

## Fact Sheet

For more than two years, cruel anti-immigrant policies first implemented by the Trump administration prevented most people arriving at the US-Mexico border from exercising their right to seek asylum. On April 1, 2022, the Centers for Disease Control and Prevention (CDC) announced that it will terminate the Title 42 Order on May 23. In this fact sheet, the Women's Refugee Commission outlines how policies like Title 42 that rapidly expel migrants create, rather than decrease, chaos at the US-Mexico border and harm the most vulnerable.

- 1. Smuggling is a big business that profits off border policies that attempt to deter migration.** [Transnational organized crime](#) benefits from harsh border measures because without safe pathways to seek protection, migrants are often forced to rely on smugglers to get them to US soil. With Title 42 in place, smugglers are charging the same migrants multiple times to make [additional attempts](#) to cross the US-Mexico border. The newly launched [Operation Sentinel](#), a US interagency anti-smuggling effort that seeks to "help save the lives of those who are preyed upon by these unscrupulous criminals," is undermined by policies that result in repeated attempts at crossings.

Additionally, under pressure from the Biden administration to [increase immigration enforcement](#), the Mexican administration of Andrés Manuel Lopez Obrador has issued new [travel restrictions, denied entry at airports](#), and become [increasingly forceful](#) when pushing back against migrants seeking to travel north. Without safer migration routes available, such as being able to apply for a visa or travel by plane, migrants may have no choice but to travel along more dangerous land routes offered by smugglers.

- 2. Without a safe and orderly way to apply for protection in the United States, migrants are forced to cross the US-Mexico border in dangerous areas between ports of entry, which pulls CBP away from other aspects of its mission.** The Department of Homeland Security's Office of Inspector General (OIG) investigations have found that when CBP routinely turns away people attempting to cross at ports of entry, the number of people seeking asylum who choose to [cross between ports increases](#). Similarly, the [Cato Institute](#) found that in October 2016, Haitians and Cubans crossed through ports of entry 99.9 percent of the time, while in October 2021, [99.7 percent did so between ports of entry](#). Without an orderly process, more Border Patrol agents are forced to engage in humanitarian and rescue efforts, where they are more likely to get hurt. These efforts distract from CBP's counter-terrorism work and efforts to combat transnational crime.

In northern Mexico where migrants are quickly returned under Title 42, [cartels](#) and local gangs often [kidnap migrants](#) and threaten their US family members for ransom. Without safe pathways or the ability to walk up to a port of entry and apply for asylum, migrants are also forced to risk their lives by [walking through deserts](#) or [swimming across the Rio Grande](#) when trying to seek safety. These misguided "[prevention through deterrence](#)" policies contribute to the unnecessary and [rising rates of migrant deaths](#). The first year of the Biden administration saw the [highest number of deaths](#) from attempts to cross into the United States from Mexico since 2014.

- 3. Policies like Title 42 have increased the number of times people are encountered at the southern border, creating the false appearance of a "crisis."** People who have sought safety at the US-Mexico border in the last year have largely been turned away without any protection screening. The Biden administration has continued to summarily block and expel people from the US-Mexico border to danger in Mexico or countries of origin through a Trump-era Centers for Disease Control and Prevention public health order known as [Title 42](#). As a result, many people who were turned back have tried to seek protection a second or even third time.

Title 42 significantly inflates total enforcement numbers, suggesting an [82 percent increase](#) since 2019. Before the COVID-19 pandemic, about [one in eight people](#) who previously crossed the border made another attempt to cross after being returned. With Title 42 in place, more than one in three people encountered at the border had been [previously expelled](#). In other words, the number of unique individuals arriving to the United States' borders has not increased to nearly the levels perceived by the American public or that would constitute a "crisis" for US border management.

- 4. Border policies that force women and children to travel, and then wait, in Mexico, exacerbate the trauma and violence they experienced at home.** Women seeking protection are particularly vulnerable to violent gender-based crimes in Mexico, including rape and sexual assault. According to a [Doctors Without Borders survey](#) from 2017, more than one in three women seeking protection had been abused during their transit through Mexico. Some women are kidnapped and raped, including by [Mexican authorities](#), and often in front of their children. A 2021 [Kids in Need of Defense \(KIND\) report](#) found that in Central America violence against women increased during the COVID-19 pandemic and heightened barriers to seeking help or justice. The region has the world's [highest violent death rate for women](#).

Today, Customs and Border Protection (CBP) is increasingly encountering more families and children at the US-Mexico border. The fact that so many people encountered at the border are fleeing harm and fear violence upon return calls for a more protection-based approach. In 2021, CBP encountered women and children more than 380,000 times—a [159 percent increase](#) over the average during 2014–2019. The number of unaccompanied children arriving at the southern border also [increased by 73 percent](#) compared to 2019. Some of these children arrive to the United States after their parents made the difficult decision to send them alone for their safety. As the number of families and children who seek protection in the US increases, it is imperative that the Biden administration prioritize and implement policies that [protect their safety](#), rather than return migrants to dangerous conditions or force them to rely on more dangerous routes.

- 5. Cruelty—whether in rhetoric or in policy—does not prevent or deter migration.** Migration and forced displacement must be managed and understood as a long-term reality that requires investments in countries and fair and orderly processes in the United States. Before fiscal year 2021, the last major increase in migration at the southern border occurred in fiscal year 2019, after years of outright nativism and criminalization of migrants by the Trump administration. Family separation, rampant and random workplace raids, and increased hate crimes against immigrants did not stop people from fleeing dangers at home and risking their lives to cross treacherous paths like the Darién Gap between Colombia and Panama. Instead, we saw higher numbers of arrivals under the Trump administration than at any point during the Obama administration.

“Experience teaches (as career personnel at DHS know) that widely publicized changes in immigration-enforcement policy may cause sharp downturns in the level of illegal migration in the short term, but migration patterns then revert to their higher, traditional levels in the long term so long as underlying conditions persist.” – [Former Secretary of Homeland Security Jeh Johnson](#)

**Violating refugee laws, fortifying Trump-era immigration policies, and expelling people—including infants—without any screening for protection is not a solution to migration.** Humanitarian and international stakeholders are ready to assist in developing and implementing an orderly, fair, and humane system to apply for asylum at the US-Mexico border.

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## Women’s Refugee Commission

The Women’s Refugee Commission (WRC) improves the lives and protects the rights of women, children, and youth who have been displaced by conflict and crisis. We research their needs, identify solutions, and advocate for programs and policies to strengthen their resilience and drive change in humanitarian practice. Since our founding in 1989, we have been a leading expert on the needs of refugee women, children, and youth and the policies that can protect and empower them.

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