



Precluding Protection: Findings from Interviews with Haitian Asylum Seekers in Central and Southern Mexico

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Center for Gender & Refugee Studies



Haiti Justice
Partnership



The Bridge

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Introduction

As Haiti descends into crisis, the international community's response has been insufficient. Still, the United States and Mexico have taken some steps to offer protection for Haitian migrants in the region or those fleeing the island to escape recent violence. In January 2023, the United States created a parole [program](#) that has permitted over 150,000 Haitians to safely enter the country to live with family or other sponsors for a period of two years. The United States also extended Temporary Protected Status, prohibiting removal of eligible Haitian nationals in the country before November 6, 2022. Many Haitians living in Mexico have been able to obtain resident status and bring their immediate family members to Mexico. But these initiatives are woefully inadequate.

At the same time, other U.S. and Mexico policies and practices preclude protections for Haitian asylum seekers and place them in harm's way. The United States has returned Haitians to harm through ongoing deportations and maritime [interdictions](#) despite acute and unprecedented levels of violence, and even as UN High Commissioner for Human Rights, Volker Türk, [declares](#) that, "Haiti is in the grip of total chaos." Deportation [flights](#) from the United States have repatriated more than 27,000 Haitians—approximately one in every 420 people in Haiti—since President Biden's inauguration. While Haiti did not receive any flights in February or March this year, the gap in regular flights was not the result of humane policy but rather because gun battles [closed](#) Haiti's main airport. The United States [resumed](#) deportation flights on April 18, sending Haitians back to unconscionable risk of harm—and to a country without a legal government able to consent to the deportations or protect the returning nationals from violence.

Moreover, the [asylum ban](#)—which has been in place since May 2023 and requires individuals to make an appointment on the CBP One smartphone app to present at the border to seek asylum—impermissibly restricts access to protection. There are 1,450 CBP One appointments available per day, spread across eight ports of entry. The limited number of appointments results in long wait times in Mexico to get a CBP One appointment and present at the U.S. border: currently over seven months.

Mexico, for its part, denies Haitians their right to seek safety through arbitrary and biased decision-making coupled with a lack of meaningful access to protection systems. Although Mexico is not deporting people to Haiti, it routinely apprehends Haitians traveling north

without authorization and deports them to Guatemala or other regions of Mexico, placing them at risk of [extortion](#) and physical harm.

Haitians who fear persecution, torture, and threats to their lives are legally entitled to seek asylum and other forms of humanitarian protection under international, regional, and domestic law in both Mexico and the United States. Binding instruments and non-binding recommendations encourage States to facilitate the movement, processing, and acceptance of asylum seekers arriving at their borders. Virtually all Haitians find themselves in this predicament given the [worsening](#) conditions in Haiti.

The situation is dire for Haitians and other Black migrants navigating the Americas in pursuit of safety. Black migrants face additional layers of xenophobia, racism, and insufficient language access. They are also subjected to harms [en route](#) to safety for which there is no accountability. But rather than cooperate to create regular migration pathways that promote the safety, dignity, and human rights of asylum seekers—as they have committed to under the Los Angeles Declaration on Migration and Protection—Presidents Joe Biden and Andrés Manuel López Obrador instead continue to [focus](#) on “security” measures designed to block access to protection.

From March 3-9, 2024, students with the University of California College of the Law, San Francisco Haiti Justice Partnership (HJP) and colleagues from the Center for Gender and Refugee Studies (CGRS) and Haitian Bridge Alliance (HBA) visited Tapachula and Mexico City, Mexico to document current conditions for Haitian migrants and provide Know-Your-Rights information to Haitian asylum seekers in Haitian Kreyòl. Drawn from over 100 interviews with asylum seekers, as well as service providers who work with this population, the findings of this report emphasize the barriers to protection faced in Mexico and other countries in pursuit of safety.

All names have been changed in this report to protect the identity of the interviewees.

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International Protection Needs for Haitian Asylum Seekers in Mexico

Escalating violence, widespread impunity, and deepening insecurity in Haiti have been thoroughly [documented](#). In the absence of a functioning state, armed groups terrorize Port-au-Prince and some rural areas with [systematic rape](#), [indiscriminate kidnapping](#), and mass killing, all with impunity. UN High Commissioner Türk's [latest report](#) describes the circumstances as "cataclysmic." Human Rights Watch's March [report](#) echoes the High Commissioner's concern and highlights the grave threats individuals face in Haiti—including that nearly [half](#) of the country's entire population is now acutely food insecure. The catastrophic situation is the [predictable](#) result of the [failed approach](#) of the United States and the international community that propped up illegitimate regimes and undermined Haitian-led solutions, only further underscoring their responsibility to offer protection.

The UN Independent Expert on human rights in Haiti, William O'Neill, [estimates](#) there are at least 400,000 Internally Displaced Persons (IDPs) in Haiti. As violence reaches beyond the capital, many Haitians have no option but to flee the country. Indeed, protracted instability and violence have [forced](#) a significant exodus of Haitians to cross borders in pursuit of safety.

The UN Refugee Agency (UNHCR) released new legal [guidance](#) in March for States to ensure international protections for individuals fleeing Haiti. Noting the [skyrocketing](#) violence and human rights violations resulting in large-scale displacement, the guidance emphasizes that decision-makers should apply protections under the 1951 Refugee Convention liberally; that the expansive 1984 Cartagena Declaration on Refugees definition should extend to individuals affected by generalized violence and circumstances seriously disturbing public order; and that States should consider complementary or temporary protection arrangements for displaced Haitians. Even where individual asylum claims are rejected, the UNHCR [reiterated](#) the call to all States to *not under any circumstances* forcibly return people to the current conditions in Haiti.

Indeed, the delegation heard harrowing stories from Haitian migrants who fled the conditions described. Here are some of the stories Haitian asylum seekers shared regarding their fears of return:

- **Josue** was responsible for a school in Haiti, where gangs came and demanded monthly payments. When he told them he couldn't afford it, they came to his house and tried to kill him and threatened his daughter with sexual violence. "I don't even

know if I want to go to the United States. I just want to go home. But if I go home, they will kill me.”

- **Esther** escaped Haiti after gangs tried to cut her foot off while she was pregnant, forcing her to flee and leave other children behind. The gangs later burned down the homes in her neighborhood, sending her mother, young children, and sister into hiding, where they still remain.
- **Frantz’s** neighborhood became so violent that he could not leave his house and was forced to flee to the countryside. Gang activity infiltrated this area too, and he was again forced to flee. “When violence reaches your house, you either join the gang or die.”
- **Samuel** fled Haiti after he was shot. “A bullet went through my leg and one through my belly. They were targeting me because I had a successful business.”
- **William** was forced to flee when his neighborhood was taken over by gangs. “Shootings were happening outside my house all the time. I had neighbors who were shot. We’re all running from Haiti.”

Haitians unquestionably [merit](#) international protection, as they cannot safely return home. However, they face steep barriers to accessing safety in the Americas. Whether the borders are national or technological, as with the U.S. CBP One app’s “geofence” that cleaves Mexico in two, migrants find themselves stuck for prolonged periods in informal settlements while trying to exercise their right to seek protection. Many experience severe harm and human rights violations in this context.

Barriers to Protection for Haitian Asylum Seekers in Mexico

The rights of asylum seekers and other migrants are set forth in a series of international instruments. Article 13 of the Universal Declaration of Human Rights establishes the right to freedom of movement and residence and the right to leave and return to any country. The [Inter-American Principles](#), which detail standards for policies and practices relating to migrants, highlight that States must “protect the rights of all persons, regardless of their migration status.” Protections for those fleeing persecution and torture are set out in the Refugee Convention and the Convention Against Torture, to which the United States and Mexico are parties.

In direct contravention of their binding obligations and other declarative commitments, unjust policies by the United States and Mexico have sown confusion and restricted access to protection for Haitian asylum seekers in both Tapachula and Mexico City. The delegation witnessed and spoke with numerous migrants who experienced the following infringements on their rights, which are detailed in the sections to follow.

- First, migrants face restrictions on their freedom of movement because they do not have the ability to leave the state of Chiapas, which borders Guatemala, while the Mexican refugee office processes their protection claims.
- Second, Haitian and other Black migrants face barriers to obtaining asylum protection in Mexico owing to a long and confusing process, insufficient language access, and racial and country of origin bias in the adjudication of their claims.
- Third, as migrants are prohibited from working and traveling freely, many are forced to live in the streets, which leaves them vulnerable to harms such as extortion, kidnapping, and corruption.
- Fourth, migrants in Mexico City face a dearth of access to shelter or other basic services and are vulnerable to forced evictions and other abuses while living in informal settlements.
- Fifth, migrants trying to seek safety in the United States receive misinformation regarding the interaction of asylum processes in Mexico and the United States, which poses a serious obstacle to seeking protection in either country.
- Sixth, despite improvements to the U.S. CBP One phone app, which is the primary means of seeking asylum at the U.S. border, the app remains riddled with glitches, technical failures, language barriers, and other issues that disproportionately affect certain populations, including Haitians and nationals of African countries.

In many ways, these violations work in concert to preclude meaningful access to protection in Mexico and the United States for many Haitians. However, as outlined in the final section of this report, there are several actions that both countries can take to immediately and significantly improve the circumstances for Haitian and other Black asylum seekers pursuing safety in the Americas.



Image: Encampment at Plaza Giordano Bruno, Mexico City, Mexico, March 8, 2024.

1. Erratic Policies Deny Migrants' Freedom of Movement

Many migrants enter Mexico by crossing the Guatemala-Mexico border into the Mexican state of Chiapas and make their way to the city of Tapachula. In the past, the Mexican government provided "[humanitarian visas](#)" (also known as TVRHs), which permit migrants to travel legally in Mexico and to remain in the country for up to one year with work permit authorization. Many Haitians and others obtained these visas and traveled northward to Mexico City or other cities in the country where they could wait for their asylum applications to be processed or attempt to enter the United States to seek protection.

Last fall, the Mexican government stopped issuing the TVRHs to asylum seekers upon arrival. The government offered no explanation, but it is largely believed to be a politicized process in reaction to, or in an effort to influence, regional migration policies. If the government does not issue the visas, migrants' freedom of movement is restricted because traveling without permission places them at heightened risk of apprehension and exploitation by Mexican authorities and possible deportation to Guatemala or another country. Compounding the issue, migrants are often unaware that they are prohibited from leaving Chiapas.

By not granting the visas, the Mexican government attempts to keep migrants confined to Chiapas, and primarily in the city of Tapachula where even minimally available resources are concentrated. Chiapas is Mexico's poorest state, yet registers over [60%](#) of all asylum applications in Mexico, making Tapachula the [busiest](#) *Comisión Mexicana de Ayuda a Refugiados* (COMAR) office in the country.

In order to receive work authorization or permission to travel, asylum seekers must navigate the multi-step process for seeking refugee status in Mexico. While Tapachula has been known as an [open-air prison](#) since 2020, the dynamics on the ground can shift rapidly with policy changes: during periods when the government granted TVRHs, migrants could travel to other areas of the country where they have family or other connections or have the ability to access other services. Migrants' safety hangs in the balance of policy changes and is made worse by the lack of transparency.

- **Emmanuel** reported that a private bus company was selling migrants bus tickets to leave Tapachula. He and others believed they were being taken to Mexico City, unaware of any restriction from traveling outside Chiapas. But within 15 minutes of departing, officials stopped the bus at a checkpoint and deported Emmanuel, his wife, and many others to Guatemala, where they were again forced to pay an exorbitant fee to get back to Mexico in pursuit of safety.

2. Onerous Asylum Processes Exacerbate Harm

As described, at present, asylum applicants are expected to wait in Chiapas (or whatever state in which they filed their application) for the entirety of the application process, which can take several months. The asylum process in Tapachula consists of three steps—pre-registration, registration, and an eligibility interview—which take place at three separate COMAR offices in Tapachula. Migrants generally learn of these processes through word of mouth or upon arrival at a COMAR office and express frustration at the lack of transparency, complicated process, and prolonged waiting periods without support or the ability to work.

Step One: Pre-Registration

Pre-registration occurs outside a large park in Tapachula, the *Parque Ecológico*, where crowd control barriers herd lines of migrants attempting to seek asylum in Mexico. Two small mobile offices, a medical van, and approximately ten portable toilets lining the barriers are the only facilities on site. Pre-registration appointments are offered throughout the week, however there are significant language access issues for Kreyòl, French, and other non-Spanish speakers. The delegation learned that pre-registration interviews are available for Spanish speakers from Monday to Thursday and Kreyòl interpretation is available on Fridays only. French and English interpretation is sometimes offered on Fridays as well, as needed.

As there are few affordable shelter options available, asylum seekers—many with families and young children—are forced to live in the streets in front of the COMAR office for months on end. Although security guards patrol the area during daylight hours, migrants reported that there is no security at night, when cartels and others prey on vulnerable people. The delegation spoke with several individuals who had suffered or witnessed violence and assaults here.

- **Carlos** explained, “It’s extremely dangerous here, we’re vulnerable. Sometimes [gangs] show up here and the women and kids all run in fear.”
- **Victor** put it simply: “If I could work, I want to work. Or I would just leave. But I can’t even do that. So, I’m stuck here because it’s safer than being in the street alone. I want to work to feed my kid.”

Step Two: Formal Registration

After pre-registering, asylum seekers should receive an email from COMAR within two weeks to two months to schedule an appointment to appear for formal registration. Several migrants reported they had not received an email after waiting for numerous weeks. When migrants receive an appointment, they must appear at a second COMAR location, elsewhere in the city, to formalize their application for asylum in Mexico. Language access at this location is reportedly insufficient as well, as formal interpreters are not retained on staff, but rather borrowed from other agencies on an ad hoc basis. After formally applying for asylum at this location, migrants then wait for an eligibility interview to be scheduled, for which they will also be notified by email. For individuals who lack sufficient language or digital access, the barriers to scheduling an appointment are significant. Between pre-registration and formal registration with COMAR, migrants report waiting six months. In the meantime, migrants are essentially unable to inquire about the status of their application due to staffing and training shortages.

- **Fabiola** fled Haiti with her five-year-old child and has made several attempts to get an appointment with COMAR. She was turned away from COMAR each time she visited the office to try to learn more about the process. She does not have legal authorization to leave Tapachula or find work to support her child.
- **Augustin**, waiting outside of the COMAR office in Tapachula, said, “We are trying to get status so I can get a work permit and support my family. We can’t leave without money and I can’t make money without a work permit, and I can’t get a work permit without residency... There is so much racism and discrimination here though. I’m just trying to get a work permit, but it is not possible.”
- **Jonas** had been in Tapachula for five months without receiving an appointment with COMAR. Unable to work, he stands in line every day, twice a day, with no luck. “How are we supposed to survive? There is no place to complain or understand what is happening.”

Step Three: Adjudication

If Haitian migrants secure an eligibility interview with COMAR—for which they must appear at a third location—they face an arbitrary and discriminatory decision-making process. Although Mexican law adopts the expanded Cartagena refugee definition, Mexico does not apply it to Haitian claimants as it does to other nationalities, such as Venezuelans. In 2022, for example, the approval rate for Haitian asylum seekers was only [12%](#). In 2023, it was just [13%](#). The approval rates are inexplicably low given Haiti’s country conditions set forth

above. By stark contrast, the grant [rate](#) for Venezuelan asylum seekers was 87% in 2022 and 82% in 2023. It is important to note, however, that these grant rates describe only positive decisions against the number of individuals who actually “show up” for their scheduled COMAR appointment. Therefore, it does not account for the large number of “no-shows” among asylum seekers for both countries.

Indeed, there is a significant “no-show” rate: reportedly over two-thirds of Haitian migrants fail to appear for scheduled appointments with COMAR. This is due to several factors, such as feelings of uncertainty and confusion about the immigration process in Mexico, a sense of hopelessness that attending their interview would be futile, and fear that applying for asylum in Mexico may preclude them from an asylum claim in the United States (a pervasive rumor explored later in this report). Other factors, like simply losing one’s phone or forgetting an email password, also play a role in missed appointments. Yet failure to appear for an interview can have significant deleterious effects going forward. Cases may only be reopened after 30 days with sufficient justification for abandoning the claim. Local legal experts told the delegation that, in practice, requests to reopen are rarely granted.

- After waiting almost six months in Tapachula, **Evens** lamented feeling discouraged by the process. “I don’t even want to go to COMAR, they’ve done nothing for us.”
- **A group of women** reported feeling so exhausted and disillusioned by their experiences in Mexico that they did not show up for their COMAR appointments. They journeyed north to Mexico City and reported facing violence and theft en route, including at the hands of police officers.
- **Jean** from Congo tried to pre-register at COMAR in Tapachula, but he was unable to navigate the process or get clear answers to his questions. Without support and in need of medication, he abandoned the process in Tapachula and left for Mexico City, where he remained in an outdoor encampment among other French-speaking Africans.

Without the ability to work or even leave Tapachula, and with little chance of a successful asylum grant in Mexico, Haitian migrants remain extremely vulnerable: physically and economically trapped in cycles of poverty and exposed to violence, kidnapping, and extortion. Asylum seekers report suffering violence from gangs, other migrants, local Mexican citizens, and even the police. Migrants therefore have two options: linger for unknown periods of time in Tapachula while their asylum applications are processed, or risk arrest and travel [northward](#), beyond CBP One’s “geofence,” where they may attempt to secure a CBP One appointment to apply for asylum in the United States. Many migrants ultimately take the risk out of desperation alone.

3. Extortion, Kidnapping, and Corruption Further Hinder Movement and Cause Harm

Migrants in transit are particularly vulnerable—targeted with physical violence, kidnapping, and extortion—including en route to Mexico, upon crossing into Mexico, and while attempting to move within Mexico outside the state of Chiapas.

In Tapachula, the delegation spoke with two Venezuelan families, with children under five years old, who had recently crossed into Mexico. After crossing the Guatemala-Mexico border, they reported being kidnapped and taken to a house with 50-60 other migrants of various nationalities, including Haitians. The kidnappers demanded \$300 USD per person to be released. These families were held for five days; they explained that others were held for longer because they could not pay the ransom. Their arms were stamped upon release, and they were dropped off in Tapachula near one of the informal encampments that coalesce outside COMAR offices. Unable to be seen by COMAR that day, the delegation located a shelter for them, but wondered where they would have slept without intervention.

Asylum seekers also report corruption and abuse by Mexican officials if apprehended while traveling outside Chiapas, as well as deportation to Guatemala. Deportation can compound cycles of harm, as migrants face repeated patterns of violence and exploitation each time they make their way from Guatemala through Mexico.

- **Beatrice**, from Haiti, described one experience where Mexican officials approached and said they would take her to register at COMAR but instead deported her to Guatemala. She wanted to apply for status in Mexico but did not understand whether COMAR was open to Haitians or how the process worked.

Harms against migrants en route to Mexico are well documented and show no signs of abating. In particular, interviewees reported severe mistreatment at the hands of the Guatemalan police.

- **Rony** and two other Honduran nationals described harrowing experiences traveling through Guatemala. “The [Guatemalan] police call the bus and they put you on it. But then later down the road, the bus will stop. And it’s the same police there waiting for you—the same exact people. They make you pay. And they make women pay with their bodies.”
- **Ines** agreed. “The Guatemalan police are absolutely horrible. They extort people and they rape women. The police there take all your money and then you’re

kidnapped here in Mexico and they want more money that you don't have. It's too much."

Such incidents as these have caused many migrants to [fear](#) attempting to travel at all. However, between the extensive wait times and insecure living conditions, many migrants still abandon their claims with COMAR, as described above, despite the [risks](#) of moving in Mexico.

4. Inadequate Housing and Forced Evictions Compound Insecurity

Many migrants have successfully traveled to Mexico City, whether by embarking prior to fall 2023, when travel permits were still being issued, or by taking their chances and traveling north out of desperation without authorization. When they arrive, however, migrants face similar issues to those in Tapachula—namely the inability to find regular work, lack of access to adequate shelter and basic necessities like medical care, and ongoing exposure to discrimination, violence, and extortion. Affordable housing is very limited for asylum seekers in Mexico City. And shelters are overcapacity, which has led to [thousands](#) living in informal encampments throughout the city in extremely vulnerable conditions.

Within the camps the delegation visited, there was limited or no access to water. Individuals reported having to pay for water to drink, bathe, and use for other sanitation purposes. Migrants also reported arriving healthy to these encampments, but then falling ill due to unsafe and unsanitary conditions and lack of access to medical services.

- **Pierre** expressed concern at the unsanitary conditions, complaining that many migrants suffer from shingles, malaria, and other maladies—illnesses they did not have prior to living in the camp.
- **Cassandra** described having to pay to use the bathroom, and at times drinking water from puddles out of desperation. She sometimes wakes up at 4 a.m. to try to shower because it is so competitive. "Is there [no] better place to put migrants? This place is so bad."

The delegation interviewed individuals stranded at several camps in Mexico City, including *Plaza Giordano Bruno* (minimum estimate of 200 individuals at the time); *Bosque de Tláhuac* (minimum estimate of 600 individuals); and *La Iglesia/Parroquia de la Soledad* (minimum estimate of 1,000 individuals). More than one parent approached members of the delegation seeking urgent medical care for their children.

- **Maria**, a woman traveling with her husband and three children, including one with a disability, approached a delegation member with her nine-month-old baby seeking medicine and shelter. She reported that her baby had been suffering from a fever for over three days. Maria said they had not been able to obtain food aside from some formula for the baby, who coughed uncontrollably for the duration of the interview. In addition to not receiving assistance, she reported that officials often even extorted or robbed migrants. She and her family were ultimately evicted from the site by local authorities.
- **Ricardo** approached a delegation member holding hands with his young son, seeking medical assistance, noting that his son had been ill for days. Ricardo's son looked up at him and said, "It hurts, I don't feel good," pointing down to show that he was unable to stop from urinating himself.

Compounding conditions, migrants face threats of forced eviction in informal encampments, as [documented](#) by local organizations. While speaking with migrants living outside of the *Iglesia de la Soledad*, the delegation observed one such incident.

On March 7, local officials requested assistance from the delegation with communicating to *Iglesia de la Soledad* residents in Kreyòl that they would need to move their tents and other belongings from the area outside the church.* The officials claimed that the reason they needed to leave was for the Semana Santa festival, to be held later that month, though they did not suggest that anyone would be permitted to return. Officials offered to move mothers with young children to a different facility but provided no information about where that facility was located, what would happen upon arrival, how long they would be permitted to stay there, or what would happen upon discharge. It was also unclear how families could reunite if they split to temporarily house a mother and young child. As such, Haitian mothers the delegation spoke with were wary of going with the officials.

The following day, March 8, the delegation returned and witnessed migrants removing their belongings under the oversight of local officials. From what the delegation observed, most migrants were shuffled to a park nearby—which also has no infrastructure—[perpetuating](#) and compounding the circumstances and conditions violating migrants' rights.

* The delegation spoke with individuals from several countries including Angola, Chile, Colombia, Congo, Cuba, Haiti, Honduras, El Salvador, and Venezuela; the local officials did not have interpretation for non-Spanish speakers.

5. Misinformation Regarding the Interplay Between Access to Protection in Mexico and the United States Sows Confusion

Misinformation presents another obstacle to seeking safety. Haitian migrants repeatedly reported being advised by local or other immigration officials that if they applied for or obtained asylum in Mexico, they would be automatically barred from requesting asylum in the United States, or that their CBP One appointment—if they could secure one—would be canceled. Although obtaining protection in another country *can* [impact](#) an asylum claim in the United States, it does not constitute a per se bar. In fact, seeking [protection](#) in transit countries can even enhance the viability of a claim. This incorrect information, especially when coming from official sources, creates further confusion and discourages migrants from applying for protection in Mexico.

- Having fled Haiti, **Darline** was too afraid to leave her encampment in Mexico. Although one of her relatives recently received work authorization in Mexico, she said she would not apply for asylum there out of fear that she would not be able to apply for asylum in the United States where she has a support network and would feel safer.

Based on conversations with multiple sources in Mexico, this misleading information may be shared purposefully to dissuade migrants from seeking protection in Mexico if their ultimate destination is the United States. No doubt the Mexican asylum system is overwhelmed by an increase in applications, especially as the United States seals its border. But Haitian asylum seekers, and all asylum seekers, have the right to seek protection, even temporarily, no matter where they find themselves. Without a pending asylum application, migrants are at risk of deportation and have no ability to access resources or even send their children to school. And, as described in the section to follow, accessing asylum in the United States can be a lengthy process.

6. The CBP One Phone App Limits Access to Asylum by Design

Misinformation about CBP One, a lack of transparency regarding appointment distribution processes, language barriers, and technical glitches result in [frustration](#) and inadequate protection for those in dire need. Many [documented failures](#) have been improved in recent months thanks to the sustained and dedicated advocacy of organizations like HBA. However, the app remains riddled with inadequacies and breakdowns. In the months it can take for asylum seekers to get an appointment, they remain stranded and insecure.

Language barriers deny the needs of many migrants, particularly migrants from African countries. After downloading the app, the first few pages of information are presented to users exclusively in English. The consent form—required for continued access to the app and therefore to the U.S. asylum system—is also only offered in English. Users do not have the ability to choose another language until after agreeing to the terms on the consent form. Therefore, migrants who are not proficient in English have no opportunity to review what they are agreeing to prior to consenting.

Many asylum seekers the delegation spoke with believed the absence of applicable language options for them meant the application was not intended for their use. Nationals of African countries, for example, repeatedly expressed that because the app is not available in any of the often several languages they speak, the CBP One app must not be intended for them to seek asylum. Inadequate language access precludes access to protection in the United States for many migrants from African countries, as the app is effectively the only option to seek asylum under the Biden administration's latest [rule](#) restricting protections.

While the app has undergone improvements since its rollout, it remains insufficient and plagued with a host of technical issues. The delegation witnessed that facial recognition issues persist when taking the required photo of darker skinned people. Multiple attempts often must be made, including adjustments to backlighting, and sometimes requiring the use of flash or another phone's flashlight in broad daylight. The delegation observed on several occasions that the app did not provide an "error" notification to alert the user that their photo did not meet the requirements for processing. Rather, users were left to repeatedly tap at the "shutter" button, confused as to why the application was not letting them successfully take and upload a photo.

In addition, the app disallows accurate input of certain given, legal names that do not meet the app's criteria, which disproportionately affects asylum seekers of certain backgrounds. Where a name exceeds the length permitted in the app, or where a name contains spaces, users are forced to input incomplete or incorrect versions of their name. These restrictions apply even when an individual scans their government-issued passport into the CBP One app. The app scans the data from the passport and populates its own fields, but then rejects the user's name if it is "too long" or contains spaces. Where a user must modify their name, the submitted name will not match their identification. Therefore, as noted on CBP One's own [FAQs page](#), if the names do not match, their appointment "may not be honored." Worse, an asylum seeker's registration could be deleted entirely—for example, if they attempt to create a new account with correct information, and CBP considers it "misuse" of the app. If a registration is deleted, the individual is sent back to the end of the queue or could be prevented from creating a new account, prolonging their wait.

Large groups are also at risk of extended waits. On March 4, CBP announced that any registration for groups of more than ten individuals would be deleted. Large families and groups of individuals who may have registered together months ago in hopes of improving their chances of receiving an appointment, but did not secure an appointment before March 4, must now re-register and start the process over, which may take six to seven additional months.

For individuals using old or used Android phones (including the majority the delegation spoke with), authentication issues sometimes prevent downloading the application at all. Because migrants are often targeted for theft, or otherwise lose their cell phones en route—for example when forced to wade through rivers or navigate the jungle—purchasing used cell phones is common. This creates problems, especially with Google device protection and factory reset protection, which may remain associated with past users' accounts. In practice, if the CBP One app is not already downloaded onto the used device, the current user is unable to download it or attempt to obtain an appointment. Additionally, individuals with old phones are often unable to download the application for other unknown reasons. In one case, the delegation—replete with tech-literate law students—was unable to determine why.

Other researchers have found similar [technical barriers](#) to using the CBP One, and found that these difficulties and long wait times for a CBP One appointment compounded migrants' symptoms of depression and other signs of poor well-being. Indeed, the delegation found that confusion breeds additional anxiety, which creates an opportunity for some individuals to sell services that help navigate the onerous app. And it incentivizes others to simply resort to theft against other asylum seekers out of desperation.

Even if asylum seekers successfully navigate the app and secure an appointment, they still face significant dangers en route to the U.S.-Mexico border that prevent access to protection. As described above, traveling in Mexico is dangerous for asylum seekers, especially without authorization. While some migrants reported being able to fly from Mexico City to a border city with proof of a CBP One appointment, travel authorization is at the whim of Mexican officials on duty at the airport. Travel by bus is even more precarious. Some migrants reported that having a CBP One appointment made them more vulnerable to exploitation. Kidnappers, for example, believe that individuals with appointments are likely to go to great lengths to make it to the border quickly to not lose their appointment, and that they may have ties to friends or family in the United States with funds to pay for their release.

- **Peterson** described fears of not being able to make it to the U.S. border safely after obtaining his CBP One appointment due to the threat of violence on the way. “Everything here in Mexico is dangerous... people are getting kidnapped. Even with a CBP One appointment it’s dangerous, it’s too risky. Even if you take a bus there is extortion even by Mexican police.”

The app thus reifies discrimination against vulnerable people: those with “insufficient” digital literacy, with darker skin, who cannot afford newer devices, and who speak languages not offered on the app. These failures are the predictable results of reducing the right to seek asylum to a phone app.

Conclusion and Recommendations

The policies and practices of the Mexican and United States governments deny the human rights of Haitian migrants, as the above stories reflect. There are, however, steps that Mexico and the United States can take immediately to ensure the basic rights and dignity of Haitian and other Black migrants are upheld.

The Mexican government must:

- **Provide protection to Haitians fleeing harm.** Mexico already applies the more expansive refugee definition of the Cartagena Declaration to asylum seekers of certain nationalities. The government [must](#) extend the Cartagena definition to Haitians, particularly in light of the precipitous decline in safety and humanitarian conditions in Haiti.
- **Permit freedom of movement** for asylum seekers throughout Mexico. It is critical to guarantee all asylum seekers the ability to travel freely and establish themselves throughout the country.
- **Grant work authorization expeditiously.** The ability to work and provide for one’s family must be disentangled from the asylum process, especially where applicants are to endure protracted procedures in attempting to secure asylum.
- **Ensure language access** by providing Kreyòl and French interpreters, at minimum, for every stage of the asylum process. Haitian and others must have access to adequate language support to ensure comprehension and safeguard their rights.

The U.S. government must:

- **Halt all removal flights and at-sea repatriations to Haiti** and call on other countries in the region to do the same. It is unconscionable to forcibly return anyone to Haiti under the current circumstances.
- **Extend and redesignate Haiti for TPS immediately.**
- **Expedite applications and expand the availability of the CHNV program** for Haitians.
- **Expedite processing for the Haitian Family Reunification Parole Program.**
- **Release Haitian asylum seekers** held in United States immigration detention. Detention should be used only as a last resort.
- **Reject any plans to detain Haitians** interdicted at sea at Guantanamo Bay or any other offshore detention facilities.
- **Adequately staff ports of entry** and increase processing capacity.
- **Increase infrastructure** to handle initial screening for people seeking asylum.
- **Fund state and local governments, nonprofits, and other community organizations** that support people as they navigate their immigration cases both at the border and final destinations.
- **Integrate CBP One as merely one tool among many** to facilitate the processing of all asylum seekers. Claims must be adjudicated based on their substance, not preemptively denied based on tech literacy.
- **Overhaul the CBP One app** to guarantee language access for Haitian and other Black asylum seekers; fix discriminatory facial recognition issues; and resolve the myriad glitches riddling the app.

Together, the Mexican and U.S. governments must:

- **Actively collaborate to guarantee safe, orderly, humane, and regular migration pathways**, per their commitments in the 2022 [Los Angeles Declaration on Migration and Protection](#), in order to promote the human rights and dignity of asylum seekers.
- **Cooperate to guarantee the human rights and humanitarian needs of asylum seekers**, including through resettlement and coordination of systems to reduce misinformation and streamline processes for those pursuing safety in the Americas. It is vital that these two influential countries work together to proactively support the needs of asylum seekers in the region, rather than focus solely on “reduction” and overbroad security measures.

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