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## U.S. Asylum Bans Strand LGBTQI+ Refugees in Danger and Risk Return to Persecution

On May 11, 2023, the Biden administration initiated a new bar on asylum through its [Circumvention of Lawful Pathways](#) (CLP) rule. Often referred to as an “[asylum ban](#),” the CLP 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 CBP One 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.

The June 4, 2024 asylum entry ban [proclamation](#) and [Interim Final Rule](#) arbitrarily [bars access to asylum to most people](#) entering the United States **at or** between ports of entry **without a CBP One appointment**. That asylum entry ban [exacerbates and adds new barriers](#) that further endanger LGBTQI+ and other people seeking asylum. Both bans are versions of policies implemented under the former Trump administration.

These asylum bans endanger and punish LGBTQI+ and other people seeking asylum. The bans and related policies:

- **Endanger LGBTQI+ people seeking asylum** by requiring them to wait months in Mexico to obtain a CBP One appointment where they face acute risks of anti-LGBTQI+ persecution and suffer kidnappings, sexual assault, and other harms due to their sexual orientation, gender identity, race, language, and nationality.
- **Impose punishments and potential refoulement to persecution on LGBTQI+ people seeking asylum.** The asylum bans punish people seeking asylum who enter at the southwest border at or between ports of entry without a CBP One appointment and deny eligibility for asylum if they cannot meet narrow exceptions unrelated to the merits of their asylum claim. In expedited removal, those found ineligible for asylum under the 2023 asylum ban face an improperly high fear screening standard. As a result, LGBTQI+ asylum seekers from Venezuela and Colombia have been ordered deported while others risk refoulement to persecution. The new June 2024 asylum entry ban further heightens the fear screening standard which will increase the likelihood of wrongful returns to persecution.
- **Deny equal access to asylum** to LGBTQI+ people who cannot use the CBP One app due to language barriers (the CBP One app is only available in three languages), illiteracy, disability, or other reasons. LGBTQI+ people with families also risk denial of equal access to the asylum ban’s limited “family” unity exception.
- **Deny lifesaving protection screenings to vulnerable LGBTQI+ and other people seeking asylum.** The new June 2024 asylum entry ban eliminates critical safeguards to identify asylum seekers who should receive a protection screening interview before being deported without a hearing. By eliminating the longstanding requirement that border officers ask whether a person has a fear of return in their language, the new entry ban endangers LGBTQI+ refugees who do not speak English, do not know they can raise, or are hesitant to

raise in Border Patrol encounters fears of harm that relate to their sexual orientation, gender identity or other persecution. Limiting protection screenings to people who know that they must and can manage to “[manifest their fear](#)” to Border Patrol officers despite language barriers, trauma, and privacy concerns, will lead to the return of refugees to persecution, torture and other harm.

- **Punish LGBTQI+ people for not applying for asylum protection in unsafe countries through which they transited.** The 2023 asylum ban punishes people seeking asylum by denying eligibility for asylum if individuals cannot prove that they sought and were denied asylum protection in a country through which they transited to reach the United States. LGBTQI+ people seeking asylum should not reasonably be expected to apply for asylum in unsafe transit countries due to the [high risk](#) of LGBTQI+ [persecution](#).
- **Will deny refugees a path to residence and citizenship** when they are ultimately denied asylum and left only with withholding of removal, undermining their longer-term stability and integration. For example, a Georgian LGBTQI+ asylum seeker who was denied asylum due to the 2023 asylum ban will be denied the path to legal residence, stability, and citizenship that he would have received through a grant of asylum, which an Immigration Judge explained would have been granted to him but for the ban.

Leading U.S. organizations that represent and advocate on behalf of LGBTQI+ people seeking asylum, including Immigration Equality, the Council on Global Equality, and Human Rights Campaign have repeatedly raised dire concerns about the impact of the asylum ban on LGBTQI+ individuals and urged that it be rescinded. For example, the Human Rights Campaign, writing on behalf of its more than three million members and supporters nationwide, [warned](#) that the 2023 asylum ban would deny protection to many refugees, including LGBTQI+ people and people living with HIV, place LGBTQI+ migrants at active risk of facing the same dangers that they are trying to flee from, and is inconsistent with the Biden administration’s demonstrated commitment to LGBTQI+ people around the globe. Immigration Equality, an organization that advocates for and represents LGBTQI+ and HIV-positive immigrants, has repeatedly [condemned](#) the ban, [warning](#) that: “It will ultimately cost the lives of some queer people and subject others to persecution and torture, and these are people who have come to the United States to flee that exact problem.”

The Biden administration should rescind its 2023 asylum ban and its June 4, 2024 asylum entry ban [proclamation](#) and [Interim Final Rule](#). Congress should reject any additional attempts to further limit access to asylum through bans, bars, heightened screenings, detention, or other policies that strand and return people to danger. Legislative proposals like [H.R.2, the Secure the Border Act](#), the [S.4361 Border Act of 2024](#) or the imposition of other barriers to asylum through administrative action will put LGBTQI+ and other asylum seekers at even greater risk of persecution, torture, and other harms.

Instead, the Biden administration and Congress should take steps to guarantee prompt, equitable, and just access to asylum to all people seeking asylum, including LGBTQI+ individuals, as required by U.S. and international refugee law. In addition to rescinding the asylum ban, key steps include: conduct processing at more ports of entry and ensure access to people who do not have CBP One appointments; ensure equitable access to the CBP One app and increase the number of CBP One appointments offered; and strengthen and properly fund the asylum adjudication

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system to ensure fair and timely outcomes, among [other recommendations](#) previously outlined by Human Rights First.

Based on Human Rights First's [research](#) and interviews with asylum seekers along the U.S.-Mexico border, this short report highlights key findings relating to the impact of the 2023 asylum ban policy on LGBTQI+ people during its first year and raises concerns relating to the new June asylum entry ban.

**LGBTQI+ people seeking asylum are stranded in Mexico under the asylum bans and related policies, where they often suffer kidnappings, sexual assault, and other targeted harm relating to their gender identity, sexual orientation, as well as race, nationality, and asylum-seeking status.**

Since the asylum ban went into effect in May 2023, Human Rights First has tracked reports of over 2,500 asylum seekers and migrants who suffered kidnappings, torture, sexual assaults, extortion, and other violent harm while stranded in Mexico waiting to seek U.S. asylum, including those waiting for CBP One appointments. Human Rights First's research [recently documented](#) that many asylum seekers are now waiting up to six or seven months while struggling to obtain a CBP One appointment. These 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 of people seeking asylum by cartels (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. 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 these and other areas following the implementation of the ban.

According to the U.S. Department of State, LGBTQI+ individuals in Mexico are [targeted](#) by criminals and Mexican state authorities for hate crimes and killings, with reports documenting increased violence against transgender women. Civil society organizations report that Mexican authorities [often fail to "investigate and punish"](#) individuals engaged in anti-LGBTQI+ harassment and violence. Police [routinely mistreat](#) LGBTQI+ individuals in their custody. These harms are compounded for Black asylum seekers, who are subject to anti-Black discrimination, and for [people seeking asylum](#) who are also targeted on account of their migratory status.

For example:

- **A lesbian migrant couple was sexually assaulted in Reynosa in September 2023 while waiting to secure a CBP One appointment to approach the U.S. port of entry to seek asylum.** After surviving the sexual assault, the women feared for their lives as they remained trapped in Reynosa, unable to access the U.S. port of entry to seek asylum without a CBP One appointment.

- **A Venezuelan seven-year-old child who identifies as LGBTQI+ was kidnapped for three weeks, drugged, and survived sexual violence while waiting in Reynosa to seek asylum in the U.S.** The child and his mother were kidnapped by the cartel in Reynosa and held for three weeks in September 2023. The cartel drugged the child and sexually assaulted him. After payment of their ransom and release, the mother and child sought protection at a migrant shelter where the child survived an attempted sexual assault, as recounted to a humanitarian aid worker.
- **A Venezuelan transgender woman who had a CBP One appointment was targeted for kidnapping, verbally abused, and missed her appointment:** A transgender woman who fled persecution and violence in Venezuela was traveling to appear for her CBP One appointment when she was kidnapped in Reynosa in August 2023. Cartel members abducted her and other migrants who had CBP One appointments from their bus. She was held for ransom with 100 other adults and children of various nationalities. She was forced to witness the physical beatings of other people and saw cartel members take women to sexually assault them. **Cartel members verbally abused and threatened her on account of her gender identity.** After being released, she **survived an attempted kidnapping** in Reynosa before fleeing to Matamoros. The woman missed her CBP One appointment during this time and was stranded in Mexico, unable to access the port of entry without an appointment, and faced with the prospect of having to begin the lengthy process of requesting a CBP One appointment again.
- **A Colombian LGBTQI+ woman fleeing sexual violence and persecution by Colombian authorities on account of her sexual orientation** as well as internal displacement by armed groups **was sexually assaulted by a female Mexican state police officer.** While transiting on a bus en route to northern Mexico, a Mexican officer solely targeted for search Colombian nationals on the bus and ordered the Colombian LGBTQI+ woman into the bus bathroom where the officer stripped off her clothing, sexually assaulted her, and then robbed her of her money. Afterward, upon arriving at a bus station in Sonora, the Colombian LGBTQI+ woman **survived an attempted kidnapping.** She had been sleeping outside the Nogales port of entry waiting to seek asylum — unaware of the ban’s penalties for presenting without an appointment — because she was afraid of being harmed again by Mexican authorities or by cartel groups. **“I’m afraid to be here. I’m afraid criminal groups will try to kidnap me again.”**
- **A transgender migrant woman waiting in Ciudad Juárez to seek asylum was extorted by the cartel under threat of sexual exploitation:** A young transgender woman waiting to seek asylum in the U.S. was targeted and forced by the cartel to pay them 1,500.00 Mexican pesos a week under threats of sexual exploitation. She was afraid she would be killed if she missed a payment and had not yet been able to safely seek asylum in the U.S. despite these serious protection issues in Mexico, as told to Las Americas Immigrant Advocacy Group in late August 2023.
- **A Ghanaian gay man is at risk of the asylum ban’s punishment after suffering an attack in Mexico and then crossing into the United States between ports of entry to seek asylum.** The man had [fled persecution](#) on account of his sexuality in Ghana. In Mexico, he was [beaten, tased, and robbed](#) after being **targeted by Mexican immigration authorities** while on a bus. He reported, **“They were extremely cruel.**

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**They kicked me and used a taser. They searched my belongings and took my phone and charger. I didn't have money, so [the immigration officer] didn't return my phone."**

### **The asylum ban denies equal access to asylum to LGBTQI+ and other people unable to use the CBP One app and are then presumed ineligible for asylum.**

In order to seek asylum at a port of entry, people must wait up to six or seven months and try *daily* to obtain an appointment on a glitchy, inequitable smartphone app: CBP One. The system operates essentially like a daily lottery. DHS has made the CBP One app available in only English, Spanish, and Haitian Creole, excluding its use by asylum seekers who do not speak one of those languages. 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 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.

Those facing acute risks who cannot safely wait in Mexico or even use the CBP One app have little to no meaningful access to processing at U.S. ports of entry and are often driven to undertake irregular crossings to save their lives. These asylum seekers who are denied equal access to ports of entry and asylum risk the ban's punishments. For example:

- **A French-speaking Senegalese lesbian woman** traveling alone to seek U.S. asylum was unaware of and ultimately unable to use the CBP One app because it is not offered in French. She survived an attempted sexual assault in the Mexican border city of Nogales, but remained trapped as the wait time to enter at the Nogales port of entry for those without appointments is six to seven months.
- **Three transgender Russian men** fleeing persecution in Russia on account of their gender identity and sexual orientation were stranded in Tijuana, unable to access the port of entry without an appointment, and struggled to use the CBP One app as it is not available in Russian.
- **A 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. He entered the United States between ports of entry in California and will now risk being barred from asylum despite his potential eligibility for asylum.
- **A gay man from Senegal who was stoned and beaten while his boyfriend was murdered and only spoke Wolof and Fulani could not use the CBP One application.** Because of the language barrier, he was not aware of the CBP One application or the asylum ban. He is now in Immigration and Customs Enforcement (ICE) detention, at risk of return to his persecutors because of the asylum ban.
- **An LGBTQI+ and HIV+ Venezuelan young adult traveling alone to seek U.S. asylum** was stranded in Matamoros without resources where he was living in a tent in an open-air encampment. As his phone had been stolen and he had no financial resources to replace it, he was unable to access the CBP One app to

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request an appointment to enter at a port of entry. Blocked from accessing the port of entry without an appointment, he expressed despair at being trapped in danger.

The asylum ban's exceptions fail to adequately protect people from these equal access denials. For example, the ban's language barrier exception is specified only in connection with people who enter at a port of entry, making it largely illusory. LGBTQI+ people with families also risk denial of equal access to the asylum ban's limited "family" unity exception.

### **LGBTQI+ and other people seeking asylum struggle to use the CBP One app and are waiting increasingly long periods.**

Since June 2023, the total number of CBP One appointments available daily has remained stagnant at 1,450 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 seven months. These wait times will likely grow even longer in the wake of the June 2024 asylum entry ban. 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. Across Mexico, tens of thousands of migrants face a lack of [sufficient humanitarian assistance](#) and legal status. Without safe shelter, nutrition, water, sanitation, hygiene, and healthcare, people live in dangerous, unsanitary, and precarious conditions.

### **LGBTQI+ asylum seekers who are stranded in Mexico face a range of disparate harms.**

These harms include lack of access to safe housing, employment, medical care, and other basic services due to discrimination because of their gender identity, sexual orientation, as well as race, nationality, migratory status, and language barriers.

- **A Cuban HIV+ transgender woman and her husband waited nearly seven months for a CBP One appointment that never arrived.** They were discriminated against by a migrant shelter on account of the woman's gender identity and sexual orientation. After their first night in the shelter, they were kicked out in the rain after dark and told the shelter did not have the right conditions to house them. The transgender woman is HIV+ and spent six months in Mexico unable to obtain medication, having been denied treatment by a clinic in Mexico City.
- **A 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.** The woman had been waiting for a one-year Mexican humanitarian visa which she hoped would protect her from return to persecution while transiting through Mexico.
- **A Venezuelan gay couple escaped a kidnapping, witnessed a violent assault, and lived in fear while waiting five months for a CBP One appointment.** In September 2023, a Venezuelan gay man and his partner had been waiting in Matamoros for nearly five months trying to secure a CBP One appointment, living in fear that they would be kidnapped and harmed on account of their sexual orientation and status as



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migrants, as recounted to Human Rights First. They spent two months living in a tent in the Matamoros river encampment where they witnessed a violent assault on a family by the cartel and other situations of danger, motivating them to seek shelter elsewhere. They also escaped an attempted kidnapping in the city.

### LGBTQI+ people seeking asylum experience adverse mental health impacts from use of the CBP One app.

The CBP One app requires people seeking asylum – who have survived compounded traumas and are living in precarious conditions – to navigate the app *daily* to request and accept an appointment (and have access to a charged smartphone and internet). They face uncertainty as appointments essentially operate like a daily lottery with wait times of up to seven months. These wait times will likely grow even longer in the wake of the June 2024 asylum entry ban. As a result of the use of the app, humanitarian psychosocial providers at the northern Mexico border have observed an [increase in anxiety](#) among asylum seekers struggling to use the CBP One app as they enter the daily lottery which they have no control over and upon which their life depends.

Providers shared with Human Rights First that the anxiety over the use of the app and whether and when an individual will secure an appointment has also led to disruptions in sleep and eating, as individuals set aside their own immediate needs and prioritize securing the life-saving appointment. A psychologist with the Kino Border Initiative shared that the app's design, requiring people to engage with it every day, keeps them in a constant state of uncertainty, great anxiety, and escalating stress. "It absolutely affects them emotionally." Researchers with the Boston College School of Social Work and Jesuit Refugee Services [found](#) that precarious living conditions and long wait times for a CBP One appointment impact people's well-being and mental health. Nearly **one-third** of asylum seekers they interviewed using the CBP One app showed **symptoms of depression** while **half showed signs of poor well-being**. Those interviewed indicated that **personal and communal mental health were among their top three main concerns**.

LGBTQI+ people seeking asylum similarly experience adverse mental health consequences as a result of long wait times and uncertainty involved with the use of the CBP One app. While stranded in Mexico waiting for an appointment, this stress is compounded by discriminatory and disparate access to safe shelter, employment, medical care, and other basic services due to discrimination because of their gender identity, sexual orientation, race, nationality, and asylum-seeking status. For instance, one asylum seeker in Tijuana reported to Human Rights First the toll exacted on the mental health of members of the LGBTQI+ community waiting for an appointment to seek U.S. asylum and described the **anxiety and depression** experienced by many, including one individual they knew who **attempted suicide and acts of self-harm** on account of the uncertainty and long wait.

- **A Mexican gay asylum seeker who had been waiting seven months for a CBP One appointment and faced homophobic verbal abuse while waiting in Tijuana, described:**

**"The wait is deadly, really. I'm taking antidepressants. My ex-partner, a gay Honduran guy [asylum seeker] became depressed when he couldn't obtain an appointment. He had to be heavily medicated to not commit suicide.**

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I've seen others [LGBTQI+ migrants] collapse crying when they see they don't have an appointment while others have vomited from their nerves, stressing because they don't know how they'll keep surviving.

I feel tired. I've had anxiety attacks. I search for the hope that tomorrow I'll get an appointment so I can move forward and start a new life – try to return to being myself. It's a feeling of being lost and not knowing if one day we'll get out of here."

- **A Honduran trans woman who survived a sexual and physical assault in Honduras** on account of her gender identity and who fears being killed if returned described the increasing desperation she felt waiting for a CBP One appointment: **"I feel desperate. There are people who obtain appointments in 12 or 15 days, and I've been waiting for four months. You feel depressed. At the shelter, others are stressed. Another person cries and it's contagious - I do, too. All you think about is 'the appointment, the appointment.' I request it every day and check every day and still nothing. Tomorrow will be four months of waiting."**

**The asylum ban and related restrictions at ports of entry spur irregular crossings of LGBTQI+ people and others seeking protection who then risk having their access to asylum barred with potential *refoulement* to persecution.**

As [Human Rights First](#) and [other](#) organizations have [documented](#), people unable to use the CBP One app and those who cannot safely wait for an appointment, including people with urgent medical needs or facing threats to their lives and safety, are largely blocked from accessing ports of entry without appointments. This results in irregular crossings of LGBTQI+ and other asylum seekers in need of protection, placing them at risk of the asylum ban's unjust penalties, return to harm, or left only with a deficient form of limited protection.

- **Five LGBTQI+ asylum seekers from Cuba, Honduras, and Mexico waited in Tijuana about five months for a CBP One appointment.** After waiting for five months in Mexico, they finally grew desperate for safety in January 2024 and decided to cross between U.S. ports of entry to seek asylum. They now risk the asylum ban's penalties.
- **An ill Venezuelan HIV+ man in need of medical treatment was ordered removed by Border Patrol and returned to Mexico after having entered between ports of entry from Matamoros.** The Venezuelan man had struggled for two months trying to obtain a CBP One appointment while in Matamoros. During this time, he was without access to HIV treatment and was ill. He approached Mexican immigration authorities at the port of entry to plead his case for access to asylum protection at the port and was instructed to cross the river into the United States. Desperate to receive medical attention and reach safety, and blocked from accessing the port of entry, he crossed the river to the United States and was removed to Mexico.
- **A Black Senegalese French-speaking man fleeing torture and assault because of his imputed LGBTQI+ status** crossed between ports of entry after being threatened by Mexican authorities. 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 is now in ICE detention at risk of return to his persecutors because of the ban.

The June 2024 asylum entry ban adds additional barriers that impact people attempting to seek asylum at ports of entry who aren't able to obtain or safely wait for CBP One appointments. It suspends processing of asylum seekers without CBP One appointments at ports of entry and leaves their access to asylum up to CBP officers, which will likely lead vulnerable and at-risk individuals in need of lifesaving protection to cross between ports of entry and be punished under the new rule.

### Mexican LGBTQI+ people are trapped in their own country of feared persecution.

Mexican LGBTQI+ people and others fleeing persecution and violence in Mexico are trapped in their [own country of persecution](#) and are unable to access ports of entry for asylum processing without CBP One appointments despite being exempted from the asylum ban and its required use of the CBP One app to seek asylum. CBP [meters](#) access to ports of entry by capping CBP One appointments at 1,450 daily and [restricting processing](#) of people without appointments, 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 Mexican nationals. As a result, Mexican LGBTQI+ and other individuals are forced to use the CBP One application to access ports of entry. Mexican people seeking asylum are not exempted from the June 4, 2024 asylum entry ban proclamation and rule, which are already in effect. As a result, they will continue to be trapped in their own country of feared persecution and are essentially required to obtain a CBP One appointment to seek asylum.

As a CBP official [confirmed](#), CBP One appointment wait times for Mexican nationals are [longer](#) than for non-Mexican nationals. **For example, a Mexican transgender woman had been waiting in Tijuana seven months for a CBP One appointment as of February 2024.** At the Nogales, Sonora port of entry, many of the thousands of people on a [waitlist managed by a Mexican municipal agency](#) are Mexican nationals, including those fleeing persecution and violence waiting to seek asylum.

- **A Mexican LGBTQI+ asylum seeker was found dead the first week of September 2023** in the apartment he was renting in Nogales. Since mid-July 2023 he had been on the waitlist of asylum seekers waiting to be processed by CBP at the Nogales port of entry administered by the Nogales municipality and had been helping the municipality to administer it. His partner was already in the U.S. initiating an asylum request.
- **A Mexican lesbian woman from Guanajuato, Mexico has been waiting over three months for a CBP One appointment after fleeing torture and threats of rape on account of her sexual orientation by cartel members and Mexican police acting in complicity with them.** After picking up medication for her girlfriend, the woman was attacked by cartel members and Mexican police, who tortured her, forced her to remove all her clothing, beat her, forcibly shaved her head, and murdered her friend who was defending her. The cartel members and the Mexican police were threatening her with corrective rape and threatened her children. She is unable to access the Nogales port of entry to seek asylum protection due to a six to seven month wait for those without CBP One appointments.

- **A transgender woman who fled Michoacan, Mexico after cartels tried to forcibly recruit her to work for them, has been waiting for over five months for a CBP One appointment.** During this time, cartels, who often work with impunity or active assistance from Mexican law enforcement, have threatened her life on four separate occasions.
- **A gay man from Guerrero, Mexico, had been waiting over seven months for a CBP One appointment** and encountering application errors. He fled physical and sexual abuse by his homophobic family, including a cousin who raped him and other family members who burned his hands after they caught him holding hands with a male friend. During these years of abuse, state protection was not available to him.
- **An LGBTQI+ Mexican man fleeing persecution on account of his sexual orientation felt unsafe while stranded in the dangerous border city of Matamoros,** trying to obtain a CBP One appointment for two months, and experienced homophobic verbal abuse while forced to wait.
- **A transgender woman from Acapulco, Mexico, had been attempting to use the CBP One application in Tijuana since she arrived in February.** She was discriminated against and faced violence in Acapulco because of her gender identity, was extorted by criminals, and was not protected by local authorities. She reported continuing risks of harm in Tijuana, with beatings and even killings of fellow LGBTQI+ community members.

### **The asylum ban's application in expedited removal proceedings is devastating to LGBTQI+ individuals' claims for protection.**

The asylum ban, in combination with expedited removal and other punitive policies, is being used to summarily deport LGBTQI+ and other people without an opportunity to apply for asylum and present their case. The United States government is not required to use expedited removal, yet nonetheless subjects asylum seekers to its accelerated procedures, [which lack due process](#). People subject to the asylum ban's higher screening standard in expedited removal have been 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. This denial of access to asylum hearings is expected to further escalate under the new June 2024 asylum entry ban which imposes an [exponentially higher screening standard](#) (to access [lesser forms](#) of humanitarian protection). The further heightening of the screening standard will by definition result in the increased likelihood of deportation of bona fide refugees to persecution, including those who have a significant possibility of establishing their asylum eligibility.

At the same time the asylum ban was implemented, the Biden administration relaunched a Trump-era policy of conducting credible fear interviews (CFI) in CBP custody, leading to prolonged detention of people seeking asylum in dangerous and subpar border holding cell conditions in violation of CBP guidelines. 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%](#).

- **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 Colombian LGBTQI+ asylum seeker who underwent a CFI while detained by ICE was subjected to the asylum ban even though he could not secure a CBP One appointment because his phone broke in Tijuana.** He was found not to meet the asylum ban's higher screening standard and only spared from return to his country of persecution after he managed to secure representation by a legal services organization for the immigration judge review, resulting in reversal of the deportation order.
- **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.

Human rights monitors only learned of these cases because the asylum seekers were lucky enough to secure legal representation. 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.

### **The Biden administration's June 2024 asylum entry ban will further endanger LGBTQI+ people and return them to persecution.**

The June 4, 2024 asylum entry ban [proclamation](#) and [Interim Final Rule](#) arbitrarily [bars access to asylum to most people](#) entering the United States between ports of entry. Its application is triggered when more than 2,500 people are encountered between ports of entry on average over seven consecutive days and took effect at 12:01 am EDT on June 5, 2024. As discussed in earlier sections of this report, the asylum entry ban eliminates longstanding and critical safeguards to identify asylum seekers for protection screenings which will lead to the wrongful return of LGBTQI+ and other refugees to persecution, torture, and other harm. Those referred for a fear screening will likely be barred from asylum and face an [exponentially higher screening standard](#) (to access [lesser forms](#) of humanitarian protection), increasing the likelihood of deportation of bona fide LGBTQI+ and other refugees to persecution, including those who have a significant possibility of establishing their asylum eligibility.