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California Welcoming Task Force Statement on the First Day of “Remain in Mexico” Hearings in San Diego Immigration Court and the Cruel Policy’s Three-Year Anniversary

SAN DIEGO – This past Saturday marked the three-year anniversary of the first time that a person seeking asylum was returned to Tijuana from San Diego under the cruel and unjust “Remain in Mexico” program, also known as the Migrant Protection Protocols (MPP) on January 29, 2019. Despite initially taking steps to end Remain in Mexico, the Biden administration is now reimplementing the policy and again putting the lives and asylum cases of people fleeing persecution at risk. Today, immigration judges in San Diego will preside over the first court hearings of people forced back to danger in Tijuana under the reimplemented policy.

- On January 5, 2022, two Colombian men who sought asylum in the United States days earlier were sent back to Tijuana, Mexico under the program. Members of the California Welcoming Task Force identified several concerning problems with their processing, including dehumanizing conditions in U.S. Customs and Border Protection (CBP) custody, lack of access to counsel, lack of access to health care and lack of access to basic necessities in Tijuana. The shelter where they were placed in Tijuana has not received the support necessary to guarantee access to clean water, for example.
- Two women seeking asylum were sent back to Tijuana under Remain in Mexico and so far the U.S. Department of Homeland Security (DHS) has refused to approve requests for their removal from Remain in Mexico to allow them to safely seek asylum within the United States. Migrant women in Tijuana are often targets of kidnapping, assault or even sex trafficking.
- A person seeking asylum forced by CBP into the program who contacted an attorney with Immigrant Defenders Law Center while still in custody told the attorney that they were a member of the LGBTQ community. DHS had said that, under the current implementation of Remain in Mexico, such individuals would

not be enrolled in Remain in Mexico. After intervening, the attorney was able to get the individual removed from enrollment, but only after significant time and resources were invested by the legal service organization interviewing the individual and communicating with DHS.

It is clear to the members of the California Welcoming Task Force that Remain in Mexico is, as it always has been, a cruel, dehumanizing and illegal policy that must end. The Biden administration's attempts to increase humanitarian support and access to counsel under Remain in Mexico are not only insufficient and failing, they are futile due to the very essence of a policy that removes people seeking asylum from the United States where they are seeking refuge. We condemn the reimplementation and expansion of this cruel policy. Now, people from countries like Haiti, Jamaica, Belize and others who were previously excluded from the program are exposed to well-documented discrimination and danger in Mexico.

Combined with Title 42, a Trump-era policy designed to automatically expel migrants from the United States without an opportunity to seek asylum, these policies virtually eliminate the right to seek asylum in the United States. These policies together disproportionately harm Black, Indigenous and other migrants of color as well as women, unaccompanied children and LGBTQ individuals. It's time to end these cruel and unjust policies.

We must end Remain in Mexico and Title 42. We must welcome people with dignity.

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