The Atrocity that is the Migrant Protection Protocols

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The United States is sending people to die under the so-called Migrant Protection Protocols (MPP), otherwise known as the Remain in Mexico program. MPP was announced by the Trump Administration in December 2018. The program directs Customs & Border Protection (CBP) to deny entry to refugees coming through the Southern border seeking protection from harm and persecution. As a result of MPP, the United States, complicit with Mexico, has created a refugee crisis at its Southern border.

Background & Context

Before MPP, individuals seeking asylum were detained and processed through the U.S. asylum system. Once detained, asylum seekers were provided a credible fear interview with an asylum officer, where they were given an opportunity to present their claim before they were placed in deportation/removal proceedings. Individuals were often given bonds or released to a relative in the United States to await their court procedures. Once out of detention, people have a greater likelihood of obtaining legal representation for their cases and meeting their basic needs. Most asylum seekers have family or a place to live in the United States.

Since January 2019, more than 52,000 asylum seekers have been forced back into Mexico to await their court hearings. Migrants subjected to MPP are detained for a few days in freezing cold detention cells referred to as “hieleras” or “freezers” while they are placed into deportation proceedings. Subsequently, they are given a package of documents containing a Notice to Appear, the document that begins removal/deportation proceedings, a list of local organizations in the area that provide low cost or free legal assistance to migrants in the U.S., and information about the consequences of failing to appear in immigration court. All of the documents are provided only in English. The organizations on the list only represent persons in the U.S. Once they are provided all of those documents, they are walked in an orderly line through a fence back to Mexico to await their first court date.

Migrants also report being lied to by CBP agents who tell them that the government of Mexico will care for their basic needs and that they will be living at a shelter. Most are shocked to see tents all around them as they are sent back to Mexico after days in the “hielera.”

Photo by Paul Goyette of migrants being sent back into Mexico as a result of MPP, October 2019.
Conditions in Mexico

Migrants are being sent back to areas that are deemed “too dangerous” to travel by the U.S. Department of State.

One such area is the border city across from Brownsville, Texas called Matamoros, Tamaulipas, Mexico. Matamoros was determined to be a Level 4 risk by the U.S. State Department, ranking it at the same level as Syria and Afghanistan. The State Department website has a travel warning that says:

Tamaulipas state – Level 4: Do Not Travel
Do not travel due to crime and kidnapping.

Violent crime, such as murder, armed robbery, carjacking, kidnapping, extortion, and sexual assault, is common. Gang activity, including gun battles and blockades, is widespread. Armed criminal groups target public and private passenger buses as well as private automobiles traveling through Tamaulipas, often taking passengers hostage and demanding ransom payments. Federal and state security forces have limited capability to respond to violence in many parts of the state.

More than 10,000 refugees have been returned to Tamaulipas through Matamoros notwithstanding the travel warning. They are living in dangerous and squalid conditions. Adults and children are living on the street, without clean or running water, without bathrooms, shelter or protection. Some persons are lucky to have tents donated to them by volunteers and many sleep on the ground without cover or shelter.

Photo by Paul Goyette of one area where migrants subjected to MPP set up tents on the side of the street, October 2019.
Children and families bathe and wash their clothes in the Rio Grande. However, the river water is so contaminated that individuals have skin rashes and infections. Recently, a decapitated body washed up near where some migrants were bathing. People are now scared to go into the river.

The governments of the U.S. and Mexico are not providing for even the basic needs of refugees waiting at the border. In Matamoros, all basic needs, such as food, clean water, diapers, and baby formula, are provided by volunteers from groups such as Team Brownsville and Angry Tias and Abuelas.

Many children are sick, malnourished, and dehydrated after traveling thousands of miles to get to the U.S. border and then being forced to live in dehumanizing conditions in Mexico. Every single person subjected to MPP is vulnerable to exploitation and trafficking by powerful drug cartels in Mexico who control the area.

LGBTQ migrants and other extra vulnerable populations, however, are in even greater danger in Mexico and are being targeted for persecution along the border. The made-up rules of the MPP program are not being followed by CBP. The MPP policy states that vulnerable populations should be exempted from MPP; yet, pregnant women, sick children, LGBTQ migrants, and other similar populations continue to be subjected to MPP and placed at risk every moment of their lives in Matamoros.
Legal representation is an enormous challenge for migrants, and conditions are not conducive to providing adequate legal support or assistance. Volunteer lawyers, led by a local immigration attorney, Jodi Goodwin in Brownsville, Texas, travel to the Rio Grande Valley in Texas on weekends to provide basic legal orientation and information. Lawyers and legal volunteers meet with migrants in the street, sitting on the ground or on folding chairs.

Additionally, the Administration recently diverted more than $155 million to create makeshift tent courts near the border to conduct hearings under the MPP program. Migrants are not provided lawyers and are forced to represent themselves in a system that is designed to deny them protection. The tent courts are controlled by CBP, which has denied access to court observers. Migrants are forced to line up at the international bridge as early as 4:00 a.m. for their 9:00 a.m. hearings. Less than a handful of people have been granted protection by the televideo judges in the makeshift courts since the beginning of the program even when almost every single migrant has a deep and painful story of persecution, rape, torture, and harm in their home countries.
MPP Must be Defunded and Terminated

Congress has an opportunity to defund the MPP program immediately in their upcoming budget negotiation and vote. Asylum seekers coming to the border to apply for protection from persecution can do so under existing domestic and international law and procedures. They have families to go to and friends who can provide them basic shelter and support. Migrants who are represented by counsel have more than 80% chance of winning their asylum claims. Allowing refugees and opportunity to enter the U.S. to present their claims for asylum makes the difference between life and death.

Illinois community members, faith leaders, and legislators traveled to the U.S. Mexico border to witness firsthand the inhumane conditions under which refugees are forced to live under the MPP program.

The MPP program is not only in violation of U.S. domestic and international laws and obligations but wholly inhumane. Together, communities must demand that the Administration rescind the MPP police, and that Congress defund MPP and votes to any budget in its upcoming budget negotiation that fails to completely eliminate and defund this program that has already taken too many lives.