

INHUMANE AND COUNTERPRODUCTIVE

Asylum Ban Inflicts Mounting Harm

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Executive Summary

Five months after the Biden administration initiated its new [bar on asylum](#), the policy continues to strand vulnerable people in places where they are targets of widespread kidnapping, torture, and violent assaults. People seeking asylum are forced to risk their lives waiting in danger in Mexico for one of the limited CBP One appointments or risk suffering the ban's punitive asylum denials or wrongful returns to harm and persecution if they attempt to seek protection at a port of entry or cross outside ports of entry without a CBP One appointment. The targeting of migrants and asylum seekers waiting for these appointments has risen sharply recently, driving many people to cross the border in urgent search of safety. Humanitarian workers assisting asylum seekers forced to wait in Mexico are also facing alarming—and increasing—risks as well.

This [harmful bar on asylum](#) (the “asylum ban”) is a new iteration of similar [transit](#) and [entry](#) bans promulgated by the Trump administration that federal courts repeatedly struck down because they violated U.S. law. A federal district court [ruled](#) in July that the Biden asylum ban is unlawful, but it remains in place while on appeal. The asylum ban renders nearly all asylum seekers who traveled through another country on their way to the U.S. southern border ineligible for asylum due to their transit routes and/or manner of entry unless they (1) applied for and were denied asylum in one of those countries (regardless of their safety there), or (2) managed to secure one of the asylum ban's limited “pre-scheduled” appointments to enter at an official port of entry. To try to get a U.S. port of entry appointment, people seeking asylum (as well as other migrants who are not seeking asylum) are left to struggle to obtain an appointment via CBP One, a smartphone app that operates much like a daily lottery and is plagued by deficiencies that impede equitable access.

Not only does the asylum ban [violate](#) both [U.S.](#) and [international law](#), but it has generated [strong and diverse opposition](#) from faith groups, Holocaust survivors, major unions, civil rights organizations, members of the president's political party and other key Biden administration allies. President Biden should honor his [campaign promise](#) to end such restrictions by bringing this harmful policy—which his administration has pledged is only temporary—to its end now. Every day that it is left in place, it endangers refugees' lives and subverts refugee law.

Instead, the Biden administration should double down on some of the effective, humane, and legal policies that it has already initiated or announced, and reject those that punish, ban, and block people seeking asylum, contrary to core tenets of international refugee protection. [Key steps](#) include to: quickly ramp up plans to expand regional refugee resettlement, strengthen the administration's pivotal parole initiatives, increase critical aid to address regional protection gaps driving many to flee north, urgently increase support for safe shelter and other dire needs of people waiting in Mexico, uphold fundamental human rights in regional migration coordination, maximize access to asylum at ports of entry, properly staff asylum and immigration court adjudications, and improve and restart use of the Biden administration's new asylum processing rule to help adjudicate a greater number of asylum cases more efficiently.



Congressional support is essential to ensure the appropriations needed to implement effective solutions, including for instance to properly ramp up resettlement, regional protection, and U.S. reception, asylum adjudication and work permit processing capacities. By contrast, the failure of Congress to appropriate necessary resources thwarts orderly migration management and adjudications.

This report follows, and updates, a comprehensive [Human Rights First report issued in July 2023](#) on the first two months of the asylum ban's implementation, and follows additional reports issued with [Haitian Bridge Alliance and other partners in May 2023](#) and with the [Florence Immigrant and Refugee Rights Project and the Kino Border Initiative in June 2023](#). This report is based on research conducted by Human Rights First in August, September, and early October 2023, including research trips by Human Rights First attorneys and researchers to the Mexican cities of Reynosa and Matamoros, Tamaulipas; and Nogales, Sonora in September 2023, observations from a staff member's visit with asylum seekers in Tijuana and at a shelter in San Diego as part of a Truman Project delegation in late September 2023, visits to shelters in the U.S. cities of Brownsville and McAllen, Texas and Tucson, Arizona in September 2023, interviews with asylum seekers in September and early October, information and case examples shared by attorneys and legal services organizations, humanitarian and religious workers in Mexico and the United States, other data, media, and monitoring analysis – and interviews and discussions with over 100 asylum seekers, humanitarian staff, religious workers, and others.

Key findings:

- Five months into the asylum ban's implementation, **families, adults, and children** seeking asylum continue to be forced to wait for months in danger in Mexico, in places where they are **targets of brutal and widespread kidnappings, torture, sexual violence, enforced disappearance, extortion and other attacks**. In recent months, the **brazen and systematic targeting of asylum seekers and migrants for kidnapping and violence**, including as they wait for and with CBP One appointments, has **sharply escalated**. This [escalation](#) has been reported both [across parts of northern Mexico](#) and [during transit through Mexico](#) with estimates of a **50% increase in some areas** as Mexican humanitarian aid providers have warned. Cases of sexual violence have included horrific incidents in which **children were sexually assaulted and adults were forced to witness their sexual assault and that of family members**. Humanitarian aid workers in Tamaulipas **report that they too are facing increased risks and surveillance**. Human Rights First researchers documented the targeting of people waiting to secure or with CBP One appointments over the last few months. For example:

A Venezuelan young adult kidnapped and **tortured by having his finger cut off**; a Honduran mother kidnapped with her family and **raped**; a Venezuelan man kidnapped and **shot in the head leading to the loss of his eye**; Honduran **teenage boys kidnapped and raped**; a Latin American **mother and her minor children sexually assaulted**; a Venezuelan man kidnapped, **tortured with severe beatings, and forced to witness the torture of another migrant**; a Venezuelan family subjected to an **enforced disappearance** and turned over to a cartel for kidnapping by Mexican officers. In



addition, **twenty-two people who had CBP One port of entry appointments missed their appointments because they were kidnapped from their buses.** Many of these horrific targeted incidents occurred in or as people arrived in Reynosa, while other abuses documented in this report occurred in Matamoros, Ciudad Juárez, Nogales, Tijuana, and other locations in southern and central Mexico.

- **A combination of factors relating to lack of adequate port of entry access and processing, the asylum ban, dire risks and inhumane conditions facing people who wait, and misinformation are pushing irregular crossings,** as confirmed by Human Rights First interviews with migrants and asylum seekers, including some who crossed the border into Arizona and Texas in September, and with humanitarian aid workers in Mexico and the United States. These factors include:
 - Inexistent or minimal processing by Customs and Border Protection (CBP) at ports of entry for people without CBP One appointments, including for those facing acute risks who cannot wait;
 - Denials of access to ports of entry by Mexican migration officers;
 - Insufficient CBP One appointments and wait times of up to five months;
 - Lack of knowledge of the CBP One app for some, and lack of access for others;
 - Grave and escalating harms threatening people in Mexican border cities and in transit through Mexico while waiting for CBP One appointments as required by the asylum ban;
 - Lack of sufficient and adequate shelter, humanitarian aid, and resources to support monthslong wait times and abysmal conditions in some cities where people seeking asylum are expected to wait; and
 - Misinformation from cartels, smugglers, and others.
- **Black, Indigenous, LGBTQ+, HIV+, women, children, and other vulnerable groups, including people with urgent medical conditions** waiting in Mexico to seek U.S. asylum continue to face particular and egregious barriers, dangers, and disparities in seeking asylum due to the asylum ban, including: **four Haitian Black asylum seekers in Tijuana, Reynosa, and Matamoros died and two Haitian pregnant women lost their babies due to medical emergencies, lack of access to medical care, and blocked or restricted access to ports of entry** while waiting to seek asylum, a lesbian couple was sexually assaulted waiting for a CBP One appointment, a trans Venezuelan woman was targeted for kidnapping on account of her CBP One appointment which she then missed, and a trans Venezuelan woman was threatened with sexual exploitation. **Significant barriers** to use of CBP One, including limited language access, disproportionately impact **Indigenous, many Black African, and other asylum seekers** who are unable to use the app to secure an appointment and yet are blocked or



restricted from entering through ports of entry. These barriers have spurred irregular crossings.

- In the wake of the asylum ban, **Mexican authorities' actions to block access at many U.S. ports of entry** for people without CBP One appointments and **Mexican authorities' failure to protect migrants and asylum seekers from targeted violence and harm are also pushing irregular crossings**, contributing to the dangers facing these vulnerable populations and subverting the Refugee Convention. The direct targeting of asylum seekers and migrants by Mexican authorities for extortion and other abuses, complicity of some Mexican authorities with cartels in their targeting of migrants and asylum seekers, and the near-complete lack of state protection and access to justice for migrants and asylum seekers in Mexico, evidence that **Mexico is not safe for asylum seekers and migrants**.
- **People waiting to seek asylum overwhelmingly do not know about or understand the asylum ban and the consequences it inflicts if entering at or between ports of entry without a CBP One appointment, and some are unaware of CBP One**, as legal and humanitarian service providers who have spoken with countless people waiting to seek asylum across the northern Mexico border over the last several months reported to Human Rights First. People waiting to seek asylum expressed wanting to do so at ports of entry and many continue to do so. But in the face of increasing security threats and survival needs, asylum seekers' **decisions are overwhelmingly driven by urgent protection needs** spurring some to cross between ports of entry.
- **People seeking asylum reported to Human Rights First and to humanitarian workers that they had not applied for asylum in other countries, and as a result did not wait to be denied asylum** there as the asylum ban contemplates in blatant disregard of the risks and realities refugees experience in these countries. People seeking asylum explained the reasons they reasonably believed they would not be safe in transit countries, due to fear of persecution, violence, mistreatment, and other abuse. UNHCR's August 2023 protection monitoring in Honduras [found](#) that 100% of 175 migrants it interviewed had not previously sought asylum, and its protection monitoring in Guatemala earlier this year [found](#) that only 3% of people surveyed who had international protection needs had applied for asylum in Guatemala or in another transit country.
- **The asylum ban is counterproductive to effective migration policy and refugee protection**. Like other strategies aimed at metering and blocking access to ports of entry, the asylum ban **spurs irregular crossings** by at-risk people who cannot safely wait. Not only do asylum seekers overwhelmingly not know about the ban, but even when they do learn of it, **their decisions are overwhelmingly driven by urgent safety and protection needs** as Human Rights First's interviews with asylum seekers and humanitarian aid workers in northern Mexico confirm. In addition to inflicting grave harms and denying asylum to refugees, the use of the asylum ban in expedited removal has already: **diverted asylum officers and hampered the ability of the asylum office to conduct affirmative asylum adjudications or Asylum Merits Interviews under the**



Biden administration's Asylum Processing Rule (APR), increased the time required to conduct credible fear interviews, and led to the halting of the use of the new APR – a Biden administration initiative that can, with key improvements, make the adjudication process more efficient, and reduce referrals to the immigration courts. The asylum ban also [undermines refugee protection globally](#), as well as U.S. integration by depriving many people who qualify as refugees under U.S. law of a path to citizenship.

- Implementation of the asylum ban in expedited removal fuels refoulement** – return to persecution or torture that violates U.S. law and treaty obligations. The asylum ban imposes a [higher screening standard](#) in expedited removal credible fear screenings, in violation of the credible fear standard created by Congress. As a result of this higher screening standard, people subject to the asylum ban in their screenings are **more than three times as likely to fail and be ordered deported without a chance to apply for asylum** compared to those who are not subject to the ban, according to government data. This rigged process has already resulted in deportation orders against nearly [15,000 people](#) who were subjected to the ban between May 12 and August 11, 2023. By definition and operation, the asylum ban turns away people who otherwise meet the U.S. and international law definition of a refugee to their country of feared persecution or to Mexico, where they face grave dangers and risk return (chain refoulement) to persecuting countries. People seeking protection who were deported through expedited removal under the ban include asylum seekers who testified to fears of harm because of their race, Indigeneity, and disability. Others who were ordered deported under the ban but whose deportation was only narrowly averted due to intervention by legal service organizations include: an Egyptian man who was brutally beaten because he is Christian and fears he will be killed if he is returned to Egypt; a transgender Venezuelan woman living with HIV, who suffered years of physical abuse and was threatened with rape in Venezuela due to her sexual orientation and gender identity; and an Indigenous family that was attacked in Ecuador because they are Indigenous and was nearly deported with their two minor children.
- U.S. agencies continue to wield the asylum ban to order deportations during credible fear interviews in CBP jails, have taken recent steps that render meaningful legal representation in those interviews even more difficult and continue to use the asylum ban to deport some people in CBP jails without any opportunity to share their fear of persecution in the country they fled.** Detention in CBP custody, where many are held essentially incommunicado in horrendous, sometimes life-threatening conditions for [prolonged periods](#)—in violation of government policy—and their whereabouts often cannot be confirmed by attorneys or loved ones, may constitute [enforced disappearances](#) under international law. In recent weeks, the government added a new roadblock to representation: the Executive Office for Immigration Review stopped posting outcomes of immigration court credible fear reviews, making it impossible for attorneys to determine the outcome of a case and how best to assist a client before they are potentially deported. Through agreements with Mexico to deport some people there, the U.S. government is also using the asylum ban in CBP jails to summarily deport some people seeking protection without any screening of their refugee protection claim and fears of persecution in the country they fled.



- Since May, the administration has **subjected families seeking protection to the asylum ban, in combination with expedited removal, unduly short timelines, home curfews, and other punitive policies, raising the risk of refoulement and inflicting extreme trauma on families and children who have just fled harm.** Credible fear interviews conducted in this program—dubbed “Family Expedited Removal Management (FERM)”—take place within days or weeks of families’ arrival in the United States and are replete with instances of parents, babies, and children crying; young children questioned by asylum officers; and parents having to comfort their children or informing the officers that a child is hungry or needs a diaper change. Families have suffered additional trauma during these interviews due to the asylum ban because they had to testify about the violence they suffered in Mexico in order to meet an exception of the ban, including a mother and 16-year-old boy who were crying while the mother described how people in Mexico threatened to kill her children and “cut our pants...and...touched us all over” as well as a woman who was sobbing at her CFI, during which she had to describe the attempted kidnapping her three-year-old daughter suffered in Reynosa.
- **The Department of Homeland Security (DHS) indefinitely separates families seeking protection at the border and jails some family members in immigration detention, where they may be subject to expedited removal, the asylum ban, summary deportation, and permanent separation from their family.** People separated at the border include spouses who are legally married, children separated from parents, and other families. For instance, a Colombian man was separated from his wife, jailed, and ordered deported under the asylum ban through expedited removal while his wife was jailed in a different detention center and passed her credible fear interview. A Venezuelan couple was jailed separately by CBP and forced to undergo expedited removal, with one partner passing a credible fear interview and the other being returned to Mexico through “voluntary” return, which asylum seekers are often pressured to accept without an opportunity to consult with counsel or adequate information. Multiple pregnant women were also recently separated from their partners, including after a woman attempted to show a DHS officer her marriage certificate and was told “your baby isn’t yet born.”
- **The asylum ban, and other punitive policies including expedited removal, disproportionately harm Indigenous people seeking protection due to the government’s failure to provide interpretation in the person’s primary language during the credible fear process.** In recent cases subject to the asylum ban, asylum officers have disregarded clear evidence of language access issues for Indigenous people, completed CFIs in Spanish, and issued expedited removal orders under the ban, including in a case where the interpreter **stated on the record that he could not understand the applicant.** Another Indigenous asylum seeker was deported under the asylum ban in the summer after he was forced to proceed with his CFI in Spanish even though it is not his primary language and then coerced into undergoing his credible fear review in Spanish under threat of prolonged detention, with **the immigration judge expressing disbelief that he required interpretation in his native language and stating that he knows that everyone speaks Spanish.**



Recommendations:

Instead of banning and blocking people seeking asylum, the Biden administration and Congress should double down on humane and effective strategies that the administration has already initiated or announced, including to quickly ramp up regional refugee resettlement plans, strengthen parole initiatives, increase humanitarian and other aid to address protection gaps in the Americas, maximize access to ports of entry, properly staff asylum and immigration court adjudications, improve and restart use of the Biden administration's new asylum processing rule to help adjudicate a greater number of asylum cases more efficiently and take other key steps previously [recommended](#) by Human Rights First. With respect to the issues detailed in this report, the Biden administration and Congress should work together to:

Uphold refugee law and the right to seek asylum.

The Biden administration, the Department of Homeland Security, and the Department of Justice must comply with U.S. and international refugee law and immediately rescind their asylum ban, which was issued as a “temporary” measure that is subject to review in duration. Under U.S. and international law, people seeking asylum should not be penalized or barred if they arrive at an official port of entry without an appointment, or due to their irregular entry or transit routes to the United States. Nor should they be subject to disparate access to asylum or discriminatory bans on asylum due to nationality, language, race, or resources.

DHS and CBP should swiftly process people waiting to seek asylum, rather than force them to wait in dangerous conditions or subject them to improper metering at U.S. ports of entry (which was ruled illegal by a U.S. federal court). Mexican nationals seeking asylum should not be left to “wait,” trapped at risk in their country of feared persecution.

Congress should press the Biden administration to end its asylum ban and oppose efforts to codify into law policies, like the Biden asylum ban, Remain in Mexico, and Title 42 expulsions, that violate refugee law, curtail access to asylum, and endanger people seeking refuge.

Maximize and increase, rather than limit, asylum processing capacity at U.S. ports of entry, including for asylum seekers without CBP One appointments.

- DHS, CBP, and the Department of State (DOS) should ensure prompt access and entry for people seeking asylum at U.S. ports of entry, both for those with and without appointments, maximize port access, allocate sufficient staff to processing at *more* ports of entry, and stop the “deprioritizing” and metering of people without appointments who seek asylum at ports of entry — many of whom present urgent medical and protection risks that cannot wait. Limited appointments, wait times, and barriers to port access for people without appointments are pushing irregular crossings. Port access should not be restricted through metering, the asylum ban and/or other counterproductive [policies](#) that spur irregular crossings.



- While DHS has increased the number of CBP One appointments, additional steps should be taken to maximize access to ports of entry. Many asylum seekers have waited several months, in some cases up to eight months, for appointments. These wait times endanger lives and counterproductively spur crossings outside of ports of entry.
- DHS should sufficiently increase and sustain critical resources – including personnel, physical infrastructure, internet, computers, and other resources required to significantly increase CBP’s Office of Field Operations’ processing of asylum seekers at all ports of entry. This can be done in part by shifting staff and resources to OFO away from overfunded agencies with a proven history of mistreating and abusing migrants that prioritize enforcement and surveillance over urgent and underfunded humanitarian needs.
- Congress should ensure its appropriations are directed to swift, humane, and effective processing of asylum seekers at ports of entry, including the resources listed above.
- The CBP One smartphone application must not be used to ban, block, meter, or limit people from seeking asylum: The Biden administration, DHS, and CBP must not use the CBP One app (or the asylum ban), to turn away asylum seekers or meter them through limited appointments, and must instead ensure equitable and swift access to seek asylum for all individuals without discrimination, including for those without the means to purchase a smartphone or obtain access to electricity and internet on a daily basis while waiting in Mexico, and those who are illiterate, or who speak languages other than the few available in the CBP One application (including Indigenous languages).

Uphold the principle of family unity and ensure that CBP and Border Patrol keep families together.

Ensure the Government of Mexico stops restricting access to U.S. ports of entry for people seeking asylum without appointments; stops intercepting, returning, and deporting people seeking asylum; and implements measures to respond to and prevent gross human rights violations of migrants.

- DOS and Biden administration officials must escalate dialogue with the Mexican government given its actions to unlawfully restrict access to the U.S. ports of entry for people without CBP One appointments, including cases of people fleeing life-threatening harm and urgent medical cases. DHS and/or CBP officials or officers should refrain from requesting or urging Mexican authorities to restrict such access. The blocking of access to asylum at U.S. ports of entry is inconsistent with international law as well as counterproductive, spurring crossings outside ports of entry and/or travel through Mexico to other ports of entry along the border.
- DOS and Biden administration officials must also escalate dialogue with the Mexican government and press for accountability and protection for asylum seekers and migrants in transit and while waiting in Mexico, particularly in states such as Tamaulipas, Chihuahua, and others where migrants are being systematically targeted for kidnappings for ransom, sexual violence, and torture by cartels.



- DOS and Biden administration officials must end any [agreements](#) with Mexico that allow or facilitate the return of refugees to persecution without meaningful access to asylum assessments, including the return of asylum seekers denied access to asylum hearings in the U.S. due to the asylum ban and of people attempting to seek U.S. asylum and/or secure CBP One appointments.

Increase government and other aid for humanitarian efforts abroad, as well as reception in the United States, working with Congress which should sharply boost appropriations for such aid:

- The State Department and international organizations should increase aid to support humanitarian reception in northern Mexico and other areas in Mexico where people are waiting to seek asylum, including investing in shelter, WASH, health, nutrition, cash-based interventions, livelihoods, access to information and internet connectivity, and psycho-social and case management services such as child protection and gender-based violence prevention, mitigation, and response.
- U.S. agencies should develop and pursue increased Shelter and Services (SSP) funding, administered by FEMA, to disburse funds as needed (rather than on a reimbursement model), [remedy](#) limitations on the use of funds for transportation and shelter costs, and [safeguard](#) its humanitarian funding structure. The administration should work with Congress to increase funding to all cities—both border and interior—receiving migrants and asylum seekers, including by [supporting](#) the [ASPIRE](#) Act, a bill that would provide an additional \$10 billion for EFSP and SSP funding, helping to lay the foundation for the robust coordination that both border and interior communities urgently need.
- Congress should provide increased and long-term funding to support the work of U.S. humanitarian organizations operating along the southwest border and for humanitarian efforts in Mexico, and create funding programs beyond those already in existence, to ensure critical support for sustainable and longer-term faith-based, humanitarian, and other refugee reception in the United States — both along the U.S.-Mexico border and in destination communities across the country.
- U.S. agencies and Congress should ensure prompt work authorization for asylum seekers—a top need identified by both asylum seekers themselves as well as host communities, as detailed in Human Rights First [recommendations](#).



The asylum ban endangers lives

U.S. officers must allow people to seek asylum in accordance with Title 8 of U.S. immigration law and [treaties](#) binding on the United States. Yet, despite the requirements of U.S. and international law, since Title 42 ended, the Biden administration has limited access to asylum through its asylum ban and limited processing of people seeking asylum by failing to allocate sufficient resources to this function. CBP officers at the DeConcini Port of Entry have functionally restricted entry of people seeking asylum who present themselves at the port *without* a CBP One appointment by prioritizing the processing of those with CBP One appointments. In doing so, CBP officers have left hundreds of families, children, and other people in need of immediate protection stranded – treated as though they are not priorities – waiting for over 15 nights and counting in a line that barely budes. Though the CBP officers have not affirmatively turned anyone away from waiting in line at the port of entry (as was common under prior metering schemes in 2017 - 2020), the CBP officials' prioritization of those with CBP One appointments contributes to the increasing line of persons who should, under U.S. laws, be provided with processing in a timely manner.

Five months after the asylum ban was initiated in May 2023, families, adults, and children seeking asylum continue to be forced to wait months in Mexico where they face escalating life-threatening dangers as they struggle to obtain one of the limited CBP One appointments. If they cannot safely wait for an appointment or are unable to obtain one and attempt to seek protection in the United States, the asylum ban rule effectively bars them from asylum even if they are eligible under U.S. law. People who cross the border irregularly between ports of entry to seek protection will risk being subjected to the asylum ban in expedited removal and have the credible fear screening adjudication rigged against them by the ban. People seeking asylum risk the asylum ban penalties even when they are unaware of them, are attempting to seek asylum at a port of entry but do not have an appointment, would not have been safe in a transit country, and/or face dangers, threats to survival, or medical risks that make it unsafe for them to wait longer in Mexico. The narrow exceptions to the ban do not suffice to protect at-risk refugees.

People at risk of the asylum ban's penalties continue to be **targets of kidnappings, torture, sexual assault, disappearance, enforced disappearance, extortion, and other brutal attacks** throughout Mexico while they are waiting to secure or to appear for CBP One appointments. [Eighty-five percent of migrants](#) treated by Doctors without Borders in Mexico during the first six months of this year **experienced targeted violence in transit**, with the authorities as perpetrators many times. The Mexican national anti-kidnapping commissioner [stated](#) in July 2023 that **the cifra negra of kidnappings in Mexico remains high as only one in ten kidnappings are reported**, as quoted by SN Digital Tlaxcala. In July 2023, twenty-two civil society organizations [warned](#) of the **increase in kidnappings and extortion of migrants in the northern states of Tamaulipas, Chihuahua, Durango, and Sonora** and of the **collaboration between Mexican authorities, bus transport companies, and cartel groups**.

In the past few months, however, the targeting of migrants and people seeking asylum for **kidnapping and other harm** by cartel groups has [escalated](#) in some parts of Mexico with



kidnappings continuing to occur in states along the southern and northern borders, and along transit routes in the interior of Mexico. The below sections discuss targeted kidnappings and other harms across various locations in Mexico.

Targeting of asylum seekers and migrants for kidnapping in Reynosa

In the wake of the asylum ban, since the beginning of summer, humanitarian aid workers in Reynosa, Tamaulipas have alerted to the increase in kidnappings of migrants and people waiting to seek asylum by cartels. Various aid workers who provide assistance to migrants in Reynosa and Matamoros estimate that over the last several months, **kidnappings in Reynosa have increased 50%** and have **become the norm as a daily occurrence**.

In a September report covering the period of April to June 2023, during which the asylum ban took effect, Doctors without Borders documented a **45% increase in cases of violence reported by migrants in Reynosa and Matamoros, nearly all which involved multiple violations including kidnapping (about half), sexual violence (nearly a third), physical violence (nearly a third), and other abuses** as compared with the first three months of the year. During kidnappings documented in this period, survivors indicated to Doctors without Borders that **extortion, sexual and physical violence, torture, threats, and homicides occurred**. The report documents an increase in the populations waiting in both cities as of mid-May, coinciding with the asylum ban taking effect and its requirement to wait for a CBP One appointment to be eligible to seek asylum. Aid workers expressed the increased numbers of migrants stranded in these cities – thousands of which were living in open-air encampments and with little protection – contributed to their being “sitting targets.”

In Reynosa, over the last several months, the targeted kidnappings of migrants for ransom has become widespread as migrants – and at times entire buses – are brazenly intercepted in broad daylight upon arrival to the bus terminal, and are targeted for attacks at places where they are likely to transit or stay while waiting for a CBP One appointment, including waiting outside migrant shelters, and even approaching the port of entry. Migrant survivors of kidnapping have also been subjected and witness to the use of torture. While the Doctors without Borders report did not include case examples, other humanitarian aid workers shared testimonies and Human Rights First researchers interviewed survivors of kidnappings and violent harm. For example:

- **A Venezuelan young adult was kidnapped and tortured in Reynosa while waiting to seek asylum in the U.S.:** A Venezuelan young adult was kidnapped when entering Reynosa by bus in September 2023. On the fourth day, **the cartel cut off his finger** and sent the images to his relatives demanding immediate ransom for his abduction. His relatives in Venezuela made the ransom payment, but six days later at the time of speaking to a Human Rights First researcher, the family had still not heard if he was safe.
- **A Venezuelan young adult was killed by the cartel in Reynosa while waiting to obtain a CBP One appointment and others kidnapped:** Two Venezuelan young women and a Venezuelan young man survived a kidnapping by the cartel in Reynosa



in September 2023. A fourth Venezuelan young man who was travelling with them **was killed by the cartel during the kidnapping**, as recounted to a humanitarian aid provider in Matamoros.

- **Three Venezuelan men were kidnapped, tortured, and forced to witness torture in Reynosa while trying to obtain a CBP One appointment:** Three Venezuelan men had been trying to obtain CBP One appointments when they were kidnapped in Reynosa in September 2023. With the collusion of their bus driver, cartel members boarded their bus at the Reynosa bus terminal and kidnapped migrants and asylum seekers of various nationalities, including families and children as young as two years old. The three Venezuelan men were held for five and six days, while their cousin was held for nine days, during which time they were deprived of food. One of the Venezuelan men described being **tortured and beaten on his head and body** to a Human Rights First researcher. Another described **being forced to stand the entire day** in the middle of the room and tortured if he didn't. They witnessed another man **threatened with cutting off his ear or finger**. They witnessed a Venezuelan man who was told his release was **conditioned on his Venezuelan female friend having sex with all the cartel members**, which she refused. The man and his female friend remained detained.
- **A Venezuelan man was shot in the head by the cartel and lost his eye while waiting to seek asylum in the U.S.:** In September 2023, while waiting to seek asylum in the U.S., a Venezuelan man was shot in the head after being pulled off a bus that had been taken by the cartel to kidnap passengers. The man survived the shooting but lost an eye, as confirmed by a humanitarian aid provider.
- **Two Latin American¹ men were kidnapped and beaten, and later threatened with death and torture by Mexican authorities:** Two young male asylum seekers from Latin America were kidnapped by a Mexican cartel in Reynosa, Tamaulipas in August 2023 as they arrived at the border city to seek asylum in the U.S. Their captors beat them, stripped them of all their clothing, and robbed them of their phones and money. They were held captive for almost a week while the cartel extorted their families. Shortly after their kidnapping, the young men were assaulted and robbed again in Reynosa, this time by Mexican officials who threatened to kill them and mutilate their bodies, as recounted to Lawyers for Good Government.
- **A Venezuelan man was kidnapped and tortured in September 2023:** After trying for a month to obtain a CBP One appointment, a Venezuelan man and four other migrants were kidnapped in Reynosa upon arriving by cargo train and held captive in a room with other asylum seekers, mostly from Venezuela.

"They torture you and beat you like an animal."

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



The cartel **tortured him with severe beatings** and **forced him and others to witness torture when they cut off the finger of another man** whose family had not been able to pay the ransom.

He was **threatened** by the cartel that **if they saw him again, they would kill him**. As he was released at the bus terminal, **he saw the cartel kidnap a pregnant mother, father, and young child** who also appeared to be migrants, as told to a Human Rights First researcher.

- **A Venezuelan man was kidnapped, beaten, and forced to witness torture while trying to secure a CBP One appointment:** A Venezuelan man traveling alone while attempting to obtain a CBP One appointment was kidnapped in September 2023 in Reynosa. Five armed men boarded his bus and asked him and another man if they had CBP One appointments and forced them off the bus. He was photographed and kidnapped for 10 days, deprived of food, together with adults and many children of other nationalities, including Hondurans and Guatemalans. He was beaten with a baseball bat for days and forced to witness the cartel cut off the finger of another man. The children were forced to witness these horrific harms and amputations with loss of blood. The cartel kept his phone so, after he was released, he was forced to start over in requesting a CBP One appointment.
- **A Venezuelan woman and her male partner were kidnapped and beaten while attempting to obtain and wait for a CBP One appointment:** A Venezuelan couple was kidnapped from a bus in Reynosa in September 2023 by the cartel and held for five days. The male partner was beaten with a bat during the five days, forced to smoke marijuana and snort cocaine and threatened that he would be shot or have his finger cut off. The couple was also forced to witness the torture and beatings of others. They were given only bread and water.

Humanitarian workers and asylum seekers speak of the significant dangers throughout the city and how members of the cartel, whose presence is pervasive, prey on migrants and “fish” them from the port of entry and its nearby plaza.

- **Attempted kidnapping of a young Venezuelan adult outside the Reynosa port of entry in September 2023:** A group of young Venezuelan migrants waited in front of the Reynosa port of entry, struggling to obtain a CBP One appointment and hoping to seek protection in the U.S. but were blocked by the Mexican migration authority from accessing the port. One of the young Venezuelan adults crossed the main thoroughfare to buy something to drink. He was quickly approached by a member of the cartel and asked for the password that would allow him to escape a kidnapping. His companions shouted to him to run, and he escaped by sprinting back across the main avenue to the port of entry, as recounted to a Human Rights First researcher.
- **Two Venezuelan men nearly kidnapped right near migrant shelter:** The men arrived at night to a migrant shelter in Reynosa in July 2023 and were informed it was at capacity. While asking a taxi driver near the shelter where they could stay for the night, the taxi driver urged them to quickly get in the car, **“the watchers are**



approaching and they're coming for you" he said as some men approached on foot. They managed to escape by taxi.

- **Venezuelan man terrified that he will be kidnapped:** A Venezuelan man waited at the Reynosa port of entry, having struggled for two months to obtain a CBP One appointment while in hiding the entire time. He had twice registered in a group with others on the CBP One app, but the group decided to cross the border irregularly to the U.S. and turn themselves in to seek asylum because of the alarming dangers they faced while waiting in Mexico. The Venezuelan man would now need to start over and register on his own on the CBP One app. He described his sheer terror of being kidnapped, how the cartel has watchers everywhere and no one can be trusted. He was momentarily safe as he sat next to the port of entry while describing that the watchers were posted across the street at various points along the main avenue and discussed the risks of even trying to leave the port of entry to catch the bus to return to hiding. **"Here, even taxi drivers sell you to them [the cartel]."**
- **Kidnappings occur in broad daylight outside migrant shelters in Reynosa:** A Mexican woman spent eight months in Reynosa with her adolescent daughter sleeping in a tent inside a migrant shelter while struggling to obtain a CBP One appointment and described being trapped inside the shelter due to kidnappings taking place right outside:

*"Many kidnappings occurred outside the shelter in broad daylight because migrants were only allowed out during certain hours. **Trucks would arrive and take people. Many witnessed it.** The kidnappings got worse in the last three months and people barely left the shelter. People used to head to the soccer field outside, but not anymore. **Because of this, everyone crossed.**"*
- **Asylum seekers feel unsafe in some shelters in Reynosa on account of the cartel:** In late September, a group of about 50 asylum seekers left a migrant shelter in Reynosa explaining that they felt unsafe there on account of the cartel. The group walked together to the port of entry – with strength in numbers as a defense against kidnapping by the cartel. Though they desperately attempted to seek asylum at the port of entry, they were blocked from approaching the U.S. port of entry by Mexican immigration officers, as confirmed by a humanitarian aid worker.

Targeting of asylum seekers and migrants for harm in Matamoros

In the wake of the asylum ban and over the last several months, humanitarian aid workers in Matamoros, Tamaulipas have also confirmed increased kidnappings throughout the city targeting migrants and people waiting to seek asylum. In addition, people waiting to seek asylum reported kidnapping attempts, even right outside of a migrant shelter. Aid workers also confirm instances of **kidnappings inside tents at the river encampment** targeting recent migrant arrivals waiting to seek asylum along with **incidents of sexual violence and physical assault** in the river encampment. For example:



- Venezuelans kidnapped for ransom and held days inside tents in river encampment:** A group of four Venezuelans who had recently arrived in Matamoros were told they could find help and somewhere to stay at the river encampment and were led there. Upon arrival, they were ordered to enter a tent by individuals identifying themselves as members of a cartel and held hostage for several days until family members paid ransoms. One Venezuelan man was only able to pay \$100 USD so the cartel kept his passport and national identity card, and he was told he would be forced to work to repay them. He is still receiving threatening communication from them and fears for his life in Matamoros as he recounted to a humanitarian aid worker.
- Ecuadorean family attacked and threatened with death in Matamoros camp:** A Venezuelan LGBTQ+ couple were in their tent in the Matamoros river camp in July 2023 when they overheard an assault against an Ecuadorean family in another tent nearby. Armed men struck the Ecuadorean man over the head and demanded the family hand over their phones and money, or they'd kill them. The couple conveyed the chilling fear they felt mere feet away inside their tent and the sense of impotence, unable to help for fear that they would be killed.
- Chinese man violently assaulted in Matamoros camp:** A Venezuelan woman and her husband witnessed the assault and robbery of an older Chinese man by members of a cartel in the Matamoros camp in August 2023. The Chinese man was beaten and robbed. His phone, money and belongings were all stolen. Terrified they would be attacked as witnesses, the couple hid in their tent and felt powerless to help him, afraid for their own lives if they did.
- Venezuelans suffer attempted kidnappings in Matamoros, in addition to kidnappings and beatings in Reynosa:** Three Venezuelan men who were kidnapped and beaten by the cartel in Reynosa in September 2023 made it to a migrant shelter in Matamoros after their release. In Matamoros they continued to be at risk of kidnappings. They described two attempted kidnappings they experienced near the migrant shelter where they were staying in Matamoros: the first while looking for work one day and the second while outside a nearby supermarket. They conveyed the lack of protection throughout the city, including outside the shelter, and how migrants are targeted for kidnapping and extortion.
- Gay Venezuelan couple was nearly kidnapped in Matamoros while waiting and trying to secure a CBP One appointment:** The couple was nearly abducted while walking at night to buy food in August 2023. A truck began following them and two men jumped out. Terrified, the couple ran and managed to hide.
- Four Venezuelan young adults were kidnapped at gunpoint by armed men in Matamoros in late July 2023:** Several days later at the time of reporting by [Reforma](#), the group had not yet been released.



- **A young Venezuelan adult waiting to obtain a CBP One appointment was nearly kidnapped in Matamoros in September:** The young man described how - while waiting for his CBP One appointment in Matamoros - he was followed by a truck that appeared to be occupied by cartel members. He ran and luckily escaped.
- **Venezuelan asylum seekers in Matamoros witness kidnapping in September:** At the Matamoros bus terminal in September 2023, several Venezuelan men who had just arrived observed a person they believed to be a migrant or asylum seeker being kidnapped from the bus terminal by men they believed to be cartel members, and then put into a truck.

Sexual violence against migrant women, men, and children

In the wake of the asylum ban, and over the last four months, humanitarian aid providers who assist asylum seekers as they wait in Mexico to seek U.S. asylum have identified increased cases of sexual violence targeting migrant and asylum-seeking women, men, and children. In late September 2023, Reuters [reported](#) on the increase in sexual violence against migrants in the border cities of Reynosa and Matamoros, according to data from the Mexican government and humanitarian groups, interviews with eight sexual assault survivors and more than a dozen local aid workers.

Nearly half the cases of sexual violence Doctors without Borders identified during the period of April to June 2023 as documented in its September 2023 report, **occurred during kidnappings in Reynosa**, while others occurred **in southern Mexico including in migratory detention, in Matamoros at the tent river encampment and in the city**, and in the **Darien jungle**. Eighty-five percent of the survivors identified were women, **three of whom were pregnant**, and 15% were men. Cases of sexual violence identified in Reynosa during the last months include horrific incidents in which children were sexually assaulted and adults were forced to witness their sexual assault and that of family members. For example:

- **A Venezuelan seven-year-old child was kidnapped for three weeks, drugged, and survived sexual violence while waiting in Reynosa to seek asylum in the U.S.:** A seven-year-old child who identifies as LGBTQ traveling with his mother was kidnapped by the cartel together with her while entering Reynosa by bus and held for three weeks in September 2023. The cartel **drugged the child and sexually assaulted him**. Upon payment of their ransom and release, the mother and child sought protection at a migrant shelter where the child experienced an **attempted sexual assault** by other migrant men after the child had been forced to separate from his mother and sleep in the area designated for men, as recounted to a humanitarian aid worker.
- **A Honduran mother was kidnapped with her family and survived a sexual assault while waiting to seek asylum in the U.S.:** A Honduran woman, her husband, and young daughter were kidnapped in Reynosa in September 2023 by members of a cartel who also **attempted to sexually assault** the mother. As she fought and screamed, her husband attempted to defend her and was **tied with cables, beaten, and seriously injured**, as reported to a humanitarian aid worker.



- **Honduran teenage boys were kidnapped and sexually assaulted while waiting to seek asylum in the U.S.:** Two 19-year-old and one 20-year-old Honduran male asylum seekers were kidnapped by the cartel in Reynosa in September 2023 and **sexually assaulted**. Since being released, they are suffering from severe acute stress and trauma on account of the sexual violence they survived, as recounted to a humanitarian aid worker.
- **A Latin American² mother and her minor children were sexually assaulted while waiting to seek U.S. asylum:** In September 2023, a mother and her minor children were waiting to seek asylum in the U.S. and were kidnapped by the cartel in Reynosa. The **mother and children were sexually assaulted** by their kidnappers, which they reported to a humanitarian aid worker.

Targeting of asylum seekers and migrants for kidnappings in Chihuahua

In early September 2023, the Chihuahua Attorney General [declared](#) that the **kidnapping of migrants, mainly in Ciudad Juárez, was the main driver of violence in the state**. The state attorney general [noted](#) that the **increase in kidnappings** is owed to increased numbers of migrants transiting through Chihuahua to reach the U.S. who then **remain stranded in the state waiting to be able to cross**. In late September 2023, the Chihuahua state prosecutor [stated](#) that the **kidnapping of migrants had substantially increased** to the extent that identification of migrant kidnappings had **become a daily job** for their unit. Las Americas Immigrant Advocacy Group, a nonprofit that provides services to migrants in Ciudad Juárez, shared in late September 2023 that **one of every three individuals** they spoke with had survived a kidnapping in Mexico, often in cities such as Ciudad Juárez and Jimenez, Chihuahua, and while in transit through Durango, Durango.

In a [September 2023 report](#), Jesuit Refugee Services Mexico noted that the **frequency of kidnapping, violence and abuse targeting migrants and asylum seekers during transit through Mexico had increased in recent months**, as hundreds of individuals had shared their experiences of being “arbitrarily captured, detained against their will, and deprived of liberty for indefinite periods of time until ransom is paid.” Migrants they encountered in Ciudad Juárez reported having been kidnapped in various states in Mexico, including the southern states of Chiapas and Veracruz and northern states of Durango, Chihuahua, and Coahuila.

- **A trans migrant woman waiting in Ciudad Juárez to seek asylum was extorted by the cartel under threat of sexual exploitation:** A young trans woman waiting to seek asylum in the U.S. has been targeted and forced by the cartel to pay them \$1,500.00 Mexican pesos a week under threats of sexual exploitation. She is afraid she will be killed if she misses a payment and had not yet been able to safely seek asylum in the

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



U.S. despite these serious protection issues in Mexico, as told to Las Americas Immigrant Advocacy Group in late August 2023.

- **One hundred twelve migrants were rescued from kidnapping in the state of Chihuahua:** In early September 2023, the Chihuahua Attorney General commented on the disproportionate increase in migrant arrivals to the state and noted that in this time, Chihuahuan authorities had rescued 112 migrants from kidnapping, as reported by [N+](#).
- **Twenty migrants were kidnapped and held hostage for ransom at a safe house in Ciudad Juárez.** The migrants were rescued by Mexican authorities in late September 2023 as reported by [La Jornada Baja California](#).
- **Nine migrants from Ecuador and Guatemala, including women and children, were taken by force from a hotel in Ciudad Juárez and kidnapped** in August 2023 as reported in [Uniradio Informa Sonora](#).
- **Twenty-three migrants of various nationalities, including children, were kidnapped and held in Ciudad Juárez for one week in October 2023 by a Mexican former municipal police officer,** as reported by [El Diario de Chihuahua](#).
- **In September 2023, a Salvadoran migrant stranded in Ciudad Juárez expressed fear of being kidnapped.** The man told [N+](#) that he and others had been sleeping on the street and in public parks and requested support from the Mexican authorities.

Migrants throughout Mexico targeted for harm

People waiting to seek asylum are targeted for kidnapping, sexual violence, robbery, and extortion throughout Mexico while waiting for CBP One appointments and in transit to the U.S.-Mexico border. In July 2023, twenty-two civil society organizations [warned](#) of the **increase in kidnappings and extortion of migrants in the northern states of Tamaulipas, Chihuahua, Durango, and Sonora** and of the **collaboration between Mexican authorities, bus transport companies, and cartel groups**. For example:

- **A Venezuelan group was brutally attacked and sexually assaulted by an organized criminal group in transit through Mexico while waiting for a CBP One appointment:** A Venezuelan man and his brother had been struggling to obtain a CBP One appointment. While transiting on the roof of a cargo train with three others toward northern Mexico, the train unexpectedly stopped in the middle of the night for an hour. A Mexican police officer climbed aboard the top of their train car, saw them, and left. Minutes later, they were ambushed and attacked on the train roof by many members of a cartel. The woman in their group was stabbed with a knife, one of the men was anally sexually assaulted, and another was hit in the face with a bat. They managed to escape, and a Mexican police car arrived, but it did not pursue the perpetrators.



- **One hundred twenty-six migrants from Ecuador were kidnapped in Sonoyta, Sonora in August 2023**, five kilometers from the U.S. border as reported by [El Pais](#).
- **In Matehuala, San Luis Potosi, forty-nine migrants who had disappeared were rescued in mid-May having been kidnapped:** The group of migrants included 38 adults and 11 children from Brazil, Cuba, El Salvador, Haiti and Honduras, as reported by [Capital 21](#).
- **Leaving Monterrey, Nuevo Leon, a Venezuelan couple, and their one-year-old child were kidnapped while waiting to seek asylum in the U.S.:** A Venezuelan couple and their baby were kidnapped by a cartel when their bus from Monterrey was stopped in transit and migrants on the bus were kidnapped in late September 2023. Human Rights First learned from their family members in Monterrey that the couple and their infant had been kidnapped for six days, **forced to call family expressing that their finger, ear, or eye would be cut off if ransom wasn't paid quickly**, and had still not been released. The family members in Monterrey, which include young children and a five-month-old baby, are terrified they will be targeted for kidnapping while forced to continue to wait in Mexico for a CBP One appointment.
- **One hundred fifty-four African, Asian, and South American migrants, including minor children, were kidnapped in Sonoyta, Sonora in July 2023** as reported by [El Pais](#).
- **In Mexico City, a Honduran father, his five-year-old daughter, and adult brother were kidnapped:** As of September 2023, the family had been kidnapped for three weeks as their relatives in Honduras struggled to come up with the ransom demanded for their release, as reported by [Tiempo](#).
- **In Sonoyta, Sonora, nineteen Ecuadorean migrants were kidnapped for ransom:** In June 2023, a group of Ecuadorean migrants consisting of nine adults and 10 children were rescued by Mexican authorities after being kidnapped in an abandoned house and filmed while being beaten to demand ransom payment from relatives in the U.S., as reported by [Milenio](#).
- **A Venezuelan woman traveling alone was twice kidnapped in Reynosa, Tamaulipas, and near Monterrey, Nuevo Leon while waiting and trying to obtain a CBP One appointment:** A Venezuelan woman traveling alone had been waiting to obtain a CBP One appointment. She was kidnapped for ransom in Reynosa in June 2023. Upon her release, she returned to Mexico City where she waited for three months due to the trauma of her kidnapping. She still – after months of waiting - had not received a CBP One appointment despite trying. She left Mexico City and was kidnapped again while she was still trying to get an appointment, as she left Monterrey by bus.
- **Twenty-two African migrants and twenty-four Indian migrants were kidnapped in Sonoyta, Sonora and held for four days in August 2023** as reported by [Milenio](#).



- **In Mexico City, a Haitian family lives in fear of harm while waiting to try to get CBP One appointment:** A Haitian woman, her husband, and two minor children recounted how they felt unsafe in Mexico City while they waited to obtain a CBP One appointment. On one occasion in June 2023, a group of Haitians outside the building where they were staying were attacked and robbed. The mother feared the perpetrators would enter the building and attack them, too.
- **A Venezuelan asylum seeker trying to obtain a CBP One appointment was attacked in Sinaloa, Mexico:** The man was targeted for attack and armed robbery by a cartel at a train station in Sinaloa. They also robbed him of his cell phone. The Venezuelan man had been trying to obtain a CBP One appointment and did not have the resources to immediately purchase another phone, as told to the Kino Border Initiative in September 2023.
- **Cuban asylum seekers stranded in Tapachula, Chiapas while waiting to obtain CBP One appointments protest the National Institute of Migration's recent restrictions preventing migrants from traveling to the border by plane and manifest fear of being kidnapped in transit to the U.S. port of entry by bus given widespread risks,** as reported by [Ciber Cuba](#).
- **A migrant man was killed by members of an organized criminal group in July 2023 five kilometers from the Otay port of entry in Tijuana, Baja California:** The man and a friend were trying to cross into the U.S. through an opening in the border wall when they were attacked by four men who demanded to know who they paid to cross the border. Upon replying they paid no one, the two migrant men were taken to the side of a mountain, ordered to kneel, and one of them was shot dead. The other migrant escaped and sought help along the border wall from the California state authority, Cal Fire, as reported by [Baja News](#).
- **An Indigenous Shuar family suffered assaults and attempted kidnappings in transit through Mexico while waiting to seek asylum in the U.S.** The family, which had fled Ecuador, was **robbed by a cartel in transit to the northern Mexico border and forced to walk for days** along the highway, as told to the Kino Border Initiative once in Sonora in September 2023.

Disappearances and enforced disappearances of migrants waiting to seek U.S. asylum

Human Rights First has documented in its reports on [Remain in Mexico](#) and [Title 42](#) incidents of enforced disappearances after being pushed back to Mexico under these policies, detained by Mexican immigration or law enforcement agents, and subsequently handed off to nonstate actors who held them for ransom. In August 2023, Human Rights First, the Florence Immigrant & Refugee Rights Project, Haitian Bridge Alliance, Americans for Immigrant Justice, RAICES, and the U.S. Committee for Refugees and Immigrants filed a [submission](#) with the U.N. Working Group on Enforced or Involuntary Disappearances and the Committee on Enforced Disappearances explaining this. Similar to these policies, the



asylum ban endangers people seeking asylum as it forces people to wait in Mexico to secure CBP One appointments at risk of kidnapping, disappearance, and enforced disappearance.

Mexico is experiencing a national crisis with [more than 111,000 people](#) registered as disappeared. In its [September 2023 report](#), the UN Committee on Enforced Disappearances lamented that **disappearances continue to be a generalized problem with near absolute impunity**. In addition to the scores of migrant kidnapping survivors identified by humanitarian aid providers and media reporting discussed in earlier sections, over **1,800 migrants of 55 nationalities have been registered as missing between January and August 24th of this year**, according to the Mexican National Search Commission, though this number is acknowledged to be an [underreporting](#). According to Commission [data](#), **one in four missing migrants is a child**. In late August 2023, Mexican civil society organizations [affirmed](#):

“Mexico is the country that disappears migrants.”

The highest number of disappearances of migrants were [registered](#) in the northern border state of **Tamaulipas** where brazen, widespread kidnappings are occurring, followed by **Mexico City, the southern border state of Chiapas, and northern border states of Baja California and Sonora**. For example:

- **Fourteen migrants from Honduras and Guatemala were reported as disappeared** in July 2023 in Tlaxcala, including six children one of whom is a one-year-old baby as reported by [La Silla Rota](#).

Human Rights First also documented the following examples of enforced disappearances:

- **A Venezuelan family was subjected to enforced disappearance and turned over to a cartel for kidnapping by Mexican authorities:** A Venezuelan family trying to secure a CBP One appointment were walking in Reynosa when they were stopped by the Mexican police who turned them over to a cartel in late August – early September 2023, as told to a humanitarian aid worker. The family was held captive until their relatives paid a ransom. The family's relatives in Venezuela continue to receive threatening messages from the cartel that they will kidnap the family again unless they pay more money, as recounted to a humanitarian aid worker.
- **A group of young Venezuelans were threatened by Mexican police with enforced disappearance and extorted while waiting and trying to secure a CBP One appointment:** A group of Venezuelan young adults were stopped by the police in Reynosa while waiting to secure a CBP One appointment and given an ultimatum: pay me now or I'll hand you over to the cartel, as recounted to a humanitarian aid worker.

Cartels and Mexican authorities target people with CBP One appointments

Recent interviews and reports indicate that migrants and asylum seekers who have been able to secure CBP One appointments – essential for avoiding the asylum ban's penalties –



are now specifically targeted in Mexico for kidnappings, harm, and extortion, including by Mexican officers. A group of twenty-two civil society organizations including 11 migrant shelters in the states of Baja California, Chihuahua, Sonora, Coahuila and Nuevo Leon, and other humanitarian aid providers [denounced](#) the **increase in targeted kidnappings and extortion of migrants, some of whom had scheduled CBP One appointments and disappeared or suffered other abuses.**

For example:

- **Groups of CBP One appointment holders kidnapped and miss appointments:** In September 2023, a group of 22 asylum seekers who had CBP One appointments and were travelling to the Matamoros port of entry were kidnapped by the cartel in Reynosa, most of whom were traveling on the same buses, after their buses were diverted there by their bus drivers in collusion with the cartel, as recounted to a humanitarian aid worker. One Venezuelan woman, husband, and four minor children described to Human Rights First being held captive for five days during which they **missed their CBP One appointments** until their relatives were forced to pay for their freedom.
- **A Venezuelan trans woman was kidnapped after revealing she had a CBP One appointment and missed the appointment while held captive:** A Venezuelan trans woman fleeing persecution and violence was en route to her CBP One appointment when she was kidnapped at the Reynosa bus terminal in August 2023. Two men with two-way radios boarded the bus and questioned her and others if they were foreigners and what they were doing. She replied she had a CBP One appointment and showed her appointment confirmation. Several other passengers on the bus also had CBP One appointments. The men removed them from the bus and held them for ransom with 100 other migrants. The woman missed her CBP One appointment during this time.
- **Five Cuban asylum seekers were kidnapped and brutally beaten, and one missed his CBP One appointment:** A Venezuelan family of 19 people including six children were leaving Reynosa by bus to Matamoros in September 2023 for their CBP One appointment when their bus driver suddenly told them to hide their belongings as he saw a caravan of cartel cars pass by. While their bus escaped, they witnessed another bus that had also left the terminal with a group of 15 Cuban asylum seekers, one of whom they had befriended, get taken. Later, in Matamoros, the family saw five of the Cuban asylum seekers who had been kidnapped from that bus and witnessed their bloodied wrists from having been forcibly handcuffed with cables. The Cubans described being brutally beaten on their backs while kidnapped. One of the Cuban men missed his CBP One appointment on account of the kidnapping.
- A Colombian 20-year-old woman, her Venezuelan partner and their **three-month-old baby** were **kidnapped for twenty days in Ciudad Juarez during which they missed their CBP One appointment in July 2023**, as reported by [Forbes](#).
- A Venezuelan family shared their understanding that the cartel is **especially targeting for kidnapping people who have CBP One appointments**. While in Matamoros, the



family was cautioned by the landlord of where they were staying to not print their CBP One appointment confirmation at the nearby stationery store and to instead go further away and discretely print it at a supermarket. The landlord explained that the staff at the stationery store call the cartel to notify when and how many people are at the store printing their appointments.

- **A Cuban family that secured CBP One appointments was kidnapped en route to the port of entry after departing Monterrey toward Reynosa in September 2023, as reported by [Ciber Cuba](#).**
- A Venezuelan man who survived a kidnapping in Reynosa in September 2023 described to Human Rights First how **Mexican migration and law enforcement officers extort migrants with CBP One appointments for greater amounts** than others during the numerous checkpoints along transit routes toward the U.S. ports of entry at the border. As a result, he explained that people with CBP One appointments instead show their CBP One registration print-out rather than appointment confirmation.

“If you have a [CBP One] appointment, it’s worse. They’ll demand more money. You can’t show or say that you have an appointment. Instead, people show their CBP registration confirmation.”

As Human Rights First documented in its reports on [Remain in Mexico](#) and [Title 42](#), cartels had similarly targeted asylum seekers and migrants made to wait in Mexico under those programs – for example kidnapping and “taxing” asylum seekers and migrants for waiting in Mexico. The asylum ban similarly endangers people seeking asylum through its attempts to force people to wait in danger in Mexico to secure CBP One appointments under threat of being subjected to the ban’s penalties.

Threats to humanitarian aid workers assisting migrants in Tamaulipas

The U.S. State Department assesses its highest security rating of Level 4 Do Not Travel for the state of Tamaulipas, the same rating given to Afghanistan, Syria, and Yemen, stating that:

Organized crime activity – including **gun battles, murder, armed robbery, carjacking, kidnapping, forced disappearances, extortion, and sexual assault** – is **common along the northern border** and in Ciudad Victoria. Criminal groups target public and private passenger buses, as well as private automobiles traveling through Tamaulipas, often taking passengers and demanding ransom payments. **Heavily armed members of criminal groups often patrol areas of the state and operate with impunity** particularly along the border region from Reynosa to Nuevo Laredo.

Because of this, few faith-based and other humanitarian aid workers operate in this threatening environment to provide limited shelter and critical humanitarian assistance to thousands of asylum seekers transiting to the Hidalgo-Reynosa and Brownsville-Matamoros



ports of entry while waiting for and to attend CBP One appointments. As reports of kidnappings against migrants increased over the last several months as described earlier in this report, aid workers themselves were forced to take security measures for their own protection, including at times reducing or stopping services. For example, a humanitarian aid provider in Tamaulipas had to temporarily withdraw some of its services for migrants on account of situations of violence while another nonprofit provider has temporarily stopped its in-person services assisting migrants in Reynosa and Matamoros due to concerning security risks. A humanitarian aid worker told Human Rights First in September 2023:

“Humanitarians are being threatened and we’re vulnerable.”

Humanitarian aid workers describe a **climate of fear** and of being surveilled by the cartel for their work aiding migrants. Asylum seekers and aid workers recount the cartels’ infiltration in areas inhabited by migrants in these cities, including around ports of entry and migrant shelters, while asylum seekers report being watched by members of cartels even within some shelters. Human Rights First researchers observed and were themselves under surveillance when speaking with asylum seekers waiting at the Reynosa and Matamoros ports of entry. A humanitarian aid worker told Human Rights First researchers in early October 2023:

“Given this situation of violence, there is no guarantee of protection for humanitarian work.”

The widespread, open nature of targeted kidnappings against migrants for months in places such as the Reynosa public bus terminal evidence a complete absence of state protection for migrants by Mexican authorities. Due to the lack of state protection and pervasive presence of organized criminal groups, humanitarian aid workers in Reynosa and Matamoros recounted incidents in which **they were threatened by the cartels** for their work providing humanitarian assistance to migrants waiting to seek asylum in the U.S.

As one aid worker who was recently threatened, shared with Human Rights First in September 2023:

“We’re afraid every day. There is no state protection at all.”

Lack of knowledge of the asylum ban and CBP One app

In its July 2023 report, Human Rights First recounted that over 300 individuals interviewed and countless more spoken with across five ports of entry at the U.S.-Mexico border were unaware of the asylum ban. Despite the passage of time, overwhelmingly, people in Mexico who are planning to seek U.S. asylum continue to be unaware of the asylum ban and its penalties – legal technicalities that threaten future harm.

In early September, Human Rights First spoke with some families and individuals who had crossed between ports of entry in the Tucson sector of Arizona which led as the sector with the highest crossings in July and August. None of these families were aware of the asylum



ban and its penalties for entering at or between ports of entry without a CBP One appointment and none knew of the CBP One app. The Kino Border Initiative in Nogales, Sonora also finds that most of the individuals and families arriving to Nogales, such as from other parts of Mexico, Venezuela, Guatemala, and Honduras, have not heard of the CBP One app and are unaware of the asylum ban.

For example:

- A Guatemalan mother with two young children and an adolescent daughter fled Guatemala due to threats of harm. They crossed irregularly into the U.S. between ports of entry in Arizona in search of asylum protection, unaware of the CBP One app or of the asylum ban and its penalties. Her toddler son was critically ill with a bacterial infection which motivated their urgent crossing in search of protection and life-saving medical care, and her son ended up being hospitalized upon arrival.
- A Mexican mother, her 17-year-old son and 19-year-old daughter escaped threats of harm in Chiapas together with her adult sons and their families. They entered the U.S. between ports of entry in Arizona in search of asylum protection and were unaware of the asylum ban and its penalties or of the CBP One app. Border Patrol separated their 19-year-old daughter from the family, placed her in expedited removal, and transferred her to Immigration and Customs Enforcement (ICE) detention.
- A Mexican mother and her minor daughter fled violence and threats in Guanajuato and crossed between ports of entry in Arizona in search of asylum protection. While not subject to the asylum ban, the mother was also unaware of the asylum ban and its penalties or the CBP One app.

Human Rights First researchers also spoke with some families and adult individuals who had crossed the river between ports of entry in the Rio Grande Valley sector of Texas who were also all unaware of the asylum ban or its penalties for crossing between ports of entry without a CBP One appointment. For example:

- A Guatemalan mother and two young children crossed the Rio Grande from Matamoros into Brownsville, Texas. The mother was not aware of the CBP One app, the asylum ban or its penalties for entering between ports of entry.

The asylum ban not only punishes asylum seekers who cross outside of U.S. ports of entry, but also those who cross at U.S. ports of entry without CBP One appointments, in effectively barring them from being eligible for asylum. Given the overwhelming lack of awareness of these penalties, humanitarian aid workers in northern Mexico have expressed concern as individuals queue and desperately wait up to months to enter at ports of entry, believing they will be able to seek asylum protection, as is their basic human right.

The actions of people seeking asylum are overwhelmingly driven by urgent needs for immediate safety, shelter, and medical care, unable to continue to wait months for a CBP One appointment at risk in Mexico. These realities are further detailed in a section below on



the factors that are motivating crossings. Cartels also exploit U.S. policies that ban, block or limit access to ports of entry and/or cause people to wait in Mexico and use and exploit misinformation to mislead and exploit individuals to cross into the United States outside of ports of entry.

Asylum seekers report not applying for asylum in transit countries

People seeking asylum reported to Human Rights First and to humanitarian aid workers that they had not applied for asylum in other countries, and as a result did not wait to be denied asylum there as the asylum ban contemplates in blatant disregard of the risks and realities refugees experience in these countries. UNHCR's August 2023 protection monitoring in Honduras [found](#) that 100% of 175 migrants it interviewed had not previously sought asylum, and its protection monitoring in Guatemala earlier this year [found](#) that only 3% of people surveyed who had international protection needs had applied for asylum in Guatemala or in another transit country.

In an October 2023 [amicus brief](#) submitted in litigation in the 9th Circuit Court of Appeals challenging the ban, the union representing over 14,000 USCIS employees including asylum officers who conduct CFIs explained that:

Most of the countries through which asylum seekers transit en route to the U.S. southern border produce far more refugees than they accept, have inadequate asylum systems and are unable or unwilling to provide migrants with meaningful protection. Forcing asylum seekers to remain in these countries to apply for protection and wait for a denial before continuing on to the United States puts them at risk of experiencing violence as well as refoulement to persecution or torture. The notion that it would be safe and practicable to stay in a transit country long enough to apply for asylum and wait for a decision is inconceivable to the vast majority of asylum seekers.

People seeking asylum explained to Human Rights First researchers the reasons they reasonably believed they would not be safe in transit countries, due to fear of persecution, violence, mistreatment, and other abuse.

Asylum ban endangers Black, Indigenous, LGBTQ+, women and children

The asylum ban continues to harm the most vulnerable refugees by conditioning access to asylum protection on financial resources, literacy, and proficiency in select languages in requiring use of the CBP One app to seek asylum. The ban denies equitable access to asylum and forces people to wait months within the app's geofencing in central and northern Mexico in inhumane conditions without their basic needs met where they are targeted for exploitation and life-threatening harm by both Mexican authorities and cartels. The asylum ban also punishes Black, Indigenous, LGBTQ+, survivors of gender-based violence and other vulnerable groups for not seeking asylum in countries where they will not be safe.



Asylum ban risks lives of Indigenous and other asylum seekers

The asylum ban punishes people who do not have CBP One appointments, yet U.S. officials have made it available only in English, Spanish, and Haitian Creole. This lack of equitable language access discriminates against Indigenous and other asylum seekers who speak other languages by subjecting them to the ban's penalties.

Before the Biden administration issued the ban, the International Mayan League warned that the ban would further marginalize Indigenous persons and especially endanger Indigenous girls, women, and LGBTQ+ people who are at heightened risk for sex and human trafficking. In June 2023, over 140 non-Indigenous allies, including many human rights and immigration organizations, wrote to DHS to underscore the disproportionate harms the ban inflicts on Indigenous people and the insurmountable barriers Indigenous people face in using and accessing CBP One, as documented in Human Rights First's July report.

Amid the escalating increase of individuals crossing between ports of entry in August and September are nationals of countries who don't speak one of the few languages the CBP One app is available in. Restricted and blocked access at ports of entry renders the exception to use of CBP One due to a serious and ongoing obstacle, only applicable if someone enters through a port of entry, meaningless. As detailed later in this report, Indigenous families from Ecuador and Guatemala have been subjected to the asylum ban in expedited removal proceedings after crossing outside of ports of entry and have been denied interpretation in their primary language during credible fear interviews (CFIs), resulting in the deportation and imminent deportation of Indigenous people fleeing persecution.

For example:

- **An Indigenous woman from Guatemala and her one-year-old daughter are facing imminent deportation after undergoing a CFI in the FERM program in August 2023, where they were interviewed in Spanish despite clear indications that there were communication issues.**
- An Indigenous asylum seeker from Ecuador who was separated from his partner at the border received a negative CFI determination in ICE detention and **was ordered deported in July 2023 after being interviewed in Spanish—even though it is not his best language—while his partner, who was interviewed in Quiche, their native language, received a positive determination.**
- **An Indian Hindi-speaking man** entered the U.S. between ports of entry in Arizona in September 2023 not speaking any of the languages CBP One is available in.
- **A Guinean French-speaking woman** who entered the U.S. between ports of entry in Arizona in September 2023 relayed to Human Rights First that she heard mention of the



CBP One app and believed it was for Latin American asylum seekers as the app is not available in French.

Asylum ban risks lives of Black families and individuals

Black asylum seekers forced to wait at risk in Mexico under the asylum ban continue to be targets of [anti-Black violence and discrimination](#). Past [Human Rights First reports](#) have documented these [harms](#) against Black asylum seekers while stranded in Mexico under other policies that limited or denied them access to asylum.

Many Black individuals and families have untreated chronic medical conditions that are exacerbated during their migration journey and while forced to wait for prolonged periods in Mexico in inhumane conditions and without access to medical care due to discrimination and barriers to access. The Haitian Bridge Alliance has identified hundreds of Haitian asylum seekers, and particularly Haitian women, arriving to the northern Mexico border with significant medical vulnerabilities which precipitously deteriorate, including reproductive health issues, diabetes, and stroke-related conditions, **at times resulting in preventable deaths**. For example:

- **A Haitian man who had been waiting in Reynosa for a CBP One appointment with his wife and children died of suspected diabetes-related complications** in July 2023, as confirmed by a humanitarian aid worker.
- **A Haitian woman waiting to seek asylum in the U.S. died in front of her two-year-old outside a migrant shelter in Reynosa** in September 2023, as confirmed by a humanitarian aid worker.
- **A Haitian mother who had been waiting with her husband and three children for a CBP One appointment in Matamoros died in late August 2023 of a stroke** after being hospitalized. The family had finally received their CBP One appointment, but it was too late, the mother was critically ill, as confirmed by the Haitian Bridge Alliance.
- **A Haitian man who had been waiting for a CBP One appointment in Tijuana died after suffering two strokes** in June 2023, as confirmed by the Haitian Bridge Alliance which organized a funeral for him.
- **A Haitian pregnant woman was forced to wait by CBP at the Reynosa port of entry for two days in August 2023 while experiencing pregnancy complications and later lost her baby.**
- **A Haitian pregnant woman in her third trimester was denied medical care and lost her baby.** A pregnant woman in her third trimester was living outside a migrant shelter in Reynosa in July 2023 waiting to seek asylum in the U.S. when she fell ill. In an attempt to seek emergency medical attention, a taxi took her to a private hospital where she was denied access to medical care. By the time she received support from an advocate to reach a public hospital, she suffered a stillbirth.



Black asylum seekers continued to express fear of being targeted for harm while left to wait in Mexico for CBP One appointments. As included earlier in this report, African migrants have been targets of kidnappings in Sonoyta, Sonora, five kilometers from the border. For example:

- **A Haitian family lives in fear of harm while waiting to try to get CBP One appointment in Mexico City:** A Haitian woman, her husband, and two minor children recounted how they felt unsafe in Mexico City while they waited to obtain a CBP One appointment. On one occasion in June 2023, a group of Haitians outside the building where they were staying were attacked and robbed. The mother feared the perpetrators would enter the building and attack them, too, as recounted to Human Rights First researchers in September 2023.
- **A Haitian woman and her minor children faced discrimination in Mexico during four months of waiting for a CBP One appointment:** The mother described incidents of discrimination they experienced as migrants on account of the color of their skin. People threw trash at them while walking on the street and said racist things to them. Several times they were denied accommodation and were unable to rent a room for the night, as told to Human Rights First researchers in September 2023.

The Haitian Bridge Alliance has found that non-Spanish speaking communities of Black asylum seekers in Tijuana, such as Creole and French-speaking asylum seekers, are fearful of being apprehended and deported while waiting to seek asylum in the U.S. In addition, the asylum ban disparately harms many Black asylum seekers by imposing penalties on those who do not have CBP One appointments when the CBP One app is not even available in the languages spoken by many African and other Black asylum seekers. As a result, African asylum seekers unable to use the CBP One app, blocked by Mexican immigration officers from accessing the San Ysidro port of entry without a CBP One appointment, and at risk of anti-Black violence in Tijuana have begun to cross to the U.S. outside of ports of entry. In [early October 2023](#), dozens of African migrants and asylum seekers from Guinea and Senegal crossed into California near the Tijuana port of entry.

Asylum ban risks lives of women and girls

Women migrants in Mexico face gender-based violence, kidnappings, rape, human trafficking, extortion, harassment, difficulty reporting and accessing justice, and institutional and community violence according to the [Instituto Nacional para las Mujeres en Migración](#). The Mexican national anti-kidnapping commissioner [warned](#) in July 2023 that among those kidnapped, there are **growing numbers of young people targeted** as reported by SN Digital Tlaxcala. The UN Committee on Enforced Disappearances in its [September 2023](#) report noted the **increase in disappearances of girls, adolescents and women in Mexico** predominantly in the states of **Mexico, Tamaulipas, Jalisco and Guerrero**. **Seven of every 10 migrant girls, adolescents and women** have witnessed situations of **exploitation, sexual violence, and human trafficking** both in transit and while waiting in Mexico and **are the target of human trafficking**, according to a survey by [Plan International Mexico](#) in August 2023. Similarly, **sexual crimes against girls and women as well as human**



trafficking of girls and women are the most recurrent crimes at the northern Mexico border, according to the [International Organization for Migration's Mexico](#) anti-trafficking specialist.

Sexual assault has become so commonplace that some women cynically **refer to contraceptives as the "vaccine against Mexico"** revealing their awareness that at some point during their journey, they are likely to survive sexual assault, as recounted by Las Americas Immigrant Advocacy Group in Ciudad Juárez in September 2023.

For example:

- **A Honduran mother was kidnapped with her family and survived a sexual assault while waiting to seek asylum in the U.S.:** A Honduran woman, her husband, and young daughter were kidnapped in Reynosa in September 2023 by members of a cartel who also **attempted to sexually assault** the mother. As she fought and screamed, her husband attempted to defend her and was **tied with cables, beaten, and seriously injured**, as reported to a humanitarian aid worker.
- **Honduran teenage boys kidnapped and sexually assaulted by the cartel while waiting to seek asylum in the U.S.:** Two 19-year-old and one 20-year-old Honduran male asylum seekers were kidnapped by the cartel in Reynosa in September 2023 and **sexually assaulted**. Since being released, they are suffering from severe acute stress and trauma on account of the sexual violence they survived, as told to a humanitarian aid provider.
- **A Latin American mother and her minor children were sexually assaulted while waiting to seek U.S. asylum:** In September 2023, a mother and her minor children were waiting to seek asylum in the U.S. and were kidnapped by the cartel in Reynosa. The **mother and children were sexually assaulted** by their kidnappers, which they reported to a humanitarian aid provider upon their release.

Asylum ban risks lives of LGBTQ+ and HIV+ families and individuals

Leading U.S. organizations that represent and advocate on behalf of LGBTQ+ refugees have repeatedly raised dire concerns about the impact of the asylum ban on LGBTQ+ refugees and urged that the ban be rescinded. For example, the Human Rights Campaign, writing on behalf of its more than three million members and supporters nationwide, [warned](#) that the asylum ban would deny protection to many refugees, including LGBTQ+ people and people living with HIV, place LGBTQ+ migrants at active risk of facing the same dangers that they are trying to flee from, and is inconsistent with the Biden administration's demonstrated commitment to LGBTQ+ people around the globe.

The U.S. State Department has confirmed LGBTQ+ persons [face](#) widespread violence and mistreatment in Mexico. As documented in our [July report on the asylum ban](#), the ban has placed LGBTQ+ individuals at risk of kidnapping, sexual violence, and death while forced to wait in Mexico for a CBP One appointment and blocked from accessing ports of entry by



CBP and Mexican authorities' actions to turn away, limit, and meter the processing of people without appointments.

For example:

- **A lesbian couple was sexually assaulted in Reynosa in September 2023 while waiting to secure CBP One appointments to approach the U.S. port of entry to seek asylum.** The women feared for their lives as they remained trapped in the city waiting for a CBP One appointment and due to restricted access to the U.S. port of entry on account of CBP's metering and Mexican authorities' gatekeeping for those with appointments, as recounted by a humanitarian aid worker in September 2023.
- **An ill Venezuelan HIV+ man in need of medical treatment was ordered removed by Border Patrol and returned to Mexico** after having entered between ports of entry from Matamoros. The Venezuelan man had struggled for two months to try to obtain a CBP One appointment while in Matamoros. During this time, he was without access to HIV treatment and was ill. He approached Mexican immigration authorities to plead his case for access to asylum protection through the port of entry and was told to cross the river into the U.S. Desperate to receive medical attention and reach safety, he crossed between ports of entry into Brownsville.
- **A trans migrant woman waiting in Ciudad Juárez to seek asylum was extorted by the cartel under threat of sexual exploitation:** A young transgender woman waiting to seek asylum in the U.S. has been targeted by the cartel and forced to pay them \$1,500.00 Mexican pesos a week under threats of sexual exploitation. She is afraid she will be killed if she misses a payment. She has not yet been able to safely seek asylum in the U.S. despite these serious protection issues in Mexico, as told to Las Americas Immigrant Advocacy Group in late August 2023.
- **A gay couple escape kidnapping, witness violent assault, and live in fear while waiting five months for a CBP One appointment:** In September 2023, a Venezuelan gay man and his partner had been waiting in Matamoros for nearly five months trying to secure a CBP One appointment, living in fear that they would be kidnapped and harmed on account of their sexual orientation and status as migrants, as recounted to Human Rights First. They spent two months living in a tent in the Matamoros river encampment where they were witness to a violent assault on a family by the cartel and other situations of danger, motivating them to seek shelter elsewhere. They also escaped an attempted kidnapping in the city. While they have been continuing to wait because, they explained, they want to do things "the legal way," they have at times been on the brink of crossing the river to the U.S. to seek asylum and safety due to the dangers they continue to face as they wait in Mexico for a port of entry appointment.
- **A Venezuelan trans woman fleeing persecution was kidnapped in Reynosa:** A Venezuelan trans woman fleeing persecution and violence was kidnapped at the Reynosa bus terminal in August 2023. She recounted to Human Rights First researchers in September 2023 how she was held in a room with about 100 other adults and children of various nationalities and forced to witness the physical beatings of others.



She experienced sexual harassment and threats by cartel members on account of her gender identity. She witnessed women who were taken outside of the room by members of the organized criminal group while others discussed that the women were being sexually exploited. After being released, she experienced an attempted kidnapping in Reynosa before fleeing to Matamoros.

- **A Venezuelan seven-year-old child was kidnapped for three weeks, drugged, and survived sexual violence while waiting in Reynosa to seek asylum in the U.S.:** A seven-year-old child who identifies as LGBTQ traveling with his mother was kidnapped by the cartel while entering Reynosa by bus and held for three weeks in September 2023. The cartel **drugged the child and sexually assaulted him**. Upon payment of their ransom and release, the mother and child sought protection at a migrant shelter where the child experienced an **attempted sexual assault** by other migrant men when forced to separate from his mother and sleep in the area designated for men, as recounted to a humanitarian aid worker in September 2023.
- **A severely ill Venezuelan HIV+ man was left to wait in Mexico despite life-threatening medical needs.** The man was staying in the Matamoros River encampment while waiting to seek asylum in the U.S. and did not have access to HIV treatment. While in the encampment, his medical condition quickly deteriorated, and he was rushed to the hospital with the support of an aid provider. He later made it to the Brownsville port of entry in August 2023 while still critically ill where CBP forced him to wait despite advocates expressing that he will die on the bridge if denied urgent medical care, as recounted by a humanitarian aid worker in September 2023.
- **A Venezuelan HIV+ man** without access to HIV treatment was forced by CBP to wait three days and sleep outside on the Gateway International Bridge at the Brownsville port of entry in the heat and without access to shelter, food or water in August 2023.

Asylum Ban and CBP One requirement turn away and meter asylum seekers at ports of entry

People seeking asylum should be allowed to do so in accordance with U.S. law, and swiftly processed in at ports of entry. Both before and after the asylum ban went into effect, humanitarian aid providers consulted in northern Mexico and Human Rights First researchers have spoken with countless asylum seekers who expressed – and continue to express – that they want to enter the U.S. through a port of entry to seek asylum. However, as documented in prior reports on the asylum ban, including Human Rights First’s July 2023 report, CBP is limiting and restricting the number of CBP One appointments made available and the number of people without appointments allowed in at U.S. ports of entry. It is doing so by turning away, limiting, metering and/or leaving asylum seekers without appointments to “wait” in Mexico, often in real or virtual lines that barely move. In the wake of the asylum ban’s implementation, Mexican authorities prevent people without CBP One appointments from freely approaching most U.S. ports of entry that accept CBP One appointments, as confirmed in the [Strauss Center’s August 2023 report](#) on asylum processing at the U.S.-Mexico border. Mexican authorities have blocked access even to urgent medical cases and



people at risk of harm, as well as Mexican nationals and unaccompanied minors who are not subject to the ban.

Forced to wait months on metering lists

At some ports of entry, people wait on metering lists for months amid acute levels of danger, threats to their lives and inhumane conditions, often while also struggling to secure a CBP One appointment. In Nogales, Sonora, a [June 2023 report](#) by the Florence Immigrant & Refugee Rights Project, Human Rights First, and Kino Border Initiative documented the Mexican municipal authority's administration of a waitlist of people waiting to seek U.S. asylum at the Nogales port of entry. As of early October 2023, the waitlist had grown to an estimated wait time of **four to five months** for new arrivals, as reported by monitors from the Kino Border Initiative. These lengthy wait times are the result of CBP's unduly limited processing of asylum seekers without appointments. Individuals with urgent medical cases, fearing threats to their lives, and those not subject to the ban such as Mexican nationals, are all blocked from being promptly processed and are subject to the wait. For example:

- **A Mexican LGBTQ+ asylum seeker was found dead** the first week of September 2023 in the apartment he was renting in Nogales. Since mid-July he had been on the waitlist of asylum seekers waiting to be processed by CBP at the Nogales port of entry administered by the Nogales municipality and had been helping the municipality to administer it. His partner was already in the U.S. initiating an asylum request.
- **A Mexican family fleeing imminent harm and death threats by the cartel in Sonora, including a U.S. citizen child and his pregnant mother, were blocked from accessing protection at the Nogales port of entry:** The family was informed of the monthslong wait for individuals without CBP One appointments. Believing that it would be a death sentence to wait in Nogales, the family was forced in essence to continue to risk their lives by traveling through Sonora to another port of entry.

CBP forced urgent medical cases to wait days outside port of entry

Even when asylum seekers with urgent medical cases manage to access a U.S. port of entry, CBP has prioritized processing individuals with CBP One appointments resulting in negligent delays and risks to people with urgent medical cases. At the Brownsville port of entry, CBP officers continued to limit the processing of asylum seekers without CBP One appointments and have forced urgent medical and protection cases to wait outdoors 24/7 in the heat on or near the Gateway International Bridge without shelter, food, water, or critical medical care for days and up to a week at times over the last several months.

Humanitarian aid workers reported to Human Rights First that at times over the last few months up to 100 people were left to wait in these conditions, including **pregnant women, babies, seriously ill individuals, including those with diarrhea and vomiting, children with severe disabilities, and a person who experienced seizures** on the bridge while forced to wait to be processed by CBP, among many others. Aid workers expressed distress over the



length of time and conditions of these vulnerable families and individuals forced to wait without water or food and the limitations on their capacity to take water and some food.

- **A Haitian pregnant woman who was ill was forced to wait by CBP at the Reynosa port of entry for two days and later lost her baby.** In August 2023, a humanitarian aid worker notified the Hidalgo-Reynosa CBP Office of Field Operations (OFO) of the pregnant woman's deteriorating situation while she waited on the Gateway International Bridge, including when she began to bleed. She was instructed to use the bathroom on the Mexico side of the bridge requiring her to cross back to wash herself. After notifying CBP, advocates say she was still forced to wait an additional 12 hours before being processed by CBP on account of CBP's restrictions in processing people without CBP One appointments. Upon entry to the U.S., the woman went to a hospital where she suffered a miscarriage and lost her baby, as told to a humanitarian aid worker.
- **A severely ill Venezuelan HIV+ man** who had not been receiving HIV treatment was forced by CBP to wait days to be processed at the Matamoros port of entry while sleeping outside without food or water.

Blocked from accessing U.S. ports of entry

Access to most U.S. ports of entry that accept CBP One appointments continued to be blocked by Mexican immigration officers who verify whether individuals have CBP One appointments or other valid documents to enter before permitting them access, as documented in our July 2023 report.

In Matamoros, Tamaulipas, people attempting to seek U.S. asylum without a CBP One appointment occasionally made it past these checks and onto the Gateway International bridge before being removed and returned to Mexico by Mexican immigration officers who have conducted periodic sweeps checking for CBP One appointments. On one occasion, a humanitarian aid worker relayed an account of Mexican immigration officers who crossed the limit line into the U.S. to remove an asylum seeker who did not have a CBP One appointment, forcing the asylum seeker to return to Mexico.

People seeking asylum and local humanitarian workers also reported that Mexican immigration officers have been photographing asylum seekers as well as humanitarian workers accompanying urgent medical cases and individuals escaping life-threatening harm by the cartel. The immigration officers have photographed asylum seekers even when denying them access to the port after turning them away. These actions have contributed to a climate of fear and distrust of the Mexican authorities as asylum seekers have expressed fear that their photograph be shared with the very cartels whose violence they are escaping. A humanitarian aid worker has also been informed by an asylum seeker of a Mexican immigration officer's requests for sexual favors in exchange for access to the Brownsville-Matamoros port of entry.



Due to the Mexican authorities' actions gatekeeping access to ports of entry, individuals with urgent medical and protection cases across some ports of entry are blocked from seeking life-saving protection. In Tijuana, Baja California, the Haitian Bridge Alliance has identified cases of **Haitians waiting for CBP One appointments to seek U.S. asylum who have urgent medical conditions such as untreated hypertension, diabetes, cardiovascular and reproductive health issues** and are unable to access the San Ysidro port of entry due to Mexican immigration officers restricting access to the port for those without CBP One appointments.

Asylum ban and related policies restrict access to ports of entry and spur crossings

The numbers of women, men, and children crossing into the United States irregularly – outside of U.S. ports of entry, including those in search of asylum protection, steadily rose over the last couple of months with [over 181,000 people](#) crossing in August and [more than 200,000 people](#) crossing in September alone. **Mexican authorities' actions to block access at many U.S. ports of entry** for people without CBP One appointments to seek asylum and **Mexican authorities' failure to protect migrants and asylum seekers from targeted violence and harm** are also pushing irregular crossings, contributing to the dangers facing these vulnerable populations and subverting the Refugee Convention. The use of the asylum ban to try to prevent people from waiting without CBP One appointments at ports of entry, like other strategies aimed at metering, limiting and blocking access to ports of entry, **spurs irregular crossings** by at-risk people who cannot safely wait. The actions of people seeking asylum are overwhelmingly driven by urgent needs for immediate safety, shelter, and medical care, unable to continue to wait months for a CBP One appointment at risk in Mexico.

Vulnerable migrant population and inhumane conditions in Mexico

International organizations and humanitarian aid providers across Central America and Mexico have reported on the increased vulnerability of refugees and migrants transiting through the region, including those who have crossed the arduous Darien gap, and arrive to Mexico having depleted their financial resources. In late September, between three and five thousand migrants were arriving to southern Mexico daily with seven thousand people [documented](#) in Tapachula in one day. The Mexican Commission to Aid Refugees [stated](#) they are unable to serve more than 1,500 people per day and expressed the challenges in providing them all with care and accommodations.

Across Mexico, there is a lack of sufficient humanitarian assistance to respond to the needs of tens of thousands of migrants including the need for safe shelter, nutrition, water, sanitation, hygiene, and healthcare. In early October 2023, Doctors Without Borders [alerted](#) to the **unsanitary and precarious** conditions in encampments across several cities in **southern Mexico** where thousands of migrant people, including pregnant women and children, are living without access to water, sanitation, or health, seriously impacting on their health, due to insufficient humanitarian shelter and assistance. The organization alerted that **"throughout the entire country** there are more locations in **equally precarious, inhumane**



conditions (...)" noting that the increase in migrants results in these needs not being met in northern Mexico as well.

The Archdiocese of Mexico in early October called on the Mexican government to create more shelters as the present ones were all overflowing. In early October, migrant shelters in Mexico City [denounced](#) the lack of coordination by government authorities as shelters in the city are over capacity and at least 1,500 migrants are forced to sleep in the street and in public parks where they risk being targeted by organized crime or trafficked. A shelter in Monterrey, which is hosting 1,000 people with others sleeping on the street, [shared](#) that migrant arrivals had quadrupled and expressed concern about the humanitarian needs of larger groups of people – primarily women and children – who were traveling together for safety reasons.

In Ciudad Juárez, shelters are also [at capacity](#). Without safe shelter, migrants have few safe options. Some try to seek shelter in public spaces in makeshift camps that lack adequate safety, hygiene, and sanitation. The presence of encampments in Ciudad Juarez has increased following the March 2023 fire at the migratory detention center that [killed 39 migrants](#). Many migrants are fearful that they will suffer similar risks if they are housed in reception centers, according to [Jesuit Refugee Services Mexico](#). The lack of available and safe shelter in Juárez, along with the escalating dangers and inadequate port of entry access, certainly played a role in pushing some people to irregularly cross the border to El Paso in late September as humanitarian aid workers confirmed to Human Rights. In early October, a group of migrants including pregnant women and children crossed the Rio Bravo toward El Paso and were stranded for hours without water on the banks of the river due to razor wire blocking access. They told [Milenio](#) that they risk being kidnapped by criminal groups if they leave the riverbank, indicating that three migrants who left hours earlier to buy food had disappeared.

In Matamoros, as of early October 2023, over two thousand individuals and families are waiting to seek asylum in the squalor and inhumane conditions of an open-air encampment along the Rio Grande River according to a humanitarian aid worker. Human Rights First researchers who visited the encampment again in September observed that many families and adults were living in makeshift tents in the encampment and without access to sufficient water, sanitation, hygiene, shelter, and protection. These abysmal conditions contribute to preventable and infectious diseases as well as physical and sexual violence. Families and individuals waiting have been exposed to extreme heat, hail, and flooding. They are also preyed upon by the cartel. Given these conditions, people are unable to wait for months on average for a CBP One appointment. For example:

- Two beleaguered Venezuelan families traveling together had just arrived at the dangerous Matamoros encampment. The families included four infants and two young children, all of whom were ill and had not had access to medical care or medications. The babies were still breastfeeding. The family was dehydrated, had no money for shelter, food, or water, and did not know where they would sleep that night. After an attorney informed them of the asylum ban and its penalties for crossing between and at ports of entry without a CBP One appointment, they tried to process their impossible



choices and shared: **"You reach a situation of desperation that obliges you to lose out on the benefits [of using CBP One]. Anyone with a child cannot wait."**

In mid-August, a temporary shelter was inaugurated in Matamoros in the covered parking lot of a former hospital administered by a faith-based organization with the involvement of other organizations and the support of the municipal and state governments. At this shelter, migrants and people waiting to seek asylum are provided with tents and have access to water, sanitation, hygiene, and significantly, to a measure of protection. However, the shelter is currently at capacity with 800 individuals. While a shelter expansion is being explored, over 2,000 migrants continue to live in the inhumane and dangerous conditions of the river encampment.

- **Venezuelan family living in constant fear in the Matamoros encampment could no longer wait for CBP One appointment and eventually crossed the river, explaining the mother was epileptic and they had no food to feed their child.** An epileptic Venezuelan woman, husband, and minor child arrived in Matamoros without a cent left, having been extorted by Mexican authorities at numerous checkpoints on their journey toward the border, including at the last checkpoint prior to entering Matamoros where a Mexican female police officer demanded \$600 USD from them and **threatened to detain them for ransom – a short-term enforced disappearance – if they didn't pay.** Upon payment and release, the family waited for one month trying to obtain a CBP One appointment while living in a tent in the Matamoros encampment **where they repurposed a water bottle as a receptacle for urination as they had no access to a bathroom.** Her husband stayed awake by night and slept by day, as they remained in a **state of heightened alert and felt unsafe in the camp.** **"The last day we decided to cross [to the U.S.], it's because we had nothing to feed our girl."**

Medical needs spur crossing given restricted access at ports of entry

- A Guatemalan mother with two young children and an adolescent daughter fled Guatemala due to threats of harm. They entered the U.S. between ports of entry in Arizona in search of asylum protection, unaware of the CBP One app or of the asylum ban and its penalties. **Her toddler son was critically ill with a bacterial infection which motivated their entry between ports** in search of protection and life-saving medical care, and her son ended up being hospitalized upon arrival.
- A Venezuelan **young woman eight months pregnant with a high-risk pregnancy having been diagnosed with placenta previa**, crossed from Matamoros to Brownsville in September 2023 unable to wait for a CBP One appointment out of concern for her and her baby's lives.
- **An ill Venezuelan HIV+ man in need of medical treatment was ordered removed by Border Patrol and returned to Mexico** after having entered between ports of entry from Matamoros. The Venezuelan man had struggled for two months to obtain a CBP One appointment while in Matamoros during which he was without access to HIV treatment and was ill. He approached Mexican immigration authorities to plead his case for access



to asylum protection through the port of entry and was told to cross the river into the U.S. Desperate to receive medical attention and reach safety, he crossed between ports of entry into Brownsville. He was held by Border Patrol for nine days during which he showed medical records confirming his HIV+ diagnosis and was **denied any medical attention**. He expressed he was ill and needed medication, but was told, **“you suffer the consequences if you come here and you’re sick”** and was instructed to drink water. He expressed fear of return to Venezuela but was not given a credible fear interview or the chance to even make a phone call during his nine days of detention. He was put on a bus back to Mexico and given a paper: an expedited order of removal with a five-year ban on reentry. *“They’re returning all of us.”*

- A Venezuelan family with four minor children, including a one-year-old infant, crossed into Brownsville, Texas irregularly explaining that **their children were sick, they were homeless, and were afraid of being kidnapped** having heard that Venezuelans in Matamoros are targeted.

Life-threatening dangers in Mexico spur many to cross to the U.S. to seek safety

Given the increased vulnerability of families and individuals migrating through the treacherous [Darien jungle](#) and Central America where many have survived physical and sexual violence, extortion, robbery, lack of safe shelter, nutrition, or access to healthcare, upon arrival to Mexico, these traumas are compounded by experiences in Mexico by both Mexican authorities and cartels targeting migrants.

As documented in Human Rights First’s July report, researchers spoke with scores of people waiting to seek asylum who experienced abuse by Mexican authorities during their transit through and wait in Mexico, whether in southern, central, or northern Mexico. These included Mexican national immigration officers, municipal, state, and federal police, and members of the national guard. The abuses reported ranged from discriminatory and arbitrary detention, intimidation, robbery, extortion, sexual assault, and enforced disappearance through collusion with organized criminal groups by turning migrants and people seeking asylum over to them for kidnapping and ransom.

Most asylum seekers Human Rights First spoke with recounted being targeted by Mexican authorities and by cartels for kidnapping, extortion, and violence, and left penniless with threats of deportation and internal transfers back to southern Mexico. Migrants echoed: *“Mexico dismembers you entirely,” “the terror is Mexico,” “immigration is the most corrupt in Mexico.”* For example:

- **A Mexican female police officer demanded \$600 USD from a Venezuelan family and threatened to detain them for ransom – a short-term enforced disappearance – if they didn’t pay.** The family has already suffered numerous extortions by Mexican officers at numerous checkpoints on their journey toward the border, including at the last checkpoint prior to entering Matamoros, as recounted to Human Rights First researchers in September 2023.



- Venezuelan male adult cousins, who arrived in Brownsville, Texas through CBP One port of entry appointments in September 2023, told Human Rights First researchers how they had been targeted on their bus ride at various checkpoints by **various Mexican authorities who demanded payment** from them to continue: Civil Protection, National Guard, and state police. **“First, an officer with Civil Protection boarded and said, “I’m going to be direct to not waste time, 200 Mexican pesos per person if you want me to let you continue on and if not, I’ll deport you.”**
- A Venezuelan family traveling by bus toward the northern border was told by a Mexican police officer who boarded their bus during a checkpoint stop: **“National I.D. (cedula) in hand. I can speak to immigration. If you want to advance, 400 pesos per person, if not, get down.”**
- During a checkpoint, while transiting to the northern Mexico border by bus, a Venezuelan migrant observed a migrant woman who was unable to pay the extortion fee Mexican authorities were charging her, **so the authorities took her phone inside**, resulting in her being unable to request a CBP One appointment, as the Venezuelan man recounted to Human Rights First in September 2023.
- A Venezuelan asylum seeker who survived a kidnapping and torture in Reynosa and had been trying for one month to secure a CBP One appointment, shared with Human Rights First in September 2023:

“Venezuela is also a country where police officers kidnap and extort people. How can we stay here in Mexico when we feel so insecure? The authorities are the first ones to rob us. If this were a safe country, we’d stay. Who wants to live with this insecurity? No one.”

Humanitarian aid workers in Matamoros indicate that scores of asylum seekers arriving from Reynosa have survived kidnappings, sexual assault, and torture and face continued threats of kidnapping and other harm by both their past kidnappers who often continue to send threatening messages as well as by separate cartel groups operating in Matamoros that are similarly targeting migrants. Suffering from severe trauma and at risk of further harm, countless individuals and families crossed the Rio Grande in recent weeks and months in search of safety because they feared for their lives and believed they could not safely continue to wait for a CBP One appointment. Humanitarian aid workers in Mexico confirmed to Human Rights First researchers that large groups of people arriving in Matamoros after having survived prior kidnappings and violence were terrified to remain waiting in Matamoros and as a result cross the river to the United States.

Meanwhile, humanitarian workers in Reynosa attribute the current reduction in asylum seekers in that city in part to the dire, life-threatening security situation, blocked access at the port of entry for individuals without appointments, and migrants’ needs for immediate safety which drives their decisions to flee to other border cities to attempt to cross at or, if not possible, between ports of entry. For example:



- **Escalation of brazen kidnappings in Reynosa pushed people to cross the border:** A Mexican woman spent eight months in Reynosa with her adolescent daughter sleeping in a tent inside a migrant shelter while struggling to obtain a CBP One appointment and described being trapped inside the shelter due to kidnappings taking place right outside:

“Many kidnappings occurred outside the shelter in broad daylight because migrants were only allowed out during certain hours. Trucks would arrive and take people. Many witnessed it. The **kidnappings got worse in the last three months** and people barely left the shelter. People used to head to the soccer field outside, but not anymore. **Because of this, everyone crossed [to the U.S].**”

- A Colombian 20-year-old mother, her Venezuelan partner, and their three-month-old baby were kidnapped and held for 20 days in Ciudad Juárez in July 2023 during which they missed their CBP One appointment, as reported by [Forbes](#). Their infant has been ill with a high fever, and they've been sleeping in a tent in a public park without money for food or shelter. She shared:

“They told us that they were going to kill my son, many things, so I left traumatized, I'm afraid of a car stopping, I'm afraid of anything, that's why I want to cross now.”

- **Two Venezuelan brothers crossed the Rio Grande from Matamoros in fear for their lives after suffering a prior brutal attack in Mexico while they were waiting for a CBP One appointment:** A Venezuelan man, his brother, and three others were ambushed by members of a cartel while riding atop a freight train heading to the northern Mexico border. The woman in their group was stabbed with a knife, **one of the men was sexually assaulted**, and another was hit in the face with a bat. They called to Mexican officers to help but received none. The Venezuelan man and his brother had been waiting for a CBP One appointment, though they were unaware of the asylum ban. After suffering such a violent attack, however, the brothers feared for their lives in Mexico and decided to cross the Rio Grande from Matamoros to seek immediate asylum safety.

In Ciudad Juárez, factors spurring crossings included not only the lack of safe shelter outlined above but also increased kidnappings and law enforcement and cartels running migrants out of public spaces, as reported to Human Rights First by local humanitarian aid workers.

The asylum ban and policies restricting access to ports of entry coupled with a dangerous environment counterproductively spur crossings between ports of entry, providing opportunities for cartels with control of the northern Mexico border to misinform and profit from the justified desperation for safety as Human Rights First learned from numerous humanitarian workers, migrants, and asylum seekers.



Mexican asylum seekers trapped in their own country of feared persecution

Mexican families and individuals fleeing persecution and violence have been trapped in northern Mexico in cities across the border unable to seek asylum despite not being subject to the asylum ban. As discussed earlier, CBP's metering and limited asylum processing at ports of entry of individuals without CBP One appointments, including Mexican nationals not required to have one under the rule to be eligible for asylum, and Mexican authorities' actions to block access to ports of entry have resulted in Mexican asylum seekers being forced to wait months in their own countries of feared persecution, akin to refolement by denying access to territory to seek asylum. For example, the majority of people waiting to seek asylum on the Nogales municipal waiting list which has an estimated wait of four to five months are Mexican nationals who are not subject to the asylum. Many are fleeing after suffering harm and threats at the hands of brutal cartels that have national reach and exercise control over large parts of Mexico with the complicity of Mexican authorities.

As a consequence of this restricted and blocked access at ports of entry, Human Rights First has spoken with Mexican families and individuals who have struggled for months to secure a CBP One appointment and faced life-threatening risks and were targeted for harm. For example:

- **A Mexican LGBTQ+ asylum seeker was found dead** the first week of September in the apartment he was renting in Nogales. Since mid-July he had been on the waitlist of asylum seekers waiting to be processed by CBP at the Nogales port of entry administered by the Nogales municipality. His partner was already in the U.S. initiating an asylum request. The Nogales municipality informed the Kino Border Initiative of his death.
- **A Mexican five-year-old girl was sexually assaulted, and her uncles killed while waiting for CBP One appointments:** A family consisting of a mother, father, two teenage children, and a five-year old daughter, along with the father's two adult brothers, were kidnapped by people who identified themselves as members of a cartel in Reynosa in September 2023 while waiting to secure a CBP One appointment. The cartel **tortured and killed the two adult brothers** and **forced the family to witness the sexual assault of their five-year-old daughter**, as they subsequently recounted to a humanitarian aid worker. The family was released after relatives paid the ransom, but they remain in danger in Mexico and in need of critical trauma-related psychiatric care.
- **A Mexican man fleeing violence was kidnapped and tortured by the cartel in Reynosa while waiting to seek asylum in the U.S.:** While waiting to seek asylum in the U.S., a Mexican man was kidnapped in Reynosa in August 2023 and held by the cartel for one month. He was tortured and his finger was cut off with images sent to his relatives demanding immediate payment of a ransom, as confirmed by a humanitarian aid worker.



- A Mexican family fleeing imminent harm and death threats by the cartel in Sonora, including a U.S. citizen child and his pregnant mother, are blocked from accessing protection at the Nogales port of entry:** A family from Sonora, Mexico, consisting of a U.S. citizen child, Lawful Permanent Resident father and pregnant mother without U.S. legal status fled imminent harm and death threats by the cartel when they approached the Nogales port of entry in August 2023. They were informed they would need to wait more than two months to be processed by CBP as they did not have CBP One appointments, despite not requiring one to seek asylum as a Mexican national. If they waited by the port, they would not only risk their lives but the lives of others waiting. As a result, they were denied access to asylum processing and were forced to transit Mexico to another port of entry and continue to risk their lives, as recounted by the Kino Border Initiative.

Asylum ban and other punitive policies rig expedited removal and lead to deportation

The Biden administration is using the asylum ban in combination with expedited removal and other punitive policies to summarily deport people without an opportunity to apply for asylum and present their case, regardless of whether they could establish eligibility for refugee protection. These wrongful deportations violate U.S. and international law and return people to danger without access to the U.S. asylum system.

Under the asylum ban, nearly all asylum seekers who traveled through another country on their way to the United States are deemed ineligible for asylum unless they managed to secure a CBP One appointment, with highly limited exceptions. The ban applies in expedited removal credible fear screenings as well as full asylum adjudications before the immigration court or the U.S. Citizenship and Immigration Services (USCIS) asylum office. Those denied asylum in full adjudications may apply for lesser forms of protection such as withholding of removal and protection under the Convention against Torture, but these protections are far more difficult to secure and do not afford permanent status or a pathway to citizenship. Many who are not granted these other protections will be ordered deported even though they qualify for asylum under U.S. law.

Despite requests to provide information on the application of the asylum ban in expedited removal, immigration court hearings, and USCIS adjudications, the government has not provided this data. As asylum seekers held in ICE jails – where legal representation is scarce – are those most likely to be most quickly subjected to the asylum ban in full asylum adjudications, there is currently a dearth of information about the impact of the ban in full asylum adjudications. However, the use of the asylum ban in expedited removal has already led to disastrous consequences, including denial of an opportunity to apply for asylum for people who are entitled to a full adjudication of their claim under U.S. law and increased risk of refoulement in violation of U.S. and international law.



Asylum ban causes credible fear pass rates to plummet and leads to refoulement

The use of the asylum ban in expedited removal blocks people seeking protection from accessing the U.S. asylum system and leads to their summary deportation, resulting in potential returns to persecution (refoulement). The punitive use of expedited removal and imposition of the asylum ban in CFIs target people who entered the United States without a CBP One appointment, in violation of international law [prohibitions](#) against penalizing refugees for their manner of entry.

Under U.S. [law](#), people placed in expedited removal who express an intent to seek asylum or fear of return to their country must be referred for a credible fear interview. A USCIS asylum officer will then conduct a CFI to determine if an individual has a credible fear of persecution (defined as a “significant possibility” that the asylum seeker could establish eligibility for asylum in a full hearing). By law, anyone determined to have a credible fear of persecution cannot be deported without a full hearing on their asylum claim.

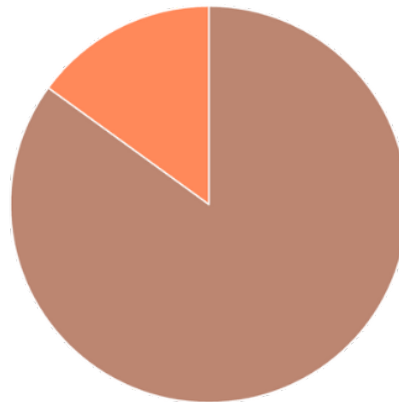
Wielding the asylum ban in expedited removal jettisons these legal requirements and unlawfully imposes a higher screening standard. Since May 2023, adults and families with children in this process who sought safety without a CBP One appointment have had to show during their credible fear interview that they are not subject to the ban or could qualify for a narrow exception, regardless of their refugee claim, age, or other vulnerabilities. **If they cannot prove that they qualify for an exception to the ban, the government denies them an opportunity to establish a credible fear of persecution.** Instead, they are deemed ineligible for asylum regardless of their claim and must meet a higher screening standard to show potential eligibility for withholding of removal and Convention against Torture protection, other forms of protection that are far more difficult to secure than asylum.

As a result of the improperly altered screening standard, people subject to the asylum ban in their screenings are **more than three times as likely to fail and be ordered deported without a chance to apply for asylum** compared to those who are not subject to the ban, according to [government data](#). While people who established an exception to the ban and proceeded with the regular CFI process passed their screenings 84.5 percent of the time between May 12 and August 11, **those who were subjected to the ban and had to meet the higher screening fared far worse—with 52.7 percent passing their screenings and the rest ordered deported.** In comparison, in Fiscal Year 2016, [88 percent](#) of all people passed their CFIs, a pass rate that later plummeted under the Trump administration due to illegal policies including the similar [Trump asylum ban](#).

People subjected to the Biden asylum ban and forced to meet a higher screening are more than three times as likely to fail and be ordered deported (with 15.5 percent of those *not* subject to the ban ordered deported and 47.3 percent of those subject to the ban ordered deported). This rigged process has already resulted in deportation orders against nearly [15,000 people](#) who were subjected to the ban between May 12 and August 11, 2023.



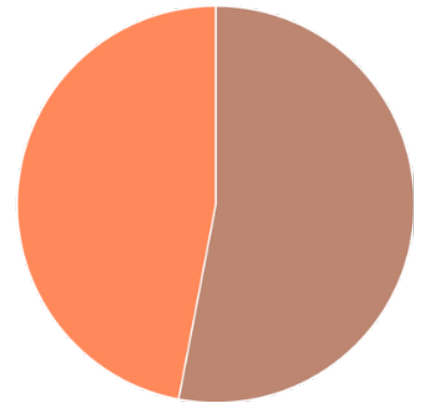
Outcomes for people
not subject to asylum ban
from May to August 11, 2023



84.5 % passed their screening
15.5 % were ordered deported

vs.

Outcomes for people
subject to asylum ban
from May to August 11, 2023



52.7 % passed their screening
47.3 % were ordered deported

In addition to imposing a higher screening standard, the asylum ban impacts the credible fear process by inflicting **trauma and confusion during a person's interview, potentially hindering their ability to share their story**. In recent credible fear records reviewed by Human Rights First, those who could not establish an exception to the asylum ban were informed in the first portion of their interview that "the officer had determined...that the individual is subject to the condition of asylum eligibility under 8 CFR § 208.33(a), and therefore has not established a credible fear of persecution with respect to their application for asylum." The officer then proceeded to interview the person with respect to potential eligibility for other forms of protection. Stating that a person has not established a credible fear of persecution—even before they have an opportunity to speak about their fear of return—makes the credible fear process even more traumatic for people who are fleeing for their lives and afraid to be returned to persecution and could impact a person's ability to present their case and pass the screening.

Those who do not pass credible fear interviews are ordered deported without an opportunity to apply for asylum or other protection unless the decision is reversed by an immigration judge or the asylum office. While people are entitled to an immigration judge review of their negative credible fear decision (also referred to as a credible fear review), these reviews are often cursory, with some asylum seekers [prohibited](#) from speaking, submitting evidence, or having their attorney speak on their behalf. The Biden administration has also eliminated longstanding safeguards in the process by [issuing regulations](#) to [eviscerate](#) the ability of asylum seekers and their attorneys to request reconsideration of a negative CFI from the asylum office.

In Fiscal Year 2023, the Biden administration conducted over [130,000](#) credible fear interviews through expedited removal—a [historical record](#)—even though DHS is not



required to use expedited removal and may refer people for full asylum adjudications without requiring them to pass a credible fear interview. Since mid-May, the administration has conducted over 74,000 credible fear interviews and subjected over 31,000 people seeking protection to the asylum ban during their CFIs. Of those subjected to the ban, **nearly half were ordered deported**, and many others may be banned from asylum months or years later when they argue their case in court. Human Rights First learned of some cases where refugees were improperly ordered deported under the asylum ban only because attorneys or advocates learned of these potential returns to persecution and intervened. While advocacy by attorneys spared a few of these refugees from unlawful returns that violate U.S. and international refugee law, legal representation access in expedited removal is extremely limited. The vast majority of people in the CFI process are unrepresented and may be deported without ever consulting with an attorney.

Some examples of adults, families, and children who have been subjected to credible fear interviews rigged by the ban, required to meet the ban's higher screening standard, and then ordered deported include:

- **A Venezuelan woman fleeing persecution for her political opposition work** was separated from her partner at the border and detained in CBP custody, subjected to the asylum ban, and ordered deported to Mexico without any opportunity to tell the asylum officer about her fear of Venezuela. Because of the United States' agreement to deport Venezuelan nationals to Mexico, the officer required her to meet the higher screening standard with respect to persecution in Mexico, not Venezuela. She was later represented by a legal service organization in her immigration court review, resulting in reversal of the deportation order.
- **An Egyptian man who explained he was targeted and beaten because he is Christian and fears he will be killed if he is returned to Egypt, was subjected to the asylum ban** even though he only speaks Arabic, a language that is not available in CBP One,³ and ordered deported while detained by ICE. Like the vast majority of people put into expedited removal, he was not represented. His deportation order was only reversed after a legal service organization learned of his case and conducted extensive advocacy.
- **A transgender Venezuelan woman living with HIV, who suffered years of physical abuse and was threatened with rape in Venezuela due to her sexual orientation and gender identity was subjected to the asylum ban** in a CFI in ICE detention and issued an expedited removal order because she did not meet the asylum ban's rigged, higher screening standard. The officer conducting the CFI repeatedly instructed her to answer questions about past persecution with "yes" or "no" and did not include any analysis or explanation of the negative decision in the CFI records that were provided to Immigration Equality and reviewed by Human Rights First. She remained detained for

³ While the asylum ban includes a narrow exception for people who were processed at ports of entry without an appointment and could not access or use CBP One due to a serious and ongoing obstacle, this exception does not apply to people who entered between ports of entry.



months, suffering enormous trauma while ICE prepared to deport her to Venezuela, where she feared she would be killed. The deportation order was reversed only after Immigration Equality learned of her case and conducted advocacy.

- **A Colombian LGBTQ asylum seeker who underwent a CFI while detained by ICE was subjected the asylum ban even though he could not secure a CBP One appointment because his phone broke in Tijuana.** He was found not to meet the asylum ban's higher screening standard and only spared from return to his country of persecution after he managed to secure representation by a legal service organization for the immigration judge review, resulting in reversal of the deportation order.
- **An Indigenous family that was attacked in Ecuador because they are Indigenous** was nearly deported with their two minor children after being rushed through the FERM process, interviewed in a language they do not fluently speak, and subjected to the asylum ban. The National Immigrant Justice Center intervened and engaged in extensive advocacy to stop the scheduled deportation.
- **A Honduran man whose father was murdered** by gang members after reporting gang violence to the police was subjected to the asylum ban in ICE detention and deported because he did not meet the higher screening standard in his CFI, according to the Las Americas Immigrant Advocacy Center. In [Honduras, gangs control widespread territory](#) across the country, [collude with](#) government agents, and [target](#), attack, and murder people who witness or report gang violence, as well as their family members.
- **A man fleeing harm in Ecuador because he is Indigenous was deported under the asylum ban after being denied interpretation in his best language.** He was separated from his partner at the border, forced to undergo a CFI in Spanish in ICE detention despite stating that his best language is K'iche', subjected to the asylum ban, and deported, according to the Las Americas Immigrant Advocacy Center.
- **An Ecuadorian woman seeking asylum along with her 10-year-old child, who testified about race-based harm in Ecuador and her fears that her son would be targeted, attacked, and sexually abused because he has autism,** were subjected to the ban and ordered deported through the FERM program within days of arriving to the United States, according to Americans for Immigrant Justice. The family was **deported to Ecuador in September** with no opportunity to present their distinct protection claims to an immigration judge.

People seeking protection who are impacted by the asylum ban but overcome the gauntlet of barriers in expedited removal or are spared from deportation by intervention from legal service providers may nonetheless **suffer enormous trauma throughout the process and then spend years in limbo**, uncertain about whether they will ultimately be banned from asylum, deported, or left in limbo with lesser forms of protection that do not provide a pathway to citizenship.



Asylum ban diverts and wastes government resources

The administration's use of the asylum ban and expedited removal against tens of thousands of people are having counterproductive and wasteful consequences, in addition to endangering the lives of refugees. **These policies are diverting asylum officers from conducting full asylum adjudications to credible fear interviews in expedited removal instead, exacerbating asylum backlogs, and wasting the time of overstretched adjudicators** who could instead conduct affirmative asylum adjudications or Asylum Merits Interviews under the Biden administration's [Asylum Processing Rule](#) (APR).

The Biden administration essentially abandoned its new policy, the APR, which it described as critical to promoting efficiency, in order to instead redeploy asylum officers to implement a counterproductive policy aimed at punishing people seeking protection. Indeed, with some necessary improvements, including the elimination of both unreasonable timelines and use of expedited removal, the APR could be a more fair and humane way to conduct asylum adjudications.

Adjudication of the asylum ban and its exceptions further complicates credible fear interviews, adding yet another technicality to the process that takes up adjudicators' time and carries life-threatening consequences for refugees. In an October 2023 amicus brief submitted in litigation in the D.C. District Court challenging the ban, the union representing over 14,000 USCIS employees including asylum officers who conduct CFIs explained that: "By requiring that an eligibility bar to asylum be implemented in credible fear screenings, and by raising the burden of proof for those subject to the bar...**the Rule is imposing significant new burdens on the credible fear process for both asylum seekers and asylum officers, and causing individuals with bona fide protection claims to be returned to danger.**" As a result, the ban's implementation in CFIs "significantly adds to the workload and pressures facing asylum officers," including due to the "factually intensive, complex determination" of the asylum ban's exceptions. The union also explained that requiring officers to "break[] the law by applying the new Rule in screening interviews" is "significantly and negatively impacting the morale" of asylum officers.

Expansion of expedited removal to CBP jails raises risk of refoulement under asylum ban

The Biden administration's escalation of expedited removal and expansion of credible fear interviews to CBP jails to subject thousands of people to the asylum ban within days or weeks of arriving in the United States is a recipe for mass refoulement. Historically, credible fear interviews have largely been conducted in ICE jails, which has long resulted in erroneous decisions and deportation of refugees to persecution and torture. In August 2022, Human Rights First published a [report](#) on the credible fear process in ICE detention, documenting mistaken credible fear decisions and deportation orders under the Biden administration against refugees fleeing political persecution, anti-LGBTQ attacks, gender-based violence, religious-based persecution, and other harms. In ICE detention, the risk of mistaken credible fear decisions and refoulement is heightened by horrific abuses,



lack of access to counsel, failure to provide interpretation in a person's native language, medical neglect, family separation, and physical and psychological harm.

By using the asylum ban in expedited removal and expanding the conduct of credible fear interviews to CBP jails at the border, the Biden administration has further exacerbated these harms and human rights violations. Conducting CFIs in CBP jails resurrects a policy of the Trump administration, which carried out CFIs in CBP custody through the Prompt Asylum Claim Review (PACR) and Humanitarian Asylum Review Process (HARP) programs. The Biden administration revived the deeply flawed policy in spring 2023 despite opposition by human rights and immigration advocates. The Biden administration also cut the waiting period to schedule credible fear interviews in both CBP and ICE detention down to 24 hours within arrival in the United States, replicating yet another Trump-era policy.

Government policy generally prohibits the detention of people in CBP custody for more than 72 hours and directs officials to detain people "for the least amount of time." Nonetheless, under this new program, the Biden administration routinely detains people for weeks in CBP jails. In a September hearing, a CBP official testified that people undergoing the CFI process in CBP **are detained on average between 9 and 16 days, in violation of government policy.**

People seeking safety who are jailed by CBP and subjected to CFIs often have little to no opportunity to contact attorneys or loved ones. Nor is there any formal system to locate or confirm if an individual is being detained. Attorneys, families, advocates, and other members of the public are prohibited from visiting the jails to speak with detained people. In August 2023, Human Rights First, the Florence Immigrant & Refugee Rights Project, Haitian Bridge Alliance, Americans for Immigrant Justice, RAICES, and the U.S. Committee for Refugees and Immigrants filed a submission with the U.N. Working Group on Enforced or Involuntary Disappearances and the Committee on Enforced Disappearances, explaining that **detention in CBP custody may constitute an enforced disappearance under international law.** Additionally, people in CBP jails are typically deported based on phone calls with the asylum office and immigration court, without seeing a single adjudicator face-to-face on video or in person.

Conditions in CBP jails are abusive, dehumanizing, and sometimes life-threatening, with widespread reports of medical neglect, inedible food and water, lack of access to showers and other basic hygiene, and inability to sleep because of overcrowding, lack of adequate bedding, cold conditions, and lights that are kept on at night. In May 2023, **an eight-year-old child died in CBP custody after being jailed for over a week**, during which her mother's repeated pleas to take the girl to the hospital went ignored. A CBP official acknowledged that her life would have been saved had she been treated differently, and an independent court monitor concluded that her death was "clearly preventable." In September 2023, a one-month-old baby died in CBP custody in Nogales, Arizona.

Requiring people to undergo credible fear interviews with life-or-death consequences in these brutal conditions is incompatible with due process, particularly with the added hurdle of the asylum ban, which requires people to testify about and meet a narrow exception to the ban or overcome a higher screening standard if they are subjected to the ban. Attorneys have reported that asylum seekers forced to undergo CFIs in CBP jails face abysmal



conditions—including inadequate access to food, hygiene, or medical care —which has already led a Venezuelan asylum seeker to abandon his claim for protection.

In CBP jails, people seeking protection have virtually no meaningful access to counsel. The added barrier of the asylum ban makes it even more difficult to understand and navigate the process without legal representation. Legal service providers are barred from physically entering the facilities. Detained people in the process have reported severe limitations on their ability to make phone calls to attempt to reach a legal service provider, with some people permitted to only make one phone call and forced to choose between calling a loved one or an attorney. Others are not able to make a phone call at all or are not informed of the possibility of doing so prior to their CFI. Attorneys face enormous barriers in speaking with clients or potential clients because they cannot call people back directly, must obtain a document physically signed by the client to enter representation (even though attorneys cannot meet clients in person), and need to obtain signatures or set up calls by coordinating via email with CBP officials who are reportedly unresponsive at times.

Even where a person manages to speak with an attorney, it is nearly impossible to prepare a person by phone on an expedited timeline for all the different issues that may arise during a CFI—**which are now drastically complicated by the application of the asylum ban and potential deportation to Mexico for some nationalities**—and to discuss severe persecution and trauma without meeting face-to-face while the person is incarcerated and facing deportation. Attorneys also face enormous obstacles in obtaining documents and records from the government to provide assistance to clients.

The government **has continued to create new roadblocks** to representation in an already farcical process. **In recent weeks, the Executive Office for Immigration Review has stopped posting outcomes of immigration court credible fear reviews on its automated case information website**, making it impossible for attorneys to determine the outcome of a case and how best to assist a client before they are potentially deported. These barriers are particularly concerning given the heightened risks of refoulement caused by the asylum ban. Attorneys continue to report to Human Rights First the enormous hurdles they face in attempting to represent people in this process:

- An attorney, Becca O'Neill at the Carolina Migrant Network, attempted to contact an Ecuadorian asylum seeker who was detained by CBP in Yuma but was told by CBP that she would need to obtain a signed G-28 Notice of Entry of Appearance as Attorney or Accredited Representative to speak with the client, who had been **subjected to the asylum ban**. CBP refused to even confirm whether the client was detained at the jail. O'Neill explained that the client's immigration court review of the negative CFI was the following day—a Saturday, that she needed to prepare her client, and that she had already filed an entry of appearance with the immigration court, **to which the CBP officer responded: "We do not care."**
- Another attorney reported to Human Rights First that in August 2023, he attempted to assist a Venezuelan man rushed through the credible fear process in detention: **"We went from knowing the client had a potential asylum claim to an actual physical, effectuated removal, in 7 days...I had no opportunity to actually speak to the detained**



individual; nobody, including the family, knew his whereabouts.” The person was likely detained by CBP because his information never appeared in the ICE detainee locator. The asylum seeker was rapidly deported to Mexico.

Use of asylum ban to deny screenings of fear of return to country of persecution

U.S. agencies under the Biden administration are using the asylum ban to deport some people through expedited removal without conducting any screening of their fear of persecution in the country they fled. The United States has entered into [agreements](#) with Mexico—which [does not meet](#) the [requirements](#) for a safe third country under U.S. law—to return up to 30,000 Cuban, Haitian, Nicaraguan, and Venezuelan nationals per month to Mexico. **The agreements are used in tandem with the asylum ban** to deport to Mexico some people fleeing these countries who undergo CFIs in CBP jails.⁴

These deportations take place without any kind of screening of the person’s refugee protection claim and fears of persecution in the country they fled. The government designates some nationals of the above countries for removal to Mexico, subjects them to the asylum ban, and then [requires them to meet the higher screening standard with respect to Mexico, without any discussion of the persecution they suffered in their home country](#). Unless they are deemed to have shown a likelihood of withholding or CAT eligibility based on harm in Mexico—which is *not* their country of nationality—they are summarily deported there without any opportunity to seek U.S. protection. People deported to Mexico face horrific harms in Mexico as well as a significant risk of [chain refoulement](#) to their countries of persecution.

- RAICES reported to Human Rights First that they attempted to assist **multiple Venezuelan women who had been separated from family members at the border, detained by CBP, and asked exclusively about their experiences in Mexico rather than their fears of persecution in Venezuela in their credible fear interviews**. The immigration court affirmed the negative CFIs and RAICES believes that the women have since been deported.
- Another Venezuelan woman who fled persecution for her political opposition work was similarly subjected to the ban, interviewed only about her fear of Mexico, and ordered deported, but the decision was reversed by the immigration judge at her credible fear review, where she was represented by a legal service organization.

⁴ DHS has indicated that only Spanish-speaking individuals should be subjected to CFIs in CBP custody.



Pressure to accept voluntary return to Mexico without refugee protection screening

While detaining asylum seekers in CBP custody, denying them access to counsel, and threatening them with deportation, DHS has pressured some people of nationalities that Mexico has agreed to accept into abandoning their asylum claims and taking voluntary return to Mexico. In some cases, CBP has threatened, coerced, and pressured people into returning to Mexico without an opportunity for a credible fear interview.

- A Human Rights first researcher spoke with a Venezuelan man who entered in Brownsville to seek asylum and was told by CBP that **if he did not take a voluntary return to Mexico, he would receive a deportation order with a five-year ban on reentry**. At the same time, his brother, with whom he had entered to seek protection, had a credible fear interview, and passed.
- In another instance, an asylum seeker reported to Human Rights First that CBP told them: “You have two options: sign voluntarily or we’ll deport you with a ban on reentry of five years.”

Some “voluntary” returns have occurred during the credible fear process without an opportunity to consult with counsel and without adequate information about the implications of the person’s decision. For instance:

- Multiple Cuban asylum seekers who contacted Americans for Immigrant Justice were advised during their credible fear interviews that if they accepted voluntary return, they would be eligible to apply for a [parole program](#) that the Biden administration has created for nationals of Cuba, Haiti, Nicaragua, and Venezuela. However, the officer failed to advise them that they would actually be [barred](#) from the process if they had crossed without authorization into Mexico or Panama after the date that the process was announced (January 9, 2023 for Cubans).
- In one case, **a Cuban woman was represented by Americans for Immigrant Justice, but the asylum office conducted her CFI at 7:57am on a Saturday, did not notify the woman’s attorney in advance, proceeded with the CFI without the attorney on the phone, and pressured the woman to accept voluntary return to Mexico**. With no opportunity to speak to her lawyer about the decision, she decided to accept voluntary return.

Escalation of credible fear interviews in ICE jails to wield asylum ban

In addition to expanding credible fear interviews to CBP jails, the administration has **continued to conduct CFIs in ICE jails**, fueling mass due process and human rights violations. DHS is currently detaining over [35,000 immigrants](#) in ICE jails, more than at any other point during the Biden administration and a **nearly 140 percent increase compared to when President Biden first took office**. The [vast majority](#) of the people detained by ICE are



transferred from CBP custody, many of whom are likely people who sought asylum at the border.

Tens of thousands of people have been subjected to credible fear interviews in ICE detention since the asylum ban went into effect. Many people in this process are detained for prolonged periods of time, with some jailed for two or more months before their credible fear interview takes place. Even if people overcome the hurdles of the asylum ban, due process violations, and detention abuses, and establish a credible fear of persecution, DHS may continue to jail them and inflict further harm and trauma. According to government [data](#), nearly 4,000 people who are currently detained by ICE have already established a fear of persecution.

Credible fear interviews – including those where the asylum ban is applied – are often conducted in life-threatening detention conditions in ICE jails, including at the dangerous Torrance County Detention Facility in Mexico. In August 2022, a [Brazilian asylum seeker](#) died by suicide while incarcerated in the Torrance County Detention Facility, a jail that the DHS Office of Inspector General (OIG) [warned](#) six months prior posed serious safety risks and had deplorable living conditions and urged the immediate removal of all detained individuals from the facility. In September 2022, the DHS OIG again [urged](#) ICE to immediately stop detaining people at Torrance. Shortly after another migrant [attempted suicide](#) while jailed in Torrance in late-November 2022, ICE [announced](#) that it would continue to operate the facility. Currently, ICE conducts credible fear interviews at Torrance despite ongoing due process violations and human rights abuses, as described in a [complaint](#) filed by legal service providers in August 2023.

For instance, CFIs conducted in Torrance **take place in physical spaces that do not provide any confidentiality**, forcing asylum seekers to share their claims and testify about exceptions to the asylum ban within earshot of other detained individuals, guards, and ICE officers. **As a result, some people have been afraid to share crucial aspects of their claim, including their sexual orientation or past sexual assaults**, according to the Las Americas Immigrant Advocacy Center. In one case, a Honduran man whose father had been murdered was afraid to speak about his asylum claim in full because he was within earshot of another individual who was from the same area in Honduras, and he feared that he would jeopardize his own family's safety if he shared information with the asylum officer. He was subjected to the asylum ban and ordered deported. Attorneys report lack of confidentiality in other ICE jails as well, which endangers vulnerable people forced to either share their asylum claims within earshot of other individuals or risk being returned to persecution, including in an instance where a transgender person's testimony in a CFI about wanting to transition was recently disclosed to other detained people.

New Biden “FERM” program imposes asylum ban on families with children, inflicts trauma, and rapidly deports vulnerable families

In May 2023, the administration implemented a new program (Family Expedited Removal Management, or “FERM”) to conduct expedited removal and apply the asylum ban to families with children within days of their arrival in the United States. Under this program,



traumatized families who have just fled to the United States to ask for protection are scheduled for credible fear interviews within six to twelve days of their release from CBP Custody, with one parent forced to wear an ankle shackle and placed under electronic surveillance and home curfew. CFIs take place in cities where the families plan to reside. Without time to settle into their new community, address any urgent housing or medical concerns, consult with an attorney, secure legal representation, learn about the credible fear process, and prepare their case, **many parents and children who have recently escaped horrific persecution and trauma—including at the U.S.-Mexico border—must navigate the high-stakes process alone and testify about their asylum claim while at imminent risk of deportation.**

The administration has rapidly expanded the FERM program to [40 cities](#) across the United States, with at least [1,500 families](#) already subjected to the process or enrolled as of late August. It is also [reportedly](#) considering implementing another program where asylum-seeking families with children must undergo the CFI process while forced to “Remain in Texas.”

The FERM program targets families who enter the United States without a CBP One appointment and are subject to the asylum ban. Rather than placing them in regular immigration court proceedings as it does with other asylum-seeking families, the government punishes some families who enter without appointments by rushing them through the accelerated deportation process in FERM without critical due process protections. The [National Immigrant Justice Center](#) and [Americans for Immigrant Justice](#) have documented the enormous barriers to access to counsel imposed by FERM, with many people unable to even contact legal service providers prior to their CFIs. Those who do manage to reach legal service providers have virtually no time to receive a basic consultation and prepare for their CFIs.

Representation is [nearly impossible](#) on this timeline and requests to reschedule CFIs to allow access to legal services are [routinely denied](#) by the asylum office. In one case, **an Indigenous family with a three-year-old child asked the asylum office if they could postpone the FERM interview as they had only arrived in Baltimore five days prior and needed to consult with a lawyer, but they were denied.** The asylum officer said that they needed an “exceptional circumstance,” like a medical emergency, according to Americans for Immigrant Justice.

Many of the families subjected to FERM—other than Mexican nationals—must prove a narrow exception to the asylum ban and face the higher screening standard if they do not meet an exception. Imposition of the asylum ban drastically complicates the preparation required for a CFI and elevates the burden on asylum seekers as well as legal service providers attempting to relay a massive amount of information on an absurdly short timeline.

Subjecting vulnerable families and children to the FERM process—instead of referring them for full asylum adjudications where they will be more likely to secure legal representation and can apply for asylum—**raises the risk of refoulement and inflicts extreme trauma on people who have just fled harm even if they manage to overcome the asylum ban and other barriers and pass the rigged credible fear screenings.** Indigenous families in the



FERM process face even more significant barriers because the government systematically fails to interview them in their best and native language, leading to deportation orders and severe trauma.

Families who have been subjected to the asylum ban, forced to meet a higher screening standard, and ordered deported to harm under FERM include:

- **An Ecuadorian asylum seeker along with her 10-year-old child**, who testified about race-based harm and fears persecution of her son based on his disability, as discussed above. The family was deported to Ecuador in September.
- **Indigenous families from Ecuador and Guatemala** who were forced to undergo their CFIs in Spanish rather than their primary language, as discussed in the section below. One Indigenous mother and her one-year-old child are currently facing imminent deportation.
- **A Colombian family with two minor children that fled armed attacks and rape by a guerrilla group.** The family could not show that they met exceptions to the ban or testify about the rape and other attacks they suffered because they were in the presence of their two young children during the CFI in August 2023. They had entered without an appointment because the CBP One app repeatedly crashed, and they feared that they would suffer additional harm in Mexico similar to the violence they fled in Colombia. After the asylum office applied the asylum ban and issued a negative CFI, the National Immigrant Justice Center represented them in a credible fear review before the immigration judge, leading to reversal of the decision.

The FERM program has a devastating impact on traumatized families and children, regardless of whether they ultimately pass their credible fear screenings. Infants, toddlers, and young children are routinely placed in the program with their parents, subjected to the asylum ban, and placed at risk of summary deportation without due process protections.

According to a [report](#) by Americans for Immigrant Justice, the average age of a child enrolled in FERM was approximately 7.5 years old based on cases documented by the organization. Parents who could not make childcare arrangements on the accelerated FERM timeline have been forced to testify about severe trauma while their young children were present. According to Americans for Immigrant Justice, credible fear records are replete with instances of parents, babies, and children crying; young children questioned by asylum officers; and parents having to comfort their children or informing the officers that a child is hungry or needs a diaper change. In one instance identified by Americans for Immigrant Justice, a mother with a one-year-old baby was enrolled in FERM even though she is breastfeeding and therefore ineligible to be placed in an ankle shackle according to ICE's own [policy](#).

This stressful and overwhelming environment for a high-stakes interview—which occurs only days after arrival to the United States and determines whether a family is deported — may prevent families from fully sharing their stories and inflict severe trauma regardless of the outcome. These impediments to communication make it more difficult for asylum



seekers to communicate essential information – including information relating to the asylum ban and its exceptions.

- Within days of reaching safety in the United States, an Indigenous woman from Ecuador and her 16-year-old son were **forced to testify about the horrific trauma they suffered in Mexico in order to meet an exception to the asylum ban, according to Americans for Immigrant Justice**. The woman's then three-year-old daughter was also present. **The woman and her son were crying as she explained that while in transit in Mexico, they were attacked by people who boarded the bus, "cut our pants to take our money and...touched us all over" and threatened to kill the children.** The men grabbed her three-year-old daughter and the woman **"begged for their life on my knees."**
- An asylum officer noted that a Honduran mom subjected to FERM with her then three-year-old daughter was **"crying hard"** during the interview, according to Americans for Immigrant Justice. Required to testify about potential exceptions to the asylum ban, the mother had to describe how her **daughter had recently suffered attempted kidnapping in Reynosa**, as well as the mother's own experience being sexually abused and forced to work as a child. The mother met the severe trafficking exception to the asylum ban and passed the CFI.
- **A woman who fled severe gender-based violence had to testify in front of her then five-year-old daughter about how the child's father beat her, pointed a pistol at her, and raped her.** Eventually, she informed the officer that she could not continue to share her story with her daughter present and was permitted to have her daughter wait in the waiting room with other family members, according to Americans for Immigrant Justice. Many families, however, have no option but to have their children in the room with them.
- **An asylum officer asked a 10-year-old Ecuadorian child with autism: "[D]o you know the difference between a truth and a lie?"** He and his mother were ultimately subjected to the asylum ban deported to Ecuador, according to Americans for Immigrant Justice.

Indigenous asylum seekers subject to the ban denied interpretation in native language and deported to danger

Punitive policies targeting people who enter without a CBP One appointment disproportionately harm Indigenous people seeking protection – including in cases where they face potential refoulement and deportation under the asylum ban. In June 2023, over 140 non-Indigenous allies wrote a [letter](#) to the Biden administration warning of these disproportionate harms and urging it to ensure full access to asylum for Indigenous people instead of wielding the asylum ban.

Indigenous languages are available in the CBP One app, which makes it impossible for many Indigenous people to even access and use the app to attempt to schedule an appointment. Nonetheless, DHS continues to rush Indigenous adults and families who enter without an appointment through expedited removal, in detention and the FERM program,



and apply the asylum ban to them. **Compounding these barriers is DHS's failure to provide interpretation in the person's best and native language during the credible fear process.**

As a result of these due process violations, Indigenous people fleeing harm have been deported and others face imminent deportation.

In an August 2022 [report](#), Human Rights First tracked widespread instances of people seeking safety denied interpretation in their native language during the credible fear process. Many asylum seekers have been forced to proceed in Spanish, French, or other languages despite stating that it is not their primary language or coerced into proceeding under threat of prolonged detention.

Under 2022 USCIS [guidance](#), asylum officers conducting credible fear interviews must inquire into all languages that an individual speaks, confirm the person's preferred language for a CFI, and place them in regular immigration court proceedings unless the person is willing to proceed in another language and the officer determines that the person can fully participate in a CFI in that language, understood the contents of the interview, and was able to testify accurately and completely. In some instances, officers proceed with CFIs in violation of this guidance, as described below. Moreover, with the majority of people unable to speak with a legal service provider prior to a CFI and learn about their right to proper interpretation, many may fear repercussions and feel pressured to proceed with a CFI in a secondary language even if the officer asks them their preferred language. Others may agree to proceed in a language they are not comfortable communicating in because they face the threat of prolonged detention if they ask to speak with an interpreter in their native language.

Recent cases documented by Human Rights First reflect that the government continues to deny correct interpretation to Indigenous language speakers and apply the asylum ban to them, even when there is evidence in the record of major communication issues:

- **An Indigenous woman from Guatemala and her one-year-old daughter are facing imminent deportation after undergoing a CFI in the FERM program in August 2023,** where they were interviewed in Spanish despite clear indications that there were communication issues. According to Americans for Immigrant Justice, when asked about her race and ethnicity, the woman responded: **"I don't know."** When asked about whether she applied for asylum or other protection while in transit to the United States, a question relating to application of the asylum ban, she said: **"I don't understand asylum or protection."** When asked about whether she had issues that impacted her ability to seek out a lawful pathway, another question relating to application of the asylum ban, she said **"I don't understand."** The officer nonetheless completed the interview in Spanish, applied the asylum ban, and ordered her and her child deported. The immigration judge affirmed the decision.
- An Indigenous asylum seeker from Ecuador who was separated from his partner at the border received a negative CFI determination in ICE detention and **was ordered deported in July 2023 after being interviewed in Spanish—even though it is not his best language—while his partner, who was interviewed in Quiche, their native language, received a positive determination.** The man was subjected to the asylum



ban and failed the higher screening standard. The Las Americas Immigrant Advocacy Center requested reconsideration from the asylum office in light of these due process violations, but the request was rejected.

- An Indigenous asylum seeker from Peru who underwent a CFI in ICE detention was **interviewed in Spanish despite informing the asylum officer that his best language is Quechua**. The asylum officer listed Spanish as his native language in the CFI record, did not indicate that he spoke other languages, applied the asylum ban, and ordered him deported, according to a legal service organization.
- **DHS deported an Indigenous asylum seeker under the asylum ban in summer 2023 after failing to provide interpretation in his native language.** After the man was interviewed in Spanish and received a negative credible fear determination, the Las Americas Immigrant Advocacy Center represented him in his immigration court review. The immigration judge expressed disbelief that the man required interpretation in his native language, stating that he didn't believe there were issues in the CFI due to language access and **that he knows that everyone speaks Spanish**. After rescheduling the review to another day, an interpreter in the asylum seeker's Indigenous language was again unavailable, but the man **agreed to proceed with the review out of fear of prolonging his detention further**. The judge affirmed the negative CFI, and the man was deported.
- In July, an unrepresented Indigenous family from Ecuador that speaks Quechua and fled with two children, then ages seven and four, were subjected to the ban and ordered deported after a CFI conducted in Spanish **where the interpreter stated on the record that the applicant cannot understand him and that he cannot understand the applicant**. The officer paused the interview to call a Quechua interpreter (who was unavailable), but then nonetheless proceeded with a Spanish interpreter, according to Americans for Immigrant Justice, which represented the family in the immigration court review and obtained a reversal of the decision. After the asylum officer continued with a Spanish interpreter, the following communication issues, among others, occurred:

Q: Have you ever been harmed or threatened, or do you fear being harmed because of your race?

A: I don't understand

Q: Have you ever been harmed only because you are Indigenous?

A: Long pause

Q: Did you understand the question?

A: Yes

Q: Did you understand the question?



A: No that is why I stayed quiet

Q: Have you ever been harmed or threatened, or do you fear being harmed because of your religion, you told me you don't have any religion?

A: Religion I don't understand

Q: Have you ever been harmed or threatened, or do you fear being harmed because you are Ecuadorian?

A: Threatened I don't understand

Q: Have you ever been harmed or threatened, or do you fear being harmed because of your political opinion?

A: What do you mean political?

- **The asylum office interviewed an unrepresented Indigenous Ecuadorian family with two minor children in Spanish even though their primary language is Quechua, continued with the interview even when the 15-year-old child attempted to help her parents understand the Spanish translation, and barred the child from helping with interpretation.** They had fled Ecuador after being targeted and attacked because they are Indigenous. The asylum officer used the asylum ban against them and ordered them deported because they had not met the higher screening standard. The immigration court then conducted a credible fear review, also in Spanish and without representation, and affirmed the negative determination. The family's deportation was narrowly averted in August after intervention and extensive advocacy by the National Immigrant Justice Center, but **rather than simply taking the already traumatized family out of expedited removal and allowing them to apply for asylum, the government traumatized them further by forcing them to undergo multiple additional CFIs.** First, they were required to have a CFI where they were interrogated about their Spanish comprehension and speech, again without a Quechua interpreter. Then, they had a harrowing 3.5-hour CFI where USCIS's only contracted Quechua interpreter spoke a different dialect. The family was ultimately placed in regular immigration court proceedings due to the language access issue, after unnecessary re-traumatization and near deportation.
- **An Indigenous mother and two children from Guatemala were issued a negative credible fear determination after being interviewed without interpretation in Mam, her best language.** The woman had fled Guatemala with her children after her father was killed, she received threats, and other girls in her community were kidnapped and raped. She and her children were subjected to the asylum ban and did not pass the higher screening standard. The National Immigrant Justice Center represented the family in their immigration court review, where the immigration judge reversed the deportation order on the basis that they had met the higher standard.



The vast majority of asylum seekers are not represented in expedited removal, including in the tens of thousands of CFIs where the asylum ban is used to unlawfully change the

screening standard and raise the denial rate. As a result of this lack of representation, attorneys often do not learn about wrongful removal orders that risk returning refugees to persecution.

Family separation by CBP exacerbates harms under asylum ban

CBP officers and Border Patrol agents have separated families at the border, including spouses who are legally married, [children](#) separated from one parent and released with the other, and other families. **These cruel separations sometimes result in potentially permanent separation, with a family member placed in expedited removal in CBP or ICE detention and ordered deported under the asylum ban**, while other family members can remain in the United States to pursue their case. In other instances, spouses or partners may be placed in expedited removal in different detention centers and receive different results, also leading to indefinite separation. Recent cases of family separation include:

- **A Colombian man was separated from his wife, jailed by ICE, and ordered deported under the asylum ban** through expedited removal while his wife was jailed in a different ICE detention center and passed her credible fear interview, according to a legal service organization.
- **A Venezuelan couple sought protection, was detained separately in CBP custody, and is indefinitely separated after DHS returned the man to Mexico.** While the woman, who had fled persecution for her political opposition work, was eventually able to obtain a positive credible fear determination with the assistance of a legal service organization, which represented her at her immigration court review, the man accepted voluntary return during his credible fear interview. As discussed above, asylum seekers have been pressured to accept voluntary return during the credible fear process without adequate information or opportunity to consult with an attorney.
- In September 2023, a Human Rights First researcher spoke to a **Venezuelan woman who was separated from her husband by Border Patrol and left alone with her minor daughter after the family crossed between ports of entry in Brownsville.** She showed agents her marriage certificate, which had water damage resulting from the difficult journey the family had made through the Darien jungle to reach safety. She reported to Human Rights First that Border Patrol agents rejected the certificate, and that when she repeatedly begged to speak with her husband, an agent laughed at her, said her husband was elsewhere, and that **“maybe she would find him in some future.”** The woman, who is epileptic, shared with Human Rights First through tears that her husband helped her when she experienced medical crises.
- Another mother told a Human Rights First researcher in September 2023 that she fled to the United States between ports of entry in Arizona with her two children and **was separated from her 19-year-old daughter, who was jailed by ICE.** She repeatedly asked to speak with her daughter, but Border Patrol agents ignored her and refused to provide information about her whereabouts. The mother later learned on her own that her daughter had been transferred to an ICE jail.



- **A Venezuelan woman who is six months pregnant with a high-risk pregnancy was separated from her husband at the border by DHS and told Human Rights First that she was not given any information about her husband's whereabouts.** She and her husband crossed into Brownsville outside the port of entry and requested asylum in September 2023. Upon arrival, individuals were separated into families and single adults. A DHS officer instructed her and her husband to go to the singles line. They replied that **they were married and had their marriage certificate.** She held it but the officer disregarded it. The Venezuelan woman said that she is pregnant and was told by the DHS agent, **"your baby isn't yet born"** as if they weren't yet a family. She was released after a day in DHS custody and was told her husband was not free to go. Two days later when speaking to a Human Rights First researcher, she still knew nothing of her husband's whereabouts. She shared: **"My husband is my family, and I don't know anything about where he is, not even who to call."**
- **In September 2023, DHS separated an 18-year-old Venezuelan woman who is eight months pregnant from her partner and father and jailed her father for expedited removal proceedings.** She was released from Border Patrol custody and was denied information on the whereabouts of her partner, who is the father of her baby, and her father. She later learned that her father had been transferred to an ICE detention center to undergo a credible fear interview in expedited removal. At the time she spoke with a Human Rights First researcher days after her release, she still knew nothing of her partner's whereabouts.
- A Venezuelan woman, her partner, and four children were separated from the woman's adult brother and her partner's 57-year-old mother in September 2023 when they entered together into Brownsville outside the port of entry. **Upon the family's release, the adult brother was still detained by DHS and the 57-year-old mother had been returned to Tapachula, Mexico.**
- A legal services organization reported additional cases to Human Rights First where couples who were legally married were told by DHS agents that their certificates weren't valid. Other couples who are not legally married have been told that they are not a family. In various instances reported to Human Rights First, **lesbian couples with children were separated in detention and processed differently, with one of the partners being jailed.**

Exceptions don't protect refugees from ban's penalties

The asylum ban includes narrow exceptions for people who can prove that they faced an imminent and extreme threat to life or safety at the time they entered the United States, suffered a medical emergency at the time of entry, or were a victim of a severe form of trafficking at any point in their life. People who are processed at ports of entry without CBP One appointments may also be exempted from the ban if they faced a serious and ongoing



obstacle to accessing CBP One, such as a language or technological barrier.⁵ Those who qualify for an exception are not subject to the ban’s penalties and may be considered for asylum protection.

These limited exceptions are insufficient to protect refugees, including vulnerable populations such as LGBTQ individuals, Black and Indigenous asylum seekers, women, and children, who face disproportionate harms in Mexico while blocked from seeking protection in the United States. People seeking protection face unremitting violence at the hands of Mexican police, other officers, and cartels who often target them because they are migrants or asylum seekers. Human Rights First has documented the horrific abuses inflicted on migrants and asylum seekers when they are blocked, turned away, or left to wait in Mexico, including over 13,000 reports of murders, kidnappings, rapes, and other violent attacks against people blocked in or expelled to Mexico under the Title 42 policy since President Biden took office. The brazen and systematic targeting of migrants and asylum seekers waiting in Mexico has sharply escalated in recent months, as discussed earlier in this report.

The U.S. government has stated that in credible fear interviews, people are screened for potential asylum ban exceptions and may proceed with the regular CFI process if they can show a “significant possibility” that they qualify for an exception to the ban. However, in an October 2023 amicus brief submitted in litigation in the D.C. District Court challenging the ban, the asylum officer’s union explained that officers interpret the regulatory language of the ban to require them to assess whether a person qualifies for an exception, rather than determining whether there is a “significant possibility” that they qualify for an exception.

People who have been kidnapped, tortured, or whose family was murdered in Mexico, have been found ineligible for an exception to the ban during their CFI. Indigenous language speakers who could not use CBP One have also been subjected to the ban despite qualifying for an exception. Indeed, exceptions are infrequently granted during CFIs, with only 14.5 percent of 37,075 people qualifying for an exception during the credible fear process between May 12 and August 11, despite the widespread dangers that people face at the border.

Despite requests by legal and humanitarian organizations, the government has not provided public guidance on how these exceptions are adjudicated, what constitutes a threat to life or safety or a medical emergency, and what evidence is required, Asylum seekers who try to

⁵ The asylum ban rule also provides that people who have applied for and been denied protection in a transit country are exempted from the rule. This is an illusory exception given that many refugees face life-threatening dangers in common transit countries—including on the basis of the same protected characteristics that they were persecuted for in their home countries—and cannot seek protection there because these countries do not have asylum systems that can accommodate large numbers of refugees. In the course of Human Rights First’s research since the asylum ban went into effect, researchers have not spoken with or learned of a single asylum seeker who applied for and was denied protection in a transit country. Additionally, there is an exception for people who entered with a previously approved authorization to travel, such as through the administration’s parole programs, but these programs require people to travel by plane to the United States—also making this exception rarely, if ever, applicable.



approach a port of entry or cross the border without a CBP One appointment have no way of knowing (if they even know about the ban) whether or not the urgent risks they are facing will later be deemed to meet one of the exceptions to the ban. Once they do learn of the ban, they are essentially forced to make impossible choices about whether to seek safety and risk the ban's penalties or remain in danger in Mexico while they struggle to obtain a CBP One appointment. Children, including infants and toddlers, are also subject to the ban—unless they can qualify for a narrow exception—and barred from asylum with no consideration given to age or vulnerabilities.

During the credible fear process, asylum officers determine whether the asylum ban applies by asking questions about medical issues at the time of entry, threats to life and safety, and other potential exceptions. These interviews often take place telephonically in detention, usually before a person can consult with a lawyer to understand the relevance of these questions and that their ability to apply for safety may hinge on the particular details they share. Even where asylum seekers did share detailed information about horrific attacks, dangers, and medical issues that could make them eligible for an exception, some officers have nonetheless determined that they are subject to the asylum ban, disregarding testimony that should qualify for an exception. Nor have officers typically provided written analysis in the credible fear record regarding why an exception was not met, according to attorneys who spoke with Human Rights First and records reviewed by Human Rights First.

In its October 2023 amicus brief in the D.C. District Court litigation, the asylum officer's union explained that the government's failure to issue public guidance on the exceptions **"leav[es] asylum officers and their supervisors to decide for themselves what scenarios these exceptions even reach, potentially creating a serious likelihood that the Rule's exceptions are being inconsistently and arbitrarily applied."**

People seeking protection who have been found ineligible for an exception during their credible fear interview include:

- **A Venezuelan transgender woman living with HIV who testified that she was robbed and photographed on multiple occasions while in transit, including by armed Mexican police**, was found not to meet an exception to the asylum ban. She explained that the police asked her and other immigrants where they were from and extorted them under threat of sending them back, according to a credible fear record obtained by Immigration Equality and reviewed by Human Rights First. She also testified that at the time she crossed into the United States, she feared imminent kidnapping by people in nearby vehicles who she believed were armed. **The asylum officer did not inquire into the harm that she feared in Mexico based on the fact that she is transgender or living with HIV.**
- **An Indigenous Guatemalan man whose five family members were murdered in the [San Fernando massacre](#) in Mexico**, which was carried out by a major Mexican cartel in collaboration with Mexican police, was found not to meet an exception to the ban even though his attorney submitted evidence of the murders to the asylum officer. During his credible fear interview, the man explained to the asylum officer that his family was murdered in Mexico and that he entered the United States after Mexican authorities



blocked him at the border from requesting asylum at a port of entry and threatened to deport him.

- **A Salvadoran woman who testified that she was forced to work for years as a child and brutally beaten** when she refused was found not to meet an exception to the asylum ban even though she should have been granted an exception as a “victim of a severe form of trafficking,” according to Americans for Immigrant Justice.
- **A Venezuelan man fleeing political persecution who testified that he was repeatedly followed by Mexican police officers and cartels in Juárez who forced him to leave public spaces** as he was trying to obtain Wi-Fi to secure a CBP One appointment—and told that he had to leave because he is an immigrant—was found not to meet an exception to the ban despite testifying about these incidents during the CFI, according to the Las Americas Immigrant Advocacy Center.
- **A Venezuelan woman who was searched, robbed, and groped by an armed Mexican federal officer** after fleeing persecution in Venezuela for her political opposition work, was found not to meet an exception to the ban, according to a legal service organization.
- **An Ecuadorian man who was kidnapped by cartels in Mexico** and forced to pay ransom for his release was found not to meet an exception to the ban, according to a legal service organization.
- **An Indigenous woman who fled Ecuador with her two minor children**, who was robbed at gunpoint and threatened with death in Mexico, could not read in the few languages supported by the CBP One application, and lacked technological literacy in using mobile smartphone apps, was found not to be an exception to the ban, according to the National Immigrant Justice Center. **The family was processed at a port of entry and should have qualified for multiple exceptions to the ban based on threat to life and safety and inability to use CBP One.**
- **An asylum seeker from Ghana** was found not to meet an exception to the ban even though he testified that he entered without an appointment because he feared that the Mexican government would deport him to danger: “I did not want to be sent back to Ghana. because we entered Mexico without document, **Mexican immigrations were detaining us, I was afraid they would send us back to Ghana.**”
- **A Colombian asylum seeker who entered the United States while experiencing urgent medical needs and directly fleeing torture he had suffered in Mexico was found not to meet an exception to the ban, despite testifying about the harm he had suffered in Mexico.** While traveling through Mexico, he was kidnapped by a criminal organization that tortured him and hit him in the chest where he had existing stab wounds, leading him to run for his life to the U.S. border, according to his attorney at the New Mexico Immigrant Law Center. He has since been deported.



Mission Statement

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

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

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