

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

East Bay Sanctuary Covenant, *et al.*,

Plaintiffs,

V.

Joseph R. Biden, President of the United States, *et al.*,

Defendants.

Case No.: 18-cv-06810-JST

DECLARATION OF JAIME PAREDES

I, Jaime Paredes, declare as follows:

1. I submit this declaration in support of Plaintiffs' Reply to Their Motion for Summary Judgment and Opposition to Defendants' Cross Motion. I have personal knowledge of the facts set forth herein, and, if called as a witness, I could and would testify competently and truthfully as follows:

2. On Thursday, June 22, 2023, I downloaded a document from the website of the Strauss Center for International Security and Law of the University of Texas at Austin, at <https://www.strausscenter.org/publications/asylum-processing-at-the-u-s-mexico-border-may-2023/>. The document is a report by Stephanie Leutert and Caitlyn Yates titled “Asylum Processing at the U.S.-Mexico Border: May 2023.” The report was published online on May 31, 2023. Attached as Exhibit A is a true and correct copy of that report.

3. On Thursday, June 22, 2023, I downloaded a document from the website of Human Rights First, at <https://humanrightsfirst.org/library/a-line-that-barely-budges-u-s-limiting-access-to-asylum/>. The document is a report prepared by Christina Asencio and others titled “A Line that Barely Budes: U.S. Limiting Access to Asylum – Nogales, Arizona Port of Entry.” The

report was published online on June 9, 2023. Attached as Exhibit B is a true and correct copy of that report.

4. On Friday, June 23, 2023, I downloaded a document from the website of the San Diego Union Tribune, at <https://www.sandiegouniontribune.com/news/immigration/story/2023-05-20/border-asylum-seekers-turn-backs-ports>. The document is a May 20, 2023 news article written by Kate Morrissey titled “U.S. Border Officials Have Been Turning Asylum Seekers Away at Ports of Entry Despite New Rules.” Attached as Exhibit C is a true and correct copy of that article.

5. On Friday, June 23, 2023, I downloaded a document from the website of the International Rescue Committee, at <https://www.rescue.org/sites/default/files/2023-06/Limits%20on%20Access%20to%20Asylum%20After%20Title%2042.pdf>. The document is a report prepared by the International Rescue Committee and other organizations titled “Limits on Access to Asylum After Title 42: One Month of Monitoring U.S.-Mexico Border Ports of Entry.” The report was published online on June 23, 2023. Attached as Exhibit D is a true and correct copy of that report.

I, Jaime Paredes, declare under penalty of perjury of the laws of the State of California and the United States of America that the foregoing is true and correct to the best of my knowledge and belief.

Executed on June 23, 2023, in Oakland, California.


JAIME PAREDES

Exhibit A

Asylum Processing at the U.S.-Mexico Border: May 2023



BY STEPHANIE LEUTERT AND CAITLYN YATES

INTRODUCTION

Since November 2018, the Robert Strauss Center for International Security and Law at the University of Texas at Austin has documented asylum processing at ports of entry along the U.S.-Mexico border through quarterly reports. Since their inception, these reports have documented five asylum processing stages over the past five years: 1) initial metering practices and waitlists; 2) a blanket ban on asylum processing under Title 42; 3) Title 42 exception programs; 4) the CBP One application rollout under Title 42 and; 5) the CBP One application and port of entry asylum processing after Title 42.

The first asylum processing stage began in July 2018, when U.S. Customs and Border Protection (CBP) officers started informing arriving asylum seekers that U.S. ports of entry were full. Simultaneously, CBP officers only accepted a specified number of asylum seekers each day, in a process known as metering. As metering became standardized at U.S. ports of entry, individuals, civil society groups, and Mexican government officials began forming metering waitlists to organize growing queues of asylum seekers in Mexican border cities.¹

The second asylum processing stage began in March 2020, during the Covid-19 pandemic, when CBP stopped accepting asylum seekers at ports of entry under a Center for Disease Control's (CDC) regulation referred to as Title 42 authority. This authority allowed Border Patrol agents to immediately expel apprehended individuals of certain nationalities, including asylum seekers, to the nearest Mexican city or to their home countries. It also blocked asylum seekers from making claims at U.S. ports of entry.² Under Title 42, many of the asylum waitlists along the border were frozen—meaning that list managers did not allow any new individuals to add their names—and in some cities, they were dissolved altogether.³

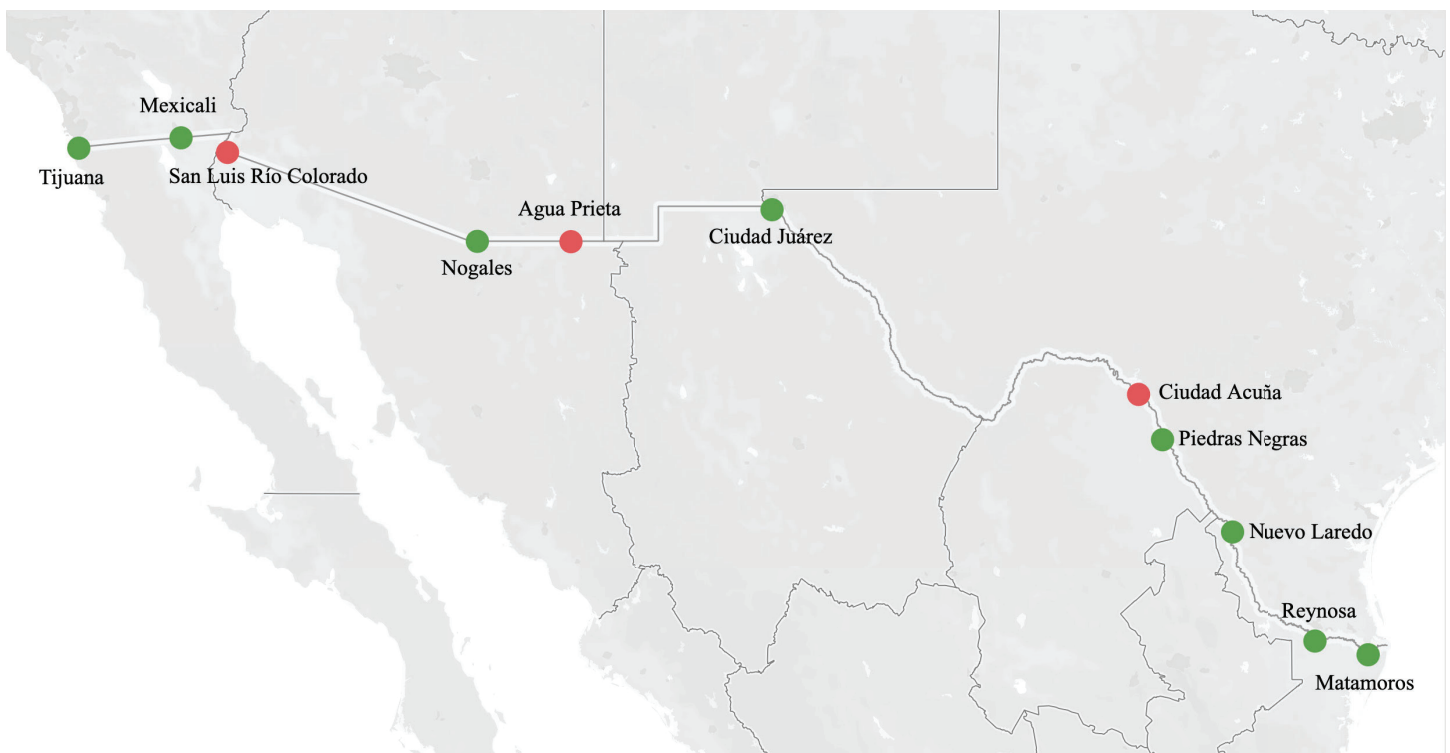
For brief periods in 2021 and then again beginning in April 2022, the United States entered its third stage of asylum processing by allowing Title 42 exceptions for asylum seekers along the border. These exceptions allowed vulnerable individuals in Mexican border cities to enter the United States and request asylum. However, the number of vulnerable individuals was larger than the number of Title 42 exception slots, which led to Title 42 exception waitlists in certain cities. These lists were similar to the previous metering waitlists. However, Mexican government entities, civil society organizations, and lawyers all kept different Title 42 exception waitlists, and there were often multiple lists in each city. The Robert Strauss Center's August 2022 and November 2022 asylum processing updates included Title 42 exception waitlists in their official counts of individuals waiting along the border.

On January 12, 2023, CBP implemented the fourth stage of asylum processing along the border when it began requiring asylum seekers to use a mobile application known as “CBP One” to make an asylum claim at a U.S. port of entry. Through this application, individuals located in Central and Northern Mexico can submit certain information—including biographical and demographic details, travel history, and the individual's sponsor information—and request a processing appointment at a U.S. port of entry. Beginning in January 2023, roughly 740 appointments became available at a set time each morning. Since this process allowed asylum seekers to make appointments directly with CBP, list managers dissolved all remaining metering and Title 42 exception waitlists. However, since Title 42 was still in place, individuals could only seek asylum with a CBP One appointment and could not directly approach a port of entry.

On May 11, 2023, the Title 42 public health order expired—ushering in the fifth and current asylum processing stage along the border. As of late May 2023, the CBP One application continues to be the primary method for accessing asylum at ports of entry. However, after Title 42, CBP adjusted the system for soliciting appointments through the application, now allowing individuals in Central or Northern Mexico to request an appointment during a 23 hour window, and then, if offered an appointment, allowing them another 23 hour window to accept. Additionally, the number of appointments increased from 740 a day to approximately 1,000 a day. In the week after Title 42 ended, CBP reported processing an average of 1,070 people a day through CBP One appointments.⁴

In May 2023, only eight ports of entry along the U.S.-Mexico border were processing CBP One appointments. Figure 1 shows the status of CBP One applications by city. Green circles indicate cities with CBP One appointments and red circles indicate cities without CBP One appointments.

Figure 1: Ports of Entry Offering CBP One Appointments (May 2023)



Author's elaboration. Data collected from May 22, 2023, to May 25, 2023.

While the application has gone through a series of changes aimed at improving accessibility, the CBP One application still involves challenges for asylum seekers. The first are accessibility hurdles, as asylum seekers need to be literate, speak one of the applications' three languages (English, Spanish, and Haitian Creole), have access to a cell phone with cell or internet service, and have basic knowledge of the new system.⁵ If these hurdles are surmounted, the next set of challenges center around the application's registration process, with asylum seekers still reporting crashes, looping error messages, and facial comparison flaws, although to a lesser extent than during the initial application rollout in early 2023. However, the most pressing issue continues to be that the number of daily appointments is less than the number of waiting individuals. This means that some individuals may wait for weeks or months before receiving an appointment.

With Title 42's end, the U.S. government also announced a new final rule, titled "Circumvention of Lawful Pathways," which affects asylum processing at the U.S.-Mexico border.⁶ This final rule makes non-Mexican individuals ineligible for asylum if they do not enter the United States via a CBP One appointment. However, the rule also includes narrow exceptions, such as if an individual 1) presents at a port of entry and can prove an inability to access the CBP One application, 2) enters the United States through a separate parole process (which are currently only available to individuals from Cuba, Haiti, Nicaragua, Venezuela, Ukraine, and Afghanistan), or 3) was denied asylum in a country en route to the United States. Individuals who present at ports of entry but do not fall into these categories are subject to the rule and its presumption of asylum ineligibility. Some individuals—including those who may meet these exception criteria—have struggled to even access ports of entry following Title 42's expiration. In some cities, Mexican authorities have sought to control access to ports of entry to avoid lines of waiting asylum seekers.

This report provides an asylum processing update along the U.S.-Mexico border and focuses on the CBP One appointment process, asylum processing at ports of entry, waiting asylum seekers, and migrant shelters. Overall, asylum seekers continue to face unstable living conditions and security risks in Mexican border cities. Many shelters are full, a number of individuals are renting rooms, staying in hotels, or sleeping on the street. In Matamoros, Reynosa, and Ciudad Juárez, tent camps have sprung up with thousands of occupants. Certain groups of asylum seekers also continue to experience additional challenges. Civil society organizations report that Black, LGBTQ+, Indigenous, and non-Spanish speaking asylum seekers have faced targeted discrimination while waiting in Mexican border cities.

The May 2023 asylum processing update draws on phone and WhatsApp interviews with asylum seekers, government officials, members of civil society organizations, and legal service providers on both sides of the border from May 22, 2023 through May 25, 2023. It also relies on local news articles to fill in any gaps.

Asylum Processing at the Border Waitlists: May 2023

Mexican City	CBP One Appointments	# of CBP One Appointments	City Conditions
Matamoros, Tamaulipas	Open	~300 people per day⁷ — ~250 people via CBP One appointments ~50 people via INM allowances — May 22, 2023	Each day, CBP processes an estimated 300 people from Matamoros. This includes 250 individuals with CBP One appointments and 50 people via allowances by Mexico’s National Migration Institute (<i>Instituto Nacional de Migración</i>, INM).⁸ Mexican authorities control access to the city’s international bridges. Each day, INM allows approximately 50 people to enter the bridge for CBP processing, referred to here as “INM allowances.” Local shelters and organizations send vulnerable people—such as families and single mothers—directly to the bridge.⁹ In the days before Title 42 ended, thousands of migrants crossed the Rio Grande on rafts and turned themselves in to Border Patrol. Since then, the number of people crossing the Rio Grande has plummeted. However, Matamoros shelters report that they are filled to capacity with people who are hoping to cross. Thousands of people continue to live in a tent camp along the Rio Grande. The number of tent camp residents dropped precipitously as Title 42 expired, but civil society organizations have stated that the number rebounded in the following days.¹⁰ Following Title 42’s end, INM estimated that 5,500 migrants were in Matamoros.¹¹

Asylum Processing at the Border Waitlists: May 2023 (continued)

Mexican City	CBP One Appointments	# of CBP One Appointments	City Conditions
Reynosa, Tamaulipas	Open	~200 people per day — <i>~170 people via CBP One appointments</i> <i>~30 people via INM allowances</i> — <i>May 22, 2023</i>	Every day, CBP processes approximately 200 people from Reynosa. This includes around 170 people through CBP One appointments and 30 people via INM allowances. Mexican authorities control access to the city's international bridges. Each day, INM allows around 30 people to cross the bridge for CBP processing. Local organizations send urgent medical cases directly to the bridge. The city's shelters report that they are full, with roughly 1,800 migrants in Senda de Vida I and 3,000 people in Senda de Vida II. Migrants who are unable to secure a spot in one of the city's shelters are renting rooms or living in tent camps. There are two tent camps in the city. The first is an encampment near the Rio Grande with an estimated 1,200 residents as of May 18, 2023.¹² The second is an encampment outside of the Senda de Vida I shelter with an estimated 600 families waiting for a space in one of the shelters. Currently the majority of these individuals are from Haiti, Honduras, and Mexico with fewer individuals from Guatemala, El Salvador, Colombia, Nicaragua, and China. At the end of Title 42, INM estimated that there were roughly 7,000 migrants residing in Reynosa.¹³ Local shelters report an increase in insecurity in the tent camps and more migrant kidnappings at the city's bus station.

Asylum Processing at the Border Waitlists: May 2023 (continued)

Mexican City	CBP One Appointments		City Conditions
Nuevo Laredo, Tamaulipas	Open	~80 people per day — ~65 people via CBP One appointments ~15 people via INM allowances — May 22, 2023	In total, CBP processes approximately 80 people from Nuevo Laredo each day. This includes around 65 people with CBP One appointments and 15 people via INM allowances. Mexican authorities control access to the city's international bridges. Every day, INM contacts a different local shelter and asks them to send 15 people to the port of entry. Insecurity continues to be widespread in Nuevo Laredo. The criminal organization that operates in Nuevo Laredo has allegedly begun requesting that all individuals traveling to the port of entry—with or without CBP One appointments—pay them a fee. Cartel lookouts also continue to screen for arriving migrants at the city's airport and bus stations.¹⁴ There are fewer migrants in Nuevo Laredo than in other Tamaulipas cities. On May 18, 2023, INM estimated that there were only several hundred migrants in the city, compared to thousands in Reynosa and Matamoros. The majority of migrants in Nuevo Laredo were from El Salvador, Mexico, and Venezuela, among other countries.¹⁵
Piedras Negras, Coahuila	Open	~60 people per day — ~60 people via CBP One appointments — May 22, 2023	Every day, CBP processes approximately 60 people from Piedras Negras. All of these individuals have CBP One appointments, and many received their appointments while residing in other parts of Mexico. The shelters in Piedras Negras are near capacity and some migrants are renting rooms or sleeping in abandoned houses. The majority of the migrants are from Honduras, Venezuela, Haiti, Ecuador, and Colombia. After Title 42's end, INM estimated that there were roughly 420 migrants in Piedras Negras.¹⁶

Asylum Processing at the Border Waitlists: May 2023 (continued)

Mexican City	CBP One Appointments	# of CBP One Appointments	City Conditions
Piedras Negras, Coahuila <i>(continued)</i>			Just before Title 42 expired, many migrants in the city crossed the Rio Grande and turned themselves in to Border Patrol. Local shelters report that two Venezuelans drowned while attempting to cross the river during that time. Some migrants continue to cross irregularly into the United States.
Ciudad Acuña, Coahuila	Closed	N/A	There is no processing via CBP One appointments in Ciudad Acuña. CBP has processed a small number of people who crossed the international bridge. Civil Protection (Protección Civil) continues to maintain two asylum waitlists—one for single adults and one for families—but the local agency is not adding any new individuals to the lists. Many of the people who were waiting on the two lists are no longer in the city.
Ciudad Juárez, Chihuahua	Open	~150 people per day — <i>150 people via CBP One appointments</i> — <i>May 23, 2023</i>	Each day, CBP processes an estimated 150 individuals from Ciudad Juárez. All of these individuals have CBP One appointments.¹⁷ CBP has also processed a small number of people who crossed the international bridges. In the days leading up to Title 42's end, large numbers of people crossed the Rio Grande to reach El Paso. At this time, the number of people residing in the city's tent camps dropped dramatically. These tent camps were in front of the Ciudad Juárez City Hall and the INM detention center, where 40 migrants died in a fire on March 27, 2023. On May 22, 2023, the Ciudad Juárez municipal police forced the remaining migrants in the tent camps to move to shelters. The shelters throughout Ciudad Juárez are full and migrants are also renting rooms. The majority of migrants in the city are from Venezuela, with smaller numbers from Colombia and countries

Asylum Processing at the Border Waitlists: May 2023 (continued)

Mexican City	CBP One Appointments	# of CBP One Appointments	City Conditions
Ciudad Juárez, Chihuahua <i>(continued)</i>			throughout Central America. Immediately following the lifting of Title 42, INM estimated that there were more than 10,000 migrants in the city. ¹⁸
Agua Prieta, Sonora	Closed	N/A	There is no CBP One appointment processing in Agua Prieta. However, local organizations report that up to 30 people per day can be processed at the Raul Hector Castro port of entry. However, the criminal organization that operates in Agua Prieta is allegedly charging migrants to enter the city and access the port of entry. Therefore, it is unclear how many—or if any—migrants have been able to reach the port of entry and request asylum. Since the end of Title 42, local organizations report that U.S. officials return 15 to 20 migrants to Agua Prieta each day, who are mostly Mexican nationals. This is a roughly 50 percent decrease from when Title 42 was still active. The majority of migrants in the city are from Mexico, with fewer numbers of individuals from Guatemala. The shelters are not full, and many migrants are renting rooms.

Asylum Processing at the Border Waitlists: May 2023 (continued)

Mexican City	CBP One Appointments	# of CBP One Appointments	City Conditions
Nogales, Sonora	<i>Open</i>	~70 people a day — ~55 people via CBP One appointments ~15 people via a physical line at the port of entry — May 23, 2023	Each day, CBP processes an estimated 70 people from Nogales. This includes approximately 55 people through CBP One appointments and 15 people a day from a line of asylum seekers outside the DeConcini port of entry. After Title 42's end, asylum seekers began lining up outside the DeConcini port of entry. As of May 23, 2023, there were more than 200 waiting asylum seekers, including at least 50 children.¹⁹ Over the previous week, an estimated 100 people had been processed through the line (roughly 5 to 20 people each day). Asylum seekers waiting in the line reported that they had been trying for months to get CBP One appointments. The waiting asylum seekers have faced challenging food and hygiene conditions. The Kino Border Initiative provides meals for the asylum seekers, and reports hearing that people were limiting their water intake because of a lack of free, public bathrooms in the area. In response, Nogales municipal authorities set up a free bathroom, but it does not have running water. Nogales municipal authorities have discussed creating a waitlist for the individuals waiting at the port of entry and then asking them to vacate the premises. A new waitlist would be immediately closed to additional registrants. The majority of migrants in Nogales are from Mexico, with smaller numbers from Venezuela, Haiti, Colombia, and Guatemala. Additionally, an increasing number of Indian nationals have recently been crossing between ports of entry in Pima County, near Nogales.²⁰

Asylum Processing at the Border Waitlists: May 2023 (continued)

Mexican City	CBP One Appointments	# of CBP One Appointments	City Conditions
San Luis Río Colorado, Sonora	Closed	N/A	There is no CBP One appointment processing in San Luis Río Colorado. The Casa del Migrante La Divina Providencia shelter reports that the post Title 42 switch to the new CBP One system has been positive for its residents. During May 2023, ten people at the shelter received CBP One appointments. The majority of asylum seekers waiting in the city are from Mexico and countries throughout Central America. On May 6, 2023, Mexican authorities rescued 113 kidnapped migrants from a safe house in San Luis Río Colorado. The individuals were from 13 different countries across Latin America, Africa, and Asia and were being held against their will and extorted.²¹
Mexicali, Baja California	Open	~25 people per day — ~25 people via CBP One appointments — May 23, 2023	Every day, CBP processes approximately 25 people from Mexicali.²² All of these individuals have CBP One appointments. Local officials report that CBP aims to increase the total number of CBP One appointments in the city to 40 people a day in the coming weeks.²³ As the summer months begin, the city opened a new cooling center for migrants. The center currently has 30 beds, but its capacity is expected to increase in the coming weeks.²⁴ On May 17, 2023, shelters in the city reported being at around two-thirds capacity.²⁵ After Title 42 ended, INM estimated that there were around 1,300 migrants residing in the city.²⁶

Asylum Processing at the Border Waitlists: May 2023 (continued)

Mexican City	CBP One Appointments	# of CBP One Appointments	City Conditions
Tijuana, Baja California	Open	~240 people per day — <i>~240 people via CBP One appointments</i> — <i>May 23, 2023</i>	Each day, CBP processes around 240 people in Tijuana. All of these individuals have CBP One appointments.²⁷ Mexican officials report that CBP aims to increase the total number of CBP One appointments in the city to 300 people per day with three processing times. While CBP has processed some asylum seekers who have reached the international dividing line, it has also sent others back to Tijuana. Local organizations also report that there has been a recent uptick in individuals who are returned to Tijuana after arriving at the port of entry with a CBP One appointment. In the days leading up to Title 42's expiration, hundreds of migrants crossed between the two walls on the Tijuana-San Diego border, with another camp forming east of Tecate in the Jacumbo area. These individuals hoped that they would be processed into the United States before the public health order's end. At its peak, more than 1,000 individuals were waiting in between the walls—some staying there for days—before U.S. Border Patrol eventually processed everyone.²⁸ Tijuana shelters are currently full, and migrants are also renting rooms in motels. The majority of the migrants in Tijuana are from Haiti, Venezuela, Honduras, Mexico, and Russian speaking countries (including Russia, Uzbekistan, and Kazakhstan). At the end of Title 42, INM estimated that there were 3,000 migrants in the city.²⁹

**The numbers should be interpreted as a general range rather than an exact figure.*

ENDNOTES

- 1 U.S. Department of Homeland Security Office of the Inspector General, “CBP Has Taken Steps to Limit Processing of Undocumented Aliens at Ports of Entry,” October 27, 2020, <https://www.oig.dhs.gov/sites/default/files/assets/2020-10/OIG-21-02-Oct20.pdf>.
- 2 U.S. Department of Health and Human Services, “Control of Communicable Diseases; Foreign Quarantine: Suspension of Introduction of Persons Into United States From Designated Foreign Countries or Places for Public Health Purposes,” March 24, 2020, <https://www.federalregister.gov/documents/2020/03/24/2020-06238/control-of-communicable-diseases-foreign-quarantine-suspension-of-introduction-of-persons-into>.
- 3 U.S. Department of Health and Human Services, “Control of Communicable Diseases; Foreign Quarantine: Suspension of Introduction of Persons Into United States From Designated Foreign Countries or Places for Public Health Purposes,” Federal Register, March 24, 2020, <https://www.federalregister.gov/documents/2020/03/24/2020-06238/control-of-communicable-diseases-foreign-quarantine-suspension-of-introduction-of-persons-into>.
- 4 U.S. Department of Homeland Security, “Border Encounters Drop in First Week of Biden-Harris Administration’s Comprehensive Plan to Manage The Border,” May 19, 2023.
- 5 Melissa del Bosque, “Facing Bias: CBP’s Immigration App Doesn’t Recognize Black Faces, Barring Thousands from Seeking Asylum,” *The Border Chronicle*, February 7, 2023, <https://www.theborderchronicle.com/p/facing-bias-cbps-immigration-app>.
- 6 U.S. Citizenship and Immigration Services and Executive Office for Immigration Review, “Circumvention of Lawful Pathways,” Federal Register, May 16, 2023, <https://www.federalregister.gov/documents/2023/05/16/2023-10146/circumvention-of-lawful-pathways>.
- 7 Carlos Figueroa, “Realizará Gobierno de Matamoros acciones de limpieza en áreas que ya fueron despejadas por los migrantes,” *El Mercurio*, May 21, 2023, <https://elmercurio.com.mx/la-region/realizara-gobierno-de-matamoros-acciones-de-limpieza-en-areas-que-ya-fueron-despejadas-por-los-migrantes>.
- 8 This report uses the term “INM allowances” to describe the number of people that Mexico’s National Migration Institute allows to access a city’s ports of entry each day.
- 9 “Migrantes acuden a albergues en Matamoros mientras esperan cruce a EU con permiso de Título 8,” *Milenio*, May 15, 2023, <https://www.milenio.com/estados/migrantes-esperan-matamoros-cruce-eu-permiso-titulo-8>.
- 10 Miguel Jiménez, “Repoblan migrantes zona de Matamoros,” *El Mañana*, May 17, 2023, <https://www.elmanana.com/tamaulipas/matamoros/repoblan-migrantes-a-la-orilla-del-rio-bravo/5708420>.
- 11 Jesús Estrada, “Permanecen 26 mil 560 migrantes en ciudades de la frontera norte de México,” *La Jornada*, May 14, 2023, <https://www.jornada.com.mx/notas/2023/05/14/politica/permanecen-26-mil-560-migrantes-en-ciudades-de-la-frontera-norte-de-mexico/>.
- 12 Tamara Haydée Segura Herrera and Oscar Misael Hernández-Hernández, “Los rumores en un nuevo campamento de migrantes en Matamoros,” *Nexos*, May 18, 2023, <https://migracion.nexos.com.mx/2023/05/los-rumores-en-un-nuevo-campamento-de-migrantes-en-matamoros/>.
- 13 Jesús Estrada, “Permanecen 26 mil 560 migrantes en ciudades de la frontera norte de México,” *La Jornada*, May 14, 2023, <https://www.jornada.com.mx/notas/2023/05/14/politica/permanecen-26-mil-560-migrantes-en-ciudades-de-la-frontera-norte-de-mexico/>.
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- 15 Gastón Monge, “Nuevo Laredo recibe el 1% de migrantes en frontera de Tamaulipas,” *En Linea Directa*, May 18, 2023, <https://enlineadirecta.info/2023/05/18/n-laredo-recibe-el-1-de-migrantes-en-frontera-de-tamaulipas/>.
- 16 Jesús Estrada, “Permanecen 26 mil 560 migrantes en ciudades de la frontera norte de México,” *La Jornada*, May 14, 2023, <https://www.jornada.com.mx/notas/2023/05/14/politica/permanecen-26-mil-560-migrantes-en-ciudades-de-la-frontera-norte-de-mexico/>.
- 17 Hérica Martínez Prado, “A un paso de asilo, en el día de su cumpleaños,” *El Diario de Juárez*, May 18, 2023, <https://www.eldiario-dechihuahua.mx/estado/a-un-paso-del-asilo-en-el-dia-de-su-cumpleanos-20230518-2056869.html>.
- 18 Jesús Estrada, “Permanecen 26 mil 560 migrantes en ciudades de la frontera norte de México,” *La Jornada*, May 14, 2023, <https://www.jornada.com.mx/notas/2023/05/14/politica/permanecen-26-mil-560-migrantes-en-ciudades-de-la-frontera-norte-de-mexico/>.
- 19 Marco Manríquez, “Sigue aumento gradual de migrantes en Nogales,” *El Imparcial*, May 19, 2023, <https://www.elimparcial.com/sonora/nogales/Sigue-aumento-gradual-de-migrantes-en-Nogales-20230519-0005.html>.
- 20 Danyelle Khamara, “Number of migrants from India increases at Arizona-Mexico border,” *Tucson.com*, April 19, 2023, <https://tucson.com/news/local/subscriber/number-of-migrants-from-india-increases-at-arizona-mexico-border/>.

- 21 Cristina Gómez Lima, “Rescatan a 113 migrantes secuestrados en Sonora,” *La Jornada*, May 6, 2023, <https://www.jornada.com.mx/notas/2023/05/06/estados/rescatan-a-113-migrantes-secuestrados-en-sonora/>.
- 22 Juan José Solano, “Tiempos de espera en aplicación CBP One provoca abandono de proceso,” *El Imparcial*, May 23, 2023, <https://www.elimparcial.com/mexicali/mexicali/Tiempos-de-espera-en-aplicacion-CBP-One-provoca-abandono-de-proceso-20230522-0020.html>.
- 23 Ibid.
- 24 Karina Bazarte, “Mexicali opens cooling center for migrants as temperatures rise,” *Fox KYMA*, May 17, 2023, <https://kyma.com/news/2023/05/17/mexicali-opens-cooling-center-for-migrants-as-temperatures-rise/>.
- 25 Juan José Solano, “Hay un 62% de ocupación en albergues de la ciudad,” *El Imparcial*, May 17, 2023, <https://www.elimparcial.com/mexicali/mexicali/Hay-un-62-de-ocupacion-en-albergues-de-la-ciudad-20230516-0026.html>.
- 26 Andrea Jiménez, “Quedan sólo 800 espacios para migrantes en Mexicali,” *La Voz de La Frontera*, May 11, 2023, <https://www.lavozdelafrontera.com.mx/local/quedan-solo-800-espacios-para-migrantes-en-mexicali-10048181.html>.
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Exhibit B

A LINE THAT BARELY BUDGES

U.S Limiting Access to Asylum
Nogales, Arizona Port of Entry



Kino Border Initiative
Iniciativa Kino
para la Frontera

Introduction and key findings

This report documents impediments facing people attempting to seek asylum at the U.S. port of entry in Nogales, Arizona following the end of the Title 42 policy on May 11, 2023. While the Biden administration finally ended its use of that illegal policy, the administration has implemented other steps to deny or delay access to asylum at the southwest border, including limits that force asylum seekers to wait for weeks or months for processing at ports of entry and a new asylum ban that went into effect on May 11, 2023. The new rule unlawfully renders ineligible for asylum most refugees who cross the border outside of ports of entry as well as those who seek asylum at a port of entry without one of the highly limited CBP One appointments. The asylum ban violates U.S. law and core principles of international refugee law binding on the United States, as Members of Congress, UNHCR, former immigration judges, the asylum officer's union and [many others have confirmed](#). The asylum ban will return refugees to persecution, torture, and death in their home countries and other countries where their lives are at risk.

U.S. immigration [law](#) makes clear that people in search of refuge can seek asylum at U.S. ports of entry and/or after entering the United States through other means. The right to seek asylum is protected regardless of whether someone entered at a designated port of entry. U.S. immigration and refugee law can no longer be evaded through use of the specious Title 42 "public health" policy. The right to seek asylum is a fundamental human right enshrined in the Universal Declaration of Human Rights, and treaties binding on the United States as well as customary international law prohibit the return of refugees to places where they risk persecution.

Yet, in Heroica Nogales, Sonora, Mexico, ("Nogales, Mexico") people waiting to seek asylum at the Dennis DeConcini Port of Entry face a barrage of logistical and legal barriers, despite the clear provisions of U.S. and international law forbidding such restrictions. These include:

- **Life-threatening dangers while left waiting and struggling to get CBP One appointments:** People waiting in Nogales, Mexico to seek asylum in the United States – including survivors of rape, kidnapping, and persecution – face kidnappings, assaults, robberies and other immediate dangers while displaced waiting in Nogales, Mexico as they struggle to secure one of the highly limited number of appointments released through the CBP One app, which operates essentially like a lottery. While waiting to secure an appointment, an LGBTQI+ asylum seeker was nearly kidnapped in Sonora, and two Haitian couples and a baby escaped a potential kidnapping near the port of entry in late May.

- **Lack of knowledge of Biden administration asylum ban and impossible choices imposed by the ban:** During May and early June, monitors from the Kino Border Initiative, The Florence Immigrant & Refugee Rights Project ("The Florence Project"), and Human Rights First spoke with hundreds of asylum seekers waiting in Nogales, Mexico who did not know about the asylum ban and the penalties it inflicts. Upon learning of the new asylum ban, people seeking asylum confront an impossible choice: either seek safety at the port of entry without an appointment, a step that – for non-Mexican asylum seekers – could bar them from asylum under the ban and return them to life-threatening harm, or wait indefinitely in situations of displacement and life-threatening danger until they secure an appointment through the CBP One system which functions essentially like a lottery.
- **Mexican asylum seekers forced to wait in danger in country of persecution:** Even though people seeking asylum from Mexico are not subject to the asylum ban for entering without a CBP One appointment and no one seeking asylum can be turned away from a port of entry under U.S. law, U.S. officials routinely leave Mexican asylum seekers to wait in line for weeks at risk in their country of feared persecution as the Biden administration and CBP limit access to asylum at ports of entry and deprioritize the processing of the asylum requests of people without appointments.
- **People suffering emergencies or urgent threats left at risk:** People facing an urgent medical or protection situation including threats to their life or safety such as risk of sexual assault and kidnapping, torture or murder, have been left by U.S. officials to wait in Nogales, Mexico for over two weeks due to minimal processing of asylum seekers without CBP One appointments. The Department of Homeland Security (DHS) and Customs and Border Protection (CBP) are deprioritizing cases without appointments and lack government-led procedures for the timely identification and processing of urgent medical and protection cases. At present, access to seek asylum at the port for those without appointments functions with minimal daily processing of those in this line, and those who may be facing urgent circumstances are often out of eyesight of CBP officers or are prevented from being able to directly walk up to the CBP officers due to metering mechanisms run by Mexican authorities. Beyond relying on local NGOs with limited resources to identify such circumstances and tirelessly advocate on the vulnerable person's behalf, DHS and CBP have not implemented any public-facing or government-led procedures to ensure that individuals with urgent medical and protection cases – even those that may fall within the asylum ban's "compelling circumstances" unduly narrow exceptions – are identified by local CBP officers and processed quickly given the life-threatening risks they face.
- **A line that barely budes:** Hundreds of individuals and families waiting to seek asylum at the U.S. port of entry in Nogales, many of whom are Mexican, have been left by CBP to wait in line for, on average, more than 15 nights since about May 15, 2023. CBP officers appear to have processed only a small fraction of people seeking asylum who do not have CBP One appointments, which monitors estimate to be an average of 10 to 15 individuals per night. Restrictions on processing at the Nogales and other ports of



entry – through the CBP One app and the minimal processing of people without appointments – violate U.S. refugee law and amount to unlawful metering.

- **Families continue to be separated** under the Biden administration, including women who were separated from their husbands, partners, siblings, and other family members and then transported 1,200 miles by U.S. Border Patrol before being expelled alone to Nogales, Mexico during the last days of Title 42.

The Nogales DeConcini Port of Entry is the only port of entry which accepts CBP One appointments for the entire Arizona/Sonora border. Therefore, any asylum seeker for hundreds of miles in either direction must travel to Nogales, Mexico should they secure an appointment using the CBP One app. The other smaller ports of entry along the Arizona/Sonora border are Class B or C ports, meaning they do not operate 24 hours per day, seven days per week (as the Nogales DeConcini port of entry does), and they lack significant resources to process more than a handful of asylum seekers per day. Moreover, the other smaller ports tend to be in remote parts of the Arizona desert, where the Sonoran towns directly across from the U.S. ports have high levels of organized crime; in fact, there have previously been incidents of active warfare between different cells of organized crime along certain Sonoran highways leading from the remote towns to Nogales, Mexico. Simply put, the Nogales Port of Entry is the only option for many vulnerable asylum seekers for hundreds of miles. And yet, even Nogales, Mexico is not a safe place to wait to secure a CBP One appointment or wait outside the port of entry.



View of the U.S.-Mexico border from Nogales, Arizona.



The research in this report stems from the work of the Kino Border Initiative, The Florence Immigrant & Refugee Rights Project, and Human Rights First. The Kino Border Initiative (KBI) is a binational, Catholic organization, locally rooted in Ambos Nogales on the Mexico-U.S. border. Its mission is to promote humane, just, and workable migration through: direct humanitarian assistance and holistic accompaniment of migrants, education and encounter to awaken solidarity with migrants, and policy advocacy in Mexico and the U.S. The Florence Project is a 501(c)(3) non-profit organization that provides free legal and social services to the thousands of adults and children detained in immigration custody in Arizona on any given day. The Florence Project was founded in 1989 to provide free legal services to asylum seekers and other migrants in remote Arizona immigration detention centers and in 2017 expanding their services to migrants and asylum seekers in Heroica Nogales, Sonora, Mexico. The Florence Project's vision is to ensure that all immigrants have access to counsel, understand their rights under the law, and are treated fairly and humanely. Human Rights First is a U.S.-based human rights organization that is working to track, as it did with the [Remain in Mexico](#), [Title 42 policy](#), and the Trump administration's [asylum transit ban](#), denials of access to asylum and other harms inflicted by the Biden administration's asylum ban.

CBP restricts access to asylum through a line that barely budes

U.S. officers must allow people to seek asylum in accordance with Title 8 of U.S. immigration law and [treaties](#) binding on the United States. Yet, despite the requirements of U.S. and international law, since Title 42 ended, the Biden administration has limited access to asylum through its asylum ban and limited processing of people seeking asylum by failing to allocate sufficient resources to this function. CBP officers at the DeConcini Port of Entry have functionally restricted entry of people seeking asylum who present themselves at the port *without* a CBP One appointment by prioritizing the processing of those with CBP One appointments. In doing so, CBP officers have left hundreds of families, children and other people in need of immediate protection stranded – treated as though they are not priorities – waiting for over 15 nights and counting in a line that barely budes. Though the CBP officers have not affirmatively turned anyone away from waiting in line at the port of entry (as was common under prior metering schemes in 2017 - 2020), the CBP officials' prioritization of those with CBP One appointments contributes to the increasing line of persons who should, under U.S. laws, be provided with processing in a timely manner.

A few days after the end of Title 42, hundreds of individuals and families who had been waiting in Nogales, Mexico unable to seek asylum – with one family having waited for up to a year – and the majority of whom had been attempting to obtain a CBP One appointment for months, began to line up in a calm and orderly way along a thoroughfare outside the DeConcini Port of Entry to seek asylum in accordance with Title 8 of U.S. law. Among those waiting in line were infants, young children, adolescents, pregnant and lactating women, individuals with serious medical conditions, Indigenous language speakers, and elderly individuals. The majority of the individuals and families who first



lined up were Mexican and were not subject to the Biden administration asylum ban for seeking protection at a port of entry without a CBP One appointment. There were also a few Haitian individuals and couples, including a pregnant woman, who were waiting in line and would be subject to the Biden administration asylum ban but nonetheless are required by law to be processed at a port of entry regardless of whether they have an appointment.

On May 22, 2023, following the first week of waiting, human rights monitors observed that everyone in line – from the first to the last – were all going on eight nights of sleeping at the port of entry because the line had barely budged. Only a limited number of people are allowed at a time into the roofed hallway leading up to the “limit line,” the official entry point to U.S. soil, where CBP officers stand behind closed doors. The majority of those waiting remained outside the turnstile that demarcates the entrance to the port from the public thoroughfare outside. These individuals and families waiting outside had no contact with the CBP officers inside the port and reported that they received no explanation as to why the line was hardly advancing.

During this first week of waiting, people waiting to seek asylum reported that they did not have access to a public bathroom, which was apparently due to needed repairs that were subsequently undertaken. Lack of access to public toilets has again been a recent issue due to additional maintenance required. Local municipal authorities are bringing portable bathrooms and potable water to the plaza so that those persons waiting in line may be able to access them. However, these portable restrooms are driven to and from the plaza each day and are not accessible all day and night. These inhumane conditions led some families to decrease their water intake and resulted in dehydration and the spread of preventable, communicable illnesses such as gastrointestinal and respiratory illnesses that required evacuation of several children in need of urgent medical care.

- A single mother traveling with her three young daughters aged four, six, and 11 who recounted to a Human Rights First researcher that she was fleeing violent harm in Mexico, was sleeping with them outside on the concrete where they had spent the last eight days and nights. She shared her incessant fears: **“I’m afraid for my girls. You can’t sleep because you don’t know if they’ll be snatched. You start to become psychologically traumatized. Because I’m a woman, I can’t defend myself. There’s no security [here].”** Nearly three weeks later, on June 1st, the same Mexican single mother with her three young daughters was going on her **18th night** waiting to seek asylum protection, having at one point lost her spot in the line, and likely faced an additional night or two of waiting.
- An elderly woman traveling with her children and grandchildren, a family group of 12 who were fleeing violent harm in Mexico, sat fatigued on a concrete bench at the very end of the line. They were in the first group of people who arrived at the port to wait. The grandmother shared that she felt unsafe and was going on her eighth day and night of sitting and sleeping **at that exact spot**, also with nothing more than a blanket. During that first week of waiting, Mexican authorities stopped allowing more individuals into the interior roofed hallway nearest to the port’s entrance so the individuals and families waiting in the outside portion of the line had hardly budged.





A single mother and her three daughters slept outside the DeConcini Port of Entry with just blankets and waited 18 nights to seek asylum.

The majority of individuals and families, including those with infants, children, elderly, and other vulnerable individuals, report spending over **15 nights** on average waiting to seek life-saving access to safety in the United States. Many endure sleeping outside on the concrete floor without shelter or security for most of their wait, and rely on the Kino Border Initiative and other volunteers who provide food, water, blankets, and limited medical attention.

Despite the requirements of U.S. law, CBP has failed to allow all but a miniscule number of those waiting in line without appointments to seek asylum each day. CBP has not disclosed how many individuals are processed without appointments at the DeConcini Port of Entry. Through interviews with people waiting in line, monitors learned that during the first week, anywhere from two to 13 individuals were processed at the end of each day, nearly always very late in the evening such as midnight, 1 a.m., or 2 a.m., after those with CBP One appointments were prioritized throughout the day. People waiting in line indicated that during the second and third weeks, anywhere from 10-15 individuals were



processed each day at varying times. The DeConcini Port of Entry has only been processing approximately 55 individuals with CBP One appointments per day, according to a recent [report](#) issued by the Strauss Center for International Security and Law. Shortly after issuance of the Strauss Center report, on June 1, 2023 DHS increased daily CBP One appointments from 1,000 to 1,250 borderwide, though it is unknown how many additional appointments, if any, have been allocated to the Nogales Port of Entry.

Mexican asylum seekers trapped waiting in their country of feared persecution

The majority of those waiting in line at the DeConcini Port of Entry during the first two weeks were Mexican asylum seekers. Many of the Mexican asylum seekers reported that they had been waiting in Nogales, Mexico for months and a few reported waiting up to a year, unable to seek asylum first because of Title 42 – forcing them to wait long periods to access NGO-led Title 42 exemptions processes, and then because they were unable to obtain an appointment via the CBP scheduling system which functions like a lottery. These Mexican individuals and families are not subject to the asylum ban for entering without a CBP One appointment and U.S. law requires that all individuals seeking asylum at ports of entry are processed into the United States. Yet in contravention of U.S. refugee and immigration law, CBP has left Mexican asylum seekers presenting at the port of entry to wait for over two weeks, trapped inside their own country of feared persecution and at continued risk of harm.

People fleeing persecution in Mexico, a country that directly borders the United States, cannot wait. Access to territory and to asylum for people fleeing persecution in their home country is a central tenet of international refugee law. The Biden administration's decisions to limit access to asylum, limit asylum processing capacity by failing to sufficiently allocate resources to this function at ports of entry, and prioritize access to asylum for those with CBP One appointments in turn restricts the right to seek life-saving protection for Mexican asylum seekers and forces them to remain exposed and at risk of persecution in their own country. These actions also restrict access to protection for people who have fled other countries, including those in immediate need of access to protection due to particular vulnerabilities or high risks.

For Mexican individuals and families, the threat of persecution by those they are fleeing – such as violent cartels and other organized crime groups that exercise control over territory and often work in collusion with Mexican authorities – is still palpable as they are forced to continue to wait in northern Mexico in the hopes of finally having access to safety. The U.S. State Department 2022 report on human rights in Mexico finds that:

“Significant human rights issues included credible reports of: unlawful or arbitrary killings by police, military, and other governmental officials; forced disappearance by government agents; torture or cruel, inhuman, degrading treatment or punishment by security forces; harsh and life-threatening prison conditions; arbitrary arrest or detention; serious acts of government corruption; insufficient investigation of and accountability for



gender-based violence, including domestic or intimate partner violence; crimes involving violence or threats of violence targeting lesbian, gay, bisexual, transgender, queer, or intersex persons; and crimes involving violence or threats of violence targeting persons with disabilities.

Impunity and extremely low rates of prosecution remained a problem for all crimes, including human rights abuses and corruption. There were **reports some government agents were complicit with international criminal gangs**, and prosecution and conviction rates were low for these abuses.

Criminal elements, including local and transnational gangs and narcotics traffickers, were significant perpetrators of violent crimes and committed acts of homicide, torture, kidnapping, extortion, human trafficking, bribery, intimidation, and other threats, resulting in high levels of violence and exploitation. The government investigated and prosecuted some of these crimes, but the majority remained uninvestigated and unprosecuted.”¹

People from Mexico waiting to seek asylum outside the DeConcini Port of Entry expressed their fears of persecution in Mexico and desperation to access immediate protection.

- A female-headed family consisting of a Zenaida*² and her 11-year-old daughter, along with Zenaida’s daughter-in-law, Yaneth*, and Yaneth’s two young children, aged four and one, were waiting to seek asylum outside the DeConcini Port of Entry for eight days at the time they spoke to a Human Rights First researcher in early June 2023. They had spent the last five nights sleeping outside the port on the concrete of the public thoroughfare with blankets other asylum seekers had left behind. They recounted fleeing death threats and gender-based violence by violent cartel members in Mexico who burned Yaneth’s 4-year-old son, killed Yaneth’s sister, and disappeared Yaneth’s husband (Zenaida’s son), while Zenaida herself was kidnapped and beaten and her brother was kidnapped and found dead. Zenaida shared:

“The days feel eternal. Every day we’re still trying to get a [CBP One] appointment. Each time we get in a taxi, we’re asked where we’re from, and I’m afraid to tell them. Wherever we go, we’re constantly afraid they [the cartel] will find us. They’re everywhere.”

These women and their children arrived in Nogales a month prior under Title 42 and were blocked from seeking asylum. Zenaida’s 11-year-old daughter fell ill with diarrhea and vomiting while they were living out on the street. An elderly man approached them and offered them a room, which turned out to be the same room he slept in and where he strategically placed his bed blocking the front door. Shortly after, he began to

¹ “2022 Country Reports on Human Rights Practices: Mexico,” U.S. State Department, available at: <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/mexico/>.

² An asterisk* indicates use of a pseudonym to protect an individual’s confidentiality.



sexually harass them, leading Zenaida and Yaneth to fear the worst for themselves and their children. They managed to escape and fled directly to the DeConcini Port of Entry where they had been sleeping the past five nights outside on the concrete. Zenaida expressed:

"Why does no one hear us? We are so scared. We're afraid when people look at us and ask us where we're from. We cannot wait here."

- A single mother and her young daughters fled southern Mexico when members of an armed criminal group that controls part of the territory threatened to kill her at gunpoint and left her threatening messages stained in blood when she would not and could not pay their extortion fees targeting her small floral business.

"I had to pull my daughters from school. There, if you don't pay, they give you 24 hours to leave or they'll kill your daughters or family. And since it has happened, you grab what you can because it psychologically traumatizes you – that you'll appear chopped to pieces in a body bag – and you've seen it. Those who have a bit more resources survive paying extortion fees. The local police in these small towns disregard you, possibly because they're afraid."



Two young girls spend their days waiting with their mother outside the DeConcini Port of Entry.

- A family consisting of a mother, father, and three children aged eleven, seven and three, fled southern Mexico after being internally displaced due to cartel violence



where the father was then threatened and beaten by cartel members. He went to the police station to file a police report and was instead handcuffed by the police officers and thrown into a cell for three days with members of the criminal group who beat him so severely he required surgery afterward. As he shared his story with a Human Rights First researcher while waiting in line outside the port of entry, his voice lowered to a whisper before mentioning those who shall not be named – the cartel – as he looked around warily and said: **“The police themselves handed me over to these criminals. You no longer know who is good and who is bad. Mentally, I still have panic attacks.”**

- A family consisting of a mother, father and five minor children fled southern Mexico when the cartel attempted to forcibly recruit the father and threatened him with death. They escaped but his brother did not have a chance and the cartel killed him.

Many Mexican asylum seekers have shared with Kino Border Initiative staff that they feel unsafe because the Mexican National Guard and police forces³ have taken photos and videos of them waiting in line without their consent. One family told Kino Border Initiative staff that their family members called them and told them they had seen them on Facebook in a video someone uploaded, showing scenes at the port of entry. They now fear that they will be located and harmed by their persecutors. In general, it is less than a one or two days’ journey from southern Mexican states to Nogales, Mexico, so an average wait time of 15 days leaves these Mexican families in great danger if their perpetrators are able to locate them quickly at or near U.S. ports of entry.

People seeking asylum face enormous challenges in securing a CBP One appointment

Problems include insufficient appointments; lack of access to smartphones, electricity, and internet data; glitches; language access deficiencies; and the app’s continuing failures to recognize darker skin tones.

People waiting to seek asylum in Nogales, Mexico face numerous barriers to seeking asylum, including the lack of sufficient CBP One appointments; financial, technological and other equal access deficiencies; language access deficiencies; and continuing failures

³ The U.S. State Department 2022 Report on Human Rights Practices in Mexico finds that “Significant human rights issues included credible reports of: **unlawful or arbitrary killings by police, military, and other governmental officials; forced disappearance by government agents; torture or cruel, inhuman, degrading treatment or punishment by security forces**; harsh and life-threatening prison conditions; arbitrary arrest or detention; serious acts of government corruption (...). Impunity and extremely low rates of prosecution remained a problem for all crimes, including human rights abuses and corruption. **There were reports some government agents were complicit with international criminal gangs**, and prosecution and conviction rates were low for these abuses. Criminal elements, including local and transnational gangs and narcotics traffickers, were significant perpetrators of violent crimes and committed acts of homicide, torture, kidnapping, extortion, human trafficking, bribery, intimidation, and other threats, resulting in high levels of violence and exploitation. The government investigated and prosecuted some of these crimes, but the majority remained uninvestigated and unprosecuted.”



to recognize darker skin tones. While the number of appointments available across the entire border have reportedly recently increased to 1250 per day, only a negligible portion of these appointments have been available to people waiting in Nogales. At the time that DHS provided 1,000 daily CBP One appointments, the Nogales port of entry only processed 55 persons a day.

While it is unknown if or how many additional appointments will be allocated to Nogales, even if the appointments at Nogales increase proportionally to approximately 69 appointments a day out of the overall border total of approximately 1250 persons, this means that **only 5.5% of all available appointments would be allotted to the Nogales Port of Entry**, one of eight total ports across the border where people can present via CBP One. DHS and CBP officials have long stated numerous times that appointments are allocated based upon each port's capacity constraints, **which begs the question, "why is the only port of entry with CBP One appointments for a span of nearly over 600 miles (from the California border to El Paso, Texas) so poorly resourced to process only 55 asylum seekers per day?"** People waiting to seek asylum in Nogales have noticed very little improvement in processing since the end of Title 42 and continue to express exasperation at their futile attempts to obtain an appointment each day through the CBP One system which functions like a lottery.

- A Mexican couple traveling with their five minor children who have been waiting outside the Nogales port of entry to seek asylum and were previously in Ciudad Juárez, shared: "We arrived to Ciudad Juárez in March but never attempted to cross [between ports] because we were afraid. My husband and I have five young children. We're a family of seven. **We've been trying with the [CBP One] application since we arrived in March. I'd complete all the steps, but it would tell me that there wasn't an appointment for a group of seven.**"
- In early May 2023, a Venezuelan woman crossed into the United States from Matamoros, Mexico to seek asylum and was separated by CBP from her family and expelled under Title 42 to Nogales, Mexico on May 7, 2023. She shared with a Human Rights First researcher that she had been in Mexico since October 2022, blocked under Title 42 from seeking asylum, and had been attempting to obtain a CBP One appointment since mid-February 2023. She is stranded alone in Nogales, Mexico together with two other Venezuelan women she met who were also expelled alone. She shared: **"The three of us are each trying every day to request an [CBP One] appointment. We try at 2:00, 3:00, 4:00⁴ in the morning, at all hours, and nothing. We've been in Nogales for almost a month now."**

⁴ On May 10, 2023, the CBP One application transitioned to a new scheduling system that allows an individual to request an appointment during a 23-hour period rather than at a designated time as it first functioned. "CBP Makes Changes to CBP One App," U.S. Customs and Border Protection, available at: <https://www.cbp.gov/newsroom/national-media-release/cbp-makes-changes-cbp-one-app>



- A Colombian male young adult traveling alone who has been waiting outside the Nogales port of entry to seek asylum for over two weeks after futile attempts to schedule a CBP appointment was unaware that without an appointment he would likely be barred from asylum under the asylum ban, subject to a higher screening standard, and could be deported to Colombia where he feared persecution. He shared: **"I feel unsafe here in Mexico. I can't apply for asylum [here]. If the [CBP One] appointment took three days, I'd wait. But it doesn't. I've been trying and nothing. And I have to rent a room and pay for food. I can't keep waiting."**

In order to even attempt to secure a CBP One appointment, people seeking asylum must have daily access to a smartphone with certain capabilities, electricity, internet and/or phone reception with data. The use of this appointment system – and the asylum ban's provisions barring refugees from asylum if they do not have an appointment – prevents many vulnerable people who lack financial resources or access to technology from seeking asylum. Some families do not have phones or have had their phones stolen. Other families seeking asylum have had to make the choice between going hungry and buying data for their phones.

- A Mexican single mother and her three young daughters have been in Nogales since January trying each day to obtain an appointment. She said: **"I'd run out of internet data and instead of buying food, I'd need to buy more data."** As a result, she **has been forced to restrict her and her daughters' food consumption even further**, and even then, there have been days she couldn't afford to buy internet data and was unable to request a CBP One appointment to seek life-saving asylum protection. She shared: *"Many paisanos cross through the border. I want to enter lawfully."*
- A Mexican family had been waiting to seek asylum outside the Nogales port of entry for nearly eight nights when the father informed a Human Rights First researcher that **the family's only phone was stolen from under him while they slept at night on the concrete outside the port. "We don't have a phone now and I don't have money to buy another one. We'll continue to wait here."**





Asylum seekers charge their phones at the DeConcini Port of Entry.

The asylum ban disproportionately impacts vulnerable populations, such as Indigenous people seeking asylum protection who face Indigenous language exclusion in use of the CBP One application, which is only available in English, Spanish, and Haitian Creole, and more recently in Russian and Portuguese. The Florence Project has monitored cases of Indigenous Guatemalan and Mexican families waiting for months to seek access to asylum, first blocked under Title 42 – prompting submission on their behalf of Title 42 exemption requests due to their inability to use the CBP One app.

Of the **five exemption requests submitted on behalf of Indigenous language speakers** in March 2023, **all five requests were outright ignored – for months –** by the Tucson CBP Office of Field Operations (the entity to which Title 42 exemption requests were to be directed). Of those five Indigenous-language families (totaling 13 persons), only two families were eventually able to secure an appointment via the CBP One application after much struggle. Of the remaining three families, one family seems to no longer have the same phone number and Florence Project staff cannot contact them; one Indigenous Mexican family felt they had no choice but to wait in line at the DeConcini Port of Entry in the second half of May; and the final family – a Mayan family from Guatemala who will be



subject to the asylum ban if they cannot enter with an appointment – is still waiting in Nogales and struggling with the CBP One application.

The Kino Border Initiative consistently receives new arrivals who are Indigenous community members and Indigenous language speakers from southern Mexico and Guatemala who struggle to use the CBP One application. Additionally, asylum seekers placed in expedited removal must pass credible fear interviews to have an opportunity to apply for asylum, but Indigenous people seeking asylum are often forced to interview in languages they do not fluently speak. The asylum ban will be applied in these interviews to bar them based on inability to use the CBP One app and language access barriers in these interviews will further endanger Indigenous asylum seekers and fuel their deportation.

Since its inception in January 2023, the CBP One application has been plagued with glitches and technical errors. Kino Border Initiative staff spoke with Ignacio*, his wife and children who kept getting an error code indicating the name of their emergency contact in the US was missing, when it was clearly written in the app. Although subsequent versions have led to some improvements, particularly with regard to how appointments are scheduled, individuals with darker skin tones continue to experience problems with CBP One's facial recognition software even after the May 10, 2023 update.

- In mid-May 2023, Kino staff witnessed a Venezuelan woman who was notified of a CBP One appointment and had 23 hours under the most recent software update to accept the appointment on the app. She struggled to and nearly missed the deadline on account of the app's facial recognition software not recognizing her darker pigmentation. Kino staff witnessed her repeated attempts over hours and growing anguish as she moved to different spots within their fully-lit, bright shelter. They even placed strong lighting over her face. She ultimately succeeded in capturing her image after these anguished attempts. However, it should be noted that had she not been able to secure such shelter in the first place or had other sources of light as additional support, the woman likely would have missed out on her CBP One appointment for failure to confirm the appointment slot in time. Simply put, had she been displaced nearly anywhere else – in dimly lit shelters, on the street, or waiting in line at or near a port of entry, the app's facial capture software would have likely failed this woman, as it continues to do for countless others.

Asylum cannot be scheduled: people seeking asylum are in need of immediate access to protection

In addition to people seeking asylum from Mexico, asylum seekers from a range of other countries are also waiting to seek asylum in Nogales, Mexico. These include individuals and families from Colombia, Ecuador, Guatemala, Haiti, and Venezuela. Many of these people have spent months struggling and failing to secure CBP One appointments.

As they wait in Nogales, Mexico, people seeking asylum are at risk of kidnapping, disappearance, rape, trafficking, and extortion. The U.S. State Department has issued a Level 3 Reconsider Travel advisory for the state of Sonora, Mexico where Nogales is located,



stating that violent crime such as homicide, kidnapping, carjacking and robbery is widespread and common in Mexico with Sonora being a key location used by the international drug trade and human trafficking networks. Many asylum seekers in Mexico suffer horrific violence at the hands of Mexican government agents and cartels, with many targeted precisely because they are migrants or seeking asylum in the United States. Human Rights First has tracked over 13,000 reports of murders, kidnappings, rapes, and other violent attacks against migrants and asylum seekers blocked in or expelled to Mexico due to Title 42 since President Biden took office.

The Kino Border Initiative, the Florence Project, and Human Rights First monitors spoke with hundreds of asylum seekers waiting in Nogales, Mexico over the last month who did not know about the asylum ban and the penalties it inflicts. Upon learning of the Biden administration asylum ban, people seeking asylum confront an impossible choice of whether to seek safety at the port of entry without a CBP One appointment, a step that – for asylum seekers who transited other countries – could bar them from asylum under the ban and return them to life-threatening harm, or wait indefinitely in situations of life-threatening danger until they can schedule an appointment through the CBP One system which functions like a lottery.

Faced with these threats, some people who have been unable to get one of the limited CBP One appointments have approached the port of entry to seek asylum. If they choose to present at the port without an appointment and they are not Mexican nationals, then they will now risk being subjected to the Biden administration asylum ban and deported back to danger even if they are refugees with well-founded fears of persecution. People waiting to seek asylum at ports of entry without an appointment who, upon being processed into the United States, could be barred by the asylum ban regardless of the persecution they fled and their eligibility for asylum under U.S. law include:

- A Colombian LGBTQI+ woman traveling alone was waiting outside the Nogales port of entry to seek asylum for 15 nights, 12 of which she had spent sleeping on the concrete in line. She reported that she was unaware of the asylum ban and its damaging consequences for entering at a port of entry without an appointment. Yet she was fleeing persecution in Colombia and serious harm in Mexico. In Colombia, she was internally displaced by an armed group. She and her partner were sexually assaulted by Colombian police officers. She tried to file a complaint but didn't receive state protection and had to flee. While transiting on a bus to northern Mexico, a Mexican state police officer boarded the bus and inspected those who were Colombian. The female officer instructed her to enter the bus bathroom where she stripped her of her clothing and digitally penetrated her vaginally without use of a glove, alleging she was transporting cocaine, and then robbed her of her money. Upon arrival at a bus station in Sonora she experienced an attempted kidnapping. **"I'm afraid to be here. I'm afraid criminal groups will try to kidnap me again."**
- A Venezuelan woman traveling alone who had also been waiting 15 nights outside the Nogales port of entry waiting to seek asylum shared with a Human Rights First researcher that she was fleeing persecution in Venezuela and that her sister had been murdered by the guerilla, a non-state armed group that exercises control over territory,



as she clutched a manilla envelope holding proof of her death. She did not know that the Biden administration's asylum ban would likely bar her from asylum protection for presenting at the port without a CBP One appointment and that she risked deportation back to Mexico. **"But what about this?"** she asked, **holding up her proof of persecution**, stunned to learn that she could be blocked from applying for asylum protection simply for not having an appointment. **"I have nowhere to go. I cannot wait here [in Mexico]. I need asylum."**

- Kino Border Initiative staff also met a group from Colombia who had recently arrived at the port of entry. They explained that **Mexican immigration agents kidnapped them for a day in collusion with organized crime** in another part of Mexico. Upon their release, the immigration agents told them to specifically go to Nogales, that they would be safe here, but **they do not feel safe**, knowing that Mexican authorities and organized crime know who they are and their current location.

People waiting to seek asylum in Nogales, Mexico have also reported to the Kino Border Initiative attacks, threats, intimidation and other unsafe conditions that they are forced to endure as they wait and attempt to exercise their right to seek asylum.

- On June 1, 2023, two Haitian couples traveling with an 11-month-old infant told a Human Rights First researcher about extortion and dangers they had experienced in Mexico, including difficulties finding safe shelter and an attempted kidnapping they had experienced the day prior as they approached the DeConcini Port of Entry. The father of the baby shared: **"We were walking toward here. A truck with three men stopped and they got out and started coming toward us. 'RUN!' I shouted to my wife and baby. We managed to escape."**
- In mid-May 2023, multiple people reported to Kino Border Initiative staff that a group of men had recently arrived at the port of entry and beat up a teenager who was waiting at the port of entry to seek asylum. A woman with the group recorded the assault on the teenager. The attackers threatened the migrants who had witnessed it, warning that they needed to stay quiet about the attack or something even worse would happen to them.
- In mid-May 2023, Kino Border Initiative staff and a Human Rights First researcher were separately told of two young men who were waiting to seek asylum outside the Nogales port of entry and left the line to shower. On their way back, they were apprehended by an organized crime group and were searched, questioned, threatened, and robbed of their belongings. Kino Border Initiative staff were informed that the young men reported this to the Nogales municipal police, but the local police did not do anything.

Non-Mexicans presenting at the port of entry in Nogales without a CBP One appointment who are subject to the asylum ban can overcome the ban and be considered for asylum if they can prove that they (or a member of their immediate family who they are traveling with) faced an "exceptionally compelling" circumstance, such as at the time of entry into the United States, faced an acute medical emergency; an imminent and extreme threat to life or



safety, such as an imminent threat of rape, kidnapping, torture, or murder; or was a “victim of a severe form of trafficking in persons,” as defined by U.S. regulations.

The narrow exceptions to the ban will not protect many refugees and will often be impossible to prove. For instance, many asylum seekers in Mexico suffer horrific violence at the hands of Mexican government agents and cartels, with many targeted precisely because they are migrants or seeking asylum in the United States. **Human Rights First has tracked over 13,000 reports of murders, kidnappings, rapes, and other violent attacks against migrants blocked in or expelled to Mexico due to Title 42 since President Biden took office.** Amid this unrelenting violence, asylum seekers in Mexican border regions so often face a serious risk to their safety that it is absurd to require an asylum seeker to establish an “imminent and extreme” threat to life or safety, and it is unclear how they could even prove to an adjudicator that they would have been kidnapped, raped, murdered, or otherwise harmed had they remained in danger for longer.

This lack of certainty about what may be found to qualify as an “exceptionally compelling” circumstance that would overcome the ban results in asylum seekers having to make a risky calculus over whether to wait in situations of life-threatening harm struggling to obtain a CBP One appointment or seek safety by presenting at the port to seek asylum and potentially risk being barred from asylum. As is, people facing an urgent medical or protection situation including threats to their life or safety such as risk of sexual assault, kidnapping, torture or murder, have been left by U.S. officials to wait in Nogales, Mexico for two-to-three weeks already due to minimal processing of asylum seekers without CBP One appointments.

DHS and CBP are deprioritizing cases without appointments and lack government-led and publicly accessible procedures and mechanisms for the timely identification and processing of urgent medical and protection cases; instead, DHS and CBP officers count on local NGOs to bring these cases to their attention. At present, access to seek asylum at the port for those without appointments functions with minimal daily processing of those in this line. DHS and CBP have not implemented any procedures at the Nogales port of entry to ensure that CBP officers can independently identify and quickly process individuals with urgent medical and protection cases – even those that may fall within the asylum ban’s “compelling circumstances” unduly narrow exceptions are left without recourse.

People forced to wait indefinitely due to U.S. limits on asylum at ports of entry, including many single mothers, face the threat of rape, sexual abuse, kidnapping, disappearance, and trafficking. The risk of imminent harm is considerable for many, including many single mothers with babies and young children who spoke with a Human Rights First researcher on May 22, 2023 and shared that they had been waiting in line at the port of entry and sleeping outside without even a tent for protection going on eight nights at the time. They uniformly expressed their despair over their sense of vulnerability and insecurity, particularly at night as they slept on the floor against walls and crouched in corners along the public thoroughfare without any protection. They chose to remain there as they were in need of asylum protection and had been waiting for months for a CBP One appointment to no avail.



- Another Mexican single mother echoed these concerns for the safety of her children: **"You can't sleep peacefully because we're not safe. There has been a robbery of a cell phone and someone's bag. I'm afraid that if I sleep, many things can happen to my kids – intimate things."**



Outside the DeConcini Port of Entry, blankets and cardboard where people slept as they waited to seek asylum.

People Suffer as they Wait in Dismal Conditions, Particularly Families with Children

During the first seven days that Mexican families were forced to wait at the port of entry in a line that barely budged due to U.S. limits on asylum processing, they had no access to public bathrooms and were required to pay 10 pesos per visit to use a nearby bathroom. This expense stressed the few resources families had for food, water, or internet. A week into waiting, local authorities opened access to a public bathroom that has no running water. For the first two weeks most had no access to a shower. During the week of May 29, 2023 a local nonprofit brought a mobile shower but some waiting in line shared on June 1, 2023 that they were unable to access it as it was locked. Since May 17th, Kino Border Initiative staff and other volunteers have been providing water and two meals a day for those waiting in line.

Families initially reported children were experiencing dehydration and falling ill, with symptoms such as vomiting and high fever, and shared that several children were taken to



local medical clinics to receive treatment. Parents expressed stress over the potential need to seek emergency care and abandon their place in line – the most reliable path to seeking life-saving asylum protection – which might force them to continue to risk months of harm while struggling to secure a CBP One appointment.



At the DeConcini Port of Entry, a child
Waiting to seek asylum plays in blankets
that asylum seekers who slept in line left behind.

In mid-May 2023, a minor child suffered appendicitis while waiting in line and required emergency surgery. He was discharged from the local hospital and is unable to return to the line as his wound requires that he have access to clean water and a hygienic environment to prevent infection and aid in his recovery. His mother is caring for him while his brother informed a Human Rights First researcher he was obliged to remain alone and hold the family's place in a line that had hardly advanced for nearly two weeks.

Mexican authorities create list of Mexicans and others waiting to seek asylum in the U.S.

People seeking asylum should be allowed to do so in accordance with U.S. law, instead of being left to wait for days and weeks on end. The limiting of U.S. asylum processing at ports of entry, which was a policy implemented by the Trump administration (known as “metering”) and was [found to be unlawful](#), led to years’ long backlogs and long lines in Mexico and, as a result, the development of a barrage of deficient “wait-lists” in Mexico. In the wake of the U.S. failure to adequately resource ports of entry to properly process people



seeking asylum, metering is once more a reality in Nogales, Mexico. At the DeConcini Port of Entry, municipal authorities in Nogales, Mexico have created a list system for people waiting in Nogales to seek U.S. asylum. Worryingly, Mexican municipal authorities have collected names and are administering a waitlist of individuals and families that includes people waiting to flee Mexico to seek asylum in the United States. In conversations with those waiting in line on May 22, 2023, individuals indicated to a Human Rights First researcher that it was unclear to them for what purpose their names had been taken down as the list was first compiled, and some believed at the time that it was compiled by the Mexican immigration authority Grupo Beta while others did not know who compiled it.

The Mexican municipal authority initiated the list of those waiting in line on or about May 25th and on May 27th began issuing a QR code that assigns a number on a waitlist to each individual and family unit registered in line. Families waiting at the port of entry shared with monitors that the system has allowed some families, such as single mothers with young children and vulnerable individuals, to leave the line and seek temporary respite or spend their nights at a local shelter or rented room. Other families reported that they lacked resources to rent a room and informed monitors that shelters are at capacity and/or they reached the shelter's limit of days they could stay, and thus the port was the only place they could go despite the risks and conditions of sleeping outside on the concrete floor. Most families traveling with more than one adult expressed that they sometimes chose to leave one family member alone holding their place in line by day and overnight, while others frequently return to monitor the line's movement and ensure their spot, having already expressed distrust of the authorities and process.

During recent monitoring, there have been considerably fewer families and children spending the day waiting in line along the public thoroughfare outside the port of entry. For instance, on May 17, 2023, (the first week after the end of Title 42), Florence Project staff counted at least 186 individuals waiting in line at the port of entry, including those both in the covered hallway leading to the port of entry doors as well as those outside the turnstiles lining the thoroughfare. On June 5th, there were only approximately 30 – 50 persons total waiting at the port of entry, approximately 15 – 20 persons inside the hallway and near the actual doors to the port of entry building, and another 20 – 30 persons outside the turnstile in the thoroughfare area. Also on June 5th, Kino Border Initiative staff observed the municipal authority issue QR codes to new individuals and families and **instruct them to leave the port of entry** as they were last on the list and would not be called any time soon.

The same day, Kino Border Initiative staff spoke with a single mother and her child who were waiting near the limit line outside the Nogales port of entry and were next in line. The woman told Kino staff that, two days prior, she had received a phone call from the municipal authority informing her that it was her turn and instructing her to return to the port, so she and her child had spent the last two nights sleeping outdoors at the port waiting to be processed.

Municipal authorities in Nogales, Mexico originally informed Kino in late May 2023 of their intention to close the wait list after registering those individuals who were presently in line and to disperse the line as soon as possible. However, as of Thursday, June 1, 2023, the municipality has progressed to its third list, with 100 people on each list, and has indicated



that at this point they will not create a fourth list given how long they would have to wait to be processed by CBP (likely months in the future already). Instead, it is likely that the municipal authority will only add additional people to the third list as those with a QR code are processed.

While this system has for the past week permitted some to temporarily leave the line, its broader implications are troubling. U.S. law requires processing of all persons seeking asylum, regardless of manner of entry. List-keeping at ports of entry in any form raises concerns about illegal metering, and Mexicans in particular – who are not even subject to the asylum ban – are trapped in their country of persecution, exposed to additional risk of harm, which raises additional legality concerns.

It is also alarming that the Mexican municipal authority is requiring those asylum seekers queuing to access the DeConcini Port of Entry, including Mexican citizens, to submit their names given that all of the Mexican families a Human Rights First's researcher spoke with described fleeing situations of individualized threats of death by cartel members in situations where there was an egregious lack of state protection. Extensive reporting on Mexico including by the U.S. Department of State corroborates situations of persecution and violence inflicted by non-state actors, Mexican authorities, and/or both in collusion.

At present, the waitlist is being managed by one Mexican municipal agency without transparency or a mechanism for complaints, monitoring, or oversight of the list. Before the implementation of Title 42 in March 2020, the municipal government controlled a similar waitlist and there were multiple allegations of corruption with no accountability or oversight mechanisms to address concerns. Given similar actions in the past, local groups remain concerned about rights abuses in the administration of the list, possible dispersion of the line, and possible steps to dissuade people from seeking asylum at the port of entry – as well as concerns about whether cartels or complicit Mexican officials will have access to the names on the lists.

In interactions with asylum seekers and Kino Border Initiative staff, Mexican immigration officers and municipal authorities have misstated information on U.S. immigration laws and current policies, at times restricting access to the port of entry and contributing to misinformation among people waiting to seek asylum.

- **Kino Border Initiative staff spoke with a Mexican man who first arrived in Nogales in February 2023 in search of asylum.** He approached the port of entry on May 24, 2023 and was added to the waitlist and issued the number 88. On May 27th at around noon, the Nogales municipal authority arrived and began issuing QR codes. He was asked for his name and assigned number. **He was also inappropriately asked by the municipal agency whether he had been deported to Mexico previously,** to which he answered in the affirmative, but was not provided an opportunity to explain that it was an expulsion under Title 42 (which does not carry the same immigration consequence as an order of removal under U.S. law). **He was then told “you no longer qualify for asylum” and that U.S. authorities would not allow him to enter and would detain him, so he had to leave the line.** He tried to protest and explain that this **wasn't a decision for the Mexican municipal agency to make** but rather for the U.S. government, but **he was**



asked to leave the line and to give his place “to someone who actually needed it.” He was not allowed to speak and was not issued a QR code like others in line were. This man was able to access the port on June 4th thanks to the fellow asylum seekers in line immediately before and after him who honored his place, despite the municipal authority’s unlawful efforts to prevent him from seeking asylum.

- On May 31, 2023, Kino Border Initiative staff spoke with a Cuban man who shared that he obtained a CBP One appointment and was traveling by bus to the U.S. border to seek asylum when the bus was stopped at an immigration checkpoint. A Mexican immigration officer questioned him and he provided a screenshot of his CBP One appointment. The officer did not accept it and required that he open the app to show him the appointment. The man had no internet data at the time and was unable to access the application **so the immigration officer forced him to miss his bus.** Upon resolving the issue, he took another bus to Hermosillo, Sonora and then to Nogales, Sonora, arriving at the port **the day of his appointment but two hours late.** At the entrance to the port, **the Mexican municipal authority informed him that as he had missed his appointment time, he would need to start over in attempting to obtain another one through the app or he could be added to the municipality-administered waitlist for those seeking to enter without a CBP One appointment.** The man reached out to the Kino Border Initiative who informed him he could approach CBP directly at the limit line and not accept what the Mexican municipal authority wrongly informed him. The man approached CBP alone, explained his situation, and was processed with the next scheduled cohort.

Those waiting to seek asylum include refugees unable to use other pathways

Over the past month, nearly 80 percent of new arrivals to the Kino Border Initiative’s Migrant Aid Center reported leaving their homes due to violence or persecution. Asylum seekers fleeing persecution in Cuba, Haiti, Nicaragua, and Venezuela have informed Kino Border Initiative staff that they were unable to avail themselves of the Cuba, Honduras, Nicaragua, and Venezuela (CHNV) parole “pathways” specific to their countries of origin that would exempt them from the asylum ban’s application. The CHNV parole program requires long wait times (many months long, as of the time of publication), each family member to have a valid passport from their country of origin, a U.S. sponsor who must initiate the application and have legal status within the United States, and other prerequisites that create barriers and would force those fleeing persecution to continue waiting in danger. Some of these new arrivals also shared that they had only learned of the parole process once in Mexico and were now disqualified due to their manner of entry into Panama and/or Mexico.

- A woman waiting in Nogales to seek asylum fled Venezuela because her father had a business selling vegetables and “collectives” that work with the national government began to extort him. He didn’t have enough money to pay the extortion fees and they began to **threaten to kill him.** As people opposed to the current Venezuelan government, she and her family **could not go to the police.**



- A woman waiting in Nogales to seek asylum fled Venezuela because **the national police force seized her house without any police order**. This happened **on two separate occasions** with two separate homes. The **authorities beat her father and threatened to kill him** if he or his family said anything.

The asylum ban disproportionately impacts vulnerable populations, such as Indigenous people who face Indigenous language exclusion in the CBP One application and at the credible/reasonable fear interview stage. The Kino Border Initiative consistently receives new arrivals who are Indigenous community members and Indigenous language speakers, including:

- An Indigenous K'iche woman from Guatemala informed Kino Border Initiative staff that she faces **persecution** for being part of the Indigenous community and **criminal groups have killed many people from her community**.
- An Indigenous Triqui grandmother, daughter, niece and grandson fled southern Mexico when **armed groups forced them out of their homes**, displacing them. The Triqui people organized marches and **asked the government for protection** in Mexico City but Mexican **authorities ignored them**.

The asylum ban restricts access to asylum for survivors of LGBTQI+ persecution and gender-based violence who often continue to be exposed to high risk of harm during transit and while waiting in Mexico:

- A Colombian LGBTQI+ woman fled Colombia following **displacement by an armed group** and **persecution by the Colombian police** on account of her **sexual orientation**. She and her same-sex partner were **sexually assaulted by Colombian police** and she was **unable to obtain state protection** despite attempting to report the attack. While in **Mexico**, she **survived sexual abuse by Mexican state police** and **an attempted kidnapping by a cartel group**. She is **terrified to remain in Mexico** and cannot return to Colombia so she has been waiting for over two weeks at the DeConcini Port of Entry to seek asylum without a CBP One appointment and will be subject to the asylum ban once processed.

Women separated from family by U.S. Border Patrol struggle to access asylum

Human Rights First and other organizations have learned of many incidents of family separation conducted by U.S. Border Patrol (a subagency of U.S. Customs and Border Protection) under the Biden administration. These reports include recent incidents in which Border Patrol agents transported separated family members hundreds of miles away to expel them and refused to explain what was happening to them or where their family members were. In late May 2023, a Human Rights First researcher spoke with four



Venezuelan women who had been waiting outside the Nogales port of entry to seek asylum for many days, and reported that they were each separated by Border Patrol from their respective family groups and/or others they were traveling with after crossing into the United States near Matamoros, Tamaulipas, Mexico during the final days of Title 42. These four Venezuelan women were expelled to Nogales, Sonora, Mexico – 1200 miles away – in a group that included an estimated 200 women. The women remain stranded in Nogales, still unable to seek asylum, now on account of the Biden administration asylum ban.

- A woman seeking asylum from Venezuela, Xóchitl*, was separated by Border Patrol from her husband, subsequently expelled under Title 42 alone 1200 miles away to Nogales, and struggles to seek asylum in wake of Biden asylum ban:

“[Border Patrol] asked if there were any married couples. We told them we were married and had our legal marriage certificate. We were then separated. I spent four very cold nights in a soft-sided tent without any information on my husband. I was then handcuffed at the wrists, ankles, waist and transported by plane with 200 other women, still not told what was happening or where my husband was. I was then returned through Nogales, Mexico alone with these other women. Only once in Nogales did I hear from my husband. He had been returned back to Matamoros.

It was horrible. The [Border Patrol] officers mocked us. There were many women crying and they [the officers] would laugh. When they boarded us on the plane, we weren't even told where we were going. They crossed us back to Nogales without giving us any information, not even the name or location of a shelter.”

Shortly after, this woman's husband tried again to enter the United States from Matamoros, Tamaulipas, Mexico to seek asylum. This time, Xóchitl reports, he was paroled and issued a court date, at which point he will have a chance to plead his case for protection; what he may or may not realize is that, if he entered on or after May 12th, the Biden administration's asylum ban will most likely apply to him when he goes before an immigration judge and he will be likely ineligible for asylum due to his manner of entry. His wife, Xóchitl, meanwhile remains alone in Nogales. She was waiting in line outside the port for over two weeks. She was unaware of the potential consequences of the Biden administration asylum ban on people who enter at the port without an appointment. Even though she has been waiting at a U.S. port of entry, the ban will likely block her from asylum and she may be deported to Mexico or Venezuela with a five-year ban on entry to the United States.

- **Border Patrol separated a Venezuelan woman, Veronica*, from her sister and her partner. Veronica was then expelled under Title 42 alone to Nogales – 1200 miles away.** In early May 2023, a Venezuelan woman crossed into the United States from Matamoros, Tamaulipas, Mexico together with her adult sister, two female friends, her partner, and her partner's four brothers. She spent four nights in a soft-sided CBP facility where she was not permitted to shower and was then separated from her sister, partner and other female friends and expelled under Title 42 alone on May 7th through Nogales,



Mexico, 1200 miles away. She has been trying to obtain a CBP One appointment to seek asylum for two months, including the last month she has been in Nogales with two other women, Ulia and Teofila, who were also expelled alone. She shared:

"We have been trying to get a [CBP One] appointment. We don't even have money for food. We decided to turn ourselves in at the port as a last resort. We have nowhere to sleep. Shelters only let you stay one week. This bench and floor is where we're sleeping tonight."

She was unaware of the potential consequences of the Biden administration asylum ban on people who enter at the port without an appointment. Even though she has been waiting at a U.S. port of entry, the ban will likely block her from asylum and she may be deported to Mexico or Venezuela with a five-year ban on entry to the United States.



Venezuelan women separated from family by U.S. Border Patrol and expelled to Nogales, Mexico wait to seek asylum.

- **A Venezuelan woman, Ulia*, was separated from her partner and his family, expelled alone 1200 miles away.** Ulia arrived in Mexico in October 2022 together with her partner and his extended family; they were all blocked from seeking asylum under Title 42. Ulia, her partner, and their extended family had been attempting to request a CBP One appointment since mid-February 2023. After three months of daily struggles with the CBP One application, Ulia and her partner crossed into the United States in early May 2023 from Matamoros, Mexico and were detained by Border Patrol agents. Ulia was held in a soft-sided facility for three days while her partner was held for seven days and then paroled and issued a notice to appear in immigration court, where he will be



able to plead his asylum claim; what Ulia's partner may or may not realize is that, if he was registered as entering on or after May 12th, the Biden administration's asylum ban will most likely apply to him when he goes before an immigration judge and he will be ineligible for asylum due to his manner of entry. However, Ulia was separated from him and expelled alone through Nogales, Mexico, over 1,200 miles away on May 7, 2023. Ulia detailed how her partner's extended family with whom she was traveling were all separated:

The entire family, with the exception of her and her partner, all crossed into the United States to seek asylum through Ciudad Juárez, Chihuahua, Mexico in October 2022, yet there were arbitrary and disparate outcomes which are divorced from refugee law:

- A Venezuelan couple (Ulia's partner's sister) with their three-year-old daughter were expelled under Title 42 through Matamoros, Mexico. They repeatedly tried to cross and were expelled, but incredibly obtained a CBP One appointment on the very first day the application launched and were paroled in.
- A Venezuelan single mother and her two adolescent children (relatives of Ulia's partner) were expelled under Title 42 through Nogales, Sonora and then sent further south by Mexican immigration authorities to Hermosillo, Sonora, Mexico. They returned to Ciudad Juárez, Chihuahua, Mexico (near El Paso, Texas) and were paroled during their second attempt to enter the United States.
- A Venezuelan couple who are Ulia's friends and a Venezuelan single adult friend were expelled under Title 42 through Ciudad Juárez, Chihuahua, Mexico;
- An Ecuadorian and Venezuelan couple, Ecuadorian mother-in-law and Ecuadorian three-year-old child (relatives of Ulia's partner) were paroled the same day they entered in October 2022 through El Paso.
- **Teofila*, a Venezuelan woman, was separated from her traveling companions who were also survivors of sexual violence, expelled to Nogales alone – 1200 miles away.** During her journey to Mexico, Teofila was kidnapped and sexually assaulted while traveling with a group of 27 people on foot through the mountains of Guatemala. Two other women with her were also sexually assaulted. Part of her group made it to Matamoros, Tamaulipas, Mexico where seven of the men in the group were kidnapped from their tents and held hostage for one month. Teofila finally made it to Matamoros and crossed into the United States in early May 2023 to seek life-saving asylum protection together with the other two survivors of sexual violence. The other two women were paroled in to the U.S. under Title 42 while Teofila was expelled alone about 1,200 miles away to Nogales, Mexico.



Teofila remains alone in Nogales where she has been the last month. She recently arrived to the DeConcini Port of Entry to attempt to seek asylum. She was unaware of the potential consequences of the Biden administration asylum ban on people who enter at the port without an appointment. Even though she has been waiting at a U.S. port of entry, the ban will likely still render her ineligible for asylum because she failed to obtain an appointment through the CBP One application which functions similar to that of a lottery, failed to obtain permission to enter the United States through the CHNV parole program she is ineligible for based on her date of entry to Mexico and lack of a Venezuelan passport, and failed to seek asylum protection in Guatemala and Mexico – despite having survived sexual assault and other forms of harm while traveling those countries. If or when Teofila is determined to be ineligible for asylum, she is likely to be deported to Mexico or Venezuela with a five-year ban on re-entry to the United States.

Similarly, Human Rights First researchers previously [identified other cases](#) of family separation by Border Patrol agents during the last days of Title 42. In these cases, families who had crossed into the United States through Matamoros were separated by Border Patrol from family members who were expelled under Title 42 or whose whereabouts were unknown. Among these were seven pregnant Haitian women, a married Venezuelan couple, and a twenty-one-year-old young adult who had been separated from her parents, among others.

Recommendations

Uphold refugee law and right to seek asylum: The Biden administration, as well as DHS and DOJ, must uphold U.S. and international refugee law and immediately rescind their asylum ban. People seeking asylum must not be penalized and/or barred if they arrive at an official port of entry without an appointment or due to their irregular entry or transit routes to the United States, in accordance with U.S. and international law. People seeking asylum must not be forced to wait and wait, or be subjected to improper metering, at U.S. ports of entry – and Mexican nationals should not be left to “wait,” trapped at risk in their country of feared persecution.

The CBP One smartphone application cannot be used to ban, block, delay or limit others from seeking asylum: The Biden administration must ensure equitable access to seek asylum for all individuals without discrimination, including for those without the means to purchase a smartphone, obtain access to electricity and internet while stranded in Mexico, as well as those who are illiterate, or who speak languages other than the few employed by CBP One, including Indigenous languages. While the Biden administration asylum ban is in effect, the CBP One application cannot be essentially the only path through which non-Mexicans can seek asylum at the U.S. southwest border without incurring the penalties of the asylum ban.

Maximize rather than limit asylum processing capacity at ports of entry, including for Mexican and other asylum seekers without CBP One appointments: DHS must maximize asylum processing capacity at ports of entry, including for those without CBP One



appointments and stop deprioritizing people without appointments to seek asylum at ports of entry. While government officials report surging resources to the U.S./Mexico border, it is insufficient. The U.S. government's failure to increase and sustain critical resources – including personnel, physical infrastructure, internet and computers, and other resources required to significantly increase CBP's Office of Field Operations' processing of asylum seekers at all ports of entry – is resulting in irreparable, life-threatening harm to people seeking asylum in need of protection.

Given the overwhelming evidence of kidnappings, trafficking, sexual assault, disappearances, robbery, and extortion by organized criminal groups with the complicity and participation of Mexican authorities, the only effective approach to addressing the number of asylum seekers at the U.S.-Mexico border, including Nogales, is for U.S. ports of entry to be the safest, most efficient, and fair way to seek asylum. **To achieve this, the U.S. government must make a concerted and intentional effort to redistribute the resources it currently appropriates for deterrence-based practices and policies and instead reallocate those resources towards ports of entry.** DHS must ensure timely processing of all asylum seekers in accordance with U.S. law and core principles of international refugee law binding on the United States. Furthermore, resources and specialized teams within DHS entities must be equipped to identify and immediately process those with urgent medical and protection situations without applying a narrow interpretation with a heightened standard of proof and scrutiny as the asylum ban does. Mexican government wait lists are not the answer to the U.S. government's failure to properly resource its border ports of entry; CBP needs to significantly increase asylum processing, including for people without appointments. Mexican asylum seekers must not be left waiting to seek U.S. asylum in their country of feared persecution.

Stop separating families in DHS agencies' custody and processing: The right to family unity requires that family members are not separated. DHS must take steps to ensure families are processed together including in the same processing "pathway," are not separated and deported or otherwise sent back through different ports of entry, and are provided timely information on the status and whereabouts of other family members.

Increase government and other aid: Increase government and other aid to support humanitarian efforts in Nogales, Mexico (and other areas in Mexico) where people are waiting to seek asylum and to support humanitarian reception in the United States. DHS must shift funds away from over-funded detention, enforcement and surveillance accounts and surge funds toward reception services.



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.

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Exhibit C



IMMIGRATION

U.S. border officials have been turning asylum seekers away at ports of entry despite new rules



A family of 10 from Michoacán, Mexico, tells U.S. officials at the San Ysidro PedEast border crossing that they want to request asylum on May 18, 2023. Customs and Border Protection officials told them the only way was through a smartphone app. (Ana Ramirez/The San Diego Union-Tribune)

Asylum seekers who come to ports of entry are supposed to be screened under the new, restrictive asylum rule, according to the Department of Homeland Security

BY KATE MORRISSEY

Officials at the San Ysidro Port of Entry have been refusing to accept asylum seekers who don't have appointments obtained through a smartphone app even though new government rules indicate they should be taken in and screened.

The Union-Tribune witnessed U.S. officials turning away asylum seekers at the PedEast border crossing on Thursday after attorneys had reported similar incidents earlier in the week.

That included a family from the Mexican state of Michoacán who walked up to the U.S.-Mexico border line on Thursday afternoon and told U.S. border officials standing at the gate that they were seeking asylum.

The officials asked them to step aside and then told them they couldn't request protection there.

"You have to use CBP One," an official told them in Spanish, referring to a smartphone application that Customs and Border Protection has used since January to schedule appointments with asylum seekers to come to the port of entry.

The official's instructions contradict what a high-level official from the Department of Homeland Security said earlier in the week are the new protocols with the recent end of Title 42 — which blocked asylum seekers from entering ports of entry during the pandemic.

"We are not turning individuals away at our ports of entry," said Blas Nuñez-Neto, assistant secretary for border and immigration policy, when asked by the Union-Tribune about asylum seekers being turned back during a press call on Wednesday.

He said people who requested asylum by approaching ports of entry without appointments would be subject to the new, restrictive asylum rule that limits eligibility if they crossed through another country between their country and the United States. That rule could make their screenings for protection more difficult to pass, but it does not take away their right to be screened.

Nuñez-Neto said that CBP is prioritizing processing of people who use the app, which could mean that asylum seekers have to wait long periods of time in line at the port if they don't have appointments.

But that does not appear to be what has been happening in San Diego. CBP officers at the San Ysidro Port of Entry turned away the family from Michoacán and told them the only method for requesting protection is to use the smartphone app.

None of the asylum seekers in this article are being fully identified because of concerns that they are still in danger.

A federal judge in San Diego ruled in 2021 that, in the absence of Title 42, it is illegal for CBP to turn away asylum seekers at ports of entry. Now that the pandemic-era border policy is no longer in effect, it is not clear under what authority they had been doing so.

In an emailed statement Saturday, CBP emphasized that it is not turning away asylum seekers and is processing them at ports of entry.

"CBP will process those without appointments as quickly as possible," the statement read. "CBP will make processing determinations upon the noncitizen's arrival at a port of entry, on a case-by-case-basis, and outcomes may vary depending on the specific circumstances of each case."

A missing safety valve



A mother and two children who are among a family of 10 walk through Tijuana to seek asylum at the PedEast crossing of the San Ysidro Port of Entry. (Ana Ramirez/The San Diego Union-Tribune)

Though the new rules will likely mean that most asylum seekers who cross without appointments are denied asylum in the early screening stages, they do allow for people to request exemptions based on certain kinds of extenuating circumstances.

If CBP officers refuse to process migrants who approach the port of entry, it is not clear how those especially vulnerable cases might be identified in the first place.

The new rule says that anyone who crosses a third country between leaving their country and getting to the United States will be presumed ineligible for asylum unless they first apply for and are denied asylum in that third country. People who use the smartphone app CBP One are exempted from this rule.

Mexicans who are seeking asylum, such as the family from Michoacán, notably do not have to cross a third country in order to reach the United States, so the rule doesn't apply to them.

"Mexicans are not subject to the asylum ban," said Priscilla Orta, supervising attorney with Project Corazon at Lawyers for Good Government, using advocates' term for the new rule. "They have no reason to have an appointment."

The rule also says asylum seekers can come to ports of entry without appointments if they can't use the app because of language barriers, illiteracy, significant technical failure or because of "exceptionally compelling circumstances," the Department of Homeland Security has said.

But, Orta said, it's not clear how an asylum seeker would prove such circumstances. And the consequences if they are found not to have exceptionally compelling circumstances could be dire if they are not from Mexico.

Orta said under Title 42, she had a "safety valve" — in extreme cases of danger, she could contact CBP directly and ask for the client to be scheduled for processing. Now, she is representing clients who she says are being raped nightly while they wait for appointments in the CBP One app.

"The safety valve is gone," Orta said. "Nothing is more devastating than knowing my clients wait for Friday and then Monday until this administration decides they are worth protecting."



An officer with U.S. Customs and Border Protection tells families that they need to request asylum using the CBP One application, that they cannot make the request at the port of entry without an appointment. (Ana Ramirez/The San Diego Union-Tribune)

Practices along the border appear to vary under the new rule.

Orta said that at the two ports of entry where she works in Texas — Brownsville and Hidalgo — she hasn't personally witnessed turn-backs of asylum seekers. But a delegation of human rights observers organized by Haitian Bridge Alliance published a [report](#) Thursday documenting cases of asylum seekers turned away there after the end of Title 42.

Chelsea Sachau, managing attorney of the Border Action Team with Florence Immigrant & Refugee Rights Project in Arizona, said at the Nogales Port of Entry, there is a line of about 200 asylum seekers, mostly families, who have been waiting for days to be processed. She said those waiting told her roughly 10 to 25 people are being processed over night each night from the line.

But at the San Ysidro Port of Entry, there hasn't even been a line. CBP officers have been telling asylum seekers the app is the only option.

There doesn't seem to be a way for asylum seekers to make a claim of exceptional circumstances or for Mexicans to safely exit the country they are trying to flee.

Attorneys have reported multiple occasions since the end of Title 42 when they and the asylum seekers they were representing were turned away by San Diego CBP. That sometimes included Mexican police pressuring them to leave the port area.

No asylum here



A family of 10 from Michoacán try to follow a Mexican immigration official's directions to the PedEast border crossing. (Ana Ramirez/The San Diego Union-Tribune)

For Mexicans being told to wait for appointments in the app, the stakes can be especially high.

In the case of the family from Michoacán, where cartel violence has caused thousands to migrate, the family had been targeted, they said. They'd had to flee where they'd been staying in Tijuana as well, they said, which sent them to the border.

The father, mother, their five children, the father's sister and her two children — 10 in total — tried first to request asylum at the western pedestrian crossing, known as PedWest.

In El Chaparral plaza, several people pointed them instead to the entrance of a parking lot in front of the port where Mexican immigration officials gather asylum seekers with appointments and take them to CBP.

When the family approached the guard house at the parking lot gate, an official told them they needed to download CBP One, that it was the only way to request asylum.

Hoping to speak directly to U.S. officials, the family again approached the entrance to PedWest. A Mexican immigration official stopped them before they even reached the ramp to the crossing and told them they couldn't enter.

Mexico's immigration agency did not respond to a request for comment.

The family told the official they wanted to speak with officers from the United States. He told them they would have to go to the other pedestrian entrance at PedEast to do that.

They followed his instructions, pausing to ask directions of a member of the Mexican military and again of taxi drivers as they got close to the entrance.

“There is no asylum here,” one taxi driver told them in Spanish. “Don’t waste your time.”



Families from the Mexican states of Michoacán and Guerrero try to request asylum at the PedEast crossing at the San Ysidro Port of Entry. (Ana Ramirez/The San Diego Union-Tribune)

When they finally made it to the border line, the conversation with U.S. officials was short. They would not be allowed to request protection there either. They had to wait for an appointment through the app.

Soon after the family reached the border line, two other families followed — a woman and her children from Guerrero, a state in Mexico next to Michoacán that is also experiencing high levels of cartel violence, and a woman and her child from El Salvador, where political repression and gang violence have both caused people to flee.

The woman from Guerrero was adamant about wanting to request protection at a port of entry rather than climbing over the border wall. She didn't want to risk her children's lives, she said.

"It's not fair. We're doing things right," the woman said in Spanish. "I never thought I'd be in this situation, but things change. What I'm living is not a lie. I have proof."

She showed the Union-Tribune photos of her husband's beaten body before he was killed.

"I don't want that life for my children," she said.

After the family from Michoacán walked away, she and the woman from El Salvador approached the U.S. officials and were also quickly sent back.

A lottery for life



A young boy, who is part of a family of 10 from Michoacán, walks on a bridge over the vehicle lanes at the San Ysidro Port of Entry. His family tried to request asylum at both pedestrian entrances of the port but were turned away. (Ana Ramirez/The San Diego Union-Tribune)

The families will have to try their luck with the CBP One app, where more than 62,000 users are already vying for appointments, according to CBP.

As Title 42 ended, CBP One went through a major update, converting it from something like Ticketmaster, where people tap furiously in an attempt to get slots every morning, to something more like a lottery, where appointments are doled out daily based on random chance.

Every day, some asylum seekers receive appointments through notifications in the app and have 23 hours to accept the dates given.

According to Nuñez-Neto, the DHS official, the algorithm that selects who will be given appointments each day weighs how long the asylum seekers have had accounts in the app. But the selection is still based on chance, he emphasized.

“It is a random drawing, and that is intended to be equitable,” Nuñez-Neto said.

Since it began offering appointments to asylum seekers, the CBP One app has been criticized by migrants, attorneys and human rights observers for its frequent errors and its exacerbation of inequities in access to asylum screenings.

“People who are terrified to return to their home countries who are seeking asylum, they want to do this the right way so badly that they wait for an app that does not work,” Orta said. “It’s a lottery for their life.”

Nuñez-Neto said the recent update was meant to address many of these concerns.



A family of 10 from Michoacán heads to the PedEast crossing to try to request asylum. (Ana Ramirez/The San Diego Union-Tribune)

At least some issues that have long plagued the app are still affecting migrants, as was apparent in the case of the family from Michoacán.

Many asylum seekers lose their phones or are robbed of their phones on their journeys to the border. Others never had money for smartphones to begin with.

After being told that he had to use a smartphone app, the father of the family from Michoacán pulled a cellphone from his pocket to show the Union-Tribune. It was an outdated Nokia, a style that might have been popular in the early 2000s. He wouldn't be able to download any smartphone app on that device.

The father's sister is the only one with a smartphone, meaning that the families can't break into two groups to try to get an appointment. They will have to find one for all 10 — which can be especially difficult.

The family found temporary refuge with a friend in the city, but because of their size, they can't stay long there. They don't know where they will go next.



A mother from Michoacán holds her child's hand as they walk to the San Ysidro Port of Entry to request asylum. (Ana Ramirez/The San Diego Union-Tribune)

Updates

12:24 p.m. May 20, 2023: This story has been updated with an additional statement from CBP.



Kate Morrissey

Exhibit D



Limits on Access to Asylum After Title 42: One Month of Monitoring U.S.-Mexico Border Ports of Entry

June 2023



On May 11, 2023, the U.S. public health order known as “Title 42” was lifted, marking the end of a policy that was used for three years to expel people seeking refuge at the U.S.-Mexico border without access to the U.S. asylum process. The U.S. government returned to border processing under Title 8 – the section of the U.S. code that lays out U.S. immigration law, including the legal right to apply for asylum when arriving in the United States or after crossing into the country. However, at the same time, a new [regulation](#)¹ took effect that renders most asylum seekers ineligible for asylum if they transited through a third country en route to the United States unless they use the (U.S. Customs and Border Protection) CBP One smartphone app to schedule one of a limited number of appointments at a border port of entry, had sought and been denied asylum in a transit country, or meet other narrow exceptions.

A working group of U.S., Mexican, and international NGOs that provide humanitarian and legal support to asylum seekers and migrants in the border region conducted targeted in-person monitoring at ports of entry to understand the impact of these policy shifts on access to asylum. Between May 11 and June 12, 2023, observations took place at six ports of entry in California (San Ysidro and Otay Mesa), Arizona (Dennis DeConcini), and Texas (Bridge of the Americas, Paso Del Norte and Ysleta) that adjoin the Mexican cities of Tijuana, Nogales, and Ciudad Juárez.²

The monitors’ key findings include:

- While a limited number of asylum requests by individuals and families without prescheduled appointments were processed at most of the monitored U.S. ports of entry, **practices by U.S. and Mexican authorities restricted asylum seekers without CBP One appointments from physically reaching U.S. ports of entry to make protection requests.** Media reports and researchers have highlighted accessibility challenges with the CBP One app that may exclude some of the most vulnerable asylum seekers, including Black migrants, Indigenous people, and people lacking access to smartphones and strong Wi-Fi signals.³
- **Limited processing or “metering” of asylum seekers without CBP One appointments resulted in lines, waitlists, and informal encampments** at or near the monitored ports of entry in Mexico, even as the

¹ The U.N. Refugee Agency urged the U.S. government to reconsider the asylum ban regulation, concluding that it “would restrict the fundamental human right to seek asylum for people” and “lead to cases of refoulement – the forced return of people to situations where their lives and safety would be at risk – which is prohibited under international law.” UNHCR, “UNHCR urges United States to not implement proposed barrier to asylum,” March 27, 2023, <https://www.unhcr.org/us/news/unhcr-urges-united-states-not-implement-proposed-barrier-asylum>.

² Data from observations was collected using a cloud-based tool designed collaboratively by the working group to document demographic and humanitarian observations, practices by government officials, and rights violations at the observed ports. The group met three times during the monitoring to discuss observations.

³ See, e.g., “The new US border wall is an app,” *MIT Technology Review*, June 16, 2023, <https://www.technologyreview.com/2023/06/16/1074039/border-wall-app/amp/>; Kocher A. Glitches in the Digitization of Asylum: How CBP One Turns Migrants’ Smartphones into Mobile Borders. *Societies*. 2023; 13(6):149. <https://doi.org/10.3390/soc13060149>.

number of CBP One appointments increased at the start of June 2023.⁴ Families and adults were observed living in **difficult humanitarian circumstances with unmet basic needs, exposed to potentially dangerous conditions, and at risk of trafficking and exploitation.**

- **People waiting to request asylum at U.S. ports of entry lacked adequate and accurate information.** Many did not appear to understand the potential legal consequences of the recently implemented “asylum ban” rule that renders most people seeking international protection without a CBP One appointment, even if at a port of entry, ineligible for asylum.

The working group urges the U.S. government to: fully restore access to asylum; surge agency staff (not troops) and other resources to ports of entry, as needed; and rescind the asylum ban that counterproductively punishes asylum seekers who line up to request protection at official border crossing points merely because they have not been able to preschedule one of the limited CBP One appointments. U.S. [government reports](#) have repeatedly found that limiting asylum at ports of entry leads individuals, who would otherwise have sought, or who tried to seek, protection at a port, to instead make dangerous, irregular border crossings. These and other recommendations to establish a safe, humane, and orderly process at ports of entry are included at the end of this document along with an Annex of additional observations made at the six monitored ports of entry.

Restrictions on Seeking Asylum Seen at All Monitored Ports of Entry

At all six locations, asylum seekers were not able to freely approach the port of entry to request asylum. These “metering” practices resulted in lines and/or waitlists of asylum seekers at most observed ports of entry. At some ports on some days visited by the monitors, individuals and families without CBP One appointments were unable to seek asylum, while on other days ports were observed processing between 4 to 40 people without appointments while hundreds were observed waiting in line or in nearby informal encampments. At the three monitored ports in Ciudad Juárez asylum seekers self-organized informal waiting lists, while in Nogales and Tijuana Mexican authorities administered waitlists. Asylum seekers without prescheduled appointments reported waits outside of ports of entry of up to two weeks to be processed by CBP.

At the six monitored ports of entry, CBP officers were observed directly interacting with people attempting to seek asylum, turning them away or instructing them to join lines on the Mexican side of the border and, on other occasions, informing waiting asylum seekers on when and if they would be processed. In mid-May 2023, in the initial days of monitoring after the Title 42 policy ended, CBP officers at Otay Mesa and Paso del Norte were observed directly turning away asylum seekers without CBP One appointments, telling them they would not be processed. A CBP officer on the Paso del Norte bridge told a group of asylum seekers without CBP One appointments that asylum without a prearranged appointment “doesn’t exist anymore.” In early June 2023, monitors heard a CBP officer at the gate to the Dennis DeConcini port of entry turn away a man who declared himself to be seeking asylum, telling the man to “go back to the line” of asylum seekers without CBP One appointments. CBP officers were also observed directly communicating with asylum seekers without appointments waiting on the Mexican side of the border line in Nogales and Ciudad Juárez, informing those at the head of the line of the number of people without appointments to be processed at any given point.

Mexican authorities (including police and migration officials) and private security guards prevented some asylum seekers from approaching U.S. ports of entry either directly turning them away or by placing them on waitlists. At the Pedestrian West entry to the San Ysidro port of entry, Mexican officials did not permit individuals without CBP One appointments and corresponding identification documents to cross the pedestrian bridge leading to

⁴ @CBP, Twitter, June 2, 2023, <https://twitter.com/CBP/status/1664617975494606855> (“Beginning yesterday, June 1, CBP is expanding the number of [CBP One] appointments to 1,250 per day.”).

the U.S. port of entry. For instance, monitors observed *Grupos Beta*⁵ turn away an asylum seeker and her three minor children because the CBP One app had generated appointments for the family on different dates, and only one member of the family had a scheduled appointment that day. Monitors also observed a Tijuana police officer at the Pedestrian West side of the San Ysidro port of entry tell a family without an appointment to leave the area and stay at least one block south. A Tijuana police officer told one monitor that he communicates the message that “the only legal way to enter the U.S. is through the [CBP One] application.” In June 2023, at the Pedestrian East side of the San Ysidro port of entry, Mexican authorities ordered waiting asylum seekers to clear the area stating that Mexican child protection officials would arrive, which asylum seekers understood to be a threat to remove their children, if they did not comply. In Nogales, the municipal *Bienestar Social* (Social Wellbeing) Agency established a system with QR codes to manage the line of waiting asylum seekers without CBP One appointments, assigning codes to the first 100 people in line and allowing only about 20 people to remain in line near the Dennis DeConcini port of entry. Local authorities in Nogales asserted to waiting asylum seekers that asylum can only be sought through the QR code system.

Difficult Humanitarian Circumstances and Dangerous Conditions as People Await Asylum Access

Lines and informal encampments of waiting asylum seekers arose at or near observed ports of entry in Tijuana, Nogales, and Ciudad Juárez, leaving vulnerable individuals and families in difficult humanitarian circumstances and facing potentially dangerous conditions, such as health problems, adverse weather conditions, and security risks. Yet, many asylum seekers expressed reluctance to relocate to more formal shelter facilities, where these were available, for fear of losing their place in line or being detained by Mexican migration officials if they left the port of entry area.

Many of these encampments lacked sufficient basic necessities (food, water, access to bathrooms and showers, sanitary napkins) and waiting asylum seekers were sleeping on sidewalks/pavement on pieces of cardboard. They were exposed to rain, high heat during the day, and low temperatures at night. In Tijuana, Nogales, and Ciudad Juárez, sick children, pregnant people, and persons with disabilities were observed in the port of entry encampments. Even in cases with clear humanitarian concerns, based on monitors’ observations there does not appear to be a system to submit requests to CBP for expedited consideration of asylum seekers with medical emergencies or other urgent humanitarian needs or security concerns. Refugee Health Alliance, an NGO that provides health services to migrants in Mexico, reported that CBP officers rejected requests for humanitarian parole of individuals in Tijuana for whom its staff had provided letters to document their urgent medical needs.

In May 2023, a 31-year-old Haitian asylum seeker with hypertension and a high-risk pregnancy, who indicated to monitors that she had previously been denied assistance at local hospitals in Tijuana, declined an offer by local officials for a care referral for fear that she would lose her place in the informal asylum line at the San Ysidro port of entry.

Monitors noted that waiting asylum seekers were subject to security and other risks. People in the line in Nogales, particularly women, reported feeling unsafe at night in an area where it was reported that actors involved in drug and human trafficking often operate. Monitors also noted the presence of individuals who appeared to be human traffickers near some Ciudad Juárez ports of entry. A 2022 needs [assessment](#) conducted by the IRC along Mexico’s northern border found that half of the people surveyed reported they had directly experienced a safety issue or crime in Mexico. They identified several risks for their families, including sexual violence (23%), kidnapping (19%), and threats (16%). Asylum seekers also reported to monitors detainments by the *Instituto Nacional de Migración* (INM, National Institute of Migration), including three Tajik asylum seekers

⁵ *Grupos Beta de Protección a Migrantes* is an entity within the *Instituto Nacional de Migración* (National Institute of Migration) established to provide information and basic assistance to migrants in Mexico. See <https://www.gob.mx/inm/acciones-y-programas/grupos-beta-de-proteccion-a-migrantes>.

who said that they were taken to the Esmeralda migration station in Tijuana and asked for 1,000 pesos (about 55 USD) to avoid deportation. Because lines and informal encampments formed in public spaces, members of the media and other individuals have photographed waiting asylum seekers, raising concerns, particularly for Mexican asylum seekers, that publication of their images could result in their persecutors encountering them.

Lack of Accurate Information About Asylum Processes Widely Observed

Lack of information about the current U.S. asylum process rendered some asylum seekers vulnerable to exploitation. In May 2023, an asylum-seeking Uzbek family who appeared for a CBP One appointment at the San Ysidro port of entry were turned away by officials after a review of their documents by *Grupos Beta* indicated that they had been provided a fake appointment. The family, who spoke only Uzbek and had arrived in Tijuana four days prior, explained through an interpreter that the person who claimed to be setting up an appointment for them had charged them for this false service. Also in Tijuana, reports were received of taxi drivers charging exorbitant sums (up to 1,000 pesos or approximately \$55 USD) to take asylum seekers to the port of entry to request information on the asylum process. At observed ports of entry where monitors spoke with awaiting asylum seekers without CBP One appointments, many expressed confusion about the difference between Title 42 and the current process or were unaware of the new restrictions that make individuals requesting protection at a port of entry without a CBP One appointment, including themselves, presumptively ineligible for asylum.⁶

⁶ The asylum ban regulation has already contributed to a nearly 50 percent drop in positive credible fear screenings from an average of 83 percent in 2014 to 2019 (before the Title 42 policy was implemented) to 46 percent in the month since it was implemented. See Hamed Aleaziz, “U.S. is rejecting asylum seekers at much higher rates under new Biden policy,” *LA Times*, June 20, 2023, <https://www.latimes.com/politics/story/2023-06-20/biden-asylum-seekers-turned-down-rates>.

Recommendations for Safe, Humane, and Orderly Asylum Processes at U.S. Ports of Entry

1. **Uphold the legal right to seek asylum:** The U.S. government should [rescind](#) the asylum ban regulation, including its counterproductive penalization of asylum seekers who attempt to request protection at ports of entry without CBP One appointments. People seeking asylum should not be subjected to turnbacks or other limits on requests for protection at ports of entry. This practice, known as “metering,” was declared by [illegal](#) by a U.S. federal court, and the U.S. Department of Homeland Security (DHS) [mandated](#) that its officers “may not instruct [asylum seekers] that they must return to the [port of entry] at a later time.”
2. **Surge resources to increase port of entry processing [capacity](#):** The U.S. government should maximize asylum processing at ports of entry by directing the current [surge in resources](#) to the border to support CBP’s Office of Field Operations’ staffing needs, port infrastructure gaps, and technological requirements - not for militarization of the border. Congress should ensure that appropriations are directed to swift, humane, and effective processing at ports of entry that respects the right to seek asylum.
3. **Strengthen humanitarian capacity along the border in Mexico and the U.S.:** Humanitarian efforts in the borderlands have historically been underfunded and surpassed by the needs of migrants, asylum seekers and hosting communities. Increased aid is needed in Mexico where people are waiting to seek asylum and in the United States for [sustainable, orderly and safe NGO-led humanitarian reception](#) of asylum seekers at the border after DHS processing. Congress should provide additional funding through the State Department and the Office of Refugee Resettlement to strengthen humanitarian capacities on both sides of the border. In the immediate term, DHS can shift funds away from harmful and costly migration detention to meet reception service needs.
4. **Develop mechanisms for urgent processing of asylum seekers with acute medical needs, heightened security concerns, or other emergent circumstances:** Resources should be dedicated, and staff equipped, within DHS to identify and swiftly process asylum seekers facing urgent medical and other protection needs – many of which arise due to the persecution the individual is fleeing. While the asylum ban regulation remains in place, CBP should provide to asylum seekers processed due to emergency circumstances without CBP One a written waiver as proof of their situation.
5. **Scale up timely, actionable information to combat misinformation and enable asylum seekers to locate services:** Increased information helps people on the move to make informed choices to find pathways to protection and disempowers smugglers who deploy misinformation to prey on asylum seekers. In the days leading up to the end of Title 42, visits to IRC’s information platform for Mexico [doubled](#) compared to the prior month, with the most searched inquiries related to understanding the changes in eligibility for asylum; Title 42 and how it impacts the ability to seek protection; Title 8 and what it means; what the CBP One smartphone app is and how to use it, and how to find relatives detained by authorities on either side of the U.S.-Mexico border. People trying to seek asylum at U.S. ports of entry remain in urgent need of accurate information on the process.
6. **Utilize technological solutions to expand and improve efficiency of, not restrict, asylum processing:** The CBP One smartphone app and other technologies can present opportunities for gains in efficiency and scale but also exclude individuals who lack the means or know-how to use them, resulting in barriers that may violate the Refugee Convention’s guarantee of non-discrimination. Requiring use of such technologies to access the asylum process, as opposed to offering an additional pathway, is yet more concerning in situations where people seeking asylum face security risks and difficult humanitarian circumstances. Hinging access to seek and enjoy asylum on whether people fleeing for their lives can book an appointment on a smartphone app is neither right nor practical. The CBP One app requires significant improvements, but even with those fixes in place, it should never be the only means to effectively request protection at a U.S. port of entry.

City	Ciudad Juárez	Nogales	Tijuana
Practices Observed at International Bridges/Ports of Entry for People Seeking Asylum in the U.S. Without CBP One Appointments	Paso del Norte Port of Entry - As of early June 2023, monitors observed up to 4 to 5 asylum seekers without CBP One appointments permitted by CBP to approach the POE on a single day, though not every day. CBP officers encouraged individuals to use the CBP One Application rather than wait in line without an appointment and at the same time explained that it was possible to be processed without an appointment. Previously on May 13, 2023, monitors noted that individuals without CBP One appointments were not being processed and witnessed CBP tell individuals that asylum without a prearranged appointment “doesn’t exist anymore.” Monitors noted Ciudad Juárez local and Chihuahua state police presence, observing the POE area. Ysleta Port of Entry - As of early June 2023, there were approximately 75 people without appointments on an asylum waitlist, managed by asylum seekers themselves. CBP officers informed those at the head of the line of the number of people without appointments to be processed at any given point. Monitors observed up to 10 to 14 asylum seekers without CBP One appointments permitted by CBP to approach the port of entry on a single day, but also noted at least one day on which no asylum seekers were processed (May 14, 2023). Monitors noted Ciudad Juárez local and Chihuahua state police presence, observing the POE area. Between May 13 and approximately May 24, 2023, FIDD (a private Mexican security firm) restricted access to the Zaragoza bridge and managed the queue of asylum seekers without CBP One appointments. On some visits in May 2023, observers also noted INM officers dissuade asylum seekers from staying on the bridge and ask that they leave the bridge at night.	Dennis DeConcini Port of Entry - CBP officers had direct interactions with waiting asylum seekers. On June 9, 2023, monitors observed an asylum seeker waiting in line of individuals waiting to approach the POE. When this person was next in line a CBP officer asked for his documents, to which he responded, “I have these documents related to my case, I am seeking asylum.” The CBP officer said “well, so are they [pointing to individuals without CBP One appointments], so go back to the line and we’ll take you as we can, that’s how we’re doing things.” Previously, on May 15, 2023, monitors observed CBP officers counting the number of people in line without CBP appointments and telling those in line that they would be attended to after individuals with CBP One appointments had been processed. In May and June 2023, monitors observed individuals without CBP One appointments processed in small groups (including a family of 11 people on one occasion) after those with CBP One appointments had been processed. Waiting asylum seekers reported approximately an average of 10 to 20 people without CBP One appointments were processed in the middle of the night on most nights. Monitors observed three unaccompanied children approach and access the POE for processing. As of May 23, 2023, monitors noted some individuals had been waiting outside the port for up to two weeks. During the first week of observations in mid-May 2023, INDAABIN (a private Mexican security firm) tried to remove individuals without a CBP One appointment from the POE area. Monitors observed a conversation in which CBP officers informed INDAABIN that there had been changes in US policy and that individuals without a CBP One appointment would be processed. CBP added that that they [CBP] could not tell INDAABIN what to do on the Mexican side of the border.	San Ysidro (Pedestrian East) Port of Entry - As of May 24, 2023, monitors observed a total of 20 to 40 individuals without CBP One appointments processed on a given day in small groups, approximately every five hours. As of early June 2023, monitors noted that 10 people had been processed in approximately 13- to 14-hour period. Some asylum seekers in the area reported being detained by officials from INM, including three asylum seekers from Tajikistan, who said that they had been taken to the Esmeralda migration station in Tijuana and asked for 1,000 pesos (about 55 USD) to avoid deportation. Monitors also noted the presence of Mexican National Guard, who intervened in a security incident witnessed by monitors. San Ysidro (Pedestrian West) Port of Entry - As of June 12, individuals without CBP One appointments had not been observed being processed through this POE. Various Mexican government authorities were observed interacting with asylum seekers without CBP One appointments at this port of entry. On May 15, a family of 12 Mexican asylum seekers reported that they were told by <i>Grupos Beta</i> to speak with CBP officers, if they wished to seek asylum. The group passed through an initial screening point but were stopped by Mexican officials on the pedestrian bridge leading to the port of entry and returned without reaching the POE. Tijuana police told the group to move at least one block away from the port. On several occasions, <i>Grupos Beta</i> was observed telling asylum seekers without proof of a CBP One appointment that they would not be processed. Monitors observed a Tijuana police officer tell a family without a CBP One appointment that they had to leave the POE area and stay at least one block south, or else police would transport the family to the Reforma Sports Complex where there is a migrant camp. A Tijuana police officer told a monitor that he communicates the message that “the only legal form to enter the U.S. is through the

	In mid-May 2023, observers witnessed an incident in which CBP officers informed FIDD that "minors are next in line." FIDD communicated this to the next two families in line who then sent their seven adolescent children to CBP at the POE with their mothers staying behind in Mexico at the Zaragoza Bridge. After two hours, the mothers approached CBP officers on the bridge asking about their children's whereabouts. CBP informed them that they had mistakenly processed the children as unaccompanied children and would return them to Mexico. Two hours later CBP allowed the mothers to pass the CBP checkpoint and reunified them with their children at the POE. Observers spoke with CBP officers who said that they had told FIDD to send unaccompanied children and had assumed that the seven adolescents were unaccompanied. Bridge of the Americas Port of Entry - As of June 13, 2023, monitors observed CBP officers at the middle of the international bridge speaking with individuals in the line, checking their documents. Observers noted that some individuals without CBP One appointments were being allowed to pass the CBP checkpoint at the middle of the bridge to approach the U.S. port of entry.	Observers also noted local Mexican police presence, monitoring the POE area.	[CBP One] Application." The same officer told a monitor: "We have orders to keep the POE block clean [of asylum seekers]. If we don't follow orders, there are consequences." Otay Mesa Port of Entry - On May 12, 2023, a group of asylum seekers without CBP One appointments attempted to access the POE just after midnight EST (when the Title 42 policy had ended). CBP officers informed them to wait. At 1:15am EST, CBP officers asked the group to leave the premises and informed them that they would not process anyone without a CBP One appointment. During that observation monitors asked CBP if they would be processing asylum seekers, CBP responded: "it is very easy to do it through the app [CBP One], there are many shelters in Tijuana and they help you fill out the app, you can get an appointment in two or three days [through the app]." Monitors noted the presence of a Baja California Norte State Migrant Affairs representative, who informed individuals waiting in line that "cases without a CBP One appointment will not be processed" and offered to refer them to shelters.
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Queues of Individuals Without CBP One Appointments	Paso del Norte Port of Entry - The line of asylum seekers was self-organized, with individuals assigned numbers to maintain the queue. CBP officers informed those at the head of the line of the number of individuals without appointments to be processed at any given point. Ysleta Port of Entry - Since approximately May 24, 2023, the queue was self-organized. Previously, between May 13 and approximately May 24, 2023, FIDD (Private Security Company), managed the list of waiting asylum seekers; CBP informed FIDD when they would be processing individuals and how many and FIDD proceeded to call that number of individuals from the list. Bridge of the Americas Port of Entry - The line of asylum seekers was self-organized. CBP officers informed those at the head of the line of the number of people without appointments to be processed at any given point.	Dennis DeConcini Port of Entry - Around May 20, 2023, the municipal <i>Bienestar Social</i> agency established a system with QR codes to manage the line of waiting asylum seekers without CBP One appointments. Staff from the agency asked for asylum seekers' full names and telephone numbers and issued QR codes to the first 100 waiting asylum seekers in line, these codes are recycled and distributed to the next asylum seekers in line as individuals are processed. After the establishment of the QR code system, only about 20 asylum seekers without CBP One appointments were permitted to remain in the physical line near the POE. <i>Bienestar Social</i> notifies individuals in the waitlist when their turn is up to wait in the POE area. Once in the POE line, CBP officers inform those asylum seekers at the head of the line of the number of people without CBP One appointments to be processed at any given point. As of June 12, 2023, the list maintained by <i>Bienestar Social</i> was made up of approximately 300 individuals (with new arrivals being added). Monitors observed the Social Wellbeing Agency make determinations about who to place at the top of the list, a staff member from the Agency told a monitor that "there were two Russian nationals that recently arrived that we decided to put at the top of the list." Monitors observed individuals in the "walk up" line who just recently received a CBP One Appointment. In reference to this, <i>Bienestar Social</i> staff told a monitor: "I am telling them [asylum seekers] that if they are given a CBP One appointment and try to walk up [at a different time than their scheduled appointment], CBP won't take them." Previously, between May 12 and May 20 2023, the queue outside the port was self-organized by asylum seekers without CBP One appointments.	San Ysidro (Pedestrian East) Port of Entry - In early June 2023, observers noted the presence of approximately 200 to 300 asylum seekers without CBP One appointments in a line waiting to access the Pedestrian East side of the San Ysidro port of entry. While the observers were present, Mexican authorities announced that if asylum seekers did not clear the area, the Mexican child protection service would arrive, which asylum seekers understood to be a threat to remove children from their families. These authorities noted the order of waiting asylum seekers, took down their names and phone numbers, issued them a corresponding number (per individual or family group) based on their position in the line, numbers were written on asylum seekers' arm with a marker and directed them to buses that were said to be going to shelters. It was not clear which Mexican authority was managing the list, but these authorities contacted individuals on the list to inform them to approach the POE. It was not clear to the observers how new arrivals would access this process and/or obtain information about it. Previously, between May 24 and June 2, 2023, the queue outside the port was self-organized by asylum seekers without CBP One appointments. San Ysidro (Pedestrian West) Port of Entry - Individuals without CBP One appointments were not processed at this POE. As noted above, monitors observed <i>Grupos Beta</i> tell asylum seekers without CBP One appointments that they would not be processed without appointments. In addition, <i>Grupos Beta</i> screened individuals with CBP One appointments by reviewing their ID documents and confirming their identity against their CBP One appointment information. <i>Grupos Beta</i> will not walk individuals who lack an appointment on that date or corresponding identity documents up to the gate to access the Pedestrian West side of the San Ysidro port of entry.
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Annex: Limits on Access to Asylum After Title 42 – June 2023

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Humanitarian Conditions Observed in Informal Encampments in Mexico of People Waiting to Access Asylum at U.S. Ports of Entry	Puente Zaragoza (Ysleta Port of Entry) - As of early June 2023, 30 to 50 people were in an informal encampment of asylum seekers without CBP One appointments near the Zaragoza Bridge that leads to the Ysleta port of entry. Adults and families with children slept on the ground on pieces of cardboard and blankets during a period with low nighttime temperatures. Monitors noted children with apparent symptoms of anxiety and stress, as well as children sick with colds. Monitors noted National Guard and Military presence, observing at the camp site. Near the Stanton-Lerdo International Bridge (Stanton Street Port of Entry) - As of May 22, 2023, the local government in Ciudad Juárez established a camp next to the bridge leading to the Stanton Street Port of Entry where 250 to 300 people were sleeping in tents. Individuals bathed on the roadside until water was installed within the camp but there was no designated space for individuals to bathe privately. There are no separate sleeping areas for men and women. Individuals were given a water bottle and a can of tuna three times a day. Health needs were observed among the population, but I/NGOs were not permitted access to provide health and/or other services. Monitors noted Mexican National Guard and Military presence, who were monitoring the site. Parque El Chamizal (Bridge of the Americas Port of Entry) - As of early June 2023, monitors observed an encampment of individuals and families without CBP One appointments in the park, waiting to access asylum at the Bridge of the Americas Port of Entry.	Dennis DeConcini Port of Entry - As of May 25, 2023, there were approximately 60 individuals without CBP One appointments sleeping outside the POE in Mexico. Individuals paid 10 pesos (approximately 0.60 USD) to access a bathroom in a shop nearby but did not have access to showers or other facilities to bathe. Previously, between May 14 and May 25, 200 to 250 individuals were camped outside the POE. Monitors spoke with several pregnant women as well as individuals with physical and mental disabilities. During the day individuals reported fatigue from the heat and being thirsty and hungry and reported being cold at night, especially on rainy days when they and their belongings had gotten soaked.	San Ysidro (Pedestrian East) Port of Entry - Between May 31 to June 2, 2023, an encampment of 200 to 250 asylum seekers without CBP One appointments (over 25 percent of whom were children) waited for access to asylum by the POE. Monitors noted medical needs including children with high fever and a cough given cold weather conditions and high-risk pregnancies; as well as need for basic humanitarian assistance (food, water, blankets, trash bags, sanitary napkins). A 31-year-old Haitian asylum seeker with hypertension and a high risk pregnancy, who had previously been denied assistance at local hospitals in Tijuana, declined an offer by local officials for a care referral for fear that she would lose her place in the informal asylum line at the San Ysidro port of entry. On June 2, 2023, monitors noted that Tijuana municipal authorities including the Office of Migrant Affairs referred and transported asylum seekers in the encampment near the port of entry to government run temporary shelters, including one approximately 5 miles south east of the POE in the Reforma Sports Complex as well as the newly established <i>Centro Integral para las Familias</i> shelter.
Nationalities of People Waiting to Seek Asylum Without CBP One Appointments	Afghanistan, Brazil, China, Colombia, Cuba, Ecuador, El Salvador, Guatemala, Honduras, India, Mexico, Nicaragua, Peru, Venezuela	Colombia, Cuba, Ecuador, El Salvador, Haiti, Honduras, Mexico, Russia, Venezuela	Colombia, El Salvador, Guatemala, Haiti, Honduras, Kazakhstan, Kyrgyzstan, Mexico, Nicaragua, Nigeria, Pakistan, Russia, Tajikistan, Uzbekistan, Venezuela

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International Rescue Committee
122 East 42nd Street
New York, NY 10168-1289
USA

Rescue.org

