



Kino Border Initiative
Iniciativa Kino
para la Frontera

NATIONAL IMMIGRANT
JUSTICE CENTER



Six-Week Report: Implementation of the Biden Administration's June 2024 "Securing the Border" Asylum Ban *Case Appendix Attached*

Legal service providers and border organizations report rampant due process and human rights violations and inconsistent and confusing application of new rule

On June 4, 2024, the Biden administration took its latest step toward fully abandoning a commitment to humane border policies by issuing a presidential proclamation followed by an Interim Final Rule (IFR) titled "[Securing the Border](#)." These executive actions, which went into effect immediately, severely limit eligibility for asylum protections for the majority of people arriving at the U.S.-Mexico border without regard to the viability of their legal claims for asylum.

This latest "asylum ban" — which was immediately triggered because the average number of border crossings was above the arbitrary number set by the administration — preserves asylum eligibility *only* for people who can secure a scarce lottery appointment using the CBP One smartphone app to present themselves at a port of entry or those who can satisfy very narrow exceptions. In doing so, the ban violates the current asylum statute because Congress expressly permitted migrants to apply for asylum "whether or not" they enter at a port of entry.

In addition to barring asylum for most migrants, these executive actions create insurmountable obstacles for seeking other types of protection by adding confusing and unfair new legal standards. Some of the current practices implemented alongside the new IFR also violate the government's legal obligations concerning the protection of children in immigration proceedings.

Combined with the disastrous [May 2023 asylum ban](#) (formally referred to as the "Circumvention of Lawful Pathways" Rule), these policies flout the U.S. government's legal obligations to refugees by summarily deporting them to danger, stranding people seeking asylum in Mexico where they are vulnerable to severe harm, and, in some instances, compelling family separation.

Immigrant rights organizations immediately filed a [lawsuit](#) challenging the newest IFR. In doing so, they argue that this ban mimics the asylum entry ban that the Trump administration imposed in 2018 and that multiple courts invalidated as illegal. The IFR is operational pending litigation, and it continues to impose harms and exacerbate challenges created by the administration's May 2023 asylum ban.

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In the first month of implementation of the June 2024 asylum ban, national immigrant rights organizations and legal service providers near the border reported egregious due process and human rights violations and an inconsistent and confusing application of the new legal requirements required by the IFR, including:

- 1) People with bona fide claims of fear have been summarily deported without a Credible Fear Interview (CFI) even when they expressed fear. Others were deported because they did not know how, or were unable, to “manifest fear.”**

Under the IFR, Department of Homeland Security (DHS) officers are no longer required to ask people encountered at the border about their “fear of return.” Instead, Customs and Border Protection (CBP) now requires individuals and families to spontaneously “manifest” their fears. In other words, only those who *affirmatively* “shout out” or otherwise express their fear to an immigration officer are allowed to access the screening process for the minimal protections currently available in the United States under the IFR. To date, the Biden administration has failed to provide any guidance on how their officers will determine whether someone has “manifested fear.”

The use of this “shout test” will result in the return of bona fide refugees to persecution or torture. When this [deficient “shout test”](#) was used in the context of sea interdictions and [under the Title 42 expulsion policy](#), human rights monitors found that [the majority](#) of families who were expelled had clearly expressed their fear of return to border officers but were summarily deported regardless. This past documentation underscores that the “shout test” will fail to account for those who do not speak English or people from marginalized groups who may not be able to safely express fear in front of others with whom they are detained. The test will also fail to account for those who are simply so traumatized by their persecution or journeys to the U.S. that they fail to affirmatively express their fear.

Devastatingly, groups are already seeing this play out in the first month of this latest asylum ban. For example, the National Immigrant Justice Center spoke to an attorney who had emailed and called CBP offices to inform them that his client feared for his life after his family members were killed in Honduras. The attorney’s and the client’s attempts to “manifest fear” were ignored, and the client was deported to Honduras. CBP ignored his emails and phone calls on at least two other cases, as well. In other cases, individuals have entered CBP custody with a letter trying to express a fear, and those letters have been ignored. The National Immigrant Justice Center likewise spoke to individuals who were afraid to affirmatively state their fear because they felt intimidated, lacked privacy, or believed their claims would be ignored.

Kino Border Initiative is a binational Catholic organization that provides direct humanitarian assistance and holistic accompaniment to people removed or returned to Nogales or who are in transit to the U.S. In the month of June, 457 people arrived at Kino Border Initiative after being deported from the U.S., more than 75% (345) reported to Kino Border Initiative staff that they were either ignored or not allowed to ask for asylum. Those who verbally expressed fear or an intention to seek asylum were either ignored outright, lied to that asylum was no longer an

option, or threatened with prolonged detention. Many were expressly instructed not to speak by Border Patrol agents. “They didn’t let us talk” was a sentiment expressed by most people who were deported following the IFR.

More people whose fear manifestations were ignored

Vicente^{*1} told Kino Border Initiative that he expressed to a Border Patrol agent that he was seeking asylum. His sponsor received a phone call to confirm his willingness to receive Vicente. However, while Vicente was waiting for an interview with an asylum officer, another Border Patrol agent tried to force Vicente to sign his deportation. Vicente refused, explaining that he wanted to seek asylum, but the agent deported him anyway.

Rodrigo* was traveling with his partner and their 11-month-old son. They crossed into the United States and surrendered to Border Patrol. He explained to the agent that he had been kidnapped and tortured by organized crime and showed them the marks on his body, but the agents told him: *“There is no asylum anymore, we don’t care.”*

Maribel* told Kino Border Initiative that she was instructed to sign for her deportation once she arrived at the Border Patrol detention facility. She asked what she was signing for and was told to just do it because she was being deported. When she asked why, saying that she needed to apply for asylum, she was told that *“asylum no longer exists and that it will not be given.”* The agent told her, *“Don’t start with your little speeches. Just sign because I don’t have all night.”* Upset, Maribel said that she wasn’t simply giving little speeches, but that she was fleeing harm. The agent told her to stop being aggressive and that if she applied for asylum that they would incarcerate her for six months.

¹ Pseudonyms and initials are used for the protection of individuals.

2) The IFR imposes a new, higher legal standard for CFIs that means people who previously qualified for protection are now returned to harm.

Even for individuals who do manage to manifest a fear of persecution or torture, the harm that they will suffer as a result of the IFR is not mitigated. That is because, after clearing the hurdle of the shout test, the IFR forces migrants to demonstrate a “reasonable probability” of persecution or torture in order to be provided an opportunity to seek protection in the U.S. This standard is higher than the “significant possibility” standard that Congress created for use in CFIs and is a new standard under the IFR. It imposes a standard that is higher than any standard that has ever been employed in a screening context, a standard even higher than the heightened standard that President Trump tried to justify and higher than the standard required under the May 2023 asylum ban. This change violates the balance that Congress undertook when creating expedited removal to ensure that individuals with potential claims to protection would not be ordered removed to possible persecution or torture.

For example, the National Immigrant Justice Center spoke to a woman from Guatemala who came to the U.S. with her young daughter, following her husband and son who entered the U.S. last year. Under the standard that was in place last year, the husband and son were able to satisfy the screening standard for protection from removal, and they have been given a chance to pursue protection in the U.S. But under this new standard, this man’s wife and daughter were unable to pass even though all members of this family faced harm flowing from the same set of events.

3) People who manage to receive a CFI face significant barriers to accessing legal counsel in CBP custody.

Prior to the IFR, people in CBP custody already faced [significant barriers to accessing legal counsel](#) and a fair opportunity to present their full asylum claim due to expedited CFI policies. Now, simultaneous to the IFR, the Biden administration has also [further reduced the time](#) people have to contact an attorney to as little as four hours, even when that window falls outside of legal service providers’ business hours. As a result of this change, most people who are able to speak to a legal service provider or a family member—if they are able to at all—only reach these people after they have already had their CFIs and received a negative outcome. The result is that people are routinely being denied their statutorily provided opportunity to consult with a person of their choosing prior to their CFI.

To complicate matters, CBP officers often escort dozens of people to the phone booths at one time, immediately overwhelming the limited free attorney phone lines. While a small group of nonprofit and volunteer attorneys may have capacity to receive calls throughout the day, when calls are concentrated in this way, most people are unable to reach attorneys. Outside of these government-created rush hours, the legal services phone lines are silent for hours, because people detained in CBP custody have no access at all to the phone booths apart from when CBP officers elect to escort them there. Attorneys also report receiving voicemails left by desperate people in custody late at night or over the weekends, when legal offices are not open.

Yet, in some instances there is no way to make a return call to a CBP facility. Finally, in other instances, people report receiving as little as one hour of attorney consultation time after being told by CBP that time spent speaking to family takes away from their four hour allotted time.

In [June 2024](#), the Biden administration took the long overdue step of allowing people who have been in CBP custody more than 48 hours to be searchable on the ICE Detainee Locator by their name or A-number (immigration file identification number). However, the search function still does not indicate the exact location of the individual and in some cases is only available after they have been in custody for several days, at which point they might have already had their CFI. Even where attorneys do connect with detained people preparing for a CFI, the government in some locations fails to facilitate the signing of a notice of representation, which is required for the attorney to enter their appearance. This means that the Asylum Office may not recognize the attorney or permit the attorney to provide representation at the CFI. The cumulative outcome of these steps means that many vulnerable people and families have no meaningful access to counsel and are more likely to fail their CFIs to be deported back to harm.

People who experienced attorney access issues

Immigrant Defenders Law Center's Cross Border Initiative assists asylum seekers on both sides of the United States and Mexico border. Since 2018, the organization has spoken with hundreds of vulnerable children, families, and individuals that were harmed by cartels or corrupt Mexican authorities when they were expelled to Mexico under harsh border deterrence policies or were forced to wait in Mexico for a CBP One appointment.

L.A.C. was provided with a list of attorneys, but no one answered his telephone calls. He had no way of writing down an attorney's name or number. An Immigrant Defenders Law Center attorney was able to connect with L.A.C. to prepare him for his CFI. After his CFI., the attorney was unable to contact L.A.C. during the subsequent two weeks before L.A.C.'s immigration judge review hearing. Each time the attorney tried connecting with L.A.C., CBP would tell the attorney that L.A.C. was not processed and could not make calls.

L.G.A.'s Immigrant Defenders Law Center attorney sought to speak to L.G.A. to request a G-28 signature and was told by CBP that the client was in a "private booth conducting her interview." A few hours later, CBP contacted the attorney to inform her that the CFI interview would be starting shortly. The attorney was unable to prepare her client for the interview due to CBP's earlier incorrect communication that the interview had already taken place. L.G.A. failed the CFI. Luckily, the attorney was able to prepare her for the review by an immigration judge, and the immigration judge vacated the denial.

4) Families and single adults have faced prolonged detention in CBP custody under inhumane conditions.

In this first month of implementation, many families and single adults have been detained in subpar Border Patrol holding facilities for prolonged periods. Some had managed to manifest their fears and were granted CFIs only to wait substantial periods in CBP custody before their interviews, in spaces designed for just one to three-day stays. Others were detained for similar durations in the same circumstances before being deported to Mexico, without ever actually being referred for CFI interviews.

For example, the National Immigrant Justice Center has spoken to families detained in CBP custody, including some who were held in custody for more than ten days. This included a Guatemalan woman who was detained with her four-year-old daughter for more than three weeks while she awaited a CFI and then removal. Holding children in CBP custody violates basic human rights and U.S. obligations to treat asylum seekers with dignity and to not inflict additional harm on survivors of trauma. Additionally, under the [1997 Flores litigation which still applies today](#), holding children in CBP custody any longer than 20 days violates the settlement agreement negotiated in that case.

Adults and families with children have also been detained by CBP in the Tucson sector beyond 48 hours without access to showers, with some describing filthy and unsanitary conditions, in possible violation of the [permanent injunction](#) in [Doe v. Mayorkas](#). Human Rights First has spoken with several families and adults who reported being held for three to eight days in Tucson Sector Border Patrol facilities without ever being referred for a CFI before being removed to Mexico. This included a Mexican woman with three minor children who was detained for four days and reported that two other families at the Tucson sector CBP facility she was at told her they had been held for 15 and 22 days, respectively.

5) Arriving families face a confusing set of possibilities for how they can be processed by CBP at the border, resulting in family separations.

The IFR has led to many instances of family separation. Circumstances force many families to enter the U.S. at different times, and the IFR's punitive standards mean that people who are already in the U.S. often cannot be joined by their close family members. Even when whole families can travel together, they are separated when initially encountered by CBP, and the new manifestation standard means that the experiences of family members can differ greatly. Sometimes one spouse knows to manifest a fear and the other does not, meaning that the latter spouse is removed immediately. Sometimes both spouses manifest fear, but CBP ignores the manifestation of one spouse, with the same result. The heightened, "reasonable probability" standard applied in CFIs under the IFR also leads to situations in which one spouse passes a CFI and the other spouse, whose claim is based on exactly the same facts, fails the CFI and is deported.

These consequences are not new. The 2023 “Circumvention of Lawful Pathways” rule, which also applied a heightened standard in many CFIs, similarly led to family separations. So too did the transit ban that was in place for part of the Trump administration.

The National Immigrant Justice Center spoke to multiple families where the married couple was separated and one spouse was deported, while the other spouse was determined eligible to apply for protection in the U.S.. The spouses received opposite outcomes despite facing the same dangers in their countries of origin.

More families separated under the IFR

An 18-year-old Colombian girl, **S.H.A.**, who suffers from anxiety, told Immigrant Defenders Law Center that she was separated from her family. For four days, she was distraught while in CBP custody in San Diego while the rest of her family members were processed into the U.S.

A.X.M.H. told Immigrant Defenders Law Center that she was separated from her husband, brother-in-law, and sister-in-law who each manifested fear based on the same claim to asylum. Only she was given a CFI, and her other family members were separated from her and deported.

6) The IFR traps Mexican asylum seekers in their own country of feared persecution and deports third-country nationals to the custody of Mexican immigration enforcement.

The IFR, unlike the Biden administration’s 2023 asylum ban, does not make an exception for people fleeing persecution in Mexico. It restricts access to asylum for everyone including Mexican asylum seekers who are forced to remain at risk of persecution in their own country. Conditioning access to asylum on securing a limited, lottery-based CBP One appointment requires Mexican nationals to wait, potentially for many months, in danger in their country of feared harm, violating the Refugee Convention and Protocol. This means that many Mexican individuals and families are stuck in northern Mexico while facing continued threat of persecution — such as violent cartels and other organized crime groups that exercise control over territory and often work in collusion with Mexican authorities.

Prior to this IFR, Human Rights First spoke with [Mexican families and individuals facing life-threatening risks](#) who were stranded in Mexico, struggling to secure a CBP One appointment or waiting on metering lists and were targeted for harm. One person they spoke to was a [LGBTQI+ asylum seeker who was later found dead](#) at the Nogales port of entry after waiting months on a metering list. Many other Mexican people have been kidnapped, sexually assaulted, tortured, and threatened with death while forced to wait for a CBP One appointment or to be processed at a port of entry.

While deported Mexican nationals face such risks, third-country nationals deported to Mexico are immediately transferred to the custody of Mexican immigration enforcement and relocated to southern Mexico, where they are stranded outside of the CBP One app's geofence and unable to request an appointment.

7) Mexican nationals who are immediately deported by CBP under the IFR have reported receiving little to no documentation regarding their case from the U.S. government prior to their return to Mexico.

Organizations near the border, especially in and around Nogales, report that there are many Mexican nationals who CBP summarily removed to Mexico without a CFI — even when they manifested fear — who were told that they were being deported and would be barred from returning to the U.S. for five years. CBP officials also told these people that they would be criminally prosecuted if they crossed the U.S.-Mexico border again. However, these individuals report receiving no formal paperwork with an A-number or any indication of what happened while they were in custody, or any documentation showing they have been removed from the United States. These include both single adults and families, including women and children who have spent several days in CBP custody.

People deported without documentation

According to Refugees International, **one woman** spent four nights in CBP custody, where she asked to be given a chance to seek asylum **and her seven-year-old daughter** cried incessantly in fear of returning to their hometown in Guerrero where two children had recently been kidnapped and killed. CBP did not refer the mother and child for a CFI and failed to provide the family any removal paperwork, or even copies of the form the woman had been asked to electronically sign. CBP deported the mother and child to Sonora, Mexico.

Araceli's* husband was assassinated a month ago by organized crime and she and her son started receiving death threats. She told Kino Border Initiative that they presented themselves before Border Patrol to ask for asylum, however, agents told them that *"asylum is closed,"* and that they didn't want any more people coming. An agent pressured her into signing a document in English that she did not understand and that the agent did not care to translate or explain. Agents wrote "5 years" on a post-it note and said that was how long she was barred from reentering the U.S., which was the only documentation she got.

8) The IFR illegally conditions access to asylum on the availability of an appointment on a glitchy and restrictive smartphone app.

In order to seek asylum at a port of entry under the IFR, people must wait up to eight months and try daily to obtain an appointment on the glitchy CBP One smartphone app. However, the app is only available in English, Spanish, and Haitian Creole. Conditioning access to asylum, and essentially to ports of entry, on use of a phone app that is only available in three languages blatantly denies equal access to asylum to people in need of protection who are unable to use the app due to language barriers, and it imposes an illegal restriction on access to asylum that is based on manner of entry. Human Rights First [documented examples](#) of diverse asylum seekers unable to use the CBP One app.

Unlike with the 2023 asylum ban, the IFR does not include an exception for people who present at a port of entry without a CBP One appointment because they could not use the app due to language barrier, illiteracy, or a significant technical failure. This lack of an exception in the IFR will condemn individuals unable to use the app to cross between ports of entry, where they will face the IFR's asylum eligibility ban and heightened standard for lesser forms of protection and therefore likely refoulement.

9) Vulnerable asylum seekers with urgent safety and medical needs, who should qualify for exceptions to the IFR, face nearly insurmountable challenges to accessing ports of entry.

The IFR preserves asylum eligibility *only* for people who can secure a scarce lottery appointment using the CBP One app to present themselves at a port of entry. People with “exceptionally compelling circumstances” may qualify for an exception to the ban. These circumstances include: 1) an “acute medical emergency”; 2) an “imminent and extreme threat to life or safety, such as an imminent threat of rape, kidnapping, torture, or murder”; or 3) being a “victim of a severe form of trafficking in persons.”

However, under the IFR, CBP officers at ports of entry will *first* decide whether an asylum seeker meets this exception in order to even be processed at ports of entry, instead of trained asylum officers or immigration judges solely adjudicating these asylum eligibility issues as they have under the May 2023 asylum ban rule.” This has resulted in vulnerable and at-risk asylum seekers being denied access to ports of entry. These asylum seekers included people who have [survived or are at risk of kidnapping, rape, and torture](#); women with high-risk pregnancies; and others with urgent medical conditions. In addition, because of the rule that an applicant affirmatively must “manifest” a fear of persecution or torture, it is unclear how a person would know of their obligation to explain why they faced such an imminent risk or if they will even be given an opportunity to raise such concerns.

For example, a humanitarian worker reported to Human Rights First that a Haitian woman with cancer in need of emergency medical care, together with her young daughter, were repeatedly denied asylum processing by CBP officers at a southwest border port of entry in July 2024. The

CBP officers refused to interact with the woman or review her medical records, summarily denying asylum processing without undertaking an assessment as to her urgent medical need. Only after extensive advocacy, CBP agreed to process the Haitian woman and her daughter.

10) In Texas, Operation Lone Star prevents families from reaching CBP agents to “manifest fear,” further exacerbating the IFR’s severe restrictions on access to asylum.

In Texas, [Operation Lone Star](#) prevents families and individuals with bona fide claims of fear who arrive between ports of entry from surrendering to Border Patrol so that they can “manifest fear” under the IFR. At the El Paso-Ciudad Juárez border, asylum seekers are stranded behind the Texas wire barrier deployed along the Rio Grande. If individuals camp near the razor wire, Texas National Guard agents systematically shoot projectiles at them. The Hope Border Institute assisted 25 individuals with such projectile injuries just between May and June 2024. If individuals and families instead choose to cross the razor wire to surrender to Border Patrol, the Texas National Guard apprehends them and chooses whether to push them back to Mexico, hand them over to Border Patrol, or press state charges against them under Operation Lone Star.

The Hope Border Institute also documented at least two cases of families being separated at the border wall and pushed back into the razor wire and Mexico by the Texas National Guard. Monitoring between ports of entry indicates a [tacit collaboration policy between the Border Patrol and the Texas National Guard](#) by which Border Patrol often defers apprehensions to the Texas National Guard agents. As a result, Operation Lone Star makes it nearly impossible for many people to manifest fear between ports of entry at the Texas-Mexico border.

Appendix: More People Inhumanely Impacted by the IFR

Fear manifestations ignored

J.E.M.M. shared with Immigrant Defenders Law Center that he fled Colombia due to his political opinion. He entered the United States with his partner. His partner told officers she was afraid to return to Colombia. She was scheduled for a CFI, but J.E.M.M. did not know he had to express fear to be processed for asylum. He was processed for removal. When J.E.M.M.'s partner was able to get in touch with an attorney, she told her attorney that she was concerned about J.E.M.M. because he did not know that he must tell border officials about his fear of return to Colombia to be processed for asylum. Her attorney was able to schedule a call with J.E.M.M. where he confirmed his fear. The attorney informed him to tell the border officials about his fear as soon as possible. The attorney then called Border Patrol and learned he had been processed for removal. The attorney asked to speak with a supervisor and advocated for J.E.M.M. to be allowed to seek asylum since he had manifested fear. He was scheduled for a CFI and passed it. During both his and his partner's interviews, the interpreter made several mistakes. Several hours into J.E.M.M.'s over five-hour long interview, connection with the interpreter was lost and a new interpreter had to be found.

I.F.P.G. shared with Immigrant Defenders Law Center that she fled Colombia and was detained by CBP as part of a group of other migrants from Colombia. She was told everyone from Colombia would be deported. She did not have the opportunity to express fear. She was separated from

her husband who she believes has been deported.

Noelia* is a pregnant woman in her third trimester fleeing gender-based violence and threats of harm by her partner in Mexico. She shared with Human Rights First that she manifested her fear and asked, "*where can I request asylum? How can I request it?*" A CBP officer replied, "*I don't speak Spanish well.*" She was summarily deported within 24 hours.

Guadalupe* is an Indigenous woman who speaks Tzetzal and Spanish as a second language. She shared with Kino Border Initiative that she fled Chiapas with her one-year-old daughter due to threats from organized crime. They hoped to reunite with her daughter's father who lives in California. When she requested asylum to Border Patrol agents, they asked her only for her name, her daughter's name, and their sponsor. Border Patrol then deported them, without communicating anything else.

Carla* is a young adult who was separated by Border Patrol from her parents and younger sister. She told Human Rights First that she explained to a Border Patrol agent that her family was fleeing death threats and detailed what had happened to them in Guanajuato, Mexico. She said, "*We come seeking asylum.*" The Border Patrol agent ignored her request and summarily deported her without her family within 24 hours.

Lizeth* left Michoacan, Mexico fleeing organized crime violence. She shared with

the Kino Border Initiative that while under Border Patrol custody, the agent who took her fingerprints did not allow her to explain why she was seeking asylum. To the contrary, he seemed angry, frightening and unapproachable, calling her “a delinquent for having entered the country illegally.”

Nohemi* fled cartel violence with her two sons, ages 5 and 13. She told Kino Border Initiative that they had been trying to obtain a CBP One appointment everyday for the last eight months, with no success. They decided to cross the border and plead their asylum case before Border Patrol, and reunite with her 19-year-old son who had requested asylum nine months earlier and was in Kansas. Border Patrol kept them in detention for three days in what she describes as “horrible” conditions in Tucson: “The cells were too cold and they only fed us chips and juice.” She thought that her five-year-old would die in these conditions. Border Patrol ignored their request for asylum and deported them to Mexico.

Isabela* told Human Rights First that she and her three-year-old son turned themselves in to Border Patrol to seek asylum. A Border Patrol agent told her “there is no asylum — sign [the deportation order] or not, I have the power to return you.” When Isabela asked, “and if I want to request a hearing with a judge?” the Border Patrol agent replied: “there aren’t any more [hearings].”

Marisol* reported to Kino Border Initiative that she and her 9-year-old daughter presented themselves before Border Patrol to request asylum, however the agents ignored their request. One agent told them that Border Patrol was “not an asylum place, only a deportation place” and that “there was no asylum for Mexicans.” When an agent asked her to sign her order of removal, she reiterated that she wanted to seek asylum, but the agent threatened her with detention.

Told that asylum is no longer available

Eliza* reported to Kino Border Initiative staff that a Border Patrol agent sat them down and told them, “It’s not my problem if your country or your president treats you badly, I’m going to send you back to your country.”

Maria Gabriela*, who was traveling with her husband and 7 and 8-year-old children told Kino Border Initiative that she tried to explain her family’s situation to a Border Patrol agent. An organized crime group had beaten her husband in front of their children, which caused severe bruising. When they showed the bruises to the agent, he said he wasn’t interested in seeing that.

Linda,* who is pregnant, shared with Kino Border Initiative that she was separated from the father of her child and deported alone to Nogales. She said that while in detention, a Border Patrol agent referred to her and the people she was detained with as: “f***ing people!”. When she tried to ask for asylum, an infuriated agent scolded her: “Do you think you have the same rights as I do?! The government deducts \$1,000 dollars from every paycheck I earn just so that any idiot can show up here.”

Melissa* reported to Kino Border Initiative that she was fleeing violence in Mexico that had escalated to the kidnapping of her two young daughters. She crossed the border with them, hoping to request asylum and reunite with her brother in the U.S., but before deporting them to Mexico, Border Patrol agents told her *“there was no asylum”* and that she was not allowed to speak at all while in custody.

Oscar* told Kino Border Initiative that he and his wife turned themselves in to Border Patrol to request asylum, as they are both fleeing violence in Guerrero. Border Patrol told them *“there is no asylum—you guys need to watch the news.”*

Flor* shared with Kino Border Initiative that she was fleeing domestic violence with her 12-year-old daughter and 5-year-old son when they turned themselves in to Border Patrol and asked for asylum. When she shared the address of where they were going, the Border Patrol agents began to question her strongly about why they were going to a *“criminal”* neighborhood, an agent told her that *“she and her children would be locked up and forced into prostitution there.”* Then, an agent wanted her to sign her removal, which she refused to sign, explaining to the agent that they were seeking asylum. The agent responded *“by orders of President Biden, we are no longer giving asylum to anyone. We don’t want any more Mexicans.”*

Paulina* is a single mother of two children, ages 8 and 4. Her oldest son has a motor delay. She told Kino Border Initiative that she turned herself in to Border Patrol and

explained that she was fleeing violence. At the open-air detention facility she was sent to she was not permitted to ask for asylum.

Anna* told Kino Border Initiative that she was traveling with her partner and sister when they turned themselves in to Border Patrol. They were taken onto trucks and separated. Although there were female agents before, she was left last and a male agent ordered her to lift up her blouse and touched her breasts as well as the rest of her body. She told another agent that she was seeking asylum and the agent told her to speak louder. *“Talk to me like you have balls,”* he said. She spoke louder and asked for asylum, but he responded that he didn’t care. Even though she was menstruating, Border Patrol took her sanitary products away from her. She had to request more and was only given three pads.

Martha* told Kino Border Initiative that she was traveling with her 9-year-old daughter. She presented her family to Border Patrol and explained to them that they were fleeing the violence in Chiapas, but an agent told her: *“I don’t care, this is a government’s thing. We only follow orders.”*

Mateo* was fleeing violence in Guerrero when he turned himself in to Border Patrol. At the open-air detention facility he was taken to, nobody was given the opportunity to request asylum. When Mateo tried showing documentation supporting his asylum claim to Border Patrol, agents told him that it was not their responsibility to look at his documents, then added: *“There is no asylum. Haven’t you seen the news?”*

Barriers to attorney access

M.I.A.D. was given a list of organizations and attorneys, but many replied that they could not help or did not answer her telephone calls. She did not receive an affirmative answer until she called Immigrant Defenders Law Center.

I.F.P.G. was provided with a list of organizations but no one answered his/her telephone calls until able to reach Immigrant Defenders Law Center.

J.M.P. told Immigrant Defenders Law Center that he was provided with a list of attorneys but could not call many because of the lack of funds in his account.

S.J.M.'s attorney from Immigrant Defenders Law Center was unable to obtain a signed G28 and was not permitted to speak to the client until one was signed. The client was transferred to Rio Grande Processing Center but did not appear in the system, hindering the ability of the attorney to file a G28. The attorney has not been able to contact the client since the initial phone call, which has prevented preparation for a request of reconsideration with USCIS.

M. S., who is LGBTQ+, told Immigrant Defenders Law Center that she was given a negative decision on her CFI, which was vacated by an immigration judge. During the CFI, the attorney experienced bad reception.

An Immigrant Defenders Law Center attorney was representing two clients held in San Diego CBP custody. The attorney asked to speak with one **male client** and the client was allowed to call her but, at the same time, border officials had placed her other **female client** in a room for her CFI to begin. The attorney could only speak with her client for one minute before having to proceed with the CFI interview for her other client.

Immigrant Defenders Law Center represented **J.A.C.M.** during his CFI. He received a negative CFI result the same day as his interview with an asylum officer. The next day, he was removed without any notice provided to his attorney