



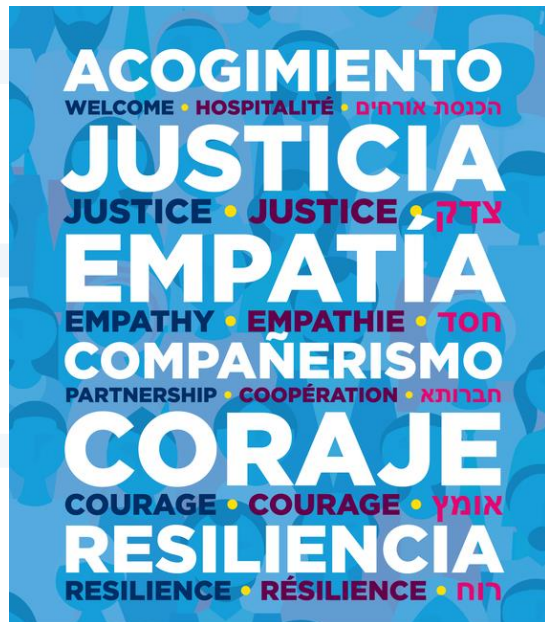
HIAS
Acoger al extranjero.
Proteger al refugiado.

KYR - Situation on the border

**Information for people who wish to enter the US to
request asylum.**

This presentation is updated as
to the information needs detected in the workshops in which it
is used. So this version might not be the last. **May, 2023**

About HIAS:



More about HIAS:
<https://hias.org/>

HIAS is a non-profit organization, it was established in the US more than 100 years ago to help people who had to flee their country due to persecution and has existed in Mexico since 2019.

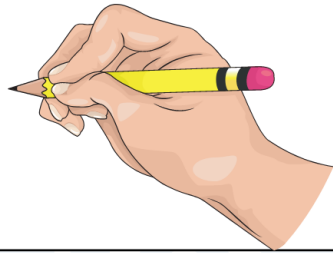
Our goal is to help people to have a dignified and safe life.

We are not part of either the Government of Mexico or the Government of the United States.

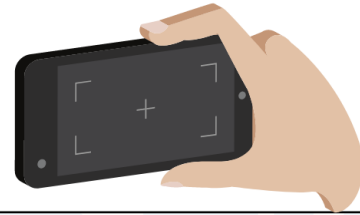
All our services are free.

Before starting:

Lista de asistencia



Fotografías



**No compartir
información personal**



Hacer preguntas



Is the border open?

NO.

Although removals under Title 42 have ended, some individuals or asylum seekers may not be eligible to immediately enter the United States.

This will depend on the eligibility of your case.

The immigration authorities can determine to admit or reject your entry, as well as the conditions and/or exceptions applicable to your case.



It will be your obligation to initiate an asylum process within a period of one year from your entry into the country . During your asylum process it will be determined if you meet the necessary requirements to receive protection in the US .

What will happen now that there are no expulsions under Title 42?

Title 8 will be applied, which is a specific section of the United States Code that addresses the country's immigration and nationality laws.

Title 8 is used to determine Who is admissible and who is not in the US ?



What is asylum in the US?

8 US Code § 1158 - Asylum

Asylum is protection granted to a foreign person who:

- It is located in US territory;
- It meets the definition of asylum set out in the *Immigration and Nationality Act (INA)*, which is based on the 1951 Convention relating to the Status of Refugees and the 1967 Protocol.
- Arrive in the United States through an authorized entry bridge.



There is currently a new rule called Asylum Ban or asylum ineligibility, applicable to people who enter irregularly at a point of entry or without a confirmed CBPOne appointment in the US .

Definition of asylum in the United States

Immigration and Nationality Act (INA) [Immigration and Nationality Act](#)

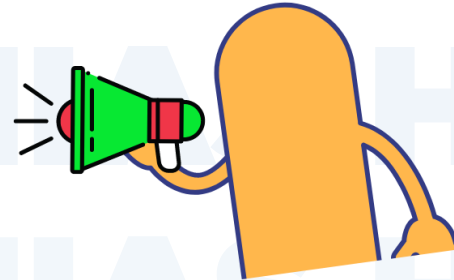
1. Any person who is **outside their country of origin** or, if they do not have nationality, who is outside the country of their last habitual residence.
2. That **he cannot or does not want** to return to that country.
3. That **he cannot or does not want** to avail himself of the protection of that country because:
4. **Persecution or a well-founded fear of persecution** due to:
5. Race, religion, nationality, political opinion, or membership in a particular social group.

Bases for requesting asylum

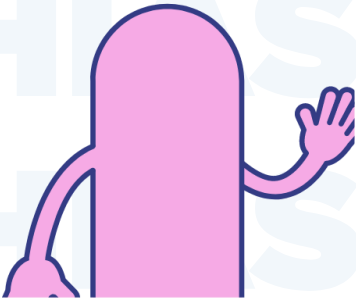
Nacionalidad



Opinión política



Raza



Religión



Grupo particular



What does it take to obtain asylum?

Have the person try the following:

Who flees their country because they are persecuted or are afraid of being persecuted by authority or by a person or group.

1

That the causes of this persecution are due to: **Race, Religion, Political opinion, Nationality or belonging to a particular social group.**

2

That his country could not or did not want to give him protection due to that persecution

3

That he could not live safely in another city in the same country .

4

Can you request asylum for economic reasons?

You can apply for asylum, but it is very likely that you will be **denied if the reason for your application is exclusively for economic reasons.**

Remember that the reason why you request asylum in the United States must be linked to persecution due to: **Race, Religion, Political opinion, Nationality or belonging to a particular social group.**

If you are considering applying for asylum in the United States but your case does not meet the eligibility requirements established by US law, remember that each case is unique, so it is essential to have appropriate advice to make informed decisions.



Remember that personal conflicts, natural disasters or illness **are not considered grounds for requesting asylum.**

Currently: What are the legal ways to enter the United States?

There are 3 options:

Have a valid and current

Through the CBP One application.

Humanitarian Parole
VCHN



Applicable to foreigners NOT nationals in the US

What are the ways irregular / legal to enter the United States?

Crossing through an Official Port of Entry without a quote from CBP One

Crossing without inspection- Crossing "illegal"

If you enter irregularly/illegally, a ban of 5 or more years may apply to you from entering the United States. You may also face a criminal penalty or deprivation of liberty if you attempt to re-enter irregularly through a port of entry.



The deportation process under Title 8 may be to your country of origin .

For nationalities such as: **Venezuela, Cuba, Haiti and Nicaragua** , the process will be to Mexico.

Enter with CBP One :

CBPone is a FREE mobile application that allows people who want to request asylum in the US get a appointment to appear on a crossing bridge or sentry box .



Descarge CBP One™ del negocio de
Apple App o Google Play



Download on the
App Store

GET IT ON
Google Play

Using the CBP One app

01

The application Can be used by people of **any nationality** and it is not necessary have passport current or identity card . But only it will work if the person is found in cities in the **North or Border of Mexico, CDMX or Guadalajara** .

02

Obtain a entry quote **does not mean** that the person will stay in USA . _
When presenting on the bridge the authority migratory could authorize him to stay to start the asylum process or apply he deportation process _ accelerated to your country .

03

People **under 18 years of age** cannot obtain an appointment if they are traveling unaccompanied.

Using the CBP One app

04

If a person under 18 years of age is registered, the application will not request proof of relationship, but at the time of appearing for the appointment, **proof must be provided.** that the child is traveling with his mother, father or with a legal guardian **(Who has authorization for his care by a document issued by a judge)**

If the above is not proven, the child or adolescent **could be separated** from adults and placed in a Government shelter until what is most convenient is determined.

05

The application will not deny an appointment to anyone , even if they have a criminal or immigration record or are ineligible to enter the United States, but at the time of appearing for the appointment, all the details of the case will be known since a fingerprint verification will be done. and the background could be taken into account to deny entry, leave the person in detention or apply some re-entry punishment to the US.

What are they going to ask me at the appointment with CBPOne ?

CBP agents will process you in which they will take your photo, fingerprints, probably take a saliva sample (DNA) and review your background.

You will probably be asked some questions like:

- Why are you going to the US?
- Who will he stay with?
- Do you have a criminal record in the US or another country?
- Do you have a immigration history?
- Are you afraid of returning to your country?
- How will you cover your expenses in the US?



What will happen after processing with CBP ONE?

Depending on each case, the authorities could make any of the following decisions:

01

You will be allowed his income **WITHOUT PUTTING CONDITIONS ON IT** and it will be placed under process before the immigration



02

will allow it his income , however, will be applied **A MEASURE OF SURVEILLANCE** during his process .



03

You will be allowed entry, however your process will lead you to **DETENTION**.



04

Apply the accelerated deportation process



Remember : you must begin your asylum application within one year from the date of your entry into the United States.

Let you start a process with surveillance measures

The authorities could determine that you are free but that you must comply with a surveillance measure such as having an ankle monitor, a bracelet, or they could give you a phone from which they will ask you to send your location or make report calls.

It is important that you pay attention to the instructions you are given . If there is something you don't understand, ask.

Be careful, it is a federal crime to alter or destroy the surveillance devices assigned to you.



Let him start a process in detention

The authorities could determine that you carry out a process in detention, this will depend on the criminal and immigration history of each person.



In certain cases, a US asylum lawyer could help you obtain freedom by paying bail .

Entry without inspection

Entry without inspection (Or “illegal” entry) occurs when a person crosses into the U.S. without having permission to enter that country. For example, crossing the river, desert, wall, etc.

Surrendering yourself to Border Patrol is also considered entry without inspection.

A ban of 5 or more years may be applied to enter the United States. You may also face a **criminal penalty or deprivation of liberty** if you attempt to re-enter irregularly through a Port of Entry or Without Inspection.



What happens if you enter the US without inspection?

When a person enters the US through the border, without being admissible, immigration law provides for the following processes under Title 8:



Removal
Proceedings
or
Removal



Expedited
Removal
or
Expedited
Deportation

The decision to apply any of these modalities will be at the discretion of the immigration office

Removal Proceedings

It is a judicial process initiated by the government to deport a person from the United States

The deportation process begins when the government files the notice to appear, known as NTA (Notice to appear), before the local immigration court.

The case will be taken in immigration court where the person will have to defend themselves before a prosecutor who will try to have the person removed from the United States.



The court may provide interpreters, so the testimony can be interpreted before the judge.

However, the application and evidence must be translated and certified English copies submitted to the court for consideration .

You have the right to be represented, however, **the government is not required to provide you with an attorney or public defender.**

You can Consult he status of your case before court through the EOIR internet portal: (<https://acis.eoir.justice.gov/es/>) or by calling 1-800-898-7180

Removal Proceedings

When the person enters EWI into the United States, CBP may at its discretion decide to issue an NTA appointment so that the person can go before a judge to start an asylum case. And this process could allow you to do it:

- In freedom without restrictions.
- Released with alternative detention measures
- In detention. (With the possibility of bail)



Expedited Removal /Expedited Deportation

It is an accelerated process that empowers immigration authorities to carry out **the accelerated deportation of people** who enter the United States through the border irregularly; **without giving them the opportunity to present their case before a judge.**

People who are placed in expedited removal proceedings and who tell a (CBP) officer that they fear returning to their country due to persecution or torture or that they wish to apply for asylum should be referred for *credible fear interview or credible fear interview* conducted by an asylum officer.



This process may be applied to persons entering **WITHOUT INSPECTION or at any CBPOne port of entry with or without an appointment .**

Credible fear interview

If the asylum officer considers that the person has a “significant possibility” of establishing eligibility for asylum (Has any of the 5 bases of asylum) or other protection under the Convention against Torture **they will be allowed to begin a full asylum process.**

This procedure will be carried out before an immigration judge. If the judge grants asylum, the applicant can remain in the United States and apply for permanent residence **one year after receiving asylum.**

If the judge denies the request, **the applicant can appeal the decision to an immigration appeals court.**



If the judge affirms the negative decision, the person can ask the asylum officer reconsider the decision. **If a positive decision is not granted,** They will deport you to your country and they could apply a “punishment” to you not to enter the US for 5 years.

Credible Fear Interview

- It is done while the person is detained.
- It is done by phone. (You have the right to an interpreter).
- It is carried out by an asylum officer assigned to USCIS. That is, they are not CBP officers, including Border Patrol agents.
- It has a format of categorical questions. However, they can also be open and ask you more details regarding your case.
- It can last several hours.



Asylum ineligibility

This new rule establishes ineligibility to request asylum. The person will have to try that he requested asylum in one of the countries through which he transited before arriving in the United States and that this request was denied.

This process can be applied during the process of Credible Fear Interview . It may also be applied in some subsequent hearing before the immigration court.

The asylum prohibition may apply to people who:

- Enter without inspection or illegally/irregularly.
- Please try to enter through a CBPOne walk-in port of entry .

The countries referred to must be signatories to the 1951 Convention relating to the Status of Refugees .

Asylum ineligibility

If the person “passes” their credible fear interview to be able to start an asylum process, [this new rule may be applied to them.](#)

If [you do not pass your interview or have any document proving that you were denied asylum](#), You will only be eligible for the deportation detention process . It is a more difficult process to win and does not give the right to obtain permanent residence like asylum.

Applicable countries : You will need to prove that you crossed through a country that is a signatory to the 1951 Convention relating to the Status of Refugees and that your asylum application was rejected. More than 146 countries are covered, including: **Brazil, Chile, Peru, Ecuador, Colombia, Venezuela, Panama, Costa Rica, Nicaragua, Honduras, El Salvador, Guatemala, Belize, Mexico**

One application you should not try the above .

Asylum ineligibility

■ **Exceptions:**

- Does not apply to Mexican people
- People who have authorization to travel to the US under a Humanitarian Parole program (Venezuelans, Cubans, Haitians and Nicaraguans.
- Have an entry appointment in the CBPOne application . If you do not have it, you must demonstrate that it was impossible for you to use it (visual difficulty, language, illiteracy or other obstacles. Remember that this will apply at the discretion of the immigration officer).
- Your asylum application in the transit country was formally rejected (document or proof proving it).
- Unaccompanied children.

■ **Challenge** : you may challenge the application of this asylum ineligibility to you if:

- You were a victim of serious crimes or there is an imminent risk or threat that threatens your life
- Very serious medical situations (life-threatening medical emergencies that can only be treated in the US) Urgent medical situations

What happens if the person “passes” the interview?

If the person entered with CBP One

They will give you access and you will be able to start your ASYLUM process

If the person entered crossing without inspection

You must prove that you requested asylum in one of the countries you traveled through before arriving in the US and that it was DENIED .

If you prove the above, you will be given access to the ASYLUM process, otherwise you will only be able to opt for a **"deportation detention ."**

This may apply to people who show up at a CBPOne walk-in POE .

If you can prove that you applied for asylum in another country and that application was denied, you will be exempt from the asylum ban.

This means that you may still be eligible to apply for asylum in the United States .

Process for people from Cuba, Haiti, Nicaragua and Venezuela

There is a special program for people from Haiti, Cuba, Nicaragua and Venezuela who want to enter the US

In this program **IT IS NOT REQUIRED** to have causes to request asylum.

Upon entering the United States, it will be optional whether or not the person wants to start an asylum process.

Process for people from Cuba, Haiti, Nicaragua and Venezuela

It is a special program for people from Cuba, Haiti, Nicaragua or Venezuela who do meet certain _ requirements can enter the United States receiving a permit called **HUMANITARIAN PAROLE** that would allow them to stay in the US for **2 years** and obtain a work permit. This program does not give rights to obtain permanent residence.

- The person can apply from anywhere including their home country.
- The application is initiated by the sponsor by filling out an online form.
- If the person is approved, they will receive authorization to travel to the United States and will have to do so **by air**.
- Upon arriving in the US, the authority will process you (which includes fingerprinting and background checks) and it will be at the discretion of the authority to allow you or not to stay in the US.
- Once in the US, the person may choose to request asylum if they wish. The person will have one year from entering the US to begin this process.

Process for people from Cuba, Haiti, Nicaragua and Venezuela

Requirements:

- Have a sponsor. (With regular status in the US and financial capacity).
- Have a valid passport.

Ineligibility:

- Have dual nationality, permanent residence or asylum in another country.
- Having entered Mexico, the United States or Panama irregularly after a certain date: For people from Venezuela after October 19, 2022; for people from Cuba, Haiti and Nicaragua after January 9, 2023.
- People of Cuban and Haitian nationality who attempt to enter by sea without legal permission after April 27, 2023 will be ineligible for the process.
- Have a criminal or immigration record.

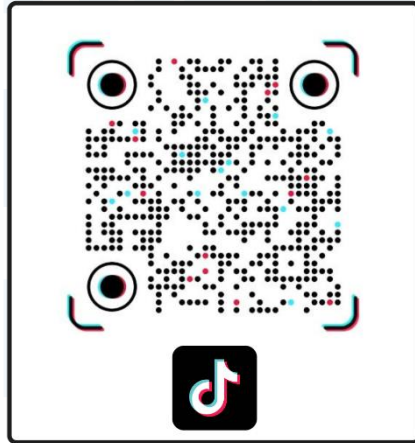
Exception:

If you entered the US irregularly and have a voluntary departure document or withdrawal of your application for admission after the closure of Title 42, you may still be eligible for the program.

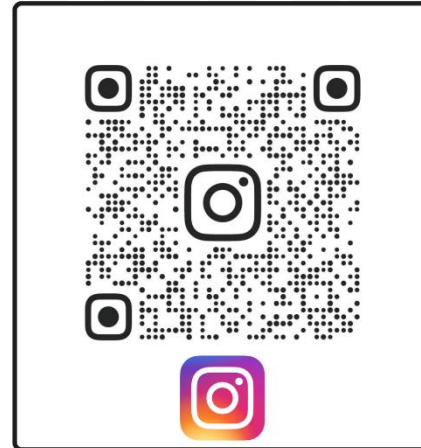
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