

Thursday, August 22nd, 2024

Subject: Civil society organizations and human rights defenders demand security and protection for people awaiting CBP One appointments in Mexico

Andrés Manuel López Obrador

Constitutional President of the United Mexican States

Luisa María Alcalde Luján

Mexican Ministry of the Interior

Alicia Isabel Adriana Bárcena Ibarra

Mexican Ministry of Foreign Affairs

Dear President López Obrador, Secretary Alcalde and Secretary Bárcena,

We, the undersigned civil society organizations and human rights defenders, are writing to you in response to the [recent announcement](#) by the U.S. Customs and Border Protection (CBP) that—as of [August 23](#)—individuals waiting in Mexico to present at U.S. ports of entry to request asylum will be able to request appointments through the CBP One mobile application from the states of Tabasco and Chiapas. Previously, the CBP One app only allowed users to request and schedule appointments above the 19th parallel—that is, in the center and north of Mexico.

In light of the expansion of CBP One, which we are aware was requested by the [Mexican Ministry of Foreign Affairs](#), we remind the Government of the Republic that the CBP One appointment system, which is currently one of the only ways to access the territory of the United States through its southern border to request asylum, [violates](#) international refugee law in its manner of use and operation as a discriminatory metering device and barrier to asylum. Using this electronic system, the United States limits access to its territory for persons in need of international protection, restricts the number of asylum applications it is required to process on a case-by-case basis, excludes persons in need of international protection who do not speak one of the three languages of the application, and forces vulnerable persons to wait in places where their life and bodily integrity may be in danger. By consenting to the use of the CBP One digital tool to force asylum seekers to wait in Mexico, the Government of Mexico is collaborating with the U.S. government in the implementation of policies that violate international refugee and human rights law. Mexico has national and international obligations to protect the human rights of all asylum seekers and migrants, including those transiting to the United States. These include respect for the principle of non-refoulement; protection of the right to life, personal integrity, equality, and non-discrimination; freedom of movement and freedom from torture or other cruel, inhuman, or degrading treatment or punishment; as well as access to employment, education, health care, and housing, among others.

Violations of the human rights of CBP One users

From January 2023 through July 2024, the requirement to use the CBP One app in Mexico to apply for asylum in the United States has stranded more than [765,000](#) asylum seekers and migrants in

Mexico while they wait for their appointments to be approved. [Civil society organizations](#) have documented that people await appointments in Mexican territory for up to [seven months](#). While they wait, the National Immigration Institute (INM, by its initials in Spanish) does not issue them any type of immigration regularization document that would allow them to exercise their rights. The extended stay has generated overcrowding in shelters located above the 19th parallel, which, in combination with the failure of the authorities to provide decent and safe spaces for waiting, has forced many people to settle in informal camps with precarious conditions. CBP One users, including children and adolescents, [face](#) a lack of food, clothing, sanitation, work, healthcare, and education, as well as being subject to restrictions on their ability to transit through Mexican territory.

Civil society organizations have denounced [kidnappings](#), [sexual abuse](#), [torture](#), and [extortion](#) committed by organized crime and abuses by INM officials and the National Guard against people waiting for a CBP One appointment in Mexico. Likewise, there have been reports of people registered in the CBP One application or with a CBP One appointment scheduled who have been deprived of their liberty, detained in immigration stations, and returned to the south of the country to prevent them from presenting themselves at U.S. ports of entry. Civil society organizations have also [condemned](#) forced evictions of CBP One users in informal camps through violent displacements, intimidation, and threats by authorities.

Situation in the south of the country

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 residents of Chiapas to cross the border into Guatemala in search of international protection. 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. We believe that if there is no effort to reduce criminal violence, the expansion of CBP One to Chiapas will put the lives and safety of thousands of people on the move at imminent risk.

Need of safety and protection for CBP One users

To guarantee the safety and dignity of asylum seekers in transit through Mexico, we call on the Mexican Government to take the following actions:

- 1. Increase the number of spaces as safe as possible for people on the move in areas within the CBP One geofence, considering the widespread targeting of asylum seekers and migrants for harm.** We request that the Mexican government provide safe, open-door shelters that offer a wide range of humanitarian assistance services so that CBP One users can temporarily reside in dignified conditions. To avoid overcrowding and forcing people to wait in irregular settlements and precarious conditions, we urge you to expand housing, healthcare, education, labor, and other infrastructure in the territories where CBP One appointments can be requested and scheduled.
- 2. Guarantee the right of individuals to immigration documentation as established in the law.** We demand that INM issue migration documentation to CBP One users under the timeline and procedures established by the current legal framework. We are concerned that since December 2022, the INM has stopped issuing Multiple Migratory Forms (FMM in Spanish) to people on the

move in Mexico. Also, as of [October 2023](#), the INM has refused to issue legally-mandated documentation to asylum seekers and refugees. We request that INM refrain from arbitrarily restricting individuals' possibilities to receive immigration status documentation, as this allows people on the move in our country to have access to rights such as healthcare, education, work, etc.

3. **Respect the right to freedom of movement of people registered in the CBP One application or with a CBP One appointment scheduled.** We urge you to issue a press release or executive order prohibiting the "housing" of CBP One users in immigration detention centers, and "humanitarian rescue" of this population for purposes of immigration control or deportation. This press release or order should be disseminated with clear instructions to all INM and National Guard officials. Likewise, we request that CBP One users have access to air and land transportation without discrimination and administrative obstacles. We also urge Mexican border personnel to allow CBP One users to present themselves to U.S. immigration authorities without restrictions and intimidation. It is also imperative that the INM allow the presentation at the U.S. border of persons who do not have a CBP One application appointment including those who are in a situation of extreme vulnerability such as persons with urgent health and physical safety situations, unaccompanied children, Mexican asylum seekers seeking protection in the United States, and persons who cannot access the CBP One application due to linguistic inaccessibility, illiteracy, disability, or other barriers.
4. **Ensure protection and differentiated attention for groups in vulnerable situations.** Civil society organizations have documented that many of the people waiting for appointments at CBP One are pregnant women, victims of gender-based violence, newborns, children and adolescents, elderly, people with congenital or chronic degenerative diseases, people with disabilities (motor and psychosocial), etc. For this reason, we urge the Mexican government to provide specialized attention with an intersectional and differential approach. As mentioned in the previous point, people in vulnerable situations should be able to access protection and safeguards that allow them to present themselves at U.S. ports of entry.
5. **Avoid impunity for crimes and human rights violations committed against people on the move in Mexico.** We urge you to establish a policy of prosecuting crimes committed against people on the move and to ensure that people in transit through Mexico can easily report crimes. Rigorous, impartial investigations (including of crimes and possible abuses committed by INM or the National Guard) should be carried out in accordance with the various human rights protocols for crimes and offenses committed against people on the move. Finally, we urge that you guarantee access to justice and remedies for victims on the move, including through the dissemination and use of the External Support Mechanism for Search and Investigation.
6. **Stop collaborating with the U.S. government in the implementation of policies that violate international refugee and human rights law.** The U.S. and Mexican governments have continuously implemented shared border policies aimed at deterring the arrival of people on the move such as metering, Migrant Protection Protocols, Title 42 and the recent executive orders limiting the right to seek and receive asylum: "Circumvention of Lawful Pathways" of May 2023 and "Securing the Border" of June 2024. With the change of administrations in both Mexico and the United States, these harmful policies should be repealed and not repeated, regardless of the

title or name given to them. On the contrary, we urge you to ensure coordinated policies to manage migration that employ a humanitarian and human rights approach.

Thank you for your attention to this matter.

Sincerely,

Civil society organizations,

1. Al Otro Lado
2. Alianza Americas
3. Amnistía Internacional
4. Apoyo a Migrantes Venezolanos, A.C.
5. Asociación Lambda
6. Asylum Access México
7. Austin Region Justice for Our Neighbors
8. Border Youth Collective A.C
9. Bloque Latinoamericano sobre Migración: Centro de Estudios Legales y Sociales (CELS), Comisión Argentina para los Refugiados y Migrantes (CAREF), Red Nacional de Líderes Migrantes en Argentina, Cáritas Brasileira, Centro de Direitos Humanos e Cidadania do Imigrante - CDHIC – Brasil, Instituto Migrações e Direitos Humanos, Clínica Jurídica de Migrantes y Refugiados de la Universidad Diego Portales- Chile, Fundación de Ayuda Social de las Iglesias Cristianas (FASIC), Secretariado Nacional de Pastoral Social- Caritas Colombia, Servicio Jesuita a Refugiados Ecuador (SJR-Ecuador), Asociación Comité de Familiares de Migrantes Fallecidos y Desaparecidos de El Salvador (COFAMIDE) – El Salvador, Cristosal, Advancing Human Rights in Central America - El Salvador, Asociación RUMIÑAHUI. Red de Ecuatorianos en Europa, Centro de Atención y Desarrollo Integral Migrante (CADIM), Federación Zacatecana de Migrantes, Latinas en el Poder, National Network for Immigrant and Refugee Rights (NNIRR), South Texas Human Rights Center (El Centro de Derechos Humanos Del Sur de Texas), Coalición de Derechos Humanos, Tucson, Arizona, Asociación Coordinadora Comunitaria de Servicios para la Salud (ACCSS), Asociación de Familiares de Migrantes Desaparecidos de Guatemala (AFAMIDEG), Asociación Pop No'j – Guatemala, Equipo de Estudios Comunitarios y Acción Psicosocial (ECAP), Grupo Articulador de la Sociedad Civil en Materia Migratoria para Guatemala, Mesa de Coordinación Transfronteriza Migraciones y Género (MTMG), Action Secours Ambulance (ASA), Asociación Hermanas Scalabrinianas/Pastoral de Movilidad Humana, Plateforme des Organisations Nationales et Territoriales de la Societe Civile Haitienne (PONT-SCH) – Haití, Comisión de Acción Social Menonita (CASM)- Honduras, Comité de Familiares de Migrantes Desaparecidos del Centro de Honduras (COFAMICENH)-Honduras, Comité de Familiares de Migrantes Desaparecidos del Progreso (COFAMIPRO)- Honduras, Foro Nacional para las Migraciones en Honduras (FONAMIH)- Honduras, Organismo Cristiano de Desarrollo Integral de Honduras (OCDIH)- Honduras, Asylum Access México. (AAMX) – México, Casa del Migrante de Saltillo (CDMS)- México, Casa Monarca Ayuda Humanitaria al Migrante- México, Centro de Atención a la Familia Migrante Indígena (CAFAMI)- México, Centro de Derechos Humanos de la Montaña-Tlachinollan (CDHM)- México, Estancia del Migrante González y Martínez- México, FM4 Paso Libre-México, Formación y Capacitación (FOCA)-México, Iniciativa Ciudadana para la Promoción de la Cultura del Diálogo (ICPCD)- México, Iniciativa Kino A. C, Instituto para las Mujeres en la Migración (IMUMI)- México, Proyecto de Derechos Humanos, Económicos, Sociales y Culturales A.C (Prodesc)-México, Red Pedro Pantoja Zona Norte- México, Red de Documentación de las Organizaciones Defensoras de Migrantes (REDODEM)- México, Red de Mujeres del Bajío AC-México, Unión Nacional de Organizaciones Regionales Campesinas Autónomas. A.C. (UNORCA A.C.), Red Nacional de Jornaleros y Jornaleras Agrícolas, Servicio Ecuménico para la Dignidad Humana (SEDHU), CTA de Trabajadores, Fundación para la Justicia y el Estado Democrático de Derecho (FJEDD), Red de las Américas sobre Nacionalidad y Apatridia (Red ANA), Red Mesoamericana Mujer Salud y Migración (RMMSYM)- México y Centroamérica, Living Water Community, Red Jesuita con Migrantes Latinoamérica y el Caribe (RJM LAC)-

Regional, Red Sudamericana para las Migraciones Ambientales (RESAMA)- Regional, International Detention Coalition (IDC)- Regional/Global, Red Internacional de Migración y Desarrollo (RIMD).

10. Casa Betania-Santa Martha
11. Casa Franciscana Guaymas A.C
12. Casa Monarca. Ayuda Humanitaria al Migrante, A.B.P.
13. Center for Engagement and Advocacy in the Americas (CEDA)
14. Center for Gender & Refugee Studies
15. Centro Acompañamiento 32 AC
16. Coalición por Venezuela
17. Colorado Immigrant Rights Coalition
18. Comisión Argentina para personas Refugiadas y Migrantes (CAREF)
19. Derechos Humanos Integrales en Acción (DHIA)
20. Dorothy Day Catholic Worker, Washington DC
21. El Rebozo - Cuidado de la vida y los territorios
22. Frontera con Justicia AC [Casa del Migrante Saltillo]
23. Fundación para la Justicia y el Estado Democrático de Derecho (FJEDD)
24. Grupo de Acción por la No Detención de Personas Refugiadas: Apoyo a Migrantes Venezolanos A.C, Asylum Access México (AAMX), Centro de Derechos Humanos Fray Matías de Córdova, A.C., la Clínica Jurídica para Refugiados Alaide Foppa de la Universidad Iberoamericana, la Clínica de Litigio Estratégico de la Maestría en Derechos Humanos de la Universidad Autónoma de San Luis Potosí, Coalición Internacional contra la Detención (IDC), Colectivo de Observación y Monitoreo de Derechos Humanos del Sureste de México, Derechos Humanos Integrales en Acción A.C. (DHIA), Dimensión Episcopal de la Movilidad Humana, FM4 Paso Libre Dignidad y Justicia en el camino A.C, Grupo Articulador México del Plan de Acción Brasil (GAM - PAB), Grupo de Trabajo sobre Política Migratoria (GTPM), Instituto para las Mujeres en la Migración A.C. (IMUMI), Kaltsilaltik, Menstruación Digna en Estaciones Migratorias, Pop'Noj, Programa Casa Refugiados A.C. (PCR), Scalabrinianas, Misión con Migrantes y Refugiados, Servicio Jesuita a Refugiados (SJR) y Sin Fronteras, I.A.P.
25. Grupo de Monitoreo Frontera Centro: Casa de Acogida, Formación y Empoderamiento para Mujeres y Familias Migrantes y Refugiadas (CAFEMIN); Clínica Jurídica para Refugiados Alaide Foppa (CJR) y Programa de Asuntos Migratorios (PRAMI) de la Universidad Iberoamericana Ciudad de México; Coalition for Humane Immigrant Rights (CHIRLA); Colectivo Ustedes Somos Nosotros; Fundación Humano y Libre AC; Servicio Jesuita a Refugiados México (JRS México); Defensoras de derechos humanos independientes.
26. 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 Appleseed 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.
27. HIAS
28. Hope Border Institute - Instituto Fronterizo Esperanza
29. Human Rights First
30. Immigration Equality

31. Iniciativa Kino para la Frontera- Kino Border Initiative
32. Instituto para las Mujeres en la Migración, AC (IMUMI)
33. Investigación Multidisciplinaria Aplicada, Laboratorio Social (IMALAB Social)
34. La 72, Hogar-Refugio para personas migrantes
35. Las Americas Immigrant Advocacy Center
36. Latin America Working Group
37. Lawyers for Good Government
38. Movilidades Libres y Elegidas-CoLibres
39. Muslim Advocates
40. Washington Office on Latin America (WOLA)
41. Organización de Mexicanos en el Exterior
42. Organización Mexicoamericana para el Desarrollo A.C.
43. Quixote Center
44. Race Matters, First Congregational UCC
45. Red Franciscana para Migrantes en las Américas
46. Red Franciscana para Migrantes México
47. Red Jesuita con Migrantes - Latinoamérica y el Caribe (RJM-LAC)
48. Red Nacional de apoyo a personas migrantes y refugiadas LGBT México
49. Servicio Jesuita a Refugiados México (JRS México)
50. Servicio Jesuita a Refugiados para Latinoamérica y el Caribe - JRS LAC
51. Servicio Pastoral a Migrantes San Martín de Porres
52. Sin Fronteras IAP
53. Task Force on the Americas, National Lawyers Guild (Comisión sobre el Continente Americano, Gremio Nacional de Abogadas y Abogados-NLG, USA)/Tribunal Internacional de Conciencia de los Pueblos en Movimiento (TICPM)
54. Taylor Lee & Associates
55. The Advocates for Human Rights
56. Unitarian Universalist Service Committee (UUSC)
57. Veneactiva Perú
58. Witness at the Border

Individuals,

1. Alberto Quiroz Ávila
2. Ángeles Hernández Alvarado, human rights defender
3. Crystal A. Sandoval
4. José Luis Manzo Ramírez
5. Kenneth Crouse
6. Marta Villarreal R