



REPORT

FACING AN IMPOSSIBLE CHOICE

Experiences of Asylum Seekers in Matamoros and Reynosa Two Months into the Biden Asylum Ban¹

The Biden administration's [Asylum Ban](#), which went into effect on May 16, 2023, has continued some of the worst effects of the Title 42 policy by blocking most asylum seekers from accessing their legal right to seek asylum in the United States. Asylum seekers must enter under specified "lawful pathways"—a valid visa, narrow, country-specific parole programs, or a pre-scheduled CBP One appointment—or be subject to a sweeping ban that renders them ineligible for asylum. A very limited number of asylum seekers are able to get visas or qualify for a country-specific parole program. Asylum seekers trying to pre-schedule a CBP One appointment must use a phone app that is currently available only in three languages and offers 1,450 appointments a day across the entire border.

To avoid the harsh consequences of the Asylum Ban, asylum seekers must prove that they sought asylum and were denied it in at least one country through which they transited to the United States or must meet a high burden to comply with other limited ways to rebut the presumption against asylum. Those who are not able to meet that burden are barred from asylum and must meet a higher burden to show that it is "more likely than not" they will be persecuted or tortured if returned to their country to have a chance to plead their case in immigration court. If asylum seekers fail to meet that standard, they are expeditiously removed from the United States and barred from re-entry for 5 years. They may also be criminally prosecuted for unlawfully entering the United States and face months or years in federal prison if they re-enter without permission. While the Biden Administration touts the "lawful pathways" opportunities under the Asylum Ban, the reality on the ground reflects a much starker picture.

The National Immigration Project and Together & Free were in Matamoros, Tamaulipas, Mexico in late June and Together and Free returned to Matamoros and Reynosa, Tamaulipas in mid-July to conduct interviews with asylum seekers. This report is a compilation of our observations, gathered through interviews with asylum seekers and conversations with local service providers and advocates. The authors note that practices differ by port of entry, and that the situation at the U.S.-Mexico border is in flux and rapidly changing. These are our findings:

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1. Asylum seekers who are not able to access a CBP One appointment, or who are not eligible for an appointment, are unable to access U.S. ports of entry unless they are escorted by an advocate.

People fleeing persecution have a [right to seek asylum](#) in the United States, whether or not they have valid entry documents, and can avail themselves of that right by presenting themselves at a port of entry along the U.S. border with Mexico, or by entering the United States without inspection and stating their fear of persecution. Despite this right, the Department of Homeland Security (DHS) and Customs and Border Protection (CBP) in the past two presidential administrations have engaged in policies to turn asylum seekers away at ports of entry or prevent them from reaching the port of entry to seek asylum in the first place.

Biden's Asylum Ban is similar to Trump-era deterrence-based border policies. Although the policy enumerates "lawful pathways" for migrating to the United States, Biden's Asylum Ban traps asylum seekers in dangerous Mexican border cities or across hostile terrains as people try to cross the border undetected. Even asylum seekers who are [exempt](#) from the Asylum Ban and the CBP One scheduling requirement—unaccompanied children (UCs), Mexican citizens, and asylum seekers who are unable to access a CBP One pre-scheduled appointment "due to language barrier, illiteracy, significant technical failure, or other ongoing and serious obstacle"—are trapped in Mexico without access to ports of entry.

Asylum seekers without a CBP One appointment but with a valid exception are blocked from reaching the Gateway International Bridge connecting Matamoros to Brownsville and the Reynosa-McAllen/Hidalgo International Bridge by National Institute of Migration (INM) agents. Multiple advocates we spoke with in Matamoros and Reynosa shared that they believe CBP and INM are coordinating to have INM officials block the path of asylum seekers to the ports of entry in these cities. These advocates have first-hand accounts of INM officers calling the CBP Port Director to ask if a particular asylum seeker is allowed to present themselves at the U.S. port of entry for processing. INM officials have routinely told advocates they are "carrying out orders" when disallowing asylum seekers from approaching the U.S. ports of entry and have referred specifically to "CBP orders" in doing so. These practices have made the exceptions to the Asylum Ban meaningless in practice.

In addition, asylum seekers who are unable to secure a CBP One appointment but could prove that they face risk of a medical emergency, are a "victim of a severe form of trafficking in persons," or face "an imminent and extreme threat to life or safety," have few options. They can seek an advocate in these Mexican border cities to accompany them to the port of entry, await a CBP One appointment that may not materialize, or enter without inspection. Asylum seekers in this position who enter without inspection will be subject to the Asylum Ban and face a rebuttable presumption against asylum unless they demonstrate that, at the time of their unauthorized entry, they or a family member faced one of these emergencies. CBP continues to process some asylum seekers escorted by an advocate at the port of entry without CBP One app appointments and parole them into the United States.²

Few local advocates with relationships with CBP and INM remain in Matamoros and Reynosa. If an immigrant

² In some circumstances, NGOs can make appointments directly with CBP for individuals who have significant vulnerabilities. Individuals who enter pursuant to these appointments should be considered to have "presented at a port of entry, pursuant to a pre-scheduled time and place," under 8 CFR §§ 208.33(a)(2)(ii)(B); 1208.33(a)(2)(ii)(B) because CBP is specifically permitting them to appear for an appointment, even though these appointments are not made through the CBP One app. However, it is unclear how the asylum seeker will prove this preauthorization to an adjudicator to demonstrate that they are not subject to the Asylum Ban.

with a severe medical emergency or disability is able to connect with one of these few advocates and be escorted to the ports of entry, CBP may decline to process them for entry due to lack of physical capacity. Other times, according to advocates we spoke with in Matamoros, CBP makes the immigrant seeking entry at the Gateway International Bridge wait on the bridge for 24 to 36 hours before being processed. For example, when we connected a couple that was receiving death threats at the Matamoros Rio Grande river camp with a local advocate who accompanied them to the port of entry, CBP forced the couple to wait on the bridge for over 24 hours before processing them for entry into the United States.

These are the stories of asylum seekers we encountered who were not able to access a CBP One appointment and could not reach the port of entry:

Nelly,^{3*} a 17-year-old from an Indigenous community in Honduras arrived in Matamoros alone in November 2022. She fled her small town in Honduras to escape the 37-year-old narcotrafficker who began raping her when she was 13 years old. As a UC, Nelly should have been able to approach a port of entry in Matamoros and would have ultimately been transferred to the custody of the Department of Health and Human Services. However, her path to the Gateway International Bridge leading to Brownsville, just a few hundred feet from the migrant camp where she stayed in a tent, was blocked by INM officials. A human smuggler with ties to a local cartel took notice of her, took away her phone and began trafficking her, kidnapping her at night and returning her to the camp during the day. He and other men raped her repeatedly, beat her, and put out cigarettes on her skin. When Nelly approached us, she had already turned 18 and was four months pregnant and afraid for her life. An advocate in Matamoros accompanied her to the port of entry in Reynosa to avoid the 24 to 36 hour wait in Matamoros that would have left her exposed on the bridge overnight. At the Reynosa port of entry, the advocate explained to CBP agents that she was a trafficking victim and was in imminent danger. A CBP agent was about to process her into the United States when he realized that Nelly did not speak Spanish. He turned Nelly away. Nelly's situation triggered multiple exceptions to having to use the CBP One app—she was a UC until March 2023, she did not have a phone and could not use the CBP One app even if she had a phone because she speaks only an Indigenous dialect. As a victim of a severe form of trafficking who faces imminent threats to her life, she should have been able to access the port of entry to claim these exceptions, but instead she was left in the hands of her traffickers.

Zimo,* a Mandarin speaker from China who left the country in fall 2022 due to political persecution was wearing a neck brace when we met him in Matamoros and looked visibly scared. He had traveled most of the way to Matamoros with eleven other Chinese people. In Matamoros, members of organized crime had beaten Zimo repeatedly and had stolen his phone. According to an advocate, Zimo and other Chinese asylum seekers in Matamoros were highly visible targets for the cartels who assumed that Chinese people had money. In reality, like most asylum seekers in Matamoros, he had little money, having spent all of his savings on the journey to the United States border with Mexico. Zimo and the other Chinese asylum seekers could not access the CBP One app because they do not speak English, Spanish, or Creole and they could not communicate with the few migrant advocates that remain in Matamoros because none of them speak Mandarin or have access to language interpretation resources. Additionally, Zimo's phone was stolen which also rendered him unable to access the CBP One application. Like other Chinese asylum seekers in Matamoros, he was weighing crossing the river between ports of entry as he felt he had no other choice, but he worried he would be barred from asylum if he did so.

An advocate in Reynosa reported to us that **Vanessa,* a 16-year-old girl was in Reynosa alone and**

³ The names that we assign to asylum seekers in this report are pseudonyms and are given to protect their identities. Pseudonyms are indicated with asterisks.

pregnant. Vanessa realized she would not be able to approach the port of entry because INM officials would block her and she could not find an advocate to help her approach the port even though she should have been excepted from the Asylum Ban as a UC. She decided to try to cross the Rio Grande river to reach the United States but soon turned back, afraid for her own safety because cartel members are known to guard river crossings in Reynosa. When we spoke with her, she was still waiting in Reynosa, in hopes that she could find a local advocate to help her get past INM to cross the bridge.

2. Immigrants with serious medical conditions are not able to access Brownsville and McAllen to seek medical attention without assistance from local advocates, and even then must wait on the bridge in Matamoros for days to be processed by CBP.

While the text of the Asylum Ban does not except asylum seekers who can demonstrate that they face “an acute medical emergency,” it permits asylum seekers experiencing such an emergency who enter the U.S. without a pre-scheduled CBP One appointment or without inspection, to rebut the presumption against asylum eligibility. But the Asylum Ban and current CBP policy lacks a process for individuals facing acute medical emergencies to seek entry into the United States through a port of entry. CBP and INM make it virtually impossible for individuals facing medical emergencies to actually approach the ports of entry that connect Matamoros to Brownsville and Reynosa to McAllen without assistance from advocates on the ground. Immigrants and asylum seekers in Matamoros and Reynosa with severe mental or physical conditions and disabilities who cannot get support from the small number of local advocates face a difficult choice—remain in Mexico at great cost to their health and safety, try to get a CBP One appointment, or cross without inspection and risk their lives and their chance to qualify for asylum in the United States.

An advocate in Reynosa reported to us that a **Haitian asylum seeker who was 34 weeks pregnant** had gone into labor in the camp outside a Reynosa migrant shelter. Under the current Asylum Ban, even though she was in the third trimester of her pregnancy, there was no way for her to seek entry into the United States. A taxi was called and took her to a private hospital. That private hospital turned her away because she was indigent. By the time she arrived at the second hospital, which was much farther away, the expectant mother was hemorrhaging, and an emergency c-section had to be performed but her baby did not survive and she had to receive emergency blood transfusions.

That same advocate in Reynosa reported to us that CBP agents had threatened to refer her for prosecution for trafficking after she had sent several U.S.-based ambulances to the port of entry to collect asylum seekers with life-threatening medical emergencies. Because of this, she was afraid to send an ambulance to collect a **3-month-old infant with meningitis** at the port of entry last week. Another advocate was then able to call a McAllen-based ambulance to the port of entry, and the child is now hospitalized.

At the camp in Matamoros next to the Rio Grande, we met a **4-month-old infant** whose parents are Indigenous asylum seekers and do not speak Spanish. Their child had been sick for weeks and had a high fever, diarrhea, and a full body rash, but they had not been able to receive medical attention in Matamoros. Like other families with sick children at the camp, these parents could not get past INM officers to approach CBP and seek entry into the United States to present their asylum claim and receive medical attention.

In both Reynosa and Matamoros advocates shared that mothers in their last term of pregnancies and infants were at particularly high risk. Women with pre-eclampsia—a high blood pressure disorder—that developed in the third trimester were giving birth to preterm babies in Mexico without access to

necessary medical care. In Reynosa one advocate shared that two preterm babies, a boy and a girl, were recently born in the same week. The boy, who was slightly smaller, did not survive.

Also in the river camp in Matamoros, we met **Max,* an 11-year-old Indigenous boy who is deaf**. While he did not have any sign language, Max communicated with his mother using home signs. His family had not been able to secure a CBP One app appointment. Max's younger brother, who is 4 years old, had a high fever the second time we met him at the camp in Matamoros. Their mother reported that he had had a fever for two weeks and that Max's younger brother was not eating any food and was only able to manage some fluids during this time period. The young boy was completely unresponsive while we were present. The family could not access the bridge without the help of an advocate, but was concerned that, even if they could, Max's brother would not survive waiting 24 to 36 hours in the heat.

Also in Matamoros, we encountered a juvenile with diabetes and arthritis who had **run out of her medications and was having trouble walking**. She was with her mother and they were unable to access the port of entry to seek asylum.

In Reynosa, a Kyrgyz man with muscular dystrophy shared that he had been turned away from the port of entry by INM and had not been able to access the health care that he needs in Reynosa. Also in Reynosa, we met a **man with a broken leg** who was unable to walk without a crutch. His leg needed to be set, but he had not been able to access adequate medical care in Reynosa. He had been trying to get a CBP One appointment and felt stuck and vulnerable. In Reynosa, we also encountered **two people with possible tumors** that were physically visible on the head and on the chest who had not been able to receive medical care in Mexico. An advocate in Matamoros told us that they had to make decisions between which cancer patients to cross on any given day and had even encountered a 4-year-old cancer patient who could not access the bridge without assistance.

At the Haitian camp in Matamoros, a mother of an **infant with a severe umbilical hernia** desperately sought help in getting her child to a U.S. hospital where she could have surgery. She had not been able to find medical help in Matamoros in the many months she had been there waiting for a CBP One appointment.

In Reynosa, advocates told us that when they accompany an asylum seeker with a medical issue or serious fear of remaining in Mexico to the Reynosa-McAllen/Hidalgo International Bridge they remain in jeopardy even though CBP officers place them in line to be processed. INM officials will subsequently patrol that line and pull asylum seekers who do not have a CBP One appointment off the line. INM officials then eject asylum seekers from the bridge.

3. Asylum seekers who have experienced violence and torture in Mexico while waiting for CBP One appointments are unable to access U.S. ports of entry unless they are escorted by an advocate.

The principle of **non-refoulement** dictates that no person should be returned to a place where they would likely face threats to life or freedom or other serious harm and demands that signatories to the Refugee Convention, including the **United States**, abide by that principle. In Reynosa, we met many people who had been seriously harmed or tortured while they tried to get an appointment on CBP One who were blocked from accessing the port of entry by INM.

We encountered a group of **Kyrgyz people, some of whom had been tortured** in Reynosa. An advocate that works at a migrant shelter in Reynosa shared that Russians and Eastern Europeans—particularly individuals from Kyrgyzstan, Kazakhstan, Uzbekistan and Tajikistan—are frequently kidnapped and tortured by cartel members in the city. She explained that cartel members could easily identify them in

the unprotected migrant camps in Reynosa due to their ethnicity and believed these asylum seekers have money. When the indigent Russians and Eastern European asylum seekers are not able to provide the cartel with money, the cartels kidnap and torture them. Multiple shelter operators in Reynosa shared that they are not able to provide shelter to Russians and Eastern Europeans like this group of Kyrgyz people because they fear retribution from cartels.

Omar,* one of the Kyrgyz asylum seekers shared with us that Mexican immigration officials had first extorted him when he arrived at an airport in Oaxaca, Mexico. He was traveling with a group of eight other people from Kyrgyzstan and each of them had to pay \$100 to be able to leave immigration detention. The Kyrgyz group traveled through Mexico and, as they approached Reynosa, cartel members pulled up in a pickup truck and tried to kidnap them. The eight people that Omar was traveling with were able to escape, but cartel members captured him and took him to a local safehouse where they tortured him by lighting his arms on fire with lighters. More than half of the skin from Omar's elbows to the tip of his fingers on **both arms were covered with third degree burns**. He did not have the money he needed for the ransom, but his fellow travelers managed to raise \$4,000 to secure his release. Though Omar had been tortured in Reynosa, INM officers in Reynosa turned him away even after he showed them the third degree burns on his arms. He was not able to approach the Reynosa-McAllen/Hidalgo International Bridge to seek entry to the United States because he had not secured a CBP One appointment.

We also met two young men from Honduras and Cuba in their early twenties who had been **kidnapped from a bus stop** in Reynosa by members of a cartel. The cartels held them hostage and badly beat them while they extorted their relatives in the United States for money for their release. A **group of six Kyrgyz people were also kidnapped by cartel members** in Reynosa right outside the gates of a shelter that they were attempting to enter. We were told by shelter operators that people approaching the shelters that are in less residential areas were being targeted.

An advocate reported that an asylum seeker who had been held captive in Reynosa by the local cartel had managed to escape and make it onto the Reynosa-McAllen/Hidalgo International Bridge in the middle of the night. **His arms were still bound, yet INM officials pulled him off the bridge** and returned him to Reynosa, where he doubtlessly would be in danger of being kidnapped or killed by his former captors.

4. CBP and INM put asylum seekers with CBP One appointments in danger in Reynosa.

The few asylum seekers who are granted a CBP One appointment often still face danger in approaching the port of entry. Advocates in Reynosa shared with us that INM officials routinely patrol the CBP One appointment line on the Reynosa-McAllen/Hidalgo International Bridge and confiscate the permits issued by the Mexican government to transit to the U.S.-Mexico border specially from asylum seekers standing in the CBP One appointment line who don't have an appointment. This practice is likely intended to be a form of deterrence from standing in line without a CBP One appointment, but it strands asylum seekers in Mexico without this permit and puts them in greater danger in Mexico.

Advocates in Reynosa also reported that they had encountered asylum seekers who had lost their appointment slot because they arrived at their CBP appointment ten minutes late. This rigidity is unreasonable given the danger of traveling to the bridge in Reynosa and unpredictability of finding a window when asylum seekers deem it safe enough to approach the bridge. Finally, we are aware that CBP in Reynosa has been issuing CBP One appointment times at midnight and one in the morning causing advocates to have to escort them to the port in the middle of the night. The conditions at the Reynosa port of entry are extraordinarily dangerous for asylum seekers, especially late at night, making these appointments entirely unreasonable.

5. The CBP One app appointment lottery system is opaque and in flux, leading to the spread of misinformation among asylum seekers in Matamoros and Reynosa.

Many of the asylum seekers we encountered in Matamoros and Reynosa told us they wanted to follow U.S. law and had been trying to get a CBP One appointment for weeks or months but had not yet been able to secure an appointment. It quickly became clear to us that the asylum seekers we met did not understand how CBP One appointments were allocated. At the Matamoros Rio Grande river camp, two women who had arrived at the border in late June with their children were able to secure appointments within days. Meanwhile, hundreds of others who felt they were similarly positioned to them had been waiting for appointments since February. The arbitrariness of this system led some asylum seekers we met to try to seek appointments at other ports of entry. Travel between ports of entry, including from Matamoros to Reynosa, can be extraordinarily dangerous for asylum seekers, which most of the asylum seekers with whom we spoke did not know.

In late June, many asylum seekers we spoke with in Matamoros had multiple registrations on the CBP One app through which they were trying to get appointments. A single adult asylum seeker, for example, might have registered themselves on the app as an individual, but also may be registered as part of a family group that seeks to gain entry into the United States together. By Together & Free's second visit in mid- July a new practice of disallowing asylum seekers from being registered on the app multiple times had begun. Some people we spoke with on our first trip had created multiple registrations based on rumors circulating in camps in Matamoros and Reynosa, or had been added to a group registration by a relative without their consent. Banning the practice of multiple registrations may have made sense, but the way this new policy was implemented gave no notice to registrants about what was happening and generated many error messages on the CBP One app, causing users to believe that they had lost their registrations. The app did not make clear that an error was coming up because the user had multiple registrations. Instead, people with multiple registrations were left to wonder whether they had lost their registrations altogether and would need to re-register.

Prolonged blackouts of the CBP One app's availability and canceled appointments have also been prevalent in Matamoros and Reynosa in mid-July. At least a dozen asylum seekers approached us in these cities to show us error messages on the CBP One app on their phone. They reported that these errors had been ongoing for four to six days. Advocates in these cities confirmed that these blackouts had occurred around the time that the app had been updated to prevent multiple registrations for asylum seekers. Additionally, advocates reported to us in Reynosa that they were seeing asylum seekers get appointments, only to have those appointments canceled shortly after they were scheduled. The CBP One app then forced those asylum seekers to restart their registration on the app. Seeing their appointments canceled was demoralizing to asylum seekers, and needing to register anew made many worry that they were now in a worse position to get an appointment because it would not appear that they had been waiting for as long.

Conclusion and Recommendations

The Asylum Ban has had far-reaching repercussions across the border, similar to the effects of Trump-era policies that led to a build-up of asylum seekers in camps near ports of entry along the U.S.-Mexico border. The implementation of the Asylum Ban has also led to new, dangerous practices by CBP and INM officials. These practices include INM officials preventing asylum seekers of all nationalities, including Mexicans, who are exempt from the rule, from approaching CBP officers at ports of entry in Matamoros and Reynosa.

The Asylum Ban violates key principles of asylum law and leaves asylum seekers stranded in dangerous Mexican border cities. For these reasons, **the Asylum Ban should be ended and rescinded**. If the administration is not willing to end and rescind the ban, as [many thousands](#) of people and [organizations](#)

have called on them to do, then we call on the administration to urgently make these changes to the CBP One appointment process. Specifically, following our visits to Tamaulipas, we offer the administration the following recommendations:

1. Expand access to the ports of entry for those who meet exceptions to the Asylum Ban and those who are at high risk in Mexico.

Current exceptions to the Asylum Ban, including those exceptions that allow UCs, Mexicans, and individuals who can prove an inability to access the CBP One system must be honored at the ports of entry. Additionally, CBP must make the ports of entry accessible to those asylum seekers who have a serious acute or chronic illness that puts them at high risk in Mexico, are a “victim of a severe form of trafficking in persons,” or face “an imminent and extreme threat to life or safety.” This would allow the most vulnerable asylum seekers to approach the ports of entry and be processed without losing their opportunity to obtain asylum in the United States.

Specifically, we recommend:

- That CBP find a way to honor the existing exceptions to the Asylum Ban. UCs, Mexican citizens, and asylum seekers who present at a port of entry without an appointment and can demonstrate that CBP One was inaccessible “due to language barrier, illiteracy, significant technical failure, or other ongoing and serious obstacle,” among the other **existing exceptions** to the Asylum Ban must be able to avail themselves of that exception on their first attempt, without interference from INM, and without accompaniment from an advocate. CBP officers must be well trained on these exceptions to the Asylum Ban to ensure that individuals who reach the ports of entry and present one of these exceptions are processed by CBP. CBP officers must access language interpretation services to communicate with asylum seekers where there is a language barrier. CBP officers should under no circumstances require asylum seekers to prove that they could not find someone to assist them with using the app in order to meet this exception.
- People facing medical emergencies or acute or serious chronic illness or disability should be allowed to approach the ports of entry without CBP One appointments. They should be able to approach without interference from INM and without the help of an advocate. In addition, CBP should allow anyone who is in their third term of pregnancy and any family with a baby under a year of age to approach the ports of entry without a CBP One appointment and be excepted from the Asylum Ban. Individuals in their last trimester of pregnancy are at **significantly higher** risk of developing dangerous complications while living outside and being exposed to extreme heat, as asylum seekers are forced to do in migrant camps across the border. Infants are at **particularly high risk** of dehydration, malnutrition, and contracting infections in living in camps along the border.
- Individuals who are a “victim of a severe form of trafficking in persons,” or face “an imminent and extreme threat to life or safety” should be allowed to approach the ports of entry unimpeded. These individuals should not be forced to wait in conditions that might subject them to further harm. Individuals who are facing harm in Mexico should be able to approach the ports of entry without interference from INM and without accompaniment from an advocate. CBP officers must be trauma-informed and well-trained in processing these individuals. Individuals that fit patterns of persons who are being highly targeted—such as persons of certain nationalities, ethnicities, ages or genders—in certain border cities should be treated with the presumption that they are in immediate danger in Mexico.
- To carry out this recommendation, CBP should designate a certain number of daily CBP One appointments to process asylum seekers who have a serious acute or chronic illness that puts them at high risk in Mexico, are a “victim of a severe form of trafficking in persons,” or face “an imminent and

extreme threat to life or safety.” Processing these asylum seekers with a pre-designated appointment will help these asylum seekers establish before an asylum adjudicator that they are excepted from the Asylum Ban. Or, in the alternative, CBP should clearly note on the asylum seeker’s I-213 that they entered the United States pursuant to a pre-authorized appointment.

2. Continue increasing CBP One appointment numbers across the border and add resources to expeditiously process asylum seekers at ports of entry.

The primary goal of the CBP One program should be to relieve any build-up of people waiting to present themselves for asylum along the border. To that end, CBP should continue to add to the currently available 1,450 appointments a day across the border on the CBP One app. To accomplish this increase, some ports of entry, like the Gateway International Bridge in Matamoros will need additional staffing. With increased physical capacity to process asylum seekers, CBP officers on the Matamoros bridge should cease the dangerous practice of making asylum seekers wait for 24 to 36 hours to be processed into the United States. Additionally, increasing capacity for asylum seeker processing at ports of entry will help CBP eliminate the use of nighttime CBP One appointments which unnecessarily put asylum seekers at risk.

3. Stop engaging INM to be the first line of defense preventing asylum seekers from approaching U.S. ports of entry.

Any coordination or collusion between CBP and INM to prevent asylum seekers from approaching the ports of entry and thereby violate immigrants’ rights must end. This change is needed to allow asylum seekers with valid exceptions under the Asylum Ban and who are at high risk in Mexico to approach the ports of entry and seek processing by CBP. If this coordination to block asylum seekers does not end, particularly vulnerable asylum seekers will continue to suffer the consequences. Additionally, we recommend that, as a temporary solution, the CBP One app generate an electronic letter or other type of response for UCs who register on the app to show INM as a stand-in for a CBP One appointment. We recommend that the CBP One app generate a similar electronic letter for Mexican nationals who are already excepted from the Asylum Ban and should be able to approach U.S. ports of entry without a CBP One appointment. We also recommend that the CBP One app provide a form electronic letter to those who attest that they are facing imminent risk of harm in Mexico to show INM as a stand-in for a CBP One appointment.

4. Abolish the CBP One lottery system to decrease chaos and increase transparency to the CBP One app.

Currently, 70 percent of CBP One appointments are allotted by lottery, and 30 percent are allotted on a first-in-first-out basis, meaning that those who wait long enough should eventually receive an appointment. If wait times to get a CBP One appointment are not abated, the randomness of the CBP One lottery system will continue to cause widespread distress among immigrants stranded in Mexico. Rumors of how best to “play the lottery” have led to scams and misinformation encouraging people to delete their registrations. Abolishing the lottery system and communicating about expected wait times would relieve some of the stress felt by people who believe that they are playing the lottery every day with their lives. By ending the lottery aspect of the CBP One system, dedicating all appointments to asylum seekers based on when they registered, and communicating on the app about expected wait times, asylum seekers will be able to plan and may be able to move away from areas around ports of entry where criminals prey on them while they await their appointment. The new system that is not a lottery would rely on the length of time an asylum seeker has been waiting for an appointment. If CBP is not willing to end all aspects of the CBP One lottery, the agency should reduce the number of appointments dedicated to the lottery to no more than 30 percent of all daily appointments. This would leave 70 percent of appointments for people who have been waiting for appointments the longest.

Additionally, we recommend that CBP increase transparency around the geofencing limits placed on the CBP One app. Asylum seekers traveling through Mexico should know where the geographic limits to requesting a CBP One appointment lie. This will help inform their decisions to keep traveling north to border cities or await an appointment in a safer location away from the border.

5. Make key improvements to the CBP One app and create a helpdesk and oversight process.

The CBP One app needs major improvements and CBP should work to address those as expeditiously as possible. We recommend that CBP:

- Move away from the login.gov system for user authentication on the CBP One app. Extensive login failures on login.gov have led asylum seekers to not be able to request CBP One appointments. The login.gov interface does not seem to have been created for asylum seekers outside of the United States. The new user authentication and security interface should permit users to verify their identity by answering security questions, or retrieving an authentication code from their email, text, or voice call. Providing these additional authentication options will help asylum seekers using the CBP One app to troubleshoot app login problems when one security verification method fails.
- Create a warning in the system so that, if an asylum seeker seeks to make a CBP One appointment at a port of entry that is physically located outside of the city where the asylum seeker is located at the time of the appointment request, the asylum seeker will be alerted of the far distance of the port of entry. This warning will help asylum seekers take note that the port of entry where they are requesting to be processed is far, in case they made an error, and help them stay safe while getting to the port of entry if they intentionally selected a more distant location.
- Set up physical help desk kiosks in border cities with CBP One access to help asylum seekers experiencing technical difficulties on the CBP One app, provide phone charging stations, provide access to CBP One registration for persons who do not have a smartphone that can operate the app, and set up a WiFi hotspot. CBP could accomplish this by expanding a current contract with a federally contracted organization at the border to run these help desk kiosks to be placed near U.S. ports of entry. Create a system for the help desk kiosk staff to submit issues with the CBP One directly to CBP's app development team so that these issues can be quickly resolved.
- Create a committee of organizations operating near ports of entry where the CBP One app is in use for the organizations to provide continued feedback on the app's functionality. Additionally, the committee would allow for CBP to alert border organizations to any major changes to the CBP One app before any significant changes are implemented. This way, the organizations will be able to weigh in on how proposed changes may affect asylum seekers and, once the changes are implemented, can assist asylum seekers on properly using the app.