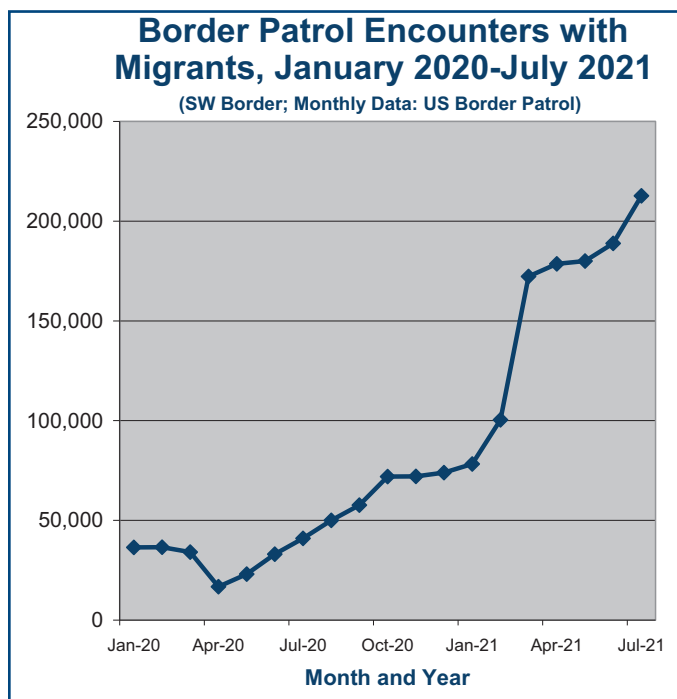


## HOW COVID, CLIMATE, AND THE CARTELS RESHAPE U.S. REFUGEE POLICY

An NPG Forum Paper  
by Edwin S. Rubenstein

The coronavirus pandemic has had far reaching consequences for the global economy, obliterating millions of jobs. And it has affected developing countries disproportionately, setting back decades of progress. So, it's hardly surprising that agents at the U.S.-Mexico border in 2021 have stopped people from more than 160 countries, a geography that roughly coincides with countries hard hit by the virus.

The graphic traces four distinct phases of the COVID refugee influx:



**In the Beginning:** At the start of the pandemic the U.S. and Mexican governments shut down their land borders to all non-essential travel. The word spread quickly: The number of illegal border crossers encountered by Border Patrol (BP) agents collapsed from 34,064 in March 2020 to 16,789 in April of that year.

**Trump Invokes Title 42:** The executive order, invoked by President Trump in March 2020, allows BP agents to waive formal apprehension and expulsion procedures. Encounters rose modestly from April 2020 to the end of the Trump administration, but more than 80% of them resulted in expulsion rather than apprehension.<sup>1</sup>

**The Early Biden Period:** An overly-optimistic President practically declared the pandemic over, his people reportedly planning to terminate Title 42.

Expulsions were less common – and apprehensions more common – in the first months of his administration. Saneer heads warned that ending expulsions would lead to an even larger surge of illegal immigration at the border – and this scenario has proven correct. Border Patrol encounters exploded from 78,323 in January 2021 to 172,331 in March; by July Border Patrol personnel reported more than 200,000 encounters with illegal migrants – the highest monthly total in more than two decades.

**July 2021 – The Delta Variant Forces a Reversal:**

**“LOS ANGELES — The Biden administration announced late Monday that it would begin swiftly removing migrant families that immigration officials determined did not qualify for asylum after an initial screening at the southwestern border.”** – *New York Times*, July 26, 2021

The highly contagious Delta Variant forced the administration to endorse the same Title 42 protocols it had just rejected. But saying it and doing it are two different things. Record numbers of illegal border crossers had already entered the country in Biden’s first few months, claiming persecution awaits them in their home country. Adjudicating those claims can take years, by which time most illegals will have created a new life for themselves.

Biden’s immigration team claims they can shorten average wait times to a matter of weeks by allowing asylum seekers to appear before asylum officers rather than immigration judges.

**“Whether it’s weeks or years,”** Mark Krikorian warns, **“unless asylum applicants are held in detention, they’re not going to leave if they lose... There is no possibility of regaining control over immigration without either detaining all asylum-seekers until they receive a decision, and deporting those who don’t qualify, or making them wait in Mexico for their hearing date. The Biden administration refuses to do either...”**<sup>2</sup>

## LIES, DAMN LIES, AND (BORDER PATROL) STATISTICS

Since the passage Title 42 the Border Patrol has deployed a new statistic – “**encounters**” – to measure the total number of people processed by BP personnel. As described above, under the new order Border Patrol agents are no longer required to conduct formal apprehension and removal procedures, but can send border crossers back to Mexico without those steps.

One unintended consequence of the expulsions spike has been an increase in repeat border crossers. In July 2021, 27% of all Border Patrol encounters involved migrants with at least one previous encounter within the past year. That was up from an average of 14% over the 2014 to 2019 period, before Title 42 took effect.<sup>3</sup>

In July, there were 212,672 **total encounters** along the Southwest border, but only 154,288 **unique encounters**.<sup>4</sup> The difference – 58,384 border crossers – are individuals who were apprehended more than once. **Total encounters** is a good measure of the work effort put forth by BP personnel, while **unique encounters** measures the net impact of their work in reducing U.S. population growth.

By increasing the number of repeat crossers, Title 42 has reduced the efficiency of BP personnel. An increasing share of their time is spent processing people who, in prior years, would not have been allowed to enter.

Bottom line: Border security increasingly resembles a revolving door rather than one that can be locked shut.

**What is a “Pandemic Refugee”?** Fair question. In pop culture the term is used loosely, to denote any refugee admitted during the pandemic. As far as the law is concerned, however, the term is meaningless. Under current U.S. law, a “**refugee**” is a person who is unable to return to his or her home country because of a “**well-founded fear of persecution due to race, membership in a particular social group, political opinion, religion, or national origin.**”<sup>5</sup>

The current refugee law dates from 1980, so it’s not surprising that a fear of pandemic contagion, climate catastrophe, and domestic violence are not listed among the fears justifying asylum. “**Fleeing unimaginable levels of illness and death and decimated livelihoods does not make you eligible for the line-cutting exemption from immigration limits that is asylum,**”<sup>6</sup> observes Krikorian. Yet pop-culture norms prevail in mainstream media coverage of the border debacle – as we bring out here:

### PANDEMIC REFUGEES: THEY COME FROM EVERYWHERE – IN HIGH STYLE

Pandemic refugees. The term conjures up hordes of poor, bedraggled souls, mostly from Mexico and Central America, some struggling to breathe, fleeing towns where

ICUs, if they exist at all, are woefully inadequate to cope with the medical emergency. While this image undoubtedly resonates with many, it bears little resemblance to accounts published in the Mainstream Media.

The *New York Times* reports that they’re coming not only from more distant parts of Latin America — Venezuela, Ecuador, Brazil — but also from India and the Middle East. The reporter quotes the director of a shelter in Tucson that helps illegal immigrants after they’ve been released into the U.S. by the Border Patrol as saying, “**We never worked with such large numbers with this diversity...including speakers of Arabic, Haitian Creole, Hindi, and Portuguese.**”<sup>7</sup>

And their journeys sound more like an outtake from *Around the World in 80 Days* than a desperate lunge to a better life in the U.S.:

**“Some reported taking buses in their hometowns to a big city, like Mumbai, where they boarded planes to Dubai and then connected through Moscow, Paris and Madrid, finally flying to Mexico City. From there, they embarked on the two-day bus ride to reach the Mexico-U.S. border.”**<sup>8</sup>

That journey is both complex and expensive. It sounds like something a travel agent would plan for a middle-class client – in normal times. In the age of COVID, even the finest agent would be hard pressed to keep abreast of ever shifting travel bans and restrictions.

Enter the cartels.

**“Unlike legitimate enterprises,”** Robert Looney, Distinguished Professor of National Security Affairs at the Naval Postgraduate School, Monterey, California writes: “**...drug cartels and local drug distributors have long been practicing the craft of circumventing border closures and transport stoppages. It’s not surprising, then, that the more astute players in this Darwinian jungle are adapting well, diversifying their business models to maximize profits and protect their bottom line. Indeed, their adaptation is likely to leave its mark on the structure of the drug trade long after the pandemic is an unwanted memory**”<sup>9</sup>

Title 42 created a massive opportunity for drug cartels to diversify into human trafficking. While migrants may not understand the nuances of U.S. border policy, they clearly see the current period as a limited time offer to enter the U.S. “**Friends and family members already in the country, along with smugglers eager to cash in, have assured them that they will not be turned away – and this is proving true.**”<sup>10</sup>

**“What we’re hearing back home is that the new president is facilitating entry, and there is demand for labor,”** a businessman from Brazil whose business was killed by the pandemic leaving him overwhelmed by debt, is quoted as saying. “**I couldn’t pass up this opportunity.**”<sup>11</sup>

## COLORADO RIVER WATER LEVELS ARE FALLING; SO IS THE ADJACENT BORDER WALL

Lake Mead, a reservoir formed by the construction of the Hoover Dam in the 1930s, is one of the most important pieces of hydro infrastructure in the country. More than 40 million people rely on the Colorado River waters, stored in the lake, for their fresh water. Buses taking tourists from Las Vegas to the Grand Canyon routinely cruise by the lake, their tour guides invariably pointing out the ever-lower waterlines marked on the surrounding cliffs.

The last time Lake Mead was full was 1983.

For years experts saw a disaster in the making, but they believed the tipping point was a long way off. Then came the summer of 2021:

**“Like the record-breaking heat waves and the ceaseless mega-fires, the decline of the Colorado River has been faster than expected. This year, even though rainfall and snowpack high up in the Rocky Mountains were at near-normal levels, the parched soils and plants stricken by intense heat absorbed much of the water, and inflows to Lake Mead were around one-fourth of their usual amount...”<sup>12</sup>**

In early August, federal officials declared an **“emergency water shortage”** on the Colorado River for the first time. The shortage declaration forced reductions in water deliveries to specific states, most notably a cutoff of nearly one-fifth of Arizona’s supply from the river.

OK, OK, you say. But what does this have to do with the latest surge of refugees?

Answer: **“Most of the long-distance migrants have been crossing in the Yuma [AZ] sector, where the border fence was left open intentionally to enable the Bureau of Reclamation to reach agricultural canals near the Colorado River...”<sup>13</sup>**

A huge tent has gone up in the parking lot behind the Border Patrol’s headquarters in Yuma to accommodate migrants taken into custody, who must be interviewed and undergo background checks.

Some migrants have reportedly been scaling the newly reinforced 30-foot Yuma wall near a plaque where President Trump celebrated the 200<sup>th</sup> mile of the border wall system.

Some are transferred to ICE detention centers, **“But most are simply being released to nonprofit aid centers, where they spend a day or two before traveling to join friends and relatives elsewhere in the United States.”<sup>14</sup>**

Sounds more like a welcoming committee than an effort to vet incoming illegals.

The formal water crisis declaration came a few days

after the Census Bureau released data fingering the true culprit: **population growth**. Hundreds of thousands more people moving to regions that depend on the Colorado River even as the area’s drought worsened:

**“Phoenix expanded more over the past 10 years than any other large American city, while smaller urban areas across Arizona, Nevada, Utah and California each ranked among the fastest-growing places in the country. The river’s water supports roughly 15 million more people today than it did when Bill Clinton was elected. These statistics suggest that the climate crisis and explosive development in the West are on a collision course.”<sup>15</sup>**

Meanwhile, public policy is busy making things worse:

**“...population growth in Arizona and elsewhere in the basin is likely to continue, at least for now, because short-term fixes so far have obscured the seriousness of the risks to the region. Water is still cheap, thanks to the federal subsidies for all those dams and canals that make it seem plentiful. The myth persists that technology can always outrun nature, that the American West holds endless possibility. It may be the region’s undoing...”<sup>16</sup>**

## LEST WE FORGET: CHAIN MIGRATION IS STILL A PROBLEM

Only 11,814 refugees were admitted to the country in FY 2020—the smallest number since the system was created in 1980.<sup>17</sup> Legal immigration that year, as measured by the number of individuals granted Legal Permanent Resident (AKA, Green Card) status, was a whopping 707,362.<sup>18</sup> Even in its peak years, the number of new refugees is quite small compared to the torrent of legal immigrants.

But the impact of refugees on American population growth is far greater than their numbers alone would suggest:

- For two years after their arrival refugees can petition to have immediate family members – spouses, children, parents – join them as legal immigrants.
- Refugees themselves are required to apply for legal permanent resident (LPR) status one year after their arrival.
- Five years after becoming an LPR, refugees may apply for citizenship.
- As a naturalized citizen, they can petition to have other family members – unmarried adult sons and daughters, married sons and daughters, brothers and sisters – enter as legal immigrants.

The nexus between today’s refugees and tomorrow’s legal immigrants is rarely discussed these days, though it has troubling implications for U.S. population growth. The Vietnam experience is instructive.

More than 350,000 Vietnamese refugees were

admitted in the years following the communist takeover in 1975. In recent years their numbers have dwindled. Over the 10 years between 2010 and 2019, a total of 1,244 Vietnamese refugees were admitted (only 10 in both FY 2018 and FY 2019). Yet, 327,997 Vietnamese were granted LPR status over the same 10-year period. Most of the new LPRs were sponsored by Vietnamese refugees who entered shortly after the end of the war, more than 45 years ago.

Similarly, after averaging 40,000 to 60,000 per year following the collapse of the Soviet Union, the number of communist bloc refugees fell steadily, to 8,700 in 2003. From 2004 to 2015 not a single refugee was admitted from the former Soviet Union, yet an average of roughly 30,000 individuals from Russia, the Ukraine, and other components of the former Soviet Union were granted Legal Permanent Resident status each year.

**The chain migration process, by which one generation of refugees can sponsor future generations of legal immigrants, has been part of U.S. immigration policy since the 1965 Immigration Act.** That law was supposed to cap legal immigration at about 200,000 per year, but the cap was waived for immigrants with relatives already in the U.S. Like compound interest, its impact unfolds over a long period of time, but may be imperceptible in the short-run.

**News Flash:** September 20, 2021 – President Biden raised the cap on FY 2022 refugee admissions to 125,000 today. In May he raised the FY 2021 cap from 15,000 – a historically low level set by Donald Trump – to 62,500.

Neither Afghans fleeing the Taliban in Kabul nor the 15,000 Haitians in a makeshift camp under a bridge in Texas are among beneficiaries of Mr. Biden’s latest move. The people in those groups are not officially classified as refugees.<sup>19</sup>

## SUMMARY

COVID-19 has altered our nation and world in dramatic ways, likely for generations to come. Couple that with the new immigration crisis within the U.S. and we have a “perfect storm” brewing within our nation. As NPG has said for years, we cannot possibly allow every hopeful migrant to enter the U.S. – no country can be expected to do so. It is time our elected officials realize and fully embrace the idea that “immigration reform” must include reductions in overall numbers, not become a blueprint for increasing numbers in new and increasingly creative ways.

## NOTES

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**NOTE:** The views expressed in this article are those of the author and do not necessarily represent the views of NPG, Inc.



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