

Asylum Seekers' Legal Limbo under the Migrant Protection Protocols: Implications from a US-Mexico Border Project

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Abstract : Estamos Unidos Asylum Project has served more than 2,000 asylum seekers and migrants who are under the Migrant Protection Protocols (MPP) policy in Ciudad Juarez, Mexico. The U.S. policy, implemented in January 2019, has stripped asylum seekers of their rights—forcing people fleeing violence and discrimination to wait in similar or worse conditions from which they fled and navigate their entire asylum process in a different country. Several civil rights groups, including the American Civil Liberties Union (ACLU), challenged MPP in U.S. federal courts in February 2019, arguing a violation of international U.S. obligations towards refugees and asylum-seekers under the 1951 Refugee Convention and the Refugee Act of 1980 in regards to the non-refoulement principle. MPP has influenced Mexico's policies, enforcement, and prioritization of the presence of asylum seekers and migrants; it has also altered the way international non-governmental organizations work at the Mexican Northern border. Estamos Unidos is a project situated in a logistical conundrum, as it provides needed legal services to a population in a legal and humanitarian void, i.e., a liminal space. The liminal space occupied by asylum seekers living under MPP is one that, in today's world, should not be overlooked; it dilutes asylum law and U.S. commitments to international protections. This paper provides analysis of and broader implications from a project whose main goal is to uphold the protections of asylum seekers and international refugee law. The authors identified and analyzed four critical points based on field work conducted since August 2019: (1) strategic coalition building with international, local, and national organizations; (2) brokering between domestic and international contexts and critical legal constraints; (3) flexibility to sudden policy changes and the diverse needs of the multiethnic groups of migrants and asylum seekers served by the project; and (4) the complexity of providing legal assistance to asylum seekers who are survivors of trauma. The authors concur with scholarship when highlighting the erosion of protections of asylum seekers and migrants as a dangerous and unjust global phenomenon.

Keywords : asylum, human rights, migrant protection protocols, refugees law

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