



Center for Immigration Studies

Report: Just 68% of Illegal Border Crossers Get Caught

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In a [July 26](#) opinion piece in the Washington Examiner, Commentary Editor Conn Carroll cites an analysis that estimates just 68 percent of migrants entering illegally at the Southwest border are actually apprehended. If correct, the true number of migrants who have entered illegally this year is close to 1.6 million, and the Biden border crisis is much larger than even eye-popping [official statistics](#) suggest.

I normally shy away from analyzing commentaries, but Carroll relies on a reputable source, as the key takeaway from that piece reveals:

In 2018, engineers and economists at Yale and MIT developed a model estimating what percentage of illegal immigrants trying to cross the southern border were successfully apprehended by CBP based on the percentage of repeat offenders.

At the time, the authors predicted that 50% of illegal border crossers were being apprehended. Reached by email, one author of the study estimated that percentage to be 68% today.

The “model” in question was published in PLOS ONE in September 2018, and captioned “[The number of undocumented immigrants in the United States: Estimates based on demographic modeling with data from 1990 to 2016](#)”. That study is particularly exceptional in that it estimated that the number of “undocumented immigrants” in the United States in 2016 was 16.7 million, almost 48 percent higher than the then-widely accepted estimate of 11.3 million illegal aliens in 2015.

And that was the researchers’ “conservative” estimate. Their “best overall” estimate was 22.1 million, which as an aside has huge implications for any amnesty discussion if it’s even close to being correct. (My colleague [Steven Camarota](#) has taken issue with these estimates.)

To arrive at this figure, they estimated both illegal alien “population inflows” and “population outflows”. The inflows measured both visa overstays and illegal border crossers, while the outflows consisted of voluntary emigration, aliens’ mortality rate, deportations, and changes in aliens’ status.

The good news in that study is that Border Patrol has gotten a lot better at apprehending illegal aliens: The estimated apprehension rate in 2005 was 35 percent. The improvement is thanks to increases in CBP staffing, infrastructure (including border barriers), and technology.

As Carroll notes, their estimated apprehension rate at the end of their sample period in 2016 was “above 50%”.

Interestingly, the authors of that study noted: “When deterrence is higher border crossings will fall.” That is a rather unexceptional fact, but one that has been challenged-- if not largely ignored—of late.

For example, a June 2018 NBC News article had the rather lengthy headline: “No evidence prosecutions deter illegal border crossings, report says; Prosecuting migrants for crossing the border illegally led to clogged courts but not less immigration, an analysis finds”.

With due respect to both the authors of the NBC News article and of the study in question, having been an immigration prosecutor, immigration judge, and Associate General Counsel at the former Immigration and Naturalization Service, I can state dispositively that prosecuting aliens for illegal entry is as much of a deterrent to that offense as prosecuting any other criminal is for any other criminal offense.

Unfortunately, as TRAC reported in December, while prosecutions for illegal entry peaked at more than 8,000 per month during “zero tolerance” in the summer of 2018, they have declined ever since, falling to just 16 in October 2020.

The Biden administration’s border policies provide few if any additional deterrents to illegal migration. Even though detention of illegal entrants is required by law, few if any of them are detained, as I explained on July 10, and most of those migrants who are detained don’t appear to be held for long.

Biden’s one saving grace is that, while he abandoned almost all of Donald Trump’s successful border policies that actually did deter illegal entrants, he maintained Trump-era CDC orders under Title 42 that were issued to curb the spread of COVID-19. Those orders have allowed DHS to quickly expel most of the single adult migrants it has apprehended.

The threat of quick expulsion is itself a deterrent, but only with respect to any individual entry. As Alex Nowrasteh at the Cato Institute put it in September: “Title 42 expulsions . . . lower the costs for illegal border crossers. By removing them very rapidly and not enforcing consequences, apprehended and expelled illegal border crossers face lower costs in their attempts to cross the border.”

I am not in total agreement with Nowrasteh, but the fact is that nothing stops an alien who has been expelled under Title 42 for illegal entry from attempting to enter again, and if caught, for a third, fourth, or even twentieth time. If aliens are not prosecuted for illegal entry (a misdemeanor for a first offense and a felony for each successive one), they will keep trying until they are successful.

All of this gives illegal migrants incentive to evade Border Patrol agents and make it to the interior of the United States. The Biden administration's evisceration of interior enforcement boosts those incentives, because illegal migrants know that if they can make it in, the odds of being removed are next to zero.

This fiscal year, Border Patrol has made more than 1.076 million apprehensions of illegal migrants. If the estimates cited by Carroll are correct, more than 1.582 million migrants have actually attempted to enter illegally in FY 2021, and more than 500,000 of them successfully evaded Border Patrol agents.

That is a staggering number of people, greater than the population of Kansas City, Mo. The United States government has no idea who they are, whether they are criminals or terrorists, or where they are going.

That said, given that 40 percent of all Border Patrol agents are “off the line” caring for the massive number of migrants that they have apprehended, if a foreign national wanted to successfully enter the United States illegally, now's the time to do it. The border may not be “wide open”, but it's close.

That fact, coupled with (as explained above) how few deterrents there currently are to illegal entry, suggests that a 32 percent “got away” rate may itself be “conservative”. We could well be back to the point that agents, try as they might, are only able to stop half of all illegal migrants.

Regrettably, we will never know, because few of those aliens will ever be found—almost all are here to stay.

Unless and until the Biden administration changes its disastrous border policies, and allows ICE agents to again enforce the immigration laws in the United States, hundreds of thousands of unscreened foreign nationals will continue to pour into this country and evade capture, following an estimated half million others who already have this fiscal year.