

## Fully End the Migrant Protection Protocols: Ensure Safety for All Subjected to Horrific Policy

As the Biden administration [winds down](#) the Migrant Protection Protocols (MPP), it has not yet included in this process asylum-seeking families and adults whose cases were unfairly denied, terminated, or otherwise closed under the illegal MPP policy, including many who missed hearings because they were kidnapped at the time. In February 2021, the Department of Homeland Security (DHS) announced that individuals who do not have “active” MPP cases should “[await further instructions](#),” referring to the processing of individuals with “active” MPP cases as “the [first phase](#) of a program to restore safe and orderly processing at the southwest border.”

To date, no such instructions have been provided, and many people forced to return to Mexico under MPP remain stranded there facing grave [dangers](#). Many asylum seekers were denied a fair opportunity to request refugee protection in the United States in MPP hearings plagued by [due process violations](#), some of which were conducted under illegal Trump administration rules, including the now [enjoined](#) third-country transit asylum ban. Many adults who remain stranded in Mexico are [separated](#) from [children](#) who were sent alone for their safety to the United States. Other families face potential separation when family members with “active” MPP cases are transited to safety while other family members with “inactive” MPP cases are left behind.

The Biden administration [should](#) quickly bring to safety all families and adults subjected to MPP – including those whose cases were unfairly denied, terminated, or otherwise closed – releasing them on parole to stay with family or community members in the United States as their immigration cases proceed. As part of the wind down of MPP, DHS and the Department of Justice (DOJ) should take steps to vacate all *in absentia* MPP removal orders. For people subjected to MPP who want to reopen their cases, DHS should ensure that asylum seekers have a fair opportunity to seek U.S. refugee protection by asking the immigration courts to reopen denied MPP cases and issuing new notices to appear for terminated and other closed MPP cases, as requested.<sup>1</sup> The horrors of MPP will continue so long as individuals and families continue to be forced to wait in danger in Mexico, including those whose cases were wrongfully denied.

The following examples are drawn from media accounts, prior [reports](#) on MPP by Human Rights First, other human rights monitors and immigrant rights organizations, as well as more recent examples shared by attorneys.

### Include families and individuals unfairly ordered removed *in absentia* in the ongoing wind down of the MPP policy

Many families and individuals in MPP missed hearings due to the grave dangers for those forced to remain in Mexico including kidnappings, rape, and other violent assaults as well as other impediments that blocked asylum seekers stranded in Mexico from attending U.S. immigration court hearings. Some had been kidnapped at the time of their hearings or were too afraid to travel through the dangerous

---

<sup>1</sup> The number of people who were in MPP and may seek to renew applications for asylum is unclear. That figure is certainly less than the approximately 32,000 individuals who received removal orders and 10,000 whose cases were terminated under MPP, since the government did not screen individuals placed in MPP and, while many were asylum seekers, many others were not.

border region to attend court, forcing them to abandon bona fide protection claims, as the [Washington Post](#) and other media [outlets](#) have reported. Many [targeted](#) asylum seekers who were transiting to and from ports of entry at night or in the early morning hours as DHS frequently [instructed](#) asylum seekers in MPP to appear at ports of entry at [4:30 a.m.](#) in dangerous border cities. Indeed, there were more than [1,500](#) publicly reported attacks against people subjected to MPP. Other asylum seekers were unable to attend court and received *in absentia* removal orders because the government failed to provide [proper notice](#) of hearings or conflicting [instructions](#) about the date to appear, or because Customs and Border Protection (CBP) officers blocked them at ports of entry from attending court. Medical emergencies and lack of resources to travel for hearings, which were sometimes hundreds of miles from the place where the family or individual was returned to Mexico, prevented others from reaching their MPP hearings.

Despite widespread media and human rights reports of these dangers, and acknowledgment by government attorneys that kidnapping was “[potentially a reality for every](#)” person in MPP, DHS attorneys requested that immigration judges issue *in absentia* (meaning the person was not present at the hearing) removal orders against families and individuals who had been kidnapped and [opposed](#) requests to reopen cases of people who submitted evidence or testified that their failure to appear was because they were kidnapped. Amnesty International reported that “**immigration judges . . . publicly stated that they [we]re pressured to issue in absentia removal orders in every instance in which an MPP returnee d[id] not appear.**”

Vacating these *in absentia* decisions and including these individuals in the MPP wind down are necessary steps to ensure everyone subjected to the illegal MPP policy has a fair opportunity to request U.S. humanitarian protections. Asylum seekers who received *in absentia* removal orders because they were kidnapped at the time of their MPP hearing, searching for abducted family members, or unlawfully detained by Mexican authorities include:

- **A 17-year-old Salvadoran boy may be separated from his family, who have active MPP cases, since he was ordered removed *in absentia* when he missed an MPP hearing because he had been [kidnapped](#).** The boy’s mother informed the immigration judge that her son had gone missing and that she had filed a missing person’s report, but the judge entered a removal order. The boy was subsequently released, but “now the family wonders if they’ll be able to cross the border together,” according to the *Washington Post*.
- **An asylum seeker missed her MPP hearing because she was searching for her [two-year-old daughter](#) who had been kidnapped days earlier and was ordered removed *in absentia*.** Without an attorney to request to reopen the case, the woman and her daughter both received orders of removal, according to Catholic Legal Immigration Network, Inc. (CLINIC).
- **An immigration judge ordered a Venezuelan asylum seeker removed *in absentia* who had been kidnapped by the taxi driver who was supposed to take him to the port of entry for his MPP hearing.** The man’s brother was forced to pay ransom to secure his release. He remains in Mexico hoping to be brought to safety, according to his attorney.
- **A Honduran asylum-seeker and her 15-year-old daughter were ordered removed *in absentia* because they missed their MPP hearing when gunmen [kidnapped](#) the family as they traveled by bus to Nuevo Laredo to attend immigration court.** They were held in a house packed with other kidnapped people. The woman told the *Washington Post*, “It’s hard to think because I was kidnapped on my way to my court hearing, I missed my only chance to make an asylum case,” Carolina said.

- **An immigration judge ordered a 16-year-old girl and her father removed *in absentia* even though another asylum seeker testified that the family had been [kidnapped](#) while traveling to Nuevo Laredo for an MPP hearing.** Human Rights Watch reported that the woman told the immigration judge that she and her children had nearly been kidnapped by the same cartel members.
- **A Venezuelan asylum seeker was ordered removed *in absentia* in March 2020 after missing her MPP hearing because she was [kidnapped](#) from a bus by cartel members in Reynosa on her way to court.** The woman was later released but missed her hearing and when she reached the port of entry the next day learned that she had been issued an *in absentia* removal order.
- **An asylum-seeking Salvadoran family with two children was abducted by armed men from the bus in which they were traveling to their MPP hearing in Laredo, held for three months for ransom, and ordered removed *in absentia* as a result of missing court.** The family was forced to travel back to the border from southern Mexico because Mexican officials had bused them to Chiapas after DHS returned them to Nuevo Laredo, according to attorneys at the Immigrant Defenders Law Center now representing them. While being held captive, the family witnessed other kidnapping victims being tortured and murdered.
- **An Ecuadorian asylum seeker, who was [kidnapped](#) in Tijuana with her baby, drugged, and trafficked into the United States, missed her MPP hearing as a result.** Both mother and child received *in absentia* orders of removal according to the American Immigration Lawyers Association (AILA)-member attorney representing the family.
- **A Salvadoran asylum seeker, who was detained and extorted by Mexican officials en route to her MPP hearing and forced to send her children alone to court, received an *in absentia* order of removal.** Her children explained to the immigration judge why the woman was not in court but she was ordered removed nonetheless, and the children were treated as unaccompanied and processed into the United States. The woman remains in Mexico, where she has suffered severe illness, and is waiting to learn whether she will be reunited with her children, according to attorneys at the Adelante Pro Bono Project now representing her.

Other asylum seekers were ordered removed *in absentia* because they were too afraid to return to the port of entry fearing they would be kidnaped or attacked again, feared suffering further abuse by CBP officers, or were blocked at the port of entry by CBP officers from attending MPP hearings.

- **A Honduran asylum seeker and his son, who were abducted in Nuevo Laredo and later freed by Mexican authorities, were so terrified to leave the apartment where they were staying that they missed their MPP hearing and were ordered removed *in absentia*.** With the assistance of the *Instituto para las Mujeres en la Migración*, the family relocated to another part of Mexico and are seeking legal representation to attempt to re-open their cases.
- **Two Venezuelan asylum seekers who were [kidnapped](#) and beaten in Nuevo Laredo as they approached the U.S. port of entry were forced to abandon their MPP claims out of fear that they could be killed by their attackers, and were ordered removed *in absentia*.** Although their immigration attorney has repeatedly requested that DHS provide them with a remote fear screening, the requests have not been granted, and the men are too afraid to return to the border region to attend MPP court.

- **An asylum seeker, who was blocked by CBP officers at the port of entry from attending her MPP hearing because her court documents had been stolen in the encampment where she was staying, was ordered removed *in absentia* by an El Paso immigration court judge.** Even though the woman was represented by counsel, who had been approved for a telephonic appearance, the immigration judge entered a removal order without calling the attorney.
- **An indigenous Mam-speaking Guatemalan asylum seeker and her 2-year-old daughter were [ordered removed](#) *in absentia* because they arrived a few minutes after 3:30 in the morning – the time CBP had instructed them to present at the San Ysidro port of entry for their MPP hearing.** The family had traveled more than two hours from Mexicali, where DHS had returned them under MPP, but CBP officers refused to transport the family to the immigration court, according to the American Immigration Council.
- **An unrepresented family of asylum seekers was beaten and mistreated by CBP officers while waiting for their first immigration court hearing and missed their second hearing out of fear of experiencing repeated abuse.** The family was subjected to kicking and verbal abuse by U.S. immigration officers, as well as physical abuse during a medical exam, and was not allowed to sleep during the grueling overnight hours of travel to their hearing. The family has now obtained pro bono legal counsel through AILA and a motion to reopen their case is pending.
- **At a Laredo MPP hearing in December 2019, an immigration judge [informed](#) a Guatemalan asylum seeker that her daughter’s *in absentia* removal order was unlikely to be reopened on the basis that her daughter was too afraid to travel through the border region to attend an MPP hearing.** The judge told her, “to be blunt, being afraid is probably not going to cut it.”
- **An asylum seeker presented two hours early for his MPP hearing at the San Ysidro port of entry, but by the time he realized he was in the wrong line, he was told by CBP officials it was [too late](#) to enter the United States for his hearing, and he was subsequently ordered removed *in absentia*.** The asylum seeker’s attorney was told when he called the San Diego immigration court to reschedule the hearing that there was “nothing to be done,” according to CLINIC.
- **A 14-year-old Nicaraguan girl and her asylum-seeking father were not permitted to attend their MPP hearing because they mistakenly arrived at the San Ysidro port of entry at the scheduled time of their hearing – instead of hours earlier as CBP required – and were ordered removed *in absentia*.** The CBP officers at the port would not transport the family to court and instructed them to return the following week, but the immigration court had closed their case, according to the Immigrant Defenders Law Center.

Asylum seekers who missed court because they could not afford transportation to return to the border for court or who were so sick or injured, including those who had suffered brutal attacks, that they could not travel to court were also unfairly ordered removed *in absentia*.

- **An asylum seeker who was hospitalized after being raped by a Mexican police officer two days before her MPP hearing was ordered removed *in absentia*.** The woman asked a friend who had an MPP hearing on the same day to provide medical records documenting the rape to the court, but the immigration judge nevertheless ordered her removal *in absentia*, according to Diocesan Migrant & Refugee Services.

- **A Colombian asylum seeker in MPP who could not [afford](#) to buy bus tickets for her children and mother to join her at their hearing was told that her children and mother would be ordered removed *in absentia* because they did not appear in court.** The woman explained that she could not afford to bring her family because she had to hire an attorney in Mexico to file charges against a man who had sexually abused her daughter while they were forced to wait in Mexico under MPP.
- **An unrepresented asylum seeker who was too ill to attend his MPP hearing and decided to self-quarantine because he appeared to have symptoms of COVID-19 was ordered removed *in absentia* in mid-March 2020.** The immigration judge entered an order of removal in the man's case, according to the AILA-member attorney now representing him.
- **A Cuban asylum seeker who missed an MPP hearing after she suffered a second-trimester [miscarriage](#) received an *in absentia* order of removal.** The woman was unable to attend the MPP hearing because she was in the hospital and then bedridden for two weeks. The *Washington Post* reported that the woman, who is now represented by the Adelante Pro Bono Project, was subsequently admitted to the United States but her case has not been reopened – leaving her unable to apply for asylum.

## Provide a fair opportunity to asylum seekers denied protection due to MPP's due process farce and illegal Trump administration rules

The MPP policy was a due process charade that effectively [blocked](#) the vast majority of those forced to remain in Mexico from legal counsel, trapped them in danger, and subjected them to inhumane conditions, which prevented many asylum seekers from fairly presenting claims for protection. DHS gave asylum seekers [lists](#) of legal services providers in the United States but [prohibited](#) unrepresented individuals in MPP from speaking with attorneys in the moments before or after immigration court proceedings – their only opportunity to meet in person with legal service providers in the United States. Many attorneys were unable to travel to Mexico to meet with clients due to the extreme security [risks](#). The limited number of pro bono and low-cost legal services providers at the border were overwhelmed with requests for assistance from asylum seekers. As a result, [97 percent](#) of individuals with completed MPP cases did not have an attorney. Without legal assistance, asylum seekers often struggle to fill out asylum applications, which must be completed in English, compile and translate documentary evidence, and address complex legal definitions and standards that were repeatedly, and illegally, altered by Trump administration regulations and Attorney General rulings. Many asylum seekers in MPP were denied refugee protections because of the now-enjoined<sup>2</sup> third-country [transit asylum ban](#) that barred from protection those who had traveled through other countries en route to the United States regardless of whether those countries were safe for refugees. As a result of these due process barriers, only [523](#) people of the more than 70,000 people subjected to MPP ultimately received U.S. asylum or other humanitarian protections while forced to remain in Mexico under MPP.

The wind down of MPP should include individuals who were denied a fair opportunity to present their claims for protection and ensure that any requests to reopen these cases are joined by DHS and granted by the Department of Justice. Asylum seekers in MPP unfairly denied asylum and other refugee protection include:

---

<sup>2</sup> In June 2020, a federal court [vacated](#) the transit ban, which was initially issued as an [interim final rule](#) on July 16, 2019. In December 2020, the Trump administration re-issued the transit ban as a [final regulation](#), which was [enjoined](#) in February 2021.

- **An unrepresented Nicaraguan political activist in MPP who had been persecuted for his participation in anti-regime protests was denied U.S. refugee protection despite having a strong prima facie claim, and was subsequently [deported](#).** Unable to find an attorney to represent him, the young man had not known he could submit written witness declarations, or that he needed to translate crucial evidence he had submitted to the immigration court from Spanish to English. Without counsel to advise him, he waived his right to appeal, resigned to being deported to endure continued persecution in Nicaragua.
- **An unrepresented Cuban asylum seeker in MPP, who requested to withdraw his asylum application so that he could apply for refugee protection in Mexico, was instead ordered [removed](#) to Cuba.** Without an attorney to advise him, the man effectively and unwittingly agreed to his own deportation by withdrawing his asylum application.
- **An unrepresented Honduran family in MPP, persecuted due to their Mormon faith, was [denied](#) asylum by an immigration judge who failed to meaningfully review their claim.** A gang that exerts significant control over parts of Honduras threatened the family and attacked their church after the father, a youth pastor, opposed the gang's recruitment efforts, forcing them to flee, according to *BuzzFeed News*.
- **An unrepresented Nicaraguan asylum seeker in MPP, who is suffering from Post-Traumatic Stress Disorder (PTSD) and severe depression after fleeing political persecution, was unable to fairly present her asylum claim.** The Nicaraguan government had persecuted the woman due to her opposition political opinion and involvement in demonstrations. The immigration judge failed to adequately elicit the woman's testimony even though she was unrepresented, and the Board of Immigration Appeals (BIA) wrongly discounted medical evaluations showing the woman's ability to testify was compromised by her mental health status. Now represented on appeal, the woman has a pending petition for review before a federal court of appeals.
- **A Honduran asylum seeker and her son, who had been [kidnapped](#) in Mexico and held for 10 days, were ordered removed after the woman testified in immigration court that she had been unable to complete her asylum application or find an attorney.** Confronted with an impossible choice—be returned again to certain danger in Mexico or risk persecution in Honduras—she asked the judge to deport the family. She told the court: “[Our lives] are in danger. I want to go back to Honduras because, if something happens to me there, at least I have my family. But here, it's just myself, and my son, and God.”
- **An unrepresented Honduran family in MPP was denied asylum after proceeding without a lawyer because they were terrified of waiting longer in danger in Tijuana.** The family fled Honduras after MS-13 gang members stalked, assaulted, and threatened to kill their teenage daughter because of her Christian faith. Unable to find an attorney, the family proceeded pro se in immigration court and, as result, was unable to submit critical country conditions evidence or detailed witness affidavits and did not know to object to unreliable evidence introduced by the government in English that they could not read. The immigration judge failed to consider whether the teenage daughter qualified for asylum even though she submitted her own application, according to the attorney now representing the family.

Many asylum seekers in MPP were wrongly barred from asylum under the now-enjoined third-country transit asylum ban, denied withholding of removal and Convention against Torture (CAT) relief under the

[heightened](#) requirements for these protections, and stranded in Mexico.<sup>3</sup> In some instances, immigration judges applied the transit ban to deny protection to asylum seekers who were plainly not covered by the terms of the rule. For instance, Human Rights First [observed](#) several Cuban refugees denied asylum at the Laredo MPP tent courts by immigration judges who [erroneously concluded](#) that the transit ban applied to *applications* filed on or after the date of implementation of the transit ban, rather than based on the date the applicant arrived in or entered the United States, as the rule clearly provided. DHS should and, for asylum seekers subjected to the illegal practice of metering (restricting asylum processing at U.S. ports of entry), must,<sup>4</sup> reopen these cases and provide an opportunity for asylum seekers to pursue their claims under the correct legal standard. Some of those in MPP whose requests for asylum were rejected under the transit ban include:

- In January 2020, a **Venezuelan journalist and her one-year-old child were ordered [deported](#) after an immigration judge for the Laredo MPP tent court denied the family asylum under the transit ban and denied them withholding and CAT protection.** Under a clearly erroneous interpretation of settled asylum law, the immigration judge wrongly concluded that if the woman's persecutors intended to kill her and her child, they would have done so during the attack she had suffered before fleeing Venezuela.
- **A Cuban man, who was seeking asylum due to political persecution, including forced labor and physical assaults, was [denied](#) asylum under the transit ban and ordered deported** in early February 2020 after an immigration judge for the Brownsville MPP tent court found that the man did not meet the improperly heightened withholding/CAT standard due to the transit ban. The man had also been kidnapped in Reynosa after being returned to Mexico under MPP.
- In March 2020, a **Nicaraguan student activist, who had been shot at during a protest against the Ortega government, had his home vandalized, and was pursued by the police, was [denied](#) asylum due to the transit ban** during a hearing at the Brownsville MPP court. The immigration judge found the young man did not meet the improperly heightened requirements for withholding of removal or CAT protection because of the transit ban and ordered him deported to Nicaragua.
- **An [18-year-old](#) Venezuelan woman seeking asylum with her father was denied asylum due to the transit ban, found not to qualify for withholding or CAT protection, and returned alone to Mexico.** As *BuzzFeed News* reported, the girl's father, who was granted only withholding of removal due to the transit ban, had returned to Venezuela from the United States to help his daughter escape when she began receiving threats.
- **An unrepresented Salvadoran asylum seeker who survived severe domestic violence was denied asylum based on the now-enjoined third-country transit asylum ban, and is now separated from her children in the United States.** The immigration judge failed to engage in

---

<sup>3</sup> Immigration court asylum grant rates [dropped](#) by as much as 45.5 percent while the transit ban was in effect between December 2019 – March 2020, based on government data analyzed by the Transactional Records Access Clearinghouse.

<sup>4</sup> On October 30, 2020, a federal court hearing a lawsuit challenging metering and other forms of turnbacks of asylum seekers at U.S. ports of entry issued an [order](#) requiring the government to take immediate affirmative steps to reopen or reconsider asylum denials due to the third-country transit asylum ban for people subjected to metering prior to the implementation of the transit ban who are currently in expedited or regular removal proceedings. In addition, the government must inform class members in proceedings or DHS custody of the order and its impact and make all reasonable efforts to identify other class members and share that information with the plaintiffs. Because many individuals with decided MPP cases were subjected to both metering and the third-country transit asylum ban, the government should consider reopening all denied MPP cases (where the asylum seeker does not object or would not be otherwise prejudiced) to comply with its obligation under the court's order.

meaningful analysis of the woman's asylum claim, finding her barred under the third-country transit asylum ban. On appeal, the BIA concluded that it was unlawful to apply the transit ban but erroneously upheld the asylum denial despite the immigration judge's failure to analyze her claim. The woman, who now has an attorney, has a petition for review pending before a federal court of appeals.

- **An unrepresented Honduran asylum seeker, who was raped in Mexico while forced to remain there under MPP, and her daughter, were unfairly denied asylum under the third-country transit asylum ban.** The family fled after a gang that functions as the de facto government in parts of Honduras threatened them for failing to comply with the gang's demands. The immigration judge failed to effectively elicit the traumatized woman's testimony and denied her asylum claim due to the now-enjoined transit ban. The BIA erroneously denied the appeal. The woman is now represented in her pending circuit court petition for review.

## Ensure asylum seekers with MPP cases terminated or closed due to government errors or misconduct are not left in limbo

Procedural defects in immigration documents filed by the government in MPP cases and misconduct by CBP officers blocking asylum seekers from attending MPP hearings resulted in many proceedings being terminated or closed without adjudication on the merits, leaving asylum seekers in limbo without refugee protection and shut out of the MPP wind down. For instance, because of widespread procedural defects in notices to appear (NTAs), some immigration judges, particularly in San Diego, terminated these cases even when asylum seekers appeared in court attempting to request asylum protection. Other cases were closed due to DHS's failure to file NTAs or after CBP agents improperly [turned away](#) asylum seekers who presented at ports of entry for MPP hearings. Asylum seekers stranded in or returned to Mexico with terminated or closed MPP cases were unable to seek protection in the United States through their MPP cases and could not make new requests for protection because DHS has effectively [blocked](#) asylum requests at the southern border since March 2020. The families and individuals in MPP whose cases were terminated or closed, like those detailed below, should not be shut out of the MPP wind down.

- **The MPP case of a Honduran asylum seeker and her two children was terminated after CBP officers at the San Ysidro port of entry refused to allow the family to attend their hearing because CBP officers claimed the woman was sick and told her to return the following day.** According to lawyers for the Immigrant Defenders Law Center, when the family returned to the port the next morning to appear for court, they learned that their MPP case had been terminated.
- **A San Diego immigration court judge [terminated](#) the MPP case of an asylum-seeking woman and her young son due to procedural errors in the paperwork filed by the government in her case,** according to the *San Diego Union Tribune*. U.S. border officers gave the family a notice listing a non-existent upcoming hearing date to convince Mexican immigration officials to accept their return to Mexico under MPP. But with their MPP proceedings terminated, the family was left without any means to continue their asylum case.
- **An asylum-seeking family, whose MPP case was [terminated](#) by an immigration court judge due to procedural errors in their immigration court documents, was returned to Mexico with a fake hearing date and were nearly kidnapped.** When the family presented themselves at the border to express a fear of remaining in Mexico, they learned they no longer had an active MPP case, as reported by the *San Diego Union Tribune*.

- **The MPP cases of at least two Cuban asylum-seeking families were [closed](#) as a result of DHS's failure to file NTAs with the immigration court in their cases.** Unable to renew their temporary Mexican migration permits without an active MPP case, the families lost their jobs in Mexico, according to the *Proyecto de Apoyo Para Solicitantes de Asilo*.
- **A Guatemalan asylum seeker and his son had their MPP case terminated after CBP officers at the San Ysidro port of entry blocked them from attending their first master calendar hearing and told to return at a later time.** The family, who had presented themselves at the designated date and time, waited until the evening to be transported to court. The Immigrant Defenders Law Center reported that when the man and his son returned to the port the following day, CBP informed them that their case had been terminated.
- **A Honduran family's MPP case was terminated because CBP would not allow them to attend their hearing due to the mother's poor health, detained them for three nights in freezing border cells, and gave them a false notice for a non-existent hearing in order to return them to Mexico.** When the couple presented at the port of entry on the date indicated on the notice, CBP informed them that their case had been terminated after their prior hearing went ahead while they were in CBP custody due to a failure of CBP agents to convey the family's situation to the immigration court, according to the immigration attorney now assisting them.
- **An asylum seeker, who was turned away by CBP officers at the San Ysidro port of entry for her MPP hearing because she was visibly pregnant, had her case [terminated](#) by the immigration court,** according to reporting by *NPR*.
- **An indigenous LGBT asylum-seeker from Guatemala and her daughter had their MPP case terminated after they arrived slightly late at the San Ysidro port of entry for their hearing.** CBP took the family into custody at the port for days and then returned them to Mexico with a notice for a hearing that did not exist, according to attorneys at the Immigrant Defenders Law Center now assisting them. After being returned to Mexico, the woman was nearly abducted by cartel members and stalked by a man whose advances she refused, and her daughter was sexually harassed at the shelter where they fled after the kidnapping attempt.

## **Establish safe pathways to transfer the immigration cases of individuals in MPP who previously fled back into the United States**

Some people forced to remain in Mexico under MPP facing grave dangers, terrible conditions, family separation, and other horrors subsequently fled across the border into the United States (while already under the MPP policy). They are now in legal limbo without a clear path to transfer their cases out of MPP courts and to the immigration court where they are now living in safety. In February 2021, DHS stated that "individuals in the United States with active MPP cases will receive separate guidance [at a later date](#)." More than two months later no such guidance has been provided and without a solution to parole these individuals and change venue of their cases, some asylum seekers have told attorneys that they will needlessly cross back into Mexico, again risking these dangers, so that they can be processed out of MPP and continue their requests for U.S. protection. Some of the individuals who were pushed to cross into the United States and are currently inside the United States but who remain under MPP include:

- **A Venezuelan asylum seeker in her sixties with diabetes and serious respiratory conditions who could no longer endure the conditions in the Matamoros tent encampment crossed into the United States, leaving her without a pathway to continue her asylum proceedings.** CBP

had refused the woman's requests for humanitarian parole even though she has a daughter and grandchildren living in the United States. The woman is unable to transfer her asylum case from the Brownsville MPP court to the immigration court closest to where she is now staying.

- **An asylum seeker in MPP who was kidnapped in Mexico, escaped her captors by digging through an adobe wall, and fled across the border into safety in the United States remains in limbo.** The woman was ordered removed *in absentia* when she missed her MPP hearing and is waiting for a decision on a motion to reopen her case, filed by the AILA-member attorney now representing her.
- **A Honduran asylum seeker, who missed her MPP hearing due to illness, was forced to send her children alone to safety in the United States and later entered the country to reunite with her family.** She is now living in safety in the United States, but without an active MPP case she cannot apply for asylum. Now represented by an attorney, she is seeking to reopen her case.
- **A Cuban woman who was pregnant at the time crossed into the United States from dangerous Reynosa where she had been stranded under MPP and separated from her husband who is a U.S. legal permanent resident.** The woman made the dangerous crossing after the CBP port director ignored a request for humanitarian parole filed by her attorney. With parole, the woman would be able to apply to adjust to permanent residence without being forced to leave the United States and face months of separation from her family.
- **Out of desperation at the lack of plan to transit asylum seekers with inactive MPP cases to safety, a Cuban asylum seeker, who had been denied refugee protection due to the third-country transit asylum ban, crossed into the United States and has been detained in Louisiana since mid-March 2021.** According to an attorney with CLINIC, the man remains in detention as the immigration court decides whether to grant a request to re-open his case.