

MIGRANT PROTECTION PROTOCOLS UPDATE

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INTRODUCTION

In late 2018, the Donald Trump administration began to negotiate with Mexican President Andrés Manuel López Obrador's administration regarding a new program for asylum seekers at the U.S.-Mexico border. The resulting agreement was the Migrant Protection Protocols (MPP). This program sends asylum seekers to Mexico for the duration of their U.S. asylum cases, and only allows them to temporarily enter the United States to attend court hearings. MPP procedures differ from earlier asylum processing, where asylum seekers were able to remain in the United States for the entirety of their asylum cases.

On January 29, 2019, MPP was implemented in San Diego, and the program quickly spread across the border. By October 2020, CBP had sent 68,430 asylum seekers to seven Mexican border cities: Tijuana, Mexicali, Nogales, Ciudad Juárez, Piedras Negras, Nuevo Laredo, and Matamoros. These asylum seekers included families and single adults, and were from countries such as Honduras, Guatemala, Cuba, El Salvador, Ecuador, and Venezuela. Asylum seekers in MPP arrived back in Mexico with little support, facing precarious living situations, a lack of access to legal services, and widespread violence and criminality.

It has now been nearly two years since MPP's implementation, and the program may soon be phased out. In November 2020, Vice President Joe Biden won the U.S. presidential election. [As part of his immigration platform](#), Biden promised to roll back MPP. An end to MPP would almost certainly mean halting any new enrollments and allowing individuals in the program—such as those with pending cases—to continue their asylum cases within the United States.

This update by the Robert Strauss Center for International Security and Law at the University of Texas at Austin seeks to provide a snapshot of the current MPP situation across the U.S.-Mexico border. The aim is to document the current state of the program, particularly in regard to pending MPP cases, detail how CBP continues to enroll asylum seekers in MPP during the COVID-19 pandemic, and outline living conditions for asylum seekers along the border.

While CBP has sent more than 68,000 asylum seekers to Mexico as part of MPP, there are only 22,777 pending cases in MPP courts along the border (there are several thousand more pending cases in interior U.S. courts). These cases in MPP courts are divided throughout the border. In El Paso, there are 9,381 pending cases, followed by 5,591 cases in Brownsville, 4,758 in San Diego¹, and 3,047 in Laredo.

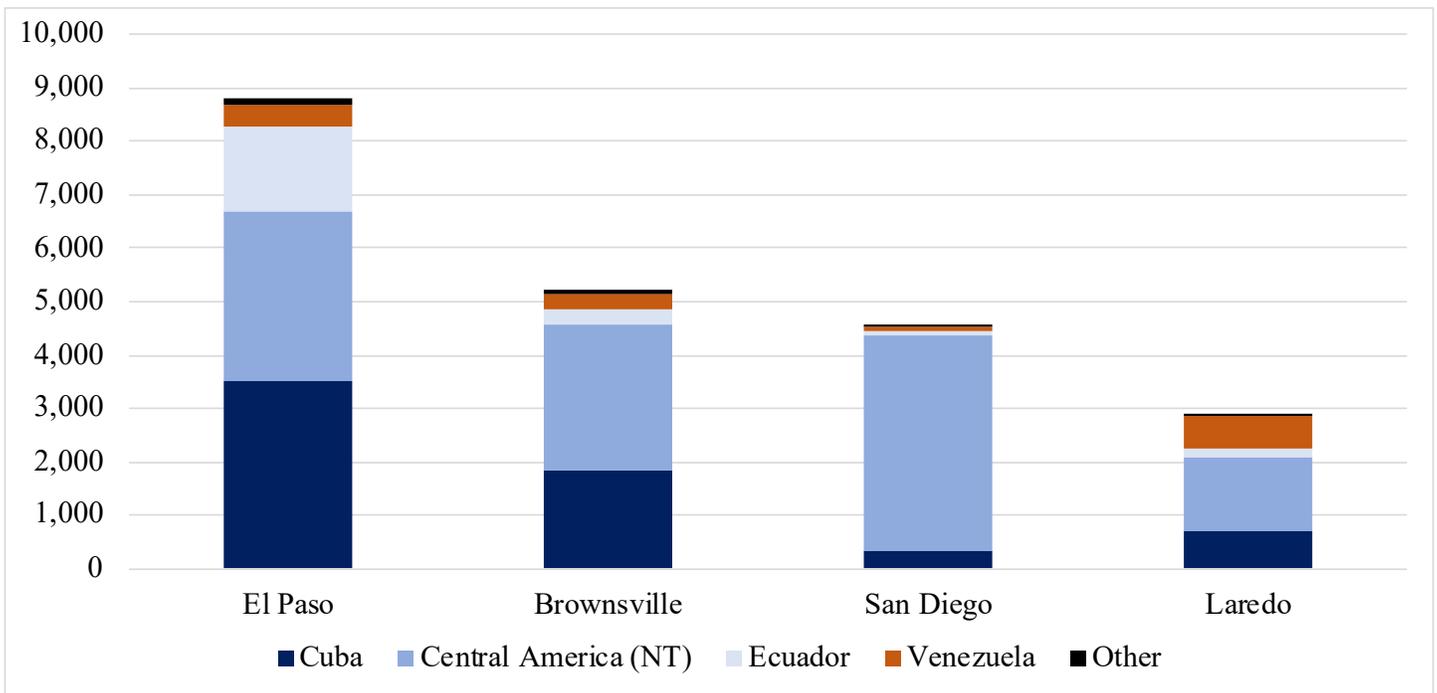
Figure 1: Pending Asylum Cases by MPP Court



Source: Transactional Records Access Clearinghouse, October 2020

For these pending MPP cases, asylum seekers' nationalities vary by geographic location. In San Diego, 84 percent of the pending cases are individuals from Central America, particularly from Guatemala and Honduras. By comparison, in El Paso, Cuban asylum seekers make up 38 percent of the pending cases and Ecuadorian asylum seekers constitute another 17 percent of the cases.

Figure 2: Nationality of Pending MPP Cases, By MPP Court

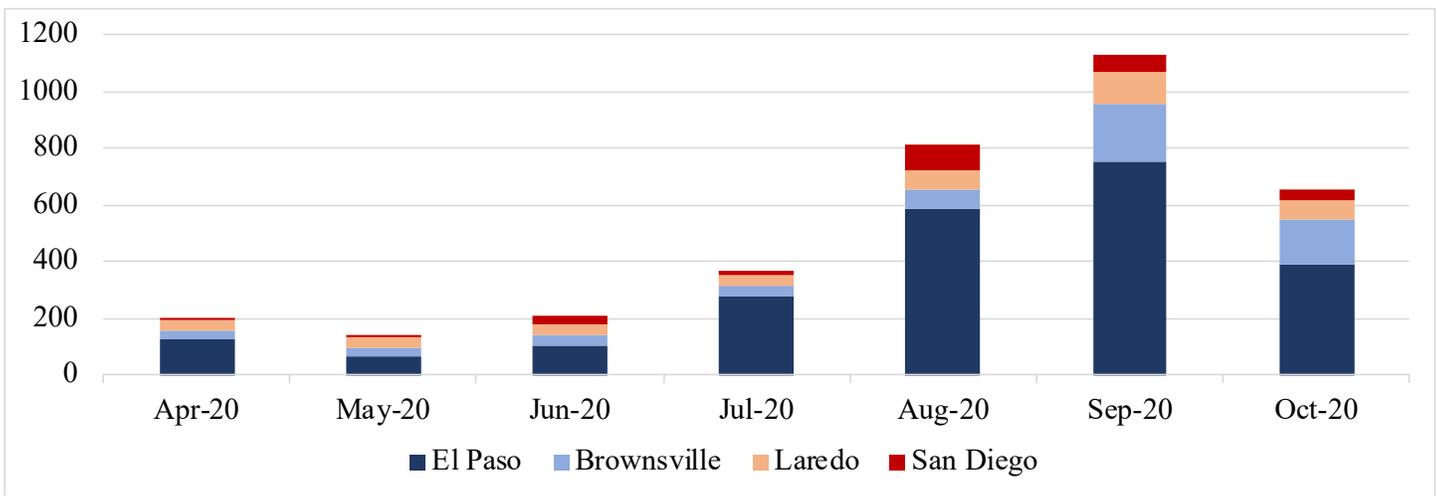


Source: Transactional Records Access Clearinghouse, October 2020

While there are more than 22,700 cases pending in MPP courts, it is impossible to estimate the number of asylum seekers that are currently residing in Mexican border cities. First, the majority of MPP asylum seekers are renting apartments or rooms, rather than living in shelters or the Matamoros tent encampment. These living arrangements make it difficult to count individuals without a formal census or survey. Second, due to security concerns, poor living conditions, and a lack of employment opportunities, many asylum seekers in MPP are waiting in Mexican cities that are located in the interior of the country (particularly, Monterrey, Mexico City, and Cancún). Additionally, other asylum seekers have crossed irregularly to the United States or returned to their country of origin.

Some of the MPP pending cases are relatively new enrollments. Despite MPP court hearings being closed indefinitely due to the COVID-19 pandemic, CBP has continued to enroll new asylum seekers in MPP. From April 2020 through June 2020, CBP enrolled around 200 asylum seekers into MPP each month. However, from July 2020 through October 2020, CBP began enrolling more asylum seekers into the program. In September 2020, CBP placed more than 1,100 new people into MPP. The majority of these new MPP enrollments were for the El Paso MPP court.

Figure 3: New MPP Enrollments, by MPP Court (April 2020 - October 2020)

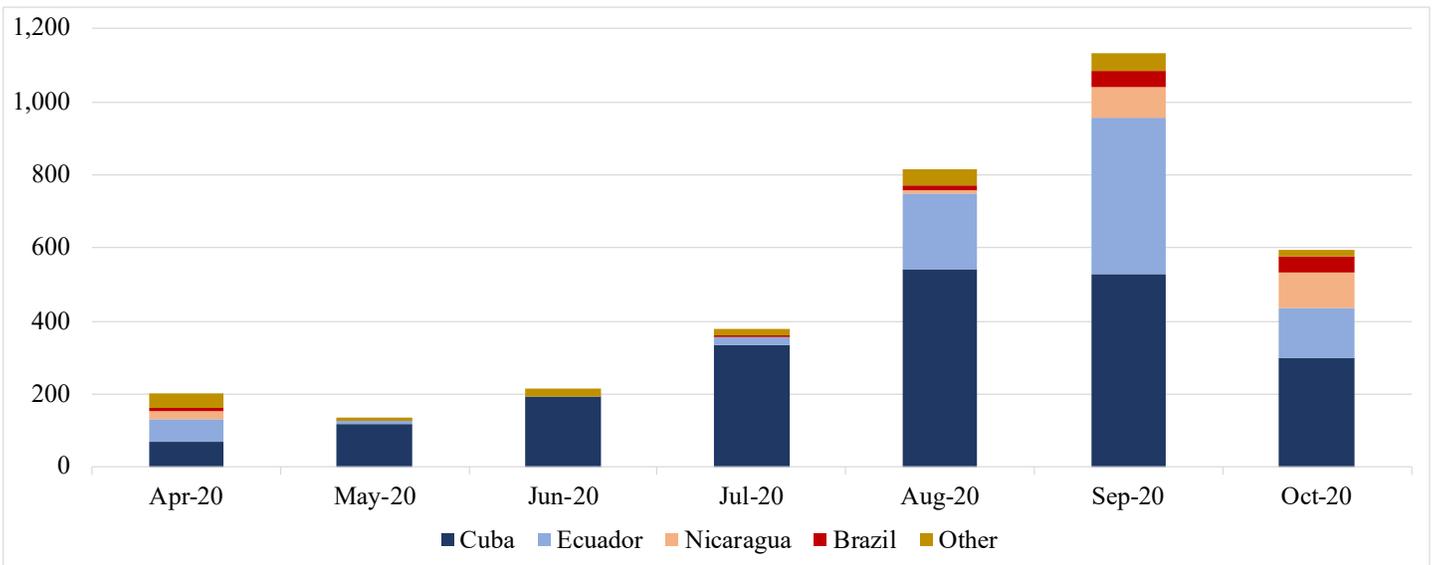


Source: Transactional Records Access Clearinghouse, October 2020

The nationalities of the newest MPP enrollments differ from MPP’s overall nationality breakdown. This difference is due to additional CBP policies that were put in place to address COVID-19. In March 2020, the U.S. Centers for Disease Control’s (CDC) issued a [regulation that suspended entry of certain individuals into the United States](#). That same month, on March 26, 2020, the CDC issued a 30-day order that blocked entry for individuals—including asylum seekers—seeking to enter the United States from Mexico without proper travel documents.

Under this regulation, CBP has stopped processing asylum seekers at ports of entry and has rapidly sent apprehended asylum seekers from Mexico or Central America back to the nearest Mexican city or to their home countries. These expulsions mean that asylum seekers are neither processed in the United States nor put into MPP. However, CBP does not expel Cubans, Ecuadorians, or Brazilians. Instead, CBP has been placing asylum seekers from these countries into MPP and returning them to Mexico through the program.

Figure 4: Nationalities of New MPP Enrollments (April 2020 - October 2020)



Source: Transactional Records Access Clearinghouse, October 2020

The following section of this MPP update documents the total number of asylum seekers sent to each border city, the total number of pending cases in each city, and the living conditions for asylum seekers in MPP. It relies on [data from the Transactional Records Access Clearinghouse \(TRAC\)](#) and [data from Mexico's National Migration Institute \(Instituto Nacional de Migración, INM\)](#).² This update also collected information from phone and WhatsApp interviews with asylum seekers, government officials, and civil society organizations on both sides of the border. It also draws on news reports to fill remaining gaps.

MPP Update: December 2020

Mexican City <i>Court Location</i>	Estimated Total Number of MPP Cases Sent to Each City <i>(TRAC and INM)</i>	Number of Pending Cases <i>(TRAC)</i>	Conditions for Asylum Seekers in MPP
Matamoros, Tamaulipas <i>MPP Court: Brownsville, TX</i>	15,958 <i>TRAC Data: July 2019 to October 2020</i>	5,591	<p>There are approximately 600 asylum seekers living in the Matamoros tent camp, most of whom are in MPP. These asylum seekers live exposed to the elements, with the tent camp frequently flooding amid heavy rain. The asylum seekers also live in unhygienic conditions, with many continuously sick with stomach bugs and respiratory infections.³</p> <p>The security situation in Matamoros has also worsened over the past few months. On October 23, 2020, <i>The New York Times</i> reported that Gulf Cartel members sometimes kidnap and assault asylum seekers, including when “camp residents have violated the gang’s rules about when and where they are permitted to roam outside their tents.”⁴ Due to COVID-19, the tent camp is now closed to all individuals except residents and INM officials.</p> <p>The Casa del Migrante in Matamoros also hosts about 50 individuals in MPP. Local civil society members estimate that between 300 and 1,500 asylum seekers in MPP are renting apartments in the city.</p>

MPP Update: December 2020 (continued)

Mexican City <i>Court Location</i>	Estimated Total Number of MPP Cases Sent to Each City <i>(TRAC and INM)</i>	Number of Pending Cases <i>(TRAC)</i>	Conditions for Asylum Seekers in MPP
<p>Nuevo Laredo, Tamaulipas</p> <p><i>MPP Court: Laredo, TX</i></p>	<p>9,592⁵</p> <p><i>TRAC and INM Data: July 2019 to October 2020</i></p>	<p>3,047</p>	<p>According to local civil society members, the majority of asylum seekers in MPP have left Nuevo Laredo and are waiting in other cities. Through the summer of 2020, a small number of asylum seekers remained in the city’s shelters. However, the combination of shelter quarantines and the inability to work safely due to the city’s security situation pushed many to leave Nuevo Laredo. These asylum seekers traveled primarily to Monterrey, where they now work and live.</p> <p>The systematic kidnapping of asylum seekers in Nuevo Laredo continues to be a serious concern. Asylum seekers are at risk of being kidnapped both when they are first sent to Nuevo Laredo and also when they are attempting to return to Nuevo Laredo by bus for their court hearings.</p>
<p>Piedras Negras, Coahuila</p> <p><i>MPP Court: Laredo, TX</i></p>	<p>3,646</p> <p><i>INM Data: October 2019 to October 2020</i></p>		<p>Piedras Negras shelters remain closed due to COVID-19. Asylum seekers in the city are staying in apartments or sleeping on the street.</p> <p>Local civil society members estimate that up to 1,000 asylum seekers may remain in Piedras Negras. However, this number may err on the higher side. Some asylum seekers have crossed irregularly into the United States and others have settled in other Mexican cities such as Monterrey and Cancún.</p>

MPP Update: December 2020 (continued)

Mexican City <i>Court Location</i>	Estimated Total Number of MPP Cases Sent to Each City <i>(TRAC and INM)</i>	Number of Pending Cases <i>(TRAC)</i>	Conditions for Asylum Seekers in MPP
<p>Ciudad Juárez, Chihuahua</p> <p><i>MPP Court: El Paso, TX</i></p>	<p>20,246⁶</p> <p><i>TRAC and INM Data: March 2019 to October 2020</i></p>	<p>9,381</p>	<p>Since the beginning of the COVID-19 pandemic, Ciudad Juárez has received more new entrants in MPP than any other city.</p> <p>Ciudad Juárez has two “filter” spaces—one managed by the State Population Council of Chihuahua (COESPO) and the other run by the International Organization for Migration (IOM)—where individuals stay to quarantine before being released to the city’s shelters for a longer-term stay. Asylum seekers who have been placed in MPP during the pandemic have stayed in these spaces.</p> <p>Currently, an estimated 900 to 1,000 people are staying in Ciudad Juárez’s 20 shelters. However, a small proportion of these individuals are in MPP. The majority of asylum seekers in MPP rent rooms or stay in hotels. In September 2020, there was a COVID-19 outbreak in the city’s federal shelter, “Centro Integrador para Migrantes Leona Vicario,” which had opened to receive asylum seekers in MPP.⁷</p> <p>Many asylum seekers in MPP who are returned to Ciudad Juárez have left for other cities, such as Nogales, Mexico City, Cancún, and Monterrey, due to security concerns in Ciudad Juárez and a lack of employment opportunities, especially during the COVID-19 pandemic.</p>
<p>Nogales, Sonora</p> <p><i>MPP Court: El Paso, TX</i></p>	<p>1,276</p> <p><i>INM Data: January 2020 to October 2020</i></p>		<p>Many asylum seekers in MPP who were returned to Nogales and have their court dates in El Paso rent rooms to wait in Nogales, due to security concerns and poor living conditions in Ciudad Juárez.</p> <p>Individuals in MPP who were returned to cities such as Tijuana, Matamoros, and Ciudad Juárez have also relocated to Nogales to wait, due to the cheaper cost of living and increased safety.</p>

MPP Update: December 2020 (continued)

<p>Mexican City</p> <p><i>Court Location</i></p>	<p>Estimated Total Number of MPP Cases Sent to Each City</p> <p><i>(TRAC and INM)</i></p>	<p>Number of Pending Cases</p> <p><i>(TRAC)</i></p>	<p>Conditions for Asylum Seekers in MPP</p>
<p>Mexicali, Baja California</p> <p><i>MPP Court: San Diego, CA</i></p>	<p>6,638</p> <p><i>TRAC Data: March 2019 to October 2020</i></p>	<p>2,222</p>	<p>Some asylum seekers in MPP who were returned to Mexicali have relocated to Tijuana to be closer to San Diego for their court hearing.</p> <p>Other asylum seekers have rented apartments in Mexicali, and travel by bus to Tijuana for court dates. Three of the city’s main shelters closed down in recent months due to a lack of federal funding.⁸</p>
<p>Tijuana, Baja California</p> <p><i>MPP Court: San Diego, CA</i></p>	<p>7,700</p> <p><i>TRAC Data: January 2019 to October 2020</i></p>	<p>2,536</p>	<p>Since the beginning of the COVID-19 pandemic, Tijuana has received the lowest number of new entrants in MPP, with 240 people. For these individuals, the IOM runs a filter hotel in the city, where they can stay to quarantine before being released to the city’s shelters for a longer-term stay.</p> <p>The federal shelter, “Centro Integrador del Migrante Carmen Serdan” for new asylum seekers in MPP has a capacity for 3,000 individuals and is currently hosting 87 people. Of this population, 22 of the individuals are Mexicans (which means they are not in MPP) and 65 individuals are from other countries.⁹</p> <p>Some asylum seekers in MPP have left for other cities or cross irregularly near Mexicali and through the Sonoran desert.</p> <p>On October 21, 2020, asylum seekers held a binational “Defend Asylum” march in Tijuana and San Diego to protest the treatment of asylum seekers during the COVID-19 pandemic. Protesters’ demands included an end to MPP.¹⁰</p>

ENDNOTES

- 1 Throughout this update, San Diego numbers will include both San Ysidro and Calexico data from TRAC.
- 2 The INM data was used to estimate the number of people who had been returned to Piedras Negras and Nogales, which is not broken out in TRAC data. INM data tracks the number of people who entered both cities as a “Visitor for Humanitarian Reasons” (“*Visitante Razones Humanitarias*”), which is the migratory documentation provided to asylum seekers admitted to Mexico under MPP.
- 3 Caitlin Dickerson, “Inside the Refugee Camp on America’s Doorstep,” *The New York Times*, November 3, 2020, <https://www.nytimes.com/2020/10/23/us/mexico-migrant-camp-asylum.html>.
- 4 Ibid.
- 5 This number was calculated using TRAC’s total for Laredo—which includes people returned to Nuevo Laredo and Piedras Negras—and subtracting the total number of people who INM documents as entering Piedras Negras as a Visitor for Humanitarian Reasons. The number is imprecise because INM has not yet published data for October 2020.
- 6 This number was calculated using TRAC’s total for El Paso—which includes people returned to Ciudad Juárez and Nogales—and subtracting the total number of people who INM documents as entering Nogales as a Visitor for Humanitarian Reasons. The number is imprecise because INM has not yet published data for October 2020.
- 7 Hérica Martínez Prado, “Denuncian migrantes brote de coronavirus en albergue,” *El Diario de Juárez*, September 16, 2020, <https://diario.mx/juarez/denuncian-migrantes-brote-de-coronavirus-en-albergue-20200915-1708945.html>.
- 8 Alejandro Domínguez, “Albergues de migrantes también se ven afectados por falta de apoyo federal,” *La Voz de la Frontera*, October 29, 2020, <https://www.lavozdelafrontera.com.mx/local/albergues-de-migrantes-tambien-se-ven-afectados-por-falta-de-apoyo-federal-5951152.html>.
- 9 “Titular de la Secretaría de Seguridad Pública de Tijuana debe ser una persona calificada: Bonilla Valdez,” *El Mexicano*, November 20, 2020, <https://www.el-mexicano.com.mx/Noticia/Estatal/1060/Titular-de-la-Secretar%C3%ADa-de-Seguridad-P%C3%BAblica-de-Tijuana-debe-ser-una-persona-calificada:-Bonilla-Valdez->.
- 10 Max Rivlin-Nadler, “Binational Protestors Converge On The Border To Demand Restoration Of Asylum,” *KPBS News*, October 21, 2020, <https://www.kpbs.org/news/2020/oct/21/binational-protestors-converge-border-asylum/>.