



## Remain in Mexico: Unlawful and Unsafe for Children

In January 2019, the Trump Administration began implementing a new policy that requires certain asylum seekers to wait in Mexico—rather than the U.S.—for the duration of the immigration proceedings in their cases. The Remain in Mexico policy, referred to by the Department of Homeland Security as the Migrant Protection Protocols (MPP), represents a dramatic and dangerous shift in the United States’ treatment of asylum seekers. **One year later, the U.S. has sent nearly 57,000 asylum seekers, including more than 16,000 children, to dangerous border towns in Mexico to wait for proceedings in their U.S. asylum cases.**<sup>1</sup>

**MPP is directly responsible for sending vulnerable children to conditions that have led to their being rendered unaccompanied.** More than 300 children previously in MPP with their families have later crossed the border alone in search of safety from danger in Mexico. **These children have been transferred to the care of the United States’ Office of Refugee Resettlement as unaccompanied children.**<sup>2</sup> Other children have been rendered unaccompanied after being separated from family members in MPP. For example, some KIND MPP clients report that after their families were returned to Mexico, a parent or caretaker disappeared, leaving them alone. Several parents never returned after going out for a day’s work. In one case, a child’s mother disappeared on her way to report some men who had kidnapped her a few months earlier. With no one to care for them and not knowing what else to do, these children crossed back into the U.S. to seek safety.



**Although the Administration claims that unaccompanied children are not subject to MPP, in practice, members of this population have been sent to Mexico or faced barriers to accessing protection at the U.S. border as a result of other unlawful and restrictive policies.**

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<sup>1</sup>CBS News, “House Democrats demand docs for probe into Trump’s ‘Remain in Mexico’ policy,” by Camilo Montoya-Galvez (Jan. 14, 2020), <https://www.cbsnews.com/news/remain-in-mexico-house-democrats-demand-docs-in-probe-of-trump-immigration-policy/>; Reuters, “Exclusive: U.S. migrant policy sends thousands of children, including babies, back to Mexico,” by Kristina Cooke, Mica Rosenberg and Reade Levinson (Oct. 11, 2019), <https://www.reuters.com/article/us-usa-immigration-babies-exclusive/exclusive-u-s-migrant-policy-sends-thousands-of-children-including-babies-back-to-mexico-idUSKBN1WQ1H1>.  
<sup>2</sup>CNN, “At least 350 children of migrant families forced to remain in Mexico have crossed over alone to U.S.,” by Priscilla Alvarez, (Jan. 24, 2020), <https://www.cnn.com/2020/01/24/politics/migrant-children-remain-in-mexico/index.html>.



MPP has been implemented with startling disregard for the safety, rights, and well-being of asylum seekers, including children, who may face extreme violence in the cities and states in Mexico to which they are returned.<sup>3</sup> **Safety threats have tragically materialized in more than 800 publicly reported cases of violence, murder, rape, or kidnapping against people returned to Mexico as part of MPP, including the kidnappings or attempted kidnappings of more than 200 children.**<sup>4</sup> The U.S. does not provide asylum seekers in MPP with food, shelter, work, transportation to and from their U.S. hearings, or legal counsel. This makes it exceedingly difficult for children and families in MPP to obtain humanitarian protection in the United States and heightens their vulnerability to exploitation and violence as they wait in Mexico.<sup>5</sup>

KIND is gravely concerned that MPP and related policies have created confusion and chaos that systematically prevent unaccompanied children from accessing humanitarian protection in the United States and place or trap children in perilous conditions, as observed during KIND's missions to the border.<sup>6</sup> By depriving children of an opportunity to have their cases for protection fully and fairly considered, these policies not only violate our nation's legal obligations under both domestic and international law, but risk returning children to life-threatening danger, or even death. KIND urges the Administration to promptly rescind these policies.



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*\*Photos by Lori Barra, 2019 of children and families in Mexico*

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<sup>3</sup> See CBS News, "Some 'Remain in Mexico' migrants will have to travel 340 miles for U.S. court hearings," by Camilo Montoya-Galvez, (Jan. 2, 2020), <https://www.cbsnews.com/news/remain-in-mexico-some-migrants-returned-to-mexico-will-have-to-travel-340-miles-for-us-court-hearings/>.

<sup>4</sup> Human Rights First, *A Year of Horrors: The Trump Administration's Illegal Returns of Asylum Seekers to Danger in Mexico* (January 2020), <https://www.humanrightsfirst.org/sites/default/files/AYearofHorrors-MPP.pdf>.

<sup>5</sup> See, e.g., *id.*; CBS News, "Some 'Remain in Mexico' migrants will have to travel 340 miles for U.S. court hearings," by Camilo Montoya-Galvez (Jan. 2, 2020), <https://www.cbsnews.com/news/remain-in-mexico-some-migrants-returned-to-mexico-will-have-to-travel-340-miles-for-us-court-hearings/> (noting that asylum seekers returned to Nogales may have to travel up to 340 miles to their court hearings).

<sup>6</sup> See, e.g., Kids in Need of Defense, *The Protection Gauntlet: How the United States is Blocking Access to Asylum Seekers and Endangering the Lives of Children at the U.S. Border* (Dec. 2018), [https://supportkind.org/wp-content/uploads/2019/11/Protection-Gauntlet\\_12-21-18-FINAL.pdf](https://supportkind.org/wp-content/uploads/2019/11/Protection-Gauntlet_12-21-18-FINAL.pdf); KIND, *Blocked From Safety: Unaccompanied Children along the U.S.-Mexico Border* (April 2019), <https://supportkind.org/wp-content/uploads/2019/06/Blocked-From-Safety-KIND-Border-Report-FINAL.pdf>; KIND & Centro de Derechos Humanos Fray Matías de Córdova, *The Invisible Wall: Obstacles to Protection for Unaccompanied Migrant Children along Mexico's Southern Border* (July 2019), <https://supportkind.org/wp-content/uploads/2019/11/Tapachula-report-FINAL-7-26-19-002.pdf>.