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Biden administration resumes Trump's "Remain in Mexico" immigration policy

The Biden Administration announced on Thursday that it will resume the Trump-era immigration policy known as "Remain in Mexico," or the Migrant Protection Protocols (MPP), under which asylum seekers to the United States were forced to languish in Mexico until their immigration cases played out in the US. The program will be restarted at one border location next week and will be rolled out to include seven other border entry points, including San Diego, California and the Texas cities of Laredo, El Paso, and Brownsville.



A group of migrants rest on a gazebo at a park after they were expelled from the U.S. and pushed by Mexican authorities off an area where they had been staying, Saturday, March 20, 2021, in Reynosa, Mexico [Credit: AP Photo/Julio Cortez]

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The program was started by former President Donald Trump in 2019 during a much-publicized surge of immigrant crossings of mostly Central American families along the southern US border. According to the American Immigration Council around 70,000 migrants had been expelled to Mexico under the policy.

Thousands of migrants, with nowhere else to go, were forced to live in squalid, makeshift tent cities in Mexican towns and cities along the border, like Tijuana and Reynosa. With little or no government assistance, aside help from local volunteers, many migrants were easy prey to criminal gangs. Given that immigration cases could take months, if not years to unfold, the program was a deliberate effort to stop immigrants and asylum seekers from entering the US.

President Biden suspended the program on his first day in office and allowed it to formally end in June. However, Republican attorneys general in Texas and Missouri sued the White House over the program's suspension and in August a federal judge and Trump appointee for the Northern District of Texas, US District Judge Matthew Kacsmaryk, agreed with the states and ordered the administration to bring back the policy pending the outcome of the lawsuit.

The Supreme Court eventually agreed with the lower courts and the Biden Administration was ordered to resume the program while it reached out to the Mexican government for accommodations. Mexico agreed to accept deportees on the condition that revisions were made to the program.

As a result, cosmetic "key changes" were made to the program to cover up humanitarian concerns raised by immigration advocates. One of the changes purportedly ensures migrants will see a US immigration judge within six months. While this may be an improvement over the months-long to years-long delay in immigration cases, it still is no guarantee of asylum. If anything, the courts will be used to speed up deportations within the six-month period.

Adult migrants will also be offered a COVID-19 vaccine, but this will not be compulsory according to the Department of Homeland Security. The US will also ensure migrants have access to legal counsel before and during their court hearings and establish "safe and secure" shelters for those remaining in Mexico.

For their part, both the US and Mexican governments released hypocritical statements which spoke to the humanitarian concerns of their critics and even feigned concern over the “root causes of migration.”

Homeland Security Chief Alejandro Mayorkas issued a memo in October which noted that migrants returned to Mexico under the policy were victims of “extreme violence and poverty” and subject to abuse by criminal groups. Mayorkas, despite his crocodile tears, will now resume the deportation of migrants straight back to conditions of “extreme violence and poverty” by said criminal groups.

According to Human Rights First, there were 1,544 publicly documented cases of rape, kidnapping, assault, and other crimes against migrants sent back to Mexico under MPP up to February 2021. At least several people, including a child, were known to have been killed after being sent back to Mexico under the program and attempting to re-enter the US again.

In a press release, Human Rights First noted, “‘Remain in Mexico’ and other policies that flout asylum laws and treaties are inhumane and unjust,” adding, “Every day they are in place, they deliver people seeking protection to places where they are targets of brutal attacks and kidnappings perpetrated by deadly cartels and corrupt Mexican officers.”

Despite these protests, Biden has consistently sided with his right-wing critics, continuing and expanding all of the previous administration’s hated policies, including the infamous Title 42 which allows for the rapid deportation of migrants under the false pretext of stopping the spread of COVID-19. Despite the fascist rhetoric from Republicans that immigrants spread the pandemic, there is little to no evidence that this is the case.

Nevertheless, the Centers for Disease Control and Prevention (CDC) said in August that Title 42 would remain in effect indefinitely. Mayorkas, in an interview with Yahoo! News from October, shifted the blame for the policy’s enforcement onto the CDC, saying it was not an “immigration policy” but a “public health imperative.”

To restart the Remain in Mexico program, the Justice Department has assigned 22 immigration judges to ensure processing within the 180-day timeline especially for single adult migrants, according to one official. Temporary “tent courts” have already been

constructed in Brownsville and Laredo but will not begin deportation proceedings until next Monday.

Mexico has stated it will accept asylum seekers from Spanish-speaking countries only, but a White House official said that migrants from “all Western Hemisphere nations” would be eligible for return. Presumably, this is meant to ensure that the recent influx of Haitian refugees along the southern US border will be quickly deported as well.

Mexico is experiencing a surge of asylum applications, totaling more than 123,187 applicants by the end of last month, 75 percent more than in 2019, the last record high. The Biden administration is detaining a record number of immigrants as well, with more than 1.7 million migrants in custody along the Mexican border, a record high. Thursday’s announcement of the MPP’s resumption must be seen in this context.

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