

The Honorable President Joe Biden
President of the United States
1600 Pennsylvania Avenue NW
Washington, DC 20500

The Honorable Alejandro Mayorkas
Secretary of Homeland Security
U.S. Department of Homeland Security
2801 Nebraska Avenue, NW
Washington, DC 20528

The Honorable Antony Blinken
Secretary of State
U.S. State Department
2201 C Street NW
Washington, DC 20037

September 17, 2024

Dear President Biden, Secretary Mayorkas and Secretary Blinken,

We, the undersigned human rights, humanitarian, civil society, and faith-based organizations, are writing to you in response to the [recent announcement](#) by U.S. Customs and Border Protection (CBP) that—as of August 23—non-Mexican individuals will be able to request appointments through the CBP One mobile application from the states of Tabasco and Chiapas to present at U.S. ports of entry. Previously, the CBP One app only allowed users to request and schedule appointments above the 19th parallel—in the center and north of Mexico. The announcement also indicated that CBP One’s algorithm will prioritize registered users with longer waiting periods, and it noted that CBP will continue to offer 1,450 daily CBP One appointments across the U.S.-Mexico border.

While we welcome the announced changes to expand access to CBP One appointments to asylum seekers in the states of Tabasco and Chiapas and to prioritize appointments for people who have been registered for longer, we urge you to restore full access to asylum at the U.S.-Mexico border, to coordinate protection measures for people waiting for a CBP One appointment with the Mexican government, to allow appointment rescheduling for people who miss or otherwise cannot attend their appointments due to circumstances beyond their control, including crimes against them in Mexico, such as kidnappings, and take other critical steps outlined below.

From January 2023 through July 2024, more than [765,000](#) people on the move in Mexico, including people in need of international protection, have obtained a CBP One appointment. The noteworthy benefits this has brought for these asylum seekers are offset by the May 2023 Circumvention of Lawful Pathways Rule and June 2024 Securing the Border Interim Final Rule, which purport to incentivize the use of the application and other processes by unlawfully barring asylum for many people who enter at the U.S.-Mexico border without a CBP One appointment. These bars condition access to asylum on the use of a mobile application and [result](#) in [summary deportations](#) of people seeking protection without affording them credible fear screenings or access to asylum.

Civil society and faith-based organizations have documented [numerous barriers](#) to the use of CBP One. Applicants may wait up to [eight](#) to [nine](#) months to obtain an appointment. Many individuals face language and other barriers, which disproportionately impact, but are not limited to, Indigenous populations, persons with disabilities, those lacking formal education, individuals facing severe medical issues, and those with limited technological knowledge or without access to compatible cellphones or any cellphone at all—often the case for people whose phones are stolen or confiscated during their migration journeys. The extended stay to secure appointments has overcrowded shelters located above the 19th parallel, which, in turn, has forced many people to settle in informal camps in precarious conditions. CBP One users, including children and adolescents, [face](#) a systemic lack of food, clothing, sanitation, access to work, healthcare, and education, and they are subject to restrictions on their ability to safely transit through Mexican territory. We fear that already overcrowded and underfunded humanitarian spaces in Chiapas and Tabasco will follow suit after the expansion of CBP One to these states.

As a result of long waiting periods to access one of the 1,450 daily appointments currently available, CBP One users have fallen prey to unscrupulous actors, who often [collude with Mexican immigration authorities](#), including Instituto Nacional de Migración (INM) officials and Mexican National Guard agents. [Kidnappings](#), [sexual abuse](#), [torture](#), and [extortion](#) have become prevalent and particularly target people waiting for or [who have obtained a CBP One appointment](#). Many of the undersigned humanitarian and legal aid organizations at the U.S.-Mexico border have routinely assisted asylum seekers who missed their CBP One appointment due to kidnappings and other crimes in Mexico. Yet US authorities have not provided any formal procedures to reschedule those appointments, and local CBP agents have routinely denied they can do anything about rescheduling missed appointments due to high-impact crimes and other reasons of force. Likewise, people waiting for or with CBP One appointments have been deprived of their liberty by Mexican authorities, detained in immigration stations, and returned to the south of Mexico while trying to present themselves at U.S. ports of entry.

We are alarmed by the current [insecurity](#) in Chiapas caused by conflict between organized crime groups fighting for control of the region and abandonment by state and federal authorities. The

dispossession of territories, forced recruitment, and the use of weapons, among others, have already caused internal displacement and forced some residents of Chiapas to seek protection in nearby territories. In [Tapachula and Huixtla](#), in the face of discretionary and arbitrary processes by the INM and criminal groups, migrants and people in need of international protection have had to move collectively towards the center and south of the country. Even though we welcome the expansion of CBP One appointment access to people in Chiapas and Tabasco, it could have the unintended consequence of putting the lives and safety of thousands of people waiting there for appointments at risk if there is insufficient effort to reduce criminal violence in southern Mexico.

Based on the above-mentioned, [60 civil society organizations and human rights defenders urged the Mexican government](#) to take vital measures to protect people awaiting a CBP One appointment. We now **urge** the US administration to:

1. **Maximize asylum processing at ports of entry for those with and without CBP One appointments, including at-risk individuals who cannot safely wait in Mexico**, such as Mexican nationals seeking asylum, individuals with urgent medical and safety needs, and those unable to use the CBP One app due to illiteracy, language, disability, and other barriers.
2. **Exhort the Government of Mexico to cease its practice of [blocking access](#)** to ports of entry to people without CBP One appointments, including Mexican nationals seeking asylum.
3. **Increase the number of CBP One appointments available and eligible ports of entry, and allocate sufficient staff to processing at ports of entry.** The Department of Homeland Security should significantly expand available CBP One appointments across the U.S.-Mexico border to reduce long wait times. In addition, the Department of Homeland Security should allocate sufficient staff to processing at ports of entry by increasing the number of OFO agents and efficiently utilizing and re-allocating Border Patrol Processing Coordinators and other available staff. We suggest the Department of Homeland Security consider using Border Patrol's processing centers to process CBP One appointment holders in a non-custodial manner. These steps will increase processing efficiencies and reduce the time people seeking U.S. asylum are forced to wait in precarious conditions in Mexico, where they are targeted for harm.
4. **Significantly expand languages available in the CBP One app.** The Department of Homeland Security should drastically expand the number of languages available in the CBP One app, paying particular attention to Indigenous languages, and include text-to-speech options for people with disabilities. Even with expanded CBP One language access, rare and other language speakers, as well as many persons with disabilities, will still be unable to use the app and must be allowed access to ports of entry to seek asylum and exempted from rules barring access to asylum.
5. **Provide a transparent process to reschedule missed CBP One appointments due to kidnapping, assault, other violent actions committed against individuals and families,**

and other circumstances beyond the control of the applicant(s). The Department of Homeland Security should establish clear and accessible procedures to reschedule missed appointments due to high-impact crimes in Mexico, including, but not limited to, kidnapping, assault, battery, extortion, and unlawful detention by Mexican authorities, as well as other circumstances beyond the control of the applicant(s).

6. **Narrow the definition of “fraud” or create meaningful exceptions to “fraud” for the purpose of CBP One appointment processing.** This would help avoid punishing asylum seekers taken advantage of by bad actors or, out of lack of knowledge, who receive incorrect information and advice about registering and obtaining an appointment through the CBP One app.
7. **Provide temporary exceptions to the use of CBP One at ports of entry where the security situation has prevented humanitarian organizations from operating,** such as the Laredo-Nuevo Laredo port of entry.
8. **In conjunction with Mexico, make it a top priority to fund humanitarian organizations that provide shelter and humanitarian assistance to migrants in Mexico, including individuals and families waiting for CBP One appointments.** The Department of State should increase and make it a top priority to fund and support international and humanitarian organizations providing crucial humanitarian assistance to CBP One users and others waiting to seek U.S. asylum, including shelter, legal aid, child protection, gender-based violence programming, and psycho-social support. The Department of State should publish an open and accessible call for applications open to not-for-profit organizations and local grassroots coalitions.
9. **Work with Mexico to establish humanitarian protection and transit protocols for people transiting Mexico to seek U.S. asylum, including those waiting for or with a CBP One appointment.** The U.S. must stop pressuring Mexico to detain, relocate and eventually deport people transiting the country to reach the U.S. to seek safety, which disproportionately affects Black, Asian, Indigenous and LGBTQI+ asylum seekers. Instead, the Office of the President, the Department of State and the Department of Homeland Security should work with their Mexican counterparts to guarantee individuals’ rights to receive temporary transit permits under Mexican law, including for CBP One users, with particular emphasis on children migrating alone and with their families, and to ensure their right to freedom of movement and access to air and land transportation without discrimination or administrative obstacles. This includes supporting the re-issuance of short-term humanitarian permits for people seeking international protection in transit through Mexico. Additionally, the U.S. should work with the Government of Mexico to fund state-supported initiatives to provide food, shelter and services to people on the move, including internally displaced Mexican nationals.
10. **Press the Government of Mexico to end impunity for crimes and human rights violations committed against migrants and people seeking international protection in the U.S., including CBP One users, and ensure their protection.** Given the widespread targeting of migrants and people seeking U.S. asylum, including those waiting for or

with CBP One appointments, by criminal organizations and abuses by Mexican authorities, the Government of Mexico must take steps to prevent, investigate, and prosecute these crimes and ensure access to justice.

11. **Restore access to asylum at the U.S.-Mexico border by rescinding the “Circumvention of Lawful Pathways” Final Rule and the “Securing the Border” Interim Final Rule.** Ultimately, the U.S. must restore full access to asylum at the U.S.-Mexico border according to its internal asylum law and international standards and grant individuals and families the opportunity to seek asylum at and between ports of entry. Similarly, seeking asylum must not be conditioned on accessing a mobile application. CBP One may remain one of the many options to approach the U.S.-Mexico border and seek asylum in the United States, but not the only one.

Sincerely,

#WelcomeWithDignity

Al Otro Lado

American Friends Service Committee (AFSC)

Amnesty International USA

ANAR

Apoyo a Migrantes Venezolanos,AC

Asylum Seeker Advocacy Project (ASAP)

Border Compassion

Borderlands Resource Initiative

Border Servant Corps

Border Vigil of Eagle Pass

Bridges Faith Initiative

Casa Monarca. Ayuda Humanitaria al Migrante, A.B.P.

Catholic Charities of Southern New Mexico

Center for Gender & Refugee Studies

Centro San Bonifacio, Chicago

Chicago Religious Leadership Network on Latin America (CRLN)

Church World Service

Coalition for Humane Immigrant Rights (CHIRLA)

Colorado Immigrant Rights Coalition

Del Camino Jesuit Border Ministries

Derechos Humanos Integrales en Acción (DHIA)

Dominican Sisters of Mission San Jose

Dorothy Day Catholic Worker, Washington DC

Eagle Pass Border Coalition

FEA Foundation Ministries

Florence Immigrant & Refugee Rights Project

Franciscan Action Network

Fundación para la Justicia (FJEDD)

Grupo de Acción por la No Detención de Personas Refugiadas

Grupo de Trabajo Sobre Política Migratoria-GTPM: Aldeas Infantiles SOS México, I.A.P.; Alianza Américas; American Friends Services Committee; Apoyo a Migrantes Venezolanos, A.C.; Asylum Access México (AAMX) A.C.; Casa del Migrante Saltillo (Frontera con Justicia A.C.); Centro de Derechos Humanos Fray Matías de Córdova, A.C.; Coalición Pro Defensa del Migrante de Baja California; Comisión Mexicana de Defensa y Promoción de los Derechos Humanos; Fundación Appleaseed México, A.C.; DHIA. Derechos Humanos Integrales en Acción, A.C.; IMUMI Instituto para las Mujeres en la Migración; Iniciativa Ciudadana para la Promoción de la Cultura del Diálogo, A.C.; INSYDE Instituto para la Seguridad y la Democracia; M3 Movimiento Migrante Mesoamericano; Paso de Esperanza A.C.; REDIM Red por los Derechos de la Infancia en México; Save the Children México, Sin Fronteras, IAP; Servicio Jesuita a Refugiados; SMR Scalabrinianas: Misión con Migrantes y Refugiados; Leticia Calderón, Analista en temas migratorios; Brenda Valdés; Manuel Ángel Castillo, Investigador; Gloria Ciria Valdéz Gardea, fundadora y coordinadora del Seminario Niñez Migrante; IDC International Detention Coalition (Observadoras). Melissa Vertiz Hernández, Secretaria Técnica.

Haitian Bridge Alliance

Hope Border Institute
Human Rights First
Human Rights Watch
Immigrant Defenders Law Center
Immigrant Justice Network
Immigration Equality
Immigration Hub
Instituto para las Mujeres en la Migración, AC (IMUMI)
International Refugee Assistance Project (IRAP)
Jesuit Refugee Service/USA
Kino Border Initiative
Las Americas Immigrant Advocacy Center
LAWG
Lawyers for Good Government
Long Island Immigration Clinic/Sisters of St. Joseph
Loretto Community
Loretto Community Latin America/Caribbean Committee
Maryknoll Office for Global Concerns
Massachusetts Immigrant and Refugee Advocacy Coalition
Mennonite Central Committee U.S.
Mobile Pathways
National Immigration Law Center
National LGBTQ Task Force Action Fund
NETWORK Lobby for Catholic Social Justice

New Jersey Alliance for Immigrant Justice

Norwegian Refugee Council (NRC) USA

Oasis Legal Services

Presente.org

Quixote Center

Red Continental "Como nacido entre nosotros"

Red Franciscana para Migrantes de las Américas

Refugees International

Sin Fronteras AIP

Sisters of St. Joseph of Orange

St. Ignatius Parish San Francisco

T'ruah: The Rabbinic Call for Human Rights

U.S. Committee for Refugees and Immigrants (USCRI)

U.S. Federation of the Sisters of St. Joseph

Union for Reform Judaism

Unitarian Universalist Service Committee (UUSC)

Washington Office on Latin America

We Are All America

Wind of the Spirit Immigrant Resource Center

Witness at the Border

Witness for Peace Solidarity Collective - Honduras

Young Center for Immigrant Children's Rights

