

Asylum Processing at the U.S.-Mexico Border: May 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 port of entry asylum processing 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 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 metering waitlists to organize growing queues of asylum seekers in Mexican border cities.¹

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.² 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.³

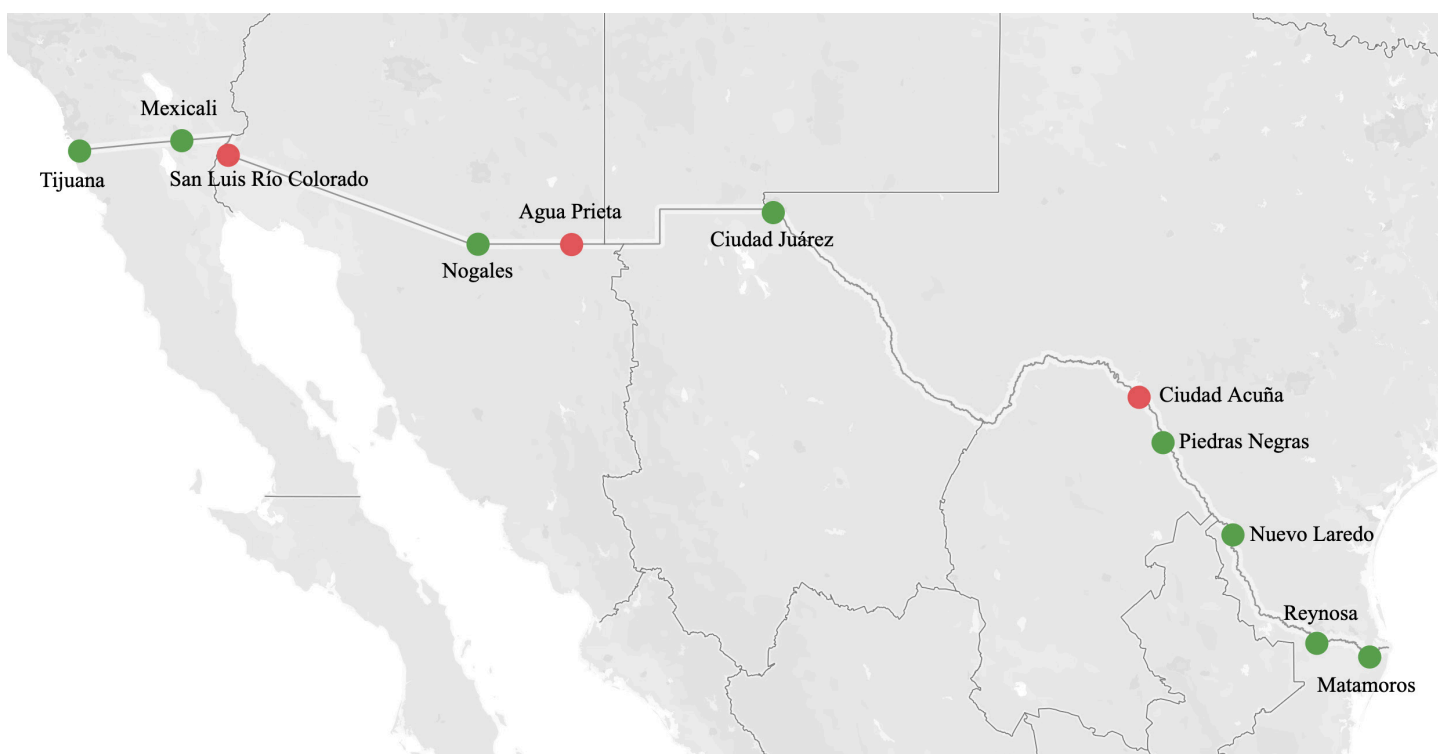
For brief periods in 2021 and then again beginning in April 2022, the United States entered its third stage of asylum processing by allowing Title 42 exceptions for asylum seekers along the border. These exceptions allowed vulnerable individuals in Mexican border cities to enter the United States and 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 the individual's 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 late May 2023, the CBP One application continues to be the primary method for accessing asylum at ports of entry. However, after Title 42, CBP adjusted the system for soliciting appointments through the application, now allowing individuals in Central or Northern Mexico to request an appointment during a 23 hour window, and then, if offered an appointment, allowing them another 23 hour window to accept. Additionally, the number of appointments increased from 740 a day to approximately 1,000 a day. In the week after Title 42 ended, CBP reported processing an average of 1,070 people a day through CBP One appointments.⁴

In May 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.

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



Author's elaboration. Data collected from May 22, 2023, to May 25, 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 applications' three languages (English, Spanish, and Haitian Creole), have access to a cell phone with cell or internet service, and have basic knowledge of the new system.⁵ If these hurdles are surmounted, the next set of challenges center around the application's registration process, with asylum seekers still reporting crashes, looping error messages, and facial comparison flaws, although to a lesser extent than during the initial application rollout in early 2023. 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, 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.⁶ This final rule makes non-Mexican individuals ineligible for asylum if they do not enter the United States via a CBP One appointment. However, the rule also includes narrow exceptions, such as if an individual 1) presents at a port of entry and can prove an inability to access the CBP One application, 2) enters the United States through a separate parole process (which are currently only available to individuals from Cuba, Haiti, Nicaragua, Venezuela, Ukraine, and Afghanistan), or 3) was denied asylum in a country en route to the United States. Individuals who present at ports of entry but do not fall into these categories are subject to the rule and its presumption of asylum ineligibility. Some individuals—including those who may meet these exception criteria—have struggled to even access ports of entry following Title 42's expiration. In some cities, Mexican authorities have sought to control access to ports of entry to avoid lines of waiting asylum seekers.

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. Many shelters are full, a number of individuals are renting rooms, staying in hotels, or sleeping on the street. In Matamoros, Reynosa, 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 May 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 May 22, 2023 through May 25, 2023. It also relies on local news articles to fill in any gaps.

Asylum Processing at the Border Waitlists: May 2023

Mexican City	CBP One Appointments	# of CBP One Appointments	City Conditions
Matamoros, Tamaulipas	Open	<p>~300 people per day⁷</p> <p>—</p> <p>~250 people via CBP One appointments</p> <p>~50 people via INM allowances</p> <p>—</p> <p>May 22, 2023</p>	<p>Each day, CBP processes an estimated 300 people from Matamoros. This includes 250 individuals with CBP One appointments and 50 people via allowances by Mexico’s National Migration Institute (<i>Instituto Nacional de Migración</i>, INM).⁸</p> <p>Mexican authorities control access to the city’s international bridges. Each day, INM allows approximately 50 people to enter the bridge for CBP processing, referred to here as “INM allowances.” Local shelters and organizations send vulnerable people—such as families and single mothers—directly to the bridge.⁹</p> <p>In the days before Title 42 ended, thousands of migrants crossed the Rio Grande on rafts and turned themselves in to Border Patrol. Since then, the number of people crossing the Rio Grande has plummeted. However, Matamoros shelters report that they are filled to capacity with people who are hoping to cross.</p> <p>Thousands of people continue to live in a tent camp along the Rio Grande. The number of tent camp residents dropped precipitously as Title 42 expired, but civil society organizations have stated that the number rebounded in the following days.¹⁰ Following Title 42’s end, INM estimated that 5,500 migrants were in Matamoros.¹¹</p>

Asylum Processing at the Border Waitlists: May 2023 (continued)

Mexican City	CBP One Appointments	# of CBP One Appointments	City Conditions
Reynosa, Tamaulipas	Open	<p>~200 people per day</p> <p>—</p> <p><i>~170 people via CBP One appointments</i></p> <p><i>~30 people via INM allowances</i></p> <p>—</p> <p><i>May 22, 2023</i></p>	<p>Every day, CBP processes approximately 200 people from Reynosa. This includes around 170 people through CBP One appointments and 30 people via INM allowances.</p> <p>Mexican authorities control access to the city's international bridges. Each day, INM allows around 30 people to cross the bridge for CBP processing. Local organizations send urgent medical cases directly to the bridge.</p> <p>The city's shelters report that they are full, with roughly 1,800 migrants in Senda de Vida I and 3,000 people in Senda de Vida II. Migrants who are unable to secure a spot in one of the city's shelters are renting rooms or living in tent camps. There are two tent camps in the city. The first is an encampment near the Rio Grande with an estimated 1,200 residents as of May 18, 2023.¹² The second is an encampment outside of the Senda de Vida I shelter with an estimated 600 families waiting for a space in one of the shelters.</p> <p>Currently the majority of these individuals are from Haiti, Honduras, and Mexico with fewer individuals from Guatemala, El Salvador, Colombia, Nicaragua, and China. At the end of Title 42, INM estimated that there were roughly 7,000 migrants residing in Reynosa.¹³</p> <p>Local shelters report an increase in insecurity in the tent camps and more migrant kidnappings at the city's bus station.</p>

Asylum Processing at the Border Waitlists: May 2023 (continued)

Mexican City	CBP One Appointments		City Conditions
Nuevo Laredo, Tamaulipas	Open	<p>~80 people per day</p> <p>—</p> <p>~65 people via CBP One appointments</p> <p>~15 people via INM allowances</p> <p>—</p> <p>May 22, 2023</p>	<p>In total, CBP processes approximately 80 people from Nuevo Laredo each day. This includes around 65 people with CBP One appointments and 15 people via INM allowances.</p> <p>Mexican authorities control access to the city's international bridges. Every day, INM contacts a different local shelter and asks them to send 15 people to the port of entry.</p> <p>Insecurity continues to be widespread in Nuevo Laredo. The criminal organization that operates in Nuevo Laredo has allegedly begun requesting that all individuals traveling to the port of entry—with or without CBP One appointments—pay them a fee. Cartel lookouts also continue to screen for arriving migrants at the city's airport and bus stations.¹⁴</p> <p>There are fewer migrants in Nuevo Laredo than in other Tamaulipas cities. On May 18, 2023, INM estimated that there were only several hundred migrants in the city, compared to thousands in Reynosa and Matamoros. The majority of migrants in Nuevo Laredo were from El Salvador, Mexico, and Venezuela, among other countries.¹⁵</p>
Piedras Negras, Coahuila	Open	<p>~60 people per day</p> <p>—</p> <p>~60 people via CBP One appointments</p> <p>—</p> <p>May 22, 2023</p>	<p>Every day, CBP processes approximately 60 people from Piedras Negras. All of these individuals have CBP One appointments, and many received their appointments while residing in other parts of Mexico.</p> <p>The shelters in Piedras Negras are near capacity and some migrants are renting rooms or sleeping in abandoned houses. The majority of the migrants are from Honduras, Venezuela, Haiti, Ecuador, and Colombia. After Title 42's end, INM estimated that there were roughly 420 migrants in Piedras Negras.¹⁶</p>

Asylum Processing at the Border Waitlists: May 2023 (continued)

Mexican City	CBP One Appointments	# of CBP One Appointments	City Conditions
Piedras Negras, Coahuila <i>(continued)</i>			Just before Title 42 expired, many migrants in the city crossed the Rio Grande and turned themselves in to Border Patrol. Local shelters report that two Venezuelans drowned while attempting to cross the river during that time. Some migrants continue to cross irregularly into the United States.
Ciudad Acuña, Coahuila	Closed	N/A	<p>There is no processing via CBP One appointments in Ciudad Acuña. CBP has processed a small number of people who crossed the international bridge.</p> <p>Civil Protection (Protección Civil) continues to maintain two asylum waitlists—one for single adults and one for families—but the local agency is not adding any new individuals to the lists. Many of the people who were waiting on the two lists are no longer in the city.</p>
Ciudad Juárez, Chihuahua	Open	<p>~150 people per day</p> <p>—</p> <p><i>150 people via CBP One appointments</i></p> <p>—</p> <p><i>May 23, 2023</i></p>	<p>Each day, CBP processes an estimated 150 individuals from Ciudad Juárez. All of these individuals have CBP One appointments.¹⁷ CBP has also processed a small number of people who crossed the international bridges.</p> <p>In the days leading up to Title 42's end, large numbers of people crossed the Rio Grande to reach El Paso. At this time, the number of people residing in the city's tent camps dropped dramatically. These tent camps were in front of the Ciudad Juárez City Hall and the INM detention center, where 40 migrants died in a fire on March 27, 2023. On May 22, 2023, the Ciudad Juárez municipal police forced the remaining migrants in the tent camps to move to shelters.</p> <p>The shelters throughout Ciudad Juárez are full and migrants are also renting rooms. The majority of migrants in the city are from Venezuela, with smaller numbers from Colombia and countries</p>

Asylum Processing at the Border Waitlists: May 2023 (continued)

Mexican City	CBP One Appointments	# of CBP One Appointments	City Conditions
Ciudad Juárez, Chihuahua <i>(continued)</i>			throughout Central America. Immediately following the lifting of Title 42, INM estimated that there were more than 10,000 migrants in the city. ¹⁸
Agua Prieta, Sonora	Closed	N/A	<p>There is no CBP One appointment processing in Agua Prieta. However, local organizations report that up to 30 people per day can be processed at the Raul Hector Castro port of entry.</p> <p>However, the criminal organization that operates in Agua Prieta is allegedly charging migrants to enter the city and access the port of entry. Therefore, it is unclear how many—or if any—migrants have been able to reach the port of entry and request asylum.</p> <p>Since the end of Title 42, local organizations report that U.S. officials return 15 to 20 migrants to Agua Prieta each day, who are mostly Mexican nationals. This is a roughly 50 percent decrease from when Title 42 was still active.</p> <p>The majority of migrants in the city are from Mexico, with fewer numbers of individuals from Guatemala. The shelters are not full, and many migrants are renting rooms.</p>

Asylum Processing at the Border Waitlists: May 2023 (continued)

Mexican City	CBP One Appointments	# of CBP One Appointments	City Conditions
Nogales, Sonora	<i>Open</i>	<p>~70 people a day</p> <p>—</p> <p>~55 people via CBP One appointments</p> <p>~15 people via a physical line at the port of entry</p> <p>—</p> <p>May 23, 2023</p>	<p>Each day, CBP processes an estimated 70 people from Nogales. This includes approximately 55 people through CBP One appointments and 15 people a day from a line of asylum seekers outside the DeConcini port of entry.</p> <p>After Title 42's end, asylum seekers began lining up outside the DeConcini port of entry. As of May 23, 2023, there were more than 200 waiting asylum seekers, including at least 50 children.¹⁹ Over the previous week, an estimated 100 people had been processed through the line (roughly 5 to 20 people each day). Asylum seekers waiting in the line reported that they had been trying for months to get CBP One appointments.</p> <p>The waiting asylum seekers have faced challenging food and hygiene conditions. The Kino Border Initiative provides meals for the asylum seekers, and reports hearing that people were limiting their water intake because of a lack of free, public bathrooms in the area. In response, Nogales municipal authorities set up a free bathroom, but it does not have running water.</p> <p>Nogales municipal authorities have discussed creating a waitlist for the individuals waiting at the port of entry and then asking them to vacate the premises. A new waitlist would be immediately closed to additional registrants.</p> <p>The majority of migrants in Nogales are from Mexico, with smaller numbers from Venezuela, Haiti, Colombia, and Guatemala. Additionally, an increasing number of Indian nationals have recently been crossing between ports of entry in Pima County, near Nogales.²⁰</p>

Asylum Processing at the Border Waitlists: May 2023 (continued)

Mexican City	CBP One Appointments	# of CBP One Appointments	City Conditions
San Luis Río Colorado, Sonora	Closed	N/A	<p>There is no CBP One appointment processing in San Luis Río Colorado.</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. During May 2023, ten people at the shelter received CBP One appointments. The majority of asylum seekers waiting in the city are from Mexico and countries throughout Central America.</p> <p>On May 6, 2023, Mexican authorities rescued 113 kidnapped migrants from a safe house in San Luis Río Colorado. The individuals were from 13 different countries across Latin America, Africa, and Asia and were being held against their will and extorted.²¹</p>
Mexicali, Baja California	Open	<p>~25 people per day</p> <p>—</p> <p>~25 people via CBP One appointments</p> <p>—</p> <p>May 23, 2023</p>	<p>Every day, CBP processes approximately 25 people from Mexicali.²² All of these individuals have CBP One appointments. Local officials report that CBP aims to increase the total number of CBP One appointments in the city to 40 people a day in the coming weeks.²³</p> <p>As the summer months begin, the city opened a new cooling center for migrants. The center currently has 30 beds, but its capacity is expected to increase in the coming weeks.²⁴ On May 17, 2023, shelters in the city reported being at around two-thirds capacity.²⁵</p> <p>After Title 42 ended, INM estimated that there were around 1,300 migrants residing in the city.²⁶</p>

Asylum Processing at the Border Waitlists: May 2023 (continued)

Mexican City	CBP One Appointments	# of CBP One Appointments	City Conditions
Tijuana, Baja California	Open	<p>~240 people per day</p> <p>—</p> <p><i>~240 people via CBP One appointments</i></p> <p>—</p> <p><i>May 23, 2023</i></p>	<p>Each day, CBP processes around 240 people in Tijuana. All of these individuals have CBP One appointments.²⁷ Mexican officials report that CBP aims to increase the total number of CBP One appointments in the city to 300 people per day with three processing times.</p> <p>While CBP has processed some asylum seekers who have reached the international dividing line, it has also sent others back to Tijuana. Local organizations also report that there has been a recent uptick in individuals who are returned to Tijuana after arriving at the port of entry with a CBP One appointment.</p> <p>In the days leading up to Title 42's expiration, hundreds of migrants crossed between the two walls on the Tijuana-San Diego border, with another camp forming east of Tecate in the Jacumbo area. These individuals hoped that they would be processed into the United States before the public health order's end. At its peak, more than 1,000 individuals were waiting in between the walls—some staying there for days—before U.S. Border Patrol eventually processed everyone.²⁸</p> <p>Tijuana shelters are currently full, and migrants are also renting rooms in motels. The majority of the migrants in Tijuana are from Haiti, Venezuela, Honduras, Mexico, and Russian speaking countries (including Russia, Uzbekistan, and Kazakhstan). At the end of Title 42, INM estimated that there were 3,000 migrants in the city.²⁹</p>

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

ENDNOTES

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