

# Asylum Processing at the U.S.-Mexico Border: November 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>

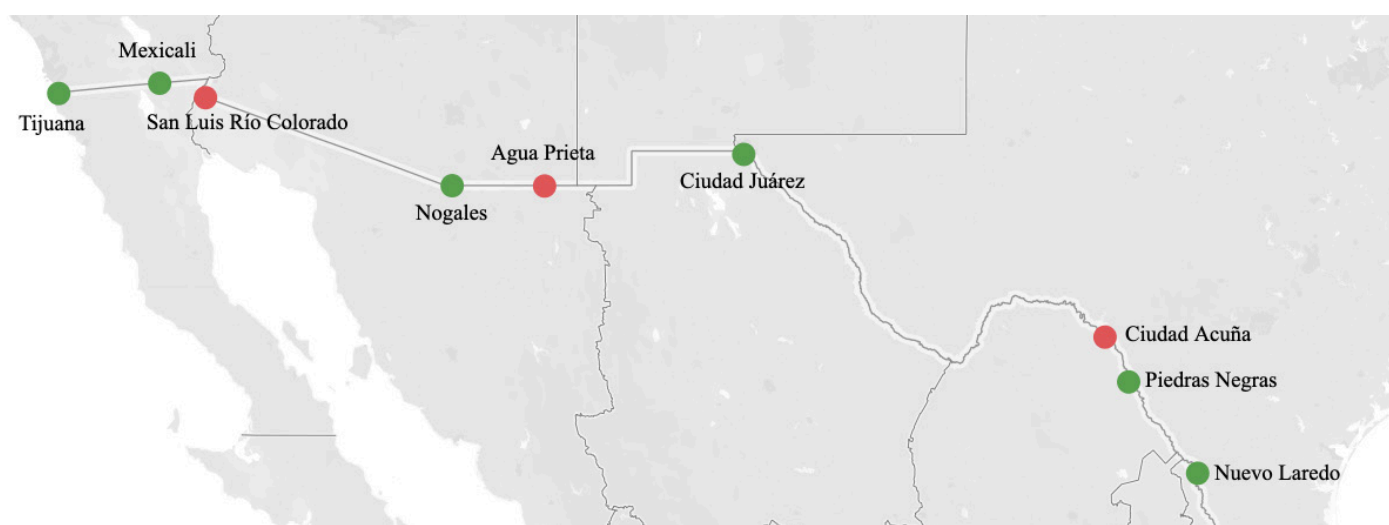
For brief periods in 2021 and then again beginning in April 2022, the United States entered its third stage of asylum processing by allowing Title 42 exceptions for asylum seekers along the border. These exceptions allowed vulnerable individuals in Mexican border cities to enter the United States and 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 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 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 November 2023, 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 been cracking down on these requests.

As of November 2023, only eight ports of entry along the U.S.-Mexico border were processing CBP One appointments. Figure 2 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.

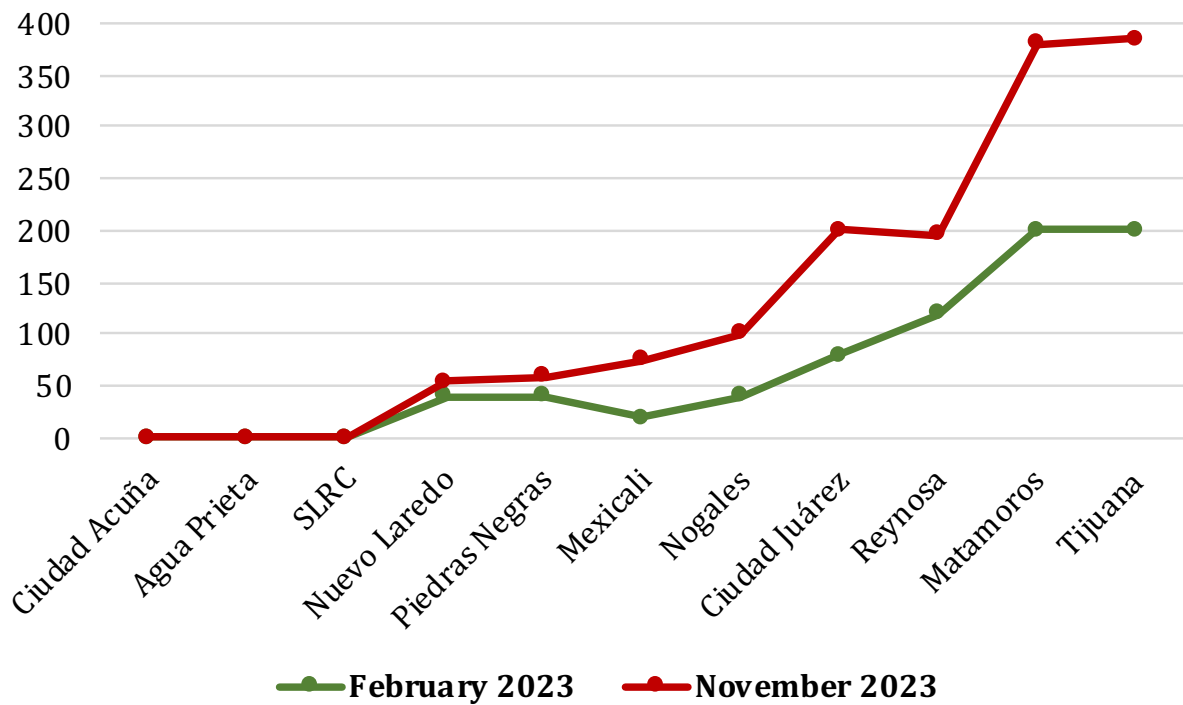
**Figure 1: Ports of Entry Offering CBP One Appointments (November 2023)**



*Authors' elaboration. Data collected from November 11, 2023 to November 15, 2023.*

Between January and October 2023, roughly 324,000 people entered the United States through the CBP One appointment process.<sup>4</sup> 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. These appointments are not spread evenly across the eight participating ports of entry. Instead, in November 2023, the ports of entry in Tijuana and Matamoros each had nearly 400 daily CBP One appointments, constituting 52 percent of all available slots.

**Figure 2: Number of Appointments per Border City (February 2023 and November 2023)**

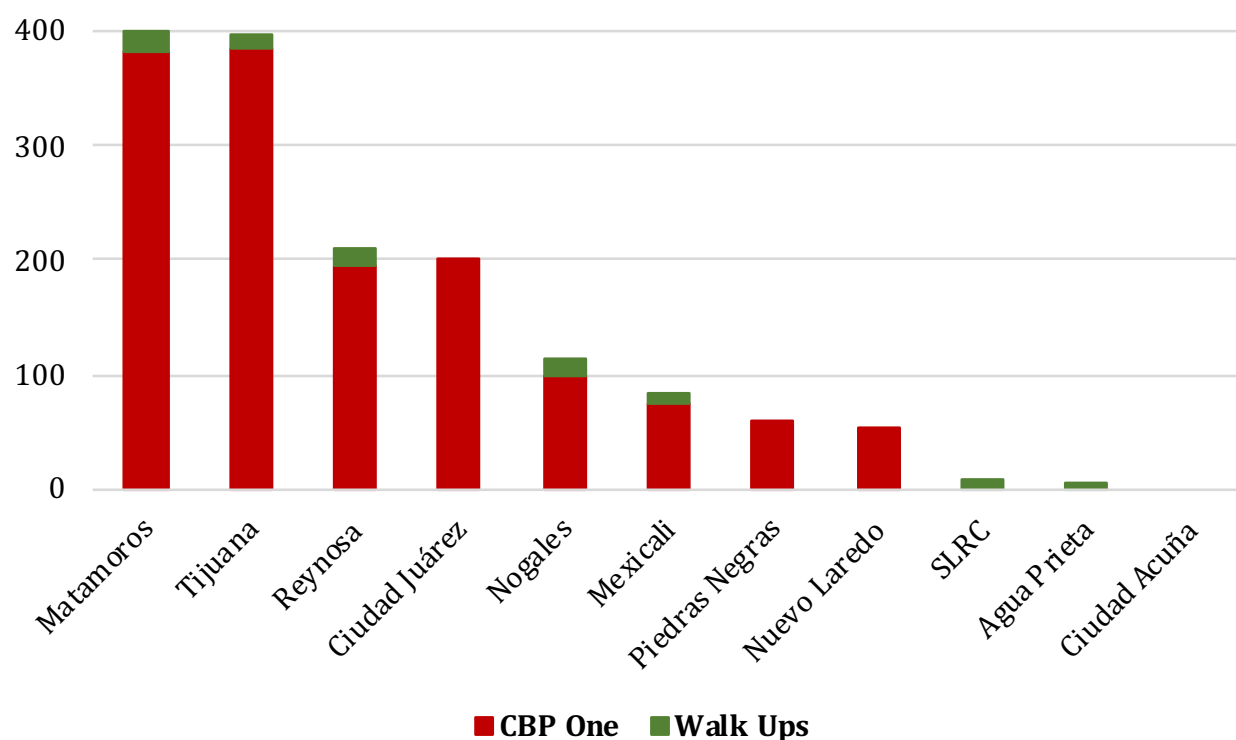


*Authors' elaboration. Data collected from February 2023 through November 2023.*

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 November 2023 report estimates that CBP is currently processing approximately 85 individuals a day as walk ups along the border. Notably, in some cities, various actors have developed processes for facilitating walk ups, including in Matamoros, Reynosa, Nogales, San Luis Río Colorado, Mexicali, and Tijuana. Each of these cities has a different process, with some involving waitlists that are reminiscent of Title 42 exception waitlists—in that they are focused on the more vulnerable cases—while others are indistinguishable from initial metering waitlists. Nuevo Laredo, Ciudad Acuña, Piedras Negras, and Ciudad Juárez do not appear to have any systems for facilitating or managing walk ups at this time. Figure 3 shows the average number of daily CBP One appointments and walk ups in each border city.



**Figure 3: Ports of Entry Offering CBP One Appointments and Walk Ups (November 2023)**



*Authors' elaboration. Data collected from November 11, 2023 to November 15, 2023.*

After nearly 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. Between January and October 2023, the CBP One application has been updated at least 16 times.<sup>5</sup> However, 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 some individuals may wait for 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>6</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 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.<sup>7</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>8</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>9</sup> 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.<sup>10</sup>

This report provides an asylum processing update along the U.S.-Mexico border and focuses on the CBP One appointment system, the increasing use of waitlists to manage 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 November 2023 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 November 11, 2023 through November 15, 2023. It also relies on local news articles to fill in any gaps.

## Asylum Waitlists: November 2023

Mexican City	CBP One Appointments	# of People Crossing Each Day	City Conditions
<b>Matamoros, Tamaulipas</b>	Open	<p><b>~400 people per day</b></p> <p>—</p> <p><i>~380 people via CBP One appointments</i></p> <p><i>~20 people via walk ups</i></p> <p>—</p> <p><i>November 13, 2023</i></p>	<p>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.</p> <p>Mexican authorities control access to the city's international bridges. Each day, Mexico's National Migration Institute (<i>Instituto Nacional de Migración, INM</i>) allows approximately 20 people without appointments to enter the Gateway Bridge for CBP processing, referred to here as walk ups. Local civil society organizations send these individuals directly to the bridge.</p> <p>Overall, there are an estimated 6,000 migrants in Matamoros who are waiting for CBP One appointments. Among this number, approximately 600 people live in a tent encampment along the Rio Grande's banks. The city's shelters are full, and other migrants are renting rooms and staying in hotels. Local civil society organizations report challenging security conditions, with an increase in migrant kidnappings.</p> <p>The majority of migrants in Matamoros are from Venezuela, with fewer numbers of people from Colombia, Ecuador, and Haiti.</p>

## Asylum Waitlists: November 2023 (continued)

Mexican City	CBP One Appointments	# of People Crossing Each Day	City Conditions
<b>Reynosa, Tamaulipas</b>	Open	<p><b>~210 people per day</b></p> <p>—</p> <p><i>~195 people via CBP One appointments</i></p> <p><i>~15 people via walk ups</i></p> <p>—</p> <p>November 14, 2023</p>	<p>Every day, CBP processes approximately 210 people from Reynosa. This includes around 195 people through CBP One appointments and 15 people via walk ups. As of September 2023, CBP processed the CBP One appointments during five daily time slots.</p> <p>Mexican authorities control access to the city's international bridges. Each day, INM allows approximately 15 people without CBP One appointments onto the McAllen-Hidalgo International Bridge. These individuals are referred to this process by local civil society organizations.</p> <p>Currently, there are an estimated 4,000 migrants in Reynosa. This includes around 2,000 people who live in the city's various shelters.<sup>11</sup> While there are no longer any large-scale tent encampments in Reynosa, there is at least one small, hidden encampment. Local civil society organizations also report challenging security conditions, with an increase in migrant kidnappings.</p> <p>The majority of migrants in Reynosa are from Haiti, with fewer numbers of individuals from Venezuela, El Salvador, Guatemala, and Mexico.</p>
<b>Nuevo Laredo, Tamaulipas</b>	Open	<p><b>~55 people per day</b></p> <p>—</p> <p><i>~55 people via CBP One appointments</i></p> <p><i>0 people via walk ups</i></p> <p>—</p> <p>November 13, 2023</p>	<p>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.</p> <p>There is no system for facilitating and managing walk ups in Nuevo Laredo. Although CBP has processed groups of people who arrived on the international bridge without appointments.</p> <p>Security issues in the city are ongoing, with reports that conditions have worsened in recent months. Migrant shelters in Nuevo Laredo continue to be closed, due to members of organized crime threatening and perpetrating violence against shelter staff and migrants.</p>



## Asylum Waitlists: November 2023 (continued)

Mexican City	CBP One Appointments	# of People Crossing Each Day	City Conditions
<b>Nuevo Laredo, Tamaulipas</b> <i>(continued)</i>			<p>Since June 2023, 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 November 2023, the camp was home to only about 140 people per night. On November 13, 2023, that number dropped even further to 40 people. Local groups have provided these individuals with food.</p> <p>Given Nuevo Laredo's security situation, many migrants are choosing to wait for their appointments in Mexico's interior cities. The vast majority of migrants who are crossing in Nuevo Laredo with CBP One appointments are from Haiti.</p>
<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><i>0 people via walk ups</i></p> <p>—</p> <p><i>November 13, 2023</i></p>	<p>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.</p> <p>The vast majority of migrants who are crossing in Piedras Negras with CBP One appointments were previously living and waiting for an appointment in Mexico's interior cities.</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, they stop the individual from entering the bridge.</p> <p>The number of migrants arriving in Piedras Negras has fluctuated over the past few months. Throughout September and October 2023, more than 1,000 migrants were arriving in the city each day.<sup>12</sup> However, as of mid-November 2023, the number of arrivals decreased to approximately 500 individuals per day. The majority of these people are from Venezuela, and they continue to cross the Rio Grande rather than wait in the city for a CBP One appointment. The city's shelters are full.</p>

## Asylum Waitlists: November 2023 (continued)

Mexican City	CBP One Appointments	# of People Crossing Each Day	City Conditions
<b>Ciudad Acuña, Coahuila</b>	Closed	<p><b>0 people per day</b></p> <p>—</p> <p><i>November 14, 2023</i></p>	<p>There are no CBP One appointments in Ciudad Acuña.</p> <p>The number of migrants living in and transiting through the city remains lower than in nearby Piedras Negras. The migrants who arrive in Ciudad Acuña generally attempt to cross the Rio Grande rather than spend time in the city.</p>
<b>Ciudad Juárez, Chihuahua</b>	Open	<p><b>~200 people per day</b></p> <p>—</p> <p><i>~200 people via CBP One appointments</i></p> <p><i>0 people via walk ups</i></p> <p>—</p> <p><i>November 13, 2023</i></p>	<p>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. Local officials report that there are no organized processes for facilitating walk ups at the city's ports of entry.</p> <p>The shelters in Ciudad Juárez are mostly at capacity. In October 2023, the municipality announced a new open-air shelter with the capacity to house up to 300 individuals.<sup>13</sup> This came after Mexico's National Guard (<i>Guardia Nacional</i>) dismantled a tent encampment next to the Rio Grande in September 2023, which was housing an estimated 300 migrants.<sup>14</sup></p> <p>In late September and early October 2023, large numbers of migrants in Ciudad Juárez began crossing the Rio Grande rather than wait for a CBP One appointment. On October 4, 2023, more than 2,000, mostly Venezuelan, migrants attempted to cross the river and were stranded for hours between the river and the U.S. border wall.<sup>15</sup></p>

## Asylum Waitlists: November 2023 (continued)

Mexican City	CBP One Appointments	# of People Crossing Each Day	City Conditions
Agua Prieta, Sonora	Closed	<p>~5 people per day</p> <p>—</p> <p>0 people via CBP One appointments</p> <p>~5 people via walk ups</p> <p>—</p> <p>November 13, 2023</p>	<p>There is no CBP One appointment processing in Agua Prieta. However, local organizations report that CBP processes approximately one to two families (four to eight people) as walk ups at the Raul Hector Castro Port of Entry every day.</p> <p>At the end of September 2023, migrants waiting outside the port of entry formed a small encampment with around 100 residents.<sup>16</sup> As of mid-November 2023, those numbers were closer to 30 people. Most of these waiting individuals are Mexican and are from Sinaloa, Chihuahua, and Sonora.</p> <p>Agua Prieta's shelters are open but are not functioning at full capacity. Members of organized crime have discouraged migrants from accessing the shelters' services.</p> <p>In recent months, migrants crossing the U.S.-Mexico border between ports of entry have increasingly traveled through Agua Prieta, rather than Nogales and San Luis Río Colorado.<sup>17</sup> These migrants are primarily from Mexico and specifically from Guanajuato, Morelos, Guerrero, and Chiapas.</p>

## Asylum Waitlists: November 2023 (continued)

Mexican City	CBP One Appointments	# of People Crossing Each Day	City Conditions
Nogales, Sonora	Open	<p><b>~115 people per day</b></p> <p>—</p> <p><i>~100 people via CBP One appointments</i></p> <p><i>~15 people via walk ups</i></p> <p>—</p> <p><i>November 11, 2023</i></p>	<p>Each day, CBP processes an estimated 115 people from Nogales. This includes approximately 100 people through CBP One appointments and up to 15 people a day from a line of asylum seekers outside the DeConcini Port of Entry. However, the Kino Border Initiative reports that there may be stretches of two to three days where CBP does not process any walk ups.</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. As of November 14, 2023, there were approximately 2,790 people on the waitlist. These asylum seekers wait approximately three to four months on the waitlist before being called to the port of entry.</p> <p>Once asylum seekers arrive at the port of entry, they cannot leave the physical line or they risk losing their turn. On average, asylum seekers are waiting one to three weeks at the port of entry.</p>
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>November 13, 2023</i></p>	<p>There is no CBP One appointment processing in San Luis Río Colorado. However, CBP at the San Luis Port of Entry processes approximately 10 to 12 people a day as walk ups.</p> <p>The individuals waiting outside of the San Luis Port of Entry are organized through a self-run waitlist system. As of November 13, 2023, there were 247 entries on the list, with each entry representing a family or group of people. In total, there are an estimated 618 people who are waiting to enter the port of entry as walk ups.</p> <p>The majority of these waiting individuals are from Mexico and most wait between 45 and 50 days. Many of these individuals rent rooms by the week or stay in hotels in the city, although some sleep outside of the port of entry.</p>

## Asylum Waitlists: November 2023 (continued)

Mexican City	CBP One Appointments	# of People Crossing Each Day	City Conditions
Mexicali, Baja California	Open	<p><b>~85 people per day</b></p> <p>—</p> <p><i>~75 people via CBP One appointments</i></p> <p><i>~10 people via walk ups</i></p> <p>—</p> <p><i>November 13, 2023</i></p>	<p>Every day, CBP processes approximately 85 people from Mexicali. This includes roughly 75 people per day with CBP One appointments and on average 2 families (totaling 10 individuals) as walk ups.<sup>18</sup></p> <p>Mexican authorities control access to the international ports of entry. To manage walk ups, Mexicali shelters take turns sending up to ten vulnerable individuals to the port of entry each day for CBP processing.</p> <p>At the end of October 2023, there were approximately 1,600 migrants in Mexicali.<sup>19</sup> These individuals were mostly from Haiti, Mexico, Russia, Cuba, and Venezuela. Currently, many migrants are staying in the city's shelters, which are not at capacity.</p> <p>On September 29, 2023, an INM van carrying migrants from the Mexicali airport to an INM office crashed, injuring eight individuals from Colombia and two people from Guatemala and killing an Ecuadorian migrant.<sup>20</sup></p>
Tijuana, Baja California	Open	<p><b>~395 people per day</b></p> <p>—</p> <p><i>~385 people via CBP One appointments</i></p> <p><i>~10 people via walk ups</i></p> <p>—</p> <p><i>November 13, 2023</i></p>	<p>Each day, CBP processes around 395 people in Tijuana. There are roughly 385 appointments through CBP One. These appointments are processed through the PedWest (El Chaparral) Port of Entry during three time slots. CBP also processes approximately 10 individuals a day as walk ups through the PedEast Port of Entry.</p> <p>Grupo Beta and INM officials verify asylum seekers' CBP One appointment confirmations before they can enter the port of entry. If individuals do not have a CBP One appointment or are not previously confirmed walk ups, they are not permitted to enter.</p> <p>Since October 2023, migrants have constructed two tent encampments between the international border walls. One encampment is located between Tijuana and San Diego.<sup>21</sup> The other encampment is located to the east of Tijuana near Jacumba.<sup>22</sup> While the numbers vary, at any given time, up to several hundred</p>



## Asylum Waitlists: November 2023 (continued)

Mexican City	CBP One Appointments	# of People Crossing Each Day	City Conditions
Tijuana, Baja California (continued)			<p>individuals are in the encampments and waiting for Border Patrol processing. In mid-October 2023, a woman from Guinea passed away in one of the camps following a medical emergency.<sup>23</sup></p> <p>The majority of migrants in Tijuana continue to reside in shelters and motels, which are currently at or past capacity.<sup>24</sup> Most migrants in the city are from Mexico, Haiti, Cuba, Venezuela, and Russian speaking countries.</p>

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

## ENDNOTES

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## ENDNOTES

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