

Attorney General Merrick Garland
U.S. Department of Justice
950 Pennsylvania Avenue NW
Washington, DC 20530

The Honorable Alejandro Mayorkas
U.S. Department of Homeland Security
2707 Martin Luther King Jr Ave SE
Washington, DC 20528

Re: 108 Organizations Call on Biden Administration to Take All Measures Necessary to Block the Return of MPP

For two years, the Trump administration’s Migrant Protection Protocols (MPP), also known as Remain in Mexico, inflicted extreme harm on vulnerable people seeking asylum at the border and created extreme obstacles to due process. Human rights organizations [documented](#) over 1,500 publicly known cases of rape, kidnapping, torture, assault, trafficking, and other crimes carried out against migrants sent back to Mexico under MPP. The true human cost of MPP will likely never be known, given the limited opportunities for MPP’s victims to access protection.

On Inauguration Day, the Biden administration took an important first step toward addressing the ongoing harm caused by MPP by immediately suspending all new enrollments. Since that point, as part of a multinational “wind-down” process carried out with the cooperation of the United Nations High Commissioner for Refugees, approximately 13,000 people have been admitted in order to exercise their right to seek asylum in safety in accordance with the law.

Unfortunately, that progress is under dire threat. On Friday, August 13, a federal judge in Texas, in a case brought by the States of Texas and Missouri, issued a [permanent injunction](#) ordering the Department of Homeland Security to “enforce and implement MPP *in good faith*” (emphasis in original) for an indefinite period of time. This decision, which treats the Trump administration’s claims about the program with unwarranted deference, flies in the face of decades of legal precedent and could force the Biden administration to violate international refugee protections by pushing asylum seekers into dangerous conditions in Mexico.

The decision rests on clear legal and factual errors and imposes a condition on DHS for ending MPP that is not only impossible to meet but would inflict severe harm on vulnerable people seeking protection—the mandatory detention of every single asylum seeker, including families. The decision falsely claims that ending MPP led to an increase in border crossings, when crossings had been [rising for months](#) since the [Title 42 expulsion policy](#) went into effect, and just a tiny fraction (1.2%) of people encountered by CBP during that time were put into MPP.

Similarly, the decision ignores extensive evidence of the way in which MPP violated the right to apply for asylum, including a representation rate of just 7% and an asylum grant rate below 2%—rates that are dramatically lower than those experienced by asylum seekers not subjected to MPP and allowed to enter the United States.

While it is not possible to undo the human suffering and damage to the rule of law and due process caused by the program, the United States cannot resume the infliction of MPP's harms nor again abdicate its obligations to refugees under international and domestic law.

We, the undersigned organizations, call on the Biden administration to take all measures necessary to prevent this order from going into effect, up to and including an emergency appeal to the Supreme Court. The Biden Administration should do everything in its power to prevent a return to the inhumane, unlawful, and ineffective policies of the prior administration or any [future iterations](#) of these policies, and should swiftly process into the United States all remaining individuals impacted by MPP.

Sincerely,

American Immigration Council
5 Site Council of Albuquerque, NM
ABQ Faith Works Collaborative Asylum Program
ACLU of San Diego & Imperial Counties
Adelante Pro Bono Project
Advocate Visitors with Immigrants in Detention (AVID) in the Chihuahuan Desert
Aldea - The People's Justice Center
Alianza Nacional de Campesinas
America's Voice
American Friends Service Committee
American Immigration Lawyers Association
Anti-Defamation League
Asian American Legal Defense and Education Fund (AALDEF)
Asylum Access
Asylum Access México (AAMX) A.C.
Austin Border Relief
Bay Area Border Relief
Border Organizing Project
Border Servant Corps
California Collaborative for Immigrant Justice
Central American Resource Center of Northern CA - CARECEN SF

Casa Cornelia Law Center
Casa del Migrante en Tijuana, A.C., part of the Scalabrini International Migration Network
Catholic Charities of Albuquerque and Santa Fe
Catholic Charities of Southern New Mexico
Catholic Community Services of Southern Arizona dba Casa Alitas
Catholic Legal Immigration Network, Inc.
Center for Gender & Refugee Studies
Center for Victims of Torture
Cleveland Jobs with Justice
Coalition for Humane Immigrant Rights (CHIRLA)
Comunidad Maya Pixan Ixim
Detention Watch Network (DWN)
Diocesan Migrant & Refugee Services, Inc.
Disciples Immigration Legal Counsel
Disciples Refugee & Immigration Ministries
ELCA AMMPARO
El Proyecto de Ayuda para Solicitantes de Asilo (PASA)
Espacio Migrante
Esperanza Immigrant Rights Project
Families Belong Together
Farmworker Association of Florida
Fellowship Southwest
First Focus on Children
Florence Immigrant & Refugee Rights Project
FWd.US
HIAS
Hope Border Institute
Human Rights First
Immigrant Legal Center, an Affiliate of the Justice For Our Neighbors Network
Immigrant Defenders Law Center
Immigration Equality
Immigrant Legal Defense
Immigrant Welcoming Working Group, Plymouth Congregational Church of Minneapolis
Immigration Hub
Immigration Justice Clinic, John Jay Legal Services, Inc.
Instituto para las Mujeres en la Migración (IMUMI)
International Refugee Assistance Project
International Rescue Committee
Japanese American Citizens League

Jesuit Refugee Services/USA
Jewish Activists for Immigration Justice of Western MA
Jewish Family Service of San Diego
Justice Action Center
Justice for Our Neighbors El Paso
Kids in Need of Defense (KIND)
La Union Del Pueblo Entero - LUPE
Madres e Hijos
Mid-South Immigration Advocates
Minnesota Interfaith Coalition on Immigration
Mississippi Center for Justice
MomsRising/MamásConPoder
National Council of Jewish Women, Inc.
National Immigrant Justice Center
National Immigration Law Center
National Immigration Project (NIPNLG)
National Network for Immigrant and Refugee Rights
National Partnership for New Americans
NETWORK Lobby for Catholic Social Justice
New York Immigration Coalition
Oxfam America
Partnerships for Trauma Recovery
Physicians for Human Rights
Poder Latinx
Project Corazon Matamoros
RAICES
Refugee Health Alliance
Refugee Support Network in New Braunfels, Texas
Refugees International
Robert F. Kennedy Human Rights
Save the Children
Seguimos Adelante in El Paso/Juárez
Service Employees International Union (SEIU)
Sisters of Mercy of the Americas in Laredo, Texas
Sisters of Mercy of the Americas – Justice Team
Southern Border Communities Coalition
Tahirih Justice Center
Taylor Levy Law
Texas Civil Rights Project
The Advocates for Human Rights

The Migrant Center for Human Rights
The Sidewalk School
The Student Clinic for Immigrant Justice
UndocuBlack Network
Washington Office on Latin America (WOLA)
Witness at the Border
Women's Refugee Commission
Young Center for Immigrant Children's Rights