Reimplementation of MPP

Last updated: August 30, 2021

What are the Migrant Protection Protocols?
The Migrant Protection Protocols (MPP), also known as the “Remain in Mexico” policy, first went into effect in January 2019. The program, implemented by the U.S. Department of Homeland Security (DHS), requires certain asylum seekers arriving by land at the U.S.-Mexico border to be returned to Mexico to wait outside of the United States for the duration of their immigration case. For more information on MPP, see this backgrounder or the DHS website.

Why is MPP being reimplemented again? Wasn’t it recently terminated?
The Biden Administration began winding down MPP in February 2021 when it started processing into the U.S. certain individuals previously enrolled in the program. This came after the Administration halted new enrollments of asylum seekers on January 21, 2021. DHS Secretary Alejandro Mayorkas officially terminated MPP in a memorandum on June 1, 2021. However, the states of Texas and Missouri challenged the termination in a federal lawsuit, arguing that they would incur significant costs following the termination. On August 13, 2021, the U.S. District Court for the Northern District of Texas ordered that DHS “enforce and implement MPP in good faith” unless and until certain conditions are met. The Biden Administration requested a stay (delay) of the order, but this was denied by the U.S. Court of Appeals for the Fifth Circuit. The request for a stay was then appealed to the Supreme Court of the United States, where, on August 24, 2021, the government’s request for a stay was denied. Although DHS will have to comply with the district court’s ruling for the time being, it has appealed the full case to the Fifth Circuit and could still appeal the case further to the Supreme Court as well.

How will MPP be implemented again?
Much remains unknown about the logistics and consequences of MPP’s reinstatement. It is unclear how the program will be implemented or who will be affected by this most recent decision. Engagement with the government of Mexico is expected to occur, as Mexico’s cooperation would be needed under the norms of international law. At the same time, the Biden Administration continues to utilize a public health authority known as “Title 42” to expel or deny entry to the majority of asylum seekers at the U.S.-Mexico border; it is unclear how this would impact the reimplementation of MPP, since the U.S.-Mexico border is effectively closed already to those who would be enrolled in MPP. For more on Title 42, see this backgrounder. Finally, there are possibly steps the Biden Administration could pursue to address what the district court determined to be inadequacies in the June 1 termination.

Are people enrolled in MPP before January 21, 2021, still being processed into the U.S.?
No. Registration for this process through the Conecta website has been suspended. Please do not trust notarios or other individuals who say otherwise.

Is someone who was processed into the U.S. during the rollback of MPP now subject to immigration enforcement?
At this time, there is no reason to believe that anyone processed into the U.S. through the Conecta registration process will be subject to immigration enforcement.
What is the USCCB’s stance on MPP?

Since MPP was announced, the U.S. Conference of Catholic Bishops (USCCB), in solidarity with Mexican and American bishops from along the U.S.-Mexico border, has opposed the program, given the harms it inflicts on already vulnerable asylum seekers. Bishop Mario E. Dorsonville, chairman of the USCCB’s Committee on Migration, most recently released a statement on MPP in June 2021. The USCCB’s Department of Migration and Refugee Services (MRS) has also worked extensively to reunify families who have been separated by harsh immigration policies, documenting this work in a recent report, and opposes policies that induce family separation or otherwise harm families. MPP has already forced tens of thousands of migrants to reside in Mexico in unsustainable, dangerous, and often life-threatening circumstances. In addition, the policy poses due process and fairness concerns. Scripture calls us to welcome the newcomer (Lev. 19:33–34) and care for those in need (Mt. 25:31–46). While Catholic teaching affirms a nation’s right to maintain its borders, it also recognizes the right of people to migrate, especially in the face of violence, persecution, and an inability to provide for the wellbeing of one’s family.