



## Claims that Biden has deported more migrants than Trump need context

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Recently, large numbers of migrants have attempted to cross the U.S.-Mexico border without authorization. House Republicans have been critical of the Biden administration's handling of the border, even going so far as to [call a vote to impeach Homeland Security Secretary Alejandro Mayorkas](#). The vote failed 216-214.

### THE ANSWER

While the data shows that the Biden administration deported a higher percentage of undocumented migrants than the Trump administration, factors such as Title 42 pandemic restrictions skew the data.

### WHAT WE FOUND

The claim originates from a Nov. 2, 2023 [report by the Cato Institute](#), a Libertarian think tank, that said recently published data shows former President Donald Trump's Department of Homeland Security (DHS) was more likely to release undocumented migrants than President Joe Biden's DHS. This means the Biden administration deported a higher share of migrants than the Trump administration.

The Cato Institute calculated this by taking the total number of U.S. Customs and Border Patrol (CBP) encounters and separating the number of migrants the CBP said it ultimately deported from the number of migrants the CBP said made no confirmed departure, or were released.

The data was collected over a roughly two-year period for each administration. Biden's numbers are based on encounters from Jan. 20, 2021, his first day in office, to March 31, 2023, while Trump's numbers are based on encounters in fiscal years 2019 and 2020, which is between Oct. 1, 2018 to Sept. 30, 2020.

According to the Cato Institute, the Biden administration deported 50.9% of migrants while the Trump administration deported 47.4% during that period.

VERIFY reviewed Cato's sources and found the data for the Trump administration came from DHS data hosted [here](#). The data for the Biden administration came from appendix three of [this House Judiciary Committee report](#). Both of these sources exclude minors in their numbers.

However, it is important to note that Title 42, among other factors, skews this data.

Title 42 was a pandemic-era rule that Border Patrol used to “immediately expel any individual encountered attempting to enter the United States in violation of travel restrictions.” Title 42 expulsions began on March 21, 2020 and ended May 11, 2023. That means Title 42 was in effect for about six months of the two years during the Trump administration and all of the two years under the Biden administration.

So the number of migrants deported instead of released surged in 2020 when pandemic-related travel restrictions were at their highest. While Title 42 was gradually used less extensively as the U.S. eased travel restrictions, the rule enabled the CBP to deport a higher-than-usual amount of migrants until the rule came to an end in 2023.

The effect of Title 42 can clearly be seen in the DHS data used by the Cato Institute, which splits fiscal year 2020’s data into a pre-pandemic portion and pandemic portion. The Trump administration deported 65.8% of migrants in the pre-pandemic portion, but then deported 96% of encountered migrants after the pandemic and Title 42 enforcement began.

Additionally, the data is influenced, albeit to a lesser extent, by dramatic increases in the number of attempted border crossings under both administrations. Greater numbers of migrants create a greater backlog in immigration court cases, and the CBP cannot deport a migrant whose status is under review by an immigration court and awaiting the court’s decision.

The Trump administration deported 50.5% of migrants encountered in 2018, when the total number of encounters was about 475,000. But when the total number of encounters nearly doubled to 940,000 in 2019, his administration deported just 25.6% of the migrants it encountered that year.

CBP encounters increased from 400,000 in 2020, when Trump was still president, to 1.6 million during Biden’s first year in 2021 and again to 2.2 million in 2022. In 2023, there were 2 million CBP encounters with migrants.

Cato also points out that the report credits Trump for some deportations made by the Biden administration. If someone was first apprehended by the CBP during Trump’s administration, but wasn’t deported until Biden’s administration, the deportation is still counted among Trump’s numbers.