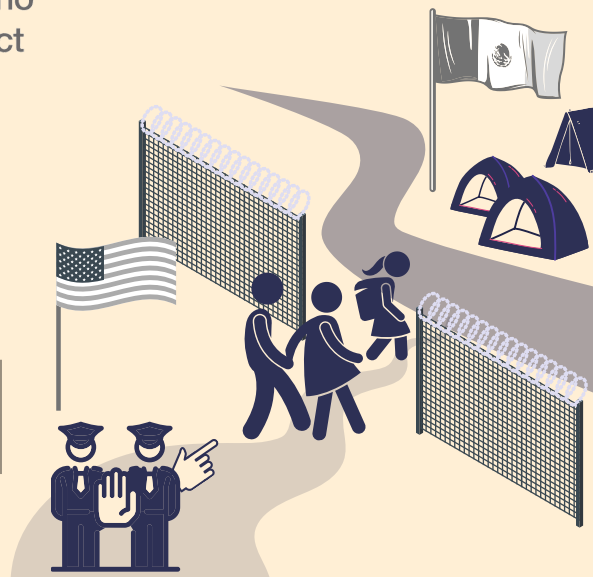




AMERICAN **BAR** ASSOCIATION

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Asylum Representation Project

WHAT IS THE **MIGRANT PROTECTION PROTOCOLS** "REMAIN IN MEXICO" PROGRAM?

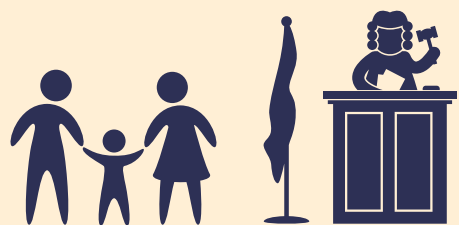


The Migrant Protection Protocols (**MPP**) is a U.S. Government border enforcement program. Under MPP, certain migrants who arrive at the border by land and express fear of returning home can be forced to return to Mexico while they wait for their immigration legal proceedings, instead of being allowed to wait in the US.

Between
January 2019 and
March 2020,
70,000 people were
sent back to Mexico
under MPP.

American Immigration Council
2022

HOW DOES IT WORK?



Under US law, asylum seekers and other migrants are generally allowed to request legal relief from deportation, and are often given hearings in front of immigration judges.

Migrants seeking legal relief often wait months for their immigration hearing. Before MPP, most asylum seekers waited **inside** the US - usually in immigration detention or on parole.



Under MPP however, many asylum seekers have been forced to wait for their hearings on the **other side of the border**, in Mexico.



MPP was first rolled out in 2019. In 2021, it was terminated after a short wind-down period. Since then, MPP has been reinstated by court order with new guidelines. This version is referred to as "**MPP 2.0**".

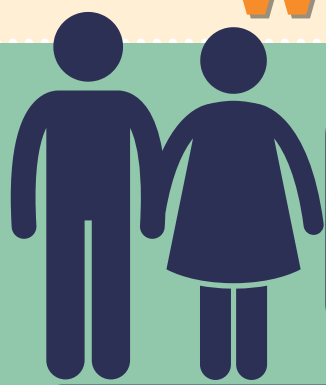
MPP 1.0

- 12.20.2018** DHS announces decision to initiate MPP.
- 1.29.2019** MPP process begins in San Diego, CA.
- 7.19.2019** Implementation of MPP begins in South Texas.
- 1.20.2021** DHS suspends all new enrollments in MPP.
- 2.26.2021** DHS begins MPP "wind down".
- 6.1.2021** DHS officially terminates MPP 1.0.

MPP 2.0

- 8.13.2021** District Court orders DHS to re-implement MPP.
- 12.2.2021** DHS announces key changes to MPP and program guidance.
- 12.8.2021** MPP 2.0 implementation is piloted in El Paso, TX; first individuals are enrolled through new MPP process and sent to Mexico.
- 1.19.2022** Implementation of MPP 2.0 begins in South Texas.

WHO DOES MPP AFFECT?



Adults and families;
unaccompanied children
are exempt from MPP.



For most of MPP 1.0, the policy was applied only to people from "Spanish-speaking countries". With the implementation of MPP 2.0 in 2021, the program was expanded. MPP may now potentially be applied to any asylum seeker from the Western Hemisphere.

Border-wide, conditions for asylum seekers returned to Mexico during MPP 1.0 were extremely dangerous and unsanitary.

The border and conditions in Mexico also restricted the ways that asylum seekers could connect with legal representation. While approximately 37% of migrants are generally represented in court, only 7.5% of asylum seekers in MPP had attorneys.



Immigration hearings were held in "tent courts" with judges participating by teleconference. With considerable technical issues and limited language interpretation for asylum seekers, these courts presented serious barriers to due process.

Asylum seekers under MPP 2.0 have the opportunity to express fear of returning to Mexico to a border agent in hopes of exemption, and they wait for hearings in shelters more often than encampments.



However, ProBAR's MPP legal team has spoken with migrants who have described dangerous situations in Mexico, similar to those seen during the first MPP rollout.

When asylum seekers are removed to Mexico under MPP, their opportunities to access legal education or an attorney's representation are severely restricted. Besides impeding the ability of legal advocates to provide migrants with effective and timely assistance, it also places migrants in danger.



Throughout this uncertain time, ProBAR remains committed to empowering migrants through access to representation and legal education on the border.

MORE INFORMATION

KEY SOURCES:

1. <https://www.dhs.gov/news/2019/01/24/migrant-protection-protocols>

2. <https://www.americanimmigrationcouncil.org/research/migrant-protection-protocols>

3. <https://www.aila.org/infonet/dhs-releases-guidance-on-court-ordered>

4. <https://trac.syr.edu/phptools/immigration/mpp/>



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