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January 22, 2020

Rep. Zoe Lofgren  
Chair, Subcommittee on Immigration and Citizenship  
U.S. House of Representatives  
Committee on the Judiciary  
2138 Rayburn House Office Building  
Washington, D.C. 20515

Re: Subcommittee on Immigration and Citizenship Investigation of  
“Migrant Protection Protocols”

Dear Rep. Lofgren:

We write to express our appreciation for your January 14, 2020, joint announcement with Chairman Nadler and Subcommittee Members that the Subcommittee on Immigration and Citizenship of the Committee on the Judiciary would conduct an investigation into the “Migrant Protection Protocols” (MPP), also known as the “Remain in Mexico” policy. We have become increasingly concerned about MPP’s negative effects on the children and families we serve at the Michigan Immigrant Rights Center (MIRC). MPP should be abandoned immediately and asylum seekers’ rights under international and domestic law should be fully restored and respected.

MIRC is a nonprofit legal resource center for Michigan’s immigrant communities. MIRC provides legal services to every child who is brought to Michigan in federal immigration custody as an unaccompanied minor through the Vera Unaccompanied Children’s Network. We view MPP as the newest iteration of the “zero-tolerance” and family separation policies pursued by the Trump administration in 2017 and 2018. In fact, the hardship and vulnerabilities MPP creates for children are more difficult to address than the family separation policy. Because MPP denies families the opportunity to enter the United States and receive due process in their immigration cases, the policy forces families to make the choice between remaining together in extremely unsafe conditions in Mexico and sending their children alone to the port of entry. Although there is no CBP officer forcibly removing children from parents in this scenario, the policy and the realities of the situation at the border in Mexico have the same effect on the children we serve. Children in migrant families who are not unaccompanied at the initial moment of seeking asylum return to the border unaccompanied because of the actions of our government.

Once again, we are seeing young children who are unable to articulate their legal claims (or even the most basic information about their lives and identities) without the help of their parents or guardians come into federal custody alone here in Michigan. Throughout the family separation crisis, our staff have worked diligently to locate parents detained in Department of Homeland Security custody along the border. It has been extremely difficult, but, in most cases, we have been able to find parents, track them through detention, and insist on speaking with them by phone in order to provide legal services to their children. In this new MPP scenario, we have no



consistent way of finding or speaking with parents to get critical information about young children's circumstances or coordinate advocacy on their asylum cases to ensure a consistent outcome for the family.

Within the last three months, we have seen thirteen minors who had previously been returned to Mexico with their mother or father come into federal custody in Michigan as unaccompanied after they returned to the port of entry alone. We know that at least three of those minors' parents have since been kidnapped or otherwise disappeared. A young child we serve was kidnapped with his father after being sent back to Mexico. After being turned away from the port of entry, they took a taxi to a migrant shelter. The taxi was stopped *en route*, and father and son were abruptly pulled out and forcibly taken to a house where others were being held. The kidnappers demanded ransom, but the family could only gather half of the amount, so the kidnappers released the child alone. Not knowing where to go, he returned to the port of entry and was taken into CBP custody as an unaccompanied minor. This incident occurred several months ago and the family has not been able to make any contact with the child's father. Other children we have interviewed report separating from a parent and crossing alone due to threats their families received in Mexico and lack of proper medical attention and access to food at border encampments. Exposing children and families who are seeking asylum through our legal process to this kind of violence and deprivation is senseless and cruel.

Administratively, both from our perspective as advocates and with respect to the resources of the Immigration Court and the government, every child in this situation has a more procedurally complicated and burdensome legal case because of the MPP. In many cases, we have had to file motions to reopen cases after they receive orders of removal related to the family's initial joint filing. We must quickly pursue motions to change venue and motions to sever children's cases from absent parents' cases pending in the MPP court and take other urgent procedural measures to safeguard children's most basic rights.

MIRC will continue to advocate on behalf of children and work to protect their legal rights. We look forward to learning the outcome of your investigation and are hopeful that action will be taken to end MPP and restore due process to families seeking asylum at our southern border.

If we can be of further assistance to your investigation, our staff is available to answer your questions at any time. Thank you for your work in the public interest.

Sincerely,



Susan E. Reed  
Managing Attorney  
Michigan Immigrant Rights Center

cc: Rep. Jerrold Nadler, Rep. Pramila Jayapal, Rep. Veronica Escobar, Rep. Sylvia Garcia,  
Rep. Joe Neguse, Rep. Debbie Muscarel-Powell, Rep. Lou Correa