

Update: Grave Dangers Continue for Asylum Seekers Blocked In, Expelled to Mexico by Biden Administration

The Biden administration continues to expel and turn away asylum seekers to life-threatening dangers in Mexico without access to U.S. asylum protections guaranteed by domestic and international law, despite rising reports of kidnapping, rape, and other attacks against the people it returns to danger. The Trump administration created the expulsion policy under the [guise](#) of the COVID-19 pandemic, claiming to invoke public health authority under Title 42 of the U.S. Code, to effectively [eliminate](#) asylum at the southern U.S. border. The Trump and Biden administrations have carried out these expulsions despite repeated [recommendations](#) of public health experts on how the United States can safely process asylum seekers at the border during the pandemic. While the Trump administration's use of public health authority to [evade](#) U.S. refugee law was [specious](#) from the outset, the continued misuse of this authority to endanger the lives of people seeking protection is all the more inexcusable and absurd as the United States continues its "[successful fight](#) against the pandemic" and rolls back some pandemic [restrictions](#). The Biden administration appears to be continuing this illegal policy as an immigration [policy tool](#) – to attempt to deter refugees from seeking life-saving asylum protection in the United States. This report is an update to a joint report, "[Failure to Protect](#)," on the expulsion policy that was released by Human Rights First, AI Otro Lado, and Haitian Bridge Alliance in April 2021.

The recently-implemented [process](#) to exempt a small fraction of asylum seekers and migrants from expulsion on a case-by-case basis is insufficient to protect families and individuals seeking protection at the southern border of the United States, does not comply with U.S. refugee laws or obligations under refugee treaties, and is inaccessible to people unaware of or without access to the organizations implementing the exemption process. In May 2021, the U.N. Refugee Agency (UNHCR) issued a rare public [statement](#) about the U.S. expulsion policy, warning that a "system which allows a small number of asylum seekers to be admitted daily . . . is not an adequate response" and urging the United States "to restore access to asylum for the people whose lives depend on it, in line with international legal and human rights obligations." The Biden administration is reportedly considering [exempting](#) families from Title 42 expulsions but would continue to block and expel asylum-seeking adults – a decision that would cruelly continue sending vulnerable individuals, including many Black, LGBTQ, and other single individuals not traveling with their children, to danger in Mexico.

Violent attacks against asylum seekers and migrants unable to reach safety in the United States due to the failure of the Biden administration to uphold refugee law and restart asylum processing continue to rise. **As of June 17, 2021, Human Rights First has tracked [3,250](#) kidnappings and other attacks, including rape, human trafficking, and violent armed assaults, against asylum seekers and migrants expelled to or blocked at the U.S.-Mexico border since President Biden took office in January 2021.** This tally includes incidents published in media, interviews of asylum seekers by Human Rights First, information from attorneys and humanitarian services providers at the border, as well as more than 2,700 reported incidents of violent attacks against migrants and asylum seekers stranded in Mexico that were received through an ongoing electronic **survey conducted by the organization AI Otro Lado** and reviewed by Human Rights First. Black and LGBTQ asylum seekers blocked in Mexico under the expulsion policy continue to experience targeted discrimination and violence.

Some of the thousands of families and individuals expelled by DHS without access to the U.S. asylum system or blocked from requesting protection at the U.S. southern border due to the expulsion policy, who have recently been subjected to kidnapping and other violent attacks in Mexico, include:

- In June 2021, **a seven-year-old Honduran girl and her asylum-seeking mother were kidnapped while attempting to reach safety in the United States after DHS repeatedly expelled the family to Nogales, Sonora.** The kidnapper tortured the woman for more than two weeks until her family was able to pay ransom to secure their release, according to the Kino Border Initiative.
- In April 2021, **an 18-year-old transgender woman from El Salvador, who had been unable to seek protection at the U.S. border, was assaulted and robbed in Piedras Negras by Mexican law enforcement.** The men who attacked her threatened to “disappear” her. In addition to these threats, she suffered constant discrimination in Mexico because of her gender identity, including being forced to sleep in a different part of a migrant shelter for what she was told was the “safety” of other people in the shelter. The woman had fled El Salvador after receiving death threats due to her gender identity.
- In mid-May 2021, **a Haitian man in the Tijuana encampment near the San Ysidro port of entry where many asylum seekers are awaiting the restoration of access to the U.S. asylum process was brutally attacked.** One of the attackers attempted to hit the man in the head with a large rock, according to a Honduran asylum seeker who witnessed the attack and reported it to Human Rights First.
- Around May 2021, **DHS expelled Maribel, a 47-year-old Salvadoran asylum seeker, and her teenage son who had just been released by the kidnappers who abducted and held them for five days.** According to [NBC News](#), they were held captive with approximately 90 other Central American migrants. The kidnappers demanded a \$3,000 ransom to release them, and then dumped the family into the Rio Grande River separating the U.S. and Mexico. DHS immediately expelled the family back to Reynosa without access to the U.S. asylum system.
- In May 2021, **a transgender Honduran asylum seeker was kidnapped and raped in Piedras Negras after DHS repeatedly expelled her to Mexico when she attempted to request protection in the United States.** The woman escaped her kidnappers by jumping out of a window, where she landed on a cactus plant and got thorns stuck all over her body. She was also raped in Nuevo Laredo while traveling to the border to request U.S. asylum. The woman had fled Honduras after a gang attacked her due to her sexual orientation and beheaded her brother.
- In late May 2021, **Jasibi, an asylum seeker who fled Honduras after a gang murdered her parents and who had been blocked from seeking protection in the United States due to the expulsion policy, was kidnapped for the second time.** She was grabbed from a market near Ciudad Acuña and held by her captors for days, according to a report by [Reuters](#). Previously in 2021, Jasibi was kidnapped in Mexico while sleeping on the streets after being blocked from seeking U.S. protection due to the expulsion policy.
- **A 4-year-old Honduran boy and his pregnant asylum-seeking mother who had sought U.S. protection near McAllen, Texas were kidnapped immediately after DHS bused them 150 miles to Laredo, Texas and expelled them to highly dangerous Nuevo Laredo,** according to an April 2021 report in the [Los Angeles Times](#). They were held for days until a family member in the United States paid ransom to secure their release.

-
- **An asylum-seeking LGBTQ couple who experienced kidnappings and sexual assault in Mexico are currently in hiding in Tijuana, where they remain blocked from requesting protection at the U.S. border.** One member of the couple, a gay Honduran asylum seeker, was expelled to Mexico in April 2021 by DHS even though he had been kidnapped in Nuevo Laredo in February 2021. He was held captive at gunpoint for 15 days with 23 other people and forced to call his father at gunpoint to beg him to pay ransom. His partner, a transgender asylum seeker also from Honduras, was sexually assaulted and received death threats in Chiapas in May 2021, when the couple relocated there in an attempt to find safety while waiting for U.S. asylum processing to restart.
 - **A disabled Honduran asylum seeker was raped by a group of men after being expelled by DHS to Ciudad Juárez in mid-April 2021 with her one-and-a-half-year-old daughter.** The men threatened to kill her if they saw her in the Juárez area again, according to the Las Americas Immigrant Advocacy Center.

Outsourcing Deportation of Asylum Seekers to Mexico, Risking *Refoulement*

Under pressure from the Biden administration, the Mexican government has [reportedly](#) been flying migrants and asylum seekers blocked or expelled under Title 42 to southern Mexico to facilitate their deportation, according to a report in *BuzzFeed News*. Mexican media earlier [reported](#) in late May 2021, that Mexican migration officials had begun deporting Central American migrants expelled under Title 42 to their home countries by plane from the U.S.-Mexico border. Delivering asylum seekers to Mexico under an agreement to deport them to their home countries risks *refoulement* to persecution and torture, as Mexican migration officials often fail to [inform](#) detained migrants of their right to seek asylum, [pressure](#) asylum seekers not to file applications for protection, and fail to [forward](#) their requests to the Mexican asylum agency. Such chain *refoulement* violates U.S. refugee obligations.

Fueling Family Separations, Endangering Children

Desperate families expelled or blocked under Title 42 continue to send [children](#) alone across the border for their safety. Between January 20, 2021 and April 5, 2021, at least [2,121](#) children crossed into the United States alone after the Biden administration expelled them to Mexico with their families. For instance, multiple asylum-seeking mothers in the Reynosa encampment, discussed below, told [CNN](#) that their adolescent children had crossed into the United States alone after the families were repeatedly expelled from the United States while trying to seek protection together. Separated from their families and without a sponsor in the United States, their terrified children were stranded in government custody. Another asylum-seeking family recently told the [Washington Post](#) that when the U.S. government blocked them from requesting asylum under the expulsion policy, they sought safety by crossing the Rio Grande River, a dangerous journey that resulted in the mother being abducted by a cartel while pregnant, the father being attacked, and their nine-year-old and five-year-old daughters reaching the United States alone. The family endured over 100 days of separation.

Pushing Asylum Seekers into Dangerous Encampments, Border Crossings

By blocking asylum requests at ports of entry, the Title 42 expulsion policy also pushes asylum seekers to undertake dangerous crossings between ports of entry to reach safety, as the [Marshall Project](#) has documented, resulting in more tragic [deaths](#) and severe injuries. Many asylum seekers and migrants who are expelled or blocked by DHS from requesting protection in the United States are stranded in dangerous informal encampments close to U.S. ports of entry, in part due to the lack of information and

clarity around U.S. asylum protections. These informal encampments continue to grow across the border, for example:

- In Tijuana, an encampment near the port of entry continues to grow due to [widespread confusion](#) fueled by the lack of information about when the United States will restore asylum processing at ports of entry. The encampment is controlled by organized criminal groups, leaving asylum seekers vulnerable to attack and [afraid](#) to leave their tents for fear of being harmed. Many asylum seekers have reported attacks and kidnappings in the dangerous encampment in Tijuana to Human Rights First researchers. For instance, in late April 2021, suspected gang members set fire to a family's tent, forcing nearby residents to evacuate their tents and flee from the encampment. Medical professionals providing care in encampments and shelters in Tijuana have [decried](#) the expulsion policy as threatening the health and safety of migrants.
- An informal encampment in Reynosa continues to grow in a plaza near the international bridge, with approximately 1,000 asylum seekers and migrants living there as of June 2021, according to [Global Response Management](#). Expelled families without a place to live are forced to sleep in the plaza, vulnerable to attacks by gangs and cartels. Kidnappings are rampant in Reynosa and there have been [reports](#) of regular gunfights between rival criminal groups in the past weeks. In mid-June 2021, [cartel gunmen](#) launched attacks throughout the city of Reynosa killing at least 14 people include one person near an international bridge connecting Reynosa and McAllen, Texas, magnifying the fear for asylum seekers trapped in the city.

Transporting Migrants and Asylum Seekers to Dangerous Border Regions for Expulsion

As of June 2021, DHS continues to transport asylum seekers and migrants hundreds of miles along the border to expel them to dangerous regions in Mexico. DHS [continues](#) to [bus](#) migrants to expel them to Nuevo Laredo, Tamaulipas despite the U.S. Department of State's Level 4 "Do Not Travel" advisory for Tamaulipas – the same threat level applied to warzones like Afghanistan, Iraq, and Syria – and specific warning that "[i]n Nuevo Laredo, violent crime, such as murder, armed robbery, carjacking, kidnapping, extortion, and sexual assault, is common." Mass expulsions to Nuevo Laredo have fueled kidnappings and attacks against migrants, including children.

While the government [reportedly stopped](#) flying migrants from the Rio Grande Valley to expel them via El Paso and San Diego, for several days in early June 2021, DHS carried out [lateral](#) expulsion flights of adult migrants and asylum seekers who crossed the border near Del Rio, Texas, flying them to El Paso for expulsion to dangerous Ciudad Juárez, according to advocates with Hope Border Institute in El Paso. Expulsion flights [endanger and traumatize](#) migrants, sow confusion, and leave them stranded in unsafe and unfamiliar regions in Mexico.

These lateral expulsions via plane and bus confirm that the expulsion policy does not protect public health. While one of the purported rationales for the expulsion policy was to prevent the spread of COVID-19 by avoiding holding asylum seekers and migrants in congregate settings, the Biden administration's decision to transport them on crowded planes and buses for hours only to deliver them to danger confirms that the policy is an [immigration tool](#), not a public health measure.

Mistreating Expelled Migrants

U.S. Border Patrol agents continue to mistreat and harm people seeking safety in the United States prior to expelling them to danger. Kino Border Initiative reported that as of June 2021 Border Patrol agents have continued to physically assault, verbally abuse, and deny food and water to migrants prior to

expulsion. **Of 500 expelled migrants interviewed by the Kino Border Initiative between May 1, 2021 and June 16, 2021, 16.8 percent reported abuses by Border Patrol agents.** For instance, in early June 2021, an asylum seeker fleeing death threats in Guatemala who entered the United States to request protection was forced by Border Patrol agents to sleep outside in the cold overnight. Another man reported to Kino Border Initiative that he witnessed Border Patrol agents empty other migrants' water bottles so they could not drink and that agents later physically assaulted him, mocked him for being dehydrated, and denied him water. DHS also continues to enhance the danger people expelled to Mexico face by carrying out expulsions late at night, when Mexican migration offices are closed and humanitarian services providers are unable to operate, placing expelled people at increased risk of kidnapping and other harm.

Expelling Asylum-Seeking Mothers with U.S. Citizen Infants

The Biden administration has also [continued](#) the prior administration's practice of forcibly expelling people who have just given birth in the United States and refusing to provide birth certificates for their U.S. citizen infants. In May 2021, for instance, DHS expelled a lesbian couple from El Salvador to Piedras Negras two days after their child was born via emergency caesarean section in a Texas hospital and did not permit the couple to obtain a birth certificate. When the child became ill in Mexico, the couple rushed the baby to the port of entry and begged for medical care because he was a U.S. citizen and lacked status in Mexico, but they were turned away by CBP. They brought the child to a Mexican hospital, but the hospital attempted to charge them exorbitant rates for medical care because the child was undocumented in Mexico.