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**UNION REPRESENTING USCIS ASYLUM OFFICERS CONDEMNS RE-  
IMPLEMENTATION OF THE MIGRANT PROTECTION PROTOCOLS**

WASHINGTON, DC - Today, in response to a misguided court order based on specious legal reasoning, the Department of Homeland Security issued guidance to reinstate one of the prior administration’s most harmful immigration policies: the so-called Migrant Protection Protocols (“MPP” – also known as the “Remain in Mexico” program). U.S. Citizenship and Immigration Services also issued related guidance to the Asylum Division on the re-implementation of MPP. MPP requires asylum seekers approaching the southern border to remain in Mexico while their immigration court cases are pending in the United States. As the union representing asylum officers tasked with screening migrants subject to MPP, the National Citizenship and Immigration Services Council 119 strongly objects to the resurrection of this irredeemably flawed program. Its implementation makes our members complicit in violations of U.S. federal law and binding international treaty obligations of non-refoulement that they have sworn to uphold.

While the Administration has taken measures intended to mitigate some of the most egregious elements of MPP’s prior iteration, a program that requires asylum seekers to remain in one of the most dangerous parts of the world while their cases are pending in U.S. immigration courts cannot guarantee their protection from persecution and torture, as required by U.S. law. Our members have committed themselves to public service as asylum officers because they believe in the international refugee protection framework the United States played a key role in establishing. From its inception thirty years ago, the USCIS Asylum Officer Corps has been mandated to ensure that those who seek refuge at our borders have a fair opportunity to present their claims before an impartial U.S. government official, and that they are treated humanely during the pendency of their claims.

MPP denies asylum seekers these rights, to which they are entitled under the law. It does so by:

- Endangering their physical security, leaving them at the mercy of violent cartels and corrupt officials in Mexico;
- Denying them meaningful access to counsel, the ability to gather evidence, and resources to prepare their cases;
- Subjecting them to high-stakes interviews in which they are questioned about conditions in an unfamiliar country through which they merely transited en route to the United States; and
- Deterring migrants from seeking asylum in the United States: a gross perversion of a fundamental human right under international law.

Furthermore, re-implementing MPP will divert asylum officers from their primary protection work, including credible fear screenings and affirmative asylum adjudications.

As Secretary Mayorkas himself has acknowledged, the prior iteration of MPP “had endemic flaws, imposed unjustifiable human costs, pulled resources and personnel away from other priority efforts, and did not address the root causes of irregular migration.” The guidance issued today by DHS and USCIS may mitigate, but does not cure, these intrinsic defects.

Our Union calls on the Biden Administration, Congress, and the courts to denounce MPP as inconsistent with federal law and U.S. treaty obligations and to do everything in their power to end this fatally deficient, abhorrent program once and for all.

Today’s DHS memorandum also refers to the Department’s intention to continue subjecting migrants approaching the southern border to Title 42 expulsions. The Union strongly condemns the continued use of Title 42, which dispenses with even the pretense of due process for individuals seeking protection at our border, and has been nearly universally disavowed by public health experts, including many at the Centers for Disease Control and Prevention (CDC). Every day it remains in place constitutes a compounding violation of our binding obligations under U.S. and international law to ensure we do not return people to persecution or torture. Together with MPP, Title 42 in practice represents a near complete shutdown of our asylum system at the southern border. Before the previous Administration began to enact such harmful policies, the United States had led the world in assisting and protecting refugees. It is high time for us to do so again.

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