

The Honorable Joseph R. Biden
President
The White House
1600 Pennsylvania Avenue NW
Washington, D.C. 20500

The Honorable Kamala D. Harris
Vice President
The White House
1600 Pennsylvania Avenue NW
Washington, D.C. 20500

The Honorable Alejandro Mayorkas
Secretary
U.S. Department of Homeland Security
3801 Nebraska Avenue NW
Washington, D.C. 20016

The Honorable Merrick B. Garland
Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Cc: Ambassador Susan Rice, Domestic Policy Council
Advisor Jake Sullivan, National Security Council

October 19, 2021

Re: Legal Service Providers Refuse to Be Complicit in the Biden Administration's Restart of the Remain in Mexico Policy (Migrant Protection Protocols)

Dear President Biden, Vice President Harris, Secretary Mayorkas, and Attorney General Garland:

The undersigned 73 legal services providers, law school clinics, and law firms, write to decry the Biden administration's decision to restart the Remain in Mexico program (formally termed the Migrant Protection Protocols or "MPP") and make clear, there is [no way](#) to make this program safe, humane, or lawful. No measure of involvement from civil societies will mitigate the harms of this horrific, racist, and unlawful program. Nor is it just for this administration to continue to force U.S. lawyers and humanitarian staff to risk their safety due to the failure of this administration to take swift action to uphold U.S. refugee laws and treaties. We refuse to be complicit in a program that facilitates the rape, torture, death, and family separations of people seeking protection by committing to provide legal services.

Representing people returned under MPP or expelled to Mexico under the illegal Title 42 policy has also endangered attorneys and humanitarian groups, including staff of some of the undersigned [organizations](#). In fact, during the two years it was operated under the Trump administration, U.S. based attorneys were [threatened](#) with kidnapping and violence in connection with their representation of people in MPP. Conditions have worsened since the program was [first started](#), rendering it far more dangerous for both the individuals and families attempting to seek protection, as well as any who would seek to help them. Since the Biden administration took office, there have been another [6,356](#) reports of kidnapping, rape, torture, and other attacks against migrants blocked at ports of entry or expelled to Mexico by the U.S. government.

Extensive territorial [control](#) by cartels and [complicity](#) by Mexican government agents in violent [attacks and kidnappings](#) against vulnerable asylum seekers and migrants makes clear that the U.S. government cannot re-implement MPP without subjecting vulnerable individuals to pervasive violence.

We urge the administration to do everything in its power to prevent a return to MPP.

1. Immediately issue a new memorandum that provides a more detailed explanation for the decision to terminate MPP and that resolves any Administrative Procedure Act issues identified by the district court.
2. Immediately inform the Government of Mexico that the United States cannot guarantee increased access to counsel under a reinstated MPP, nor can the United States guarantee that court hearings will generally conclude within 6 months. DHS must not represent to Mexico that nonprofit legal service providers will increase access to counsel under a reinstated MPP.
3. Preserve the MPP wind down and continue processing individuals previously subjected to MPP into the U.S.
4. Take immediate steps to end the cruel and unlawful Title 42 expulsions and immediately restore access to asylum at the border, including at ports of entry.

We stand ready to offer legal services to asylum seekers, were your administration to follow U.S. and international law. But there is no protection in the Migrant Protection Protocols.

Sincerely,

Al Otro Lado

Alonso & de Leef, PLLC

Americans for Immigrant Justice

Angry Tias and Abuelas of the RGV

Asylum Access

Asylum Access México (AAMX), A.C.

Border Angels

Border Kindness

Border Organizing Project

Bridges Faith Initiative

CA Collaborative for Immigrant Justice

Capital Area Immigrants' Rights Coalition

Casa del Migrante en Tijuana, A.C.

Catholic Legal Immigration Network, Inc.

Church World Service

Civil Rights Education and Enforcement Center (CREEC Law)

Columbia Law School Immigrants' Rights Clinic

Diocesan Migrant & Refugee Services, Inc.
Esperanza Immigrant Rights Project
Florence Immigrant & Refugee Rights Project
Government Accountability Project
Haitian Bridge Alliance
Harvard Immigration and Refugee Clinical Program
HIAS
Houston Immigration Legal Services Collaborative
Human Rights First
Human Rights Initiative of North Texas
Immigrant Defenders Law Center
Immigration Equality
Instituto para las Mujeres en la Migración (IMUMI)
International Mayan League
International Refugee Assistance Project (IRAP)
International Rescue Committee
Jesuit Refugee Service/USA
Jewish Family Service of San Diego
Justice for Our Neighbors El Paso
La Raza Community Resource Center
Las Americas Immigrant Advocacy Center
Law Office of Alexandra Bachan
Law Office of Amy Maldonado
Law Office of Elket Rodriguez
Legal Aid Justice Center
Mariposa Legal
Migrant and Immigrant Community Action Project
Migrant Center for Human Rights
Miles Immigration Law
Mississippi Center for Justice
National Immigrant Justice Center
National Immigration Project (NIPNLG)
NETWORK Lobby For Catholic Social Justice
Northwest Immigrant Rights Project
Oasis Legal Services
Pangea Legal Services
Pennsylvania Immigration Resource Center (PIRC)
Project Corazon-Lawyer's for Good Government
Project Lifeline
Proyecto de Ayuda para Solicitantes de Asilo (PASA)

Public Counsel
RAICES
Refugee and Human Rights Clinic, UC Hastings
Rocky Mountain Immigrant Advocacy Network
Santanna Law Offices
Tahirih Justice Center
Taylor Levy Law
Team Brownsville
Texas Civil Rights Project
The Advocates for Human Rights
The Sidewalk School
Transgender Law Center
UC Davis Immigration Law Clinic
UCLA Immigrant Family Legal Clinic
University of Texas School of Law Immigration Clinic
VECINA