Testimony of

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Before the

U.S. Senate
Committee on Homeland Security and Governmental Affairs

Hearing: "Remain in Mexico"

Washington, DC
January 16, 2025

When a foreign national arrives at a U.S. land border asking for asylum in the United States, Section 235(b)(2)(C) of the Immigration and Nationality Act holds out the option of sending that person back across the land border to await their case's adjudication outside the United States.[1] While that law dates back to 1996, no president pursued this option until the administration of Donald Trump, on December 20, 2018, launched a program called "Migrant Protection Protocols" (MPP) or "Remain in Mexico."[2]

Between January 25, 2019 (the date that the Department of Homeland Security (DHS) issued the program's policy guidance) and Inauguration Day 2021, **MPP sent back to Mexico more than 71,000 non-Mexican citizens** who claimed fear for their lives or freedom upon return to their countries.[3] Most were returned to Mexico between a June 2019 acceleration of the program and the March 2020 onset of the COVID-19 pandemic. All migrants made to remain in Mexico were given dates, times, and places to return to border crossings for hearings, usually held virtually in tent facilities near ports of entry.

I have carried out human rights fieldwork in Latin America for over 30 years, some of it in active armed conflict zones. Some of the testimonies of torture and abuse that asylum seekers suffered while awaiting their hearings in Mexican border cities are among the most painful that I have heard anywhere. Instead of hearing these horror stories in a distant war zone, I heard them in locations so close to the United States that

my mobile phone carrier didn't even switch over. I need to acknowledge that the Remain in Mexico program caused real suffering for many of these 71,000-plus human beings.

We must also recognize that Remain in Mexico harmed U.S. interests. My testimony will demonstrate that the program **enriched Mexican cartels by providing them with a big windfall**. The program was **an irritant in a complex relationship with Mexico**, draining bandwidth needed for discussion of common priorities ranging from trade to fentanyl to mutual security. Despite those costs, **Remain in Mexico proved to be only a modest deterrent**, one factor in a 2019 decline in Border Patrol apprehensions that merely brought migration down to Obama-era levels for a few months. As with other crackdowns on asylum seekers at the border over the last decade, Remain in Mexico proved to be no substitute for a functional, well-resourced asylum system.

What was Remain in Mexico?

The program was the first time that Mexico's government agreed to accept returns of third-country nationals into its territory, a step considered unthinkable before. As of March 2020, when the program had returned 64,934 asylum seekers, the nationalities affected were Honduras (36%), Guatemala (24%), Cuba (12.7%), El Salvador (12.5%), Ecuador (7%), Venezuela (4%), Nicaragua (3%), Brazil (0.5%), Peru (0.3%), Colombia (0.2%), and "Other" (0.3%).[4] These were primarily Spanish-speaking individuals, plus Brazilians, Indigenous language speakers, and a handful of people from Africa and Haiti.

Asylum seekers' U.S. hearing dates were usually months from their initial returns to Mexico; their waits stretched further after the pandemic snarled the U.S. immigration court system. Forced to find housing and incomes in a country where most lacked support networks, those subject to MPP relied heavily on charity-run shelters, and a small number of government shelters, in northern Mexican border cities. The likelihood of repeat court appearances, and the possibility of dates changing, caused most to choose to remain near the U.S. border rather than relocating elsewhere in Mexico.

Attending hearings usually meant reporting at border crossings in the pre-dawn hours of the appointed day—4:00 AM was a typical time that Customs and Border Protection (CBP) required them to show up—followed by transport to the venue, which in many cases was a soft-sided facility (a "tent court") near the port of entry. Most proceedings were held virtually, over videoconference with remotely located judges and

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interpreters. The tent courts' construction was enabled by a July 2019 transfer of $155 million away from the Federal Emergency Management Agency disaster relief fund.[5]

"Tent courts" in Brownsville, Texas, during the court-ordered renewal of Remain in Mexico, 2022. (Photo by the author, March 2022)

Access to counsel was difficult to obtain. Just 8 percent of asylum seekers in "Remain in Mexico" were represented, compared to 84 percent of asylum seekers overall.[6] Pro-bono attorneys found their ability to communicate with clients restricted by "safety concerns, lack of or limited availability of Wi-Fi connections, and restricted access to personal phones," *BuzzFeed* reported in 2022.[7] In San Diego, immigrants told the Vera Institute of Justice that upon return to Mexico after attending hearings on the U.S. side, their shelter space "is not guaranteed."

The grave security situation in Mexican border cities (discussed below) deterred attorneys from representing clients in the program. During the program, I spoke to many who were followed and threatened as they sought to meet with clients living in marginal neighborhoods. "I had attorneys sobbing, 'I can't cope with my clients being kidnapped'" by Mexican organized crime, a lawyer who represented many MPP asylum seekers told me in an interview prepared for this testimony.

Ultimately, of 45,387 Remain in Mexico asylum cases that reached a decision, only 740 (1.6 percent) resulted in grants of asylum or other relief. Of the more than 15,000 closed cases for which asylum seekers attended all their hearings while remaining in Mexico, that percentage rose to only 4.7 percent, according to the Syracuse University TRAC

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Immigration data resource. This is an infinitesimally small grant rate compared to the overall immigration system, which granted relief in 28 percent of cases in 2020, 52 percent in 2022, and 49 percent in 2023, dropping to the mid-30 percent range in 2024.[8]

Nearly 72 percent of those compelled to participate in Remain in Mexico did not attend all their court appearances and were **denied protection *in absentia***.[9] (By contrast, the overwhelming majority of immigrants in the United States attend all their hearings.[10])

- In some cases, people gave up and returned to their countries of origin.
- Many likely opted to hire a smuggler to enter the United States again, evading Border Patrol.
- Many parents in the program made the gut-wrenching choice of separating their families and sending their children across the border unaccompanied: this happened with at least 352 children who ended up in Office of Refugee Resettlement custody between October 1, 2019 and January 13, 2020.[11]
- Many others missed their court dates because they were in the custody of kidnappers demanding that relatives pay large ransoms (discussed below).
- A significant number misunderstood the process or were unable to be reached to inform them about changes in dates for court appearances.

Asylum seekers were not safe in northern Mexico. Human Rights First, working with shelters and human rights defenders at the border, compiled 1,544 cases of rape, kidnapping, torture, and other crimes against those subject to the program in 2019 and 2020.[12] (This monitoring effort was always partial due to capacity constraints and was further hampered by pandemic border closures.)

Mexican organized crime groups ("cartels"), which exert significant territorial control across Mexico's northern border zone, were the principal perpetrators. They were often enabled by the collusion or acquiescence of corrupt security and migration officials.

In December 2019, Jill Biden decried the program while paying a visit to a squalid encampment of asylum seekers along the banks of the Rio Grande in Matamoros, across from Brownsville, Texas.[13] Candidate Joe Biden tweeted, "Donald Trump's 'Remain in Mexico' policy is dangerous, inhumane, and goes against everything we stand for as a nation of immigrants. My administration will end it."[14] The Biden administration suspended Remain in Mexico with an order on January 20, 2021, and formally terminated it on June 1.[15]

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Remain in Mexico enriched organized crime

Placement in Remain in Mexico required that asylum seekers first reach the U.S. border. Because of repeat appointments and frequent changes in appointment dates, the program made it necessary for most asylum seekers to remain near the border, waiting in northern Mexican states and cities.

Unlike many other regions of the country where asylum seekers might have been able to wait, Mexico's border zones suffer from a high concentration of organized crime groups, often called "cartels." These hyper-violent organizations take in billions of dollars per year from a variety of income streams: drug trafficking, extortion, fuel theft, ransom kidnappings, official graft, and—quite lucratively—human trafficking and migrant smuggling.

Organized crime's prevalence has made Mexico's border region one of the most dangerous areas in the Western Hemisphere. The State Department has issued travel advisories warning U.S. citizens considering visits to all five of Mexico's northern border states:

- Tamaulipas, across from south Texas, has a level four "Do Not Travel" recommendation, the same severity as Afghanistan or Syria, due to "crime and kidnapping."
- Baja California, Chihuahua, and Sonora, across from California, Arizona, and New Mexico, have level three "Reconsider Travel" warnings for the same reasons.
- Coahuila, across from mid-Texas, has a level two "Exercise Increased Caution" warning due to crime.[16]

Typically, migrants seek to spend as little time as possible in Mexico's northern border region. The longer an outsider or foreigner remains in these regions, especially in the marginal neighborhoods where most asylum seekers must seek shelter, the more vulnerable they are to being preyed on by organized crime.

By requiring non-Mexicans to linger for months or even years in border cities, **Remain in Mexico created a rich new income stream for cartels.** A black market sprang up that did not exist before.

"Cartels see migrants as walking dollar signs," a Mexican migrant shelter operator told me in 2019. Criminals, operating with broad impunity, know that migrants probably have relatives to extort, and that those made to Remain in Mexico were very motivated

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to pay extortions or ransoms because they could not miss their court dates. If migrants despaired of the MPP process, migrant smugglers (“*coyotes*”) were waiting to take them across the border for a hefty fee.

“MPP and Title 42 [the pandemic-era expulsions policy that followed] created a bonanza for human traffickers on the Mexican side,” University of Arizona expert Javier Osorio told the *Arizona Republic* in 2022.[17] Migrants “stay in Mexico for weeks and months, which makes them **sitting ducks to be targeted by criminal groups who want to extort them or offer opportunities**.”

Often, kidnappers and extortionists were waiting every day for MPP returnees to arrive at their daily drop-off points near ports of entry, after attending hearings or being added to the program. Asylum seekers would emerge from CBP custody clutching DHS-labeled plastic bags with documents or belongings, often wearing DHS-issued slippers or sweatsuits, with shoes often missing shoelaces (one U.S. advocate, with dark humor, called it the “‘kidnap me’ uniform”). For the many cartel scouts (known as “*halcones*,” or “hawks”) stationed around official border crossings, they were instantly distinguishable as vulnerable, often disoriented foreigners.

Where MPP drop-offs would happen every day in Ciudad Juárez. Kidnappers were often waiting. (Photo by the author, January 2020)

“That first half hour of return to Mexico is the most dangerous point,” Taylor Levy, an attorney who represented many RMX subjects in El Paso, told the *Rio Grande Valley*

Monitor.[18] "That first half hour, that first hour, that's where we see the most kidnappings. We see systematic kidnappings particularly in Tamaulipas, particularly in Nuevo Laredo."

An attorney took this 2019 photo of a man's wrists, which had been bound tightly for days, at a Remain in Mexico "tent court." He had just paid a ransom and been released by his kidnappers, along with his child, barely in time for his hearing. He arrived on the U.S. side, and sought to defend his case, with fresh wounds and bruises. (Photo shared with permission from an anonymous source.)

The problem steadily worsened, too, in Ciudad Juárez across from El Paso. "There's absolutely no meaningful screening for danger in Mexico," Levy told the *Texas Observer* in 2019. "Instead, **we're handing people on a silver platter to the cartels**."[19]

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In Nuevo Laredo in 2022, a shelter director explained to me that cartel-affiliated vehicles constantly patrol downtown, around the Gateway to the Americas Bridge to Laredo, looking for migrants who haven't paid protection fees and kidnapping them.[20] Criminals then hold them, often torturing them, until the migrants' relatives—usually in the United States—transfer ransom payments.

Examples of cartel ransom kidnappings of asylum seekers made to remain in Mexico, documented in both mainstream media and non-governmental human rights reports, are too numerous to lay out here. (Special recognition goes to Human Rights First, whose researchers compiled and documented examples in a harrowing series of reports between 2019 and 2021.[21])

Though it is impossible to document the entire universe of cases, the frequency with which kidnappings occurred (and continue to occur) in northern Mexican border cities is stunning. In October 2019 alone, Doctors Without Borders reported that **three-quarters of asylum seekers to whom their personnel offered medical attention in Nuevo Laredo reported having been kidnapped for ransom**.[22] Media and NGO reports document numerous examples of asylum seekers missing their MPP hearings because they were in criminal custody.

Cartel kidnappers usually—but certainly not always—respected the government and charity-run shelters where many asylum seekers lived, often with their children, for months as they awaited their appointments. But venturing outside was very risky. In 2019 and early 2020, I spoke to many in shelters who voiced fear of venturing out to get groceries, to do some work to earn money, or to get medical care. Many refused to allow their children to leave shelter premises to attend nearby schools. MPP also returned some asylum seekers to cities hundreds of miles away from the ports of entry where they would have to report for their hearings, requiring treacherous journeys on highways where migrants frequently disappear at cartel checkpoints.[23]

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The Pan de Vida shelter on the outskirts of Ciudad Juárez is a complex of small group houses scattered around a circular drive where many people made to remain in Mexico stayed for months. Armed cartel members would enter the premises in large trucks and drive around menacingly, making clear the danger for migrants who ventured outside. (Photo by the author, January 2020)

The amount of money that cartels gained from ransom kidnappings of MPP asylum seekers is impossible to measure but was certainly very large. Media and NGO reports routinely reported **ransom payments well into the thousands of dollars per person**. "They [the criminals] usually demand $10,000, but my advice is to negotiate if you know that you can," an attorney who worked with MPP clients told me. "Don't pay the initial amount right away, or they will ask for more."

Kidnappers specifically sought out people with Remain in Mexico hearings because they had a strong motivation to pay more. "Cartels extorted returned asylum seekers based on the date of their next RMX hearing, effectively imposing a tax on the time the U.S. government forced them to wait in Mexico under the policy," Human Rights First reported in 2022.[24]

My review of dozens of media and NGO accounts shows $4,000 to $7,000 per person to have been a very common range of ransom payments. In most cases, those payments

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were wired from relatives in the United States, making these kidnappings federal crimes involving people on U.S. soil. "Migrant kidnappings are an incredibly lucrative business," *InSight Crime* reported in January 2022.[25] "For example, if a given group kidnaps 10 people a day asking for between $7,000 and $10,000, and they average seven successful ransom payments of $5,000 per person, that's $35,000 in profits every day."

Kidnappings were far from the only income stream that MPP generated for criminals. Extortionists benefited, too, during the Remain in Mexico period. In slums of border cities like Ciudad Juárez, **cartel enforcers demanded that asylum seekers pay for "permission" simply to remain for months in neighborhoods** where charity-run shelters were located. Those who failed to make such payments risked kidnapping, assault, or worse if they ventured outside. Asylum seekers who did not pay assumed an especially great risk if they ventured near the heavily surveilled border crossings.

In preparation for this testimony, I asked several researchers, advocates, and journalists from border cities whether it was reasonable to estimate that the average asylum seeker placed in "Remain in Mexico" paid a cumulative $1,000 in ransoms and extortion payments over the many months of their wait in Mexico's border region.

They all viewed that estimate as too conservative, but **let's assume $1,000 per person** for this thought experiment. (Perhaps for everyone who paid $2,000 to organized crime, there was a person who paid $0.)

Even using that lowball estimate, **$1,000 in forced organized-crime payments times 71,000 people made to "Remain in Mexico" would mean that the program enabled Mexican cartels to collect an additional $71 million in 2019 and 2020 alone.** This would mean that Remain in Mexico provided organized crime with a windfall about equal to the annual salaries and benefits of 600 Border Patrol agents.

The potential profitability to criminals may be worse today than five years ago. Migrants are still routinely kidnapped as they try to cross northern Mexico; in fact, kidnappings are more prevalent, and ransoms are higher. Since 2023, we have heard anecdotal reports of systematic kidnappings increasing dramatically in Tamaulipas and emerging in Chihuahua and Baja California, where they had been less frequent.[26] In Ciudad Juárez last year, much violent competition between cartels centered on control of migrant smuggling, at least as much as drug smuggling.

More recently, the CBP One app's feature enabling asylum seekers to make appointments at ports of entry "made it harder for smugglers," a professor from a border-area university who studies smuggling trends told me in an interview for this

testimony. Because the app works throughout Mexico, "It dispersed people around the country, so that they had fewer customers" concentrated in Mexico's northern border region and could not extort people there. "It was getting so that smugglers were obsolete," with perhaps 10 out of every 300 migrants needing "coyotes'" help to evade Border Patrol and the rest seeking to turn themselves in. With CBP One likely to disappear along with a return of Remain in Mexico, which requires asylum seekers to travel all the way to Mexico's northern border where smugglers can prey on them, "those guys are happy," the professor said.

Remain in Mexico was an outsized irritant in a multifaceted relationship with Mexico

The government of Mexico did not enthusiastically assent to having 71,000 unsheltered, unemployed, and vulnerable foreign nationals sent back into its territory. Launching "Remain in Mexico" required the Trump administration to engage in bullying, cajoling, and political horse-trading. The program became a central issue in a bilateral relationship that involves U.S. interests far beyond migration.

The most thorough available account of the negotiations leading up to the December 2018 start of Remain in Mexico comes from Nick Miroff, Kevin Sieff, and Mary Beth Sheridan of the *Washington Post*, reporting that month.[27] "Mexican diplomats characterized the measures Thursday as steps they have acceded to begrudgingly," they noted.

Trump administration negotiators issued their demands to members of the new administration of Mexican President Andrés Manuel López Obrador in a November 2018 meeting in a Houston hotel, shortly after President Trump threatened to close the U.S.-Mexico border entirely in response to increased migration. The *Post* reported:

> **Mexican officials insisted the policy did not amount to an agreement, but was instead being imposed on them by the United States.**
>
> "This was a unilateral measure by the U.S. Our response is according to our law and our commitment to a secure, orderly and legal migration," said Roberto Velasco, a spokesman for Mexico's Ministry of Foreign Affairs. "We've found some issues where we have a level of mutual understanding … and others on which our approaches differ."
>
> Velasco said the Mexican government was informed at 8 a.m. Thursday of U.S. plans to implement the policy. The government had not received prior notice that such an announcement would be made. **The surprise announcement "didn't sit well" with the**

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> **Mexicans**, said a second government official, speaking on the condition of anonymity to discuss diplomatic developments.
>
> The main problem, he said, was the timing. The Mexican government didn't want to signal that "we were 'giving in' to the Trump administration in the first months of the new administration."

The program steadily ramped up, with 14 people returned to Mexico in January 2019, 165 in February, 338 in March, 2,625 in April, and 5,082 in May.[28] This had no deterrent effect: the number of migrants entering U.S. Border Patrol custody climbed steadily during those months, reaching 132,856 in May 2019, the most in any month since April 2005.

On May 30, President Trump escalated further, threatening to impose steep tariffs on Mexican goods if Mexico's government "until the Illegal Immigration problem is remedied."[29] More negotiations followed. Mexico's government resisted a Trump administration demand that it serve as a "safe third country"—which would allow the U.S. government to send third-country nationals into Mexico to seek asylum in Mexico's system—but assented to a big redeployment of security forces to border and migration transit zones and a dramatic expansion of Remain in Mexico.

The number of asylum seekers returned to Mexico ballooned to 5,908 in June 2019, 11,616 in July, 12,407 in August, and 8,793 in September before declining below 4,000 by November.

Donald Trump and his cabinet had to exhaust heavy diplomatic and political reserves to get Mexico to accept MPP returns. This drained goodwill from a largely cordial partnership and diverted bandwidth from a bilateral relationship on which many U.S. interests hinge.

Bullying Mexico—or being perceived as bullying Mexico—carries a cost. Mexico is not a distant, minor nation. Not only does it share a 1,950-mile land border, it has the world's 10th-largest population (130 million) and 14th-largest economy ($1.4 trillion). It was the United States' top trading partner in 2023, with $800 billion in bilateral trade—$1.5 million per minute. The United States needs Mexico's cooperation to slow the production and transit of fentanyl, methamphetamine, cocaine, and other drugs that too many U.S. citizens abuse.

Mexico faces democracy, corruption, and human rights challenges that affect U.S. interests because they are direct or indirect causes of migration: CBP has encountered

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Mexican citizens at the border nearly 3 million times since 2021. In 2021-2022, 9 percent of encountered Mexican migrants were families or children; by 2024 it was 48 percent, indicating a lot of forced displacement related to Mexico's governance challenges.

Whatever gain in migrant deterrence the Trump administration obtained by forcing Mexico to go along with MPP (see below) came at a cost to these other interests. "Efforts to implement MPP have played a particularly outsized role in diplomatic engagements with Mexico, diverting attention from more productive efforts to fight transnational criminal and smuggling networks and address the root causes of migration," wrote DHS Secretary Mayorkas in an October 2021 memo terminating Remain in Mexico.[30]

There is only so much bullying a Mexican leader will endure before it begins to affect her standing and favorability in the eyes of Mexican voters—and that is a very high price to extract. Demanding concessions like a big new Remain in Mexico program will mean reduced Mexican willingness to cooperate on other priorities. Forcing Mexico's government to accept more non-Mexican migrants, in a public and humiliating way, certainly does not lead Mexican officials to say, "I want to work with you" on other issues of mutual interest.

As President Claudia Sheinbaum noted in a November 26, 2024 letter to Trump, Mexico's government already considers that it has done quite a bit to contribute to last year's sharp drop in Border Patrol apprehensions at the U.S.-Mexico border.[31] (The country has pursued an aggressive strategy of apprehending third-country migrants and busing them to Mexico's border zone.) "President Trump, it is not with threats or tariffs that the migration phenomenon or drug consumption in the United States will be addressed. It requires cooperation and reciprocal understanding of these great challenges."

If the new administration makes a demand that threatens to distract and disrupt the pursuit of all other U.S. interests in Mexico, it should be certain that its demand is for something that would pay off handsomely. **"Remain in Mexico," however, is not a policy that paid off or provided much benefit.** As proved above, the policy strengthened cartels. Worse, it had only minimal effect on migration.

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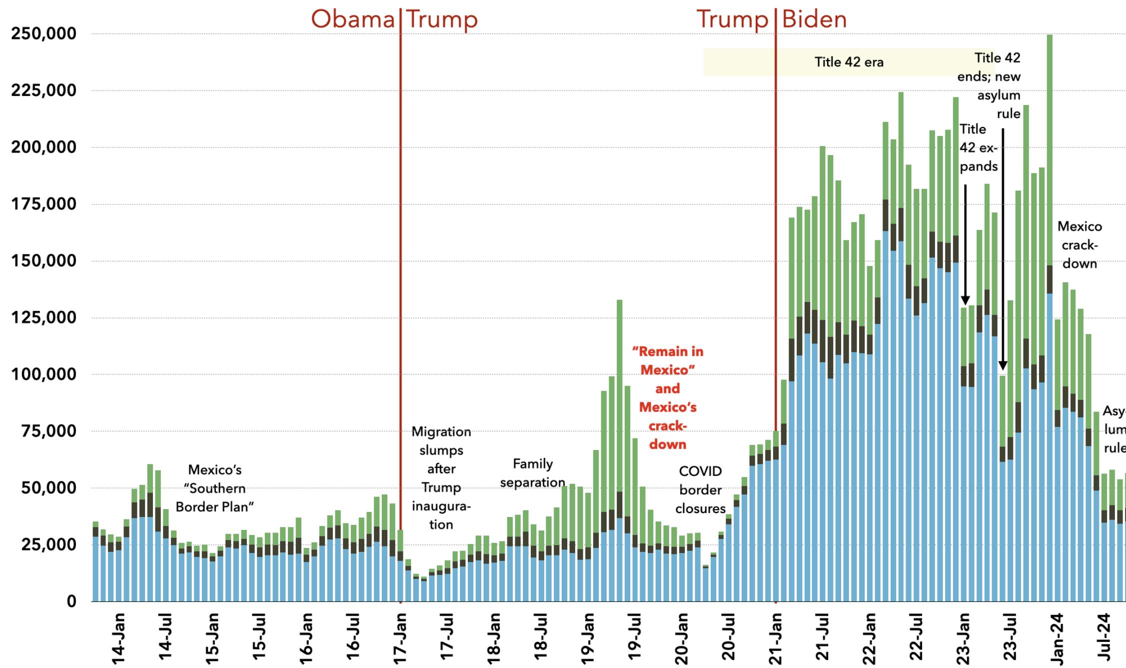
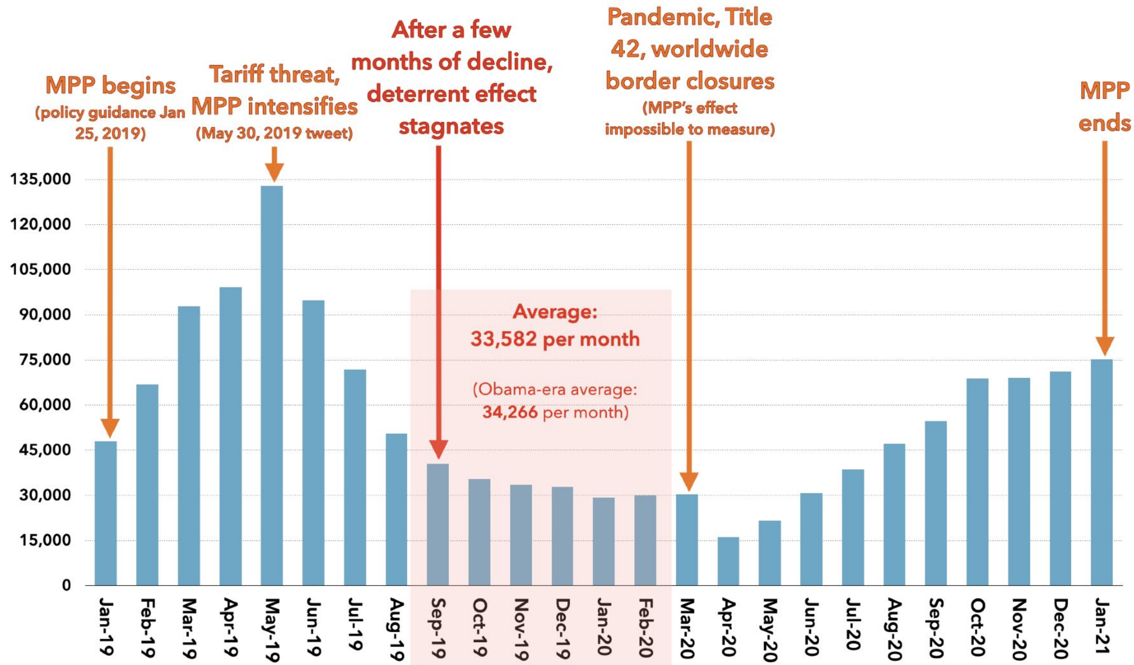
Remain in Mexico's deterrent effect faded quickly.

It has now been nearly 11 years (Spring of 2014) since the U.S.-Mexico border first experienced a surge of children and families from Central America turning themselves in to U.S. authorities to seek asylum. The chart below shows several occasions during which the Obama, Trump, and Biden administrations sought to crack down on this protection-seeking migration, in the absence of meaningful reform to the U.S. immigration or asylum systems.

At least through 2023, each one of those crackdowns reduced Border Patrol apprehensions of migrants for a period of a few to several months. After those initial drops, each one of those crackdowns was followed by a recovery in migration levels to earlier or higher levels.



"Remain in Mexico" was no exception. After Mexico agreed to a June 2019 expansion in Remain in Mexico returns, Border Patrol apprehensions fell… to levels last measured in mid-2018.[32]



Some of the drop was due not to Remain in Mexico, but to Mexico agreeing to redeploy security and migration forces, intensifying checkpoints, patrols, use of the armed forces, and other efforts to block migrants.

After those four months, **by September or October 2019, migrant encounters plateaued**. There were no further reductions at the U.S.-Mexico border. The September 2019-February 2020 average of migrant apprehensions (33,582) was almost exactly the monthly average over the Obama administration's eight years (34,266).

Not only did migration reductions stagnate, in early 2020 they showed signs of reversing. February 2020 migrant apprehensions were 3 percent greater than January 2020. March 2020 was 1% greater than February 2020, even though March was *effectively a 3-week-long month* because the COVID pandemic shut the world's borders 20 days in. **We were on our way to seeing a spring migration increase in 2020 *despite* Remain in Mexico, but the pandemic erased it.**

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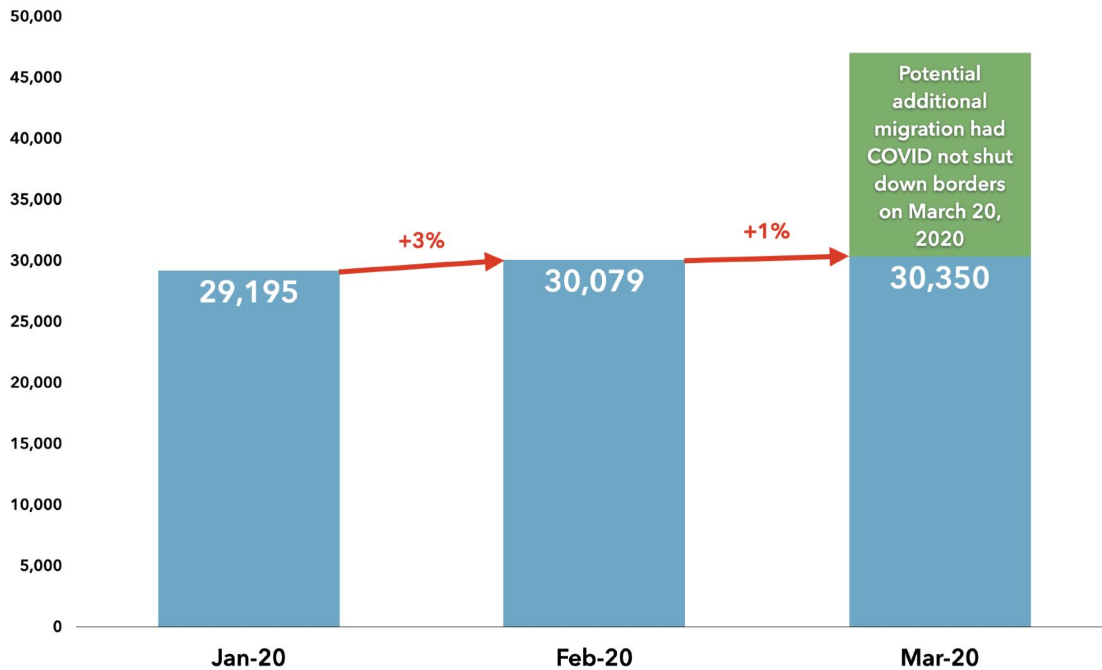

We don't know how much longer Remain in Mexico would have deterred migration, because the program got superseded by the Title 42 pandemic expulsions policy, which put the asylum system out of reach for any migrant who could quickly be expelled. As the two-year chart above shows, though, Title 42 barely reduced migration at all: as expulsions carry far fewer consequences than deportations, many migrants chose to attempt repeat crossings, and Border Patrol apprehensions ballooned.

"I have determined that MPP does not adequately or sustainably enhance border management in such a way as to justify the program's extensive operational burdens and other shortfalls," Secretary Mayorkas wrote in a June 2021 memo.[33] "Throughout the program, border encounters increased during certain periods and decreased during others."

When no other pathways to asylum exist, the deterrent effect of Remain in Mexico is even weaker. During several months of the Title 42 period, when a Texas federal judge required the Biden administration to restart the program, many asylum seekers from countries subject to expulsion into Mexico even asked to be placed in MPP because it was one of the only ways into the U.S. asylum system at the time.[34]

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Finally, now that a **June 2024 Biden administration rule** bans asylum access for nearly every migrant apprehended between the border's ports of entry, it is not clear who would be the target of a renewed "Remain in Mexico." Would those sent back under MPP be the few hundred people per month whom the Trump administration, post-CBP One, might allow to request asylum at ports of entry, plus the few Border Patrol apprehensions who pass credible fear screenings? If so, it makes little sense to burn diplomatic capital and risk strengthening organized crime for such a tiny program.

A better way

It makes no sense to pursue a program that enriches cartels and complicates one of the United States's most important relationships, all for minimal, ephemeral reductions in protection-seeking migration. Yet I fear that administrations of both parties will continue to stumble from one unsuccessful crackdown to the next as long as our immigration and asylum systems remain unreformed and overburdened.

As of mid-2024, UNHCR reported, "the Americas hosted 20.3 million forcibly displaced or stateless people."[35] The United States is hosting just a fraction of that population. We are in a moment of historic protection-seeking migration. However, not everyone seeking protection will qualify for it. That challenge demands that the United States have **a far more robust adjudication system than the roughly 700 immigration judges, plus a similar number of asylum officers, that it has now.**[36]

Building that adjudication capacity, along with more professionals dedicated to processing and case management, would make our asylum system operate far more quickly—eliminating the need for still more crackdowns—while keeping it fair and honoring the post-World War II values that inspired the world to make asylum a right in the first place.

Nobody in this debate favors 5-year waits for asylum decisions. The backlog becomes its own draw. However, backlogs are an administrative challenge the U.S. government is more than capable of overcoming. Building the capacity to hand down decisions fast but fairly with full due process requires investment. Still, it would be a fraction of what has been spent on tougher-seeming measures—like Remain in Mexico—that have proved ineffective and counterproductive.

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Endnotes

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