

## Barred at the Border:

### Wait “Lists” Leave Asylum Seekers in Peril at Texas Ports of Entry

While President Trump reportedly [demanded](#) that former Secretary of Homeland Security Kristjen Nielsen resign over her failure to block all asylum seekers from entering the country, the United States has been closing its borders to many asylum seekers for years by illegally [turning away](#) and restricting people seeking refuge at official land border crossings. Customs and Border Protection (CBP) agents have physically blocked access to ports of entry and refused to refer people seeking asylum to a protection screening interview or immigration court proceedings where they can request asylum.

In March 2019, CBP Commissioner Kevin McAleenan acknowledged this practice of so-called “metering” or “queue management” in testimony to the Senate Judiciary Committee, but [claimed](#) that only three ports of entry have long wait times for asylum seekers and that at “most ports of entry [...] [t]here is no waiting at all.” McAleenan also denied that restrictions on asylum processing at ports of entry push asylum seekers to cross illegally between ports.

Yet recent [research](#) by Human Rights First, other [human rights monitors](#), and [academic researchers](#) shows that asylum seekers remain stranded for weeks or months in Mexico often on waiting “lists” now common in at least [ten](#) border towns from Tijuana to Matamoros. In danger and at risk of *refoulement* to their home countries, asylum seekers are at the mercy of the individuals in Mexico who run these “lists” in order to seek asylum in the United States. Some cross the border between ports of entry—afraid to wait in danger in Mexico or at times unaware of how to even get on a “list.”

In late February and early March, Human Rights First visited three ports of entry in Texas, at Del Rio, Eagle Pass and Laredo, where researchers found hundreds of asylum seekers waiting for weeks and in some cases months because of CBP restrictions on asylum processing. These included asylum seekers from the group of 1,800 Central American migrants whom the Trump Administration attempted to block from reaching the Eagle Pass port in early February by deploying hundreds of active-duty military troops, Border Patrol agents, and Texas state troopers in a [“show of force.”](#) This report is based on field observations and interviews with asylum seekers, attorneys, researchers, migrant shelter directors, and government officials.

The findings include:

- ☑ **Systematic illegal turn-backs of asylum seekers by CBP forced hundreds of asylum seekers to wait for one or more months to seek asylum by late February 2019.** Asylum seekers who intended to seek protection at an official crossing point reported that they crossed elsewhere because they were unable to physically reach the port of entry and feared remaining in Mexico.
- ☑ **CBP directly collaborated with the Mexican *Instituto Nacional de Migración* (National Migration Institute or INM) and other Mexican government officials to prevent asylum seekers, including Mexican nationals, from reaching ports of entry and in dictating the number and demographics of asylum seekers accepted.** These actions violate the right of refugees to seek international protection, including the right of Mexican nationals to leave their country to request asylum.

- ✔ **Asylum seekers marooned in Mexico have been kidnapped, assaulted, and extorted and are at risk of deportation by Mexican migration officers (INM).** In Piedras Negras, a young Honduran man was beaten by a state police officer, and INM deported three asylum seekers who were arrested for loitering. In Nuevo Laredo, many asylum seekers are kidnapped including a gay couple from Honduras who were separated, beaten, threatened, and extorted.
- ✔ **The use of “lists” placed asylum seekers waiting to request protection in the United States at risk of being identified and located in Mexico and susceptible to extortion by “list” managers.** In Piedras Negras, where private individuals have run the list on behalf of the municipality, a previous “list” manager allegedly extracted payments from asylum seekers to join a parallel, expedited “list.” In Ciudad Acuña, Grupos Beta allegedly extorts between \$500-\$1,300 from migrants to move their names to the top of the list.

Rather than continuing these orchestrated restrictions on asylum processing at ports of entry in violation of U.S. law and international treaty obligations, Human Rights First [urges](#) the Trump Administration to:

- ✔ **Direct CBP to deploy more officers to U.S. ports of entry to restore orderly asylum processing.**
- ✔ **Work with Congress to increase, not cut, support for initiatives to counter the human rights abuses, economic deprivations, and climate displacement prompting people to flee Central America.**
- ✔ **Work with Congress to bolster UN Refugee Agency efforts to expand and improve regional refugee protection systems—including in Mexico, Costa Rica, Belize, and Panama—so more refugees can seek protection in these countries.**



## CBP “Metering” of Asylum Seekers at Ports of Entry and Resulting Wait “Lists” (Late February 2019)

U.S. Port of Entry	Del Rio, TX (Ciudad Acuña, Coahuila, Mexico)	Eagle Pass, TX (Piedras Negras, Coahuila, Mexico)	Laredo, TX (Nuevo Laredo, Tamaulipas, Mexico)
# of Asylum Seekers CBP Processes	0 to 1 per day, sometimes 1 family	~ 12 per day	5 to 15 per day, sometimes 0
Who Controls the Wait “List”?	Grupo Beta	Private citizen engaged by municipal government	Instituto Nacional de Migración (INM)
# of Asylum Seekers on “List”	~ 218	~ 180	> 500
Estimated Wait	> 40 days	~ 1 to 2.5 months	~ 3 weeks

## CBP Illegally Turns Back Asylum Seekers in Coordination with Mexican Officials

U.S. immigration laws enshrine the right to seek asylum. Sections 208 and 235 of the Immigration and Nationality Act (INA) make clear that asylum seekers at official U.S. border posts—known as ports of entry—must be permitted to request protection. Asylum claimants with credible fears of persecution cannot legally be turned away under domestic law and pursuant to the principle of *non-refoulement* under the Refugee Convention.

Yet U.S. border officers continue to rebuff asylum seekers at ports of entry, often claiming that ports are full. Since 2017, Human Rights first and other groups have [documented](#) many of these illegal turnbacks. CBP describes this practice as “metering” (restricting the flow of asylum seekers) and misleadingly suggests that it is a form of “queue management.” In fact, this practice reflects the administration’s [policy](#) to limit and reduce the number of asylum seekers CBP processes at ports of entry. Nor does CBP “manage” waiting asylum seekers. Instead, informal wait “list” systems have developed in border towns operated by Mexican government officials, private citizens, NGOs or asylum seekers themselves. Mexican migration and other officials also often act in concert with CBP to prevent asylum seekers from setting foot on U.S. territory or reaching ports of entry unless they submit to the “list” system.

During its recent monitoring of ports of entry on the Texas-Mexico border Human Rights First found:

- ☑ **At the Eagle Pass Port of Entry, CBP officers directed a private citizen acting on behalf of the Piedras Negras municipal government to remove asylum seekers from international bridges and relied on a “list” managed by that individual to process asylum seekers.**
  - **CBP does not process any asylum seekers on International Bridge I, and only accepts asylum seekers on International Bridge II who have been called from the “list.”** Human Rights First observed multiple CBP officers deployed at the international border line on both bridges conducting checks of travel documents thereby blocking asylum seekers from entering U.S. territory or approaching the port of entry structures.
  - **Asylum seekers were placed on a “list” that contains their names, dates of birth, sex, nationality, phone number, photograph and a local address.** As of late February 2019, approximately 180 asylum

seekers were on the “list.” The “list” manager asked asylum seekers to send this information via WhatsApp message and instructs asylum seekers without telephones or the application to use another individual’s mobile phone because he prefers to receive all asylum seeker information in this manner. Officials from the municipal government also had access to the “list.”

- **CBP officers on these bridges contacted the private businessperson who serves as the link between the municipal government of Piedras Negras and U.S. immigration officers by telephone**, often using WhatsApp – an end-to-end [encrypted messaging service](#), when people try to seek asylum at the bridge and request that the list manager remove them from the area. Asylum seekers were not allowed to remain on the bridge to request protection.
- **Unaccompanied children could not place their names on the “list” and any unaccompanied children encountered by the “list” manager are taken to a local shelter** run by the *Sistema Nacional para el Desarrollo Integral de la Familia* (National System for Integral Family Development or DIF). Permanent migrant shelters in Piedras Negras reportedly could not accept unaccompanied minors.
- **On days that CBP processed asylum seekers, a CBP officer informed the “list” manager via WhatsApp voice message of the number and demographics (families, single males, single females, etc.) of the asylum seekers the port will accept.** The manager sent a list of the asylum seekers with their photographs to CBP and his staff picked up the asylum seekers from local shelters and dropped them off on the Mexican side of International Bridge II to cross on foot.
- **During a meeting between Human Rights First researchers with the “list” manager, he received a voice message on WhatsApp from an individual he identified as a CBP officer instructing him to send six asylum seekers to the port.** The day prior CBP had accepted 12 individuals from the list. According to the “list” manager and shelter directors in Piedras Negras, the port generally accepted a maximum of 12 to 15 asylum seekers per day, and on some days takes no asylum seekers.
- ☑ **At the Del Rio Port of Entry, CBP officers asked officials from Grupo Beta, an arm of INM, to remove asylum seekers from the international bridge leading to the port and accept asylum seekers only from the “list” maintained by Grupo Beta.**
  - **Asylum seekers attempting to request protection at the Del Rio port of entry were similarly turned away from the international bridge by CBP or Mexican officials guarding on the pedestrian walkway.** Human Rights First did not observe any Mexican immigration officials stationed on the bridge on the day of its monitoring visit; however, several CBP officers were positioned at the international line on the bridge checking travel documents.
  - **When asylum seekers tried to cross the international bridge to the Del Rio port of entry, CBP officers called Mexican officials from Grupo Beta to remove them from the bridge.** Asylum seekers were not permitted to wait on the bridge.
  - **In late February, Human Rights First researchers were shown the “list” of waiting asylum seekers in the Ciudad Acuña offices of Grupo Beta, which controls the asylum seeker “list.”** It contained 218 named asylum seekers along with their nationality (or state for Mexican asylum seekers) and date of birth. Approximately 80% of the asylum seekers were Mexican. The list was reportedly shared with CBP, Mexican civil protection authorities and local shelter directors.
  - **With one person processed per day generally, and some days no asylum seekers processed, the individual at the front of the “list” had already been waiting 40 days** and a Grupo Beta representative estimated that the wait time would likely grow to two months or more. Although the Del Rio port previously

did not accept any family units, it reportedly began to accept some families but reduced asylum seeker processing after taking in a family.

- **Hundreds of asylum seekers were reportedly accommodated in a temporary shelter in the city located in a converted gymnasium** provided by the [municipality](#) as the number of asylum seekers blocked from the port of entry grew. A few asylum seekers stayed in private accommodations in the city and at least one family with suspected tuberculosis was reportedly being transferred to the city's permanent migrant shelter.



CBP officers at the international borderline checking travel documents on the bridge leading to the Del Rio port of entry (March 2019)

- ☑ **At the Laredo Port of Entry, CBP only accepted asylum seekers from the INM-controlled “list” but INM only permitted individuals with valid migration status in Mexico to place their names on the “list.”**
  - **On the international bridge between Nuevo Laredo and Laredo, CBP officers were stationed at the international boundary line checking travel documents to prevent asylum seekers from reaching the port.** Only asylum seekers who had been called from the INM controlled “list” were permitted to approach the port of entry.
  - **Asylum seekers attempting to reach the U.S. port of entry were directed by INM to the city’s two primary migrant shelters – *Casa Migrante AMAR* and *Casa de Migrante Nazareth* – and told to register their biographical information for the waiting “list.”**
  - **However, non-Mexican asylum seekers who lacked valid temporary transit permits, humanitarian visas, or other valid migration status were [not permitted](#) to add their names to the “list.”** A shelter directed confirmed to Human Rights First that because of this requirement his shelter does not accept individuals without valid migratory status in Mexico.
  - **CBP informed INM of the number of asylum seekers it will accept, and INM transmitted this information to shelter directors who transport asylum seekers to the international bridge.** Human Rights First observed 50 to 60 asylum seekers (with more individuals arriving as the monitoring team departed), including a large number of young children, sleeping in the cold on the concrete sidewalk adjacent to the bridge roadway waiting to be processed at the U.S. port of entry.

- **Asylum seekers at the front of the physical queue reported that they had been on the bridge for three days after having been transported from the shelter where they had been staying for two and a half weeks.** They said that during their time waiting on the bridge that between five and 15 asylum seekers had been permitted into the port of entry each day.
- **At one shelter Human Rights First visited, nearly 250 asylum seekers from Africa, Central and South America, and the Caribbean were being accommodated in extremely cramped conditions in a facility meant to house less than one hundred.** Asylum seekers reported that dozens of individuals were forced to sleep in corridors as well as in an open concrete yard and that several women who were pregnant or had recently given birth were sleeping on the floor.

## Blocking Access to the Eagle Pass Port of Entry Pushed Asylum Seekers to Cross the Border Away from the Port

CBP's efforts to physically block access to ports of entry and restrict the processing of asylum seekers across the southern border led some asylum seekers to cross into the United States between official border posts—even when they originally intended to seek protection at a port of entry. The DHS Office of the Inspector General (OIG) explained in a September 2018 report that limiting the number of individuals allowed to seek asylum at a port of entry leads some “who would otherwise seek legal entry into the United States to cross the border illegally.” The OIG reported that a CBP official acknowledged that the port of entry backlogs “likely resulted in additional illegal border crossings.” Human Rights First has previously [documented](#) cases of asylum seekers who considered crossing or crossed the border between ports of entry due to the port-processing reductions.

In early February 2019, a group of 1,800 asylum seekers and migrants mainly from Central American arrived in Piedras Negras, Mexico, across from the Eagle Pass, Texas port of entry. In response, U.S. officials sent more than 200 active-duty [troops](#) to the US side of the border, deployed CBP officers in riot gear to international bridges, and temporarily halted traffic between Piedras Negras and Eagle Pass to conduct readiness exercises aimed at preventing groups of asylum seekers from approaching the port. The Trump administration also sent over 100 police vehicles to the scene in what Border Patrol called a “[show of force](#)” to deter Central American migrants from crossing the border. On the Mexican side, INM and local officials involuntarily detained the group in a disused body-bag factory in [poor conditions](#) with insufficient food, bedding and clothing. While hundreds of individuals registered to seek asylum, the Eagle Pass port continued to [limit processing](#) to fewer than 20 asylum claimants per day—creating a likely months-long backlog for those detained in the factory.

### Efforts by CBP and Mexican officials to block access to the Eagle Pass port pushed some asylum seekers who would have otherwise requested asylum at the port to cross the border elsewhere:

- A Honduran woman with a ten-month-old baby told Human Rights First that she was held in the Piedras Negras factory for more than a week. When a guard took pity on her and allowed her to temporarily leave the facility with her infant to purchase food, she immediately proceeded to the Rio Grande and crossed the river into the United States without any belongings or her important documents. She feared her baby would not survive a months-long wait in the factory with hundreds of sick children and adults before they would be allowed to request asylum off of the waiting “list.”
- A Nicaraguan asylum seeker reported that he had arrived in Piedras Negras in February with the intention of crossing the international bridge to seek asylum at the port of entry. But with U.S. and Mexican forces blocking the bridge on the night he arrived, the man crossed the Rio Grande into the United States with his young son because he was afraid to spend the night sleeping outside in the notoriously dangerous

border region. He turned himself in to Border Patrol the next day and was awaiting a credible fear interview while detained at the Karnes family detention center at the time of interview.

## Putting U.S. Asylum Processing in the Hands of “List” Managers in Mexico Endangers Asylum Seekers

Although CBP refers to its policy of turning away asylum seekers as “queue management,” the agency does not manage the line of waiting asylum seekers in Mexico. Instead, the ad hoc organization of the “lists” of asylum seekers that have developed in border towns from Tijuana to Matamoros has fallen to a variety of actors, including Mexican migration officials, municipal authorities, and civil society organizations. CBP officers closely coordinate with these “list” managers to dictate the number and demographics of asylum seekers the ports of entry will process. In abdicating the management of refugee processing to Mexico and neglecting to restore prompt asylum processing at ports of entry, CBP fails to ensure that asylum seekers can actually request protection and fails to protect individuals fleeing immediate danger in Mexico.

Human Rights First identified a variety of concerns with respect to the operation of these “lists” including:

- The rules and procedures imposed by “list” managers limit asylum seekers’ access to protection in the United States.**

  - In Nuevo Laredo, INM only permitted asylum seekers with legal migration status in Mexico (such as a temporary transit permit, humanitarian visa, or other visa) to register on the asylum wait “list” for the Laredo port of entry. Further, migrant shelters in the city refused to accept asylum seekers who are not eligible to place their names on the “list.” One shelter director also reported that asylum seekers not staying in one of the city’s migrant shelters, despite their lack of capacity, are not eligible for the INM-controlled “list. **These unofficial local rules leave asylum seekers without valid Mexican migration documents in extreme peril in a city where kidnapping of migrants is extremely common.**
- Asylum seekers, particularly those with limited resources and those who do not find space in permanent migrant shelters, were unaware of asylum “lists” and/or lacked information about how to access them.**

  - For instance, only one person out of more than 40 migrants at a temporary church shelter visited by Human Rights First in Piedras Negras was aware that they were required to send their biographical information to the “list” manager via a WhatsApp message in order to apply for asylum. Three families of Honduran asylum seekers who had been staying in private accommodation in Piedras Negras for several weeks also reported that they were unaware of how to request asylum or access the “list” there despite speaking with officers from Grupo Beta. A Congolese family in Nuevo Laredo reported that they had slept on the dangerous city streets for five days before learning that they had to secure beds in a migrant shelter to access the asylum “list.”
- Asylum seekers are vulnerable to extortion by “list” managers.**

  - Several individuals with knowledge of the asylum “list” in Piedras Negras alleged that the man who previously managed the process for the prior municipal government extorted payments from asylum seekers to join a parallel, expedited “list.”
  - In Ciudad Acuña, officials from [Grupo Beta](#) also have reportedly charged asylum seekers between \$500-1,300 to get their names higher up on the “list” to enter the U.S. more quickly.
- Allowing Mexican government officials to control or access wait “lists” places asylum seekers at risk.**

- In Ciudad Acuña, Piedras Negras and Nuevo Laredo, government officials or agents managed the “lists.” That Mexican officials control these “lists” raises concerns about the safety of asylum seekers as Mexican migration officials have been implicated in organized crime and extortion of migrants. In [Reynosa](#), for example, top-level INM officials have been implicated in kidnapping and extortion schemes for migrants from Central America and the Caribbean.
  - Further, requiring Mexican asylum seekers to disclose their biographical information, photograph, and location to a Mexican local or federal official places them at risk of being discovered by their persecutors – whether members of the government or non-state persecutors who can [access](#) supposedly private Mexican government files. At some ports of entry, like Del Rio, Mexican nationals make up the vast majority of waiting asylum seekers.
- ☑ **Apparent efforts to increase “list” transparency expose sensitive asylum seeker information.**
- Several “list” managers noted that their processes were open to review by federal or local officials. This practice, while ostensibly aimed at increasing transparency and accountability, multiplies the number of government officials with access to a list that contains the names of individuals who fear persecution by or have not been offered the protection of the Mexican government. Additionally, asylum seeker “lists” were publicly posted at shelters in several locations to allow asylum seekers to verify their positions in line. While this practice allows asylum seekers to confirm that they have not been bypassed on the “list,” publicly publishing the names and locations of asylum seekers exposes them to additional risk.



Officers from Grupo Beta, the humanitarian arm of INM, speak with asylum-seeking families in Piedras Negras (February 2019)

## Stranded Asylum Seekers Face Danger and the Risk of Deportation from Mexico

Asylum seekers are often marooned for weeks and sometimes months in Mexican border towns waiting for CBP to process their requests for protection. However, Mexico is [not](#) safe for many asylum seekers, as migrants have been victims of murder, shootings, rape, kidnappings, and human trafficking and may be [targeted](#) on account of their race, nationality, gender, sexual orientation, gender identity, and refugee status, among other factors. Various groups “[including](#) the lesbian, gay, bisexual, and transgender (LGBT) community, people with indigenous heritage, and foreigners in general” face persecution in Mexico.

Asylum seekers reported numerous extreme dangers to Human Rights First. For example:

- A director of a migrant shelter hosting hundreds of asylum seekers reported that kidnappings and extortion are extremely common in Nuevo Laredo and that **many of those staying in the shelter had been previously kidnapped by criminal organizations that target migrants in local hotels, bus stations, and on the streets.**
- A gay couple from Honduras was kidnapped upon arriving at the Nuevo Laredo bus terminal in early February 2019. The kidnappers threw them in separate cars, taking one man to a carwash where he was threatened but ultimately released because he claimed to have no relatives willing to pay for his release. His partner was driven to a house where more than a dozen other migrants were also being held. **The kidnappers struck him in the head, stole what money he had, took his photograph and recorded his biographical details – essentially registering him for further targeting.**
- An asylum seeker reported that she fled Honduras after death threats by gang members who were attempting to extort her there. She feared that the gang had found her in Mexico after an unknown Honduran man randomly attacked her in the street, cutting her ear, injuring her head and knocking her unconscious when she fell to the ground.
- A Guatemalan asylum seeker and three other men left the migrant shelter where he was staying to look for day work while waiting to be called from the asylum “list” at the Laredo port of entry. A group of heavily armed members of the Zetas cartel stopped and threatened the group, taking photographs of them. Two days later, one of the other men was kidnapped.
- A 17-year-old unaccompanied boy from Honduras who was staying at a makeshift shelter in a church in Piedras Negras reported to Human Rights First that he had been robbed of his phone, money and identity documents at knifepoint about four blocks from the shelter.
- A university student who fled Honduras after death threats feared being on the streets outside the migrant shelter where he was staying in Piedras Negras because an officer with *Fuerza Coahuila*, the state police force, had stopped, beaten, and threatened him because he was an undocumented migrant in Mexico.



A gay, asylum-seeking Honduran couple, who were kidnapped from a Nuevo Laredo bus station, display their matching rings while waiting on the Gateway to the Americas bridge to seek asylum at the Laredo port of entry (March 2019)

**Reports by Human Rights First, Human Rights Watch, Amnesty International and other observers document numerous deportations by Mexican authorities of refugees with credible fears of persecution in their home countries without a hearing or, in some cases, any consideration of their protection needs.**

For example:

- Mexican migration authorities told a Salvadoran man and around 30 other men held in the locked factory in Piedras Negras in February 2019 that they would be taken to Reynosa where they could apply for asylum at the McAllen port of entry. Instead, armed Mexican federal police boarded their bus and drove them south away from Reynosa. The man was ultimately deported to El Salvador without being provided information by Mexican authorities on his right to seek asylum in Mexico, nor an opportunity to do so.
- A shelter director in Piedras Negras noted that three Honduran asylum seekers in his shelter who were waiting on the “list” to seek asylum were arrested by local police after a neighbor complained about the men loitering outside the shelter near her home, turned over to INM without appearing before a judge, in violation of Mexican law, and deported.