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# Recommendations for Equitable Access to Asylum and Ports of Entry

The Biden administration should take urgent steps to ensure prompt and non-discriminatory access to U.S. ports of entry for people seeking asylum. The administration described its [May 2023](#) and [June 2024](#) asylum bans as imposing consequences against noncitizens crossing between ports of entry in order to “incentivize” people seeking asylum to “use ... lawful, safe, and orderly pathways and processes” that include presenting themselves at ports of entry with an appointment. However, in practice, the asylum bans, which bar otherwise eligible refugees from asylum when they cross into the United States without such an appointment, have spurred entries outside ports of entry. The long wait times for the ban’s appointments and the appointment system’s language deficiencies and other barriers impede [African](#), [Indigenous](#), [LGBTQI+](#), [disabled](#), and other people from seeking asylum at ports of entry. The bans have also [turned away](#) refugees in violation of U.S. and international law.

The Biden administration should take urgent steps to right the course, restore equitable and non-discriminatory access to asylum that upholds U.S. law and treaties, and incentivize the use of U.S. ports of entry by actually enabling people seeking asylum to access those ports without delay. In addition to rescinding the 2023 [Circumvention of Lawful Pathways](#) and 2024 [Securing the Border](#) rules which received [widespread opposition](#), eligibility for asylum must never be conditioned on an individual’s manner of entry in accordance with U.S. and international law.

*Key steps include:* Expand CBP One appointments and languages; enable prompt access to ports of entry for people seeking asylum who do not have appointments; and rescind the asylum bans.

## Recommendations

The Biden administration must uphold and comply with refugee law at U.S. borders without discrimination. The administration should maximize access to asylum at U.S. ports of entry by taking the following steps.

### Improve CBP One appointment system:

- **Expand the CBP One app to include the languages spoken by people commonly arriving at the southwest border**, including Indigenous languages and those in the CBP user reference guides, such as Arabic, Simplified and Traditional Chinese, Dari, French, Hindi, Pashto, Portuguese, Russian, Urdu, and other relevant languages.
  - The CBP One app is currently only available in three languages—English, Spanish, and Haitian Creole. People who do not speak these languages, including most African, Indigenous, and other people seeking asylum from outside of the Americas, are thus denied equal access to asylum and have often been [pushed to cross](#) outside ports of entry to seek asylum. Examples [documented](#) by Human Rights First of people who crossed the border to seek protection include a Mayan woman

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from Guatemala who is illiterate, speaks Akatek, and had never owned a smartphone; a Turkish transgender male seeking asylum who speaks Turkish; three Hazara Afghan men, a persecuted ethnic and religious minority, who fled Afghanistan after the fall of Kabul to the Taliban and speak Dari; an Indian Sikh family fleeing religious persecution who speak Hindi and were unaware of the CBP One app; and a Black Mauritanian human rights advocate imprisoned for his anti-corruption work who speaks Arabic and French and was unaware of the CBP One app.

- **Increase the number of CBP One appointments, eligible ports of entry, and maximize port of entry processing when there are missed appointments.**
  - Wait times for CBP One appointments have risen to [eight to nine months](#) while available daily CBP One appointments have remained stagnant at 1450 since June 2023. Demand for appointments will significantly increase following the expansion of the CBP One geofence to southern Mexico. While forced to wait, asylum seekers are [targeted for harm](#), including kidnapping, torture, sexual assault, and extortion by organized criminal groups and abuses by corrupt Mexican authorities. Like other forms of [metering](#), long wait times for CBP One appointments and blocked access to ports of entry [spur crossings outside ports of entry](#), making them counterproductive to effective migration policy and detrimental to the safety of people seeking asylum.
- **Provide transparent and uniform processes to ensure that individuals and families who miss their CBP One appointment** due to circumstances outside of their control, such as kidnapping or actions by Mexican authorities, **have their appointments honored** and can be processed at the nearest port of entry.
- **Additional improvements:**
  - Allow for edits to CBP One registrations to account for changes in group composition so that asylum seekers aren't forced to delete their registration and start anew (e.g. including newborns). This is inefficient and leaves them waiting at risk for months longer.
  - Consider an individual's *first* CBP One registration when allocating appointments based on the length of time waiting and publish estimated wait times taking this into account to ensure transparency.
  - Eliminate or adjust the recent July 2024 photo liveness requirement to accept an appointment so that appointments are not inefficiently and unjustly lost if one member of the group is not present at the time of the appointment notification.

#### Port of entry processing:

- **Ensure prompt entry at ports of entry for people seeking asylum**, both those with and without appointments, including **at-risk individuals who cannot safely wait in Mexico** such as Mexican nationals seeking asylum, those with urgent medical and safety needs, and those unable to use the CBP One app due to illiteracy, language, disability, and other barriers. For example, [Haitian asylum seekers](#) with urgent medical

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needs have died in Mexico while waiting for, or to enter with, CBP One appointments. Others who have escaped or face threats of [kidnapping, sexual assault, and torture](#) and cannot safely wait for a CBP One appointment [remain trapped in danger](#). Even with expanded CBP One language access, Indigenous and rare language speakers, and those who speak other languages, will still be unable to use the app and must be allowed access to ports of entry to seek asylum and be exempted from rules barring asylum.

- **Allocate sufficient Office of Field Operations (OFO) staff to asylum processing at more ports of entry**, including trained refugee and child protection officers. Until new appropriations can be secured to increase OFO staffing, CBP and DHS should review funding allocations and existing staff resources to maximize processing wherever possible.
- **Press the Government of Mexico to cease its practice of [blocking access](#)** to ports of entry to people without CBP One appointments, including Mexican nationals seeking asylum.

#### Border Patrol and CBP processing:

- **[Restore longstanding safeguards](#)** that require CBP officers to document, inform, and ask about a person's fear of return in their language.
- Cease practices [summarily deporting families and adults](#) seeking asylum without referral for a credible fear interview.
- **End credible fear interviews for families and adults in CBP custody** and other use of expedited removal where [conditions are deficient, representation is seriously impeded](#), and the asylum bans are used to improperly alter the credible fear standard.