

## CBP's Figures on Credible Fear Claims – Out of Context and Inaccurate

Customs and Border Protection (CBP) recently reported that the southern border saw a “dramatic increase” in credible fear claims from asylum seekers in fiscal year 2018. But data from the Department of Justice (DOJ), U.S. Citizenship and Immigration Services (USCIS), and Border Patrol contradict some of CBP's statistics. Data shows that 2018 was largely in line with the number of asylum seekers crossing the border and arriving at ports of entry in 2016. CBP's own figures show that the number of asylum seekers processed at ports was entirely within the capacity of the ports of entry to manage.

### The number of asylum seekers apprehended by the Border Patrol in 2018 was lower than in 2016.

CBP asserts that the number of people apprehended by Border Patrol at the southern border who claimed a credible fear of persecution rose between fiscal year 2017 and fiscal year 2018—from 38,300 to 54,690. But CBP officials have acknowledged that 2017 was an aberration with historically low numbers of migrants and asylum seekers arriving at U.S. borders. Therefore, it is not apt for comparison.

DOJ figures from FY 2016—a year that more accurately reflects historic norms and trends—reveal that 102,165 cases in the immigration courts that “originated as credible fear” involved individuals apprehended by Border Patrol. As ninety-eight percent of Border Patrol apprehensions in 2016 occurred on the southern border, the vast majority of these 102,165 cases would have resulted from Border Patrol arrests at the southern border. **As such, apprehensions of people crossing the border and claiming a credible fear of persecution in 2018 (54,690 per CBP's figures) actually appear to represent a decline from 2016.**

### CBP's figures on asylum seekers apprehended by Border Patrol in 2017 are suspiciously low and inaccurately create the appearance of a “dramatic increase” in 2018.

CBP reported that in fiscal year 2017, Border Patrol apprehensions on the southern border resulted in 38,300 fear claims. Yet DOJ immigration court data from FY 2017 shows that 57,906 cases that started from a credible fear claim involved individuals apprehended by Border Patrol. In addition, figures from USCIS indicate that in fiscal year 2017 the asylum office received 54,187 credible fear cases for the “inland” caseload, which refers to individuals apprehended in the interior of the United States. While some of these cases originate from arrests by Immigration and Customs Enforcement, the vast majority of “inland” credible fear cases result from Border Patrol apprehensions. In fiscal year 2017, 97.9 percent of those apprehensions occurred in the southern border region, according to Border Patrol. If the figures from DOJ and USCIS are accurate, then CBP's statistics drastically understate the number of apprehended people claiming credible fear in 2017. **The number of individuals apprehended at the southern border claiming a fear of persecution in 2018 (54,690 according to CBP) is**

then likely similar to, or even potentially lower, than the number of apprehended asylum seekers in 2017 based on the DOJ and USCIS figures.

## The number of asylum seekers asking for asylum at ports of entry represents only a modest and manageable increase from 2016.

According to figures from DOJ, 30,260 asylum cases in the immigration courts in fiscal year 2016 originated with a credible fear claim from sources other than Border Patrol apprehensions. The vast majority of these other cases are likely from individuals who asked for asylum at ports of entry. **An increase of some 8,000 fear claims at ports of entry between 2016 and 2018 (when CBP reported 38,269 fear claims at southern ports of entry) would represent just 22 additional asylum seekers per day on average across all U.S. ports of entry.** This rise is in line with the May 2018 warning by the UN Refugee Agency that there had been a significant increase in people fleeing Central America to the United States, among other countries. While CBP points to a 67% increase in fear claims at ports of entry between 2017 and 2018, overall, the total number of all credible fear cases grew by just 5.3 percent from 2016 to 2018, according to USCIS.

## The number of refugees requesting asylum at ports of entry on the southern border in fiscal year 2018 was entirely manageable and within the agency's existing capacity.

CBP's own figures show that U.S. ports of entry in the four southern border CBP field offices accepted fewer than 41 asylum seekers per day, on average:

- ☑ **El Paso region**—19 asylum seekers per day (which includes ports of entry at Santa Teresa, NM and El Paso, Presidio, and Tornillo TX)
- ☑ **Laredo region**—41 asylum seekers per day (which includes ports of entry at Brownsville, Del Rio, Eagle Pass, Hidalgo, and Laredo TX)
- ☑ **San Diego region**—34 asylum seekers per day (which includes ports of entry at Calexico, Otay Mesa, Tecate, and San Ysidro, CA)
- ☑ **Tucson region**—11 asylum seekers per day (which includes ports of entry at Nogales and San Luis, AZ)

Important to recognize is the fact that these ports of entry have far more capacity to process asylum seekers. A study by researchers affiliated with the University of Texas found that the El Paso port of entry alone has capacity to process 60 to 80 people, per day. In the Laredo area, Brownsville can process around 20 and Hidalgo 19 to 39. The researchers estimated that the San Ysidro port, which falls under the San Diego field office, has capacity to process between 300 and 800 people. The Nogales port in the Tucson area can process 50 people.