

New Asylum Ban Leaves Migrants Stranded: Recommendations to Increase Access to Protection at the US-Mexico Border

Summary

In July 2023, the Women's Refugee Commission (WRC) Migrant Rights and Justice Program visited the Rio Grande Valley, Texas, and Matamoros and Reynosa, Tamaulipas, Mexico, to understand the conditions that people seeking protection face at the US-Mexico border since the Biden administration's new rule, [Circumvention of Lawful Pathways](#), went into effect.¹ WRC refers to this rule as the "asylum ban" because it illegally blocks most people seeking asylum from being able to do so—other than for narrow exceptions—despite the guaranteed right under US law to seek asylum regardless of manner or place of entry. Under the asylum ban, an individual seeking asylum in the United States must either: 1. already have been denied asylum in another country; 2. entered the United States via a pre-scheduled appointment on the [CBP One mobile application](#) or a [country-specific parole program](#); or 3. proved they meet limited exceptions² in immigration court to access their legal right to seek asylum.

At the time of our visit, WRC interviewed dozens of people and heard reports of thousands more in the northern Mexican border cities of Reynosa and Matamoros who were attempting to secure appointments via CBP One³ to enter the United States and access asylum. Most individuals and families had been waiting in northern Mexico for weeks or months in squalid and dangerous conditions, and some faced barriers that prevented them from accessing the mobile app at all. From our interviews with people seeking safety, conversations with service providers, and observations, we learned that numerous individuals had tried, in desperation, to walk up to a port of entry to request asylum without an appointment and were denied their right to do so either by US Customs and Border Protection (CBP) officials or by Mexican El Instituto Nacional de Migración (INM) officials.

The asylum ban blocks access to asylum because its exceptions are so limited. In addition, the US and Mexican governments' practice of turning away individuals who lack CBP One appointments blocks access to asylum for vulnerable people, including women and families. On July 25, 2023, WRC celebrated a federal court's ruling that [deemed the Biden administration's asylum ban illegal](#). However, with the ruling stayed for two weeks and the administration considering appeal, the concerns WRC observed will continue until the ban is formally rescinded. On July 27, 2023, immigrant rights organizations and a group of people seeking asylum filed a [class action lawsuit](#) challenging the Biden administration's turnbacks of individuals seeking protection at US ports of entry at the southern border.

Based on our observations and interviews with a wide range of stakeholders, WRC recommends that the Biden administration abandon its restrictions to asylum and instead uphold refugee law and invest in [humanitarian reception](#) of people seeking safety.⁴

Recommendations

1. Rescind the "Circumvention of Lawful Pathways" rule, also known as the asylum ban.⁵
2. Continue making much-needed improvements to CBP One.
3. Expand capacity at ports of entry to increase daily CBP One appointments and facilitate greater access to those who present without appointments.
4. Improve basic sanitation and Wi-Fi access and signal at Mexican shelters.
5. While the asylum ban remains in place, at minimum ensure that individuals exempted from the rule (such as [unaccompanied children and Mexican citizens](#)) are able to present at a port of entry and request asylum.
6. End turnbacks by Mexican and US immigration officials of individuals trying to request asylum without a CBP One appointment.

People seeking asylum continue to struggle to secure CBP One appointments to enter the United States, forcing them to wait for weeks or months in insecure conditions

During the week of July 17, 2023, WRC traveled to the Rio Grande Valley (McAllen, Hidalgo, and Brownsville, Texas) and the Mexican northern border cities of Reynosa and Matamoros. In Mexico, our team visited two shelters and three makeshift tent encampments. According to local service providers, at the time of our visit approximately 3,000 asylum seekers were living in the informal encampments we visited in Reynosa and Matamoros. In Reynosa, approximately 1,000 people in the two shelters we visited were waiting to seek asylum.

From interviews with 35 migrants⁶ and conversations with local service providers, we learned that the vast majority of people were attempting to schedule an appointment via CBP One to present at a port of entry and request asylum. The length of time that people spent waiting in northern Mexico varied; some had spent a week at the border trying to get an appointment, while others had been attempting to secure an appointment every day for over three months. Several people seeking asylum shared technical issues they experienced while using CBP One and showed us inexplicable error messages they received in English in the app, although they were using the app in another language. This prevented them from registering for an appointment.

People seeking asylum and local service providers told WRC about criminal groups or authorities stealing their phones during the migratory journey in Mexico, inhibiting their ability to secure a CBP One appointment. For example, one Venezuelan man WRC spoke with who was living with his family in the makeshift encampment in Matamoros reported that Mexican authorities stole his phone, and that he had no money to purchase another phone to access an appointment and enter the United States. An Ecuadorian woman shared that she was kidnapped twice in Mexico, had her phone's SIM chip stolen, and was forced to pay \$20,000 to be released. Without a working phone, she cannot access CBP One and is stranded in Mexico.

Recommendations: While the CBP One app must never be the only means of seeking asylum at a port of entry, WRC urges the Department of Homeland Security (DHS) to rapidly improve CBP One, including by eliminating unintelligible error messages, providing routine official public information when issues arise, and making the app available in more languages.⁷ DHS should also communicate in advance with service providers any changes being made to prevent the spread of misinformation.

Women and families waiting in northern Mexico are in danger

WRC spoke with several women who were afraid to wait in northern Mexico for fear that they could be tracked down by their persecutors, but are forced to do so while waiting to secure a CBP One appointment. For example, a Mexican woman told us that her husband was disappeared by a criminal group in October 2022. After receiving threats and being followed, she fled her home with her four children, ranging from three to 14 years old, to the border city of Reynosa. She had downloaded CBP One and had been trying to get an appointment. The previous week, she saw someone she knew from her home state outside a shop near her shelter and feared that the individual would inform the criminal group of her location. Due to her desperation and fear, she went to the bridge between Mexico and the US without an appointment to seek asylum, but INM turned her away. A Venezuelan woman with her 15-year-old daughter also shared that they were turned away by INM when trying to seek protection at the bridge. Both women and their children returned to the shelter, forced to wait and try to get CBP One appointments.

A Venezuelan woman in a shelter described how she and her child were threatened on the street, and she has been afraid to leave the shelter ever since. A number of people seeking asylum shared their experiences being kidnapped, extorted, or robbed in Mexico. Local service providers reported that sexual assault of women waiting to seek protection is common.

Recommendation: Given the dangerous conditions people seeking asylum experience every day in northern Mexico, WRC recommends that DHS immediately increase the number of daily CBP One appointments and continue to invest in asylum processing capacity at ports of entry.

People seeking asylum are forced to live in dire conditions in northern Mexico shelters and encampments

People seeking asylum who are forced to wait to secure CBP One appointments live in insecure shelter and experience dire, squalid conditions. The encampments, and some of the shelters, lack basic sanitation and hygiene, including non-functional toilets, makeshift portable toilets, or portable toilets that overflow before they are serviced. There is not enough food, and most people sleep in small tents that cannot protect them from extreme weather. While some encampments have makeshift showers, many people bathe in the river, where they also are at greater risk of being targeted by criminal groups and contracting illnesses. Respiratory and gastrointestinal illnesses, skin infections, and other forms of sickness are very common, due to living in close confines and lacking access to medical services. People are living in extreme weather conditions, including highs of more than 100 degrees Fahrenheit during the last two months. The electricity and internet are not consistent, and in some shelters people have to leave to access the internet, thereby being forced to put themselves in danger.

Recommendation: Rather than rely on humanitarian workers and nonprofit organizations, the US and Mexican governments should work together to improve basic sanitation, Wi-Fi access and signal, and charging stations at shelters in Mexico.

Mexican and US officials are illegally turning back people attempting to seek asylum at ports of entry

According to people seeking asylum and local service providers, Black and Asian-presenting asylum seekers are routinely stopped by INM when presenting at the bridges in Reynosa and Matamoros and are turned away. WRC witnessed three Haitian men who were stopped and had to show their CBP One appointments on their phones to an INM official before being allowed to walk onto the McAllen-Hidalgo International Bridge. A group of eight men from Kyrgyzstan were unable to walk up and seek asylum at that same bridge because INM turned them back when they attempted to do so without appointments. One Kyrgyz man shared that he and his wife had been trying to secure a CBP One appointment for three months. The couple was trying to seek asylum without appointments because they had run out of money to continue waiting in Mexico.

One Armenian man, who made it past INM officials, reported that he had been turned away by CBP Office of Field Operations officials on three different occasions. He had been trying to secure a CBP One appointment for 70 days to request asylum due to political persecution. A district court judge already found the US government's practice of systematically turning back people seeking asylum at ports of entry along the US-Mexico border [illegal](#).

Several local advocates and service providers shared that CBP and INM may be coordinating asylum processing at the international bridges. When WRC asked in separate conversations, each government's immigration officials stated that the other government handles asylum processing and determines who is allowed to present themselves at ports of entry. With daily turnbacks of individuals CBP One appointments become the exclusive way to enter the United States to seek asylum—despite the asylum ban's attempt to have exceptions for unaccompanied children and others in vulnerable situations.

Recommendation: It is imperative that individuals are fully able to exercise their right to request asylum at ports of entry, including those without CBP One appointments and those who are exempted or have valid exceptions to the asylum ban.⁸

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Women's Refugee Commission

The Women's Refugee Commission (WRC) improves the lives and protects the rights of women, children, and youth who have been displaced by conflict and crisis. We research their needs, identify solutions, and advocate for programs and policies to strengthen their resilience and drive change in humanitarian practice. Since our founding in 1989, we have been a leading expert on the needs of refugee women, children, and youth and the policies that can protect and empower them. [womensrefugeecommission.org](https://www.womensrefugeecommission.org).

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Endnotes

- 1 WRC wishes to thank the people seeking asylum who generously spoke with us about their experiences. WRC also would like to thank the Mexican shelter providers, US shelter providers, and advocates who provide critical support to people seeking safety in the region, as well as local US immigration officials, for their time and willingness to speak to us.
- 2 If the ban applies, a person seeking asylum can only overcome the ban and be considered eligible for asylum if they or a family member they were traveling with can prove that they faced an acute medical emergency, an imminent and extreme threat to life or safety, or was a victim of severe human trafficking when they entered the United States.
- 3 CBP first launched the [CBP One](#) migrant-facing appointment scheduling system in January 2023. Today, [1,450 appointments](#) are available daily across eight US ports of entry.
- 4 WRC and partner organizations provided recommendations for the federal [Shelter and Services Program](#), which supports the humanitarian reception of migrants. WRC also joined more than [70 organizations](#) in calling for improved coordination, transparency, and accessibility in future federal funding allocations.
- 5 The Biden administration has also started conducting [fear screenings](#) in CBP custody. WRC joined more than 100 organizations calling for this practice to end and remains concerned that these screenings will expand to more CBP facilities.
- 6 WRC spoke to individuals and families from Venezuela, Mexico, Haiti, Brazil, El Salvador, Ecuador, Honduras, Guatemala, Kyrgyzstan, and Armenia.
- 7 CBP One is currently only available in English, Spanish, and Haitian Creole.
- 8 According to November 2021 [CBP Guidance](#) for the Management and Processing of Undocumented Noncitizens at Southwest Land Ports of Entry, “asylum seekers or others seeking humanitarian protection cannot be required to submit advanced information in order to be processed at the Southwest border land ports of entry.”