



**Homeland
Security**

May 14, 2020

Mr. Kennji Kizuka
Human Rights First
75 Broad St. 31st Floor
New York, New York 10004

Dear Mr. Kizuka:

Thank you for your April 14, 2020 letter to the Department of Homeland Security (DHS) expressing concern about the rescheduling of removal hearings for migrants subject to Migrant Protection Protocols (MPP) during the COVID-19 pandemic. The Acting Secretary asked that I respond on his behalf.

DHS's development and implementation of MPP are entirely consistent with statutory authorities and are necessary due to events that Congress has failed to address with new legislation. Section 235(b)(2)(C) of the Immigration and Nationality Act (INA) provides the Secretary of Homeland Security the ability to return aliens who arrive in the United States by land from Mexico—either illegally between ports of entry (POEs) or at POEs without proper documentation—to wait in Mexico for the duration of their removal proceedings.

Due to continued circumstances related to COVID-19 and newly issued guidance from the Centers for Disease Control and Prevention, the Department of Justice (DOJ) and DHS have determined to extend the temporary postponement of MPP hearings scheduled until Monday, June 22, 2020. All presently scheduled hearings will be rescheduled. DHS and DOJ will continually review conditions related to COVID-19 and will make further determinations as necessary in order to ensure that all MPP hearings can proceed as expeditiously as possible when appropriate.

Individuals with an MPP hearing date between May 10 and June 5, 2020, should present themselves at their designated POE exactly one month later than that date to receive their new notices of hearing (NOH) and tear sheets for a future court date. For example, migrants whose tear sheets indicate that they should return to the POE on May 15 should now appear at the POE on June 15. Migrants with an MPP hearing date between June 8-19, 2020, should appear at the designated POE on that date to receive their new NOHs and tear sheets for a future court date. If the date indicated on the tear sheet is on or after June 22, 2020, the MPP migrants will be processed into the United States and escorted to court for their hearings, in accordance with normal MPP processing procedures.

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In addition, to receive case status information in English or Spanish, a migrant in MPP may call the Executive Office for Immigration Review's (EOIR) toll-free number at 1-800-898-7180. The migrants will need to know their alien numbers to ascertain their next hearing date, time and location

We respect your organizations' dedication to advocating on migrants' behalves. We appreciate your perspective. We recognize that implementing MPP at the Southwest Border is a paradigm shift for DHS operational Components, and, because it is a new program, warrants continual review.

In light of the pending litigation, I cannot comment further. Please assist us in distributing a copy of this letter to the other co-signing organizations.

Sincerely,



James W. McCament

Senior Official Performing the Duties of Under Secretary