

Congress of the United States
Washington, DC 20515

November 30, 2018

Donald J. Trump
President of the United States
The White House
1600 Pennsylvania Avenue
Washington, DC 20500

Dear President Trump:

As Members of Congress who sit on the House Foreign Affairs Committee and the House Appropriations Committee, we write to express our grave concerns about reports of a so-called “Remain in Mexico” policy for asylum seekers being negotiated between your administration and the incoming Mexican government. This policy would reportedly force individuals seeking asylum to stay in Mexico as their asylum cases move through the U.S. court system.

Current law is clear. 8 U.S.C. 1158(a)(1) states: “Any alien who is physically present in the United States or who arrives in the United States (whether or not at a designated port of arrival and including an alien who is brought to the United States after having been interdicted in international or United States waters), irrespective of such alien’s status, may apply for asylum in accordance with this section...” Furthermore, 8 U.S.C. 1231(b)(3)(A) states: “[T]he Attorney General may not remove an alien to a country if the Attorney General decides that the alien’s life or freedom would be threatened in that country because of the alien’s race, religion, nationality, membership in a particular social group, or political opinion.”

Restated, federal law expressly provides asylum seekers permission to seek asylum no matter the manner in which they have entered the United States. Furthermore, the Attorney General may not remove asylum seekers from the United States when doing so threatens their lives or freedoms – the very qualifications of an asylum seeker in the first place. Finally, forcing asylum seekers to wait in Mexico for indefinite periods of time in dangerous conditions would make it all but impossible for families, children and other vulnerable individuals to access asylum and receive meaningful review of their claims under U.S. law. Consequently, the proposed “Remain in Mexico” policy would violate these laws.

We strongly encourage you to refrain from adopting new policies that are inconsistent with existing federal law, and to refrain from encouraging other governments – such as Mexico’s incoming government – to enter into agreements with the United States that violate our nation’s laws and undermine American values. The United States has been and should continue to be a beacon of light for other countries, and it is in the best interest of Americans and Mexicans alike to enforce existing asylum laws with dignity, respect, and efficiency. We must work together to ensure the safety and well-being of those seeking asylum.

You have repeatedly said that the law must be followed with respect to persons crossing America's borders. We hope you will stay true to this conviction with respect to individuals seeking asylum in America.

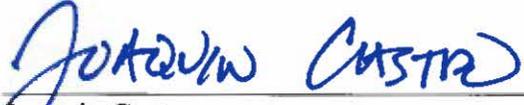
Sincerely,



Grace Meng
Member of Congress



David Price
Member of Congress



Joaquin Castro
Member of Congress

Cc:

Secretary of State Mike Pompeo

Secretary of Homeland Security Kirstjen Nielsen

Acting Attorney General Matthew Whitaker

John S. Creamer, Chargé d'Affaires, U.S. Embassy in Mexico

President-elect of Mexico, Andrés Manuel López Obrador