
U.S. Border and Asylum Policies Harm Black Asylum Seekers

People seeking asylum face onerous barriers to asylum; Black asylum seekers must contend with additional discriminatory harms. These include the [asylum ban](#) and related restrictions that deny most African asylum seekers equal access to asylum at ports of entry and [punish](#) those who cross between ports of entry to seek safety. These barriers strand Black asylum seekers in Mexico [for months](#) where they face targeted violence. Black asylum seekers also face disparate treatment and anti-Black discrimination within U.S. [immigration, detention, and enforcement systems](#), including [unjust credible fear denials and expedited removals](#), and alarming [mistreatment](#) in immigration detention.

Recent legislative proposals like [H.R.2, the Secure the Border Act](#) or those [proposed by Senators Lankford, Murphy, and Sinema](#), or the Biden administration's deployment of more or higher barriers to asylum will put African, Haitian, Black, and other asylum seekers at greater risk of persecution, torture, and other harms.

The Biden administration and Congress should reject attempts to further limit access to asylum or punish asylum seekers through bans, bars, heightened screenings, detention, and other policies. Instead, the Biden administration and Congress should take steps to ensure that people seeking asylum, including those seeking refuge from Haiti, countries in Africa, and elsewhere have equitable and just access to asylum as required by U.S. and international refugee law.

Human Rights First has outlined its [full set of recommendations](#). Key steps include ensuring access at ports of entry to people who do not have CBP One appointments, adding languages spoken in Africa (as well as Indigenous and other languages) to the CBP One system, ending numerical limits at ports of entry that leave asylum seekers waiting months in highly dangerous areas, rescinding the asylum ban, and properly resourcing and staffing asylum adjudications so they are decided without delay and with critical interpretation. Findings from Human Rights First's recent interviews with asylum seekers along the U.S.-Mexico border and previous research:

- **Due to the asylum ban and related restrictions, Black asylum seekers and migrants are left stranded in Mexico**, where they are targeted for harm by Mexican authorities and criminal groups that control vast territory because of their race and migratory status. For example, a gay asylum seeker from Ghana was tased and beaten by Mexican immigration officers during a checkpoint search and robbed of his smartphone.
- **Many African asylum seekers and migrants are unaware of the CBP One appointment system and of the asylum ban's penalties for failing to use it. Language barriers exclude many from using it, putting them at risk of the asylum ban's penalties.** DHS has made the CBP One app available only in English, Spanish, and Haitian Creole, excluding its use by asylum seekers who do not speak one of those languages, including many African asylum seekers. If a person demonstrates a serious and ongoing obstacle, such as a language

barrier, that prevents using the CBP One app, they may qualify for an exception and be eligible for asylum if they enter at a port of entry. For people seeking asylum protection who are unable to use the CBP One app due to language barriers and enter irregularly, including Black asylum seekers from African countries, the exception is meaningless.

- **U.S. and Mexican authorities continue to restrict access to ports of entry for individuals without CBP One appointments.** As [Human Rights First](#) and [others](#) have documented, restrictions include people who are unable to use the CBP One app, suffer urgent medical needs, or face serious threats to their lives and safety. For example, a Black asylum seeker fleeing political persecution in Sierra Leone and harm from Mexican authorities and the cartel in Mexico approached the San Ysidro port of entry and was turned away by CBP for not having a CBP One appointment. Another French-speaking man from Guinea, unaware of the CBP One app and unable to use it due to language barriers, was blocked from entering the San Ysidro port of entry by Mexican officials because he did not have a CBP One appointment.
- **Blocked access at ports of entry and the inability to use CBP One result in irregular crossings by African asylum seekers in need of protection.** This puts them at disparate risk of the asylum ban's unjust penalties and returns to harm. The asylum ban's restrictions spur irregular crossings of African asylum seekers and others in need of protection. Asylum seekers making these crossings risk having their access to asylum barred and *refoulement* to persecution. A young French-speaking Mauritanian woman fleeing gender-based violence crossed the border between ports of entry to seek U.S. asylum protection but was unaware of the asylum ban or the CBP One app, which is not available in her native French. This puts her at risk of the asylum ban's penalties.
- **Haitian asylum seekers and others risk their lives waiting for up to six months in danger and in inhumane conditions in Mexico.** Their waits are extended as they are forced to obtain [limited, lottery-based](#) CBP One appointments only accessible in English, Spanish, or Haitian Creole.

Black asylum seekers and migrants targeted for harm in Mexico

Black asylum seekers forced to wait in Mexico because of the asylum ban [continue](#) to be targets of [anti-Black violence and discrimination](#). [Human Rights First](#) has documented the [harms](#) Black asylum seekers face while stranded in Mexico under the [current](#) asylum ban and other policies that limit or deny access to asylum. The [Committee on the Elimination of Racial Discrimination](#) also [warned](#) of the "disparate impact... on migrants of African descent and of Hispanic/Latino origin" inflicted by the Title 42 policy, which also stranded asylum seekers and migrants in danger in Mexico.

Black families and individuals seeking asylum continue to be targeted for extortion and threatened with deportation by Mexican authorities. They are also at risk of harm from violent cartels that control vast territory, often with the complicity of some Mexican authorities. An aid worker with the Haitian Bridge Alliance (HBA) in Tijuana shared that Mexican immigration officers and municipal police continue to target for extortion Haitian and African asylum seekers and migrants transiting through Mexico at airports and on buses, as well as in Tijuana. In the last couple of months, immigration officers have targeted African migrants at specific Tijuana hotels with threats of arrest,

detention, and transfer to southern Mexico if they refuse to pay the officers. Some of the migrants ended up detained. Mexican civil society organizations have [documented conditions](#) of overcrowding, lack of medical services, poor nutrition, and physical, sexual, and psychological abuse that disproportionately impact Black migrants. Groups have also [documented](#) riots, protests, injuries, self-harm, and suicides in migratory detention centers. Human Rights First researchers learned of many other examples of Black migrants being targeted.

- At the beginning of this year, a **Haitian migrant died in custody** at a Mexican migrant detention center in Tapachula due to alleged aspiration, which has been questioned by humanitarian aid organizations. Migrants from **Haiti and Ghana died in custody** at this same facility in June and October 2019, respectively, after which the Mexican National Human Rights Commission issued the National Migration Institute a [recommendation](#).
- **Haitian women were kidnapped by armed men dressed as Mexican police officers and later raped by others.** As reported to a humanitarian aid worker in late January 2024, an unaccompanied minor girl and six other Haitian asylum seekers transiting to Reynosa by bus were instructed by the alleged police officers to exit the bus, robbed of their cell phones, and placed in a car where they had black bags placed over their heads. They were driven to a house where they were robbed of their identity documents and belongings. The teenage girl was told to have sex with the men at the safe house holding her for ransom, and when she refused, she was severely beaten with a large stick. **Three Haitian women were raped and beaten** and also reported that other kidnapped **pregnant Haitian women were beaten and raped**.
- A Ghanaian gay man seeking U.S. asylum protection [fleeing persecution](#) in [Ghana](#) on account of his sexuality was [beaten, tased, and robbed](#) after being targeted by Mexican immigration authorities while on a bus. He reported, "They were extremely cruel. They kicked me and used a taser. They searched my belongings and took my phone and charger. I didn't have money, so [the immigration officer] didn't return my phone.
- A French-speaking Guinean man in his 40s who fears political persecution was extorted on several occasions by Mexican police. On one occasion, he was put in a chokehold by one police officer while another police officer patted him down.
- **Mexican police officers beat up Haitians** across the street from a shelter in Tijuana. When a Venezuelan asylum seeker intervened to defend them, the Mexican officers pulled a gun on him.
- A young French-speaking Black Muslim woman from Mauritania who is a survivor of gender-based violence reported that taxi drivers and Mexican police targeted her for harassment and extortion. While riding alone in a taxi, the driver **demande she give him all her money, or he'd turn her over to immigration**.

Mexican authorities continue to engage in [racial profiling](#) of [Black asylum seekers and migrants](#). For example, a Haitian asylum seeker reported to Human Rights First researchers that while the only Black passengers traveling through Mexico on a bus with his wife, three-year-old child, and five other Haitian men and women, all of whom

were waiting for CBP One appointments, Mexican law enforcement, and the National Guard singled them out and extorted them at three separate checkpoints.

“[Mexican authorities] boarded the bus and looked at the other passengers, but only approached us Haitians. They didn’t have contact with any other passengers. They asked for our documents and once we gave them, they demanded money. This happened at three different checkpoints, and at one of them, separate officers extorted us twice.”

U.S. policies are driving African asylum seekers’ irregular crossings

People attempting to obtain CBP One appointments face multiple U.S. government-imposed [barriers](#) to securing these appointments that endanger people facing grave protection risks and often discriminate against asylum seekers due to their nationalities, race, languages, education and literacy, and/or lack of financial resources. Asylum seekers from Africa are unable to use the CBP One app because many do not speak English, Spanish, or Haitian Creole. As a result, they are unable to use the app to register and request an appointment to present at a port of entry. This blocks them from using ports of entry and drives irregular crossings between ports of entry. Individuals who enter at or between ports of entry without CBP One appointments risk being ineligible to apply for asylum under the asylum ban.

Almost none of the African asylum seekers Human Rights First researchers spoke with in San Diego who had crossed between ports of entry in late January and early February 2024 had any knowledge of the CBP One app. These men and women from Guinea, Mauritania, Senegal, and Somalia also had no knowledge of the asylum ban’s penalties for entering at or between ports of entry without CBP One appointments. Since the asylum ban took effect, Human Rights First has spoken with [hundreds of people](#) planning to seek U.S. asylum across five ports of entry in Mexico, and, overwhelmingly, people continue to be [unaware of the asylum ban](#) and its penalties – legal technicalities that threaten future harm.

CBP [continues](#) to sharply [restrict](#) access to ports of entry for people who do not have or cannot get CBP One appointments. Across the southwest border, CBP processes [less than 100 people](#) without appointments per day, which is woefully inadequate given the current circumstances at the border. Mexican authorities also continue to block access at ports of entry to those without appointments.

Unable to use the CBP One app, and unable to access ports of entry without appointments, many African asylum seekers unaware of the consequences imposed by the asylum ban cross between ports of entry to seek asylum. The asylum ban includes an [exception](#) for individuals unable to make a CBP One appointment due to serious and ongoing obstacles, which could include language barriers, but exceptions are limited to people who enter at ports of entry. For people seeking asylum protection who are unable to use the CBP One app due to language barriers and enter irregularly, including Black asylum seekers from African countries, the exception is meaningless. Human Rights First’s research found these, and other, examples:

- A French-speaking man from Guinea tried on two occasions to access the San Ysidro port of entry in Tijuana but was denied access by Mexican authorities. He had no knowledge of the CBP One app which is

not available in French. Because he could not enter through the port of entry, he crossed between ports of entry and presented himself to Border Patrol authorities to seek asylum. He will now risk an asylum denial under the asylum ban.

- An asylum seeker who fled Sierra Leone because he faced persecution due to his support of an opposition political party and others he knew were turned away from the San Ysidro port of entry by CBP officers for not having a CBP One appointment. In response, he crossed into the United States between ports of entry to seek asylum protection.
- A French-speaking woman from Guinea and her three children, unable to use the CBP One app due to language barriers, entered the U.S. through the Jacumba desert to seek U.S. asylum protection due to her urgent medical condition. Upon crossing, she was immediately hospitalized due to complications from diabetes and significant edema of her feet impairing her ability to stand.

A Jamaican asylum seeker fleeing death threats from gangs that killed his father in Jamaica was targeted by Mexican National Guard officers who stole his smartphone and money. He crossed into the U.S. between ports of entry to seek U.S. asylum but did not know about the CBP One app. Because of his manner of entry, he now risks the asylum ban's penalties.

Haitian asylum seekers face prolonged waits and discrimination

Haitian asylum-seeking adults and families with children in Tijuana currently face CBP One wait times of up to **six months** as they are forced to obtain a [limited, lottery-based](#) appointment to seek asylum. Across Mexico, tens of thousands of migrants face a lack of [sufficient humanitarian assistance](#). Without safe shelter, nutrition, water, sanitation, hygiene, and healthcare, people live in dangerous, unsanitary, and precarious conditions. Stranded in Mexico, Black asylum seekers face disparate access to safe housing, employment, medical care, and other basic services due to [anti-Black violence](#), [discrimination](#) because of their race and migratory status, and language barriers.

Many Black asylum seekers stranded in Mexico have untreated chronic medical conditions that are exacerbated by discriminatory denials of access to medical care and the inhumane conditions they face while waiting in Mexico for prolonged periods. The Haitian Bridge Alliance identified hundreds of Haitian asylum seekers, particularly Haitian women, waiting in Mexico who suffer from significant medical vulnerabilities including reproductive health issues, diabetes, and stroke-related conditions. Their health conditions deteriorate while waiting as they are denied or deprived of medical services. This lack of care can result in [preventable deaths](#):

- A 36-year-old Ghanaian intending to seek protection in the United States [died](#) in December 2023 of [suspected hypothermia](#) while sleeping unhoused outside a Mexican migrant detention center in San Luis Potosí. The man had exited the facility two hours prior.
- A humanitarian aid worker confirmed that a Haitian woman waiting in Reynosa to seek U.S. asylum died of health complications in December 2023.

- A humanitarian aid worker confirmed that a Haitian man who had been waiting with his wife and children in Reynosa for a CBP One appointment died of suspected diabetes-related complications in July 2023. A humanitarian aid worker confirmed that 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.
- The Haitian Bridge Alliance reported that in late August 2023, a Haitian mother who had been waiting with her husband and three children in Matamoros for a CBP One appointment died of a stroke after being hospitalized. The family had a CBP One appointment, but as the mother was critically ill it came too late.
- The Haitian Bridge Alliance confirmed that a Haitian man who had been waiting for a CBP One appointment in Tijuana died after suffering two strokes in June 2023. The Haitian Bridge Alliance organized a funeral for him.
- A humanitarian aid worker reported that in August 2023 a pregnant Haitian woman was forced by CBP to wait for two days at the Reynosa port of entry while experiencing pregnancy complications. She later lost her baby.
- A pregnant Haitian woman in her third trimester who was unhoused and living outside the entrance to a migrant shelter in Reynosa while waiting to seek U.S. asylum fell ill in July 2023. Seeking emergency medical care, a taxi took her to a private hospital; she was denied treatment. By the time a humanitarian aid worker brought her to a public hospital, she suffered a stillbirth.

Anti-Muslim and Anti-Black abuse in DHS custody

Human Rights First has [documented abusive, dehumanizing](#), and sometimes life-threatening [conditions](#) in CBP jails. Reports have [documented](#) systemic anti-Black racism in detention. Abuses include 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. Abuse and mistreatment of Black asylum seekers and migrants in DHS custody range from overtly racist statements to the use of physical force and disproportionate employment of solitary confinement. Examples described to Human Rights First researchers in recent months include:

- A Black asylum seeker from Sierra Leone who expressed a fear of return on political grounds was harassed verbally by DHS officials while in custody at the border and was told, **“Motherfucker, get the fuck out.”**

He was held in custody for three days and was not provided meals and only given water, cookies, and apples.

- A young Black Muslim woman from Mauritania fleeing gender-based persecution and sexual violence including an attempted forced marriage was wearing a hijab and traveling alone. While in custody at the border, DHS officers said, **"Looks like this is the new America."**

The young woman shared that Black migrants and asylum seekers were always selected to clean the rooms. CBP officers banged on Black migrants' and asylum seekers' doors when they were sleeping.