

Pro Bono for Immigrant Families: Shutting off Asylum at the Southern Border

Article By:

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When I volunteered in Mexico last spring with two Proskauer colleagues alongside the Institute for Women in Migration ([IMUMI](#)), I witnessed a growing humanitarian crisis. The U.S. “Remain in Mexico” Policy – officially called the Migrant Protection Protocols (MPP) – requires asylum seekers at the southern border to wait in Mexico for the duration of their U.S. immigration proceedings, a requirement that puts thousands of people in danger. A [report](#) issued last week by [Human Rights First](#) confirms the danger by detailing current conditions faced by the more than 60,000 migrants now waiting in Mexico. In particular, the report finds:

- There have been widespread reports of kidnapping, rape, torture, assault, and other violent crimes against migrants returned to Mexico under MPP. Indeed, according to the U.S. Immigration Policy Center at UC San Diego, one in four migrants in Tijuana and Mexicali have been threatened with physical violence.
- Contrary to U.S. policy, vulnerable individuals, including those with serious medical issues, pregnant women, LGBTQ persons, and Mexican nationals have been among those returned to Mexico.
- Migrants stranded in Mexico do not have access to adequate shelter, healthcare or other necessities. The lack of safe shelter has left thousands homeless and especially susceptible to violent crime.
- Requiring asylum seekers to remain in Mexico has made it difficult for them to attend U.S. immigration court hearings, and to secure counsel. Nearly 98% of MPP returnees did not have lawyers as of the end of September.

In addition to MPP, asylum seekers at the southern border are now facing an even greater impediment. In July, the Administration issued an [interim final rule](#) barring asylum – with certain narrow exceptions – for those who did not apply for asylum in a country through which they travelled en route to the United States. This is in litigation but the Supreme Court, in a single paragraph order, permitted the policy to go forward while the case is pending. According to Justice Sotomayor, in a powerful [dissent](#), “Once again the Executive Branch has issued a rule that seeks to upend

longstanding practices regarding refugees who seek protection from persecution.”

When I left Mexico months ago — with desperate, tearful images of entire families fleeing violence seared into my mind — I could not imagine the situation on the ground getting any worse. But it has, with every new immigration policy the situation worsens at great cost in human lives and our identity as a nation.

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