



Impacts of Ending Title 42

With the ending of Title 42 policies, Customs and Border Patrol officials expect to see at least 10,000 migrants crossing the southern border every day, overloading the courts and border cities, including an increase in terror watchlist encounters and depleting morale among Border Patrol agents.

Did you know...?

Since it was enacted by the Trump administration in March 2020, **Title 42 has allowed the U.S. to expel migrants over 2.7 million times** from the southern border, according to official government figures.

[Read more at CBS News →](#)

With the end of Title 42, an expected surge in migrant crossing is expected to come from misinformation perpetrated by smugglers exploiting migrants for financial gain.

[Read more at CNN →](#)

In May 2023, The Border Patrol warned that they had already encountered **98 individuals on the terror watchlist** in the first seven months of fiscal year 2023.

[Read more at The Daily Caller →](#)



"We're already tired, we're already burned out. The agency preaches this resiliency BS, but look what they're doing to us. We've basically been stripped of our duties and powers as law enforcement," a Border Patrol agent tells Daily Caller News Foundation.

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IMPACTS OF ENDING TITLE 42

A SURGE IN MIGRANTS AT THE U.S. BORDER

With The Ending Of Title 42 Policies, Customs And Border Patrol Officials Expect To See At Least 10,000 Migrants Crossing The Southern Border Every Day

Since March 2020, Title 42 Policies Have Allowed The U.S. To Expel Migrants Over 2.7 Million Times From The Southern Border. “Since it was enacted by the Trump administration in March 2020, Title 42 has allowed the U.S. to expel migrants over 2.7 million times from the southern border, according to official government figures.” (“What Is Title 42 Policy?,” [CBS News](#), Accessed 5/18/23)

With The Ending Of Title 42, Troy Miller With U.S. Customs And Border Protection Estimated That At Least 10,000 May Cross The Southern Border Each Day. “Troy Miller, the top official at U.S. Customs and Border Protection (CBP), recently told Congress that his agency was preparing for as many as 10,000 migrants to cross the southern border each day after Title 42 ends, which would almost double the daily average in March. Other internal government projections suggest that daily migrant arrivals could rise to between 11,000 and 13,000, absent a major policy change.” (“What Is Title 42 Policy?,” [CBS News](#), Accessed 5/18/23)

On Wednesday, May 17th, 2023, The Border Patrol Processed More Than 20,000 Into Custody, With 60,000 Migrants Waiting Near The Border For Title 42 To End. “Border Patrol processed more than 10,000 migrants each day across the southern border this week, setting all-time records for 24-hour periods, a senior Department of Homeland Security official told CBS News. On Wednesday, more than 20,000 migrants were in Border Patrol custody, prompting officials to authorize the quick release of some migrants found not to be a threat to public safety or national security. More than 60,000 migrants were waiting near the border for Title 42 to end, Border Patrol Chief Raul Ortiz told CBS News on Thursday.” (“What Is Title 42 Policy?,” [CBS News](#), Accessed 5/18/23)

Despite Already Having More Than 1 Million Migrant Encounters By May 2023, Field Agents Expect Things To Get Worse, With One Saying “Now The Nightmare Really Begins.” “Despite the record surge of 2.3 million migrant encounters in fiscal year 2022 and more than 1 million in fiscal year 2023 so far, things will get even worse, a second agent told the DCNF. ‘We thought it was a nightmare before? No, now the nightmare really begins. We’re already tired, we’re already burned out. The agency preaches this resiliency BS, but look what they’re doing to us. We’ve basically been stripped of our duties and powers as law enforcement,’ the second agent said.” (Jennie Taer, “I’m Dreading Going Into Work: Border Agents Express Worry Ahead Of Title 42’s End,” [The Daily Caller](#), 5/11/23)

THE RETURN OF CATCH AND RELEASE

Without Title 42, Immigration Authorities Are Returning To Previous Immigration Policies, Which Included Releasing Migrants Into The United States While Their Cases Are Reviewed. “Without Title 42 in place, US immigration authorities will return to decades-old protocols at a time of unprecedented mass migration in the Western hemisphere. Under that system, migrants are either removed from the country, detained or released into the US while their cases make their way through immigration court. But the Biden administration is also planning several changes that authorities hope will relieve pressure on the border and help officials respond.” (Catherine E. Shoichet, “What Is Title 42, Why Is It Ending And What’s Happening Now At The Border?,” [CNN](#), 5/11/23)

The Biden Administration’s Regulations To Mitigate The Anticipated Increase, Including Blocking Migrants Who Traveled Through Other Countries On The Way To The U.S., Are Likely To Face Legal Challenges. “In addition, a new regulation expected to go into effect this week would largely ban migrants who traveled through other countries on their way to the US-Mexico border from applying for asylum in the United States. While there are some exceptions, the new asylum rule would generally apply to migrants who unlawfully cross the US-Mexico border. It would not apply to unaccompanied migrant children. The planned asylum restrictions

have drawn sharp criticism from immigrant rights advocates since they were proposed earlier this year and are likely to face legal challenges.” (Catherine E. Shoichet, “What Is Title 42, Why Is It Ending And What’s Happening Now At The Border?“, [CNN](#), 5/11/23)

In May 2023, As Title 42 Policies Were Ending, Border Patrol Chief Raul Ortiz Instructed Agents To Begin Releasing Illegal Immigrants Into The Country Without A Notice To Appear In Court

In May 2023, As Title 42 Policies Were Ending, Border Patrol Chief Raul Ortiz Instructed Agents To Begin Releasing Illegal Immigrants Into The Country Without A Notice To Appear In Court. “Border Patrol agents have been instructed to begin releasing illegal migrants into the country without a notice to appear in court as officials prepare for the expected surge in immigrants crossing the southern border, according to documents exclusively obtained by the Daily Caller News Foundation. Border Patrol Chief Raul Ortiz sent the instructions Wednesday, asking senior officials in the agency to begin the mass parole of illegal migrants ahead of the end of Title 42, a Trump-era expulsion policy, on May 11. The illegal immigrants will be ‘parole[d] with conditions,’ meaning they are required to schedule a court date with Immigration and Customs Enforcement (ICE) or request service of a Notice to Appear (NTA), according to the instructions. However, the paroled illegal migrants will be released without any tracking technology, meaning there is no way to supervise them after their release, according to NBC News.” (Jennie Taer, “EXCLUSIVE: Here Are The Docs Instructing Border Patrol To Release Waves Of Migrants Into The Country,” [The Daily Caller](#), 5/11/23)

This System Of Catch And Release Will Be Used If Agents Across The Southern Border Have Apprehended 7,000 Migrants Per Day For More Than 72 Hours. “Those paroled into the country will be screened by Border Patrol for their criminal and immigration history, and will be assessed by agents on a case-by-case basis. Border sectors should request to use parole with conditions if either holding capacity is over 125%, agents across the southern border have apprehended 7,000 migrants per day for more than 72 hours or migrants are spending an average of over 60 hours in custody, according to the instructions.” (Jennie Taer, “EXCLUSIVE: Here Are The Docs Instructing Border Patrol To Release Waves Of Migrants Into The Country,” [The Daily Caller](#), 5/11/23)

COURT OVERLOAD

Prior To The End OF Title 42, Mimi Tasankov, President Of The National Association Of Immigration Judges, Anticipated 2.1 Million Cases Before The Court. “In the days before last week’s end of the pandemic-era policy known as Title 42, around 10,000 people were crossing the southern border into the U.S. per day. That number had dropped nearly 50% by the weekend. But millions of cases involving asylum seekers are pending. Mimi Tsankov, president of the National Association of Immigration Judges, tells Morning Edition that although the Biden Administration pledges to hire more judges, ‘it will always be a problem trying to meet 2.1 million cases.’ ‘If you do the math on that, even with the, I think, 700 judges that we have now or so, that’s 3500 cases per judge,’ Tsankov explains. ‘That’s assuming we didn’t even get any new cases coming through the door, which, as we know, will not be the case. So it’s a problem.’” (Destinee Adams, “Immigration Judge Says Trial Workloads And Resource Constraints Are ‘A Problem,’” [NPR](#), 5/15/23)

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BORDER CITY OVERLOAD

Prior To The End OF Title 42, El Paso, Texas Was Bracing For Historic Levels Of Migration, With Millions Spent To Accommodate Shelter For Migrants

Prior To The End Of Title 42, El Paso, Texas Was Noted As “Bracing” For A Historic Level Of Migration, With 2,500 Migrants Crossing Into El Paso During Title 42. “On Wednesday morning, as many as a thousand people waited in freezing temperatures on the south side of a metal fence for border agents to open the gate to

the United States. Customs and Border Protection agents let 10 or 15 through the fence every few minutes, but the line of migrants still stretched for hundreds of yards. The migrants have built fires to keep warm and share cheap blankets, and whenever a few make it through the fence they pass their blankets back for others to use. Two cities on opposite sides of the border — El Paso, Texas, and Juarez, Mexico — are bracing for what could be a historic level of migration later this month when the Covid ban known as Title 42 is finally lifted. But many migrants aren't waiting for the ban to end, and another surge has already begun. El Paso city leaders say the influx they're seeing in their city has led to hundreds of migrants sleeping on the streets, at bus stations and inside the local airport. CBP agents are reporting approximately 2,500 migrants crossing into El Paso per day, a number expected to rise when, absent a court-ordered stay, Title 42 ends Dec. 21. Since the Trump administration imposed Title 42 in March 2020, migrants attempting to enter the U.S. to claim asylum have been sent back to Mexico more than 2.4 million times. After the ban lifts, more of them will be allowed in to pursue asylum claims.” (Gabe Gutierrez, Erika Angulo, Julia Ainsley and Didi Martinez, “These Twin Border Towns Are Bracing For A Migrant Surge When The Title 42 Covid Ban Ends. The Numbers Are Already Rising.” [NBC News](#), 12/14/22)

Even Under Title 42, El Paso Was Still Waiting For FEMA To Reimburse It For \$3.5 Million Spent To Temporarily Shelter And Care For Migrants. “Typically, migrants are taken to local shelters from where they can arrange for transportation into the interior of the U.S., where they will live while awaiting court hearings. But as the population of newly arrived migrants has spiked, shelters have been over capacity and Border Patrol agents in El Paso have released migrants directly from their custody. On Monday, a ‘few hundred’ migrants were released from CBP custody onto the streets of the city, which followed a release of more than 500 Saturday. The city is asking the Biden administration to be paid back for caring for the migrants, a responsibility that usually falls on the federal government. Robert Cortinas, El Paso’s chief financial officer, said the city is waiting on the Federal Emergency Management Agency to reimburse it for \$3.5 million spent to temporarily shelter and care for migrants.” (Gabe Gutierrez, Erika Angulo, Julia Ainsley and Didi Martinez, “These Twin Border Towns Are Bracing For A Migrant Surge When The Title 42 Covid Ban Ends. The Numbers Are Already Rising.” [NBC News](#), 12/14/22)

In May 2023, El Paso Declared A State Of Emergency Prior To The End Of Title 42 Policies, Already Having 2,300 Migrants Living On The Streets In Downtown El Paso. “Brownsville, Texas, began seeing a spike about a week and a half ago, according to Sergio Cordova, a founder of the non-profit organization Team Brownsville. Migrants camp out next to the border barrier between El Paso, Texas and Ciudad Juárez, Mexico, Wednesday, May 3, 2023. The Biden administration has requested 1,500 troops for the U.S.-Mexico border amid an expected migrant surge following the end of pandemic-era restrictions. The organization has been receiving about 1,000 migrants a day at its center, Cordova said. And while many quickly move on to their next destinations, dozens have slept on the streets over the last week. El Paso, which declared a state of emergency ahead of Title 42’s expiration, already has about 2,300 migrants living on the streets around two shelters downtown, and some aid organizations worry they won’t have the resources to help everyone if that number grows. ‘We’re still able to feed them, but in all honesty, that’s not (a) sustainable operation at this point,’ John Martin, deputy director of the Opportunity Center for the Homeless in El Paso, Texas, told CNN on Sunday. ‘This is a national issue,’ Martin said. ‘We in El Paso, along with many other communities along the southern border, just happened to be at the front doorstep.’” (Catherine E. Shochet, “What Is Title 42, Why Is It Ending And What’s Happening Now At The Border?”, [CNN](#), 5/11/23)

- **John Martin, Deputy Director Of The Opportunity Center For The Homeless In El Paso, Texas: ‘We’re Still Able To Feed Them, But In All Honesty, That’s Not (A) Sustainable Operation At This Point. This Is A National Issue. We In El Paso, Along With Many Other Communities Along The Southern Border, Just Happened To Be At The Front Doorstep.’** (Catherine E. Shochet, “What Is Title 42, Why Is It Ending And What’s Happening Now At The Border?”, [CNN](#), 5/11/23)

EXPLOITED MIGRANTS FOR FINANCIAL GAIN

With The End Of Title 42, An Expected Surge In Migrant Crossing Is Expected To Come From Misinformation Perpetrated By Smugglers Exploiting Migrants For Financial Gain. “Another reason for an expected surge in

migrant crossings, according to officials, is misinformation from smugglers who exploit migrants for financial gain.” (Catherine E. Shoichet, “What Is Title 42, Why Is It Ending And What’s Happening Now At The Border?”, [CNN](#), 5/11/23)

Homeland Security Secretary Alejandro Mayorkas Urged Would-Be Migrants Not To Fall Victim To Smugglers.

“Speaking to reporters last week, Homeland Security Secretary Alejandro Mayorkas urged would-be migrants not to fall victim to those efforts. ‘You are being deceived, and you are risking your lives and your life savings, only to meet a consequence that you do not expect at our southern border,’ he said. ‘The border is not open, it has not been open, and it will not be open subsequent to May 11,’ he said.” (Catherine E. Shoichet, “What Is Title 42, Why Is It Ending And What’s Happening Now At The Border?”, [CNN](#), 5/11/23)

- **Secretary Mayorkas: “You Are Being Deceived, And You Are Risking Your Lives And Your Life Savings, Only To Meet A Consequence That You Do Not Expect At Our Southern Border.”** (Catherine E. Shoichet, “What Is Title 42, Why Is It Ending And What’s Happening Now At The Border?”, [CNN](#), 5/11/23)

INCREASE OF TERROR WATCHLIST ENCOUNTERS

In May 2023, The Border Patrol Warned That They Had Already Encountered 98 Individuals On The Terror Watchlist In The First Seven Months Of Fiscal Year 2023. “Border Patrol arrests of migrants whose names appeared on the terror watchlist have already hit 98, the total number encountered in fiscal year 2022, in the first seven months of fiscal year 2023, according to federal data updated on Wednesday. The federal data accounts for encounters at both the southern and the northern borders. The increase in terrorist arrests at the border coincides with a 10% increase in migrant encounters by U.S. Customs and Border Protection (CBP) at the U.S.-Mexico border overall in April, where there were roughly 211,000 migrant encounters.” (Jennie Taer, “Arrests Of Migrants On Terror Watchlist Reaches Previous Year’s Total In Just 7 Months,” [The Daily Caller](#), 5/17/23)

- **This Was The Same Amount Of Encounters The Border Patrol Identified In Fiscal Year 2022.** “Border Patrol arrests of migrants whose names appeared on the terror watchlist have already hit 98, the total number encountered in fiscal year 2022, in the first seven months of fiscal year 2023, according to federal data updated on Wednesday.” (Jennie Taer, “Arrests Of Migrants On Terror Watchlist Reaches Previous Year’s Total In Just 7 Months,” [The Daily Caller](#), 5/17/23)


DEPLETED MORALE AMONG BORDER PATROL AGENTS

In May 2023, Border Patrol Agents Were Reported To Be “Fearing” The End Of Title 42 And Were Pesimistic About The Oncoming Migrant Surge. “Border Patrol agents are fearing the end of Title 42 and the challenges a surge of illegal migrants will pose to their jobs of securing the southern border, according to four of them who spoke with the Daily Caller News Foundation. A surge is expected as soon as late Thursday. With that surge, Border Patrol agents are being instructed to release migrants en masse without court dates due to overcrowding that’s already taken place in multiple sectors along the southern border. ‘Well I’m dreading going into work today because I know it will be months of babysitting criminals and freeloaders. The same disrespect every day,’ one agent told the DCNF in a text message.” (Jennie Taer, “I’m Dreading Going Into Work’: Border Agents Express Worry Ahead Of Title 42’s End,” [The Daily Caller](#), 5/11/23)

- **Border Patrol Agent: “Well I’m Dreading Going Into Work Today Because I Know It Will Be Months Of Babysitting Criminals And Freeloaders. The Same Disrespect Every Day.”** (Jennie Taer, “I’m Dreading Going Into Work’: Border Agents Express Worry Ahead Of Title 42’s End,” [The Daily Caller](#), 5/11/23)

Border Patrol Agents Are Already Concerned About Poor Morale Among Border Patrol Personnel Continuing To Decline

“A third agent told the DCNF that the already poor morale among agency personnel will hit a new low. ‘I just feel like we are going to be completely overwhelmed. I feel like top leadership has failed us. I think the overwhelming numbers will inevitably bring more violence to our communities as well as agents,’ the third agent said. ‘The agents already know the top leadership doesn’t have our backs when we do have to take care of a situation (look at Del Rio Horse Patrol Unit incident). I feel as though there is no structure or plan to really



combat the crisis, even though top leadership claims there isn't a problem. Agent morale will be down more than ever without a doubt,' the third agent added."

- **Border Patrol Agent: "I Feel As Though There Is No Structure Or Plan To Really Combat The Crisis, Even Though Top Leadership Claims There Isn't A Problem. Agent Morale Will Be Down More Than Ever Without A Doubt."** (Jennie Taer, "I'm Dreading Going Into Work': Border Agents Express Worry Ahead Of Title 42's End," [The Daily Caller](#), 5/11/23)