

This report summarizes initial enforcement outcomes for persons enrolled in the Migrant Protection Protocols (MPP) from December 6, 2021 – December 31, 2021. This report describes outcomes for all individuals enrolled during December.¹ This report will be updated regularly; future reports will provide updated data on the December enrollees to include additional stages of the MPP process, as well as information about individuals enrolled in subsequent months.

Summary of MPP

Under MPP, certain noncitizens encountered at the Southwest Border await their immigration proceedings in Mexico rather than in the United States. Noncitizens placed in MPP pass through the main steps outlined below (Figure 1; see Appendix for additional detail).

Figure 1: MPP Process Flow



- 1) **Enrollment.** U.S. Customs and Border Protection (CBP) selects noncitizens who are subject to MPP for enrollment. To be eligible for MPP, a person must be apprehended at the Southwest Border and hold citizenship from a Western Hemisphere country other than Mexico. Single adults and family units may be processed into MPP.
- 2) **Fear screening.** CBP affirmatively screens all enrollees for fear of return to Mexico. If an enrollee asserts a fear of return, the enrollee receives a 24-hour consultation period to consult with any person of their choosing by phone or video-teleconference, including a legal representative. The enrollee may waive this consultation period if they wish to be interviewed sooner. Following this period, U.S. Citizenship and Immigration Services (USCIS) asylum officers complete a non-refoulement interview (NRI) by phone. A legal representative or consultant may participate in the NRI with the enrollee.
- 3) **Disenrollment or return to Mexico.** If an enrollee is found to have a reasonable possibility of persecution or torture in Mexico (positive fear finding), or if an enrollee is found to have a particular vulnerability that make them ineligible for MPP, the individual is disenrolled from MPP. Disenrollees are transferred to U.S. Immigration and Customs Enforcement (ICE) Enforcement and Removal Operations (ERO) for a custody determination. If an enrollee does not claim fear or claims fear and has a negative fear finding and is not otherwise disenrolled from the program, the enrollee is returned to Mexico through a port of entry (POE). DHS offers a

Enrollees identified as having **particular vulnerabilities**—including those associated with known mental and physical health issues, advanced age, or sexual or gender orientation—are not enrolled in MPP. **Unaccompanied children** are never processed into MPP. Those initially enrolled in MPP who are subsequently identified as having a particular vulnerability will be disenrolled from MPP.

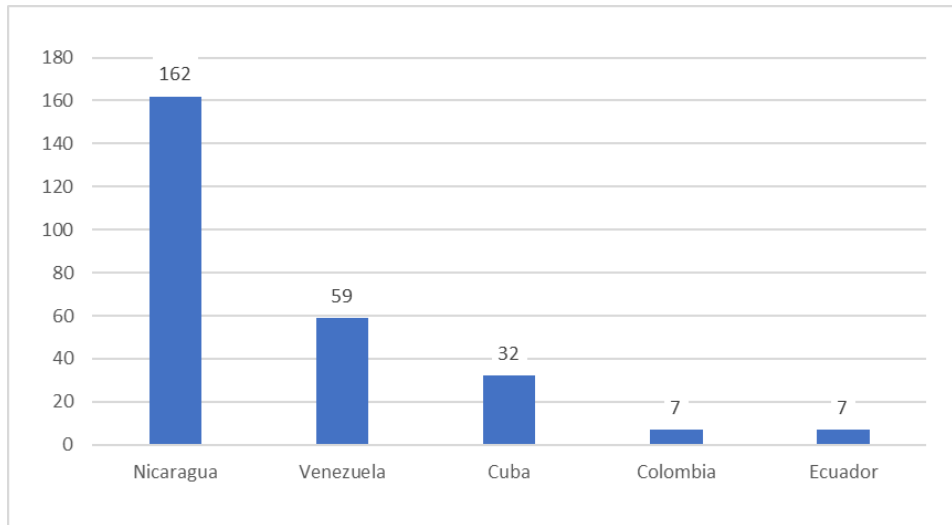
¹ This report is based on CBP data as of January 11, 2022 and USCIS data as of January 7, 2022 for people enrolled in MPP during December 2021 but does not include information about anyone enrolled in January.

COVID-19 vaccination prior to enrollees' return to Mexico. The enrollee then waits in Mexico for their immigration proceeding.

- 4) **Re-entry.** MPP enrollees returned to Mexico are placed on an Executive Office for Immigration Review (EOIR) docket specific to MPP. The day that an enrollee is due to appear in court, they present themselves at a designated POE where they undergo medical clearance. Individuals must present a negative COVID test in order to return for court.
- 5) **EOIR hearings.** Immigration proceedings typically involve multiple court appearances, so both this and the reentry stage of the process may be repeated. If multiple hearings are required, an individual is returned to Mexico to await a subsequent hearing, and therefore will repeat this process multiple times until the immigration proceedings are completed.
- 6) **Fear screenings.** Enrollees may claim fear of return to Mexico any time they re-enter the United States. If an enrollee claims fear, the individual will be given a 24-hour waiting period to consult with a legal representative.
- 7) **Case outcomes.** MPP enrollees may go through several iterations of re-entry, EOIR hearings, fear screenings, and return to Mexico until a final case outcome, or final determination, is reached by EOIR. A final determination will either confer protection from removal in the form of asylum, withholding of removal, or deferral of removal, or find that the person must be repatriated to their country of citizenship.

Initial MPP Enrollments

Figure 2: Initial Enrollments by Citizenship, December 2021 MPP Enrollees



Source: DHS Office of Immigration Statistics (OIS) analysis of CBP data.

Note: Data describe persons initially enrolled in MPP in December 2021; data are current as of January 11, 2022.

CBP enrolled 267 individuals in MPP during December 2021, all of whom were single adults.² The majority (162, or 61 percent) were from Nicaragua, followed by Venezuela (59, or 22 percent), Cuba (32, or 12 percent), Colombia (7, or 3 percent), and Ecuador (7, or 3 percent).

Fear Screenings (Initial Enrollments)

Of the 267 people enrolled in MPP in December, 242 (91 percent) made a fear claim and were given NRIs by USCIS.³ A total of 186 enrollees (78 percent of NRIs) had negative fear determinations, while 28 enrollees (12 percent of NRIs) had positive fear determinations and 23 enrollees (10 percent of NRIs) had NRIs resulting in administrative closures.⁴

Eleven of the NRIs were accompanied by an attorney during their NRIs,⁵ including 4 (36 percent) with positive fear determinations and 7 (64 percent) with negative fear determinations. Of those without an attorney present, 179 (77 percent) had a negative fear finding, 24 (10 percent) had a positive fear finding, and 23 (10 percent) were administratively closed.

Returns and Disenrollments

As noted above, individuals may be disenrolled due to a finding of vulnerability at any point in the process, including after they have been given an NRI and found not to have a credible claim of fear. A total of 191 individuals enrolled in MPP (72 percent) in December 2021 were returned to Mexico as of January 11, 2022, while 76 (28 percent) were disenrolled.

Among the 78 persons disenrolled, 27 had received positive fear determinations, 27 had received negative fear determinations, and 22 had administrative closures.

A total of 186 people received negative fear findings, and of these 159 enrollees (85 percent) were returned to Mexico while 27 enrollees (15 percent) were disenrolled due to particular vulnerabilities.

² MPP cases analyzed in this report are limited to those for which detailed subject-level data are currently available. Because of data quality issues during the first days of MPP's court ordered reimplementation, additional people may have been enrolled in MPP and subsequently disenrolled before detailed subject-level records of disenrolled cases were reliably captured.

³ NRI fear screening is based on enrollees' fear of return to Mexico, not their fear of return to their home country.

⁴ Administrative closures are generally, but not exclusively, related to individuals who are disenrolled from the program due to a finding of vulnerability. Five additional enrollees made fear claims and had NRIs that had not yet resulted in final outcomes as of January 7, 2022.

⁵ Many others spoke with attorneys or legal consultants prior to their NRI yet did not have an attorney or legal representative accompany them at the NRI itself.

Appendix: Flow Chart of MPP Program

