



Lives in Danger: Seeking Asylum Against the Backdrop of Increased Border Enforcement

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Executive Summary

On May 13th, 2023, the U.S. Immigration Policy Center (USIPC) at UC San Diego interviewed asylum seekers detained by Border Patrol (BP) in the Jacumba desert. Over 1,000 people seeking asylum and refuge from nearly every part of the world were held in three makeshift encampments on the U.S. side of the U.S.-Mexico border without adequate food, water, or shelter. Under the hot desert sun, the USIPC donated supplies and joined volunteers as they brought food, baby food, water, hygiene kits, clothes, blankets, diapers, and other supplies to these migrants. Using stratified random sampling during aid distribution in Camp 2, USIPC conducted fifteen structured interviews with asylum seekers. With approximately 150 people in Camp 2, these interviews represent a 10 percent sample. These data make clear that despite assertions by Border Patrol that the migrants were not being detained, they were surrounded by Border Patrol agents and would be apprehended if they tried to leave. This is consequential because those in Border Patrol custody, according to the U.S. Customs and Border Protection (CBP) National Standards on Transport, Escort, Detention, and Search (TEDS), are entitled to basic humane treatment. The asylum seekers that we interviewed were only given one water bottle each day in the morning, were not given any food, were not given any shelter to protect themselves from the sun, and were not given blankets to keep themselves warm at night. Lastly, the data show that those seeking asylum have been ignored by Border Patrol agents, have been unable to formally request asylum, and have been denied due process.

Detained by Border Patrol

The migrants in Jacumba were on the U.S. side of the U.S.-Mexico border. They were buttressed to the south by border fencing and were surrounded on all other sides by Border Patrol. When asked whether the migrants in Jacumba were being detained, a Border Patrol agent first responded that they were not being detained. However, when asked whether the migrants were free to leave Jacumba, the same Border Patrol agent said “no.” Moreover, when asked what would happen if the migrants tried to leave Jacumba, the agent said they would be apprehended. For all intents and purposes, despite BP saying otherwise, the migrants in Jacumba were being detained.

We also asked the asylum seekers that we interviewed whether or not they felt like they were being detained. All of the asylum seekers that we interviewed, meaning 100 percent, said “yes.” Moreover, all but one of the asylum seekers that we interviewed, meaning 93 percent, said that they “agree” or “strongly agree” with the statement, “If I tried to leave this encampment, I am concerned that Border Patrol would arrest and detain me.” And all but two of the asylum seekers that we interviewed, meaning 87 percent, said that they “agree” or “strongly agree” with the statement, “If I tried to leave this encampment, I am afraid I could die in the desert.”

Altogether, despite assertions by Border Patrol that the migrants in Jacumba were not being detained, their encampments were surrounded by Border Patrol agents, Border Patrol would apprehend them if they tried to leave, nearly all of the asylum seekers that we interviewed felt like they were being detained, nearly all of the asylum seekers that we interviewed were concerned about being arrested if they tried to leave, and nearly all of the asylum seekers that we interviewed are afraid they could die in the desert if they left their encampments.

Conditions in Jacumba

Some of the asylum seekers that we interviewed had been in Jacumba for five days. These asylum seekers also reported seeing Border Patrol presence as soon as they arrived. This is consequential because of the U.S. Customs and Border Protection (CBP) National Standards on Transport, Escort, Detention, and Search (TEDS). According to TEDS, detainees should not be held for longer than 72 hours and “Every effort must be made to hold detainees for the least amount of time required for their processing, transfer, release, or repatriation as appropriate and as operationally feasible.”¹

Moreover, there are sections specific to hygiene, bedding, food and beverage, drinking water, and restroom facilities. For example, detainees “must be provided with basic hygiene items” and “clean blankets must be provided to adult detainees upon request.”² Regarding food and water, detainees, “whether in a hold room or not, will be provided with food at regularly scheduled meal times” and “clean drinking water along with clean drinking cups must always be available.”³

However, when asked whether Border Patrol gave them enough water for the day, over half of the asylum seekers that we interviewed, approximately 53 percent, said “no.” Border Patrol distributed one water bottle to each migrant in the morning. When asked whether Border Patrol gave them enough food for the day, all of the asylum seekers that we interviewed, meaning 100 percent, said “no.” Border Patrol did not distribute any food. When asked whether Border Patrol provided adequate sanitation, such as toilets, all of the asylum seekers that we interviewed, meaning 100 percent, said “no.” Border Patrol provided one port-a-potty for the entire encampment. When asked whether Border Patrol provided adequate shelter, such as shade to protect from the sun, all of the asylum seekers that we interviewed, meaning 100

¹ U.S. Customs and Border Protection (CBP) National Standards on Transport, Escort, Detention, and Search (TEDS), 2015, p. 14.

² *Ibid.*, p. 17.

³ *Ibid.*, p. 18.

percent, said “no.” Border Patrol did not provide any shelter. When asked whether Border Patrol provided blankets to keep them warm at night, all but one of the asylum seekers that we interviewed, meaning 93 percent, said “no.” Border Patrol provided blankets to some of the migrants, but the overwhelming majority did not receive blankets. Altogether, two-thirds of the asylum seekers that we interviewed, meaning 67 percent, said that they “agree” or “strongly agree” with the statement, “If I did not receive food and water from volunteers, I would not get enough food and water from Border Patrol to survive.”

	% “No”
Border Patrol is giving you enough water for the day	53
Border Patrol is giving you enough food for the day	100
Border Patrol is providing adequate sanitation, such as toilets	100
Border Patrol is providing adequate sanitation, such as trash cans and waste removal	47
Border Patrol is providing adequate shelter, such as shade to protect from the sun	100
Border Patrol is providing blankets to keep you warm at night	93
Border Patrol is providing you with (feminine) hygiene products	93

Seeking Asylum

All of the migrants that we spoke with came to the U.S. to seek asylum. Only two had been able to tell Border Patrol that they were seeking asylum. One was told, “Welcome to the USA.” The other was told “You have to wait your turn.” Those who have not been able to tell Border Patrol that they are seeking asylum generally told us that either they were not able to speak to Border Patrol, Border Patrol would not speak to them, or that Border Patrol simply did not listen when they spoke. This is significant because when an individual requests asylum, under Title 8, they are entitled to a credible fear interview, which is conducted by a trained U.S. Citizenship and Immigration Services (USCIS) asylum officer. If the individual is found to have a “significant possibility” of having a credible fear of persecution, the individual is paroled into the U.S. and given an immigration court date. Recent changes to asylum policy by the Biden Administration require that individuals, with limited exceptions, need to use the CBP One app in order to request asylum. However, the large majority of the asylum seekers that we interviewed, 80 percent, had never heard of the CBP One app. Moreover, those who knew about the CPB One app were unable to schedule appointments because the app did not work, they did not have strong enough wifi, or they did not have access to any internet at all.

Demographics

The average age of the asylum seekers that we interviewed was 29 years old. Just over half were male and just under half were female, 56 percent and 44 percent, respectively. The majority of the asylum seekers that we interviewed were from Colombia, followed by India, then Peru. Just under half have family in the U.S. and approximately one-third were traveling with minor children. These percentages roughly map onto how the volunteer organizers who were distributing aid understood the demographics in the camp.



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