

# U.S. Border Patrol Encounters at the Southwest Border: Titles 8 & 42

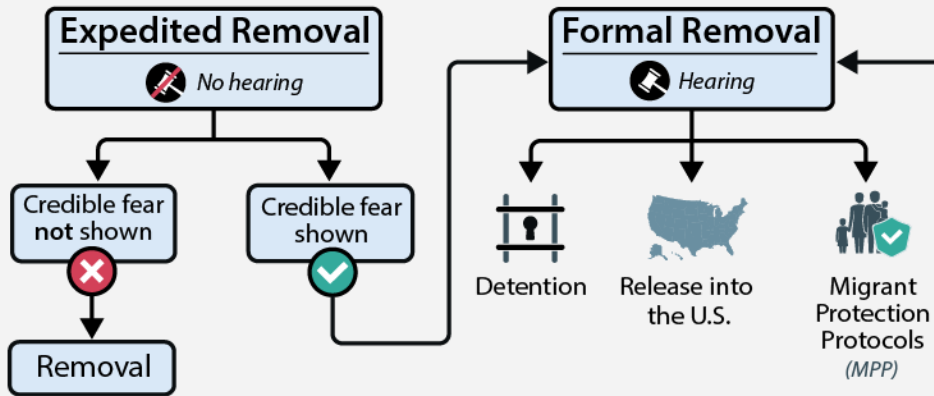
When U.S. Border Patrol (USBP) encounters a migrant entering the United States illegally between ports of entry, they are processed for removal under Title 8 (immigration law) and asked whether they fear persecution or intend



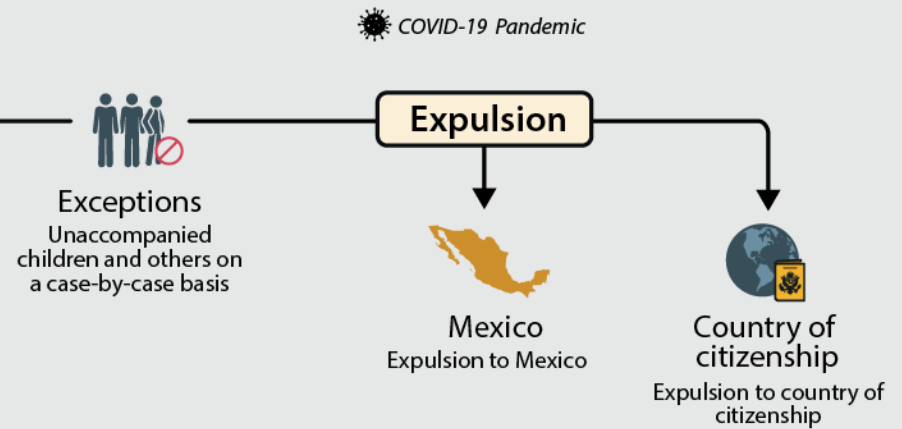
to seek asylum. However, at the start of the Coronavirus Disease 2019 (COVID-19) pandemic in March 2020, the Centers for Disease Control and Prevention (CDC) issued an order requiring USBP to use an additional procedure at the border under Title 42 (public health code). This policy prohibits the entry of certain migrants to prevent the introduction of COVID-19 into border facilities and the United States. Individuals subject to the order are not held in congregate areas for processing and not given a credible fear interview to pursue the asylum process. Instead they are swiftly expelled to Mexico or their countries of origin. The focus of this infographic is on the Southwest border; migrants arriving at the Northern border between ports of entry are subject to the same processes but make up a small share of total USBP encounters.

## U.S. Border Patrol Encounter

### Title 8

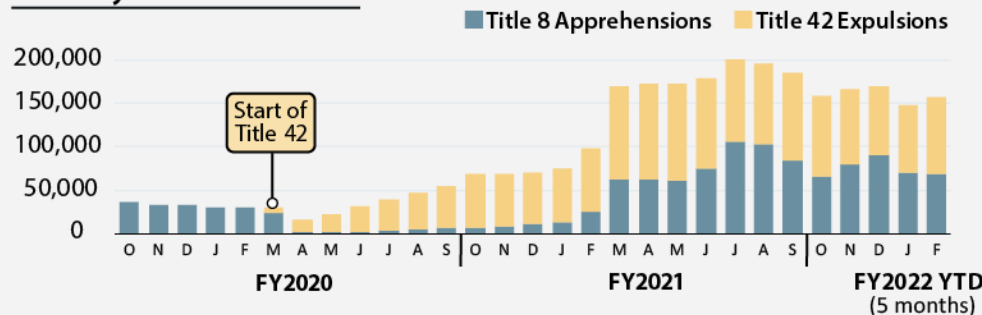


### Title 42

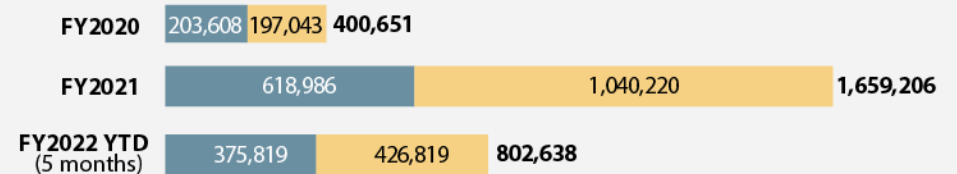


## USBP Encounters at the Southwest Border, FY2020-FY2022 YTD (5 months)

### Monthly Encounters



### Annual Encounters



Sources: Centers for Disease Control and Prevention (CDC), "Public Health Reassessment and Order Suspending the Right To Introduce Certain Persons From Countries Where a Quarantinable Communicable Disease Exists," 86 *Federal Register* 42828-42841, August 5, 2021; Nationwide Enforcement Encounters: Title 8 Enforcement Actions and Title 42 Expulsions, FY2020-FY2022, <https://www.cbp.gov/newsroom/stats/cbp-enforcement-statistics/title-8-and-title-42-statistics>.

Information prepared by Audrey Singer, Specialist in Immigration Policy, and Brion Long, Visual Information Specialist on April 6, 2022. For more information, see CRS Report R46999, Immigration: Apprehensions and Expulsions at the Southwest Border.



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