) were initially detained but released prior to a final enforcement outcome (i.e., partially detained, and mainly unresolved). Differences were greatest in the breakdown by family status, partly driven by Department policies and legal frameworks and judicial decisions covering these populations. In particular, encounters of single adults resulted in continuous detentions 64 percent of the time, versus 4 percent for FMUAs and for non-contiguous UACs; most FMUAs (50.1 percent) were never detained, while most non-contiguous UACs (76 percent) were partially detained.

The findings in this report are important in light of the changing demographics of who has arrived at the border since 2014—though less so during the pandemic—and they make more concrete some of the policy conversations around enforcement and resource priorities at the border. OIS is working to extend the flow back in time, and this should offer additional insight into how outcomes differ for cases resolved quickly versus those that take more time to resolve.

## Appendix A.

MOST RECENT OUTCOMES	TOTAL						
	2014	2015	2016	2017	2018	2019	Total
<b>Total Encounters</b>	<b>570,832</b>	<b>446,060</b>	<b>560,432</b>	<b>416,645</b>	<b>522,626</b>	<b>979,729</b>	<b>3,496,324</b>
<b>Repatriations</b>	380,870	294,306	306,225	227,098	273,332	310,111	1,791,942
Removals	309,498	250,189	263,003	184,850	228,030	250,465	1,486,035
Expedited	179,785	142,872	145,669	102,219	128,580	141,855	840,980
Reinstatement	119,455	98,805	108,929	76,467	92,613	98,323	594,592
Administrative removals	977	892	781	589	565	628	4,432
Other removals <sup>1</sup>	9,281	7,620	7,624	5,575	6,272	9,659	46,031
Returns	63,367	36,183	34,847	32,578	32,874	41,408	241,257
Re-encounters <sup>2</sup>	8,005	7,934	8,375	9,670	12,428	18,238	64,650
<b>No confirmed departure</b>	<b>189,962</b>	<b>151,754</b>	<b>254,207</b>	<b>189,547</b>	<b>249,294</b>	<b>669,618</b>	<b>1,704,382</b>
Being processed	64,244	51,767	113,013	109,445	170,705	543,562	1,052,736
Being processed by DHS	19,421	11,805	28,024	29,112	48,133	237,075	373,570
In EOIR proceedings <sup>3</sup>	11,630	10,270	34,082	43,303	72,751	232,434	404,470
EOIR case completed - additional DOJ action <sup>4</sup>	33,193	29,692	50,907	37,030	49,821	74,053	274,696
Final order/voluntary departure	49,176	31,055	50,498	36,980	49,329	96,428	313,466
Unexecuted removal orders	47,231	29,628	48,739	36,039	48,206	94,758	304,601
In absentia	36,646	21,471	35,248	29,409	39,665	75,633	238,072
Not in absentia	10,585	8,157	13,491	6,630	8,541	19,125	66,529
Unexecuted voluntary departures	1,945	1,427	1,759	941	1,123	1,670	8,865
Relief	67,482	61,910	81,814	34,966	19,138	18,235	283,545
SIJ or affirmative asylum	11,124	9,394	20,146	10,356	5,236	1,380	57,636
LPR status granted by DHS	18,941	31,801	42,114	15,534	3,950	1,458	113,798
EOIR relief <sup>5</sup>	9,560	8,350	9,124	4,175	5,472	5,596	42,277
EOIR termination	25,215	10,608	8,567	3,822	4,025	9,667	61,904
Other <sup>6</sup>	2,642	1,757	1,863	1,079	455	134	7,930
Parole	4,043	4,598	5,387	5,722	6,446	7,525	33,721
No Subsequent Event <sup>7</sup>	5,017	2,424	3,495	2,434	3,676	3,868	20,914

Source: DHS Office of Immigration Statistics Enforcement Lifecycle.

Notes: Results based on source data as of March 31, 2020 and OIS Enforcement Lifecycle methodology as of August 31, 2020. Encounters include USBP apprehensions and OFO inadmissibility determinations on the Southwest Border. Columns present results by year of encounter, with all data reflecting final or most current enforcement outcomes as of March 31, 2020. Table is event-based, so aliens encountered on multiple occasions appear in the table multiple times.

<sup>1</sup> Other removals include those executed pursuant to an INA §240 proceeding.

<sup>2</sup> Includes aliens encountered more than once by CBP without a known intervening removal or return. OIS assumes the alien departed of their own accord during the intervening period.

<sup>3</sup> Includes aliens in proceedings whose cases have been closed and are not on an active docket.

<sup>4</sup> Includes aliens subject to a final order or other EOIR case completion who are subject to a motion to reopen or reconsider or who appeal their case to the Board of Immigration Appeals.

<sup>5</sup> Includes aliens granted relief including, but not limited to, asylum and other forms of relief from removal. This category also includes withholding of removal and protection under the Convention Against Torture even though they are not technically forms of relief.

<sup>6</sup> Includes aliens granted cancelation of removal, DHS prosecutorial discretion, T visas, S visas, U visas, Temporary Protected Status, and EOIR conditional grants, as well as people found to be U.S. citizens or lawfully present aliens not subject to removal.

<sup>7</sup> Initial enforcement action cannot be linked to a subsequent enforcement outcome; may result from data errors, missing identifier data, and/or because the alien awaits further processing.

## Appendix B

OIS' standard Enforcement Lifecycle table sorts the outcomes of Southwest Border encounters into four large categories and a total of 19 sub-categories and provides breakouts by country of citizenship, family status, and fear claim, among other factors. This appendix can be found at <https://www.dhs.gov/immigration-statistics/special-reports>.