

‘Remain in Mexico’ policy could restart in ‘coming weeks,’ DOJ officials tell federal court

Mexico is reportedly close to signing off on accepting migrants back.

McALLEN, Texas (Border Report) — The controversial Trump-era “Remain in Mexico” policy — which forced migrants to wait south of the border in Mexico during their immigration proceedings — could begin again “within the coming weeks,” according to a federal court brief filed this week by Justice Department officials.

The four-page document filed Monday in Amarillo, Texas, said that the government of Mexico is close to accepting migrants who are sent back from the United States under the program, formally called Migrant Protection Protocols or MPP.

DHS “is ready to reimplement MPP shortly after the Government of Mexico (GOM) makes an independent decision to accept the return of individuals that the Department seeks to enroll in the program,” Acting Assistant Attorney General Brian Boynton wrote.

Mexico apparently has one major sticking point, although the brief does not detail what it is.

A previous court filing on Oct. 14 listed several concerns by Mexico, including how many migrants will be returned daily, whether non-Spanish speakers will be sent back, and assurances that vulnerable individuals, like the sick, elderly or LGBTQ will not be sent back.

“Regular and high-level meetings” have been held with Mexican officials “to discuss the GOM’s concerns about the prior implementation of MPP and to work through possible solutions,” according to the court brief. They’ve “made significant progress and are close to finalizing these discussions.”

Although the Biden administration halted MPP when Joe Biden took office, the states of Texas and Missouri have sued the federal government to have the

program reimplemented. In August, the Supreme Court refused to block a lower court's injunction ordering the program be restarted.

Monday's brief was a second supplemental notice of compliance by the defendants, but it signaled that MPP is close to being restarted.

Over 71,000 migrants were forced south of the border after the program began in 2019.

Migrant advocates say it is illegal and inhumane and puts migrants' lives at risk by forcing them to live in dangerous northern Mexican border towns rife with killings and kidnappings.

"We think the use of MPP as a deterrent is unlawful and inhumane and denies people due process," Aaron Reichlin-Melnick, policy council for the American Immigration Council, told Border Report on Tuesday.

Reichlin-Melnick says the Biden administration cannot guarantee that migrants living in Mexico will have access to proper legal advice in the United States.

"There are no measures that can be taken to ensure that those in MPP have the same access to counsel as those inside the United States. It is literally impossible. Therefore, any attempt by the U.S. and Mexican governments to work out an agreement where there would be supposedly access to counsel is at its heart a sham because, as the secretary has acknowledged, it's not possible," Melnick said.

Aaron Reichlin-Melnick@ReichlinMelnick

In a new court filing, @DHSgov says that it will likely be reinstating the Remain in Mexico program (the Orwellianly-named Migrant Protection Protocols) "within the coming weeks."

They say negotiations with Mexico are down to just one final issue. What a sham and a farce.

Homeland Security Secretary Alejandro Mayorkas on Oct. 29 issued a 30-page memo to terminate the policy decrying that: "MPP had endemic flaws, imposed unjustifiable human costs, pulled resources and personnel away from other priority efforts, and did not address the root causes of irregular migration."

Transactional Records Access Clearinghouse, a research organization from Syracuse University, this week reported that in October there were 18 asylum-seekers placed in MPP, according to court documents obtained by the organization.

However, TRAC researcher Austin Kocher told Border Report they have not come to any conclusive understanding on how those cases got classified into a program that ostensibly has not been restarted. "But 18 is not a fluke. Still, the number is small enough (and things are more confusing now policy-wise) that it's hard to say exactly what's up," he said.

The U.S. Customs and Border Protection website, which lists MPP entries dating back to 2019, has zero listed for placement in October.

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Border Report has reached out to DHS officials for clarification on this data. This story will be updated if additional information is received.

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