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Mexico rejects any effort to reinstate 'remain in Mexico' policy for asylum-seekers

In December, a federal judge block an administration effort to end the program.

By [Armando Garcia](#) and [Quinn Owen](#)

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Mexico's Ministry of Foreign Affairs said Monday it rejects any effort to reimplement the controversial Trump-era policy known as "remain in

Mexico" for asylum-seekers.

The policy, officially named the "Migrant Protection Protocols" (MPP), requires some asylum-seekers to be sent back to Mexico during immigration proceedings.

In December, U.S. District Judge Matthew Kacsmaryk halted the Biden administration's latest attempt to end the program while a legal challenge, launched by Texas and Missouri aimed at forcing its reinstatement, is considered in court.

In a statement, the Foreign Ministry said, after the judge issued the stay, U.S. authorities notified them of their intention to restart the program.

"Regarding the possible implementation of this policy for the third time, the Ministry of Foreign Affairs, on behalf of the Government of Mexico, expresses its rejection of the U.S. government's intention to return individuals processed under the program to Mexico," the statement said.



In this Dec. 26, 2022, file photo, asylum-seekers line up to be processed by US Customs and Border Patrol agents at a gap in the US-Mexico border fence near Somerton, Ariz.

Rebecca Noble/AFP via Getty Images, FILE

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In June 2022, [the U.S. Supreme Court ruled that the Biden administration had the legal authority to end the program](#), but it remanded the decision of whether the original memo that detailed how the program would end complied with administrative law to Judge Kacsmaryk's court.

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"Remain in Mexico" was first developed and implemented by the Trump administration in 2019 and has been billed as a deterrent to preempt invalid asylum claims. The protocols have been applied only to a small fraction of overall border crossers, undermining claims of MPP's effectiveness.



In this Aug. 30, 2022, file photo, two migrants interact with a stray cat as they wait with other migrants at the Senda de Vida shelter in Reynosa, Mexico.

Michael Nigro/Getty Images, FILE

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Human rights advocates say they have documented cases of kidnapping, extortion and rape in areas where those subjected to MPP are sent. U.S. border officials and independent researchers note the extensive influence criminal organizations have along the border.

"Most victims said they were targeted because they were migrants," Human Rights Watch said it found in a March 2021 report focused on those stuck in northern Mexico. "The abusers often identified their victims by inspecting their identity and court documents."

Biden campaigned on the promise to end the program, which he called "inhumane."

"Donald Trump's 'Remain in Mexico' policy is dangerous, inhumane, and goes against everything we stand for as a nation of immigrants. My administration will end it," Biden said in a March 2020 tweet.

After the Mexican government's statement was released, former Department of Homeland Security deputy general counsel Tom Jawetz argued that the

DHS is not compelled to reimplement MPP because of the Supreme Court's 2022 decision.

"The Supreme Court was crystal clear that Congress gave the Secretary the discretionary authority to CHOOSE to use the return-to-contiguous territory authority at INA 235(b)(2)(C) and the lower courts were wrong to distort the text of the statute to compel the admin to use it," he tweeted.



In this Dec. 15, 2022, file photo, a migrant listens to his phone by his tent in the vast, open-air shelter Senda de Vida 2 in Reynosa, Mexico. The shelter, the second founded by an evangelical pastor in this border city, has

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A DHS spokesperson told ABC News that it would continue to fight MPP's reimplementaion in court.

"We have consistently sought to terminate MPP and have taken that fight all the way to the Supreme Court. We will continue to litigate in court. Our ability to implement MPP pursuant to a court order has always been contingent on the government of Mexico's willingness to accept returns under MPP," the spokesperson said.

Mexico's foreign ministry says around 74,000 migrants were returned to Mexico under the program during the Trump administration while approximately 7,500 have gone through the program under Biden.

In the statement, Mexico reiterated its support for the new "humane" pathways the U.S. has established for people from Cuba, Haiti, Nicaragua, Ukraine and Venezuela to enter its workforce.

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