

March 12, 2021

Hon. Alejandro Mayorkas
Secretary
Department of Homeland Security
301 7th Street, SW
Washington, DC 20528

Hon. Antony Blinken
Secretary
Department of State
2201 C Street, NW
Washington, DC 20520

CC: Esther Olavarria, Domestic Policy Council
Roberta Jacobson, National Security Council
Katie Tobin, National Security Council

Re: Wind Down of the Migrant Protection Protocols

Dear Secretaries Mayorkas and Blinken:

Our faith-based, humanitarian, legal services, immigration, and human rights organizations and law school clinics welcome the administration's initial steps to wind down the illegal and cruel Migrant Protection Protocols (MPP). We applaud the humane reception of the more than 1,400 asylum seekers brought to safety in the United States to date, the rapid processing of asylum seekers in the Matamoros tent encampment, and [reported](#) discussions to expand MPP processing to additional ports of entry. The recent [designation](#) of Temporary Protected Status (TPS) for Venezuela is also a crucial and long overdue measure that will safeguard thousands of refugees from deportation. We write to recommend additional actions by the administration as the process to end MPP continues and to request further engagement and coordination to ensure people seeking refugee protection can find safety in the United States.

We urge the Department of Homeland Security (DHS) to immediately extend MPP processing to additional ports of entry and U.S. consulates, quickly expand processing to all individuals subjected to MPP, better coordinate with bi-national humanitarian and legal service providers assisting asylum seekers, provide necessary support for border communities welcoming asylum seekers, and address continued issues with the registration process. In addition, as many of our [groups](#) have [repeatedly written](#) to this administration, DHS must stop the misuse of Title 42 to block and expel asylum seekers, including many African and [Haitian](#) asylum seekers, to danger and restore refugee protections at the border, as required by U.S. law and treaty commitments. DHS should initiate processing for asylum seekers at the border in addition to those in MPP, including at ports of entry. It is crucial that the administration's decisions and plans be clearly, effectively, and publicly communicated to ensure asylum seekers understand how they will be brought to safety and to avoid further confusion at the border.

Bring All Families and Adults Subjected to MPP to Safety in the United States

DHS should speed up this initial phase of MPP processing and quickly bring to safety the many families and adults forced to wait in danger in Mexico who are not currently eligible for processing out of MPP because they do not have [active cases](#) before the Executive Office for Immigration Review. Individuals who received *in absentia* or other final removal orders, including those under review before federal courts of appeals, should be permitted to enter the United States. Kidnappings, rape, torture and other violent

[attacks](#) caused many people returned to Mexico to miss MPP hearings. Asylum seekers still forced to wait in Mexico continue to face this violence. Barriers to legal representation created by MPP and inhumane living conditions forced others to abandon efforts to seek U.S. protection. Asylum seekers with bona fide protection claims were denied asylum during hearings plagued by due process violations and conducted under illegal Trump administration rules, including the now enjoined [third-country transit asylum ban](#). We are concerned that transportation arrangements have not been announced for individuals who must transit through the highly dangerous regions in Mexico to reach a U.S. port of entry, nor for the many individuals forced to return or deported to their home countries during MPP. The horrors of MPP will not end and [redress](#) for those harmed by this monstrous policy cannot be realized until all those subjected to MPP are provided a fair opportunity to request refugee protection from safety in the United States.

Ensure Fair Opportunities to Apply for Protection to Those Subjected to the Illegal MPP Policy

All individuals forced into the MPP process, which was tainted by substantial due process and human rights violations, must also be eligible for processing out of MPP and should be paroled into the United States. Working with the Department of Justice, DHS should use its existing legal authority to [rescind](#) all *in absentia* MPP removal orders, initiate a thorough review of other MPP removal orders, and agree to reopen these cases, whenever requested. DHS should also ensure that Venezuelans who were outside the United States because of their forced return to Mexico under MPP on the date TPS was designated are deemed eligible for its protection. To avoid family separation all family members should be paroled together, including those not placed in MPP. DHS should also announce a parole procedure for individuals under MPP who fled into the United States while their cases were pending so that their cases can be transferred to the immigration court nearest where they are currently living.

Improve Communication to Reduce Confusion at the Border

As the process to end MPP continues, DHS and the Department of State (DOS) must better publicly communicate U.S. asylum and border policies to avoid dangerous and unnecessary confusion among asylum seekers at the border. The lack of accurate information makes asylum seekers even more vulnerable to exploitation and pushes some to undertake dangerous crossings in search of safety in the United States. As the MPP tent encampment in Matamoros closes, another unsanitary and unsafe informal encampment has sprung up in Tijuana with asylum-seeking families and individuals desperate for information about how to request U.S. refugee protection at the port of entry. Clearly communicating the administration's processes and plans, including for asylum seekers who are not in MPP, would greatly help to alleviate this confusion and improve the ability of local organizations to provide legal and humanitarian support vital to the successful wind down of MPP.

Provide Necessary Support for Border Shelters and Other Humanitarian Service Providers

To accomplish the important work of transiting asylum seekers from Mexico safely into the United States and onto their destination locations, DHS should ensure that border shelters and other humanitarian service providers receive necessary support. It is crucial that DHS ensure people processed out of MPP are transported to shelters at the border and in nearby communities ready to assist them. DHS entities have previously provided such transportation and no provision in law prevents DHS from continuing to do so. The agency should also continue to take steps to identify and distribute financial and other support to crucial civil society partners providing food, housing, medical care, and mental health support as well as arranging onward transportation for asylum seekers. While federal funds made available through

FEMA are welcome, many smaller faith-based and other non-profit community organizations are not able to access this support. Further, we encourage coordination with the Mexican government and international organizations in consultation with civil society groups to ensure that during any continued wait in Mexico, asylum seekers have access to food, healthcare, shelter, and protection from violence. The government should also ensure that asylum seekers processed out of MPP are able to support themselves and their families as they wait for their immigration court hearings by informing them of their potential eligibility for work authorization - based either on their pending asylum applications or parolee status - and promptly adjudicating requests for work authorization.

Address Bottlenecks in Registration and Processing

We note with concern continued issues in the registration and processing of individuals eligible to be removed from MPP. Many asylum seekers attempting to register with the CONECTA system have received delayed or inaccurate confirmation notices for registration interviews, not received registration calls at their scheduled time, and had difficulty contacting the registration hotlines with questions or to reschedule missed calls, as some telephone numbers are not operational or go unanswered. DHS has not provided written guidelines on CONECTA pre-processing or criteria for requests to expedite processing due to urgent medical, safety, or other vulnerabilities, which makes it difficult for legal services providers to share accurate information. Steps should immediately be taken to provide public guidance on processing procedures and increase the capacity of the U.N. Refugee Agency (UNHCR) and the International Organization for Migration (IOM) to complete pre-processing registration, so that individuals in MPP are not unnecessarily forced to wait in danger. In addition, DHS should ensure asylum seekers may have access to their attorneys at ports of entry during processing and receive necessary immigration documents (including printed I-94 parole forms and fully filled out G-56 Immigration and Customs Enforcement (ICE) interview notices) and updated information on ICE check-in obligations in a language they understand to facilitate asylum seekers' onward travel and registration with ICE at destination locations. Finally, we encourage DHS to employ community-based case management services and to refrain from requiring invasive ankle monitor surveillance devices.

Ensure Coordination Among Government Entities, International Organizations, and NGOs

We urge the administration to convene bi-weekly calls including officials from the White House, DHS, DOS, Department of Justice, the Office of Refugee Resettlement, state and local agencies, IOM, UNHCR, and UNICEF, along with representatives from the Welcoming Committees and border region Task Forces as well as national and local organizations working in the United States and Mexico to transit asylum seekers in MPP to safety in the United States. We would welcome an opportunity to provide the administration updates on the process to end MPP and to raise and address emerging concerns.

Respectfully,

ACLU San Diego & Imperial Counties
Adelante Pro Bono Project
Advocating Opportunity
Aldea - the People's Justice Center
Alianza Nacional de Campesinas
Alliance San Diego

Al Otro Lado
American Friends Service Committee
American Immigration Lawyers Association
Americans for Immigrant Justice
Angry Tias and Abuelas
Asylum Access
Asylum Access México (AAMX), A.C.
Asylum Seeker Advocacy Project (ASAP)
AsylumWorks
Austin Border Relief
Bay Area Border Relief
Bellevue Program for Survivors of Torture
BORDER ANGELS
Border Kindness
Border Line Crisis Center
Brigidine Sisters
California Collaborative for Immigrant Justice
Casa Cornelia Law Center
Casa del Migrante en Tijuana, A.C.
Catholic Charities Diocese of San Diego
Catholic Charities of Southern New Mexico
Catholic Legal Immigration Network, Inc.
Center for Gender & Refugee Studies
Center for Victims of Torture
Children's Defense Fund
Church World Service
Coalition for Humane Immigrant Rights (CHIRLA)
Colorado Asylum Center
Community Asylum Seekers Project
Cooperative Baptist Fellowship
Espacio Migrante
Esperanza Immigrant Rights Project
Evangelical Lutheran Church in America
Fellowship Southwest
Florence Immigrant & Refugee Rights Project
Foro Migración Haitiana en las Américas
Freedom Network USA
Global Response Management
Government Accountability Project
Haitian Bridge Alliance
HIAS
Hope Border Institute
Human Rights First
Human Rights Initiative of North Texas

Immigrant Defenders Law Center
Immigration Hub
Innovation Law Lab
Instituto para las Mujeres en la Migración, AC (IMUMI)
International Refugee Assistance Project
International Rescue Committee
International Tribunal of Conscience of Peoples in Movement
Jesuit Refugee Service/USA
Jewish Council for Public Affairs
Jewish Family Service of San Diego
Kids in Need of Defense
Kino Border Initiative / Iniciativa Kino para la Frontera
La Posada Providencia
Latin America Working Group (LAWG)
Lutheran Immigration and Refugee Service
Madres e Hijos
Mennonite Central Committee U.S. Washington Office
Migrant Center for Human Rights
Mississippi Center for Justice
National Council of Jewish Women
National Immigrant Justice Center
National Immigration Law Center
National Immigration Litigation Alliance
National Immigration Project (NIPNLG)
National Network for Immigrant & Refugee Rights
Northern Illinois Justice for Our Neighbors
Oxfam America
Physicians for Human Rights
Project Corazon, Matamoros / Lawyers for Good Government
Proyecto de Ayuda para Solicitantes de Asilo (PASA)
Public Counsel
RAICES
Rainbow Bridge Asylum Seekers
Refugee Health Alliance
Refugees International
Rocky Mountain Immigrant Advocacy Network
San Diego Immigrant Rights Consortium
San Diego Organizing Project
Save the Children Action Network
Sisters of the Sacred Heart of Jesus of St. Jacut
Southern Border Communities Coalition
Sueños Sin Fronteras de Tejas
Team Brownsville
Texas Civil Rights Project

UCLA Immigrant Family Legal Clinic
Union for Reform Judaism
Union of Sisters of the Presentation of the Blessed Virgin Mary USA
University of California, San Francisco Health and Human Rights Initiative
VECINA
Veterans for American Ideals
Witness at the Border
Washington Office on Latin America (WOLA)
Women's Refugee Commission
Young Center for Immigrant Children's Rights