



DONATE NOW

TAKE ACTION

[Home](#) » Biden Could Face Further Legal Action Upon Restarting 'Remain in Mexico'

FOR IMMEDIATE RELEASE

November 22, 2021

CONTACT

Juan Gastelum, media@nilc.org, 213-375-3149

Biden Could Face Further Legal Action Upon Restarting 'Remain in Mexico'

WASHINGTON — In a letter sent Friday to U.S. Attorney General Merrick Garland and Homeland Security Secretary Alejandro Mayorkas, Marielena Hincapié, executive director of the National Immigration Law Center (NILC), warned that the Biden administration could face additional litigation if it restarts the Trump-era Migrant Protection Protocols (MPP), also known as the Remain in Mexico policy.

Hincapié informed the officials that MPP violates the terms of a permanent [injunction](#) in *Orantes-Hernandez v. Meese*, a federal class-action lawsuit first filed in the 1980s, that protects the rights of Salvadorans seeking safety in the United States. NILC represents plaintiffs in the case, along with the American Civil Liberties Union (ACLU) Immigrants' Rights Project and the ACLU of Southern California.

Earlier in the week, DHS [stated](#) that it will restart MPP "within the coming weeks."

In her letter, Hincapié writes:

"Despite your own considered analysis and conclusion that MPP imposed unacceptable conditions that denied access to counsel and to proceedings themselves, and further that it is not possible to fix MPP, the administration is poised to restart the very policy and practices that it so fervently denounced when

This website uses cookies to improve your experience. We'll assume you're ok with this, but you can [opt-out](#) if you wish. [Accept](#) [Read More](#)

"While appreciating the need to comply with the Texas district court order, nothing in that court's order purports to excuse the Government from the pre-existing *Orantes* Injunction. Moreover, nothing in the order requires halting the MPP wind down or confining the wind down's scope to the first two phases. And nothing in the court's order requires that this administration embrace the cruel, inhumane, illegal, and, in too many instances, deadly facets of the prior administration's implementation of MPP. While not bound to do any of this, the administration now appears to be committing itself to a path of violating the *Orantes* Injunction in addition to a host of other laws. These violations will be perpetrated on your watch, against the administration's own stated principles."

...

"...while violating law specific to *Orantes* class members, MPP is unlawful, inhumane, and immoral as applied to any individual seeking asylum in the United States, and we implore you to halt the rush to stand back up a policy that will inevitably lead to more deaths, sexual assaults, and kidnapping and that will further turn this country's back on law and morality."

More information about the *Orantes* injunction is available [here](#).

The full text of the letter is available [here](#).

###

SIGN UP → → →
FOR EMAIL UPDATES

First Name *

Last Name *

Zip Code *

E-Mail Address *

This website uses cookies to improve your experience. We'll assume you're ok with this, but you can opt-out if you wish. [Accept](#) [Read More](#)

AILA Doc. No. 19091660. (Posted 11/24/21)

Tweets by @NILC



National Immigration Law Center

@NILC

Recent [@NewAmericanEcon](#) report shows that immigrants were essential to our country's economic recovery from the Great Recession.

As we prepare for [#COVID19](#) recovery, the same will be true. There is no recovery without immigrants. [#ImmigrantsAreEssentialow.ly/oPvY50GSraW](#)

Are Immigrant-Heavy Metro Areas More Economically Resilient?

research.newamericaneconomy.org

2h



National Immigration Law Center

@NILC

ICYMI: Last week, we unveiled an [#ImmigrantsAreEssential](#) mural by artist & activist [@ernestoyerena](#) in Phoenix, AZ.

"I created this to honor the immigrant community. This mural is dedicated to the lives lost due to COVID-19. May they rest easy." -Ernesto

by Mercedes Zapata

[Embed](#)

[View on Twitter](#)

SEARCH

This website uses cookies to improve your experience. We'll assume you're ok with this, but you can opt-out if you wish. [Accept](#) [Read More](#)