

POLITIFACT

Fact-check: Is there a 'record number of people coming across the border illegally'?

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Update: *This article has been updated to clarify Title 42 policy and to include new information and analysis on the number of unique individuals seeking to cross the Southwest Border. The ruling has been removed pending a new review by PolitiFact Texas editors.*

Gov. Greg Abbott has focused on border security as a top policy issue since President Joe Biden took office and has made it a central issue in his reelection campaign. While border security is historically a federal responsibility, Abbott has poured nearly \$4 billion into Texas border enforcement, bused migrants to Washington and New York City despite opposition from the local leaders, and mobilized Department of Public Safety agents to transport migrants to ports of entry to be taken into federal custody.

The reason? Abbott says Biden is leaving “dangerous gaps” in border security.

In a June 29 news conference regarding the deaths of 53 migrants after they were left in a sweltering tractor-trailer in San Antonio, Abbott claimed, “President Biden was warned in advance that reduced border enforcement would lead to dire consequences. And we have seen those dire consequences. One is record number of people coming across the border illegally.”

PolitiFact Texas is looking at one component of this claim: whether there is a "record number of people coming across the border illegally."

Abbott's source and the data on encounters

Responding to our request for the sources for his claim, the governor's press office sent a statement on Abbott's border actions including Operation Lone Star and several links to news articles they said came up in a "quick online search." They included links to the New York Post, NBC News, Wall Street Journal, and CBS News on the number of law enforcement actions for border crossings, as well as a U.S. Customs and Border Protection enforcement data webpage.

Based on the sources, Abbott appears to be referring to the number of enforcement actions in his claim.

We took a look at available CBP data. The data since 2020 covers migrant apprehensions as well as expulsions — when a migrant at or between ports of entry is transported to their home country or turned away to the country they last traveled through without processing in immigration court or the ability to make an asylum claim. The Biden administration sought to end this policy, known as Title 42, implemented during the Trump administration, but it remains in effect after a federal judge kept it in place in May.

In the data, law enforcement actions — both expelling and apprehending migrants — are called encounters. CBP counted 1.96 million encounters nationwide in fiscal year 2021. The number of encounters so far this fiscal year, from October 2021 to July, has already outpaced that, exceeding 2.2 million encounters.

On the Southwest Border, there were 1.73 million encounters in fiscal year 2021. Fiscal year 2022 already exceeds 2021's level: there were 1.95 million enforcement actions from October to July.

"Part of the reason why (2021 data) is higher is because COVID. Because immediately we shut down the borders, and so people were stopped and were not allowed well over a year to even make any kind of a claim. So people finally got fed up and started crossing," said Terence Garrett, political science professor at the University of Texas Rio Grande Valley.

Looking at Border Patrol's enforcement between ports of entry at the Southwest Border, agents made over 912,000 apprehensions and 903,000 expulsions through July of fiscal year 2022. From 1960 to 2018, the highest number of Border Patrol apprehensions (1.64 million) on the Southwest Border was in 2000. But it's difficult to compare current and historical data because of Title 42, Garrett said.

"You're comparing apples to oranges," Garrett said. "There's probably a political statement trying to be made using apprehensions and making it seem as if it's (expulsions) the same as apprehensions, when it's not."

More: Abbott keeps calling Biden's policies "open-border policies." What does that mean?

Number of individuals seeking to cross multiple times increased

Based on the sources his office sent, Abbott was referring to the number of migrant encounters. However, the number of encounters is different than the number of people encountered because some people try to cross the border multiple times.

CBP highlights the level of repeat crossings in its recent data releases, such as in this Aug. 15 release: "The large number of expulsions during the pandemic has contributed to a higher-than-usual number of migrants making multiple border crossing attempts, which means that total encounters somewhat overstate the number of unique individuals arriving at the border."

More than half of the encounters in 2021 were Title 42 expulsions. Garrett said this means migrants may seek to try multiple times to make an asylum claim. This drives up the number of encounters.

Before the pandemic and the implementation of Title 42, about 1 in 8 border encounters involved someone who tried to cross the border more than once. That rate jumped to 1 in 3 encounters under Title 42, according to CBP's press release on fiscal year 2021 statistics. It is unclear how many times those repeat migrants tried to cross the border.

"You don't know how many unique individuals there are, and you cannot determine that from the data that is submitted," Garrett said.

On recent data, we do know there was a 30% increase in the number of unique individuals encountered nationwide compared to pre-pandemic levels, according to a 2021 fiscal year data release.

Abbott's office also sent Fox News and NewsNation links on the number of people who were detected crossing the border unlawfully but were not encountered by Border Patrol. The most recent available data on the number of people detected entering, but not encountered, is from 2020. That number dropped from over 151,000 people in 2019 to over 136,000 people in 2020 nationwide, according to a 2021 Border Security metrics report.

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