

# Asylum Processing at the U.S.-Mexico Border

August 2023



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# INTRODUCTION

Since November 2018, the Robert Strauss Center for International Security and Law at the University of Texas at Austin has documented asylum processing at ports of entry along the U.S.-Mexico border through quarterly reports. Since their inception, these reports have documented five asylum processing stages over the past five years: 1) initial metering practices and waitlists; 2) a blanket ban on asylum processing under Title 42; 3) Title 42 exception programs; 4) the CBP One application rollout under Title 42; and 5) the CBP One application and asylum processing at ports of entry after Title 42.

The first asylum processing stage began in July 2018, when U.S. Customs and Border Protection (CBP) officers started informing arriving asylum seekers that U.S. ports of entry were full. Simultaneously, CBP officials only accepted a specified number of asylum seekers each day, in a process known as metering. As metering became standardized at U.S. ports of entry, individuals, civil society groups, and Mexican government officials began forming metering waitlists to organize growing queues of asylum seekers in Mexican border cities.<sup>1</sup>

The second asylum processing stage began in March 2020, during the Covid-19 pandemic, when CBP stopped accepting asylum seekers at ports of entry under a Center for Disease Control's (CDC) regulation referred to as Title 42 authority. This authority allowed Border Patrol agents to immediately expel apprehended individuals of certain nationalities, including asylum seekers, to the nearest Mexican city or to their home countries. It also blocked asylum seekers from making claims at U.S. ports of entry.<sup>2</sup> Under Title 42, many of the asylum waitlists along the border were frozen—meaning that list managers did not allow any new individuals to add their names—and in some cities, they were dissolved altogether.<sup>3</sup>

For brief periods in 2021 and then again beginning in April 2022, the United States entered its third stage of asylum processing by allowing Title 42 exceptions for asylum seekers along the border. These exceptions allowed vulnerable individuals in Mexican border cities to enter the United States and request asylum. However, the number of vulnerable individuals was larger than the number of Title 42 exception slots, which led to Title 42 exception waitlists in certain cities. These lists were similar to the previous metering waitlists. However, Mexican government entities, civil society organizations, and lawyers all kept different Title 42 exception waitlists, and there were often multiple lists in each city. The Robert Strauss Center's August 2022 and November 2022 asylum processing updates included Title 42 exception waitlists in their official counts of individuals waiting along the border.

On January 12, 2023, CBP implemented the fourth stage of asylum processing along the border when it began requiring asylum seekers to use a mobile application known as “CBP One” to make an asylum claim at a U.S. port of entry. Through this application, individuals located in central and northern Mexico can submit certain information—including biographical and demographic details, travel history, and their sponsor information—and request a processing appointment at a U.S. port of entry. Beginning in January 2023, roughly 740 appointments became available at a set time each morning. Since this process allowed asylum seekers to make appointments directly with CBP, list managers dissolved all remaining metering and Title 42 exception waitlists. However, since Title 42 was still in place, individuals could only seek asylum with a CBP One appointment and could not directly approach a port of entry.

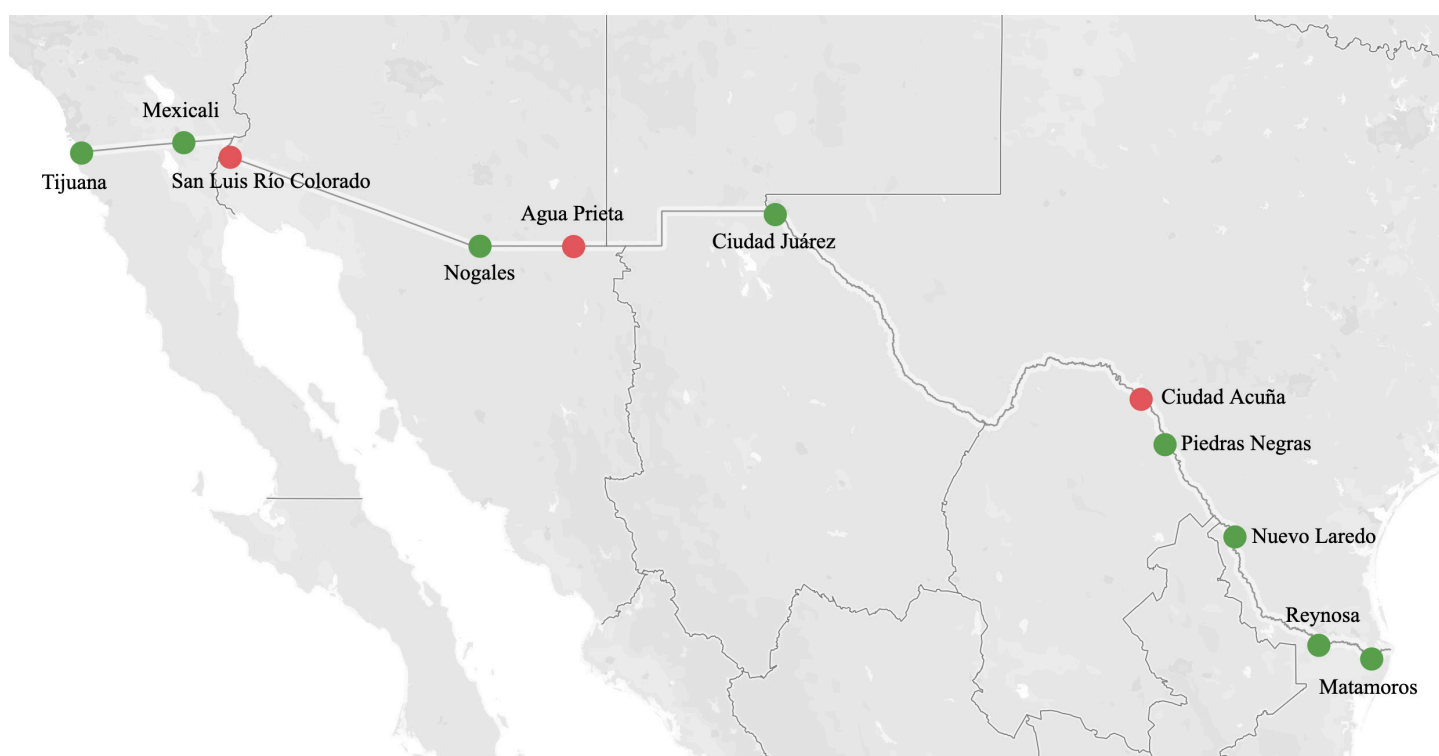
On May 11, 2023, the Title 42 public health order expired—ushering in the fifth and current asylum processing stage along the border. As of August 2023, the CBP One application continues to be the primary method for accessing asylum at ports of entry. Individuals in central or northern Mexico can request an appointment during a 23-hour window, and then, if offered an appointment, they have another 23-hour window to accept. Currently, CBP is offering 1,450 appointments a day, and, since January 2023, more than 170,000 people have entered the United States through the CBP One appointment process.<sup>4</sup> Additionally, each day a very small number of individuals enter the United States as walk ups at a port of entry without an appointment. In August 2023, this report estimates that CBP was processing approximately 80 individuals a day as walk ups along the border.

In August 2023, only eight ports of entry along the U.S.-Mexico border were processing CBP One appointments. Figure 1 shows the status of CBP One applications by city. Green circles indicate cities with CBP One appointments and red circles indicate cities without CBP One appointments.

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**Figure 1: Ports of Entry Offering CBP One Appointments (August 2023)**

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*Author's elaboration. Data collected from August 14, 2023, to August 18, 2023.*



While the application has gone through a series of changes aimed at improving accessibility, the CBP One application still involves challenges for asylum seekers. The first are accessibility hurdles, as asylum seekers need to be literate, speak one of the application's three languages (English, Spanish, and Haitian Creole), have access to a cell phone with cell or internet service, and have basic knowledge of the application. If these hurdles are surmounted, the next set of challenges center around the application's registration process, with asylum seekers reporting error messages. However, the most pressing issue continues to be that the number of daily appointments is less than the number of waiting individuals. This means that some individuals may wait for weeks or months before receiving an appointment.

With Title 42's end in May 2023, the U.S. government also announced a new final rule, titled "Circumvention of Lawful Pathways," which affects asylum processing at the U.S.-Mexico border.<sup>5</sup> This final rule, which is also referred to as the "transit ban" or "asylum ban," makes most non-Mexican individuals ineligible for asylum if they do not enter the United States via a CBP One appointment at the border or if they didn't apply for and were denied asylum in a transit country en route to the United States. The rule states three exceptions for non-Mexican individuals who enter outside of CBP One appointments, which include individuals who: 1) have a medical emergency, 2) encounter an extreme safety threat, or 3) are unable to use the CBP One application due to a major obstacle like language barrier, illiteracy, or significant technical failure. Finally, the United States has also created a separate parole program for individuals from Cuba, Haiti, Nicaragua, and Venezuela and individuals from these nationalities may also be eligible to enter the United States through this process.

Since May 2023, legal organizations have filed lawsuits against the "Circumvention of Lawful Pathways" final rule. On July 25, 2023 a judge in the Northern District of California sided with the organizations in one of the lawsuits and vacated the regulation.<sup>6</sup> However, the final rule remains in place as the Biden administration appealed the decision and the U.S. Court of Appeals for the Ninth Circuit issued a stay.<sup>7</sup> On July 27, 2023, another lawsuit alleged that CBP officers were turning back asylum seekers without a CBP One appointment and denying them access to ports of entry.<sup>8</sup> This litigation is still pending.

This report provides an asylum processing update along the U.S.-Mexico border and focuses on the CBP One appointment process, asylum processing at ports of entry, waiting asylum seekers, and migrant shelters. Overall, asylum seekers continue to face unstable living conditions and security risks in Mexican border cities. In Matamoros, Reynosa, Nuevo Laredo, and Ciudad Juárez, tent camps have sprung up with thousands of occupants. Certain groups of asylum seekers also continue to experience additional challenges. Civil society organizations report that Black, LGBTQ+, Indigenous, and non-Spanish speaking asylum seekers have faced targeted discrimination while waiting in Mexican border cities.

The August 2023 asylum processing update draws on phone and WhatsApp interviews with asylum seekers, government officials, members of civil society organizations, and legal service providers on both sides of the border from August 14, 2023 through August 18, 2023. It also relies on local news articles to fill in any gaps.

## Asylum Processing at the Border Waitlists: August 2023

Mexican City	CBP One Appointments	# of People Crossing Each Day	City Conditions
Matamoros, Tamaulipas	Open	<p><b>~385 people per day</b></p> <p>—</p> <p><i>~365 people via CBP One appointments</i></p> <p><i>~20 people via walk ups</i></p> <p>—</p> <p><i>August 14, 2023</i></p>	<p>Each day, CBP processes an estimated 385 people from Matamoros. This includes 365 individuals with CBP One appointments and 20 people who are processed as walk ups.</p> <p>Mexican authorities control access to the city’s international bridges. Each day, Mexico’s National Migration Institute (<i>Instituto Nacional de Migración</i>, INM) allows approximately 20 people to enter the Gateway Bridge for CBP processing. Local civil society organizations send these individuals directly to the bridge and they are referred to here as “walk ups.”</p> <p>As of August 14, 2023, thousands of people were living in tent encampments throughout the city. However, on August 15, 2023, authorities sought to move people from the camps to official shelters. This included dismantling an encampment with Haitian migrants and another small encampment. There are now 700 people in a new shelter in the former Carlos Pumarejo hospital. This shelter has a capacity for at least 1,200 people.<sup>9</sup> However, a large number of people continue to live in the main tent encampment along the Rio Grande.</p> <p>Overall, there are an estimated 3,000 migrants in Matamoros who are waiting to enter through a port of entry.<sup>10</sup> Local civil society groups note that there is a rising level of desperation among the population due to a lack of employment, encampment conditions, widespread insecurity, and many serious health conditions. This stress leads some individuals to cross the river, which, in turn, fosters additional doubts and uncertainty among the waiting population.</p>

## Asylum Processing at the Border Waitlists: August 2023 (continued)

Mexican City	CBP One Appointments	# of People Crossing Each Day	City Conditions
<b>Matamoros, Tamaulipas (continued)</b>			Near midnight on August 7, 2023, a large number of migrants—mostly Venezuelans but also individuals from Haiti and Mexico—arrived at the Gateway Bridge in Matamoros. The migrants had heard rumors that U.S. authorities were going to waive the requirements for seeking asylum and allow them to enter the United States through a port of entry. In response, CBP closed the bridge.
<b>Reynosa, Tamaulipas</b>	Open	<p><b>~205 people per day</b></p> <p>—</p> <p><i>~190 people via CBP One appointments</i></p> <p><i>~15 people via walk ups</i></p> <p>—</p> <p><i>August 15, 2023</i></p>	<p>Every day, CBP processes approximately 205 people from Reynosa. This includes around 190 people through CBP One appointments and 15 people via walk ups.</p> <p>Mexican authorities control access to the city’s international bridges. Each day, INM allows approximately 15 people onto the bridge. These individuals are referred to this process by local civil society organizations.</p> <p>There are an estimated 10,000 migrants who are waiting in Reynosa to enter through a port of entry.<sup>11</sup> There are currently around 2,000 people in the Senda 1 and Senda 2 shelters. This is a significantly lower number than in the past due to current waste and security challenges. The other shelters are full and there are also five encampments around the city.</p> <p>Some migrants report that they have been waiting in Reynosa for more than six months as they attempt to obtain a CBP One appointment.<sup>12</sup></p>

## Asylum Processing at the Border Waitlists: August 2023 (continued)

Mexican City	CBP One Appointments	# of People Crossing Each Day	City Conditions
Nuevo Laredo, Tamaulipas	Open	<p>~50 people per day</p> <p>—</p> <p>~50 people via CBP One appointments</p> <p>—</p> <p>August 14, 2023</p>	<p>CBP processes approximately 50 people from Nuevo Laredo each day through CBP One appointments.</p> <p>Currently, all migrant shelters in Nuevo Laredo are closed, due to criminal groups threatening shelter staff and migrants and perpetrating violence against them. Security issues and the extortion of asylum seekers—including individuals with CBP One appointments—is ongoing.</p> <p>In June 2023, approximately 2,000 migrants, mostly from Venezuela, arrived in Nuevo Laredo. They believed that the asylum process in the city was moving faster than in other cities along the border. However, Nuevo Laredo's shelters were not accepting migrants, so these individuals stayed in Plaza Morelos. Local groups have provided them with food.</p> <p>On August 1, 2023, a group of around 300 migrants, the majority from Venezuela, arrived at Bridge 1. They claimed that they had been trying unsuccessfully for months to obtain an appointment through CBP One. In response, CBP closed the international bridge for several minutes.<sup>13</sup></p> <p>Overall, there are an estimated 900 migrants waiting in Nuevo Laredo.<sup>14</sup> Given security concerns, other migrants—primarily from Haiti—are waiting in Monterrey for their Nuevo Laredo based CBP One appointments.</p>

## Asylum Processing at the Border Waitlists: August 2023 (continued)

Mexican City	CBP One Appointments	# of People Crossing Each Day	City Conditions
<b>Piedras Negras, Coahuila</b>	Open	<p><b>~60 people per day</b></p> <p>—</p> <p><i>~60 people via CBP One appointments</i></p> <p>—</p> <p><i>August 14, 2023</i></p>	<p>Every day, CBP processes approximately 60 people from Piedras Negras through CBP One appointments.</p> <p>There are no walk ups in Piedras Negras. Members of Grupo Enlace—a part of the municipal government—check every traveler’s documents before they step foot on the international bridges. If the group detects an asylum seeker without a CBP One appointment, they stop the individual from entering the bridge.</p> <p>The city’s shelters are full, and some migrants are staying in hotels and abandoned houses. Many migrants in Piedras Negras are crossing between ports of entry. At times, asylum seekers cross after technical issues with the CBP One application or after not receiving an appointment.</p> <p>The majority of the migrants in Piedras Negras are from Venezuela, Ecuador, Cuba, and Honduras.</p>
<b>Ciudad Acuña, Coahuila</b>	Closed	<p><b>0 people per day</b></p> <p>—</p> <p><i>August 14, 2023</i></p>	<p>There are no CBP One appointments in Ciudad Acuña.</p> <p>The number of migrants in the city has decreased from previous months, and most people arriving to the city are attempting to cross the river.</p>



## Asylum Processing at the Border Waitlists: August 2023 (continued)

Mexican City	CBP One Appointments	# of People Crossing Each Day	City Conditions
Ciudad Juárez, Chihuahua	Open	<p>~245 people per day</p> <p>—</p> <p>245 people via CBP One appointments</p> <p>—</p> <p>August 16, 2023</p>	<p>Each day, CBP processes an estimated 245 individuals from Ciudad Juárez through CBP One appointments. These appointments are offered during two time slots: 7am and 1pm. There are some reports of people crossing the international bridges without appointments.</p> <p>Over the last few months, the total number of migrants in Ciudad Juárez has decreased. The city's 25 shelters report that they are only at 70 percent capacity.<sup>15</sup> As of August 9, 2023, these shelters reported hosting approximately 1,800 people, with priority often given to families.</p> <p>Another estimated 3,000 people—mostly Venezuelans—live in hotels, rented rooms, or tent encampments around the international bridges and the cross-border train bridge.<sup>16</sup></p> <p>Near midnight on August 7, 2023, at least 200 migrants arrived at the Santa Fe bridge. CBP shot rubber bullets at the crowd, and it dispersed.<sup>17</sup></p>
Agua Prieta, Sonora	Closed	<p>~1 person per day</p> <p>—</p> <p>0 people via CBP One appointments</p> <p>~1 person via walk ups</p> <p>—</p> <p>August 18, 2023</p>	<p>There is no CBP One appointment processing in Agua Prieta. However, local organizations report that CBP processes approximately one person a day (two families per week) as walk ups at the Raul Hector Castro Port of Entry.</p> <p>Local organizations accompany all families that wish to present and claim asylum at the port of entry. However, not all of these families have been able to enter and seek asylum. Almost all migrants in Agua Prieta are from Mexico (primarily Guanajuato, Morelos, Guerrero, and Chiapas).</p> <p>The migrant shelter in Agua Prieta is full. Some individuals in the shelter are waiting for a CBP One appointment in Nogales or are hoping to present at</p>

## Asylum Processing at the Border Waitlists: August 2023 (continued)

Mexican City	CBP One Appointments	# of People Crossing Each Day	City Conditions
Agua Prieta, Sonora (continued)			the port of entry. Yet, the majority of the migrants are crossing between ports of entry. If these individuals are apprehended, they are expelled back into Mexico. Organized criminal groups in Agua Prieta continue to control migrants' movements in the city.
Nogales, Sonora	Open	<p><b>~110 people a day</b></p> <p>—</p> <p><i>~100 people via CBP One appointments</i></p> <p><i>~10 people via walk ups</i></p> <p>—</p> <p><i>August 17, 2023</i></p>	<p>Each day, CBP processes an estimated 110 people from Nogales. This includes approximately 100 people through CBP One appointments and an average of 10 people a day from a line of asylum seekers outside the DeConcini Port of Entry.</p> <p>The Nogales municipal agency Social Wellbeing (<i>Bienestar Social</i>) manages the waitlist for asylum seekers without CBP One appointments. Social Wellbeing calls the people who are next in line and sends them to wait at the Nogales port of entry. Asylum seekers wait approximately two to three months on the waitlist before being called to the port of entry.</p> <p>Once at the port of entry, asylum seekers must wait until CBP processes them. People cannot leave the physical line, or they risk losing their turn. Every day, CBP processes between 5 and 15 people.</p> <p>The Kino Border Initiative has detected two cases where CBP turned away unaccompanied minors at the port of entry. CBP eventually processed the two minors after staff members advocated on their behalf.</p> <p>In early August 2023, asylum seekers in and around Nogales increasingly crossed between ports of entry, despite record high temperatures.<sup>18</sup></p>

## Asylum Processing at the Border Waitlists: August 2023 (continued)

Mexican City	CBP One Appointments	# of People Crossing Each Day	City Conditions
San Luis Río Colorado, Sonora	Closed	<p><b>~10 people per day</b></p> <p>—</p> <p><i>0 people via CBP One appointments</i></p> <p><i>~10 people via walk ups</i></p> <p>—</p> <p><i>August 15-18, 2023</i></p>	<p>There is no CBP One appointment processing in San Luis Río Colorado. However, CBP processes approximately 10 to 12 people a day via walk ups.</p> <p>On August 17, 2023, there were around 30 individuals from Mexico waiting in line at the port of entry and another 30 people were in nearby hotels. Among the waiting asylum seekers, there were many families with small children.</p> <p>The Casa del Migrante La Divina Providencia shelter reports that the post Title 42 switch to the new CBP One system has been positive for its residents. Since May 2023, almost every person who sought a CBP One appointment at the shelter has been able to cross.</p>
Mexicali, Baja California	Open	<p><b>~70 people per day</b></p> <p>—</p> <p><i>~55 people via CBP One appointments</i></p> <p><i>~15 people via walk ups</i></p> <p>—</p> <p><i>August 14, 2023</i></p>	<p>Every day, CBP processes approximately 70 people from Mexicali. This includes roughly 55 people per day with CBP One appointments and one to two families without appointments.<sup>19</sup></p> <p>At the end of July 2023, there were roughly 1,000 migrants in Mexicali.<sup>20</sup> Migrants in Mexicali are mostly from Haiti, Mexico, Russia, Cuba, and Venezuela. Many are currently staying in shelters, which are not at capacity.</p> <p>Temperatures continue to soar in and around Mexicali, hitting up to 120°F (49°C) during the last month. There are now hundreds of “hydration stations” in the area, which are also accessible to migrants.<sup>21</sup></p>

## Asylum Processing at the Border Waitlists: August 2023 (continued)

Mexican City	CBP One Appointments	# of CBP One Appointments	City Conditions
Tijuana, Baja California	Open	<p><b>~395 people per day</b></p> <p>—</p> <p><i>~385 people via CBP One appointments<sup>22</sup></i></p> <p><i>~10 people via walk ups</i></p> <p>—</p> <p><i>August 14, 2023</i></p>	<p>Each day, CBP processes around 395 people in Tijuana. There are roughly 385 appointments through CBP One. These appointments are offered at the PedWest (El Chaparral) Port of Entry during three time slots: morning, noon, and evening.</p> <p>Grupo Beta and INM officials verify asylum seekers' CBP One appointment confirmation before they are permitted to enter the port of entry. If individuals do not have a CBP One appointment, they cannot enter the port of entry.</p> <p>In extreme situations, organizations or institutions help facilitate asylum seekers' processing into the United States for medical or security reasons. Local officials estimate that between one and two families enter the United States each day through these processes.</p> <p>Currently, Tijuana shelters are mostly full but many still have capacity for additional migrants. However, one of the more established migrant shelters in the city, Desayunador Salesiano Padre Chava, has announced that it will be closing in August 2023—citing fewer donations in recent months.<sup>23</sup> Other migrants are renting rooms in motels.</p> <p>At the end of July 2023, there were an estimated 3,000 migrants in Tijuana.<sup>24</sup> The majority of migrants in the city are from Haiti, Venezuela, Honduras, Mexico, and Russian speaking countries (including Russia, Uzbekistan, and Kazakhstan).</p>

*\*The numbers should be interpreted as a general range rather than an exact figure.*

## ENDNOTES

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- 11 Christian Rivera, “Rumores provocaron estampida de migrantes en Matamoros,” *El Mañana*, August 9, 2023, <https://www.elmanana.com/tamaulipas/matamoros/fueron-rumores-los-que-provocaron-la-ola-de-migrantes/5746699>.
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