



# COMMITTEE ON HOMELAND SECURITY

**FOR IMMEDIATE RELEASE**

## **Hearing Statement of Border Security, Facilitation, and Operations Subcommittee Chairwoman Kathleen Rice (D-NY)**

### ***Examining the Human Rights and Legal Implications of DHS' 'Remain in Mexico' Policy***

**November 19, 2019**

Today the Subcommittee on Border Security, Facilitation, and Operations will examine the implementation of the Migrant Protection Protocols (MPP), more commonly known as the “Remain in Mexico” program. This morning we will hear the perspective of practitioners who witness the program’s impact on the ground. Since this program went into effect on January 18, 2019, the Remain in Mexico policy has forced tens of thousands of asylum seekers to wait in Mexico while their claims are processed. However, this brief summary does not even begin to touch on the devastating and destructive impact that this policy has had on countless lives. Prior to this program’s implementation, asylum seekers were permitted to stay in the United States while their cases moved through the courts, a policy based on the humane and common-sense premise that refugees should be given temporary safe haven while it is decided whether or not they may remain in our country.

Under Remain in Mexico however, when migrants who arrive at our Southern border inform a U.S. official that they are seeking asylum, they are provided a court date and sent back into Mexico until their initial hearing. These migrants are mostly from Central and South America, having fled their homes to escape gang violence and government oppression. They are almost always strangers to Mexico, with no friends or family to rely on as they wait on a decision from the United States. The cities in which they are forced to wait are some of the most dangerous in Mexico. Cartels are active, jobs are hard to come by, and even local government officials have been known to engage in violence and exploitation. As a result, these migrants – who were fleeing violence and oppression – are now being forced to wait in conditions that are just as dangerous as the ones they fled. If not more so. Families waiting in Mexico under this policy face kidnapping, sexual assault, and extortion. In addition to provoking yet another humanitarian crisis, Remain in Mexico presents a serious threat to our national security. The program has created a newly vulnerable population left completely exposed to exploitation by drug cartels, allowing these criminal organizations to remain active along our border and even expand their reach.

The Administration assured lawmakers and the public that the program would be carefully applied, making exceptions for Mexican nationals, non-Spanish-speakers, pregnant women, the LGBTQ community, and people with disabilities.. However, investigations and reporting have revealed that individuals from every protected category are frequently turned away and left to fend for themselves in Mexican cities that the U.S. State Department has marked as too dangerous for travel. Meanwhile, in August of 2019, DHS notified Congress that it would build large temporary immigration hearing facilities to conduct Remain in Mexico-related proceedings. Located in Brownsville and Laredo, these temporary facilities are functioning as virtual immigration courtrooms, with judges appearing via video conference from brick-and-mortar courtrooms across the country.

These facilities have become a significant cause for alarm. Lack of public information about the proceedings, limited access to translators and attorneys, and a complete disregard for migrant legal rights are just some of the many problems emerging from this court system. Reports have described “secretive, assembly-line” proceedings in the facilities to conduct hundreds of hearings per day. CBP, ICE, and DHS have provided little information on the functioning of these “Port Courts” despite numerous inquiries from news outlets and Congressional staff. The lack of available information on their operations is exacerbated by the severe restrictions on who can even access the facilities. With

barbed wire fences and security managed by private companies, they are closed to the public, news outlets, and legal advocacy organizations. Despite the clear legal standard that all immigration proceedings are to be open to the public, CBP has rejected request after request for access. These facilities dramatically worsen the chaotic nature of the program by removing any ability for migrants to access legal aid.

Furthermore, the prohibitions on oversight expose migrants to violations of the due process rights established for asylum seekers in U.S. law. We have invited our witnesses here to shed light on this disgraceful and untenable situation. And I thank them for joining us today. Our Asylum laws emerged after the Second World War, as our nation faced the shameful truth that we failed to provide safe haven to refugees fleeing the Nazis. Since then, we have granted asylum to desperate communities fleeing danger all over the world and in doing so saved an untold number of lives. The Remain in Mexico policy is a reprehensible step backwards, and a continuation of this Administration's abandonment of our nation's longstanding—and bipartisan—tradition of protecting asylum seekers and refugees.

We hope today to build public awareness of this policy and improve our own understanding so that we can find a way towards stopping this needless harm inflicted on the men, women, and children seeking safety in our great country.

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