

Human Rights Watch

Children's Rights

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Data Analysis of Remain in Mexico Shows Impact

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(Washington, DC) The [United States](#) and [Mexican](#) governments have subjected more than [20,000 children](#) to the risk of serious harm under the [Migrant Protection Protocols](#) (MPP), commonly known as the Remain in Mexico program, Human Rights Watch said today based on analysis of new data.

The United States sent at least 21,300 asylum-seeking children together with their families to dangerous Mexican border cities under [Remain in Mexico](#) during the administration of former US President Donald Trump, newly available records show. Children made up about 30 percent of asylum seekers placed in the program, [based on data](#) from records given to the [Transactional Records Access Clearinghouse \(TRAC\)](#) by US immigration courts.

The data shows how many children the Trump administration wrongly sent to dangerous conditions in Mexico, many of them still there a year after President Joe Biden came into office with pledges to end this program, said [Ari Sawyer](#), US border researcher at Human Rights Watch. With efforts to account for and process those children and their families on indefinite hold, the Biden administration has left vulnerable asylum seekers stranded and should reverse course immediately.

Some of these children were able to reenter the United States between February and August 2021, when the Biden administration initially terminated the program. But the administration halted the wind-down process in August 2021, leaving behind [at least 15,000](#) children.

The administration said it restarted the program in December to comply with [a federal court order](#) and has since placed [over 330 adults](#), but no children, in the program. However, the administration has sent family units with children to Mexico and other countries [more than 145,000 times](#) under another abusive anti-asylum measure, the [Title 42](#) border expulsion policy.

From January 2019 to January 2021, more than [71,000 asylum seekers](#) were placed in Remain in Mexico, under the bilateral US-Mexico program that allows US border officers to send non-Mexican asylum seekers to Mexico while their claims are adjudicated in US immigration courts.

Asylum seekers in Mexico are often [unable to support themselves or access basic services](#), such as shelter, food, water, safe transportation, or health care, and have no recourse for abuses from criminal cartels or Mexican authorities.

Human Rights Watch has spoken to [several families with children who have been kidnapped](#) while in Remain in Mexico. One woman was seriously injured after she and her toddler were abducted, and she recounted being raped by multiple men in front of her child.

US policies expelling or returning families, [including Remain in Mexico](#), have led parents who arrive at the border with children to make the painful choice to send their children to the United States alone while they remain on the Mexican side of the border because it is likely the best chance the child has at finding protection. In some cases, their parents disappeared in Mexico, leaving [children unaccompanied](#) when they arrive in the United States.

In the Mexican state of Tamaulipas, where the administration began sending asylum seekers again recently, [migrants are systematically targeted](#) for kidnapping, extortion, rape, and other violence, by both government officials and criminals.

There is also no meaningful due process for those subjected to Remain in Mexico. The program has compounded existing failings of the US immigration court system, which now has its [largest backlog](#) in history, including a lack of access to counsel, barriers to legal representation, lack of transparency, and limited legal protections. Four out of five children who were placed in the program had no attorney, the TRAC data showed.

President Biden campaigned on promises to create humane border policies and to end the Remain in Mexico program. In February 2021,

his administration began a process with the United Nations refugee agency (UNHCR) to identify and parole into the United States asylum seekers placed in the program during the Trump administration.

That process included people with [active cases](#) and some with [closed cases](#), though not all. Department of Homeland Security (DHS) Secretary Alejandro Mayorkas described the process as a response to the programs endemic flaws, unjustifiable human costs, and failure to provide the fair process and humanitarian protections that individuals deserve under the law.

Asylum seekers included in the process completed their immigration proceedings while inside the United States.

In August, though, after the administration abruptly halted the process, the remaining asylum seekers were stranded in Mexico or elsewhere. President Biden and Mexican President Andrés Manuel López Obrador then opened a new, [expanded version](#) of the program starting December 6. It now includes any asylum seeker in the Western Hemisphere, including more non-Spanish speakers who face additional barriers to getting basic services. The previous program applied only to asylum seekers from certain Spanish-speaking countries and Brazil.

While the Biden [administration said](#) it was compelled to restart the program by [the courts order](#), asylum seekers initially placed in Remain in Mexico whose cases are now closed are no longer in the program. Attorneys from the Southern Poverty Law Center, Innovation Law Lab, National Immigration Project of the National Lawyers Guild, Arnold & Porter, and Center for Gender and Refugee Studies are arguing [that the court order](#) to reimplement Remain in Mexico does not affect those individuals.

The administration should restart efforts to parole such asylum seekers into the United States as quickly as possible, Human Rights Watch said.

The court order also did not compel Biden to [expand the policy](#), and the US court has no jurisdiction in Mexico and [could not compel](#) President López Obrador to restart the abusive program.

While the Biden administration has placed only single adult asylum seekers into the program in its new iteration, children traveling with families are included in [the new policy guidance](#). And in a meeting with Border Patrol agents on January 26, Mayorkas [indicated he planned](#) to increase the number of people sent to Mexico under the program.

The vast majority of children placed in Remain in Mexico came from Northern Triangle countries. Among Hondurans and Guatemalans, the nationalities most often included under the Trump administration, nearly 40 percent were children. Children made up one in three Salvadorans placed in the program.

Of all the children in the program since 2019, only 136, or just 0.6 percent, have been granted asylum or some other protection or relief from deportation, according to the [data](#). At least 9,900 children in the program have been ordered deported.

A large number of deportation (or removal) orders were issued *in absentia*, or when asylum seekers failed to make it to their immigration court hearings including because [they were kidnapped](#), [in hiding](#) after experiencing kidnapping or other violence, unable to access safe transportation to a US port of entry, or were [improperly turned away](#) by US border officials. Of all completed cases, at least 44 percent ended in an *in absentia* removal order, according to the [Department of Homeland Security](#), about [double the rate](#) for migrants in [non-detained removal proceedings](#) in the United States.

While Remain in Mexico wind down now halted failed to cover all asylum seekers unfairly deported under the program, it included a pathway for those with *in absentia* deportation orders to reopen such cases.

One Venezuelan family, including a father, mother, and their 14-month-old child, told Human Rights Watch they were partially through that process and that their US immigration case had been reopened and transferred to another immigration court when they learned Biden had ended the wind down.

The mother said she had to quit her job six months ago after men robbed her at her job at gunpoint twice and threatened to kidnap her child, who was there with her. She said she is hiding at home, near where the robberies took place. With her husband's place of employment recently closed, the family said, they are unable to buy food or pay rent.

The problem is one cannot have a normal or dignified life as a migrant here [in Mexico], she said. More than anything, it's really dangerous.

All asylum seekers placed in the Remain in Mexico program, whether by the Trump or Biden administrations, including those whose cases are closed, should be allowed to reenter the United States pending resolution of their asylum claims, Human Rights Watch said.

The Biden administration is knowingly leaving children in harms way, Sawyer said. The administration should immediately resume winding down [Remain in Mexico](#) and give everybody a fair shot at seeking asylum at US borders.

Internal DHS Reports of Abuses by US Border Officials

Children and Families Sent to Harm by the US Remain in Mexico Program

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