



Mixed
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Opening doors, hardening borders: Inside Biden's strategy on mixed migration and the lessons learned for Europe.

*A critical policy analysis of the
Biden administration's migration
governance approach*

List of Acronyms

ACAs	Asylum Cooperative Agreements	LA Declaration	Los Angeles Declaration on Migration and Protection
CBP	United States Customs and Border Patrol	MOU	Memorandum of Understanding
CBP One	U.S. Customs and Border Patrol Asylum appointments application	MPP	Migrant Protection Protocols
CHNV	Humanitarian Parole Program for Cubans, Haitians, Nicaraguans and Venezuelans	MRA	Migration and Refugee Assistance
CLP	Circumvention of Lawful Pathways	OAS	Organization of American States
DHS	United States Department of Homeland Security	OAW	Operation Allies Welcome
ERMA	Emergency and Migration Assistance	PRM	Bureau of Population, Refugees and Migration
FY	Fiscal Year	R4V	Interagency Coordination Platform for Refugees and Migration from Venezuela
GAMM	Global Approach to Migration and Mobility	SMOs	Safe Mobility Offices
GCM	Global Compact for Migration	TPS	Temporary Protected Status
HHS	Department of Health and Human Services	UNHCR	United Nations High Commissioner for Refugees
ICE	U.S. Immigration and Customs Enforcement	USAID	United States Agency for International Development
IDB	Inter-American Development Bank	USCIS	United States Citizenship and Immigration Services
IGC	Intergovernmental Consultation on Migration, Asylum and Refugees	USRAP	The United States Refugee Admissions Programme
IOM	International Organization for Migration	U4U	Uniting for Ukraine

List of Figures

Figure 1:	Darién Gap Crossings (2020-2025).....	8
Figure 2:	Forcibly Displaced Venezuelans (2016-2024)	9
Figure 3:	Southwest Border Land Encounters (2020-2025)	19
Figure 4:	Mexico Southern Land Crossings (2020-2025)	22

Correction notice

This version replaces the paper published on 10 October 2025, which contained incorrect 2021 data across figures. The data have been corrected in this updated version.

Executive summary

During his presidential campaign, former President Biden promised to manage migration at the border in a more humane manner and to reverse many of the repressive and anti-immigrant policies imposed during the first Trump administration. Yet after the number of migrant and asylum seeker arrivals at the U.S.-Mexico border drastically increased in late 2021 and 2022, the Biden administration quickly shifted its strategy in the fall of 2022 to try to reduce this number.

This report critically examines the evolution of U.S. migration and asylum policy under the Biden administration, taking stock of the many policy changes that occurred between January 2021 and December 2024. At its core, the Biden administration's approach was two-fold: creating and encouraging the use of alternative legal pathways while also disincentivizing and physically preventing border crossings.

Expansionist elements included an unprecedented use of humanitarian parole, the creation of Safe Mobility Offices (SMOs) in several Latin American countries and the expansion of Temporary Protected Status (TPS). At the same time, the Biden administration aimed to position itself as a regional and international leader on migration via the Los Angeles (LA) Declaration on Migration launched at the 2022 Summit of the Americas and by advocating for economic support for host countries, broader legal migration pathways and humane enforcement.

Yet these efforts were coupled with highly restrictive measures that narrowed access to asylum at the border,

including the upholding of Title 42 – initially imposed by the first Trump administration – until May 2023, the 2023 “Circumvention of Lawful Pathways” (CLP) rule which expanded the use of the CBP One app as the sole method by which to apply for asylum, and the 2024 “Securing the Border” policy which effectively ended access to asylum during periods of high arrivals.

Drawing on secondary sources, quantitative data and original interviews with more than 30 experts, the report assesses the short and long-term impact of these policies. It argues that former President Biden's approach resulted in a set of highly bifurcated policies that failed to garner favour from either pro-immigrant factions or more hardline conservatives that deemed the situation at the border a “crisis”. Furthermore, the Biden administration's willingness to resort to policies that severely undermined the right to territorial asylum in the U.S. paved the way for many of the restrictionist measures implemented during the initial months of the second Trump administration.

Finally, the report considers lessons from the Biden administration's array of policies and its domestic political implications for the European Union (EU) and other European states, which face similar political challenges in the realm of migration and asylum. It argues that Europe could consider expanding regular pathways for migration following the example of the Biden administration – especially drawing on the model of the SMOs – but that European governments would need to do a better job of gaining public trust and extolling the benefits of any expansionist policies in ways that are legible to voters.

Key findings

Overall, the Biden administration's approach to migration and asylum, including both expansive and restrictive policies, had mixed results. Below we outline the main key findings.

- By creating and expanding regular pathways – in addition to normal asylum procedures – the Biden administration ultimately admitted nearly six million asylum seekers, refugees and parolees outside of the visa system. At the same time, the new pathways created by the administration were limited in scope and came with onerous requirements that not all individuals seeking protection were able to meet.
- Engagement with countries in the region, particularly through the LA Declaration, was widely seen as a genuine effort to manage migration collectively and find solutions to broader human mobility challenges. Nonetheless, some countries in the region saw the U.S.-led effort as duplicating existing regional processes and a new form of U.S. hegemony.
- The administration's restrictive policies undermined the right to access territorial asylum, setting the stage for the sweeping hardline measures enacted during the first six months of the second Trump administration.
- Like previous administrations, former President Biden relied heavily on executive orders to craft his approach to immigration, leaving policies vulnerable to reversal. This enabled the second Trump administration to quickly revoke protections, leaving millions of individuals who entered the U.S. under Biden's new pathways at risk of losing their status.
- The administration lacked political courage to follow through on the pro-immigrant, pro-asylum set of policies it had campaigned on and missed a major opportunity to leverage its early political capital to push for congressional immigration reform.
- The administration was unable to counter the “border crisis” narrative effectively and, in trying to appease moderate and conservative voters as well as liberal immigration advocates through its assortment of policies, satisfied neither.
- Biden's focus on creating alternative pathways for migration, particularly the SMOs, offers a relevant model for European countries, which could establish similar centres or offices providing information and possible access to legal migration and protection pathways along the Western, Central or Eastern Mediterranean migration routes.

1. Introduction

Former President **Biden entered office in January 2021 promising to manage migration at the border in a more humane manner and to reverse many of the anti-immigrant policies imposed during the first Trump administration.** In this vein, Biden initially worked to undo numerous measures, including the Migrant Protection Protocols (MPP) and Asylum Cooperative Agreements (ACAs) with Central American countries, while simultaneously promoting a regional, migration-for-development approach to address the “root causes” of migration in Central and South America – including gang and gender-based violence, economic insecurity and corruption.¹

Yet the **Biden administration was also slow to acknowledge the unprecedented demographic and economic shifts underway in the Americas,** including

Venezuelan displacement – ongoing since 2015 – and the effects of the COVID-19 pandemic on migrant and refugee host countries. As the number of migrant and asylum-seeker arrivals at the U.S.-Mexico border drastically increased in late 2021 and 2022 (1.7 million and 2.3 million, respectively), the Biden administration shifted its strategy to focus more prominently on reducing this number.² The approach was two-fold: encouraging the use of alternative legal pathways while also disincentivising irregular border crossings.

In a progressive move, **the Biden administration opened new migration pathways** to a limited number of migrants, creating a humanitarian parole programme for Venezuelans, Nicaraguans, Cubans and Haitians (CHNV), which allowed these individuals to apply for temporary protection in the U.S. if they had a sponsor, were able to

1 Kelsey Norman and Ana Martín Gil, *Addressing the ‘Crisis’ at the US-Mexico Border: Insights From El Paso and Ciudad Juárez* (Houston: Rice University's Baker Institute for Public Policy, 18 April 2024), <https://doi.org/10.25613/20KD-ZH77>.

2 ‘west Land Border Encounters FY22’, U.S. Customs and Border Protection, 12 February 2025, <https://www.cbp.gov/newsroom/stats/southwest-land-border-encounters-fy22>.

afford a plane ticket and met other requirements such as passing a background check.³ It also established Safe Mobility Offices (SMOs) in several Latin American countries – namely Guatemala, Costa Rica, Colombia and Ecuador – which served as processing centres where at-risk individuals could access free screenings for potential legal pathways to the United States and other countries.⁴

The expansionist aspects of Biden's strategy also included measures such as the use of parole for Ukrainians and Afghans, the creation of new family unification parole programmes for certain nationalities and an increase of the refugee admissions ceiling through USRAP. The administration simultaneously sought to be a regional and international leader on migration via the Los Angeles (LA) Declaration on Migration and Protection at the 2022 Summit for the Americas, which emphasised stabilisation via economic support for host countries, the expansion of legal migration pathways and humane border enforcement.⁵ And while the Trump administration chose not to sign onto the Global Compact for Migration (GCM) in 2018, the Biden administration began retroactively upholding some of its principles in 2021 via policies like expanding migratory pathways or instigating family reunification parole.⁶

At the same time, **additional pathways and regional leadership were coupled with highly restrictive measures that sought to narrow access to asylum at the border and discourage migrant and asylum seeker arrivals.** Despite promising to end Title 42 – a pandemic-era measure imposed by the Trump administration that banned migrants from entering the U.S. and forced them to wait in Mexico – the Biden administration upheld and even expanded the nationalities of individuals that could be expelled to Mexico until it was lifted in May 2023. When Title 42 ended, the Biden administration imposed the “Circumvention of Lawful Pathways” (CLP) rule, which made individuals who presented themselves at a port of entry without an appointment via the CBP One app ineligible to apply for asylum unless they were denied protection in another country that they had passed through on their way to the U.S. In June 2024, ahead of the presidential election, the administration further tightened the border with a rule that denied asylum to anyone who crossed the border irregularly if

the daily average of apprehensions exceeded 2,500, with restrictions remaining in effect until daily encounters fell to a seven-day average of 1,500 or less.⁷

All of these restrictive measures saw fierce pushback from immigration advocates which viewed them as violations of the right to seek asylum, protected under both domestic and international law. In the months following the end of Title 42, the Biden administration also ramped up deportation efforts, surpassing the number of deportations carried out by the first Trump administration. Most of these deportations focused on recent border arrivals rather than interior immigration enforcement, which meant redirecting U.S. Immigration and Customs Enforcement (ICE) resources toward securitization at the border.⁸

In sum, throughout its four years in office, the Biden administration attempted to appease both conservative politicians and voters, who viewed the situation at the U.S. southern border as a “crisis”, as well as liberal immigration advocates, who wanted to see the right to asylum upheld and the creation of new legal pathways. **Ultimately, the administration failed to win favour from either camp. This report will take stock of Biden's highly mixed legacy on migration and asylum,** assessing the short and long-term impact of novel attempts at openness – alternative regular migration pathways, SMOs and innovative uses of parole – as well as restrictive measures – including administrative closures, diplomatic and financial cooperation with third countries and limitations on access to territory. It will **also assess the abrupt, though anticipated, shift toward restrictive immigration policies during the first six months of the second Trump administration** and what this about-face has meant for Biden's legacy on migration.

Finally, **the report considers lessons from the Biden administration's array of policies and its domestic and international implications for the European Union (EU) and other European states,** which face similar political challenges in the realm of migration and asylum. While the EU has adopted measures aimed to increase cooperation among member states, such as the 2024 EU Pact on Migration and Asylum, it continues to rely heavily on partnerships with third countries that deprioritise protection and the safeguarding of asylum rights.⁹

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- 3 Kelsey Norman, 'How Biden's New Border Policy Hurts Asylum Seekers' (Houston: Rice University's Baker Institute for Public Policy, 9 January 2023), <https://doi.org/10.25613/S2M6-F140>.
 - 4 Lucy Hovil et al., *The Influence of Safe Mobility Offices (SMO) on Mixed Migration in Latin America*, MMC Research Report (Mixed Migration Centre, 2024), <https://mixedmigration.org/resource/influence-smo-mixed-migration-latin-america/>.
 - 5 Katie Tobin, *The Los Angeles Declaration Continues to Shape the Regional and Global Migration Response* (Carnegie Endowment for International Peace, 2024), <https://carnegieendowment.org/research/2024/09/americas-migration-los-angeles-declaration-north-south?lang=en>.
 - 6 'US Compliance with the Global Compact on Migration: A Mixed Record', Center for Migration Studies of New York, 2 February 2024, <https://cmsny.org/us-compliance-global-compact-migration-mixed-record/>.
 - 7 Ana Martín Gil, *Navigating the Border: San Diego's and Tijuana's Migrant Reception Efforts*, (Houston: Rice University's Baker Institute for Public Policy, 29 October 2024), <https://doi.org/10.25613/WGFE-QT17>.
 - 8 Muzaffar Chishti et al., 'Biden's Mixed Immigration Legacy: Border Challenges Overshadowed Modernization Advances', Migration Information Source, 10 December 2024, <https://www.migrationpolicy.org/article/biden-immigration-legacy>.
 - 9 EU: Migration and Asylum Pact Reforms Will Put People at Heightened Risk of Human Rights Violations Migration and Asylum Pact Reforms Will Put People at Heightened Risk of Human Rights Violations', Amnesty International, 4 April 2024, <https://www.amnesty.org/en/latest/news/2024/04/eu-migration-asylum-pact-put-people-at-risk-human-rights-violations/>.

2. Methodology

The research for this report employed a mixed-methods approach, combining primary qualitative data, a literature review and existing quantitative data to ensure a comprehensive analysis of Biden's mixed legacy on migration and asylum. We began with extensive desk research, including a review of existing policy reports, legislation, public statements and academic literature. We supplemented this with a quantitative analysis drawing on secondary data, including U.S. government statistics (U.S. Customs and Border Protection, U.S. Department of Homeland Security and U.S. Citizenship and Immigration Services) as well as UNHCR data and data from the governments of Mexico and Panama, to contextualise policy developments and assess their impact on the movement of individuals both at the U.S. border and along the Central American migratory route.

Finally, we collected primary qualitative data through 31

virtual interviews with 36 key informants located in the U.S. (20), Mexico (4), Panama (2), Costa Rica (1), Chile (1), Colombia (1), Haiti (1), Switzerland (2), Belgium (2), Spain (1) and the Netherlands (1).¹⁰ In order to ensure a diverse array of perspectives, the key informants included current and former policymakers, individuals employed at international organizations and non-profit organisations, legal experts, academics and other practitioners involved in crafting or responding to migration and asylum policy during the Biden administration's term. Interviews were conducted between May and August, 2025 and a full list of interviewees is available in Appendix A. Once the interviews were complete and transcribed, the research team coded the transcripts using an inductive process to assess the multifaceted policies put in place under the Biden administration, their immediate and long-term impact and their applicability for Europe.

3. Background

There are two important contexts for understanding the time period during which former President Biden took office in January 2021: one relating to U.S. domestic policies and the other to economic, political and demographic shifts happening internationally.

3.1 The legacy of the first Trump administration

As a presidential candidate and after taking office in January 2017, President Trump's rhetoric and actions were notoriously anti-immigrant. During its first tenure, the Trump administration used unprecedented policies to limit the number of asylum seekers, refugees, as well as regular and irregular migrants, allowed to come to or remain in the United States. Refugee resettlement fell to its lowest levels since its inception in 1980 under the first Trump administration, with the infrastructure required to process and vet refugees abroad as well as receive admitted refugees once in the U.S. effectively gutted.¹¹ The administration also narrowed the parameters for

asylum eligibility for those within the U.S. and significantly limited opportunities to apply for asylum at the border. In terms of other immigration categories, it is difficult to parse out the effect of Trump's policies and rhetoric from other factors such as the COVID-19 pandemic, but the overall levels of legal immigration declined during his time in office between 2016 and 2020.¹²

Beyond U.S. territory, the Trump administration escalated its cooperation with Mexico and other Central American countries in order to decrease migration – continuing U.S. conditional aid while also threatening cuts or tariffs if countries did not cooperate. A month after his election in December 2018, Mexican President Andrés Manuel López Obrador was pressured by the Trump administration to agree to MPP, informally called the “Remain in Mexico” programme, which required asylum seekers to remain in Mexico while awaiting court hearings in the United States, forcing 60,000 asylum seekers back to Mexico during the administration's tenure.¹³

Several months later, in June 2019, the López Obrador administration was coerced into signing the U.S.-Mexico Joint Declaration after President Trump threatened to

10 Interviews were conducted virtually in either English or Spanish. This research was approved by Rice University's Institutional Review Board (IRB-FY2021-216).

11 Muzaffar Chishti and Jessica Bolter, 'The "Trump Effect" on Legal Immigration Levels: More Perception than Reality?', *Migration Information Source*, 20 November 2020, <https://www.migrationpolicy.org/article/trump-effect-immigration-reality>.

12 Chishti and Bolter, 'The "Trump Effect" on Legal Immigration Levels: More Perception than Reality?'

13 Kelsey Ables, 'U.S. Judge in Amarillo Halts Biden Administration's Attempt to End 'Remain in Mexico' Policy', *The Texas Tribune*, 16 December 2022, <https://www.texastribune.org/2022/12/16/remain-in-mexico-mpp-judge-ruling-migrants/>.

impose a five percent import tariff on all Mexican goods if Mexico refused.¹⁴ The agreement committed Mexico to deploy its National Guard throughout the country, particularly to its southern border, to prevent migrants coming from El Salvador, Guatemala and Honduras from transiting through Mexico to the United States. Even more notoriously, the Trump administration enacted the Title 42 ban in early 2020 at the start of the COVID-19 pandemic. Nominally a revived public health decree, the administration used Title 42 to prevent individuals from crossing the U.S. border to seek asylum, forcing them to remain in Mexico, even though seeking asylum is a right protected under domestic and international law.¹⁵ Trump's regional approach also successfully bullied Guatemala, El Salvador and Honduras into signing ACAs – safe third country agreements – by which individuals transiting through those countries could be returned and told to seek asylum there instead of in the U.S.

The **first Trump administration's nativist, anti-immigrant stance provided an easy contrast in 2020 for candidate Joe Biden to campaign on softer, immigrant-friendly policies.** But the Trump administration's track record only provides half the picture for understanding the backdrop to the Biden administration's time in office. Equally important, there were massive demographic, economic and political shifts underway beyond the U.S. border.

3.2 Critical changes to migration dynamics in the Americas

Over the last decade, the Americas have experienced significant changes to migration dynamics, including shifts in routes, demographics and countries of destination for migrants and asylum seekers. **These changes were fuelled by several overlapping factors, including insecurity, political turmoil, natural disasters and poor economic conditions,** which were exacerbated

by the COVID-19 pandemic in 2020. Overall, the pandemic induced a regional economic contraction of 7 percent in Latin America and the Caribbean – more than double that of the global economy – and a 10 percent drop in the regional employment rate, which exacerbated existing inequalities including poverty, vulnerability and exclusion.¹⁶ The effects of the pandemic and economic downturn were deeply felt by migrants in the region, as many had irregular legal statuses and lacked the ability to work formally. However, due to lockdowns and the closure of borders, those left in a socially or economically vulnerable state were unable to migrate to improve their situation.¹⁷

As the pandemic started to subside in 2021, the first year of the Biden administration, the region underwent the largest period of mixed migration in its history that continued several years into the administration's tenure.¹⁸ One important trend during this period was the secondary migration of Haitian nationals from South America toward North America through the Darién Gap, which became a major crossing point for north-bound migration (see Figure 1). As a migration expert at a research institution explained, before 2021, *“you wouldn't have heard a single official talk about the Darién as a concern or as a route to the United States. That completely changed in 2021 when Biden took office – especially with the arrival of Haitian migrants – and hasn't stopped since”*.¹⁹

14 Ana Martín Gil, 'Managing Migration Through Foreign Aid in Mexico and Central America: The Role of U.S. Conditionality on Mexico's Migration Policies', *Journal of Immigrant & Refugee Studies* 23, no. 1 (2025): 147–62.

15 Ana Martín Gil and Kelsey P. Norman, *Biden's New Border Policies Will Put Further Strain on Mexico's Struggling Asylum System*, (Houston: Rice University's Baker Institute for Public Policy, 16 March 2023), <https://www.bakerinstitute.org/research/bidens-new-border-policies-will-put-further-strain-mexicos-struggling-asylum-system>.

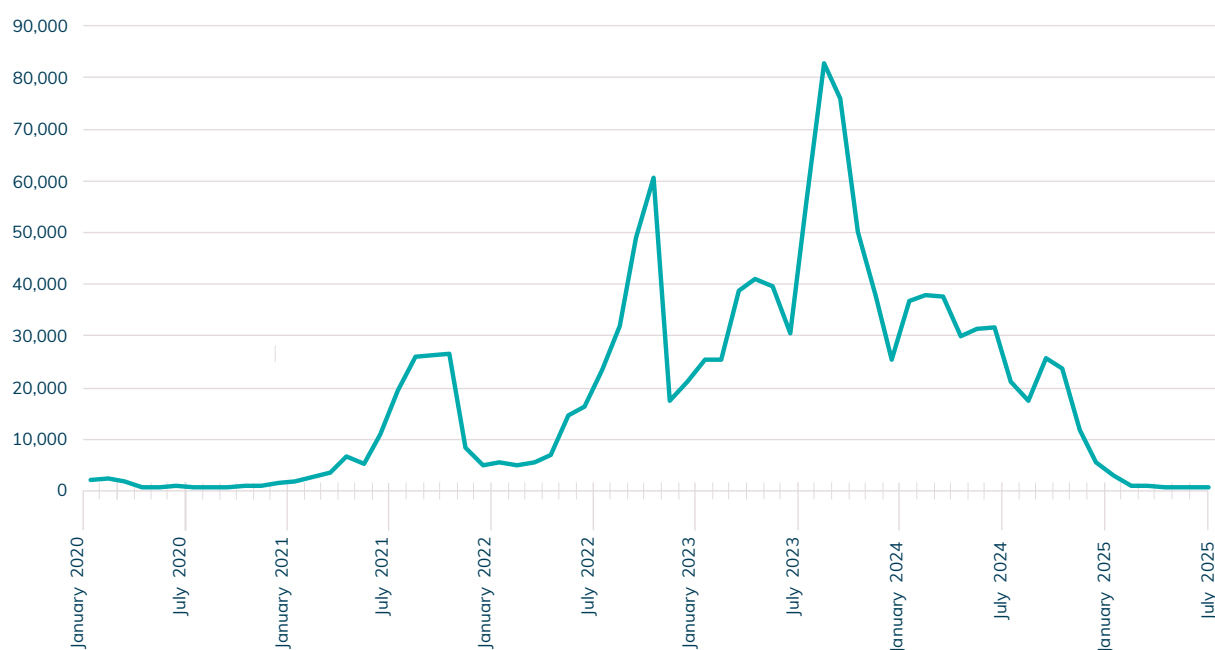
16 Joshua Klein, *International Migration Trends in the Western Hemisphere*, R47182 (Congressional Research Service, 2022), <https://sgp.fas.org/crs/row/R47182.pdf>.

17 Organization for Economic Cooperation and Development, *COVID-19 in Latin America and the Caribbean: Regional Socioeconomic Implications and Policy Priorities* (2020), https://www.oecd.org/content/dam/oecd/en/publications/reports/2020/04/covid-19-in-latin-america-and-the-caribbean-regional-socio-economic-implications-and-policy-priorities_ff0c611/93a64fde-en.pdf; Interview with two deidentified experts (KI15). Quotations are often recorded in the language of interview, which was not always English. Authors [may] have edited the language to ease reading, while leaving the meaning of the quote intact and staying as close as possible to the authentic entry.

18 Interview with two deidentified experts (KI15).

19 Interview with an expert at a research institute (KI10).

Figure 1: Darién Gap irregular crossings registered in Panama (2020-2025)



Source: National Migration Service, Government of Panama

After the devastating 2010 earthquake, Haitians migrated to Chile and Brazil, where they could seek humanitarian visas and easily get a job in construction ahead of the 2016 Summer Olympics and the 2014 World Cup.²⁰ However, the decline of economic conditions after the pandemic and increased anti-immigrant sentiments led Haitians to migrate again, attempting the journey to the United States. Gang violence and political instability in Haiti, including the assassination of the country's President in 2021, coupled with economic hardship also drove Haitians to migrate directly from Haiti to the United States. An interviewee also suggested that some migrants were motivated by the Biden administration's initially welcoming rhetoric, which signalled a change from the Trump administration: "*There were rumours about protective status in the U.S., or many of them were moving with the idea that they were going to be accepted in the U.S.*"²¹

Transit migration through the Darién Gap continued in 2022, reaching a peak in mid-2023, but with a very significant change in demographics as the largest nationality to traverse became Venezuelans. Despite this being a new trend, the mass displacement of Venezuelans had been ongoing since 2015 due to the deep economic and political crisis in the country driven by poor governance, corruption, hyperinflation and decreased oil production.²² Initially, neighbouring countries like Colombia, Peru, Ecuador, Chile and Brazil responded with solidarity, issuing more than 400,000 residence permits to Venezuelans between 2015 and 2017.²³ Yet the scale of Venezuelan displacement became unprecedented (see Figure 2). Over the course of the decade, more than 7.6 million Venezuelans fled their homes, with Colombia hosting nearly 3 million, becoming the third largest host-country globally for refugees and other individuals in need of international protection.²⁴

20 Klein, *International Migration Trends in the Western Hemisphere*.

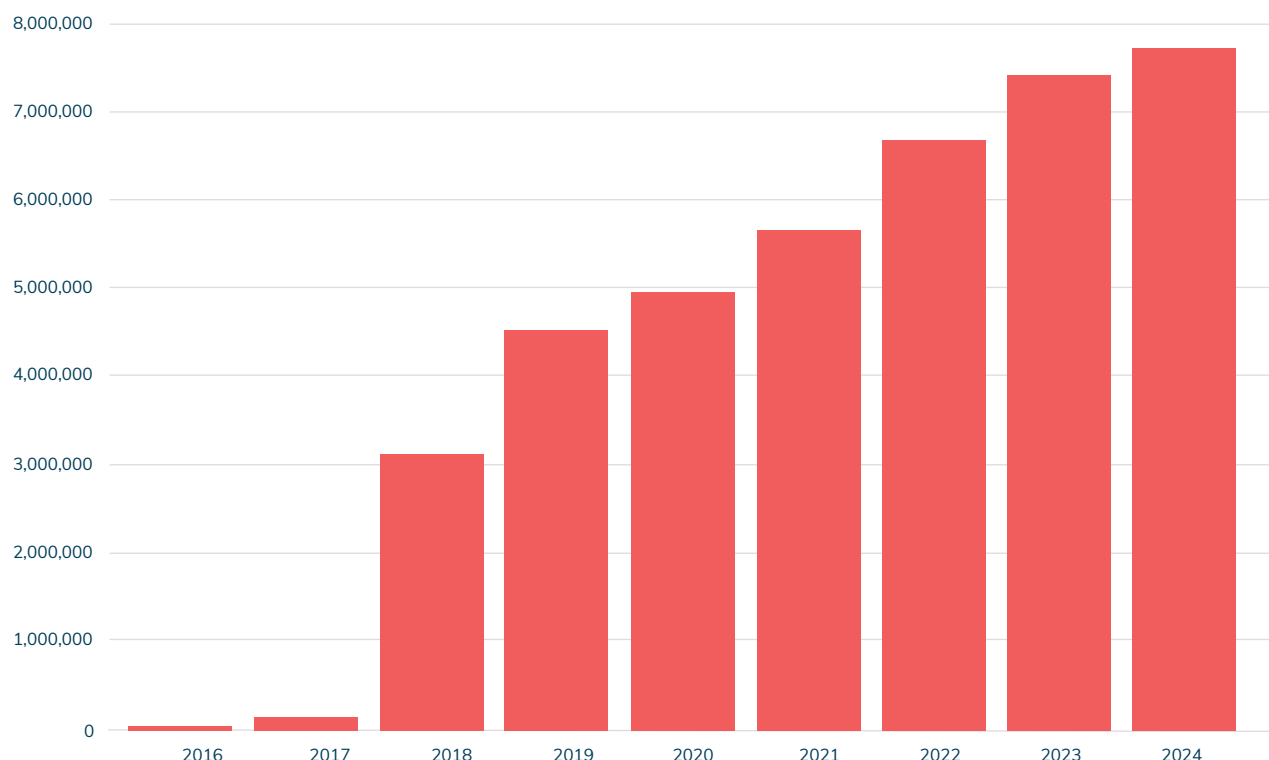
21 Interview with two deidentified experts (KI15).

22 Klein, *International Migration Trends in the Western Hemisphere*.

23 Vanina Modolo and Ezequiel Texidó, 'Latin America's Response to Venezuelan Emigration', *Migration Data Portal*, 20 August 2019, <https://www.migrationdataportal.org/blog/latin-americas-response-venezuelan-emigration>.

24 'Refugee Data Finder', UNHCR, accessed 3 September 2025, https://www.unhcr.org/refugee-statistics/data-summaries?data_summaries%5Bregion%5D=6&data_summaries%5Bcountry%5D=207&data_summaries%5BwithinFrom%5D=from&data_summaries%5Bview%5D=population_totals&data_summaries%5Byear%5D=2024&data_summaries%5BpopType%5D=FDP&data_summaries%5B_mode%5D=country&data_summaries%5B_token%5D=69c7eb7bc48e5d0.bkJNB-HTgkC_3W9xV2_XFERVn6zSypPI7i4Y1DT9gi0_Gi80Slq4xzDasFYmGI-yTClxrOiZvOf-qkFgi0Gnw-UWCRTAsp_HJo24Lg&data_summaries%5Bsubmit%5D=.

Figure 2: Cumulative number of forcibly displaced Venezuelans by year (2016-2024)



Source: UNHCR Refugee Data Finder. According to UNHCR, forcibly displaced people include refugees, asylum seekers, other people in need of international protection and internally displaced.

In 2022, Venezuelans who had been unable to regularise their status in neighbouring countries and who faced increasing xenophobia and integration barriers began moving north. In 2023 and 2024, Venezuelans became the second largest nationality seeking protection in the U.S., only after Mexico and surpassing the Northern Triangle countries – Honduras, Guatemala and El Salvador.²⁵ Despite Venezuelan displacement being the largest globally at the time, the Biden administration did not anticipate this shift. In fact, during its first year, the Biden administration rolled out a migration strategy that focused primarily on Central America, as the number of migrants that had primarily been arriving in prior years were coming from that region.²⁶ According to one expert at a research institute, this strategy was extremely shortsighted: “If you’d actually been watching regional dynamics, you should have been expecting this. I think it’s a little silly to say we hadn’t thought about this, that [Venezuelans] would just stay in Colombia forever [...] But that wasn’t the discussion that was happening, at least not very publicly. There wasn’t a strategy for it in the immediacy”.²⁷

Other factors in the Americas also contributed to the northward migration of individuals searching for new opportunities: political and economic turmoil in Cuba; the increase of authoritarianism in Nicaragua; continued violence, corruption and economic and environmental issues in the Northern Triangle; and economic hardship and an increase in violence in Ecuador, Peru and Colombia. Nonetheless, the nationalities of those arriving at the U.S.-Mexico border were not restricted to the Americas. **During the Biden administration, migrants started arriving from a more diverse range of countries than prior to 2021**, when most irregular migrants came from Mexico, Honduras, Guatemala and El Salvador. Extracontinental migration became much more common and migrants from Europe, Asia and Africa began arriving at the border. Some examples include Ukrainians fleeing Russia’s invasion of Ukraine, Afghans attempting to escape the Taliban regime after the U.S. withdrawal and Chinese nationals facing deepening social and economic challenges in China as well as long waiting periods for legal documentation in the U.S.²⁸

25 ‘Annual CBP Migrant Encounters at the U.S.-Mexico Border, by Country of Origin’, Washington Office on Latin America, 24 October 2024, <https://borderoversight.org/2024/10/24/cbp-migrant-encounters-at-the-u-s-mexico-border-by-country-of-origin-2/>; Interview with two deidentified experts (KI15).

26 Interview with a deidentified expert (KI04).

27 Interview with an expert at a research institute (KI10).

28 Madeleine Greene and Jeanne Batalova, ‘Chinese Immigrants in the United States’, Migration Information Source, 15 January 2025, <https://www.migrationpolicy.org/article/chinese-immigrants-united-states>.

While this change in demographics would have presented a challenge for any administration as border policies since 2014 had primarily focused on arriving Central American families, a U.S.-based researcher noted that **the Biden administration struggled to accept that the profile of arriving migrants had altered so significantly**. The systems it had put in place “*started breaking down pretty dramatically because they didn’t function on that population*”.²⁹

Ultimately, **a combination of global and regional events – from the COVID-19 pandemic to political and economic turmoil – fundamentally reshaped migration patterns across the Americas in the years pre-dating the start of the Biden administration**. This created a complex new reality that required a re-evaluation of outdated strategies and policy solutions for addressing the needs of a more diverse migrant and asylum seeker population.

4. The Biden Administration’s approach

Rather than respond to the complex changes underway in the Americas, **the Biden administration failed to enter office with a clear and actionable vision for migration**. Many of its initial policies aimed to undo the previous administration’s numerous restrictions. Yet once that was accomplished, Biden and his team, “*were often reacting rather than moving proactively to respond to the situation at the border*”.³⁰ What many interviewees described as an incoherent approach can be partly attributed to different factions within the administration that shared conflicting views on how to respond to increasing arrivals and the lack of clear plan for “who should be in charge”.³¹

What ultimately resulted from internal disagreements and differing priorities was a dual-tracked approach that relied on both restrictive policies aimed at controlling access to asylum and arrivals at the border with new expansionist pathways that sought to transform irregular migration into regular migration. Some interviewees argued that while the rhetoric used by Biden administration officials was quite different from their predecessors, **some of the restrictions put in place by the Biden administration – what one expert referred to as “severe tightening”³² – were even more extreme than the policies put in place during the first Trump administration**. Biden’s approach was also coupled with “increasing externalisation and securitisation of U.S. borders [via] unprecedented initiatives such as supporting and financing removals from third countries”.³³

While the restrictions – detailed further below – were also paired with novel attempts to facilitate regular migration, **many of these new expansionist pathways simultaneously carried restrictive elements**. For example, the CHNV programme discussed in the next

section offered an innovative use of parole, but it also barred Cuban, Haitian, Nicaraguans and Venezuelans from accessing asylum at the U.S. southern border. On the other hand, some policies that were restrictionist at face-value – such as the introduction of the CBP One app as a prerequisite for beginning the asylum process – also had expansionist elements that allowed more people to access regular migratory pathways.

In the subsequent sections, we discuss the multitude of policies implemented under the Biden administration as either expansionist or restrictive, while also acknowledging that this dichotomy does not always hold up in practice. We also assess each policy’s efficacy in terms of whether it achieved its initial goal, as well as its broad and lasting impact on migratory pathways and systems.

4.1 Campaign promises and the first 100 days

Former President Biden campaigned on a **fundamentally different approach to migration and asylum than his predecessor Donald Trump**. His campaign promises included reforming the country’s outdated immigration system, reversing controversial Trump-era immigration policies and promoting safe, legal and orderly migration. In **his first 100 days in office, Biden took 94 executive actions on immigration that aimed to fulfil some of these promises**.³⁴ Over half focused on undoing previous Trump’s policies, such as revoking the ACAs, increasing the refugee admissions

29 Interview with a senior fellow at the American Immigration Council (KI06).

30 Interview with a senior fellow at the American Immigration Council (KI06).

31 Interview with a senior fellow at the American Immigration Council (KI06).

32 Interview with a deidentified expert (KI21).

33 Interview with a deidentified expert (KI21).

34 Muzaffar Chishti and Jessica Bolter, ‘Border Challenges Dominate, But Biden’s First 100 Days Mark Notable Under-the-Radar Immigration Accomplishments’, *Migration Information Source*, 26 April 2021, <https://www.migrationpolicy.org/article/biden-100-days-immigration>.

ceiling, ending several travel and visa issuance bans and rolling back MPP. At the same time, he enacted new policies, including a strategy to address the root causes of migration in Central America and the designation of new nationalities such as Venezuela and Myanmar for Temporary Protected Status (TPS).³⁵

Some of these actions were highly effective and well coordinated. The wind down of MPP, for instance, “was a beautiful, orderly process”, according to a former Biden official focused on migration. This success was attributed to strong coordination and support from various groups, including law enforcement, the Mexican government and border communities. The official relayed an example, “*The mayor of Brownsville could call me and I could tell him: ‘We’re going to process 100 people at the port. Do you have the reception capacity to host them?’*”³⁶.

However, other policy decisions were less well-regarded by numerous interviewees. One of them was the Biden administration’s decision to maintain Title 42, a pandemic-era measure that banned migrants from entering the U.S. to prevent the spread of contagious diseases. By keeping Title 42 in place, the administration signalled that the border was still closed and failed to provide a clear alternative for those seeking asylum. Yet, a few weeks into the administration, U.S. Customs and Border Protection (CBP) officials began releasing migrants held in short-term detention, immediately triggering movement across the border.³⁷ At the same time, Biden issued a 100-day moratorium on most deportations which signalled a much more lenient approach to migration – although it was immediately challenged in court and never implemented.³⁸

These conflicting policy aims reaffirm that the Biden administration lacked “a defined plan or vision” for its immigration approach from the start.³⁹ A former migration official under the Biden administration echoed this view, noting that “*it was deeply unclear what their ultimate policy objectives were. During the campaign, the political and policy commitment was to rebuild access to the asylum system, but I think there were different levels of understanding of what that meant operationally and in terms of policy*”.⁴⁰ Internal divisions

within the Biden administration also played a role in this conflicting strategy: members of the National Security Council favoured a more restrictionist approach whereas members of the Domestic Policy Council wanted to address migration issues from a pro-humanitarian and pro-asylum perspective, which often led to inaction.⁴¹

Despite these challenges, **the Biden administration initially signalled its hope to create a new model for managing migration that both preserved humanitarian protection while also attempting to reduce irregular arrivals at the border.** This willingness was exemplified by the comprehensive immigration reform bill that Biden introduced on his first day in office. The bill would have offered a path to citizenship for undocumented migrants, removed barriers to family-based immigration, strengthened protections for immigrant workers, supplemented border resources with further technology and infrastructure, enhanced the ability to prosecute human smugglers and traffickers and reduced immigration court backlogs among other measures.⁴² The bill was well received by immigrant rights defenders and most Democrats but many of its provisions were strongly opposed by Republicans. Ultimately, it did not receive enough bipartisan support given Democrats’ slim majority in the Senate.

After these failed early attempts to find comprehensive solutions to migration, the entire immigration policy agenda quickly became consumed by the border. In February 2021, only one month into its term, numbers at the border rose to over 100,000 encounters, a significant increase from approximately 40,000 encounters in December 2020.⁴³ While potential pull factors, such as **a friendlier rhetoric from the Biden administration, especially after a very restrictive administration such as Trump’s, likely played a role in the increased number of migrants arriving at the border, they were not the sole reason.** As discussed earlier, the COVID-19 pandemic had caused a dramatic reduction in crossings, creating an immense backlog of individuals who needed to migrate. As the COVID-19 threat waned, migration numbers increased globally.⁴⁴

This complex and evolving context led the Biden

35 Muzaffar Chishti and Jessica Bolter, ‘Border Challenges Dominate, But Biden’s First 100 Days Mark Notable Under-the-Radar Immigration Accomplishments’.

36 Interview with a former migration official under the Biden administration (KI19).

37 Interview with an expert at a research institute (KI02); Interview with a former migration official under the Biden administration (KI19).

38 Sabrina Rodriguez, ‘Biden Dealt Blow on 100-Day Deportation Moratorium’, Politico, 26 January 2021, <https://www.politico.com/news/2021/01/26/biden-deportation-moratorium-462784>; Interview with an expert at a research institute (KI14).

39 Interview with an expert at a non-governmental organization (KI09).

40 Interview with a former migration official under the Biden administration (KI19).

41 Interview with a senior fellow at the American Immigration Council (KI06).

42 ‘Fact Sheet: President Biden Sends Immigration Bill to Congress as Part of His Commitment to Modernize Our Immigration System’, The White House, 20 January 2021, <https://bidenwhitehouse.archives.gov/briefing-room/statements-releases/2021/01/20/fact-sheet-president-biden-sends-immigration-bill-to-congress-as-part-of-his-commitment-to-modernize-our-immigration-system/>.

43 ‘Southwest Land Border Encounters’, U.S. Customs and Border Protection, 12 August 2025, <https://www.cbp.gov/newsroom/stats/southwest-land-border-encounters>.

44 Interview with an expert at a non-governmental organization (KI09); Interview with a former official at the U.S. Department of Homeland Security (KI30).

administration into a defensive posture with a change in rhetoric. In an attempt to manage increasing border numbers while still providing protection options, it adopted **a dual strategy: implementing restrictive measures at the border coupled with opening new legal pathways for migration, hoping to funnel irregular migration into regular pathways.**

4.2 Expansion and creation of new legal pathways

One critical innovation of the Biden administration was the creation and expansion of legal pathways for migrants and asylum seekers, mostly through executive action due to the lack of Congressional support for immigration reform. Several of these legal pathways aimed at reducing the high number of irregular border crossings, but they also expanded existing pathways for migrants who were already present in the U.S., which resulted in a mix of policy tools aimed at providing humanitarian protection.

4.2.1 Temporary Protected Status

The Biden administration used TPS extensively throughout its term to offer protection to individuals already present in the U.S. Created by Congress in 1990, this tool offers temporary protection and work authorisation to nationals who are unable to return to their country of origin due to conflict, disasters or other extraordinary conditions, but no route to permanent residency.⁴⁵ Since then, 28 countries have received TPS designation throughout different administrations, which is granted for only 6, 12 or 18 months at a time unless extended.⁴⁶

In March 2021, the Biden administration provided an 18-month TPS designation to Venezuela due to severe economic and political turmoil in the country and extended it for another 18 months in July 2022. Before the designation was set to expire again, TPS was both extended and redesignated in September 2023, allowing for those who had arrived after March 2021 to apply for this protection.⁴⁷

Throughout the administration, 16 additional TPS designations, redesignations and extensions were granted for Afghanistan, Cameroon, El Salvador, Ethiopia, Haiti, Honduras, Lebanon, Myanmar, Nepal, Nicaragua, Somalia, South Sudan, Sudan, Syria, Yemen and Ukraine.⁴⁸ **This unprecedented use of TPS increased the number of TPS holders from approximately 300,000 at the beginning of the Biden administration in January 2021 to more than one million at the end of September 2024** – 505,400 Venezuelans, 260,790 Haitians, 174,190 Salvadorans, 63,425 Ukrainians, 52,585 Hondurans and a several thousand individuals from other nationalities.⁴⁹

4.2.2 Refugee resettlement

After the Trump administration took unprecedented actions to limit the number of resettled refugees in the U.S., setting the lowest ever annual refugee admission ceiling of just 15,000 individuals, **the Biden administration worked to rebuild the refugee resettlement system.** Upon taking office, Biden raised the ceiling to 62,500 in fiscal year (FY) 2021 and doubled it to 125,000 per year in FY 2022, 2023, 2024 and 2025.⁵⁰ Despite this ambitious ceiling, only 224,000 refugees were admitted into the United States between October 1, 2021 and December 31, 2024.⁵¹ This was a significant increase compared to the previous Trump administration (118,000) but it was far below the cap set and also lags behind some of the country's largest resettlement periods during the George H. W. Bush (475,000) and Clinton (409,000) administrations.⁵²

Former President Biden inherited difficult conditions from the previous administration and struggled to rebuild the programme, which recovered slowly. Low admission levels during the Trump administration meant added layers of bureaucracy and slowdowns in resettlement, reduced funding and a deep impact on the country's refugee resettlement infrastructure. As refugee arrivals dropped, numerous refugee resettlement agencies – a critical part of the resettlement process – were forced to reduce their staff, suspend their services and even close their doors. The Biden administration attempted to revert many of these changes by increasing funding, hiring

45 'Temporary Protected Status', U.S. Citizenship and Immigration Services, 5 August 2025, <https://www.uscis.gov/humanitarian/temporary-protected-status>.

46 Executive Office for Immigration Review, 'Temporary Protected Status', U.S. Department of Justice, 8 July 2025, <https://www.justice.gov/eoir/temporary-protected-status>; Jill H. Wilson, *Temporary Protected Status and Deferred Enforced Departure*, RS20844 (Congressional Research Service, 2024), <https://www.congress.gov/crs-product/RS20844>.

47 Jill H. Wilson, *Temporary Protected Status and Deferred Enforced Departure*.

48 Jill H. Wilson, *Temporary Protected Status and Deferred Enforced Departure*.

49 'Temporary Protected Status (TPS): Fact Sheet', National Immigration Forum, 14 March 2025, <https://forumtogether.org/article/temporary-protected-status-fact-sheet/>; Interview with a senior fellow at the American Immigration Council (KI06).

50 'Statement by President Joe Biden on Refugee Admissions', The White House, 3 May 2021, <https://bidenwhitehouse.archives.gov/briefing-room/statements-releases/2021/05/03/statement-by-president-joe-biden-on-refugee-admissions/>; Diana Roy et al., 'How Does the U.S. Refugee System Work?', Council on Foreign Relations, 16 May 2025, <https://www.cfr.org/backgrounder/how-does-us-refugee-system-work-trump-biden-afghanistan>.

51 'Admissions & Arrivals', Refugee Processing Center, 31 December 2024, <https://www.wrapsnet.org/admissions-and-arrivals/>.

52 Muzaffar Chishti et al., 'How the Rebuilt U.S. System Resettled the Most Refugees in 30 Years', Migration Information Source, 30 October 2024, <https://www.migrationpolicy.org/article/rebuilt-us-refugee-resettlement-biden>.

additional refugee officers, implementing technological innovations to make the system more efficient and supporting refugee resettlement agencies to expand or reopen.⁵³ However, the numbers of resettled refugees compared to the actual ceiling indicate that domestic capacity did not fully recover.

Despite these challenges, **a notable action of the Biden administration was expanding the refugee allocation for Latin America**, which had historically been much lower than other world regions. In four years, the regional ceiling was increased 10-fold, from only 5,000 refugees in FY 2021 to a range between 35,000 and 50,000 in FY 2024, a change that was well received by immigrant advocates in the region who had been pushing for an increase over many years.⁵⁴ Although resettlement numbers from the region were not as large as numbers for other regular pathways for admission into the U.S., it was also a way to signal that there were other means to seek admission into the U.S. rather than using irregular routes.⁵⁵

Another innovation of the Biden administration was the “Welcome Corps”, a private refugee sponsorship programme created in January 2023 and modelled on a similar Canadian system. This programme complemented the traditional USRAP by allowing groups of at least five U.S. citizens or permanent residents to sponsor an individual to be resettled as a refugee in the U.S., showing “what a bottom up approach to welcome and to protection looked like”.⁵⁶ These groups would raise a minimum amount of funds per refugee and commit to support them for their first 90 days in the U.S., helping them access housing, education, healthcare and employment.

The programme sparked interest among U.S. communities. As of January 2025, more than 160,000 individuals had signed up to sponsor refugees and over \$210 million had been committed.⁵⁷ Although Welcome Corps has not published official numbers, it is estimated that 9,000 sponsors welcomed more than 4,500 refugees since the programme's first arrivals in June 2023 and February 2025.⁵⁸ In the months that followed, the

administration launched two new modalities within the programme. The “Welcome Corps on Campus”, launched in July 2023, allowed university and college communities to sponsor refugee students and welcomed 116 refugee students – 31 students in the first cohort (2024) and 85 students in the second cohort (2025).⁵⁹ The “Welcome Corps at Work” was launched in April 2024 to match skilled refugees with U.S. employers in industries such as hospitality, healthcare and technology. Through this pilot initiative, which set a goal of admitting at least 300 refugees by 2027, 12 employers across nine different states extended job offers to 23 refugees.⁶⁰

According to one interviewee, **the Biden administration hoped that by privatising part of the refugee welcoming infrastructure, it would be better insulated from political changes** since it would no longer be entirely reliant on government funding.⁶¹ **Yet despite the involvement of the private sector, the programme was ultimately administered via government agencies -- thus subjecting it to political shifts – and the programme was ultimately cancelled by the second Trump administration** in February 2025. The lack of official data and the short length of the Welcome Corps makes it difficult to assess the effectiveness of the programme but the level of engagement of U.S. citizens and permanent residents clearly attests to the community's interest and will to strengthen and modernise refugee resettlement in the U.S.

4.2.3 Humanitarian parole

The Biden administration also made unprecedented use of humanitarian parole, which provides temporary protection to individuals seeking to enter the U.S. due to urgent humanitarian reasons or significant public benefit under the discretion of the Secretary of Homeland Security. The use of parole goes back to 1956, when 30,000 Hungarian refugees were paroled into the country, and has been used in numerous occasions since then to provide protection to Cubans, Vietnamese, Cambodians and individuals of other nationalities.⁶²

The Biden administration invoked its parole authority for

53 Muzaffar Chishti et al., 'How the Rebuilt U.S. System Resettled the Most Refugees in 30 Years'.

54 'Post-Pandemic Increases in Latin American and Caribbean Refugee Populations', National Immigration Forum, 20 December 2024, <https://immigrationforum.org/article/post-pandemic-increases-in-latin-american-and-caribbean-refugee-populations/>; Interview with an expert at a research institute (KI10).

55 Interview with two deidentified experts (KI15).

56 Interview with a former official at the U.S. Department of State (KI26).

57 Claire Holba, 'A Welcome Corps Retrospective: How Red and Blue America Embraced Refugee Sponsorship', Niskanen Center, 23 April 2025, <https://www.niskanencenter.org/a-welcome-corps-retrospective-how-red-and-blue-america-embraced-refugee-sponsorship/>.

58 James Pollard, 'Refugees and Their Sponsors Feel Stuck after Halt to Programs Letting Communities Resettle Newcomers', Associated Press, 21 February 2025, <https://apnews.com/article/welcome-corps-refugee-resettlement-trump-biden-39b5254f5b36ac26b06a86581798af57>.

59 'Welcome Corps on Campus: Enrolling Refugees to Be Resettled in the U.S.', Higher Ed Immigration Portal, accessed 11 August 2025, <https://www.higheredimmigrationportal.org/welcome-corps-on-campus-enrolling-refugees-to-be-resettled-in-the-u-s/>.

60 'Welcome Corps at Work', Welcome Corps, accessed 11 August 2025, <https://welcomecorps.org/about/welcome-corps-at-work/>; 'Day 3: WHAT. A. DAY!', Talent Beyond Boundaries, 15 December 2023, <https://www.talentbeyondboundaries.org/blog/day3tbbatgrf>.

61 Interview with a deidentified expert (KI04).

62 'The Use of Parole Under Immigration Law', American Immigration Council, 8 April 2024, <https://www.americanimmigrationcouncil.org/fact-sheet/use-parole-under-immigration-law/>.

the first time in August 2021, shortly after the U.S. withdrew from Afghanistan.⁶³ The chaotic situation created by the rapid pullout required a quick way to bring Afghan allies to the U.S. who were desperately trying to leave the country. Approximately 76,000 evacuated Afghans were paroled into the country through “Operation Allies Welcome” (OAW), launched to coordinate efforts across the federal government to support vulnerable Afghans.⁶⁴

In April 2022, **the Biden administration again used humanitarian parole to establish the “Uniting for Ukraine” (U4U) programme after pledging to welcome up to 100,000 Ukrainians to the U.S.** after Russia’s invasion. In order to be eligible for humanitarian parole, Ukrainians had to pass stringent security vetting and have a sponsor in the U.S. Although this may seem like a novel approach, there is precedent of sponsorship being used as a prerequisite for parole – for example, Soviet Jews were required to have individual sponsors in the 1980s and charitable organizations sponsored Hungarian parolees in the 1950s.⁶⁵

The programme sought to provide protection to Ukrainian refugees fleeing the war, but it was also an attempt to discourage them from arriving at the U.S.-Mexico border. This strategy worked. Between the start of the war in February 2022 and the announcement of U4U, 23,000 Ukrainians presented themselves at U.S. border crossings and were allowed entry into the country, but **after U4U started, the number of Ukrainians at the border dropped by 99.9 percent.**⁶⁶ According to DHS, the programme ultimately paroled more than 233,000 Ukrainians into the U.S.⁶⁷

At the same time that Ukrainians were being admitted before the start of U4U, other nationalities were being expelled under the authority of Title 42. This prompted immigrant advocates to demand that the Biden administration provide the same level of treatment to other nationalities. As one interviewee explained, *“the Biden administration wasn’t perfect on this by any means, but when people talked to them about equity, they listened.”*

*The idea that they were treating different migrant groups disparately, especially based on race, was not something that they wanted to do.”*⁶⁸

A few months later, **in October 2022, the Biden administration announced a similar programme for Venezuelans that was extended to Cubans, Haitians and Nicaraguans in January 2023.** The programme, known as “Humanitarian Parole Programme for Cubans, Haitians, Nicaraguans and Venezuelans”, or **CHNV**, also required a U.S.-based sponsor but unlike U4U, it had a cap of 30,000 parolees per month. **Another important difference was the carrot and stick approach to this programme.** The U.S. signed a deal with Mexico allowing them to expel 30,000 individuals of the same nationalities to Mexico per month if they were trying to enter the U.S. irregularly. This harsher enforcement was a stark contrast to other parole programmes and sparked criticism from immigrant rights organizations.⁶⁹

The CHNV programme allowed its beneficiaries to fly directly into the U.S. from their country of origin or other transit countries, providing a safe alternative to perilous land routes, but it also had several shortcomings. One of the main challenges was documentation. Having a valid passport was one of the requirements to access the programme, which is almost impossible for individuals coming from countries like Venezuela and Haiti. Yet once a wide range of actors – including immigrant advocates and members of the Venezuelan diaspora – pressured the administration, it allowed Venezuelan nationals to apply for the programme with expired passports.⁷⁰

Accessibility was another challenge. Because of the way the programme was designed, many individuals with insufficient means as well as vulnerable individuals in need of protection but who could not meet the requirements were left out, especially with the restrictionist approach at the border that accompanied the programme. A representative of Amnesty International argued that this type of programme “cannot be at the expense of the ability to seek asylum. They can exist, but people still need

63 Kelsey Norman and Ana Martín Gil, ‘3 years after fall of Kabul, US Congress has still not acted to secure future of more than 70,000 Afghan evacuees in US’, *The Conversation*, 14 August 2024, <http://theconversation.com/3-years-after-fall-of-kabul-us-congress-has-still-not-acted-to-secure-future-of-more-than-70-000-afghan-evacuees-in-us-235080>.

64 Jeanne Batalova and Julian Montalvo, ‘Afghan Immigrants in the United States’, *Migration Information Source*, 15 February 2024, <https://www.migrationpolicy.org/article/afghan-immigrants-united-states>.

65 David J. Bier, *Parole Sponsorship Is a Revolution in Immigration Policy*, Briefing Paper No. 165 (Cato Institute, 2013), <https://www.cato.org/briefing-paper/parole-sponsorship-revolution-immigration-policy>.

66 Adriel Orozco, ‘USCIS Announces Re-Parole for Ukrainians’, *American Immigration Council*, 7 March 2024, <https://www.americanimmigrationcouncil.org/blog/uscis-announces-re-parole-for-ukrainians/>; David J. Bier, *Parole Sponsorship Is a Revolution in Immigration Policy*.

67 Office of Inspector General, *DHS Needs to Improve Oversight of Parole Expiration for Select Humanitarian Parole Processes*, OIG-25-30 (U.S. Department of Homeland Security, 2025), <https://www.oig.dhs.gov/sites/default/files/assets/2025-07/OIG-25-30-Jul25.pdf>.

68 Interview with a deidentified expert (KI04).

69 ‘The Biden Administration’s Humanitarian Parole Program for Cubans, Haitians, Nicaraguans, and Venezuelans: An Overview’, *American Immigration Council*, 31 October 2023, <https://www.americanimmigrationcouncil.org/fact-sheet/biden-administrations-humanitarian-parole-program-cubans-haitians-nicaraguans-and/>.

70 Interview with an expert at a research institute (KI02).

to be able to approach the U.S. port of entry and claim asylum”.⁷¹ A UN research specialist in Haiti also lamented this issue and noted that because only people with certain means were able to access the programme, high-skilled workers such as doctors, nurses or police officers ended up travelling to the U.S., exacerbating brain drain from the country.⁷²

Lastly, although one of the advantages of humanitarian parole is its flexibility compared to other protection options as it can be used under executive authority, parole was used for populations that arguably did not need protection and also used for populations that needed further protection such as refugee status.⁷³ Ultimately, there was not always a good match between individuals who needed protection and the type of status they were granted.

The CHNV programme was largely successful, as it allowed over 529,000 individuals to be paroled into the country and significantly reduced the number of irregular migrants from these nationalities arriving at the U.S.-Mexico border, one of the critical aims of the Biden administration.⁷⁴ At the same time, it was one of the most criticised initiatives by opponents of the Biden administration. In a 2024 report, House Republicans argued the programme circumvented regular immigration processes established by Congress and placed a burden on local governments, noting that Haitian parolees had impacted communities such as Springfield, Ohio, despite a lack of evidence.⁷⁵ They also claimed that it was ridden by fraud because of a scandal involving a small number of “serial sponsors” that led the administration to temporarily pause the programme in the summer of 2024. Several Republican states also challenged the CHNV programme in federal court, though the judge ruled that the states lacked standing to claim the programme had caused them injury.⁷⁶

The political controversy over parole authority – especially during an election year – is likely what led the Biden administration not to create a re-parole process for the CHNV programme, which meant parolees had to apply for a different immigration status beyond their parole end date. The unpopularity of the programme also hampered

the administration's ability to use parole authority to achieve other aims. In June 2024, Biden announced a new programme called “Parole in Place” that would have allowed spouses and stepchildren of U.S. citizens to request parole under existing statutory authority. One expert at a non-governmental organization noted that while this was a very coherent policy that could have received bipartisan support, the issue of parole had already become highly toxic.⁷⁷ A few days after its implementation in August 2024, 16 Republican states led by Texas filed a lawsuit to halt, with a federal judge in Texas ruling that the Biden administration had exceeded its authority in creating the programme.⁷⁸

4.2.4 Safe Mobility Offices

The most innovative strategy of the Biden administration was the creation of Safe Mobility Offices (SMOs), launched in April 2023 and set up in four countries across Latin and Central America – Colombia, Costa Rica, Guatemala and Ecuador – to provide migrants and asylum seekers with pathways to the U.S. and other countries. As one U.S.-based migration expert explained, “the SMOs were an exciting chance to prove [...] whether or not access to protection closer to home had an impact on migration”.⁷⁹

Implemented by the U.S. Government in collaboration with Ecuador, Colombia, Costa Rica, and Guatemala, with support from UNHCR, IOM, and other partners, **the SMOs screened migrants and asylum seekers for refugee resettlement and existing U.S. labour and family reunification pathways and provided information and counselling on alternative legal pathways for those who did not qualify.**⁸⁰ A migration expert at a research institute underscored the importance of providing access to information:

“It did potentially limit some of the myths and disinformation circulating at the time—and I think that does matter. It doesn’t mean it made people stay in Colombia, but

71 Interview with a representative of Amnesty International (KI20).

72 Interview with a UN research specialist at a deidentified organization in Haiti (KI24).

73 Interview with a deidentified expert (KI04); Interview with a former migration official under the Biden administration (KI19).

74 Office of Inspector General, *DHS Needs to Improve Oversight of Parole Expiration for Select Humanitarian Parole Processes*; ‘CHNV Helps Reduce Unauthorized Migration to the Border’, FWD.US, 30 May 2024, <https://www.fwd.us/news/legal-pathways-successful/>.

75 U.S. House of Representatives, *The Biden-Harris Administration’s CHNV Parole Program Two Years Later: A Fraud-Ridden, Unmitigated Disaster*, Interim Staff Report of the Committee on the Judiciary and Subcommittee on Immigration Integrity, Security and Enforcement (2024), <http://judiciary.house.gov/media/press-releases/new-report-two-years-biden-harris-administrations-fraud-ridden-parole-program>.

76 Yael Schacher, ‘Setting the Record Straight on CHNV’, Refugees International, 28 March 2025, <https://www.refugeesinternational.org/perspectives-and-commentaries/setting-the-record-straight-on-chnv/>.

77 Interview with an expert at a non-governmental organization (KI09).

78 ‘An Update on Keeping Families Together Parole in Place Process’, Immigrant Legal Research Center, 14 November 2024, https://www.ilrc.org/sites/default/files/2024-11/Latest%20Updates%20on%20Keeping%20Families%20Together%20Parole%20in%20Place%20Process_Nov%202024.pdf.

79 Interview with a senior fellow at the American Immigration Council (KI06).

80 Lucy Hovil et al., *The Influence of Safe Mobility Offices (SMO) on Mixed Migration in Latin America*.

*it did give them access to better information. I think it helped in other places a little bit more. Costa Rica might be one of the examples where you can see that. You had so many Nicaraguans there who had either been recognised as refugees or were going to be recognised as refugees and who had been in Costa Rica for such a long time. For them, [the SMO process] really was a reprieve”.*⁸¹

As mentioned earlier, the Biden administration raised the refugee allocation for Latin America and the SMOs played a crucial role in facilitating the expansion, as approximately 21,000 individuals from the region were approved for resettlement. **They also reduced processing times from years to months and, in certain instances, even weeks, which was unprecedented** and essential for individuals fleeing life-threatening situations.⁸² One academic focused on the Americas noted that the SMOs represented a novel approach as “this was the first time in which we have seen a model of refugee resettlement vetting in the Americas for resettlement in the United States”.⁸³

Another positive aspect of the SMOs was the involvement of other countries – namely Spain and Canada – which agreed to accept referrals for resettlement, advancing the Biden administration’s goals of sharing migration management responsibilities across the Americas and beyond. According to a former Spanish government official, about 200 Nicaraguans were resettled from Costa Rica to Spain.⁸⁴ While this number is relatively small, the SMOs paved the way for Spain to continue resettling refugees from the region through a programme that has persisted even after the SMOs were shut down under the Trump administration.⁸⁵

The same former official also recounted some of the difficulties surrounding negotiations with countries hosting

the SMOs: “Each country wanted certain conditions. For example, Colombia wanted to work with its nationals and Venezuelans, Guatemala only wanted its nationals and Costa Rica, only Nicaraguans. So the rules of the game were also set by the country and you [had] to adapt”.⁸⁶ As a result, only a limited range of nationalities could apply for protection via the SMOs, even though movement through the Darién Gap was global and individuals from countries as far removed as Afghanistan or Turkey were also seeking access to regular migration pathways.⁸⁷

An expert who focuses on border security in Latin America also explained that the countries being considered to host the SMOs were concerned about the offices being perceived as a magnet for migration. Consequently, **the original plan of having 150 offices around the region never came to fruition and only Colombia, Costa Rica, Guatemala and Ecuador agreed to participate**.⁸⁸ These countries ended up imposing strong restrictions on who could apply for protection. For example, the Colombian government required individuals to have regular status in Colombia, meaning they already possessed a form of protection and were not the most in need.⁸⁹ Another expert at a research institute lamented that, **while helpful in creating alternatives, the SMOs were not effective at reaching the most vulnerable people: “I did enough interviews in Darién even after the SMOs were well into functioning to realize that that was not an option for the vast majority of people that were crossing Darién”**.⁹⁰

One final critique mentioned by interviewees was that **SMOs were not necessarily cost effective**.⁹¹ As a former official at the United States Agency for International Development (USAID) noted, SMOs “definitely took up a big portion of PRM’s budget”.⁹² Beyond their financial cost, negotiations with countries willing to host SMOs were complex and required a large time investment, sometimes to the detriment of other initiatives. The same official emphasised, **“it was a huge negotiation to get countries to accept these Safe Mobility Offices”**.⁹³

Overall, **the SMOs represented a meaningful attempt to provide the opportunity to access pathways to protection without having to undertake long journeys first, but their impact remained limited**. The number of people who were able to access protection was very

81 Interview with an expert at a research institute (KI10).

82 Lucy Hovil et al., *The Influence of Safe Mobility Offices (SMO) on Mixed Migration in Latin America*.

83 Interview with an academic at the University of Wisconsin-Madison (KI13).

84 Interview with a former advisor to the minister at the Spanish Ministry of Inclusion, Social Security and Migration (Ministerio de Inclusión, Seguridad Social y Migraciones) (KI27).

85 Interview with an expert at a research institute (KI10).

86 Interview with a former advisor to the minister at the Spanish Ministry of Inclusion, Social Security and Migration (Ministerio de Inclusión, Seguridad Social y Migraciones) (KI27).

87 Interview with an academic at the University of Wisconsin-Madison (KI13).

88 Interview with the Director for Defence Oversight at the Washington Office on Latin America (KI07).

89 Interview with a deidentified expert (KI21).

90 Interview with an expert at a research institute (KI10).

91 Interview with a deidentified expert (KI17); Interview with a former official at USAID (KI25).

92 Interview with a former official at USAID (KI25).

93 Interview with a former official at USAID (KI25).

small compared to the number of people in need. As one interviewee concluded, *“with the criteria being so narrow, wait times being so long and other bureaucratic hurdles, [the system] certainly did slow down and didn’t move as quickly as some people had hoped”*.⁹⁴

4.2.5 Visas and Naturalisation

Finally, it is important to acknowledge that **legal immigration admissions increased under the Biden administration** after they significantly dropped during the COVID-19 pandemic. In FY 2024, the State Department issued more than 11 million visas, with over 1.1 million international students attending U.S. universities in the 2023-24 academic year.⁹⁵

Naturalizations also reached a record high under the Biden administration and accounted for close to 3.5 million between FY 2021 and 2025. In an attempt to address the backlog caused by the pandemic, the Biden administration reduced processing times and administrative roadblocks, with processing times for naturalization applications decreasing from 11.5 months at the beginning of his term to five months at the end.⁹⁶

In sum, the Biden administration used **a number of measures to expand legal pathways for migration to the U.S. or to speed up processing times for traditional pathways. But these efforts only represent one side of the coin.** Biden simultaneously used a number of increasingly restrictive policies to limit irregular and regular migration pathways, especially at the U.S. southern border, as the next section describes in detail.

4.3 Restrictive measures at the border

As mentioned previously, the Biden administration’s initial actions focused on undoing many of the policies that the first Trump administration had put in place. As a former DHS official explained, *“There was less clarity about what they wanted to do affirmatively”*.⁹⁷ One leader within the administration was clear in his goals though: “[DHS] Secretary Mayorkas really wanted enforcement priorities”.⁹⁸ This led to a conflict between migration-focused elements of the administration that

wanted to please career public servants at CBP and ICE versus those who wanted to appeal to a pro-immigration, liberal audience.⁹⁹

In addition to this internal strife, **the Biden administration faced issues with its messaging around restrictions at the border.** The same former DHS official explained that:

“Nobody is ever going to believe that the Democrats are as tough on immigration as the Republicans. Trying to be Trump light, we’re going to do what they do, we’re just going to do it a little bit more nicely. That didn’t neutralise the issue and it certainly didn’t win people over”.¹⁰⁰

As the administration’s messaging shifted throughout its term from an emphasis on humanitarianism and prioritising the needs of migrants and refugees toward border security and restriction, the Democrats found that they were no longer pleasing either camp. As a former State department official noted, the Biden administration, *“had an evolving recognition that the enforcement piece is a [necessary] element of the overall approach”*, but this recognition came too late.¹⁰¹

4.3.1 Upholding Title 42

The **first major blow to immigration advocates who had supported Biden’s candidacy was the administration’s initial decision in early 2021 to leave Title 42 in place.** The policy, which had been in place since March 2020, suspended the entry of certain nationalities and demographics of asylum seekers into the U.S. under the guise of protecting public health. During Trump’s last few months in office in 2020, Title 42 – which largely replaced MPP – was responsible for hundreds of thousands of expulsions.¹⁰²

The administration urged patience as it attempted to manage the situation at the border, assuring its supporters that it was taking steps to improve the asylum infrastructure that was badly impacted under the Trump

94 Interview with an expert at a research institute (KI10).

95 ‘Table I Immigrant and Nonimmigrant Visas Issued at Foreign Service Posts Fiscal Years 2020-2024*’, U.S. Department of State, accessed 19 August 2025, <https://travel.state.gov/content/dam/visas/Statistics/AnnualReports/FY2024AnnualReport/Table%20I.pdf>; Chishti et al., ‘Biden’s Mixed Immigration Legacy: Border Challenges Overshadowed Modernization Advances’.

96 Chishti et al., ‘Biden’s Mixed Immigration Legacy: Border Challenges Overshadowed Modernization Advances’.

97 Interview with a former official at the U.S. Department of Homeland Security (KI30).

98 Interview with a former official at the U.S. Department of Homeland Security (KI30).

99 Interview with a former official at the U.S. Department of Homeland Security (KI30).

100 Interview with a former official at the U.S. Department of Homeland Security (KI30).

101 Interview with a former official at the U.S. Department of State (KI26).

102 The ‘Migrant Protection Protocols’: An Explanation of the Remain in Mexico Program’, American Immigration Council, 1 February 2024, <https://www.americanimmigrationcouncil.org/fact-sheet/migrant-protection-protocols/#:~:text=On%20June%201%2C%202021%2C%20the,administration%20formally%20terminated%20MPP%201.0>.

administration. But according to one former administration official:

*“There was such an attachment to Title 42 among the President’s most senior advisors because they understood it as the most effective deterrent, [arguing]: ‘You can just turn them back’”.*¹⁰³

Because of a November 2020 court ruling that went into effect at the start of FY 2021, unaccompanied minors were permitted to cross through, leading to a sharp increase in the number of children stuck in border patrol stations while the Department of Health and Human Services (HHS) attempted to find beds for them in its shelters. That year the border patrol processed more than 12,200 unaccompanied minors who had previously been expelled under Title 42 and in FY 2022, 153,000 unaccompanied children arrived at a U.S. border – the highest number to date – leading to a sense of chaos at the border.¹⁰⁴

After more than a year in office, the Biden administration finally announced that it would end the use of Title 42 in April 2022. Yet the actual process of ending the policy took another full year due to legal challenges by Republican-led states, which took another full year to play out in court.¹⁰⁵ During this waiting period, the Biden administration actually expanded Title 42’s use to include Venezuelan, Cuban, Haitian and Nicaraguan nationals who could then be expelled to Mexico.¹⁰⁶ Finally, with the official end of the pandemic – the original premise for the policy – on May 11, 2023, the Supreme Court found that the legal challenge was moot. **As the end date for Title 42’s usage drew near, fears arose within the administration that a border “crisis” would ensue.** One former Biden official criticised the process used by the leadership:

*“They announced [the end date]. If you announce that the border is going to close, the numbers are going to go up right before. Everybody knows this, except the staff that they had take over, who were all new to immigration [and] didn’t know that”.*¹⁰⁷

The number of encounters at the border did rise in anticipation of the end of the policy, but actually fell dramatically later that year after the use of Title 42 expulsions had ceased (see Figure 3).

103 Interview with a former migration official under the Biden administration (K119).

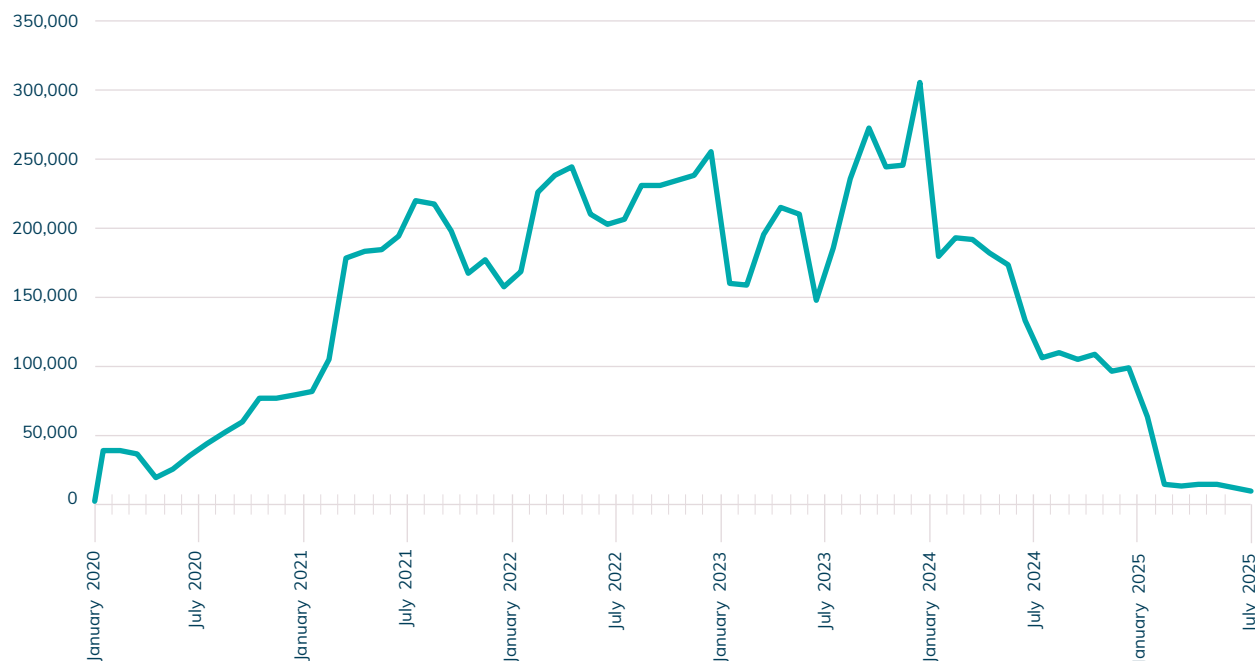
104 Muzaffar Chishti et al., ‘Title 42 Postmortem: U.S. Pandemic-Era Expulsions Policy Did Not Shut Down the Border’, Migration Information Source, 25 April 2024, 4, <https://www.migrationpolicy.org/article/title-42-autopsy>.

105 Chishti et al., ‘Title 42 Postmortem: U.S. Pandemic-Era Expulsions Policy Did Not Shut Down the Border’, 42.

106 Chishti et al., ‘Biden’s Mixed Immigration Legacy: Border Challenges Overshadowed Modernization Advances’, Adam Isacson, ‘10 Things to Know About the End of Title 42’, Washington Office on Latin America, 9 May 2023, 42, <https://www.wola.org/analysis/end-title-42/>.

107 Interview with a former migration official under the Biden administration (K119).

Figure 3: Southwest border land encounters (2020-2025)



Source: U.S. Customs and Border Patrol (CBP). Encounter data includes U.S. Border Patrol (USBP) Title 8 Apprehensions, Office of Field Operations (OFO) Title 8 Inadmissibles and Title 42 Expulsions.

However, the end of Title 42 led to a sense of urgency – even panic – among administration officials who could no longer rely on the policy to suppress border crossings. Instead, the end of Title 42:

“Led to the Biden administration just throwing as many policies at the wall as they could to see what would stick with the ultimate goal of reducing numbers [...] They really struggled because they were always simultaneously trying to reduce numbers, but also trying to maintain a message that there was not a border crisis”¹⁰⁸

One of the most significant policies to emerge in the immediate aftermath of the end of Title 42 was the CLP rule and an expanded use of the CBP One app.

4.3.2 CBP One

The CBP One application was initially developed in October 2020 by CBP to assist trucking companies with scheduling cargo inspections. In early 2023, the app was expanded for use in scheduling appointments for asylum seekers who could then be screened at ports of entry. But with the end of Title 42, a return to Title 8 expulsions and the introduction of the CLP Final Rule on May 11, 2023, CBP One became the sole method for accessing an asylum appointment at the border.

Under the new rule, asylum seekers – excluding unaccompanied children – who did not use the CBP One app and arrived at the border without an appointment were presumed ineligible for asylum, unless they had applied for and been denied asylum in a third country they passed through.¹⁰⁹ It also allowed for some exceptions if asylum seekers were unable to schedule an appointment due to a language barrier, illiteracy, significant technical failure or other ongoing and serious obstacle, though in practice these exceptions were rarely granted. The Biden administration saw the new rule as, “a way of rerouting people from between ports of entry”.¹¹⁰

Numerous interviewees discussed CBP One as the single most important policy change to occur under

¹⁰⁸ Interview with a senior fellow at the American Immigration Council (KI06).

¹⁰⁹ ‘Fact Sheet: Circumvention of Lawful Pathways Final Rule’, U.S. Department of Homeland Security, 11 May 2023, <https://www.dhs.gov/archive/news/2023/05/11/fact-sheet-circumvention-lawful-pathways-final-rule>.

¹¹⁰ Interview with an expert at a research institute (KI12).

the Biden administration's tenure. Some saw it as a positive development. One migration-focused academic expert from Mexico described it as, “a major change, for sure. We saw the way it was working here on the ground. It gave immigrants a sense of hope; they were checking it all the time. It was something to keep their minds on”.¹¹¹ Others described the difficulties that potential asylum seekers faced as a result of being forced to rely on an app that did not always function properly in order to begin their asylum process. According to an expert from a non-governmental organization, “the rollout had some real difficulties. It was very complicated to use—temperamental, with lots of issues”.¹¹² That same individual spoke highly of the response from CBP in regard to complaints about the functionality of the app, noting that, “[CBP] actually came down into Mexico, watched people use it in our area and saw firsthand how people were struggling with it”.¹¹³

Even as CBP improved technologically though, it did not change the fact that CBP One was effectively a metering system, not entirely dissimilar from the lists that were part of the MPP programme. The same individual explained, “what didn't work well was that we had [emergency] cases and we, for years, tried to get in place an emergency case process where trusted advocates could put forward people who couldn't wait six to eight weeks or three months for a CBP One appointment.. That really never got put in place”.¹¹⁴ Similarly, local government representatives in a U.S. border community described CBP One as a “lottery system”, and relayed the desperation of asylum seekers waiting in overcrowded shelters across the border in Mexico: “They were just desperate, thinking when is my turn going to come up?”¹¹⁵

Further to this point, CBP One was a blunt instrument. **When it became the only way to access U.S. territory, individuals who did not necessarily need to access international protection began making appointments.** As one expert explained, “you had people who were using CBP One to come to work and using CBP One for things like getting healthcare for their kids [...] [Afghans] started to come to the Americas and they too used CBP One [...] It became this catchall thing”.¹¹⁶ As such, CBP One failed to offer immediate access to territory for those quickly in need of protection, while also allowing others with no discernible protection needs the ability to enter an already overburdened asylum system.

While operational, CBP One permitted approximately 985,000 individuals – nearly one million – to make appointments for initial screenings, most of whom were then paroled into the country and given work authorisation while awaiting asylum hearings.¹¹⁷ Beyond the precarious nature of this status, which will be discussed further in Section 5, CBP One required a circumscribing of traditional access to territorial asylum. As a migration expert at a research institute aptly stated:

“What the Biden administration did was end all access to asylum outside of the app. If that mechanism no longer exists, then the [legal pathway to seek] asylum at the border disappears, too—at least in a legal sense in the current moment while we are waiting for things to go through the courts”.¹¹⁸

This undermining of the right to asylum set the stage for one of the Biden administration's most extreme policies a year later.

4.3.3 “Securing the Border”

By 2024, the Biden administration had completely lost control over political messaging on migration at the U.S. southern border. Stunts like Texas Governor Greg Abbott's bussing of asylum seekers from border cities to Democratic strongholds such as New York, Chicago or Denver had spiked anti-immigrant sentiments even in liberal bastions, with little meaningful intervention or outreach on behalf of the Biden administration.¹¹⁹

Interviewees generally rebuked former President Biden for his handling of this time period. One DC-based migration expert asserted that:

“By failing to lead on a vision of a better system, [the Biden administration] allowed the right

111 Interview with an expert at El Colegio de la Frontera Norte (KI03).

112 Interview with a global refugee advocate of Witness at the Border (KI22).

113 Interview with a global refugee advocate of Witness at the Border (KI22).

114 Interview with a global refugee advocate of Witness at the Border (KI22).

115 Interview with representatives of a local government office (KI05).

116 Interview with a deidentified expert (KI04).

117 Rebecca Beitsch, 'Legal Status Revoked for 985,000 Migrants Who Entered US under Biden-Era CBP One App', The Hill, 8 April 2025, <https://thehill.com/policy/national-security/5237720-trump-immigration-crackdown-dhs-parole-protections-migrants-biden-cbp-one-app-southern-border/>.

118 Interview with an expert at a research institute (KI10).

119 Interview with a deidentified expert (KI04).

wing to capture the debate”.¹²⁰ By the end of the Biden administration, [they were] also not listening to a lot of advocacy groups, who they felt had led them wrong on a politically sensitive issue, not understanding that the advocacy groups were not democratic party strategists. They were there because they believed that this was the rule of law or domestic and international law.”¹²¹

With the November 2024 election looming and in a desperate attempt to exert an image of control over the border situation, Biden issued a new proclamation – Presidential Proclamation 10773: “Securing the Border” – on June 2, temporarily suspending and limiting asylum eligibility for individuals entering during periods of “high encounters”.¹²² Under the new rule, anyone who crossed the border without authorization during a high-traffic period – initially defined as 2,500 encounters per day in a seven day period – would generally be ineligible for asylum, with narrow exceptions. The threshold for “high encounters” was later adjusted in September of 2024 to account for declining arrivals. Those crossing between ports of entry could also face at least a five-year bar on re-entry and possible criminal charges for a subsequent unlawful re-entry.¹²³

Another critical aspect of the new rule was that asylum seekers had to proactively request a credible fear screening, eliminating a procedural protection that had been in place since expedited removal was first

implemented in the 1990s.¹²⁴ With this new practice, failing to “manifest” a fear of return allowed DHS to expeditiously remove individuals. One expert described the elimination of a credible fear interview as, “the most dramatic restrictionist policy that the administration put in place. One that not even the Trump administration had thought about doing”.¹²⁵

Some interviewees working near the border acknowledged that the June 2024 rule made their job more manageable as they could plan daily for the number of arriving asylum seekers. One local government official from a U.S. border community noted: “It was actually easier for me, at least for coordination, because it wasn’t this overwhelming number of people or no people at all, it was a solid 200 people [being admitted]. I knew where they were going to go and it was easier to track”.¹²⁶ But even those working in the service provision sector whose jobs became slightly easier argued that the rule was a major affront to the principle of asylum.¹²⁷

“Securing the Border” did appear to bring crossings down: CBP only recorded 1.5 million encounters at the southern border in FY 2024, which was the fewest since FY 2020.¹²⁸ But it is impossible to attribute declining numbers to this single policy alone, when the Biden administration was simultaneously ramping up its support for Mexican authorities to crack down on irregular migration at their own southern border (see Figure 4).

120 Interview with a senior fellow at the American Immigration Council (KI06).

121 Interview with a senior fellow at the American Immigration Council (KI06).

122 ‘Securing the Border: Presidential Proclamation and Rule’, U.S. Department of Homeland Security, 2024, <https://www.dhs.gov/archive/securing-border>.

123 U.S. Department of Homeland Security, ‘Securing the Border: Presidential Proclamation and Rule’.

124 Interview with a senior fellow at the American Immigration Council (KI06).

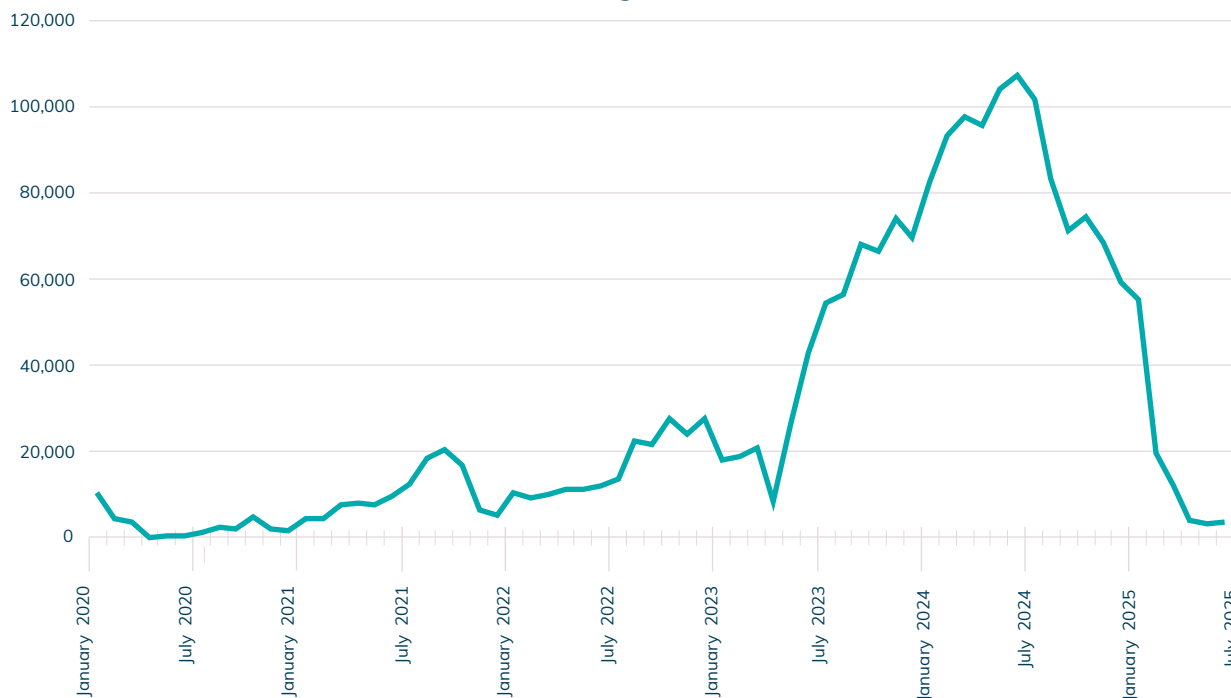
125 Interview with a senior fellow at the American Immigration Council (KI06).

126 Interview with representatives of a local government office (KI05).

127 Interview with representatives of a local government office (KI05).

128 Chishti et al., ‘Biden’s Mixed Immigration Legacy: Border Challenges Overshadowed Modernization Advances’.

Figure 4: Mexico southern border land crossings (2020-2025)



Source: Unit for Migration Policy, Registry and Identity of Persons, Government of Mexico. This data includes people in an irregular migratory situation in Mexico's southern border states of Chiapas, Tabasco, Campeche and Quintana Roo.

In December 2023 Secretary of State Blinken led a delegation to Mexico City to ask Mexican President Andrés Manuel López Obrador for further help with enforcement, leading to added checkpoints, ramped up searches of trains and buses, more forced relocations of apprehended migrants to the south of Mexico and a tightening of access to humanitarian visas.¹²⁹ As one former Biden administration official put it:

“By 2024, the biggest actual policy shift was a return to something Obama did in 2015: paying Mexico to significantly increase interior enforcement within its own borders [...] We have evidence that when we pay Mexico, the numbers fall”¹³⁰

The next section explores the Biden administration's bilateral and regional cooperation in greater detail.

In sum, the Biden administration utilised a series of increasingly restrictive policies to attempt to control irregular migration and to portray itself as “hard” on border security, even as Republican politicians continued

to call the border “open” and criticised the administration's approach. One U.S.-based migration expert summarised this dilemma, stating:

“Migrants believed that the Biden administration was going to be better than it actually was and that was a message that was very clearly sent by Biden's opponents; in many ways, I would argue almost with the intent of destabilising, of painting this picture of Biden as being too soft. The problem is that this message reverberated beyond the borders of the United States. So you had a lot of people who, I think, genuinely believed that Biden wanted them to come, even though that wasn't true. The Biden administration had been repeatedly saying: Do not come – just nobody was listening”¹³¹

129 Mary Beth Sheridan, ‘How Mexico Is Helping Biden and Harris at the U.S. Border’, The Washington Post, 14 September 2024, <https://www.washingtonpost.com/world/2024/09/14/mexico-migrant-border-merry-go-round/>.

130 Interview with a former migration official under the Biden administration (KI19).

131 Interview with a senior fellow at the American Immigration Council (KI06).

5. Cooperation with third countries and regional leadership

Like previous U.S. administrations, attempts to manage migration and respond to human displacement extended well beyond the southern border. **The Biden administration used a multi-pronged approach involving international diplomacy, financial aid and bilateral agreements to engage countries across the Americas on the issue.** While Biden's strategy did not fully depart from his predecessor, he was more likely to use "carrots" rather than "sticks" to entice countries toward cooperation and undertook a greater diplomatic effort via the LA Declaration to harmonise migration management within the region.

5.1 Role as an international and regional leader

Beginning in 2021, the Biden administration sought buy-in from 20 countries across the Americas to sign what would become the **Los Angeles (LA) Declaration on Migration and Protection at the 2022 Summit for the Americas**. Organised into three pillars – stabilisation via economic support for host countries, expansion of legal migration pathways and humane border enforcement – the LA Declaration was seen as a **groundbreaking acknowledgement that increased migration in the Americas needed to be managed through regional cooperation**.¹³² As a former official at the State Department explained, after four relatively disruptive years in terms of foreign policy:

“The collaborative part of ‘we’re all being impacted and we need to work together’ was a new message from the United States”.¹³³

This new way of engaging with the region was largely

seen as a positive strategy. The fact that the U.S. demonstrated its willingness to put resources on the table and asked how they could work together “changed the tone in the region” and “became a point of cooperation”.¹³⁴ Regularization and integration efforts undertaken by countries in the region such as Colombia were, in part, tied to the momentum generated by the declaration and the idea that all countries were working towards a common goal.¹³⁵ The ongoing dialogue also led countries in the region to appreciate the economic benefits that migrants and asylum seekers can bring. One D.C.-based expert argued, “there was some more realization that – particularly for the Venezuelans and Haitians – many of the people who might have been able to stay and integrate in those countries actually were bringing skills and had some ability to contribute to the economy of those countries”.¹³⁶

Another advantage highlighted by one interviewee was that **the LA Declaration enabled U.S. funding to be directed to the region in a more coordinated way:** *“Before, humanitarian assistance was happening and continued to happen through UN mechanisms like [the Inter-agency Coordination Platform for Refugees and Migrants from Venezuela] R4V, but bilateral support – and supporting countries with the work to mount systems, like irregular systems – was probably more possible through the LA Declaration”*.¹³⁷

Although the LA Declaration was effective in incentivising countries in the region to regularly engage and cooperate, **it was seen by some as the U.S. “reinventing the wheel” since coordinating mechanisms among these countries already existed**.¹³⁸ Some examples include the Quito Process, aimed at coordinating a response to Venezuelan migration in South America, or the Lima Process, an intergovernmental platform for regional migration policy discussions. As one migration researcher focused on the Americas explained, these mechanisms *“may falter in terms of regional coordination in a lot of different ways [but they] still exist, whereas the Los Angeles declaration is now dead.”*¹³⁹

132 Katie Tobin, *The Los Angeles Declaration Continues to Shape the Regional and Global Migration Response*.

133 Interview with a former official at the U.S. Department of State (KI26).

134 Interview with an expert at a research institute (KI12).

135 Interview with a former official at the U.S. Department of State (KI26).

136 Interview with the Director for Defence Oversight at the Washington Office on Latin America (KI07).

137 Interview with a deidentified expert (KI21); The Inter-agency Coordination Platform for Refugees and Migrants (R4V) is made up by over 200 organizations (including UN Agencies, civil society, faith-based organizations and non-governmental organizations) that coordinate their efforts under Venezuela's Refugee and Migrant Response Plan in 17 countries in Latin America and the Caribbean. See 'R4V', Inter-Agency Coordination Platform for Refugees and Migrants from Venezuela, accessed 27 August 2025, <https://www.r4v.info/en>.

138 Interview with an expert at a research institute (KI02); Interview with the Executive Director of Centro de Políticas Migratorias (KI18); Interview with a deidentified expert (KI21).

139 Interview with an expert at a research institute (KI02).

Other interviewees **criticised the LA Declaration as largely rhetorical**. A U.S.-based researcher argued it was *“a way to keep doing border enforcement and migration enforcement or restriction, but with rhetoric that sounded much nicer – preventing people from accessing their rights in a way that sounded more positive”*.¹⁴⁰ Other interviewees viewed it as a U.S.-driven model with a political rather than operational level of engagement that did not lead to significant changes on the ground.¹⁴¹ A former Mexican government official observed that negotiations were mostly unilateral, with only two percent of the official text being modified.¹⁴² He also lamented the U.S. deliberately excluding “noisy neighbours” – e.g. Venezuela, Cuba and Nicaragua – with which the U.S. does not have positive political relations. The lack of involvement of these countries of origin meant certain issues surrounding socioeconomic conditions and root causes of migration in those countries could not be addressed.¹⁴³

Levels of involvement from the countries that signed the declaration varied widely. One former official at the State Department explained that whereas some countries always attended the meetings and engaged consistently, others asked “what’s in this for us?”.¹⁴⁴ Despite endorsing the declaration, Brazil was one of its least strong supporters. As a leader on responding to Venezuelan displacement from the beginning, its government was not keen on Washington commandeering the issue and telling Brazil how to manage migration.¹⁴⁵ Caribbean countries also participated minimally. One migration expert focused on the Americas explained that “the Caribbean often feels that other places don’t care about them. And so they tend to have their own insular networks and their own dynamics in that regard too”.¹⁴⁶ Conversely, countries with close relationships to the U.S. like Mexico were more active participants and played a key role in shaping the initiative.¹⁴⁷

Overall, the LA Declaration represented a meaningful attempt to engage with the region in a novel way and achieved some tangible results: several countries implemented new policies to provide legal status to migrants and international institutions and donor countries invested in frontline host countries, particularly

to support integration.¹⁴⁸ However, economic investment was insufficient for long-term integration and did not reduce continued migration through the Darién Gap. As one interviewee concluded, *“it’s admirable and necessary to have a regional strategy, but you have to take into account the full gamut of migration drivers. And I don’t think [the Los Angeles declaration] did that to the extent to which it was needed”*.¹⁴⁹

5.2 Root causes and financial aid

In addition to the collaborative regional migration strategy that became the LA Declaration, the Biden administration also announced a parallel strategy in July 2021: the “U.S. Strategy for Addressing the Root Causes of Migration in Central America”. **The Root Causes Strategy, directed by the President in Executive Order 14010, focused on a coordinated, “place-based” approach to improve the underlying causes that “push” Central Americans to migrate** and that, “take[s] into account, as appropriate, the views of bilateral, multilateral and private sector partners, as well as civil society”.¹⁵⁰ For the Biden administration, addressing root causes included: bolstering economic growth, promoting democracy, protecting human rights, combatting gang activity and criminal networks and preventing and responding to sexual and gender-based violence.¹⁵¹ Of course, these major structural issues are notoriously difficult to address, even after decades of failed U.S. democracy promotion and billions of dollars in financial assistance spent across Central America.

Some interviewees viewed the Biden administration’s root causes approach positively. According to one expert, the strategy *“created a lot of hope that the idea was not seeing migration as something that should be managed at the border, but something that should be managed also in countries of origin with higher investments in protecting people where they are. Some things were improved. There was a lot of support to asylum systems across the region, but others, like [the] stabilization of population[s], IDPs, some of this*

140 Interview with an academic at the University of Wisconsin-Madison (KI13).

141 Interview with a former official at USAID (KI25).

142 Interview with the former General Director for Human Mobility and Development at Mexico’s Ministry of Foreign Affairs (Secretaría de Relaciones Exteriores de México) (KI28).

143 Interview with two deidentified experts (KI31).

144 Interview with a former official at the U.S. Department of State (KI26).

145 Interview with an expert at a research institute (KI02).

146 Interview with an expert at a research institute (KI02).

147 Katie Tobin, *The Los Angeles Declaration Continues to Shape the Regional and Global Migration Response*.

148 Katie Tobin, *The Los Angeles Declaration Continues to Shape the Regional and Global Migration Response*; Interview with an expert at a research institute (KI02).

149 Interview with an expert at a research institute (KI10).

150 ‘Fact Sheet: Strategy to Address the Root Causes of Migration in Central America’, The White House, 29 July 2021, <https://bidenwhitehouse.archives.gov/briefing-room/statements-releases/2021/07/29/fact-sheet-strategy-to-address-the-root-causes-of-migration-in-central-america/>.

151 The White House, ‘Fact Sheet: Strategy to Address the Root Causes of Migration in Central America’.

'addressing root causes' was not achieved'.¹⁵² This is partly due to **false assumptions within the logic of a "root causes" approach generally**. First, this approach is a long-term strategy focused on the short-term goal of reducing irregular migration, which should not be the metric by which to measure the success of development projects.¹⁵³ Second, policy makers – whether in the U.S., Europe or elsewhere – assume that development aid will decrease poverty and lead to less emigration, even though studies find an inverse-U relationship between economic development and emigration: as per-capita GDP increases in the poorest countries, emigration increases until leaving no longer brings added benefits.¹⁵⁴ In other words, in the short term, development – both economic and human – increases individuals' aspirations and capabilities, which leads to more emigration, rather than less.

Initially the Biden administration's root causes approach – which built on decades of U.S. engagement in Central America and drew on a similar initiative under former President Obama – received media attention, investment from the private sector and buy-in from civil society, as well as partner countries. Former Vice President Harris, tasked with overseeing the initiative, made trips to visit the leadership of Mexico and Guatemala in 2021 and established a fund to collect financial commitments from the private sector. According to the administration, the private sector fund amassed \$5.2 billion between 2021 and 2024, but only 14 percent of the investments and projects announced under the strategy were completed during the Biden-Harris administration's term, totalling approximately \$750 million.¹⁵⁵ In other words, the **root causes strategy was more of an effective talking point used in diplomatic conversations with Mexico, Central American and Latin American countries, rather than a policy that meaningfully changed individuals' migration intentions**.¹⁵⁶

The Root Causes Strategy was just one pot of money by which the Biden administration hoped to incentivise asylum seekers, refugees and potential migrants to "stay put" in Central American, Caribbean and South American countries. The State Department and USAID

provided additional support, particularly via the Bureau of Population, Refugees and Migration's (PRM) Migration and Refugee Assistance (MRA) and Emergency Refugee and Migration Assistance (ERMA) accounts, focusing in particular on supporting the needs of Venezuelans so that they would not attempt to journey northward. In FY 2023, total MRA appropriations for the Latin American and Caribbean region were at a high of \$543.9 million.¹⁵⁷

One former USAID official argued that while the Biden administration did not pioneer this approach, it understood that integration strategies in South America, *"were a really important tool to stall onward migration to the United States [...] It was a lot of foresight and [...] more focused on supporting those countries [...] in the region in this effort to integrate migrants and help spur their economies from an economic development standpoint"*.¹⁵⁸ Colombia, as the largest host country for Venezuelans, saw heavy investments in "integration support" from the Biden administration. This included helping the Colombian government issue temporary protection documentation and work permits, helping Venezuelans access healthcare or attend schools and bolstering the country's nascent asylum system, totalling more than \$100 million per year.¹⁵⁹

Yet even with some opportunities for Venezuelans to integrate, access to temporary protection and the possibility of employment were not necessarily enough to incentivise people to remain in the region. The same former USAID official acknowledged, *"I don't know that it created enough formal work for people and formal access to benefits that would actually keep people in those countries. Most people in Colombia were still working in the informal labour market, not making enough money, even if they had legal status and the ability to work in the formal labour market. Everybody still figured they could make much more money in the United States if that's what they really needed"*.¹⁶⁰ Even with the best of intentions, integration support – and development aid that addresses the root causes of migration more generally – is only a drop in the bucket of what is needed to address wage differentials as a reason why people move to wealthier countries.¹⁶¹

152 Interview with two deidentified experts (KI15).

153 Bram Frouws, 'Op-Ed: Mistaken Metaphor: The "Root Causes" Approach to Migration Is Both Dishonest and Ineffective', Mixed Migration Centre, 18 March 2020, <https://mixedmigration.org/op-ed-mistaken-metaphor-the-root-causes-approach-to-migration-is-both-dishonest-and-ineffective/>.

154 Hein de Haas, 'Turning the Tide? Why Development Will Not Stop Migration', *Development and Change* 38, no. 5 (2007): 819–41.

155 Jesús M. De La Torre et al., "'Do Not Come': The US Root Causes Strategy and the Co-Optation of the Right to Stay", *Journal on Migration and Human Security* 13, no. 1 (2025): 112–37, <https://doi.org/10.1177/23315024241306366>.

156 Interview with the former General Director for Human Mobility and Development at Mexico's Ministry of Foreign Affairs (Secretaría de Relaciones Exteriores de México) (KI28).

157 Peter J. Meyer, U.S. Foreign Assistance to Latin America and the Caribbean: FY2025 Appropriations, R48266 (Congressional Research Service, 2025), <https://www.congress.gov/crs-product/R48266>.

158 Interview with a former official at USAID (KI25).

159 Adam Isacson, 'Migrants in Colombia: Between Government Absence and Criminal Control', The Washington Office on Latin America, 20 June 2024, <https://www.wola.org/analysis/migrants-in-colombia-between-government-absence-and-criminal-control/>; Interview with a deidentified expert (KI17); Interview with a former official at USAID (KI25).

160 Interview with a deidentified expert (KI04).

161 Kelsey P. Norman and Nicholas R. Micinski, 'The European Union's Migration Management Aid: Developing Democracies or Supporting Authoritarianism?', *International Migration*, 17 October 2022, imig.13075, <https://doi.org/10.1111/imig.13075>.

Finally, **U.S. aid under the Biden administration also went toward physically preventing people from migrating northward, rather than just attempting to alter their intentions.**¹⁶² As discussed in section 3, the Biden administration financially supported the Mexican government to ramp up its policing and deportation efforts, especially in 2024, in order to physically move migrants away from the U.S. border. The administration also supported the Panamanian government to attempt to minimise migration through the Darién Gap – specifically operations “Shield Campaign”, “Operation Chocó” and “Operation Chocó II” – in addition to supporting

humanitarian services in Costa Rica for those who successfully traversed the crossing.¹⁶³ Finally, in mid-2024, the Biden administration signed a memorandum of understanding (MOU) with Panama that pledged \$6 million to support repatriation flights from Panama City to Colombia, Ecuador, India and China for those who crossed the Darién but failed to pass a vulnerability screening.¹⁶⁴ According to expert at a research institute, that agreement “**set the framework for what we now see under the [second] Trump administration to create return flights, all with the idea to stop regional mobility**”.¹⁶⁵

6. Trump 2.0 and Biden’s legacy

President Donald Trump returned to the White House in January 2025 on the heels of a decisive victory in November 2024 against Democratic nominee and former Vice President Kamala Harris. **Immigration was one of the most significant issues in the election and in the leadup a record high 55 percent of Americans wanted to see immigration decreased.**¹⁶⁶

6.1 The second Trump administration: an onslaught of restrictive policies

As promised during its campaign, the second Trump administration has used executive authority to restrict legal immigration, to revoke the status of most punitive policies possible to incentivise immigrants without status to leave the country, to scare current migrants with legal status from holding or expressing political opinions and to deter future migrants or asylum seekers from travelling to the U.S.

The Trump administration began its term promising to carry out the nation’s largest deportation campaign in history, leading to an increased use of workplace and courthouse raids, expansion of the U.S. detention system and new third-country agreements to ramp up removal

efforts. **In the first six months of the administration, ICE recorded close to 150,000 deportations, which means it is set to surpass former President Obama’s record of 316,000 deportations in 2014, but will likely fall short of the one million deportations pledged by President Trump.**¹⁶⁷ Although numbers may not be as high as promised, as one interviewee based in Mexico explained, “with the Trump administration, the main difference is that deportation is an instrument of punishment for immigrants. It is very clear and it is done to send a message: don’t come to the United States or you will get punished”.¹⁶⁸

Beyond these expected efforts, President Trump has also moved to revoke the legal status of migrants and asylum seekers who came to the U.S. legally or obtained rightful status once they arrived. He has done so by cancelling numerous Biden-era policies, including ending TPS for hundreds of thousands of individuals, proclaiming that anyone who arrived via the Biden administration’s CBP One app or humanitarian parole was in the U.S. unlawfully and revoking the legal status of individuals speaking out on behalf of political causes, namely Palestine. Together these actions created a population of easily deportable non-citizens who had done nothing more than follow the immigration pathways created for them.

Like its first term, the second Trump administration’s approach to asylum has been defined by enforcement and restriction. Various U.S. administrations have prioritised

162 Jonathan Kent et al., ‘Changing Motivations or Capabilities? Migration Deterrence in the Global Context’, *International Studies Review* 22, no. 4 (2020): 853–78, <https://doi.org/10.1093/isr/viz050>.

163 Isacson, ‘Migrants in Colombia: Between Government Absence and Criminal Control’.

164 Rachel Schmidtke, ‘After the Darien: Aid and Pathways for Migrants in Panama and Costa Rica’, *Refugees International*, 11 October 2024, <https://www.refugeesinternational.org/reports-briefs/after-the-darien-aid-and-pathways-for-migrants-in-panama-and-costa-rica/>.

165 Interview with an expert at a research institute (KI10).

166 Lydia Saad, ‘Surge in U.S. Concern About Immigration Has Abated’, *Gallup*, 11 July 2025, <https://news.gallup.com/poll/692522/surge-concern-immigration-abated.aspx>.

167 Camilo Montoya-Galvez, ‘ICE on track for most deportations since Obama years, but still far short of 1 million target’, *CBS News*, 23 July 2025, <https://www.cbsnews.com/news/ice-deportations-trump-six-months/>.

168 Interview with an expert at El Colegio de la Frontera Norte (KI03).

spending on enforcement over asylum adjudication for decades, but **the Congressional spending bill passed in July 2025 to support President Trump's agenda provided a record financial investment in detention, deportation and border security** while simultaneously capping the number of immigration judges at a time of historic backlogs within the asylum system. As one D.C.-based migration expert noted, *"the immigration court backlogs are up to four billion now. Again, a lot of that was not a result of a policy. It was a result of the shift in migration. Nevertheless, it is still the ongoing reality that there are that many people in the court system"*.¹⁶⁹

The Trump administration has also effectively ended the right to apply for asylum at the border through a proclamation published on 21 January 2025 that declared an "invasion" at the southern border and suspended the entry of migrants and asylum seekers until said "invasion" has ceased.¹⁷⁰ This proclamation, alongside other restrictive measures, has drastically reduced the number of migrant and asylum seekers arriving at the border which, as Figure 4 above shows, are at historic lows.

The inability of individuals to seek asylum in the U.S. has had consequences for countries in the region and shifted migration patterns. Migrants who were en route to the U.S. are now facing different outcomes: some are stranded in transit countries, others are returning to South America, and others are attempting to seek asylum in alternative destinations across the Americas.¹⁷¹ For example, roughly seven in ten migrants who were stranded in Mexico chose to remain in the country rather than return to their countries of origin, which will likely put further strain on Mexico's already overburdened asylum system.¹⁷² Other countries in the Americas such as Colombia, Venezuela, Ecuador or Peru have also seen increasing numbers of arrivals, as migrants and asylum seekers are choosing to go back to their countries of origin or last residence rather than attempt to seek asylum in the U.S.¹⁷³

This new phenomenon of "reverse migration" through the Darién Gap – which has seen close to 12,000 south-bound crossings between January and June 2025 – will likely continue as long as the drivers of migration remain unaddressed.¹⁷⁴ In the absence of sufficient regular migration pathways, migrants and asylum

seekers will find new routes to countries willing to offer protection. One expert at an academic institution reflected on these new trends: *"I think it will be interesting to see whether other countries in the region step up and actually make it possible to be countries of destination for migrant communities [...] There has definitely been a pretty significant phenomenon of inverse flow or return [...] and countries in the region are going to have to think about what that means for them"*.¹⁷⁵

The ability of countries in the region to receive migrants and asylum seekers will be affected by the Trump administration's decision to dismantle USAID and restructure the State Department, which has upended decades of support to Latin America and the Caribbean and overturned Biden's expansion of migration-related humanitarian assistance to the region. A U.S.-based migration expert who specialises in regional migration systems argued:

"A lot of the regional response is funded or supported by USAID or supported by the [Organization of American States] OAS, which is supported by the U.S. Or it's supported by the [Inter-American Development Bank] IDB, which is supported by the U.S. IOM and UNHCR are so fundamentally dependent on the U.S. I don't think you can overstate how devastating those funding cuts are for the regional response and capacity".¹⁷⁶

Another expert at a research institute explained that funds which would traditionally have gone toward assistance for migrants and refugees abroad were being redirected to support the removal of migrants from the U.S., eroding the entire humanitarian architecture abroad.¹⁷⁷

If the first six months are evidence of what the next four years will bring, the second Trump administration's

169 Interview with a senior fellow at the American Immigration Council (KI06).

170 'Guaranteeing The States Protection Against Invasion', The White House, 21 January 2025, <https://www.whitehouse.gov/presidential-actions/2025/01/guaranteeing-the-states-protection-against-invasion/>.

171 MMC y ProLAC, 2025, *Dinámicas migratorias y riesgos de protección en los movimientos de retorno norte-sur en las Américas. Impactos de los cambios en la política migratoria de Estados Unidos*. Disponible en: www.mixedmigration.org y prolac.live

172 Pedro Camacho, 'Mexico Faces New Role as Host Nation as Seven in 10 Migrants Staying There After U.S. Border Closures: Report', Latin Times, 28 May 2025, <https://www.latintimes.com/mexico-faces-new-role-host-nation-seven-10-migrants-staying-there-after-us-border-closures-583859>; Martín Gil and Norman, *Biden's New Border Policies Will Put Further Strain on Mexico's Struggling Asylum System*.

173 'Quarterly Mixed Migration Update: Latin America and the Caribbean', Mixed Migration Centre, 23 July 2025, <https://mixedmigration.org/resource/quarterly-mixed-migration-update-lac-q2-2025/>; Interview with a deidentified expert (KI21).

174 Mixed Migration Centre, 'Quarterly Mixed Migration Update: Latin America and the Caribbean'.

175 Interview with an academic at the University of Wisconsin-Madison (KI13).

176 Interview with an expert at a research institute (KI02).

177 Interview with an expert at a research institute (KI14).

policies will have wide-ranging consequences for the U.S. economy and social fabric. **Industries including agriculture, construction and hospitality are already reporting losses and disruptions and the administration's ICE raids are terrifying communities,** leading to strife like the protests in Los Angeles in June 2025. America's higher education industry will also feel the implications of the Trump administration's immigration policies as international students choose not to return and admitted students are unable to obtain visas.

Finally, the second Trump administration has sought to end birthright citizenship, a right enshrined in the fourteenth amendment of the U.S. Constitution and based on the principle of *jus soli* whereby anyone born on U.S. territory is entitled to citizenship. One expert at a non-governmental organization argued that with this move, *"there's an overarching worldview and project here, which is to [...] eliminate the maximum number of immigrants or even diversity from the United States. Because it's not just people who move at the point where you expand into birthright citizenship. It is babies who are born here. So I think we are seeing this massive concerted effort to redefine American identity and belonging as well as state power"*.¹⁷⁸

Overall, the U.S. will feel the negative implications of these decisions for years to come. As one interviewee articulated:

"I have long said, the only real way to stop migration to the U.S. is to make the U.S. no longer a desirable destination for people seeking freedom and opportunity. I didn't think that was a suggestion, but this administration appears to have taken it".¹⁷⁹

6.2 Lasting implications of Biden's approach

When considering the Biden administration's legacy on migration and asylum in light of the first six months of the second Trump administration, some experts interviewed for this report reflected positively on its efforts to expand legal migration pathways and to uphold – at least rhetorically – humanitarian principles.

One former State Department representative argued that the administration's overall approach was "a proof of concept" that *"if you work hard and take a comprehensive approach, you can build a system that allows you to meet the moment-on challenges like arrivals, or emergencies, [or] shifting smuggling rates" while also "build[ing] a system that is fundamentally grounded in a respect for human dignity and a respect for the inherent value and potential of migrants and refugees"*.¹⁸⁰

The **Biden administration was highly creative in expanding and designing new pathways to address the protection needs of certain individuals.** The SMOs, for instance, demonstrated that it is possible to offer asylum seekers and migrants access to protection pathways without them having to complete long and often dangerous migratory journeys. Likewise, the expanded use of humanitarian parole and TPS provided quicker access to protection compared to lengthier processes such as refugee resettlement or having to apply for a visa. Although short-lived, the creation of a private refugee sponsorship modelled after the Canadian system was regarded as an innovative and positive step.

The number of individuals able to obtain enduring legal status greatly increased as well. The Biden administration invested significant resources in reducing backlogs for legal immigration and employment authorization, enabling more individuals to access visas, permanent residency and citizenship.¹⁸¹

Finally, **Biden's engagement with countries in the region was widely seen as a genuine effort to manage migration collectively and find solutions to broader human mobility challenges,** including explicitly acknowledging climate change as a driver of migration and championing efforts to address the multifaceted reasons people migrate. As part of this strategy, the administration invested in promoting migrant and refugee integration in host countries, an approach that continues to have lasting effects. As a former USAID official explained, *"the acknowledgement that integration was a good idea and countries buying into that and showing that it could work and there were real economic gains, I think that's a lasting impact [...]. The investment is enduring and will be impactful in conversations on migration and policy decisions on migration for a long time to come"*.¹⁸²

Undoubtedly though, **it is impossible to ignore the temporary nature of the Biden administration's migration gains and the ease with which the new pathways it created were rapidly overturned** in the early days of the Trump administration. As a

¹⁷⁸ Interview with an expert at a non-governmental organization (KI09).

¹⁷⁹ Interview with a senior fellow at the American Immigration Council (KI06).

¹⁸⁰ Interview with a former official at the U.S. Department of State (KI26).

¹⁸¹ Interview with an expert at a research institute (KI14).

¹⁸² Interview with a former official at USAID (KI25).

D.C.-based expert explained, “When Biden took office, about 300,000 people had temporary protected status; when he left office, it was probably closer to 1.2 million. So, 800,00 to 900,000 people got temporary protected status. Hundreds of thousands of people got humanitarian parole [...] I think we are still unravelling the possible negative externalities that that created”.¹⁸³

While **these pathways gave an increased number of individuals the ability to come to the U.S. legally and work or send their children to school temporarily, it also left them in an incredibly vulnerable position with the change of administration.**

One U.S.-based academic expert explained the shortcomings of governing through executive order: “The lasting impact is that while a lot of these programmes were meant to address humanitarian issues, they have created more human issues [that] we are managing right now because they were not durable. That component [...] is something I really take away from this transition: when it is not an actual piece of legislation that is harder to take back, it becomes really challenging”.¹⁸⁴ In attempting to funnel irregular migration into new legal pathways, the Biden administration vastly increased humanitarian migration writ large, but doing so also “gave opponents of immigration an easy way to say that these statuses don’t actually mean you’re legal. I think we’ve seen some of the effects of that, or the ripple effects of that, in the Trump administration, as it’s just revoking parole protections from hundreds of thousands of people, cancelling TPS”.¹⁸⁵ Some interviewees argued that **the administration had failed to garner enough public and political support on the expansionist aspects of its approach.** As one expert put it, “you can design anything you want, but it’s got to have political support in the end, which means public support. [...] [The question is] how do we make systems that are fair and consistent but also sustainable? Because if you don’t make it sustainable, you end up in a much worse place down the road”.¹⁸⁶

In addition to the temporary and easily reversible nature of Biden’s expansionist policies, interviewees also criticised the ways by which the Biden administration’s policies chipped away at the concept of territorial asylum. Experts varied on the intentionality of these efforts. Some viewed it as an indirect result:

“Asylum at the southern border as of today is effectively dead. There is virtually no way that any

person can come to the US-Mexico southern border and seek asylum as of May/June 2025. I don’t think that is a direct responsibility of the Biden administration because they didn’t create that policy, but certainly, by not fixing the problem, they do bear some responsibility”.¹⁸⁷

Similarly, as a former DHS official argued, “[Biden] doesn’t have to own what Trump did, but I think he will be blamed for creating the conditions that allowed it to happen”.¹⁸⁸

Others saw former President Biden’s failed approach as the result of trying to appease too many differing groups at once. One expert at a non-governmental organization concluded:

“The things that [the Biden administration was] doing weren’t satisfying to anybody. They weren’t satisfying to civil society, immigrants rights groups. They were certainly not satisfying to the border security hawks. And so I think that it all just exploded under the Biden administration and has created a really perilous environment for people who want to move today, or even people who are already here having begun these processes because they are scapegoats to a system over which they have no control”.¹⁸⁹

And yet some viewed the more explicit affronts to asylum as callous and deleterious, such as the administration’s 2024 “Securing the Border” policy. As one expert from a research institute explained, “Biden’s policies that allowed for essentially shutting down asylum when border encounters rose above a particular level – I think, solidified that as acceptable among mainstream

183 Interview with a senior fellow at the American Immigration Council (KI06).

184 Interview with an academic at the University of Wisconsin-Madison (KI13).

185 Interview with an expert at a research institute (KI14).

186 Interview with an expert at a research institute (KI12).

187 Interview with a senior fellow at the American Immigration Council (KI06).

188 Interview with a former official at the U.S. Department of Homeland Security (KI30).

189 Interview with an expert at a non-governmental organization (KI09).

Democrats".¹⁹⁰ In other words, **some of the Biden administration's policies shifted the level of political palatability so far toward restriction that the stage was set for the Trump administration to continue easily along that path.** As a previous MMC report argued, *"this hardening of immigration policies during the Biden administration reflects an increasing willingness to adopt harsh measures that are likely to make it easier for Trump to implement his plans successfully and undermine Democratic objections to measures such as mass deportations"*.¹⁹¹

A former Biden administration official captured this dynamic using an apt metaphor:

“All of the protections were built on sand and all of the restrictions

were built on cement. You can see it in the Trump administration. They can just clear the brush of all those protections and the restrictions form the basis of where they build from”.¹⁹²

Some of Trump's initial policies that restrict asylum or further securitise the border build on those of the Biden administration. As one expert at a research institute explained, *"some things the first Trump administration wanted to implement and couldn't, the Biden administration implemented [...] So I am confident that the way the Biden administration will be remembered is as an enforcement administration"*.¹⁹³

7. Relevance of Biden's approach for Europe

In 2015, at the same time that President Trump was first a political candidate and fuelling an anti-immigrant, nativist approach to migration and asylum in the U.S., Europe underwent a political crisis as the result of unprecedented asylum seeker arrivals via the Eastern Mediterranean route between Turkey and Greece. These events have continued to haunt its political landscape and dictated its internal and external approach to migration in the decade since.

Importantly, Europe and the U.S. differ significantly in the functioning of their electoral systems and structures of governance, as well as the geographical structures of their borders and each region's proximity to countries experiencing instability or conflict. Nonetheless, there are important similarities when it comes to the politics of migration and the challenges each region faces. **Both the U.S. and Europe have a high demand for migrant labour but struggle to manage the issue of irregular migration in a way that is satisfying to electorates, allowing populist, anti-immigrant politicians to capitalize on and dictate the topic.** In this vein, it is worth asking whether U.S. policies under the Biden administration – and in particular the combination of an expansion of regular migration and protection pathways, a more restrictive approach at the external border, investments in development and cooperation with partner countries – can offer potentially useful lessons for Europe.

One area of overlap is in approaching the topic of migrant and asylum seeker arrivals from a regional perspective. According to a former State Department official under Biden:

“[European countries] were very interested to see what our [regional] approach was [...] They were very curious when we tried the humanitarian parole for Venezuela that became CHNV and kind of how that worked. We hosted a meeting of senior officials from across 19 European countries and beyond through the [Intergovernmental Consultations on Migration, Asylum and Refugees] IGC when we launched the SMOs [...] Everybody was just kind of fascinated to see what the new model is that we're putting out there into the world and why we were doing it. Everyone wanted to

¹⁹⁰ Interview with an expert at a research institute (KI14).

¹⁹¹ Olivia Bueno and Charlotte Müller, 'How the Trump Administration May Impact Mixed Migration in the Americas', Mixed Migration Centre, 19 January 2025, <https://mixedmigration.org/how-the-trump-administration-may-impact-mixed-migration-in-the-americas/>.

¹⁹² Interview with a former official at the U.S. Department of Homeland Security (KI30).

¹⁹³ Interview with an expert at a research institute (KI10).

know if it was going to affect the numbers and drive them down”¹⁹⁴

A former representative of the Spanish government also noted Spain's interest in the humanitarian parole programme, particularly for Venezuelans, since Spain hosts the largest Venezuelan migrant and asylum seeker population outside of the Americas and the current mechanism to offer protection is already overwhelmed.¹⁹⁵

Various European countries as well as the EU as a whole have had an intensive regional approach to migration since at least the 1980s, first via pre-accession processes and later through dialogues and agreements including the 2004 EU Neighbourhood Policy, the 2005 Global Approach to Migration and Mobility (GAMM), the 2006 Rabat Process and the 2013 Khartoum Process.¹⁹⁶ These efforts to bring migrant origin and transit countries on board have only increased and amplified since 2015, especially with the establishment of the European Trust Fund for Africa and an increased focus on addressing “root causes”.¹⁹⁷ Similar to the Biden administration's regional approach, European expenditures have focused on building the capacity of other states to prevent onward migration and supporting integration efforts for asylum seekers and refugees so that they stay put.¹⁹⁸

Yet Biden's focus on providing alternative pathways for migration has not been a major priority for Europe and potentially offers a relevant model. For example, centres or offices similar to SMOs could be established in countries along the Western, Central or Eastern Mediterranean migration routes, ideally even an extended version of it, combining offering information on and possible access to various legal migration and protection pathways (such as refugee resettlement, family reunification or labour pathways) with providing humanitarian assistance and counselling on both local integration options as well as returns to countries of origin.¹⁹⁹ A similar initiative is already being contemplated

by Spain, which is considering the creation of centres in Senegal and Mauritania that would provide information about migration pathways,²⁰⁰ as well as promoted by UNHCR – labelled as multi-purpose hubs – in the context of the so-called route-based approach.²⁰¹ In the Western hemisphere, these offices were jointly operated by the UNHCR and IOM and according to the former State Department official, “*getting those two to work together through the SMOs and through other approaches that we undertook in the region with them in partnership is a big legacy*”,²⁰² with applicability for a European adoption of the model.

A representative of the Dutch government acknowledged that the concept of providing what the UNHCR has called a “route-based approach” to mixed migration could be applicable in the European context. He offered, “*the idea that you want to prevent people from making a long journey and then stopping them at the end of it and then sending them back. You try to capture them at an earlier stage of that journey so that it's more cost effective and also [...] less of a disappointment and hassle. That makes sense*”.²⁰³ And yet he also acknowledged that in European policy discussions, “*in practice, you don't see much development on those issues*”.²⁰⁴

Similarly, a former representative of the Spanish government viewed the creation of new legal pathways as one policy Europe could emulate, acknowledging, “*the opening of complementary legal channels [is] something that even in Spain we do not have. I think that Europe could benefit from creating or expanding these mechanisms [...] And that it could promote humanitarian corridors [...] Or it could speed up processes for those who have more urgent protection needs*”.²⁰⁵

A route-based approach in Europe that included similar offices to SMOs could focus more on expanding labour mobility opportunities, whereas SMOs in the Americas were primarily only able to offer humanitarian pathways for migration under the Biden administration.

194 Interview with a former official at the U.S. Department of State (KI26).

195 Interview with the former advisor to the minister at the Spanish Ministry of Inclusion, Social Security and Migration (Ministerio de Inclusión, Seguridad Social y Migraciones) (KI27).

196 Andrew Geddes, ‘Europeanisation Goes South: The External Dimension of EU Migration and Asylum Policy’, *Zeitschrift Für Staats- Und Europawissenschaften (ZSE) / Journal for Comparative Government and European Policy* 3, no. 2 (2005): 275–93; Michael Collyer, ‘Geopolitics as a Migration Governance Strategy: European Union Bilateral Relations with Southern Mediterranean Countries’, *Journal of Ethnic and Migration Studies* 42, no. 4 (2016): 606–24.

197 Kelsey P. Norman and Nicholas R. Micinski, ‘The European Union's Migration Management Aid: Developing Democracies or Supporting Authoritarianism?’, *International Migration*, 17 October 2022, imig.13075, <https://doi.org/10.1111/imig.13075>.

198 Kelsey P. Norman, *Reluctant Reception: Refugees, Migration and Governance in the Middle East and North Africa* (Cambridge University Press, 2020).

199 Bram Frouws, ‘Are “Safe Mobility Offices” the Solution for Europe's Irregular Migration Challenges?’, *Mixed Migration Centre*, 8 October 2024, <https://mixedmigration.org/are-safe-mobility-offices-the-solution-for-europes-irregular-migration-challenges/>.

200 Interview with the former advisor to the minister at the Spanish Ministry of Inclusion, Social Security and Migration (Ministerio de Inclusión, Seguridad Social y Migraciones) (KI27).

201 UNHCR, *Route-Based Approach. Establishing Multi-Purpose Hubs - A guide*, July 2025, <https://www.refworld.org/policy/opguidance/unhcr/2025/en/150363>.

202 Interview with a former official at the U.S. Department of State (KI26).

203 Interview with a representative of the Ministry of Foreign Affairs of the Netherlands (Ministerie van Buitenlandse Zaken) (KI29).

204 Interview with a representative of the Ministry of Foreign Affairs of the Netherlands (Ministerie van Buitenlandse Zaken) (KI29).

205 Interview with the former advisor to the minister at the Spanish Ministry of Inclusion, Social Security and Migration (Ministerio de Inclusión, Seguridad Social y Migraciones) (KI27).

While political constraints to expanding labour migration is one issue to overcome, a revamped SMO approach could look to build out opportunities for short-term labour mobility to meet the needs of European industries in addition to possible humanitarian options like parole.²⁰⁶ Several European countries are already moving in this direction. **Italy, for example, undertook one of the broadest employment-based immigration reforms, enabling the recruitment of workers both from abroad and inside the country.**²⁰⁷ Establishing SMOs could complement and strengthen such efforts.

European policymakers did caution that any attempt to open further legal pathways would be contingent on the sense that irregular migration routes to Europe were under control and that the difficulties in returning irregular migrants to countries of origin or transit had been mitigated.²⁰⁸ This argument relies on a false assumption about timing. Rather than opening up regular pathways for migration only once irregular routes have been closed off, individuals seeking protection, safety or better life circumstances will choose regular migration routes if they are available. **The Biden administration's willingness to open additional migratory pathways for certain nationalities saw a reduction in irregular crossings from those same nationals – even if overall crossings remained high – demonstrating that people really will choose safe, regular routes when available.** Europe might also have an easier time negotiating with countries of origin and transit on the issue of returns if it first procured labour mobility opportunities for those countries' nationals and then addressed the topic of readmission.

In terms of irregular migration and border management, one D.C.-based expert pointed to the CBP One app as a potential model for Europe, offering a more organised response at the border and a way to undercut individuals' needs to turn to smugglers in order to gain access to territory.²⁰⁹ As discussed earlier, CBP One did provide a means of moving large numbers of people into the U.S. to await asylum hearings and met the Biden administration's goal of successfully funnelling a large percentage of irregular migration into a regular pathway. However, a D.C.-based migration expert argued that CBP One offered an important lesson for Europe. She noted that although the app was free, smugglers and

traffickers repeatedly took advantage of migrants and asylum seekers: *"They would tell people 'Pay me \$300 and I'll register you and get you an appointment very quickly.' People would re-register and re-register [...] and it looked like fraud. Then they wouldn't get appointments and it was horrible [...] Europe needs to know that even when they're thinking about creating these pathways, they have to keep in mind, better than the Biden administration did, what the smugglers are selling and what the brokers are doing because they have to figure out how to better address that".*²¹⁰ **European countries could use a similar model that allows asylum seekers to register for an appointment at a border crossing without having to undertake a long journey first.** However, any type of application or online registration system should not be coupled with the restrictive element of eliminating territorial asylum and should be accompanied by a stronger communication campaign aimed at preventing misuse and abuse by smugglers.

The Welcome Corps, the private refugee sponsorship initiative modelled after the Canadian programme, also sparked interest in Europe as well as other world regions.²¹¹ Although several EU countries have run private refugee sponsorship programmes since at least 2015, they are smaller in scope and differ in structure. For example, Italy, Belgium and France operate "humanitarian corridors" that provide humanitarian visas to beneficiaries – rather than refugee status – whereas Germany, Ireland and the United Kingdom have adopted more traditional private sponsorship programmes, closer to the Canadian model and functioning as a form of resettlement.²¹² Scaling up these programmes according to the U.S. and Canadian models and replicating them in other EU countries could help increase refugee resettlement numbers. The EU has made commitments to increase resettlement in recent years, but the numbers have remained consistently low, with refugee ceilings of 16,000 in 2023 and 15,500 in 2024 and 2025.²¹³ Importantly though, a key lesson should be drawn from the Welcome Corps. In order to ensure the sustainability of private sponsorship programs, they need to be further institutionalized compared to the American model and backed by federal legislation that protects them from shifting political headwinds.

Finally, should Europe consider expanding regular

206 Susan Fratzke et al., 'Legal Pathways and Enforcement: What the U.S. Safe Mobility Strategy Can Teach Europe about Migration Management', Migration Policy Institute, December 2024, <https://www.migrationpolicy.org/news/lessons-us-safe-mobility-strategy-europe>.

207 Interview with an expert at a research institute (KI12).

208 Interview with a representative of the Ministry of Foreign Affairs of the Netherlands (Ministerie van Buitenlandse Zaken) (KI29).

209 Interview with the former advisor to the minister at the Spanish Ministry of Inclusion, Social Security and Migration (Ministerio de Inclusión, Seguridad Social y Migraciones) (KI27).

210 Interview with a deidentified expert (KI04).

211 Interview with a former official at the U.S. Department of State (KI26).

212 *Models of Private Sponsorship: Past and Present Programs, and How the Private Sector Can Create Alternative & Complementary Pathways or Expand Resettlement for Refugees* (Urban Justice Center and International Refugee Assistance Project, 2018), <https://refugeerights.org/news-resources/models-of-private-sponsorship>; Private Sponsorship in Europe: Expanding Complementary Pathways for Refugee Resettlement (European Resettlement Network, 2017), <https://www.iom.int/sites/g/files/tmzbd1486/files/documents/ERN%2Bscoping-paper-Private-Sponsorship-in-Europe.pdf>.

213 IRC: US Step Backward on Refugee Resettlement Must Spark EU Action', International Rescue Committee, 31 January 2025, <https://www.rescue.org/eu/press-release/irc-us-step-backward-refugee-resettlement-must-spark-eu-action>.

pathways for migration following the example of the Biden administration, one area of caution is around political messaging. The Biden administration vastly increased the number of individuals admitted to the U.S. under its tenure, accepting 5.8 million asylum seekers, refugees and parolees outside of the normal visa system.²¹⁴ **While these were all “regular” migrants, the administration did not expend enough effort explaining to the American public that these individuals were vetted and did not pose a security risk to the U.S., allowing political opponents to capture the narrative and proclaim**

that under the Biden administration, the border was “open”.²¹⁵ In this sense, the numbers of individuals arriving mattered more than the fact that they had done so regularly. **Should European governments seek out similar strategies of attempting to convert irregular migration to regular pathways, they will need to do a better job than the Biden administration of gaining public trust and extolling the benefits of their policies in ways that are legible to voters.**

8. Conclusion

The main thrust of the Biden administration’s approach to migration and asylum was to encourage the use of alternative legal pathways while simultaneously disincentivising irregular border crossings. In terms of creating new legal pathways, the Biden administration overwhelmingly succeeded. As stated in the previous section, 5.8 million individuals used one of the administration’s new pathways – or were admitted to seek asylum – and entered the U.S. regularly during Biden’s four years in office.

The creation and expansion of pathways – particularly CHNV – brought down the number of irregular border crossings from eligible nationalities as the administration had hoped, demonstrating that individuals will take regular migration pathways when they have access to them. Nonetheless, **border encounters for other nationalities remained high.** This is partly a reflection of the fact that the legal pathways put in place by the Biden administration were limited in nature and came with onerous requirements that not all individuals were able to meet. Instead, those who arrived at the U.S. southern border seeking protection required the right to apply for territorial asylum under U.S. and international law and were met with increased restrictions, whether under Title 42, the CLP rule or Biden’s “Securing the Border” policy. **The number of border crossings only began dropping in earnest when the Biden administration ramped up its support to Mexican authorities** in early 2024 so that they could crack down on irregular migration throughout the country, while also effectively closing the U.S. border to asylum. **Even with these draconian measures, Biden had already lost control of the narrative on immigration, which had come to be dominated by conservative politicians and media ahead of the November 2024 election.**

There are **three main lessons** that can be taken from Biden’s policy trajectory. The first is that the Biden administration’s **extensive use of executive authority to develop alternative pathways for migration was highly unsustainable.** Like other presidents before him, Biden relied heavily on executive orders to craft his approach to immigration. As one expert stated, “executive immigration policy is the only immigration policy that currently exists really [...] What that means is that whoever holds the presidency is crafting immigration policy in the direction that they want. It’s not a state policy. It is that specific President’s policy. It will last for that President’s term”. The consequences of so many individuals arriving via new pathways created via executive order under the Biden administration is that millions now face the dire situation of having their status revoked and the spectre of deportation under current President Trump. **Regardless of the impressive levels of additional regular migration that Biden was able to achieve, the harrowing reality that people now face as one pathway after another is overturned means that many individuals likely regret their decision to enter the country outside of traditional asylum procedures.**

Second, because of the ease with which executive orders can be reversed, **the Biden administration arguably missed a major opportunity at the beginning of its term to utilize its political leverage in order to push for congressional immigration reform.** As one expert at a DC-based research institution argued, “It was a missed opportunity for deeper reform. We should have come out of Biden’s four years with an asylum system that, even in times of very large arrivals, could turn around fair decisions, transparent decisions within a year [...] They hardly [made] any progress toward that. They didn’t use the resources, even when they had a majority in Congress”. While decisions made by Congress are ultimately outside of the President’s control, Biden rapidly

214 Chishti et al., ‘Biden’s Mixed Immigration Legacy: Border Challenges Overshadowed Modernization Advances’.

215 Fratzke et al., ‘Legal Pathways and Enforcement: What the U.S. Safe Mobility Strategy Can Teach Europe about Migration Management’.

moved away from the topic of immigration reform – one of its campaign promises – to focus his policies almost solely on the border, losing sight of the opportunity to affect lasting change.

Third, the Biden administration was not strategic in its messaging. It could have tried to ensure that the American public understood what was happening at the border, “was a result of decades and years of challenges in the Americas and the world and not a result of direct Biden policies”. **The administration could have also countered the narrative that the increasing number of arrivals between 2021 and 2023 was necessarily a “crisis”, rather than a situation that could be managed within the normal realm of government functioning and with additional resources allotted to border communities.** Instead, as mentioned earlier, the Biden administration tried to win over centrist and conservative voters by attempting to match the rhetoric of Republican politicians – and by implementing highly restrictive policies – while also appeasing immigration advocates that had supported the Biden campaign and the administration's initial positioning. **The result was a set of highly bifurcated policies that failed to please either camp.** As one D.C.-based expert explained, “there was not a crisis necessarily, or at least the crisis was

not that people were coming to the border. Rather, the crisis was that the system didn't have enough capacity to process people and we were not focusing on building up that capacity. Nevertheless, the Biden administration's refusal to acknowledge for a while how big this issue was really did lead to the lack of coherent strategy”.

Ultimately, the administration lacked political courage to follow through on the pro-immigrant, pro-asylum set of policies it had campaigned on. Yet the restrictive turn post-2021 that the administration gambled on failed to garner the electoral votes it had hoped for and Biden ultimately lost the election. Worse still, the groundwork the administration's policies laid in terms of undermining the right to territorial asylum at the border or the establishment of third country deportation agreements – coupled with the tenuousness of the expansionist policies it did manage to put in place – set the stage for the sweeping set of restrictionist, hardline measures enacted during the first six months of the second Trump administration. As a former Biden administration official stated, the initial actions of the Trump presidency, “cement [Biden's] legacy [...] I do suspect that he will not fare well in the lens of history on the issue of migration”.

Appendix A: List of Interviewees

Moniker	Position	Type of Organization	Date Interviewed
KI01	Expert	Deidentified	May 27, 2025
KI02	Expert	Research institute	May 27, 2025
KI03	Expert	El Colegio de la Frontera Norte	May 28, 2025
KI04	Expert	Deidentified	May 28, 2025
KI05	Representative	Local government office	May 30, 2025
	Representative	Local government office	
	Representative	Local government office	
KI06	Senior fellow	American Immigration Council	June 4, 2025
KI07	Director for Defense Oversight	Washington Office on Latin America	June 4, 2025
KI08	Expert	Non-governmental organization	June 4, 2025
KI09	Expert	Non-governmental organization	June 5, 2025
KI10	Expert	Research institute	June 5, 2025
KI11	Civil servant	Directorate General MENA, EU Commission	June 5, 2025
KI12	Expert	Research institute	June 6, 2025
KI13	Professor	University of Wisconsin-Madison	June 6, 2025
KI14	Expert	Research institute	June 9, 2025
KI15	Expert	Deidentified	June 10, 2025
	Expert	Deidentified	
KI16	Expert	Deidentified	June 9, 2025
KI17	Expert	Deidentified	June 13, 2025
KI18	Executive Director	Centro de Políticas Migratorias	June 13, 2025
KI19	Former migration official	Biden administration	June 23, 2025
KI20	Representative	Amnesty International	June 24, 2025
KI21	Expert	Deidentified	June 26, 2025
KI22	Global refugee advocate	Witness at the Border	June 27, 2025
KI23	Representative	Swiss Government	July 7, 2025
	Representative	Swiss Government	
KI24	UN research specialist	Deidentified organization in Haiti	July 8, 2025
KI25	Former official	USAID	July 8, 2025
KI26	Former official	U.S. Department of State	July 8, 2025
KI27	Former advisor to the minister	Spanish Ministry of Inclusion, Social Security and Migration (Ministerio de Inclusión, Seguridad Social y Migraciones)	July 10, 2025
KI28	Former General Director for Human Mobility and Development	Mexico's Secretariat of Foreign Affairs (Secretaría de Relaciones Exteriores de México)	July 22, 2025
KI29	Representative	Ministry of Foreign Affairs of the Netherlands (Ministerie van Buitenlandse Zaken)	July 24, 2025
KI30	Former official	U.S. Department of Homeland Security	July 24, 2025
KI31	Expert	Deidentified	August 4, 2025



The Mixed Migration Centre (MMC) is a knowledge centre engaged in data collection, research, analysis, and policy and programming on mixed migration. MMC has regional hubs in Africa, Asia, Europe, and Latin America, with a global team headquartered in Geneva and based in several countries worldwide.

MMC is a leading source for independent and high-quality data, research, analysis and expertise. MMC aims to increase understanding of mixed migration, to positively impact global and regional migration policies, to inform evidence-based mixed migration responses for people on the move and to stimulate forward thinking in

public and policy debates on mixed migration. MMC's overarching focus is on human rights and protection for all people on the move.

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