

# REFUGEE PROTECTION TRAVESTY

Biden Asylum Ban Endangers and  
Punishes At-Risk Asylum Seekers

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## Executive Summary

On May 12, 2023, the Biden administration began implementing its [new bar](#) to asylum through a [final rule](#) (the asylum ban). While Biden administration officials have inaccurately [touted](#) it as “[working](#),” the grim reality is that the asylum ban is a refugee protection, humanitarian, and legal travesty. As detailed in this report, in the two months since its implementation, the Biden asylum ban has stranded vulnerable people in places where they are targets of kidnapping and violent assaults, rigged the credible fear process against people seeking asylum, and deported many without meaningful access to counsel and despite potential eligibility for asylum under U.S. law. The harm inflicted by the asylum ban is compounded by U.S. and Mexican government policies that block, deny, meter, or further impede access to asylum and leave people in atrocious conditions as they wait to seek asylum under the ban.

The Biden asylum ban renders nearly all asylum seekers who traveled through another country on their way to the U.S. southern border ineligible for asylum unless they (1) applied for and were denied asylum in one of those countries (regardless of their safety there, or the unrealistic requirement of waiting there for an asylum denial) or (2) managed to secure one of the highly limited “pre-scheduled” appointments to enter at an official port of entry (via CBP One, a glitchy, inequitable smartphone app operated by Customs and Border Protection (CBP) like a daily lottery). The Biden asylum ban — which violates [U.S. law](#) and treaty [obligations](#) — is a new iteration of similar [transit and entry](#) bans promulgated by the Trump administration that were [repeatedly struck down by](#) federal courts because they violated U.S. law. The American Civil Liberties Union, Center for Gender & Refugee Studies, and the National Immigrant Justice Center [have challenged](#) the Biden asylum ban in federal court on the same basis.

Unless they are lucky enough to get one of the limited CBP One appointments, people who enter at U.S. ports of entry to seek asylum or cross the border irregularly will generally be subject to the asylum ban’s penalties. These penalties may include rapid deportation through the expedited removal process, where many asylum seekers are subjected to a screening interview rigged by the asylum ban and quickly deported without a hearing on their case if they do not pass the screening. People who are not subjected to this rigged process or manage to overcome it will still likely be denied asylum in a later hearing and potentially deported to persecution or left in permanent limbo in the United States without a pathway to citizenship.

The Biden administration’s [spin](#) that its asylum ban is the key factor leading to decreased crossings is divorced from reality. In fact, after the Title 42 policy ended on May 11 and as the Biden asylum ban was implemented over the following weeks, Human Rights First researchers spoke with hundreds of people waiting to seek asylum in multiple Mexican border cities. Overwhelmingly, those interviewed by our researchers had not heard of the asylum ban and none understood its consequences. Regardless, a policy that leaves refugees to wait in danger and bans them from asylum in violation of U.S. and international [law](#) can never be described as a success.



If anything, the decline in numbers after the end of Title 42 confirmed that the Title 42 policy itself — which spurred irregular crossings and trampled on refugee law — was indeed a counterproductive, [failed policy](#) as well as a [humanitarian fiasco](#). With the end of that ineffective and unlawful policy, the U.S. government can no longer rely on the Title 42 policy to circumvent U.S. immigration law at the southwest border. Accordingly, the government must process people who seek refugee protection at U.S. ports of entry or after entering the United States.

Every day that it is left in place, the Biden asylum ban endangers refugees and subverts refugee law. When running for president, then-candidate Biden condemned the Trump asylum bans and [promised](#) that he would not “deny[] asylum to people fleeing persecution and violence.” After taking office, President Biden issued an [Executive Order](#) to “restore and strengthen our asylum system, which has been badly damaged by policies enacted over the last 4 years that contravened our values and caused needless human suffering.” U.S. agencies have stated that the ban is only a “[temporary](#)” measure and that its duration is [subject](#) to review. The Biden administration should immediately rescind its asylum ban. Instead of imposing policies that ban, block, or punish people seeking asylum, the Biden administration should take the steps outlined below in this report’s recommendations.

This report is based on multiple research visits by Human Rights First attorneys and researchers to the Mexican cities of Matamoros and Reynosa, Tamaulipas; Ciudad Juárez, Chihuahua; Nogales, Sonora; and Tijuana, Baja California from May 9 through July 6, 2023; visits to shelters in the U.S. cities of Brownsville, El Paso, and McAllen, Texas and San Diego, California; research and reporting conducted with other organizations including [Haitian Bridge Alliance and members of its May 2023 delegation](#), the [Florence Immigrant & Refugee Rights Project](#) and [Kino Border Initiative](#), and humanitarian and religious workers in Mexico and the United States; other data, media and monitoring analysis; and hundreds of interviews and discussions with asylum seekers, humanitarian staff, religious workers, and others. Human Rights First has previously issued a detailed [analysis](#) of the asylum ban rule and its violations of U.S. and international law.

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## Key Findings

- **Far from being a success, the Biden asylum ban has over the last two months endangered the lives of thousands of asylum-seeking children, families, and adults forced to wait in Mexico in danger**, often for months, in places where they are targets of [kidnappings](#), [sexual assault](#), enforced disappearance, [extortion](#) and other brutal attacks, as they struggle to obtain CBP One appointments. Human Rights First researchers met with many people seeking asylum who suffered kidnappings, torture, rape, assaults, and threats while attempting to secure CBP One appointments, including: a Venezuelan family kidnapped and tortured in Reynosa; a Honduran woman raped in Matamoros; a Central American man kidnapped and tortured in Reynosa; a Latin American woman kidnapped, trafficked and raped in Reynosa; a Venezuelan family kidnapped and the mother sexually abused in Reynosa; a Latin American family kidnapped and the mother raped in Reynosa; and a Haitian family that suffered an attempted kidnapping in Nogales when they arrived for their CBP One appointment. Some of these at-risk people were also unlawfully turned away by CBP or Mexican authorities when they attempted to seek asylum at a U.S. port of entry after the asylum ban was implemented. **In several cases, parents told Human Rights First researchers that they sleep in encampments with cable wires tied around their children for fear that while they sleep, their children will be abducted, abused, and potentially trafficked.**
- **The asylum ban has been used to rig the [expedited removal process](#) against people seeking asylum by converting credible fear interviews (which were intended by Congress to ensure that refugees were not erroneously deported) into sham screenings, resulting in rapid deportation of people regardless of their eligibility for protection under U.S. law.** Like the Trump administration [asylum transit ban](#), the Biden asylum ban has artificially driven down fear screening pass rates by unlawfully raising the standard created by Congress, with pass rates plummeting by 45 percent for those barred by the asylum ban, as detailed below. The vast majority (88 percent) of the 8,195 people subject to the asylum ban between May 12 and June 13 were unable to meet one of the extremely [limited](#) exceptions to the ban. Over the last two months, the asylum ban has been imposed in fear screening interviews against asylum seekers from Colombia, El Salvador, Guatemala, Honduras, Venezuela, and other countries including those fleeing anti-LGBTQ persecution, politically-motivated attacks, religious persecution, gender-based violence, and other harm.
- **Human Rights First spoke with over three hundred people waiting to seek asylum in Mexican border cities since the asylum ban was implemented. Overwhelmingly, these individuals did not know about or understand the asylum ban and the penalties it inflicts for people who enter without a CBP One appointment.** Multiple other organizations have [similarly reported on](#) migrants' lack of knowledge of the ban,



and groups have raised this concern with U.S. officials. Once informed about the asylum ban, **asylum seekers face an impossible decision**: risk life-threatening harm while continuing to wait indefinitely for a CBP One appointment or risk denial of asylum and deportation to life-threatening harm under the asylum ban by requesting protection without a CBP One appointment.

- **People attempting to seek asylum face additional barriers that impede their ability to seek asylum at U.S. ports of entry.** These barriers include: (1) the limited number of CBP One appointments, which has left people waiting up to six months struggling to secure an appointment, as our researchers observed; (2) myriad problems with the CBP One application, which discriminates against people lacking resources and facing other vulnerabilities, including lack of equitable language access to CBP One, lack of daily reliable access to smartphones, electricity and internet, and continued technical issues such as error messages and glitches; (3) Mexican authorities' actions to illegally block people without CBP One appointments from approaching U.S. ports of entry – sometimes erroneously citing the asylum ban or changes in U.S. policies; and (4) CBP turning away, limiting, metering and/or leaving asylum seekers without appointments to “wait” in lines that barely move.
- **Black, Indigenous, and LGBTQ+ people waiting to seek asylum in the United States, as well as those without financial resources, face particular and egregious barriers, dangers and disparities in seeking asylum due to the asylum ban.** Anti-Black violence and discrimination in Mexico have been extensively documented. Haitian people seeking asylum in Nogales, Ciudad Juárez, Reynosa, and Matamoros described feeling unsafe and at risk of harm by Mexican authorities or cartels, and a Venezuelan couple recently witnessed police in Tijuana brutally beating Haitians. Guatemalan and Mexican Indigenous people seeking asylum at the Nogales DeConcini port of entry struggle for months to get an appointment through the CBP One app, which is not available in Indigenous languages, and could be subjected to the asylum ban's penalties if they seek asylum without an appointment. LGBTQ+ persons face well-documented violence in Mexico. For example, a Colombian LGBTQ+ asylum seeker recounted to Human Rights First that she was sexually assaulted by a Mexican officer, and a Venezuelan LGBTQ+ asylum seeker explained that LGBTQ+ people are targeted and violated while waiting in the Matamoros encampment.
- **The risks facing people left waiting in Mexico to seek asylum are compounded by lack of adequate shelter, safety, water, sanitation and hygiene at encampments where people wait to seek asylum in Mexico, spurring preventable public health illnesses and exposing people seeking asylum to conditions of [life-threatening summer heat](#).** These dangerous conditions leave people in desperate need of safety and can counterproductively [spur crossings](#) by people in urgent need of protection who



cannot safely wait for a CBP One appointment and who are then penalized by the asylum ban.

- **CBP officers at ports of entry have unlawfully turned away asylum seekers without appointments or left them stranded “waiting” at risk for weeks or longer.** For example, a Nicaraguan woman who had been waiting months for a CBP One appointment reported that she tried to seek asylum four times at the Matamoros port of entry, and each time was told by CBP officers that the only way to enter is with a CBP One appointment; a Mexican Indigenous woman who had been repeatedly raped and impregnated in Matamoros, and whose rapist was looking for her, was turned away by CBP; and a Honduran teenage minor with an adult sibling and one-year-old child were told by CBP officers at the Paso del Norte bridge in Ciudad Juárez that the port was at capacity and to come back tomorrow. By delaying, turning away, and/or “deprioritizing” people without CBP One appointments, CBP is prejudicing individuals facing dire threats — including critical medical cases, individuals at risk of and survivors of sexual assault and kidnapping, and people at risk of disappearance and other life-threatening harm — with some **forced to wait one to two months** on metering lists administered or overseen by Mexican authorities who, in apparent communication in some instances with U.S. authorities, control when individuals can approach the port of entry.
- **Even though the administration is no longer relying on Title 42 to unlawfully evade U.S. asylum law, CBP has forced people seeking asylum from Mexico to wait in their country of feared persecution.** People seeking asylum from Mexico are not subject to the asylum ban’s penalties if they present at U.S. ports of entry without a CBP One appointment but are nonetheless often left to wait **one to two months** at ports of entry on metering lists or unlawfully blocked by Mexican authorities from even approaching some ports of entry without a CBP One appointment.
- **Mexican authorities unlawfully act as gatekeepers to U.S. asylum, restricting access to U.S. ports of entry for those without CBP One appointments — including people who are not even subject to the asylum ban — while also failing to ensure humane standards or urgent access to protection for people waiting in Mexico to seek U.S. asylum.** For example, Mexican authorities blocked a pregnant Haitian unaccompanied minor who is not subject to the asylum ban from accessing the port of entry in Matamoros and blocked a Mexican family not subject to the asylum ban from accessing the port of entry in Tijuana. Mexican authorities also blocked a Venezuelan woman who had suffered a heart attack at the port from accessing the port of entry in Matamoros, a Honduran woman who had been raped in Matamoros and continued to receive threats, and survivors of kidnapping, torture and rape who are at risk of continued harm in Reynosa. In Tijuana, Mexican immigration officers also blocked three Haitian brothers from accessing the port of entry for their CBP One appointment because they didn’t have a printout of their appointment, even though they had a screenshot.



## Recommendations

Instead of banning and blocking people seeking asylum, the Biden administration and Congress should take steps previously [recommended](#) by Human Rights First and urgently work together to:

- **Uphold refugee law and the right to seek asylum:**
  - The Biden administration, the Department of Homeland Security (DHS), and Department of Justice must comply with U.S. and international refugee law and immediately rescind their asylum ban, which was issued as a “temporary” measure that is subject to review in duration. Under [U.S.](#) and [international](#) law, people seeking asylum must not be penalized or barred if they arrive at an official port of entry without an appointment, or due to their irregular entry or transit routes to the United States. Nor should they be subject to disparate access to asylum or discriminatory bans on asylum due to nationality, language, race, or resources.
  - DHS and CBP should swiftly process people waiting to seek asylum, rather than force them to wait in dangerous conditions or subject them to improper metering at U.S. ports of entry (which was [ruled illegal](#) by a U.S. federal court). Mexican nationals seeking asylum should not be left to “wait,” trapped at risk in their country of feared persecution.
  - Congress should press the Biden administration to end its asylum ban and oppose efforts to codify into law policies, like the Biden asylum ban, Remain in Mexico, and Title 42 expulsions, that violate refugee law, curtail access to asylum and endanger people seeking refuge.
- **Maximize and increase, rather than limit, asylum processing capacity at U.S. ports of entry, including for asylum seekers without CBP One appointments:**
  - DHS, CBP, and the Department Of State (DOS) must take steps to ensure access for asylum seekers who attempt to approach ports of entry without CBP One appointments, end their penalization via the asylum ban, and stop the “deprioritizing” and metering of people without appointments who seek asylum at ports of entry — many of whom present urgent medical and protection risks that cannot wait.
  - While DHS has increased the number of CBP One appointments, additional steps should be taken to maximize access to ports of entry. Many asylum seekers have waited several months, in some cases up to six months, for appointments. These wait times endanger lives and spur crossings outside of ports of entry.





- DHS should sufficiently increase and sustain critical resources – including personnel, physical infrastructure, internet, computers, and other resources required to significantly increase CBP’s Office of Field Operations’ processing of asylum seekers at all ports of entry. This can be done in part by shifting staff and resources to OFO away from overfunded agencies with a proven history of mistreating and abusing migrants that prioritize enforcement and surveillance over urgent and underfunded humanitarian needs.
  - Congress should ensure its appropriations are directed to swift, humane, and effective processing of asylum seekers at ports of entry, including the resources listed above.
- **The CBP One smartphone application must not be used to ban, block, meter, or limit people from seeking asylum:** The Biden administration, DHS, and CBP must not use the CBP One app (or the asylum ban), to turn away asylum seekers or meter them through limited appointments, and must instead ensure equitable and swift access to seek asylum for all individuals without discrimination, including for those without the means to purchase a smartphone or obtain access to electricity and internet on a daily basis while waiting in Mexico, **and** those who are illiterate, or who speak languages other than the few available in the CBP One application (including Indigenous languages).
- **Ensure the Government of Mexico stops restricting access to U.S. ports of entry for people seeking asylum without appointments:** DOS and Biden administration officials must escalate dialogue with the Mexican government given its actions to unlawfully restrict access to the U.S. ports of entry for people without CBP One appointments. DHS and/or CBP officials or officers should refrain from requesting or urging Mexican authorities to restrict such access. The blocking of access to asylum at U.S. ports of entry is inconsistent with international law as well as counterproductive, spurring crossings outside ports of entry and/or travel through Mexico to other ports of entry along the border.
- **Increase government and other aid for humanitarian efforts abroad, as well as reception in the United States:**
  - The State Department and international organizations should increase aid to support humanitarian efforts in northern Mexico and other areas in Mexico where people are waiting to seek asylum.
  - U.S. agencies should increase support for humanitarian reception in the United States. DHS must shift funding priorities away from over-funded detention, enforcement, and surveillance accounts and toward reception services.
  - Congress should provide increased and long-term funding to support the work of U.S. humanitarian organizations operating along the southwest border and for



humanitarian efforts in Mexico, and create funding programs beyond those already in existence, to ensure critical support for sustainable and longer-term faith-based, humanitarian, and other refugee reception in the United States — both along the U.S.-Mexico border and in destination communities across the country.

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## The Asylum Ban Endangers Lives

People seeking asylum at the U.S. southwest border in the wake of the Biden administration's asylum ban face grave risks of violence as they struggle to secure CBP One appointments or risk the penalties the asylum ban inflicts if they attempt to approach a port of entry without an appointment or cross the border between U.S. ports of entry. Many are stranded and, instead of being swiftly processed at ports of entry as they should be under U.S. law, are left to wait for months for CBP One appointments in Mexico. Many are, as a result, stranded in cities that the U.S. State Department [has assessed as](#) too dangerous for Americans to even visit. In these and other areas in Mexico, migrants and people seeking asylum — marked by their languages, accents, race, and lack of legal protection — are [particular targets](#) of kidnapping, torture, and other human rights abuses.

People seeking asylum — including women, children, and other vulnerable groups — face these grave risks as they wait to seek asylum under the Biden asylum ban. Local humanitarian workers in Reynosa, Tamaulipas, where kidnappings have been prevalent, stressed their concern over alarming incidences of rape and increased kidnappings in the last two months. Human Rights First researchers interviewed many people who suffered horrific harm and threats of violence as they waited in Mexico in the weeks following the implementation of the asylum ban on May 12. For example:

- **A Honduran woman was raped while waiting for a CBP One appointment and turned away from a port of entry by Mexican officers despite the risk to her life.** Fleeing persecution, she was living alone in a makeshift tent in the Matamoros encampment for three months trying to obtain a CBP One appointment to seek asylum and was **violently raped in her tent at night** in late May 2023 by a man who cursed at her for being a migrant and **threatened to kill her** if she told anyone. She screamed for help, but no one came. Her rapist returned another night in early June 2023 and attempted to rape her again, but she defended herself and escaped the camp. Terrified, she filed a police report and attempted to access the U.S. port of entry in Matamoros after both attacks but was blocked from accessing the U.S. port of entry **both times by Mexican immigration officers** despite her evidence and testimony that she feared for her life. Instead, Mexican immigration officers questioned her as to whether she was in fact raped. She has **received death threats** related to her sexual assault by phone. She



was unaware of the asylum ban prior to being informed of it by a Human Rights First researcher, who also explained that she may be subjected to its penalties if she tries to seek asylum without an appointment.

**"I am afraid for my life here. Afraid that I will be killed, kidnapped, or that they'll do something to me.**

**In my country, I'm a professional. I had a career. I'm not coming to work. I came because my life was in danger. And something that had never happened to me – a rape – happened to me here."**

- **A Latin American<sup>1</sup> man seeking asylum suffered an enforced disappearance when he was kidnapped and tortured by Mexican officials in Reynosa while trying to secure a CBP One appointment.** He arrived at the U.S.-Mexico border in December 2022 and has been attempting to secure a CBP One appointment for **four months**. He was recently **beaten unconscious and subjected to an enforced disappearance when he was kidnapped by men dressed as Mexican officials in Reynosa**, according to information received by an attorney with Lawyers for Good Government in Reynosa. He managed to escape after one night, but due to the extreme physical violence, he continues to suffer from severe headaches, gastrointestinal issues, and other symptoms. He said: **"I constantly hear a loud ringing noise in my ears and it feels like the back of my head is inflating like a balloon. Because of these symptoms, I often want to be alone and feel like my pain and desperation are getting the best of me."** His kidnappers robbed him of his phone so he had to obtain a new smartphone in order to begin requesting a CBP One appointment once again. The man has been requesting a CBP One appointment every day since. After his escape, he went into hiding. However, **he saw two men following him**, so he relocated. He **does not go outside because he fears he will be found and tortured again**. He will be forced to leave his current housing arrangement soon and has nowhere else to go.
- **A Latin American<sup>2</sup> woman was kidnapped, trafficked, and raped and has been forced to wait at risk of harm in Mexico while trying to obtain a CBP One appointment, unable to seek U.S. asylum protection.** As she waited to seek U.S. asylum in Mexico, she was **kidnapped, held captive, and abused for about a month and a half, according to information received by** an attorney with Lawyers for Good Government in Reynosa. She was able to escape her captors, only to be **taken and held captive a second time**.



<sup>1</sup> To protect the safety of the family, Human Rights First is not identifying them by their specific nationality.

<sup>2</sup> To protect the safety of the family, Human Rights First is not identifying them by their specific nationality.

She said: **"I was held captive at this house for about two months and I thought the only way I would leave the house was if I were dead."**

During her captivity, **her captors trafficked her to drug dealers who raped her on several different occasions.** She has been **in hiding** since her escape and has been requesting a CBP One appointment daily without success. She has been **unable to present at the port of entry** to seek U.S. asylum protection due to **Mexican immigration officers unlawfully blocking access** to individuals without CBP One appointments.

- **A Venezuelan women and child were kidnapped, and the mother was raped while waiting for a CBP One appointment. They were then denied access to the port of entry by Mexican officers. They risk the punishment of the asylum ban if they attempt to enter between ports of entry or present without a CBP One appointment.** The mother, her minor son, and adult sister attempted to obtain a CBP One appointment to seek asylum in mid-May 2023 when they were kidnapped and held for 12 days in Reynosa in June 2023. Their abductors **threatened to take their organs if their families didn't pay a ransom.**

The women described being placed in a room with 50 people from China, Cuba, Ecuador, Honduras, Mexico, and Russia, including kids as young as two years old, all on top of each other. Their kidnappers threatened and beat people, including the children.

**"We witnessed them [the cartel] taser men with electricity who screamed in pain right in front of us and severely beat men if the transfer payment hadn't come through. My son cried a lot, begging to leave. They'd also give drugs to the teenage children."**

That first night, a cartel member raped the Venezuelan mother. **"He threatened to kill my son and sister and threatened me to stay quiet. We were terrified each time the door opened and our abusers entered. We prayed and prayed.**

**We feel completely unsafe here in Mexico. We're terrified to go outside; afraid we'll be taken again."**

- **Venezuelan siblings waiting for a CBP One appointment were denied access to seek asylum at U.S. port of entry by Mexican officers, traveled to a different port of entry where they were kidnapped and tortured, and were again blocked from seeking protection by Mexican officers despite the risk to their lives.** Two Venezuelan young adults, one minor sibling, and their girlfriend arrived in Matamoros after the asylum ban went into effect. They had been trying to obtain a CBP One appointment to seek U.S. asylum since April. Access to the U.S. port of entry in Matamoros was blocked by Mexican immigration officers so they traveled to Reynosa in June, where they heard they may be able to access the port of entry. In Reynosa, they were intercepted by a car while



walking. The driver asked where they were from and then kidnapped and held them hostage for three days. During that time, they were all physically assaulted and the **women were tortured for ransom.**

The kidnappers threatened “[i]f you don’t pay, we’ll cut off your fingers.”

The family’s relatives paid the ransom and they were released. They live in constant fear, as their kidnappers took their photos. Following the kidnapping, they escaped Reynosa and returned to Matamoros. They attempted to present at the Matamoros port of entry to request asylum, explaining their fear and what had happened, but were **prevented from approaching the U.S. port of entry by Mexican immigration officers** who wrongly turned them away because they did not have a CBP One appointment.

- **A terrified Venezuelan family that suffered brutal kidnapping while waiting for a CBP One appointment is living in fear of further harm while forced to wait in danger.** The mother, father, and their adolescent and preschool-aged children who had been trying to obtain a CBP One appointment to seek U.S. asylum were **kidnapped** by a cartel in early June in Reynosa and held for 10 days. During their kidnapping, the mother was **sexually abused by a cartel member on two occasions.** The family also described witnessing intense beatings of migrant men and hearing their screams for pain, including one severely assaulted man who pled to his family by phone to send the money or he would be killed. **“It was horrible. You don’t know if you’ll get out alive. My kids cried and cried. They wanted to leave, wanted to cross [to the U.S.]; they didn’t want to be here.”**

After their release, the family had to register for CBP One again as the phone they had previously used to register was stolen by the cartel. **“We’ve been waiting for an appointment that doesn’t arrive. It [the app] doesn’t care about the risk [we face] or our human rights.”**

They managed to keep their other phone when they were released but **have been receiving threatening calls** demanding payment of more money. **“There is no authority here. There was no security. Even hotels aren’t safe, they collaborate.”**

**“There is no sense of peace. I ask God to help us get out of here. My family is in danger here. At night you hear gunfire. We’re terrified to go out on the street. We aren’t safe here in Mexico. At least, thank God, we are alive.”**

- **A Latin American<sup>3</sup> family was kidnapped and the mother raped while waiting for a CBP One appointment, but they are forced to continue to wait in danger.** The family,



<sup>3</sup> To protect the safety of the family, Human Rights First is not identifying them by their specific nationality.

including two elementary-school aged children, were kidnapped in Reynosa in late May and held for 13 days after trying for weeks **to obtain a CBP One appointment to seek U.S. asylum**. The family's relatives with young children were also kidnapped with them. While kidnapped, the mother **was sexually assaulted by cartel members**. She prayed they wouldn't sexually abuse her daughter. **"It was a difficult experience for the children. They didn't eat. They cried. They wanted to escape, but we couldn't."** After 13 days the family was released but the cartel kept their phones and money, so they had no resources to buy a smartphone to use the CBP One app. Nor could they approach the port of entry in Reynosa because it was blocked by Mexican authorities to those who don't have a CBP One appointment. They have been trapped in Reynosa. In late June 2023, they were able to borrow a phone and register on the CBP One app again and were still waiting for an appointment. **A few days after the family's relatives and their young children were released, they were kidnapped again**. At the time the family spoke with Human Rights First, their fates were still unknown.

- **A Venezuelan family was threatened, robbed, and their son nearly kidnapped while waiting for CBP One appointment, and were denied access to the port by Mexican officers.** The family, including a teenage son and young daughter, have been waiting one month in Matamoros to obtain a CBP One appointment to seek asylum. They rented a room where other migrant families were staying, where they thought they would be safe. One day at dawn, **masked men identifying themselves as members of the cartel in charge in Matamoros**, entered and ransacked the house, stealing the family's money, and **attempted to grab the teenage son**. The adult male in the family defended the son and the masked men threatened him, saying that **if they find him in Matamoros, they will kill him**. The family heard others in the house yelling as if being injured. The family fled and approached the port of entry explaining they were afraid for their lives.

**Mexican immigration officers told them, "[i]t's not our problem."**

- **A Venezuelan woman is in hiding after experiencing attempted kidnappings while waiting for a CBP One appointment, yet was denied access to U.S. port by Mexican officers.** The woman, who is traveling alone, has been trying **to obtain a CBP One appointment since April 2023**. During the last days of Title 42, she attempted to seek U.S. asylum protection and was **laterally expelled by CBP** from Matamoros — where she entered — **to immediate harm in Reynosa**. Upon arrival to Reynosa alone, she experienced an **attempted kidnapping** by a taxi driver. She escaped and joined a group of other women who had also been expelled to walk together to the bus terminal, but **a black truck circled them and tried to abduct two women**. She traveled to Matamoros and **continued to request a CBP One appointment each day** in the wake of the asylum ban. She slept on the street outside a shelter and was informed that **a man who had her photo was looking for her**. She sought safety elsewhere and was told that two men who said they were her cousins **had come the night before to look for her**. She



fled to the Matamoros port of entry to try again to seek U.S. asylum, but **Mexican immigration officers blocked and informed her she needed a CBP One appointment.** She is in hiding and afraid for her life.

Many people waiting in Mexico to seek asylum are living in makeshift encampments with none of the necessary safeguards or systems in place to protect women, children, LGBTQ+, and other vulnerable people from being targets of abuse and violence. Local aid workers report instances of the cartel terrorizing the Matamoros camp in June 2023 as well as individuals and families facing heightened risk of kidnapping, rape, and other violent harm in the encampments and outside shelters in Reynosa.



Makeshift tents in the Matamoros encampment, June 2023.

- In early June 2023, two Haitian couples traveling with an 11-month-old infant told a Human Rights First researcher about extortion and dangers they had experienced in Mexico, including difficulties finding safe shelter and an **attempted kidnapping** they had experienced the day prior in Nogales as they approached the DeConcini Port of Entry. The father of the baby shared:

**“We were walking toward here. A truck with three men stopped and they got out and started coming toward us. ‘RUN!’ I shouted to my wife and baby. We managed to escape.”**



- A Colombian **elderly woman travelling alone was physically attacked and verbally assaulted** in the Matamoros camp by **a member of the cartel** who identified himself as the person in charge and whom others said was the leader. She immediately hid in another family's tent, pleading to be allowed to sleep there that night before escaping the camp the next day.

**"The terror I felt that night was the worst in my life. They [the cartel] don't respect if you're an older woman, a child, a pregnant woman. People are taken from the camp and disappeared, and no one can say anything."**

- A **Mexican Indigenous mother** living alone in the Matamoros encampment with her **infant and three children** explained in May 2023 that her partner obtained a CBP One appointment two months prior but was unable to get one for all of them. As a result of CBP's policy to only process individuals with appointments, she stayed behind in the camp with their children as she tried to request a CBP One appointment daily. She explained that others in the camp knew she was now alone with her children and told of **an attempted sexual assault she experienced when a man entered her tent at night**. She also told of another man who **kept asking for her two elementary school-aged daughters** and the risk of kidnapping and trafficking they faced, forcing them to flee the camp.
- A **Haitian mother with two young daughters** who were living in an encampment in Reynosa while trying to obtain a CBP One appointment to request U.S. asylum shared that **she did not feel safe in Mexico** and that she **used a cable wire to tie her two daughters to her at night to prevent someone from taking them**.







Young Haitian child living in a tent in a camp in Matamoros, Mexico, June 2023.

- **Lack of safety, fears that daughters will be kidnapped, and inability to secure CBP One appointment after two months leave family wondering how to cross to safety.** An Ecuadorean family with two teenage children and a six-year-old daughter fleeing threats of harm in Ecuador have been living in the Matamoros camp for two months, unable to obtain a CBP One appointment to seek asylum.

**“We don’t sleep. You have to keep one eye open. We use a cable wire to tie ourselves together at night and tie shut our tent. I’m afraid they’ll take my girls.”**

Her 17-year-old daughter’s mental health has deteriorated: **“She cuts herself. She feels very unsafe here. There’s no privacy. She asks why we can’t leave. How can we cross?”** she told a Human Rights First researcher as her daughter showed her cut marks.

- **Venezuelan women and children fear kidnapping living on the street as they struggle for over two months to get CBP One appointments and are turned away by U.S. CBP officers and Mexican immigration officers at the port of entry.** The women, who are cousins and one of whom is a mother to one and four-year-old daughters, have been waiting for two and three months, respectively, trying to seek a CBP One



appointment. "We've been **sleeping on the street**. I worry for my one and four-year-old girls. They **cry from hunger most days. They're not sleeping**. A woman **photographed us yesterday and a black truck approached in the middle of the night** as we walked looking for where to sleep. We've been trying for [two and] three months to get a CBP One appointment.

**We're afraid. We can't continue like this.** We're trying to present ourselves to be processed and to put forward our case. We made it to the bridge and waited hours feet from the American officials, but **Mexican immigration removed us.**"

The next day, the women and children made it onto the bridge again and walked straight to speak with the CBP officers to share their fears and request protection. **CBP Officers informed them they couldn't help them.** One of the women indicated that an officer left and made a phone call. They were left waiting about 15 minutes before **Mexican immigration officers approached them on the bridge and removed them.**

- A Haitian man living in a tent in an open-air camp in Matamoros in June 2023 who has been trying to obtain a CBP One appointment for over one month shared his fears after observing a car stop at 3 a.m. and ask Haitians in the camp whether they wanted to work as they had jobs for them. The Haitians answered no. **He feared it was a ploy to kidnap them.** Some nights he observes a car drive past the encampment and park across the street.

**"Sometimes we don't sleep because we're obliged to not lose consciousness."**





Haitian camp in Matamoros, Mexico, June 2023.

Non-Mexicans presenting at ports of entry without a CBP One appointment who are subject to the asylum ban can later try to overcome the ban and be considered for asylum if they can prove that they (or a member of their family who they are traveling with) faced an “exceptionally compelling” circumstance, such as at the time of entry into the United States, faced an acute medical emergency; an imminent and extreme threat to life or safety, such as an imminent threat of rape, kidnapping, torture, or murder; or was a “victim of a severe form of trafficking in persons,” as defined by U.S. regulations.



The narrow **exceptions to the ban will not protect many refugees** and will often be impossible to prove. For instance, many asylum seekers in Mexico suffer horrific violence at the hands of Mexican government agents and cartels, with many targeted precisely because they are migrants or seeking asylum in the United States. Human Rights First has [tracked](#) over 13,000 reports of murders, kidnappings, rapes, and other violent attacks against migrants blocked in or expelled to Mexico due to Title 42 since President Biden took office. Amid this unremitting violence, asylum seekers in Mexican border regions so often face a serious risk to their safety that it is absurd to require an asylum seeker to establish an “imminent and extreme” threat to life or safety, and it is unclear how they could even prove to an adjudicator that they would have been kidnapped, raped, murdered, or otherwise harmed had they remained in danger for longer.

As is, people facing an urgent protection situation, including threats to their life or safety such as risk of sexual assault, kidnapping, torture or murder, as detailed above, have been left by U.S. officials to wait indefinitely in the wake of the Biden asylum ban as have people with urgent medical emergencies. For example:

- A Venezuelan woman who suffers from heart problems including myocardial ischemia and necrosis had been trying to obtain a CBP One appointment for three months when she **suffered a heart attack at the Matamoros port of entry** while trying to present to seek asylum. A doctor at the port of entry helped her. She told **Mexican immigration officers** that she had suffered a heart attack and had medical documents and tests confirming this diagnosis but **was told to move aside for people with CBP One appointments**.
- A Guatemalan mother in Tijuana fleeing threats to her and her children’s life is ill and requires **dialysis treatment due to kidney failure** but has been unable to access asylum protection and has been left waiting to secure a CBP One appointment since May 2023.
- A local humanitarian worker who provides support to critical medical cases requiring access to the Reynosa port of entry was **harassed and threatened by CBP officers**, when attempting to support a **Haitian asylum-seeking man experiencing a medical emergency** who was hospitalized at a local hospital that was unable to provide the emergency treatment he needed. The worker requested access to the Reynosa port of entry for the Haitian man as had been customary for medical emergencies that required transport by ambulance just months prior under Title 42. The humanitarian worker was told by CBP officers at the limit line, **“This isn’t our problem. If you want, you can bring him to wait in line.”** At this time, other vulnerable individuals waiting at the limit line to access the port without an appointment were being **forced to wait by CBP for over 72 hours in extreme heat** as they deprioritized persons waiting without CBP One appointments.



**"If I bring him to wait in this line without medical care, he will die," she said.**

After advocacy by another local humanitarian worker, the ambulance transporting the critical case was approved to cross. Yet upon arrival at the port with the ambulance, the humanitarian worker and the Haitian man were harassed by CBP: **"It's you again?"** the CBP officer greeted the humanitarian worker who tried to explain the situation **but was silenced**. A CBP nurse said, **"You call this an emergency?"** and **removed the Haitian man's oxygen tubes and ordered him to stand up, lowering him from the bed and off the ambulance**. A CBP supervisor **refused to provide the Haitian man with a wheelchair and instead forced him to walk and to carry his luggage**, prohibiting the humanitarian worker from carrying it for him. The CBP supervisor accepted the man for processing and ordered the local humanitarian worker to leave, threatening her and saying she was prohibited from return:

**"You're already in trouble, so if you don't want to have more problems, leave. You are no longer allowed in this area."**

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## Asylum Ban Denies Asylum to Refugees Who Have No Knowledge of It

While some Biden administration officials have attempted to paint the asylum ban as the pivotal factor leading to decreased border crossings after the end of the Title 42 policy, multiple human rights and humanitarian monitors have learned, through speaking with many people waiting in Mexico to seek asylum, that during this period of time, waiting asylum seekers have actually been largely unaware of the asylum ban rule and its consequences. Since the Biden administration initiated its asylum ban in early May 2023, Human Rights First researchers and attorneys have spoken with over 300 people waiting to seek asylum across the southwest border with Mexico, including asylum seekers waiting in Matamoros and Reynosa, Tamaulipas; Ciudad Juárez, Chihuahua; Nogales, Sonora; and Tijuana, Baja California. **Overwhelmingly, the people seeking asylum who our researchers spoke with in the days and weeks after the asylum ban's implementation did not know what the asylum ban was and none understood the penalties it inflicts based on an individual's manner of entry to the United States.**

Multiple humanitarian monitors from various organizations have reported on asylum seekers' lack of information and knowledge about the asylum ban and its consequences. A June 2023 monitoring [report](#) issued by the International Rescue Committee (IRC) and six other organizations concluded that "[a]t observed ports of entry where monitors spoke with awaiting asylum seekers without CBP One appointments, many expressed confusion about the difference between Title 42 and the current process or were unaware of the new restrictions that make individuals requesting protection at a port of entry without a CBP One appointment, including themselves, presumptively ineligible for asylum." The Haitian Bridge



Alliance delegation to Matamoros and Reynosa during the week the ban was implemented in May, which included Human Rights First and other experts, [found](#), after speaking with hundreds of people struggling to get a CBP One appointment to seek asylum at a port of entry, that waiting asylum seekers “overwhelmingly had no information about the new asylum ban, its implementation, its presumptions, and its exceptions.” During May and early June, monitors from the Kino Border Initiative, The Florence Immigrant & Refugee Rights Project (“The Florence Project”), and Human Rights First spoke with hundreds of asylum seekers waiting in Nogales, Mexico who, as the groups’ [report](#) explained, did not know about the asylum ban and the penalties it inflicts.

**Upon learning of the Biden administration asylum ban, people seeking asylum confront an impossible choice of whether to seek safety at the port of entry without a CBP One appointment, a step that — for asylum seekers who transited other countries — could bar them from asylum under the ban and return them to life-threatening harm, or wait indefinitely in situations of life-threatening danger while they try and try day after day to get an appointment through the CBP One system, without resources and in precarious conditions.** Human Rights First attorneys and researchers spoke with countless people as they learned of the potential penalties if they chose to take steps to protect the safety of themselves or their children. An attorney who works in Reynosa with Lawyers for Good Government told Human Rights First that after learning about the asylum ban rule, some people continue to wait for CBP One appointments, but most people waiting to seek asylum who have survived rape, kidnapping, torture, or who require critical medical care, have indicated that they will still need to present at the port of entry without an appointment despite understanding the potential future asylum denial given their critical needs for immediate safety.


Faced with these threats, some people who have been unable to get one of the limited CBP One appointments, which are dispensed through a system that functions in essence like a lottery, have approached the port of entry to seek asylum. Many have been prevented from doing so by Mexican and/or U.S. authorities as outlined in this and other reports. Others have certainly crossed the border without authorization after being unable to obtain an appointment. If they choose to present at the port or cross without an appointment (and they are not Mexican nationals), then they will now risk being subjected to the Biden asylum ban and deported back to danger even if they are refugees with well-founded fears of persecution. Some examples of people waiting to seek asylum at ports of entry without an appointment who, upon being processed into the United States, could be barred by the asylum ban regardless of the persecution they fled and their eligibility for asylum under U.S. law, are below.





Families wait to seek asylum on cardboard under improvised shelter outside the Juarez Paso del Norte Port of Entry, June 2023.

- A Venezuelan woman was unaware of asylum ban as she and her family tried for months to get CBP One appointment, but in fear that her daughters would be kidnapped, trafficked, or raped, attempted to approach port of entry even after being apprised of ban's penalties to protect her daughters but was turned away by CBP and Mexican immigration officers. The woman, her young daughters and her adult sister have been trying for two and three months, respectively, to obtain a CBP One appointment and have been living on the street in Matamoros without money for shelter or food. They told of how someone had photographed them while walking on the street and a black truck followed them late at night. They reported that a friend of theirs had been raped in her tent. They **feared for their and their daughters' safety, afraid of being kidnapped, trafficked, raped**. They were unaware of the asylum ban and its likely bar on asylum and the risk of deportation to Mexico. When confronted with a decision over the short-term immediate need for safety versus waiting for long-term interests, the women shared:

"We're living on the street. My daughters cry from hunger. There are days we can't give them anything to eat. **Yesterday they tried to take us. They took our photos and a black truck followed us late at night. We don't care about what can happen further ahead. I don't say it for me, I say it for my daughters.**" 





One-year-old child living on the street with her sister, mother, and aunt who were turned away by CBP at Matamoros Port of Entry.

- **A Honduran woman waited for months attempting to get a CBP One appointment and, after suffering rape and threats, was unaware of asylum ban and its penalties when she approached a port of entry and was turned away, but explained she would try again as she could not risk her life waiting longer.** Fleeing persecution in Honduras, the woman, whose account is detailed above, spent three months trying to obtain a CBP One appointment while living alone in a makeshift tent in the Matamoros encampment where she was **violently raped and threatened with death** in late May 2023. Her rapist **attempted to rape her again** and she received **death threats by phone**. Terrified, she fled the camp and attempted to seek asylum at the port of entry but was denied access by Mexican officers. In June 2023, she explained to Human Rights First researchers that she was unaware of the bar to asylum protection and risk of being deported to Honduras if entering without a CBP One appointment but could not risk her life staying in Matamoros.





- **A Venezuelan family that was kidnapped and the mother sexually abused by the cartel while waiting for CBP One appointment were unaware of the ban but expressed need for immediate access to safety.** They were kidnapped in Reynosa in June 2023 while waiting for a CBP One appointment and the mother was **twice sexually abused by cartel members** (account detailed above). They then **continued to receive threatening calls from their cartel abusers.** In Reynosa, access to the port of entry for people who walk up without a CBP One appointment is blocked by Mexican immigration officers. Afraid for their lives, the family remains trapped in Reynosa, unable to even go outside out of fear while continuing to wait for a CBP One appointment. The family was unaware of the asylum ban and its penalties for entering without a CBP One appointment and the risk of being deported to Mexico, but expressed their need for immediate safety and protection in the U.S.
- **A terrified Venezuelan family that was subjected to an enforced disappearance when Mexican authorities turned them over to a cartel — who held them for over two weeks — had been trying to obtain CBP One appointment and waited outside the port of entry unaware of the asylum ban’s penalties.** In Ciudad Juárez in June 2023, the couple and their two-year old child had been **waiting over 15 days** sleeping outside the port of entry without shelter, waiting to be processed to seek asylum, unaware of the asylum ban’s penalties for entering without a CBP One appointment. The family had been trying to obtain a CBP One appointment for one month, to no avail. They recounted that while transiting through Mexico by bus, Mexican immigration police ordered them off the bus and handed them over to the cartel who held them for 15 days, subjecting them to an **enforced disappearance.** “We wanted to file a police report, but you never know if the police are good or are one of them.” **Terrified, the family was choosing to wait outside the port of entry to seek access to asylum but were unaware of the asylum ban and its penalties** for presenting without an appointment. After being informed of the asylum ban, they expressed concern and felt they had no option:

“I want to try to pass as quickly as possible because the situation here is really bad – even the taxi drivers will sell you. From here on that way [signaling toward the city center], you run risk. We are safer staying here by the port.”

- **A Colombian family that had been trying to get a CBP One appointment was unaware of asylum ban’s penalties as they waited at port of entry without an appointment.** The family and their young child had been sleeping outside the port of entry **for seven nights** in Ciudad Juárez in June 2023 waiting to seek U.S. asylum while attempting to obtain a CBP One appointment. The father was a former member of the Colombian military, and the family was **fleeing death threats and persecution** from an armed group. They were unaware of the asylum ban and did not know it would likely bar



them from asylum protection and deport them to danger in Colombia for presenting at the port without a CBP One appointment. Once informed, they **struggled to process the complex implications** as they chose to remain in line waiting.

- **A Venezuelan woman waiting at Nogales port of entry was unaware of the asylum ban or its penalties for seeking asylum at a port of entry.** In early June 2023, the woman, who was traveling alone, had been waiting **15 nights** outside the Nogales port of entry waiting to seek asylum. She shared with a Human Rights First researcher that she was fleeing persecution in Venezuela and that her sister had been murdered by the guerilla, a non-state armed group that exercises control over territory, as she clutched a manilla envelope holding proof of her death. **She did not know that the Biden administration's asylum ban would likely bar her from asylum protection for presenting at the port without a CBP One appointment** and that she risked deportation.

**"But what about this?"** she asked, holding up her proof of persecution, stunned to learn that she could be blocked from applying for asylum protection simply for not having an appointment despite entering at a port of entry. **"I have nowhere to go. I cannot wait here [in Mexico]. I need asylum."**

- **A Venezuelan mother, with her newborn and daughter, was unaware of the asylum ban and its penalties as she tried to obtain CBP One appointment and, still without one, waits at the Ciudad Juárez port of entry without an appointment, staying even after learning of ban given concerns for her children's lives.** The single mother, traveling with her **two-month-old newborn** and seven-year-old daughter, had been **sleeping outside the port of entry** in Ciudad Juárez for three nights together with two other **single mothers and their young children**, having tried for a month to obtain a CBP One appointment and shared:

**"We feel discouraged and we don't know if we've done something wrong [in using the CBP One app]. There are people who get an appointment after two days. It psychologically affects you. Your sense of self-worth drops to the floor."**

They were unaware of the asylum ban and its penalties for entering without a CBP One appointment and likely deportation to Mexico. Upon learning this, they expressed:

**"Entering at the port without an appointment is the last option. We've surrendered. It's painful to have a sick child while living on the street. Or for your child to tell you, mom, I'm hungry. You can't imagine how painful it has been for us and what we've lived through. It makes me want to cry. I wouldn't choose to risk my child's life."**





Two-month-old infant sleeps with mother and three-year-old sister waiting to seek asylum outside the Juarez Port of Entry.

- A young Colombian male adult who had been waiting outside the Nogales port of entry to seek asylum in early June 2023 **for over two weeks** after futile attempts to schedule a CBP appointment was **unaware that without an appointment he would likely be barred from asylum** under the asylum ban, subject to a higher screening standard, and could be deported to Colombia where he feared persecution. He shared:

**"I feel unsafe here in Mexico. I can't apply for asylum [here]. If the [CBP One] appointment took three days, I'd wait. But it doesn't. I've been trying and nothing. And I have to rent a room and pay for food. I can't keep waiting."**



- **A Venezuelan family waited at a Ciudad Juárez port of entry was unaware they could be subjected to the asylum ban's penalties.** The blended family with eight children had been sleeping outside the Bridge of the Americas port of entry in Ciudad Juárez for 15 days when Human Rights First researchers met them. “We don't receive any help, not even for food or water” they shared as June temperatures soared. They had been waiting on a list to seek asylum but were unaware of the asylum ban and its penalties for presenting without an appointment.

The Biden administration's position that the asylum ban's penalties are needed to encourage people to seek asylum at ports of entry is not only legally wrong, but contrary to reality. Not only are many refugees waiting to seek asylum at ports of entry despite lack of knowledge of the ban, but the asylum ban itself and the accompanying restrictions on access to asylum at ports of entry are certainly destined — like other policies that limit access to asylum at ports of entry — to prove counterproductive in the end. As IRC emphasized in its recent [report](#), “U.S. government reports have repeatedly found that limiting asylum at ports of entry leads individuals, who would otherwise have sought, or who tried to seek, protection at a port, to instead make dangerous, irregular border crossings.”

Humanitarian workers in Mexico informed Human Rights First that the dire life-threatening situations facing asylum seekers and their needs for immediate safety drive their decisions, rather than the existence of the asylum ban rule.



A child's shoes and toys are stored



under a tent in a camp in Matamoros, Mexico.

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## Asylum Ban Denies Access to Asylum and Places Most Vulnerable at Risk

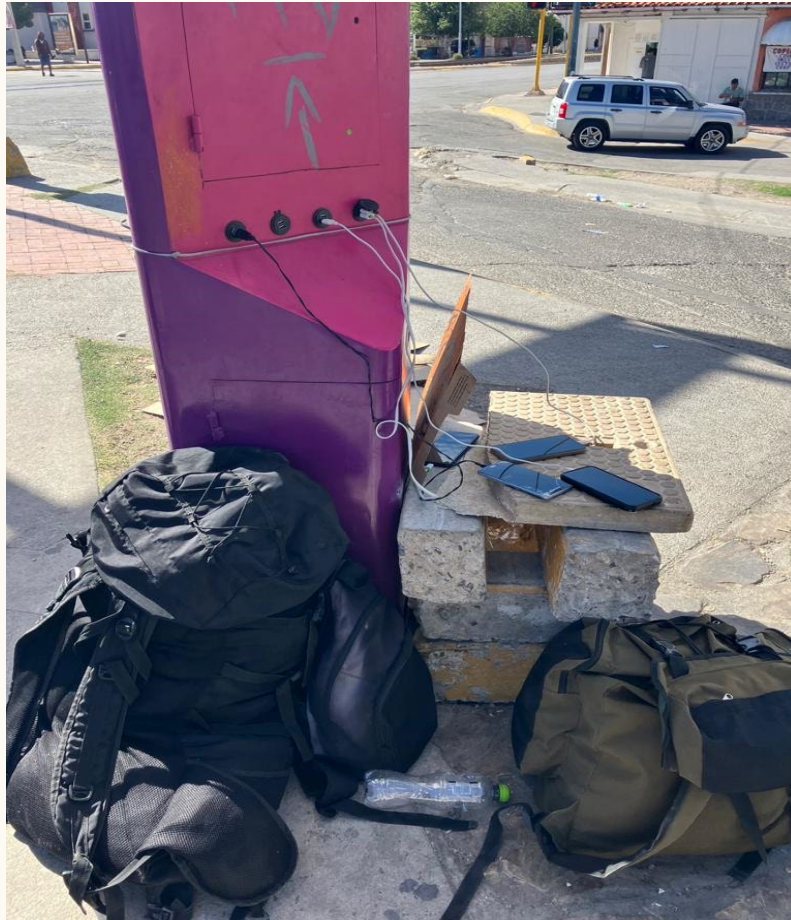
Conditioning access to asylum, a fundamental right enshrined in U.S. and international law, on use of a smartphone app that is only available in a handful of languages and requires daily access to electricity and internet to schedule an appointment to present at a port of entry, is unlawful and discriminates against the most vulnerable — asylum seekers without financial resources to purchase an expensive smartphone or afford electricity and/or internet, as well as illiterate, Indigenous, Black, and other asylum seekers of numerous nationalities who don't speak the handful of languages the app is available in.

Asylum seekers are continuing to try to seek asylum at ports of entry through the CBP One app but many face insurmountable barriers to use CBP One, as documented in a May 2023 [report](#) by Haitian Bridge Alliance, Human Rights First, and other organizations in a delegation of human, civil, and immigrants' rights leaders as well as a June 2023 report by the Florence Project, Human Rights First, and Kino Border Initiative.

### ***Ban against refugees without CBP One appointments endangers and discriminates against vulnerable***

The asylum ban subjects people seeking asylum to penalties if they do not have a CBP One appointment, regardless of whether they know about the ban or face threats while waiting. Yet, as Human Rights First researchers repeatedly observed through their interviews with people waiting to seek asylum and with local humanitarian workers, people attempting to obtain CBP One appointments face multiple U.S. government-imposed barriers to securing these appointments — barriers that endanger people facing grave protection risks and often discriminate against asylum seekers due to their nationalities, race, languages, education and literacy and/or lack of financial resources. These barriers include the lack of sufficient CBP One appointments; financial, technological and other equal access deficiencies; language access deficiencies; continuing errors, glitches, and problems with facial recognition preventing people from using the app.





Asylum seekers charge their phones in Juarez, Mexico.

Human Rights First researchers spoke with countless individuals and families in northern Mexico who had been waiting **on average between two-to-four months, with some waiting up to six months** to obtain one of the unduly limited number of CBP One appointments through CBP's appointment request process, which operates like a lottery. While the number of appointments available across the entire border has reportedly recently increased by 200 appointments per day to 1,450 per day, that increase is insufficient to ensure that individuals and families are not left waiting months to obtain an appointment. For example:

- A Mexican mother and three minor children who fled threats of harm in Michoacán have been waiting in Tijuana to seek U.S. asylum for **nearly two years**, blocked from accessing protection under Title 42. The family placed their names on a list near the border but were never called. The family registered for the CBP One app in **March 2023** and **four months later are still waiting to secure an appointment.**



- A Mexican family from Michoacán comprised of four adults and five minor children waited about **one year** to seek U.S. asylum, banned under Title 42, during which they waited in Tijuana for several months, placing their names on a list and were never called. They registered on the CBP One app in May and received an appointment in early July 2023.
- A Venezuelan couple with their one- and three-year-old children in Tijuana have been waiting for **six months** since initial registration on the CBP One app to secure an appointment. They have registered about 10 times, the last time two weeks ago, in the hopes of obtaining an appointment. The family twice attempted to seek asylum in the U.S. but were expelled both times under Title 42.
- A Haitian family living in a tent in Matamoros has been waiting **five months**, trying to obtain a CBP One appointment since first registering on the app in February 2023. Their **phone was stolen** after waiting for two months and they were **required to register again**.
- A Mexican woman living alone in a tent in Matamoros has been waiting **five months**, trying to obtain a CBP One appointment, having first registered in **February 2023**.
- A Haitian couple with a two-year-old child in Tijuana has been trying to secure a CBP One appointment for **five months**, having registered in **February 2023**.
- A Haitian couple living in a tent in Matamoros has been waiting **four months**, trying to secure a CBP One appointment since first registering on the app in **March 2023**.
- **Mexican teenage minor parents with a baby** waited **four months** to obtain a CBP One appointment, waiting first in Nogales and then in Tijuana, and received an appointment in early July 2023.

Over the two months since the asylum ban went into effect, Human Rights First researchers have spoken with people whose ability to secure CBP One appointments has been impeded by lack of smart phones, daily electricity and internet connectivity and their lack of financial resources to purchase such access. The asylum ban discriminates against people who lack financial resources and cannot afford to buy a smartphone and pay for electricity and internet for months while requesting an appointment each day.

Human Rights First researchers spoke with many vulnerable people seeking asylum who do not have phones. An overwhelming number of them recounted incidents in which they were robbed and extorted along their journey, whether by Guatemalan police, Mexican authorities, or brutal criminal groups that control vast territories in Mexico; their phones were damaged by water crossing the Darien gap; or were lost during their journey. Nearly



all had to start over with the CBP One app and register again. When possible, people reported that they prioritized spending what little money they had to buy a new smartphone over meeting other basic needs in order to access the CBP One app to attempt to secure their life-saving appointment. The asylum ban discriminates against the most vulnerable who are unable to purchase another phone and are stranded in a limbo, unable to schedule an appointment to seek asylum and at risk of being barred from asylum and deported to danger should they present without an appointment or cross between ports of entry.

For example, Human Rights First researchers spoke with:

- Women of different nationalities who were traveling alone, now living in the Matamoros encampment, who had been robbed of their phones and had no means to purchase another one;
- A Nicaraguan young adult in Ciudad Juárez travelling alone and living on the street whose phone was lost on a bus and had no means to replace it;
- A Mexican family with children in Nogales whose phone was stolen and had no money to buy another one and were sleeping outside the port of entry to seek asylum;
- An LGBTQ+ and HIV+ Venezuelan young adult traveling alone in Matamoros living in a tent whose phone was also stolen and had no means to replace it.

People who are seeking asylum should not be forced to ask strangers they meet in encampments or shelters to use their phones to repeatedly try, day after day, to seek a CBP One appointment. This is no solution and risks putting vulnerable women, young people, and others seeking asylum in ever more vulnerable positions where they could be subjected to exploitation.

Human Rights First researchers also spoke with individuals and families who have prioritized purchasing internet data with what little money they have in order to use the CBP One app to request an appointment to seek asylum over the purchase of food and water or payment of shelter, exposing them to greater risks.

- A Honduran Indigenous family in Tijuana paid for phone internet data using their savings to secure access to the CBP One app. **Some days they went without food or water.**
- A Venezuelan couple with three children aged three, four and seven years old in Ciudad Juárez were living on the street while trying to obtain a CBP One appointment





and described how they have to **come up with money to buy internet data and has had to beg for money to pay for internet data.**



Clothes dry at the Haitian camp in Matamoros, Mexico.

- A Mexican single mother and her three young daughters have been in Nogales since January trying each day to obtain an appointment. She said: **"I'd run out of internet data and instead of buying food, I'd need to buy more data."** As a result, she has been forced to restrict her and her daughters' food consumption even further, and even then, there have been days she couldn't afford to buy internet data and was unable to request a CBP One appointment to seek life-saving asylum protection. She shared: "Many paisanos cross through the border. I want to enter lawfully."
- In Ciudad Juárez, a Venezuelan **mother, father, one-year-old and three-year-old daughters** had been sleeping outside the port of entry for five days waiting to seek asylum, unaware of the asylum ban and its penalties for entering at a port of entry without a CBP One appointment. They had been trying to obtain an appointment through the CBP One app for two months. They were sleeping outside the port as they had no money to rent a room but were prioritizing purchasing internet data to use the CBP One app. **"We eat once a day."**





Infant sleeps near the Juarez Bridge of the Americas Port of Entry where her family has been waiting for five days.

- A Haitian man traveling alone and living in a camp in Matamoros explained that he was required to spend 100 Mexican pesos for internet data that lasts him four to five days in order to access the CBP One app to request an appointment to seek asylum, and because of this at times he **did not have money for potable water** while living in a tent outside in conditions of extreme heat. "It's not easy when you have 100 pesos. **Our situation is very hard for us. When we don't have money to buy a bottle of water, I'm obliged to drink water that we use to take a bath.**"

Throughout the border, individuals living in a street-like situation and in encampments lack internet access and electricity to charge their phones and are obliged to seek out internet and electricity daily to use the CBP One app, which in some areas requires walking cartel-controlled streets where incidents of sexual assault, kidnapping, robbery, and exploitation are abundant. In many of the encampments and shelters that Human Rights First visited, people seeking asylum did not have access to daily internet or reliable phone service. In Ciudad Juárez, families living on the street or sleeping outside the port of entry paid local shopkeepers to charge their phones and used public outlets where available.





Asylum seekers charge their phones outside a temporary tent shelter in Juarez that has since been closed down.

In Matamoros and Reynosa, thousands of people waiting to seek asylum live in informal encampments, unable to afford a room to rent, medical care or food and water, let alone internet and electricity and yet must come up with about \$200 Mexican pesos (nearly \$12 USD) a week, on average, for internet data alone for months on end just to obtain a CBP One appointment to present at the port of entry to seek asylum.

Human Rights First researchers also spoke with Russian and Kyrgyz asylum seekers in Reynosa who had been trying to obtain a CBP One appointment for two to three months and recounted technical problems they were experiencing: **"The app is not working. Is there somewhere I can get help because I can't get an appointment?"**

### ***Use of CBP One app harms mental health of people seeking asylum***

The CBP One app's design requiring *daily* access to the app (and to a charged phone and internet) to request an appointment — and accept it if available — for weeks and months on end is divorced from the reality of people forced to wait in Mexico to seek asylum who confront numerous obstacles to use the app, as detailed above. People fleeing persecution and harm who find themselves in situations of acute stress having experienced additional trauma during their displacement and journey to Mexico's northern border, are now forced to engage with a mobile app that mediates their right to seek asylum.



Humanitarian psychosocial services providers with the Kino Border Initiative in Nogales, Sonora and Derechos Humanos Integrales en Accion (DHIA) in Ciudad Juárez, Chihuahua who provide mental health services to people seeking asylum advised Human Rights First that they had observed an **increase in anxiety with indicators of sadness and uncertainty** among asylum seekers as they struggle to use the CBP One app, essentially entering a lottery *every day* that they have no control over and yet that their life depends on. Both providers reported that a principal consequence of using the app has been individuals setting aside their own immediate needs because the app had overtaken everything as *the* priority in trying to secure a life-saving appointment to present at the port to seek asylum. The anxiety over use of the app and whether and when an individual will secure an appointment has also led to disruptions in sleep and eating. A psychologist with the Kino Border Initiative stated, “[t]hey aren’t sleeping well, eating well, getting medical care when sick or making it to their therapy sessions.” The app’s design, she said, requiring people to engage with it every day keeps them in a **constant state of uncertainty, great anxiety and stress that escalates. “It absolutely affects them emotionally.”**

The psychologist shared she has also observed increased stress with use of the CBP One app, particularly in **older adults who lack digital literacy** and are unaccustomed to navigating a smartphone or mobile app, as well as in **individuals who are illiterate and Indigenous language speakers** who similarly are impeded by the app’s limited language access.

In Ciudad Juárez, Human Rights First researchers spoke with a Jamaican man traveling alone who had obtained a CBP One appointment but could not remember the date he was to present at the port of entry. He was **visibly distraught, depressed and stressed** by trying to use the app: “[m]y mind is not going well. I am not really educated to know **how to use the app.**” His phone had been out of battery the last two days and he had no money to pay a business to let him charge it. He felt safe outside the port of entry and would rather wait to enter the U.S. to seek asylum on a list than using the app he was unable to navigate.

In Matamoros, an Ecuadorean teenage girl and her mother shared that since being in the encampment the last two months while waiting for a CBP One appointment, the teenage **girl’s mental health had deteriorated and her self-harm had increased**, attributing it to the dangerous and dire situation in the camp as well as her lack of agency over her ability to leave the camp to seek protection.

In Nogales, a Honduran mother alone with her toddler fleeing persecution and death threats shared her attempts to seek U.S. asylum since 2021, having twice entered the United States with her then baby and asked to seek asylum only to be told by CBP they could not help her and expelled both times. The CBP officers discarded her belongings



and even the baby's diapers and clothing. She spent eight months in Tijuana and began using the CBP One app in January 2023 when it was released. She tried every day for four months to obtain an appointment, finally receiving one in May 2023. During that period, she shared **"I'd receive error messages and never an appointment. Sometimes someone would arrive and the next day they'd get an appointment, but I was still there. I began to see I had no chance. I lost the will to get up in the morning."**

In Ciudad Juárez, a Venezuelan couple with three children aged 12, 10 and eight told Human Rights First researchers of their attempts to obtain a CBP One appointment. **"Having to constantly be checking your phone for a message, having to submit the same info over and over is causing us anxiety — feeling desperate and hopeless."**

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### Asylum Ban Endangers Black, Indigenous, and LGBTQ+ People Fleeing Persecution

The asylum ban endangers Black, Indigenous, LGBTQ+ and other asylum seekers by making them wait in places where they face additional risks and denying equitable access to asylum by punishing those who do not have CBP One appointments or cannot safely wait for weeks or months for an appointment. The asylum ban also punishes Black, LGBTQ+ and other refugees for not seeking asylum in countries where they will not be safe, as outlined later in this report.



Mural inside a shelter in Tijuana, Mexico, July 2023.

***Lack of Language Access, Impact on Indigenous Asylum Seekers.*** The asylum ban punishes people who do not have CBP One appointments, yet U.S. officials have made it



available only in English, Spanish, Haitian Creole, Portuguese, and Russian. This lack of equitable language access discriminates against Indigenous and other asylum seekers who speak other languages by subjecting them to the ban's penalties. For example:

- A Chinese man who speaks Mandarin waiting in Matamoros to seek U.S. asylum who does not speak one of the few languages CBP One is available in struggled to use the app to request an appointment. When Human Rights First researchers met with him, he had recently been attacked, beaten and robbed, which was consistent with reports from a local aid worker who shared that Chinese individuals were specifically targeted as victims of crime and were at risk of harm. Yet the Chinese asylum seeker struggled to communicate with anyone and to use the CBP One app given its highly limited language access.

Before the Biden administration issued the ban, the International Mayan League [warned](#) that the ban would further marginalize Indigenous persons and especially endanger Indigenous girls, women, and LGBTQ+ people who are at heightened risk for sex and human trafficking. In June 2023, over 140 non-Indigenous allies, including many human rights and immigration organizations, [wrote](#) to DHS to underscore the disproportionate harms the ban inflicts on Indigenous people and the insurmountable barriers Indigenous people face in using and accessing CBP One. For example:

- Indigenous Guatemalan and Mexican families in Nogales who have waited months to seek access to asylum, first blocked under Title 42, struggled to use the CBP One app due to language access barriers, as explained in a June [report](#) Human Rights First issued with The Florence Project and Kino Border Initiative. The Florence Project submitted five Title 42 exemption requests due to the Indigenous asylum seekers' inability to use the CBP One app and the requests were ignored by CBP for months.
- Researchers who interviewed Indigenous asylum seekers waiting in Matamoros in June reported to Human Rights First that some were unable to secure CBP One appointments due to the app's language access deficiencies, an issue that the researchers — a lawyer from the National Immigration Project (NIPNLG) and a researcher from Together & Free — will document in a forthcoming report.

***Anti-Black violence.*** Black asylum seekers left to wait at risk in Mexico under the asylum ban face [anti-Black violence and discrimination](#) in Mexico. The Haitian Bridge Alliance's recent delegation [report](#) confirmed that "Haitian and Black people seeking asylum are targets of anti-Black discrimination and violence" in Mexico and that "[a]ttacks against Black people who are waiting to seek asylum are occurring in Matamoros, Reynosa and other acutely violent areas where they remain stranded while waiting." In its prior reports, Human Rights First has repeatedly documented [the targeting](#) of Black asylum seekers when they are left stranded in Mexico by U.S. policies that limit or deny them access to



asylum. The [Committee on the Elimination of Racial Discrimination](#) warned of the “disparate impact...on migrants of African descent and of Hispanic/Latino origin” inflicted by the Title 42 policy, which also stranded asylum seekers and migrants in danger in Mexico.

- A **Haitian mother** traveling with her husband and young child has been trying to obtain a CBP One appointment. While aboard a bus transiting to the border, a female Mexican immigration officer targeted only them, the only Black passengers aboard the bus, for a search of their belongings, and **inappropriately groped her breasts and searched inside her pants**.
- A Venezuelan woman staying at a shelter in Tijuana with her husband and children told Human Rights First researchers in July 2023 that the week prior, her husband **witnessed Mexican police officers beating up Haitians** across the street from the shelter. Her husband intervened to defend them, and **the Mexican officers pulled a gun on him**.



Haitian mother and child wait for a CBP One appointment



while living in the Haitian camp in Matamoros, Mexico.

In addition, the asylum ban disparately harms many Black asylum seekers by imposing penalties on those who do not have CBP One appointments when the app is not even available in the languages spoken by many African and other Black asylum seekers and continues in some cases, despite improvements, to fail to recognize darker skin tones.



Phones charging inside the Haitian camp in Matamoros, Mexico.

***Impacts on LGBTQ+ Asylum Seekers.*** Leading U.S. organizations that represent and advocate on behalf of LGBTQ+ refugees have repeatedly raised dire concerns about the impact of the asylum ban on LGBTQ+ refugees and urged that the ban be rescinded. For example, the Human Rights Campaign, writing on behalf of its more than three million members and supporters nationwide, [warned](#) that the asylum ban would deny protection





to many refugees, including LGBTQ+ people and people living with HIV, place LGBTQ+ migrants at active risk of facing the same dangers that they are trying to flee from, and is inconsistent with the Biden administration's demonstrated commitment to LGBTQ+ people around the globe. Immigration Equality, an organization that advocates for and represents LGBTQ+ and HIV-positive immigrants, has repeatedly [condemned](#) the ban, [warning](#) that: "It will ultimately cost the lives of some queer people and subject others to persecution and torture, and these are people who have come to the United States to flee that exact problem."

Over the last two months, Human Rights First has interviewed LGBTQ+ people who are stranded in danger in Mexico under the asylum ban as they attempt to secure CBP One appointments. As the U.S. State Department has confirmed, LGBTQ+ persons [face](#) widespread violence and mistreatment in Mexico. They are among the many refugees who face the impossible choice noted above: continue to risk their safety by waiting in danger while trying to get a CBP One appointment, or risking the asylum ban's denial of access to asylum if they cannot safely wait and instead attempt to approach a port of entry — if they can even manage to access one given Mexican authorities' restrictions — or cross outside the port. For example:

- In Nogales, a **Colombian LGBTQI+ asylum-seeking woman fleeing sexual violence** and persecution by Colombian authorities on account of her sexual orientation as well as internal displacement by armed groups was **sexually assaulted by a female Mexican state police officer** while transiting on a bus en route to northern Mexico. The Mexican officer solely targeted for search Colombian nationals on the bus and ordered the Colombian LGBTQI+ woman into the bus bathroom where the officer stripped off her clothing and **sexually assaulted her by digitally penetrating her vaginally** without use of a glove, alleging that the asylum seeker was transporting cocaine, and then robbed her of her money. Afterward, upon arriving at a bus station in Sonora, the Colombian LGBTQI+ woman **experienced an attempted kidnapping**. She had been sleeping outside the port of entry waiting to seek asylum — unaware of the ban's penalties for presenting without an appointment — owing to her fear of being harmed again by Mexican authorities or by cartel groups. **"I'm afraid to be here. I'm afraid criminal groups will try to kidnap me again."**
- "I'm gay," a young Venezuelan man living in the [Matamoros](#) camp waiting to seek [asylum](#) said. **"And over there, you're not free to be who you are. Being in the camp here is like being over there.** You live the same experiences: **lack of respect and verbal violence.** There was a **group of migrant men in the camp who harassed gay and lesbian people to violate them.**"



- An **Ecuadorean LGBTQ+ couple fleeing persecution** on account of their sexual orientation and relationship expressed feeling unsafe in the Matamoros camp, **attempting to hide their relationship to not risk harm.**
- A **Honduran LGBTQ+ couple** and their young child had been waiting in the Matamoros camp to seek asylum for three months after fleeing death threats as well as harm on account of their sexual orientation and relationship. They reported feeling insecure and unsafe in the camp.
- A **LGBTQ+ Mexican man** fleeing persecution on account of his sexual identity has been stranded in Matamoros, trying to obtain a CBP One appointment for two months. While forced to wait, he has suffered **sexual harassment.**

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## Asylum Ban and CBP One Requirement Used to Turn Away and Meter Asylum Seekers at Ports of Entry

People seeking asylum should be allowed to do so in accordance with U.S. law, and swiftly processed in at ports of entry, instead of being left to wait due to the asylum ban and CBP One “prioritization” for weeks and months on end. The limiting of U.S. asylum processing at ports of entry, a policy implemented by the Trump administration (known as “metering”) and found to be [unlawful](#), led to years’ long backlogs and long lines in Mexico and, as a result, the development of a barrage of deficient “wait-lists” in Mexico. Metering is once again a reality. CBP is limiting and restricting the number of CBP One appointments made available, the number of people with CBP One appointments who can (as a result) approach ports of entry, and the number of people without appointments allowed in at U.S. ports of entry.

In the wake of the asylum ban’s implementation, Mexican authorities’ actions are preventing people without appointments from freely approaching U.S. ports of entry across the border while CBP is turning away, limiting, metering and/or leaving asylum seekers without appointments to “wait” in lines that barely move. A June 2023 monitoring [report](#) issued by the International Rescue Committee (IRC) and six other organizations found that at the six monitored ports of entry in Tijuana, Nogales, and Ciudad Juárez, “CBP officers were observed directly interacting with people attempting to seek asylum, turning them away or instructing them to join lines on the Mexican side of the border and, on other occasions, informing waiting asylum seekers on when and if they would be processed.”





Outside the Nogales DeConcini Port of Entry, a child plays near blankets that asylum seekers used to sleep.

A [June 2023](#) report by the Florence Project, Human Rights First, and Kino Border Initiative documented how the Mexican municipal authority in Nogales was issuing QR codes in administering a waitlist of individuals waiting to seek U.S. asylum without an appointment. Since then, the municipal agency has stopped issuing QR codes but it still administering the waitlist. That list has now grown to more than 400 people but CBP officers have only been processing approximately two families from this list per day, as reported by monitors from the Kino Border Initiative, resulting in a wait of **one to two months**. In Ciudad Juárez people seeking asylum at various ports of entry self-organized informal waitlists. In June 2023, families reported to Human Rights First that they had spent 15 nights waiting outside the Paso del Norte port of entry, with only a handful of families crossing one night in that time period. At the same time, at the Bridge of the Americas port of entry, several families and individuals were being processed by CBP officers daily, with some coordination taking place between CBP officers and those administering the waitlist as to the number of people to be processed, people waiting to seek asylum reported.





Outside the Paso del Norte Port of Entry in Juarez, families blocked from accessing asylum by Mexican authorities speak with a Human Rights First researcher.

In Tijuana, Mexican authorities administered waitlists such as one started by the National Migration Institute's Grupos Beta in June 2023 when an encampment outside the San Ysidro Pedestrian East port of entry was cleared by Grupos Beta, as reported by monitors from Refugee Health Alliance in Tijuana. CBP officers at the San Ysidro Pedestrian East port of entry were observed turning away a Mexican family attempting to seek asylum.

In the first two months of the Biden asylum ban, CBP officers have been observed turning away people seeking asylum without CBP One appointments including:

- On the first day of Title 8 and the Biden asylum ban, a **Honduran mother and two minor children fleeing persecution** and the murder of her son in Honduras reported to a Human Rights First researcher that they approached the CBP limit line in Matamoros attempting to seek asylum and were **turned away by CBP officers** because they did not have a CBP One appointment.
- A **pregnant Haitian unaccompanied minor** who is not subject to the asylum ban's penalties for entering at a port of entry without an appointment and is not authorized to use the CBP One app, was first **blocked by Mexican immigration officers** from accessing the Matamoros port of entry when she presented on her own in June 2023.



Local humanitarian workers accompanied the minor and managed to secure her access to the port of entry where they approached CBP officers at the limit line. The humanitarian workers informed CBP officers that she was an unaccompanied minor seeking asylum. CBP officers at the limit line replied, **“Sweetheart, we’re not going to take her.”** After **advocacy with U.S. officials by phone while waiting** at the limit line, the humanitarian workers were finally informed the minor would be processed and they would have to wait. Several officers believed to be U.S. police officers then arrived and requested the minor’s passport. The minor was scared to approach and follow the officers but was reassured by the humanitarian workers and was processed.

- A Nicaraguan woman travelling alone who **has been trying to obtain a CBP One appointment for five months, since February 2023**, was **threatened and sexually abused** in Monterrey, Mexico after which she **twice attempted to seek asylum but was expelled** under Title 42 back to Mexico. She has been living in the Matamoros encampment for four months. She reported that she tried to present at the port of entry **four times** and each time was **told by CBP officers that the only way to enter is with a CBP One appointment**.
- A Mexican **Indigenous language speaker survivor of repeated rape who had been impregnated by her abuser who was looking for her** in Matamoros, fled to Reynosa where she approached the port of entry accompanied by a local humanitarian worker, as they reported to a Human Rights First researcher. CBP officers asked the woman her name but due to trauma and language issues, the **woman did not answer**. Because of this, CBP officers denied processing her. As the woman’s life was in danger, she attempted again the next day accompanied to the Reynosa port of entry by a different local humanitarian worker and was finally processed by CBP there.
- **Honduran teenage minor, adult sibling and one-year-old child** attempted to seek protection at the Paso del Norte bridge in Ciudad Juárez in June 2023 but were **told by CBP officers that the port was at capacity; come back tomorrow**. The siblings have attempted to request a CBP One appointment but have no money to keep buying internet data or to pay to charge a phone at a local business. They have added their names to a waitlist managed by a migrant but are unsure of how to track it.
- A Venezuelan woman, her adult sister and one-year-old and four-year-old nieces who have been living on the street trying to obtain a CBP One appointment for three and two months, respectively, were two times **removed from the Matamoros port of entry** by Mexican immigration officers, and subsequently told by **CBP officers that they could not help them** when they managed to gain access and walked up to seek access to U.S. asylum.



As detailed throughout this report, in the wake of the U.S. asylum ban, at all U.S. ports of entry Human Rights First researchers conducted monitoring at, Mexican authorities blocked physical access to the ports of entry to individuals freely walking up to seek asylum without CBP One appointments, including even urgent medical cases and individuals at risk of harm, as well as Mexican nationals not subject to the ban as detailed in earlier sections addressing risk of harm people are forced to face.

In Matamoros and Reynosa, Mexican immigration agents checked whether individuals had CBP One appointments or other valid forms of entry to the United States before allowing them physical access to the port of entry. Occasionally, people attempting to seek asylum without a CBP One appointment made it past these checks and onto the bridge where they waited for hours for CBP to process them. A Venezuelan man in Matamoros described how Mexican immigration officers conducted periodic sweeps of those waiting on the bridge, checking whether they had CBP One appointments or another form of entry. On two occasions the man was **removed from the bridge by Mexican immigration officers** who would not allow him to seek U.S. asylum without having a CBP One appointment.

- In Tijuana, Haitian Bridge Alliance spoke with three Haitian brothers who were **blocked by Mexican immigration authorities** from accessing the port of entry to **present for their CBP One appointment** once they had crossed through the initial turnstile on the Mexican side of the limit line because they did not have a printed copy of their appointment despite having a screenshot of their appointment and were turned away.
- In Matamoros, a Honduran woman **survivor of rape and a second attempted rape** in Matamoros who filed a police complaint and was receiving death threats expressed this to Mexican immigration officers at the port of entry but was **blocked from accessing** two times.
- In Tijuana, **Mexican parents and a teenage child were turned away** by Mexican immigration officers at the San Ysidro Pedestrian East port of entry in early July 2023 despite **not being subject to the asylum ban or requiring a CBP One appointment**. They were instructed by Mexican officers to present at the San Ysidro Pedestrian West port of entry instead. The family was **again turned away by Mexican officials**, this time by Grupos Beta. A Human Rights First attorney **spoke with Grupos Beta and advocated** for the family's right to access the U.S. port of entry as Mexican nationals not subject to the asylum ban, but **Grupos Beta officials refused to permit them access** without a CBP One appointment. The family had attempted to present at the port of entry together with their adult son and his children who had secured a CBP One appointment for that day but were separated from them by the Mexican authorities' actions.



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## Inhumane Conditions While Forced to Wait to Seek Asylum

Human Rights First witnessed abysmal conditions in open-air encampments along the edge of the Rio Grande in both Matamoros and Reynosa, Tamaulipas, where thousands of women, men, and children were living in makeshift tents made of blankets and garbage bags, lacking minimum Sphere humanitarian standards of shelter, water, sanitation and hygiene, nutrition, and health services. As the Haitian Bridge delegation reported, there are piles of garbage, burn pits to deal with waste, limited numbers of porta-potties, and a dangerous lack of sanitation and clean water which can present a risk of cholera.



A makeshift camp where asylum seekers wait in Matamoros, Mexico near the border with Brownsville, Texas.

Many have no access to showers or washing other than the river, which contributes to public health illnesses and safety risks. Humanitarian workers reported that the top three preventable public health diseases most prevalent in the encampments are respiratory illnesses, gastrointestinal illnesses, and skin infections.





Matamoros encampment, June 2023.



Matamoros encampment, June 2023.



Human Rights First researchers spoke with mothers of sick newborn babies at risk of serious complications and death including:



- A one-month-old newborn baby who was running a fever and had trouble breathing was sleeping in a tent in the extreme summer heat of a Haitian encampment in Matamoros. His mother received fever-reducing medicine from a Doctors Without Borders mobile clinic visit, but worried as her young baby was still at risk.



A sick Haitian one-month-old baby living in Haitian camp in Matamoros, June 2023.

- A two-month-old Honduran baby who had had diarrhea for one week was sleeping in a tent in an encampment in Reynosa. His mother, who is still breastfeeding, told of how she and their entire family had gastrointestinal symptoms and diarrhea, with limited potable water to drink to stay hydrated.

The unbearable and inhumane conditions, coupled with significant insecurity and daily risk of kidnappings and rapes are spurring asylum seekers to travel to other ports or to cross between ports in search of immediate safety. A Venezuelan man in the Matamoros camp stated, "The situation in the camp has become difficult. Many people left the Matamoros camp and went to Piedras Negras and Laredo in search of a way to present to seek asylum."



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## At Risk of Exploitation and Harm by Mexican Authorities:

While a Biden administration official recently dismissed the dangers facing asylum seekers forced to wait under the asylum ban by asserting that people seeking asylum can wait in safer parts of Mexico, migrants and people seeking asylum are targets of violence by Mexican officials across the country, as multiple authorities and human rights reports have confirmed. Human Rights First researchers spoke with scores of people seeking asylum who experienced abuse by Mexican authorities during their transit through and wait in Mexico, whether near southern, central, or northern Mexico, and included national immigration officers, municipal, state and federal police, and members of the national guard.

**Abuses ranged from discriminatory and arbitrary detention, intimidation, robbery, extortion, sexual assault, and enforced disappearance through collusion with organized criminal groups by turning migrants and people seeking asylum over to them for kidnapping and ransom.**



Members of the Mexican National Guard patrol the Paso del Norte Port of Entry in Juarez, Mexico, June 2023.



For example:

- In Ciudad Juárez, a Venezuelan family with a two-year old child had been waiting over 15 days sleeping outside the port of entry without shelter, waiting to be processed to seek asylum. They recounted that while transiting through Mexico by bus, Mexican authorities subjected them to **enforced disappearance: Mexican immigration police ordered them off the bus and handed them over to a cartel** that kidnapped them for 15 days and demanded a \$1,500 USD ransom per person to release them.

**“We wanted to file a police report, but you never know if the police are good or are one of them.** I want to **try to pass as quickly as possible** because the situation here is really bad – even the taxi drivers will sell you. From here on that way [signaling toward the city center], you run risk. We are safer staying here by the port.”

- In Nogales, a **Colombian LGBTQI+ asylum seeking woman fleeing sexual violence** and persecution by Colombian authorities on account of her sexual orientation and displacement by armed groups was **sexually assaulted by a female Mexican state police officer** while transiting on a bus enroute to northern Mexico. The Mexican officer solely targeted for search Colombian nationals on the bus and ordered the Colombian LGBTQI+ woman into the bus bathroom where the officer stripped off her clothing and **sexually assaulted her by digitally penetrating her vaginally** without use of a glove, alleging the asylum seeker was transporting cocaine, and then robbed her of her money. Afterward, upon arrival at a bus station in Sonora, the Colombian LGBTQI+ woman **experienced an attempted kidnapping**. She had been sleeping outside the port of entry waiting to seek asylum – unaware of the ban’s penalties for presenting without an appointment – owing to her fear of being harmed again by Mexican authorities or by cartel groups. **“I’m afraid to be here. I’m afraid criminal groups will try to kidnap me again.”**
- A Venezuelan mother travelling and her two adult sons aboard a bus enroute to Matamoros were stopped by **Mexican immigration officials who demanded money** from passengers. One son gave the officer money, but the other son did not have any to give. **The officer hit the son** who did not provide payment and when the mother defended her son, the officer **hit her on the mouth**. She told the officer she would report him and he left. **“The authorities treated me like trash. Psychologically, you feel like trash.”**
- **Ecuadorean Indigenous and non-Indigenous families** in Ciudad Juárez reported that Mexican immigration officers at a bus terminal during their journey told them that their CBP One registration printout was “worthless” because they were Ecuadorean and not nationals of one of the four countries that can benefit from the process. The families were then **extorted**. **“It’s a daily reality,”** the Ecuadorean father fleeing threats to his life in Ecuador shared. **“Those of us from Ecuador and Haiti are removed from the bus,** our national identification cards are taken, and we’re placed in their [Mexican



immigration officers'] cars. **We're threatened that if we don't pay them, they'll deport us.** We're charged anywhere from 50 to 500 pesos. Because of this, we've had to walk a lot to avoid the bus."



Belongings of families waiting to seek U.S. asylum in Juarez, Mexico, June 2023.

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## Asylum Ban Used to Unlawfully Rig the Credible Fear Process and Deport Refugees

The administration is using the asylum ban to rig the expedited removal process against asylum seekers in violation of U.S. law. Like the Trump asylum transit ban, the Biden asylum ban converts credible fear interviews (CFIs) — which were intended by Congress to ensure that people seeking refugee protection had an opportunity to apply for asylum — into a sham process for summarily deporting people regardless of their eligibility for asylum. **The administration has wielded the asylum ban in CFIs against asylum seekers fleeing anti-LGBTQ persecution, politically motivated attacks, religious persecution, gender-based violence, and other harm, as described in the accounts included below.** After conducting these sham screenings, the administration has already deported some asylum seekers to danger in their home countries or unsafe third countries without any opportunity to present their case to an immigration judge, while others face a risk of imminent or future deportation based on the asylum ban.



Subjecting asylum seekers to the ban in CFIs is illegal. Under U.S. [law](#), people placed in expedited removal who express an intent to seek asylum or fear of return to their country must be referred for a CFI. During the interview, if an asylum officer determines that the asylum seeker has a credible fear of persecution (i.e. a “significant possibility” the individual would be eligible for asylum after a full hearing), the asylum seeker must be afforded an opportunity to apply for asylum and a full hearing on the asylum application.

Through the asylum ban, the administration has attempted to circumvent the “significant possibility” standard created by Congress. Asylum seekers must now show in CFIs that they are not subject to the asylum ban or that they qualify for one of the unduly narrow exceptions — which is extremely difficult to establish to begin with, and even more so in an interview conducted on the phone, typically while detained in terrible conditions without access to counsel. If they cannot overcome this difficult to impossible hurdle, **they are determined ineligible for asylum and required to meet a higher screening standard to avoid deportation.**

The impermissibly high screening standard requires the asylum seeker to show a “reasonable possibility” that they could establish eligibility for withholding of removal or CAT protection. This is a much higher bar than the statutory credible fear standard. As a result, the asylum ban fuels the deportation of refugees who could have met the Congressionally-mandated standard and should have been referred for full asylum hearings under U.S. law. At the same time, the administration is [not even screening](#) many Cuban, Haitian, Nicaraguan, and Venezuelan nationals for fear of return to their home country under *any* screening standard, instead finding them ineligible under the asylum ban and then requiring them to show a “reasonable possibility” of establishing eligibility for withholding or CAT protection with respect to *Mexico*, where they are deported if they cannot pass this screening. DHS has also pressured asylum seekers from these countries to accept “voluntary return” to Mexico — including by informing them that they are ineligible for asylum due to the ban — denying people an opportunity to seek protection under U.S. law and returning many to danger or placing them at risk of chain refoulement.

### ***Asylum Adjudicators Continue to Raise Concerns About Asylum Ban’s Illegality***

Over the last few months, asylum officers and immigration judges with vast experience adjudicating asylum cases have warned in public regulatory comments and amicus briefs that the ban violates U.S. and international law, including U.S. law governing the expedited removal process. In a June 2023 [amicus brief](#) submitted in litigation in the Northern District of California challenging the ban, the union representing over 14,000 USCIS employees including asylum officers who conduct CFIs warned that the ban **“forc[es] asylum officers to implement an illegal and immoral Rule that will result in sending bona fide asylum seekers back to persecution”** and that officers conducting CFIs **“feel forced to choose**



between...breaking the law by applying the new Rule in screening interviews," risking disciplinary action, or resigning.

In another [amicus brief](#) filed in June 2023, over 40 former immigration judges and former members of the Board of Immigration Appeals argued that the ban **"eviscerates the Expedited Removal process and will result in the denial of protection to many legitimate asylum-seekers, who could otherwise find refuge in the system Congress created for them."** The former judges further condemned the administration's misleading attempts to label the ban as a "presumption of ineligibility," explaining that: "By creating near absolute bars to asylum in the guise of rebuttable presumptions, the Rule tries to hide its radical and unlawful revision of the INA's statutory process for evaluating asylum claims at the border." The American Civil Liberties Union (ACLU), National Immigrant Justice Center (NIJC), and Center for Gender & Refugee Studies (CGRS) recently filed another [lawsuit](#) in the D.C. District Court challenging the asylum ban for violating U.S. refugee law including statutory safeguards in the expedited removal process.

#### *Like Trump Ban, Biden Asylum Ban Causes Credible Fear Pass Rates to Plummet*

In the two months that it has been in effect, the asylum ban has blocked countless asylum seekers who should have had an opportunity to apply for asylum under U.S. law, resulting in the refoulement of many. A [declaration](#) filed by the government in ongoing litigation against the asylum ban reflects that 8,195 people were subject to the asylum ban between May 12 and June 13, with the vast majority (88 percent) deemed barred by the ban, while only 3 percent satisfied a condition that exempted them from the ban (for example, presenting at a port of entry without an appointment where they faced a significant and ongoing obstacle to using CBP One) and 8 percent met an exception (such as medical emergency or threat to life or safety).

By imposing an illegal bar to asylum in the credible fear process, the administration, like the Trump administration, is causing positive credible fear rates to plummet because **asylum seekers who would have otherwise established a credible fear of persecution in accordance with U.S. law are automatically blocked by the ban and subjected to a higher screening standard.** For instance, of the 8,195 asylum seekers described in the government's declaration, those who met exceptions to the ban were overwhelmingly able to establish credible fear (77 percent) while those barred under the ban and subjected to the higher "reasonable possibility" standard were far less likely to pass their screening (42 percent) — **an approximately 45 percent drop in fear screening pass rates resulting from the asylum ban.** Like the Trump administration's [asylum transit ban](#), the Biden asylum ban is artificially driving down fear screening pass rates by unlawfully raising the standard created by Congress. [Data](#) publicly posted by USCIS also reflects that overall credible fear rates — which likely includes many asylum seekers subjected to the ban, as well as those who are not — have plummeted during the past two months. From June 1 to June 30 — a



time period during which the government screened many asylum seekers who entered after the ban went into effect — **credible fear pass rates fell by about 23 percent**, with only 57.1 percent of asylum seekers passed their credible fear interviews, compared to 74 percent who passed in Fiscal Year 2023 through April 30, 2023 (before the ban went into effect).

### *Exceptions Don't Protect Asylum Seekers from Ban's Penalties*

As demonstrated by the government's [declaration](#), exceptions to the ban are extremely difficult to prove. Only 8 percent of asylum seekers subject to the ban were able to establish "exceptional circumstances" to overcome the ban, according to the government's declaration. Even asylum seekers who fled torture in Mexico or presented with a medical emergency have been deemed ineligible for an exception and banned. For instance, an attorney from the New Mexico Immigrant Law Center reported to Human Rights First that of the more than 20 credible fear transcripts she has reviewed for asylum seekers impacted by the asylum ban, none were found to meet an exception — **including asylum seekers who fled to the United States immediately after escaping kidnapping and brutal torture in Mexico.**

- **In May 2023, a Guatemalan man who was threatened with death and run over with a car by police in his home country, causing a traumatic brain injury, was ordered deported under the asylum ban even though he had run to the U.S. border after being kidnapped and tortured by a Mexican cartel.** During his CFI at the Torrance County Detention Facility, the asylum seeker struggled to convey his story due to severe memory loss, head pain, and difficulty concentrating resulting from his traumatic brain injury, which had been further exacerbated by the torture he suffered in Mexico. The asylum officer determined that he was subject to the asylum ban even though he had fled to the border immediately after escaping kidnapping and torture. The officer then found that the man had not met the higher screening standard and ordered him deported, a decision that was subsequently affirmed by the immigration judge. The asylum seeker faces imminent risk of deportation, according to his attorney at the New Mexico Immigrant Law Center.
- **A Colombian asylum seeker who fled after being threatened with death and tortured, including being stabbed in the chest, by Colombian police and a guerrilla group, was ordered deported in June 2023 due to the asylum ban even though he entered the United States while experiencing a medical emergency and directly fleeing torture in Mexico.** While traveling through Mexico, he was kidnapped by a criminal organization that tortured him and hit him in the chest where he had existing stab wounds, leading him to run for his life to the U.S. border. He was detained by ICE and forced to undergo a CFI while unrepresented at the Torrance County Detention Facility. Though he told the asylum officer about the torture he had suffered in Mexico, the officer determined he was subject to the ban and not eligible for an exception. He



was then ordered deported because the officer found he did not meet the higher “reasonable possibility” standard, according to his attorney at the New Mexico Immigrant Law Center.

Forcing asylum seekers to prove exceptions to the ban in fast-track fear screenings shortly after fleeing harm is severely retraumatizing. For example, Americans for Immigrant Justice reported that they assisted an **asylum seeker who had been raped 24 hours prior to entering the United States**, and they had to prepare her over the phone to share the details of her rape in a telephonic CFI shortly afterward.





***Biden Administration Imposes its Asylum Ban in CBP Custody, Like Trump administration.***

Simultaneously, the administration has begun to conduct many of these sham fear screenings in Customs and Border Protection (CBP) custody within days of asylum seekers' arrival in the United States, further exacerbating this due process fiasco. Conducting screenings in CBP custody resurrects yet another policy of the Trump administration, which conducted credible fear interviews in CBP custody through the Prompt Asylum Claim Review (PACR) and Humanitarian Asylum Review Process (HARP) programs. Conditions in CBP custody are abusive, dehumanizing, and sometimes life-threatening, with widespread reports of medical neglect, inedible food and water, lack of access to showers and other basic hygiene, and inability to sleep because of overcrowding, lack of adequate bedding, cold conditions, and lights that are kept on at night. In May 2023, an eight-year-old child died in CBP custody after being jailed for over a week, during which her mother's repeated pleas to take the girl to the hospital went ignored. Attorneys have already reported that asylum seekers forced to undergo CFIs in CBP custody face abysmal conditions — including inadequate access to food, hygiene, or medical care — which may lead some to abandon their claims for protection. For instance:

- **A Venezuelan asylum seeker who fears persecution based on his opposition to the Venezuelan government accepted voluntary return to Mexico in June 2023 while suffering horrendous medical neglect in CBP custody.** His asthma was exacerbated by the extreme cold in the CBP jail and he had recently been ill with pneumonia, but he was denied access to an inhaler or other medical care by CBP officers who told him they didn't care or to "shut up" when he begged for medical attention. Though he feared harm in Mexico because he witnessed Mexican police targeting other Venezuelan migrants due to their nationality, he felt compelled to accept voluntary return to Mexico because of the conditions in CBP detention, according to his attorney at NIJC.

It is virtually impossible for asylum seekers to access legal counsel in CBP facilities. Since the administration began to conduct fear screenings in CBP custody, legal service providers have been barred from physically entering the facilities, encountered nearly insurmountable obstacles in representing asylum seekers undergoing this process, and been prevented from obtaining documents and records from the government to provide assistance to their clients. The Biden administration cut the waiting period to schedule credible fear interviews down to 24 hours within arrival in the United States, replicating yet another Trump-era policy, which has made it even more difficult for asylum seekers to even *spea*k to an attorney before the interview, let alone secure representation. On June 5, 2023, 112 civil, human rights, faith-based, and immigration rights groups wrote to the administration documenting the systemic due process barriers that asylum seekers undergoing this process face and urging the administration to immediately stop conducting CFIs in CBP custody.



As a result, only a tiny fraction of people undergoing this process have been able to speak with an attorney prior to their interview. Attorneys representing people seeking asylum in the process have estimated that in the nearly three months since the government began conducting these sham screenings in CBP custody, **only around 100 of thousands of asylum seekers and migrants have managed to secure representation, and just hundreds more have received a basic telephonic consultation in advance of their CFI.** Attorneys have reported that people seeking asylum are often denied access to call legal service providers in advance of CFIs, depriving people of an opportunity to even receive basic information about the process or attempt to secure representation.

***Imposition of Asylum Ban During Expedited Removal Endangers Refugees, Returns Many to Persecution***

Examples of other people seeking asylum who have been forced to undergo sham fear screenings, including in CBP custody, and subjected to the asylum ban regardless of their eligibility for refugee protection under U.S. law include:

- **DHS wielded the asylum ban to deport a young Venezuelan to Mexico, where he had already been attacked, beaten with a baton and robbed.** After seeking safety in the United States, the young Venezuelan man was jailed in CBP custody and subjected to a credible fear interview in June 2023 before he could even consult with a lawyer. Even though the man had been brutally attacked in Mexico, the asylum officer conducting the credible fear interview found that he did not qualify for an exception to the asylum ban based on his fear of harm in Mexico. The officer did not ask any questions about the man's asylum claim or fear of returning to Venezuela. After determining that he was subject to the asylum ban — without providing any written analysis in the decision about why the man did not qualify for an exception — the officer ordered him deported because he found that the man had not met the higher "reasonable possibility" standard with respect to the danger he faced in Mexico. The asylum seeker managed to secure representation before his immigration court review, but his attorney at NIJC was not notified in advance of the review despite filing a notice of representation with the court. The immigration judge affirmed the negative credible fear interview decision and the man was deported to Mexico.
- **A Venezuelan who fled threats for his opposition to government corruption accepted voluntary return to Mexico after he was told at his credible fear interview that he was not eligible for asylum due to the ban.** Having tried to obtain a CBP One appointment to no avail, he decided to enter the United States to seek protection because Mexican immigration officials apprehended him and told him he needed to leave the country within 15 days. Afraid to remain in Mexico and facing refoulement to Venezuela where he feared persecution as a former government employee who had opposed government corruption, he entered the United States to request asylum but



was subjected to the sham credible fear process in CBP custody in May 2023. Even though he was represented by NIJC, his credible fear interview was conducted without his attorney present.

- **A Guatemalan asylum seeker was deported to Guatemala after he was subjected to a sham credible fear interview in CBP custody and denied based on the asylum ban.** The man had fled Guatemala because of death threats he received in retaliation for witnessing and helping report to the police a brutal attack on his relative. In June 2023, the asylum officer determined that the man, who was unrepresented and had not even had an opportunity to consult with an attorney, was subject to the asylum ban and had not met the higher “reasonable possibility” standard for withholding and CAT protection. Deported to his country of persecution without any opportunity to be considered for U.S. asylum, the man is now terrified for his safety and barely leaves his home, according to an attorney at NIJC who represented him at his immigration court review.
- **In June 2023, Jose Miguel Anariba, a Honduran asylum seeker, was deported to Honduras due to the asylum ban, separating him from his wife and three daughters who remain in the United States with a pending court case, as documented by [Reuters](#).** Anariba reported that he had fled Honduras with his wife and children after receiving threats for working with a youth pastor, his brother-in-law, to protest gang murders. His brother-in-law fled to the United States earlier and was granted asylum in 2019, but the threats against Anariba continued. When Anariba entered the United States to seek safety, DHS placed him in expedited removal, determined that he was subject to the asylum ban, and deported him directly back to his country without allowing him an asylum hearing. His wife and children entered the United States separately and were placed into court proceedings to present their asylum claim.
- **An LGBTQ Colombian asylum seeker was subjected to the asylum ban and ordered deported after a farcical CFI and immigration judge review at the Torrance County Detention Facility.** During his telephonic CFI, which was conducted in a non-private space where his statements could be overheard, he did not disclose his sexual identity out of fear that he would be harmed by people in the jail. The asylum officer determined that the man was subject to the ban and required him to meet the higher “reasonable possibility” standard, which he did not pass. At his immigration judge review, the asylum seeker explained why he had been afraid to disclose his sexual identity but the judge accusing him of lying and faking his LGBTQ identity, according to his attorney at the New Mexico Immigrant Law Center.
- **In June 2023, a Salvadoran woman who fled sexual and physical abuse, death threats, and forced labor by male family members was determined during her CFI in CBP custody to be subject to the asylum ban.** At the time she entered the United States to request asylum, she was unaware that she was required to use the CBP One



app to seek protection. According to her attorney at Americans for Immigrant Justice, the asylum officer determined that she met the higher “reasonable possibility” standard, allowing her to apply for protection in immigration court. However, she risks being subjected to the asylum ban in immigration court and denied asylum unless she can establish an exception.



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## Asylum Ban Denies Access to Asylum to Refugees Who Are Not Safe in Transit Countries

The asylum ban denies asylum to many refugees who did not seek protection in unsafe transit countries including Mexico and Guatemala. Forcing refugees to apply for protection in unsafe countries particularly endangers Black, Indigenous, and LGBTQI+ asylum seekers, as well as women, children, and people with disabilities. Many refugees suffer racially motivated violence, anti-LGBTQI+ attacks, gender-based violence, and other harms while traveling through common transit countries including Mexico.

Human Rights First has documented the stories of thousands of asylum seekers and migrants who suffered horrific attacks in Mexico, including persecution on the basis of nationality, race, sexual orientation, gender identity, and other protected characteristics. These include over [13,000](#) reports of murders, kidnappings, rapes, and other violent attacks against migrants blocked in or expelled to Mexico due to Title 42 since President Biden took office. Asylum seekers are also at risk of refoulement to their home countries while transiting through common transit countries, where they are detained, deported, and abused by immigration authorities.

As the asylum officer's union explained in a June 2023 [amicus brief](#), drawing on officers' extensive experience interviewing asylum seekers and adjudicating claims: **"Most of the countries through which asylum seekers transit en route to the U.S. southern border produce far more refugees than they accept, have inadequate asylum systems, and are unable or unwilling to provide migrants with meaningful protection. Forcing asylum seekers to remain in these countries to apply for protection and wait for a denial before continuing on to the United States puts them at risk of experiencing violence as well as refoulement to persecution or torture."**

In Mexico, Black asylum seekers and migrants [face](#) pervasive anti-Black violence, harassment, and discrimination, including widespread abuse by Mexican authorities. The Haitian Bridge Alliance organized at least a dozen [funerals](#) since December 2021 for Haitian [migrants](#) who died or were killed in Mexico while stranded due to Title 42, including for a 34-year-old Haitian asylum seeker who was murdered last year. The recent [kidnapping](#) of four Black U.S. residents — and murder of two of them — in Matamoros has underscored the violence and targeted attacks that Black people have long faced by cartels in Mexico.

Indigenous people, LGBTQI+ individuals, women, children, and people with disabilities also face a high risk of violence in Mexico. The 2022 Department of State report on Mexico [documented](#) frequent violence and discrimination against Indigenous women, who are among the most vulnerable groups in society according to the National Human Rights Commission. LGBTQI+ persons [face](#) widespread violence and mistreatment, including by Mexican police. Transgender women in particular face an enormous risk of harm; in 2021, 55



transgender women were [killed](#) in Mexico. Violence against women and girls — including rape, sexual assault, and femicide — is [pervasive](#) in Mexico, with high rates of impunity. Migrant women face a particularly [high risk](#) of sexual assault. Children, Indigenous persons, LGBTQI+ individuals, persons with disabilities, and asylum seekers and migrants are [highly vulnerable](#) to forced labor in Mexico. Disappearances of people in Mexico — including many migrants — is rampant, with disappearances reaching a record high of [100,000](#) in 2022 amid government failures to investigate disappearances. People fleeing persecution in El Salvador, Guatemala, and Honduras report feeling unsafe in Mexico, afraid that their persecutors will find them. For example, A Honduran couple with two children in Matamoros whose home was attacked by gunfire due to their resistance to a gang that controlled territory shared that after fleeing Honduras and while in Tapachula, Mexico, the couple identified some of their persecutors in a local park and immediately fled.

In Mexico, asylum seekers are often [denied](#) fair access to asylum procedures, deported without an opportunity to apply for asylum, threatened, extorted, and tortured by Mexican authorities. In March 2023, 40 migrants [died](#) in a fire at a detention center in Ciudad Juárez, including many Indigenous migrants from Guatemala.

In other common transit countries, such as [El Salvador](#), [Honduras](#), and [Guatemala](#), many transiting through these countries also face extreme dangers including gender-based violence, anti-LGBTQ+ attacks, race-based violence, and other persecution. These countries do not have functional asylum systems that can protect large numbers of refugees. In Honduras, which has a “[nascent](#)” asylum system according to the U.S. Department of State, migrants and people with pending asylum cases are [vulnerable](#) to abuse and sexual exploitation, particularly women, children, and LGBTQ+ individuals. In Guatemala, the U.S. Department of State [noted](#) that “identification and referral mechanisms for potential asylum seekers are inadequate” and that there are “gaps and shortcomings in the asylum system,” which is marred by “major delays.” The system is not equipped to process large numbers of cases: in 2020, [486](#) asylum cases were filed, and only 29 had been adjudicated by October 2021. The [asylum system](#) in El Salvador has “major regulatory and operational gaps,” people seeking refuge are required to file an asylum claim within five days of entering the country, and the “criteria for case decisions are unclear.”



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## Mission Statement

Human Rights First works to create a just world in which every person's intrinsic human rights are respected and protected, to build societies that value and invest in all their people. To reach that goal demands assisting victims of injustice, bringing perpetrators of abuse to justice, and building institutions that ensure universal rights.

Human Rights First is a nonprofit, nonpartisan international human rights organization based in Los Angeles, New York, and Washington D.C.

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This report is available online at [humanrightsfirst.org](https://humanrightsfirst.org)

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