

Introduction

In April 2023, just ahead of the end of the Title 42 expulsions policy on May 11, 2023, the Women's Refugee Commission (WRC) Migrant Rights and Justice program visited Arizona, southeast California, and northern Mexico to understand the conditions faced by people trying to seek protection at the US-Mexico border and the shelters and service providers serving them. US government policies have meant that only those who are able to secure an appointment through the Customs and Border Protection's CBP One mobile application (CBP One app) may present to seek asylum at ports of entry, and this is expected to continue after Title 42 lifts. Despite their invaluable support and services, shelters on both sides of the border critically need additional resourcing.¹ Without serious shifts in policy and practice, people seeking protection will continue to face immense hurdles after Title 42 lifts.

Overall Recommendations

- **Even as the Department of Homeland Security (DHS) intends to increase the number of appointments available on the CBP One app, the Biden administration must also provide other ways for people without an appointment to access the asylum process at ports of entry.**
- **DHS should cease practices that violate people's rights and lead to separation and insecurity, including deporting people to different locations along the border from where they entered and confiscating their belongings.**
- **DHS should coordinate releases of those seeking protection with nongovernmental organization (NGO) partners on the front lines; at the same time, the Biden administration should continue to invest in this crucial NGO reception infrastructure.**
- **As Title 42 comes to an end, the Biden administration should immediately assign dedicated personnel to process people seeking protection at ports of entry.**
- **The US State Department should continue to improve Wi-Fi access and signal at shelters that receive its funding in central and northern Mexico.**
- **To dispel misinformation, DHS should publish official information in multiple languages about the CBP One appointment process and other changes to asylum processing that will be made after Title 42 is lifted. DHS should engage frequently and share information with shelters and service providers.**
- **Initial asylum screening interviews—also known as credible fear interviews—should not be conducted while individuals are still detained in CBP custody.**

Based on our observations and interviews with a wide range of stakeholders, including speaking to dozens of people attempting or waiting to seek protection in the United States, WRC identified the following concerns with the current asylum process and risks with the anticipated process beginning on May 11.

¹ WRC wishes to thank the people seeking asylum who generously spoke with us about their experiences. WRC would also like to thank Mexican shelter providers, the Florence Immigrant & Refugee Rights Project, International Rescue Committee Welcome Center in Phoenix, Casa Alitas in Tucson and Nogales, Kino Border Initiative, the ACLU of Arizona, the AZ-CA Humanitarian Coalition, Human Rights First, and others, as well as local US and Mexican officials, for their time.

Continued challenges for women and their families in registering for a CBP One appointment

WRC observed that people seeking asylum are generally informed—via information sessions and pamphlets from legal service providers, NGOs, international organizations, and shelter providers, as well as word of mouth—about the new function of the CBP One app to schedule an appointment to enter the United States at a port of entry. Every single one of the dozens of people seeking asylum that WRC staff spoke with had been attempting to secure an appointment every day.

Following WRC’s monitoring trip, CBP [announced changes](#) on May 5 to the CBP One app scheduling module process that will go into place on May 10 to improve accessibility, including expanding the number of appointments, allowing for additional time to complete appointment requests and giving priority to those who have been waiting the longest. While these changes may mitigate some issues with the app detailed below, they will not alleviate all of the following concerns.

More CBP One appointments are a positive step, but need to be increased more drastically and do not mitigate the problems with CBP One

People seeking asylum struggle to schedule an appointment due to the very limited number of daily appointments available border-wide.² Every day, appointments fill up within minutes. Several of the women we spoke to had been trying every day for the last three months without success, since the CBP One application first launched this new scheduling function on January 12, 2023. In one shelter dedicated to women and children with a capacity for 40 individuals, only five families had been able to secure a CBP One appointment over the past three months. **Ahead of the end of Title 42, DHS should assign additional CBP Office of Field Operations (OFO) officers dedicated to the processing of individuals seeking protection to ports of entry. While increased numbers of appointments will hopefully alleviate some capacity concerns, the administration should also ensure other ways to access asylum at ports of entry, and ensure that any other mechanisms do not create additional burdens on local shelters and NGOs.**

Wi-Fi is often insufficient to support the number of users trying to access CBP One

While all of the shelters WRC visited in Mexico provided free Wi-Fi access, individuals reported that the internet signal became oversaturated every morning at 8:00 a.m. PT/11:00 a.m. ET when new appointments open. In order to attempt to register for an appointment, many individuals had to resort to paying to recharge their phone credit. Many individuals said they were unable to afford this expense and had to routinely leave the shelter to put credit on their phones, exposing them to potential danger. **WRC recommends that international organizations that receive US State Department funding continue to improve Wi-Fi access and signal at shelters in central and northern Mexico.**

CBP One’s unpredictability and lack of functionality harms mental health and results in additional risks

Women, including some who are fleeing domestic violence in southern Mexico and violence in Honduras, expressed that the CBP One registration process has taken a huge toll on their mental health, leading to persistent stress, anxiety, and insomnia. The few individuals who had been successful in making an appointment were forced to travel hundreds—and sometimes thousands—of miles to cities such as Tijuana or Matamoros for their appointments at ports of entry.

² Since CBP first [launched](#) the CBP One migrant-facing appointment scheduling system in January, [740 appointments have been available daily](#) across eight US ports of entry. Reports indicate that this number will increase to [1,000 daily appointments](#) following the end of Title 42.

Misinformation results in confusion and contributes to desperation

WRC also heard that some women faced additional challenges in signing up for an appointment due to their lack of familiarity with technology, illiteracy, or because they spoke an Indigenous language.³ The women WRC spoke with expressed great uncertainty about what was going to take place on May 11 with the end of Title 42 and whether the CBP One appointments would continue. **WRC recommends that DHS publish official information in multiple languages about the CBP One appointment process and any changes to asylum processing that will be made after Title 42 is lifted.**

Insecurity in northern Mexico continues to place women, children, and families at risk

WRC spoke to numerous individuals and family members who expressed fear of remaining in northern Mexico while they waited to secure a CBP One appointment. Women of many nationalities who were survivors of domestic violence or had received threats from gangs expressed fear that they would be tracked down by their persecutors in northern Mexico. Many reported abuses such as beating, extortion, and arbitrary detention by Mexican immigration authorities on the migratory route. Other individuals—including families traveling with young children—were kidnapped in northern Mexico and held for several days while their family members were extorted for their release. Their horrific experiences are consistent with the State Department’s issuance of [Do Not Travel](#) advisories for these regions due to crime and kidnapping. **WRC is concerned that the Biden administration plans to [deport non-Mexican nationals](#) to Mexico, where many face insecurity, uncertain immigration status, and danger upon return.**⁴

Smarter capacity, rights-respecting practices, and strong oversight are needed to process people seeking asylum after Title 42 ends

WRC anticipates that the Biden administration’s Proposed Rule, [“Circumvention of Lawful Pathways,”](#) will be finalized as Title 42 ends, establishing deeply concerning new barriers to asylum access. Our observations from meeting with a wide variety of stakeholders left us concerned over plans and capacity for processing people seeking asylum by CBP after Title 42 lifts on May 11.

Ports lack plan for processing people outside of the CBP One application

DHS has not specified how people walking up to a port of entry without a CBP One appointment will be processed.⁵ The Proposed Rule states that DHS would exempt individuals who prove by a preponderance of the evidence that they could not access the CBP One app due to a language barrier, illiteracy, significant technical failure, or other ongoing and serious obstacles and show up at a port of entry. However, the Proposed Rule does not state what sort of evidence individuals will be required to provide. **People who cannot access the CBP One app and/or walk up to a port of entry to seek asylum should be able to do so without being subjected to the Proposed Rule or a credible fear interview in CBP custody.** Individuals should not face increased barriers, like those in the Proposed Rule, for approaching a port of entry to lawfully

3 CBP One is currently only available in English, Spanish, and Haitian Creole.

4 The Mexican government agreed to continue to accept the returns of Cubans, Haitians, Nicaraguans, and Venezuelans from the US under Title 8, following the end of Title 42.

5 According to the CBP Guidance for the [Management and Processing of Undocumented Noncitizens at Southwest Land Ports of Entry](#) from November 1, 2021, “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.”

seek asylum. In addition, **WRC urges the Biden administration to work with the Mexican government to ensure that Mexican local, state, and federal officials do not impede or block individuals seeking protection from accessing US ports of entry.**

Asylum screening interviews in Border Patrol custody will create impossible obstacles to accessing asylum

The Biden administration has also begun [conducting credible fear interviews](#) for individuals in Border Patrol custody to speed up expedited removal. Individuals placed into this process must demonstrate credible fear to an asylum officer while detained, by telephone, likely with limited access to [legal support](#),⁶ within five to seven days. Similar programs under the Trump administration led to [credible fear rates dropping dramatically](#) from 74 percent to 23 percent. People seeking asylum are also often experiencing [serious trauma](#) from the persecution they suffered in their home country, the journey they took to the United States, and from being held in harsh conditions while in Border Patrol custody.

Logistically, the centralized processing center WRC toured⁷ lacked the physical infrastructure to conduct such interviews, and like other CBP facilities, is not conducive to meaningfully providing individuals the opportunity to present their initial fear claims. While some steps—like personnel dedicated to more administrative processing work—can facilitate Border Patrol to more quickly complete paperwork and transfer people seeking protection out of custody, these measures are not enough to overcome the inappropriateness of these facilities for people seeking asylum. The holding cells in the facility resemble those of a jail, where individuals are locked in crowded cells most of the day and night with one toilet inside, and the lights never turn off. People do not know the date or time while in custody. If the numbers of people arriving increase as anticipated, WRC is deeply concerned that people will remain in Border Patrol custody longer due to this process. **WRC recommends that credible fear interviews are not conducted while individuals are detained in CBP custody. Doing so increases the likelihood of denials of meritorious claims.**

DHS expulsion practices and property confiscation practices cause harm

In mid-April, DHS resumed lateral flights⁸—that shuffle people from one part of the border to another—to transport Venezuelans who crossed the border in Ciudad Juarez across from El Paso, Texas, to Arizona, where they were expelled to Mexico under Title 42. Practically speaking, this means that people are expelled to a different part of the border from where they tried to first seek protection. WRC spoke with 10 Venezuelan women who, following a lateral flight, had been expelled to Nogales, Sonora—a part of the border that they had never been to before. Before expulsion, these women reported being held for days in DHS custody and falsely told that they would have the opportunity to see an immigration judge. They reported that subsequently DHS transported the women—with their hands and feet shackled—without telling them where they were going. Additionally, DHS confiscated medication and other belongings. Arizona-based advocates have [long documented DHS's confiscation of people's belongings](#), including recent [confiscations of Sikh turbans](#). Another woman WRC spoke to shared how she was separated from numerous family members she

6 Prior to these screenings, individuals only have 48 hours to consult with legal service providers via telephone. CBP has historically denied in-person access to attorneys in their facilities and has confirmed in stakeholder meetings that all legal support in this program will be telephonic only. WRC is concerned that this limited legal assistance—while generally a welcome resource for people seeking asylum—will not be meaningful and able to mitigate the insurmountable obstacles individuals face when trying to make a case for protection days after being apprehended in CBP custody.

7 Not all Border Patrol stations and processing centers are the same, and WRC toured a smaller facility than some others along the border. Other stations were unavailable to meet with WRC on this visit. Nonetheless, our concerns apply regardless of the facility that may be used.

8 The Kino Border Initiative has documented the [abuses by CBP during lateral flights](#), including the [recent flights of Venezuelans from El Paso](#) in April 2023.

traveled with because some were released in the US while others were expelled to different locations along the border, and she had yet to be able to reunite with them. **DHS should halt these lateral flights and inform people of the immigration process they are experiencing. In addition, WRC urges DHS to track and return people's belongings, regardless of their immigration outcome.**

Humanitarian reception in the US needs stronger investment

Shelters that WRC visited in Arizona welcome individuals after they are processed by DHS and help meet their basic needs, including by providing meals, a change of clothes, and a short-term place to stay. Shelters also assist with onward travel by coordinating with individuals' sponsors to purchase bus or plane tickets. Some shelters have working relationships with transportation companies and airlines to facilitate more efficient, coordinated, and less expensive onward movement. These shelters have supported tens of thousands of people seeking protection and ensured they can safely travel to their destination, avoiding situations where government officials release people directly to a bus station or otherwise without more stability and support.

The government should expand transitional support for vulnerable populations

Many NGOs in Arizona rely on short-term funding or reimbursements from the FEMA Emergency Food and Shelter Program (EFSP) and cannot easily or quickly increase their capacity without additional resources and coordination. **WRC urges the Biden administration to consider the needs of service providers doing crucial reception work as it transitions from the FEMA EFSP to the new CBP Shelter and Services Program.** Shelter providers in Arizona illustrated the importance of providing individualized support, especially for particularly vulnerable people, which includes mental health services and a safe transition plan to longer-term housing.

Coordination with DHS strengthens services and supports an orderly asylum process

NGO service providers reported varying levels of coordination from DHS components (Border Patrol, OFO, and Immigration and Customs Enforcement [ICE]) regarding transportation, drop-off locations, and the numbers and demographics of individuals released from DHS custody. This coordination has been critical in minimizing the number of people released without any support, and instead ensuring people have information and support in reaching their final destination. NGOs stand ready to work with the Biden administration and local DHS staff to welcome individuals, and with improved coordination, NGOs can better optimize their limited resources. **WRC recommends that releases from DHS custody and port processing be coordinated with NGO partners on the ground and accompanied by continued investments in crucial NGO reception infrastructure. DHS should also work with private entities and local, county, and state governments to surge additional resources to local service providers.**

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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.

May 2023