

## Human Rights Travesty: Biden Administration Embrace of Trump Asylum Expulsion Policy Endangers Lives, Wreaks Havoc

More than seven months since President Biden took office, the U.S. government continues to turn away and block people seeking protection at U.S. ports of entry along the southern border and to expel many asylum seekers to growing danger in Mexico.

First devised by the Trump administration, the expulsion policy weaponizes public health authority under Title 42 of the U.S. Code to effectively bar people from seeking asylum at the border – a flagrant violation of U.S. asylum [laws](#) and [treaties](#), and the [constitution](#). While the Biden administration is processing some asylum-seeking families and adults at the border, it has blocked and expelled many to danger since January 2021. In addition, the Department of Homeland Security (DHS) announced that it would use a new August 2021 Centers for Disease Control and Prevention (CDC) [order](#), which adopts much of the same flawed reasoning as prior CDC Title 42 orders issued under the Trump administration, to continue to block and expel people seeking protection in the United States – further embracing the Trump administration’s policy of misusing public health authority to evade refugee law.

Rather than adopt sensible [measures](#) long [recommended](#) by epidemiologists and public health [experts](#) to [safely](#) restart asylum processing, the Biden administration has not only failed to end the expulsion policy but has escalated it. The administration is expanding the use of expulsion flights to transport migrants and asylum seekers long distances by plane to expel them far from where they entered the United States. These flights flout public health safeguards and violate refugee law. As part of this disgraceful effort, DHS expelled [hundreds](#) by plane to the southern Mexican border in August 2021, where many were forcibly pushed into Guatemala without access to asylum. These violations of refugee law have sparked statements of public concern from U.N. [agencies](#) and the [Inter-American Commission on Human Rights](#). The United Nations High Commissioner for Refugees (UNHCR), in a rare public rebuke of U.S. conduct, [warned](#) that this practice “increases the risk of chain *refoulement*—pushbacks by successive countries—of vulnerable people in danger, in contravention of international law and the humanitarian principles of the 1951 Refugee Convention.”

The Biden administration’s expulsion policy is inflicting immense harm – stranding asylum seekers in grave danger where they are targets of horrific kidnappings and attacks, turning away Black and LGBTQ asylum seekers to suffer bias-motivated violence, separating families, and endangering public health. Human Rights First has tracked at least [6,356](#) kidnappings, sexual assaults, and other violent attacks against people blocked at ports of entry or expelled to Mexico by DHS since President Biden took office. This report outlines many of these horrifying accounts, a growing human rights travesty that the Biden administration cannot ignore.

The administration’s continued use of the expulsion policy—including its failure to restart asylum at ports of entry—also creates disorder and pushes asylum seekers to undertake life-threatening crossings into the United States. As of mid-August 2021, asylum seekers from Belarus, Cameroon, China, Cuba, El Salvador, Guatemala, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Russia, Venezuela and other countries were blocked from requesting protection at U.S. ports of entry on the southern border.

While it rightly ended the notorious Trump administration “Remain in Mexico” policy, the Biden administration is delivering asylum seekers to the very same dangers through the Title 42 expulsion policy. A lawsuit launched by Texas and Missouri is attempting to force the Biden administration to restart Remain in Mexico, which would only cause greater suffering, violations of U.S. law, and disorder. The U.S. Supreme Court will soon rule on the administration’s request to stay a highly flawed federal court [ruling](#) effectively ordering DHS to re-implement the policy. Shockingly, despite President Biden’s [commitment](#) and [steps](#) to end Remain in Mexico, the administration is [reportedly](#) considering launching a “gentler” version of the inherently unfixable policy – an exercise doomed to fail given the policy’s illegality and pervasive [violence](#) against asylum seekers in Mexico by cartels and Mexican authorities alike.

Human Rights First implores the Biden administration to immediately end these dangerous, inhumane, and rights-violating policies, uphold U.S. refugee law, and immediately restart asylum processing at ports of entry. The administration’s continuing failure to comply with U.S. refugee laws and treaties is inexcusable. UNHCR has [repeatedly urged](#) the United States to “swiftly lift the public health-related asylum restrictions that remain in effect at the border and to restore access to asylum for the people whose lives depend on it, in line with international legal and human rights obligations.”

For this report, Human Rights First researchers conducted in person and remote interviews with migrants and asylum seekers, government officials in the United States and Mexico, attorneys, academic researchers, humanitarian staff, and other legal monitors. Researchers spoke with 65 migrants and asylum seekers in person in the Mexican cities of Reynosa, Nuevo Laredo, Piedras Negras, and Ciudad Acuña in August 2021 and more than 50 additional interviews with migrants and asylum seekers in Mexico were carried out by telephone between July and August 2021. Interviews were conducted primarily in Spanish with a limited number in English. The report draws on data from an electronic survey of asylum seekers in Mexico conducted by Al Otro Lado between June and August 2021, as well as information from U.S. and Mexican government data, media sources, and other human rights reports.

This report builds on prior research by Human Rights First in [May 2020](#), [December 2020](#), [April 2021](#) (with Al Otro Lado and Haitian Bridge Alliance), [May 2021](#) (with RAICES and Interfaith Welcome Coalition), [June 2021](#), and [July 2021](#) (with Hope Border Institute).

## Key Findings

- **The Biden administration has embraced and escalated the Trump administration’s Title 42 expulsion policy despite its lack of public health basis, wielding the CDC order in a blatant attempt to deter people from migrating or seeking asylum and endangering rather than safeguarding health.** Epidemiologists and public health experts have repeatedly [condemned](#) this policy, [explaining](#) again in August 2021 that the CDC order “does not provide adequate public health justifications for expelling asylum-seeking families at the border” and that “expulsions magnify the risks of COVID-19 transmission.” Over the last month, the Biden administration has used the order to launch new [expulsion flights](#) that endanger the health and lives of asylum seekers and reflect a glaring lack of concern for public health measures. To carry out these expulsions, DHS has held asylum seekers and migrants in horrific conditions in congregate holding areas for days, failed to provide COVID-19 testing, and forced them into the closed setting of airplanes – all of which present additional risks of COVID-19 spread. Customs and Border Protection (CBP) officers and Border Patrol agents—who work within DHS—also often [fail](#) to employ basic public health [safeguards](#) to protect migrants.

- **The Biden administration’s Title 42 policy has led to the illegal return of asylum seekers to their countries of persecution, violating the United States’ obligation to avoid the *refoulement* of refugees under the Refugee Convention and its Protocol, and sparking [criticism](#) by international human rights and refugee authorities.** Expulsion flights carried out by the United States to southern Mexico in August 2021 resulted in the [chain refoulement](#) of Central American families and adults to countries of persecution. Mexican migration officials have deported other asylum seekers who were previously expelled by DHS without access to asylum at the U.S.-Mexico border to the countries they fled, including a Yemeni asylum seeker and a Honduran man fleeing death threats by persecutors who murdered his father. Since May 2021, Mexico has reportedly transported approximately 13,000 people, including asylum seekers expelled by DHS, from the U.S.-Mexico border region to southern Mexico to “[expedite](#) their departure,” forcing some across the border into Guatemala.
- **Families, adults, and children seeking U.S. protection continue to suffer due to the Biden administration’s use of the illegal expulsion policy, leading to at least [6,356](#) reports of kidnappings and attacks on asylum seekers and migrants,** including a Honduran woman violently beaten with a machete in front of her 11-year-old son in Ciudad Acuña, a Guatemalan man tortured by a cartel and turned away by CBP at the Laredo port of entry despite being covered in blood, a transgender woman beaten and raped by gang members after CBP expelled her to Reynosa, a Honduran woman trafficked in Mexico and shown graphic videos of migrants being tortured by her abductors, and a young Afro-Honduran couple who have received messages calling them racial slurs and threatening to cut them to pieces. **The Title 42 policy inflicts enormous harm on Black and LGBTQ asylum seekers,** stranding them in danger in Mexico where they face bias-motivated violence. In addition, the policy primarily targets individuals from El Salvador, Guatemala, Honduras, and Mexico for expulsions, as Mexico has publicly [agreed](#) to only accept nationals of these countries, raising concerns of discriminatory denial of access to asylum, particularly given the [long history](#) of U.S. discrimination against Central American asylum seekers.
- **The Biden administration’s continued use of the Title 42 expulsion policy and failure to restart asylum processing at U.S. ports of entry is [causing chaos](#), [spurring](#) attempts to enter between ports of entry, endangering U.S. humanitarian workers and attorneys, and creating opportunities for exploitation by deadly criminal organizations that take advantage of the expulsion policy to kidnap and extort asylum seekers and migrants.** Across the southern U.S. border, CBP officers continue to block asylum seekers from approaching ports of entry to request protection, including [unaccompanied children](#) – who are officially [exempted](#) from the expulsion policy. By blocking asylum seekers at ports of entry, the policy fuels dangerous border crossings, which have resulted in severe injuries and deaths, as well as kidnappings and other violent attacks by cartels and organized criminal groups that control border crossings. A 15-year-old Central American boy with cognitive impairment and the functional development of a five-year-old was found [murdered](#) and his body mutilated after attempting to cross the border alone to reach safety.
- **The United States, which in Fiscal Year 2018 spent [34 percent](#) more on immigration enforcement than on all other principal federal criminal law enforcement agencies combined, has sufficient capacity to process asylum seekers at ports of entry.** Yet the Biden administration has chosen not to take necessary steps to restart asylum processing or allocate needed staffing and resources to ports of entry, [claiming](#) that it cannot restart asylum processing at ports of entry because it needs time to rebuild the asylum system and [lacks capacity](#) to safely process asylum seekers. In fact, DHS has [deployed](#) CBP officers away from ports of entry to

support Border Patrol operations and for other duties, including standing on international bridges and in vehicle lanes to block asylum seekers from reaching ports of entry to request protection. Moreover, the administration has not announced the rescission of the Trump administration's [memoranda](#) that direct CBP officers to restrict asylum processing capacity, [deprioritize](#) asylum processing, and divert resources elsewhere.

- **The Title 42 policy continues to drive family separations, [pushing](#) parents to send their children across the border alone to protect them from kidnapping and violence in Mexico.** A Honduran woman, for example, made the heartbreaking choice to send her 13-year-old daughter alone across the border to protect her from further violence after the child was raped in Mexico and attempted suicide. In some cases, children expelled with their families have crossed the border alone into the United States after their parents were kidnapped or disappeared in Mexico, including an eight-year-old Honduran girl who crossed alone after her mother was kidnapped. **DHS also continues to [separate families](#) while processing them for expulsion.** For instance, DHS separated a Honduran woman from her 14-year-old daughter and expelled the mother while processing the child as an unaccompanied minor, expelled a blind woman who requires a caretaker alone to Mexico after separating her from her daughter and granddaughter, and processed a traumatized three-year-old alone after tearing him away from his grandfather and expelling the grandfather to Reynosa.
- **DHS continues to expel pregnant people and individuals with serious [health conditions](#) to Mexico, at times denying life-saving medical care,** including to a seven-month-pregnant woman with a bullet lodged in her cervix, a Central American child who urgently required surgery to remove part of his intestine, and an eight-and-a-half-month pregnant Honduran asylum seeker who miscarried after being denied medical care by Border Patrol agents. Without legal status in Mexico, expelled migrants are often turned away from hospitals and unable to obtain emergency medical care, in part, due to widespread discrimination.
- **The Biden administration's embrace of the expulsion policy is leading to the emergence of dangerous, informal encampments in cities along the U.S.-Mexico border.** Asylum seekers stranded in these encampments are subjected to terrible conditions and are at grave risk of harm. Criminal organizations have taken [control](#) of the tent encampment in Tijuana, and violence is rampant in Reynosa's central plaza, where at least [3,000](#) migrants and asylum seekers are staying. For example, a man threatened to cut a Guatemalan asylum seeker and her child into pieces when she intervened to stop the kidnapping of a young boy and his father in the Reynosa encampment; a group of men repeatedly took photos and video of an Afro-Honduran woman's teenage daughters at the Reynosa encampment, leaving the girls terrified to leave their tent for fear of being kidnapped and trafficked; a man who had been harassing and threatening another asylum seeker in the Reynosa encampment tried to set her tent on fire while she slept inside.
- **Mexican authorities continue to [carry out](#), [collaborate in](#), and turn a [blind eye](#) to violent attacks against asylum seekers and migrants, including through collusion with criminal organizations that exercise tremendous control over Mexican territory.** In many instances, Mexican police themselves attack, torture, rob, and extort migrants with impunity. Recent reports of attacks by Mexican government agents against asylum seekers include 23 Nicaraguan asylum seekers who were turned over to a cartel by Mexican police in Reynosa, five Jamaican LGBTQ asylum seekers violently attacked and tased by police in Tijuana, and an Afro-Honduran asylum seeker beaten so severely by police in Ciudad Acuña that he is now blind in one eye. While the

United States should support efforts to provide humanitarian aid to asylum seekers stranded in Mexico, the extensive control exerted by cartels across wide swaths of territory and entrenched complicity by Mexican authorities make clear that U.S. policies that force asylum seekers to wait in Mexico or require initial exemption or other processing in Mexico inevitably endanger asylum seekers, attorneys, and humanitarian groups and subject asylum seekers to exploitation and extortion.

- **Rather than ending or winding down the illegal Title 42 policy, the Biden administration [has wrongly](#) touted its policy as a public health “[imperative](#),” [contributing](#) to false, xenophobic, and racist rhetoric that falsely paints immigrants as disease threats.** In a [declaration](#) filed by the government in August 2021 responding to litigation challenging the policy, David Shahoulian, the Assistant Secretary of Border and Immigration Policy, implied with no scientific evidence that migrants contribute to COVID-19 infections among CBP officers, despite significant gaps in vaccination by CBP officers and their frequent [failure](#) to wear masks and implement other basic public health measures. Public health experts have [derided](#) these baseless claims and explained that they are rooted in xenophobia, not science. Meanwhile, CBP officers and Border Patrol agents are endangering migrants’ health by holding them in crowded congregate settings prior to expulsion and expelling them, sometimes after [flying](#) them to ports of entry hundreds of miles from where they had entered, without taking basic precautions to reduce COVID-19 transmission.
- **Limited exemptions to the illegal Title 42 expulsion policy are insufficient to rectify the policy’s unlawfulness or address the security threats that plague policies, like Title 42 expulsions, that turn away asylum seekers and force them to wait in Mexico.** The Biden administration’s extremely fraught and limited exemptions—created due to a legal [challenge](#) to the expulsion policy and set to conclude at the end of August 2021—do not uphold U.S. refugee law and treaty obligations and have not prevented continued violence against asylum seekers blocked from protection. In fact, exemptions raise additional security threats both to asylum seekers and to legal and humanitarian groups assisting them. Criminal groups have taken advantage of the opaque exemptions to defraud desperate asylum seekers, falsely pretending to submit exemption requests in exchange for exorbitant fees. Even the fraction of individuals able to access Title 42 exemptions continued to face dangers; many were forced to remain in dangerous border cities while waiting for appointments at U.S. ports of entry, making them vulnerable to kidnapping, exploitation, extortion, and violent attacks.

## Recommendations

### To the Biden administration:

- **Immediately end the use of—and withdraw—the [discredited](#) CDC [order](#) issued under the Biden administration and used to continue the illegal Title 42 policy, and rescind the Health and Human Services (HHS) final [rule](#) issued by the Trump administration;** stop expelling refugee families and adults to countries of feared persecution or places where they are at risk of life-threatening harm or *refoulement*; and direct the CDC to employ rational, evidence-based [measures](#) to safeguard the lives of asylum seekers and protect public health rather than issuing xenophobic bans that block people from life-saving asylum protection.
- **Process asylum requests at the southern border, including at U.S. ports of entry, while employing humane policies that uphold U.S. laws and treaties to provide access to asylum**



**for people seeking protection.** DHS should use appropriate science-based [measures](#) recommended by public health experts to safeguard public health and protect asylum seekers and CBP personnel. These [include](#) requiring social distancing, providing appropriate personal protective equipment, hand sanitizer, and COVID-19 testing, reducing processing delays, repurposing outdoor areas and nearby locations to facilitate distancing and ventilation, using legal parole authority rather than congregate detention, and swiftly transferring asylum seekers from CBP custody to shelters and reception locations.

- **Avoid use of so-called “metering” policies to artificially reduce capacity at ports of entry and block asylum seekers from requesting protection.** These policies leave asylum seekers stranded in life-threatening dangers, violate U.S. and international legal obligations by cutting off or limiting access to asylum at U.S. ports of entry, and push people fleeing harm to attempt dangerous crossings to reach safety.
- **Take all necessary measures to prevent the August 13, 2021 federal court [decision](#) ordering the government to enforce and implement the Remain in Mexico policy**—officially designated the Migrant Protection Protocols (MPP)—from going into effect; and continue efforts to bring to those subjected to MPP to safety and provide them a fair opportunity to seek asylum.
- **Do not re-implement the illegal Remain in Mexico policy in any form.** There is no way to use MPP that does not endanger asylum seekers and migrants and deliver them to harm. Human Rights First tracked over [1,500](#) public reports of rape, kidnapping, torture, trafficking, and other crimes carried out against asylum seekers and migrants sent back to Mexico under MPP.
- **Continue bringing families and individuals to safety under the MPP wind down and [expand](#) it to process to safety those who were unfairly denied protection** under farcical MPP proceedings, many of whom remain in life-threatening danger.
- **Avoid the use of expedited removal or detention of asylum seekers and instead employ steps to process asylum seekers swiftly and safely at ports of entry and quickly release them using proven community-based case [support](#) programs** to ensure they find attorneys and interpreters in destination locations and understand the process to apply for asylum.
- **Coordinate with and provide logistical and financial support to critical service providers offering shelter, legal services, and humanitarian aid to ensure that asylum seekers are treated humanely and able to quickly and safely transit to destination locations** where they can shelter with family or friends and continue the asylum process and, ultimately, launch a new or reconfigured and elevated U.S. agency with a humanitarian protection mission, expertise, and capacities.
- **Designate Temporary Protected Status for [countries](#) where returned persons would face grave dangers**, including Cameroon, El Salvador, Guatemala, Honduras, Nicaragua, Venezuela and Yemen.
- **Urgently order DHS officers and employees to end mistreatment of asylum seekers and migrants under CBP and ICE custody**, including physical and verbal abuse, denial of food and medical care, and destruction of personal property and direct the DHS Office for Civil Rights and Civil Liberties to investigate these abuses and the harmful effects of the expulsion policy, metering, prolonged detention, and other policies on LGBTQ and Black asylum seekers and migrants.

- **End other cruel Trump-era anti-asylum policies, including fully rescinding the [entry](#), third-country [transit](#) and [other](#) asylum [bans](#)** and provide redress for asylum seekers denied a fair opportunity to pursue requests for U.S. refugee protection under Trump and Biden administration policies that have blocked, turned back, and expelled them to danger.

#### To the U.S. Congress:

- **Withhold appropriations used to carry out expulsions under Title 42, and any other programs or policies that violate U.S. legal obligations to protect refugees, including MPP.** Provide needed support for non-profit service providers and local communities—at the border and in the interior—that are welcoming and caring for asylum seekers.
- **Request information on U.S. expulsion policies and hold oversight hearings to establish accountability for violations of U.S. refugee law and treaty obligations and harms to refugees,** including the harmful effects of the expulsion policy, metering, prolonged detention, and other policies on LGBTQ and Black asylum seekers and migrants.
- **Conduct official visits to Mexican border towns, CBP facilities and Border Patrol stations on the southern border, immigration detention centers, immigration courts, and humanitarian organizations in the border region assisting asylum seekers and migrants,** to ensure DHS does not continue to violate U.S. law and treaty obligations.
- **Examine potential structural improvements to manage humanitarian protection,** such as a new or reconfigured and elevated U.S. [agency](#) with a humanitarian protection mission, expertise, and capacities.

## Turned Back to Danger Without Access to the U.S. Asylum System

The Biden administration continues to block people seeking protection at U.S. ports of entry and to expel many who cross the southern border in search of refuge – illegally denying them access to the U.S. asylum system and returning them to danger in Mexico. While DHS under the Biden administration initially used a Trump-era order by the CDC to block and expel asylum seekers, in August 2021, the CDC under the Biden administration issued a “reassessment” and [order](#) confirming the expulsion policy and adopting much of the same flawed reasoning used by the Trump administration to justify expulsions of asylum seekers.

As a result of the Title 42 expulsion policy, DHS is expelling Mexican refugees to the country where they fear persecution and returning many asylum seekers, [including](#) families and adults from Cuba, El Salvador, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Venezuela and other countries to danger in Mexico, often in [violation](#) of an agreement between the U.S. and Mexican governments to expel only Guatemalan, Honduran, Mexican, and Salvadoran nationals to Mexico. At ports of entry, the Biden administration is also blocking asylum seekers from Belarus, Cameroon, China, Colombia, Cuba, Dominican Republic, El Salvador, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Peru, Russia, Ukraine, Venezuela and other countries from requesting protection, leaving them stranded in dangerous border cities along the northern Mexico border. In August 2021, the Biden administration [expanded](#) expulsion flights, transporting asylum seekers from the United States to southern Mexico, where Mexican officials have bussed them to the border and forced them to cross into a remote region of Guatemala.

Violence in the U.S.-Mexico border zone where asylum seekers are being blocked from protection or expelled continues. In 2021, more than [half](#) of all homicides in Mexico occurred in just six states including

Baja California, where DHS carries out frequent expulsions to Tijuana and Mexicali, and Chihuahua, where many asylum seekers are blocked in and expelled to Ciudad Juárez. In mid-July 2021, the U.S. State Department [warned](#) of “violence between rival cartel factions” in the Mexicali Valley and ordered U.S. government employees to avoid the region. In early August 2021, cartel members opened [fire](#) on members of the Mexican military throughout the city of Nuevo Laredo, including outside of migrant [shelters](#) and the Laredo [port of entry](#), after the arrest of a leader of the Northeast Cartel. A year-long war between cartels in the Mexican state of Sonora has [intensified](#) in recent months, creating war zones in some towns with frequent shoot-outs. Despite this violence, DHS continues to turn back and return migrants and asylum seekers to these areas of Mexico. A Catholic nun working at a Mexican migrant shelter described the Title 42 expulsion policy as creating a “system of anguish and fear” for the families and adults returned to and blocked in danger in Mexico.

Violent attacks against asylum seekers and migrants unable to request protection in the United States due to the failure of the Biden administration to uphold refugee law and restart asylum processing has escalated in recent months.

- **Nearly 83 percent of all asylum seekers stranded in the Mexican states bordering the United States reported that they had been the victim of an attack, attempted attack, or threats in the past month**, based on survey data from mid-June to mid-August 2021 collected by AI Otro Lado and analyzed by Human Rights First.
- **Sixty-two percent of the asylum seekers in Tijuana and Piedras Negras, Mexico**, whom Human Rights First assisted in 2021 to request one of the very limited humanitarian exemptions to the Biden administration’s expulsion policy (discussed in detail below), **had been kidnapped in Mexico (43 of 69) and nearly 19 percent had been sexually assaulted there (13 of 69).**
- LGBTQ and Black asylum seekers in Mexico are frequently targeted for attacks, including by Mexican authorities. The AI Otro Lado survey data reveals that **89 percent of LGBTQ asylum seekers in the northern Mexican border states who responded to the survey were targeted in an attack or attempted attack or received threats in the prior month.** In addition, analysis of the AI Otro Lado survey data from mid-June to mid-August 2021 shows that **nearly 20 percent of Haitian asylum seekers in the northern Mexican border region were victims of abuse by the police, including beatings, extortion, and threats.**

Overall, as of August 23, 2021, **Human Rights First has tracked [6,356](#) kidnappings and other attacks, including rape, human trafficking, and violent armed assaults, against asylum seekers and migrants expelled to or blocked at the U.S.-Mexico border since President Biden took office in January 2021.** This tally includes incidents published in media, interviews of asylum seekers by Human Rights First, information from attorneys and humanitarian services providers at the border, as well as more than 2,500 newly reported incidents of violent attacks against migrants and asylum seekers stranded in Mexico that were received through the ongoing electronic **survey conducted by AI Otro Lado between mid-June and mid-August 2021.**

Turning away people seeking protection in the United States without access to the U.S. asylum process violates U.S. law—which guarantees a right to apply for asylum and other protections against return to persecution and torture—and treaty obligations to refugees. In a May 2021 [report](#) on pushbacks of asylum seekers—like the Biden administration’s expulsion policy—the Special Rapporteur for the Human Rights of Migrants concluded that “in the absence of an individualized assessment for each migrant concerned and other procedural safeguards, pushbacks are a violation of the prohibition of collective



expulsion and heighten the risk of further human rights violations, and are incompatible with States' obligations under international human rights law, in particular the prohibition of *refoulement*." The UNHCR Assistant High Commissioner for Protection [warned](#) in May 2021 that externalization agreements that "forcibly transfer asylum seekers to other countries . . . simply shift[] asylum responsibilities elsewhere and evade[] international obligations. Such practices undermine the rights of those seeking safety and protection, demonize and punish them and may put their lives at risk."

### ***Blocked from Protection at U.S. Ports of Entry***

With the Title 42 expulsion policy in place, asylum seekers remain unable to request protection at U.S. ports of entry, leaving many stranded in dangerous Mexican border towns. As of August 2021, there were an estimated [20,600](#) asylum seekers on so-called "metering" waitlists across the U.S.-Mexico border, but the true number of refugees waiting to request protection is unclear, as many have arrived since most waitlists closed in March 2020 and some asylum seekers have left the dangerous border region.

Across the southern U.S. border, CBP officers are stationed at the mid-points of international bridges, in vehicle lanes, and at the entrances to some land ports of entry to block asylum seekers from reaching ports of entry to request protection. In some locations, Mexican officials and private security guards are also stationed at the entrances to crossing points checking identity documents to prevent asylum seekers from approaching. Asylum seekers who manage to ask for protection at a U.S. port of entry are often turned back without access to the U.S. asylum process or even a fear screening.

Many asylum seekers have been turned away by CBP officers at ports of entry along the southern border and are currently blocked from protection, including Mexican asylum seekers trapped in their country of persecution. Those turned away face the grave dangers in Mexico and many have been previously subjected to violent attacks there. For example:

- **A Cameroonian asylum seeker, who was kidnapped in Cancun, beaten, and nearly raped by her abductors, is currently stranded in Reynosa.** Because of the Biden administration's expulsion policy, she is blocked from seeking asylum at the Hidalgo port of entry.
- **A gay Haitian asylum seeker was assaulted and extorted in Tijuana while waiting for the opportunity to request U.S. asylum.** The man became severely depressed and attempted suicide in July 2021. As of mid-August 2021, he remains in danger in Tijuana.
- **A young Afro-Honduran couple from the Garifuna community and their two-year-old daughter have received terrifying threats as they wait to seek asylum at the Laredo port of entry.** The messages use racial slurs and threaten to cut the family into pieces if their family members in the United States do not pay the cartel, which dominates the city of Nuevo Laredo where they are stranded. The family is terrified because the cartel has photos of the family and claims to know the shelter in which the family is hiding.
- **A Venezuelan man who was forced to flee Venezuela after refusing orders to harm protestors is waiting in dangerous Nuevo Laredo to request asylum at the Laredo port of entry after CBP officers turned him away in early August 2021.** The man was nearly kidnapped at the Nuevo Laredo bus terminal when he arrived in the city.
- **A Nicaraguan asylum seeker unable to seek protection in the United States due to the expulsion policy is receiving death threats while waiting at a shelter in Reynosa.** The man, who fled political persecution in Nicaragua, has received messages threatening to send someone "to come get" him and correctly identifying the shelter where he is staying.

- **Unable to find a shelter to assist them, a Honduran asylum-seeking couple are sleeping on a riverbank near Piedras Negras hiding from the men who kidnapped them and waiting for a chance to request protection in the United States.** In August 2021, the couple were released by kidnappers who beat them so severely that the woman suffered a miscarriage. Coahuila state police also robbed the couple of their belongings.
- **A teenage Mexican asylum seeker, who was turned away with her family by CBP officers at the San Ysidro port of entry in July 2021, was assaulted by a group of men in the Tijuana tent encampment.** The girl and her family had fled death threats in Michoacan.
- **A lesbian asylum seeker who has been sleeping on the streets in Ciudad Acuña with her partner waiting to request asylum at the Del Rio port of entry told Human Rights First researchers in August 2021 that she was raped and repeatedly attacked in Mexico.** The young woman's broken arm was still in a cast and bruises visible on her face from an attack in which men beat her to steal the sweets she sells on the street to survive.
- **A Mexican asylum seeker is blocked from seeking protection in the United States due to the Biden administration's expulsion policy, forced to wait in Mexico where her pregnant daughter, son-in-law, and son-in-law's parents were murdered by a cartel in Guanajuato.** The woman fled with her remaining children and grandchildren to the U.S.-Mexico border to request protection after the cartel began threatening her and demanding that she turn over her son to them.
- **An extended family from Colombia, including some of African descent, fleeing death threats by drug cartels are stranded in danger in Nuevo Laredo.** Mexican officials guarding the bridge to the Laredo port of entry blocked them from requesting asylum in June 2021. In Nuevo Laredo, they have been followed by cartel scouts and do not feel safe where they are staying because an unknown man recently came to the shelter asking for them.
- **A Mexican family that had been approved for one of the limited exemptions to the expulsion policy (discussed in detail below) was kidnapped by a taxi driver who was supposed to drive them from their shelter to the Brownsville port of entry for their parole appointment in August 2021.** The driver sexually assaulted the mother, who has epilepsy and other serious medical issues, in front of her two young sons, then abandoned the family on a road far outside of Matamoros, according to Charlene D'Cruz, an attorney assisting the family.
- **A Honduran woman, her husband, and brother-in-law remain trapped in Ciudad Acuña where they have suffered repeated kidnapping attempts, unable to request U.S. protection.** On one occasion in June 2021, they were forced to jump into a river to escape kidnappers. In addition, the woman was raped in Monterrey while in transit to seek asylum.
- **In July 2021, a Guatemalan man stranded with his seven-year-old child at the tent encampment in Reynosa waiting to seek U.S. asylum was assaulted, robbed, and nearly kidnapped when he went to a store to purchase medicine for his sick child.** An armed man assaulted the asylum seeker and forced him into a car. The kidnappers released the man when they learned his son was ill, but the family remains in danger in Reynosa.
- **A Honduran asylum seeker has been waiting for months in danger to seek U.S. protection after she was kidnapped and trafficked in Mexico.** The abductors trafficked her for sexual exploitation and showed her graphic videos of migrants being tortured to intimidate her. The woman managed to escape in April 2021 but remains in hiding in a shelter, terrified to go outside.

- **In July 2021, armed, hooded men kidnapped a 13-year-old Honduran boy and his asylum-seeking mother in Reynosa and kept them captive for three days without food until their family members paid a ransom.** The traumatized boy has nightmares and has been unable to sleep. The family remains in danger in Reynosa, where they are living in the encampment.
- **A Honduran asylum seeker stranded in Ciudad Acuña waiting for an opportunity to request asylum has been repeatedly kidnapped in Mexico.** In early August 2021, he was kidnapped in Piedras Negras and jumped from a moving car to escape. He took a bus to Ciudad Acuña to avoid the kidnapers, but police officers dragged him off the bus to extort him, pulled him by his hair, and hit him in the face causing him to lose several teeth.
- **A 13-year-old Honduran boy and his asylum-seeking mother, who were kidnapped in Reynosa in April 2021, are homeless in Piedras Negras waiting to request U.S. asylum.** The family was held captive in horrendous conditions, sleeping on the floor with little access to food for two months while desperate family members gathered ransom money. The kidnapers threatened to traffic the boy if they failed to pay. After the kidnapping the woman suffered partial facial paralysis but has been unable to receive medical attention in Mexico.
- **An asylum-seeking Salvadoran couple and their adult daughter, who were repeatedly kidnapped in Mexico, are trapped in an encampment near the San Ysidro port of entry.** The family fled El Salvador after a gang that controls large parts of the country raped and beat their pregnant daughter, causing her to suffer a miscarriage, according to attorney Luis Gonzalez with Jewish Family Service of San Diego.

***Expelled to Life-Threatening Dangers in Mexico***

The Biden administration continues to expel adults and families seeking protection in the United States to Mexico where cartels and other criminal organizations target them for kidnapping, extortion, and other violent attacks, often immediately after expulsion, including:

- **A 15-year-old Central American boy who was cognitively impaired and had the functional development of a five-year-old was murdered and his body found mutilated after he fled across the border alone; he and his mother were twice expelled to Reynosa by DHS.** According to a [declaration](#) by Jennifer Harbury, an attorney assisting the family, the boy was likely killed for failing to pay a crossing “fee” to gangs that control the area. The family fled Central America after receiving death threats by gang members who raped and kidnapped the boy’s sister.
- **A Honduran family with three children was kidnapped and severely beaten immediately after DHS expelled them to Nuevo Laredo in June 2021.** Shortly after they managed to escape, the family witnessed people they believed to be gang members drag a boy from a house and shoot him in the street.
- **A young transgender woman from Central America was beaten and raped by gang members, causing her to contract HIV, after DHS expelled her to Reynosa.** She had crossed the Rio Grande to seek U.S. asylum protection after fleeing severe beatings for her gender identity in her home country, according to an August 2021 [declaration](#) by Jennifer Harbury, an attorney who assisted her.
- **A seven-year-old boy and his asylum-seeking mother from El Salvador were abducted immediately after being expelled to Nuevo Laredo.** The family was held captive for eight days while their family gathered the money to pay their ransom. The mother told her attorney, Taylor

Levy, that the boy did not eat anything during the entire ordeal and was deeply traumatized, according to an August 2021 [declaration](#).

- **A Guatemalan woman, who was expelled by DHS to Ciudad Juárez with her five-year-old daughter, was raped after being expelled there and faced ongoing extortion and death threats from smugglers in Mexico following their expulsion.** The woman had fled sexual assault and domestic violence in Guatemala, according to an August 2021 [declaration](#) filed by attorney Linda Rivas with the Las Americas Immigrant Advocacy Center in litigation challenging the Title 42 policy.
- **In July 2021, CBP expelled a Honduran asylum seeker in the middle of the night to Nuevo Laredo, where gang members immediately kidnapped him and forced his family to pay a ransom.** Shortly after his release a cartel kidnapped him again. He remains missing and his family has not heard from him since, according to the migrant legal services organization AI Otro Lado.
- **In June 2021, an indigenous Honduran asylum seeker and his six-year-old son were kidnapped immediately after DHS expelled them to Reynosa.** The kidnapers separated the family and trafficked the father for labor. When they were released, they again sought U.S. protection in the Rio Grande Valley, but this time DHS transferred them by bus for expulsion in Nuevo Laredo, where they narrowly escaped another kidnapping attempt, according to Taylor Levy, an attorney assisting the family.
- **In August 2021, a Salvadoran man told Human Rights First that after Border Patrol agents expelled him to Piedras Negras at midnight he was threatened and attacked.** With migrant shelters closed by the city, he was forced to sleep in an abandoned house, but men—one armed with a bat—threatened to beat him and other stranded migrants if they didn't leave.
- **An asylum-seeking mother and her 15-year-old son were kidnapped almost immediately after being expelled by DHS to Reynosa.** They were forced into a van at gunpoint where they were held for two weeks, denied food, and threatened with being killed, until family members paid ransom. According to the woman's attorney, Taylor Levy, the woman has developed severe anxiety and panic attacks as a result.
- **A Honduran father and son seeking U.S. asylum were shot during a kidnapping attempt after DHS expelled them to Reynosa in April 2021.** The father suffered multiple bullet wounds, including a bullet that became lodged in his arm for months while he was unable to access medical care in Mexico, according to Karla Vargas, an attorney with the Texas Civil Rights Project.

Not only are these expulsions inherently dangerous given conditions in Mexico, but CBP—a component agency of DHS—has often carried them out in ways that increase the risk of kidnapping and attack. Dangerous nighttime expulsions, including to Ciudad Acuña, Reynosa, and other Mexican border towns, continue unabated. For instance, as of mid-August 2021, CBP continues to expel hundreds of migrants and asylum seekers to [Reynosa](#) each night, often after 11pm, even after CBP had promised to end the practice, according to Astrid Dominguez, an advocate with the Rio Grande Valley Welcoming Committee. In addition, DHS's practice of expelling people in large groups with their shoelaces removed clearly marks them as migrants, making them even more vulnerable to attack. In August 2021, Human Rights First researchers observed another concerning CBP practice in Ciudad Acuña where recently expelled asylum-seeking families had been provided identical medical masks on which the number "307" had been written, which also marked them as having been recently expelled from CBP custody. Individuals are

often forced to run from ports of entry after DHS expels them to avoid kidnapping by cartels and criminal groups that lie in wait to kidnap migrants returned to Mexico.

DHS continues to expel asylum seekers to Mexico under Title 42 without referring them to apply for asylum or even for statutory credible fear screenings. DHS evades these required protection referrals even in cases where individuals attempt to explain to U.S. immigration officers that they have previously been kidnapped, raped, or assaulted in Mexico and fear returning there. Individuals expelled to Mexico by DHS despite having previously been kidnapped or having suffered other serious harm there include:

- **In June 2021, CBP officers turned away a Guatemalan man who tried to request protection at the international bridge to the Laredo port of entry even though he was covered in blood from having been tortured by the cartel that abducted him.** The man had been held for days and repeatedly beaten by cartel members because he could not provide the phone number of a family member in the United States to extort. The man told Human Rights First, “If I return to my country, I’ll be killed. If I stay here, I’ll be killed. I want an opportunity, for someone to consider my case.”
- **A Central American mother fleeing gang threats was expelled to Reynosa in spring 2021 with her minor daughter, who has an intellectual disability, even though they had been kidnapped in Mexico and the mother raped.** After escaping the family crossed the Rio Grande to ask for U.S. protection but were immediately expelled, according to Jennifer Harbury, an attorney assisting the family.
- **In July 2021, Border Patrol agents expelled a Honduran asylum seeker to Mexico just one day after he received surgery for injuries he suffered while escaping a kidnaping in Piedras Negras.** The man was pushed from a train he climbed aboard to escape the kidnapers who had held and beat him for days. He explained to Border Patrol agents who took him to a hospital for surgery on his severely broken leg that he had fled a near-fatal beating by the gang extorting his clothing business in Honduras as well as the abduction in Mexico, but they nonetheless returned him to Mexico in a hospital gown, barely able to walk with his leg in a heavy brace. The man told Human Rights First, “I’m coming [to the United States] not because I want to. If I didn’t have problems in Honduras, I would return.”
- **DHS twice expelled a Honduran asylum seeker to Mexico even though he had been kidnapped near Reynosa in March 2021 by a cartel that continues to hold his mother five months later.** The man escaped the kidnapers but continues to receive videos and photos of his mother being tortured by her captors who are demanding a \$10,000 ransom. The man told Human Rights First that cartel members are searching for him in Reynosa and that he fears that they will kill him for escaping.
- **In August 2021, an LGBT Venezuelan asylum seeker who had been kidnapped in Nuevo Laredo managed to enter the Laredo port of entry and attempted to request protection but was immediately turned back to Mexico by CBP officers.** The day before attempting to seek protection, he had been kidnapped and extorted by a taxi driver while trying to find a place to stay.
- **In February 2021, DHS expelled a young Honduran woman who had been kidnapped in Mexico, held captive for weeks, repeatedly raped, and abandoned by her traffickers in Arizona.** After she was treated in a US hospital for her injuries, the woman was expelled to Nogales, Mexico, according to Chelsea Sachau, a legal fellow with the Florence Immigrant & Refugee Rights Project.



- **In late May 2021, DHS expelled a 23-year-old Honduran asylum seeker who was seven-months pregnant after she escaped kidnappers who planned to sell her unborn child.** The kidnappers had told her that “newborns are extremely expensive in Mexico.” The woman was malnourished in captivity and experienced severe bleeding that made her fear for the health of her unborn child, according to Karla Vargas, an attorney with the Texas Civil Rights Project.

A totally deficient process created by the Trump administration, supposedly to screen for fear of torture prior to expulsion under the Title 42 policy, is a farce. Data obtained by [CBS News](#) in April 2021 showed that CBP had permitted only 0.3 percent of individuals subject to the expulsion policy to request a torture screening and only seven percent of those screened were found to have a fear of torture and allowed to request protection in the United States. In an August 2021 email, CBP declined to provide Human Rights First updated figures on the number of individuals subjected to Title 42 who have been provided these highly limited fear screenings.

### ***Not Safe in Shelters or Rented Rooms***

Without immigration status or work authorization in Mexico, asylum seekers expelled to or blocked in Mexico due to the Title 42 policy often end up in dangerous or abusive housing accommodations, including informal tent encampments near ports of entry (discussed in detail below) and unsafe migrant shelters. Criminal organizations, Mexican police, and other government officials target shelters to kidnap, beat, rob, and threaten migrants staying in these facilities, including recent incidents in Ciudad Acuña, Mexicali, Miguel Aleman, Nuevo Laredo, and Tijuana. Asylum seekers have been held against their will, assaulted, and extorted by individuals who offered to rent them rooms.

Some of the asylum seekers blocked from U.S. protection who have been subjected to attacks in shelters or rented rooms include:

- **In August 2021, four [armed men](#) forced their way into a shelter in Tijuana searching for two people.** The shelter director activated an emergency system provided by the Mexican federal government, but it took the National Guard four days to respond to the urgent request for assistance. Many of the asylum seekers in the shelter had fled violence and continuing threats in Michoacán, raising alarm that asylum seekers are being pursued by their persecutors to Tijuana.
- **In July 2021, a Mexican asylum seeker from Michoacán and two Nicaraguan asylum seekers disappeared from the shelter where they were staying in Tijuana while waiting for the opportunity to request U.S. asylum.** All three men had been traveling alone. Another asylum seeker staying at the shelter reported concerns that the men had been kidnapped by Mexican cartel members.
- **In June 2021, a transgender Honduran woman blocked from requesting protection was kidnapped in Tijuana by a man who had promised her a place to stay.** He locked her inside a house with other captive migrants for two days before she managed to escape out of a window. As of July 2021, she was hiding at a Tijuana shelter, terrified to go outside for fear of encountering the kidnapper, according to Emem Maurus, a lawyer with the Transgender Law Center.
- **In August 2021, a Honduran woman stranded in Ciudad Acuña unable to request protection was offered shelter by a man who violently beat her after she and her 11-year-old son moved in with him.** The man forced the child to watch as he attacked his mother, including beating her with a machete. They eventually managed to escape and sought help at a shelter. The shelter

supervisor told Human Rights First that this man had previously convinced other desperate migrant women to move in with him and then abused them as well.

- **Asylum seekers at a shelter in Nuevo Laredo told Human Rights First in August 2021 that a family apparently attempting to reach the shelter had been kidnapped just outside the shelter's security wall.** They reported hearing the screams of children as the family was abducted.
- **An 18-year-old Mexican asylum seeker was tracked down by gang members in July 2021 at the shelter in Tijuana where he was staying.** He had fled persecution in southern Mexico, where gang members attacked, raped, and tried to enslave him. The terrified young man was forced to go into hiding.
- **Asylum seekers at a local government-run shelter in Ciudad Acuña reported that a family had been forced into a car outside the shelter in early August 2021.** Police officers also regularly beat, rob, and threaten asylum seekers when they go to a local store to purchase food.
- **A Honduran woman fleeing domestic violence with her eight-year-old son was repeatedly abused by her employer in August 2021 after being expelled by DHS to Reynosa and accepting an offer to work and live with a local family out of desperation.** After suffering abuse at the hands of the employer, she escaped to live in the encampment, where she and her son remain in danger. The mother and son had been previously robbed of all their belongings in Mexico before they requested U.S. protection.
- **Armed men broke into the rented room of a Haitian LGBTQ man, raped him, and stole all his belongings and documents in Tijuana in spring 2021.** The man, who had been waiting to seek U.S. asylum, was forced into hiding due to continued threats from the assailants, according to an August 2021 [declaration](#) by Erika Pinheiro, an attorney with *Al Otro Lado*.

### ***Mexican Police and Other Government Authorities Complicit in Attacks***

Mexican authorities, including police, immigration officials, and members of the Mexican military, are frequently responsible for, involved in, or fail to investigate, kidnappings, attacks, and extortion of migrants and asylum seekers returned to or blocked in Mexico. [U.S. government](#) and other human rights [reports](#) have repeatedly confirmed the involvement of Mexican government agents in violent attacks, extortion, and killings, often in collaboration with cartels.

Mexican immigration officers rob, extort, and hand over expelled families and individuals to cartels that kidnap and hold them for ransom, according to multiple reports received by Human Rights First from asylum seekers as well as attorneys assisting expelled people. Asylum seekers who had passed through Mexican airports also reported extortion by Mexican migration officials who threatened to otherwise detain or immediately deport them. Reports of police violence, extortion, and other threats against migrants and asylum seekers blocked in or expelled to Mexico are also common. Examples of attacks against asylum seekers by Mexican government authorities include:

- **Two Nicaraguan women reported that 23 Nicaraguan asylum seekers who had been traveling with them were kidnapped in Reynosa in July 2021.** Police at a checkpoint handed the group, which included the women's partners, over to a cartel extorting family members in the United States for ransom. Some of the group remain kidnapped, while at least one of the kidnapped asylum seekers has gone missing after his family paid ransom to secure his release.
- **Mexican police officers attacked a group of five Jamaican LGBTQ asylum seekers in downtown Tijuana in June 2021.** They threw three of the asylum seekers to the ground and tased

one of them. The asylum seekers reported that the police targeted them because of their race, sexual orientation, and gender identity, according to Emem Maurus, a lawyer with the Transgender Law Center.

- **In Ciudad Acuña, Coahuila state police beat an Afro-Honduran asylum seeker, who had been expelled to Mexico by DHS, so severely that he is now blind in one eye.** He said that the officers hit him in the head with a branch and stole all of his belongings. He did not attempt to report the incident to authorities for fear of further retaliation.
- **In June 2021, Mexican immigration officials at the Mexico City airport [kidnapped](#) a 23-year-old Venezuelan political activist intending to seek U.S. asylum and sold him to a cartel,** who held him captive for six days, showed him graphic videos of shootings and beheadings to intimidate him, and extorted his family for \$1,500 before police raided the house and released him. The young Venezuelan man believes the police coordinated the raid with the kidnappers, who had emptied the house of drugs and fled before police arrived.
- **Reynosa police refused to help a Black Honduran mother and her seven-year-old son after the family was kidnapped and the mother severely beaten and raped in spring 2021 in Reynosa.** Instead, police taunted the mother, asking how much she would charge them for sex, according to Taylor Levy, an attorney assisting the family.
- **In May 2021, Mexican police detained and beat a 16-year-old Salvadoran boy for more than ten hours in Saltillo, Coahuila.** His mother told Human Rights First that the officers beat and robbed him.
- **In August 2021, Coahuila police assaulted and robbed a Honduran woman who was waiting in Piedras Negras for an opportunity to request U.S. asylum.** When she told the officers she would report them, they said, "that won't get you anything here. We are the law."
- **In August 2021, Mexican police robbed and threatened a Guatemalan family outside a grocery store in Reynosa.** The family is afraid to return to the store to buy medicine for their sick child for fear of encountering the police again.
- **A Honduran asylum seeker expelled to Ciudad Acuña by DHS was beaten by Coahuila state police in early August 2021.** The man still had a bruise on his forearm a week after being pistol whipped by officers who had stopped him as he walked to a store to buy food just blocks from the shelter where he is staying.
- **Ciudad Juárez police refused to help a Honduran woman who had been snatched off the street, knocked unconscious, raped, and abandoned naked in the desert in early 2021 after attempting to request U.S. asylum.** Police refused to make a report and told the woman "migrants like to be raped," according to Taylor Levy, an attorney assisting the woman.

## Expanding Harmful Expulsion Flights

The Biden administration has expanded its use of the widely criticized practice of transporting families and adults seeking protection hundreds of miles to expel them to other regions of the U.S.-Mexico border, including Ciudad Juárez, Nogales, and Tijuana. The administration had [stopped](#) subjecting families to so-called "lateral expulsion flights" in May 2021 in response to widespread [criticism](#), but [resumed](#) the

practice in June 2021. People subjected to these flights have reported detention in crowded holding cells for days without sufficient food or access to medical care prior to expulsion.

DHS also began to [fly](#) hundreds of migrants and asylum seekers to southern Mexico, where Mexican officials have [forced](#) non-Mexican nationals to cross the Mexico-Guatemala border into a remote region of Guatemala – effectively denying them access to the U.S. and Mexican asylum systems. Families with infant babies were among those left stranded in the Guatemalan town of El Ceibo which has only one migrant shelter with a capacity for just 30 individuals. The [Washington Post](#) reported that transportation services in the town are extremely limited and that some expelled individuals said they had merely been told to start walking south.

People subjected to these expulsions are often held for extended periods of time in crowded CBP detention facilities and are not tested for COVID-19 before expulsion, raising concerns that the manner in which these expulsions are carried out contributes to the spread of COVID-19. These mass expulsions overwhelm COVID-prevention measures, including the “filter” system in Ciudad Juárez, to quarantine expelled individuals before transferring them to general shelters, leaving many families homeless and at the mercy of organized criminal groups and smugglers who prey on desperate migrants, according to Marisa Limón Garza, deputy director of Hope Border Institute in El Paso. Many families and adults expelled on these flights also report abusive treatment in Border Patrol custody and that immigration officers carrying out these expulsions do not explain, or lie about, where they are being taken.

- **An asylum seeker who had been flown to Nogales for expulsion from the Rio Grande Valley in July 2021 told Kino Border Initiative that his family and an estimated 4,000 other migrants had been [held at a massive makeshift detention facility](#) under a highway bridge near McAllen, Texas for three days, with others there for more than five.** He reported the mosquitos were “unbearable” and that people crowded together to avoid being swarmed. “We slept in the dirt. I removed my clothes to make a mat for my daughter to sleep on.” He said there were only five bathrooms for the thousands of people there, and that “the stench suffocated the people” because they were emptied nearby. “It was torture.”
- **In July 2021, multiple families, who had been transferred on a flight from McAllen to El Paso, Texas and then expelled to Ciudad Juárez, told Linda Rivas, the director of the Las Americas Immigrant Advocacy Center, that Border Patrol agents had forbidden them from using the restroom on the airplane,** forcing some sit in their own urine during the flight. Families reported receiving little or no food while in DHS custody for some 16 hours prior to expulsion.
- **In July 2021, DHS officers threw away formula and medications a Guatemala woman had brought for her newborn infant while expelling the family to Ciudad Juárez via a lateral expulsion flight.** The woman told Jenn Budd, a volunteer with Las Americas Immigrant Advocacy Center, that U.S. immigration officers also deprived the family of food during the expulsion process and that when they arrived in Ciudad Juárez, the baby had not eaten for 24 hours, and the mother had not eaten for two days.
- **In August 2021, at least [300](#) Honduran and Guatemalan families, including 50 children under the age of 10, were detained by DHS for three days in Texas, flown to San Diego, and expelled to Mexico.** Border Patrol agents lied to the families, telling them they would be paroled into San Diego. Instead, Mexican authorities bused the group to Ensenada – approximately 100 kilometers from the U.S.-Mexico border. The families told Erika Pinheiro, an attorney with Al Otro Lado, that Border Patrol agents had seized many of their belongings, including medications,

provided them only frozen food to eat, and expelled them with only the clothes they were wearing and identity documents. Many of the children were expelled sick and without even shoes.

- **Several Central American families who were among dozens flown from the Texas Rio Grande Valley to San Diego and expelled in Tijuana in August 2021 told the [San Diego Union Tribune](#) that CBP officers provided little food on the day-long journey, even as their children cried with hunger.** Border Patrol agents had told them they were going to a shelter in the United States, leaving them feeling “tricked” and “humiliated” when they arrived in Mexico. Men expelled on the flight were handcuffed after the plane landed in San Diego, and one group was forced to wait in 80-degree heat in an outdoor holding pen at the Chula Vista Border Patrol station before being expelled.

People expelled to different and dangerous areas of the U.S.-Mexico border are frequently desperate to attempt to cross the border again to seek refuge in the United States. However, these crossings can be particularly dangerous because asylum seekers expelled to a city or town hundreds of miles away from where they crossed the border are often unaware of the local cartel or other organized criminal group that controls that region and are unfamiliar with the physical terrain. For example, an asylum seeker expelled to Nogales, Mexico with her two young children via a lateral expulsion flight from McAllen, Texas in July 2021 told Kino Border Initiative that she felt she had no choice but to attempt to reenter the United States between ports of entry to seek asylum. However, the woman did not realize that organized criminal groups control access to the borderlands in Nogales, Mexico and that the Arizona frontier where she planned to cross is remote, desert land where migrants can easily become lost and die.

## Separating Families

The Biden administration’s continued use of Title 42 to block and expel asylum seekers is leading to family separations. In some cases, DHS has returned families members alone to Mexico or separated families and returned them to different parts of Mexico. **Of over a thousand expelled migrants [interviewed](#) by the International Organization for Migration from May 3 to June 4, 2021, 5 percent of those who entered the United States with family reported that they had been separated from a family member while being expelled, including some who were separated from their children.**

Asylum seekers who have been forcibly separated from their family members while being expelled by DHS include:

- **In July 2021, DHS separated a Honduran woman from her 14-year-old daughter after the family entered the United States together near Reynosa and expelled the woman with her younger twin children to Mexico.** The woman told Human Rights First that her traumatized daughter has been in the custody of the U.S. government for more than a month.
- **In July 2021, DHS expelled a blind grandmother alone to Reynosa after separating her from her daughter and grandchildren, with whom she had entered the United States to request asylum after the family fled death threats by gangs in Honduras and was kidnapped for 15 days in Mexico.** A pastor had to find another asylum seeker to take care of the woman, who requires 24-hour assistance due to her blindness.
- **In summer 2021, DHS separated a Cuban family that had requested asylum after crossing the southern border into Arizona and expelled the 18-year-old son alone to Tijuana.** DHS sent the young man’s mother and younger siblings to a migrant shelter in Tucson but bused the young



man to San Diego for expulsion to Tijuana. The mother was hysterical with worry about her son, according to Katherine Rodriguez, a Casa Alitas volunteer.

- **In March 2021, a Honduran asylum seeker who requested protection with his three-year-old grandson was separated from the child, detained for seven days, and then expelled to Reynosa, where he remains stranded as of August 2021.** The man's frightened grandson was processed alone as an unaccompanied child.
- **In summer 2021, DHS separated a Guatemalan woman from her minor sister when the family sought protection in Nogales, Arizona, expelling the older sister while processing the younger sister as an unaccompanied child.** Exacerbating the trauma of family separation, Border Patrol agents refused to tell the expelled woman where her younger sister was being taken, according to the Kino Border Initiative.
- **DHS separated a Salvadoran asylum seeker from his Cuban partner in February 2021 and expelled him alone to Nogales, Mexico, where the couple had previously been subjected to homophobic threats by a cartel.** The Cuban man, who was not subjected to Title 42, was permitted to remain in the United States to apply for asylum. According to Chelsea Sachau, a legal fellow with the Florence Immigrant & Refugee Rights Project, the Salvadoran man spent months in hiding in Mexico, terrified of being attacked again for his sexual orientation.
- **DHS expelled a pregnant Honduran woman to Reynosa in August 2021, separating her from her husband and three-year-old son, both of whom DHS had released into the United States the previous day.** DHS expelled the woman alone after detaining her in an extremely cold holding cell for 12 hours, even after she told agents that she was pregnant and felt sick and that her family was in the United States, according to Yael Schacher, an advocate with Refugees International.
- **Border Patrol agents separated two Indigenous, adult Mexican siblings who had entered the United States between ports of entry to seek protection in early 2021.** One of the siblings was expelled after being treated for several days in the hospital for dehydration. The other spent months in a U.S. detention center before being expelled to Mexico. DHS failed to provide interpretation in the siblings' Indigenous language throughout the ordeal and denied access to their attorney, Ella Rawls at Arizona Justice for Our Neighbors.

Like other [policies](#) that indefinitely strand families in extreme danger at the southern border, the Biden administration's expulsion policy also pushes some desperate families to send their children across the border to protect them from kidnapping, sexual assault, and other violence – resulting in needless and traumatic family separations and increasing the number of unaccompanied children at the border. Attorney Taylor Levy reported that she has spoken with dozens of families who made the difficult decision to send their children over the border alone after being expelled as a family to Mexico. In some cases, children expelled with their families have crossed the border alone into the United States after the kidnapping or disappearance of their parents in Mexico. Children who crossed the border alone due to the horrific dangers of the Title 42 expulsion policy include:

- **A Honduran woman remains separated from her eight-year-old daughter, who crossed alone into the United States after the woman was kidnapped following the family's expulsion by DHS to Reynosa.** The woman, who was fleeing death threats after witnessing a murder in Honduras, had left her daughter with a friend to beg for money to buy food when she was kidnapped just steps from the encampment in Reynosa. With her mother missing, the girl crossed the border alone for her safety and is currently with family members in the United States.

- **A Honduran woman sent her nine-year-old son across the border alone after the family was threatened at gunpoint by the owners of the house in Ciudad Acuña where they had rented a room.** The owners asked for phone numbers of their U.S. family members in order to extort them and tried to prevent the family from leaving. After they managed to escape, the woman sent her son to the United States to protect him from harm and fled to Piedras Negras, where she was sleeping on the street as of August 2021.
- **Two Guatemalan mothers living in terrible conditions in the Reynosa encampment [decided](#) to send their children across the border alone after both families had been expelled when they entered the United States and requested asylum.** In addition to the dangers and conditions in the encampment, one of the mothers reported that she sent her child across the border out of fear that he would be deported to Guatemala, the country they had fled, by Mexican officials.
- **Due to the Title 42 policy, a Honduran woman remains separated from her 13-year-old daughter, who she felt she had no choice but to send alone across the border to protect her from further violence in Mexico.** The woman told Human Rights First that her daughter had attempted suicide after being raped in southern Mexico in May 2021.
- **A pregnant Afro-Honduran woman decided to send her six-year-old son across the border alone after DHS expelled the family in April 2021.** The mother then spent months in Monterrey waiting for the opportunity to request U.S. asylum and reunite with her son. Mexican police violently raided and robbed the apartment she shared with other migrants on multiple occasions. She suffered a miscarriage due to the stress of her living conditions and her son was deeply traumatized by the separation, according to Taylor Levy, an attorney assisting the family.
- **After DHS expelled a Central American family seeking U.S. protection twice in April 2021, the family decided to send their minor son, a human trafficking survivor, across the border alone to protect him from violent crime in Ciudad Juárez,** where the adult family members were robbed by Mexican police officers and narrowly escaped a kidnapping attempt. After crossing alone, the child experienced severe psychological trauma in ORR custody worrying about his family's safety, according to Taylor Levy, an attorney assisting the family.
- **A Honduran mother sent her nine-year-old son, who had fled forcible gang recruitment in Honduras, over the border alone after the family narrowly escaped a kidnapping attempt in Mexico.** As of August 2021, the boy remained in ORR custody without a sponsor, soon to be transferred to foster care, according to Taylor Levy.
- **Fearing for her teenage son's life, a Honduran mother sent him along across the border in May 2021 after gang members in Monterrey threatened, beat, and robbed him.** The family had previously been turned away when they attempted to request asylum at the Eagle Pass port of entry, and relocated to Monterrey in search of work while they waited for U.S. asylum processing to resume. For months after the attack, gang members continued to appear outside the place where the family was staying in Monterrey, where the mother remains in danger.

## Fueling Dangerous Crossings

The Biden administration's continued use of the expulsion policy and refusal to restart asylum processing at ports of entry creates significant confusion at the border and spurs additional crossings between ports of entry, as confirmed by CBP [officials](#) and [experts analyzing](#) CBP [statistics](#). Asylum seekers who are

blocked from requesting protection at U.S. ports of entry and [fleeing](#) violence in Mexico [undertake](#) dangerous, often repeated, border crossings. In addition, even though unaccompanied children are formally [exempted](#) from the expulsion policy, attorneys and advocates across the border continue to report that CBP still [refuses](#) to accept some unaccompanied children who present themselves at U.S. ports of entry, which often forces these children to make dangerous crossings to seek protection in the United States. Other inhumane policies that unlawfully block asylum seekers requesting protection at ports of entry, including metering, have similarly [pushed](#) desperate people fearing for their lives to cross between ports of entry.

The Biden Administration's continued use of the expulsion policy has contributed to an unusually deadly year for crossings of the U.S.-Mexico border. In [eastern California](#), at least 31 migrants have died while crossing the desert there since October 2020. In [Arizona](#), the nonprofit Humane Borders reported that the remains of 127 people had been encountered in the Arizona-Mexico borderlands during the first half of 2021, an increase over the same period in [2020](#), which was the deadliest year for migrant crossings in the region. In Texas, the [Brooks County](#) Sheriff's Department reported 50 migrant deaths in the first half of 2021, more than in the entirety of 2020, and in the [Big Bend](#) area, 32 migrants have died while undertaking crossings, more than four times the total during fiscal year 2020. Along the stretch of the Rio Grande that separates the Mexican state of Coahuila and Texas, 107 migrants have [drowned](#) so far in 2021. Two men who fell while attempting to cross the border wall in Texas died of their injuries in [June](#) and [July](#) 2021.

Dangerous border crossings also result in severe injuries, dehydration, and starvation, as well as kidnappings and other violent attacks by cartels and organized criminal groups that control border crossings. Among the individuals who have died, been injured, attacked or gone missing while attempting to cross the border to reach refuge in the United States are:

- **A Mexican asylum seeker remains missing after he attempted to cross the border between ports of entry in April 2021 because CBP turned him away from requesting asylum at the San Ysidro port of entry.** His family told Al Otro Lado that they have not heard from him since he attempted to cross the border and believe he was likely kidnapped by a cartel.
- **In May 2021, a Guatemalan asylum seeker died from dehydration in his wife's arms after entering the United States between ports of entry to seek safety.** After detaining the extremely traumatized wife for one-and-a-half days, DHS expelled her to Reynosa under the Title 42 policy without any information on her husband's remains, according to Karla Vargas, an attorney with the Texas Civil Rights Project.
- **In June 2021, men armed with a bat and knives waiting near the border attacked a Honduran couple as they attempted to cross the border in Piedras Negras to request asylum – beating the husband with a bat and stabbing the wife in the stomach.** The couple had fled attacks and death threats by gangs in Honduras and the woman had previously suffered a miscarriage on the traumatic trip through Mexico.
- **Kidnappers waiting near the border in Ciudad Acuña abducted a Honduran woman and her two young children in May 2021 as they approached the U.S. border to seek protection in the United States.** The kidnappers beat and robbed the woman but released the family after they were unable to contact any of her family members to extort. The woman had previously survived an attack by gang members in Honduras that left her with a fractured skull.

- **In July 2021, a Guatemalan asylum seeker fell off the border wall and injured her leg while attempting to enter the U.S. to request protection.** CBP kept her in a cold holding cell for more than a day, while she begged for medical attention, before taking her to a hospital. A Border Patrol agent threw away medication she was prescribed at the hospital and expelled her to Ciudad Juárez without needed surgery. The woman still had a visible gash on her leg and was in pain when Jenn Budd, a volunteer with Las Americas Immigrant Advocacy Center, interviewed her weeks later.
- **Two Honduran sisters had to be rushed to the hospital after falling off the border wall near Tijuana while attempting to seek U.S. protection in March 2021.** DHS expelled them to Tijuana as soon as they were discharged from the hospital. One sister hit her head, suffering swelling and bruises. The other fractured her ankle, which required surgery. She was expelled with stitches in her leg while she struggled to walk. As of August 2021, the family remains in a tent encampment in Tijuana, where they have struggled to access continuing medical care.
- In July 2021, the Ecuadorian legal services organization 1-800-Migrante received [dozens](#) of calls from distraught family members of Ecuadorians who disappeared crossing the U.S.-Mexico border. **Ecuadorians who died in the desert borderlands this summer include a 35-year-old father of two whose body was found in an Arizona desert and a 15-year-old [boy](#) who died in a hospital after he and his father were found unconscious in the Texas desert.**

## Chain Refoulement to Countries of Persecution

DHS's expulsion of asylum seekers to Mexico violates U.S. non-*refoulement* obligations not only by exposing them to serious danger in Mexico but also because returned individuals who are denied access to U.S. asylum are at high risk of onward or so-called chain *refoulement*, *i.e.* illegal return, to countries where they would face persecution or torture. Asylum seekers expelled to Mexico by the Biden administration, including those transported by DHS directly to the southern Mexican border after being refused access to the U.S. asylum system, are at grave risk of chain *refoulement*. In August 2021, UNHCR [warned](#) that the Biden administration's expulsions of asylum seekers to the southern Mexican border increase the risk of chain *refoulement*. Mexican migration officials often fail to [inform](#) detained migrants of their right to seek asylum, [pressure](#) asylum seekers not to file applications for protection, and fail to [forward](#) their requests to the Mexican asylum agency.

Asylum seekers recently deported from Mexico, including some first expelled by the United States, include:

- **In June 2021, Mexican immigration officials deported a Yemeni asylum seeker who had been expelled by DHS to Tijuana in February 2021 after he attempted to seek protection in the United States.** The man, who is currently in Yemen, told Human Rights First that he fears for his life.
- **In July 2021, Mexican immigration officials deported a Honduran asylum seeker who had been expelled to Mexico under Title 42.** After Mexican police forced the owner of the house in Piedras Negras where the man was staying to evict him because he did not have legal status in Mexico, he was left homeless, sleeping in the streets for a week and a half. He had contacted a legal services organization for assistance with an exemption to the expulsion policy shortly before Mexican immigration officials detained him and other migrants and deported them by bus to the border between Guatemala and Honduras. Now in hiding in Honduras, where he fears the gang

that murdered his father will follow through on their threats to kill him, he told Human Rights First, “I can’t sleep because I’m scared they’ll come kill me.”

- **In August 2021, Mexican immigration officials deported a Honduran asylum seeker to Guatemala.** The man and his family had been approved for an exemption to the expulsion policy after having been kidnapped, assaulted, and robbed in Mexico. But Mexican immigration officials stopped and detained him in Ciudad del Carmen as he was traveling to join his family in Tijuana, where they were scheduled for an exemption appointment on August 19, according to Ginger Cline, an attorney with *Al Otro Lado*.
- **In August 2021, Mexican immigration officers flew a Haitian asylum-seeking couple to southern Mexico from Matamoros for deportation.** The couple, who had been approved for an exemption to the Biden administration expulsion policy, were en route to the border when officials from Grupos Beta, a Mexican government migration agency, intercepted them. Charlene D’Cruz, their attorney, located them in a migration detention center in Tapachula. D’Cruz reported that she is aware of at least 12 other asylum seekers detained by Grupos Beta in the Matamoros area and flown to Tapachula in summer 2021, including a young Honduran man who was waiting to present himself at the port of entry after having been approved for a Title 42 exemption.
- **Mexican immigration officials detained a Guatemalan asylum seeker in Mexicali and threatened to deport him to Guatemala until his lawyers intervened.** The man, who had received threats by organized criminal groups in Mexico, had been approved for an exemption to the expulsion policy and was travelling to the port of entry when Mexican immigration officials intercepted him, according to *Al Otro Lado* attorney Ginger Cline.

As the [Washington Post](#) reported, hundreds of asylum seekers expelled by DHS on flights to southern Mexico have subsequently been [forced](#) by Mexican migration officers across the border into Guatemala. They include asylum seekers from El Salvador, Guatemala, Honduras and Nicaragua, according to attorneys and rights monitors who have spoken with expelled families and individuals. Since May 2021, Mexico has reportedly sent approximately 13,000 people from the U.S.-Mexico border region to southern Mexico to “[expedite](#) their departure,” also forcing some across the border into Guatemala without being informed of or given an opportunity to seek asylum in Mexico, according to a [letter](#) from Mexican civil society groups. [Reuters](#) reported that those deported include a Honduran asylum-seeking family who intended to seek protection in Mexico but who was instead forced across the border into a tiny Guatemalan town.

In August 2021, in a rare [rebuke](#), UNHCR expressed alarm over the Biden administration’s expulsions of asylum seekers to the southern Mexican border, which “increase . . . the risk of chain *refoulement*,” and heighten the risk of COVID-19 transmission. In addition, UNHCR, the United Nations Children’s Fund, the International Organization for Migration, the Office of the United Nations High Commissioner for Human Rights, and the United Nations Entity for Gender Equality and the Empowerment of Women issued a joint [statement](#) in August 2021 expressing concern that expulsion flights to southern Mexico place expelled asylum seekers at risk of *refoulement*. The Inter-American Commission on Human Rights also [condemned](#) the expulsions to southern Mexico and urged the United States to lift Title 42 restrictions on access to protection.



## Insufficient, Flawed Exemptions

Rather than ending its illegal use of Title 42 to circumvent U.S. asylum law and treaties, the Biden administration has continued to use the expulsion policy and only allowed some people to approach U.S. ports of entry through so-called “exemptions.” These exemptions are not based in U.S. law and do not ensure all asylum seekers have access to protection. Instead, they are rooted in language included in the initial CDC order – an order first [drafted](#) by Trump administration political appointees and described as a “[Stephen Miller special](#)” by a former Trump administration official. Not only is this “exemption” approach fundamentally flawed due to its lack of adherence to refugee law, but the Biden administration’s exemptions have left many unprotected, led to disparate and discriminatory access to asylum, and heightened risks faced by asylum seekers, attorneys, and organizational staff involved in exemptions.

In late March 2021, as part of negotiations between the U.S. government and organizations that filed a lawsuit challenging the use of the Title 42 to expel families, the Biden administration began processing some families and individuals subject to the expulsion policy at ports of entry through extremely limited humanitarian [exemptions](#). Attorneys involved in the lawsuit and a designated “consortium” of non-governmental organizations working in Mexico were permitted by DHS to submit the names of individuals for processing at a port of entry. In effect, DHS forced already overstretched, attorneys and organizations to gatekeep these limited exemptions while the Biden administration violated its legal obligation to provide people fleeing persecution and torture access to the U.S. asylum system. These exemptions are [set to conclude](#) by the end of August 2021, as the government and the organizations challenging Title 42 were [unable](#) to reach a settlement to wind down or end the expulsion policy, and the consortium organizations were [unwilling](#) to continue. One consortium organization [attributed](#) its decision to discontinue participation in the exemptions to “the lack of justification of keeping Title 42 in place for health reasons, and the threat of supporting a system that externalizes US asylum in violation of international human rights law.”

To date, these exemptions have allowed only a limited number of families and individuals to access U.S. ports of entry to seek protection in the United States – totally insufficient to meet the protection needs of refugees stranded along the southern U.S. border. For instance, between March 21, 2021 and July 19, 2021, the El Paso port of entry processed fewer than 2,500 individuals through Title 42 exemptions, according to government data provided by CBP to Human Rights First in August 2021. That translates to fewer than 21 vulnerable individuals received and processed by CBP at the El Paso port of entry per day on average. By comparison, during the Trump administration, which intentionally *reduced* asylum processing at ports of entry through a policy known as metering, the El Paso port of entry was processing up to 65 people per day in 2019, according to [data](#) collected by researchers at the University of Texas at Austin and U.C. San Diego.

Overall, **CBP processing of inadmissible individuals, including asylum seekers, at southern border ports of entry is down nearly 63 percent compared to 2016 during the Obama administration.** For instance, in October 2016, CBP processed [20,524](#) inadmissible individuals at southern border ports of entry. In July 2021, the last month with available data, CBP processed just [12,895](#) people at these ports of entry even though thousands had been pre-processed through the Title 42 exemption mechanism by the time they reached ports of entry.

Limited access to the flawed exemptions, which were not publicly [explained](#) by the U.S. government, raises serious concerns about disparate and discriminatory access to U.S. asylum protection. Only those families and individuals in contact with attorneys and organizations involved in the exemptions were able to request exemptions. This likely resulted in limited access to exemptions for non-Spanish speaking

asylum seekers, including individuals from Indigenous communities. Advocates across the border also raised concerns that few Haitian asylum seekers had been able to access exemptions. In addition, people with limited literacy and without access or understanding of how to use smart-phone technology reported to Human Rights First that they had difficulty registering for and receiving information about exemptions.

Fraud by unscrupulous actors is a major concern with the Title 42 exemptions. Some asylum seekers reported being charged by shelter operators merely to speak with the organizations facilitating exemptions, even though these organizations do not charge for their services and requesting an exemption does not involve any fee. Fraudulent schemes by individuals falsely claiming to be able to submit exemption applications were also reported. For example:

- **In July 2021, asylum seekers told Human Rights First that the individual running the shelter in Tijuana where they were staying defrauded them for thousands of dollars to request exemptions.** The man charged one family \$8,000, falsely claiming this fee was charged by a non-profit organization that provides free legal services to migrants.
- **Individuals pretending to be Kino Border Initiative staff have scammed migrants claiming they could pay a fee for expedited processing of exemption requests.** Other migrants paid \$1,000 with the understanding that this fee was required for transportation to the Kino Border Initiative and access to exemptions, only to learn that they had been scammed by individuals who were not affiliated with the organization.

The exemptions also created serious security issues for asylum seekers as well as the non-governmental organizations and attorneys coordinating registration and pre-processing. Because access to exemptions was most accessible in some locations for asylum seekers staying in certain shelters, people desperate to seek protection in the United States were forced to remain in dangerous border cities where they were vulnerable to kidnapping, exploitation—including by some shelter operators—extortion, and violent attacks as they attempted to request exemptions and while waiting for appointments at U.S. ports of entry. In some locations asylum seekers were required to make their own arrangements to obtain COVID-19 testing, which required them to travel through dangerous areas placing them at additional risk of kidnapping or other harm. Some attorneys reported that criminal organizations cloned their telephone numbers to contact asylum seekers, or otherwise claimed to be involved in exemption requests, to kidnap asylum seekers. For instance:

- **In August 2021, asylum seekers in Nogales, Mexico attempting to request U.S. asylum were tricked into entering the vehicles of kidnappers promising to drive them to the Kino Border Initiative, which was helping asylum seekers access exemptions,** according to accounts related to the Kino Border Initiative.
- **A Mexican woman told the Kino Border Initiative that people pretending to be her attorneys arranged a meeting to discuss the asylum process, but when she and her son arrived at the arranged location, a group of men attempted to kidnap her son.**

In July 2021, CBP [cancelled](#) many exemption appointments at the Tijuana port of entry on extremely short notice leaving asylum seekers who had given up their housing in anticipation of being processed at the port of entry [homeless](#) and vulnerable to attack. CBP has blamed “[capacity issues](#)” for cancellations of exemption appointments and claimed that the agency’s ability to process asylum seekers at ports of entry is limited by staffing and infrastructure limitations. Similarly, in recent remarks, Secretary Mayorkas has [claimed](#) that DHS lack sufficient capacity to safely process asylum seekers.

However, CBP officials and CBP officers at ports of entry have told Human Rights First and many local advocates that CBP officers are being redirected away from ports of entry in many areas of the border to support Border Patrol operations and for other duties, including to stand on international bridges and in vehicle lanes to block asylum seekers from reaching ports of entry to request protection. In addition, resources and infrastructure that could have been repurposed to screen asylum seekers while ensuring social distancing and other pandemic precautions have been dismantled, including the large, temporary tent court facilities for the Remain in Mexico policy at the Laredo port of entry. At the same time, at some ports of entry visited by Human Rights First in August 2021, researchers observed very minimal pedestrian traffic, including at Del Rio, Eagle Pass, and Laredo, with CBP officers quickly processing the few individuals crossing into the United States. Indeed, [data](#) from the U.S. Bureau of Transportation Statistics show pedestrian traffic at the Laredo port of entry was down 56 percent in June 2021 compared to June 2019, down 52 percent at the Del Rio port of entry, and down 32 percent at the Eagle Pass port of entry. CBP capacity “constraints” to process asylum seekers at ports of entry appear to be a matter of failing to treat the reception of people seeking protection as a priority, responsibility, and requirement of U.S. asylum law.

Even for the fraction of asylum seekers who manage to access legal assistance and apply for an exemption to the expulsion policy, long wait times and conditions in Mexico put their lives in danger:

- **In mid-August 2021, a 49-year-old Mexican asylum seeker fleeing persecution in Mexico, who was turned away by the San Ysidro port of entry three times in July 2021, died of a heart attack while waiting for an exemption appointment later in the month.** The man was experiencing unrelenting terror because persecutors from Michoacán had tracked him, his wife and child to a house where they were hiding in Ensenada, Baja California while they were waiting to access the U.S. asylum system, according to their attorney Priscilla Higuera.
- **On July 29, 2021, a 29-year-old Haitian asylum seeker died of respiratory failure after he was unable to access adequate medical care for his condition in Tijuana while waiting to request an exemption to Title 42,** according to Ginger Cline, an attorney with the migrant legal services organization Al Otro Lado.
- **In late July 2021, a 49-year-old Mexican asylum seeker with high blood pressure died while waiting for her scheduled appointment to approach the U.S. port of entry at San Ysidro via a Title 42 exemption.** Attorney Ginger Cline with Al Otro Lado reported that the woman leaves behind a six-year-old son.

## **Dangerous, Informal Asylum-Seeker Encampments Return**

Asylum seekers and migrants expelled to Mexico by the Biden administration are stranded in dire living conditions, without immigration status, access to medical care, employment authorization, or the means to survive. Squalid informal encampments of blocked and expelled asylum seekers have grown in multiple cities along the northern Mexican frontier, including in Tijuana, Matamoros, and Reynosa. Homeless asylum seekers are struggling to survive in many other border cities, including Piedras Negras, where the municipal government has [forbidden](#) shelters from housing migrants, leaving most to sleep on the streets or in abandoned houses or empty lots at risk of kidnapping and other violent attacks.

During the 2020 presidential campaign, then-candidate Biden [pledged](#) to end the Remain in Mexico policy and the “mismanagement of the asylum system,” which his campaign correctly described as “forc[ing] people seeking asylum to wait on the streets in often dangerous Mexican border towns for weeks before

they are permitted to apply” for asylum and “create[ing] a horrifying ecosystem of violence and exploitation, with cartels kidnapping, violently assaulting, and extorting migrants.” During the presidential debates, he referred to asylum seekers trapped in Mexico as “sitting in [squalor](#) on the other side of the river.” While the Biden administration’s welcome termination of the Remain in Mexico policy led to the closure of the large encampment in Matamoros, as asylum seekers previously subjected to the policy were processed into the United States, the Biden administration’s embrace of the Title 42 expulsion policy has resulted in the return of these dangerous, informal encampments, including in Matamoros.

Improving living conditions for asylum seekers transiting through northern Mexico is imperative but making such changes cannot address the fundamental flaws of the harmful and illegal policies that block asylum seekers from protection – particularly given the level of control exercised by cartels in the border region and the complicity of some Mexican authorities in targeted kidnappings, attacks, extortion, and exploitation of asylum seekers and migrants forced to wait in Mexico.

### **Matamoros**

Several small tent encampments have emerged in Matamoros just months after the U.S. and Mexican governments and international organizations [emptied](#) the large encampment near the Brownsville port of entry – a site that had become a symbol of migrant suffering under the Trump administration. Shelters in Matamoros have been at or over [capacity](#) since June 2021. According to Charlene D’Cruz, an attorney with Lawyers for Good Government, at least one migrant shelter in the city evicted residents and closed due to COVID-19 concerns. As a result, many asylum seekers and migrants are sleeping on Matamoros streets or in micro-encampments, where they are exposed to violent crime and extreme weather, including severe flooding. A rainstorm in June 2021 caused waist-high flooding in many parts of the city. D’Cruz reported that she assisted an asylum-seeking woman from Chiapas, Mexico who had to carry her infant on her head as flood waters rapidly rose to her chest.

### **Reynosa**

An estimated [3,000](#) to [5,000](#) migrants and asylum seekers—including at least [100](#) families expelled by DHS after 10:30 p.m. on a single night in mid-August 2021—are sleeping in an unsanitary and unsafe informal tent encampment in Plaza Las Américas, Reynosa’s central square. The city has limited shelter capacity, and the Senda de Vida shelter is currently under threat of [demolition](#) by the city government. Without other options, many elderly persons, pregnant women, people with disabilities, and young children are enduring horrific living conditions, sleeping on the ground in tents or out in the open, and enduring suffocating humidity and temperatures in the triple digits at the time of Human Rights First’s visit there in August 2021.

People stranded in the encampment are particularly vulnerable to [kidnapping](#) and violent attacks by the organized criminal groups that exercise significant control over the city of Reynosa. According to a [declaration](#) by attorney Jennifer Harbury, who frequently visits the Reynosa encampment, “gangs raid the encampment every night, kidnapping many and dragging them away to waiting vehicles. A local police car is parked there regularly, but the officers either look the other way or drive off when the kidnappers arrive.” Multiple people staying in the camp said that they received death threats after helping to protect others from attempted abductions. A Guatemalan asylum seeker told Human Rights First that when she intervened to stop the kidnapping of a young boy and his father, a man threatened to come back and cut her and her child into pieces. Gender-based violence and threats in the encampment are common. An Afro-Honduran woman reported that a group of men repeatedly took photos and video of her teenage daughters in July 2021, leaving the girls terrified to leave their tent for fear of being kidnapped and

trafficked. Another asylum seeker said that in July 2021 a man who had been harassing and threatening her tried to set her tent on fire while she slept inside.

Human Rights First observed unsafe living conditions in the encampment, including dirty, fly-infested toilets that are insufficient to meet the needs of the thousands of people living there. Sanitation workers have [found](#) plastic bags full of human waste in trash receptacles. Several people staying in the camp told Human Rights First that their tents and belongings had been destroyed by violent storms that ripped through the camp in early summer 2021. Many reported that their children became sick with nausea, and some had lost significant amounts of weight because of malnourishment. The encampment also lacks safe bathing facilities forcing individuals to pay to use makeshift showers in an abandoned building without windows or doors on the edge of the plaza, which does not provide any privacy. On August 20, 2021, local authorities in Reynosa [dismantled](#) part of the camp removing gas tanks and electrical cords used to cook food and charge cellular phones – making the camp even less habitable.

Many asylum seekers in the tent encampment are enduring physical and psychological trauma from the compounded effects of the persecution that caused them to flee their homes, feelings of hopelessness after being expelled or blocked from U.S. protection, the terror of being stranded in danger in Reynosa, as well as the lack of medical care. While the humanitarian organizations Doctors without Borders and Global Response Management have begun to provide some medical care and psychological support to migrants and asylum seekers in Reynosa, access to medical attention for the thousands of people sleeping in the encampment remains very limited. For instance:

- **An asylum seeker with a kidney disease, who fled Honduras after her brother was murdered by a gang that controls large swaths of the country, is experiencing severe abdominal pain, headaches, and back pain from sleeping on the ground.** Her 12-year-old daughter is so depressed that she has stopped speaking and her hair is falling out.
- **A traumatized nine-year-old Honduran boy, who was kidnapped with his mother and held captive in horrendous conditions for 10 days, is suffering from the poor conditions in the encampment, is malnourished and has become lethargic.** His mother, who has an ovarian cyst, was in severe pain, but as of July 2021, neither could access medical care in Reynosa.
- **A Honduran woman expelled to Reynosa by DHS developed inflamed and painful cysts in her breasts in August 2021 after sleeping on the ground in a tent for weeks.** Her nine-year-old daughter became ill with stomach pain so severe she could not sit up.

### ***Piedras Negras***

In Piedras Negras, the municipal government has [prohibited](#) shelters from housing migrants in their facilities and migrants are often unable to rent rooms without proof of Mexican immigration status. As a result, asylum seekers and migrants are [forced](#) to sleep in the streets, parks, or in abandoned buildings and lots. Many individuals reported that they had been attacked, threatened, and extorted, including by police officers, while sleeping on the streets of Piedras Negras. Several asylum seekers told Human Rights First that they were evicted from shelters or rooms they had been renting in Piedras Negras in July 2021 and left to sleep on the streets, including an eight-month pregnant Honduran woman who was forced to leave the church in central Piedras Negras where she and her family had found refuge. In August 2021, Human Rights First visited church-based shelters operating clandestinely in the outskirts of Piedras Negras to avoid detection by local authorities, as they continue to provide shelter to asylum seekers waiting to seek protection in the United States.



## Tijuana

In Tijuana, more than [2,000](#) migrants and asylum seekers, including many young children, are sheltering in tents and under plastic tarps in a makeshift encampment immediately adjacent to the San Ysidro port of entry. They are blocked from seeking protection at a U.S. port of entry, and many were previously expelled to Mexico by DHS under Title 42. The Mexican government does not provide regular police or private security, and migrants have been [kidnapped](#), assaulted, and robbed there. Organized criminal groups that have taken [control](#) of the camp, intimidating residents and charging fees to stay there, [harassing](#) journalists, and threatening humanitarian aid workers attempting to provide support and services. As a result, few groups are willing to provide in-person services due to security risks, according to Erika Pinheiro, an attorney with the non-profit legal services organization AI Otro Lado. A woman who stayed in the camp with her daughters for ten days in August 2021 told [The San Diego Reader](#) that police appear to be afraid of the gang members controlling the camp and that she has heard gang members brag about bribing police. The encampment lacks running water and has limited [sanitation](#) facilities and medical care. For instance, the burn and stab wounds of a Central American asylum seeker, who had been kidnapped and tortured, became infected due to poor sanitation and lack of medical treatment in the encampment in spring 2021, according to AI Otro Lado.

## Pregnant and Other Medically Vulnerable People Expelled to Mexico Without Access to Healthcare

DHS continues to expel people to Mexico who are visibly sick or injured, ignoring pleas for medical attention, and in some cases transporting injured migrants directly from hospitals to expel them to Mexico while still in hospital gowns. U.S. immigration officers carrying out these expulsions often lie to injured individuals subject to Title 42 about where they are being taken. At least five medically vulnerable asylum seekers who were expelled to Nogales in July 2021 separately told Kino Border Institute that Border Patrol agents had promised that they would be transferred to a processing center to receive medical attention but were instead expelled without any assistance.

Undocumented migrants in Mexico often have difficulty accessing even emergency medical care. Many report being turned away from hospitals, including emergency wards in public hospitals, which are [required](#) to treat migrants under Mexican law. Migrants who do manage to obtain medical attention frequently report discrimination by doctors and staff. Multiple Haitian asylum seekers have referred to Tijuana hospitals as “where Haitians go to die,” according to Erika Pinheiro, an attorney with AI Otro Lado.

People with severe medical concerns who were expelled to Mexico after seeking U.S. protection include:

- **In August 2021, DHS expelled a Central American whose young son urgently needed surgery to remove part of his intestine.** After requesting asylum in the Rio Grande Valley, the family begged border patrol agents for medical attention for their son. The agents mockingly asked the family if they had U.S. health insurance and could pay for medical care in the United States, then flew the family to San Diego where they were expelled to Mexico without medical attention, according to Erika Pinheiro, an attorney with AI Otro Lado.
- **An eight-year-old child severely ill with leukemia was expelled by CBP in July 2021 with his mother and twin while his older sister was separated from the family and processed as an unaccompanied minor.** When the boy’s mother told CBP about her child’s illness, an officer said,



“That is a problem that needs to be solved in your country” and expelled the family without medical care.

- **Border Patrol expelled a woman with a severely injured leg against doctors’ recommendations that she remain hospitalized for two weeks.** Although the agents initially took her to a local hospital, they expelled her after just one-and-a-half days. She was expelled to Mexico without prescribed medications or proper clothing wearing only disposable scrubs and no underwear, according to a report from Kino Border Initiative in August 2021.
- **In July 2021, DHS expelled a seven-year-old Honduran child with hemophilia in need of medical attention to Reynosa.** When her mother attempted to explain the child’s condition to CBP, a CBP officer told them he was “only there to collect data” and not to ask questions. The family was expelled to Reynosa during the night and without receiving any medical care.
- **DHS expelled a seven-year-old Honduran boy with epilepsy along with his parent after they entered the U.S. seeking protection in May 2021.** The family was later assaulted in Reynosa, aggravating the child’s condition. Without access to appropriate medical care in Mexico, the child’s seizures increased in frequency and severity, according to Karla Vargas, an attorney with the Texas Civil Rights Project.
- **DHS [expelled](#) a Salvadoran man with a fractured hand as well as neck and back injuries immediately after he survived a car accident in Texas that had killed 10 co-passengers in August 2021.** The man told *Telemundo* that U.S. immigration officials had lied to him while he recovered in the hospital, telling him he would be transported to his U.S. family members. Instead, DHS detained him in an extremely cold holding cell with no food and no opportunity to call his family before expelling him alone to Mexico in pain and still wearing his blood-soaked clothes from the accident. At least two other Central American survivors of the accident were expelled to Mexico.
- **In April 2021, DHS expelled [Luis](#), a Honduran asylum seeker, and his nine-year-old daughter, who was born with spina bifida, a condition affecting her ability to walk and hold herself up, after Luis carried the girl for nine days from Honduras to the U.S.-Mexico border.** The family attempted to ask for asylum at a port of entry in South Texas, but CBP agents turned them away, pushing the family to cross the Rio Grande to seek protection. Luis tried to tell a Border Patrol agent that his daughter uses a catheter, is prone to convulsions, has fluid in her brain, and requires urgent surgery, but the agent ignored him and refused to take the medical records Luis tried to present. DHS expelled the family to Reynosa, where they slept on a towel on the concrete pavement for weeks. Luis’s daughter developed a urinary-tract infection because they were unable to keep her catheter clean in the encampment.

Since March 2020, when the Title 42 policy was first implemented, CBP has repeatedly expelled migrant women along with their [U.S. citizen](#) infant children to Mexico under the expulsion policy. On August 18, 2021, CBP issued [guidance](#) that instructs CBP officers to consider whether to exempt people who have recently given birth in CBP custody and who require medical attention from the Title 42 expulsion policy. However, the agency has not prohibited such expulsions and has not issued guidance regarding expulsions of pregnant people, who continue to be sent to Mexico under the Biden administration’s expulsion policy even when they require urgent medical care. For instance:

- **In July 2021, DHS officers expelled a pregnant Guatemalan woman alone to Reynosa in the middle of the night, telling her they did not care she was pregnant and leaving her to wander in search of shelter.** Two men whom she believes were drug traffickers approached her, but she

fled to a shelter. She has limited access to food and water at the shelter and fears she will suffer a miscarriage due to these conditions. The woman is separated from her husband and daughter who are in Florida.

- **[Maily Martinez](#) miscarried eight-and-a-half-month-old twins after Border Patrol agents denied her medical attention and expelled her to Mexico in July 2021.** Martinez had attempted to cross the border with her husband and two-year-old son near Yuma, Arizona. Border Patrol agents ignored her pleas for medical treatment and expelled the Honduran family to Mexico, where Martinez learned shortly after that the twins, who she was planning to name Derrick and Patrick, had died. “With medical attention, my sons would be with me,” she told *Telemundo News*. The twins’ father mourned, “They were in our arms for five minutes . . . and then they were cremated.”
- **In April 2021, DHS expelled a 38-week pregnant woman diagnosed with multiple infections who had fled Guatemala after her abusive partner severely beat her to try to abort her pregnancy.** The woman had entered the United States to ask for protection immediately after she escaped from armed traffickers who had kidnapped her in Nogales and held her captive for 10 days without enough to eat. Border Patrol agents transported her to an Arizona hospital where she had a contraction, which the doctor determined had been triggered by stress. The doctor diagnosed her with a urinary tract and a vaginal infection. The woman provided details about her traumatic kidnapping during a highly limited Title 42 fear screening, but DHS nonetheless expelled her to Mexico. She gave birth several days later to a sick child who nearly died in the hospital, according to Chelsea Sachau, a legal fellow with the Florence Immigrant & Refugee Rights Project.
- **In spring 2021, DHS twice expelled a young mother who was seven-months-pregnant and had a bullet lodged in her cervix.** The mother had crossed the Rio Grande with her children to request protection after she had been threatened with death and survived a shooting by gang members in Honduras, according to Jennifer Harbury, an attorney assisting asylum seekers at the border.

Asylum seekers and migrants trapped along the U.S.-Mexico border without an opportunity to request protection in the United States have been denied medical care by Mexican hospitals for life-threatening conditions, frequently due to their lack of migration status in Mexico and other forms of discrimination, including:

- **In May 2021, a Tijuana hospital refused to treat a Honduran man with an epidural hematoma, who had arrived with a nosebleed and was struggling to breathe, without an upfront payment in full for the emergency neurosurgery he required.** When Al Otro Lado staff members requested an ambulance because of the man’s vulnerable condition, the hospital said that they were unable to obtain one because they could not communicate with the receiving hospital, leaving Al Otro Lado no alternative but to transport the man to the hospital, according to Erika Pinheiro, a lawyer with Al Otro Lado.
- **A Mexican doctor forced a Catholic Honduran woman to have an abortion she did not want without her knowledge or consent in spring 2021.** The woman, who had attempted to seek U.S. asylum with her children three times, had become pregnant after two men kidnapped her in Juárez, raped her, and abandoned her in the desert. When she sought prenatal care at a public hospital, the doctor immediately asked if she was a migrant, performed a painful vaginal exam resulting in excessive bleeding, denied that she was pregnant, and prevented her from leaving the hospital until she agreed to take a pill and receive an injection without explanation. The woman experienced

heavy bleeding several days later and rushed to the emergency room, where doctors told her she had taken medication to induce an abortion, according to an August 2021 [declaration](#) by Taylor Levy, an attorney assisting the family.

- **Unable to access her depression medication or other mental health treatment in Sasabe, Mexico, a Salvadoran mother attempted suicide in late March 2021 after spending months waiting with her young daughter for U.S. asylum processing to resume.** According to Chelsea Sachau, a legal fellow with the Florence Immigrant & Refugee Rights Project, the woman's mental health further deteriorated in April 2021, when the criminal organization that controls Sasabe discovered the family had reentered without paying extortion and warned the woman that they were “coming back soon, and would be by to see her,” implying a threat to the family's physical security.
- **In spring 2021, a Honduran family who had been twice expelled after seeking U.S. asylum was denied emergency medical attention at a public Mexican hospital for their baby, who has Down's Syndrome and a heart murmur and had stopped breathing.** Hospital staff told the family that the facility would not treat their child because they were foreigners, according to attorney Taylor Levy, who is assisting the family.
- **A Honduran mother experienced vaginal bleeding for three months in Nuevo Laredo while waiting for the opportunity to request U.S. asylum.** Though a doctor at a public hospital diagnosed her with more than 20 uterine fibroids and told her she urgently needed surgery, the hospital refused to provide the operation because she was a migrant, according to her attorney, Taylor Levy.
- **An Afro-Honduran Garifuna family that had narrowly escaped a kidnapping attempt sought medical attention for their eight-year-old daughter, who has an enlarged heart, on several occasions in spring 2021 when the girl turned purple and struggled to breathe.** Multiple public hospitals turned the family away, saying that “Mexicans were more deserving of their help,” according to Taylor Levy, an attorney assisting the family.

## No Public Health Rationale

Like the Trump administration, the Biden administration's use of the Title 42 and orders from the CDC to continue expulsions has no public health justification and appears to be a pretext for carrying out xenophobic immigration policy objectives. Public health [experts](#) have [repeatedly condemned](#) the expulsion policy under both the Trump and Biden administrations, explaining that it “has no scientific basis as a public health measure” and is “xenophobia masquerading as a public health measure.” This policy was initially devised by the Trump administration as a means of [weaponizing](#) public health to achieve immigration policy objectives after the White House quashed objections from senior CDC medical experts who warned that the order lacked public health justification. Yet, despite [pledging](#) to be guided by scientific expertise, President Biden has disregarded rational, science-based [measures](#) recommended by experts and doubled down on widely discredited public health claims to continue the expulsion policy.

The Biden administration's implementation of the policy makes clear that it has no relation to safeguarding public health and increases, rather than decreases, the risk of COVID-19 spread. For instance, after DHS began flying asylum seekers from the United States to southern Mexico for expulsion in August 2021, UNHCR [warned](#) in a public statement that these expulsion flights “heighten the risk of COVID-19 transmission across national borders.” Additionally, the Biden administration has for months expelled many individuals via lateral flights to other parts of the border without testing for COVID-19, often

after holding people for [days](#) in crowded CBP detention facilities. Medical experts [reported](#) in late July 2021 that the expulsion policy “systematically puts people’s health in danger” and that “lateral expulsions and transfers between detention facilities carried out on crowded planes and buses” increase the risk of COVID-19 spread.

The low COVID-19 positivity rate among migrants and asylum seekers confirms that there is no public health basis for the expulsion policy. **Evidence filed in litigation challenging Title 42 expulsions demonstrates that among 5,340 asylum seekers in Mexico who requested exemptions under Title 42 and received COVID-19 tests, only 1.14 percent tested positive.** Furthermore, more than 50 percent of adults in five Mexican states along the U.S.-Mexico border have received at least one vaccine dose, and in areas nearest the border in four of those states that figure rises to above 75 percent. In some locations in Mexico, migrants have begun to receive COVID-19 vaccinations, including at the [encampment](#) and [shelters](#) in [Tijuana](#).

At the same time, even though vaccinations have been available to frontline DHS staff for [months](#), CBP officials in Laredo informed Human Rights First in August 2021 that only between 65 and 75 percent of their Office of Field Operations—the office that staffs ports of entry—is vaccinated. Despite having a job that requires them to interact with U.S. citizens, fellow officers, and other persons presenting at ports of entry to cross the border, many CBP staff have chosen to not protect themselves and others through vaccination. As medical and public health experts have [written](#), “[e]nsuring that only fully-vaccinated government agents are placed in migrant-facing roles would largely eliminate the risks of serious illness, hospitalization, and death among government personnel from COVID-19; it would also significantly reduce transmission of SARS-CoV-2 between government personnel and migrants.” In addition, some CBP officers and Border Patrol agents fail to take necessary steps to reduce COVID-19 transmission by [declining](#) to wear [masks](#) and [opposing](#) mandatory vaccination.

The Biden administration’s reliance on debunked public health narratives has fueled attempts to scapegoat migrants for the spread of COVID-19, including by [state governments](#). Public health experts have [derided](#) these baseless attacks and explained that they are rooted in xenophobia, not science.

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### ACKNOWLEDGEMENTS

*This report was written and researched by Rebecca Gendelman, Kennji Kizuka, Julia Neusner, and Ana Ortega of Human Rights First. Kizuka and Ortega conducted in-person interviews in Reynosa, Nuevo Laredo, Piedras Negras, and Ciudad Acuña. Neusner conducted interviews by phone with asylum seekers in multiple Mexican cities. Eleanor Acer of Human Rights First contributed edits to the report. Our thanks to the many colleagues, including those from Al Otro Lado, Angry Tías and Abuelas, Arizona Justice for our Neighbors, Florence Immigrant and Refugee Rights Project, Immigrant Defenders Law Center, Jewish Family Service of San Diego, Kino Border Initiative, Las Americas Immigrant Advocacy Center, Lawyers for Good Government, Refugees International, Taylor Levy Law, Texas Civil Rights Project, Transgender Law Center, Women's Refugee Commission and other attorneys who provided case examples and assisted in referring asylum seekers for interview and the many other organizations and individuals serving asylum seekers who assisted with our research. Human Rights First thanks the donors and foundations who provide invaluable support for the organization's research on access to asylum and representation of asylum seekers. We thank the numerous asylum seekers who bravely shared their stories in hopes of bettering the system for all those who seek protection and refuge in the United States.*