

Building the digital wall: CBP One, algorithmic bias, and the controllability of difference in United States asylum policy

Leah Durst-Lee*

Abstract: Within migration studies, citizenship is commonly used to delineate national membership and corresponding rights. However, more critical approaches to citizenship examine how States structure access to membership through processes of inclusion and exclusion. This article focuses on differential exclusion as a mechanism through which States manage difference, examining the Customs and Border Patrol One Mobile Application (CBP One) as a contemporary digital bordering infrastructure. Between May 2023 and January 2025, CBP One was used by United States immigration officials to schedule asylum appointments at the United States-Mexico border, replacing in-person access to asylum procedures with a mobile application. Rather than functioning as a purely neutral administrative tool, CBP One is analysed as a socio-technical system embedded within broader legal and political conditions that advocates and researchers have associated with differential access outcomes, particularly for asylum seekers lacking reliable internet access, dominant-language proficiency, lighter skin tones, or freedom from disability-related barriers. Building on scholarship on digital migration governance and non-entrée, this article conceptualises CBP One as part of a broader infrastructure of "controlling difference," whereby digital systems mediate access to asylum. It further situates CBP One within a broader trajectory of United States bordering policies in which access to asylum is increasingly mediated through both physical and virtual border walls.

Keywords: citizenship; biopolitics; asylum seekers; United States; immigration; CBP One

* The author is a PhD candidate in Human Rights at the University of Coimbra, Portugal and a Foundation for Science and Technology scholar. Her research explores securitisation and asylum rights, with a focus on race and colonialism. She holds M.A.s in International Law and Migration Studies; leahdurstlee@ces.uc.pt



This article content is offered under a [CC Attribution Non-Commercial No Derivatives license](https://creativecommons.org/licenses/by-nc-nd/4.0/).

©2025 the Author

1. Introduction

Arriving at the United States-Mexico border to seek asylum at the end of the Biden presidency looked very different than before. Previously, asylum seekers could arrive at the border and request asylum from a border official. Their personal information would be collected and, depending on capacity and preliminary screening decisions, might be scheduled for an initial interview with an asylum officer or processed without one. If an asylum seeker proceeded through screening and an officer determined there was a credible possibility of persecution, they could be allowed entry into the United States and receive a notice to appear before an immigration court. Beginning in 2023, however, this process changed significantly when a physical person was no longer the gatekeeper to an appointment with an asylum officer, but rather the Customs and Border Protection One Mobile Application (CBP One).

This article examines how CBP One functioned, between 2023 and its discontinuation in early 2025, as a digital migration infrastructure shaping access to asylum appointments at the United States-Mexico border. This analysis adopts a qualitative, critical socio-legal approach drawing on scholarship on migration infrastructures and digital bordering to answer the question: how is access to asylum mediated through digital migration infrastructures, as evidenced in accounts of CBP One? The study engages with policy documents, legal and academic literature, as well as advocacy and investigative reports concerning CBP One and related migration governance technologies. The analysis explores how CBP One is represented in these sources as shaping access to asylum in uneven ways, without attributing causal intent or technical determinism. It focuses on how these sources describe understandings of access, exclusion, and inequality in digital migration governance. This article's contribution lies in conceptualising CBP One as a form of digital border infrastructure that, according to the literature, is associated with differential access to asylum through its procedural and technological features.

This article proceeds in four sections. The first, "Citizenship and the controllability of difference," questions the concept of citizenship within immigration policy and States' attempts to control difference. The second section, "Encoded discrimination," explores the dangers of digital decision-making in migration governance. The third, "Building the wall," locates the CBP One app within its larger context in United States immigration policies. The final section, "Preventing monstrous citizens," analyses how digital asylum systems can function as mechanisms of differential exclusion by shaping who is able to reach formal asylum procedures.

2. Citizenship and the controllability of difference

Citizenship is a concept that shifts meaning across different contexts and debates. Often, it is seen as the rights owed to individuals by the State.

Within the field of migration and international law, citizenship is often considered part and parcel of the modern nation-State system, where State sovereignty gives States territorial integrity “to regulate the movement of persons within and across their borders” (UN Charter, Article 2(4)). Citizenship marks membership within the nation-State system, and determines one’s civil, political, and social rights. Thus, nation-States often view migration as “inherently problematic” as people on the move “cross from one sovereign jurisdiction to another... In this sense, international migration is intrinsically political and is almost inevitably an imagined or real challenge to state sovereignty” (Castles et al. 2014, 312–13). If viewing citizenship as a question of rights, it is not difficult to understand why States worry that “the boundaries of the nation-state are being eroded” (Castles and Davidson 2000, vii).

Citizenship may also be considered a series of cultural ties that connect us to a larger national community. But such ties are imagined, as political scientist Benedict Anderson argues that nation-States are imagined communities only as strong as its people’s common belief in them “because the members of even the smallest nation will never know most of their fellow-members, meet them, or even hear of them, yet in the minds of each lives the imagine of their communion” (Anderson 1991, 6). Political philosopher Slavoj Žižek complements Anderson’s work that a nation only exists “as long as members of the community believe in it: it is literally an effect of this belief in itself” (Žižek 1990, 53). Citizens of a nation, the “imagined community,” bind themselves together in nationalism through the shared belief of a “national Thing,” that shared national identity that is created, rehearsed and reinforced through its communal belief and defence against an “Other” or people deemed not belonging to “Us” (Žižek 1990). “Us” as a nation is a people group that shares a sense of identity, bound together through practices and beliefs, such as holidays, stories, or foods, or sources of knowledge and values, such as proverbs, fables, or religions (Žižek 1990). These shared practices and beliefs are the national “way of life,” presumed to be threatened when immigration brings diversity. Citizens are defined in contrast to foreigners, with migrants viewed through cultural lenses as foreigners who don’t meet the national norms and values (Bigo 2002). Thus, migration is perceived as a threat to national homogeneity (Bigo 2002).

Within immigration debates, walls often function as a means to protect citizenship and the “national Thing.” Wendy Brown (2010) argues that walls not only serve as borders, but also to invent the societies they outline. Out of concern for the waning relevance of sovereignty in today’s global order, States construct walls as theatrical demonstrations of sovereign control and as protection of perceived national homogeneity (Brown 2010). Migrants are then constructed as “monstrous” threats, for which the State needs “to be eugenically preserved from hordes of aliens that, like a mortal disease, have to be eradicated from the healthy

corpus of European nations” (Giuliani 2016, 4). This framing reflects a biopolitical logic in which the State defines itself as a living body that must be protected from contamination, authorising interventions that sort, discipline, and exclude undesirable lives in the name of collective survival (Foucault 1978; Agamben 1998; Giuliani 2016). Gaia Giuliani (2016) identifies two types of “monsters”: the internal abject, migrants who have settled in Europe, but will never fully be seen as integrated, and the external threat, migrants arriving at national borders. The first, the internal abject, are the residents and citizens of Western states who, despite their residency cards or passports as Western citizens, forever remain non-citizens because they will always remain Other in relation to the imagined community of the West. They will be promised integration and citizenship, but can never quite attain it to the same extent as their non-immigrant fellow citizens. Giuliani explains: “The good abject, ontologically alien, must remain trustful and reliable for it to be deemed possible for her/him to integrate (though never fully). The domestication of the alien needs to be continuously reinstated, and nonetheless depicted as not fully controllable” (2016, 5).

Out of fear for their imagined community and its cultural/ethnic/racial national Thing, States have increasingly attempted to regulate mobility hierarchies. Castles and Davidson’s concept of the “controllability of difference” explains that, fearing both internal and external non-citizens/immigrants, States have sought to manage social and cultural difference through either rapid assimilation of internal immigrants or differential exclusion of external immigrants, a process that this article conceptualises as the management of differential inclusion and exclusion across policy and technological infrastructures. For the first control, rapid assimilation, States try to train the internal immigrant to adopt their culture, cuisine, language, and religious practices. However, for many internal immigrants who cannot pass as members of the majority, these efforts often prove futile. Discriminatory structures and practices will continue to label the internal immigrant, no matter how assimilated, as a minority Other. Despite learning the language/culture/religion of the majority, and even full legal citizenship, the internal immigrant will continue to be denied the rights and cultural belonging of full citizenship through designating them as the immigrant minority Other, subject to discrimination and racialisation (Castles and Davidson 2000, 69).

Within this grey zone, “the notion of citizenship is being pushed and stretched to include demands that had been previously left out,” moving past citizenship as our nationality to include more nuanced approaches, including multiculturalism, sexual orientation, and gender identity (Santos 2023a, 7). Due in large part to feminist and queer studies, citizenship studies have grown in nuance and inclusion, thereby “shifting the original focus of citizenship on participation and rights to spheres previously excluded from the relation between individuals and the state, highlighting

how political the personal was” (Santos 2023b, 84). Within this stretched zone of citizenship, Ana Cristina Santos forwards the concept of “monstrous citizenship” for those whose bodies and political existences had been disenfranchised by the State – those who had been labelled as dangerous, non-conforming others – those who had been made monstrous by the broader power structures and their “sexism, homophobia, transphobia, biphobia, ableism, racism, ageism and fatphobia – the list goes on” (Santos 2023b, 94). These “nonconforming bodies as untamed monsters” (Santos 2023b, 91) are not deemed worthy by the State to be fully functioning, “good” citizens. It is these different bodies that the State seeks to regulate. This framework is particularly relevant to LGBTQ+ asylum seekers, whose claims often hinge upon recognition of gender identity and sexual orientation as protected grounds, yet whose credibility and documentation are frequently assessed through discretionary and technologically mediated processes.

To return to the controllability of difference, Castles and Davidson state the second control as “differential exclusion”: that States accept “immigrants only within strict functional and temporal limits: they were welcome as workers, but not as settlers; as individuals, but not as families or communities; as temporary sojourners, but not as long-term residents” (2000, 61). That is, when States admit an immigrant Other onto their territory, it is highly selective and they are not to participate as full rights-holding, cultural citizens. Inherent in differential exclusion is the active and passive selection of immigrants, meaning those who States actively grant access to their territory and those who, as a result, are not granted access. History is filled with examples of selective border practices, notably in the United States. Reece Jones, author of *White Borders*, asserts:

“[US] immigration laws are about racial exclusion...created in the nineteenth century to protect an imaginary version of the United States as a white country...they continue to be used through the present day for racial purposes. They have racial impacts on who can enter the country, and they are enforced through racial profiling by immigration agents who track down, arrest, and deport people based on their skin color and place of birth...Immigration restrictions are a mechanism for protecting the numerically small but politically powerful white population and culture of the United States” (Jones 2021, 5).

Since the first ship of enslaved persons arrived in 1619, what is now known as the United States has had two separate immigration queues: “open immigration for whites from Europe and racial exclusion of slaves from Africa, Native Americans, and, eventually, immigrants from other parts of the world” (Jones 2021, 5). Immigration quotas based upon race and ethnicity heavily favoured white, European immigrants to the United States until 1965 (Castles and Davidson 2000). E. Tendayi Achiume calls modern borders “racial borders,” stating that “contemporary national

borders of the international order, a neocolonial order, are inherently racial. That is, the default manner in which they enforce exclusion and inclusion is racially disparate” (2022, 448).

Despite the absence of formal quotas, United States immigration has continued to shape patterns of inclusion through selective admissions that privilege certain forms of perceived compatibility. In this process of differential exclusion, preference has historically been associated with migrants perceived as more readily assimilable, including white, European, and Christian immigrants. Conversely, those constructed as less compatible with dominant national norms are more likely to be excluded, namely, asylum seekers who are racialised, disabled, non-English, Spanish, or Haitian Creole speaking, or traveling as family units. Increasingly, these logics of selection and differential exclusion are being operationalised through digital migration infrastructures, in which shape how access to asylum is organised.

3. Encoded discrimination

Despite technology’s reputation as impartial and fair, human values, for good and for bad, are coded into the data we use, such as racism, sexism, and meritocracy. Safiya Umoja Noble explores how, in our seemingly unbiased web searches, “traditional misrepresentations in old media are made real once again online and situated in an authoritative mechanism that is trusted by the public” (Umoja Noble 2018, 32). People and their bodies are depicted in derogatory racist, sexist, and classist manners without consideration for their “broader social, political, and historical significance” (Umoja Noble 2018, 32). The result has been “technological redlining,” or how algorithms “reinforce oppressive social relationships and enact new modes of racial profiling” (Umoja Noble 2018, 1). These concerns extend to contemporary digital migration infrastructures, where similar logics of classification and sorting inform how access to mobility is organised. As recent scholarship on digital migration governance has argued, these systems should not be understood as opaque “black boxes” with unknown effects, but technologies situated within specific socio-political systems embedded within contexts that shape ongoing power relations (Godin et al. 2025).

Building upon this distinction, States increasingly employ such systems to streamline processing times on immigration claim determinations and assist with management and administrative tasks. Scholars and advocates have raised concerns about the ethical and human rights implications of digital substitutes for human judgment in consequential decisions such as granting asylum (Molnar and Gill 2018; Durst-Lee et al. 2022). First, such systems use algorithms designed to analyse data, predict risks, and flag potential fraud. A key issue is algorithmic bias, which emerges at both the level of input and output. Input bias reflects the prejudices, assumptions,

and values of the programmer which are then built into the programming through the type, quality, and amount of input data (Cossins 2018). As these systems often rely on prior decision-making trends, they may inadvertently reproduce racial or gender stereotypes. Output bias occurs when algorithmic recommendations disproportionately affect certain groups, leading to forms of discrimination, such as when the United States Immigration and Customs Enforcement Agency's "Risk Classification Assessment" was altered to automatically recommend detention over release of asylum seekers awaiting legal proceedings (Oberhaus 2018). These biases may also intersect with LGBTQ+ asylum claims, particularly where identity verification systems rely on binary gender assumptions or fail to accommodate non-normative gender presentation and documentation histories.

Second, immigration officials have discretion over individual immigration petitions, including the nuanced and complex issues of asylum. Reassigning such cases to automated decision systems risks human rights considerations that may be misunderstood or missed entirely, since it is ill-equipped to determine credibility and truthfulness (Molnar 2020). Even when the technology is used as an aid in addition to human review, issues may arise considering automation bias, whereby officials still defer to the system's assessment and recommendations (Hadavas 2020). Ahmad (2021) develops the concept of "algorithmic humanitarianism" to describe how humanitarian governance is increasingly mediated through algorithmic systems that regulate those seeking protection, running the risk that asylum decisions lack the appropriate ethical and moral rigor.

Third, it is inevitable when dealing with technology that system or technical errors will occur. For example, some facial technologies have been found to be less effective in analysing women or individuals with darker skin complexions (Molnar 2019). In some cases, errors occur for unexplained reasons. Given the sensitive circumstances and the nature of asylum claims, a system that malfunctions, lacks oversight, and could potentially lead to arbitrary denials of immigration petitions is bound to have serious implications on human rights (Molnar and Gill 2018).

In the United States, the use of automated and biometric technologies in immigration governance expanded after 9/11 in an effort to support national security and reduce potential terrorism. Implemented systems included lie detection technology that analysed changes in individuals' voice, body language, and biometric screenings of behavioural and physiological data, such as fingerprints, ear shape, and gait (Daniels 2018; Khan and Efthymiou 2021). Officials then used data to verify identity and predict whether an individual posed a threat to the country and was likely to commit a crime. This technology led to a travel ban on seven Muslim-majority countries, as well as the creation of the "Extreme Vetting Initiative" which, now ended due to public backlash, tracked individuals

on social media throughout their stay in the United States to identify them for deportation and justify visa denials (Brennan Center for Justice 2018).

Surveillance in migration governance is not limited to centralised or high-tech systems, but is distributed across heterogeneous infrastructures that include state databases, screening tools, and migrants' own devices. As Austin Kocher shows, smartphones are central to migration journeys, enabling individuals to store documents, communicate across borders, access services, and gather evidence in support of asylum claims (2023, 3). Within this infrastructural landscape, mobile devices have become integrated into the organisation of access to asylum procedures, extending border governance into digital space and effectively turning the smartphone into a site of border control (Kocher 2023).

4. Building the wall: Contextualising CBP One within United States bordering policies

CBP One was announced on 23 February 2023, which required asylum seekers at the border to use the mobile app to upload proof of identity and to request an appointment with an asylum officer to state their asylum claim (American Immigration Council 2025). However, to fully contextualise CBP One, this section must begin a few years earlier, as public support for and government action towards closing the United States border to asylum seekers grew, laying the groundwork to evaluate CBP One as a broader challenge to the right to seek asylum in the United States.

For the last several decades, immigration has been a highly contentious issue in the United States, as migrants have been seen as a “cultural threat” (Castles et al. 2014, 200) against whom politicians vie to protect the American “national Thing,” its presumed homogenous culture, values, religion, and whiteness. Politicians leverage fear of the Other migrants and asylum seekers into votes; rallying calls such as “America First” and “Build the Wall” of President Trump mobilise an anti-immigrant rhetoric amongst voters that migrants and refugees are a challenge to their cultural status quo. Trump placed immigration front and centre in his political career, stating in his candidacy announcement: “The US has become a dumping ground for everybody else’s problems...When Mexico sends its people...They’re bringing drugs. They’re bringing crime. They’re rapists” (Phillips 2017). Trump made good on his campaign promises and “attacked both the letter and the spirit of the 1980 Refugee Act” (Schoenholtz et al. 2021, 31) to enact securitisation policies, thereby reducing the admission of migrants, asylum seekers, and refugees through travel bans, reduced resettlement ceilings, and non-entrée policies. Negative portrayals of increased mixed migration flows to the United States Southern border have only increased anti-immigrant sentiment, building public and political support for policies to slow, and even close, the border.

The Trump administration tried different ways to close the borders to asylum seekers and immigrants. Measures included: metering, where border officials either told asylum seekers to take a number and come back later or that “the United States is not giving asylum anymore” (Schoenholtz et al. 2021, 56); child separation, where asylum seeking families were forcibly separated from their children as a deterrent; Migrant Protection Protocols, when at least 69,000 asylum seekers were forced to remain in Mexico during their asylum legal proceedings, resulting in many receiving deportation orders *in absentia* because they could not attend their hearings in person or virtually (Schoenholtz et al. 2021, 65); and the Third Country Transit Bar, which barred asylum seekers from lodging an application in the United States if they have transited through “safe” third countries and not applied for asylum there, which in effect made all Central Americans ineligible for asylum in the United States (Schoenholtz et al. 2021, 67). In 2019, Trump advisor Stephen Miller argued without effect to unearth a little used United States public health code, Title 42. Miller claimed that migrants were carrying illness into the United States, and attempted to use Title 42 to shut the borders in 2019 due to mumps, then later to a flu outbreak amongst border guards (Dickerson and Shear 2020).

It was no surprise, then, that in March 2020, the Trump administration used the COVID-19 pandemic context to justify closing United States borders under Title 42. Proponents cited concerns for the contagious virus spreading within crowded immigration holding facilities; critics argued that it was a deterrent against immigration, especially since Trump advisor Miller attempted to implement Title 42 in 2019, well before the 2020 pandemic. Regardless of intent, a policy developed to be a public health measure against the spread of COVID-19 by closing United States borders resulted in the summary expulsion of migrants and asylum seekers *en masse*. Throughout the Trump administration, the number of asylum seekers awaiting processing at the United States-Mexico border mounted, and this backlog of cases was inherited by President Biden in 2021.

Despite its common reference as a “Trump-era” immigration policy, and then-candidate Biden’s promise to rebuild the right to seek asylum, President Biden actively continued the use of Title 42 for the first two years of his administration as part of his public health policies during the COVID-19 pandemic, and consistently appealed the court decisions ordering the end of Title 42 (Sherman-Stokes and Harris 2021). Biden’s preference towards Title 42 led immigration experts to state: “Despite promises, Biden looks a lot like Trump on border issues” (Sherman-Stokes and Harris 2021). Once in office, Biden terminated the Migrant Protection Protocols, but was confronted by the challenge of how to parole these asylum seekers during Title 42.

In February 2021, the Biden administration announced that approved humanitarian organisations could register asylum seekers using CBP One,

then a little known government app which, since October 2020, had been used to “record the entry and exit of certain non-citizens, and allow cargo inspections to be scheduled in advance” – never before used for asylum seekers (Kocher 2023, 5). Then when Title 42 ended in May 2023, fearing a backlog of asylum petitions, the Biden administration announced that all asylum seekers would use CBP One to request an appointment with an asylum officer. To cross the United States border to request asylum, individuals must first be granted an appointment through a lengthy application on CBP One, which required personal identity information, a real-time selfie, and geolocation data that located the user in northern Mexico (Kocher 2023). For families, personal identifying information must be entered for each parent and child. Despite asylum seekers arriving from around the world, CBP One was released in only English and Spanish, and was soon translated into Haitian Creole, which advocates have stated is poorly translated (Deck 2023).

Users stated that in addition to CBP One’s confusing interface, the app is riddled with glitches and programming errors, and applicants often lose their progress part way through (Reynolds et al. 2024). There were not enough appointment slots to meet the demands of those able to complete a request or families with several children. Therefore, appointments went to those with reliable internet access and could fill out the application and upload photos and identity documents the fastest (Haiti Justice Partnership et al. 2023). Geolocation data sometimes incorrectly places the user far from the United States-Mexico border, therefore making the app unusable (Kocher 2023). Asylum seekers with darker complexions have found that CBP One does not identify their faces to upload the mandatory selfie. Dávila et al. (2024) argue that the facial recognition of CBP One was so inaccurate for older black, Asian, and other dark-skinned individuals that it should be considered discriminatory on the basis of race, colour, and sex. Advocates reported that the app was inaccessible for disabled asylum seekers, including those who are deaf or blind or have mobility or intellectual disabilities (Bohra 2024). The use of CBP One was met with overwhelming criticism by human rights activists, experts, and United States immigration lawyers for all but ending access to asylum and increasing risk of *refoulement* to less affluent asylum seekers who may not have a phone, internet connection, literacy, proficiency in English, Spanish, or Haitian Creole, disabilities, or light skin complexions which are recognised by United States facial recognition technology (Haiti Justice Partnership et al. 2023).

In May 2023, the CBP One appointment scheduling changed from first-come, first-served to a lottery system in which appointments were randomly assigned at the end of the day after all asylum seekers have had a chance to submit a request in the app. While this change removed a significant barrier, issues such as language access, accessibility, and complexion in facial recognition remained, highlighting how, in the words

of Austin Kocher, “the ability to modulate who gets asylum by tweaking the software behind an app succinctly evinces dystopian anxieties portended by digital borders” (2023, 9).

In January 2025, on his first day back in office, President Trump ended the use of the CBP One app for asylum seekers and cancelled existing appointments that were scheduled under the Biden administration, leaving tens of thousands of pending immigration appointments null and void (Graham 2025). The Trump administration then rebranded and relaunched the app in March 2025 as “CBP Home,” a tool designed to support intent to depart or selfdeportation (American Immigration Council 2025; The White House 2025). In a promotional video posted to the White House website on 18 March 2025, accompanied by an upbeat soundtrack, Trump announced the launch of the CBP Home app:

“People in our country illegally can self deport the easy way or get deported the hard way... The Biden administration exploited the CBP One app to allow more than 1 million aliens to illegally enter the United States. Now my administration is launching the CBP Home app to give people in our country illegally an easy way to leave now and self deport voluntarily. If they do, they could potentially have the opportunity to return legally at some point in the future but if they do not avail themselves of this opportunity then they will be found, they will be deported, and they will never be admitted again to the United States ever, ever again – you’re never coming in. Using the CBP Home app to leave the united states voluntarily is the safest option for illegal aliens...” (The White House 2025).

In conjunction with the rebranding of CBP One into CBP Home, the Department of Homeland Security began terminating humanitarian parole and work authorisations for many migrants who entered the United States via CBP One appointments (Associated Press 2025). Individuals admitted through CBP One received notices stating that it was “time for you to leave the United States,” and warning that associated work authorisation and protections would be revoked (Associated Press 2025). Under this policy shift between administrations, the stated purpose of the CBP One app changed from increasing pathways to United States asylum processing to effectuating self-deportations. This reversal underscores the fragility of contemporary United States immigration politics and the profound consequences for the status, mobility, and safety of asylum seekers.

President Trump did not ultimately realise his goal of building a physical wall along the United States-Mexico border. However, the development and use of CBP One under both the Trump and Biden administrations effectively created a virtual wall that illustrates how bordering practices increasingly operate through digital infrastructures that can restrict access to asylum in less visible but highly consequential ways. Under the Biden administration, CBP One was used to schedule asylum appointments and,

according to multiple reports, access to these appointments was shaped by uneven digital conditions, including differences in connectivity, language access, and device capabilities. In January 2025, the Trump administration dismantled the app's asylum functionality and cancelled pending appointments. It was subsequently rebranded as CBP Home, shifting its function from facilitating access to asylum procedures toward encouraging voluntary departure. This shift underscores how digital migration infrastructures are politically reversible; a system designed to manage access can be reconfigured to restrict or withdraw it. Such infrastructure thus illustrates how asylum governance increasingly operates through adaptable digital mechanisms that shape, condition, and at times revoke access to protection across changing political administrations.

5. Preventing monstrous citizens: The controllability of difference via CBP One

States have been closing their borders or pushing back migrants and asylum seekers since before the right was codified in the Refugee Convention (Jones 2021, Achiume 2022). Through building its virtual and physical walls, States seek to block out an external “them” while at the same time block in an internal “we” (Brown 2010). The United States in particular has a long history of virtual and physical walls, which have been used to construct its “white borders” (Jones 2021). When directed as asylum seekers, these walls are what legal expert James Hathaway (1992) calls *non-entrée*: whereas refugee law is rooted in *non-refoulement* to persecution or torture, *non-entrée* is the commitment to not allow refugees to reach a State's jurisdiction where they would then be entitled to their rights under refugee law (Gammeltoft-Hansen and Hathaway 2015). States have employed *non-entrée* policies around the world via air, land, and sea, such as intercepting migrants in the Mediterranean, holding migrants in offshore jails outside of Australia, or implementing strict air carrier sanctions to prevent particular migrants from traveling. Through these restrictive policies, States seek to regulate differential access for those who arrive at their borders, granting entry to a select few. This selection process can function to filter out those the State does not deem eligible for admission, namely those “monstrous citizens” (Santos 2023b), used here as an analytical category for socially constructed non-conforming subjects. The use of CBP One as a gatekeeper to determine who is able to access asylum is one more form of *non-entrée*. This section examines CBP One as a digital migration infrastructure embedded within broader socio-technical and legal conditions that shape differential access to asylum in ways that reproduce and reflect documented inequalities in migration governance.

The differential access outcomes associated with CBP One, discussed in advocacy reports and academic literature, reflect broader concerns about how digital migration infrastructures can unevenly shape who is able to access asylum procedures. Technical glitches and programming

errors should be understood within broader patterns of unequal access associated with digital migration infrastructures. In addition to how States seek to avoid their obligations to uphold the rights to seek asylum and *non-refoulement* through *non-entrée* policies, there is much research on how States attempt to control immigration at large. States influence migrant infrastructures, or the myriad of “socio-technical platforms for mobility” which extend far beyond what are the most obvious infrastructure of roads and airplanes to include internet signals and visa preferences (Lin et al. 2017, 1). Such infrastructures “are always already inscribed with planning power, which dictate who gets or does not get to benefit from their socio-material arrangements. Naturalised as taken-for-granted systems, infrastructures can and do perform politics in their daily use” (Lin et al. 2017, 4). By granting, restricting, or unevenly structuring access, migration infrastructures can function as tools through which States manage differential inclusion and exclusion at the border. Such infrastructures, and indeed CBP One, call into serious concern the mobility justice (Sheller 2018) of “who is free to move; who is forced to move; when they can or must move; how they ought to move; and who cannot move” (Lin et al. 2017, 4).

Multiple documented features of CBP One have been linked to differential access outcomes of reaching United States jurisdiction. The shift from in-person appointment access to a mobile application may have advantaged asylum seekers with reliable access to smartphones, internet connectivity, and digital literacy. Reported difficulties with CBP One’s facial recognition functionality suggest that lighter skin tones were more reliably processed than darker skin tones, raising concerns about how biometric systems may reproduce broader patterns of racialised exclusion within migration governance (Jones 2021, Achiume 2022). CBP One disadvantaged many as it was only available in three languages (English, Spanish, and Haitian Creole). Meanwhile, the absence of accessible formats may create additional barriers for asylum seekers who are deaf or blind or have mobility or intellectual disabilities.

Some of the other technological errors may be dismissed as only a glitch, but this can obscure the realities of migrant infrastructures when used to control difference. Austin Kocher warns of the “politics of the glitch,” explaining that “representing technological barriers to asylum as ‘glitches’ displaces political discussions about the right to asylum with depoliticized discussions about patching software problems” (Kocher 2023, 2). Such offhanded discussion of “glitches” minimises the “political implications of technologies of migration control” (Kocher 2023, 10). CBP One on its own may not signal concerns for an unjust migrant infrastructure, but when analysed as one within a broader context of United States policies to build physical and virtual walls through *non-entrée* policies, then “CBP One’s emergence as an asylum tool is inseparable from policies that aim to limit access to asylum, and any so-called bugs with the app, are likely

to exacerbate the plight of asylum seekers” (Kocher 2023, 10). Within this larger context, these “glitches” may produce effects that cannot be easily separated from broader governance choices shaping system design and deployment. “Glitches” can easily be solved by software updates, while *non-entrée* policies can only be confronted through a “fundamental reevaluation of the policy posture of the administration” (Kocher 2023, 10).

CBP One therefore illustrates how contemporary bordering practices may operate through digital migration infrastructures that condition access to asylum unevenly across different groups of asylum seekers. Examined through the framework of the controllability of difference, the app functioned not simply as an administrative tool, but as part of a broader socio-technical system through which access to protection was structured, mediated, and restricted. This is not to suggest that CBP One was intentionally designed to control difference. Rather, this article has examined how documented accessibility barriers, infrastructural constraints, and reported technological limitations may contribute to uneven access outcomes within digital asylum systems. As States increasingly incorporate digital technologies into migration governance, CBP One serves as a cautionary example of how shifting asylum access from direct human interaction into technologically mediated procedures may reproduce existing inequalities and create new barriers to protection for already vulnerable populations. In this sense, digital migration infrastructures do not simply manage mobility, but can also participate in structuring the boundaries of belonging, exclusion, and protection.

6. Conclusion

The CBP One mobile application was introduced to facilitate the scheduling of asylum interviews at the United States-Mexico border following the suspension of in-person processing during the COVID-19 pandemic. However, reports from advocacy organisations and users indicate that the application produced uneven conditions of access, particularly for asylum seekers facing barriers related to skin colour, language, disability, and digital connectivity. Rather than a neutral administrative tool, CBP One became embedded within a wider infrastructure that shaped who could meaningfully access their right to seek asylum. These outcomes should not be understood as isolated technical failures. They are better situated within broader migration governance frameworks in which access to asylum is increasingly structured through infrastructures that operationalise *non-entrée* in digital form. In this sense, CBP One functioned less as a singular border wall than as a virtual wall that unevenly structured access across applicants, reproducing and reinforcing existing inequalities within migration systems. This article also highlights the need for further research into how asylum governance is being reconfigured through digital infrastructures that are both adaptable and politically reversible. This

includes greater scrutiny of transparency in system design, accessibility standards, and the regulatory frameworks through which digital tools are introduced into contexts involving fundamental rights and protection.

References

- Achiume, E. Tendayi. 2022. "Racial Borders." *American Journal of International Law* 116 (3): 445–58.
- Agamben, Giorgio. 1998. *Homo Sacer: Sovereign Power and Bare Life*. Translated by Daniel Heller-Roazen. Stanford University Press.
- Ahmad, Nafees. 2021. "Refugees and Algorithmic Humanitarianism." *International Journal on Minority and Group Rights* 28 (3): 367–35.
- American Immigration Council. 2025. "CBP One Overview." *American Immigration Council*, March 24. Accessed December 15, 2025. [Link](#) (last visited 21 July 2026).
- Anderson, Benedict. 1991. *Imagined Communities*. Verso.
- Associated Press. 2025. "Homeland Security Revokes Legal Status for Those Who Entered US via Biden-Era CBP One App." *The Guardian*, April 8. [Link](#) (last visited 21 July 2026).
- Bigo, Didier. 2002. "Security and Immigration: Toward a Critique of the Governmentality of Unease." *Alternatives* 27 (Special Issue): 63–92.
- Bohra, Nusaiba. 2024. "Migrants with Disabilities Struggle to Access the U.S. Asylum System, Advocates Say." *Texas Tribune*, March 29. [Link](#) (last visited 21 July 2026).
- Brennan Center for Justice. 2018. "ICE Extreme Vetting Initiative: A Resource Page." May 24. [Link](#) (last visited 21 July 2026).
- Brown, Wendy. 2010. *Walled States, Waning Sovereignty*. Zone Books.
- Castles, Stephen, and Alastair Davidson. 2000. *Citizenship and Migration: Globalization and the Politics of Belonging*. Routledge.
- Castles, Stephen, Hein de Haas, and Mark J. Miller. 2014. *The Age of Migration: International Population Movements in the Modern World*. 5th ed. Palgrave Macmillan.
- Cossins, Dan. 2018. "Discriminating Algorithms: 5 Times AI Showed Prejudice." *New Scientist*, April 12. [Link](#) (last visited 21 July 2026).
- Daniels, Jeff. 2018. "Lie-Detecting Computer Kiosks Equipped with Artificial Intelligence Look Like the Future of Border Security." *CNBC*, May 15. [Link](#) (last visited 21 July 2026).
- Dávila, Sarah A., Alejandra Palacios, and Brad Thompson. 2024. *CBP One Mobile Application: Violating Migrants' Rights to Privacy and Freedom from Discrimination*. White Paper. University of Illinois Chicago. [Link](#) (last visited 21 July 2026).
- Deck, Andrew. 2023. "Migrants Speaking Haitian Creole or Indigenous Languages Face Challenges at the Border." *Rest of World*, June 1. [Link](#) (last visited 21 July 2026).
- Dickerson, Caitlin, and Michael D. Shear. 2020. "Before Covid-19, Trump Aide Sought to Use Disease to Close Borders." *New York Times*, May 3. [Link](#) (last visited 21 July 2026).

- Durst-Lee, Leah, Christina Martinez, and Montse Picado Campos. 2022. *[De] Coded Discrimination: A Human Rights Based Approach to Automated Immigration Decision Systems*. Ideas for Peace.
- Foucault, Michel. 1978. *The History of Sexuality, Volume I: An Introduction*. Translated by Robert Hurley. Vintage Books.
- Gammeltoft-Hansen, Thomas, and James C. Hathaway. 2015. "Non-Refoulement in a World of Cooperative Deterrence." *Columbia Journal of Transnational Law* 53 (2): 235–84.
- Giuliani, Gaia. 2016. "Monstrosity, Abjection and Europe in the War on Terror." *Capitalism Nature Socialism* 27 (1): 1–19.
- Godin, Marie, Derya Ozkul, and Rachel Humphris. 2025. "Digital Technologies and Migration: Behind, Beyond and Around the Black Box." *Journal of Ethnic and Migration Studies* 51 (14): 3571–3589. [Link](#) (last visited 21 July 2026).
- Graham, Thomas. 2025. "US Asylum Seekers in Despair after Trump Cancels CBP One App: 'Start from Zero Again.'" *The Guardian*. January 23. [Link](#) (last visited 21 July 2026).
- Hadavas, Chloe. 2020. "How Automation Bias Encourages the Use of Flawed Algorithms." *Slate*. March 6. [Link](#) (last visited 21 July 2026).
- Haiti Justice Partnership; University of California College of the Law, San Francisco; Center for Gender & Refugee Studies; Haitian Bridge Alliance; École Supérieure Catholique de Droit de Jérémie. 2023. *Making a Mockery of Asylum: The Proposed Asylum Ban, Relying on the CBP One App for Access to Ports of Entry, Will Separate Families and Deny Protection*. March 27. [Link](#) (last visited 21 July 2026).
- Hathaway, James. 1992. "The Emerging Politics of Non-Entrée." *Refugees* 91: 40–41.
- Jones, Reece. 2021. *White Borders: The History of Race and Immigration in the United States from Chinese Exclusion to the Border Wall*. Beacon Press.
- Khan, Nargis, and Maria Efthymiou. 2021. "The Use of Biometric Technology at Airports: The Case of Customs and Border Patrol (CBP)." *International Journal of Information Management Data Insights* 1 (2): 100049. [Link](#) (last visited 29 July 2026).
- Kocher, Austin. 2023. "Glitches in the Digitization of Asylum: How CBP One Turns Migrants' Smartphones into Mobile Borders." *Societies* 13 (149): 1–15.
- Lin, Weiqiang, Johan Lindquist, Biao Xiang, and Brenda S. A. Yeoh. 2017. "Migration Infrastructures and the Production of Migrant Mobilities." *Mobilities* 12 (2): 167–74.
- Molnar, Petra. 2019. "New Technologies in Migration: Human Rights Impacts." *Forced Migration Review*. [Link](#) (last visited 21 July 2026).
- Molnar, Petra. 2020. *Technological Testing Grounds: Migration Management Experiments and Reflections from the Ground Up*. European Digital Rights (EDRI) and Refugee Law Lab. [Link](#) (last visited 21 July 2026).
- Molnar, Petra, and Lex Gill. 2018. *Bots at the Gate: A Human Rights Analysis of Automated Decision-Making in Canada's Immigration and Refugee System*. International Human Rights Program, University of Toronto Faculty of Law, and the Citizen Lab, Munk School of Global Affairs and Public Policy. [Link](#) (last visited 21 July 2026).
- Nouri, Sam. 2021. "The Role of Bias in Artificial Intelligence." *Forbes*. February 4. [Link](#) (last visited 21 July 2026).
- Oberhaus, Daniel. 2018. "ICE Modified Its 'Risk Assessment' Software So It Automatically Recommends Detention." *VICE*. June 26. [Link](#) (last visited 21 July 2026).

- Phillips, Amber. 2017. "‘They’re Rapists.’ President Trump’s Campaign Launch Speech Two Years Later, Annotated." *Washington Post*. June 16. [Link](#) (last visited 21 July 2026).
- Reynolds, Christopher W., Brendon Tucker, Samuel Bishop, Sarah Draugelis, Michele Heisler, and Amir M. Mohareb. 2024. "Health Effects and User Perceptions of the US Customs and Border Patrol One™ Mobile Application: A Qualitative Analysis among Asylum Seekers at the Mexico-US Border." *Journal of Migration Health* 10: 100265. [Link](#) (last visited 21 July 2026).
- Santos, Ana Cristina. 2023a. "Citizenship, Care and Choice: LGBTQ+ Intimacies in Southern Europe – An Introduction." In *LGBTQ+ Intimacies in Southern Europe: Citizenship, Care and Choice*, edited by Ana Cristina Santos. Palgrave Macmillan.
- Santos, Ana Cristina. 2023b. "Embodied Queer Epistemologies: A New Approach to (a Monstrous) Citizenship." In *LGBTQ+ Intimacies in Southern Europe: Citizenship, Care and Choice*, edited by Ana Cristina Santos. Palgrave Macmillan.
- Schoenholtz, Andrew I., Jaya Ramji-Nogales, and Philip G. Schrag. 2021. *The End of Asylum*. 1st ed. Georgetown University Press.
- Sheller, Mimi. 2018. "Theorising Mobility Justice." *Tempo Social* 30 (2): 17–34.
- Sherman-Stokes, Sarah, and Lindsay M. Harris. 2021. "Despite Promises, Biden Looks a Lot Like Trump on Border Issues." *Bloomberg Law*. October 20. [Link](#) (last visited 21 July 2026).
- Umoja Noble, Safiya. 2018. *Algorithms of Oppression: How Search Engines Reinforce Racism*. NYU Press.
- United Nations. 1945. Charter of the United Nations.
- The White House. "Illegal Aliens: Self-Deport with the CBP Home App." Video, March 18, 2025. [Link](#) (last visited 21 July 2026).
- Žižek, Slavoj. 1990. "Eastern Europe’s Republics of Gilead." *New Left Review* 1 (183): 50–62.