

# The End of “Remain in Mexico”: Urgent Steps Needed to Allow Migrants to Safely Seek Asylum in the United States

In August 2022, just one week after the Biden administration [announced the end](#) of the second iteration of the Migrant Protection Protocols, also known as Remain in Mexico (RMX), the Women’s Refugee Commission (WRC) visited the US-Mexico border at Harlingen, Brownsville, McAllen, and Laredo, Texas.<sup>1</sup> Since the inception of RMX, WRC has extensively documented that it has been a [due process](#) and [rights disaster](#) that puts those seeking protection at immense risk and in grave danger.

## WRC recommends that the Biden administration take the following steps to ensure all people affected by Remain in Mexico can immediately seek safety in the United States:

- Use a whole of government approach to expedite the RMX disenrollment process.
- Facilitate a process that allows RMX enrollees, through clear access to information and with support, to 1) be transported<sup>2</sup> as expediently as possible to or approach any US port of entry to disenroll and 2) file change of venue and address forms with Executive Office for Immigration Review (EOIR) to resume their immigration court hearings in their final destinations.
- Dismantle the Trump-era tent courts in Laredo and Brownsville.
- Coordinate across federal agencies at the headquarters and local level and routinely engage with stakeholders who are helping migrants safely and meaningfully apply for asylum.

## Concerns following the Biden administration’s termination of Remain in Mexico

WRC commends the Biden administration’s steadfast commitment to terminating the cruel Migrant Protection Protocols (RMX) and its decision to [stop new RMX enrollments and begin disenrollments](#) following the district court’s lifting of the injunction<sup>3</sup> on August 8, 2022. However, the administration’s approach to disenrollment is directly linked to an individual’s next scheduled court date. This process is inefficient and forces hundreds of individuals—some of whom have court dates scheduled in 2023—to unnecessarily [continue waiting in danger](#) in Mexico. Therefore, despite the formal termination of the policy, the fundamentally flawed RMX immigration court hearings continue today with [widespread confusion](#).

The Department of Homeland Security (DHS) should not prolong for one more day the [human rights violations](#) and [due process concerns](#) that Remain in Mexico causes to those previously enrolled. Migrants returned to Mexico in the current iteration of RMX have experienced [dangerous conditions](#), including reported incidents of [kidnapping](#) and [sexual assault](#). In RMX tent courts, migrants face a judge in a virtual hearing and suffer from basic audio and language interpretation issues. The vast majority of migrants enrolled in RMX lack legal counsel to support their case, resulting in erroneous final removal orders or in absentia orders due to miscommunication, dangers in Mexico, and other reasons. DHS should not require individuals to attend a hearing—which may be months away—to disenroll from RMX and seek safety in the United States. **If any immigration court hearings do take place on the day of entry into the US, they should only be to facilitate a change of venue and change of address—allowing the individual to resume their court hearings at their final destination.**

1 WRC thanks the service providers, officials, and most importantly, migrants who generously spoke with us about their experiences on a wide range of issues.

2 Currently, those enrolled in RMX already have access to transportation when returning to a U.S. port of entry for their designated court date.

3 The Trump administration began implementing RMX 1.0 in January 2019 and returned over [70,000 individuals](#) to Mexico through the policy. The Biden administration [suspended returns under RMX 1.0](#) on its first day in office and issued a memo terminating the policy in June 2021. In August 2021, a Texas judge issued an [injunction](#) ordering the administration to restore RMX “in good faith.” The Biden administration [reinstated RMX 2.0](#) on December 2, 2021 and [began sending individuals back to Mexico](#) through the policy on December 8, 2021. On June 30, 2022, the Supreme Court ruled that the Biden administration had the [authority to terminate Remain in Mexico](#).

## Flaws in the current disenrollment process and recommendations

Based on our direct observations of RMX court hearings and what we learned in conversations with a broad range of stakeholders,<sup>4</sup> WRC has the following concerns about the current disenrollment process that relies on RMX court hearings:

- **Lack of clear information:** In RMX tent court, migrants were not being provided clear information about the policy's termination and instructions on how to proceed with their asylum cases. In one courtroom, the judge did not even mention RMX by name, only stating that the individual may be paroled or detained subsequent to the hearing. While legal service providers are conducting Know Your Rights presentations ahead of court hearings, **all government agencies should still clearly communicate—in a language understood by the individual—the disenrollment process from RMX and offer clear support to ensure an individual understands their next steps, rights, and obligations.**
- **Potential completion of individual hearings:** WRC heard conflicting reports on whether individuals may be rescheduled into non-detained, non-RMX master calendar hearings—the initial hearing in which further court dates are scheduled—or whether they will be forced to complete a full individual hearing in which their asylum or other immigration claim is decided despite the fundamental flaws of RMX. **If DHS insists on pursuing disenrollment in conjunction with court hearings, we strongly recommend that those disenrolled at an individual hearing be disenrolled from RMX at that hearing, rather than forced to complete that hearing, given the due process concerns with RMX and its termination.**
- **Lack of support to fairly proceed with case:** Completing changes of venue and address forms for different government agencies is a significant burden on the respondent, who will have to complete these forms if released or moved and who often lack the necessary information on how to do so. **To ensure that every individual has a fair opportunity to seek asylum, the government should disenroll individuals from RMX and simultaneously file change of venue and address forms reflecting their final destination. At the very least, the government should provide migrants with informational guides in several languages on completing these forms.**
- **Detention of some individuals following disenrollment:** The federal government has not provided public guidance on which agency authorizes the detention of some disenrolled individuals; at what stage this decision should be made; and how this information should be communicated to respondents. WRC is particularly concerned over any potential to detain all individuals with removal orders, including those who are appealing their decision. **Decisions to detain should never be categorical, and given the serious due process concerns that may have led to the removal order, no one who was in RMX should be punished with detention for seeking to appeal a case in a process that even the Biden administration deemed imposes "substantial and unjustifiable human costs."**

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## Women's Refugee Commission

The Women's Refugee Commission (WRC) improves the lives and protects the rights of women, children, and youth who have been displaced by conflict and crisis. We research their needs, identify solutions, and advocate for programs and policies to strengthen their resilience and drive change in humanitarian practice. Since our founding in 1989, we have been a leading expert on the needs of refugee women, children, and youth and the policies that can protect and empower them.

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<sup>4</sup> The MPP 2.0 disenrollment process had been underway for approximately one week at the time of our visit, and practices were still evolving and may also differ by judge or location. WRC hopes these recommendations will help inform a more consistent and fair process moving forward.