

Port Monitoring Initial Findings

March 2019

In response to Customs and Border Protection's (CBP) unlawful restrictions on access to asylum at ports of entry on the U.S.-Mexico border, the ACLU Border Rights Center joined with partners and volunteers to conduct more than 200 interviews at ports about the consequences of CBP's systematic crackdown on the right to seek asylum.

CBP is legally obligated to process arriving asylum seekers at ports of entry and uphold the right to seek asylum of those fleeing violence and persecution. The agency's failure to do so, despite calls by the Trump administration for migrants to seek protection at ports, continues to undercut this right.

What is CBP's policy of turning away arriving asylum seekers at ports of entry, or "metering?"

CBP places its officers on the international boundary at ports of entry—the middle of international bridges in Texas—to reject arriving asylum seekers. Those officers tell all asylum seekers that the port is full and instructs migrants to contact Mexican immigration officials to put their names on waiting lists in northern Mexico border towns.

KEY FINDINGS

- CBP's policy continues to restrict access to asylum at ports of entry in the El Paso and Rio Grande Valley sectors down to a trickle. Estimates in the El Paso sector suggest CBP only processes 15-30 asylum seekers daily sector wide, as thousands remain stranded in Ciudad Juarez and hundreds of asylum seekers cross in-between ports daily. In the Rio Grande Valley, an estimated two adults and one family are processed daily at the Gateway International Bridge at the most.
- Despite local CBP leadership's guarantee that particularly vulnerable populations would not be subjected to the "metering" policy, ACLU volunteers documented numerous cases of pregnant women, Mexican asylum seekers, and unaccompanied children rejected by CBP officers at ports in both El Paso and the Rio Grande Valley sectors.
- In November 2018, CBP shut down access to asylum at two of the three pedestrian crossings in the El Paso sector, the Bridge of the Americas and Ysleta ports, directing all asylum seekers to the Paso del Norte Port of Entry in downtown El Paso, Texas.
- Since late 2018, ACLU staff began to document cases of extortion of migrants by Mexican immigration agents at the Brownsville ports of entry. Agents continue to charge migrants upwards of \$300 USD for access to "metering" lists established at CBP's request.
- On November 13, 2018, over 100 asylum seekers were evicted from the international bridge and forced to put their names on a waiting list in Ciudad Juarez, establishing the current "metering" system in place to restrict access to asylum at ports across the El Paso sector.

The interviews ACLU volunteers conducted document CBP's illegal policy of turning back migrants at ports of entry, blocking them from exercising their legal right to seek asylum, including the following cases:

- A pregnant mother fled Guatemala due to extreme domestic violence and gave birth on the journey north. On November 9, 2018, she and her baby had been sleeping for eight days on the Paso del Norte international bridge in El Paso waiting for CBP officials to allow her to present her asylum case. The temperature in El Paso at the time were as low as 42 degrees Fahrenheit.
- On March 4, 2019, CBP agents rejected a Mexican unaccompanied minor at the Paso del Norte port of entry in El Paso. Fleeing threats to her life following the kidnapping, murder, and dismemberment of her relatives, the 14-year old girl remained stuck in Ciudad Juarez for another week before an advocate could accompany her to the port to ensure CBP processed her asylum claim.
- On November 8, 2018, a father and daughter, fleeing El Salvador due to their son and brother's murder and death threats from gangs, were turned away by CBP agents at the Paso del Norte international bridge in El Paso. CBP agents told the family to seek help from Mexican immigration officials and refused to provide the family their names and badge numbers.
- A family of Mexican asylum seekers fled Michoacán after cartels gave the brother three days to join the cartel or face death. His sister narrowly escaped kidnapping by the same cartel. The family, including their ill, elderly mother, was turned away by CBP on November 6, 2018, despite telling the agent they were Mexican asylum seekers. On November 13, 2018 the family was evicted from the international bridge in El Paso and taken to a migrant shelter in Ciudad Juarez.
- On January 16, 2019, CBP agents turned away a Mexican family of six, including a three year old child, at the Gateway International Bridge Port of Entry in Brownsville, Texas, by telling them they had to wait on a list managed by Mexican immigration officials. The family told CBP agents that Mexican officials were extorting them by charging them \$300 USD per person to get on that list, and CBP said "Oh well, that's the situation in every port and that's not going to change."

As detailed in a [formal complaint](#) filed by the ACLU Border Rights Center on March 27, 2019, one family from El Salvador experienced a range of life-threatening dangers after being unlawfully turned away by CBP:

- At both the El Paso and Eagle Pass ports of entry, CBP agents told the family they must return to Mexico and join a waiting list for their asylum claim to be processed.
- As a result, the family was kidnapped, extorted by Mexican officials, separated in immigration detention, and threatened in Mexico by their past persecutors. Their child's chronic medical condition worsened due to lack of health care while stuck in Mexico.