

Out of Sight, Out of Protection: The Outsourcing of Asylum through the U.S. Migrant Protection Protocols

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Abstract

This thesis examines the humanitarian and socio-economic consequences of the U.S. Migrant Protection Protocols (MPP), also known as “Remain in Mexico,” implemented under the Trump (MPP 1.0) and Biden (MPP 2.0) administrations. While the policy was framed as a logistical solution to reduce asylum backlogs, this study argues that MPP functioned primarily as a deterrence mechanism that intentionally obstructed access to asylum by externalizing border control and compounding migrant vulnerability. Drawing on qualitative interviews with immigration attorneys, advocates, NGO staff, and policy experts, alongside extensive secondary research, the thesis identifies three interlocking effects of the policy: legal and procedural barriers to asylum, severe humanitarian risks including exposure to violence and trafficking, and socio-economic hardships for both asylum seekers and host communities. By analyzing how the implementation of MPP intensified structural inequities and undermined international refugee protections, this research contributes to ongoing debates on the use of deterrence-based asylum policies and ethical migration governance. As wealthier nations increasingly outsource asylum processing to other countries, understanding the consequences of policies like MPP is critical to challenging this global trend for more humane and efficient alternatives.

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Introduction

In the shadow of U.S. border policies, Mexico has become a containment zone for displaced populations. For thousands of families fleeing violence, persecution, and instability, the road to safety is often one of prolonged hardship and uncertainty. One such family, attempting to escape death threats in their home country by seeking asylum at the U.S.-Mexico border, instead found themselves trapped in Matamoros, Mexico, for 16 months while awaiting their U.S. asylum hearing.¹ A client of the ACLU, Ana [no last name], published a commentary on the union's website detailing her family's experience living in Matamoros while their asylum request was processed. The family of five—father, mother, and three daughters—experience in Matamoros began in an overcrowded migrant shelter that lacked basic necessities, with inadequate food, unsanitary conditions, and no actual measures to ensure their security. Their situation worsened when one of their daughters was attacked within the shelter, prompting the family to move to a crumbling house with no mattresses, fungus-inducing contaminated water, holes in the ceiling, no heating, and minimal furniture. Their father struggled to support them with the meager earnings he made working in a carpentry shop that would eventually fire him just as the time came to pay him his wages and end-of-year bonus. Meanwhile, gunfire regularly echoes through the cartel-controlled streets, forcing Ana and her daughters to remain indoors, gripped by fear of venturing outside and risking the fate they had known to befall many migrants like them: kidnapping or even death. Their 16-month wait was marked by a combination of poverty, violence, and trauma, but they still held onto the hope of finding safety in the United

¹ ACLU Client, Ana. "ACLU News & Commentary." American Civil Liberties Union, March 2, 2022. <https://www.aclu.org/news/immigrants-rights/my-family-came-to-seek-asylum-but-found-danger-instead>.

States. The country that had placed them in these challenging circumstances. Their plight reflects the experience of approximately 71,000 asylum seekers who were subjected to MPP between 2019 and 2021, underscoring a growing global trend in which wealthier nations outsource their responsibilities toward refugees, outlined by the 1951 Refugee Convention, to less developed nations.²

The 1951 Refugee Convention served as the blueprint for all immigration programs; it was the first policy to define the term “refugee” and delineate the rights of refugees and the responsibility of all states to protect them. At its heart is the principle of “non-refoulement,” a concept that forbids countries from sending asylum seekers back to territories where their lives are endangered. Recently, however, some nations have circumvented non-refoulement by shifting their responsibilities, as defined by the convention, to less developed countries. Relevant to this discussion, the United States, Australia, and the United Kingdom exemplify countries that have utilized these types of deterrence policies when faced with a rise in asylum-seekers at their borders.

This paper examines the question: What emerging humanitarian and socio-economic challenges have arisen from implementing the MPP 1.0 and MPP 2.0, and how have these challenges manifested in border cities? These challenges include increased exposure to violence, legal and procedural barriers to asylum, economic hardship for both migrants and host communities, and deteriorating humanitarian conditions in border encampments. This research investigates these issues through the lens of Trump's Remain in Mexico Program (RMX), also known as the Migrant Protection Protocols (MPP), a policy under which the U.S. government returns families seeking asylum at the southern border to Mexico on a discretionary basis for the

² *Explainer: The Migrant Protection Protocols*. (2021, August 25). National Immigration Forum. <https://immigrationforum.org/article/explainer-the-migrant-protection-protocols/>

duration of their removal proceedings. My research aims to answer these questions by conducting in-depth interviews with NGO staff and volunteers involved in helping asylum seekers affected by the MPP policy. This paper will focus on short-term effects rather than long-term outcomes. I hope to provide an overview of the immediate consequences of the policies and identify areas where further research is needed.

My research sheds light on the broader implications of this deterrent approach to refugee protection and proposes more equitable and secure strategies for migration governance. By analyzing how deterrence-driven policies like MPP affect asylum seekers and host nations, this paper contributes to ongoing discussions about ethical and sustainable migration policies. In this paper, I argue that the MPP operated as an intentional deterrence mechanism that leveraged and exacerbated existing vulnerabilities to systematically block access to asylum. The policy compounded economic instability, legal exclusion, humanitarian insecurity, and racialized violence, creating conditions that rendered meaningful access to asylum nearly impossible. The next section provides background on the historical and legal context of asylum policies in the U.S., followed by a review of relevant literature on deterrence-based migration strategies. The subsequent sections outline the study's methodology, present key findings on the humanitarian and socio-economic consequences of MPP and conclude with a discussion of policy implications and potential alternatives.

Background

The MPP was first introduced by the Trump administration in collaboration with Mexican President Andrés Manuel López Obrador on January 25, 2019.³ DHS Secretary Kirstjen

³ American Immigration Council. (2024, February 1). *The "Migrant Protection Protocols."* American Immigration Council. <https://www.americanimmigrationcouncil.org/research/migrant-protection-protocols>

Nielsen first announced the implementation of the Migrant Protection Protocols in response to a “illegal immigration crisis” in the U.S.-Mexico border, amid record increases in undocumented migrants crossing the southern border.⁴ In fiscal year 2018, U.S. Customs and Border Protection (CBP) reported a total of 396,579 apprehensions of individuals attempting to illegally cross the U.S. southern border.⁵ The Department of Homeland Security (DHS), the department overseeing the program’s implementation, claimed that MPP was meant to “restore a safe and orderly immigrant process” by diminishing the ability of criminals to take advantage of the immigration system.⁶ However, as one researcher of the MPP said, “When DHS starts talking about a crisis, something wicked is waiting just around the corner.”⁷

On December 20, 2018, the DHS issued a press release that officially announced MPP and the guidelines CBP officers were meant to follow when processing asylum seekers at the border. DHS Secretary Kirstjen reasoned that once the policy was implemented, they expected “illegal immigration and false asylum claims” to decline as “fraudsters are disincentivized from making the journey.”⁸ The hope was that the policy would alleviate the backlog of more than 786,000 pending asylum cases.⁹

DHS obtained the authority to implement MPP from Section 235 of the Immigration and Nationality Act (INA) enacted in 1996, which states that if a DHS official “determines that an

⁴ Ibid.

⁵ *CBP Enforcement Statistics FY2018*. (2024, May 20). U.S. Customs and Border Protection. <https://www.cbp.gov/newsroom/stats/cbp-enforcement-statistics-fy2018>

⁶ *Secretary Nielsen Announces Historic Action to Confront Illegal Immigration | Homeland Security*. (2018, December 20). U.S. Department of Homeland Security. <https://www.dhs.gov/archive/news/2018/12/20/secretary-nielsen-announces-historic-action-confront-illegal-immigration>

⁷ Kocher, A. (2021). Migrant Protection Protocols and the Death of Asylum. *Journal of Latin American Geography*, 20(1), 249–258. <https://doi.org/10.1353/lag.2021.0010>

⁸ *Secretary Nielsen Announces Historic Action to Confront Illegal Immigration | Homeland Security*. (2024). U.S. Department of Homeland Security. <https://www.dhs.gov/archive/news/2018/12/20/secretary-nielsen-announces-historic-action-confront-illegal-immigration>

⁹ Ibid.

alien does not have a credible fear of persecution, the officer shall order the alien removed from the United States without further hearing or review.”¹⁰ Additionally, Section 235 allows the Secretary of Homeland Security to return asylum seekers to the contiguous country from which they are arriving, pending their removal proceedings.

Starting on January 28, 2019, asylum seekers arriving at the border were enrolled in the MPP 1.0.¹¹ The program was gradually implemented along the U.S.-Mexico border, beginning in San Diego on January 29, 2019, expanding to Calexico, El Paso, Laredo, Brownsville, Eagle Pass, and finally reaching Nogales on January 2, 2020, covering the entire border.¹² While MPP was in place along the entire border, asylum seekers were returned to seven Mexican cities, and MPP court hearings took place in only five U.S. cities.¹³ MPP applied to asylum seekers who presented themselves or were detained at (or between) ports of entry. Customs officers and Border Patrol agents (CBP) can determine whether an asylum seeker is subject to MPP, allowing them to establish their own routines and standards for implementing the policy on the ground. Each CBP sector carries out MPP in accordance with its own interpretation of the guidelines, leading to varied implementation across the border. This discretion is exemplified during the non-refoulement interview process. During this interview, asylum seekers must prove that they would be harmed in Mexico according to specific reasons outlined by the 1951 Convention Relating to the Status of Refugees. Under Article 33 of the convention, the principle of non-refoulement guarantees that an asylum seeker cannot be returned to a country in which they

¹⁰ 8 USC 1225: *Inspection by immigration officers; expedited removal of inadmissible arriving aliens; referral for hearing.* (n.d.). [Uscode.house.gov](https://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title8-section1225&num=0&edition=prelim).
<https://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title8-section1225&num=0&edition=prelim>

¹¹ Leutert, S. (2020). Migrant Protection Protocols: Implementation and Consequences for Asylum Seekers in Mexico, PRP 218. *LBJ School of Public Affairs*. <https://doi.org/10.26153/tsw/89>

¹² Ibid.

¹³ Ibid.

could face cruel or inhumane treatment such as physical harm, torture, or degrading treatment.¹⁴

Non-refoulement interviews are typically conducted by a United States Citizenship and Immigration Services (USCIS) official once an asylum seeker expresses fear of being returned to their country of origin or Mexico. However, due to the backlog of MPP cases, by Spring 2019, CBP officers started conducting the interviews themselves, giving them even more discretion over asylum seekers under this program.¹⁵

If they found that the asylum seekers' fear was not credible or non-existent, CBP officers provided them with a Notice to Appear (NTA). This document stated the charges of removability and formally began removal proceedings. The NTA also states the date and time of the asylum seeker's first master calendar hearing, which port of entry they were to return to, and an identification number unique to each individual. The master calendar hearing is the initial status hearing in a U.S. immigration court. This is the extent of Border Patrol's communication with the individual. If the individual loses their Notice to Appear, they are given a number to contact, but they need to remember their identification number to know the date and time for their next court hearing (Refer to Appendix B). After processing the asylum seeker and issuing an NTA, CBP officials escort the asylum seeker to the U.S-Mexico. Once asylum seekers reach Mexican territory, they travel to the *Instituto Nacional de Migración* or National Institute of Migration (INM), where INM agents issue a customs entrance form called the *Forma Migratoria Múltiple* (Multiple Migratory Form), which allows them to remain in Mexico while they await their hearings in the U.S.¹⁶ The wait times for a master calendar hearing depend on the city in which

¹⁴ *The 1951 Refugee Convention and 1967 Protocol relating to the Status of Refugees* | UNHCR. (2025). UNHCR. <https://www.unhcr.org/media/1951-refugee-convention-and-1967-protocol-relating-status-refugees>

¹⁵ *A Timeline of the Trump Administration's Efforts to End Asylum*. (2020, November). National Immigrant Justice Center. <https://immigrantjustice.org/timeline-trump-administrations-efforts-end-asylum>

¹⁶ Leutert, S. (2020). Migrant Protection Protocols: Implementation and Consequences for Asylum Seekers in Mexico, PRP 218. *LBJ School of Public Affairs*. <https://doi.org/10.26153/tsw/89>

they are located. According to DHS, initial hearings should be scheduled within two to four months of being processed into MPP, but initial hearings in El Paso were scheduled five months out.¹⁷ As the COVID-19 pandemic rolled in, hearings were further delayed or suspended indefinitely.

On the date of the master calendar hearing, the asylum seeker must arrive at the port of entry where their hearing is scheduled. MPP court hearings were divided into two shifts: a morning docket and an afternoon docket. Morning hearings typically started at 9:00 a.m., meaning asylum seekers were required to arrive at the international bridge between 3:00 a.m. and 4:00 a.m. to allow enough time to regain entry to the U.S. For afternoon hearings, asylum seekers were required to arrive by 8:00 a.m. for hearings at 1:00 p.m.¹⁸

At the initial master calendar hearing, which lasts just a few minutes per person, the judge advises the asylum seeker of their rights, asks if they've been able to obtain legal counsel, and provides them with an asylum application. Asylum seekers are then returned to the port of entry and wait in Mexico for their second hearing, known as a merits hearing. The merits hearing is where asylum seekers present their case to the judge and the DHS attorney, who can each ask questions. The judge then makes a determination on the case. If an asylum seeker fails to appear for either hearing, the presiding judge will order the individual to be deported in absentia.

In 2019, 12,445 individuals were enrolled in MPP, but in 2020, only 5,783 individuals were enrolled.¹⁹ This is because, on March 23, 2020, DHS temporarily suspended MPP 1.0 hearings across the border, meaning that immigration courts carrying out MPP hearings were

¹⁷ Ibid.

¹⁸ Ibid.

¹⁹ *OFFICE OF FIELD OPERATIONS Number of Migrants Returned to Mexico at Ports of Entry*. (2020). https://www.cbp.gov/sites/default/files/assets/documents/2021-Nov/foia-mpp-statistics-march20-2019-to-august13-2020_0.pdf

temporarily shut down because of COVID-19.²⁰ The temporary suspensions of MPP hearings created some uncertainty among individuals still enrolled in MPP. It also meant that the length of time they were required to stay in Mexico was extended indefinitely. At the time, individuals normally enrolled under MPP were enrolled in Title 42. The Title 42 policy prohibited the entry of persons who potentially posed a health risk in order to prevent the introduction of COVID-19 into border facilities and expelled them to either their home country or Mexico without giving them a Notice to Appear. This included any individuals traveling from Canada, Mexico, or any country where a communicable disease was present (which was virtually every country during the pandemic). Since the implementation of Title 42, over 1.8 million expulsions have been carried out.²¹ The only reason MPP cases were down during 2020 was because Title 42, an even harsher anti-immigration bill, was implemented amid the crisis. The panic caused by the COVID-19 pandemic allowed defenseless people to be mistreated and carelessly rejected by the U.S. government without repercussions.

MPP 1.0 stranded over 70,000 migrants in dangerous border cities, where only 641 were granted asylum.²² Although the Biden administration initially sought to end the program, legal challenges forced its temporary reinstatement as MPP 2.0, extending its controversial legacy. On June 1, 2021, after an extensive review of the policy, including an analysis of its costs and benefits, Secretary Mayorkas of Homeland Security announced that MPP should be terminated.²³ However, the U.S. District Court for the Northern District of Texas determined that Secretary Mayorkas' memorandum did not comply with the Administrative Procedure Act, forcing DHS to

²⁰ *Joint DHS/EOIR Statement on the Rescheduling of MPP Hearings* | *Homeland Security*. (2020, May 10). [www.dhs.gov](https://www.dhs.gov/news/2020/05/10/joint-dhseoir-statement-rescheduling-mpp-hearings). <https://www.dhs.gov/news/2020/05/10/joint-dhseoir-statement-rescheduling-mpp-hearings>

²¹ *Ibid.*

²² *The "Migrant Protection Protocols": An Explanation of the Remain in Mexico Program How the Migrant Protection Protocols Were Carried Out* 505 more people were placed into MPP by the Biden administration. *The federal government placed people into MPP at seven U.S. border towns: 13*. (2024). https://www.americanimmigrationcouncil.org/sites/default/files/research/migrant_protection_protocols_2024.pdf

²³ *Ibid.*

appeal the court ruling requiring the “good faith” enforcement and re-implementation of MPP.²⁴

On July 7, 2021, Biden reimplemented MPP 1.0. Later, on December 3rd, 2021, he implemented MPP 2.0 and began enrolling individuals at the border under MPP 2.0 three days later on December 6th, 2021.²⁵

Unlike MPP 1.0, whose eligibility included asylum-seeking men, women, and children from Latin American countries, MPP 2.0 was expanded to include all Western Hemisphere nationals (expanding the policy to Haitian and Caribbean nationals).²⁶ While the Biden administration did not clearly explain why they expanded the program, it’s important to note that the President of Haiti, Jovenel Moïse, had been assassinated a few months before Biden reimplemented MPP.²⁷ MPP 2.0 was likely expanded to include Haitian and Caribbean nationals to deter Haitian nationals from attempting to receive work authorizations and protection in the U.S. On a more positive note, the Biden administration also expanded the vulnerability screening categories to include individuals “with a known mental or physical health issue,” including individuals with “a disability or a medical condition related to pregnancy.”²⁸ Regarding fear screenings or non-refoulement interviews, MPP 1.0 was slightly more rigid than MPP 2.0. Under MPP 1.0, a person who feared physical harm in Mexico was required to “affirmatively” assert their fear if they wanted to be disenrolled from MPP.²⁹ These individuals were often not allowed access to an attorney, and some had reported being handcuffed throughout the interview. They also had to prove that it was “more likely than not” that they would face persecution or torture in

²⁴ Ibid.

²⁵ Ibid.

²⁶ American Immigration Council. (2021, March 29). *A Guide to Title 42 Expulsions at the Border*. American Immigration Council. <https://www.americanimmigrationcouncil.org/research/guide-title-42-expulsions-border>.

²⁷ Porter, C., & Santora, M. (2021, July 7). Hours After Haiti’s President Is Assassinated, 4 Suspects Are Killed and 2 Arrested. *The New York Times*. <https://www.nytimes.com/live/2021/07/07/world/jovenel-moise-assassinated-killed>

²⁸ American Immigration Council. (2021, March 29). *A Guide to Title 42 Expulsions at the Border*. American Immigration Council. <https://www.americanimmigrationcouncil.org/research/guide-title-42-expulsions-border>.

²⁹ Ibid.

Mexico.³⁰ Unlike MPP 1.0, under MPP 2.0, individuals only had to prove that there was a “reasonable possibility” of persecution in Mexico to be disenrolled or exempted from the program. Also, individuals no longer had to “affirmatively ” assert their fear of Mexico, and CBP officers were thus required to ask about a fear of Mexico as they processed these individuals.³¹

One of the differences in these two policies and how they were implemented can be found in how the successes and failures of each program were measured. The Trump administration considered MPP 1.0 a roaring success in their anti-immigration mission. They announced that the policy had saved the U.S. immigration system from being overpowered amid a sharp climb in undocumented migrants crossing the border.³² DHS Secretary Kirstjen M. Nielsen wrote an assessment report that defined success by how many individuals withdrew their claims and voluntarily returned to their home countries, assuming that these individuals fraudulently pleaded for asylum from the beginning of the asylum process. Under a section titled “Operational Effectiveness,” DHS measured the success of the program by how well they were able to decrease the number of individuals encountered at the border, citing a 64% decrease through September of 2019.³³ The Trump Administration and DHS were able to claim neutrality by measuring their supposed success via impersonal data and claims of efficient border security, while putting the human rights of individuals in MPP on the back burner. Unlike MPP 1.0 and the officials who prioritized efficiency over human rights, the Biden administration and DHS Secretary Alejandro N. Mayorkas recognized that while the MPP program reduced migratory flow into the U.S., it also subjected individuals under the program to “unjustifiable human

³⁰ Ibid.

³¹ Ibid.

³² Roy, D. (2022). *Why is Biden restarting the trump-era “remain in Mexico” program?* Council on Foreign Relations. <https://www.cfr.org/in-brief/why-biden-restarting-trump-era-remain-mexico-program>

³³ *Assessment of the Migrant Protection Protocols (MPP)*. (2019). https://www.dhs.gov/sites/default/files/publications/assessment_of_the_migrant_protection_protocols_mpp.pdf

costs.”³⁴ Secretary Mayorkas also noted the operational ineffectiveness of the program, particularly how the increased resources required, such as additional personnel to properly implement MPP, diverted resources from other ongoing efforts to establish more humanitarian policies.³⁵ Unlike Nielsen, Secretary Mayorkas assessed the program’s success, or rather its failures, based on its impact on the lives of those enrolled rather than solely on the number of migrants encountered at the border. In this way, the ideological differences in these opposing political party reports are unmistakable.

On June 30, 2022, the Supreme Court held in *Biden v. Texas* that Secretary Mayorkas had the full discretion to terminate MPP under the Immigration and Nationality Act (INA).³⁶ Later, on August 8, 2022, the district court lifted the injunction requiring the DHS to reimplement MPP.³⁷ Effective immediately, the DHS stopped enrolling individuals into MPP and began disenrolling individuals who were already in MPP as they returned to the U.S. for their next scheduled court date. Once again, foreign individuals seeking admission into the U.S. remain in the U.S. during the length of their court proceedings. However, on January 21, 2025, Trump announced in his inaugural speech that his first act as president would be to declare a state of emergency at the southern border and reimplement his “Remain in Mexico” policy, renamed the “Alien Protection Protocols” on February 18, 2025³⁸ Many migrants subjected to

³⁴ *Explanation of the Decision to Terminate the Migrant Protection Protocols*. (2021).

https://www.dhs.gov/sites/default/files/2022-01/21_1029_mpp-termination-justification-memo-508.pdf

³⁵ *Ibid.*

³⁶ *Supreme Court of the United States*. (2021, October). Retrieved April 2023, from https://www.supremecourt.gov/opinions/21pdf/21-954_7148.pdf

³⁷ American Immigration Council. (2024, February 1). *The “Migrant Protection Protocols.”* American Immigration Council. <https://www.americanimmigrationcouncil.org/research/migrant-protection-protocols>

³⁸ *Fact Sheet: President Donald J. Trump Ends Taxpayer Subsidization of Open Borders*. (2025, February 20). The White House. <https://www.whitehouse.gov/fact-sheets/2025/02/fact-sheet-president-donald-j-trump-ends-taxpayer-subsidization-of-open-borders>.

MPP 1.0 or 2.0 remain in precarious conditions, and the broader implications of such deterrence-focused policies continue to shape global policy.

Today, these methods of managing migration are influencing global policy discussions, with countries, including the United Kingdom, contemplating their own regional processing deals. This raises questions about the potential erosion of international refugee protections and the humanitarian and socio-economic consequences for both migrants and host countries. This paper investigates the humanitarian and socio-economic challenges stemming from the implementation of the MPP 1.0 and MPP 2.0, and how these challenges manifested in Mexico's northern border. By analyzing these policies, I aim to uncover the broader ramifications of this trend of responsibility shifting and contribute to ongoing debates on fair and ethical global migration governance.

Literature Review

Operational Processes and Humanitarian Concerns in the Literature

Given the novelty of the Migrant Protection Protocols, existing research remains limited, but the available studies provide critical insights into the policy's operational processes and impacts on asylum seekers, border management, and human rights concerns. Studies show that one of the biggest issues with MPP from its inception was that it did not provide due process to migrants. The dangers in border towns and lack of legal counsel left most MPP participants unable to secure asylum. By December 2020, only 521 of 42,012 completed cases resulted in relief.³⁹ Additionally, data suggests that only 7.5 percent of individuals under MPP 1.0 ever

³⁹ Ibid.

managed to hire a lawyer.⁴⁰ Under MPP 1.0 and 2.0, many individuals were returned to Mexico far from their point of entry, such as families crossing near Yuma, Arizona, who were transported to the Calexico port of entry. In El Paso, individuals returning for court hearings were given just one hour to consult with an attorney. At the same time, those in Laredo and Brownsville attended hearings in "tent courts" via video teleconferencing.⁴¹ Despite official exemptions for vulnerable groups like unaccompanied children and those with severe health conditions, enforcement was inconsistent, as CBP officers made case-by-case decisions. Scholars have pointed out that asylum seekers under both MPP policies faced extreme danger in Mexico, including widespread homelessness, violence, and kidnappings, with 44% unable to return for court hearings due to instability, logistical barriers, or governmental coercion to abandon their cases.⁴²

One of the key findings in Stephanie Leutert's report *Migrant Protection Protocols: Implementation and Consequences for Asylum Seekers in Mexico*, is the inconsistent and discretionary application of MPP across different border sectors.⁴³ She argues that the application of MPP varied significantly depending on local CBP officers' discretion, with asylum seekers being placed in the program while others under seemingly similar circumstances were not. Under the policy, exceptions and exemptions were applied inconsistently. Some individuals, such as pregnant women and LGBTQ+ asylum seekers, were occasionally placed in the program despite their heightened vulnerability.⁴⁴ The report remarks that the absence of clear guidelines and oversight led to arbitrary decision-making, further complicating the experiences of asylum seekers.

⁴⁰ American Immigration Council. (2024, February 1). *The "Migrant Protection Protocols."* American Immigration Council. <https://www.americanimmigrationcouncil.org/research/migrant-protection-protocols>

⁴¹ Ibid.

⁴² Ibid.

⁴³ Leutert, S. (2020). *Migrant Protection Protocols: Implementation and Consequences for Asylum Seekers in Mexico*, PRP 218. *LBJ School of Public Affairs*. <https://doi.org/10.26153/tsw/8999>

⁴⁴ Ibid.

Moreover, scholars have varied approaches to investigating the humanitarian conditions migrants faced under Trump's MPP. Research has focused on gathering first-hand accounts from migrants in border towns through in-depth interviews and ethnographic fieldwork. These accounts, along with observational studies conducted in these border towns, reveal that shelters/detention centers are often overcrowded, unsanitary, and unsafe.⁴⁵ Additionally, reports from non-profit organizations (NGOs) such as Human Rights Watch and Amnesty International have published extensive reports that highlight the humanitarian crisis created by the policy.⁴⁶ They've documented frequent instances of kidnapping, extortion, and assault experienced by asylum seekers forced to remain in Mexico. Beyond these immediate dangers, MPP also created significant legal barriers that undermined asylum seekers' access to protection.

Legal Concerns

One of the most concerning aspects of the MPP is that it severely limits asylum seekers' ability to present their cases meaningfully. Legal Geographer Austin Kocher sees MPP as "symptomatic of a concerted, though spatially uneven, assault across the developed world on both the institutions and operations of asylum as a practice as well as on asylum seekers themselves."⁴⁷ In her paper "Migrant Protection Protocols and the Death of Asylum," she discloses that MPP led to lower rates of attorney representation and hearing attendance.⁴⁸ At first glance, MPP appeared to violate domestic and international refugee law, like the 1951 Refugee Convention, by violating the principle of non-refoulement. Kocher highlights an inverse legal topology under the MPP, where migrants were physically and geographically excluded from the

⁴⁵ Long, C., & Sawyer, A. (2019). "We Can't Help You Here."

⁴⁶ "Like I'm Drowning." (2021, January 6). Human Rights Watch.

<https://www.hrw.org/report/2021/01/06/im-drowning/children-and-families-sent-harm-us-remain-mexico-program>

⁴⁷ Kocher, A. (2021). Migrant Protection Protocols and the Death of Asylum. *Journal of Latin American Geography*, 20(1), 249–258. <https://doi.org/10.1353/lag.2021.0010>

⁴⁸ Ibid.

U.S., even as their legal cases proceeded within the country. This stands in stark contrast to the typical portrayal of undocumented migrants in the U.S., who are described as being physically present but legally absent. The overarching view of Kosher's article is that MPP effectively created an "asylum-free zone" at the U.S.-Mexico border by manipulating the legal geography of asylum to predispose asylum cases to more negative outcomes and use regional violence at the border as an impediment to future asylum seekers.⁴⁹ One of the rationales for the implementation of MPP is that asylum seekers often do not attend their immigration court proceedings once paroled into the U.S., and MPP is a way of circumventing that issue by requiring them to remain outside the U.S. while their cases are processed. However, rather than ensuring attendance, the policy made it even more difficult for migrants to appear in court, as many missed their hearings due to the dangerous and unstable conditions in Mexico, transportation challenges, and limited access to legal services.⁵⁰

Also, the notion that asylum seekers choose to skip their court dates when placed under expedited removal hearings has been debunked by two independent studies conducted in 2018 and 2019. The 2018 study by Eagly et al. found that of 18,378 deportation proceedings, 86 percent of families released from detention appeared in court for all of their court hearings.⁵¹ Notably, of the families who obtained an attorney, 99 percent attended their hearings, highlighting the importance of access to legal services in immigration proceedings.⁵² Alternatively, under MPP, by the end of January 2021, 67% of 41,888 cases resulted in absentia deportation orders, which are issued when migrants fail to appear for their hearings.⁵³ This means

⁴⁹ Ibid.

⁵⁰ American Immigration Council. (2024, February 1). *The "Migrant Protection Protocols."* American Immigration Council. <https://www.americanimmigrationcouncil.org/research/migrant-protection-protocols>

⁵¹ Kocher, A. (2021). Migrant Protection Protocols and the Death of Asylum. *Journal of Latin American Geography*, 20(1), 249–258. <https://www.jstor.org/stable/48650363>

⁵² Ibid.

⁵³ Ibid.

that only 33% of migrants attended their court proceedings. This is not for lack of trying. Beyond having to secure transportation to a port of entry (POE) as early as 4:00 am, these POE are in cities with high rates of kidnapping, gang violence, and femicide. In fact, the Department of State has issued a standing “do not travel” advisory for American citizens in the state of Tamaulipas, where one of the largest refugee camps is located, because murder, kidnapping, and sexual assault are so pervasive. Further, because asylum seekers under MPP understandably lacked a permanent residence in Mexico, Border patrol agents frequently wrote “Facebook” as the street address on forms related to their immigration hearing, even though they had no way of communicating with migrants through the platform.⁵⁴ Kosher writes, “MPP may have been created to address a fictional problem [the problem of migrants skipping their court dates], but it created a very real one by making it almost impossible for migrants to attend hearings.”⁵⁵ This systemic failure was not an accident but rather a deliberate consequence of MPP’s design as a deterrence policy.

MPP as a Deterrence Policy

Johanson (2021), in her paper “The Migrant Protection Protocols: A Death Knell for Asylum,” argues that MPP is not an isolated policy but rather a continuation of decades-long efforts to curtail asylum rights through increased detention, criminalization, and procedural barriers.⁵⁶ She situates MPP within a broader trajectory of restrictive asylum policies by tracing its roots to the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA).⁵⁷ IIRIRA introduced the process of expedited removal and mandatory detention for

⁵⁴ Ibid.

⁵⁵ Ibid.

⁵⁶ Johanson, E. J. (2021). The Migrant Protection Protocols: A Death Knell for Asylum. *UC Irvine Law Review*, 11(3). <https://escholarship.org/uc/item/6n5128wz>

⁵⁷ Ibid.

asylum seekers in the United States.⁵⁸ Johanson argues that this was a historic turning point in U.S. migration policy because it systematically shifted asylum and migration policies toward deterrence. She argues that these deterrence policies laid the groundwork for MPP by eroding due process rights for asylum seekers and expanding executive authority over deportations. Carlos Heredia-Zubieta expands on this pattern, identifying Trump's presidency as a culmination of decades of deterrence policies.⁵⁹ Key Trump-era deterrence policies included the "Zero Tolerance" Policy in 2018, the Asylum Ban, Metering at Ports of Entry, the "Safe Third Country" agreements in 2019, and ultimately, the Migrant Protection Protocols.⁶⁰ Heredia-Zubieta describes MPP as the most extreme iteration of externalized border enforcement, shifting the burden of asylum entirely onto Mexico. By compelling Mexico to act as the U.S.'s border enforcer, MPP reinforced the pattern of outsourcing migration control that had been developing since IIRIRA. Zubieta also highlights that the implementation of MPP was not a unilateral decision by the U.S. (although it was framed that way); it was a policy enforced through economic coercion and diplomatic pressure. He details how the Trump administration leveraged tariff threats against Mexico to compel its government to comply, underscoring how MPP was not just an immigration policy but a geopolitical tool.⁶¹ By using tariff threats as leverage, Trump forced Mexico to accept a policy it had little power to shape, demonstrating the enduring power imbalance in the U.S.-Mexico relations.

⁵⁸ Ibid.

⁵⁹ Heredia-Zubieta, C. (2022). *Geopolitical Landscapes of Donald Trump* (pp. 13–33). Taylor & Francis. The Policies of the Trump Administration Toward Mexico and Their Impact on Central America.

⁶⁰ Ibid.

⁶¹ Ibid.

Socio-Economic Consequences

The literature on the socio-economic consequences of these immigration policies on migrants within host countries is substantially less developed. For MPP, scholars have noted that the policy burdens local communities in Mexico because these communities often lack the infrastructure and resources to support the large influx of migrants. The local economies of the border cities already show high unemployment and crime rates, and the large numbers of asylum seekers further strain them.⁶² Additionally, reports from DHS and CBP often lack data on how these operations are being financed and whether the U.S. is making any effort to assist Mexico and the local communities housing these migrants financially. This means that the U.S. government overly depends on NGOs and local volunteers to provide basic amenities like food, shelter, and healthcare that they are required by international law to provide. However, research on the impact on host countries is limited and often not included in these cost-benefit analyses.

Leutert's research illustrates how the burden of MPP fell disproportionately on local governments and communities along the border, which were unprepared for the sudden influx of asylum seekers. Border cities such as Tijuana, Mexicali, Ciudad Juárez, Matamoros, and Nuevo Laredo were overwhelmed by demands for shelter, employment, healthcare, and public services as thousands of migrants were returned under MPP.⁶³ Makeshift encampments, such as the tent city in Matamoros, began to form in 2019 under MPP.⁶⁴ These encampments became semi-permanent refugee camps, but they were never designed to accommodate such large populations for extended periods. Many asylum seekers found themselves homeless or reliant on overcrowded and underfunded migrant shelters, worsening sanitation conditions and increasing

⁶² Leutert, S. (2020). Migrant Protection Protocols: Implementation and Consequences for Asylum Seekers in Mexico, PRP 218. *LBJ School of Public Affairs*. <https://doi.org/10.26153/tsw/8999>

⁶³ Ibid.

⁶⁴ Ibid.

health risks. In Matamoros, the city government converted an old gym into a temporary shelter that could only house 300 people.⁶⁵ The tent encampment next to the international bridge swelled to over 2,500 asylum seekers, far exceeding the capacity of available shelters.⁶⁶ Initially, these encampments lacked running water, sanitation facilities, and adequate protection from the elements, forcing asylum seekers to bathe in the contaminated Rio Grande River. Despite gradual improvements and investments by the mayor of Matamoros, like the addition of port-a-potties, hand-washing stations, and makeshift markets, the overall situation remained dire.

Leutert also emphasizes that even though the Mexican government initially pledged to provide work permits for asylum seekers, bureaucratic delays and employer reluctance severely limited economic opportunities. She argues that a major obstacle for asylum seekers was that although they were issued temporary visas, they did not include a CURP (Mexico's version of a Social Security Number), preventing them from formally entering the labor market. In addition to employment, the CURP also provides access to healthcare and education.⁶⁷ As a result, many asylum seekers turned to informal employment, working in car washes, construction, cleaning services, and as street vendors. Migrants employed in *maquiladoras* (factories assembling goods for export) faced harsh working conditions, with 12-hour shifts and transport provided by factory-owned buses. However, due to the legal precarity of their status, asylum seekers were frequently exploited with low wages, withheld pay, and dangerous work environments, mirroring broader trends of labor abuse in Mexico's informal economy. As of September 3, 2019, the Secretary of Labor for Baja California reported that only 700 asylum seekers out of more than 7,000 sent back under MPP were employed in Tijuana.⁶⁸ These humanitarian and economic

⁶⁵ Ibid.

⁶⁶ Ibid.

⁶⁷ Ibid.

⁶⁸ Ibid.

challenges highlight the broader socio-economic consequences of MPP on migrants living in host countries like Mexico. They underscore the need for a deeper examination of this policy's impacts.

My research question investigates how the Trump Administration's MPP 1.0 and Biden Administration's MPP 2.0 affected the humanitarian conditions and the socio-economic realities faced by asylum seekers stranded in border towns in Mexico. This question covers two distinct aspects: humanitarian conditions and the socio-economic impacts on asylum seekers. The existing literature on immigration policies tends to focus on one or the other, but relatively few studies have analyzed both aspects. After reviewing the existing literature, several gaps need to be filled by future research. First, while the humanitarian concerns of MPP 1.0 and 2.0 are well-documented, there is a lack of comprehensive comparison of the immediate effects of these policies on migrant health and well-being. Secondly, the literature on the economic impacts of these policies is virtually non-existent, especially regarding the strain placed on border towns and the asylum seekers living within them. Answering these questions could help policymakers and scholars better understand the socio-economic inefficiencies of these policies and explore more humane and cost-effective alternatives.

Methods and Data

This thesis applies a mixed-methods qualitative and secondary research design to explore the humanitarian and socio-economic effects of the U.S.'s MPP 1.0 and 2.0 policies. It integrates qualitative interviews with approximately 13 relevant stakeholders (5 of which chose to remain anonymous) and a comprehensive review of available literature, media reports, and secondary data. Organizations involved in immigration advocacy and humanitarian aid were contacted via

email, interviews were then conducted with all respondents who agreed to participate. This mixed-method approach provides a robust framework for analyzing the effects of policies on migrants and their host countries. The sample includes individuals involved in asylum, immigration, or resettlement efforts along the U.S.-Mexico border at some point during the implementation of MPP (from 2019-2022), such as nonprofit employees, advocates, and immigration attorneys enrolled under MPP. These interviews aim to uncover how MPP influences migrant experiences, the operational capacities of shelters, and the dynamics of local host communities. The semi-structured interviews, guided by an interview framework, featured open-ended questions addressing the policy's impact on migrant well-being, access to essential services, and socio-economic conditions within both shelters and surrounding areas. Each question was tailored to align with the respondent's role and perspective on the policy. Detailed interview notes and audio recordings were taken, depending on participants' consent. Ethical approval was obtained prior to data collection.

Additionally, an extensive review of available literature, media reports, policy briefs, and academic studies was undertaken. Sources include journal articles, NGO reports, news coverage, and government reports. These materials were analyzed to identify any recurring themes or narratives relating to the humanitarian conditions in MPP shelters and tent encampments, as well as the socio-economic ramifications for migrants. Particular attention was given to reports highlighting the lived experiences of migrants under these policies, as well as the operational and financial dynamics of the policies. Qualitative thematic analysis was used, which involved systematically identifying recurring patterns, grouping related phrases into broader themes, and interpreting these themes to draw conclusions about the policies' impacts. This method provided a nuanced understanding of the intersectional issues affecting migrants and host communities.

The findings from the interviews were triangulated with the literature and media analysis to capture a holistic picture of the policies' impacts and to identify gaps in existing research. While this mixed-methods approach offers depth and comprehensiveness, it is subject to limitations. These include potential bias in qualitative data due to the small sample size, response bias, and the reliance on publicly available literature, which may exclude less-documented perspectives or experiences. Furthermore, the thematic analysis process involves subjective interpretation, which could introduce researcher bias. However, despite these limitations, this approach provides valuable insights into both structural patterns and on-the-ground observations that might otherwise fall through the cracks, offering an in-depth understanding of MPP's real-world consequences.

Findings

The compiled interviews exposed a complex and convoluted web of MPPs risks, revealing a system that extended beyond its purported goal of border enforcement. Rather than merely regulating migration, the policy operated as a sort of Machiavellian obstacle course, a system intentionally designed to be confusing, deceptive, and difficult to navigate and that forced people to struggle through a series of unfair, and strategically placed barriers to hinder their ability to gain asylum in the U.S. While interviewees, from immigration policy experts to health professionals and refugee shelter managers, had differing perspectives on which aspects of the policy was most damaging—some emphasizing legal barriers, others humanitarian or socio-economic consequences—all agreed that MPP, as a mechanism for orderly asylum processing, was a failure, “full stop” as one interviewee put it.⁶⁹ Three key themes emerged from the analysis. The first explores the legal and bureaucratic barriers migrants faced in seeking

⁶⁹ Cristobal Ramon (Senior Policy Advisor for Immigration, UnidosUS), interview by author, February 28, 2025.

asylum, highlighting the role of policy discretion, legal representation, and access to information. The second examines the humanitarian impacts and challenges, including broad safety concerns, lack of access to essential services, and structural inequities. The third and final section discusses socio-economic impacts, focusing on economic hardships, employment restrictions, and the consequences of prolonged and uncertain displacement.

I. Legal and Bureaucratic Barriers to Asylum

Discretion

Under MPP, discretion dictated every stage of the process, from whether an asylum seeker was enrolled, to the information they received, to their final legal outcome. Emma Ecker, Senior Policy Specialist at Freedom Network USA, observed that asylum officers possessed “free range for the most part” when it came to enrollment decisions, which made it easier to impose biases onto asylum seekers, allowing room for widespread discrimination, especially towards Haitian migrants. Although guidelines stipulated that if an asylum seeker expressed fear of returning to Mexico, they should be referred to USCIS for a non-refoulement interview, in practice, this was applied inconsistently.⁷⁰ Legal advocates like Cindy Woods, who formerly worked as an immigration attorney at Texas Rio Grande Legal Clinic, “initially focused on preparing folks to explain why they were afraid to go back to Mexico, to explain times where they were extorted, where they were sexually assaulted or raped, anything that influenced their fear of being returned to Mexico.” However, as street-level bureaucrats, asylum officers exercised significant discretion over enrollment, the outcome of those interviews, and whether they would even offer the interview. Woods explains that a “very big problem” of the policy was

⁷⁰ See Glossary: Non-Refoulement; *Migrant Protection Protocols*. (2025). U.S. Customs and Border Protection. <https://www.cbp.gov/document/guidance/migrant-protection-protocols>

that they “had very limited success in any of those interviews resulting in someone being removed from MPP and also very limited success in people receiving those interviews.” Supporting this account, data indicates that under MPP 1.0, a mere 1% to 13% of people passed their non-refoulement interviews.⁷¹ This indicates potential systemic barriers in the processing of these claims, whether due to inconsistencies in officer discretion or broader policy inefficiencies within MPP.

Asylum officers were not the only ones exercising broad discretion. Once an asylum seeker was placed in the program, the fate of their case rested in the hands of immigration judges who also applied MPP inconsistently. According to Vanessa Dojaquez-Torres, Practice and Policy Counsel for American Immigration Lawyers Association, differences in grant and denial rates among judges are “stark” depending on where you are in the country. She said that “judges who approve cases in the San Francisco Immigration Court tend to be much higher than cases that are in the Brownsville immigration court down on the border in Texas. It’s not supposed to work that way, but it is what we see.” While data linking MPP cases to individual judges or cases is limited, denial rates across individual judges or courts show a pattern of geographic disparity in case outcomes.⁷² Based on TRAC data, asylum denial rates in Texas border courts are significantly higher than those in California border courts. They also vary widely among immigration judges; the difference between the judges with the highest and lowest denial rates

⁷¹ 39 Julio-Cesar Chavez and Andy Sullivan, “Few migrants seeking U.S. asylum successfully claim fear of waiting in Mexico,” Reuters, June 28, 2019, <https://www.reuters.com/article/us-usa-immigration-crossings/few-migrants-seeking-u-s-asylum-successfully-claim-fear-of-waiting-in-mexico-idUSKCN1TT2UP> (statement of Acting USCIS Director Ken Cuccinelli that just 1% of people are taken out of MPP); U.S. Department of Homeland Security, “Assessment of the Migrant Protection Protocols (MPP),” October 28, 2019, https://www.dhs.gov/sites/default/files/publications/assessment_of_the_migrant_protection_protocols_mpp.pdf (“As of October 15, 2019, USCIS completed over 7,400 screenings to assess a fear of return to Mexico. ... Of those, approximately 13% have received positive determinations.”)

⁷² *Asylum Success Still Varies Widely Among Immigration Judges*. (2024). Tracreports.org. <https://tracreports.org/reports/752/>

was over 90 percentage points (See Appendix C).⁷³ On the other hand, discretion in MPP was not inherently harmful, in some cases, both U.S. and Mexican authorities used discretion to prioritize more vulnerable groups in processing. Estuardo Cifuentes Duarte, Project Corazon's Program Manager, explained that "the government had their own form of organizing themselves. Families with little kids went through the process first, as did people with disabilities," which he saw as a fair method of organization rather than discriminatory practice. However, he also observed cases where this same discretionary power also opened the door to racial and gender inequities. Speaking generally about the U.S. and Mexican authorities, he said that he observed that "The LGBT community in general, and more so the trans community, were discriminated against not only for being immigrants, but also for their identity or for how they identified themselves." This demonstrates how policy discretion, when applied without clear safeguards, can shift the intended direction of a policy, reinforcing harmful practices or inefficiencies rather than addressing them. The absence of standardized protections within MPP's design left case outcomes primarily at the mercy of individual judges' and asylum officers' discretionary choices, contributing to the policy's exceptionally low success rates of asylum claims.⁷⁴

Legal Representation

Given the broad discretion exercised, access to legal representation becomes even more critical for a successful asylum claim. Yet, under MPP, access to legal representation was among the most significant barriers. Legal service providers faced severe challenges assisting MPP

⁷³ Ibid.

⁷⁴ The "Migrant Protection Protocols": An Explanation of the Remain in Mexico Program How the Migrant Protection Protocols Were Carried Out 505 more people were placed into MPP by the Biden administration. The federal government placed people into MPP at seven U.S. border towns: 13. (2024). https://www.americanimmigrationcouncil.org/sites/default/files/research/migrant_protection_protocols_2024.pdf

clients in Mexico due to safety concerns, access restrictions, and jurisdictional issues, hampering their ability to provide guidance and representation. Woods explains that

There were some legal service providers that did go to Mexico on that side of the border to meet with their clients Laredo and Tamaulipas, which is the state in which Laredo is located, was extremely dangerous. And so, there were no legal service providers at all that were going into that part of the country to assist folks in MPP. It was really difficult to assist our clients.

The danger and logistical challenges of working across the border severely limited the number of attorneys able to take on asylum cases, leaving most migrants without legal support. Morgan Simon, a paralegal who works primarily with unaccompanied minors seeking asylum, claims that inability to access legal representation stems from the fact that non-profit organizations lack the capacity to take every case, and legal aid is often restricted to those who are deemed “relief eligible.” The qualifications for relief eligibility differ for each organization; NGOs typically offer aid based on some predetermined level of priority, offering aid to those most vulnerable or in cases where relief is more attainable. Recent research highlights how administrative burdens on non-profit immigration attorneys exacerbates legal inequalities for immigrants.⁷⁵ These burdens, including excessive paperwork, limited resources, and restrictive reporting requirements, make it even harder for organizations to take on new cases, further limiting access to representation.⁷⁶ Because MPP was one of many Trump-era policies aimed at restricting immigration, the sheer backlog overwhelmed legal clinics and nonprofit-driven initiatives. As a result, their efforts were insufficient to meet the growing demand from an abundance of unrepresented asylum seekers seeking last minute legal assistance.

⁷⁵ Yu, L. (2023). Third-Party Brokers: How Administrative Burdens on Nonprofit Attorneys Worsen Immigrant Legal Inequality. *RSF: The Russell Sage Foundation Journal of the Social Sciences*, 9(4), 133–153. <https://doi.org/10.7758/rsf.2023.9.4.06>

⁷⁶ Ibid.

Further, Simon notes that the “criminal defense system, as broken as it is, provides public defenders,” but there is no similar guarantee in immigration courts. Instead, legal aid organizations had to start training asylum seekers to represent themselves. Paulina Olvera Cárnez, Executive Director at Espacio Migrante, explains,

“So, it was difficult because there were thousands of cases not only in Tijuana, but across the border, of people in MPP and the organizations that have attorneys that represent cases of asylum and those types of immigration cases, they are overwhelmed. So, for example, we work very closely with *Al Otro Lado*, which is an organization that has attorneys and they're amazing. But they didn't have capacity to take new cases because they're representing too many people. So, what they did was like training so people could learn to represent themselves.”

This shows that while efforts such as legal clinics and non-profit driven initiatives exist, they are insufficient to meet demand, resulting in a surge of unrepresented asylum seekers seeking last-minute legal assistance or having to represent themselves. And to make matters worse, policy implementers, at least in the eyes of immigration advocates, were unsympathetic to the challenges faced by asylum seekers in trying to secure adequate representation. In hearings, Paulina observed that judges often dismissed the reality of these barriers:

"Immigration law and asylum law are so complicated. And... also, the way that they treated the people made me really, really angry... I would see that, for example, somebody would come up, and the judge would say, 'Okay, so why don't you have an attorney?' And then the person would explain how they don't have resources, they don't have information, and the judge would say, 'Okay, but we provide you with a list of organizations that can give you an attorney.' But in reality, what we really would hear from people is that if you call some of the phone numbers, none of those attorneys would represent somebody who's physically in Mexico. Or, for example, I remember—I think legal aid was one of the organizations listed—and they were just so overwhelmed that they wouldn't answer any calls. But according to the judge, it was like, 'Well, we gave you three months to find an attorney. So if you don't have one, basically, you're not taking your case seriously.' And just the way that they would treat them was ridiculous. And another thing, some of the issues might seem hard to understand unless you understand the context in Tijuana."

This highlights how policy implementers, like immigration judges, failed to take into account safety considerations (such as those often witnessed in Tijuana) or capacity issues within legal

organizations, or disadvantages due to poverty. Because free representation was hard to come by, people in MPP had to find their own legal representation, which is not always plausible for those economically disadvantaged. When MPP first started in 2019, the Gross National Income (GNI) per capita for the countries with the most asylum seekers placed in the Migrant Protection Protocols (MPP) was approximately \$2,390 for Honduras, \$4,620 for Guatemala, \$4,000 for El Salvador, and \$9,010 for Cuba.⁷⁷ Some asylum seekers were quoted exorbitant prices for private legal representation. Cifuentes was quoted \$10,000 for an attorney to take his case. He said that the attorneys he spoke to “talked about economic figures [he] had never heard of in [his] life.” While in the U.S. “\$10,000 is just a number,” “In Guatemala, \$10,000 can be what I can earn working my entire life” (Cifuentes).

The asylum process itself is highly bureaucratic and time-consuming. As Morgan Simon puts it, “Because the asylum process is incredibly bureaucratic, not having legal representation or someone behind you who understands the ins and outs of the immigration system can be the reason why [your] asylum claim gets denied.” Without reliable access to legal assistance, MPP created an environment where asylum seekers were systematically disadvantaged, not by the merits of their claims but by their inability to overcome the legal and procedural barriers placed in their way. The consequence of these legal access disparities is made starkly clear in immigration court data: while 89% of immigrants allowed to remain in the U.S. attended all of their court hearings, only 50% of those placed in MPP did so, leading to a significantly higher rate of in absentia deportation orders.⁷⁸ This suggests that it was not migrant irresponsibility but

⁷⁷ *GNI per capita, Atlas method (current US\$) | Data.* (n.d.). Data.worldbank.org.
https://data.worldbank.org/indicator/NY.GNP.PCAP.CD?most_recent_year_desc=false

⁷⁸ *Contrasting Experiences: MPP vs. Non-MPP Immigration Court Cases.* (2019). Tracreports.org.
<https://tracreports.org/immigration/reports/587/>

rather systemic barriers, including the inability to secure representation and attend distant or dangerous hearings, that drove non-appearance rates.

Logistical Barriers

In addition to the challenges of obtaining legal representation, being physically located in Mexico presented a significant barrier to asylum in and of itself. Vanessa Dojaquez-Torres from AILA explained, “In MPP, it was particularly difficult for people to find legal counsel because they were in Mexico. They couldn't come to their attorney's office to bring evidence to do anything.” The inability to meet in person with legal representatives made case preparation significantly more difficult, as migrants were unable to easily submit documents, discuss strategy, or receive timely legal updates. When comparing MPP to detention centers in the U.S., Dojaquez-Torres pointed out a critical difference:

In a detention center I always knew where my client was. I could call them. They were like that all the time. If they were in the community, I could meet them at my office. But the feeling that you get when you can't get a hold of your client that's stuck in Mexico and you don't know if they're kidnapped the number of times that we had attorneys going, Mike, I talked to my client last night. They didn't show up to court today and CBP would be like, hey, they didn't show up to the port of entry.

This highlights the heightened uncertainty and instability of MPP compared to U.S. detention.

While detention poses its own set of legal and ethical concerns, at the very least, clients in detention centers are accessible, allowing legal representatives to locate and communicate with them. Under MPP, clients in Mexico are difficult to reach and there are a plethora of reasons for why they might miss court appearances, spanning from kidnapping to logistical problems like inability to access transportation or simply not having the right information regarding their court date. Paulina Olvera Cánez, Executive Director at Espacio Migrante, said that a lot of shelters are “located far from the border, like in the outskirts of the city” and that “hearings were early, so

they were expected to show up at the port of entry like at 4 a.m.” Cifuentes from Project Corazon echoed this concern, describing transportation barriers as a major factor preventing attendance at hearings:

They had to be at the International Bridge at 4 in the morning. Four hours earlier. And there were areas in some places where it is extremely dangerous to move around during those hours. Right, so you couldn't even find a taxi. There were no public services, and you can't find a private service that could take you there during those hours either. That was part of the main thing.

The expectation that migrants arrive at the port of entry so early, without reliable or safe transportation, placed many in an impossible situation. The structural barriers to court attendance, combined with the lack of communication between migrants and their legal representatives, led to missed hearings and automatic in-absentia orders of deportation. Given that failure to appear in court is often interpreted as abandoning a case, these logistical challenges effectively served as another mechanism through which asylum seekers were removed from the process. MPP’s design exacerbated structural barriers, making access to asylum increasingly difficult for those placed in the program. Beyond using legal and logistical barriers to asylum as a mechanism of deterrence, MPP also exposed migrants to serious safety risks.

II. Humanitarian Impacts

Safety Concerns

The sheer level of violence and criminal activity faced by migrants under MPP was a recurring theme among interviews. Joshua Rodriguez from Immigration Hub noted that criminal organizations strategically exploited asylum seekers by actively monitoring ports of entry for

migrants crossing into Mexico because of the program, making these individuals prime targets for extortion, assault, and trafficking:

One of the other things that we were hearing was that the criminal elements down in Mexico had people watching the ports for obviously returned people under MPP. And they were like, ‘Oh, those are the people we’re going to go after. Those are sort of like easy targets.’

The lack of government oversight and protection made this systematic targeting possible. In some cases, migrants had to pay cartels a fee simply to attend their court hearing, reinforcing how cartel-control of border cities further restricted asylum seekers’ ability to access legal protection. Cifuentes observed,

The cartel charged people \$100 to be able to cross the bridge. So, every time they had a court date in the United States, they had to pay the cartel fee to be able to get to the bridge and cross the bridge and meet their audience.

These reports indicate that cartels were not just opportunistically targeting migrants but that they had established a structured mechanism of financial and physical control over migrants specifically enrolled in MPP. By monopolizing access to POEs and restricting movement through extortion, organized crime effectively dictated whether these asylum seekers could access the U.S. asylum system at all. MPP created an environment where criminal networks were de facto gatekeepers of U.S. asylum.

This control extended beyond extortion and border crossings. Notably, trafficking was a major concern raised in most interviews. Several interviewees noted that trafficking networks operated within migrant camps and shelters, using deception and coercion to force migrants, especially women and LGBTQ+ migrants, into sex work or other forms of exploitation. Ecker from Freedom Network USA commented on how MPP was first presented to the public as an anti-smuggling, anti-trafficking policy. The idea being that by forcing asylum seekers to remain

in Mexico, the U.S. could reduce human smuggling across the border. Except, what practitioners were seeing on the ground was an escalation of kidnappings and human trafficking along the border. Ecker highlighted how MPP created the perfect conditions for traffickers to operate,

People are more likely to accept an offer that is less safe, staying in someone's house, finding a place to sleep, in order to survive. That sort of condition makes people more vulnerable to trafficking."

Emma also spoke more specifically about the scams used by cartels and criminal organizations to prey on vulnerable asylum seekers under MPP. She pointed to the increasing use of online scams as a trafficking tactic, where asylum seekers desperate for safety were lured into exploitation through social media:

There have been Facebook groups that migrants are using to connect with other folks that are waiting. They think they're talking to another migrant who's found a way to access an appointment or get into the U.S. safely, but they're actually being targeted by traffickers. By the time they realize, they're forced to pay large sums, work off their debt, or are coerced into trafficking situations.

Similarly, traffickers infiltrated migrant camps by posing as aid workers or even government officials, further preying on asylum seekers' vulnerability. Ecker explains that,

We've also seen folks pretending to be migrants within camps or pretending to be social service providers or government employees to try and convince people they can help them but instead trafficking them.

Instead of finding the "protection" the Migrant Protection Protocols were required by international law to provide, these asylum seekers faced an added layer of trauma and vulnerability. Furthermore, reports from gender-based violence organizations documented increased rape and sexual violence in border camps under MPP. One interviewee, a physician

who worked along the border during MPP, pointed to a Physicians for Human Rights study, which evaluated 95 individuals returned to Mexico under MPP.⁷⁹ The study found that:

Out of the 95 people evaluated, 18 experienced physical violence, four experienced sexual violence, 15 witnessed violence, 16 were kidnapped, 24 were targeted for theft or extortion, and 32 were threatened with violence in Mexico.

These findings highlight the pervasive and multi-layered dangers faced by asylum seekers under MPP. Beyond targeted violence, the general insecurity in border cities like Tijuana and Matamoros further endangers asylum seekers. Olvera-Cáñez described how “Tijuana is not safe. Many parents fear for their children and don’t even want to walk a few blocks outside their shelter.” This inability to even leave the shelters restricted access to other essential services like their ability to go to school, work, or health clinics. The general safety risks under MPP were not incidental, rather, they were a structural consequence of the program’s design. The policy was designed so that most asylum seekers had to live in the border city closest to their designated POE. Therefore, policymakers must’ve been aware that this already vulnerable population would have to live in cities with Level 3 and Level 4 travel advisories due to high crime and instability.⁸⁰ Dojaquez-Torres summed up the overarching dangers of MPP, “We just saw this machine that was like feeding people to cartels and criminal groups.” This illustrates how MPP functioned as a deterrence mechanism by exposing asylum seekers to extreme insecurity, rather than providing the meaningful and structured protection required by international asylum law.

Access to Essential Services

⁷⁹ *Forced into Danger Human Rights Violations Resulting from the U.S. Migrant Protection Protocols Physicians for Human Rights 2 Forced into Danger: Human Rights Violations Resulting from the U.S. Migrant Protection Protocols Physicians for Human Rights* phr.org. (2021).

https://phr.org/wp-content/uploads/2021/01/PHR-Report-Forced-into-Danger_Human-Rights-Violations-and-MPP-January-2021.pdf

⁸⁰ *Mexico Travel Advisory*. (2019). State.gov.

<https://travel.state.gov/content/travel/en/traveladvisories/traveladvisories/mexico-travel-advisory.html>

Housing

MPP not only failed to provide safety, but it actively placed asylum seekers in harm's way by not creating or advertising clear paths to accessing essential services. Housing insecurities, specifically, left asylum seekers enrolled in MPP vulnerable to additional safety risks. One of the core issues leading to housing instability was the lack of planned infrastructure to accommodate the influx of asylum seekers. As one interviewee noted,

Because they now had all of these people being put into their community that there may not have been planned space for, planned housing, or planned services. But then people also couldn't move to other parts of Mexico because they had to be close to the border for their immigration court hearings.

This interviewee observed how asylum seekers were stranded in communities unequipped to support them, yet unable to relocate because of their legal obligations. Immobility trapped them in dangerous living conditions and these vulnerabilities were quickly exploited. This was explained by Estuardo Cifuentes from Project Corazon, who described how criminal organizations infiltrated migrant camps and exerted control over those living in precarious conditions:

The criminal groups that controlled the area brought people from them to live inside the camp. What they did was use the camp to illegally cross people into the United States. Because everything was 'safe' and controlled, police did not enter the camp at night. So the criminal groups placed the people who worked with them in the tents on the riverbank so that they had direct access to the river to cross people into the United States.

Here, Cifuentes highlights how criminal organizations exploited the lack of oversight in shelters, turning them into hubs for human smuggling and trafficking. This speaks to a broader structural issue in MPP's implementation, in which DHS and the Executive Office did not account for local realities along the border. The failure of Mexican authorities to intervene (whether due to

corruption, resource constraints, or other unexplained factors) allowed these groups to operate with impunity. Additionally, bureaucratic fragmentation across multiple agencies (DHS, CBP, USCIS, INM, and local Mexican police) likely contributed to a lack of coordination, further exacerbating the risks for asylum seekers.

As a result of the safety issues within shelters due to criminal organization infiltration, migrants were being warned away from the shelters by other migrants within MPP. Vanessa Dojaquez-Torres from AILA described how shelters were

Not letting them leave or giving them unreasonable rules to follow. Sometimes people would tell me that the cartels had infiltrated the shelter. People—I had heard, you know, quite a few times—would say, 'I was running from such and such gang in El Salvador or Guatemala, and then I saw the person at a shelter.'... some of the shelters I think were very dangerous or produced dangerous situations.

This lack of infrastructure, combined with unsafe living conditions, made it nearly impossible for asylum seekers to establish stability, further perpetuating their vulnerability under MPP. The following section will explore how these housing barriers intersected with access to healthcare and education, compounding the humanitarian crisis at the border.

Healthcare

One of the key challenges affecting the humanitarian conditions of migrants that emerged under MPP was the “bottleneck” in healthcare services, which created significant flow disruptions for migrants attempting to access care. Brendon A. Tucker from MedGlobal described how Mexico’s limited resources and overwhelmed facilities led to long delays and inconsistent care. He explained that Mexico’s “vastly different” infrastructure created obstacles for migrants needing care. He noted that the hospitals “best suited to treat them” were “far from the border.” He highlighted how the “lack of healthcare infrastructure” compounded the crisis, as

many border-area hospitals were unequipped to handle the increased demand for services created by MPP. He said, "The infrastructure in Mexico, especially along that area, was not built to accommodate tens of thousands of migrants who suddenly needed medical attention." This overcrowding in shelters and medical facilities became a major barrier for migrants to access essential services. Vanessa Dojaquez-Torres from AILA described the extent of the resource strain when she said, "It's full. Everywhere you go, the hospitals, the shelters, the clinics, there's no room left." Even when migrants could access healthcare services, many were unable to receive necessary treatment because "medication was often unavailable or unaffordable" (Anonymous). One interviewee from Physicians for Human Rights attributed this problem to "changes in Mexican health insurance policy that impacted migrants." He explained, "Even though Mexico was supposed to provide [healthcare] through Seguro Popular, theoretical coverage for migrants wasn't given in practice." He also described how structural complications in the healthcare system led to unnecessary suffering, "People were suffering from things that could've been prevented. Basic medical care wasn't available, and the consequences were devastating." Thus, even when healthcare services were technically available, essential medications were often out of reach. As a result of the bottlenecks, overcrowding, medication shortages, lack of health insurance, and language barriers, asylum seekers under MPP suffered from conditions that could have been prevented with proper access to care.

The lack of timely and appropriate care had fatal consequences for some asylum seekers. One Interviewee recalled a case "where a child with advanced leukemia was almost dead before the U.S. agreed to airlift him to a hospital in the U.S. that could provide the treatment Mexico couldn't." He also noted "instances of fatal demise that were likely preventable and related to inadequate prenatal care." He reported an increase in the "number of individuals who presented

with new HIV+ diagnoses, largely as a result of sexual assault and trafficking.” This demonstrates a lack of planning or support by the U.S. government in implementing this policy. Some of these problems, such as the lack of health insurance and inadequate access to timely medical care, are not simply logistical oversights, they illustrate a policy that actively undermined the health and safety of a population it was meant to protect, thus skirting their international humanitarian obligations. By forcing asylum seekers into an under-resourced system without sufficient planning/support, the U.S. effectively externalized their humanitarian responsibility while still exercising control over asylum outcomes. Additionally, being stranded in border regions with high rates of crime and violence without access to medical care took a toll on asylum seekers’ mental health. One interviewee emphasized how the experience of waiting in areas plagued by gun violence compounded trauma: “Waiting in areas with a lot of gun violence and homicide makes it difficult to heal and further exacerbates trauma that leads to PTSD. This won’t get better until they feel safe.”

A study conducted by Mercado et al. (2023) examined the psychological impact of MPP on six asylum seeking families who lived in a tent encampment in Mexico for one to two years before being processed in the U.S.⁸¹ They found clinically significant distress in several participants, with various symptoms of PTSD. Common stressors included fear for their children's safety, exposure to violence, hunger, and extreme living conditions in the camps.⁸² Taken together, the MPP’s inability to account for healthcare access left asylum seekers in a state of medical precarity, where the lack of infrastructure, bureaucratic support, and financial resources created additional layers of exclusions. For some, these

⁸¹ Mercado, A., Venta, A., Morales, F., Palomin, A., Garcini, L., Silva, M., & Domenech Rodríguez, M. M. (2022). Trauma in the American asylum process: Experiences of immigrant families under the migrant protection protocols. *Psychological Trauma: Theory, Research, Practice, and Policy*, 16(2). <https://doi.org/10.1037/tra0001368>

⁸² Ibid.

systemic shortcomings were fatal. The following section will examine the barriers to education faced by migrants, highlighting how similar systemic issues limited their ability to enroll in school and access basic educational services.

Education

One of the primary barriers to education under MPP was the lack of standardization across schools in Mexico regarding the enrollment process for migrant children. Paulina Olvera Cañez from Espacio Migrante described how families often struggled to enroll their children in schools because they were unaware of the process. She spoke about “PROBEM,” a state-run program under the Baja California Secretaría de Educación that was intended to help migrant children enroll in school.⁸³ The program was originally created to assist U.S. citizen children of deported Mexican parents enroll in schools but later expanded to support migrant families more broadly. However, Olvera Cañez noted some limitations, stating that

If families go through there, that office helps them to find a school and make sure that they can enroll in school. But also, the reality is that it's like two or three people that work in that office for the whole state. And there's thousands of migrant children. And most migrant families don't know about that office

Families often struggle to navigate the education system because schools were either unaware of the process or imposed additional, unnecessary requirements. Olvera Cañez described how this led to families being turned away:

Also, like I mentioned, Tijuana is not safe. So many parents fear, like, they don't even want to walk a few blocks in downtown Tijuana with their children because it's not safe. But some of them, if they move out of the shelter and they decide to enroll their children, they don't know about this office. So they go to the nearest public school, and a lot of schools don't know the process or don't care. But they require them to provide different things that they shouldn't. Like, 'Oh, okay, you're a foreigner, do you have permanent residency?'

⁸³ de, I. (2021). *Programa Binacional de Educación Migrante PROBEM*. Gob.mx. <https://www.gob.mx/ime/acciones-y-programas/programa-binacional-de-educacion-migrante-probem-61464>

Even when families met the formal requirements, economic barriers further complicated enrollment. Public schools in Mexico require specific uniforms and school supplies, which many migrant families could not afford. Olvera Cáñez explained,

Even though it's public school and it's free, there are barriers. All public schools require uniforms, and they have to be specific. In Mexico, it's not like the U.S. where you can just get khaki pants and a shirt anywhere. You have to buy a specific uniform, and if you don't have it, you can't attend.

Additionally, remote learning during the COVID-19 pandemic was nearly impossible for many asylum-seeking families due to technological limitations. Many families had only one cell phone for the entire household, making it difficult for children to participate in virtual classes.

However, even if enrolling in schools was more accessible to these families, safety concerns presented another barrier to access. Cindy Woods from Americans for Immigrant Justice recounted how some children remained out of school for extended periods because their parents feared leaving shelters: “I had a Venezuelan client who became a butcher, and he and his family were able to pay for an apartment. But his daughters didn't go to school because they were afraid to leave.” This climate of insecurity, layered onto economic instability, further constrained access to education, particularly for single mothers balancing work and childcare responsibilities.

Olvera Cáñez pointed out how “For single moms, the difficulty is finding work while also taking care of their children. They don't have childcare, so sometimes education just isn't an option.”

In response to these barriers, non-governmental organizations (NGOs) and community initiatives stepped in to fill the gap. Vanessa Dojaquez-Torres from AILA praised the grassroots efforts of Las Americas Immigrant Advocacy Center which launched the “Sidewalk School,” an informal educational program for migrant children living in encampments.⁸⁴ The initiative

⁸⁴ School, T. S. (2020). *The Sidewalk School*. The Sidewalk School. <https://www.sidewalkschool.org>

provided basic education for children who would otherwise go without schooling, “they used donated tablets and books and put on this little school just for the migrant children.” While these alternative education programs provided temporary solutions, they were not a substitute for formal schooling and accreditation. Estuardo Cifuentes from Project Corazon noted that these programs, while beneficial, were not recognized by Mexican educational authorities, meaning children were left without official academic progress, “they weren’t earning grades or completing a curriculum.” The inability to access education not only affected children’s development and future opportunities, but also their ability to easily integrate into U.S. society (if they were to obtain asylum). The next section will explore how inability to access essential services like healthcare or education disproportionately impacted marginalized communities.

Structural and Systemic Inequities

Racial Disparities in Protection and Access to Services

The restrictions on access to essential services especially affected marginalized groups, including black, LGBTQ+, and non-Spanish speaking migrants, leaving certain populations more vulnerable to violence, exploitation, and exclusion. Several interviewees (9 of 12) emphasized that race and national origin had a significant impact on the level of safety, access to services, or overall treatment of migrants under MPP. Haitian asylum seekers, in particular, faced heightened discrimination, not only from Mexican officials and the general public but also from U.S. border enforcement authorities. Woods noted how her clients “felt that there was a lot of racism in Mexico, especially if they were darker-skinned. And so that was very difficult to navigate in relation to accessing health care and job opportunities, and even schooling.” However, this racialized treatment did not end at the border. Racial discrimination was observed on both sides,

compounding the difficulties Haitian migrants faced in navigating the asylum process. One interviewee recalled witnessing anti-Black discrimination when “U.S. authorities asked for more identification from black migrants at the border.” He also noted that the MPP failed to exempt non-Spanish speaking migrants as it was supposed to. Discrimination against black and non-Spanish speaking migrants spread through the border encampments, where Black and Indigenous asylum seekers were frequently segregated or given fewer resources. Cifuentes described how Afro-descendant migrants from Colombia, Cuba, and Honduras were placed in separate areas of the Matamoros camp, regardless of whether they spoke Spanish.

In the camp, specifically in Matamoros, people were separated by language: Spanish speakers, Indigenous language speakers, and Black migrants. Even if they spoke Spanish, Black migrants were assigned to certain areas of the camp just because of their skin color (Cifuentes).

Furthermore, migrants with darker skin were at higher risk of extortion and violence in border cities. This is supported by research from the Black Alliance for Just Immigration, which found that African migrants in Mexico reported being “regularly stopped by police, extorted for bribes, and threatened with detention or deportation if they did not comply.”⁸⁵ The same report documented widespread racial profiling and discriminatory enforcement practices by Mexican authorities and highlighted that “African migrants reported facing systemic racism and anti-Black discrimination in virtually every facet of their lives in Mexico.”⁸⁶ As Woods explained, “Afro-Honduran clients were very poorly treated in Mexico. They were targeted for random crimes just because of their darker skin.” These patterns reveal how MPP placed asylum seekers in environments where systemic racism and anti-Black violence were amplified, not just by the authorities and criminal organizations, but also by healthcare professionals.

⁸⁵ “*THERE IS A TARGET ON US*”. (2021).

<https://baji.org/wp-content/uploads/2021/01/The-Impact-of-Anti-Black-Racism-on-African-Migrants-at-Mexico.pdf>

⁸⁶ Ibid.

Haitians and African migrants faced severe difficulties in accessing medical care. One interviewee, a physician at the U.S.-Mexico border, noted that while Mexico was supposed to provide healthcare through Seguro Popular, in practice, many Black migrants were excluded from these services since “Migrants who did not speak English or were Black were most impacted.”

Pregnant Haitian women, in particular, were denied critical prenatal care. One interviewee described a case where a pregnant Haitian woman suffering from preeclampsia was admitted to a Mexican hospital, only to be kicked out as soon as the accompanying advocate left. This case reflects a broader pattern documented in *The Invisible Wall, a report* released by the Quixote Center in 2021, which reported that “Black migrants often received substandard or delayed care in public hospitals, and in some cases, were denied services altogether due to racial bias and language barriers.”⁸⁷

Similar racial disparities were evident in education access. Paulina Olvera Cáñez from Espacio Migrante documented instances where schools explicitly denied Black children enrollment, falsely claiming they could only accommodate Spanish-speaking students:

A Honduran woman in Tijuana tried to enroll her son in school, and the administrator asked, ‘What is he? Is he Haitian? Because we don’t accept Haitian families since we only speak Spanish here.’ But he wasn’t even Haitian. Even if he were, why should that matter? They were already denying them access just because they were a Black family.

This pattern of discrimination left Black migrants in a precarious position, where they were excluded from essential services while simultaneously being more vulnerable to criminal

⁸⁷ *The Invisible Wall: Title 42 and its Impact on Haitian Migrants THE INVISIBLE WALL: TITLE 42 AND ITS IMPACT ON HAITIAN MIGRANTS 2 ACKNOWLEDGEMENTS AND ABOUT THE AUTHORS.* (2021). <https://quixote.org/wp-content/uploads/2021/03/The-Invisible-Wall.pdf>

activity. As a policy, MPP exacerbated pre-existing inequalities and created conditions in which racial discrimination became an organizing mechanism of the asylum process. Building on this, the next section will explore how women and LGBTQ+ asylum seekers under MPP encountered similar risks, in addition to heightened risks of violence, trafficking, and exclusion from essential services.

Gender and LGBTQ+ Disparities in Safety and Access to Services

Ecker from Freedom Network USA explained that women in MPP faced increased risks of trafficking, particularly in shelters and informal encampments. In many cases, criminal groups operating in migrant camps deliberately preyed on women and LGBTQ+ individuals. Estuardo Cifuentes from Project Corazon detailed how traffickers exploited the isolation of LGBTQ+ migrants, forcing them to live on the outskirts of camps where they were even more vulnerable:

The LGBTQ+ community was often separated from the rest of the camp, which made them easier targets. Criminal groups took advantage of the fact that they had no support system and were pushed to the periphery.

In addition to heightened risks of trafficking and violence, women faced significant hurdles in accessing reproductive healthcare. Vanessa Dojaquez-Torres from AILA described how pregnant women were routinely denied prenatal care due to overcrowding. "Pregnant women with serious health issues told me, 'I can't get an appointment because the public clinic is full, and I can't get prenatal care'" (Dojaquez-Torres). Additionally, Transgender women faced institutional barriers to receiving medical care or humanitarian aid. Cifuentes detailed how transgender asylum seekers were denied services simply because their IDs from their countries of origin did not match their gender identity, "Trans women were placed last on lists for medical services,

shelters, and even basic necessities like food distribution because their official documents identified them as men.”

To add, Paulina Olvera Cárdenas claimed that trans women are

double discriminated against because of how they're treated by Mexican immigration and US immigration, where they don't respect their gender identity. Also, a lot of LGBT folks are twice discriminated against when they are trying to live in Tijuana to find work.

This is largely due in part because “when they present themselves at the port of entry, they have to identify with the gender assigned at birth,” which opens them to discrimination by the U.S. and Mexican authorities. To sum, migrant women were being targeted because they were perceived as “easy targets” (Dojaquez-Torres). Policies, like MPP, designed to deter migration did not consider (or actively ignored) the increased vulnerability of certain groups, leaving them with little protection, limited resources, and heightened exposure to violence and exploitation.

Language Barriers and Lack of Translation Services

Language barriers just made many of the difficulties faced by asylum seekers in MPP even more challenging. Migrants who spoke Indigenous languages or languages other than Spanish were often denied services, misinformed about their rights or the asylum process, or had their agency taken from them. Some migrants were pressured into signing legal documents in English, even when they did not understand them. One interviewee recounted how

The MPP officer forced [them] to sign documents in English. He made [them] sign forms that stated [they] had received all the information in Spanish, which was not true. He told [them] that if [they] refused to sign, he would accuse [them] of disobedience to an authority.

This account underscores how MPP did not just impose unreasonable bureaucratic demands on asylum seekers, but also weaponized language barriers to coerce compliance and obscure due process, rather than facilitating access to protection. Even when migrants attempted to comply

with the requirement to submit asylum applications in English, they faced additional obstacles. For example, a judge rejected an asylum application because the applicant had used Google Translate to complete it, stating that someone from Google would need to sign off on the translation for it to be accepted,⁸⁸

When someone submitted their asylum application in English, the judge asked who had filled it out. The person explained that they used Google Translate, and the judge responded that they needed someone from Google to certify it as an accurate translation. Since no such certification was available, their application was not accepted.

This highlights how language barriers further restricted the ability of non-Spanish speaking asylum seekers to defend their claims. The lack of translation services led to situations in which migrants who did not speak Spanish were turned away or given incorrect information. Olvera Cádiz from Espacio Migrante highlighted a case in which,

A Guatemalan woman needed medical care, and her husband, who spoke Spanish, wanted to translate for her. But the clinic refused, saying, ‘Only the patient can enter.’ The doctor assumed all Guatemalans speak Spanish, ignoring the fact that most are Indigenous and speak their own languages.

This language discrimination was also widespread in shelters and social services. “School administrators would say things like, ‘We only accept Spanish-speaking students,’ even though that was not a legal requirement” (Olvera Cádiz). And for those who were able to enroll, challenges resulting from language barriers continued to persist. Olvera Cádiz explained that while some schools technically allowed non-Spanish-speaking students, there were no support systems in place for them to succeed.

We worked in 2022 doing Spanish classes at a local middle school for Haitian students. It was a small group, just five or six students. But we quickly realized that

⁸⁸ Compass, A. (2023, June 7). *Your guide to USCIS certified translation requirements*. American Translators Association (ATA). <https://www.atanet.org/client-assistance/blog-uscis-certified-translation/>

enrolling in school was only the first step—if they didn’t speak Spanish, it was extremely difficult for them. The schools didn’t have communication with the parents, and we saw a lot more racism. Teachers saw these students as troublemakers instead of identifying the challenges they were facing.

Further, a lack of interpreters in shelters and aid programs also led to unequal distribution of resources. Migrant communities that spoke Indigenous languages or other third languages were often placed last on aid lists:

Aid distribution in migrant camps was coordinated by Spanish-speaking groups. Because there was no strong connection between Spanish speakers and those who spoke Indigenous languages or Haitian Creole, those groups were always placed at the bottom of the list. They consistently received fewer resources than Spanish-speaking migrants.

Even within migrant communities, language barriers contributed to additional layers of discrimination and exclusion, affecting access to shelter, legal representation, and basic necessities. The structural failure to accommodate diverse linguistic backgrounds further demonstrates how MPP policies were designed without regard for the realities faced by the populations they affected. Ensuring proper interpretation services is not just a logistical necessity, it is a fundamental issue of human rights and due process. The next section examines the socio-economic impacts of MPP, with a specific focus on the difficulties migrants faced in accessing employment. While legal and structural barriers shaped asylum seekers’ experiences in profound ways, economic exclusion further entrenched their precarity. Without stable work, many migrants struggled to secure housing, afford healthcare, or even meet basic daily needs.

III. Socio-economic Impacts

The Migrant Protection Protocols not only denied asylum seekers entry into the United States but also left them in an unstable economic position within Mexico. Many migrants faced significant barriers to obtaining work permits, securing stable employment, and avoiding

workplace exploitation. Without legal documentation, they were often pushed into informal and low-wage jobs, exacerbating their financial insecurity. This section examines the economic struggles migrants faced under MPP, their limited employment opportunities, and the broader impact on host communities in Mexico.

Economic Challenges

Under MPP, asylum seekers were technically eligible for temporary work permits in Mexico: Clave Única de Registro de Población (CURP).⁸⁹ The CURP only requires that the migrant prove that they are under the MPP and have a form known as FMM (Forma Migratoria Múltiple), which is given to migrants as they enter Mexico. However, as Vanessa Dojaquez-Torres from AILA pointed out, "People were not being given work permits, or even if they were being given work permits, they weren't getting work. Many people were being discriminated against." The Mexican government had agreements in place that were supposed to provide migrants with legal work authorization, but implementation was inconsistent at best.⁹⁰ Olvera Cáñez highlighted that while Mexico framed its acceptance of MPP as a humanitarian effort, in reality, "They didn't give them documents that allowed them to work. The documents they provided were the equivalent of a tourist permit, which wasn't valid for employment."

The inconsistent issuance of work permits left many migrants unable to support themselves, forcing them into the informal labor market. Without work authorization, employers could easily exploit them, knowing they had no legal recourse. For those who managed to find work, employment opportunities were limited to industries that required little to no formal documentation. One interviewee noted that many migrants worked in "restaurants, waste

⁸⁹ Resendiz, J. (2019, June 26). *Mexico to issue work permits for migrants*. BorderReport. <https://www.borderreport.com/news/mexico-to-issue-work-permits-for-migrants/>

⁹⁰ Ibid.

management, as interpreters, construction, and other odd jobs." Cifuentes also observed that "if you went to any restaurant or supermarket, you would see a migrant working." Olvera Cárdenas explained that those without documentation had to take whatever work was available, "Some people had to get informal jobs (selling things in the street, working in a taco shop, a car wash) in places where they weren't required to show documents." Many migrants in these jobs were vulnerable to wage theft, unsafe working conditions, and employer abuse. In some cases, they were not paid at all if they were fired or dismissed without warning (Dojaquez-Torres). Cifuentes described cases where "a local worker would receive a salary plus tips, but migrants would only get tips. If they didn't receive any tips, they earned nothing." This kind of wage discrimination created additional financial instability and left migrants unable to cover basic needs.

The vulnerability of migrants in informal labor markets also exposed them to trafficking risks. Ecker pointed out that "not having a job permit is a really big barrier to achieving economic stability that helps prevent trafficking." She explained that desperation for work led some migrants to take jobs that "had fewer protections because they were being paid under the table or relying on someone who was willing to exploit them." Additionally, if migrants tried to take legal action against abusive employers, they faced retaliation. Ecker noted that "when an immigrant files a civil trafficking claim against their employer, there are no formal consequences for employers who threaten their families to get them to drop the suit."

Data from the Executive Secretariat of the National Public Security System (SESNSP), cited by Hispanics in Philanthropy (HIP), revealed that Mexican authorities identified at least 550 victims of human trafficking in 2020, which is a 43% increase from 2016.⁹¹ Among these, 26.6% were subjected to labor exploitation, often in sectors like construction, mining, and

⁹¹ Mexico. (2022, February). Migrants & Refugees Section. <https://migrants-refugees.va/country-profile/mexico/>

domestic work.⁹² Migrants, particularly those returned under the MPP, lacked work permits and legal protections, making them vulnerable to wage theft, excessive working hours, and abuse. A significant portion of victims were under the age of 18 (41.1%).⁹³ Title 42, a policy implemented in March 2020 that overlapped with MPP, intensified these risks because it allowed U.S. authorities to expel migrants rapidly under the guise of public health measures, often without due asylum screening. In the first year of implementation, over 24,000 Central American migrants were expelled to Mexico, with over 15,000 sent to Tamaulipas (a region recognized as a trafficking hotspot).⁹⁴ These overlapping policies heightened structural vulnerability and limited recourse to justice, reinforcing a climate of impunity for labor exploitation and trafficking in Mexico.

The economic marginalization of migrants under MPP not only affected the asylum seekers themselves but also had broader implications for Mexico's economy and local communities. Cifuentes noted that "many preferred to travel to larger cities like Mexico City, Monterrey, or Guadalajara, where there were better job opportunities and more security." This internal migration pattern potentially contributed to regional labor shortages in some areas while increasing competition for low-wage jobs in others. According to the 2020 National Census by the National Institute of Statistics and Geography (INEGI), internal migration in Mexico mobilized over 15 million people, with 28.8% citing labor opportunities as their primary reason for moving.⁹⁵ Although these figures primarily reflect internal Mexican migration, they help contextualize the broader labor shifts affecting regional economies. Recent research also shows that return migration from the U.S. to Mexico has contributed to an oversupply of labor in

⁹² Ibid.

⁹³ Ibid.

⁹⁴ *Mexico*. (2022, February). Migrants & Refugees Section. <https://migrants-refugees.va/country-profile/mexico/>

⁹⁵ Ibid.

low-wage sectors, intensifying competition and placing downward pressure on wages in receiving regions.⁹⁶ While the study focuses on return migration, the findings are relevant to the MPP context, as both phenomena contribute to an increased supply of low-wage labor in receiving regions. Asylum seekers returned to Mexico under MPP often compete in the same informal sectors, intensifying competition and depressing wages, much like those documented in the return migration research.

The economic challenges faced by asylum seekers under MPP were a direct result of bureaucratic inefficiencies, discriminatory hiring practices, and the failure of the Mexican government to consistently provide work authorization. Migrants were often forced into informal labor markets where they faced exploitation and lacked legal protections. This not only worsened their financial precarity but also had broader socio-economic consequences for the communities hosting them. The next section will examine the impact of these economic hardships on family stability, housing, and long-term integration prospects for migrants stranded under MPP.

Strain on Infrastructure and Overwhelmed Social Services

The implementation of the Migrant Protection Protocols (MPP) placed a significant strain on Mexico's infrastructure, social services, and local economies, particularly in cities along the northern border. The sudden influx of thousands of asylum seekers into cities like Tijuana, Matamoros, and Juarez exposed systemic weaknesses in housing, healthcare, employment, and humanitarian aid distribution. NGOs and local communities were forced to pick up the slack but were often ill-equipped to handle the growing needs of migrants, leading to overwhelmed services and inefficiencies in policy implementation.

⁹⁶ Diodato, D., Hausmann, R., & Neffke, F. (2023). The impact of return migration on employment and wages in Mexican cities. *Journal of Urban Economics*, 135, 103557–103557. <https://doi.org/10.1016/j.jue.2023.103557>

The MPP effectively forced asylum seekers to remain in border cities, even though these locations lacked the necessary infrastructure to support them. Joshua Rodriguez from Immigration Hub emphasized that the existing infrastructure in Mexico "was definitely not designed to take care of tens of thousands of people." Border towns, already dealing with economic hardships, now had to accommodate a large and growing migrant population without additional resources. One immigration policy expert emphasized that "localities in Mexico, especially along the U.S.-Mexico border, struggle with having enough resources to be able to support these individuals," noting that "immigrants are waiting... they're not benefiting... localities aren't benefiting because they have to support these individuals for years and just don't have enough resources." They added that the Mexican government provided limited support, and the United States "didn't actually provide funding for this purpose. So, nobody wins." Similarly, Vanessa Dojaquez-Torres from AILA highlighted how "there was no planned space for housing or services, and people couldn't move to other parts of Mexico because they had to stay close to the border for their immigration court hearings." This led to the rapid formation of makeshift encampments with inadequate sanitation, water, and safety measures.

The strain extended to healthcare as well. One interviewee, a physician at the border, described how "hospitals that were best suited to care for migrants were situated far from the border, and there were no reliable pathways for referrals." Clinics, already serving Mexican citizens with limited resources, now faced increased demand without a proportional increase in funding or personnel. This lack of capacity led to cases where patients were denied treatment, including pregnant women suffering from life-threatening conditions, as discussed previously.

NGOs and humanitarian organizations bore the brunt of assisting migrants, despite many already being at capacity before MPP was implemented.⁹⁷ Ecker noted that "for our members who serve immigrants, there was a massive increase in workload, creating barriers to filing claims easily. More people needed attorneys and pro bono services than any organization could handle." As a result, migrants often had to navigate the complex asylum process on their own, while NGOs were overwhelmed and forced to triage cases, prioritizing the most urgent needs due to limited resources. Similarly, shelters struggled to meet demand. Olvera Cárdenas described the reality for migrants seeking housing. "When we opened the shelter in February 2019, there was already a waiting list due to metering. MPP made it worse by trapping people here longer, and there were simply not enough places for them to stay." Even for those lucky enough to secure a spot, some shelters imposed "time limits" or charged fees, making long-term stability unattainable for many (Olvera Cárdenas).

The MPP's reliance on Mexico to house and care for asylum seekers exposed fundamental weaknesses in coordination between Mexican and U.S. agencies. Brendon A. Tucker from MedGlobal explained that "a lot of medical organizations entered Mexico with the assumption that they could operate as they would in the U.S., but the healthcare infrastructure was vastly different." This lack of understanding led to inefficiencies and, in some cases, complete failure to provide adequate services. Reports indicate that Mexico has faced significant shortages in essential medical supplies, including blood products due to uneven distribution of medical resources across regions, with rural and isolated communities often being most

⁹⁷ Reidy, E. (2023, May 10). *How the US-Mexico border became an unrelenting humanitarian crisis*. The New Humanitarian. <https://www.thenewhumanitarian.org/news-feature/2023/05/10/how-us-mexico-border-became-unrelenting-humanitarian-crisis>

impacted.⁹⁸ Mexico's public healthcare system has also experienced underfunding, leading to critical shortages of supplies and medications, and budget cuts have only further strained the system. Recent news articles also point to supply chain vulnerabilities as a factor contributing to these shortages.⁹⁹

One interviewee provided a clearer picture of the strain the influx of migrants under MPP placed on Mexico's limited healthcare infrastructure and the adverse effects this had on both Mexican nationals and asylum seekers. He explained that resources were limited even for Mexican nationals. He stated that if a woman needed a C-section, she would have to get people to donate blood because of limited reserves in Mexico. He noted that American volunteers would come to donate blood, but there was no one to help the women post-procedure. He also emphasized that it was not easy to get reliable or safe transportation. Additionally, he explained that the hospitals best suited to care for people under extraordinary circumstances were situated far from the southern border. According to one interview, there was an increased demand for services without a corresponding increase in resources, leading to challenges related to cost, infrastructure, limited social support, transportation, and overall resource strain.

The legal system also struggled with communication and procedural inconsistencies.

Olvera Cárdenas explained how the postal service in Mexico was "slow and inefficient."

In the U.S., if you send a letter, it arrives in a couple of days" because "the postal system is very reliable and quick." However, "in Mexico, it can take months or it can get lost. A

⁹⁸ Salud, S. de. (2024). 356. *Avanza Sistema Nacional de Sangre; objetivo, reorganizar los servicios en el nivel federal y estatal*. Gob.mx. <https://www.gob.mx/salud/prensa/356-avanza-sistema-nacional-de-sangre-objetivo-reorganizar-los-servicios-en-el-nivel-federal-y-estatal>

⁹⁹ *Death toll from contaminated infant IV feeding bags in Mexico rises to 17*. (2024, December 10). AP News. <https://apnews.com/article/mexico-contaminated-hospital-supplies-drug-resistant-bacteria-iv-feeding-bags-b8a48935f2c63d9645df5de58c5814f6>

lot of people in Mexico, if [they] have an urgent document, [they] pay for another service like FedEx or something like that. And CBP would put in their documents unknown addresses, like they wouldn't put an address in Tijuana. So, yes, the court was sending information about their hearings, but [asylum seekers] would never get the information. But the judge would make some remarks like 'are you telling me that in months you didn't receive that hearing or this information, if we sent it on this date, it's impossible, Tijuana is right next door, it's not that far.' But, of course, he's not taking into account that it's another country, it's another context.

Here Cárdenas shows how policy implementers like judges in the U.S. asylum system were relying on Mexico's infrastructure without (1) being aware of the shortcoming of that infrastructure and (2) placing blame on migrants for systemic inefficiencies outside of their control

The MPP not only placed asylum seekers in volatile conditions but also exposed Mexico's inability to handle the sheer volume of migrants stranded at its northern border. The lack of infrastructure, overwhelmed NGOs, strained healthcare systems, and a lack of coordination between Mexican and U.S. authorities led to inefficiencies that had far-reaching consequences for both migrants and host communities. While the policy was framed as a cooperative effort, in practice, it outsourced the U.S. 's asylum responsibilities onto an already burdened system, exacerbating humanitarian and economic crises in Mexico. Further, the inability to access legal representation, combined with exploitative labor conditions, unstable income, dire humanitarian circumstances, and finally Mexico's overwhelmed infrastructure, created the worst possible conditions for asylum seekers. This reveals that MPP was not merely a deterrence policy, but a deeply punitive system that systematically structured access to asylum.

Limitations and Future Research

This research was constrained by several important limitations. First, the sample size is relatively small ($n = 13$), limiting the generalizability of the findings. Additionally, due to

Institutional Review Board (IRB) restrictions, I was unable to interview any asylum seekers directly. As a result, the research is primarily informed by interviews with professionals, ranging from healthcare workers and shelter managers to legal advocates, who have worked with asylum seekers affected by the MPP. While their insights provided valuable institutional and operational perspectives, this limitation meant this paper did not capture first-hand migrant experiences that could have contributed to the findings. Additionally, the implementation of Title 42 in March 2020 significantly disrupted the enrollment of asylum seekers into the Migrant Protection Protocols (MPP). Many individuals who would have been placed into MPP were instead summarily expelled under Title 42, leading to a sharp decline in new MPP enrollments. This shift complicates data analysis, as the reduced number of MPP cases during this period reflects policy changes rather than a true decrease in asylum seekers. Furthermore, the short duration and controversial nature of MPP 1.0 and then 2.0 resulted in limited data availability. There is a general scarcity of comprehensive primary-source data and longitudinal research on its effects. A majority of the existing literature focuses on legal critiques and immediate humanitarian concerns, while socio-economic impacts remain underexplored.

Future research should expand on the socio-economic dimensions of deterrence-based asylum policies like MPP. This thesis primarily investigates how the policy and host country's conditions affected asylum seekers, but further studies need to examine the reciprocal effect, namely, how the presence of vulnerable migrant populations influences host communities. While this research attempted to identify the economic consequences of MPP on the host country, data was publicly unavailable. Future research could explore whether the concentration of displaced populations in border regions leads to criminal exploitation or systemic strain on local governance and infrastructure. Moreover, future research should investigate how anti-immigrant

sentiment associated with MPP has transferred from the U.S. to Mexico. One interviewee noted that they perceived a diffusion of xenophobic and racialized attitudes from U.S. border policies into Mexican border communities. This raises critical questions about the transnational social and political impacts of deterrence policies, not only in shaping migration governance but also in reshaping cultural and institutional attitudes in neighboring countries.

Discussion

Results from the interviews suggest that the MPP was heavily criticized/opposed by most, if not all, immigration service providers with firsthand experience at the border at the time of implementation. Every person interviewed drew a picture of an asylum process that first harmed migrants (physically, mentally, and legally) before it even attempted to fulfil any of the policy initiatives the DHS said it would. During the rollout of MPP 1.0, the DHS claimed that the “anticipated benefits of MPP” included, first and foremost, the deterrence of asylum fraud, the prioritization of border security, and the end of “catch and release.” As a response to the public outrage over MPP 1.0, the Biden administration and the DHS wanted to improve MPP by exempting vulnerable populations and ensuring legal access through MPP 2.0.

First, considering that screening for fraudulent asylum claims was a stated measure of success of MPP 1.0, it must be pointed out that MPP did not filter out weaker claims, but blocked out access to the asylum process almost entirely, including blocking those with strong, non-fraudulent claims. Further, under no iteration of the MPP could it ever be considered merit-based, because systemic exclusion was structurally embedded into the policy from its inception. Migrants with legitimate fears (including survivors of rape, trafficking, and political persecution) were denied protection due to discretionary bias, procedural barriers, and lack of

legal representation, not because their claims lacked merit. Secondly, a stated objective of the MPP 1.0 was to stop “catch and release,” to stop releasing asylum seekers into the U.S. where they might disappear or not attend court hearings. The MPP clearly failed at meeting this objective given the findings that MPP made it harder to appear in court due to kidnapping, extortion, unsafe travel at 4 a.m., or lack of info due to postal failures, and the finding that more migrants under MPP failed to appear than those allowed to remain in the U.S.

Therefore, the findings show that both MPP 1.0 and 2.0 failed to meet their stated objectives of deterring fraudulent claims and ensuring court compliance, because they disproportionately blocked access for legitimate asylum seekers and created logistical and safety barriers that made compliance nearly impossible. This is exemplified by the 10 of 13 interviewees who, when asked about policy recommendations to improve the MPP, said it should be terminated, point blank. Fortunately, I was able to gather the following policy recommendations from my interviews.

Policy Recommendations

1. Mandatory Legal Representation

Asylum seekers in the MPP faced insurmountable legal barriers because of the difficulty of securing legal representation in the U.S. The policy required individuals to navigate a complicated legal system from outside of the U.S., often in dangerous environments, without stable access to attorneys. Non-profit legal aid organizations were overwhelmed and short-staffed, while private attorneys charged fees beyond what asylum seekers, often from countries with per capita incomes under \$5,000, could afford. Without legal support, applicants struggled to understand procedures, missed hearings, and signed documents they did not

understand. Given that the lack of legal counsel under MPP led to widespread due process failures, a federally funded program should be established to guarantee legal representation for all asylum seekers in removal proceedings regardless of location. This program could be modeled after the public defender system and coordinated through a network of accredited non-profit legal service providers and implemented with dedicated funding from the DHS and EOIR. The program should prioritize remote legal access for those stranded outside the U.S., possibly using encrypted video conferencing and designated legal access points in border shelters. This includes investing in remote legal infrastructure like secure video conferencing in shelters and establishing “legal hubs” at ports of entry. The challenge with this initiative will be capacity and funding as the legal system is already overloaded and many attorneys avoid cross-border cases due to the safety risks discussed throughout this paper. However, findings show that even minimal legal guidance could improve hearing attendance and asylum success rates making this a high-impact, rights-affirming investment.

2. Translation and Language Services

Language barriers under MPP systematically excluded non-Spanish and Indigenous language speakers from basic services and legal protection. Some migrants signed documents they couldn't read or had asylum claims rejected due to Google Translate use. To fix this, federal agencies should fund a centralized interpretation network accessible to all non-English speaking asylum seekers. This would also be a costly initiative given that it would require having interpreters present or accessible at any moment in courtrooms, shelters, and legal clinics. One foreseeable issue is interpreter shortages, especially in less common languages, but building partnerships with community language groups and incentivizing interpreter training through

stipends could help close the gap. This policy would help ensure that migrants are not—excluded from life-altering aid simply because they speak the “wrong” language.

3. Coordinated Government Support

One of the clearest failures of MPP was the absence of accountability once asylum seekers were pushed into Mexico, leaving shelters, clinics, and local officials overwhelmed and migrants vulnerable to trafficking, violence, and economic instability. A coordinated support strategy would involve the U.S. government taking active responsibility not just for case processing, but for conditions on the ground in Mexico. This means regular cross-border evaluations of the facilities used to house MPP returnees, co-developed with Mexican officials and monitored by international organizations like the UNHCR. Implementation would mostly consist of U.S.-funded infrastructure support in Mexico. Specifically, this support could look like the expansion of housing, access to health services, and stabilizing the issuance of work permits via streamlined CURP/FMM processes. It also needs to include security coordination: ensuring migrants have access to police that will not take advantage of their circumstances and implementing anti-trafficking initiatives that can be standardized across the border. This policy recommendation is intentionally broad because it touches on one of the most diplomatically sensitive aspects of MPP: U.S. involvement in Mexico’s internal affairs. While findings show that outsourcing asylum processing to Mexico created dangerous and unstable conditions, implementing a coordinated support framework raises hard questions. How far can (and should) the U.S. reach into Mexico to ensure safe, humane, and lawful conditions for asylum seekers? Effective implementation would require regular binational check-ins, structural investments in shelters and services, support for stabilizing work permits, and mechanisms to ensure access to policing and anti-trafficking protections. However, this approach risks overstepping diplomatic

boundaries and raises another critical question: if humane and efficient implementation of MPP demands such extensive U.S. investment, why not invest those resources into rebuilding a fair, functional asylum system on U.S. soil? While short-term coordination is essential, my findings suggest that long-term reform must also be a focus if we'd like to efficiently reduce the immigration backlog.

Conclusion

Regardless of what lens you choose to look at MPP and other deterrence policies like it, or what measure of success you or policy makers choose before implementing these policies, these policies are first-and-foremost asylum policies. Meaning, fundamentally, the measure of success that matters most is whether or not the purpose of asylum was fulfilled. As a reminder, asylum is the protection of “individuals who have fled their home country due to a well-founded fear of persecution based on race, religion, nationality, membership in a particular social group, or political opinion, and are unable or unwilling to return to that country.”¹⁰⁰ Whatever kind of asylum policy you choose, deterrence, affirmative, or defense, you need to be fulfilling this basic principle of protecting people who need it. Through interviews with those on the front lines a clear picture emerges: MPP fractured asylum access, buried legal rights beneath bureaucracy, and placed impossible burdens on communities already stretched thin. It outsourced humanitarian obligations in the name of deterrence and left in its wake not order, but erosion of safety, dignity, and international law. This study reveals not only how asylum seekers were impacted by the conditions of the host country, but also the broader challenges to accessing asylum that emerged under the Migrant Protection Protocols. In doing so, it calls for a migration

¹⁰⁰ *The 1951 Refugee Convention and 1967 Protocol relating to the Status of Refugees* | UNHCR. (2025). UNHCR. <https://www.unhcr.org/media/1951-refugee-convention-and-1967-protocol-relating-status-refugees>

policy that centers human rights, accountability, and shared international responsibility. As deterrence-based approaches continue to proliferate globally, it is essential to recognize how these strategies reproduce inequality across borders and recast humanitarian protection as a burden to be outsourced. Only by addressing these structural failures, and asking what values we are willing to uphold, can we begin to build migration frameworks that are not only secure, but just.

References

" " *THERE IS A TARGET ON US* " ". (2021).

<https://baji.org/wp-content/uploads/2021/01/The-Impact-of-Anti-Black-Racism-on-African-Migrants-at-Mexico.pdf>

"*Like I'm Drowning.*" (2021, January 6). Human Rights Watch.

<https://www.hrw.org/report/2021/01/06/im-drowning/children-and-families-sent-harm-us-remain-mexico-program>

8 USC 1225: *Inspection by immigration officers; expedited removal of inadmissible arriving aliens; referral for hearing.* (n.d.). [Uscode.house.gov](https://uscode.house.gov).

<https://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title8-section1225&num=0&edition=prelim>

A Timeline of the Trump Administration's Efforts to End Asylum. (2020, November). National Immigrant Justice Center.

<https://immigrantjustice.org/timeline-trump-administrations-efforts-end-asylum>

ACLU Client, A. (2022, March 2). *ACLU News & Commentary.* American Civil Liberties Union.

<https://www.aclu.org/news/immigrants-rights/my-family-came-to-seek-asylum-but-found-danger-instead>

American Immigration Council. (2021, March 29). *A Guide to Title 42 Expulsions at the Border.* American Immigration Council.

<https://www.americanimmigrationcouncil.org/research/guide-title-42-expulsions-border>

American Immigration Council. (2024, February 1). *The “Migrant Protection Protocols.”*

American Immigration Council.

<https://www.americanimmigrationcouncil.org/research/migrant-protection-protocols>

Assessment of the Migrant Protection Protocols (MPP). (2019).

https://www.dhs.gov/sites/default/files/publications/assessment_of_the_migrant_protection_protocols_mpp.pdf

Asylum Success Still Varies Widely Among Immigration Judges. (2024). Tracreports.org.

<https://tracreports.org/reports/752/>

Atherton, B. (2010, July 6). *Gillard flags move to offshore processing.* Abc.net.au; ABC News.

<https://www.abc.net.au/news/2010-07-06/gillard-flags-move-to-offshore-processing/893624>

C R U E L T Y B Y D E S I G N. (2024).

https://asrc.org.au/wp-content/uploads/2024/07/ASRCreport_Healthcrisisinoffshoredetention_July2024.pdf

CBP Enforcement Statistics FY2018. (2024, May 20). U.S. Customs and Border Protection.

<https://www.cbp.gov/newsroom/stats/cbp-enforcement-statistics-fy2018>

Compass, A. (2023, June 7). *Your guide to USCIS certified translation requirements.* American

Translators Association (ATA).

<https://www.atanet.org/client-assistance/blog-uscis-certified-translation/>

Contrasting Experiences: MPP vs. Non-MPP Immigration Court Cases. (2019). Tracreports.org.

<https://tracreports.org/immigration/reports/587/>

Cortes, C. P., Sued, O., Wong, W. C. W., Borquez, A., Ssonko, C., Parczewski, M., DeJong, J.,

Saphonn, V., Sinha, A., & Cabieses, B. (2024). Humanising and optimising HIV health

care for refugees and asylum seekers. *The Lancet HIV*.

[https://doi.org/10.1016/S2352-3018\(24\)00233-9](https://doi.org/10.1016/S2352-3018(24)00233-9)

Cullen, S. (2012, November 22). *Bowen defends new temporary visa regime*. Abc.net.au; ABC News. <https://www.abc.net.au/news/2012-11-22/bowen-defends-bridging-visas/4385930>

de, I. (2021). *Programa Binacional de Educación Migrante PROBEM*. Gob.mx.

<https://www.gob.mx/ime/acciones-y-programas/programa-binacional-de-educacion-migrante-probem-61464>

Death toll from contaminated infant IV feeding bags in Mexico rises to 17. (2024, December 10). AP News.

<https://apnews.com/article/mexico-contaminated-hospital-supplies-drug-resistant-bacteria-iv-feeding-bags-b8a48935f2c63d9645df5de58c5814f6>

Diodato, D., Hausmann, R., & Neffke, F. (2023). The impact of return migration on employment and wages in Mexican cities. *Journal of Urban Economics*, 135, 103557–103557.

<https://doi.org/10.1016/j.jue.2023.103557>

Edmund Rice Centre. (2010). *About offshore processing*. Edmund Rice Centre.

https://www.erc.org.au/offshore_processing

Explainer: The Migrant Protection Protocols. (2021, August 25). National Immigration Forum.

<https://immigrationforum.org/article/explainer-the-migrant-protection-protocols/>

Explanation of the Decision to Terminate the Migrant Protection Protocols. (2021).

https://www.dhs.gov/sites/default/files/2022-01/21_1029_mpp-termination-justification-memo-508.pdf

Fact Sheet: President Donald J. Trump Ends Taxpayer Subsidization of Open Borders. (2025, February 20). The White House.

<https://www.whitehouse.gov/fact-sheets/2025/02/fact-sheet-president-donald-j-trump-ends-taxpayer-subsidization-of-open-borders/>

Forced into Danger Human Rights Violations Resulting from the U.S. Migrant Protection

Protocols Physicians for Human Rights 2 Forced into Danger: Human Rights Violations Resulting from the U.S. Migrant Protection Protocols Physicians for Human Rights phr.org. (2021).

https://phr.org/wp-content/uploads/2021/01/PHR-Report-Forced-into-Danger_Human-Rights-Violations-and-MPP-January-2021.pdf

GNI per capita, Atlas method (current US\$) | Data. (n.d.). Data.worldbank.org.

https://data.worldbank.org/indicator/NY.GNP.PCAP.CD?most_recent_year_desc=false

Hampton, K., Heisler, M., & Raker, E. (2021, January 19). *Forced into Danger: Human Rights Violations Resulting from the U.S. Migrant Protection Protocols*. Physicians for Human Rights. <https://phr.org/our-work/resources/forced-into-danger/>

Heredia-Zubieta, C. (2022). *Geopolitical Landscapes of Donald Trump* (pp. 13–33). Taylor & Francis. The Policies of the Trump Administration Toward Mexico and Their Impact on Central America.

Human Rights First A Year of Horrors: The Trump Administration's Illegal Returns of Asylum Seekers to Danger in Mexico. (2020).

<https://humanrightsfirst.org/wp-content/uploads/2020/01/MPP-aYearofHorrors-UPDATE.pdf>

Johanson, E. J. (2021). The Migrant Protection Protocols: A Death Knell for Asylum. *UC Irvine Law Review*, 11(3). <https://escholarship.org/uc/item/6n5128wz>

Joint DHS/EOIR Statement on the Rescheduling of MPP Hearings | Homeland Security. (2024).

U.S. Department of Homeland Security.

<https://www.dhs.gov/news/2020/05/10/joint-dhseoir-statement-rescheduling-mpp-hearings>

Kocher, A. (2021). Migrant Protection Protocols and the Death of Asylum. *Journal of Latin American Geography*, 20(1), 249–258. <https://doi.org/10.1353/lag.2021.0010>

Leutert, S. (2020). Migrant Protection Protocols: Implementation and Consequences for Asylum Seekers in Mexico, PRP 218. *LBJ School of Public Affairs*.
<https://doi.org/10.26153/tsw/8999>

Long, C., & Sawyer, A. (2019). “*We Can’t Help You Here.*”

Mercado, A., Venta, A., Morales, F., Palomin, A., Garcini, L., Silva, M., & Domenech Rodríguez, M. M. (2022). Trauma in the American asylum process: Experiences of immigrant families under the migrant protection protocols. *Psychological Trauma: Theory, Research, Practice, and Policy*, 16(2). <https://doi.org/10.1037/tra0001368>

Mexico. (2022, February). Migrants & Refugees Section.

<https://migrants-refugees.va/country-profile/mexico/>

Mexico Travel Advisory. (2019). State.gov.

<https://travel.state.gov/content/travel/en/traveladvisories/traveladvisories/mexico-travel-advisory.html>

Migrant Protection Protocols. (2025). U.S. Customs and Border Protection.

<https://www.cbp.gov/document/guidance/migrant-protection-protocols>

OFFICE OF FIELD OPERATIONS Number of Migrants Returned to Mexico at Ports of Entry. (2020).

https://www.cbp.gov/sites/default/files/assets/documents/2021-Nov/foia-mpp-statistics-march20-2019-to-august13-2020_0.pdf

Ojeda, V. D., Munoz, F., & Burgos, J. L. (2022). Interest in Receiving HIV PrEP Among Biological Male Latinx Migrants at High-Risk of HIV Living in Mexico. *Journal of Health Care for the Poor and Underserved*, 33(2), 806–818.

<https://doi.org/10.1353/hpu.2022.0065>

Parliament of Australia. (2013, July 19). *Transcript of joint press conference with PNG Prime Minister Peter O'Neill: Brisbane: 19 July 2013: Regional Resettlement Arrangement*.

Aph.gov.au; Parliament of Australia.

<https://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p>

Plaintiff M70/2011 v Minister for Immigration and Citizenship; Plaintiff M106 of 2011 v Minister for Immigration and Citizenship [2011] HCA 32 (31 August 2011). (2015).

Austlii.edu.au.

<http://www7.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/HCA/2011/32.html>

Reidy, E. (2023, May 10). *How the US-Mexico border became an unrelenting humanitarian crisis*. The New Humanitarian.

<https://www.thenewhumanitarian.org/news-feature/2023/05/10/how-us-mexico-border-became-unrelenting-humanitarian-crisis>

Report of the Expert Panel on Asylum Seekers | Expert Panel on Asylum Seekers. (2015).

Archive.org.

<https://web.archive.org/web/20140305104959/http://expertpanelonasylumseekers.dpmc.gov.au/report.html>

Resendiz, J. (2019, June 26). *Mexico to issue work permits for migrants*. BorderReport.

<https://www.borderreport.com/news/mexico-to-issue-work-permits-for-migrants/>

Roy, D. (2022). *Why Biden is restarting the trump-era “remain in Mexico” program*. Council on Foreign Relations.

<https://www.cfr.org/in-brief/why-biden-restarting-trump-era-remain-mexico-program>

Salud, S. de. (2024). 356. *Avanza Sistema Nacional de Sangre; objetivo, reorganizar los servicios en el nivel federal y estatal*. Gob.mx.

<https://www.gob.mx/salud/prensa/356-avanza-sistema-nacional-de-sangre-objetivo-reorganizar-los-servicios-en-el-nivel-federal-y-estatal>

School, T. S. (2020). *The Sidewalk School*. The Sidewalk School.

<https://www.sidewalkschool.org>

Secretary Nielsen Announces Historic Action to Confront Illegal Immigration | Homeland Security. (2018, December 20). U.S. Department of Homeland Security.

<https://www.dhs.gov/archive/news/2018/12/20/secretary-nielsen-announces-historic-action-confront-illegal-immigration>

The 1951 Refugee Convention and 1967 Protocol relating to the Status of Refugees | UNHCR.

(2025). UNHCR.

<https://www.unhcr.org/media/1951-refugee-convention-and-1967-protocol-relating-status-refugees>

The Invisible Wall: Title 42 and its Impact on Haitian Migrants THE INVISIBLE WALL: TITLE 42 AND ITS IMPACT ON HAITIAN MIGRANTS 2 ACKNOWLEDGEMENTS AND ABOUT THE AUTHORS. (2021).

<https://quixote.org/wp-content/uploads/2021/03/The-Invisible-Wall.pdf>

The “Migrant Protection Protocols”: an Explanation of the Remain in Mexico Program How the Migrant Protection Protocols Were Carried Out 505 more people were placed into MPP by the Biden administration. The federal government placed people into MPP at seven U.S. border towns: 13. (2024).

https://www.americanimmigrationcouncil.org/sites/default/files/research/migrant_protection_protocols_2024.pdf

Valadez, M. (2023). Migrant Protection Protocols: An Examination of its Consequences and Impact on Child Enrollees. *Journal of Family Strengths*, 22(1).

<https://doi.org/10.58464/2168-670x.1466>

Yu, L. (2023). Third-Party Brokers: How Administrative Burdens on Nonprofit Attorneys Worsen Immigrant Legal Inequality. *RSF: The Russell Sage Foundation Journal of the Social Sciences*, 9(4), 133–153. <https://doi.org/10.7758/rsf.2023.9.4.06>

Glossary

Non-Refoulement: Principle of international law that prohibits states from returning individuals to a country where they would be at risk of persecution, torture, or other irreparable harm.

Non-Refoulement Interview: An interview that assesses whether an individual faces a real risk of persecution or torture if returned to their home country or another country where they fear being returned.

Credible Fear Interview: A screening process to determine if an asylum seeker has a "significant possibility" of establishing eligibility for asylum or related protections.

Seguro Popular: Established in 2004, a Mexican government program that provided health insurance to low-income individuals and families who did not have access to social security.

IMSS-Bienestar: A Mexican government program aimed at guaranteeing universal and free access to medical and hospital services for people without social security.

USCIS: The U.S. Citizenship and Immigration Services.

CBP: U.S. Customs and Border Protection, an agency within the Department of Homeland Security responsible for securing the nation's borders and facilitating legitimate trade and travel.

DHS: U.S. Department of Homeland Security.

Clave Única de Registro de Población (CURP): The Unique Population Registry Code is a unique 18-character alphanumeric identifier assigned to all Mexican citizens and residents for various official procedures.

Forma Migratoria Múltiple (FMM): The Multiple Immigration Form is a required tourist permit for foreign visitors, including U.S. and Canadian citizens, to enter Mexico for tourism or short-term stays.

Executive Office for Immigration Review (EOIR): Administers the immigration court system

DOJ ATJ: The Office for Access to Justice is a standalone agency within the U.S. Department of Justice that plans, develops, and coordinates the implementation of access to justice policy initiatives of high priority to the Department and the executive branch.

Title 42: A public health provision within the U.S. Code, empowered authorities to swiftly expel migrants at the U.S.-Mexico border, citing public health concerns, particularly during the COVID-19 pandemic

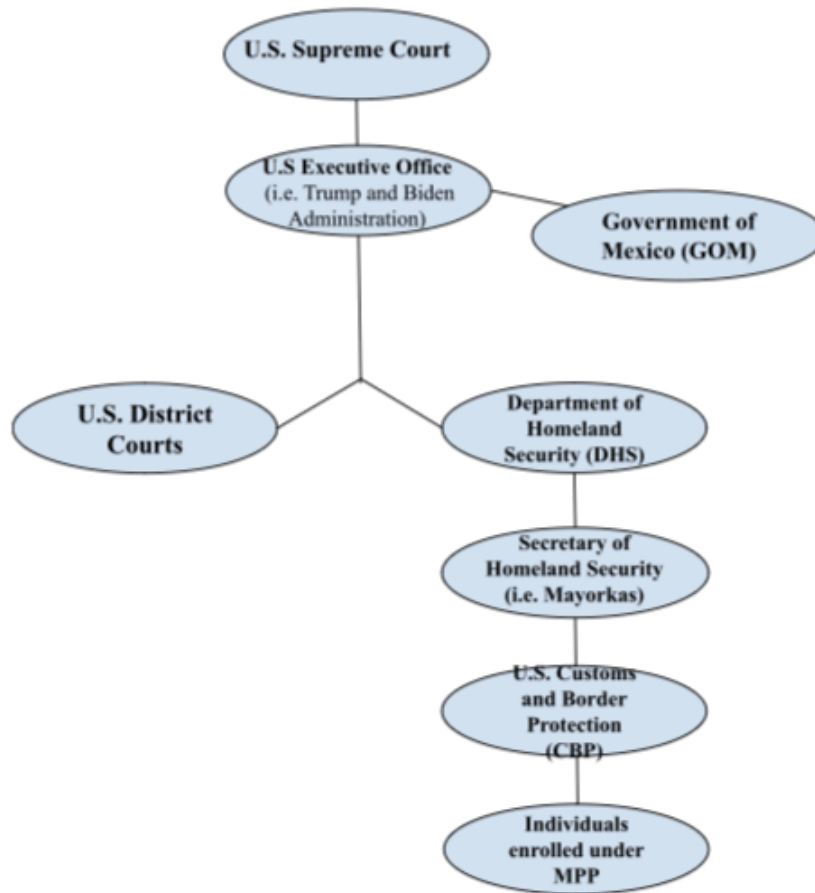
Administrative Procedure Act (APA): Enacted in 1946, is a United States federal statute that governs how administrative agencies of the federal government propose and establish regulations

INA (Immigration and Nationality Act), Section 235: Outlines the procedures for inspecting and processing individuals seeking admission to the U.S., including those applying for asylum.

Deterrence-based policy: immigration strategies designed to discourage individuals from migrating

Appendix A

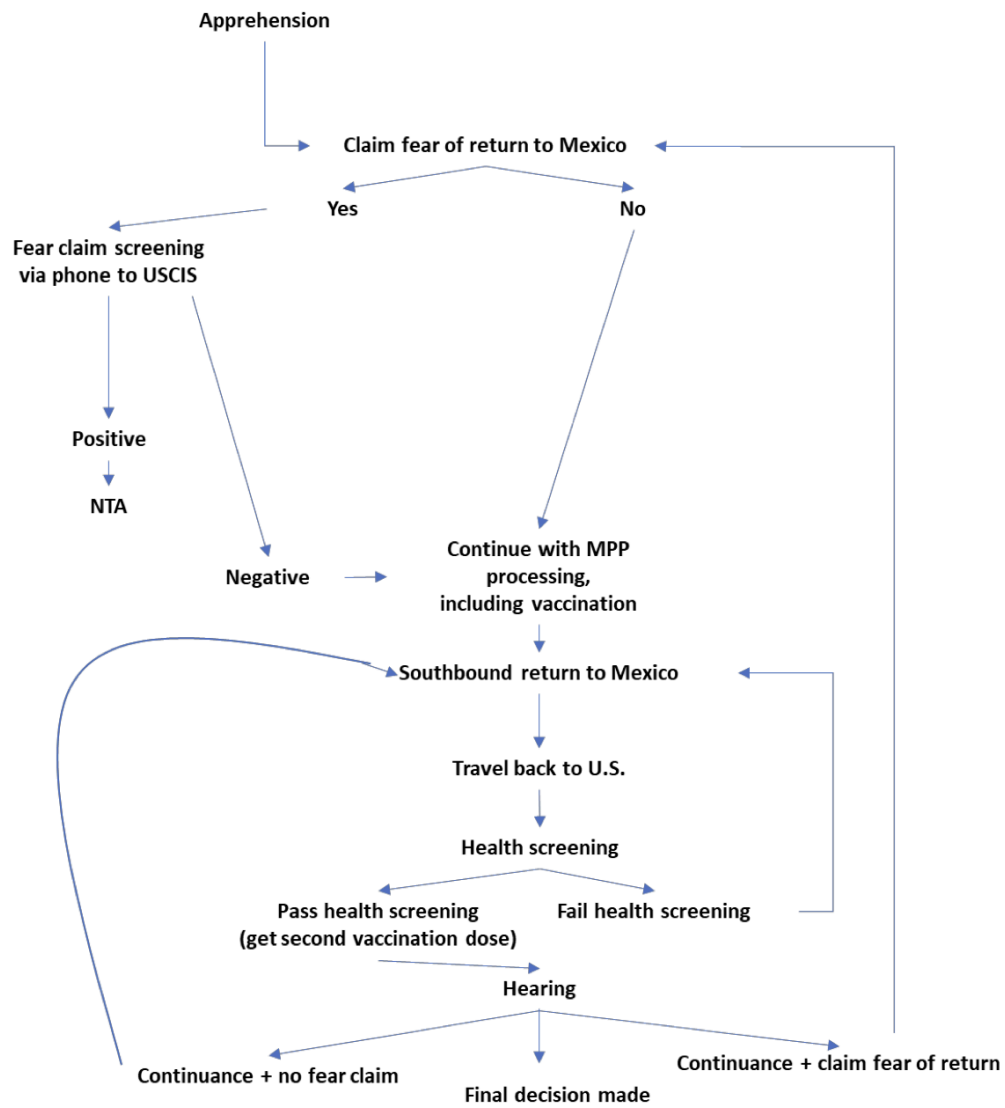
Figure A.1 Chart of Organizational Flow and Chain of Command of US Immigration System.



Appendix B

Figure B.1 Flow Chart of MPP Program provided by the Department of Homeland Security in their “Migrant Protection Protocols (MPP) Report on December Cohort DHS Office of Immigration Statistics” (DHS, 2021).¹⁰¹

¹⁰¹ *Migrant Protection Protocols (MPP) Report on December Cohort DHS Office of Immigration Statistics*. Dec. 2021.



Appendix C

Figure C.1 Shows Differences Between the Highest and Lowest Judge Asylum Denial Rates by Court During FY 2019 - FY 2024

