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# Asylum Ban Strands Asylum Seekers and Migrants in Mexico and Returns Them to Danger

*Over 1300 people have faced kidnapping, torture, rape, extortion, and other violence while waiting to seek protection in the U.S. since the asylum ban took effect in May 2023*

Six months after the Biden administration initiated its new [bar on asylum](#) (the “asylum ban”), the [policy](#) and its accompanying practices continue to strand vulnerable people in Mexico where they are targets of widespread kidnapping, torture, and violent assaults. People seeking asylum are forced to [risk their lives](#) waiting in [danger](#) for limited CBP One appointments. If they attempt to seek protection at a port of entry or cross outside ports of entry without a CBP One appointment, they risk suffering the ban’s [punitive asylum denials or wrongful returns](#) to harm and persecution.

The Biden administration should commit to the effective, humane, and legal policies that it has already initiated or announced and reject those that punish and block people seeking asylum, contrary to core tenets of international refugee protection. Congress must reject any attempts to enact the asylum ban policy into law. [Key steps](#) include: uphold refugee law and maximize asylum processing at ports of entry, expand regional refugee resettlement, strengthen pivotal parole initiatives, and increase critical aid to address regional protection gaps.

Human Rights First has [tracked over 1,300 reports of torture, kidnapping, rape, extortion, and other violent attacks on asylum seekers and migrants](#) stranded in Mexico, including those struggling to secure CBP One appointments, since the asylum ban policy took effect six months ago. Given the [under-reporting](#) of kidnappings and other crimes in Mexico and [substantial](#) increase in kidnappings in parts of the northern Mexico border reported by [aid workers](#) and [Mexican authorities](#), this figure represents the tip of the iceberg. For example:

- A [Honduran woman](#) was raped while waiting for a CBP One appointment in late May 2023 and turned away from a U.S. port of entry by Mexican officers despite the risk to her life;
- A [Latin American<sup>1</sup> man](#) seeking asylum suffered an enforced disappearance when he was kidnapped and tortured by men dressed as Mexican officials. As of July 2023, he was in hiding still trying to get a CBP One appointment;
- A [Venezuelan mother](#) was raped in June 2023 while waiting for a CBP One appointment when kidnapped with her minor child and sister. They were threatened with death and with the removal of their organs and forced to witness torture;

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

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- Three [Venezuelan men](#) were kidnapped, tortured, and forced to witness torture while trying to obtain a CBP One appointment in September 2023;
  - A [Honduran mother](#) kidnapped with her family survived a sexual assault in September 2023 while waiting to seek U.S. asylum;
  - A [Venezuelan seven-year-old child](#) was drugged and sexually assaulted while kidnapped for three weeks with his mother in September 2023 while waiting to seek U.S. asylum;
  - A [Latin American<sup>2</sup> woman](#) was kidnapped, trafficked, and raped. Upon her escape, she has been forced to wait at risk of harm in Mexico while trying to obtain a CBP One appointment as of July 2023, unable to seek U.S. asylum protection;
  - [Honduran teenage boys](#) were kidnapped and sexually assaulted in September 2023 while waiting to seek asylum in the U.S.; and
  - A [Venezuelan family](#) with minor children were kidnapped during which the mother was twice sexually abused while waiting for a CBP One appointment in June 2023. They shared:

“We’ve been waiting for an appointment that doesn’t arrive. [The CBP One app] doesn’t care about the risk [we face] or our human rights.”

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. For example:

- Four Haitian people died in the border cities of Tijuana, Reynosa, and Matamoros and two Haitian pregnant women in Reynosa and Matamoros lost their babies due to medical emergencies and lack of access to medical care. All were blocked or were restricted access to U.S. ports of entry while waiting to seek U.S. asylum;
- An Ecuadorian Indigenous Shuar family suffered assaults and an attempted kidnapping while waiting to seek asylum in the United States;
- A Latin American<sup>3</sup> lesbian couple was sexually assaulted while waiting for a CBP One appointment in Reynosa;

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<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

- A trans Venezuelan woman was targeted for kidnapping in Reynosa on account of her CBP One appointment which she then missed;
- A trans Venezuelan woman was threatened with sexual exploitation in Ciudad Juarez;
- A gay Venezuelan couple was nearly kidnapped in Matamoros while waiting and trying to secure a CBP One appointment.

At present, there are 1,450 CBP One appointments available per day to access a U.S. port of entry across the southwest border through CBP's appointment request process, which operates like a lottery. Insufficient CBP One appointments and wait times of up to five months, highly limited processing by CBP at ports of entry of people without CBP One appointments, inadequate shelter and humanitarian assistance, and grave and escalating harms against those waiting in Mexico are [among the factors](#) pushing irregular crossings. Over the last months, the targeting of migrants and people stranded near the Mexican border waiting to seek protection in the United States, including those waiting for CBP One appointments, has risen sharply driving many to cross the border or attempt to enter at a port of entry without a CBP One appointment in urgent search of safety. Yet the Biden administration is using the asylum ban in combination with expedited removal and other punitive policies against those who cross the border or enter at ports of entry without CBP One appointments 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](#) both [U.S.](#) and [international law](#) and return people to danger without access to the U.S. asylum system.

The asylum ban reduces protections designed to prevent non-refoulement – the return of refugees to persecution – and the cornerstone of refugee protection. It imposes a [higher screening standard](#) in expedited removal fear screenings, in violation of the credible fear standard created by Congress. As a result, people subject to the asylum ban are **more than [three times as likely to fail their screenings 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 resulted in deportation orders against nearly [23,000 people](#) who were subjected to the ban between May 12 and September 30, 2023. This results in a heightened risk of refoulement, particularly as individuals denied a fear screening at the statutory standard are directly returned to countries of feared persecution. For example, a recent [report](#) found that dozens of Venezuelan uniformed police and intelligence agents awaited deportees – considered “traitors of the revolution” – at the airport upon their return to Venezuela.

People seeking protection who were deported through expedited removal under the ban [include](#) asylum seekers who testified to their fear of harm because of their race, Indigeneity, and disability. [Others](#) who were ordered deported through expedited removal under the ban but whose deportation was only narrowly averted due to intervention by legal service organizations or human rights advocates include:

- A Chinese pro-democracy activist who, before fleeing China, was imprisoned for several years and suffered continued surveillance and whose persecution was documented by Western media;

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- 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;
  - An Indigenous family that was attacked in Ecuador because they are Indigenous and was nearly deported with two minor children.

Policies such as the asylum ban, [Remain in Mexico](#), [Title 42](#), and metering that act to block or restrict access to U.S. asylum and require people fleeing persecution to remain in Mexico where their lives are at risk are illegal and inhumane. In addition to extensive reporting on these policies, Human Rights First tracked more than [13,480](#) reports of murder, torture, kidnapping, rape, and other violent attacks against migrants and people seeking asylum blocked in or expelled to Mexico under Title 42.

Instead of blocking and punishing people seeking asylum protection, the Biden administration and Congress should work to restore asylum – a life-saving protection that many Americans deeply [value](#). Congress must reject any attempts to enact the asylum ban policy into law. The Biden administration should maximize access to ports of entry for asylum seekers, including for those without appointments, increase appointment availability and access, properly staff asylum and immigration court adjudications, improve use of its new asylum processing rule to help adjudicate a greater number of asylum cases more efficiently and take other key steps previously outlined by Human Rights First in its [recommendations](#). The asylum ban - which was initiated as a temporary policy and has already proven both [inhumane and counterproductive](#) to refugee protection and migration policy - must be rescinded.