

Congress of the United States
Washington, DC 20515

September 8, 2021

Joseph R. Biden
President of the United States
1600 Pennsylvania Avenue, NW
Washington, DC 20500

Dear President Biden,

We, the undersigned Members of Congress, urge your administration to take all necessary legal steps to terminate the deadly Remain in Mexico policy (perversely named the Migrant Protection Protocols or MPP) that delivered tens of thousands of asylum seekers and migrants to danger.

We are deeply disappointed by the Supreme Court's [decision](#) denying the Biden administration's request for an emergency stay in Biden v. Texas, a [decision](#) from the Texas district court forcing the government to reimplement this disgraceful policy. MPP does not represent our values as a country and should be permanently discarded along with the many other unlawful Trump administration policies designed to punish and deter refugees from seeking safety. The court orders leave ample room for your administration to ensure MPP never again puts another person in harm's way.

The decisions suggest that the potential perceived problem with your administration's termination of MPP was that it did not say enough to demonstrate that it had sufficiently weighed the potential consequences of its decision to terminate. The court did not endorse the states' claims that the government is actually required to return people to Mexico under the immigration statutes. As [amicus briefs](#) explained, those claims were egregiously wrong. Thus, we believe your administration can and should re-terminate MPP with a fuller explanation in order to address any perceived procedural defect of the termination.

The horrors of MPP are well-documented. During its implementation from January 2019 to early 2021, non-profit groups tracked over [1,500](#) public reports of rape, kidnapping, torture, trafficking, and other crimes carried out against asylum seekers and migrants sent back to Mexico under the policy. Since you took office and continued the Trump administration's unlawful Title 42 policy, which also forcibly returns people to harm in Mexico, there have been another [6,356](#) reports of violent attacks against migrants expelled or blocked in Mexico. It is abundantly clear that the United States cannot safely reinstate MPP and that any attempt to return people seeking safety to harm in Mexico will violate U.S. and international legal obligations to refugees.

In addition to subjecting individuals to life-threatening dangers under MPP, the program [violated](#) the due process rights of asylum seekers and migrants by stranding them in Mexico without access to legal counsel, forcing them to risk their lives to attend their court hearings--there have

been numerous reports of asylum seekers in MPP being kidnapped while attempting to reach immigration court--and requiring many to prepare their cases while facing unrelenting fear and insecurity. In formally terminating the MPP policy, Secretary Mayorkas correctly [noted](#) that the astronomically high number of MPP cases resulting in *in absentia* removal orders raised concerns about the conditions faced by those in MPP, including the “lack of stable access to housing, income, and safety.” It makes a mockery of the U.S. asylum system to resurrect this policy.

We urge you to act quickly and re-terminate this policy, and to decline to reimplement any iteration of the dangerous policy. We also urge your administration to continue processing people who were formerly subjected to this policy pursuant to the MPP wind down that your administration began in February. Finally, we applaud the steps that your administration has already taken to process into safety over 13,000 individuals who were previously subjected to MPP. It is critical that your administration continue this wind down of MPP as the horrors of this policy cannot fully end until all who were subjected to it are given a fair chance to apply for refugee protection in the safety of the United States.

Sincerely,



Veronica Escobar
Member of Congress



Robert Menendez
U.S. Senator



Karen Bass
Member of Congress



Jeffrey A. Merkley
U.S. Senator



Ann Kirkpatrick
Member of Congress



Cory A. Booker
U.S. Senator



Sara Jacobs
Member of Congress



Alex Padilla
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James P. McGovern
Member of Congress



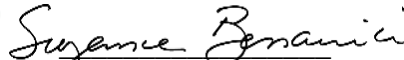
Ron Wyden
U.S. Senator



J. Luis Correa
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Mazie Hirono
U.S. Senator



Suzanne Bonamici
Member of Congress



Bernard Sanders
U.S. Senator



Joaquin Castro
Member of Congress



Edward J. Markey
U.S. Senator



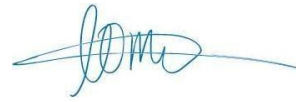
Sylvia R. Garcia
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Ayanna Pressley
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Ritchie Torres
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Ilhan Omar
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Nydia M. Velázquez
Member of Congress



Jesús G. "Chuy" García
Member of Congress



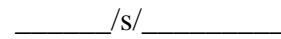
Raul M. Grijalva
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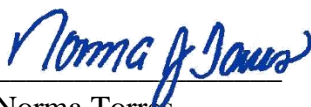
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