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Immigration

DHS Terminates Migrant Protection Protocols

Legal Update

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By Immigration Group

This article was prepared with the assistance of ABIL, the Alliance of Business Immigration Lawyers, of which Loan Huynh, Fredrikson Immigration Department Chair, is a member.

Alejandro Mayorkas, Secretary of Homeland Security, announced on October 29, 2021, the termination of the Migrant Protection Protocols (MPP), a controversial program started by the Trump administration in early 2019 under which undocumented migrants seeking admission to the United States via Mexico must await their court proceedings in Mexico.

Mayorkas said he recognized that MPP “likely contributed to reduced migratory flows,” but did so “by imposing substantial and unjustifiable human costs on the individuals who were exposed to harm while waiting in Mexico.” Among other things, he noted that “[s]ignificant evidence indicates that individuals awaiting their court hearings in Mexico under MPP were subject to extreme violence and insecurity at the hands of transnational criminal organizations that profited by exploiting migrants’ vulnerabilities.” He concluded that policies being pursued by the Biden-Harris administration will more effectively address migratory flows “while holding true to our nation’s values.”

Mayorkas previously concluded that the program should be terminated and announced that decision in a June 1, 2021, memorandum, but a U.S. district court in *Texas v. Biden* vacated that memo and remanded the matter to the Department of Homeland Security for further consideration. Following issuance of Mayorkas’ decision, “the termination of MPP will be implemented as soon as practicable after a final judicial decision to vacate the *Texas* injunction,” the memo states.