

**Congress of the United States**  
**Washington, DC 20515**

February 12, 2020

The Honorable Chad F. Wolf  
Acting Secretary  
U.S. Department of Homeland Security  
301 7<sup>th</sup> Street, SW  
Washington, DC 20528

Dear Acting Secretary Chad Wolf,

We just marked the one-year anniversary of the Trump Administration's 'Remain in Mexico' policy, also known as the Migrant Protection Protocols. Under this dangerous and illegal policy, the Administration has forced tens of thousands of vulnerable children, families, and other asylum seekers into unsafe conditions before their asylum requests can even be heard. In the span of just one year, 'Remain in Mexico' has inflicted irreparable harm to nearly 60,000 asylum seekers.<sup>1</sup> The Trump Administration has forced the United States to turn its back on our international legal obligations damaging our status as the global leader on refugee protection. We call on the Trump Administration to immediately terminate this harmful policy.

'Remain in Mexico' is just another tool used by this Administration to circumvent and dismantle the U.S. asylum system. 'Remain in Mexico' obstructs access to legal counsel, making it nearly impossible for asylum seekers to actually obtain asylum. In fact, members of the American Federation of Government Employees, the union that represents USCIS asylum officers, asserts that the policy fails to provide even basic procedural protections to asylum applicants.<sup>2</sup> Only 4 percent of those subject to 'Remain in Mexico' have been able to find legal counsel.<sup>3</sup> In contrast, nearly a third of those allowed to remain in the U.S. while pursuing their asylum claim have obtained legal counsel over the same time period.<sup>4</sup> Legal representation is critical to securing asylum as those with lawyers are four times more likely to be granted asylum than those without counsel.<sup>5</sup> This obstruction of due process not only violates U.S. asylum and immigration law but harms vulnerable children and families who desperately need protection.

Moreover, this policy closes the doors to vulnerable populations, including children and families, forcing them to wait in dangerous conditions in locations even our own government considers very dangerous.<sup>6</sup>

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<sup>1</sup> Daniella Silva, "One year into 'Remain in Mexico' policy, migrants confront danger and instability" *NBC News* January 29, 2019 <https://www.nbcnews.com/news/us-news/one-year-remain-mexico-policy-migrants-confront-danger-instability-n1124786> (last accessed January 29, 2020).

<sup>2</sup> Human Rights First, "Delivered to Danger: Illegal Remain in Mexico Policy Imperils Asylum Seekers' Lives and Denies Due Process" August 2019 <https://www.humanrightsfirst.org/sites/default/files/Delivered-to-Danger-August-2019%20.pdf> (last accessed January 29, 2020).

<sup>3</sup> TRAC Immigration, "Contrasting Experiences: MPP vs. Non-MPP Immigration Court Cases" December 19, 2019 <https://trac.syr.edu/immigration/reports/587/> (last accessed January 29, 2020).

<sup>4</sup> *Id.*

<sup>5</sup> Human Rights First, "Central Americans were Increasingly Winning Asylum Before President Trump Took Office January 2019" [https://www.humanrightsfirst.org/sites/default/files/Asylum\\_Grant\\_Rates.pdf](https://www.humanrightsfirst.org/sites/default/files/Asylum_Grant_Rates.pdf) (last accessed February 4, 2019).

<sup>6</sup> U.S. State Department, "Mexico Travel Advisory" <https://travel.state.gov/content/travel/en/traveladvisories/traveladvisories/mexico-travel-advisory.html> (last accessed January 29, 2020).

In the last year, there have been more than 800 documented attacks on those subject to ‘Remain in Mexico’, including cases of kidnapping, extortion, torture, rape, and murder.<sup>7</sup> A recent study by the U.S. Immigration Policy Center at San Diego found that one in four people subject to ‘Remain in Mexico’ in Tijuana and Mexicali have been threatened with physical violence.<sup>8</sup> Families, children, and others are living in makeshift encampments, often without adequate access to water, food, medical care, and proper sanitation. Furthermore, in alleged violation of CBP’s own policy,<sup>9</sup> we understand that other vulnerable populations, such as pregnant women, individuals with disabilities, LGBTQ individuals, and those with severe illnesses, have also been forced to wait in these conditions.<sup>10</sup> For LGBTQ asylum seekers, this policy forces them to remain exposed to the very abuse and persecution they are seeking protection from in the U.S.

In response to the alarming reports about conditions at the border caused by ‘Remain in Mexico,’ Members of Congress have traveled to Texas and Mexico to investigate these allegations first-hand. Members have spoken with hundreds of vulnerable families forced to live in makeshift refugee camps. Unfortunately, these visits have confirmed that many human rights violations are occurring at the border as a result of ‘Remain in Mexico’.

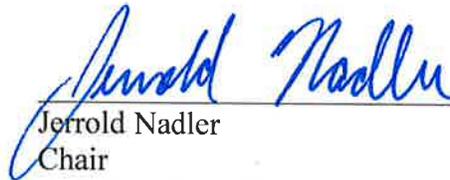
‘Remain in Mexico’ repeatedly jeopardizes the physical safety and emotional well-being vulnerable populations sought to escape from in the first place. This program undoubtedly causes further harm and inflicts unnecessary trauma on these populations. The Trump administration must immediately terminate this cruel and illegal policy, provide all asylum seekers with meaningful access to a fair asylum process in the U.S., and restore the U.S. commitment to be a safe haven for refugees.

Thank you for your attention to this matter.

Sincerely,



Joaquin Castro  
Chair  
Congressional Hispanic Caucus



Jerrold Nadler  
Chair  
Judiciary Committee

<sup>7</sup> Human Rights First, “A Year of Horrors: The Trump Administration’s Illegal Returns of Asylum Seekers to Danger in Mexico” January 22, 2020 <https://www.humanrightsfirst.org/sites/default/files/MPP-aYearofHorrors-UPDATED.pdf> (last accessed January 29, 2020)

<sup>8</sup> U.S. Immigration Policy Center, “Seeking Asylum: Part 2” *UC San Diego* October 29, 2019 <https://usipc.ucsd.edu/publications/usipc-seeking-asylum-part-2-final.pdf> (last accessed January 29, 2020)

<sup>9</sup> Customs Border Patrol, “MPP Guiding Principles” January 28, 2019 <https://www.cbp.gov/sites/default/files/assets/documents/2019-Jan/MPP%20Guiding%20Principles%201-28-19.pdf> (last accessed January 29, 2020).

<sup>10</sup> Hamed Aleaziz, “US Border Officials Pressured Asylum Officers to Deny Entry to Immigrants Seeking Protection, A Report Finds” *BuzzFeed News* November 15, 2019 <https://www.buzzfeednews.com/article/hamedaleaziz/dhs-asylum-report-mpp-immigration-remain-mexico> (last accessed January 29, 2020).

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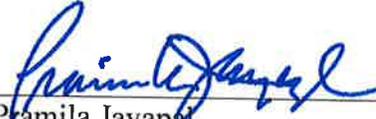
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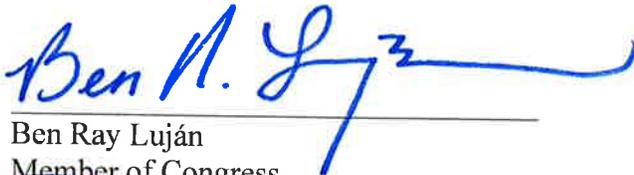
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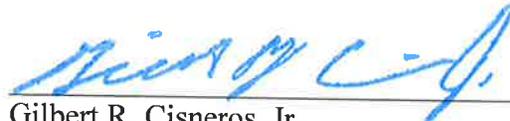
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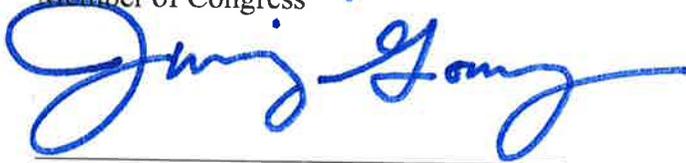
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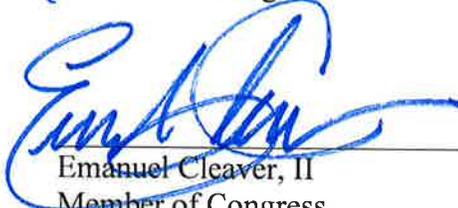
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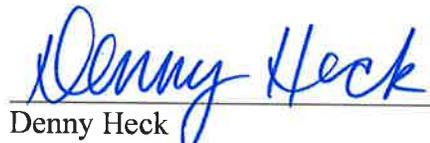
  
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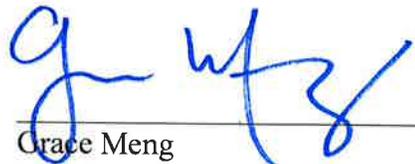
  
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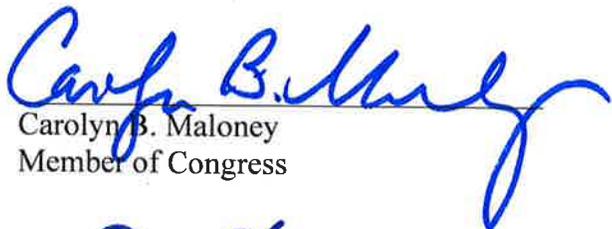
  
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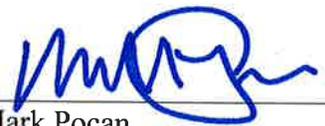
  
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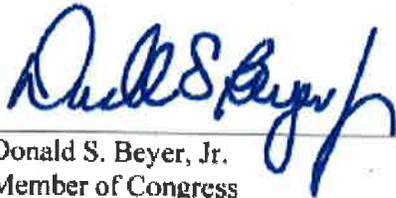
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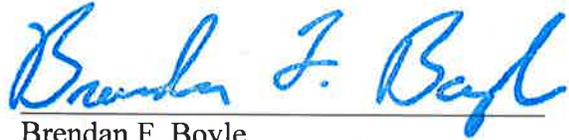
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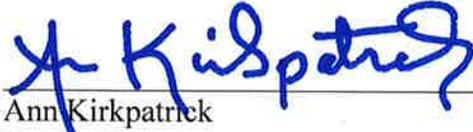
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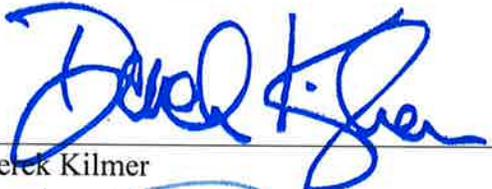
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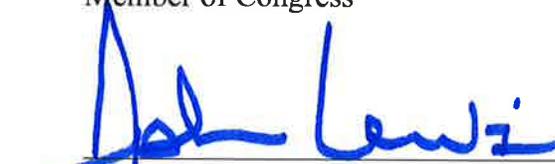
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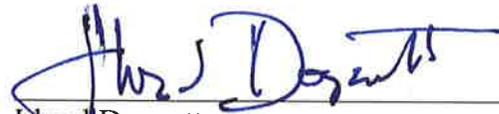
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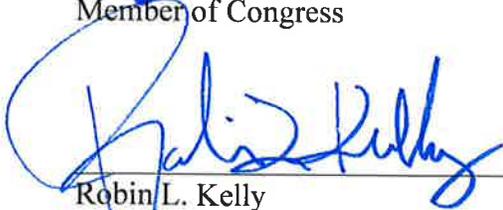
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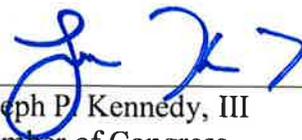
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