

EXPERT INSIGHT | Center for Homeland Security & Immigration

THE BIDEN ADMINISTRATION HAS NOT REMOVED A RECORD NUMBER OF ILLEGAL ALIENS

Robert Law

TOPLINE POINTS

- ★ Recently, the Biden Administration made the dubious claim that it has “removed or returned” a record number of illegal aliens.
- ★ This deceptive claim involves conflating interior enforcement (removals) with border turn-backs (returns) and provides an incomplete snapshot of the overall outcome for the illegal aliens recorded in this dataset.
- ★ DHS data show that the Biden Administration has executed record-low ICE removals. In fact, every year under the current administration (Fiscal Years 2021–2023), there have been fewer removals than the Trump Administration executed in Fiscal Year 2020, despite all of the restrictions and challenges associated with COVID-19.

The Biden Administration’s open border policies and nationwide catch-and-release practice have caused a historic humanitarian and security crisis at the southern border. Over the last three and a half years, a record [12 million](#) illegal aliens, including 1.8 million [known “gotaways,”](#) have crossed our borders unlawfully. Because the insecure southern border has received a lot of attention and scrutiny, President Joe Biden issued an executive order in early June 2024 that he claimed would solve the border crisis. In reality, the policies in the executive order would further fuel the border crisis and allow an estimated [2.5 million](#) illegal aliens into the country every year.

In a statement accompanying the executive order, Department of Homeland Security (DHS) Secretary Alejandro Mayorkas, who was impeached by the House of Representatives, made a bold [claim](#) about the administration’s immigration enforcement record. Specifically, he said, “Throughout the last three fiscal years, a majority of all

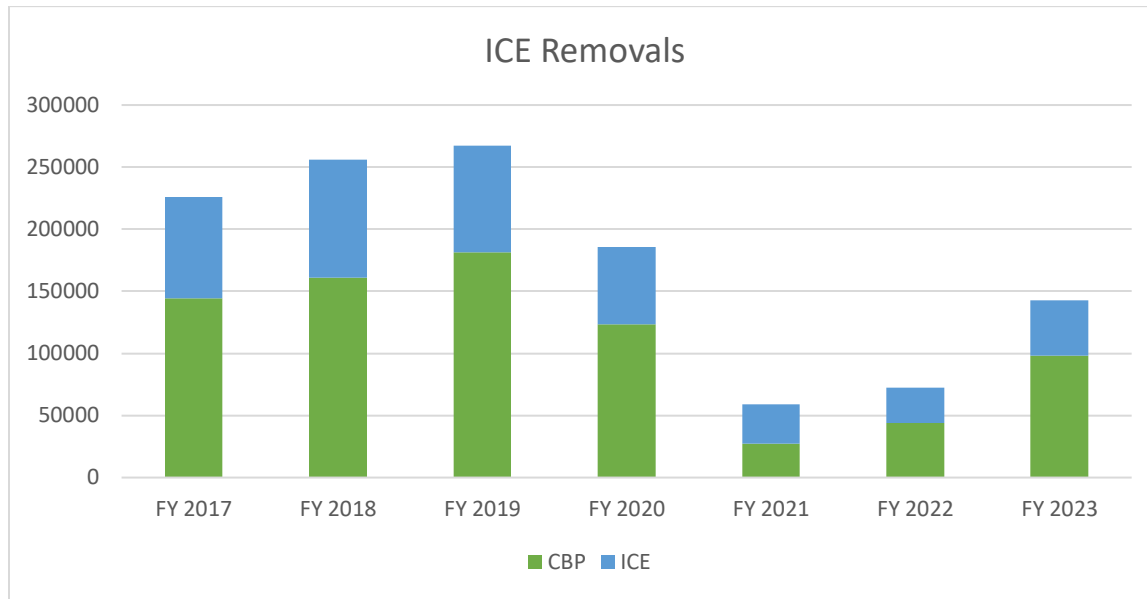
southwest border encounters resulted in a removal, return, or expulsion. Over the past year alone, we have removed or returned more than 750,000 people, more than in any fiscal year since 2010.”

Mayorkas’s choice to lump “removal,” “return,” and “expulsion” together as if they carry the same meaning was an attempt at a clever sleight of hand. When it comes to immigration, terminology matters in understanding the proper context for or implications of a policy. The term “expulsion” applies to an alien turned away at the border under the Title 42 public health authority that President Trump activated in March 2020 to stop the further introduction of COVID-19 by migrants. President Biden terminated the Title 42 authority in May 2023. By contrast, a removal, as explained in the annual U.S. Immigration and Customs Enforcement (ICE) [Enforcement and Removal Operations Report](#), is “the compulsory and confirmed movement of an inadmissible or deportable alien out of the United States.” The report says that “ICE removals include both aliens arrested by [ICE Enforcement and Removal Operations (ERO)] in the interior of the country and aliens who were apprehended by [U.S. Customs and Border Protection (CBP)] and turned over to ERO for removal efforts.” Finally, a “return” is an unofficial term that covers denying illegal aliens entry to the country without imposing further immigration consequences for their attempted unlawful entry.

Removals represent interior enforcement

The most accurate data set to review when assessing the immigration enforcement record of an administration is removals because that data accounts for the removal of an illegal alien who is physically in the United States. In the chart below, green indicates that the ICE removal originated with a CBP apprehension, and blue indicates an ICE apprehension. As shown in the chart, DHS data reveal that a record low number of illegal aliens are being removed from the United States under the Biden Administration despite the highest levels of encounters.





A quick review of the [Fiscal Year 2023](#) report, the most recently available, reveals that ICE has removed fewer illegal aliens each year under the Biden Administration than occurred even in the lowest year for removals under the Trump Administration—Fiscal Year 2020 when COVID-19 restrictions disrupted the globe.

As demonstrated in the chart, during the Trump Administration, ICE removed nearly 1 million illegal aliens: 226,119 in [Fiscal Year 2017](#), 256,085 in Fiscal Year 2018, 267,258 in Fiscal Year 2019, and 185,884 in Fiscal Year 2020. By comparison, over the first three years of the Biden Administration, ICE has removed fewer than 275,000 illegal aliens: 59,011 in Fiscal Year 2021, 72,177 in FY 2022, and 142,580 in Fiscal Year 2023. To put these numbers into context further, ICE removals in Fiscal Year 2018 were nearly the same as the combined removals from Fiscal Years 2021–2023.

Returns are not interior enforcement

Regarding Mayorkas’s enforcement claim, it is clear he is deceiving the American people by lumping in very few ICE removals with allegedly very high border returns. Mayorkas said that between June 2023 and May 2024, more than 750,000 illegal aliens were “removed or returned.” He did not provide any data to support his claim, and the FY 2023 ICE removals only cover through September 2023. While one can only speculate whether ICE removals have increased to some degree in FY 2024, it is implausible that they have increased by more than half a million—or more than four-fold—from the FY 2023 total of 142,580. Thus, Mayorkas’s claim is only remotely feasible if one is to believe that “returns” make up an enormous share of his statistics.



Returns are an inferior enforcement statistic for several reasons. First, return statistics likely include multiple returns associated with a single illegal alien who made attempts to cross unlawfully on different days. Second, the data fail to account for the high probability under Biden Administration policies that an alien returned one day and subsequently made it into the country unlawfully, either through catch-and-release or as a ‘gotaway.’ Third, many of the illegal aliens returned across the border by Border Patrol agents were likely instructed to reappear at a port of entry and be allowed into the United States through the unlawful CBP One parole scheme. Accordingly, returns do not reflect an enforcement action from within the U.S., inherently overcount the total number of illegal aliens turned away, and do not indicate whether the alien subsequently made it into the country through another mechanism. As a result, returns provide an incomplete picture of enforcement outcomes and should not be viewed as a proper interior enforcement metric.

Conclusion

The Biden Administration has allowed a record number of illegal aliens into the country through its failed strategy of processing and releasing them into American communities instead of deterring and detaining those who attempt to cross the border unlawfully. At the same time, interior enforcement has also plummeted under the current administration because its [enforcement priorities](#) exempt nearly all illegal aliens from being removed from the country. In an attempt to deceive the American people and deflect criticism for these failed policies, DHS Secretary Mayorkas is conflating actual interior enforcement (ICE removals) with returns (essentially, turn-backs at the border by CBP) to make it appear that the Biden Administration is tough on illegal immigration. The most accurate data point for assessing interior enforcement is ICE removals because those represent the actual removal of an illegal alien from the country. By this metric, the Biden Administration’s numbers are significantly lower than those of the Trump Administration despite significantly higher encounters of illegal aliens who are inadmissible and should be removable.

