

United States Senate

WASHINGTON, DC 20510

August 27, 2019

The Honorable Mike Pompeo
Secretary of State
U.S. Department of State
2201 C Street, N.W.
Washington, D.C. 20520

The Honorable Kevin McAleenan
Acting Secretary of Homeland Security
U.S. Department of Homeland Security
245 Murray Lane, S.W.
Washington, D.C. 20528

Dear Secretary Pompeo and Acting Secretary McAleenan:

We call on the Trump Administration to end its Remain in Mexico policy, deceptively named the Migrant Protection Protocols, which the administration uses to forcibly send tens of thousands of asylum seekers to Mexico to wait for immigration court hearings in the United States. Not only does this policy do nothing to protect either migrants or U.S. interests, but we have grave concerns about its legality, recent efforts to expand it, and the dangerous conditions it forces asylum seekers to endure while waiting for their cases to be heard.

Under the Remain in Mexico policy, the United States has turned its back on its domestic and international legal obligations by forcing men, women, and children to await resolution of their U.S. asylum cases in parts of Mexico plagued by violence. While in Mexico, these asylum seekers have limited access to lawyers and shelter, which makes it nearly impossible for them to prepare their cases and effectively denies them meaningful access to the U.S. asylum system.

Moreover, the Remain in Mexico policy further damages our status as a global leader in protecting refugees and undercuts our ability to ask other countries to cooperate on migration issues. This policy also has implications for U.S. national security, as it risks fueling instability in Mexican border cities unable to handle the increased number of asylum seekers.

On January 28, 2019, the Administration began implementing its Remain in Mexico policy at the San Diego-Tijuana port of entry. It has since expanded it, forcing asylum seekers to wait in the Mexican cities of Mexicali, Ciudad Juárez, Nuevo Laredo, and Matamoros. More than 30,000 asylum seekers are currently in Mexico awaiting adjudication of their cases, and by the end of August 2019, Mexican officials estimate that this number will rise to 60,000.

As the adjudication process can last for months and even years, the Administration is forcing this growing number of asylum seekers to reside in perilous conditions. Tijuana counted over 2,000 homicide cases in 2018, an increase of 22% from 2017. In Ciudad Juárez, there were 1,247 homicide cases in 2018, a 62% increase from 2017. Due to the prevalence of violent crime and gang activity in the Mexican border state of Tamaulipas, which includes the cities of Nuevo Laredo and Matamoros, the State Department issued a “Do Not Travel” warning for the area.

Amid this increasing violence, there has also been a growing number of reports from the border of the kidnapping, extortion, trafficking, rape, and murder of migrants seeking asylum in the

U.S. LGBT individuals and indigenous peoples are at particularly high risk, and we are deeply disturbed by reports that pregnant women are also being returned to these precarious conditions in Mexico. These incidents include:

- In December 2018, two Honduran teenagers seeking asylum were murdered outside their shelter in Tijuana while waiting to enter the U.S.¹
- From January to May 2019, Doctors Without Borders treated 378 patients in Nuevo Laredo. Of these, more than 45 percent had experienced at least one episode of violence and about 12 percent had been kidnapped while waiting to cross into the U.S.²
- In April 2019, a Honduran woman and her 5-year-old daughter, who had been returned to Ciudad Juárez after their U.S. court hearing, were kidnapped by a taxi driver who threatened to kill them if their family did not pay a ransom.³

As the Trump Administration restricts access to the U.S. asylum system, it also places greater stress on the Mexican immigration system. This Administration knows that, according to independent experts, Mexico has a weak and underfunded asylum system, and does not appropriately screen migrants for protection needs. The Mexican government also has routinely violated the principle of nonrefoulement, a binding pillar of international law that prohibits the return of people to life-threatening situations, by involuntarily returning Central American asylum seekers to their home countries, despite fears of persecution or torture.

The growing body of evidence that migrants fleeing persecution face abuse or even death, along with the fact that the Remain in Mexico policy flouts our legal obligation to asylum seekers, underscores why we demand an end to this dangerous policy. It is imperative that the United States end this reckless course of action and reaffirm its commitment to the principles of due process on which this country was founded.

Thank you for your attention to this matter. We look forward to your response.

Sincerely,



Robert Menendez
United States Senator

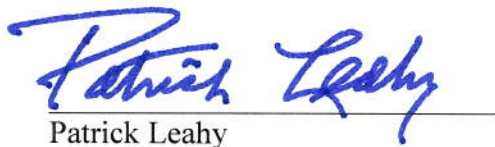


Benjamin L. Cardin
United States Senator

¹Mary Beth Sheridan and Kevin Sieff, *Two Honduran Teens from Migrant Caravan Are Killed in Tijuana*, The Washington Post, December 19, 2018.

²*Mexican City of Nuevo Laredo Not a Safe Place for People Seeking Asylum*, Doctors Without Borders, 3 July 2019.

³Clara Long and Ariana Sawyer, *We Can't Help You Here: US Returns of Asylum Seekers to Mexico*, Human Rights Watch, July 2, 2019.



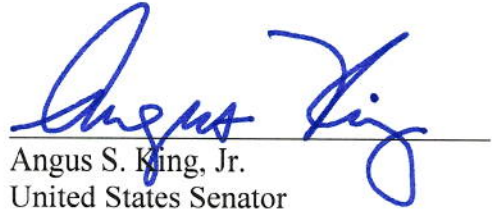
Patrick Leahy
United States Senator



Christopher A. Coons
United States Senator



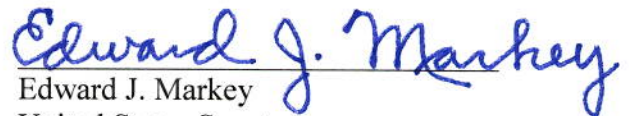
Richard Blumenthal
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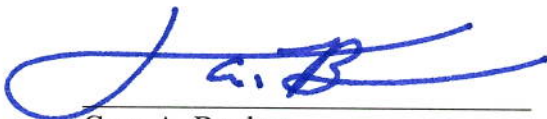
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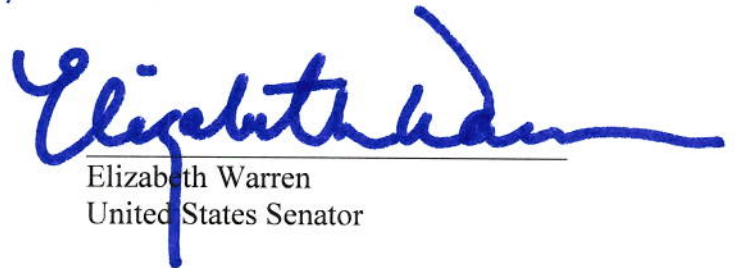
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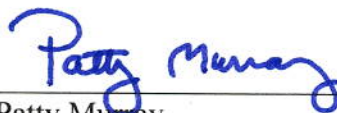
Chris Van Hollen
United States Senator



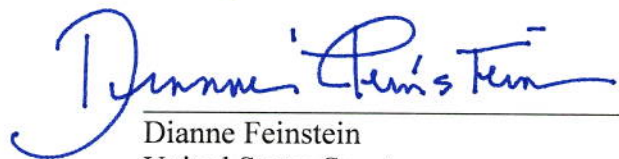
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United States Senator



Elizabeth Warren
United States Senator



Patty Murray
United States Senator



Dianne Feinstein
United States Senator



Bernard Sanders
United States Senator



Tom Udall
United States Senator



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