

POLICY REPORT

MARIPOSAS DE LA FRONTERA

Uplifting the Stories of Asylum Seekers at the U.S.-Mexico Border



Aaron Nodjomian-Escajeda
October 2024



Throughout this report, you will find **QR codes** like the one pictured below. These recordings feature the real voices of asylum seekers we spoke to during our visit to the U.S.-Mexico border, giving you a firsthand account of the challenges asylum seekers face on their journey in search of safety.

To access the audio and videos of asylum seekers sharing their personal experiences, simply click, tap or **scan the provided QR code using your smartphone's camera**. Once scanned, a link will appear on your screen—tap on it to be directed to a secure page where you can listen to and watch brief audios and videos about their stories awaiting a CBP One App appointment in Mexico. Make sure your device is connected to the internet for seamless access to the content.

The  symbol indicates audio and the  symbol indicates a video.



Las Mariposas de la Frontera is a joint project between the U.S. Committee for Refugees and Immigrants¹ (USCRI) and the International Institute of New England² (IINE). USCRI thanks IINE for underwriting the project and for its support in conducting a field visit at the U.S.-Mexico border and partnering to uplift the stories of asylum seekers.



MARIPOSAS DE LA FRONTERA

Uplifting the Stories of Asylum Seekers at the U.S.-Mexico Border

The U.S. Committee for Refugees and Immigrants (USCRI), established in 1911, is a nongovernmental, not-for-profit, international organization dedicated to protecting the rights and addressing the needs of refugees and immigrants. USCRI, working with its affiliates, provides legal, social, and health services to refugees, unaccompanied migrating children, trafficking survivors, and other immigrants in all 50 U.S. states, Mexico, El Salvador, Honduras, and Kenya. USCRI advocates for the rights of refugees and migrants both nationally and globally, helping to drive humanitarian policies, practices, and law.

The International Institute of New England (IINE), a regional partner of USCRI and one of the largest and longest-established human service organizations in its region, serves refugees, unaccompanied children, and immigrants with a variety of humanitarian legal statuses from more than 70 countries throughout the world.



Acknowledgements

First and foremost, USCRI expresses its deepest gratitude to the asylum seekers who were interviewed and shared their stories during the field visit, even in the face of adversity and uncertainty. USCRI recognizes it can be difficult to recount such personal experiences. USCRI also acknowledges the many other asylum seekers in search of safety and those who have lost their lives seeking refuge.

USCRI thanks Yolanda Marín, shelter director of El Jardín de las Mariposas, and Leticia Herrera, shelter director of Pro Amore Dei, for their selfless work to support asylum seekers and other migrants, for sharing their experience overseeing their respective shelters, and for allowing us to speak with asylum seekers who they serve.

USCRI is grateful to David Pérez Tejada, Head of Office of the National Institute of Immigration in Baja California, Adriana Minerva Espinoza Nolasco, Undersecretary of Attention to Priority Groups of the General Secretariat of Government of Baja California, and Martín Arturo Enrique Lucero, Municipal Director of Migrant Attention, for meeting with USCRI staff during their visit to Tijuana, Baja California, Mexico.

USCRI conducted 10 in-depth interviews with asylum seekers and two interviews with shelter directors in Tijuana, Baja California, Mexico and Ciudad Juárez, Chihuahua, Mexico. USCRI and IINE also met with government officials and civil society organizations in Juárez and El Paso, Texas.

USCRI is particularly grateful to Las Americas staff, including the cross-border team, Daniel Avitia, and Jennifer Babaie, for facilitating meetings with asylum seekers in Juárez. USCRI thanks the State Council for Protection (COESPO by its Spanish acronym) for allowing USCRI to observe Las Americas at their resource center.

USCRI also thanks Christina Asencio, director of research and analysis, and refugee protection at Human Rights First, Patrick Giuliani, federal advocacy advocate at CASA, and Cindy Woods, national policy counsel at Americans for Immigrant Justice, for connecting us with local organizations along the U.S.-Mexico border.

USCRI offers its sincere appreciation to the staff of the USCRI U.S.-Mexico Border Program for coordinating visits to shelters and meetings with shelter staff and government officials in Tijuana, including Tomás Humberto Ochoa Ritchie, U.S.-Mexico border program coordinator, and Diego Ramírez, U.S.-Mexico border legal officer.

USCRI conveys its gratitude to Javier De La Cruz, international communications officer, for documenting the field visit, and to the rest of the USCRI Communications Team for making this advocacy project a success.

Finally, USCRI would like to express its deep appreciation to the International Institute of New England (IINE) for underwriting this project, being involved in its development, and accompanying us for part of the field visit.

Table of Contents

Executive Summary.....	1
Methodology.....	3
Context.....	5
The Presidential Proclamation and Interim Final Rule.....	5
Limits on Asylum Eligibility.....	5
Manifestation of Fear.....	6
Higher Standard.....	7
Rules upon Rules.....	7
Efficiency over Humanity.....	7
Contradicting International and U.S. Law.....	8
Field Visit Overview.....	10
El Jardín de las Mariposas.....	11
Pro Amore Dei.....	13
Shelters in Juárez.....	15
Meeting with IINE.....	15
Impact of the Rule.....	18
Inefficiency and Longer Wait Times.....	18
Increased Safety Concerns.....	20
Unintended Consequences of Changes to the CBP One App.....	24
Specific Populations.....	25
Mexican Nationals.....	25
Haitians.....	26
Families and Children.....	26
LGBTQIA+ Asylum Seekers.....	27
Prioritization of Certain Nationalities.....	28
Conclusion.....	29
Recommendations.....	29
What Individuals Can Do to Help.....	31
Appendix 1.....	32
Questions for Asylum Seekers in Mexico.....	32

Executive Summary



“(I hope people) have a little more compassion, to be more empathetic with the suffering of others. Not everyone lies to get into the United States. I hope they see the real cases.”

-Mexican asylum seeker at the U.S. - Mexico border

Over the past two years, the U.S. Government has made considerable changes to asylum and migrant processing at the U.S.-Mexico border. Most recently, on June 4, 2024, President Biden issued an Executive Proclamation³ on Securing the Border, which suspended the entry of noncitizens into the United States across the southern border. The associated Interim Final Rule⁴ (IFR) then placed limits and conditions on asylum eligibility.

The IFR does not comply with longstanding U.S. and international law. The IFR limits asylum access by further prioritizing the U.S. Customs and Border Protection (CBP) One mobile application (CBP One App) to process individuals seeking safety. This and other new standards and protocols build upon previous conditions to create inhumane consequences for people seeking refuge in the United States.

To gather firsthand accounts of the consequences of the IFR, the U.S. Committee for Refugees and Immigrants (USCRI) and the International Institute of New England (IINE) conducted a field visit to the U.S.-Mexico border in July 2024.

USCRI conducted 10 in-depth interviews with asylum seekers and two interviews with shelter directors in Tijuana and Juárez. USCRI and IINE also met with government officials and civil society organizations in Ciudad Juárez, Chihuahua, Mexico, and El Paso, Texas.

Asylum seekers shared intimate stories of their journeys fleeing north and their experiences facing extortion, sexual assault, physical violence, and other dangers while they waited for an appointment through the CBP One App.

Based on the accounts of asylum seekers and others at the border, USCRI and IINE found that the CBP One App procedures and requirements: (1) exacerbate wait times for individuals applying for an appointment with CBP; (2) engender an environment for criminal actors to abuse asylum seekers and migrants; and (3) raise concerns about discriminatory practices for Black migrants, families, and LGBTQIA+ asylum seekers.

Although not explored in depth during the field visit, other parts of the IFR, such as the manifestation of fear requirement and the higher standard during fear interviews, also unduly restrict access to asylum.

The United States must prioritize humane asylum policies. To do this, **the Administration should rescind the IFR in its entirety**. Aside from a rescission of the IFR, USCRI makes the recommendations below.

CBP Should:

- Increase CBP One App Appointments
- Capture Lost CBP One App Appointments

DHS & DOJ Should:

- Provide Public Data for Equity Monitoring
- Assess CBP Adherence to IFR Exceptions

U.S. Congress Should:

- Pass the Destination Reception Assistance Act

The Mexican Government Should:

- Stop Pushbacks
- Create Safety Mechanisms and Transit Documents
- Continue Issuing Visitor Cards for Humanitarian Reasons



The Córdoba Bridge of the Americas between Juárez and El Paso.

Methodology

This report was written and prepared by USCRI senior policy analyst Aaron Nodjomian-Escajeda.

Since the inception of the Migrant Protection Protocols⁵ (MPP)—known as the Remain in Mexico policy⁶—in 2018, USCRI has increasingly monitored and advocated for access to asylum in the United States. This report builds upon existing work and efforts from USCRI to protect the right to seek asylum.⁷

The report includes an analysis of federal regulations and findings from field research conducted at the U.S.-Mexico border in July 2024.

During the first portion of the field visit in Tijuana, Baja California, Mexico, USCRI staff met with federal, state, and municipal government officials. USCRI also visited two shelters serving asylum seekers and other migrants. While at the shelters, USCRI interviewed the shelter directors and four asylum seekers waiting for an appointment via the CBP OneMobile Application⁸ (CBP One App).

On the second part of the field visit, USCRI traveled to Ciudad Juárez, Chihuahua, Mexico. While there, USCRI visited two Catholic shelters. USCRI interviewed six asylum seekers at the shelters in Juárez waiting for a CBP One App appointment.

The four shelter directors permitted USCRI to speak with asylum seekers to inquire if any would be willing to share their experiences.

Before conducting any of the interviews, USCRI staff described their purpose to asylum seekers and explained that their stories would be elevated and taken to decision-makers to push for humane border and asylum policies. USCRI explained that sharing their experiences would not directly help their asylum claim but would be used to advocate for a better system for future asylum seekers. USCRI staff stressed that the interviews were completely voluntary and would not negatively impact the services they received from the shelter if they decided not to participate.

USCRI provided the questions to potential interviewees and cleared any doubts regarding the interview before asking for consent. Individuals were asked to review the consent form in their native language, Spanish, and were able to ask clarifying questions before consenting. The asylum-seeker interviews were also conducted in Spanish. Interviews were conducted in private locations away from others to ensure comfort and privacy. A total of 10 asylum seekers participated in these in-depth interviews with USCRI.

All the interviews with asylum seekers and shelter staff were conducted in Spanish, and portions of them have been translated into English for this report.

IINE accompanied USCRI to Juárez from El Paso, Texas. USCRI and IINE traveled to Villa Ahumada, a small town about 75 miles from Juárez on a known migrant route, to observe migrant flows. USCRI and IINE also met with four civil society organizations and a state government official from the State Council for Protection (COESPO by its Spanish initials) while in Juárez.

USCRI and IINE also visited El Paso and met with three civil society organizations, one shelter, and El Paso County staff from the Office of New Americans.

All photos in this report were taken by USCRI and IINE staff.



The border wall between Juárez and El Paso on the Mexican side.

Due to a variety of factors, such as new and ongoing conflicts, human rights abuses, persecution, political instability, and environmental factors, there are record levels of displacement and humanitarian crises around the globe. Many countries, including the United States, have resorted to policies that prevent people from arriving at⁹ or staying within¹⁰ their borders.

Because the U.S. Congress has failed to pass meaningful immigration legislation to meet the realities of this century, the U.S. Government has resorted to a patchwork of border enforcement¹¹ policies that do not address the root causes¹² of displacement and often overlook their inhumane outcomes.¹³ States, cities, and communities have often lacked the needed infrastructure and federal support to welcome asylum seekers and other new arrivals efficiently and humanely.

The Presidential Proclamation and Interim Final Rule

Over the past two years, the U.S. Government has made considerable changes to asylum and migrant processing at the southern U.S. border. Most recently, on June 4, 2024, the President issued a Proclamation on Securing the Border¹⁴ that allows for the suspension and limitation on entry of any noncitizen into the United States across the southern border.

The suspension and limitation went into effect on June 5, at 12:01 a.m. Eastern Time, hours after the Proclamation had been announced. The suspension and limitation will not be lifted until 14 days after the seven-day average of encounters¹⁵ falls below 1,500, which has only occurred 42 percent¹⁶ of the time over the past 24 years, making it extremely difficult to rescind. A seven-day average of 2,500 encounters or more would constitute an emergency border circumstance again, triggering the suspension and limitation on entry.

The Proclamation also directed DHS and DOJ to issue regulations addressing the emergency circumstances at the U.S.-Mexico border, including limitations and conditions on asylum eligibility. The regulations were released as an Interim Final Rule¹⁷ (IFR), published on June 7, 2024, retroactively taking effect on June 5, 2024.

The IFR made three main changes to the process for individuals seeking asylum, statutory withholding of removal, or relief under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) during emergency border circumstances. It established limits on asylum eligibility, implemented a manifestation of fear requirement, and created a higher standard in initial fear screenings.

Limits on Asylum Eligibility

During the emergency border circumstances outlined in the IFR, individuals who enter across the southern border will be ineligible for asylum. The Proclamation and IFR do not apply to the following groups:¹⁸

- Lawful permanent residents of the United States,
- Unaccompanied children,
- Individuals who are determined to be a victim of a severe form of trafficking in persons,
- Individuals who have a valid visa or other lawful permission to seek entry or admission into the United States, i.e., the “lawful pathways”¹⁹ detailed in the 2023 Final Rule, “Circumvention of Lawful Pathways,”²⁰ including:
 - Individuals who present at a southwest land border port of entry (POE) under a process that allows for the safe and orderly entry of noncitizens into the United States, i.e., use the CBP One App²¹ to schedule an appointment to meet with border officers at a port of entry.

The CBP One App allows asylum seekers in Mexico to request and schedule appointments to present to border officials at one of eight southwest land ports of entry along the U.S.-Mexico border. Upon arriving at a port of entry, CBP officers inspect and evaluate individuals to determine appropriate processing. CBP does not adjudicate asylum claims. In theory, individuals issued a Notice to Appear (NTA) and placed in removal proceedings can seek relief, including asylum, or other protections before an immigration judge.



Instructions regarding various uses for the CBP One App at the Córdoba Bridge of the Americas between Juárez and El Paso.

The IFR also provides exceptions from the limitations on asylum for individuals who show that they or a family member they are traveling with faced (1) an acute medical emergency; (2) an imminent and extreme threat to life or safety, such as an imminent kidnapping, torture, or murder; or (3) met the definition of victim of a severe form of trafficking in persons.

Manifestation of Fear

During emergency border circumstances, moving away from long-standing practice, asylum seekers placed in expedited removal²² no longer receive preliminary questions that serve an important role in screening for fear. Instead, they must affirmatively “manifest or express” a fear of return to their country of origin or proactively ask for asylum or relief from persecution.

According to the IFR, the manifestation may occur at any time in the expedited removal process and can be expressed verbally, non-verbally, or physically. Individuals who do not spontaneously manifest fear in a way that border officials will recognize may be promptly removed, without an opportunity to present their asylum claim to an asylum officer. DHS indicates that it will use posters²³ and videos in English, Spanish, Mandarin, and Hindi²⁴ to notify asylum seekers about the need to report fear and is “confident they are likely to be seen by noncitizens being processed.”

Higher Standard

During emergency border circumstances, individuals ineligible for asylum under the IFR will receive a negative determination during initial fear screenings. They will only be eligible for the lesser protections of withholding of removal²⁵ or relief under CAT.²⁶

The IFR created a higher standard of proof for individuals seeking safety to qualify for withholding of removal or relief under CAT from a “reasonable possibility” to a “reasonable probability.” A reasonable probability is defined as “substantially more than a ‘reasonable possibility’ but somewhat less than ‘more likely than not.’”²⁷ Individuals who have their credible fear determination reviewed by an immigration judge must also meet this elevated standard if the judge finds that the limitation on asylum eligibility applies.

Rules Upon Rules

The IFR builds upon the Circumvention of Lawful Pathways²⁸ (CLP) rule released in May 2023. The rule placed conditions on asylum eligibility for individuals who circumvent “lawful pathways.” The rule presumes those who present themselves at the southern border and adjacent coastal areas are ineligible for asylum unless they:

- Were granted prior permission to travel to the United States to seek parole pursuant to a DHS-approved parole process,
- Were able to make an appointment to present themselves at the border using the CBP One App, or
- Previously sought asylum in a country or countries through which they traveled and were denied.

The CLP rule made it difficult for individuals seeking refuge from Central and South America to access the asylum system. Because Mexican nationals did not need to apply for and be denied asylum en route to the United States, the CLP rule largely overlooked them. However, the recent IFR expanded the scope of the previous asylum ban²⁹ to concretely include Mexican nationals.

The IFR not only maintains the limitations on asylum eligibility from the CLP for other nationalities but also adds barriers to asylum access. As noted above, one of the barriers is the manifestation of fear requirement. The requirement raises the initial fear standard to an arbitrary and unquantifiable level—somewhere between more than a reasonable possibility but less than more likely than not.

With the CLP and the IFR, an already complicated system has been made almost impossible to navigate, stripping the asylum system of the ability to offer meaningful protection to asylum seekers attempting to access the United States from its southern border.

Efficiency Over Humanity

The Administration has largely overlooked the humanitarian impact of these policies and has instead focused on organizational efficiency. The rule states³⁰ that the predictability in the number of encounters at ports of entry, coupled with the processing efficiencies gained by the widespread use of the CBP One App, improves CBP’s ability to manage encounters at ports of entry. The Administration also claims³¹ that without the CBP One App, asylum seekers could face longer wait times at ports of entry.

USCRI submitted formal comments³² and released public statements³³ warning the U.S. Government about the humanitarian impact of these policies. The requirements and procedures in the IFR could lead to significant implications for families, children, and individuals fleeing persecution, violence, and other forms of harm, leaving them more vulnerable and without adequate avenues for protection. USCRI also cautioned that these policies violate domestic and international law. The framework of the IFR shirks the moral principles behind the Refugee Convention and the Refugee Act, risking the refoulement of refugees.

Contradicting International and U.S. Law

To ensure that the humanitarian consequences of World War II would never be repeated, the United Nations (UN) drafted the Universal Declaration of Human Rights (Declaration), adopted by the UN General Assembly in 1948. For the first time, an international agreement set forth fundamental human rights. Article 14³⁴ of the Declaration states that everyone has the right to seek and enjoy asylum from persecution in countries other than their own.

The UN defined the role of governments in upholding Article 14 during the 1951 Convention Relating to the Status of Refugees,³⁵ and the 1967 Protocol Relating to the Status of Refugees.³⁶ Non-refoulement—a central responsibility of the Refugee Convention and Protocol—provides a refugee or asylee protection from expulsion to countries where they have a well-founded fear of persecution.

By placing conditions and limits on asylum, such as required CBP One App appointments that result in long wait times to present a claim, the IFR jeopardizes the right to seek and enjoy asylum included in Article 14. The risk of refoulement is also high because individuals who are deported under the IFR will be sent back to their country of nationality without having presented the merits of their case. Individuals unable to be returned to their country of nationality will be sent back to Mexico, which for many is not a safe country. Since the IFR, DHS has deported more than 106,000 individuals to over 130 countries³⁷ by operating more than 300 international deportation flights.

The Refugee Act of 1980 amended the Immigration and Nationality Act (INA) to include refugee and migrant processing.³⁸ Under U.S. law, asylum seekers are protected from refoulement.

U.S. law also states that individuals who are physically present or arrive in the United States—whether or not at a designated port of entry—may apply for asylum.³⁹ Under the IFR, asylum seekers are not able to apply for asylum at a designated port of entry. They must have a CBP One App appointment. The IFR keeps asylum seekers for an indefinite amount of time in Mexico, abdicating the United States' responsibility to allow individuals to apply for asylum.

According to a resolution from the Organization of American States (OAS) and pursuant to the American Convention on Human Rights:

“States must adopt all measures that may serve to avoid unnecessary delays in administrative and judicial proceedings, so as not to unduly prolong the suffering caused by remembering events that happened and to promote appropriate handling of the risk of re-traumatization as a result of those proceedings.”⁴⁰

Applying for asylum promptly is crucial to prevent undue suffering, as it allows individuals to begin the healing process without being forced to continuously relive traumatic events. Allowing for timely applications also reduces the risk of re-traumatization during administrative backlogs and procedural delays. While the United States is a member of OAS, it has not ratified the American Convention on Human Rights. The United States, however, addresses administrative standards within its laws.

The INA encourages that final administrative adjudication of asylum applications be within 180 days of filing, except in exceptional circumstances.⁴¹ When using the CBP One App, asylum seekers are asked to wait an unspecified amount of time before being able to present at the border, manifest fear, and finally be allowed to apply for asylum. The uncertainty often leads to further traumatization, depression, and anxiety.

While the United States is not administratively responsible for asylum seekers until they apply for asylum, the United States should be held morally accountable for the impact of its policies. The IFR unduly prolongs the suffering of asylum seekers who are often forced to wait far longer than 180 days.

The IFR is a continuation of a trend in the refugee regime known as externalization, where states take action to prevent migrants from ever reaching their territory. Because jurisdiction is the tether that links rights to duties, such maneuvers allow states to sidestep their international legal and moral obligations.

In practice guidance,⁴² the UN Human Rights Office of the High Commissioner (OHCHR) released principles that governments should follow to protect the human rights of migrants in vulnerable situations. The fifth principle outlines steps that governments should follow to ensure that border governance measures protect human rights. Guidelines include that governments should:

“Take all reasonable measures to minimize the time during which migrants are delayed at borders or other crossing points on their journey. Provide adequate humanitarian assistance during border procedures and delays. Humanitarian assistance includes the provision of shelter, gender-responsive water and sanitation facilities, medical care...”⁴³

Under the IFR, the United States does not adhere to principles outlined in the guidance from OHCHR aimed at protecting the human rights of migrants in vulnerable situations. The IFR has increased the total time that vulnerable migrants and asylum seekers take to cross the U.S.-Mexico border. The United States also does not provide shelter, water, or other humanitarian assistance to asylum seekers waiting for an appointment through the CBP One App, causing them to become dependent on humanitarian actors operating in Mexico.

USCRI has long advocated against the practice of refugee warehousing —keeping refugees in protracted situations of restricted mobility, enforced idleness, and dependency.⁴⁴ The IFR creates a situation where a type of micro-warehousing, or asylum-seeker storage, occurs.

The IFR has created a system where asylum seekers face restricted mobility, enforced idleness, and dependency on shelters and other humanitarian actors. Some asylum seekers have resided in squalid conditions in large, tent-like structures along the border.⁴⁵ In essence, these asylum seekers are stored in Mexico until the United States has the capacity to process them at a port of entry.



Soft-sided facility used to house migrants near the Rio Grande in Juárez.

To bring further evidence to these claims, USCRI traveled to the U.S.-Mexico border to speak with asylum seekers about their experiences waiting to access the asylum system. Four weeks after the Proclamation and IFR, USCRI and IINE visited the U.S.-Mexico border to assess the impact of the Proclamation, IFR, and limits on asylum eligibility on asylum seekers in Mexico.

Field Visit Overview

The purpose of this field visit was to talk directly with asylum seekers at the U.S.-Mexico border and gather firsthand accounts of their experiences, challenges, and needs as they navigate the asylum process. By conducting in-depth interviews and observations, USCRI aimed to better understand the conditions and obstacles these individuals face, including issues related to mobility, access to safeguards, and security.

The insights gained from this visit will be used to inform advocacy efforts, shape policy recommendations, and raise public awareness about the realities of seeking asylum at the U.S. southern border. Through this visit, USCRI also sought to build relationships with local civil society, government officials, and other stakeholders working to support these vulnerable populations.

In preparation for the field visit, USCRI developed a set of questions for asylum seekers. USCRI wanted to learn more about their reasons for leaving home, their journey arriving at the border, interactions with Mexican and U.S. law enforcement agencies, experience using the CBP One App, and plans should they be allowed into the United States. IINE provided input, and the complete questionnaire totaled 31 questions, as shown in Appendix 1. The questions were translated into Spanish and Haitian Creole to ensure language accessibility.

In early July, USCRI headquarters staff met with USCRI Mexico staff in Tijuana. USCRI international communications staff documented the field visit through videos and photos.

During the Tijuana visit, USCRI met with federal, state, and local government officials from the National Institute of Immigration in Baja California (INM by its Spanish acronym), the General Secretariat of the Government of Baja California, and the Migrant Attention Office of Tijuana. USCRI visited the repatriation center at the San Ysidro port of entry with INM officials.

In Tijuana, USCRI visited two shelters, El Jardín de las Mariposas,⁴⁶ dedicated to serving LGBTQIA+ migrants, and Pro Amore Dei.⁴⁷ USCRI staff interviewed two asylum seekers from El Jardín de las Mariposas and two from Pro Amore Dei. USCRI staff also interviewed shelter directors Yolanda Marín of El Jardín de las Mariposas, and Leticia Herrera of Pro Amore Dei to learn more about the trends they have observed since the executive order in June.



El Jardín de las Mariposas shelter in Tijuana.

El Jardín de las Mariposas

El Jardín de las Mariposas was a small, homey building with about 35 beds tightly arranged. Marín was excited to show recent additions to the house. The building was previously an elementary school, and the bathrooms had been updated for adult use. The rooms were lined with bunk beds and were separated by gender. The shelter only housed individuals over the age of 18 years.

Marín also showed USCRI a modest concrete courtyard that had recently been equipped with a cover to protect residents from the sun and elements. In the courtyard, there were two dogs. One traveled to the border with an asylum seeker, and the other was adopted by the shelter.

During USCRI's visit, approximately 15 guests shared lunch around a large table in the combined dining room and kitchen. Marín asked the guests to introduce themselves. Individuals introduced themselves as trans women, gay men, and nonbinary and bisexual individuals. There were people from Mexico, Colombia, Honduras, Guatemala, and Venezuela. People appeared to be in good spirits and expressed hope that they would get a CBP One App appointment soon.

Marín also talked about the hope that she has for herself as a trans woman and for the asylum seekers waiting for the opportunity to speak with border officials. The following are excerpts from USCRI's interview with Marín.

"We as [LGBTQ+] people couldn't even exist... Many of the people who are migrants come with substance issues, with alcohol and drug problems. There is also very systematic and very strong violence against LGBTQ+ individuals. Today we are not ignored; we are listened to, but there is still a lack of support... Most of the people here do not have access to healthcare. If someone gets sick at night or has a toothache, they lack access to a dentist, and there have even been people who have died. So, people arrive very sick, and this is a humanitarian issue.

Many of these people come abused by someone in power, and when they arrive here, sometimes they have no money, they arrive exploited, robbed—they go through a very difficult journey, very difficult, whether it be due to the immigration system, or the municipal police, wherever they come from.

The only thing we are doing is, in a way, providing [asylum seekers] with basic services and offering the services that exist, but the problem, the underlying issue, is much bigger than it seems.

(There were recent changes to seeking asylum in the United States, do you think the guests understand these changes?)

I believe that organizations [that visit the shelter] do know all the changes [to policy] that are made in the United States. They often share the information with shelters or disseminate it. But trying to make the residents understand that information can be complicated, and I think each person has their own, how can I say it? Their own thoughts on that, they have their own criteria, you could say, each person has their own criteria based on how they understand it.

It seems that [the CBP One] application has become... well, sometimes you need to have a certain amount of memory or speed on your phone to take the photo because it won't capture it if you don't. You need to have very good connectivity, and sometimes there are people who don't even know how to read or write and don't know how to use the device or don't speak Spanish or English and do everything through Google Translate. So, in a way, it has become something that allows only a portion of the population to [schedule an appointment].

The processes have taken a very long time; they are crossing [with a CBP One App appointment] in seven to eight months, so it's a longer process. I believe that when people arrive from other countries, it is to seek asylum in the United States, yes.

There is a phrase that Harvey Milk uses that says, 'hope will never be silenced,' so yes, we believe in that hope that will never be silenced; we must make it heard."

Pro Amore Dei

Pro Amore Dei is considerably larger than El Jardín de las Mariposas in capacity and space and can serve between 270 and 300 families, including men, women, and children. The shelter had beds and colchonetas, a type of mat or mattress pad, that people could sleep on to expand the shelter capacity. At the time of the visit, the shelter was at less than 50 percent capacity and housed 139 migrants and asylum seekers.

The shelter director, Leticia Herrera, said that the low shelter capacity allowed her to focus on much-needed renovations and expansions. The shelter had recently expanded to a house across the street to house women and children. Improvements had also been made to the attic to house more single men.

During the field visit, USCRI presented⁴⁸ Herrera with a \$10,000 donation to support essential improvements around the shelter. Herrera said she would use the donation to help update the kitchen. The kitchen had an old industrial stove retrofitted with a fume hood, posing a safety risk.

The following are excerpts from USCRI's interview with Herrera sharing some of the stories of the migrants staying in her shelter.

"Ok, I fled from Honduras to Mexico, through Guerrero, Michoacán, or wherever. I leave and arrive here, thinking now, I'm going to find safety, but you don't find safety. What you found is that the mafia has also taken over the route."

"...A woman was raped twice, the man was beaten, and their daughters were aware of it. What kind of humiliation do they expose you to? A woman, in front of her daughters, with your husband, and they take you with them, and your daughters saw you, your husband saw you—how does that leave you? That is what people are risking."

"...There is this woman whose son was killed, so she left and arrived here in a panic, in a critical situation. And it turns out when she arrives here, she hits a wall. She has to wait months, it's no longer three, six, or eight months anymore. Now we're talking nine months."

"...A woman arrived with a high-risk pregnancy. On the third day after she arrived, she got sick and started feeling bad. The girl was so young. She went to the emergency room at the General Hospital but was sent back.

The next day, volunteers from the Refugee Health Alliance (RHA) came and took her to a maternal-infant hospital. [Medical staff] said that the baby was in bad shape and performed an emergency cesarean.

I say the damage was already done. Only the doctors know if it was due to the violence she experienced or the journey, but the fact is, she lost the baby.

Now, we must support the mother, plan the cremation, and navigate the woman's condition. All these types of situations happen. We no longer have the support we had before. Before, we could get people across [the border]. We used to send babies through [medical exceptions], so at least we were left with the satisfaction that we did everything possible. But here, with this baby, what do you do? How do you console the mother?"

"...These are the people we should protect. These are the ones who shouldn't have to wait, in my humble opinion, because they are already suffering so much. I wish there was a way to protect them, to ask for an exception for them, not to mention the medical cases that are also related."



Herrera alluded to a worrying trend that has increased since the IFR. CBP officials have become more stringent on the exceptions at ports of entry. In the text of the IFR, an acute medical emergency or imminent and extreme threat to life or safety qualify as exceptions to the rule. Individuals USCRI spoke with said that CBP is not making exceptions as they were before the rule, putting vulnerable people at greater risk.

Herrera went on to talk about her interaction with U.S. Government officials:

"...When some individuals from the U.S. consulate came, they said that everything would change, and told the migrants to keep their spirits up, to have hope, etc. They said, 'Look, when you enter, you'll enter legally, with two years of work permission. And during that time, your [asylum] case will be assessed. Otherwise, if you go and surrender [to border officials], you will be at risk, you will expose your family, and maybe face deportation.'"

"...A U.S. Senator came here just when we opened. Recently, he asked me, 'What do you want for the shelter?' [I responded], 'Let my people pass. When you're [in the United States], tell them, tell them that people are suffering.' And he left.

About three months later, his secretary asked me again, 'The Senator wants to know if there's anything you would like to ask for your shelter.' 'Let the people pass.'"

Directing her next statement at USCRI staff, "So, if you were to ask me right now and say, 'You know what, the [\$10,000] check, or 20 families, 'I would say, keep the check and take the 20 families.

I wouldn't think twice because, for me, they are suffering. It's as simple as that."



Shelters in Juárez

In mid-July, USCRI left Tijuana and continued its field visit along the U.S.-Mexico border in Juárez. Once there, USCRI met the Las Americas shelter coordinator and members of the cross-border team. The shelter coordinator obtained permission for USCRI to visit two Catholic shelters in Juárez to speak with asylum seekers waiting for a CBP One App appointment. The names of the shelters are omitted for safety reasons.

The first shelter, run by a priest, was in a nondescript part of the city. When USCRI arrived, the neighbors became suspicious and asked several questions about the reason USCRI was there. The shelter itself was a small, cramped building. Upon entrance, there was an immediate stairway to the upper floor. One had to navigate through a small space between the stairs and the wall to access the rest of the first level. The wall was lined with colchonetas that had been moved to the side to allow a team of nurses to attend to guests. This shelter served families, with men, but had limited capacity. USCRI staff interviewed six asylum seekers from this shelter.

The second shelter, run by a nun, appeared to have the most investment of the shelters USCRI visited. The entrance to the shelter was secured by a metal gate that opened to a large courtyard. There were several large apartment-like buildings with shared kitchens and living spaces for asylum seekers. This shelter only allowed women and children to reside there.

Meeting with IINE

IINE president and CEO Jeff Thielman, senior vice president and chief advancement officer Xan Weber, and marketing coordinator Christina Duran joined USCRI from El Paso to Juárez. Duran helped document this portion of the field visit through videos and photos.

From Juárez, USCRI and IINE traveled to Villa Ahumada, a small town about 75 miles from the city, located on a known migrant route. A local guide explained that many migrants used the road between Villa Ahumada and Juárez to reach the border. The guide had observed groups of migrants traveling along the path and even spotted some riding La Bestia, or train surfing, as recently as May.

But the route was deserted. USCRI and IINE did not observe anyone traveling the route by foot or train surfing. The team stopped to regroup at a market at a crossroads known as a meeting point for migrants to rest before starting their return journey to Juárez. Again, it was empty.

Local vendors and an individual at the market stated they had not seen migrants passing that way for about a month. But before that, they would often see them traveling by train, bus, or foot and would meet at that location.

USCRI and IINE also visited El Paso, known as Juárez's sister city. The cities make up one metroplex, only divided by the border. By visiting El Paso, USCRI and IINE aimed to gain a better picture of the complete journey of a migrant—to understand both sides of the border and what happens when migrants arrive in the United States.

Back in Juárez, USCRI met with four civil society organizations and a state government official from COESPO. The official allowed USCRI and IINE to interact with asylum seekers at their resource center and observe Las Americas staff assist asylum seekers in navigating the CBP One application process.

The following insert is a brief article written by IINE about their experience on the field visit.

Below, IINE staff members reflect on how the experience deepened their understanding of the challenges that asylum seekers—including many of their clients—face when crossing into the U.S.

Starting in late 2022, we began serving a large and growing number of asylum seekers, most of whom are from Haiti and have come to Boston, Massachusetts to join the third-largest Haitian diaspora in the country. Because of an affordable housing crisis, many of these families have begun their time here in emergency shelters—sites that lack privacy and space, and have increasingly short stay limits, extending the instability and uncertainty these families already face. Over the past year, IINE has helped more than 12,500 Haitians access Refugee Cash Assistance, provided legal assistance to more than 1,000 people in the shelter system, and helped several families leave shelters and lease apartments.

Many of our clients have told us stories about the long and dangerous journeys they took to reach the border in pursuit of safety and a brighter future for their children. They traveled through difficult terrain and harsh conditions, and then often faced racism and discrimination at the border. We've also seen the obstacles they face when they arrive in our state. We wanted to learn more about the pivotal time of crossing over and beginning their new lives on the U.S. side of the border. What we saw and heard on this trip was both sobering and inspiring.

In Mexico, we were heartened by meetings with a network of organizations dedicated to helping asylum seekers and other migrants who have just crossed the border to find immediate shelter, and request appointments to meet with border officials through the CBP One App and prepare for the next leg of their journey. We spoke with new arrivals from Central and South America, who like many of our clients, were fleeing persecution and hoping to find safety with their families and members of their communities in the United States. One of them told us he had been forced to flee his home country after a criminal syndicate targeted his business. All of them told us they were fleeing difficult situations, had friends and family in the United States, and were hoping to find any job they could to make ends meet.

We met many families who are divided between Ciudad Juárez and El Paso. Family members often work in one community and live in another. We saw an ethos of faith and community support on both sides for migrants making the journey north. One woman we met from Mexico who was returning from a trip to see family in Denver shared that she had just helped a Colombian family of eight to get to the border and eventually cross.

Contrary to how the border is so often depicted in the U.S. media, we saw for ourselves that the U.S.-Mexico border—the most frequently crossed in the world—is far from chaotic. Not surprising considering U.S. efforts to strengthen border security through heightened surveillance technology and restrictive border policies. **However, the calm and collection at the border have created inhumane consequences south of the border.** Advocates explained to us that shelters in Ciudad Juárez are currently at half their capacity because of a few factors: President Biden's Executive Order in June 2024 that suspended the entry of most migrants entering the U.S. without permission; actions by Mexican authorities to round up migrants and bus them to cities in the south of the country; and migrants' concerns of targeting at shelters by cartels and others.

The border is a place where deadlines and rules change frequently. Asylum seekers told us that they face more danger in Mexico, including kidnappings and the need to pay bribes, than they did crossing the Darien Gap—the infamously treacherous border territory between Colombia and Panama. Beyond danger and extortion, the U.S. CBP One mobile app is on its 26th version and continues to have technical glitches that can disrupt and delay an already complicated process.

It is jarring and confusing to see fences and walls between the United States and Mexico, especially after hearing advocates on both sides explain that the border security system has led to an increase in exploitation of migrants by bad actors in Mexico and a deadly journey for legitimate asylum seekers hoping to receive protection in the United States. What gives us hope, however small, is that asylum seekers and unaccompanied children are supported by a passionate network of NGOs, faith communities, and community groups, who, like USCRI and IINE, are dedicated to supporting people braving tremendous hardships to gain their Derechos Humanos—their human rights.

Jeffrey Thielman - President and CEO

Alexandra Weber- Senior Vice President and Chief Advancement Officer

Christina Duran - Marketing Coordinator



The border fence along the U.S.-Mexico Border between El Paso and Juárez.

After IINE left, USCRI met with El Paso County staff and toured the emergency intake shelter. The shelter could serve hundreds of asylum seekers and migrants per day but at the time was serving less than 30 individuals per day. This aligns with what USCRI and IINE observed in Villa Ahumada. Where have all the migrants gone? The discussions and interviews from this field visit provide some insight into this question.

Impact of the Rule

On June 12, 2024, Las Americas Immigrant Advocacy Center and Refugee and Immigrant Center for Education and Legal Services (RAICES), represented by the American Civil Liberties Union of Ohio, challenged the IFR in a lawsuit against the U.S. Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS), U.S. Customs and Border Protection (CBP), U.S. Immigration and Customs Enforcement (ICE), the U.S. Department of Justice (DOJ), and several officials from the Administration. The organizational plaintiffs claim that the Presidential Proclamation and IFR violate U.S. immigration law.⁴⁹ This case is ongoing.

In a recent federal court declaration⁵⁰ on the case, a DHS official provided a statement on the impact of the IFR. The official stated that the IFR made “key changes to asylum processing at the border designed to significantly enhance DHS’s ability to quickly remove individuals” and strengthened consequences for unauthorized entry.

According to the declaration, in the first 57 days of its implementation, encounters at the southern border decreased by nearly 60 percent. DHS’s increased ability to “swiftly deliver consequences” resulted in the deportation of more than 106,000 people—nearly triple the number of individuals processed through expedited removal⁵¹—and reduced the percentage of encounters released pending their removal proceedings by half. DHS claims all of this to be “significant progress.”

In the successes mentioned in the declaration, DHS talked about the improvements to border processing times and the number of encounters and deportations, focusing on these changes as efficiencies. While efficiency should be considered, any process must safeguard human rights, especially within the asylum system—a system meant to protect people fleeing persecution.

Inefficiency and Longer Wait Times

In the text of the IFR, the Administration claimed⁵² that without the CBP One App, asylum seekers could face longer wait times at ports of entry. DHS reiterated this stance by talking about the increased efficiency of processing migrants arriving at the southern border in their declaration.⁵³ But the focus on efficiency did not include the wait times for migrants in Mexico.

Asylum seekers and migrants are waiting eight months and sometimes even longer to receive an appointment to be allowed to approach a port of entry. While waiting, asylum seekers do not have stable accommodations or access to health care or food and other necessities, and they are not able to work.

The following quotes are from asylum seekers and shelter staff talking about the wait times to receive an appointment through the CBP One App.

(Have you applied for an appointment using the CBP One App?)

“Since November of last year, 2023. But of course, we didn’t know [how it worked], and we had deleted it several times, but this time we’ve had it for about three months, and we haven’t deleted it this time.”

- Asylum seeker 1 from Colombia

“Here (in the shelter), you feel protected. But we can’t stay cooped up here, our life doesn’t revolve around four walls. (We’re) waiting for asylum, waiting for the United States to give us a chance to start over. We said, ‘I don’t think it will take long,’ and look at us here five, six months later—I think it takes too long.”

- Mexican trans woman seeking asylum

“I’ve already been here for two months, thank God. I got an appointment in one month... one month and 10 days.

It’s complicated, and there are people who have been waiting for an appointment for up to eight months. Honestly, I feel lucky that I got mine, but I’m aware that some people have been waiting for eight months, why would someone else get an appointment in just a month? To me, it’s unfair because that long wait isn’t easy for anyone—something like that is not easy. Many problems, you have to endure .”



- Asylum seeker 2 from Colombia

(What made you leave your home?)

“Due to threats. They killed my 16-year-old son. I’ve been here for four months (waiting for an appointment). I pray to God that it comes soon or that there’s some change. I live here in fear that something might happen to us or to my children. Unfortunately, they butchered my 16-year-old son, so I live with that fear.



This is the first time I’ve left my home. I’m from Cuernavaca, Morelos. It’s very difficult because there have been many changes in all of this, and the appointments are taking a long time. I just said it’s going to be four months—it’s hard, but we don’t lose faith.”

- Asylum seeker 2 from Mexico

One of the asylum seekers raised the inconsistency of scheduling appointments through the CBP One App.

The CBP One App allots a certain number of daily appointments to individuals who have been waiting the longest time. It then randomly assigns the remaining daily appointments, regardless of how long an individual has been waiting. Efficient processes should be standardized and applied equitably to individuals using the same system. Under the IFR, however, asylum seekers continue to face unknowns in what essentially is a lottery system to access humanitarian protection.

Increased Safety Concerns

The Proclamation⁵⁴ and the IFR purport that the aims of these policies are to prevent people from making “the dangerous journey north to the United States.” They also claim to address dangerous transnational criminal organizations and other criminal smuggling organizations that view migration as increasingly lucrative. Instead, the IFR and other U.S. immigration policies have resulted in situations where asylum seekers face greater danger.

A border observatory report released in July 2024 by the HOPE Border Institute and Derechos Humanos Integrales en Acción (DHIA) details the dangers for many asylum seekers in Mexico. From 2020 to 2024, nearly 600 asylum seekers and migrants reported experiencing extortion, kidnapping, physical violence and threats, torture, and human trafficking.⁵⁵

More recently, a joint report⁵⁶ analyzing the implementation of the IFR details how asylum seekers have been kidnapped, sexually assaulted, tortured, and threatened with death while waiting for a CBP One App appointment. Initial reports after the IFR suggest that there has already been an increase in migrant deaths since the IFR. Jesuit Refugee Services (JRS) Juárez noted that there has been an increase in dead bodies in the Sunland Park, New Mexico region, about 65 miles from Juárez. Other reports indicate that this is also happening along the Arizona border, with 15 sets of human remains found in August and 37 in July.⁵⁷

USCRI spoke with individuals who had experienced kidnapping:

“...They are detained , taken to a stash house, and beaten. A woman was raped twice, the man was beaten, and their daughters were aware of it.”

- Herrera, Pro Amore Dei

“When we got to Mexico, that’s where we were kidnapped as well. Many people have been kidnapped. For example, my entire family and I were kidnapped.

Many people say that the Darién was awful, but no, the real nightmare was after we crossed into Mexico—it’s even worse. Everything is a threat, a danger to walk around. You have to pay for everything, even just to be on the move, you have to pay. That’s the worst part. I would go through the Darién a thousand times over rather than Mexico and all of that.”

- Asylum seeker 2 from Colombia



Criminal actors, including cartels and other criminal organizations, abduct or kidnap asylum seekers by forcibly detaining and holding them for ransom. Asylum seekers are often held in stash houses, or nondescript locations, where their belongings are taken away. In some cases, asylum seekers can pay the ransom. In other cases, they cannot, and criminal actors will contact their family members to pay the ransom.

Frequently, criminal actors will wait days before contacting families to induce fear and ensure payment. When families cannot pay, asylum seekers may be tortured or subjected to sexual violence.⁵⁸ After payment, cartels often demand additional money before abandoning asylum seekers without support, directions, or supplies.

Kidnappings and extortion can occur by criminal organizations, but also by Mexican authorities, such as immigration officials, Mexico's National Guard, and other law enforcement. An asylum seeker USCRI spoke with stated:

"I crossed from Guatemala to the city of Hidalgo, Chiapas where I had a run-in with Mexico's migration officials, the National Guard, and the police. It was 11 PM when they stopped and checked the arriving migrants. The authorities took all of my money. They ripped my boxers to see if there was money in the waistband. They took my shoes off. They stole the money that I had hidden on my body. They touched me. They did not say, 'Give us the money.' They just took it from me.

In Guatemala, I was taken by a group of elected officials who called themselves the mafia, but they did not treat me as badly as the police in Mexico. I felt outraged. I felt violated by them. If they represent the uniform and have authority, they should receive training on how to treat people humanely."

-Asylum seeker from Guatemala



In situations where asylum seekers are not kidnapped, they are still extorted by criminal groups along migrant routes. The shelter director from Pro Amore Dei described to USCRI how asylum seekers traveling from Tijuana to a port of entry between Reynosa, Tamaulipas, Mexico and McAllen, Texas to present for their CBP One App appointment faced extortion the entire route.

“...If you are coming from Tijuana toward Reynosa, at halfway, they will charge you \$1,000. If you’ve made more progress, it’s \$1,200. If you’re about to arrive or have already arrived, it’s 40,000 pesos, more than \$2,000. But if there are six people, it’s 40,000 pesos time 6, that’s 240,000 pesos (more than \$12,000) that they paid. I have all the receipts for what they paid. What can I say, it’s sad all that is happening.”

-Herrera, Pro Amore Dei

Asylum seekers in Mexico are also actively pushed back from the U.S. border. USCRI learned that the Mexican Government is conducting *conducciones*, or pushbacks, to alleviate pressure at the U.S. border. Pushbacks come in the form of busing asylum seekers from the U.S. border to the south of Mexico. Asylum seekers do not receive any assistance at their destination.

“I passed through Colombia, Panama, Costa Rica, Nicaragua, Honduras, and Guatemala. I crossed the Darién jungle. From there, I took a bus to Panama, a bus to Costa Rica, and a bus to Nicaragua. The most difficult part for me was here in Mexico.

I had to walk, take a small bus, a car, and ride on the train, ‘La Bestia.’ We witnessed a woman lose her leg to board. We were left stranded for seven days in Chihuahua, in the middle of the desert, because they didn’t want the train to move forward since there were many migrants with us, and they stopped it to make us desperate. Many walked, others were caught by immigration. Immigration officers would come and tell us to turn ourselves in, to get off the train, that they were going to help us, but obviously, it was a lie—they would send you back down here. The journey through Mexico is really difficult.

From the time I entered the Darién jungle until I got here to [Mexico] Tapachula, it took me 14 days. And from then until now, it’s been almost four months. They kept sending us back, so we had to walk for hours. I had to sleep on the streets, without food, facing many hardships with my husband and children. The girls got sick—they had colds, vomiting, diarrhea, fever. That’s why I had to beg on the street, or at least in some countries when there were shelters, they always had medicine there .”



- Asylum seeker from Venezuela

This Venezuelan asylum seeker shared their family's experience coming to the U.S.-Mexico border through the Darién Gap. They compared the time it took them to cross the Darién with how long they had been in Mexico and the challenges they had faced in Mexico. Their young daughters were sick and did not have access to health care in Mexico. They also were sent away from the border multiple times, making it even more difficult to access the asylum system.

The other asylum seeker who spoke about the Darién mentioned another trend—the increase in immigration checkpoints limiting the movement of migrants. An International Organization for Migration (IOM) staff member stated that immigration checkpoints had recently popped up all over Mexico. Immigration checkpoints pose a unique risk to asylum seekers and migrants because immigration officials from INM are often involved in extorting and kidnapping migrants.⁵⁹

USCRI and IINE spoke with individuals who observed some of the effects of these checkpoints in Villa Ahumada. Locals stated that a few cities away, there was an immigration checkpoint. They said that trains are often stopped there for days with migrants on top. Migrants who try to avoid the checkpoints are moving away from known migration routes and are pushed onto more dangerous routes or into the hands of polleros, or human smugglers. They are also driven deeper into the desert to face death from exposure and dehydration.

Even individuals fortunate enough to get a CBP One App appointment are not safe. Individuals with appointments have increasingly become a target for criminal activity. In direct opposition to the stated objectives of the Proclamation and IFR—to address dangerous transnational criminal organizations and other criminal smuggling organizations that view migration as lucrative—the situation created by the rule is now so lucrative it is attracting more sophisticated criminal organizations.

A CBP One App appointment also does not guarantee that an asylum seeker can present at a port of entry. Until recently, asylum seekers could request an appointment via the CBP One App from northern and central Mexico. Appointments are scheduled for the morning, afternoon, or evening and are available 21 days in advance. The asylum seekers must travel to the designated port of entry in that window. If they miss their appointment, they must start the process over. The missed appointments are not captured or given to other asylum seekers for a different time or day. They are also not reallocated to different ports of entry. They are just lost.

A government official from Tijuana said that U.S. border officials have become very rigid with missing or unconfirmed appointments. JRS Juárez staff said that CBP does not care if an individual misses their appointment even if they were kidnapped, in direct violation of the exceptions outlined in the IFR. This is especially alarming as staff from the Annunciation House in El Paso, TX stated that nearly everyone they have served who has received a CBP One App appointment had been kidnapped.

Asylum seekers who travel by land are not the only ones at risk. So-called “taxi mafias” have developed in both Tijuana and Ciudad Juárez to welcome asylum seekers and migrants arriving at the border by plane. They extort asylum seekers, and those who do not comply are abducted, taken to stash houses, and held for ransom.

The Mexican Government does not provide sufficient protection for asylum seekers within its borders to address the increased kidnappings, extortion, and other safety concerns. Under Mexican law, individuals in the process of requesting refugee status with the Mexican Commission for Refugee Assistance (COMAR by its Spanish acronym) would receive a Visitor Card for Humanitarian Reasons (TVRH by its Spanish acronym). Individuals with this card gained temporary legal immigration status in Mexico, could work, and received travel permission in Mexico. As of October 2023, however, the Mexican Government halted issuing these cards to asylum seekers.⁶⁰

Since the field visit, the Mexican Government has resumed issuance of these documents. Due to the arbitrary nature of the decision to stop and recommence issuing these cards, USCRI will continue to track the Mexican Government's issuance of these documents.

A government official USCRI spoke with in Tijuana said that the United States pressured Mexico into pausing issuing these cards because they facilitated the mass movement of asylum seekers to the U.S.-Mexico border. Without the temporary work authorization offered by the cards, asylum seekers are more vulnerable to extortion and human trafficking.

Unintended Consequences of Changes to the CBP One App

As of August 23, CBP expanded⁶¹ the geographic location where non-Mexican asylum seekers and migrants can request and schedule appointments through the CBP One App. They can now request appointments from the southern Mexican states of Tabasco and Chiapas, in addition to northern and central Mexico. Mexican nationals are now able to request an appointment from anywhere in Mexico. CBP claims that this will prevent asylum seekers and migrants from having to travel all the way north to request an appointment and make the process safer.

But this will not address the other challenges that asylum seekers face once they receive their appointment. Appointments are still available 21 days in advance, and individuals will need to travel to the border in that time. Some will now have to travel longer distances, and everyone with an appointment will still risk extortion and abduction for ransom.

CBP has created an increase in demand but has kept the supply the same. CBP expanded the geographic coverage of the CBP One App, allowing more people to access it, while maintaining the number of daily appointments available at each port of entry. CBP One App appointments remained stagnant for nearly a year at 1,450 daily since July 2023 when CBP expanded⁶² the number of daily appointments from 1,250.

The number of CBP One daily appointments decreased for the first time in a year. July 2024 had the lowest number of CBP One App appointments scheduled since before the expansion in July 2023. CBP has not commented on what caused the decrease in appointments. It may be an unintended consequence of the IFR. It may also be due to recent anti-fraud mechanisms that went into place. The CBP One App was recently updated to require all individuals over 14 years in a single group request to upload their picture daily. In August, however, CBP One App appointments reached and slightly passed pre-IFR levels. The fluctuation is something that USCRI will continue to monitor.

Month	Appointments scheduled through CBP One that month	Total appointments through CBP One since January 2023 when it was introduced
June 2023 ⁶³	38,000	170,000
July 2023 ^{*64}	44,700	188,500
August 2023 ⁶⁵	45,500	263,000
September 2023 ⁶⁶	43,000	278,000
October 2023 ⁶⁷	44,000	324,000
November 2023 ⁶⁸	43,000	360,000
December 2023 ⁶⁹	45,770	413,300
January 2024 ⁷⁰	45,000	459,118
February 2024 ⁷¹	42,100	501,000
March 2024 ⁷²	44,000	547,000
April 2024 ⁷³	41,400	591,000
May 2024 ⁷⁴	44,500	636,600
June 2024 ^{**75}	41,800	680,500
July 2024 ⁷⁶	38,000	765,000
August 2024 ⁷⁷	47,000	813,000

*Beginning on July 1, 2023, CBP announced the expansion of available appointments for noncitizens through the CBP One App from 1,250 to 1,450 per day.

**When the President's Executive Proclamation went into effect.

Specific Populations

Mexican Nationals

The IFR restricts access to asylum for everyone at the U.S. southern border, including Mexican asylum seekers who are forced to remain at risk of persecution in their own country. Mexican nationals USCRI spoke with had been waiting for many months. While they are now able to apply for an appointment for a CBP One App appointment anywhere in Mexico, it does not help them since they are unable to leave their country of feared persecution until they obtain an appointment. This is in direct violation of U.S. and international law.

USCRI visited the Repatriation Center at the San Ysidro port of entry between Tijuana and San Diego with INM officials. The center received foreign investment recently and had been updated with child-friendly spaces, a new sitting area, and other improvements. This is the first reintroduction to Mexico after the deportation of Mexican nationals from the United States. Individuals receive orientation services, assistance in applying for identification, and other support. Other nationalities sent back to Mexico under this rule do not receive these same support or services.

The municipal government official USCRI spoke with stated that they expect deportations of Mexican nationals to increase.

Haitians

Haitians are particularly susceptible to being targeted by criminal actors in Mexico during the prolonged wait for an appointment through the CBP One App. Haitian Bridge Alliance,⁷⁸ African Communities Together,⁷⁹ and UndocuBlack's⁸⁰ statements have highlighted the targeted violence and discrimination that some Black asylum seekers face.

The local guide who accompanied IINE and USCRI to Villa Ahumada explained that people in Mexico can generally identify someone who is Black as a foreigner or migrant. Bad actors who want to target migrants or asylum seekers can easily identify Black asylum seekers who are more noticeable in a crowd.

Families and Children

The IFR threatens to divide families and puts more children at risk. USCRI has warned⁸¹ that during times of increased border enforcement, families are often forced to make impossible decisions for their children's protection and well-being. These decisions may include risking their children's safety by waiting in Mexico for months for a chance to present to U.S. border officials, facing possible deportation, or splitting up their family unit.

USCRI met with and saw many families together in shelters waiting for a CBP One App appointment. But in some cases, family members separate—some approach border officials without a CBP One App appointment, and others wait in shelters for their appointment. The following quote is from an asylum seeker who left home with her brother and his family but separated during the journey.

"I traveled with my brother, my sister-in-law, her two children, myself, my little daughter, and my husband. But we separated because they turned themselves in [to border officials]. I decided to come here [to the shelter] instead.

(So, they're not with you anymore?)

No, my sister-in-law and her two children are already there [in the United States]. My brother is detained. I'm not sure if it's because he's Colombian—I don't know. I don't know anything about him. He's okay, but I don't know if they'll let him in [to the United States] or if they'll deport him."

- Asylum seeker 2 from Colombia

This family who left Colombia together crossed hundreds of miles and various countries to only leave each other at the border. Her brother and his family decided it was better for them to turn themselves in to U.S. border officials without waiting for a CBP One App appointment. Her family decided it was better for her to wait for a CBP One App appointment. The future is uncertain for this family. They do not know when or where they will meet again.

LGBTQIA+ Asylum Seekers

The IFR places LGBTQIA+ asylum seekers at unique risk in Mexico. Between 2014 and 2019 more than 1,300 LGBTQIA+ individuals were violently killed in Latin America.⁸² Of those, nearly 90 percent were killed in Colombia, Mexico, and Honduras.

In practice, lesbian women and gay men have been eligible for refugee status in the United States on the basis of their membership in a particular social group since the early 1990s. Subsequent jurisprudence⁸³ extended this protection to the trans community. In 2015, a U.S. Federal Court found⁸⁴ that a transgender woman from Mexico could claim asylum in the United States. The U.S. 9th Circuit Court found that transgender individuals can face distinct types of harm based on their gender identity. The court recognized the heightened risks transgender individuals face, including at the hands of law enforcement.

More recently, the beginning of 2024 in Mexico saw a series of killings of trans individuals.⁸⁵ Two of the 10 asylum seekers USCRI spoke with were trans women from Mexico. A trans woman who is an asylum seeker from Mexico shared her experience as a sex worker in Guadalajara, Jalisco, Mexico:

“I left my home because of threats from bad people. I was born in Veracruz but was living in Guadalajara. There, I worked as a prostitute, and the bad men, those who go around harming girls like us, threatened to kill me because they wanted me to give them money, and I didn’t want to. So, I said, ‘I’d rather leave,’ because they had already killed other trans women in Guadalajara.”

- Asylum seeker from Mexico

Because of the IFR, these women are not able to flee their country of feared persecution. They are instead forced to wait months for the chance to present at the border and seek asylum.

The United States must continue to work on its domestic protections for LGBTQIA+ people. For many queer people, however, asylum in the United States represents relative protection. The abandonment of queer asylum seekers, especially trans women, at the U.S.-Mexico border stands in defiance of international laws as well as domestic aspirations.

Prioritization of Certain Nationalities

The IFR appears to prioritize certain nationalities over others. A discussion with a USCRI attorney based in San Diego resulted in the hypothesis that some nationalities are prioritized while waiting for an appointment through the CBP One App. The attorney stated that the Afghan clients he works with reported waiting several weeks or a maximum of three months before receiving a CBP One App appointment. USCRI spoke with various attorneys and other professionals serving asylum seekers to see if this was happening elsewhere.

Various individuals confirmed that this has been observed in other parts of the country. Others stated that asylum seekers, not only from Afghanistan, but individuals from Russia and Eastern Europe, have received expedited access to CBP One App appointments, leaving asylum seekers from Latin America and the Caribbean to wait eight or nine months for one.

It also appears as if asylum seekers from Latin America using the CBP One App have not received asylum at the same rate as other nationalities. Only one attorney of over 75 surveyed reported having worked with clients from Latin America who received asylum after presenting at a port of entry with a CBP One App appointment. Others said they worked with many other nationalities from outside of Latin America who received asylum after using the CBP One App appointment.

On September 17, CBP staff in the San Diego sector told USCRI that there is no preference regarding nationalities and that the algorithm automatically handles appointment allocation. In practice, however, there are suggestions that extracontinental asylum seekers have either found a loophole in the system to receive appointments quicker or that the CBP One App discriminates against people from the continent. Quicker access to appointments could also be a result of other equity factors, including access to smartphones, Wi-Fi connectivity, language ability, and technological literacy.

USCRI will continue to monitor this situation. The U.S. Government does not have publicly available data on the algorithm's development and what metrics are used to determine appointment availability. The U.S. Government also does not provide nationality-specific data on who is using the CBP One App, nor does it provide longitudinal data on the outcomes of individuals who presented at a port of entry using the CBP One App.

Conclusion

On their visit to the U.S.-Mexico border, USCRI and IINE staff heard directly from asylum seekers who could not make their claim for asylum in the United States because of the extended wait times for CBP One App appointments. They also heard about cartels, human smugglers, and other criminal organizations preying on asylum seekers caught in the bureaucratic IFR asylum process. The stories of asylum seekers confirmed that the IFR places asylum seekers in a micro-warehousing, or asylum-seeker storing, situation.

The United States is bound by long-standing international and domestic law to provide access to the asylum system without conditions or limits. The United States should uphold its international obligations to human rights⁸⁶ and domestic immigration law rather than creating digital borders through new technology.

The Executive Proclamation and IFR shirk the United States' moral obligations to vulnerable populations. U.S. asylum policies raise concerns about discriminatory practices and endangerment of families, Black migrants, and LGBTQIA+ asylum seekers.

Recommendations

The United States must prioritize humane asylum policies. To do this, **the Administration should rescind the IFR in its entirety**. Aside from a rescission of the IFR, USCRI makes the recommendations below.

Increase CBP One App Appointments

CBP should increase the number of daily CBP One App appointments to align with the geographical expansion of the app and to address the long wait times.

Capture Lost CBP One App Appointments

CBP should reallocate appointments that are lost or not confirmed to other asylum seekers for a different time or day or to a different port of entry. Alternatively, captured appointments could go to individuals with medical vulnerabilities.

Assess CBP Adherence to Exceptions in the IFR

CBP should immediately begin adhering to the exceptions outlined in the IFR designed to protect extremely vulnerable populations. The DHS Office of Inspector General and other independent review bodies should assess CBP's implementation of the IFR.

Provide Public Data for Equity Monitoring

DHS and DOJ should provide nationality-specific data on CBP One App usage. Additionally, longitudinal data on the outcomes of individuals who presented at a port of entry using the CBP One App should be provided to ensure the app's equitable application.

Pass the Destination Reception Assistance Act

The U.S. Congress should pass the Destination Reception Assistance Act.⁸⁷

The U.S. Congress has failed to pass meaningful immigration legislation to meet the realities of migration. As a result, states, cities, and communities have often lacked the needed infrastructure and federal support to effectively and humanely welcome asylum seekers and other new arrivals.

It is crucial to support local communities at the forefront of welcoming asylum seekers and other new arrivals. The Destination Reception Assistance Act offers a humane alternative to the border enforcement policies in the IFR and Proclamation.

Stop Pushbacks

The Mexican Government should immediately cease conducciones, or pushbacks, in which asylum seekers are bussed to different parts of Mexico.

Create Safety Mechanisms and Transit Documents

The Mexican Government should establish transit documents and safety mechanisms to protect asylum seekers with confirmed CBP One App appointments traveling through Mexico.

Continue Issuing Visitor Cards for Humanitarian Reasons

The Mexican Government should continue issuing Visitor Cards for Humanitarian Reasons, in accordance with humanitarian laws.

What Individuals Can Do to Help

USCRI and IINE ask members of their networks and the public to:

Uplift asylum seekers' stories on social media using USCRI's and IINE's social media toolkit.

Tell their U.S. Senators to pass the Destination Reception Assistance Act.

It is crucial to support local communities at the forefront of welcoming asylum seekers and other new arrivals. The Destination Reception Assistance Act offers a humane alternative to the border enforcement policies in recent regulations.

Welcome Newcomers.

Martín Arturo Enrique Lucero, the Municipal Director of Migrant Attention in Tijuana, said that if individuals want to help asylum seekers and migrants, they should help the shelters. Individuals can do this by:

- Donating to Jardín de las Mariposas to help provide shelter, care, safety, and resources for vulnerable LGBTQIA+ asylum seekers in Mexico fleeing violence and persecution.
- Volunteering your time and skills to local organizations that help asylum seekers and other new arrivals or donate in-kind support.

“No one assures you that you will stay there [in the United States], that they will grant you asylum, and everything you’ve gone through doesn’t guarantee anything. So, our goal is to arrive first, cross that door that divides us, to begin again because I feel it is a safe country where you can freely start a new life again. That’s what we have to do. What I hope for is to start again.”

- Mexican trans woman seeking asylum

APPENDIX 1

Questions for Asylum Seekers in Mexico

1. What is your nationality, if any?
2. How old are you?
3. What is your sex?
4. What is your marital status?
5. Where did you reside before traveling to Mexico?
6. Why did you leave your home? Any other reasons?
7. What are you doing along the U.S.-Mexico border?
8. Did you apply for a humanitarian visa with the Mexican National Institute of Migration (INM by its Spanish initials)?
 - a. If so, did you receive it?
9. Were there any countries that you passed through on your journey to the U.S.-Mexico border?
 - a. If so, how did you arrive there?
 - b. If so, how was your experience in these countries?
10. How did you get to Mexico and the U.S.-Mexico border?
11. Who did you travel with? (family members, partners, friends, etc.)
12. Do you have family in the United States or Mexico?
 - a. If so, where?
13. Are the people you traveled with still with you?
14. Have you tried to cross the U.S.-Mexico border?
 - a. If so, what happened?
15. Have you interacted with the following authorities: USCBP, COMAR, INM, Mexican police?
 - a. If so, how has been your experience?
16. Is Mexico your intended final destination?
17. Where are you currently living?

18. Are you afraid for your safety?
 - a. If yes, what are you afraid of? Or who are you afraid of?
19. Do you worry about where you will get your next meal?
20. Do you know where to access clean water?
21. Have you been sick or injured on your journey?
22. Are you planning to apply for asylum in the United States?
23. Have you applied for an appointment with Border Patrol through the CBP One app?
 - a. If so, how long have you been waiting for it?
 - b. Do you find the app easy to use?
 - c. Do you have reliable information about the asylum process?
24. Do you understand the recent changes to U.S. immigration policy?
25. Do you feel you know your rights as an asylum seeker? As a migrant?
26. How do you obtain information about U.S. immigration policy changes?
27. How do you get information about the asylum process? and your rights as an asylum seeker?
28. Do you have debt related to your trip here? To the asylum process?
 - a. If so, how did this debt come about?
29. What is your plan once you enter the United States?
 - a. What is your destination in the United States?
 - i. If a particular state, why?
 - ii. What have you heard about/what draws you to the community in that state?
 - b. Are you in touch with people already in the U.S. whom you hope to join? How do you stay in touch?
30. Are you hoping to work in the U.S.?
 - a. If so, in what field/job? What are your skills?
31. Is there anything else you would like to share about your migration experience?

- 1 To learn more about USCRI, visit their website: <https://refugees.org/>.
- 2 To learn more about IINE, visit their website: <https://iine.org/>.
- 3 "A Proclamation on Securing the Border." The White House. June 04, 2024. <https://www.whitehouse.gov/briefing-room/presidential-actions/2024/06/04/a-proclamation-on-securing-the-border/>.
- 4 Securing the Border, 89 Fed. Reg. 48,710 (June 7, 2024) (to be codified at 8 C.F.R. pts. 208, 235), <https://www.federalregister.gov/documents/2024/06/07/2024-12435/securing-the-border>.
- 5 "Migrant Protection Protocols (MPP) Timeline." U.S. Committee for Refugees and Immigrants. March 2022. <https://refugees.org/wp-content/uploads/2022/03/MPP-TimelineFinal.pdf>.
- 6 "Biden Administration's Expansion of Migrant Protection Protocols are a Stain on the U.S. Immigration System." U.S. Committee for Refugees and Immigrants. December 8, 2021. <https://refugees.org/biden-administrations-expansion-of-migrant-protection-protocols-are-a-stain-on-the-u-s-immigration-system/>.
- 7 Nodjomian-Escajeda. "Let Us not Forget that Asylum is a Human Right." U.S. Committee for Refugees and Immigrants. December 5, 2023. <https://refugees.org/policy-brief-let-us-not-forget-that-asylum-is-a-human-right/>.
- 8 "CBP One™ Mobile Application." U.S. Customs and Border Protection. Updated August 23, 2024. <https://www.cbp.gov/about/mobile-apps-directory/cbpone>.
- 9 Hasib, Nurul Islam. "Foreign Adviser: 8,000 more Rohingyas flee to Bangladesh." Dhaka Tribune. September 3, 2024. https://www.dhakatribune.com/bangladesh/357154/foreign-adviser-8-000-more-rohingyas-flee-to?_cf_chl_rt_tk=fgS6XUXQHExOJMbwVlfETkGdvCuHT6D7WzaEUUbhTw-1725481902-0.0.1.1-4286.
- 10 "USCRI Condemns the UK Bill to Revive Plans to Send Asylum Seekers to Rwanda." U.S. Committee for Refugees and Immigrants. December 15, 2023. <https://refugees.org/uscri-condemns-the-uk-bill-to-revive-plans-to-send-asylum-seekers-to-rwanda/>.
- 11 Nodjomian-Escajeda, Aaron. "One Year After the Asylum Ban: More Barriers to Asylum Access." U.S. Committee for Refugees and Immigrants. May 23, 2024. <https://refugees.org/one-year-after-the-asylum-ban-more-barriers-to-asylum-access/>.
- 12 "What is the Root Causes Strategy?" U.S. Committee for Refugees and Immigrants. September 10, 2024. <https://refugees.org/what-is-the-root-causes-strategy/>.
- 13 Nodjomian-Escajeda, Aaron. "Las Mariposas de la Frontera: One Asylum Seeker's Search for Safety." U.S. Committee for Refugees and Immigrants. July 31, 2024. <https://refugees.org/las-mariposas-de-la-frontera-one-asylum-seekers-search-for-safety/>.
- 14 "A Proclamation on Securing the Border." The White House. June 04, 2024. <https://www.whitehouse.gov/briefing-room/presidential-actions/2024/06/04/a-proclamation-on-securing-the-border/>.
- 15 Proclamation on Securing the Border sec. 4. Definitions.
 - (a) The term "encounter" refers to a noncitizen who:
 - (i) is physically apprehended by CBP immigration officers within 100 miles of the United States southwest land border during the 14-day period immediately after entry between ports of entry;
 - (ii) is physically apprehended by DHS personnel at the southern coastal borders during the 14-day period immediately after entry between ports of entry; or
 - (iii) is determined to be inadmissible at a southwest land border port of entry.
- 16 Adam Isacson [@adam_wola], Twitter Post, June 4, 2024, 10:12 a.m., https://x.com/adam_wola/status/1797994808587493691.
- 17 Securing the Border, 89 Fed. Reg. 48,710, <https://www.federalregister.gov/documents/2024/06/07/2024-12435/securing-the-border>.
- 18 Id. at 48,715, <https://www.federalregister.gov/d/2024-12435/p-146>.
- 19 "Post Title 42 and Asylum Ban FAQ." U.S. Committee for Refugees and Immigrants. May 26, 2023. <https://refugees.org/wp-content/uploads/2023/05/Post-Title-42-and-Asylum-Ban-FAQ-Final.pdf>.

20 Circumvention of Lawful Pathways, 88 Fed. Reg. 31,314 (May 16, 2023) (codified at 8 C.F.R. pts. 208, 1003, 1208), <https://www.federalregister.gov/documents/2023/05/16/2023-10146/circumvention-of-lawful-pathways>.

21 “CBP One™ Mobile Application.” U.S. Customs and Border Protection. Updated August 23, 2024. <https://www.cbp.gov/about/mobile-apps-directory/cbpone>.

22 Nodjomian-Escajeda. “Expedited Removal—A Deterrent, not a Solution.” February 7, 2023. <https://refugees.org/policy-brief-expedited-removal-a-deterrent-not-a-solution/>.

23 Securing the Border, 89 Fed. Reg. at 48,741 n.199, <https://www.federalregister.gov/d/2024-12435/p-461>.

24 Id. at 48,741 n.195, <https://www.federalregister.gov/d/2024-12435/p-455>.

25 8 U.S.C. 1231(b)(3) – provides that a noncitizen may not be removed to a country where their life or freedom would be threatened on account of one of the protected grounds listed in Article 33 of the Refugee Convention.

26 CAT art. 3 – No State Party shall expel, return (“refouler”) or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture.

27 Id. at 48,718, <https://www.federalregister.gov/d/2024-12435/p-184>.

28 Circumvention of Lawful Pathways, 88 Fed. Reg. 31,314, <https://www.federalregister.gov/documents/2023/05/16/2023-10146/circumvention-of-lawful-pathways>.

29 Nodjomian-Escajeda, Aaron. “One Year After the Asylum Ban: More Barriers to Asylum Access.” U.S. Committee for Refugees and Immigrants. May 23, 2024. <https://refugees.org/one-year-after-the-asylum-ban-more-barriers-to-asylum-access/>.

30 Securing the Border, 89 Fed. Reg. at 48,753, 48,754, <https://www.federalregister.gov/documents/2024/06/07/2024-12435/securing-the-border#p-598>.

31 Id. at 48,737, <https://www.federalregister.gov/d/2024-12435/p-423>.

32 U.S. Comm. for Refugees & Immigrants, Comment Letter on Interim Final Rule to Secure the Border (July 9, 2024), <https://www.regulations.gov/comment/USCIS-2024-0006-1052>.

33 “USCRI Condemns the Effective Closure of the Border to Asylum Seekers.” U.S. Committee for Refugees and Immigrants. June 4, 2024. <https://refugees.org/uscri-condemns-the-effective-closure-of-the-border-to-asylum-seekers/>.

34 Id., art. 14, <https://www.un.org/en/about-us/universal-declaration-of-human-rights#:~:text=Everyone%20has%20the%20right%20to%20seek%20and%20to%20enjoy%20in,principles%20of%20the%20United%20Nations>.

35 Convention Relating to the Status of Refugees, July 28, 1951, 189 U.N.T.S. 137, https://treaties.un.org/doc/Treaties/1954/04/19540422%2000-23%20AM/Ch_V_2p.pdf.

36 Protocol Relating to the Status of Refugees, Jan. 31, 1967, 606 U.N.T.S. 267, <https://www.ohchr.org/en/instruments-mechanisms/instruments/protocol-relating-status-refugees>.

37 Id.

38 Refugee Act of 1980, Pub. L. No. 96-212, 94 Stat. 102, <https://www.govinfo.gov/content/pkg/STATUTE-94/pdf/STATUTE-94-Pg102.pdf#page=4>.

39 8 U.S.C. § 1158(a)(1) (2005).

40 Inter-Am. Comm’n H.R., Res. 04/19, Inter-American Principles on the Human Rights of All Migrants, Refugees, Stateless Persons and Victims of Human Trafficking (Dec. 7, 2019), <https://www.oas.org/en/iachr/decisions/pdf/Resolution-4-19-en.pdf>.

41 8 U.S.C. § 1158(d)(5)(A)(iii).

42 U.N. High Comm’r for Hum. Rts., Principles and practical guidance on the protection of the human rights of migrants in vulnerable situations, U.N. Doc. A/HRC/37/34/Add.1 (Feb. 7, 2018), <https://digitallibrary.un.org/record/1472491?ln=en&v=pdf>.

43 Id., princ. 5, guideline 4.

44 “Refugee Warehousing.” The U.S. Committee for Refugees and Immigrants. June 13, 2024. <https://refugees.org/refugee-warehousing/>.

45 Resendiz, Julian. "Jaurez to Close Tent Refuge, As Migrants Vanish." Border Report. July 24, 2024. <https://www.borderreport.com/immigration/juarez-to-close-tent-refuge-as-migrants-vanish/>.

46 To learn more about El Jardín de las Mariposas, visit their Facebook page: <https://www.facebook.com/JardindelasMar1/>.

47 To learn more about Pro Amore Dei, visit their Facebook page: <https://www.facebook.com/profile.php?id=100066559003850>.

48 U.S. Committee for Refugees and Immigrants (USCRI) [@USCRIIdc], Twitter Post, July 12, 2024, 1:40 p.m., <https://twitter.com/USCRIIdc/status/1811817877294522692>.

49 Amended Complaint, at 2-4, Las Americas Immigr. Advoc. Ctr. v. U.S. Dep't Homeland Sec., No. 1:24-cv-01702 (D.D.C. July 12, 2024), ECF No. 14.

50 Decl. of Royce Bernstein Murray at 2-3, Las Americas Immigr. Advoc. Ctr. v. U.S. Dep't of Homeland Sec., No. 1:24-cv-01702-RC (D.D.C.), ECF No. 46, https://www.scribd.com/document/759978811/Royce-Murray-federal-court-declaration#from_embed [hereinafter Decl. of Murray].

51 Nodjomian-Escajeda. "Expedited Removal—A Deterrent, not a Solution." February 7, 2023. <https://refugees.org/policy-brief-expedited-removal-a-deterrent-not-a-solution/>.

52 Securing the Border, 89 Fed. Reg. at 48,737, <https://www.federalregister.gov/d/2024-12435/p-423>.

53 Decl. of Murray, supra note 31, at 2-3.

54 "A Proclamation on Securing the Border." The White House. June 04, 2024. <https://www.whitehouse.gov/briefing-room/presidential-actions/2024/06/04/a-proclamation-on-securing-the-border/>.

55 "Pain as a Strategy: The Violence of U.S.-Mexico Immigration Enforcement and Texas' Operation Lone Star Against People on the Move in El Paso-Ciudad Juárez." HOPE and DHIA. July 2024. https://www.hopeborder.org/_files/ugd/e07ba9_1ef77e8068b24ab7bf55ff6236c1850d.pdf.

56 "Six-Week Report: Implementation of the Biden Administration's June 2024 'Securing the Border' Asylum Ban." National Immigrant Justice Center, et al. July 2024. https://immigrantjustice.org/sites/default/files/content-type/research-item/documents/2024-07/Six-Week-Report-Biden-2024-Asylum-Ban_FINAL.pdf.

57 Galemore, Josh. "Between Asylum Ban and Heat, Arizona Advocates Worry for Migrants' Safety." *Tucson.com*. September 13, 2024. https://tucson.com/news/local/border/influx/arizona-border-immigration-asylum-deaths/article_10d81836-7076-11ef-8901-3be187e29226.html.

58 "Pain as a Strategy: The Violence of U.S.-Mexico Immigration Enforcement and Texas' Operation Lone Star Against People on the Move in El Paso-Ciudad Juárez." HOPE and DHIA. July 2024. https://www.hopeborder.org/_files/ugd/e07ba9_1ef77e8068b24ab7bf55ff6236c1850d.pdf.

59 Id.

60 Clínica Jurídica Alaide Foppa [@CJRAlaideFoppa], Twitter Post, August 15, 2024, 11:32 a.m., <https://x.com/CJRAlaideFoppa/status/1824106980711317783/photo/1>.

61 "CBP One™ Mobile Application." U.S. Customs and Border Protection. Updated August 23, 2024. <https://www.cbp.gov/about/mobile-apps-directory/cbpone>.

62 "CBP Releases July 2023 Monthly Update." U.S. Customs and Border Protection. August 18, 2023. <https://www.cbp.gov/newsroom/national-media-release/cbp-releases-july-2023-monthly-update>.

63 "CBP Releases June 2023 Monthly Update." U.S. Customs and Border Protection. July 18, 2023. <https://www.cbp.gov/newsroom/national-media-release/cbp-releases-june-2023-monthly-update>.

64 "CBP Releases July 2023 Monthly Update." U.S. Customs and Border Protection. <https://www.cbp.gov/newsroom/national-media-release/cbp-releases-july-2023-monthly-update>.

65 "CBP Releases August 2023 Monthly Update." U.S. Customs and Border Protection. <https://www.cbp.gov/newsroom/national-media-release/cbp-releases-august-2023-monthly-update>.

66 "CBP Releases September 2023 Monthly Update." U.S. Customs and Border Protection. <https://www.cbp.gov/newsroom/national-media-release/cbp-releases-september-2023-monthly-update>.

67 "CBP releases October 2023 Monthly Update." U.S. Customs and Border Protection. <https://www.cbp.gov/newsroom/national-media-release/cbp-releases-october-2023-monthly-update>.

68 “CBP releases November 2023 Monthly Update.” U.S. Customs and Border Protection. <https://www.cbp.gov/newsroom/national-media-release/cbp-releases-november-2023-monthly-update>.

69 “CBP Releases December 2023 Monthly Update.” U.S. Customs and Border Protection. <https://www.cbp.gov/newsroom/national-media-release/cbp-releases-december-2023-monthly-update>.

70 “CBP Releases January 2024 Monthly Update.” U.S. Customs and Border Protection. <https://www.cbp.gov/newsroom/national-media-release/cbp-releases-january-2024-monthly-update>.

71 “CBP Releases February 2024 Monthly Update.” U.S. Customs and Border Protection. <https://www.cbp.gov/newsroom/national-media-release/cbp-releases-february-2024-monthly-update>.

72 “CBP Releases March 2024 Monthly Update.” U.S. Customs and Border Protection. <https://www.cbp.gov/newsroom/national-media-release/cbp-releases-march-2024-monthly-update>.

73 “CBP Releases April 2024 Monthly Update.” U.S. Customs and Border Protection. <https://www.cbp.gov/newsroom/national-media-release/cbp-releases-april-2024-monthly-update>.

74 “CBP Releases May 2024 Monthly Update.” U.S. Customs and Border Protection. <https://www.cbp.gov/newsroom/national-media-release/cbp-releases-may-2024-monthly-update>.

75 “CBP Releases June 2024 Monthly Update.” U.S. Customs and Border Protection. <https://www.cbp.gov/newsroom/national-media-release/cbp-releases-june-2024-monthly-update>.

76 “CBP Releases July 2024 Monthly Update.” U.S. Customs and Border Protection. <https://www.cbp.gov/newsroom/national-media-release/cbp-releases-july-2024-monthly-update>.

77 “CBP Releases August 2024 Monthly Update.” U.S. Customs and Border Protection. <https://www.cbp.gov/newsroom/national-media-release/cbp-releases-august-2024-monthly-update>.

78 “Haitian Bridge Alliance Strongly Condemns President Biden’s Executive Order Limiting Asylum Applications.” Haitian Bridge Alliance. June 4, 2024. <https://haitianbridgealliance.org/haitian-bridge-alliance-strongly-condemns-president-bidens-executive-order-limiting-asylum-applications/>.

79 “Biden’s Executive Order is Not the Solution and Recycles Harmful Trump-Era Policies.” African Communities Together. <https://africans.us/statement-bidens-executive-order-not-solution-and-recycles-harmful-trump-era-policies>.

80 “The UndocuBlack Network Condemns Biden’s Presidential Proclamation Severely Restricting the Rights of Asylum Seekers at the U.S.-Mexico Border.” UndocuBlack. June 4, 2024. <https://undocublack.org/press-releases/2024/6/4/the-undocublack-network-condemns-bidens-presidential-proclamation-severely-restricting-the-rights-of-asylum-seekers-at-the-us-mexico-border>.

81 U.S. Comm. for Refugees & Immigrants, Comment Letter on Interim Final Rule to Secure the Border (July 9, 2024), <https://www.regulations.gov/comment/USCIS-2024-0006-1052>.

82 “El Prejuicio No Conoce Fronteras: Homicidios de Lesbianas, Gay, Bisexuales, Trans e Intersex en Países de América Latina y el Caribe 2014 – 2019.” SinViolencia LGBT. August 2019. https://colombiadiversa.org/colombiadiversa2016/wp-content/uploads/2019/08/Informe_Prejuicios_web.pdf.

83 U.N. High Comm’r for Refugees [UNHCR], UNHCR Guidelines on International Protection No. 9: Claims to Refugee Status based on Sexual Orientation and/or Gender Identity, U.N. Doc. HCR/GIP/12/09 (Oct. 23, 2012), <https://www.unhcr.org/us/media/unhcr-guidelines-international-protection-no-9-claims-refugee-status-based-sexual-orientation>.

84 *Avendano-Hernandez v. Lynch*, 800 F.3d 1072 (9th Cir. 2015), <https://caselaw.findlaw.com/court/us-9th-circuit/1712368.html>.

85 Alfonseca, Kiara. “Spate of Transgender Deaths in First Days of 2024 Prompts Outrage in Mexico.” ABC News. January 16, 2024. <https://abcnews.go.com/International/slate-transgender-deaths-days-2024-prompts-outrage-mexico/story?id=106407774>.

86 Nodjomian-Escajeda, Aaron. “Let Us Not Forget that Asylum is a Human Right.” December 5, 2023. <https://refugees.org/policy-brief-let-us-not-forget-that-asylum-is-a-human-right/>.

87 Destination Reception Assistance Act, S. 4861, 118th Cong. (2024), <https://www.congress.gov/bill/118th-congress/senate-bill/4861/text>.



SINCE

19
11

Refugees.org



The U.S. Committee for Refugees and Immigrants (USCRI), established in 1911, is a nongovernmental, not-for-profit international organization dedicated to addressing the needs and rights of refugees and immigrants.

This report is part of USCRI's ongoing commitment to serving the needs of refugees globally.

USCRI advocates for the rights of refugees and immigrants both nationally and globally, helping to drive policies, practices, and law.

U.S. Committee for Refugees and Immigrants



703-310-1130



USCRI@Refugees.org



Refugees.org



Refugees.org