

TRAPPED, PREYED UPON, AND PUNISHED

One Year of the Biden
Administration Asylum Ban



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Executive summary

On May 11, 2023, the Biden administration initiated a new bar on asylum through its [Circumvention of Lawful Pathways](#) rule. Often referred to as an “[asylum ban](#),” the bar is structured to deny asylum, with highly limited exceptions, to non-Mexican people who cross into the United States between ports of entry, or arrive at ports of entry without appointments. The ban is used with expedited removal to deny people full asylum hearings even if they would have a significant chance of winning asylum in immigration court, if they don’t meet a higher, [unduly onerous](#), initial screening standard.

In its first year, the asylum ban and accompanying restrictions have endangered people seeking asylum; fueled returns to persecution and torture; spurred crossings outside U.S. ports of entry; undermined effective migration policy and refugee protection; and disproportionately threatened Black, Indigenous, LGBTQI+, women, children, and other at-risk people seeking asylum. Because of the ban, vulnerable children and adults are forced to wait in danger in Mexico for up to seven months to obtain an appointment through Customs and Border Protection’s “CBPOne” app to seek asylum at a port of entry. Those waiting are targets of sharply escalating cartel kidnappings and violence, and actions by the [Mexican government](#) that prevent them from reaching U.S. ports of entry to seek asylum, even if they are waiting for or [have CBP One appointments](#).

This report updates prior Human Rights First reports issued in [July 2023](#) and [October 2023](#), and follows reports issued with [Haitian Bridge Alliance and other partners in May 2023](#) and with [Florence Immigrant and Refugee Rights Project and the Kino Border Initiative in June 2023](#). This report is based on research conducted over the last year in five Mexican cities: Tijuana, Baja California; Nogales, Sonora; Ciudad Juárez, Chihuahua; Reynosa and Matamoros, Tamaulipas; visits to shelters in five U.S. cities: San Diego, California; Tucson, Arizona; El Paso, McAllen, and Brownsville, Texas; visits to open-air detention sites in San Ysidro and Jacumba, California, to Lukeville and Sasabe, Arizona, information and case examples shared by attorneys and legal service organizations, and by humanitarian and religious workers in Mexico and the United States. It is supported by interviews with over 500 asylum seekers as well as discussions with over sixty legal, humanitarian, and religious workers on both sides of the U.S.-Mexico border.

Key findings:

- **The asylum ban and accompanying restrictions are ineffective and counterproductive to effective migration policy and refugee protection.** People seeking asylum, including the over 500 interviewed over the last year by Human Rights First across the U.S.-Mexico border, were overwhelmingly not aware of the ban and its consequences. Even when asylum seekers do learn of it, their decisions are primarily driven by urgent needs for safety and protection. Rather than deterring people from irregularly crossing the southwest border or funneling people to ports of entry, the ban and accompanying restrictions spur irregular



crossings and punish people who cross with penalties that violate the Refugee Convention.

- **Wait times for the U.S. port of entry appointments referenced in the rule have risen from two to four months to up to seven months, while daily CBP One appointments have stagnated at 1450 since June 2023.** Like other forms of metering, long wait times for CBP One appointments spur crossings outside of official ports of entry, making them counterproductive to effective migration policy and detrimental to the safety of people seeking asylum.
- **People seeking asylum waiting in Mexico for CBP One appointments are targeted for kidnappings, torture, rape, and brutal violence.** Human Rights First has tracked reports of over 2,500 survivors of kidnappings and other violent attacks on asylum seekers and migrants stranded in Mexico, including those waiting to secure CBP One appointments, since the asylum ban was initiated in 2023. **Targeted attacks against migrants and asylum seekers have sharply escalated by 70%** in some areas. Increasing numbers of people are missing their CBP One appointments because they are being kidnapped in Mexico, further trapping them in danger.
- **People waiting for CBP One appointments, and some people with appointments, are prevented from seeking asylum at U.S. ports of entry by the Mexican government's increased targeting** of migrants for arrest, detention, forced transfers to southern Mexico, and potential return to persecution.
- **Black, Indigenous, LGBTQI+, HIV+, women, children, and other vulnerable people seeking asylum face particular barriers and harms under the asylum ban.** The asylum ban and related restrictions discriminate against and deny equal access to asylum to people who do not speak English, Spanish, or Haitian Creole, including most African, Indigenous, and other people seeking asylum from outside of the Americas, in addition to others who cannot use the CBP One app due to access barriers.
- **The asylum ban leads to the return of refugees to persecution and torture, amounting to refoulement.** People subject to the ban's higher screening standard in expedited removal credible fear interviews are three times more likely to be ordered deported to their countries of feared persecution or to Mexico, where they face dangers and risk return (chain refoulement), compared to those who are not subject to the ban. The result has been that the United States has ordered the deportation of people with strong and obvious needs for refugee protection.
 - **People deported or ordered deported under the asylum ban include:** a transgender woman from Venezuela fleeing anti-LGBTQI+ abuses, a victim of political persecution from Senegal, an illiterate man from Nicaragua fearing torture by Nicaraguan authorities, a Chinese pro-democracy dissident, and a victim of religious persecution from Egypt.



- **People who are unable to secure, or cannot safely wait in Mexico for, CBP One appointments face barriers to processing at U.S. ports of entry and risk the asylum ban's punishment if they cross at or between ports of entry without appointments.** The barriers that impede their access to U.S. ports of entry include CBP limits on processing people without appointments (otherwise known as "metering"), and Mexican authorities' actions to block asylum seekers' access to ports of entry; they turn away people facing urgent medical needs or threats to their lives and safety in Mexico.
- **The use of the asylum ban in expedited removal and the relaunch of the Trump-era practice of conducting Credible Fear Interviews when asylum seekers are in CBP custody impedes access to counsel and prolongs detention of asylum seekers in dangerous and subpar conditions** in border holding cells, which violates CBP guidelines. Despite the Biden administration's attempts to support access to legal consultations, the vast majority of those in custody do not have meaningful access to legal assistance or representation before or during their interviews. The systemic due process issues that exist in expedited removal are amplified when people seeking asylum are in CBP custody. These issues, in addition to those inherent in the asylum ban, lead people with refugee claims to be returned to harm.

The asylum ban is a new iteration of [transit](#) and [entry](#) bans promulgated by the Trump administration that were repeatedly enjoined or struck down by federal courts as they violated U.S. law. A federal district court [ruled](#) in July 2023 that the Biden administration's asylum ban is unlawful, but it remains in place while the administration appeals this decision. The asylum ban 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. As a candidate, President Biden [promised](#) to end such policies.

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.

The Biden administration should rescind its asylum ban and end accompanying policies that unjustly punish and turn away people seeking asylum. Instead, the administration should



take effective and humane steps to address challenges at the border as Human Rights First has long [recommended](#) and outlines in this report.

The Administration should:

- Maximize access to asylum at U.S. ports of entry: conduct processing at more ports of entry, ensure access at ports of entry for people who do not have CBP One appointments, and increase the number of CBP One appointments offered;
- Implement a whole of government approach to reception efforts: create a centralized White House office to coordinate between the federal government, states, cities, and the non-government organizations that provide essential humanitarian services, and work with Congress to secure robust and sustainable appropriations for this vital work;
- Ensure access to work authorization and prompt processing of work permit applications necessary for both migrants and receiving communities;
- Strengthen the asylum adjudication system to ensure fair and timely outcomes;
- Expand and strengthen the Biden administration's parole and regional refugee resettlement programs, as well as diplomacy and support for protection in the Americas;
- Press the Government of Mexico to ensure people seeking U.S. asylum have access to U.S. ports of entry and to take steps to protect the safety and human rights of migrants and asylum seekers, including those waiting to seek U.S. asylum.



Sharp escalations in targeted violence

“They torture you and beat you like an animal.”¹

The asylum ban and related restrictions at U.S. ports of entry strand children and adults seeking U.S. asylum in Mexico where they are targeted for horrific and widespread abuses by cartels and Mexican authorities often acting in complicity with those cartels. Human Rights First has tracked reports of over 2,500 survivors of kidnapping, torture, rape, enforced disappearance, extortion, and other violent attacks against asylum seekers and migrants stranded in Mexico since the asylum ban took effect. As detailed below, and in our October 2023 report, this violence has risen sharply since the asylum ban was initiated.

CBP One appointments are only available at [eight ports of entry](#) across the entire southwest border, concentrating people seeking asylum at these locations. In Reynosa, Matamoros, and Nuevo Laredo, Mexican border cities where the Department of Homeland Security (DHS) issues over [40%](#) of its CBP One appointments, kidnappings, torture, and sexual assault by cartels of people seeking asylum, including those waiting for or [with CBP One appointments](#), have risen [since the ban took effect](#). These areas were already designated by the [U.S. State Department](#) as “Do Not Travel” locations due to life-threatening risks—designations that are akin to those issued for war zones. In Nuevo Laredo, the Strauss Center for International Security and Law has reported that conditions are so [dangerous](#) that migrant shelters continue to be closed due to “members of organized crime threatening and perpetrating violence against shelter staff and migrants.” Reports of sexual violence against migrants in Reynosa and Matamoros [increased 70%](#) during the last months of 2023 according to Doctors Without Borders, in addition to the already sharply [escalating instances of kidnappings](#) in Reynosa following the implementation of the ban. In [January 2024](#), Doctors Without Borders teams in northern Mexico reported more cases of sexual violence than in any month of the previous year.

In recent weeks, humanitarian aid workers in these areas have informed Human Rights First that the frequency and brutality of the kidnappings has only gotten worse. Aid workers recounted that men and women have suffered from horrific torture and sexual violence, including women gang raped and sexually assaulted in the presence of children. Migrant survivors of kidnapping in Tamaulipas also report extreme physical violence such as acid burns, fractures, beatings with a slab of wood, and even mentioned having witnessed homicides, as told to [Doctors Without Borders](#). After suffering these horrors, children and their families remain terrified and trapped in danger. Aid workers reported to Human Rights First that they have observed that increased numbers of asylum seekers have [missed](#) their CBP One appointments because of these escalating abuses. Aid workers in Tamaulipas

¹ Quote from a [Venezuelan asylum seeker](#) kidnapped and tortured in Reynosa while waiting for a CBP One appointment.



continue to report concerns that they themselves are also at increased risk of violent attacks and threats due to their work with people seeking asylum and other migrants.

In Piedras Negras, Coahuila, another border city where people with CBP One appointments can access a U.S. port of entry, Doctors Without Borders [reported](#) cases of sexual violence, kidnappings, beatings, threats, and forced disappearance of family members in transit or at the border in 2023. A humanitarian aid worker informed Human Rights First that many people who arrive in Piedras Negras with CBP One appointments are kidnapped and as a result miss their appointments. West of Coahuila, the Mexican northern border state of Chihuahua [recorded](#) last year the highest number of kidnappings in three years. Kidnappings nearly tripled from 67 victims in 2022, during implementation of the Title 42 expulsion policy, to 181 victims in 2023, following implementation of the asylum ban and related restrictions on access to ports of entry. And yet, kidnappings are [notoriously under-reported](#). The Mexican national anti-kidnapping commissioner [stated](#) last year that the *cifra negra* of kidnappings in Mexico remains high as only one in ten kidnappings are reported, as quoted by SN Digital Tlaxcala. A Ciudad Juárez prosecutor [reported](#) that all kidnappings in the city in 2023 were specifically perpetrated against migrants arriving in Ciudad Juárez, as organized criminal groups have focused on the kidnapping and smuggling of migrants.

Human Rights First has tracked reports of **over 2,500 survivors** of kidnapping, torture, rape, extortion, and other violent harm against people seeking asylum and migrants while stranded in Mexico as they wait to seek U.S. asylum in the year since the ban took effect. Of these, [1,300 survivors](#) of violent harm were identified during the ban's first six months. 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 certainly represents the tip of the iceberg. In its [prior reports](#) on the asylum ban, Human Rights First documented numerous examples of adults, children and families who survived these harms while stranded in Mexico as they attempted to secure a CBP One appointment.

These [included](#): 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 Colombian LGBTQI+ woman sexually assaulted by a Mexican official; and a Latin American man kidnapped and tortured by Mexican officials in Reynosa.

Some recent examples of the targeting of people waiting to access U.S. ports of entry in order to seek asylum over the last few months, include:

- **Members of a cartel kidnapped and tortured three Haitian men in Reynosa who were seeking asylum. The men were tortured during their abduction, including the forcible removal of teeth.** Two of the men were waiting for CBP One appointments and one missed his appointment on account of the kidnapping in April 2024.



- **Latin American² woman and her children were pulled off a bus while traveling from Monterrey to Reynosa by members of a cartel and kidnapped. The cartel members gang raped the mother while holding the family captive in April 2024.**
- **Venezuelan man was kidnapped in Reynosa while waiting for a CBP One appointment and physically brutalized for 10 days by members of a cartel.** In fear of being kidnapped again, he fled to the neighboring city of Matamoros after his release and crossed the Rio Grande to seek U.S. asylum protection. Although he had fled political persecution by the Venezuelan police, his claim of fear of return to Venezuela was ignored and he was expeditiously removed to Mexico without receiving a credible fear interview, as Jewish Family Services of San Diego reported.
- **Haitian unaccompanied teenage girl and three Haitian women seeking asylum survived an enforced disappearance by Mexican authorities who turned them over to cartel members who abused them physically and sexually.** The teenage girl and three women were transiting to Reynosa by bus when armed men dressed as Mexican police officers stopped the bus in late December 2024. The Mexican police officers robbed them of their phones and placed them together in a car with black bags over their heads. They were turned over to members of the cartel and held captive for ransom. Cartel members attempted to rape the teenage girl and severely beat her with a stick for resisting. The three Haitian women were raped and beaten. They also witnessed other captive Haitian women who were pregnant and were beaten and raped.
- **Latin American³ pregnant woman was raped by members of a cartel in Reynosa after they kidnapped her and her husband in March 2024.** The kidnappers continued to rape her as she went into labor and her water broke. She was left on the street with her husband who was badly beaten, and soon after delivered her baby.

Indefinite wait in danger with access to U.S. ports of entry restricted

“I am afraid for my life here. Afraid that I will be killed, kidnapped, or that they’ll do something to me.”⁴

In order to seek asylum at a port of entry, people must wait up to six to seven months and try *daily* to obtain an appointment on a glitchy, inequitable smartphone app, CBP One, that operates in essence like a daily lottery. Those facing acute risks who cannot safely wait in Mexico, or in some cases even use the CBP One app, have little to no meaningful access to

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

³ To protect the safety of the family, Human Rights First is not identifying them by their specific nationality.

⁴ Quote from a [Honduran asylum seeker](#) raped in Matamoros while waiting for a CBP One appointment and who was twice blocked from accessing the U.S. port of entry by Mexican officers.



processing at U.S. ports of entry and are driven to undertake irregular crossings to save their lives.

CBP limits the number of CBP One appointments, both the total number available daily and the locations where they are accepted. Since June 2023, the total number of CBP One appointments available daily has remained stagnant at 1450 per day, contributing to a steady increase in wait times. While initial wait times for appointments were reportedly two to four months, one year after the ban was initiated, wait times have increased up to six to seven months. These appointments, moreover, are only available at eight ports of entry across the nearly 2,000 miles of the southwest border, leaving spans of hundreds of miles between various ports without access to any safe processing at ports of entry.

“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.”⁵

For people who are unable to secure appointments, or cannot safely wait for one, CBP processing at ports of entry is nonexistent or minimal, estimated at fewer than 100 people per day across the entire U.S.-Mexico border. In tandem, Mexican authorities continue to block and restrict port of entry access to people without CBP One appointments, including individuals facing acute risks. Mexican authorities also block Mexican nationals and unaccompanied minors, two groups that are not even subject to the ban.

CBP limits the number of people without appointments allowed in at U.S. ports of entry by turning away, metering and/or leaving asylum seekers without appointments to “wait” in Mexico, often in real or virtual lines. This is a violation of both U.S. law and DHS guidance, which makes clear that people seeking asylum cannot be required to submit advance information in order to be processed at a U.S. port of entry.

By blocking and restricting access to ports of entry, the asylum ban and metering policies spur crossings between ports of entry and undermine effective migration management, which would be better served by increasing and maximizing access at ports of entry. In April 2024, Human Rights First researchers interviewed adults and families in El Paso who had crossed into the United States between ports of entry. Many indicated that they had tried to obtain a CBP One appointment to enter through a port of entry, but that the monthslong wait times, along with the dangers and risks in Mexico, drove them to seek protection in the United States by crossing the border. The risks they recounted included significant and cumulative trauma suffered in Mexico, ranging from widespread extortion and abuses by Mexican authorities, risk of kidnapping and violent harm by brutal cartels, and fear Mexican authorities would forcibly move them to southern Mexico and/or deport them to their countries of feared persecution.

⁵ Quote from a Venezuelan family with minor children who were kidnapped during which the mother was twice sexually abused while waiting for a CBP One appointment in June 2023.



In Nogales, Sonora, people without CBP One appointments seeking access to the U.S. port of entry are required to join a [waitlist](#) administered by a Mexican municipal agency. In [October](#) 2023, the estimated wait time to be processed was four to five months. As of April 2024, families interviewed by Human Rights First reported waiting **six to seven months to be processed**. CBP only processes a [handful of individuals](#) from this Mexico-administered waitlist daily and on some days processes none of them. Many of those on the list are Mexican nationals who are not even subject to the asylum ban and whose access to the U.S. port of entry without a CBP One appointment is still being metered. When a Human Rights First researcher visited in April 2024, a Mexican family with two minor children had been sleeping outside the port of entry for two months waiting to seek asylum.

Nogales is the only port of entry of six in Arizona that processes CBP One appointments, and it processes an [estimated](#) 100 daily CBP One appointments—the only appointments available to cross into Arizona through a port of entry. The nearest alternative ports accepting CBP One appointments in El Paso, Texas and Calexico, California are about 350 and 400 miles away, respectively. Given the limited processing and restricted access to ports of entry, asylum seekers and migrants unable to access or safely wait for a CBP One appointment are being driven to attempt perilous desert crossings to seek protection and risk being barred from seeking asylum under the ban. From July 2023 through March 2024, Tucson Border Patrol sector apprehended the [most migrants](#) entering between ports of entry across the southwest border.

Similarly at other U.S. ports of entry, Mexican authorities continue to routinely block access to people who do not have CBP One appointments, as documented in our [July](#) and [October](#) 2023 reports. In Piedras Negras, Coahuila, Doctors Without Borders [reported](#) that even people with CBP One appointments have been turned away from the Eagle Pass, Texas port of entry by Mexican authorities. The blocked access to U.S. ports of entry and targeting by cartels and Mexican authorities compel people seeking asylum in this area to risk their lives crossing the Rio Grande river, resulting in numerous [drowning deaths](#). These impediments continue. For example:

- Maya Ixil woman and her infant blocked from accessing U.S. port of entry multiple times despite written permission from DHS to present themselves there.** A Maya Indigenous woman, the granddaughter of a survivor of the Ixil genocide in Guatemala, who only speaks Ixil, had not heard of the CBP One app and attempted to seek U.S. protection by crossing the Rio Grande to Eagle Pass, Texas. **Once on U.S. soil, U.S. authorities blocked them from seeking protection and stranded them on the U.S. side of the riverbank overnight.** Without being able to exercise their right to seek asylum, **U.S. authorities forced them to cross back to Mexico where they were treated for hypothermia.** After surviving this ordeal, the mother learned of the CBP One appointment system and attempted to secure an appointment for nearly two months but struggled due to limited internet access, technological and language barriers as the app is not available in any Indigenous language. The family attempted to seek protection at two ports of entry in Piedras Negras, Coahuila but were repeatedly blocked by Grupo Enlace, Mexican municipal employees, from accessing the port of entry despite permission from DHS to



present. One Mexican agent even implied that she would have to pay a bribe or they would deport her to Guatemala. During a later attempt, the family was again denied entry despite having a letter from DHS confirming their permission to present. The family was finally allowed to present at the port of entry and were processed into the country following significant intercession by U.S. non-profit groups. These aggressive tactics not only violated their right to seek asylum, but worsened the mental, emotional and spiritual state of an already traumatized mother and child.

Equal access to asylum denied

Black, Indigenous, LGBTQI+, HIV+, [women](#), children, and other vulnerable groups, including people with disabilities or urgent medical conditions continue to face particular and egregious barriers, dangers, and disparities in seeking asylum due to the asylum ban. The asylum ban and related restrictions deny equal access to asylum at U.S. ports of entry to most African, Indigenous, and other asylum seekers who are unable to use the CBP One app or wait for an appointment.

Black asylum seekers forced to wait at risk in Mexico continue to be targets of [anti-Black violence, discrimination](#) and [harm](#) by Mexican authorities. They are also at risk from violent cartels that control vast territory, often with the complicity of some Mexican authorities. In Reynosa, Haitian asylum seekers are now also being targeted for kidnapping for ransom. Earlier this year **four Haitian asylum seekers were kidnapped and held by a cartel for six weeks.**

Haitian Bridge Alliance (HBA) reported to Human Rights First that Mexican immigration officers and municipal police continue to target Haitians, and migrants and asylum seekers of African-descent. They are targeted as they transit through Mexico, including at airports and on buses. Over the last several months, Mexican immigration officers have targeted African migrants in Tijuana at specific hotels. The officers threatened to arrest, detain, and transfer the migrants and asylum seekers to southern Mexico if they refuse to pay bribes to the officers. Earlier this year, **Mexican immigration officers unlawfully arrested and detained 45 Haitian asylum seekers with CBP One appointments in Tijuana for two hours outside the city.** HBA's advocacy helped secure the release of nearly all of the victims, but Mexican authorities forcibly moved one family with three children to Tabasco in the south of Mexico who were waiting for their CBP One appointment. HBA also reports that between November 2023 and April 2024, Mexican authorities **detained approximately 500 Haitian men, women, and children who were waiting for CBP One appointments in Tijuana and forcibly transferred them to Tabasco and Tapachula in the south of Mexico.**

Discriminatory barriers to medical care facing Black asylum seekers and migrants in Mexico have also resulted in the [preventable deaths](#) of Haitian asylum seekers. Some Haitians have been forced to wait with untreated chronic medical issues in inhumane conditions for many months while waiting for CBP One appointments.



- A 67-year old Haitian man died in Tijuana in November 2023 while waiting for a CBP One appointment. He had suffered paralysis due to three strokes but was unable to access medical care, as confirmed by the Haitian Bridge Alliance.
- A 36-year-old Ghanaian intending to seek U.S. asylum died in December 2023 outside the San Luis Potosí immigration jail shortly after having been released by Mexican immigration officers late at night. Mexican authorities reported that the Ghanaian man entered their facility at 9:00 p.m. and at around 11 p.m., paramedics arrived and he was already deceased. According to the state Attorney General's office, he died as a result of a heart condition, while other reporting indicates suspected hypothermia.
- A humanitarian aid worker confirmed that a Haitian woman who had been waiting in Reynosa to seek U.S. asylum died of health complications in December 2023 due to barriers in accessing urgent medical care.
- 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.

LGBTQI+ people seeking U.S. asylum are stranded in Mexico for months where they are targeted for harm due to anti-LGBTQI+ violence and their migratory status. Despite these dangers, they are left at risk of being barred from asylum and returned to persecution if they



seek protection by crossing at or between ports of entry without a CBP One appointment. In its research over the last year, Human Rights First has encountered examples of vulnerable people in this population who waited months trying to secure a CBP One appointment while facing acute risks and violence in Mexico, including:

- Five LGBTQI+ asylum seekers from **Cuba, Honduras, and Mexico waited in Tijuana about five months** for a CBP One appointment but finally grew desperate for safety in January 2024 and decided to cross between U.S. ports of entry to seek asylum.
- **Cuban HIV+ transgender woman and her husband had been waiting nearly seven months** as of March 2024 but were unsuccessful at securing a CBP One appointment. While waiting in Matamoros they experienced an attempted kidnapping, which spurred them to enter the United States between ports of entry.
- **Honduran transgender woman had been waiting in Tijuana four months for a CBP One appointment** in February 2024, after already waiting eight months in southern Mexico for a one-year Mexican humanitarian visa which she hoped would protect her from return to persecution while transiting through Mexico.
- **Mexican transgender woman had been waiting in Tijuana seven months** for a CBP One appointment as of February 2024. Though Mexican asylum seekers are not subject to the asylum ban's penalties for entering without a CBP One appointment, access at ports of entry for those without appointments is restricted.

Significant barriers to the use of CBP One, including limited language access, disproportionately impact **Indigenous, many Black, and other asylum seekers** who do not speak English, Spanish, or Haitian Creole, the only three languages of the CBP One app. People seeking asylum who are illiterate, have limited language and digital literacy, or have [disabilities](#) that impede their ability to use the app, are also often denied equal access to ports of entry and asylum. So too are people with limited financial means to access daily internet or purchase a smartphone—a very real challenge for the many migrants who have told Human Rights First that their phones have been stolen by Mexican authorities and cartels or lost or damaged during their travels.

Unable to use the CBP One app, and unable to access ports of entry without appointments, many people cross between ports of entry to seek asylum, unaware of the consequences imposed by the ban. The asylum ban includes an exception for individuals unable to access or use the CBP One app due to a language barrier, illiteracy, significant technical failure, or other ongoing and serious obstacle. However, the rule specifically provides that this exception applies only to people who enter at ports of entry (yet, ironically, ports are generally inaccessible for those without CBP One appointments, making this exception largely illusory). Yet Indigenous, Black, and other asylum seekers who are unable to use CBP One for these reasons and cross between ports of entry risk the asylum ban's punishments. This report documents in the expedited removal section further below, individuals who were unable to use the CBP One app due to language barriers and illiteracy, were found to not



meet an exception, and were subjected to the asylum ban's heightened fear screening, including a Senegalese man who only speaks Wolof, a Nicaraguan illiterate man, and an Egyptian Arabic speaker. DHS's failure to apply the serious and ongoing obstacles exception to asylum seekers facing language barriers would endanger asylum seekers in the following situations:

- **Mayan woman from Guatemala who is illiterate and speaks Akatek crossed without an appointment with her infant son.** After the mother survived sexual assault in Guatemala, and family members were murdered, they received death threats from MS-13. While transiting Mexico by bus, they were stopped by armed, uniformed Mexican officials who beat the mother and threatened to kill her and her infant if she did not pay a bribe. She arrived near the U.S.-Mexico border terrified of further abuse by Mexican authorities and of being located by MS-13. She had no knowledge of CBP One, had never owned a smartphone, only speaks Akatek, and is illiterate. The family crossed into Arizona between ports of entry and now risks potential return to persecution under the ban.
- **Black Senegalese gay asylum seeker who speaks Wolof and Fulani at risk under the asylum ban.** The man's boyfriend was killed in Senegal, and he fled a stoning, beatings, and death threats because of his sexuality. Once in Mexico, he sought protection after crossing into the United States between ports of entry and was unaware of the asylum ban's consequences for entering without an appointment. He only speaks Wolof and Fulani, languages the CBP One appointment system is not available in and was unable to access the app. He is now in ICE detention and risks return to persecution under the ban.
- **Three Hazara Afghan men who speak Dari, and were unaware of the app, at risk under the asylum ban.** Three Hazara men, a [persecuted ethnic and religious minority](#), fled Afghanistan after the fall of Kabul to the Taliban. Lacking any safe pathways to protection they crossed irregularly into the United States and immediately turned themselves in to seek asylum. They speak Dari and were unfamiliar with the CBP One app, which is not available in their language. Under the asylum ban, they now risk potential return to the Taliban and their certain deaths in Afghanistan. Even if they are subsequently found eligible for withholding of removal, they will be denied a path to permanent residence, citizenship and stability.
- **Turkish transgender male asylum seeker who does not speak a CBP One language** reported to Human Rights First that he was unable to use the app to schedule an appointment at a port of entry due to the language barrier, as he speaks Turkish. He crossed between ports of entry in California and will now risk being barred from asylum despite his potential eligibility for asylum.
- **Black Mauritanian human rights advocate who was unaware of, and does not speak CBP One languages, at risk under the ban.** Imprisoned for his anti-corruption work in Mauritania, the human rights advocate fears arrest, torture, and death if returned to Mauritania. He was unaware of the CBP One app or of the



asylum ban's consequences when seeking protection at the U.S. southwest border. As an Arabic and French speaker, he would not have been able to use the CBP One scheduling system. While in Mexico, he was robbed and beaten by gangs and extorted by Mexican police which motivated his crossing to the U.S. to seek protection. He now risks being barred from asylum and returned to persecution under the ban.

- **Indian Sikh family** fleeing persecution on religious grounds crossed between ports of entry into southern California. The family are Hindi speakers and were unaware of the CBP One app.
- **Black Senegalese man who speaks only Wolof at risk under the ban.** He fled torture and sexual assault in Senegal due to his imputed LGBTQI+ status. The man has limited literacy and only speaks Wolof. While on a bus in Mexico, armed men pulled him and other Black migrants off the bus and robbed them at gunpoint. Shortly after, Mexican immigration officers detained them and held them for four days before releasing them near the U.S. border and informing them they had ten days to leave the country. He entered the United States between ports of entry to seek asylum, was sent into ICE detention, and is at risk of return to persecution under the ban.

Counterproductive to effective migration policy and refugee protection

The asylum ban is counterproductive to effective migration policy and refugee protection, setting a terrible example for other countries. [Far from deterring](#) people from irregularly crossing the southwest border, the ban and accompanying restrictions spur irregular crossings and cruelly punish people who cross, subjecting them to improper penalties that violate the [Refugee Convention](#). The asylum ban diverts the time of asylum adjudicators from the merits of people's refugee claims, undermines the capacity to adjudicate asylum cases efficiently, and hampers U.S. integration by depriving people who qualify as refugees under U.S. law of a path to stability and citizenship.

As Human Rights First has documented in multiple reports, restrictionist policies that [meter and limit](#) access to U.S. ports of entry [spur irregular crossings](#) by [at-risk people](#) who cannot safely wait in Mexico. Over the last year, Human Rights First has interviewed many asylum seekers who have recounted that they crossed the border, or were contemplating doing so, due to their inability to seek asylum at a port of entry and the risks they face while waiting. Their accounts are detailed both in this report and in the prior four asylum ban reports issued by Human Rights First.

Such policies are also a [boon to cartels and smugglers](#), who target migrants and asylum seekers left stranded in highly dangerous areas for kidnapping, violence and extortion. Indeed, the Chihuahua Attorney General [stated](#) in April 2024 that the increase in kidnappings and murders in Chihuahua is linked to the fact that organized crime groups have now taken up migrant smuggling



People continue to be unaware of the asylum ban

One year into the asylum ban, people waiting to seek asylum overwhelmingly do not know about or understand the asylum ban and its consequences, as Human Rights First's interviews with over 500 asylum seekers have confirmed. [Humanitarian service providers](#), who have worked across the U.S. southwest border and northern Mexico with thousands more, also report that people seeking asylum are largely unaware of the ban and its consequences. This is not a challenge that can be addressed by more information about the asylum ban; it is instead a reflection of the realities of refugees' situations. People waiting to seek asylum continue to express wanting to do so at ports of entry, but in the face of restricted access to ports and increasing security threats and survival needs, asylum seekers' decisions are overwhelmingly driven by urgent protection needs spurring many to cross between ports of entry.

The asylum ban subverts refugee protection

The asylum ban [subverts refugee protection](#) by denying asylum to refugees and depriving many people who qualify as refugees under U.S. law of a path to citizenship. It targets vulnerable and at-risk populations: people seeking asylum who have a significant possibility of establishing their eligibility for asylum but do not meet the higher bar imposed under the ban, and people with well-founded fears of persecution who do not meet yet another unduly high standard. The use of the ban to artificially elevate the credible fear screening standard in expedited removal, leading more people to be denied full asylum hearings, is not a success, but a refugee protection failure.

Diverts resources, contributes to backlogs

The asylum ban's use in expedited removal has also unduly complicated the adjudication of, and increased the time required to conduct, credible fear interviews and related Immigration Judge credible fear reviews, as former Immigration Judges and former members of the Board of Immigration Appeals detailed in the [amicus brief](#) in support of plaintiffs in the case challenging the asylum ban. The union representing USCIS asylum officers who conduct credible fear interviews explained, in an October 2023 [amicus brief](#) submitted in the litigation challenging the ban, that the ban's implementation in credible fear interviews "significantly adds to the workload and pressures facing asylum officers," including due to the "factually intensive, complex determination" of the asylum ban's exceptions.

Moreover, with the asylum ban in place, many USCIS asylum officers are diverted away from conducting affirmative asylum adjudications and asylum merits interviews under the Biden administration's [Asylum Processing Rule \(APR\)](#) in favor of expedited removal interviews. This has greatly exacerbated delays and preexisting backlogs at the USCIS asylum office, which by January 2024 hit [1.158 million](#). In Fiscal Year 2023, the Biden administration conducted over 130,000 credible fear interviews through expedited removal—a historical record.



The deployment of USCIS asylum officers to expedited removal over the year since the asylum ban went into effect has also hampered steps to improve the efficiency of the asylum system, including preventing USCIS from deploying sufficient asylum officers to the Biden administration's new APR process. With some [key improvements](#), that initiative can make the adjudication process more efficient and reduce referrals to the immigration courts.

Thwarts path to citizenship, leaves refugees in limbo

The asylum ban will also create long term challenges by undermining the ability of people recognized as refugees to become legal residents and citizens, impacting their stability in their new U.S. communities. The ban will ultimately leave many people without a secure status and path to citizenship. While many people who meet the refugee definition risk return to persecution under the asylum ban, some may be spared that fate if they meet the higher legal standard for withholding of removal, or protection under the Convention Against Torture. However, while [asylum status provides the ability](#) to work, travel abroad, petition to reunite with spouses and children, and a pathway to permanent residence and citizenship, these alternate forms of protection merely provide protection against removal and the ability to work.

They leave refugees in limbo and without a path to stability, permanent residence or citizenship, and often facing barriers to health care and potential threats of deportation. Indeed, people granted only withholding of removal or CAT protection have in some cases been ordered deported and live in the United States under the constant threat that the U.S. government could seek to reopen their cases and remove them. While the ban includes a [family unity exception](#), it will leave many refugees, including LGBTQI+ refugees, unprotected and in limbo. For example:

- A Georgian asylum seeker fleeing LGBTQI+ persecution was subject to the asylum ban in a final merits hearing, denied asylum under the ban and granted withholding of removal. The Immigration Judge held that he would have been granted asylum but for the asylum ban, according to the asylum seeker's pro bono attorneys at Lewis Roca.

Many who are not granted these other forms of protections will be ordered deported even though they have well-founded fears of persecution, and qualify for asylum under U.S. law. Despite requests that it publish data on the application of the asylum ban in expedited removal, immigration court hearings, and USCIS adjudications, the U.S. government has not provided this data. As asylum seekers held in ICE jails—where legal representation is scarce—are those most likely to be 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.

Over the coming months, as individuals subject to the ban appear before Immigration Judges for their final merits hearings, the asylum ban's denial of asylum and deprivations of



stability and a path to citizenship, along with the resulting counterproductive dysfunctions, will certainly increase.

Seeking U.S. asylum but targeted by Mexican authorities

For months, Mexican authorities have increasingly blocked asylum seekers and migrants from reaching the United States. Even people who have CBP One appointments, or have been waiting for them, have been removed from the northern Mexico border or blocked from reaching it. These actions have been accompanied by abuses, including reports of extortion, family separation, arbitrary arrest, prolonged detention, physical abuse, forced relocation to the south of Mexico, and refoulement. Mexican authorities' abuses and failure to protect migrants and asylum seekers from targeted violence drive people to cross into the United States irregularly – where they will then risk the penalties of the asylum ban – contribute to the dangers facing these vulnerable populations, and subvert refugee protection.

“They’re persecuting and hunting down migrants.”⁶

After border apprehension numbers rose in December 2023, U.S. officials met with Mexico’s president to [press for measures](#) to limit migrants and people seeking asylum from reaching the United States. Months prior, the Mexican president had [agreed](#) to deport migrants from its northern border cities and increase immigration checkpoints, among other actions. The U.S. and Mexican government’s [joint efforts](#) to block asylum seekers and migrants from reaching the U.S. border have resulted in abuses by Mexican authorities. Mexican immigration and security forces have increased their presence in northern border cities [in coordination](#) with some Mexican state and municipal law enforcement. Authorities have increased checkpoints along key transit routes through central and northern Mexico to remove people [transiting by train and bus](#), detain them, forcibly transport them by plane or bus to the south of Mexico where they are [typically pressured](#) to agree to leave Mexico by its southern border, and [deport](#) some. These immigration sweeps have led to the interception of an estimated [8,000](#) U.S.-bound migrants per day through use of military patrols and highway checkpoints.

In Matamoros, humanitarian aid workers described initial [sweeps](#) in December 2023 resulting in the detention of hundreds of people waiting to seek U.S. asylum. The aid workers reported that **many of these asylum seekers have been [waiting for CBP One appointments](#)**. Uniformed Mexican immigration officers wearing face coverings entered the [river encampment](#) and began to destroy tents, search for, and detain, migrants. During these sweeps, a nine-month pregnant Haitian woman waiting to seek asylum was [separated](#) from her husband who was detained by Mexican immigration officers.

⁶ Quote by a humanitarian aid worker in Matamoros on the immigration raids conducted by the National Institute for Migration targeting migrants.



During the last 10 days of December, Mexican immigration authorities sent [22 flights](#) of migrants and people attempting to seek U.S. asylum from its northern border region to southern Mexico, with most originating in [Piedras Negras](#) and others in Tampico, Monterrey, Tijuana and Ciudad Juárez. The next month, the U.S. government [attributed](#) the significant reduction in migrant crossings, which had been halved as compared to December, to Mexican authorities' actions. The Mexican immigration agency also sent [two deportation flights](#) directly to Venezuela at the end of December with 329 migrants. A Venezuelan woman and her husband fleeing persecution were among those wrongfully returned.

“We were like prisoners there. My children knew nothing about me for four days. The [immigration] official said, ‘sign here, it’s mandatory to release you,’ but it was a trick. We were boarded on a bus and told we were going to Mexico City. They didn’t explain anything. We arrived at the airport and they sent us here [Venezuela]. My daughter and grandson are at a shelter in northern Mexico, and yet we’re here.”

A Venezuelan woman fleeing politically-motivated death threats was apprehended by Mexican immigration officers while traveling to Piedras Negras on foot with her family. Immigration officers separated her and her husband from their daughter and grandson. They were deceived by the officers who told them that they wouldn’t arrest them, and promised water, food, and help to reach Piedras Negras. Instead, they were taken and boarded onto a bus for *four days* to the south of Mexico where they were left on the road. After they finally managed to board a bus to Mexico City, half an hour into the ride, Mexican immigration officers boarded the bus and targeted them as Venezuelans, instructing them and another Venezuelan migrant to exit.

They were transported to an immigration jail. Their cell phones and belongings were taken. They were not allowed to make a phone call, communicate with anyone or go outside. **Mexican authorities did not ask them about fear of return to Venezuela or whether they wished to seek asylum**, though the Venezuelan woman recounted that she told them that she feared return to Venezuela. Mexican officers told them to sign a document so that they could be “released.” Instead, however, Mexican officers loaded them onto a bus and transported them to Mexico City. They were forced to remain on the bus and told they had more travel still ahead - without being provided with any information. The couple, who were prevented from seeking asylum in the United States, were put on a flight to Venezuela despite their fears of return - and again without being informed where they were going.

Human Rights Watch [reported](#) that Mexican authorities “summarily deport asylum seekers to their country of origin, typically without screening to ensure they are not being returned to harm.” Attempts to prevent people from seeking asylum, to deny asylum seekers information, and to deliver them back to their countries of feared persecution are blatant violations of international refugee law that should not be requested or tolerated by the United States, nor conducted by Mexico.



“Why are they sending us back if we have an [appointment](#)?”

A Venezuelan family [with a CBP One appointment](#) intending to seek U.S. asylum was apprehended by Mexican immigration officers in December 2023 while on a freight train on their way to the U.S. border. The wife became separated from her husband and child as she explained to the officers that they had a CBP One appointment, but was instead detained and forcibly flown alone to the south of Mexico.

The U.S. government has essentially predicated access to asylum on obtaining a CBP One appointment, which can only be requested when in central or northern Mexico due to the app’s geofencing design. The asylum ban is structured to force people to wait at risk in Mexico for up to many months while trying to obtain an appointment. Yet Mexican immigration authorities are apprehending migrants and people seeking asylum, including those waiting for or with CBP One appointments, [separating families](#), committing abuses, and forcibly relocating them to southern Mexico where they are stranded, at risk, outside of the CBP One app’s geofence and unable to request an appointment. Humanitarian aid providers reported to Human Rights First that some people seeking asylum have missed their CBP One appointments because they were detained by Mexican authorities.

- **Afghan family with a CBP One appointment** was extorted by Mexican immigration officers in the Mexico City and Tijuana airports in January 2024; officers demanded the family open the CBP One app, took their phone, and **threatened to eliminate their appointment if they did not pay them a bribe**.
- **Venezuelan family with a CBP One appointment** flew from Mexico City to Ciudad Juárez where they were questioned by Mexican immigration officers upon arrival who **tore up the family’s CBP One appointment print out**, wrongly accusing them of fraud, and threatened to bus them to southern Mexico or deport them. Another officer eventually arrived and acknowledged their appointment and allowed them to leave in April 2024.
- **Ecuadorian mother and teenage son separated by Mexican immigration officers from her husband and eighteen-year-old son**. After the freight train the family was traveling on was stopped as it approached Juárez in March 2024, they were caught by Mexican officers. The mother pleaded with the officers, indicating that they were a family and had documentation to prove it. The officers separated the family. She was left in Chihuahua with her minor son while **her husband and 18-year-old son were forcibly transported to Tapachula**. When Human Rights First interviewed the mother, the family had already been separated, and unable and to reunite, for a month.
- **Venezuelan family with minor children prevented from seeking U.S. asylum and instead detained by Mexican officers and transported to Tapachula in January 2024**. The family was removed from a bus at the last checkpoint as they approached Reynosa. Mexican officers took their cell phones and transported them



to a detention center. When the family asked immigration officers why they were being held and what was going to happen, the officers deceived them and said they would be taken to Mexico City to regularize their legal status. Instead, they were taken to the Reynosa airport and forcibly flown to Tapachula, bordering Guatemala, and forced to start their journey to seek U.S. asylum again.

In April 2024, Mexican immigration authorities in Chihuahua reactivated immigration raids against migrants in Juárez and further south, targeting people transiting to seek protection at the U.S.-Mexico border. Amid this heightened crackdown, [forty-nine Mexican human rights groups](#) denounced the use of force and incidents of violence and abuse by Mexican immigration officers. Flights to southern Mexico from the northern border continue, with [170 migrants](#) waiting to seek entry to the United States having been detained and flown from Juárez to Tapachula, bordering Guatemala. Recent abuses by Mexican authorities during immigration raids and inspections include:

- Migrant woman detained in an immigration jail in Reynosa recounted to a Venezuelan family who was also detained that Mexican **immigration officers pushed her off a train and beat her, leading her to suffer a miscarriage**. The family found her huddled on the floor of the cell grieving her loss in January 2024.
- A [group of 55 migrants](#), mostly women and children, from Venezuela, Ecuador and Honduras were intercepted by Mexican immigration officers in Chihuahua in April 2024 and robbed of their phones, identity documents, money, and even shoes. The officers **kicked some of the women, dragged another, slapped the children, and abandoned them** at a gas station.
- **Pregnant Venezuelan woman was forcefully thrown to the ground by Mexican immigration officers at a checkpoint in Chihuahua in April 2024**. She landed on her stomach and began to bleed vaginally, **suffering a miscarriage**. She asked to go to a hospital but the officers did not take her and she lost consciousness. She awoke at a migrant shelter in Juárez where the officers had dropped her. The shelter staff called an ambulance and she was hospitalized. Upon her release, her condition worsened over several days so she crossed between ports of entry to seek protection, crawling under the border razor wire. She was hospitalized immediately on account of her critical condition.
- A Venezuelan woman [reported](#) in April 2024 that when she and her family attempted to seek U.S. protection and approached the border wall in Ciudad Juárez, the **Mexican military removed them and attempted to hit a man carrying his child and rip their documents**.

Due to this crackdown by Mexican authorities on migrants and asylum seekers, including those *already waiting at the northern Mexico border*, many fear being apprehended and forcibly sent to the south of Mexico or deported. As a result, many migrants and asylum seekers Human Rights First spoke with in Ciudad Juárez reported their intention to seek irregular entry because of their [distrust](#) of Mexican immigration and other authorities and



their inability to safely wait in Mexico. Asylum seekers and migrants Human Rights First spoke with in El Paso who crossed between ports of entry confirmed this.

The direct targeting of asylum seekers and migrants by Mexican authorities for extortion and other abuses, complicity or participation of some Mexican authorities with cartels in their abuse of migrants and asylum seekers, and the near-complete lack of state accountability, protection, and access to justice in Mexico, is confirmation that **Mexico is not safe for many asylum seekers and migrants.**

Asylum ban and related punitive policies rig expedited removal processes

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. These deportations violate U.S. and international law and return people to danger without meaningful access to the U.S. asylum system.

Asylum ban fuels refoulement

DHS is not required to use expedited removal and has the authority to directly refer people seeking asylum directly for full asylum hearings rather than first requiring them to pass a credible fear screening. The punitive use of expedited removal and the asylum ban in credible fear interviews targets people who entered the United States without a CBP One appointment, in violation of international and [domestic law](#) prohibitions against penalizing refugees for their manner of entry.

Under U.S. law, individuals subject to expedited removal who express a fear of return *must* be referred for a preliminary fear screening (referred to as a "[credible fear interview](#)") conducted by an Asylum Officer. Congress deliberately established this as a "[low screening standard](#)," 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. Since May 2023, adults and families with children in this process who sought safety without a CBP One appointment have had to demonstrate they are exempt from the ban or meet a narrow exception— requirements that are completely unrelated to the merits of their asylum claim. Should they fail to demonstrate they are exempt or meet an exception, they are presumed ineligible for asylum and denied the opportunity to establish a credible fear of persecution. In violation of the fear standard created by Congress, the asylum ban also imposes a [higher screening standard](#) on asylum seekers who, because they are deemed to be subject to the ban, are limited to being considered for withholding of removal and protection under the Convention Against Torture, which are more difficult to secure and provide lesser long-term protections. The United Nations High Commissioner for Refugees has repeatedly explained that heightening the U.S. fear screening standard, which was already [inconsistent with what international law would allow](#), would endanger refugees, deny them asylum hearings, and increase risks of *refoulement* to persecution. Initial outcomes following the implementation of the asylum ban confirm this fear.



People subject to the asylum ban's higher screening standard 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 not subject to the ban, according to government data provided in the litigation challenging the ban. While people who established an exception to the ban and proceeded under the correct CFI standard passed their screenings 84.5 percent of the time between May 12 and August 11, 2023, 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.

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 request an Immigration Judge review of their negative credible fear decision (also referred to as a negative credible fear review), these hearings 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 credible fear process to severely limit the ability of asylum seekers and their attorneys to request reconsideration of a negative CFI from the asylum office.

Human Rights First learned of some cases where refugees' summary deportation were prevented only because attorneys or advocates learned of these potential returns to persecution and successfully intervened. While advocacy by attorneys spared a few from unlawful returns, access to counsel in expedited removal is extremely limited and the vast majority of people subject to expedited removal may be deported without ever consulting with an attorney.

Refugees placed in peril by the asylum ban's use in expedited removal, include:

- A Venezuelan air force lieutenant, the son of a known opponent to the Maduro regime, was found not to meet the heightened asylum ban fear screening standard, deported without an asylum hearing to Venezuela in December 2023 where he was immediately sent to a military prison.
- A Chinese pro-democracy activist jailed as a political prisoner for years and whose persecution was documented by Western media was ordered deported under the higher screening standard imposed by the asylum ban. He was found to not meet an exception and subjected to the ban's higher screening standard. His deportation order was only reversed after a legal service organization learned of his case and conducted extensive advocacy.
- A Senegalese man fleeing politically motivated attacks from Senegalese authorities was deported to Senegal under the asylum ban. USCIS conducted his CFI while he was in ICE custody and found he did not meet an exception to the asylum ban. He only speaks Wolof and suffered abuse in Mexico, including unlawful detention and demands for bribes by Mexican officers. This abuse, and his fear of



further violence in Mexico, motivated his irregular crossing into the United States to seek protection. The asylum officer also failed to record the man's relaying of the details of his assault by the Senegalese police, and when he brought this up at the negative credible fear review, the Immigration Judge claimed the man was changing his story and was not credible, even though credible fear review hearings are meant to conduct the screening *de novo*.

- **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 and ordered deported.** USCIS conducted her CFI in ICE detention and she was held to the asylum ban's higher screening standard. The officer conducting the CFI repeatedly instructed her to answer questions about past persecution with "yes" or "no" responses and did not include any analysis or explanation of the negative determination in the interview records. She remained detained for 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 provided her assistance.
- **A Venezuelan torture survivor and military deserter was found to not meet an exception to the asylum ban despite surviving an attempted kidnapping in Mexico, and was ordered deported.** During his CFI in ICE custody, he described his escape from a kidnapping attempt in Mexico by three armed men who chased him, but the Asylum Officer found he did not meet an exception to the ban and he failed the asylum ban's higher screening standard. He was only spared from summary deportation to his country of persecution after securing legal representation by RAICES. An Immigration Judge subsequently concluded he met the asylum ban's extreme threat to life or safety exception and vacated the deportation order.
- **A Nicaraguan illiterate man who was severely beaten by Nicaraguan police and threatened with imprisonment was ordered deported to Nicaragua under the asylum ban.** The Asylum Officer found he did not meet an exception to the ban although he could not use the CBP One app due to illiteracy, a fact which he shared in his CFI.⁷ During the immigration judge review, the judge conceded the ban should not apply to him due to his illiteracy but nonetheless upheld the expedited removal order despite risk of torture by Nicaraguan authorities if returned.
- **An Egyptian man targeted and beaten because he is Christian and who fears he will be killed if returned to Egypt, was ordered deported under the ban.** The man only speaks Arabic, a language that is not available on the CBP One app.⁸ Like the vast majority of people put into expedited removal, he was not represented in his

⁷ *Ibid.*

⁸ *Ibid.*



CFI. His deportation order was only vacated after a legal service organization learned of his case and conducted extensive advocacy.

- **A Honduran man who escaped forced recruitment by the MS-13 gang under threat of death was subjected to the asylum ban in ICE detention and deported because he did not meet the higher screening standard.** In [Honduras, gangs control widespread territory](#) across the country, [collude with](#) government agents, and [target](#), attack, and [murder](#) people who resist their demands. In his credible fear interview, this asylum seeker testified that he escaped a kidnapping in Mexico, but the Asylum Officer found no exception to the asylum ban and did not include an explanation in the CFI records as to why these facts did not constitute an imminent and extreme threat to life or safety. He was ordered deported because he did not meet the asylum ban's higher screening standard. At his negative fear review hearing, an Immigration Judge upheld the negative fear determination and the man was deported to Honduras.

CFIs in CBP holding facilities undermines due process with serious risk of refoulement

At the same time the asylum ban was implemented, the Biden administration relaunched a Trump-era policy of conducting CFIs in CBP custody, leading to prolonged detention of people seeking asylum in dangerous and subpar border holding cells conditions in [violation of CBP guidelines](#). Through agreements with Mexico to deport some people there, the U.S. government is also using the asylum ban in CBP holding facilities to summarily deport or return some people seeking protection without any screening of their refugee protection claim and fears of persecution in the country they fled, rather focusing the CFI determination on fear of harm in Mexico. Despite attempts by the administration to provide access to consultations with legal counsel, the vast majority of those in this program do not have meaningful access to legal assistance before, or legal representation in, these life or death interviews. The systemic due process issues with expedited removal, amplified while in CBP custody, combined with the asylum ban is leading to people with refugee claims being returned to harm. Unofficial data from CBP indicate that the credible fear interview pass rate for those in CBP custody is an [abysmal 23%](#).

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. There is neither physical access to those detained in CBP custody nor regular access to phones that would facilitate adequate representation of individuals in detention in CBP custody.

Additionally, even when asylum seekers are represented, their attorneys report that they [are often not informed](#) of the dates and times of their clients' negative credible fear reviews by Immigration Judges. Attorneys attempting to provide legal information to asylum seekers report that telephone access is often limited to short periods of time, and to inconsistent and irregular hours—including outside of business hours and on weekends. Legal representation



is further impeded by the decision last year, after implementation of the asylum ban, by the Executive Office for Immigration Review to stop posting the outcomes of Immigration Judges' negative 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 deported. The full extent of the harm inflicted by this policy is unknown, as most of those subject to the program never speak to a lawyer and despite requests for data, information about specific fear outcomes for those in CBP jails has not been made public. Human Rights First learned of the following individuals deported after having their CFIs in CBP custody:

- **Afro-Venezuelan man fleeing death threats from government officials due to his anti-corruption work was detained in CBP custody and ordered deported under the asylum ban. CBP deported him to Mexico without an opportunity to tell an asylum officer about his fear of persecution in Venezuela.** While in Mexico, he was targeted by armed, uniformed officers, removed from a bus, and forced to remove all his clothing and stand naked for nearly 30 minutes while they robbed him of his money. When he began to run away, they fired their weapons at him. He had heard of the CBP One app, but did not understand what it was or know about the asylum ban's consequences. He did not feel safe staying in Mexico so he crossed between ports of entry into the United States to seek protection. During his CFI in CBP custody, he testified to the abuses by Mexican officers but an Asylum Officer found he did not meet an exception to the asylum ban. Due to the United States' agreement to deport Venezuelan nationals to Mexico, the Asylum Officer required him to meet the higher screening standard with respect to fear of persecution in Mexico, not Venezuela. He was deported to Mexico under the ban. Still in fear of persecution, he waited three months to secure a CBP One appointment and was again detained after presenting at the U.S. port of entry. This time he was transferred to ICE jail and waited over two months for a new CFI. ICE eventually issued a Notice to Appear, placing him in removal proceedings.
- **Indigenous Peruvian woman persecuted because of her Indigenous identity and threatened with death as her house was burned down, was subjected to the asylum ban in CBP custody and deported to Peru.** She was detained in CBP custody and did not have an opportunity to first speak to a lawyer before her credible fear interview by telephone. She spoke Spanish, some Quechua, and had limited literacy, but the Asylum Officer found she did not meet an exception to the ban. The Asylum Officer misheard a specific interpreted word and as a result, misunderstood a material issue in her claim that supported a protected ground of asylum. An attorney with RAICES learned of her case, and entered appearance to represent her at her immigration court review. The lawyer was informed of the time of the hearing in Pacific Time, but the Immigration Judge conducted it at Mountain Time and ordered her deported without her counsel present. She was removed to Peru. Suffering from [historical discrimination and racism](#), Indigenous populations in Peru face [violations of territorial rights](#), are often denied [access to basic rights](#) and face [land dispossession](#). Their [access to justice is limited](#) given the entrenched power dynamics between the non-Indigenous ruling political class and Indigenous Peoples and structural inequalities.



Families subject to rushed deportations under heavy surveillance

Since May 2023, the administration has also 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. As of November 2023, [only 2.6% of all families enrolled in FERM were represented](#).

As Human Rights First documented in its [October 2023 report](#), these interviews 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 brutal violence they suffered in Mexico in order to meet an exception to or rebut the presumption of the ban. [Indigenous families](#) in the FERM process face even more significant barriers because the government fails to interview them in their best and native language, leading to deportation orders and severe trauma.

A few of the families initially ordered deported while in this program, and only spared this fate as they were among the tiny percent that received legal representation, include:

- **Colombian family escaped threats of forced recruitment by an armed leftist group and was ordered deported under the asylum ban’s higher standard** through the expedited removal program for families. Mother and son were kidnapped in Mexico and held captive for three days, starved, and had everything stolen from them. They were rescued by the Mexican military and immediately sought protection in the United States after entering between ports of entry. They were placed in the FERM program, and ordered deported under the asylum ban’s higher standard, after an Asylum Officer found that their kidnapping did not rise to the “serious and imminent” threat to life or safety exception to the asylum ban. They managed to secure legal representation by a legal service organization for the immigration judge review, resulting in reversal of the deportation order.
- **Peruvian family targeted for their political work was ordered deported under the asylum ban’s higher standard** while in the expedited removal program for families. The mother described during her CFI that she and her child were on a train near Juarez, Mexico when men with guns boarded the train and began kidnapping people. She hid with her hand over her son’s mouth and they were able to escape. Fearing for their lives, they sought protection crossing into the United States between ports of entry. An Asylum Officer found this did not meet the “imminent and extreme” threat to life or safety and held them to the asylum ban’s higher fear screening standard. They were ordered deported to Peru. They were fortunate to be



represented by a legal service organization in their immigration court review, resulting in reversal of the deportation order.

- **Colombian family fleeing persecution by a guerilla group was ordered deported under the asylum ban's higher standard** through the expedited removal program for families. The family managed to obtain a CBP One appointment, but armed men entered their hotel room in Mexico and held them at gunpoint, threatening to kill them if they didn't pay. They handed over all their money and valuables, and immediately sought protection crossing between ports of entry out of fear for their lives. An Asylum Officer found they did not meet the "serious and imminent" threat to their life or safety exception and ordered them deported under the asylum ban's higher standard. A legal service organization represented them in a credible fear review before an immigration judge, leading to reversal of the decision.

Exceptions are failing to protect refugees from the ban's penalties

Individuals and families placed in expedited removal who undergo credible fear screenings are assessed by Asylum Officers as to whether they are exempted under the asylum ban, able to meet an exception, or subject to it. This initial determination then decides whether their fear screening will be at the unlawfully heightened standard.

The asylum ban includes narrow exceptions for people who can prove that they faced "exceptionally compelling" circumstances, such as 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.⁹ 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 proving insufficient to protect refugees, including vulnerable populations such as Black, Indigenous, and LGBTQI+ asylum seekers, women, and children who face [disproportionate harms](#) in Mexico while blocked from seeking protection in the United States. Human Rights First tracked reports of more than 2,500 survivors of kidnapping, torture, rape, extortion, and other violent attacks against asylum seekers and

⁹ 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 accommodate large numbers of refugees and/or can actually ensure their safety and protection. 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, and nearly all shared grave fears and accounts of harm in Mexico. Additionally, there is an exception for people who entered with a previously approved authorization to travel, such as through the administration's limited, nationality-based parole programs, but these programs require those who are eligible to travel by plane to the United States—also making this exception rarely, if ever, applicable.



migrants while stranded in Mexico waiting to seek protection in the United States since the asylum ban took effect. Of these reports, [half](#) were documented during the first six months of the asylum ban's implementation (May to November 2023). 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. In years prior, 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.

Not only are these exceptions unduly—and improperly—narrow, but in practice, they are so narrowly applied as to render them meaningfully unavailable. 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 documented widespread dangers that people face at the border.

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 sharing particular and traumatic details that might seem irrelevant to their reasons for seeking asylum. 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. 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. Nor have asylum 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.

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

- **Venezuelan woman fleeing politically-motivated violence was locked out of the CBP One application and while waiting to access it, was nearly kidnapped and raped by a Mexican law enforcement officer who threatened her as she escaped. She entered the United States at a port of entry and was found to not meet an exception to the ban.** The woman was fleeing repeated torture, kidnapping, and threats of death by Venezuelan police because of her political opposition. She entered at a U.S. port of entry without a CBP One appointment and was found to not meet any exception to the ban despite the obstacles to use of CBP One, and her attempted kidnapping and rape in Mexico.



- Ecuadorian man denied exception and deported under asylum ban following immigration judge conclusion that death threat was not “imminent or extreme” because *two days* lapsed between threat and crossing into the United States.** After fleeing from one of Ecuador’s [most violent gangs](#), which pursued him during [record levels of gang violence](#), an Ecuadorian man fled to seek U.S. asylum. During his telephonic CFI in ICE jail without legal representation, an Asylum Officer applied the asylum ban’s higher fear screening standard and ordered him deported. At his immigration court review, and with the assistance of legal representation by RAICES, he testified to how he was robbed and later threatened with death if he did not quickly leave the area, leading him to cross irregularly into the United States two days later to seek protection. An immigration judge found that he did not meet the “imminent or extreme threat” to life or safety exception because *two days* lapsed between the threat and his crossing into the United States and he was deported to Ecuador under the asylum ban’s heightened standard.
- Venezuelan woman fleeing political persecution who was raped and threatened with death, entered the United States at a port of entry without a CBP One appointment to seek protection and was found to not meet an exception to the ban.** In her CFI, the woman explained that she couldn’t enter the CBP One application during the last few days before she entered the port because of glitches and error messages each time she attempted, according to The Florence Immigrant and Refugee Rights Project. She also felt unsafe waiting for a CBP One appointment because of cartel surveillance of migrants, but was subjected to the asylum ban

Recommendations

The Biden administration and Congress should take effective and humane steps to address challenges at the border and uphold refugee law. Human Rights First has offered a [comprehensive](#) set of recommendations to do that. They include:

Uphold refugee law and the right to seek asylum

- Rescind the asylum ban, stop defending it in court, and reject any similar policies because they [endanger lives](#). The asylum ban also [violates U.S. and international law](#). It wastes government resources, [diverts](#) already overstretched governmental asylum adjudicators, and leaves some refugees without a path to stability, permanent legal resident status, and citizenship, undermining integration.
- End the conduct of credible fear interviews in CBP custody and halt other uses of expedited removal where conditions are deficient, access to counsel and legal representation is impeded, and the asylum ban is used to improperly heighten the credible fear standard.



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

- Ensure swift access for people seeking asylum at all or more ports of entry and maximize asylum capacities, including for people who do not have appointments. Significantly increase CBP One appointments.
- Ensure people seeking asylum are not turned away, left to wait, or subjected to metering.
 - Uphold and enforce the [November 2021 Miller CBP Directive](#).
 - Instruct CBP not to meter, limit, turn away, "de-prioritize," or leave people "waiting" weeks or months to seek asylum—whether done via use of CBP One, limit lines, the asylum ban or other policies.
 - Urge Mexican authorities to assure people seeking asylum can approach U.S. ports of entry without Mexican officers turning them away or preventing their access to those ports, including people attempting to seek asylum who do not have appointments.
 - Work with Congress to increase and sustain critical resources that ensure the swift, humane, and effective processing of people seeking asylum at ports of entry—including personnel, physical infrastructure, internet, computers, and other resources required to significantly increase CBP's Office of Field Operations' (OFO) processing of asylum seekers at all ports of entry.
 - Staff and resources should be shifted to OFO and away from agencies that prioritize enforcement and surveillance and have histories of mistreating and abusing migrants.

Build out and invest in coordinated U.S. reception system

- Create a centralized White House office to implement a whole-of-government approach to welcoming new arrivals and to coordinate across key stakeholders engaged in vital reception efforts at the U.S. border and within interior receiving cities, including federal, state, and local government agencies and non-profit organizations.
- The Biden administration and Congress must secure robust and sustainable funding for the existing FEMA Shelter and Services Program (SSP) that supports the immediate reception of people seeking asylum, the DHS Case Management Pilot Program (CMPP) that supports organizations providing longer-term case management, and the Office of Refugee Resettlement (ORR) Refugee Entrant Assistance Account (REA). Provide additional funding to communities and



organizations providing medium- and long-term housing and other support. These programs must implement culturally-sensitive services and work with nonprofit specialists who have firsthand experience in this work.

Access to and prompt processing of work permit applications

- Build upon recent successes to expand access to work permit processing by replicating pilot programs for work authorization applications at border shelters and clinics in destination cities.
- Take executive action wherever possible and support [Congressional efforts](#) to speed up the work authorization eligibility process and make the process for renewing work permits more accessible to people seeking asylum.

Strengthen the U.S. asylum adjudication system

- The Biden administration should work with Congress to ensure robust and sustainable funding for asylum adjudications to clear the existing case backlogs and to decide new cases in timely manners. Capacity needs include immigration court staff, interpreters, immigration judges, and asylum officers focused on merits adjudications.
- The Biden administration should strongly pursue and work with Congress to secure funding to provide legal representation for all indigent individuals and families navigating the U.S. asylum system. The administration should also support existing legal orientation and representation programs. Legal representation is currently [inaccessible](#) to the vast majority of people seeking asylum in the United States. Legal representation not only helps the system function more fairly and efficiently, but it will also help protect the due process rights of immigrants and people seeking asylum and defend against the refoulement of refugees.
- USCIS should:
 - Improve Asylum Office adjudication efficiency by leveraging Asylum Division research and analysis; develop updated country conditions analyses on persecuted religious, ethnic or other groups; focused interview guidance for specific caseloads as the USCIS Ombudsman recommended; develop "pattern and practice" or similar analysis where a persecuted religious, ethnic, or other group in a particular country would generally have well-founded fears of persecution.
 - Replicate efficiencies in asylum adjudications in Operation Allies Welcome Afghan, refugee corps, and/or Safe Mobility Offices cases.
 - Resolve, not refer, more asylum-eligible cases at Asylum Offices so they are not unnecessarily and inefficiently added to already backlogged immigration courts.



- Ensure that a core objective of the newly-created Asylum Division District Offices is to implement consistent decision-making across offices, asylum officers, and supervisory asylum officers, and instruct asylum offices to grant one-year filing deadline implicated cases where an exception exists.
- USCIS and Executive Office for Immigration Review (EOIR) should:
 - Improve the Asylum Processing rule by fixing unworkable counterproductive timelines so the process leads to increased efficiency, rather than rushed, mistaken decisions that add to court backlogs. This includes:
 - Ensure that AMIs are scheduled at least 90 days after credible fear determinations; interview rescheduling and evidentiary filing extensions are provided within first year of entry and under good cause/exceptional circumstance standards in line with U.S. law; immigration court hearings are governed by regular removal proceeding timelines; initial referrals are not limited to cases in expedited removal; and unjust limits on reconsideration of credible fear denials are removed.
- EOIR should continue to employ and leverage pre-hearing conferences to narrow trial issues and stipulations on uncontested issues to reduce the number and length of hearings and use administrative closures and termination where cases can be resolved by USCIS, but only with consent of the individual or counsel.

Strengthen regular pathways, and refugee resettlement in the United States; support humanitarian and reception efforts abroad.

- The Biden administration should continue to strengthen important regional refugee resettlement and parole initiatives, especially those targeted at improving access for at-risk refugees. This should include steps to accelerate the pace of processing and travel, and lift barriers and numerical restrictions that impair access to parole. Building out this international infrastructure should never be considered a replacement for non-discriminatory, robust asylum access at the U.S. border.
- The Biden administration should increase advocacy and support for refugee hosting and asylum capacity in Latin America and the Caribbean. While the Biden administration has taken some important steps to support asylum and refugee hosting capacities in Mexico and other countries, many of those [needs](#) have [increased](#). At the same time, persistent rights abuses and the escalating impacts of deficiencies in regional reception systems are pushing some people north in search of effective protection. These deficiencies include:

- The lack of lasting (as opposed to only temporary) protection status;



- Lack of sufficient support for efforts to provide refugees with lasting, regular status and eventual citizenships;
- Lack of access to work and food;
- Under-resourced, backlogged and delayed asylum systems, such as in [Mexico](#) and Costa Rica;
- Lack of protection from violence; and
- Rising xenophobia and/or escalations in political and/or other instability.

Sustained and enhanced support is [crucial](#) as refugees face prolonged displacement crises, as well as discrimination, xenophobia, and inadequate protection of their rights in countries where they have been staying initially.

Engagement with the Government of Mexico

- Department of State (DOS) and Biden administration officials should address with the Mexican government its unlawful restrictions on access to U.S. ports of entry for people seeking asylum.
- DOS and Biden administration officials should escalate dialogue with the Mexican government and press for protection of migrants and people seeking asylum who transit through Mexico, including those waiting for CBP One appointments. In states such as Tamaulipas, Coahuila, Chihuahua, and others, migrants are targeted for kidnappings, sexual violence, and torture by cartels, at times with complicity of Mexican state actors.
- DOS and Biden administration officials must end any [agreements with Mexico](#) that allow or facilitate the pushback to Mexico or return of refugees to persecution without meaningful access to full asylum assessments, including the return of asylum seekers denied access to full asylum hearings in the United States due to the asylum ban.
- In its bilateral engagements with Mexico and other countries, the Biden administration should prioritize the protection of the human rights and physical safety of refugees, migrants and asylum seekers. They should increase diplomatic efforts and aid to improve the woefully deficient shelter and refugee reception capacities in northern, central, and southern Mexico where people wait in dangerous conditions or without sufficient safe shelter to seek U.S. asylum.

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.

Acknowledgments

This report was researched by Christina Asencio together with Brenda Vargas in Ciudad Juárez and El Paso, and with Navid Hewadwal and Nicolas Moritz in Tijuana, San Diego, and the open-air detention sites in southern California. The report was written by Christina Asencio with edits contributed by Eleanor Acer, Robyn Barnard, Licha Nyiendo, and Anwen Hughes. Case examples were contributed by Madhavi Narayanan and Andrew Feinberg. Our profound thanks to the many humanitarian, shelter, and legal service providers, faith workers, and attorneys whom we spoke with and who assisted in referring asylum seekers for interviews in the U.S. and northern Mexico, and those who provided case examples: CUNY School of Law Immigrant and Non-Citizen Rights Clinic, Florence Immigrant & Refugee Rights Project, Haitian Bridge Alliance, Immigration Equality, International Mayan League, Jennifer Harbury, Jesuit Refugee Service, Jewish Family Service of San Diego, Kino Border Initiative, Las Americas Immigrant Advocacy Center, Lawyers for Good Government, National Immigration Project, New Mexico Immigrant Law Center, Refugee and Immigrant Center for Education and Legal Services (RAICES), Rocky Mountain Immigrant Advocacy Network, Sidewalk School, and Taylor Levy Law.

Human Rights First is grateful to the donors and foundations who provide invaluable support for the organization's research on access to asylum and the representation of asylum seekers. We deeply appreciate and honor the numerous asylum seekers who bravely shared their stories in hopes of bettering the system for all those who seek protection and refuge in the United States.

Cover image: A sick infant sleeps outside the port of entry in Juárez, Mexico where her family had been waiting five days to seek asylum and waited over two months for a CBP One appointment in July 2023. Courtesy of Christina Asencio.

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