

KNOW YOUR RIGHTS





ASYLUM SEEKERS AT THE U.S.-MEXICO BORDER

CBP One Mobile Application

What is CBP One?

CBP One is a mobile application used by the U.S. government to streamline the processing of asylum seekers at the US-Mexico border among other things.


How does CBP One work?

If you are currently at the U.S.-Mexico border, you may schedule appointments for FREE in CBP One at any point during a 23-hour period each day. If given an appointment, you will have another 23-hour period to confirm that

appointment. As of June 30, 2023, CBP announced the expansion of available appointments through the CBP One mobile application to 1,450 per day. Appointments are available at eight

ports of entry: Brownsville, Paso Del Norte in El Paso, Eagle Pass, Hidalgo, and Laredo in Texas; Calexico and San Ysidro in California; and Nogales in Arizona. You can make appointments from Central Mexico, which means you do not have to go to Northern Mexico until

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Are there any issues with using the CBP One app?

Some believe the app is not user-friendly, leaving asylum seekers that are not technologically savvy unable to use it or forced to pay high fees to third parties to help in their native language. There have been many problems associated with the app capturing images of babies and small children. Black migrants in particular have reported that CBP One rejects required photos, delaying, or rejecting their applications due to the facial recognition bias in the tech. The Department of Homeland Security is aware of those issues, and is constantly working on improving the mobile application.

I am an asylum seeker. How can the CBP One app apply to me?

As of July 26, 2023, the best way to seek asylum at the southern border is through an appointment on the CBP One mobile application. Once you make an appointment, make sure that you present yourself and your family (if applicable) at the port of entry you selected on the date and time that is confirmed for you.

What happens after I make an appointment?

Your request to enter the U.S. will be determined on a case-by-case basis by a trained U.S. Asylum officer. This officer will have with you what is called a Credible Fear Interview. This is to see if your claim for asylum is credible. If you pass this interview, you will most likely be placed into removal proceedings, where you may ask a U.S. Immigration Judge for asylum. If you are placed into removal proceedings, you must attend all court hearings scheduled in your case. If you do not pass this interview, you may ask an Immigration Judge to review the asylum officer's decision. If you are found not to have a credible fear (either by the asylum officer or the Immigration Judge or both), you most likely will be deported to your home country rather quickly in a process called expedited removal. Expedited removal falls under Title 8. If you are deported at any point during this process, you will be barred from entering the U.S. for five years.



I was expelled under Title 42. Can I still make an appointment?

If you were expelled between March 2020 to May 11, 2023 and did not see an asylum officer, this means that you were likely expelled under Title 42. If you were expelled under Title 42 and did not have the opportunity to present your claim to an asylum officer you likely do not have a deportation order. If this applies to you, you would NOT be barred from entering the U.S. for five years, and you can still make an appointment through the CBP One mobile application.

I have a prior deportation order. Can I still make a CBP One appointment?

If you were removed from the United States under an order of removal, you might not be able to make a CBP One appointment. Whether you can or not depends on the type of process that led to your removal and how long ago you were deported. If you were removed at the border through expedited removal proceedings, you must wait at least five years from the date of your removal before you may schedule a CBP One appointment. If you were removed from the interior of the United States through removal proceedings, then you must wait at least ten years before you may schedule a CBP One appointment. You should try to seek legal advice before you make an appointment. Please proceed with caution.

I have a criminal history. Can I still make a CBP One appointment?

If you have a criminal history, it is especially important for you to try to seek legal advice before you make an appointment. Please proceed with caution. If you were previously deported after a criminal conviction, you could be permanently banned from entering the U.S.

I keep hearing about an asylum rule. How does it apply to me?

In May, after Title 42 ended, the U.S. government started the Asylum Ban. This ban requires that on your journey to come to the U.S. to seek asylum, you stop in one of the countries you pass through to request asylum there first. The government was sued for this rule. On July 25, a judge determined that the Asylum Ban is illegal, but that judge put his own decision on hold to let a higher court consider the issue. The government disagreed with this decision and appealed it. As of July 27, the rule is still in effect. It is unclear how this case will proceed. What you need to know is that if you make an appointment through the CBP One mobile application, this rule does not apply to you. If you wish to apply for asylum in the United States, you should seriously consider making an appointment with CBP through the CBP.

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Asylum

What is asylum?


As you told the immigration officers at the border, you are here to file for asylum. If that is granted, you will be allowed to stay in the U.S. and later obtain a green card, and eventually citizenship. You can get asylum two ways in the United States. Either through an interview with an Asylum Officer (this is known as the affirmative asylum process) or by stating your case in front of an Immigration Judge (this is the defensive asylum process) If you entered the U.S. through the southern border without a visa or if you asked border officers for asylum at a port of entry, you will likely be in the defensive asylum process. As an asylum seeker in the United States, it is important to understand what you need to prove to qualify for asylum. To be eligible for asylum, you must show that you have suffered or fear persecution in your country of origin based on one of the following things:

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- ▶ **Race:** If you have faced persecution or have a fear of persecution because of your race, ethnicity, or ethnic background.
- ▶ **Religion:** If you have been persecuted or fear persecution based on your religious beliefs or particular practices.
- ▶ **Nationality:** If you have experienced persecution or have a fear of persecution because of your nationality or the country you come from, or the ethnic or linguistic group you belong to.
- ▶ **Membership in a particular social group:** If you belong to a specific social group that has been targeted for persecution or if you fear persecution based on your membership in such a group.
 - ▶ Social groups can include gender, sexual orientation, families, and sometimes people with a shared experience.
- ▶ **Political Opinion:** If you have been persecuted or fear persecution due to your political beliefs, activities, or affiliations.

How can I prove my asylum claims?

To file a strong asylum case, you will need to gather evidence to validate your fear of persecution or harm if you were to return to your home country. Here are types of evidence that may be helpful to your asylum case:



▶ **Personal Statement:** A detailed account of the persecution you faced or feared, explaining the reasons and specific incidents that led you to seek asylum.

▶ **Affidavits and Witness Statements:** Sworn statements from individuals who have firsthand knowledge of the persecution you endured or fear.

▶ **Country Condition Reports:** Official reports or expert analyses that provide information on the conditions and human rights situation in your country of origin. These are most helpful if they show that people like you are not safe in your home country.

▶ **News Articles and Media Reports:** Articles or news segments that highlight instances of persecution or violence in your country. Again, the most relevant articles and reports are ones that reveal that people like you are not safe in your home country.

▶ **Medical Records:** If applicable, medical documentation that supports any physical or psychological harm you experienced due to persecution.

▶ **Official Documents:** Any official records, letters, or documents that illustrate the threats or violence you faced in your home country.

How do I file my asylum claim?

Now that you are in the United States, you must file your application for asylum. The form to apply for asylum is called Form I-589, Application for Asylum, and for Withholding of Removal. You **MUST** file for asylum within **ONE YEAR** of entering the U.S. Although it is not a requirement, it is recommended that you have an immigration lawyer help you fill out the form and be present with you in court. You can use this website to find immigration attorneys that will not charge you: <https://www.justice.gov/eoir/list-pro-bono-legal-service-providers>

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Hearings

What is this Notice to Appear document I received?


A Notice to Appear (NTA) is a document that instructs an individual to appear before an immigration judge on the date specified or at a date to be determined in the future. The NTA lists your name, any aliases you might have used, your alien registration number (A#), date of birth, and address. Review this information to ensure that all is correct and that there are no misspellings.

When is my court date and what should I expect?

If you got to the U.S. through the southern Border and you did not have a visa, you are likely in removal proceedings. This means that the U.S. has determined that you are here unlawfully, and an immigration judge will determine whether you can remain in the United States. If you fear for your safety if you are deported to your home country, filing for asylum is your defense to stay in the U.S. You most likely are scheduled for a master calendar hearing. It is essential that you appear for your hearing. This is your first hearing for your immigration case. This is when you will meet the immigration judge that is on your case. At this hearing, if you indicate you intend to apply for asylum, the immigration judge should not make any final decision regarding your case. This meeting is usually very short. You may have more than one master calendar hearing depending on your situation (for example, if you ask for more time to find an attorney). Make sure that you do not miss any of your immigration court hearings.

How do I check when my court date is?

You can check whether you are in removal proceedings by calling the Executive Office for Immigration Review (EOIR) Automated Case Information Hotline at **1-800-898-7180 (TDD 1-800-828-1120) or 1-304-625-2050 (local toll call)**. You most likely have been issued a Notice to Appear (NTA), also called Form I-862. On the NTA, you can find your A Number, which is an 8- or 9-digit immigration



identification number that begins with the letter A. You will need to enter your A Number, which you can find at the top right of your Notice to Appear document:
<https://acis.eoir.justice.gov/en/>.

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Immigration Review
(EOIR) Automated
Case Information:**
1-800-898-7180

Toll Free
1-304-625-2050

What do I do if my information is not in the immigration court system and I cannot see my court date?

In some cases, even though you received a Notice To Appear, your information may not be in the immigration court system yet. Sometimes,

the government takes a long time to update the system. In this case, periodically check the online system link to see if there's been an update. You can also call the Automated Case Information Hotline and your immigration court directly based on your local immigration court.

What if I miss a hearing?

If you miss a hearing, the immigration judge will most likely order your deportation. This is why it is very important that you call the immigration court hotline at **1-800-898-7180** or go to <https://acis.eoir.justice.gov/en/> to find out the date, time, and location of your next hearing and other information. You will need to enter your A

Number, which you can find at the top right of your Notice to Appear (NTA) document.


I do not speak English. Will there be an interpreter to help me during my court dates?

If English is not your native language, or you are more comfortable communicating in another language, you have the right to request an interpreter during all court proceedings. An interpreter will be provided to ensure that you fully understand the proceedings and can effectively express your case.

Work Permits

Am I authorized to work?

Whether and when you can get a work permit is complicated. If you do not have legal status in the United States and you do not have an asylum application pending, you cannot get a work permit. If you are “paroled” into the United States, you may be able to apply for a work permit. If you apply for asylum, you can generally apply for a work permit after your asylum application has been pending for over five months. To apply for a work permit, you will need to file Form I-765, Application for Employment Authorization. You should carefully read the instructions to that form. As of July 26, 2023, there is no fee to apply for your first work permit based on a pending asylum application. Applications to renew your work



permit based on your pending asylum application and work permit applications based on being in other statuses often have a filing fee of \$410.00 or \$495.00. In some cases, you can get a waiver of the filing fee. To learn more about filing fees for work permit applications and for other applications, visit: <https://www.uscis.gov/feecalculator>.

How do I complete my work authorization application?

Carefully read the questions on Form I-765, Application for Employment Authorization, as well as the instructions. You will be required to provide certain information about yourself including your name, A number, address, and the reason you are requesting a work permit (e.g., you have a pending asylum application). If you were paroled or admitted to the United States on a visa, you might want to obtain Form I-94, Arrival/Departure Record. You can retrieve this document by visiting cbp.gov or the CBP One mobile application. You can file Form I-765 online at uscis.gov or mail it. The processing time to receive your work permit differs from case to case but it usually takes at least 2 months.


Interactions With the Police or Immigration Officers

How can any criminal charges impact my immigration case?

If you were charged with a crime in your home country, it could impact your ability to be granted asylum or other protection from deportation. If you are charged with or convicted of any crimes in the United States, depending on the crime, you could face severe immigration consequences. These consequences may include being barred from getting legal status, getting detained by immigration officials, and getting deported. Criminal charges can have a negative impact on an asylum case.

What should I do if I encounter Police?

You are not required to speak! You have the right to remain silent. You do not have to disclose your immigration status. Anything you tell an officer can later be used against you in immigration court. Depending on the state you reside in, you may be required to tell an officer your name, but you do not have to answer any questions. Do not lie to the officer. If you are instructed to hand over documents or answer questions, you may wish to request that you first speak to an attorney. In some cases, the police may contact immigration or



hand you over to immigration. This is why it is essential not to discuss your immigration information with ANYONE besides your attorney. When you speak to an attorney, it is essential that you tell your attorney about your immigration status and any criminal history you may have.

Are police or immigration officers allowed to enter my home?

DO NOT OPEN THE DOOR. Always make sure to **ASK FOR IDENTIFICATION.** Officers may try to trick, frighten, or intimidate you to get into your house. Look through a window to see their identification. Do not be caught off guard and open the door. To enter your home, immigration officers or the police need either a valid warrant signed by a judge or magistrate or your permission. If the officials **DO NOT** have a

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warrant signed by a judge, they do not have the right to enter your home. You can ask them to leave. If the officials have a warrant, you have a right to see it and that **DOES NOT** mean you have to answer questions.

Ask the officers to slide the warrant under the door or put it up to your window. Remember, do not open the door! Read the warrant carefully. There are different types of warrants. For example, there could be search warrants, arrest warrants, or immigration warrants.

What to do will depend on what type of warrant it is. Read it carefully. Try to take a picture of it.


If you are in another person's home, **DO NOT OPEN THE DOOR**. Even if it is not your home, this could give permission to the officers to enter.

What if I have a deportation order, are police officers or immigration officers allowed to enter my home?

A warrant of removal or deportation (an immigration warrant) **DOES NOT** give an officer the right to enter your home. Say, "You do not have the right to enter my home with this warrant. "Please leave." If the officer enters your home (with or without a valid warrant) inform them if there are children, elderly, or sick people in the house. Say that you do not consent (you can say this even if they have a valid warrant but it is essential to say this if they do not have a warrant or if they do not have a valid warrant). Pay close attention to everything that happens. After they have left, write down exactly what happened in as much detail as possible. Include the type of officers (for example, immigration officers or the police), their names, badge numbers, and the names and contact information of anyone who witnessed what happened.

What if I am approached by a police officer or immigration officer in public?

Do not run if you see immigration officers or the police approaching you. You have the right to remain silent



and not answer questions. Be aware that in some States, the law says that you must tell the police your name if they ask. Look up the law in your State. These laws are typically known as “stop and identify” statutes.

In general, an officer needs a warrant to arrest you. In some situations, you could be arrested if the officer has evidence you do not have legal status or if you have committed a crime. In some situations, officers also have the right to search you to make sure you are not carrying weapons or illegal materials. Do not resist this inspection. If the officer searches you, arrests or detains you, remain calm. Do not resist or fight. If you are searched, say, “I do not consent to this search.”

If you are in an airport or near the United States border, you may be questioned or detained without a warrant. Regardless of the situation you are in, you still have the right to remain silent.

Immigration officers are generally not allowed to stop or detain people in certain public places, including schools, hospitals, places of worship, funerals, weddings, public religious ceremonies, public demonstrations (march, rally, parade). This may change in the future. However, remember that you could be stopped on your way to or from these places.

What if I am approached by police officers or immigration officers at my workplace?

In 2021, a notice was published that calls on


immigration raids to stop in workplaces. You should still be prepared to know what to do in case officers show up. First, to enter your workplace, immigration officers or the police need either a valid warrant or the permission of your employer. Your employer should speak with the officers and make sure that they have a valid warrant. In the event your employer is not present or if your employer has given permission to the officers to enter, have the person you have chosen to speak with officers in a raid **ASK FOR IDENTIFICATION.**

Remember, the officers may try to trick, intimidate, or frighten you. If officers enter your workplace, you have the right to remain silent. Even if there is a valid warrant, that **DOES NOT** mean you have to answer questions. Do not provide any information about your immigration status, where you were born, or how/when you came to the United States. If the officer searches you, arrests or detains you, remain calm and do not fight back. If you are searched, say, **“I do not consent to this search.”**

What if I am stopped by a police officer while I am driving in my car?

If you are stopped by a police officer while driving, pull the car over and turn it off. Put on the overhead lights in the car. Put your hands on the steering wheel where the officer can see them.

Follow all of the officer's instructions including



providing your license, registration and proof of insurance, when asked. If you do not have a license or registration, do not provide false documents or lie. If you are a passenger, you can ask if you are free to leave. If the officer says yes, remain seated in silence or leave calmly. Even if the officer says no, you have the right to remain silent.

If the officer asks to search your car, you can say “No, I do not consent to a search.” In some situations, the officer can search your car without your consent and without a warrant. You should still say that you do not consent to a search. You have the right to remain silent. Do not provide any information about your immigration status, where you were born, or how/when you came to the United States. Do not show any documents from your home country. Say out loud if you wish to remain silent.

What should I do if I am in police custody?

Request a phone call so that you can contact your emergency contact (family member, attorney, religious or community organization, consulate). Do not provide any information to ANYONE other than your attorney about your immigration status, where you were born, how/when you came to the United States, or your criminal background. Say out loud if you wish to remain silent. Anything you say can be used against you. Do not sign anything until after you have spoken with your attorney. If you are being asked to sign something, say “I will not sign anything until I

“speak with my attorney.” Ask questions if you do not understand what you are being asked to sign.

What key information should I memorize?

- ▶ The phone number of your attorney/accredited representative
- ▶ The phone numbers of family members
- ▶ Your Alien Registration Number/ A# (the number on your immigration documents)
- ▶ Your date of entry into the United States

