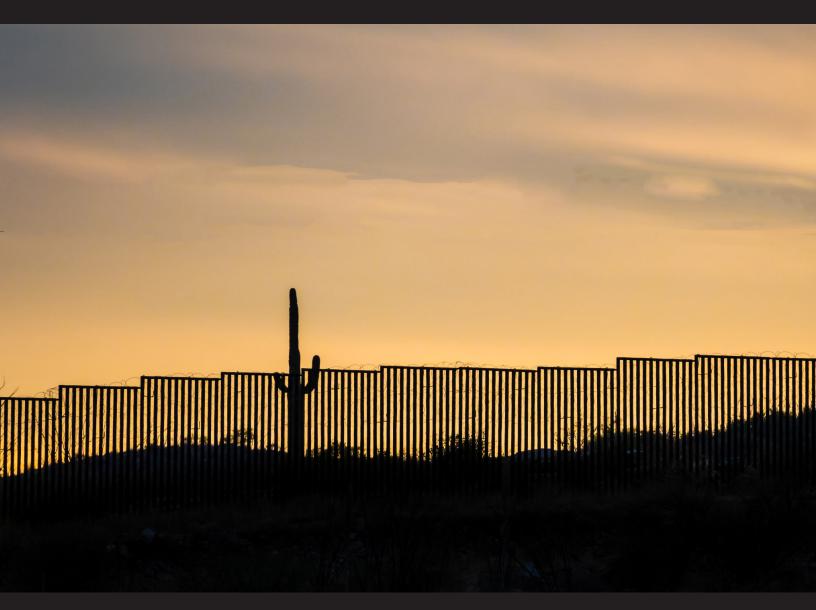
# Asylum Processing at the U.S.-Mexico Border: February 2024



BY STEPHANIE LEUTERT AND CAITLYN YATES



### 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 walk up processing at ports of entry after Title 42.

The first asylum processing stage began in June 2018, when U.S. Customs and Border Protection (CBP) officers began informing arriving asylum seekers that U.S. ports of entry were full. Simultaneously, CBP officers 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 waitlists to organize waiting asylum seekers in Mexican border cities.

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 migrants from making asylum claims at U.S. ports of entry.<sup>2</sup> Under Title 42, many of the 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.<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 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 to seek asylum along the border.

On January 12, 2023, CBP implemented a fourth stage of asylum processing along the border when it began requiring that asylum seekers use a mobile application known as "CBP One" to make an appointment at a U.S. port of entry for initial processing. 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 after scheduling 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 a fifth and current asylum processing stage along the border. As of February 2024, the CBP One application continues to be the primary method for accessing asylum at ports of entry. Currently, individuals in central or northern Mexico can request an appointment each day during a 23 hour window, and then, if offered an appointment, they have another 23 hour window to accept. For a period of time, some individuals in southern Mexico and elsewhere were able to use virtual private networks (VPNs) to request appointments, but, since September 2023, CBP has cracked down on these requests. CBP is also beginning to remove CBP One registrations that include more than 20 people in an attempt to avoid fraud.

Since CBP One rolled out in January 2023, the total number of daily appointments has increased and, currently, CBP is offering 1,450 appointments a day. Seventy percent of these appointments are allocated randomly and 30 percent are provided to individuals who have been waiting the longest.<sup>4</sup> These appointments are not spread evenly across the eight participating ports of entry (See Figure 1). Instead, in February 2024, the ports of entry in Tijuana and Matamoros each had nearly 400 daily CBP One appointments, constituting 52 percent of all available slots.

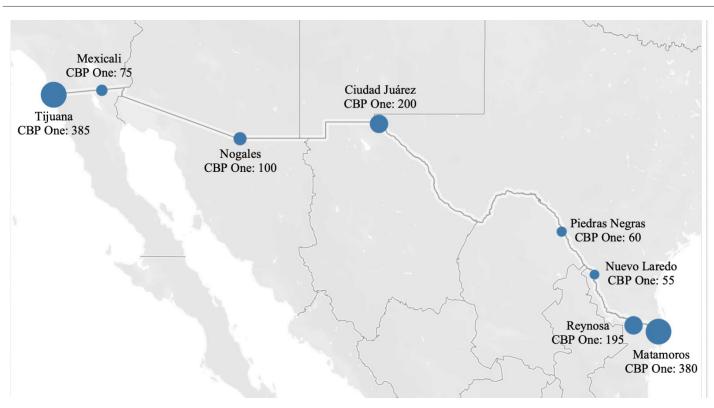
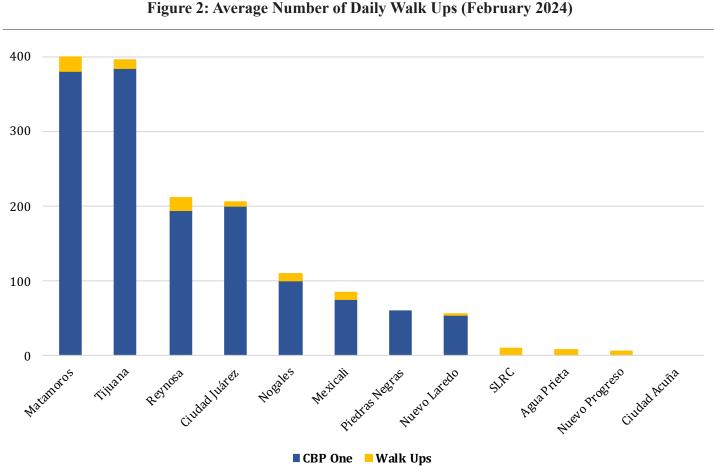


Figure 1: Number of CBP One Appointments per City (February 2024)

Authors' elaboration. Data collected from February 12, 2024 to February 16, 2024

Between January 2023 and January 2024, more than 459,000 people scheduled appointments to enter the United States through the CBP One appointment process.<sup>5</sup> The largest numbers of people crossing with CBP One appointments are from Venezuela, Mexico, and Haiti.<sup>6</sup> However, CBP has recently implemented a daily limit for Mexican citizens in order to ensure that other nationalities also receive appointments.<sup>7</sup>

Additionally, each day, a very small number of individuals enter the United States as "walk ups" at a port of entry without a CBP One appointment. This February 2024 report estimates that CBP is currently processing fewer than 100 individuals a day as walk ups along the border. Notably, in some cities, various actors have developed processes for facilitating walk ups. In Matamoros, Reynosa, Nuevo Laredo, and Tijuana, the processes generally prioritize individuals with medical emergencies. In Nuevo Progreso, Nogales, San Luis Río Colorado, Agua Prieta, and Mexicali, the processes are more reminiscent of initial metering waitlists, with cases prioritized by date of arrival. Piedras Negras and Ciudad Acuña do not appear to have any systems for facilitating or managing walk ups at this time. Figure 3 shows the average number of daily walk ups in each border city.



Authors' elaboration. Data collected from February 12, 2024 to February 16, 2024.

After more than a year, CBP One application users still report a number of challenges. The first challenges are related to accessibility, 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 either 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. Despite numerous updates, some asylum seekers continue to report error messages. Yet, the most pressing issue continues to be that the number of daily appointments is less than the number of waiting individuals. This means that individuals may wait for up to several months before receiving an appointment.<sup>8</sup>

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. 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 have not applied for and been denied asylum in a country en route to the United States. The rule states three exceptions for non-Mexican individuals who enter outside of CBP One appointments, including 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. Some individuals from these nationalities may be eligible to enter the United States through this process rather than waiting for a CBP One appointment.

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 civil society organizations in one of the lawsuits and vacated the regulation. 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. 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. On October 13, 2023, a federal court in California denied the civil society organizations' request for a preliminary injunction, leaving the current dynamics in place as the case moves through the courts.

This report provides an asylum processing update along the U.S.-Mexico border and focuses on the CBP One appointment system, the processes for managing walk ups, and conditions for waiting asylum seekers. Overall, asylum seekers continue to face unstable living conditions and security risks in Mexican border cities. 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 February 2024 asylum processing update draws on phone and WhatsApp interviews with asylum seekers, Mexican government officials, and members of civil society organizations on both sides of the border from February 12, 2024 through February 16, 2024. It also relies on local news articles to fill in any gaps.

### **Asylum Waitlists: February 2024**

Mexican City	CBP One Appointments	# of People Crossing Each Day	City Conditions
Matamoros, Tamaulipas	Open	~400 people per day  —  ~380 people via CBP One appointments  ~20 people via walk ups  —  February 12, 2024	Each day, CBP processes an estimated 400 people from Matamoros. This includes 380 individuals with CBP One appointments and 20 people who are processed as walk ups. As of September 2023, CBP processed CBP One appointments during two daily time slots.  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 without appointments to enter the Gateway Bridge as walk ups for CBP processing. Local civil society organizations send these individuals directly to the bridge.  Currently, there are an estimated 2,000 to 2,500 migrants in Matamoros. Most migrants in the city are staying in shelters, hotels, and rented rooms. However, as of early February 2024, there were also around 65 people living in a camp along the Rio Grande. The majority of the migrant population in Matamoros is from Venezuela, Haiti, and Mexico. 14  Civil society organizations in the city report that some migrants are waiting for up to six months before they receive a CBP One appointment. 15 This long wait time has caused stress and uncertainty among the migrant population, and people periodically cross the Rio Grande instead of waiting. On the U.S. riverbank, the Texas National Guard has placed more than ten rows of concertina wire. Migrants who cross the river in this zone become stuck between the river and the concertina wire.  Migrants in Matamoros have also experienced an uptick in violence. Doctors Without Borders reported a 70 percent increase in cases of sexual violence against migrants in the city. 16

Mexican City	CBP One Appointments	# of People Crossing Each Day	City Conditions
Nuevo Progreso, Tamaulipas	Closed	~5 people per day  —  0 people via CBP One appointments  ~5 people via walk ups  —  February 16, 2024	There are no CBP One appointments in Nuevo Progreso. However, CBP processes an average of five people per day as walk ups.  Beginning in mid-December 2023, migrants began arriving on the Progreso International Bridge. As of early January 2024, there were approximately 200 migrants, including minors, who were living on the bridge. Most of these migrants were from Russian-speaking countries. As of mid-February, there were 15 families on the bridge, totaling an estimated 30 to 40 people.  These individuals are waiting in challenging conditions. The migrants sleep in tents and must use the public bathroom on the bridge. There are no showers and little protection from the elements. The city's security situation is also tense.
Reynosa, Tamaulipas	Open	~211 people per day  —  ~195 people via CBP One appointments  ~16 people via walk ups  —  February 12, 2024	Every day, CBP processes approximately 211 people from Reynosa. This includes around 195 people through CBP One appointments and 16 people via walk ups. As of September 2023, CBP processed the CBP One appointments during five daily time slots.  Mexican authorities control access to the city's international bridges. Each day, INM allows approximately 16 people without CBP One appointments onto the McAllen-Hidalgo International Bridge. These individuals are referred to this process by local civil society organizations.  Currently, there are around 4,000 people living in the city's migrant shelters. Other migrants are renting rooms or staying in motels. There are also three small encampments in Reynosa, with less than 35 people living at each location. The majority of migrants in Reynosa are from Haiti, Mexico, Venezuela, and Honduras.

Mexican City	CBP One Appointments	# of People Crossing Each Day	City Conditions
Reynosa, Tamaulipas (continued)			Similar to Matamoros, migrants in Reynosa have also experienced an increase in violence. Doctors Without Borders reported a 70 percent increase in cases of sexual violence against migrants in the city. 19  Additionally, on December 30, 2023, five trucks stopped a bus outside Reynosa, as it was traveling from Monterrey to Matamoros. Armed men boarded the bus and kidnapped 32 passengers from Venezuela, Ecuador, Honduras, Colombia, and Mexico. 20 By January 3, 2024, the individuals had been released. 21
Nuevo Laredo, Tamaulipas	Open	~57 people per day  —  ~55 people via CBP One appointments  ~2 people via walk ups  —  February 13, 2024	CBP processes approximately 55 people from Nuevo Laredo each day through CBP One appointments. As of September 2023, CBP processed these appointments during two daily time slots.  There is no established system for facilitating and managing walk ups in Nuevo Laredo. However, at times, INM in collaboration with Civil Protection ( <i>Protección Civil</i> ) has allowed certain vulnerable individuals to enter the international bridge.  Security issues in the city are ongoing. Migrant shelters in Nuevo Laredo continue to be closed, due to members of organized crime threatening and perpetrating violence against shelter staff and migrants. Most migrants seeking appointments wait in Monterrey or Mexico City until they secure their appointment in Nuevo Laredo.  Since June 2023, some migrants have lived in a tent encampment in Nuevo Laredo's Plaza Morelos. At its peak, the camp housed roughly 2,000 migrants. However, as of early February 2024, the camp was home to only 50 people per night. These individuals were from Venezuela, Cuba, Mexico, Colombia, Honduras, and Haiti.

Mexican City	CBP One Appointments	# of People Crossing Each Day	City Conditions	
Piedras Negras, Coahuila	Open	open ~60 people per day —		Every day, CBP processes approximately 60 people from Piedras Negras through CBP One appointments.  As of September 2023, CBP processed these appointments during two daily time slots.
		~60 people via CBP One appointments 0 people via walk ups	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, they stop the individual from entering the bridge.	
		— February 14, 2024	In late November 2023, CBP closed the vehicle lanes on Bridge 1—which connects Piedras Negras to Eagle Pass, Texas—citing insufficient staff due to high migration numbers between ports of entry. <sup>22</sup> At the end of December 2023, Mexican authorities increased their migration enforcement efforts to reduce the number of migrants arriving in Piedras Negras. These efforts included increasing the number of highway checkpoints and bussing apprehended migrants to southern Mexico. On January 4, 2024, CBP fully reopened Bridge 1 amid lower migration numbers. <sup>23</sup> However, Mexican authorities' increased enforcement efforts have also caused some migrants to miss their CBP One appointments.	
			As of early February 2024, approximately 200 to 300 people continued to cross the Rio Grande each day in or near Piedras Negras. Authorities estimated that between 500 and 700 migrants are in the city waiting for their CBP One appointments. <sup>24</sup>	
			Shelters are full in the city and other individuals are waiting in hotels. Migrants in Piedras Negras are primarily from Venezuela, Honduras, Colombia, and Ecuador.	

Mexican City	CBP One Appointments	# of People Crossing Each Day	City Conditions
Ciudad Acuña, Coahuila	Closed	0 people per day  —  0 people via CBP One appointments  0 people via walk ups  —  February 16, 2024	There are no CBP One appointments or walk ups in Ciudad Acuña.  The number of migrants living in and transiting through the city remains lower than in nearby Piedras Negras. Although the increased presence of Mexican authorities along the Rio Grande in Piedras Negras may push some migrants to cross in more remote locations, such as Ciudad Acuña. <sup>25</sup>
Ciudad Juárez, Chihuahua	Open	~205 people per day  —  ~200 people via CBP One appointments  ~5 people via walk ups  —  February 16, 2024	Each day, CBP processes an estimated 200 individuals from Ciudad Juárez through CBP One appointments. As of September 2023, CBP processed these appointments during two daily time slots.  Members of Fideicomiso—a part of the Chihuahua state government—and at times the Mexican National Guard ( <i>Guardia Nacional</i> ) stop asylum seekers before they can enter the city's international bridges. There is also an informal process for walk ups at the Zaragoza Bridge. This report estimates that five people cross through that process each day, but the exact number is unclear.  Over the last month, there has been a decrease in the number of migrants arriving in Ciudad Juárez. Additionally, many people go straight to the international border to cross, rather than wait in shelters. As a result, shelters in the city are not full. Civil society reports that most migrants are from Venezuela and Central America.

Mexican City	CBP One Appointments	# of People Crossing Each Day	City Conditions
Agua Prieta, Sonora	Closed	~8 people per day  —  0 people via CBP One appointments  ~8 people via walk ups  —  February 16, 2024	There is no CBP One appointment processing in Agua Prieta. However, local organizations report that CBP processes approximately two families (eight people) as walk ups at the Raul Hector Castro Port of Entry every day. However, the numbers fluctuate and, at times, CBP does not process any families.  The waiting asylum seekers manage their own waitlist. As of February 16, 2024, there were 53 families on the list, totaling between 250 and 300 people. The majority of the families are from Mexico (specifically Guanajuato, Guerrero, Puebla, and Chiapas) though some are also from Venezuela and Colombia.  Families who are registered on the list must wait at the port of entry during the day. Currently, the shelter in Agua Prieta is operating at capacity and the remaining migrants are renting rooms or staying in motels.
Nogales, Sonora	Open	~110 people per day  —  ~100 people via CBP One appointments  ~10 people via walk ups  —  February 12, 2024	Each day, CBP processes an estimated 110 people from Nogales. This includes approximately 100 people through CBP One appointments and up to 10 people a day from a line of asylum seekers outside the DeConcini Port of Entry. However, the Kino Border Initiative reports that the number varies and CBP does not process walk ups every day.  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. As of February 2024, there were approximately 2,530 people on the waitlist.  Once asylum seekers arrive at the port of entry, they cannot leave the physical line or they risk losing their turn. The individuals crossing have been waiting for six months.

Mexican City	CBP One Appointments	# of People Crossing Each Day	City Conditions
Nogales, Sonora (continued)			The majority of the asylum seekers in Nogales are from Mexico, with smaller numbers from Venezuela, Honduras, Ecuador, Guatemala, and Haiti, among other nationalities.  Over the last few months, a significant number of migrants have crossed between ports of entry near Nogales. For example, on February 9, 2024, an estimated 400 migrants crossed near Sasabe and waited to be processed in freezing conditions. <sup>27</sup> After Border Patrol agents said that their vehicles could not reach the group due to the snowy weather, humanitarian workers drove them to a nearby Border Patrol station. <sup>28</sup>
San Luis Río Colorado, Sonora	Closed	~10 people per day  —  0 people via CBP One appointments  ~10 people via walk ups  —  February 13, 2024	There is no CBP One appointment processing in San Luis Río Colorado. However, CBP at the San Luis Port of Entry processes approximately 10 people a day as walk ups. Although some days they process lower numbers of asylum seekers.  The individuals waiting outside of the San Luis Port of Entry are organized through a self-run waitlist system. As of February 13, 2024, there were 181 families registered on the list, representing an estimated 453 people. Minors represent around 50 percent of the waiting population.  Migrants in San Luis Río Colorado are experiencing lengthy wait times for CBP One appointments. The local shelter reported that none of its asylum seekers have received a CBP One appointment since December 2023. The vast majority of the migrants in the city are from Mexico, particularly from Sinaloa and Sonora.  Since November 2023, the San Luis Port of Entry has closed its pedestrian walkway three times. Each time, CBP reported insufficient officers to staff the walkway due to the high number of migrants crossing between ports of entry. <sup>29</sup>

Mexican City	CBP One Appointments	# of People Crossing Each Day	City Conditions
Mexicali, Baja California	Open	~85 people per day  —  ~75 people via CBP One appointments  ~10 people via walk ups  —  February 15, 2024	Every day, CBP processes approximately 85 people from Mexicali. This includes roughly 75 people per day with CBP One appointments. Additionally, an average of two to three families (totaling ten individuals) are processed as walk ups each day. The walk ups rocess is run through a waitlist, which is coordinated by Mexicali's shelters. Each shelter is given one day per week to present ten migrants. Migrants who are not residing in shelters cannot participate in this walk up process. As of February 15, 2024, there were approximately 600 names on the shelters' waitlist. Migrants who are crossing as walk ups are waiting around two months.  The majority of migrants in Mexicali continue to reside in shelters, which are busy but not at capacity. Other migrants wait in hotels or in Guadalajara or Mexico City until their CBP One appointment. In December 2023, the Hotel del Migrante shelter closed down, citing insufficient funds. Most of the migrants waiting in the city are from Mexico (Guerrero, Sonora, Zacatecas, and Guanajuato). While most migrants who receive CBP One appointments in the city are from Cuba, Russia, Venezuela, Mexico, and Haiti.

Mexican City	CBP One Appointments	# of People Crossing Each Day	City Conditions
Tijuana, Baja California	Open	~395 people per day  —  ~385 people via CBP One appointments  ~10 people via walk ups  —  February 13-14, 2024	Each day, CBP processes around 395 people in Tijuana. There are roughly 385 CBP One appointments. These appointments are processed through the PedWest (El Chaparral) Port of Entry during three time slots. CBP also processes an average of 10 individuals a day as walk ups through the PedEast Port of Entry.  Grupo Beta and INM officials verify asylum seekers' CBP One appointment confirmations or walk up approval before they can enter one of the two ports of entry. If individuals do not have a CBP One appointment or are not previously confirmed walk ups, they are not permitted to enter.  Many migrants are also continuing to cross the border between ports of entry, including in Jacumba—to the west of Tijuana—where there is a migrant encampment on the U.S. side of the border. At any given point, there are around 200 migrants in Jacumba who are waiting for Border Patrol processing. This number is down from late 2023, when there were around 1,000 migrants consistently waiting to be processed. <sup>33</sup> The majority of migrants in Tijuana continue to reside in shelters and motels, which are currently at or past capacity. Shelters have also reported insufficient funds and increased insecurity in recent months. <sup>34</sup> Most migrants in the city are from Cuba, Haiti, Venezuela, Mexico, and Russian speaking countries.

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

### **ENDNOTES**

- 1. In April 2018, CBP leadership issued guidance that allowed officers to limit asylum seekers' access to ports of entry. This guidance permitted CBP officers stationed at the United States' international boundary with Mexico to inform arriving asylum seekers that U.S. ports of entry were full. Two months later, in June 2018, then-DHS Secretary Kirstjen Nielsen signed a memo that authorized port directors to begin metering at all U.S. ports of entry. U.S. Department of Homeland Security, Office of the Inspector General, "CBP Has Taken Steps to Limit Processing of Undocumented Aliens at Ports of Entry," October 27, 2020, https://www.oig.dhs.gov/sites/default/files/assets/2020-10/OIG-21-02-Oct20.pdf.
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