
Remain in Mexico: Unlawful and Ineffective

Under the Remain in Mexico policy (RMX), the Department of Homeland Security forced asylum seekers to wait in dangerous Mexican border cities while their U.S. immigration court cases were pending. This policy was a drastic divergence from longstanding U.S. asylum law and processes, under which asylum adjudications are always carried out with the individual physically in the territory of the United States for the pendency of their case. Designed and carried out by the Trump administration and temporarily resurrected under the Biden administration due to a court order, RMX drastically restricted access to counsel, impeded the ability of asylum seekers to attend and participate in their court hearings, wasted government resources, subjected asylum seekers to violent attacks, and violated U.S. and international law. It was a counterproductive, failed policy and should **never** be reimplemented.

Due process charade

People returned under RMX were overwhelmingly deprived of their right to legal counsel and often could not even attend and participate in their own immigration hearings. Many were abducted while traveling through border regions to attend hearings or directly outside ports of entry before or after their hearings. As a result, refugees with protection needs gave up on their cases rather than risk their lives to attend court. These barriers led to **nearly three quarters of completed RMX cases ending in *in absentia* removal orders** (meaning that the asylum seeker did not attend the hearing), even though the vast majority of people in the United States attend their immigration hearings.

Counterproductive policy that wasted government resources

RMX caused chaos and was counterproductive to effective migration policy. By denying people the ability to seek asylum and U.S. safety through official ports of entry, the policy spurred crossings outside ports of entry as people in urgent need of protection could not safely wait longer in Mexico.

The policy was also a boon to cartels. They targeted, kidnapped, and tortured many asylum seekers forced back to cartel-controlled areas by U.S. border officers and demanded ransom payments to free them, often “taxing” people based on the amount of time the U.S. government was forcing them to remain in Mexico.

In deciding to terminate RMX, the Department of Homeland Security concluded that the program was a “drain on resources” and **diverts crucial government resources** from “efforts to implement effective, fair, and durable asylum reforms that reduce adjudication delays and tackle the immigration court backlog.”

Delivered to violent attacks

Under RMX, the U.S. government delivered asylum seekers to suffer kidnappings, murder, enforced disappearances, and sexual assault, often perpetrated by or with complicity by Mexican state agents. Human Rights First documented over **2,500 attacks against people enrolled in RMX**, with many targeted because they were migrants or due to their race, gender, sexual orientation, and other protected characteristics. For some, RMX was a death

sentence: multiple asylum seekers returned under the policy were [murdered](#), including a Cuban asylum seeker who was fatally shot in Ciudad Juárez and a Salvadoran asylum seeker who was killed in Tijuana.

Other attacks against people in RMX include:

- A [seven-year-old Honduran girl](#) was abducted with her mother from inside the Mexican migration office immediately after the Department of Homeland Security (DHS) returned them to Nuevo Laredo following an RMX immigration court hearing.
- Mexican police sexually assaulted and tortured [an LGBTQ Cuban man](#) after DHS had returned him to Mexico under RMX.
- A disabled [nine-year-old girl](#) was twice kidnapped and repeatedly sexually assaulted after DHS sent the child and her asylum-seeking mother to Tijuana under RMX.
- A [three year-old-boy](#) was kidnapped along with his mother, who was raped in front of him, when DHS sent the family to Matamoros under RMX.
- A [Nicaraguan woman](#) and another migrant were kidnapped and sexually assaulted after she was returned by DHS to Mexico under RMX.

Reimplementing the policy would inflict even greater crimes, as targeting of asylum seekers and migrants in Mexico only [continues](#) to [escalate](#). These [include](#) attacks and kidnappings of migrants who suffer acid burns, fractures, beatings, sexual assault and gang rape in the presence of their children, and other brutal attacks. Human Rights First has documented thousands of additional attacks against asylum seekers and migrants forced to endure the same dangers as those subjected to RMX, including over [13,000](#) attacks against people blocked or expelled under the Title 42 policy and over [2,500](#) attacks against people stranded in Mexico since the 2023 asylum ban went into effect. As the Department of Homeland Security [concluded](#), RMX imposed **“unjustifiable human costs” and had “inherent problems...that no amount of resources can sufficiently fix.”**

Violates U.S. and international law

The RMX policy violated non-refoulement obligations under the Refugee Convention and its Protocol, [returning](#) people to persecution and torture in Mexico and subjecting them to onward illegal return to their countries of persecution (chain refoulement), as the U.N. Refugee Agency (UNHCR) explained in a legal [brief](#) in federal litigation against the policy. In 2020, a U.S. Court of Appeals [ruled](#) that RMX is likely inconsistent with non-refoulement obligations codified in U.S. law as well as 8 U.S.C. § 1225(b), which does not authorize return of asylum seekers as carried out under RMX.