ASYLUM PROCESSING AND WAITLISTS AT THE U.S. - MEXICO BORDER

DECEMBER 2018

European University Institute
ROBERT SCHUMAN CENTRE FOR ADVANCED STUDIES
MIGRATION POLICY CENTRE

ROBERT STRAUSS CENTER
FOR INTERNATIONAL SECURITY AND LAW
THE UNIVERSITY OF TEXAS AT AUSTIN

CENTER FOR U.S.-MEXICAN STUDIES
UC San Diego School of Global Policy & Strategy

AUTHORS

- **Robert Strauss Center: Stephanie Leutert, Ellie Ezzell**
- **Center for U.S.-Mexican Studies: Savitri Arvey**
- **Migration Policy Centre: Gabriella Sanchez**
- **IBI Consultants: Caitlyn Yates**
- **Independent Consultant: Paul Kuhne**

ABOUT THE ORGANIZATIONS

The Robert Strauss Center's Mexico Security Initiative (MSI) research program launched in 2016. MSI is an effort to spur sophisticated inquiry into the causes, dimensions, and consequences of transnational crime and violence as well as the adequacy of past, present, and potential U.S. and Mexican policy responses.

The Center for U.S.-Mexican Studies (USMEX), based at the UC San Diego School of Global Policy and Strategy (GPS), was founded in 1980 to study Mexico and the full range of issues affecting economic, social and political relations between Mexico and the United States. USMEX is a go-to source for rigorous academic research that can be applied to the creation, implementation and evaluation of public policy.

The Migration Policy Centre (MPC) at the Robert Schuman Centre of the European University Institute conducts advanced research on the transnational governance of international migration, asylum and mobility. It aims to provide new ideas, rigorous evidence and critical thinking to inform major European and global policy debates.

ACKNOWLEDGEMENTS

We are grateful to the many government officials, law enforcement officers, representatives from civil society organizations, journalists, and members of the public on both sides of the U.S.-Mexico border who contributed their time and effort in preparation of this report. The authors would also like to thank Ashley Carreon for the report's design and layout. Any omissions or errors concerning the information and views set out in this report are the responsibility of its authors.

TABLE OF CONTENTS

Introduction 1

Legal Framework for Asylum Processing Procedures at the U.S.-Mexico Border 1

U.S. Ports of Entry and Asylum Processing Overview 2

History of CBP Turnbacks and Metering of Asylum Seekers 3

Mexico's Response to Turnbacks and Metering: Waiting List Systems 5

Procedures for Asylum Seekers in Mexican Border Cities 9

Tijuana, Baja California 9

Mexicali, Baja California 11

Nogales, Sonora 12

Ciudad Juárez, Chihuahua 13

Piedras Negras, Coahuila 14

Nuevo Laredo, Tamaulipas..... 15

Reynosa, Tamaulipas..... 16

Matamoros, Tamaulipas 17

Conclusion 18

Endnotes 19

EXECUTIVE SUMMARY

For more than two years, CBP has implemented "metering" procedures for asylum seekers in multiple ports of entry across the U.S.-Mexico border. However, over the past six months, these practices have become institutionalized and have been extended across the entire southern border. Currently, CBP officers are stationed at the international dividing line between the United States and Mexico at all ports of entry and provide a similar message—"there is currently no processing capacity"—to arriving asylum seekers. Instead, each port of entry coordinates with Mexican officials to accept a certain number of asylum seekers every day. These shifts in CBP procedures have left lines of asylum seekers waiting in almost every major Mexican border city.

Yet while CBP officers have standardized their practices, there is no set process for asylum seekers on the Mexican side of the border. While almost all border cities now have a "list" that functions as a virtual line for asylum seekers—for example, the infamous "notebook" in Tijuana—the list management and logistics vary significantly by city. For example, the actual list managers have ranged from Grupo Beta (the Mexican government agency in charge of humanitarian assistance for migrants) to civil society organizations to municipal governments, and the processing steps may entail providing asylum seekers with bracelets or taking their photos after they arrive to the U.S.-Mexico border.

There are also a range of practices and dynamics in Mexican border cities that block asylum seekers from accessing U.S. ports of entry. In Reynosa, Tamaulipas, Mexican migration officials stationed near the international bridges have stopped all asylum seekers from crossing during the past three months. In Nuevo Laredo, Tamaulipas and Piedras Negras, Coahuila, Central Americans cannot access the international border bridges without temporary transit permits. In Matamoros, Tamaulipas there are allegations of asylum seekers having to pay a fee in order to get on the waiting list, and in Tijuana, Baja California asylum seekers currently face a three month wait time in order to make their claim.

This report provides a snapshot of the asylum processing system at the U.S.-Mexico border, with particular attention to asylum seekers waiting in Mexico. The report compiles fieldwork carried out in eight cities along the U.S.-Mexico border in November 2018. It draws on in-person and phone interviews with government officials, law enforcement officers, representatives from civil society organizations, journalists, and members of the public on both sides of the border. The report also relies on observations carried out at ports of entry and neighboring areas, and draws from government and legal documents, and news articles to detail current asylum processing dynamics.

INTRODUCTION

Every year, tens of thousands of people leave their countries and travel to the United States in order to request asylum. These asylum seekers include Central Americans fleeing gang or domestic violence, Venezuelans and Cubans fleeing political repression, and people from as far as West Africa and South Asia escaping wars or targeted violence. Over the past two and a half years, U.S. authorities have increasingly adjusted the processing procedures for asylum seekers arriving at the southern border. These adjustments appear to be part of a two-pronged approach: 1) pushing asylum seekers toward ports of entry and 2) regulating or 'metering' the number of asylum seekers processed at these ports.

The latest policy adjustments began on April 6, 2018, when former U.S. Attorney General Jeff Sessions announced the administration's "Zero Tolerance" policy. This policy obligated federal prosecutors along the border to criminally prosecute everyone crossing between ports of entry, including asylum seekers and families.[1] The family separations that ensued—which resulted from parents being criminally charged and children being sent to detention centers and shelters across the country—led more asylum seekers to lodge their claims at ports of entry. The U.S. Department of Homeland Security (DHS) further encouraged would-be asylum seekers to apply for protection at official crossings.[2] Finally, on November 9, 2018, a presidential proclamation went as far as to deny asylum to individuals who enter the United States between official ports of entry. A U.S. district court, however, issued an injunction blocking the proclamation.[3]

While asylum seekers found themselves being pushed toward ports of entry, U.S. Customs and Border Protection (CBP) simultaneously took steps to limit the number of individuals who could lodge asylum claims at these ports. Their efforts included stationing officers at the U.S.-Mexico international boundary to check all crossers' documents, and only accepting a limited number of individuals every day or week for asylum processing. This shift changed both the admission dynamics at the ports of entry and created a backlog of asylum seekers in Mexico. In response, Mexican government officials and civil society organizations created informal waiting list systems to coordinate these asylum seekers.

This report provides a snapshot of the asylum processing system at the U.S.-Mexico border, with particular attention to asylum seekers waiting in Mexico. The report compiles fieldwork carried out in eight cities along the U.S.-Mexico border in November 2018. It draws on in-person and phone interviews with government officials, law enforcement officers, representatives from civil society organizations, journalists, and members of the public on both sides of the border. The report also relies on observations carried out at ports of entry and neighboring areas, and draws from government and legal documents, and news articles to detail the current dynamics.

LEGAL FRAMEWORK FOR ASYLUM PROCESSING PROCEDURES AT THE U.S.-MEXICO BORDER

International conventions provide the guiding principles for the United States' obligations toward refugees and asylum seekers.[4] These conventions—including the 1951 Convention Relating to the Status of Refugees and the 1967 Protocol Relating to the Status of Refugees—establish the principles upon which U.S. asylum law is based. An essential part of this international framework is the doctrine of non-refoulement, which protects any person from being returned to a country where that person's life, physical integrity, or liberty would be in danger.[5] Legal scholars have argued that the principle of non-refoulement applies not only to the 'non-return' of individuals already within a country but also to the 'non-rejection' of people arriving at a country's borders.[6]

The U.S. Immigration and Nationality Act (INA) specifically outlines the right to ask for asylum in the United States. The INA establishes that: "any alien who is physically present in the United States or who arrives in the United States (whether or not at a designated port of arrival and including an alien who is brought to the United States after having been interdicted in international or United States waters), irrespective of such alien's status, may apply for asylum in accordance with this section or, where applicable, section 1225(b) of this title."[7] In 1996, Congress

added the phrase "whether or not at a designated port of arrival" as part of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA), thus broadening the definition of asylum applicability.[8]

The process of seeking asylum in the United States can occur through two separate pathways: affirmative or defensive claims. Individuals may make affirmative asylum claims by entering into the United States uninspected or under an immigration status not related to asylum, and then file a claim with U.S. Citizenship and Immigration Services (USCIS) within a year of their arrival to U.S. territory. Alternatively, anyone may lodge a defensive asylum claim at a U.S. port of entry—including land, air, or maritime ports—or by presenting him or herself to a U.S. Border Patrol agent between ports of entry. According to DHS data, since 2008, an increasing number of people have sought humanitarian protections both at ports of entry and in-between them.[9] This report will focus on defensive claims, and specifically on asylum seekers' current attempts to lodge claims at ports of entry along the U.S.-Mexico border.

CBP officers that process defensive asylum claims at ports of entry must follow certain guidelines. First, CBP officers allow asylum seekers into the United States and place them in temporary holding cells.[10] Next, officers from CBP's Office of Field Operations process the asylum seekers within the port of entry. This process includes reviewing the asylum seekers' identification and travel documents and asking them a set of preliminary questions—also known as a sworn statement—to begin the asylum request process. CBP officers also record basic biometric data (fingerprints and photographs) and complete criminal background checks.[11] Asylum seeking adults and families are ultimately transferred to an ICE detention facility to continue their asylum process. Unaccompanied minors are transferred to the Department of Health and Human Services' Office of Refugee Resettlement.[12]

U.S. PORTS OF ENTRY AND ASYLUM PROCESSING OVERVIEW

Despite CBP's assertions that asylum processing is available at all 328 U.S. ports of entry, in multiple border cities, processing only takes place at specific ports of entry.[13] For example, in the ports of entry connecting Tijuana with San Diego's border communities, there are three ports of entry for pedestrians but only one is currently processing asylum seekers. Table 1 provides a breakdown of asylum processing in the eight cities outlined in this report.

Table 1: U.S. Ports of Entry & Asylum Processing

Port of Entry	Pedestrian Entrances	Entries that Process Asylum Seekers	Size of POE Processing Facilities (Estimate)
Brownsville, TX	B&M Bridge; Gateway International Bridge; Veterans International Bridge at los Tomates	B&M Bridge; Gateway International Bridge[14]	~20 people[15]
McAllen, TX	Pharr-Reynosa International Bridge; McAllen-Hidalgo International Bridge; Anzaldúas International Bridge	McAllen-Hidalgo International Bridge	~19-39 people
Laredo, TX	Gateway to the Americas International Bridge	Gateway to the Americas International Bridge	-
Eagle Pass, TX	Bridge 1; Bridge 2	Bridge 2	-

Table 1 Continued: U.S. Ports of Entry & Asylum Processing

Port of Entry	Pedestrian Entrances	Entries that Process Asylum Seekers	Size of POE Processing Facilities (Estimate)
El Paso, TX	Paso del Norte; Zaragoza; Free Bridge Córdova Américas	Paso del Norte; Zaragoza	~60-80 people[16]
Nogales, AZ	DeConcini; Mariposa; Morley Gate	DeConcini; Mariposa	~50 people
Calexico, CA	Calexico West; Calexico East	Calexico West	-
San Diego, CA	San Ysidro PedWest; San Ysidro; Otay Mesa	San Ysidro PedWest	~300-800 people[17]

HISTORY OF CBP TURNBACKS AND METERING OF ASYLUM SEEKERS

In March 2016, human rights organizations and news outlets began reporting that CBP officers along the U.S.-Mexico border were preventing asylum seekers from making claims in U.S. territory and turning them back to Mexico ("turnbacks").[18] By May 2016, these turnbacks were documented in San Diego, Nogales, El Paso, and Brownsville, and appeared to be increasing in frequency. At the same time, CBP officers in San Diego, Calexico, and Nogales were processing Haitian asylum seekers through a process that involved turnbacks to Mexico and requests that they wait their turn while in Mexican territory. A June 2016 email from a San Diego CBP watch commander confirmed the use of turnbacks, stating that "line officers [must] ask for and check documents to ensure that groups that may be seeking asylum are directed to remain in the waiting area on the Mexican side."[19]

By summer 2017, CBP officers were using turnbacks more frequently, although the practice appeared to be generally ad hoc. CBP officers did not appear to have a standard explanation for turning away asylum seekers, and testimonies allege that CBP officers provided a range of explanations, such as "the holding cells are full," "you can't just show up here," and "[the United States is] not giving asylum anymore."[20] At the time, CBP officials defended the turnback practice, arguing that it was not rejecting asylum seekers but rather responding to limited processing capacity. On June 13, 2017, CBP's Deputy Executive Assistant Commissioner John Wagner testified that the turnback policy "was really a question of the space available to process people."[21] A Laredo CBP spokesperson explained that the space for processing asylum seekers varies by port of entry, and depends on "holding and detention space, overall port volume, ongoing enforcement actions, case complexity, available resources, medical needs, and translation requirements."[22]

In May 2018, CBP began solidifying and uniformly implementing the turnback practices across the entire U.S.-Mexico border. These changes included more "border access controls," such as stationing an average of two CBP officers at the U.S.-Mexico international boundary on border bridges to check crossers' immigration documents. (Previously, CBP officers were only stationed within the ports of entry.[23]) According to a September 2018 letter from CBP to the DHS Office of the Inspector General, when asylum seekers arrive at the bridge, CBP stationed officers are supposed to

"radio the ports of entry" to check for available space and alert the asylum seeker if there is no space.[24] CBP officers stationed on the international bridges are also allowed to prioritize certain individuals with urgent needs such as those "traveling with children, or individuals who may be pregnant or have other medical emergencies."[25] On various border bridges, these CBP officers are accompanied by cones or mini booths and tents to mark their presence.

These new border access controls are part of CBP's "metering" or "queue management" effort. This report understands metering to refer to both turnbacks and the entire process of limiting the number of asylum seekers entering into U.S. territory. In some border cities, CBP officers regularly coordinate with Mexican authorities to alert them about their daily processing capacity. For example, every morning in Mexicali, Mexican authorities email CBP officers the latest version of the asylum waiting list and CBP officials respond with the number of people that they can process that day. In May 2018, DHS Secretary Kirstjen Nielsen described CBP's metering process in a television interview, saying: "if we don't have the resources to let [asylum seekers] in on a particular day… they are going to have to wait their turn and we will process them as we can."[26]

In October 2018, the Southern Poverty Law Center filed a civil complaint against Secretary of Homeland Security Kirstjen Nielsen, among others, regarding the border turnbacks. The complaint documented turnbacks at 14 ports of entry and claimed that this practice violated the Immigration and Nationality Act (INA), the Administrative Procedures Act (APA), and due process under the Constitution's fifth amendment. The complaint also claimed that CBP officers did not just alert asylum seekers regarding a lack of processing space but also used lies, threats, intimidation, coercion, verbal abuse, and physical force to block their access to U.S. ports of entry.[32] At the time of this report's publication the Southern District of California had not ruled on this complaint.

Table 2: U.S. Ports of Entry and Metering

Port of Entry	Border Access Control (Y/N)	Number of CBP Officers	Estimated Date of Placement	# of Processed Asylum Seekers
Brownsville, TX	Yes	2-3 CBP officers	June 2018	~0-6 per day[27]
McAllen, TX	Yes	2 CBP officers	June 2018[28]	N/A[29]
Laredo, TX	Yes	2 CBP officers	May 2018	~ 1-4 a day
Eagle Pass, TX	Yes	2 CBP officers and a patrol car	July 2018	~2-8 per day
El Paso, TX	Yes	2-4 CBP officers[30]	May 2018[31]	~40-60 per day
Nogales, AZ	Yes	2 CBP officers (Mariposa) / 1 CBP officer (DeConcini)	May 2018	~0-20 per day

Table 2 Continued: U.S. Ports of Entry and Metering

Port of Entry	Border Access Control (Y/N)	Number of CBP Officers	Estimated Date of Placement	# of Processed Asylum Seekers
Calexico, CA	Yes	2 CBP officers	Summer 2016	~0-20 per day
San Diego, CA	Yes	2 CBP officers	Summer 2016	~20-80 per day

MEXICO'S RESPONSE TO TURNBACKS AND METERING: WAITING LIST SYSTEMS

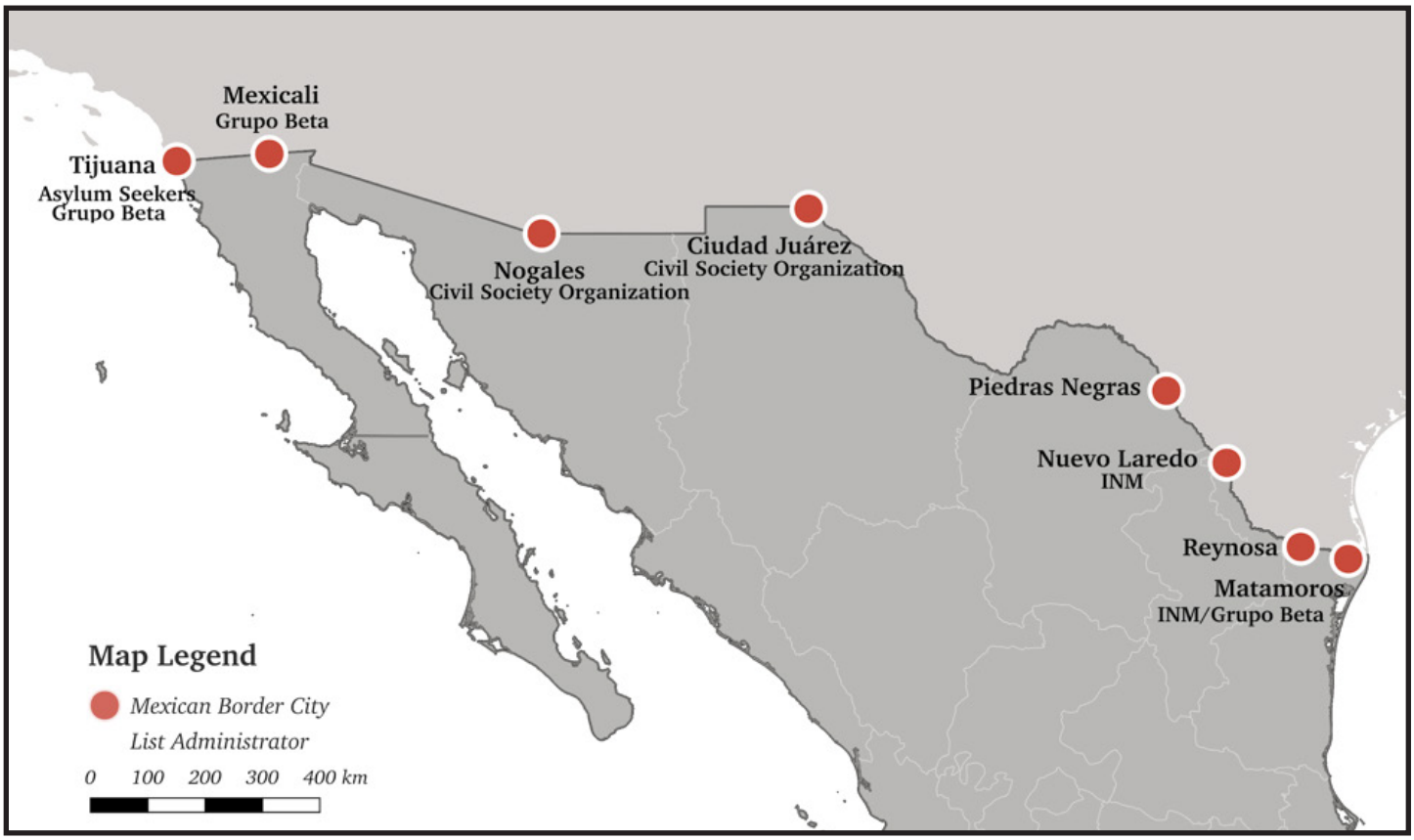
Over the past two years, CBP's metering system and use of turnbacks has been communicated to its National Migration Institute (Instituto Nacional de Migración, INM) counterparts. As far back as November 12, 2016, CBP's assistant director of field operations in Laredo wrote in an email that each port director was to meet with their Mexican counterparts and request that Mexican authorities "control the flow of aliens to the port of entry."[33] While during his May 2017 testimony, CBP Deputy Executive Assistant Commissioner John Wagner explained that "[CBP] worked out a process with the Mexican authorities to be able to limit how many people a day could come across the border into [the] facility to be able to be processed."[34] More recently, an article by The Nation from November 30, 2018 cites an email where a CBP representative acknowledged that the agency has "established a collaborative bi-national effort with the government of Mexico and non-government organizations to assist with the flow of individuals to the border, based on capacity and infrastructure constraints."[35]

Mexican officials and civil society organizations have frequently taken steps to address the effects from the United States' metering practices. This includes managing the backlogs of hundreds or thousands of asylum seekers waiting in Mexican territory. In the summer of 2016, the first approach to processing these backlogged asylum seekers emerged, as CBP officials implemented a metering system for Haitian asylum seekers. In response, INM created an appointment system in Tijuana, offering Haitians specific dates for their interviews and Grupo Beta—the Mexican government's humanitarian agency for migrants—set up a waiting list system in Mexicali. From late October 2016 through December 2016, the Nogales municipal government also implemented a waiting list system for arriving Haitians.

Beginning in the summer of 2018—as asylum seekers camped out around ports of entry—the waiting list systems spread to almost every Mexican border city. These lists were often created to allow asylum seekers to move into shelters while they waited and to reduce conflicts among the individuals waiting in line. However, across Mexico's border cities, there is no standardized waiting list administrator: Grupo Beta plays this role in Tijuana and Mexicali, local civil society organizations in Nogales and Ciudad Juárez, INM officials in Nuevo Laredo, and, until late November 2018, the municipal government in Piedras Negras. In Matamoros, both INM and Grupo Beta run a list at the Gateway International Bridge. Asylum seekers may also assist in managing the waiting system. For example, in Tijuana, an asylum seeker volunteer is in charge of documenting arriving asylum seekers' information and calling out the numbers for daily CBP processing.

There are also significant differences in the number of asylum seekers waiting at each port of entry. In Nuevo

Map 1: Mexican Border Cities and Waiting List Administrators



Author elaboration

Laredo, the number of waiting asylum seekers was estimated to range between 60 and 80, while in Tijuana, there are currently more than 5,000 asylum seekers on the list. These varying numbers and the differences in CBP processing capacities (outlined in Table 2), mean that wait times vary significantly. On average, asylum seekers appeared to be waiting in Mexican border cities for two to three weeks. However, in Ciudad Juárez, the wait time was estimated to be between one to two weeks and in Tijuana it is currently estimated at 12 weeks.

Asylum seekers stay in a range of accommodations while they wait in Mexican border cities. In the summer of 2016, when metering was first implemented in San Diego, Haitians camped out on the sidewalks outside the San Ysidro port of entry. However, as Mexican officials developed waiting lists in Tijuana and Mexicali, Haitians moved off the streets and into shelters or hotels. In the summer of 2018, similar situations began playing out with asylum seekers from Central America and Africa who were staying outside the ports of entry in Texas and Arizona. The creation of waiting lists in these cities moved these asylum seekers off the bridges and away from the ports. Currently, most asylum seekers stay in migrant shelters or hotels, depending on the asylum seekers' budgets and the shelter capacity in the given border city (see Table 4 for housing information by Mexican border city).

Table 3: Waiting List Systems in Mexican Border Cities

POE	Waiting List Administrator in Mexico	Date of Waiting List Enactment	# of Asylum Seekers on List	Estimated Wait Time
Matamoros, Tamaulipas (Gateway International Bridge)	Grupo Beta/ INM Officials	June 2018	~283	2-8 weeks
Matamoros, Tamaulipas (B&M Bridge)	No List / Previously: Mexican Civil Society Organization	May 2018 - June 2018	N/A	1-2 weeks
Reynosa, Tamaulipas	No List	N/A	N/A	N/A
Nuevo Laredo, Tamaulipas	INM	July 2018	~60-80	~2 weeks
Piedras Negras, Coahuila	No List / Previously: Mayor's Office	July 2018 - November 2018	N/A	N/A
Ciudad Juárez, Chihuahua	Casa del Migrante	November 2018	~170	~1-2 weeks
Nogales, Sonora	Mexican Civil Society Organization	June 2018[36]	~170	~1.5-2 weeks
Mexicali, Baja California	Grupo Beta	September 2016 (for Haitians) / September 2017 (for all asylum seekers)	~350	~3.5-4 weeks
Tijuana, Baja California	Asylum seekers manage the list / Grupo Beta stores the list	Summer 2016 (for Haitians) / Summer 2017 (for all asylum seekers)	~5,000[37]	~ 12 weeks

Table 4: Housing Capacity for Asylum Seekers in Mexican Border Cities

POE	Shelters and Capacity (Estimated)	Other Housing Arrangements
Matamoros, Tamaulipas	La Bugambilia Shelter (35 beds), Casa del Migrante[38]	There are temporary areas for asylum seekers next to both international bridges. The area next to the B&M Bridge can hold 10-15 people in camping tents. The area next to the Gateway International Bridge has around 20 cots. Asylum seekers may also stay in hotels.[39]
Reynosa, Tamaulipas	Casa de Migrante Señora de Guadalupe (100-150 beds), Casa Senda de Vida (300 beds)	Asylum seekers generally do not stay in hotels due to security risks.
Nuevo Laredo, Tamaulipas	Casa del Migrante Nazareth (150 beds) / Casa del Migrante de la Asociación Ministerio de Adventistas de Rehabilitación (60 beds)	Asylum seekers occasionally stay in the Refugio Temporal homeless shelter or housing arranged by local churches. They tend not to stay in hotels due to security risks.
Piedras Negras, Coahuila	Casa del Migrante Frontera Digna (100 beds)	Asylum seekers may also stay in the Piedras Negras Firefighters building (40 beds), five church-affiliated housing arrangements (65 beds). There are also low cost dormitories.
Ciudad Juárez, Chihuahua	Casa del Migrante (280 beds)[40]	Asylum seekers often opt to stay at low-cost hotels in the downtown and port of entry area.
Nogales, Sonora	Multiple migrant shelters (170 beds)	Asylum seekers may also stay in hotels. During last few days in Nogales, asylum seekers wait in a room on the Mexican side of the port of entry.
Mexicali, Baja California	Casa de Ayuda Alfa y Omega, Cobina, Ángeles Sin Frontera - "Hotel Migrante," Grupo de Ayuda para el Migrante, Albergue del Desierto, El Camino a un Nuevo Amanecer, Casa del Migrante Betania, Centro Pastoral Mana (700 beds total)	Asylum seekers may also stay in hotels.
Tijuana, Baja California	Casa de Migrante, Madre Assunta, Movimiento Juventud 2000, Desayunador "Padre Chava", Ejército de Salvación, Roca de Salvación, Casa YMCA para Menores Migrantes, Embajadores de Jesús, La Viña de Tijuana, Jesús es mi Roca, El Calvario, y Nueva Jerusalén, Camino de Salvación (700 beds total, before the arrival of the Fall 2018 caravan)	Asylum seekers may also stay at low-cost hotels near the San Ysidro port of entry. On November 14, 2018 the local Tijuana government created a temporary shelter in the Benito Juárez Sports Complex. On November 30, 2018 the federal government created an indoor temporary shelter on the outskirts of the city.

PROCEDURES FOR ASYLUM SEEKERS IN MEXICAN BORDER CITIES

The following sections will provide more detailed information on the history of asylum processing and the current state of metering and waiting list systems in eight Mexican border cities.

TIJUANA, BAJA CALIFORNIA

CBP metering at the San Diego ports of entry began in early 2016 as tens of thousands of Haitians arrived in Tijuana. Many of these Haitians left their homes after the devastating 2010 earthquake, emigrating first to Brazil, and then—facing an economic downturn in Brazil—continued on to the United States. Initially the Haitians could enter the United States through ports of entry on humanitarian parole and stay for up to three years under a program initiated by the Obama administration. This humanitarian parole process appears to have initially encouraged an increasing number of Haitians to make the journey.[41]

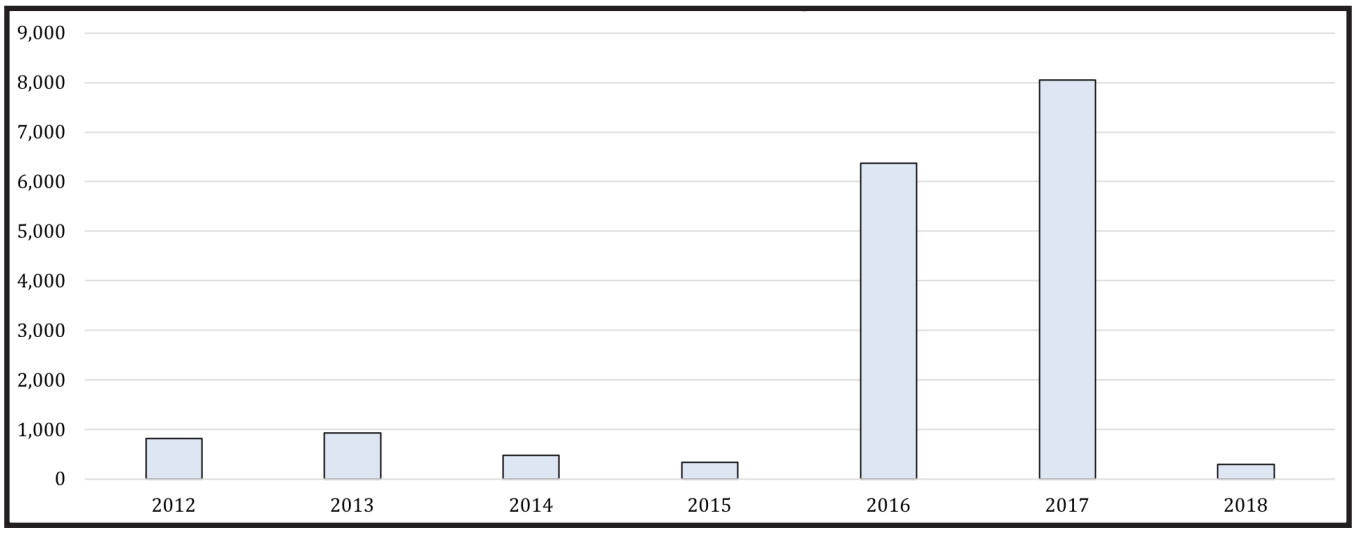
Most of the Haitians arriving at the U.S. southern border went to Tijuana. In March 2016, civil society organizations in Tijuana documented the first cases of asylum seekers being turned away from the San Diego ports of entry. Over the following months, these turnbacks continued with greater frequency, and hundreds, perhaps thousands of Haitians, including men, women, and young children began to regularly camp outside the San Ysidro port of entry. To ensure that they were being processed in their order of arrival, Haitians began creating their own waiting lists.

In August 2016, the local Tijuana Migrant Attention Office and INM created an appointment system for Haitians. INM officials began granting Haitians 20-day permits to stay in Mexico and handing out paper slips with dates to appear at the San Ysidro ports of entry.[42] To schedule the appointment, Mexican authorities would ask Haitians to

Map 2: Mexican Border Cities

Author elaboration

Graph 1: Haitian Inadmissibles in San Diego Sector



Data from U.S. Customs and Border Protection

show their temporary transit permits (oficios de salida) that INM officials had issued at the Mexico-Guatemala border.[43] Civil society organizations, such as Al Otro Lado, documented that CBP officials redirected arriving Haitians—and increasingly other nationalities—to these Mexican authorities to receive an "appointment."[44] While Haitians were given appointments, INM often rejected asylum seekers from other countries, claiming that the system wasn't designed for them.[45] In the first half of 2017, the number of Haitians decreased and this appointment system was terminated.

However, in 2017, large numbers of asylum seekers from other nationalities—particularly Mexicans from the states of Michoacán and Guerrero—started to arrive in Tijuana. Since CBP officials would not process them upon arrival, these asylum seekers also began to create their own waiting lists. Multiple waiting lists began circulating and causing conflicts among the asylum seekers. In summer 2017, Grupo Beta created a single waiting list for all asylum seekers regardless of nationality.[46] Grupo Beta asked asylum seekers to manage the list on a daily basis, to avoid perceptions of corruption or favoritism.

Currently, CBP officers tell asylum seekers arriving at Tijuana's three ports of entry that there are others who are waiting in line and point them to the San Ysidro PedWest bridge. At this bridge, volunteers—who are usually asylum seekers themselves—write down the asylum seeker's name and provide him or her with a number. Each number represents ten asylum seekers. Every night, Grupo Beta stores the notebook to ensure that it is not lost, as there is no digital version of the list.[47]

Prior to the caravan, waiting asylum seekers stayed primarily in migrant shelters. However, the number of beds—totaling approximately 700—often fell short of demand.[48] Some asylum seekers looked for other accommodations, such as the city's many hotels. As a result, many asylum workers found temporary informal jobs in Tijuana, where they could early roughly MX$1,500 per week (US$75) to support themselves during the wait time. Others begged for money on the streets. For those with a limited budget, hotels near the San Ysidro Port of Entry—such as Hotel California—charge MX$25 to $50 a person per night. Meanwhile, to house the migrant caravan that arrived in November 2018, the local Tijuana government set up a temporary shelter in the Benito Juárez Sports Complex. After conditions worsened in the shelter, the federal government opened an indoor shelter on the outskirts of Tijuana.

Every day, CBP notifies INM regarding how many asylum seekers they will be able to process. Grupo Beta notifies the volunteer who is administering the list,

and this volunteer then reads off the corresponding numbers. In general, one to three numbers are called at 7am and another one to three numbers are called at 9am. This means that between 20 and 80 asylum seekers are processed a day. Once an asylum seeker's number is called, he or she then waits in front of the San Ysidro Port of Entry until 9am for the morning shift or until 1pm for the afternoon shift. When it is the asylum seeker's turn, a Grupo Beta official escorts him or her to the CBP officers at the international dividing line.

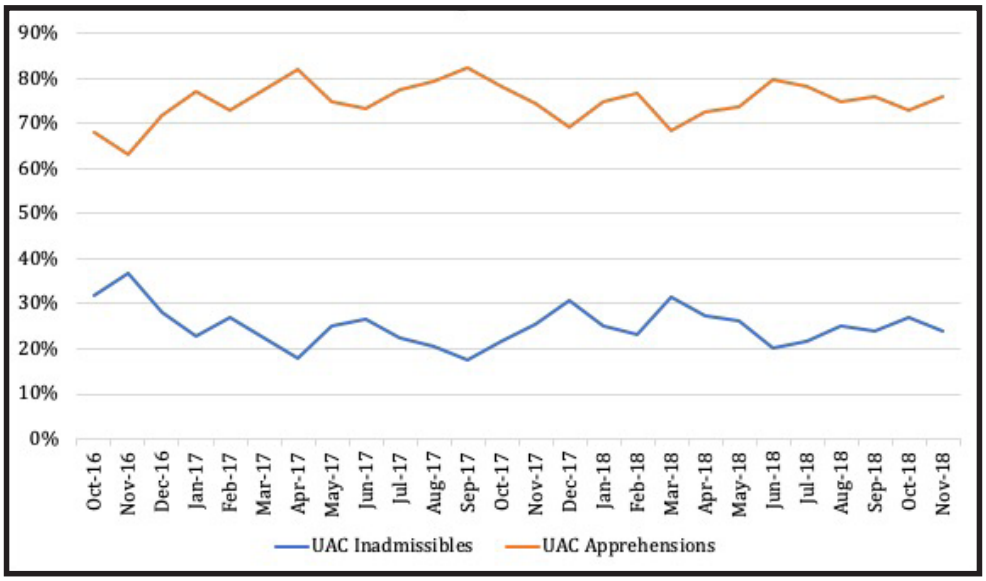
In the weeks prior to the caravan's arrival, roughly 2,400-2,500 asylum seekers were registered on the waiting list, according to Grupo Beta. This meant that asylum seekers were waiting for between four to six weeks to make asylum claims. After the caravan's arrival, the list grew to 5,000 people with a wait time of roughly three months. On November 30, 2018, the last number called was 1,147. Since each number represents ten asylum seekers, this means that 11,470 asylum seekers had been processed through the waiting list since its creation.[49]

However, there are allegations that not all asylum seekers have access to the waiting list. According to Al Otro Lado, their staff have witnessed the volunteer list administrator refuse to add black asylum seekers and unaccompanied minors.[50] There are other accounts that list administrators have asked unaccompanied minors to show official identification or come with a parent in order to be included on the list.[51] These minors are not always allowed directly into U.S. territory, with Amnesty International documenting cases where CBP turned them away.[52] These factors may potentially contribute to the high number (60 percent) of unaccompanied minors who continue to cross between ports of entry in the San Diego sector (see Graph 2). Due to long wait times, adult asylum seekers may also cross between ports of entry, a trend that journalists have documented.[53]

MEXICALI, BAJA CALIFORNIA

In the summer of 2016, CBP officials implemented a metering system in Mexicali after approximately 2,000 Haitians arrived to the city in a span of five days. In response, Grupo Beta in Mexicali established a waiting system for Haitians. Officials cite the city's extreme temperatures and the small space around the ports of entry as their motivation for making the list. In September 2017, the list was expanded beyond Haitians and began incorporating asylum seekers from all nationalities.[54]

Graph 2: Unaccompanied Minors in San Diego and El Centro Sectors



Data from U.S. Customs and Border Protection

Currently, when asylum seekers approach the turnstiles at the Mexicali ports of entry, CBP officials tell them that there is a line and redirect them to the Grupo Beta offices. These offices are on the Mexican side of the Calexico West Port of Entry, and asylum seekers can register in the offices for the waiting list and receive a number. Asylum seekers leave their phone number and/or the name of the shelter or hotel where they will be staying with Grupo Beta, so that these officials can notify them to return to the port of entry when it is their turn to be processed.

Every morning at 8am, Grupo Beta emails CBP with the updated list of asylum seekers and CBP emails back with the number of asylum seekers that it will be processing that day. This number is generally between 10 and 20 asylum seekers. When it is an asylum seeker's turn to be processed, Grupo Beta calls the phone number that the asylum seeker left, and at times an official will pick them up at the shelter where they are staying. Currently, there are an estimated 350 people waiting in Mexicali to seek asylum, with Mexicans making up around 60 percent of the individuals on the list. Central Americans constitute another 10 percent and other nationalities makeup the remaining 30 percent. These asylum seekers' generally wait between 25 to 30 days.

NOGALES, SONORA

In late October 2016, Nogales' municipal government organized its first waiting list after dozens of Haitian asylum seekers arrived to the city. When CBP would not let them pass into the port of entry, the Haitians began camping outside the DeConcini port. In response, the Nogales municipal government created a list to organize the waiting Haitians. The system ended in December 2016, as the number of Haitians in Nogales decreased.[55]

In June 2018, the Kino Border Initiative, a binational civil society organization, set up Nogales' second waiting list system. The month before, dozens of families—mostly from Guatemala—arrived in Nogales seeking asylum and began lining up at the DeConcini port of entry.[56] In response, CBP stationed an officer at the port of entry turnstile and began stopping asylum seekers from entering U.S. territory. As the families waited outside the port, they maintained the order of the line by taping a sheet of paper to the port's walls. Several weeks after, the Kino Border Initiative assumed control of the list and shifted to an Excel spreadhsheet.[57] This process continued through July 2018, until the number of asylum seekers declined.[58]

Finally, in late September 2018, a different Nogales-based civil society organization created another waiting list system for asylum seekers.[59] This time, the motivation for creating the list came after CBP processed only three asylum claims during a two week period. In addition to a spreadsheet, this civil society organization now provides bracelets to the asylum seekers that include the person's name, date of arrival, and number.

For asylum seekers, the waiting list process begins after they reach the Nogales port of entry. CBP officers are stationed at the turnstiles and these officers inform asylum seekers that there is "insufficient processing capacity" and direct them to wait on the Mexican side of the border. At this point, a Nogales municipal police officer—charged with providing security at the port of entry—will bring the asylum seekers to a staging area.[60] Another municipal police officer stationed near the room will contact the civil society organization that runs the list to register the asylum seeker. While they wait in Nogales, asylum seekers stay in one of three migrant shelters—which combined have around 170 beds. On average, 30 to 40 asylum seekers are processed every week, although the numbers vary by day. There are days when the Nogales port of entry may accept 20 asylum seekers, while other days it may not take a single one.[61]

Finally, when it is an asylum seeker's turn, the individual or family goes to a waiting area on the Mexican side of the port of entry to wait for 24 to 72 hours until they are allowed to enter the United States.[62] The staging area is a 150 square foot space with blankets, small mats, and access to a bathroom (although, the bathroom contains only a toilet and sink with no shower).[63] CBP officers will alert the Nogales municipal police officer stationed nearby that there is additional space at the port of entry, and the second municipal police officer will retrieve the next individual or family in line. As of November 19, 2018, one of the asylum seekers waiting in the staging area wore a bracelet with the

number 337, indicating that since early October 2018, 337 asylum seekers had passed through the list.[64]

CIUDAD JUÁREZ, CHIHUAHUA

In Spring 2016, isolated reports began to emerge of CBP personnel discouraging asylum seekers from pursuing their claims at El Paso ports of entry. According to court filings, by May 2016, civil society organizations increasingly began to witness CBP officers asking asylum seekers to "come back later" since the United States was "no longer taking asylum seekers" or because the port of entry "was full."[65] Asylum seekers arriving in El Paso ports of entry also reported specific forms of harassment and intimidation, including being told that Mexican nationals did not receive asylum, having weapons pointed at them, and being threatened with separation from their children.[66] Since then, local organizations, often in partnership with journalists, have continued to document these practices.[67]

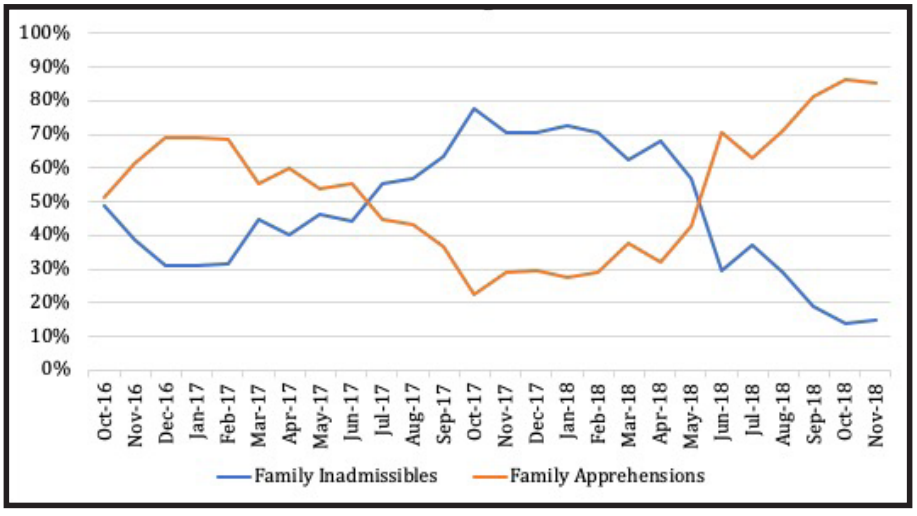
In May 2018, CBP officers implemented border access controls at the midpoint of the El Paso international bridges to pre-screen individuals en route to the U.S. ports of entry. These controls included plastic cones and and ad-hoc screening stations. At the Paso del Norte Bridge, the controls also included a tent-like structure.[68]

These border access controls appear to have affected the number of asylum seekers admitted to ports of entry. In April 2018, CBP data indicates that 2,315 family members and unaccompanied minors were admitted through the El Paso ports of entry (77 people per day). However, by June 2018, these numbers had fallen by two thirds, with CBP processing only 26 asylum seekers a day.[69]

Some of the asylum seekers who were turned back as part of these border access controls appear to have instead opted to cross in between ports of entry (see Graph 3 and Graph 4). A September 2018 report by the DHS Office of the Inspector General (OIG) confirms this trend, documenting that: "OIG saw evidence that limiting the volume of asylum-seekers entering at ports of entry leads some aliens who would otherwise seek legal entry into the United States to cross the border illegally."[70]

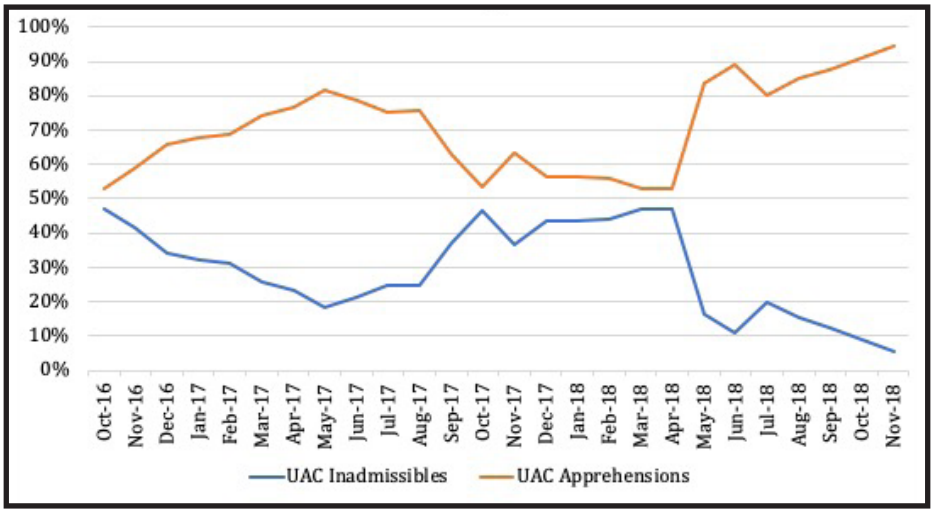
Following CBP's metering procedures, arriving asylum seekers began to accumulate in Mexican territory. By the beginning of November, 193 asylum seekers were waiting on the Paso del Norte bridge. On November 9, 2018, as the city braced for particularly cold weather, the Ciudad Juárez municipal government approached the waiting asylum seekers and asked them to move to the city's migrant shelter, La Casa del Migrante. To preserve the asylum seekers' place in line, the Red Cross—which had been providing first aid, food and water to individuals

Graph 3: Family Units in El Paso and Big Bend Sectors



Data from U.S. Customs and Border Protection

Graph 4: Unaccompanied Minors in El Paso and Big Bend Sectors



Data from U.S. Customs and Border Protection

on the bridge since October—organized a waiting list. Grupo Beta transported the group of asylum seekers to the shelter.[71] The list was soon transferred to the migrant shelter, which continues to administer it to this day.

Currently, when asylum seekers arrive to one of El Paso's international bridges, they are instructed to alert Grupo Beta of their presence so that they can be referred to or transported to La Casa del Migrante. Upon arrival at the shelter, staff complete forms and assign each migrant a number, which is written inside his or her forearm with a black marker.[72] Asylum seekers remain in the shelter until it is their turn to be processed by CBP. Every day, Mexico's Municipal System for Integral Family Development (Desarrollo Integral de la Familia, DIF) transports two groups of 20 to 30 asylum seekers to the Paso del Norte bridge to be processed.[73] As of November 30, only 82 people remained at the shelter.[74] While there is no data available on waiting asylum seekers demographics, social media posts made public by the shelter indicate asylum seekers involve people from Guatemala, Honduras, El Salvador, Mexico, Cuba, and Brazil.[75]

PIEDRAS NEGRAS, COAHUILA

Metering in Piedras Negras, Coahuila began in July 2018, when CBP officers set up a border access control point at the international dividing line. At this time, asylum seekers from Africa and Cuba were arriving to the city.[76] The asylum seekers initially stayed on international bridges, prompting local residents to complain about having to walk around the camped out groups in order to enter the United States. In response, the Piedras Negras Mayor's Office organized the asylum seekers, moving them to migrant shelters and then setting up a waiting list. This system lasted for the following four months.

While the Mayor's Office's wait list was in place, asylum seekers arriving in Piedras Negras would reach the international bridges and CBP would tell them that there was "no processing capacity." Asylum seekers would then return to the Mexican side of the bridge, where representatives from Mexico's Federal Roads and Bridges (Caminos y Puentes Federales, CAPUFE)—the authorities charged with managing the border bridge—would provide information regarding next steps. The CAPUFE representatives would provide the asylum seekers with the phone number of a representative from the Mayor's Office and information about the local migrant shelter. They would also take a picture of the asylum seekers, which was sent to the Mayor's Office.[77]

However, for asylum seekers from Central America, getting on Piedras Negras waiting list was not always an option. The Mayor's Office reports that it only added

asylum seekers to the waiting list system if they had temporary transit permits (oficios de salida). These temporary transit permits are generally only granted to migrants arriving to Mexico's southern border if they come from countries where Mexico does not have a consular presence or where there is a prohibitive deportation cost. In other words, while African asylum seekers are often provided with temporary transit permits, these documents are not provided to asylum seekers from countries in Central America. The Mayor's Office reported that it made exceptions for families, allowing them to join the list regardless of their immigration paperwork. CBP officers also reportedly allow unaccompanied minors to pass into U.S. territory for immediate processing, so they were also exempt from the list.[78]

During the fall of 2018, asylum seekers waiting in Piedras Negras would first go to the local shelter to receive assistance. They could only stay for three days, but many were quickly transferred to housing for asylum seekers that was coordinated by the municipal government. The largest housing facility was at "Bomberos," the municipal firefighters building, which holds up to 40 people. Five other locations have a capacity for an additional 65 people.[79] Every day, the municipal authorities would ask the next 10 to 15 asylum seekers on the list to wait on Bridge 2 in case CBP officials signaled that they had processing space. During this time, CBP processed 5 to 10 asylum seekers a day, although some days they did not process anyone.[80]

In late November 2018, the Mayor's Office decided that it would no longer manage the asylum waiting list. A representative from the municipal government reported that during the previous weeks, CBP had significantly decreased the number of asylum seekers that it was processing. This drop combined with an end to the municipal government's time in office (a new mayor is scheduled to take office on January 1, 2019) led the outgoing government to terminate the list.[81] By the beginning of December 2018, asylum seekers began once again waiting in a physical line at the Bridge 2, ordering themselves by their waiting list numbers. As of December 3, 2018, there were 60 asylum seekers waiting on the bridge. Another 100 asylum seekers had reportedly left for other border crossings or had attempted to cross between ports of entry.[82]

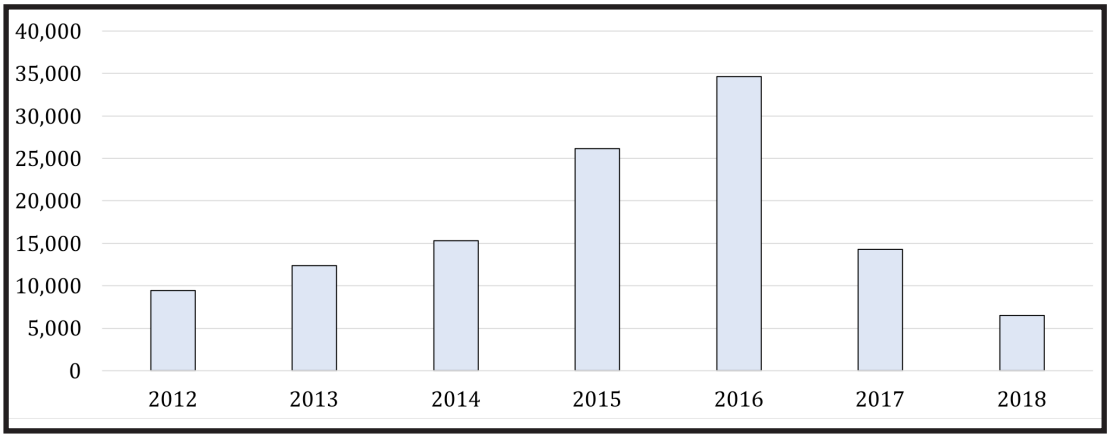
NUEVO LAREDO, TAMAULIPAS

Historically, Nuevo Laredo served as a popular crossing point for Cubans planning to enter the United States both during the "wet foot, dry foot" policy and after the policy's end in January 2017.[83] Since 2012, CBP data reports that more than 113,000 Cubans traveled through Nuevo Laredo as part of their journey to the United States. When the policy ended, some 1,000 Cubans remained in Nuevo Laredo. Unlike CBP's processing of Haitians in Tijuana, CBP never implemented a metering policy to process these Cubans.

Increasingly Nuevo Laredo has served at a port of entry for asylum seekers from other areas of the world. In May 2018, this diversity gained attention as dozens of asylum seekers from African countries, such as Kenya, Angola, the Congo, and Cameroon, arrived to Nuevo Laredo.[84] From April 2018 through September 2018, more than 1,600 Africans entered Mexico and received temporary transit permits, and several hundred traveled to Nuevo Laredo.[85] These asylum seekers lined up across the international bridge, and in July 2018, there were 15 to 50 people camped out every day. While not as significant in sheer numbers, the asylum seekers from different nationalities garnered attention and brought asylum issues to the forefront of local news.

In July 2018, the INM began to maintain a waiting list for asylum seekers in Nuevo Laredo given concerns of bridge overcrowding, citizen security risks, and health concerns, especially for children. Currently, when asylum seekers arrive to the bridge, INM officials take down names and nationalities and provide those on the bridge with the addresses of the city's two shelters: AMAR and Casa de Migrante Nazareth.[86] The asylum seekers generally remain in these shelters during their time in Nuevo Laredo. Every day, CBP notifies INM regarding how many asylum seekers they will process, and INM calls the shelters to notify the asylum seekers. The city's two migrant shelters then provide asylum seekers with transportation back to the port of entry.

Graph 5: Cuban Inadmissibles in the Laredo Sector



Data from U.S. Customs and Border Protection

Similar to the waiting list system in Piedras Negras, asylum seekers from Central America are generally not allowed to join INM's waiting list or to cross Nuevo Laredo's international bridge. On July 19, 2018, INM spokesperson Sofía Aurora Vega Gutiérrez, gave an interview to LMT Online confirming that INM officers detained any asylum seekers arriving to the International Bridge 1 in Laredo if they did not have the appropriate paperwork to be in Mexico legally. She claimed that individuals entering Mexico to seek asylum in the United States should request the temporary transit permit to move through Mexico. According to Vega Gutiérrez, "If the migrants arrive to the Mexican side without a visa, it is very probable that they will be deported to their country of origin."[87] On December 3, 2018, a member of Nuevo Laredo's civil society confirmed that asylum seekers without temporary transit permits continue to be denied access to INM's waiting list and the Nuevo Laredo international bridge. In October 2018, there were documented cases that INM officials were letting Central American asylum seekers onto the international bridge after charging them US$500.[88]

In late November 2018, INM officials reported that there were an estimated 70-80 asylum seekers waiting in shelters and that CBP officers were only processing around 10 claims per week. The AMAR shelter said that it had 60 asylum seekers, and most were from Africa. INM officials noted that asylum seekers waiting in Laredo often continued on to Piedras Negras or Ciudad Acuña in the neighboring state of Coahuila in an effort to find shorter wait times. However, civil society organizations and government officials in Piedras Negras offered a different explanation, claiming that asylum seekers chose avoid Nuevo Laredo on the basis of security concerns. Additionally, it is possible that some asylum seekers may leave Nuevo Laredo after being denied access to the bridge.

REYNOSA, TAMAULIPAS

In June 2018, CBP officers erected border barriers in McAllen, Texas, with one to two officers placed at the midpoint of the Hidalgo bridge. These officers arrived soon after a group of 60 asylum seekers, the majority Cuban nationals, arrived at the Hidalgo bridge in May 2018.[89] There was no waiting list system in Reynosa, so the asylum seekers reserved their place in line with their physical presence. As these asylum seekers waited on the bridge, Mexican officials cited concerns for the asylum seekers' safety and the bridge's cleanliness. From May through August 2018, CBP processed around 20 to 50 asylum seekers per week.[90]

However, since August, an INM official—positioned at the foot of the Hidalgo International Bridge —began to turn away asylum seekers, telling asylum seekers that they could not pass and that the bridge was closed to people

making asylum claims.[91] According to a Tamaulipas government official, the only time that asylum seekers have successfully crossed the bridge since August is when the INM official was taking a break.[92] Since the INM officer began stopping asylum seekers, CBP has processed approximately 10 asylum seekers a month.[93] For the asylum seekers that do arrive to Reynosa, some stay in Reynosa's two shelters: Senda de Vida, with a 300 person capacity, or La Casa de Nuestra Señora de Guadalupe, which can house almost 150 individuals.[94]

Beyond the structural barriers to seek asylum, Reynosa's security situation also affects asylum seekers. Over the past six months, civil society organizations report that kidnappings rates continue to increase, and that asylum seekers are primary targets, especially individuals staying near the ports of entry. In response to the current conditions, members of Reynosa's civil society have recommended that asylum seekers travel to neighboring ports of entry such as Nuevo Laredo and Matamoros.[95]

MATAMOROS, TAMAULIPAS

In Matamoros, there are two primary pedestrian bridges that asylum seekers use to cross to make their claims: the Gateway Bridge, known locally as the "new bridge," and the Brownsville & Matamoros Express International Bridge (B&M Bridge), the "old bridge." At the end of May 2018, CBP officials began to be stationed at the midpoint of both bridges. At this time, officials also began limiting the number of asylum seekers who could be processed at the bridges. In response to these CBP metering practices, two different groups began to implement waiting systems at each bridge. Asylum seekers were permitted to make their claims at either bridge.

At the B&M International bridge, a civil society group managed a waiting list system from May 2018 through June 2018. However, in July 2018, INM announced that the B&M bridge would no longer allow asylum requests, and that asylum seekers would need to go to the Gateway bridge.[96] This meant that from June through October 2018, few asylum seekers used the B&M bridge. Those who attempted to request asylum on the B&M bridge did not use a waiting list system, but rather reserved their place in line with their physical presence. INM officials would also intermittently require that waiting asylum seekers leave the B&M bridge, and lodge their asylum request at the Gateway bridge. Civil society organizations report that asylum seekers who were able to maintain a presence on the B&M bridge experienced shorter wait times than those on the Gateway bridge.[97]

Conditions at the B&M bridge shifted in late November 2018 when asylum seekers were again allowed to wait on the bridge.[98] Currently, it appears that there is a tacit agreement between the bridge operator and INM officials that four to five families may wait for asylum on the B&M bridge at a time. The asylum seekers manage the order themselves. Those waiting to cross at the B&M bridge stay in a small makeshift holding area behind the bridge. In this area, there are a number of tents, some of which are camping tents and others are tents constructed from tarp and twine, forming a camp. On November 27, 2018 there were ten asylum seekers waiting in the camp, and wait times varied from several days to a week. At this time, the majority of those waiting in the camp were Cuban.[99]

Meanwhile, at the Gateway International Bridge, INM and Grupo Beta officials jointly run a waiting list system based out of a notebook. Whether the Mexican immigration official is from INM or Grupo Beta depends on the personnel that is stationed at the bridge at any time.[100] When asylum seekers arrive to the bridge, the immigration official adds them to the list and provides them with a number, which they must remember. At this point, INM agents or Grupo Beta officials—depending on availability—transport the asylum seekers to one of the city's two migrant shelters: the Bugambilia Shelter, which has a capacity between 30 and 40 beds, or the Casa del Migrante shelter.[101] Asylum seekers wait in these shelters until INM or Grupo Beta arrive at the shelter to inform them that their number will soon be called and bring them to a holding area at the Gateway bridge. Every day, INM shares the list with Grupo Beta, and Grupo Beta inputs the list in a database.[102]

Although the waiting list is sequential, both Mexican immigration officials and civil society organizations

report that pregnant women, unaccompanied minors, and families with minors are given priority and move to the top of the list. Each day, INM coordinates with CBP as to the number of asylum seekers who will be processed, which range from zero to a reported maximum of six.[103] Additionally, an INM official stated that CBP, at times, dictates which nationalities are accepted from the list, citing as an example that CBP might tell INM that they will not accept asylum seekers from Africa at this time, and for INM to send an asylum seeker from Cuba.[104] A civil society member also mentioned hearing a similar rejection of African asylum seekers in favor of other nationalities and these accounts have also been documented by journalists.[105]

Finally, there are also allegations that bribes influence an asylum seeker's ability to be added to the list or to advance on the list. During fieldwork, researchers documented accounts of asylum seekers paying fees from US$200 to $500. These allegations have also been documented in various news publications.[106] As of late November, there were an estimated 283 people on the Gateway bridge list, with an average wait time varying widely from two to eight weeks.

CONCLUSION

For more than two years, CBP has implemented metering and turnbacks in multiple ports of entry across the U.S.-Mexico border. However, over the past six months, these practices have become institutionalized and extended across the entire border. CBP officers are now stationed at the international dividing line between the United States and Mexico in every port of entry and they now have official guidance.[107] This standardization is evident in the message that CBP officers provide to asylum seekers across almost all U.S. ports of entry, which is that "there is currently no processing capacity."

The increasing CBP standardization stands in sharp contrast to the lack of similarities across Mexican border cities for attending to waiting asylum seekers. While almost all Mexican border cities have a "list" that functions as a virtual line for asylum seekers—so that they do not have to wait in a physical line at the ports of entry—the list management and logistics vary significantly by city. The actual list managers range from Grupo Beta to civil society organizations to a municipal government, while the processing steps may entail providing asylum seekers with bracelets or taking their photos after they arrive at the U.S.-Mexico border. This lack of standardization comes from the reactive way that most of these processes were created, with asylum seekers, civil society organizations, or government officials only taking steps in response to individuals waiting on the Mexican side of the border.

Yet, on both sides of the border, a lack of transparency was a common factor. Despite being well-documented by civil society organizations, journalists, and DHS documents, CBP has not issued any public statement that explains its metering system and its legal justification and logistical processes. Upon request, CBP provides a broad press release to interested parties regarding metering but will not discuss processing capacity or specific details. Similarly, there is no Mexican government statement or report on the informal waiting line systems in border cities. And while a number of Mexican government officials were willing to discuss the waiting list procedures, others were more reluctant to answer questions regarding the system or any interactions with CBP officials. In some cities, there was also secrecy, although to a lesser extent, among civil society organizations regarding how the waiting lists were being managed.

Among all the U.S. metering systems, the non-standardized Mexican waiting list processes, and the overall lack of transparency, the asylum seekers are the most affected. After journeys that lasted weeks or months, they must navigate an unclear system on both sides of the border. Depending on the border crossing, these asylum seekers may not only need to wait in a 'line' but also pay bribes for the chance to seek asylum, avoid serious security threats, and live in migrant shelters for weeks or months. Despite international and U.S. law that outlines asylum seekers' ability to request asylum in the United States, today's asylum seekers face a daunting binational asylum metering system before ever setting foot on U.S. soil.

Endnotes

[1] Until the announcement, prosecutors could exercise discretion and refer cases involving families or asylum seekers to civil immigration and asylum proceedings rather than for criminal prosecution. This policy shift obligated prosecutors to charge parents and asylum seekers apprehended outside of ports of entry with a criminal offense, and moved their children to detention facilities and shelters around the country. This practice of family separation ended on June 20, 2018 via an executive order. "Affording Congress an Opportunity to Address Family Separation," White House, June 20, 2018.

[2] "CBP Addresses False Claims of Separation for those Seeking Asylum at U.S. Ports of Entry," U.S. Customs and Border Protection, July 9, 2018, https://www.cbp.gov/newsroom/national-media-release/cbp-addresses-false-claims-separation-those-seeking-asylum-us-ports.

[3] White House, "Presidential Proclamation Addressing Mass Migration Through the Southern Border of the United States," November 8, 2018; "Order granting Temporary Restraining Order; Order to Show Cause re Preliminary Injunction - East Bay Sanctuary Covenant vs. Donald J. Trump," November 19, 2018.

[4] These conventions include the 1951 Convention Relating to the Status of Refugees, the 1967 Protocol Relating to the Status of Refugees, the 1966 International Covenant on Civil and Political Rights, the 1987 Convention against Torture and Other Cruel and Degrading Treatment or Punishment, and the 1989 Convention on the Rights of the Child.

[5] "The Principle of non-refoulement in the migration context: 5 key points." International Committee of the Red Cross. March 30, 2018, http://blogs.icrc.org/law-and-policy/2018/03/30/principle-of-non-refoulement-migration-context-5-key-points/.

[6] "Crossing the Line: U.S. Border Agents Illegally Reject Asylum Seekers," Human Rights First, May 2017, http://www.humanrightsfirst.org/sites/default/files/hrf-crossing-the-line-report.pdf.

[7] Immigration and Nationality Act (INA) of 1952, No. 8 U.S. Code § 1158.

[8] "Order Granting Temporary Restraining Order; Order to Show Cause re Preliminary Injunction - East Bay Sanctuary Covenant vs. Donald J. Trump," November 19, 2018.

[9] "Border Security Metrics Report," U.S. Department of Homeland Security, May 1, 2018, https://www.dhs.gov/sites/default/files/publications/BSMR_OIS_2016.pdf; FOIA request to CBP, September 8, 2017.

[10] Families are held separately from adult men or unaccompanied minors. LGBTI asylum seekers may also be placed in separate areas.

[11] "Special Review - Initial Observations Regarding Family Separation Issues Under the Zero Tolerance Policy," Office of Inspector General, U.S. Department of Homeland Security, September 27, 2018.

[12] The ICE detention centers are where adults and families remain for their credible fear interview. However, in some instances, asylum seekers may also be transferred to locally-run shelters on the U.S. side of the border. At the shelters—which are administered by civil society and religious groups—asylum seekers are provided with basic support to transition into the community or to reunite with family members or a sponsor.

[13] Tweet by CBP San Diego (@CBPSanDiego): "Footage from a #USBP thermal camera captures multiple men climbing the border barrier near Imperial Beach and destroying recently installed concertina wire. All seeking to enter the U.S. are urged to do so at one of more than 320 official U.S. Ports of Entry. #CBP #bordersecurity," November 16, 2018.

[14] Veterans International Bridge at Los Tomates is used less frequently due to its length (just under a mile long), security concerns for the surrounding area, and inconsistent asylum processing rates. In August, CBP officers reportedly allowed 20 asylum seekers to cross, but have let very few cross in the following months.

[15] Interview with civil society member, November 27, 2018, Brownsville, Texas.

[16] CBP keeps a detention area at Paso del Norte bridge that is comprised of between four to six cells for about 20 people each. These cells are destined for temporary, short-term detention. Most admissions are processed at the Paso del Norte bridge.

[17] Al Otro Lado (@AlOtroLado_Org) tweeted, "San Ysidro Port of Entry used to have capacity to hold around 300 asylum seekers at a time; they just opened an expansion that is supposed to hold around 800. So why, exactly, are they only taking in a handful per day, and on some days, none at all?", November 12, 2018.

[18] In a letter to the Inter-American Commission on Human Rights (IAHCR), 22 civil society organizations argued that turnbacks began as early as March 2016. "Request for a thematic hearing on measures criminalizing asylum seekers and impeding the process of requesting asylum in the United States." June 1, 2017.

[19] Civil Complaint Al Otro Lado, et.al v. Kirstjen Nielsen, et. al. Southern District of California, October 12, 2018, page 28.

[20] Crossing the Line: U.S. Border Agents Illegally Reject Asylum Seekers," Human Rights First, May 2017, http://www.humanrightsfirst.org/sites/default/files/hrf-crossing-the-line-report.pdf.

[21] U.S. House of Representatives, Subcommittee on Appropriations: Hearings before the Subcommittee on Homeland Security, 115th Cong., 1st Session, 2017, https://www.gpo.gov/fdsys/pkg/CHRG-115hhrg27050/pdf/CHRG-115hhrg27050.pdf, 289-290.

[22] The following statement was provided by a CBP spokesperson based in Laredo, TX on November 20, 2018: "The number of inadmissible individuals CBP is able to process varies based upon case complexity; available resources; medical needs; translation requirements; holding/detention space; overall port volume; and ongoing enforcement actions. Depending upon port circumstances at the time of arrival, individuals presenting without documents may need to wait in Mexico as CBP officers work to process those already within our facilities. CBP officers allow more people into our facilities for processing once space becomes available or other factors allow for additional parties to arrive."

[23] Sometimes these are random requests to review documents. At times they involve all people coming through the point, many of whom are permanent residents and U.S. citizens.

[24] "Special Review - Initial Observations Regarding Family Separation Issues Under the Zero Tolerance Policy," Office of Inspector General, U.S. Department of Homeland Security, September 27, 2018.

[25] Ibid.

[26] DHS Secretary Nielsen stated: "we are metering, which means that if we don't have the resources to let them in on a particular day, they are going to have to come back. So they are going to have to wait their turn and we will process them as we can. But that's the way that the law works." Laura Ingraham, "Interview with Department of Homeland Security Secretary Kirstjen Nielsen," The Ingraham Angle - Fox News, May 15, 2018, https://video.foxnews.com/v/5785340898001/?#sp=show-clips.

[27] In fieldwork in late November, some asylum seekers had been waiting for several days, while three individuals from Cameroon had been waiting for two months.

[28] CBP officers began standing at the midpoint between June 7 and June 19, 2018. The formal booth was constructed in August 2018.

[29] There is currently an INM officer stationed on the bridge and blocking access for asylum seekers. From May 2018 through July 2018, asylum seekers were being processed at both bridges.

[30] On July 28, 2018, guards from what appeared to be private security companies were also present. While CBP officers carry assigned holstered pistols, in November 2018 some of those who were posted on the bridge also carried M16-AF semi-automatic rifles.

[31] Border access controls are placed at the top of the bridge, five to ten feet into U.S. territory.

[32] Civil Complaint Al Otro Lado, et.al v. Kirstjen Nielsen, et. al. ibid, page 1.

[33] Civil Complaint Al Otro Lado, et.al v. Kirstjen Nielsen, et. al. ibid, page 30.

[34] U.S. Congress, House of Representatives, Subcommittee on Committee on Appropriations: Hearings before the Subcommittee on Homeland Security, 2017, 289.

[35] Lolita Brayman and Robert Langellier, "The Notebook: Asylum Seekers Improvise a New Border Bureaucracy," The Nation, November 30, 2018, https://www.thenation.com/article/notebook-border-tijuana/.

[36] Previously, Nogales' municipal government implemented a waiting list system from October 2016 to December 2016.

[37] On November 12, 2018, there were an estimated 2,400 to 2,500 asylum seekers waiting on the list with a wait time of four to six weeks. This was prior to the arrival of the caravan. Interview with representative from Grupo Beta, November 7, 2018, Tijuana, Baja California; Jonathan Blitzer, "The Long Wait for Tijuana's Migrants to Process Their Own Asylum Claims," The New Yorker, November 29, 2018, https://www.newyorker.com/news/dispatch/the-long-wait-for-tijuanas-migrants-to-process-their-own-asylum-claims.

[38] Researchers called the Casa del Migrante shelter on November 20, 2018 and November 30, 2018 but were not provided with the capacity information.

[39] In these informal shelters, local civil society groups from both Matamoros and Brownsville provide meals and other necessities for asylum seekers. The Matamoros group, Ayundándoles a Triumfar coordinates these efforts.

[40] While Casa del Migrante only has 280 beds, government officials indicated it was ready to receive up to 1.500 migrants. The municipal government also made available the city's stadium, which would shelter an additional 600 people in case of overflow. Caitlin Dickson, "Take a number: Migrants, blocked at the border, wait their turn to apply for asylum," Yahoo News, November 30, 2018, https://ca.sports.yahoo.com/news/take-number-migrants-blocked-border-wait-turn-apply-asylum-210835939.html; "Se translada el 95 por ciento de los migrantes apostados en el Puente Paso del Norte a Casa del Migrante," Asociación de Periodistas de Ciudad Juárez, November 9, 2018, http://monitorapcj.com/se-traslada-el-95-por-ciento-de-los-extranjeros-apostados-en-el-puente-paso-del-norte-a-casa-del-migrante/.

[41] In September 2016, with estimates that 40,000 Haitians were transiting to the U.S. southern border, the Obama administration suspended the Temporary Protected Status that they had put in place following the 2010 earthquake and resumed expedited removals.

[42] Ibid.

[43] Crossing the Line: U.S. Border Agents Illegally Reject Asylum Seekers," Human Rights First, May 2017, http://www.humanrightsfirst.org/sites/default/files/hrf-crossing-the-line-report.pdf.

[44] Joshua Partlow, "U.S. border officials are illegally turning away asylum seekers, critics say," Washington Post, January 16, 2017.

[45] There are reports that they also accepted asylum seekers from other nationalities who possessed transit permits (oficios de salida).

[46] Interview with representative from Grupo Beta, November 7, 2018, Tijuana, Baja California.

[47] Ibid

[48] Similar to other border cities, the beds at these shelters are not just occupied by asylum seekers but also by recently-deported Mexicans.

[49] Jonathan Blitzer, "The Long Wait for Tijuana's Migrants to Process Their Own Asylum Claims," The New Yorker, November 29, 2018, https://www.newyorker.com/news/dispatch/the-long-wait-for-tijuanas-migrants-to-process-their-own-asylum-claims.

[50] Declaration of Erika Pinheiro, November 9, 2018, https://www.courtlistener.com/recap/gov.uscourts.cand.334557/gov.uscourts.cand.334557.8.4.pdf.

[51] Dara Lind, "Kids are stranded in Mexico because officials won't let them seek asylum in the US," Vox, November 21, 2018, https://www.vox.com/2018/11/20/18104676/asylum-border-trump-children?fbclid=IwAR3SboFP9CEtR6quSwHDcomndZlmu-RB8v-YRbGhdgkf2bTI1RzXkNEPegQ.

[52] "Illegal Pushbacks, Arbitrary Detention & Ill-Treatment of Asylum Seekers in the United States," Amnesty International, 2018, https://www.amnesty.org/download/Documents/AMR5191012018ENGLISH.PDF.

[53] Adolfo Flores, "Facing a Months-Long Wait to Apply for Asylum, These Members of the Caravan Went Searching for Another Way In," Buzzfeed, December 2, 2018, https://www.buzzfeednews.com/article/adolfoflores/caravan-migrants-border-patrolhide-seek.

[54] Interview with representative from Grupo Beta, November 17, 2018, Mexicali, Baja California.

[55] Kendal Blust, "Still in Limbo, Haitians Give up U.S. Dreams," Nogales International, November 30, 2018, https://www.nogalesinternational.com/news/still-in-limbo-haitians-give-up-u-s-dreams/article_f38a6fba-e9a8-11e6-900d-4b3fae9cf4a9.html; Interview with representative of Kino Border Initiative, November 29, 2018, Nogales, Sonora.

[56] Perla Trevizo, "Dozens of families, many from Guatemala, arrive in Nogales seeking US asylum," Tucson Star, May 15, 2018, https://tucson.com/news/local/dozens-of-families-many-from-guatemala-arrive-in-nogales-seeking/article_4dd45e2f-0b19-5b7b-880e-74a82e3515ea.html.

[57] Romero, Simon, and Miriam Jordan. "On the Border, a Discouraging New Message for Asylum Seekers: Wait." The New York Times, June 12, 2018, sec. U.S. https://www.nytimes.com/2018/06/12/us/asylum-seekers-mexico-border.html.

[58] By August 5, 2018, CBP in Nogales reported that it was able to process all arriving asylum seekers. Perla Trevizo, "Director: Nogales port now keeping up with arrivals of asylum seekers," Tucson Daily Star, August 5, 2018, https://tucson.com/news/local/director-nogales-port-now-keeping-up-with-arrivals-of-asylum/article_74f16ca2-96d3-5b76-ab59-89941635c059.html.

[59] CBP processed three asylum claims the week of September 17 and did not process any asylum seekers during the week of September 24.

[60] This staging area is owned by the Instituto de Administración y Avaluos de Bienes Nacionales. Interview with representative of Kino Border Initiative, November 28, 2018, Nogales, Sonora.

[61] Ibid.

[62] This system's implementation shifted in mid-November, when asylum seekers began to wait inside of a room instead of outside. During fieldwork on November 19, 2018, there were 15 individuals from Nicaragua, Mexico, Venezuela, and Honduras waiting in the staging area. This included nine adults (male and female) and six children with their parents.

[63] Asylum seekers receive hot and cold food from NGOs. The Red Cross administers medical services both on demand and on a weekly basis. Asylum seekers are allowed to leave the staging area once they are at the POE, but municipal police noted that many stay in the room.

[64] Fieldwork on November 19, 2018.

[65] Staff from the El Paso organization Annunciation House witnessed turnbacks on May 25, 2018, May 30, 2018 and around June 20, 2016. See State of Washington et al vs. Donald Trump, Declaration of Tyler Levy in support of the State of Washington, U.S. District Court Western District of Washington at Seattle.

[66] "Sealing the Border: Criminalization of Asylum Seekers in the Trump Era," HOPE Border Institute & Border Immigration Council, January 2018; Al Otro lado, et al vs. Elaine C. Duke et al. Declaration of Diego Iniguez Lopez in support of plaintiff's motion for class certification, October 13, 2017; "Customs and Border Protection's Systemic Denial of Entry to Asylum Seekers at Ports of Entry on U.S.-Mexico Border," American Immigration Council, January 13, 2017.

[67] Robert Moore, "Border agents are using a new weapon against asylum seekers," Texas Monthly, June 2, 2018, https://www.

texasmonthly.com/politics/immigrant-advocates-question-legality-of-latest-federal-tactics/; Debbie Nathan, "Desperate asylum seekers are being turned away by US Border Agents claiming there is "no room,'" The Intercept, June 16, 2018, https://theintercept.com/2018/06/16/immigration-border-asylum-central-america/.

[68] Non-white border crossers were primarily the target of the screening procedure, as witnessed during fieldwork.

[69] The total number of families and unaccompanied minors decreased by 9 percent during this time frame.

[70] The OIG report also includes the following quote: "According to one Border Patrol supervisor, the Border Patrol sees an increase in illegal entries when aliens are metered at ports of entry." "Special Review - Initial Observations Regarding Family Separation Issues Under the Zero Tolerance Policy," Office of Inspector General, U.S. Department of Homeland Security, September 27, 2018.

[71] "Se translada el 95 por ciento de los migrantes apostados en el Puente Paso del Norte a Casa del Migrante," Asociación de Periodistas de Ciudad Juárez, November 9, 2018, http://monitorapcj.com/se-traslada-el-95-por-ciento-de-los-extranjeros-apostados-en-el-puente-paso-del-norte-a-casa-del-migrante/.

[72] Facebook page of the Casa del Migrante en Juárez: https://www.facebook.com/pg/CasaDelMigranteEnJuarezAC/posts/?ref=page_internal.

[73] Ibid.

[74] Video on the Facebook page of the Casa del Migrante en Juárez, November 30, 2018, https://www.facebook.com/pg/CasaDelMigranteEnJuarezAC/posts/?ref=page_internal.

[75] Facebook page of the Casa del Migrante en Juárez: https://www.facebook.com/pg/CasaDelMigranteEnJuarezAC/posts/?ref=page_internal.

[76] Lorena Carrillo, "Viven un vía crucis migrantes en PN," Zocalo, July 26, 2018 http://www.zocalo.com.mx/new_site/articulo/se-atrinchera-en-pn-migrante-cubana-embarazada.

[77] Interview with representative from a Piedras Negras civil society organization, November 17, 2018; Phone interview with representative from the Piedras Negras Mayor's Office, November 20, 2018.

[78] However, if an unaccompanied minor arrives at the migrant shelter in Piedras Negras, staff are under instruction to send the children to the DIF shelter in the city. Minors that are sent to this shelter are not allowed to leave and are sent back to their countries of origin.

[79] Interview with representative from a Piedras Negras civil society organization, November 17, 2018

[80] Phone interview with representative from the Piedras Negras Mayor's Office, November 20, 2018.

[81] Phone interview with representative from the Piedras Negras Mayor's Office, December 3, 2018.

[82] Phone interview with representative from the Piedras Negras Mayor's Office, December 3, 2018.

[83] Wet foot, dry foot was a policy that allowed Cuban nationals to enter the United States without a visa so long as at least one foot was in United States' territory. The policy began immediately after the Cuban revolution in 1959 and continued until the Obama administration ended the policy in January 2017. Scott Simon, "What the End of Wet Foot, Dry Foot Means for Cubans," NPR, January 14, 2017, https://www.npr.org/2017/01/14/509807177/what-the-end-of-wet-foot-dry-foot-means-for-cubans.

[84] "Atraviesa por Tamaulipas éxodo africano," Expreso, October 8, 2018, http://elmanana.com.mx/noticia/177024/Atraviesa-por-Tamaulipas-exodo-africano.html; Interview with Laredo shelter representative, November 26, 2018.

[85] Secretaría de Gobernación, "Extranjeros Presentado y Devueltos 2018 - Cuadro 3.1.1," accessed on December 3, 2018, http://www.politicamigratoria.gob.mx/es_mx/SEGOB/Extranjeros_presentados_y_devueltos.

[86] INM officials do not provide transportation to the migrant shelters.

[87] María Gardner, "Aumenta número de personas pidiendo asilo," LMT Online, July 29, 2018, https://www.lmtonline.com/lmtenespanol/article/Aumenta-n-mero-de-personas-pidiendo-asilo-13113828.php.

[88] Gus Bova, U.S. and Mexican Officials Collaborating to Stop Asylum-Seekers, Attorneys Allege," Texas Observer, October 12, 2018, https://www.texasobserver.org/u-s-and-mexican-officials-collaborating-to-stop-asylum-seekers-attorneys-allege/.

[89] In September, CBP constructed a more formal booth at the midpoint of the bridge to protect officers from inclement weather.

[90] Estimate provided by an official at the Instituto Tamaulipeco Para Los Migrante on November 26, 2018.

[91] Lines began forming on June 7, 2018 and an agent was officially posted there some time before June 19, 2018. Interview with journalists, November 26, 2018.

[92] Interview with representative from the Instituto Tamaulipeco Para Los Migrante, November 26, 2018.

[93] Ibid.

[94] Interviews with representatives at the Senda de Vida and La Casa de Nuestra Señora de Guadalupe shelters, November 26, 2018.

[95] Representatives from both Reynosa based migrant shelters and the Instituto Tamaulipeco para Los Migrantes said they would deliver this message to any asylum seekers in the city.

[96] Interviews with local civil society representatives on November 27, 2018.

[97] Interviews with local civil society representatives on November 27, 2018.

[98] Civil society organizations report that asylum seekers find out about this second bridge through word of mouth.

[99] Observations from field work on November 27, 2018.

[100] Phone interview with representative from Mexico's National Migration Institute, December 3, 2018.

101 An INM official commented that nationality appears to determine an asylum seeker shelter, stating that Cubans appear to wait at the Bugambilia shelter and other nationalities wait at the Casa de Migrantes. Researchers called the Casa del Migrante shelter on November 20, 2018 and November 30, 2018 but were not provided with the capacity information. It was unclear whether the shelter was still operating.

[102] Phone interview with Grupo Beta official on December 2, 2018.

[103] Phone interview with representative from Mexico's National Migration Institute, December 3, 2018.

[104] Phone interview with representative from Mexico's National Migration Institute, December 3, 2018.

[105] Molly Hennessy-Fiske, "Asylum Seekers blocked at Texas border bridges say that Mexican officials are demanding money to let them pass." Los Angeles Times, November 22, 2018, https://www.msn.com/en-us/news/world/asylum-seekers-blocked-at-texas-border-bridges-say-mexican-officials-are-demanding-money-to-let-them-pass/ar-BBPZkb8.

[106] Molly Hennessy-Fiske, "Asylum Seekers blocked at Texas border bridges say that Mexican officials are demanding money to let them pass." Los Angeles Times, November 22, 2018, https://www.msn.com/en-us/news/world/asylum-seekers-blocked-at-texas-border-bridges-say-mexican-officials-are-demanding-money-to-let-them-pass/ar-BBPZkb8.

[107] "Special Review - Initial Observations Regarding Family Separation Issues Under the Zero Tolerance Policy," Office of Inspector General, U.S. Department of Homeland Security, September 27, 2018.

ROBERT STRAUSS CENTER
FOR INTERNATIONAL SECURITY AND LAW
THE UNIVERSITY OF TEXAS AT AUSTIN

CENTER FOR
U.S.-MEXICAN STUDIES
UC San Diego School of
Global Policy & Strategy