

The U.S. Southern Border: Rhetoric and Reality

Across the country, political actors are using hateful, largely unsubstantiated rhetoric about conditions at the U.S.-Mexico border to advance their campaigns and feed a broader nativist narrative. Their divisive rhetoric is unleashing policies and practices that undermine our country's longstanding commitment to welcome those fleeing violence and persecution. This explainer provides factual background information, useful data, and talking points to assist in countering harmful narratives that fail to recognize the dignity and humanity of people seeking protection at our southern border.

Key Messaging

- Seeking asylum is a **legal right** and it is our moral duty as a country to ensure there is a **fair, humane, and orderly** process to allow people to seek protection.
- Providing a safe haven for those fleeing systematic oppression and tyranny and those seeking safety and freedom—**that is what America should be all about.**
- A humanitarian response that **dignifies human life and acknowledges people's suffering** should drive our border policy – not one that turns away people fleeing persecution.
- Blocking the right to asylum is a **breach of domestic and international laws** recognizing asylum as a legal and human right and tarnishes our nation's history of welcome.
- Expulsions have led to **injury and death** and allowed smugglers to profit from human suffering.
- Cruelty, separating families, and denying people the ability to apply for asylum has not worked and has only bred **chaos, confusion, and suffering.**

Frequently Asked Questions

What is really happening at the U.S.-Mexico Border?

Each year, there are approximately [350 million land border crossings](#) into the U.S. by people seeking to work, engage in business, trade, tourism, and visit with family and friends. Regular movement at the border is important for a thriving U.S. economy and directly impacts consumers' timely access to goods and services. While regular travel at the border has returned to pre-pandemic pace, access to humanitarian protections has largely remained shut down.

What happens when someone seeking protection arrives at the Southern Border?

Since March 2020, the government has used a public health order called Title 42 more than [2.4 million times](#) to expel migrants. The Trump-era policy baselessly seized the pandemic as an opportunity to prevent migrants from legally seeking protection through asylum. Once the policy ends, migrants

seeking asylum will again be processed under Title 8 of the U.S. Code, a law that has been in place for almost three decades and allows migrants to request humanitarian protection during removal proceedings.

Who are asylum seekers?

Asylum seekers are people who face persecution in their home country because of their race, religion, nationality, membership of a particular social group, or political opinion. Under U.S. and international law, **seeking asylum is legal under any circumstance**. Unlike refugee protection which is granted from outside the country, U.S. law requires asylum seekers to file for protection from inside the U.S. or at a land border.

Who can seek protection at the U.S.-Mexico Border?

A November 2020 District Court [ruling](#) exempted unaccompanied minors from expulsions, but other exemptions depend on nationality, as well as logistical and diplomatic reasons. Without an orderly path to seek asylum, people go through more [dangerous and remote channels](#), enabling smugglers to amass [billions of dollars](#).

How many people arrived at the U.S.-Mexico border to seek protection in Fiscal Year 2022?

In FY 2022, [nearly 130,000](#) unaccompanied minors who receive care from government partners like LIRS entered the U.S. CBP has also allowed at least [1.2 million](#) people entry to continue their asylum case or other claims for protection from inside the United States. More community-based organizations like LIRS Welcome Centers are necessary for providing asylum seekers with critical services and assistance as they undergo the years-long process of claiming asylum.

Additional Facts and Figures

- In FY 2022, CBP reported over [2.7 million encounters](#) with migrants, but this number does not account for repeated attempts to cross the border. Some people have made dozens of attempts but have been expelled each time under Title 42.
- [55%](#) of Americans support asylum.
- Most daily entrants to the U.S. are enrolled in trusted traveler programs or hold non-immigrant visas for entry into the United States on a temporary basis for reasons that include tourism, business, and temporary work or study. In October 2022, CBP processed more than [12 million pedestrians and vehicles](#) at ports of entry.
- Those who seek to live and work permanently in the U.S. may apply for family-based and employment-sponsored visas, but application backlogs have steadily increased over the past three decades. However, immigrant visa approvals have returned to pre-pandemic arrivals with the State Department issuing nearly [half a million](#) in FY 2022.
- With a [backlog](#) of [8.8 million applications](#) in DHS and USCIS and 1.8 million pending cases in the DOJ, asylum seekers wait months for a work permit and an average of four to five years for a final decision on their asylum case.

For additional resources and to learn more about our vision for a humane border policy, visit LIRS.org.