

Failure to Protect: Biden Administration Continues Illegal Trump Policy to Block and Expel Asylum Seekers to Danger

For more than a year, the U.S. government has misused public health authority to expel and block families, adults, and children seeking refuge at the southern border. Under pressure from Trump administration officials, the Centers for Disease Control and Prevention (CDC) disregarded objections of its own senior experts and issued an order under Title 42 of the U.S. Code that is being used by the Department of Homeland Security (DHS) to evade U.S. refugee law – allegedly for the purpose of combating COVID-19. This expulsion policy – which the Biden administration has failed to end – prevents refugees from requesting U.S. asylum at the border. Illegal, immoral, and unneeded to protect public health, the expulsion policy has sparked a chorus of condemnation from [public health experts](#), [legal scholars](#), [former government officials](#), and [members of Congress](#).

Despite his frequent pledges to reverse President Trump’s cruelty at the border, President Biden is continuing a policy that is wreaking havoc: it endangers children, drives family separations, and illegally returns asylum seekers to danger, including Black and LGBTQ refugees forced to endure bias-motivated violence in Mexico. The policy also creates disorder and pushes asylum seekers to cross into the United States between ports of entry. Rather than protecting public health, the expulsion policy threatens the health and safety of asylum seekers and migrants.

Under this policy, DHS is preventing asylum seekers from approaching U.S. ports of entry to seek protection and expelling those who cross the border elsewhere, sending them either to the countries they fled or to dangerous border regions in Mexico. To its credit, the Biden administration has brought to safety more than 6,000 of the asylum seekers whom the Trump administration forced to wait indefinitely in Mexico under the Migrant Protection Protocols (MPP), also known as the “Remain in Mexico” policy. At the same time, however, the Biden administration is misusing Title 42 and turning away people seeking protection to those same life-threatening dangers. Human Rights First has tracked at least [492](#) attacks and kidnappings suffered by asylum seekers turned away or stranded in Mexico since President Biden took office in January 2021.

By sending asylum seekers back to danger without asylum assessments, the administration fails to protect refugees and blatantly violates U.S. refugee laws and treaties – doing so as the world marks the 70th Anniversary of the 1951 Refugee Convention, part of the global system the United States helped build to ensure refugees are not turned away to persecution.

The Biden administration has blocked and expelled asylum-seeking families and adults from Burkina Faso, Cameroon, Cuba, El Salvador, Ethiopia, Ghana, Guatemala, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Nigeria, Russia, Somalia, Venezuela, and Yemen. African, Caribbean, and other Black asylum seekers and migrants have been left particularly vulnerable by this policy, suffering anti-Black violence and discrimination while stranded at the border for months or even years. Since February 2021, the U.S. government has sent 27 airplanes with over [1,400](#) Haitian adults and children, including asylum seekers, directly back to Haiti despite escalating [political instability and violence](#).

While unaccompanied children were exempted from the policy under both the Trump and Biden administrations in the wake of public outcry and a federal court [ruling](#), its continued use for adults and

families has prompted desperate families to send children alone to escape violence, threats, human trafficking, and other dangers. Mexico's refusal in some border regions to take back families with children younger than seven years old has prevented the illegal expulsion of many families. But Customs and Border Protection (CBP) has held other families in horrible conditions and treated them cruelly before transporting them great distances to expel them to other regions of Mexico.

The Biden administration has suggested it is using this expulsion policy to buy [time](#) to put in place a comprehensive process and achieve other legislative objectives. These justifications are neither a proper use of public health authority nor valid reasons for violating asylum laws that save lives. To be sure, the Biden administration faces added challenges due to the Trump administration's damage to asylum and immigration capacities. Three months after President Biden took office, however, the United States can – and must – swiftly restore asylum, employ safeguards [recommended](#) by public health experts, and simultaneously work to upgrade processes and capacities. Sacrificing adherence to U.S. refugee law and adopting a Trump-administration policy that treats human lives as dispensable are not the answer.

For this report, Human Rights First researchers conducted in person and remote interviews with asylum seekers, immigration attorneys, academic researchers, humanitarian staff, and legal monitors. In March and April 2021, a Human Rights First researcher, with assistance from AI Otro Lado, conducted in-person interviews in Tijuana with more than 110 asylum seekers, including some identified by Haitian Bridge Alliance, which also facilitated interpretation in Haitian Creole. Other interviews were conducted in Arabic, English, French, and Spanish. The report includes data from an electronic survey of over 1,200 asylum seekers in the Mexican state of Baja California conducted by AI Otro Lado in February through early April 2021, as well as information drawn from U.S. and Mexican government data, media, and human rights reports.

This report builds on prior reporting by Human Rights First in [May 2020](#) and [December 2020](#), by Haitian Bridge Alliance, Instituto para las Mujeres en la Migración, and Center for Gender & Refugee Studies in [January 2021](#), and by Haitian Bridge Alliance, UndocuBlack Network, and Quixote Center in [March 2021](#).

Key Findings

- ☑ **The Biden administration is blocking asylum-seeking families and individuals at ports of entry and expelling those who cross the border seeking protection to danger in Mexico.** They include refugees from Burkina Faso, Cameroon, Cuba, El Salvador, Ethiopia, Ghana, Guatemala, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Nigeria, Russia, Somalia, Venezuela, and Yemen. Re-starting its [tracking](#) of [reports](#) of attacks on asylum seekers in Mexico, Human Rights First has identified **at least 492 public and media reports of violent attacks since January 21, 2021 – including rape, kidnapping, and assault – against people stranded at the U.S.-Mexico border and/or expelled to Mexico.** In a survey conducted by AI Otro Lado from mid-February through early April 2021 in Baja California, **81 percent of LGBTQ asylum seekers reported that they were subjected to attack or an attempted attack in Mexico in the past month**, including sexual assault by Mexican law enforcement and human trafficking. Those delivered to severe violence in Mexico after requesting protection in the United States include: a woman reportedly [kidnapped and raped](#) in Reynosa after being expelled in February 2021; a [10-year-old Nicaraguan boy](#) and his mother kidnapped immediately after U.S. border officers expelled them in March 2021; and a Cuban asylum seeker expelled to Tijuana where she fears the smugglers who previously kidnapped her and killed her friend.

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- ☑ **Many Black asylum seekers and migrants are being harmed by the expulsion policy.** The administration's failure to restart asylum processing at ports of entry in accordance with U.S. law has disproportionately affected refugees from Africa, the Caribbean, and elsewhere, who were not placed in MPP and therefore are not included in its wind down. They remain stranded in Mexico, and along with Black asylum seekers expelled under Title 42, face severe dangers, including [targeted anti-Black violence](#) and discrimination in Mexico. A survey by AI Otro Lado in Baja California reveals that **61 percent of Haitian asylum seekers blocked from U.S. asylum protections were victims of crime while stranded in Mexico**. The Biden administration has also flown over a thousand Haitians back to their country, which is beset by political turmoil. These policies amount to another inexcusable episode in the U.S. history of [discrimination](#) against Haitian asylum seekers and migrants.
 - ☑ **Asylum seekers expelled to their countries of feared persecution remain in danger and unable to seek U.S. asylum protection**, as the Biden administration continues to use Title 42 to block asylum requests, including at ports of entry. They include an [asylum seeker](#) hiding in Haiti after being expelled in February 2021 even though she had fled Haiti after being kidnapped and raped; a young Mexican asylum seeker who sought protection in the United States after being abducted by cartels; a Nicaraguan political dissident and her family stranded in Tijuana where they fled after a Trump-administration expulsion to Nicaragua had led to detention, beatings, and death threats in Nicaragua; and an asylum-seeking Haitian family trapped in Tijuana after being expelled and forced to flee Haiti a second time.
 - ☑ **The Biden administration continues to use a widely discredited Trump-administration policy to block and expel asylum seekers, illegally denying them refugee protections.** None of the more than 150 asylum seekers whom Human Rights First interviewed in March and April 2021 was referred to apply for asylum or given a protection screening by U.S. immigration officers before being expelled under this policy. Since March 2020, CBP has permitted only 0.3 percent of individuals subjected to the expulsion policy to request these highly limited fear screenings. According to government data obtained by *CBS News*, a mere [143](#) asylum seekers – just seven percent of the miniscule number given interviews – were found by DHS to have established a fear of torture and allowed to seek asylum in the United States. The U.N. Refugee Agency has [repeatedly warned](#) that countries cannot use the pandemic as an [excuse](#) to avoid obligations to refugees and that turning people away at the border without individualized protection screenings violates international law.
 - ☑ **The expulsion policy is separating families and continues to endanger unaccompanied children.** These children include a 17-year-old Guatemalan girl expelled at night to Nogales where she was forced to sleep outside. Families blocked from seeking asylum and facing danger in Mexico are forced to send their children alone to the United States for safety, including a 15-year-old Guatemalan child fleeing domestic violence with her mother, a 12-year-old Honduran boy who entered the United States alone after being kidnapped, and a 17-year-old Mexican asylum seeker who entered alone to escape his persecutors. For example, [16 percent of unaccompanied children](#) screened by Immigrant Defenders Law Center between December 2020 and March 24, 2021 had previously traveled to the border with a parent or other family member. CBP also continues to separate children from their adult relatives who are expelled to Mexico – increasing the number of children held alone in influx facilities and shelters.
 - ☑ **Blocking access to asylum protections at U.S. ports of entry and expelling asylum seekers to Mexico creates confusion and exposes them to further danger.** The expulsion policy pushes asylum seekers, including those facing imminent danger, to attempt risky border crossings, resulting

in [deaths](#) and serious injuries, and makes expelled people more vulnerable to attack. Border Patrol agents and CBP officers continue to mistreat asylum seekers who are injured while trying to seek safety in the United States. Expulsions are also encouraging repeated border crossings. For instance, a shelter director in Mexico reported one migrant had been expelled 17 times. Such so-called “recidivism” means the reported number of expulsions significantly [overcounts](#) the number of people being expelled.

- Border Patrol agents and CBP officers continue to abuse migrants in their custody, deny them emergency medical care, confiscate their belongings, and carry out expulsions at night and to dangerous border towns.** For instance, Human Rights First received reports that in February and March 2021, Border Patrol agents had threatened to unleash an attack dog against a group of migrants, left a three-year-old Guatemalan girl and her asylum-seeking mother freezing and hungry after taking their coats and refused to provide the girl a clean diaper, and deprived a Salvadoran family with a six-year-old child of food, told them that there was “no food for animals,” called them dogs, and referred to them as imbeciles while expelling them. CBP has also denied medical care to pregnant people in custody and expelled them to Mexico while they were in labor or immediately after giving birth.
- There is no public health justification for expelling asylum seekers and migrants, as [repeatedly confirmed](#) by leading public health experts.** Despite widespread condemnation from public health experts and [revelations](#) that objections of senior CDC medical experts were overruled by the Trump White House, the Biden administration continues to [rely](#) on specious public health arguments to defend the expulsion policy. But the administration’s own actions – detaining asylum seekers, sometimes for weeks or months, before expelling them and transporting families thousands of miles to expel them through other southern border ports of entry – contradict the purported [rationale](#) for the CDC order: limiting congregate detention and transmission of COVID-19. In fact, the expulsion policy is actually endangering health and safety. The White House press secretary has effectively acknowledged that the Biden administration is keeping the CDC order in place because it “[need\[s\] some time](#)” to enact legislative [reforms](#) to the immigration system.
- Many asylum seekers expelled to Mexico are stranded indefinitely in desperate circumstances and are at risk of *refoulement* – return to persecution or torture.** Few have access to safe housing, medical care, or work to support themselves while they wait for the United States to restore asylum processing. Expelled people are at risk of being detained and deported by Mexican immigration officials to their countries of persecution. Returning refugees to a place where they would be returned to their country of persecution (chain *refoulement*) violates U.S. treaty commitments.

Recommendations

To the Biden administration:

- Immediately end the use – and withdraw – the discredited CDC [order](#) and rescind the accompanying Health and Human Services (HHS) [final rule](#); stop *refouling* refugee families and adults to countries of feared persecution or places where they are at risk of life-threatening harm; 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.
- Restart processing of asylum requests at the southern border, including at ports of entry, while employing effective and humane policies that uphold U.S. laws and treaties to process people

seeking refugee protection, including 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 testing, reducing processing delays, repurposing outdoor areas and nearby locations to facilitate distancing and ventilation, and using legal parole authority rather than congregate detention.

- ☑ Avoid use of the so-called “metering” policy to artificially reduce capacity at ports of entry to block asylum seekers from requesting refugee protection, [expedited removal](#), or detention of asylum seekers and instead employ steps to [swiftly and safely process](#) asylum seekers at ports of entry and quickly release them using proven community-based case management programs to ensure asylum seekers are able to find attorneys and interpreters in destination locations and understand the process to apply for asylum.
- ☑ Immediately cease all expulsion flights to Haiti and other countries, designate or redesignate [Temporary Protected Status](#) for Haiti, Cameroon, and other countries where returned persons would face grave dangers; direct the DHS Office for Civil Rights and Civil Liberties to investigate the harmful effects of the expulsion and other policies, including metering and prolonged detention, on Black asylum seekers and migrants.
- ☑ 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; ultimately launch a new or reconfigured and elevated U.S. agency with a humanitarian protection mission, expertise, and capacities.
- ☑ Urgently 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; direct the DHS Office for Civil Rights and Civil Liberties to investigate these abuses.
- ☑ End other cruel Trump-era anti-asylum policies, including fully rescinding the [entry](#), third-country [transit](#) and [other](#) asylum [bans](#) and vacating Trump-era [Attorney General rulings](#) that rig the asylum process against refugees. DHS should also include the families and individuals who were issued *in absentia* decisions or otherwise unfairly denied protection under farcical MPP proceedings, who have not been [included](#) in the MPP wind down so far. 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.
- ☑ Address human rights abuses in the countries refugees are fleeing and support regional resettlement initiatives to provide other pathways to safety.

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; provide needed support for existing non-profit service providers and local communities – at the border and in the interior – that are welcoming and caring for asylum seekers.
- ☑ 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 and other policies, including metering and prolonged detention, on Black asylum seekers and migrants.

- ☑ Conduct official visits to Mexican border towns, CBP facilities and Border Patrol stations on the southern border, and immigration courts, 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.

Delivered to Danger Without Access to the U.S. Asylum System

The Biden administration continues to use an illegal Trump-administration [policy](#) to block and expel people seeking refuge at the southern border in contravention of U.S. refugee, anti-trafficking, and immigration [laws](#) and [treaty obligations](#).

Long before COVID-19 emerged, Trump advisors [wanted](#) to exploit public health to advance their immigration policy objectives and block refugees from the United States. With the pandemic, the Trump-administration found their opportunity to effectively shut down asylum protections at the border. In March 2020, Trump-administration officials pressured the CDC to [issue](#) an order, over [objections](#) of senior [CDC experts](#), that purported to authorize expulsions of asylum seekers and migrants at the border. Indefinitely [extended](#) in May 2020 despite being widely [denounced](#) by public health experts, the order was [re-issued](#) with minor modifications in October 2020 even after health experts [warned](#) it was “xenophobia masquerading as a public health measure.” On January 28, 2021, after President Biden took office, leading epidemiologists, public health and medical experts [wrote](#) to the new CDC director, urging that the order, which the experts concluded has “no scientific basis as a public health measure,” be rescinded.

As a result of the expulsion policy, refugees are being returned to their countries of persecution and the very dangers they were attempting to escape. DHS also continues to block asylum seekers from requesting protection at southern border ports of entry and to expel many non-Mexican asylum seekers to extreme danger and often severe discrimination in Mexico, including refugees from Burkina Faso, Cameroon, Cuba, El Salvador, Ghana, Guatemala, [Haiti](#), Jamaica, Honduras, Nicaragua, Nigeria, Russia, Somalia, Venezuela, and Yemen, among others.

Expelled to Countries of Persecution

Asylum seekers are being expelled by DHS without access to the U.S. asylum system and returned to their countries of persecution. These illegal expulsions under the Biden administration include:

- **In February 2021, a 37-year-old asylum seeker who [fled](#) Haiti after being kidnapped, beaten, and raped because of her involvement with a political opposition group was expelled to Haiti with her husband and baby, where they are now in hiding.** As documented in a recent Haitian Bridge Alliance / UndocuBlack Network / Quixote Center report, the family was not allowed to apply for U.S. asylum or screened for refugee protection and spent nearly two weeks in U.S. immigration detention before being expelled. She told researchers that if the political group that attacked her in Haiti finds them, “**they would just kill us this time around.**”
- **An asylum-seeking Haitian family, including a four-year-old girl, who was expelled by DHS to Haiti in September 2020 and forced to flee again, have been trapped in Tijuana for months as the Biden administration continues to block asylum requests at ports of entry through the use of Title 42.** The mother, a teacher, had received death threats for her political views and the family fled Haiti after the disappearance of her father. When she learned she and her family would

be expelled to Haiti, she recounted: “I was sick with fear ... I wanted to call my family and explain what was happening, but [CBP] didn’t let me call anyone. I was too sick to eat or comfort my child.” After the family was expelled, neighbors in Haiti warned the woman that she was being searched for and remained in danger.

- **Nicaraguan authorities detained a Nicaraguan political activist, her husband, and seven-year-old child for 11 days, interrogated, and beat the couple after CBP expelled the family along with approximately 200 other Nicaraguans in June 2020.** Due to death threats in Nicaragua the family was forced to flee again. They were robbed in Tijuana and are currently waiting for an opportunity to request U.S. protection as the Biden administration is using Title 42 to block refugees from seeking asylum at ports of entry. The family had initially fled Nicaragua to avoid arrest after authorities searched their home following the woman’s participation in opposition protests. Before expelling the family, CBP officers told the woman that “**political asylum does not exist in this country.**”
- **Border Patrol agents expelled a Mexican asylum seeker in mid-January 2021 to Nogales, Mexico, even though he explained to them that he had just been abducted by cartels there.** According to the Kino Border Initiative, cartel members had forced the man to a remote desert area and robbed him. He walked for two days through the desert to request protection at the U.S.-Mexico border. After being expelled, the man attempted to report his earlier kidnapping to Mexican police, but they refused to take his complaint.
- **A 33-year-old asylum seeker, who was expelled by DHS to Haiti with his wife and child in July 2020, is trapped in Baja California, Mexico, after they were forced to flee Haiti a second time.** They are now stranded in Mexico and unable to request asylum in the United States under the expulsion policy. As documented in a recent Haitian Bridge Alliance / UndocuBlack Network / Quixote Center [report](#), the family had first fled Haiti after a violent gang fired shots at their home and were forced to flee again after expulsion, fearing for their lives.

Asylum seekers from Cameroon, Ethiopia, and Eritrea were also expelled to their countries of feared persecution in 2020, according to Tadios Assefa, a program coordinator for the Black Alliance for Just Immigration, who spoke with the asylum seekers by phone after their expulsions.

Since February 2021, the Biden administration has deported or [expelled](#) over [1,400](#) adults and children, including asylum seekers, to Haiti without access to the U.S. asylum system and despite growing political [turmoil](#) and escalating violence. The U.S. Department of State has [designated](#) Haiti a “Do Not Travel” area due to “kidnapping, crime, civil unrest and COVID-19,” and a recent internal [DHS](#) report found that those sent back may “face harm upon return to Haiti.” While detained in CBP or ICE custody prior to expulsion, Haitian migrants report that DHS has blocked access to attorneys and failed to provide Haitian Creole [interpretation](#). As a result, Haitian migrants have been forced to communicate and sign documents in English or Spanish, languages in which they are rarely fluent.

Expelled to Life-Threatening Dangers in Mexico

Under the expulsion policy, the Biden administration continues to expel many non-Mexican asylum seekers to highly dangerous border regions in Mexico. Expulsions are occurring across the dangerous border zone, where violence has continued to rise in 2021. Seventy-nine people were [murdered](#) in Tijuana in the first two weeks of 2021 alone. A dozen Mexican police officers were recently charged in a [massacre](#) in Tamaulipas that left 19 people, including at least 13 Guatemalan migrants, dead in January 2021. Despite this escalating violence, DHS continues to carry out expulsions:

- Asylum seekers are being expelled by CBP to the Mexican state of Tamaulipas, which the U.S. State Department has designated as a “[Do Not Travel](#)” zone—the same threat assessment assigned to Syria, Libya, and Afghanistan—as well as other regions with high rates of homicide, kidnapping, and cartel violence. This includes expulsions of individuals, including families who crossed in other sectors of the Texas-Mexico border, to extremely dangerous Nuevo Laredo, where kidnappings from the international bridge connecting Laredo and Nuevo Laredo were common during the Trump administration when DHS returned asylum seekers to Mexico under MPP.
- DHS is also expelling asylum seekers to Mexicali, including families transferred from Texas via plane to the California border region for expulsion, even though the U.S. Consulate in Tijuana warned on April 9, 2021, of “[heightened violence](#) between rival cartel factions” in Mexicali and western Sonora state and advised U.S. citizens “to avoid the Mexicali area until further notice.”
- Ciudad Juárez, where many asylum seekers and migrants are being expelled, is so dangerous that a CBP officer who apprehended and expelled a woman to Ciudad Juárez called Las Americas Immigrant Advocacy Center in mid-December 2020 because he was concerned for her safety in the hotel where she was staying and asked for assistance finding a safer place, according to attorney Nico Palazzo.

Since President Biden took office, **DHS has continued to expel Black asylum seekers to Mexico where many face [targeted anti-Black violence](#) and discrimination while waiting to seek protection in the United States.** For example, in February 2021, more than 140 [Haitian families and adults](#), including asylum seekers, were expelled to Ciudad Juárez. DHS also continues to expel African asylum seekers to Mexico, including an LGBTQ Ghanaian asylum seeker, a Somali torture survivor, and other asylum seekers from Burkina Faso and Nigeria who were expelled to Tijuana in February 2021, as reported by a Haitian Bridge Alliance coordinator who spoke with them. A survey conducted by AI Otro Lado from mid-February through early April 2021 of asylum seekers in the Mexican state of Baja California who are blocked from seeking protection in the United States due to the Title 42 policy reveals that **61 percent of Haitian asylum seekers blocked from U.S. asylum protections reported being the victim of crime while in Mexico**, including rape, kidnapping, and robbery.

Despite very limited reporting on the impact of Title 42 expulsions on the safety of asylum seekers, **Human Rights First has identified at least [492 violent attacks that have occurred since January 21, 2021, including rape, kidnapping, trafficking, and assault, against people stranded at the U.S.-Mexico border and/or expelled to Mexico during the Biden administration.](#)** But this count barely scratches the surface of the violence asylum seekers experience, as only a tiny fraction of people blocked or expelled under Title 42 have been interviewed by human rights investigators, immigration attorneys or journalists, and many asylum seekers are afraid to divulge details of attacks, fearing retaliation by perpetrators. For instance, an expelled Honduran asylum seeker told a CLINIC advocate that Mexican immigration officials threatened “consequences,” if he reported extortion by Mexican officials. In early 2021, a human rights researcher investigating allegations of human trafficking in migrant shelters in Mexicali received death threats. Several legal and humanitarian aid workers reported that survivors of attacks, fearing retaliation, would not permit them to share information about those incidents.

DHS continues to carry out expulsions to Mexico in a manner that further endangers lives. Border Patrol agents are expelling people in the [middle of the night](#) to dangerous areas, including Ciudad Juárez, [Nogales](#), Mexicali, Piedras Negras, [Reynosa](#), [Sasabe](#), and Tijuana. In March 2021, Border Patrol expelled 100 people to Nogales at 1 a.m. on a single night, according to the Kino Border Initiative. In late March, agents expelled a Salvadoran man and his baby, who was sick and feverish at 3 a.m. to Tijuana

where they had nowhere to sleep for the night. [Nighttime](#) expulsions to dangerous border cities, including Reynosa, expose expelled people to kidnapping, rape, and assault. The *Los Angeles Times* reported that **a woman expelled by DHS to Reynosa in February 2021, “who had tried to take a taxi to a friend’s house [was] [kidnapped and raped.](#)”**

Expelling asylum seekers to [remote](#) border towns that are not [official](#) U.S.-Mexico [repatriation](#) points and lack migrant shelter and transportation infrastructure endangers their lives and safety. Mexican government data shared with Human Rights First confirms that CBP is expelling migrants to towns not designated as repatriation points including Puerto Palomas, Sonoyta, and Sasabe. Expulsions to Sasabe – a small border town in Sonora dominated by criminal organizations and without any shelters or humanitarian services for migrants – frequently force migrants, including women with newborn infants, to sleep in the streets or under trees. According to Dora Rodriguez, who runs the humanitarian nonprofit *Salvavision*, asylum seekers expelled who are unable to pay the fee demanded by criminal organizations that control Sasabe are “out of luck. That’s when they get beat up, disappear.” Expulsions to Sasabe continue despite a [reported](#) request by Mexico’s migration agency that CBP to stop such expulsions “on account of the absence of security in the area.”

Many asylum seekers expelled to Mexico by CBP under the Biden administration have been kidnapped, raped, and subject to other violent attacks after being expelled there:

- **In late March 2021, 10-year-old [Wilton](#) and his mother, asylum seekers from Nicaragua, were abducted hours after being expelled to Mexico under the Title 42 policy, as reported by the *Washington Post*.** Family members were able pay only half of the \$10,000 ransom demanded by the kidnapers, who eventually released Wilton, abandoning him alone in a field in south Texas. His mother has not been released. The family reportedly “cross[ed] the border together because they were in danger.”
- **Nine- and fourteen-year-old Honduran children were kidnapped with their asylum-seeking mother in Monterrey in March 2021 after CBP expelled them three times since December 2020.** The family had relocated to Monterrey in hope of finding assistance while they waited to be able to seek asylum in the United States. Instead, they were kidnapped, held for ransom for days with other kidnapping victims who appeared to have been drugged, and eventually released near the border. Border Patrol agents, who found the family near McAllen, detained them for four days before transferring them to California where they were expelled to danger for a fourth time.
- **In February 2021, a Guatemalan woman who had been expelled by CBP to Mexicali after attempting to seek asylum was raped in Tijuana.** The woman, who was fleeing severe domestic violence with her six-year-old daughter, had relocated to Tijuana to attempt to seek asylum at the San Ysidro port of entry, which she found closed to asylum seekers due to the Trump and Biden administrations’ misuse of Title 42. The woman reported to Human Rights First that Border Patrol agents told her that “**the new president isn’t taking anyone**” and that she should present herself “legally” even though ports of entry were, and remain, closed to asylum seekers in violation of U.S. law, which guarantees access to asylum to individuals at the border, including at ports of entry.
- **In late February 2021, a Guatemalan family with a six-year-old child was abducted at a bus station in Piedras Negras shortly after Border Patrol agents expelled them to Mexico.** They were held by their captors for five days while their family members in Guatemala and the United States were extorted. The couple had fled Guatemala with their child after the husband was

attacked and nearly killed, according to an academic researcher who spoke with Human Rights First.

- **In February 2021, a Honduran man and two other expelled migrants were abducted at gunpoint, forced into a cemetery, and attacked immediately after Border Patrol expelled them to Nogales at 11pm.** According to Kino Border Initiative, the men were searching for shelter for the night when they were attacked. They had been expelled by Border Patrol with a group of more than 40 people from Central America and Mexico.
- **Multiple asylum seekers reported that a woman flown from Texas and expelled to Mexico was kidnapped in March 2021 just outside of a shelter in Tijuana housing hundreds of expelled families.** The pastor running the shelter has instructed families not to leave the shelter for their safety.

Pursued by Persecutors to Mexico

Asylum seekers expelled to Mexico by DHS without access to the U.S. asylum system or protection screenings are vulnerable to attack by the same persecutors who forced them to flee their home countries in search of refugee protection in the United States.

- **In March 2021, a Honduran asylum seeker who was followed to Mexico by her persecutors was expelled by Border Patrol to Piedras Negras along with her two- and seven-year-old daughters and other family members.** The woman, whose brother-in-law was kidnapped and beaten in Piedras Negras in February 2021, had attempted to present evidence to Border Patrol that the Honduran gang she had testified against had tracked her to Mexico. She told Human Rights First: **“Every time I see my daughters suffering here, I feel a lump in my throat. I cry during the nights.”**
- **CBP expelled a Guatemalan asylum-seeking family with two teenage daughters to Ciudad Juárez in February 2021 where they continue to be targeted by the gang that threatened and extorted them in Guatemala and tracked them to Mexico.** After DHS expelled the family to Mexico, the gang destroyed the family’s home in Guatemala in retaliation for their failure to make extortion payments. According to attorney Megan McDonough with the International Refugee Assistance Project, the gang tracked the family down at the home in Ciudad Juárez where they had been staying, forcing the family to relocate to a migrant shelter.
- **In March 2021, CBP expelled a Salvadoran asylum seeker and her three children to Tijuana even though her husband, whom she fled El Salvador to escape, had tracked her to Mexico and threatened to kill her and her children.** She remains terrified that her husband, who had sexually assaulted, choked, and beaten her so severely that she could not walk, will harm her again. She told Human Rights First that Mexico-based members of the transnational gang to which her husband belongs tracked her to a Tijuana migrant shelter.
- **In February 2021, Border Patrol expelled a Salvadoran asylum-seeking family that had been attacked in Mexico by the same gang that had threatened to kill them in El Salvador and forced them to flee.** In Tijuana, the father recently witnessed a kidnapping while waiting for a bus. He told Human Rights First, **“I don’t feel safe. I’m so afraid. It’s a dangerous place.”**
- **Border Patrol expelled a Honduran asylum-seeking family to Piedras Negras in February 2021 even though a family member traveling with them was being held by kidnappers at the**

time in Mexico and the family had received death threats in Mexico from Barrio 18, the gang that had burned down their home and forced them to flee Honduras.

Expelling Asylum Seekers Previously Attacked in Mexico

DHS is expelling asylum seekers to Mexico without referring them to apply for asylum or conducting fear screenings, even in cases where individuals attempt to explain to U.S. immigration officers that they have previously been kidnapped, raped, or assaulted in Mexico and fear returning there, including:

- **CBP expelled a 15-year-old Guatemalan boy and his asylum-seeking mother to Ciudad Juárez where they had been kidnapped in February 2021.** The woman told Human Rights First researchers that when she tried to explain the danger she faced, U.S. immigration officers told her that they didn't care because **"the president is not giving political asylum to anyone."** CBP expelled the family to dangerous Ciudad Juárez at night during a snowstorm after they were held in CBP custody for days without food or water.
- **A Honduran asylum seeker was expelled by CBP to Mexico in March 2021 even though he had just been kidnapped in Piedras Negras by masked men who brutally beat, drugged, and threatened him with decapitation.** Two Honduran migrants were also abducted and beaten along with the man. One of them sought protection in the United States days after being released by the kidnappers, but was expelled by CBP, according to an academic researcher who spoke with Human Rights First.
- **In April 2021, CBP expelled a Honduran asylum-seeking family, including three children under the age of five, to Mexico even though they had been abducted in Reynosa by Mexican police officers who sold them to a cartel.** While being held for ransom, a cartel member held a gun to the mother's head and demanded phone numbers of family members to pay the ransom.
- **CBP expelled to Tijuana a Yemeni asylum seeker in February 2021 who had required treatment in a U.S. hospital for back and head injuries after falling from the border wall while trying to reach the United States to request protection.** The man had previously attempted to request asylum earlier in 2021 but was told by CBP officers, who interrogated him about how and why he had come to the United States, that asylum was not available.
- **In February 2021, CBP expelled a 14-year-old Cuban boy and his grandmother to Mexico, where they feared they would be hunted down by smugglers who had kidnapped and threatened them and killed another Cuban kidnapping victim in front of them.** The boy chewed off his fingernails from stress and anxiety. CBP officers who expelled the family to Mexico threatened to expel them to Cuba if they attempted to seek protection in the United States again. The woman asked a Human Rights First researcher: **"Please tell the president to take mercy on us."**
- **A Honduran asylum seeker who had been kidnapped in Mexico by a cartel, raped, and slashed with a knife was expelled to Mexico six times by CBP.** The woman had previously applied for asylum in Maryland but returned briefly to Honduras to briefly attend her grandmother's funeral. Despite presenting evidence of the danger she faced in Mexico, CBP refused to process the woman and turned her back to Mexico, according to her attorney, Arlene Grant. As a result, the woman was separated from her three-year-old U.S. citizen child in the United States.

- **DHS under the Biden administration expelled a 26-year-old Central American asylum seeker who had been kidnapped, raped, and beaten in Mexico and forcibly transported across the U.S.-Mexico border by her captors.** The Florence Immigrant and Refugee Rights Project reported that the woman required hospitalization for her injuries, but she was expelled by DHS before she could receive recommended follow-up medical care.
- **In late March 2021, CBP expelled a Honduran asylum-seeking family with five- and six-year-old children to Tijuana where one of the men who kidnapped them in Reynosa has been prowling outside of their shelter.** The family fears that a woman who had been kidnapped with them has been abducted again after she disappeared days after they were expelled together. They are terrified to leave the shelter.
- **A 12-year-old Honduran girl and her mother who sought asylum at the Hidalgo, Texas port of entry in February 2021 were detained by CBP for three days and expelled to Mexico, where they had been repeatedly robbed by members of the Mexican military.** The soldiers robbed the family and other asylum seekers at a migrant shelter in Miguel Aleman in January and February 2021, leaving the girl terrified to remain in Mexico.
- **In March 2021, Border Patrol expelled a Honduran asylum seeker at 2 a.m. even though he explained that he had been kidnapped and robbed in Mexicali after CBP turned him away from requesting asylum at the port of entry.** The man had fled Honduras after authorities violently attacked him and tried to yank out his eye for filming illegal government acts. Border Patrol agents threw out the evidence he had brought with him in support of his asylum claim, according to Kino Border Initiative.
- **Around January 2021, CBP expelled an asylum seeker to Mexico a second time even though he had been kidnapped and held hostage for two months in squalid conditions and subjected to forced labor after he was first expelled in November 2020.** The man had first attempted to seek asylum near Tijuana and then relocated to another part of the border when he was kidnapped, according to the Florence Immigrant and Refugee Rights Project.

Expelled Without Protection Screenings

DHS under the Biden administration [continues to use](#) Title 42 and the CDC order to turn away and expel people seeking asylum without providing them the opportunity that is guaranteed under U.S law and treaties to apply for asylum or at least have a statutory credible fear screening. The deficient screenings created by the Trump administration are [virtually nonexistent](#). Supposedly designed for people who fear expulsion to torture and reportedly available only to those who somehow know they must [affirmatively](#) request them, these screenings are totally inadequate legally.

- **None of the more than 150 asylum-seeking asylum seekers interviewed by Human Rights First in March and April 2021 received a protection screening by U.S. immigration officers before being expelled to Mexico.**
- **Since March 2020, CBP has permitted only 0.3 percent of individuals subject to the expulsion policy to request a torture screening.** A mere 143 asylum seekers – **only seven percent of the miniscule number given interviews – have been found by DHS to have established a fear of torture and allowed to request asylum in the United States**, according to government data obtained by [CBS News](#).

- The few torture screenings conducted under the Biden administration continue to deny protection to asylum seekers with bona fide protection claims. **In February 2021, a young woman who was kidnapped in Mexico, held hostage for weeks, repeatedly raped and tortured by her captors, trafficked into the United States, and then dumped in Phoenix, was not found to have a fear of Mexico under the Title 42 torture screening.** CBP expelled the woman to Mexico after she was taken to a hospital for evaluation of the sexual trauma she suffered, according to the Florence Immigrant and Refugee Rights Project.
- DHS officers under the Biden administration have even used Title 42 to [expel](#) trafficking victims who “were never asked [by CBP] if they were asylum seekers” after they were rescued in Phoenix, Arizona in late January 2021, more than 100 miles from the U.S.-Mexico border.
- A Honduran asylum seeker expelled to Mexico with her husband and two- and nine-year old daughters in March 2021 told Human Rights First about the family’s repeated efforts to ask CBP officers for refugee protection. **“We said we wanted to ask for asylum. I said, ‘I have the right to ask for asylum.’ I kept asking and asking. They didn’t listen to us.”**

Asylum Seekers Blocked from Protection at Ports of Entry

With the expulsion policy in place since March 2020, many asylum seekers have been waiting in danger in Mexico terrified of being immediately expelled to their home countries if they attempt to seek protection at a U.S. port of entry or after crossing the border. As of February 2021, there were more than [16,000](#) asylum seekers on so-called “metering” waitlists along the border, but the true number of refugees waiting to request protection is unclear, as many waitlists closed in March 2020, and some asylum seekers have left the dangerous border region. Haitian Bridge Alliance estimates that there may be [10,000 to 15,000](#) Black migrants stranded at the southern border.

Many asylum seekers in Mexico are blocked from seeking protection because of the administration’s failure to restore asylum processing, including those subjected to violent attacks there:

- **A 29-year-old Venezuelan asylum seeker was abducted and sexually assaulted in November 2020 after CBP turned her away from requesting asylum at the Hidalgo port of entry.** A man impersonating a Mexican immigration official near the port told the woman he would help her register on an asylum waitlist but instead took her to a rundown hotel where he held her against her will, threatened her at knifepoint, and sexually assaulted her, according to attorney Nico Palazzo.
- **A Haitian radio journalist who is currently trapped in danger in Tijuana and is afraid to even attempt to request protection at a U.S. port of entry for fear that he would be expelled to Haiti.** The man fled Haiti after surviving an assassination attempt, prompted by his criticism of the Haitian government. His mother was killed in Haiti, and his father remains in hiding there.
- **A Cameroonian refugee who has been waiting in Tijuana for nearly a year for an opportunity to seek U.S. protection after being detained by Mexican immigration officials, robbed and threatened,** according to attorneys with AI Otro Lado. At times, he has gone hungry, unable to find work in Mexico where Black asylum seekers often face extreme discrimination. The man fled Cameroon after authorities detained and assaulted him, killed his baby son, and shot his wife.
- **A Guatemalan asylum seeker who has been blocked from requesting asylum at a U.S. port of entry was attacked while pregnant in Tijuana in January and February 2021 by the gang that threatened to kill and dismember her in Guatemala if she refused their sexual demands.**

The woman narrowly escaped the gang while they ransacked the place in Tijuana where she had been staying and beat her partner, who subsequently disappeared, according to Margaret Cargioli, a lawyer with the Immigrant Defenders Law Center. The woman suffered a miscarriage in March 2021 because she was too terrified to leave her home to seek prenatal care after the attack.

- **A 13-year-old Honduran girl who was raped in Mexico and threatened by the rapist after she and her asylum-seeking mother reported him to the police are waiting in danger in Tijuana after CBP expelled the family to Mexico in October 2020.** The girl's mother told Human Rights First: "My daughter is afraid to go out. She can't go to school. She feels like [the man who raped her] is always watching her."
- **An asylum-seeking Guatemalan family, including five- and twelve-year-old children, who were kidnapped immediately after CBP expelled them to Nogales on Christmas Eve 2020, are waiting in terror in Tijuana for an opportunity to seek asylum.** The kidnappers released the family to Tijuana after receiving a ransom payment, threatening to kill them if they reported the kidnapping to the police. The family are terrified to leave the shelter where they are staying.
- **An asylum-seeking Mexican family who received death threats from a Tijuana cartel in March 2021 for refusing to work for the cartel remains trapped in Tijuana.** One of their children went missing after he was attacked and chased. The family has not been able to locate him for two weeks.
- **Four [Nicaraguan siblings](#), including two minor children, have been trapped at the border for a year due to the continued use of the expulsion policy, prevented from reaching their father in the United States.** Their father fled Nicaragua after he was beaten, stabbed, and tortured by the Nicaraguan military. Their mother and sibling are missing in Nicaragua and one of the children, a 17-year-old girl, was nearly kidnapped in Mexico. The father told a reporter: "I can't even sleep thinking about my kids every night, that something's gonna happen to them." A U.S. immigration court recognized the father as a refugee, but because he was granted only the limited protection of withholding of removal, he is unable to petition to bring his children to the United States.
- **A Honduran [asylum seeker](#) who was the victim of labor trafficking in Mexico and broke her hand escaping from her captors remains trapped in Mexico unable to seek U.S. protection.** She fled Honduras with her three young daughters after being threatened with rape and murder. She is staying with her children in an informal tent encampment in Tijuana near the San Ysidro port of entry, where she told reporters: "It's scary here. We don't feel safe."
- **In late January 2021, a Honduran asylum seeker was kidnapped for 20 days in Nuevo Laredo while en route to the border and witnessed his captors assault other kidnapped migrants.** He was subsequently released but is blocked from requesting protection at a port of entry due to the continued Title 42 expulsion policy. Living with HIV, the man has been unable to consistently obtain needed treatment.

Trapped in Their Country of Persecution

The expulsion policy is trapping Mexican nationals, who are attempting to seek asylum in the United States, in Mexico - the country where they fear persecution and torture. Mexican asylum seekers in danger at the border due to the continued use of Title 42, who are waiting for U.S. asylum processing to restart at U.S. ports of entry include:

- **An indigenous Mexican asylum seeker has been forced to wait in danger for nearly a year in Tijuana to apply for asylum after being abused and starved by kidnappers who held her for six months while she was pregnant.** The woman told Human Rights First that her baby was born premature with severe birth defects, which went undetected and untreated during her abduction, and that the infant later died. The kidnappers continue to send the woman messages threatening to kill her.
- **A Mexican asylum seeker, whose husband and other children were massacred by a brutal Mexican cartel, has been trapped in Tijuana with her two surviving children since January 2021 unable to seek protection at the U.S. port of entry.** She told Human Rights First that when she is permitted to request asylum, she will present U.S. immigration officers photographs and documents corroborating the massacre of her family.
- **A Mexican asylum seeker fleeing brutal violence by her partner, who choked her, split her head open, and threatened to kill her, remains in danger in Tijuana with her three-year-old child.** In early 2021, the woman was forced to send her six- and fourteen-year-old U.S. citizen children alone to the United States as she feared for their safety in Mexico.
- **A Mexican asylum seeker whose father was murdered by a cartel has been stranded in Tijuana with her family under the expulsion policy since February 2020.** The woman is terrified of remaining in Mexico, where her husband was also targeted by a cartel after her father's murder, according to Margaret Cargioli with Immigrant Defenders Law Center.

LGBTQ Asylum Seekers Targeted

LGBTQ asylum seekers stranded in Mexico who are unable to seek U.S. protection due to the continued use of Title 42 frequently face attacks and discrimination in Mexico due to their sexual orientation and/or gender – as well as their race, nationality, and other characteristics. The Transgender Law Center, which is providing legal services as part of a multi-organizational coalition of LGBTQ organizations to 150 LGBTQ asylum seekers stranded in Mexico, reports that escalating violence and worsening access to already limited employment, housing, food, and medical care compound the trauma many LGBTQ asylum seekers faced in their home countries, resulting in acute Post-Traumatic Stress Disorder (PTSD) and depression. The survey of asylum seekers in Baja California conducted by Al Otro Lado in February through early April 2021 revealed that **81 percent of LGBTQ asylum seekers reported being subjected to an attack or attempted attack in Mexico in the past month, including rape, human trafficking, kidnapping, and other violent assaults.** LGBTQ asylum seekers stranded in danger in Mexico due to the expulsion policy include:

- **At least 20 LGBTQ Jamaican asylum seekers are stranded in Mexico facing violence and discrimination, but they are too terrified to approach the U.S.-Mexico border to request protection for fear they will be immediately expelled to Jamaica where they would face continued persecution,** according to Emem Maurus, an attorney with the Transgender Law Center. In March 2021, a group of Jamaican LGBT asylum seekers in Tijuana were attacked while being thrown out of a restaurant; one man had his face cut with a broken bottle. In addition, an LGBT Jamaican man was assaulted in Cancun in front of his 8-year-old son. Both attacks were motivated by anti-LGBTQ and anti-Black prejudice.
- **A 22-year-old gay man reported that he was raped in Mexico after fleeing persecution in Guatemala based on his sexual orientation.** He told Human Rights First that he has been waiting at the U.S.-Mexico border since May 2020 to request U.S. protection.

- **Four Salvadoran transgender woman, who were attacked in southern Mexico, are currently waiting in danger in Ciudad Juárez after CBP expelled them in December 2020 following their attempt to seek asylum in the United States.** The women are terrified to go outside because of threats they have received from men who are frequently waiting near the place where they are staying, according to Emem Maurus of Transgender Law Center.
- **A gay Central American man persecuted for his sexual orientation was kidnapped and trafficked for months around Mexico, where he was beaten, assaulted, and forced to perform sex acts.** Since escaping his captors, the man has been waiting more than seven months in hiding for the opportunity to request U.S. asylum. He is experiencing PTSD symptoms and tested positive for HIV in early April 2021. He told Human Rights First that his traffickers are searching for him and that he is afraid to leave his shelter to obtain care.
- **Other LGBTQ asylum seekers waiting in danger in Tijuana and unable to request refugee protection at the U.S. port of entry due to the expulsion policy** include: a transgender Cuban woman, who was sexually assaulted in Mexico, contracted HIV as a result, and continues to receive threats, and an LGBTQ Cameroonian asylum seeker, who has been in hiding in Tijuana for eight months waiting for an opportunity to apply for U.S. refugee protection, as reported by Al Otro Lado. In addition, Emem Maurus of Transgender Law Center reported that two gay Salvadoran men, who were kidnapped after being expelled three times by Border Patrol agents to the Mexican state of Chihuahua in December 2020, are currently in Tijuana waiting for the United States to restore asylum protections at ports of entry.

Endangering Children, Separating Families

U.S. immigration officers are not consistently processing unaccompanied children as required by U.S. refugee and anti-trafficking laws. Some children are being blocked and expelled to danger in Mexico despite a February 2021 [temporary exemption](#) for unaccompanied children from the expulsion policy. DHS continues to refuse to accept requests for protection from some unaccompanied children at ports of entry, according to immigration attorneys assisting children along the U.S.-Mexico border.

CBP officers also continue to expel some unaccompanied children despite their exemption from the expulsion policy. For instance:

- In March 2021, CBP expelled a group of eight unaccompanied children to highly dangerous Reynosa in Tamaulipas, according to attorney Jennifer Harbury.
- In February and March 2021, Kino Border Initiative reported that CBP expelled multiple unaccompanied children to Nogales, Mexico, including a 17-year-old Guatemalan girl expelled at night and forced to sleep outside. Some unaccompanied children expelled to Mexico have reported that Border Patrol agents said they did not believe they were minors, even when presented with evidence, and did not perform human trafficking screenings required by law.
- In late February 2021, CBP expelled a 16-year-old Mexican boy who had fled Chiapas. According to the Florence Immigrant and Refugee Rights Project, the boy told U.S. immigration officers his age, but they expelled him to Nogales a day later, without asking any further questions or screening him for protection needs in violation of the Trafficking Victim's Protection Reauthorization Act. The boy was left alone and homeless.

Family Separations

The Biden administration's continued use of Title 42 to block and expel asylum seekers is leading to family separations. The number of unaccompanied children crossing at the border has been [rapidly rising](#) under the Biden administration driven by its policy of expelling parents and adults to danger, forcing children to attempt to reach safety alone. Like other [policies](#) that indefinitely strand families in extreme danger at the southern border, the expulsion policy also pushes some desperate families to send their children across the border to protect them from [kidnapping](#), sexual assault, and other violence – resulting in needless family separations and [increasing](#) the number of unaccompanied children at the border. For example, [16 percent of unaccompanied children](#) screened by Immigrant Defenders Law Center between December 2020 and March 24, 2021 had traveled to the border with a parent or other family member who was blocked from seeking protection with the child due to the Title 42 expulsion policy. In April 2021, a Border Patrol official told *CNN* that more than [400](#) unaccompanied children taken into custody in South Texas had previously tried to enter the United States with their families. A *Politico* journalist reported that all of the [families](#) he spoke with in the informal tent encampment of asylum seekers waiting in Tijuana near the San Ysidro port of entry had considered sending their children across the border alone to protect them.

DHS Secretary Mayorkas recently [acknowledged](#) the brutal and impossible choice that families face in deciding whether to send their kids alone, resulting in indefinite or even permanent separation: “[O]ut of desperation, some children might not wait. Some loving parents might send their child to traverse Mexico alone to reach the southern border.” Yet, in many cases, it is the expulsion policy that pushes families trapped at the border and unable to seek asylum together to send children alone to safety in the United States. For example:

- **In March 2021, a 15-year-old Guatemalan child fleeing severe domestic violence and gang threats with her mother crossed the border alone, a few days after Border Patrol expelled the family to Tijuana.** The girl remains separated from her mother, who is indefinitely trapped at the border due to the expulsion policy, according to Yliana Johansen-Méndez with the Immigrant Defenders Law Center.
- **A 15-year-old child from El Salvador crossed the U.S. border alone in March 2021 just days after being expelled with her mother,** according to Yliana Johansen-Méndez.
- **A [14-year-old](#) Honduran boy wounded in an attack by members of the Honduran military that killed his father was sent alone by his mother to the United States, after his family was repeatedly expelled to Mexico.** The boy's mother told the San Diego Union Tribune that her son needs medical care for bullets still lodged inside of him from the attack. The boy's mother and nine-year-old brother were last expelled from the Texas-Mexico border to Tijuana in April 2021.
- **In March 2021, a 12-year-old Honduran boy who had been kidnapped in Reynosa crossed alone into the United States after his family paid ransom to secure his release.** His asylum-seeking parents and sister who separately crossed the border near Reynosa were expelled to Tijuana without an opportunity to seek asylum.
- **In March 2021, an asylum-seeking Mexican family blocked at the border due to the expulsion policy was forced to send their 17-year-old son to the United States to avoid dangerous cartel persecutors who had tracked them to Tijuana,** as reported by *Al Otro Lado*.

- Around March 2021, 12- and 16-year-old Salvadoran asylum-seeking [brothers](#) crossed into the United States alone after CBP twice expelled them with their mother. The mother, who is trapped in Reynosa with her seven-year-old son, doesn't know when she will see her children again. She told CNN: **"I felt like I was dying. I didn't want to separate from them."**
- A Honduran woman stranded in Mexico due to the expulsion policy is indefinitely separated from her teenage daughters whom she sent across the border alone in January 2021. She [told the Washington Post](#): **"Sometimes I consider throwing myself in [the river] to die because the longer I'm here, the more I feel like I don't want to live anymore."**
- A Honduran asylum-seeking family in the Tijuana tent encampment is considering sending their infant baby alone to safety in the United States after another family member was murdered in Mexico. The baby's aunt [reportedly](#) said: **"It breaks my heart to even think about it."**

In addition, CBP continues to separate children from non-parent family members, such as aunts, uncles, and [grandparents](#), with whom they travelled to the border, and is expelling those adults to Mexico. The result of this practice is that children who arrived with their families are rendered unaccompanied. Organizations working with immigrant children estimate that a staggering [10 to 17 percent](#) of the total unaccompanied children in government custody were separated from relatives at the border. Other family members, including spouses, have also been separated with one spouse expelled by CBP to Mexico without explanation. These cases include:

- **In March 2021, CBP separated a [four-year-old Guatemalan girl](#) from her asylum-seeking [aunt and cousin](#) when they asked for protection at a U.S. port of entry.** The girl was held in a separate CBP cell while her family members were expelled to Mexico. The girl's parents, who live in Maryland, did not know the girl's whereabouts for days, and when her mother eventually spoke to her on the phone, the girl cried uncontrollably and could not speak.
- **In late March 2021, an 18-year-old indigenous asylum seeker from Guatemala was separated by Border Patrol agents from her two younger sisters and expelled alone to Mexico,** according to the Florence Immigrant and Refugee Rights Project. Their mother is currently in immigration court proceedings in the United States seeking asylum.
- **Border Patrol agents separated a Cuban asylum seeker from his wife in March 2021, then expelled him alone to Mexico after falsely claiming that he would be reunited with her.** Two weeks after his expulsion, **the man still did not know where his wife was,** according to Kino Border Initiative.
- **In February 2021, CBP separated [Leonardo](#), a ten-year-old boy from Guatemala, from his aunt and cousin.** His aunt, who was eight-months pregnant at the time, was expelled to Ciudad Juárez with her child and fainted near the international bridge. She told reporters: **"I had no idea where I was, I had no idea where to go."**
- **Around February 2021, a 16-year-old Salvadoran boy was separated by Border Patrol agents from his 19-year-old brother after they crossed the border from Baja California to seek asylum.** Their grandmother who lives in Washington was granted asylum based on the same persecution the boys feared in El Salvador. Border Patrol agents expelled the older brother to Mexico near San Luis Colorado, according to the Florence Immigrant and Refugee Rights Project.
- **In February 2021, Border Patrol separated 15- and 14-year-old Honduran brothers from their grandmother, who had raised them after their parents abandoned them, and expelled the**

grandmother to Mexico. Without a sponsor in the United States, the children were placed in long-term foster care. They had fled Honduras with their grandmother after a gang threatened to kill the family and shot one of the boys, according to Yliana Johansen-Méndez with the Immigrant Defenders Law Center.

- **CBP separated [9- and 11-year-old Honduran children](#) at the Texas-Mexico border from their uncle.** The man was expelled by CBP from Roma, Texas to Miguel Aleman, where he was kidnapped and held for ransom.

Creating Confusion and Disorder at the Border, Pushing Dangerous Crossings

The expulsion policy is creating significant confusion at the border and [spurring](#) additional crossings between ports of entry. Asylum seekers unable to seek protection at U.S. ports of entry are undertaking dangerous, sometimes repeated, border crossings. Other migrants who are being expelled immediately back to Mexico are also crossing the border repeatedly. Other inhumane policies that unlawfully block asylum seekers requesting protection at ports of entry, including metering, have similarly [pushed](#) desperate people fearing for their lives to cross between ports of entry. The lack of information and clarity around U.S. asylum protections has also led some asylum seekers to sleep in informal encampments close to U.S. ports of entry and international bridges hoping to be processed into safety in the United States along with individuals being processed out of the Migrant Protection Protocols (MPP). Many Haitian asylum seekers, for example, have mistakenly understood asylum protections to have been restored with the suspension of MPP. As a result, many have entered the United States with the aim of turning themselves in to Border Patrol agents to request asylum, only to find themselves subjected to the expulsion policy. These dynamics are creating needless confusion and disorder at the border.

Driving Up the Numbers

The policy of blocking and expelling asylum seekers is leading to increased numbers of attempted crossings and encounters counted as Border Patrol apprehensions. The Title 42 expulsion policy, like metering and MPP, leaves people stranded in dangerous conditions and pushes them to repeatedly attempt crossings between ports of entry to reach the United States. Since the expulsion policy was implemented in March 2020, repeat crossings have [skyrocketed](#), making up over 37 percent of apprehensions, as compared to seven percent in 2019. CBP officials themselves have [acknowledged](#) that repeated crossings have “gone up dramatically” because of Title 42 expulsions. Asylum seekers interviewed for this report reported as many as six attempts to cross the U.S.-Mexico border to safety. The head of a shelter in Piedras Negras reported to Human Rights First that some migrants at the shelter have attempted to cross 17 or more times during the expulsion policy. These repeated crossings drastically inflate the total number of apprehensions and expulsions reported by [CBP](#). Thus, the actual number of distinct individuals who have been expelled under Title 42 is a fraction of the total number of expulsions. In addition to forcing people to risk their lives repeatedly to attempt dangerous crossings, the policy has [increased business](#) for smugglers, who charge hefty fees for assisting people with unlawful border crossings and have increased their fees to cover multiple attempts.

CBP Disinformation

As desperation grows for asylum seekers and migrants trapped in Mexico, the Biden administration’s failure to provide information about when it will restore asylum processing at the border, including at ports of entry, as well as false information disseminated by some CBP officers, is creating further confusion and

trauma for asylum seekers who have already suffered for months or years waiting to request refugee protection in the United States.

In Tijuana, a tent encampment near the port of entry continues to grow due to [widespread confusion](#) fueled by the lack of information about when the United States will restore asylum processing at ports of entry. For instance, in late January 2021, an attorney with AI Otro Lado observed CBP officers turn away a Honduran family who had asked for asylum at the San Ysidro port of entry, and falsely instruct the family to put their names on an informal asylum waitlist even though no such list existed at the time. Misinformation about informal asylum waitlists, which previously [appeared](#) at ports of entry along the entire U.S.-Mexico border due to the [Trump](#) administrations' illegal policy of "metering" to slow asylum processing at ports of entry, has pushed some desperate asylum seekers to camp out in a plaza in front of the port of entry, afraid that they will miss their opportunity to request asylum. According to AI Otro Lado attorneys, CBP officers have, in some instances, effectively encouraged asylum seekers to remain close to the port of entry by falsely instructing asylum seekers to return to the port of entry at 4 a.m. on a designated date, even though CBP stopped processing new requests for asylum at ports of entry over a year ago in March 2020. The informal tent encampment is controlled by organized crime, leaving asylum seekers vulnerable to attack and traumatized by the lack of concrete information about how to request asylum protection in the United States. An asylum seeker in the encampment with his wife and two children reported to Human Rights First that, "**the camp is a center for disinformation – no one knows what's going on.**" Asylum seekers also reported to Human Rights First that Mexican migration officials have further fueled disinformation by instructing them to move to the encampment and wait.

- [Cristina](#), a Mexican asylum seeker who fled Guerrero state with her husband and daughters and is now living in the Tijuana encampment in the hope of obtaining information about border processing told a reporter she wants to see if the government "**give[s] us some news, see if they respond to our pleas. Nothing is clear.**"
- **A CBP officer told a Honduran asylum seeker who attempted to cross the border in October 2020 to seek protection to "enter legally" even though U.S. ports of entry have not accepted asylum seekers since March 2020.** The woman, who was expelled with her three children to Tijuana, asked the officer how she could do so, and he merely responded, "**You have to find a way.**" The woman told Human Rights First: "**There has been no clarity, no information. We are still waiting in hiding. We just keep being told the border is closed.**"
- A [Honduran asylum seeker](#) in the tent encampment at the San Ysidro port of entry, who has been waiting in Tijuana since March 2020, told a reporter in March 2021: "**We are here waiting for our turn to enter...the only thing we ask at this time, at the very least, give us some information.**" The woman fled Honduras after being tortured by a gang and is terrified of remaining in Mexico, where her nephew was murdered.
- Multiple Haitian asylum seekers living in the Tijuana encampment, including one who was threatened and robbed there, told Human Rights First that even though they do not feel safe, **they will continue sleeping in tents near the port of entry so that they can enter the United States as soon as asylum processing resumes.**
- **In March 2021, CBP officers at the Mariposa port of entry in Nogales told a Mexican family fleeing death threats that there was "no asylum" at the Arizona border and instructed them to travel to the California border to request asylum,** despite the fact that U.S. ports of entry are turning away asylum seekers pursuant to Title 42. In the Tijuana tent encampment where the family

is now hiding, the mother explained to Human Rights First, “[CBP] told us that they would help us at the California border. So we came here.”

Smugglers have taken advantage of the void left by the U.S. government’s failure to provide information to asylum seekers. They disseminate false information to desperate migrants to [drum up business](#). For instance, a shelter director in Piedras Negras told Human Rights First that given the lack of accurate information from U.S. authorities about border asylum processing, smugglers are able to convince parents to pay huge sums to send children alone to the United States. Misinformation is also a major concern for Haitian asylum seekers, who are desperate to leave Mexico and unable to return to Haiti. According to Haitian Bridge Alliance, many Haitian asylum seekers have fallen prey to smugglers’ false promises of bringing them to safety in the United States.

Spurring Dangerous Crossings

Asylum seekers who fear for their lives in Mexico and are unable to access U.S. protection because of the expulsion policy are [increasingly attempting](#) dangerous crossings away from ports of entry. These risky crossing can cost migrants their lives: 2020 was reportedly the [deadliest year](#) on record for migrant crossings in Arizona. People who have already died while attempting to cross into the United States during the Biden administration include:

- In mid-April 2021, a [Honduran mother](#) traveling with her three children died shortly after crossing the Rio Grande near Hidalgo, Texas.
- In February and March 2021, an [eight-year-old Honduran boy](#), 53-year-old [Mariela Aguilar Rodríguez](#) from Venezuela, a [nine-year-old Mexican girl](#), and two [teenage boys](#), all died while trying to cross to the United States via the Rio Grande.
- In early March 2021, 13 migrants, including a [Guatemalan asylum seeker](#) who was studying to be a lawyer and fled after receiving threats and a [Mexican asylum seeker](#) fleeing severe domestic violence, [died](#) in a car accident while being smuggled near the border in southern California.
- A [Honduran mother](#) drowned in Tijuana in March 2021 attempting to cross the border wall. Her 11-year-old and 13-year-old [children](#) are now alone in a shelter in Tijuana.
- A [Cuban man](#) died in March 2021 while attempting to swim around the border wall between Tijuana and San Diego.

Dangerous border crossings have also resulted in severe injuries, hypothermia, and starvation, as well as kidnappings and other violent attacks perpetrated by cartels. Among the asylum seekers injured while attempting to reach safety in the United States are:

- **CBP expelled an 18-year-old Salvadoran asylum seeker, who attempted to cross into the United States after twice being kidnapped in Mexico, after he fell from the border wall and suffered a severe back injury.** The young man was expelled in the middle of the night to dangerous Ciudad Juárez in a hospital nightgown, barely ambulatory, and in pain after spinal surgery. His mother and brother, who had also been kidnapped twice in Mexico, were separated from him and expelled to Mexico, leaving the young man alone in hospital, according to his lawyer Kenneth Mayeaux.
- **In April 2021, three men shot at and kidnapped a Guatemalan asylum seeker who became lost in the Arizona desert with another person.** The kidnappers transported the men to a house, where they removed their clothes, tied them up, and beat them before eventually abandoning the

men on the side of a road. Border Patrol agents expelled them to Nogales even though the men expressed their fear that the kidnappers would locate them in Mexico, according to Kino Border Initiative.

- **Douglas, a Guatemalan asylum seeker, suffered severe frostbite that may require amputation of his hands while attempting to cross into the United States in search of safety in February 2021.** CBP agents initially threatened to expel him to Guatemala, but after media coverage of his case, Douglas was permitted to remain in the United States to pursue his asylum claim.
- **In February 2021, an asylum-seeking woman fell from the border wall while attempting to seek protection in the United States, suffering a broken foot and a spinal fissure that may require surgery.** CBP immediately expelled the woman's husband and daughter to Mexico while she was taken to the hospital, and the family remains separated, according to attorney Nico Palazzo with Las Americas Immigrant Advocacy Center.
- **In March 2021, a Guatemalan migrant struggled to cross through the Arizona desert during a brutal snowstorm and saw other migrants around him falling unconscious and dying.** His brother, who was traveling with him, was so cold that he started suffering from cramps. According to the Kino Border Initiative, they eventually turned themselves in to Border Patrol and were expelled to Mexico.
- **A Yemeni asylum seeker was severely injured when he fell off the border wall in March 2021 while attempting to seek asylum in the United States.** The injuries to his head and back, which is now severely scarred, required treatment in hospital and follow-up care. But Border Patrol agents expelled him to Tijuana, where his ear has become infected, and where he is unable to access necessary medical care.

Abysmal Conditions, Abuses in DHS Custody

Asylum seekers and migrants being expelled by DHS are often detained for days or weeks in CBP custody in abysmal conditions and subjected to physical and/or verbal abuse by Border Patrol agents and CBP officers. For instance, **Kino Border Initiative reported that one third of the hundreds of individuals expelled from Arizona in the second half of February 2021 reported verbal and/or physical abuse by U.S. Border Patrol agents.** Since January 21, 2021, the organization has filed over a dozen complaints to the DHS Office of Civil Rights and Civil Liberties detailing allegations of physical and verbal abuse, denial of access to asylum, inhumane detention conditions, and medical neglect in CBP custody in Arizona.

Conditions in CBP custody are appalling. Officers confiscate sweaters, jackets, and other warm clothing while holding people in freezing cells; throw out personal belongings, including important documents, medicine, and shoes; limit access to shower and use the bathroom; and deny detained people access to adequate medical care. **Dozens of expelled Central American families reported to Human Rights First that CBP detained them for days in freezing holding cells** in Texas, where their children became sick with fevers, coughing, vomiting, and diarrhea, threw out their personal belongings, and expelled them to Tijuana in March and April 2021.

U.S. immigration officers often [do not explain](#) to asylum seekers that they are being expelled to Mexico, or to their home countries, or falsely claim they will be reunited with family members in the United States, leaving expelled individuals and families even more confused and desperate.

- Some Border Patrol agents rely on cruel jokes and threats to traumatize and deter asylum seekers whom they expel. **A Honduran family with a baby was told: “Congrats, you’re going to New York City” before they were expelled to Tijuana** in March 2021. Agents **threatened a Honduran woman seeking asylum with her two-year-old son that she would be imprisoned for six months**. When a Honduran couple asked Border Patrol agents where they were taking them, they said “We have a surprise for you,” before expelling them to Tijuana in April 2021. In mid-April 2021, Border Patrol forcibly expelled a group of approximately 30 Venezuelan asylum seekers, including pregnant women and children, according to attorney Rolando Vazquez. Agents pushed them off a bus used to expel the fearful asylum seekers to Sonora. A young Guatemalan man expelled to Nogales in April 2021 reported to Kino Border Initiative that Border Patrol agents threatened to run him over with their vehicle. Another Guatemalan migrant expelled to Nogales told Kino Border Initiative that Border Patrol agents threw away his water and fed the apples he had with him to their horses before expelling him.
- **Border Patrol agents do not inform, or lie to, asylum seekers who are expelled to Mexico after so-called “lateral transfers” from the Rio Grande Valley about where they are being sent**, which cruelly traumatizes asylum seekers who believe they have reached safety in the United States. Dozens of families interviewed by Human Rights First in March and April 2021, who had been expelled to Mexico through the Otay Mesa port of entry after transfer from Texas, reported that CBP officers failed to explain that they were being expelled to Mexico. A migrant shelter director in Tijuana confirmed that since mid-March 2021, the shelter has been receiving dozens of disoriented Central American families each day, many of whom arrive believing they are in California. Advocates in El Paso have formally requested that the local Border Patrol chief instruct her agents to accurately inform asylum seekers that they are being expelled, according to Marisa Limón Garza with the Hope Border Institute.

Families and adults subjected to the expulsion policy also report abysmal conditions in CBP custody and numerous abuses by CBP officers and Border Patrol agents:

- **In March 2021, Border Patrol agents confiscated sweatshirts and coats from a three-year-old Guatemalan girl and her asylum-seeking mother, held them in a freezing cell for 18 hours, then expelled them to Mexico**. The agents took and did not return the girl’s medicine and diapers, according to the Kino Border Initiative. Border Patrol agents refused the mother’s requests for a clean diaper after the child had soiled herself, soaking her pants, **and yelled at the family, “I don’t know what you’re doing in this country.”**
- **An expelled Honduran family reported that Border Patrol agents screamed in the face of a deaf child, pushed him, and forced him to sit separately from his mother on the plane** while the families were being transported for expulsion to Tijuana in March 2021. The family said they went four days with little food in CBP custody and that U.S. immigration officers threw cookies on the floor and instructed children to eat them. Despite freezing conditions in custody, **officers confiscated blankets and forced detained migrants to remove their outer layers of clothing, throwing them into the trash**. “They treat us like dogs, animals,” the family said.
- **In mid-April 2021, Border Patrol agents denied a Venezuelan asylum-seeking couple access to the antidepressant and epilepsy medication they had brought with them**. Agents refused to provide medical attention to the man as he suffered a panic attack resulting from not taking antidepressant medication and told him to drink water. The woman told Human Rights First that she

was terrified that she would suffer a seizure from missing her daily epilepsy medication. The couple and their adult son were expelled to Sonora after two days in CBP custody.

- **Three African asylum seekers from Burkina Faso, Ghana, and Somalia were expelled together to Tijuana in February 2021 after spending three days in freezing CBP holding cells with little food.** The Ghanaian asylum seeker, who had fled persecution due to his sexual orientation, told a Haitian Bridge Alliance coordinator: **“during those three days I thought I was going to die from hunger and cold.”** The Somali asylum seeker, who had been tortured by terrorist groups in Somalia, **reported that a Border Patrol agent insulted him in Arabic, calling him a terrorist** and accusing him of belonging to Al-Shabab.
- **A Nigerian asylum seeker expelled by CBP to Tijuana in February 2021 without a protection screening was held for days in a cold cell that he described as “hell,”** according to a Haitian Bridge Alliance outreach coordinator who spoke with him. The man reported that the lights were kept on constantly and that he did not know whether it was day or night. He explained that other migrants detained with him, including eight asylum seekers from Haiti, had been held for more than a week.
- **In February 2021, Border Patrol agents assaulted a Honduran asylum seeker and her husband while he was holding their two-year-old child.** The woman told Human Rights First that when she begged not to submit her fingerprints fearing that she would then be expelled, an agent violently yanked her arm. When the woman’s husband stood up in protest, holding their child in his arms, agents shoved him. In late March 2021, the family again crossed the border attempting to seek protection. When the woman complained of being assaulted in February, an agent responded, **“You see, we have to use violence when you don’t do what we tell you to.”**
- **In February 2021, Border Patrol agents confiscated a Haitian asylum seeker’s belongings, including clean clothes for her four-month-old [baby](#), while she was detained pending expulsion.** The officers refused to let the woman get clean clothes for her baby even when she told officers that the baby’s clothing was soiled. The woman developed an infection after Border Patrol agents did not allow her to shower for 11 days. She also reported that when her baby was sick in custody, officers told her that they **“didn’t have any doctors.”**
- A Honduran asylum seeker reported that **Border Patrol agents refused to give her husband food while he was detained, prior to being expelled in March 2021 to Piedras Negras.** The agents told him **“there is no food for Central Americans,”** and he was forced to rely on detained Haitians, Nicaraguans, and Cubans to share food they were given by the Border Patrol agents.
- In February 2021, CBP detained a 12-year-old girl and her asylum-seeking mother for three days in an extremely cold cell, giving them only a hamburger and cheese to eat before expelling them to Reynosa. The girl’s mother told Human Rights First: **“It was devastating to see children who didn’t have food to eat. Kids can’t go without food. Afterward, my daughter said to me, ‘Mommy, please don’t take me back to immigration.’ This country should not treat kids this way.”**
- **In February 2021, Border Patrol agents threatened to unleash a dog against detained migrants and failed to provide them food, according to a Salvadoran man expelled by CBP in the middle of the night to Sonora** who spoke with the Kino Border Initiative. The man reported that a Border Patrol agent yelled at him and other migrants: **“Don’t move, you mother fuckers.”** The group of expelled migrants spent the night sleeping outside in the cold and had gone for three days without food by the time they arrived at Kino Border Initiative for help.

- In December 2020, **two Honduran children were separated from their mother when she was hospitalized and held alone in CBP custody where they suffered from rashes because of a bedbug outbreak**, according to Al Otro Lado. The family was later expelled to Tijuana.
- In March 2021, **Border Patrol agents near Hidalgo, Texas deprived a Salvadoran family with a six-year-old child of food while they were detained for three days, told them that there was “no food for animals,” and called them dogs.** Agents transferred them by plane to California before busing them to border and expelling them in Mexico. When the plane landed in San Diego, agents said, “Congratulations, you’re in the United States,” and called them imbeciles.
- **Many [Haitian families and adults](#) expelled to Ciudad Juárez by CBP in February 2021 reported that U.S. immigration officers subjected them to racist abuse** and failed to return documents and other belongings when they were expelled, according to Victor Andres Flores, an advocate with CLINIC. Among those [expelled](#) by CBP without their belongings was a Haitian man who fled Haiti after a political group threatened him, burned down his family home, and assassinated his sister.

Blocking Access to Counsel

Additionally, CBP and ICE officers block asylum seekers and migrants from speaking with attorneys prior to expulsion through threats, intimidation, and physical destruction of property. For example:

- In February 2021, Border Patrol agents prevented a hospitalized pregnant woman from speaking to attorneys with the Florence Immigrant and Refugee Rights Project, despite the attorneys’ requests for access.
- In February 2021, guards at the Karnes family detention center harassed a [Haitian](#) man detained under Title 42 because he had obtained the phone number for RAICES, a legal services non-profit providing legal representation at the facilities. Guards repeatedly interrogated him about how he received the number, since the guards had refused to provide it. On another occasion, he witnessed a guard tear up a piece of paper with RAICES’ phone number written on it that a detained woman had attempted to provide to a detained family, demanding to know whether she had shared the number.
- In February 2021, Border Patrol agents attempted to [expel](#) a Haitian asylum-seeking family represented by RAICES and denied their requests to speak with their attorney. They were forced to sign documents in English that they could not read or understand. Upon realizing they would be expelled, the father, who had been persecuted in Haiti for his religious beliefs, told researchers: **“I began thinking many bad thoughts because we were about to be returned to a country that we hoped to never return to again.”**

No Public Health Rationale for Expulsion Policy

Despite pledges to review the CDC order, the Biden administration continues to use widely discredited public health arguments to defend the expulsion policy. President Biden’s February 2, 2021 [executive order](#) on asylum directed CDC and HHS, in consultation with DHS to “promptly review and determine whether termination, rescission, or modification” of the CDC order is “appropriate.” The Biden campaign also [pledged](#) to order a review of the expulsion policy and “ensure that people have the ability to submit their asylum claims while ensuring that we are taking the appropriate COVID-19 safety precautions, as guided by the science and public health experts.” When the Trump administration first implemented the policy, then-Senator Kamala Harris [agreed](#) that it was an “executive power grab” with “no known

precedent or clear legal rationale.” Yet the Biden administration now claims that it is “[executing the directive of the CDC](#)” and that it must send families and adults to danger “[in the service of public health](#).” In March 2021, DHS Secretary Mayorkas claimed that whereas the prior administration used the policy as a “bludgeoning tool,” the Biden administration was now using the order as a public health tool.

Like the Trump administration, the Biden administration’s use of the Title 42 and CDC order to continue expulsions appears to be a pretext for carrying out immigration policy objectives. Indeed, the White House press secretary effectively acknowledged that the Biden administration is keeping the CDC order in place because it “[need\[s\] some time](#)” to enact legislative [reforms](#) to the immigration system. In addition, the administration’s own actions undermine the supposed [rationale](#) for the CDC order—that expulsions are necessary to avoid holding individuals in congregate detention and thereby limit transmission of COVID-19.

Lateral Transfer Expulsions

The administration’s unjustifiable decision to carry out lateral transfer expulsions further undermines the purported rationale of the CDC order – to reduce exposure and potential transmission of COVID-19 in CBP custody. DHS is routinely expelling families after detaining them for days in freezing border facilities, where many fall sick, before transporting parents and children by plane and bus hours from the Rio Grande Valley to ports of entry in [Texas](#) and to [California](#) for expulsion, likely causing spread of COVID-19 in Mexico. [Witness at the Border](#), which regularly tracks deportation flights, has identified 66 lateral transfer flights (which are estimated to transport approximately 100 individuals per flight) from Brownsville to San Diego and El Paso between March 8, 2021 and April 10, 2021. DHS is subjecting families to these lateral transfer expulsions even though Brownsville has capacity to provide temporary shelter and other support to asylum-seeking families and individuals transiting through the border region. In late March 2021, the [mayor of Brownsville](#) said that the city could assist around 400 individuals processed and released by CBP per day, but that typically 150 of these spots were going unused every day. Advocates reported that the city’s capacity to receive released families and individuals in Brownsville increased in early April 2021, as processing of asylum seekers out of MPP slowed.

Since early March 2021, CBP has expelled thousands of families via lateral transfer expulsions.

- The *San Diego Union Tribune* reported that more than [2,000](#) people – all families – have been transferred from Texas and expelled through San Diego as of early April 2021. Many of these families are being expelled to [Mexicali](#) or through the Otay Mesa port of entry and bussed by Mexican migration officials to a shelter on the outskirts of Tijuana, where Human Rights First interviewed dozens of asylum-seeking families in March and April 2021 who reported that their children became ill with fevers, vomiting, coughing and diarrhea after being held for days in freezing CBP border facilities, as discussed above.
- Approximately 100 individuals, including young children, are being expelled by CBP to [Ciudad Juárez](#) every day, after they are flown hours from southern Texas to El Paso. Mexican officials have agreed to make shelter arrangements for individuals expelled through these transfers, but the city’s already-taxed migrant shelter system is operating near capacity leaving some expelled individuals without safe shelter, according to Marisa Limón Garza from Hope Border Institute in El Paso.
- Lateral transfers by bus to Laredo from other parts of south Texas for expulsion to extremely dangerous Nuevo Laredo are also being carried out by CBP.

Because expelled families and individuals subjected to lateral transfers have frequently been held in Border Patrol facilities for days and are not tested for COVID-19 before expulsion, these expulsions raise heightened concerns that the United States is exporting the coronavirus as it expels asylum-seeking families. Indeed, advocates in El Paso and San Diego reported that expelled individuals returned to shelters in Mexico have tested positive for COVID-19. These outbreaks are impacting the MPP wind down process as asylum-seekers waiting to be processed out of MPP staying in these same shelters have also contracted COVID-19. Instead of detaining these families for days, transferring them across the country, and expelling them to Mexico, DHS could promptly process and release asylum seeking adults and families on parole or other legal authority.

Delayed Expulsions

DHS also continues to detain individuals for prolonged periods before expelling them, despite the purported rationale of the CDC order to avoid congregate detention. For instance, an asylum-seeking woman with two children told Felicia Rangel-Samponaro of the Sidewalk School, which provides classes for asylum-seeking children stranded in cities along the border, that her family was held in the CBP Donna tent facility for a week before being expelled to Reynosa. The Florence Immigrant and Refugee Rights Project reports that individuals have been held in some instances in Immigration and Customs Enforcement (ICE) custody for two to three months or transferred to different detention centers pending expulsion. According to RAICES, which provides legal services to families detained at Karnes County Family Residential Center, migrant families are detained on average between [two to four weeks](#) at Karnes before being expelled to their home country. Some have contracted COVID-19 in ICE detention centers, where DHS' failure to rapidly reduce detained populations and continued transfers of detainees have resulted in large numbers of infections.

Ignoring Public Health Recommendations

As leading epidemiologists and other public health experts have [repeatedly explained](#) in letters to the CDC and HHS, the CDC order lacks a valid public health rationale. These experts have [condemned](#) the CDC order as lacking any “scientific basis as a public health measure,” and have called upon the agency to “restore its position as a trusted source of objective, reliable, scientific information for the American public.” Public health experts issued detailed [recommendations](#) in May 2020 and an updated set of [recommendations](#) in December 2020 outlining rational, science-based measures that would both protect public health during the COVID-19 pandemic and allow asylum seekers and children to seek protection in line with U.S. legal obligations. These measures include the use of masks, social distancing, testing, expanding quarantine and isolation capacity, and avoiding congregate detention.

Rather than implementing these science-based measures and exercising existing [legal authority](#) to avoid congregate detention and release asylum seekers to shelter with families or friends, the Biden administration continues to single out and expel asylum seekers and migrants to danger. At the same time, U.S. citizens and other travelers deemed “[essential](#)” continue to enter the country through the southern land border. For instance, between April and December 2020 (when data was last made available), 70 million pedestrians and vehicle passengers were permitted to [enter](#) the United States through ports of entry on the U.S.-Mexico border.

The March 2020 CDC order also cites the health of CBP [personnel](#) as a rationale for the expulsion policy, but the measures outlined by public health experts address these concerns. If CBP personnel safety was really a priority, DHS would ensure broad vaccination of CBP staff. But as of March 10, 2021, only [23](#)

[percent](#) of CBP front line personnel had been vaccinated – the best available public health measures to safeguard asylum seekers held in or processed through CBP custody as well as CBP officers.

Stranded in Desperate Circumstances, Blocking and Expelling Medically Vulnerable Asylum Seekers

Asylum seekers and migrants expelled to Mexico are stranded in dire living conditions, without immigration status, access to medical care, employment authorization, or the means to survive. They are at constant risk of being deported by Mexican authorities back to the countries they fled. Due to the pandemic, starting in March 2020, most migrant shelters in Mexico [closed or quarantined](#) and did not allow new migrants to enter. Many shelters [remain closed](#) or operating at reduced capacity, leaving many migrants who cannot afford to pay for an apartment or motel room without housing.

DHS is expelling dozens of asylum seekers and migrants each day to extremely dangerous Reynosa. As of mid-April 2021, CBP was continuing to expel families in the middle of the night without their shoelaces, a practice which clearly marks the families as expelled migrants and makes them even more vulnerable to kidnapping by cartels, according to Felicia Rangel-Samponaro of the Sidewalk School. Dozens of [expelled families and children](#) unable to find shelter have been forced to sleep outside in a plaza near the port of entry or in a nearby park where migrants have reported [kidnappings](#) and attacks by cartels that control the city.

In Tijuana, approximately [1,500](#) people are living in a makeshift [tent encampment](#) outside the San Ysidro port of entry, many of whom have been stranded in Mexico for over a year unable to request U.S. asylum protection due to the Title 42 expulsion policy. There is no security in the encampment, and [sanitation](#) and medical assistance are very limited. In March 2021, the camp flooded, further exacerbating the dire conditions for migrants living there. Haitian asylum seekers and migrants have faced severe discrimination in the encampment, including being refused food and told that “the food isn’t for the Haitians.” Asylum seekers have reported that organized criminal organizations operate in the camp and threaten stranded asylum seekers, including Mexican asylum seekers who fled attacks by the same criminal groups in other parts of Mexico. Cartels operating in the [encampment](#) have kidnapped migrants, including in the middle of the night, and targeted migrants who cooperated with the subsequent police investigations, forcing them to flee the encampment.

- In April 2021, multiple asylum seekers informed Human Rights First that members of a violent gang that operates throughout Central America and Mexico **forcibly abducted at least 8 individuals from the encampment** in recent days, including some pulled from their tents at night. They remain missing.
- A Mexican asylum seeker told Human Rights First that she **witnessed a group of men kidnap a Salvadoran woman and her three children near the tent encampment** in mid-March 2021.
- A Salvadoran asylum seeker reported that in March 2021, her **daughter was nearly kidnapped from the Tijuana encampment by a man who grabbed the girl** and ran several blocks before the girl’s uncle could stop him.

In Piedras Negras, many expelled migrants are [forced](#) to sleep in the streets, parks, or in abandoned buildings because shelters remain [closed](#) and migrants are prohibited from renting rooms without proof of Mexican immigration status. A December 2020 [local regulation](#) prohibits shelters and churches from providing meals to arriving migrants, further harming migrants who cannot work due to lack of status.

CBP under the Biden administration continues to **expel people with disabilities and those in need of urgent medical care, including women with complex pregnancies** and who are actively in labor. They include:

- **In April 2021, Border Patrol agents in Arizona removed a Guatemalan asylum seeker from a hospital where they had taken her for emergency treatment before she could receive surgery on her shattered foot and expelled her to Mexico.** According to a complaint filed with the DHS Office of Civil Rights and Civil Liberties, which was reviewed by Human Rights First, a Border Patrol agent told the woman to “shut up” when she tried to ask to apply for asylum. The woman was struggling to walk with a temporary cast when she arrived at Kino Border Initiative aid center in Nogales.
- **In March 2021, CBP expelled a Honduran woman who was nine months pregnant and in labor to Tijuana.** Weeks earlier, CBP had expelled the woman when she tried to cross the border and denied her medical care even though she was bleeding as a result of her pregnancy, according to *Al Otro Lado*.
- **In March 2021, a 20-year-old Central American man who is deaf and cannot speak was separated from his sister and her young children and expelled alone by CBP to Mexico under Title 42.** The man is dependent on his sister to communicate through informal home sign language and was unable to explain his situation to the Mexican immigration officers who detained and attempted to deport him, according to attorney Suchi Mathur with the Instituto para las Mujeres en la Migración.
- **Border Patrol agents expelled a cognitively-impaired young Honduran woman who was struggling to walk and whose legs were bleeding along with her mother in February 2021.** A Nicaraguan asylum-seeking family expelled along with the young woman reported that Border Patrol agents rolled her onto a blanket, carried her to a van, and returned her to Mexico without medical attention.
- **In March 2021, Border Patrol agents expelled an eight-year-old child with Down syndrome and hyperthyroidism along with his family at 11:30 p.m. to dangerous Reynosa.** The family were subsequently able to find a place to sleep at a migrant shelter in Matamoros but are unable to obtain critical medical care for the child, according to an academic researcher who spoke with the family.
- **In February 2021, Border Patrol expelled a 23-year-old Salvadoran woman who was nine months pregnant to Nogales after she was discharged from a hospital even though she was in the early stages of labor.** Kino Border Initiative reported that, while in CBP custody, the woman had earlier been repeatedly denied medical care and accused of lying about feeling ill by a Border Patrol agent who threatened that she would be criminally prosecuted.
- **Border Patrol officers expelled a Guatemalan woman with a life-threatening infection to Agua Prieta in January 2021.** Despite complaining of severe pain and evident inflammation from the infection, Border Patrol officers expelled the woman without providing any medical assistance, according to Dora Rodriguez with *Salvavision*.
- **In late March 2021, Border Patrol expelled a two-year-old Honduran child who urgently needs surgery for a hernia to Tijuana with his mother and seven-year-old sibling.** The mother

told Human Rights First that prior to the expulsion, CBP confiscated the children's jackets and detained the family for three days in a cold room.

- **In January 2021, Border Patrol turned back to Mexico a Mexican asylum seeker suffering from schizophrenia and traumatic stress disorders.** He was previously living in the United States during his immigration court proceedings, for which he had been assigned counsel by the court due to his mental illness, but mistakenly left the United States while suffering from severe symptoms of his condition. A request for parole, filed by his attorneys, was denied in February 2021, according to the Florence Immigrant and Refugee Rights Project.

The Biden administration has continued the Trump administration's [practice](#) of [expelling](#) mothers who have just given birth in the United States with their newborn U.S. citizen children to Mexico without U.S. birth certificates, leaving families without evidence needed to establish the citizenship of their children. For instance:

- **In mid-March 2021, a Mexican asylum seeker was expelled under Title 42 with her newborn U.S. citizen infant and other family members to Tijuana without receiving a birth certificate for her child.** When the family had entered the United States to request asylum, the woman was separated from her husband and three-year-old daughter, taken to a hospital to give birth, and denied information about her family's whereabouts. After two days in the hospital, Border Patrol agents transported her to a CBP detention facility where her family had been held in a cold room with barely any food before expelling them, according to attorneys with AI Otro Lado who are assisting them.

In Mexico, migrants without legal status are frequently turned away by hospitals and clinics that refuse to provide care to undocumented people. Asylum seekers blocked in Mexico due to Title 42 and unable to access urgent medical care include:

- **In February 2021, a Honduran asylum seeker blocked from requesting U.S. protection suffered a miscarriage while seven-months pregnant.** The woman had been unable to find specialist care in Tijuana to treat a fetal pulmonary issue, according to attorneys with AI Otro Lado.
- **A Honduran asylum seeker with an infection from a gunshot wound has been stuck in Tijuana since July 2020 without adequate medical care and unable to seek asylum in the United States due to the Title 42 expulsion policy.** The man is in danger of losing his leg or dying of the infection without surgery but has been unable to obtain surgery in Tijuana. CBP has not responded to a request for humanitarian parole that AI Otro Lado assisted the man in filing.
- **CBP officers blocked a Honduran asylum seeker whose arm and leg were amputated after falling off a train while fleeing across Mexico from requesting asylum protection at a port of entry due to the expulsion policy.** The man has been unable to access needed medical care in Tijuana. CBP has not responded to a request for humanitarian parole filed by AI Otro Lado.
- **A Haitian woman stranded in Tijuana because of the expulsion policy was turned away from hospitals while pregnant, leading to her suffering a miscarriage in November 2020,** after which she has been unable to obtain medical care despite ongoing illness and pain. She told Human Rights First that she spent the little money she had to bury her child. Border Patrol expelled the woman, despite her urgent need for medical care, in February 2021, when she tried to enter the United States.

- **Three hospitals in Tijuana turned away a Salvadoran woman suffering from kidney and gall stones that cause her unbearable pain and urgently require surgery in early 2021.** She told Human Rights First that even when she was eventually given pain medication at one hospital, staff used racial slurs against her and forced her to leave before she could receive further treatment.

Mexico Complicit in U.S. Policies Blocking Asylum

The Mexican government continues to facilitate U.S. violations of international protections for refugees by agreeing to receive expelled Mexican and Central American asylum seekers. In some locations, local Mexican immigration officials are [refusing](#) to accept families with children under seven years old. However, the Mexican government has [reportedly](#) offered to alter or delay implementation of a law prohibiting detention of migrant children, which has in some Mexican states led to restrictions on the expulsions of migrant families, under pressure from the Biden administration.

Non-Mexican asylum seekers expelled under the expulsion policy generally do not receive legal status in Mexico and are subject to deportation while waiting indefinitely in Mexico to seek U.S. refugee protection. Mexico detains some individuals expelled by the United States and has long failed to consistently provide asylum seekers with an opportunity to seek protection or [inform](#) them of their [right to seek asylum](#) in Mexico. Expelled Central American individuals have been detained by Mexican migration after expulsion and transported to Chiapas, on Mexico's southern border, according to the Instituto para las Mujeres en la Migración (IMUMI). Agents from the National Institute of Migration (INM) have [pressured](#) asylum seekers not to file asylum applications in Mexico and failed to [forward](#) requests to the Mexican asylum agency. Subjected to awful conditions in detention centers, some asylum seekers have [abandoned](#) their claims in order to be released.

Haitian and other Black asylum seekers have complained of significant anti-Black [discrimination](#) by Mexico's asylum office and the INM. As outlined in a [report](#) by Haitian Bridge Alliance, IMUMI and the Center for Gender & Refugee Studies, the INM started delaying and even denying issuance of travel visas to Black immigrants in 2019 under pressure from the Trump administration, causing these migrants to be detained, deported or [stuck in Chiapas](#) for months and sometimes years. A combination of procedural violations, the asylum office's lack of knowledge of country conditions in Haiti, and Haitians' marginalization and language barriers account for the arbitrarily low rates of asylum grants to Haitians. According to interviews conducted by Haitian Bridge Alliance, Haitians who have obtained temporary visas and work permits in Mexico complain that they do not understand how or whether they can renew the visas after they expire (within a year), making it difficult to work and live in Mexico as they wait for the U.S. border to open to asylum seekers.

Mexican immigration officials have directly deported some expelled migrants, attempted to illegally force others to cross the southern Mexican border into Guatemala, and [coercively](#) transported many to southern Mexico where they have little choice but to cross the border. In Piedras Negras, for instance, Mexican authorities routinely [detain](#) and deport migrants in the streets, at shelters, and near the border. The head of a shelter in Piedras Negras reported to Human Rights First researchers that Mexican police and immigration agents target migrants who stop at the shelter for food or medicine and deport those who lack immigration status. Some expelled migrants are [terrified](#) to stay at government shelters due to the risk of detention and deportation, and sleep in the streets instead. Many asylum seekers report that Mexican officials have forced them to pay bribes to avoid illegal deportations and detentions, including three Haitian asylum seekers and an Ethiopian asylum seeker living in Tijuana who spoke with Human Rights First.

Deportations of individuals by Mexican immigration officials raise serious concerns about the potential widescale return of asylum seekers, including those expelled from the United States, by Mexico to the countries they were fleeing, and violate the United States' [obligations](#) under international law to avoid sending refugees to countries where they are likely to be deported to persecution and torture. Mexican migration authorities have continued to deport and return thousands of Central Americans each [month](#), according to Mexican government data.

In addition, Mexican police, immigration officials and other government authorities are directly involved in kidnappings, extortion and other violent attacks against asylum seekers and migrants forcibly returned by DHS to Mexico. The U.S. Department of State [reported](#) in 2020 that Mexican police, military, and government officials are involved in killings, kidnappings for ransom, forced disappearances, and torture. Mexican immigration agents and police officers routinely [demand](#) bribes from asylum seekers to avoid being deported, [kidnap](#) asylum seekers for ransom, and [deliver](#) migrants into the hands of cartels. INM officers confiscate the identity documents of asylum seekers expelled to Mexico, including those of a Guatemalan asylum seeker expelled in February 2021, according to Victor Andres Flores, an advocate with CLINIC.

Recent attacks on migrants in Mexico involving Mexican police and other authorities, include:

- **During the second half of March 2021, 15 migrants reported abuse by Mexican officials, including police, military, and immigration officers** to Kino Border Initiative in Nogales. A Guatemalan man said that he and other migrants were assaulted and robbed near the U.S.-Mexico border by Mexican military officers, who also burned their food and clothing. Mexican federal police also kidnapped a Guatemalan migrant near Nogales, demanding \$1,000 to release him.
- **In February 2021, a man with a baton severely beat a Haitian asylum seeker in Tijuana in front of Mexican police, who did not intervene**, according to a Haitian asylum seeker who witnessed the incident. She told Human Rights First: “We felt like we couldn’t say anything because we don’t have any power here and we were afraid for our own lives. **Haitians are targeted here ... the police don’t care.** We have to protect ourselves and look out for one another.”
- **In February 2021, a pregnant asylum seeker was brutally beaten by a Mexican official in retaliation for having filed a complaint against him for an immigration scam and suffered a miscarriage as a result of the attack.**
- **Four Mexican police officers threatened to deport an Afro-Cuban asylum-seeking couple in Nuevo Laredo in February 2021, extorting them for 2,000 pesos (\$100 U.S. dollars).** After reporting the incident to the authorities, the couple began receiving death threats and were forced to go into hiding.
- **In February 2021, Mexican police officers robbed a Honduran asylum-seeking family with three children in Ciudad Juárez while they waited to request protection in the United States.**
- **In February 2021, a man in a Mexican police uniform demanded to review a Cuban asylum seeker’s immigration documents and threatened to deport him if he failed to pay 500 pesos (\$25 U.S. dollars).** The man handed over all the money he had, but the officer hit him with the back of a rifle, crushing his foot. The man’s friend, another Cuban asylum seeker, told Human Rights First, “**this is how things happen here. Even the authorities attack and extort us.**”

- In January 2021, a Haitian asylum seeker in Tijuana who confronted a hotel owner about money stolen from his room was threatened at gunpoint by the owner's son, a Mexican police officer.
- In late December 2020, Mexican police officers extorted a Haitian asylum seeker who had been assaulted by a mob in Tijuana. **"Instead of coming to save him, they took everything he had in his pocket,"** another asylum seeker who spoke with the victim told Human Rights First.

Expulsions Violate U.S. Laws and Treaty Commitments

The Biden administration's continued expulsions of asylum seekers violate U.S. refugee and anti-trafficking laws and treaties. Legal experts, including a former DHS official, have [explained](#) that the policy violates U.S. legal requirements that asylum seekers be accorded access to the asylum system and protection screenings, referring to the expulsion policy as **"medical gerrymandering ... crafted to override critical legal rights and safeguards."** Nor does Title 42 of the U.S. Code, the provision the government relies on as the basis of this policy, authorize the expulsions carried out by the Trump and Biden administrations. In November 2020, a federal court enjoined DHS from expelling unaccompanied minors, holding that U.S. public health laws likely did not authorize these expulsions. A federal court of appeals [stayed](#) the injunction in January 2021 pending appeal.

The United States cannot use the pandemic as a pretext to shirk international obligations to refugees. The expulsion policy violates U.S. treaty obligations, including the 1951 Refugee Convention, 1967 Refugee Protocol, and the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, by returning refugees to countries where they are likely to face persecution or torture. The U.N. Refugee Agency (UNHCR) has [repeatedly confirmed](#) during the pandemic that expulsions of refugees and asylum seekers at borders without an individualized assessment of protection needs violate non-refoulement obligations under international law. UNHCR explained in its [legal guidance](#) on the COVID-19 response that states may not prevent people from seeking asylum or deny entry to people at risk of refoulement. In November 2020, UNHCR further [warned](#) that "measures restricting access to asylum must not be allowed to become entrenched under the guise of public health." In a January 2021 [statement](#) focused on expulsions and pushbacks of asylum seekers from Europe, the UNHCR Assistant High Commissioner for Protection explained that **"[t]he right to seek asylum is a fundamental human right. The COVID-19 pandemic provides no exception."** International legal scholars have further [explained](#) that "COVID-19 does not grant States carte blanche to trample on well-established principles of international refugee law."

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