

“Illegal and Inhumane”: Biden Administration Continues Embrace of Trump Title 42 Policy as Attacks on People Seeking Refuge Mount

Nine months after taking office, President Biden’s administration continues to embrace and defend, rather than end, the Trump administration’s “Title 42” policy, which misuses public health authority to violate refugee law, block asylum at U.S. ports of entry, and expel people seeking refuge to danger. The suffering of families, adults, and children subjected to this policy continues to mount, with at least [7,647](#) kidnappings and other attacks on people blocked or expelled under Title 42 since President Biden took office. In the last month alone, the Biden administration used this policy to illegally expel nearly [8,000](#) Haitians to life-threatening insecurity in Haiti. The U.S. Department of State’s top legal expert, former Yale Law School Dean Harold Koh, resigned from the Department in October 2021 after [concluding](#) that the Biden administration’s continued use of Title 42 to expel people seeking protection is **“illegal and inhumane.”**

Last week, the Biden administration [announced](#) plans to restart the [previously-terminated](#) Migrant Protection Protocols (MPP, also known as the Remain in Mexico program), another deadly and illegal Trump-era policy that forced asylum seekers to remain in extreme danger in Mexico to “wait” for their U.S. immigration court hearings. The administration can, and [must, terminate](#) these policies, uphold U.S. refugee laws and treaties, and restart asylum protections along the U.S.-Mexico border, including at ports of entry.

Epidemiologists and public health experts have continued to condemn the misuse of Title 42, [explaining](#) in September 2021 that **the Centers for Disease Control and Prevention (CDC) order “does not provide adequate public health justifications for expelling asylum-seeking families at the border”** and that **“expulsions magnify the risks of COVID-19 transmission.”** In a September 2021 letter to Biden administration officials and the CDC Director, public health experts again expressed [concern](#) that the CDC has “endorsed and extended the implementation of the scientifically baseless and politically motivated Title 42 order.” In mid-October 2021, the U.S. government announced that it would [lift](#) restrictions on non-essential travel at the border, allowing vaccinated individuals with “appropriate documentation” to enter the United States, but inexplicably continues to use Title 42 to ban people requesting life-saving asylum protections.

The United Nations High Commissioner for Refugees has [urged](#) the United States to **“swiftly lift the public health-related asylum restrictions that remain in effect at the border and to restore access to asylum for the people whose lives depend on it, in line with international legal and human rights obligations.”**

For this report, Human Rights First researchers conducted in person and remote interviews with migrants and asylum seekers, attorneys, shelter and other humanitarian staff, and legal monitors. Researchers spoke with dozens of migrants and asylum seekers in person in Tijuana in September 2021 and conducted additional interviews with asylum seekers in other parts of Mexico by telephone between September and October 2021. The report draws on data from an electronic survey of asylum seekers in Mexico conducted by *Al Otro Lado* between August and September 2021, as well as information from

U.S. government data received through a Freedom of Information (FOIA) request by Human Rights First to the Department of Homeland Security (DHS), legal complaints, media sources, and other human rights reports.

This report is an update on prior research on the expulsion policy by Human Rights First in [May 2020](#), [December 2020](#), [April 2021](#) (with AI Otro Lado and Haitian Bridge Alliance), [May 2021](#) (with RAICES and Interfaith Welcome Coalition), [June 2021](#), [July 2021](#) (with Hope Border Institute), and [August 2021](#).

Key Findings

- **The Biden administration has doubled down on defending and escalating the Title 42 expulsion policy, even after a September 2021 [ruling](#) finding the expulsion policy likely illegal, [objections](#) from key [administration officials](#), [members of Congress](#), and civil rights [leaders](#), and despite [lifting](#) restrictions on “non-essential” travel.** Instead of accepting the September 2021 decision of a federal district court that the expulsion policy likely violates U.S. refugee law, and restarting asylum at ports of entry and along the border, DHS [appealed](#) the ruling. At the same time, it used a two-week pause in the implementation of the injunction to expel to Haiti [thousands](#) of families and adults, including many asylum seekers, without access to the U.S. asylum system or even the fear screenings required by Congress. Despite placing some people arriving at the southern border into removal proceedings, the administration has [expelled](#) many [more](#), often directly to the very countries they fled or back to Mexico where they now face increased risks of forced return – illegal refoulement – to the countries they fled. In October 2021, the Director of the CDC [announced](#) that the agency was extending its August 2021 Title 42 [order](#), which – along with a string of prior CDC orders – has been used by DHS to justify blocking and expelling people seeking protection.
- The Biden administration's [illegal](#) and inhumane mass expulsion of Haitians, including many asylum seekers, continues – in blatant violation of U.S. laws and treaty obligations that prohibit the return of refugees to persecution and torture. **While the U.S. government [claims](#) that it [lacks](#) “[capacity](#)” to process asylum seekers using public health safeguards, since September 2021, DHS somehow managed to find the capacity to devote extensive personnel as well as financial and other resources to expel nearly [8,000](#) individuals on at least [76](#) flights to Haiti at a cost of at least [\\$15 million](#) for the expulsion flights alone.** Haitians are being returned to a country classified by the U.S. Department of State as a Level 4 “[Do Not Travel](#)” advisory—the highest threat level and the same threat level applied to warzones like Afghanistan, Iraq, and Syria. Part of a long [history](#) of discriminatory U.S. mistreatment of Haitian refugees, these latest expulsions have triggered a wave of illegal pushbacks and removals of Haitians throughout the Americas including by the Bahamas, Cuba, and Mexico, leading four U.N. agencies to [urge](#) states to “refrain from expelling Haitians without proper assessment of their individual protection needs” and to “uphold the fundamental human rights of Haitians on the move.” The threat of summary expulsion to Haiti coupled with DHS’s brutal show of [force](#) against Haitian migrants and asylum seekers waiting for processing near Del Rio, Texas, pushed many to cross back into Mexico where Black migrants continue to face targeted violence, widespread discrimination, as well as arrest and deportation by Mexican migration authorities.
- **DHS continues to directly expel and unlawfully refool asylum seekers to their countries of persecution and appears to coordinate with Mexican migration officials who subject**

expelled asylum seekers to chain *refoulement* to countries of persecution. Individuals expelled from the United States are returned directly to Mexican officials at the U.S.-Mexico border or at airports in southern Mexico where they are often placed on buses and forced across Mexico's southern frontier. Since September 2021, the U.S. government has expelled at least [8,000](#) Hondurans to southern Mexico where many have been illegally deported by Mexican migration officials to Honduras without an opportunity to request protection in Mexico, and expelled more than [6,000](#) Guatemalan migrants and asylum seekers to Guatemala. Asylum seekers expelled directly to their countries of persecution in the past two months include a Honduran lesbian couple returned directly to the persecution they fled in Honduras and a family expelled to Haiti after DHS held them for days in a freezing cell without adequate food and separated them from a family member. DHS is not even providing the minimal fear screening required for expedited removals. Government data obtained by [CBS News](#) shows that as of September 2021 just 0.28 percent of the individuals subjected to Title 42 have received one of the flawed and inadequate torture screenings the Trump administration created in an attempt to justify the expulsion policy, and only eight percent passed the screenings.

- **Families, adults, and children seeking U.S. protection continue to suffer due to the Biden administration's use of the illegal expulsion policy, leading to at least [7,647](#) kidnappings and other attacks since President Biden took office.** These include a young Honduran woman who was kidnapped and trafficked for sexual exploitation for months immediately after DHS expelled her to Mexico, a Haitian couple blocked from requesting U.S. asylum whom Mexican police have repeatedly robbed, extorted, and threatened with deportation, a Salvadoran family who was kidnapped and held captive in a locked storage room for 20 days immediately after DHS expelled them to Mexico, and a Honduran woman who was raped and sold to a cartel by Mexican immigration officers after DHS expelled her to Juarez. In October 2021, Human Rights First and 13 other human rights organizations and legal clinics filed a petition for [precautionary measures](#) against the United States to the Inter-American Commission on Human Rights on behalf of asylum seekers who, as a result of Title 42 expulsion policy, face "a serious and urgent situation that risks irreparable harm."
- **The expulsion policy continues to endanger children.** Despite exempting unaccompanied children from the Title 42 policy in February 2021 following an earlier court order barring the Trump administration from expelling unaccompanied children, Customs and Border Protection (CBP) officers continue to turn away some unaccompanied children at ports of entry, returning them to danger and pushing many to undertake dangerous crossings of the border. In addition, records obtained by Human Rights First through FOIA show that between January and May 2021, **U.S. Border Patrol agents wielded Title 42 nearly 29,000 times to expel children under 18 at U.S. borders, including more than 9,000 children under five, and 600 infants under one.** According to the records, the expelled children were from El Salvador, Guatemala, Honduras, Mexico, Cuba, Haiti, Nicaragua, Venezuela, and eight other countries. These expulsions expose children to extreme dangers in the border cities where they are returned with their families. Multiple children have been [raped](#) in tent encampments in Tijuana and Reynosa. An unaccompanied child was abducted from a hostel and raped because she was unable to access the U.S. asylum process due to the Title 42 policy. In late July 2021, armed men broke into a Tijuana shelter, attacked a Honduran asylum-seeking family, and attempted to kidnap their children.
- **The Biden administration's use of Title 42 and refusal to restart asylum processing at U.S. ports of entry pushes asylum seekers to attempt to enter between ports of entry, often**

through harsh desert terrain, exposing them to exploitation by deadly criminal organizations that take advantage of the expulsion policy to kidnap and prey on asylum seekers and migrants. DHS records received by Human Rights First through FOIA reveal that the Biden administration has used Title 42 to turn back to Mexico migrants and asylum seekers who approach U.S. [ports of entry](#), including individuals from **Belarus, Cuba, El Salvador, Eritrea, Georgia, Guatemala, Haiti, Honduras, Jamaica, Mauritania, Mexico, Nicaragua, Russia, Ukraine, and Venezuela**. Afghan families and adults seeking refuge are among the many asylum seekers trapped in Mexican border cities and blocked from requesting protection at ports of entry. Government data also confirms that Title 42 expulsions and other policies that block access to asylum at U.S. ports of entry push asylum seekers to undertake dangerous crossings. For instance, in Fiscal Year (FY) 2017, 99 percent of Cubans and Haitians encountered by DHS at the southern border had arrived through a port of entry. But after years of “metering” restrictions and Title 42 expulsions, by FY 2021, just 2 percent of Cubans and 6 percent of Haitians arriving at the southern border were able to present themselves at a port of entry. More limited data also shows that the percentage of Venezuelan asylum seekers presenting themselves at ports of entry has followed a similar trend plummeting from 56 percent in FY 2020 to just 2 percent in FY 2021.

- **CBP officials at southern border ports of entry are denying or ignoring nearly all requests for humanitarian parole, even though – with Title 42 being wielded to prevent refugees from seeking asylum at ports of entry – this is effectively now the only way to request protection at U.S. ports of entry for most asylum seekers.** In the past two months alone, DHS has denied parole requests for many vulnerable asylum seekers, including a Honduran lesbian couple who were raped by Mexican police, a Honduran family with a seven-year-old daughter with cerebral palsy, a homeless Haitian asylum seeker living with HIV, and Mexican LGBTQ+ asylum seekers who were sexually assaulted and beaten in Mexico. Even when CBP officers at ports of entry have granted urgent requests for humanitarian parole, this has often come only after complaints to DHS headquarters – and officers have still refused to parole accompanying family members, leading to family separations. These requests for humanitarian parole are not a substitute for, or prerequisite to, applying for asylum under U.S. law and are generally accessible only to individuals represented by an attorney.
- **The Biden administration’s failure to lift the expulsion policy is forcing asylum seekers into life-threatening conditions in cities along the U.S.-Mexico border, including dangerous, informal encampments.** Black asylum seekers blocked in and expelled to Mexico face even more severe challenges surviving there due to pervasive anti-Black racism, including racist denials of adequate medical care, housing, and employment. In Tijuana, sexual assaults against women and girls in the cities’ shelters and at the encampment have reportedly [increased](#). In Reynosa, local authorities shut off [electricity](#) to the encampment in September 2021, making already terrible living conditions even more nightmarish. Asylum seekers who attempt to find shelter in private dwellings also confront serious dangers. The 20-month-old son of an asylum-seeking family from Honduras was killed by a dog in the home of a stranger who had offered the family a place to stay after DHS expelled them to Tijuana.
- **The Biden administration continues to [bolster](#) widely discredited public health claims that were employed by the Trump administration to justify the illegal policy and have been [repeatedly debunked](#) by leading public health experts, including infectious disease expert [Dr. Anthony Fauci](#).** The Biden administration’s specious claims that the expulsion policy is a public health “imperative” has fueled false, xenophobic, and racist rhetoric that falsely paints immigrants

as disease threats. Secretary Mayorkas's [defense](#) of the mass summary expulsion of Haitians in September 2021 sparked a barrage of [alarmist pieces](#) in far-right news media suggesting that migrants threaten public health. Republican political leaders including Florida [Governor Ron DeSantis](#) and Texas [Governor Greg Abbott](#) have baselessly blamed COVID-19 surges in their states on immigrants entering through the southern border. In an op-ed published this month in *The Hill*, public health experts [expressed](#) alarm "that the tools of our trade are being weaponized against the most vulnerable among us" and condemned the Title 42 policy as being "rooted in racist tropes and populist untruths."

- **The Biden administration's continued use of Title 42 jeopardizes public health and undercuts its own specious arguments that the expulsion policy is necessary to protect public health.** In late September 2021, CBP turned away asylum seekers who provided proof of vaccination and recent negative COVID-19 tests, physically shutting the gates to the port of entry. In another instance CBP turned away a Guatemalan family and told them the violence they had fled didn't matter because there was "no asylum." DHS continues to carry out so-called "lateral" expulsions—transporting asylum seekers and migrants hundreds of miles from where they entered the United States to expel them to other regions of the U.S.-Mexico Border. In carrying out lateral expulsions, flights to southern Mexico, and direct flights to countries of persecution, DHS often holds people in congregate detention for days and forces them onto crowded planes without providing COVID-19 tests. These expulsions create additional risks of COVID-19 spread—which would be avoided if individuals were paroled into the United States to live safely with their families and communities rather than detained and expelled—and make clear that the expulsion policy is a racist and xenophobic tool, not a public health measure.
- **The Biden administration's [plan](#) to reimplement MPP will [subject](#) asylum seekers to additional brutal attacks while they are forced to wait for their immigration hearings and endanger attorneys and humanitarian groups assisting asylum seekers in Mexico.** There is [no safe, lawful, or humane way](#) to implement MPP, especially in light of the involvement and complicity of a range of Mexican officers—including local, state, and federal police and immigration officials—in violence and kidnappings carried out in collaboration with cartels that exercise vast territorial control in Mexico and widespread, deliberate targeting of migrants and asylum seekers for kidnapping and other attacks near ports of entry, at shelters, and near Mexican migration offices. Non-governmental organizations and legal service providers have [repeatedly written](#) to the Biden administration urging it to immediately issue a memorandum re-terminating MPP that resolves any Administrative Procedure Act (APA) issues identified by a federal district court in a [decision](#) on MPP. Despite [stating](#) that it would issue a new termination memo to end MPP, the administration has – two months after the U.S. Supreme Court [decision](#) denying a stay of the district court injunction – failed to do so and [announced](#) this month that it would restart the deadly program. On October 19, 2021, 73 legal service providers, law school clinics, and law firms [wrote](#) to the Biden administration to condemn its announced plan to reimplement MPP, stating: "No measure of involvement from civil societies will mitigate the harms of this horrific, racist, and unlawful program. Nor is it just for this administration to continue to force U.S. lawyers and humanitarian staff to risk their safety due to the failure of this administration to take swift action to uphold U.S. refugee laws and treaties."

Expelling Families and Adults to Danger in Haiti and Other Countries

The Biden administration is using Title 42 to block and expel thousands of Haitians, including asylum seekers, at the southern U.S. border without access to the U.S. asylum system or even fear screenings required under U.S. law. **While the U.S. government [claims](#) that it [lacks](#) “[capacity](#)” to process asylum seekers using public health safeguards, since September 2021, DHS somehow managed to find the capacity to devote extensive personnel as well as financial and other resources to expel nearly [8,000](#) individuals on at least [76](#) flights to Haiti at a cost of at least [\\$15 million](#) for the expulsion flights alone.** These expulsions endanger the health and safety of asylum seekers, reflect a glaring lack of concern for public health measures, and violate U.S. *non-refoulement* obligations under international treaties prohibiting the return of refugees to countries where they risk persecution. In October 2021, DHS Secretary Alejandro Mayorkas said the agency would [continue](#) to use Title 42 to expel Haitians to Haiti without access to the U.S. asylum system.

The administration is carrying out these mass expulsions to Haiti despite the U.S. government’s finding earlier this year that conditions in Haiti are so dangerous that Haitians without legal status in the United States are entitled to [Temporary Protected Status](#) (TPS). Daniel Foote, former U.S. Special Envoy for Haiti, resigned from his post in September 2021, [writing](#): **“I will not be associated with the inhumane, counterproductive decisions to deport thousands of Haitian refugees . . . to a country where American officials are confined to secure compounds.”**

In the wake of these shameful and illegal expulsions by the United States – the most recent of which occurred on [October 19, 2021](#) – migration officials in the Bahamas, Cuba, and Mexico [carried out](#) more than 1,000 additional irregular deportations of Haitian migrants and asylum seekers to Haiti. The UN Refugee Agency (UNHCR) has [warned](#) that the Title 42 expulsion policy **“increases the risk of chain *refoulement* – pushbacks by successive countries – of vulnerable people in danger, in contravention of international law and the humanitarian principles of the 1951 Refugee Convention.”** These illegal expulsions also prompted a joint [statement](#) by four United Nations agencies in late September 2021 calling on states in the Americas to “refrain from expelling Haitians without proper assessment of their individual protection needs” and to “uphold the fundamental human rights of Haitians on the move.”

The Biden administration’s [resumption](#) of Title 42 expulsion flights to Haiti, which had not been carried out since [February 2021](#), began in September 2021 as Haitian and [other](#) migrant and asylum-seeking families and adults crossed the border near Del Rio, Texas. Many Haitians who were desperate for protection had arrived at that location because of [misinformation](#) and confusion over Biden administration policies—a predictable consequence of the administration’s shameful failure to take steps to restore asylum at ports of entry after more than eight months in office. DHS’s [“comprehensive strategy”](#) in response to these arrivals was to carry out mass expulsions of those who had gathered in Del Rio, blocking most from access to the U.S. asylum system.

The administration is acutely aware of the extreme danger awaiting people it expels to Haiti. For example:

- In August 2021, DHS [acknowledged](#) in designating Haitians without legal status in the United States for TPS that **“Haiti is grappling with a deteriorating political crisis, violence, and a staggering increase in human rights abuses.”**
- The U.S. Department of State has [posted](#) a Level 4 “Do Not Travel” advisory for Haiti—the highest threat level and the same threat level applied to warzones like Afghanistan, Iraq, and Syria—warning that **“kidnapping is widespread,” “violent crime, such as armed robbery and**

carjacking, is common,” and that “local police generally lack the resources to respond effectively to serious criminal incidents.”

- **DHS officials reportedly acknowledged that deported Haitian immigrants “may face harm” upon return due to violent crime and political instability in Haiti, according to a *BuzzFeed News* [report](#) in March 2021.**
- In its 2020 annual [report](#) on human rights in Haiti, the U.S. Department of State identified significant human rights issues including “reports of unlawful and arbitrary killings by gangs allegedly supported and protected by unnamed officials; excessive use of force by police; . . . physical attacks on journalists; [and] . . . lack of investigation of and accountability for violence against women.”
- [Human Rights Watch’s](#) most recent annual report published in January 2021 found that “Haiti is facing one of its worst outbreaks of violence since 1986” and that “[a]lleged complicity between politicians and gangs . . . contribute[s] to a climate of insecurity.”

With its political institutions in disarray and police ill-equipped to confront gangs that control much of the country, Haiti has seen a six-fold [rise](#) in recorded kidnappings in 2021 compared with the same period last year and now has the highest per-capita kidnapping rate on earth. In September 2021, the head of Haiti’s national migration office [asked](#) the Biden administration for a “humanitarian moratorium” on the forced returns, citing “ongoing security issues” and warning that “the Haitian state is not really able to receive these deportees.”

DHS detained many of those expelled to Haiti for days in the United States prior to expulsion—undercutting the administration’s claims that the expulsions were being carried out to protect public health—and transported them in [shackles](#) on flights to Haiti. DHS officers frequently [refuse](#) to tell those being expelled where they are being taken and, in some cases, cruelly [lie](#) that the flights are destined for Florida or elsewhere in the United States. Mirlande Joachim, an attorney representing more than a dozen Haitian asylum seekers detained after crossing near Del Rio told Human Rights First that CBP and other DHS officers routinely refused to allow her to speak to her clients and that most were expelled without a fear screening despite her and the clients’ repeated attempts to request them. UNHCR has warned that “[t]he summary, mass expulsions of individuals currently under way under the Title 42 authority, without screening for protection needs, is inconsistent with international norms and may constitute refoulement.” The families and individuals subjected to expulsions to Haiti include:

- **In September 2021, DHS expelled an asylum-seeking Haitian family to Haiti after holding them for days in a freezing cell without sufficient food.** DHS separated the family from an adult brother who had crossed into Del Rio, Texas with them where they had attempted to seek asylum together based on political persecution. The family remains in hiding in Haiti, terrified their persecutors will find them, according to Blaine Bookey from the UC Hastings Center for Gender & Refugee Studies.
- **[Belone Mpenbele](#), an asylum seeker from Angola, was expelled to Haiti** by the United States due to its failure to provide access to the U.S asylum system or even screen individuals at the border in its rush to expel Haitians in September 2021.
- **Many [children](#) who are not Haitian citizens**, including at least 30 Brazilian children and 182 Chilean children, were expelled with their parents to Haiti on expulsion flights in September 2021.

- **A Haitian mother expelled in late September 2021 begged U.S. officers to remove her handcuffs to enable her to comfort her crying young daughter on the plane ride**, according to Blaine Bookey from UC Hastings Center for Gender & Refugee Studies.
- In September 2021, **DHS expelled [Reynold Joseph](#) to Port-au-Prince in shackles where he along with his wife and three-year-old son**, who had never been to Haiti, are desperate to escape again, shocked at the extent to which the security situation has deteriorated and fearful of the gunshots they hear at night.

Many of the people expelled by the United States to Haiti had been unable to find safe residence in the countries they passed through before arriving in the United States. Those who had attempted to settle in [Brazil](#) and [Chile](#), for instance, faced [xenophobic](#) and anti-Black [violence](#) and [discrimination](#) – including by [police](#) and other local authorities – forcing them to seek safety elsewhere. This discrimination has been exacerbated by the COVID-19 [pandemic](#), as Haitians have been scapegoated for the spread of coronavirus cases.

The threat of expulsion by DHS and brutal pushbacks of asylum seekers in Del Rio, including violence by mounted Border Patrol agents, forced thousands of Haitian migrants and asylum seekers to “[voluntarily](#)” cross the river into Mexico. Haitian and other asylum seekers blocked from U.S. protection or forced to turn back to Mexico are at risk of chain *refoulement*, or onward, illegal return, to danger in Haiti by the Mexican government. Mexican migration officials began deportation flights to Haiti in late September 2021, claiming the returns were “[voluntary](#).” However, multiple reports and witness accounts call into question the voluntariness of returns carried out by Mexican officials, including:

- In October 2021, an [independent rights monitors](#) at the Ciudad Ixtepec airport in southern Mexico witnessed a Haitian man desperately scrambling to escape a “voluntary repatriation” flight, prompting Mexican National Guard to board the plane.
- In late September 2021, Mexican immigration officials and armed National Guardsmen rounded up Haitians in Ciudad Acuña and other cities along the U.S. border and [forced](#) them onto buses to southern Mexico, where Mexican authorities often hold migrants for deportation. In one chaotic early morning [raid](#) at a small Ciudad Acuña hotel, Mexican National Guardsmen broke down doors to forcibly remove sleeping Haitians amidst the sounds of terrified screams, leaving the hotel floors littered with broken glass and splattered with blood.
- Mexican military personnel [surrounded](#) the vehicle of Felicia Rangel-Samponaro, co-director of the migrant aid organization The Sidewalk School, near Reynosa in September 2021, ordered the Haitian asylum seekers in the vehicle to exit, and forced them into a van that transported them to the southern Mexican city of Veracruz.

Ramping Up Direct and Chain Expulsions to Guatemala and Honduras

Since August 2021, the Biden administration has been expelling Guatemalan and Honduran asylum seekers to the danger they fled—both by flying them directly to their countries of origin and by transporting them to southern Mexico, where Mexican authorities have forced them into Guatemala and Honduras.

Asylum seekers expelled by the United States to southern Mexico are at high risk of being refouled by Mexican authorities, with whom the United States is [coordinating](#), to the countries of persecution they had fled. Since mid-August 2021, DHS has flown migrants and asylum seekers from Belize, Colombia, Cuba, the Dominican Republic, El Salvador, Guatemala, Haiti, Honduras, Nicaragua,

and Venezuela to southern Mexico. There Mexican officials transported many to the remote El Ceibo crossing at the Mexico-Guatemala border and forcibly pushed them into remote jungle areas in Guatemala without access to asylum. From August to October 2021, the Mexican government has forced more than [14,000](#) migrants and asylum seekers into Guatemala through the El Ceibo border crossing, including individuals who were detained in other parts of Mexico and transported to the southern border as well as those DHS expelled by flights directly to southern Mexico from the United States. For example, **DHS flew [Cinthia](#), a young asylum-seeking woman who fled violence and threats in Honduras from McAllen, Texas to Villahermosa, Mexico, where Mexican immigration officers forced her overland into Guatemala.** She told *Truthout* that she was unaware that she was being expelled until the plane landed in Mexico and that she never had an opportunity to tell U.S. immigration officers that she was seeking asylum.

Since mid-September 2021, DHS has also flown at least [8,000](#) Honduran migrants and asylum seekers to southern Mexico, where the Mexican government has forcibly bussed many to Honduras. In many cases, the Mexican government has expelled people in the early hours of the morning, when border reception services are closed, and humanitarian aid services are unavailable. In mid-October 2021, a Honduran government agency responsible for receiving migrants [requested](#) that the United States and other countries stop expelling migrants and asylum seekers outside of reception center operating hours and expressed concern that vulnerable individuals including children, pregnant women, and elderly people have been abandoned 500 meters from the Honduran border in the early hours of the morning and forced to walk. For instance, **[Fernando](#) and his family were among hundreds bussed to the Honduran border in the middle of the night in mid-October 2021 after entering the United States near McAllen, Texas.** DHS had detained the family for four days in an extremely cold holding cell and requested contact information for their sponsors, leading the family to believe that they would be released to family members in the United States. Instead, the family was flown to Villahermosa, a city in southern Mexico, where Mexican immigration officers loaded them onto buses to Honduras.

DHS is also flying migrants and asylum seekers directly to Guatemala and Honduras. After outcry that overland expulsions to Guatemala from southern Mexico left families and adults [stranded](#) in a tiny, remote jungle village where many were forced to sleep on the streets, DHS began expelling Guatemalan nationals on flights directly to the dangers they had fled in Guatemala. In mid-September 2021, the U.S. Ambassador to Guatemala, William Popp, [confirmed](#) that the U.S. government had expelled more than 6,000 Guatemalan migrants and asylum seekers to Guatemala since September 2, 2021. Individuals subjected to these flights are turned over directly to Guatemalan government authorities, without regard for whether they fled persecution by or involving government actors. DHS has also reportedly flown some asylum seekers directly to Honduras for expulsion under Title 42. For instance, **in September 2021, DHS expelled a lesbian couple, who had been sexually assaulted by police officers and harassed for their sexual orientation in Honduras, directly to the danger they fled,** according to Hollie Webb, an attorney with *Al Otro Lado*.

DHS coordination with migration officials in the Mexican Instituto Nacional de Migración (National Migration Institute or INM) at the U.S.-Mexico border also appears to be facilitating illegal chain expulsions of asylum seekers from the United States to Mexican border cities and into Guatemala and Honduras. Asylum seekers and advocates have reported to Human Rights First that since September 2021, DHS expels some asylum seekers directly into the custody of INM officers at ports of entry. The Mexican government then transports them to southern Mexico by bus or flight for expulsion in Guatemala or Honduras. Asylum seekers expelled by DHS into the custody of INM at the U.S.-Mexico border who were then subjected to chain expulsions to Guatemala and Honduras include:

- Since September 2021, some individuals expelled by DHS under Title 42 to Nogales, Mexico have been met immediately by INM officers, who loaded them onto buses to expel them across the southern Mexican border. According to Kino Border Initiative staff, the buses transported expelled individuals to a migration detention center in the south of Sonora and then onto southern Mexico, where INM officers forced many to cross into Guatemala without an opportunity to request asylum in Mexico.
- **In mid-October 2021, DHS expelled a Honduran asylum seeker who had sought protection near McAllen, Texas immediately after escaping kidnappers who had abducted him outside a grocery store in Reynosa, Mexico while he was buying tortillas and avocados for his wife. DHS turned him over to Mexican immigration authorities in Reynosa, who flew him to Villahermosa, Mexico then bused him into Guatemala, where he remains stranded.** He told Human Rights First he is sick with fear and desperate to reunite with his wife, who is still in the Reynosa tent encampment where the couple had been waiting together for U.S. asylum processing to resume at the port of entry.
- **In mid-September 2021, DHS expelled a Honduran asylum-seeking woman to Piedras Negras, where INM officers detained and deported her to Honduras.** Mexican government officials first bused her to Central Mexico, then flew her to Villahermosa, Mexico. From there she was bused to the border with Guatemala, and then expelled on yet another bus to Honduras. The woman told Human Rights First that she expressed fear of returning to Honduras on multiple occasions but was denied the opportunity to request asylum in the United States or Mexico.

Lateral Expulsion Flights Continue

DHS has [continued](#) the practice of so-called “lateral” expulsions – transporting families and adults seeking protection hundreds of miles from where they entered the United States to expel them to other regions of the U.S.-Mexico border, including into Ciudad Juárez, Nogales, and Tijuana, Mexico, according to advocates along the border who spoke with Human Rights First. To carry out these “lateral” expulsions, DHS holds asylum seekers and migrants in horrific conditions in congregate holding areas for days, failing to provide COVID-19 testing, and forcing the families and individuals subject to expulsion into the closed setting of airplanes – all of which present additional risks of COVID-19 spread. Many asylum seekers subjected to lateral expulsion report that DHS agents lied about where they were being transported and intimidated them when they sought information. For example:

- **In October 2021 DHS agents repeatedly told an asylum-seeking Honduran family to “shut up” and refused to answer their questions as they transferred the family by plane** from McAllen, Texas, where they had crossed the border to seek asylum, to Arizona for expulsion into Nogales, Mexico. According to Kino Border Initiative, an agent attempted to seize the family’s documents related to their asylum claim.
- **In August 2021, DHS subjected three Nicaraguan political dissidents to a lateral expulsion flight after they sought protection near McAllen, Texas.** DHS officers verbally abused them, threatening to release dogs to attack them. The officers woke the men at 1:00 am, handcuffed them, and forced them to stand for more than two hours before the expulsion flight. The officers lied to the men telling them that they would be sent to California and permitted to pursue their asylum cases, but instead expelled them to Tijuana. From there, Mexican immigration officials transported them to Mexico’s southern border and attempted to deport them to Guatemala, but Guatemalan

immigration authorities refused to accept them, leaving them stranded in southern Mexico, according to Anaís Catalina, an advocate assisting them.

Blocked and Expelled to Grave Danger in Mexico

The Biden administration's continued use of the Title 42 expulsion policy strands asylum seekers in grave danger where they are targets of horrific kidnappings and attacks, turning away Black and LGBTQ asylum seekers to suffer bias-motivated violence, separating families, and endangering public health. DHS also continues to carry out expulsions at night, placing those returned at additional risk. Mexican migration officials claim to have "rescued" more than [19,000](#) migrants from criminal organizations in 2021 to date – many of whom are subsequently deported without an opportunity to request asylum. Indeed, kidnappings and violent attacks against migrants and asylum seekers remain common in Mexico. In mid-October 2021, Johnson Omega, a 34-year-old Haitian migrant who lived and taught French classes in Tijuana was [shot](#) to death in his home. In September 2021, the dead body of a 23-year-old Honduran woman, Casta Pavón Solís, was [reportedly](#) found in Puebla, Mexico. That same month, nearly [40](#) kidnapped Cubans, Haitians, Mexicans, and Venezuelans, including children, were found being held captive in a hotel in central Mexican city of San Luis Potosi, and Mexican authorities rescued five kidnapped Nicaraguans after hearing screams from the vehicle in which they were being held.

The Biden administration's continued use of Title 42 subjects people blocked and expelled to Mexico to these well-documented dangers. **As of October 21, 2021, Human Rights First has tracked at least [7,647](#) reports of kidnappings, sexual assaults, and other violent attacks against people blocked at ports of entry or expelled to Mexico by DHS since President Biden took office in January 2021.** In October 2021, Human Rights First and 13 other human rights organizations and legal clinics filed a petition for [precautionary measures](#) against the United States to the Inter-American Commission on Human Rights on behalf of asylum seekers who, as a result of Title 42 expulsions, face "a serious and urgent situation that risks irreparable harm."

U.S. government data confirm that many of these expulsions are of children. **Between January 21 and May 12, 2021, the U.S. Border Patrol used the Title 42 policy 28,856 times¹ to expel children under the age of 18,** according to [data](#) released to Human Rights First in response to a FOIA request. Of those, **9,439 were expulsions of children under five, and 620 were expulsions of infants below one.** The expelled children were primarily from El Salvador, Guatemala, Honduras, and Mexico, as well as from 12 other countries including Cuba, Haiti, Nicaragua, and Venezuela. The data also appears to show 26 expulsions of children who were not marked in the data as being part of a "family unit," indicating that DHS may have continued to expel unaccompanied children despite the CDC's [February 2021](#) exemption of unaccompanied children from the Title 42 policy.

Organized criminal groups closely [monitor](#) and target people expelled from the United States and blocked at U.S. ports of entry for kidnapping and other violence. These abductions and attacks often take place in bus and taxi stations, as expelled individuals try to find safe transportation, and even inside migrant shelters. Kidnappers [beat](#) and sexually assault abductees, demanding thousands of dollars in [ransom](#) from family members in the United States and killing those who try to flee or whose families fail to pay. Asylum seekers expelled to Mexico remain in danger due to the Biden administration's Title 42 policy, many have been attacked shortly after DHS expelled them, including:

¹ The location of Title 42 expulsions, although requested, was not included in the data released by USBP. Because the data released covers "encounters" by Border Patrol, it likely contains entries for repeated expulsions of the same individual.

- **A young Honduran woman who attempted to request asylum at a U.S. port of entry in July 2021 was kidnapped immediately after DHS turned her away.** Members of a criminal organization repeatedly raped her and trafficked her for sexual exploitation for three months, according to a humanitarian aid worker assisting her. She remains in danger in Mexico.
- **A Salvadoran [family](#) fleeing death threats remains in danger in Mexico, where they were kidnapped and held captive in a locked storage room for 20 days immediately after DHS expelled them under Title 42.** Soon after they escaped the kidnappers, a scammer claiming to be a lawyer who could get them to safety in the United States defrauded the family. The family rarely leaves the room they are staying in, terrified of encountering their kidnappers. The mother told Human Rights First, “**we cannot go back to El Salvador, and we cannot stay here. Why won’t the United States let us ask for asylum?**”
- **A Central American couple blocked from seeking asylum at a U.S. port of entry was kidnapped and tortured in Tijuana in summer 2021.** The kidnappers raped the wife repeatedly, beat the husband, and demanded ransom from their family members. The couple managed to escape but remains in danger in Tijuana as of mid-October 2021, when Human Rights First last spoke with them.
- **[Martin](#), a gay Salvadoran asylum seeker, was kidnapped immediately after DHS expelled him to Reynosa.** He remains in the dangerous Reynosa tent encampment after managing to escape the kidnappers along with a boy who was also being held by them. Martin fled El Salvador after being raped and suffering other homophobic discrimination.
- **A 13-year-old Honduran girl and her asylum-seeking father were assaulted and robbed by gang members after DHS expelled them under Title 42.** The family was forced to hide in a mountainous area for several days afraid of encountering the kidnappers who targeted them and other migrants on a train. They remain in danger in Mexico, according to Shoshana Kushner, an attorney with Immigrant Defenders Law Center.
- **Armed men tried to kidnap a Guatemalan asylum seeker and his three-year-old daughter immediately after DHS expelled them to a Mexican border city in August 2021.** The family managed to escape, but others who had been expelled with them did not, according to a humanitarian aid worker assisting the family.
- **A 59-year-old asylum-seeking grandmother from Honduras was kidnapped soon after DHS expelled her to Piedras Negras in summer 2021.** When Human Rights First researchers last spoke to her in October 2021, she remained in danger in Mexico unable to request asylum.
- **An unaccompanied child who was unable to access the U.S. asylum process due to the Title 42 policy was raped and kidnapped from the hostel where she was waiting to request protection by men who told her they were going to kill her,** according to Las Americas Immigrant Advocacy Center.
- **An asylum seeker fleeing gender-based violence was raped at gunpoint in front of her son, causing her to develop an infection, after DHS expelled her under Title 42.** She remains in danger in Mexico, according to Las Americas Immigrant Advocacy Center.
- **A Mexican asylum-seeking woman committed suicide in October 2021 while stranded in Tijuana, unable to request U.S. asylum due to the Title 42 policy.** Desperate for protection from cartels that had kidnapped, beaten, and tortured her in southern Mexico, the woman had attempted

to cross the U.S. border between ports of entry twice, but was kidnapped near the border both times, according to Nicole Ramos, an attorney with *Al Otro Lado*.

- **DHS separated [Maria](#), a 20-year-old Guatemalan woman fleeing gender-based violence, from her 16-year-old cousin and returned her alone to Ciudad Juárez, where she remains in danger.** She had fled threats by a gang in Guatemala that tried to force her to marry one of its members and threatened to kill her mother if she went to the police.
- **An Ecuadorian man remains [missing](#) after CBP expelled him to Mexico in July 2021.** Soon after his expulsion, he was kidnapped while attempting to cross between ports of entry. The kidnapers contacted the man's U.S.-based sister demanding ransom and threatening to cut off her brother's ears and fingers. The kidnapers sent a video showing her brother blindfolded and bound by his hands and feet while men kicked him and held a knife to his face. Even after the sister sent the kidnapers \$11,000, she has not heard from or received information about her brother.

Mexican police, immigration officers, and other government officials often fail to protect or are complicit in attacks against asylum seekers expelled to or blocked in Mexico. Asylum seekers also frequently report harassment and extortion by Mexican government agents who threaten to deport them to their countries of persecution. For example:

- **An INM officer kidnapped and raped a Honduran asylum-seeking woman near the border in Ciudad Juárez and sold her to a cartel that held her captive.** Though she managed to escape, the woman has been unable to request U.S. asylum due to the Title 42 policy and remains in danger in Mexico, terrified the cartel members, who have photos of her, will find her again, according to *Las Americas Immigrant Advocacy Center*.
- **Three Nicaraguan political dissidents, whom DHS twice expelled to Mexico in August 2021, have been strip-searched and robbed by Mexican government officials on multiple occasions.** In mid-August 2021, DHS turned them over to INM officers who verbally abused them and deprived them of food in detention, forced them to strip naked, and stole their money and valuables. In late August 2021, Mexican police boarded a bus that the three were riding near the border with Yuma, Arizona, forced them off the bus, strip-searched them, and stole their money. The dissidents remain in danger in Mexico, unable to access the U.S. asylum process, according to Anaís Catalina, an advocate assisting them.
- **INM officers extorted and raped a Honduran asylum seeking-woman immediately after the U.S. government expelled her to Reynosa in August 2021.** She told *Human Rights First* that INM officers demanded payment from her and the others with whom she was expelled, threatening them with deportation, then locked the women in a separate room, forced them to remove their clothes, and raped them. "We did what they asked of us out of fear because they threatened to turn us over to a human trafficking network," she said.
- **Mexican police and military robbed, extorted, and threatened to deport a [Haitian](#) couple at least five times between June and October 2021.** "They stopped us because of the color of our skin," the man told *Human Rights First*, "if you're Black, the police and military stop, harass, and extort you." The couple are terrified of leaving the room they are renting in Matamoros, where they remain in danger, unable to access the U.S. asylum process because of the Title 42 policy.

- **An INM officer in Tijuana kidnapped a Honduran family of three who had made multiple attempts to request U.S. asylum.** The officer offered the family a ride and then held them at gunpoint demanding money and information about U.S. family members. The officer handed the family over to men who held them captive, sexually abused them, and beat them so severely that one family member lost consciousness. They managed to escape but remain in danger in Mexico, according to Las Americas Immigrant Advocacy Center.
- **Police in Tijuana have repeatedly harassed a [Ghanaian](#) asylum seeker who remains stranded in Tijuana after DHS expelled him to Mexico and twice robbed him of his wallet and money.** The man had also been kidnapped for 3 days immediately after DHS expelled him to Nuevo Laredo. He told Hollie Webb, an attorney with Al Otro Lado, **"I am afraid to leave the place where I live."**
- **Since August 2021, police officers in Tijuana have repeatedly extorted and threatened a Salvadoran asylum-seeking family blocked from seeking U.S. protection because of the Title 42 policy.** The family told Human Rights First that they are terrified of encountering the local police officers patrolling their neighborhood, who have also threatened to deport them.

DHS continues to carry out some Title 42 expulsions to dangerous Mexican border cities in the middle of the night, when businesses are closed and humanitarian services are unavailable, increasing the risk that expelled individuals will be attacked. For example, Border Patrol agents expelled more than 20 people through the DeConcini port of entry to Nogales, Mexico around 2:00 a.m. in late August 2021, leaving them stranded. Several of those expelled told Kino Border Initiative that when they eventually managed to reach a migrant shelter, they were denied entry because they did not have proof of a negative COVID-19 test, which was impossible to obtain in the middle of the night. With no other options, they were forced to spend the night sleeping on the street.

Totally insufficient and inadequate fear screenings

The Biden administration is illegally returning asylum seekers to grave dangers without providing access to the U.S. asylum system or even the fear screenings required under U.S. law for expedited removal. A DHS [memo](#) describing the Title 42 expulsion program's operational details directs CBP officers to refer for screening only individuals who offer a "affirmative, spontaneous, and reasonably believable" claim that they fear being tortured in the country where they would be returned. Those who do affirmatively raise fear claims must establish a more likely than not probability of torture, which is not the legal standard applied to preliminary fear screenings but rather the standard immigration judges use to determine – after a full immigration court hearing – whether an individual qualifies for full protection under the Convention against Torture. Because of this inherently flawed process, very few asylum seekers subject to Title 42 have been screened, and fewer still have passed these interviews. **DHS has referred only 3,217 individuals processed under Title 42 for fear screenings as of the end of September 2021, just 0.28 percent of more than one million expulsions**, according to data obtained by [CBS News](#). Of those referred for screenings, only eight percent passed the screening interview and were allowed to seek U.S. asylum protections.

DHS often fails to refer for screenings even those who affirmatively raise their fear of being expelled. Many asylum seekers have reported that U.S. immigration officers ignore them or disregard their claims of fear to return to Mexico or their home country. For instance,

- DHS expelled an asylum-seeking [Salvadoran](#) family to Mexico despite their pleas that they were in danger in Mexico. The mother told Human Rights First, **"we pleaded with the officers that we**

wanted to ask for asylum and that it was not safe in Mexico. They would not listen . . . They didn't ask any questions or let us apply for asylum." The family had fled El Salvador after gang members assaulted and threatened to kill them.

- In September 2021, **at least 12 Haitian asylum seekers who expressed fear of return to Haiti were expelled under Title 42 by U.S. officials without access to the U.S. asylum system or any fear screening**, according to their lawyer Mirlande Joachim. DHS withheld information about the whereabouts of Joachim's clients and told her on multiple occasions that she could not speak with them, at one point instructing her to contact the Haitian consulate to speak her clients, some of whom had fled persecution by Haitian government actors. **One Haitian asylum seeker told Joachim that she had informed multiple U.S. government officers in the facility where she was being detained that she was seeking asylum and feared return to Haiti but was completely ignored.**

Expelling Medically Vulnerable Individuals

DHS also continues to expel individuals with serious medical concerns to Mexico and ignore their pleas for medical attention. For instance:

- In August 2021, **DHS expelled [Cynthia](#), a 21-year-old pregnant Honduran woman to Mexico, without providing her water or medical attention after she had begged for something to drink and to see a doctor for stomach pain.**
- **DHS twice expelled a 62-year-old indigenous Mam Mayan woman from Guatemala with serious health conditions that cause her ankles and calves to swell, making it difficult for her to walk.** The woman had fled Guatemala after soldiers raped her and murdered her husband. Both times she was expelled, most recently in September 2021, DHS failed to provide interpretation in her native language, according to Alexandra Bachan, an attorney assisting the woman.
- In summer 2021, **Border Patrol agents refused to provide food to [Karina](#), a Salvadoran woman, and her two young daughters, who were faint from hunger and dehydration and had not eaten for three days.** The agents gave the family only a small water bottle to share and forced them to wait three hours in the sweltering heat for transportation to expel them to Mexico.
- In July 2021, **Border Patrol agents expelled [Mari](#), a Salvadoran mother, and her seven-year-old daughter to Reynosa, Mexico without providing medical attention to the child, who was severely ill with diarrhea and soiled herself in front of the agents.**

Blocking Asylum at Ports of Entry

The Biden administration continues to turn away families, adults, and unaccompanied children who attempt to request protection at U.S. ports of entry – in violation of domestic and international refugee protection laws – leaving many stranded in danger. This includes Afghan individuals and families who have arrived in Mexican border cities, including Tijuana and Reynosa, in recent weeks, who are blocked from accessing the U.S. asylum system, according to Taylor Levy, an attorney assisting asylum seekers at the border.

Human Rights First recently received U.S. government [records](#) through a FOIA request that provide additional information on the individuals subject to the administration's practice of turning away people who present themselves at southern U.S. border ports of entry. Between January 21 and May 12, 2021, the records show that CBP officers at ports of entry on the U.S.-Mexico border used Title 42 to:

- **expel migrants and asylum seekers from at least 46 countries including those from Belarus, Cuba, El Salvador, Eritrea, Georgia, Guatemala, Haiti, Honduras, Jamaica, Mauritania, Mexico, Nicaragua, Russia, Ukraine, and Venezuela** among others – despite public [statements](#) by Mexico that it will only accept individuals from El Salvador, Guatemala, Honduras, and Mexico,
- **carry out at least 357 turn-backs of children under the age of 18 with their families**, including children from Belarus, El Salvador, Eritrea, Guatemala, Honduras, Jamaica, Mexico, Russia, and Venezuela; and
- **turn away elderly persons at ports of entry, including at least 27 times for people over the age of 80**, with the oldest person turned away a 95-year-old Mexican woman.

In late September 2021, hundreds of asylum-seeking individuals and families engaged in a peaceful [gathering](#) on the Mexico-side of the Nogales port of entry, calling on the Biden administration to restore access to asylum at the border. Several families tried to present themselves to U.S. immigration officials at the port of entry to request asylum, accompanied by a faith leader and legal advocate, and with proof of vaccination and recent negative COVID-19 tests. Instead of processing these families and individuals for asylum, DHS not only turned them away but physically [shut](#) the gates to the pedestrian entrance of the port of entry, as they attempted to request protection. A CBP officer at the Nogales port of entry [told](#) a woman seeking asylum with her family, **“we can’t help you . . . we can’t process you, we just can’t.”** Asylum seekers at other ports of entry report similar turnbacks. CBP officers at the San Ysidro port of entry turned away a Guatemalan mother with two children who had fled threats in Guatemala and had been assaulted and nearly kidnapped in Mexico. CBP officers laughed when the mother cried and begged for protection. **“I told them we were fleeing violence in Guatemala, and they responded that it didn’t matter because there was no asylum,”** the mother told Noah Schramm, a lawyer with the Florence Immigrant and Refugee Rights Project (Florence Project). The family remains in danger in Mexico.

Many Mexican asylum seekers are also blocked from accessing asylum at U.S. ports of entry, trapped in the very country they are trying to flee and in danger of being located and attacked by their persecutors. For example:

- **A Mexican woman and her two children have been stranded in Reynosa since July 2021 after fleeing death threats and an attempted kidnapping by cartel members in Michoacán.** The family is also hiding from the children’s abusive father, who threatened to kill the woman. The woman told Human Rights First she fears for her life.
- **A Mexican woman fled the southern state of Guerrero with her family after cartel members tortured, shot, and killed her two brothers.** The cartel is now threatening the woman for assisting the police with an investigation into the murders. **“I am terrified they will kill me and my family. In Mexico, even if you go to another part of the country, the cartels can still find you...Mexico is our home country. We don’t have anywhere else to go and we are risking our lives if we stay here,”** she told Hollie Webb, an attorney with Al Otro Lado.
- **On five separate occasions since August 2021, DHS turned away a [Mexican](#) mother and her children who sought asylum at ports of entry near Nogales.** The family had fled Morelos after an organized criminal group murdered the children’s father and threatened the rest of the family. **“We thought that because we were going through the port of entry, we were going to be heard. We just wanted to follow the rules and be safe,”** the woman told Chelsea Sachau, a lawyer with the Florence Project. **“I tried to explain that our lives were in danger, but no one listened.”** On

one occasion, a van full of armed Mexican officials blocked the family from advancing towards the Mariposa port of entry before they could reach it and forced them to turn around.

- **In September 2021, after a young [Mexican](#) woman requested asylum at the DeConci port of entry with her sister and two-year-old son and explained that they were not safe in Mexico, CBP officers “refused to answer [their] questions, ignored [them], and would not look at [them] directly in [their] eyes.”** They had fled home after cartel members kidnapped the woman, shot her husband, and tried to kill her family. **“We asked for asylum at the port of entry, but we were told that no one can ask for asylum there,”** the woman told Chelsea Sachau, an attorney with the Florence Project.

Unaccompanied children turned away from protection

The Biden administration continues to turn away some unaccompanied children from U.S. ports of entry, even though unaccompanied children have been exempted from Title 42 expulsions since November 2020 following a court [order](#) blocking expulsions of unaccompanied children and a subsequent change to the CDC Title 42 order in [February 2021](#) exempting them from the policy. Unaccompanied children turned away from ports of entry since August 2021 include:

- **In September 2021, CBP officers turned away a 14-year-old boy who had attempted to request asylum at the Nogales, Arizona port of entry, threatening to call Mexican police to remove him,** according to Chelsea Sachau, a lawyer with the Florence Project.
- **CBP turned away a 13-year-old indigenous girl from Mexico who asked for asylum at an El Paso port of entry after her grandfather and sole caretaker died from COVID-19.** Though the girl’s parents live in the United States, the Mexican child protection agency Sistema Nacional para el Desarrollo Integral de la Familia (DIF) took custody of her and sent her to Oaxaca, according to Las Americas Immigrant Advocacy Center.
- **In September 2021, CBP turned away at least 15 unaccompanied children who requested protection at the Brownsville, Texas port of entry,** according to Charlene D’Cruz, an attorney with Lawyers for Good Government.

DHS denies or ignores nearly all humanitarian parole requests for asylum seekers

Though the CDC [order](#) enabling the Title 42 expulsion policy permits exceptions based on “humanitarian” and other interests, exceptions are nearly impossible to obtain, even for extremely vulnerable individuals facing life-threatening danger. A limited Title 42 exemption process enabling some individuals to enter the United States at ports of entry, created due to a legal [challenge](#) to the expulsion policy, ended in August 2021. While DHS has statutory authority to review and grant requests for humanitarian parole pursuant to Section 212(d)(5) of the Immigration and Nationality Act, these requests are generally accessible only to individuals represented by an attorney and have been ignored or denied in the vast majority of cases without explanation. As a result, many asylum seekers remain in extreme danger in Mexico, unable to access asylum at U.S. ports of entry. For example:

- **In September and October 2021, CBP denied more than 15 humanitarian parole requests submitted by AI Otro Lado on behalf of its clients to the Del Rio, Eagle Pass, and San Ysidro ports of entry.** These denied requests include: a Honduran woman who was raped by Mexican police, sex trafficked, and forced to work in massage parlor; a Central American asylum seeker who was beaten by Mexican police; an unhoused Haitian asylum seeker living with HIV; Mexican

LGBTQ+ siblings who were sexually assaulted and beaten in Mexico; and a Honduran family with a seven-year-old daughter with cerebral palsy.

- **In September 2021, CBP [denied](#) the parole request a Honduran lesbian woman and her partner who had been raped by Mexican police.** The woman had also been attacked by a man who yelled racial slurs and fractured her spine, pelvis, and hand. While being treated at a hospital in Mexico following that attack, a social worker in the hospital sexually assaulted the woman.
- **CBP has yet to reply to a parole request *Al Otro Lado* submitted in August 2021 for a gay Venezuelan asylum seeker with partial deafness.** He remains in danger in Tijuana, according to Ginger Cline, an attorney with *Al Otro Lado*.
- **A Nicaraguan political activist who became separated from her husband and son when she fell from the border wall in late September 2021, breaking her leg in three places, has not received a response to the parole request her attorney, Ginger Cline, submitted to CBP.** A doctor in Mexico told the woman she would need emergency surgery or risk having to have her leg amputated, but she has been unable to obtain the surgery in Mexico. She remains separated from her husband and son, who are in the United States and have applied for asylum.
- **CBP has yet to reply to a parole request of a Salvadoran family with two young children who suffer from epilepsy and have recently required hospitalization due to severe seizures are stuck in Mexico. They are terrified that the older child's father, who has threatened to abduct the child and harm the family, will find them.** The family's attorney, Paulina Reyes with the Immigrant Defenders Law Center, submitted the parole request in September 2021.
- **CBP has not responded to the parole request for a 15-year-old Mexican girl who suffers from cognitive issues and who was kidnapped and beaten by a criminal organization in Jalisco in summer 2021.** After filing a police report the girl's family fled to Tijuana, where they continue to receive threatening messages from the criminal group, including photos of the girl and mock "wanted" posts offering a reward for her capture. The traumatized girl is terrified to leave her mother's side, according to the family's lawyer, Paulina Reyes.

Since August 2021, CBP has granted only 12 humanitarian parole requests for asylum seekers out of 76 filed by organizations serving people at the border including *Al Otro Lado*, the Florence Project, Lawyers for Good Government, Las Americas Immigrant Advocacy Center and Immigrant Defenders Law Center, according to data collected by Casey Miller, an advocate assisting asylum seekers at the border, and reviewed by Human Rights First. In three cases, CBP granted the request of the primary applicant but denied parole to accompanying family members, resulting in family separations. For example, in two cases submitted by Charlene D'Cruz, an attorney with Lawyers for Good Government, CBP officials at the Brownsville port of entry initially denied the requests for parole, and they were only later approved after D'Cruz elevated the cases for review by other DHS officials. However, in both cases, DHS denied parole to the applicants' accompanying relatives, leaving family members stranded in Mexico:

- **In September 2021, CBP initially denied parole to a Haitian asylum-seeking woman who nearly died from a severe diabetic episode and other serious health issues. Though CBP officers at the Brownsville port of entry eventually agreed to process the woman at a port of entry, after which she was immediately rushed to an emergency room, CBP refused to admit her nephew, who is her caretaker.** He remains alone in Matamoros, Mexico.

- In September 2021, **CBP refused to parole the 19-year-old son of an asylum-seeking Honduran woman with life-threatening leg injuries she suffered while escaping kidnappers in Mexico.** After initially denying the woman's request for parole, CBP eventually agreed to process her at the Brownsville port of entry but forced her son to remain alone and in distress in Mexico, terrified of reencountering the kidnappers.

Terrible Living Conditions Further Endanger Lives

Migrants and asylum seekers blocked in and expelled to Mexico face terrible conditions with few safe housing options, often highly limited access to medical care, and hardly ever able to find decent employment to support themselves. Shelters in many border cities, including [Ciudad Juárez](#), are full beyond capacity. Thousands of migrants and asylum seekers are living in squalid conditions in tent encampments in Tijuana and [Reynosa](#) that are controlled by criminal organizations that kidnap, attack, and extort the families and individuals forced to sleep there. In late September 2021, a legal advisor for the State Institute for Women in Baja California reported an [increase](#) in reported rapes and sexual abuse of children in Tijuana shelters and the port of entry encampment. Conditions in the Reynosa encampment have rapidly deteriorated as the local government has taken steps to force out the encampment's 2,500 residents. Police [raided](#) the encampment at night in late August 2021, seizing propane tanks used to cook food, and in September 2021 [shut off](#) electricity to the encampment completely. Many in the encampment are pregnant and sick but struggle to access appropriate medical care. While some foreign-based nonprofit organizations visit the encampment to provide medical services during the day, Mexican ambulances [fail](#) to respond to medical emergencies there. People who have been attacked in tent encampments near the border include:

- During a September 2021 visit to the encampment in Tijuana by Human Rights First, asylum seekers reported that [gunshots had been fired over the camp hours prior in the early morning hours, forcing them to huddle on the ground with their crying children.](#) A Honduran woman in the encampment said she was compelled to send her daughters alone to the United States for fear they would be assaulted by men who had been harassing them in the camp. Another mother said her son was nearly kidnapped while walking to a nearby pharmacy.
- **A Central American child was raped in the Reynosa tent encampment** in September 2021, according to Charlene D'Cruz, an attorney with Lawyers for Good Government. [Multiple](#) young girls have been sexually assaulted in the camp over the past year.
- **A 14-year-old girl was raped in the Tijuana tent encampment in summer 2021.** A Honduran asylum seeker who witnessed the rape told Human Rights First she had to flee the encampment because of further threats by the rapist.
- **A Salvadoran woman, her daughter and three-year-old granddaughter were robbed twice in the Tijuana tent encampment and their tent destroyed by people gang members demanding payment for them to stay in the encampment.** The family had fled El Salvador after the daughter was raped by a gang leader, impregnating her with the now three-year-old child, who suffers from severe seizures and requires pediatric neurological care unavailable in Tijuana, according to Paula Reyes, an attorney with Immigrant Defenders Law Center.
- **A Honduran man and his son were [kidnapped](#) from the Reynosa tent encampment in summer 2021,** according to a witness who saw men grab the family as they exited the bathrooms and pull them into a truck.

Even asylum seekers who manage to find space in shelters or rented rooms are not safe. Pastor Lorenzo Ortiz, who operates migrant shelters in Nuevo Laredo, told [Telemundo](#) that cartel members regularly monitor shelters, take photos, kidnap residents outside shelters, and in some cases enter shelters to kidnap migrants. The lack of safe shelter puts the lives of expelled and blocked asylum seekers at risk, including:

- **In September 2021, members of an organized criminal group threatened and beat a shelter director who had been transporting migrants to and from the border to prevent them from being kidnapped,** according to a humanitarian aid worker assisting asylum seekers at the border.
- **In summer 2021, a 20-month-old Honduran boy was killed by a dog after DHS expelled his family to Tijuana.** Fleeing death threats in Honduras the family had crossed into California, desperate to reach relatives in the United States. They told Human Rights First that with nowhere to stay in Mexico, they accepted a stranger's offer to sleep at their house, where a dog attacked the boy, inflicting a fatal wound to his neck. The boy's traumatized parents and sister remain in a Tijuana shelter, unable to access the U.S. asylum process.
- **In late July 2021, armed men broke into the Tijuana shelter where a Honduran family was staying, beat the family, and attempted to kidnap the children.** The family had fled death threats in Honduras by gang members who had violently raped the pregnant mother, causing her to miscarry. The family escaped but found that other shelters in Tijuana were full. They are now paying to rent a room and told Human Rights First they are terrified to go outside for fear of encountering the kidnappers.
- **In September 2021, a thief broke into a private room rented by a Honduran asylum-seeking grandmother in Tijuana and stole all her belongings after several hotels had turned her away because she does not have migration status in Mexico.** The woman, who is fleeing gang threats, was expelled by DHS after attempting to seek asylum. She told Human Rights First that she is desperate to reunite with her daughter and grandchildren in California.

Black asylum seekers blocked in and expelled to Mexico face even more severe challenges surviving in Mexico due to pervasive anti-Black racism. Felicia Rangel-Samponaro, director of the Reynosa-based Sidewalk School, has [observed](#) that **"Haitian asylum seekers have it worse than anyone. They can't hide in Mexico; their skin tone sets them apart . . . And racism in Mexico is very strong. People won't serve them food or sell them water – I've seen it myself. They won't rent them apartments."** Black asylum seekers who have experienced severe discrimination in Mexico include:

- A Ghanaian asylum seeker has suffered anti-Black racism and struggled to find work in Mexico after DHS expelled him. He told Hollie Webb, an attorney with AI Otro Lado, **"If you go out to look for work, they might not give you a job because of your race. If you get a job, they will insult you, embarrass you, and make racist comments. They don't want to work with you."**
- A Black [Somalia-born](#) asylum seeker of Yemeni nationality who fled Yemen to avoid being forced to fight has been subjected to racial slurs and struggles to find work and housing in Tijuana, where he remains stranded, unable to request U.S. asylum. He had to leave the house he was staying in when others in the house became abusive and treated him like a servant. **"People see me differently in terms of skin color, they see themselves as better than me . . . in restaurants here, they would have me work away from the other employees,"** he told Hollie Webb, an attorney with AI Otro Lado.

- A [Nigerian](#) asylum seeker has been unable to find work due to anti-Black racism in Tijuana. **“No one wants to hire a Black man who does not speak Spanish,” he told Ginger Cline, an attorney with AI Otro Lado.** The Christian couple, who had fled persecution in their Muslim-majority home state in northern Nigeria, remains in danger in Tijuana, blocked from accessing U.S. asylum because of the Title 42 policy.
- A Jamaican lesbian [couple](#) who fled attacks and threats for their sexual orientation is terrified to leave the shelter where they remain stranded in Tijuana, unable to access the U.S. asylum process. **“When we absolutely have to leave to get supplies like food and medicine, we have been yelled at and harassed in the street because we are Black and gay migrants,”** one of the couple told Human Rights First. **“With our resources nearly gone, we now are desperate.”**

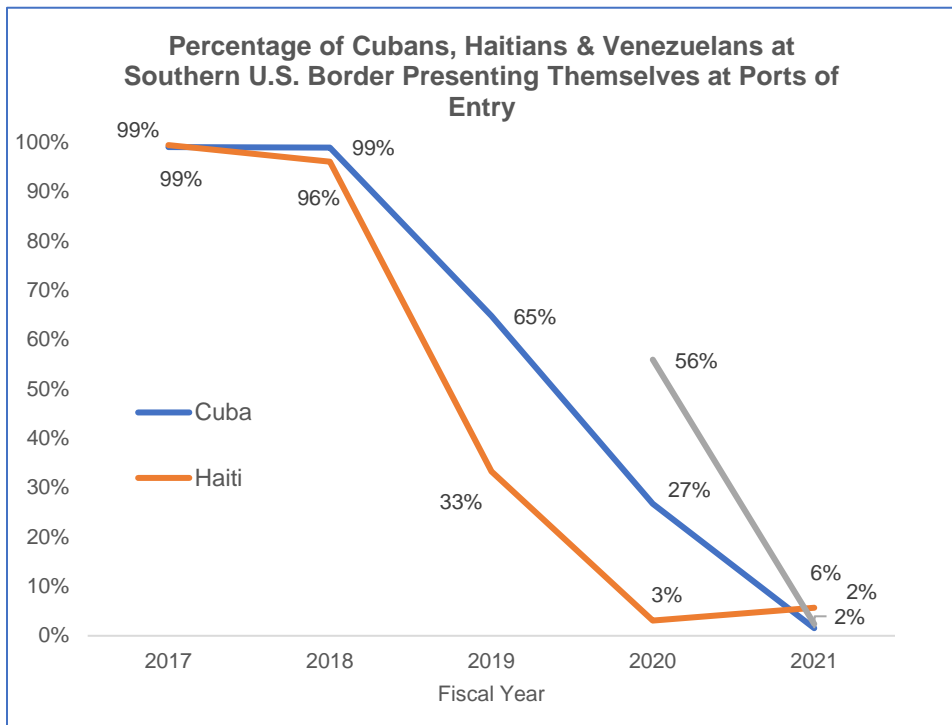
Migrants and asylum seekers stranded in Mexico often struggle to access medical care due to lack of resources and pervasive discrimination by hospitals and providers.

- **In September 2021, staff at a Reynosa hospital [refused](#) to treat an asylum-seeking woman with cancer, who was suffering pain, after inquiring about her migration status in Mexico.** The woman fled the hospital, fearing deportation, after staff threatened to call Mexican migration authorities.
- **An asylum-seeking woman from Honduras was denied medical attention in Matamoros after injuring her leg escaping kidnappers and contracting gangrene that was so severe that a bone in her leg was visible.** A doctor at a volunteer-run clinic had informed the woman that her leg would need to be amputated or she would die, but a hospital in Matamoros turned her away, claiming they lacked sufficient bedspace, according to Charlene D’Cruz, an attorney with Lawyers for Good Government.
- **A [Nigerian](#) asylum seeker reported that his pregnant wife received substandard medical care at a Tijuana hospital due to anti-Black racism and that their newborn baby died as a result.** The hospital would not permit the man to join his wife as she gave birth or to even speak with her on the phone, according to Ginger Cline, an attorney with AI Otro Lado.

Pushed to Dangerous Crossings Between Ports of Entry

Policies like Title 42 and [“metering,”](#) which block or reduce asylum processing at ports of entry, drive crossings of the border away from ports of entry by asylum seekers who are unable to access protection at official border posts, as [reports](#) by the DHS Office of Inspector General have [confirmed](#).

Indeed, government data shows that for years Cuban and Haitian asylum seekers approached and sought asylum overwhelmingly at U.S. ports of entry on the southern border. However, because the Trump and now Biden administrations have artificially reduced (through “metering” [implemented](#) border wide in 2018) and now effectively eliminated (through Title 42 first implemented in March 2020) access to asylum at ports of entry, the percentage of asylum seekers from these countries crossing the border between ports of entry has dramatically shifted. **In FY 2017, 99 percent of the total number of Cubans and Haitians encountered at the southern border (by CBP Office of Field Operations (OFO) i.e. at ports of entry and by Border Patrol) had arrived through a port of entry.** In FY 2021 to date, with asylum access effectively shuttered at U.S. ports of entry, just 2 percent of Cubans and 6 percent of Haitians arriving at the southern border went through a port of entry (see graph).



Sources: [2017](#), [2018](#), [2019](#), [2020](#), [2021](#); [U.S. Border Patrol 2017–2019](#)

More limited government data on Venezuelans also shows that the percentage of Venezuelan asylum seekers presenting themselves at U.S. ports of entry has followed a similar trend declining from 56 percent in FY 2020 to just 2 percent in FY 2021.

Those unable to access asylum at ports of entry are pushed to undertake dangerous, and increasingly deadly, crossings away from

ports of entry often at the mercy of criminal organizations who control much of the border. The Biden administration’s refusal to process asylum seekers at ports of entry has forced many to cross harsh desert terrain to seek safety during an unseasonably hot summer. For instance:

- In October 2021, a Central American man collapsed in the Arizona desert after he was robbed and separated from his group due to injuries. The man had been without food and water for days when the nonprofit organization [Battalion Search and Rescue](#) encountered him.
- A group of migrants crossing the Yuma sector desert in Arizona in mid-September 2021 [required](#) emergency medical assistance after temperatures reached 111 degrees Fahrenheit. Thirty migrants have [died](#) attempting to cross the Yuma sector desert as of September 2021—four times more deaths than in the previous year.
- In October 2021, [Lenilda](#), an asylum-seeking doctor from Brazil, was found dead in an extraordinarily hot New Mexico desert. In her final messages to family members, Lenilda begged, “ask them to bring me some water. I’m dying of thirst.” Lenilda had returned to the U.S. border after DHS expelled her to Brazil when she had sought asylum in April 2021.

Restrictions on asylum at ports of entry are also driving an increase in dangerous attempts to reach the United States by [sea](#), where many have died or been seriously injured this year.

Desperate for protection, asylum seekers blocked from ports of entry risk abuse by organized criminal groups

Unable to request asylum at U.S. ports of entry, many people seeking protection have no choice but to seek safety in the United States through criminal smuggling groups that [control](#) border crossings. These

groups charge [exorbitant](#) amounts to access the border and attack people who attempt to cross without paying. Abuse by organized criminal groups who smuggle migrants and asylum seekers is common. They often assault, rape, extort people seeking to enter the United States, or even sell them to other criminal organizations that traffic them for labor or sexual exploitation. Sometimes criminal smuggling groups abandon those attempting to cross the border, leaving them for dead in harsh, remote border areas. Fearing deportation by both the U.S. and Mexican governments, victims rarely report abuses. Indigenous women and others who do not speak Spanish are particularly susceptible to sexual abuse and trafficking for sexual exploitation, according to humanitarian aid workers who assist migrants at the border. Many migrants and asylum seekers have been kidnapped or attacked while attempting to enter the United States between ports of entry, such as:

- **In September 2021, 162 kidnapped Guatemalan, Honduran, and Salvadoran migrants, including 23 children, were [rescued](#) from a basement in Camargo, Tamaulipas, where they had been abandoned by an organized criminal group for five days without food and were showing symptoms of malnutrition and dehydration.**
- **An organized criminal group kidnapped 343 Guatemalan migrants, including 17 children, and held them captive, some for more than four months, in a room in Chihuahua, Mexico until Mexican police raided the house in September 2021.** The kidnapped migrants survived on mostly eggs and had limited bathroom access. The room was so crowded that the people could only sleep on their sides, and many became sick with fevers, headaches, fainting, and even leg paralysis. "We spent every day and night this way," a young Guatemalan man told [La Silla Rota](#), "if you want to leave, you have to pay." Some reported that they did not attempt to escape or call for help for fear that Mexican government authorities would deport them to Guatemala.
- **Thirteen migrants remain [missing](#) after attempting to cross the border with a criminal smuggling group near Ojinaga, Mexico.** Assailants intercepted the group, tied them up, and robbed them, according to a 14-year-old boy who managed to escape.

Biden Administration's Disingenuous Public Health Rationale Fuels Xenophobic Rhetoric, Further Endangering Asylum Seekers

In October 2021, leading infectious disease expert Dr. Anthony Fauci [confirmed](#) that immigrants are "absolutely not to blame" for the spread of COVID-19 in the United States, explaining that "focusing on immigrants, expelling them . . . is not the solution to an outbreak." Nonetheless, in increasingly desperate bids to deflect responsibility for flouting international refugee protection laws in the face of mounting evidence that Title 42 does nothing to prevent the spread of COVID-19, the Biden administration continues to defend the policy on public health grounds. DHS Secretary Mayorkas again [claimed](#), in October 2021, that Title 42 is "not an immigration policy that this administration would embrace" but is "a public health imperative as the Centers for Disease Control has so ordered."

The Biden administration's insistence that expelling asylum seekers is necessary to protect public health has become even more unjustifiable as other pandemic-related border restrictions are eased at the border. In mid-October 2021, DHS announced that, pursuant to CDC guidance, in November 2021, it would open land borders to non-essential travel for vaccinated individuals with "appropriate documentation to enter the United States." Even with restrictions on "non-essential" travel, border crossings by U.S. citizens and other border traffic have continued with more than 79 million pedestrians,

car, bus and train passengers entering the United States through the U.S.-Mexico land border between January and June 2021, according to data from the [Bureau of Transportation Statistics](#).

At the same time, DHS continues to turn away asylum seekers at U.S. ports of entry, including those who show proof of vaccination and/or a recent negative COVID-19 test result. In September 2021, for instance, when **a Mexican asylum-seeking family informed a CBP officer at the DeConcini port of entry that they were fully vaccinated and had proof of negative COVID-19 tests, the officer told the family that the Title 42 policy is “not about that”** and turned them away, according to Chelsea Sachau, a lawyer with the Florence Project.

To date, neither DHS nor CDC have moved to lift restrictions on individuals seeking the life-saving protection of asylum. In fact, as noted above, in early October 2021, the CDC [announced](#) that it was extending its Title 42 order, which DHS uses to block and expel asylum seekers, for an additional 60 days, even as it opens the border to non-essential travel. This arbitrary distinction unjustifiably discriminates against people seeking protection in contravention of domestic and international refugee protection laws, and led public health experts to [conclude](#), in October 2021, that the Title 42 expulsion policy has always been “based on political, rather than scientific, considerations, rooted in racist tropes and populist untruths.”

The Biden administration’s continued insistence that Title 42 is necessary to protect public health is fueling xenophobic, anti-immigrant rhetoric. Secretary Mayorkas’s [defense](#) of mass expulsion of Haitians in September 2021 prompted a barrage of [alarmist pieces](#) in far-right news media suggesting that migrants threaten public health. In September 2021, public health experts [warned](#) that the Title 42 expulsion policy may be perpetuating “racially-based tropes presenting migrants as vectors of disease.” Anti-immigrant sentiment may have motivated the apparent homicide of a migrant who was [found](#) dead hanging from a tree in Texas near the southern border in October 2021. Republican political leaders including Florida [Governor Ron DeSantis](#) and Texas [Governor Greg Abbott](#) have baselessly blamed COVID-19 surges in their states on immigrants entering through the southern border. Abbott has also used the pandemic to justify extreme laws controlling the movement of migrants in the state, including [ordering](#) state troopers to turn around and seize vehicles transporting migrants who had not been expelled under Title 42 and authorizing the arrests of migrants who cross the border into the state. These policies have [led](#) to abuse, family separations, due process violations, and [needless detention](#) – inflicting further pain and trauma on asylum seekers pushed to cross between ports of entry due to the Biden administration’s refusal to end Title 42.

Recommendations

To the Biden administration:

- **Immediately end the use of—and withdraw—the [discredited](#) CDC [order](#) issued under the Biden administration and used to continue the illegal Title 42 policy, and rescind the related Health and Human Services final [rule](#) issued by the Trump administration;** stop expelling refugee families and adults to Haiti, Honduras, Guatemala, Mexico, and other countries of feared persecution or places where they are at risk of life-threatening harm or *refoulement*; and direct the CDC to employ rational, evidence-based [measures](#) to safeguard the lives of asylum seekers and protect public health rather than issuing xenophobic bans that block people from life-saving asylum protection.
- **Process asylum requests at the southern border, including at U.S. ports of entry, while employing humane policies that uphold U.S. laws and treaties to provide access to asylum for people seeking protection.** DHS should use appropriate science-based [measures](#) recommended by public health experts to safeguard public health and protect asylum seekers and CBP personnel. These [include](#) requiring social distancing, providing appropriate personal protective equipment, hand sanitizer, and COVID-19 testing, reducing processing delays, repurposing outdoor areas and nearby locations to facilitate distancing and ventilation, using legal parole authority rather than congregate detention, and swiftly transferring asylum seekers from CBP custody to shelters and reception locations.
- **Avoid use of so-called “metering” policies to artificially reduce capacity at ports of entry and block asylum seekers from requesting protection.** These policies leave asylum seekers stranded in life-threatening dangers, violate U.S. and international legal obligations by cutting off or limiting access to asylum at U.S. ports of entry, and push people fleeing harm to attempt dangerous crossings to reach safety.
- **Do not re-implement the illegal Remain in Mexico policy—officially designated the Migrant Protection Protocols (MPP)—in any form.** Take all necessary measures to prevent the August 13, 2021 federal court [decision](#) ordering the government to enforce and implement MPP from going into effect, including issuing a new memorandum that provides a detailed explanation for the decision to terminate MPP and that resolves any Administrative Procedure Act issues identified by the district court. There is no way to use MPP that does not endanger lives and deliver people to harm. Human Rights First tracked over [1,500](#) public reports of rape, kidnapping, torture, trafficking, and other crimes carried out against asylum seekers and migrants sent back to Mexico under MPP.
- **Resume efforts to bring families and individuals to safety under the MPP wind down and [expand](#) it to process to safety those who were unfairly denied protection** under farcical MPP proceedings, many of whom remain in life-threatening danger.
- **Avoid the use of expedited removal or detention of asylum seekers and instead employ steps to process asylum seekers swiftly and safely at ports of entry and quickly release them using proven community-based case [support](#) programs** to ensure they find attorneys and interpreters in destination locations and understand the process to apply for asylum.
- **Coordinate with and provide logistical and financial support to critical service providers offering shelter, legal services, and humanitarian aid to ensure that asylum seekers are treated humanely and able to quickly and safely transit to destination locations** where they

can shelter with family or friends and continue the asylum process and, ultimately, launch a new or reconfigured and elevated U.S. agency with a humanitarian protection mission, expertise, and capacities.

- **Designate or redesignate Temporary Protected Status for [countries](#) where returned persons would face grave dangers**, including Cameroon, El Salvador, Guatemala, Honduras, Nicaragua, and Yemen.
- **Order DHS officers and employees to end mistreatment of asylum seekers and migrants under CBP and ICE custody**, including physical and verbal abuse, denial of food and medical care, and destruction of personal property and direct the DHS Office for Civil Rights and Civil Liberties to investigate these abuses and the harmful effects of the expulsion policy, metering, prolonged detention, and other policies on LGBTQ and Black asylum seekers and migrants.
- **End other cruel Trump-era anti-asylum policies, including fully rescinding the [entry](#), third country [transit](#) and [other](#) asylum [bans](#)** and provide redress for asylum seekers denied a fair opportunity to pursue requests for U.S. refugee protection under Trump and Biden administration policies that have blocked, turned back, and expelled them to danger.

To the U.S. Congress:

- **Withhold appropriations used to carry out expulsions under Title 42, and any other programs or policies that violate U.S. legal obligations to protect refugees, including MPP.** Provide needed support for non-profit service providers and local communities—at the border and in the interior—that are welcoming and caring for asylum seekers.
- **Request information on U.S. expulsion policies and hold oversight hearings to establish accountability for violations of U.S. refugee law and treaty obligations and harms to refugees**, including the harmful effects of the expulsion policy, metering, prolonged detention, and other policies on LGBTQ and Black asylum seekers and migrants.
- **Request information on U.S. collaboration with the Mexican government** to expel asylum seekers to southern Mexico, Central America, and other countries.
- **Conduct official visits to Mexican, Guatemalan, and Honduran border towns where asylum seekers have been expelled, CBP facilities and Border Patrol stations on the southern U.S. border, immigration detention centers, immigration courts, and humanitarian organizations in the border region assisting asylum seekers and migrants**, to ensure DHS does not continue to violate U.S. law and treaty obligations.
- **Examine potential structural improvements to manage humanitarian protection**, such as a new or reconfigured and elevated U.S. [agency](#) with a humanitarian protection mission, expertise, and capacities.

ON HUMAN RIGHTS, the United States must be a beacon. Activists fighting for freedom around the globe continue to look to us for inspiration and count on us for support. Upholding human rights is not only a moral obligation; it's a vital national interest. America is strongest when our policies and actions match our values.

Human Rights First is an independent advocacy and action organization that challenges America to live up to its ideals. We believe American leadership is essential in the struggle for human rights so we press the U.S. government and private companies to respect human rights and the rule of law. When they don't, we step in to demand reform, accountability, and justice. Around the world, we work where we can best harness American influence to secure core freedoms.

We know that it is not enough to expose and protest injustice, so we create the political environment and policy solutions necessary to ensure consistent respect for human rights. Whether we are protecting refugees, combating torture, or defending persecuted minorities, we focus not on making a point, but on making a difference. For over 40 years, we've built bipartisan coalitions and teamed up with frontline activists and lawyers to tackle issues that demand American leadership.

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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